

PLANNING COMMITTEE – 21 MAY 2015

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Deferred Item 1 REFERENCE NO - 15/500303/COUNTY			
APPLICATION PROPOSAL 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.			
ADDRESS Land At Cryalls Lane Sittingbourne Kent ME10 1HN			
RECOMMENDATION – No Objection be Raised			
REASON FOR REFERRAL TO COMMITTEE Deferred Item			
WARD Grove Ward	PARISH/TOWN COUNCIL Borden	APPLICANT Kent County Council AGENT Kent County Council	
DECISION DUE DATE 13/02/15	PUBLICITY EXPIRY DATE 13/02/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/11/1591	Installation of gas extraction system, importation of inert fill and restoration to open space	Withdrawn	15/05/2012

1.0 INTRODUCTION

1.01 This application was considered by Members at the last meeting on 23 April 2015 (the previous report is attached as Appendix 1 to this report) where it was resolved to raise a holding objection with Kent County Council pending information on three aspects of the development. These were;

1. How much damage there is to the existing pipework?
2. How much soil would be brought on to the site? and
3. What evidence there is to demonstrate why the proposed works are necessary?

1.02 I wrote to the County Council with this holding objection and they have quickly responded to say;

“Following a public meeting arranged by Borden Parish Council earlier this month this resulted in the receipt of a number of enquiries from local residents raising similar

issues to those raised by your Council regarding the need for further information to justify the need for the proposal. In response the applicant provided a formal generic response entitled 'Evidence for Need for Works' and which included reference to an assessment commissioned by independent Consultants, Waterman in the form of two reports: Quantitative Environmental Risk Assessment and Derivation of Import Criteria. The applicant's response includes a link to the County Council's Website where the response along with the Waterman reports have been uploaded and which now form part of the documentation in support of the application. Many if not all of the issues raised including those by your Council have been addressed in these submissions."

It transpires that this information was in fact received by the County Council on 13 April 2015 but I was not made aware of it at that time. The response referred to is attached as Appendix 2 to this report. The reports referred to therein run to 60 pages or more each and are not reproduced here, but are available on Kent County Council's website.

2.0 PROPOSAL

2.01 In relation to the questions raised by Members the applicant's new information reveals, in summary, that

1. Risks to human health posed by exposure to landfill gas are in the first instance assessed qualitatively. Identified on-site receptors, the dog walking public and monitoring and maintenance workers, are considered not to be at risk due to the relatively low measured surface emissions of landfill gas and the absence of any buildings and confined spaces where gases could accumulate. The landfill gas management system may also be providing some control of surface emissions. However the landfill gas management system is unlikely to be effectively extracting landfill gas from the majority of the waste mass and hence the degree of control of surface emissions by the landfill gas management system is likely to be minimal. It is also said that the level of repair proposed will not require re-contouring of the site.
2. Information regarding HGV movements and how much soil may be brought to the site is summarised in the email from Amey to KCC dated 15 January 2015 attached as Appendix 3 to this report.
3. The risks posed to human health on site by the presence of waste and landfill gas emissions to atmosphere via direct contact pathways are generally considered to be low, but this increases to medium-low in areas where the landfill capping has been worn away. Risks to off-site receptors from landfill gas are considered to be low, but this will increase if the gas extraction system should fail. In terms of risks to groundwater the landfill is said to be measurably impacting on the local groundwater regime, and groundwater quality is noted to improve with distance from the site. Risks to the principal aquifer are considered low-medium, with risks to the off-site groundwater abstraction well classified as low. Risks to agricultural land and to the atmosphere are considered to be low.

3.0 APPRAISAL

3.01 The additional information outlined above and appended to this report should answer some of Members' questions. The County Council has asked for the Borough Council's further response on the basis of the further supporting information that the applicant has provided. I consider that whilst the information provided was not written in direct response to those matters raised by Members, it does provide some helpful indication of the scale of the issues involved here, and I consider that the case to support the proposal is now a little clearer.

4.0 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.

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PLANNING COMMITTEE – 23 APRIL 2015

PART 4

Report of the Head of Planning

PART 4

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.

4.1 REFERENCE NO - 15/500303/COUNTY			
APPLICATION PROPOSAL 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.			
ADDRESS Land At Cryalls Lane Sittingbourne Kent ME10 1HN			
RECOMMENDATION – No Objection be Raised			
REASON FOR REFERRAL TO COMMITTEE Local representations			
WARD Grove Ward	PARISH/TOWN COUNCIL Borden	APPLICANT Kent County Council AGENT Kent County Council	
DECISION DUE DATE 13/02/15	PUBLICITY EXPIRY DATE 13/02/15		
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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

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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.

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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?

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- 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

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APPENDIX 2

Received - 13 April 2015
Planning Applications Group

Evidence for Need for Works

The purpose of this proposal is to address environmental issues around the integrity and site performance where a number of infrastructure failures have presented. In essence it is to facilitate repairs to the gas extraction network including the replacement of a number of lengths of carrier pipe, the covering of some small areas of exposed waste and dealing with areas of ponding. The proposal is most certainly not one seeking to develop or manage the closed landfill differently from the current arrangements.

Following on from the last planning application, that was withdrawn; an assessment of the need for the works was commissioned and undertaken by independent Consultants, Waterman. They undertook a Quantitative Environmental Risk Assessment (QERA), which included assessment of gas and water monitoring data from the site. A copy of this is has been uploaded to KCC's website and may be accessed via this link;

<http://host1.atriumsoft.com/ePlanningOPSkent/searchPageLoad.do>

The Planning Reference for this planning application is KCC/SW/0449/2014.

The need for the repair and upgrade of the gas collection system and infilling works has been based upon the findings of the QERA which identified the following:

- A low to medium risk to human health from landfill waste in areas where capping has worn exposing waste (page 11, section 4.1.1, paragraph 4).
- A medium risk to human health from landfill gas if the active gas extraction system is not working adequately (page 11, section 4.1.2, paragraph 3).
- A low to medium risk of pollution of controlled waters - Principal Aquifer at the site (page 22, section 5.2, paragraph 4).

The QERA concluded that, based upon these risk ratings, the following works were recommended (page 26, section 8):

- The landfill cap should be replaced where it is eroded or worn away. This will be addressed by the covering of areas of exposed waste identified on Drawing CHCL2014/002.
- Site specific target levels protective of human health for use as screening limits against which chemical data for soils to be imported to the site can be assessed should be derived. This was undertaken and will be used as the specification for import of soils to the site. A copy of the Derivation of Import Criteria Report is also available on KCC's website.
- The existing landfill gas management system is displaying signs of failure and should be improved to maintain control of landfill gas migration and hence risk to off-site human receptors and arable land. Section 8.1 of the QERA provided details of the recommended improvement works. It is these that are being proposed in this Planning Application, as shown by Drawing CHCL2014/001.
- To reduce the risk rating associated with pollution of controlled waters consideration should be given to the levelling out of pronounced peaks and troughs across the site. This will be addressed by infilling of the two large depressions as shown on Drawing CHCL2014/002.

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A question was also asked regarding the comparison of gas levels in 2006 when the first gas audit was undertaken with those being produced now. The 2006 gas audit was updated in May 2013 and the findings of this were used to inform the Waterman’s QERA which included the undertaking of a bulk landfill gas assessment (page 23, section 6). The bulk landfill gas assessment predicted that the site will continue to produce landfill gas at gradually declining rates each year, with sufficient to require management for the next 10 years and more.

Programme Detail

A number of queries have asked for more clarity on the timings and programme for the works. To confirm, the whole works (gas extraction system works and infilling works) have been spread over a 2 year period, mainly to accommodate ecological constraints and allow public access to the site. The infilling works themselves will not take 2 years, estimated to be only 2 months. The anticipated programme below hopefully helps to explain this more clearly. Please note that during periods of works safety fencing will be erected around the works area but that part of the site will always be accessible to the public.

Date		Cryalls Lane
2014	Dec	Planning application submitted
2015	Jan	
	Feb	
	Mar	
	Apr	
	May	Construct new vehicle access;
	Jun	Phase 1 gas extraction system works including vegetation clearance along gas lines under ecological supervision
	Jul	
	Aug	
	Sep	Phase 2 gas extraction system works with limited vegetation clearance under ecological supervision
	Oct	
	Nov	
	Dec	
2016	Jan	Vegetation clearance of two low spots ready for infilling works
	Feb	
	Mar	
	Apr	Ecology mitigation (reptile fencing, trapping out) for infilling works of two low spots
	May	
	Jun	
	Jul	Infilling of two low spots;
	Aug	Covering of small areas of exposed waste
	Sep	
	Oct	
	Nov	
	Dec	

APPENDIX 2**Vehicle Movements**

In accordance with the anticipated programme there will be two periods of large vehicle movements. The first is associated with construction of the new vehicle access in May 2015 with the second being associated with the infilling works programmed for July/August 2016.

The new vehicle access works requires stone to be imported which is estimated to involve 15 vehicles in and out.

It is estimated that subject to the availability of suitable materials (i.e. clean soils, subsoils and topsoil), the infilling operations would be completed over a period of some two months and would amount to approximately 3000 tonnes of material being brought on to the site. This equates to approximately 150 loads and would be limited to a maximum rate of 10 loads per day.

As stated in the Design and Access Statement the large delivery vehicles will be restricted to the route encompassing Wises Lane (A2 Key Street Junction – Cryalls Lane junction) and Cryalls Lane. The contractor responsible for importing the material will be instructed to only use this route from contract commencement.

However, due to the narrow carriageway widths along certain lengths of Cryalls Lane and Wises Lane, the arrival and departure of the delivery vehicles will be carefully managed, adopting a “ring through” system to prevent them meeting each other along the haulage route. Given the low volume of proposed traffic movements it is not expected that these movements will give rise to any significant local highway issues. It is also proposed to use the existing layby on the northern side of the A2 (Key Street), between the A249 junction and the Esso Garage, to temporarily halt lorries waiting to access the site during any particularly busy periods.

On-site Plant

The phase 1 gas extraction system works will require trenching along the existing gas lines. To keep the width of the excavation to a minimum a mini digger will be used for this aspect. Works vehicles such as a transit van may also be required to drive across the site in order to aid pipework repairs. These will be kept to an absolute minimum and will keep to the established paths that are currently used by the KCC monitoring officer. The phase 2 gas extraction system works may also require access by a drilling rig to enable any new gas wells to be installed.

There will be no HGV movements within the site, save for the intended new vehicle entrance. Fill material will be transported to this entrance and deposited in a designated storage area just inside the site, next to the entrance, where it will be collected by small tracked dumper for onward transport to the infilling areas.

EIA Need

A full Environmental Impact Assessment was not deemed necessary as all of the relevant ecological constraints would be addressed in the specialist ecology reports submitted as part of the application.

APPENDIX 2**Habitat Restoration**

Specialist ecological advice has been sought in relation to the impact upon the biodiversity of the site. Detail of this is given below:

To compensate for the temporary reduction in habitat for the low population of slow worms present, additional cover and foraging habitat will be provided in 2015 by multiple piles of cut vegetation (grass heaps and brushwood piles) arising from the vegetation clearance works. Hibernacula will also be created from the earth mounds to be removed from the site entrance. These will be located in retained, non-impacted habitat and many will be close to the 2016 infilling areas in order to accommodate trapped and relocated reptiles near to their origin. These enhancements will remain even after the impact sites are restored.

The areas of vegetation clearance along the gas lines in 2015 will be left to naturally re-establish. Planting of trees and shrubs over the top of the gas line routes is not recommended, as these have the potential to damage the pipeline in the future.

The areas of infilling will be seeded with a grass mix.

Soil Import Criteria

As stated in the Design and Access Statement, only uncontaminated soils and subsoils meeting the definition of inert waste as well as topsoil will be accepted on site. By restricting it to these materials, the fill will be suitable for the proposed use and purpose. It is proposed to source these soils from other development sites, rather than use virgin materials, as this is a more sustainable approach.

Based upon this a specification for the import soils was derived by KCC's Consultants, Waterman. A copy of the import criteria has been uploaded to KCC's website.

APPENDIX 3

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Clifton, Mike - GT EPE

Subject: FW: Cryalls Lane Planning Queries

From: Gill, Nick - GT HTW

Sent: 15 January 2015 11:50

Subject: RE: Cryalls Lane Planning Queries

Mike

In answer to your question regarding HGV movements please note the response sent via Amey as follows;

“ To construct the access hard standing I think there is about 200t of stone to go in, so we are looking at 10 loads in and 10 out. We will try and keep the lorries full both ways but we might be more like 15 vehicles in and out.

On the assumption that there is 3000t of material required for the infilling, that is 150 loads. I would have thought that it would be sensible to say a maximum of 10 loads a day over three weeks. Obviously this is subject to there being enough suitable material available locally at the time of the works.

The three weeks would need to be split because of the phasing of the works. So 50 loads for one depression, then adjust the site, 50 for the next depression and then 50 for the odds and sods.

I think in total the programme would probably have to be spread over a couple of months.”

Hope this is sufficient but please do get back to me as required.

Kind regards
Nick

Nick Gill
Infrastructure Compliance Manager
KCC Highways, Transportation & Waste
Invicta House - 1st Floor
Maidstone
Kent.
ME14 1XX