

SECTION C
MINERALS AND WASTE DEVELOPMENT

BACKGROUND DOCUMENTS – the deposited documents, views and representation received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

Planning permission: TM/97/1064/R2, R5, R7 and R12 – proposed variation of approved restoration and aftercare scheme together with changes to the waste types in order to accelerate the completion of Cells 1,2 and 3 and their restoration by the end of 2009 and Cell 1A by the end of 2012.

Planning Application: TM/08/209- The construction and operation of a new Surface Water Balancing Pond and Soakaway to serve the Margetts Pit Landfill Surface Water Drainage System. Margetts Pit Landfill, Margetts Lane, Burham, Rochester, Kent.

A report by Head of Planning Applications Group to Planning Applications Committee on 29 July 2008.

Recommendation: Approval be given to proposed variation of conditions and Permission be granted subject to conditions

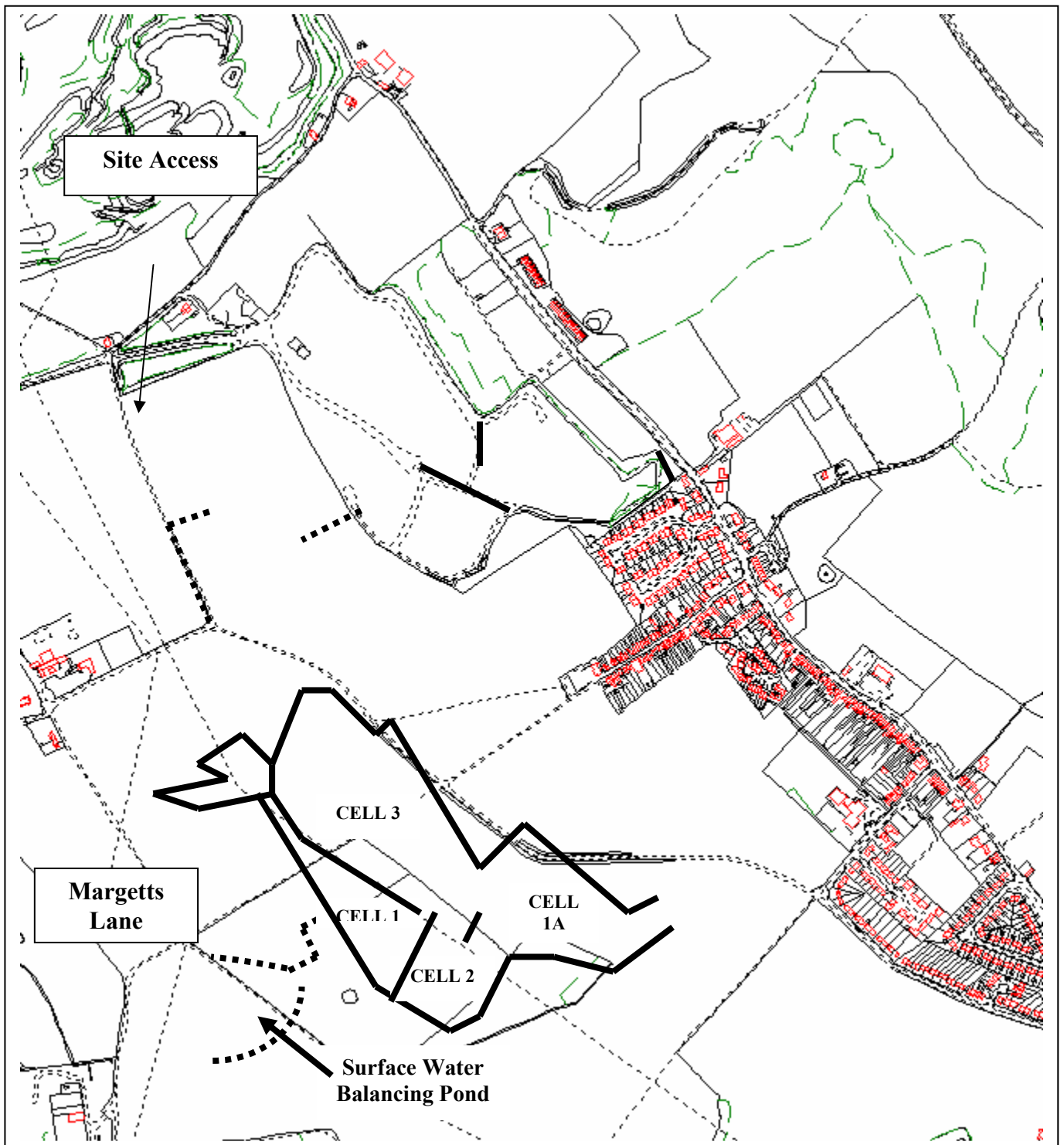
Local Member: Mr G. Rowe

Unrestricted

Site description and Background

1. Margetts Pit is situated approximately 3.5 km south of the centre of Rochester and is equal distance north of Maidstone. This former Chalk Quarry is cut into the lower slopes of the North Downs in the Medway Valley with the surrounding landform sloping down from the north-east to south-west from the steeper hills of the North Downs to the River Medway. The Landfill covers an area of approximately 15.9 hectares. It forms the northern boundary to the village of Burham with its northern, western and a large proportion of its southern edge lying adjacent to agricultural land.
2. The site is currently accessed via Margetts Lane from the junction of Margetts Lane and Scarborough Lane. To the east of the site Margetts Lane joins Court Road, with Court Road continuing east to its junction with Rochester Road. Rochester Road continues south, changing to Pilgrims Way to its grade separation junction with the A229. The A229 provides access to the motorway network, the M2 and M20.

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Court Road

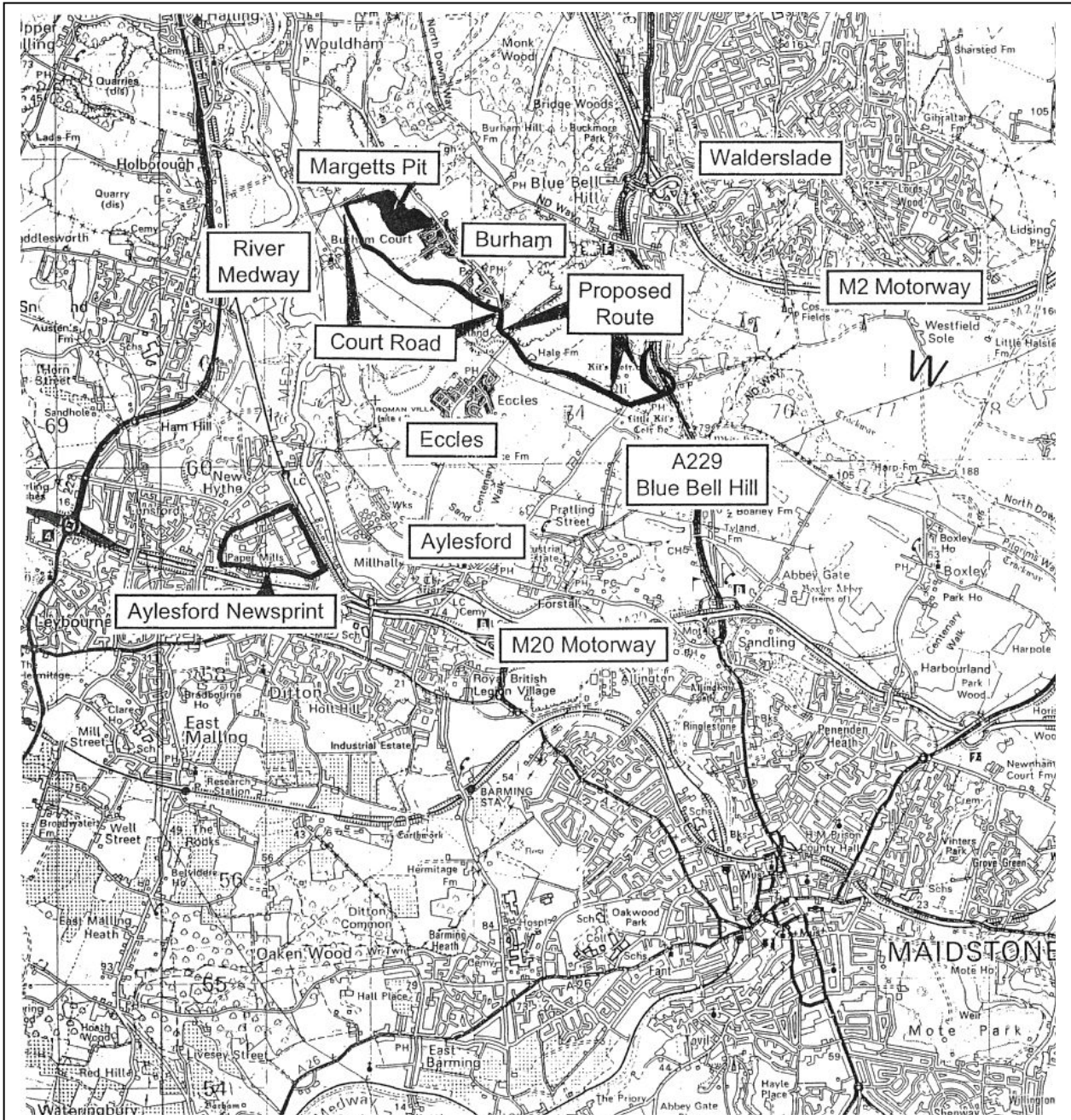
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Site Location Plan (1)



Margetts Pit Landfill, Margetts Lane, Burham, Rochester, Kent.



Margetts Pit Landfill, Margetts Lane, Burham, Rochester, Kent.

3. Planning permission was originally granted in March 1969 for the use of Margetts Pit for the disposal of factory waste, subject to conditions which made provision amongst other matters for the site to be restored which blended in with the surrounding contours and then planted with a mixture of grassland and trees designed to enhance its nature conservation interests. In February 1998 permission was granted (Ref. TM/97/1064) in respect of minor amendments to the approved restoration scheme which involved adjustments to the final restoration contours and seed mixes consisting of Chalk Grassland. Whilst the site itself has no nature conservation designations, Burnham Down and the Wouldham to Detling Escarpment part of the North Downs to the east) are classified as a Site of Scientific Interest (SSSI). Peter's Pit to the north of the site is also a SSSI.
4. Preliminary archaeological investigations on land lying to the south of the Landfill have identified areas of interest including a Neolithic Causewayed Enclosure and the potential presence of an Iron Age Settlement.
5. In 1996 the site was purchased by Aylesford Newsprint Ltd. Since then it has accepted waste from the company's nearby waste paper recycling facility in Aylesford defined as de-inking paper sludge, filler cake and rejects (i.e. waste arising from the sorting process such as plastics and free offers from newspapers and magazines). This waste is biodegradable and classified as Non Hazardous waste.

Proposal

VARIATION TO THE APPROVED INFILLING AND RESTORATION SCHEME

6. Margetts Pit Landfill originally operated under the provisions of the Waste Management Licence Regulations (Control of Pollution Act 1990). In 2000 these Regulations were replaced by the Pollution Prevention and Control Regulations 2000. These have also since been amended to comply with the European Landfill Directive which requires that all Landfills are operated under a much tighter regime in order to ensure they are properly engineered to prevent any potential pollution escaping from them. Those Landfills which cannot be brought into line with the Directive are required to close as soon as possible. With the exception of Cell 1A where it is still possible to engineer the site to the required Directive standard, the remainder of the site in respect of Cells 1,2 and 3 represents one such site and is required to close by 16 July 2009 at the very latest
7. In order to secure the required closure of Cells 1,2 and 3 by the July 2009 deadline the applicants are proposing amendments to the infilling and restoration scheme approved under the existing permission (Ref. TM/97/1064). As part of the proposed amendments it is also intended that Cell 1A would be completed by the end of 2012. An integral part of these amendments is a requirement as part of the closure of the site to relocate an existing Surface Water Balancing Pond currently located within the Landfill to an area outside the site, and whose position is dictated by the need to ensure the whole of the capped and restored Landfill, including Cell 1A, naturally drains into it. Given the surrounding topography, exacerbated by the known presence of archaeological remains which need to be taken into account, the location at which the Pond can be positioned to achieve this is limited. As the proposed location of the new Pond falls outside the boundary of the current permission, this is subject to a separate application (Ref. TM/08/209), albeit forms an integral part of the proposals.

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8. The proposed amendments to the existing infilling and restoration scheme include the creation of a final landform such that surface water will freely drain from the site in order to prevent any ingress through the capping layer into the Landfill, and thus prevent any pollution to the underlying groundwater. The proposed Surface Water Balancing Pond has been designed to accommodate all of the surface water runoff from the restored Landfill during the predicted rainfall from a storm of a 1 in 100 year event with an extra 20% to account for the potential effects of climate change, together with its regulated discharge into the underlying groundwater.
9. Whilst there are currently no restrictions on waste inputs to the site, given that the source of the material is limited to serving the applicants' nearby waste paper recycling facility, this has in effect regulated the number of lorry movements to and from the site involving on average some 35 loads of material delivered to the site each day. In order to achieve the proposed final restoration contours within the required timescale it is proposed that additional waste materials are imported from other sources. Such materials would include rocks and soils, ceramics and concrete, furnace slag and ash together with low inorganic compounds. Additionally it is proposed that Cell 1A be allowed to accept stable Non-Reactive Hazardous Waste. These include materials which have hazardous properties, but which are stable under controlled landfill conditions. These controls would be exercised under separate authorisation which would first need to be obtained from the Environment Agency before being brought onto the site. The importation of these additional materials would significantly increase the number of lorry movements to and from the site normally associated with the landfill operations.
10. The applicant estimates some 640,000 tonnes of fill is required to achieve the proposed final restoration contours, resulting on average in some 123 loads (246 movements) of material being delivered to the site each day. In order to take into account daily fluctuations this would rise to a maximum of 185 loads (370 movements) per day. Upon the completion of Cells 1,2 and 3 movements would thereafter reduce to some 100 movements per day during the time in which Cell 1A is infilled up until 2012 at which time the whole site would have been restored. In support of their proposal whilst the applicants accept this represents an increase in vehicle movements over the current operations, in their view this has to be weighed against the advantage of the completion of the Landfill at an earlier date than could otherwise be achieved under the current permission where, based on current inputs this would not be until 2022.
11. It is not proposed to fundamentally change the approved restoration contours or the final planting details. The Landfill would therefore still be capped and restored to a nature conservation afteruse predominantly Chalk Grassland with some woodland planting to soften the impact in the landscape.

PROPOSED NEW SURFACE WATER BALANCING POND

12. The proposed Surface Water Balancing Pond which would measure some 130m x 70m occupying an area of approximately 2.4 hectares in total would be located in the field lying to the south of the Landfill adjacent to the eastern side of Margetts Lane. The applicant considers it represents the optimum location which takes account of the need to avoid having a direct impact on areas of known archaeological interests, minimises the impact in the landscape by avoiding the need for major engineering works, whilst being positioned at a sufficiently low level to ensure the whole of the restored Landfill drains naturally into it. Only surface water from the capped areas of the Landfill would be

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allowed to drain into the pond and would therefore be uncontaminated. Initially water would only be collected from Cells 1 and 2, and then eventually Cells 3 and 1A as restoration progresses across the whole site.

13. The Balancing pond would initially be used as a source of water for suppressing dust during the remainder of the operation of the Landfill, following which it would only function for balancing the volume and discharge of water from the restored site into the local groundwater. During the period in which water abstraction is required, a newt fence would be erected along the perimeter fence of the pond. To accommodate the transfer of water from the pond to the Landfill a stone access track would also be created between the Landfill and pond and thereafter retained for maintenance purposes.
14. As part of its design the pond would incorporate screen planting around its perimeter consisting of a mixture of hedgerow and tree planting in order to help screen it from view. Once established the vegetation would be maintained in order to provide optimum conditions for local wildlife with its subsequent management and that of the restored Landfill being proposed in the longer term. It is considered this will result in the pond developing a high nature conservation value as it would provide a natural aquatic environment and vegetation for wildlife. In this respect it is considered likely that the pond would become colonised by protected species from Peter's Pit SSSI.
15. The water quality and level in the pond would be monitored along with the accumulation of silt on its floor which would be checked every 4 years, and if necessary removed by dredging in order to maintain its design capacity.

Subsequent amendments to the Proposals

16. Following initial consultations a number of issues were raised by consultees in respect of both elements of the proposals. Firstly, the adverse impacts that would be caused by the significant increase in traffic generated as a result of the need to import the volume of waste required to secure the proposed final restoration profiles within the required timescale. As a result a formal objection was raised by the Divisional Transport Manager (DTM), who considered such an increase in traffic would increase the risk of accidents and delays on the local highway network. He therefore urged the applicant to vigorously explore alternative restoration options, which would lead to a reduction in the levels of traffic. This approach was also supported in the comments made by Tonbridge & Malling Borough Council.
17. Secondly, the location of the Surface Water Balancing Pond and its impact, particularly on the landscape setting of the nearby archaeological remains. As a result, following detailed discussions I held with the applicant and statutory consultees, particularly the Environment Agency (E.A.) and Divisional Transport Manager (DTM), subsequent amendments were made; -

Margetts Pit Landfill, Margetts Lane, Burham, Rochester, Kent.*Variation of approved infilling and restoration scheme to accelerate the completion of the Landfill*

18. My discussions with the applicant, E.A. and DTM over the required closure of Margetts Pit Landfill sought a compromise between the need to minimise the adverse impacts from the increase in lorry traffic whilst securing the satisfactory closure of the landfill such that any long term pollution to the underlying groundwater post site closure would be reduced. The amendments make provision for a reduction in the restored profile from a 1 in 25 slope to 1 in 100 and which almost halves the volume of material needing to be imported to the site from an original total of 333,127 cubic metres to some 174,191 cubic metres. This also has a corresponding effect on the number of associated lorry movements which would be reduced from an original average of 123 loads per day rising to a maximum of 185 loads taking account of daily fluctuations (*i.e. 246/370 movements*) to some 63 loads per day on average with a daily maximum of 75 loads (*i.e. 126/150 movements*). This compares with on average some 35 loads (*i.e. 70 movements*) being generated by the applicants' current operation. These figures are based on an 11 month period for completing operations by the July 2009 deadline assuming permission is granted. In support of these amendments, should there be any further delay in determining the application, given that Cells 1,2 and 3 have to completed by July 2009 at the very latest, the applicant has provided a comparison of the number of lorry movements associated with a 10 and 9 month period for importing the same volume of material. Compared to an average of 63 loads per day (*126 movements*) these are projected as rising to an average of 70 loads per day (*140 movements*) and 77 loads per day (*154 movements*) respectively.

Proposed New Surface Water Balancing Pond

19. Given the concerns raised over the impact on known archaeological remains and also the potential for other areas of archaeological interests to be directly affected, English Heritage and the County Archaeologist sought amendments to the proposed location of the pond. This was to allow for it to be moved further away from the site of the Neolithic Causewayed Enclosure and which would also likely to have less direct impacts on other potential areas of interest.

20. In addition to the issues raised in respect of archaeology, concerns were also raised by the Biodiversity Projects Officer over the need to safeguard the potential ecological interests on site given the proximity of Peter's Pit SSSI. This view was also shared by Natural England who recommended further survey work be undertaken for the presence of protected species in advance of any works taking place at the site. They also recommended that the period for the proposed future management of the site including the restored Landfill, be extended. Finally, both parties required amendments to the proposed planting scheme in order to create a habitat more suitable for nature conservation purposes.

21. In response to the issues set out under paragraphs 19 and 20 above, subsequent amendments were made to the application involving minor adjustments to the pond location, whilst having regard to the need to avoid substantive engineering works which would otherwise result in an adverse impact in the landscape. With regard to the proposed planting scheme it was agreed in the event of permission being granted this would be conditioned to require the submission of specific details for approval on which relevant consultees would be consulted before any decision is issued. Upon completion of restoration and aftercare provision is made for the implementation of a 30 year

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management plan beyond which the intention would be for the site to be passed on to a conservation charity.

National and Regional Policy Context

22. Proposed changes to Regional Planning Guidance for the South East (RPG9) requires the restoration of Landfills in a timely manner so as to protect and, wherever possible, enhance the environment. In particular, it considers that restoration can assist in delivering other regional and national environmental objectives, such as habitat re-establishment and biodiversity targets.
23. PPS10 (Planning for Sustainable Waste Management) requires Waste Planning Authorities to work effectively with pollution control authorities to ensure the best use is made of expertise and information, and that decisions on planning applications and pollution control permits are delivered expeditiously. A key objective is to ensure the disposal of waste without endangering human health and without harm to the environment.
24. PPG16 Provides guidance on the issues to be taken into consideration in the determination of planning applications which may affect areas of archaeological interest including the need for appropriate archaeological investigations together with measures to either record their remains before being removed from the site or their preservation in situ.

24. Kent and Medway Structure Plan 2006

The Kent and Medway Structure Plan identifies the need to minimise the environmental impact of waste as a key issue.

Policy EN1: Seeks to enhance Kent's countryside for its own sake

Policy EN3: Seeks to protect and enhance Kent's landscape and wildlife habitats

Policy EN6: Development will not be permitted where it would directly or indirectly or cumulatively harm the scientific or nature conservation interests of a Site of Special Scientific Interest

Policy EN8: Seeks to protect, conserve and enhance wildlife habitats and species through long term management and habitat creation schemes.

Policy TP15: Requires that development which generates significant increases in traffic, especially heavy goods vehicles to be well related to the primary and secondary route network

Policy QL2: Makes provision to improve the appearance, design, safety and ambience of the public realm including green space and vistas in both town and country through a number of investment programmes.

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Policy Q17: Requires an assessment to be undertaken of the potential impacts from development on sites of archaeological interest together with appropriate mitigation measures

Policy N5: Development should be planned to avoid, or adequately mitigate pollution impacts.

25. Kent Waste Local Plan

Policy W12: Supports proposals for landfill which will assist in the restoration of mineral workings which would benefit from being returned as near as possible to original levels

Policy W18: Requires adequate means of control of noise, dust, odours and landfill gas

Policy W19: Requires the employment of measures to ensure ground water resource interests are protected

Policy W20: Requires proposals to take account of settlement, land stability, drainage, flood control and the minimisation of rainwater infiltration

Policy W21: Requires measures to safeguard any ecological interests to be safeguarded

Policy W22: Requires a satisfactory means of access to and from the site

Policy W31: Requires that appropriate landscaping schemes form an integral part of the development

Policy W32: Requires that appropriate restoration and aftercare schemes form an integral part of the development

26. Tonbridge & Malling Borough Local Plan and Core Strategy 2007

Policy CP2: Requires that any new development to be consistent with the principles of sustainable transport.

Policy P3/17: Requires the impact of noise from transport related sources to be considered within defined noise exposure categories

27. Consultations

Tonbridge & Malling Borough Council: Raise strong objections regarding the significant increase in HGV movements and the potential detrimental impact on the local communities. The significant increase in traffic movements will also have an adverse impact on the local highway network, which includes stretches of narrow single width lanes, some of which are already in poor condition as a result of use by unsuitable vehicles. As such the proposal is contrary to policies TP15, NR5 and QL2 of the Kent & Medway Structure Plan,

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CP2 of the Tonbridge & Malling Borough Core Strategy 2007 and the saved policy P3/17 of the Tonbridge & Malling Borough Local Plan.

Also raise objection unless assurance can be given that all options for achieving the closure of the site have been considered before deciding on an option that requires such a significant increase in traffic on the local road network, such options to include lower level restoration. Advice should be sought from the Environment Agency to explore the scope for extending the deadline for infilling.

Due consideration be given to proposed works to Court Road as part of Peter's Pit development

The County Council to satisfy itself that adequate provision will remain for the disposal of the applicant's waste.

(N.B. Views on subsequent amendments made to the proposals awaited)

Burham Parish Council: Whilst need the site to be closed as soon as possible (within the regulations), careful consideration of the increase in traffic is needed. The impact of the shortened timescale to complete the majority of the site's restoration is unacceptable with respect to the increase lorry movements on Court Road residents and all other users of the local road.

(N.B. Views on subsequent amendments made to the proposals awaited)

Aylesford Parish Council: Reiterate its strong opposition to the proposal.

Although some effort has been made to reduce the number of vehicle movements originally proposed these are still some 50% greater than the volume of HGVs refused by KCC on the same route for the Southern Water application on rural roads which are totally inadequate.

Note the permission granted in 1998 for a maximum of 104 movements and revised on 10 June 2003 would cease on or before 10 June 2004. Therefore all operations since then have been in breach of the permission.

The capping requirement has been known by relevant parties for some 12 years therefore if the E.A. and the applicant had agreed a workable solution in a timely manner there would be no need for the vast escalation in HGV movements. Consequently the current proposal could have been avoided and therefore residents should not be subjected to the inherent dangers of high volumes of traffic.

Wouldham Parish Council: Object most vehemently to the application as the local infrastructure would not be able to cope with the proposed lorry movements causing chaos on these roads and substantially affecting the quality of life in both villages. There would also be an increased risk of accidents because of the narrow nature of these roads.

(N.B. Views on subsequent amendments made to the proposals awaited)

Divisional Transport Manager: The number of lorry movements that would be generated from the revised proposals are significantly below the previous estimates for the full restoration of the site. However, the reduced lorry movements are still likely to result in approximately double that generated by the applicants current operations. Currently there are no restrictions on lorry movements although they have been limited by virtue of the

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restriction on the source of materials from one site. Due to continuing efficiencies at that site the amount of material has been incrementally reduced thus reducing the number of lorry movements currently experienced. With no restriction on lorry movements, potentially the number of lorry movements could increase at any time subject to additional material becoming available.

It is clear that limitations on the sourcing of the restoration material and associated limited lorry movements have been of benefit to all residents living along the haul route or indeed in the vicinity and to users of the road network in general. But it has to be remembered that potentially a higher level of regular lorry movements could have been experienced since Aylesford Newsprint took over the landfill in 1996. I am of the opinion that a balance has to be struck. The landfill site has to be restored and the current proposal is the minimum acceptable. The level of lorry movements will be more than currently experienced but potentially this level could have already been experienced. These will be over an 11 month period after which lorry movements to Cells 1,2 and 3 will cease. Potentially the site could have gone on to 2022. Residents are quite rightly concerned about the current level of lorry movements and the expected additional movements and the likely impact. However, this current proposal will see a cessation of lorry movements to Cells 1,2 and 3, as opposed to these lorry movements continuing for sometime. Movements associated with Cell 1A will continue to 2012.

With the expected increase in movements an existing road condition survey would normally be appropriate to establish a benchmark by which future deterioration of the roads can be assessed. However, under the current permission this was not a requirement and it is unlikely that such a condition could be applied to this proposal.

Balancing the comparatively short term disruption against the long term cessation of lorry movements I would support this proposal.

Environment Agency: As stated previously the original restoration gradient of (1:25) represents the best option from a groundwater protection and long-term site management perspective on the basis that it would shed more surface water from the site and therefore reduce the amount of long-term management required to reduce the infiltration of surface water through the cap. The (1:25) gradient would also be better for long-term landfill gas management.

A lower gradient than (1:25) is likely to require the applicant to carry out more remedial works over time, for example surcharging the waste to maintain a suitable profile. At a lower gradient these works will need to be undertaken more frequently and continue for potentially a longer period of time after the site closes. However no objection is raised to the (1:100) profile now proposed should this prove to be the most acceptable overall compromise between environmental protection and other factors such as lorry movements. With regard to the proposed Surface Water Balancing Pond, in the light of further supporting information to demonstrate there is sufficient capacity to cope with the predicted discharge from the restored landfill, no objection is raised.

Biodiversity Project Officer: No objections in principle subject to a protected species survey being undertaken prior to the commencement of any works on site together with further details being submitted for approval in respect of proposed restoration and landscaping. Welcomes the commitment to the long term management of the site and the intention to hand the site over to a nature conservation organisation.

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Natural England: Welcomes the commitment to the extension of the management regime which should secure restoration in the long-term

Kent Wildlife Trust: Raise no objection in principle but invites a review of the proposed landscape planting around the pond which would be more beneficial for nature conservation.

County Archaeologist: No objections in principle subject to the imposition conditions requiring the implementation of a programme of archaeological works together with the submission of details in respect of proposed landscaping.

Jacobs (Noise): Notwithstanding the conclusions drawn from the modelling results in the Noise Impact Assessment that the proposed increase in vehicle movements would have a minor adverse impact on road traffic noise, this is based on the assumption that vehicle movements would increase from a base level of 100 movements per day to 200 movements adding some 2.7 dB to noise levels. However, any increase above this number of movements would add further increased noise levels. It is generally accepted that an increase in noise levels of 3dB represents a significant increase. An increase of 124 movements would result in noise increases over 3 dB creating the potential for adverse comment from residents. Consider noise predictions should be based on a worst case scenario.

Jacobs (Landscape): Consider overall there would be no real landscape issues. The proposals provide an opportunity to provide new landscape planting which would help create ecological interest.

English Heritage: Welcome the proposal to restore Margetts Pit. No objections in principle subject to the imposition of conditions requiring archaeological investigations together with measures to ensure that the proposed landscaping minimises the impact on the landscape setting of the nearby archaeological remains

Airfield Safeguarding: No objections

Kent Downs AONB Team: Does not wish to comment

Representations

28. The application was advertised in the local press and notices posted on site. In addition I also wrote to the occupiers of some 153 most directly affected by the proposal. As a result I have to date received some 1300 representations, a large majority of which are in a standard format as set out in Appendix 1.

29. All of the representations I have received object to the proposal, principally on the grounds that the large number of HGV's that would be generated would compromise highway safety of other users given the nature of the routes that would be used leading to the site. Furthermore, the increase in traffic would have an adverse impact on the local amenity due to increased noise and dust nuisance. I attach under Appendix 2 for Members information a leaflet, which I was sent from the applicant urging the local communities to write to the County Council about the proposals.

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Local Member

29. The Local County Member, Mr Geoff Rowe was notified of the proposal on 21 January 2008. During discussions I have had with him he has drawn attention to the need to ensure the interests of local residents are taken into account, particularly from any additional impacts from traffic. He also pointed to the existing adverse impacts experienced by residents from the current operations in terms of nuisance from dust.

Discussion

30. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore these proposals need to be considered in the context of the Development Plan Policies, Government Guidance and other material planning issues arising during the consideration of the proposals.

31. These proposals are driven by the need for the operator to comply with the requirements of the European Landfill Directive which sets strict deadlines for the closure of landfills such as Margetts Pit, no longer able to meet the high quality engineering standards demanded to enable it to continue operating in its current form. In this context the main issue for consideration is how best its closure can be achieved in order to ensure in the longer term that once restored, it would not pose an unacceptable risk of pollution to the local environment.

32. There are two distinct elements to the proposals albeit interrelated. Firstly, it is proposed to accelerate the rate at which infilling of Cells 1,2 and 3 to proposed final levels is undertaken such that with the exception of the final capping layer, above which sub-soil and topsoil would be spread in preparation for seeding/ vegetation, this part of the site would no longer accept waste after 16 July 2009. After which the Infilling of Cell 1A is proposed to continue with the aim of completing this remaining part of the landfill by 2012. Secondly, as an integral part of the development it is proposed to create a Surface Water Balancing Pond off site as a replacement for an existing pond which currently sits within the landfill. The intention would be that upon completion of the restoration of the whole of Margetts Pit Landfill, the restored profile would allow for surface water to naturally drain from the site into the new pond from where its discharge into the groundwater would be regulated. Both elements have raised a number of separate issues;

Surface Water Balancing Pond

33. The proposed location of the replacement pond is fundamentally dictated by the surrounding topography and the need for it to fall below the lowest point of the restored landfill to ensure surface water naturally drains from it into the pond. During the course of formal consultations it became apparent that the optimum location for the purposes of site drainage fell near to where known important archaeological remains exist. Furthermore, following preliminary surveys these revealed the potential for further archaeological remains within the site itself. Comments were also made in relation to the proposed landscaping details, where various parties wished to see the species selected on the basis that they would create a suitable habitat for nature conservation purposes.

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34. Following discussions with the applicants and relevant consultees amendments were made involving adjustments to the location and shape of the pond which sought a compromise between the need to safeguard the interests of archaeology whilst minimising the potential visual impact in the landscape. Further information was also provided to address concerns raised by the Environment Agency over the capacity of the pond which needs to be of a sufficient volume to accommodate the maximum predicted flow of water from the restored landfill into it.
35. Upon further consultation with relevant consultees no objections are raised to this element of the proposal. On this basis I do not consider there are any overriding objections to this element of the proposal.

Variation of approved infilling and restoration scheme to accelerate the completion of the Landfill

36. In order to create a final profile of (1:25) across the restored Landfill as originally proposed, the applicants estimated some 640,000 tonnes of waste (i.e. 333,127 cubic metres) would be required to be imported to the site. In their view this represents the minimum amount in order to ensure the long term protection of the environment and which they state, in respect of Cells 1,2 and 3, has previously been accepted by the Environment Agency (E.A.) as representing the best long-term environmental option in terms of reducing the infiltration of surface water through the cap into the landfill. Whilst this view is shared by the E.A. I am also mindful during discussions I have held with them and the applicant, that a shallower gradient, whilst not representing the best option from a land drainage standpoint, would also be acceptable provided it was of a sufficient angle to allow surface water to naturally shed off site.
37. In the light of a formal objection raised by the DTM together with the large numbers of representations I received objecting to the proposal on the grounds of the adverse impact from traffic, I held detailed discussions with the applicant, DTM and E.A. My intention was to establish whether a compromise could be reached whereby a reduction in traffic to an acceptable level could be achieved whilst still providing for the satisfactory long-term closure of the site, having regard to the requirements of the European Landfill Directive.
38. The subsequent amendments to the proposal as set out in paragraph 18. above, are considered by the applicant as representing the bare minimum that is required to achieve the closure of the site. However, they nevertheless draw attention to potential difficulties that could arise from the permanent establishment of a relatively shallow (1:100) slope, which in their view would be insufficient to ensure all surface water sheds from the site and thus prevent any from infiltrating through the capping layer into the deposited waste materials. In their view as the cap deteriorates with time due to differential settlement across the site, this will inevitably lead to surface water filtering through into the landfill and which will leach into the underlying groundwater.
39. Following formal consultations on the proposed amendments the DTM has withdrawn his objection on the basis that in his view a balance has to be struck between the impact from traffic and the need for the site to be restored within the required timescale. In reaching this view he has recognised that whilst the number of movements would be significantly below those originally proposed, they would still be above that currently being experienced at the site. However, he makes reference to there being no controls restricting lorry movements under the terms of the existing permission and where therefore vehicle movements could have been much higher. Whilst in his view local

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residents are quite rightly concerned about the current and expected level of lorry movements from the latest proposal, balancing what he considers to be the comparatively short term disruption against the long-term cessation of lorry movements he would support the proposal.

40. Notwithstanding the concerns raised over traffic, I am mindful that the other principle determining issue is the need to secure the satisfactory closure of the site such that the potential for pollution to the underlying groundwater is minimised. Having regard to advice from the E.A., whilst they support the applicant's assertion that the original proposal involving the creation of a (1:25) restored profile represents the best engineering solution, they nevertheless raise no objection to the (1:100) profile now proposed. This is on the basis that whilst not being ideal, remedial works to the cap post closure could nevertheless be undertaken to maintain a suitable profile. Albeit they accept such works would need to be undertaken on a more regular basis than would otherwise need to occur for a (1:25) profile.
41. Turning to other issues regarding noise and dust, in their response to the original proposal the County Council's noise advisor Jacobs, drew attention to the need for further information to be provided in the light of the noise assessment submitted in support of the proposal not having fully assessed the potential impacts based on a worst case scenario. This was on the basis that the assessment was made using a base level of 100 vehicle movements per day with the assumption that there would be an additional 100 movements generated (i.e. 200 movements overall). With this level of movements it was predicted that this would add some 2.7dB to existing noise levels which is below the 3dB threshold above which there would be potential for complaints from local residents. Whereas in the supporting documentation up to a maximum of 370 movements was predicted. However, since receiving these comments the revised proposals have significantly reduced the number of associated lorry movements that would be generated to the effect that the maximum number of daily movements (i.e. 150) now falls below the 200 movements on which the original assessment was based. In support of these revisions the applicants have provided a further noise assessment based on the latest figures and which demonstrate that noise levels would be less than those originally predicted. Furthermore, the current proposal restricts hours of operation to 0700 to 1700 Monday to Saturday whereas the existing permission also allows working on Sundays between 0700 to 1200 hours. Having regard to the earlier advice of Jacobs, who agreed with the initial assessment that based on 200 movements per day the increase in noise levels would be less than the 3dB threshold where complaints are likely to be received, in my opinion there are no material objections to the proposal on the grounds of adverse impacts from noise.
42. With regard to dust, there are conditions on the existing permission which require the implementation of approved dust control measures. In the event that Members are minded to grant permission I would intend to impose a similar condition, furthermore I would also propose to add a condition requiring that all vehicles visiting the site are sheeted. In my view with the imposition of such conditions there are no material reasons to object to the proposal on the grounds of dust nuisance.
43. Finally, Aylesford Parish Council have drawn attention to what they consider is a breach of the existing permission in so far as in their view operations should have ceased by or before 10 June 2004. However, I should point out that under the base line permission (Ref. TM/97/1064) there are no time limits set for completing operations, although the applicants have made reference to operations being completed by 2022 based on current waste inputs. The permission to which the Parish Council are referring was for

Margetts Pit Landfill, Margetts Lane, Burham, Rochester, Kent.

the importation of restoration materials from an alternative source to the applicants waste paper recycling facility and which did stipulate the 10 June 2004 deadline which they refer to. I am satisfied that operations since then have been undertaken in accordance with the terms of the existing permission and there has therefore been no breach of planning control.

Conclusion

44. Given the requirements of the European Landfill Directive there is a clear and urgent need for measures to be undertaken at Margetts Pit Landfill in respect of Cells 1,2 and 3 such that this part of the site no longer accepts waste after 16 July 2009 and that it is satisfactorily restored so as to ensure that it minimises the risk of groundwater pollution in the longer term.
45. With regard to the offsite Surface Water Balancing Pond required to accommodate surface water draining off the restored Landfill, on the basis of consultees responses I am satisfied there are no overriding objections to this element of the proposal. In my opinion it would not only serve to accommodate surface water drainage from the site but would also be of benefit to nature conservation in the longer term.
46. The proposed variation to the approved restoration scheme in terms of the restored afteruse has not attracted any objections, and I am therefore satisfied there are no material reasons for refusing this element of the proposal. However, with regard to the request to import materials from sources other than the applicants paper recycling facility, I consider this represents the main determining element. Notwithstanding amendments to the original proposal, of those consultees who raised objections, with the exception of the DTM, previous objections have been maintained on the grounds of the detrimental impacts from traffic. In my opinion, whilst there would be an adverse impact from traffic during the duration of operations, this has to be carefully balanced against other material planning considerations. Fundamentally these relate to the need for the site to be satisfactorily restored such that it will minimise the potential for pollution to the underlying ground water. In this respect I am mindful of advice from the E.A. that whilst the proposed revised scheme does not represent the best engineering solution, despite concerns raised by the applicants over the long term integrity of the restored site, it represents an acceptable compromise. On this basis I am satisfied that with regular maintenance the potential risk to future groundwater pollution would be kept to an acceptable level. Furthermore, the early closure and restoration of the site than would otherwise be achieved under the terms of the current permission must, in my view have positive benefit both to those residents directly affected by the site and those who are indirectly affected by lorry traffic along the routes leading to the site. On balance, I consider that the need for the site to be satisfactorily closed and restored, together with the benefits from its' early closure outweigh the relatively short- term adverse impacts from lorry traffic. Accordingly, I would recommend that approval be given for the proposed variation to the approved infilling and restoration scheme.

Recommendation

47. I **RECOMMEND** that;

Item C1

Margetts Pit Landfill, Margetts Lane, Burham, Rochester, Kent.

- (A) **PERMISSION BE GRANTED** to Planning Application TM/08/209 for the creation of a replacement Surface Water Balancing Pond **SUBJECT TO** the imposition of conditions requiring amongst other matters the submission of details of proposed landscaping and tree planting, programme of archaeological investigations together with hours of working;
- (B) **APPROVAL BE GIVEN** for a variation to conditions 2,5,7, and 12 of Planning Permission TM/97/1064 in respect of proposed amendments to the approved infilling, restoration and aftercare scheme, together with changes to the source of waste materials in order to accelerate the infilling and restoration of Margetts Pit Landfill.

Informative

The applicant be reminded that all other conditions imposed under Planning Permission TM/97/1064 remain in effect.

Case Officer: Mike Clifton

01622 221054

Background Documents: See Section Heading

Margetts Pit Landfill, Margetts Lane, Burham, Rochester, Kent.



Name:

Address:.....

.....

.....

.....

Date:

Sharon Thompson,
Head of Planning Application Group
Kent County Council
1st Floor, Invicta House
County Hall
Maidstone ME14 1XX

Dear Ms Thompson,

Planning Permission: TM/97/1064/ R2, R5, R7, R11, R12 – Proposed Variation

As a resident of Wouldham I wish to register my objection to the proposed volume of lorry movements and their route to Margetts Pit, and to request that you reject the above planning application.

The route comprising the Pilgrims Way and its junctions with Rochester Road Aylesford, Bull Lane Eccles, Alex Hill and Court Road Burham is already inadequate for the current traffic levels. Without major road enhancement the proposed additional 370 HGV visits per day will result in both severe and fatal accidents involving innocent local residents.

Yours sincerely,



Margetts Pit Landfill, Margetts Lane, Burham, Rochester, Kent.

In touch

 **Conservatives**

For more information about the work local Conservatives are doing in your area, please visit our website:

with Burham, Eccles & Wouldham. April 2008

www.traceycrouch.org

URGENT RESPONSE REQUESTED

AYLESFORD NEWSPRINT - HGVs ON PILGRIMS WAY & COURT ROAD

Our villages spent 3 years successfully fighting Southern Water's plan to flood our local roads with 128 HGV movements per day. We are now faced with 370 HGVs thundering along from the A229 via Pilgrims Way, Rochester Road and Court Road to Margetts Pit between Burham and Wouldham.

This is being proposed by Aylesford Newsprint in a race to fill Margetts Pit with industrial waste before new EU environmental regulations come into force in July 2009. The proposal is for 640,000 tonnes of waste to be delivered at a maximum rate of 370 HGV movements per day. That is an average rate of one HGV every 1 3/4 minutes from 7:00 am to 6:00 pm every day. We will be working with the 3 Parish councils to do all we can to prevent this disruption to our roads and our quality of life.

We now need your help. If you object to the application, please write a letter to reach KCC by the 1st May to: Sharon Thompson, Head of Planning Application Group, 1st Floor, Invicta House, County Hall, MAIDSTONE. ME14 1XX. The letter needs to quote "Planning permission: TM/97/1064/ R2, R5, R7, R11, R12" and then say that you object to the HGV movements. It will then count.

By all means add any reasons you have to your letter eg road safety, pets being killed, noise, vibrations and any other reason you have. If you need help or advice to make your point, ring us and we will get help to you to write the letter. Or send your letter by e-mail by the 1st May to: sharon.thompson@kent.gov.uk.

If you cannot make the 1st May please still write. We are fighting to get the deadline extended but if we do not we will still do our best to ensure your letter counts.

Eccles showed us how to do this with Southern Water. Your letter or e-mailed letter will count.

TONBRIDGE AND MALLING BOROUGH COUNCILLOR SURGERY

Your Borough Councillors, Roger Dalton and Dave Davis, will run another of their regular surgeries on Saturday 10th May. Come along with any problems you have or to just find out what is going on. They will especially have details of the latest news on Aylesford Newsprint and what is going on with the Peter's Village development.

The surgeries will be at:

09:30 to 10:30 Eccles Church Hall, Bull Lane, Eccles

10:30 to 11:30 Burham Church Hall, Church Street, Burham

11:30 to 12:30 Wouldham Village Hall, High Street Wouldham

Your Borough Councillors

Roger Dalton

Tel: 01634 867281

roger.dalton@tmbc.gov.uk

Dave Davis

Tel: 01634 869650

dave.davis@tmbc.gov.uk