KENT WASTE LOCAL PLAN

Adopted March 1998

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The European, national, regional and Structure Plan waste management policies are based on:

* sustainable development
* waste minimisation
* recycling and reuse
* a high level of environmental protection

The Waste Local Plan draws on these as important starting principles. It sets down policies and proposals for the land use planning of waste management as part of the ‘sustainable development’ approach which is now incorporated into the County Council’s Structure Plan policies.

The Plan’s general objectives are:

* to improve environmental standards and conditions, to minimise the environmental impact of dealing with waste and to secure the highest possible standards of waste management.
* to secure the provision and maintenance of sufficient capacity to deal with the waste that the community generates
* to change the ways by which waste is now dealt with in Kent. This means moving away from the current reliance on landfill, towards alternatives which embrace re-use, recycling and waste to energy.

The Plan aims to assist a move up the ‘waste ladder’:

- Clean production by industry
- Waste minimisation by design
- Re-use
- Recycling
- Waste to energy
- Final disposal to land

Sustainable Development dictates such an order of preference: Reduce, Reuse, Recycle, Recover and Responsible disposal. There needs to be much more emphasis on the higher activities.

The Local Plan complements, and uses as its main information base, the Waste Management Plan for Kent. The Waste Management Plan is an operational plan dealing with the arrangements made, and proposed to be made, for treating or disposing of waste in Kent. The Waste Local Plan gives a land use planning dimension to the proposed arrangements.
Copies of the Adopted Plan are available (price £20) from:-

The Strategic Planning Director
Kent County Council
Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Background Material

The following background papers are available for sale at £5 each:-

* Surveys of Permitted Landfill Capacity, Existing Householders Waste and Recycling Centres, Void Space.
* An Environmental Appraisal.
### CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>INTRODUCTION</td>
<td>1-9</td>
</tr>
<tr>
<td></td>
<td>The Need for a Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scope and Purpose</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Plan Period and the Area Covered</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitoring and Review</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Relationship with the Waste Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Present Position</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Next Steps</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>THE PLANNING FRAMEWORK</td>
<td>10-18</td>
</tr>
<tr>
<td></td>
<td>The European Community</td>
<td></td>
</tr>
<tr>
<td></td>
<td>National Policy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Regional Context</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Kent Development Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Structure Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local Plans</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>THE SURVEY</td>
<td>19-40</td>
</tr>
<tr>
<td></td>
<td>The Current Position</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Future</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Regard had to the Waste Management Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Strategy of the Waste Disposal Authority</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Royal Commission on Environmental Pollution</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Main Issues for the Waste Local Plan</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>THE STRATEGY</td>
<td>41-49</td>
</tr>
<tr>
<td></td>
<td>The Vision and the General Approach</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Main Principles</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Approach to Plan Proposals and to the Assessment of Planning Applications</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>PLAN PROPOSALS</td>
<td>50-80</td>
</tr>
<tr>
<td></td>
<td>The General Framework</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category A Waste</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Demolition Waste</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Spoil Material</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category B and C Wastes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Waste Separation and Transfer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Processing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unprocessed Wastes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pulverised Fuel Ash</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category D Waste</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Category E, F and G Wastes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Wastes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii)</td>
<td></td>
</tr>
</tbody>
</table>
Chapter 6

OPERATIONAL CRITERIA FOR THE ASSESSMENT OF PLANNING APPLICATIONS FOR WASTE MANAGEMENT

General Considerations
The Impact of Proposals
Proximity to Other Development
Protecting the Environment
Nature Conservation
Access
The Control of Operations
Landscaping and Restoration

Chapter 7

MAINTAINING THE PLAN

APPENDICES

1. EU, National and Regional Policies
2. The Kent Structure Plan
3. Principles of Operation
3A Landfill Gas
4. Principles of Restoration
5. Principles of Landscaping
6. Environmental Assessment
7. Waste Management Initiatives in Kent

PROPOSALS MAP

Key Plan and Insets
DEFINITIONS

**Waste**
This was the ‘waste disposal plan’, prepared by the County Council as Waste Regulation Authority. It is required by Section 50 of the Environmental Protection Act (1990). One purpose is to decide what arrangements, in the opinion of the waste regulation authority, are needed to treat or dispose of controlled wastes in Kent. In April 1996 the waste regulation responsibilities were transferred to the Environment Agency.

**Waste Local Plan**
A plan required by the Planning and Compensation Act 1991. It is to contain ‘detailed policies in respect of development which involves the depositing of refuse or waste material’. Government advice is that whilst the waste disposal (management) plan is intended to consider the need for waste disposal facilities and their type, the waste local plan deals principally with their location.

The following are defined in the *Environmental Protection Act* (1990):

**Waste**
Any scrap material, effluent or unwanted surplus; any substance or article needing to be disposed of (excluding explosives). This definition has been effectively expanded by the Waste Management and Licensing Regulations 1994 (see DoE Circular 11/94, Annex 2).

**Controlled Wastes**
Household, industrial and commercial waste. Controlled wastes may include special wastes.

**Special Wastes**
Any waste which is so dangerous or difficult to treat, keep or dispose of that special provision is required for dealing with it.

**The Environment**
Air, water and land. The former medium includes air within natural or man-made structures (including buildings) above or below ground level.

**Pollution of the Environment**
Releases from any process of substances which are capable of causing harm to man, or other living organisms supported by the environment.

**Harm**
Harm to health, interference with the ecological systems, offence caused to any of man’s senses, or harm to his property.

**Waste Management Licence**
Granted by the Waste Regulation Authority authorising the treatment, keeping or disposal of controlled waste. Includes a ‘site licence’.

**Waste Regulation Authority**
Until April 1996, for any non-metropolitan county in England, the County Council. From April 1996 the functions were taken on by the Environment Agency.
### Other Terms Used

**Best**  
The outcome of a systematic consultative and decision making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes, for a given set of objectives the option that provides the most benefit or least damage to the environment as a whole, at acceptable cost, in the long term as well as short term.

**Practicable**

**Environmental**

**Option**

**Biological**
A process to promote the degradation or breaking down of waste material.

**Activity**

**County Matter**
* The use of land or the carrying out of operations in or on land for the deposit of refuse or waste materials.
* The erection of any building, plant or machinery designed to be used wholly or mainly for purposes of treating, storing, processing or disposing of refuse or waste materials.  

**Applications**

**Composting**
A process which stimulates the decay of organic materials.

**Derelict**
Land so damaged by industrial or other development that it is incapable of beneficial use without treatment.

**Land**

**Eco-system**
Interacting, interdependent living and non-living things.

**Energy from Waste**
The government’s White Paper ‘Making Waste Work’ identifies four main ways of recovering energy from waste:-

* the waste can be incinerated in a waste to energy plant;
* selected wastes can be processed for use as a fuel;
* the methane produced by the decomposition of putrescible waste (such as components of the household waste stream in a landfill site) can be burned; or
* controlled anaerobic digestion; the methane produced by the anaerobic digestion of sewage sludge is commonly used to generate electricity.

**Household Waste Site**
Where the public can dispose of its own waste free of charge. The Waste Disposal Authority has a duty to provide such sites.

**Integrated Waste Management**
The combination of resource, re-use and recovery facilities, such as recycling, composting and energy recovery with final disposal.

**Landfill**
Waste deposited into voids previously worked for minerals, normally to restore to original ground levels.

**Landraising**
Waste disposed of to create higher ground levels.

(vi)
<table>
<thead>
<tr>
<th><strong>Pollution</strong></th>
<th>The unwanted secondary effects of development.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Polluter Pays</strong></td>
<td>The cost of preventing pollution, or of minimising damage due to pollution, should be borne by those responsible for the pollution. This is a key principle of the EU’s environmental policy.</td>
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<td><strong>Precautionary Principle</strong></td>
<td>The avoidance or the reduction of risks to the environment by prudent action taken before any serious problem is encountered.</td>
</tr>
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<td><strong>Proximity Principle</strong></td>
<td>Waste should be disposed of (or otherwise managed) close to the point at which it is generated.</td>
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<td><strong>Putrescible Waste</strong></td>
<td>Wastes such as food which decay readily.</td>
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<td><strong>Recycling</strong></td>
<td>The collection and separation of materials from waste and subsequent processing to produce marketable products. These can be in the form of materials such as paper and board, and of energy and compost.</td>
</tr>
<tr>
<td><strong>Restoration</strong></td>
<td>Work to achieve a planned after-use. Restoration does not include winning new areas of land from the sea.</td>
</tr>
<tr>
<td><strong>Re-use</strong></td>
<td>Continued use of the same article, such as returnable bottles.</td>
</tr>
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<td><strong>Stabilisation of Waste</strong></td>
<td>The process by which a state is reached where active leachate and gas management are no longer needed.</td>
</tr>
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<td><strong>Sustainable Development</strong></td>
<td>Development that can meet the needs of the present without compromising the ability of future generations to meet their own needs. This means, amongst other considerations, improving the quality of human life while being within the carrying capacity of supporting ecosystems, and handing on an environment in a state which does not diminish the enjoyment of future generations. The sum total of decisions in the planning field should not deny future generations the best of today’s environment. In the context of landfill and landraise for degradable wastes, sustainable development means the disposal component of integrated waste management facilities designed to maximise biological activity to enhance resource recovery and a rapid stabilisation of waste.</td>
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<td><strong>Waste Management Proposals</strong></td>
<td>All proposals for dealing with waste, including landfill, waste processing and transfer. Such applications would normally be decided by the County Council. Proposals whose prime purpose is to produce energy, even where waste is used as a fuel, would normally be dealt with by the District Council.</td>
</tr>
<tr>
<td><strong>Waste Minimisation</strong></td>
<td>Waste minimisation is about:-</td>
</tr>
<tr>
<td></td>
<td>* the eradication of unnecessary waste</td>
</tr>
<tr>
<td></td>
<td>(vii)</td>
</tr>
</tbody>
</table>
* the elimination of waste that cannot be treated or reclaimed (eg by product design)

* modifying manufacturing processes to promote clean production and cyclical forms of waste management

* minimizing the use of energy and the environmental impacts that arise from production, consumption and waste management.

Waste Processing

Measures taken to treat and otherwise handle wastes which facilitate re-use of materials, waste recovery, recycling and recovery of energy so as to maximise beneficial use of waste and reduce its volume and impact. Such processing takes place at all levels of the waste hierarchy including landfill and landraising schemes (which achieve energy recovery). Unprocessed waste is, in contrast, waste disposed of without materials or energy recovery.

Waste Recovery

Waste recovery incorporates materials recycling, composting and recovery of energy from waste.

Waste Reduction

Defined in Circular 11/94 as using technology which requires less material in products and produces less waste in manufacture and producing longer lasting products with lower pollution potential. This is considered to be more akin to waste minimisation. Waste reduction is used in this Plan as meaning lessening the volume of waste that exists.

Waste to Energy

In this Plan means the processing of waste by burning, using the energy released to produce power, and also possibly heat. This is a tighter meaning than “recovering energy from waste” which in Circular 11/94 means either by burning it or by making use of landfill gas.

Zero Waste

A situation when all resources are recycled or reused.

NB For definitions of waste types, see paragraph 3.1.
ABBREVIATIONS

A(s)ONB - Area(s) of Outstanding Natural Beauty
BPEO - Best Practical Environmental Option
BATNEEC - Best Available Technology not Entailing Excessive Cost
DETR - Department of the Environment, Transport and the Regions
EA - Environment Agency
EAs - Environmental Assessment ) See Appendix 6
ES - Environmental Statement )
EU - European Union
EPA - Environmental Protection Act (1990)
ha - hectare(s)
HDPE - High Density Polyethylene
HMIP - Her Majesty's Inspectorate of Pollution (now incorporated into the Environment Agency)
LNR - Local Nature Reserve
m³ - cubic metres
MGB - Metropolitan Green Belt
MPA - Mineral Planning Authority
mt - million tonnes
NFFO - Non Fossil Fuel Obligation
NNR - National Nature Reserve
NRA - National Rivers Authority (now incorporated into the Environment Agency)
PPG - Planning Policy Guidance Note
RSPB - Royal Society for the Protection of Birds
SAC - Special Areas of Conservation
SERPLAN - The London and South East Regional Planning Conference (comprising London Boroughs, County and District Councils in the region)
SNCI - Site of Nature Conservation Interest
SPA - Special Protection Area
SSSI - Site of Special Scientific Interest
t - tonnes
WDA - Waste Disposal Authority (see paragraph 3.41).
WMP - Waste Management Plan (This is prepared by the Waste Regulation Authority pursuant to its duty under the Environmental Protection Act to prepare a Waste Disposal Plan (see paragraph 1.14)
WRA - Waste Regulation Authority (now incorporated into the Environment Agency)
PRINCIPAL SOURCE DOCUMENTS

EUROPEAN UNION
* Directive 91/156/EEC on Waste
* Towards Sustainability, March 1992
* Euroregion Environment Charter, December 1992

NATIONAL
* Environmental Protection Act (1990)
* This Common Inheritance (White Paper Cm1200)
* Planning Policy Guidance Note 12 - Development Plans and Regional Planning Guidance (PPG12)
* Planning Policy Guidance Note 22 - Renewable Energy (PPG22)
* The Occurrence and Utilisation of Mineral and Construction Wastes (DoE, 1991)
* The Royal Commission on Environmental Pollution - Incineration of Waste (Cm 2181, May 1993)
* Sustainable Development, The UK Strategy (HMSO, 1994)
* Local Agenda 21 UK, A Framework for Local Sustainability (Local Government Management Board, 1993)
* Planning Policy Guidance Note 23 - Planning and Pollution Control (PPG23)
* Making Waste Work (Cm 3040, December 1995)
* The Government’s Response to the Select Committee on the Environment’s Report on Recycling (Cm 2696, November 1994)

REGIONAL
* Regional Planning Guidance for the South East (RPG9, March 1994)
* A New Strategy For The South East (RPC 1789)
* Waste, its Reduction, Re-Use and Disposal (RPC 2266)
* Groundwater Protection Policy 1992 (National Rivers Authority)

LOCAL
* Kent Structure Plan, Adopted December 1996
* Kent Waste Management Plan, 1992
CHAPTER 1

INTRODUCTION
THE NEED FOR A PLAN

1.1 At present nearly 4 million m$^3$ of solid waste is disposed of in Kent every year. This is the theoretical equivalent of over 300,000 lorry loads. It goes mainly unprocessed to landfill, the traditional method of waste disposal. In response to economic development and to a rising standard of living, the volume of waste produced by the community could be expected to continue to increase.

1.2 Kent County Council is the Planning Authority for deciding ‘county matter’ waste applications. They are described in this Plan as proposals for ‘waste management’, and include the deposit of refuse or waste materials or the erection of buildings, plant or machinery designed to be used wholly or mainly for treating, storing, processing or disposal of refuse or waste.

1.3 The government has taken the view (in Planning Policy Guidance Note 12 - PPG12) that an additional development plan framework is required to provide the context for determining such applications. The Planning and Compensation Act 1991 introduced a requirement for local plan coverage of development involving the deposit of waste. This requirement came into force in February 1992 and at that time the government looked for waste local plans to be substantially complete by the end of 1996.

The preparation of a Waste Local Plan is therefore a new County Council duty. In Kent the development plan requirements for waste are now being progressed by:-

* a review of waste management policies in the Structure Plan (see paragraphs 2.13 to 2.27 below)
* the preparation of this Waste Local Plan.

A waste local plan is defined in the Act as one containing ‘detailed policies in respect of development which involves the depositing of refuse or waste materials’ (other than mineral waste). It will be an important link between the Structure Plan and the County Council’s waste planning control responsibilities. The Waste Local Plan was prepared on the assumption that the Structure Plan policies had been adopted (in accordance with PPG12, paragraph 4.14).

The Plan also needs to address the land use implications of the County Council’s Waste Management Plan (see paragraphs 1.15 to 1.17).

SCOPE AND PURPOSE

Scope

1.4 It was the responsibility of the EA, under the EPA 1990, having regard to both the likely costs and beneficial effects on the environment, to decide what arrangements are needed for the treatment and disposal of controlled waste. The Waste Local Plan is required by the Town and
Country Planning (Development Plan) Regulations 1991 to address the land-use implications of the Waste Management Plan.

PPG23 advises that the Waste Local Plan should:

* **take account of:-**

  - the need for regions to aim for self sufficiency in waste management facilities, as outlined in paragraph 2.5 of PPG23 and the need to minimise the impact of transport requirements;
  - any relevant policies for waste minimisation and recycling in calculating the extent of waste disposal requirements for example in waste disposal plans, or recycling plans drawn up by Waste Collection Authorities under section 49 of the EPA 1990;
  - the land use and transport requirements of landfill and other waste management facilities;
  - opportunities afforded for energy recovery;
  - the existence of relevant waste management and pollution control systems;
  - the various treatment methods, including recycling, required prior to disposal;

* **identify:**

  - existing disposal, storage and treatment sites with spare capacity, and where appropriate, new sites for waste management facilities (eg suitable mineral working voids, or lower quality agricultural land or waste land, which could be used for landfill or landraising); and
  - broad areas of search which are likely to contain sufficient sites for the methods of recycling, treatment and disposal required to meet demand in the plan period, as identified in the waste disposal plan, as well as areas which are judged inappropriate for such sites, having regard to environmental, geological, hydrogeological and access constraints;

* **and include criteria:**

  - against which applications for waste management developments will be considered, eg in terms of land suitability, facilities, access routes, the proximity of other developments, impact on adjoining land use, site restoration and after-use requirements; and
  - by which the environmental acceptability of recycling and other waste management facilities might be improved-for example, to reduce the levels of noise, litter, vibration and dust and to improve amenity.
1.5 The main purpose of the Plan is to address the duty, issues and objectives outlined in paragraphs 1.1 to 1.4 above. Policies and proposals are set down which make land use provision to meet the estimated need over the plan period in Kent as identified in the Waste Management Plan.

1.6 The government requires that the Plan should make provision so as to enable sufficient sites to be provided to meet demand in the WMP plan period. KSP Policy ENV22 requires the plan to seek to create and maintain disposal capacity sufficient for at least 10 years ahead. The Plan:-

(i) develops and amplifies national, regional and structure plan policies which bear upon waste management, and relates them to specific areas of land
(ii) sets down a policy framework for the use of land for waste management

1.7 The Plan is prepared on the basis that over the Plan period a large volume of waste, or its residue, will require disposal space. Landfill is the traditional method of waste disposal. However, a hierarchical approach is now being promoted by both the European Union and the Government, based on the principles of Best Practicable Environmental Option and:-

- reduction
- re-use
- recovery
  - recycling
  - composting
  - energy recovery
- final disposal.

The Plan makes provision over the Plan period for each component of this hierarchy.

Environmental Issues

1.8 The environmental issues raised by the treatment and disposal of waste are matters of great public concern. Importance is attached by central government to the need both for sustainable development and to minimize the environmental impact of dealing with waste. To this end the government is resolved to continue to promote policies consistent with the concepts of sustainable development and of a hierarchical approach to waste management with greater emphasis on reduction, re-use and recovery for waste streams and in circumstances where these represent the most appropriate option by, for example, extending responsibility for waste all the way back to the producer. These objectives are supported by the County Council. They are being developed in its own Environment Programme (see Appendix 9) and are an important starting point for the Waste Local Plan.
As part of its attention to environmental concerns, the County Council carried out a first Environmental Appraisal of the Consultative Draft Plan. A separate background paper has been prepared. The Environmental Appraisal of Development Plans is an evolving process. A further appraisal has been carried out following the Inspector’s recommendations, and additional considerations and approaches incorporated where appropriate.

1.9 The County Council recognises that all waste management can have an adverse impact on the local environment. In support of the government’s view that the environment is a valuable asset which must not be wasted, or unnecessarily harmed, it is an important objective of the Plan that adequate protection is secured for areas affected by waste management developments. The issues are addressed by way of the environmental control criteria that will be applied when considering applications for dealing with waste.

Proposals Map

1.10 The Proposals Map is an integral part of the Plan. Its main purpose is to provide on a map a comprehensive, countywide index of the Plan’s proposals. From this the reader can identify whether property interests are likely to be affected. Accordingly it is on an Ordnance Survey base and shows national grid lines and numbers, with the scale and an explanation of the notations used. Larger scale insets are used, with their boundaries shown on the main Proposals Map. The Map:-

(i) defines the area of the waste local plan;
(ii) locates the specific proposals identified in Chapter 5 of the Written Statement.

Survey Material

1.11 The Waste Management Plan is the principal survey document. A Background Paper sets out other relevant survey material. However this Plan can be read on its own; it includes a reasoned justification for the policies and proposals.

THE PLAN PERIOD AND THE AREA COVERED

1.12 The Plan outlines a strategy and policies for the longer term by looking forward to 2011. This is consistent with the timescale of the Structure Plan (which also looks to 2011). The Waste Management Plan looks to 2007 and so falls within this timescale. Proposals are made for the whole Plan period.

1.13 The Plan covers the whole of Kent.
MONITORING AND REVIEW

1.14 It is important both to secure and to maintain a steady supply of capacity to meet the community’s requirements for dealing with the waste that it generates, and at the same time to ensure that environmental conditions and standards are continually improved. These are important objectives and the Plan will be monitored, reviewed and rolled forward on a regular basis. Accordingly it is the intention of the County Council to monitor the supply of, and demand for, waste management facilities and to measure progress in implementation. The type and general scale of the proposals considered to be necessary to implement the Plan’s strategy will be reassessed. If necessary the Waste Local Plan will then be reviewed.

RELATIONSHIP WITH THE WASTE MANAGEMENT PLAN

1.15 As part of its duties under Section 50 of the Environmental Protection Act of 1990 (EPA), the Waste Regulation Authority (WRA) prepared a Waste Management Plan (WMP). The WRA was the Kent County Council and the WMP is what is described in the Act as a ‘Waste Disposal Plan’. On 1 April 1996 the WRA became part of the Environment Agency.

1.16 The WMP investigates the position, and proposes the arrangements needed to treat or dispose of controlled waste so as to prevent or minimise pollution of the environment or harm to human health. It includes decisions as to how the WRA was to discharge its functions in relation to waste management licences.

The WRA had a duty to keep the position under review and to modify its plan as appropriate. As part of its duties the WRA also had to have regard both to the likely costs of the arrangements and to their likely beneficial effects on the environment.

1.17 The EPA specified the following for inclusion in the WMP:-

(i) the kinds and quantities of controlled waste expected:-
   (a) within Kent
   (b) to be brought into or taken out of Kent
   (c) to be disposed of within Kent
(ii) under the Waste Management Licensing Regulations 1994, the EA were required to identify the respective priorities for the methods by which wastes should be disposed of, recovered or treated and to have regard to the desirability, where reasonably practicable, of giving priority to reduction, re-use and recovery of wastes;
(iii) policies in relation to site licences;
(iv) details of sites and equipment provided and expected to be provided for disposal including recovery of waste;
(v) estimated costs;
In considering what information to include in the WMP it was the duty of the WRA to have regard to the desirability where reasonably practicable of giving priority to recycling waste (EPA, Section 50(4)).

1.18 When preparing the WMP, Waste Collection Authorities were consulted. In Kent these are the 14 District Councils. This consultation was related to a separate duty laid on Waste Collection Authorities by the EPA (Section 49(1)) to prepare, and to keep under review, a Waste Recycling Plan. The Recycling Plan is to include a statement of the arrangements made and proposed to be made for ‘dealing with the waste by separating, baling or otherwise packaging it for the purpose of recycling it’. This could include separation at source. In preparing its Waste Recycling Plan the Waste Collection Authority must have regard, amongst other things, to ‘the effect which the arrangements would be likely to have on the amenity of any locality’. The Plan must also include information as to:-

(i) the kinds and quantities of controlled waste, firstly to be collected in total, and secondly to be dealt with for recycling;
(ii) the plant and equipment to be provided.

In addition to preparing Recycling Plans, Waste Collection Authorities can also implement re-use and reduction schemes for household and commercial, collected wastes. Through these actions Waste Collection Authorities can exert an influence on the volume of wastes requiring further management and also the appropriateness of the options for further management.

1.19 Waste Recycling Plans need therefore to be consistent with the WMP, and may also have specific land use planning implications. Any firm land use proposals in Recycling Plans will be examined as part of the Waste Local Plan process.

1.20 The WMP looks forward to 2007. Its assessment of needs and of alternative methods were important starting points for the preparation of this Waste Local Plan. The Waste Local Plan addresses the land use implications of the WMP, considers the need for sites and facilities in Kent, and proposes suitable locations and the planning criteria to apply.

1.21 Government advice (PPG12) is that the two plans ‘must be……complementary’. Regulations (Statutory Instrument 1991 No 2794, paragraph 9(5)(b)) require the justification for policies included in the Waste Local Plan to include a statement of the regard had to the WMP in formulating the local plan policies. The statement must also give the reason for any inconsistency between the policies and the WMP. The WMP’s approach, together with the required statement, are included as part of Chapter 3.
PREPARATION OF THE PLAN

1.22 A pre-deposit draft of the Plan was made available for consultation until the end of November 1993 (called the Kent Waste Local Plan, Consultative Draft). The representations received were considered by the County Council, in September 1994, before deciding on the contents of a deposit draft Plan.

The Main Changes Proposed

1.23 Arising from consideration of the representations, the general strategy and overall approach of the Consultative Draft were retained. These seek to move away from landfill as the principal method of dealing with unprocessed waste.

The following main changes were proposed:-

Landfill

1.24 As a partial response to representations from sectors of the waste industry, a new Policy (W12) was proposed to deal specifically with applications for landfill. The Plan contains no specific proposals for new landfill, but it does recognise that there may be circumstances where a specific case of need can be demonstrated.

Although landfill will have a continuing role to play in dealing with Kent’s waste, it is expected that this role will diminish substantially over the Plan period. As time goes on, more and more of the required waste management capacity will be provided by processing operations. These will reduce progressively the amount of landfill capacity required.

The current position in respect of existing and permitted disposal capacity would be assessed for each individual planning application. The strategy and Policy W12 provide that if a specific case of need can be shown, then it would weigh strongly when considering an application for planning permission.

Waste to Energy

1.25 In response to a representation about the Plan’s reasoning for the selection of proposed locations, the approach to the identification of waste to energy proposals was set out in more detail in Chapters 3 and 5. In response to a specific representation, an additional location for a waste-to-energy plant was proposed at Halling, Rochester-upon-Medway (Inset Plan D).

The Disposal of River Dredgings

1.26 In response to representations from landowners, nature conservation interests and operators, changes were proposed to update the position. Studies were still being undertaken on this important issue, stimulated primarily by continuing work on the North Kent Marshes.
These were referred to. Also outlined were long term possibilities for dealing with dredgings in ways that would be beneficial to other interests, and might also avoid their being disposed of onto dry land.

**Other Specific Changes to the Proposal Maps**

1.27 In response to a representation from Thames Water, a proposal for waste processing, separation and transfer was made on land at Long Reach Sewage Works (Dartford Borough).

1.28 In response to general representations from Shepway District Council and Lydd Town Council, a proposal was made for a local waste separation and transfer facility (a civic amenity site) at New Romney (Shepway District).

1.29 In response to a representation from local land interests, additional proposals for waste processing, separation and transfer were made on additional existing industrial land at Ridham/Kemsley (Swale Borough).

**The Deposit Draft Plan**

1.30 The Deposit Draft Waste Local Plan was made available for inspection for a period of 6 weeks until the 30 November 1994.

1.31 Objections to the Deposit Draft Plan, together with the Planning Authority’s response to them, were considered by an Inspector in 1995 at a public local inquiry. The conclusions and recommendations in his report to the Planning Authority were considered by the Authority in June and September 1996.

1.32 In June the Authority accepted the broad principles of the Inspector’s recommendations, which then formed the basis for the majority of the proposed modifications to the Plan.

**Proposals Map**

1.33 The Proposals Map was proposed for modification in the following ways:

**ADDITIONS**

(a) Policies W7(1) and W9 - land at Blue Boar Wharf, Rochester Upon Medway. Recommended for inclusion by the Inspector. He supported the objection on the basis that the site has planning permission for waste management uses and is within a general area where waste management does not appear out of character.

(b) Policy W11 - land at Kemsley Mill, Swale. Recommended by the Inspector as an addition to the existing area identified on the Proposals Map, in support of an objection.
(c) Policy W9A - land at Mountfield Road, New Romney. Proposed for deletion by the Planning Authority following the authorisation of permission for a similar development elsewhere in New Romney.

(d) Policies W7(1) and W9 - land at Strood. A reduction in the area covered by the proposal was recommended by the Inspector in response to an objection. He took the view that such a reduction would minimise any harm which may be caused to the landscape.

(e) Policy W9 - land at Long Reach Sewage Works, Dartford. In recommending deletion of this proposal, the Inspector took the view that its identification would be detrimental to confidence for future investment in the area. The specific issue identified by him was a perceptible and unavoidable increase in the number of HGVs using the main access road to the area, bringing in waste material to the site and transporting it away.

When considering the recommendation relating to Long Reach Sewage Works, the Planning Authority took the view that it would expect any waste management application that is still proceeded with at this location to address the access issues highlighted by the Inspector.
2.1 In drawing up the Waste Local Plan, the County Council must have regard to national and regional planning policy guidance. It must also comply with any European Union (EU) requirements.

The first sections of this chapter summarise relevant European Union (EU), national and regional policies. A fuller summary is set out in Appendix 1. The last section summarises the approved and emerging Kent Development Plan framework. A schedule of the most relevant Structure Plan policies is included as Appendix 2.

THE EUROPEAN UNION

2.2 EU waste management legislation and policies are based on the principles of:-

- prevention of the production of waste
- recovery of the waste produced
- safe disposal of non-recoverable residues.

An important aim is to halt and reverse the current trend in increased waste generation. Re-use and recycling are to be encouraged by separation at source. Each Member State is to aim at self sufficiency in waste disposal.

The Framework Directive on waste, Articles 3 to 5 (see Appendix 1, paragraphs 1.2 and 1.3) is of particular significance.

The key objective which underlies the whole Directive is Article 4, and this has been transposed into the Regulations as Paragraph 4(1)(a) of Part I of Schedule 4. This makes it a relevant objective to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without:-

(a) risk to water, air, soil, plants or animals; or
(b) causing nuisance through noise or odours; or
(c) adversely affecting the countryside or places of special interest.

Article 5 of the Directive has been transposed into the Regulations as the relevant objectives contained in paragraph 4(2) of Part I of Schedule 4 and these apply only to the disposal of waste. The objectives are:-

(a) establishing an integrated and adequate network of waste disposal installations, taking account of the best available technology, not involving excessive costs; and

(b) ensuring that the network referred to at subparagraph (a) above enables:-
(i) the European Community as a whole to become self-sufficient in waste disposal and the Member States individually to move towards that aim, taking into account geographical circumstances or the need for specialised installations for certain types of waste; and

(ii) waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.

The relevant objectives of Article 3 are:-

(a) encouraging the prevention or reduction of waste production and its harmfulness, in particular by:-

(i) the development of clean technologies more sparing in their use of natural resources;

(ii) the technical development and marketing of products designed so as to make no contribution or to make the smallest possible contribution, by the nature of their manufacture, use or final disposal, to increasing the amount of harmfulness of waste and pollution hazards; and

(iii) the development of appropriate techniques for the final disposal of dangerous substances contained in waste destined for recovery; and

(b) encouraging:-

(i) the recovery of waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials; and

(ii) the use of waste as a source of energy.

NATIONAL POLICY

2.3 Current government policy for waste management is set out fully in Circular 11/94; The Environmental Protection Act 1990 Part II: Waste Management Licensing, The Framework Directive on Waste and ‘Making Waste Work’, the government’s strategy for sustainable waste management. PPG23 provides planning guidance on this, drawing attention to the government’s objective that waste should be managed based on a hierarchy of:-

* reduction
* re-use
* recovery (including material recycling, energy recovery by burning it or by using landfill gas and composting)
* safe disposal
In its view a sustainable approach to waste management requires greater emphasis on options at the top of the hierarchy and less reliance on simple disposal without recovery.

This policy is set out in more detail in Appendix 1, paragraphs 2.5 to 2.9 the last of which sets out government policy as laid down in Circular 11/94 as follows:-

(a) subject to the best practicable environmental option (BPEO) in each case, waste management should be based on a hierarchy in which the order of preference is:-

(i) Reduction - by using technology which requires less material in products and produces less waste in manufacture and by producing longer-lasting products with lower pollution potential;
(ii) Re-use - for example, returnable bottles and reusable transit packaging;
(iii) Recovery - finding beneficial uses for waste including:-
   (a) recycling it to produce a usable product;
   (b) composting it to create products such as soil conditioners and growing media for plants;
   (c) recovering energy from it either by burning it or by using landfill gas; and
(iv) Disposal - by incineration or landfill without energy recovery;

(b) each of these options should be managed and where necessary regulated to prevent pollution or harm to human health.

The government seeks to minimise waste at source, to recycle as much as possible and to ensure stricter controls over disposal. Its target is that by the year 2000, one half of all recyclable household waste (25% of the total) will be recycled. (It is estimated that about one half of all household waste is recyclable). The government regards suitable waste materials as renewable sources of energy and sees incineration as having an important role to play in future waste disposal.

The Waste Local Plan should set down appropriate criteria for the location of each method of treatment or disposal needed, and make adequate provision for suitable sites (PPG23). In doing this the Plan must have regard specifically to the objectives in the amended EU Waste Framework Directive and say clearly that this has been done. Chapter 4 makes this statement.

2.4 The government also subscribes to the ‘proximity principle’, under which waste should be disposed of (or otherwise managed) close to the point at which it is generated. This creates a more responsible and hence sustainable, approach to the generation of wastes and also limits pollution from transport. Where waste cannot be disposed of reasonably
close to its source, then priority should be given to the use of rail or water transport where this would reduce the overall environmental impact and is economically feasible.

The distances waste should travel under the proximity principle will vary according to the particular circumstances. It should normally be practicable to dispose of general municipal waste in suitable facilities reasonably close to the point of its generation - although care should be taken not to frustrate other planning objectives (eg the regeneration of an area). Transport over longer distances may be justified for other wastes for which specialised facilities are required and where it would not be economic for every region to have one. This may also apply to waste recycling or recovery facilities, although these should increasingly become more locally available in line with the principles set out in paragraph 2.2 of PPG23.

The government acknowledges the genuine public concern at proposals for new waste disposal facilities. However, the waste generated has to be disposed of and ‘in its view opposition to all disposal facilities is not a responsible policy’.

REGIONAL CONTEXT

2.5 The South East produces about 25 million tonnes of controlled waste per year, about a third of which comes from London. The main objective of waste planning policies for the Region is to ensure adequate provision for the disposal of this waste.

The provision of adequate facilities to meet the disposal needs of the South East is a regional consideration because suitable sites are not evenly spread. In particular, the availability of landfill sites within the London area is severely limited. Fortunately this is balanced by a surplus of landfill capacity in several of the surrounding counties where there are geological conditions which are particularly suited to landfill. Planning policies will need to ensure that existing and potential void spaces in such areas can, subject to environmental objectives and the wider framework for the Region’s development given in this guidance, be used to meet regional needs, as well as providing for local waste disposal facilities. Policies should also encourage energy recovery through the utilisation of landfill gas for heat or electricity generation at suitable sites.

Provision is needed for adequate transfer stations. The need for all new waste facilities must be balanced against the potential impact on the land use and development of the area.

2.6 The regional strategy of the London and South East Regional Planning Conference (SERPLAN) aims to ensure an enhanced quality of life, by seeking to create and conserve an ecologically sound,
aesthetically pleasing and pollution free environment. Regional waste priorities are:

* minimisation at source
* re-use and recycling
* increased use for energy production
* reducing movements of waste
* increased emphasis on reduction by incineration and other engineering processes
* disposing of residual waste by landfill or, where appropriate, by landraising

2.7 SERPLAN considers that landfill will continue to represent the major means of disposal for some years to come. It is also of the view that the south-east should aim to handle all its own waste, and that counties should aim to provide for the disposal of their own waste, and to make an appropriate contribution to regional needs.

2.8 SERPLAN is a grouping of all Planning Authorities in the South East region, and so includes Kent County Council and the 14 Kent Districts. The Conference itself is drawn from elected Members of its constituent planning authorities.

THE KENT DEVELOPMENT PLAN

2.9 The Development Plan for Kent includes:

* The Structure Plan
* Local Plans, which are:
  District Local Plans (prepared by District Councils for their areas)
  Minerals Local Plan
  Waste Local Plan

2.10 The government sees development plans as the principal component in a ‘plan-led’ planning system. They are the main guide to planning decisions (PPG12). The status of development plans is defined in the Planning and Compensation Act (1991) Section 26: ‘planning decisions shall be made in accordance with the plan unless material considerations indicate otherwise’. The government considers that plans should convey ‘a clear understanding of the weight to be given to different aspects of the public interest in the use of land and common expectations about the likely broad patterns of development’. Plans must make adequate provision for development and at the same time take account of the need to protect the natural and built environment. They should also provide a detailed framework for the control of development.

2.11 All plans are now to include policies in respect of the conservation of the natural beauty and amenity of the land. In addition the government expects that when preparing plans the environmental
implications of all policies and proposals will be appraised, so demonstrating that environmental concerns have been fully integrated into the plan-making process. A summary of the Appraisal of the environmental implications of the Plan is included in Chapter 4 (The Strategy).

THE STRUCTURE PLAN

2.12 Government advice is that the Structure Plan, which sets out key strategic policies, should identify the broad criteria to be applied in allocating land for waste disposal purposes. It should indicate broad areas of restraint on development and may include a general indication of the areas in which additional provision is to be made. The Waste Local Plan must be in general conformity with the Structure Plan.

The Approved Structure Plan

2.13 The most relevant policies in the Adopted Structure Plan are listed in Appendix 2. The waste objectives of the Plan are to ensure that adequate and safe disposal facilities are available, capable of taking the County’s waste in the most economic way, but without unacceptable risks to natural resources or other detrimental effects on the environment, and with particular emphasis on the use of waste as a material for restoring derelict and despoiled land.

2.14 The Structure Plan provides the county level strategic basis for the Waste Local Plan.

Environment

2.15 The Structure Plan now affords a much higher priority to environmental issues in balancing Kent’s development needs. Whilst continuing to promote a prosperous economy, the quality of the environment is now given more emphasis, and measures for its protection and positive management are proposed. Kent’s physical environment is recognised as a major national asset. The overall requirement is to improve the quality of living and the standard of environment within Kent. Any change to Kent’s physical environment should contribute positively to its quality.

2.16 The environment in its widest sense will be protected, as will the countryside for its own sake. This means conservation and enhancement of flora, fauna and geological features as well as of landscape. There is also a long term need to protect Kent’s agricultural land as a national and local resource, to recognise its landscape importance and to safeguard Kent’s agricultural industry.

2.17 A new policy (ENV12) has a potentially important bearing on waste disposal; it identifies the protection to be afforded to Kent’s historic rural lanes. Protection and enhancement strategies, to be developed in local plans, are also likely to embrace restraint of traffic generating development proposals, especially those involving heavy vehicle traffic.
2.18 The Structure Plan endorses the need to move towards a strategy of sustainable development. This will include addressing the issues of energy conservation and pollution control, and placing greater emphasis on the importance of environmental protection and enhancement. In this context it is recognised that new controls on environmental pollution, such as European directives on river and sea water quality, on the discharge of wastes at sea and on air pollution, will require new means of waste control and disposal. Greater emphasis is proposed to be given to reducing and recycling the County’s waste, with increased protection for major and minor aquifers and the river systems, and conservation of water resources.

2.19 Sustainable development also means planning and managing all development in an environmentally sustainable manner. Transport issues will be taken full account of, with a view to reducing the need to travel, and the transfer of freight from road to rail will be encouraged wherever practicable.

2.20 The County Council supports the use of renewable energy, where this can contribute to the needs of the community, benefit the wider environment and, in particular, reduce emission of greenhouse gases. The Structure Plan recognises that Kent may have the technical potential to make use of renewable energy, including that from some waste sources. Because of the proximity of London, the County is currently a net importer of waste, a potential fuel source.

2.21 The Structure Plan recognises that derelict land can represent a wasted land resource, and an environmental intrusion. However restoration will not necessarily be the automatic preference and Policy ENV13 reflects this.

2.22 The Plan states that provision should be made in local plans for ‘bad neighbour’ businesses where circumstances warrant, and also that the disposal of waste on land is a use which need not be incompatible with a rural location.

2.23 The Plan takes the following starting points for developing a land use planning strategy for waste in Kent:-

(a) the need to provide adequate, safe and properly controlled disposal facilities capable of dealing with all waste in the most effective way, but without unacceptable risks to natural resources and at the best balance with environmental considerations;

(b) to ensure that valuable raw materials, including any reusable development spoil, are used efficiently (through their re-use, treatment or recovery) and not discarded unnecessarily; to this end the County Council will seek to encourage and maximise, in the following order:-
* clean production and waste reduction
* re-use of waste;
* recycling;

(c) the County Council subscribes to the view that waste can be an asset such that its disposal is seen as a last resort after these options have been exhausted. It would then look to:-

* disposal with energy recovery;
* the use of waste material as a reclamation medium;

to these ends it will make proposals in the Waste Local Plan for the location of recycling and reduction plant;

(d) the recognition that a significant proportion of the wastes generated are currently incapable of treatment or recovery. Even with a major growth in recycling and reduction, there will remain a substantial requirement for new tipping space.

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**Permitted Capacity**

2.24 The Plan summarises the existing situation countywide as there being less than five years permitted tipping capacity available for non-inert waste. An urgent need is identified for new facilities. It is recognised that suitable disposal sites are becoming hard to find and that alternatives will have to be considered by the waste industry.

2.25 Waste policies in the Plan include an important new Policy (ENV19) which recognises the need to reduce the volume of waste having to be disposed of, and thereby reducing the potential impact of disposal on the environment. However it is recognised that, for the foreseeable future, measures such as recycling and reduction will only provide partial solutions. Accordingly, landfill will continue to have to be the main means of disposal in the short term. Recycling will also require land for processing plant. The Plan recognises the need to seek to create and maintain disposal capacity sufficient for at least 10 years ahead.

2.26 In respect of the increased protection sought for major and minor aquifers, whenever non inert waste has to be disposed of by landfill, locations will be sought on impermeable geological strata, that is, on clay strata.

2.27 Whilst an urgent need for new facilities is recognised, the County Council expects that landfill will account for a decreasing proportion of the disposal capacity required, as alternative methods become more important.
### LOCAL PLANS

**Renewable Energy**

2.28 Government advice (PPG22) is that local plans should include ‘detailed policies for developing renewable energy sources and should identify broad locations, or specific sites, suitable for the various types of renewable energy installations’. Since the government regards suitable waste materials (eg putrescible waste) as a renewable source of energy, the Waste Local Plan will be an important component in developing Kent’s planning policies for renewable energy.

**District Local Plans**

2.29 Local Plans prepared by District Councils in Kent do not as a general rule include policies or positive proposals relating to waste management facilities.

2.30 However, the Dartford Local Plan makes one proposal for land restoration, at St James Lane pit, which would mean using waste material (see Chapter 5). The Dover and Western Parishes Local Plan includes a policy on bottle banks and other recycling facilities.

**Minerals Local Plan**

2.31 The Kent Minerals Local Plan (Construction Aggregates) identifies areas of search for sand and gravel working. Some of these may require infilling to satisfy the restoration requirements of that Plan. Accordingly they could provide some future waste disposal capacity. For the protection of groundwater, only inert material is likely to be acceptable. Since a permission for mineral working cannot be counted as in any way certain, these areas of search are not identified as proposals in the Waste Local Plan.

2.32 Proposals for waste management will be considered against all relevant policies of the:

* Development Plan for Kent (the Adopted Structure and Local Plans)
* Draft Local Plans

All policies need to be read together.
With the exception of Table 3.2 and part of Table 3.1 and some of the information about London’s waste and possible future methods, the data and comment in the first two sections of this chapter are drawn from the Waste Management Plan and from more recent information supplied by the Environment Agency. For figures on waste arisings, rates of disposal and the amount of remaining landfill capacity within Kent, the County Planning Authority is reliant on information supply by the Environment Agency.
3.1.1 It is a function of the WMP to establish how much waste is produced and disposed of in Kent, and of what types. It considers where and how the waste is currently disposed of, and what future methods should be encouraged. The information helps to establish the scale and nature of the task of waste management, providing in effect a survey and appraisal for the Waste Local Plan.

Categories of Waste

3.1.2 Waste materials in Kent are referred to in the WMP by the categories used to define the limits of the waste disposal licences issued under the EPA. The same broad categories are used in the Waste Local Plan and are as follows:-

A Inert wastes
B Degradable wastes, primarily industrial
C Putrescible wastes, including domestic refuse
D Non-toxic liquids
E Asbestos
F Special wastes
G Clinical waste

These categories are described more fully as follows:-

TYPES OF WASTE

CATEGORY A - Solid materials which either do not degrade or degrade only very slowly. They are clean and dry, generally dense and heavy and include soil, brick and rubble. In certain circumstances they can be used as a construction material (eg as a sub-base or for bulk fill), or as cover at landfill sites.

(On the basis of the figures from Table 3.1 about half of the weight of all wastes disposed of in Kent is Category A).

CATEGORY B - Solid materials which may decompose slowly and may be slightly soluble in water. They consist of clean, dry materials from predominantly commercial and industrial sources. Included are metals (in solid form only), plastics, wood and paper.

(On the basis of the figures from Table 3.1 about 20% of the weight of all wastes disposed of in Kent is Category B).

CATEGORY C - These are solid materials which may decompose and may consist in part of soluble matter which
could cause pollution if allowed to enter ground or surface water systems. The main constituent is household waste and is generally known as ‘putrescible’. A variety of treatments is possible although all will eventually involve some landfill.

(On the basis of the figures from Table 3.1 nearly 30% of the weight of all wastes disposed of in Kent is Category C).

CATEGORY D     - Non-special liquid waste.
CATEGORY E     - Asbestos or asbestos-containing waste.
CATEGORY F     - Toxic/Special waste.
CATEGORY G     - Clinical waste.
3.1.3 The amounts of waste arising and disposed of in Kent (1992-1993) are as shown in Table 3.1. The adopted Plan includes the most up to date information that is available to the County Planning Authority. Since publication of the Deposit Draft in 1994, Table 3.1 has been rolled forward and is included in this Plan as Table 3.1.1 (1995 Wastes Arising).

**TABLE 3.1 WASTES ARISING AND DISPOSED OF IN KENT (000 Tonnes) 1992-1993**

<table>
<thead>
<tr>
<th>Waste Categories</th>
<th>Arisings</th>
<th>Disposal in Kent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Kent</td>
<td>Import</td>
</tr>
<tr>
<td>A</td>
<td>1,246</td>
<td>650</td>
</tr>
<tr>
<td>B</td>
<td>702</td>
<td>100</td>
</tr>
<tr>
<td>C</td>
<td>650</td>
<td>610</td>
</tr>
<tr>
<td>D</td>
<td>29</td>
<td>-</td>
</tr>
<tr>
<td>E</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>F</td>
<td>621</td>
<td>2</td>
</tr>
<tr>
<td>G</td>
<td>34</td>
<td>2</td>
</tr>
</tbody>
</table>

**Source:** WMP 1993

**TABLE 3.1.1 1995 WASTES ARISING AND DISPOSED OF IN KENT (tonnes) (excluding Recycling)**

<table>
<thead>
<tr>
<th>Waste Categories</th>
<th>Arisings</th>
<th>Disposal in Kent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Kent</td>
<td>Import</td>
</tr>
<tr>
<td>A</td>
<td>3,230</td>
<td>313</td>
</tr>
<tr>
<td>B</td>
<td>794</td>
<td>-</td>
</tr>
<tr>
<td>C</td>
<td>928</td>
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<td>D*</td>
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<td>-</td>
</tr>
<tr>
<td>E*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>F*</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>G*</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>


* 1995 figures not available.

* The information on arisings was determined by calculation and not by undertaking a waste arisings survey. The arisings may be distorted as a result of information on imports not being fully available.

The EA advise that in the year April 1995 to March 1996, 4.5mt of waste (categories A to F) was deposited in Kent.
<table>
<thead>
<tr>
<th>AREA</th>
<th>Estimated As Existing at Beginning 1993</th>
<th>Yet to be created by Mineral Working</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>INERT (a)</td>
<td>NON-INERT (b)</td>
<td>INERT (c)</td>
</tr>
<tr>
<td>Ashford</td>
<td>390</td>
<td>150</td>
<td>42</td>
</tr>
<tr>
<td>Canterbury</td>
<td>864</td>
<td>2,380</td>
<td>730</td>
</tr>
<tr>
<td>Dartford</td>
<td>288</td>
<td>4,500</td>
<td>562</td>
</tr>
<tr>
<td>Dover</td>
<td>316</td>
<td>600</td>
<td>130</td>
</tr>
<tr>
<td>Gillingham</td>
<td>464</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Gravesesham</td>
<td>175</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Maidstone</td>
<td>623</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>Rochester-upon-Medway</td>
<td>623</td>
<td>1,000</td>
<td>650</td>
</tr>
<tr>
<td>Sevenoaks</td>
<td>54</td>
<td>-</td>
<td>120</td>
</tr>
<tr>
<td>Shepway</td>
<td>206</td>
<td>-</td>
<td>100</td>
</tr>
<tr>
<td>Swale</td>
<td>2,155</td>
<td>-</td>
<td>60</td>
</tr>
<tr>
<td>Thanet</td>
<td>-</td>
<td>-</td>
<td>90</td>
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<tr>
<td>Tonbridge and Malling</td>
<td>4,053</td>
<td>2,180</td>
<td>3,600</td>
</tr>
<tr>
<td>Tunbridge Wells</td>
<td>90</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTAL KENT</td>
<td>10,301</td>
<td>10,810</td>
<td>6,089</td>
</tr>
</tbody>
</table>

Source: WRA and Kent Planning Department records
**Landfill**

3.1.4 The present method of disposal for nearly all of this waste is landfill, without the waste being processed in any way.

In 1992 there were 85 operational landfill sites in Kent, 25 of which were licensed to receive Category C wastes. Of the 25, only 12 took sizeable quantities and of these 7 were near to closing, including Richborough which serves much of East Kent. The sites and their intakes are listed in the WMP.

The EA advise that in 1996 there were 74 landfill sites in Kent operating under a waste management licence as required by the EPA 1990; during the period April 1995 to March 1996, 6 of the 10 licensed domestic landfill sites received waste; three of the remaining sites are now complete and no longer operational and one will not become operational.

**Transfer and Recycling**

3.1.5 In 1992, 156,000t of waste were delivered to the County’s householders’ waste sites. These sites operate under contract to Kent County Council for the transfer of household waste from East Kent to other parts of Kent and to Essex. In January 1993 recycling centres were in operation at 22 sites, 17 of which were purpose built householders’ waste sites. The sites are listed in the WMP. Most are small scale operations, sorting and bulking up inert waste. However two, at Whitfield and at Hawkinge in East Kent, deal with much larger volumes of waste. They are now operated privately and deal mostly with household refuse.

In 1992/93 8.3% of domestic wastes (53,600 tonnes) were recycled through local authority facilities of which 3.2% was recycled through Kent County Council’s civic amenity sites and 5.1% through the district council schemes.

**Special Waste**

3.1.6 With the exception of asbestos, all special wastes generated in Kent in 1992 were exported. The majority (284,000t) was contaminated soil from the former Chatham Dockyard, which contains asbestos and heavy metals.

**Permitted Disposal Capacity**

3.1.7 As at 1 January 1993 planning permissions existed or had been authorised to dispose of some 16 million m$^3$ of inert and over 11 million m$^3$ of non-inert waste (Table 3.2). Further details are set out in a background paper published in 1993.

Table 3.2 is retained because there is no more recent information with which to replace it. Table 3.2A rolls this forward but on the basis of a countywide summary. The Environment Agency advise that information cannot be published at District level as this may identify the circumstances of individual operators.

At the public inquiry into this Plan, the County Planning Authority undertook to publish a background paper which will update the 1993 figures but, as at March 1998, has been unable to do so because more
recent survey figures have not been received from the Environment Agency. A background paper will be published as soon as this information is made available to the County Planning Authority.

The capacity of the sites will have reduced since 1993 through active infilling. However, between January 1993 and July 1994 further planning permissions were given which provide an extra 1,740,000m$^3$ of space for the disposal of inert materials and 1,200,000m$^3$ of space for non-inert materials.

The EA advise that at the end of March 1996, total remaining voidspace was 18.4 million m$^3$.

**TABLE 3.2A  MARCH 1996 SUMMARY OF KENT'S PERMITTED LANDFILL CAPACITY (000m$^3$)**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>LICENSED DOMESTIC SITES</td>
<td>4,562</td>
</tr>
<tr>
<td>LICENSED NON DOMESTIC SITES</td>
<td>10,020</td>
</tr>
<tr>
<td>SITES RECEIVING DREDGING WASTE AND 'IN HOUSE’ MATERIALS</td>
<td>3,834</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>18,415</strong></td>
</tr>
</tbody>
</table>

**Source:** Evaluation of Landfill Life in Kent, Environment Agency, 1996

3.1.8 In addition, permission exists for specific disposals of:-

(a) pulverised fuel ash from Kingsnorth Power Station

(b) river dredgings from the Thames and Medway.

(c) special pharmaceutical waste from Pfizer's at Sandwich.
THE FUTURE

Disposal Requirements

3.2.1 For the future the WMP considers that:-

(i) household waste needing to be disposed of will be reduced by 25% by 2001. This is in line with general government targets. (See paragraph 2.3 and Appendix 1, paragraph 2.4.)

(ii) trade, commercial and industrial waste generation might reduce by 10% by 2001.

It also concludes that current rates of waste import will continue. Table 3.1 identifies imports of 1.36 mt of waste in categories A, B and C. It is probable that the great majority of this comes from London and is some 14% of the total amount of A, B and C waste arising in London in 1993. (For the purposes of the Waste Local Plan, these rates are taken as the element of regional demand to be accommodated in Kent - see paragraph 2.7.)

On the above basis, and taking into account expected population and economic growth, the WMP suggests that by the year 2001, quantities of waste arising in Kent will be broadly similar to the present position. It calculates that if it continues to go to landfill, the annual void space requirement up to 2001 would be:-

Category A about 1.2 million m³ a year
Categories B and C about 2 million m³ a year

On the basis of the void space requirements set out above, committed disposal capacity, as at 1993 (see paragraph 3.1.7), gives a life of almost 14 years for A wastes, and just over 5 years for B and C wastes. The latter figure could be extended if waste compaction rates continue to be improved.

Landfill

3.2.2 The WMP recognises that there is increasing pressure on existing landfill sites and concludes that ‘as a resource, void space is being rapidly consumed’. However, all forms of waste disposal produce material for which there is no further use, and there is no other option than to place that material onto land or into voids.

3.2.3 The WMP estimates that if landfill were to continue to be the main method of disposal ‘there would be little significant change in the demand for landfill site airspace’, and that ‘a difficult future is set if the present policy is continued’.

New Methods of Waste Management

3.2.4 The WMP finds that as landfill space becomes scarce, and the cost of airspace rises, alternative methods of treatment will become economically viable. However, large scale plants are required. These require major capital investment, and a lead time such that any
significant new capacity is unlikely to be available within four years. The WMP explores possible alternative methods of dealing with waste:-

(i) Incineration, including ‘waste to energy’
(ii) Purposeful treatment - recycling, segregation
(iii) Waste derived fuel
(iv) Biological treatments - composting, digestion

All are seen to be capable of reducing, but not altogether eliminating, the need for some ultimate disposal of waste residues to landfill. The WMP estimates the annual quantity of such wastes requiring final disposal as 1.55 million m$^3$/yr even if all of the alternatives to landfill were implemented (irrespective of cost).

**Incineration**

3.2.5 Incineration is seen to be capable of yielding large reductions in the volume of putrescible wastes, assuming that waste segregation has been carried out to maximise the burn potential. With incineration the residue of non-inert (categories B and C) waste requiring land disposal could be reduced, the WMP estimates, from the estimated 2 million m$^3$ per year (see paragraph 3.2.1) down to 0.35 million m$^3$ per year, an 80% reduction.

**Purposeful Treatment**

3.2.6 There are a variety of pre-sorting and separation treatments which are presently available. These range from reuse and separation for recycling, to segregation for composting and digestion of the putrescible fraction. All require capital and running costs and consume energy; and performance has not been satisfactory. The WMP concludes that despite the application of sophisticated machinery, the performance in terms of producing a satisfactory quality of material has not been successful to date and the products have proved to be unmarketable to industry. The WMP considers that pre-sorting of materials at source of generation is the more viable option. It notes that waste paper, glass and metals have all obtained a market niche, but their need for commercial viability and cost of treatment have hindered progress. The suitability of separation plants as the Best Practicable Environmental Option for screening a mixed waste stream for re-use and recycling should be reassessed.

**Waste Derived Fuel**

3.2.7 Waste Derived Fuel plant separates and compresses combustible waste to make fuel pellets/particles. The bulk reduction is in the order of 15% and the WMP considers that ‘substantial residues remain for landfill, but they are unlikely to be inert’. There are at present no facilities of this type in Kent. Facilities elsewhere have all experienced difficulties, principally because sales of the products have not been sufficiently successful. Marketing has been more difficult because of worries that fuel pellets will themselves cause emission problems when burnt in large quantities.

**Biological Treatments**

3.2.8 Alternative treatments for the organic content of Category C (including household) waste are composting and digestion. 20% of household waste consists of organic material. Although not developed
significantly in this country to date, according to the WMP the two techniques have good prospects for sustainability of waste management. Both processes produce fertilising and soil conditioning substances of value for horticulture. Whilst these techniques may have an important future they will probably depend on the success of research into the development of bacteria capable of breaking down more stable materials, especially wood and plastics.

Composting is a process which stimulates the decay of organic materials by aerobic means. Two versions are described in the WMP; windrowing on open land, and storage in closed silos whilst air is forced upwards through the waste. They are akin to farming processes, and the input can include farm manure.

Digestion is an anaerobic means of stimulating decay. It consists of heating the organic waste in airtight containers to which liquid is added. The WMP observes that it is common at sewage treatment plants, and suggests that digestion plants might most effectively be provided at former waste disposal sites known to be generating methane gas, needed for heating.

3.2.9 In 1992 permission was given for the production of compost at Sundridge in Sevenoaks District on land adjacent to an already permitted waste transfer station and civic amenity facility. It deals with degradable horticultural material in waste Categories B and C, primarily from the civic amenity site. The intended throughput is around 10,000 tonnes each year. After sorting, suitable material is shredded and transferred to windrows for storage and preliminary maturation. This involves regular turning of the material to control temperature and to aerate the material. It is then transferred to a covered area for baggage and storage, prior to dispatch or sale.

Category A Wastes

3.2.10 Mainly inert (Category A) wastes, which by definition are non-degradable and non-combustible are not affected by the alternative methods described above. A large amount of inert wastes was disposed of to landfill. This uses scarce voidspace and the WMP considers that some inert material can be re-processed for use in construction. It is of the view that by careful husbandry, perhaps 50% of inert wastes could be avoided or reused. New plant would be needed for the processes related to reuse. In its view, smaller scale plant located close to the source or destination of the material is the more economic solution.

Categories D, E and F

3.2.11 The WMP considers the volumes of Categories D, E and F wastes to be quite manageable, and not to consume resources to the same degree as other wastes. However they still pose problems as facilities in Kent are not well developed and need to be encouraged. Liquid and special wastes ‘have some potential for minimisation and re-use’.
3.2.12 The WMP adopts as its main objectives those already developed at national and regional levels:

- minimisation of waste at source
- re-use and recycling wherever feasible
- reduction of volume by incineration and other engineering processes
- disposal of residue to landfill

Its strategy develops these objectives. The WMP concludes that a radical change in the approach to waste management is needed in Kent. Present practices are unsustainable, and relying on exporting waste would be inconsistent with regional policy.

3.2.13 The WMP recognises that over the next 4-5 years landfill will continue to be the main means of disposal. The shortage of sites will become acute; existing capacities must be protected and not used for inert waste. Increased export should be considered a temporary measure to protect reserves, and an enhanced network of transfer stations will be needed. In the longer term new methods of treatment and management must be put in place.

If the recycling/volume reduction methods were implemented to the targets identified (but excluding major recycling targets for inert waste), regardless of cost the residue of waste in Kent will still amount to 1.55 million m$^3$ per year (ie 1.2 million m$^3$ inert material. 0.35 million m$^3$ non-inert). Further landfill sites will need to be identified to accept this residue in the medium term.

3.2.14 The WMP:

(i) seeks to reduce the reliance on landfill by encouraging proposals for:-

- minimisation at source
- reuse and recycling
- incineration with heat and/or power production
- composting
- refuse derived fuel

(ii) will develop recycling centres at existing household waste sites in urban areas, and support proposals for household sites and recycling facilities in rural areas.

(iii) encourages the reservation of strategic airspace for final disposal of treated residues and will support new landfill proposals only when the strategic need has been demonstrated.

(iv) supports high quality transfer stations.
(v) encourages the provision of special waste disposal facilities and supports proposals for special waste treatment plants.

(vi) promotes the provision of high quality outlets for non-notifiable liquid wastes.

(vii) supports proposals for the provision of clinical waste incineration plants at Kent hospitals and elsewhere in Kent. The disposal of clinical waste will be licensed only by incineration.

(viii) endorses prosecution where justified for illegal waste treatment and disposal activities. Joint action with other authorities will be supported.

3.2.15 In addition the WMP includes ‘Guidance for Operators of Waste Management Facilities’. This seeks to secure proper protection of the environment and the proper use of waste management facilities.
 REGARD HAD TO THE WASTE MANAGEMENT PLAN

3.3.1 The Waste Local Plan must include a statement of the regard had to the Waste Management Plan, and also give the reasons for any inconsistency with it (see paragraph 1.21).

Statement

3.3.2 The Waste Local Plan has regard to the general approach of the WMP. The WMP’s proposed ‘radical change in approach’ is carried forward and developed. The Local Plan Strategy which follows in Chapter 4 sets out to change the ways in which the community now deals with its waste.

3.3.3 The WMP expresses support for landfill proposals ‘only in areas for which a strategic need is demonstrated’. The Waste Local Plan also accepts the need for some future landfill capacity and the provision for landfill with unprocessed waste is initially for the immediate future only (see paragraph 4.1.12).

The WMP states that environmental and groundwater resource constraints will not be relaxed in favour of cost. The thrust of this objective is also carried forward, into the Local Plan’s Strategy and into Policy W2.

3.3.4 The Waste Local Plan complements the objectives of the WMP’s ‘Guidance for Operators’.
3.4.1 The Waste Disposal Authority (WDA) is required to provide a disposal service for household waste by compulsory competitive tender (EPA, Section 51(1)). Household waste accounts for some 13% total waste arisings in Kent, so provision of the service will influence the type and location of new waste facilities.

3.4.2 The WDA sees its long term strategy as influenced by:-

(i) pressure on existing landfills, such that landfill alone is unlikely to provide a complete long term solution.

(ii) the need to introduce alternative technology, and to optimise the use of existing facilities. Waste to energy could be a viable long-term solution, subject to cost and environmental safeguards.

(iii) recycling targets and overall costs.

(iv) the provision of treatment plants or transfer stations at strategically located sites.

3.4.3 Some longer term contracts were agreed in principle in 1993. They comprise a mixture of waste to energy, recycling/composting and landfill. The stated aim is to reduce eventually the dependence on landfill, recognising that this could only be achieved gradually. The preferred long term options now include proposals for 30% of Kent’s domestic waste to go to waste to energy (via a suitably located waste to energy facility to service the Mid-Kent area) and 7% to a composting plant.

In April 1994 the WDA supported a continuation of its overall operational strategy for waste disposal in Kent, involving a move away from landfill to more sustainable disposal methods.

3.4.4 Many of the proposals in these longer term contracts do not have planning permission and this will have to be sought over the next few years. Accordingly any planning applications received after the Local Plan reaches deposit draft stage will be considered against its policies. All the longer term contracts are subject to a break clause which enables the WDA to re-tender should the necessary development not secure planning permission.
3.5.1 The Royal Commission on Environmental Pollution - Incineration of Waste (Cm 2181) reported in May 1993.

A 4 stage decision procedure is recommended as the basis for a national waste management strategy:-

Stage 1 - wherever possible, avoid creating wastes
Stage 2 - where wastes are unavoidable, recycle them if possible
Stage 3 - where wastes cannot be recycled in the form of materials, recover energy from them
Stage 4 - when stages 1 to 3 have been exhausted, use the best practicable environmental option to dispose of wastes.

This procedure is consistent with the ‘waste ladder’ set out in the Foreword to the Plan.

3.5.2 The Commission commends a commitment by the regulatory authorities to ensure that, where there is a best practicable environmental option, it is adopted even if it is more expensive. It observes that the costs of waste disposal remain a small percentage of the cost of the product from which the waste arises.

3.5.3 The Commission reached the following conclusions, which are of direct relevance to the Waste Local Plan:

Quantities
(i) Even with waste minimisation and recycling, for the foreseeable future there will still remain substantial quantities of waste for disposal.

Incineration
(ii) Incineration will have an important place in a future national waste management strategy. The incineration of waste in suitably located plants designed to meet new EA standards represents an environmentally acceptable form of waste disposal. The incineration of household waste together with energy recovery, will prove to be the best practicable environmental option and will bring a substantial and worthwhile benefit in terms of reducing emissions of greenhouse gases.

(iii) From an environmental perspective it is preferable that conversion of heterogeneous and unstable wastes to a stable state takes place under controlled conditions rather than over a lengthy period in conditions over which it is impracticable to exercise complete control. For unsorted household waste incineration is the only available process which provides such an assurance.

Emissions
(iv) No studies of the health of people living in the vicinity of incineration plants found any significant effects on human health. Given that new plants will have much lower levels of emissions
than the plants studied, it is reasonable to conclude that any impact on health would be negligible. Nevertheless despite the reassuring nature of the evidence, it is right to continue to maintain a cautious and questioning attitude towards the possibility of health effects from incineration plants, and to ensure that site-specific risk assessments are carried out for proposed plants. No new incineration plant should be authorised unless it can be demonstrated by this method that its design and siting are satisfactory.

**Locational Considerations**  
(v) * The siting of large incineration plants should reflect their character as major industrial enterprises. Planning Authorities should ensure suitable areas are identified in development plans;

* wherever possible facilities should be on sites which allow wastes to be moved by rail or water rather than by road;

* account should be taken of prevailing air pollution levels when considering what might be suitable locations for incinerators;

* the ‘proximity principle’, that wastes are disposed of as close as possible to the point where they arise, should be regarded as a broad aim rather than a specific criterion for the siting, design and size of incinerators.

**Alternatives**  
(vi) No alternative method is in prospect at present for unsorted municipal waste. The possible future introduction of alternative technologies should not be regarded as a reason for rejecting proposals for new incinerators, provided they are in themselves environmentally acceptable.

**Costs**  
(vii) Decisions ought to take account of the environmental costs from waste disposal, such as emissions and other pollution and the impact on local amenity. There is a good case for using economic instruments to reflect in operators’ costs the environmental costs of alternative disposal methods. This would also encourage waste producers to adopt the four-stage decision procedure and so reduce the amounts of waste going to disposal. The Commission recommends that a levy be applied to all waste deposited in landfill sites. A landfill levy would bear less heavily on incineration than on landfill, thus matching the difference in their environmental impact. In conjunction with a subsidy for energy from waste such a levy would reduce whatever advantage landfill has over incineration at present in terms of commercial costs for disposal of municipal waste.
There is also a good case for a financial incentive in the form of a subsidised price for electricity designed to encourage the generation of electricity from waste. A subsidy of this kind favours incineration because, although energy can also be recovered from landfill sites, it can be done more efficiently at incineration plants. Accordingly the Commission recommends that a financial incentive should continue to be available for electricity generated from waste.

3.5.4 The government responded to the report in July 1994. It agreed that incineration of waste in suitably located plants designed to meet the new EU emission standards is an environmentally acceptable form of waste disposal and should no longer represent a cause for concern to those who live and work close to such plants. The government accepts that incineration with energy recovery should play a larger part in waste management in the future; how much to be determined in a new waste management strategy. It agrees that development plans should identify suitable sites for incineration plants. Their siting should reflect their character as major industrial enterprises. But in the government’s view it is not for planning authorities to get involved in considerations of Best Practicable Environmental Option; this is for EA.

As part of the government’s response, advice is being sought from the Chief Medical Officers; if there is judged to be some significant uncertainty about the implications of environmental dioxin levels for human health, that would represent a constraint on decisions about the future use of incineration as a waste management option.

THE SELECT COMMITTEE ON RECYCLING

3.5.5 In November 1994 the government responded to the Select Committee on the Environment’s Report on Recycling (Cm 2696). In respect of the general policy and approach to waste management, the government’s view was that:-

* The choice between options should be governed by the principle of the ‘Best Practicable Environmental Option (BPEO). This requires that all relevant environmental and economic costs and benefits are taken into account in deciding which is the most appropriate option in each case.

* There will always be a need to dispose of substantial volumes of residual wastes, once the practical limits of the other management options have been reached.

* It will be feasible and desirable in the coming years to move more waste management practice further up the waste hierarchy, provided that this can be achieved without unduly affecting competitiveness.
* Smaller scale incinerators, dealing with waste arising in a particular community, might be one way of overcoming some of the public resistance to incinerator proposals. However, economic factors tend to push potential operators towards larger proposals. The government does not consider that it would be appropriate to offer guidance on size limits of municipal waste incinerators: to do so would inhibit the strategic assessment of local requirements and the development of new and more economic techniques of emission control.

MAKING WASTE WORK (The Government’s Strategy for Sustainable Waste Management)

3.5.6 The government’s White Paper ‘Making Waste Work’ was published in December 1995 (Cm 3040). In brief, a summary of the main elements of the national strategy which impact on the local plan making process are:-

* The White Paper is a material consideration for planning authorities in drawing up their development plans. Planning authorities have a key role in ensuring that their plans make adequate provision for appropriate waste facilities;

* All the waste hierarchy options (reduction, re-use, recovery and disposal) have a place in a sustainable waste management strategy. The recovery category comprises recycling, composting and energy from waste; no one of the 3 elements should automatically be preferred to any other;

* It is likely that an integrated approach, where each option contributes to the overall recovery of waste, will usually be the preferred practice;

* The market based approach is important. Waste management should be carried out on a commercial and competitive basis, separate from the regulatory function.

* The market will only be effective if there is an adequate choice of waste facilities near to where waste is produced. In drawing up their development plans, and in determining planning applications, planning authorities should therefore consider what provision is needed in their area to ensure that waste is able to be managed in line with the proximity principle.

* Once recycling has been increased, recovery through waste to energy is seen as offering the main opportunity to manage waste more sustainably;

* Even landfill can be a sustainable management option for some wastes. Landfill is a part of the government’s strategy. There
will remain a need for landfilling for the foreseeable future, and the government continues to support its use for appropriate wastes, provided it is properly controlled and managed in an environmentally acceptable way. Landraising schemes are expected to become prevalent.

The White Paper identifies 5 primary targets:-

* to reduce the proportion of controlled waste going to landfill to 60% by 2005
* to recover 40% of municipal waste by 2005
* the government will set a target before the end of 1998 for the reduction of waste
* The Department of the Environment will set targets by March 1996 for minimizing the solid waste it produces
* two thirds of Government Departments to have in place office waste minimization targets by the end of 1996.

THE LANDFILL LEVY

3.5.7 ‘Making Waste Work’ advises that a landfill tax will be introduced on 1 October 1996. It will be levied on landfill operators in respect of all waste, disposed of in landfill sites, which is subject to licensing requirements under the Environmental Protection Act 1990. The government expects that the costs will be passed on to waste producers.

The government comments, in Making Waste Work:-

‘One way to ensure that the BPEO is achieved for all waste streams is to ensure that the waste management options bear their full environmental cost, and then leave it to the market to achieve an optional balance between the waste management options. For this to be successful a level playing field and fair market have to be ensured - through adequate and uniform standards of regulation.’

In the governments view the landfill tax will help to achieve this.
THE MAIN ISSUES FOR THE WASTE LOCAL PLAN

3.6.1 1. The permitted disposal capacity in Kent for non-inert wastes is almost exhausted. There are now major flows of waste to Essex, which are likely to increase further without new facilities in Kent.

2. The export of waste from Kent is not consistent with national, regional or strategic planning objectives.

3. There is an urgent and immediate need for additional facilities which proposed new waste management operations will not assist in meeting. Any delay in the completion of proposed waste recovery alternatives such as materials recycling, composting and recovery of energy from waste will mean the waste continuing to go to landfill. In the immediate future these needs can only be met by new landfill proposals.

4. New facilities should include provisions which will contribute to the Plan’s objectives by encouraging recycling and recovery, together with final disposal.

On the basis of the void space requirements set out above, committed disposal capacity, as at 1993 (see paragraph 3.1.7), gives a life of almost 14 years for A wastes and just over 2 years for B and C wastes, if all the disposal capacity described in 3.1.7 were to be immediately available.

However, as a consequence of existing contracts, the majority of current committed capacity has been reserved by Kent County Council for the long-term disposal of some household wastes and is therefore not immediately available. As a result, there is a severe shortage of appropriate facilities for the disposal of Kent’s household, commercial and industrial wastes generated in Kent such that approximately 40% is currently exported to landfills in Essex.

3.6.2 The need for additional capacity means that there will continue to be a flow of planning applications to deal with all types of wastes. For example:-

(i) The WMP identifies non-household waste arisings in Kent as comprising some 87% of the total weight of waste disposed of in the County. There are therefore major private sector waste flows that need to be provided for. The private sector is finding it increasingly difficult to secure outlets for this.

(ii) A number of the WDA contracts for disposing of household waste (see paragraphs 3.4.4 and 3.4.5 above) will run out during the Plan period and some of those which have been accepted may
not ultimately proceed. New contracts will therefore need to be let.

The applications will need to be considered against a firm local plan framework.

**The Future**

3.6.3 In principle there are alternatives to the disposal of unprocessed waste to landfills in Kent. In practice there are also moves away from this method.

3.6.4 An important part of the Plan should be a range of positive proposals for new waste management facilities. This will mean striking a difficult balance between conflicting strategic objectives. When evaluating possible future directions for the planning of waste management in Kent, and the consequent identification of preferred methods and their location, it will be essential to have regard to environmental impact. Every method of waste management has an impact on the environment and some raise major issues, for example residues and emissions from both landfill and incineration, gas and leachate from landfill and traffic effects.

**Conclusions**

3.6.5 It is clear that all environmental and locational objectives will not always be achieved. In some circumstances the need to provide additional capacity may be judged as an overriding consideration.

Currently the major alternative utilised in Kent is export of wastes to landfills in Essex. Unless new facilities are made available as a matter of urgency, the level of waste exports will increase still further. Export of wastes is not consistent with the principles of sustainable development and transfers wastes to disposal outlets for which Kent County Council has no direct influence on the environmental standards adopted.

The “transfer away” option does not therefore, allow the Plan to achieve its general objectives, as set out in the Foreword and paragraph 4.1.9, nor is it consistent with the Plan’s vision and general approach to waste management (4.1.4).

Large scale exportation of wastes does not conform with regional guidance which looks to Kent to deal with its own waste arisings in Kent and to make an appropriate contribution to regional requirements.

3.6.6 The view of the Planning Authority is that, consistent with EU and national objectives, there are overall environmental advantages in moving away from waste dependent systems, such as disposing of unprocessed waste direct to landfill. The move should be towards waste reduction, re-use and recovery (materials, recycling, composting and recovery of energy from waste) where practicable, combined with final disposal. These processes would become part of a system of cyclical resource management which, together with high standards of waste
management, would secure more effectively the Planning Authority’s environmental objectives than does the current reliance on landfill.

3.6.7 There are already significant moves towards the establishment of major recycling plants in Kent.

* In October 1992 planning permission was given for a paper recycling mill at Aylesford. Its construction has now commenced. When operational it will be capable of processing 460,000 tonnes of used paper a year. It will be, therefore, of regional or even national significance. As about one-third of Category C waste is paper the facility will be there to achieve a large volume reduction in the waste stream additional to that which is currently recovered, but this will require arrangements to be made by the Waste Collection Authorities for the separation of paper at source.

* The contracts made by the WDA for recycling plant, referred to in paragraph 3.4.4, are expected to lead soon to planning applications. Other waste to energy companies are understood to have applied for NFFO subsidies, with sites in Kent in mind.

**Targets**

3.6.8 Recycling targets will mean the waste industry devoting increased resources to recycling processes, and land provision will need to be made for this. If creation and maintenance of the 10 year capacity sought in the Structure Plan (see paragraph 2.25) is to be achieved, it will be essential for substantial new capacity to be created in the waste reduction/recycling fields including Integrated Waste Management Facilities.

**Non-inert Waste**

3.6.9 It is assumed that increased materials recovery will continue to be an important policy objective, and the government’s 25% target (see paragraph 2.3) may be revised upwards in the future. Nevertheless, the WLP accepts that there is an urgent, immediate need for additional facilities and that, in the timescale available, that need can only be met by new landfill proposals. However, in order to sustain the WLP’s overall objectives, as set out in the Foreword, preference will be given to proposals for Integrated Waste Management Facilities, incorporating recycling and recovery together with final disposal.

In the longer term, the WMP identifies waste to energy as being a suitable technology for achieving a reduction in the volume of waste Categories B and C, of as much as 80%, assuming that waste segregation has been carried out to reclaim and recycle materials, and to maximise the burn potential. The Royal Commission on Environmental Pollution draws a similar conclusion about the future place of waste to energy in waste management and the government has now responded to that (see paragraph 3.5.4).
3.6.10 Even with the sought for growth in recycling, there will remain a large volume of waste to be dealt with. Although incineration has focused traditionally on household waste, other types of Category B and C wastes (e.g., commercial wastes and wood) could also be burnt. It is expected that, certainly in the short term, some London waste will continue to be exported to Kent (see paragraph 3.2.1). This will add further to the amount of potentially combustible waste needing to be disposed of in the county.

3.6.11 The Royal Commission (see paragraph 3.5.1) identified very low percentages of waste currently being incinerated in the UK. Very little is incinerated in Kent. In the absence of a government target (a gap recommended for plugging by the Royal Commission), the best approach may be for the Plan to seek to maximise Kent’s ability to deal in this way with the community’s unrecyclable waste.

At present some 1.9 million t of Categories B and C waste are disposed of in Kent each year, and this amount is expected to remain about the same (paragraph 3.2.1). Not all of this is combustible. The paper recycling plant at Aylesford can be expected to reduce further the amount available by taking out a proportion of the 32% of household waste that is newspapers, magazines, paper and card (WMP). Composting would also further reduce the amount available.

If waste to energy is pursued as the major alternative to landfilling for the combustible unprocessed waste that remains after the extraction of any paper or compostable material, then perhaps 1 million tonnes of waste (commercial and industrial, as well as household) could be dealt with in that way.

3.6.12 Waste to energy plant capacity can be in excess of 1 million tonnes per year, as reflected in a current proposal at Belvedere in southeast London. The WMP suggests that a typical plant might handle 0.1 to 0.5 million tonnes of waste per year. The Royal Commission on Environmental Pollution has advised that for incinerators disposing of municipal waste, the minimum optimal scale in technical terms should be regarded as 200,000 tonnes per year.

3.6.13 There is therefore a wide range of possible plant size to set against the potential available input.

3.6.14 In principle a large part of the Category A Wastes can be re-used, rather than landfilled. Total anticipated arisings are in excess of 1½ million tonnes a year. If one half of this is re-used (see paragraph 3.2.10), then with plant processing the material for local markets at rates of some 50,000-100,000 tonnes a year, provision would need to be made for up to 15 new facilities, located across Kent.

3.6.15 A network of waste management facilities will be needed, serving for the most part local markets. However if economics means
that the waste industry comes forward with proposals for larger scale facilities, the Plan should give similar, in principle, support to their establishment.
CHAPTER 4

THE STRATEGY
4.1.1 This Chapter establishes the Waste Local Plan’s strategy. It is based on the County Council’s general approach to waste management as set out in Kent’s Structure Plan and Waste Management Plan. It draws upon the environmental principles and policies of both the EU and the government, as set out in Appendix 1, as well as the County Council’s own Environment Programme, as they bear upon waste management.

4.1.2 Kent’s overall waste management strategy supports minimization, recycling and re-use. This support reflects the government’s aim to minimise the environmental impact of dealing with waste. It is particularly important for the County Council to play its part in seeking to curtail the production of unnecessary waste; complementary waste management initiatives, with which the County Council is involved as part of its Environment Programme, are described in Appendix 9.

4.1.3 An important starting point in waste management must be segregation; this would mean keeping separate the different materials. The principles of segregation and separate collection of different types of waste are both supported and encouraged.

THE VISION AND THE GENERAL APPROACH

4.1.4 The vision from which the Plan’s strategy is developed is:-

* sustainable development
* Kent’s waste management industry doing its job with the minimum possible environmental impact and to the highest environmental standards.
* clean production as the goal for all producers and consumers of natural resources
* ultimately aspiring to the concept of zero waste

4.1.5 Waste is a material lost to the productive economy. The vision means seeing as a potential resource all those materials which are now dealt with as waste. The materials involved have been hard won and at an environmental cost (e.g. Kent’s mineral resources). They have also been subject to processing, or are the result of other means of production. In some part the materials continue to have a value, able to be further realised. Beneficial uses need to be sought for as much as possible of what is presently landfilled. For example the waste could be reprocessed into fresh products (including energy realisation). Some could also be used as a medium for land restoration.

The vision is consistent with the Duty of Care provisions of the EPA. All waste now needs to be accounted for.

4.1.6 The Waste Local Plan can help towards this vision. It means seeking changes to the current patterns of waste management in Kent. Although it is recognized that securing all elements of the vision is not a
practical goal in the lifetime of the Plan, a course towards the sought for changes is charted. It means moving away from simple waste disposal methods towards managing waste as a resource. The amount of waste needing disposal needs to be reduced to its absolute minimum.

4.1.7 The Plan’s policies and proposals are developed within a long term land planning strategy which seeks to change the ways in which the community now deals with its waste and at the same time to improve environmental standards and conditions. It is the firm intention of the County Council to promote waste planning policies that complement the higher priority now given to environmental issues in balancing Kent’s development needs (see paragraph 2.15).

**Local Agenda 21**

The Planning Authority recognises the positive contribution that Local Agenda 21 initiatives can make towards achieving the Plan’s general aims and objectives.

**The Environmental Implications**

4.1.8 Reflecting the higher priority now given to environmental issues, the Plan’s broad strategic objectives and options, as well as its policies, have been the subject of an Environmental Appraisal. The purpose of the Appraisal is to ensure that environmental concerns are fully integrated into the plan making process. A separate background paper on the Appraisal is available.

The general conclusions of the Appraisal are that:-

(a) European and national environmental policies and advice have been fully taken into account in preparing the Plan.

(b) There are important environmental gains to be secured by seeking to move away from the current reliance on landfill with unprocessed waste towards those new methods of management which regard waste as a resource.

(c) Whilst individual proposals can always be shown to have a negative impact on the environment, overall the policies are likely to have a more positive than negative impact, and the Plan moves towards the principles of sustainable development.

**THE MAIN PRINCIPLES**

**Objectives**

4.1.9 In accordance with PPG12 and PPG23, the Plan seeks ‘to make adequate provision’ for waste management facilities and at the same time to take account of the need to protect the natural and built environment. The Plan’s general objectives, which are equally important, are:-

* **consistent with the principle of environmentally sustainable development, to improve environmental standards and conditions.** Such improvements would minimise the impact
of dealing with waste (including the minimisation of traffic generated) and secure the highest possible standards of waste management.

* to secure the provision and maintenance of sufficient capacity to deal in Kent with the waste that the community generates, this to include the regional element that needs to be accommodated in Kent.

* to change the ways by which waste is now dealt with in Kent. This entails the development of cleaner technologies. It means moving away from the current reliance on landfill and towards alternatives including Integrated Waste Management Facilities which embrace re-use and recycling and/or waste to energy.

The Waste Local Plan has regard to the objectives of Articles 3, 4, and 5 of the amended EU Framework Directive on Waste (see Chapter 2).

4.1.10 Progress in a move away from simple waste disposal systems (such as landfill with unprocessed waste) will be influenced by market forces, public attitudes and government policies (eg financial incentives). The Plan can make an important contribution, by making land provision for new methods of dealing with waste, and by setting down a firm planning framework against which to consider individual waste management proposals.

**Targets**

4.1.11 A main target for the Plan is that by 2011 landfill with waste that has not been subject to any prior processing will have ceased. This reflects national, regional and Structure Plan objectives and also the wider community aim of putting as much waste as possible to effective use.

The target is consistent with, and looks to better, the government’s own target of recycling 25% of household waste by the year 2000. The government’s target is regarded as both a minimum and a staging post towards the elimination of as much waste as possible.

It is accepted that not all waste can be re-used or recycled and that there will always be a residue for which nothing other than disposal on land is possible. However, in the opinion of the Planning Authority, landfill should always be the method of last resort. The waste residue should wherever possible be used for land restoration.

In the light of all these considerations, and of the conclusions drawn from Chapter 3 (paragraphs 3.6.8 to 3.6.9), the Local Plan seeks the achievement by 2011 of an 80% reduction in the volume of the non-inert waste needing to be disposed of in Kent, all the waste having been first processed (eg sorted for materials recovery, and the residue then reduced in volume).
4.1.12 This is not an ‘end-state’ Plan; it is the first step in a series of moves towards the vision outlined in paragraph 4.1.4. In a wider context the change from a ‘throwaway’ culture will depend upon the success of initiatives and incentives at national, EU and global levels, and it will take time for the changes sought in the Plan to take place. The Plan must take account of:-

(i) the need to ensure sufficient provision for dealing with the community’s waste during the next 10 years.
(ii) the assumption of continued waste generation by the community at large at about existing levels.
(iii) the recognition that Kent will have to contribute to a regional role in helping to deal with some of the waste generated in London.

In respect of (iii) it is assumed that Kent will continue to accommodate waste from London at about current volumes (see paragraph 3.2.1).

It is accepted that for at least the next five years or so, landfill will continue to be the main means of disposal. New planning permissions will be required in the short and medium terms; to this end schemes which contribute to the Plan’s objectives of sustainability would be favoured.

An important element in the transition is seen as the reduction of suitable wastes through waste to energy schemes. Subject to the Plan’s environmental criteria being satisfied, waste-to-energy is seen as a potential major contributor to Kent’s waste management requirements for the Plan period. By this means the volume of space needed for landfill will be substantially reduced.

An important element in the Plan is seen as the reduction in environmental impacts associated with long-distance transport of wastes. The Plan seeks to accommodate all of Kent’s wastes within Kent according to the Proximity Principle and thereby to minimise the current export of wastes. Subject to the Plan’s environmental and sustainability criteria being satisfied, preference will be given to proposals which assist in this process.

4.1.13 An important part of the strategy is the preference given, through policy support and land provision, to alternatives to the traditional method of disposal (ie landfill with unprocessed wastes). This means directing attention to methods of treatment involving separation, reduction and reprocessing for different kinds of discarded materials, and also bulking/transfer points. Some will be innovative and these particularly will need sympathetic consideration. This strategy expresses the objectives of Articles 3 and 4 of the EC Waste Framework Directive. An important aspect of it is the aim to save land resources as well as materials resources. Landfill with unprocessed wastes is seen as an unnecessarily extravagant use of land.
Market forces, together with the continuing tendering procedures for the disposal of Kent’s household waste required of the Waste Disposal Authority (see Chapter 3), will influence firstly which of the alternatives, and secondly how much of the provision, is taken up within the Plan period. To guide these processes in the long term it is considered essential for a firm waste local plan framework to be in place as quickly as possible.

The provisions made in the Plan for waste processing are relatively generous. This will ensure that progressing proposals to use waste as a resource, by increasing the amount being processed for re-use or recovery, is not constrained by a lack of identified suitable locations.

**Landfill**

4.1.14 To assist such proposals (particularly for recycling, re-use and volume reduction) to come forward, no specific new provision for landfill with unprocessed waste is made. However, it is recognised that new applications for landfill will continue to be made. These will be considered against:-

* the criteria and Policies of the Plan;
* any specific case of need that can be demonstrated.

This approach would allow the County Council to fulfil its duty to make overall provision for managing the waste that the community produces, and at the same time start the sought for move away from a reliance on landfill.

**Environmental Impact**

4.1.15 The Plan sees as essential, for the community at large, the creation and maintenance of a network of facilities for dealing with the waste that the community generates. Modern waste management facilities can attain high standards of operation and be enclosed in buildings that in appearance are similar to standard modern industrial buildings. The Whitfield Transfer Station, for example, is part of the White Cliffs Business Park at Dover and adjoins the District Council offices. The District Council comment that it does not detract from the prestige of the Park. It is this standard of development that the Plan seeks, such that normally permanent waste management proposals can be accepted without planning objection in industrial areas.

4.1.16 Developing the wider objectives of making waste ‘accountable’ and of ‘polluter pays’, an important element of the Plan’s strategy is to ensure that all waste is dealt with in a way consistent with Kent’s environmental policies. This means that unauthorized operations will be enforced against.
THE APPROACH TO PLAN PROPOSALS AND TO THE ASSESSMENT OF PLANNING APPLICATIONS

4.2.1 The Plan’s approach is designed to secure the provision of a new pattern of waste management in Kent to the best environmental advantage of the community at large. However, making provision to deal with the community’s waste will mean in many cases the building of specific projects and, as identified in the Environmental Appraisal (see paragraph 4.1.8 above), these will always have an impact. An important part of the Plan therefore is to establish a framework against which impacts can be addressed. Firstly, general locational principles are set down to focus onto possible suitable general locations. Then criteria are developed to enable the environmental impact of proposals to be assessed in detail.

4.2.2 The Plan identifies (in Chapter 5) general locations and broad areas where waste management proposals (other than for landfill) will be either supported in principle, or not normally permitted. General locations where such proposals would be supported comprise for the main part land now being worked for minerals and not yet restored to pre-existing ground levels (for temporary facilities), or land already affected by, or proposed for, general industrial-type development (for permanent facilities). Consistent with Structure Plan Policy ENV1 and with the thrust of ENV10, greenfield locations are avoided.

Broad areas where such waste management proposals will not normally be permitted comprise:-

* land to be protected for water resource reasons
* land shown in the Development Plan as of natural resource or identified environmental value
* urban fringe locations not already in use for, or proposed for, industrial or industrial-type developments
* land already allocated for other development which is considered to have an overriding strategic priority.

As regards the last category consideration would be given, along with the principles set out in paragraph 4.1.14, to the possible effects on other development opportunities. This would apply particularly in the East Thames Corridor (now known as Thames Gateway) where higher quality uses or riverside development might be involved (see Appendix 1, paragraph 3.5 and Appendix 2, Policy S5).

The Plan takes into account the aims and objectives of the Thames Gateway Planning Framework.

Proposals for landfill will be considered initially against Policy W1 and the general locational criteria of the Plan.
In respect of Integrated Waste Management Facilities, locations where such proposals would be supported comprise mineral workings, lower quality agricultural land and waste land, or land already affected by, or proposed for, general industrial-type development or redundant agricultural buildings.

**Environmental Standards**

4.2.3 The Plan also establishes (in Chapter 6) more detailed criteria. These will be used, firstly in the determination of planning applications and secondly to secure the operation of any permitted proposals in an environmentally acceptable way. The Plan seeks to secure improvements to the environment in and around new waste management operations by establishing a régime compatible with Kent’s established landscape and environmental policies.

**Sustainable Development**

4.2.4 Waste management can have unsustainable impacts:-

* aquifers can be damaged and atmospheric emissions produced
* all handling and processing of waste uses energy.

Long distance road transport of wastes in particular is regarded as unsustainable and will be discouraged through the provision of a network of facilities in Kent sufficient to deal with Kent’s wastes and its regional contribution.

These issues will be addressed when considering individual proposals.

4.2.5 Good operational, working and restoration practices are not at present universal. With waste management developments it is essential for the industry to conform to an agreed set of operating standards so that the public can have confidence in how it will behave in Kent. The industry needs a clear commitment to, and demonstration of, positive measures of environmental control. Operators must take account of best environmental practice and aim to be good neighbours. The emphasis must be on high quality practices, with the industry being seen to be making a positive contribution both to Kent’s economy and to its environment. To this end, Chapter 6 of the Plan sets out the County Council’s framework for Environmental Assessment (EAs) and its objectives for environmental management. These are consistent with EU Directives and in particular with Article 4 of the EC Waste Framework Directive, legislation and government advice. They are intended to secure and maintain the best possible operational, working and reclamation standards.

4.2.6 A high quality approach is especially important in respect of land restoration. In order to improve the performance of both the Planning Authority and the industry in securing proper restoration, clear objectives are needed. This is particularly so with the current shift away from the traditional ‘agricultural’ after-use on lower quality agricultural land, and with nature conservation oriented after-uses becoming more important.
4.2.7 Applications will be assessed against all relevant adopted and draft Development Plan policies.

**Waste Processing/Transfer**

4.2.8 These are industrial-type uses (including innovative processes such as pyrolysis) which are mostly also relatively heavy traffic generators. An exception is composting by wind-rowing. As a general principle transport requirements should be minimised. Integrated Waste Management Facilities are appropriate in suitable rural locations and some other types of recycling and recovery operations may be appropriate uses for redundant farm buildings. For most proposals it is accepted that transport will normally be by road. However this is not the only option. Where appropriate and practicable the County Council will support other transport modes. For example a transfer station could appropriately link into the rail network, or use water. The waste that travels by road should be reduced as much as possible. Wherever possible proposals should be capable of being served by rail and/or water.

4.2.9 People and activities generate waste and it is expected that new processing and transfer operations will locate to serve Kent’s main population and employment centres. Accordingly a network of locations is proposed to serve Kent’s main urban areas. This network will match the objective in Article 5 of the EU Waste Framework Directive. Locations are sought which:-

(a) seek to minimise impact on the local and natural environments (in particular major concentrations of population and important wildlife sites) consistent with the principle of environmental sustainability;

(b) have, or could secure in an acceptable way, ready access to the main road network, or a rail or water link;

(c) are within or adjacent to existing waste management facilities (other than wind-rowing locations) or are part of a location within an established or proposed general industrial-type area, (that is those with a significant proportion of B2 to B8 type uses, or with major industrial-type developments such as power stations);

(d) assist in the management of Kent’s waste in Kent.

These criteria are consistent with the objectives of Article 4 of the EU Waste Framework Directive. As it is an important objective of the Plan to avoid taking greenfield land, it is inevitable that criterion (c) will carry especial weight.
For transport and operational reasons a number of the proposals are on the coast. Consistent with established Coastal Planning objectives (see Appendix 1, paragraph 2.31), these proposals are in areas which are already largely developed.

In summary industrial-type locations (eg industrial and port areas or the curtilages of power stations) will be sought which are not close to major residential areas and also which can gain access to the main road network by avoiding as far as possible major residential areas.

In addition to the provisions of this Plan are the numerous small materials collection points, at the most local residential level, provided by the Waste Collection Authorities.

The locations identified in the Plan should also be looked to for any proposed relocation of existing waste management operations.

**Landfill**

4.2.10 Initial considerations for any new landfill proposals will be:-

(a) the Waste Local Plan’s strategy and policies;
(b) in considering applications for landfill/landraising, need will be regarded as a material factor;
(c) protection of natural resources;
(d) in areas of mineral voids, lower quality agricultural land and waste land.
(e) minimising adverse impact on the countryside and local and natural environments, consistent with the principle of environmental sustainability;
(f) assist in the management of Kent’s waste in Kent.

**Landraising**

4.2.11 Disposal by landraising is at present a common practice. In and around urban areas this may be needed to prepare land for development. As a general principle however in rural areas landraising leads to a permanent change in the character of the countryside and so works against the strategic objective of protecting the countryside for its own sake (see paragraph 2.16). Accordingly new proposals to dispose of waste by landraising, which do not contribute either to restoration or to preparation for a development in accordance with the Development Plan or a planning permission, or which would create an alien landform will not be permitted.

It is noted that the EA are of the view that in appropriate circumstances landraising can offer significant advantages over below ground waste disposal in terms of engineering and pollution control.
CHAPTER 5

PLAN PROPOSALS
THE GENERAL FRAMEWORK

5.1.1 The first starting point in developing proposals for the Waste Local Plan are Policies ENV20 and ENV22 from the Structure Plan. These seek to make adequate provision to deal with the waste that the community generates, including the regional element (see paragraphs 4.1.9 and 4.1.12) and at the same time to reduce the volume needing to be disposed of in Kent. Regard is also had to the issues identified in paragraph 3.6.1. Accordingly:—

Policy Provision for Waste Processing

WI THE LOCAL PLANNING AUTHORITY WILL MAKE PROVISION IN ACCORDANCE WITH THE PRINCIPLES OF SUSTAINABLE DEVELOPMENT FOR WASTES ARISING IN KENT TO BE DEALT WITH IN KENT, BASED ON THE FOLLOWING HIERARCHY:—

(i) REDUCTION
(ii) RE-USE
(iii) RECOVERY
   (A) RECYCLING
   (B) COMPOSTING
   (C) RECOVERING ENERGY
(iv) DISPOSAL

IN ADDITION, PROVISION WILL BE MADE FOR A SHARE OF THE REGION’S WASTE, AS AGREED BY SERPLAN, WHICH CANNOT REASONABLY BE DEALT WITH IN THE AREA OF ORIGIN. THE LOCAL PLANNING AUTHORITY WILL GIVE PERMISSION TO PROPOSALS TO REDUCE, RE-USE OR RECOVER WASTE MATERIALS AND ENERGY AND DISPOSE OF WASTE AT LOCATIONS IDENTIFIED AND UNDER CIRCUMSTANCES SPECIFIED IN THE PLAN.

This policy will allow immediate capacity problems to be addressed. It is recognised that there will be a long-term requirement for land for all elements in the hierarchy. To this end the situation as regards overall disposal capacity will be kept under regular review and account taken of the extent to which Kent is able to become self-sufficient and of the extent to which new methods of waste management reduce the amount of landfill capacity required. The Planning Authority is firmly committed to its wish to secure the provision of waste management facilities towards the top of the hierarchy.

The planning mechanism for dealing with provision for waste disposal at the regional level is described in paragraph 2.8.

Pursuant to the Structure Plan objective of reducing the volume of waste needed to be disposed of, the Local Plan seeks to reduce the amount of unprocessed material. This objective will apply to all categories of
waste. Until such time as new methods of waste management are fully established and result in a significant reduction in the volume of wastes needing to be disposed of to land, Integrated Waste Management Facilities will be encouraged.

5.1.2 As part of the general move to more sustainable waste management the government, in its Waste Strategy for England and Wales, intends to further encourage the development of integrated waste management facilities, for example schemes which would combine resource recovery facilities such as energy from waste and recycling, with final disposal which would achieve early stabilisation of the waste. Accordingly these will be permitted at suitable locations to complement other schemes based on individual elements of the waste hierarchy.

Integrated waste management facilities combining elements from various levels of the waste hierarchy, after waste minimisation, will normally require rural locations. Integrated waste management will require plant and buildings and so sites which can meet the requirements of Policy W25A would be favourably considered. Integrated waste management facilities would be associated with the landfill of mineral voids or landraising. Accordingly:-

**W1A INTEGRATED WASTE MANAGEMENT FACILITIES WILL BE PERMITTED IN ASSOCIATION WITH:-**

(i) THE LANDFILL OF MINERAL VOIDS WHICH ASSIST IN THE RESTORATION OF MINERAL WORKINGS.

(ii) LANDRAISING WHICH WOULD USE LOWER QUALITY AGRICULTURAL LAND OR WASTE LAND AND WHICH DOES NOT CREATE AN ALIEN LANDFORM OUT OF KEEPING WITH EXISTING LANDFORM.

5.1.3 The next starting point is the strategic planning objective of protecting important resources. The Structure Plan recognises Kent’s physical environment as a major national asset. The environment in its widest sense will be protected, as well as the countryside for its own sake. The Structure Plan also looks to give increased protection to major and minor aquifers and to the river systems. Policy ENV21 states that before permitting any waste management proposal, the Planning Authority will require to be satisfied that there is a need for it such as to override a material agricultural, landscape, conservation or environmental interest. Policy W2 develops Structure Plan Policies ENV1, 2 and 21. In addition, the Plan’s strategy (paragraph 4.2.2) identifies material interests as comprising, inter alia, those areas:-

(i) protected for water or other natural resource reasons;
(ii) with an identified environmental value.
Accordingly, and pursuant also to the levels of protection afforded by the specified environmental and natural resource policies in the Structure Plan:-

**Policy - Protecting Environmental Resources**

W2 WASTE MANAGEMENT PROPOSALS WILL NOT BE PERMITTED IF THEY WOULD CAUSE A SIGNIFICANTLY ADVERSE IMPACT IN THE FOLLOWING AREAS:-

(i) SITES WHERE THERE WOULD BE A SIGNIFICANTLY HARMFUL EFFECT ON THE QUALITY OF OR POTENTIAL YIELD FROM GROUNDWATER RESOURCES (pursuant to the level of protection afforded by Structure Plan Policy NR3 and to the former NRA’s “Policy and Practice for the Protection of Groundwater”).

(ii) SITES WHERE THE NATURE CONSERVATION INTEREST IS OF INTERNATIONAL IMPORTANCE (pursuant to the designations identified below and to ENV4).

(iii) NATIONAL NATURE RESERVES, SITES OF SPECIAL SCIENTIFIC INTEREST, LOCAL NATURE RESERVES AND SITES OF NATURE CONSERVATION INTEREST (pursuant to ENV4 and ENV5).

(iv) THE BEST AND MOST VERSATILE AGRICULTURAL LAND (pursuant to ED6).

(v) AREAS OF OUTSTANDING NATURAL BEAUTY AND SPECIAL LANDSCAPE AREAS, (pursuant to ENV3).

(vi) HERITAGE COAST AND UNDEVELOPED COAST (pursuant to ENV8 and ENV9).

(vii) CONSERVATION AREAS (pursuant to ENV16).

(viii) THE SITES AND SETTINGS OF:-

• BUILDINGS AND FEATURES OF ARCHITECTURAL OR HISTORIC INTEREST,
• HISTORIC LANDSCAPES
• SCHEDULED ANCIENT MONUMENTS
• ARCHAEOLOGICAL SITES OF NATIONAL OR COUNTYWIDE IMPORTANCE (pursuant to ENV17 and 18).
(ix) AREAS AT RISK FROM FLOODING (pursuant to NR5).

(x) AREAS OF LOCAL LANDSCAPE IMPORTANCE, COASTAL ZONES AND STRATEGIC GAPS (identified in District Local Plans).

IN ADDITION, PROPOSALS OUTSIDE OF THESE AREAS WILL NOT BE PERMITTED IF THEY ARE SHOWN TO HAVE AN ADVERSE IMPACT ON SUCH AREAS.

LAND RESTORATION PROPOSALS WILL BE PERMITTED IF THEY CONTRIBUTE TO PLANNING OBJECTIVES IN THESE AREAS.

Sites where the nature conservation interest is of international significance are Ramsar Sites, and declared and potential Special Protection Areas (SPA) and Special Areas of Conservation (SAC) under the Birds Directive and the Habitats Directive (see Appendix 1, paragraph 2.27). Applications within Areas of Outstanding Natural Beauty (AONB), National Nature Reserves (NNR) and Sites of Special Scientific Interest (SSSI) will be subject to the most rigorous examination. The effect on surface water features and their associated interest will form part of the Planning Authority’s assessment.

5.1.4 The government’s view (Appendix 1, paragraph 2.16), that only in exceptional circumstances should a need arise to dispose of waste a substantial distance away, suggests that local solutions should be sought wherever possible. To help to ensure that the sought for move towards new waste management processes is not constrained by a lack of suitable locations, the land provision sought should be relatively generous. One of the Plan’s general objectives (paragraph 4.2.9) is to secure a network of waste management facilities to serve the community. These factors point to a ‘spread’ of local provision for new waste management facilities across Kent.

Policy W2 provides a first ‘sieve’ for the consideration of all waste management proposals. However alternatives to landfill normally comprise more permanent, built development and to these additional considerations will apply. An exception is the wind-rowing method of composting which would normally be expected to require a rural location.

Accordingly, but with the exception of wind-rowing:-

Policy - Locational Criteria

W3 PROPOSALS WHICH INVOLVE ONLY WASTE PROCESSING AND TRANSFER AT LOCATIONS OUTSIDE THOSE IDENTIFIED ON THE PROPOSALS MAP WILL NOT BE PERMITTED UNLESS THEY:-
(i) CAN AVOID THE NEED FOR ROAD ACCESS, OR CAN GAIN READY ACCESS TO THE PRIMARY OR SECONDARY ROUTE NETWORK AND PREFERABLY HAVE POTENTIAL FOR A RAIL OR WATER TRANSPORT LINK AND

(ii) ARE LOCATED WITHIN OR ADJACENT TO AN EXISTING WASTE MANAGEMENT OPERATION, OR WITHIN AN AREA OF ESTABLISHED OR PROPOSED GENERAL INDUSTRIAL USE WHERE THE FORMER IS A TEMPORARY USE, PERMISSION WILL ONLY BE GRANTED FOR THE DURATION OF THE PRIMARY USE

The network in Policy W3 is the primary and secondary route network identified in the Structure Plan.

A further relevant consideration is that provided by national policy advice regarding the Metropolitan Green Belt (Appendix 1 paragraph 2.29).

The Structure Plan (Policy MGB3) endorses this guidance.

Policy - Metropolitan Green Belt

W4 WITH THE EXCEPTION OF TEMPORARY PROPOSALS RELATED TO THE RESTORATION OF MINERAL, WORKINGS, THERE WILL BE A GENERAL PRESUMPTION AGAINST PROPOSALS FOR ANY BUILT WASTE MANAGEMENT DEVELOPMENTS WITHIN THE METROPOLITAN GREEN BELT.

5.1.5 Developing the general approach to disposal by landfill set out in Chapter 4, it is important to make clear that proposals for landraising which do not meet either criterion as stated in Policy W5 will not form part of the County Council’s waste planning strategy. Accordingly:

Policy - Landraising

W5 PROPOSALS FOR THE DISPOSAL OF WASTE BY LANDRAISING, WHICH:

(i) IS NOT REQUIRED FOR PREPARATION OF LAND FOR OTHER APPROVED DEVELOPMENT PROPOSALS OR FOR THE RESTORATION OF DERELICT LAND; OR

(ii) WOULD CREATE AN ALIEN LANDFORM THAT IS OUT OF KEEPING WITH THE EXISTING LANDFORM;

WILL NOT BE PERMITTED.
5.1.6 If, on the receipt of a planning application, it is judged that the proposal would cause demonstrable harm, it will be desirable to consider the need for the development. This process would establish whether the need for the particular development would outweigh the identified planning objections. Accordingly:

**Policy - Need**

W6 WHERE A PLANNING APPLICATION IS SUBMITTED FOR WASTE MANAGEMENT DEVELOPMENT, INCLUDING THAT COVERED BY W7 AND W9, LANDFILL, LANDRAISE AND WASTE-TO-ENERGY, ON A SITE OUTSIDE A LOCATION IDENTIFIED AS SUITABLE IN PRINCIPLE IN THE PLAN AND DEMONSTRABLE HARM WOULD BE CAUSED TO AN INTEREST OF ACKNOWLEDGED IMPORTANCE, NEED WILL BE A MATERIAL CONSIDERATION IN THE DECISION.

**Environmental Standards**

5.1.7 All proposals for waste management will be assessed against their ability to meet and maintain the environmental standards and planning requirements set out in Chapter 6. This will include taking account of the proximity of similar developments and proposals.

Conditions will be imposed on any planning permission to put into place the necessary management control framework to meet and maintain the Plan’s standards and requirements.

5.1.8 The locations suggested in Policies W7, W9 and W11 to follow do not preclude the consideration of other locations.

5.1.9 The specific proposals made in policies W7 to W15 deal with waste by the following categories:

* A )
* B and C ) as defined in
* D ) paragraph 3.1.2
* E, F and G )

**Channel Tunnel Rail Link**

5.1.10 The county is subject to the Channel Tunnel Rail Link Safeguarding Directions, February 1996 made by the Secretary of State for Transport. The safeguarding line is indicated on the Proposals Map and on the appropriate Insets. The Directions, whilst forming part of the planning framework of the Kent Waste Local Plan with which the plan should not be in conflict, are not however proposals of the County Planning Authority, and the route in question will not be determined through the development plan process. They will be considered under other statutory procedures which will provide appropriate opportunities for objection by those directly affected by the project.
5.2.1 The WMP indicated that in 1992 some 1.9 million tonnes of category A waste was disposed of in Kent. In 1995 the figure was 3.5 million tonnes. It includes soil, brick and rubble.

5.2.2 The government recognises the potential for greater re-use of demolition/construction waste and mineral waste. A Department of the Environment (DoE) research project published in 1991 (The Occurrence and Utilisation of Mineral and Construction Wastes) suggested the following measures which County Councils could take in their Development Plan work:-

* identifying sites for recycling plants, particularly for demolition and construction wastes
* identifying waste material tips available for re-use.

This chapter develops the first measure. The second will be addressed in a review of the Kent Minerals Local Plan (Construction Aggregates).

DEMOLITION WASTE

5.2.3 Demolition waste or builders’ rubble is a major element in Category A waste and in 1992 comprised about one quarter of total waste arisings in Kent. In principle there is no reason why it cannot be re-used, after any necessary preparation. Its removal from the waste stream would have a major impact on the total demand for landfill.

The County Council supports the full re-use of all these waste materials. Re-use would further the aim of waste reduction, and would also substitute for other materials, most probably land won mineral aggregates. The Proposals Map identifies locations for the collection, processing and sorting of this material and of other suitable category A wastes, and for any associated crushing and screening plant necessary to prepare them for re-use. A spread of locations is sought to meet the principles of sustainable development, particularly to keep haulage to a minimum. The waste is most likely to come from local building projects. It would be sorted or fed through plant to separate out different types and sizes of material. At the locations suggested for permanent development, there would be no final disposal on site. Both the re-useable material and the unreuseable waste would be taken away. The market will dictate the disposal points, with local disposal points having the advantage of least haulage costs.

Any permissions given at the ‘temporary’ locations identified in section (2) of the policy, would be tied to the life of the existing permitted mineral working or waste operation. In principle such proposals could be considered as an appropriate exception to Policy W2.
Where demolition waste is not reused pursuant to Policy W7, it could be used as a bulk fill in new construction projects, and after any necessary treatment as a secondary aggregate. This is strongly encouraged.

Developing the principles outlined in paragraph 4.2.9, the following general locations are considered to be suitable. The letter in brackets refers to the Proposals Map Inset.

<table>
<thead>
<tr>
<th>Policy - Re-use</th>
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<tbody>
<tr>
<td><strong>W7</strong> THE FOLLOWING LOCATIONS ARE CONSIDERED TO BE SUITABLE IN PRINCIPLE FOR PROPOSALS TO PREPARE CATEGORY A WASTE FOR RE-USE:-</td>
</tr>
<tr>
<td>(1) FOR PERMANENT DEVELOPMENT</td>
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<tr>
<td>(i) STONE MARSHES, DARTFORD (A)</td>
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<td>(ii) NORTH FARM (B)</td>
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<td>(iii) ALLINGTON (C)</td>
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<td>(iv) NEW HYTHE (C)</td>
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<td>(v) STROOD (D)</td>
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<td>(vi) HALLING (D)</td>
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<td>(vii) HOLBOROUGH (D)</td>
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<td>(viii) KINGSNORTH (E)</td>
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<td>(ix) RIDHAM/KEMSLEY (F)</td>
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<td>(x) SEVINGTON (H)</td>
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<td>(xi) HERSDEN (L)</td>
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<td>(xii) RICHBOROUGH (N)</td>
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<td>(xiii) BLUE BOAR WHARF, ROCHESTER (Q)</td>
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<tr>
<td>(2) FOR THE LIFE OF THE RELATED MINERAL WORKING/DISPOSAL OPERATION</td>
</tr>
<tr>
<td>(i) ALLINGTON QUARRY (C)</td>
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<tr>
<td>(ii) HERMITAGE LANE QUARRY (C)</td>
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<td>(iii) HAM QUARRY, FAVERSHAM (G)</td>
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<td>(iv) SHELFORD QUARRY (K)</td>
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PROPOSALS AT OTHER LOCATIONS WOULD BE CONSIDERED AGAINST WHETHER THEY:-

(a) SEEK TO MINIMISE IMPACT ON THE LOCAL AND NATURAL ENVIRONMENTS (IN PARTICULAR MAJOR CONCENTRATIONS OF POPULATION AND IMPORTANT WILDLIFE SITES) CONSISTENT WITH THE PRINCIPLE OF ENVIRONMENTAL SUSTAINABILITY;

(b) HAVE, OR COULD SECURE IN AN ACCEPTABLE WAY, READY ACCESS TO THE MAIN ROAD NETWORK, OR A RAIL OR WATER LINK PROVIDED THAT THERE IS ACCEPTABLE ACCESS ALSO TO AN APPROPRIATE ROAD NETWORK;
(c) ARE WITHIN OR ADJACENT TO EXISTING WASTE MANAGEMENT FACILITIES OR ARE PART OF A LOCATION WITHIN AN ESTABLISHED OR COMMITTED GENERAL INDUSTRIAL-TYPE AREA, (THAT IS THOSE WITH A SIGNIFICANT PROPORTION OF B2 TO B8 TYPE USES, OR WITH MAJOR INDUSTRIAL-TYPE DEVELOPMENTS SUCH AS POWER STATIONS).

Land Restoration

5.2.4 Even after processing there will remain a requirement for space to dispose of the residue. Table 3.2 identifies permitted tipping capacity for Category A wastes in excess of 16 million m$^3$. It is considered that existing planning permissions provide sufficient current capacity for the disposal of this residue during the first part of the Plan period. Accordingly, no new proposals for landfill with these types of inert wastes are made.

However if the need for additional disposal capacity for the residue is demonstrated, then pursuant to the relevant principles of Policy W12, it will be expected to be used for land restoration.

SPOIL MATERIAL

Mineral Waste

5.2.5 The only substantial mineral waste in Kent is colliery spoil (or minestone). As the coalfield is now closed, no new mineral waste of this type is being generated. There are four spoil tips, at Betteshanger, Hersden, Snowdown and Tilmanstone; together they are estimated to contain at least 25 million tonnes of material. The composition of the spoil is variable and it may contain contaminants which could be leached out, thus restricting its use. Subject to there being no potential groundwater problems at its point of use, the material can be used for embankments, hardstanding or general fill. It is also possible to reuse the spoil in the making of cement stabilised minestone (a sub-base material). Proposals will be made to support re-use of this material in the review of the Minerals Local Plan (Construction Aggregates). Proposals for after-use will be consistent with those of the appropriate District Local Plan.

Construction Projects

5.2.6 The Kent Structure Plan recognises that major construction projects, such as urban redevelopments and new transport links, can generate a large requirement for the disposal of natural spoil, comprising unspoiled rocks and soils, that is, inert, uncontaminated materials. A particular need is expected to arise from the Channel Tunnel Rail Link Project and this the Planning Authority will seek to accommodate within the framework set out below.Potentially the disposal requirements have major land use and transportation impacts and the principles and policies
of the Structure Plan will be used to assess how the spoil is to be dealt with. An important first objective is to seek to put any surplus material to a positive use. In order to minimise such impacts, in many cases the best planning solution would be to use the material either on site or, where appropriate, adjacent to it. This is advocated in the Department of Transport’s Design Manual for Roads and Bridges. Maximum spoil re-use needs to be designed into both development plan proposals and the planning of the project itself. It will be important however to ensure that no bio-degradable material (eg timber) is incorporated into schemes which have been accepted on the basis of being inert waste only.

Where full re-use is not possible, then pursuant to Structure Plan Policy ENV24, the Planning Authority will secure control over both the routing of spoil vehicles and the destination of the spoil. Wherever such natural material cannot be used either as part of, or adjacent to, the project itself, it is recognised that it has a high value for land restoration and so should be used for that purpose.

W8 NATURAL SPOIL FROM CONSTRUCTION PROJECTS SHOULD BE REUSED IN THE PROJECT ITSELF AS A FIRST PRIORITY FOR WORK WHICH COULD INCLUDE:-

(i) PREPARATION FOR DEVELOPMENT

(ii) SITE LANDSCAPING

(iii) LAND RESTORATION.

Pursuant to this policy the Kent Planning Authorities are attempting to manage those parts of the development process which generate large amounts of spoil. This positive management is in effect a ‘dating service’, putting producers of what to them is waste in touch with those who may have a use for it.

For highway schemes a consultation procedure is established. The appropriate highway, planning and waste authorities, together with the contractors, seek to resolve how best to deal with the scheme’s disposal requirements.

5.2.7 Although no firm proposals for the disposal of spoil from major construction projects are made at the present time, since the projects themselves are not certain, the following can be identified as potentially suitable for either partial or complete restoration with such material:-

* St James Lane Pit, Dartford
* Cuxton Pit 3, Strood
* Frindsbury Pit, Frindsbury
At Cuxton Pit 3 there are important nature conservation issues that would need to be established and assessed in the consideration of any restoration proposal.

**River Dredgings**

5.2.8 River dredgings arise from the ongoing need to keep clear the main navigation channels of the Thames and Medway, together with their docks. The Port Authorities have a statutory duty to do this, and the County Council recognises the economic importance of the Authorities’ functions. There are also private development requirements for dredgings disposal. Disposal has often been to land adjacent to the river; in Kent this has meant the North Kent Marshes. A ‘pump ashore’ system from barges is the normal method.

Leading conservation bodies propose that the disposal of non-reusable arisings from dredging should wherever possible be planned to take into account the context of natural coastal processes. This reflects their concern that inter-tidal habitats, especially saltmarsh and mudflat are being lost largely due to “coastal squeeze”, a product of the constraint provided by built sea defences and the increasing insurgence of tides due to sea level rise. The ability of these habitats to adjust to rising sea levels may depend heavily on the sediment budget of the estuaries. For this reason it may be crucial to retain as much sedimentary material as possible within the estuarine system, rather than disposing of it on land.

**The Thames**

5.2.9 Since 1961 the Port of London Authority (PLA) has disposed of its dredgings from the Thames mainly at Rainham Marshes in Essex. However the PLA is now seeking to secure new long term disposal arrangements, having been asked to leave Rainham as soon as practicable. Its operations currently generate on average some 550,000m³ of dredgings each year, of which about 200,000 m³ are channel dredgings. Some of the latter is sand and gravel which is marketable. But the PLA have been depositing the rest of the dredgings, which is silt, on to the land.

5.2.10 In 1990 the PLA submitted disposal proposals at Lower Hope Point, Cliffe which would provide some 45 years capacity at current rates of dredging. The application was called in for decision by the Secretary of State in February 1991. At the request of the PLA further action was held in abeyance pending testing of other means of river channel and dock area clearance involving silt agitation by water injection (“Jet-Sed”) and natural river action. This testing continues. If the new method becomes proven it should affect the extent of need for land disposal of dredgings.

5.2.11 Before these new circumstances arose, the County Council came to a view on the proposal. It acknowledged the important nature conservation interests, including the intention to notify the area as a SSSI; the area would then form part of a candidate SPA for birds, and a
proposed ‘Ramsar’ site. The land at Cliffe Marshes is recognised as part of one of the largest remaining intact blocks of grazing marsh, which is important not only for birds, but also for wetland plants and insects, particularly in the drainage ditches. The view of the nature conservation bodies was that the value and interest of the grazing marsh is much reduced if fragmented, and that the grazing marsh habitat would be permanently lost. On the other hand the County Council took into account the future value of the proposed managed lagoons, and in view also of the case of need and of the offer to forego any future possible development in the area, it considered these latter issues to be overriding. Accordingly, it resolved to grant permission subject to:-

’such conditions and legal agreements, including an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, to ensure the long term future of the site for conservation purposes and that the site, and any adjoining land under the Port of London Authority’s control, would never be developed for any purpose other than that which is proposed in the planning application.’

5.2.12 Lower Hope Point has since been notified as part of the South Thames Estuary and Marshes Site of Special Scientific Interest (SSSI). English Nature has now investigated fully whether the SSSI meets the Ramsar and SPA criteria and has formally proposed to the Department of the Environment a boundary which includes Lower Hope Point in the areas under both designations. The SSSI is an integral part of an essential European network of feeding and breeding sites for migrating birds, especially waterfowl. Under the EC Directive on Habitats and Species (92/43/EEC), which is implemented in Great Britain by the provisions of the Conservation (Natural Habitats etc) Regulations 1994, the granting of planning permission for development which is likely to affect significantly a SPA or Special Area of Conservation (SAC) (or candidate site) is restricted, and the restrictions are more severe for sites which host priority habitats.

In considering whether permission may be granted it must first be ascertained whether the proposal will adversely affect the integrity of the site and, if so, whether there are alternative solutions. If the planning authority are satisfied there are no alternative solutions and the project is required for imperative reasons of overriding public interest (which may be of a social or economic nature) then permission may be granted. Where the site hosts a priority habitat type (or a priority species) the reasons for permission must relate to human health, public safety or beneficial consequences of primary importance to the environment (or other reasons of overriding public interest agreed by the European Commission).

Under the Habitats and Species Directive (Article 6) the need must be related to human health or public safety, important benefits to the environment or in the opinion of the European Commission, other
imperative reasons of overriding public interest. There must be, also, an absence of alternative solutions.

The Conservation (Natural Habitats etc) Regulations 1994 transpose the Directive into national law. They restrict the granting of planning permission for development which is likely to affect significantly a SPA or Special Area of Conservation (SAC).

5.2.13 In Kent there is extensive permitted disposal capacity at Cliffe Pools, immediately south of Lower Hope Point, which is gradually being taken up by a private company. However the Pools are within the South Thames and Estuary Site of Special Scientific Interest and the candidate Special Protection Area (SPA) and Ramsar site, and are of outstanding interest for birds and saline lagoon invertebrates, and the saline lagoons are a priority habitat under the Habitats Directive. The saline lagoons represent 10% of the UK’s resource of this habitat type. English Nature and the RSPB are of the view that the wildlife interest will be destroyed if the planning permission is fully implemented. The new regulations require such permissions to be reviewed. An examination of alternatives has been made such that further damage through implementation of the permission can be avoided. There appears to be scope for alteration of the planning permission boundary to enable both disposal and nature conservation interests to be accommodated, and a planning application has been made for this. The nature conservation interests regard the Cliffe Pools area as the basis for a flagship project for the estuarine and marshland resource as advocated in the Government’s Thames Gateway Planning Framework. The capacity for dredgings disposal that could be available under this option is 2.6 million m³ which would meet Thames dredging disposal needs for at least five years. Also other opportunities may exist on the Essex side of the estuary. It is an estuary-wide issue.

5.2.14 The Medway Ports Limited (MPL) currently disposes of about 53,000m³ of maintenance dredgings each year. Some goes to Rushenden Marshes at Queenborough. Other material is also deposited here and the site as a whole has an estimated life of some 10 years. The remainder of the MPL’s arisings goes to Hoo Island, which has capacity for a further few years only.

5.2.15 There is permitted capacity of over 1.5 million m³ at Barksore Marshes. However, this is in prima facie conflict with statutory nature conservation designations and the planning permission needs reviewing under the Conservation (Natural Habitat) Regulations 1994. The Medway Estuary and Marshes is a Site of Special Scientific Interest and a designated Special Protection Area for Birds and Wetland of International Importance under the Ramsar Convention. An examination of alternatives here needs to be brought forward. Meanwhile Rushenden Marshes and Hoo Island provide sufficient capacity pending a review of the Plan. Rushenden Marshes are outside the SSSI and SPA, although Hoo Island is not.
5.2.16 Swale Borough Council has also identified a need to deal with dredgings from local creeks, such as Faversham and Milton, and this is carried forward into Policy W8A.

Conclusions

5.2.17 Because there is now uncertainty as to the nature of the case of need for land disposal of dredgings and there are in any event substantial existing planning permissions (though these need reviewing under the new regulations), no specific proposals are made in the Plan at this stage for disposal on land in Kent of dredgings. There is the possibility of keeping the channel clear through the water injection (“Jet-Sed”) method. There is also a possibility of dredged material being used creatively, within the Thames and Medway estuaries, for restoring marshland and mud flats. English Nature have commissioned research to help the understanding of coastal processes in the two estuaries with the objective of contributing to the production of Estuary Management Plans for the Thames and for the Medway/Swale by the end of 1996. Accordingly:-

W8A THE PLANNING AUTHORITY RECOGNISES THE IMPORTANCE OF MAINTAINING NAVIGABLE RIVERS AND CREEKS, PORT AND MOORING FACILITIES AND WILL SEEK TO SECURE APPROPRIATE PROVISION FOR ANY NECESSARY DISPOSAL OF DREDGINGS BASED ON THE FOLLOWING ORDER OF PRIORITIES:-

(i) MINIMISATION TO MEET THE DEMONSTRATED NEED

(ii) RETENTION WITHIN THE INTER-TIDAL SYSTEM FOR MAINTENANCE FOR SALTMARSH AND MUDFLAT, IF PROVEN PRACTICABLE

(iii) USE AS A SOIL MEDIUM, LANDFILL COVER OR BUILDING AGGREGATE

(iv) USE OF NEW DEDICATED DISPOSAL SITES ON LAND.

5.2.18 Identification of the preferred methods for the disposal of river dredgings must wait upon the tests and studies described above. It is a cardinal requirement now that the SSSI/SPA/Ramsar status of the Medway/Swale Estuary and Marshes and the SSSI and proposed SPA/Ramsar status of the South Thames Estuary and Marshes be not damaged. The preparation of Estuary Management Plans is a major factor affecting the timing of policy formation. Every possibility should be explored for treating dredged material as a natural resource that should be put to beneficial use:-

as a building aggregate
as a soil medium
as landfill cover
    to restore saltmarsh
    to stabilise inter-tidal mud flats

As part of this the existing planning permissions for waste disposal which have been granted by the Waste Planning Authority will be reviewed under the Conservation (Natural Habitats etc) Regulations 1994. This review will be carried out as soon as possible after completion of the estuary management plans in 1996, or in any event before the end of 1997. The County Council’s position on the outstanding application at Lower Hope Point will be reviewed as part of this process. The decision on the planning application for Cliffe Pools (see paragraph 5.2.13 above) will be, in effect, the beginning of the review.
CATEGORIES B AND C WASTES

WASTE SEPARATION AND TRANSFER

5.3.1 A major first step towards the reduction, re-use and recovery of materials in Category B and C wastes is their retrieval, through sorting and separation, from out of the waste mix. Locations are needed for this operation. From them the separated materials can then be transferred onwards for further treatment.

5.3.2 Locations are also needed to bulk-up mixed waste that is not able to be sorted, for onward transhipment for disposal elsewhere, for example, by incineration or to landfill. The essential feature here for operators is to reduce transport costs. It also helps to reduce the amount of traffic on the roads.

5.3.3 The existing ‘householders’ waste and recycling centres’ (or ‘civic amenity sites’) provide this type of facility at a limited level. Some could, in principle, be used as a focus for more intensive development. The two operations, separation and bulking, can take place at the same location for transference on from there.

5.3.4 The WMP states that transfer facilities for anything other than inert waste must be ‘entirely under cover’. It is therefore expected that all but the smallest operations will be fully enclosed, the buildings having the external appearance of a factory or warehouse. Transfer stations are considered to be industrial-type uses.

5.3.5 Pursuant to the arrangements sought in the WMP, locations are sought to provide for a network of facilities for separation and bulking and then transfer, and a number of suitable locations across Kent are proposed where it is considered there is scope for the operations to be developed to the required standards. Several of them, for example at North Farm Tunbridge Wells, Church Marshes Sittingbourne, Hawkinge and Whitfield, would be continuations of current transfer operations on sites which, although not meeting fully the locational criteria of Policy W3, are considered to be acceptable in planning terms.

A number are also current householders’ waste sites. They provide a network of established separation and transfer facilities related to the main urban areas in Kent. Their locations could, in principle, provide the focus for related, locally based, waste management developments. These could include processing (eg biological treatment), separation, and collection points (eg for horticultural or some types of trade waste), as well as those flowing from any recycling proposals of the Waste Collection Authorities (see paragraph 1.18).

5.3.6 Developing the considerations set out in paragraph 4.2.9, particularly the need to minimise transport requirements and to have the potential to use rail or water, the following general locations are
Policy - Waste Separation and Transfer

THE FOLLOWING LOCATIONS ARE CONSIDERED TO BE SUITABLE IN PRINCIPLE FOR PROPOSALS FOR WASTE SEPARATION AND TRANSFER:

(i) BLUE BOAR WHARF, ROCHESTER (Q)
(ii) STONE MARSHES, DARTFORD (A)
(iii) NORTH FARM (B)
(iv) ALLINGTON (C)
(v) NEW HYTHE (C)
(vi) STROOD (D)
(vii) HOLBOROUGH (D)
(viii) HALLING (D)
(ix) KINGSNORTH (E)
(x) CHURCH MARSHES (F)
(xi) RIDHAM/KEMSLEY (F)
(xii) SEVINGTON (H)
(xiii) CHART LEACON, ASHFORD (H)
(xiv) STUDD HILL, HERNE BAY (J)
(xv) VAUXHALL ROAD, CANTERBURY (K)
(xvi) HERSDEN (L)
(xvii) MANSTON ROAD, MARGATE (M)
(xviii) RICHBOROUGH (N)
(xix) WHITFIELD (O)
(xx) HAWKINGE (P)
(xxi) SHORNCLIFFE, FOLKESTONE (P)

PROPOSALS AT OTHER LOCATIONS WOULD BE CONSIDERED AGAINST WHETHER THEY:

(a) SEEK TO MINIMISE IMPACT ON THE LOCAL AND NATURAL ENVIRONMENTS (IN PARTICULAR MAJOR CONCENTRATIONS OF POPULATION AND IMPORTANT WILDLIFE SITES) CONSISTENT WITH THE PRINCIPLE OF ENVIRONMENTAL SUSTAINABILITY;

(b) HAVE, OR COULD SECURE IN AN ACCEPTABLE WAY, READY ACCESS TO THE MAIN ROAD NETWORK, OR A RAIL OR WATER LINK PROVIDED THAT THERE IS ACCEPTABLE ACCESS ALSO TO AN APPROPRIATE ROAD NETWORK;

(c) OTHER THAN PROPOSALS FOR WIND-ROWING, ARE WITHIN OR ADJACENT TO EXISTING
WASTE MANAGEMENT FACILITIES OR ARE PART OF A LOCATION WITHIN AN ESTABLISHED OR COMMITTED GENERAL INDUSTRIAL-TYPE AREA (THAT IS THOSE WITH A SIGNIFICANT PROPORTION OF B2 TO B8 TYPE USES, OR WITH MAJOR INDUSTRIAL-TYPE DEVELOPMENTS SUCH AS POWER STATIONS).

In the Medway Towns Local Plan land is identified for the relocation of non-conforming industrial uses. This could include relocating existing waste separation and transfer uses which are considered to be poorly located in areas where substantially different land uses are being promoted, or which are in conflict with policies and proposals elsewhere in the Development Plan.

5.3.7 Not all existing householders’ waste and recycling centres are included in Policy W9 for further possible development. Those that are not can be expected still to provide their present level of facilities, covering, with them, most of Kent.

OTHER PROCESSING

Composting and Digestion

5.3.8 Composting or digestion (see paragraph 3.2.9) can be an important means for securing re-use of the organic ‘green’ element of waste and should in principle be encouraged. The processes also help to provide an effective alternative to the use of peat. Peat is a non-renewable resource, supporting distinctive natural habitats; its preservation is a matter of ecological importance. ‘Making Waste Work’, the government’s strategy for sustainable waste management, advises that:

* less than 5% of collected household waste is composted currently;

* since degradable organic matter (excluding paper and card) forms about 20% of collected household waste, there is considerable potential to produce more compost.

Making Waste Work, the government’s strategy for sustainable waste management, states that ‘home composting is attractive because it represents something that householders can do towards sustainable development. There is no requirement to find markets and it eliminates the impacts associated with transportation. However, it is unlikely to achieve the sufficiently high temperatures required to kill seeds and pernicious weeks’.
5.3.9 Rural locations are considered to be the most appropriate for the windrowing method of composting. The Ministry of Agriculture, Fisheries and Food (MAFF) would be consulted on any relevant proposals.

Silos for digestion are large buildings, more suited to industrial-type areas. In principle such facilities can with advantage be located adjacent to other recycling or transfer facilities. The material on-site would be held in buildings or silos and would be cleared off-site when the composting is completed.

These processes will have an impact on the local environment and there will always be a residue to dispose of. Accordingly proposals will be considered against the environmental standards and requirements set out in Chapter 6.

Policy - W10 PROPOSALS FOR COMPOSTING AND DIGESTION

Composting and Digestion PLANT WILL BE PERMITTED SUBJECT TO THEIR SATISFYING THE FOLLOWING CRITERIA:-

(a) THAT THE SITE IS WITHIN AN ESTABLISHED OR COMMITTED INDUSTRIAL OR INDUSTRIAL TYPE AREA (WITH THE EXCEPTION OF PROPOSALS FOR COMPOSTING BY WINDROWING, WHICH IN PRINCIPLE ARE BETTER SUITED TO A RURAL AREA).

(b) THAT THE PROPOSAL WOULD NOT CAUSE SIGNIFICANT HARM TO RESIDENTIAL AMENITIES DUE TO NOISE, DUST, SMELL OR VISUAL IMPACT.

(c) THAT THE SITE HAS, OR IS PLANNED TO HAVE, READY ACCESSIBILITY TO THE PRIMARY OR SECONDARY ROUTE NETWORK.

(d) THAT THE PROPOSAL WOULD NOT BE UNDULY OBTRUSIVE IN THE LANDSCAPE.

(e) THAT IMPACT ON THE NATURAL ENVIRONMENT WOULD BE MINIMISED

Co-digestion may be appropriate in circumstances where material from different waste streams (eg household waste, sewage sludge, agricultural waste or food processing waste) can be combined to form a suitable feedstock for digestion.
Waste to Energy by Incineration

5.3.10 EU, government and regional policies support the extraction of energy from waste. The government regards combustible or digestible waste as a renewable source of energy. Its view is that incineration ‘has an important role to play in future waste disposal’ (see paragraphs 2.3 and 2.4). Kent’s WMP recognises firstly that incineration has been the most successful form of treatment in terms of volume reduction; it can reduce significantly the amount of untreated waste going to landfill. It recognises secondly that incineration makes possible the use of the waste as a fuel.

The general objective of waste being dealt with locally wherever possible is also supported. If a number of waste-to-energy plants are established in Kent, the Planning Authority would wish in principle to see a network such that facilities are located either within or near to where the waste is generated. This is particularly important bearing in mind the implications for heavy goods vehicle movements.

5.3.11 Given current government policy, the potential bonus of a local source of heat, and the Planning Authority’s view that landfill with unprocessed waste is the least acceptable method of waste disposal, then subject to the environmental criteria of the Plan being satisfied, the principle of waste to energy is supported.

5.3.12 On the basis of the assessment set out in paragraphs 3.6.9 to 3.6.13, by the end of the Plan period up to 5 new facilities might seek to be accommodated in Kent. However because of existing arrangements for disposing of household waste, the principal combustible component (see paragraph 3.4.4), the larger number is most unlikely to come forward during the first part of the Plan period. Also much will depend upon overall progress, both with waste-to-energy projects themselves and with alternatives such as composting. The location and size of a first waste-to-energy plant in, or serving part of, Kent will influence significantly the potential for, and locations of, others. The Plan’s approach to the identification of locations will therefore need to be kept under review.

5.3.13 One large waste to energy proposal could have sufficient capacity to serve the whole of Kent. Even with a waste input at the lower end of the range (200,000 tonnes a year, see paragraph 3.6.12), material would need to be pulled in from a wide area. This is a particularly important consideration in the relatively less densely populated areas of East and South Kent. In theory one 200,000 tonne per year plant could deal with all of East Kent’s combustible waste, an area some 30 to 40 miles across.

5.3.14 Developing the principles and conclusions set out in Chapter 3 (paragraphs 3.5.3(v) and 3.6.5 to 3.6.13), in Chapter 4, and in Policies W2 to W4, locations are sought which would:-
(a) be within a major established or proposed general industrial or industrial-type area; this would avoid locating directly within the environmental and natural resource areas identified in Policy W2, and within the Green Belt;

(b) avoid major concentrations of population; this would avoid the consequent large scale heavy lorry movements through them; the need for 24 hour working on-site also favours locations which can minimise the impact on existing and committed residential areas;

(c) have, or are planned to have, ready accessibility to the primary or secondary route network and could be either rail or water linked to reduce or avoid larger scale road movement;

(d) have the ability to accept a waste-to-energy plant without its being unduly obtrusive in the landscape.

(e) ideally relate to existing or proposed waste management or energy proposals;

(f) minimise any impact on the natural environment.

An important Plan objective is to avoid the need to take fresh land. This means focusing onto land which is developed, or is committed to development.

**General Principles**

5.3.15 In general terms these considerations point to extensive general industrial or industrial-type locations away from, or on the edge of, the major urban areas. They should also be, or be planned to be, well related to the principal transport routes. Heavy goods vehicles would not then need to go through major residential areas. To encourage potentially less disturbing methods of movement, locations are sought which are also either rail or water linked.

There are a number of major established or proposed industrial or industrial-type locations in Kent which satisfy these general principles. They include: Stone Marshes (Dartford), Kingsnorth and Thamesport (Rochester-upon-Medway), Kemsley/Ridham (Swale), South East Ashford, A228/River Medway/ Medway Valley line frontages between Allington and Strood, and Richborough.

**Land Take**

5.3.16 Waste to energy plant requires a relatively large area of land. A technical analysis in the Royal Commission’s Report (see paragraph 3.5.1) indicates a total landtake of about 10 hectares. A now withdrawn proposal at Northfleet covered just over 8 hectares and this is taken as a minimum requirement. When seeking possible locations this is an important constraint.
5.3.17 In respect of impact on the landscape the buildings are large. They can be up to 40 metres high and the chimney 60 to 90 metres. In Kent’s generally flat or gently rolling landscapes they would be very prominent, and mostly dominant, features in both the urban and rural scenes.

In visual terms the most acceptable solution would be to absorb them into, or site them adjacent to, existing industrial-type structures of a similar size and bulk. Of particular importance is the existence of a prominent chimney. If it cannot be adapted, it would mitigate the visual impact of another one. In Kent these substantial structures comprise power stations, cement works and paper mills. They are:-

- Dartford - Longreach Power Station
- Gravesham - Northfleet Cement Works
- Rochester-upon- - Grain Power Station
- Medway - Halling Cement Works
- Swale - Kemsley Paper Mill
- Thanet/Dover - Richborough Power Station
- Shepway - Dungeness Power Station

The partial use of existing structures and facilities could reduce the amount of land needed for a waste-to-energy plant. On the assumption that incinerators will generate power, locations are sought also in proximity to the main electricity grid, thus minimising the visual impact of any necessary new overhead power lines.

5.3.18 When considering waste-to-energy proposals it will be important to consider disposal of the ash residues, preferably as an integral part of the choice of location. Ideally the residue would be re-used, probably for construction purposes. Otherwise it would be landfilled under normal planning control conditions. The residues are not inert; the Environment Agency (EA) considers that they could fall into waste Categories B or C. As therefore they have serious polluting potential, ash disposal locations need to be planned and controlled.

There is an additional consideration specifically at North Farm (Tunbridge Wells). The EA comment that these types of plant are invariably placed adjacent to large bodies of water due to the requirement to abstract water either for cooling or steam generation. There is also often a need to discharge effluent from the process. In the opinion of the EA the land at North Farm would appear to be poorly placed in this respect, and the Summerhill Steam would be unlikely to provide sufficient volumes for abstraction, or sufficient dilution for discharge.

5.3.19 When seeking a potential network of locations across Kent, it is not possible to secure all of these considerations. Accessibility and landscape impact point to those existing major structures which are
rail/water linked and have, or will have, good road access. Four possible locations are identified (the letter in brackets refers to the Proposals Map Inset).

In order to pursue its objective of securing a network of facilities to serve local communities, the Planning Authority would also support in principle appropriate proposals in the southern part of Kent.

Policy - Waste to Energy

W11 THE FOLLOWING LOCATIONS HAVE THE POTENTIAL FOR A WASTE TO ENERGY PLANT ADJACENT TO:-

(i) THE MEDWAY AT HALLING (D)
(ii) THE MEDWAY AT KINGSNORTH (E)
(iii) THE SWALE AT KEMSLEY (F)
(iv) THE STOUR AT RICHBOROUGH (N)

PROPOSALS AT THESE AND OTHER LOCATIONS WILL BE EXAMINED AGAINST THE FOLLOWING CONSIDERATIONS:-

(a) WHETHER THE SITE IS WITHIN A MAJOR ESTABLISHED OR COMMITTED INDUSTRIAL OR INDUSTRIAL TYPE AREA

(b) WHETHER THE PROPOSED DEVELOPMENT WOULD CAUSE SIGNIFICANT HARM TO RESIDENTIAL AMENITIES DUE TO NOISE, DUST, SMELL OR VISUAL IMPACT

(c) WHETHER THE SITE WOULD HAVE, OR IS PLANNED TO HAVE, READY ACCESSIBILITY TO THE PRIMARY OR SECONDARY ROUTE NETWORK AND COULD BE EITHER RAIL OR WATER LINKED

(d) WHETHER THE PROPOSED DEVELOPMENT WOULD BE UNDULY OBTRUSIVE IN THE LANDSCAPE

(e) WHETHER THE IMPACT ON THE NATURAL ENVIRONMENT WOULD BE MINIMISED

(f) WHETHER THE PROPOSED DEVELOPMENT WOULD USE UNDEVELOPED LAND

(g) WHETHER THE PROPOSED DEVELOPMENT WOULD DEAL WITH ASH RESIDUES AS AN INTEGRAL PART OF THE OPERATION BY DISPOSING OF THEM ACCORDING TO THE FOLLOWING ORDER OF PRIORITY:-
(i) RE-USE; OR,
(ii) DEPOSIT ON SITE; OR, IF NO SUCH FACILITY IS AVAILABLE
(iii) REMOVAL BY MAKING USE OF RAIL OR RIVER TRANSPORT; OR
(iv) DEPOSIT ON LAND AT AN ACCEPTABLE LOCATION AS CLOSE AS POSSIBLE TO THE SITE

It is considered that in principle space is available at these locations for the augmentation of existing relatively large buildings.

Two of the proposed locations (Kingsnorth and Richborough) are those of existing power stations, with permissions for the deposit of waste on adjoining land. In addition Kingsnorth is shown in the Medway Towns Local Plan as land which could, in appropriate circumstances, be developed for specialised industrial uses. The location at Kemsley is the site of existing large scale industrial development. Industrial paper waste has been deposited on adjoining land. If this could be reduced in volume by incineration then the permitted tipping capacity could be re-used. The Halling location contains large scale industrial development associated with the cement industry.

At Kemsley, Policy W11 would not operate against the establishment of waste management operations to deal ‘on site’ with waste generated by the existing paper mills. Proposals to secure reductions in the volume of waste needing to be disposed of to land would be supported in principle. It is accepted that, because of their likely size and specialised nature, such incineration operations may not include proposals to utilise energy.

5.3.20 Both sewage sludge (see Category D waste, below) and harvested wood are possible additional fuel sources. Local combined heat and power (CHP) schemes would be encouraged as part of any waste to energy proposal.

5.3.21 When considering proposed operations, of particular relevance are the criteria set out in Chapter 6 relating to stack emissions, air quality and dust, surface water drainage and leachate. When evaluating a detailed proposal, particular account will be taken of the cumulative impact on the area (see paragraph 6.3.1). Pollution control is mainly in the charge of other authorities (see paragraph 6.1.5) and close consultation with those authorities will be needed.

Containment measures will be necessary to protect water resources. A fully enclosed operation will be sought.

Proposals submitted pursuant to Policy W11 are likely to require an environmental statement. This will include a site specific risk assessment (see paragraph 3.5.3(iv)).
LANDFILL OF MINERAL VVOIDS

5.3.22 The strategy recognises (paragraph 4.1.12) that for the immediate future, until alternatives can be established, the main method of waste disposal will have to continue to be general disposal of unprocessed waste on to land.

Existing permissions could deal with the estimated arisings for about 3 and a half years at current rates of tipping. The Environment Agency estimate the life of domestic landfill sites in Kent at 3 years, as at March 1996, based on voidspace consumption in the previous year.

5.3.23 The disposal of unprocessed waste in landfills is not consistent with the Plan’s longer term strategy, and for this reason no specific additional provision is made in the Plan. However it is recognised that, even as alternative methods are established, proposals for landfill with unprocessed waste may continue to come forward by way of planning applications. These will be considered within the framework set out below. A particular need is expected to arise from the Channel Tunnel Rail Link project and this the Planning Authority will seek to accommodate.

Proposals for landfill should form part of an integrated approach to land management, and yield long term environmental gains. Subject always to the relevant policies in the Plan, voids created by mineral working, lower grade agricultural land and waste land should be looked to. However the use of any mineral working for landfill which is in a major or minor aquifer will be discouraged, especially if it is close to a public water supply.

In order to secure the sought for move towards new methods of waste management, the overall capacity sought by Structure Plan Policy ENV22 will not be made up merely by adding new permissions for landfilling with unprocessed waste. If it were, then the current position, where the majority of waste is disposed of unprocessed to landfill, would be maintained and the sought for move towards new methods could be delayed indefinitely.

W12 PROPOSALS FOR LANDFILL WILL BE PERMITTED IF THEY WILL ASSIST IN THE RESTORATION OF MINERAL WORKINGS WHICH IN PLANNING TERMS WOULD BENEFIT FROM BEING RETURNED AS NEAR AS POSSIBLE TO ORIGINAL GROUND LEVELS.

In accordance with paragraph 2.3.2 proposals would need to have regard also to relevant policies in other Plans.
PULVERISED FUEL ASH (PFA)

5.3.24 PFA is a waste from coal-fired power stations. It can be used as a construction fill, sub-base or subsoil (subject to appropriate protection of groundwater interests) as well as an ingredient in grout mixes and as a partial replacement for cement in certain mixes of concrete. In Kent the Kingsnorth Power Station currently produces some 0.35mt of ash a year. Planning permission exists for land disposal of this at Kingsnorth. The permission will need to be reviewed under the Conservation (Natural Habitats etc) Regulations 1994. The County Council supports the fullest use of PFA as a resource and the minimisation of that which is discarded to landfill. That which is to be disposed of on land should be used, where it would be acceptable in pollution terms, for beneficial land restoration as fill material.

Accordingly:-

Policy - PFA
W13 PFA SHOULD BE USED FOR POSITIVE PURPOSES, AS A CONSTRUCTION MATERIAL OR AS AN INGREDIENT IN MANUFACTURING PROCESSES, OTHERWISE AS A MEDIUM FOR LAND RESTORATION.
5.4.1 These are non-special liquid wastes not including wastewater (domestic sewage and surface runoff). In the past, producers have tended to dispose of them unprocessed directly to land. In future, in response to environmental and resource consideration, all should be processed, with the water content reclaimed safely and cleanly to the environment.

5.4.2 Kent is served by Southern Water Services and Thames Water Services. Southern Water Services, as part of its role as the sewerage undertaker, receives category D waste for treatment within its wastewater treatment works. Use of any spare capacity at wastewater treatment works to treat suitable liquids will be considered with reference to the policies of this Plan.

5.4.3 The EU Bathing Water Directive and Urban Waste Water Treatment Directive will require the provision of additional treatment facilities within a number of sewer catchments. New wastewater treatment works have recently been built at Weatherlees Hill and Herne Bay to fulfil the requirements of the Bathing Waters Directive and proposals for the Dover/Folkstone area are well advanced. The programme of investment will continue within the timescale of the local plan.

5.4.4 The government issued advice in 1991 (Circular 17/91) which encouraged Local Planning Authorities and the water industry to work together in realising schemes for implementation of the Bathing Waters Directive, including the preparation of development plans.

5.4.5 The constraints imposed by the pattern of development and the geography of the existing drainage system, upon the location of new wastewater and sludge treatment works must be taken into account in considering the location of these works. The sewer catchment areas for which new or enhanced works will be necessary include Ashford, Margate, Swalecliff, Hythe, Dover/Folkstone, Northfleet, Broadstairs, Gillingham, Snodland, Sheppey, Tonbridge and Tunbridge Wells. Works may also be required at Hoo, Paddock Wood, Pembury and Stoke catchments in the future. New Proposals may have significant land use and environmental implications, justifying inclusion within the Waste Local Plan. Detailed proposals for all of the above schemes have not yet been advanced. Southern Water intends to work with the County and District Councils to include emerging proposals within development plans.

5.4.6 Compliance with the EU Directives will lead to an increase in the quantity of sewage sludge created within Kent. At present, most sewage sludge within the County is used as a soil enhancer for agricultural land.
The future of current agricultural disposal practices is uncertain and it is likely that more advanced treatment will be required prior to application to land.

5.4.7 Southern Water has expressed its support for resource recovery. Substantial steps have been taken towards the re-use of treated effluent. For example, the Kings Hall Outfall at Herne Bay no longer discharges to sea, but via the new Herne Bay Waste Water Treatment Works, and returns treated effluent to the River Stour, some distance inland, for downstream abstraction into the public water supply.

5.4.8 Current sewage sludge practices also rely on the ultimate re-use of material, within agriculture. Southern Water wishes to continue and improve this practice. Although the quantity and location of new sludge arisings (in coastal towns) will require more advanced forms of processing, the ultimate disposal route for this treated sludge is likely to continue to be to agriculture.

5.4.9 Proposals for new wastewater treatment and sludge treatment works or extensions to existing works will be supported in principle. Proposals will be considered against the locational criteria of Policies W2, W3 and W4. Priority will be given to resource recovery.

Proposals for new wastewater treatment and sludge treatment works, or extensions to existing works will be supported in principle. Proposals will be considered against the locational criteria of policies W2, W3 and W4, and will be subject to Policy W6. Priority will be given to resource recovery.
5.5.1 These are also known as special wastes. The EPA defines special waste as requiring ‘special provision’ for dealing with it. Their transportation has to be notified to the Waste Regulation Authorities under the Control of Pollution (Special Wastes) Regulations. At present, the WMP explains, most are exported from Kent. The only exceptions to this are asbestos which selected landfill sites are licensed to take, and clinical wastes. The WMP states that as asbestos is chemically inert, disposal by landfill is considered safe under planned conditions of handling. Some asbestos is brought into Kent for disposal at the sites licensed for it.

5.5.2 Clinical wastes are incinerated. The current strategy of the Regional Health Authority is to have, across the region, four of the new higher standard incinerators that are now required. The first of the new incinerators has now been commissioned and is sited at Queen Mary’s Hospital, Sidcup. This is outside the Kent County Council area, but will serve north west Kent. The second of the new incinerators, to be sited at William Harvey Hospital, Ashford, to serve East Kent, has just received planning permission. The preferred location for the incinerator which will serve an area including the remainder of Kent, is Eastbourne Hospital; but Pembury Hospital is an alternative possibility for the Health Authority.

5.5.3 The main bulk of the special wastes exported from Kent are acid and alkali liquid wastes from industry. They are to be distinguished from non-notifiable industrial liquid (Category D) wastes which are treated at waste water treatment works in Kent (see preceding section). In the view of the WMP, assuming that these acid and alkali wastes could be mixed, they could be safely managed in Kent if a suitable plant were to be available. The WMP considers that one would be sufficient and that in principle it is to be preferred that where practicable special wastes are dealt with close to their points of origin, to reduce the hazards of their transportation. The WMP considers that the special liquid wastes arise in sufficient quantities in Kent to make this practicable. Planning permission has now been given for just such a plant, this to be adjoining the wastewater treatment works at Ham Hill, Snodland.

5.5.4 The WMP concludes that other special wastes arise in such small quantities that it is practicable to have only a few plants nationally for them; such plants currently are established elsewhere than in Kent. This should not mean though, the WMP indicates, that Kent should not be open to considering any particular requests that might arise for processing of special wastes in Kent. Apart from landfill and incineration, other methods of dealing with special wastes are chemical treatment, fixation and vitrification.
Proposals for special waste processing plants will be considered against the locational criteria of Policies W2, W3 and W4, and will be subject to the Operational Criteria of policies W17 to W32.

5.5.5 The Environmental Assessment Regulations (see Appendix 6) require an Environmental Assessment for proposals to deposit special waste.
OTHER WASTES

5.6.1 **Nuclear Waste** is produced by the Dungeness nuclear power stations A and B. All the waste is transported to Sellafield and Drigg in Cumbria for disposal. Nuclear Electric has recently built three new, small incinerators to replace older ones within Dungeness. The incinerators reduce the volume of low level contaminated solid waste (such as contaminated clothing, and waste paper) before its transportation to Drigg.

5.6.2 There are no implications for the Kent Waste Local Plan concerning nuclear waste.
CHAPTER 6

OPERATIONAL CRITERIA FOR THE ASSESSMENT OF PLANNING APPLICATIONS FOR WASTE MANAGEMENT
GENERAL CONSIDERATIONS

6.1.1 An important objective of local plans is to provide a detailed framework for the control of development (PPG12). The purpose of this chapter is to establish such a framework, to be able firstly to assess the environmental impact of applications for waste management, and secondly to secure planning and operational control for areas which would be affected by such developments. Consultation with the appropriate District and Parish/Town Councils will be undertaken as part of this process.

In order to be able to determine a planning application, adequate information needs to be made available for a full view to be formed of the impacts which a waste management proposal could have. Information required will include:-

* the nature of the waste and the broad technical requirements arising from the type of waste;
* the amounts proposed to be treated or disposed of;
* access to the site;
* the timescale of operations.

6.1.2 The criteria and policies set out below are based upon the most recent European Union, national and regional guidance. The EU, the government and SERPLAN all recognise that waste must be adequately controlled in the interests of the environment.

6.1.3 The Planning Authority accepts that protection must be provided to mitigate the impact that waste management developments can have on the local environment. The Structure Plan looks to improve the quality of living and standard of environment in Kent. A main objective of this chapter is to identify, for both the local community and the waste industry, the standards expected in Kent of waste management operations. The Plan seeks to ensure that developments operate without having what is judged by the Planning Authority to be an unacceptable impact either on Kent’s natural resources or on its environment, including that of local people.

6.1.4 Any permission granted will include conditions to secure that operations can be carried out in compliance with the Plan’s criteria and policies. In some cases Section 106 Agreements will be appropriate. The Planning Authority will seek to ensure that planning conditions are complied with, using its enforcement powers where appropriate.

Pollution Control

6.1.5 This chapter is concerned with the controls appropriate to Planning authorities. Whilst pollution can be a material planning consideration, there is also an established system of pollution control operated by other authorities - by the Environment Agency, and District Councils as local environmental health authorities. This system seeks to control all activities that could give rise to pollution of air, water, or land,
and so harm the health of people and other living organisms. In the government’s view it is not for Planning Authorities to duplicate the pollution control system (see Appendix 1, paragraphs 2.14, 2.15 and 2.16 describing Planning Policy Guidance on Planning and Pollution Control). The planning system’s concern is the effects of waste management upon the use of land and the enjoyment of this by people and wildlife. There will be close consultation between the Planning Authority and the Pollution Control Authorities, to ensure a proper correlation between the two systems of control.

6.1.6 The Government’s view is that the cost of meeting acceptable environmental standards falls on industry in line with the “polluter pays” principle. An important objective of the Plan is to ensure that measures to minimise environmental impact, including any necessary transport measures, are an integral part of any proposal.

Accordingly, the industry will wish to build into new projects the costs of meeting the environmental standards set out in this Plan. The Planning Authority will require by condition detailed schemes of working, landscaping, and where appropriate of restoration and aftercare, to be approved prior to operations commencing on site, and will require such schemes to be submitted as part of the application where that is considered to be necessary.

6.1.7 As a general principle the Planning Authority looks to industry to take upon itself the responsibility for both maintaining high standards of environmental performance and for improving upon those standards. It sees a clear requirement for the waste industry to develop public confidence and trust. Good site management is a major factor in waste management operations, and high standards can be achieved and maintained only with careful and sustained attention to on-site practices. Operators are a part of the local community and are encouraged to develop close links with it. An annual report (or audit) from the operator to the local community on the way the operations have been conducted is commended as good practice (see Appendix 3).

For its part the County Council will assist local training initiatives to improve and maintain environmental standards. It also encourages, and would be pleased to assist with, the establishment by operators of environmental management guidelines as an integral part of their operations in Kent. The guidelines would specify, and set out to maintain and improve, objectives and standards which make clear an operator’s wider responsibilities and achievements. The County Council expects that achievement of British Standards 5750 for Quality Assurance (which is awarded by a body accredited by the National Accreditation Council for Certification Bodies) and 7750 for Environmental Management Systems will now be a major objective for the waste industry in Kent.
6.1.8 The criteria and policies which follow incorporate the Planning Authority’s requirements for the detailed control of waste management facilities. Where proposals cannot comply with these requirements, such that they would have an unacceptable effect on the quality of life, permission will not be given. Alternative means of disposal would then need to be considered.

Advice on the content of planning applications is set out in Appendices 3, 4 and, 5, and with the Insets to the Proposals Map. Prospective applicants are also advised to ascertain the requirements of the relevant pollution control authorities (see paragraph 6.1.5) as these may need to be built into the application. For example, reference should be made to the former Waste Regulation Authority’s ‘Guidance for Operators of Waste Management Facilities’.

6.1.9 Planning permissions run with the land and personal permissions are advised against by government. However, the Planning Authority will have regard to the success or otherwise of the industry in site management when considering applications for new waste handling facilities.

Accordingly:-

Policy

W16 WHEN CONSIDERING APPLICATIONS FOR WASTE MANAGEMENT FACILITIES, THE PLANNING AUTHORITY WILL HAVE REGARD TO THE INDUSTRY’S PAST RECORD IN RESPECT OF THE ENVIRONMENTAL MANAGEMENT OF COMPARABLE OPERATIONS.

Environmental Assessment, Circular 15/88

6.1.10 In 1988 the government implemented the requirements of an EC Directive (85/337/EEC) on the assessment of environmental effects. The objective was to ensure that permission for any development likely to have significant effects on the environment was not granted until environmental information had first been assessed and taken into account. The requirements are set out in Appendix 6.

6.1.11 Government Regulations require that proposals for those types of development identified in paragraph 4 of Appendix 6, must be subject to an Environmental Assessment (EAs), (known as ‘Schedule 1’ proposals). Paragraph 5 of Appendix 6 lists waste management proposals which may require an EAs (known as ‘Schedule 2’ proposals).

6.1.12 Developing the government guidelines set out in DoE Circular 15/88, the following were adopted by the Planning Authority in 1988 to determine whether an EAs would be required for non-Schedule 1 proposals:-

(i) a waste disposal installation for the transfer, treatment or disposal of household, industrial and commercial wastes with a capacity
of more than 75,000 tonnes per year, including a landfill site, will normally require an EAs.

(ii) Waste disposal sites taking smaller tonnages, Civic Amenity sites and sites for inert waste only will not normally require an EAs. However those proposals affecting the following sensitive locations may require an EAs:-

• in or adjoining SPAs, Ramsar Sites and NNRs.

• directly affecting or adjoining an ancient monument or a site of major archaeological significance, Conservation Area or sites with a high concentration of listed buildings.

• occasionally locations within an AONB.

6.1.13 Declared Special Areas of Conservation (SACs) need to be added to the framework of paragraph 6.1.12 in anticipation of their being brought into effect during the life of the Plan, and proposed SPA’s, Ramsar sites and SAC’s included, as well as declared sites.

In accordance with the advice in PPG9 that in practice the effect of Schedule 2 development on an SSSI will often be such as to require EAs, the Planning Authority considers it likely that a waste management proposal in or near an SSSI will require EA.

6.1.14 Details of Environmental Assessment procedures and guidance on their content are set out in Appendix 6.

6.1.15 If the Planning Authority decide that an Environmental Assessment is necessary, it may request one, but this is subject to an appeal procedure.
THE IMPACT OF PROPOSALS

Proximity to Other Development

6.2.1 Kent is a densely settled County and it is not possible for all waste management operations to be located away from built development. During their working life waste facilities, even those operating at the highest standards of management, are likely to be unpopular with people living or working close to them.

6.2.2 The issue of protection for adjoining development will be examined in detail in each case. Account will be taken both of existing and committed developments in the vicinity, together with the intended afteruse of any temporary sites. In each case the appropriate distance from built development will be considered against the requirements of the policies set out below. The Waste Management Plan considers that no deposit of waste with landfill gas generating potential should take place within 50 metres of residential development; this is accepted as a minimum and will be taken into account when considering applications against Policy W18.

6.2.3 For landfill sites the government has considered (Circular 17/89) the issue of proximity to housing and other sensitive development in relation to the possible migration of landfill gas. Its advice is that a proposal for a site as close as 250 metres to other development will require special attention. In such circumstances the Waste Management Plan requires specific provisional measures to be in place for the monitoring and control of landfill gas, prior to the deposit of waste; again this is endorsed. This will be taken into account when considering applications against Policy W18.
Protecting the Environment

6.3.1 When assessing the detail of waste management proposals the first consideration will be their relationship to the ‘protected’ areas identified in paragraph 5.1.2 and Policies W2 and W4. Where appropriate, the second consideration will be the locational principles identified in Policy W3. As a third step consideration will be given to the following as appropriate: noise, dust and odour, emissions, landfill gas, the effect on water resources (including from leachate) and land drainage.

Government advice is that the established pollution control system (see paragraph 6.1.5 above) should not be duplicated by the planning system. However, each proposal must be considered on its own merits, and both pollution and the pollution control system are material planning considerations. Therefore the appropriate authorities need to work together to ensure close co-operation. To proceed, any proposal must be able to satisfy both planning and pollution control considerations.

In parts of Kent particular emphasis is laid on the need to upgrade the quality of the environment (eg in the East Thames Corridor pursuant to Structure Plan Policy S4). The Planning Authority needs to be conscious where appropriate of any wider development objectives (eg at Stone Marshes and Ridham/Kemsley). Regard will also be had to the proximity of similar developments and proposals, and to their cumulative effect. However, account will also need to be taken of the need to provide facilities to deal with the waste that the local community generates, and to the government’s view that opposition to all disposal facilities is not a responsible policy.

Noise

6.3.2 Noise can be an important factor in determining the acceptability or otherwise of waste management proposals. The main impacts are likely to be from vehicle movements and from plant/machinery operating on site. If a proposal is likely to affect existing or committed noise sensitive development then it will need to be supported by a noise impact study to demonstrate that the operations proposed will not lead to an unacceptable loss of local amenity. The study will include details of sources, background levels, and measures proposed to reduce noise levels. Wherever necessary suppression or insulation measures will be required, and maximum permissible noise levels set. If in the opinion of the Planning Authority noise cannot be held at these levels, then permission will be refused.

6.3.3 The planning system cannot control all aspects of noise generation. Some fall to other systems (eg environmental health legislation). However, within the limits of the planning system, noise control measures sought will include, as necessary:-
(i) Use of quiet plant and its regular maintenance (control at source).

(ii) Control of working practices (including hours of working), insulation, enclosure and cladding of plant.

(iii) Siting of plant, access and working areas away from existing or committed noise sensitive uses.

(iv) Acoustic screening, by earth mounding, planting or fencing.

These measures would be such as to ensure that specified noise levels are not exceeded. The advice in Appendix 3 will be used as a guide to set appropriate levels.

Kent’s standards reflect those generally adopted nationally, although the position will continue to be reviewed in the light of fresh advice.

Dust and Odour

6.3.4 The potential impact from dust and odours can be a source of concern to the local community. However the Planning Authority considers that these can be controlled and their effects minimised by good management. The Planning Authority will need to be satisfied that dust, odour or other airborne emissions from a proposal will not cause an unacceptable nuisance locally.

Dust control measures sought will include, as necessary:-

(i) hard surfacing to an approved standard around plant and along access roads, and its regular (vacuum) sweeping;

(ii) the seeding down of all exposed earth surfaces;

(iii) the watering of hard and exposed surfaces in dry weather;

(iv) screening and tree planting;

(v) enclosed buildings.

The latter, combined with a negative internal air pressure (which draws air in from outside the building) and air filtration and treatment, will help address any odour emissions.

Landfill Gas

6.3.5 Government advice is that measures to control landfill gas emissions at proposed landfill sites can be achieved both through the licensing provisions of the EPA and through conditions imposed on a planning permission. The EPA gives the EA powers to deal with potential harm that may arise; but also the Planning Authority will exercise planning control to ensure that gas control and monitoring equipment will not adversely affect adjoining land uses, and after-use of the site.
6.3.6 Measures to control gas emissions can comprise barriers, venting trenches or collection pipes and wells with extraction and flaring, or a combination of such measures. If available in sufficient quantities, the gas can be used as an energy source. The Planning Authority will need to be satisfied as to the adequacy of measures for gas monitoring and control for the duration of gas generation at a landfill site and to ensure that restoration conditions do not restrict the use of adequate pollution control measures. It will be necessary to ensure that schemes do not impede appropriate afteruse. A gas monitoring and control scheme will be a requirement of any grant of planning permission.

The Planning Authority will seek to secure that appropriate provision is made for the appropriate control and monitoring of landfill gas, and the products of its combustion in flare stacks and gas utilisation facilities, within the general restoration scheme for the site.

**Incinerators**

6.3.7 In respect of stack emissions, air quality and dust from incinerators, Structure Plan Policy ENV19 will apply. The Royal Commission concluded (paragraph 3.5.3(v)) that account should be taken of prevailing air pollution levels and in considering specific proposals, regard will be had to ‘prevailing background pollution’. In this connection the Planning Authority would need to be satisfied that the proposal has been evaluated with reference to the Kent Air Quality Model and current European Union guidelines specifically for its land use implications. Any issues of thermal pollution will also need to be addressed.

**Policy**

W17 BEFORE GRANTING PERMISSION FOR AN INCINERATOR THE PLANNING AUTHORITY WILL NEED TO BE SATISFIED THAT HAVING REGARD TO INFORMATION ON AIR QUALITY AND ITS CUMULATIVE EFFECTS, INCLUDING THAT DERIVED FROM THE KENT AIR QUALITY MODEL, AIRBORNE EMISSIONS WILL NOT ADVERSELY AFFECT NEIGHBOURING LAND USES AND AMENITY.

W18 BEFORE GRANTING PERMISSION FOR A WASTE MANAGEMENT OPERATION THE PLANNING AUTHORITY WILL REQUIRE TO BE SATISFIED AS TO THE MEANS OF CONTROL OF:-

(i) NOISE
(ii) DUST, ODOURS AND OTHER EMISSIONS
(iii) LANDFILL GAS

PARTICULARLY IN RESPECT OF ITS POTENTIAL IMPACT ON NEIGHBOURING LAND USES AND AMENITY.
WHERE PERMISSION IS GRANTED FOR THE DISPOSAL OF WASTES THAT GENERATE LANDFILL GAS, PERMISSION FOR PLANT TO UTILIZE THE GAS WILL BE GRANTED.

If a satisfactory means of control cannot be demonstrated, then permission will be refused.

The need for close liaison with Her Majesty’s Inspectorate of Pollution (HMIP) is of prime importance. HMIP have responsibility for all releases to air, water, sewer and land. The Inspectorate also has responsibility for ensuring that the process meets ‘Best Available Techniques Not Entailing Excessive Cost’ (BATNEEC) and advises that it would not authorise any process that failed to meet that requirement.

**Water Resources**

6.3.8 The WMP points out that in Kent 85% of water supplies are derived from potable groundwaters. They come from the chalk, sand and sandstone aquifers, and also the shingle at Dungeness. If pollution of an aquifer occurs, it can persist for a long time. The EA has a duty to conserve water resources and to secure their proper use. It is clearly preferable to prevent the risk of pollution rather than to have to deal with its consequences. Thus areas chosen for waste facilities should be outside Source Protection Zones and pay due regard to Resource Protection Areas as detailed in the EA’s (formerly NRA’s) recently published “Policy and Practice for the Protection of Groundwater”.

6.3.9 Pursuant to Policies NR3 and NR4 in the Structure Plan, it is essential that water resources, both underground and on the surface, are not polluted. The Structure Plan states that ‘whenever domestic waste has to be disposed of by landfill, locations will be sought on impermeable geological strata’. So far as underground resources are concerned, Plan Policy W2 safeguards groundwater protection areas.

**Leachate**

6.3.10 The infiltration of rainfall and surface water into, particularly unprocessed, waste, when coupled with the breakdown of the waste, produces a liquor or ‘leachate’. This is generally high in suspended solids and with a high organic and inorganic content. If this leachate enters surface or ground waters before sufficient attenuation has occurred, it will cause pollution. When developing and operating a waste management facility, measures need to be taken to prevent such pollution, and to continue to prevent any possibility of pollution after the use has ceased.

The EA has a duty to ensure that operations do not adversely affect water quality. Their advice will be very important when considering waste management applications. As for landfill gas (see paragraph 6.3.6) the Planning Authority will complement the EA’s control by imposing planning control conditions on any permission in respect of the use of the land. Planning applications will need to be accompanied by details of the leachate collection and disposal facilities, and their operation, and the
manner of construction of liner/containment systems. If adequate protection for water resources cannot be demonstrated then planning permission will not be granted.

6.3.11 The General Development Order requires the Planning Authority to consult the EA prior to granting permission for development involving the use of land for the deposit of waste. In addition, as a matter of general practice, the Planning Authority will consult the EA on any proposal for waste management, to protect water resources through appropriate land use control.

**Groundwater**

6.3.12 The EA’s (formerly the NRA’s) Groundwater Protection Policy introduces the concept of ‘groundwater vulnerability’ and defines resource and source protection zones. Details of the zones and of the EA’s protection policies are set out in their Policy and Practice document, including the Regional Appendix. For example, source protection zones are identified where special precautions will be necessary to ensure the protection of groundwaters. In any event suitable engineering works in respect of lining and containment will need to be agreed with the EA to provide acceptable means of groundwater protection.

6.3.13 The Groundwater Protection Policies are accepted by the Planning Authority and will be used in implementing Policies W19 and W20, where it is considered that there are land use implications.

**Policy**

W19 BEFORE GRANTING PERMISSION FOR A WASTE MANAGEMENT FACILITY, THE PLANNING AUTHORITY WILL REQUIRE TO BE SATISFIED THAT SURFACE AND GROUND WATER RESOURCE INTERESTS WILL BE PROTECTED AND THAT WHERE NECESSARY A LEACHATE CONTROL SCHEME CAN BE DEVISED, IMPLEMENTED AND MAINTAINED TO THE SATISFACTION OF THE PLANNING AUTHORITY.

**Landfill**

6.3.14 The intended final levels and contours of a landfill proposal should be specified at the outset and included in the restoration scheme. Unless specific drainage or landscape considerations need to be taken into account, the objective will be to recreate original ground levels. The main difficulty in achieving final levels arises from settlement. All tipped material will settle, and allowance needs to be made for this by ‘surcharging’, ie filling above final contours to allow for subsequent settlement. Settlement is influenced by both physical and biochemical factors; the degree of waste compaction and the type of waste are also important elements. Data on rate and degree of settlement are not readily available. Research has suggested that total final settlement can vary from 10-25% of the overall depth of the landfill. Good site management and practice are required to achieve agreed aims. The planning authority will seek the best available information on settlement rates at a given
landfill site and will regularly monitor the situation to ensure that agreed final levels are achieved.

6.3.15 In accordance with advice in Planning Policy Guidance Note 14, when determining applications for waste management proposals, the Planning Authority will take into account the possibility of ground instability. Where this is suspected, applications will be required to be accompanied by a stability report, describing and analysing the relevant issues and demonstrating how they would be dealt with.

6.3.16 The land drainage and flood control requirements of the appropriate authorities will need to be identified and included as part of any proposal. The EA advise that within areas at risk to tidal flooding, no works should be undertaken that are detrimental to the integrity of any defence or would restrict access to and along the defences for maintenance/improvement works. Development which raises land within river floodplains could exacerbate flood conditions to third parties by obstructing flows and reducing flood storage. Such effects would therefore need to be avoided or offset. Also the EA need to ensure that no works are undertaken that would restrict access along main rivers to undertake maintenance/improvements. Pollution could also occur if waste management sites are flooded. Regard will need to be paid to nature conservation aspects if waste management proposals have any implications for coastal defences.

W20 BEFORE GRANTING PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY, THE PLANNING AUTHORITY WILL REQUIRE TO BE SATISFIED THAT PROPOSALS HAVE TAKEN ACCOUNT OF:-

(i) LAND SETTLEMENT;

(ii) LAND STABILITY;

(iii) THE SAFEGUARDING OF LAND DRAINAGE AND FLOOD CONTROL.

(iv) MINIMISATION OF RAINWATER INFILTRATION.
Nature Conservation

6.4.1 The development of waste management proposals can have an adverse impact on nature conservation interests. In seeking to provide for the community’s waste requirements, such interests will be respected and measures will be required to minimise unnecessary damage or harm. National policy and guidance is set out in PPG9 (see Appendix 1, paragraph 2.27).

6.4.2 In accordance with Policy W2, proposals in proposed or declared Ramsar Sites, SPAs and SACs and in NNRs, SSSIs, Local Nature Reserves (LNR) and Sites of Nature Conservation Interest (SNCI) will not be permitted. In addition, Structure Plan Policy ENV6 seeks to protect, maintain and enhance trees and woodland. Where appropriate (eg where undeveloped land is involved) a proposal will be required to identify all nature conservation interests and to set out any steps proposed for their safeguarding, retention and enhancement. Accordingly such applications will need to establish:-

(a) the potential ecological sensitivity of the site in question and the extent to which the development may directly or indirectly affect nature conservation interests within the site or in its surroundings. This will involve the identification of important wildlife features and habitats particularly including unimproved grasslands, heathlands, wetlands, (including shingle and intertidal habitats, and ponds), woodland (especially ancient woodland) and hedgerows as well as protected, rare or endangered species.

(b) the geological or geomorphological interest of the site and extent to which the development may affect its integrity and accessibility for scientific study.

(c) whether the loss or damage to such habitats, features or geological or geomorphological interest is significant in a local, county, regional or national context, and indeed whether there may be adjustments to the proposal which would enable these impacts to be removed or minimised. Mitigation measures may be appropriate, and safeguarding could be by condition where features of significance are involved. This being said, on many sites there may well be little of such earth science interest or importance for wildlife. In these instances it will be particularly important to maximise benefits to wildlife in any landscaping and aftercare scheme.

Therefore in deciding whether there is a justification for loss or damage to earth science features, habitats and wildlife features or species of wildlife importance regard will be had to:-

(i) their scientific and ecological importance in local, county, national and international context;
(ii) the implications of damage or loss on the representation of earth science features or on the viability of the overall species populations or the habitat in a wider context;

(iii) whether the species populations are recoverable and the habitats are part of the “critical (irreplaceable) natural capital”. The scientific interest of some sites is very dependent upon extended periods of consistent management (eg unimproved grasslands) or permanence (eg ancient woodlands), but in limited circumstances, and as a last resort, some features can be moved or recreated.

Accordingly:-

Policy

W21 BEFORE GRANTING PERMISSION FOR A WASTE MANAGEMENT PROPOSAL THE PLANNING AUTHORITY WILL NEED TO BE SATISFIED THAT THE EARTH SCIENCE AND ECOLOGICAL INTERESTS OF THE SITE AND ITS SURROUNDINGS HAVE BEEN ESTABLISHED AND PROVISIONS MADE FOR THE SAFEGUARDING OF IRREPLACEABLE AND OTHER IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL FEATURES, HABITATS, OR SPECIES OF WILDLIFE IMPORTANCE. WHERE AN OVERRIDING NEED REQUIRES SOME DIRECT LOSS OR INDIRECT HARM TO SUCH FEATURES, HABITATS OR SPECIES, WHERE PRACTICABLE SUITABLE COMPENSATORY MITIGATION MEASURES SHOULD BE PROVIDED.
6.5.1 The road traffic associated with waste handling facilities can have a significant impact. Vehicle movements to and from the site are likely to be of a high order. The waste facility is a focal point for the arrival of vehicles from scattered sources, eg collection authority vehicles, commercial interests and private householders. Heavy lorry traffic can impact on the local area by virtue of noise, vibration, exhaust emissions, dust, dirt, obstruction and visual intrusion. An important consideration will be to avoid as far as possible settlements or residential frontages close to the main carriageway. Accordingly, when determining applications, the relationship of the proposal to the main road network will be a material consideration. An access consistent with the principles of Structure Plan Policies T18 to T20 will be sought, if necessary by requiring the completion of any highway improvements considered to be needed (such as visibility splays and off site improvements). Such improvements will be secured at the development’s expense. Regard will also be had to the environmental impact of the necessary improvements themselves, and in this respect Structure Plan Policy ENV12 is relevant. This protects historic rural lanes from changes which would damage their character.

In order to assess the impact of road traffic, the Planning Authority will consider each proposal on its merits and will require proposals to include details of the expected volume and duration of traffic, its routeing, the size of vehicle and any marked seasonal variations. Regard will also be had to:

(i) proximity to existing and committed development;

(ii) existing and possible future overall traffic levels (including pedestrians);

(iii) the capacity and structure of the roads;

(iv) distance from source of waste.

Permission will be refused if there is considered to be an unacceptably adverse effect on the highway network (both in terms of traffic and environmental capacity). Accordingly, and in amplification of Policy W3:-

W22 WHEN CONSIDERING APPLICATIONS FOR WASTE MANAGEMENT FACILITIES THE PLANNING AUTHORITY WILL:

(i) NORMALLY REFUSE PERMISSION IF IT IS CONSIDERED THAT THE PROPOSED ACCESS, OR NECESSARY OFF-SITE HIGHWAY IMPROVEMENTS OR THE EFFECTS OF VEHICLES
TRAVELLING TO AND FROM THE SITE, WOULD AFFECT IN A MATERIALLY ADVERSE WAY:

(a) THE SAFETY (OR WOULD EXCEED THE CAPACITY) OF THE HIGHWAY NETWORK

(b) THE CHARACTER OF HISTORIC RURAL LANES

(c) THE LOCAL ENVIRONMENT INCLUDING DWELLINGS, CONSERVATION AREAS AND LISTED BUILDINGS.

(ii) ENSURE THAT ANY OFF-SITE HIGHWAY IMPROVEMENTS CONSIDERED TO BE NECESSARY TO SECURE ACCEPTABLE ACCESS ARE COMPLETED, IF NECESSARY IN STAGES RELATED TO THE DEVELOPMENT OF THE SITE, BEFORE SPECIFIED OPERATIONS ON SITE COMMENCE AND PROVIDED AT THE DEVELOPMENT’S EXPENSE.

If access to the public road network from the proposed site is considered to be unacceptable then the construction of a private road to an appropriate point on the highway network would be considered. Any access should be designed to avoid vehicles queuing on the public highway at the site entrance.

6.5.2 Mud and debris deposited on the public highway is unsightly and can cause a traffic hazard. For this reason operations must be carried out in such a way as to ensure that vehicles only leave the site after any such potentially loose material has been removed from them. Accordingly:-

Policy

W23 THE PLANNING AUTHORITY WILL REQUIRE BY CONDITION MEASURES TO BE TAKEN AND MAINTAINED TO PREVENT MUD AND DEBRIS BEING DEPOSITED ON THE PUBLIC HIGHWAY.

These measures will include, as necessary:-

(i) provision for cleaning lorry wheels and bodywork (this might include, as appropriate, a wheel splash, and/or wheel spinners and washers, and/or high pressure hose);

(ii) the hard surfacing of access roads;

(iii) keeping access roads and hardstanding free from dust and mud;

(iv) the sheeting or covering of loaded lorries and skips leaving the site, and the use of bulk containers.
The Control of Operations

6.6.1 The former Waste Regulation Authority’s ‘Guidance for Operators of Waste Management Facilities’, prepared under the Environmental Protection Act, establishes standards for operations at waste facilities. These standards are regulated through the waste management licensing system of the Environment Agency.

Plant and Buildings

6.6.2 As a matter of normal practice the Planning Authority will secure planning control over future plant and buildings when granting new outline or detailed permissions. (The legislation provides for outline planning applications to be submitted, although PPG23 advises that an outline permission is not usually appropriate for a development where the risk of pollution is significant). The Environmental Appraisal recognises that waste management developments are in themselves most unlikely to enhance the built environment. Accordingly, when dealing with proposals to site fixed plant and buildings within an operational area, the Planning Authority will take into account Structure Plan Policies ENV15 and RS1 in seeking to minimise visual intrusion. For these reasons, where the external appearance of an operation is concerned:

Policy

W24 THE PLANNING AUTHORITY WILL REQUIRE THE SUBMISSION OF DETAILS AND THEIR PRIOR APPROVAL FOR THE SITING, DESIGN AND EXTERNAL APPEARANCE OF PROCESSING PLANT, HARD SURFACING AND BUILDINGS. EXCEPT WHERE THERE MAY BE RISK OF POLLUTION, THIS CAN BE SUBSEQUENT TO AN OUTLINE PLANNING APPLICATION.

Policy

W25 WHEN CONSIDERING DETAILS RELATING TO THE SITING, DESIGN AND EXTERNAL APPEARANCE OF PROCESSING PLANT, HARD SURFACING, BUILDINGS AND LIGHTING, THE PLANNING AUTHORITY WILL ENSURE THAT:

(i) FACILITIES ARE GROUPED TO PREVENT SPRAWL AND THE SPREADING OF EFFECTS, AND TO ASSIST SCREENING.

(ii) ADVANTAGE IS TAKEN OF TOPOGRAPHY AND NATURAL COVER.

(iii) DESIGNS AND MEANS OF OPERATION MINIMISE VISUAL AND NOISE INTRUSION.

(iv) APPROPRIATE COLOUR TREATMENT IS PROVIDED, TO REDUCE THEIR IMPACT AND TO
ASSIST THEIR INTEGRATION INTO THE LOCAL LANDSCAPE.

In respect of any temporary permissions granted, the Planning Authority will require the removal of plant, buildings and haul roads as soon as possible once they are no longer needed for operations and reclamation.

The use of existing buildings and features on site as part of a proposed waste management facility would be supported. For example, consistent with the thrust of Structure Plan policy RS5, redundant agricultural buildings and existing hardstandings could with advantage be re-used. Accordingly, subject to Structure Plan policy RS5:-

**Policy**

W25A PROPOSALS TO REUSE OR ADAPT EXISTING BUILDINGS AND SITE FEATURES SUCH AS REDUNDANT AGRICULTURAL BUILDINGS AND HARDSTANDINGS AS PART OF A WASTE MANAGEMENT FACILITY, WILL BE PERMITTED.

**Hours of Working**

6.6.3 The waste industry generally operates over the whole of the ‘traditional’ working week, ie between 7am to 6pm Monday to Friday and 7am to 1pm on Saturday, with no working on Saturday afternoons, Sundays and Bank Holidays. Where operational factors obtain, greater flexibility is needed (eg to meet railway timetables, special or urgent contracts or post Bank Holiday working). In each case hours of operation will be considered on their merits. However, because of the densely populated nature of Kent special justification for operating outside of the traditional working week will normally be required.

6.6.4 Householders’ waste centres (civic amenity sites), which take waste delivered by private householders, are considered to be a justified exception. They need to operate throughout weekends and holiday periods so as to maximise their benefit to the community. Unless there are local planning circumstances at sensitive sites which are considered to be overriding (eg because of their very close proximity to housing), when determining proposals for such new facilities the Planning Authority will normally give permission for operations until 7pm on Monday to Saturday and for additional operations from 9am to 4pm on Sundays and Bank Holidays. At sensitive sites the normal hours will be 8am to 6pm Monday to Friday, 8am to 4pm on Saturday and 9am to 4pm on Sundays and Bank Holidays.

**Policy**

W26 THE PLANNING AUTHORITY WILL NORMALLY GRANT PERMISSION FOR WASTE MANAGEMENT FACILITIES CONDITIONED TO OPERATE BETWEEN THE HOURS 0700 TO 1800 MONDAY TO FRIDAY AND 0700 TO 1300 ON SATURDAY. ANY PROPOSALS TO WORK OUTSIDE OF THESE HOURS WILL BE CONSIDERED WHERE OPERATIONAL FACTORS JUSTIFY GREATER FLEXIBILITY.
6.6.5 When determining a waste management proposal the Planning Authority will treat its effect on public rights of way as a material planning consideration. This means having regard to the interests of footpath and bridleway users (e.g. walkers and horse riders). The use of primarily pedestrian rights of way to gain vehicular access to a proposal will normally be resisted. Accordingly:

**Policy**

W27 WHERE PROPOSALS TO ESTABLISH A WASTE MANAGEMENT FACILITY COULD ADVERSELY AFFECT A PUBLIC RIGHT OF WAY, WHEN DETERMINING THE APPLICATION THE PLANNING AUTHORITY WILL SECURE THE INTERESTS OF THE USERS OF THE PUBLIC RIGHT OF WAY. THE USE OF PRIMARILY PEDESTRIAN RIGHTS OF WAY TO GAIN VEHICULAR ACCESS TO A PROPOSAL WILL NORMALLY BE RESISTED.

If permission is granted the Planning Authority will draw the attention of the applicant to his obligation to secure the diversion or stopping up of a public right of way before it is obstructed. When a temporary planning permission is granted, reversion to the original line of the footpath will normally be sought wherever, and as soon as, that is practical.

6.6.6 Government policy on archaeology is set out in Planning Policy Guidance: PPG16 Archaeology and Planning (November 1990). The Government recognises that the desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications, whether that monument is scheduled or unscheduled. It also recognises the importance of allowing the opportunity for proper archaeological excavation in advance of development.

6.6.7 The Structure Plan recognises that Kent has a particularly rich heritage of archaeological sites and ancient monuments. It is strategic policy to preserve them. Accordingly important archaeological sites and ancient monuments, whether scheduled ancient monuments or not, and their settings, will be protected and enhanced. Where development would lead to the destruction or sterilisation of an archaeological site or ancient monument, appropriate arrangements will be required for investigation and recording by a recognised archaeological team. The relevant Structure Plan Policy (ENV18) is set out in Appendix 2.

6.6.8 In deciding whether there is any special justification for relaxing protection of an archaeological site or ancient monument, regard will be had to:

(i) its archaeological, historic, amenity and tourism importance;

(ii) the extent of destruction;
(iii) whether satisfactory arrangements can be made for prior investigation;

(iv) the case of need for the waste proposal.

Applicants may be invited to furnish evidence of any justification.

6.6.9 For the purposes of considering waste management proposals, three levels of archaeological interest are identified:-

(a) where the site, or part of it, is considered to be such importance that the remains should be preserved in situ;

(b) where preservation in situ cannot be justified, but excavations are considered to be necessary prior to development;

(c) where excavation cannot be justified but a watching brief is considered to be necessary, to record finds of interest;

A fourth level indicates no archaeological interest:-

(d) where no archaeological response is required.

6.6.10 A three phase approach will be followed. The first step will be to establish whether there is any archaeological interest. The County Sites and Monument Record should be checked to establish whether a Site of Archaeological Interest (as defined in the Town and Country Planning, General Development, Order 1995) would be affected. However, there may be other areas, not identified on the Record, where horizons of potential archaeological importance are buried, for example beneath recent alluvial deposits. Accordingly, the earliest possible consultation with the County Archaeological Officer is strongly advised.

6.6.11 The second step will be to ascertain the nature and importance of the archaeological interest. When assessing importance, regard will be had to the Secretary of State’s criteria for the scheduling of ancient monuments (PPG16, Annex 4). On those sites or parts of sites where an archaeological interest of potential importance has been identified to its satisfaction, the Planning Authority will require further assessment in order to ascertain its nature and importance. The assessment may involve excavation and/or geophysical or other field survey to a specification approved by the Planning Authority. Such work will be the responsibility of the prospective operator and will ensure that all the relevant information is available to enable the archaeological interest to be properly identified before any waste management proposal is determined.

6.6.12 The third step will be to secure appropriate safeguards for the archaeological interest. Where important archaeological remains and their settings are affected by proposed development, there will be a
presumption in favour of their physical preservation, in accordance with Structure Plan Policy ENV18.

6.6.13 Where archaeological excavation is considered to be necessary prior to development, a detailed scheme will be required, to a programme and specification and by an archaeological body to be approved by the Planning Authority.

6.6.14 On many sites there will be no known, or little potential, archaeological interest. Even so, it is an important planning objective to ensure that any archaeological evidence is not destroyed without the opportunity being provided for it to be recorded. Accordingly, operators may be required to afford a watching brief and to make available to archaeologists facilities of access to watch and if necessary to record any finds, whilst critical soil moving operations are taking place.

6.6.15 A planning application should show clearly how it is proposed to deal with any archaeological interest, including where appropriate archaeological recording, post excavation analysis and publication. The applicant will need to have regard to the framework set out above and to the following policies:-

Policy W28 WHERE ARCHAEOLOGICAL REMAINS OF IMPORTANCE MAY EXIST, AN ARCHAEOLOGICAL ASSESSMENT WILL BE REQUIRED TO A SPECIFICATION AND BY AN ARCHAEOLOGIST OR AN ARCHAEOLOGICAL ORGANISATION APPROVED BY THE PLANNING AUTHORITY BEFORE ANY APPLICATION IS DETERMINED.

Policy W29 ON SITES WHERE REMAINS OF ARCHAEOLOGICAL IMPORTANCE HAVE BEEN IDENTIFIED BUT WHERE PERMANENT PRESERVATION IS NOT CONSIDERED BY THE LOCAL PLANNING AUTHORITY TO BE WARRANTED, A SCHEME WILL BE REQUIRED TO BE APPROVED TO INCLUDE PROVISION FOR ARCHAEOLOGICAL RECORDING IN ADVANCE OF DEVELOPMENT.

Policy W30 WHEN GRANTING PLANNING PERMISSION FOR WASTE MANAGEMENT FACILITIES, THE PLANNING AUTHORITY MAY REQUIRE BY CONDITION OPERATORS TO AFFORD ACCESS AT ALL REASONABLE TIMES TO AN APPROPRIATE ARCHAEOLOGICAL ORGANISATION, AND TO ALLOW THAT ORGANISATION TO OBSERVE OPERATIONS AND TO RECORD ITEMS OF INTEREST AND FINDS.

In considering “importance” regard will be paid to the criteria set out in PPG16 Annex 4 (see paragraph 6.6.11).
Landscaping and Restoration

**Visual Impact**

6.7.1 Although landscaping is a reserved matter, the Planning Authority can request sufficient information on environmental impact to determine whether permission should or should not be granted in principle. Waste management facilities inevitably have a visual impact. Accordingly the Planning Authority will require steps to be taken to ensure that an operation intrudes as little as possible into its surroundings. Landscaping, and for temporary uses restoration and an after use, should be designed to ensure that the site becomes fully integrated into the local environment. Measures to lessen the degree of visual impact will include, as necessary:-

1. retention of existing site features that are of interest and significance to the locality;
2. making best use of site topography - the use of natural ground contours to assist in site screening;
3. perimeter screening through earth sculpturing, tree planting (with native species), landscaped embankments, with advance landscaping where necessary;
4. design of site access and its tidy maintenance. The appearance of the site entrance is a major influence on how the facility is perceived by the public at large;
5. where appropriate the progression of phased restoration, so that the site becomes an integral part of its surroundings;
6. the organisation of operations, plant, buildings (including their height), hard surfaces and machinery and general site management.

**Landscaping**

6.7.2 Landscaping has two important planning objectives. Firstly to screen operations from outside views and from nearby uses, particularly dwellings; secondly in the longer term to assist the merging of the site into its surroundings. Accordingly:-

**Policy**

W31 WHEN CONSIDERING WASTE MANAGEMENT PROPOSALS THE PLANNING AUTHORITY WILL WISH TO BE SATISFIED THAT AN APPROPRIATE LANDSCAPING SCHEME WILL BE AN INTEGRAL PART OF THE DEVELOPMENT.

The principles which the Planning Authority would wish to see addressed in any scheme of landscaping are set out in Appendix 5.

**Restoration**

6.7.3 In respect of landfill it is essential that any land used is restored to be capable of a sustainable and approved after-use as soon as possible.
6.7.4 It will be required that the intended after-use of the site is identified at the outset so that working and restoration can be directed towards achieving that use. Planning conditions will be framed with the intended after-use in mind such that restoration and afteruse requirements will be secured by conditions attached to a grant of planning permission. If there is serious doubt as to whether satisfactory restoration can be achieved, this will be a material factor in considering whether planning permission should be given.

The principles which the Planning Authority requires to see addressed in any schemes of operations and restoration are set out in Appendices 3 and 4. Where restoration of part of a site is not to be for agriculture, forestry or built development, the Planning Authority will normally encourage the creation of wildlife habitats and other conservation interests.

Aftercare

6.7.5 Aftercare will be applicable on sites where the proposed after-use is agricultural, forestry, amenity or nature conservation. To assist in establishing the after-use of a site the Planning Authority will seek a period of aftercare, incorporating a regime of management/maintenance work. A minimum 5 year period of aftercare will be sought commencing after the completion of site restoration. The specific steps which the Planning Authority requires to see addressed in an aftercare scheme are set out in Appendix 4.

Policy

W32 WHEN CONSIDERING WASTE MANAGEMENT PROPOSALS THE PLANNING AUTHORITY WILL WISH TO BE SATISFIED THAT SATISFACTORY OPERATION, AND WHERE APPROPRIATE RESTORATION AND AFTERCARE, SCHEMES WILL BE AN INTEGRAL PART OF THE PROPOSAL. WHEREVER APPROPRIATE THE SCHEMES WILL BE DESIGNED TO RETURN THE LAND TO A PLANNED AFTERUSE AT THE HIGHEST POSSIBLE STANDARD RELEVANT TO THAT USE AND AS QUICKLY AS POSSIBLE.
7.1 Policy W8 (see Chapter 5) reflects the County Council’s aim to make positive use of the spoil from demolition and construction projects. This provides a framework for assisting operators to meet their duty of care obligations under the EPA, also it helps to dissuade illegal tipping. Nevertheless tipping, mainly of demolition and construction waste, still takes place outside planning control.

7.2 Member states of the EU are to take the measures necessary to prohibit the abandonment, dumping or uncontrolled disposal of waste. The Structure Plan accepts that improvement of the environment will entail the removal of eyesores and dereliction.

7.3 Careful planning of waste treatment and disposal needs to be backed by application of the powers enabling all waste activities to be brought within planning control. Otherwise the value of the planning will be much reduced, and the environment will continue to suffer. Where planning permissions do exist there is the need for the planning conditions to be complied with, and so monitored. When problems of nuisance are identified, they will be addressed speedily, where appropriate in consultation with the Environment Agency and the local enforcing authority.

7.4 These principles can be extended to ensuring that whenever unauthorised and uncontrolled waste related developments do take place, steps will be taken to secure the repair of any damage done to the environment.

7.5 The Planning Authority is already responding to the situation, in the interests of safeguarding amenity and resources, with rigorous use of its enforcement powers. This needs recognition and the provision of a policy base, both to give a regime, and notice of the intention. Accordingly:

Policy W33 THE PLANNING AUTHORITY REQUIRES ALL WASTE MANAGEMENT ACTIVITIES TO TAKE PLACE WITHIN PLANNING CONTROL AND THE APPROPRIATE PLANNING PERMISSIONS OBTAINED. WHERE THIS IS BEING EVADED THE COUNTY COUNCIL WILL USE FULLY THE LEGISLATIVE POWERS PROVIDED FOR ENFORCEMENT, INCLUDING THE USE OF BREACH OF CONDITION AND STOP NOTICES WHERE NECESSARY, AND WILL ALSO PROSECUTE FOR NON-COMPLIANCE WITH NOTICES.