Def Item No. 2 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SW/11/1591	Installation of gas extraction system, importation of inert fill and restoration to open space	Withdrawn	15/05/2012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 meeting on 23 April and 21 May 2015 (the latest report is attached as Appendix 1 to this report), and at the May meeting Members resolved to raise objection with Kent County Council and to withdraw the objection as and when the following had been resolved;

1. How much damage there was to the existing pipework?
2. How much soil would be brought to the site, and what would it consist of?
3. What evidence was there is to demonstrate why the proposed works were necessary?
4. Was there a badger sett at the site, and if there was, what measures were KCC going to adopt?
5. Raise objection if hedge cutting to take place during the bird nesting season unless it was necessary for safety reasons.

1.02 The County Council has quickly responded with a bespoke response, which is attached as Appendix 2 to this item.

2.0 PROPOSAL

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

1. A gas audit undertaken in 2013 revealed a number of faults with the gas extraction equipment which phase 1 of the proposed works are intended to rectify. It is then clear that a second phase of the works will be dependent upon what is found when the gas extraction pipelines are excavated, to

address occasional migration of gas to the south-east corner of the site and the intermittent operation of the gas flare. Ultimately, it is stated that the precise extent of damage to the existing pipework is at yet unknown as the pipework had not yet been excavated. Members will recall that at the May meeting I advised that earlier information had revealed that 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. The quantity of material to be imported is now stated to be 3000 tonnes, and the material is said to be clean soils, subsoils and topsoil. Previous information indicated that this amount of material would need 150 lorry loads to be involved. In addition to this it was previously confirmed that 10 loads would be needed to deliver 200 tonnes of stone to construct the access hard standing.

3. The new information essentially repeats information presented to Members at the May meeting. This is that 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 a low to medium risk in areas where the landfill capping has been worn away. The response to this is covering areas where the capping has worn away. Risks to human health from landfill gas would be rated as medium if the gas extraction system should fail. Repairs and improvement to the landfill gas extraction system are proposed to address this issue. 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. Infilling of low areas of low ground is seen as likely to reduce these risks. Risks to agricultural land and to the atmosphere are considered to be low.

4. Two badger setts were identified in proximity of the site in 2011, one on and one just outside the site itself; and this evidence has not changed recently. The main sett is just outside the site, and the sett within the site appears to be less used, perhaps being used seasonally or as an outlier sett. No sign of badger setts have been found in the areas due for most infilling. Precautions to avoid risks to badgers are proposed during excavation of pipework, and where trenches are left open overnight. The new entrance will be at least 15m clear of the nearest badger sett entrances.

5. Clearance works were originally planned to avoid the bird nesting season. Then the programme slipped. However, it is slipped again and it is now intended to do the works precisely one year later than originally planned, in January/February 2016 and in September 2016, so still avoiding the bird nesting season.

3.0 APPRAISAL

3.01 The additional information outlined above and appended to this report now answers Members' questions more fully. The County Council has asked whether this information now satisfies the Borough Council's concerns. The bulk of the information now provided was written in direct response to those matters raised by Members, and in my view 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 adequate to enable Members to raise no objection to the application.

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.

APPENDIX 1

Planning Committee Report - 21 May 2015

REFERENCE NO - 15/500303/COUNTY		
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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

2.0 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;

6. How much damage there is to the existing pipework?
7. How much soil would be brought on to the site? and
8. 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

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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

6. 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.
7. 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.
8. 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.

4.0 APPRAISAL

8.01 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.

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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.

APPENDIX 2

1. How much damage is there to the existing pipework?

The gas audit undertaken in 2013 noted the following damage, faults and issues to the existing gas system. It is these that the Phase 1 gas extraction system works seek to address. A copy of the Gas Audit Report can be made available if required.

Gas Extraction System Component	Fault
Gas Wellheads	Due to settlement, the wellhead at well 3D is resting against the chamber impeding access to it.
	Control valves at wells 6B and 6G are seized and hence are inoperable. Control valves at wells 1A, 1B, 5C, 5E, 3E, 6B and 6G are difficult to turn.
	Monitoring point on the line at well 3B is broken.
	Potential air leaks detected at wellheads 5F, 2C, 2D (and 3B if oxygen levels to do not fall after monitoring point has been replaced).
Gas pipework	Blockage / break between wells 1B and 1C
	Faulty control valve at well 5A and or potential blockage / break in line 2/5 between the flare and well 5A.
	Faulty control valves at wells 2A and 2B and or potential blockage / break in line 3/2 between the flare and well 2A.
	Lack of suction at wells 6F and 6C
General	Exact location of gas carrier pipes in the southeastern corner of the site is unknown, meaning that balancing of the system cannot be undertaken effectively.

In order to address these faults, trenching along the existing pipelines, excavating and exposing the pipe at key locations is proposed.

Following on from these Phase 1 works, Phase 2 works to address the following issues are proposed:

- Occasional migration of landfill gas in the southeastern corner of the site is detected. In light of this, improvements to the gas collection system in this area will be made. This may include re-connection of decommissioned landfill gas extraction boreholes and, or the installation of new landfill gas extraction boreholes in the southern part of the site.
- The flare currently only operates intermittently due to the poor gas quality reaching it. In order to address this, the installation of additional extraction boreholes in the south western part of the site will be investigated, to assess their ability to provide good quality landfill gas to the flare.

As stated in the Design and Access Statement, Phase 2 works are dependent upon the outcome(s) of the Phase 1 works and a detailed follow-on working plan will be developed as this initial work progresses.

The works are to be timed to allow for any vegetation clearance and ecological mitigation needed to occur within ecologically acceptable timeframes.

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2. How much soil would be brought on to the site, and what would it consist of?

The infilling works will require the importation of approximately 3000 tonnes of material comprising clean soils, subsoils and topsoil. This includes accounting for bulking of the material during transport.

3. What evidence there is to demonstrate why the proposed works are necessary?

This question was answered in the additional 'evidence of need for works' document submitted on 13th April 2015. An extract of this is repeated below for clarity.

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.*

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- *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.*

4. Is there a badgers sett on the site, and if so, how will that be dealt with in the proposals?

The original planning application in 2011 was supported by a full ecological assessment. This identified two badger setts in proximity of the site. As part of this new planning application, a site visit by an ecologist was undertaken which revealed no evidence of significant change since 2011. The main badger sett ('Sett 2') located adjacent to, but outside of, the site boundary remains active. The other sett ('Sett 1') which is just within the site boundary shows little sign of current use but may provide an outlier sett for infrequent seasonal use. The two large proposed infilling sites were searched for signs of badger setts but none were found. There is a small residual risk that an outlier sett may exist along the routes proposed for exploratory gas pipe trenching. This risk will be managed with a careful watching brief as clearance of dense scrub commences ahead of the trenching. In order to protect any badgers using the site overnight, any open trenches will in almost all cases be in-filled each day, before night-fall; but in the rare circumstances where they are not, they will be capped or otherwise closed to badgers overnight, or provided with a ramped means of escape.

In addition the new entrance has been designed with ecological input to maintain a 15m buffer between the access and the nearest badger sett entrances.

5. Will hedge cutting take place during the bird nesting season, as the Council will expect to avoid this, unless it is necessary for safety reasons?

Clearance of nesting bird habitat was originally programmed to be undertaken in two phases, both of which would be outside the bird nesting season. The first would have be undertaken in January/February 2015, to allow the entrance works and phase 1 gas extraction system works to be undertaken. This would have then been followed by clearance of nesting bird habitat for the phase 2 works in September 2015.

However, due to delays in the determination of the planning application, a revised programme was issued in the 'evidence of need for works' document submitted on 13th April 2015. This required clearance of nesting bird habitat for the entrance works and phase 1 gas extraction system works in May and June 2015 during the nesting bird season. This would be undertaken under supervision of an ecologist with works subject to pre-felling nest checks. The phase 2 works would continue to be undertaken outside of the bird nesting season in September 2015.

Due to further delays in determination of the planning application, it is now proposed to revert to the original seasonal timings of nesting bird habitat clearance in winter and late summer, i.e. outside of bird nesting season. The original programme will be used but with a whole year delay to the start.