

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Section 73 application to vary conditions 3 (to allow additional time for completion of landfill to enable restoration to approved levels) and 10(a) (to update the phasing scheme to reflect the amended operational period) of planning permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks, TN14 5BP – SE/15/315 (KCC/SE/0025/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 April 2015.

Application by Cory Environmental Ltd & Ibstock Brick Ltd for a section 73 application to vary conditions 3 (to allow additional time for completion of landfill to enable restoration to approved levels) and 10(a) (to update the phasing scheme to reflect the amended operational period) of planning permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks, TN14 5BP – SE/15/315 (KCC/SE/0025/2015)

Recommendation: Permission be granted, subject to conditions and a s106 Agreement.

Local Member: Mr. N. Chard

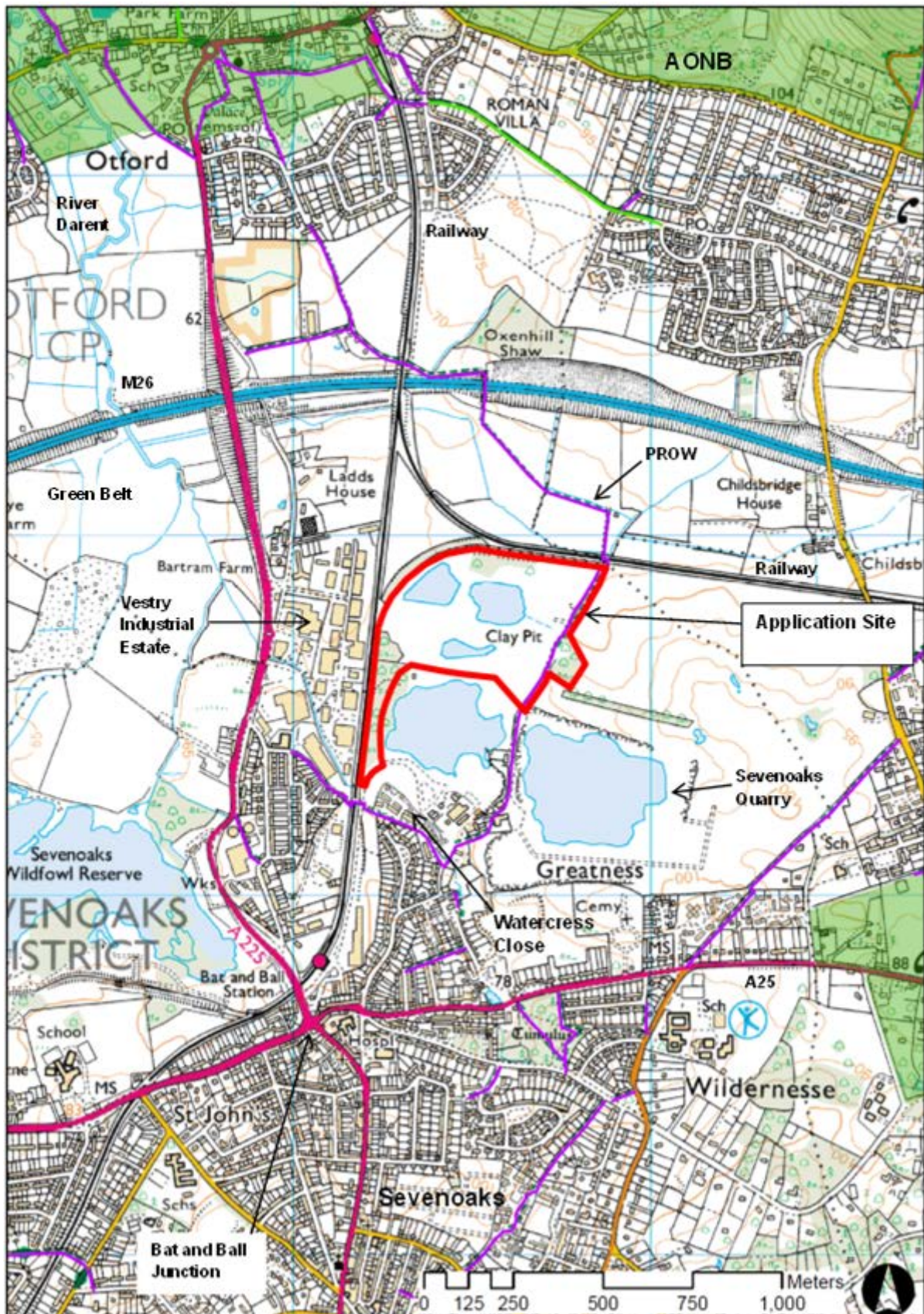
Classification: Unrestricted

Site

1. Greatness Quarry is located approximately 2.5km (1.5miles) north-east of Sevenoaks town centre. The site was formerly a clay quarry and brickworks that now has permission as an integrated waste management facility, including progressive restoration of the land through landfill of non-hazardous municipal, commercial and industrial waste. The site covers an area approximately 20 hectares (ha) (49acres). The main Maidstone to London railway line runs immediately to the north of the site and the Sevenoaks to London line to the west. The A225 (Otford Road), linking Sevenoaks with Otford in a northerly direction, passes approximately 300m (328yards) further to the west, with the Vestry Industrial Estate occupying the land between the A225 and the railway line. The A25(T) runs east-west approximately 1 km (1093yards) to the south and provides connections to the M25 motorway and the primary road network. The M26 motorway passes 0.5km (546yards) to the north. Access to the site is via an estate road off the Bat and Ball Junction on the A225 near its junction with the A25(T). The nearest residential properties to the site are those located in Watercress Close approximately 350m (382yards) to the south.
2. To the south and east of the site lies Sevenoaks Quarry, which comprises an extensive area of active mineral extraction (operated by Tarmac), with associated processing plant, stockpiling areas, offices and workshops. Sevenoaks Quarry is situated between the application site and the northern residential areas of Sevenoaks, which include Greatness and Wilderness, and Seal Village.

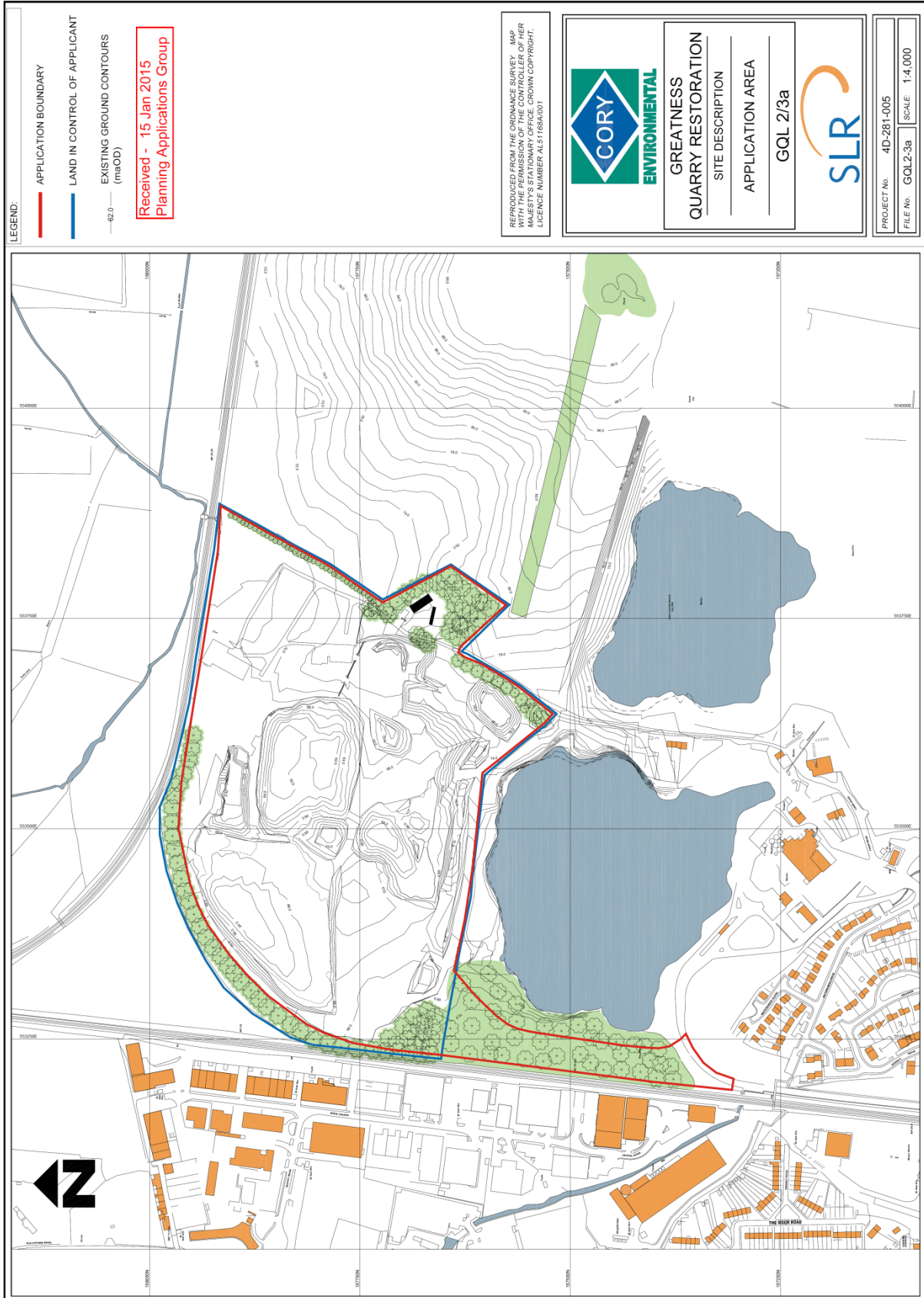
Section 73 application to vary conditions 3 and 10(a) of permission SE/10/3111 at Greatness Quarry, Bat & Ball Road, Sevenoaks – SE/15/315 (KCC/SE/0025/2015)

General Location Plan



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Site Location Plan



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3. Land to the north (beyond the railway line) and to the east of the site is within agricultural use. The River Darent passes approximately 1km (1093yards) west of the site, a tributary of which flows from east to west and passes 50m (54yards) north of the site. A railway embankment immediately to the north of the site divides the application area from the flood plain.
4. A Public Right of Way (Footpath SU3) passes north to south inside the eastern boundary of the site. The entire application site lies within the Metropolitan Green Belt. The Kent Downs Area of Outstanding Natural Beauty (AONB) lies approximately 1.4km (0.87miles) to the north. A section of the site is designated as a Site of Special Scientific Interest (SSSI) for its geological interest. The entire site falls within the catchment area of a Groundwater Source Protection Zone, with land immediately to the south falling within protection Zone 1, which is at increased risk of contamination from any activities that might cause pollution in the area. The Bat and Ball junction to the south of the site is designated as an Air Quality Management Area (AQMA) by Sevenoaks District Council.
5. There are no other relevant site-specific designations, although more general development plan policies are set out in paragraphs (21) to (24) below.

Background and Recent Site History

6. The application site and the adjacent Sevenoaks Quarry were originally one large site, owned by Sevenoaks Brickworks. This land benefited from planning permission for the excavation of clay for brick manufacture and quarrying of sand that underlies the clay. In the mid to late sixties, the site was split into two operations. To the south, Sevenoaks (sand) Quarry is run by Tarmac under a modern extraction consent, the quarry area to the north (the application site) was developed as a brickworks run by Ibstock. The Ibstock brickworks were subsequently removed upon completion of quarrying activities.
7. In December 2001, planning permission (SE/00/2739) was granted for the restoration of the application site through development of an integrated waste management facility, comprising landfill, inert waste recycling and composting operations. This permission provides for the restoration of the former quarry to approved contours by phased landfilling with non-hazardous commercial, industrial and municipal wastes. The final restoration plan allows for creation of a mixture of grassland, tree planting, small ponds and associated wetland habitat to be used for agricultural and nature conservation purposes (see approved restoration plan included below). The original application was subject to an Environmental Impact Assessment, which considered various aspects of the development in detail, including geology, hydrogeology, landscape and visual impact, transport, noise, air quality and amenity considerations. Planning permission was granted by the Planning Applications Committee, subject to 26 conditions and a Section 106 (s106) Agreement.
8. The original conditions imposed on SE/00/2739 include (amongst other matters): the cessation of activities by December 2011 and restoration by December 2013, hours of operation 0700 and 1800 Monday - Friday and 0700 - 1300 Saturday, no more than a maximum of 180 HGV movements per day (90 in / 90 out), with no more than 16 movements (8 in / 8 out) during the hours of 0800-0900 and noise controls. The s106 Agreement signed by the applicants, Kent County Council and English Nature (now

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Natural England) provides for: the relinquishment of previous mineral permissions; the protection of geological interests by establishing a protected area on site (in relation to the Site of Special Scientific Interest (SSSI)); the establishment of a research fund with English Nature; the funding of highway signs on the A25; and HGV routing agreements. The applicant has since addressed the relevant obligations under the s106, however the agreement remains relevant as it includes ongoing obligations relating to HGV routing and maintenance of the area of geological interest associated with the continued operation of the site.

9. The above permission (SE/00/2739) was implemented in August 2005, after a delay in the issuing of the Environmental Permit that covers the development. Following this initial delay a Section 73 (s73) application to amend the operational end date to allow landfill to continue until 15 August 2015, with final restoration completed by 17 August 2017, was approved in January 2010, under reference SE/08/2141.
10. In March 2009, planning permission was granted, under reference SE/08/3170, for the relocation of the environmental compound to accommodate a landfill gas utilisation facility. Subsequently, 2 of the 3 permitted landfill gas engines have been installed. These gas engines produce approximately 2 Mega Watts of renewable energy each year from landfill gas generated on site; the energy produced is fed into the national grid. In August 2011, permission was granted under reference SE/10/3111 to amend the pre-settlement contours to accommodate an expected landfill settlement rate of 25%. This permission was subject to a Supplemental s106 Agreement carrying the obligations of the original legal agreement forward. In February 2014, the County Council approved two non-material amendments to the permitted operations, these related to the landfill gas compound (SE/08/3170/R) and the restoration, pre and post settlement contour plans, drainage and phasing plans (SE/10/3111/R).
11. To date, the landfill has been engineered into 9 cells (cells 1 – 7, 8a and 8b) with a final cell (8c) to be engineered during 2015. Cells 1 to 7 have been completely landfilled with approximately 65% of the site capped and a large part of which restored to grassland. During the recent planting season approximately 5,000 tree and shrub saplings have been planted on the western end of the landform, with restoration due to continue across the completed cells. The remaining cell has been subdivided into 3 smaller cells (8a, b and c) within the same permitted footprint and overall capacity. This approach follows Environment Agency guidance and best practice (and will be expanded upon further later in the report). Cell 8a is approaching capacity in terms of void space, leaving only cells 8b and c left to be landfilled. The inert waste recycling and composting operations permitted as part of the waste management facilities have never been implemented.
12. Land immediately to the south and east of the site forms Sevenoaks (sand) Quarry operated by Tarmac Ltd. The final restoration of Sevenoaks Quarry, to a combination of grassland, tree planting and a large lake, involves use of site won materials and does not include the use of imported landfill. An application for an extension to Sevenoaks Quarry on land to the east of Greatness Quarry was permitted under reference SE/08/675. This permission covers (amongst other matters) extraction and processing of sand; mortar plant (which can also be used for the production of ready mixed concrete); bagging plant; storage of bagged materials; manufacture of topsoil; importation of soils to mix with sand for the production of rootzone and top dressing; and restoration, aftercare and long term management of the site.

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Proposal

13. The Section 73 application seeks to modify an existing planning permission (SE/10/3111) for an integrated waste management facility at Greatness Quarry. The proposals seek to vary condition 3 to allow additional time for completion of the permitted landfill to enable restoration to approved levels, and condition 10(a) to update the phasing scheme to reflect the amended operational period.
14. The application is being proposed due to a fall in the volume of waste material imported to site since 2011. The applicant attributes this to two main factors: a national fall in the volumes of waste being sent to landfill due the success of waste minimisation, re-use and recycling measures and, the expiry of a municipal waste disposal contract the applicant held with Kent County Council until early 2011.
15. The application indicates that rate of infilling is no longer at the level necessary to enable completion of the landfill operation to the approved restoration contours by the permitted end date (15 August 2015) and subsequently the final restoration by August 2017. The application states that the remaining void space available at the site (required to achieve the approved top of waste contours) is approximately 330,000m³. Based on recent input rates the applicant anticipates that realistically approximately 90,000 - 100,000 tonnes of waste would be imported to the landfill each year. Using these assumptions, the applicant proposes that landfill to the approved levels could be completed during 2018, with the remainder of the restoration then taking place before the end of September 2019.
16. Planning permission is therefore being sought to extend the period available to complete landfill operations and restore the site in accordance with the approved plans by no later than 30 September 2019
17. During this extended timeframe the applicant would continue to progressively restore the remainder of the site at the earliest opportunity in accordance with the approved plans. This work would include planting of a significant proportion of the trees and hedgerows proposed within the approved restoration plan; this would be in addition to the planting achieved to date.
18. To ensure that progress is maintained throughout the proposed extended period, the application also seeks to amend the wording of condition 10(a) to include updated phasing plans that reflect the revised approach (please see included below). Due to the proposed amended timescales for restoration, the application documents also include an updated version of the permitted Ecological Management Tasks Table to reflect the revised timetable.
19. The application confirms that there would be no other changes to the permitted operations or the controls placed on the planning permission. This includes the permitted footprint of the landfill, the site area, the landform, permitted waste types or volumes, hours of operation, the number of vehicle movements and that there would be no additional built development associated with this application. The proposals solely relate to the amount of time required to finish the landfill operations, and the amount of time required to restore the site in accordance with the approved scheme.

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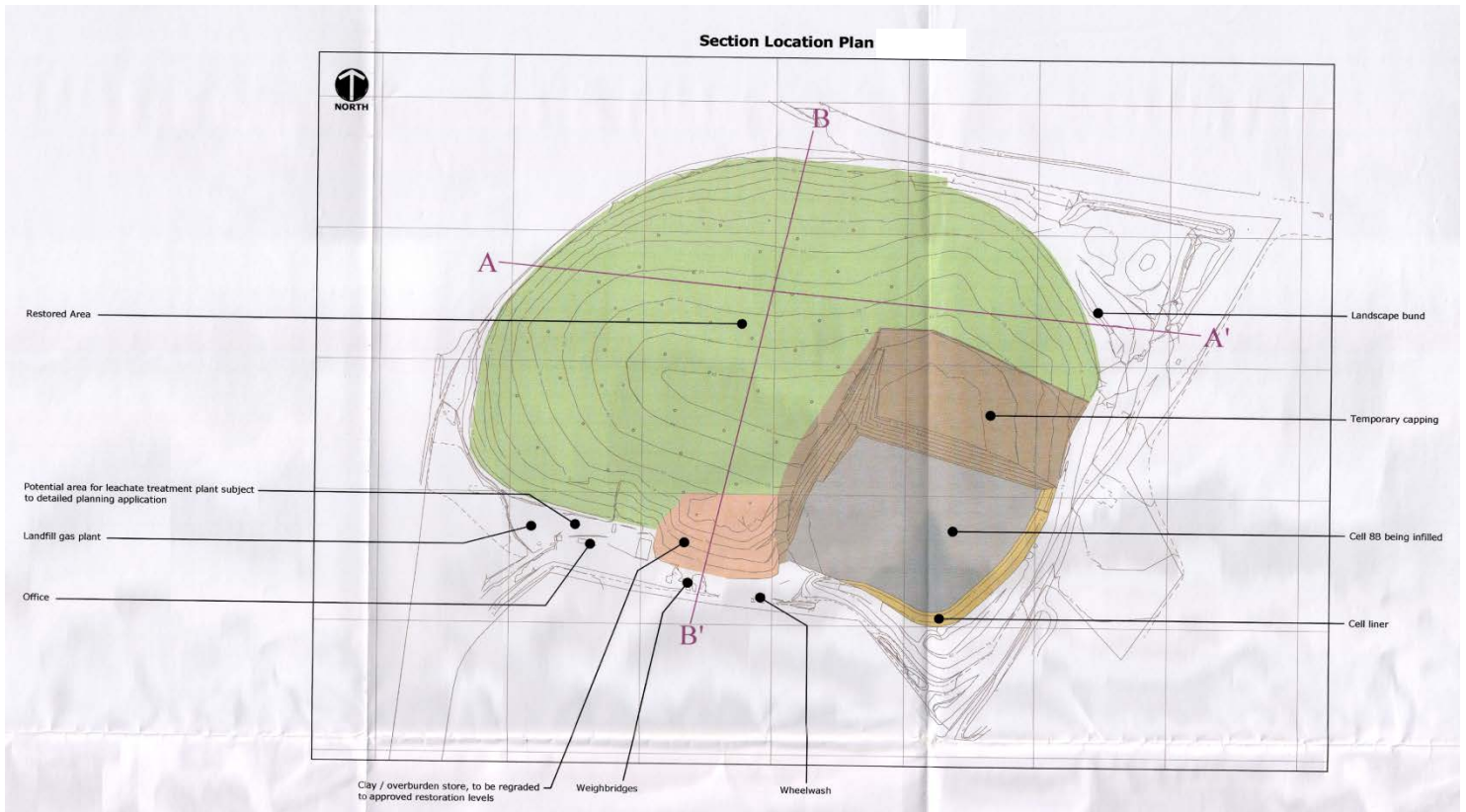
20. The application is accompanied by a draft Supplementary s106 Agreement that seeks to maintain the legal obligations imposed in connection with the original planning permission.

Updated Phasing Plan – Phase 1

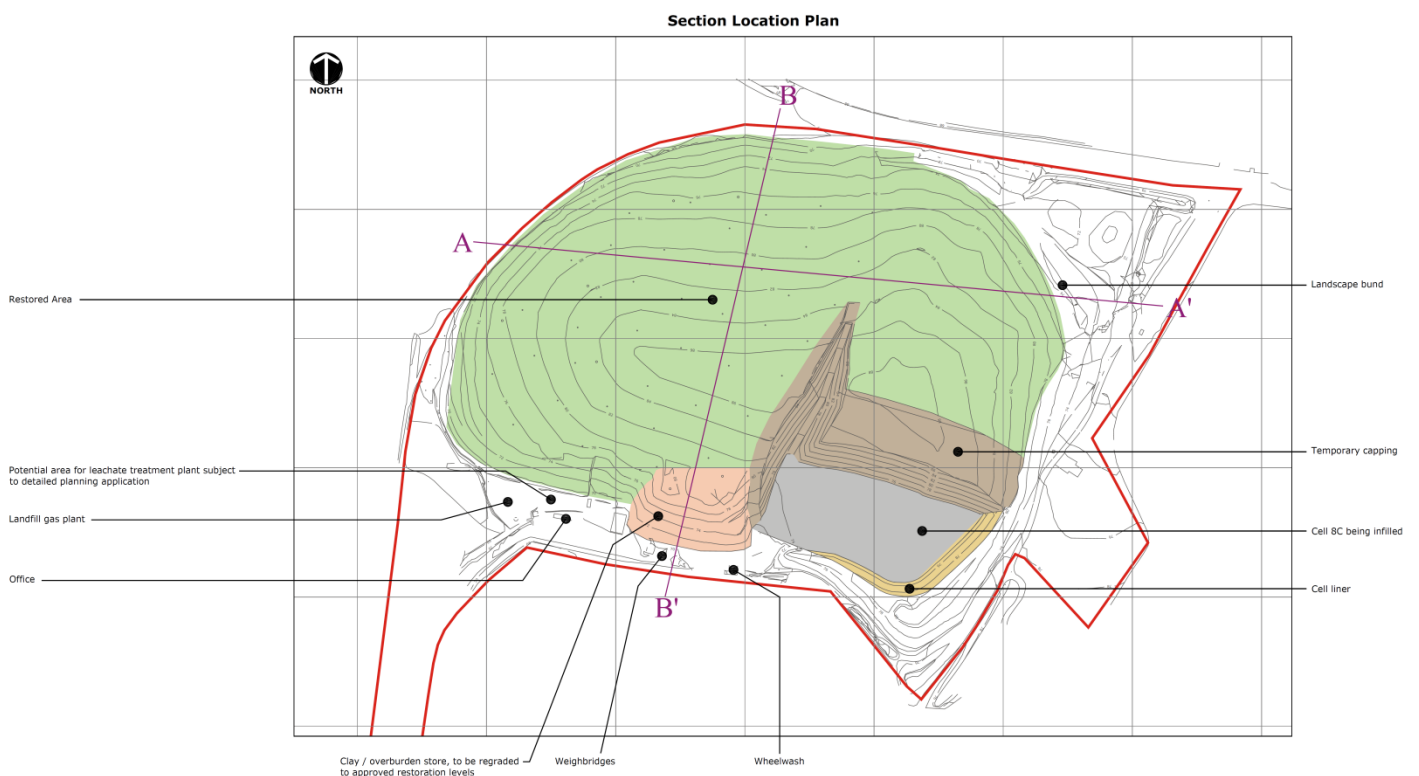


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Updated Phasing Plan – Phase 2



Updated Phasing Plan – Phase 3



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Approved Restoration Scheme (included as background information)



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Planning Policy

21. The Government Policy and Guidance and Development Plan Policies summarised below are particularly relevant to the consideration of this application:
22. **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.

The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 9 (Protecting Green Belt land), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment), 13 (Facilitating the sustainable use of minerals) and accompanying Technical Guidance are of particular relevance.

The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.

National Planning Policy Guidance (NPPG) (March 2014) supports the NPPF including guidance on planning for air quality, minerals, natural environment, planning obligations and waste (amongst other matters).

In the case of waste related development, the NPPG requires that applicants be able to demonstrate that their proposals will not undermine the waste planning Strategy through prejudicing the waste hierarchy. Specifically, in relation to landfill sites the guidance states that,

“Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste.

The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations”.

National Planning Policy for Waste (NPPW) (October 2014) sets out Government policy on waste.

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The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions through:

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of in line with the proximity principle;
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

The NPPW includes policy support, *“to ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”*.

Waste Management Plan for England (December 2013) is a high level document (non-site specific) which provides an analysis of the current waste management situation in England, and evaluates how the objectives and provisions of the revised European Waste Framework Directive will be supported and implemented.

23. **Development Plan Policies:**

Kent Waste Local Plan (KWLP) (1998) – the most relevant Policies include: W3 (Locational criteria), W6 (Need), W9 (Waste Separation and Transfer), W10 (Composting and Digestion), W12 (Landfill of Mineral Voids), 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 (Rights of Way), W31 (Landscaping) and W32 (Aftercare).

Sevenoaks District Local Development Framework: Core Strategy (2011) – the most relevant Policies include: LO 1 (Distribution of Development), LO 8 (The Countryside and the Rural Economy, including Green Belt), SP 1 (Design of New Development and Conservation), SP 2 (Sustainable Development) and SP 11 (Biodiversity).

Sevenoaks District Local Plan: Allocations and Development Management Plan (ADMP) (February 2015) Policies: SC 1 (Presumption in Favour of Sustainable Development), EN1 (Design Principles), EN2 (Amenity Protection), EN5 (Landscape), EN7 (Noise Pollution), T1 (Mitigating Travel Impact)

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24. **Emerging Policy**

Kent Minerals and Waste Local Plan (MWLP) 2013-30 Submission Document (July 2014) – the most relevant draft Policies include: CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Non-Strategic Waste Sites), CSW10 (Non-hazardous Waste Landfill in Kent), CSW17 (Safeguarding of Existing Waste Facilities), DM1 (Sustainable design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM5 (Heritage Assets), DM9 (Water Environment), DM10 (Health and Amenity), DM11 (Cumulative Impact), DM12 (Transportation of Minerals and Waste), DM13 (Public Rights of Way), DM16 (Planning Obligations), DM17 (Land Stability), DM18 (Restoration and Aftercare) and DM19 (After use).

Members will be aware that following endorsement by the full Council on 12 December 2013, the draft Kent Minerals and Waste Local Plan 2013-2030 was submitted to the Secretary of State at the beginning of November 2014. The submission document is now with the Planning Inspectorate, with an independent Examination in Public (EiP) of the Plan to take place later this year. On the basis that this document has not been formally examined or adopted, the draft Plan and its policies carry limited weight as material planning considerations.

Consultations

25. **Sevenoaks District Council:** raise no objections to the application.
26. **Sevenoaks Town Council:** recommend approval.
27. **Otford Parish Council:** no comments received.
28. **Kemsing Parish Council:** recommend approval.
29. **Seal Parish Council:** raise no objections.
30. **Environment Agency:** raise no objections to the proposed variation of conditions. Advises that the Agency will liaise directly with the applicant concerning matters that fall under the Environmental Permitting regime.
31. **Natural England:** raise no comments on the variation of condition 3 and 10a.
32. **Health and Safety Executive:** no comments received.
33. **Network Rail:** raise no objections to the application.
34. **Kent County Council Highways and Transportation:** raise no objections to the proposed additional time for completion of landfill or the updated phasing plans.
35. **Kent County Council Public Rights of Way:** raise no objections to the application. Confirms that Public Right of Way Footpath SU3 runs north to south inside the eastern boundary of the site, however advises that the proposed extension to the timescales to enable restoration of the site would not impact on the Right of Way.

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36. **Kent County Council's Landscape Advice Service:** raise no objections to the application and is satisfied that the proposals would not produce additional impacts upon landscape or visual amenity.
37. **Kent County Council's Ecological Advice Service:** raise no comments.

Local Member

38. The local County Member for Sevenoaks East, Mr. N Chard and the adjoining County Member for Sevenoaks Central, Mrs. M. Crabtree were notified of the application on 30 January 2015.

Publicity

39. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 178 nearby properties.

Representations

40. In response to the publicity, 3 letters of representation have been received. The key points raised can be summarised as follows:
- Objects to the application, considers that the landfill site has had an adverse environmental impact on the local community since becoming operational.
 - Raises particular concern regarding extremely unpleasant fugitive odours, which mainly appear to occur during the evenings and at weekends.
 - Notes that on certain days (particularly in warmer weather), the odours reaching Vestry Industrial Estate (to the west) are awful, making staff feel sick and forcing companies to close windows even in the height of summer.
 - Raises concern that when the development was originally proposed, the applicant indicated that there would be no discernible odours emanating from the proposed landfill; considers that this has not been the case.
 - Considers that the landfill is situated too close to densely populated areas (particularly during work hours).
 - Considers that the current controls appear to be inadequate, with odour problems persisting into 2015. If granted, asks that any permission be subject to stringent conditions that are properly enforced.
 - Considers that despite numerous complaints over the years, the landfill contractor has failed to manage the appalling odours emanating from the site from time to time. Indicates that there is no confidence in the situation changing and strongly objects to an extension to the working life of the landfill site.

Discussion

41. The application seeks planning permission to vary conditions 3 (to allow additional time for completion of landfill to enable restoration to approved levels) and 10(a) (to update the phasing scheme to reflect the amended operational period) of planning permission SE/10/3111. The applications are being reported to the Planning Applications Committee following 3 letters of objection received from nearby

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properties. Please see paragraphs (25) to (37) and (40) for details of all representations and consultee views received.

42. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the proposals need to be considered in the context of the Development Plan Policies, the National Planning Policy Framework, other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraphs (21) to (24) above are particularly relevant.
43. The key determining considerations in this particular case can be addressed under the following headings:
- Need
 - Visual and Landscape Considerations
 - Surface Water Drainage
 - Local Amenity Considerations
 - Highway Considerations
 - Biodiversity
 - Legal Agreement

Need

44. The principle of the landfilling operations to restore the former clay and sand quarry void through progressive infill with non-hazardous municipal, commercial and industrial waste is established by planning permission SE/00/2739 (subsequently amended by SE/10/3111). The extant planning permission includes approved restoration contours and a final restoration scheme (included above) incorporating a mixture of grassland, tree planting, ponds and wetlands. The scheme is designed to ensure a high standard of restoration is achieved, which is commensurate with the sensitivity of the surrounding landscape.
45. As indicated above the landfilling operations have progressed to a point where there is a single cell remaining to infill (Cell 8), which the applicant has been subdivided into 3 smaller cells (8a, b & c) within the permitted footprint. The application indicates that the volumes of waste material received on site are not at a level that would enable the full restoration of the quarry site to the approved contours within the permitted timeframes. In seeking an extension of time to complete the permitted operations, the proposals are looking to ensure the full and proper restoration of the site to the high standards previously approved and considered necessary as part of the extant landfill consent.
46. In the case of waste related development, the NPPG requires that applicants be able to demonstrate that their proposals will not undermine the waste planning Strategy through prejudicing the waste hierarchy. Specifically, in relation to landfill sites it states that,

“Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England’s waste.

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The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations”.

47. The NPPW includes policy support, *“to ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”.* Kent Waste Local Plan (1998) Policies W12 and W32 also provide support for landfill where it assists in restoration and return of mineral workings to a suitable afteruse at the highest possible standard and as quickly as possible. Emerging draft Minerals and Waste Local Plan (2014) Policy CSW10 supports extensions to non-hazardous waste landfills, subject to proposals securing environmental benefits, avoiding unacceptable adverse impacts on the local environment or communities and only accepting wastes that cannot be managed through alternative methods higher up the waste hierarchy. The draft MWLP makes clear that, whilst it is anticipated that there will be a transition of waste management to the higher end of the waste hierarchy, there would be a continued need to plan for disposal of wastes that cannot be managed through alternative methods.
48. The application indicates that the reasons behind the request for a short extension of time are the success of waste minimisation, re-use and recycling measures (i.e. the Waste Hierarchy), a situation recognised in recent national policy documents, and in part the expiry of a municipal waste disposal contract that the applicant held with Kent County Council. In my opinion, having previously accepted landfilling as an appropriate method of restoring the quarry site there is a clear need to ensure that the final landform, restoration and afteruse are successfully completed to a high standard. The remaining void space would also continue to provide valuable landfill capacity to the County, which would accept waste that cannot be managed higher up the waste hierarchy. Whilst it would be preferable for the landfill to be completed within the permitted timeframes, I am satisfied that there is policy support in principle for a short time extension to ensure that the site is restored in an appropriate and sustainable fashion; making the most of the remaining permitted void space whilst ensuring the permitted restoration is completed to the high standards approved.
49. In determining this application, ‘need’ for a development becomes a material consideration if (demonstrable) harm could be caused by the proposals. Further consideration of issues relating to visual and landscape concerns, surface water drainage, local amenity, highways and biodiversity, together with any other material planning considerations, are set out within the sections below.

Visual and Landscape Considerations

50. The application confirms *“the proposed amendments to the extant permission do not seek to alter the approved restoration contours of the site, nor do they change the approved restoration scheme”.* As background information, please find a copy of the approved restoration plan included above. The current proposals purely seek to extend the time required to complete the restoration work. This would mean that, in

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the short term, the open section of the landfill would be visible for a longer period (potentially until September 2019 at the latest, instead of August 2017).

51. In considering the visual impact, it should be noted that the remaining void represents a small section of the overall landfill area and, due to the progressive restoration of the wider site, would become less visible from outside the site (particularly to the north and west) as the operations continue. A large part of the site area has now been capped and seeded with the approved landscape planting being progressively completed from the west. Work to cap and restore the remainder of the completed landfill cells would continue during the proposed extended period, as and when the weather and the phasing of the remaining operation allows (see attached phasing plans). The applicants have reaffirmed a commitment to continue the progressive restoration work alongside infilling the remaining landfill cell(s) to ensure the remaining planting and restoration measures are implemented and delivered at the earliest opportunity.
52. Should the current application be refused, the applicant would potentially be forced to cease operations before the approved restoration contours are achieved. This arrangement would not be acceptable in the long-term as it would potentially leave an alien landform and would limit future use of the site. In this instance, the planning authority would need to secure a revised program of restoration, which would require discussions with the applicant to attempt to secure a compromise position. Any revised approach would likely require significant engineering work to create a suitable revised landform from the material available on site. The process of re-contouring the land could generate similar amenity considerations to those raised in relation to the continued operation of the site, and could also lead to a less desirable landform from a visual perspective.
53. The site falls within a sensitive location being in the Green Belt and located close to the Kent Downs Area of Outstanding Natural Beauty (AONB). The central reason for the development is to restore a former quarry site back to an acceptable landform, the principle of which is established through the existing planning permission. The proposed operations are of a temporary nature and once the land is fully restored to the approved restoration contours the final landform would blend with the landscape and with the restoration scheme approved for the adjacent Sevenoaks Quarry site. I am satisfied that the remaining landfill and restoration operations would not impact on the open character of the landscape, nor with the purposes of including land in Green Belt. In my opinion, the full and successful restoration of the quarry void to a high standard is vital in ensuring that the site has a positive impact on local views and in the longer term maintains the character of the wider landscape.
54. I note that no objections have been received concerning the potential visual considerations of the proposed development, including from the County Council's Landscape Advice Service, Sevenoaks District Council nor the surrounding Parish Councils. On the evidence of the restoration work completed to date, which has had a positive impact on wider views of the site, I am satisfied that the proposed extension of time to allow completion of the restoration is justified and crucial to the overall success of the scheme. In my opinion, a short extension of time would be the most sustainable way of achieving and maintaining an acceptable high quality landform that preserves the landscape character and ensures that the land is returned to a suitable after use. I am content that the proposed development would accord with the relevant

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development plan and Government policies in terms of visual and landscape considerations

Surface Water Drainage

55. In a similar way to the visual considerations set out above, the success of the approved surface water drainage scheme is tied into the full restoration of the whole site to the gradients, contours and landform originally permitted. On completion of the restoration work, the permitted drainage scheme is designed to manage surface water on-site in a controlled and sustainable way, through a network of drainage ditches and surface water ponds that would lead to a single discharge point.
56. The application confirms that, *“if the approved landform were not delivered, as a consequence of the reduced waste inputs over a limited period of time, and part of the quarry void were to remain un-filled, then the site gradients and surface water drainage strategy would need a significant level of re-design (or re-profiling) to ensure that the landform could drain appropriately”*. Should this be the case, the applicant would need to seek approval for the revised approach, which could involve revising the landform within areas of the site that have or are reaching completion in terms of the landfill and restoration operations. Given the nature of the site and the sensitivity of the nearby groundwater resources, it is important to ensure that the long-term surface water drainage is able to cope with the run-off generated and is able to protect surrounding groundwater resources.
57. In my opinion, the proposed extension of time to allow the landfill operations to create the approved landform and surface water drainage scheme would be the most appropriate and sustainable way of ensuring the long-term quality restoration of the land.

Local Amenity Considerations

58. Policies W18 of the Kent WLP and EN2 of the Sevenoaks District Local Plan seek to safeguard the amenities of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements (amongst other matters). Policy DM10 of the draft Kent MWLP states that waste development will be permitted if it can be demonstrated that it is unlikely to generate significant adverse impacts on the quality of life of communities or on the environment.
59. The NPPF requires planning authorities to ensure that proposals do not result in unacceptable adverse effects on the natural or historic environment or on human health, including noise, dust, visual intrusion, traffic and surface and groundwater quality. Paragraph 122 also states that in making planning decisions, local authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively.
60. The publicity carried out as part of the consideration of this application has attracted three letters raising objections to the proposals. These letters originate from residential properties to the south of the application site and a commercial property to

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the west. The objections primarily relate to concerns about unpleasant odours periodically generated by the existing operations (particularly in warmer weather).

61. The original permission for this waste management facility establishes that the development is an acceptable use of the land in this location and that the impacts of the activity could be suitably control through conditions imposed on the planning permission, obligations under an associated legal agreement and the environmental permitting regime.
62. The Environment Agency has raised no objections to the application, confirming that it would liaise with the applicant concerning matters that fall under the Environmental Permitting regime. The Agency has also confirmed that the Environmental Permit for the site includes controls relating to odour (amongst other matters). On the subject of odour the Permit reads as follows, *“emissions from the activities shall be free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, to prevent or where that is not practicable to minimise the odour”*. Accordingly, any odour arising from the operations on site would be subject to control by the Environment Agency through its own legislative powers under the pollution control regimes.
63. In response to the concerns raised, the applicant has emphasised its commitment to reducing fugitive odours. Confirming that it manages potential odours from the site through best practice, daily management and provision and maintenance of on-site infrastructure, which are audited by the Environment Agency and controlled through the Environmental Permit. These measures include (amongst other matters): daily checks by the site manager to ensure appropriate controls are in place, progressive compaction of waste as it is tipped throughout the day, use of inert material to cover the waste at the end of each working day, provision of a landfill gas management system and leachate recirculation, collection and removal (critical in reducing potential odour emissions). The applicant advises that the site’s Environmental Permit does not allow malodorous waste to be accepted unless there is an approved procedure in place. Once the operational area of the landfill site is completed to the approved (pre-settlement) restoration contours it is then capped at the earliest opportunity. This reduces direct odour from the waste, allows efficient collection of landfill gas and controls the amount of leachate produced.
64. In the event of a complaint, the applicant advises that management procedures are in place that require the company to record and investigate each incident, with a member of staff visiting the reported receptor location to establish if the source of the complaint is likely to be as a result of the landfill operations. Where it is found that the site is the source of the odour, appropriate action is taken to remediate the issue. To ensure complaints are actioned as soon as possible the applicant provides the Environment Agency with an out-of-hours contact and encourages members of the public to either call the Environment Agency, or the site directly at the time of the incident in order that any issues can be properly investigated as early as possible and if necessary appropriate action taken. The applicant notes that the Environment Agency visits the site several times per year to ensure that it operates in accordance with the Environmental Permit, and that to date, no non-conformance issues have been raised in relation to the release of odour from the site.

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65. It is also worth noting that the applicant organises a regular community liaison meeting, including representatives from Sevenoaks Town Council, Otford Parish Council, the Local Authorities Environmental Health department, the Environment Agency and the County Council. This meeting has (and would continue) to represent an ideal forum to air and resolve any concerns regarding operations on site. On reviewing the minutes from the last two meetings (held on 13 June 2013 and 12 June 2014) there were no concerns raised regarding potential odour problems at the site.
66. I note that the majority of the site has now been capped with the western areas closest to local receptors restored. The remaining operational area would be limited to the centre and south-eastern corner, which would increase the distance to the closest receptors. It should also be noted that, in line with Environment Agency guidance and best practice, the remaining cell (Cell 8) has been subdivided into three smaller cells (Cells 8a, b & c). This revised approach to the remaining landfill has been undertaken to reduce any potential environmental impacts associated with larger working areas (previously used), including the potential for fugitive odour and dust release, bird control and to minimise the generation of leachate (generated by rainfall infiltrating any uncapped waste).
67. The Planning Applications Committee considered the potential environmental and amenity impacts of the proposals in October 2001 and found them to be acceptable subject to the conditions imposed on permission SE/00/2739, and subsequently re-imposed on permission SE/10/3111. Given that there would be no changes to the footprint of the development, the proposed volume or type of waste material being imported to site, the number of HGV movements, the type of plant that would be used and no other material changes in so far as they relate to the proposed development, I am content that local amenity concerns would not present a significant barrier to the development. In my opinion the development would be adequately controlled and regulated by the re-imposition of conditions imposed on SE/10/3111 and the controls imposed on the Environmental Permit (including ongoing compliance checks and management required under the pollution control regime). I am therefore satisfied that the proposed development would be acceptable in amenity terms and would accord with the relevant development plan and Government policies detailed above.

Highway Considerations

68. The application confirms that there would be no additional vehicle movements generated because of the proposed amendments to the application. This is on the basis that there would be no change in the quantity of waste material needed to complete the restoration of the final landfill cell. The existing controls imposed on the extant permission would remain in force. These include: restrictions on the hours of operation including vehicle movements to 0700 – 1800 Monday to Friday, and 0700 – 1300 Saturday, wheel and chassis cleaning facilities and a maximum of 180 HGV movements per day (90 in / 90 out), with no more than 16 movements (8 in / 8 out) during the hours of 0800 – 0900.
69. The original application considered the potential impact of the permitted number of HGV movements in detail, including in terms of impacts on the local highway network and local amenity. The current application does not seek to change the permitted arrangements, only increase the length of time over which the movements would continue. Given that the volume of fill material required is established by the

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remaining void space available, the number of vehicle movements would not change if this application were approved. Potentially, the proposals to increase the timescales could lessen the impact of the operations on the local highway network by spreading the same number of vehicle movements over a longer period (i.e. potentially generating fewer movements per day than the level originally assessed). This would include any impacts resulting from HGV movements on local amenity, air quality or congestion at the Bat and Ball junction. It should also be noted that once the remaining void has been in-filled vehicle movements to and from the site during the remainder of the time allowed to complete the restoration would significantly reduce. The applicant has given a general indication that the period of final restoration work is likely to take most of the final year.

70. Kent Highways and Transportation has considered the application and raised no objections to the proposed extension of time. I also note that no comments have been received from any of the other consultees or the local community in relation to highway considerations. Taking all of the above into account, subject to the re-imposition of the existing conditions and retention of the legal obligations (discussed below), I am content that the application would accord with the development plan and Government policies set out above that relate to highway and transport issues.

Biodiversity

71. Due to proposed revisions to the timeframes to complete the landfill and restoration of the quarry, the application includes an amendment to the approved Ecological Mitigation Scheme. The amended Ecological Mitigation Scheme includes revised timescales for the approved tasks relating to habitat creation and maintenance. Beyond the updated schedule, there are no changes to the ecological work proposed, the changes relate solely to the timing of the various actions.
72. Both the County Council's Ecological Advice Service and Natural England were consulted on the application and neither has raised any concerns over the proposed variation of conditions 3 and 10a, nor the accompanying amended Ecological Mitigation Scheme.
73. Taking this advice into consideration, I am satisfied that the application would not impact on any on-site ecology and would be in accordance with the relevant development plan and Government policies. In coming to this conclusion, I note that the site is already fully operational, and measures to safeguard any protected species, were implemented prior to commencement of waste operations. In addition, the applicant has confirmed that the mitigation measures currently employed would continue throughout the proposed extended period, with the proposed ecological enhancement measures to be delivered in accordance with the submitted scheme.

Legal Agreement

74. The original planning permission (SE/00/2739) was subject to a legal agreement, which included on going obligations relating to the abandonment of the mineral permissions, protection of the geological interests on site, and HGV routing to ensure the applicant's vehicles primarily use the Strategic Highway Network when travelling to and from the site. This agreement has been maintained in connection with previous amendments to the base permission through supplementary s106 agreements. The

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present application is accompanied by a draft supplementary legal agreement that seeks to further indorse the existing legal agreement and obligations. I am content that, if permission were granted, a further supplementary agreement would serve to preserve the legal obligations in connection with the continued operation of the site.

Other Considerations

75. Part of the site is designated as a Site of Special Scientific Interest (SSSI) for geological reasons. This aspect of the development was considered in detail as part of the environmental assessment carried out in connection with the original planning application. In agreement with Natural England the geological interests were preserved within a dedicated area on site, away from the permitted landfill. This area is preserved and maintained by the applicant under the obligations of the above-mentioned s106 agreement. The current application does not include development of any additional land outside the approved footprint and therefore would have no impact on the preserved geological interests. The supplementary s106 agreement proposed by the applicant would enable the continued protection of this resource. I am therefore satisfied that this arrangement would continue to accord with current development plan and Government policies.

Conclusion

76. I am convinced by the applicant's argument that the landfilling rate has been affected by the success of the general policy of reducing the volume of material going to landfill. Indeed this situation is recognised in recently drafted national policy guidance. Given that there is no longer sufficient time to complete the restoration of the site to approved levels under the existing permission, I consider that there would be environmental benefits in allowing a short extension of time (as detailed above). The proposed variations would not significantly alter the permitted development and would ensure that the site is restored to a high standard that maintains the character of the wider landscape. On this basis, I am content that the proposals would not give rise to significant adverse impacts, and that any impacts that may arise could be satisfactorily mitigated and controlled by re-imposing the conditions placed on the base permission, and through controls on the process and emissions (including odour) under the existing Environmental Permit. Consequently, I am satisfied that the proposed variation of conditions 3 and 10a of permission SE/10/3111, to extend the period available to complete landfill operations and restore the site in accordance with the approved plans by no later than 30 September 2019, would accord with the relevant development plan and Government policies. Subject to all other conditions imposed on SE/10/3111 being updated (as necessary) and then re-imposed, alongside the satisfactory completion of a supplementary S106 agreement, I recommend that permission be granted.

Recommendation

77. SUBJECT TO the applicant entering into and the satisfactory completion of a Section 106 Agreement as set out above, I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- the re-imposition of conditions previously imposed on permission SE/10/3111

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- updated and amended as necessary;
- a variation of condition 3 to allow additional time for completion of landfill and restoration operations until 30 September 2019; and
 - a variation of condition 10(a) to update the phasing schemes to reflect the amended operational period.

Case Officer: James Bickle

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Background Documents: see section heading
