

## **Update on Planning Enforcement Issues at Deal Field Shaw (Shaw Grange), Charing**

A report by the Head of Planning Applications Group to the Regulation Committee on 25<sup>th</sup> January 2011.

Summary: Update on the latest enforcement position concerning the Deal Field Shaw (Shaw Grange) former landfill site, Charing, Ashford

Recommendation: To endorse the actions taken or contemplated.

Local Member: Mr Richard King

Unrestricted

### **Background**

1. I referred to this report, under Appendix 1, Schedule 1, No.1, within Item 7 of these papers.
2. Members are aware of the long planning enforcement history in this case and the eventual need for the County Council to acquire this landfill site in order to bring the situation to an end. The Authority has control of its restoration and management. Given the interests of local residents and the public investment involved in direct action here, I am keeping Members informed as to progress.

### **Site restoration**

3. KCC Waste Management is project managing this land recovery project. I have sought an update from them on the current situation at the site. I have been briefed as follows:

*"As you are probably aware we have done a significant amount of work here looking at both the problem and determining the solution.*

*In essence the next stages involve putting in a "holding tank" so that we can pump leachate to it from the sump. From there it is easily tankered away. Initially the tank will be surface mounted, but once we have a system in place and working effectively, then sunk into the ground and made "unobtrusive". At the same time the drains which run around the periphery of the site will be reinstated and designed to absorb rain water "run off".*

*We then need to tackle the root cause of the problem. The "capping liner" required under the planning approval was never placed so rain water enters the site where it remains trapped because the site liner continues to do its job effectively! The site fills up with leachate which we then need to dispose of which is an expensive and frankly unsustainable operation.*

*Whilst it is understood the finished contours could perhaps have been better engineered what we now propose to achieve is a basic tidying up of the boundary; treatment so that*

## **Update on Planning Enforcement Issues at Deal Field Shaw (Shaw Grange), Charing**

*the existing difference in contour heights is smoothed out together with the placing of a geotechnical liner to prevent the ingress of water. This measure alone will significantly improve the environmental performance of the site and will hopefully ensure we are able to satisfy our general obligations under Part 2A of the Environmental Protection Act (EPA) 1990.*

*It is not proposed to remove material off site since this is likely to be both a very expensive operation and in "best" engineering terms, unlikely to be of any significant benefit. Also exposing significant quantities of previously tipped material (including the putrescible element we are aware of) is likely to have a detrimental impact on nearby residential properties, not least because of the unpleasant odours likely to be released.*

*What is proposed is that a liner and cover material is placed over the entire tipped area to seal the site, and in turn reduce the volumes of produced leachate. It is proposed to keep this to the absolute minimum to guarantee success which is likely to increase the overall height of between 300mm to 500mm. I am sure you will agree this is acceptable given the very positive environmental improvements we will achieve.*

*I am currently undertaking an ecological survey of the site which I am hoping will confirm our view that there are no species present which we will need to translocate. Otherwise there might be a delay getting on within the current financial year.*

*Not doing anything is not an option here. Levels of leachate within the site continue to rise and need to be carefully monitored and managed. This is a costly operation and does not address the problem.*

*I am proposing to commence works on site in the Spring when ground conditions improve, but please do let me know if you need anything further from me in the interim."*

### **Site engineering**

4. It is clear from the above briefing that the restoration project, after detailed site investigation, now requires a final engineered solution. The options are covered in the note. For technical, environmental protection and financial reasons, a surface liner is required. The continued cost of leachate removal is unsustainable and the cost of removing any surplus tipping would be prohibitive. The amenity impacts involved in such an undertaking would be severe and probably overriding. The solution arrived at by KCC Waste Management, from analysis of all site factors and with the interests of adjoining residents in mind, has been the proposal as outlined.
5. Contours would be smoothed in an attempt to achieve the best landform in all the circumstances. Creative tree-planting would later help to absorb the site back into its local setting.

## **Update on Planning Enforcement Issues at Deal Field Shaw (Shaw Grange), Charing**

### **Planning Status of the works**

6. The original planning permission required an engineered surface solution. The County Council would be following that requirement but modifying the details to achieve a more acceptable outcome in visual terms. A proper level of site control would be achieved, affording protection for local residents, which is the clear and overriding priority. The related technical works are either provided for within the original scheme, the site Action Plan or are permitted development under Part 12 of the General Permitted Development Order (Development by Local Authorities).
7. I propose to confirm to KCC Waste Management that they are able to proceed this Spring with their engineered and tailored site solution, so long as prior details are lodged with me. That is for the record and in order to verify to third parties that the County Council is fulfilling the planning enforcement duties that it assumed when buying the site.

### **Conclusion**

8. Site investigations at Shaw Grange have given way to site and surface engineering. The leachate problem requires a technical solution. KCC Waste Management has outlined their proposed plan, which I accept as the best available in all the circumstances. That is from a technical, residential protection, environmental, visual and public financial perspective. Sensitive landscaping is an important feature of the scheme which should help to absorb the site back within this attractive AONB setting.

### **Recommendation**

9. I RECOMMEND that:
  - (i) MEMBERS ENDORSE the content of paragraph 7 of this report, concerning the surface engineering of the site and related technical works; on the proviso that details are first lodged with me for enforcement and verification purposes, and
  - (ii) that this report forms the basis of any briefing given to local residents or other adjoining land interests, concerning the site.

Case Officer: Robin Gregory

01622 22 1067

Background Documents: see heading