

PLANNING APPLICATIONS COMMITTEE

Tuesday, 10th May, 2011

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 10th May, 2011, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **01622 694342**

*Tea/Coffee will be available from 9:30 **outside the meeting room***

Membership (18)

Conservative (16): Mr R E King (Chairman), Mr J F London (Vice-Chairman),
Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies,
Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood,
Mr J D Kirby, Mr R F Manning, Mr R J Parry, Mr R A Pascoe,
Mr C P Smith Mr A T Willicombe

Liberal Democrat (1): Mr M B Robertson

Independent (1) Mr R J Lees

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 12 April 2011 (1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/10/2029 - Westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford; Gallagher Aggregates Ltd (7 - 92)
2. Application DO/10/954 - Waste management proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant at Sites A and B, Ramsgate Road, Richborough, Sandwich; Thanet Waste Services (93 - 130)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal TM/11/192 - Fencing with vehicular and pedestrian gates at The Malling School, Beech Road, East Malling; Governors of The Malling School (131 - 146)

2. Proposal SW/10/1334 - Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation at Halfway Road, Minster on Sea, Sheerness; KCC Education, Learning and Skills (147 - 162)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Screening opinions under Environmental Impact Assessment Regulations 1999
5. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Thursday, 28 April 2011

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 12 April 2011.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith Mr A T Willicombe

ALSO PRESENT: Mr H J Craske

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Wooldridge (Team Leader - Mineral Developments), Mr G Wild (Director of Governance and Law), Mr R White (Transport and Development Business Manager) Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

27. Membership

(Item 2)

The Committee noted the appointment of Mr W A Hayton in place of Mr J A Davies.

28. Minutes - 15 March 2011

(Item A4)

RESOLVED that the Minutes of the meeting held on 15 March 2011 are correctly recorded and that they be signed by the Chairman.

29. Site Meetings and Other Meetings

(Item A5)

The Committee was reminded that it would hold a training session on Waste Planning Considerations on the afternoon of 12 April 2011. It also agreed to hold a tour of permitted development sites on a date to be determined.

30. Recorded Voting at Planning Applications Committee meetings and related issues

(Item B1)

RESOLVED to:-

- (a) note the Director of Law and Governance's advice that the votes of each individual Committee Member should be recorded on those occasions when the Head of Planning Applications Group's recommendation to grant permission or refuse an application is overturned; and

- (b) agree that this advice be reported to Selection and Member Services Committee and (subject to that Committee's agreement) to the County Council for proposed adoption into the Constitution.

31. Application GR/10/1127 - Temporary tunnelling logistics facility at Northfleet Works, The Shore, Northfleet; Crossrail Ltd
(Item C1)

- (1) Mr T Gates made a Declaration of Personal Interest as his son was employed by Atkins (the planning consultants for the application).
- (2) Mr R J Lees informed the Committee that he was a Member of Swanscombe and Greenhithe Town Council, which had been consulted on the application. He was not, however, a Member of its Planning Committee and had at no stage taken part in any discussion of the application. He was therefore able to consider the application with a fresh mind.
- (3) Mr H J Craske was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.
- (4) RESOLVED that permission be granted to the application subject to conditions, including conditions covering a 5-year temporary planning permission and removal of plant, materials and buildings at the end of this period; the site to only be used for receiving, processing and storing excavated material arising from the London Crossrail tunnelling activities and for the construction and distribution of tunnel segments for the London Crossrail project; no more than 688 HGV movements (344 in and 344 out) per day; an HGV management plan; travel plan; access from footpath NU42 via The Shore and The Creek by foot and cycle; water-tight load compartments for HGVs when transporting wet excavated materials; use of wheel wash; all excavated materials being transported from the site by river (apart from any contaminated materials that could potentially arrive at the site and need to be removed to a suitable disposal site by road, or unless otherwise agreed, or if a further planning permission is obtained); no HGV movements outside normal working hours (i.e. between 07.00 and 19.00 hours Monday to Friday and 07.00 and 14.00 hours on Saturdays) unless it has been demonstrated that impacts associated with HGVs outside these hours is acceptable; excavated materials only being imported to the site once the rail link is reinstated and available for use unless approval is first obtained from the County Council; noise; vibration; dust; air quality; compliance with the relevant parts of the Crossrail Construction Code (including a complaints system to address environmental and lorry routing issues); no development taking place until a "Section 61 consent" has been obtained under the Control of Pollution Act and any consent being complied with thereafter (unless formally varied under that process); groundwater protection; potential contamination of the site; a foul and surface water management scheme; protection of the public sewer and public water supply main; a flood risk management plan; biodiversity management (e.g. for black

redstarts and bats); a lighting scheme; an archaeological watching brief; protection of the listed war memorial and lighthouse; a detailed scheme for footpath NU42 (including cycle access); ground stability (cliffs and tunnels); and limiting the height of cranes and structures on 42 Wharf to 20m unless otherwise approved by the County Council.

32. Application SW/10/1436 - Variation of Conditions 12 (hours of delivery), 20 (vehicle movements), 22 (compostable waste tonnage), 26 (Materials Recycling Facility waste tonnage) and 28 (secondary aggregate recycling) of Permission SW/05/1392 at Countrystyle Recycling Site, Iwade, Sittingbourne; Countrystyle Recycling Ltd
(Item C2)

(1) Mr A T Willicombe informed the Committee that he was a Member of Swale Borough Council, which had considered the application. He had taken no part in the Borough Council's discussions of the application and was therefore able to consider it with a fresh mind.

(2) Mr S Plumb (Chairman of Iwade Parish Council) addressed the meeting in opposition to the application. Mr C Trousdell from Countrystyle Recycling spoke in reply.

(3) RESOLVED that permission be granted for the proposed variations to Conditions 12, 20, 22 and 26 of planning permission SW/05/1392, and that they shall now read as follows:

- (a) Condition 12: "Waste deliveries and transportation of materials off site shall only take place between the following hours; 05.30 – 20.00 hours Monday to Sunday and Public Holidays (excluding Christmas Day, Boxing Day and new Years Day). No operations other than the processing of compostable material within the in vessel system and processing of materials within the MRF building shall take place outside these hours except for essential plant maintenance up to 23.00 hours between Monday and Saturdays only."
- (b) Condition 20: "No more than a combined total of 210 vehicle movements (105 in/105 out) associated with the operations hereby permitted shall enter or leave the site in any one day."
- (c) Condition 22: "The maximum throughput of compostable waste shall not exceed 45,000 tonnes per annum."
- (d) Condition 26: "The maximum throughput of the Materials Recycling Facility (MRF) shall not exceed 110,000 tonnes per annum."

33. Application SW/10/444 - Sustainable Energy Plant to serve Kemsley Paper Mill at Land to the North East of Kemsley Paper Mill, Kemsley, Sittingbourne; St Regis Paper Company Ltd and E.ON Energy from Waste Ltd
(Item C3)

(1) Mr A T Willicombe informed the Committee that he was a Member of Swale Borough Council, which had considered the application. He had taken no part in the Borough Council's discussions of the application and was therefore able to consider it with a fresh mind. In addition, he was acquainted with some of the objectors as they were also Members of Swale Borough Council. However, his relationship with them was not one which could be described as a close association.

(2) The Head of Planning Applications Group informed the Committee of two very recently published documents from the Department of Communities and Local Government. These were "Planning for Growth", which advised planning authorities that supporting sustainable economic growth and employment was now a material planning consideration. The second was Planning Policy Statement 10, which advised Planning Authorities to incorporate the new waste hierarchy (Prevention, Preparation for Re-use, recycling, other forms of Recovery, Disposal) into its decision making – including the use of waste as a fuel.

(3) Mr S Plumb (Chairman of Iwade Parish Council addressed the Committee in opposition to the application. Mr G Seager from UNITE spoke in support. Mr W Fauve-Walker from St Regis Paper Ltd spoke in reply.

(4) In agreeing the recommendations of the Head of Planning Applications Group, the Committee included a condition requiring details of design to ensure that the tipping bunker could be completely emptied in the event of a shut down. It also added an Informative giving its view that the applicants should seek to transport as much waste material as possible by rail and water.

(2) RESOLVED that:-

- (a) subject to the satisfactory completion of a legal agreement to secure the Draft Heads of Terms as set out in Appendix 2 of the report, permission be granted to the application subject to conditions, including conditions covering hours of working; vehicle movements; noise restrictions; ground contamination; flood risk; fuel storage; surface water discharge; archaeology; lighting; ecology; alternative users of power generation; landscape planting and construction materials; an investigation of alternative use of rail and waste sources and details of design to ensure that the tipping bunker can be completely emptied in the event of a shut down; and
- (b) the applicants be informed by Informative of the Committee's view that they should seek to transport as much waste material as possible by rail and water.

34. County matter applications dealt with under delegated powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications (None);
- (b) consultations on applications submitted by District Councils and Government Departments (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

TM/10/2029 – PROPOSED WESTERLY EXTENSION TO HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD, KENT

A report by Head of Planning Applications Group to Planning Applications Committee on 10 May 2011.

Planning application TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent (MR. 717 556)

Recommendation: Permission be granted subject to conditions.

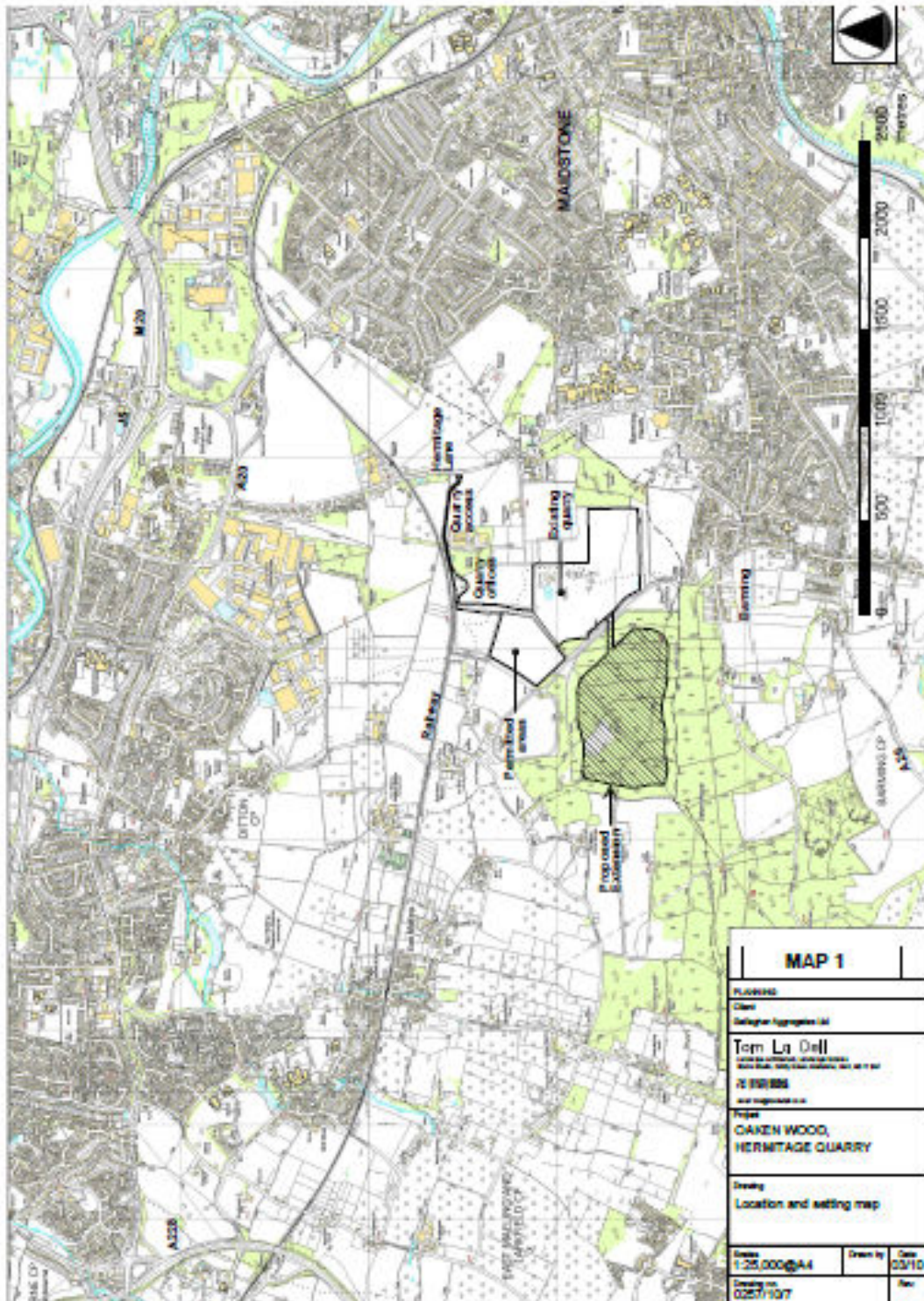
Local and adjoining Member(s): Mrs T Dean, Mrs P Stockell, Mr P Homewood, Mr D Daley, Mr M Robertson, Mrs V Dagger, Mrs S Hohler and Mr R Long,

Classification: Unrestricted

Background

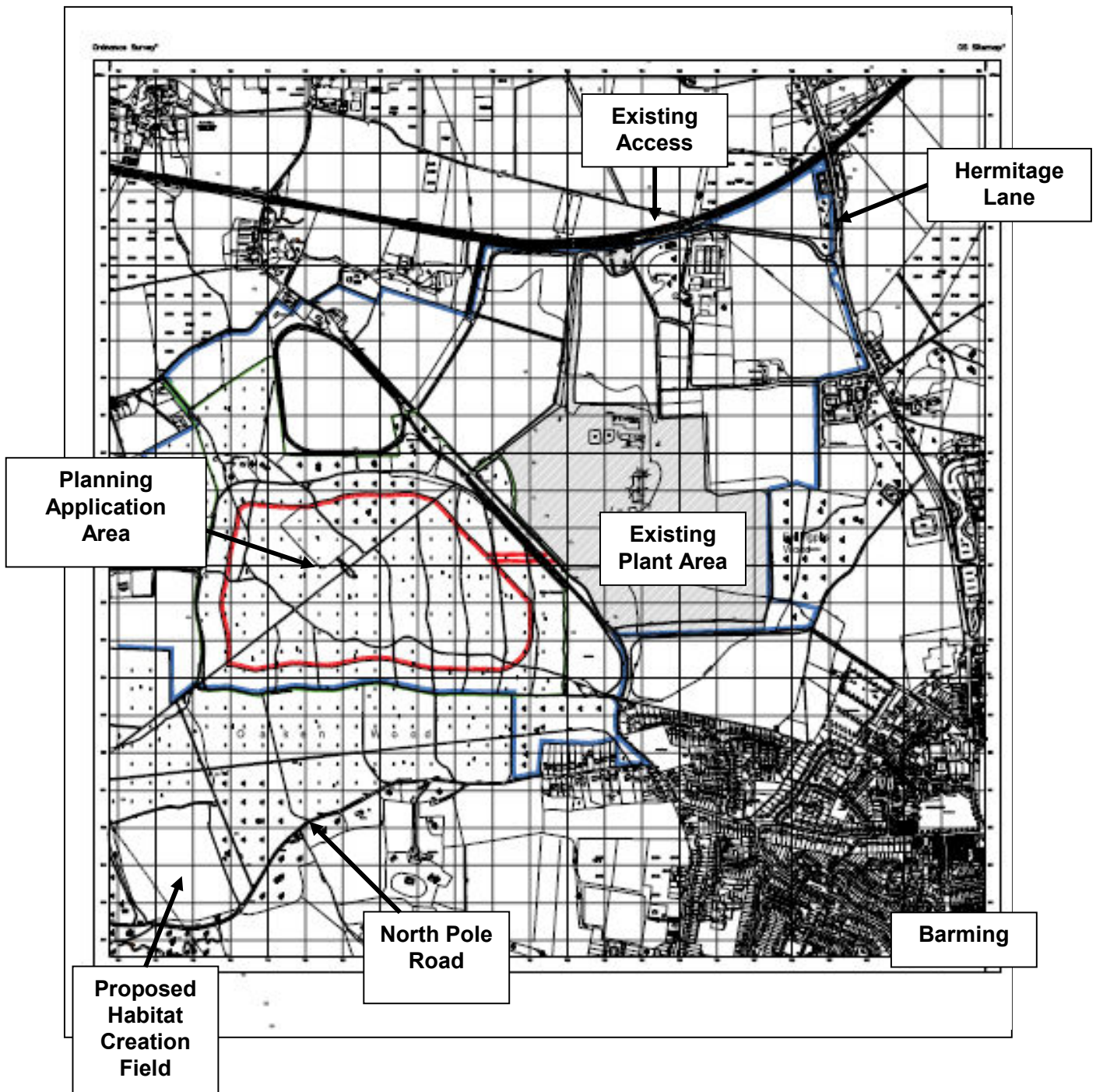
1. The existing Hermitage Quarry lies within the strategic gap between Allington, to the east, the village of Aylesford, to the north and Barming Heath to the south. It forms part of 230ha of the Hermitage Farm Estate which comprises agricultural land and woodland as well as the quarry itself. The existing quarry has a purpose built access onto Hermitage Lane (B2246), leading to the A20 and M20 at junction 5.
2. Operational since 1990, the quarry is currently operating within an eastern extension area permitted under planning permission reference TM/05/2784. As part of the overall working plan, the consented phased working and restoration scheme requires the operator to work the site in an east to south direction, with final permitted reserves being worked in the permitted western extension (reference TM/02/2782) before infilling and restoration of the final phase which is currently occupied by the plant site area. It is estimated that at its current production rate the existing permitted reserves at the site would be exhausted within 4 years.
3. A planning application was refused by the County Council for ragstone extraction at Oaken Wood in March 1995 (under reference TM/93/1484) on the grounds that at that time a case of need was not considered sufficient to outweigh the conservation interest of the site.
4. The existing Hermitage Quarry is one of only two ragstone quarries within the County, the other being located at Blaise Farm, West Malling which whilst it has some 30 million tonnes of permitted reserves is currently only worked on a campaign basis as and when there is a demand to supply a specific contract.

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent



Site Location Plan (1)

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent



Site Location Plan (2)

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

5. Following the completion of permitted extraction operations at Hermitage quarry the applicant seeks to extend quarrying operations into Oaken Wood as a western extension, retaining the existing processing equipment and employing the current methods of extraction which involves blasting at the quarry face in a series of terraces. The existing internal haul road, weighbridge facilities, office accommodation and access onto Hermitage Lane would be retained for the life of the site.

Proposal

6. The applicant proposes to extract some 16,210,000 tonnes of ragstone from the application site over a period of 23 years, with a view to final restoration being complete by 2037. The proposed westerly extension, known as Oaken Wood is some 33 hectares (78 acres) in area and forms 14% of the overall total of Oaken Wood which is designated Ancient Woodland and forms part of a Local Wildlife Site (LWS). The application site falls within an area covered by a Tree Preservation Order (TPO), imposed by the Borough Council. A bridleway (MR 108) runs across the southern part of the area of the proposed quarry extension. A byway MR 496 runs between the existing quarry and the application site. There are no other Public Rights of Way affected by the proposals. A site location plan is attached.
7. It is proposed that the site would be worked in a phased manner and which would follow extraction of reserves permitted under planning consent reference TM/03/2785 (western extension). Operations would continue as they do on site currently in that material would be loosened by blasting on site, loaded onto vehicles and taken to the existing processing plant located at the main Hermitage Quarry site. Finished products would be exported from the site by HGVs via the existing weighbridge facilities on site. Vehicles would be sheeted prior to leaving via the existing purpose built haul road and out onto Hermitage Lane. No changes are proposed to the existing quarry operating hours, which are between 0700 hours and 1800 hours (Monday to Friday) and 0700 hours and 1300 hours on Saturdays. HGV movements, which are currently restricted to a combined total of 300 movements per day with the number of movements on any single day not exceeding 600 movements would remain as existing with no more than 30 movements during the morning and evening peak periods (i.e. 0730 hours to 0930 hours and 1600 hours to 1800hours) taking place.
8. The applicant proposes to work the site over 15 separate phases which would follow the phased working and restoration approach already adopted at the existing permitted site. In general the planning application area would be accessed from the existing quarry to the east and progress into phase 8 as shown below which represents the first phase of the application site. Access would be created into the site ahead of extraction and which the applicant anticipates would take some 6 months to complete. Phase 8 would remain open for the life of the extension for the purposes of access, however the remainder of the area would be progressively quarried, backfilled with inert material and restored in a way which would require for example phase 9 to have been backfilled and restored by the time extraction would take place in phase 12 (see drawing below which illustrates this). It is proposed that a tree belt of between 50 and 70m be retained around the perimeter of the site in order to provide screening.

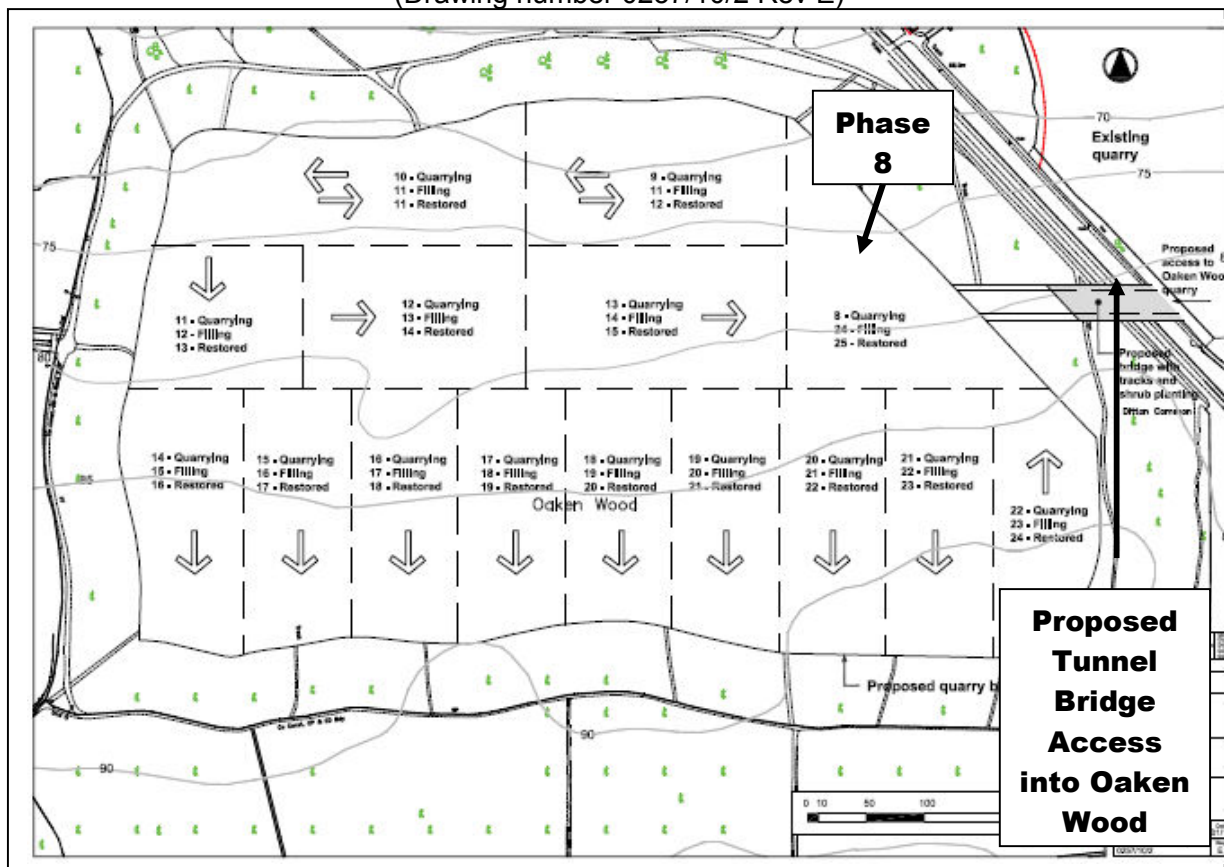
TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

Proposed Phases/Management

9. The applicant considers that in order to manage the application site successfully as an integral part of the existing quarry complex, would involve six key elements. They are set out as follows:

- Woodland management of the Gallagher Aggregates Limited (GAL) owned land on the quarry area and surrounding woodland
- Planting of a habitat creation field offsite
- Access construction
- Commencement of the first phase (shown as phase 8 on the proposed working plan)
- Transporting of materials to the existing plant site area for processing
- Further phased working with infilling and habitat creation

Proposed Quarry Working Plan
(Drawing number 0257/10/2 Rev E)



10. Before entering into each successive phase, the area would be surveyed to identify any nature conservation interests, prior to which areas of suitable habitat would have been created off site within a 9ha creation field into which any species found present would be translocated. Woodland coppice stools would then be removed and topsoil stripped and stockpiled for future use on site. The overburden from the first phase would be stripped and

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

used for restoration at the existing quarry. Once extraction is complete, that phase would be backfilled to original levels with inert materials and planted, following restoration with overburden and topsoil stripped from the next preceding phase, with native trees and shrubs. The restored phase would incorporate a series of wide rides and would be managed along with the surrounding woodland together with other designated areas of the Hermitage Estate in the long term for the purposes of nature conservation. Each successive phase would follow a similar pattern with the exception of phase 8, which would be required to be restored last.

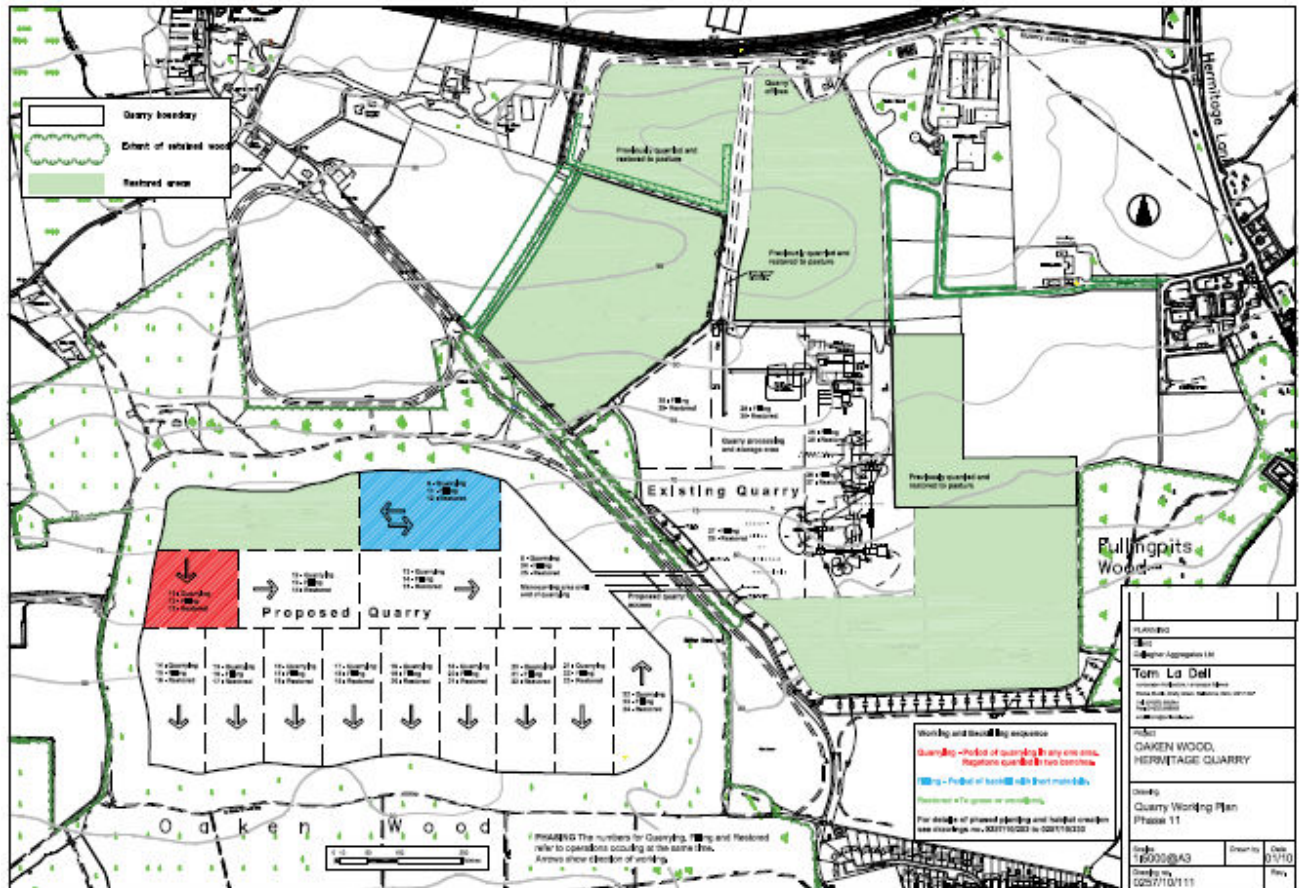
Nature Conservation Interests

11. The applicant has submitted, in support of the application, ecological surveys for the following:
 - Vascular and lower plants
 - Terrestrial Invertebrates
 - Badgers
 - Bats
 - Dormouse
 - Breeding Birds
 - Reptiles, and
 - Amphibians

12. The applicant identifies within the supporting information mitigation measures considered necessary for each of the above. However, given the 23 year time period over which the applicant proposes to work the site, the applicant recognises that whilst baseline surveys have been undertaken of the whole application area in support of the proposal, further more up to date surveys would be required to be undertaken of each successive phase prior to any disturbance or extraction taking place in order to identify any changes that may have occurred since the original baseline surveys were carried out. Also, given the in-built flexibility necessary to ensure the ecological interests are protected throughout the duration of the quarrying operations, the applicant proposes that the nature and timings of the surveys together with the future long term management regime of the restored site and other areas of the Hermitage Estate that are proposed to be incorporated into the long term management regime, are addressed by way of a separate Legal Agreement that would be attached to any future permission. They envisage that such an agreement would make provision amongst other matters, for the establishment of a management team consisting of officers from KCC, Natural England, the applicant along with other wildlife specialists including the Kent Wildlife Trust who were the body responsible for designating the application area along with it's surroundings as a Local Wildlife Site.

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

Proposed Quarry Working Plan Phase 11 (Drawing number 0257/10/11) showing work commencing in phase 11 and backfilling in phase 10

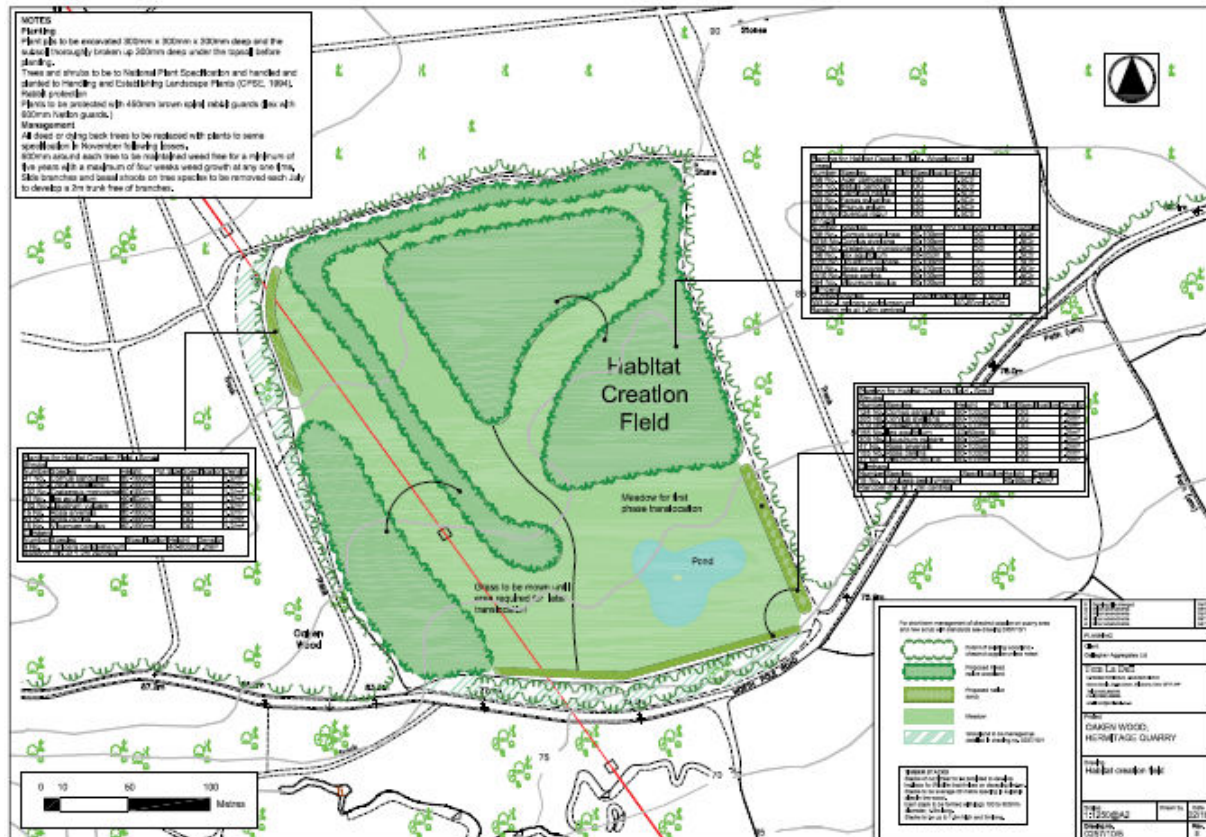


Restoration and Habitat Creation

13. Prior to any extraction works at the planning application site, the applicant proposes the provision of a habitat creation field on a parcel of land to the south west of the planning application site, located along North Pole Road (as shown below). The field itself, at some 9ha in size, is bounded to the north, east and west by the Oaken Wood LWS and in the applicant's view would create a new and varied habitat that would in time be capable of incorporation into the LWS. Whilst it is proposed that the field would be incorporated under the long term management plan, the habitats to be created within it would be need to be provided in good time to ensure that it is suitable to act as a receptor site for any species requiring translocation from the application area in advance of ragstone extraction taking place.

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

**Habitat Creation Field, North Pole Road
(Drawing number 0257/10/5 Rev E)**



14. In addition to the creation of the habitat creation field offsite, the proposal also includes further habitat creation and its management around the planning application area, on completion of restored phases. The quarry would be worked in a phased manner to ensure that the minimum area possible is open at any time. Once a phase has been worked and restored it is proposed to replant the restored area with mixed, native broadleaved woodland which makes provision for wide rides and scrub margins in selected areas. The applicant indicates that the objective would be to increase the habitat and wildlife value of the woodland falling within his ownership including the application site, within a year of any grant of planning permission by virtue of it's ongoing management. This approach in his view would ensure that the surrounding habitats are enhanced year on year before the first restored area of the quarry is planted. The objective is to develop 'high forest' with standard trees and a shrub layer. The wide rides in the woodland are in his view excellent for wildlife and there will be further habitat diversification with areas of scrub and a wildlife corridor of scrub with standards.

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

National Planning Policy Context

15. The original Members briefing note initially set out the relevant policy considerations in relation to the proposed development, The South East Plan (SEP) referred to in that note in the meantime was abolished and later reinstated pending the enactment of the Localism Bill. Members will be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that Cala Homes has been granted leave to appeal the recent High Court judgement and are seeking clarity on how much weight should to be given to the RSS in light of the intention to revoke.
16. The key National and Development Plan Policies summarised below are the most relevant to the consideration of the application:
17. The Planning System, General Principles (2005), Planning Policy Statement 1: Delivering Sustainable Development and the supplement Planning and Climate Change, 2007; Minerals Policy Statement 1: Planning and Minerals; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals, Minerals Planning Guidance Note 7: Reclamation of mineral workings; Planning Policy Statement 4: Planning for sustainable economic growth; Planning Policy Statement 5: Planning for the Historic Environment; Planning Policy Statement 7: Sustainable Development in Rural Areas, Planning Policy Statement 9: Biodiversity and Geological Conservation, Planning Policy Statement 10: Planning for Sustainable Waste Management, Planning Policy Guidance 13: Transport, Planning Policy Guidance 24: Planning and Noise, Planning Policy Statement 25: Development and Flood Risk.
18. *The Planning System, General Principles (2005), Planning Policy Statement 1: Delivering Sustainable Development and the supplement Planning and Climate Change – Encouraging decisions taken on planning applications to contribute to the delivery of sustainable Development. The Supplement to PPS1 – Planning and Climate Change sets out how planning should contribute to reducing emissions and stabilising climate change. Tackling climate change is a key Government priority for the planning system.*
19. *Minerals Policy Statement 1: Planning and Minerals – Planning and Minerals (November 2006) - MPAs should use the length of the landbank in its area as an indicator of when new permissions for aggregates extraction are likely to be needed. The landbank indicator for crushed rock is at least 10 years. A longer period may be appropriate to take account of the need to supply a range of types of aggregates, locations of reserves relative to markets, and productive capacity of permitted sites. Individual permitted sites need sufficient reserves to be economically viable therefore consideration of the landbank needs to be flexible enough to allow for this. A large existing landbank bound up in very few sites should not be allowed to stifle competition.*

If landbanks are considered to be excessive, MPS1 advises:

- New planning permissions should only be given where it can be shown that demand could not be met from the existing permitted reserves, for example, for

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

reasons of type and quality of the aggregate and/or distance to the market.

- The industry should consider voluntarily agreeing to revocation, or prohibition orders, in respect of planning permissions at sites that are unlikely to be worked again.
 - Planning Authorities do not normally grant planning permission for a proposed mineral development on land within or outside a SSSI if it is likely to have an adverse effect.
 - Ensure that the statutory protection given to many individual wildlife species under a range of legislative provision and the special protection afforded to European protected species, is fully taken into account when considering mineral proposals which might affect them.
 - Do not permit mineral proposals that would result in the loss or deterioration of ancient woodland, not otherwise protected, unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat;
 - Take account of the value of the wider countryside and landscape, including opportunities for recreation, including quiet recreation, and as far as practicable maintain access to land. Minimise the impact of minerals operations on its quality and character and consider the cumulative effects of local developments.
20. *Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals* - Development plan policies and proposals for minerals extraction and associated development should take into account the impact of mineral working such as visual intrusion, dewatering, water pollution, noise dust and fine particulates, blasting and traffic. Landscape, ecology, wildlife and habitat loss should also be considered.
21. *Minerals Planning Guidance Note 7: Reclamation of mineral workings* – Local planning authorities must take into account in decisions on individual planning applications sustainable development, ensuring the long term quality of the landscape is maintained and enhanced.
22. *Planning Policy Statement 4: Planning for sustainable economic growth*.
23. *Planning Policy Statement 5: Planning for the Historic Environment* – sets out the Government's planning policies on the conservation of the historic environment.
24. *Planning Policy Statement 7: Sustainable Development in Rural Areas* – key principles para 1 (i) relates to the Government's four aims of sustainable development. Paragraph 1 provides for decisions on development proposals to be taken on the basis of sustainable development principles ensuring an integrated approach to the consideration of:
- Social inclusion, recognising the needs of everyone
 - Effective protection and enhancement of the environment
 - Prudent use of natural resources, and

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

- Maintaining high and stable levels of economic growth and employment.

Paragraph 1 (vi) states “All development in rural areas should be well designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness”

25. *Planning Policy Statement 9: Biodiversity and Geological Conservation –*

Ancient Woodland and Other Important Natural habitats

Planning Authorities should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.

In line with PPS9 principles, planning authorities should seek to avoid direct harm to biodiversity and geology recognizing that certain natural habitats, such as ancient woodland, cannot be replaced.

Where harm cannot be avoided then appropriate mitigation may be a means of reducing any adverse impacts. Mitigation could comprise measures carried out on or outside the development site in order to reduce adverse effects on nature conservation interests on the site itself or on adjacent or other land potentially affected.

Compensation relates to all measures designed to help offset the adverse effects that cannot be further reduced by mitigation. Compensation measures, a final option wherever all mitigation possibilities have been exhausted, will normally involve off-site measures to offset losses within the development site or to offset residual effects on affected wildlife sites.

26. *Planning Policy Statement 10: Planning for Sustainable Waste Management –* Positive planning has an important role in delivering sustainable waste management through the development of appropriate strategies for growth, regeneration and the prudent use of resources;
27. *Planning Policy Guidance 13: Transport -* Sets out how the Government seeks to integrate planning and transport through the planning system.
28. *Planning Policy Guidance 24: Planning and Noise –* outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. The planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.

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29. *Planning Policy Statement 25: Development and Flood Risk* – the aim of planning policy seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct developments a way from areas at high risk. Where new development is necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere. All forms of flooding and their impact upon the environment are material planning considerations.

Kent Minerals Local Plan: Construction Aggregates (saved policies)

30. On the basis of the amount of permitted reserves already available in the County which is in excess of that required to meet the County's own landbank, no areas of search for ragstone are identified in the Kent Minerals Local Plan for Construction Aggregates December 1993.

Policy CA1: When considering potential locations for wharves and rail depots to receive aggregates, the county council will normally require that they

- (i) have no undue impact upon road safety and road congestion;
- (ii) avoid residential areas; and
- (iii) in the case of wharves are capable of linking to the rail network.

Policy CA6: In the areas of search identified on the proposals map, proposals to extract minerals will be acceptable provided the county council is satisfied that there is a case of need to release such additional land sufficient to override the material interests identified in the then structure plan policy mwd1; and also provided that the requirements set out in appendix 6, and of other relevant policies in this plan, are satisfied.

Policy CA7: The County Council will require in support of an application for mineral working evidence of the extent and quality of reserves in the site.

Policy CA8D: Mineral working will not normally be permitted outside areas of search, unless it can be shown that a need exists which cannot be met from within the areas of search.

Policy CA16: When considering applications for the working or supply of construction aggregates the county council will:

- (i) refuse permission if it is considered that the proposed access, or the effects of vehicles travelling to and from the site, would adversely affect in a material way the safety and capacity of the highway network.
- (ii) ensure that any highway improvements necessary to secure acceptable access to the development are completed before mineral extraction or supply commences.

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- Policy CA18:** Before granting permission for the working or supply of construction aggregates, the County Council will require to be satisfied that noise, vibration and dust from both the site and haulage vehicles can be satisfactorily controlled.
- Policy CA19:** Where the external appearance of the workings would be materially affected by fixed plant and buildings, the county council will require that approval is given for the siting, design and external appearance of fixed plant and buildings.
- Policy CA21:** Where proposals to work or supply construction aggregates could adversely affect a public right of way, the county council will take account of the interests of its users.
- Policy CA22:** Before mineral extraction or supply commences the County Council will require to be satisfied that an appropriate landscaping scheme is an integral part of the development.
- Policy CA23:** Before any extraction or supply commences the county council will require to be satisfied that satisfactory working and reclamation schemes are an integral part of the proposal. The schemes should be designed to return the land to a planned afteruse at the highest standard and as quickly as possible, and should take account of the cumulative impact of any nearby workings.

31. **The South East Plan (May 2009)**

- Policy CC1:** The principal objective of the Plan is to achieve and to maintain sustainable development in the region. Sustainable development priorities for the South East are identified as:
- i) achieving sustainable levels of resource use
 - ii) ensuring the physical and natural environment of the South East is conserved and enhanced
 - iii) reducing greenhouse gas emissions associated with the region
 - iv) ensuring that the South East is prepared for the inevitable impacts of climate change
 - v) achieving safe, secure and socially inclusive communities across the region, and ensuring that the most deprived people also have an equal opportunity to benefit from and contribute to a better quality of life.
- Policy W4:** Waste planning authorities (WPAs) will plan for net self-sufficiency through provision for management capacity equivalent to the amount of waste arising and requiring management within their boundaries.

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Policy W14: High quality restoration and aftercare.

Policy M1: The regional planning body, the South East England Development Agency, the construction industry, and other stakeholders will work to encourage the development of sustainable construction practices, and to promote good practice, reduce wastage and overcome technical and financial constraints, including identifying sustainable supply routes and seeking to reduce delivery distances. The long-term aspiration is that annual consumption of primary aggregates will not grow from the 2016 level in subsequent years.

Local development documents should promote the use of construction materials that reduce the demand for primary minerals by requiring new projects to include a proportion of recycled and secondary aggregates wherever practicable.

Policy M2: The use of secondary aggregates and recycled materials in the South East should increase from 6.6mtpa (29% of the guidelines for primary aggregate production in the region) to at least 7.7mtpa (34%) by 2016 so as to reduce the need for primary aggregates extraction. To enable this target to be met, and where possible exceeded, mineral planning authorities (MPAs) should ensure that their mineral development frameworks enable provision to be made for 1.4 mtpa in Kent.

Policy M3: The supply of construction aggregates in the South East should be met from a significant increase in supplies of secondary and recycled materials, a reduced contribution from primary land-won resources and an increase in imports of marine-dredged aggregates. With regard to crushed rock mineral planning authorities should plan to maintain a landbank of at least ten years of planning permissions which is sufficient, throughout the Plan period, to deliver 2.2 million tonnes of crushed rock per annum across the region, with the sub-regional apportionment for Kent being 0.78mtpa.

Policy RE1: Contributing to the UK's long term competitiveness.

Policy NRM5: Local planning authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

- i. They must give the highest level of protection to sites of international nature conservation importance (European sites (6)). Plans or projects implementing policies in this RSS are subject to the Habitats Directive. Where a likely significant effect of a plan or project on European sites cannot be excluded, an appropriate assessment in line with the Habitats Directive and associated regulations will be required.
- ii. If after completing an appropriate assessment of a plan or project local planning authorities and other bodies are unable to conclude that there

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- will be no adverse effect on the integrity of any European sites, the plan or project will not be approved, irrespective of conformity with other policies in the RSS, unless otherwise in compliance with 6(4) of the Habitats Directive.
- iv. They shall avoid damage to nationally important sites of special scientific interest and seek to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided, including additional areas outside the boundaries of European sites where these support the species for which that site has been selected.
 - v. They shall ensure appropriate access to areas of wildlife importance, identifying areas of opportunity for biodiversity improvement and setting targets reflecting those in the table headed 'Regional Biodiversity Targets - Summary for 2010 and 2026' below. Opportunities for biodiversity improvement, including connection of sites, large-scale habitat restoration, enhancement and re-creation in the areas of strategic opportunity for biodiversity improvement (Diagram NRM3) should be pursued
 - vi. They shall influence and applying agri-environment schemes, forestry, flood defence, restoration of mineral extraction sites and other land management practices to:
 - deliver biodiversity targets
 - increase the wildlife value of land
 - reduce diffuse pollution
 - protect soil resources.
 - vi. They shall promote policies that integrate the need to accommodate the changes taking place in agriculture with the potential implications of resultant development in the countryside.
 - vii. They shall require green infrastructure to be identified, developed and implemented in conjunction with new development.

Policy NRM7: In the development and implementation of local development documents and other strategies, local authorities and other bodies will support the implementation of the Regional Forestry and Woodland Framework, ensuring the value and character of the region's woodland are protected and enhanced. This will be achieved by:

- i. protecting ancient woodland from damaging development and land uses
- ii. promoting the effective management, and where appropriate, extension and creation of new woodland areas including, in association with areas of major development, where this helps to restore and enhance degraded landscapes, screen noise and pollution, provide recreational opportunities, helps mitigate climate change, and contributes to floodplain management
- iii. replacing woodland unavoidably lost through development with new woodland on at least the same scale

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- iv. promoting and encouraging the economic use of woodlands and wood resources, including wood fuel as a renewable energy source
- v. promoting the growth and procurement of sustainable timber products.

Policy NRM10: Measures to address and reduce noise pollution.

32. Tonbridge and Malling Borough Council Core Strategy Adopted September 2007

Policy CP1: Sustainable mineral working proposal

Policy CP2: Sustainable transport

Policy CP5: Strategic Gap

Policy CP14: Development in the countryside

Policy CP24: achieving a high quality environment

Policy PC25: mitigation of development impacts

33. TMBC adopted DPD entitled 'Managing Development and the Environment' on 20 April 2010 following receipt of the inspectors' binding report. The principal policies of relevance are:

Policy NE1: Local Wildlife Sites. The Inspector has revised this policy to read:

1. *Development that adversely affects either directly, indirectly or cumulatively a Local Wildlife Site (LWS) or Local Nature Reserve (LNR), as identified on the Proposals Map and listed in Policy Annex NE1, will not be permitted unless it can be demonstrated that the benefits of the development override the need to safeguard the nature conservation value of the site and that adverse impacts can be adequately compensated.*
2. *Where development may exceptionally be justified, it must minimise harm to the nature conservation interest of the site, and re-establish and enhance the habitat, or nature conservation features lost.*
3. (deals with RIGS)
4. *Planning conditions or obligations will be used to protect the sites nature conservation, geological or geomorphological interest, and to provide appropriate mitigation or compensatory measures and site management.*

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Policy NE2: Habitat Networks

Policy NE3: Biodiversity

Policy NE4: Trees, hedgerows and woodland

The Inspector has revised this policy to read:

1. *The extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.*
2. *Development that would result in the net loss or deterioration of woodland will only be permitted if all of the following tests are met:*
 - (a) *development cannot reasonably be located on an alternative site*
 - (b) *the need for development clearly outweighs any harm which may be caused to the ecological, archaeological and landscape value of the woodland; and*
 - (c) *harm can be reduced to acceptable limits through the implementation of positive environmental mitigation measures within the site or by replacement planting elsewhere or enhanced management.*
3. *Ancient Woodland will be protected, and where possible, enhanced through improved management. Development that would adversely affect ancient woodland will not be permitted unless the need for, and benefits of, the development in that location can be demonstrated to override the harm that would be caused to the ecological and historical importance of the ancient woodland.*

Policy SQ1: Landscape Protection & enhancement

Policy SQ4: Air Quality

Policy SQ6: Noise

Policy SQ8: Road Safety

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34. Tonbridge and Malling Borough Local Plan (Adopted December 1998)

Policy P2/18: Development will not be permitted which significantly extends the built confines of existing rural settlements or urban areas or other areas reserved for development.

Policy P7/17: Development which would lead to a significant increase in HGVs should not compromise road safety and should be well served by the existing highway network.

Minerals and Waste Core Strategy (Strategy and Policy Directions Consultation May 2011)

35. This document, representing emerging policy, forms the second stage in the preparation of Kent's new Minerals and Waste Development Framework. Land-won construction aggregates are recognised as now being the most economically significant mineral in the County. In terms of future provision, whilst the preferred option is not to identify any crushed rock sites on the basis that the existing landbank is more than sufficient for the plan period, it is considered prudent to prepare emerging policy on the basis that there may be the possibility of an alternative supply needed if the large consented deposit at Blaise Farm is found to be uneconomic for an extended period and remains largely unworked. Such situations can be addressed by the identification and allocation of 'Areas of Search' in the Mineral Sites Development Plan Document.

Prematurity

36. In considering whether this planning application is likely to be premature given the current timeframe of the County Councils MWDF, national advice is provided on how planning applications such as this should be treated. Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in *The Planning System: General Principles*. The General Principles further advise that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

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- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.
- Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

Having regard to the above advice, I consider that refusing the proposal on the basis of 'prematurity' would in itself be unreasonable and difficult to defend in the event of an appeal by the applicant. I therefore consider that the proposed development at Oaken Wood should be assessed and determined on the basis of whether there is a clear case of need for in light of advice set out in MPS1 along with other relevant development plan policies.

37. Consultations

Tonbridge and Malling Borough Council: Object to the proposed development due to the loss of Ancient Woodland, woodland covered by a tree preservation order and part of the Local Wildlife Site unless the County Council establish there is a current and demonstrable need for ragstone which cannot be met elsewhere. They further comment that any such case, if proven, can only be properly established through the comprehensive Minerals Development Framework and that until such time the proposals are premature.

Maidstone Borough Council: Objections are raised on the following grounds:

1. The proposal is considered premature due to the incomplete status of the Minerals Development Framework, the application should be resisted at this time unless the County is satisfied there is a current, overriding and demonstrable need for the material that cannot be met elsewhere.
2. The proposal would fail to protect ancient woodland from damaging development and land uses, and would therefore be contrary to policy NRM7 of the South East Plan 2009. Therefore on arboricultural grounds the application for a proposed westerly extension to Hermitage Quarry should be resisted unless the County is satisfied that the application fulfils the criteria set out within PPS9 for granting planning consent within ancient woodland and complies with Natural England's Ancient Woodland Standing Advice.

Oaken Wood is a core site within the Kent Biodiversity Action Plan and Greensand Heaths and Commons Biodiversity Opportunity Area, and the proposal would be contrary to the aims of planning policies NRM5 and NRM7 of the South East Plan 2009 and PPS9 Biodiversity and Geological Conservation.

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Barming Parish Council: Having considered the additional information submitted, Members felt there is insufficient evidence to cause them to change their original view, namely

- Residents have been putting up with the noise, dust and vibration for the past 20 years in the belief and expectation it would soon come to an end; they do not want to put up with it all for another 20 years. Members do not accept that no complaints or objections on the grounds of noise, dust or vibration have been received by GAL.
- Ground vibrations are not caused solely by air overpressure. Ground vibration and the accumulative effect of ground vibration are issues that have been not been adequately addressed, and it is these vibrations that particularly concern local residents.
- Members remain unconvinced that every animal can be successfully translocated
- Members still contend that coppicing is very much of wildlife value and if managed properly, can prove a viable local industry: there is a growing call on coppiced woodland as a sustainable fuel source.
- The ecology and local biodiversity of the site will still be disturbed and upset
- Ragstone is still a finite resource whether it runs out now or in 20 years time; employment cannot be guaranteed.

Ditton Parish Council: Objection is raised to the loss of ancient woodland and wildlife habitat.

Aylesford Parish Council: No objections are raised in principle however they support the environmental concerns raised by Barming Parish Council (set out above).

East Malling and Larkfield Parish Council: Objections are raised on the following grounds: Prematurity, protection of the countryside, loss of trees (covered by TPO), loss of ancient woodland, loss of wildlife/biodiversity, affects on Public Rights of Way, noise/amenity impacts

CPRE: Have raised concerns over the loss of ancient woodland and are of the opinion that the needs test set out in PPS9 is a central issue to the MPA in determining the planning application. If the MPA are minded to grant planning permission, they would wish to see a number of matters covered by planning condition and/or s106 legal agreement, including, amongst other matters, tunnel access, restoration PROW diversion, fencing, blasting, noise and dust etc.

English Heritage: No comments to make on the planning application.

Environment Agency: No objections are raised.

Health Protection Agency: No comments received.

Highways Agency: No comments received to date.

Kent Wildlife Trust: Raises an objection on the following grounds.

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- Disturbance to and effectively the loss of, Ancient Woodland; in particular the soils and sub-soils that have been undisturbed for at least 400 years.
- Disturbance and potential threat to the continued presence of species of county, national and international importance. Higher and lower order plant species of importance, especially those indicative of Ancient Woodland, are the species at greatest risk.
- Development that is contrary to planning policy which presumes against disturbance and loss of ancient woodland habitat and species of nature conservation interest.
- Absence of an independently-verified apportionment to Kent of primary aggregate need that justifies setting aside this presumption.
- Wholly inadequate measures to compensate for the scale of disturbance and loss envisaged in the application.

Natural England: Objects to the proposal on the following grounds:

- the proposal would result in the direct loss of approximately 31 ha of irreplaceable ancient woodland habitat and indirectly impacts on a further significant area of ancient woodland
- The proposal has been put forward outside of the Kent County Councils strategic minerals planning process.

Network Rail: No comments to make.

The Ramblers: No objections are raised however, the following comments are made:

“The main concern of our association is with Public Rights of Way. Should the application be successful, we are content with the proposed arrangements for the temporary diversion of Byway MR496 to facilitate the construction of an underpass. It is understood that it will be reinstated on the original line as soon as construction has been completed.

The proposed diversion for Bridleway MR108 has in fact been in place for some time, and is already being used by the public. We would seek assurance that the existing definitive route through Oaken Wood will remain open and available for use until the commencement of quarrying operations. We would further seek confirmation that this Bridleway will be reinstated on its definitive alignment as soon as the land has been restored to its original state after mineral extraction has ceased and the wood replanted.”

High Speed 1: No comments to make.

Mid Kent Water: In order to ensure groundwater protection MKW recommend that the County Council contact the EA to ensure that all measures are taken to protect groundwater before, during and after and development work takes place.

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Biodiversity Project Officer: Substantial comments have been received in relation to protected species at the site and how these would be managed and/or translocated in the long term and over the life of the site. Further substantial comments have also been received in relation to the proposed mitigation and compensation package put forward.

Environmental Management Officer (PROW): No objections are raised.

Heritage Conservation (County Archaeologist): In summary, there is potential for significant palaeolithic remains, historic landscape features and other buried archaeological remains to survive within the proposed quarry. The information so far provided by the applicant is not fully comprehensive and there is a need for further assessment of the historic environment resource before its significance can be fully assessed. At this stage, however, I do not consider there are sufficient grounds to object to the proposed quarrying specifically on archaeological grounds alone. If however you are minded to recommend refusal, the impact on the historic environment may be considered to contribute to a cumulative negative effect.

Jacobs (Landscape): Jacobs have emphasised the importance of the landscape character and the need to adequately ensure that the wider landscape impact is minimised. They also emphasise the importance of the restoration scheme in recreating a sympathetic landscape.

Kent Downs AONB Unit: The site is within the setting of the Kent Downs AONB as is visible and within the far reaching views from the south facing scarp of the Oaken Woods are visible from the AONB (as indicated in the view points chosen for the landscape assessment) and particularly from Bluebell Hill view points and the path running west from the car park, and from lower view points at Kits Coty. Both are frequently visited. Oaken Woods are an important part of the wooded nature of the current view on the middle horizon, and facing the AONB, making a pleasant and important backdrop and non-urbanized focus for the eye, away from the more developed area in the foreground.

It would appear from the application that the operations - that will be continuous for a considerable length of time – will be screened from these long views from the AONB by the retention of a wide margin of the existing woodland.

The site is to be restored to original levels with imported inert materials which are traditionally in short supply. The phasing of extraction and restoration should be limited to ensure that a large area is not open at any one time. The availability of inert materials if not in balance with speed of extraction could either prolong the life of extraction and interrupt the continuous working of the material, or mean a larger area of the quarry is open at any one time. This will all delay the final planting and restoration to mature woodland, which the AONB would wish to see within the time scale stated, to replace this important element of the middle horizon in views from the AONB.

In general terms the AONB unit would like to express concern that such a major part of an Ancient Woodland and Local Wildlife Site should be excavated. These woodlands are important for landscape as well as their biodiversity value.

Jacobs (noise, dust odour, vibration): No objection raised.

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Kent Highway Services: No comments received.

Mid Kent Healthcare Trust: No comments received.

Heritage Conservation (Conservation and Design Architect): Supports the proposal stating that there is a need to ensure there is a continued supply of Kentish Ragstone for use in maintaining historic buildings and the new buildings which enhance Kent's local character and distinctiveness. Currently Kentish Ragstone for building purposes is available only from Hermitage Quarry.

Kent Conservation Officers Group: Supports the principle of winning Kentish Ragstone for use in maintaining historic buildings and the enhancement of local character and distinctiveness in line with MPS1.

Local Members

38. The Local and adjoining Members, Mr D Daley, Mr M Robertson, Mrs V Dagger, Mrs S Hohler, Mr R Long, Mrs T Dean, Mrs P Stockell and Mr P Homewood, were notified of the applications on 6 August 2010.

Publicity

39. The application was publicised by the posting of 2 site notices and the individual notification of 256 properties. The application was also publicised in the local newspaper as a departure to the development plan on 13 August 2010. To date approximately 240 individual letters of objection have been received along with some 1161 standardised letters generated via the Woodland Trust website. Two petitions against the proposal have been received one with 1116 names and addresses included and the second with 75.

40. The application was the subject of a Members site visit and public meeting on 7 December 2010 notes of these are attached at appendices 1, 2 and 3.

Summary of letters of representation

41. Letters of objection can be summarised as follows:

Loss of Ancient Woodland

Ancient Woodland is a unique and irreplaceable habitat which supports many species of conservation concern

Once the Ancient Woodland is lost, it cannot be recreated

A number of plants found in Oaken Wood support ancient woodland habitat

Loss of ancient landscape

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Impact on wildlife and protected species (bats, hedgehogs, dormouse, badgers)
Tree Preservation Order

Need

Given current reserves available from Blaise Quarry, is there any real need to permit a further extension into Oaken Wood
If the quality of ragstone is so good, why use it as aggregate and for road building? This is not sustainable.
The economic case for quarrying ragstone and aggregate is poor and has been undermined by the abolition of the South East Plan
Ragstone is not viable building material

Amenity

- Loss of quality of life and local amenity
- Impact of vibration from blasting on nearby properties
- Dust nuisance generally from the day to working of the quarry
- Dust impacts on health of local residents
- Noise generated from the existing crushing plant
- Noise nuisance generated from vehicles moving material within the quarry
- Noise impact from vehicle reversing beepers
- Traffic impact on Hermitage Lane
- Loss of recreation space for local residents

Other

- Concerns that backfilling with 'inert' waste would be a health hazard
- If the quarry has to extend, why doesn't it go further north where there are no properties
- Granting planning permission will affect quality of life

Letters of Support

24 number of letters have been received in support of the application and can be summarised as follows:

- Hermitage Quarry provides quality products and provides a viable alternative to the 'super quarries' located elsewhere in the country and controlled by a handful of international overseas based companies.
- Loss of jobs
- The quarry closure will impact on the wider construction sector
- Potential loss of ragstone as a resource for restoration of heritage buildings
- Gal have a good recycling operation which provides an alternative supply to the market
- GAL have a good track record operationally and for restoration

A petition supporting the proposal has been received with some 61 names included.

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Discussion

42. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
43. The application for the Hermitage Quarry extension into Oaken Wood will need to be examined in the light of both national guidance and the appropriate development plan policies applying to the site. Having regard to government guidance as set out in PPS1, PPS7, PPS9, MPS1, MPS2, MPG7, and the South East Plan (SEP), PPS4, PPS5, PPS10, PPG13, PPS24/25 and other relevant material planning considerations. In assessing individual applications the need for a mineral only becomes a consideration where there are other material planning objections against which need would then be weighed, taking into account of the need to maintain a landbank.
44. When considering the amount of permitted reserves within the two sites which constitute the County's landbank for ragstone, there remains in excess of 30 million tonnes. At present the total quantity of permitted reserves for crushed rock in the County remains in excess of that needed to maintain the 10 year landbank sought in the SEP and included in emerging Kent Minerals and Waste Development Framework Core Strategy Policy.
45. In terms of the landbank of permitted reserves in relation to crushed rock, under revised policy M3 of the SEP, Kent is expected to maintain a landbank of at least ten years sufficient to maintain an annual production of 0.78 mtpa. Of the two existing ragstone quarries in the County, based on current production rates Hermitage Quarry currently has 4 years of permitted reserves. The second site is located at Blaise Farm, West Malling. When the application for the 80ha site at Balise Farm was submitted, it contained supporting information estimating the potential reserves as being 59.6 million tonnes. However, having regard to the hassock content within the deposit, the anticipated yield of marketable material was only some 33.9 million tonnes. The remaining 25.7 million tonnes was intended to be utilised in the low level restoration of the site. Production was proposed at a level of 550,000 tonnes per annum. The quarry opening in March 2001 and remained operational until March 2005 when the operator Hanson Aggregates announced their intention to close the site. Assuming that over the 4 year period when the site was operational, production levels of 550,000 tonnes per annum were achieved I would estimate that based on a conservative estimate there currently remains in excess of 30 million tonnes of marketable material within the site. This position represents a material consideration which needs to be taken into account. This aspect is considered more fully in the following paragraphs below.
46. Notwithstanding the applicant's case of need put forward in support of the application, in my opinion a key issue in determining the application, will be whether the need for and benefits of the development in this location outweigh the loss of the ancient woodland habitat.
47. As well as being ancient woodland, the application site also lies within a Local Wildlife Site (LWS). There is clear policy support to safeguard nature conservation interests and to protect ancient woodland. Nevertheless safeguarding nature conservation and ancient

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woodland at all policy levels recognise the benefits to be gained in some instances from allowing appropriate development. Accordingly where a need for a development can be demonstrated and there are no suitable alternatives, then development which impacts on an LWS or ancient woodland can be considered acceptable where appropriate mitigation and, as necessary, compensation is provided to address loss and harm to the safeguarded land uses. It follows therefore that 'need' and 'alternatives' must be considered in more detail.

48. The applicant accepts that the proposed development if permitted, would result in a direct loss of some 33 hectares of irreplaceable ancient woodland and impact on a LWS. However, he has put forward what he considers to be an overriding case of need to quarry the application site having particular regard to government advice including that set out in Minerals Policy Statement 1 (MPS1). MPS1 sets out the national policy for minerals in terms of the essential need for an adequate and steady supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs in accordance with the principles of sustainable development. In this context the maintenance of permitted landbanks are considered particularly relevant having regard amongst other matters to the type and quality of materials together with where landbanks may be tied up in one site which could limit competition. Having regard to the impacts of quarrying the site, the applicant has provided an alternative sites assessment in support of his proposal which compares the suitability of other sites with the application site in terms of their potential deliverability to provide materials of a similar quantity and quality, good access arrangements, together with their potential impacts on known interests including ancient woodland and any ecological interests which may be present. Both need and alternatives are considered in more detail below.

National Policy Objectives for Mineral Planning

49. The national objectives for minerals planning policy reflect the requirement for minerals to contribute to the achievement of sustainable development. In summary these are: the prudent, efficient and sustainable use of minerals; conserving mineral resources through appropriate provision and timing of supply; safeguarding mineral resources; minimise production of mineral waste; to secure working practices which prevent or reduce, impacts on the environment and human health, processing, management or transportation of minerals; to protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in exceptional circumstances; to secure adequate and steady supplies of minerals needed by society and the economy; to maximise the benefits and minimise the impacts of minerals operations over their full life cycle; to protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses; to secure closer integration of minerals planning policy with national policy on sustainable construction and waste management and other applicable environmental protection legislation; and to encourage the use of high quality materials for the purposes for which they are most suitable.
50. MPS1 seeks to ensure that the statutory protection given to many individual wildlife species under a range of legislative provision, and the special protection afforded to *European*

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protected species, is fully taken into account when considering mineral proposals which might affect them; It further advises that MPAs should not permit mineral proposals that would result in the loss or deterioration of ancient woodland, not otherwise statutorily protected, unless the need for, an benefits of, the development in that location outweigh the loss of the woodland habitat; and take account of the value that existing woodland offers in terms of amenity and habitat, when considering mineral proposals; In this particular case the application is subject to statutory protection afforded by its designation as a LWS.

51. PPS9, 'Biodiversity & Geological Conservation (2005) advises that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.
52. PPS9 recognises (paragraph 10) that ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.

Need

53. In terms of Kent's apportionment for the future supply of crushed rock, Policy M3 of the SEP seeks to secure a landbank of at least 0.78 mtpa sufficient for at least 10 years' production. In considering advice set out in MPS1, the landbank is the total sum of all permitted reserves with valid planning permissions. Having regard to the volume of reserves currently permitted in the County and taking account of the advice in MPS1 which requires a balance between the need to meet fluctuations in demand against avoiding the consequences of excessive provision, in pure landbank terms there is currently an excessive landbank of permitted reserves when having regard to the existing planning permission at Blaise Farm Quarry. However, in assessing the current application for the proposed extension at Hermitage Quarry in the context of the existing landbank of permitted reserves, in my opinion the historic and current position at Blaise Farm remains a key factor. I am also mindful of advice in MPS1 which advises that a large existing landbank bound up in very few sites should not be allowed to stifle competition.
54. At the time of reporting an Eastern Extension at Hermitage Quarry to Members in 2005, Hanson Aggregates, who operate Blaise Quarry, publicly announced the impending closure

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of the site on the basis of “declining sales and weak demand for Kentish ragstone in local markets” and also to “increasing competition from recycled and other materials”. However, with considerable permitted reserves remaining at the site, the operators retained the option of reopening should the market dictate in the future. Since that time, the site has been operated on a campaign basis only.

Type and quality of reserves

55. The applicant states in his supporting information that the geological resource available at the application site has been assessed by an independent geologist who considers the quality of the ragstone resource found at Hermitage to be exceptional and that no reserves of similar strength and suitability for quality construction aggregate uses apply anywhere else in Kent.
56. I concur with the applicant’s view that the resource found in the application site would produce a comparable product range as is currently produced from the existing Hermitage Quarry. Furthermore the aggregates produced at Hermitage Quarry could in his view meet the same specifications as the majority of indigenous and imported crushed rock materials. The applicant considers that products currently produced at Hermitage Quarry continue to provide the most diverse range of uses of any alternative sources in Kent and that any comparison of yield per hectare shows that ragstone is significantly higher than sand and gravel, a shallow and extensive form of extraction. In this context he considers that the continued extraction of ragstone at Hermitage Quarry should be recognised as being of significant importance. The economical significance of land-won construction aggregates is also recognised in the M&WDF consultation document referred to under paragraph (34) above.

Real need and real supply

57. In considering the issue of real need and real supply the applicant concludes that his Alternative Site Assessment (ASA) shows that there are no comparable alternative resources to the proposed extension and acknowledges that the permitted reserves of ragstone are held in Hermitage and Blaise Quarries. At current production rates Hermitage Quarry would be exhausted within 4 years whilst Blaise Farm could last for a considerably longer period, particularly given the current position at the site where production since 2005 has only been periodic. Whereas at Hermitage Quarry the applicant claims they have continued to maintain production levels of some 0.62 mtpa which is almost three times the Blaise Farm Quarry output originally envisaged when the application at Blaise was first submitted. In my opinion the production levels which have been consistently maintained at Hermitage Quarry are a clear reflection of the range of high order products it has been able to develop over the years since it first became operational, underpinned by a significant investment in fixed plant and machinery at the site.
58. The applicant, who has extracted materials from Blaise Farm under a separate arrangement between himself and the site owners, suggests that the production at Blaise has been limited due to the poorer quality of the deposit. Blaise is only worked on a campaign basis utilising mobile plant and equipment provided that the specific contract to

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be met is of sufficient size to make it economic. In comparing the differences between the two quarries in the context of the factors to be considered when looking at real need and real supply, the applicant has carried out a study which concludes that:

- the permitted reserves at Blaise by their nature are incapable of replacing the reserves at Hermitage
- the permitted reserves at Blaise by their nature could not support and maintain production on a similar basis to that currently undertaken at Hermitage Quarry if the plant and machinery employed at Hermitage were to be relocated to the site at Blaise Farm.
- production capacity and the quality of the final product from Blaise are severely limited
- it is most unlikely that Blaise could play any meaningful part in providing construction aggregates for the planned growth and regeneration in Kent
- if Kent is to meet and maintain its current apportionment figure as set out in the SEP, then additional reserves will need to be permitted
- if Hermitage Quarry is to continue in production and to maintain its significant contribution towards meeting Kent's apportionment figure then it requires an extension to its permitted reserves
- the study has shown that those reserves now needing to be released are in the proposed extension.

59. Notwithstanding government advice that the landbank should include all permitted reserves, the reason stated for the closure of Blaise Farm Quarry at the time of the 2005 report raised questions over how it was to be treated. Advice in MPS1 requires MPAs to consider the general concept of 'real need' and 'real supply' and one of the reasons stated for Hanson's decision to close Blaise Farm was linked to the increasing competition from recycled products. In my view this would appear to support the assertion made by the applicant that production at Blaise is limited due to the poorer quality of the deposit. On this basis it is arguable therefore that Blaise does not represent a realistic alternative to the application site. GAL have been able to expand their product range to successfully compete in the local market with imports from outside of the County. In my opinion this is consistent with advice in MPS1 where the aim should be to source mineral supplies indigenously taking account of the benefit, including the reduction in carbon emissions, which local supplies of minerals make in reducing the impact of transporting them over long distances. It should be noted that Hanson's as a company operate on a national basis and as a national company it is easier to switch production from one site to another to reflect market conditions. In this respect despite the closure of Blaise Farm announced in 2005, where at that time and which still remains the case, a substantial volume of permitted reserves remain to be worked at the site, they have continued to supply local markets from other sources outside the county. For this reason, in assessing the County's landbank requirement against existing permitted reserves, I consider the extent to which the reserve at Blaise is likely to be able to play a role towards meeting Kent's overall contribution for crushed rock, still remains questionable. If Blaise Quarry can be discounted on the basis that it is unlikely to be worked other than on a campaign basis this would mean that the current landbank sought, could fall below that required when the Hermitage site reserves are exhausted in 4 years time.

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Sterilisation of reserves

60. If in the future a new quarry was contemplated in Oaken Wood, in order to achieve a reasonable level of return on investment, the applicant argues that it is likely to entail the loss of a much larger area of woodland than is currently proposed. Also, significant disruption to the previously restored site would occur given that the only acceptable means of access would appear to be through Hermitage Farm onto Hermitage Lane as exists at present. In the event that planning permission is refused the applicant considers that he would lose the opportunity to work this area in the future.
61. The applicant also considers that the completion of the existing quarry, as approved, would sterilise the reserves within the proposed extension area stating that 'in the event that the existing Hermitage Quarry is restored then it would not be viable to recommence production on site at some point in the future'. This is largely linked to the significant investment in replacement plant that would be required and the cost of physically accessing reserves in the extension area. I am also mindful of advice in MPS1 which requires consideration to be given to the benefits in terms of reduced environmental disturbance and more efficient use of mineral resources including full recovery of minerals, of extensions to existing mineral workings rather than new ones. 'Start up' costs associated with the opening up of a new quarry site compared to extensions to existing sites where plant and equipment is immediately readily available, also feature in the applicant's alternative site assessment discussed below.
62. Whilst I do not fully accept this argument I do however consider that the wide range of products currently produced at Hermitage Quarry is attributed to the high level investment in plant and equipment by the operator. This in my opinion represents the most sustainable method of working a mineral deposit, where the reserves are exploited to their full potential rather than being used for lower grade uses which could be met from other less valuable sources. Therefore in order to work the Oaken Wood site in a similar manner in the future, similar processing plant and equipment would also need to be made available to that currently employed at the site. Any future extraction post restoration at the existing Hermitage Quarry site would require plant to be re-established, which in my view would require significant additional land-take. Alternatively in the event that the material would be processed elsewhere a significant number of HGV movements would be generated in order for materials to be transported off site. On this basis I would agree with the applicant that it would be more economically viable and cause less disturbance to the local environment for the site to be worked as an extension to the existing site rather than at some time in the future following the current operational area being restored.
63. The applicant makes reference in the submission to the main national planning policies relating to the need for crushed rock being set out in MPS1 and the Regional Guidelines for Aggregates Provision in England 2001-2016 (published June 2003) (revision for 2005 – 2020). In particular he draws attention to Annex 1 of MPS1 which sets out policy on the provision of construction aggregates and deals with aggregate landbanks. It is worth noting that MPS1 places a greater emphasis on the consideration of alternatives to land won primary aggregates at the strategic, landbank level and that this particular issue would have therefore already been taken into consideration in concluding that for crushed rock a landbank provision of at least 10 years is appropriate. MPS1 refers to the landbank

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as ‘an indicator’ and considers a longer period of 10 years may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. It is clear Government advice that there is no cap as to the length of the landbank, more that the landbank should be appropriate having regard to local and market circumstances.

64. The applicant makes reference to Annex 3 to MPS1 which sets out policy on natural building stone such as ragstone, drawing attention to block and walling stone as a significant secondary product to primary aggregate production at Hermitage and is proposed to be continued, and as such the need to safeguard natural ragstone for use as a building stone is supported by policy. There is a long legacy in Kent of using ragstone for building purposes and the supply of stone is considered by the applicant to be important for repairing historic buildings and monuments. Given GAL is the only supplier of ragstone for such uses, as well as for stone for use in new building projects, the applicant considers that this local source of stone needs to be secured, sufficient to ensure that the high quality of Kent’s built environment is maintained and enhanced. This is supported by the Conservation Group.

Alternative Sites Assessment

65. In support of his proposal the applicant has undertaken his own Alternative Site Assessment (ASA) which examines the potential ragstone resource available in Kent required as part of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the EIA Regulations). Schedule 4 of the EIA Regulations describes the information for inclusion in Environmental Statements to include:

“An outline of the main alternatives studied.....and an indication of the main reasons for his choice, taking into account the environmental effects”.

66. The Circular 02/99 which accompanies the EIA Regulations advises (in paragraph 83) that the EIA Directive and the EIA Regulations “do not expressly require the developer to study alternatives”. However it adds that “The nature of certain developments and their location may make the consideration of alternative sites a material consideration”.
67. In the event that the proposal gains any future planning consent it is accepted that there would be a direct loss of some ancient woodland. As a consequence MPS1 requires that that the need for and the benefits of ragstone working in the proposed extension is shown to outweigh the loss of such woodland habitat. This policy requirement in effect means that an alternative sites study is necessary which compares the suitability or otherwise of other sites with the application site in terms of their potential deliverability to provide materials of a similar quantity and quality, good access arrangements, together with their potential impacts on known interests including ancient woodland and any ecological interests which may be present.
68. The applicant first considered the extent and nature of the geological strata within which ragstone can be sourced. Whilst from a study of the geological outcrop ragstone deposits are shown to exist across the entire width of the county stretching from as far as

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Folkestone in the east to Westerham on the Kent/Surrey border in the west, the extent of the deposit in terms of workable area and depth is much more restricted, concentrated around the southern area of Maidstone and immediately to the east and west. Unsurprisingly it is mainly within this area where ragstone extraction has occurred in the past on a commercial basis and also where the two existing sites at Hermitage and Blaise Farm quarries are situated. Whilst there have been one or two other sites operated in the past more distant from this central location, this has been where materials have been quarried as a building stone in order to meet a specific need for a particular building project and therefore the small pockets of shallow deposits worked which contained only a relatively small quantity of material would have been sufficient for this purpose. Clearly, these shallower deposits, whilst having met a local need in the past and where arguably such remaining deposits could still be successfully worked as a building stone, are not comparable in terms of representing a viable alternative to the application site. This is either in terms of their quantity or quality necessary to meet the requirements of a modern day quarry such as Hermitage which operates on a commercial basis producing a much wider range of materials for construction purposes. Inevitably the applicant's assessment of alternative sites has therefore been limited to the extent that the area of search has focussed on the central area around Maidstone. The assessment includes a planning appraisal of this resource applying relevant national, regional and local policy constraints.

69. The approach was underpinned by the need for GAL to provide for future ragstone production and involved an assessment of what the applicant considers to be the following key issues:
- In resource terms, what does GAL need to continue their current business?
 - Where can they find that resource?
 - Is it a viable option and
 - Is it available to GAL?
70. GAL already operates a successful business providing ragstone products from their Hermitage Quarry. Therefore, I consider it reasonable that in appraising any potential alternative ragstone resource, the starting point should be to seek a resource that is at least comparable to the existing ragstone deposit upon which they have developed their existing business, and which the applicant considers from detailed borehole investigations at the site, is also found to exist within the proposed extension area. An examination of the characteristics of the ragstone resource at Hermitage Quarry were used to develop a number of indicators to 'test' for a comparable or better resource across the study area.

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71. The characteristics of the existing Hermitage Quarry operation are:

Quality	<ul style="list-style-type: none"> • the ragstone is strong and well cemented and shows good strength and durability; • Ragstone amounts to some 55% of the workable deposit; • individual Ragstone beds have a thickness of 0.6 to 0.8m;
Quantity	<p>72. ability to provide an annual output of some 0.7 mtpa;</p> <ul style="list-style-type: none"> • a workable quarrying depth of some 30m; • a low water table to allow the full workable depth; • minimal hassock/silt content such that washing and silt management systems are viable;
Quarry Economics	<ul style="list-style-type: none"> • a minimum yield per hectare of 275,000t; • an overburden thickness averaging 5m or less • maximising the sale of hassock • a productive life of some 20 years

72. The applicants' study in considering possible alternatives examined an area of over 21 square kilometres incorporating the area of ragstone resource as referred to above most likely to offer a site for a modern ragstone quarry. Some 120 sites were appraised in a three stage process which applied firstly Strategic and then secondly local planning constraints, the outcome of which identified 9 sites that were constraint free. All of these sites with the exception of one were ruled out on the basis that they were too small and not able to offer the yield per hectare on a comparable basis to the application site, Stage 3 then involved a more detailed analysis having regard to local features (e.g. buildings of architectural or historic interest), protection for local residents by the application of a 260 metre buffer zone (N.B. this distance has been applied on a comparable basis to the distance the existing and application site are located in relation to the nearest residential properties), accessibility and finally site area. The application of the size criteria together with the imposition of the buffer zone reduced the number of sites down to 18 in total. Those 18 sites covered almost 760 hectares. The detailed analysis considered both planning and infrastructure constraints and potential impacts from quarrying as well as the ability of a site to provide for a viable quarry operation. The expertise of a consultant geologist was used to examine sites to the west, east and south of the study area.

73. This Study failed to identify a site that is comparable to or better than the proposed extension. There was considerable difficulty within the Maidstone area of identifying a site with sufficient potential on which to develop a new stand-a-lone quarry. This largely reflected the well developed spread of hamlets and villages across the area and the need to protect residential amenity. Where potential alternative sites were identified they were in locations remote from the primary road system and where the local road network is physically limited or restrictions have been imposed to protect local hamlets and villages from the impact of HGVs in the locality. Other sites were not comparable in terms of the

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nature of the resource or ability to accommodate a modern quarry.

74. This study in the applicants view, demonstrated that there were no comparable sites to the application area that are constraint free or offer lesser levels of planning constraint. The wider consideration of the sites identified were only possible on the basis of allowing protection of the best and most versatile agricultural land to be considered as a lesser level of constraint than protecting nature conservation interests. It was noted that some possible sites are constrained by two or three times the number of planning designations applicable to the proposed extension.
75. This examination of possible alternatives sites to supplying ragstone into the local and regional market covered both the geological and planning aspects. The conclusion was that there are no sites that can be shown to provide a better potential for the release of replacement ragstone reserves at Hermitage Quarry than the proposed extension. The conclusion flows from considerations derived not only from business needs but also from the need to offset any loss or harm arising from the working of ragstone.
76. The overall conclusion from the available evidence is that there is no site that could provide a comparable or better alternative to that proposed in the application site. Having consulted with the County Councils own technical advisor I have no reason to doubt the conclusions of the applicants own ASA. On this basis having already established the need for the proposed extension, I shall now consider the remaining determining issues as set out below.
77. Having regard to advice in MPS1, in my opinion the applicant has demonstrated in support of his application that a case of need exists sufficient to outweigh the loss of ancient woodland at this site.

Ancient Woodland/Mitigation

78. NE confirms that Oaken Wood is ancient woodland and that it should be reclassified within the Ancient Woodland Inventory as a Plantation on Ancient Woodland Site (PAWS), due to the dominance of sweet chestnut plantation. They further advise that this does not alter how the woodland loss should be considered in this case due to the fact that the special value of ancient woodland resides in its soils, not just in its tree cover. PPS9 makes no distinction in terms of policy protection between the different types of ancient woodland therefore NE and KWT raise objections in principle to the proposal on the grounds of loss of irreplaceable ancient woodland drawing specific attention to paragraph 10, which seeks to protect ancient woodland on the basis that it is a *“valuable biodiversity resource both for its diversity of species and its longevity of woodland. Once lost it cannot be recreated. Local Planning Authorities should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefit of, the development in that location outweigh the loss of the woodland habitat”*.
79. A case of need for the development is supported for the reasons set out above in paragraphs (54) to (65) notwithstanding that a number of objections to the loss of ancient woodland have been received from local residents and consultees including from NE and

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KWT. Whilst NE continue as a matter of principle to object to the planning application, having regard to their standing advice which sets out the way in which major proposals such as this are likely to be treated, they have sought to provide comments on the mitigation and compensation measures proposed in order to assist the MPA in determining whether those measures are acceptable in the event that permission is granted.

80. The applicant accepts that whilst mineral extraction effectively borrows land for a temporary period, in the case of this proposal, the development would result in the direct loss of ancient woodland and impact on a LWS. The existing woodland habitat and interests have been surveyed and assessed and as a result the submission seeks to reduce and manage that impact as follows:

- The return of the land to former levels by infill restoration
- The creation of a significantly greater potential for biodiversity than exists at the moment
- To not only fully comply with restoration requirements for mineral working but to go beyond that in taking forward GALs vision
- The full mitigation of the impact of quarrying where removal and/or reduction of impact has not been possible
- The provision of additional compensation measures to ensure that there is a net gain to the environment
- No net loss of woodland coverage

Proposed Mitigation and Compensation Measures

81. As part of the overall mitigation and compensation package put forward, the applicant proposes to make provision for a new wildlife area on a piece of land located at North Pole Road. The area identified is a former arable field and is bounded on three sides by the Oaken Wood LWS. The objective for this 9 ha field would be to create a new and varied habitat that in time would be capable of incorporation into the LWS. The objective would also be to add diversity of habitat to provide for species not readily associated with the LWS. The applicant also proposes to include a freshwater habitat within this area.

82. Surveys undertaken by the applicant of the application site identified a number of protected species therefore the proposed mitigation and compensation package sets out measures in order to relocate the species ahead of any extraction works. It is proposed that the new habitat creation field would commence at an early stage of the proposed development in order that the Field could act as a receptor site for species relocated from the proposed quarry extraction phases.

83. It is also proposed that this Field would be subject to longer term management along with other previously restored land on the Hermitage Farm Estate together with the remaining area of Oaken Wood in the ownership of the applicant. The applicant considers that based on the findings set out in the submitted ES that there would be no long term significant harm from the proposed development and that any harm which would occur could more than adequately be mitigated against. He also considers there is no overall loss to nature conservation given the land would be restored to native woodland following ragstone extraction and that there would be no overall loss in the extent of woodland. The applicant

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considers that overall there would be a net gain to biodiversity, as a result of a combination of the proposed long term management of the of the application site itself together with the long term management of additional areas on the Hermitage Estate.

Longer term management

84. The proposed woodland management details set out in the supporting information provides for management during the operational phases of the quarry and following completion of restoration. Whilst the details of the planting of the restored areas are proposed to be secured by way of a planning condition the applicant proposes the management of the restored area in the long term be secured by a separate legal agreement. In essence the applicant seeks the restoration and management of woodland with what he considers to be improved woodland habitat, landscape and amenity value that would be managed in perpetuity.
85. NE initially advised that in the event that the MPA considers the need for and benefits of the development would outweigh the loss of the woodland habitat, then they would wish to provide comments on mitigation and compensation whilst maintaining their objection. They confirm that it is appropriate to consider compensatory measures only after an assessment of overriding need has been made which having considered all other material issues the MPA considers is now the case. To this end notwithstanding that they continue to maintain their objection in principle to the proposal, NE offer the following comments on mitigation and compensation in relation to this proposal:
- The currently proposed mitigation measures do not adequately address the potential indirect effects from mineral workings on the ancient woodland which will remain in the proximity of the quarry extension. These include effects such as disturbance, light pollution, noise pollution, air pollution and changes in hydrology. Natural England's standing advice provides further information on the types of impact on ancient woodland likely to arise from development of adjacent land and we would expect these to be addressed and mitigated in so far as possible.
 - Most of the measures proposed by the applicant are aimed at minimisation of impacts on the woodland. They do not compensate for the land take which cannot be avoided. Given the exceptional land take which will happen if this development must proceed, our advice is that it would be justified for the planning authority to seek additional compensatory measures on a substantial scale, in the form of habitat management and new woodland planting.
86. The applicant has given further consideration to how he could seek to address NEs request for a compensation package which would represent enhancement and gain on the basis that the long term managed areas are likely to be far larger than the area of woodland being lost. Having regard to NE and KWT comments the applicant has sought to produce further enhancements, by way of a '2 for 1 replacement', to the compensation package in order to seek to address consultees concerns. The site proposed for quarrying is some 33ha in total. Whilst the site would be worked over a 23 year period, as set out in MPS1, mineral extraction whilst it can only be worked where it is found, it is considered nevertheless to be a temporary activity. The area is proposed to be worked on a phased

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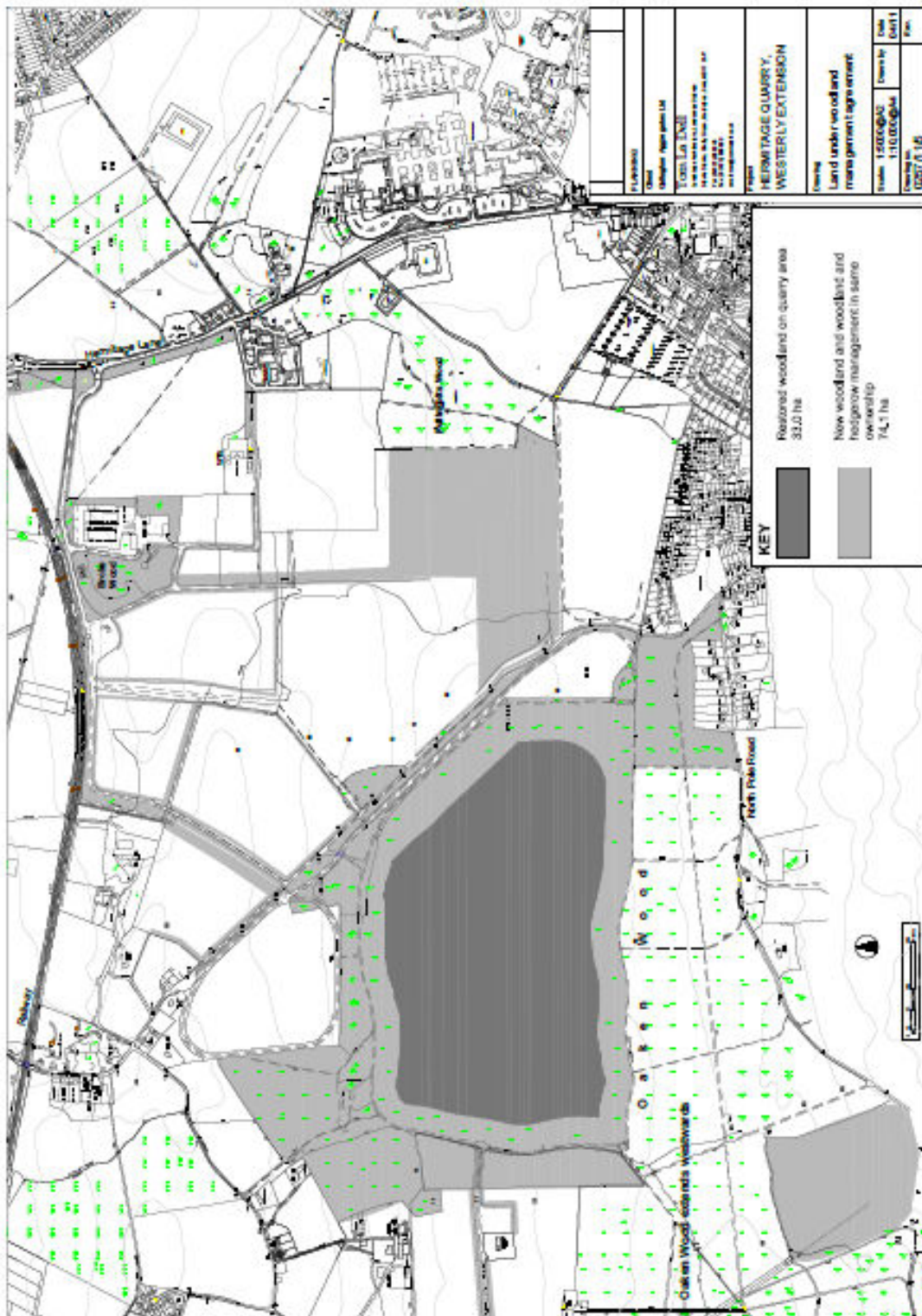
programme and would be backfilled and replanted on completion of each successive phase. The full 33ha would be restored and managed in the longer term. In addition to the restored quarry area, the applicant has sought to make provision for new woodland to be planted and managed along with the continued management of existing and recently planted woodland. Together this would total some 72.7 ha as indicated in the table below:

Table 1¹

ITEM	Area (ha)	GAINS (cumulative, ha) (new habitats and suitably managed existing habitats brought in for enhanced nature conservation)
Westerly extension		
Quarrying in westerly extension	- 33	
Restored woodland on westerly extension	+ 33	Replacement of existing habitat area
Connectivity with Oaken Wood		
New woodland to be planted and managed	+ 26.6	26.6
Recently planted woodland to be managed	+ 4.3	30.9
Existing woodland to be managed	+ 41.8	72.7
Existing hedgerows connected to Oaken Wood		6.8km
TOTAL GAIN (excluding hedgerows)		72.7 ha

¹ Summary Analysis of Compensation dated 19 April 2011

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Land Under Woodland Management Agreement
(Drawing number 0257/11/5)

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87. In considering the long term planting and woodland management offered as part of the proposal, I consider that what is proposed, at a total of 72.7 ha representing what would be an additional area to the application site to be incorporated under the long term management regime in itself is more than a 2 for 1 replacement. In my opinion this ratio represents additional compensatory measures on a substantial scale in the form of habitat management and new woodland planting. Also whilst they form part of the long term management package it is noted that the applicant has excluded the existing hedgerows at the site which in themselves represent a further 1.4 ha in total. Added to what the applicant identifies as a total gain, I consider that given the overall importance the existing hedgerows play in terms of connectivity and their importance in biodiversity terms, the total gain does in fact represent 74.1ha, not 72.7ha as indicated by the applicant. Overall the total area to be managed in the longer term, including the restored quarried area together with the additional compensatory areas amounts to some 107 ha, which in my view represent a positive benefit for the purposes of nature conservation.

Nature Conservation and Ecology

88. PPS9² advises that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities would need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternative sites, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

89. PPS9 recognises³ that ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Specifically paragraphs 15 and 16 of PPS9 consider species protection and recognise that many species are afforded statutory protection.

90. The applicant has surveyed the site for protected species and provides in his submission proposed mitigation measures in the event that protected species presence is identified at the site and within the surrounding woodland following future surveys it is intended to undertake under the proposed phasing scheme. In order to take account of the 23 year life of the site and the way in which it is proposed to work it, the applicant accepts that in order for the site to be managed properly, the site would have to be appropriately surveyed prior to being worked in phases. The applicant has provided a strategy for mitigation for

² Biodiversity & Geological Conservation (2005)

³ (paragraph 10)

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protected species, the details for which are set out in the submitted Environmental Statement. It is proposed that the mitigation strategy for each phase of the quarry working would be planned and timed to be carried out at least two years before work commences on that phase. It is then proposed that a strategy would then be submitted to a management group, likely to consist of the key nature conservation interest groups, for their approval before any works may take place on site. Should Members be minded to grant permission such a group would need to be set up in advance of any quarrying activity and formally agreed under the terms of the legal agreement.

91. The strategy itself, would cover mitigation measures for the following:

- Badgers
- Bats
- Dormice
- Breeding Birds
- Reptiles and Amphibians

92. Concerns have been raised by consultees, as to any potential wildlife value of the planning application site. In particular, it was considered that protected species may be present on site. Species surveys have been undertaken at the planning application site, however the applicant accepts that in the event that planning permission be granted for ragstone extraction works, then the surveys would become out of date over the working life of the site. Following discussions with the County Council's own biodiversity officer, it was agreed that each phase would need to be surveyed prior to any works commencing in order to establish the most up to date information is recorded and which would ensure the most appropriate mitigation measures are agreed and put in place.

93. I am satisfied that provided any future permission is subject to a legal agreement in order to secure amongst other matters a management agreement which includes provision for safeguarding any protected species on site, having regard to advice in PPS9, biodiversity interests would be adequately mitigated. Accordingly in my view there are no overriding reasons for justifying refusal on nature conservation grounds.

Landscape/Strategic Gap

94. The application site falls within an area identified as the Strategic Gap and is subject to development plan policies seeking to maintain the open character of this designation free from built development. Objections have been raised on the grounds that the proposal would be contrary to these policies. The Applicant has provided detailed working and restoration plans to demonstrate any additional impacts above those already permitted would be minimal.

Timescale for restoration

95. Concerns have been raised that successful progressive restoration at this site is reliant upon available inert material to backfill the void left by extraction. Given the total volume of material it is intended to extract from the site over the 23 year life of the operations, this

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would also equate to the need for a similar volume of inert waste materials to be imported in order to restore the site (i.e. 16 million tonnes at a rate of some 700,000 tonnes per annum). Policy CA23 of the Kent Minerals Local Plan for Construction Aggregates requires that satisfactory working and reclamation schemes form part of an integral part of the proposal. The current permitted capacity in Kent for inert landfill amounts to some 24,000,000 tonnes with a known annual maximum capacity of some 890,000 tonnes per annum. This suggests that in terms of net self-sufficiency there is sufficient capacity within the County to handle the current arisings of construction, demolition and excavation CDE waste from Kent. The SEP indicates that the Thames Gateway districts of Dartford, Gravesham and Swale along with the district of Ashford are growth areas along with Maidstone and Dover. The major proportion of inert landfill capacity is located in the borough of Tonbridge and Malling representing a disparity between west and east Kent. The deficit of inert landfill capacity in east Kent could therefore be an issue that adversely affects the development and arguably additional landfill capacity to serve east Kent should not be discounted.

96. SEP Policy W4 on sub-regional self-sufficiency for waste states that a degree of flexibility should be used in applying the sub-regional self-sufficiency concept and where appropriate Planning Authorities should provide capacity for waste from London and from adjoining sub-regions (the sub-region that Kent falls into consists of Kent and Medway). The SEP does not use any growth forecast for CDE waste and keeps the annual arisings constant to 2025 for all the WPA areas and for the SE Region as a whole. The forecast of waste sent to landfill in Kent declining by 2026 to 260,000 tonnes and based on the current capacity of inert landfill in Kent suggests there is no need to provide for additional capacity over this period. However there are other considerations that need to be taken into account. Whilst the SEP assumes a share of CDE inert waste sent to landfill will decline, proportionally a large percentage of CDE waste is sent to landfill in Kent. Although CDE waste is costly to transport, Kent is near to London where there are limited opportunities for disposal. The quantity of London's CDE waste sent to Kent and Medway has increased in recent years to 521,000 tonnes in 2008. Kent's inert landfill and recycling sites have no planning restrictions on the origin of waste. The "re-use" of CDE waste has involved its use in development sites which are exempt from waste management permitting. The South East Plan forecasts assumed that the "re-use" of CDE waste on exempt sites falls from 34% to 30% but is only 21% in Kent and might not decline further. The capacity of "exempt sites" is not known and no provision for them can be made in the MWDF, as they are not 'county matter' developments. However the Environment Agency changed the way they deal with these exempt sites in 2010, meaning that many facilities that would have previously been able to obtain an exemption from permitting now fall within the permitting regime. The percentage of the CDE waste stream going to exempt sites is therefore likely to drop further. In my view this is also likely to make landfill sites such as that at Hermitage Quarry a more viable proposition. In this respect emerging policy in the MWDF in respect of inert waste infill seeks to support proposals where, amongst other matters, it can be demonstrated waste can be managed in a more sustainable way, for example the restoration of a mineral working. With regard to the future potential role that could be played from the additional inert waste capacity created at Hermitage Quarry, should permission be granted, I am mindful of the applicant's previous success in being able to attract sufficient volumes of inert waste to the site such that he has been able to progressively restore the site in accordance with the approved restoration scheme.

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Furthermore, up until last November he was also able to attract sufficient volumes of similar material to complete infilling and restoration of a nearby site at Workhouse Quarry, Ryarsh. This site, with a capacity of some 900,000m² (i.e.1.4mt) was progressively infilled over a period of 7 years. In my opinion the applicant was able to complete restoration at this site and also sustain the concurrent restoration at Hermitage Quarry due to the diverse nature of the Gallagher business enterprise which also operates separately as a civil engineering contractor transporting CDE waste arisings from major construction projects. This will in my view place the applicant at an advantage when competing for materials to restore Hermitage Quarry. I am confident therefore that provided any future permission is suitably conditioned which would reflect the maximum area of the site open at any one time this would provide the necessary controls to secure progressive restoration.

97. Prior to being able to progress into the next phase the applicant proposes to survey for nature conservation interests at the site and would be required to put in place any appropriate mitigation prior to any preparation for extraction works. This would effectively trigger the timescale for work to commence in the next phase. In order to ensure the site is progressively worked as proposed I am therefore of the view that this requirement could be covered by way of an appropriately worded planning condition in the event that Members resolve to grant permission.
98. Hermitage Quarry is an existing quarry which would remain operational until the proposed extension is fully worked and restoration commences in the main quarry floor. Given the commitment to progressively work and restore the site over separate phases throughout the duration of operations, in my view the proposal is not incompatible with the objectives of the Strategic Gap. I consider that provided environmental controls are maintained and that the site is progressively restored, the objectives of the relevant development plan policies which seek to safeguard this area from built development would not be compromised. Indeed in the longer term I am of the opinion, given the additional planting together with a commitment to its maintenance in perpetuity, this can only lead to an enhancement to the quality of this part of the strategic gap in landscape terms.

Landscape

99. MPG7 'Reclamation of mineral workings' provides guidance, amongst other matters, on the contribution which reclaimed mineral sites can make to the Governments policies for sustainable development, including maintaining the long term quality of the landscape and creating or enhancing sites for nature conservation.
100. The planning application site is located within Oaken Wood which forms part of the open countryside. To the north is the London – Maidstone railway beyond which is the residential and business areas of Ditton and Aylesford. To the east is the existing Hermitage Quarry and beyond Hermitage Lane are Maidstone, Allington and Barming. To the south east is Barming Heath and southwards beyond North Pole Road is the open country of the Weald. To the west of the site is woodland and open country extending towards the Mallings.
101. The application site lies within the Hermitage Farm Estate which totals some 230 hectares (ha) around the existing Hermitage Quarry. The farm is a combination of grazing for cattle and woodland with some arable and a well equipped complex of farm buildings

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and yard. Some of the grazing land was formerly quarry which has been restored with inert material to a very high standard with new hedgerows and fencing. Large areas of the estate are open to the public and footpaths, tracks and benches have been created for the benefit of walkers, cyclists and horse riders from the local community. The north eastern part of Oaken Wood which falls within the applicant's ownership and including the proposed extension area is subject to a Tree Preservation Order, TPO Ditton No.2 issued by the TMBC in February 1993. The TPO does not specify individual trees but relates to 'woodland consisting mainly of sweet chestnut coppice, with silver birch, oak, ash, hornbeam and hazel' and protects against the cutting down, uprooting, topping or lopping of a tree. TMBC stated that the grounds for making the TPO was, "Due to the significant amenity value of the woodland which is visually prominent in the landscape and which is a *site of nature conservation interest noted for its flora and birdlife.*"

102. The TPO extends beyond the boundary of the application area. The proposal in the application for woodland management to enhance both wildlife and woodland amenity extends beyond the application area to woodland within the applicants control therefore the MPA are requested to delete the restrictive requirements of the TPO in respect of not only the application area but also to enable the wider enhancement of the woodland. Any grant of planning permission for the proposed extension would supersede the TPO and allow the woodland to be managed as proposed. The applicant proposes a phased working and restoration programme over the life of the proposed area and has been designed to minimise the removal of woodland to take land in limited blocks as quarrying progresses across the site.
103. The TPO protects a monoculture of sweet chestnut coppice woodland and as such the applicant considers this to be a bar to providing a more natural and open woodland as proposed in the application. The applicant considers that the existing woodland should therefore be removed and replaced by the woodland management plan detailed in the application which could be secured by way of a planning condition and/or legal agreement as necessary.
104. Jacobs, the County Council's landscape advisors have emphasised the importance of the Landscape Character and the need to adequately ensure that the wider landscape impact is minimised from quarrying activity for the life of the site. Jacobs also emphasise the importance of the need to ensure that the restoration proposals recreate a sympathetic landscape.
105. The applicant proposes to work the in phases over a 23 year period in order to reduce the area open at any one time. Once each phase is complete, with the exception of the first phase (phase 8 on the plan), each section would be successively backfilled with inert material and then planted. In addition the applicant proposes to maintain a tree belt of between 50 and 70m around the planning application area for the duration of extraction.
106. The applicants have undertaken a landscape and visual appraisal of the proposed development which includes an assessment of the visual impact in the landscape when viewed from various locations surrounding the site considered most sensitive to the development. I do not consider there to be any significant impacts on the landscape from short, medium or long views given the woodland surrounding the proposed quarry would

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screen any quarrying activity. The medium distance views to the site appear to be concealed by landform and the woodland. I concur with the applicant's conclusion that the only long views would be from the North Downs, some 7 to 9km from the site. However in my opinion the distance is such that the proposed quarry would be insignificant in the wider landscape.

107. Having regard to the comments made by the County Council's landscape consultants Jacobs, in my opinion the mitigation measures proposed by the applicants represent a satisfactory balance when considered against other benefits that would be derived from the proposal. The phased approach to working the site, along with backfilling and planting proposals and the retention of a perimeter tree screen would in my opinion help screen quarrying when viewed at a distance. I do not therefore consider there are any overriding landscape objections to the proposal.

Blasting

108. It is proposed by the operator to work the extension area in a similar manner to the existing quarry development. That is to loosen the deposit at the quarry face by blasting in a series of 15 metre terraces which would then be transported to the existing plant site area for processing. The optimum blast design may vary from blast to blast and would be decided by the quarry operator depending on the site specific conditions and in order to comply with the restrictions on maximum levels of vibration.

109. Government advice recommends that vibration from individual blasts should not exceed 12mm/sec ppv. when measured at vibration sensitive buildings. Average levels should not exceed 10mm/sec pp. and usually not be below 6mm/sec ppv, in 95% of all blasts. Accordingly conditions relating to blasting have been imposed on the latest planning permissions at Hermitage Quarry to reflect these recommended limits. The operator is required to provide the MPA with regular monitoring data to indicate levels of vibration on each day when blasting has taken place. To date this data has demonstrated that vibration levels continue to be well below the limits set and at times when the MPA have requested independent monitoring to be undertaken the readings obtained by Jacobs, have correlated with those provided by the operator.

110. Notwithstanding this, local residents concerns remain in relation to the damaging effects of blasting at the existing quarry site on their properties and are raised again as a matter of concern should the proposed extension gain future planning consent to operate for a further 23 years. In this context local residents have raised concerns over the potential cumulative effects and associated structural risk to their nearby properties should blasting be allowed to continue for the foreseeable future.

111. In support of the application, the applicant has submitted an Assessment of Environmental Impact of Blasting⁴ upon which Jacobs, the MPAs vibration consultants, have been consulted. Jacobs have raised no objection to the proposal in relation to the blasting activity and advise that to date the monitoring of blasting at the Quarry, including

⁴ Assessment of Environmental Impact of Blasting, Vibrock Limited, Dated 14 April 2010

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monitoring undertaken by them on behalf of the MPA at properties where owners have requested independent monitoring, has shown blasts to be perceptible but well within the limits set by KCC.

112. Jacobs recognise that the current site has been subject to a number of complaints in the past due to the vibration from blasting associated with the quarry. When inspecting the operators blasting and monitored vibration records and also when conducting monitoring spot checks together with monitoring in response to complaints, vibration has at all times been recorded well within the limits set under the current planning consent. The current vibration limits set in the consent are well below, in percentage terms, the level of vibration where damage to property would be expected, they are however still perceivable at these levels. This indicates that proposed quarry operations should be subject to similar limits to that currently in operation which has demonstrated through a comprehensive assessment of the blasting operation that vibration levels will not be significantly above 2 mm/sec ppv at all properties even when the blasting is taking place during the closest quarrying phase. This level of 2mms/sec is significantly below the existing limits set and would not give cause for concern at the closest residential properties in terms of property damage or the possibility of cosmetic cracking of plaster or brickwork. The limit of 0.3mms/sec ppv at Maidstone Hospital is set under the present conditions and the proposed worst case blasting would result in levels of 0.28 mms/sec ppv marginally under the proposed limit.
113. This level of vibration would however be freely perceivable and with the attendant air overpressure would be likely to continue the cycle of complaints received from the properties in the vicinity.
114. Jacobs agree with the vibration assessments conclusions that ground and airbourne vibration would result in a negligible risk to structural damage upon the closest residential properties and the Maidstone Hospital, however reiterate that it is essential that good practice is followed throughout blasting operation in order to minimise nuisance.

Perception

115. It is recognised that the human body is sensitive to vibration and as a result blasting activity at the quarry incurs complaints. A person will generally become aware of blast induced vibration at levels of around 1.5 mms/sec, although under some circumstances this can be as low as 0.5 mms/sec. Even though such vibration is routinely generated within any property by day to day household activities and is also entirely safe, when it is induced by blasting activities it is not unusual for such a level to give rise to concern. Such concern is also frequently the result of the recent discovery of cracked plaster or brickwork that in fact has either been present for some time or has occurred due to natural processes.
116. The Vibrock report submitted in support of the proposal suggests that virtually all complaints regarding blasting arise because of the concern over the possibility of damage to owner-occupied properties and that such complaints are largely independent of the vibration level. Once an individual's perception threshold is attained, complaints can result from 3% to 4% of the total number of blasts, irrespective of their magnitude. Whilst it is considered that provided blast activity does not exceed the set limits, property damage would be considered unlikely. The applicant does however recognise that local residents

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concerns are likely to remain and have given some further consideration as to how they might address this aspect.

117. In this regard discussions have therefore taken place between the MPA and the applicant as to the merits of a revised working and phasing scheme. It is considered that the development phases as proposed could be revised in order that the application site could be worked in a manner which would commence in those phases closest to local residents (i.e. in North pole Road) and which would then gradually move north and thus further away in the longer term. This would also result in a break being created in the ragstone deposit along the southern boundary of the site between the blast site and nearest housing such that following the completion of extraction in this area, conditions would no longer exist which provide the potential for a continuous seam of ragstone between the site and these properties along which it could otherwise be argued vibration may be able to travel. In my view this would go some way to addressing local residents concerns such that any possible disturbance would be minimised in the longer term.
118. Blast monitoring results demonstrate that measurements taken at a variety of locations over the years show blasting to be well within prescribed limits and significantly below levels where it is considered cosmetic damage to houses may occur. This is documented in the independent noise report considered in the ES. Whilst the consistent results of monitoring will probably not alter public perceptions, local residents should be reassured by the measures taken by GAL and the regulators to minimise possible impacts from vibration and by the commitment to ongoing comprehensive monitoring of blasting at Hermitage Quarry.
119. The British Standards Institution have produced a document relevant to such a discussion entitled BS 6472-2: 2008, Guide to evaluation of human exposure to vibration in buildings, Part 2: Blast-induced vibration. This document discusses how and where to measure blast-induced vibration and gives maximum satisfactory magnitudes of vibration with respect to human response. Satisfactory magnitudes are given as 6 to 10 mms-1 at a 90% confidence level as measured outside of a building on a well-founded hard surface as close to the building as possible.
120. In recognition of local residents general concerns at blasting activity and of operations moving closer to houses in North Pole Road however, the applicant proposes to revise the direction of working the site in order to progressively move blasting activities away from properties. This would primarily involve working the south and east sections of the site in the first instance and then progressing in a northerly direction.
121. Notwithstanding the views expressed regarding blasting, I consider that provided levels do not exceed government guidelines, these issues do not represent an overriding objection to the proposals. However I would support a revised working scheme which would require the applicant to submit drawings demonstrating that operations could be carried out closest to properties early on in the phasing plans and progressing extraction in a northerly direction, This could be secured by way of a planning condition in the event that Members are minded to grant planning permission. In addition, I would support the continuation of independent monitoring arrangements already in place at this site, which could be secured by way of a formal legal agreement.

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Highways Impact

122. In order to continue operations at the site the applicant proposes access the Oaken Wood site via a cut-through which he estimates would take up to 6 months to undertake. Materials would be transported from the planning application site to the existing quarry plant area for processing. The applicant proposes to continue using the existing purpose built internal haul road and access currently facilitating the site. The existing number of vehicle movements associated with the Hermitage Quarry site would remain and is already controlled by way of a planning condition.

Vehicle Movements

123. Historically following previous applications for extensions at the site the applicant was asked by the Highway Authority investigate numbers of vehicle movements generated during peak hours including times when the quarry had reached maximum levels of production in the past. This information was requested to demonstrate whether or not there was any corresponding increase in movements at peak times of the day. The following periods were at that time of particular interest:

0800 hours and 0900 hours and
1700 hours and 1800 hours

124. At the time, this enabled an assessment of any cumulative traffic impact on the junctions of A20/Hermitage Lane and on Junction 5 of the M20 at peak times of the day. At that time it was considered necessary to impose a restriction on the number of vehicle movements associated with the site. The applicant states in the supporting information for the current application that the proposed number of HGV movements to and from the site would not differ from that already generated by ongoing quarrying activities.

125. GAL currently generate an average of 260 movements per day. However, during times of high activity quarry operations reached a monthly average of 300 movements per day with absolute daily movements reaching 600 movements on occasions. Previously the applicant in response to a request by the Highway Authority on past applications at the site, submitted further information regarding the maximum number of HGV movements encountered at the quarry during times of high activity and in particular during the morning and afternoon peak hours of the day. The applicant was asked to further investigate numbers of vehicle movements generated during peak hours including times when the quarry has reached maximum levels of production in the past. Following the receipt of traffic data at that time, the DTM was satisfied that the quarry activities would not have a significant impact on the junction of Hermitage Lane and Junction 5 of the M20 during peak periods of the day. The DTM recommended at that time that a condition be imposed on any planning consent to restrict the maximum number of HGVs movements into and out of the site during any one calendar month to 30 (15 in and 15 out) in any one hour period between 7.30am and 9.30am and 4pm and 6pm. The DTM have been consulted on the proposal however to date has not sought to raise any objection in relation to highway matters. I have not received any complaints in relation to numbers of vehicles in relation to this site. I consider that provided a similar condition to that already in place at the site is imposed, the proposed development if permitted would not result in any unacceptable

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impact on the highway and can see no reason to justify refusing the application on highway grounds.

Unsheeted Vehicles

126. A number of local residents have expressed concern that on occasions debris falling from GAL vehicles have found their way onto the public highway. Notwithstanding a condition already imposed on the existing planning consent requiring all vehicles be sheeted before they leave the site, complaints have been received that un-sheeted vehicles have been seen using Hermitage Lane. The County Council have therefore written to Gallaghers formally reminding them of the terms of their current planning permission requirements and they have responded by issuing a reminder notice to all contract driver leaving the site that their vehicles should be covered before they leave the site. I would therefore recommend that as with the current planning permissions, a condition be imposed on any planning permission requiring all lorries carrying material to or from the site be sheeted. This would continue to be monitored closely by officers of the County Council.

Other amenity impact

127. Local residents have raised a number of concerns in connection to the proposed application, including the potential to cause noise dust nuisance. MPS2 (Annex 1: Dust), Policy CA18 Minerals Local Plan and W18 of the KWLP requires the MPA to be satisfied that dust can be adequately controlled or mitigated on mineral sites in order to avoid potential impact on neighbouring land uses and amenity.
128. Jacobs have been consulted on the supporting information in relation to noise and dust mitigation measures and have raised no objections on either grounds. In addition, Jacobs are satisfied that no adverse noise impact from proposed HGV movements to and from the site, is likely to occur. I am therefore satisfied that the proposal meets the requirements of policy ENV21 of the Kent Structure Plan and policy W18 of the KWLP.

Socio Economic Impacts

129. The applicant currently employs over 300 people of which some 50 are directly engaged in the aggregates business. The applicant further states that given Kent is an area of significant planned growth and regeneration over the next 20 to 25 years and this will in his view fuel demand for construction materials. The applicant draws attention to KCCs "Unlocking Kent's Potential" (2009) initiative which develops the Councils vision for the wider regeneration of the County and is a plan for growth and improvement in Kent. It also sets the framework as to how the County Council and its partners see delivery of the planned growth in areas such as Thames Gateway, Maidstone and Ashford, the growth in new housing units, meeting employment demands and provision of the necessary infrastructure that underpin regeneration.

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130. In his view in order to facilitate the forecast to accommodate an additional 5-6000 new houses and associated infrastructure there will be a significant and continuing demand for construction aggregates.
131. Members may be aware of an announcement made in the coalition government's Budget in March when the Chancellor of the Exchequer issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The Government's top priority is to promote sustainable economic growth and jobs, and as a fundamental means to achieve this considers the planning system has a key role to play by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. Government's clear expectation therefore is that there should be a strong presumption in favour of development except where this would compromise the key sustainable development principles set out in national planning policy. Having regard to supply, MPS1 is in favour of enabling the minerals industry, so far as is practicable, to secure productivity growth and high and stable levels of employment, which are central to long-term economic performance and rising living standards⁵

Conclusion

132. In terms of Kent's apportionment for the future supply of crushed rock, revised Policy M3 of the SEP seeks to secure a landbank of at least 0.78 mtpa sufficient for at least 10 years' production. Having regard to advice set out in MPS1, it is accepted that in pure landbank terms taking account of the remaining permitted reserves at Hermitage Quarry together with those which exist at Blaise Farm Quarry there is currently a sufficient landbank of permitted reserves to maintain the production of Kent's apportionment for ragstone for 10 years. Arguably the reserves at Blaise Farm alone would achieve this which will also last beyond the plan period for the KMWDF. However having regard to the further advice in MPS1 which advises that a large existing landbank bound up in very few sites should not be allowed to stifle competition, whilst Blaise Quarry remains a material consideration in the determination of this application, I consider the extent to which the reserves at Blaise is likely to play a major role towards meeting Kent's overall contribution for crushed rock remains questionable.
133. The applicant has carried out a study of alternative sites and having consulted with the County Councils own technical advisor I concur with the overall conclusion from the available evidence that there is no site that could provide a comparable or better alternative to that proposed in the application site in terms of quality of material. Neither in my view are there any sites comparable that could deliver the same yield per hectare over a similar area to the application site of which are either constraint free or offer lesser levels of planning constraint.
134. It is accepted that in the event that Members are minded to grant planning permission for mineral extraction at this site this would result in a direct loss of irreplaceable ancient woodland and also affect a LWS. Having regard to advice set out in PPS9, a proposed mitigation and compensation package has been offered by the applicant in order to seek to

⁵ Paragraph 15, Minerals Policy Statement 1

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offset this loss. In considering the long term planting and woodland management offered as part of the proposal in addition to the proposed restoration of the application site, I consider that what is proposed at a total of 72.7 ha is in itself more than a 2 for 1 replacement. In my opinion this ratio of habitat management and new woodland planting represents additional compensatory measures on a substantial scale. I am satisfied that provided any future permission is subject to a legal agreement in order to secure amongst other matters a management agreement which includes provision for safeguarding any protected species on site, together with the long term management of the restored application site along with the additional compensatory areas having regard to advice in PPS9, biodiversity interests would be adequately mitigated. Having regard to advice in MPS1, particularly in the context of the applicant's ASA, I am satisfied that on balance the applicant has demonstrated that a sufficient case of need exists which outweighs the loss of ancient woodland at the site. Further, notwithstanding the loss of this irreplaceable resource, in my opinion the mitigation and compensation package offered which in total would result in the long term management in perpetuity of some 107 hectares of a mixture of woodland, scrub, meadow and pasture, would be of positive benefit for the purpose of ecological and nature conservation. Accordingly in my view there are no overriding reasons for justifying refusal on nature conservation grounds.

135. Turning to other material considerations, having regard to the comments made by the County Council's landscape consultants Jacobs, in my opinion the mitigation measures proposed by the applicants represent a satisfactory balance when considered against other benefits that would be derived from the proposal. The phased approach to working the site, along with backfilling and planting proposals and the retention of a perimeter tree screen would in my opinion help screen quarrying when viewed at a distance. I do not therefore consider there are any overriding landscape objections to the proposal.
136. Notwithstanding the views expressed regarding blasting, I remain of the view that provided levels do not exceed government guidelines, these issues do not represent an overriding objection to the proposal. I support a revised working scheme which would require the applicant to submit drawings demonstrating that operations could be carried out closest to properties early on in the phasing plans and progressing extraction in a northerly direction. This could be secured by way of a planning condition in the event that Members are minded to grant planning permission. I would support the continuation of independent monitoring arrangements already in place at this site, which could be secured by way of a formal legal agreement.
137. In terms of highway impact, I have not received any complaints in relation to numbers of vehicles in relation to this site. The application would not result in any increase in overall vehicle numbers visiting the site to that currently generated. No comments have been received from the DTM therefore I consider that provided a similar condition to that already in place at the site is imposed, the proposed development if permitted would not result in any unacceptable impact on the highway and can see no reason to justify refusing the application on highway grounds.
138. Local residents have raised a number of concerns in connection to the proposed application, including the potential to cause noise dust nuisance. MPS2 (Annex 1: Dust), Policy CA18 Minerals Local Plan and W18 of the KWLP requires the MPA to be satisfied

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that dust can be adequately controlled or mitigated on mineral sites in order to avoid potential impact on neighbouring land uses and amenity.

139. Jacobs have been consulted on the supporting information in relation to noise and dust mitigation measures and have raised no objections on either grounds. In addition, Jacobs are satisfied that no adverse noise impact from proposed HGV movements to and from the site, is likely to occur. I am therefore satisfied that the proposal meets the requirements of policy ENV21 of the Kent Structure Plan and policy W18 of the KWLP. I therefore recommend accordingly.

Recommendation

140. I RECOMMEND that SUBJECT TO no direction to the contrary from the Secretary of State; PERMISSION BE GRANTED subject to the prior satisfactory completion of a legal agreement to secure the Draft Heads of Terms set out under Appendix 4 and conditions covering amongst other matters, the standard time condition, noise and dust controls, hours of working, scheme of working and restoration, blasting regime, lorry sheeting, imposition of maximum number of HGV movements during any one calendar month to 30 during peak hours, a restriction on the highest monthly average of vehicle movements to 300 with no single day exceeding 600 movements (300 in/300 out), depth of working and ground water monitoring and archaeological evaluation;

Case Officer: Angela Watts	01622 221059
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Background Documents: See Section Heading

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

APPENDIX 1

KENT COUNTY COUNCIL
PLANNING APPLICATIONS GROUP

MEMBERS' BRIEFING NOTE for SITE VISIT ON TUESDAY 7 December 2010 AT 2PM AT HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD, KENT (MR 717 556)

APPLICANT: - GALLAGHER AGGREGATES LIMITED

LOCAL MEMBER(s) NOTIFIED: - Mrs T Dean, Mrs P Stockell and Mr P Homewood along with adjoining Members: Mr D Daley, Mr M Robertson, Mrs V Dagger, Mrs S Hohler and Mr R Long.

Site Description

1. The existing Hermitage Quarry lies within the strategic gap between Allington, to the east, the village of Aylesford, to the north and Barming Heath to the south. It forms part of the 230ha of the Hermitage Farm Estate and comprises agricultural land and woodland as well as the quarry itself. The existing quarry has a purpose built access onto Hermitage Lane (B2246), leading to the A20 and M20 at junction 5.
2. Operational since 1990 Hermitage Quarry was originally granted permission in September 1989 under ref. TM/88/295 and following subsequent extensions to the site, now currently operates under planning permission reference (TM/05/2784), known as the Eastern Extension. As part of the overall working plan, permission remains to be worked within a 'Western Extension' permitted under consent reference TM/07/4294. The applicant estimates that at its current production rate the existing permitted reserves would be exhausted within 4 years.
3. The Quarry is one of only two ragstone quarries within the County, the other being located at Blaise Farm, West Malling. A site plan is attached.

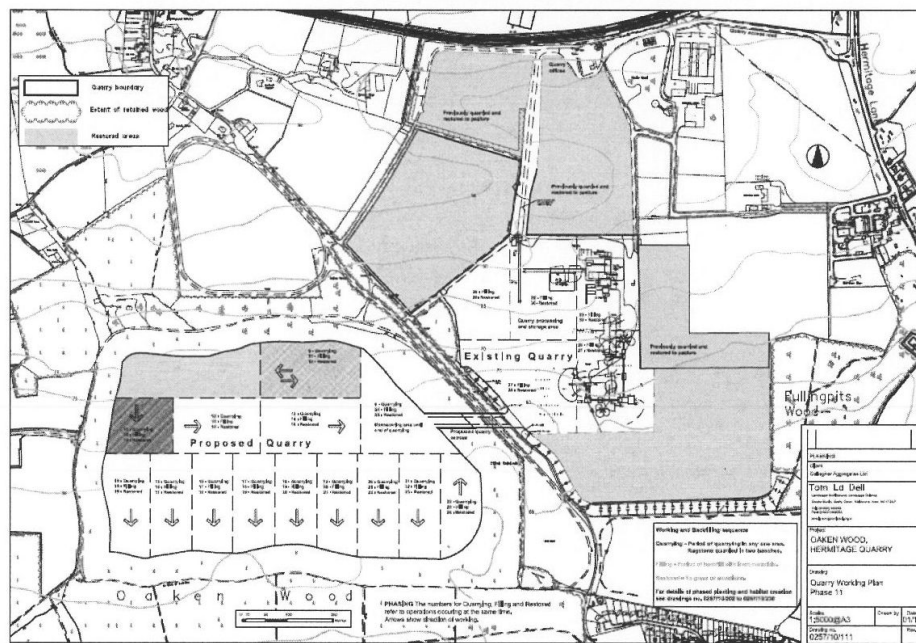
Current Proposal

4. The applicant proposes to extract 16,210,000 tonnes of ragstone from the application site over a period of 23 years. It is proposed to backfill the site to original levels, along with the creation of new native broadleaved woodland on the restored quarry phases. Final restoration would be complete by 2037.
5. The planning application site falls within an area known as Oaken Wood which comprises 240 hectares (580 acres) of woodland which would form a further major western extension to the quarry complex. At 33 hectares (78 acres), the application site forms 14% of the total Oaken Wood area. Following the completion of permitted extraction operations at the existing quarry, the applicant seeks to extend quarrying operations into Oaken Wood using the existing processing equipment and methods currently employed on site. The existing internal haul road, weighbridge facilities, office accommodation and access onto Hermitage Lane would be retained for the life of the site.
6. It is proposed that the site would be worked in a phased manner and which would follow extraction of reserves permitted under planning consent reference

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TM/03/2785 (western extension). In order to achieve access from the existing quarry into the proposed site the operator is proposing a cut into the western area and would provide a cover bridge in order to maintain the existing byway, gallop and wildlife corridor which crosses at this point.

7. It is then proposed to work the site in a number of phases, as shown below. The applicant proposes that once a sufficient working area has been established, infilling and restoration would take place progressively behind to original ground levels using imported inert materials. The restored woodland would then be subject to long term management.
8. The planning application area would be accessed from the existing quarry to the east and into phase 8. This particular phase would remain open for the life of the extension for the purposes of access however the remainder of the area would be quarried, backfilled with inert material and restored in a way which would require for example phase 9 to have been backfilled and restored by the time extraction would take place in phase 12 (see drawing below). It is proposed that a 60m wide tree belt be retained around the proposed site in order to provide screening.



9. Prior to extraction, material would need to be loosened by blasting. It would then be loaded onto vehicles and taken to the existing processing plant located at the main Hermitage Quarry site. Finished products would be exported from the site by HGVs via the existing weighbridge facilities on site. Vehicles would be sheeted prior to leaving the site via the existing purpose built internal haul road and out onto Hermitage Lane. No changes are proposed to the existing quarry operating hours, which are between 0700 hours and 1800 hours (Monday to Friday) and 0700 hours and 1300 hours on Saturdays. HGV movements, which are currently restricted to a combined total of 300 movements per day with the number of movements on any single day not exceeding 600 movements would remain as existing with no more than 30

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movements during the morning and evening peak periods (i.e. 0730 hours to 0930 hours and 1600 hours to 1800hours).

Habitat Creation Field

10. As part of the overall mitigation and compensation package for working part of Oaken Wood, the applicant proposes to transform an area of land on North Pole Road into a new wildlife area. The 9 ha arable field would include the creation of native woodland, scrub and meadow habitats with a new pond and would provide, in the applicants view, an immediate and significant nature conservation enhancement compared to the existing arable use. These habitats would be provided for the translocated reptiles from the application area. Work on the Habitat Creation Field would commence within a year should planning consent be granted.
11. The applicant considers that there are no other comparable reserves elsewhere in the County that could meet the specification currently found at the planning application site.

Development Plan Policies

13. The National and Development Plan Policies summarised below are relevant to the consideration of the application:

National Planning Policy – National Planning Policies are set out in MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction in England), PPS 1 (Delivering Sustainable Development), PPS 5 (Planning for the Historic Environment), PPS 7 (Sustainable Development in Rural Areas), PPS 9 (Biodiversity and Geological Conservation), PPS 10 (Planning for Sustainable Waste Management), PPS 23 (Planning and Pollution Control) and PPS 25 (Development and Flood Risk).

Regional Planning Policy – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Waste Strategy.

The South East Plan (May 2009) - These include Policies SP1 (Sub-regions in the South East), CC1 (Sustainable development), CC2 (Climate change), NRM1 (Sustainable water resources and groundwater quality), NRM2 (Water quality), NRM5 (Conservation and improvement of biodiversity), NRM7 (Woodlands), NRM9 (Air quality), NRM10 (Noise), W3 Regional self-sufficiency), W4 (Sub-regional self sufficiency), W5 (Targets for diversion from landfill), W14 (Restoration), W16 (Waste transport infrastructure), C4 (Landscape and countryside management), M1 (sustainable construction), M2 (recycled and secondary aggregates), M3 (primary aggregates), M5 (safeguarding of mineral reserves), C6 (countryside access and rights of way management) and BE6 (Management of the historic environment).

Minerals Local Plan 1993 - Policies CA16 and 18 -23 incorporate the County Council's requirements for the detailed control of mineral site.

Kent Waste Local Plan (Adopted March 1998) - W18 (noise, dust, odour and other emissions), W19 (Protection of surface and groundwater resource

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interests), W21 (protection of earth science and ecological interests of the site), W31 (landscaping scheme will be an integral part of the development) W32 (restoration)

Managing Development and the Environment DPD adopted April 2010 -

Policy CC1 (Sustainable Design), Policy CC2 (Waste Minimisation), Policy CC3 (Sustainable Drainage), Policy NE1 1 (Development that adversely affects either directly, indirectly or cumulatively a Local Wildlife Site (LWS), will not be permitted unless it can be demonstrated that the benefits of the development override the need to safeguard the nature conservation value of the site and that adverse impacts can be adequately compensated), Policy NE2 (Habitat Networks), Policy NE3 (Impact of Development on Biodiversity), Policy NE4 (Trees, hedgerows and woodland Policy), SQ1 (Landscape and Townscape Protection and Enhancement), SQ6 (Noise), SQ8 (Transport).

Local Member

14. The Local County Members Mrs T Dean, Mrs P Stockell and Mr P Homewood along with adjoining Members, Mr D Daley, Mr M Robertson, Mrs V Dagger, Mrs S Hohler and Mr R Long were notified of the application on 6 August 2010.

Publicity

15. The application was publicised by the posting of site notices, advertisement in the local newspaper and individual notification of 256 neighbouring properties.

Consultees

16. Consultees include:

Tonbridge and Malling Borough Council, Maidstone Borough Council, Ditton Parish Council, Aylesford Parish Council, Barming Parish Council, East Malling & Larkfield Parish Council, CPRE (Protect Kent), DEFRA, EDF, English Heritage, Environment Agency, GOSE, Health protection Agency, Highways Agency, Kent Wildlife Trust, Natural England, Network Rail, The Ramblers Association, Union Railways, Mid Kent Water, Biodiversity Projects Officer, Environmental Management (Public Rights of Way), Heritage and Conservation (County Archaeologist & Conservation Officer), Jacobs (vibration, landscaping, noise, dust & odour), Kent Highways and Policy Group.

The final views of consultees are awaited.

Summary of Representations

17. To date over 1300 letters of representation have been received, the majority of which are standardised letters. A petition has also been received with 1,116 names and addresses included. Issues raised include the following:

Loss of Ancient Woodland

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- Ancient Woodland is a unique and irreplaceable habitat which supports many species of conservation concern
- Once the Ancient Woodland is lost, it cannot be recreated
- A number of plants found in Oaken Wood support ancient woodland habitat
- Loss of ancient landscape
- Impact on wildlife and protected species (bats, hedgehogs, dormouse, badgers)
- The site is covered by Tree Preservation Orders

Need

- Given current reserves available from nearby Blaise Quarry, is there any real need to permit a further extension into Oaken Wood?
- If the quality of ragstone is so good, why use it as aggregate and for road building? This is not sustainable.
- The economic case for quarrying ragstone and aggregate is poor and has been undermined by the abolition of the South East Plan (Note this has since been reinstated)
- Ragstone is not viable building material

Loss of Amenity

- Loss of quality of life and local amenity
- Impact of vibration from blasting on nearby properties
- Dust nuisance generally from the day to working of the quarry
- Dust impacts on health of local residents
- Noise generated from the existing crushing plant
- Noise nuisance generated from vehicles moving material within the quarry
- Noise impact from vehicle reversing beepers
- Traffic impact on Hermitage Lane
- Loss of recreation space for local residents

Over 20 letters of support have been received and can be summarised as follows:

- Only producer in the County of good quality ragstone
- Sterilization of quality ragstone reserves should permission not be granted
- Having a central quarry providing primary, recycled aggregates, concrete and a tipping facility for inert materials is key to the commercial viability of construction projects in Kent
- Quality ragstone is required for restoration projects as well as for repairing and creation of new roads
- Alternatives for quality material would only be available from the Mendips and Midlands which would increase the carbon footprint and be more costly to import to Kent
- Also have a significant recycling operation which gives an alternative supply into the market
- The operator has invested heavily in plant and equipment to provide an efficient and professional operation
- Key local employer. Should the quarry close there would be a loss of local jobs as well as further impacts on other local companies who currently have business links with the Quarry
- The operator has a good track record for quality restoration and managing ecology

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- The planning application area is not a countryside park but privately owned by the operator

Determining Issues

18. In considering the above application, the County Council will need to examine the proposal in the light of national and regional guidance, together with the appropriate development plan policies relevant to the site along with any other material considerations.
19. Having established the Ancient Woodland status of the area the County Council must have regard to the principles set out in PPS9, which advise that planning permission should not be granted for development that would result in the loss or deterioration of ancient woodland unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. It is therefore necessary for the County Council to consider whether there is a need for further ragstone reserves on the basis of the case put forward by the applicant, which would outweigh the loss of ancient woodland.

Case Officer: Angela Watts	Tel: 01622 221059
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Site Visit Notes

APPENDIX 2

APPLICATION TM/10/2029 – PROPOSED WESTERLY EXTENSION TO HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD.

NOTES of a Planning Applications Committee site visit to Hermitage Quarry, Aylesford on Tuesday, 7 December 2010.

MEMBERS PRESENT: Mr R E King (Chairman), Mr R E Brookbank, Mr A R Chell, Mr J D Kirby, Mr R A Pascoe, Mr C P Smith, Mr K Smith and Mr A T Willicombe. Mrs P A V Stockell was also present as a Local Member.

OFFICERS: Mrs S Thompson, Mr M Clifton and Miss A Watts (Planning); and Mr A Tait (Legal and Democratic Services).

THE APPLICANTS: Gallagher Aggregates Ltd (Mr P Gallagher, Mr N Yandle) with Mr M Hare (Civitas Ltd) and Mr T La Dell.

MAIDSTONE BC: Ms A Marks (Planning)

SAVE OAKEN WOOD ACTION GROUP: Mrs S Cooper and Mrs A Pyman

- (1) The Chairman welcomed everyone to the site visit. He explained that its purpose was for the Committee Members to familiarise themselves with the site prior to the public meeting that evening.
- (2) Mr Clifton introduced the application by saying that the site had been operational since the early 1990s. The applicants estimated that at current production rates, the existing permitted reserves would be exhausted within 4 years.
- (3) The application site comprised 33 hectares of woodland (within 240 hectares of woodland overall), forming a further western extension to the quarry. The proposal was for the extraction of 16 million tonnes of ragstone over a period of 23 years at a rate of approximately 700,000 tonnes per annum. The site would be worked over 15 phases with restoration of the exhausted extraction phase taking place as the next two phases were being worked.
- (4) The applicants intended to screen the workings with a 60 metre wide tree belt. Further off-site mitigation would be provided in the area of North Pole Road in the form of an arable field including native woodland and provision for the translocation of reptiles.
- (5) Hours of working would continue to be 0700 to 1800 Monday to Friday, 0700 to 1300 on Saturday with no working on Sunday. There would be no more vehicle movements than at present (a maximum of 600 per day).
- (6) Mr Clifton then said that Natural England had raised an objection on the grounds that the application site constituted 14% of an Ancient Woodland. The determining issue was therefore likely to be whether the need for the ragstone reserve was sufficient to outweigh the loss of ancient woodland.
- (7) The restoration scheme would involve stockpiling top soil and placing it over non-putrescible waste, bringing it back up to current levels.
- (8) Mr Clifton concluded his presentation by saying that some 1500 letters of objection had been received, together with a petition containing 1200 signatures. The principal concerns were loss of ancient woodland, loss of

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amenity and permissive footpaths, noise, dust and blast vibration.

Members were then transported to a vantage point overlooking the current workings.

(9) Mr Robertson asked whether the applicants would be asked to agree to a binding undertaking that they would backfill the site.

Mr Clifton replied that the applicants had stated that they intended to progressively work and restore the site in 15 phases with 3 being worked at any one time. They would be required to strictly adhere to this condition if permission were granted.

(10) Mr Hare (Civitas Ltd) pointed out to Members the point where it was intended to cut through into the proposed Western Extension. He also answered a question from Mrs Cooper (Save Oaken Wood Action Group) by saying that 30% of the Oaken Wood Trust area was owned by the Gallagher Trust.

(11) Mr Clifton said that blasting usually occurred twice or three times each week. He added that quarrying would take place no nearer than 260 metres from the nearest properties. This was the same distance as present operations.

Members were then transported to the area of the application. They were taken to a marked point 60 metres into the woodland, where the tree belt would begin.

(12) Mr Clifton pointed out the centre of the proposed quarrying area. He explained that the public byway would not be affected by the application and that people would be able to walk to the water tower. Meanwhile, the bridleway would be diverted for the lifetime of the operation along a circular route around the site.

Members were then driven around the entire area of the proposed extension.

(13) The Chairman thanked everyone for attending. He looked forward to the public meeting that evening, when people would be able to make their contributions in detail.

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Public Meeting Notes

APPENDIX 3

APPLICATION TM/10/2029 – PROPOSED WESTERLY EXTENSION TO HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD.

NOTES of a Planning Applications Committee public meeting at Oakwood House, Maidstone on Tuesday, 7 December 2010.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr A R Chell, Mr C Hibberd, Mr M B Robertson and Mr K Smith.

OFFICERS: Mrs S Thompson, Mr M Clifton and Miss A Watts (Planning); and Mr A Tait (Legal and Democratic Services).

THE APPLICANTS: Gallagher Aggregates Ltd (Mr N Yandle) with Mr M Hare (Civitas Ltd) and Mr T La Dell

ALSO PRESENT were some 200 members of the public.

- (1) Members visited the application site shortly before the public meeting. Notes of this visit are contained in a separate document.
- (2) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to listen to local views on the application. The application would not be determined by the Committee until February 2011 at the earliest.
- (3) Mr Clifton introduced the application by outlining the site history. Since becoming operational in the early 1990s, it had been the subject of a number of applications to extend operations. Permission had been granted for quarrying in the area known as the Eastern Extension in 2007. The applicants estimated that at current production rates, the existing permitted reserves would be exhausted within 4 years.
- (4) Mr Clifton then described the application itself. This was for the quarrying of some 16 million tonnes of ragstone over a period of 23 years at a rate of approximately 700,000 tonnes per annum. The application area itself comprised 33 hectares of woodland (within 240 hectares of woodland overall), forming a further western extension to the quarry. The site would be worked over 15 phases with restoration of the exhausted extraction phase taking place as the next two phases were being worked. Only three phases would therefore be active at any one period.
- (5) Restoration would be to original ground levels, together with the creation of new broadleaved woodland. The workings would be screened by a 60 metre wide tree belt. Further off-site mitigation would be provided in the area of North Pole Road in the form of an arable field including native woodland and provision for the translocation of reptiles.
- (6) The method of working would involve blasting to loosen the material, which would be transported to the plant site area. Hours of working would continue to be 0700 to 1800 Monday to Friday, 0700 to 1300 on Saturday with no working on Sunday.
- (7) Mr Clifton then said that some 1500 letters of objection had been received. The principal concerns were loss of amenity, loss of ancient woodland, noise, dust and the effect of blasting. There had also been letters of support which described the site's high quality aggregates that would otherwise need to be imported from as far afield as the Mendips.
- (8) Mr Clifton then informed the meeting that Natural England had raised an objection on the grounds that the

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application site constituted 14% of an Ancient Woodland.

(9) Mr Clifton concluded his presentation by saying that a major factor in the determination of the application would be whether the applicants were able to satisfy the Planning Authority that the need for the ragstone reserve was sufficient to outweigh the loss of ancient woodland. All comments made in respect of the application would be taken fully into account.

(10) The applicants confirmed that they were in agreement with the content of Mr Clifton's presentation. The Chairman invited comments from the public, which are summarised below:-

(a) A resident from Rede Wood Road, Barming said that his house rattled whenever a blast occurred. It was sufficient to wake him up and sometimes happened five days a week. He compared his property to a bomb zone and asked why the applicants should be permitted to continue to cause such disturbance for another 23 years. He asked whether he could claim compensation.

Mr Clifton replied that KCC had set a maximum level of peak particle vibration at 6 mm per second. This was half the level required by the Government. The applicants were required to monitor these levels and to let KCC see the results. In addition, KCC undertook independent monitoring whenever there was a complaint. He offered to arrange for such monitoring to take place in this particular case. It was also possible that the effects described arose from air over-pressure (for which no limits were set).

(b) Mr Peter McMillan (CPRE) said that restoration schemes could take years to complete. He asked what guarantee could be given that the applicants would not simply submit an application for an overriding development. Would the applicants be asked for a Section 106 restoration guarantee to ensure that this did not happen.

Mr Clifton replied that a Section 106 Agreement would not be required as KCC would be able to condition any permission. These conditions would require proper restoration (including original ground levels and woodland).

(c) A resident from North Pole Road said that he had read the Gallagher company accounts and that they had indicated that the demand for aggregates was in decline due to the recession. This was likely to continue in the light of the Comprehensive Spending Review and cuts. Gallaghers were only just now starting to quarry the Western Extension, where there were still four years worth of supplies. Given these circumstances, it was far more difficult to justify the destruction of ancient woodland. He also explained that the term "Ancient Woodland" did not refer to the trees, but to the soil.

Mr Clifton replied that the demand issue was fundamental to the determination of the application. KCC Planners had to think on a long-term basis and to assume that the recession would eventually come to an end. He added that the South East Plan had specified a figure for ragstone that Kent was expected to plan for.

(d) Mrs Simpson from Tonbridge and Malling BC informed the meeting that the application had been discussed at a recent Local Forum meeting. This meeting had focussed on three areas. The first of these was demand. She believed that the South East Plan was no longer a valid document and that the Minerals Plan 1993 was out of date. There was consequently a need to undertake a careful study of what the demand actually was. She considered that the application had been put in too soon, before a proper long term perspective could be developed.

The second question was how the woodland could be retained. She had been encouraged to hear that the land was to be held in trust and asked for a guarantee that this was the case.

The third question was why the woodland could not be retained for chestnut coppicing rather than as mixed woodland. If this did not happen, the area in question would not be productive in any way once the quarrying operation had finished.

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Mrs Simpson also said that she was very happy with the recycling opportunities that this application provided and suggested that this might alleviate some of the waste disposal difficulties in the Mid Kent area.

The Chairman informed the meeting that the Secretary of State's decision to revoke the South East Plan had been successfully challenged in the High Court. As a result, the Plan continued to be a material planning consideration.

Mr Yandle (Gallagher Aggregates Ltd) confirmed that the land in question was owned by a charitable trust and that it was the intention that Mr Gallagher's children would continue the land restoration work. Mr Gallagher was very proud of the estate and wanted to ensure that the woodland was restored in the future.

Mr Clifton said that the County Council had to determine planning applications when they came forward. It was not open to the Council to reject it on the grounds of prematurity. They would need to determine it based on the existing development plan (including the Minerals Local Plan). The reason that the applicants had proposed restoration to broadleaf woodland was because they believed that this would enhance biodiversity and because the demand for chestnut coppicing had diminished. He noted the view from a member of the public that demand was on the rise and that chestnut wood was now being exported. He concluded by saying that the question of the appropriateness of the restoration arrangements had been put to KCC's consultants.

(e) A resident from Rede Wood Road said that less than 1% of the ragstone quarried was used for heritage projects, whilst the rest was crushed and used as aggregate. He said that there was nothing sustainable about producing aggregates for roads. He then asked how the vibrations from blasting could be described as "air over-pressure" when the belongings in his house fell over whenever there was a blast despite the windows being closed. He added that a representative from Gallaghers had indicated that the quarrying operation would have a negative impact on all local properties.

Mr Clifton said that there was demand for ragstone both for heritage and construction purposes. In terms of sustainability, it would be better to use aggregate from Kent for road construction rather than transporting it in from the Mendips.

Mr Clifton then repeated the offer that KCC would independently monitor blast vibrations for local residents who had complained.

(f) An engineering geologist said that she was involved in a strategic stone study for English Heritage. She supported the application because there was a shortage of ragstone of sufficient quality in Kent to enable the building heritage of the County to be preserved.

(g) Another North Pole Road resident said that Gallaghers had been monitoring the effects of blasting on his property for the previous six months. Each blast had registered on the machines. Meanwhile his chair had shaken and his windows rattled. He asked what the difference was in terms of sustainability between importing ragstone from the Mendips and exporting it. He added that it was impossible to replace ancient woodland.

Mr Clifton replied that latterly the blast vibration levels had been well below those conditioned in the planning permission. The proposed excavation area was no nearer local properties than was currently permitted. He also explained that there was no intention on the part of the applicants to export ragstone outside the county.

(h) A resident from Eastfields said that the applicants were justifying their case of need on the basis of the figure of 1.2 million tonnes per annum set out in the South East Plan 2009. This figure had, however, been reduced by 35% in March 2010 and the Government was now expected to reduce this figure by a further 19%. This would lead to the proposed Eastern Extension being in operation for 40 rather than 23 years and indicated that the level of need was not as great as the applicants were saying and would even be further diminished if secondary aggregate recycling levels were to grow.

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Mr Clifton agreed that the figures in the South East Plan had varied as a result of a downturn in demand. The Planners would need to carefully consider both the level and quality of reserves in the light of a number of factors. These included the need to ensure that there was a sufficient land bank in the event that demand picked up again. He confirmed that secondary aggregate recycling was a factor that the Planners were considering, whilst pointing out that secondary aggregates could not match higher quality special indigenous materials at the top end of the market.

(i) Mrs Cooper from the Save Oaken Wood Action Group said that local recycled aggregates represented a better option for the County. She then said that although there were Government guidelines on blast vibration levels, there was no study of the long term effects on people and properties. The residents of Barming felt the blast vibrations several times each week and the Planning Authority should consider the cumulative effect over the period of 40 years that it was likely the operation would last.

Mr Clifton said in reply that the Government guidelines on blast vibrations were based on empirical evidence gathered over a long period. The Government's advice was that 12mm per second was acceptable, whereas KCC's conditions specified 6mm per second. He added that Government advice referred only to ground vibration and did not include air over-pressure. He noted a comment from the audience that the levels had been set lower than 6mm per second for the Hospital and said that this was to protect the hospital's equipment rather than the building itself.

(j) A local resident asked whether the Planners' report would consider the cumulative effect of ground vibration and air over-pressure.

The Chairman said that he would ask the Planners to look into the question of air vibration as well as the effect of blasting on houses.

(k) A spokesman from Jackson Civil Engineering said that there was a need for products from Hermitage Quarry. This was because they were affordable and reduced the carbon footprint by avoiding the need to import them into the County. The quarry was the most impressively run quarry he had ever seen.

(l) A resident from Tonbridge Road said that she had been able to collect 2 to 3 tonnes of ragstone simply by surfing skips or Tovil Tip. She added that although there was no Government guidance on over air pressure, it was acknowledged that studies carried out since the 1960s demonstrated that simple road traffic could cause damage to properties as well as health (in the form of stress and related illnesses). She then said that translocation was not always in the best interest of the reptiles. This needed to be closely examined as every species of bat and lizard was protected by European Law and English Biodiversity targets. She believed that the level of demand for chestnut was likely to increase and said that dormice were particularly keen on chestnut coppices. The native fungi thrived in this area, to the extent that there were several hundred native species. They would be impossible to reproduce in a mixed woodland. There would be a greater demand for wood as wood-burning stoves became more popular.

The Chairman thanked her for her contribution and confirmed that biodiversity was a very important factor. The views of the Kent Wildlife Trust were always sought and valued. The County Council meeting on 16 December 2010 would be discussing a report from its Renewable Energy Select Committee. One of its recommendations was to drive forward coppiced woodland as a renewable resource.

(m) A representative from a company that supplied machinery to Gallagher Ltd said that they were held up as a leading light in the quarrying industry. In order for the UK to come out of recession, it was vital that companies such as them were able to grow and sustain their business. The Institute of Quarrying rated Gallaghers very highly in terms of environmental management and sustainable development.

(n) A representative from the Woodland Trust said that ancient woodland was irreplaceable. The proposal to quarry 33 hectares (14%) would represent a direct loss. There would also be indirect loss and damage to the

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remaining 86% as a result of changes in light, noise, dust levels and hydrology. She asked the Committee to bear in mind that the provisions of PPS 9 (Biodiversity and Geological Conservation) referred to both loss and deterioration.

(o) A local resident said that an application for an extension to Hermitage Quarry had been turned down in 1995 due to the lack of need for the development. Today, need for the materials was decreasing rapidly. He said that no one had yet mentioned nearby Blaise Farm which had reserves of 30 million tonnes and was scheduled to last a further 40 years.

He then said that blast vibrations travelled through the rocks, the depth of which rose as you travelled in a northward direction. So the further north (and nearer to Barming) that was quarried, the closer they were to the surface. If the phased operations were to commence at the north end, the vibrations would be felt in North Pole Road. If on the other hand they were to start at the southern end, the vibration effects would be mitigated.

He then said that oak trees would need two gallons of water per day in order to grow. The Millennium Project Oaks had only grown by 9 feet in ten years due to lack of water. He therefore warned that oak trees should definitely not be part of the restoration scheme.

Mr Clifton agreed that the refusal in 1995 had occurred for the reasons described. The large land bank of aggregate reserves at Blaise Farm was a factor in that the applicants would need to demonstrate that there was a case of need in that context. He would also approach the County's advisers to ask whether it was more appropriate to measure ground vibration at ground or bedrock level. If permission were to be granted, KCC would look to ensure the long term maintenance of those trees that were planted. KCC's Landscape experts had already been asked to comment on this matter.

(p) A local resident asked whether the application should be considered as an extension to the existing development or as a completely new development.

Mr Clifton said that it was seen as an extension to an existing quarry because access would be through a tunnel cut through the boundary of the existing workings. In planning terms, the description made no difference to the way in which the application would be determined.

(q) A local resident said that she was concerned about the protected species. She asked whether research had been undertaken into what happened when species were translocated from an ancient woodland to an alternative area. It was her understanding that they died out. She asked whether the new area would be linked to the existing habitats.

Mr Clifton confirmed that this was an important issue and that advice on it was being sought from Natural England and the Kent Wildlife Trust.

(r) A resident from Teston said that she was a keen walker in Oaken Wood. She knew three families who relied on coppicing for their livelihoods as did a successful local business in Livesey Street, Teston. This business could not keep up with the demand for chestnut, partly because the height of the trees had reduced to between 5 and 6 feet. She then said that she could hear the noise from the quarrying operations from the village where she lived.

(s) A local resident said that he had visited the application site and had asked the applicants whether they had done any drill testing in the woods. He suggested that permission could be granted only for it to emerge at a later stage that there was no ragstone there.

Mr Clifton replied that a detailed borehole analysis had been required. This had been presented to the County Council's mineral advisers. This had confirmed that that not only was the quarry viable, it also in the applicants' view contained materials whose quality was unmatched.

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- (t) Mrs F Gooch (Barming Parish Council) said that she was concerned that, although the proposed restoration scheme seemed to be environmentally and visually commendable, this could be jeopardised if the applicants were to sell recyclable aggregates rather than using them for infill. This would lead to the restoration taking longer to accomplish than was envisaged in the application.
- (u) A young resident said that the application would have a negative effect on young people. It would interfere with their studies and put a stop to them playing in the woods or learning about the natural environment.
- (v) Two employees of Gallaghers Ltd said that he had worked for the company for 15 to 20 years. They asked the Committee to approve the application as this would save some 25 local jobs.
- (w) The owner of a stone masonry company in Cranbrook said that his company needed the ragstone that the quarry provided as it enabled buildings to be saved that were an integral part of Kentish history. Materials sourced from Blaise Farm Quarry were too soft to be suitable for this purpose.
- (x) A local resident said that ragstone was a valuable resource which was being used up far too quickly. He asked the Committee Members not to be misled into believing that most of the aggregate was being used for anything other than crushing.
- (y) A local builder/repair worker said that blast vibrations caused damage to drains. These were made of clay pipe and often cracked slowly. He believed that more and more damage would occur as the blasts continued. Property Insurers would only pay if they considered that the damage was accidental. He asked what would happen if they refused to cover this damage.
- (11) The Chairman thanked everyone for attending and contributing so many important points to the meeting. The notes of the meeting would be appended to the report to the determining Committee meeting which would take place in February at the earliest.

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APPENDIX 4

DRAFT HEADS OF TERMS

**For Agreement in connection with
Planning Application TM/10/2029 proposed westerly extension to Hermitage Quarry,
Hermitage Lane, Aylesford, Kent.**

Prior to the issue of the Planning Permission the applicant shall enter into all of the necessary legal agreements required to secure the following matters at no cost to the County Council;

1. The developer will not commence development on the application site until:-
 - a) a long term Management Agreement in perpetuity for the restored quarry site together with the remaining area of Oaken Wood in Gallagher Ownership including the wholly new habitat to be created at North Pole Road as shown on Drawing no. 0257/11/4, has been submitted to and approved by the County Council.
 - b) the Management Agreement to be based on the general principles set out in the submissions by Tom La Dell dated 18 April 2011 entitled 'Contents of Ecological Management Plan for Section 106 Agreement' and 'Draft Strategy for Mitigation for Protected Species'.
2. The funding of the full cost of independent blast monitoring undertaken on behalf of the County Council up to a maximum of 4 times a year.
3. The applicant to pay all the County Council's legal and professional costs including those already incurred by the Head of Planning Applications Group prior to the completion of the Agreement.

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APPENDIX 5

SAVE OAKEN WOOD ACTION G

c/o Woodlands, North Pole Road, Barming, Maidstone, ME16 9HH

Kent County Council
Planning Applications Group
First Floor, Invicta House
County Hall
Maidstone
ME14 1XX

17 October 2010



COPY	20/10/10
PLANNING	20/10/10
PLANNING	20/10/10

Dear Sirs

Re: Planning Application No.: TM/10/TEMP/0025 – Proposed extension to Hermitage Quarry

We, the undersigned, are appointed members of the committee of the above named organisation, which was initially inaugurated to canvass and collate the views of local residents and campaign on their behalf. As part of our activities, we have taken advice from representatives of or written reports from the following:

- Barming Parish Council
- Maidstone Borough Council
- Tonbridge & Malling Borough Council
- Kent Wildlife Trust
- The Woodland Trust
- Protect Kent (part of the Campaign for the Protection of Rural England – CPRE)
- The Green Party
- Environmental Law Foundation

We have also opened a dialogue with the applicant, Gallagher Aggregates Ltd.

In preparing this submission, we have solicited and received views, some very emotive, from many local residents. The majority show a common thread which, if only statistically, must give credence to those views and we have found there to be persuasive evidence for substance to the claims.

At all times, we have set out to be objective and rational in our judgement and to weed out the more extreme and less credible views or opinions.

We are strongly of the view that planning permission should not be given for this application and this is based on several arguments. However, we recognise that the planning authority may choose to disregard our arguments and so we have also given thought to how best the perceived effects of quarrying may be mitigated should planning consent be given.

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As part of our activities, we have raised a petition in support of our aims. The signatories fully support the objectives of this Group, but may also write to you separately as individuals. In addition, we have invited support via the social networking site, Facebook,

Our submission is divided into four sections:

Appendix A - Reasons for refusing the planning application outright.

Appendix B - Suggestions for ameliorating the effects of quarrying, should KCC see fit to disregard all objections to the application, and the proposed retention of the processing facility.

Summary.

Appendix C - The petition.

Addendum - Map of Ancient Woodland in the Tonbridge & Malling borough.

Parts of this submission refer to studies and conclusions of some of the above named third party bodies, recognised as competent in their respective fields. These bodies may also write to you directly, expressing their objections in greater detail than may be summarised here, and this Group fully supports their input.

Yours faithfully

Sarah Cooper (Chair)

Michael Gough (Vice Chair)

Valerie Power (Secretary)

Anita Pyman (Treasurer)

Mercedes Pyman (Researcher)

Cindy Matthews (Researcher)



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Appendix A

Reasons to refuse planning permission.



Our argument may be divided into three areas:

- Consideration of Ancient Woodland
- The need for and management of mineral extraction
- The impact on local residents of blasting, dust and noise from grinding and other sources

Ancient Woodland

The area of Oaken Wood proposed for development is designated 'ancient woodland'. There is little need to enter the argument as to whether the area of Oaken Wood is or is not truly 'ancient'; safe to say that both KCC, as arbiters in the past, and Tonbridge & Malling Borough Council, the current arbiters, have classified it as such. If the referee says it's a goal, it is indeed a goal.

The following is an extract from the minutes of a meeting of Tonbridge and Malling Borough Council held on 11 September 2008, shortly before the latest survey was undertaken:

Members were advised that the South East was particularly important for ancient woodland with 11% existing in Tonbridge and Malling. A potential gain of 248 hectares had been discovered in the north east of the Borough, with Deadman Wood in Aylesford being newly identified as an ancient semi natural wood of great age. This discovery highlighted the importance of undertaking this type of work to identify and protect these small woods before they disappeared.

The survey resulted in the Environmental Map of Ancient Woodland in the Tonbridge & Malling borough dated March 2010 and a copy is attached as an addendum. The area of Oaken Wood is ringed in red for clarity where it appears on the various maps.

However, it is probably worth reminding ourselves exactly what the definition means with particular regard to this type of managed coppiced woodland.

The following extract is taken from the BTCV handbook 'Woodlands'. It is the section on coppicing from the first chapter 'A brief history of woodlands in Britain'.

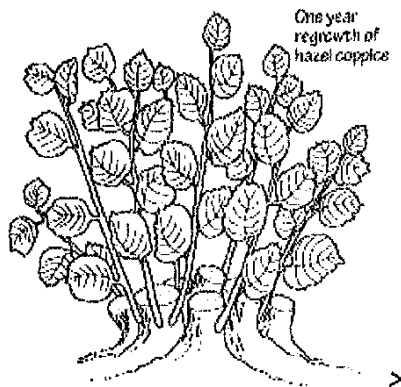
From earliest times in Britain, woodland needs were fulfilled not by the felling of new areas of wildwood, but by the periodic harvesting of managed coppice plots. Coppicing allowed the natural deciduous woodland to survive, in modified form, because of its exploitation for fuel, building wood and other purposes. The wide-held belief that woodlands were cleared for charcoal, fuelwood for brick and lime kilns and for tanbark is erroneous. In fact, these demands sustained the coppice woodlands, and it was with their demise that clearance increased.

'Coppice' comes from the French word couper, to cut. Coppices or 'copses' are woodlands cut on a fairly short rotation of five to thirty years. In most cases, one part of the wood, called a 'coupe', is harvested each

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year. The coppice trees and their produce are known as 'underwood'. Underwood species, which are all deciduous, respond to cutting by sending up multiple stems from the stools. Periodic cutting greatly extends the life of most trees, so that coppiced stools may be many hundreds of years old.

The practice of coppicing can be traced back to Neolithic times (4500 BC). Neolithic wattle trackways in the Somerset Levels are evidence of sophisticated coppicing systems which produced rods of exactly the same size. Archaeological evidence shows that coppice products were used for numerous rural needs throughout the Bronze, Roman and Saxon periods. It's estimated that 23,000 acres of coppice were required to provide charcoal for the Roman military ironworks in the Weald (Rackham, O, 1986). Coppicing remained the most widespread method of woodland management until the mid 1800s. The reason for its importance over such a long period was that it allowed the woodland crop to be harvested and converted with simple hand tools. Large, mature trees are difficult to cut, transport and convert, whereas coppice growth is of a size which is easy to handle.



The long history of coppicing is the reason why ancient coppice woodlands can be seen as the direct descendants of the original wildwood. It is perhaps a paradox that a coppiced wood, with a structure which looks least like one's idea of the ancient natural forest, is biologically closest to it. It is unlikely that trees were planted for coppicing, or that any particular selection of species was made. Even in the late 18th century, it is recorded that 'the underwood was not carefully selected and planted; the production of it, both in quantity and quality was, for the most part left to chance' (Peterken, 1981). In some places coppices were 'improved' through encouraging the valuable species by layering, planting and natural regeneration, to fill any gaps where old stools died. Unwanted shrubs and invasive species such as birch were sometimes removed to favour the desirable species. However, the general pattern of species remained very close to the natural cover. Planting only became commonplace from the late 18th to the late 19th centuries, and then again in the period after World War II.

The system of 'coppice with standards' is also ancient, with records of felling dating from the 1200s. Under this system, some trees are grown as standards over a longer rotation, with the coppice beneath cropped at more frequent intervals. The coppice or underwood suppressed the lower side branches of the standard trees, so encouraging the growth of tall, unbranched trunks. During the reign of Henry VIII, there was a legal requirement that at least 12 standards per acre (30 per hectare) be grown, but at other times numbers varied greatly, according to the demand. Periods of felling occurred during time of war, as well as after the Dissolution and during the Commonwealth.

The words 'timber' and 'wood' have historically described different woodland products. Timber referred to the large beams and planks cut from standard trees, used for large buildings and other structures. Wood referred to anything less than 2 foot in girth (7" or 18cm diameter), and included coppice poles, pollard poles or the branches of large trees felled for timber. The coppice with standards system provided both timber and wood, with the timber from the standards and the wood from the coppice. Historically

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The words 'timber' and 'wood' have historically described different woodland products. Timber referred to the large beams and planks cut from standard trees, used for large buildings and other structures. Wood referred to anything less than 2 foot in girth (7" or 18cm diameter), and included coppice poles, pollard poles or the branches of large trees felled for timber. The coppice with standards system provided both timber and wood, and in a single plot the timber and wood often belonged to different people. Historically,

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wood was generally the more valued crop. From both the timber and wood crop, nothing was wasted, with branches, bark, 'loppium et choppium', twigs and even leaves having a use.

Oak was by far the most abundant standard tree, although other species such as ash were occasionally allowed free growth. Every soil type and region had characteristic combinations of coppice species. These included hazel and ash on the Midland clays, beech and sessile oak on western sandstone, and lime in central Lincolnshire. Hornbeam and sweet chestnut, a Roman introduction, grew widely in the south east, while local or minor underwood species included whitebeam, wild cherry, crab apple, maple and elm. Some underwood species were particularly suited to specialised uses, and there was some selection in favour of these, but most coppice remained mixed, to serve a variety of needs.

In the uplands, sessile oak was by far the most common species and dominated both the underwood and canopy of the coppiced woodland. Where conditions were difficult, standards grew too slowly and erratically to be worth fostering, so 'scrub oak' coppice without standards developed. Much of this was used for tanbark or charcoal.

From the late 18th century, coppicing began to decline. One reason for this was the trend towards growing more standard trees for the production of timber, and the fashion for new plantations (see brief history of woodlands in Britain). Many landowners greatly increased the density of oak in their coppice woods through supplementary planting, although much of this was never harvested. In the Chilterns, coppice working as well as wood-pasture management declined due to the planting of beech for the furniture industry. From the mid 19th century, some of the most important traditional uses of coppice products diminished as coke and coal replaced charcoal and firewood for fuel, and artificial substitutes replaced tanbark in the leather industry. In addition, the general agricultural decline of the mid and late 19th century meant that less hazel was needed for sheep hurdles and other farm products. However, many coppiced woods continued in use, and apart from a lengthened rotation, many coppices were much the same at the beginning of the 20th century as they had been a thousand years earlier.

Active commercial coppicing survived throughout the 20th century, mainly in the sweet chestnut coppices of Kent and East Anglia, with the main outlet being the fencing industry. In the last decade or so there has been a revival of coppicing, especially of hazel, in Hampshire and other southern counties, and of oak in the North West. This is partly due to the realisation of the importance of coppicing in maintaining traditional woodlands, and partly due to coppice workers developing new markets and products. These include faggots for bank stabilisation, barbecue charcoal, greenwood furniture, yurts, garden ornaments and many other products. The demand from coppice workers for good quality coppice in many areas now exceeds the supply.

From the above and other input, we deduce that:

1. The type of woodland in Oaken Wood probably dates much further back than the Victorian times claimed by the applicant.
2. The age of individual trees, although of significance, is not the deciding factor of ancient woodland. It is the length of time that the area has been given over to woodland, whether managed, as here, or not.
3. Managed coppiced woodland is important for the maintenance of natural deciduous woodland, which includes the wide variety of wildlife living there, in addition to simple commercial considerations.

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4. The demand for coppiced products, although different from in the past, is flourishing and therefore this type of woodland cannot be dismissed on simple mineral-extraction-based commercial considerations.

The applicant has commissioned flora and fauna surveys of the proposed quarry extension area by Kent Wildlife Trust and these are available to view on Gallagher's web site. This Group would refer the planning committee to the conclusions of these surveys. In particular, they indicate that the site is of local or county importance as ancient woodland in relation to the following species some of which are protected under European law:

- **Badgers**
The Kent Wildlife Trust Badger Survey December 2009 (revised February 2010) by Martin Newcombe was commissioned by the applicant

This report quotes:

"At least seven animals were thought to be present in the survey area throughout the survey period.

Suitable sites for badgers are rare in the Barming area, where setts are limited by geology, topography and land use and occur at relatively low densities by comparison with some areas of Kent such as the North Downs where they are much more common. For this reason, the whole of the survey area (including the proposed quarry area) is considered to be of local importance for badgers."

- **Bats**
The Kent Wildlife Trust Bat Survey December 2009 (revised February 2010) by Martin Newcombe was commissioned by the applicant

This Group notes:

A total of 6 different species of Bats were found, with six bat roosts recorded.

All British bats and their roosts are protected by law under the wildlife and countryside act 1981 and the conservation (natural Habitats etc.) regulations 1994. This makes it illegal to kill, injure, capture or disturb bats or obstruct access to damage or destroy bat roosts. Under the law a roost is any structure or place used for shelter or protection. As bats tend to reuse the same roosts, the roost is protected whether the bats are present at the time or not.

The report concludes in section 5.14:

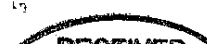
"To summarise therefore, the whole of the survey area (both the proposed quarry area and the wider survey area) is considered to be of county importance as a foraging ground for common pipistrelles; the Natter's bat roost is also considered to be of county importance. The whole of the survey area is considered to be of local importance for all other species, although all the bats that were positively recorded at the site were Kent Red Data Book species."

- **Reptiles**
Oaken Wood is a key reptile site as defined by the Kent Biodiversity Partnership and is therefore considered to be of county importance for reptiles.

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- Reptiles

Oaken Wood is a key reptile site as defined by the Kent Biodiversity Partnership and is therefore considered to be of county importance for reptiles.



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The Kent Wildlife Trust Reptile Survey December 2009 (revised February 2010) by Jon Bramley, Phil Buckley and Jason Armstrong was commissioned by the applicant

This report quotes:

"The maximum single visit counts within the proposed quarry area were:

- *Viviparous lizard - 22*
- *Slow-worm - 28*
- *Grass snake – 2*

The presence of three reptile species indicates that the quarry area and the wider survey area qualify as a 'Key Reptile Site' according to current published guidelines.

Both the quarry area and the wider survey area may therefore be considered to be of county importance for reptiles."

- **Dormice**

The Kent Wildlife Trust Hazel Dormice Survey December 2009 (revised February 2010) by Martin Newcombe was commissioned by the applicant.

This Group notes:

At least 4 nests for Hazel Dormice were found in the proposed site with activity in tubes and young coppiced sweet chestnut. The Hazel Dormouse is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 and schedule 2 of the conservation (natural Habitats) regulations 1994.

These acts make it an offence to:

1. intentionally capture, kill or injure a dormouse
2. deliberately disturb a dormouse or damage or destroy a dormouse breeding site or resting place.

- **Vascular plants**

The Kent Wildlife Trust Vascular Plant Survey December 2009 (revised February 2010) by Martin Newcombe was commissioned by the applicant.

This report concludes:

"Consequently, both the proposed quarry area and the wider survey area are considered to be of county wildlife importance for its ancient woodland."

All the above concentrates on what might be termed the macro climate. The micro climate is, more often than not, disregarded. This is probably because it is ill understood, other than by those well versed in the field. We are talking here about such things as bacteria and fungi that exist in the subsoil of ancient woodland. These types of organisms, upon which much of the macro climate eventually depends and that have taken hundreds of years to establish to their present extent, do not recover in the relatively short timescales that trees grow or bats and badgers return to inhabit the restored habitat.

We and others believe that the preservation of Ancient Woodland is of vital importance. Once destroyed, the environment cannot and will not return in all aspects to its present condition in the lifetime of the vast majority of people living in this area and we deplore the oft prevailing attitude that well invested commercial concerns can ride roughshod over these concerns.

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*"They chopped down the trees
Put 'em in a tree museum
And charge all the people
A dollar and a half just to see 'em.*

*Don't it always seem to go,
That you don't know what you've got 'til it's gone?
They've paved Paradise,
Put up a parking lot."*

Joni Mitchell, Big Yellow Taxi



We are given to understand that, in the current climate, the protection of Ancient Woodland is not of itself a reason for refusing planning permission, merely a weighting factor. However, we would draw the planning committee's attention to the following paragraphs from page 12 of Minerals Policy Statement 1 (MPS1):

- ensure that the statutory protection given to many individual wildlife species under a range of legislative provision, and the special protection afforded to *European protected species*, is fully taken into account when considering mineral proposals which might affect them;
- consider carefully mineral proposals within or likely to affect *regional and local sites of biodiversity, geodiversity, landscape, historical and cultural heritage*;
- do not permit mineral proposals that would result in the loss or deterioration of ancient woodland, not otherwise statutorily protected, unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat;
- take account of the value that existing woodland offers in terms of amenity and habitat, when considering mineral proposals;

Bearing the above in mind, we move on to question the need for this particular mineral.

Mineral Extraction

In the above section, mention is made of MPS1. This Policy Statement has been cancelled by the present government and a replacement document is not due until 2014. We understand, however, that in the interim, MPS1 remains a guiding if not a binding document.

In examining the balance between need for ragstone and supply, we consider both the alternative source of the mineral within Kent - Blaise Farm, Offham - and the as yet undefined, but certainly reduced requirement for the major use of ragstone, namely roadstone.

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Blaise Farm Quarry is owned by Hanson Aggregates Ltd. and quarrying commenced in 2001, with permission to quarry until 2063. It was mothballed in 2005 and we are given to understand that the reason for this was that it was uncompetitive compared to the mining at Hermitage Quarry.

The applicant submits that the quality of ragstone at Blaise Farm is inferior to that found at Hermitage Quarry. There is a lower ratio of ragstone to hassock and the ragstone itself has inferior load-bearing capability. We further understand that Hermitage Quarry yields approximately 45% ragstone and Blaise Farm 30%. However, Blaise Farm has around 50 – 60 years remaining planning consent, which equates to 30 – 40 years at Hermitage Quarry – far longer than the estimated working life of the proposed extension. Yes, more mining activity is required, but this is already approved and, we would submit, much of the applicant's reason for preferring Hermitage Quarry is that it owns the site, and could merely mine at Blaise Farm under concession from the owners.

This last point may make commercial sense to the applicant, but on wider consideration of the county requirements, which must be divorced from the commercial judgements of any single company, it makes less sense. We submit that, since operations at Blaise Farm were suspended, much of the production from Hermitage Quarry has effectively been wasted on projects where the quality of ragstone from Blaise Farm would have been perfectly adequate. Surely it would be better to use the lower grade material where it is appropriate and reserve the higher grade for those projects where it is really needed, such as architectural and particularly high load bearing applications. The applicant may argue that the output from Hermitage Quarry is supplied at lower cost and KCC itself is a major client. In the short term, that may be so, but when Hermitage Quarry is exhausted and Blaise Farm is left as the ONLY viable source of ragstone, its price will be unconstrained by competition and, in the long run, more expensive than it would be while both sites are producing.

There is no doubt that the demand for ragstone will reduce under the current government's proposals to reduce the national debt. It is beyond the purview of this Group, or indeed KCC at present, to know what that reduction may be. Nevertheless, it would seem premature to allow further development of ragstone mining at least until a new extraction plan has been formulated. It is, of course, the view of this Group that further development should not even be considered until Blaise Farm is close to exhaustion and, given the Ancient Woodland nature of the proposed extension, not even then. We would therefore propose that a rejection of this planning application would encourage the remaining 4 – 5 years production already authorised at Hermitage Quarry to be reserved as suggested above for more demanding projects and Blaise Farm, with its existing planning permission, would once again become commercially viable.

The impact of blasting, noise and dust on local residents

These topics are covered in Appendix B from the somewhat different perspective of ameliorating the effects of quarrying. However, we feel that the planning group should consider these points as being contributory towards outright refusal of the application.

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Appendix B



Should the planning authority see fit to pass the application, this Group would like to propose several measures to reduce the effect of quarrying on local residents.

Blasting

Since the quarry has been blasting, progress has always been in a generally southerly direction towards Barming, which is the closest residential area to mining activity. It is not hard to see how this came about. Firstly, for whatever reason, the quarry entrance was sited towards the northerly end of the designated area and it was natural to commence excavation from that end. Secondly, when the quarry first started blasting, noise measurements were made within the residential area. It does not take a genius to realise that the noise figures would be lower the further away the blasting was from the measurement point, the sound pressure level (spl) halving, or being reduced by 6dB, for every doubling of distance.

The long-term result of this approach, however, has been a steady increase in noise levels to residents from both blasting and movement of vehicles as excavation has progressed southwards. Furthermore, the blasting face is situated such that the shock wave through the ground is projected towards the residential area, and this too has increased over the period of quarrying.

The applicant submits that the seismic shock from blasting falls well below government guidelines. This may be so, but it is the experience of one of the committee members, who has knowledge of the drafting of internationally accepted standards in the different, but associated field of acoustics, that they are set predominantly by people in the industry and weighted towards what is practically and commercially achievable rather than what would be totally to the benefit of the general public.

It is unlikely that a resolution of disparate opinions will be achieved. The fact remains, however, that residents are disturbed by their houses and contents being shaken by blasting. The effects are not felt uniformly across the residential area (see also the last paragraph of this subsection). This is to be expected from variations in the geological structure and different building methods. It may be true that the cracks found in some houses cannot be proven to be as a result of blasting shock and settlement cannot be ruled out. Nevertheless, the Group strongly feels that blasting cannot be ruled out as a cause and it would be at least politic to alter the method of working in two areas:

1. That quarrying should start from the southern end of the designated area and progress northwards so that blasting faces away from those residential areas mentioned above. The shock wave felt by residents should be lower in intensity and decrease progressively as excavation progresses. This is contrary to the initially published programme for development.
2. That the blasting method be modified in respect of the sequencing interval between individual charges. By that means it should be possible to reduce the peak level of the shock wave without reducing the efficacy in loosening rock.
3. That the proposed extension area be reduced in order to increase the distance to properties along North Pole Road and the few houses on the western side of the site. It must be borne in mind that

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3. That the proposed extension area be reduced in order to increase the distance to properties along North Pole Road and the few houses on the western side of the site. It must be borne in mind that

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these properties in the main pre-date by some margin those properties currently closest to Hermitage Quarry and the foundations are significantly less deep, exposing the properties to greater potential deterioration from blasting. We would suggest that the distance between quarrying and these properties should be no less than at present (ie the workings should not extend so far to the south and west as proposed).

It was mentioned above that the Group has opened a dialogue with the applicant and committee members have visited the quarry to observe a blasting operation. The blasting took place at the southern end of the quarry, with the observation point towards the northern end. Somewhat surprisingly, the noise was far lower in level than expected and no ground vibration at all could be felt. Contrast this, however, with the fact that the very same blast caused noticeable vibration at Barming Primary School. Indeed, it is a common observation that ground vibration can be felt in places such as Southwood more than it can closer to the quarry. The fact that vibration was felt more in the direction of blasting gives empirical weight to point (1) above.

Noise

In addition to the over-ground shock noise from blasting, there is constant noise from the processing area of Hermitage Quarry, partly due to the warning beep of reversing vehicles, but mainly due to the grinding and sorting process, which gives rise to a continual drone that varies in intensity with the wind direction and other weather conditions.

We are pleased to note the efforts of the applicant to adopt alternative vehicular warning devices that promise virtually zero noise at any reasonable distance. The company is also being encouraged to investigate the practicality of some kind of acoustic shielding for the rotating drum sorter, which currently is open to the atmosphere. We believe, however, that it would be more effective for KCC to impose and monitor mandatory conditions of noise reduction on the applicant, rather than rely on private individuals or groups to liaise, despite the apparent willingness of the applicant to investigate such improvements. Such noise reduction would also be of considerable benefit to the quarry workforce.

In determining the annoyance factor of such continuous noise, the absolute sound pressure level (spl) must not be the only factor. The well-known dripping tap situation and more scientific studies of road noise substantiate this view.

Dust

Some individuals have raised concerns to this Group regarding the generation of dust from the quarry, especially in relation to the proximity of Maidstone Hospital. We confess to no expertise in this area, but feel obliged to draw these concerns to the notice of the planning committee.

Restoration

The Group feels that conditions must be put in place to guarantee restoration of the land to be quarried to the same state in which it was found. That essentially means two conditions:

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

1. That the area once again becomes wild woodland, as 'ancient' as possible, and not the more manicured and managed 'amenity' environment that has hitherto been imposed by the applicant on land already developed and that is proposed for the proposed extension.
2. That the insurance bond required to guard against the applicant going into liquidation or otherwise being unable or unwilling to complete restoration be closely scrutinised to ensure that it will cover the full cost of restoration with due regard to inflation. The Group strongly feels that it would be unacceptable for the council taxpayer to be asked to pick up the bill, considering that the onus of restoration ultimately falls upon KCC.

The Group feels that this second point is of the utmost importance. The countryside is littered with disused quarries that have been left as eyesores once profitable working has ceased. The following photograph illustrates this point quite clearly. Here a relatively small chalk quarry, this one happens to be in West Sussex, has been left in an unsightly state.



Nor does the Group relish the thought of a different type of outcome, namely a mini-Bluewater.

The Group notes that the programme of working publicised by the applicant indicates that restoration will be carried out section by section, rather than leaving it all until the whole area has been worked. This the group supports, but requests that it be written into any contract to develop.

The Group further believes that the proposed receptor site for wildlife is inadequate. Not only is it much smaller than the proposed area to be quarried, it is not even woodland. A larger and more suitable provision is requested.

**TM/10/2029 Proposed westerly extension to Hermitage Quarry,
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The Group further believes that the proposed receptor site for wildlife is inadequate. Not only is it much smaller than the proposed area to be quarried, it is not even woodland. A larger and more suitable provision is requested.

Summary



In support of a rejection of planning permission:

The proposed extension area is designated Ancient Woodland and should be preserved with due respect to the supported flora, fauna and micro climate.

The county-wide extraction of ragstone has been poorly managed in terms of the quality of material not being properly matched to the quality requirements of individual projects. Leaving this to short-term market forces has resulted in a long-term distortion of use which may be better controlled by restricting further expansion of Hermitage Quarry.

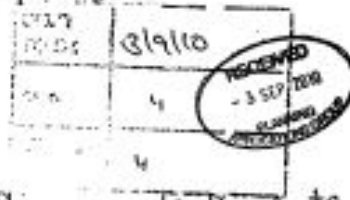
There is likely to be significantly less demand overall for ragstone, due to the reduced public sector spending plans of central government.

In addition to the local community having to suffer continuation of the noise, shock and dust of mining, the proposed extension would take mining closer to older properties that are structurally less able to withstand the effects of blasting.

**TM/10/2029 Proposed westerly extension to Hermitage Quarry,
Hermitage Lane, Aylesford, Kent**

APPENDIX 6

Application No. TM/10/TEMP/0025



Dear Sir,

We are putting in writing our objections to the deforestation of Oaker Wood and all the animals and flora and fauna that live there. We are a riding school adjacent to Oaker wood and have conducted our lawful business for 22 years. A large percentage of our business involves hacking through Oaker wood. We have had uninterrupted access to the whole of Oaker wood not only the Bridlepaths and Byeways for 22 years. The ages of our clients range from 6 years upwards. We have a staff of five people working for us. We have four properties on the farm and are concerned about blasting and dust. I have to wear a respirator mask at night and any added dust will have an adverse effect on my health I have been informed of this by St Thomas's hospital. Our houses are newer than any others and obviously will suffer the most.

The riding school operates all year round. As I'm sure you are aware horses are flight animals, any sudden noise or movements can send them into flight and as herd animals they would all follow. We would not be able to avoid the noise or the large lorries going under or over the Bridleway.

I am at a loss as to how you can move animals to a part of the wood and tell them to stay. If this situation would so serious it would be laughable. Wild animals are territorial and will always make their way back to where they came.

There is no shortage of ragstone. Blaise farm has at least 60 years of ragstone and with the economic climate as it is with major cutbacks on road building and the properly marked planning. We are astonished to find ourselves in this position again after it was agreed before. Oaker wood goes back 400 years and is protected as are lots of the animals.

As there is not need for the quarry all the ragstone is covered by existing quarries. There is no need to quarry Oaker wood. Please find enclosed petition from the clients at the riding school.

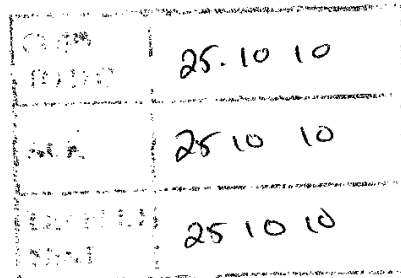
C1.83

TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

APPENDIX 7

**Support for Hermitage Quarry Extension: Repre
from Employees**

Planning Applications Group
Kent County Council
First Floor,
Invicta House, County Hall
Maidstone, Kent
ME14 1XX



11 October 2010

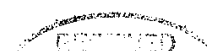
Dear Sirs

Support Hermitage Quarry

We are some of the people who work for Gallagher at Hermitage Lane quarry and would like our views to be taken into account when you consider the proposed extension of quarrying at Hermitage Lane, Barming.

This letter has been signed to indicate our support for the extension of the quarry so that it can remain operational over the next 25 years. We ask that permission to extend the quarry is granted for the following reasons:

- **SAVE OUR JOBS:** The quarry employs dozens of people - either directly or indirectly through projects. Most of these people live locally and would find it difficult if not impossible to find similar work. Surely the protection of long-term jobs is an important factor in the planning decision?
- **A SUCCESSFUL AND SUSTAINABLE BUSINESS:** The quarry is a highly sustainable business – it employs local people, supplies traditional construction materials locally, it recycles materials, and the quarried land is restored for farming and for nature habitats to a better condition than before quarrying. Not only does the business make a major contribution to the local economy, but it also supports the local hospital, community groups and charities - for the benefit of local people.
- **SETTING HIGH STANDARDS:** The quarry has been in operation for 20 years and is managed by the Gallagher Group to an extremely high standard, which is evident to anyone who has visited the site. It produces high quality traditional materials not available anywhere else in the South East. We enjoy modern equipment because of the continuous investment.
- **CONTINUED PUBLIC ENJOYMENT OF OAKEN WOOD:** The countryside and woodland walks around Gallagher’s section of Oaken Wood have been created for everyone to enjoy and this will continue over the next 25 years.
- **MINIMISE THE IMPACT OF QUARRYING:** Gallagher is continuously looking for ways to minimise the impact of the quarry on our neighbours. That is why the extension is proposed in gradual phases, over 25 years.



**TM/10/2029 Proposed westerly extension to Hermitage Quarry,
Hermitage Lane, Aylesford, Kent**

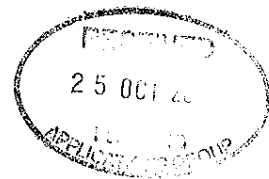
**Support for Hermitage Quarry Extension: Representation
from Employees**

We are proud to be part of a successful and stable business at Gallagher. Many of us have worked for Gallagher for quite a few years and we want that security of employment to continue. The prospect of the business closing in 4 years does not bear thinking about.

We are relying on KCC to make the right decision.

Yours sincerely

The Undersigned...



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Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954

A report by Head of Planning Applications Group to Planning Applications Committee on 10 May 2011.

Application by Thanet Waste Services (TWS) for waste management facility:

Site A – Richborough Hall, Ramsgate Road, Richborough

Construction of materials recycling facility to replace existing inert materials processing facility on southern part of existing TWS site at Richborough Hall, Richborough

Site B – Land North of Stevens and Carlotti, Ramsgate Road, Richborough

Transfer and construction of expanded inert materials processing facility from Site A and construction of 2 no. buildings to house an anaerobic digester plant to receive and process green and food wastes with related maturation building; and staff facilities/office building, alterations to access road, fencing etc.

Recommendation: Permission be granted subject to conditions.

Local Member: Leyland Ridings

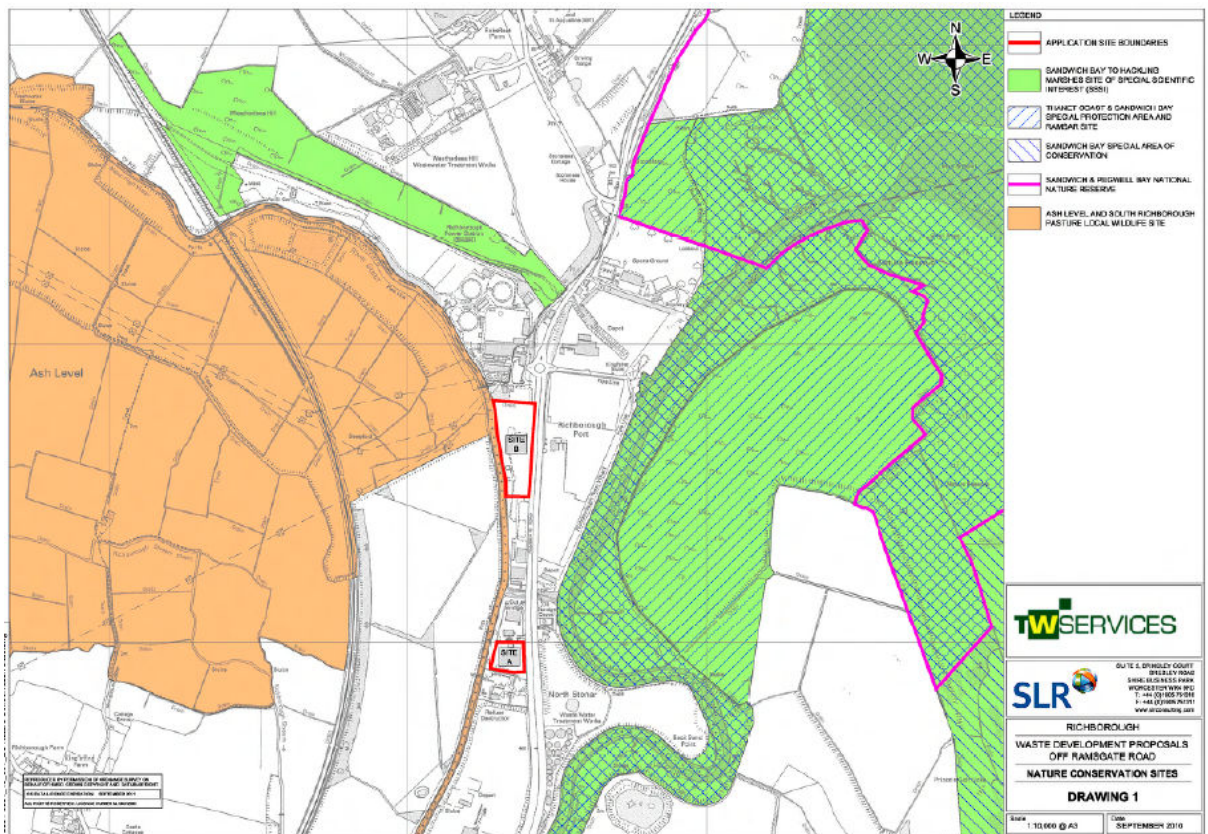
Classification: Unrestricted

Site description

1. The planning application covers two separate areas both located within the mainly industrial Sandwich Corridor, which includes the large Pfizer complex, including substantial buildings, a large wastewater treatment plant and raised landfill to the east of the dualled A256. The bank, screening the treatment works and landfill site, is fenced and landscaped with tree planting. Further north but still to the east of the dual carriageway are a number of industrial users including paper recycling and car repairs businesses. To the west of this stretch of the A256 are the extensive car storage areas and buildings of the Universal Salvage Business site to the north of which lie the buildings and development related to the KCC Civic Amenity Waste Recycling Site.
2. Beyond and to the north lies Site A of the planning application (Richborough Hall). The site is separated from Stonar Cut by a strip of land in the ownership of the Environment Agency. Beyond Stonar Cut are Stonar Cottage (the closest residential property) and existing industrial premises, including the Stevens and Carlotti premises and recently erected industrial units.
3. Beyond this lies Site B, the former Astra Fireworks site, currently unused; and to the north the substantial cooling towers and turbine halls of the former Richborough Power Station. A Petrol filling station and a restaurant are located here and beyond this, the Pfizer Sports Ground.

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Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954



4. Both sites are bound to the west by the River Stour and the Saxon Shore Way (Public Right of Way) runs along the western bank. The raised land to the west of the River is the former KCC landfill site where filling was completed some time ago.
5. To the east and north-east of Site B and to the east of the Ramsgate Road is a large area of land relating to the River Stour channel and associated salt marsh and mud flats located around the river mouth and Sandwich Flats and is recognised as being of significant ecological value primarily for wading bird habitat and is protected by local, regional national and international designations which include:
 - Site of Special Scientific Interest (SSSI)
 - Special Protection Area (SPA)
 - RAMSAR
 - Special Area of Conservation (SAC)
 - National Nature Reserve (NNR)
 - Wildlife Trust Reserves
6. In addition the wider general area is covered by a number landscape designations namely the *North Kent Plain* (national), the *Wantsum and Lower Stour Marshes*, *East Kent Horticultural Belt*, *Thanet* (regional) and *The Sandwich Corridor*,

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Sandwich bay, Richborough Castle, Ash Levels Preston and Ash Horticultural Belt (local).

7. Approximately a kilometre to the south west of Site A is the Scheduled Ancient Monument of Richborough Roman Fort and amphitheatre, situated on an area of locally high ground
8. **Site A** is roughly rectangular in shape and immediately abuts the roadside verge to the A256 which includes a shared surface footway/cycleway, vehicular access to the site is provided via a separated 'left in/left out' junction situated centrally within the site. Upon entering the site visitor and staff cars turn left into a car parking area adjoining the two-storey administrative building. Vehicles carrying all wastes other than construction and demolition wastes turn right after the weighbridge and proceed to the 12m high waste processing shed (lying at the northern end of the site) for unloading. The northern part of the site also accommodates the workshop building and an area of open storage for skips and containers.
9. Vehicles carrying demolition and construction materials turn south into the inert materials storage and processing area. This part of the site accommodates the crushing and screening plant and machinery. There are stockpiles of unprocessed materials and bays containing graded processed material, as well as an area for the storage and shredding of green waste.
10. Significant views into the site are limited by the existing screen fencing/brick walling around the site although the tall existing MRF building, which is industrial in nature, is clearly visible above the fencing. A ten metre wide strip to the Ramsgate Road frontage has been landscaped in accordance with the existing planning permission granted on the site.
11. **Site B** is also roughly rectangular in shape and although generally flat has a slight fall from north to south and from east to west. The site has been derelict for a number of years and a number of buildings, vegetation and concrete areas have been removed as apart of early reptile mitigation works although a large strip of hard standing remains in the middle of the site.
12. The site is currently accessed at its southern end directly from the service road adjacent to the recently built industrial unit.

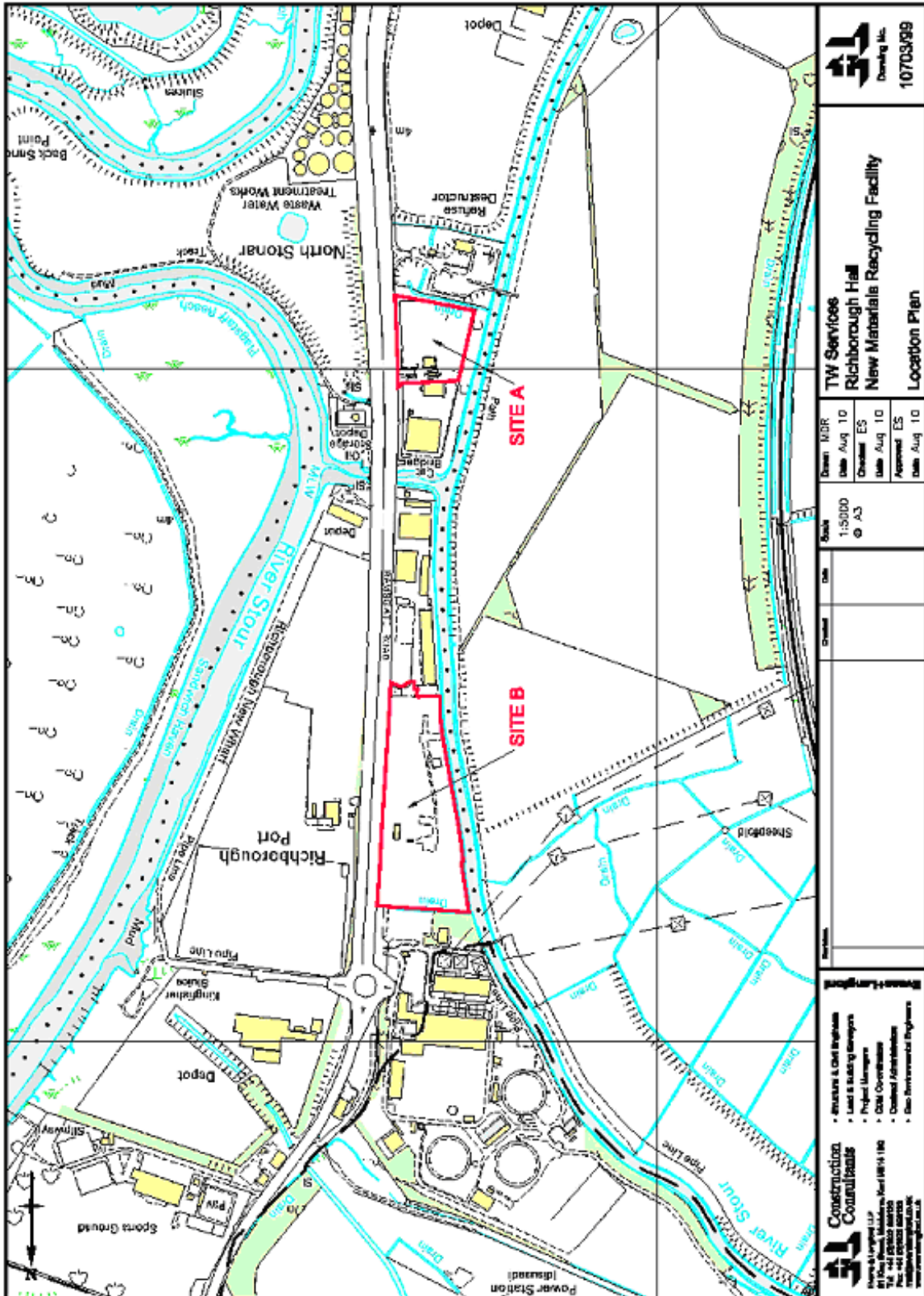
Planning History

Site A

13. Planning permission was granted to Thanet Waste Management by Kent County Council under reference DOV/03/477 for:

"The use of land and erection of buildings as integrated waste management centre,

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Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954

including separation and transfer of Category A, B and C waste and processing and storage of Category A materials with provision of new access and landscaping.”

NB: Category A (clean inert materials, i.e. construction and demolition waste)
Category B (commercial and industrial - paper, plastic, timber, metal)
Category C (putrescible - household and commercial and industrial)

14. The planning permission was also subject to two Section 106 Agreements. The first related to the then TW Services Waste Transfer Station Site at Manston Road, Margate - to secure the cessation of the use of that site, following the commencement of waste processing at Richborough. The second related to the application site at Ramsgate Road, now Site A, and in respect of: commencement of waste processing; requirement to enter into a Section 278 Highway Agreement in respect of the proposed highway works; to submit a conservation scheme for approval and to implement that scheme at the expiry of the 5 year maintenance period as required under Condition 21 of the planning permission.
15. The Integrated Waste Management Centre has been constructed in accordance with the approved drawings and further details submitted as required by Conditions and subsequent amendments. Operations commenced on the site in May 2007. It was envisaged that the site would originally deal with some 89,000 tonnes of waste per annum, reaching full capacity after some 8 years of 380,000 tonnes per annum (tpa). In addition to the controls on operation imposed through the conditions on the planning permission, operations at the site are controlled by the Environmental Permit issued by the Environment Agency. Approval of container storage to accommodate these Waste Categories A, B and C was granted on 18th September 2008, as a variation of Conditions 2 and 3 of planning permission DOV/03/477, following the submission on 25th July 2008. In 2009, planning permission DOV/09/68 was granted for amendments to the original planning permission to allow additional waste types to be accepted and for the siting of additional containers as an amendment to Conditions 2 and 3 - plan no. D2787/26C. In August 2009, the Council agreed to an increase in the height of the boundary wall enclosing car parking from 2.4m to 4m in height.

Site B (Planning History)

16. The site had an extensive planning history spanning the period from 1949 to 1994 associated with the use of the site for the manufacture of fireworks, these being dealt with by the district council.
17. Two planning applications were submitted in 2001 for the construction of an Energy from Waste Facility on the site - DO/01/429 and 442. It was proposed to develop a number of buildings which were to rise in stepped fashion from 20m to a maximum of 40m (for the stack) in height. The plant would handle 150,000 tonnes of waste per annum and would incinerate domestic, commercial and industrial wastes. Planning permission was refused in July 2001, largely because of lack of information on matters such as air quality, ground contamination, flood risk, case of

Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954

need, and the impact upon landscape, ecology and the Scheduled Ancient Monument (SAM).

Proposals

18. The planning application for the two sites is accompanied by an Environmental Statement which encompasses the following reports:

- Ecological Impact Assessment Report
- Reptile Survey and Evaluation Report
- Invertebrate Appraisal
- Lizard Orchid Mitigation Strategy
- Reptile Management and Mitigation Strategy and Interim Report
- Conservation management Plan
- Air Quality Assessment Report
- Transport Statement
- Landscape and Vistula Impact Assessment
- Flood Risk Assessments and Hydrology and Flood Risk for Environmental Statement
- Land Quality Assessments
- Noise Assessment
- Site Specific Risk Appraisal of Potential Bioareosol Releases

Appendix 1 and 2 include layout and elevation drawings on Site A and B respectively

Site A (Proposals)

19. The layout of the northern part of the site would remain unchanged and comprises:

- existing waste processing shed (general (skip) waste);
- existing workshop building;
- areas for open storage;
- related parking and circulation areas.

20. Within the application boundary but also remaining unchanged is the two storey administration building and car parking area for visitors and office staff as well as the weighbridge, wheel wash and green waste shredder.

21. *New Materials Recycling Facility* - The existing inert materials processing facility on the southern part of the Richborough Hall Waste Management site would be replaced with an 'L-shaped' building (max height 17.2m) of similar scale and appearance to the existing waste processing shed sited at the northern end of the Richborough Hall site. It is intended that the new Materials Recycling Facility would accept the household recyclable waste collected by the Thanet and Dover District Councils (and other East Kent Districts) as well as recyclable wastes generated by commercial and industrial businesses. All activities would take place within the new building and the waste separated and transferred for reuse and recycling elsewhere. These would mainly comprise the following materials:

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- Mixes paper including newspaper and office type paper;
 - Cardboard including packaging;
 - Plastics largely comprising HDPE, LDPE and PET;
 - Glass;
 - Metals in the form of ferrous and non-ferrous cans.
22. The facility is designed to accept and recover around 50,000 tpa of material, the process is described below.
23. The dry recyclables would arrive in the MRF reception area where it is then transferred by loading shovel into a bag splitter which delivers a steady stream of materials onto an inclined conveyor which in turn feeds a horizontal trommel. The trommel rotates at very low speeds and allows finer materials to drop through into a waste container, getting rid of unwanted smaller particles. The output from the trommel is then flattened between rollers and passed in front of an auto-sort device which separates different types of plastics by reading the colour density of the containers. Bottle and jars are crushed by two revolving drums and screened out from the plastic containers, any remaining non glass materials are blown out of the glass cullet using another auto-sort device. Cans are extracted by an over-band magnet and eddy current separator deposited into a bunker ready for baling, separating ferrous from non-ferrous materials. Finally paper and cardboard are selected via a range of mechanical and physical processes throughout a number of stages starting at a manual stage at the beginning of the process which entails the selection of oversized cardboard. This is to include the selection of other card based containers i.e. breakfast cartons and food packaging which are then fed into bunkers before transporting via conveyor to the baling press.
24. The final remaining materials at the end of the process are very rich in paper materials including office papers and newspaper and magazines which would be fed directly into the baling press. During the working day materials from the various bunkers are sent to the baling press where they are compressed into 500 kg bales, being taken on a continual basis into storage by a forklift truck. Any 'light' materials are stored within the MRF building in order to prevent windblown litter escaping into the yard area, ferrous and non-ferrous materials are stored outside in designated areas as hence do not pose a risk of escape.
25. It is anticipated that around 10% (5,000 tpa) of materials processed at the MRF plant will not be capable of reprocessing (contaminants) and would therefore be sent for final disposal. It is considered however that even these materials would have a relatively high calorific value and would therefore be sent to Allington EfW facility near Maidstone in the first instance (subject to acceptable commercial agreements); or another appropriately licensed landfill or treatment facility.
26. Once sufficient quantities of materials are produced they are either collected by various reprocessing companies in standard curtain-sided vehicles or transported by TWS controlled vehicles to the re-processors. It is envisaged at this stage that in order to reduce vehicle movements and transport costs most of the bulked materials will be exported from the site in backloaded TWS vehicles that have brought

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material into the site.

Site B (Proposals)

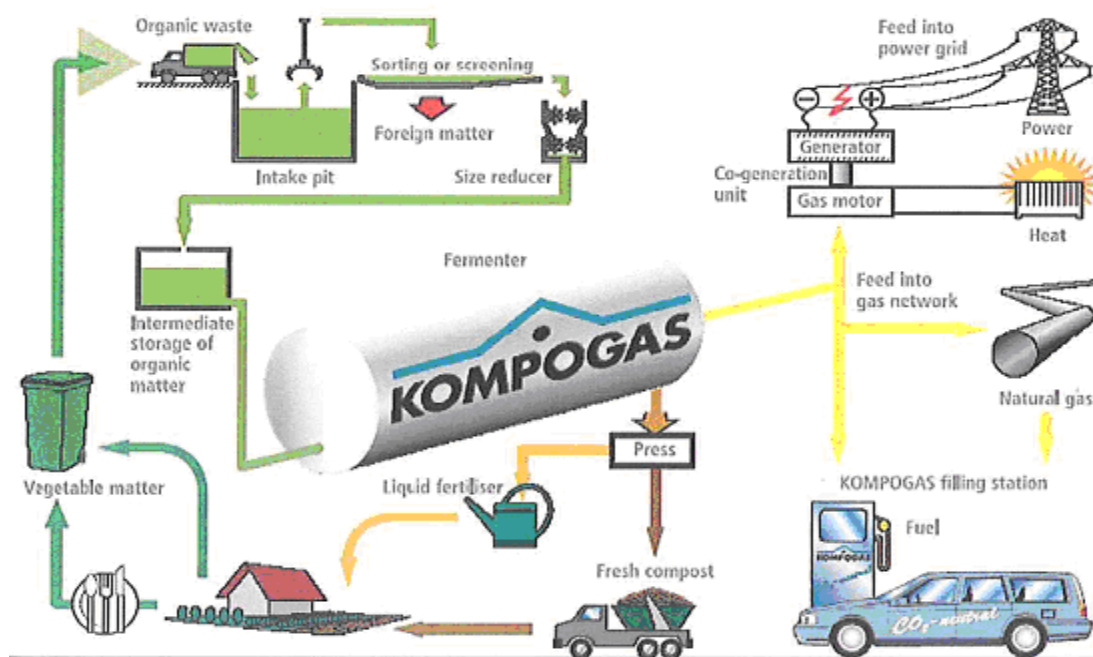
27. *Inert Materials Processing Facility* - It is proposed to transfer the existing inert materials processing facility from the southern part of the Richborough Hall site to the central section of Site B. The existing plant and machinery which is used to crush and screen demolition and excavation materials would be transferred to the new site along with the various environmental control methods for dust suppression, etc. Unprocessed and processed materials would be stored on the site, contained within concrete bays.
28. *Soil Washing Plant* - It is proposed that the crushing and screening plant would be complemented by a new soil washing plant which would enable further construction and excavation wastes to be processed for reuse. Water is used to separate silts and finer fractions in order to increase the recovery rate and quality of finished product. The silts are then pressed into filter cake that is largely inert in nature. By further drying it is intended that this product be sold for use in horticultural or landscaping works. This additional process is intended to produce secondary aggregates and graded construction aggregates of a higher quality than those produced by simple screening operations. It is intended that the process would keep materials under wet conditions throughout processing and water would be recycled and reused.
29. *Anaerobic Digestion (AD) Plant* - On the northern part of the site it is proposed to construct two buildings which would house an anaerobic digester plant and maturation shed, measuring 85m x 37m x 14.25m high and 75m x 37m x 14.4m high respectively. In addition there would be a separate building housing a gas engine and ancillary equipment that converts gas generated by the process into electricity. The AD building would process food and green wastes and ultimately composts and fertilisers would be produced. It is intended to accept the green and food waste collected by District Council household collections (across an agreed timeframe for each District). The waste materials would arrive at the site in the form of local District Council Refuse Collection Vehicles or by bulk (ro-ro) type vehicles. These would be either directly from District Authority collection rounds (possibly co-mingled green and organic waste) or green waste only collected from the various Household Waste Recycling Centres (HWRC) within East Kent.
30. *Process* – On arrival at the AD building, fast operating shutter doors would open to allow the vehicles to enter the reception area and discharge their loads. The shutter door would then be closed in order to contain odour and noise within the building. The waste deposited by each vehicle would be inspected to check compliance with the Environmental Permit. Accepted materials are then mixed by loading shovel within the stockpiles to provide a homogenous waste feedstock. Some small scale shredding takes place and a magnetic separator takes out metals such as food containers that often find their way into the feedstock from households.
31. The Kompogas process works by inputting a dry solids feedstock (typically 40%)

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into an entirely enclosed fermentor which operates without oxygen; micro-organisms transform the organic substance present in the material into the following elements:

- A solid compost fraction to be used as a direct soil enhancer;
- A liquid fraction that is highly rich in organic content and used on agricultural land as a liquid fertiliser, and
- A biogas that is converted to electricity via reciprocating engines and either used within the facility or exported to the grid for distribution. (The biogas is exhausted via biofilters).

32. The shredded green and organic waste is mixed with recycled liquid recaptured from the final dewatering. Recycling is necessary for both adjustment of consistency and for providing the waste feedstock with a suitable bacteria culture. The amount of fresh water used is highly dependant upon ammonia concentrations and the feedstock. The material typically takes 15-20 days at temperatures of 55 to 60°C to pass through the horizontal reactor resulting in the separation of waste fractions and the formation of a floating layer or settlement of heavy solids inside the reactor. The material is dewatered in a screw press, resulting in a sludge cake and liquid. The liquid is stored in enclosed tanks and used as a liquid fertiliser. The digestate cake is laid out in composting rows inside a separate part of the enclosed building. Through active aeration of the digestate, further stabilisation of the remaining organic material occurs. Following a short period of time the material would have turned into stabilised compost with low bacterial activity and would be move into the maturation building for a further two to three weeks. Refinement of the material takes place in the maturation building. The diagram below gives an indication of the process, although the biogas will only be used in this instance to supply a reciprocating engine which converts the gas into electricity.



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33. A staff and office building would be sited at the southern end of the site, the site would be enclosed using 8m high steel sheet walling to the Ramsgate Road frontage and at the northern and southern ends of the site, similar to that in use at the Richborough Hall site. Areas would be set aside for vehicle parking, a weighbridge and wheel washing facilities within the site. Alteration to the site access is proposed to give priority to vehicles entering the TWS site, whilst those generally lighter vehicle movements from the adjacent industrial units would have to give way.
34. It is proposed that activities on Sites A and B would operate Monday to Friday 07:00 to 18:00 hours and Saturday 07:00 to 13:00, although the proposed AD Plant and associated gas plant on Site B would operate 24 hours a day. Construction activities would not commence until 08:00 but would otherwise be the same as operational hours.
35. It is estimated that the proposed activities at Site A could generate a total of 240 HGV trips (480 movements) per day. At Site B the proposals could generate 150 HGV trips (300 movements) per day.

Planning Policy Context

36. **Waste Framework Directive (2008/98/EC):** Introduces a number of changes, including increasing the targets for recycling of non-hazardous construction and demolition waste – up to 70% by 2020, as well as a new waste hierarchy seeking to increase the use of waste as a resource.
37. **Waste Strategy for England 2007:** Seeks greater emphasis on waste prevention, re-use and increased diversion from landfill. Also included are higher national targets for the recycling and composting of household waste, recovery of municipal wastes and recovery of energy from waste. For food and green waste there is support for anaerobic digestion.
38. **National Planning:** Policies PPS1 (Delivering Sustainable Development), PPS1 (Climate Change Supplement), PPS 4 (Planning for Sustainable Economic Growth), PPS 5 (Planning for the Historic Environment), PPS9 (Biodiversity and Geological Conservation), PPS10 (Planning and Waste Management) (as updated to take account of changes to revised Waste Framework Directive), PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise) and PPS25 (Development and Flood Risk).
39. **South East Plan 2009:** Policies CC1 (sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC6 (Sustainable Communities and Character of the Environment), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10

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(Noise), NRM11 (Development Design for Energy Efficiency and Renewable Energy), NRM13 (Regional Renewable Energy Targets), NRM14 (Sub-regional Targets for Land-Based Renewable Energy), NRM15 (Location of Renewable Energy Development), NRM16 (Renewable Energy Development Criteria), W2 (Sustainable Design, Construction and Demolition), W3 (Regional Self-Sufficiency), W4 (Sub-regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting), W8 (Waste Separation), W10 (Regionally Significant Facilities), W11, (Biomass), W12 (Other Recovery and Diversion Technologies)W16 (Waste Transport Infrastructure), W17 (Location of Waste Management Facilities), M2 (Recycled and Secondary Aggregates), C4 (Landscape and Countryside Management), C6 (Countryside Access and Rights of Way Management), BE6 (Management of the Historic Environment), EKA1 (Core Strategy), EKA4 (Urban Renaissance of the Coastal Towns), EKA6 (Employment Areas), EKA7 (Integrated Coastal Management and Natural Park).

40. **Kent Waste Local Plan (Saved Policies) (March 1998):** Policies W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Separation and Transfer - Location of facilities), W10 (Composting and Digestion), W11 (Waste to Energy), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (PROW's) and W31 (Landscaping).
41. **Emerging Kent Waste Development Framework:** The background work for the emerging framework documents shows that there is a pressing need for additional waste facilities that can divert waste from going to landfill in the period 2010 to 2015. There is a particular need for additional facilities for recycling and composting for which there is expected to be deficit in capacity during the period of 2020 to 2025. The proposed development would also provide a new facility for safely managing food waste in east Kent and will divert food waste from going to landfill.
42. **Kent Joint Municipal Waste Management Strategy (April 2007):** Key elements of the strategy include; viewing waste as a resource, waste minimisations and re-use, a minimum level of 40% recycling and composting of household waste will be sought by 2012/13, timely procurement of treatment capacity for residual waste to ensure government targets are met for diverting biodegradable waste from landfill are met.
43. **East Kent Joint Waste Project:** The four East Kent Districts and Kent County Council have formed a group, the primary aim of which is to develop more cost effective waste collection, processing and disposal services, to minimise costs, deliver efficiencies and increase recycling. To this end the East Kent Joint Waste Contract 2010 has been awarded to Veolia Waste Management Ltd. This will be explored in greater detail later in this report.
44. **Dover District Council Local Plan:** Policy AS14 allows for industrial development and acknowledges the importance of the Ramsgate Road area both for industry and as a gateway to the District. It seeks to protect the visual amenity, the historic environment, nature conservation interests and prevent flooding in the area.

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45. **Dover Local Development Framework (LDF)** In the transition towards the new Local Development Framework, a number of old policies were 'not saved'. Following the adoption of the first LDF documents in February 2010, a number of other policies have been replaced by Adopted Core Strategy Policies, however the Proposals Map rolls forward allocations and policy designations as 'saved Policies'. Relevant Policies are: CP6 (Infrastructure), CP7 (Green Infrastructure Network), DM1 (Settlement Boundaries), DM2 (Protection of Employment Land and Buildings), DM11 (Location of Development and Managing Travel Demand), DM12 (Road Hierarchy and Development), DM 13 (Parking Provision), DM 15 (Protection of the Countryside) and DM 16 (Landscape Character).
46. **Thanet Local Plan and Local Development Framework:** Application Site B lies close to the administrative boundary between Dover and Thanet District Council, which runs through Richborough Power Station to the north. Although the Proposals Map of the adopted Local Plan (June 2006) identifies a number of designations, not all the associated policies have been 'saved'. The new LDF is at a relatively early stage but follows the same general aims contained within the old plan and has been prepared against the background of the Adopted South East Plan.

Consultations

47. Consultations were carried out and the following comments received:

Dover District Council: *Wildlife* – No objections. *Air* - provided the mitigation measures identified to control fugitive emissions are employed, the overall impact is negligible or no impact. A number of measures are proposed to reduce the potential for bio-aerosols releases and these should be carried out. There is potential for releases from the bio-filter, which may present a low/medium risk for worker at the Richborough Power Station and users of Ramsgate Road. This issue should be examined closely by the regulator to ensure that the mitigation measures proposed are implemented fully and that the site management plans to control emissions are kept up to date. *Noise* – suggest a later start time for construction hours of 08:00 Mon-Fri and 09:00 for Sat.

Thanet District Council: No objection subject to conditions restricting hours of operation (and HGV movements), early replacement of bio-filter if complaint received or nuisance evidenced, dust control measures conditioned, mitigation measures for protected species to be agreed with Dover DC and advise that the Environment Agency will be responsible for permitting the operations and enforcing any odour or noise conditions through the permit.

Sandwich Town Council: No objection and positively supports the proposals.

Worth Parish Council: No comment

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Ash Parish Council: No views received

Minster Parish Council: No views received

CPRE: No views received

DEFRA Animal Health Division: No views received

DEFRA Rural Planning Issues: No views received

Divisional Transport Manager (East Kent): No objection subject to conditions requiring provision of parking of construction vehicles, storage of materials and wheel washing facilities to be submitted and approved prior to commencement of works; construction of access roads, parking, sight lines and vehicle turning facilities prior to commencement of operations, gates to be set back 16 m from highway and submission of travel plan.

EDF: No objection

English Heritage: No comments but advise that the application should be determined in accordance with national and local policy guidance, and on the basis of our own specialist conservation advice.

Environment Agency: No objection subject to conditions requiring: a flood storage compensation scheme be submitted for prior approval, a scheme to manage unexpected contamination should it be encountered and conditions requiring storage fuels, oils and other potentially contaminating materials in accordance with the Control of Pollution Regulations 2001.

Health Protection Agency: Provided installations are constructed and operated using Best Available Techniques (BAT), and appropriate monitoring of proposed mitigation in terms of gas and odour emissions, no objection. *(Note: EA have confirmed these are matters would be covered in an Environmental Permit)*

Highways Agency: No objection

KCC Biodiversity Officer: Having considered the information provided in the application and Environmental Statement and following the Applicants response to initial issues raised no comments in relation to Site A. Site B comments as follows: Reptiles - If there is a delay in Phase 2 of the reptile translocation to the receptor site then further surveys on the receptor site must be carried out to ensure the carrying capacity of the receptor site is not exceeded. Once translocation is completed the development site must be fenced and managed to remain unsuitable for reptiles. If there is a delay in starting the proposed development then the site will need to be resurveyed to ensure there is no habitat present on site suitable for reptiles. If suitable habitat is found there may be a need for further reptile surveys to be carried out to ensure none are present. Orchids – Must be translocated as detailed in the mitigation strategy and the management plan for the site altered if monitoring

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highlights a change is necessary. Recommendations from the Bat Conservation Trust with regard to lighting should be adhered to.

KCC Landscape Consultant (Jacobs): Site A – accept proposals to submit tree protection plans (required by condition). Site B – a buffer of native tree and shrub vegetation would be appropriate along the boundary with the River Stour which would soften views of the proposals from the Saxon Shore Way footpath, however would not maintain an objection to the landscape element of the proposed development.

KCC Noise, Dust and Odour Consultant (Jacobs): Noise – Satisfied that noise generated by activities during the construction and operation on both sites would not have an adverse impact upon nearby residents or the nearby Thanet Coast and Sandwich Bay SPA/ Ramsar Sites. Bioaerosol – Appropriate mitigation will ensure that bioaerosol releases would be kept to a minimum level and that the nearest relevant receptors are too distant to be affected by any releases from the proposed development. Air Quality – The results of the air quality assessment demonstrate that dust, odour and ammonia releases would be effectively controlled through mitigation measures, involving the use of multiple large biofilters to control the potential ammonia and odour issues. Any vehicular and combustion emissions would have a negligible or minor impact upon the nearby residential properties and ecological sites. Therefore, no further consideration is required.

KCC Public Rights of Way: No views received

KCC Waste Management Unit: The Waste Disposal Authority has a statutory duty to seek provision for domestic waste disposal arisings in Kent, and the additional proposed waste handling capability which constitutes a key component of the waste stream is to be welcomed. In principal therefore, the Waste Disposal Authority would support the additional handling and processing capacity for these Categories of waste.

In keeping with the “proximity principle” It is the aim of Kent County Council and supported by the Twelve Kent District Councils to dispose of 100% of household waste within the County. The introduction of an additional capacity would be a potentially welcome outlet for treating this category of material. Indeed, the “Kent Joint Municipal Waste Management Strategy” clearly identifies a requirement to reduce the amount of untreated or processed waste to be able to meet ever stricter EU Directives, Government targets and Best Value Performance Indicators.

In order to meet its Statutory obligations under the Environmental Protection Act 1990, the Waste Disposal Authority is required to seek Competitive Tenders for the processing of all domestic waste arisings in Kent. KCC currently uses facilities provided by the applicant at its existing Richborough Bulk Waste Transfer Station. The criteria currently applied by the WDA in the award of waste contracts includes inter alia that particular consideration be given to the environmental impact of the proposal, recycling targets set by Government, the operational requirements of the Waste Collection Authorities (District Councils), the minimisation of traffic and the technical sustainability of the process

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The Waste Disposal Authority in partnership with the four East Kent District Councils (Dover, Shepway, Canterbury, and Thanet) has recently carried-out an extensive procurement process to secure waste management services in the East Kent Area up to 2020. The contract (the East Kent Joint Waste Contract 2010) has been awarded to Veolia Waste Management Ltd., (VWM). The contract which commenced on 16 January 2011 provides inter alia for the following services:-

- Waste collection services for Dover and Shepway District Councils
- Street Cleansing Services for Dover and Shepway District Councils
- The processing of separated collected dry recyclables and composting materials and any associated transfer and haulage requirements from Dover and Shepway Councils with effect from the contract start date.
- The processing of separated collected recyclable and composting materials (and any associated transfer and haulage requirements from Canterbury and Thanet Councils with effect from 2013).

The collection methodology that will be provided is for the collection of two separate streams of dry recyclables (paper/card and cans/plastics/glass) and two separate bio-waste streams (food/kitchen and garden waste).

The data modelling we have carried-out based on Waste and Resources Action Programme (WRAP) research elsewhere estimates that the selected collection methodology will generate not less than 21,000 tpa of food waste and 18,000 tpa garden waste. I would point out that these are conservative estimates and over the contract period we expect these annual quantities to increase year on year.

Veolia's proposals for bio-waste processing under the new contract for the food waste element are based in the short term on transfer from East Kent to the New Earth Solutions facility at Blaise Farm, West Malling. In the longer term (from 2013) they are based on the use of the proposed Anaerobic Digestion facility at Richborough (the subject of this application). We are advised by VWM that they are in the final stages of negotiation to secure a binding agreement with Thanet Waste Services Ltd for the use of this facility.

The separately collected garden waste arisings under the contract are scheduled to go to the Hope Farm composting facility near Folkestone. However, my understanding is that the Hope Farm facility may need to seek additional consented capacity to meet the proposed demand from 2013 when Thanet and Canterbury garden waste arisings are added to the contract processing requirements. The only other outlet in the area for green garden waste is the Shelford Composting facility at Canterbury. KCC has a contract in place with the operator until 2016 and will largely use all the consented capacity at this site for the processing of garden waste arisings from the Household Waste Recycling Centres in the East Kent area. *(Author's note: these comments were made prior to the recent approval of the Otterpool AD Plant at Sellindge).*

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(KCC Waste Management Unit Continued)

In our view, to better meet proximity principles, and providing the technology proposed for the Richborough AD Plant is suitable, some consideration should be

given to utilising this facility for a proportion of the green waste arisings from Thanet and Canterbury areas. This would reduce the need for transfer at Richborough and the impact of haulage to Hope Farm (or elsewhere for that matter). Anaerobic Digestion technologies do differ and some systems will readily accommodate a significant proportion of garden waste co-processed with food waste input. In fact some systems require a proportion of garden waste to achieve maximum efficiency. Therefore the overall bio-waste capacity requirements across the region together with the need to minimise transport impacts should be aiming for some rationalisation in the future.

The possibility of the adoption of similar collection systems elsewhere in Kent in the future is being actively considered by KCC in conjunction the other eight Kent Districts. The system results in significant increased diversion from disposal and initial data modelling work is currently underway. The resultant potential disposal cost savings, together with the need to meet government targets for recycling and composting, (50% by 2020), is obviously attractive to the Kent Authorities. This will inevitably lead to increased bio-waste processing capacity requirements across the region in the future.

This proposal is a local solution to a local need aligning well with the proximity principle, government strategy, and the Kent Joint Municipal Waste Strategy. It would make significant contribution towards our aim to further increase recycling and composting and to reduce the amount of waste going to landfill. In summary, the Waste Disposal Authority fully supports this proposal. It is a fundamental plank of the East Kent Joint Waste Contract 2010 and the development of successful and efficient waste services in the area in the future.

Kent Wildlife Trust: No objection subject to conditions relating to avoid/minimise discharge of pollutants into the adjacent water bodies, mitigation measures fore reptiles and the lizard orchid, and habitat enhancement initiative in the vicinity of the site to compensate for loss of Site B's open mosaic habitat.

National Grid: No views received

Natural England: In reference to Regulation 61 of the Conservation of Habitats and Species Regulations 2010, having considered the information provided they are satisfied that the noise and air quality impacts (resulting from dust deposition and vehicle movements and including nitrogen deposition) associated with the construction and operation of the plant are unlikely to result in significant effects upon the nature conservation designated sites. This is subject to implementation of measure identified in the Environmental Statement, namely: noise and dust suppression, screening of site to minimise human disturbance, measure to ensure contaminated run-off does not enter the River Stour and the statutory nature

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conservation sites and minimal, directional lighting around the application site. NE welcomes ecological survey and recommends consulting KCC ecologist upon the results of the survey and the mitigation proposed..

Natural England (DEFRA) (Agricultural Management Issues): No views received.

RSPB: Welcome the clarification that has been provided that predicted noise levels will not exceed 55dB, which we accept is at a level that is likely to have a low effect on bird behaviour. To ensure noise emissions do not exceed this anticipated level, we recommend that a condition be placed on any consent requiring periodic noise monitoring during both the construction and operational phases of the development.

The River Stour (Kent) Internal Drainage Board: No objection – In summary , comments that Site B is the final outlet for the whole of the Stour Catchment, where previous development in the area has already confined the river to a narrow channel, and resulted in the significant loss of flood plain. In order to avoid adverse cumulative effects, the Board supports the Environment Agency's request for compensatory storage. Riverside land-raising (past and proposed) has the potential to reduce flood conveyance capacity, restricting the river's ability to evacuate extreme flood flows in the future, thus worsening upstream flood risk. The Board query the accuracy of the flood level data and comment that a precautionary approach is strongly advised for this location. The Board acknowledge that the 8 metre wide riverside margin provides an area of hibernacula and is concerned this could further reduce flood storage and conveyance capacities and access for river maintenance. However notwithstanding these concerns and in light of the proposals to reduce the level of the access road the Board will not persist in maintaining a formal objection to the planning proposal.

Water Company (Southern Water): The Applicant is advised to consult the EA regarding the use of a private treatment works and the relevant land drainage authority regarding the discharge of surface water too the local water course.

Representations

48. The application has been publicised both by site notice and newspaper advertisement and 9 local resident/business properties were notified, none of which responded. However I have received 2 letters of objection from local farmers who farm land in the vicinity and alongside the River Stour. Their concerns relate primarily to land raising and the subsequent increased flood risk on valuable farm land (and crops) upstream, in areas where the EA will not allow local landowners to raise river banks to prevent flooding, thus having a significant impact upon peoples livelihoods. They also express concern that liquid waste from the processing of green and food waste may get into the river damaging aquatic life and spreading disease to livestock. It is suggested that industries should pay for the desilting of the river to get better flows to help the problems being caused upstream. It is also suggested that the Applicant has commenced development prior to planning

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permission having been granted.

49. **Laura Sandys MP for South Thanet:** Reiterates the concerns expressed above regarding flood risk and the impacts upon farmland upstream, as well as Sandwich itself; and is particularly interested in the wider strategic impact the decision may have on the local community and preparation for rising sea levels. These are points that she has also raised with the EA.

Local Members

50. The County Council Member Mr Leyland Riding was notified of the application in October 2010 and the additional information/response to consultees received in January 2011. No written comments have been received to date.

Discussion

51. Background Policy and Strategy - There is support in principle for the development of alternative waste management proposals including waste transfer/ recycling existing at both the national and local level, where waste should be considered as a resource with the aim of reducing the amount of waste going direct to landfill. Similarly the establishment of waste infrastructure projects needed to deliver this strategy is recognised as being essential. The Waste Strategy 2007 specifically seeks to encourage a variety of energy recovery technologies (including anaerobic digestion) so that unavoidable residual waste is treated in the way which provides the greatest benefits to energy policy. The Climate Change supplement to PPS1 supports investment in renewable and low-carbon technologies that help deliver sustainable development and tackle climate change. The Kent Joint Waste Municipal Waste Strategy recognises waste as a resource and encourages after waste minimisation, recycling and composting as well as energy recovery, thereby assisting with the reduction of waste going to landfill.
52. The Development Plan - Specifically Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is constantly evolving.
53. Prior to the publication of PPS10 and Waste Strategy 2007, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO against individual planning applications should be afforded substantial weight in the decision making process.
54. The new advice in PPS10 moves the consideration BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) process applies to the Plan.

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However, where planning authorities' current waste policies have not been subject to the SA/SEA process (as is the case with the Kent Waste Local Plan), it is appropriate to consider planning applications against the principle of BPEO.

55. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against the saved Kent Waste Local Plan Policies and other development plan policies. This is fully consistent with the approach Local Planning Authorities' are advised to adopt as set out in PPS10.
56. Policies W3, W6, & and W9 of the Kent Waste Local Plan identify the location criteria against which individual proposals will be considered, whilst policies W18 to W22 and W25, W27 and W31 set out the operational criteria.
57. Importantly both sites A and B fall within the area allocated within the Kent Waste Local Plan as being suitable for firstly preparation of Category A (demolition) waste and secondly as appropriate for proposals for waste separation and transfer. In addition Policy W10 lists the criteria to be considered relating to proposals for composting and digestion plant. These are:
- that the site is within an established or committed industrial, or industrial type area,
 - that the proposal would not cause significant harm to residential amenities due to noise, dust smell or visual impact
 - that the site has, or is planned to have ready accessibility to the primary or secondary route network
 - that the proposal would not be unduly obtrusive in the landscape
 - that the impact on the natural environment would be minimised

It is considered that the application sites meet this criterion.

58. Locating the proposed waste management facilities at these sites therefore has general policy support in terms of being appropriate locations for this type of development.
59. I now propose to consider specific issues with regard to the proposed development itself in terms of the nature of the waste management activities proposed and their subsequent potential impacts upon the environment. It also relevant at this point therefore to consider the need for the provision of such facilities. The main issues for discussion in this particular case therefore are:
- Need for the proposed development
 - Alternatives, sources of waste and the proximity principle
 - Environmental Impacts - Flood Risk, Ecology/Biodiversity and Landscape/Visual Impact.
 - Other amenity impacts
60. It should be borne in mind that these waste management proposals would also be subject to the separate waste permitting regime administered by the EA, which specifically controls the potential pollution impacts of the proposals.

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Need

61. The current situation for the various waste streams in East Kent is as follows:

Recyclables: Co-mingled materials collected by Thanet District council are either bulked up at the existing TWS Transfer Station at Richborough Hall (Site A) or delivered directly to the Viridor Waste Management MRF at Hersden, near Canterbury. Similarly materials collected by Dover District Council are bulked up at the TWS site and sent to the same Viridor Hersden site.

Green waste: Currently collected by Thanet and Dover District Councils are bulked up at TWS before being sent to an in-vessel composting site at Ridham, near Sittingbourne, or even further afield to a facility in East Sussex. Green wastes collected by Canterbury City Council are presently taken to the open windrowing composting facility at the Viridor site at Shelford.

Inert material: The existing inert Materials Processing Facility at Site A generally receives materials from the East Kent area.

There is currently no waste soils treatment facility within East Kent.

62. In keeping with the 'proximity principle' it is the aim of the County Council supported by the District Councils to dispose of 100% of household waste within the County. The East Kent Joint Waste Partnership has worked toward a solution to all of East Kent's household waste arisings that would provide a proximate solution, significant economies of scale, CO₂ reductions and thus financial savings by procuring a contract arrangement that covers all four districts.

63. The contract (up to 2020) has been awarded to Veolia Environmental Services (UK) Plc who operates from Ross Depot in Folkestone and Tower Hamlets Depot in Dover. The tender submission document explained the role of Thanet Waste Services in accepting, processing, bulking-up and transferring elements of the various household waste streams. It is my understanding however that whilst desirable, the award of the contract was not 'dependant' upon the provision of the facilities proposed in this application. The Applicant has set out how the proposed facilities would currently, and in the future, contribute to the management of **household** waste arisings in East Kent as shown on Table 1 on the next page:

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Table 1.

	Dover	Shepway	Canterbury	Thanet
Paper/Card	Currently bulked up at Richborough Hall and transferred to Erith	No TWS involvement. Material moved on from Ross Depot (Folkestone) by others	From April 2013: Bulked up at Richborough Hall or sorted and separated within new MRF and transferred to Erith	From April 2013: As per Canterbury
Container Mix	Currently bulked up at Richborough Hall and TWS transfer to Rainham, Essex From April 2013: Waste sorted and separated within new MRF and transferred onto reprocessing facilities elsewhere	Currently moved on from Ross depot by others. From April 2013 Waste sorted and separated within new MRF and transferred onto reprocessing facilities elsewhere.	From April 2013 waste sorted and separated within new MRF and transferred onto reprocessing facilities elsewhere	From April 2013: Wastes sorted and separated within new MRF and transferred onto reprocessing facilities elsewhere
Food Waste	From May 2011 bulked up at Richborough Hall and transferred onto Blaise Farm Composting Plant From opening AD Plant Food waste composted in AD Plant (mixed with garden/green waste)	Currently no TWS involvement From opening of AD plant Food waste composted in AD Plant (mixed with garden/green waste)	Currently no separate collection From April 2013 food waste composted in AD Plant (mixed with garden/green wastes)	From April 2013: As per Canterbury
Garden Waste	From May/June 2011: Waste from southern Dover taken directly to Hope Farm (Hawkinge). Waste from northern Dover bulked up at Richborough and transferred to Hope Farm From opening of AD Plant: Waste from northern Dover composted in AD plant: waste from southern Dover to continue to be taken to Hope Farm	No TWS involvement Delivered direct to Hope Farm	From April 2013: An element of green waste will be composted to provide 50:50 food/green waste mix required for Kompogas technology	From April 2013: As per Canterbury

NB. Richborough Hall is the current operations on Site A

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64. Richborough Hall (current Integrated Waste Management Centre – IWMC) has been processing around 380K tonnes per annum (tpa) made up of the following:
- 200K tpa solid waste (construction and demolition)
 - 114K tpa commercial and industrial waste (business activities)
 - 60K tpa biodegradable waste (municipal or similar)
 - 6.4K tpa hazardous waste (mainly asbestos) transferred directly to registered processors.
65. The applicant submits that the majority of this material is generated and will continue to be generated within East Kent.
66. It is proposed that the handling of the 200K tpa construction and demolition waste stream would be relocated to Site B to allow room for the development of the proposed Materials Recycling Facility (MRF) on Site A. The new MRF would have the capacity to accept and recycle 50K tpa of municipal and commercial (recyclable) material. The applicant estimates around 42K tpa would be available from the four district municipal collections alone (from 2013).
67. The proposed AD Plant (and bio-gas generated engine) on Site B would have a capacity of 25K tpa which would be largely taken up by the predicted food waste arisings (along with the required mix of green waste) from the four districts. The Waste Disposal Authority (WDA) estimates, based on research elsewhere, that the selected collection methodology in East Kent will generate not less than 21k tpa of food waste and 18K tpa of garden waste. These figures represent a conservative estimate and over the contract period the WDA expect these annual quantities to rise year on year. Should over time these waste arisings grow as predicted, Veolia would be contractually obliged to provide additional capacity elsewhere. In addition to the AD Plant and relocation of the construction and demolition waste stream, it is proposed to develop a 250K tpa (processing capacity) soil washing facility which would clean, grade and manufacture a quality product that could be used within construction materials (recycled aggregates) and landscaping projects in place of virgin materials. The plant would include a relatively complex arrangement of feed conveyors, separation equipment (screens/sieves) and a washing plant and press. The applicant promotes this facility as state of the art, not currently available within east Kent, and as contributing significantly to the reduction of reliance on land and marine won aggregates within the County.
68. Given the WDA estimates of waste arisings within East Kent I am satisfied that there is sufficient waste available to justify the development of these additional waste management faculties from a need point of view. Indeed the East Kent Joint Waste Contract has been awarded on the basis that these facilities if permitted would make a significant contribution to the management of those waste arisings. The above proposals are considered to offer a local solution to a local need, aligning with the proximity principle. Furthermore the management and reduction of volumes of waste within the area from which they arise means there are significantly less vehicle movements involved, thereby reducing the CO₂ emissions from those that would be generated by transporting the waste further afield, thus reducing the contribution to

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climate change. As such the proposals accord with government policy and waste strategy and the Kent Joint Municipal Waste Strategy by contributing to increased recycling and composting rates, diversion of waste from landfill, reduction in emissions and utilising energy recovery technology.

69. Members will recall the proposal for a similar standalone AD Plant at Otterpool Quarry near Sellindge was recently granted planning permission. The Otterpool facility does not feature in the East Kent Joint Waste Contract but was promoted as offering additional organic waste treatment capacity (for both municipal and commercial and industrial waste streams (C & I)) above and beyond what the TWS proposals would be capable of providing. This was accepted by members. It was concluded in the Otterpool report to committee that there would be a need for additional capacity as capture rates of this type of household waste increase as well those from commercial and industrial sources. The Otterpool report concluded that even with the TWS facility there may well be a shortfall in capacity when all four East Kent districts come on stream. Furthermore Otterpool could handle organic waste arisings from elsewhere within the County. I do not propose to consider the Otterpool AD Plant any further as in my view this permitted facility has no bearing on the need considerations in this case.

Alternatives

70. As the application is accompanied by an Environmental Statement it is necessary for the developer to consider the main alternatives to the scheme that it the subject of the planning application. The applicant submits that the proposals for Site A effectively swap one waste related use for another waste related use. In so doing the construction of the new MRF would complement the existing waste processing and transfer facilities on the remainder of the site. The provision of the additional recycling capacity has been designed to incorporate full environmental controls and would meet the identified need for additional capacity in East Kent. The applicant argues that there are no alternative locations within the East Kent area identified within the Kent Waste Local Plan of the scale that could accommodate the MRF proposed to deal with the locally generated waste arisings.
71. Site B allows for the relocation of the existing crushing and screening operation onto a larger area thus meeting the twin objectives of further reducing the demand for landfill and for extraction of virgin aggregates. Furthermore the addition of the soil washing plant would allow a greater volume and range of construction, demolition and excavation wastes to be dealt with on one site. Turning to the AD Plant, as discussed above, this facility is contracted to provide for the food and green waste within the area and would offer good highway links and thus a proximate solution to the waste arisings within East Kent, whilst at the same time recovering energy by producing a biogas to produce electricity.
72. The Applicant submits that the proposals have been developed and modified through the design process to ensure that the intended processes and control measures maximise mitigation of any environmental impacts.

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73. The applicant concludes that given the waste hierarchy, the emphasis on reuse and avoiding waste residues, coupled with the benefits of reducing impacts upon climate through carbon emissions means that to do nothing is not an option. The need for modern, purpose designed facilities with appropriate environmental controls is documented in recent and emerging policy documents which identify the East Kent Area as requiring additional treatment capacity. It is submitted that there are no other alternative, suitable sites which are identified for waste uses that would be more proximate to the sources of waste or would offer the benefits of integrated waste management of the scale required. I see no reason to disagree with any of these conclusions. PPS10 recognises the need for an adequate and timely provision of new waste management facilities. It encourages co-location of facilities and with complementary activities; the proposals meet these criteria. As such the development could be considered as offering the best alternative in accordance with the principles of PPS 10 resulting in development that is of the right type, in the right place and at the right time.

Flood Risk

74. In accordance with Planning Policy Statement 25 – ‘Development and Flood Risk’ (PPS25), the planning application is supported by a Flood Risk Assessment (FRA) for both Sites A and B, to consider the risk of flooding, the measure that may be required to manage that risk and the impacts of climate change. The proposed MRF building on Site A lies within Flood Zone 3A (high probability tidal flood) and under PPS25, has a high probability of flooding. In consultation with the Environment Agency (EA) it has been confirmed that the site is not modelled within the fluvial extents, up to and including the 1 in 1000 year undefended scenario, therefore the site lies in a Flood Zone 1 with respect to fluvial flooding. The report comments that the site with proposed levels of at least 4m AOD lies well above all of the modelled fluvial flood levels.

75. Again in accordance with PPS 25 it is necessary to apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk. The FRA concludes that although the proposed MRF on Site A is within a flood Zone 3A it is within an existing waste management centre and is considered a reasonably available site, as such it satisfies the sequential test. The proposed MRF is considered to fall within a ‘less vulnerable’ classification such that an Exception Test is not required as set out in PPS25. The Environment Agency has no objection to development proposed for Site A.

76. The northern end of Site B lies in a Flood Zone 2 (medium probability) (this is the area proposed for the AD facility (including the gasification plant and the storage of the maturing material), and the washing plant, along with some of the storage bins and parking bays. The southern end of the site lies in a Zone 3A (high probability). The areas of the site raised to 4.00m AOD as part of the development would have a slightly reduced likelihood of flooding but would still remain within a Flood Zone 3A

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as the raised level is below the 1 in 200 (0.5%) flood level. Again this risk is principally in relation to tidal rather than fluvial flooding.

77. The applicant points to the allocation of this site within the Kent Waste Local Plan as being appropriate for waste related uses as well as being within an area that is identified for employment developments as detailed in Policy AS14 within the Adopted Dover Local Plan. In addition the applicant comments that the EU Waste Framework Directive, PPS 10 and the Waste Strategy 2007 recognise the need for waste processing and recycling. As such with the lack of other alternative sites the applicant argues this site provides sustainability benefits by providing a locally accessible facility for the specified wastes, and concludes satisfies the Sequential Test set out in PPS25. Again the FRA for this site identifies the proposed use is classified as 'less vulnerable' and as such does not require an Exception Test.
78. Flooding issues have been raised in the 2 letters of representation and by the local MP. There has been much discussion between all interested parties about the fluvial and tidal flood levels and flood conveyance capacity. However I am advised that the EA accept the data used is the best information available and takes into account climate change. Following negotiations with the EA it is now proposed to provide sufficient volume of flood storage compensation using an 80 metre long box culvert between the access road and hibernacula in the north-west corner of the site. The Internal Drainage Board (IDB) supports the provision of this compensatory flood storage capacity. In addition the Applicant is proposing that the access road is lowered from the original proposal of 4.0m AOD to 3.5m AOD as far as the entrance to the crushing area (at the same level as the Stevens and Carlotti site to the south). The EA does not raise objection to the proposals.

Biodiversity and Ecology

79. An Ecological Impact Assessment forms part of the Environmental Statement and thus the planning application documentation. The report examines the ecological impact of the related waste development proposals on both Sites A and B. The potential impacts through the construction phase and operational phase have been assessed, not only on the sites themselves but also on the nearby designated nature conservation sites. The report concludes that there would be no direct land take or reduction in habitat area of any designated site as a result of the development, nor would the development lead to any habitat or species fragmentation within the sites during the construction phase. As such the ecological report concludes that the proposals are not likely to have any significant impact on Thanet Coast and Sandwich Bay SPA and Ramsar Site, Sandwich Bay SAC and Sandwich Bay to Hacklinge Marshes SSSI as well as other statutory and non-statutory designated nature conservation sites within its zone of influence. Specifically the RSPB are satisfied that as noise levels would not exceed 55dB they are likely to have a low effect upon bird behaviour within the SPA/Ramsar site.
80. The report advises that as the new MRF building would be constructed within the already developed Site A, with no works or encroachment into areas around the periphery of the operational area (that were used to provide an on-site receptor site

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for the translocation of reptiles as part of the mitigation during the original development of the site), it considers that there would not be any likely significant ecological impacts from the development and, therefore, has not been subject to any further consideration. In line with Natural England's standing advice we have consulted with our own ecological advisors who concur with this view.

81. The report comments that Site B however, as the former Astra Fireworks Factory is a site that has through abandonment, developed a mosaic of secondary habitats, similar to semi-natural habitats that occur on undisturbed land. Through early surveys the site was found to support a colony of nationally rare Lizard Orchid and an assemblage of reptiles of greater individual value. Mitigation strategies were worked up for the proposed development. Firstly with regard to the Lizard Orchid it was concluded that they could not remain in-situ and would therefore need to be translocated. The translocation site is identified as an area of land at the entrance to the proposed development site and along the roadside verge at the southern end. The applicant proposes a 5 year monitoring and management plan, (already submitted as an appendix to the Ecological Impact Assessment). An appropriate licence would be required prior to their removal from Natural England.
82. Secondly following confirmation of the presence of three species of reptiles, grass snake, slow worm and common lizard, implementation of a reptile management and mitigation strategy began in the summer last year. Essentially the mitigation proposals require exclusion and translocation from the proposed development site in a phased approach. These works themselves do not require planning permission in their own right and Phase 1 has already been carried out so that the steps involved take place at the appropriate times of the year, and so as not to cause significant delays. These works have been subject to the involvement of the KCC Biodiversity Officer to ensure that they follow adopted standards and levels of good practice.
83. During the operational phase the ecology report identified that the development at Site B has the potential to impact upon water quality through pollution and contamination of surface water runoff. However the FRA includes an outline drainage plan which identifies that surface and roof water would require relevant Environment Agency consent before discharge to the river. Catch pits, interceptors, flow devices and non-return flap valves would also be required. Additionally it is proposed to collect and store some surface and roof water to be recycled for dust suppression on site. Foul water would be dealt with using a packaged treatment plant. Leachate from the Kompogas process would be collected separately in a leachate tank which would be emptied as required. Following the issue being raised by the EA the applicant has now confirmed that the soil washing plant drainage system is a complete closed loop system which would recycle as much water as possible back into the plant. Contaminated soils would not go through the system and as such the EA is now content with the proposed surface water drainage proposals for the drainage plant.
84. In summary the impacts of the proposals upon the ecological interests of the sites' and their surrounding areas have been assessed. Appropriate strategies to mitigate against potential impacts have been put forward, as have longer term management plans. The various consultees on ecological matters are satisfied with the proposals

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put forward.

85. *Appropriate Assessment:* Following the basis of this advice it is not considered necessary to carry out an Appropriate Assessment of the proposals. Indeed Natural England has specifically responded on this point.

“This reply gives our advice on the requirements of Regulation 61 of the Conservation of Habitat and Species Regulations 2010.

...based upon the avoidance measure during construction and operation detailed within the environmental statement being fully implemented, namely:

- *Noise and dust suppression during construction and operation;*
- *Screening of the site to minimise human disturbance;*
- *Measures to ensure contaminated run-off does not enter the River Stour and the statutory nature conservations sites; and*
- *Minimal use of lighting around the application sites. Any lighting which is to be installed will be directional away from the designated nature conservation sites*

Subject to the above avoidance measures being fully implemented with appropriately worded conditions or a Section 106 agreement prepared to secure delivery, it is our view that either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above site(s) and the permission may be granted under the terms of the Conservation of Habitats and Species Regulations.”

Landscape and Visual Impact

86. The application is accompanied by a full Landscape and Visual Impact Assessment (LVIA) which also informs the EIA of the proposals.
87. The study concludes that the new built form is considered to be characteristic of the receiving landscape in terms of its form, scale, massing and appearance, the landscape being one within which similar large scale industrial and commercial developments are already present. The report concludes that although introducing new elements, the proposed development will not significantly alter the nature, character or composition of the existing landscape, or the key views. It is acknowledged that there is the potential for some minor adverse visual impacts as a result of the development, restricted to a number of limited local locations in relative close proximity to the site, relating to an approximate 1km section of the Saxon Shore Way and similar length of the A256. Jacobs (Landscape) had also suggested that some tree and shrub vegetation be considered along the boundary with the River Stour. I have investigated the possibility of additional planting on this boundary but am advised that it would compromise the success of the reptile translocation area, and permanent access to the river bank is required by the EA for maintenance purposes. The buildings have been designed to accommodate the tipping vehicles so reducing their height would impact the ability to contain the waste handling activities. Given that the former Richborough Power Station and the Pfizer complex

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remain the dominant features of the landscape I concur with the LVIA report that the new development is unlikely to result in a change in the perception of visual receptors, of the overall visual amenity of the immediate and wider landscape.

Other Amenity Impacts

88. Sites A and B are well located adjacent to the primary road network such that the traffic generated by the development can be adequately accommodated without significant impact. The entrance to Site B would be re-designed such that priority is given to the vehicles entering this site over the vehicles accessing the adjacent industrial buildings. Sufficient space has been designed into the scheme to ensure that waiting vehicles would not hinder the safe and free flow of traffic on the A256 dual carriageway.
89. The proposals have been designed such that adequate mitigation is provided to ensure that environmental impacts are managed to an acceptable standard. Noise, dust, odour and bioaerosol release have all been considered and mitigation proposals put forward to manage any potential impacts. The potential for ground contamination has been investigated, no contaminants were identified at concentrations which pose a risk to human health, the nearby controlled waters or buildings. Specific ground gas investigations have also been undertaken. A 'watching brief' approach is recommended during development of the site with appropriate mitigation as deemed necessary to be secured by planning condition. The proposals also include an outline drainage plan, the principle design of which has been accepted by the EA. Construction and operational hours would be controlled by condition and would take account of the slightly later start time requested by Dover District Council for construction activities.
90. I am advised that given the scale of the proposed development, the distance between and the existing backdrop of industrial development it is not likely to cause any additional harm to the setting of Richborough Fort, the Scheduled Ancient Monument.
91. There are no outstanding objections from specialist consultees on any of the above issues.

Conclusion

92. These waste management proposals include the relocation of the inert recycling facility, the construction of a MRF in its place, the provision of an AD plant and the addition of a soils washing facility adjacent to the relocated inert recycling and associated ancillary development.
93. There is, in principle, significant policy support at European, national and local level for the provision of such waste management facilities. The planning application sites

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themselves are allocated for waste development in the Kent Waste Local Plan. Furthermore the proposals are in accordance with development plan policies for sustainable waste management development and would assist in improving waste recovery rates; meet policy objectives to divert waste from landfill and move waste handling further up the waste hierarchy. As such the proposed development would assist in tackling the effects of climate change and would make a valuable contribution to renewable energy generation.

94. The facilities that this application seeks to deliver would go some way towards meeting the waste management of the municipal waste arisings in East Kent as set out in the East Kent Joint Waste Contract (which KCC has awarded to Veolia). As such it is considered that they would provide a proximate solution to managing the various waste stream arisings within the East Kent area.

95. I am satisfied that the proposed development over the two sites is acceptable in policy terms. There are no significant amenity impacts and with appropriate conditions to ensure the mitigation put forward by the Applicant is implemented the development of this waste management facility should be supported. I therefore recommend that planning permission be granted.

Recommendation

96. I RECOMMEND that PERMISSION BE GRANTED for the proposed waste management facility subject to conditions including amongst other matters: notification of commencement standard time condition, waste throughputs, waste handling; hours of operation (construction and operational); development in accordance with layout plans contained within planning application, daily vehicle movements; code of construction practice, noise restrictions and monitoring; dust and odour management plan; detailed drainage plan, conservation management plan; detailed contaminated land assessment; programme of archaeological works; avoidance of mud on roads.

Case Officer: Andrea Hopkins

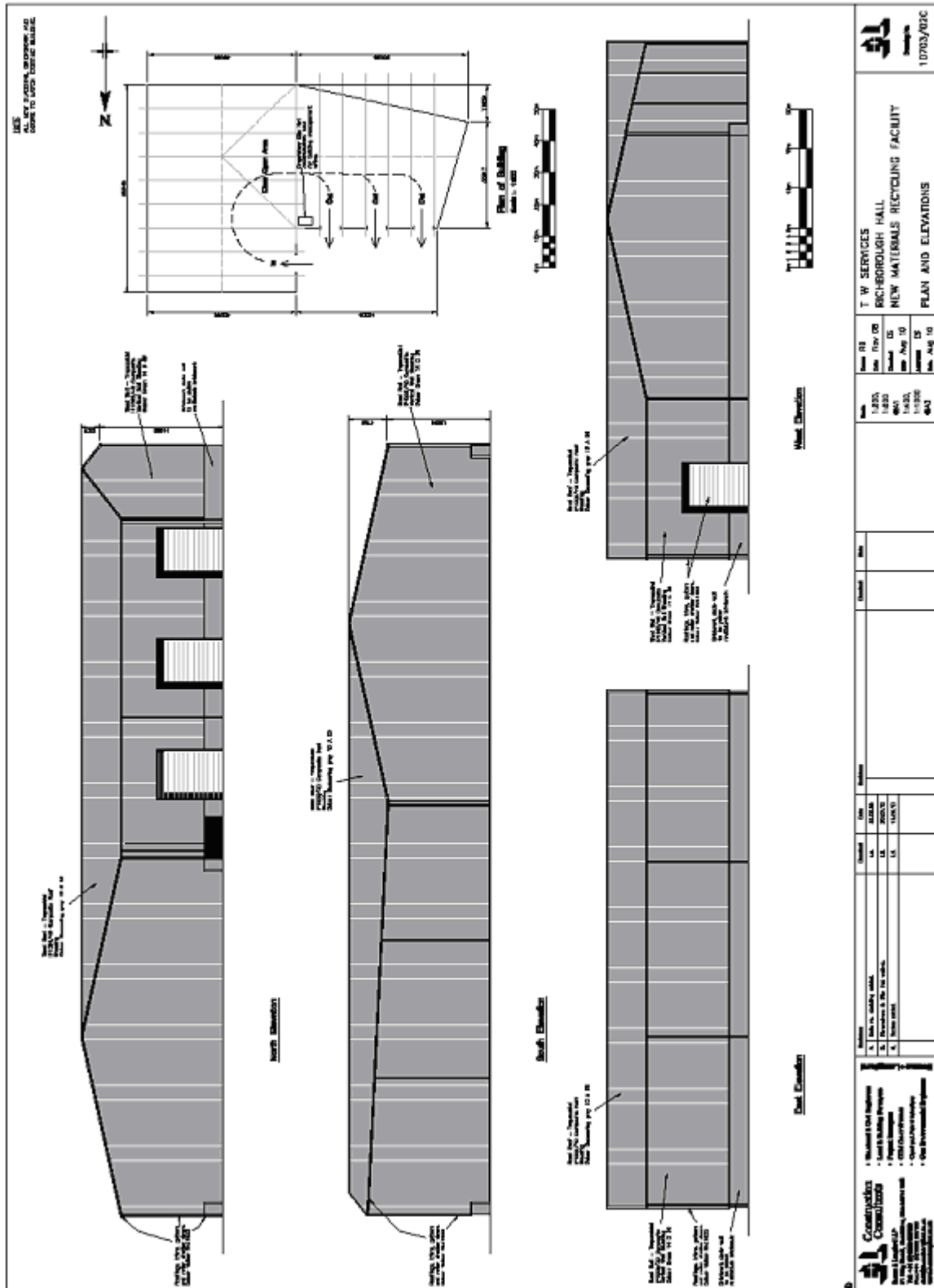
Tel. No. 01622 221056

Background Documents: see section heading.
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**Item C2
Waste Management Proposals including Materials Recycling
Facility, Inert Materials Processing Facility, Soil Washing Plant and
Anaerobic Digestion Plant, Sites A and B Ramsgate Road,
Richborough, Sandwich - DO/10/954**

**Appendix 1
Site A Plans**

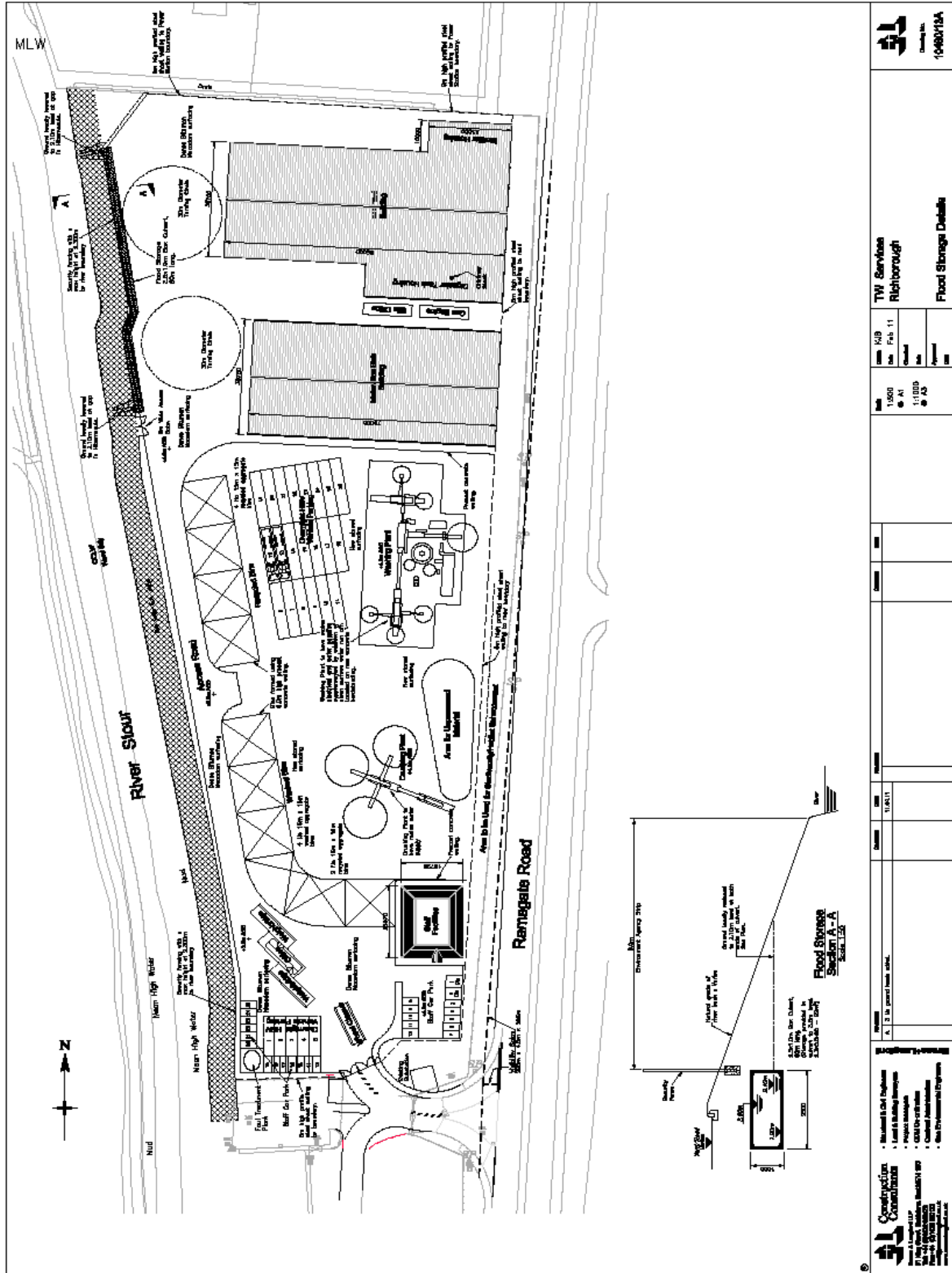
**Item C2
Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954**



**Item C2
Waste Management Proposals including Materials Recycling
Facility, Inert Materials Processing Facility, Soil Washing Plant and
Anaerobic Digestion Plant, Sites A and B Ramsgate Road,
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**Appendix 2
Site B Plans**

Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954



14480715A
Drawing No.

TW Services
Richborough
Flood Storage Details

Scale	1:500
Date	11/10/09
Drawn	AS
Checked	AS
Approved	AS
Issue	

Issue A/B
Date: Feb 11

Issue A/B
Date: Feb 11

Issue A/B
Date: Feb 11

Issue A/B
Date: Feb 11

Issue A/B
Date: Feb 11

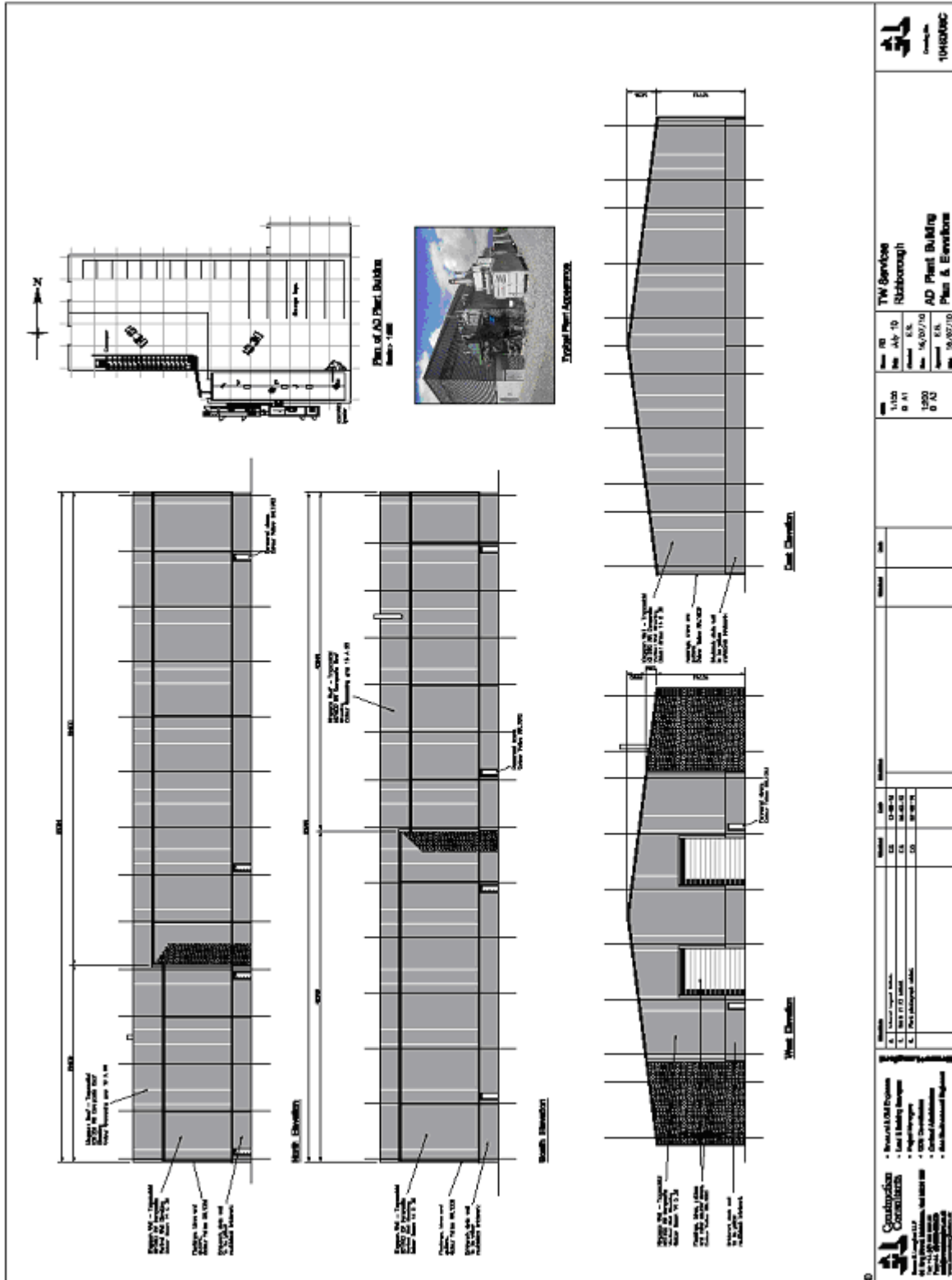
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Date: Feb 11

Issue A/B
Date: Feb 11

Issue A/B
Date: Feb 11

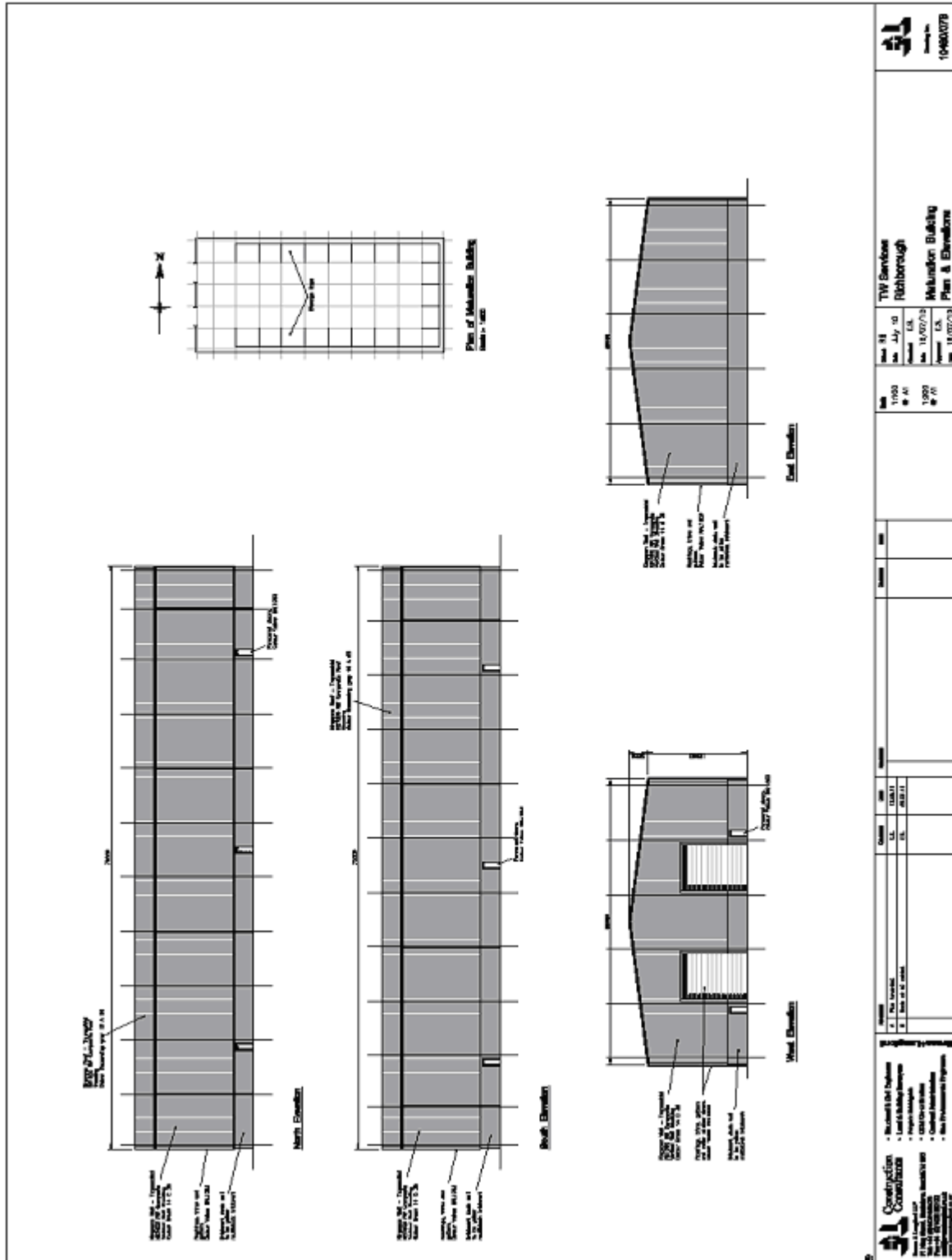
Issue A/B
Date: Feb 11

**Item C2
Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954**



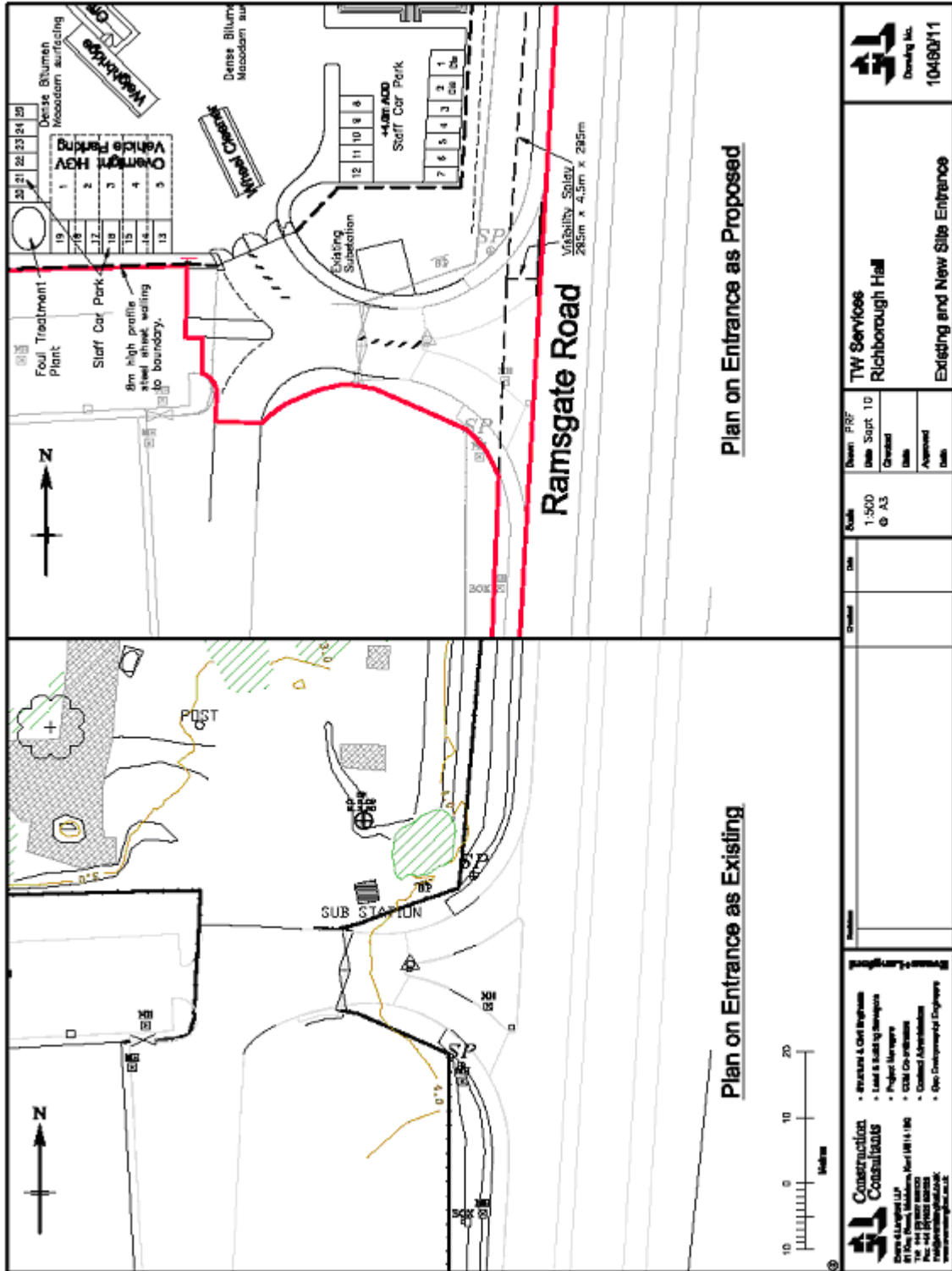
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Author: E.K. E.K.	Check: E.K. E.K.	Issue: 16/07/10 16/07/10	Scale: 1:50 1:50
Project Manager: E.K. E.K.	Project Engineer: E.K. E.K.	Project Designer: E.K. E.K.	Project Checker: E.K. E.K.

**Item C2
Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954**




		10080079	
Client: TW Sandsons Richborough Meltdown Blasting Plant & Elevators	Issue: 18/07/13	Scale: 1:100	Project No.: 10080079
Author: J. A.	Check: J. A.	Date: 18/07/13	Project Name: Meltdown Blasting Plant & Elevators
Drawn: J. A.	Checked: J. A.	Scale: 1:100	Project No.: 10080079
Issue: 18/07/13	Scale: 1:100	Date: 18/07/13	Project Name: Meltdown Blasting Plant & Elevators

Waste Management Proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant, Sites A and B Ramsgate Road, Richborough, Sandwich - DO/10/954



Plan on Entrance as Proposed

Plan on Entrance as Existing

 <p>Construction Consultants Steve Allwright LLP 11 New Street, Maidstone, Kent ME14 1JG Tel: 01622 733000 Fax: 01622 733001 www.construction-consultants.co.uk</p>	Services & Cost Engineers Lead & sub-tying designers Project Managers CDM Co-ordinators Contract Administrators Design Coordination Engineers	Name: _____ Date: _____ Drawn: _____ Scale: 1:500 @ A3 Review: PRF Date: Sept. 10 Checked: _____ Approved: _____ Date: _____	TW Services Richborough Hall Existing and New Site Entrance Drawing No. 10480/11
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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

Erection of fencing, with vehicular and pedestrian gates, The Malling School, East Malling – TM/11/192

A report by Head of Planning Applications Group to Planning Applications Committee on 10 May 2011

TM/11/192 - Application by The Malling School for the erection of 1.8m high steel fencing, finished in dark green, with vehicular and pedestrian access gates at The Malling School, Beech Road, East Malling (Resubmission of withdrawn application TM/10/846).

Recommendation: Planning permission be granted subject to condition

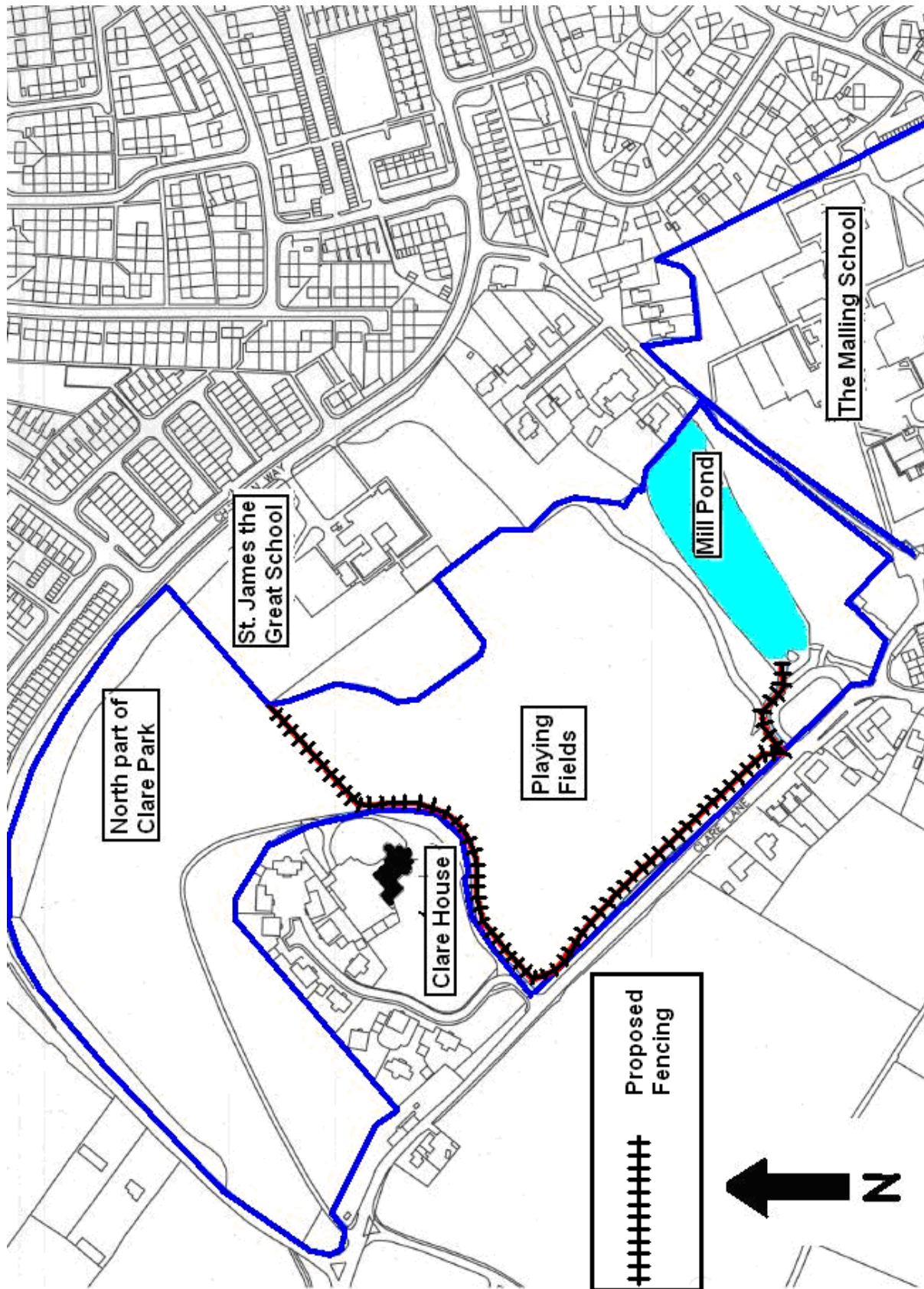
Local Member(s): Mrs T.Dean

Classification: Unrestricted

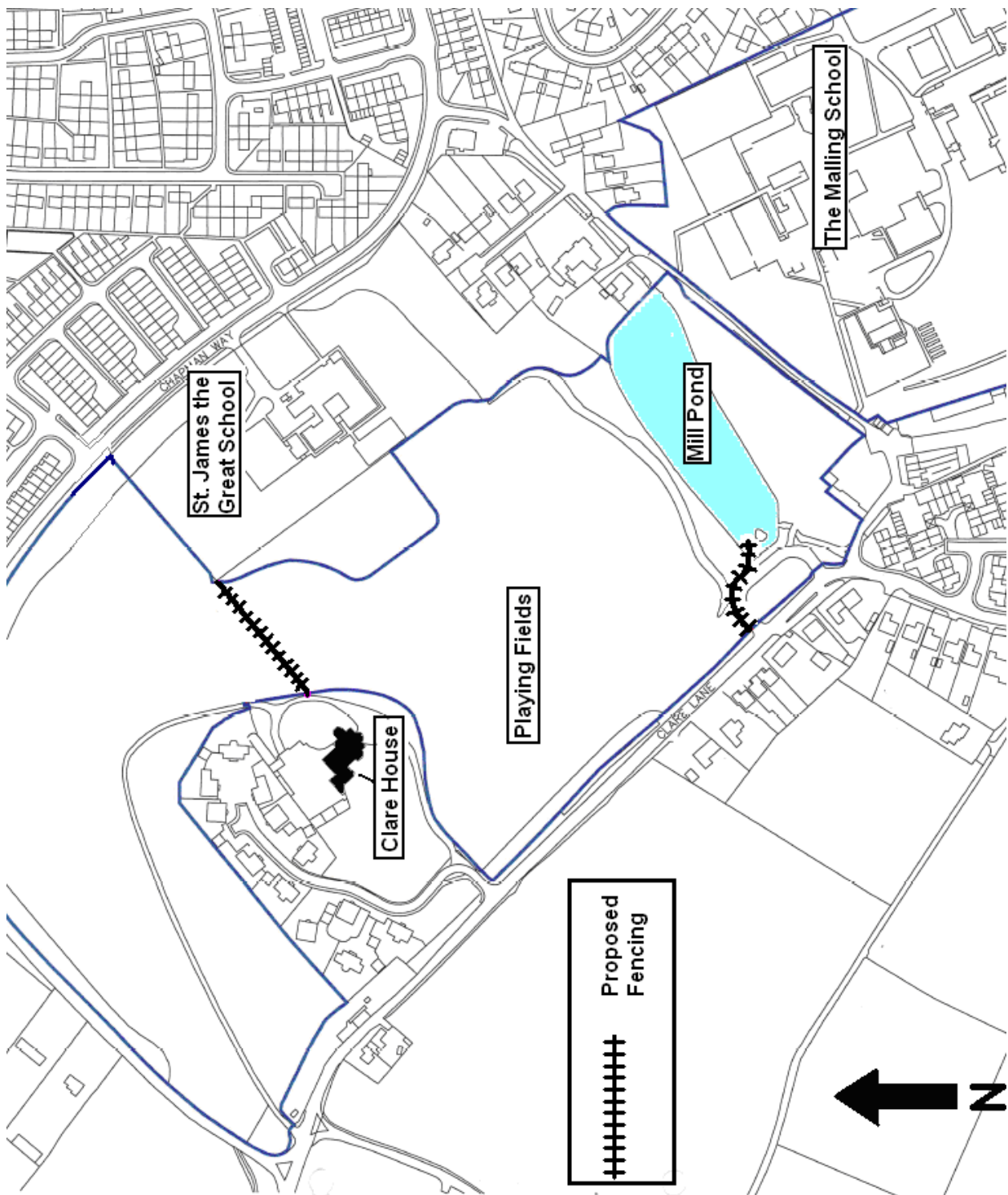
Site

1. The Malling School is a recently constructed PFI secondary school occupying land which was formerly part of the grounds of Clare House, a Grade 1 Listed Building and prominent local feature. The fencing is proposed to be erected within the School's playing fields, which once formed the main grounds around Clare House and is known as Clare Park. The fields are located to the South West of East Malling, with Clare House in the centre; they slope down eastwards towards a lake and are bordered by Clare Lane to the South and East and Chapman Way and Winterfield Lane to the North. The new St James the Great School lies within the old boundary of the park, adjacent to Chapman Way. Clare House is largely obscured by mature woodland and hedges, and has a high density development of large detached houses within its immediate former grounds, known as Clare Wood Drive. The application site lies within the Conservation Area which encompasses the former Clare Park grounds.
2. Access to the playing fields is made to the South East of the fields, between the lake and the pick-up/drop-off point off Clare Lane. There are no Public Rights of Way within the playing fields, although there is a restricted bridleway running north-south down Blacklands, between the main buildings of The Malling School and the lake and playing fields.
3. The playing fields are enclosed by mature hedgerow and trees, and old wooden fencing. Several access points through broken parts of the fencing have been worn-in by regular use and there is one open section of fencing to Chapman Way, adjacent to St. James the Great School, which allows unrestricted access to the upper part of the fields.
4. The lower part of the grounds, adjacent to the lake, is well kept and marked out for sport. The upper part adjacent to Chapman way is largely overgrown, apart from footpaths mowed into the long grass and an additional sports pitch further behind Clare House and Clare Wood Drive.

Erection of fencing, The Malling School, East Malling – TM/11/192

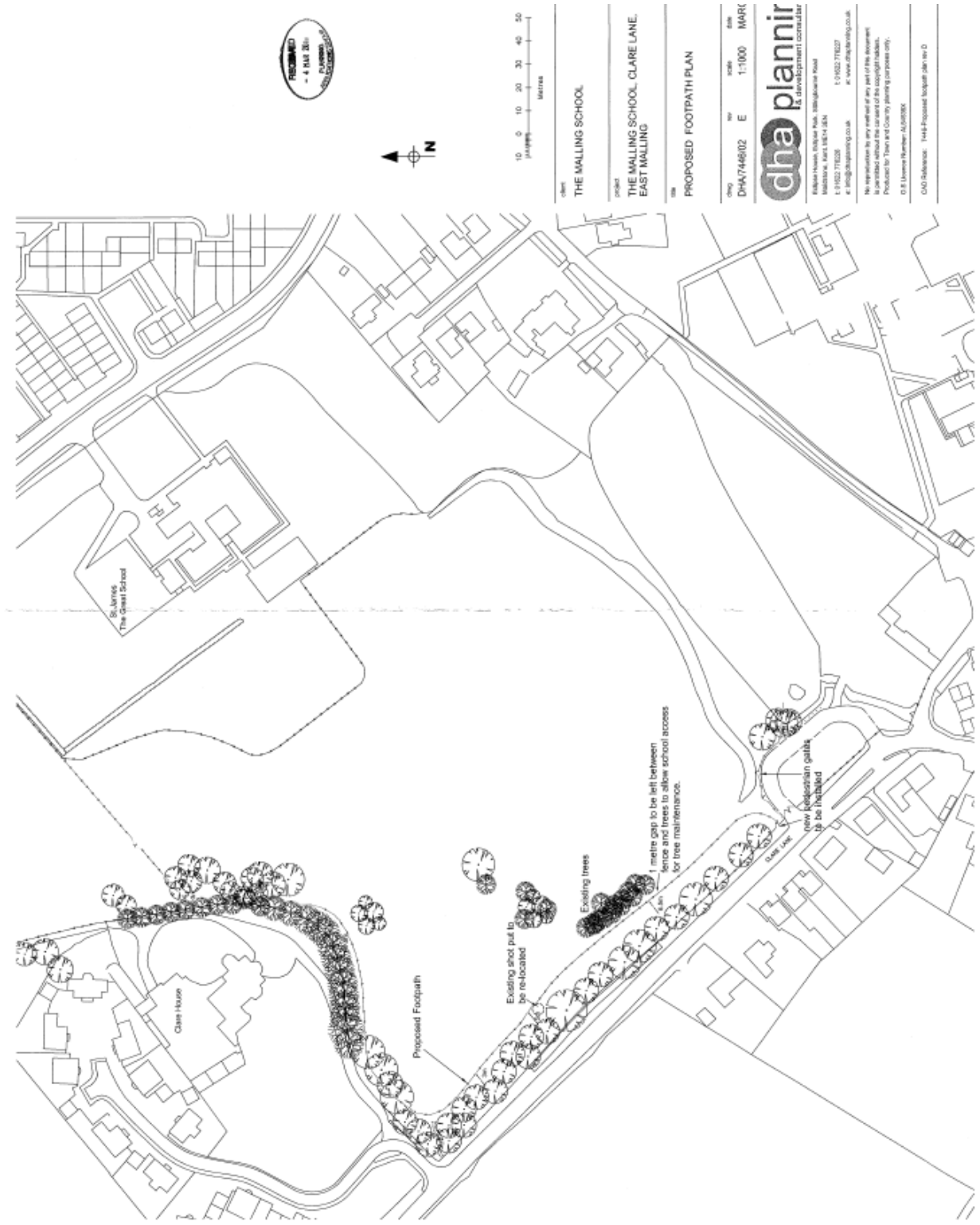


Erection of fencing, The Malling School, East Malling – TM/11/192



SITE LOCATION PLAN FOR PREVIOUS APPLICATION – TM/10/846

Erection of fencing, The Malling School, East Malling – TM/11/192



client
THE MALLING SCHOOL

project
**THE MALLING SCHOOL CLARE LANE,
EAST MALLING**

title
PROPOSED FOOTPATH PLAN

client ref
DHA7446/02

ref
E

scale
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date
MARC

dha plannir
planning & development consultants

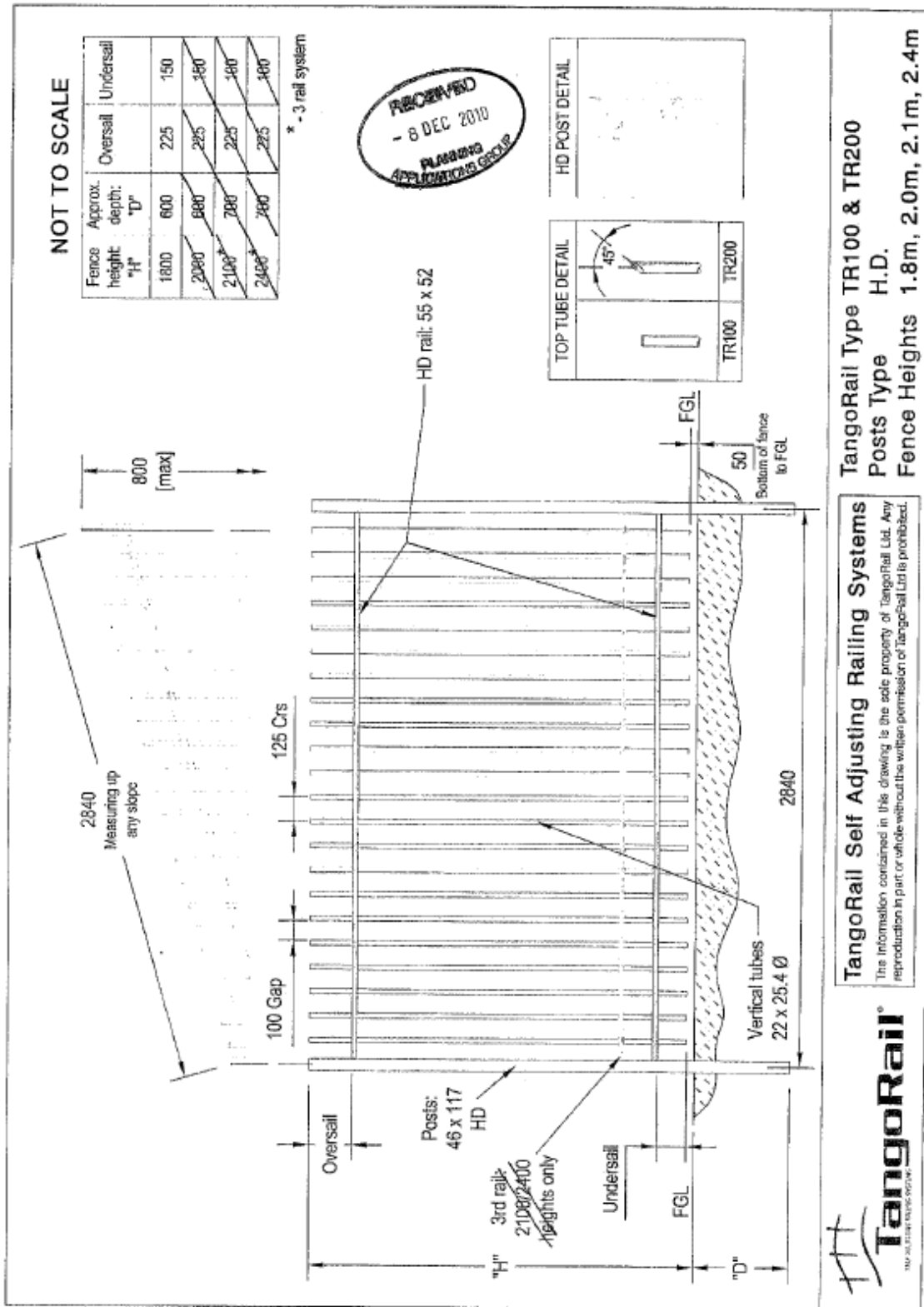
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GDH Reference: 1454-Proposed Footpath plan rev D

Erection of fencing, The Malling School, East Malling – TM/11/192

Item D1



PROPOSED FENCING DETAIL

**Erection of fencing, The Malling School, East Malling –
TM/11/192**

5. The main school site has a long list of planning permissions, none of which are directly relevant to this proposal. The St. James the Great Primary School lies within the grounds of Clare Park and was granted permission in 2007. This building is separated from the sports pitches by 1.8m high steel green fencing, similar to that proposed within this application.

Proposal and Background

6. This application is for the erection of approximately 500m of 1.8m high steel railing fencing, finished in dark green, to the school playing fields in Clare Park. It would start in the south west corner of the playing fields, from within the lake, extending across to the existing fencing and running along the western boundary, but leaving a gap of approx 6.5m to allow for public access. The fencing then curves around to follow the boundary of Clare House, within the tree line, but leaving a gap of approx 3m, before joining the corner of the boundary with the St. James the Great School. The fencing would have gates to allow for access for pupils, maintenance vehicles/equipment and emergency vehicles. As this fencing is proposed to be below 2m in height, and does not abut a public highway use by vehicles, it can be argued that this fencing constitutes permitted development not requiring planning permission. However, the applicant has included it within the application so as to give an open picture of the works intended.
7. The applicant has proposed this development in order to secure the playing fields and make the grounds safer for the school children, as well as to prevent nuisance to neighbours caused by fly-tipping, anti-social behaviour and use by motorbikes caused by the unrestricted access at present. A main concern highlighted is the level of dog fouling on the school playing fields. The applicant has stated that the ideal solution to securing the fields would be to repair and update the entire perimeter fencing; however this solution is not financially viable. The current development has been proposed as making the playing field area of Clare Park protected, whilst allowing public access to the northern area of the grounds.
8. This application is a resubmission of a previously withdrawn application. The original application proposed two sections of fencing, in the south west and north east of the grounds, which would have sealed off the entire south section of Clare Park. Following objections and consultation with local residents and the local parish council, the applicants decided to withdraw the application and resubmit a proposal reflecting those concerns. The main change is that the new proposal would involve a significant increase in the quantity of fencing; however a parcel of land is proposed to be left open in order to avoid restricting public access to the site, and allow movement along the boundary adjacent to Clare Lane. The residents of Clare Wood Drive – a condensed development of regency style large detached houses within the grounds of Clare House, built in the 1990s – objected as there is currently no footpath from their development leading down to East Malling, and residents used the playing fields to avoid walking on the road. The site is also often used by dog walkers and local people.

Planning Policy

9. The Development Plan Policies summarised below are relevant to consideration of the application:
 - (i) National **Planning Policy Statement 5: Planning for the Historic Environment**

Erection of fencing, The Malling School, East Malling – TM/11/192

HE7 In decision-making, local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

(ii) The adopted (2009) **South East Plan**

Regional policy is contained within the South East Plan 2009. However, it is important to note that as a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. As a result of the legal challenge Members will be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the RSS as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that Cala Homes has been granted leave to appeal the recent High Court judgement and are seeking clarity on how much weight should be given to the RSS in light of the intention to revoke. The relevant policies to this application are:

Policy CC1 Seeks to achieve and maintain sustainable development within the region.

Policy CC4 Expects that all development will adopt and incorporate sustainable construction standards and techniques.

Policy CC6 Seeks sustainable and distinctive communities that respect the character of settlements and landscapes, and achieve a high quality built environment.

Policy S6 States that local planning authorities, taking into account demographic projections, should work with partners to ensure adequate provision of pre-school, school, and community learning facilities.

Policy BE1 In managing an Urban Renaissance, Local Authorities will promote and support design solutions relevant to context and which build upon local character and distinctiveness and sense of place.

(iii) The adopted **Tonbridge and Malling Managing Development and the Environment Development Plan Document (2010)**

Policy OS1 Development that would result in the loss of, or reduce the recreational, nature conservation, biodiversity, carbon sink, landscape, amenity and or historic value of, existing open spaces (listed in Policy OS1A/B and

Erection of fencing, The Malling School, East Malling – TM/11/192

identified on proposals map) will not be permitted unless a replacement site is provided.

Policy OS4 The Council will support Parish Councils, landowners and developers who wish to provide publicly accessible open space in locations which will address local deficiencies, as identified in the Open Space Strategy.

Policy SQ3 Development will not be permitted where it would harm the overall character, integrity or setting of the Historic Parks and Gardens identified on the proposals map, or which might prejudice their future restoration.

Consultations**10. Tonbridge & Malling Borough Council:**

(A) OBJECT to the proposed fencing unless:

1. The County Council is able to satisfy itself that the proposal would not decrease public safety through the siting of the proposed footpath which would discharge onto a part of Clare Lane without a footpath to the road edge.
2. The County Council is satisfied that the proposal would not result in any anti-social behaviour being forced closer to the residential properties in Clare Wood Drive
3. Additional planting is to be carried out on each side of both lengths of proposed fence (including the permitted development fence). The planting should be used to soften the impact of the fencing and also to reduce the impact of the interface between the fence and the lake margin.

(B) Request that a County Members' site inspection be carried out prior to the application being determined so that Members of the County Planning Committee can familiarise themselves with the special nature of the landscape.

(C) Recommend that the school be invited to enter into discussions regarding the future maintenance and use of the northern piece of land and the potential for transferring it to the Parish Council.

East Malling and Larkfield Parish Council:

Initial comments were received on 24 February asking for further details, and commented as follows:

- The path is too narrow and should be at least 5m wide at all areas.
- The footpath exists onto Clare Lane on the bottom of the field where there is no pavement, and it should join the existing turning area and allow people to access the small bridge to the Blacklands footpath.
- A new entrance path needs to be cut into the trees for the Clare Wood Drive residents.
- The PC is disappointed that the application was submitted without further consultation and would like another meeting with the School and residents to work out a solution.

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- Ask the application to be deferred to the TMBC planning committee.

Additional information was submitted by the applicants to address a number of misunderstandings and questions, the Parish then submitted 'interim' comments on 30 March as follows:

- Pleased to see 6.5m path, but consider the 3m path is too narrow and would be dark under the trees
- Welcome the new gates, but lacks details. Will there be access for disabled/pushchairs?
- There does not appear to be an access point with gate at the corner of Clare Wood Drive/Clare Lane
- Will this be a permitted path available 24/7 and during school holidays?

Full comments were indicated to be submitted by the end of March, however to date no further comments have been received.

Divisional Transport Manager: No comments received

KCC Conservation Officer: No comments received.

Local Member

11. The local County Member for Malling Central, Mrs T. Dean, was notified of the application on the 21 January 2011, and has made the following points:

- Members need to visit the site to appraise themselves of the effect of this proposal.
- Supports the purpose of the fence.
- The School has generously responded to the wishes of local residents.
- There is a water pipe with a covenant requiring no building on it.
- The 3m width path is too narrow and would be difficult to maintain and put people off using it; the sandpits should be relocated to allow a wider path.
- It is important that the area outside the fenced off area remains open for public use.

Publicity

12. The application was advertised by the posting of a 2 site notices and the notification of 33 neighbours.

13. The application was also advertised in the Kent Messenger on 4 February 2011.

Representations

14. There have been 10 letters of objection from nearby residents, and the main points of objection can be summarised as follows:

- The problems cited for reasons for the fencing have reduced recently and enclosing such a large area is an overreaction to a perceived problem
- The path is too narrow and the sand pits should be moved to allow it to be made wider and the paths that would be created would be unsafe to use
- Public access should continue to the lake
- Closing the turning area to pedestrians would force people to walk on the road
- Objectives could be achieved by fencing a smaller area

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- There is a restrictive covenant for building over the water pipes which run across the land
- The fencing is unnecessary and would create an 'iron curtain'
- Local planning policy provides that the site is publicly accessible
- The public has been using the land for a long time, and the proposal would prohibit this
- The northern part of the site would become disused and therefore are worried it would be put forward for further development
- Will the land be handed over to KCC?
- The School has a hidden agenda and the reasons given for needing the fencing are a smokescreen to justify it
- 'A frame' gates and dog bins should be installed instead
- The fence runs through the trees at the northern edge which would make it unsafe and unsuitable for access and the fence should be outside the treeline
- The fence should cut across the Clare Wood Drive corner opening up more land to the public
- The current application only marginally reflects the discussions between locals, the Parish and the School
- The land outside the fencing should be transferred to the Parish and registered as public open space.

Discussion

14. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
15. This application has been brought for determination by the Planning Applications Committee following the objections of a number of local residents, and the Parish Council. The objections raise a number of issues and concerns relating to the proposed fencing, and to wider issues. It is important when considering this application to focus on the planning merits.
16. The proposal seeks to erect fencing with vehicular access gates to the north, south and west of the playing field, to restrict unauthorised access to the playing field areas used by pupils due to anti-social behaviour, littering and dog fouling. A newspaper article recently published, tells of an incident where part of the playing field was set on fire. It is the case for many schools across Kent, that Ofsted has recommended enclosure of playing fields, with suitable fencing, in order to secure the safety of pupils. The applicant submitted a health and safety statement highlighting recorded incidents of broken glass, syringes, motorbikes, fires and dog fouling.
17. The School originally submitted an application last year, for two sections of fencing which would have divided the site in two. The application was due to be heard by the Planning Applications Committee, but was withdrawn in order to allow the School to liaise with local residents and find a compromise. The current application is the result of these discussions, and the main concession is that members of the public would be

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able to access part of the playing field site, around the edges of the formal playing field area as shown in the plans. The proposed fencing would be 1.8m in height, and matching the design of the fencing which encloses the adjacent St. James the Great School. It is noted that most of this fencing would fall under Schedule 2 Part 2 Class A of the General Permitted Development Order 1995, so would therefore be permitted development. Whilst that Part essentially relates to residential fencing, the Part relating to local authority developments is even more generous in terms of its height tolerances. However, for transparency and consultation reasons, the School has included all the fencing within the application.

Visual Impact

18. The proposed fence would be approximately 500m long, and set into the field by between 3m and 6.5m. It would be 1.8m high and of the same design and materials as the fencing around the St. James the Great School. The fencing would be set within the trees and shrubs at the northern part of the site.
19. The fencing is proposed to be located within the former grounds of the Grade 1 listed Clare House, a 1793 neoclassical country house. The school playing fields constitute what is left of its former gardens, and are designated as a historic garden within the Kent Gardens Compendium - although not registered with the national English Heritage register of Historic parks and Gardens. The former grounds extended far to the North East, beyond Chapman Way, which is now covered with residential development. In the 1980s the immediate setting of Clare House was encroached upon by the enabling development of Clare Wood Drive – in order to help fund restoration of the building. English Heritage was consulted on the previous application in order to assess the impact on the listed building, and passed no comments and for the application to be determined in accordance with planning policy.
20. The entire site lies within a conservation area and is in the former grounds of Clare House, a grade I listed building. I am of the opinion that the proposed fencing line would minimise the impact on the views from the listed building, in recognition of the compromising objectives of the fencing. If it were moved further into the field, it may impinge upon views from Clare House down across the park. The design of the fencing, being dark green metal railing, is considered appropriate for the context of the conservation area. Should consent be granted, I would recommend that a condition is applied however, to request a scheme of planting to soften the interface with the pond.
21. Objectors to the proposal have indicated that the 'pathway' created by the proposal is not sufficient. Whilst I sympathise with the residents within the locality, it is not the remit of the planning system to force a landowner to formalise public access to what is essentially private land with no public rights of way. The applicant has made it clear that the objective in allowing space around the fencing is not to create a formal access arrangement, but to not preclude access. Currently members of the public access Clare Park by various gaps in the fencing along Clare Lane, and by more open areas along Chapman Way. The previous application would have closed off the southern area of Clare Park, whereas the current proposal encloses the playing field area itself.
22. Residents have objected that the gaps left by the fencing could be made wider by moving the sand pits and giving more room than 3m, considering the height of the fencing, as they feel it will create an intimidating and unsafe pathway. I would reiterate my previous comments that the School are not intending to create a public footpath, and therefore are not obligated to create a formal pathway, but are allowing access to

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those who choose to use it. Further to this, 3m is more than adequate space for a footpath, considering the majority of public footpaths are considerably less than this, and are also surrounded by trees and shrubs. It would not be reasonable, nor enforceable through planning, to demand that the School moves their long jump pit for no other reason but to provide formal access to the residents of Clare Wood Drive. I understand the concerns of these residents in having no footpath to walk on from their houses down to East Malling, however these houses were built, and bought, with this knowledge. The existing access that the residents use would be still available.

23. Residents are also concerned that the 3m path would be inaccessible to mowers and therefore become overgrown. In my opinion, 3m is more than enough space for a mower to access (a standard car park space is only 2.6m) and this would not be a problem. The PFI arrangements mean that a maintenance contract is currently in place, however these issues are down to the ongoing management of the school.

Need

24. The fencing has been proposed by The Malling School in order to prevent unauthorised access to the site, and to prevent incidents of nuisance and anti-social behaviour and long-standing misuse of the site. The School has recorded incidents of dog fouling, with a Tonbridge & Malling Borough Council 'bag and tag' exercise producing 181 bags of dog foul from the playing fields alone. There are also recorded incidents of illegal motor cycle use as well as uncontrolled dogs disturbing P.E. lessons. I am advised that the site also experiences littering, with broken bottles and other rubbish being found.
25. Local residents have disputed the basis of these claims and suggest alternative solutions. However, it is a site management issue for the owners of the land to decide on the most appropriate solution, and the Planning Authority can only consider the proposals put before it. Under the circumstances, I would urge caution in attaching too much weight to the need arguments over the material considerations of visual impact and effect on the conservation area and listed building.
26. The School has stated that they have duty to protect and secure the safety and wellbeing of their pupils, and that the 'Kent Template: Schools for the Future' guidance note recommends that all school playing fields are now securely enclosed. Planning authorities also have a duty to consider the effects a proposal would have on crime and disorder, and I consider that the safety of the pupils in preventing the incidents mentioned above is a material consideration in this regard.

Public Access

27. Many local residents have argued that the land constitutes public open space to be protected, and that the fencing would prevent access to this land. Clare Park appears to have enjoyed unrestricted informal access for a number of years, including the area which constitutes the formal playing fields. The grounds are also argued to be used as a formal pedestrian route. Whilst I sympathise with the concerns of the local residents, the land in question is effectively privately owned land, and the owners are entitled to apply to erect fencing to restrict access if they see fit, just as any other landowner. Clearly, the fact that open access to the school playing fields has been tolerated for many years has clouded the issue here, but the applicant has stated that a large area of land would still be available for public use in the northern area of the site, thereby supporting Policy OS4 of the Tonbridge and Malling 'Managing Development and the

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Environment Development Plan Document' 2010 in that 'The Council will support Parish Councils, landowners and developers who wish to provide publicly accessible open space in locations which will address local deficiencies, as identified in the Open Space Strategy'. The scheme would also allow access around the fenced off area, linking East Malling to Clare Wood Drive and the northern part of the grounds.

28. Another concern raised is that the park provides an informal pedestrian route which is necessary as there is no pedestrian footway along Clare Lane. Whilst I understand the safety concerns here, and do not wish to hamper the walking habits of the local residents, there are many Public Footpaths in the area that allow routes between East and West Malling, and this scheme would allow access to those who choose to use it, whilst not creating a formal footpath in itself. The northern area of the site would still allow people to walk between Clare Wood Drive and Chapman Way. The main residents who may be disadvantaged are those who live in Clare Wood Drive who wish to walk into East Malling. Their route would be extended if they wish to avoid walking on Clare Lane, but the development of these houses was built with the knowledge that there was no pedestrian footway along what is essentially a country lane at this point. It is not within the remit of Planning Authorities to impose a duty on private landowners to keep open an informal route where there is no officially designated Public Right of Way. Moreover, it would be unreasonable to expect any neighbouring landowner to remedy the access deficiencies of an earlier development proposal that arguably should have been addressed at the time of its development.
29. If there are any covenants or obligations on the part of the School to allow Clare Park to be open to the public, and to not build over the water pipes, then these are matters that are to be dealt with under other legal processes. This planning application needs to be considered bearing in mind the planning merits, given that other factors and rights are protected and enforced by other methods.

Alternative Solutions

30. A number of solutions have been proposed by objectors to the scheme, including the installation of dog bins, kissing gates and working with the community warden to reduce anti-social behaviour. Whilst the merits of these ideas can be debated, they are not material for this application as the application can only be determined on the basis of the development proposed. I am also aware that the alternative solutions would require additional expense on the part of the School for continuing to allow unauthorised access on to their private land.

Division of the site

31. Objectors and consultees have commented that the erection of fencing would result in a division of the site. They are concerned that the northern part of the site would fall into disrepair and subsequently be considered as superfluous and sold off for development. In visual and conservation terms, the division of the site runs along the historic line of the former access road to Clare House, therefore it can be seen as acceptable in this sense. The potential for redevelopment of the northern section of the site is not a relevant material consideration for this planning application. Any future redevelopment would be subject to a separate planning application and would be determined on its own merits, and would have to address the relevant planning constraints relating to its Conservation Area and playing field status. The proposed fencing includes vehicle access gates in order to allow maintenance vehicles to access the northern part of the fields, so I am satisfied that the proper infrastructure is in place.

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However, the physical maintenance of the fields is a school management decision and an issue for their duty to keep their grounds in a good condition.

Borough Council comments

32. Tonbridge and Malling Borough Council object to the scheme unless the County Council is satisfied the points as set out in paragraph 10 above are met. In particular, they would like the County Council to satisfy itself that the proposal would not decrease public safety through the siting of a footpath which would discharge onto a part of Clare Lane without a footpath to the road edge. I would suggest that there are many footpaths and pedestrian routes in the area which discharge onto country lanes. The residents of Clare Wood Drive would be able to use the park to avoid Clare Lane if they choose, by accessing the park through the existing informal access points. In my opinion, the planning process cannot impose a duty to accommodate informal walkways on private land where there is no public right of access, and it would not be equitable to refuse an application on these grounds. I also conclude that on balance, the proposal would not affect public safety as the School is allowing access to the site to avoid walking on Clare Lane, and would also serve to protect the safety of pupils by preventing adverse use of the playing field area. There is also no objection from Kent Highway Services on highway safety grounds.
33. The Borough Council would like the County Council to be satisfied that the proposal would not result in any anti-social behaviour being forced closer to the residential properties of Clare Wood Drive. I sympathise with the residents in this aspect and acknowledge their concerns; however I do not believe that the development can be a key deciding factor in the location of anti-social behaviour. It is also not the duty of a private landowner to 'absorb' levels of anti-social behaviour in the locality by allowing unrestricted access to their land. That would also create liability issues for the School in relation to injuries occurring on their land. For this reason I consider that this is not a material consideration that warrants refusal of the application, and on balance the prevention of crime and disorder by protecting the wellbeing of pupils, outweighs any potential effects of moving the problem to another area.
34. The Borough Council recommends conditions are attached to any planning permission relating to planting and ensuring that the fencing is painted dark green. I would support this request as these conditions would serve to reduce the visual impact of the proposed fencing.
35. It has also recommended that the School be invited to enter into discussion regarding the future maintenance and use of the northern piece of the land and the potential for transferring it to the Parish Council. Whilst I support this recommendation in principle, in order for the School to maintain good community relations, I do not consider that this can be enforced by condition as it is not directly relevant to the development proposed. This is a School management issue which they should be encouraged to fulfil. If members are so minded, this could be addressed by an informative.

Conclusion

36. In my opinion the proposed fencing at The Malling School would be acceptable on its individual planning merits. The fencing would not materially harm the Conservation Area or the setting of the Listed Building, and the visual impact on neighbouring properties is minimal. With the exception of the section of fencing adjacent to the

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public highway, the fencing would benefit from permitted development rights. There are other divisive issues relating to the fencing which are not material planning considerations, but have been considered nevertheless. Since the original application, the School has demonstrated that they have made many concessions in formulating this current proposal. I conclude that the School's duty to provide a safe and secure environment for its pupils, in light of the reasons given, outweighs the other considerations put forwards by objectors. If the installation of fencing does contravene any legal duties imposed on the School by covenant or grant, then this is a separate legal issue between the parties concerned and not for determination in the planning sphere.

Recommendation

37. I RECOMMEND that PERMISSION BE GRANTED to the proposal as now amended, subject to conditions:

- The standard time condition for implementation;
- The development to be completed in accordance with the approved plans;
- A scheme of landscape planting be adopted, to include planting on the margins of the lake; and
- The fencing be painted dark green;

and SUBJECT TO the following informative:

The School to be advised to enter into dialogue with local representatives regarding the use and access to the land to be unfenced on the western end of the school land, and be reminded of the need to observe any existing covenants and/or access rights relating to School owned land, and to ensure maintenance agreements are abided by.

Case officer – Jeff Dummett	01622 221975
Background documents - See section heading	

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Item D2**Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation, Halfway Road, Minster on Sea Sheerness SW/10/1334**

A report by Head of Planning Applications Group to Planning Applications Committee on 10th May 2011.

Application by Children, Families and Education for the refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation to the site comprising: flat overroofing; overcladding of existing building façade with new coloured rainscreen panels; extensive internal refurbishment; various external works including expansion of existing car park using existing tarmac area, provision of on site drop off facility. Installation of removable bollards at existing emergency access road, new pedestrian footpaths, new security fencing to delineate new site boundaries, timber screening, relocated entrance to school building, canopy to reception external area and new external lighting at Danley Middle School (Ref: SW/10/1334).

Recommendation: *The application be referred to the Secretary of State for Communities and Local Government and subject to his decision planning permission be granted subject to conditions.*

Local Member(s): Mr K Pugh

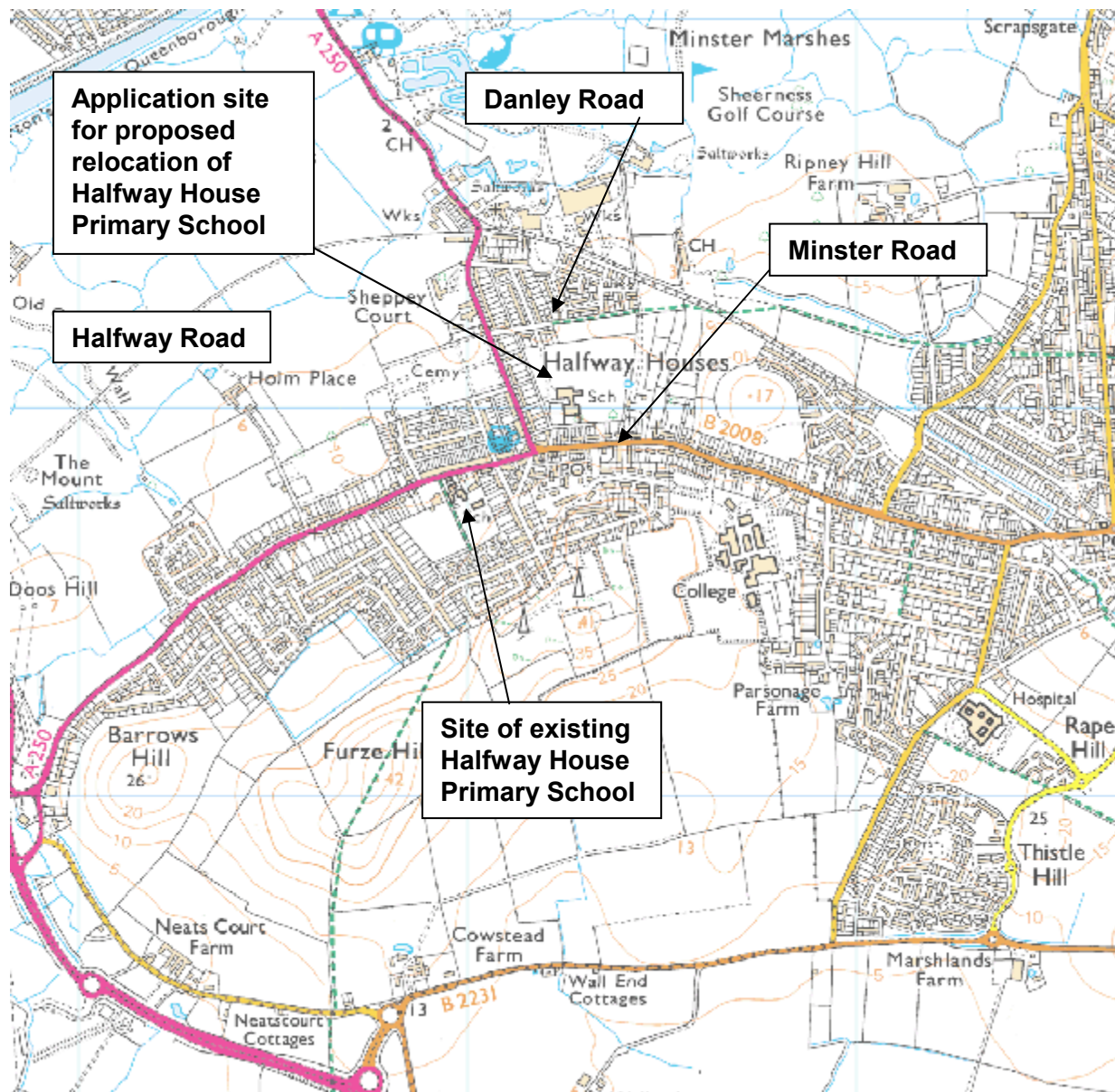
Classification: Unrestricted

Site

1. The Danley Middle School site is located to the north east of Minster on Sea and to the south east of Sheerness in the area of Sheppey known as Halfway Houses. The site falls within the Swale Borough and also in the Thames Gateway. The current site is approximately 64,200m² and is situated at land to the east of Halfway Road (A250) and to the north of Minster Road (B2008). There are three access points to the site from Danley Road; an emergency vehicular and pedestrian access off Halfway Road and a pedestrian access off Minster Road.
2. Whilst part of the site adjoins a built up area which is predominantly residential, the school grounds fall outside the built up area boundaries in the countryside. There are currently large areas of playing field within the site. A map showing the location of the site in relation to its surroundings is included below.

Background

3. The Danley Middle School site was vacated in July 2009 as a result of the phasing out of the three tier system in Sheppey. The site as a Middle School had a capacity for 720 pupils. This planning proposal would bring this established school site back into educational use and would allow the relocation of the existing Halfway Houses Primary School to the site. It is proposed that the school would provide capacity for initially 510 pupils, reducing to 420 pupils by September 2015.
4. This proposal involves significant changes to the external appearance of the building. It also involves amendments to access, site security arrangements and a reduction to the amount of open space that would be incorporated within the new Halfway Houses Primary School site by virtue of the proposed fence.

Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation**Location Plan**

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**Proposal**

5. The proposal to relocate the Halfway Houses Primary School to the site involves substantial refurbishment of the existing school buildings at the site. The proposed works, which have been amended during the course of this application, would significantly change the current external appearance of the buildings.
6. External works would comprise new coloured (in the Halfway House Primary School corporate blue) rain screen cladding to the existing building façade, new roofing insulation works to provide a flat roof and external amendments to security, relocated

Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation

main entrance to the building, amendments to access routes and fencing to meet current access and security requirements for primary school facilities. Some parts of the existing building that are not undergoing refurbishment would be screened by a new timber screen.

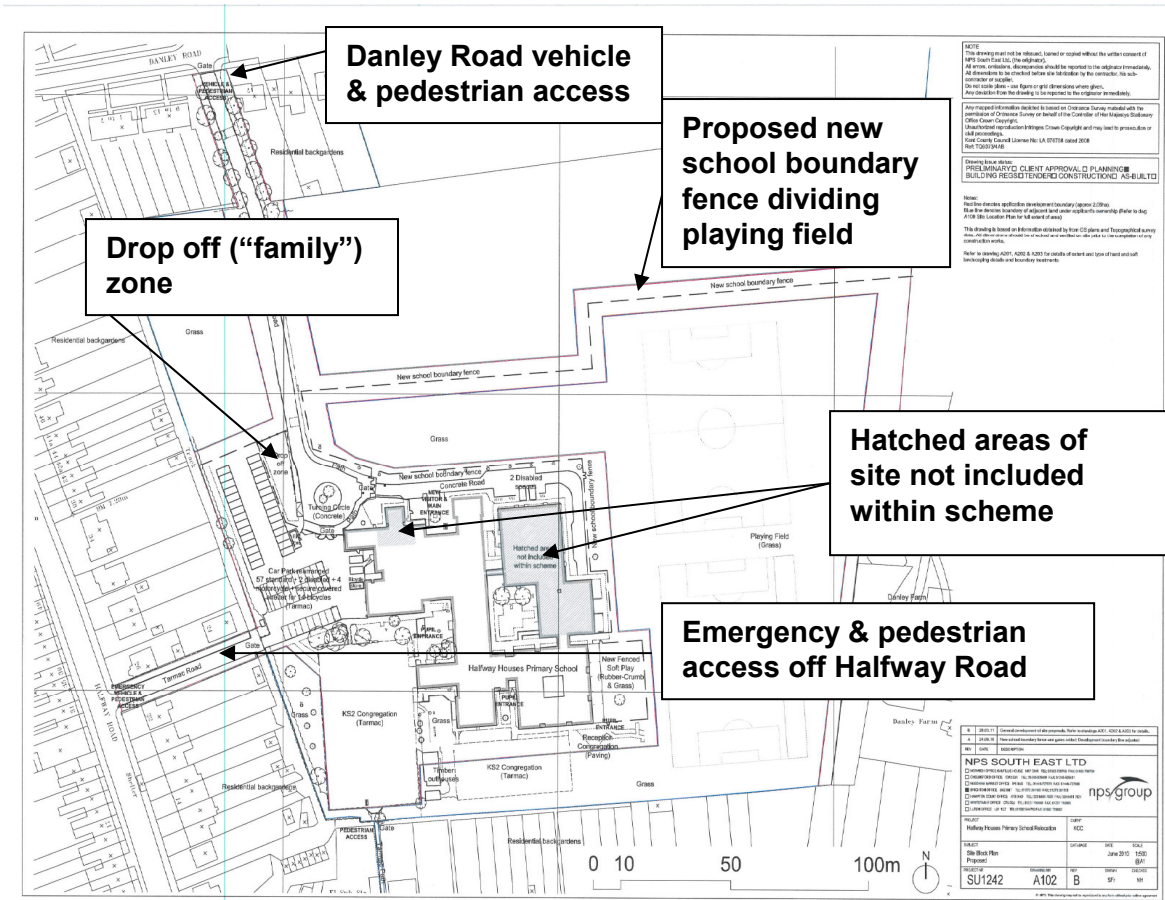
7. A new tarmac pathway is proposed around the outside of the vehicular roundabout already in place and a reinforced grassed area designated as a “family zone” which would provide an on site short term parking facility with protected pedestrian access to the pupil entrance and main school reception. Other external works to improve pathways and circulation are also proposed and also additional car and cycle parking, a fenced enclosure with soft rubber crumb surface for reception aged pupils.
8. A new 1.8m high metal weld mesh fence with remotely controlled access gates is proposed which would divide the playing field and delineate the new boundary of the proposed Halfway Houses Primary School. This would segregate land which is surplus to the school requirements. That playing field land does not form part of this planning application, nor does the playing field land which would be retained by the school.
9. It is proposed that the emergency access to the school off Halfway Road is to be kept clear by the installation of removable bollards (with fire brigade locks) across the mouth of the road. The road is owned by Kent County Council.
10. Internal works in the main involve extensive refurbishment and amendments to internal layout, including incorporation of inclusive access arrangements. It is also proposed to segregate or “mothball” some of the existing buildings within the site and it is proposed that these areas would not be used by the Halfway Houses Primary School.
11. Visual details of the proposal are shown below.

View of existing site from Danley Road access



Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation

Proposed site layout



Impact of proposed new school boundary fence on playing field



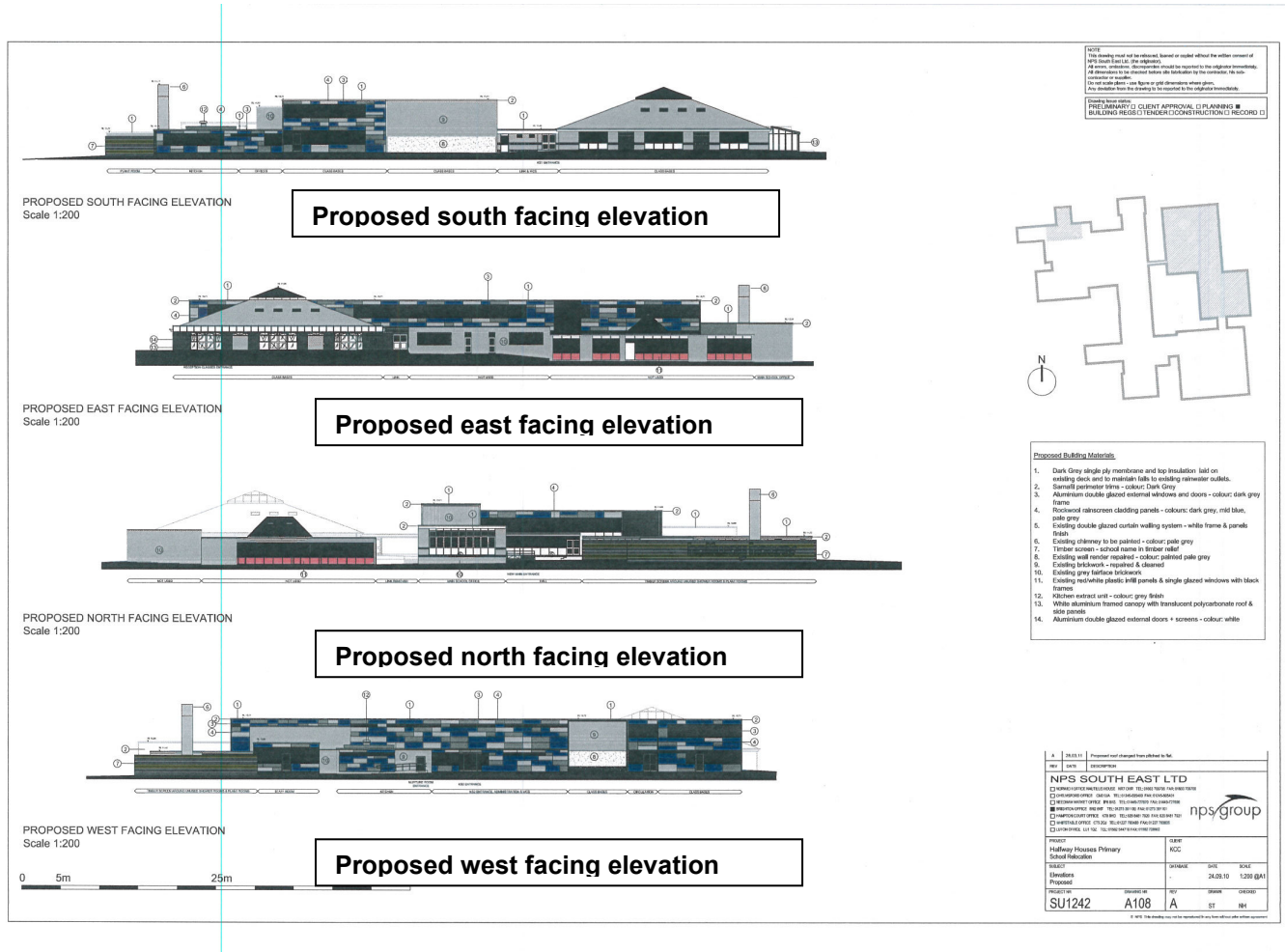
Existing arrangement of playing field

Proposed arrangement as a 2FE primary school

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Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation

Proposed amended elevations



Planning Policy

12. The application needs to be considered in the context of National, Regional and Local Planning policy.
13. National policy relevant to consideration of this application is contained particularly within PPS1 Delivering Sustainable Development and PPG17 Planning for Open Space, Sport and Recreation. This is particularly relevant to consideration of the impact of the proposal on the school playing fields, sustainability and community. It concerns maintaining an adequate supply of open space and sports and recreational facilities.
14. Regional policy is contained within the South East Plan 2010. However, it is important to note that as a result of the judgement in the case brought by Cala Homes in the High Court, which held that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety, Regional Strategies (the South East Plan in the case of Kent) were re-established as part of the Development

Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation

Plan on 10 November 2010. Notwithstanding this, DCLG's Chief Planner Steve Quartermain advised Local Planning Authorities on 10 November 2010 that they should still have regard to the Secretary of State's letter to Local Planning Authorities and to the Planning Inspectorate dated 27 May 2010. In that letter he had informed them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in any planning decisions. As a result of the legal challenge Members will be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the RSS as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that Cala Homes has been granted leave to appeal the recent High Court judgement and are seeking clarity on how much weight should to be given to the RSS in light of the intention to revoke. The relevant policies to this application are:

Policy CC1	Seeks to achieve sustainable development.
Policy CC3	Seeks to achieve efficient resource use.
Policy CC4	Seeks to achieve sustainable design and construction.
Policy CC6	Seeks to promote sustainable communities and character of the environment.
Policy CC8	Relates to the management of green infrastructure including school playing fields.
Policy BE1	Relates to the built environment.
Policy S1	Concerns supporting healthy communities via the planning system
Policy S3	Concerns adequate provision of education facilities.
Policy S5	Seeks to encourage provision for cultural and sporting activity.
Policy S6	Seeks to promote mixed use of community infrastructure.
Policy KTG1	Seeks to ensure coordinated core policy strategy in relation to the Kent Thames Gateway area with as a first priority making full use of previously developed land.

15. Local Development Plan policies are contained in the Swale Borough Local Plan 2008. The saved policies summarised below are relevant to consideration of the application:

Policy SP1	Seeks to encourage sustainable development in a range of ways, including promoting the more efficient use of previously developed land and existing building stock and ensuring that there is provision for physical, social and community infrastructure and by promoting high quality design.
Policy SP2	Seeks to protect and enhance the environment.
Policy SP6	Aims to ensure that there is sufficient infrastructure in place such that new developments are located close to good quality public transport and the principal highway network whilst seeking to reduce car dependence.
Policy SP7	Seeks to satisfy social needs of communities and promote safe environments and a sense of community by providing innovative ways of providing and continuing existing services and safeguarding services and facilities from harmful changes of use and development proposals.
Policy TG1	Recognises the position of the proposed development within the Thames Gateway Planning Area.
Policy E1	Identified the expectation that development proposals will be well sited; of appropriate scale, design and appearance; meet high

Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation

	standards of accessibility and inclusion; not cause demonstrable harm to residential amenity and other sensitive uses or areas; provide safe vehicular access and convenient routes and facilities for pedestrians and cyclists; and, integrate security and safety within design and provide parking facilities in accordance with County Council standards.
Policy E6	Seeks to protect the countryside outside the built up environment. Development proposals would be resisted unless they fall within specific categories, one of which is necessary community infrastructure.
Policy E7	Seeks to protect important local countryside gaps by resisting development which would result in merging of settlements and the encroachment or piecemeal erosion of land.
Policy E9	Seeks to protect the quality and character of the landscape.
Policy E10	Seeks to retain trees as far as possible and provide for new planting to maintain and enhance the character of the locality.
Policy E19	Seeks to achieve high quality design.
Policy T1	Seeks to provide safe access to new development by resisting development proposals that decrease safety on the highway network and which lead to the intensification of any existing access onto a primary or secondary road or route unless in an acceptable location or where access can be improved to an acceptable standard to achieve a high standard of safety through design.
Policy T2	Seeks to require essential improvements to the highway network by the provision of off site highway works.
Policy C1	Seeks to prevent loss of local community facilities where this would be detrimental to social wellbeing unless suitable and equivalent replacement facilities are provided and seeks to prevent the loss of open space.
Policy T3	Seeks to provide sufficient vehicle parking for new development.
Policy T4	Seeks to provide for the needs of cyclists and pedestrians within development proposals.

Consultations

16. **Sport England** objects to the proposal on the grounds that *“the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned”*. This is in the context of playing fields policy which states that “Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, or land last used as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies”. Sport England considers that one of the specific circumstances does not apply in this case and that the proposal would prejudice the use of approximately 27,400sqm of playing field. Sport England’s advice is that should the fence be removed from the proposal, allowing for community use of the site, they would be willing to remove their objection. As a result of the Sport England objection, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the County Planning Authority would need to consult the Secretary of State at the National Planning Casework Unit if Members do not propose to refuse this application for planning permission. *This is discussed further below.*

Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation

17. **Swale Borough Council** does not object to the principle of the development subject to conditions requiring the submission of material samples and that lighting be sited and angled to fall wholly within the school site.
18. The **Divisional Transportation Manager** originally asked for more information to be included in the application as it did not include sufficient traffic and parking assessment to take account of the change from a middle to a primary school which was more likely to generate a higher number of vehicle trips due to the younger age of pupils. A desire was also expressed for a drop off facility to be provided within the school grounds which would reduce the problems likely to occur in Danley Road and also increased cycle parking provision. That information was included within further information submitted and the application therefore revised to increase cycle parking provision and to allow for an on site drop off facility within the "family zone". Consequently, the Divisional Transportation Manager has raised no objections to the revised proposal subject to conditions being attached to any permissions requiring provision on site to accommodate operatives and construction vehicles loading, off loading or turning; details of parking on site for construction site personnel, operatives and visitors; precautions on site to guard against transfer of mud and similar substances onto the public highway; provision of an adequate surface and drained vehicle parking space and vehicle loading, off loading and turning space area before the use commences; provision of cycle parking space before the building is occupied; and, completion of the access details shown to the satisfaction of the County Planning Authority prior to the occupation of the site.
19. **The KCC Biodiversity Team** raises no objection but provided comments requiring that the mitigations measures be implemented as set out in the application in relation to reptile habitats, nesting birds, great crested newts, roosting bats, toads and hedgehog habitats.
20. The site is located within a non civil parish.

Local Member(s)

21. The local County Member Mr Ken Pugh was notified of the application on the 12th October 2010 and on 6th April 2011.

Publicity

22. The application has been advertised by the posting of site notices at three locations, by Newspaper Notice and by the individual notification of a number of neighbouring properties. Revisions to the application were re-advertised by the posting of additional notices in the same locations and by the individual notification of a number of the neighbouring properties.

Representations

23. Five neighbour representations were received regarding the original application with observations concerning:

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- Proposed parking provision and concern about parking on the pavement and across drives.
 - Whether the adjacent infrastructure can cope with traffic congestion that might occur during pupil drop off and collection by parents. Concern also about whether the proposal provides a safe environment for the arrival and departure of children at the school, particularly as no on site drop off arrangements were originally proposed.
 - That the existing Halfway Houses Primary School has a long history of access and parking difficulties and that these would transfer to the proposed site which is perceived to have a very limited provision for parking around the Halfway Road junction. Concern that these problems were not addressed via an Access and Parking Strategy. Concern that there had not been adequate survey of current travel and parking habits and that the application did not provide solutions to the perceived traffic congestion issues.
 - Perceived inconsiderate parking and the effect of this on access to property along the emergency and pedestrian access off Halfway Road.
 - Concern for pedestrian safety and for provision of emergency services access along the emergency and pedestrian access off Halfway Road.
 - Concern about lighting and whether this might fall towards neighbouring property.
 - Concern about the loss of playing pitches from school sites in the area although at the same time supporting the proposed community use of playing field in connection with this proposal.
24. The applicant has responded to these concerns together with other consultation comments and amended the application, particularly in relation to parking survey, provision of an on site drop off facility and emergency access. As a result, the amended application was re-advertised following which two further representations have been received regarding:
- Privacy to neighbouring property along Minster Road and the need for repair of fencing at this boundary.
 - Notification of any works regarding replacement of fencing to neighbouring farmland and a concern that fencing works does not affect the security and wellbeing of livestock on neighbouring fields and is sufficient to prevent litter from the school being blown through any gaps in the rails.
 - There has also been some concern about continued access rights to residential property along the emergency access and pedestrian access from Halfway Road.
 - The potential for any change of use of surplus land to potential housing/building purposes.

Discussion

25. Decisions on planning application proposals are required to be in accordance with the Development Plan unless material considerations indicate otherwise. The relevant development plan policies are set out above and require proposals to be acceptable in terms of the site, context, design and impacts. In my opinion, the main determining issues for this application relate to the impacts to playing field land, design considerations and the potential for impact on the highway network.

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26. This application is being reported to the Planning Applications Committee because of the potential impact of the development on the availability of playing fields which concerns Sport England and because of the neighbour representations received which are summarised above.

Need considerations

27. The use of this site is already established as an educational facility. However, the existing site currently stands empty and is falling into disrepair. This proposal would bring an existing empty site into use by the relocation of the Halfway Houses Primary School to the site but this would in turn lead to the vacation of the existing Halfway House Primary School premises.
28. The applicants state that the existing accommodation at Halfway House Primary School is insufficient and unfit for purpose; 74% of the pupils are taught in temporary accommodation (mobiles, timber huts, HORSAs huts) and the toilet arrangements are poor (outside mobile toilet block). They state that the buildings are in disrepair. As part of the Sheppey Review, it was agreed that all pupils at the school should be accommodated in permanent buildings on a fit for purpose site. Feasibility studies carried out by the applicants indicate that the site at Danley Middle School is better placed to accommodate this need than the existing Halfway Houses Primary School site.
29. Based on this information, I am satisfied that the need for the relocation of the Halfway Houses Primary School to this site has been demonstrated.

Location issues

30. Use of this site for education has previously been established in planning terms. However this proposal would lead to the exclusion of some land from the previous Danley Middle School site. That is because it is surplus to what the Halfway Houses Primary School would require for the intended number of pupils on the roll. Sport England has objected to this proposal on the basis that in their view it impacts on the provision of playing field land. In determining this proposal, consideration therefore needs to be given to the acceptability of the proposal given the impact on the school playing fields at the site.

Impacts on school playing field

31. National planning policy (PPG17) seeks to protect playing fields from development. Sport England has objected to the proposal on the basis of playing field policy which aims to ensure that there is adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. Sport England considers that the proposal involves a reduction in accessible playing field area and in would lead to a deficiency in the provision of playing fields in Swale. Sport England does not accept justification of the loss of playing field by reference to the Department of Education and Skills (now Department of Education) publication "Briefing Framework for Primary School Projects Building Bulletin 99" (BB99). In its view the document is only non-statutory guidance providing design recommendations and does not constitute planning policy, nor override other policy contained in PPG17 or the Swale Local Plan (2008) policy C1. Its view is that BB99 should be given little weight in considering whether there is sufficient justification for loss of playing field land. However, Swale Borough Council does not object to the

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proposal and the applicant has provided information that seeks to persuade that the proposal is justified because it brings into use at least part of the site.

32. In terms of the playing field, the planning application under consideration only includes that playing field through which the proposed fence would run. The fence would form the proposed new school boundary and provide appropriate security. Sport England states that its objection would be overcome if the fence is removed from the proposal, but the applicants wish to retain the proposed fence for security, safety and child safeguarding reasons.
33. In responding to this issue, the applicants state that the proposal requires a playing field but not one in excess of the recommended size for a 2FE primary school (taken from BB99). The applicant states that the whole site is currently inaccessible to local groups and the community and was little used in the past. They state that this proposal would bring some of the playing fields at the site back into use for winter and summer use for team games and field events. They include two basic football pitches and a 100m running track. There would be 18,600sqm of playing field which they say is much more than the 10,250sqm which would be required by BB99 for this size school. They propose bringing these pitches back into community use also, by agreement with local groups and the community. However, this use would only relate to land which would be used by the relocated Halfway House Primary School.
34. Sport England welcomes the community use envisaged but would like the whole site to be used for its maximum potential to the benefit of the community. It considers that the proposal does not meet one of the five specific circumstances contained in the Sport England document "A Sporting Future for the playing fields of England" where an exception to policy can be made. The specific circumstances are where there has been an assessment of the current and future need for playing field provision in the catchment and that it has been demonstrated that there is excess provision and that the site has no special significance to the interests of sport; that the proposed development is ancillary to the use of the playing field and does not affect the quantity, quality or use of the playing field; that the proposed development only affects land incapable of forming or forming part of a playing field pitch and does not result in loss of pitch or facilities; that the playing field(s) which would be lost would be replaced by playing fields) of equivalent or better quality and quantity and that the proposed development is for a sports facility which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by loss of the playing field(s). The applicant has not presented any information which indicates that one of the policy exceptions can be applied, for example, an assessment which demonstrates that there is no longer a need for the playing field land or an assessment of the impact of this proposal on the availability of playing field and pitches in the area.
35. Sport England has also raised concerns about the impact of this proposal on the playing fields at the existing Halfway Houses Primary School. They consider that bringing the playing fields back into use as part of this relocation project should be offset against the potential for playing fields falling out of use at the Halfway Houses site. The existing playing field area at the Halfway House school is only 6000sqm and the applicant demonstrates that this proposal would bring more than this area of playing field into use.
36. On the basis of the information provided and because the proposal by virtue of the fence, impacts on existing playing field site, the application appears to go against

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national planning policy contained in PPG17 seeking to protect playing fields so as not to reduce opportunity for participation in sporting activity. However, national planning policy should also be set within the context of the needs of local communities. Neighbour notification indicated that the availability of playing fields within the area for community use was a general concern to one local Sports Group. However, at the same time, community use of the remaining playing field at the site was welcomed.

37. In addition to PPG17, regional and local policies need to be considered including in particular, Swale Local Plan policy SP1 and SP7 which seek to promote efficient use of resources and to make provision for community uses. In my view, this proposal needs to be considered in the context of the efficient use of resources and the bringing back into productive use of at least part of the site rather than allowing the facility to fall into disrepair.
38. This application only affects the playing field by virtue of its exclusion from the school proposal by provision of the dividing fence, and whilst there are no plans to make the excess playing field available, it would still be capable of use for sport. Future proposals concerning the area of playing field outside the application are not known at this stage. However, given that this application does not concern the further development of the playing field outside of the application area, it is my view that this application results in a division of playing field in the area rather than a reduction or deficiency of playing fields in the area and that as such it remains as playing field land.
39. In determining this application consideration needs to be given as to whether to give more weight to the national policy contained in PPG17 and protection of the playing field for future Sports use or to the bringing into use of the currently vacant school site and the area of playing field that would be brought into more active use as a result.
40. Protection of the playing field for future sports use would in my view be considered in full as part of any future development proposals should they arise, thus allowing this application to be considered in terms of its other impacts. Given also that Swale Borough Council has not objected to the proposal in terms of their own planning policy, my recommendation to Members is to give more weight to bringing at least part of the site back into efficient use. That would leave consideration of the impacts of any future playing field development proposals should they arise, to be considered on their own merits at the appropriate time.
41. However, in so doing, Members should be aware that as a result of the Sport England objection, and in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the County Planning Authority will need to consult the Secretary of State at the National Planning Casework Unit, unless Members propose to refuse this application for planning permission.

Impacts of the proposal

42. Whilst the general impacts of educational use at this site will already have been established, the specific impacts of this particular proposal need to be considered afresh, in particular in relation to the design and the potential highways impact including congestion and access. These matters are discussed further below.

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Design Considerations

43. The existing Danley Middle School site is vacant and the buildings have fallen into disrepair and without refurbishment would not be fit for purpose. The proposals would result in a change to the external appearance of the existing 1960's style building by the addition of a new rainscreen over cladding finished in the Halfway House corporate colour, blue, and with double glazed windows and a new insulated flat roof. The scale of the proposed upgrade is designed to have as little overall massing impact as possible. The proposed new roof height is below that of the highest non refurbished building roofs and so unlikely to unduly impact on the surrounding. A timber screen is proposed to screen buildings that would remain unused.
44. The proposed amendments to the existing access routes within the site and the inclusion of a drop off "family" zone" and the provision of facilities for cycle parking and improved pedestrian access are also relevant to consideration of the design proposal and I am satisfied that the overall proposal would result in improvements to the existing facility in terms of design and access. I am satisfied that the refurbishment would modernise the existing building which would be more visually acceptable whilst at the same time screening the unused parts of the building. I am satisfied that the proposal in this regard accords with South East Plan Policy BE1 and Swale Local Plan policy E1. Other policies (such as DM16) require development to be well designed and to respect the site and its surroundings. I am satisfied that the site and design of the proposal is appropriate to the surroundings (as discussed above).

Access and highways issues

45. The applicant has revised the proposal to mitigate these concerns by the provision of an on site drop off facility (designated the "family zone") and by increased car parking and cycle provision on site and improved pedestrian access arrangements.
46. Access to the site for the emergency services has been a concern and the applicant proposes installation of lockable bollards between the access and Halfway Road reinforcing this as a pedestrian and emergency access only. It is understood that the need for easements along this access would be dealt with by the KCC Legal and Estates Department.
47. I am satisfied that the difference in age structure together with the difference in roll numbers has now been assessed within this proposal. Concerns about additional congestion at peak times from parents parking near to the site have been addressed by the provision of an on site drop off facility and additional car and cycle parking at the site, and I am satisfied that via these measures the application provides a safer environment for the arrival and departure of children at the school, as well as considering the impact on the immediate locality. This represents an improved situation to that when the site was last in use in July 2009. The Divisional Transport Manager does not object to the revised proposal. I am satisfied therefore that the neighbour concerns regarding a transfer of existing problems from the existing Halfway Houses Primary School has been adequately considered within the proposal and that these matters can now be adequately controlled via condition.

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Lighting and other issues

48. Neighbour representation has also resulted in a concern about additional lighting at the site. The applicant has submitted a lighting statement with the application indicating what would be used externally. They propose new low level 1m high bollard lighting to the new pedestrian footpath, car park and new entrance area, and new wall mounted lights hooded to prevent upward light pollution. A full lighting scheme is being prepared by the applicant although has not yet been submitted. Given the overall site context, I am satisfied that the lighting impacts of the proposal can be adequately controlled by condition.
49. There has also been concern about privacy to neighbouring properties along Minster Road and the need to reinforce existing fencing and boundaries which have fallen into disrepair. Whilst the maintenance of fencing is in part a good neighbour issue, I am satisfied that these impacts of the proposal can be adequately controlled by condition in relation to provision and maintenance of boundary treatment.
50. As a result of neighbour notification there has also been concern that the replacement of the fence to the east should not affect the security and wellbeing of livestock on neighbouring farmland and that the fence is sufficient to prevent litter from the school being blown through any gaps in the rails. The proposal is to replace the existing timber pale fence with 1.8m high galvanised steel fence. Whilst appropriate neighbour notification of intended boundary works is also a good neighbour issue, I am satisfied that measures to contain litter and provision of suitable boundary treatment can be addressed by planning condition.
51. This planning application does not include proposals for any change of use of surplus land from playing field to potential housing or building purposes. In my view, concerns arising from the neighbour notification about the potential for this would need to be addressed via the planning process at the appropriate time should any such proposal(s) materialise.

Conclusion

52. Having considered the suitability of the site, its context, the proposed design and the environmental, transport and amenity impacts, I conclude that the proposal would be acceptable in this location. However, given the Sport England objection, should Members support my views expressed in paragraph (40) above and decide against refusal of this application, the County Planning Authority is required to consult the Secretary of State for Communities and Local Government at the National Planning Casework Unit and not grant planning permission until the Secretary of State has first considered the application. The Town and Country Planning (Consultation) (England) Direction 2009, requires that the Authority may only proceed to determine an application once the Secretary of State has had an opportunity to consider whether or not to call in the application for his own determination.

Recommendation

53. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government, and SUBJECT TO his decision, PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including:

Item D2

Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation

- a. the standard time condition;
- b. the development be carried out in accordance with the submitted details and plans;
- c. the submission of material samples;
- d. the provision and maintenance of a drop off area and vehicle and cycle parking arrangements at the site prior to occupation of the building;
- e. provision on site to accommodate operatives and construction vehicles loading, off loading or turning;
- f. details of parking on site for construction site personnel, operatives and visitors;
- g. precautions on site to guard against transfer of mud and similar substances onto the public highway;
- h. provision of an adequate surface and drained vehicle parking space and vehicle loading, off loading and turning space area before the use commences;
- i. provision of cycle parking space before the building is occupied;
- j. completion of the access details shown to the satisfaction of the Local Planning Authority prior to the occupation of the site.
- k. revision of the school travel plan;
- l. submission of a full lighting scheme for the site and for lighting to be sited and angled to fall wholly within the school site;
- m. submission of boundary treatment proposals;
- n. implementation of mitigation measures detailed in the application in relation to reptiles, nesting birds, great crested newts, bats (including further bat survey work) , toads and hedgehogs, plus enhancing the site for biodiversity.

Case officer – H Mallett	01622 221075
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Background documents - See section heading
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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

DA/09/853/R3 & R5	Details pursuant to conditions 3 (ground conditions) and 5 (surface water drainage) of planning permission DA/09/853 for transfer and recycling of waste materials. Crossways Recycling Ltd, 15 Manor Way Business Park, Manor Way, Swanscombe
TM/98/2045/MR92/R31	Details of aftercare submitted pursuant to condition (31) of TM/98/2045/MR92 (extraction of sand and gravel). East Peckham Quarry, Hale Street, East Peckham
TM/10/3237	Application to vary conditions 19 and 20 of planning permission TM/98/2045/MR92 to allow for temporary importation of backfill material by road until 31 st March 2016 to facilitate restoration. Arnolds Lodge Farm Quarry, John Boyle Way, Hale Street Bypass, East Peckham
TW/09/3332/R3 & R8	Details pursuant and discharge of conditions (3) – Culvert Details and (8) – Cycle Path Details of planning permission TW/09/3332. North Farm Waste Transfer Site, Dowding Way, North Farm Industrial Estate, Tunbridge Wells

E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

Background Documents - The deposited documents.

None

**E3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

- AS/10/20/R3A Details of materials and finishes for the retaining walls – cable stay foot/cycle bridge over the M20 Motorway.
Land to the East of Junction 9 of the M20 between Eureka Leisure Park and Warren Retail Park, Ashford
- AS/11/25 Construction of new covered walkway and new toilets including part demolition of existing toilets
Bethersden CP School, School Road, Bethersden, Ashford
- AS/11/96 To erect 247 metres of 2 metre-high galvanised steel palisade fencing to the perimeter field of the school.
The Norton Knatchbull School, Hythe Road, Ashford
- AS/11/163 Continued siting of two mobile buildings for use as a playschool.
Bethersden Playschool, School Road, Bethersden, Ashford
- CA/09/702/R3, R4, R5, R10 & R21 Details of contractor's compound, access and parking (conditions 3, 4, 5) traffic signal control (condition 10) and archaeological works (condition 21) of planning permission CA/09/702
A28 Thanington Road and A2, Canterbury By-Pass, Thanington Without, Canterbury
- CA/10/489 Construction of a new school hall including the demolition of an existing air raid shelter.
Chislet CEP School, Church Lane, Chislet, Canterbury
- CA/10/1790/R15 A detailed assessment of ground conditions of the land proposed as playing field and a scheme to ensure that the playing fields would be provided to an acceptable quality.
Spires Academy, Land off Bredland's Lane, Canterbury
- CA/10/1790/R19 A detailed surface water drainage scheme based on sustainable drainage principles.
Spires Academy, Land off Bredland's Lane, Canterbury
- DO/11/95 DDA access improvements and the replacement of perimeter fencing, including vehicular and pedestrian gates.
River Primary School, Lewisham Road, Dover

GR/10/862/R	Non-material amendment to permitted drawings including provision of a servery hatch, changes to external doors, windows, decking area and wood stoves and details of flue to boiler. Trosley Country Park, Waterlow Road, Vigo, Gravesend
GR/10/862/R3, R4 & R5	Details pursuant to conditions 3 (foul and surface water drainage), 4 (external lighting) and 5 (archaeological watching brief) of planning permission GR/10/862 for a replacement visitor centre. Trosley Country Park, Waterlow Road, Vigo, Gravesend
GR/11/54	Retention of a mobile classroom unit and alterations to landscaping. Northfleet School for Girls, Hall Road, Northfleet, Gravesend
GR/11/92	Development of a small satellite toilet block with refreshment kiosk to supplement existing facilities in main visitor centre. Proposal includes some minor remodelling of existing car park layout and the introduction of a footpath link from the car park to existing path which runs around the park. Shornewood Country Park, Brewers Road, Shorne, Gravesend
GR/11/157	To construct a single storey extension towards the front of the existing school buildings. The extension will provide the school with a new secure entrance, enlarged reception area, head teachers office and a meeting/community room. St Botolph's CE Primary School, Dover Road, Northfleet
GR/11/1116	Construction of Multi Use Games Area (MUGA) on school field with associated fencing Westcourt Primary School, Silver Road, Gravesend
MA/10/787/R11	Details of a scheme to deal with the the risks associated with contamination. Aylesford Highway Depot, Doubleday House, St Michaels Close, Aylesford
MA/11/294	Conversion of existing caretaker bungalow to educational multi-purpose room with new conservatory. Change of use from residential to educational. Invicta Grammar School, Huntsman Lane, Maidstone
SE/11/714	Installation of 40 Sharp NU25 solar panels, located below the parapet on the flat roof above the school hall. Riverhead Infants School, Worships Hill, Riverhead, Sevenoaks
SH/11/215	Construction of a glazed link adjacent and accessible to the reception year classroom St. Marys C Of E (Aided) Primary School, Warren Road, Folkestone
SW/11/157	Renewal of planning consent for the provision of two mobile buildings. Selling CEP School, The Street, Selling, Faversham

SW/11/193	Renewal of planning consent for two number existing classrooms situated to the rear of the School. Bapchild and Tonge C of E Primary School, School Lane, Bapchild, Sittingbourne
TH/08/307/RA	Non-material amendment for the addition of external metal emergency escape ladder – Erection of new sports hall and alterations and extensions to the eastern block together with associated hard and soft landscaping and provision of new car park area. Dane Court Grammar School, Broadstairs Road, Broadstairs
TH/08/307/R4&R5	Ground contamination verification report – Erection of new sports hall and alterations and extensions to the eastern block together with associated hard and soft landscaping and provision of new car park area. Dane Court Grammar School, Broadstairs Road, Broadstairs
TH/10/227/R12	Details of upgrade and refurbishment to Garlinge Primary School swimming and changing facilities required pursuant to condition (12) of planning permission TH/10/227. Land Annexed from Garlinge Primary School & Nursery, Westfield Road, Margate
TW/11/476	To demolish the existing, disused toilet block and construct a two storey rear extension comprising a reception classroom, staffroom and two junior classrooms. The proposal also includes internal alterations to the entrance/reception area including the provision of a disabled toilet block and a lift. The proposal also includes the installation of new windows to the main school block and existing school hall. St Barnabas CE Primary School, Quarry Road, Tunbridge Wells
TW/11/686	Provision of an outdoor classroom. Speldhurst CE Primary School, Langton Road, Speldhurst, Tunbridge Wells
TW/11/705	Erection of 6.0m flagpole with 'Eco-Schools' Green Flag, following the successful achievement of Green Flag status. The flagpole to be located near the front entrance of the school. Bidborough CE Primary School, Spring Lane, Bidborough, Tunbridge Wells

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 – Environmental Impact Assessment.*

- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/TW/0170/2011 - Construction of one, six-bay modular building to accommodate an additional two classrooms. Pembury School, Lower Green Road, Pembury, Tunbridge Wells

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None.

E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None.

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