

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.

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Item C1

Applications: (i) to extend the period of time allowed for waste disposal by 10 years, allowing operations to continue until 31 December 2025, plus an additional 12 months for final restoration and the establishment of afteruses – SW/16/500694 (KCC/SW/0002/2016); and (ii) for the storage of clay for the duration of workings on land to north – SW/16/500698 (KCC/SW/0003/2016) at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness, Kent, ME12 3AJ

A report by Head of Planning Applications Group to Planning Applications Committee on 18 May 2016.

Applications by FCC Environment (UK) Limited:

- (i) to extend the period of time allowed for waste disposal by 10 years, allowing operations to continue until 31 December 2025, plus an additional 12 months for final restoration and the establishment of afteruses – SW/16/500694 (KCC/SW/0002/2016); and
- (ii) for the storage of clay for the duration of workings on land to north of Norwood Quarry and Landfill Site – SW/16/500698 (KCC/SW/0003/2016);

at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness, Kent, ME12 3AJ.

Recommendation: Permission be granted for applications (i) and (ii) subject to conditions.

**Local Member: Mr A. Crowther**

**Classification: Unrestricted**

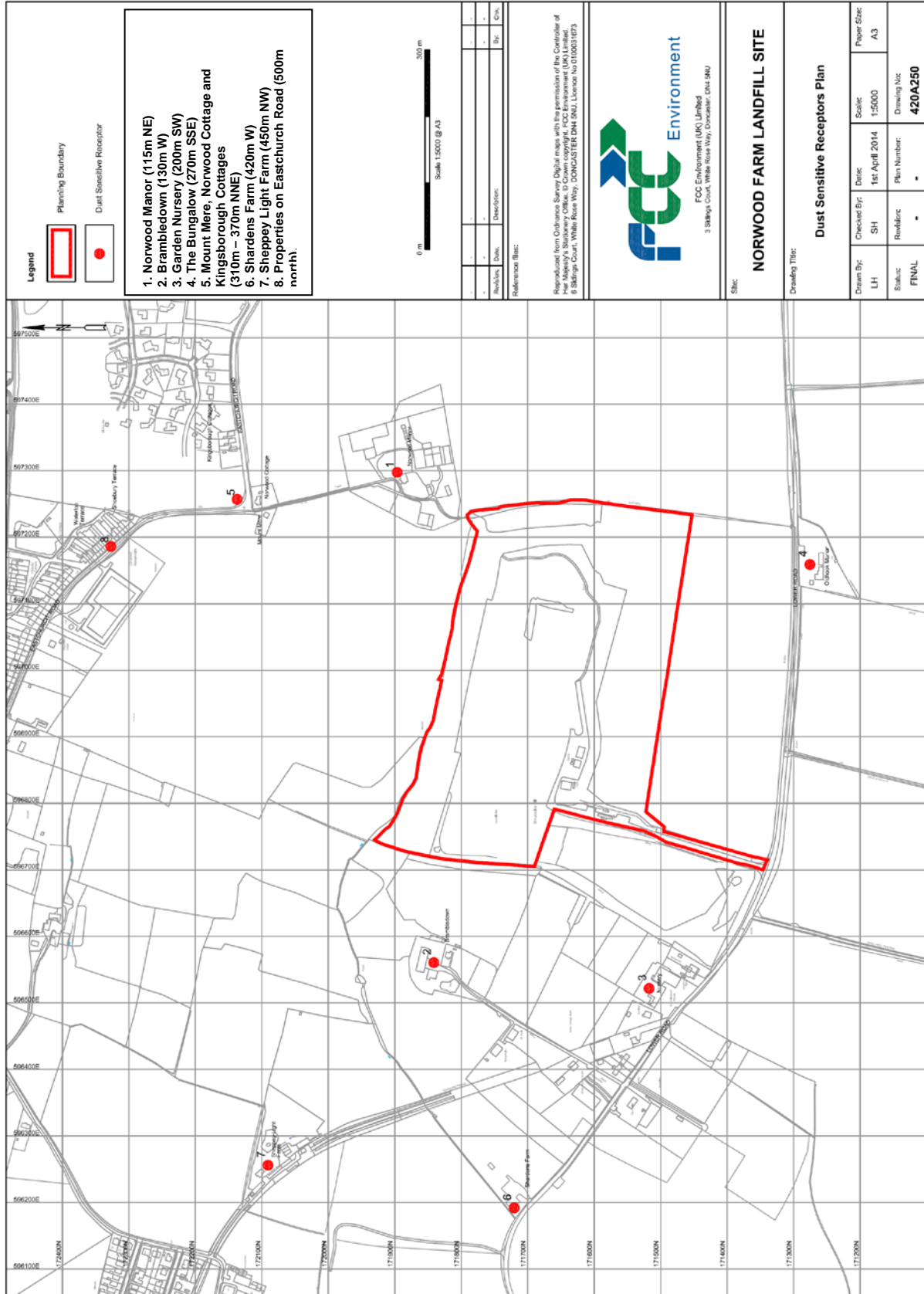
Site

1. Norwood Quarry and Landfill Site is located mid-way up the southern flank of Shrubsoles Hill, Brambledown, between Lower Road (A2500) and Eastchurch Road (B2008), approximately 1.5 kilometres (km) (approximately 1 mile) south-east of Minster and 1.6km (1 mile) to the west of Eastchurch, on the Isle of Sheppey. The A2500 forms the main east / west route through the Isle of Sheppey and links with the A249. Access to the site is via a dedicated access road off Lower Road. The site weighbridge, wheel wash, offices and associated facilities are located at the top of the site access road over 250 metres (m) (270 yards) from the public highway.



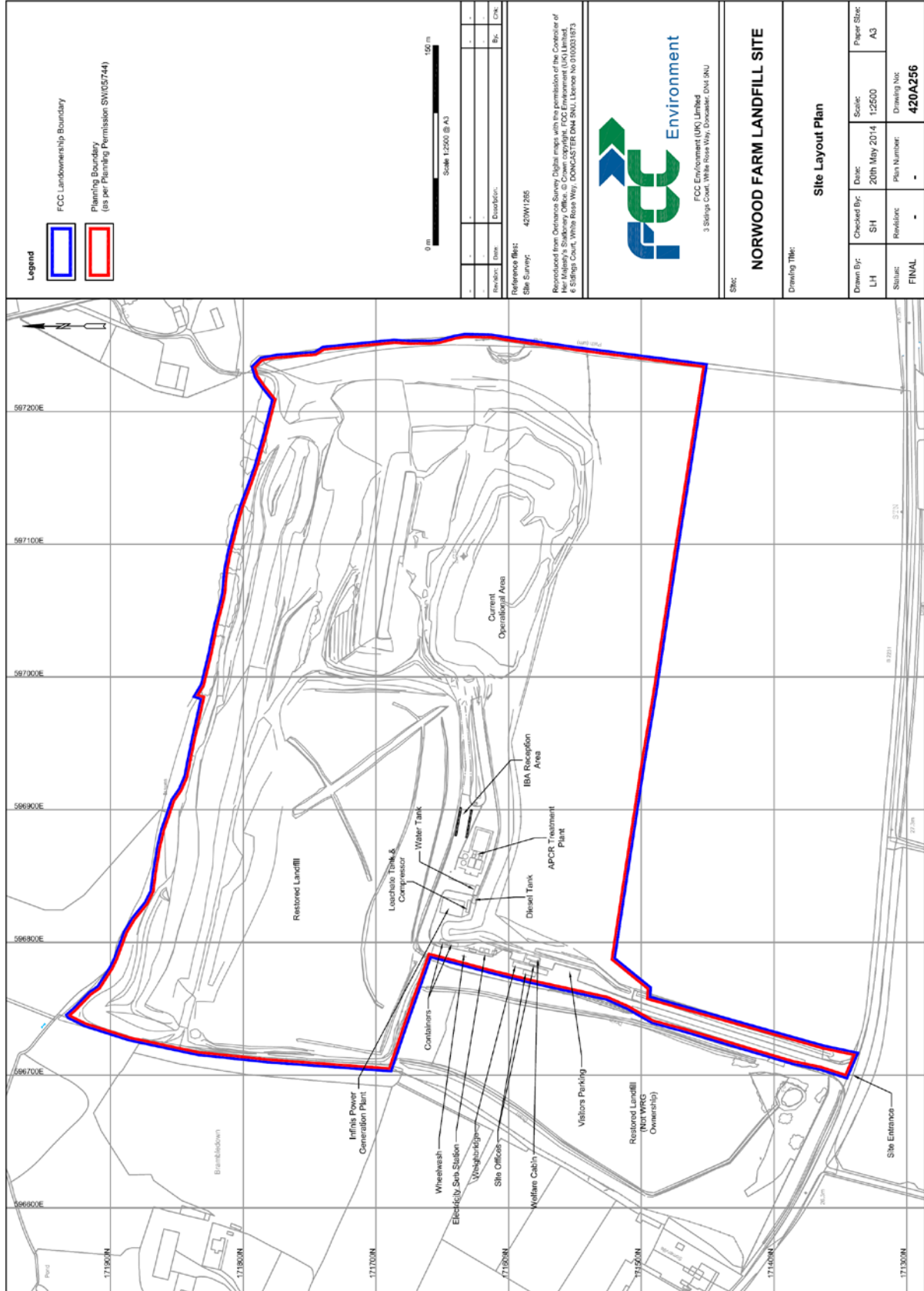
(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

**Location Plan**



(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

**Existing Site Layout Plan (Landfill Site)**



(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

**Proposed Landfill and Clay Storage Layout Plan**





(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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2. Norwood Quarry and Landfill Site has been subject to a number of planning permissions for clay extraction and landfill since 1992 (Norwood Farm and Shrubsoles Hill). The western section of the site has previously been landfilled with non-hazardous municipal, commercial and industrial waste and has been capped and restored to form a domed grassed landform. The area is subject to ongoing landfill gas management and leachate control and will require further restoration and aftercare actions. The eastern section of the site contains an operational hazardous waste landfill that covers approximately 5 hectares (ha) of the overall landfill complex (approximately 18 ha). Land to the south-west of the site (immediately to the west of the access road) was previously also worked and has been restored by landfilling (Brambledown). Land immediately to the south and east of the operational hazardous waste landfill area comprises landscaped screening mounds that provide a slope into which the approved landform will sit once landfilling and restoration is complete. Land immediately to the north of the operational hazardous waste landfill is occupied by a temporary storage mound for overburden and clays that are required for use during final restoration. The offices and weighbridge lie at the top of the site access road. An environmental compound, conditioning plant and gas utilisation / control plant are located in the south-western part of the site within the screening landform.
3. Land surrounding the site is predominantly in agricultural (arable) use. A public right of way runs north / south to the east of the site linking Lower Road and Eastchurch Road via Norwood Manor. The land proposed to be used for the storage of clay lies immediately to the north of an established hedgerow in the south-east corner of the field to the north of the site and to the west of Norwood Manor. The field, which generally falls from north to south between about 76m and 62m Above Ordnance Datum (AOD), is in agricultural (arable) use.
4. The closest residential property (Norwood Manor) is about 100m (110 yards) north-east of the existing site boundary and 55m east of the proposed clay storage area. Other residential properties are located within the settlement of Brambledown and off Lower Road (to the south) and along Eastchurch Road (further to the north).
5. The Swale Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and RAMSAR site are located 1.6km (1 mile) to the south and the Sheppey Cliffs and Foreshore SSSI is 1.2km (0.8 miles) to the north. Part of the site overlies a minor aquifer, although it falls outside any Groundwater Source Protection Zones defined by the Environment Agency.
6. Norwood Quarry and Landfill Site is identified within Policy CSW5 of the emerging Kent Minerals and Waste Local Plan 2013-30 as a Strategic Site for Waste as it has consented void space for hazardous flue ash residues from the Allington Energy from Waste (EfW) Facility.
7. There are no other relevant site-specific designations, although more general development plan policies are set out in the Planning Policy section below.

#### Background and Recent Site History

8. Norwood Quarry and Landfill Site has been subject to a number of permissions and approvals for clay extraction, landfill and associated operations. Planning permission has also previously been granted for the storage of clay on land to the north of the

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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existing site. The site is also subject to an Environmental Permit and regulated by the Environment Agency. The planning permissions that are of greatest relevance to the current applications are referred to below.

9. Planning permission (SW/05/744) was granted for an extension to the earlier mineral workings with restoration by landfill on 17 May 2006 following a resolution of the County Council's Planning Applications Committee on 13 December 2005. The permission provided for a small extension to the site to release an additional 240,000m<sup>3</sup> of London Clay, of which up to 151,000m<sup>3</sup> was to be for export / sale and the rest used for on-site engineering and restoration works. It also provided for the infilling of the resultant overall void with about 718,000m<sup>3</sup> of waste, of which about 600,000 tonnes (t) was to be boiler ash and air pollution control residues (APCRs) (i.e. residual non-recyclable waste) from the Allington EfW Facility located to the west of Maidstone (about 32km / 20 miles away).<sup>1</sup> The rest of the material was to be inert waste, clay and overburden required for engineering, cover and restoration purposes. The permission also included provision of a conditioning plant to treat imported boiler ash and APCRs (within an environmental compound at the site). The plant enabled the waste to be mixed (stabilised) with water before being transported by dump truck and landfilled where its treated form would enable the material to set hard. The boiler ash and APCRs are transported to the site from Allington in specialist (sealed) tankers designed to accommodate fine hazardous materials and then transferred into a storage silo and the plant itself under pneumatically sealed conditions to eliminate dust generation, with air displaced during these transfers being filtered prior to discharge to minimise particle emissions.
10. The Allington EfW Facility is a strategic facility for the treatment of Kent's municipal waste, which allows the recovery of energy from household, commercial and industrial waste streams and diverts this material from landfill. The facility accepts approximately 500,000 tonnes per annum (tpa) of waste. The thermal treatment process produces up to 135,000tpa of waste residues in the form of boiler ash, APCRs and incinerator bottom ash (IBA). The majority of the waste residue is IBA which is normally classified as non-hazardous and sent for recycling to form a secondary aggregate (e.g. at the Ballast Phoenix Recycling Facility at Ridham Dock). The remainder of the waste residue is classified as hazardous (by the Environment Agency) due to its chemical properties and high alkalinity (due to high lime content). As there are currently no viable treatment solutions to enable the re-use of this material, disposal at a suitably licenced hazardous landfill facility is considered to be the only feasible option.
11. Planning permission SW/05/744 allowed the excavation of clay to 35m AOD (with a maximum depth of approximately 26m at the northern boundary). The permission provided for the creation of four engineered landfill cells in the previously unrestored part of the site. The cells, which are constructed with integral groundwater management systems and engineered linings to collect any perched groundwater and leachate, were to be progressively infilled with waste and capped with 0.5m of clay and a geomembrane, before the placement of topsoil, seeding and planting. The final restoration scheme provided for a gently sloping predominantly south-facing landform comprising a mixture of lowland meadow, woodland planting, areas of scrub and wetland habitats with integrated surface water drainage, all having an ecological bias.

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<sup>1</sup> It was assumed that 1m<sup>3</sup> of "conditioned" ash would weigh 1 tonne.



(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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The scheme provided for the environmental management facilities needed to control landfill gas (from the non-hazardous waste landfill area) and leachate to be retained on site until no longer required by the Environmental Permit. It also provided for an approved aftercare regime.

12. Planning permission (SW/14/501576) was granted on 18 September 2014 under officer delegated authority for a variation to planning permission SW/05/744 to allow the importation and disposal of IBA from the Allington EfW Facility (in addition to boiler ash and APCRs) and erection of temporary IBA reception bay within the site. IBA is a coarser material comprising the non-combustible elements from the EfW Facility such as metals, glass, ceramics and other inert materials. Although normally classified as non-hazardous and recycled, there are occasions when a consignment of IBA from the Allington EfW Facility is classified as hazardous waste due to contaminants leading to higher than acceptable levels of heavy metals such as lead, copper and nickel. In such circumstances, the hazardous IBA has to be disposed of with a landfill due to a lack of alternative treatment or disposal options. The permitted IBA reception bay includes a water misting system to control dust and sealed drainage.
13. Planning permission SW/14/501576 includes 32 conditions that largely re-impose the controls / requirements included in planning permission SW/05/744, whilst providing for the additional IBA waste stream and reception bay. The key controls / limitations imposed by condition include:-
  - The importation, treatment and landfilling of boiler ash, APCRs and IBA to cease by 31 December 2015 and the site restored and all plant, machinery, buildings or hardstandings not required as part of the long term control of gas and leachate or site maintenance removed by 31 December 2016.
  - The development being carried out and the site progressively restored in accordance with the submitted documents, phasing plans and drawings.
  - No extraction taking place below 35 metres AOD.
  - Only those waste materials specified in the planning application (i.e. boiler ash, APCRs and IBA from the Allington EfW Facility and inert waste for cover and restoration purposes) being imported to the site.
  - Landfilling operations being restricted to between 07.00 and 18.00 hours Monday to Friday and between 07.00 and 13.00 hours on Saturdays.
  - No more than a combined total of 200 HGV movements (100 in/100 out) associated with clay extraction and landfilling entering or leaving the site in any one day.
  - All loaded, open backed vehicles entering or leaving the site carrying clay, IBA or inert waste being sheeted and boiler ash and APCRs only enter the site in HGVs (tankers) dedicated to transporting such wastes.
  - Noise generated from operations not exceeding 46dB (LAeq,1hr) at Brambledown Farm, 44dB at Tadwell Farm, 50.5dB at Norwood Manor and 48dB at Evergreen.
  - Temporary operations, such as the movement, storage and replacement of soil and overburden, not exceeding 70dB (LAeq,1hr) at any noise sensitive property.
  - Measures being implemented to minimise and control the emission of odour, dust or other particulates.
  - Restoration and aftercare being carried out in accordance with the approved schemes.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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14. Planning applications SW/05/744 and SW/14/501576 were both accompanied by Environmental Statements as the development in each case fell within the scope of Schedule 1 of the Environmental Impact Assessment (EIA) Regulations due to the hazardous waste element.
15. Planning permission (SW/12/1553) was granted on 19 July 2013 under officer delegated authority for the storage of clay for the duration of workings on land to north of Norwood Quarry and Landfill Site. The permission (which included 22 conditions) allowed clay from within Norwood Quarry and Landfill Site required for landfill cell engineering and final restoration to be temporarily stored within an area of agricultural land adjacent to the northern boundary of the site until needed for these purposes. It was accepted that the storage area was required due to limited space within the landfill site. The key controls / limitations imposed by conditions attached to planning permission SW/12/1553 included:
- the cessation of clay storage and restoration of the land to agriculture by 31 December 2016;
  - hours of operation being restricted to between 08.00 and 17.00 Monday to Friday;
  - noise limits (as referred to in paragraph 13);
  - measures to minimise dust;
  - a programme of archaeological work; and
  - restoration and aftercare requirements.

Planning permission SW/12/1553 was never implemented due to delays in cell construction, infilling and restoration of Norwood Quarry and Landfill Site and has now lapsed.

16. At this time, cells 1 and 2 of the hazardous waste landfill have been largely infilled and are awaiting restoration, waste is currently being deposited in cell 3, cell 4 has yet to be engineered and materials stockpiled for engineering and restoration purposes remain in place.
17. The following permissions and approvals are of relevance:-
- SW/14/501576 - Application under section 73 of the Town and Country Planning Act 1990 (as amended) for non-compliance with planning conditions 4 and 11 of planning permission SW/05/744 to allow import and disposal of Incinerator Bottom Ash (IBA) from Allington Energy from Waste (EFW) Facility and erection of temporary IBA reception bay at Norwood Quarry and Landfill site – granted permission on 18 September 2014.
  - SW/05/726/R - Non-material amendment to planning permission SW/05/726 for the siting of additional plant and equipment within the gas utilisation compound, retention of compound lighting and changes to layout and configuration of the compound – approved on 19 June 2014.
  - SW/05/744/R26 - Request for approval of archaeological scheme pursuant to condition 26 of planning permission SW/05/744 – approved on 22 July 2013.
  - SW/05/744/R5A - Amendments to approved working programme to provide: Additional clay storage in 'Northern Valley' area of site; and Bank stabilisation

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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within the site – approved on 22 July 2013.

- SW/12/1555 - Re-grading of eastern screen bank including extension onto adjoining land – granted permission on 22 July 2013.
- SW/12/1553 - Storage of clay for the duration of workings on land to north Norwood Quarry and Landfill Site – granted permission on 19 July 2013.
- SW/05/744/RVAR - Request for approval of new fence alignment and details (conditions 4 and 5), new haul roads (condition 5), landfill gas and leachate control infrastructure scheme (condition 25), restoration and aftercare schemes (conditions 30 and 32) and annual report on progress with working and restoration (condition 3 - submission only required) pursuant to planning permission SW/05/744 – approved on 14 February 2008.
- SW/05/744/R5 & R7 - (i) Request for approval to import water by tanker or tractor and bowser (to supplement mains supply) pursuant to condition 5 of planning permission SW/05/744. (ii) Request for approval of details of siting, design, external appearance, construction materials, finishes and colours of the proposed conditioning plant, external lighting, fencing and site drainage pursuant to conditions 5 and 7 of planning permission SW/05/744 – approved on 09 November 2006.
- SW/05/744 - Proposed extension to mineral workings with restoration by landfill – granted permission on 17 May 2006.
- SW/05/726/R4 - Details pursuant to condition (4) of permission ref: SW/05/726 - Being details of land forming work required in association with the approved development – approved on 14 October 2005.
- SW/05/726 - Construction of landfill gas utilisation compound to control and convert landfill gas into electricity – granted permission on 23 August 2005.

## Proposal

### **Application (i) – Extension of time for waste disposal and final restoration**

18. The application proposes to modify condition (2) of planning permission SW/14/501576 to extend the period of time allowed for waste disposal at the site from 31 December 2015 until 31 December 2025. It also proposes that final restoration be completed by 31 December 2026 rather than by 31 December 2016.
19. Planning permission SW/05/744 allowed 10 years to complete the extraction of clay and the infilling of the site to approved restoration contours. This assumed approximately 718,000 m<sup>3</sup> of waste (about 600,000t of which would have been boiler ash and APCRs and the rest being inert waste, clay and overburden) being landfilled at a rate of between 70,000 and 80,000tpa. The same time period for completion is imposed on planning permission SW/14/501576 although this also allows IBA to be deposited. In reality, inputs of waste have been steady at between 30,000 and 40,000tpa, such that about 330,000m<sup>3</sup> of void space remains. Based on an average input rate of 35,000tpa, the applicant states that the remaining available void space would take about 10 years to infill. The applicant states that no further clay is available for export / sale as what remains is all required for engineering and restoration purposes.
20. With the exception of the additional time periods, no other changes are proposed to the permitted operations or existing controls. The lateral extent and depth of working,

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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phasing arrangements, permitted waste types and volumes, the conditioning plant and other ancillary / built development, hours of operation, the number of vehicle movements and the restoration landform, treatment and after use would all remain the same as currently permitted.

21. The application is accompanied by an Environment Statement due to the hazardous waste element of the proposed development. The Environmental Statement covers (amongst other matters) geology and soils, hydrology and hydrogeology, ecology, landscape and visual impact, noise, air quality, traffic and transport and cultural heritage.

**Application (ii) – Storage of clay**

22. The application proposes the temporary storage of clay on 2.83 hectares (ha) of land in the field immediately to the north of Norwood Quarry and Landfill Site and is effectively an updated re-submission of planning application SW/12/1553 (which was permitted in 2013 but has since lapsed). It proposes that the storage of clay arising from Norwood Quarry and Landfill Site take place over the next 10 years in parallel with the proposed extension to the timeframes for completing the restoration of the main site proposed in application (i).
23. Topsoil and subsoil would be stripped from the site and temporarily stockpiled before being placed over imported clay or placed directly over the clay where possible. Brown (weathered) clay would be placed in the northern part of the storage area and blue clay from cell construction in the southern part (in order that it can be removed and used for engineering works as necessary without compromising the appearance of the scheme). The brown clay stored on the western, northern and eastern outer slopes of the stockpile would be graded at between 1 vertical to 4 horizontal (1v:4h), covered in 1m of subsoil and topsoil, grass seeded and maintained for the duration of the storage. Clay would be stored to depths of between 6 and 12m (subject to location within the site) and no higher than 75m AOD. The grass seeded slopes would not exceed 76m AOD and would be designed to minimise landscape and visual impact during storage. The applicant proposes that the development be subject to an archaeological watching brief with any necessary mitigation carried out in accordance with a written scheme of investigation.
24. Access between Norwood Quarry and Landfill Site and the clay storage area would be via an existing gap in the hedgerow between the two such that all vehicle movements would be internal rather than on the public highway. It is proposed that hours of operation be restricted to between 08:00 and 17:00 hours Monday to Friday with no operations on Saturdays, Sundays and Bank or Public Holidays. The applicant estimates that the stockpile would be created in about 4 weeks (subject to no significant delays due to archaeological finds). The stored clay would be removed as restoration progresses and is completed at Norwood Quarry and Landfill Site. The clay storage area would then be restored to agricultural use at original ground levels using the materials originally stripped from the site.
25. The applicant states that the clay storage area is required due to a lack of space within the existing site and so that the clay remains available for when it is required for engineering and restoration purposes. The additional storage area would also allow brown clay and overburden stockpiled above the remaining northern section of the

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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permitted clay extraction area to be removed and enable the remaining clay to be extracted and landfill cells created.

26. The application is accompanied by an updated set of technical assessments, similar to those included within planning application SW/12/1553, covering landscape character and visual impact, ecology, noise, dust, flood risk and drainage, cultural heritage and agriculture and soils.

#### Planning Policy Context

27. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012), the associated Planning Practice Guidance (PPG) and National Planning Policy for Waste (NPPW). National Planning Policy and Guidance are material planning considerations.
28. **Kent Minerals Local Plan: Chalk and Clay (December 1997) (Kent MLPCC)** Saved Policies – CC1 (Provision for Development), CC12 (Noise, Vibration and Dust), CC14 (Land Drainage, Flood Control and Land Stability), CC15 (Nature Conservation), CC20 (Public Rights of Way), CC24 (Road Traffic and Access), CC26 (Landscaping) and CC27 (Aftercare).
29. **Kent Waste Local Plan (March 1998) (Kent WLP)** Saved Policies – W5 (Land Raising), W6 (Need), W11 (Waste to Energy), W12 (Landfill of Mineral Voids), W18 (Noise, Dust, Odour and Landfill Gas), W19 (Water Resources, Leachate and Groundwater), W20 (Land Stability, 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).
30. **Swale Borough Local Plan (2008) (Swale BLP)** Policies – SP1 (Sustainable Development), SP2 (Environment), SP3 (Economy), TG1 (Thames Gateway Planning Area), E1 (General Development Criteria), E2 (Pollution), E4 (Flooding and Drainage), E6 (Countryside), E8 (Development on Agricultural Land), E9 (Protecting the Quality and Character of the Borough's Landscape), E10 (Trees and Hedgerows), E11 (Biodiversity and Geological Interests), E12 (Sites designated for their importance to biodiversity or geological conservation), E16 (Archaeological Sites) and T1 (Safe Access).
31. **Emerging Kent Minerals and Waste Local Plan 2013-30 [Proposed Main and Additional Modifications (July 2015), Proposed Further Modifications (January 2016) and Inspector's Report (April 2016)] (draft Kent MWLP)** draft Policies – CSM1 (Sustainable mineral development), CSW1 (Sustainable waste development), CSW2 (Waste hierarchy), CSW4 (Strategy for waste management capacity), CSW5 (Strategic Site for Waste), CSW11 (Permanent Disposal of inert Waste), CSW12 (Identifying Sites for Hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM5 (Heritage Assets), DM6 (Historic Environment Assessment), DM10 (Water Environment), DM11 (Health and amenity), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding Transport Infrastructure), DM16 (Information required in support of an application), DM19

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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(Restoration, Aftercare and After-use) and DM20 (Ancillary Development)<sup>2</sup>.

32. **Emerging Policy – Kent Minerals and Waste Development Framework: Waste Sites Plan Preferred Options Consultation (May 2012) and Minerals Sites Plan Preferred Options Consultation (May 2012)** – Both the emerging Waste and Minerals Sites Plans identify land at Norwood Quarry and Landfill (Site 60) as a preferred location for an extension to the clay quarry and subsequent restoration with hazardous landfill.
33. **Emerging Policy – Draft Swale Borough Local Plan (December 2014) Publication Version (Draft Swale LP)** draft Policies – ST1 (Delivering Sustainable Development), CP1 (Building a Strong, Competitive Economy), CP7 (Conserving and Enhancing the Natural Environment), CP8 (Conserving and Enhancing the Historic Environment), DM3 (The Rural Economy), DM6 (Managing Transport Demand and Impact), DM14 (General Development Criteria), DM21 (Water, Flooding and Drainage), DM24 (Conserving and Enhancing Valued Landscape), DM28 (Biodiversity and Geological Conservation), DM31 (Agricultural Land) and DM34 (Archaeological Sites).

#### Consultations

##### **Application (i) – Extension of time for waste disposal and final restoration**

34. **Swale Borough Council:** raise no objection, subject to no objection being raised by statutory consultees.
35. **Minster-on-Sea Parish Council:** raise no objection to the application.
36. **Eastchurch Parish Council:** raise no objection to the application. However, Eastchurch Parish Council Planning Committee members are concerned with the effect on the A2500 and the on-going damage and pressure on the road.
37. **Environment Agency:** raise no objection, commenting that it does not foresee additional impacts on the environment and that the operation of the site would continue to be managed under an Environmental Permit.
38. **Natural England:** raise no objection. Natural England advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Swale Ramsar and SPA have been classified and would not damage or destroy the interest features for which the Swale and the Sheppey Cliffs and Foreshore SSSIs have been notified. Natural England therefore advises that nearby sites of nature conservation interest do not represent a constraint in determining this application. It recommends that the County Council has regard to Natural England's standing advice on protected species and considers opportunities for biodiversity and landscape enhancement.

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<sup>2</sup> An Independent Examination of the Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014) was held in April and May 2015. Following discussions with the Inspector and representors throughout the Examination, KCC published major and additional (minor) modifications to the Plan on 17 August 2015. The modifications were subject to an 8 week consultation which ended on 12 October 2015. As a result of this consultation, the Inspector proposed further modifications to the Plan (Kent Minerals and Waste Local Plan, Proposed Further Modifications (January 2016)). An 8 week consultation on these further modifications ended on 4 March 2016. The Inspector's Report was received on 26 April 2016. It concludes that subject to the main modifications set out in its appendices, the Plan meets the criteria for soundness and is legally compliant and capable of adoption. The applications have been considered in light of all these stages, including the Inspector's Report.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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39. **Public Health England:** no response received.
40. **Health and Safety Executive (Quarries):** no response received.
41. **Southern Water:** raise no objection to the proposal.
42. **Lower Medway Internal Drainage Board:** raise no objection, subject to the proposed drainage scheme being implemented and maintained.
43. **Kent County Council Highways and Transportation:** raise no objection to the proposal in respect of highway matters, subject to the existing controls on the number of HGV movements being re-imposed on any planning permission. Highways and Transportation comment as follows.

*“Whilst the proposal would increase the duration over which activities associated with the landfilling process of Norwood Quarry would take place, it is appreciated that the total volume of HGV traffic movements and subsequent wear and tear on the highway to complete the process would not be any different from that assessed in the original approval of 2005. The only difference now is that the rate that the volume of fill material has been brought to the site so far has been around half the previously expected figure, so the site will take twice as long to fill than originally anticipated. Consequently, actual HGV traffic movements directly related to the landfill process have been half those originally accepted, and this has therefore had a lesser impact on the capacity of the highway over that time. Given the proposal would continue with this lesser impact than previously approved, it is considered that the slower rate of fill is still acceptable, and the total number of movements to complete the project has not changed from that originally assessed. I note also that the existing restriction on the number vehicle movements would still apply to keep these within the approved cap”.*

44. **Kent County Council Public Rights of Way:** raise no objection, subject to an informative advising the applicant of need to maintain public access to the public right of way that passes along the site boundary.
45. **Kent Count Council’s Flood Risk Project Officer:** raises no objection to the application, subject to a condition ensuring that the development is carried out in accordance with Surface Water Management Scheme received with the application. The comments received indicate that the Flood Risk Projects Officer is satisfied that the surface water generated by the development would be accommodated within the site boundaries and discharged at a controlled rate without exacerbating the flood risk to the surrounding area.
46. **Kent County Council’s Ecological Advice Service:** raise no objection, subject to a condition requiring the applicant to implement the precautionary mitigation detailed within paragraph 6.3 of the Preliminary Ecological Assessment (December 2015).

Based on an updated ecological scoping survey, the Ecological Advice Service confirms that the conclusions of the previous ecological surveys are still correct and there is no requirement for additional ecological surveys to be carried out at this time. The comments received highlight the long-term biodiversity benefits that would result from the approved landscape plan, including the creation of lowland meadow, rough

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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grassland and woodland habitats. In respect of the restoration scheme, the Advice Service recommends that the applicant be advised to update the ecological scoping survey prior to commencing final restoration to ensure protected species are safeguarded.

47. **Kent County Council's Archaeological Officer:** raises no objection subject to the previous archaeological conditions being re-imposed and the approved written scheme of investigation (WSI) being required.

48. **Kent County Council's Noise Consultants:** raise no objection, subject to the noise controls within the existing planning permission being maintained.

The Noise Consultants note that the proposed activities would not constitute a significant change in terms of noise compared to those previously permitted and, in some cases, the expected noise levels are lower than previous anticipated since some of the phases of the original landfill have already been completed.

49. **Kent County Council's Air Quality Consultants:** raise no objection, confirming that *"there would be no material change to the current operations and there has been no significant change to the baseline environment. The dust assessment is considered a robust assessment of the potential for dust impacts and mitigation measures detailed in the assessment are considered fit for purpose and still relevant"*.

The Consultant's note that the activity on site (30,000 to 40,000 tonnes per year) has not been as intense as would have been the case if the original throughputs (80,000 tpa) had been met and the dust impact magnitude would also have been reduced since the original assessment was undertaken. It also notes that any new residential development that has been constructed in the area since the original application is outside of the 350 metres buffer where dust impacts can be expected. The closest sensitive receptor is Norwood Manor, approximately 115m to the northeast of the site boundary. The Consultants agree with the conclusions within the assessment that with the mitigation measures in place the adverse impacts are predicted to be Slight / Negligible for Norwood Manor and Negligible for all other receptors. The comments note that the site is also subject to dust controls through an Environmental Permit enforced by the Environment Agency.

In terms of odour, the Consultants note that the waste accepted on site (boiler ash, APCR and IBA) are odourless.

#### **Application (ii) – Storage of clay**

50. **Swale Borough Council:** raise no objection, subject to no objection being raised by statutory consultees.

51. **Minster-on-Sea Parish Council:** raise no objection to the application.

52. **Eastchurch Parish Council:** raise no objection to the application. However, Eastchurch Parish Council Planning Committee members are concerned with the effect on the A2500 and the on-going damage and pressure on the road.



(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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53. **Environment Agency:** raise no objection, commenting that it does not foresee additional impacts on the environment and that the operations would be managed under an Environmental Permit.
54. **Natural England:** raise no objection. Natural England advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Swale Ramsar and SPA have been classified and would not damage or destroy the interest features for which the Swale and the Sheppey Cliffs and Foreshore SSSIs have been notified. Natural England therefore advises that nearby sites of nature conservation interest do not represent a constraint in determining this application.
55. **Lower Medway Internal Drainage Board:** raise no objection, subject to the proposed drainage scheme being implemented and maintained.
56. **Kent County Council Highways and Transportation:** raise no objection in respect of highway matters. Highways and Transportation comment as follows.
- “I note that proposal does not involve the importation of any clay material onto the site, and that all clay that could be extracted from the site for sale has now been taken away. The clay to be stored in the proposed stockpiles and used for the eventual restoration of the site is already present within the site confines, so it’s transportation to create these stockpiles does not require any movements on the local highway network”.*
57. **Kent County Council Public Rights of Way:** raise no objection, subject to an informative advising the applicant of need to maintain public access to the public right of way that passes along the site boundary.
58. **Kent Count Council’s Flood Risk Project Officer:** raises no objection to the application, subject to a condition ensuring that the development is carried out in accordance with Surface Water Management Scheme received with the application. The comments received indicate that, subject to Lower Medway Internal Drainage Board and the Environment Agency being content with the drainage scheme, the Flood Risk Projects Officer is satisfied that the surface water generated by the development would be accommodated within the site boundaries and discharged at a controlled rate without exacerbating the flood risk to the surrounding area.
59. **Kent County Council Ecological Advice Service:** raise no objection, subject to a condition requiring the applicant to implement the precautionary mitigation detailed within paragraph 6.3 of the Preliminary Ecological Assessment (December 2015).
60. **Kent County Council’s Archaeological Officer:** raises no objection subject to the previous archaeological conditions being re-imposed and the approved written scheme of investigation (WSI) being required.
61. **Kent County Council’s Landscape Consultants:** raise no objection, noting the temporary nature of the development and that appropriate mitigation for the visual impact and restoration of the land has been included within the application.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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62. **Kent County Council's Noise Consultants:** raise no objection, subject to the noise controls on the existing planning permission being maintained.
63. **Kent County Council's Air Quality Consultants:** raise no objection, subject to the mitigation measures set out within the dust assessment received with the application being implemented on site. The Consultants agree with the conclusions set out within the dust assessment that the risk of adverse dust impacts from the clay storage is low to negligible if the proposed mitigation measures are followed.

#### Local Member

64. The local County Member for Sheppey, Mr. A. Crowther was notified of both applications on 25 January 2016.

#### Publicity

65. The applications were publicised by the posting of two site notices on or near the site, an advertisement in a local newspaper, and the individual notification of 40 nearby properties.

#### Representations

##### **Application (i) – Extension of time for waste disposal and final restoration**

66. In response to the publicity, one representation has been received objecting to the application. The key points raised can be summarised as follows:
- Objects to the proposed extension to the period allowed for waste disposal. Considers that when the existing permission expires the land needs to be restored and afteruse implemented.
  - Considers that the site is too close to existing residential properties and notes that additional housing is being built in the local area.
  - Considers that an extension to the permitted timeframes would represent a serious health risk through deterioration in air quality and groundwater contamination.
  - Notes landfills can produce significant amounts of methane gas, alongside leachate full of organic and inorganic pollutants, including toluene, phenols, benzene, ammonia, dioxins, polychlorinated biphenyls (PCBs), chlorinated pesticides, heavy metals and endocrine-disrupting chemicals.
  - Draws attention to potential adverse health effects reported near individual landfill sites (including reduced immune system function, increased risk of infections, acute respiratory infections, low birth weight, birth defects and certain types of cancer).
  - Concerns about the risk of vermin, the potential effect on wildlife.
  - Considers that there are plenty of alternate sites that could be used to accommodate the proposed development that are further away from residential development.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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### **Application (ii) – Storage of clay**

67. In response to the publicity, one representation has been received concerning the application. The key points raised can be summarised as follows:
- Raises concern that the clay storage area is relatively near to properties occupied by families.
  - Raises concern about the health issues associated with the storage of clay, including dust and dust ingestion.
  - Notes that the proposed development is in a windy location and that trees have been removed to make way for new homes reducing the natural protection.
  - Raises concerns about groundwater contamination.

### Discussion

68. Applications (i) and (ii) are being reported to the Planning Applications Committee as a result of a letter of objection having been received on each from the occupier of a nearby residential property. No other objections have been raised.
69. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The proposals therefore need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations including those arising from consultation and publicity.
70. The key determining considerations in these particular cases can be addressed under the following headings:
- Need for the development;
  - Amenity and health impacts;
  - Access and traffic;
  - Landscape and visual amenity;
  - Water environment; and
  - Ecology and the natural environment.

### **Need for the development**

71. The need (or otherwise) for the development proposed by the applications can be considered in three main ways: (a) the need for hazardous waste landfill; (b) the need to complete restoration at the site; and (c) the need to store clay on land outside the existing site.

#### (a) The need for hazardous waste landfill

72. The NPPW requires that proposals deliver 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. Government policy recognises the need for a mix of types and scale of waste facilities and that adequate provision must be made for waste disposal. In

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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seeking to achieve the best environmental outcome by driving waste up the waste hierarchy account should be taken of the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources and the overall environmental, human health, economic and social impacts. The NPPW also includes policy support “to ensure that 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”.

73. The NPPF encourages the effective use of land. Specifically, in relation to landfill sites, the accompanying NPPG 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*”.
74. Policy W6 of the Kent WLP states that need will be a material consideration in a decision where demonstrable harm would be caused to an interest of acknowledged importance. Policies W12 and W32 of the Kent WLP also provide support for landfill where it would assist in the restoration and return of mineral workings to a suitable afteruse, at the highest possible standard and at the earliest opportunity. Policy W11 of Kent WLP requires proposals for Waste to Energy plant to make provision to deal with ash residues as an integrated part of the development, including by re-use and where this is not possible by deposit on land in an acceptable location close to the site.
75. The draft Kent 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 will be a continued need to plan for disposal of wastes that cannot be managed through alternative methods. Policy CSW4 of the draft Kent MWLP states that Kent’s strategy for waste management is to provide sufficient capacity to manage at least the equivalent of the waste arising in the County (plus some residual non-hazardous waste from London). This is consistent with Government policy that seeks net self-sufficiency in line with the proximity principle, requiring waste to be managed as close to the source as practicable.
76. The supporting text to Policy CSW5 of the draft Kent MWLP states that: “*The landfill at Norwood Quarry on the Isle of Sheppey accommodates the hazardous flue ash residues from the Allington EfW facility, but it has limited consented void space remaining. To make provision for this waste for the duration of the Plan, it is considered essential that Kent has the capacity to deal with these residues. Enabling the continued management of hazardous flue ash within Kent has the added benefit of contributing to achieving the continued net self-sufficiency in hazardous waste management capacity.*” It goes on to say: “*Therefore, a matter fundamental to the central achievement of the Plan is the identification of a suitable location for the treatment or disposal of the hazardous waste residues within Kent*”.
77. On the basis that there are no realistic alternatives to the disposal of the Allington EfW flue ash in landfill for the foreseeable future, Policy CSW5 specifically identifies Norwood Quarry and Landfill Site as the Strategic Site for Waste in the County. It

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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states that planning permission will not be granted for development at the site other than mineral working with restoration through the landfilling of hazardous flue dust from EfW plants in Kent unless it can be demonstrated that the equivalent capacity for treatment or disposal can be provided elsewhere in Kent. It therefore provides clear support for using the remaining capacity of the existing site for the landfilling of hazardous waste from Allington EfW Facility (or other EfW plants in Kent). It also provides support for a future extension within the Strategic Site for Waste, subject to any application demonstrating that alternative treatment technologies for the waste are not economically viable, that any air quality impacts associated with the proposed development and its traffic movements on the Medway Estuary are acceptable (or capable of being made acceptable by planning condition or obligation), that provision is made for a high standard of restoration and an appropriate after use and the proposed development accords with other relevant policies within the Plan (including those relating to any impacts on the A2500 Lower Road).

78. Over the last 10 years, the Allington EfW Facility has produced less residual hazardous waste (boiler ash and APCRs) than originally anticipated, such that waste material has been imported to the application site at a rate of between 30,000 and 40,000tpa (i.e. approximately half the rate initially envisaged). This has resulted in there still being about 330,000m<sup>3</sup> of void space / capacity remaining at the site. Whilst planning permission SW/14/501576 also allows hazardous IBA to be landfilled at the site, it is understood that no such waste has had to be dealt with at the site since the permission was granted and as a result the void space has not been reduced further.
79. Hazardous waste can only be accepted at a landfill site if it meets certain waste acceptance criteria (WAC) for that class of landfill or, in the case of Norwood Quarry and Landfill Site, if it accords with a derogation of the WAC issued by the Environment Agency. The derogation that applies to Norwood Quarry and Landfill Site is generally referred to as the “3 x waste acceptance criteria” or “3 x WAC”. This derogation enables the APCRs to be landfilled as it is still accepted that there is currently no viable alternative to manage this type of waste. Although the Environment Agency has announced its intention to review the derogation to encourage a shift towards the development of alternative technologies to treat or recover APCRs and enable the waste to be managed higher up the waste hierarchy, the Environmental Permit still allows the waste to be landfilled at this time. Notwithstanding this, the applicant has advised that it is exploring alternatives for treatment and recovery of the hazardous waste but that potential technologies remain a long way from representing viable alternatives at this time. It has also advised that if an appropriate technology is developed and the Environmental Permit for the disposal of APCRs is rescinded before 31 December 2025, it would restore the remaining void with non-hazardous IBA from the Allington EfW Facility (as currently allowed for by planning permission SW/14/501576).
80. The applicant has also reviewed the availability of alternative hazardous waste sites. It states that there are only five sites within Kent and the South East that can accept hazardous waste (including Norwood Quarry and Landfill Site). It also states that three of the four do not have the necessary permission to accept the proposed waste types. The fourth (Shelford Landfill Site), whilst licensed to accept boiler ash and APCRs (but not hazardous IBA), currently has no hazardous waste cells and could not provide a suitable alternative at this time. It notes that Shelford Landfill Site is also further from Allington EfW Facility than Norwood Quarry and Landfill Site and as such would be

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

---

less desirable in terms of the proximity principle. It further states that the closest licensed landfill facility with the ability and capacity to accept the boiler ash, APCRs and hazardous IBA is Slip Clay Pit Landfill operated by Augean South PLC in Kings Cliffe, Cambridgeshire. It notes that the site is approximately 123 miles from Allington EfW Facility, that transporting waste to this facility would not be as sustainable and that it would affect Kent's ability to continue to achieve net self-sufficiency in managing its own waste streams. Alternative new sites in Kent are likely to be rare given the need to meet various site-specific criteria (e.g. suitable geological and hydrological conditions, suitable void space / capacity within a former mineral working, the relationship with other land uses, good access to the highway network and proximity to the waste source). The shortage of potential sites is demonstrated by the fact that the only site put forward in response to the Waste Sites Plan call for sites in 2010 was an extension to Norwood Quarry.

81. It is apparent from the above that there is a clear need for hazardous waste landfill capacity and that Norwood Quarry and Landfill Site is the County Council's preferred location for the landfilling of the proposed wastes to take place. Notwithstanding the suggestion by the local resident who has responded (and objected to the applications) that there are plenty of alternative sites that could be used further from residential development, it is also clear that there are currently no suitable alternatives at this time and that finding a suitable alternative location in Kent would not be easy.

(b) the need to complete restoration at the site

82. Planning permission SW/14/501576 required the importation of waste to cease by 31 December 2015 (although imports have continued since that date) and requires restoration to be completed by 31 December 2016. As detailed above, a significant volume of waste material still needs to be imported in order for the approved restoration to be secured. It is also clear that there is insufficient clay, overburden, soils and other materials available at the site to provide the approved restoration contours.
83. The approved restoration scheme is designed to achieve a high standard of restoration that fits with the scale and nature of the surrounding landscape, preserves visual amenity and enables a productive afteruse of the site. The successful completion of the approved restoration scheme would also ensure that surface water run-off is managed and controlled through a sustainable drainage system. This would prevent the accumulation of water on top of the restored area (which could otherwise adversely affect the integrity of the engineered landfill cap), facilitate afteruse and control run-off to levels that would not exacerbate the flood risk to the surrounding area. The successful completion of the approved final landform is also key to fulfilling the pollution prevention control requirements of the Environment Permit. In addition to the above, these include ensuring that the deposited waste is appropriately stabilised and capped and the cap protected and ensuring leachate and landfill gas is controlled as necessary.
84. Leaving the site unrestored (or only partly restored) is not a viable option. Whilst it may be possible for an alternative restoration scheme to be designed using less imported material, this would be likely to require significant re-engineering of the materials already deposited or stored at the site (including the surrounding screening mounds). Setting aside the extensive costs, such an application is likely to give rise to

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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significant adverse effects (e.g. on the landscape and to local amenity). As a result, and given the clear need for ongoing hazardous waste landfill capacity at this time, I do not consider either approach to be desirable. I am therefore satisfied that there is a significant need to secure the successful restoration of the site and allow additional time for this to be secured.

(c) the need to store clay on land outside the existing site

85. The applicant states that the clay storage area is required due to a lack of space within the existing site and so that the clay remains available for when it is required for engineering and restoration purposes. The County Council has previously accepted this to be the case when granting planning permission SW/12/1553 in 2013. The position has not changed since then and I am satisfied that it remains necessary to store clay outside the existing site boundary. The acceptability of the proposed location itself is addressed further below.

**Amenity and health impacts**

86. In determining applications for waste development, the NPPW requires planning authorities to consider the likely impact on the local environment and on amenity. In testing the suitability of sites, Government policy indicates that the following factors should be considered: protecting the water environment; landscape and visual impacts; nature conservation; traffic and access; air emissions including dust; odours; vermin and birds; noise; light and vibrations; litter; potential land use conflict; and the locational implications of any advice on health from the relevant health bodies. The NPPW states that waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies and concern themselves with implementing the planning strategy and not with the control of processes. It also states that the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. It further states that waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The NPPG confirms that the role of the environmental permit *“is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health”*.
87. The NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impact arising from noise from new development, including through the use of conditions. The NPPG (Minerals) states that where practical noise limits for normal operations at mineral sites should not exceed 10dB(A) above background levels and in any event be no more than 55dB(A) LAeq, 1h (free field) when measured at noise-sensitive properties. It also states that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) should be allowed for periods of up to eight weeks in a year to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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88. Policies W18 and W25 of the Kent WLP require the planning authority to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Policy DM11 of the draft Kent MWLP states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Swale LP Policies SP1, SP2, E1, E2 and draft Swale LP Policy DM14 require proposals to protect the local environment, minimise and mitigate pollution impacts, including protecting human health, residential amenity, flora and fauna, historic interest, visual amenity, rural areas, and water resources from significant pollution.
89. Two letters of objection have been received (one on each application). The objections primarily relate to concerns about the potential for a reduction in air quality (arising from both proposals) and resultant adverse health impacts given the proximity of residential properties. Concerns have also been expressed about the risk of vermin. The other issues raised are addressed elsewhere in this report. The letters originate from a single property to the north of the application sites, within a housing development built since the establishment of Norwood Quarry and Landfill Site. The housing development is located over 200m from the proposed clay storage area and more than 400m for the landfill. There are a number of properties closer to the application sites and potential impact on these has been assessed previously and found to be acceptable.
90. Boiler ash and APCRs are principally classified as hazardous waste because of their high alkalinity (pH 12 and above), due to the high levels of lime they contain. As noted in paragraph 12, IBA from the Allington EfW Facility can be classified as hazardous waste if it is contaminated with higher than acceptable levels of heavy metals such as lead, copper and nickel. The potential environmental and human health impacts relate to handling or direct contact with the material, including from windblown dust and the potential leaching of soluble components into the environment. As noted in paragraph 9, the transportation, handling, treatment and landfilling of boiler ash and APCRs is carefully controlled to minimise the potential for dust generation and particle emissions. As noted in paragraph 12, appropriate controls are also required for the handling and disposal of IBA. Although not hazardous in nature, the extraction, handling and movement of clay (including that when being transported to and from storage and during the process of being deposited and removed from store) can give rise to adverse noise and air quality impacts. As noted in paragraphs 13 and 15, planning permissions SW/14/501576 and SW/12/1553 include a number of specific controls intended to minimise the potential for emissions.
91. Planning permissions SW/05/744 and SW/14/501576 illustrate the acceptability in principle of restoring Norwood Quarry and Landfill Site through infilling with hazardous waste. Planning permission SW/12/1553 indicates the acceptability in principle of the storage of clay on land in the field to the north of the site. The committee report on application SW/05/744 concluded: *“it is not considered that the proposals give rise to health issues that would preclude Norwood as an acceptable location for the proposed development and there is therefore no case, in principle, for refusing planning permission from a health perspective”*.



(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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92. The Environmental Statement prepared in support of application (i) includes updated assessments on the environmental impacts including those in respect of geology and soils, hydrology and hydrogeology, ecology, landscape and visual impact, noise, air quality and traffic and transport. The updated EIA takes account of any changes to the surrounding area or environment that have taken place since application SW/05/744 was considered and determined. The Environmental Statement concludes: “*the EIA process demonstrates that the potential impacts on environmental receptors, after appropriate mitigation where necessary, fall within acceptable limits, and/or meet the relevant assessment criteria in relation to the significance of impacts, as set out in Government and other best practice guidance*”. The Environmental Statement and associated assessments included with application (i) and the reports included in support of the clay storage in application (ii) have been independently reviewed by the County Council’s technical consultants and other consultees.
93. In respect of amenity and health considerations, Swale Borough Council, the Environment Agency and the County Council’s Noise and Air Quality Consultants have raised no objections subject to appropriate conditions that reflect those imposed previously in planning permissions SW/14/501576 and SW/12/1553. Public Health England were consulted but have not provided a response. In the circumstances, I consider it reasonable to assume that Public Health England is content to leave the control of any potentially polluting aspects of the development to the environmental permitting regime.
94. The Environment Agency has advised that both the landfill and clay storage would continue to be managed under an Environmental Permit and that it does not foresee any additional impacts on the environment because of the proposed development. The permit imposes strict controls on emissions from the site (e.g. to air and water), includes both operational controls and those relating to the engineering of the landfill itself and requires compliance monitoring. The permit requires the continuous monitoring of PM<sub>10</sub> (i.e. particulate matter of fewer than 10 microns diameter) and dust deposited around the site. The applicant has advised that there have been no complaints about dust nuisance since hazardous waste landfill operations began in 2006.
95. The County Council’s Air Quality Consultant has advised that the air quality assessments carried out on both applications are robust and that it agrees with their conclusions. The County Council’s Noise Consultant has advised that the proposed developments are acceptable in terms of noise impact. In both cases, the consultants accept that there would be no significant adverse impact on amenity or the environment subject to the proposed mitigation and the re-imposition of the conditions referred to in paragraphs 13 and 15.
96. Due to the inert nature of the hazardous waste materials dealt with at the landfill site and the clay proposed to be stored in the field to the north of the site, I am satisfied that the proposed development itself would not give rise to odour, landfill gas or litter and would not attract vermin or birds. Although the non-hazardous waste deposited in the earlier phases in the western part of Norwood Quarry and Landfill Site will continue to give rise to landfill gas and leachate regardless of the outcome of the current applications, any impacts associated with this would not be significant as those parts of the site have already been capped and restored and the landfill gas and leachate

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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are actively controlled. These potential impacts would continue for many years regardless of the outcome of the applications. The retention of the existing hours of operation (as is proposed and as set out in paragraphs 13 and 15) would also serve to assist in minimising any adverse amenity impacts.

97. There is no specific evidence from the operation of the site over the last 10 years that would suggest there have been any unacceptable pollution or amenity impacts resulting from the permitted hazardous waste landfill operations. It is worth noting that application SW/05/744 attracted 179 letters of objection and a petition opposing the development containing approximately 1719 signatures. I consider that the absence of any objection from statutory and technical consultees and the receipt of only one objection in respect of each application is a good indication that, despite initial concerns, amenity and environmental impacts have been satisfactorily controlled. It should also be noted that all of the proposed operations would be temporary.
98. The Planning Applications Committee considered the potential environmental and amenity impacts of the proposals in December 2005 and found them to be acceptable subject to the conditions imposed in planning permission SW/05/744. The conditions were re-imposed on planning permission SW/14/501576 in 2014 (updated to reflect the subsequent approval of a number of details and allow IBA to be imported) following the receipt of no objections to the application. In the absence of any concerns being raised in respect of these conditions, to those imposed in planning permission SW/12/1553 and to the proposed development by technical consultees, I am satisfied that their re-imposition would continue to provide effective control of operations and ensure that the proposed development would accord with the relevant development plan and Government policies relating to the amenity and the environment issues referred to above. I am further reassured by the fact that the operations would also continue to be subject to an Environmental Permit.

#### **Access and traffic**

99. The NPPF states that traffic associated with development should not give rise to unacceptable impacts on the natural and historic environment and human health. The NPPW states that planning authorities should consider the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, seeking when practicable and beneficial to use modes other than road transport. This includes considering the suitability of the road network and the extent to which access would require reliance on local roads.
100. Policy W22 of the Kent WLP states that permission will normally be refused if the proposed access or the effects of vehicles travelling to and from the site would adversely affect in a material way the safety and capacity of the highway network. It also states that any necessary highway improvements should be secured. Draft Policy DM13 of the draft Kent MWLP requires waste development to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community. Policy T1 of the Swale LP and Policy DM14 of the

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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draft Swale LP require development to be well located in relation to Kent's Key Arterial Routes, with safe and appropriate access, ensuring that traffic generated is not detrimental to highway safety nor has an unacceptable impact on highway capacity, the environment or local communities.

101. No objections have been received on either application from consultees or local residents concerning highways or access considerations, although Eastchurch Parish Council has raised more general concerns about the effect of vehicle movements on the A2500 (Lower Road) and the potential damage to and pressure on this road.
102. Kent Highways and Transportation has considered the applications and raised no objections subject to the existing HGV limit (i.e. 200 HGV movements each day (100 in/100 out)) being re-imposed on any new permission granted in respect of application (i). It acknowledges that the total volume of material required to complete the restoration and total number of HGVs required to transport this material would not change such that the associated level of wear and tear on the highway would remain unaffected. It also notes that the increased time period for the importation has reduced (and would continue to reduce) the number of HGVs travelling to and from the site each day with resultant benefits in terms of highway capacity.
103. As noted above, application (i) does not seek to alter the permitted number of HGV movements associated with clay extraction and landfilling at Norwood Quarry and Landfill Site but does seek to increase the period of time over which the movements could continue. The total number of HGV movements required to complete landfilling and restoration would remain the same as no additional void would be created. As explained in paragraph 19, the main reason for application (i) is that the importation of boiler ash and APCRs has been significantly lower than initially envisaged. In turn, this has meant that the void created by clay extraction (which has yet to be completed) has not been completely infilled and the site restored within the permitted timeframe. In terms of HGV movements, it should be noted that there will be no further movements associated with the export of clay as all remaining mineral is now required for site engineering and restoration. However, hazardous IBA may need to be imported for disposal and inert waste (including non-hazardous IBA) may still need to be imported to complete the restoration of the site.
104. The updated Environmental Statement received with application (i) reviews and updates the original traffic and transport assessment in the context of any changes that have occurred since planning application SW/05/744 was determined. The traffic and transport assessment received in support of planning application SW/05/744 estimated that HGV traffic generated by the exportation of clay and importation of hazardous waste would be approximately 88 movements per day (44 in/44 out), based on the export of 93,000tpa of clay and the importation of 80,000tpa of hazardous waste. The updated Environmental Statement states that the reduced rate at which waste is being received and the exhaustion of saleable clay reserves is likely to result in about 56 HGV movements per day (28 in/28 out) or less. The updated Environmental Statement concludes that there would be no unacceptable impacts on the highway network in terms of highway safety or capacity as a result of the proposed extension to the life of the site.
105. The acceptability of 200 HGV movements each day (100 in/100 out) at Norwood Quarry and Landfill Site was accepted when planning application SW/05/744 was

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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determined (having been applied initially in 1998 when clay extraction and non-hazardous landfill occurred simultaneously). The figure was not amended when planning permission SW/14/501576 was granted. Whilst it is unlikely that as many as 200 HGV movements would take place in any one day, I do not consider it appropriate to alter the number given the need to accommodate the importation of inert waste and source suitable materials when they are available (e.g. in a single or small number of campaigns), the potential need for hazardous and non-hazardous IBA to be imported and as the figure is considered to be acceptable in highway terms.

106. In addition to re-imposing the current daily HGV movement limitation in any planning permission issued for application (i), it would also be appropriate to re-impose the current conditions that restrict the times that HGVs may enter and leave the site (i.e. between 07:00 to 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays) and require the maintenance of visibility splays at the site access, the provision of wheel and chassis cleaning facilities, boiler ash and APCRs to be transported within dedicated HGVs (tankers) and for all other loaded open backed vehicles to be sheeted.
107. Application (ii) has no highway implications as the clay to be stored would be site-won with access secured directly through the northern boundary of the quarry site without using the public highway.
108. Subject to the re-imposition of the conditions referred to above, I am satisfied that neither application (i) or (ii) would have an unacceptable impact on the highway network and would accord with the development plan and Government policies relating to highway and transport matters referred to above.

#### **Landscape and visual amenity**

109. The application sites are not subject to any specific landscape designations but are in the open countryside as defined in the Swale LP. Amongst other things, the NPPF seeks development that protects and enhances valued landscapes and soils. Policies CC26 and CC27 of Kent MLPCC require proposals for chalk and clay working to provide appropriate landscaping and aftercare schemes. Policies W5 of the Kent WLP requires that proposals for the disposal of waste by landraising do not create an alien landform that is out of keeping with the existing landform. Policies W31 and W32 of the Kent WLP requires that waste management proposals incorporate satisfactory operation, restoration and aftercare schemes. Policies DM1 and DM19 of the Draft Kent MWLP require proposals to protect and enhance the character and quality of the site's setting and require high standards of restoration and aftercare. Policies SP2, E6 and E9 of the Swale LP seek to protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough, including the quality, character and amenity value of local landscape and the wider countryside.
110. No landscape and visual amenity objections or concerns have been raised by consultees or by KCC's Landscape Consultant. However, the local resident who has responded is of the opinion that the existing site should be restored within the permitted timescale and stated that the development proposed by applications (i) and (ii) is too close to residential development.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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111. The acceptability of the proposed final landform has already been established by planning permissions SW/05/744 and SW/14/501576 and no changes are proposed by application (i) other than the time period for completion of restoration. Details of the approved restoration and landscape planting scheme are referred to in paragraph 11 and included in a drawing on page C1.6. The acceptability of the proposed clay storage has also been established by planning permission SW/12/1553 and the only change proposed by application (ii) is in respect of when the storage would take place. This would still be linked directly to the life of Norwood Quarry and Landfill Site and the affected land would still be fully restored to agricultural use when the last of the clay has been removed to facilitate the final restoration of that site. Details of the proposed clay storage area and associated operations are referred to in paragraphs 23 and 24 and a drawing showing the development in the context of the existing quarry and landfill site is included on page C1.5.
112. Notwithstanding the above, the applications are accompanied by a landscape and visual impact assessment that considers the continued operation of the quarry and landfill site and the proposed clay storage. This assessment concludes that any noteworthy visual effects associated with the development would be geographically restricted and would only occur close to the site due existing screening and variation in local topography. It also concludes that the proposed development can be integrated into the local landscape without causing significant detriment to the landscape character, quality and visual amenity.
113. The existing screening mounds to the north, south and east and the completed non-hazardous landfill cells to the west provide an effective visual barrier that would continue to ensure that, with the exception of the site access road, temporary office buildings and vehicles entering and leaving the site, views of the operations would be limited from public vantage points. The screening mounds are either in agricultural use or seeded and planted to help integrate them into the surrounding landscape. In large part, these would form part of the final landform. The proposed clay store would be visible from a limited number of public viewpoints, including the public right of way to the east and potentially from a small number of residential properties to the northeast and east.
114. As noted in paragraphs 82 to 84, Norwood Quarry and Landfill Site will need to be restored regardless of the outcome of the current applications as leaving it unrestored would be unacceptable. I am satisfied that allowing additional time to enable the approved restoration and landscape planting scheme (as proposed by application (i)) is the most appropriate means of ensuring that the site is restored in a satisfactory manner and in a way that is acceptable in terms of landscape and visual amenity. As noted in paragraph 85, I am satisfied that it is necessary to store the clay off-site. I am also satisfied that application (ii) is acceptable in landscape and visual amenity terms and that the development proposed by both applications would accord with the relevant development plan and Government policies in terms of visual and landscape considerations.

### **Water environment**

115. The NPPF states that permitted operations should not have unacceptable impacts on the natural environment or on the flow and quantity of surface and groundwater or give rise to contamination. The NPPW states that planning authorities should consider the

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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likely impact on vulnerable surface and groundwater or aquifers when determining waste planning applications. It also states that geological conditions and the behaviour of surface water and groundwater should be considered. Policy CC14 of the Kent MLPCC states that proposals should provide for the safeguarding of land drainage and flood control as appropriate. Policies W19 and W20 of the Kent WLP require that surface and groundwater resources are protected and that proposals take account of the safeguarding of land drainage and flood control and minimisation of rainwater infiltration. Draft Policy DM10 of the draft Kent MWLP states that permission will be granted for minerals and waste development where it does not: result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds); have an unacceptable impact on groundwater Source Protection Zones; and exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future.

116. No objections or concerns have been raised by consultees although the Lower Medway Internal Drainage Board and KCC's Flood Risk Project Officer have specifically asked that the surface water management scheme should be implemented as proposed. However, the local resident who has responded has expressed concerns about potential groundwater contamination associated with both applications.
117. The acceptability of the proposals in terms of the water environment has been established by planning permissions SW/05/744, SW/14/501576 and SW/12/1553. No changes are proposed by the current applications.
118. Notwithstanding the above, detailed information on the water environment and the potential effects of the proposed development has been included with the applications. The Environmental Statement accompanying application (i) includes an updated hydrology and hydrogeology assessment and both applications are accompanied by a surface water management scheme. The assessment identifies potential impacts on groundwater and surface water quality and flows as the two main issues for the water environment. The Environmental Permit requires water quality monitoring both upstream and downstream from the quarry and landfill site. Due to the construction of the landfill cell and the thickness of the London Clay beneath the site there are no pathways for contaminants to migrate to groundwater. The surface water drainage scheme included with the applications is also approved and regularly updated as a requirement of the Environmental Permit. The scheme includes detailed arrangements for the management of surface water run-off both during the interim (operational) phases and on completion of the final restoration during subsequent after use.
119. Securing the approved restoration of the entire site to the gradients, contours and landform originally permitted is fundamental to the success of the surface water drainage scheme. The approved landform is designed to ensure that surface water would be shed from the landfill areas effectively and that water does not accumulate on top of the landfill cells and potentially affect the integrity of the cap and impact on the intended after use. Once surface water is shed from the landfill area, the integrated scheme is designed to ensure that it is managed in a controlled and sustainable way through a network of drainage ditches and surface water ponds. The scheme would limit surface water discharge rates into the surrounding drainage network to a level at or below green-field flow rates. The scheme is also design to accommodate a 100-year rainfall event, including allowance for climate change.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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120. In the absence of any objections from key technical consultees (e.g. the Environment Agency, the Lower Medway Internal Drainage Board and KCC's Flood Risk Project Officer and Natural England), I am satisfied that the development proposed by both applications does not present an unacceptable risk to groundwater or surface water quality, would not exacerbate flood risk and would therefore accord with the development plan and Government policies relating to the water environment referred to above subject to the surface water management scheme being implemented as proposed and any other conditions relating to the protection of the water environment being re-imposed.

### **Ecology and the natural environment**

121. The NPPF states that the planning system should contribute to and enhance the natural and local environment by avoiding or minimising impacts on biodiversity and delivering net gains where possible. The NPPW states that any adverse effect on ecological networks and protected species should be considered when waste applications are determined. Policy CC15 of the Kent MLPCC, Policy W21 of the Kent WLP, draft Policies DM2 and DM3 of the draft Kent MWLP, Policies E11 and E12 of the Swale LP and draft Policy DM28 of the draft Swale LP all require development that protects and conserves biodiversity.

122. No objections or concerns have been raised by consultees. Natural England is satisfied that neither of the developments is likely to have any significant effect on the nearby designated sites if they are undertaken as proposed and KCC's Ecological Advice Service has recommended that the proposed precautionary mitigation measures be implemented and that the applicant be advised to refresh its ecological assessment prior to final restoration given that this may not take place until 2026. The Environment Agency has advised that the proposals do not pose an unacceptable risk to water quality and groundwater resources. However, the local resident who has responded has expressed concerns about the risk of vermin and the potential effect on wildlife.

123. The acceptability of the proposals in terms of the natural environment / ecology has been established by planning permissions SW/05/744, SW/14/501576 and SW/12/1553. No changes are proposed by the current applications.

124. Both applications are accompanied by updated ecological surveys, including a Preliminary Ecological Assessment, Great Crested Newt Survey and Reptile Precautionary Method Statement. The surveys make a number of recommendations to ensure that the continued operation of the landfill and the construction of the clay store comply with wildlife legislation and relevant planning policy. The recommendations include: continued retention of biodiversity enhancement measures within the approved restoration scheme (e.g. species-rich hedgerows, woodland/scrub/grassland and wetland habitats); protection of waterbodies in accordance with the Environment Agency's Pollution Prevention Guidelines; and adherence to the Reptile Precautionary Method Statement and other best practice in relation to work on site to safeguard nesting birds, foraging bats and terrestrial mammals.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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125. In the absence of any objections from key technical consultees (e.g. Natural England, KCC's Ecological Advice Service and the Environment Agency), I am satisfied that the development proposed by both applications would be acceptable in terms of ecology and the natural environment and would therefore accord with the development plan and Government policies referred to above subject to the imposition of conditions and an informative to secure those matters requested by Natural England and KCC's Ecological Advice Service.

#### **Other considerations**

126. Archaeology and cultural heritage: The NPPF and NPPW seek to ensure that archaeology and cultural heritage are properly considered when applications are determined and that the historic environment is conserved where possible. The Kent MLPCC and Kent WLP contain no saved policies dealing with archaeology, heritage and conservation. However, draft Policies DM5 and DM6 of the draft Kent MWLP are relevant and seek to protect important heritage assets.

127. Historic records and previous archaeological investigations in the area indicated that dispersed buried archaeological remains may exist near the site. Planning permission SW/05/744 included a condition requiring that a programme of archaeological work be approved in respect of a small part of the site that had not been worked at the time the permission was granted. This scheme was approved in 2013 at the same time as planning permission SW/12/1553 was granted for the previous clay storage application. Planning permission SW/12/1553 required the same scheme to be implemented as it included provisions for the land to north of Norwood Quarry and Landfill Site. The approved scheme was also required by a condition attached to planning permission SW/14/501576.

128. KCC's Archaeological Officer has no objection to either of the current applications subject to the re-imposition of conditions to ensure that the archaeological scheme approved previously (the WSI) is still required and implemented. Subject to this, I am satisfied that the proposals accord with development plan and Government policies relating to archaeology and cultural heritage.

129. Agricultural land: The NPPF states that worked land should be reclaimed at the earliest opportunity (with high quality restoration and aftercare) and that the long term potential of best and most versatile agricultural land (i.e. Grades 1, 2 and 3a) should be safeguarded and that soil resources be conserved. Policy CC27 of the Kent MLPCC and Policy W32 of the Kent WLP require satisfactory working and reclamation / restoration and aftercare schemes to be integral to proposals in order that sites are returned to a planned afteruse at the highest possible standard as quickly as possible. Draft Policy DM1 of the draft KMWLP states that proposals for minerals and waste development will be required to demonstrate that they have been designed to minimise the loss of Best and Most Versatile Agricultural Land. Draft Policy DM19 of the draft KMWLP requires that provision be made for high standards of restoration, aftercare and after-use such that the intended after-use of the site is achieved in a timely manner.

130. Application (i) would have no further impact on agricultural land than has been the case since Norwood Quarry and Landfill Site was established and the site developed. However, soils originally on site have been retained and are stored for use in



(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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restoration. The approved restoration and landscape planting scheme includes some agricultural land although this is intended to be lowland meadow rather than arable. The proposed development of the clay storage area would temporarily affect approximately 2.83ha of an existing agricultural field. Application (ii) includes a report which confirms that the agricultural land is classified as Grade 3b. Although not best and most versatile, the soils still need to be conserved and the report recommends that topsoil and upper subsoil layers should be lifted separately to their full depths, stored during the development and ultimately reinstated to target depths of 25cm each on final restoration. Soil stripping and handling should also only take place when the soils are dry and friable (to minimise harm to soil structure). I proposed to require the submission for approval of a suitable restoration and aftercare scheme for this area by condition(s).

131. No objections have been received about potential impacts on agricultural land or soil resources. I am satisfied that the development proposed by both applications would accord with development plan and Government policies relating to protecting agricultural land and soil resources subject to the implementation of the mitigation measures set out within the applications.
132. Public Rights of Way: NPPF states that planning policies should protect and enhance public rights of way and access. Policy CC20 of the Kent MLPCC, Policy W27 of the Kent WLP and draft Policy DM14 all seek to protect rights of way and their users.
133. Neither application would directly affect a public right of way although KCC Public Rights of Way has requested an informative be imposed relating to the need to maintain public access where this passes along the site boundary.

## Conclusions

### **Application (i) – Extension of time for waste disposal and final restoration**

134. The principal of the development proposed by application (i) has been established by planning permissions SW/05/744 and SW/14/501576. The only change to the development previously permitted by SW/14/501576 in September 2014 is to extend the periods of time for the completion of waste disposal and final restoration by 10 years (i.e. for waste disposal to be completed by 31 December 2025 for final restoration to be completed by 31 December 2026).
135. I am satisfied that there is a clear need for further hazardous waste landfill in Kent and that the disposal of boiler ash, APCRs and any hazardous IBA from the Allington EfW Facility at Norwood Quarry and Landfill Site is fundamental to the waste strategy of the emerging Kent MWLP. I am also satisfied that the additional periods sought are reasonable (having regard to remaining void space and the likely rates of importation) and that it remains desirable for the site to be restored in the manner previously permitted and approved to ensure that the site is effectively re-integrated into the local landscape without giving rise to adverse impacts on the water environment. Whilst there are some uncertainties about whether hazardous boiler ash, APCRs and IBA will be able to be landfilled throughout the further 10 year period as a result of other legislation, I am further satisfied that the approved restoration and landscape planting scheme is still capable of being secured using non-hazardous IBA from the Allington EfW Facility in this eventuality.

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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136. Whilst objections have been received from one residential property on a relatively new housing estate to the north of the site, no objections have been received from technical or other consultees subject to the imposition of appropriate conditions.
137. For the reasons summarised above and detailed in this report, I am satisfied that the proposed development accords with relevant development plan and Government policies and represents sustainable development subject to the imposition of the conditions referred to (which largely replicate those imposed on planning permission SW/14/501576). I therefore recommend that permission be granted.

#### **Application (ii) – Storage of clay**

138. The principal of the development proposed by application (ii) has been established by planning permission SW/12/1553.
139. I am satisfied that there is a need to store clay arising from Norwood Quarry and Landfill Site off-site in order that remaining clay extraction can take place and the final landfill cells be created. I am also satisfied that that the proposed location is preferable to any likely alternatives as it is very close to the existing site, can be accessed without the need for plant, machinery or vehicles to use the public highway and is relatively well screened from all but very localised viewpoints.
140. Whilst objections have been received from one residential property on a relatively new housing estate to the north of the site, no objections have been received from technical or other consultees subject to the imposition of appropriate conditions.
141. For the reasons summarised above and detailed in this report, I am satisfied that the proposed development accords with relevant development plan and Government policies and represents sustainable development subject to the imposition of the conditions referred to (which largely replicate or update those imposed on planning permission SW/12/1553). I therefore recommend that permission be granted.

#### Recommendation

142. I RECOMMEND that:

- (i) PERMISSION BE GRANTED to extend the period of time allowed for waste disposal by 10 years, allowing operations to continue until 31 December 2025, plus an additional 12 months for final restoration and the establishment of afteruses at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness, Kent, ME12 3AJ (i.e. application SW/16/500694) SUBJECT TO:
- (a) conditions covering amongst other matters:
- the importation, treatment and landfill of boiler ash, air pollution control residues (APCRs) and incinerator bottom ash (IBA) to cease by 31 December 2025 and restoration of the site to be completed by 31 December 2026;
  - the recommendations within the updated Ecological Assessment being implemented; and

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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- the re-imposition of conditions previously imposed on permission SW/14/501576 (updated and amended as necessary) including:
  - the development being carried out in accordance with the approved details;
  - no extraction below 35m AOD;
  - only boiler ash, APCRs and IBA from the Allington EfW Facility being received on site;
  - hours of operation being restricted as follows: landfilling 07:00 to 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays; clay extraction 07:30 to 1800 hours Monday to Friday and 07:30 to 13:00 hours on Saturdays; storage mounds 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays; with no operations on Sundays or Bank Holidays;
  - no more than a combined total of 200 HGV movements (100 in / 100 out) per day;
  - measures to prevent mud and debris on public highway;
  - boiler ash and APCRs only entering the site in HGVs (tankers) dedicated to transporting such wastes and all loaded, open backed vehicles to be sheeted;
  - the maintenance of visibility splays at the site entrance;
  - noise controls for normal and temporary operations;
  - measures to control dust;
  - a programme of archaeological work;
  - soil storage and handling;
  - the submission of annual progress reports; and
  - landscaping, restoration and aftercare being implemented as approved; and
  
- (b) informatives advising the applicant of the need to: maintain public access to the public right of way; and update the ecological assessments prior to commencing final restoration to ensure protected species continue to be safeguarded.
  
- (ii) SUBJECT TO permission being granted for (i) above, PERMISSION BE GRANTED for the storage of clay for the duration of workings on land to north of Norwood Quarry and Landfill Site at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness, Kent, ME12 3AJ (i.e. application SW/16/500698) SUBJECT TO:
  - (a) conditions covering amongst other matters:
    - the storage of clay ceasing and the site being restored to agriculture on or before 31 December 2026;
    - the development being carried out and completed in accordance with the details contained within the application;
    - no external lighting without prior approval;
    - hours of operation for the clay storage operations being 08:00 to 17:00 hours Monday to Friday with no operations on Saturdays, Sundays and Bank Holidays;
    - the only access to the site being through the main quarry and

(i) Extension of time for waste disposal and final restoration – SW/16/500694; and (ii) Storage of clay – SW/16/500698 at Norwood Quarry and Landfill Site, Lower Road, Minster-On-Sea, Sheerness

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- landfill site;
  - noise from normal operations on site being restricted to the specific limits previously permitted;
  - noise from temporary operations not exceeding  $70\text{dB}_{\text{LAeq},1\text{hr}}$  at any noise sensitive property (and only for up to 8 weeks in any 12 month period);
  - the mitigation measures set out within the dust assessment being implemented;
  - the recommendations within the updated Ecological Assessment being complied with;
  - the archaeological requirements set out within the application being complied with;
  - soil storage and handling requirements;
  - tree protection measures;
  - the site being fenced; and
  - the submission of final restoration and aftercare schemes for prior approval; and
- (b) an informative advising the applicant of the need to maintain public access to the public right of way.

Case Officer: James Bickle
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Tel. no: 03000 413334
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Background Documents: see section heading
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