

DELEGATED REPORT

RE. REVOCATION OF HAZARDOUS SUBSTANCES CONSENT MA/99/1355 ON THE FORMER SYNGENTA WORKS SITE, HAMPSTEAD LANE, YALDING.

DATE: 14/02/23

SUMMARY

This report relates to a request from the owners of the above site to revoke the Hazardous Substances Consent (HSC) that received deemed consent in 1999 for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods (Reference MA/99/1355).

The report outlines the Council's assessment and recommends that the HSC is revoked and an Order is made and submitted to the Secretary of State for revocation.

The report will be used to provide the 'Statement of Reasons' that is required to accompany the Order to the Secretary of State.

RECOMMENDATION

That the Head of Development Management makes a revocation Order under Section 14(1) of the Planning (Hazardous Substances) Act 1990 of Hazardous Substances Consent MA/99/1355 which is for "the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods" on the former Syngenta Works site, Hampstead Lane, Yalding.

That the Head of Development Management submits the revocation Order to the Secretary of State for confirmation under Section 15 of the Planning (Hazardous Substances) Act 1990.

REASON FOR RECOMMENDATION

Revocation of the HSC is expedient and required in order for the applicant to discharge condition 23 of outline permission 19/504910/OUT to allow the site to be developed and occupied in line with that approved planning permission.

1 INTRODUCTION AND BACKGROUND

- 1.1 Outline planning permission 19/504910/OUT was approved at the site on 8th October 2021 for "*redevelopment of the former Syngenta works site to provide a new business park of up to 46,447 sqm of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (Access only being sought).*" The site location plan is attached at **Appendix 1** and the decision notice at **Appendix 2**.
- 1.2 Paragraphs 6.84 to 6.86 of the committee report relating to this application summarises the situation with regards to the HSC and states:

"Hazardous Substances Consent

6.84 The site benefits from a deemed Hazardous Substances Consent (HSC) for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods. This was consented in 1999 and runs with the land so remains in place and in theory could be used once the site is developed. The HSE advise that for safety reasons a suitably worded condition should be included to prevent the development from being occupied until the HSC has been formally revoked.

6.85 The LPA has the power to revoke a HSC (under its hazardous substance function) where it is expedient to do so and in certain circumstances including where none of the hazardous substances have been present at the site for at least 5 years, which is the case here. In view of the advice from HSE relating to this planning application and as there have been no hazardous substances at the site for some time, I see no reason why the LPA (under its hazardous substance function) would not make a revocation order. This must be confirmed by the SoS and would be carried out under a separate process and the relevant procedures.

6.86 For the purposes of deciding this application, I consider the suggested condition by the HSE is appropriate in that the HSC was a 'deemed consent' (similar to a lawful use), where the relationship with nearby uses could not be assessed. New houses have also been built opposite the site since then and so I consider a condition which prevents any occupation until the HSC is revoked by the LPA is necessary. Although this is not within the control of the applicant, there is a reasonable expectation the LPA will apply to revoke the HSC and that this would be successful, and so this is also reasonable."

1.3 The HSC is attached at **Appendix 3**.

1.4 Condition 23 was subsequently attached to the outline planning permission and states as follows:

The development shall not be occupied until the extant hazardous substances consent at the application site has been formally revoked.

Reason: In the interests of protecting human health.

1.5 The development has not commenced but a number of conditions have been discharged and the first reserved matters application for the entrance works and a spine road is pending consideration (ref. 22/504426/REM).

1.6 The Council received an email from the landowner ('YEP Property Ltd') on 25th February 2022 (reaffirmed 14th February 2023) seeking revocation of the HSC in order to 'discharge' condition 23. The emails are attached at **Appendix 4**.

Relevant Planning History:

22/504426/REM	Approval of reserved matters of scale, layout, appearance and landscaping for Phase A being site entrance works, gatehouse building, fencing, construction of the conveyance channel, first section of distributor road, and	PENDING	
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	associated landscaping pursuant to 19/504910/OUT.		
19/504910/OUT	Outline application for the redevelopment of the former Syngenta works site to provide a new business park of up to 46,447 sqm of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (Access only being sought).	APPROVED	08/10/21
MA/99/1355	Hazardous Substances Consent for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods.	DEEMED CONSENT VALID	06/09/99

2. ASSESSMENT

- 2.1 The HSC related to the previous businesses that operated at the site known as 'Syngenta Works' which comprised of major plant and buildings used for the formulation, mixing and packing of agrochemicals. The site included a mixture of storage, manufacturing, office and laboratory uses.
- 2.2 In 2003 the works were closed and most of the decommissioning work on the pesticide manufacturing, warehousing and laboratory facilities had taken place. This included the removal of hazardous raw materials and finished products, and the decontamination of the easily accessible plant, machinery, buildings and structures.
- 2.3 Between 2003 and 2005 the site required further investigations, decontamination of structures and demolition of buildings in order to understand the extent of the contamination affecting the site. These works informed the design, strategy and execution of the remediation strategy for the site, which was approved in 2006 under the Kent County Council waste consent for remediation of the site to leave it in a state suitable for future development. The primary remediation works were completed in 2008 with appropriate completion certificates issued by Maidstone Council & Kent County Council. Monitoring of the secondary remediation works remained ongoing, and it is not until recently that the site could be considered suitable for redevelopment.
- 2.4 There is no plan accompanying the HSC but the former site included a small parcel of land to the north of Hampstead Lane which is outside the outline permission site. On this part, 16 houses were approved in 2017 and have been constructed and occupied for at least 3 years.
- 2.5 The main and largest part of the site is south of Hamsptead Lane and this is clear of all buildings associated with the former use apart from an office building in the northwest corner and an electrical substation near the north boundary. For the above reasons the HSC has not been in use for a considerable time of at least 20 years.
- 2.6 Outline permission is now in place for new commercial buildings and uses on the southern site and revoking the HSC will allow discharge of condition 23 and allow

the approved development to proceed and future occupations to take place. On this basis it is considered expedient and appropriate to make an Order to revoke the HSC. This Order will then need to be submitted to the Secretary of State for confirmation.

Compensation

- 2.7 Section 16 of the Act includes provisions relating to compensation but the planning agent on behalf of 'YEP Property Ltd', the landowner of the main site, has confirmed in writing that they would not challenge or seek compensation if the Council proceeded with the revocation of HSC. This is attached at **Appendix 4**. As such, the risk of 'YEP Property Ltd' seeking compensation is unlikely given their assurance on this and the reason for them seeking revocation is to implement a planning permission. The risk of any homeowners on the north part of the site seeking compensation is highly unlikely given that the use there is residential.

Notification


- 2.8 There is a requirement to notify all relevant landowning and leasehold interests who "will be affected by the Order" when it is submitted to the Secretary of State. 'Other persons' who may be affected by the Order also have to be notified. Any persons have at least 28 days to notify the Secretary of State that they wish to challenge the Order and be heard at a public inquiry.

3. CONCLUSION

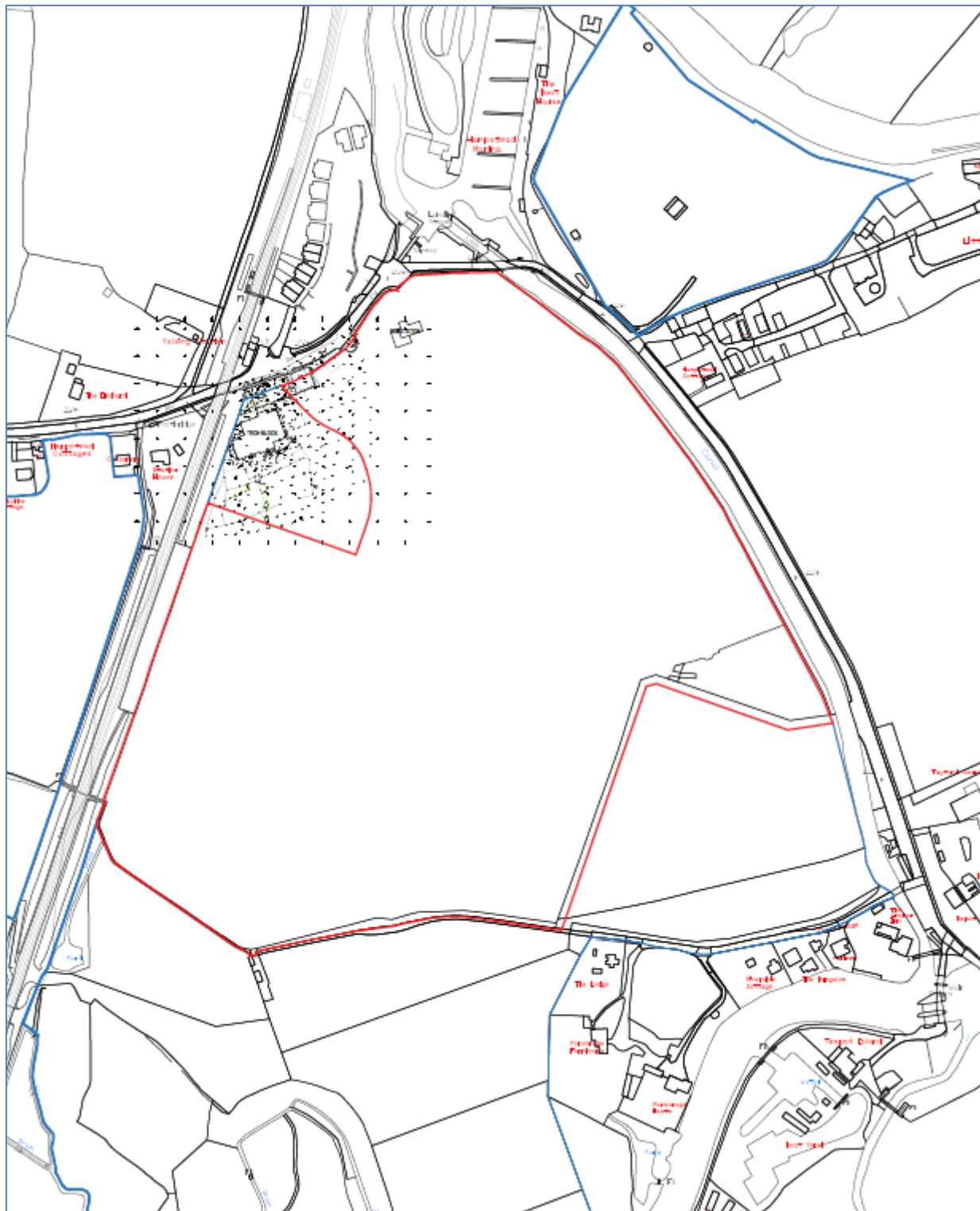
- 3.1 For the above reasons it is considered expedient and appropriate that the Council (acting as the Hazardous Substance Authority) makes a revocation Order under Section 14(1) of the Planning (Hazardous Substances) Act 1990 revoking the HSC ref. MA/99/1355, and to request that the Secretary of State confirms this Order.

4. RECOMMENDATION

- That the Head of Development Management makes a revocation Order under Section 14(1) of the Planning (Hazardous Substances) Act 1990 of Hazardous Substances Consent MA/99/1355 (which is for "the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods").**
- That the Head of Development Management submits the revocation Order to the Secretary of State for confirmation under Section 15 of the Planning (Hazardous Substances) Act 1990.**

Authority to Sign:	Date:
 PRINT NAME: R Jarman	17/2/2023

Appendix 1 – Site Location Plan for Application 19/504910/OUT



Appendix 2 – Decision Notice for Application 19/504910/OUT



Mr Nick Young
C/O DHA Planning
FAO: Mr Matthew Woodhead
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN

8 October 2021

PLANNING DECISION NOTICE

APPLICANT:	Mr Nick Young
DEVELOPMENT TYPE:	Large Maj Gen.Ind./Storage/Warehousing
APPLICATION REFERENCE:	19/504910/OUT
PROPOSAL:	Outline application for the redevelopment of the former syngenta works site to provide a new business park of up to 46,447 sqm of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (Access only being sought).
ADDRESS:	Former Syngenta Works, Hampstead Lane, Yalding, Kent,

The Council hereby **GRANTS** permission/consent for the proposal referred to above subject to the following Condition(s):

- (1) No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Email: planningsupport@midkent.gov.uk

Access planning services online at: www.maidstone.gov.uk; or submit an application via www.planningportal.co.uk

a) Scale b) Layout c) Appearance d) Landscaping

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of five years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) The access points hereby permitted shall be carried out in accordance with drawing no. C11101 RevG including installation of the height barriers which shall be retained thereafter, and the visibility splays kept free of obstruction above a height of 1 metre. The eastern access shall only be used as an entrance to the site and the western access shall only be used as an exit except in times of emergency.

Reason: In the interests of highway safety.

- (3) The layout details submitted pursuant to condition 1 shall show no built form upon the areas defined as 'proposed new and enhancement planting zones', 'existing tree buffers', 'ecology zone', and 'conveyance route' as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Reason: To ensure the development accords with the site allocation policy, protects and enhances biodiversity, and provides a high-quality design.

- (4) The details of appearance submitted pursuant to condition 1 shall include:

- a) Non-reflective materials and sensitive colouring.
- b) Active frontages on prominent buildings.
- c) The use of materials and articulation to break up the massing of buildings.
- d) The use of vernacular materials including ragstone on either buildings or in boundary treatments.
- e) High quality surfacing materials.

Reason: To ensure a high-quality appearance to the development.

- (5) The layout and appearance details submitted pursuant to condition 1 shall be designed to minimise the impact of any noise to nearby residential properties and shall demonstrate how they achieve that.

Reason: In the interest of residential amenity.

- (6) The landscape details submitted pursuant to condition 1 shall provide the following:
- a) New native tree and shrub planting within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).
 - b) Native tree and shrub planting within the development areas to soften buildings and parking areas.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

- (7) The details submitted pursuant to condition 1 shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA Consulting, (Final Report dated September 2019 including the Model report dated August 2019) and include the following mitigation measures:
- a) Finished floor levels of any commercial buildings shall be set no lower than 13.70mAOD.
 - b) Provision of the flood conveyance channel including details and final levels.
 - c) Floodable voids beneath buildings.
 - d) Details of flood resilient trunking of utilities.

Reason: To reduce the risk of flooding to the proposed development and off-site.

- (8) No development shall take place until a detailed ecological mitigation and enhancement strategy for the 13ha of land to the south of the site has been submitted to and approved in writing by the Local Planning Authority which shall include the following:
- a) Updated phase 1 survey.
 - b) Updated specific species surveys (if the current surveys are no longer valid).
 - c) Overview of mitigation to be implemented.
 - d) Detailed methodology to implement mitigation.
 - e) Maps identifying the receptor site and areas for the creation of new ponds designed specifically for GCN and reptiles.
 - f) Details for the creation and enhancement of wildlife corridors and hibernacula.
 - g) Details of interim management required until the site-wide management plan is implemented.
 - h) Details of on-going monitoring.
 - i) Timings of proposed works commensurate with any construction works.
 - j) Details of long-term management.

The strategy must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

- (9) No development shall take place until a Construction Management Plan and Code of Construction Practice has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- a) An indicative programme for carrying out the works.
- b) Measures to minimise the production of dust on the site(s).
- c) Measures to minimise the noise (including vibration) generated by the construction process.
- d) Measures to minimise light intrusion from the site(s).
- e) Management of traffic visiting the site(s) including temporary parking or holding areas.
- f) Provision of off-road parking for all site operatives.

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

- (10) No development, except for site preparation works, shall take place until a phasing plan for the whole site (development and landscaping) has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

- (11) No development, except for site preparation works, shall take place until a monitoring and maintenance plan in respect of groundwater and the PRB gate sampling points, including a timetable of monitoring and submission of reports has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any on-going contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF.

- (12) No development shall take place on any phase of development, except for site preparation works, until details of the proposed slab levels of the buildings and roads together with the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

- (13) No development shall take place on any phase of development, except for site preparation works, until a detailed sustainable surface water drainage scheme site has been submitted to and approved in writing by the local planning authority for that phase. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- (14) No development shall take place on any phase of development, except for site preparation works, until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority for that phase. This strategy will include the following components:
1. A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and any changes to these components require the written consent of the LPA.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).

- (15) No development above slab level of any phase shall take place until a scheme of noise mitigation measures specifically in relation to delivery, loading and unloading has been submitted to and approved by the local planning authority for that phase. The scheme shall be designed to mitigate against the potential impact specified by a realistic assessment. The scheme shall include a noise management plan which shall include but not be limited to the following:
- a) Delivery locations.
 - b) Measures to prevent vehicle idling.
 - c) Measures to minimise the use of reversing beepers.
 - d) Measures relating to the lowering of lorry tail lift flaps.
 - e) The use of plastic or rubber wheels for trolleys.
 - f) Measures to control the behaviour of operatives on site.
 - g) Complaint contact and recording details.
 - h) A review period for the noise mitigation and management measures.

The acoustic assessment approved in the outline planning application shall be revisited as the detailed application progresses to ensure that it remains valid and mitigation is incorporated into the design of the facility. Once approved the mitigation scheme shall be retained and maintained to the satisfaction of the local planning authority.

Reason: In the interest of residential amenity.

- (16) No development above slab level of any phase shall take place until specific air quality mitigation measures, which shall include the type and location of electric vehicle charging infrastructure within parking areas, lorry trailer plug-ins, and cycle parking, have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of limiting impacts upon air quality.

- (17) Within 3 months of the completion of the flood conveyance channel, a habitat creation plan for the 'ecology zone' as shown on the approved Constraints Plan (Drawing No.4092/SK04b) shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
- a) Map showing the habitats to be created.
 - b) Methodology to create and establish the habitats.
 - c) Timetable to create the habitats.
 - d) Details of who will be carrying out the works.
 - e) Details of how the habitats will be protected during construction.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity enhancement.

- (18) Within 3 months of the completion of the flood conveyance channel, a long-term site-wide management plan for both the 'ecology zone' and for the 13ha of land to the south of the site shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
- a) Map showing area to be managed.
 - b) Overview of management to be implemented including aims and objectives.
 - c) Detailed management timetable to meet the aims and objectives.
 - d) Monitoring & review programme.
 - e) Details of who will be implementing management.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

- (19) The development shall not be occupied until a final 'Delivery & Route Management Strategy' with the aims of deterring and reducing the potential for any large HGV movements through Yalding village centre and to manage long vehicles exiting the site in the interest of safety at the nearby level crossing has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority and Network Rail. It shall include details of the following:

a) A review of the 'black lorry' industrial estate signs on the A228 (to encourage vehicles to use the Maidstone Road), the B2162 (to keep heavy goods vehicles on the A21/A228), and Hunton Road/Pattenden Lane (to keep vehicles on the A229), to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted including any proposed changes to the signs.

b) Appropriate 'no HGV access' signs to the south and east of Yalding village centre to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted.

c) Site Access Signage - to direct all heavy goods vehicles westbound onto the Maidstone Road.

d) Site Access Signage - clearly stating 'no right turn for HGV's' exiting the site.

e) Measures to manage long vehicles exiting the site in the interest of safety at the nearby level crossing.

Reason: In the interests of highway safety and congestion.

- (20) The development shall not be occupied until a final site-wide 'Delivery Management Strategy' with the aim of minimising any noise and disturbance during night-time hours has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising any impacts of noise to nearby residential properties.

- (21) The development shall not be occupied until the following off-site highways works have been provided in full:
- a) Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.
 - b) The tactile paved crossing points as shown on drawing no. C11101 RevG.
 - c) Box junction markings at the level crossing.

Reason: In the interest of pedestrian and highway safety and mitigating traffic impacts.

- (22) The development shall not be occupied until site-wide Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To promote sustainable transport use.

- (23) The development shall not be occupied until the extant hazardous substances consent at the application site has been formally revoked.

Reason: In the interests of protecting human health.

- (24) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- (25) No phase of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved contamination remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF.

- (26) No building on any phase of the development hereby permitted shall be occupied until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity

- (27) No building on any phase of the development hereby permitted shall be occupied until details of measures to deal with the emission of dust, odours or vapours arising from the building/use has been submitted to and approved in writing by the Local Planning Authority for that phase. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity

- (28) No phase of development shall be occupied until a detailed lighting plan has been submitted to and approved in writing for that phase, which shall demonstrate it has been designed to minimise impact on biodiversity and is meeting the lighting principles set out in the Technical Briefing Note; Aspect Ecology; November 2019. The lighting plan must be implemented as approved.

Reason: In the interest of biodiversity protection.

- (29) No phase of the development involving operational buildings/uses shall be occupied until details of flood evacuation plans have been submitted to and approved in writing for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of safety.

- (30) If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the NPPF.

- (31) No new infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

- (32) Foundation designs using deep penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency, which may be given for those parts of the site where it has been demonstrated by a foundation risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

- (33) No lighting should be used within the flood conveyance/open space corridor or vegetated boundary buffers, which shall form light exclusion zones or 'dark corridors' to allow nocturnal/crepuscular fauna to move around the site.

Reason: In the interests of biodiversity protection.

- (34) The details submitted pursuant to condition 1 shall not exceed the following floorspace limits:

B1(c)/Class E(g)(iii) or B2 - no more than 19,943m² combined
B8 uses - 26,504m²

Reason: To comply with the floorspace amounts assessed under the application.

- (35) All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of any building.

Reason: To ensure a sustainable and energy efficient form of development.

- (36) Any buildings and associated land shall only be used for B1(c)/Class E(g)(iii), B2 or B8 uses and for no other purpose (including any other purpose under Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To comply with the floorspace types assessed under the application and as other Class E uses may not be suitable at the site.

- (37) The development hereby permitted shall be carried out in accordance with drawing no. C11101 RevG (Site Entrance) and 4092/P100 (Site Location Plan).

Reason: For the purposes of clarity.

- (38) No development shall take place on any phase of development, except for site preparation works, until details of on-site foul drainage to demonstrate that the system will be resilient in times of flood, have been submitted to the Local Planning Authority and agreed in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework (NPPF).

- (39) For the purposes of the above conditions, 'Site Preparation Works' means the following:

Demolition - Which means removal of Headwalls, Bunds, Culverts, Substation, Water Channels and the Eastern Fire Lagoon Structure.

Site Clearance - Which means removal of vegetation excluding that within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Formation of Haul Roads - Which means the laying of mats to run lorries and construction traffic over.

Safety Works - Which means the erection or enhancement of security fencing, hoarding, CCTV poles and any other HSE matters.

Reason: For the purposes of clarity

Informative(s):

- (1) The applicant shall liaise with Network Rail to seek that the new lighting to be provided in the car park at Yalding Railway Station through S106 funding shall be environmentally sensitive so that it does not harmfully impact on neighbours and biodiversity.

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of changes required to the application and these were agreed. The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

R. L. Jarman

**Rob Jarman
Head of Planning Services
Maidstone Borough Council**

Please be advised that irrespective of whether your proposal requires planning permission or not, it may still require Building Regulation Approval. For more information on this please visit our website <https://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/building-control>

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planningappeals@midkent.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without

the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Appendix 3 – Hazardous Substances Consent

1a



MAIDSTONE

Borough Council

Trevor Gasson BA(Hons) MRTPI MIMgt Director of Planning and Development
13 Tonbridge Road Maidstone Kent ME16 8HG

Telephone Maidstone (01622) 602000 Fax (01622) 602444 Minicom (for text only telephones) (01622) 602224





Mr Simon Judd
Zeneca Agrochemicals
Hampstead Lane
Yalding
Maidstone
Kent
ME18 6HN

Dealt with by: Steve Clarke
Direct line: 01622 602067
My reference: MA99/1355/S
Your reference:
Date: 6 September 1999

Dear Sir

PLANNING HAZARDOUS SUBSTANCES ACT 1990
THE PLANNING (CONTROL OF MAJOR-ACCIDENT HAZARDS) REGULATIONS 1999
APPLICANT: Zeneca Agrochemicals
ADDRESS OF WORK : Zeneca Agrochemicals Hampstead Lane Yalding
PROPOSAL: DEEMED APPLICATION FOR HAZARDOUS SUBSTANCES

The Maidstone Borough Council as the Hazardous Substances Authority hereby notify you that the application for deemed consent pursuant to Section 11 of the Planning Hazardous Substances Act 1990 and Regulation 14 of the Planning (Control of Major-Accident Hazards) Regulations 1999 and submitted on 24/08/99 is considered VALID.

Signed 
Director of Planning and Development
Date 6 September 1999 

The Planning (Hazardous Substances) Act 1990—section 11
The Planning (Hazardous Substances) Regulations 1992 (Regulation 14)

Claim for Deemed Consent

Part 1: Details of claimant and site

1. Full Name and Address of claimant (IN BLOCK CAPITALS)

ZENECA AGROCHEMICALS,
HAMPSTEAD LANE, YALDING
MAIDSTONE, KENT, ME18 6HN

Telephone No.

01622 812511

Name and Address of Agent (if any) (IN BLOCK CAPITALS) to whom correspondence should be sent

Telephone No.
Contact

2. Address or location of land to which the claim relates together with O.S. grid reference

SHEET 183 686501
AS ABOVE

3. General description of the activities carried out at the site during the establishment period.

STORAGE OF PESTICIDE RAW MATERIALS
BLENDING MIXING OF RAW MATERIALS TO PRODUCE
BULK AGROCHEMICAL FORMULATIONS
BOTTLING AND PACKING OF FORMULATIONS
STORAGE AND DISTRIBUTION OF FINISHED GOODS.
+ LABORATORIES, DESIGN OFFICE GENERAL ADMIN OFFICES

Part 2: Substances for which consent is being claimed and established quantity

- (a) Complete Table A for every hazardous substance for which you are claiming a consent.
- (b) List named substances falling within Part A of Schedule 1 to the 1992 Regulations (a) first, then list any substances falling within the categories in Part B of that Schedule; finally list substances falling within the description in Part C.
- (c) Substances falling within Parts B or C of Schedule 1 to the 1992 Regulations may be listed under the relevant category or description or named specifically. Where a substance falls within Part A and B list under Part A only; where a substance falls within more than one category in Part B list under the category which has the lowest controlled quantity (b). Where a substance falling within Part A or B also falls within Part C list under the Part which has the lowest controlled quantity.

Table A

Hazardous Substances present during establishment period(c) for which consent not required during that period	Part and entry number (d) in Schedule 1 to the 1992 Regulations	Established Quantity (e)	Controlled Qu
VERY TOXIC	B 1	50 Te	5 Te
TOXIC	B 2	450 Te	50 Te
FLAMMABLE	B 6		5000 Te
DANGEROUS TO ENVIRON ^T	(R 50) B 1 0	INCLUDED IN B 1 or B 2	200 Te
DANGEROUS TO ENVIRON ^I	(R 51 0) B 1 0	1000 Te	500 Te

Notes to Part 2

- (a) The "1992 Regulations" are the Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999.
- (b) The "controlled quantity" means the quantity specified for that substance in column 2 of Parts A, B or C of Schedule 1 to the 1992 Regulations.
- (c) The "establishment period" is the period of 12 months immediately preceding the relevant date; the "relevant date" is 20th April 1999.
- (d) for Part C, state the Part only.
- (e) the "established quantity" is the maximum quantity present during the establishment period.

Part 3: Moveable Container Storage Areas

For each area identified in any moveable container storage area plan which accompanies this claim, specify:

- (a) the maximum quantity of the hazardous substance stored in the area in moveable containers at any time during the establishment period—

AREA 1 (STORAGE) 50 Te VERY TOXIC, 300 Te TOXIC, 300 Te R51.
 AREA 2 (TRANSIT) 10 Te VERY TOXIC, 100 Te TOXIC, 100 Te R51
 AREA 3 (PROCESS) 10 Te VERY TOXIC, 150 Te TOXIC, 150 Te R51

- (b) whether the substance, category or description of substance was stored in a moveable container with a capacity in excess of 10% of the substance's controlled quantity in that area during that period, and, if so, the capacity (in tonnes) of the largest moveable container in which the substance was so stored—

N/A

Part 4: Vessel Capacity, Temperature and Pressure

(see next page)

Part 4: Vessel Capacity, Temperature and Pressure—Table B

Vessel Area (a)	Part and entry number in Schedule 1 to the 1992 Regulations	Below ambient temperature (b)		At ambient temperature (c)				Above ambient temperature (d)				
		1(e) Largest capacity vessel	2(f) Highest vessel design pressure	3(g) Buried or mounded vessels largest capacity vessel	4(h) Buried or mounded vessels highest vessel design pressure	5(i) Non-buried or non- mounded vessels largest capacity vessel	6(j) Non-buried or non- mounded vessels highest vessel design pressure	7(k) Present at or below boiling point at 1 bar largest capacity vessel	8(l) Present at or below boiling point at 1 bar highest vessel design pressure	9(m) Highest design temperature	10(n) Present at above boiling point at 1 bar largest capacity vessel	11(o) Present at above boiling point at 1 bar highest vessel design pressure
1	B10					250,000L	ATMOS					
2	B2					71,000L	ATMOS					
3	B10					90,000L	ATMOS					

Notes to Part 4—Table B

- (a) This table should be completed for each vessel area identified in any vessel location plan which accompanies this claim, with a separate row being completed for each hazardous substance in that vessel area.
- (b) Only complete columns 1 and 2 in respect of a vessel area in which the substance was present in a vessel at below ambient temperature at any time during the establishment period.
- (c) Only complete columns 3 to 6 in respect of a vessel area in which the substance was present in a vessel at ambient temperature at any time during the establishment period.
- (d) Only complete columns 7 to 11 in respect of a vessel area in which the substance was present in a vessel at above ambient temperature at any time during the establishment period.
- (e) **Column 1:** Enter the capacity in cubic metres of the largest capacity vessel in which the substance was present in the relevant vessel area at below ambient temperature at any time during the establishment period.
- (f) **Column 2:** Only complete if the substance was present in a vessel at above atmospheric pressure at below ambient temperature in the relevant vessel area at any time during the establishment period. To complete, enter the highest vessel design pressure of any vessel in which the substance was present.
- (g) **Column 3:** Only complete if the substance was present at ambient temperature in a vessel which was buried or mounded in the relevant vessel area at any time during the establishment period. To complete, enter the capacity in cubic metres of the largest capacity buried or mounded vessel in which the substance was present.
- (h) **Column 4:** Only complete if the substance was present at above atmospheric pressure at ambient temperature in a vessel which was buried or mounded in the relevant vessel area at any time during the establishment period. To complete, enter the highest vessel design operating pressure of any vessel in which the substance was present.
- (i) **Column 5:** Only complete if the substance was present at ambient temperature in a non-buried or non-mounded vessel in the relevant vessel area at any time during the establishment period. To complete, enter the capacity in cubic metres of the largest capacity non-buried or non-mounded vessel in which the substance was present.
- (j) **Column 6:** Only complete if the substance was present at above atmospheric pressure at ambient temperature in a non-buried or non-mounded vessel in the relevant vessel area at any time during the establishment period. To complete, enter the highest vessel design operating pressure of any non-buried or non-mounded vessel in which the substance was present.
- (k) **Column 7:** Only complete if the substance was present in a vessel and at above ambient temperature at or below its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period. To complete, enter the capacity in cubic metres of the largest capacity vessel in which the substance was present.
- (l) **Column 8:** Only complete if the substance was present at above atmospheric pressure at above ambient temperature and at or below its boiling point at 1 bar absolute in a vessel in the relevant vessel area at any time during the establishment period. To complete, enter the highest vessel design operating pressure of any vessel in which the substance was present.
- (m) **Column 9:** Enter the highest design operating temperature (in degrees centigrade) of any vessel in which the substance was present at above ambient temperature in the relevant vessel area at any time during the establishment period.
- (n) **Column 10:** Only complete if the substance was present in a vessel at above its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period. To complete, enter the capacity (in cubic metres) of the largest capacity vessel in which the substance was present.

- (o) **Column 11:** Only complete if the substance was present at above atmospheric pressure and above its boiling point at 1 bar absolute in a vessel in the relevant vessel area at any time during the establishment period. To complete, enter the highest vessel design operating pressure of any vessel in which the substance was present.

Part 5

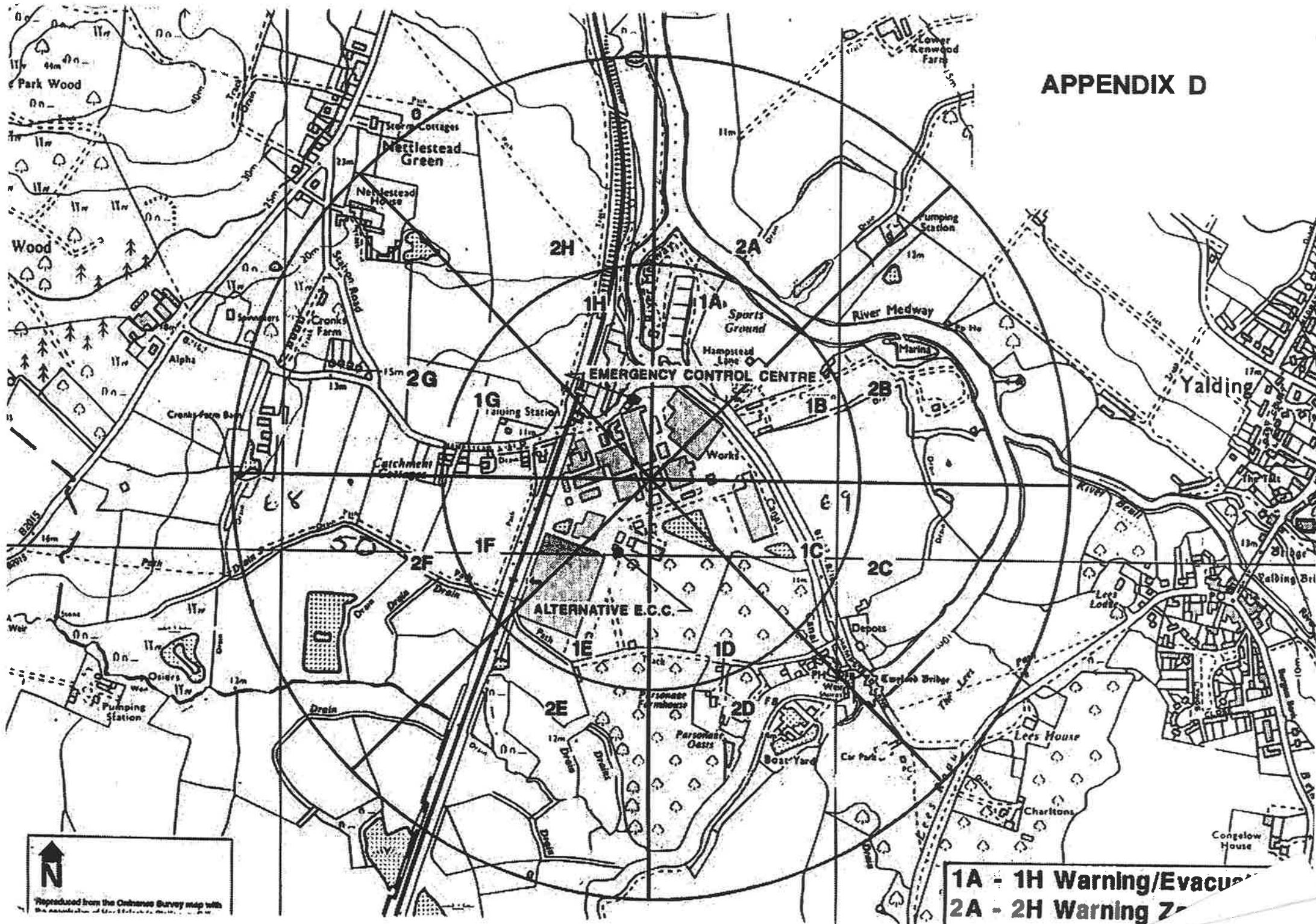
~~I/We~~ hereby claim hazardous substances consent in accordance with the information provided (a)

Signed *Simon A. J. J. S. A. J. J. D. D.*
on behalf of *ZENECA ACROCHEMICALS*
Date *10.8.99*

Note to Part 5

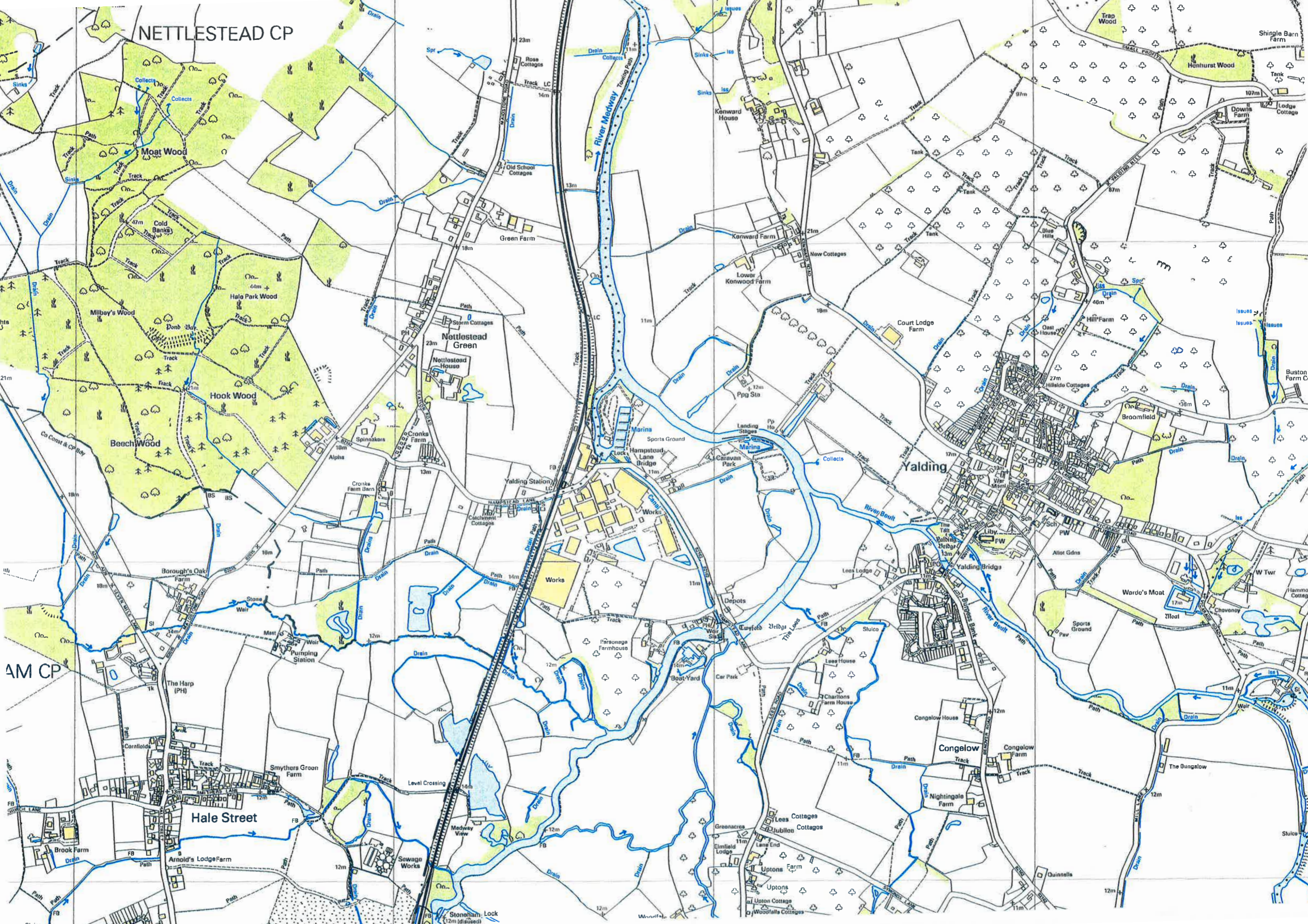
- (a) The hazardous substances authority is required to notify you within 2 weeks from the date of receipt of the claim if, in their opinion, the claim is invalid and to give their reasons for that opinion. If the claim is valid that authority shall be deemed to have granted the hazardous substances consent claimed, subject to the conditions set out in section 11(7) of the Planning (Hazardous Substances) Act 1990 and Schedule 3 to the Planning (Hazardous Substances) Regulations 1992, as applied or amended by the Planning (Control of Major-Accident Hazards) Regulations 1999."

APPENDIX D



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office.

NETTLESTEAD CP



AM CP

Hale Street

Yalding

Congelow

Stoneham Lock (12m (disused))

Woodfalls Cottages

Quinnella

Upton Cottage

Uptons

Lane End

Elmfield Lodge

Greenacres

Lees Cottages

Jublion Cottages

Nightingale Farm

Congelow Farm

Congelow House

Stulco

Lees Lodge

Charltons Farm House

Lees House

Boat Yard

Car Park

Worship

Lees Bridge

Lees Road

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Appendix 4 – Agent Emails

Richard Timms

From: Nick Young
Sent: 14 February 2023 10:45
To: Richard Timms
Subject: Re: Former Syngenta Works - Hazardous Substances Consent ref. 99/1355

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Richard

The landowner is YEP Property Ltd and I can confirm that there is no intention to claim compensation under Section 16 of the Planning (Hazardous Substances) Act 1990 as a result of the revocation of the HSC.

Regards

Nick

Nick Young BSc MRICS

Director

Braeside Properties combines Braeside Developments Ltd and Braeside Land Ltd

The content of this email (and any attachment) is confidential. It may also be legally privileged or otherwise protected from disclosure. This email should not be used, copied or disclosed to anyone who is not an original intended recipient. If you have received this email by mistake please notify us by emailing the sender, and then delete the email and any copies from your system.

On 13 Feb 2023, at 14:39, Richard Timms wrote:

Dear Nick

Apologies for the delay on this matter which I am now looking to progress.

Can you reaffirm your request for the Council to revoke the HSC and provide the following information:

1. Details of all landowner(s) of the site relevant to the area that the HSC covers?
2. Confirmation that no landowners would seek compensation under Section 16 of the Planning (Hazardous Substances) Act 1990 if an Order is made to revoke the HSC?

Regards

Richard Timms MRTPI

Principal Planning Officer

Development Management

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

From: Nick Young

Sent: 25 February 2022 09:52

To: Richard Timms

Cc: Paul Medhurst; [Leanne Broadhead](#); Chris Kempton

Subject: Former Syngenta Works - Hazardous Substances Licence

Dear Richard

Further to our recent correspondence and in accordance with Planning Condition 23 of the Outline Consent reference 19/504910/OUT you are aware we are required to secure the revocation of the Hazardous Waste Licence reference MA99/1355/S (copy attached). As I understand this requires an application by Maidstone Borough Council to the Secretary of State I would be grateful if you would take this email as formal notice of YEP Property Ltd's request to the Council to commence this process.

If you require anything further from our side please let me know.

Best regards

Nick

Nick Young BSc MRICS

Director

Braeside Properties combines Braeside Developments Ltd and Braeside Land Ltd

To access our digital services please visit <https://maidstone.gov.uk/service> Sign up to receive your Council Tax bill by email <https://maidstone.gov.uk/emailbilling> We understand the importance of ensuring that personal data, including sensitive personal data is always treated lawfully and appropriately and that the rights of individuals are upheld. We are required to collect, use and hold personal data about individuals. Data is required for the purposes of carrying out our statutory obligations, delivering services and meeting the needs of individuals that we deal with. This includes current, past and prospective employees, service users, members of the public, Members of the Council, our business partners and other local authorities or public bodies. To view our full statement to see how your data will be stored and processed please visit <https://maidstone.gov.uk/dataprotection> This email is confidential. If you receive it by mistake, please advise the sender by email immediately. Any unauthorised use of the message or attachments is prohibited. Unless stated otherwise, any opinions are personal and cannot be attributed to Maidstone Borough Council. Unless a purchase order is attached this email is not a contract or an order. It is your responsibility to carry out Virus checks before opening any attachments.