

SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents; views and representations 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

Application to vary Condition 1 of planning permission DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone, Dartford - DA/17/762 (KCC/DA/0104/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 September 2017.

Application by Land Logical Dartford Ltd to vary condition 1 of planning permission DA/13/140 to allow the continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone, Dartford, DA9 9ED – DA/17/762 (KCC/DA/0104/2017).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mrs P. Cole

Classification: Unrestricted

Site

1. Stone Pit 1 is a historic quarry and landfill site which covers an area of 40.9ha within Stone, to the east of Dartford town centre and north-west of Bluewater. The application site forms the southern half of Stone Pit 1, which comprises an area of 18.7ha. Stone Pit 1 is bounded to the north by Cotton Lane, to the east by Stone Place Road and to the south by the A226 London Road. The western boundary of the site is bordered by a landfill gas management compound, beyond which lies open green space. The mainline railway passes to the north of Cotton Lane. The wider area is characterised by dense residential areas, with mixed industrial and commercial operations, interspersed with areas of green open space and former quarry sites. The nearest residential properties are located to the east opposite the site on Stone Place Road and south of the A226 London Road. Further residential properties are located to the north off Cotton Lane (see attached location plan).
2. The application site benefits from a recent planning permission (DA/13/140), which allows for the importation of inert waste materials to remediate a large area of the former landfill that has suffered from differential settlement as a result of material within the landfill biodegrading. The differential settlement has left an undulating landform with steep slopes that are out of keeping with the surrounding landscape and the final landform approved in connection with the former landfill. The approved restoration scheme was to provide a domed landform over the waste to protect the gas collection system and ensure surface water drains off the landfill area into the existing surface water drainage arrangements.

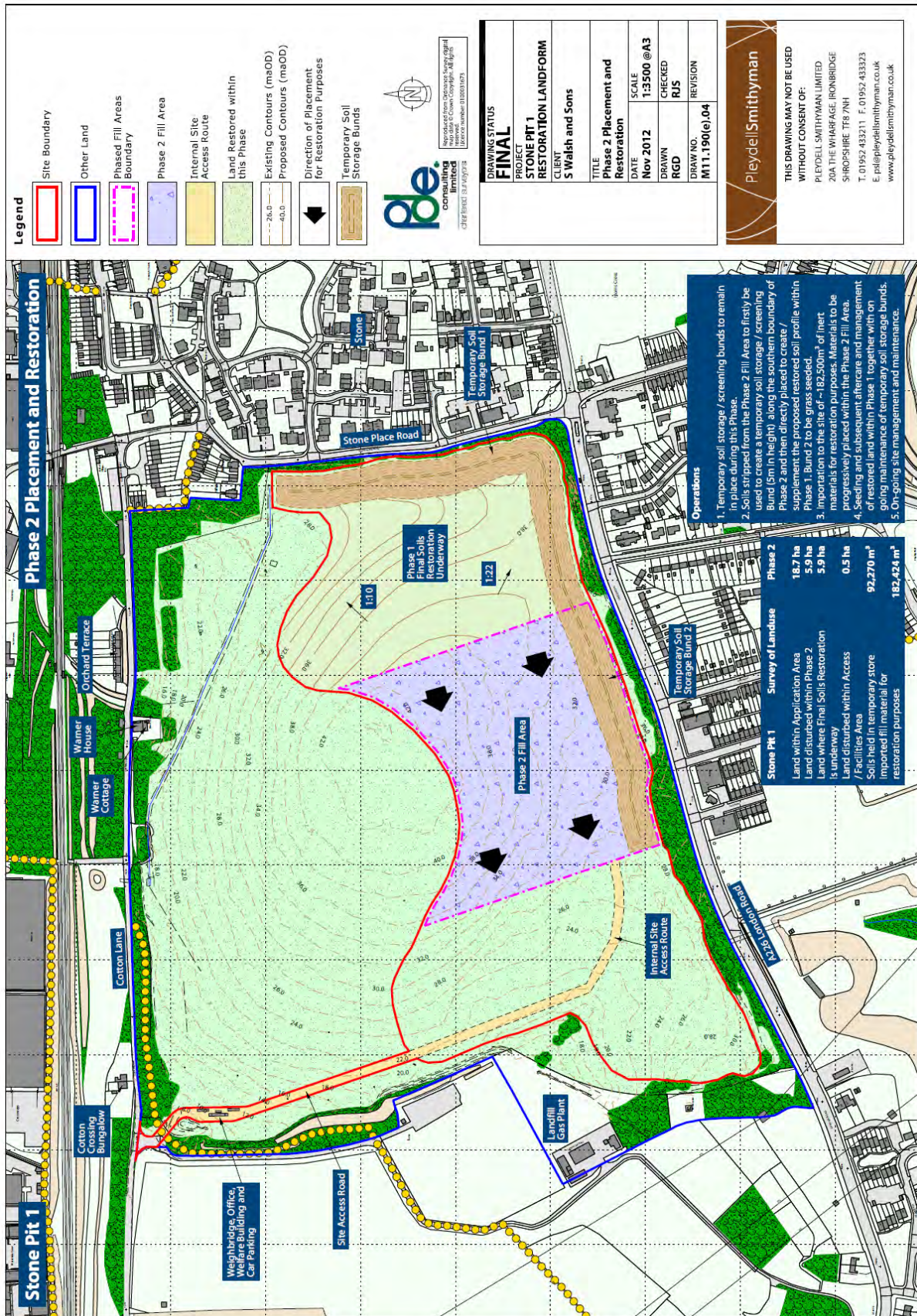
Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

General Location Plan



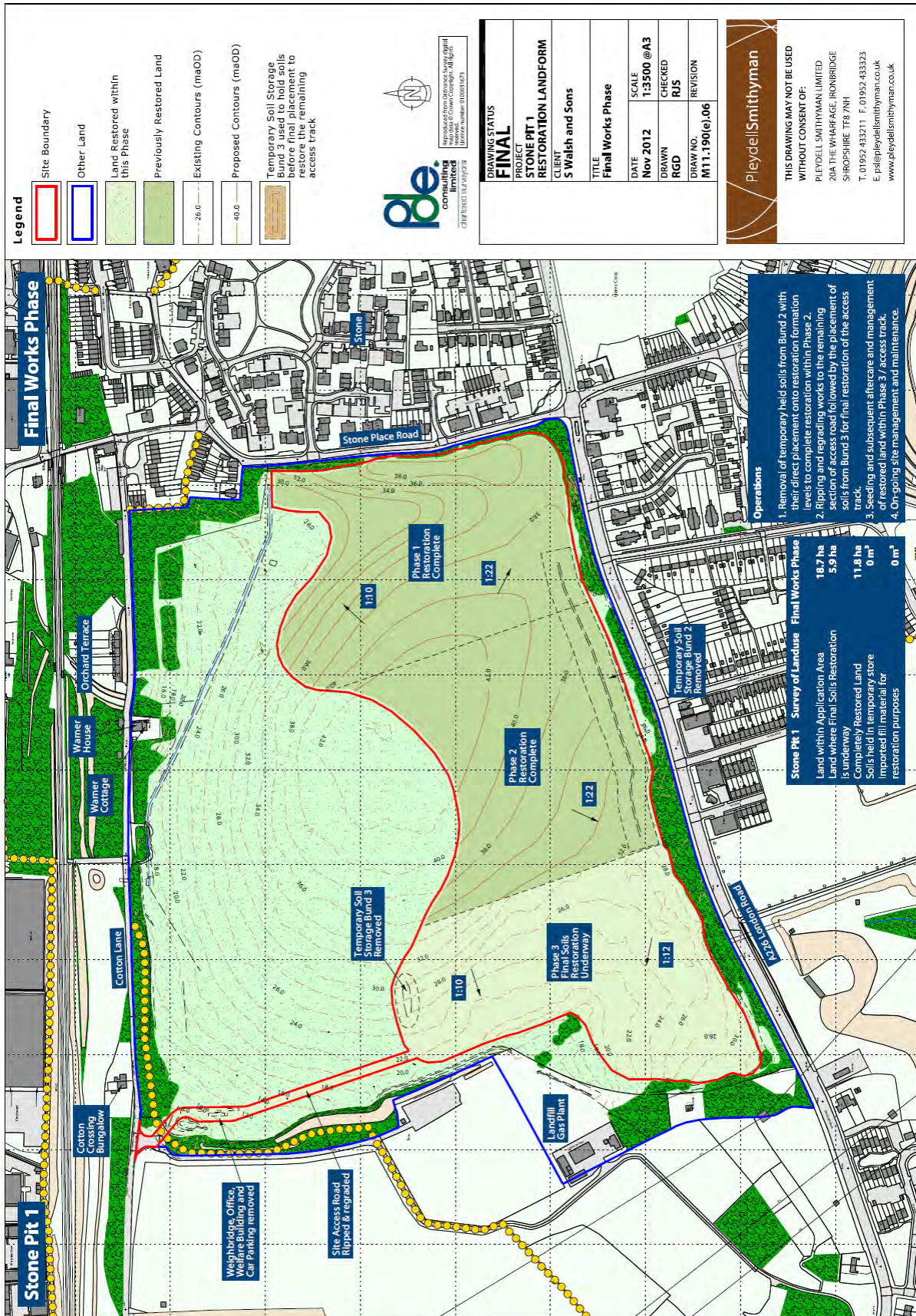
Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

Phase 2 Layout Plan



Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

Final Restoration Plan



Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

3. Access to the site is via an existing site entrance on Cotton Lane to the north-west corner of Stone Pit 1. An internal haul road, made up of hardcore, extends broadly parallel with the western boundary, connecting the access with the application site and other ancillary development. The site benefits from easy access to the Strategic Road Network via a 400m section of Cotton Lane to the west onto the B3228, which leads directly to junction 1a of the M25 (A282). Ancillary development on site includes welfare facilities, a weighbridge, weighbridge office, wheel-wash and parking close to the site entrance.
4. The application site is partially restored with large areas stripped of topsoil and subject to ongoing remediation work. Phase 1 of the remediation operations permitted under DA/13/140 is mostly complete with large areas returned to agreed levels and seeded. The part of the landfill to the north, which falls outside the application site, has been restored to open grassland and scrub, punctuated with the landfill gas infrastructure. A network of underground pipes and gas management infrastructure spreads across the site as part of the landfill gas collection system. This system connects to a gas utilisation compound and workshop building that seeks to ensure the long-term and safe management of the landfill. This compound remains in use to control the landfill gas generated and includes turbines that convert the gas into electricity to be fed into the local grid network. Land to the north of the application site has not suffered from the degree of settlement experienced in the southern part and as such has not required additional remediation work.
5. Dartford Borough Core Strategy (2011) Policy CS 4 identifies the site as part of a network of multifunctional green spaces within the Ebbsfleet to Stone Priority Area. The Dartford Proposals Map (2017) further identifies the site as a Biodiversity Opportunity Area under Policies CS14 of the Core Strategy and DP25 of the Dartford Development Policies Plan (July 2017). The entire site overlies a Major Aquifer and the south-east corner falls within a Groundwater Source Protection Zone 3 for potable water supplies. A Public Right of Way passes around the north-west corner of the site.
6. There are no other significant site-specific designations, although more general development plan policies are set out in the Planning Policy section below.

Background

7. Stone Pit 1 originally formed part of the Kent Portland Cement Works known as Stone Court Chalk Works. In the 1920's it became part of the Associated Portland Cement Manufacturers (APCM) supplying chalk for the cement industry. APCM later became Blue Circle Industries.
8. In 1981, with the chalk reserves at the site exhausted, infilling of the site commenced with a mix of inert, semi inert and putrescible waste, this continued until 1991. At the time the Waste Management Licence required a porous layer to be created at the base of the landfill in order to allow the landfill to operate under 'dilute and disperse' principles. This approach allowed emissions to the environment provided sufficient dilution occurred, including in terms of leachate generation and/or the build-up of landfill gas. It is now accepted practice for a modern landfill to be developed and operated on an engineered "containment" basis, to isolate the wastes and to prevent any adverse impact on the surrounding environment.

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

9. The applicant (Land Logical Dartford Ltd (LLD)) considers that this 'dilute and disperse' method of operation may have been a key contributor to the differential settlement evidenced on site today. Waste disposal operations were followed by progressive restoration completed in 1993. This was undertaken under separate permissions granted by Dartford Borough Council in 1983, which were aimed at counteracting the settlement of waste by over-tipping above the adjoining land levels and required restoration to a domed platform that was capable of effectively managing landfill gas and shedding surface waters. However, it was recognised at that time that little was known about the settlement rates of the waste being used in the restoration. It was proposed that the final landform be complimented by restoration to agricultural fields, interspersed with small woodland blocks. In the later stages of restoration a gas extraction system was installed. The gas extracted is used to generate electricity to supply the National Grid.

Recent Planning History

10. Planning permission (DA/13/140) was granted by the Planning Applications Committee at its meeting on 11 September 2013 for the importation and recovery of some 490,000m³ of inert engineering materials and soils in order to remediate historic problems associated with differential settlement, with the final outcome being to achieve a long term sustainable landform.
11. The approved landform is broadly in accordance with the restoration scheme originally approved for the site. Final restoration contours range from 42m AOD at the peak of the site to a low point in the north western corner of 8m AOD. The proposed gradients would ensure that surface waters can effectively shed into drainage ditches on the north and east boundaries and into existing soakaways. The landform would also enable the effective management of the landfill gas collection system and provide a visually appropriate landform enabling the land to be used as a green amenity space with biodiversity benefits. See copies of the approved phasing plans included above.
12. The progressive infill of the site was approved over a 5 year period in 3 sequential phases; commencing with phase 1 to the east and moving west parallel with the London Road. Operations in each phase commence with the stripping and separate storage of topsoils and subsoils along the eastern and southern boundaries, prior to the importation and spreading of suitable inert engineering materials. The storage bunds also help serve as a visual and acoustic screen to neighbouring properties. Upon the completion of each phase of infilling, subsoils and topsoils are spread across the area, prior to being sown with a seed mix aimed at creating a low maintenance species rich meadow grassland.
13. Planning permission DA/13/140 includes 20 conditions. The key controls / limitations imposed by condition include:
- The development to be completed within 5 years of the date of the permission (19 September 2018);
 - Landfilling operations being restricted to between 07.30 and 17.00 hours Monday to Friday and between 07.30 and 13.00 hours on Saturdays; no operations to take place on Sundays and Public Holidays;
 - A maximum of 158 HGV movements per day (79 in / 79 out);
 - Pollution prevention control measures;

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

- An ecological mitigation strategy;
 - Delivery of a surface water management scheme;
 - Maintenance and continued operation of the landfill gas monitoring and collection system;
 - Noise controls at sensitive properties; and
 - Submission of a final management plan (not yet received).
14. The Planning Authority has subsequently approved details pursuant to conditions 4 (Access Improvements), 5 (Wheel washing and dust mitigation), 11 (Ecological mitigation), 13 (Risk assessment covering leachate discharge), 15 (Surface water storage) and 20 (Vehicle routing).

Proposal

15. The application proposes to vary condition (1) of planning permission DA/13/140 to extend the period of time allowed to complete the restoration of the former landfill site from 19 September 2018 until 31 May 2020.
16. With the exception of the additional time period, no other changes are proposed to the permitted operations or existing controls. The phasing arrangements, permitted waste types and volumes, hours of operation, number of vehicle movements, ancillary development and the restoration landform, treatment and after use would all remain the same as currently permitted.
17. Planning permission DA/13/140 allowed 5 years to complete the remediation and restoration work to the former landfill. The restoration would secure the long term protection of the landfill by creating a more sustainable landform through the importation and placement of inert materials. The permitted approach would return the land to domed shape, similar to that original permitted. This would ensure surface water flows off landfill into existing drainage arrangements on site. The restoration work would also secure the restoration and long term protection of the gas collection system.
18. The 5 year period was granted from the date of the planning permission requiring development to commence immediately. However, in addition to planning consent, the proposed waste operation also required an Environmental Permit (EP) issued and monitored by the Environment Agency (EA). A Permit seeks to ensure that operations do not damage the environment and comply with certain environmental targets. An EP for the site was not issued by the EA until May 2015, delaying commencement of restoration until after this date.
19. Following commencement in May 2015, restoration work has made good progress and Land Logical Dartford is on target to complete the work within the proposed 5 years. However, due to the delays the company states it is not in a position to complete the satisfactory restoration (in a safe and appropriate manner) before September 2018 and is applying for additional time to replace that lost securing the EP.

Planning Policy

20. The Government and Development Plan Policies summarised below are most relevant to the consideration of this application:

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

21. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012), the associated Planning Practice Guidance (PPG) and National Planning Policy for Waste (NPPW). National Planning Policy and Guidance are material planning considerations.
22. **Kent Minerals and Waste Local Plan (2016) (Kent MWLP)** Policies: CSW 1 (Sustainable Development), CSW 2 (Waste Hierarchy), CSW 10 (Development at Closed Landfill Sites), CSW 11 (Permanent Deposit of Inert Waste), DM 1 (Sustainable Design), DM 2 (Environmental and Landscape Sites of International, National and Local Importance), DM 10 (Water Environment), DM 11 (Health and Amenity), DM 12 (Cumulative Impact), DM 13 (Transportation of Minerals and Waste), DM 14 (Public Rights of Way) and DM 19 (Restoration, Aftercare and After-use).
23. **Dartford Borough Council Core Strategy (2011) (Dartford CS)** Policies: CS1 (Spatial Pattern of Development), CS4 (Ebbsfleet to Stone Priority Area), CS14 (Green Space) and CS25 (Water Management).
24. **Dartford Development Policies Plan (July 2017) (Dartford DPP)** Policies: DP1 (Dartford's Presumption in Favour of Sustainable Development), DP2 (Good Design in Dartford), DP3 (Transport Impacts of Development), DP5 (Environmental and Amenity Protection), DP23 (Protected Local Green Space) and DP25 (Nature Conservation and Enhancement).

Consultations

25. **Dartford Borough Council:** raise no objections to the proposal, subject to condition(s) securing the full restoration of the land. The Borough Council's Environmental Health Department confirm no complaints have been received concerning noise, dust or other disturbance in connection with the site.
26. **Stone Parish Council:** no comments received.
27. **Environment Agency:** raise no objections to the application.
28. **Health and Safety Executive (Quarry):** offers no comment on the basis that the proposal is concerned with restoration rather than continuing quarry operations.
29. **National Grid:** draws attention to the proximity of the development to National Grid assets and encourages the applicant to make contact with its Asset Protection Team at the earliest opportunity.
30. **UK Power Networks:** raise no objections to the proposed development
31. **Southern Gas Networks:** raise no objections. Southern Gas Network indicates that separate from the planning process the applicant must comply with The Construction (Design Management) Regulations 2015 (in respect of Health and Safety) at the appropriate stage of the development.

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

32. **Highways England:** raise no objections on the basis that it is satisfied that the proposals would not materially affect the safety, reliability and/or operation of the Strategic Road Network.
33. **Kent County Council, Highways and Transportation:** raise no objections to the development in highway terms.
34. **Kent County Council, Public Rights of Way:** raise no objections to the application.
35. **Kent County Council, Ecological Advice Service:** raise no objections, subject to the reptile mitigation strategy previously approved under DA/13/140/R11 being implemented as approved.

Local Member

36. The local County Member for Dartford East, Mrs Penny Cole was notified of the application on 24 April 2017.

Publicity

37. The application was publicised by the posting of a site notice(s), an advertisement in a local newspaper, and the individual notification of 35 nearby properties.

Representations

38. In response to the publicity, 2 letters of representation have been received. The key concerns / objections raised can be summarised as follows:
 - Concerns about the noise from site, especially during the summer months. Considers the noise from lorries and bulldozers to be both obtrusive and disruptive.
 - Objects to the clouds of dust generated that have an impact both inside and outside local houses.
 - Considers that dust issues have contributed to problems selling houses in the area.
 - Indicates that the locality has had three years of this type of disruption and does not want a further three.
 - Asks why the development was delayed and has not been completed within the time allowed.
 - Considers that it is important that the land is retained as a nature park and open amenity space.
39. The following concerns were raised in response to the application; however they are not material to the determination of the development proposed.
 - Concern over the number of houses being built in the area.
 - Concern that future development (like housing) on the site would generate additional congestion, particularly given the extent of new development taking place within Dartford more generally.

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

Discussion

40. Application DA/17/762 is being reported to the Planning Applications Committee as a result of two letters of objection received from nearby residential properties. No other objections have been raised in response to the statutory consultations and publicity carried out in connection with the application.
41. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The proposals therefore need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations including those arising from consultation and publicity.
42. The key determining considerations in this particular case can be addressed under the following headings:
 - Local amenity (including noise and dust);
 - Ground conditions and water environment;
 - Landscape and visual impacts; and
 - Highways.

Local Amenity (Including Noise and Dust)

43. In determining applications for waste development, the NPPW requires planning authorities to consider the likely impact on the local environment and on amenity. In testing the suitability of sites, Government policy indicates that the following factors (amongst other matters) could impact on local amenities: traffic and access; air emissions including dust; odours; vermin and birds; noise; light and vibration; litter; and potential land use conflict. The NPPW states that the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The landfill operations in this instance are subject to a separate Environmental Permit issued and monitored by the Environment Agency.
44. The NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts arising from noise from new development, including through the use of conditions.
45. Policies DM11 of the Kent MWLP and DP5 of the Dartford DPP require development that does not generate unacceptable adverse impacts from noise, dust, vibration, emissions, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing of communities and the environment.
46. Planning permission DA/13/140 establishes that the importation of inert material to remediate and restore the former landfill at Stone Pit 1 is an acceptable use of the land for a temporary period in the context of surrounding land uses and environment. This

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

includes nearby residential properties. The original application included technical reports on noise and dust, and planning permission DA/13/140 includes a number of conditions that seek to safeguard local amenities and the environment from any unacceptable impacts. These conditions include a maximum noise limit at noise sensitive properties ($55\text{dB(A)}_{\text{LAeq}}$ for day to day operations and $70\text{dB(A)}_{\text{LAeq}}$ during the temporary construction or removal of the soil bunds, controls on operating hours, controls on HGV movements (168 per day) and dust mitigation measures. In addition to the above planning controls, the waste operations are also subject to an Environmental Permit issued and monitored by the Environment Agency. The permit controls emissions from the site to acceptable environmental standards, including dust generated.

47. The proposed variation to the extant permission does not seek to alter the nature of the permitted development, including the footprint, the method of restoration, the overall volume of materials to be imported, the number of vehicle movements, the environmental management procedures or the approved afteruse. The application purely relates to the length of time allowed to complete the restoration operations following a delay in the initial commencement of the temporary use.
48. The application has attracted one objection on the grounds of the impact on local amenities, particularly as a result of noise and dust potentially escaping beyond the site boundary. In responding to the application neither Dartford Borough Council or the Environment Agency has raised an objection; both of which hold responsibilities that seek to protect local amenities and the environment under Environmental Health and Environmental Permitting regimes. The Borough Council's Environmental Health Officer responded to the application confirming that there have been no complaints recorded concerning noise, dust or other disturbances from this site in recent years. Both the County Planning Authority and the Environment Agency monitor the site on a regular basis.
49. The County Council also has no record of recent complaints about this site. Notwithstanding this, I am aware that during dry spells the operation has the potential to generate dust, which if the wind is in the wrong direction has the potential to carry beyond the site boundary. The planning permission and the Environmental Permit include mechanisms to ensure that this should not become a significant problem to the surrounding area. The approved dust mitigation measures include: the periodic damping down of access and haul roads; provision of a number of bunds around the boundary; dusty operations to be avoided during periods of high winds; wetting inert materials to reduce dust emissions where necessary; reduced drop heights; vehicles to be sheeted; and complaints to be recorded, investigated and any necessary action taken. In responding to the local resident, I have recommended that if they experience concerns about a specific noise or dust event that this should be brought to the attention of the site operator in the first instance so that it can look into the concerns and where appropriate identify ways to address any specific issues arising on site. I further recommended that if the concerns persist that these should be reported to the Environment Agency, Dartford Borough Council's Environmental Health Team or the Waste Planning Authority so that the issues can be explored with the Land Logical Dartford in more detail.
50. The extant permission allows the site to be worked in accordance with an agreed plan, which requires the infill and restoration operations to take place in phases. Phase 1

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

(to the east of the site) was worked first and is now largely complete and seeded. Infilling is continuing within Phase 2. The progress of work from east to west will move the operations further away from the properties on Stone Place Road and those on London Road once the work enters phase 3. Because of its location, phase 1 always had the greatest potential to impact on local residential amenities.

51. Given the size of the site, subject to the agreed safeguarding and mitigation measures being employed, I am satisfied that noise, dust and other potential amenity impacts are capable of being controlled to acceptable levels within the site boundary for the additional period of time being proposed. Further to which issues like dust are also controlled under the Environmental Permit. Therefore, subject to the re-imposition of the existing conditions, I am content that the development would continue to accord with the Government and Development Plan Policies relating to local amenities, including those referenced above, and would not result in an unacceptable impact on those amenities.

Water environment and ground conditions

52. The NPPF states that development should not have unacceptable impacts on the natural environment, the flow and quantity of surface and groundwater or give rise to contamination. The NPPW states that planning authorities should consider the likely impact on vulnerable surface and groundwater (including aquifers) when determining waste planning applications. It also states that geological conditions and the behaviour of surface water and groundwater should be considered.
53. Policy DM10 of the Kent MWLP requires minerals and waste development that does not result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds). This policy also seeks to ensure development does not have an unacceptable impact on groundwater Source Protection Zones, or exacerbate flood risk in areas prone to flooding, either now or in the future. Policy CSW 10 of the Kent MWLP and Policy DP5 of the Dartford DPP seek development at closed landfill sites that improves the restoration and/or that reduces the emission of gases or leachate to the environment so that these do not cause adverse impacts on groundwater or risks to neighbouring land uses.
54. The application site is within a sensitive area in terms of groundwater resources as it overlies a major aquifer and is in part within a Source Protection Zone 3. Planning permission DA/13/140 was granted to ensure that the former landfill site is remediated and restored to a sustainable landform. The differential settlement that has occurred within the southern part of the site has compromised the protection afforded to the landfill beneath. The settlement has left steep slopes which have compromised the surface water drainage scheme, resulting in water pooling on site above the landfill. This increases the likelihood of leachate and pollution of groundwater resources. The change in ground levels has also damaged the gas collection system increasing the risk of landfill gas escaping and migrating off site. The restoration of the land to the agreed standard is essential in preventing long-term environmental concerns as a result of the historic landfill. In my opinion the successful restoration of the site would be in the wider public interest by protecting the surrounding environment from potential environmental problems and by returning the land to the permitted afteruse (green space with biodiversity enhancements).

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

55. The Environment Agency raises no objection to the proposed increase in timescales. The existing Environmental Permit demonstrates that the development can be controlled such that it would not present an unacceptable risk to the surrounding environment during the operation phases. No other objections have been received from the statutory consultees in respect of the ground and water environment.
56. I consider that securing the restoration of the landfill in a high standard is vital to the long term environmental protection with the area. Completion of the scheme would ensure landfill gas is properly controlled in a sustainable way and that surface water runoff is managed to minimise the potential risk of pollution. In my opinion the long-term environmental benefits of the development would outweigh the short term amenity concerns being raised by local residents. As indicated above, I am content that any residual amenity impacts could be regulated and controlled by the existing conditions and the Environmental Permit. Subject to the re-imposition of the existing conditions, I am content that the development would continue to accord with the Government and Development Plan Policies relating to water resources and ground conditions, including those set out above.

Landscape and visual impacts

57. The NPPF seeks development that protects and enhances valued landscapes and soils. Policies DM1 and DM19 of the Kent MWLP require proposals to protect and enhance the character and quality of the site's setting, ensuring a high standard of restoration and aftercare. Policy CS4 of the Dartford CS identifies the site as part of a network of multifunctional green spaces within the Ebbsfleet to Stone Priority Area. The recently adopted Borough Proposals Map also identifies the site as a Biodiversity Opportunity Area under Policies CS14 of the Dartford CS and DP25 of the Dartford DPP.
58. The proposed extension of time would ensure that the applicant has sufficient time to secure the restoration of the site to the agreed high standard. A 'do nothing' approach would only allow the developer the remainder of the extant permission (approximately 1 year) to achieve an acceptable landform. Leaving the site unrestored would not be acceptable in landscape or environmental terms. The reduced timeframes would restrict the volume of material that could be imported to site (particularly given the HGV restrictions). Operations would also need to intensify and a revised landform and working plan would need to be agreed. This would potentially compromise the environmental protection measures and would result in a less acceptable land form being achieved. An unrestored / semi restored landform would also potentially compromise the productive after use of the land.
59. The extant permission includes a condition requiring the submission of a final management plan for the restored site that would be designed to enhance and benefit biodiversity. This condition has yet to be formally discharged and should be re-imposed on any permission to ensure a final scheme is submitted for approval and subsequently implemented before the end of the proposed timeframes.
60. The extension of time being proposed is for a relatively short period, less than 2 additional years. This extension would secure the above mentioned environmental benefits and the remediation of the differential settlement would also secure an appropriate landform more in keeping with the wider site and the surrounding

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

landscape. The final landform would also enable the agreed afteruse and biodiversity enhancements to be achieved securing the long-term productive use of the land.

61. No landscape and visual amenity objections or concerns have been raised by consultees or residents. Subject to the re-imposition of conditions imposed on permission DA/13/140 including the submission of a final management plan, I am satisfied that there would be benefits from allowing the proposed extension of time in terms of the long-term landscape and visual impact and that this would accord with the relevant Government and Development Plan Policies.

Highways

62. The NPPF states that traffic associated with development should not give rise to unacceptable impacts on the natural and historic environment and human health. The NPPW states that planning authorities should consider the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, seeking when practicable and beneficial to use modes other than road transport. This includes considering the suitability of the road network and the extent to which access would require reliance on local roads.
63. Policy DM13 of the Kent MWLP requires waste development to demonstrate that the access arrangements are safe and appropriate, traffic generated would not be detrimental to road safety and the highway network is able to accommodate the traffic generated with no unacceptable adverse effects on the environment or local community. Policy DP3 of the Dartford DPP requires development to minimise and manage arising transport impacts, including in terms of highway capacity, safety, local amenities and environment.
64. Highways impacts were considered in detail as part of the original application. At the time the Planning Applications Committee were satisfied that the level of activity proposed would not have an unacceptable impact, subject to improvements to the site entrance (including setting it back from the public highway), provision of wheel washing facilities, a highway condition survey, a combined total of 158 movements per day (79 in / 79 out) and agreed routing of all vehicles to and from the site to the west via the B3228. With the exception of a short stretch of Cotton Lane, the site benefits from good access on to the Strategic Highway Network. No objections have been received from consultees or local residents concerning highways or access considerations arising from the existing operations or the proposed extended timeframes, including the Local Highway Authority and Highways England.
65. On the basis that the site has been operational for a number of years without resulting in significant highway impacts or concerns, I am satisfied that the highway implications can be adequately managed and controlled for an additional temporary period proposed. Subject to the existing highway controls being re-imposed on any planning permission, I am content that the application would accord with relevant Government and Development Plan Policies.

Other Considerations

66. The original application was subject to careful consideration of the potential biodiversity implications and included measures to secure suitable mitigation and

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

enhancements within the restoration scheme. This includes an approved ecological mitigation strategy and the above mentioned requirement to submit a management plan designed to enhance biodiversity. The current application would not change the permitted arrangements and mitigation measures. A condition requiring the submission of the final management plan should be re-imposed to ensure that appropriate enhancement measures are delivered. The County Council's Ecological Advice Service has considered the application and subject to the reptile mitigation strategy approved under condition 11 of the extant permission being implemented as approved, has raised no objections. Accordingly, subject to the relevant conditions being re-imposed on any permission, I am content that the application would be acceptable in terms of its impact on ecological interests.

67. A number of the points raised by a local resident were not material to the consideration of the current application and related to Dartford Borough Council's approach to new development in the area, particularly in relation to housing provision. The comments raise concern about potential future development on the application site and other green spaces in the Borough. The current proposals do not propose a change to the agreed restoration of the site to green open space with biodiversity enhancements. Any future proposal that sought to change this or develop the land would need to be subject to a separate application, which would have to be considered on its own merits and would most likely be determined by the Borough Council as the Local Planning Authority.

Conclusion

68. The principle of the restoration operation in the context of the surrounding land uses has already been established by the extant planning permission (DA/13/140). The key consideration in this instance is whether a relatively short increase in the approved timeframes would have a significant / unacceptable impact on the surrounding environment and other land uses, such that these would outweigh the benefits of restoring the land.
69. The application has attracted two objections from local residents, principally on amenity grounds. The restoration operations have been ongoing for a couple of years and whilst the permitted work has the potential to generate some local impacts I am satisfied that controls are in place to ensure that these do not become significant or unacceptable. Neither the County nor the Borough Council have any recent record of complaints about the site that would indicate specific or sustained problems. The County Council's Monitoring Officer continues to visit the site on a regular basis, alongside colleagues from the Environment Agency, which has further controls under the Environmental Permitting process. No other concerns have been raised regarding the operations on site or the relatively short increase in the temporary period being proposed to complete the restoration work.
70. Notwithstanding the objections raised by local residents, I am satisfied that the proposed operations would have clear environmental and long-term amenity benefits through securing the sustainable restoration of a former landfill. This would include protecting the landfill, maintaining the gas control network and benefitting both visual and biodiversity considerations. If left partly restored the existing landform could otherwise have the potential to generate environmental and amenity problems in future

Application to vary DA/13/140 to allow continuation of restoration operations until 31 May 2020 at Stone Pit 1, Cotton Lane, Stone - DA/17/762 (KCC/DA/0104/2017)

that would have the potential to significantly impact on local amenities and the environment.

71. I therefore consider that the benefits of extending the time allowed to complete the development outweigh any residual impacts, particularly when taking into account the relatively short duration of the operations when measured against the benefits that would be derived in the longer term. I consider that the proposed development is fully consistent with the objectives of the NPPF in that it represents a sustainable form of development and that it also accords with the relevant development plan and national policies. I recommend that permission be granted.

Recommendation

72. I RECOMMEND that PERMISSION BE GRANTED to vary condition 1 of permission DA/13/140 to allow the continuation of restoration operations until 31 May 2020, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- the infilling and restoration of the site be completed by the 31 May 2020
- the re-imposition of all other conditions previously imposed on permission DA/13/140 (updated and amended as necessary to reflect any details approved pursuant to this planning permission) including:
 - Landfilling operations being restricted to between 07.30 and 17.00 hours Monday to Friday and between 07.30 and 13.00 hours on Saturdays; no operations to take place on Sundays and Public Holidays;
 - A maximum of 158 HGV movements per day;
 - Pollution prevention control measures;
 - Implementation of the approved ecological mitigation strategy;
 - Delivery of a surface water management scheme;
 - Maintenance and continued operation of the landfill gas monitoring and collection system;
 - Noise controls at sensitive properties; and
 - Submission and implementation of a final management plan.

Case Officer: James Bickle

Tel. no: 03000 413334

Background Documents: see section heading
