

Application No: Y16/0068/SH

Location of Site: Otterpool Quarry Ashford Road Sellindge Kent

Development: Retrospective planning application 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.

Applicant: Mr Patrick Breen
Airport Cafe
Ashford Road A20
Sellindge
Kent
TN25 6DA

Agent: Mr Matthew Kettle
Grace Yard Design

Date Valid: 11.04.16

Expiry Date: 11.07.16

Date of Committee: 25.04.17

Officer Contact: Mr Richard Elder

RECOMMENDATION:

- a) That planning permission be refused for the reason(s) set out at the end of this report.
- b)
 - (1) That an enforcement notice be served requiring the unlawful use of the land as a lorry park to cease and the unlawful buildings and structures associated with the use to be removed.
 - (2) That a stop notice be served requiring the use of the land as a lorry park to cease immediately.
 - (3) That the Head of Democratic Services be authorised to take such steps as are necessary, including legal proceedings to secure compliance with the Notices.
 - (4) That the Head of Planning be given delegated authority to determine the exact wording of the Notices.

1.0 THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the use of the site as a 24-hour lorry park with associated facilities for a period of 24 months. The proposal involves the provision of 73 lorry bays measuring 4m x 16m, 4 staff car parking spaces, 2 permanent office facilities and a toilet and shower facility for lorry driver use and a refuse and recycling storage area. Advisory HGV route signage is proposed providing details of the site access layout and route directions to junction 11 of the M20, however has not been installed.

- 1.2 The access to the site is proposed to be modified similar to the arrangement of the recycling facility and anaerobic digestion plant granted planning permission in 2008 to prohibit 'left out/ egress for all vehicles and will only be accessible from the east ie 'left in' and 'right out' to encourage drivers to use junction 11 of the M20. This arrangement was previously in place however has been removed by the applicant.
- 1.3 The proposed use is forecast by the applicant's Transport Assessment to attract a total of 152 two way vehicle trips per 24 hour period equating to approximately 9 departing vehicles in the AM peak hour and 16 arriving vehicles in the PM peak hour.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 Otterpool Quarry is a previously redundant mineral and construction materials processing facility operated for the purpose of asphalt and ready-mix concrete production. It is located on the south side of the A20 Ashford Road approximately 1.5km south of Sellindge within open countryside and close to junction 11 of the M20. The site is approximately 2.6 hectares in area and bounded by the B2067 Otterpool Lane to the east, the A20 Ashford Road to the north and an open field to the west and southern boundaries. Directly opposite the site on the north side of the A20 is the Airport Cafe which accommodates lorry parking spaces for customers of the cafe and is under the ownership of the applicant.
- 2.2 The application site has been in use as a 24 hour lorry park without planning permission since the summer of 2015. The applicant's planning statement states that due to the lack of HGV parking along the A20/M20 and Kent in general, the site was utilised as an overspill lorry park.
- 2.3 The site itself is at a lower level compared to surrounding farmland, especially to the south, is relatively flat, and has established vegetation on its boundaries. Access to the site is at the northern end, directly onto the A20. Whilst the surrounding area is predominantly agricultural, to the north-west are Barrowhill and Sellindge, north-east and east Folkestone Racecourse, Newingreen and Junction 11, M20. South of the site is Otterpool Quarry SSSI, Otterpool Lane and Link Park Industrial Estate.
- 2.4 Previous planning permissions include a ragstone quarry, storage and maintenance of vehicles, ready mixed concrete batching plant, portable coating plant and steel clad workshops and most recently for the operation of a materials recycling facility, anaerobic digestion plant with associated office and parking.

3.0 RELEVANT PLANNING HISTORY

SH/75/794	-	Storage/maintenance of lorries/workshop. Withdrawn
SH/79/224	-	Concrete plant. Approved

- Y01/0214/SH - Retention of elevated auxiliary silo on batching plant for a temporary period of 18 months. Approved 10.05.01.
- 86/0774/SH - Installation of a ready mixed concrete plant. Approved 02.12.86.
- 88/0165/SH - Use of land for the stationing of a portable coating plant. Approved 04.07.88.
- 88/0648/SH - Installation of an oil interceptor below ground level. Approved 12.07.88.
- 89/0723/SH - Erection of steel clad workshop. Approved 31.07.89.
- 90/1254/SH - Erection of two pole mounted free standing signs. Approved 18.01.91.
- Y03/0582/SH - Permanent retention of elevated ancillary silo to the concrete batching plant. Approved 23.07.03.
- Y08/0124/SH - Consultation in respect of the construction and operation of a materials recycling facility, anaerobic digestion plant and associated office and parking facilities. Objection raised. Planning permission subsequently granted by KCC.
- Y16/0066/SH - Advertisement consent for a free standing aluminium composite panel sign, located along the highway verge, directing lorries to the entrance to the lorry park and two placard/banners displayed on the fencing and entrance gate to the site. Undetermined
- Y16/0067/SH - Advertisement consent for two road direction signs located on wall opposite access to site, a sign directing lorries to the entrance of the site positioned on the meshing located to the side of the access and a placard banner sign displayed on the meshing located to the side of the access. Undetermined

4.0 CONSULTATION RESPONSES

4.1 Stanford Parish Council

Object on the following grounds:

- Does not have planning permission.

- Should meet all environmental health standards
- Must address highway safety concerns regarding HGV's entering and exiting the site on this fast road to avoid further accidents.

4.2 Sellindge Parish Council

Object on the following grounds:

- Inaccurate information on planning application form and misleading information submitted.
- Insufficient drainage and foul sewage provision
- Land contaminated.
- Lorry park not secure.
- Unsuitable location for lorry park close to local residents.
- Significant impact on residential amenity from numbers of HGV's routing through Sellindge causing noise, vibrations, lack of sleep for residents and highway safety concerns within the village.
- Highway safety hazard from vehicles turning left out of site and right in. Entrance alignment kerbs removed by applicants from previous countryside use.
- Proposed access arrangements would not address highway safety concern.
- Witnessed HGV turning into airport cafe, looping around site and crossing A20 to lorry park.
- No economic or social need.
- No way to minimise adverse impacts on Sellindge.
- No way to know the lorry park is full resulting in lorries parking in lay-bys.
- Antisocial behaviour of lorry drivers.
- Accidents recorded within the vicinity of the site involving HGV's.
- Causing dust and contaminated material onto the highway from entrance.
- Having adverse visual impact on the landscape.
- Noise pollution from lorries at night.
- Increased litter from lorry drivers.
- Increased numbers of pot holes and road repairs to A20.

4.3 KCC Highways and Transportation

21 December 2016

Kent County Council Highways and Transportation have now had the chance to further review the application in light of comments from local residents and from independent visits to the site. There are three fundamental safety concerns with the operation of the Lorry Park and these are as follows:

- 1) The previously installed kerbing to ensure a left in and right out has been removed and now the junction with Ashford Road is an all movements junction. Therefore the proposals as they stand are not in

accordance with those proposed in the Transport Assessment submitted with the planning application. This causes vehicles to access the site from the west (Sellindge). It is now impossible to enforce the direction of arrival or departure of vehicles solely from the east as the lorries that use the lorry park use the park as a general parking area, whereas previously with the permission of the site as a green waste recycling site the vehicle movements were associated with the use of the site bringing in and out material. Even if these measures were to be put back in there is concern that vehicles will still try to access the site from the west by entering the Airport Café site and then going straight across the A20, which is not acceptable as these are slow moving vehicles, which could block the carriageway trying to get into the site. KCC Highways and Transportation understand that both the Airport Café and the Otterpool Quarry site lorry parks are run under the same management organisation and is there nothing that can prevent this manoeuvre from taking place.

- 2) KCC Highways and Transportation have seen evidence that when the lorry park is full it causes lorries to back up on the A20, which is a highway safety issue, especially as other motor vehicles try to overtake these backed up lorries and will be on the wrong side of the carriageway. Both Shepway District Council as the Local Planning Authority and Kent County Council as the Local Highway Authority cannot control how many lorries are seeking to park within the site and if the lorry park is full this leads to inappropriate parking either in lay-bys or highway verges along the A20 and on other local roads, causing damage to the local highway network.
- 3) Mud has been brought onto the A20 as a result of there not being a bound surface at the entrance / exit to the site. This has the potential to cause crashes on the A20 as a result of the slippery surface and motor vehicles skidding.

KCC Highways and Transportation can however not take account the impact of additional vehicle movements outside of usual hours as this is a residential amenity issue rather than a highway safety issue as a result of increased noise and disturbance. Furthermore vehicle flows on the A20 outside of usual peak hours will be significantly less than in peak hours.

Although there have been three personal injury crashes in the past five years involving HGVs along this stretch of the A20, the Local Highway Authority cannot prove that any of these crashes are attributable to the Otterpool Quarry site. I trust that these points of objections are of use in making a decision on this application.

4.4 Listed Building Consultant

I propose not to comment on issues of need, noise, drainage, ecology and wildlife issues.

Otterpool Quarry is located in an open area of farmland. The area is attractive rolling land but not part of the AONB, which surrounds the site on three sides (North, East and South) about 1 1/2 - 2 mile distance in all directions.

The nearby Folkestone Race Course is of course historic, established in 1898 but closed in 2012, and during the war was used as a decoy airfield.

The Airport Café has been in existence for many years. Comparison of the earlier Bing aerial views and more recent Google Earth images show that the café site has been significantly altered, with the whole of the yard cleared and the line of tree screening within the site cleared away.

There is of course a motorway service station close by to Junction 11 built only a few years ago.

Further down Otterpool Lane, several tracts of farmland have been laid out as lorry distribution centres, with one area operating and with roadways laid out for a second. The junction with Otterpool Lane on the A20 has been altered to allow lorry traffic to access these sites. Clearly the whole of this area is under pressure from distribution and other transport uses as a result of the existence of Junction 11 and the gradual change from the former open farmland character seems inevitable.

The Quarry site is now closed for excavation and was subject for an application in 2011 for a waste transfer station. Clearly the proposed use for lorry parking has already been in operation for some time and the application is made to regularise the situation. In addition, the entrance improvements shown on the drawing have already been constructed. The one benefit of this is that the impact of the development can be appreciated by experiencing the existing situation.

The proposals themselves are quite modest in scope but large in size and include the surfacing of the Quarry roads with a permeable surface, the erection of the service facility buildings just within the entrance and a limited amount of lighting at this point only, and signs at the entrance.

Mention is made of the security of the site but it is not clear whether the scheme includes for new fencing and it seems that the existing perimeter planting, presumably planted many years ago to screen the former Quarry operations will be retained.

Views of the site from the surrounding viewpoints along the A20 and Otterpool Lane show that the location of the Quarry is quite prominent and it is important that all of the tree planting around the perimeter is kept, gapped up and properly maintained.

The West part of the Quarry is however unscreened and whilst it is not part of the lorry parking proposals, the future of this area needs to be determined. Because of the lack of screening of this part, any future operations here would have a far more dramatic impact than the main

Quarry area, where lorry movements, facilities, lighting and lights of the lorries themselves will be largely screened by the perimeter planting.

It occurs to me that one benefit of granting the use to the main quarry site will be to secure some type of planning agreement to restore the land on the West quarry site and get it reverted back to agriculture. This would have a significant landscape benefit. It is also important that any lighting is kept to an absolute minimum. Given its exposed location any floodlighting would have a very bad effect on the character of the countryside in general here and affecting the setting of the AONB, which is not so far distance, and surrounds the site on three sides.

I would be very surprised if there are any archaeological implications as this site was a former Quarry. I am sure however that the surrounding farmland will be rich in archaeological potential.

I feel that the proposed use is inevitable but represents a slow erosion of the countryside in this area, which is probably impossible to resist.

I feel that the best that could be achieved would be to reinstate the farmland over the site of the western Quarry area, possibly by means of a planning agreement.

We need to impose conditions requiring the upkeep, gapping up and general maintenance of the tree screening around the site, with the introduction of additional screening on the western side between the main Quarry and the western part.

The lighting needs to be as limited as possible and designed so as to minimise upward glare. Signage needs to be restrained to the absolute minimum to announce the location of the facility.

4.5 Landscape and Urban Design Officer

The Site

The site is in a rural location but close to Junction 11 of the M20. To the north it opens on the A20, to the east and south it is surrounded by Otterpool Quarry SSSI and is bounded to the west by the B2067.

The front of the site facing the A20 is well screened. The soil levels rise from the road and there is a well established tree screen that prevents views into and out from the site. The entrance/exit to and from the site is cut through this screen. The ground levels have been lowered to form a trackway for the lorries. The banks either side of the entrance have not been graded, the cut surfaces are very noticeable. The Heras fencing on top of the bank that has been used to secure the site is also very prominent. The entrance resembles that of a construction site and is unsightly.

The interior of the site reflects its previous industrial use. The levels rise from the A20 to southern boundary where there is a small cliff resulting from soil extraction. This appeared to be stable but there is nothing engineered

that is supporting the bank. Lorries park next to this and the stability may be an issue. Flat unmetalled surfaces form the route through the site and provide for the bays where the lorries park. These areas are interspersed with more rough ground/ areas of rubble

The value of the interior of the site has been destroyed.

Soil/water contamination associated with this use may be an issue that needs to be investigated.

The intrusion of this facility on the surrounding area is limited to the negative visual impact of the A20 entrance / exit and any additional traffic caused by the lorry park.

Recommendations

Given the rural location this is not the best choice for additional lorry parking as it intensifies use of the countryside. However the site is degraded, well screened and the proposed use is temporary. These comments are dependent on how long 'temporary' is. From a visual perspective the access to the site is an unsightly feature that should be upgraded. The cut soil faces either of the access should be graded and planted and the Heras fencing should be replaced. This would reduce the negative visual impact of the site on its surroundings and is something that should be considered regardless of the temporary use of it as a lorry park. The interior of the site would benefit from being properly engineered and landscaped if this use were to continue for a longer period.

4.6 Arboricultural Manager

I can confirm that there are no arboriculture constraints on site and therefore I have no objections in respect of the retrospective application.

4.7 K.C.C. (Planning - Archaeology)

In this instance I would suggest that no archaeological measures are required.

4.8 Highways England

No objection

Highways Act Section 175B is not relevant to this application.¹

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, [via transportplanning@dit.gsi.aov.uk](mailto:transportplanning@dit.gsi.aov.uk).

4.9 Natural England

Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England.

4.10 Environment Agency

Thank you for your consultation. We have the following comments:

Contamination

We have reviewed the Remediation Validation Report produced by Ground and Environmental Services Limited, dated January 2016 (ref: 11535). The report presents the findings of previous investigations undertaken for this site, as well as a Controlled Waters Risk Assessment.

We still have concerns regarding the risks posed to controlled waters from this site, and cannot currently advise on the necessary conditions to apply to any permission until the following points are addressed:

When groundwater samples are found to be silty, we would expect low flow sampling methods to be undertaken in order avoid agitation of silt within a borehole. We need confirmation that low flow sampling methods were used for collecting groundwater samples detailed in the report.

The report references groundwater samples which were subject to laboratory filtering using simple gravimetric techniques. We require more information on this filtering technique. This is particularly important given that analysis results subject to filtering were used in the Tier 3 Quantitative Risk Assessment.

The compliance point used in the Tier 3 Quantitative Risk Assessment is 100m. In accordance with GP3, a default compliance distance of 50m should be used for hazardous substances in principal aquifers. Further information must be supplied to explain the use of a 100m compliance point in this setting.

We agree with the recommendations for a long-term groundwater monitoring programme during activities on site. Given that the source thought to be contributing to elevated concentrations of hydrocarbons in groundwater was removed in 2013, groundwater analysis between the end of 2013 and the date of this report could have been undertaken to verify that concentrations of hydrocarbons were diminishing. We question why this has not been undertaken.

Drainage

We understand that foul sewage will be collected in a sealed cesspit, and therefore there will be no discharge to ground.

Permeable surfacing is proposed in the Drainage Strategy for this site. We recognise that this planning application proposes a temporary use, but are concerned that the pollution control measures detailed in the drainage strategy are not adequate for a lorry park.

We will require a Pollution Prevention Strategy to demonstrate what monitoring and surveillance procedures are in place to mitigate the risks to the environment from fuel spillages at the site. This should incorporate the long-term groundwater monitoring proposals recommended within the contamination report.

If at any time the proposal changes from a temporary to permanent lorry park, impermeable surfacing would be necessary and pollution prevention methods such as interceptors and catch pits must be incorporated into the drainage design.

11 January 2011

Thank you for your letter regarding the above planning application. We are now in a position to comment on this retrospective planning application. We have no objection the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

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 local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To prevent pollution of controlled waters and comply with the National Planning Policy Framework (NPPF).

Condition 2

No occupation of any part of the permitted development shall take place until a Pollution Management Plan is submitted to and approved, in writing, by the local planning authority.

Reason

To prevent pollution of controlled waters and comply with the NPPF. The plan must outline what monitoring and surveillance procedures are in place to mitigate the risks to the environment from fuel spillages at the site, and what provisions are available on site to deal with a spillage (e.g. spill kits etc.). We also advise that the plan includes the recommendations outlined on page 36 of the Remediation Validation Report, produced by GES, dated January 2016, ref: 11535 (i.e. longer term groundwater monitoring programme).

Informatives

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Drainage

If at any time the proposal changes from a temporary to permanent lorry park, or continued temporary use is pursued after the allotted time permitted under the application, we must be reconsulted. Impermeable surfacing would be necessary in the longer term and pollution prevention methods such as interceptors and catch pits must be incorporated into the drainage design.

Above ground storage of oils, fuels or chemicals Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Additional information

Following detailed discussions with Ground and Environmental Services, we previously accepted the findings of the QRA outlined in the contamination documents submitted. The additional water quality information is sufficient to demonstrate that there has been no further deterioration of groundwater quality since the report was initially submitted to us.

Drainage

We understand that foul sewage will be collected in a sealed cesspit, and therefore there will be no discharge to ground. We have no objections to this proposal. We must be reconsulted if any alternative foul drainage strategy is considered, as an Environmental Permit may be required to make a discharge of sewage effluent to ground or surface water. Permeable surfacing is proposed in the Drainage Strategy for this site. We recognise that this planning application proposes a temporary use, but are concerned that the pollution control measures detailed in the drainage strategy are not adequate for a lorry park

We trust this information is of use. Should you have any questions please do not hesitate to get in touch.

4.11 Southern Water

The applicant is advised to consult the Environment Agency directly regarding the use of a cess pit. The owner of the premises will need to empty and maintain the cess pit to ensure its long term effectiveness.

There are no public sewers in the immediate vicinity of the site. Alternative means of draining surface water from this development are required.

The Council's Building Control officers/technical staff and the Environment Agency should be asked to comment on disposal of surface water from the proposed development.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

4.12 Kent County Council SUDS

Thank you for consulting us on the above-referenced planning application.

The existing bund around the site ensures that any increase in surface water generated from compacted ground is contained on site. However, the development does pose a risk to water quality.

Any site used as a lorry park has a 'high' pollution hazard potential, according to the CIRIA SuDS Manual (Ciria 753, Table 26.2) with pollution hazard indices of 0.8, 0.8 and 0.9 for 'total suspended solids', metals and hydrocarbons (respectively). The pollutant risk is sufficiently high to require action to mitigate any potential impact.

The CIRIA Manual proposes a methodology for assessing water quality risk mitigation. In order to meet a level of treatment that is at least equal to and suitable for the indices quoted above, a much more formal and robust surface water management scheme will be required to protect the underlying groundwater.

We recommend using the 'simple index' approach to determine an appropriate level of treatment prior to discharge to ground. Table 26.4 of the manual outlines how more than one stage of treatment will be required. However, in this instance we would minimally expect to see a formally constructed permeable pavement with a suitable filtration layer, with a geotextile at the base to separate the foundation from the subgrade. This should be underlain by a soil with a good contamination attenuation potential of at least 300mm in depth.

Alternatively, the parking area could be covered with an impermeable surface that discharges to a bioretention area for treatment; this should also be underlain by 300mm of soil with good contamination attenuation potential. Any such area should be designed to accommodate the runoff from all rainfall durations and intensities up to and including the climate change adjusted 100yr rainfall event.

In the absence of any drainage provision that is capable of providing adequate protection to the underlying geology, we are unfortunately unable to recommend that this application is approved at this time.

4.13 KCC Waste Management

Thank you for providing me with the opportunity to comment on the above application. Having examined the application documentation, whilst I would not wish to raise any objection in principle to the application I would wish to make the following comments in the context of the previous application that was determined by the County council for a proposed Anaerobic Digestion Plant and Materials Recycling Facility, particularly in respect of the measures imposed by conditions on the permission to mitigate the impacts of the development.

Firstly, with regard to land contamination and site remediation I note that the assessments and measures submitted in support of the application for the lorry park are very much reliant upon those assessments and remediation works that were previously undertaken in connection with the proposed

waste development and which have since been completed with a commitment to undertake ongoing monitoring in the event that further may be required to address any future pollution issues arising at the site which may have the potential to impact on ground water quality together with any offsite sensitive receptors. It would therefore seem that provided the Environment Agency are satisfied, who I assume you would have also formally consulted, there would be no overriding objections on the grounds of adverse impacts from pollution.

With regard to ecological mitigation measures, one of the main issues that arose during the County Council's consideration of the waste application was the potential impacts on badgers given the presence of two sets located in the south east corner of the site. As a result the County Council imposed a condition on the waste permission requiring measures to be undertaken to mitigate the potential impacts from the development on the badger population as set out in the details accompanying the application. Such measures included the provision of a 30m stand-off, the use of non-vibrating piling techniques during site constructions, a limit on the construction activities to outside the period of January to June (inclusive) and unimpeded access to the site from scavenging badgers. The condition has since been varied as a result of the need to take account of proposed landscaping, site drainage and security fencing. The revised mitigation measures make provision for the retention of sett 1 and its protection by security fencing, avoiding any landscaping measures immediately surrounding it and for all earthworks and drainage works to be carried out under licence (issued by Natural England). Sett 2 is proposed to be closed and all personnel on site are required to be briefed about the presence of the badger setts. Whether it is considered such measures are required in respect of the application submitted to your council will ultimately be for you to decide no doubt as advised by Natural England amongst others who I assume is also a consultee.

Finally, with regard to the traffic impact assessment, I note that the assessment refers to the measures that are required in respect of the waste development regarding the site access improvements. These require amongst other matters for the site access to be designed such that when completed it will effectively prevent any HGVs entering and leaving to and from the west of the site. Traffic impacts was one of the main concerns raised by local residents during the consideration of the waste application, particular the need to ensure HGVs take the shortest route to the M20 Junction 11 to the east of the site and more fundamentally to ensure no HGVs are allowed to exit the site towards the village of Sellindge to the west. Enabling works were undertaken at the site at the beginning of 2014 pursuant to condition 5. of the waste permission involving the commencement of the construction of the site access and which effectively implemented the waste permission. However no further works can now take place under the waste permission until such times as the site access improvements have been fully completed. The traffic assessment submitted in support of the lorry park contains photographs of the site access works that have taken place to date albeit they have not yet been completed in accordance with the waste permission. On a routine visit to the site at the

end of last year I was able to witness an HGV exiting the site in a westerly direction towards the village of Sellindge. It was also apparent that in order to achieve this vehicles have to cross onto the opposite side of the carriageway potential into the path of oncoming traffic. In my opinion it is therefore imperative that as a condition of any future permission your council may grant for the lorry park, improvements to the site access are required to be carried out to the same specification as that imposed on the waste permission.

I hope you find these comments helpful in your consideration of the application for the lorry park, if however you require any further information or wish to discuss the matter then please do not hesitate to contact me. Meanwhile you may also find it helpful to look at the report that was presented to the County Council's Planning Application Committee on 20 January 2016 when Members were asked to consider outstanding details submitted pursuant to details imposed on the waste permission along with the proposed variations to the badger mitigation measures and which refers to many of the matters I have highlighted above.

4.14 KCC Ecology

We advise that additional information is required prior to determination of the planning application. This is a retrospective planning application for a lorry park which has been in used since summer 2015. As such we find it very confusing that the submitted ecology report (which was carried out in December 2015) has not fully assessed the current impact on protected species/habitats. Instead the report makes statement such as:

- Proposals indicate that all woodland habitats will be retained
- Habitat for GCN was present – providing that all suitable habitat are due to be retained, no survey work is required.

These statements suggest that the ecologist didn't fully understand the works had already been implemented and therefore we are concerned they have not fully assessed the impacts associated with this planning application.

As the application is retrospective we would have expected the ecology report to have provided certainty on the impacts the application would have on protected/notable species and habitats, identify what protected species surveys were required (if any) and provide appropriate ecological enhancement recommendations to be incorporated in to the site.

We advise that an updated ecological survey is submitted which takes in to account the above points.

Badgers

The submitted badger assessment was produced in October 2015 as supporting evidence for planning application KCC/SH/0095/2015 and as such the conclusions of the letter are not valid for this application.

In addition badgers are very mobile so the information contained within the letter may no longer be valid. We advise that, prior to determination, an updated badger survey is carried out and submitted to assess the impact of the development on badgers and make recommendations for any mitigation which is required.

4.15 Environmental Health

9 June 2016

We do not object to the application but have concerns regarding night time noise and the mitigation is to provide adequate bunding to areas of the site with neighbouring residential properties.

Martin Cranfield Associates Limited have been requested to provide comments on behalf of the Environmental Health Department (Mr Wai Tse) in respect of the above application.

Overview

This application is retrospective and as such the lorry park has been operating at capacity for several months. The application is for temporary use and for a period of 24 months.

The principal issues in respect of Environmental Health consideration are noise and dust from the site.

Noise

A report by Able Acoustics has been provided and reviewed. The report conclusions are that the site will result in a low impact. Whilst I am in agreement with the assessment for daytime operation there are considerations for night time operation where the impact may have been under assessed for some of the monitoring locations; these considerations are set out below.

1. The noise monitoring was carried out in February with night time temperatures such that refrigeration units would not have operated extensively, if at all. In addition, no determination of numbers of refrigeration units has been provided.
2. Whilst the operator has specified that refrigeration units would be located in a specific area of the site, the policing of this may prove impractical.
3. There are areas of the site that have clear line of sight to the nearest residential properties (Otterpool Manor Farm) where bunding is inadequate, partially for roof mounted refrigeration units.
4. Paragraph 3.7.2 of the Able Acoustics report states "three residents and all confirmed that while the site currently operates during the night and day, the site was not always audible " This implies that for periods of time (i.e. vehicle movement, reversing alarms and refrigeration unit operation) it was audible.
5. Paragraph 6.1.3 of the Able Acoustics report states "the level of the specific sound is not always audible above the existing residual sound

climate" this indicates that for some, unspecified period, it is.

6. A more appropriate tonal correction for reversing alarms would be considered to be 3dB not 2dB as there are designed to be distinctive. This increases the rating level to a perceptible value.

As a consequence of the above should the planning committee deem to approve this application it is recommended that the following condition is included:

"Within 4 weeks a scheme to provide adequate bunding to areas of the site with neighbouring residential properties shall be provided such that all significant noise sources are suitably screened, the scheme once approved shall be implemented within 2 months."

Dust

Many areas of the site have concrete hardstanding however some areas, and in particular the roadways between the entrance and the hardstanding are un-metalled and contain loose material.

Contamination

Environmental contamination consultants Merebrook have been consulted and have the following comments:

Otterpool Quarry — Remediation Validation Report by Ground and Environmental Services Ltd for Mr P Breen (ref: 11535) dated January 2016.

The document has been submitted in support of a retrospective application for planning consent for change of use of a former quarry to a temporary lorry park. The document has been reviewed with respect to Shepway's standard land contamination planning condition which is split into five sections as set out below:

1. Desk Study and Conceptual Model.
2. Intrusive Site Investigation and Risk Assessment;
3. Remedial Strategy;
4. Verification Report; and
5. Contamination Discovery Strategy.

The condition should be implemented in a phased manner; with each phase only required should a potential risk be identified by the preceding phase. Information has been submitted with regard to parts 1 to 3 of the condition.

The site is a former quarry and has been subject to several phases of investigation followed by some remedial works (removal of fuel pipework) and associated validation. The report provides an assessment of land contamination risks associated with the site's use as a lorry park.

The report concludes that the site is suitable for use as a lorry park provided several mitigation / remedial measures are in place which are summarised as follows:

1. The report assumes that the site is largely covered with hardstanding. Any areas of planting require import of clean validated material.
2. Asbestos containing materials in the former security but and weighbridge office require appropriate removal and disposal and a watching brief for asbestos is required for any site works;
3. Any structures require inclusion of Characteristic Situation 2 Gas protection measures.

Merebrook consider that the report submitted is reasonable and generally concur with the findings with regard to health risks from land contamination. As such, we consider that parts 1-3 of the standard condition are satisfied by the information submitted with the application.

We require confirmation of the status of the site in terms of surfacing, whether any asbestos works have been undertaken and confirmation of the nature of the structures on site. The report requires that structures coupled with the ground require protection from ground gas.

4.16 Kent Downs AONB Unit

Thank you for consulting the AONB Unit on the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership. The legal context of our response and list of AONB guidance is set out as Appendix 1 below.

The site lies within the setting of the Kent Downs AONB. Should Shepway District Council be minded to grant permission, it is requested that conditions be attached to mitigate impact on the nearby AONB. In particular, it is noted that lighting has been installed at the site and it is considered imperative that lighting be controlled here to help maintain dark night skies viewed from the AONB, as this is an important element of tranquillity, the retention of which is supported by policy SD7 of the Kent Downs AONB Management Plan. It is therefore requested that a condition requiring details of a lighting scheme to be submitted is imposed that requires avoidance of light spillage outside of the site with light directed downwards and with baffles fitted and are motion sensitive.

In addition, we also recommend that conditions are attached that require existing landscaping within and around the perimeters of the site to be retained and requiring the restoration of the site at the end of the temporary period.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 27/06/2016

5.2 Site Notice. Expiry date 17/06/2016

5.3 Press Notice. Expiry 09/06/2016

6.0 REPRESENTATIONS

6.1 76 letters/emails of objection have been received and are summarised as follows:

- Increased noise and disturbance at all times of day especially at night causing lack of sleep/sleep deprivation, stress and illness.
- Like living beside a motorway.
- Increased pollution from fumes and dust through Sellindge and Newingreen from large lorries which has increased dramatically.
- Walls, floors, windows and doors shake from large lorries passing.
- Increase in pot holes and churned tarmac on A20 from the increased lorry traffic.
- Increased traffic on A20.
- Highway safety compromised due to speeding lorries and undertaking 3 point turns to access the lorry park.
- Lorry traffic will ultimately lead to a death in the village.
- When parks are full, lorries park in the village, bus stops, lay-bys and opposite the primary school.
- Area around site looks like an industrial site and eyesore.
- Deterioration of quality of life and residential amenity.
- Several accidents in recent years involving lorry drivers at the airport cafe entrance.
- Entrance junction is very dangerous opposite airport cafe – disaster waiting to happen.
- Has caused litter strewn in lay-bys.
- Unacceptable damage to the environment.
- Will possibly destroy one or two villages in the area.
- Lorries exiting the Airport Cafe is dangerous and the additional 73 lorry bays within the lorry park would compound the problem.
- Inadequate surface within site generating mud at entrance of site causing highway safety issues and dust plumes within the site.
- The approach roads to the site are unsuitable for large HGV's.
- Lorries are parking all over the site area and outside the site area.
- HGV's stop in the middle of the road blocking traffic to manoeuvre into an entrance not designed for HGV's.
- There are no pavements around the site for safe walking.
- Walking to the village shops is unpleasant and risky due to dangerous speeding HGV's passing within feet of the pavement.
- Lorries are turning left out of the entrance towards Sellindge contrary to the application documents.
- Lorries have been seen driving on the wrong side of the road.
- Lorries come to a sudden stop when they see the entrance to the site causing vehicles behind to skid and emergency stop which could lead to collision.
- Lorry entered airport cafe to turn and cross the A20 to access the site.

- Lorries queue outside the site entrance at night obstructing the road causing drivers behind to overtake on opposite side of road.
- Lorries are parking within the entrance to the site.
- Litter in the area has increased from trucks parked in lay-bys.
- Too many trucks diverting from junction 10 of the M20 through Sellindge to get to the lorry park blighting the village.
- The airport cafe is used as an overspill to the quarry lorry park if no spaces available.
- No street lights along this narrow section of A20 and no lighting at the entrance to see lorries pulling in or out of the sites.
- HGV lorries do not mix well with primary schools and busy doctors surgeries.
- Lorry park would detract from proposed Otterpool garden village.
- Lorries should be banned from going through Sellindge.
- Ruining the countryside and a blow to tranquillity of rural life.
- Light pollution at night from the site.
- Noise pollution hum from refrigeration lorries at night.
- The site is a mess and the entrance is unsightly/untidy.
- Parking during school pick up and drop off times is risky.

6.4 2 letters of support have been received and summarised as follows:

- Would rather have a lorry park than a digester but traffic flows may be much the same.
- Because of site entrance, lorries must come from motorway outside Sellindge and not through the village.
- The site cannot be entered from the Sellindge side (east).
- There is a need for a lorry park so drivers don't park in lay-bys' or worse.
- Lorry drivers use the village shop providing local business.
- Lorries are using the road constantly from industrial estate on the old Ashford airport, not just the lorry park.
- Lorries use the A20 to avoid Highways agents.
- There are toilets and shower facilities and rubbish bins on site.
- Every effort has been made to slow drivers down and direct them with no left turn signs towards tunnel and M20.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE16, U2, U4, U10a, U15, TR9, TR11, C01, C05, C011.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS3, SS5, CSD1, CSD5.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework
National Planning Policy Guidance
Kent Design Guide

7.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that the determination of any planning application shall be in accordance with the development plan, unless material considerations indicate otherwise.

7.6 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, replacing a large number of Planning Policy Statements and Planning Policy Guidance, amassed over the last 20 years. As set out in Section 38(6) (above) Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and the NPPF forms a material consideration in plan formulation and decision taking.

7.7 The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include the following:

- Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

7.8 Central to the NPPF (paragraphs 14 and 17) is a presumption in favour of sustainable development, for decision taking this means:

Approving development that accords with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within this framework taken as a whole, or
- Specific policies in this Framework indicate development should be restricted.

7.9 Paragraphs 186 and 187 make it clear that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan making should be seamless, translating plans into high quality development on the ground. The NPPF stipulates that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local Planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental considerations of the area

- Policy DSD – A presumption in favour of sustainable development
- Policy SS1 – identifies the strategic priorities for the North Downs Character Area, including accommodating development outside of the AONB and without a material impact on its setting and providing for planned development at Sellindge
- Policy SS3 – requires development within Shepway to be directed towards existing sustainable settlements to protect the open countryside and countryside and identifies that changes in settlements will be managed in a form that contributes to their role within the settlement hierarchy and local place shaping objectives to promote the creation of vibrant and distinct communities.
- Policy SS5 – Requires development to provide, contribute to or otherwise address Shepway's current and future infrastructure needs.
- Policy CSD4 – Requires an increase in the quantity and quality of green infrastructure and biodiversity.
- Policy SD1 – overarching policy to deliver sustainable development
- Policy LR8 – Requires designated Public Rights of Way to be properly integrated into the design and layout of development sites.
- Policy BE1 – requires a high standard of layout, design and choice of material for all new development.
- Policy BE16 – requires development to retain important existing landscape features and make appropriate provision for new planting using locally native species of plants wherever possible.
- Policy U2 – Requires main drainage disposal for sewage and wastewater.
- Policy U4 – Protection of ground and surface water resources.
- Policy U10a – Requirements for development on contaminated land.

- Policy U15 – Seeks to ensure outdoor lighting is the minimum required and has a minimal impact on the night sky.
- Policy TR9 - Criteria for the provision of roadside service facilities.
- Policy TR11 – Requires new accesses and intensified accesses on to the public highway to be safe for all road users and meet highway standards.
- Policy C01 – Countryside to be protected for its own sake.
- Policy C05 – Protection of Local Landscape Areas.
- Policy C011 – Provides protection to protected species and their habitat.

8.0 APPRAISAL

Background

- 8.1 Otterpool Quarry is a previously redundant mineral and construction materials processing facility operated for the purpose of asphalt and ready-mix concrete production. The application site has been in use as a 24 hour lorry park without planning permission since the summer of 2015. This application seeks retrospective permission to continue the use for a temporary period of 2 years until April 2018.

Relevant Material Planning Considerations

- 8.2 The main issues to be considered in the determination of this application are the acceptability of the principle of development on a temporary basis, identified need for the use, highways and transportation matters, primarily the impact of the lorry park on highway safety, impact upon residential amenity and on the rural character, peacefulness and rural tranquillity of the surrounding villages of Sellindge and Newingreen.
- 8.3 Other issues to be considered include the visual impact of the proposal upon the surrounding countryside, ecology, drainage and contamination.

Principle of Development

- 8.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Shepway District Local Plan Review, and as such the starting point for consideration of the proposal is policy C01 which relates to development within the countryside. The policy essentially seeks to protect the countryside for its own sake only allowing proposals that essentially require a countryside location unless there is a there is an overriding social or economic need. This policy whilst saved, does pre-date the NPPF and the Council's Core Strategy which focus more on sustainable development.
- 8.5 Policy CSD3 of the Shepway Core Strategy seeks to protect the countryside from inappropriate development that does not require a countryside location although a range of exceptions to this are listed, similar to paragraph 55 of

the NPPF, but with a broader range to cover infrastructure. Policy SS1 of the Shepway Core Strategy identifies the strategic priorities for future development being on urban, brownfield sites. Policy SS3 of the Core Strategy requires development within Shepway to be directed towards previously developed land within the urban area. Saved policy SD1 of the Shepway Local Plan (2006) states that the priority is to “locate new development within or around existing built-up areas, especially on previously developed land, in preference to ‘greenfield’ sites”.

8.6 Policy TR9 of the Shepway District Local Plan states that proposals for roadside service facilities on primary routes outside settlements will be permitted so long as the following criteria are met:

- a. A significant need can be demonstrated for the location and for the facilities proposed that cannot be met by existing or planned provision.
- b. The layout, form of development and materials should respect the character and appearance of the locality.
- c. The development can be landscaped and screened so as to minimise its effects on the surroundings.

8.7 In all cases, it will be necessary to weigh the need for the proposal against the importance of preserving the countryside and wildlife and against other interests. These interests include road safety and residential amenity.

8.8 Kent County Council has developed the Freight Action Plan with the aim to effectively address concerns with the movement of freight both through and within Kent. The Plan sets out the vision to:

“Promote safe and sustainable freight distribution networks into, out of and within Kent, which support local and national economic prosperity and quality of life, whilst working to address any negative impacts on local communities and the environment both now and in the future.”

8.9 Objective 1 of the FAP states: To take appropriate steps to tackle the problem of overnight lorry parking in Kent. The lorry park to the rear of the Airport Cafe, opposite the application site, is listed as an official overnight lorry parking facility with capacity for 17 HGVs.

8.10 A study by the DfT into national lorry parking into 2011 ‘found that on-site lorry parking facilities (i.e. designated truckstops) in the county are unable to meet demand for spaces (AECOM, 2012). At district level, it found that facilities in Maidstone were 100% utilised, Gravesham and Ashford were 75-100% utilised, Dartford and Dover 50-75% and Shepway and Tonbridge and Malling 25-50%. The study also found severe off-site parking (i.e. not in truckstops) in Swale, Canterbury and Dover districts’.

8.11 Para 9.4 states: The study found particular hotspots along the A249 Maidstone to Sheerness, M20 Ashford to Folkestone and A2 Dover to Faversham. A hotspot is defined as more than 25 vehicles parked within 5km of one another. It was also found that UK registered lorries are slightly more likely to park off-site than non-UK registered lorries. There are other

sites in the county that may not be classed as hotspots but nevertheless suffer problems as a result of persistent lorry parking.

- 8.12 Para 9.5 states: 'Due to excess demand, the cost of using truckstops and sometimes unclear signing, drivers are likely to use unsuitable parking areas, such as lay-bys or industrial estates. European law restricts the number of hours drivers may work and so when they are approaching the limit they have no choice but to stop wherever they can. It may also be that the facilities in Kent are not secure enough to make using them worthwhile as a rise in freight crimes has increased demand for safe and secure lorry parking'
- 8.13 At para 9.6 the FAP identifies 'private sector investment in new lorry parking facilities is unlikely due to the high costs associated with construction as well as high overheads, and therefore low profit margins, associated with operating a stand-alone lorry park'.
- 8.14 Para 9.9 sets out current actions by KCC to address the problems with lorry parking within Kent. It states: 'KCC is currently carrying out feasibility studies for truckstops at various locations along the M20/A20 and M2/A2 corridors and will look to work in partnership with the private sector to secure and promote these sites'.
- 8.15 As identified by the FAP document, there is a need for lorry parking sites within Kent. Shepway and the areas local to Dover were highlighted as 25-50% and 50-75% existing utilisation which is according to the DFT study in 2011 'suggests that at peak times many of the facilities in these areas could exceed full capacity'. The FAP also states that KCC are actively identifying sites along the M20/A20 corridor. The Freight Action Plan for Kent is currently being updated however at present is in draft form. The emerging Places and Policies Local Plan, although not a material consideration as at Preferred Options stage includes a policy requirement that any lorry parking facilities within the district should be accessed from the Strategic Road Network only.
- 8.16 The application site is not subject to any designation in the local plan. However, as a brownfield site with an established industrial use involving HGV movements to and from the site, its location off the A20 (a primary route) and close to the M20 motorway, the identified need for increased lorry parking capacity in the vicinity of the site, it is considered that the principle of the use as a lorry park is acceptable against current planning policy, subject to wider planning policy considerations as set out below.

Highways

- 8.17 Policy TR9 of the Shepway Local Plan Review, which relates to roadside service facilities on primary routes, states that in all cases, it will be necessary to weigh the need for the proposal against the importance of preserving the countryside and wildlife and other interests to include road safety and residential amenity.

8.18 Policy TR11 of the Shepway District Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access.

8.19 Paragraph 32 of the NPPF states that all development which generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

8.20 The A20 Ashford Road is a circa 7.3m wide single carriageway road along the site frontage. Local to the site as it runs along an east-west alignment from the village Newingreen, east of the site, turning north-west of the site where it is routes through the village of Sellindge. The road bends slightly as runs along the front of the site, with the site frontage situated on the outside of the bend.

8.21 In the vicinity of the site, the A20 is best described as a rural 'A' road with limited frontage access. Where it routes through villages it becomes more urban in character. Along the site frontage the speed limit of Ashford Road is 50mph rising to 60mph (derestricted) around 30m east of the existing access.

8.22 West of the site, the A20 junctions with the B2067 Otterpool Lane via a 3-arm signal junction and the A20 then routes north towards the village of Sellindge. Beyond Sellindge, the A20 winds through smaller settlements running parallel to the M20 where it eventually reaches junction 10, a circa 9.3km drive north west from the site access.

8.23 To the east, the A20 routes through Newingreen village turning north towards junction 11 of the M20. Junction 11 is the closest junction route to the motorway network from the site, circa 3.2km drive from the access.

8.24 The section of the A20 where the site is located is classified as a 'Primary Route' within KCCs Local Transport Plan. East of the M20, the A20 is classified as a Trunk Road.

8.25 The applicants have submitted a detailed Transport Assessment to support the application and assess the impact of the proposed development against the existing traffic conditions and extant uses on the A20 Ashford Road. The assessment confirms that it is proposed to modify the existing access to a

similar arrangement granted permission in 2011 to prohibit left out egress for all vehicles and right out to ensure that all development traffic will access from the east and egress to the east on the A20 and to encourage drivers to use junction 11 of the M20 to avoid traffic routing through Sellindge. Signage is also proposed at the junction entrance to enforce the right out egress and a 20m kerb radii is proposed on the east side of the entrance to allow ease of access for left turning vehicles into the site and to prevent left out egress onto the A20. The proposed access would be designed with reference to objective 4 stated in the KCC Freight Action Plan which relates to problems with heavy freight traffic routing through communities.

- 8.26 Currently, the access modifications to the entrance have not been undertaken by the applicants which have enabled HGV drivers to access the site from the west and egress left out of the site facilitating heavy freight traffic through Sellindge to and from junction 10 of the M20. Moreover, the kerb alignments provided for the previous use have been removed, presumably to allow vehicles to access and exit the site from all directions. Many representations from local residents declare that there has been a significant increase in HGVs through Sellindge along the A20 and raise highway safety and amenity concerns accordingly. Local residents state they have witnessed lorries crossing over both lanes of the A20 by egressing left out of the site and have witnessed near accidents in the evening in the dark as there is no lighting along this stretch of the A20 or at the site entrance. There have been reports of accidents near the site involving heavy goods vehicles and local residents have raised highway safety fears with regards to the site's operation.
- 8.27 The submitted Transport Assessment confirms that two accidents were recorded close to the site access on the A20 Ashford Road. The first occurred as a vehicle egressed from the Airport Café access opposite the site. As the driver pulled out of the access, a vehicle approaching from eastbound veered left to avoid a collision, but it clipped the rear of the car pulling out causing it to spin. This occurred in wet and damp conditions during the day. The second accident occurred to the east of the Airport Café access where two HGVs collided as one egressed and hit the rear of another already on the A20, at night with no street lighting and in wet and damp conditions.
- 8.28 Given the evidence from local people, crash data and the comments of KCC Highways, the local planning authority, working alongside KCC Highways, commissioned independent professional consultants to undertake a fully classified video turning movement count survey for all movements to include in and out of the airport cafe and site access as well as movements eastbound and westbound along the A20.
- 8.29 The survey period extended over a 4-day period between Thursday 2nd March (PM onwards) and Monday 6th March 2017 (AM period only). The data obtained shows the persistence of vehicular movements, particularly HGVs, between the entrance of the application site and the Airport Cafe in both directions, which gives rise to highway safety concerns where street lighting is absent from this section of the A20. In particular, the slow moving

nature of HGV movements across this section of the A20, which is a subject to a 50 mph limit but proximate to where the A20 changes to being subject to a derestricted speed limit is a noteworthy point.

8.30 The survey data evidences that on Friday 3rd March there were a total of 24 movements between the application site and the Airport Cafe opposite of, which 19 involved 5-axle articulated vehicles, 3 involved 6-axle articulated vehicles and 2 car movements. The data indicates a clustering of the recorded movements across the evening period, which is the period coinciding with peak arrivals, as follows:

- 6 manoeuvres taking place between 18:00 and 19:00 (broken down into 4 x 5-axle and 2 x 6-axle movements)
- 6 manoeuvres between 19:00 and 20:00 (comprising 5 x 5-axle and 1 x 6-axle)
- 5 manoeuvres between 20:00 and 21:00 (comprising 5 x 5-axle vehicles)

8.31 The data raises very serious concerns over associated highway safety implications, which is compounded by the fact the clustering of HGV manoeuvres across the A20 coincides with the time period where a moderate to high quanta of general traffic will be travelling along the A20, particularly the period between 18:00 and 19:00.

8.32 The absence of street lighting means the manoeuvres of particular concern between the application site entrance and the Airport Cafe across the A20 are taking place during hours of darkness between late September and April within the calendar year, which heightens concerns over highway safety.

8.33 The submitted Transport Assessment recommends that the installation of the kerb radii would prevent HGV right turn movements into the site from the west (junction 10) due to the acute angle required to undertake the manoeuvre. However, it is clear that HGVs travelling from the west along the A20 could and do enter the airport cafe, loop around the site and exit crossing over the A20 to access the application site. The recommended provision of signage would do very little to prevent this manoeuvre. It is also likely that the drivers are using the Airport Cafe as first port of call to use the cafe facilities before crossing over to use the lorry park overnight.

8.34 The data also shows that on the Friday of the survey, 19 HGVs accessed the site directly from the west with a right turn into the site. The Friday evening period produced the most number of these movements as follows:

- 3 movements between 16:00 and 17:00
- 4 movements between 17:00 and 18:00 (incl. 1 x 6 axle)
- 2 movements between 18:00 and 19:00
- 5 movements between 19:00 and 20:00 (incl. 1 x 6 axle)

8.35 The submitted TA does not and cannot recommend measures to prevent lorries from routing towards the site along the A20 from junction 10 of the

M20. On reaching the site, drivers would have the options of routing into and around the Airport Cafe, attempting to turn right at the site entrance even with the kerb radii in place or continuing towards junction 11 of the M20 and doubling back to the site. The permission granted for the anaerobic digester and recycling plant in 2011 proposed the same mitigation measures to 'left in' and 'right out' and was approved as such. However, as a business operating from the site, the turning movements could be enforced/monitored by the occupier of the site and employees trained to access the site in accordance with the approved details and such controls could be put in place via condition. The successful use of the site access junction, therefore, relies on drivers opting for doubling back to the site from junction 11. However, it cannot be assumed that all drivers will undertake this route and the data obtained from the survey supports this conclusion.

- 8.36 On the basis of the matters outlined above, serious concerns are raised over highway safety associated with the continued unlawful operation of the access to the site and it is considered that, from the data obtained from the CCTV, manoeuvres across the A20 between the lorry park and the airport cafe cause a significant highway safety hazard, contrary to Policies TR9, TR11 of the Shepway Local Plan Review and Paragraph 32 of the NPPF.

Residential Amenity

- 8.37 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents.
- 8.38 Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.39 The site is located amongst fields beside the A20, approximately 500 metres from the settlement boundary of the nearby village of Sellindge (Barrowhil) which is to the west of the site. The closest residential properties are approximately 200 metres away, located also beside the A20 to the west of the site. However, there are many other residential properties along the A20 route between junctions 10 and 11 which HGVs use to access the site. Access to the lorry park can be made either through Sellindge along the A20, from junction 10 or 11 off the A20.
- 8.40 Policy TR9 of the Shepway Local Plan Review, which relates to roadside service facilities on primary routes, states that in all cases, it will be necessary to weigh the need for the proposal against the importance of preserving the countryside and wildlife and other interests to include road safety and residential amenity.
- 8.41 Objective 4 of the KCC Freight Action Plan refers to problems caused by freight traffic to communities. It then states at Para 38 that: 'This objective is presented as distinct from objective 3 because of the range of issues other than routing that affect local communities. Further, in many cases lorries

need to use the local road network so this objective will cover actions that can mitigate the impacts where rerouting is not possible'.

- 8.42 It is clear from the studies and objectives set out in the FAP that there is a requirement to increase secure lorry parking in suitable locations away from communities and on strategic roads. Significant lorry parking is provided at the 'Stop 24' services within the district, accessed directly by the strategic road network. Permission is in place for the expansion of these facilities, meeting further need.

Additional HGV Traffic Impact

- 8.43 Many objections have been received from local residents with regard to greater numbers of HGVs travelling through Sellindge and along this stretch of the A20 in general.
- 8.44 The submitted Transport Assessment declares that the lorry park would generate approximately a total of 152 (73 HGVs arriving, 73 departing and 6 staff trips) two-way vehicle movements in a 24hr period including on-site staff shift changes, 80 fewer than the extant use would have generated/attracted. Applying these trip rates to the application site, 73 lorry parking spaces, equates to 9 departing vehicles in the AM peak hour and 16 arriving vehicles in the PM peak.
- 8.45 The data obtained from the CCTV survey shows that the lorry park would generate 238 two-way movements on the Friday of the survey, 86 more movements than that set out in the TA and only 6 more than the extant use, however such movements are occurring at different times of the day.
- 8.46 The Highways England average daily traffic flow figures for this section of the A20 show that in 2015, 299 HGV's travelled along the road over a 24 hour period. The data obtained from the CCTV survey shows that on the Friday, (the busiest day of the survey) 607 HGV's travelled along the stretch of the A20 in both directions within the vicinity of the application site. Of the recorded number of HGV arrivals involving turning movements from the A20, 75 HGVs (77.4%) approached from the east and undertook a left turn manoeuvre into the site compared with 22 HGV movements (22.6%) approaching from the west that undertook a right turn manoeuvre into the site.
- 8.47 Analysis of the arrivals and departures from the site as recorded during the CCTV survey on Friday 3rd March 2017 demonstrates that the significant majority of HGV movements to and from the site involve interaction with the A20 to the east of the site. Of the departures, 109 HGV movements (95.6%) involved a right turn out of the site onto the A20 eastbound, with only 5 HGV (4.4%) left turn out manoeuvres onto the A20 westbound towards Sellindge.
- 8.48 From the recorded data it can be deduced that the operation of the site as a lorry park has principally generated most HGV movements to and from M20 Junction 11, with a significantly lower number involving movements to and from M20 Junction 10. Accordingly, the impact on the residential amenity to

residents of Sellindge cannot be directly attributed to the lorry park. Therefore, it can be reasonably deduced that due to the relatively low numbers of HGV's accessing the site from the west through Sellindge, it is considered that the lorry park is not generating sufficient numbers of additional HGV's through Sellindge to have any significant adverse impact on residential amenity, when compared to the daily average HGV trip numbers.

- 8.49 It would also be reasonable to deduce that this stretch of A20, designated as a Primary Route for all traffic, is popular by not only being a Primary Route for all forms of traffic, but also being the access to Link Park and the Lympne Industrial Estate which generates a great deal of HGV movements in the area. Whatever the reasons may be for the increase in HGV traffic along the A20 and through Sellindge, they are not considered factors that would warrant a refusal in the determination of this application

Noise

- 8.50 Several objections have been received from local residents concerning noise from HGV refrigeration units especially at night and trucks beeping horns.
- 8.51 A noise assessment report has been submitted in support of the application. The report confirms that the nearest surrounding residential properties used in the assessment are considered to be sensitive. The presence of a high residual sound level notably the A20, M20, Otterpool Lane, the industrial park to the south and the proposed A20 Truck Stop lorry parking facility to the north is likely to reduce the impact from the use of the application site as a lorry parking facility.
- 8.52 The report states that the residual sound climate was witnessed on multiple occasions as being primarily attributable to vehicle movements in particular lorries on Otterpool Lane and the A20, road traffic from the A20/M20, activity from the direction of the industrial park. The use of the application site as a lorry parking facility would therefore not represent an incongruous sound by comparison with the acoustic environment that would occur in the absence of the specific sound.
- 8.53 It is further considered that the character of the specific sound is not significantly different from the existing residual sound climate and further that the level of the specific sound is not always audible above the existing residual sound climate. It is concluded that the initial estimates of the impact do not need to be modified due to context and all pertinent factors have been taken into consideration.
- 8.54 As such, the report concludes that the proposed use of the application site in its current format will result in a low impact.
- 8.55 The Council's Environmental Health Officer has been consulted and considers that the report does not adequately address noise from HGV's with refrigeration units or reversing alarms at night. As such a condition is

recommended requiring a scheme for bunding to areas of the site where residential properties are located.

Dust

- 8.56 Several representations have been received from local residents concerning dust generated from trucks traversing the site and manoeuvring into place. A site visit to the lorry park did not reveal any dust clouds around the site, however, the access entrance was quite muddy and dust on dry days could be generated within the road and blown to surrounding areas.
- 8.57 The Council's Environmental Health Officer has been consulted and considers that some areas of the site are covered by hardstanding but some areas in particular the roadways between the entrance and the hardstanding areas are un-metalled and contain loose material and hardstanding would be preferred. However, as the application is for a temporary period and given the distance between the site and residential properties, it is considered that nuisance from dust would be unlikely. In addition, due to the previous use of the site as a quarry and materials recycling plant, these uses may have created a similar or worse impact on dust generation, thus it is considered that the use as a lorry park may not have any significantly greater adverse impact than previous uses.

Other Matters

- 8.58 Other objections from local residents relate to issues of litter, faeces and bottles of urine left in lay-bys and bus shelters by drivers. It is difficult to attribute these antisocial impacts of lorries parking in lay-bys to the operation of the lorry park. An explanation may be that when the lorry park is full, drivers pull up in the nearest lay-by to park overnight and use the shops and facilities within the village. However, there is no evidence which can determine that it is a direct result of the lorry park operation and other methods of enforcement are available

Ecology

- 8.59 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species.
- 8.60 The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission.
- 8.61 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible and Policy C011 of the Shepway District Local Plan Review states that planning permission will not be granted for development if it is likely to endanger protected species

or cause the loss of, or damage to, habitats and landscape features of importance for nature conservation, unless:

- i. there is a need for development which outweighs these nature conservation considerations and
- ii. measures will be taken to minimise impacts and fully compensate for remaining adverse effects.

8.62 A preliminary ecological appraisal has been submitted to support the application which includes a desk study of the site of a 2km radius, a phase 1 habitat survey and a protected species assessment and concludes that the site supports/has potential to support a number of protected species including bats, great crested newts, reptiles, badgers, birds and invertebrates and the populations of these species would be of importance within the immediate vicinity of the site only. The appraisal concludes that as long as all habitats are retained, no further survey work is required. However, as the use is already in operation, it is considered that the appraisal has not been prepared on the basis that the application is retrospective and thus has not assessed the current impact of the lorry park on biodiversity. In addition, it is not known if any of the recommendations and mitigation set out in the report have been carried out by the applicants.

8.63 KCC Ecology has been consulted and considers that the appraisal has not fully assessed the current impact on protected species/habitats and is concerned they have not fully assessed the potential impacts. The submitted ecology report was expected to have provided certainty on the impacts the application would have on protected/notable species and habitats, identify what protected species surveys were required (if any) and provide appropriate ecological enhancement recommendations to be incorporated in to the site.

8.64 The submitted badger assessment was produced in October 2015 as supporting evidence for planning application KCC/SH/0095/2015 and as such the conclusions may no longer be valid for this application. KCC Ecology recommends that prior to determination, an updated badger survey is carried out and submitted to assess the impact of the development on badgers and make recommendations for any mitigation which is required. As the use has been operating at the site from December 2015, it is not known what the exact impact the proposed use has had on biodiversity and whether mitigation has been carried out by the applicants. It is considered, therefore, that in the absence of any relevant and up to date surveys, it has not been demonstrated that the lorry park use would minimise its impact on biodiversity and protected species and their habitats in particular within the site and surrounding area and whether the continuing use of the lorry park is currently impacting adversely on biodiversity. As such, the application fails to comply with central government planning policy as set out in section 11 of the National Planning Policy Framework 2012 and Circular 06/2005 and Policy CO11 of the Shepway Local Plan Review 2013.

Visual Impact

- 8.65 Policy BE16 requires development proposals to retain important existing landscape features and make appropriate provision for new planting using locally native species of plants wherever possible.
- 8.66 Policy C05 states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas unless the need to secure economic and social well-being outweighs the need to protect the areas local landscape importance.
- 8.67 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 8.68 The site is located in an open area of farmland in attractive rolling landscape but is not located within the AONB which the surrounds the site to the north, east and south but some distance away of approximately 1.5 to 2 miles in all directions. Views of the site from viewpoints along the A20 show that the location of the quarry is quite prominent and thus it would be essential to retain the trees and hedges around the perimeter of the site to screen the proliferation of HGV's.
- 8.69 The value of the interior site is low and degraded due to its longstanding industrial commercial history, thus the only negative intrusion of the site/use is limited to the A20 main entrance, unsightly boundary Heras fencing and additional traffic generated by the use.
- 8.70 The Council's Landscape and Urban Design Officer has been consulted and considers that whilst the site is not ideal in this countryside location for a lorry park, the site is well screened and the use acceptable for a temporary period. However, conditions are recommended to include landscaping of the main entrance to be graded and planted and the Heras fencing around the site replaced with a more suitable boundary treatment more appropriate to its countryside location.
- 8.71 The Kent Downs AONB Unit has been consulted on the application and raises no objection subject to the imposition of conditions to mitigate the impact of the lorry park on the nearby AONB to include a lighting strategy, retaining landscaping features around the site and restoration of the site at the end of the temporary period.
- 8.72 Natural England has been consulted and raises no comments on the application as the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 8.73 Whilst the conditions recommended would be appropriate to mitigate the impact of the use on a permanent basis, it is considered that due to the temporary nature of the use for 2 years, of which 1 year has passed already, the imposition of such conditions would be onerous on the applicant and would fail to meet the NPPF tests of being reasonable, fair and practicable. Also given the limited time left on the applicant's temporary

period applied for and the application being retrospective, it is unlikely that such conditions recommended would be realistically complied with.

Flooding/Drainage/Contamination

- 8.74 Policy SS3 of the Shepway Core Strategy Local Plan states for development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline, site-specific evidence will be required in the form of a detailed flood risk assessment to demonstrate that the proposal is safe and meets with the sequential approach within the character area of Shepway and (if required) meets the exception tests set out in national policy. It will utilise the Shepway Strategic Flood Risk Assessment (SFRA) and provide further information.
- 8.75 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
- 8.76 The site does not fall within an area at risk of flooding and there are no groundwater source protection zones in the area of concerns. The existing bund around the site ensures that any increase in surface water generated from compacted ground is contained on site.
- 8.77 National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 121 also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented.
- 8.78 A Remediation Validation Report has been submitted by the applicants to establish any contamination of the site and recommend any remedial action required. The report confirms that significant contamination remediation action has been carried out as part of the previously proposed use as an anaerobic digester and recycling plant. A supplementary site investigation was also undertaken in December 2013 in order to confirm that all potential sources of contamination have been adequately assessed following the remedial works to the site.
- 8.79 The report recommends that the site be covered by hardstanding to sever any pollution to receptor pathway and any areas of soft landscaping to be capped with a suitable thickness of imported clean topsoil.

- 8.80 Four groundwater monitoring boreholes were installed previously to satisfy KCC Planning's requirement for a long-term monitoring and maintenance plan and in order to establish current baseline conditions. Four groundwater monitoring visits have been undertaken which did not reveal significantly elevated organic contaminant concentrations.
- 8.81 A quantitative groundwater risk assessment based on the analytical data confirmed that there would be no significant risk to the nearby surface water receptor of the East Stour River and no remedial works are required to protect water resources on the site or in the vicinity. As such, it is concluded that no remediation of soil or ground water is necessary based on the proposed use. However, a longer term groundwater monitoring programme is recommended on a quarterly basis.
- 8.82 The Environment Agency has been consulted and raised no objection to the application subject to planning conditions without which, the proposed development on this site poses an unacceptable risk to the environment and objection would be raised. The conditions relate to any contamination not previously found on site to be mitigated and a remedial strategy submitted for approval. In addition, no occupation of the site until submission of a pollution management plan to prevent pollution of controlled waters from fuel spillages at the site, and what provisions are available on site to deal with a spillage (e.g. spill kits etc.) as outlined in the recommendations of the Remediation Validation Report. However, it seems that the EA have failed to appreciate that the application is retrospective and has been in operation since December 2015, thus this condition could not be imposed as a pre-start condition.
- 8.83 With regard to drainage, if the development was to change from a temporary to permanent lorry park, or continued temporary use is pursued after the allotted time permitted under the application, the EA request to be reconsulted as impermeable surfacing would be necessary in the longer term and pollution prevention methods such as interceptors and catch pits must be incorporated into the drainage design.
- 8.84 The EA has also confirmed that following detailed discussions with Ground and Environmental Services, the findings of the QRA outlined in the contamination documents submitted are accepted. The additional water quality information is sufficient to demonstrate that there has been no further deterioration of groundwater quality since the report was initially submitted.
- 8.85 With regard to foul sewage, this will be collected in a sealed cesspit, and therefore there will be no discharge to ground. The EA has no objection to this but requests reconsultation if any alternative foul drainage strategy is considered.
- 8.86 KCC Lead Local Flood Authority has been consulted and confirmed that any site used as a lorry park has a 'high' pollution hazard potential. The pollutant risk is sufficiently high to require action to mitigate any potential impact. As such, a much more formal and robust surface water

management scheme will be required to protect the underlying groundwater. In this instance KCC would minimally expect to see a formally constructed permeable pavement with a suitable filtration layer, with a geotextile at the base to separate the foundation from the subgrade. This should be underlain by a soil with a good contamination attenuation potential of at least 300mm in depth. Alternatively, the parking area could be covered with an impermeable surface that discharges to a bioretention area for treatment; this should also be underlain by 300mm of soil with good contamination attenuation potential. Any such area should be designed to accommodate the runoff from all rainfall durations and intensities up to and including the climate change adjusted 100yr rainfall event. As such, in the absence of any drainage provision that is capable of providing adequate protection to the underlying geology, KCC LLFA would object to the application.

8.87 Further details of drainage, surface treatment and pollution control to address the issues raised above were requested from the applicants but no information has been forthcoming. Therefore, in weighing up the comments provided by the Environment Agency and KCC LLFA, it is considered that the use of the site as a lorry park for a temporary period would not result in any significant harm to controlled waters. Also, given the use has been operating since December 2015 and is for a temporary period, it is considered that it would not be expedient to require the provision of an impermeable surface with drainage provision and oil receptors for the period of time sought in the application. In addition, given the previous uses of the site as a quarry and anaerobic digester and materials recycling plant, the applicants' TA confirms that the previous uses involved a similar number of HGV movements on the site. Detailed reports of groundwater and soil testing have been submitted and have found low levels of contamination on the site.

8.88 Furthermore, it is considered that the imposition of conditions recommended by the EA and KCC LLFA for a retrospective temporary use would fail to meet the NPPF tests of being reasonable, fair and practicable and given the limited time left on the applicants temporary period applied for and the application being retrospective, it is unlikely that such conditions would realistically be discharged.

Human Rights

8.89 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.90 This application is reported to Committee in accordance with the scheme of delegation so as to pursue enforcement action if Members resolve to refuse planning permission.

9.0 SUMMARY

- 9.1 The application site is not subject to any designation in the local plan. However, given the planning history of the site for industrial/commercial uses which involved HGV movements to and from the site; its location off the A20 (a primary route) and close to the M20 motorway; and the identified need for increased lorry parking capacity in the vicinity of the site, it is considered that the principle of the use as a lorry park is acceptable subject to other material planning considerations and policy requirements set out in the adopted Development Plan and National Planning Policy Framework.
- 9.2 A CCTV turning count survey was undertaken over a 4-day period between Thursday 2nd March (PM onwards) and Monday 6th March 2017 (AM period only) and showed the persistence of vehicular movements, particularly HGVs, between the entrance of the application site and the Airport Cafe in both directions giving rise to highway safety concerns where street lighting is absent from this section of the A20. On Friday 3rd March there were a total of 24 movements between the application site and the Airport Cafe opposite of which 19 involved 5-axle articulated vehicles, 3 involved 6-axle articulated vehicles and 2 car movements. The data indicates a clustering of the recorded movements across the evening period, which is the period coinciding with peak arrivals. The data raises very serious concerns over associated highway safety with access to the site constituting a significant highway safety hazard and refusal of permission on highway safety grounds is recommended.
- 9.3 With regard to HGV traffic generation, from the recorded data it can be deduced that the operation of the site as a lorry park has principally generated most HGV movements to and from M20 Junction 11, with a significantly lower number involving movements to and from M20 Junction 10. Accordingly, the impact on the residential amenity to residents of Sellindge cannot be demonstrated to be significantly adversely affected by the lorry park in isolation. Impacts relating to dust and noise are low and could be addressed by condition.
- 9.4 As the use has been operating at the site from December 2015, it is not known what the exact impact the proposed use has had on biodiversity and whether mitigation has been carried out by the applicants. It is considered, therefore, that in the absence of any relevant and up to date surveys, it has not been demonstrated that the lorry park use would minimise its impact on biodiversity and protected species and their habitats in particular within the site and surrounding area and whether the continuing use of the lorry park is currently impacting adversely on biodiversity. As such, the continued use of the site as a lorry park is unacceptable and refusal of permission is recommended on ecology grounds.

9.5 With regards the visual impact of the lorry park, given the sites previous industrial and commercial uses and the temporary nature of the application, it is considered that the lorry park use is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION –

- a) That planning permission be refused for the reason(s) set out at the end of this report.
 - b)
 - (1) That an enforcement notice be served requiring the unlawful use of the land as a lorry park to cease and the unlawful buildings and structures associated with the use to be removed.
 - (2) That a stop notice be served requiring the use of the land as a lorry park to cease immediately.
 - (3) That the Head of Democratic Services be authorised to take such steps as are necessary, including legal proceedings to secure compliance with the Notices.
 - (4) That the Head of Planning be given delegated authority to determine the exact wording of the Notices
1. The use of the application site as a temporary lorry park is considered to be unacceptable on grounds of highway safety concerns associated with the continued unlawful operation of the access to and from the site and in particular from data obtained from a CCTV survey of the site showing manoeuvres of lorries across the A20 between the lorry park and the Airport Cafe opposite, causing a significant highway safety hazard to oncoming traffic especially during hours of darkness. As such, the development is contrary to policies TR9 and TR11 of the Shepway Local Plan Review 2013 and Paragraph 32 of the National Planning Policy Framework.
2. In the absence of any relevant and up to date surveys, it has not been demonstrated that the lorry park use would minimise its impact on biodiversity and protected species and their habitats in particular within the site and surrounding area and whether the continuing use of the lorry park is currently impacting adversely on biodiversity and protected species and their habitats. As such, the application fails to comply with central government planning policy as set out in section 11 of the National Planning Policy Framework 2012 and Circular 06/2005 and Policy CO11 of the Shepway Local Plan Review 2013.

Y16/0068/SH
Otterpool Quarry
Ashford Road
Sellindge

