

**PLANNING COMMITTEE – 23 APRIL 2015**

**PART 4**

Report of the Head of Planning

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Swale Borough Council’s own development; observation on County Council’s development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on ‘County Matter’ applications.

<b>4.1 REFERENCE NO - 15/500303/COUNTY</b>			
<b>APPLICATION PROPOSAL</b> County Matter - Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste.			
<b>ADDRESS</b> Land At Cryalls Lane Sittingbourne Kent ME10 1HN			
<b>RECOMMENDATION</b> – No Objection be Raised			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Local representations			
<b>WARD</b> Grove Ward	<b>PARISH/TOWN COUNCIL</b> Borden	<b>APPLICANT</b> Kent County Council <b>AGENT</b> Kent County Council	
<b>DECISION DUE DATE</b> 13/02/15	<b>PUBLICITY EXPIRY DATE</b> 13/02/15		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/11/1591	Installation of gas extraction system, importation of inert fill and restoration to open space	Withdrawn	15/05/2012

**1.0 DESCRIPTION OF SITE**

1.01 This 5.5ha site comprises open land fronting Cryalls Lane and is used as a nature reserve by the Parish Council (since 1999). It appears as an unkempt wild area, but featuring incongruous gas monitoring points throughout. It has long since closed as a landfill site, and does not appear as a landfill site today to the untrained observer. Rather, it appears as private land to which access is possible but not encouraged. Having said that there are gates to the land from adjacent public footpaths and from Cryalls Lane, so access on foot is not difficult, and indeed there are usually members of the public walking the area, often with dogs.

- 1.02 In terms of planning history applications by KCC for gas monitoring equipment were made in 1986, but far more relevant to today is the 2011 County application for site restoration involving the importation of 164,000 tonnes of inert fill material over a three year period involving 11,000 lorry loads of fill. The stated aim of that proposal was to address problems with the underground gas extraction system arising from uneven settlement of the fill, and to cap the site to reduce water infiltration which could wash pollutants out into the groundwater below. This application attracted significant local opposition. The Borough Council opposed the scheme as premature pending clear evidence of the need for such extensive works given the level of disruption likely to be caused. The application was later withdrawn.

## **2.0 PROPOSAL**

- 2.01 This proposal is described as having two phases spanning an 18 month period. Firstly, investigation of existing gas extraction system with repairs to pipelines and wells to be undertaken. Secondly, depending on the outcome of the first phase, re-connection of boreholes or installation of a new gas extraction system; and infilling of low spots and exposed waste with clean soils. It is said that as the potential areas of fill are now small these can be filled with minimal disturbance, although this will involve some vegetation clearance and some paths across the site may need to be temporarily closed. The fill work will not be carried out until the works on the gas extraction system have been undertaken, in order to minimise disturbance to the site.
- 2.02 The application is supported by a Design and Access Statement, a Reptile Mitigation Method Statement and a letter about the possibility of disturbance to great crested newts. From these documents it is clear that the site was used as a municipal waste tip from 1966 to the early 1980s involving difficult waste including asbestos. After it closed it was capped to a depth of 500mm to 700mm with chalk, sand and clay and a methane gas extraction system installed in 1986 (upgraded in 1989 and 1993) to prevent landfill gas migration to nearby homes and other land. In the early 2000s a passive landfill gas venting system comprising deep boreholes was installed in the south eastern corner of the site to further protect against landfill gas migration in case of breakdown of the gas extraction system. A new upgraded flare was installed in 2002 but the system's performance was noted as having deteriorated by 2005. No leachate management system is currently installed on the site.
- 2.03 The proposal follows consideration of concerns about disruption voiced in relation to the previous 2011 application. As a consequence this proposal is said to only address the immediate risks posed by the combined effects of landfill gas and leachate production to groundwater and those off-site, with least disruption to wildlife and the community.
- 2.04 The need for the works is stated as based on a 2013 audit of the site and a risk assessment of a moderate/high risk of gas migration if the gas extraction system is not working adequately. Settlement of the site has resulted in pipework becoming blocked or misaligned and valves becoming seized. This

means that insufficient gas is being extracted to control gas migration and, whilst short term fixes have kept the problem under control, they will not be sufficient for the longer term.

- 2.05 The scheme being suggested now is described as a repair and maintenance one rather than a re-development of the site, and has been developed taking into account previous local opinion and the advice of The Environment Agency. It involves the re-opening of the original access point on Cryalls Lane, exposure of existing pipework, investigation of repair or replacement of pipework, the possibility of new boreholes to the southern part of the site, and the infilling of two large and ten small low areas of the site with clean soils; no quantum of infill material is specified in the application. Access will be via Wises Lane and Key Street.
- 2.06 Ecological studies have resulted in the production of a method statement to prevent harm to slow worms, but great crested newts have not been found on the site.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: Swale Borough Local Plan policies E1, E6, E7, E9, RC7 and T1. These include reference to the fact that the site lies within an Important Local Countryside Gap between Sittingbourne and the villages to the south of the town.

The draft Kent Minerals and Waste Framework is due for Examination in Public from 14 – 24 April 2015 and so should be afforded considerable weight in decision making. It identifies the application site as a non-allocated site, with the aim of maintaining the standard of restoration and the environmental controls providing that these works are kept to a minimum. Policy CSW 11 (to be read in conjunction with policy CSW 12) requires that any development at a closed landfill site that includes bringing of additional waste onto the site will need to demonstrate that the amount of waste being used is kept to a minimum. The policy states;

#### **Policy CSW 11:**

Planning permission will be granted for development that reduces any unacceptable adverse impacts on the environment of closed landfill sites for any of the following purposes:

1. development for the improvement of restoration for an identified after use for the site
2. development for the reduction of emissions of gases or leachate to the environment
3. development making use of gases being emitted and which will reduce the emission of gases to the environment

4. the development avoids causing any unacceptable adverse impacts to the local environment or communities

#### **4.0 LOCAL REPRESENTATIONS**

4.01 I am aware of 17 representations for individuals raising the following summarised points;

- What exactly is planned; what working hours are expected?
- How long will the work take – is it 2 years or is it just 2 months - and what measures are being put in place for traffic management and residents' access?
- Traffic congestion and lack of visibility on narrow roads
- Can there be a 20mph speed limit on Wises Lane during works?
- What about access for horseboxes or caravans
- No footpaths along Cryalls Lane or parts of Wises Lane
- Mud on the road. Potholes in the road – more damage to roads and property
- Security and safety of children and dog walkers using the area at weekends during excavations
- Noise from heavy machinery even at weekends
- There is still no evidence that gas is coming from the site or that groundwater is being polluted, vegetation on site does not look to be suffering as a result. The previous application was wrong, maybe this one is too. There is no need for this work
- Where is the soil coming from, which routes will be used?
- Will this be the thin end of the wedge for larger plans?
- Disturbance to wildlife and destruction of the nature reserve. Loss of trees
- Lack of local consultation
- This plan is better than the previous one in respect of the future of the nature reserve
- No objection to this much better and much reduced plan

4.02 Swale Footpaths Group notes a public footpath just outside the site.

#### **5.0 CONSULTATIONS**

5.01 Natural England has not raised objection to the application but referred KCC to their Standing Advice regarding protected species.

5.02 The Highways Agency do not object to the application.

5.03 The Environment Agency recommends that any fill material imported must be properly licensed, but that it is proposed to import inert materials. They raise no objection to the application.

5.04 The Environmental Health Manager notes that the works are essential to protect against future land-fill gas migration towards surrounding land and residential properties and he raises no objection to the application and

suggest a planning condition requiring an environmental management plan for the site.

5.05 I have not yet seen any comments from Borden Parish Council but I hope to be able to report their view to the meeting.

## **6.0 APPRAISAL**

6.01 This is a far less extensive scheme than that put forward in 2011. It is essentially related to repair of the site infrastructure. Details of the amount of new soils and lorry movements are absent from the application, but the areas of fill are in the less than 500sq m each and as such the amounts will necessarily be low. The overall area of infilling is around 2.5% of the site area overall. With restricted working hours and adequate traffic management I do not believe that these works will be problematic for local amenity, despite the temporary inconvenience of restricted access across the site where excavations/infilling are being carried on.

## **7.0 CONCLUSION**

7.01 This scheme is in significant contrast to the scale of the 2011 proposals. No statutory body has raised objection and I can see no significant harm arising. I recommend that the Council raises no objection to the application.

## **8.0 RECOMMENDATION –**

NO OBJECTION be raised but the County Council be asked to consider imposing conditions on;

- Working hours
- Traffic management
- Quality and amount of infill materials
- Timing of clearance works and reptile mitigation to protect wildlife

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.