

SECTION C
MINERALS AND WASTE MANAGEMENT

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

Application for variation of conditions 2 (Restoration Period), 10 (Hours of HGV Movements) and 11 (Highway Management Scheme) of planning permission CA/12/606 for the infilling of open lagoons formally used for the disposal of tannery wastes at Oldridge Wood Lagoons, Swanton Lane, Off Canterbury Road, Littlebourne, Canterbury – CA/13/2055

A report by Head of Planning Applications Group to Planning Applications Committee on 14 May 2014

Application by Starnes (Canterbury) Ltd. for variation of conditions 2 (Restoration Period), 10 (Hours of HGV Movements) and 11 (Highway Management Scheme) of planning permission CA/12/606 for the infilling of open lagoons formally used for the disposal of tannery wastes at Oldridge Wood Lagoons, Swanton Lane, Off Canterbury Road, Littlebourne, Canterbury – CA/13/2055 (KCC/CA/0317/2013)

Recommendation: Permission be granted subject to conditions.

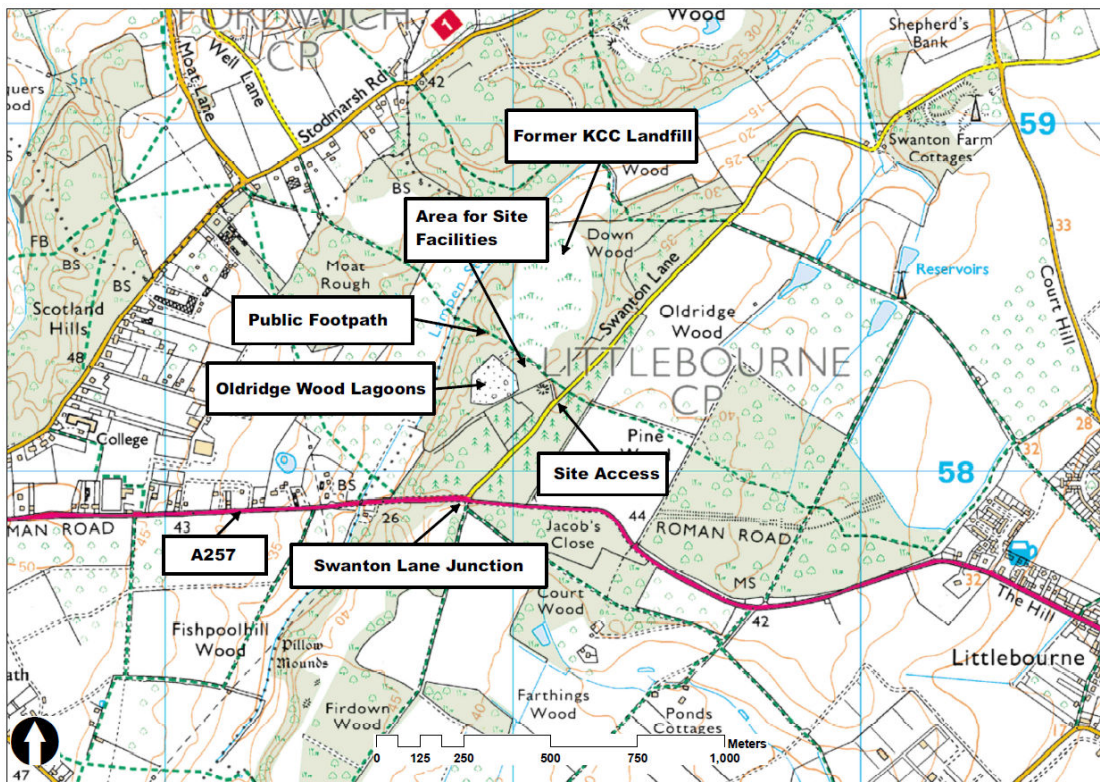
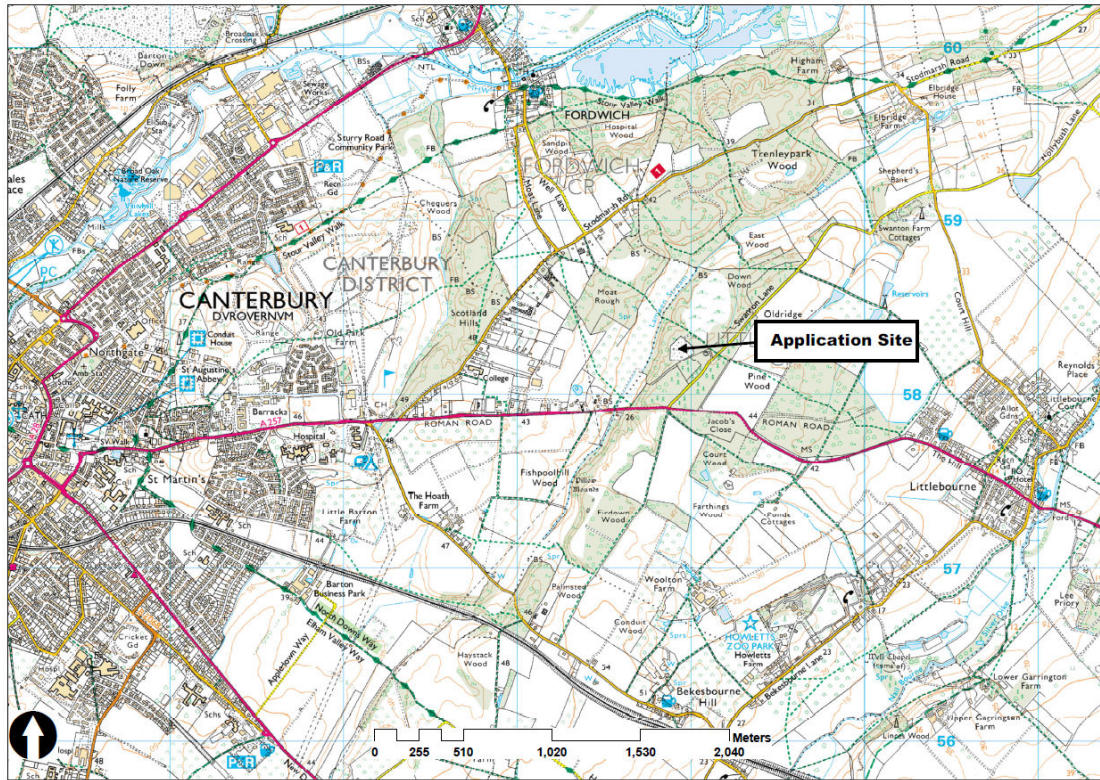
Local Member: Mr Michael Northey

Classification: Unrestricted

Site Description

1. The application site is a 1.4 hectare piece of land to the north east of the village of Littlebourne. It is surrounded by a Local Wildlife Site as identified in the Canterbury District Local Plan First Review (July 2006) and is immediately adjacent to a public right of way (Footpath CB148). It is accessed via a private gated track branching from Swanton Lane off the A257 Canterbury Road. The A257 is subject to a 50mph speed limit in the vicinity of the Swanton Lane junction. The site itself is irregular in shape and comprises a series of open lagoons with access tracks between, enclosed within 1.8m high chain link fencing with a locked gate on the north east side. Maximum dimensions across the fenced lagoons area are approximately 140m x 140m.

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2. To the north of the site is an area of open ground within the land ownership of the applicant (some of which is hardstanding associated with earlier filling operations) and beyond that is open ground over the surface of the former Kent County Council municipal landfill site which closed in 1991. Woodland (some of which is Ancient Woodland) surrounds the southern, eastern and western sides of the site. To the west, the land slopes relatively steeply down to the Lampden Stream (at about 20m AOD). The Lampden Stream flows in a north easterly direction approximately 90m from the western boundary of the lagoons site. Further west is farmland. There are no residential properties within 0.5 kilometres of the site or between the site entrance and the A257 / Swanton Lane junction.

Background / Relevant Planning History

3. The site was worked for sand and gravel prior to the deposition of domestic wastes similar to those placed in the adjacent Kent County Council landfill. From the 1970s the site was used for the disposal of tannery sludge and slurries generated from the former St. Mildred's Tannery in Canterbury. The lagoons were formed by partial re-excavation of the domestic wastes. The tannery wastes are reported to have contained water, organic matter (hair, protein, grease etc.), chromium III hydrated oxide (a greenish pigment), lime and residual sulphides.
4. The applicant asserts that records indicate that the site stopped receiving waste sometime between 1998 and 2001. A Site Closure Notice was issued by the Environment Agency in December 2002 which required that the previously authorised disposal of waste at the site should cease and not recommence. Closure of the site was to involve a modification to the waste disposal licence for the site to allow importation of wastes from sources other than the tannery to infill the lagoons and provide a capped and domed profile that would prevent rainfall ingress and associated leachate generation from the previously deposited wastes. Progress on the site closure ceased due to bankruptcy issues associated with the site owners.
5. The Environment Agency carried out a site audit in April 2008 and visited the site in June 2008. It is understood that a number of observations were made and concerns were raised regarding the condition of the site, including the following:
 - Some of the lagoons were observed to contain a green liquid and bubbles seen rising to the surface of the liquid were indicative of ongoing methane gas production.
 - The open nature of the lagoons to incident rainfall presented a potential risk of prolonged leachate generation and adverse impact on ground and surface waters in the vicinity.
 - There was a potential risk to human health and a safety risk to the public/trespassers associated with the open lagoons and potential near surface contamination.

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6. The need for a comprehensive investigation and environmental monitoring programme for the site was identified to enable the assessment of risks to human health and controlled waters. This subsequently involved collecting and testing samples of lagoon sediments, landfill and soil materials and a programme of gas monitoring and groundwater sampling and testing from borehole installations on and around the site. Monitoring from these installations is ongoing. The desire for the site to be infilled and capped as part of the closure process was reinforced. It is understood that Kent Wildlife Trust expressed an interest in the land being allowed to regenerate naturally on completion of this work during the audit.
7. A planning application (CA/12/606) was submitted to the County Council for the infilling of the lagoons in March 2012. The application proposed that any liquid be drained from the lagoons and removed in tankers for disposal at an appropriately licensed facility. The infilling would then be carried out in phases. The application proposed that infill materials would be restricted to inert wastes and that the final surface layer would comprise at least a 1 metre depth of clay or clayey soils. The final landform would have a maximum height of approximately 47m AOD (approximately 6m above the land immediately surrounding the lagoons) with a domed profile and side slopes at a gradient of 1:6 in order to facilitate surface water run-off and compliment the landform on the former County Council landfill site. It would also reduce the likelihood of having to reopen the site to remediate the effects of total and / or differential settlement after infilling had been completed. In order to meet Kent Wildlife Trust's preferred restoration standard and facilitate the desired natural regeneration, it was not proposed to use topsoil in the restoration profile. The proposed development would have required approximately 33,500 cubic metres of material. Assuming two phases, phase 1 would have required approximately 18,500 cubic metres and phase 2 approximately 15,000 cubic metres. The application also proposed the installation of a temporary site cabin and self-contained wheelwash facility during the course of the filling works on the area of hardstanding to the north of the fenced lagoons area. It also proposed that a safe footpath route would be maintained alongside the existing site internal access road, fenced to prevent public access with clear signage on approaches.
8. In the absence of any planning objections and the proposed development being acceptable in all respects subject to the imposition of conditions, the application was permitted under officer delegated authority on 1 November 2012. A copy of the decision notice is attached at [Appendix 1](#).
9. Highways and transportation issues were of particular significance both prior to and during consideration of planning application CA/12/606 and had initially resulted in concerns being expressed by Littlebourne Parish Council and KCC Highways and Transportation about the impact on the highway network. However, as a result of discussions between the applicant, KCC Highways and Transportation and the Parish Council, leading to general agreement on controls that should be applied if the proposed development were to proceed, these concerns were overcome.

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10. Based on an estimated filling process over an 18 month period, the proposed development would have required the temporary closure of Swanton Lane during filling periods due to its narrow width, the use of part time traffic lights on the A257 and HGVs being managed prior to arrival at the site using lay-by's and radios. It would also have required that HGVs only enter or leave the site between 09:30 and 16:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays with no movements on Sundays and Public Holidays. These hours being more limited than those for operations on the site itself which were proposed between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays.
11. The restrictions on HGV movements at the site set out above were included in condition 10 of planning permission CA/12/606. The permission also included a condition (11) which required the submission, approval and compliance with a detailed highway management scheme (to accord with the general principles set out in the applicant's transport statement) to include:
 - the number of phases of the infilling works;
 - the source / locations of waste materials;
 - the maximum numbers of HGV movements (including maximum loads per hour / loads per day) associated with each phase of the filling works; and
 - the proposed off-site traffic management measures.
12. The 2012 application had included a number of potential scenarios for how infilling would be undertaken. These were:
 - 1 session of 41 days with 65 HGV loads per day and 10 per hour;
 - 1 session of 83 days with 33 HGV loads per day and 5 per hour;
 - 2 sessions of 26 days with 52 HGV loads per day and 8 per hour;
 - 3 sessions of 14 days with 65 HGV loads per day and 10 per hour;
 - 3 sessions of 28 days with 33 HGV loads per day and 5 per hour;
 - 5 sessions of 8 days with 65 HGV loads per day and 10 per hour; and
 - 5 sessions of 17 days with 33 HGV loads per day and 5 per hour.

Although the applicant stated that 2 to 5 sessions were favoured, it was unable to be certain that any one scenario would be possible since this would be dependent on the availability of suitable waste materials at any given time. In large part, this was the reason why it had been impossible to finalise any HGV management arrangements and why a detailed highway management plan was required by condition.

13. Planning permission CA/12/606 also included a condition (2) which stated that the development must be completed and the site restored within 2 years of the commencement of operations. Condition 12 required that measures be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway (including the use of wheel and chassis cleaning equipment as necessary).
14. A number of other conditions were also imposed in order that the development should take place as proposed, in an acceptable manner and in accordance

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with relevant planning policies. These include those in respect of a 5-year time limit for commencement (condition 1), removal of permitted development rights (condition 3), working programme (conditions 4 to 8), hours of operation (condition 9), ecology (conditions 13 and 14), tree protection (condition 15) and restoration and aftercare (condition 16). Of these, conditions 8 (relating to temporary site cabin and wheelwash), 13 (relating to a dormouse survey and any necessary mitigation) and 16 (relating to a site restoration and aftercare scheme) require the submission to and approval by the County Council of details before development commences. The planning permission also includes a number of informatives (e.g. advice in respect of public rights of way, the need to obtain a European Protected Species License from Natural England and the need to apply to the Environment Agency for a variation to the Environmental Permit).

15. The applicant has since reconsidered the viability of and logistics associated with how the permitted development would take place leading to the submission of the current application.

The Proposal

16. The application seeks planning permission for the variation of conditions 2 (time limit for completion), 10 (hours of HGV access) and 11 (highway management plan) of planning permission CA/12/606. The application is supported by a new Transport Statement.
17. As initially submitted in October 2013, the application proposed:
 - increasing the time allowed to complete the development from 2 years to 3 years;
 - allowing HGVs to enter or leave the site from 09:00 hours rather than 09:30 hours Monday to Friday; and
 - removing the need for a detailed highway management scheme to be submitted and approved prior to the commencement and, instead, replacing this requirement with revised proposals for highway management related to an amended infilling regime.
18. In support of the above, the applicant states that the current time period is inadequate and does not provide enough time to complete the development due to market conditions and as a result of uncertainties over the availability of sufficient suitable waste materials in the permitted timeframe. It also states that the fill material would be collected from various sites and locations by a single operator (expected to be Thanet Waste Services) before being delivered to Oldridge Wood Lagoons. The nature of these operations requires a more flexible approach than previously envisaged unless materials are to be stockpiled at another location before being transported to the site. The applicant points out that stockpiling elsewhere would lead to the need for double handling and significant additional costs which would adversely affect the viability of the scheme. The applicant has also re-emphasised the need to backfill the lagoons to satisfy Environment Agency concerns regarding the

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potential pollution of water resources as well as ongoing health and safety concerns regarding the retention of open effluent lagoons.

19. The new Transport Statement concludes that the additional half hour period between 09:00 and 09:30 would not have any detrimental effect on the road network. The applicant states that the new Transport Statement addresses all the matters previously required by condition 11 such that the further submission of a highway management plan is unnecessary. Rather than rely on any of the waste delivery scenarios previously suggested, the applicant now estimates that 25 to 30 HGV loads would be deposited at the site each day during filling periods of between 4.5 and 5.5 days at intermittent periods in the spring, summer and autumn periods. The applicant no longer proposes the temporary closure of Swanton Lane or the use of part time traffic signals on the A257.
20. As a result of concerns about highway issues raised during consideration of the current application as initially submitted, further discussions took place between the applicant, Kent Highways and Transportation and Littlebourne Parish Council. Following this, a further Technical Note was submitted in support of the application. This provided details of a proposed means of monitoring HGV movements (i.e. a radar based automatic traffic counter (ATC)), a draft signage schedule (to inform road users of HGV movements on both the A257 and Swanton Lane) and further information relating to visibility splays and swept path analysis at the A257 / Swanton Lane junction. A further swept path analysis drawing was also subsequently provided at the request of KCC Highways and Transportation.
21. The applicant has additionally agreed that the following extra measures / controls be applied in the event that planning permission is granted to further mitigate impact on the highway network:
 - HGVs not entering or leaving the site before 09:15 hours Monday to Friday (rather than 09:00 hours as initially proposed);
 - HGV movements being limited to 6 in / 6 out per hour during filling periods;
 - the installation of an automatic traffic counter (ATC) at the Site;
 - records of the ATC being made available for inspection at any time by County Planning Authority;
 - prior notification of the County Council before each filling period is to commence;
 - the signage scheme being implemented prior to filling periods;
 - the provision of wheelwash facilities at the site; and
 - HGVs being restricted to 10.2m in length, 4 axles and 20 tonne load capacity.

Planning Policy Context

22. **National Planning Policy:** The National Planning Policy Framework (NPPF) was adopted on 27 March 2012. It replaces all previous national planning policy guidance. However, the framework does not contain specific waste

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policies. Pending the publication of the National Waste Management Plan for England, Planning Policy Statement 10 (Planning for Sustainable Waste Management) continues to set out the national planning policy for waste development. The other matters addressed in the NPPF primarily carry forward previous national planning policy and guidance.

The “golden thread” running throughout the NPPF is *sustainable development*. The ministerial forward of the policy defines *sustainable* as “ensuring that better lives for ourselves don’t mean worse lives for future generations”. The NPPF also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system: economic; social; and environmental. These roles are mutually dependent. In facilitating the delivery of these roles the NPPF also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

23. **Kent Waste Local Plan (Saved Policies) (March 1998):** Policies W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W31 (Landscaping) and W32 (Operation, Restoration and Aftercare).
24. **Kent Minerals and Waste Local Plan Pre-Submission Consultation Draft (January 2014):** Policies CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW11 (Closed Landfill Sites), CSW12 (Disposal of Inert Waste), DM1 (Sustainable Design), DM2 (Sites of International, National and Local Importance), DM9 (The Water Environment), DM10 (Health and Amenity), DM12 (Transportation of Minerals and Waste), DM13 (Public Rights of Way), DM14 (Safeguarding of Transport Infrastructure), DM17 (Land Stability) and DM18 (Restoration and Aftercare)
25. **Canterbury District Local Plan First Review (July 2006):** Policies BE1 (General Development Control Criteria), NE1 (Biodiversity), NE2 (Biodiversity Enhancement), NE5 (Tree Retention), C1 (Transport), C39 (Air quality), C40 (Potentially Polluting Development) and C41 (Waste Management).
26. **Canterbury District Local Plan Preferred Options Draft Consultation (June 2013):** Consultation closed on 30 August 2013. The draft policies of relevance include: SP1 (Sustainable Development), LB4 (Landscape Character), LB5, LB6, LB7 (Conservation and Enhancement of Biodiversity), LB10 (Protected Species), LB11 (Nature Conservation), LB12, LB13 (Trees, Woodland and Hedgerows), CC12 (Water quality), T1 (Transportation), QL11 (Air Quality), QL12 (Potentially Polluting Development) and QL13 (Waste Management).

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Consultations

A summary of responses received to consultations are as follows

27. **Canterbury City Council:** No objection.
28. **Littlebourne Parish Council:** Initially raised concerns on the following grounds:
- The lengthening of the process from 2 to 3 years.
 - Questioned who would monitor progress with the works against the permitted timescale.
 - Starting at 09:00 hours would conflict with rush hour traffic flows.
 - Routing of Lorries through Littlebourne and previous complaints about Thanet Waste Services (the prospective haulier referred to in the application) HGVs travelling through the village.

These concerns were discussed at a meeting between KCC Highways and Transportation and the Parish Council on 29 November 2013. The application was subsequently amended such that HGVs would only enter or leave the site after 09:15 hours and additional supporting information was provided by the applicant.

A further response to the proposed development was made by the Parish Council to KCC Highways and Transportation on 26 February 2014 (and copied to Planning Applications Group). This indicated that whilst the Parish Council was happy with some of the improvements that had been made (e.g. a slightly later start time for HGVs and the provision of traffic monitoring) it remained concerned about large slow moving vehicles turning across the eastbound carriageway of the A257 into Swanton Lane or exiting Swanton Lane and travelling east. It also expressed the opinion that sight lines at the junction are poor and that any additional signage would not cause drivers to slow down in sufficient time to avoid collisions. It additionally expressed the view that the speed limit on the A257 should be reduced to 40mph in the area.

29. **Natural England:** No objection.
30. **Environment Agency:** No objection.
31. **KCC Highways and Transportation:** No objection subject to conditions to secure the following:
- HGVs not entering or leaving the site before 09:15 hours Monday to Friday;
 - HGV movements being limited to 6 in / 6 out per hour during filling periods;
 - the installation of an automatic traffic counter (ATC) at the Site;
 - records of the ATC being made available for inspection at any time by County Planning Authority;

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- prior notification of the County Council before each filling period is to commence;
 - the signage scheme being implemented prior to filling periods;
 - the provision of wheelwash facilities at the site; and
 - HGVs being restricted to 10.2m in length, 4 axles and 20 tonnes load capacity.
32. **KCC Public Rights of Way and Access Service:** Advises that as part of the site access road is also a public right of way (Footpath CB148), it will be necessary for the applicant to apply to temporarily close the footpath during the works and make alternative arrangements via a diversion. Notes that an alternative route adjacent to the footpath could be created.

Representations

33. The application has been advertised by site notice, press notice and individual notification letters. No responses have been received as a result.

Local Members

34. The County Council Member Mr M Northey (Canterbury South East) was notified of the application. No written comments have been received.

Discussion

35. 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 development plan policies outlined in paragraphs 23 and 25 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 22 and the emerging development plan policies referred to in paragraphs 24 and 26.
36. Planning permission CA/12/606 is also an important material consideration. The merits of infilling the lagoons was carefully assessed during 2012 and planning permission CA/12/606 granted under delegated authority on 1 November 2012. I am satisfied that the conclusions reached during the consideration and determination of application CA/12/606 remain valid and do not need to be revisited in this report. I am also satisfied that it remains highly desirable for the lagoons to be infilled and properly restored to secure the environmental benefits referred to in paragraphs 4 to 6 above.

Condition 2 (Time limit)

37. Condition 2 of planning permission CA/12/606 allows 2 years for the completion of all works, including emptying, infilling and restoring the lagoons and removing all plant, equipment, buildings and hardstandings from the site. The 2 year period was based on forecasts made in 2012 as to the likely availability of suitable waste material and a number of scenarios on how this

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could be delivered to the site (as outlined in paragraph 12 above). The scenario considered to be most realistic in 2012 involved 5 infilling sessions of 2 to 5 weeks each over a period of 18 months. This would now be replaced by a more flexible approach whereby 25 to 30 HGV loads would be deposited at the site each day during filling periods of between 4.5 and 5.5 days at intermittent periods in the spring, summer and autumn periods.

38. No specific objections have been raised in respect of the proposed amendment to condition 2 although Littlebourne Parish Council has questioned who would monitor progress with the works against the proposed timescale.
39. I am satisfied that it may take longer than 2 years for the applicant to secure sufficient quantities of suitable waste materials and complete the required works. I am also satisfied that increasing the period to 3 years would not prejudice the effective restoration of the site or have any significant adverse impact on amenity or the environment. Indeed, given that the total quantity of waste materials required to restore the site and the total number of HGV loads required to enable this would remain the same, any longer period could actually assist in further minimising impacts by reducing the number of HGV movements associated with the development on any one day or individual session. In the event that sufficient quantities of suitable waste materials become available more quickly than the applicant now assumes, there would be nothing to prevent the works being completed in 2 years provided the terms of any new conditions that may be imposed to address KCC Highways and Transportation's comments are complied with. These issues are addressed further below. With regard to Littlebourne Parish Council's concerns about site monitoring, it should be noted that operations of this type are monitored by the County Council's Planning Applications Group on a regular basis under the chargeable site monitoring regime. Notwithstanding this, there is no guarantee that the works would be completed within 3 years and it may ultimately be necessary for additional time to be sought / obtained if the current restoration scheme is to be secured.
40. Given the above, I am satisfied that the proposed increase from 2 to 3 years for completion would accord with relevant development plan and other planning policies subject to the imposition of the additional conditions requested by KCC Highways and Transportation (addressed in full in paragraphs 44 to 48).

Condition 10 (Hours of HGV access)

41. As set out in paragraph 17 above, the application initially sought to amend the time that HGVs may enter and leave the site from 09:30 to 09:00 hours Monday to Friday. All other times referred to in condition 10 would remain the same. As explained in paragraph 21, as a result of concerns being raised by KCC Highways and Transportation and Littlebourne Parish Council about possible conflict during the morning peak time the applicant agreed that the application be considered on the basis of amending the start-time to 09:15 Monday to Friday.

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42. KCC Highways and Transportation and Littlebourne Parish Council are both now satisfied with the revised start-time. As a result, no specific objections have been raised in respect of the proposed amendment to condition 10.
43. Given that KCC Highways and Transportation has advised that 09:15 hours Monday to Friday is acceptable in highway terms, I am satisfied that the proposed amendment would accord with relevant development plan and other planning policies subject to the imposition of the additional conditions requested by KCC Highways and Transportation (addressed in full in paragraphs 44 to 48 below).

Condition 11 (highway management plan)

44. As explained in paragraph 12 above, one of the key reasons for imposing condition 11 on planning permission CA/12/606 requiring a highway management plan was due to the uncertainty associated with how and when waste materials would be secured and HGVs deliver these to the site. Paragraph 11, sets out the matters that the highway management plan was to address (i.e. the number of phases of the infilling works; the source / locations of waste materials; the maximum numbers of HGV movements [including maximum loads per hour / loads per day] associated with each phase of the filling works; and the proposed off-site traffic management measures).
45. As acknowledged in paragraph 39 above, I am satisfied that it may take longer than 2 years to secure the necessary waste materials. I am also satisfied that predicting this availability in a way that would enable the requirements of condition 11 to be addressed in a single submission would be impossible if best use is to be made of suitable materials. In principle, I therefore support an alternative means of dealing with the matters set out in condition 11 subject to this being acceptable in highway terms.
46. As noted in paragraphs 20 and 21, further information was provided to address concerns raised during the consultation process and a number of additional controls have been discussed with and agreed by the applicant. Whilst these have satisfied some of Littlebourne Parish Council's concerns, it has maintained an objection to the proposals on highway safety grounds. Specifically, it:
 - remains concerned about large slow moving vehicles turning across the eastbound carriageway of the A257 into Swanton Lane or exiting Swanton Lane and travelling east;
 - believes that sight lines at the junction are poor and that any additional signage would not cause drivers to slow down in sufficient time to avoid collisions: and
 - wants the speed limit on the A257 reduced to 40mph.

It has also expressed concerns about HGVs travelling through Littlebourne and stated that it has previously had to complain about HGVs associated with the prospective haulier.

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47. In addition to undertaking a detailed analysis of the proposed development, KCC Highways and Transportation has also carefully considered the comments made by Littlebourne Parish Council and discussed these with representatives of the Parish Council. However, it is satisfied that the proposed development is acceptable in terms of highway safety and does not believe that it would be appropriate to reduce the speed limit as is proposed. KCC Highways and Transportation has advised that subject to the imposition of conditions to secure the matters referred to in paragraph 31 above it has no objection to the proposals. It should be noted that wheel and chassis cleaning arrangements are already addressed by conditions 8 and 12 of planning permission CA/12/606.
48. Given the response from KCC Highways and Transportation, I am satisfied that the proposed removal of condition 11 and its the requirement for the submission of a detailed highway management plan is acceptable and would accord with relevant development plan and other planning policies subject to the imposition of the additional conditions requested by KCC Highways and Transportation. Although I note Littlebourne Parish Council's concerns about HGV routeing and complaints associated with the prospective haulier, the A257 is part of the main road network along which such traffic would normally be expected to travel and is the only viable option for deliveries to the site from the east. It should also be noted that the current application proposes no changes to vehicle routeing.

Other matters

49. In addition to the imposition of replacement conditions to reflect the proposed amendments to conditions 2 and 10 and those additional conditions requested by KCC Highways and Transportation if the requirement of condition 11 is to be omitted, it would be necessary for those other conditions referred to in paragraph 14 above to be re-imposed if permission is granted. Any informatives appended to planning permission CA/12/606 should also be re-imposed. These include advice in respect of the public right of way, the need to obtain a European Protected Species Licence from Natural England and the need to apply to the Environment Agency for a variation to the Environmental Permit. I am satisfied that an appropriate informative in respect of the public right of way would satisfactorily address the issue raised by KCC's Public Rights of Way and Access Service in paragraph 32 above. Members should note that regardless of the outcome of this application, further details would still need to be submitted to address the requirements of conditions 8 (relating to temporary site cabin and wheelwash), 13 (relating to a dormouse survey and any necessary mitigation) and 16 (relating to a site restoration and aftercare scheme) before development commences.

Conclusion

50. I am satisfied that there remains a clear need for the lagoons to be infilled and restored as provided for by planning permission CA/12/606 (for the reasons set out in paragraphs 3 to 6 above) and that the conclusions reached during the consideration and determination of the previous application remain valid.

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Notwithstanding the concerns expressed by Littlebourne Parish Council about highway safety, I am also satisfied (based on the response from KCC Highways and Transportation) that the proposed variations of conditions 2, 10 and 11 are acceptable, would accord with relevant development plan and other planning policies and should be permitted subject to the imposition of the other previous conditions and those additionally proposed by KCC Highways and Transportation.

Recommendation

51. I RECOMMEND that permission BE GRANTED SUBJECT TO conditions and informatives covering (amongst other matters) the following:

- the development being completed and the site restored within 3 years of commencement;
- HGV movements only taking place between 09:15 and 16:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays with no movements on Sundays and Public Holidays;
- HGV movements being limited to 6 in / 6 out per hour during filling periods;
- the installation of an automatic traffic counter (ATC) at the site;
- records of the ATC being made available for inspection at any time by County Planning Authority;
- prior notification of the County Council before each filling period is to commence;
- the signage scheme being implemented prior to filling periods;
- HGVs being restricted to 10.2m in length, 4 axles and 20 tonnes load capacity; and
- the re-imposition of all original conditions with the exception of conditions 2, 10 and 11.

Informatives:

- The applicant additionally notifying Littlebourne Parish Council prior to each filling period.
- The re-imposition of the informatives appended to planning permission CA/12/606.

Case Officers: Harry Burchill and Jim Wooldridge - Tel. No's. (01622) 221058 and 221060

Background Documents: See section heading.
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Appendix 1 to Item C1

**Variation of Conditions 2, 10 and 11 of planning permission
CA/12/606 for the infilling of open lagoons formally used for the
disposal of tannery wastes – CA/13/2055**



CC1 (Detailed)

Reference Code
of Application: CA/12/606

KENT COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

Notification of Grant of Permission to Develop Land

To: Starnes (Canterbury) Limited
C/o Ian Thompson
Environmental Scientifics Group
The Oasts
Newnham Court
Bearsted Road
Maidstone
Kent
ME14 5LH

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Acts, HAS GRANTED PERMISSION for development of land situated at Oldridge Wood Lagoons, Swanton Lane, Off Canterbury Road, Littlebourne, Kent, CT3 4AX and being the infilling of open lagoons formally used for the disposal of tannery wastes referred to in your application for permission for development dated the thirteenth day of March 2012 with "Planning Application for the restoration of Oldridge Wood Lagoons at Swanton Lane, Canterbury Road, Nr Littlebourne, Kent, March 2012" as amplified and/or amended by: email from Ian Thompson Environmental Scientifics Group (ESG) dated 2 April 2012 with "Land ownership and application site boundaries – Site Plan" drawing number 0326/101; letter from Ian Thompson (ESG) dated 25 May 2012 with "Oldridge Wood Monitoring" data sheet; email from Ian Thompson (ESG) dated 25 May 2012; email from Ian Thompson (ESG) dated 24 July 2012 with "Oldridge Wood Lagoons Draft Report" dated September 2009; email from Ian Thompson (ESG) dated 23 August 2012 with "Oldridge Wood Monitoring" data; and email from Ian Thompson (ESG) dated 29 October 2012 with "Phased Infilling Plan & Tree Locations" drawing number 0326/106 Revision A, SUBJECT TO THE CONDITIONS SPECIFIED hereunder:-

Time Limits (Commencement and Duration)

1. The development hereby permitted must be commenced not later than the expiration of 5 years beginning with the date on which this permission is granted. Written notification of the intended date of commencement shall be sent to the Waste Planning Authority at least 7 days prior to this date and written notification to confirm the actual date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: In pursuant of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. The development hereby permitted must be completed, the site restored in accordance with a scheme required pursuant to condition (16) and all plant, equipment, buildings and hardstandings be removed within 2 years from the date of commencement (as defined pursuant to the requirements of condition (1) above).

Reason: In order to secure the satisfactory restoration of the site, pursuant to the objectives of Kent Waste Local Plan Policy W32.

Restriction of Permitted Development Rights

3. Notwithstanding the provisions of part 4 of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, or structures and erections shall be located on site without the prior approval in writing of their siting, design and external appearance by the Waste Planning Authority.

Reason: To protect the visual amenities of the area and minimise impact and to accord with the objectives of Kent Waste Local Plan Policy W25.

Working Programme

4. Unless otherwise approved beforehand in writing by the Waste Planning Authority, the development to which this permission relates shall be carried out and completed in all respects strictly in accordance with the submitted documents and drawings contained in the application as referred to above, and as stipulated in the conditions set out above and below and those further details required to be submitted for approval.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and to accord with the objectives of Kent Waste Local Plan Policies W18, W19, W20, W21, W22, W25, W27, W31 & W32.

5. The development shall be carried out using only the materials identified for infilling as specified in paragraph 5.5 of the "Supporting Statement – Planning application for the restoration of Oldridge Wood Lagoons".

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted details.

6. The pre-settlement tip heights shall not exceed those detailed on "Phased Infilling Plan" drawing number 0326/103 as amplified and amended by "Phased Infilling Plan & Tree Locations" drawing number 0326/106 Revision A.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted details.

7. A surface layer of clay or clayey soils shall be constructed to a depth no less than 1.5 metres below the pre-settlement tip heights as detailed in paragraph 5.5 of the letter from Ian Thompson (ESG) dated 25 May 2012.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted details.

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8. **Before the development hereby permitted is commenced**, details of the temporary site cabin and self contained wheelwash facility (including details of their siting, design and external appearance) shall be submitted for the prior written approval of the Waste Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved details.

Reason: To protect the visual amenities of the area and minimise impact and to accord with the objectives of Kent Waste Local Plan Policy W25.

Hours of Operations

9. Unless otherwise approved beforehand in writing by the Waste Planning Authority, operations on site shall only take place between the following times: -

07:00 to 18:00 Monday to Friday;
07:00 to 13:00 Saturdays;
No operations on Sundays and Public Holidays.

Reason: To ensure the minimum disturbance and avoidance of nuisance to the environment of locality and to accord with the objectives of South East Plan Policy NRM10 whilst providing for the operational needs of the development hereby permitted.

Access and Routing

10. Unless otherwise approved beforehand in writing by the Waste Planning Authority, HGV movements associated with the development hereby permitted shall only take place between the following times: -

09:30 to 16:00 Monday to Friday;
08:00 to 13:00 Saturdays;
No movements on Sundays and Public Holidays.

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policy W22.

11. **Before the development hereby permitted is commenced**, a detailed highway management scheme (which shall accord with the general principles set out in "Transport Statement – Proposed Lagoon Backfilling, Oldridge Wood Lagoons" dated October 2011) shall be submitted for the prior written approval of the Waste Planning Authority. The highway management scheme shall include, amongst other matters, details of the following:

- a. the number of phases of the infilling works;
- b. the source / locations of waste materials;
- c. the maximum numbers of HGV movements (including maximum loads per hour / loads per day) associated with each phase of the infilling works; and
- d. the proposed off-site traffic management measures.

Thereafter the development shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policy W22.

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12. Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway. Such measures shall include, as necessary, the use of wheel and chassis cleaning equipment.

Reason: In the interests of highway safety and safeguarding the local environment and to accord with the objectives of Kent Waste Local Plan Policy W22.

Ecology

13. **Before any works in connection with Phase 2 (as detailed on “Phased Infilling Plan & Tree Locations” drawing number 0326/106 Revision A) of the development hereby permitted is commenced**, a detailed dormouse survey report shall be submitted (including any necessary mitigation) for the prior written approval of the Waste Planning Authority. Thereafter the development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of the protection of important ecological interests at the site and to accord with the objectives of Kent Waste Local Plan Policy W21 and the National Planning Policy Framework.

14. The development shall be carried out strictly in accordance with the mitigation measures as detailed in “Mitigation Method Statement” Ref. No 2160/R01 dated February 2012, specifically paragraph 6.14 in respect of dormouse mitigation and paragraph 6.26 in respect of reptiles.

Reason: In the interests of the protection of important ecological interests at the site and to accord with the objectives of Kent Waste Local Plan Policy W21 and the National Planning Policy Framework.

Tree Protection

15. The development hereby permitted shall be carried out in such a manner as to avoid damage to the existing trees (as identified on “Phased Infilling Plan & Tree Locations” drawing number 0326/106 Revision A), including their root systems, by observing best practice measures detailed in the relevant British Standard.

Reason: In the interests of the protection of trees surrounding the development hereby permitted and to accord with the objectives of Canterbury City Council Local Plan Policy NE5.

Restoration and Aftercare

16. **Before the development hereby permitted is commenced**, a site restoration and aftercare scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme, which shall accord with the principles set out in the application, including the “Phased Infilling Plan” drawing number 0326/103 as amplified and amended by “Phased Infilling Plan & Tree Locations” drawing number 0326/106 Revision A, shall include the following details: -

- a. a habitat re-creation management scheme to ensure the long term sustainability of the acidic grassland habitat to be created;
- b. the treatment of any disturbed ground;
- c. measures to ensure that the restored surface is free from large stones or similar objects;
- d. provision for annual meetings between the landowner(s) and the Waste Planning Authority during the aftercare period; and
- e. measures for the ongoing maintenance, management and monitoring of the nature conservation interests associated with the restored lagoon area and receptor sites.

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The site restoration scheme shall be implemented as approved in accordance with the timescale required by condition (2). The ongoing management / aftercare elements of the scheme shall be implemented as approved for 5 years after completion of restoration, unless otherwise agreed beforehand in writing by the Waste Planning Authority.

Reason: In order to secure the satisfactory restoration and aftercare of the site, pursuant to the objectives of Kent Waste Local Plan Policy W32.

The Town and Country Planning (Development Management Procedure) (England) Order 2010

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's National Planning Policy Framework and the relevant Circulars, together with the relevant Development Plan policies, including the following, and those referred to under the specific conditions above:-

South East Plan (May 2009) Policies: CC1 (Sustainable Development), CC2 (Climate Change), C4 (Landscape), NRM5 (Biodiversity), NRM10 (Noise) and W14 (Restoration).

Kent Waste Local Plan (March 1998) Saved Policies: W18 (Noise, Dust and Odour), W19 (Surface and ground water), W20 (Geological considerations), W21 (Ecology), W22 (Transport), W25 (Design), W27 (Public Rights of Way), W31 (Landscape) and W32 (Restoration and Aftercare).

Canterbury City Council Local Plan (July 2006) Policies: BE1 (General Development Control Criteria), NE1 (Biodiversity), NE2 (Biodiversity Enhancement) and NE5 (Tree Retention).

The summary of reasons for granting approval is as follows:-

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm to visual amenity as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

In addition please be advised of the following informatives:

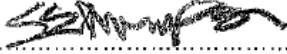
1. Please note the expiry date on your decision notice, along with all other conditions imposed. You are advised any conditions which require you to formally submit further details to the County Planning Authority for approval may be required to be formally discharged **prior** to commencement of operations on site, or within a specified time. It is your responsibility to ensure that such details are submitted. **Failure to do so may mean that any development carried out is unlawful** and which may ultimately result in the permission becoming incapable of being legally implemented. It is therefore strongly recommended that the required details be submitted to this Authority in good time so that they can be considered and approved at the appropriate time. **Note that from 6th May 2008 each submission of details pursuant to conditions attracts an application fee of £85.**
2. You are advised that Public Right of Way CB148 runs immediately adjacent to the application site. You are advised that this consent allows no rights of alter or divert the Public Right of Way without the express consent of the Highway Authority.
3. You are advised of the need to obtain a European Protected Species Licence from Natural England before proceeding with any of the works hereby permitted.

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4. You are advised of the need to apply for a variation to the site's current Environmental Permit to allow for the importation of waste to achieve an appropriate landform and to cap and restore the site. The application for this variation will need to be supported by detailed evidence relevant to the Environment Agency's statutory responsibilities in respect of the site.
5. You are advised that any temporary traffic management measures on the highway will be subject to the granting of an appropriate license by the Highway Authority.

Dated this first day of November 2012

(Signed).....
Head of Planning Applications Group

INVICTA HOUSE
COUNTY HALL
MAIDSTONE
KENT ME14 1XX