

SECTION C  
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

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**Item C1**

**Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715/R8.**

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A report by Head of Planning Applications Group to Planning Applications Committee on 14 July 2009.

Application by Cemex UK Materials Limited for approval of Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715 at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks.

Recommendation: Approval be given subject to conditions.

**Local Member(s): Mrs V. Dagger**

**Classification: Unrestricted**

**Site**

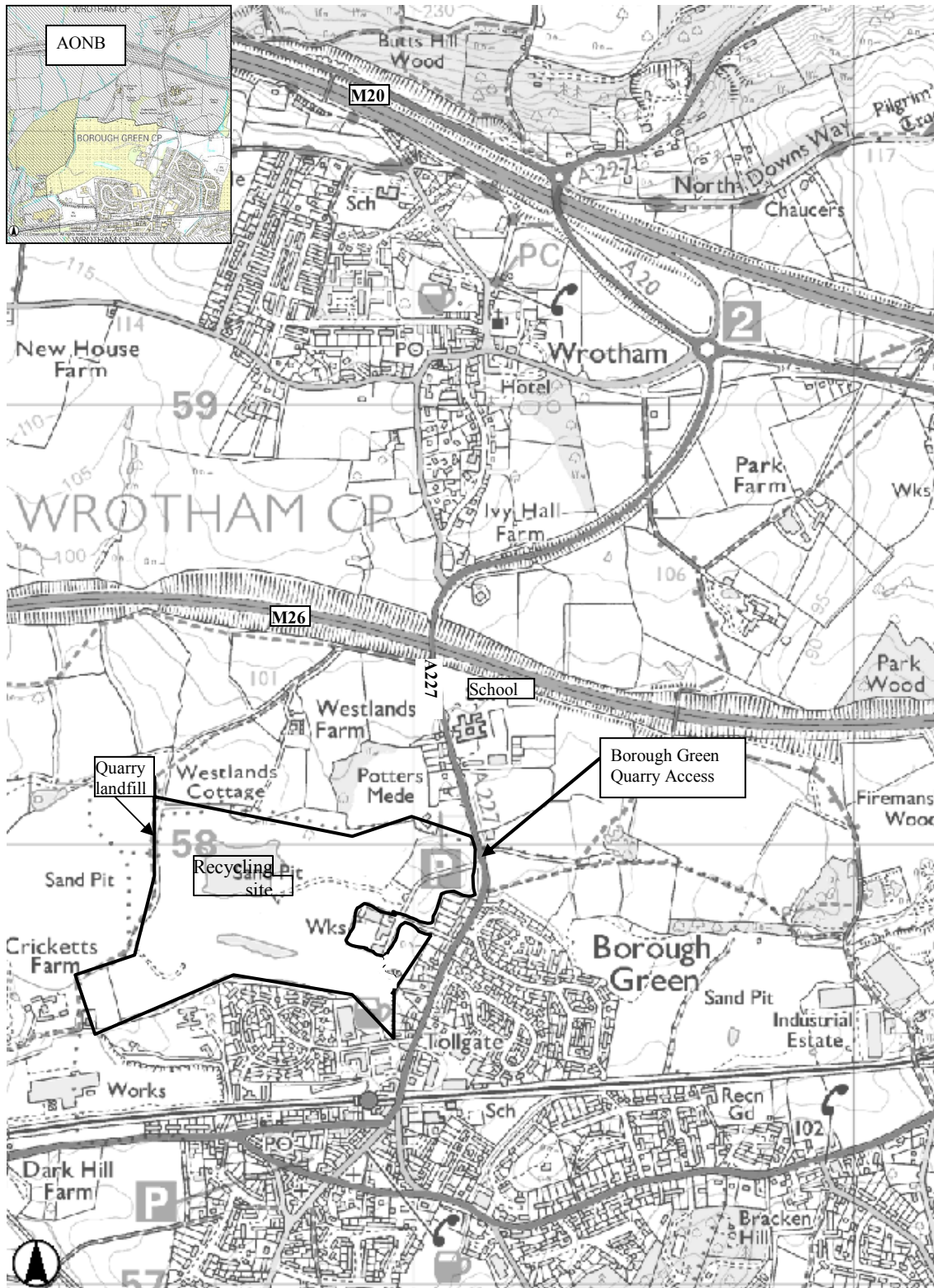
1. Borough Green Quarry (landfill site) is situated north of Borough Green village. The site is bounded to the north by open farmland, beyond which lies the M26. To the north-east there is a small woodland and sports ground. To the east is the A227 Wrotham Road from which access is obtained. The southern edge of the quarry abuts a residential area (Fairfield Road), an industrial unit and a nursing home. There are also a number of residential properties fronting the A227 and Wrotham School, which lies to the east of the A227 and some 270m north of the site access. The site lies within the Metropolitan Green Belt and adjoins the Kent Downs Area of Outstanding Natural Beauty (AONB) on its northern and western sides.

**Background**

2. The site is operated by Cemex under mineral planning permissions TM/93/305 and TM/01/1205/MR86, as amended by TM/08/2981 and TM/08/3175 (which provide for amendments to the access arrangements). Extraction has ceased and the permissions provide for restoration by landfill using inert waste. In October 2006 planning permission was granted for inert waste recycling at the site (TM/06/2171). In February 2009 planning permission (TM/08/3715) was granted for a variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site (an increase from 110 to 182 movements per day). This application was considered at the Planning Applications Committee meeting on 17 February 2009. Permission TM/08/3715 was granted subject to ten conditions. These conditions largely repeated those on planning permission TM/06/2171 and included condition 8 that required a Dust Control Scheme to be submitted to and approved by the County Planning Authority before recycling/crushing plant or machinery is operated on the site. This is very similar to condition 10 of planning permission TM/06/2171.

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AMD



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3. Earlier, in 2003, a dust control scheme had been approved as part of the requirement of conditions 12 and 16 of planning permission TM/93/305. This earlier scheme focused on dust mitigation measures associated with restoration and aftercare of Borough Green Quarry by landfill using inert waste. The same dust control scheme was approved in November 2008 as part of the requirement of conditions 8 and 11 of planning permission TM/01/1205/MR86. Condition 8 of planning permission TM/08/3715 required the existing scheme to be modified to address dust associated with recycling operations.
4. The recycling site is to be positioned within an area which is due to be infilled in the 4<sup>th</sup> and final phase of the approved landfill restoration scheme such that the recycling equipment and stockpiles would be positioned below the original and permitted ground levels. In this way, the surrounding landform will assist in providing mitigation for noise, dust and visual impacts associated with operations on site. Final restoration of the site is to be completed before 2042.
5. It should be noted that a number of complaints have previously been received from local residents and the local Parish Councils about the site. These were primarily about mud being deposited on the A227, lorries queuing on the road and the road sweeper obstructing the free flow of traffic. These concerns were the subject of discussions between planning officers and the operator and led to recent improvements at the site. Permission / approval for the installation of an additional wheel-wash, water tank, rumble bars, HGV holding area, widening of the internal access road and associated infrastructure and amended access arrangements was given in November 2008 following consideration of two parallel applications to vary conditions (2) of the 1993 and 2002 mineral permissions (TM/08/2981 and TM/08/3175) and pursuant to condition 17 of planning permission TM/93/305). Only the HGV holding area has yet to be completed.

**Proposal**

6. The proposed dust control scheme has been submitted to discharge planning condition 8 of the recycling permission TM/08/3715. The proposed dust scheme reiterates much of the existing scheme, updating this to reflect recent improvements to site infrastructure and the publication of MPS2: Annex 1: Dust (2005), and includes new proposals in respect of recycling operations and more clearly defined mitigation measures for all operations. It includes sections on site location, dust sources (i.e. extraction of gault clay, transportation of restoration and recycling materials, deposition of materials, soil handling and recycling operations), site management, site design and maintenance, mitigation measures (i.e. for soils, stockpiles, loading/unloading, haul road and recycling operations/plant area) and complaints.
7. By introducing recycling operations, the proposed dust scheme adds the crushing and screening of materials and stocking of raw and crushed material as potential new dust sources. The operations listed as likely to generate dust pollution in the existing scheme were those associated with the transportation of restoration materials, the deposition of materials and soil handling. The existing dust scheme also included a section on the extraction of previously backfilled gault clay which needed to be moved as part of initial site preparation works to increase the base of the quarry to desired levels prior to the commencement of phased backfilling and restoration.

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8. Gault clay: The new dust scheme states that the majority of clay extraction from the western margins has been completed and the quarry base raised to the desired levels and that this activity should no longer be a source of dust.
9. Transportation of restoration and recycling materials: The new dust scheme proposes that all loaded HGVs entering and leaving the site would be required to be sheeted to avoid the spillage of material or creation of dust outside the site. HGVs would be restricted to clearly delineated routes, generally on prepared surfaces and at a low level within the site where possible. Haul routes would be compacted, graded and maintained to provide a smooth running surface, designed to avoid sharp changes in gradient or alignment and would be watered (by bowser) in dry or windy conditions to maintain a damp running surface. It also proposes a 20mph speed limit on the internal haul road. It states that the improved wheel-wash facilities (upgraded in March 2009) would serve to reduce mud on the road and dust emissions on the access road and that this would be supplemented as necessary by a road sweeper. The majority of these proposals were included in the existing dust scheme.
10. Deposition of materials: As in the existing dust scheme, a general management regime is proposed to deal with dust arising from the deposition of materials. Proposed mitigation measures include minimising drop heights, restricting tipping to fairly limited areas at any one time, constructing temporary bunds around specific landfill areas as necessary and limiting stockpile heights to 5m. The proposed regime depends to a large degree, as currently, on the decisions of the site manager or his deputy.
11. Soil handling: The proposed dust scheme does not change the existing methods of dealing with soil handling. These follow standard agricultural practices for dust minimisation. Proposed mitigation includes the suspension of soil handling during unusually dry or windy conditions.
12. Recycling operations: The proposed dust scheme acknowledges that the processing of inert waste materials could cause dust nuisance. It notes the benefits of the plant being located near the centre of the site in the quarry void. The submitted dust scheme proposes that the recycling plant (screening, grading and crushing) be fitted with dust suppression mechanisms and be maintained in accordance with the manufacturers specification. It also proposes that stockpiles would be maintained at an appropriate level and sprayed with water as and when necessary to keep the potential dust under control. A mobile bowser would be available to moisten material and hard-surfaces if required and HGVs using the facility would be subject to the same controls referred to above.
13. The proposed dust scheme also states that a complaints procedure would be established to ensure that any nuisance is dealt with effectively. This would entail a register of complaints being kept on site to record all concerns made either directly to the site manager or via the mineral planning authority (MPA). It states that each complaint would be investigated, the site manager would be required to report findings and actions to Cemex's regional manager / director and the MPA would be advised in writing within two weeks of any dust complaint and informed of the findings of the investigation and any corrective actions taken.
14. The applicant states that fugitive dust from recycling and landfilling operations would vary in diameter. It states that larger particles (300 -75 µm (microns<sup>1</sup>)) would fall within

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<sup>1</sup> 1 Micron = 1 millionth of a metre.

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30m of the source (i.e. within the permitted recycling area) and that small particles could travel beyond the recycling area during windy conditions if no mitigation measures were employed. It also states that the majority of fugitive dust from the site is likely to be greater than 30 µm in size and would deposit within 100m of the source (i.e. before reaching the nearest dust sensitive receptor to the recycling site). The applicant states that the proposed scheme has been designed to minimise the likelihood of fugitive dust emissions leaving the site and that it has been based both on the previously approved scheme and MPS2, Annex 1: Dust.

15. The applicant has submitted further information in response to the objections from Borough Green Parish Council to the proposed dust scheme. This further information seeks to correct a number of inaccuracies in the submitted details (e.g. site name) and clarify a number of other issues (e.g. the basis for certain assumptions or statements in the proposed dust scheme). The further information also includes extracts from the “Good Quarry” website which the applicant states demonstrate that the proposed dust scheme accords with best practice on dust minimisation and mitigation in terms of the design, location and proposed operation of the recycling facility taking into consideration the relationship to existing activities and local sensitive receptors. The applicant has also offered to discuss the possible erection of air quality monitoring equipment on site with Tonbridge and Malling Borough Council’s Environmental Health Department. The applicant states that its contractual arrangements with waste operators can require lorries to be sheeted to a suitable standard and that if water shortages are experienced (e.g. due to drought) it will still need to ensure that appropriate measures are taken to prevent dust nuisance (including, if necessary, a cessation of operations). The applicant also states that: the proposed dust scheme has taken into consideration all dust sources and the need to prevent dust particles leaving the site, MPS2: Annex 1: Dust (March 2005), IPPC Regulations, Environment Act 1995 and the Revised UK Air Quality Strategy (2007); there is no conclusive evidence that recycling or inert landfill operations have a negative or detrimental impact on health; and that the proposed mitigation measures included in the proposed dust scheme represent Government recommended mitigation measures and are those used nationally by various industrial operations.

**Planning Policy Context**

16. **National Planning Policies** – The most relevant National Planning Policies are set out in PPG2 (Green Belts, 1995), MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction in England, including Annex 1: Dust, 2005), PPS10 (Planning for Sustainable Waste Management, 2005) and PPS23 (Planning and Pollution Control, 2004).
17. **South East Plan (2009)** – These include Policies SP5 (Green Belts), C3 (Areas of Outstanding Natural Beauty), NRM9 (air quality), W3 and W4 (regional and sub-regional self-sufficiency), W5 (targets for diversions from landfilling), W6 (recycling and composting facilities), W7 (capacity requirements), W17 (location of waste management facilities) and M2 (recycled and secondary aggregates).
18. **Kent Minerals Local Plan Construction Aggregates (1993)**: Policy CA18 (noise, vibration and dust).
19. **Kent Waste Local Plan (1998)**: These include Policies W18 (noise, dust and odour) and W22 (road traffic and access).

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20. **Tunbridge and Malling Borough Council Local Development Framework Core Strategy (2007):** These include Policies CP1 (sustainable development) and CP3 (Metropolitan Green Belt).

#### Consultations

21. **Tonbridge and Malling Borough Council:** No objection subject to the speed limit on the internal haul roads being reduced to 10mph to avoid potential dust problems.
22. **Borough Green Parish Council:** Objects to the proposal on the grounds of insufficient information and dust control measures having been submitted by the applicant. It states that the submission is not consistent in the name and location of the site, does not provide a substantial understanding of the issues of this location, relies on old methodology, does not mention or have regard to current air quality management regulations, does not show adequate provision to secure the health and well being of local residents, students and sports facility users and does little to protect the local environment from its activities. In respect of the recycling operation itself, it considers that the whole plant should be enclosed and that, as an absolute minimum, it should be fitted with dust extraction and capture equipment with all open hoppers and the output conveyor water misted and all crusher, screens and conveyors enclosed. It also considers the complaints procedure to be inadequate. A full copy of the Parish Council's comments is attached at [Appendix 1](#).
23. **Wrotham Parish Council:** Objects to the proposed dust control measures as it considers them to be totally inadequate. It also objects to the lack of a detailed dust assessment and absence of any quantification of dust arisings. It states that the scheme should provide for the installation of specialist dust collection and suppression systems in order to reduce health concerns and dust related complaints. It also states that Cemex has been responsible for very poor management of the quarry backfill operations for some years. A full copy of the Parish Council's comments is attached at [Appendix 2](#).
24. **Platt Parish Council:** No comments received.
25. **Environment Agency:** No objections but reminds the applicant that water resources are limited and so should be preserved. It therefore encourages the implementation of other methods of dust suppression before spraying is used.
26. **KCC Dust Consultant (Jacobs):** Has advised that the proposed dust control scheme incorporates the normal mitigating measures one would expect for such a materials recycling operation and that if the measures are employed correctly there should be no significant effects on air quality. Has also advised that any nuisance dust emissions from the site would initially be controlled through the local environmental health department and the Control of Pollution Act. Has further advised that MPS2: Annex 1: Dust is the key policy document in this case and is not affected by more recent alterations to the UK Air Quality Strategy (2007) which primarily seek greater assessment of smaller particles (e.g. PM<sub>2.5</sub> – i.e. particles with a diameter of less than 2.5 µm (microns) which are mostly emitted from combustion sources or represent secondary particles formed by chemical reactions).

#### Local Member

27. The local Member Mrs V. Dagger was notified of the application on 11 May 2009.

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**Representations**

28. 1 letter of representation from a resident has been received in response to the proposed dust control scheme. The issues raised are the same as those raised by Borough Green Parish Council (see paragraph 22 above and [Appendix 1](#)).

**Discussion**

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 17 to 20 are of greatest relevance. The national planning policies and associated guidance referred to in paragraph 16 are also of particular relevance and represent important material planning considerations. Other material planning considerations include existing planning permissions and approvals.
30. The principle of the recycling operation at Borough Green Quarry has already been established by planning permissions TM/06/2171 and TM/08/3715 and does not require further consideration. In granting these planning permissions, the County Council accepted that the development was not inappropriate in the Green Belt and would neither prejudice the openness of the Green Belt nor harm its purpose. Subject to the proposed dust control scheme ensuring that high environmental standards are maintained and that the site is well restored, this remains the case. It is also worth noting that Policies W17 and M2 of the South East Plan indicate that temporary recycling facilities at mineral sites may be acceptable in the Green Belt.
31. The main issue for consideration is therefore whether the submitted dust control scheme satisfactorily addresses the requirements of condition 8 of planning permission TM/08/3715 and accords with relevant policy and guidance.
32. Policy NRM9 of the South East Plan states that development control can help to achieve improvements in local air quality by (amongst other things) mitigating the impact of development and reducing exposure to poor air quality through design and by encouraging the use of best practice during construction activities to reduce the levels of dust and other pollutants. Policy CA18 of the Kent Minerals Local Plan Construction Aggregates requires the County Council to be satisfied that dust arising from both the site and haulage vehicles can be satisfactorily controlled. The same requirements are included (separately) in Policies W18 and W22 of the Kent Waste Local Plan. Policy CP1 of the Tunbridge and Malling Borough Council Local Development Framework Core Strategy requires air quality and residential amenity to be preserved and, where possible, enhanced when determining planning applications.
33. MPS2: Annex 1: Dust sets out the planning considerations that the Government expects mineral planning authorities (MPAs) to apply when considering the dust emissions from surface mineral operations (including waste disposal and recycling operations where these form an integral part of a mineral working operation). It also states that waste planning authorities (WPAs) should take account of the guidance when dealing with other waste disposal or recycling operations as they share many operational features. The Annex makes it clear that MPAs should have regard to the environmental acceptability of the likely dust emissions, including cumulative impact at residential properties and on other sensitive uses, when considering applications for



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new mineral development and include appropriate planning conditions and mitigation (based on examples included in the guidance). The Annex recommends that a dust assessment study be carried out for all new and extended mineral workings in order that operations and processes likely to cause dust emissions can be identified and used to assist in designing measures for effective control but this is not a requirement. It also includes guidance on the nature of dust and methods for reducing and controlling dust (i.e. mitigation).

34. PPS10 states (amongst other things) that WPAs should consider the likely impact on the environment and amenity when considering applications for waste management facilities, that there should be consistency between consents issued under the planning and pollution control regimes, that detailed implications for human health are the responsibility of the pollution control authorities although locational issues are relevant to planning decisions and that the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well maintained and managed equipment and vehicles should be considered in determining appropriate locations for facilities.
35. The original planning application for recycling at the site (TM/06/2171) was accompanied by a supporting statement which included a section on the environmental effects and mitigation measures for dust. This referred to the fact that the "Site Operating Plan", which accompanied the Integrated Pollution Prevention and Control (IPPC) Permit for landfilling (a matter for the Environment Agency), set out a series of controls and management procedures for the control of dust. The principal elements of the IPPC Permit dust management strategy (which were included in the supporting statement) were to control dust generation and movement at source. It also identified the principal sources of dust and measures designed to reduce arisings and mitigate impacts. The IPPC Permit (now called an Environmental Permit) relied on visual dust monitoring and did not require the installation of air quality monitoring stations. The supporting statement proposed that the recycling operation would be integrated into this established dust control regime. Objections relating to dust were received from Borough Green Parish Council and one local resident to the 2006 application. However, the County Council determined that any dust concerns could be satisfactorily overcome by the imposition of a condition requiring the submission, approval and implementation of a new dust control scheme which modified the existing scheme for landfilling operations.
36. It was originally expected that the recycling operation would require a waste management licence or an amendment to the IPPC Permit. However, it is now understood that Cemex has applied to the Environment Agency to register the recycling operation for an exemption under paragraph 13 of the Environmental Permitting Regulations (2008). This would allow recycling operations to take place subject to certain limitations (e.g. no more than 20,000 tonnes to be stored for processing at any one time and the operations not risking or causing pollution or harm to the environment). As well as the planning controls that would be provided if the proposed dust scheme were to be approved, the operator would need to meet the terms of any limitations on the exemption, comply with any controls that may be applied to the required authorisation of the plant (by whichever local authority formally registers this) and ensure that operations do not give rise to a statutory nuisance (a matter for Tonbridge and Malling Borough Council's Environmental Health Department).



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37. As noted above, various detailed objections to the proposed dust control scheme have been received from Borough Green Parish Council, Wrotham Parish Council and one local resident. These are summarised in paragraphs 22, 23 and 28 and reproduced in Appendices 1 and 2. No objections have been received from Tonbridge and Malling Borough Council, the Environment Agency and the County Council's dust consultant. No response has been received from Platt Parish Council.
38. Whilst I do not intend to formally respond to every sentence included in the objectors responses in this report, the following paragraphs address the general points that have been raised and are identified below:-
- 1) The proposed dust scheme:
    - a) is not consistent in the naming and location of the site;
    - b) does not provided a substantial understanding of the issues of this location;
    - c) relies on old methodology;
    - d) does not mention or have regard for current air quality management regulations;
    - e) speculates that all dust is likely to be greater than 30 µm (microns) in size and would deposit within 100m of the source;
    - f) does not show adequate provision to secure the health and well being of local residents, students and sports facilities users;
    - g) does little to protect the local environment from its activities;
    - h) does not provide for enclosed conveyors, screens and crushers or dust extraction and capture equipment;
    - i) does not include properly designed dust suppression systems utilising water sprays designed to maintain a healthy work environment and protect local air quality;
    - j) does not consider the possibility of shortages of water for dust control (and suggests that if there are any shortages recycling should cease);
    - k) is not supported by a detailed dust assessment which seeks to quantify amounts of dust likely to be generated by each dust emitter in order that a dust control system that specifically addresses these can be designed;
  - 2) The proposed complaints procedure is inadequate (complaints should be reported to the Quarry Liaison Group as well as the MPA);
  - 3) The applicant has been responsible for very poor management of the quarry backfilling operation for some years; and
  - 4) Rigorous standards need to be imposed and enforced.
39. (1a): The applicant has confirmed that the proposed dust control scheme relates to Borough Green Quarry and this is obvious from the submitted details. Since the site is now also a landfill site, references to this are not unreasonable. The references to Borough Green Sand Pit reflect the previous quarrying activities at the site. Unfortunately, this is also the name of another site in the Borough Green area and has led to some confusion. I am satisfied that the dust scheme has been designed and submitted to address the requirements of condition 8 of planning permission TM/08/3715 and that any inconsistencies would not give rise to problems.
40. (1b): Notwithstanding the above issue relating to the name of the site and some of the detailed issues raised by respondents, I am satisfied that the proposed scheme does provide a satisfactory understanding of likely dust emissions at the site. The proposed dust scheme includes a general assessment of the likely dust sources for all activities at the site (including recycling), as well as site management and mitigation procedures. It should be noted that no objections have been received from the Borough Council,

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the Environment Agency or County Council's dust consultant to the proposed dust scheme. Clearly, these respondents (who include those with statutory responsibility for dealing with potential dust pollution at the site) are all satisfied that a sufficient understanding has been provided. I see no reason to depart from their judgement.

41. (1c & 1d): The applicant has confirmed that the proposed dust scheme takes account of MPS2: Annex 1: Dust (2005), the IPPC Regulations, the Environment Act (1995) and the revised UK Air Quality Strategy (2007). It is clear that the proposed dust scheme has been based on MPS2: Annex 1: Dust. Although the mitigation measures set out in the proposed dust scheme do not include all of the possible measures set out in Appendix 1B of MPS2: Annex 1: Dust, the majority are and the dust scheme is therefore generally consistent with the policy statement in terms of its measures designed to reduce and control dust. It is not considered that the UK Air Quality Strategy 2007 adds to or contradicts the policy and guidance in MPS2 and, on this basis, MPS2 remains the key national planning policy document for assessing proposals for inert waste recycling operations. The UK Air Quality Strategy 2007 does not provide any detailed guidance on such operations.
42. (1e): The applicant maintains that the majority of dust particles would be over 30 µm (microns) in size (and would therefore deposit within 100m of the source) but agrees that there would be a limited amount of smaller particles. It states that the proposed dust scheme would address this and would ensure that no statutory nuisance is caused. It is accepted that smaller particles represent the greatest hazard to general health. However, as the principle of the permission at this location has already been established, PPS10 is clear that detailed implications for human health are the responsibility of the pollution control authorities. Subject to the County Council being satisfied that the proposed dust scheme provides appropriate controls to minimise and mitigate dust emissions there would be no reason to refuse it. The Borough Council, the Environment Agency and County Council's dust consultant are all satisfied that the proposed scheme is satisfactory and I see no reason to depart from their judgement. It should also be noted that vehicles associated with recycling operations would not manoeuvre on and "churn up" gault clay as the affected areas have been raised with other more suitable materials to provide a more stable base for recycling operations and associated vehicle movements.
43. (1f – 1i): As stated above, the proposed dust control scheme includes a general assessment of the likely dust sources for all activities at the site (including recycling), as well as site management and mitigation procedures that are consistent with MPS2. Although the mitigation measures set out in the proposed dust scheme do not include all of the possible measures set out in Appendix 1B of MPS2: Annex 1: Dust, the majority are and the dust scheme is therefore generally consistent with the policy statement in terms of its measures designed to reduce and control dust. As above, as the Borough Council, the Environment Agency and County Council's dust consultant are all satisfied that the proposed scheme is satisfactory and I see no reason to depart from their judgement. Given the acceptability of the proposed dust scheme, any specific requirement for enclosed conveyors, screens and crushers, dust extraction and capture equipment or specific dust suppression systems utilising water sprays would be unreasonable. Notwithstanding this, any recycling equipment used is likely to be equipped with a dust suppression system which incorporates water sprays and other measures designed to minimise or capture dust as close to its source as possible. It would be for the operator to ensure that any equipment utilises an appropriate dust control system in order to meet its obligations. This is consistent with experience elsewhere.

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44. (1j): If sufficient water is not available for use in dust suppression, operations at the site would need to be suspended to ensure that dust emissions remain within acceptable limits and do not result in nuisance unless other measures can be employed. If there are water shortages, the relevant water company would need to determine whether supplies to the site should be restricted. This is not a matter for the County Council to decide. Notwithstanding this, the Environment Agency has asked that the operator implements mitigation measures that avoid the use of water where possible. This advice has already been provided to the applicant.
- 45 (1k): Although there is no specific requirement for a detailed dust assessment study to quantify amounts of dust likely to be generated by each dust emitter, the proposed dust control scheme includes a general assessment of the likely dust sources for all activities at the site (including recycling) and uses this to design site management and mitigation procedures. This is consistent with the requirements of MPS2: Annex 1: Dust. As above, it should be noted that the Borough Council, the Environment Agency and County Council's dust consultant are all satisfied that the proposed dust scheme is satisfactory.
46. (2): The proposed dust control scheme states that a complaints procedure will be established and then proceeds to explain in general terms what this will be such that it effectively sets out the procedure that would be followed (see paragraph 13 above). This repeats the procedure set out in the IPPC (Environmental) Permit and dust control scheme for landfilling. Although this is rather brief, it does set out what would be done if complaints are received and is acceptable to the Borough Council, the Environment Agency and County Council's dust consultant. However, I consider that it could usefully be extended to include specific reference to reporting complaints to the Quarry Liaison Group on a regular basis and to include specific provision of contact details for complaints. Such an extension to the proposed complaints procedure could be imposed by condition if the County Council approves the dust scheme.
47. (3): The fact that there have been problems associated with operations at the landfill site is acknowledged in paragraph 5 above. It is expected that the improvements that have recently been implemented, together with the completion of the HGV holding area, should serve to minimise any adverse impacts of the kind experienced previously. The proposed dust scheme should ensure that any adverse impacts associated with the recycling operations are minimised.
48. (4): Whilst the problems associated with operations at the landfill site referred to above are regrettable, the operator and County Council have already acted to attempt to resolve these and ensure that operations at the site are undertaken in an acceptable manner which accords with the relevant planning permissions. Site monitoring by the County Council and Environment Agency will continue regardless of whether the recycling operation is undertaken and can be reinforced by the involvement of the Borough Council's Environmental Health Department should this prove necessary. Although the recycling operation is likely to be subject to an exemption, such that this technically falls outside the scope of the Environmental Permit, the operations would take place within the existing Environmental Permit boundary such that any dust arising from recycling operation would be considered by the Environment Agency with any other dust arisings when its officers visit the site. This would provide a further safeguard. I agree that rigorous standards need to be imposed and enforced and am satisfied that the proposed dust scheme can secure this for dust impacts. Failure to comply with the dust scheme or controls available under other legislation could render

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the operator liable to enforcement or other action. This said, it is worth noting that no dust scheme can avoid the creation of dust or the possibility that problems may occasionally occur. However, implementation of the proposed dust scheme should reduce the risk to an acceptable level in accordance with Government policy and guidance.

49. Although Tonbridge and Malling Borough Council has raised no objection to the proposed dust scheme, this is conditional on a 10mph speed limit being imposed on vehicles using internal haul roads. I agree that reducing the proposed 20mph speed limit to 10mph would be beneficial. Existing signage at the site is inconsistent and refers variously to 10, 15 and 20mph. This would also need to be corrected and old signs removed. The imposition of a 10mph speed limit and provision of appropriate signage within the site can be secured as an amendment to the proposed dust scheme by condition.

#### Conclusion

50. Notwithstanding the objections that have been received to the proposed dust scheme, I am satisfied that it complies with MPS2: Annex 1: Dust and with the relevant development plan policies referred to above. The proposed dust scheme also meets the requirements of condition 8 of planning permission TM/08/3715. I therefore recommend accordingly.

#### Recommendation

51. I RECOMMEND that APPROVAL BE GIVEN pursuant to condition 8 of planning permission TM/08/3715 for the dust control scheme SUBJECT TO the following conditions:-
- (i) The operator reporting complaints to the Quarry Liaison Group on a regular basis and providing contact details for those wishing to make complaints; and
  - (ii) The speed limit on internal haul roads being restricted to 10mph and signs erected to this effect within the site.

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| Case Officer: Anna Michalska-Dober |
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| Tel. no. 01622 696979 |
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| Background Documents: see section heading. |
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**Borough Green Parish Council comments**

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**Borough Green Parish Council****Response to: Town and Country Planning Act****Application No: TM/08/3715/R8****Proposal: Dust Controls Scheme pursuant to condition 8 of planning permission TM/08/3715****Location: Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks, TN15 8DG****Borough Green Parish Council opposes the details in the above application, as follows:****1.0 Introduction**

- We note that the scheme is proposed is to run under MPS2: Annex 1: Dust & Cemex's Dust Management and Control 2003. The monitoring and management of airborne particulate has been severely tightened since 2003 and we therefore doubt the validity of the Cemex 2003 document.
- We are concerned that T&MBC as statutory local authority for enforcement of Air Quality Management policies, does not have adequate publicly located monitoring sites to prove the effectiveness or otherwise of any of the Applicant's internal documentation and plan.
- We suggest that the Applicant fully funds and then hands over to T&MBC for ongoing maintenance (again fully funded by the applicant) enough publicly located (preferably roadside co-located) air quality monitoring stations, as this Parish Council or its Technical Advisors deem necessary.
- The statement cross-references the quarry with being called a Landfill Site. We need clarification on this point, as we were unaware that its name and status of quarry had changed.

**2.0 Site Location**

- This statement does not acknowledge residential properties along Wrotham Road/Borough Green Road (A227), neither does it recognise the existence of the Borough Green Parish Council Outdoor Sports Facility at Potters Mede, immediately adjacent to the quarry.
- The direction of the prevailing wind is irrelevant. Blowing over the top of a hole will create a vortex, increasing local wind speed, with air lifting dust out of the pit up into the prevailing wind causing a wider distribution of dust. The higher wind speeds will also allow capture of larger particles, lifting them higher and carrying them further; in ALL directions.

**3.0 Dust Sources**

- There is speculation that all dust is likely to be greater than 30 microns in size. This is extremely naïve and this Council is not gullible enough to believe that there will not also be considerable amounts of much finer particulate. We understand this is more hazardous to general health by virtue of its clogging abilities of the respiratory system; not just for humans but also for the wildlife that lives in the Greenbelt and the Kent Downs Area of Outstanding Natural Beauty surrounding and alongside the quarry.
- We disagree with the statement that Gault Clay "should no longer be a source of dust." The Gault Clay is being used to seal the floor of the pit to prevent contamination of the underlying aquifer. This means that thin layers of clay will be spread on the ground, where pit traffic can churn up the drying material. Clay is by definition a material composed of fines, including lighter organics that will create significant extra dust.

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***Transportation***

- There is a statement that all incoming HGVs will be required to have sheeted loads. This is outside the control of the applicant.
- The tippers using the site currently, almost exclusively use variations of the "Easysheet" system, which while perfectly capable of preventing large material falling out, is inadequate for containing dust. Full sheeting should be mandatory, with the sheets covering the load and a significant portion of the outside of the body as well. This should apply to vehicles both entering and exiting the site, both loaded and empty, if any form of dust control is to be obtained.
- There are claims that running surfaces will be watered in dry conditions. This Council is concerned that even though the applicant has recently installed a direct, large capacity, freshwater feed from the local aquifer, this supply will not be adequate. We take the position, as previously submitted by ourselves to T&MBC as part of their MDE-DPD consultations, that as this area suffers from severe water shortage as soon as there is any hint of a drought, that the commercial use of water, just for dust mitigation is extremely wasteful of an extremely limited natural resource. We would demand that all works requiring dust control by water from this source, be suspended at the first sign of water shortage. There needs to be a mechanism for enforcing this suspension and a means whereby all parties can act to ensure the activities cease. A water bowser kept on site will be inadequate in these circumstances.
- The wheelwash facility, whilst welcomed, has not solved the problem of mud and rocks on the public highway. From experience, more safeguards must be in place to ensure that all vehicles leaving the site are clean and secure.
- Again, the wheelwash must be suspended in times of water shortage, unless the Applicant is able to prove that it is operating from 100% recycled or rainwater-harvested water.
- The proof of the above statements rest with the fact that there is an existing and an ongoing commitment to provide sweepers for the public roads external to the site. If the present controls are deemed adequate, why are these sweepers necessary?
- Having experienced visual proof that the new wheelwash has not eliminated mud problems, although it has been reduced, we doubt whether the higher level of site quality assurance required to eliminate airborne dust hazards can be achieved.

***Deposition of Materials***

- The site for which this application is made is "Borough Green Quarry". This section refers to proposals to restore Borough Green Sand Pit, which is another active quarry located in the adjacent village of St. Mary Platt. For clarity we suggest this application is re-submitted, using the correct name of the Applicant's site throughout. This will avoid any confusion both now and at a later date.
- We note that the Applicant claims the inert waste items it intends to reprocess will not create dust. Demolition materials are very dusty. They will carry dust and crushing, screening and handling will increase the emission of dust across the whole site.

**Borough Green Parish Council comments**

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- There is a claim that ANY dust that arises will be contained within the current quarry boundary. We contend that without permanent, continuous monitoring, this claim cannot be upheld by the applicant.
- We are slightly confused by earlier statements that dust will be controlled, as this section talks about management of widespread dust and the construction of temporary bunds intended to stop airborne pollution.

***Soil Handling***

- We applaud the consideration given to topsoil reinstatement “in order to retain agricultural integrity” along with the Applicant’s confirmation that the site will be returned to agricultural use (or as close as possible to unspoilt Greenbelt land at the completion of the reinstatement). However, we query as to whether the 1m depth of topsoil will be adequate for this purpose. It has to be noted that most of the trees proposed for the site would have their roots reaching into compacted hardcore after a year or so.
- We are aware that the applicant has been creating a temporary 'bund' at the boundary with Westbank Nursing Home, there is a range of small trees at the boundary with A-Z and there is now a tree screen along the majority of properties along the Wrotham Road and Fairfield Road. However, we would suggest that a condition is imposed to complete significant boundary planting prior to the start of the recycling operation, so by the time the operation reaches ground level, a barrier will have grown that mitigates the continuing dust, noise and visual impact.

***Recycling Operations***

- As this section claims to be assisting LOCAL recycling targets, the means by which verified proof that only loads from LOCAL sites will be allowed to use this quarry must be specified.
- In an ideal scenario, the whole plant should be enclosed, which will also provide for significant acoustic isolation as well as dust prevention systems. As an absolute minimum, the plant used, should be fitted with dust extraction and capture equipment, with all open hoppers and the output conveyor water misted and all crushers, screens and conveyors enclosed.
- As mentioned earlier, we are surprised to see that this site is being used to process materials for another quarry in the village of St. Mary Platt (Borough Green Sand Pit). Any potential double-handling of materials can only add to the dust and noise within Borough Green. Coupled with the extra vehicle movements required on the public roads, we suggest that the other site makes its own arrangements for waste processing.
- By moving waste from one site to another, there will be a rise in airborne pollutants from exhaust emissions that technically are not covered by this application, yet still have a potentially serious negative impact on all those who live, work and play in this and the surrounding villages.
- There appears to be no consideration of the environment or the Statutory Climate Change Regulations within these proposals.



**Borough Green Parish Council comments**

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**4.0 Site Management**

- We disagree with the statement “Effective control of airborne dust emissions requires the maintenance and proper use of equipment.”
- Manual inspections are not sufficient and we would expect a good degree of automation in the monitoring and immediate alarm-raising of air quality infringements. This should ideally be maintained by an independent third party, but paid for by the applicant. All data obtained should be available instantaneously on a publicly available website, hosted by the third party or its agents. We acknowledge that any manual intervention to shut down operations ahead of any automation is a useful feature.
- Quote: “Should any visible dust be generated,” We observe that the applicant is aware that unpredictable dust generation is an operational hazard in sites of this type. Local residents, children at school or playing sports have already suffered from dust clouds from this quarry. It would appear from this contingency statement that the situation might not improve.

**5.0 Site Design & Maintenance**

- Without continuous Air Quality monitoring in place, it will be impossible to tell whether a 100m distance is adequate spacing from any dust sensitive receptor.
- To minimise the amount of carryover from vehicles entering and exiting the site, all vehicles should approach and leave via the A20 to the north of the site.
- It is not just the process dust that we have to consider, it’s the PM10 emissions through the centre of the village of Borough Green and past the Primary School that are of an extremely high concern to us.

**6.0 Mitigation Measures**

- We would argue that in dry conditions, there might not be water available to spray anywhere in the site. Therefore, this measure falls short in all cases.
- We note from past horrendous experience that sheeting the top of the vehicle does not prevent the carry-over of debris on the underside of the vehicle, nor between the rear tyres.

**7.0 Complaints**

- The procedure outlined is not detailed. The ACTUAL procedure should be provided and certainly the same person as is managing the process should not carry out investigations into complaints.
- Unfortunately, “effectively” does not always mean immediately. There MUST be a process to halt site activity straight away, on discovery of dust or other pollutant issues.
- The MPA and the local Quarry Liaison Committee must be advised immediately of any incoming complaint and of the subsequent resolution of each complaint.

**Summary**

Borough Green Parish Council is opposed to these proposals, as the Applicant, in its provision of detail for the application:

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- Is not consistent in the name and location of the site.
- Has not provided a substantial understanding of the issues of this location.
- Relies on old methodology.
- Does not mention or have regard for current Air Quality Management regulations.
- Does not show adequate provision to secure the health and well being of local residents, students and sports facilities users.
- Does little to protect the local environment from its activities.

We have extremely serious concerns regarding something that can't always been seen, yet has the potential to have such a devastating effect on the local community. We do not believe that the Applicant has demonstrated sufficient recognition of and protection against hazardous effects.

We also propose that there should be formal confirmation of the Applicant's intention and guarantee, to restore this site to unspoilt Greenbelt standard and ask that KCC confirm that the final finish will be wild grasses and flowers (along with promised trees) as a means of re-establishing the natural bio-diversity of the site as quickly as possible.

BGPC 04 June 2009

**Wrotham Parish Council comments**

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TM/08/3715/R8 Borough Green Quarry, Wrotham Road

Dust Control Scheme pursuant to condition 8 of planning permission TM/08/3715-  
comments from Wrotham Parish Council

The dust control measures submitted by the applicant are totally inadequate and Wrotham Parish Council (WPC) strongly objects.

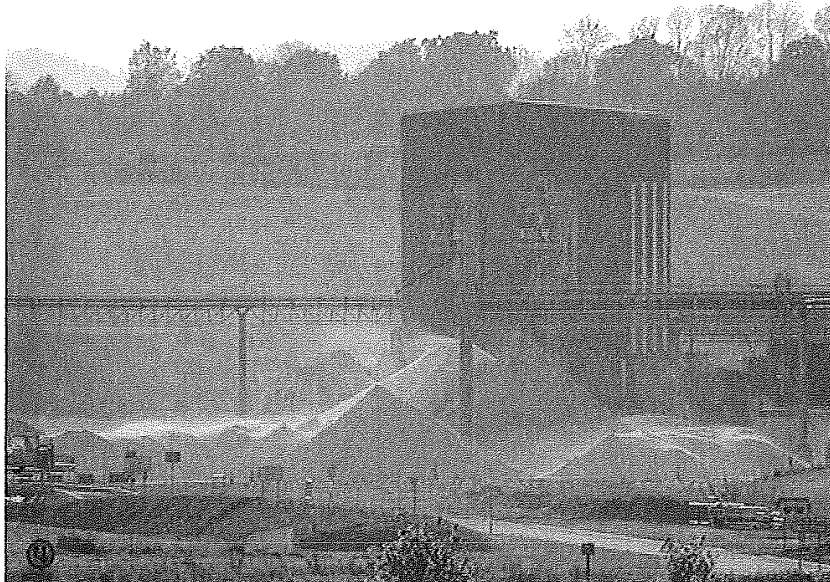
We would have expected a detailed assessment of the operations that will give rise to dust and the amount should have been quantified in each case. It would then be possible to put forward dust control systems that are designed to cope with each specific dust emitter.

Dust control and suppression systems typically include the enclosure of conveyors, screens and crushers and a properly designed dust suppression system utilising water sprayers. In our view the applicant should be proposing to install both dust collection systems and dust suppression systems to control the dust problem, which have been designed by a company that specialises in this field.

In the dust control scheme that has been submitted by CEMEX it appears that the only investment in dust control is a water bowser. In our opinion, the applicant should be required to identify adequate dust control measures to maintain a healthy work environment and to protect the local air quality. This is particularly relevant when crushing or moving material. Specialist dust suppression equipment can trap potentially harmful dust, reducing health concerns and dust related complaints.

We also note that CEMEX have been responsible for very poor management of the quarry backfill operation for some years.

The following photographs are from the quarry observation group website and are an example in Surrey of what can go wrong if the LPA does not set rigorous standards and fails to enforce them. <http://www.qog.org.uk/>



**Wrotham Parish Council comments**

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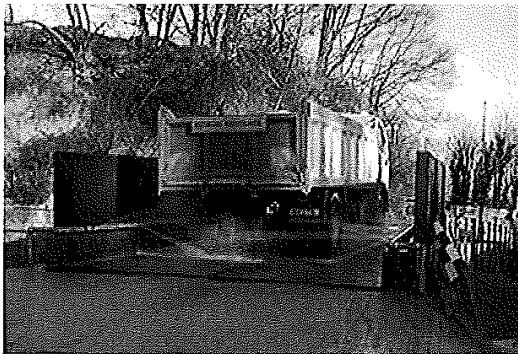
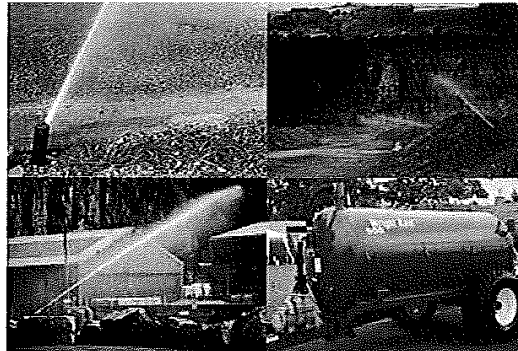
**WPC advises Kent Planning Services to utilise a specialist company to evaluate whether the applicants proposals are adequate. We enclose a pdf on dust control from a specialist company in this field for your information but stress that this is not an endorsement for that company.**

# Wright Rain

## Dust Suppression

Air borne dust is created in a multitude of indoor and external environments causing nuisance, inconvenience and, not least, damage to the public perception of the plant.

The causes of dust may be from material processing such as crushing, grading and extraction, from road and stockpile disturbance on site or from material distribution by wagon or conveyor. A combination of all these sources are responsible for dust generation on most sites.



Each of the applications below have specific requirements for dust suppression treatment and have to be appropriately designed and specified to ensure adequate control in a cost effective manner. Wright Rain's specialist design services and experience of diverse applications ensures the most effective solution.

Move your mouse over the list to see the related pictures

- Fog / Mist and Spraybars
- Foam Suppression
- Water Storage
- Chemical Spray System
- Controllers
- Pumping and Filtration
- Bowsers and Tankers
- Dust Monitoring
- Wheel Wash
- Rainguns
- Pop-up Sprinklers
- Sprinklers

Unlike other organizations, we do not believe it is sufficient to supply the equipment and 'hope for the best'. Where required, we have the capability of providing a detailed initial site survey and designing a complete package to meet the issues identified by this analysis. Our portfolio includes not only a full equipment range but also the necessary ongoing service and monitoring component to ensure successful achievement of the set objectives.

Why not take a look at our [videos](#) to see more?