

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 dated 1 April 2004 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent.

A report by Head of Planning Applications Group to Planning Applications Committee on 12 February 2008.

Applications by Waste Recycling Group Limited:

- (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014);
 - (ii) variation of conditions 2 (importation of inert waste, soils and compost after December 2007), 3 (details of new wheel washing facility), 4 (amendment to drawings as approved under permission TM/03/3946), 7 (fencing details around existing pond and surface water attenuation feature), 10 (type of waste deposited at the site to allow 'clean water sludge' as well as compost), 28 (variation of approved landscaping restoration scheme), 30 (retention of access/maintenance track into the site) and condition 31 (revised restoration scheme) of planning permission TM/03/3946 dated 1 April 2004 (TM/07/3920); and
 - (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27)
- all at Offham Landfill Site, Teston Road, Offham, Kent

Recommendation: Planning permission be granted / approval be given, subject to conditions, for (i), (ii) and (iii).

Local Members: Mrs S. Hohler

Unrestricted

Site description and background

1. Offham Landfill site is situated to the south west of Offham Village and south of Teston Road from which access to and from the site is obtained. Teston Road joins the B2016 which provides access to the A20 and A25 beyond. The nearest residential properties to the existing site are at Teston Road (which adjoins the northern

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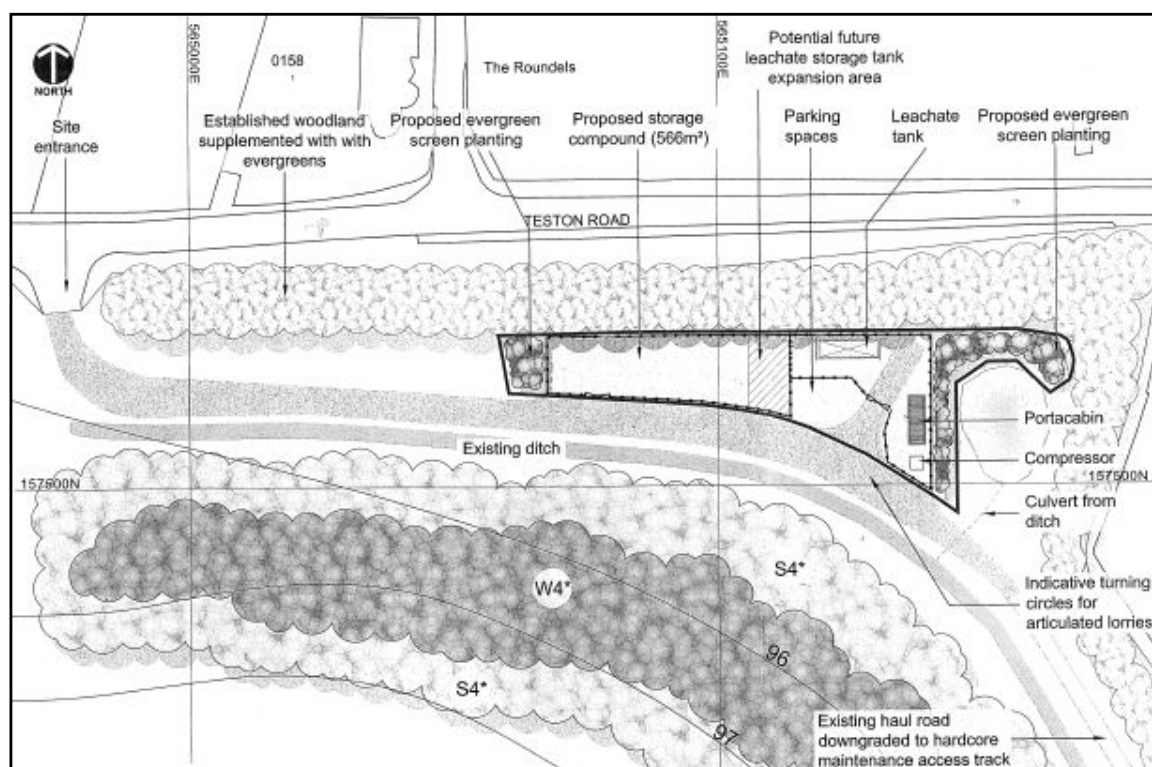
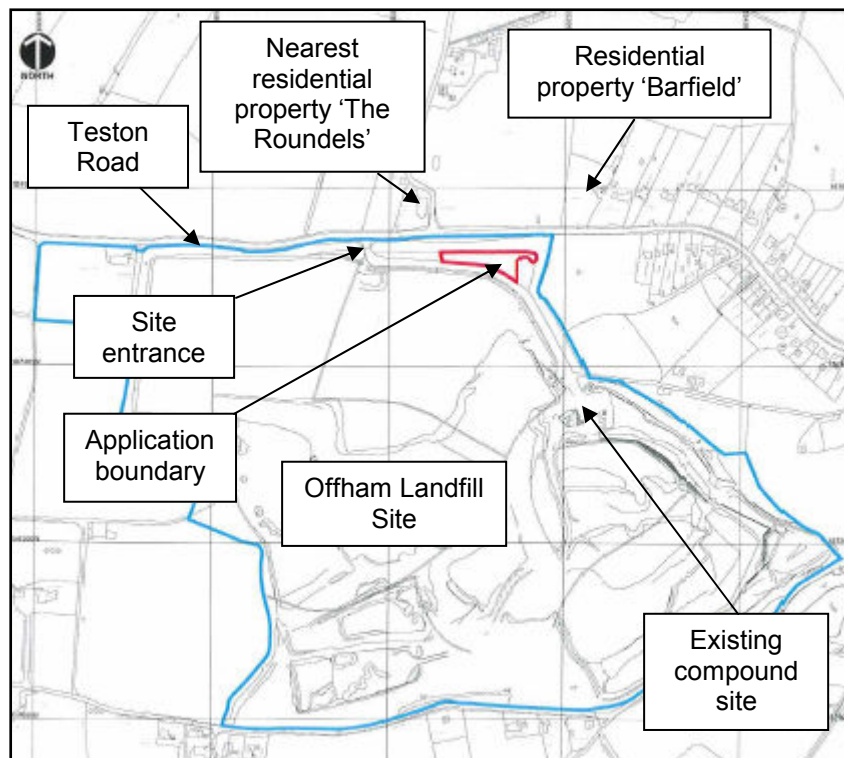
Site location plan



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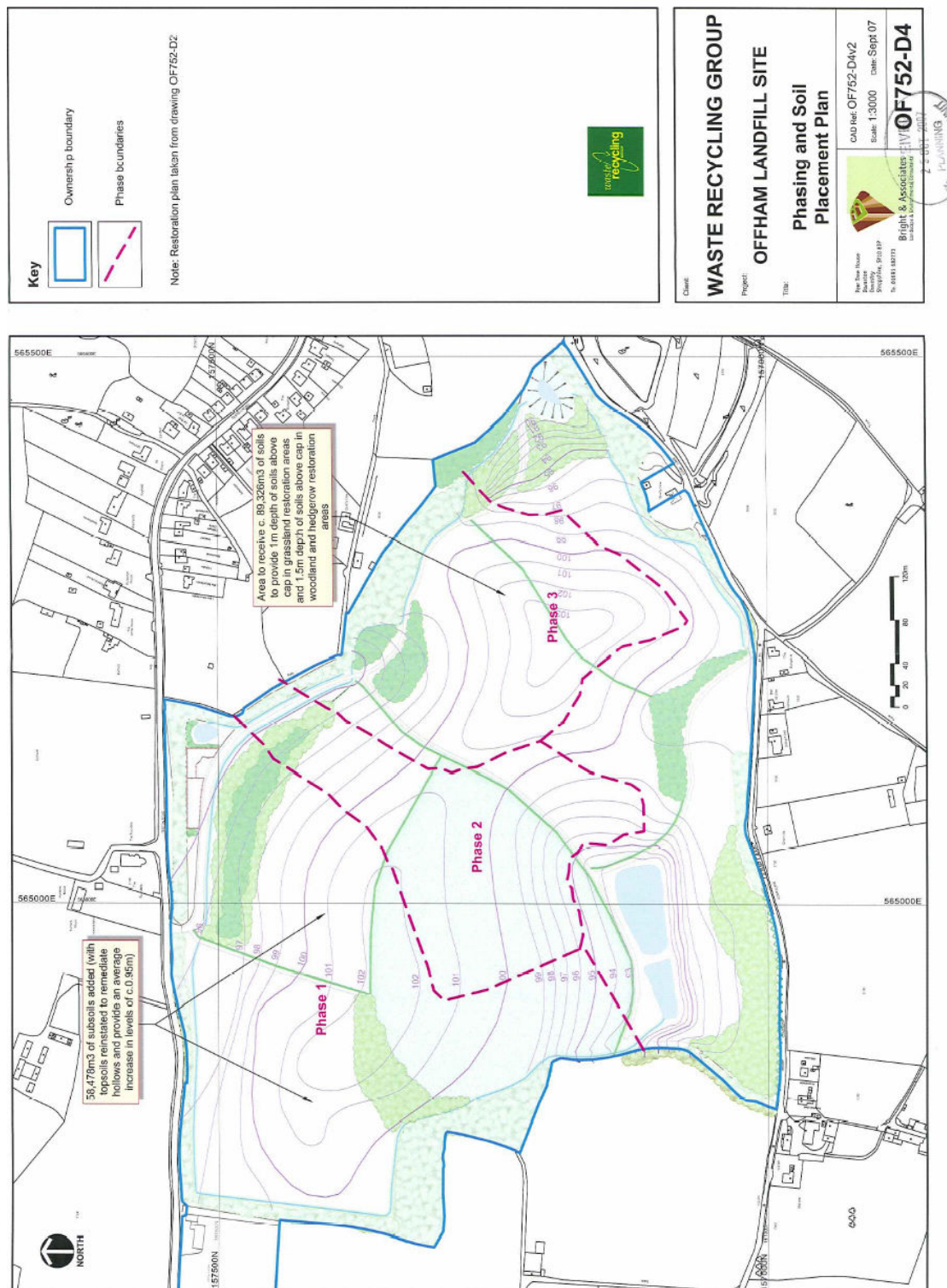
(i) New compound location plan



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(ii) Variation of conditions site location plan



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boundary) and Comp Lane (which adjoins the southern boundary of the site). A *site location plan* is shown on page C1.2.

2. The proposed new compound area lies in the north eastern corner of the site in an area currently occupied by a series of temporary buildings used by site personnel immediately adjacent to the current weigh-bridge. The nearest residential property is 'The Roundels' located approximately 40m north west of the corner of the application boundary and in excess of 100m from the proposed compressor. Another nearby residential property, 'Barfield', is located in excess of 90m north east of the corner of the application boundary and approximately 120m from the proposed compressor.
3. The Landfill site originated as a quarry supplying aggregate and fill stone to the local construction industry and landfilling back to the original landform followed that process. Infilling of the former ragstone quarry with domestic, commercial, industrial and inert wastes has been ongoing since the early 1980s. In 1982, planning permission TM/82/28 was granted to regularise the earlier infill permissions. In 1994, planning permission TM/91/1133 was granted for infilling in the south eastern area of the site. In 1996, planning permission TM/95/1440 was granted for the stockpiling of topsoils on the Sheepfield area which were required for the restoration of part of the south east corner of the site. In 1999, planning permission TM/98/1217 was granted for revised restoration proposals, variation of hours of working and the provision of additional stockpiling. In 2002, planning permission TM/02/2333 was granted to enable occasional working outside the normal permitted hours on specific Saturday afternoons following Bank Holidays to allow the acceptance of local authority household waste. In 2004, planning permission TM/03/3946 was granted for landfilling, restoration, aftercare and associated operations at the site. Partial approval of details pursuant to conditions 8, 19, 30 and 31 of planning permission TM/03/3946 was given in 2006. In 2007, planning permission TM/04/3135 was granted for an amended layout of the gas utilisation compound approved under previous planning permission TM/02/3536.
4. Infilling with putrescible waste has been completed and the landfill site is in the process of final restoration. The restoration scheme is divided into three phases (as shown on plan on page C1.4), with the majority of Phases 1 & 2 being largely completed in terms of final restoration contour levels. The restored area is currently punctuated with a series of landfill gas and leachate monitoring and management boreholes / well-heads.
5. Within Phase 3 of the restoration scheme, there is currently a site compound comprising leachate storage tanks and an emergency gas flare. In order to complete total restoration of the site (and achieve previously approved restoration contour levels) it is necessary to relocate the existing compound elsewhere within the site.
6. The site lies within the Metropolitan Green Belt.

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The Proposals

Application TM/07/4014 (new compound)

7. The application proposes a new environmental compound area bounded by closeboard fencing and gates containing two leachate tanks (main tank and back up tank), an area for the storage of infrastructure materials, a portable cabin, compressor, and parking / turning areas. *The proposed site layout is shown on page C1.3.*
8. The proposed environmental compound would replace the existing site compound located in the eastern part of the Offham Landfill Site (within Phase 3 of the restoration scheme). The need for the alternative location for the compound has arisen from the need to facilitate final restoration of Phase 3, in which soil contour levels need to be significantly raised to accord with current approved restoration contour plans. Alternatively, it is noted that should the compound remain on its existing site, the approved restoration scheme could not be fully implemented until the landfill gas and leachate extraction / control activities have ceased.
9. The proposed leachate tanks would measure 12m by 4m and would be 3.5m high. However, the tanks are proposed to be partially buried within the ground, with approximately 1m being visible above ground level. The structures are sealed double skinned units and allow leachate to be transferred from the adjacent landfill to the tanks by pipe and under pressure. The tanks would then be emptied on a daily basis via tanker (generating a maximum of two tanker deliveries per day). Following the receipt of concerns about noise nuisance, the applicant has offered to restrict the removal of leachate in tankers to between 08.00 and 18.00 hours (except in emergencies).
10. In association with the proposed leachate storage tanks, a compressor would be housed within the environmental compound in a double skinned acoustic building to reduce noise emissions. The compressor would operate on an intermittent basis, as necessary to pump leachate into the storage tanks from collection points around the site.
11. The proposed portable cabin would comprise a toilet and meeting room in order to provide office space and a secure storage place for files relating to the site. Whilst the applicant initially suggested that all details relating to the colour and finish of the portable cabin be addressed by condition, it has subsequently proposed that it be green to blend in with the existing and proposed boundary vegetation with only precise details being reserved for subsequent approval.
12. Parking spaces for maintenance operatives would be provided within the site compound and the area would be surrounded by 2.4m high closeboard fencing and gates. It is proposed that by introducing a new compound site with direct access from the existing service haul road within the site, that all on-going monitoring and

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maintenance facilities would be contained in a single location. As part of the current proposal, two new landscape buffer zones are proposed at the western and eastern ends of the compound site. Following the receipt of consultee responses, the applicant has confirmed that landscape planting to the north of the site would be reinforced with under-storey planting to reduce views through the trees to the site compound area and the landscape planting schedules have been amended to include the use of native shrub planting mix in line with the views expressed by the County Council's Landscape Consultant.

Application TM/07/3920 (variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946)

13. The application seeks to vary a number of the existing permissions set down by planning permission TM/03/3946 dated 1 April 2004. Each condition is addressed in turn below.
14. Condition (2) requires the deposition of all putrescible waste at the site to cease by 31 December 2006. In addition, the condition requires that with the exception of limited amounts of soil and compost to remediate localised settlement above the landfill cap during the aftercare period, the importation and deposit of all waste, soils and compost for restoration purposes be completed by 31 December 2007.
15. Following the applicant undertaking a recent topographic survey of the site, it was clear that significant areas of Phases 1 & 2 of the approved restoration scheme were below the approved post restoration levels. In addition, there remains an area of unrestored void in the north of Phase 3 (in close proximity to the existing compound area) which still requires final landforming. In order to complete the restoration activities in line with the previously approved levels, it is still necessary to import additional material to the site as the applicant was not able to complete this by the end of 2007. The application therefore seeks a variation of condition (2) to vary the time limit for the importation and deposition of material onto the site after December 2007.
16. The application proposed that restoration operations in Phases 1 & 2 would largely be completed, weather permitting, by the end of 2007. However, given the need to source additional material and place it on the site, the works were not able to be finished in this time. The application also proposes that restoration operations within Phase 3 be completed by April 2008. However, it is important to note the interaction between this proposal and application TM/07/4014 (new site compound) in as much as until the compound is relocated, the restoration of Phase 3 cannot be completed as originally approved.
17. Condition (3) requires the County Planning Authority's formal prior approval for the erection of any fixed plant or machinery on the site. A new wheel washing facility has recently been installed on the site and this application seeks the retrospective approval of this facility. The location of the wheel wash facility can be seen on page C1.5.

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18. Condition (4) sets out details of the previously approved drawings relating to approved working and restoration schemes for the site. In light of the changes proposed to the working and restoration schemes this application seeks to vary the approved drawings and soil management and aftercare scheme.
19. Condition (7) requires the site and the existing pond and surface water attenuation feature adjacent to Sheepfield to be fenced at all times during the life of the development. The application confirms that the boundary fencing has been erected around the perimeter of the site but no fencing has been installed around the water attenuation feature. The applicant initially sought the removal of the reference to '*existing pond and surface water attenuation feature adjacent to Sheepfield*' within condition (7) to avoid the requirement for fencing in this area. However, as a result of concerns that have been expressed, this element of the application has been withdrawn.
20. Condition (10) restricts the type of waste or other materials deposited on the site to those listed in the original planning application details. As part of the amended restoration proposals set out within this application, the applicant proposes the use of 'clean water sludge' as an alternative to compost to assist in providing soil forming materials in Phases 1 & 3 only. The application states that clean water sludge has less water content than other bio-solids and negligible odour. As a result of concerns that have been expressed about potential odour impacts and its inability to source a suitable sample to enable any impact to be assessed, the applicant has requested that condition (10) be amended to provide for such material being used only with the prior agreement of the County Council (in consultation with the Environment Agency and Parish Council). This would avoid the need for a further formal planning application to be submitted whilst ensuring that the material only be used if and when it can be demonstrated to be acceptable.
21. Condition (28) requires that landscaping shall be undertaken in accordance with previously approved details and drawings relating to application TM/03/3946. As part of the amendments to the approved restoration scheme proposed by this application, the applicant seeks permission to vary the approved landscaping scheme to provide additional ecological and biodiversity benefits. The main changes to the approved restoration scheme are:
 - A new area of woodland & scrub planting in the northern part of the site, directly adjacent to the existing site entrance with Teston Road and proposed compound location;
 - Proposed evergreen screen planting to the east and west of the proposed new site compound; and
 - Proposed under-storey planting along the site boundary with Teston Road.

Following the receipt of consultee responses, the applicant has confirmed that rabbit-proof fencing would be installed for individual trees/planting areas and weed control used throughout the aftercare period.

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22. Condition (30) requires the removal of the site access, all buildings, structures, plant, machinery and haul routes associated with the development from the site by 30 June 2008. The planning application (TM/07/4014) for a new environmental compound would enable the existing compound to be removed and relocated nearer to the existing site entrance. It is stated that subject to the grant of planning permission (for application TM/07/4014), the existing site compound would be removed prior to the 20 June 2008 deadline. The applicant also seeks to vary condition (30) to allow a section of the current access route into the site (approximately 200m) to be retained in order to serve the new compound area. In addition it is stated that the remainder of the access route would be maintained as a maintenance access track to the proposed pasture, conservation grassland, woodland and wetland areas. As a result of concerns about the potential for mud to be tracked onto the highway when further soils are imported during the aftercare period if there is an insufficient length of hard surfaced road within the site (allied with the wheelwash), the applicant has agreed to retain a longer section of internal haul road. It proposes that the precise details of this be agreed with the County Council as restoration progresses in this part of the site to ensure that effective restoration and surface water management are not prejudiced. It is noted that with the exception of the on-site compound (subject to its relocation), the applicant has confirmed that all other buildings would be removed from the site by the end of June 2008 in accordance with the requirements of Condition (30) of planning permission TM/03/3946.
23. Condition (31) seeks the Waste Planning Authority's written approval for an aftercare scheme. Accordingly, the applicant has submitted a revised soil management and aftercare scheme. In response to the Parish Council's concerns about the lack of proposed timescales for landscape planting at the site (paragraph 33, pages C1.12 - C1.13), the applicant has stated that planting would occur in two key phases (the first commencing during the planting season 2007-2008, and the remainder within the planting season 2008-2009).

Application TM/03/3946/R27 (variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008)

24. The applicant has sought a variation of condition (27) to allow top and sub-soils to be handled between the months of November 2007 and March 2008 (inclusive). Condition (27) of planning permission TM/03/3946 states that no movements of soils shall occur during the months of October to April (inclusive), unless otherwise agreed in writing with the Waste Planning Authority.
25. The applicant states that in order to complete restoration activities in the most expedient manner it is seeking a formal variation of condition (27) to bring top soil materials to the site, weather permitting, for placement during the months of November to March. In addition, the applicant states that soil handling operations will not be undertaken during severe wet weather and when the soil is sodden.

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Planning Policy Context

26. **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
27. **Regional Planning Policies** – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan. These include RPG9 Policies E1 (Landscape Quality), E2 (Biodiversity), E3 (Green Belts), E8 (Soil and Land Quality), INF2 (Water Quality and Drainage) and emerging South East Plan Policies CC10a (Green Belts), NRM1 (Sustainable Water Resources, Groundwater and River Water Quality Management), NRM4 (Conservation and Improvement of Biodiversity), W14 (Restoration) & C3 (Landscape and Countryside Management).
28. **Kent and Medway Structure Plan (2006)** – These include Policies SP1 (Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development), SS2 (Extent of the Metropolitan Green Belt), EN1 (Protecting Kent's Countryside), EN3 (Protecting and Enhancing the Countryside Character), EN8 (Protection, Conservation and Enhancement of Biodiversity), EN9 (Trees, Woodland and Hedgerows), NR5 (Pollution Impacts), NR8 (Water Quality), WM2 (Assessment Criteria for Waste Proposals), WM5 (Waste Disposal to Land)
29. **Kent Waste Local Plan (1998)** - These include Policies W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Groundwater), W25 (Plant and Buildings), W31 (Visual Impact and Landscaping) and W32 (Aftercare).
30. **Tonbridge and Malling Borough Local Plan (1998)** – Identifies that the application site is in the Metropolitan Green Belt.
31. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007)** – This includes Policy CP3 (Green Belts).

Consultations

32. **Tonbridge and Malling Borough Council** – No objection, subject to the following informatives: -
 - The Borough Council suggests that suitable conditions be used to ensure that the developments do not cause unacceptable detriment to the amenity of local residents in terms of smells, noise and general disturbance;
 - The Borough Council urges the County Council take full account of local residents' concerns regarding odours that may arise from the importation of alternative soil materials and to ensure that any materials that are permitted to be imported into the site do not cause unacceptable detriment to the amenity of local

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residents.

In addition, the Environmental Health Officer has suggested that condition(s) be placed on any decision relating to the proposed new site compound to ensure that noise from the compressor is minimised.

33. **Offham Council** – have responded on the applications as follows: -

TM/07/4014 – New compound

The Parish Council object most strongly to the re-location of the compound and associated plant for two principle reasons: -

- On-going discussions with the Environment Agency regarding the possibility of the provision for an emergency flare stack/gas flare later in the life of the site. If progressed, this will result in a further planning application, but it would be a fait accompli as far as a location was concerned if the compound were to be re-located to that proposed. This location for a flare would be totally unacceptable as far as the village is concerned on the basis of visibility and noise. The Parish Council fully appreciates that in order to leave the compound in its existing position the final contours of the site in this particular area would have to be re-designed but feel that this would be in the best long-term interests of the residents of Offham;
- The proposed position of the new compound, whilst convenient to the operators of the site, is in fact the worst position from the point of view of proximity to residential properties. If the compound were left in its existing position then any possible noise, odour and disturbance emanating from the equipment on the compound would be minimal in terms of its impact on any surrounding residential properties.

The Parish Council notes that the leachate tanks would be emptied on a daily basis and that operations would generate a maximum of two tanker deliveries a day. It asks for the same condition on access and routing (as in planning application TM/03/3946) to ensure that there is no access to or from the site through Offham village. It requests that in whichever location, the structure housing the compressor is built to the highest possible acoustic standards not simply to “reduce noise outbreak” as suggested by the applicant but to minimise any noise and its consequential negative impact on adjacent residential properties. It notes that the applicant has stated that the portable cabin would be grey in colour (but are amenable to alternative colouring) and would ask that this is green to blend in better with the surrounding vegetation.

TM/07/3920 – Variation of conditions

The Parish Council notes that it is being asked to comment on an application that to all intents and purposes is a fait accompli, bearing in mind restoration works cannot be

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achieved by the 31 December 2007.

It notes that condition (2) clearly stated that the importation and deposit of all inert waste, soils and compost at the site should be completed by 31 December 2007, one year after the end date for all putrescible waste. Condition (27) restricted the months of working so that there would be no movement of soils between October and April (inclusive), unless otherwise agreed in writing beforehand with the Waste Planning Authority. It notes that WRG have therefore had over three years in which to plan for the completion of all works at the site, other than that required during the aftercare period. The Parish Council notes that it is once again faced with the inevitability of having to accept a situation, and states that if the time limit is to be varied then this should be a once and for all variation and no further time extensions should be tolerated.

It raises concerns relating to fencing around the existing site and, in particular, that proposed around existing pond and surface water attenuation features. It does not agree with the applicant's intention to remove the requirement to provide fencing around the pond and surface water attenuation feature within the site regardless of there being no public access to this area. It believes that this fencing needs to be provided as an additional safety feature.

It objects most strongly to vary condition (10) to allow 'clean water sludge' to be used in Phases 1 & 3. It is concerned to the reference within the application of 'negligible odour' and states that the village has suffered enough with odour over the years. It states that the use of a 'muck-spreader' on the site is totally unacceptable.

It welcomes the additional detail on the revised planting schedules and has no objections to the proposed revisions. It notes that landscaping should be implemented over the whole site as quickly as possible.

The Parish Council strongly objects to the proposed relocation of the compound (see above response in connection with application TM/07/4014). In addition, it raises concerns over the maintenance track and the future specification of materials of the track-way.

The Parish Council requests that the Waste Planning Authority include a condition on any decision for the applicant to prepare an Aftercare Period Programme clearly indicating the proposed dates for the restoration of each phase and therefore the timing of the five year establishment period.

It states that the Soil Management and Aftercare Scheme falls a long way short of the requirements of condition (31) and requests that this be more fully addressed.

In addition, it notes that the requirements of two other conditions remain outstanding: -

- Condition (19) – Public Rights of Way (Footpath MR259); and
- Condition (8) – Limits of Tipping and Finished Levels – these should be reviewed

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on a 12 monthly basis.

It also requests that the applicant amend their site ownership boundaries to include a small area of land along Comp Lane immediately opposite a property known as The Bungalow and the access track to Fre Mel Farm. It does not wish to find that in future years this small area of land gets forgotten about as no one remembers whom it belongs to.

TM/03/3946/R27 – Movement and placement of Soils

Notes that if consent is not granted to vary the condition so that soils can be moved during the months of November to March inclusive, this will further lengthen the time period required to complete the restoration works. The Parish Council looks to KCC as the Waste Planning Authority to make the best decision in the interests of all parties concerned. Whilst it wishes works at the site are completed as soon as is practically possible, it does not wish the quality of work to be compromised as this would undoubtedly give rise to longer term problems which would rather be avoided.

34. **Environment Agency** – No objections to any of the applications subject to: -
- All work being carried out in a manner that does not compromise any of the site environmental infrastructure and ensures compliance with the existing waste management licence in full;
 - Leachate facilities must have suitable bunding, spill trays, pipework containment and management of delivery operations such that no leachate can leak onto the ground in an uncontrolled manner;
 - Any surface water facilities, such as the proposed pond, must be designed and constructed in such a way as not to conflict with any existing surface water drainage provisions, gas monitoring or control infrastructure or access arrangements; and
 - As the facility is moving towards achieving “definitive closure” status, no waste is permitted to be accepted on site for disposal. Materials can only be accepted for recovery purposes (e.g. site restoration). The types of materials used must comply with the licence for this facility, such as only non-odorous soil forming materials being used for placement on the cap.
35. **Natural England** – has raised a series of detailed issues relating to soil movement, handling, testing and sampling. Of particular note is that the handling and restoring soil or soil forming material between the months of October 2007 and April 2008 will almost certainly result in damage to the structure of the soil through compaction and smearing that could compromise the proposed afteruse of the land.
36. **Divisional Transportation Manager** – No objections raised on Highway matters
37. **KCC Landscape Consultant (Jacobs)** – Has no objections to the proposed location

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and compound features (TM/07/4014), subject to the compound being surrounded by closeboarded fencing with compound gates. Has raised various detailed landscaping issues in connection with the revised restoration planting scheme (TM/07/3920), in particular relating to increased boundary treatment planting and the use of a native species with the scrub/native shrub planting mix.

38. **KCC Noise, Dust, and Odour Consultant (Jacobs)** – Has advised that the proposed compound (TM/07/4014) would not generate adverse impacts upon the amenity of the local residents in terms of odour or dust from the proposed compound or vehicles attending the site. In response to the comments made by Tonbridge & Malling Environmental Health Officer, has concurred that the imposition of condition(s) to minimise noise emissions from the proposed compressor should be placed on any decision.

Has noted that 'clean water sludge' is said to be odourless and will be spread over the winter months – on this basis, odour should not be an issue.

39. **KCC Archaeology** – Has advised that no archaeological measures are necessary in this instance.
40. **KCC Biodiversity** – Has commented on the need to avoid pollution of watercourses and recommended that any planting be of native local species to enable new woodland to best contribute to the aims of the Kent Biodiversity Action Plan.

Representations

41. The applications have all been publicised by site notice and newspaper advertisement and all local residents / business properties within 250m of the application sites were notified.
42. At the time of writing this report, 43 representations have been received. Of these, all 43 object to the proposed applications. The representations relate to all three of the applications (TM/07/4014, TM/07/3920 & TM/03/3946/R27) collectively, and raise the following issues: -
- Strongly object the above applications and support the views of Offham Parish Council;
 - Application to extend the time limits on operating the site seems to be a fait accompli bearing in mind works cannot physically be completed by 31 December 2007;
 - KCC need to ensure that any grant of permission to extend operations are on a 'once and for all' basis and no further extensions should be considered;
 - Strongly oppose 'clean water sludge' being used as an alternative soil forming material on site – concerned about the reference to 'negligible odour' as the Village has suffered enough with odour over many years in the past;

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

- Top soil should be the only material allowed for restoration;
- Proposed relocation of site compound not in the best interests of residents of Offham, particularly if an emergency stack/gas flare is required later in the life of the site;
- Pleased that site is nearing completion and whilst wish to see it completed as quickly as possible, it is fundamental that works are carried out to the highest standard and that there is attention to detail in terms of the longer term implications for the residents of Offham;
- Dangerous driving caused by lorries excessively speeding around sharp corners at the Seven Mile Lane end of Teston Road;
- Build up of mud and deposits on Teston Road directly outside of the site – providing one sweeper is obviously not sufficient;
- It is unacceptable that WRG has yet again disregarded limitations and conditions set out by KCC; and
- The use of a ‘muck spreader’ to spread material is totally unacceptable to local residents.

43. In addition, the local MP, The Rt. Hon. Sir John Stanley MP, has raised concerns in connection to all three applications (TM/07/4014, TM/07/3920 & TM/03/3946/R27), supporting the views of Offham Parish Council.

Local Member

44. County Council Member Mrs S. Hohler was notified of all three applications in November 2007.

Discussion

45. 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 these applications, the policies outlined in paragraphs 26 – 31 (page C1.11) are of greatest relevance.

46. The main issues to be considered in respect of application TM/07/4014 (new compound area) relate to: -

- The need to relocate the site compound (balancing the desirability of completing the restoration of Phase 3 against any other impacts);
- Local amenity impacts (e.g. odour, noise and dust);
- Landscape and visual amenity; and
- Green Belt.

47. The main issues to be considered in respect of applications TM/07/3920 (variation of conditions) and TM/03/3946/R27 (movement and placement of soils) relate to: -

- The suitability of ‘clean water sludge’ as an alternative soil forming restoration

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material;

- The need for and appropriateness of the additional time periods sought (to complete site restoration works);
- The suitability of movement and placement of soils between November 2007 and March 2008;
- Local amenity impacts (e.g. noise, dust and odour);
- The suitability of the revised restoration planting scheme and outline aftercare scheme; and
- Green Belt.

48. Each application will be discussed individually as follows: -

TM/07/4014 (New compound area)

49. As stated above, the proposed re-location of the site compound requires consideration of the balance between the desirability of completing the restoration of Phase 3 against any other potential impacts. Effective restoration is supported by Policies W12, W31 and W32 of the Kent Waste Local Plan. In its present location, the compound prevents the applicant achieving the previously approved restoration contours within Phase 3. Whilst the existing site compound and leachate tanks could be retained in their current location this would require (as a minimum) temporary amendments to the site contour levels and associated changes to surface water management in this area pending final removal of all landfill gas and leachate control infrastructure at the site. However, Offham Parish Council has stated that it would prefer to see the environmental compound being retained in its existing location, as opposed to the proposed location immediately off the main entrance to the site on Teston Road.
50. The relocation of the site compound closer to the existing site entrance offers a number of benefits. These include allowing the southern and eastern parts of the site to be restored and landscaped in an integrated manner and ensuring that the engineered land gradients associated with the restoration of phases 2 and 3 allow surface water on these parts of the site to be managed effectively. The proposed location of the compound would also concentrate all operational aftercare activities associated with the site (apart from landfill gas management and electricity generation) into one location, immediately off the existing haul road into the site.
51. It is important to consider the local amenity impacts arising from the relocation of the site compound on nearby residential properties, for example, those arising from the potential of compound activities to give rise to adverse noise, dust and odour. As noted above (*paragraph 2, page C1.6*), the nearest residential property to the application site is located at 'The Roundels', some 40m north west of the corner of the application boundary to the northern side of Teston Road, and some 100m from the proposed compressor.
52. The application proposes that the compound would comprise two leachate storage

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tanks (main tank and back-up tank) and associated compressor, portable site cabin, parking spaces and associated storage area. In terms of the various issues to consider when looking at any potential local amenity impacts, the main issues are considered to be the possibility of odour arising from the proposed leachate storage tanks (including the transfer of leachate from these to collection tankers) and noise emissions from the proposed compressor, collection tankers and other operations. Given that the compound site will be hard-surfaced, and there is currently an access road serving the site, off which the compound is proposed to be sited, dust is not considered to be a significant issue in this case. The potential for dust nuisance is also already controlled by the main planning permission (TM/03/3946). HGVs (including tankers collecting leachate) would remain precluded from travelling through Offham village by the existing Section 106 Agreement.

53. In terms of odour arising from the storage and transfer of leachate within the new site compound area, the application needs to be considered against Policy NR5 of the Structure Plan as well as Policy W18 of the Kent Waste Local Plan. The application proposes that leachate would be controlled within a sealed system (i.e. it would be pumped directly from the ground into sealed storage tanks). Therefore, considering that operations would take place within a sealed environment and the transfer of leachate to tankers would be undertaken by vehicles and equipment designed for this purpose, I consider the potential impact of odour arising from the compound site and associated operations would not be significant. On the basis of the advice obtained from the County Council's Noise, Dust and Odour Consultant, in which he advises that the compound would not give rise to any adverse odour issues, I consider the new compound to be acceptable in terms of odour, in accordance with Policy NR5 of the Structure Plan and Policy W18 of the Kent Waste Local Plan. In addition, the Waste Management Licence (currently managed by the Environment Agency) would continue to control odour. Therefore, whilst I do not believe that the proposal would lead to odour nuisance, should any adverse impacts result these would be controlled by the Environment Agency. This approach would be consistent with Government Guidance (PPS10).
54. In terms of noise, I note the Parish Council's concerns relating to potential noise emissions from the proposed compressor. The application needs to be determined in accordance with Policy W18 of the Kent Waste Local Plan in terms of adverse noise impact on neighbouring land uses and amenity. The application states that the compressor is needed to pump leachate from the ground to the storage tanks, and would be operated on an 'intermittent' basis 24 hours per day. The County Council's Noise consultant is satisfied that as the compressor would be housed in a double-skinned acoustic cabinet and the compound would be surrounded by close boarded fencing, that would provide additional noise attenuation, the potential for noise nuisance is minimal. However, given local concerns and the advice of Tonbridge and Malling Borough Council Environmental Health, he has recommended that a condition be imposed to ensure that any noise from the compressor during the night (when background noise is lowest) is minimised. Noise from operations during the day would continue to be controlled by conditions attached to the existing planning permission. I

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also propose that leachate collections be further restricted to between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays with no collections at other times except in emergencies.

55. In terms of the landscape and visual amenity of the proposed compound site, I note the concerns of local residents and the Parish Council that the movement of the compound nearer the edge of the site has the potential to give rise to additional landscape impacts. It is important to consider Policy EN9 of the Structure Plan and W31 of the Kent Waste Local Plan in this case. The application proposes new landscape planting to the west and east of the compound site, additional under-storey planting along the northern boundary of the site with Teston Road and a planting area to the south of the compound site and adjacent haul road.
56. Bearing in mind the proposed landscape planting, including the additional under-storey planting proposed along the site boundary with Teston Road (offered following the advice received from the County Council's Landscape Consultant), I am satisfied that the proposed compound would not give rise to significant visual impacts from outside the site. In addition, I note that the compound would be bordered by 2.4m high closeboarded fencing and gates which, by the virtue of their scale and height, would screen all operations within the compound from both within the former landfill site and from outside of the main site. Accordingly, bearing in mind the limited visual impact of the proposed new compound and the additional landscape planting proposed by the applicant, I consider the proposal to be in conformity with both Policy EN9 of the Structure Plan and W31 of the Kent Waste Local Plan.
57. The Parish Council raised concerns relating to the external appearance of the proposed portable cabin. The applicant has agreed to address this issue by ensuring the portable cabin is finished in green. It is proposed that best way to deal with the exact colour finish of the portable cabin is to reserve such detail for future consideration through the use of a pre-commencement condition. This requirement could usefully be extended to the compound fence. Accordingly, I have no objection to the proposed compound or portable cabin's siting or external appearance subject to appropriate details being submitted for the prior written approval of the County Planning Authority.
58. As the site lies within the Metropolitan Green Belt Policy SS2 of the Kent and Medway Structure Plan and Policy CP3 of the Tonbridge & Malling Local Plan Core Strategy are of relevance. These establish a general presumption against built development in the Green Belt in accordance with PPG2. However, as the proposals are ancillary to previously permitted mineral working and subsequent restoration and the impact of the proposed compound site within the whole site context is minimal, they would not be contrary to Green Belt policy provided they are removed when no longer required. The removal of the development when no longer required can be secured by condition.
59. On balance, and having considered the various implications of the proposals, I

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consider that the desirability of relocating the compound in order to allow restoration to be completed in a practical and safe manner within Phases 2 and 3 of the site (in conformity with those details previously approved) outweighs any adverse impacts associated with the proposed relocation. I consider that this approach would be preferable to requiring temporary amendments to the permitted restoration contours in Phases 2 and 3 and better accord with the objectives of Policies W12, W31 and W32 of the Kent Waste Local Plan.

TM/07/3920 (Variation of conditions)

60. As noted above the application to vary conditions of planning permission TM/03/3946 has been amended following consultee responses. As part of these amendments, the applicant has now withdrawn the proposed variation of condition (7) relating to fencing details around the existing pond and surface water attenuation feature and will now install the required fencing in this area. The Parish Council's concerns on this point have therefore been overcome and the matter requires no further consideration.
61. Condition (2) restricts the deposition of all putrescible waste at the site by 31 December 2006 and requires that, with the exception of limited amounts of soil and compost to remediate localised settlement above the landfill cap during the aftercare period, the importation and deposit of all waste, soils and compost at the site for restoration purposes shall be completed by 31 December 2007. As detailed above, the applicant has not met the 31 December 2007 deadline and has applied for a time extension until April 2008 to complete the bulk of the on-site restoration work.
62. The Parish Council and local residents believe that there is no good reason for the works not having been completed by the end of 2007 and have stated that should the County Council agree to an extension of time this should be the last. Whilst I appreciate these concerns, it is important to ensure that the site is successfully restored in a safe and effective manner and worth noting that it is outside of the control of the County Council to prevent the applicant from submitting another variation of condition(s) seeking further changes. This said, works are now well advanced and the applicant is confident of securing the necessary materials for restoration purposes. Naturally, prolonged periods of very wet weather could change the situation. Allowing the proposed further time-period for the completion of restoration works would accord with the objectives of Policy W32 of the Kent Waste Local Plan.
63. The proposed use of 'clean water sludge' has raised considerable local objection due to concerns about potential adverse odour impacts. As the applicant has not been able to source a suitable sample to enable any impact to be assessed, it has requested that condition (10) be amended to provide for such material being used only with the prior agreement of the County Council (in consultation with the Environment Agency and Parish Council). This would avoid the need for a further formal planning application to be submitted whilst still ensuring that the material could only be used if and when it can be demonstrated to be acceptable. I believe that this approach would

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be reasonable, would still provide suitable safeguards and would accord with Policy W18 of the Kent Waste Local Plan and Policy NR5 of the Structure Plan. It would also still require a written submission to be made by the applicant and representatives of the Parish Council and Environment Agency could be invited to be party to any assessment of such materials (e.g. be present during the delivery of a sample at the site). It should also be noted that even if planning permission were granted for the use of clean water sludge, further approval would also be required from the Environment Agency under the terms of the waste management licence. Until such a time as any additional materials are permitted, only inert materials, compost and soils could be used.

64. Condition (3) requires the County Planning Authority's prior written approval for new fixed plant or machinery on the site. The applicant is proposing the 'retrospective' approval of a wheelwashing facility on the existing internal site haul road. The location of the wheelwash can be seen on page C1.5. I note that the wheelwashing facility is located on the internal haul road well into the site and therefore consider it to be best placed to allow vehicles to wash their wheels and travel over a relatively lengthy stretch of tarmac before reaching the site entrance on Teston Road. When considering Policy W25 of the Kent Waste Local Plan, I consider the siting, design and appearance of the wheelwashing facility to be acceptable. It should also be noted that recent improvements have been made to the wheelwash facility and that two road sweepers are now employed to further minimise any adverse impacts of mud on the highway.
65. The applicant has sought to vary condition (4) of the existing planning permission (TM/03/3946) to update a number of previously approved documents, plans and drawings in light of changes proposed to the: -
- Movement and placement of soils;
 - Revised restoration scheme; and
 - Soil management and aftercare scheme.
- Subject to the other elements of the application being acceptable, these consequential changes raise no additional issues.
66. Condition (28) seeks approval of a revised landscaping scheme that has been amended by the applicant to include additional landscape planting within the site as well as strengthened under-storey planting on the site boundary along Teston Road. It should be noted that the Parish Council has welcomed the enhanced planting and that the applicant has satisfactorily addressed those issues raised by the County Council's Landscape Consultant.
67. The site is proposed to be restored into six fields, comprising a mix of pasture grassland and conservation grassland. The principle of the site restoration has previously been established under planning permission TM/03/3946 and I consider that the amendments being proposed accord with Policy W31 of the Kent Waste Local Plan and Policy EN9 of the Kent and Medway Structure Plan. Accordingly, I support the revised landscaping scheme proposed.

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68. Condition (30) requires the removal of site access, all buildings, structures, plant, machinery and haul routes associated with the development from the site by 30 June 2008. The applicant has sought a variation of this condition to retain the haul route into the site. Initially this was only as far as the proposed new site compound (application TM/07/4014), however, as a result of concerns about the potential for mud to be tracked onto the highway when further soils are imported during the aftercare period if there is an insufficient length of hard surfaced road within the site (allied with the wheelwash), the applicant has agreed to retain a longer section of internal haul road. It proposes that the precise details of this be agreed with the County Council as restoration progresses in this part of the site to ensure that effective restoration and surface water management are not prejudiced. I agree that this is a sensible way to proceed and that the matter can be satisfactorily addressed by condition.
69. It is also worth noting that if application TM/07/4014 (compound) is permitted, the plant, building and associated equipment within the new environmental compound would remain on site until no longer required (i.e. until such time as gas and leachate collecting operations cease). All other buildings would be removed from site by the end of June 2008 in accordance with the requirement of condition (30) of planning permission TM/03/3946.
70. The applicant also seeks approval for an aftercare scheme outline strategy for the site in accordance with Condition (31). This revises and supplements that previously submitted in 2005 (which was not satisfactory) and provides the basis for the annual works and reporting required by the second part of condition (31). This requires annual meetings and the applicant submitting annual reports to the County Planning Authority relating to performance over the previous 12 months and future aftercare proposals, including any necessary localised remediation measures, for the following 12 months. I consider that these additional requirements, allied with the schedule of planting submitted by the applicant in response to requests for greater clarity on timing, serve to address the matters of concern that have been raised by the Parish Council.
71. In view of the above, and since the other changes in respect of aftercare relate to the revised restoration scheme which I find acceptable, I am satisfied that the proposals are consistent with Policy W32 of the Kent Waste Local Plan. Accordingly, I recommend that the aftercare scheme outline strategy be permitted.

TM/03/3946/R27 (variation of condition 27)

72. The applicant has sought a variation of condition (27) to allow movement and placement of soils between November 2007 and March 2008. The movement of such materials during this period is precluded by condition (27), as is the case with most similar permissions, in order to prevent operations during unsuitable weather conditions which may otherwise damage soils and adversely affect restoration.
73. As noted in paragraph 35 (page C1.14), Natural England has raised a number of

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standard policy concerns to the variation of this condition. It has stated that soil handling and restoration operations between the months of October 2007 and April 2008 will almost certainly result in damage to the structure of the soil through compaction and smearing in such a way that will compromise the afteruse of the land. Whilst I accept that the handling of soils during this period is undesirable and is generally to be resisted, I believe that there are compelling reasons to depart from this standard approach given the particular circumstances at Offham Landfill Site.

74. Specifically, consideration must also be given to: -
- The need to ensure that the Phase 3 area is capped and the cap protected as soon as possible to secure gas control and prevent the creation of significant additional volumes of leachate (particularly given the past history of problems with gas migration);
 - The desirability of site restoration being completed as soon as reasonably possible (given that the timescale previously permitted has passed);
 - The desirability of suitable materials available for restoration activities at Offham being used beneficially at the site rather than used more 'creatively' elsewhere; and
 - The fact that soil handling during the proposed period need not prejudice restoration and afteruse at Offham (which is primarily pasture and woodland rather than high quality agricultural land) if weather conditions are not unfavourable and if operations cease if such conditions arise.
75. Following a meeting on site between the applicant, the Environment Agency and the County Council's planning officers to discuss Natural England's concerns, the applicant gave a number of further assurances designed to allow soil importation and handling to continue pending a formal decision by the County Council. As a result, officers informed the applicant that soil importation and handling could continue provided that: -
- Operations on site cease if weather and ground conditions became inappropriate; and
 - Imported materials, or those used from within the site, must be uncompacted and of a type that would provide a suitable drainage medium above the cap.

It is worth noting that operations have ceased on several occasions since and that the applicant appears to have adopted a responsible approach to the matter.

76. On balance, and having considered the above issues, I am satisfied that the importation and handling of soils should be permitted during the period sought in this instance subject to the assurances in paragraph 75 above. These can be secured by condition.

Other Issues

77. Various other issues have been raised by consultees during consideration of these applications, notably: -

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- Use of an emergency gas flare. Whilst concerns have been expressed by Offham Parish Council and local residents that a new emergency gas flare may be located in the proposed site compound to replace that adjacent to the existing compound site in the area of Phase 3, the application does not include provision for a flare and no other application for such has been received. Although the existing emergency flare needs to be removed to enable restoration of the Phase 3 area, the applicant is confident that gas control can be satisfactorily addressed from equipment in the Whiteladies Gas Control Compound and that if any new mobile emergency flare were to be required it could be located wherever required on site to best address the issue (i.e. where additional gas extraction might be needed). It is also worth noting that the current emergency flare has not been used for a number of years. Should any application for a new gas flare be submitted, it would be considered on its own merits as and when the need arises.
- Public Rights of Way. Condition (19) of planning permission TM/03/3946 remains outstanding. This relates to the requirement for the applicant to submit a detailed scheme for the new public footpath that will eventually cross the site to meet the requirements of the Section 106 Agreement associated with planning permission TM/03/3946. This issue has been forwarded to the applicant for action.
- Limits of tipping and finished levels. Condition (8) of planning permission TM/03/3946 requires a site levels survey to be undertaken and submitted at 12 monthly intervals with an associated report until the aftercare period has been completed or final post-settlement levels are achieved (whichever is the later). As this requirement is outstanding, the issue has been forwarded to the applicant for action.

Conclusion

TM/07/4014 (new compound)

78. I am satisfied with the need to relocate the compound site in order to facilitate the restoration of Phase 3 area of the site. I am mindful of the need to cap and subsequently protect the cap of Phase 3 area to maintain satisfactory control of landfill gas and leachate at the site, and note that the movement of the existing compound to the new position would enable the applicant to do so. Whilst I note that restoration contour levels could temporarily be amended around the existing site compound to facilitate restoration works being carried out (which would require a satisfactory scheme to be developed and further amendments to the planning permission), I consider it to be more appropriate to move the site compound and allow the restoration contour levels, surface water drainage and landscaping works to be fully implemented as previously permitted.
79. I note the Parish Council and local residents' concerns with the proposed location of the site compound, but feel that the additional landscaping and closeboarded fencing surrounding the compound will sufficiently screen the proposed development. In addition, I note that neither the County Council's noise consultant nor Tonbridge and

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Malling Borough Council have objected on noise grounds and that the imposition of a condition covering potential noise emissions from the compressor would further minimise any adverse impacts on nearby residential properties. I also note that the imposition of a condition covering the colour of the proposed portable cabin will address the Parish Council's concerns relating to design and external appearance. As stated above, any adverse odour issues would be covered by the Waste Management Licence (controlled by the Environment Agency) and again would reduce any potential odour issues for nearby residential properties. On this basis, I recommend that planning permission be granted as detailed in paragraph 84 below.

TM/07/3920 (variation of conditions)

80. I am satisfied that the variation of conditions 2 (importation of inert waste, soils and compost after December 2007), 3 (details of new wheelwashing facility), 4 (amendment to drawings as approved under permission TM/03/3946), 28 (variation of approved landscaping restoration scheme), 30 (retention of access/maintenance track into the site) and condition 31 (revised aftercare scheme) of planning permission TM/03/3946 are acceptable for the reasons given above. In addition, I am satisfied that the use of 'clean water sludge' could reasonably be permitted if it can be satisfactorily demonstrated that it would not give rise to unacceptable adverse odour impacts and that on this basis condition (10) should be amended to provide the facility for the material to be used subject to its prior approval by the County Planning Authority.
81. I note that the proposed variation of condition 7 (fencing details around existing pond and surface water attenuation feature) has since been removed from the application and that the fencing will now be installed on site as previously required.
82. Accordingly, I recommend that the variation of / approvals to conditions 2, 3, 4, 10, 28, 30 & 31 be approved, subject to those conditions set out in paragraph 84 below.

TM/03/3946/R27 (variation of condition 27)

83. I am satisfied that the need to ensure the restoration of the site, in a safe and effective manner and as soon as reasonably possible outweighs Natural England's policy objection to the movement, placement and handling of soils between November 2007 and March 2008. I note that handling of soils would still only take place when conditions on site are appropriate and when any imported materials are uncompacted and capable of forming a suitable drainage medium above the landfill cap. Accordingly, I recommend that approval be given under the terms of condition (27) of planning permission TM/03/3946 subject to those further conditions set out under paragraph 84 below.

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Recommendation

84. I RECOMMEND that:

- (i) PERMISSION BE GRANTED for application TM/07/4014 (new environmental compound comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting), SUBJECT TO CONDITIONS covering (amongst others) the following: -
 - Potential noise emissions (including at night);
 - A landscaping scheme being submitted for the prior written approval of the County Planning Authority prior to commencement of operations on site (to include details of under-storey planting along the site boundary with Teston Road);
 - Except in the case of emergencies, leachate tankers only be permitted to enter and leave the site and be filled between the hours of 08:00 to 18:00 hours Monday – Friday, and 08:00 to 13:00 on Saturday, with no working on Sundays and Bank Holidays;
 - Removal of compound site when final restoration, gas and leachate activities cease on site;
 - Restoration of land to suitable afteruse consistent with the main planning permission;
 - Removal of structures and hardstandings within the site;
 - Materials and colour of site office (green), structures and closeboarded fencing;
 - Measures to protect groundwater (e.g. suitable containment for leachate tanks).
- (ii) SUBJECT TO (i) ABOVE, PERMISSION BE GRANTED for application TM/07/3920 (variation of conditions) SUBJECT TO CONDITIONS covering (amongst others) the following: -
 - The prior written approval being required before any ‘clean water sludge’ can be used at the site;
 - The extent of the internal access haul road be agreed in writing with County Planning Authority; and
 - Landscaping works.
- (iii) APPROVAL BE GIVEN pursuant to condition (27) of planning permission TM/03/3946 to allow the movement, placement and handling of soils between the months of November 2007 to April 2008 (inclusive) SUBJECT TO CONDITIONS covering the following: -
 - Soil movement, placement and handling operations on site to cease if weather and ground conditions become inappropriate; and
 - Imported materials, or those used from within the site, must be uncompacted and of a type that would provide a suitable drainage medium above the cap.

Item C1

Applications for: (i) new compound area comprising leachate storage tanks, portable cabin, compressor, fencing, gates and associated planting (TM/07/4014); (ii) variation of conditions 2, 3, 4, 7, 10, 28, 30 & 31 of planning permission TM/03/3946 (TM/07/3920); & (iii) variation of condition 27 to allow movement and placement of soils between November 2007 and March 2008 (TM/03/3946/R27) at Offham Landfill Site, Teston Road, Offham, Kent

Case Officer: Julian Moat	Tel. no. 01622 696978
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Background Documents: see section heading.
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