

Burham 572282 162441 23 January 2008 (A) TM/08/00208/WAS
Burham Eccles (B) TM/08/00209/WAS
Wouldham

Proposal: (A) 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 by the end of 2009 and cell 1A by the end of 2012 (KCC ref: PAG/TM/07/TEMP/0076)
(B) Construction and operation of a new surface water balancing pond and soakaway to serve the Margetts Pit landfill surface water drainage system (KCC ref. PAG/TM/07/TEMP/0076)

Location: Margetts Pit Scarborough Lane Burham Rochester Kent
Applicant: Aylesford Newsprint Services Limited

1. Description:

1.1 This report relates to a consultation from KCC regarding applications at the Margetts Pit Landfill site. One application proposes variation of conditions to accelerate the completion of filling the landfill and the second proposes the construction of a surface water balancing pond and other works to deal with surface water drainage. Comments have already been provided to KCC under delegated powers on this second application due to its largely technical nature although KCC has now submitted additional information for comment due to alterations to the drainage. The first application raises matters of a more substantial nature which the Committee will wish to consider.

2. Reason for reporting to Committee:

2.1 This report is put to Committee due to potential public and Member interest.

3. The Site:

3.1 The site is a large landfill facility used by Aylesford Newsprint Services Ltd to the north-west of Burham village. The overall facility is made up of a number of individual pits operating as one facility. The balancing pond is to be sited on the western edge of the site close to Margetts Lane and Court Road.

4. Planning History:

TM/69/10786/OLD Grant with conditions 13 March 1969
MK/4/68/550
Use of land for tipping factory waste

TM/69/10601/OLD Grant with conditions 29 October 1969

Building to be used as mess room, toilet and offices, covered arch for earth moving machine.

TM/78/11022/FUL Grant with conditions 1 June 1978

TM/77/856

To extend present tipping into N.E. portion of tip and increase ultimate volume of whole to average 40 m. A.O.D.

TM/96/00863/FL Grant With Conditions 16 August 1996

Enclosure for electrical distribution equipment.

TM/97/01064/MIN Grant With Conditions 24 February 1998

Variation of approved details in relation to cond. (vii) of MK4/68/550 and cond. (vii) & (viii) of TM/77/856 to allow filling to contour lines and restoration to chalk grassland in accordance with accompanying restoration proposals report.

TM/00/00490/MIN Grant With Conditions 8 December 2000

Details of the routing of bulk materials for the purposes of site capping and restoration pursuant to cond 4 of TM/97/01064/MIN: variation of approved details in relation to cond (vii) of MK4/68/550 and cond (vii) and (viii) of TM/77/0856.

TM/00/00491/MIN Grant With Conditions 8 December 2000

Details of waste deposit submitted pursuant to condition 7 of permission TM/97/01064/MIN: variation of approved details in relation to cond. (vii) of MK4/68/550 and cond. (vii) and (viii) of TM/77/0856 to allow filling to contour lines etc.

TM/02/00842/MIN Grant With Conditions 7 May 2002

Application for approval pursuant to condition 4 of permission TM/97/1064 - routing for imported chalk materials to assist in site capping/restoration.

TM/03/01030/MIN Grant With Conditions 10 June 2003

Details of routing for imported chalk materials to assist in site capping/restoration submitted pursuant to condition 4 of permission TM/97/01064/MIN: variation of approved details in relation to cond. (vii) of MK4/68/550 and cond. (vii) and (viii) of TM/77/856 to allow filling to contour lines and restoration to chalk grassland in accordance with accompanying restoration proposals report (alternative details to application TM/02/00842/MIN).

TM/04/00425/MIN No objection 31 March 2004

Details of after care scheme submitted pursuant to condition 14 of Planning Permission TM/97/1064/MIN.

TM/04/03356/CR3 Certifies 8 November 2004

Application for certificate of lawfulness of proposed use or development -
Formation of new cell 3A.

TM/04/04289/MIN No Objection 28 February 2005

Details of routing and frequency of vehicles used to import bulk materials for site
capping and restoration pursuant to condition 4 of planning ref.
TM/97/01064/MIN.

TM/05/02330/MIN Grant With Conditions 28 September 2005

Construction of covered area for plant maintenance.

5. Consultees:

(Undertaken by KCC):

5.1 PC: Raises the following observations on original submissions:

- Lorry Movement: Historic vehicle movements set at a maximum of 128 per day have never been reached and were usually significantly less. The dramatic increase to a maximum of 370 per day is unacceptable. If agreed it will cause traffic problems along the route, surface damage to roads (in particular Court Road) and unacceptable disturbance to residents.
- Lorry movements should not be along Rochester Road.
- Balancing Pond: Mature trees and bushes to be planted along the fence line.

Additional comments on further information:

- The impact of the shortened timescale to complete with majority of Margetts Pit restoration is unacceptable with respect to the effects of the increased lorry movements on Court Road residents and all other users of the local road. The future upgrading of the local highway infrastructure associated with the Peters Village development could alleviate the effects of a contracted timescale of restoration. Also the poor condition of the surface of Court Road needs to be taken into consideration. There should be strict supervision of the type of waste allowed.

5.2 English Heritage: No objections.

5.3 Natural England: Require further information.

- 5.4 Private Reps: Approximately 136 copies of letters received from KCC objecting to the applications on the grounds of the increase in HGV movements, increased danger of accidents and damage to roads, potential drainage issues as a result of works and potential of pollution from the variety of waste proposed to be tipped.

Consultees undertaken by TMBC:

- 5.5 DHH: Historically there has been an issue of dust emissions from the site affecting nearby residents. The proposed changes to the type of waste that may be imported will permit the site to accept material that is suitable for use as temporary cover over potentially problematic combustor ash deposits. This capacity will significantly enhance the range of dust management options at the site. I support the application.

6. Determining Issues:

- 6.1 The two applications submitted to KCC have arisen from the need of the applicants to vary the existing planning permission due to changes in environmental legislation. TMBC has been consulted on the applications and invited to comment.
- 6.2 The site has permission to operate as a long term 'closed gate' landfill for the use of Aylesford Newsprint Services Ltd (ANSL) only, with occasionally other materials imported for capping purposes only.
- 6.3 The site has been operating as a landfill under a Waste Management Licence (Control of Pollution Act 1990) until the advent of the Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended 2004). These regulations implemented the European Integrated Pollution Prevention and Control Directive (96/61/EC) and were made under the Pollution Prevention and Control Act 1999. Given the new Pollution Prevention and Control (PPC) system, the landfill is unable to continue to operate as it was and this has led the applicant to seek operational changes which require planning approval.
- 6.4 The changes would accelerate the completion and restoration of the majority of the landfill, with 70 percent proposed to be capped and restored by the end of 2009 (Cells 1, 2 and 3). The remaining area, Cell 1A, would be restored and landscaped by the end of 2012. The present planning permission does not appear to set a time limit for the completion of the site.
- 6.5 The new legislation requires that any landfill site (in whole or in part) which cannot be brought into line with the Directive requirements should be closed by 16 July 2009. In accordance with this ANSL will be required to cease the acceptance of waste by this date as Cells 1, 2 and 3 cannot be brought up to an acceptable standard due to the engineering of the site. Cell 1A can be brought up to an

appropriate standard and would be capped and landscaped by 2012. The timescale does not allow for previously agreed levels to be reached hence the need to amend the proposed levels.

- 6.6 In order to comply with the new legislation and to achieve the revised levels now proposed, the applicant is proposing to increase the rate of fill received at the site. To complete the restoration of the land to these new levels, there is a requirement to bring in an additional 696,000 cubic metres of fill material. This material would be made up of rocks and soils, ceramic or concrete materials, minerals, furnace slags, ash and low activity inorganic compounds. This material could not be sourced from ANSL only, as originally proposed, so would result in the 'closed gate' landfill becoming a more general tip accepting materials from other sources. DHH supports the filling of the site with these materials as they would act like a temporary cap and potentially reduce the complaints received historically regarding dust being blown from the site.
- 6.7 The acceleration and widening of filling operations would result in a significant increase in the number of HGV movements over the short term. At present the site has approval for 104 two way movements (52 arrivals and 52 departures) over an agreed 10 hour working day. The initial submission stated that to bring in enough material to restore the site by the required date this number would have had to increase to 248 two way movements daily (124 arrivals and 124 departures) up to 2010, reducing to 200 two way movements daily until the site is complete in 2012. This figure was based on these works starting in January 2008. However, due to slippages in the timing of the planning application this figure has been amended to enable enough material to be imported in approximately the year available to bring the land up to a suitable profile. The **maximum** HGV movement figure now quoted is 370 vehicle movements per day (185 arrivals and 185 departures) with an **average** number of 246 vehicle movements.
- 6.8 The figure represents a significant increase in the number of vehicle movements proposed. It is acknowledged that there is a legislative change that is driving these proposals and that there remains a need to carry out the work to safely cap and restore the site. Therefore a balance has to be reached between the short term impact of the increase in HGV movements and the earlier closure of the site in response to legislative change. Unfortunately the application does not provide information regarding the resulting land form that could be achieved if the current level of HGV traffic was maintained and capping carried out with the resulting volume of material. For this reason there are concerns that all other options for the safe capping and restoration of the site to conform to the new legislation have not been fully explored. It is disappointing that a range of potential solutions has not been put forward earlier for assessment, especially given that the legislative changes that have prompted these proposals have been known about for several years. Whilst the resultant landform may not be as satisfactory as the restoration scheme proposed, the short term environmental benefit of not increasing the number of HGVs in the area may outweigh the change in the landscape. Any

increase in the number of HGV movements should also be given careful consideration due to the likely start of works to improve Court Road as part of the Peters Pit application in Spring next year.

- 6.9 Following the increase in the number of HGV movements and the importation of fill material there appears to be a lack of information regarding what arrangements ANSL will be putting in place to dispose of ink waste following the closure of Margetts Pit. TMBC would wish to be satisfied that alternative measures are in place prior to the closure of this site that was specifically opened to deal with this waste.
- 6.10 The changes to the final land levels following full reinstatement do not have a detrimental impact on the overall landscape character of the area and are considered appropriate.
- 6.11 The balancing pond is required as the position of the existing balancing pond on site is one of the areas in line to be filled. It is therefore necessary to construct a new pond to the west of the site outside the original permitted boundary to enable the filling works to take place. The position of this pond has been amended to be away from an Iron Age archaeological site.
- 6.12 There would be no objections in principle to the position of the pond itself however the application does not appear to address the issue of highways drainage. There has been a history of inadequate steps to address the apparently unauthorised stopping up of a highway drain in the vicinity of Rochester Road and this issue should be specifically addressed as part of this application.
- 6.13 In conclusion it is therefore considered that there are serious concerns regarding the increase in HGV movements and the effect of these on local communities. In this context there are doubts about whether all alternatives for the closure of the site have been considered before deciding on an option that requires such an increase in traffic on the local road network. With regard to the HGV movements, due consideration should also be given to the proposed works to Court Road as part of the Peters Pit development. Clarification should be sought on where waste materials would go in the future. In addition, satisfactory details of the arrangements for draining the highway have not been provided.

7. Recommendation:

(A) TM/08/00208/WAS:

7.1 Raise the following concerns:

1. TMBC raises concerns regarding the increase in HGV movements and the potential impact on local communities.

2. TMBC would wish to be assured that all alternatives for achieving the closure have been considered before deciding on an option that requires such an increase in traffic on the local road network.
3. Due consideration should be given to the proposed works to Court Road as part of the Peters Pit development when considering any increased number of HGV movements.
4. The County Council should be satisfied that there will remain adequate provision for the disposal of ink waste for the applicant.

(B) TM/08/00209/WAS:

7.2 Raise **no objections** subject to the following point:

1. A condition should be imposed on any planning approval to provide for suitable arrangements for proper draining of the highway and adjacent land prior to any further filling being carried out.

Contact: Robin Gilbert