

Ref: 18/501181/FULL

Additional representations:

Environmental Protection: Agree that the noise report demonstrates low impact.

Loose PC: original objections remain

Maidstone CPRE:

1. The committee report does not address what is acceptable in HGV terms to the local community and amenity. The ES for the original approval is NOT adequate to allow determination of the effects
2. There is no note of the four most affected Parish Councils and numerous residents. 16 or more vehicles over the period 23.00 to 7.00am is actually a higher number than the daytime average rate: need to reduce the rate of arrival at the site of HGV traffic over the night-time period.
3. In paragraph 2.04 there is a mistake – it is a fourfold increase, NOT doubling.
4. That inbound carriers do not have reversing beepers fitted cannot possibly be true, and would probably be illegal.
5. The NPPF tests need to be identified.

Local Residents

- continue to strongly object for same reasons
- recommendation by council's Environmental Health Officer needs to be upheld
- need some respite throughout the night from the HGV traffic.
- Mitigation needed such as triple glazing, quiet road surfaces or recompense for properties damaged HGV vibration.
- original restrictions on movements should be factored into the business plan
- makes rural part of Kent into an industrial area
- grade 2 listed buildings subject to violent tremors
- needs a route to the M20 not through the villages.
- This is a pursuit of capitalist ideas
- If no restriction on HGV movements, unlikely that approval would have been given originally
- important information was withheld in order to gain approval, a tactic that should not be tolerated.
- planning process has failed the people of Linton and surrounding areas.
- Enormous development viewed from the Greensand Way
- what is the point in applying conditions if these are to be changed so readily.
- DHA and Berry Gardens appear to have chosen not to disclose the increase in staff numbers and the resultant number of projected increases in car journeys which will be made during the night time period.

- Berry Gardens have not provided enough information about the names, staff numbers, trading capacity and permitted trading hours of competing companies
- would result in the reduction in trade or the demise of the smaller companies, leading to the loss of jobs overall
- 85% of their produce for processing is imported the HGVs will have easy access to M20 lorry parks if Tunnel delays
- reversing beepers needed to comply with the requirements of the HSE.

Additional Information:

Version 5 of the Noise Management and Mitigation Plan has been submitted.

The Agent has written as follows: The first bullet point of paragraph 5.14 referring to "some technical errors and misinterpretation" in the noise assessment is no longer valid given the further version 5 of the Noise Plan. The EP officer is satisfied that this has resolved all the EP issues that were flagged up. There is now an agreement to apply NR30 externally to residential properties and the reduction in the noise level sought relative to the background from 5dB to 3dB ensures that misinterpretation no longer exists.

Whilst the committee report removes the condition restricting the use of the building there are still two references to it being required in the body of the text. However, these comments are now superseded by virtue of further comfort provided by the applicant with regard to the commercial terms of the lease with Berry Gardens.

Condition 12 needs minor wording change if the drainage layout may need to be redesigned.

The agent has also provided some information requested by Linton PC:

- details of the domestic and international supply network (mainly to Tesco and Marks and Spencer plus via the hauliers Fowler Welch);
- there are no restrictions on Staplehurst Transits (whereby HGVs route north and south via Linton Hill) or Rumwood Green Farm in Langley.
- The Noise Management and Mitigation Plan methodology employed, the monitoring locations chosen and the receptors reflect the discussions with Environmental Health Officers. Noise has been measured immediately adjacent to the entrance/exit of the existing Berry Gardens Facility. This represents a worst case location in terms noise (i.e. HGVs along Redwall Lane, HGVs accessing and leaving the site and operational noise).

Discussion:

In terms of the Maidstone CPRE objection:

1. The committee report addresses HGV noise and disturbance on local community and amenity in paragraphs 6.25 and 6.26. It is a subjective view at officer level that there is no significant harm to amenity from the variations to the conditions to warrant refusal.

2. 16 or more vehicles over the period 23.00 to 7.00am may be higher than daytime average rate, but it is intended to be an occasional worse case scenario when flexibility is needed from a logistical point of view.
3. Paragraph 6.07 explains why it is a two-fold not fourfold increase in HGVs in the nighttime period.
4. That inbound carriers do not have reversing beepers fitted is a statement in the applicant's Noise Management and Mitigation Plan. As detailed in para 6.17 of the committee report, banksman or radio controlled communication gives adequate safe practice as an alternative to beepers.
5. The NPPF tests for a planning condition are detailed in paragraph 6.03 of the report: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, reasonable in all other respects.

The plans list needs to be condition 1 and conditions thereafter renumbered accordingly.

The committee report in the final bullet of the "SUMMARY OF REASONS FOR RECOMMENDATION" and paragraph 7.07 that mention the need to condition the use of the building are superseded by the email received on 18 July 2018 which gives the details of the lease arrangement with Berry Gardens and this is included in the plans condition which is adequate to deal with the matter.

Version 5 of the Noise Management and Mitigation Plan has now been submitted which overcomes the technical and methodological concerns of the environmental protection officers referred to in the agenda report. ie concurs that the NR30 is measured externally and it also proposes a 3dB above ambient not 5dB. It therefore now correlates with the recommended conditions which would now need to refer to this Version 5.

I have no objections to the agent's suggestion for a minor change to condition 12. Any amended details of the SUDS scheme will be fully considered with the advice of KCC drainage and other relevant consultees.

Recommendation remains unchanged

Subject to renumbering and minor rewording of conditions as outlined above.