Item C2

Application for Extension to Mineral Workings with Restoration by Landfill at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Isle of Sheppey, Kent – SW/05/744

A report by Head of Planning Applications Unit to Planning Applications Committee on 13 December 2005.

Application by Waste Recycling Group Ltd for Extension to Mineral Workings with Restoration by Landfill at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Isle of Sheppey, Kent.

Recommendation: Subject to the prior completion of legal agreement to secure the Heads of Terms given in Appendix 2 and the applicant meeting the County Council's reasonable legal costs associated with this agreement, conditional planning permission be granted.

Local Member: Mr AD Crowther Unrestricted

Site description and background

1. Norwood Quarry and Landfill Site is located mid way up the southern flank of Shrubsoles Hill, Brambledown, between Lower Road (B2231) and Eastchurch Road (B2008), approximately 2.5km south east of Minster and 2km to the west of Eastchurch on the Isle of Sheppey. The B2231 forms the main east-west route through the Isle of Sheppey and links with the A249 that provides the only road link to the mainland. Access to the site is via a dedicated access road off the B2231. Site weighbridge, wheel wash, offices and associated facilities are located at the top of the site access road over 100m from the main road.

2. The quarry and landfill site has been subject to a number of planning permissions for clay extraction and landfill since 1992 (Norwood Farm and Shrubsoles Hill). Land to the southwest was previously also worked and has been restored (Brambledown). Planning permission was granted for a green waste composting facility at the site in March 2003 (this has not been implemented). Permission was granted in July 2003 to temporarily increase the permitted number of HGV movements to and from the site to enable two major clay contracts to be met (including the 2nd Swale Crossing). Most recently, planning permission was granted for a landfill gas utilisation compound to control and convert landfill gas into electricity (SW/05/726).

3. The application site encompasses the existing Norwood Farm and Shrubsoles Hill areas (including associated landscaping works, soil storage areas, access, site facilities, lagoon and landfill gas flare), together with an additional area of higher land to the north. This area to the north, which is currently in arable use, is separated from the existing site by a line of trees and vegetation. A public footpath runs north - south to the east of the site linking Lower Road and Eastchurch Road via Norwood Manor.

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4. The existing quarry and landfill site comprises 5 Cells. London Clay is currently being extracted from Cells 4 and 5. The clay is either used for on-site engineering works or exported as an engineering material for similar uses or for flood defence, bridge and embankment construction projects. The applicant states that about 65,000m^3 of clay remained within the permitted area in April 2005 and that this is required for on-site landfill engineering works. Landfilling (with municipal, commercial and industrial waste) has been completed in Cells 1 and 2 and these areas have been temporarily capped. Waste is still being tipped in Cell 3 and has yet to start in Cells 4 and 5. The extraction/landfill areas are bounded to the south and east by extensive areas of screen mounding and to the north by soil storage areas.

5. Part of the application site is proposed for recreational use in the adopted Swale Borough Local Plan. Policy R20 states that planning permission has been agreed for a golf course. However, none of the application site is identified for any specific purpose in the Re-Deposit Draft First Review nor is it identified as being within any designated area in either Plan. The application site is not identified as a proposed site for future clay extraction in the Kent Minerals Local Plan (Chalk and Clay) or for hazardous waste landfill in the Kent Waste Local Plan. Neither of these plans identifies any specific sites for future clay extraction or hazardous waste landfill.

6. An application (SW/04/1415) for a northern extension to the quarry and restoration by landfill (involving air pollution control residues, i.e. hazardous waste) was submitted in November 2004 and withdrawn in April 2005. In withdrawing the application, WRG stated that it did so as a result of responses received during the consultation process, that it was considering reducing the extent of the development and that it envisaged resubmitting a new application in the near future. The current application is the envisaged resubmission.

7. A Planning Applications Committee Members' site visit was held on 26 July 2005. This was also attended by the applicant and representatives of Swale Borough Council, Eastchurch and Minster Parish Councils, Queenborough Town Council and the local Action Group (Kent Against Toxic Tipping). The site visit was followed by a public meeting held at Eastchurch Village Hall which was also attended by about 120 members of the public. Notes of the site visit and public meeting are attached at Appendix 1.

8. Planning Officers and Members of the Planning Applications Committee also visited the Wingmoor Farm Landfill Site operated by Grunden Waste Management Ltd at Bishops Cleeve, Cheltenham, Gloucestershire on 20 October 2005 to see how wastes similar to those proposed to be landfilled at Norwood Quarry and Landfill Site are accepted, treated and landfilled at that site.

The Proposal

9. In summary: The application proposes to extend the existing clay extraction area to the north, south and east within the existing site screening mounds such that it would remain within the lateral boundaries of the existing permissions. The remaining part of Cell 3 would be infilled with municipal, commercial and industrial waste as currently permitted (probably by the end of 2005). The remaining part of the existing site (i.e. Cells 4 and 5) and the minor extension areas around these would be infilled with pre-treated boiler ash and air pollution control residues (APCRs) from the proposed Energy from Waste (EfW) facility at Allington, near Maidstone. Imported waste would

be treated prior to landfilling at a new conditioning plant at the site (i.e. mixing waste with water to stabilise it and minimise dust impacts). The site would be restored to provide a landform of fields, hedgerows and woodland blocks with an ecological basis. This would replace the permitted agricultural based restoration and be at slightly higher levels than currently permitted. Each of these elements and associated phasing arrangements are described in greater detail below.

10. Mineral Extraction: The application proposes a 1.7ha extension to the mineral workings to release 240,000m^3 of London Clay (of which between 146,000m^3 and 151,000m^3 would be available for sale and the rest used for on-site engineering works). This would maintain clay sales for 2 to 3 years. The proposed extension would expand the workings slightly to the north, south and east but would not extend beyond the existing site screening mounds or onto adjoining agricultural land and would remain within the lateral boundaries of the existing permissions. Clay would be extracted as currently using excavator and loaded directly into HGVs. The pit would be excavated to 35m AOD, have a maximum height of about 26m at the northern boundary and provide suitable profiles for the landfill lining system. *The 2004 application proposed a 3ha extension into agricultural land to the north of the site with clay extraction lasting about 5 years.*

11. Landfill: The application proposes the importation of just over 600,000 tonnes of residual non-recyclable waste from the Allington Quarry Energy from Waste (EfW) facility near Maidstone to secure restoration of the mineral workings and help Kent maintain its self-sufficiency in waste management facilities. This would last for about 10 years. The waste would comprise boiler ash and air pollution control residues (APCRs). It is expected that these wastes will be classified as hazardous. Between 70,000 and 80,000 tonnes of waste would be landfilled each year until about 2015 (depending on actual import rates) with restoration completed by about 2016. Landfilling would progress one cell at time. Following clay extraction, cells would be constructed with integral groundwater management systems to collect any perched groundwater and engineered lining and leachate collection systems, filled with waste, capped with 0.5m of clay and geomembrane, soiled and seeded/planted. It is proposed that precise details of engineering, infilling and capping and pollution control measures would be addressed under a Pollution Prevention Control (PPC) Permit. The infilling and restoration of the Cell 3 area, currently being landfilled with municipal, commercial and industrial waste, would continue. *The 2004 application proposed to accept the same wastes from EfW facilities in the South East, including Allington. The additional capacity proposed would have meant that imports would have continued until about 2019.*

12. Conditioning Plant: Imported waste would be conditioned at a plant at the site before being landfilled. The proposed conditioning plant would comprise two horizontal silos for the storage of imported waste and a mixing tower which would be housed within a steel portal framed structure, clad with plastic coated galvanised steel sheeting. Transfer of incoming waste from HGV to silo and then to plant would be under pneumatically sealed conditions to eliminate dust generation, with air displaced during these transfers being filtered prior to discharge to minimise particle emissions. Waste would be transferred to the plant from silos in sealed pipes and mixed with water in batches prior to discharge via an inclined conveyor into a dumptruck for transfer to the landfill. The conditioning plant would be similar in design and function to a concrete batching plant. Water would be sourced from a combination of surface water taken from settlement lagoons and mains water. Based on current knowledge, the applicant

anticipates that the plant will be capable of treating the wastes from Allington in this way (and this is the method employed at Wingmoor Farm). However, it has stated that should the design need to alter to accommodate the waste once the wastes have been formally tested after the commissioning of the Allington EfW facility, only slight alterations may be necessary.

13. Site Preparation: The inside slopes of the southern and eastern screen mounds would be cut back to the crest line and material used in the restoration of the non-hazardous landfill. New ditches and a settlement pond would be excavated to control surface water. With the exception of landfilling in Cell 3 (which is ongoing), no waste would be imported until landfill lining and cell formation, drainage works and leachate management systems have been completed and the conditioning plant and associated infrastructure installed. This would require the regrading of the inner profile of the existing screen mound to the south and slight westerly expansion of that to the west (with additional landscaping).

14. Phasing: The applicant states that the scheme has been designed to ensure a balance in supplies of clay and the earliest provision of landfill void space which would be required during 2006. The application identifies 7 development phases.

15. Restoration: The site would be restored with a gently sloping south-facing landform and divided into 2 main 'lowland meadow' fields by hedgerows with an ecological basis as opposed to a productive agricultural one (as currently permitted). The restoration scheme also includes new woodland blocks and areas of scrub and wetland habitat (including ponds and ditches). The top of the peripheral screening mounds would be regraded into the finished landform as part of the final restoration. The scheme proposes that woodland planting on areas unaffected by operations (including areas to the south and southeast of the site) would be undertaken as part of the initial development phase. Environmental management facilities and access to these would need to be retained until no longer required to control landfill gas and leachate at the site. The application also includes aftercare proposals. *The 2004 application proposed that the peripheral screening mounds would be retained as the basis for the final restoration, resulting in steeper slopes along the eastern boundary and higher final levels.*

16. HGV movements: The maximum number of vehicle movements proposed would be 200 movements per day (i.e. 100 in and 100 out), as currently permitted. However, once clay exports cease and the remaining non-hazardous waste cell is filled, the number would reduce to about 24 movements (12 in and 12 out). These would be 25 tonne capacity tankers transporting the boiler ash and APCRs.

17. Hours of operation / employment: Proposed hours of operation for quarry operations are 0730 to 1800 Monday to Friday and 0730 to 1300 Saturdays. Proposed hours of operation for landfill operations are 0700 to 1800 Monday to Friday and 0700 to 1300 Saturdays. No operations are proposed on Sundays or Bank Holidays. The applicant states that some maintenance and environmental management activities may be required outside these hours. About 3 people would continue to be employed at the site.

18. Environmental Statement: The proposed development falls within the scope of Schedule 1 of the Environmental Impact Assessment Regulations 1999 due to the hazardous waste element and is therefore accompanied by an Environmental

Statement. The content of the Environmental Statement was informed by a Scoping Opinion issued by the County Council in September 2004.

19. In support of the proposals the applicant states that:

- there is a need for clay to meet established local demand for a range of engineering purposes within the market area (i.e. 25km to 32km of the site), including sea defence and Thames Gateway projects, that may not be capable of being met from existing permitted sources;
- the only alternatives to releasing further clay reserves at Norwood are: (i) to "do nothing" and allow the market to be absorbed by other existing sites in Kent which are less proximate and would necessitate much longer transportation distances; or (ii) to release new reserves from elsewhere which would take much longer (i.e. after existing reserves at Norwood are exhausted) and be likely to give rise to greater environmental impact due to the need to exploit a larger reserve to offset the investment;
- there is a general need for new hazardous waste landfill sites in the South East Region to avoid the need for waste to be transported long distances and a specific need for a facility to take non-recyclable waste from Allington;
- the site meets the locational requirements for a landfill site in terms of geology and hydrogeology and is well located in respect of other factors;
- the main alternative would be to develop another landfill site to accept hazardous waste within Kent and continue to fill Norwood with non-hazardous waste;
- Norwood offers the best location of all permitted landfill sites in Kent to accept hazardous waste;
- the proposal represents the Best Practicable Environmental Option (BPEO) since it would allow the safe disposal of hazardous (residual) wastes that are not capable of further recycling or value recovery following the recovery of value from municipal waste arisings close to the point of origin;
- the only alternative would be to transport APCRs out of the Region resulting in significantly greater transportation requirements;
- the site has good access from Allington;
- the potential impacts on all environmental receptors would (after appropriate mitigation) fall well within acceptable limits and would accord with Government Guidance, the development plan and other material guidance and practice; and
- the wider environmental benefits are not outweighed by any adverse impacts (individually or cumulatively).

20. The applicant submitted two Pollution Prevention Control (PPC) Permit applications for the site to the Environment Agency under the Pollution Prevention Control Regulations 2000 in parallel to the 2004 planning application. One was for the non-hazardous area and the other for the hazardous area. The County Council was consulted on the PPC applications and lodged holding objections pending the outcome of the planning application since neither accorded with the current planning permissions at the site. A revised PPC Permit application has now been submitted to the Environment Agency for the proposed hazardous area which reflects the new planning application. The County Council has again lodged a holding objection to this application for the same reason. Subject to planning permission being granted, this technical objection would be overcome. The PPC Permit application for the non-hazardous area has now been withdrawn because that part of the site has a short remaining operational life and will enter its closure phase rather than the PPC regime. The County Council has obtained

a copy of a draft PPC Permit for the proposed landfill site (reference WP3439SS) that was issued by the Environment Agency to WRG on 22 November 2005 for consultation purposes together with a copy of the appendices to the draft decision document which contains information relating to the consultee responses to the PPC application. The draft PPC Permit contains details of all those issues that would be dealt with and controlled at the site. It specifically includes draft conditions in respect of general matters (e.g. permitted activities, improvement programme and pre-operational conditions), operating conditions (e.g. landfill controls, emissions to land, air and water, fugitive emissions, waste storage and handling, site management, accident prevention and control, monitoring and closure, aftercare and decommissioning), record keeping and reporting. The content of the draft PPC Permit is generally consistent with that applied for in this planning application. Specifically, the waste types and sources and the proposed treatment of the wastes are the same.

Planning Policy Context

21. **National Planning Policy** – the most relevant National Planning Policies are set out in MPG1, PPS10, PPS23 and Waste Strategy 2000 (as amended in July 2005). Emerging Policy is set out in draft MPS1.

22. **Regional Planning Policy** – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Minerals and Waste Strategies. The draft Regional Minerals and Waste Strategies were the subject of consultation in March 2004, an EIP in October 2004 and an EIP Panel Report in December 2004. In response to the EIP Panel Report, GOSE has also published proposed changes to RPG9 in August 2005.

23. **Kent Structure Plan (1996)** - These include Policies S1, S2, S5, ENV1, ENV2, ENV20, ENV21, ENV22, ENV23, ENV24, NR3, NR4, NR6, NR12, T18 and SR3.

24. **Kent and Medway Structure Plan: Proposed Modifications (September 2005)** – These include Policies SP1, E1, E3, E8, E9, NR4, NR7, WM1, WM2, WM5, WM6, M1, M3, M10, TP11, TP14, and QL18.

25. **Kent Minerals Local Plan: Chalk and Clay/Oil and Gas (December 1997)** – These include Policies CC1, CC2, CC2A, CC12, CC13, CC14, CC15, CC16, CC19, CC20, CC21, CC22, CC23, CC24, CC25, CC26 and CC27.

26. **Kent Waste Local Plan (1998)** – These include Policies W1, W2, W5, W6, W12, W16 and W18, W19, W20, W21, W22, W23, W24, W25, W26, W27, W28, W29, W30, W31 and W32.

27. **Swale Borough Local Plan (July 2000)** – Policy R20 and Proposals Map.

28. **Swale Borough Local Plan: Re-Deposit Draft First Review (July 2005)** – Proposals Map.

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Consultations

29. **Swale Borough Council** – Object for the following reasons:-

"1. The proposed extension of these workings would in the Borough Council's opinion be contrary to policies intended to protect the countryside for its own sake and which state that development with an adverse effect on the countryside is not permissible unless there is an overriding need for it which outweighs the requirement to protect the countryside. Insufficient evidence has been provided by this application to show that there is a need for development here, so great that policies for the protection of the countryside should be overridden. The circumstances put forward in support of this proposal have been considered and are insufficient to warrant overriding the strong objection to this scheme. The development would therefore be contrary to policies ENV1, RS1, RS5 and SR2 of the Kent Structure Plan and E9 of the Swale Borough Local Plan which seek to protect the countryside from unnecessary intrusion unless exceptional circumstances apply.

2. The visual impact of the proposal particularly when viewed from Eastchurch Road and Lower Road, would be such that it would result in discordant and unattractive development harmful to the appearance of the countryside. Policies S2, ENV1, ENV2, RS1 and RS5 of the approved Kent Structure Plan and Policy E9 of the Swale Borough Local Plan seek, amongst other things, to protect the countryside for its own sake and to resist unnecessary development. The proposal is, in the opinion of the District Planning Authority, demonstrably harmful to the visual amenities of the area contrary to the development plan policies."

30. **Eastchurch Parish Council** – Object for the following reasons:-

Processing plant:
- industrial buildings in rural area (contrary to development plan);
- process unproven; and
- lack of detail on excess water from conditioning process and air conditioning for processing plant.

Increased life of site to 2015:
- residents (including occupiers of new housing development) expected the site to last 10 years; and
- direct effects of operations on local residents would all be negative.

Lower Road (B Road) unsuitable for continued use of large vehicles:
- it is the main road link to mainland for 3 prisons, a large holiday population (March to October) and residents of Minster, Eastchurch, Warden Bay and Leysdown, as well as a large number of new houses planned for Thistle Hill and Kingsborough Hill; and
- there would be considerable risk of vehicles carrying hazardous waste being involved in accidents on the road and this, together with the risk of hazardous dust escaping if it were to occur, is unacceptable due to the proximity of local schools (3 existing and 1 proposed) within 1.25 miles of the site.

31. **Minster Parish Council** – No comments received.

32. **Environment Agency** – Has advised that it is minded to issue a PPC Permit for the landfill site but the Permit will not be issued unless planning permission is granted. The draft PPC Permit and the appendices to the draft decision document (referred to at paragraph 20 above) indicate that any pollution control matters are capable of being satisfactorily addressed through conditions on the Permit. Has satisfactorily addressed all the questions that have been asked of it by KCC Planning Applications Group. Has also specifically advised that the proposals do not pose a potential hazard to groundwater quality or resources as the site lies outside any source protection zone and is probably incapable of supporting a potable groundwater abstraction. Has no objections in terms of potential impacts on water voles.

33. **Kent Health Protection Unit** – No objection from the health perspective subject to:-

- continued landfill gas flaring to minimise emissions and potential risk to human health;
- groundwater monitoring once operations have commenced;
- testing of the APCR waste stream to determine exactly the potential hazards; and
- safe collection and disposal of any contaminated water and leachate to protect ground and surface water and thus human health.

34. **Lower Medway Internal Drainage Board** – No objection from a land drainage viewpoint. Has stated that it will require copies of any Environment Agency approval in respect of anti-pollution methods to ensure that downstream conservation interests are not affected.

35. **Southern Water** – No comments to make.

36. **English Nature** – No objection subject to KCC and the Environment Agency being satisfied with the proposed mitigation measures to prevent pollution of the water environment and avoid adverse impacts on surface water flows as this would ensure that the proposals would not be likely to have a significant effect on the Swale SPA and Ramsar Site and should not affect the special interests of the Sheppey Cliffs and Foreshore SSSI and the Swale SSSI. It welcomes the creation of wildlife habitat as part of the proposed restoration scheme and advises the imposition of appropriate conditions or obligations to ensure long-term management of the land post-restoration.

37. **Kent Wildlife Trust** – Welcomes the proposed revisions to the restoration scheme to create areas of lowland meadow, hedgerow and woodland habitats in response to UK and Kent BAP targets. Has advised that the ecological information included in the Environmental Statement is limited to a Phase 1 habitat survey and information from the Kent Biological Records Centre. On this basis, the absence of records for any particular species on site (including protected species) cannot be taken to mean that they are absent. Accepts that some species are unlikely to be present at the site (e.g. badgers and dormice), however, says that the assumption that the habitat is unsuitable for others (e.g. reptiles) is less sound. Accepts that habitat loss is of minor significance if no protected species are present, but if protected species were found then a mitigation strategy would be necessary to prevent harm. Urges the County Council to consider imposing conditions and/or planning obligations to secure:-

- the creation of lowland meadow, hedgerow and woodland habitats;
- the proposed aftercare plan;
- measures to contain and treat leachates;
- measures to control and treat ground and surface water discharges; and
- an agreed strategy for mitigating any negative impacts of development on protected species, including breeding birds.

38. **Divisional Transportation Manager** – No objection subject to:-

- visibility splays of 9m x 215m east bound and 9m x 120m westbound being provided and maintained at the access to the site in accordance with drawing number HD01;
- the provision of rumble strips, signing and road surfacing as shown in principle on drawing number HD01; and
- a financial contribution of £10,000 to be made towards the resurfacing works along Lower Road and to be held for a period of 5 years.

Has looked into the concerns raised by the local residents which include the poor condition of the B2231, the high number of lorry movements, the lack of a footway, highway safety and environmental impact on the local environment. Advises that the incidence of crashes involving HGVs is very low and that any safety problems cannot be attributed to the development traffic. Also advises that the road surface along Lower Road is considerably worn and in need of repair and that £20,000 has been set aside for essential maintenance works to be completed in 2005/06. A bid is also being made to the Local Transport Plan for an additional £20,000 for 2006/07 to fund the surfacing of Lower Road. This funding would cover repairs to the high friction material but not the gateways. In view of the high number of lorries accessing the site, considers that a developer contribution towards resurfacing Lower Road is justified. This, together with the other proposed highway works, would help reduce the impact of the development on the local environment.

As there have been a number of crashes along Lower Road in the latest 3 year period a speed survey was undertaken to assess whether speeding traffic is a contributory factor. The results indicated that speeds were not unduly high and were within the usual range for a 40mph limit. As a result, no action (beyond that outlined above) is proposed at this time.

39. **Highways Agency** – No comments received.

40. **KCC Archaeology** – No objection subject to imposition of a condition requiring a programme of archaeological works to be agreed and implemented prior to development outside the current void (i.e. on the area to the north of the site currently used for the storage of soils).

41. **Jacobs Babtie (Landscape)** – Has advised that the scheme now submitted is acceptable in landscape terms. Overall the effects on countryside character are broadly similar to the permitted operations and would only be temporary. In the longer term, after restoration, the effects would be negligible. There would be some visual intrusion from the properties at Norwood Manor and Mount Mere and the adjacent public footpath as a result of the operations, however, these would be similar to the effects that would be experienced from the permitted operations. These adverse

landscape impacts are not extensive and would need to be balanced against other factors (such as need).

42. **Jacobs Babtie (Noise, Dust, and Odour)** –

Noise: Has advised that the predicted noise measurements would meet Government guidelines for normal and temporary operations (as appropriate) at all noise sensitive properties. Only at Brambledown Farm might it be necessary to rely on the temporary criterion of 70dB $L_{aeq\ 1h}$ for up to 8 weeks as the predicted noise level at this location with all operations occurring simultaneously would be 48dB $L_{aeq\ 1h}$ instead of the guidance figure of 47dB $L_{aeq\ 1h}$. Notwithstanding this, has advised that because of the way the noise predictions have been calculated using the worst case scenario (with all operations occurring simultaneously), it is unlikely that the normal day to day limit would be exceeded at all. Has recommended that an appropriate noise condition be imposed if permission is granted.

Dust: Has confirmed that the proposals rely on dust being controlled via a Dust Management Plan that would form part of any PPC Permit and that this should ensure that there is no loss to amenity at the nearest sensitive receivers.

Odour: Has advised that provided the new waste is non-biodegradable, there should be no significant odour generation or detriment to residential amenity.

43. **DEFRA (National Land Management Team)** – Has made a number of detailed comments about the agricultural aspects of the proposals. These relate to the need to make best use of available soils and soil handling, details of soil resources and restored soil profiles, the need for an aftercare scheme and the implications of landfill gas and leachate control equipment at the site.

44. **EDF Energy** – No objection, providing rights regarding access and maintenance to any cables within the area are maintained at all times.

45. **Southern Gas Networks Ltd** – No objection as its apparatus is not affected.

46. **British Telecom** – No objection, provided its apparatus is not affected.

47. **CPRE Kent** – Considers that the revised proposals adequately allay concerns raised previously provided waste residues are limited to those from Allington. Welcomes the reduction in scale of proposed operations. Is aware of the problems of hazardous waste disposal in the South East and acknowledges that the site is at an acceptable location to serve the Allington facility.

48. **Countryside Agency** – No comments.

Representations

49. The application has been publicised by site notices and newspaper advertisement. Some 400 neighbouring properties / people who responded to the 2004 application were notified. 179 letters of representation (including a number of individuals and households who wrote on several occasions) and a petition containing approximately 1719 signatures have been received. All object to the proposals. The objections

raised relate to the following issues:-

- Continuing and cumulative adverse impacts on Isle of Sheppey;
- Industrialisation of the rural area by erection of a large building;
- Potential pollution from hazardous waste (from both site operations and as a result of accidents involving vehicles transporting waste);
- Potential adverse health impacts on / risks to the local community (e.g. toxins);
- Lack of confidence in the proposed operation (in terms of transport to the site, treatment of the wastes at the site and the potential for dust or other emissions from the landfilling);
- Noise, visual and other impacts from site operations;
- Proximity to schools and residential development (and further housing is permitted nearby);
- Adverse impacts arising from HGVs travelling to and from the site generally (in terms of highway capacity and environmental impacts such as noise, dust and vibration);
- Problems associated with the existing site (e.g. litter);
- The waste materials should be recycled not landfilled;
- If waste materials have to be landfilled, this should take place elsewhere; and
- The issue of waste from the Allington EfW facility should have been properly addressed when that application was determined not left until it is nearly built.

Local Member

50. County Council Member Mr Crowther was notified in June 2005.

Discussion

51. 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 policies outlined in paragraphs 21 to 26 are of greatest relevance.

52. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process. The new advice moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are *"of the right type, in the right place and at the right time"* in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy / RSS for the South East.

53. The main issues to be considered in this instance relate to:-

- need for hazardous waste landfill;
- alternative sites for hazardous waste landfill, source of waste and the proximity principle;
- clay extraction;
- amenity and health impacts;
- access and traffic;
- landscape and visual amenity;
- natural environment; and
- relationship with the permitted composting operation and implications.

Need for hazardous waste landfill

54. Local residents have objected to the proposals on the basis that the boiler ash and APCRs should be recycled rather than landfilled. They have also suggested that the issue of waste residues from the Allington EfW facility should have been properly addressed when that application was determined and not left until is nearly built.

55. Paragraphs 23 to 25 of PPS10 state that in the interim period before development plans are updated, planning authorities should ensure that proposals are consistent with the policies in the PPS and avoid placing requirements on applicants that are inconsistent. Applications for sites that are unallocated in development plan documents should be considered favourably when consistent with the policies in the PPS, including criteria set out in paragraph 21 (e.g. physical and environmental constraints, cumulative effects and highway capacity), and the waste planning authority's core strategy. For waste disposal facilities, applicants should be able to demonstrate that the envisaged facility would not undermine the waste planning strategy through prejudicing movement up the waste hierarchy.

56. Policy INF3 of RPG9 requires that adequate provision should be made for managing the Region's waste within its boundaries and that waste planning authorities should make provision for the range of facilities necessary to deal with the waste that should be managed in their areas. Policy W3 of the proposed Regional Waste Management Strategy states that waste authorities and waste management companies should provide management capacity equivalent to the amount of waste arising and requiring management within the region's boundaries, plus a declining amount from London, and that from 2016 new permissions should only provide for residues of waste that have been subject to recycling or other recovery process. Policy W4 of the proposed Regional Waste Management Strategy states that waste planning authorities should plan for net self-sufficiency through provision of for management capacity equivalent to the amount of waste arising and requiring management within their boundaries, and that capacity should also be provided for waste from London and adjoining sub-regions (i.e. waste planning authority area within or adjoining the region) where consistent with Policy W3. Policy W15 of the of the proposed Regional Waste Management Strategy states that the Regional Assembly's Hazardous Waste Task Group should identify, provide and maintain guidance on regional hazardous waste management requirements and that Waste Development Documents should identify criteria for the determination of large scale specialist hazardous waste facilities and, where necessary, encourage the creation of a protective cell for stable hazardous waste.

57. Policy ENV21 of the Structure Plan states that the planning authority will make provision for the waste arising in Kent, together with a contribution to meeting wider waste management needs in the South East region. Policy ENV22 states that proposals for disposal will not be permitted unless the need for such development overrides material agricultural, landscape, conservation, traffic and environmental or land use concerns. Policy ENV23 states that the planning authority will have regard to, create and maintain disposal capacity for at least 10 years ahead. Policy WM2 of the emerging Kent & Medway Structure Plan (KMSP) states that proposals for the disposal of waste will be required to show that they represent the best balance between the most efficient and most environmentally sustainable method of managing a specific type of waste and that they should demonstrate that they meet a demonstrable need that overrides material agricultural, landscape, conservation, traffic and other environmental or land use concerns. Policy WM4 states that the Kent WDF will make provision for, and maintain, integrated waste management capacity equivalent to waste arisings for the County sufficient for 15 years ahead. Policy WM6 states that the Kent WDF will consider further landfill capacity to meet the need to dispose of residues to land over the Plan period.

58. Policy W1 of the Kent Waste Local Plan (WLP) states that the local planning authority will make provision in accordance with the principles of sustainable development (based on the waste hierarchy) for wastes arising in Kent to be dealt with in Kent and will also provide for a share of the region's waste (to be agreed by SERPLAN) which cannot reasonably be dealt with in the area of origin. Whilst there is no specific policy on hazardous waste landfill (including that for boiler ash or APCRs), Policy W11(g) states that proposals for waste to energy plants should be examined against whether the proposed development would deal with ash residues as an integral part of the operation by disposing of them according to the following order of priority: (i) re-use; (ii) deposit on site; or, if no such facility is available (iii) removal by making use of rail or river transport; or (iv) deposit on land at an acceptable location as close as possible to the site.

59. The Hazardous Waste Forum (established by Government in 2002) is looking at the best ways of managing hazardous waste (including APCRs) in an environmentally sound way. In 2003 it advised that direct landfill of APCRs in a dry bagged form or landfilling after simply adding water to APCRs to solidify the material into a monolithic waste were unlikely to remain acceptable because it was doubtful that APCRs would meet the Waste Acceptance Criteria (WAC), as outlined in the Landfill Regulations 2002, for granular wastes without pre-treatment. It identified a number of potential technology options for dealing with APCRs in future:-

- Solidification and stabilisation of APCRs by adding water and additives such as cement, to chemically and physically lock substances into a matrix to reduce contaminant release, and landfilling. The main issues associated with this option related to uncertainty regarding the detailed requirements, uncertainty as to whether the process would prevent the leaching of soluble salts (leading to physical disintegration of the solidified matrix), the fact that additives would add to the weight and bulk of the waste to be deposited and that there may still be an unacceptable liquid effluent.
- Thermal treatment, by vitrifying waste into a glass like substance at very high temperature or melting it with differing products being removed at different phases in the process. This could theoretically be carried out at point of origin. Although

the process is used in a few countries (e.g. Japan) the technology was unproven in the UK where EfW plants are not designed for this process.

- Long term storage (e.g. in mines). This method has been used in Germany and France after waste has been solidified. Although this process is not currently used in the UK, it is planned to be used at a former salt mine in Cheshire where existing infrastructure and ground conditions are more favourable than in Kent where old coal mines have been subject to flooding.

Solidification and stabilisation was viewed as the most practicable option, however, a clear need for guidance due to the urgent need for facilities to treat APCRs in the UK was identified.[1]

60. It is clear that options for dealing with boiler ash and APCRs are limited. Current Environment Agency guidance is that APCRs will normally be disposed of in a hazardous waste landfill site and that where this is the case the waste must be characterised and meet the general requirements for pre-treatment and WAC.[2] The Environment Agency has confirmed that mixing the imported wastes with water prior to landfilling, as is being done at Wingmoor Farm, is acceptable and could be undertaken at Norwood. The draft PPC Permit is based on this method of treatment. On the basis of the above, and in the current absence of viable recycling options, it is accepted that the boiler ash and APCRs need to be landfilled for the foreseeable future. It is also accepted that there is a need for sites for landfilling such wastes generally in the UK and specifically in the South East Region. Accordance with waste management policy dictates that Kent should seek to make suitable arrangements to deal with the wastes arising from Allington EfW facility within Kent. The issue is whether Norwood Quarry and Landfill Site represents an acceptable location for disposal.

61. Planning permission was granted for the Allington EfW Facility in July 2000 (TM/98/1428 & MA/98/1212). It has a 30 year permitted life. At that time it was proposed that about 33% of residues which could not be recycled (i.e. "bag house ash", which would be a special waste) would be landfilled at a suitably licensed disposal facility and the remaining 66% (i.e. "bottom and cyclone ash") either recycled, subject to the availability of suitable markets, or landfilled at one of the applicant's sites in the County. However, no specific disposal site(s) were identified. Since July 2000, waste types have been re-classified and the boiler ash and APCRs from Allington will now be classified as "hazardous". As a result of the Landfill Directive, it is no longer possible to dispose of hazardous waste with other types of waste in the same cell (i.e. co-disposal) and it is necessary for separate sites or cells to be established. The proposals at Norwood reflect this.

62. The proposed Allington EfW Facility will be able to accept 500,000tpa of waste. The amount of residue will be between 25 and 27% of this input (i.e. between 124,410 and 135,174tpa). Of this residue, some 44 to 45% (54,600 to 60,840tpa) will be bottom ash that is capable of recycling (11 to 12% of total waste input). The remaining 55 to 56% will be boiler ash and APCRs that are to be classified as hazardous and will need to be landfilled (14 to 15% of total waste input). Boiler ash would account for 5% of residue (5,840 to 6,318tpa) (between 1 and 1.3% of total waste input), ESP for

[1] Draft APC Residue Case Study carried out by ESA for Minimisation and Arisings Group Hazardous Waste Forum (December 2003) – available on the defra.gov.uk website.
[2] Hazardous Waste Brief Guide (undated on the website)

between 44 and 42% of residue (54,600 to 57,018tpa) (between 11and 11.4% of total waste input) and FGT for between 7 and 8% of residue (9,360 to 10,998tpa) (between 2and 2.2% of total waste input). The application proposes that Norwood would accept all of the non-recyclable element.

63. The proposed hazardous waste landfill element also gives rise to the need to consider prematurity. In this case, prematurity could arise as a result of the absence of detailed policy on hazardous waste in the emerging Regional Waste Management Strategy and because the matter needs to be fully addressed through the development of the Kent Waste Development Framework (WDF). Notwithstanding this, it is accepted that there is a need to find location(s) for the disposal of boiler ash and APCRs from Allington EfW Facility and that a site will be needed for such disposal prior to the likely adoption of the Kent WDF.[3] Indeed, the Allington EfW facility is expected to start producing boiler ash and APCRs in mid 2006 and be fully operational by the end of 2006. Prematurity would be more likely to arise if the proposals were designed to meet medium / long term needs. In this case, the proposals are considered to represent a short / medium term solution for Allington (i.e. until about 2015) which would not, in itself, prejudice the development of a medium / long term solution through the Kent WDF or further debate at the regional level about how hazardous waste should be managed. Both the Kent WDF and Regional Waste Management Strategy will cover the period to 2021. In order to reinforce the short / medium term nature of the proposed operation, it is considered that if permission is granted it should be time-limited by condition to that period set out in the planning application (i.e. completion of landfilling by the end of 2015 and completion of restoration by the end of 2016). Assessment of progress with site operations would also be assisted by a requirement (by condition) for annual reports to be submitted to the Waste Planning Authority (WPA).

64. On the basis of the above, it is considered that the proposals need not conflict with adopted and emerging national, regional and local waste management policy insofar as they relate to the need for hazardous waste landfill provided the proposals are acceptable in all other respects (including the proximity of the application site to the proposed waste source).

Alternative sites for hazardous waste landfill, source of waste and the proximity principle

65. Local residents have suggested that if the boiler ash and APCRs have to be landfilled, this should take place elsewhere.

66. Consideration of alternatives (including sites and choice of process) by an applicant is regarded as best practice and can be a material consideration in determining applications. In this instance, the applicant has considered alternative waste management technologies, alternative sites and alternative patterns of development. Alternative options for dealing with the waste stream are dealt with in the need for hazardous waste landfill section (above). Consideration of alternative sites is important in that it enables consideration of whether the proposed site is the best location in terms of proximity to waste sources.

[3] The Kent Minerals and Waste Development Scheme (MWDS) envisages the WDD for Hazardous Waste being adopted in March 2010.

67. In considering alternative sites, regard must be had to the criteria for identifying potential suitable landfill. Key criteria include suitable ground conditions (geology) and the need to safeguard the environment (e.g. water resources). These are reflected in (amongst others) Policies ENV20, ENV22, NR3 and NR4 of the Structure Plan, Policies WM2 and NR7 of the KMSP and Policies W2 and W19 of the Kent WLP. Environment Agency guidance is that landfill sites that could produce potentially polluting leachate should be on a non-aquifer or minor aquifer. In Kent, this effectively limits options to where clay outcrops can be worked.

68. The applicant has specifically looked at 8 potential sites referred to by Cory Environmental to support its application for non-hazardous landfill at Greatness Quarry and concludes that none offers a better environmental solution than Norwood. Cory's approach to alternatives was accepted by the County Council in September 2001. Reasons given for rejecting alternatives to Norwood include lack of the necessary voidspace to create a hazardous waste cell, greater distances from Allington, location on major aquifer and proximity to housing. It has also rejected the possibility of disposal in one of the former East Kent coal mines as these are overlain by major aquifer horizons and have been subject to resultant severe flooding, coal mines are generally not inherently stable in the long term and because they have not been managed since closure in a way which would facilitate use.

69. Reducing the need to travel is one of the key principles of PPS1 and the proximity principle is an important element of sustainable waste management. Paragraph 3 of PPS10 states that waste should be disposed of in one of the nearest appropriate installations. RPG9 states that Waste Local Plans should identify sites for waste treatment and disposal facilities having regard to the proximity principle. The proximity principle is also implicit in the proposed Regional Waste Management Strategy and Policies S1, ENV21 and ENV22 of the Structure Plan. Policy WM2 of the KMSP states that waste proposals should accord with the proximity principle, taking into account the environmental impact of the mode of transport proposed. The desirability for disposal solutions to be proximate to waste sources is also implicit in the need for each waste planning authority to seek to meet its own waste management needs. Policy W11(g)(iv) of the Kent WLP states that, as the last order of priority, ash residues from any waste to energy plant should be disposed to land at an acceptable location as close as possible to the plant.

70. The application proposes that only boiler ash and APCRs from the Allington EfW facility would be accepted and landfilled at Norwood. When solidification and stabilisation is utilised to treat APCRs it is generally environmentally and economically preferable to treat these at the point of disposal rather than production due to the increased weight after treatment and resultant implications for transportation.

71. Norwood Quarry and Landfill Site is approximately 29km from the Allington EfW facility when accessed via the M20, A249 and B2231. There are currently no alternative disposal locations in Kent and the nearest sites that may be capable of accommodating the waste are outside the South East Region (e.g. Gloucestershire, West Midlands, Lincolnshire and Cambridgeshire). When considered against available alternatives (i.e. transporting the waste significant distances out of the County and Region) and in the absence of an alternative disposal site nearer to Allington, Norwood is considered to be an acceptable location in terms of the proximity principle. Notwithstanding the fact that the applicant has not considered the development of an entirely new landfill facility to accept hazardous waste, its

conclusions on the lack of potential alternatives at this time are accepted insofar as they relate to short / medium term solutions for hazardous waste landfill in Kent. This approach would not be acceptable if the Norwood proposals were designed to meet a medium / long term need (as described above).

72. Subject to the waste being restricted to boiler ash and APCRs and the source being from the Allington EfW facility, the proposals are considered to accord with adopted and emerging national, regional and local waste management policy insofar as they relate to the proximity principle. Compliance with the proposed wastes and their source is capable of being secured by condition in the event of permission being granted. This would ensure that the waste source remained proximate to the site. If the applicant were to seek to extend waste types or waste sources to other areas (e.g. elsewhere in the South East Region or London) it would need to obtain further planning permission. Any application seeking this would need to be supported by new information on acceptability of those wastes, proximity and related matters.

73. Policy ENV24 of the Structure Plan states that where disposal of waste by landfill is justified by need and lack of acceptable alternatives, priority will be given to using suitable mineral workings rather than other landfill sites, especially where restoration by filling would result in the eventual reinstatement of the land to a beneficial after-use or improvement of the environment, and where the need for the development overrides material agricultural, landscape, conservation, traffic and other environmental or land use concerns (set out in Policy ENV22). This is reflected in Policy WM5 of the KMSP. Policy W12 of the Kent WLP states that landfill proposals will be permitted if they would assist in the restoration of mineral workings which would benefit (in planning terms) from being returned as near as possible to original ground levels. Subject to being acceptable in terms of other material considerations, the proposals would accord with these policies.

Clay extraction

74. The relevant mineral planning policies and guidance are referred to in paragraphs 21 to 25 (i.e. MPG1, Policies M1 and M2 of RPG9, Policies M4 of the proposed Regional Minerals Strategy, Policies NR12 and NR6 of the Structure Plan, Policy M3 and M10 of the KMSP, Policies CC1 and CC2 of the Kent Minerals Local Plan (MLP) for Chalk and Clay). Amongst other things, these set out how mineral proposals will be considered in respect of need, access, landscape, local environment, restoration and aftercare. When the Kent Minerals Local Plan for Chalk and Clay was prepared in the mid 1990's, the landbank of permitted reserves of clay in the County was significant and no proposals for new clay working were identified. Paragraph 3.3.6 of the Kent Minerals and Waste Development Scheme states that there is still no need for further clay reserves.

75. The proposals would release 240,000m^3 of clay (approximately 427,200 tonnes based on 1.78t/m^3).[4] Of this, 146,000 to 151,000m^3 (259,880 to 268,780 tonnes) would be available for sale after deducting site engineering requirements. The proportion of clay for export from the site is due to the design and restoration of the proposed hazardous waste landfill and since the application is primarily designed to meet a need for landfill. Whilst there is no general need to release further clay for engineering purposes it is accepted that the proposed extraction could usefully be used for both

[4] The "conditioned" ash ratio would be 1.00t/m^3.

site engineering and restoration at Norwood and in local engineering projects in the area over the next few years. Examples of the latter could include sea defence works on the Isle of Sheppey and improvements in the Medway and Swale estuaries and the tidal parts of the River Medway and River Thames.

76. When considered in the context of the landfill element of the application, the proposed extension to Norwood Quarry is not considered to be of a sufficiently large scale to prejudice consideration of the need or otherwise for, or any location of, future clay extraction in the Kent MDF. Based on the applicants' estimates, the proposed new reserves are likely to be exhausted before the relevant part of the Kent MDF, the Minerals Development Document (MDD) for Engineering & Agricultural Materials, is adopted.[5] The proposed clay extraction can be viewed favourably in the context of the landfill elements and since the landfill proposals would otherwise sterilise the clay.

77. On the basis of the above, and the mitigation referred to elsewhere in this report to minimise potential adverse impacts, it is considered that the proposed clay extraction element is acceptable in policy terms.

Amenity and health impacts

78. A significant number of objections to the proposals relate to perceived amenity and health impacts. In particular, local residents have expressed concerns about the potential pollution and associated health risks from the hazardous waste (e.g. dust or other emissions and toxins) whilst it is being delivered to the site, treated and landfilled, in both the short and longer term; noise; litter; and a lack of confidence in the proposed operation. Residents have specifically referred to the proximity of schools (three within 2km) and both existing and proposed residential development to the site. The main amenity and health concerns raised therefore relate to the waste element of the application, however, the mineral element has also attracted objection on amenity grounds due to the implications of additional clay extraction on the life of the site.

79. A number of amenity issues are dealt with under Landscape, Natural Environment, Access and Traffic and Relationship with the permitted composting operation (below). This section will consider those amenity issues relating to air emissions, dust, odour, vermin and birds, noise and vibration, litter and hours of working, as well as any associated health impacts.

80. Government guidance on both minerals and waste seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. Specifically, paragraph 29 of PPS10 states that waste planning authorities should consider the likely impact on the local environment and on amenity in considering planning applications for waste management facilities (i.e. locational criteria). Paragraph 30 states that *"Modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health"*. It also states that *"The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public interest to ensure that the location of*

[5] The Kent Minerals and Waste Development Scheme (MWDS) envisages the MDD for Engineering & Agricultural Materials being adopted in March 2010.

proposed development is acceptable and health can be material to such decisions." Paragraph 31 states that *"Where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies. Rather, they should ensure, through drawing from Government advice and research and consultation with the relevant health authorities and agencies, that they have advice on the implications, if any, and when determining planning applications consider the locational implications of such advice. A concurrent process and a transparent relationship between the planning and pollution control regimes will help facilitate this."* Paragraphs 5 and 26 of PPS10 state that *"controls under the planning and pollution control regimes should complement rather than duplicate each other"* and that *"in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities."* Paragraph 27 states that *"Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced."* MPG1 and MPS2 both seek to ensure that mineral proposals are acceptable in terms of amenity and related health impacts.

81. Policy W17 of the proposed Regional Waste Management Strategy states that the suitability of waste management sites should be assessed on the basis of being capable of meeting a range of locally based environmental and amenity criteria. In respect of waste, Policies ENV20 and ENV22 of the Structure Plan and Policies WM2 and NR4 of the KMSP require proposals to be acceptable in terms of their environmental impacts. Policy W18 of the Kent WLP requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Policy W25 requires plant, buildings and associated elements to be designed to minimise adverse visual and noise impact and Policy W26 sets out the hours during which waste facilities will normally be permitted to operate. The requirements of these policies are mirrored in Policy NR6 of the Structure Plan, Policy M3 of the KMSP and Policies CC12 and CC19 of the Kent MLP for Chalk and Clay in respect of minerals. Policy SR3 of the Structure Plan, Policy QL18 of the KMSP, Policy W27 of the Kent WLP and Policy CC20 of the Kent MLP for Chalk and Clay all require rights of way or their users interests to be safeguarded from waste management proposals.

82. Since objections have been raised on health and related grounds, PPS10 is clear that the County Council should rely on Government advice and research and consultation responses to inform itself on any locational implications rather than undertake detailed assessments or studies.

83. There have been a number of reports relating to potential health effects associated with various aspects of waste management. The following (paragraphs 84 to 86), outlining works undertaken by the Environment Agency and Defra, are of particular relevance to the concerns expressed by local residents.

84. The Environment Agency report "Solid residues from Municipal Waste Incinerators in England and Wales" (May 2002) sought to address public fears about the health risks associated with incinerators and their products. The report describes APCRs as *"finely divided, strongly alkaline materials, containing high concentrations of lime and other calcium compounds, and soluble metal chlorides. These residues contain*

substantially higher levels of dioxin and some toxic materials than bottom ash but are designated hazardous waste because of their alkaline nature due to the lime they contain." The report also states that *"The levels of metals and dioxins in the air pollution control residues, although generally higher than those in bottom ash, are considerably lower than the levels that would make the air pollution control residues hazardous waste due to their presence."* The report is clear that the potential risk to human health arises from the alkalinity and through the presence of dioxins, metals and chlorides and that *"The potential environmental and human health impacts related to handling APC's are those from windblown dust and the potential leaching of soluble components".* The report, which is based on the investigation of actual sites, goes on to say that *"In all cases, dust monitoring, by the operators showed that occupational exposures of plant operators to airborne dust were well below HSE limits."* It also states that *"None of the activities at the landfill sites (6 were examined), including Bishops Cleeve, was found to result in significant releases of dust from air pollution control residues that reached the nearby population."* The reason for APCRs being hazardous is confirmed in the draft APC Residue case study prepared for the Hazardous Waste Forum in 2003 which states that the wastes are *"regulated by the Environment Agency under the Environmental Protection Act as hazardous waste because of their high alkalinity (pH 12 and above) due to the high levels of lime they contain."*

85. The Environment Agency report "Hazardous waste – A growing challenge" (February 2004) looked at the human health impacts of hazardous waste. It refers to Government commissioned research by the Small Area Health Statistics Unit to look at the relationship between landfills and human health in Great Britain. Its main conclusions were that *"the cancers considered in the study do not occur more frequently in the population that lives within 2km of a landfill site. This is also the case for landfills that take hazardous waste;"* that *"the rate of certain birth defects in the population that live within 2km of a hazardous waste landfill site is seven per cent more than expected;"* and that *"it is not clear whether landfills were responsible for these effects, because residence within 2km of a landfill is only a crude measure of exposure. The association may be explained by confounding factors, such as the occupation of, or the use of medicines, by the study population."* The report also stated that *"Further research into congenital abnormalities and landfill sites is underway, in an attempt to determine if possible causes can be identified."* The Environment Agency stated that *"There are potential health and environmental impacts from managing hazardous waste, whether it is buried in the ground in landfills, burnt in incinerators or recycled. In all cases we regulate these hazardous waste management operations to ensure they do not pose an unacceptable risk to human and environmental health."*

86. The report "Review of Environmental and Health Effects of Waste Management: Municipal Solid Waste and Similar Wastes" (May 2004) was produced for Defra by Enviros and the University of Birmingham. This draws together available information on the environmental and health effects of managing municipal solid waste. The study concluded that *"While the information is incomplete and not ideal, the weight of evidence from the studies so far is that present-day practice for managing municipal solid waste has at most a minor effect on human health and the environment. This should be viewed in the light of the benefits of collection and disposal of the waste that we all generate. If waste were not collected, treated and disposed, it would become a source of disease, odours, litters and pests."* With regard to potential health effects, the report found that *"disposal of ash from incinerators needs to be carefully managed*

and landfills can give rise to emissions to water, land or air unless properly managed." With regard to landfill it stated that *"A detailed study of landfill sites has identified a possible link between living close to a landfill site, and the occurrence of some birth defects. The study also considered the occurrence of unusually low birth weight. This study was not able to say whether the associations are causal, or whether they might be reflecting other factors which the study could not address fully. The observation is a small increase in the risk of a birth defect happening in babies born to families living near landfill sites. The increase is much smaller than other factors which influence the likelihood of birth defects, and the numerical results cannot at present be reliably used."* The report also stated that *"A detailed UK study was carried out to investigate whether there is any indication that living close to landfill sites results in an increase in the occurrence of cancer. This study did not detect an increase in the occurrence of cancer."* It also states *"Thus the studies suggest that if the operation of these facilities does have any effect on the health outcomes which have been investigated, any effect is very small – smaller than many other influences on these health outcomes."*

87. The Kent Health Protection Unit, as a statutory consultee, has raised no objection from the health perspective subject to continued flaring of landfill gas, groundwater monitoring, testing of the APCR waste stream to determine precise hazards and the safe collection and disposal of any contaminated water and leachate. These are all matters that would be addressed by the Environment Agency under the PPC regime and are included in the draft PPC Permit. Notwithstanding the planning objections raised by Swale Borough Council, it has raised no objection from the Environmental Health perspective. On the basis of these responses and the above advice and research, it is not considered that the proposals give rise to health issues that would preclude Norwood as an acceptable location for the proposed development and there is therefore no case, in principle, for refusing planning permission from a health perspective. In accordance with the advice in PPS10, any detailed health concerns should appropriately be dealt with by the Environment Agency under the pollution control regime and the County Council should assume that any necessary controls will be applied and enforced in that context.

88. The majority of the proposed hazardous waste landfill area already has the benefit of planning permission for the disposal of industrial, commercial and household waste (i.e. putrescible waste) and if the current proposals were not to proceed the existing void (cells 4 and 5) would continue to be filled with these wastes. Such wastes give rise to the creation of landfill gas and leachate, both of which are odorous and can result in odour nuisance if not properly controlled. The transportation and landfilling of these waste types can also give rise to nuisance from odour (from the waste itself) and litter, as well as attract vermin and birds, if not properly controlled. Operations associated with the transportation of clay and waste, the extraction of clay and the landfilling of waste also give rise to noise and dust. If not properly controlled these can also give rise to nuisance. All these matters are already controlled by conditions attached to the existing planning permission and by the existing waste management licence (as appropriate) which are designed to minimise adverse impacts. If the current application were not to proceed, these (with similar controls under a new PPC Permit) would continue to provide a satisfactory controls. If the proposals were to go ahead, landfill gas and leachate controls would still need to remain in place for many years to ensure satisfactory management of such arisings from cells 1, 2 and 3. In view of this and since the proposed hazardous waste landfill would also require leachate controls (including well heads and associated pipework), it is necessary to ensure that appropriate controls are imposed to minimise any effects associated with

these (e.g. visual impacts and afteruse).

89. The proposed deposit of boiler ash and APCRs would result in a significant reduction in the amount of putrescible waste being imported to and landfilled at the site. The proposed wastes would not give rise to landfill gas or litter, nor attract vermin or birds. Experiences at Wingmoor Farm indicate that the waste would not give rise to significant amounts of leachate, dust or airborne emissions and that satisfactory controls can be imposed to deal with any arising. The Environment Agency has confirmed that the proposed method of treating the boiler ash and APCRs would be acceptable and that both leachate and dust / airborne emissions can be satisfactorily monitored and controlled under a PPC Permit. The Environment Agency has also confirmed that ash would not be permitted to be landfilled unless treated in the conditioning plant and that it could not be stockpiled at the site prior to treatment. Measures to control these issues are included in the draft PPC Permit. At Wingmoor Farm, dust control measures also include the use of water bowser on site roads and the landfill area (particularly during periods of dry and windy weather), "mist sprays" around the perimeter of the landfill area itself, the use of wheel wash and road sweeper, as well as the waste treatment ("conditioning") process itself. Such measures would be incorporated, as necessary, into any PPC Permit.

90. The proposed hours of working are much the same as those already permitted at the site (i.e. 07.00 to 1800 Monday to Friday and 07.00 to 1300 on Saturdays). Whilst all waste operations would continue to adhere to these limits, it is proposed that quarrying operations would not start until 07.30. Although marginal, this represents an improvement to the current permission. The existing planning permission does not allow either the formation or removal of the screen mounds prior to 08.00. It would be appropriate to impose a similar restriction if this application is permitted. The proposals would have no direct effect on the public footpath immediately to the east of the site and the interests of its users would not be further affected than by those operations already permitted.

91. Subject to the imposition of conditions to ensure appropriate planning controls to minimise any adverse effects of the landfill gas and leachate control equipment (e.g. removal of equipment when no longer required), minimise the generation of dust associated with clay extraction, vehicle and soil movements (including those during restoration), to restrict hours of working to those proposed by the applicant and to restrict noise levels associated with site operations to acceptable limits, the proposals are considered to to accord with adopted and emerging national, regional and local minerals and waste management policy insofar as they relate to amenity and health impacts. It is accepted that it would be necessary for other controls to be imposed under the PPC Permit (e.g. those to minimise dust / airborne emissions associated with the waste) and, in accordance with Government Guidance, it is not proposed that these be duplicated if planning permission is granted. I am satisfied that the 4 points raised by Kent Health Protection Unit will be addressed by the Environment Agency through the PPC Permit (for matters relating to the hazardous waste landfill) and existing waste management licence (for matters relating to the non-hazardous landfill).

Access and traffic

92. Local residents have objected to the proposals on the basis that HGVs transporting clay from and waste to the site will have an adverse impact in terms of highway capacity and environmental impact (e.g. noise, dust and vibration). Concerns have

also been expressed about the potential for accidents involving vehicles transporting waste and the implications of possible spillages of hazardous waste on the local community. More generally, concerns have been expressed about the poor condition of the B2231, the high number of lorry movements, the lack of a footway through Brambledown (and elsewhere on Lower Road), highway safety and impact on the local environment. Similar objections have been raised by Eastchurch Parish Council.

93. Government guidance on both minerals and waste seeks to ensure that transportation impacts of development proposals are minimised. Paragraph 21 of PPS10 states that the selection of sites for new or enhanced waste management facilities should involve consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (and non-road transport should be used where practicable and beneficial). Annex E(f) states that the suitability of the road network and the extent to which access would require reliance on local roads are criteria that should be considered. Good transport connections including, where possible, rail and water, are also encouraged in MPG1, RPG9 and Policy W17 of the proposed Regional Waste Management Strategy. Policies ENV22, NR6 and T18 of the Structure Plan and Policies WM2, M3 and TP14 of the KMSP require that development is acceptable in terms of traffic impact and, in the case of T18 and TP14, well related to the primary or secondary route network. Policy W22 of the Kent WLP and Policy CC24 of the Kent MLP for Chalk and Clay require waste management and minerals proposals to be acceptable in terms of highway safety and capacity and for the developer to provide for any necessary improvements. Policies W23 and CC25 respectively require measures to prevent mud and debris being deposited on the public highway for waste management and mineral proposals.

94. Although the proposed additional clay extraction would give rise to additional HGVs transporting clay from the site (since clay reserves available for export are now exhausted), the applicant proposes that HGV movements be restricted to the number already permitted (i.e. 200 per day – 100 in/100 out) in order to enable future clay exports to be undertaken on a campaign basis as has happened previously. In view of the nature of clay contracts, since the Divisional Transport Manager has not objected to the proposals and since Lower Road has already satisfactorily accommodated greater numbers of HGVs associated with site operations (including much larger clay contracts), the proposed HGV numbers are considered to be acceptable. In this context, it should be noted that once proposed clay reserves are exhausted the number of tankers transporting boiler ash and APCRs to the site would be significantly less (i.e. about 24 movements per day – 12 in/12 out). Existing controls to minimise the incidence of dust, mud or other debris on the road (e.g. wheel wash) would be maintained. The potential difference in noise and vibration associated with tankers, as opposed to other HGVs, is difficult to quantify, however, in the context of the existing situation and the proposed numbers it is not considered that an objection could be substantiated. Any accident involving tankers transporting waste to the site would be treated by the emergency services in the same way as any accident involving a vehicle carrying a hazardous substance. Vehicles transporting waste to the site would additionally be subject to the provisions of the "duty of care" and require a waste carriers licence.

95. As reported at paragraph 38 the Divisional Transport Manager has raised no objection to the proposals subject to the provision and maintenance of suitable visibility splays, the implementation of improvements near the site access and a financial contribution towards the resurfacing of Lower Road. All of these are capable of being secured by

condition and / or legal agreement. Subject to these, and the imposition of conditions to ensure appropriate planning controls on vehicle numbers and measures to minimise mud, dust and other debris being deposited on the highway the proposals are considered to accord with adopted and emerging national, regional and local minerals and waste management policy insofar as they relate to access and traffic.

Landscape and visual amenity

96. The main landscape objections raised by local residents relate to the industrialisation of the rural area by the erection of the proposed treatment building and other adverse visual impacts associated with extraction and infilling operations which are seen as having a continuing and cumulative adverse impact on both the local area and more widely on the Isle of Sheppey. Similar objections have been raised by Eastchurch Parish Council. Swale Borough Council has objected to the proposals on the basis that they are contrary to development plan policies designed to protect the countryside and that development would be harmful to the visual amenities of the area.

97. Government guidance on both minerals and waste seeks to ensure that landscape impacts of development proposals are acceptable. Paragraph 21 and Annex E(c) of PPS10 are clear that landscape, design and visual impact are important locational criteria when considering waste management proposals. Paragraph 71 of MPG1 states that mineral sites should be reclaimed to a standard suitable for beneficial after-use as soon as possible. Similar requirements are reflected in RPG9 and Policy W14 of the proposed Regional Waste Management Strategy. Policies S2, ENV1, ENV2, ENV7, ENV22 and NR6 of the Structure Plan and Policies E1, E3, WM2 and M3 of the KMSP require that development is acceptable in terms of landscape impact. Policy ENV24 of the Structure Plan and WM5 of the KMSP additionally require landfill associated with the restoration of mineral workings to result in beneficial afteruse or improvement of the environment. Policy W5 of the Kent WLP requires that proposals for the disposal of waste by landraising should not create an alien landform that is out of keeping with the existing landform and Policy W32 that proposals incorporate satisfactory operation, restoration and aftercare schemes. Policy W25 requires processing plant, hard surfacing, buildings and lighting to be designed to minimise adverse visual and landscape impact. Policies CC26 and CC27 of the Kent MLP for Chalk and Clay respectively require minerals proposals to be acceptable in terms of landscaping and include satisfactory working and reclamation schemes.

98. The site is not subject to any specific landscape designations. The proposed changes to the restoration scheme would, amongst other things, result in amended contours, a revised pattern of fields, hedgerows, woodland, scrub, drainage and associated water features designed to benefit wildlife. Since the proposed landfill of boiler ash and APCRs would not settle in the same way as the permitted wastes, that part of the site would not require surcharging. In considering the application it is important to remember that planning permission already exists for the landfilling of cells 4 and 5 and that these operations would, in themselves, give rise to various impacts regardless of the outcome of this application.

99. As currently, views of operations (apart from vehicles entering and leaving the site) would largely be restricted by the site screening mounds. Although the proposed treatment plant building would be an additional feature at the site, its location behind the site screening mounds would minimise visual intrusion. If permission is granted, further details of colour(s) for the conditioning plant and any other plant and buildings

would need to be agreed. Any intrusion that may be associated with the landfill gas control equipment (including flare stack) was mitigated under the terms of planning permission SW/05/726. As with the current permission, the proposals would still result in the mineral working being restored to a beneficial afteruse. Since the application contains no details of proposed lighting arrangements, it would be necessary for details of these to be reserved for consideration at a later date should permission be granted. Any lighting proposals would need to be designed to minimise any resultant intrusion. Although the application is accompanied by a restoration scheme and outlines some of the necessary aftercare measures, these are not considered to be sufficiently detailed. If permission were granted, it would therefore be necessary to require more detailed restoration and aftercare proposals based on those submitted with the application.

100. Notwithstanding the Borough Council's objections, the proposals would not be significantly different than those already permitted and would not have any greater adverse impact on landscape character. This is confirmed by Jacobs Babtie (landscape).

101. Subject to the imposition of conditions to require the submission and approval of detailed restoration and aftercare schemes and related provisions (e.g. 5 year period and replacement of tree and other plant failures) and lighting details the proposals are considered to to accord with adopted and emerging national, regional and local minerals and waste management policy insofar as they relate to landscape and visual amenity.

Natural Environment

102. The main objections raised by local residents in respect of the natural environment relate to those potential pollution issues addressed under amenity and health impacts above. However, more general concerns include whether the landfill could give rise to pollution of the water or surrounding environment.

103. Government guidance on both minerals and waste seeks to ensure that the natural environment is not adversely affected by development proposals. Paragraph 21 and Annex E(a) and E(d) of PPS10 are clear that the protection of water resources and nature conservation are important locational criteria when considering waste management proposals. MPG1, RPG9 and the proposed changes to RPG9 also include similar objectives. Policies S2, ENV2, ENV5, ENV20, NR3, NR4 and NR6 of the Structure Plan and Policies E6, E8, NR4, NR7, WM2 and M3 of the KMSP require that development is acceptable in terms of potential impact on the natural environment. Policies W2, W19, W20, W21, W28, W29, W30 of the Kent WLP and Policies CC2A, CC13, CC14, CC15, CC21, CC22, CC23 of the Kent MLP for Chalk and Clay require proposals to be acceptable in terms of potential impacts on environmental resources such as designated sites (e.g. Ramsar, SSSI, SAC), ground and surface water, stability and land drainage, nature conservation and archaeology, or require appropriate mitigation for protecting such interests.

104. English Nature has confirmed that provided the County Council and the Environment Agency are satisfied with proposed pollution control measures, it has no objection to the proposals on the basis of potential impact on any designated sites. Since the Environment Agency has advised that the proposals would not pose a hazard to groundwater quality and groundwater resources (subject to a site specific assessment

of a hydrogeological risk assessment as part of the PPC process) and the Lower Medway Internal Drainage Board has no objections, it is considered that the proposals are acceptable in terms of both ground and surface water, land drainage and potential impact on designed nature conservation interests. However, since the drainage details submitted with the planning application are rather indicative *(the PPC Permit application addresses water management issues in greater detail)*, it is considered that a more detailed scheme should be required alongside the restoration and aftercare schemes referred to in paragraph 101 above. The potential implications of landfill gas and leachate are addressed in paragraph 91 above. The Environment Agency has confirmed that the site engineering proposals have been assessed during consideration of the PPC Permit application and that it is satisfied on stability grounds. Although stated in the planning application, it would also be appropriate to include a condition setting a maximum depth of extraction (i.e. 35m AOD).

105. The 2004 application was preceded by an archaeological site investigation on land to the north of the existing site and the results assessed by KCC Archaeology. As a result of this and previous information indicating that some dispersed buried archaeological remains may exist, KCC Archaeology has recommended that a programme of further works be required on land to the north of the current void that is proposed to be extracted. This can be satisfactorily addressed by the imposition of an appropriate condition.

106. The proposed change in emphasis from agricultural afteruse to wildlife / biodiversity interest is supported by English Nature and Kent Wildlife Trust. The increased biodiversity that would result from the proposals in terms of restoration to lowland meadow, when compared with the existing permitted scheme, is considered to outweigh any adverse impacts that may be associated with any loss of agricultural land quality in this case due to not seeking to attain the highest quality soil conditions. Notwithstanding this, if permission is granted it would be important to ensure that soils are handled and stored in accordance with best practice.

107. Subject to the imposition of conditions to require the submission and approval of a detailed surface water drainage scheme, a programme of archaeological works and to ensure appropriate soil handling and storage, the proposals are considered to to accord with adopted and emerging national, regional and local minerals and waste management policy insofar as they relate to the natural environment. It is accepted that it would be necessary for other controls to be imposed under the PPC Permit (e.g. those to protect ground and surface water interests) and, in accordance with Government Guidance, it is not proposed that these be duplicated if planning permission is granted (except for the requirement for a more detailed surface water drainage scheme to sit alongside the restoration and aftercare scheme).

Relationship with the permitted composting operation and implications

108. The proposals are inconsistent with the permitted composting operation (SW/02/1114 dated 27 March 2003) for a number of reasons. Most importantly, the composting operation would conflict with the proposed surface water drainage scheme. It would also prejudice the effective restoration of a significant part of the site. For these reasons, it is considered important that the composting permission should not be implemented. The simplest way of achieving this would be for the applicant (and landowner as necessary) to agree not to implement the permission. The applicant has agreed to do this and the matter can be satisfactorily addressed by a legal agreement.

If not implemented by 27 March 2008, the permission will cease to have effect (i.e. 5 years from issue).

Conclusions

109. Whilst the proposals have given rise to significant concerns by local residents and some of their elected representatives, I consider that the benefits associated with the proposal (i.e. the provision of a landfill facility to accommodate boiler ash and APCRs from the Allington EfW facility which would avoid the need for these wastes to be transported significant distances out of the County in the short to medium term) outweigh any real or perceived harm to local amenity or other environmental interests. In coming to this recommendation, I have had regard to consultee responses, the fact that many issues can be further mitigated by legal agreement and the imposition of planning conditions and the fact that the draft PPC Permit indicates that other matters would be appropriately dealt with under the PPC regime. For the reasons set out in paragraphs 51 to 108 above, I consider that the proposed development accords with adopted and emerging national, regional and local minerals and waste management policy, including the specific development plan policies referred to. Specifically, I consider that the proposals can be considered favourably against both Policy WM2 of the KMSP and the requirements of paragraph 2 of PPS10 and that the proposed facility is *"of the right type, in the right place and at the right time."*

Recommendation

110. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 2 and the applicants meeting the County Council's reasonable legal costs associated with this agreement and conditions covering amongst other matters: date for implementation (3 years); duration of the permission (end of 2015 for landfilling and end of 2016 for restoration); requirement for annual progress reports; removal of the waste treatment facility, buildings, plant, machinery and access roads when no longer required for site operations; maximum depth of extraction (35m AOD); wastes being limited to boiler ash and APCRs from the Allington EfW facility; hours of operation; noise and dust controls; vehicle movement restrictions; measures to minimise any adverse effects associated with the landfill gas and leachate control infrastructure; measures to minimise mud, dust and other debris being deposited in the highway (including installation, maintenance and use of a wheel wash); implementation of proposed improvements to the site access; maintenance of site visibility splays; detailed restoration and aftercare schemes; lighting details (to minimise visual impacts); details of colour(s) for the conditioning plant and any other buildings and plant; details of surface water and foul drainage; appropriate soil handling and storage; and archaeology.

Case Officer: Jim Wooldridge	Tel. no. 01622 221060

Background Documents: see section heading.

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Item C2

Application for Extension to Mineral Workings with Restoration by Landfill at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Isle of Sheppey, Kent – SW/05/744

APPENDIX 1 TO ITEM C2

NOTES of a Planning Applications Committee Members' site visit to Norwood Quarry and Landfill Site and a public meeting held at Eastchurch Village Hall on Tuesday, 26 July 2005.

MEMBERS PRESENT AT THE SITE VISIT: Mr J A Davies (Chairman), Mr J B O Fullarton, Mr R W Gough, Mr C Hibberd, Mr G A Horne, Mr S J G Koowaree, Mr T A Maddison, Mr J I Muckle and Mr A R Poole. Mr A D Crowther was present as the Local Member.

OFFICERS: Mr W J Murphy and Mr J Wooldridge (Planning) and Mr A Tait (Legal and Secretariat).

THE APPLICANT: Mr P Green (with Mr A Ryan, Mr M Snell and Mr M Robinson – Waste Recycling Group) accompanied by Mr C Lowden (with Mr J Leeson – SLR Consulting).

OTHER LOCAL AUTHORITIES: Swale BC (Members: Mr J Ronan and Mr B Stokes with Mr A Jeffers - Planning); Eastchurch PC (W Betts, Mrs K Carter and M Reeves), Minster on Sea PC (Councillor Mrs J Stimson) and Queenborough TC (Mr A Ronan).

ALSO PRESENT: Environment Agency (Mr P Hoppen and Mr A Ogden) and Kent Against Toxic Tippings (Mr A Cooper, Mr J Gillespie, Mrs E Condon and Mrs D Payne). About 120 members of the public attended the public meeting.

(1) The Members' site visit to Norwood Quarry and Landfill Site took place before the public meeting. It was chaired by Mr Fullarton. Points made during the visit are incorporated in this note.

(2) The Chairman opened the public meeting by explaining that its purpose was to enable Members of the Committee to gather the views of those present in relation to the application, having previously familiarised themselves with the site and its environs. He explained that for no other reasons than the shortage of space in the hall and that they were going to give a presentation on the application, he had taken the highly unusual step of inviting the applicant to sit at the front table during the public meeting.

(3) *[At the site visit]* Mr Wooldridge introduced the application which was for a 1.7 hectare extension to the mineral workings at Norwood Quarry and Landfill Site to release 240,000m^3 of London Clay, maintaining clay sales for 2 to 3 years. The proposed extension would expand the workings slightly to the north, south and east but would not extend beyond the existing screening mounds or onto adjoining agricultural land and would remain within the lateral boundaries of the existing permissions. The proposed electricity generation compound was not part of this application.

(4) Mr Wooldridge went on to say that the application also proposed to import just over 600,000 tonnes of residual non-recyclable waste from the Allington Quarry EfW facility over a period of 10 years. It was expected that this waste would be categorised as hazardous. Between 70 and 80 thousand tonnes of waste would be landfilled each year until about 2015 with restoration completed by 2016.

(5) Mr Wooldridge then said it was proposed that the waste would be conditioned at an

on site plant before being landfilled. The proposed conditioning plant would comprise two horizontal silos for the storage of imported waste and a mixing tower which would be housed within a steel portal framed structure, clad with plastic coated galvanised steel sheeting. Waste would be transferred from the HGV to the silo and the plant under pneumatically sealed conditions to eliminate dust generation. Air that was displaced during this process would be filtered prior to discharge to minimise particle emissions. Waste would be transferred to the plant from the silos in sealed pipes, mixed with water prior to discharge via an inclined conveyor into a dumptruck for transfer to the landfill. The applicant anticipated that the plant would be capable of treating the waste from Allington in this way.

(6) Mr Wooldridge continued by describing the restoration scheme. The site would be restored with a gently sloping, south-facing landform. The top of the peripheral screening mounds would be regraded into the finished landform as part of the final restoration. Woodland planting would be undertaken as part of the initial development phase. The application also included aftercare proposals.

(7) Mr Wooldridge said that the maximum number of vehicle movements proposed would be 200 per day (100 in and 100 out) as currently permitted. Once clay exports ceased and the remaining non-hazardous waste cell was filled, the number would reduce to about 24 movements (12 in and 12 out). These would be 25 tonne capacity tankers transporting the hazardous waste from Allington.

(8) The proposed hours of operation for the quarry operations were 0730 to 1800 Mondays to Fridays and 0730 to 1300 Saturdays. Landfill operations would start at 0700 on each day and finish at the same time as the quarrying.

(9) Mr Wooldridge clarified that the applicant had submitted two Pollution Prevention Control (PPC) Permit applications to the Environment Agency in parallel to an earlier planning application submitted and withdrawn in 2004. One PPC Permit application for the non-hazardous area and one for the hazardous area. These would need to be amended in line with changes made to the proposals in the current planning application.

(10) Mr Wooldridge concluded by describing the types of objections received from local residents and describing the main issues to be considered by the Committee. These were: the need for the mineral (clay); the suitability of the clay reserves for the stated purpose; alternative sources of clay; the need for hazardous landfill; the sources of waste in respect of the Proximity Principle and Best Practicable Environmental Option (BPEO); alternative sites for hazardous waste landfill; amenity and health impacts; access and traffic; landscape; natural environment; the relationship with the permitted composting operation and its implications; other issues. He stressed that the application would have to be assessed in the light of a broad range of policies and that the views of a number of consultees were still awaited.

(11) *[At the public meeting]* Mr Wooldridge very briefly described the proposed development and introduced Mr Green (WRG) and Mr Leeson (SLR) who were to make a presentation outlining the proposals.

(12) Mr Green from WRG gave a presentation to the meeting. He said that the Kent Waste Strategy aimed to meet EU and UK requirements to minimise landfill, bring about more recycling, minimise vehicle movements and reduce waste arisings. The

development of the Allington EfW facility was underway and it would become operational in 2006. Traditionally, the London Clay was used for local projects and had recently been used for the 2nd Swale Crossing. This meant that other than clay required for on-site engineering works, the permitted clay reserves were exhausted. Under the existing permission, once quarrying was completed, the land would be restored by landfilling with a variety of municipal, industrial and commercial wastes.

(13) Mr Green then showed the meeting a slide showing the site divided into 5 cells and pointing out the locations of the three cells which took non-hazardous waste and the other two (4 and 5) which were proposed to take the hazardous waste.

(14) Mr Green then told the meeting that the original application in 2004 had been withdrawn following public consultation with a revised application coming forward in May 2005. Both were accompanied by an Environmental Impact Assessment. The current application contained a number of significant changes: residue would only be taken from Allington itself; it was not proposed to extend the site beyond the treeline; the amount of clay released by the application would be limited to 240,000m^3; the site would only be operational to about 2015; vehicle movements would be limited to 100 in and 100 out with only 12 x 25tonne arctics in and 12 out after the clay exports ceased and the non-hazardous cells filled; and there would be an enclosed pre-treatment plant.

(15) The hazardous waste, consisting of boiler ash, electrostatic precipitator ash (ESP) and flue gas treatment residue (FGT), would be brought onto the site in sealed powder tankers, transferred to reception silos and then mixed with water in the conditioning plant. The conditioned waste would then be transferred by a conveyor to a dump truck and on to the landfill area. The conditioned ash would form into a crumble.

(16) Mr Green then said that once the two hazardous waste cells were filled, the restoration scheme would bring the land back to agriculture and conservation grassland. There would also be planting around the lagoon area.

(17) Mr Green concluded his presentation with a statement of WRG's arguments in support of the application: the need for local engineering material; the need for the development in the light of the wider waste strategy; compliance with the Proximity Principle owing to its closeness to Allington; its role as part of the sustainable waste management strategy for Kent; its geological suitability; and the clear, overall need for the facility.

(18) Mr Leeson from SLR Consulting gave an explanation of the various requirements that needed to be fulfilled by the application. He said that all landfill sites needed to receive both planning consent and a PPC Permit before they could become operational. An application for this type of development needed to be accompanied by an Environmental Statement whose scope was determined by the planning authority. For this application, the key areas (Air Quality, Noise, Visual Impact, Traffic Impact, Cultural Heritage and Ecology) were all covered in detail in that Statement.

(19) Mr Leeson then said that the requirement for a PPC Permit had replaced the former need for a Waste Management Licence. Meanwhile, the EU Landfill Directive had specified that from July 2004 hazardous and non-hazardous wastes had to be kept

separate from each other when being disposed. Hence the need to split the site.

(20) Mr Leeson moved on to explain that the Proximity Principle required waste to be dealt with as close to its source as possible. However, there were only 20 sites in the UK capable of taking hazardous waste; leading to longer distances being needed to transport it.

(21) Mr Leeson then explained that a PPC application had to satisfy a number of key elements. It had to comply with EU Groundwater Regulations; a satisfactory engineering Quality Assurance report had to be produced by a third party; a Landfill Gas Risk Assessment had to be provided to ensure that no bio-degradable material was produced; the stability of the landfill had to be tested for both the short and long term; and a Nuisance and Health Risk Assessment had to be undertaken.

(22) Mr Leeson also explained that, unlike the Waste Management Licence process, a PPC Permit application was subject to public consultation including seeking the views of the Health Protection Agency, the Food Standards Agency and the Primary Care Trusts. As SLR Consulting was involved in two landfill sites (including one near Cheltenham) that accepted ash, he knew that the Environment Agency would not issue a PPC Permit unless it was entirely happy that with the health impacts of the proposed development.

(23) Mr Wooldridge confirmed to the public meeting that the presentation by Mr Green had accurately reflected the contents of the planning application. He also said that: the proposals would need to be assessed against a range of planning policies; the proposals were separate from the planning application for a landfill gas utilisation facility; comments were awaited from a number of consultees (including the Environment Agency and Swale Borough Council); responses to a number of issues were awaited from the applicant; all the details included with the planning application and Environmental Statement had been made available for inspection; he appreciated that some of the details were not easy for everyone to understand; and he had not yet come to a decision as to what to recommend to Members on the proposals.

(24) Mr Ogden from the Environment Agency (EA) said that he was a Waste Licensing Officer who was not involved with this particular application. The EA was represented at this meeting in order to listen to the views of local people. He added that he was in agreement with Mr Leeson's description of the EA's role. He underlined that the PPC process was far more rigorous than that for a Waste Management Licence and would involve full consultation.

(25) Mr Murphy explained the process for determining the application. He said that the Planning Applications Group was in the middle of a formal consultation process. Once that process was completed a report would be prepared for a meeting of the Planning Applications Committee. The date of this meeting would be publicised and the report would be published 5 clear working days before the Committee met. It would also be placed on the KCC website. A limited number of members of the public would be able to speak about the report to the Committee. The Planning Applications Committee would then determine the application. They could either decide to permit the application subject to conditions and legal agreements, or they could refuse it. In this event, the applicant would have the right to appeal against the decision to the Deputy Prime Minister. This could entail a public inquiry.

(26) Mr Crowther (local Member) asked for an explanation of the difference between toxic and hazardous waste. He added that Lower Road (which lorries would have to travel along) was in a state of disrepair. He questioned whether this would be an appropriate route for the transportation of toxic/hazardous waste. *Mr Murphy explained that there was no such category as "toxic" in British Law. European Law actually divided waste into hundreds of different categories, categorising some of them as Hazardous. Some hazardous wastes were not toxic in the conventionally understood meaning of the word. Others were. As far as the question of the adequacy of the road network was concerned, this was a material consideration and clarification on the views of the Highways officers was still awaited.*

(27) Mr Jim Stanford informed the meeting that he was a Member of Swale BC's Planning Applications Committee. He declared a prejudicial interest over this application and said that he was speaking as an ordinary member of the public. He said that as a trained engineer, he had misgivings about the application. Whilst he was aware that the EA could monitor the site, he also knew that they had resource constraints which would make effective monitoring more difficult.

(28) Mr Stanford went on to say that even though the ash would be transported in enclosed conditions, there would inevitably be a lot of cake material that found its way onto the road by sticking to lorry wheels or being windblown around the site. He was aware from photographs of the condition of numerous sites that had needed to be closed down. It was essential that this hazardous waste was not tipped in the open. In any case, he did not believe that this type of operation was appropriate in a rural area near a nature reserve. He asked what safeguards existed to prevent dust escaping from the site, how rigorously the site would be monitored and what was to prevent the applicants asking for even more expansion.

(29) Mrs Cook (Eastchurch PC) said that her authority endorsed the views of the previous speakers.

(30) Mrs Stimson (Minster on Sea PC) said that she had been told during the site visit that the site would not necessarily be occupied throughout the 24 hours of the day. Security for the site would therefore consist purely of wire fencing. This was not good enough. In fact it was a total disaster. She added that there was no footpath along Lower Road, which represented a danger to children from the lorries rushing by. *Mr Murphy said that Planning Officers legally had to work on the assumption that people would not break the law (i.e. that they would keep to speed limits). Equally, the laws of liability and trespass applied to all sites and quarries. The security of the site would therefore be a matter for the Police and the Health and Safety Executive. It was possible, however, to design conditions to ensure suitable fencing if permission were granted.*

(31) Mr Martin Goodhew from Swale BC said that the site was in the wrong environment. This was not a party political issue and as the Executive Member for Community Safety, he would represent the views of all the local people and help allay their fears.

(32) Mr Ronan (Queenborough TC) said that the people of Sheppey needed to be convinced that monitoring by the EA would be superior to that for Sheerness Steel Works. They would also need assurances that restoration would take place. He was concerned at the impact of dry summers and winters on the caked material. He

believed there was a risk of the site turning into a dust bowl.

(33) Mr Crowther asked how waste from Allington could become hazardous. *Mr Murphy said that the process of burning household, commercial and industrial waste had the effect of producing a hazardous residue. Mr Leeson said that Allington would take 550,000 tonnes and produce 110,000 tonnes of ash. Emissions had to be cleaned out of the stack. One way of achieving this was to burn lime in order to draw sulphur dioxide out of the emissions.. The ash from Allington, could cause severe irritation to the eyes and throat, particularly as a result of its high lime content. Some hazardous wastes (such as drugs or fireworks) were not toxic Mr Ogden explained that the term "hazardous" defined the levels of treatment that were required. Some hazardous wastes gave cause to relatively little concern. The EA would need to ensure that ALL hazardous would be handled properly.*

(34) Mr Cooper from KATTs asked why SLR had not included a host building to deal more effectively with dust in its first application. Why weren't the conditions as stringent here as they were in Allington. He believed this was because the applicants were putting cost ahead of safety. In Section 3 Paragraph 3.35, the applicants had stated that "*it is anticipated* that this will cope with waste from Allington". This demonstrated that the applicants did not know for sure and would only be certain once the EWF in Allington was operational.

(35) Members of the public made a number of points and raised questions. These are summarised below:

(a) Lower Road in Brambledown was breaking up as a result of the lorries trundling through. Tractors and other large vehicles also used it. There had recently been three accidents on the blind bend. What arrangements had the Emergency Services put in place for coping with an accident involving hazardous waste?

(b) Hazardous waste should be disposed of in a proper purpose-built facility rather than in a domestic landfill site such as Norwood Farm. The applicants merely "anticipated" that the site could take waste from Allington. The risk was consequently too great. Three schools were located within 2km of the site. If a mistake were to be made, the local community would be left with the legacy. Evidence of the unacceptable nature of the risk could be found at Wellbeck near Wakefield where the Environment Agency had discovered 13 breaches of the licence conditions on one single day. *Mr Murphy said that the Government's advice to Planning Officers was that each application site had to be assessed on its own merits rather than on whether another location would be better.*

(c) Could the applicants guarantee that hazardous/toxic waste would not escape from the site? What would happen if, for example, the wheelwash were to fail? Would ash, ground to powder, be spread over Sheppey's roads and beyond? *Mr Green replied that, whilst it was impossible to give any cast iron guarantees in life, systems would be in place and be thoroughly regulated by the Environment Agency*.

(d) A teacher who worked with 600 children referred to the problems created by the steel mill 35 years earlier. He did not wish this to happen again. He said that

clay sucked up water slowly. If hazardous waste were to be contained in a slurry, water would seep through the cap, top up the landfill and seep out afterwards. Clay could also turn to dust. There was no doubt that the waste would escape through fissures in the clay. This could not be stopped. *Mr Murphy said that water was a very relevant issue in the determination of this application, particularly from the perspectives of safety and environmental impact.*

(e) There had been nothing in the searches undertaken for people moving into the area to suggest that a hazardous waste site was being planned. Who should they apply to for a rebate? Could the applicants swear that nothing would escape? Would the applicants be happy to live near such a site themselves? *Mr Leeson replied that, having worked at the Cheltenham site, he would have no problem living there. The waste would be solid, not slurry.*

(f) It was impossible to legislate for human error. The Balfour Beatty report into the Hatfield rail crash had shown that the cause had been human error. For this reason, it was impossible to demonstrate that the site was secure.

(g) The applicants intended to douse the dust with water. What would happen in the event of a drought with the water running out? Could the applicant guarantee a continuous supply of water?

(h) Why had the applicants described the people of Brambledown as "insignificant"?

(i) A resident from Minster was concerned that the local people were being given statements that were true in themselves but, when taken together, did not amount to the truth. Had the decision already been taken? *Mr Murphy answered that the Planning Officers were not at this stage in a position to come to a final view because they did not have the all the comments from the people they had consulted.*

(j) A resident from Brambledown said that she often had to pick up rubbish in her garden. This came from the lorries that rushed through the village. She could not be confident that the applicants would be any more careful with hazardous waste.

(k) What was to prevent the applicants coming back at a later stage, asking for a northern extension to the site? *Mr Murphy replied that legally, anyone could apply for any development on any piece of land. If the Committee were to decide to grant permission but wanted to restrict future development, it could ask the applicants to enter into a Section 106 Agreement, in which they would covenant not to apply for any extension. Even such an agreement though would not guarantee the situation in perpetuity. After 5 years, the applicants could apply to vary the Agreement and would have the option of an appeal to the High Court if the planning authority refused. The other often asked question was whether the applicants could simply reapply if permission were refused. The answer was yes, although under the terms of the new Planning Act, the planning authority did have the right to refuse to consider it under certain circumstances (this provision was due to come into effect later in 2005).*

(l) The applicants had permission for a recycling base in Swale but had never put this into operation. *Mr Green said that the Kent Waste Local Plan was being reviewed and would have to make provision for residues from Allington. The recycling provision was for a green waste composting facility which Swale BC had intended to fund. This funding had been withdrawn.*

(m) What illnesses could be caused by fly ash in the tip? *Mr Leeson said that the Environment Agency could not grant a Permit if they considered that there would be any impact at all from the proposed development. The actual waste itself behaved as an irritant, giving a caustic reaction if it was ingested or got into the eyes. It was a lime water that set in the bowels.*

(n) Friends of the Earth had said that flue ash produced dioxins that caused birth defects and cancers. There had been problems with flue ash at Cheltenham. *Mr Leeson said that the site in Cheltenham was ringed by monitoring stations. He was aware of the potential dangers from flue ash dioxins. The Safety Factor there was over 100.*

(o) Allington was taking waste from 7 of the 12 Districts in Kent. Did this mean that Allington was incapable of taking all of Kent's waste? If so, would there be a need to dump even more hazardous waste than was envisaged by the application? *Mr Green said that Allington had the capacity to take 500,000 tonnes. They were contracted to take 300,000 tonnes from 7 Kent Districts. The remainder could potentially come from anywhere. There would be a need to consider other possible locations in the County. Mr Murphy confirmed this and added that consultation on revisions to the Kent Waste Local Plan would start in September. Amongst other things, the public would be asked whether they would like to use the spare capacity in Allington to dispose of greater amounts of waste. Currently a significant amount of waste was being transported to Essex. As far as disposal of the residue was concerned, this was the only application currently under consideration. If permission were refused, the residue would have to be disposed of outside the County as it could only be landfilled at a facility with an appropriate PPC Permit. Mr Leeson said that the nearest landfill sites capable of taking this type of hazardous waste were in Cheltenham, Kings Cliffe in Peterborough, and Winterton near Scunthorpe.*

(p) The logical place to put hazardous waste was in the former Betteshanger colliery. There had been a conference in Japan on disposing of fly ash underground. What were people supposed to do in the event of a spillage of hazardous waste?

(q) There would be a detrimental impact on the local economy through a reduction in tourism if the application were approved.

(r) Construction of a further 3,000 houses would begin in 2016 in the Minster area.

(s) What would happen to the water residue? *Mr Green said that water would be used to condition the waste. Landfill sites had to be designed and lined to limit the production of leachate. A landfill area was built up in phases before being capped. The small amounts of leachate that were produced by rainfall seeping through the cap would find its way to the bottom of the site. The Environment*

Agency would expect a maximum of 1m head of leachate. This would be taken from the site by tanker for treatment in a licensed Liquid Waste Treatment facility. In order to obtain a PPC Permit, the applicants would have to make a financial provision or bond with the Environment Agency for a period of 60 years following closure of the landfill. The site would have to be managed until the Environment Agency agrees the Permit is completed.

(t) The applicants had stated that they did not propose to cap the site as they were going along. However, a group had studied the APCRs at a site in Bishops Cleave. The list of chemicals discovered had been frightening. It was wrong to expose such chemicals to the open air.

(u) Was it true that Kent Enviropower was a subsidiary of WRG? *Mr Murphy confirmed that this was the case and made it clear that in planning terms this was an irrelevant factor. The Committee had to determine the application submitted to it purely on its own merits.*

(v) Would the applicants have to prove that this was the only suitable site for this development? *Mr Murphy replied that in the majority of planning applications (such as housing extensions) no case of need had to be established. The exceptions were large scale major developments that required Environmental Impact Assessments. European Regulations required the consideration "where appropriate" of other options. If the applicants did not undertake such a consideration, the Planning Authority would have to do this.*

(w) Would KCC's Members follow through the logic of the course of action they had decided upon in the past? If they did not grant permission, this would surely make a mockery of the decision to grant permission for the Allington EfW. *Mr Murphy replied that Planning was a quasi - judicial process that did not allow an application to be considered in this manner. The Planning Authority Members (many of whom had, in any case taken no part in the Allington decision) would have to look at the merits of the application itself.*

(x) What was the demand for London Clay? *Mr Green said that most of the clay recently extracted had been used for the 2nd Swale Crossing. As a consequence, there had been no need to actively market the clay extracted. Roughly speaking, the orders for clay matched production.*

(y) As the surface was not being set or covered, there was a risk of wildlife such as seagulls picking up and distributing the hazardous waste. Had the applicants or the planners considered the consequences? *Mr Murphy said that there was normally a requirement within a Waste Management Licence or PPC Permit to cover up the area that had been used at the end of each day. The details of this process were dealt with in the PPC Permit. Surface treatment was a material planning issue. The Planners would therefore need reassurance from the Environment Agency that problems should not arise should such cover not be required.*

(36) The Chairman thanked everyone for attending. The notes of this visit would be appended to the Committee report when the application came to be determined.

Item C2

Application for Extension to Mineral Workings with Restoration by Landfill at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Isle of Sheppey, Kent – SW/05/744

Additional Points Made During the Site Visit

Most of the points made during the site visit were repeated during the Public Meeting. The points set out below were not covered:

(i) Would the process of mixing the ash with water definitely reduce toxicity? *Mr Ogden replied that it was not at this stage possible to state categorically that it would, although it was unlikely that it would become more hazardous.*

(ii) Mrs Stimson asked how secure the site was. *Mr Green said that as the site was not occupied 24 hours each day, the entire boundary had been fenced off. In addition, there were a number of Health and Safety signs. However, it was not possible to physically prevent unauthorised access in every case.*

(iii) Mr Wooldridge said that the Public Right of Way would not be directly affected at any stage of the proposed development.

(iv) Mr Leeson said that that the residual ash would come to the site from Allington as a powder and not as a slurry.

(v) Mr Wooldridge said that the nearest property to the site was Norwood Manor just to the north east of the site and that there were other properties nearby that could be seen on the submitted drawings.

(vi) Mr Stokes asked whether water would seep through the clay. *Mr Leeson said that there were 120m of clay before the chalk bed was reached. It was possible that there would be a few centimetres of desiccation (as at Cheltenham).*

(vii) Mrs Condon asked what was meant by the term "minor aquifer" in the application. *Mr Leeson replied that there was a possibility that Bagshot Beds (a series of sand and clays of shallow water origin) might be present. These were classified as minor aquifers. Because of this possibility, the top 3m of soil would be replaced with compacted London Clay.*

Item C2

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APPENDIX 2 TO ITEM C2

Draft Heads of Terms for Legal Agreement

1. **Visibility splays of 9m x 215m east bound and 9m x 120m westbound being provided and maintained at the access to the site in accordance with drawing number HD01;**

2. **The provision of rumble strips, signing and road surfacing as shown in principle on drawing number HD01;**

3. **A financial contribution of £10,000 to be made towards the resurfacing works along Lower Road; and**

4. **Agreement of the applicant (and landowner as necessary) not to implement planning permission SW/02/1114 dated 27 March 2003 for a green waste composting facility at the site.**

Draft Heads of Terms 1, 2 and 3 reflect the fact that the applicant has agreed to pay commuted sums for the necessary works and for KCC to undertake the various works on its behalf.