

TM/06/806: MA/06/457: TM/98/1428 : MA/98/1212 – ALLINGTON QUARRY, LAVERSTOKE ROAD, ALLINGTON, MAIDSTONE

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

TM/06/806:MA/06/457:TM/98/1428:MA/98/1212 – Application to continue development without complying with condition (5) of planning permission TM/98/1428 & MA/98/1212 and submission of details pursuant to conditions (3), (11) and (13) in respect of minor amendments to the approved plant site layout, amendment to the phasing of landscaping, and relaxation of the requirement for the full implementation of the approved landscaping and restoration scheme prior to the importation of waste materials Allington Quarry, Laverstoke Road, Allington, Kent. Kent Enviropower Limited (MR TQ 736578)

Recommendation: For Permission and Approval

Local Member: Mr D Daley and Mr G Rowe

Classification: Unrestricted

Site

1. The site is located immediately south east of Junction 5 of the M20 motorway. It is bounded to the north by the M20, to the east by the 20/20 Business Park which is accessed off Laverstoke Road, to the south by St Lawrence Avenue, and to the south west by the motorway link road.

Background

2. In July 2000 permission was granted (Ref: TM/98/1428 & MA/98/1212) for the erection of an integrated Waste to Energy Plant. The facility is intended to handle up to 500,000 tonnes of household, commercial and industrial waste per year with all materials being imported by road. The site covers an area of approximately 34 hectares of which some 7 hectares would be occupied by the plant itself in the eastern section adjacent to the 20/20 Business Park, with the remaining 27 hectares being recontoured and landscaped with mixed species of shrubs and trees in order to encourage the creation of a diverse wildlife habitat which thereafter is proposed to be managed in perpetuity for nature conservation.
3. The development was formally implemented in October 2001 commencing with initial earthworks in order to create a development platform for the plant site. Surplus soils arising from this activity have then been used to create a screen bund surrounding the plant with surplus materials being used to achieve the final landform for the adjoining nature conservation area. Having created the development platform construction of the main bulk of the plant began in late 2003 and is now almost complete including the erection of the stack. Thereafter there will follow a period of testing the equipment prior to it becoming fully commissioned to accept contracted waste this October. The period of testing itself will require the importation of waste materials

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Proposal

Minor amendments to approved site layout and landscaping and restoration scheme

4. With the main bulk of the plant having been built, details of the final plant layout and design have been submitted for approval pursuant to condition (3), reflecting relatively minor alterations to those included in the original application as it has had to evolve during its construction in order to meet current and future legislative requirements. This does not involve any changes to the development footprint neither does it result in any overall increase in the height of the building.
5. Given that the earthworks have been weather dependant, the final recontouring in respect of the western section of the site in relation to part of the future nature conservation area has been delayed. In order to avoid any damage to soil structures these final works are not due to commence until this month. As a consequence it has been necessary to amend the phasing of works to avoid vehicles trafficking over areas already restored.
6. Condition (13) of the permission states; ‘ No waste shall be imported to the plant until the landscaping and restoration scheme approved pursuant to condition (11) has been fully implemented, unless otherwise approved by the Local Planning Authority.’ Whilst taking account of the need to restore the site as soon as practicable, the applicant wishes to commence equipment testing in the near future in order to ensure that the delivery of contracted waste to the site can commence as required in October. Furthermore, owing to the need for contractors and their accommodation to be retained on site during the testing period, where they currently occupy part of the area forming the eastern bund, this phase cannot be fully completed until this area is finally vacated. Other than the contractors compound on the eastern bund, all earthmoving works and seeding will be completed by 31st October 2006, with final planting being undertaken during November 2006 and February 2007.
7. Consequently approval is sort under condition (13) to relax the full implementation of the restoration and landscaping scheme as currently approved under condition (11) in advance of the importation of waste for testing purposes.

Application (Ref: TM/06/806 and MA/06/457) for the continuation of development without compliance with condition (5) of Planning Permission TM/98/1428 and MA/98/1212.

8. Condition (5) of the permission states: ‘ Waste shall be delivered to the site between the hours of 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays. No waste shall be delivered to the site at anytime outside these hours or on Saturday afternoons, Sundays or Bank Holidays without the prior approval of the Local Planning Authority’. Kent Enviropower Limited have applied for permission (Ref: TM/06/806 and MA/06/457) to continue development without complying with condition (5) of Planning Permission: TM/98/1428 and MA/98/1212. The proposal seeks to allow unrestricted time deliveries of waste to take place throughout a 24 hour period with the intention that this would then help avoid deliveries during peak hour periods when levels of traffic on the local road network are at their highest and thus avoid increasing any congestion. The application states that the additional numbers at night will not significantly increase overall HGV activity

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in the locality and would help relieve local congestion at peak periods. They claim the approach roads do not pass any residential areas so there would be no loss of amenity. The application is supported by a separate traffic and highway assessment which compares hourly movements that will be generated based on current restrictions applying under condition (5) with those that would be generated if such restrictions were removed. This demonstrates that based on an 11 hour delivery period per day as currently permitted will result in an average 29 movements per hour including some 2 vehicles per hour removing residual waste from the site. This would reduce to some 19 movements per hour taking account of the period during which deliveries would be made without such restrictions. Attention is drawn to the considerable existing activity associated with the adjoining 20/20 Business Park which shares the same access where overnight flows already average 25 HGV movements per hour throughout the night from midnight to 6am. Between 6am and 7am this increases to 123 HGV's per hour. It concludes that the effect of introducing an additional 8 HGV's delivering waste to the site during these hours will not result in any noticeable change.

9. Reference is also made in the application to a previous permission granted which allowed greater operational flexibility with regard to site construction, during which time a significant number of deliveries were made to the site over a 24 hour period, particularly during major concrete pours. The current application contains supporting information including earlier background noise monitoring data provided to verify whether the 24 hour construction activities could take place outside permitted hours without detriment to the noise environment. The readings, which showed relatively high background levels, was considered to be due to the proximity of the site to the motorway. Subsequent readings taken at the site entrance during the extended site construction hours demonstrated that levels were within the restrictions set under the terms of the permission. More recent background noise levels taken at similar locations shows there have been no material changes. Taking these into account, given the relatively small number of additional HGV's that would be generated outside currently restricted hours in comparison with the existing vehicle movements in the vicinity of the site, it is considered that these could take place without detriment to public amenity.

Consultations

10. **Maidstone Borough Council:** No Objection.

Highways Agency: No objection.

Environment Agency: No objection.

Boxley Parish Council: No objection to the amended plant site layout. Raise objection to the amendments to the approved landscaping and restoration scheme which it is felt should be implemented in full. Also raise objections to extending the hours during which waste would be delivered to the site as there would be loss of amenity and noise pollution to residential properties at some point as lorries accessing the site at night would have to leave other sites and drive through residential areas.

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Aylesford Parish Council: No objection to the amended plant site layout or to the continuation of the development without compliance with condition (5) of planning permission TM/98/1428&MA/98/1212. Object to the commencement of any waste importation prior to completion of landscaping work.

Mid Kent Water: Has some concerns over the construction of the balancing pond used to control surface water discharge and the potential for it to contaminate their Forstal groundwater source. Given the threat to the security of domestic supply, they have registered an objection to the proposals. Their concerns specifically relate to high rainfall events which may overwhelm the capacity of the pond leading to potential contaminants either from roads on site or ash residues area leaking into the aquifer. They have requested further information from the applicant to enable them to further assess the level of risk before providing their final response.

Divisional Transportation Manager: No comments

Jacobs (noise): No comments

Local Members

11. The Local Members, Mr D Daley and Mr G Rowe were advised of the proposals on 13 March 2006.

Publicity

12. The proposal was advertised by way of a site notice, advertisement in the local newspaper and individual notification to some 43 neighbouring properties on the adjoining 20/20 Business Park. As a result I have received 3 letters of representation, 1 from the Maidstone Housing Trust raising concerns over the potential impact if any changes would dilute the effect of the existing restrictions on traffic movements within business "rush hours". Consider the more deliveries that can be organised outside the normal working day the better. The other 2 letters were from local residents both of whom object on the grounds of the detrimental impact caused by noise from traffic travelling along routes to the site during night time together with the noise and odours caused by the delivery/departure, manoeuvring and unloading of the vehicles at the site itself.

13. In addition I have also received a letter from the Chairman of the Allington Quarry Waste Management Facility Community Liaison Committee. This committee which became established early on during the initial site preparation works prior to the construction of the plant site itself, has since met on a regular basis. It consists of members and officers both at County and Borough level along with local parish representatives and local residents. He has drawn attention to the general support members of the committee have given to the proposal on the grounds that it would help ease the traffic situation in the surrounding area. He highlights that the main concerns of local people regarding the plant seem to be related to traffic issues, and anything which can be done to mitigate these will be seen as beneficial by residents. On behalf of the Committee he therefore supports the application.

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Discussion

Minor amendments to approved site layout and landscaping and restoration scheme.

14. It has taken some 2 years since the commencement of the development for the plant to be constructed, during which time given the sheer scale and nature of the facility it was anticipated amendments would have to be made to the plant design as it evolved. The changes have been primarily driven by Health and Safety requirements or as a result of improvements to the design in order to comply with permitting requirements. The permit which has been issued separately by the Environment Agency under the pollution control regime, dictates the operational parameters of the plant, particularly those relating to limits on stack emissions. The changes are relatively minor compared to the main bulk of the plant and fundamentally do not lead to any changes in the development footprint neither do they alter the overall height of the building.
15. Some concerns have been raised by Mid Kent Water over the construction of the balancing pond used to control the flow of surface water discharge from the site direct to the surface water sewer system. They have therefore requested further information from the applicant to enable them to further assess the level of risk before they provide their final comments. Following recent discussions between the applicant and Mid Kent Water I am satisfied that their concerns can be satisfactorily addressed. Pending their final views which I hope to have received in time for the meeting I do not consider there are any overriding reasons why the amendments to the plant should not be approved.
16. The approved landscaping and restoration scheme makes provision for the creation of a bund surrounding the plant site area, which when planted with trees will then provide an effective screen to nearby views to the extent that with the exception of the stack the main bulk of the plant will not be visible. Major earthworks have also been undertaken in the western section of the site, which when completed will be planted and managed for nature conservation purposes. The landscaping and restoration scheme in respect of the screen bund and future nature conservation area has been substantially completed. Whilst the applicants have requested to be allowed to import waste for testing purposes prior to the scheme being fully implemented, the delay sought affects only a small part of it and for a relatively short period of time. The scheme will be completed in full in due course and such minor delays do not in my view compromise the overall intention for adequate screening to be in place before the plant becomes fully operational.
17. Testing the plant is critical to ensure that it can fully meet the requirements of the permit issued by the Environment Agency when it becomes fully commissioned. When this is weighed against the short delay in completing a small part of the remaining landscaping and restoration scheme I do not consider the objections raised to the request made for such a delay are overriding. Accordingly it is my opinion that this request should be approved.

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Continuation of development without compliance with condition (5) of Planning Permission TM/98/1428 & MA/98/1212.

18. In addition to concerns that were raised on the original application regarding stack emissions, traffic impacts represented the other main ground of objection to the proposal. Consequently conditions were imposed when the permission was granted restricting the maximum number of lorry movements, with further restrictions applying during the morning and evening peak hour periods. This was in order to avoid congestion of the local road network. Condition (5) of the permission relating to the hours during which waste can be delivered to the site represents the standard hours of working and at the time the application was submitted reflected the period during which it was proposed waste would be delivered to the site.
19. Permission is now sought to continue the development without complying with condition (5) of the existing permission. This would allow the delivery of waste to the site throughout a 24 hour period. All other conditions including those relating to maximum numbers of lorry movements and peak hour restrictions would remain in effect. In support of the proposal the applicants draw attention to what they consider would be the overall benefits, namely providing for a more even spread of vehicles over a longer period resulting in a reduction in the number of hourly movements that would otherwise be generated during the currently permitted hours. In their view because of high traffic flows on a number of adjoining roads it will be beneficial to all road users if a number of HGVs can be removed from these roads, especially during peak hours, and allowed to operate overnight when travel conditions are easier. They state that even if the HGV traffic spreads evenly over the whole day there will be a reduction of some 10 movements per hour throughout the working day.
20. The applicants draw attention to the proximity of the M20 motorway and the railway embankment which runs between the site and nearest residential properties. They also point out that the adjoining 20/20 business park currently operates on a 24 hours basis where vehicle flows average 25 per hour between midnight and 6am, which rises to some 123 per hour between 6am and 7am. Under these circumstances they do not consider that the additional hours they seek would cause any detrimental impact to the local community. The application includes noise monitoring data which demonstrates that the additional traffic they would add to the road network would not raise levels above those which are restricted by condition on the current permission. It is not the intention for these noise limits to be amended and which will therefore continue to apply.
21. I am mindful that notwithstanding the objections that have been raised on the grounds of increase disturbance from noise, during the period when construction traffic operated on a 24 basis which involved at times significantly higher traffic volumes than would be generated by waste delivery vehicles, I did not receive any complaints over noise. Also from the discussions which have taken place at the local liaison committee meetings, none have indicated that any complaints have been made direct to the borough councils. With the safeguards which would continue to apply controlling noise as limited by condition, in my view I do not consider the objections on grounds of increased noise disturbance noise can be substantiated. With regard to the specific objections raised by Boxley Parish Council in relation to noise disturbance to communities at those sites from which the waste would be delivered, such matters would have been considered separately under the applications

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required to allow their additional hours of operation. I do not therefore consider this represents a material objection to this application.

Conclusion

22. In my opinion there are no overriding reasons why the minor amendments sought to the plant design together with the delay in completing a small part of the landscaping and restoration scheme cannot be formally approved. Furthermore, with regard to the application to allow 24 hour delivery of waste to the site, in the absence of any overriding objections, with the greater flexibility that would derive, particularly from reducing the intensity of traffic during peak hours, in my view this can only be of positive benefit to the wider road users in the vicinity and represents an improvement above that currently permitted.

Recommendation:

23. I **RECOMMEND** that **SUBJECT TO** the final views of Mid Kent Water;

(A) APPROVAL BE GIVEN to the details submitted pursuant to conditions (3), (11) and (13) of planning permission reference TM/98/1428 & MA/98/1212 to amendments to the approved plant site layout, phasing of the approved landscaping and restoration scheme and the relaxation of the requirement for its full implementation prior to the importation of waste to the site.

(B) PERMISSION BE GRANTED to Application reference TM/06/806 & MA/06/357 for the continuation of the development without complying with condition (5) of planning permission reference TM/98/1428 & MA/98/1212.

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| Case Officer: Mike Clifton | 01622 221054 |
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| Background Documents - see section heading |
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