

Application for (i) approval to import water by tanker or tractor and bowser (to supplement mains supply); and (ii) approval of details of siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant, external lighting, fencing and site drainage at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Isle of Sheppey – SW/05/744/R5&R7

A report by Head of Planning Applications Unit to Planning Applications Committee on 7 November 2006.

Application by Waste Recycling Group Ltd for: (i) approval to import water by tanker or tractor and bowser (to supplement mains supply) pursuant to condition 5 of planning permission SW/05/744; and (ii) approval of details of siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant, external lighting, fencing and site drainage pursuant to conditions 5 and 7 of planning permission SW/05/744 at Norwood Quarry and Landfill Site, Lower Road, Brambledown, Isle of Sheppey, Kent.

Recommendation: Approval be given.

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 site has a history of planning permissions for clay extraction and landfill since 1992. Most recently, planning permission SW/05/774 was granted on 17 May 2006 for extension to mineral (clay) workings with restoration by landfill using imported boiler ash and air pollution control residues (APCRs) from the Allington EfW facility. These wastes would be treated in a conditioning plant at the site prior to landfill. The application had been considered by the Planning Applications Committee on 13 December 2005 and the delay in issuing the permission was due to the need to conclude a Section 106 (legal) agreement to secure (amongst other things) developer contributions towards highway works at the site entrance and on Lower Road. The permission contains 32 conditions, including a restriction on HGV movements of 200 per day (100 in and 100 out) associated with clay extraction and landfilling (condition 14). The site is also subject to a Pollution Prevention Control (PPC) Permit issued by the Environment Agency.

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3. Condition 5 requires that the development be carried out in accordance with the details submitted with application SW/05/744, together with those further details which were required to be submitted for approval, unless the prior written approval of the County Planning Authority is obtained. The details submitted with planning application SW/05/744, and which now form part of the permission, indicated that water required to treat the imported wastes at the conditioning plant would be sourced from both mains supply and site surface water. The details also included plans and elevations of the proposed conditioning plant. These showed (amongst other things) a single large steel portal framed building (21m x 14m x 7m high – 5m to eaves) clad with plastic coated galvanised steel sheeting, a single mixing tower for conditioning waste within the building (i.e. one 'line') and two external horizontal silos for the storage of imported waste (each 19m x 4m x 6m high). The details also included a surface water lagoon to the east of the plant.
4. Condition 7 requires that with the exception of clay extraction and engineering operations associated with the landfill containment system no development shall take place until details of the siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant, external lighting, fencing and site drainage have been submitted to and approved in writing by the County Planning Authority.

The Proposal

(i) Submission pursuant to condition 5

5. The applicant seeks approval to import water by tanker or tractor and bowser to supplement mains supply and that available from surface water at the site as originally intended. This could involve up to 20 vehicle movements per day (10 in and 10 out). The applicant proposes that any such vehicle movements be included within those allowed by condition 14 such that no additional movements would be needed.
6. The applicant states that it has been unable to obtain approval from Southern Water for the improved (potable) mains supply capacity originally envisaged due to current drought and related constraints on the Isle of Sheppey. The water proposed to be imported by road would principally be final treated effluent from a Southern Water wastewater treatment plant (*e.g. Queenborough*) or sea water abstracted from Ridham Dock. The applicant states that agreement has already been reached with the necessary parties that would enable water from these sources to be used. The applicant states that its preferred option is to use final treated effluent due to the corrosive nature of sea water, although sea water could be used as a back up if suitably blended. The Environment Agency would need to be satisfied that any water used is suitable under the terms of the PPC Permit. If at any time insufficient water is available, the conditioning of waste and landfilling could not take place.
7. The applicant states that its preferred solution would still be to have an improved mains supply such that vehicle movements could be reduced. It also states that it is exploring the potential for a borehole on the island to provide a suitable long term water resource.

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(ii) Submission pursuant to condition 7

8. The applicant seeks approval of the details required by condition 7 relating to: (a) the siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant; (b) external lighting; (c) fencing; and (d) site drainage. The proposed details have already been implemented and the application is therefore retrospective.
9. The proposed conditioning plant comprises a steel framed building clad in green plastic coated box profile steel sheeting with silver / grey roller shutter doors (16m x 10.5m x 6.5m high), two carbon steel green painted ash silos (each 12m x 4m x 6m high), two green vertical water tanks (4m diameter x about 6m high), together with galvanised support steel, access platforms and sealed conveyors. The proposed plant has two mixing towers ('lines'). Proposed external floodlighting is mounted at 6m above local ground level pointing downwards on the periphery of the conditioning building and silo access platforms (lighting the ash offload area). Proposed fencing is as existing with chain link on the southern site boundary and post and wire elsewhere. The existing site access gates provide security and prevent unauthorised access. The applicant proposes separate surface water management / drainage for the hazardous and non-hazardous landfill areas and water would be stored in an underground tank rather than the surface water lagoon originally intended. Surplus water would be channelled to the landfill cell where it would be stored until re-used. No new foul sewer works are proposed.
10. The proposed conditioning plant is different from that outlined in paragraph 3 (above) in a number of respects and this part of the submission therefore also needs to be considered in the context of condition 5.
11. The proposals were discussed at the Norwood Farm Liaison Committee meeting and associated site visit on 5 October 2006. This was attended by representatives of Kent County Council, Swale Borough Council, Eastchurch Parish Council, the Brambledown / Norwood Monitoring Group (formerly the local action group KATTS) and WRG.

Planning Policy Context

12. **National Planning Policy** – the most relevant National Planning Policies are set out in PPS10, PPS23 and Waste Strategy 2000 (as amended in July 2005).
13. **Regional Planning Policy** – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Waste Strategy. The draft Regional Waste Strategy was 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 and these will be subject to EIP later in 2006.

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14. **Kent and Medway Structure Plan (July 2006)** – These include Policies SP1 (conserving and enhancing Kent's environment), EN1 (protecting Kent's countryside), EN3 (countryside character), EN8 (biodiversity), NR1 (prudent use of resources), NR5 (pollution impacts), NR8 (water quality), WM2 (assessment criteria for waste proposals), TP12 (access to the primary / secondary road network) and TP15 (HGVs).
15. **Kent Waste Local Plan (1998)** – These include Policies W2 (protecting environmental resources), W16 (past record of industry), W18 (noise, dust, odour and emissions), W19 (water resources), W20 (land drainage), W22 (road traffic and access), W24 and W25 (plant and buildings).

Consultations

16. **Swale Borough Council** – No objection.
17. **Minster Parish Council** – Comments awaited.
18. **Eastchurch Parish Council** – No objection. However, is concerned that the conditioning plant has been redesigned, built and is receiving hazardous waste before planning permission has been sought, particularly as this has been such a sensitive issue locally.
19. **Environment Agency** – No objection. Confirms that a licence to abstract water was issued to Ridham Sea Terminals Ltd authorising the abstraction of tidal water for the purpose of industrial processes of waste treatment (Licence No. 07/037). This allows up to 24,750m³/year, 150m³/day, 80m³/hour to be abstracted. The Environment Agency sees this abstraction as a temporary solution and as such the Licence shall expire on 31 March 2017, or once an alternative source of water has been identified and licensed, whichever is first.
20. **Southern Water** – Supports the use of harvested rainwater and re-used final effluent from wastewater treatment works for conditioning the hazardous landfill. This use would be a waste of potable water resources. The volumes required are relatively small but the use of alternative sources would be a more sustainable use of the existing finite resources. No comments on other details.
21. **Divisional Transportation Manager** – No objection.

Representations

22. The Brambledown / Norwood Monitoring Group has objected for the following reasons:-
 - “1) The original application was based on fresh water. Now, they want to use sea water and effluence from Ridham Dock and Queenborough Sewerage Plant. We have not been told what this can do to the hazardous waste or what this can do the environment around the area. We have been told this is going to be brought

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in by tanks on an already very busy B ROAD.

- 2) We are very concerned that W.R.G have gone ahead and flouted the planning laws, without further consultation. We are wondering if this is going to be a regular occurrence with this company. Are they going to change any more of their planning applications without the knowledge of the residents and K.C.C planning?

We hope these objections will be taken into consideration.”

Local Member

23. County Council Member Mr Crowther was notified on 22 September 2006.

Discussion

24. 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 12 to 15 are of greatest relevance.
25. 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.
26. The principle of the development at Norwood Quarry and Landfill is already established and not a matter for further consideration at this stage. The issues are therefore:-
 - (a) whether sea water or final treated effluent from a wastewater treatment plant are acceptable for use in conditioning imported wastes to supplement or replace the use of potable water as originally intended;
 - (b) whether the proposed importation of water by tanker or tractor and bowser is acceptable in terms of highway impacts on Lower Road and impacts on

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- residential amenity (particularly in Brambledown); and
- (c) whether the details of the conditioning plant (and other matters pursuant to condition 7) are acceptable in all respects (e.g. potential pollution, landscape and visual amenity).

Use of sea water and final treated effluent from a wastewater treatment plant

27. Southern Water supports the use of the use of final effluent from wastewater treatment works for conditioning purposes on the basis that this is more sustainable than using finite potable water resources. The use of sea water can also be viewed favourably in this context. The Environment Agency has no objection to the proposal and has confirmed that sea water is available for use. Since the suitability of any water used for conditioning rests with the Environment Agency under the terms of the PPC Permit, there is no reason to restrict planning approval on the basis of suitability. This approach accords with the Government advice in PPS10 (paragraph 26) 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”. It should also be noted that Government advises that “waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced” (PPS10, paragraph 27). It is also worth noting that neither Swale Borough Council or Eastchurch Parish Council objects to the use of such water.
28. In view of the comments of Southern Water and the Environment Agency, the proposed use of sea water and final treated effluent from a wastewater treatment plant for conditioning accords with the principles of Kent and Medway Structure Plan (KMSP) Policies SP1 and NR1 and Kent Waste Local Plan (WLP) Policies W2 and W19 insofar as these relate to sustainable use of water resources / water conservation. Given suitable controls which are in place in the PPC Permit, the proposal also accords with KMSP Policy WM2 and Kent WLP Policies W2 and W19. Any statements from WRG about the potential for a borehole on the island to provide a suitable long term water resource are not relevant at this stage and are, in any event, matters for the Environment Agency in its groundwater regulatory role.

Highway and amenity impacts of importing water by tanker or tractor and bowser

29. Although not stated in the application, WRG advised the recent Norwood Farm Liaison Committee meeting that the preferred source of imported water was the Queenborough wastewater treatment works on the Isle of Sheppey and that water would be captured just before being piped out into the sea. On this basis, vehicle movements associated with the importation of water would access the site along Lower Road from Cowstead Corner to the west (as with all imported boiler ash and APCRs and any sea water from Ridham Dock). It is also worth reiterating that the applicant proposes that any necessary vehicle movements associated with the importation of water (of whichever variety) would be included within those allowed by condition 14 which permits no more than 200 movements per day (100 in and 100 out) such that no additional movements would be needed. Notwithstanding this, it should

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also be noted that when submitting application SW/05/744 WRG estimated that once clay exports cease, the number of HGV movements would reduce to about 24 (12 in and 12 out) (i.e. 25 tonne capacity tankers transporting the boiler ash and APCRs).

30. Concerns have been expressed by the Brambledown / Norwood Monitoring Group about the impact of HGVs and other traffic on Lower Road. Such concerns are not new. Indeed, concerns about speed, safety and the lack of a footway through Brambledown were expressed during consideration of application SW/05/744 and previous proposals at the site as well as during the Norwood Farm Liaison Committee meetings over many years. In part, this led to WRG agreeing to contribute towards the improvements to Lower Road set out in paragraph 2. Whilst the comments are of concern, the adverse impacts cannot be attributed entirely to the quarry and landfill site and need to be considered in the context of recent development more generally on the Isle of Sheppey. However, I consider it appropriate for the Divisional Transportation Manager to be reminded of the concerns expressed by local residents about adverse traffic impacts on Lower Road, particularly through Brambledown, and be asked to explore opportunities to resolve the problems when considering proposals for future development on the Island or through other means. In addition, I consider that he should be asked to provide a report to the next meeting of the Norwood Farm Liaison Committee setting out his views on the issues.
31. Notwithstanding the local concerns about traffic on Lower Road, neither the Divisional Transportation Manager, Swale Borough Council nor Eastchurch Parish Council objects to the proposal. Subject to any vehicle movements associated with the importation of water being included within those already permitted by condition 14 of planning permission SW/05/744 and using the existing access to the site off Lower Road, the proposal is considered to be acceptable in terms of KMSP Policies TP12 and TP15 and Kent WLP Policy W22.

Details of conditioning plant and other matters pursuant to condition 7

32. The main element of the details submitted pursuant to condition 7 is the proposed conditioning plant (including the building) which has already been constructed and is being used. The proposed plant and associated building occupy a smaller footprint, are more limited in scale and are no more intrusive than that previously approved. As intended, they cannot be seen from outside the site due to the site perimeter bund which will be further mitigated by landscape planting approved as part of the main permission.
33. No objections have been received to the proposed conditioning plant, associated building or other details, however, concerns have been expressed by Eastchurch Parish Council and the Brambledown / Norwood Monitoring Group about the failure of WRG to obtain the necessary approvals prior to implementing these and commencing the importation of boiler ash and APCRs, conditioning and landfilling of waste at the site, particularly due to the sensitive nature of the site and local concerns. This does not sit comfortably with Kent WLP Policy W16 or good planning generally and I consider that WRG should be informed of the Planning Applications Committee's dissatisfaction on this point.

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34. Notwithstanding this, since the Environment Agency has no objection to the proposed conditioning plant, associated building and other details set out in paragraph 9, and has confirmed that these are acceptable in terms of the PPC Permit during the recent Norwood Farm Liaison Committee meeting and associated site visit, I consider them to be operationally acceptable. I also consider that the other aspects of the submission are either acceptable in their own right (e.g. drainage and fencing) or would, in conjunction with their design, be satisfactorily controlled by existing planning conditions attached to the main permission (e.g. lighting is restricted to hours of use which are in turn limited by condition). For these reasons, I consider that the proposals are acceptable and accord with KMSP Policies NR5 and WM2 and Kent WLP Policies W2, W18, W19, W20, W24 and W25.

Conclusions

35. I consider the proposals to be acceptable, in accordance with development plan policies and the principles of BPEO and therefore recommend accordingly.

Recommendation

36. I RECOMMEND that APPROVAL BE GIVEN SUBJECT TO:-

- (i) any remaining details being implemented as approved;
- (ii) conditions confirming that any vehicle movements associated with the importation of water are included within those allowed under the terms of condition 14 of planning permission SW/05/744 and that the only access used to import water is the existing site access off Lower Road;
- (iii) the applicant being reprimanded on its failure to fully comply with the terms of condition 7 of planning permission SW/05/744 in that it implemented the proposed details and commenced the importation of boiler ash and APCRs, conditioning and landfilling of waste at the site without first having obtained the necessary approvals from the County Planning Authority; and
- (iv) the Divisional Transportation Manager being: (a) reminded of the concerns expressed by local residents about adverse traffic impacts on Lower Road, particularly through Brambledown; (b) asked to explore opportunities to resolve the problems when considering proposals for future development on the Island or through other means; and (c) asked to provide a report to the next meeting of the Norwood Farm Liaison Committee setting out his views on the issues.

Case Officer: Jim Wooldridge	Tel. no. 01622 221060
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Background Documents: see section heading.
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