

PLANNING APPLICATIONS COMMITTEE

Wednesday, 9th September, 2015

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 9th September, 2015, at 10.00 am Ask for: **Andrew Tait**
Council Chamber, Sessions House, County Hall, Maidstone Telephone: **03000 416749**

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

Membership (19)

Conservative (10): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),
Mr M J Angell, Mr N J D Chard, Mr T Gates, Mr S C Manion,
Mr R J Parry, Mr C Simkins, Mrs P A V Stockell and
Mr J N Wedgbury

UKIP (4) Mr M Baldock, Mr L Burgess, Mr T L Shonk and Mr A Terry

Labour (3) Mrs P Brivio, Mr T A Maddison and Mrs E D Rowbotham

Liberal Democrat (1): Mr I S Chittenden

Independents (1) Mr P M Harman

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 - 15 July 2015 (Pages 5 - 8)
4. Dates of meetings in 2016
 - Wednesday, 20 January 2016
 - Wednesday, 10 February 2016
 - Wednesday, 9 March 2016
 - Wednesday, 13 April 2016
 - Wednesday, 18 May 2016
 - Wednesday, 8 June 2016
 - Wednesday, 13 July 2016
 - Wednesday, 10 August 2016 (provisional)
 - Wednesday, 14 September 2016
 - Wednesday, 19 October 2016
 - Wednesday, 16 November 2016
 - Wednesday, 7 December 2016

5. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SW/15/500348 (KCC/SW/0010/2015) - Installation of an advanced thermal conversion and energy facility at Land off Barge Way, Kemsley Fields Business Park, Kemsley; 4Evergreen Technologies Ltd (Pages 9 - 50)
2. Application TM/14/4075 (KCC/TM/0378/2014) - Extension to existing quarry to extract silica sand and to infill the void with inert waste at Wrotham Quarry, Addington, West Malling; Ferns Group (Pages 51 - 124)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 125 - 132)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (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
03000 416647

Tuesday, 1 September 2015

(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 section C, are available to Members in the Members' Lounge.)

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 Wednesday, 15 July 2015.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mr D L Brazier, Mrs P Brivio, Mr L Burgess, Mr N J D Chard, Mr T Gates, Mr T A Maddison, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mrs P A V Stockell, Mr A Terry and Mr J N Wedgbury

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Principal Planning Officer - County Council Development), Mr A Pigott (Strategic Transport and Development Planner) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

43. Minutes - 10 June 2015
(Item A3)

RESOLVED that the Minutes of the meeting held on 10 June 2015 are correctly recorded and that they be signed by the Chairman.

44. Site Meetings and Other Meetings
(Item A4)

It was noted that a training session on Environmental Impact Assessment would be held immediately after the Committee meeting finished.

45. General Matters
(Item B1)

The Head of Planning Applications Group informed the Committee that the Public Inquiry into Application DA/13/967 (Minute 15/9) would be held over a three week period in Hollingbourne, starting on 21 July 2015.

46. Proposal 15/503584/COUNTY (KCC/SW/0123/2015) - Relocation of Halfway Houses Primary School including expansion from two form entry to three form entry at Land at Danley Road, Sheerness.
(Item D1)

(1) Mr M Baldock informed the Committee that he was a Member of Swale BC's Planning Committee. He had not taken part in any discussion of the application in this forum and was able to approach its determination with a fresh mind.

(2) Mr T A Maddison informed the Committee reported the views of the Local Member, Ms A Harrison. She broadly supported the application but drew the Committee's attention to the need to ensure that traffic congestion was properly ameliorated.

(3) In agreeing the recommendations of the Head of Planning Applications Group, the Committee included an additional Informative strongly recommending that the applicants should explore the scope for the incorporation of photovoltaic panels on the roofing as a means of harnessing renewable energy for the development.

(4) RESOLVED that:-

(a) permission be granted to the Proposal subject to the receipt of no additional issues from Swale BC that have not already been addressed in the report; the payment of appropriate funds for the progression of a Traffic Regulation Order to create a formal one-way system to Danley Road; and to the imposition conditions, including conditions covering the standard 5 year time limit; the development being carried out in accordance with the permitted details; the submission and approval of details of all construction materials to be used externally; the advertisement of a Traffic Regulation Order required to make Danley Road within 2 months of the commencement of development; the submission of a School Travel Plan prior to occupation of the new school and its ongoing review; measures being taken to prevent mud and debris being deposited on the public highway; hours of working during construction being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays; the submission of a Construction Management Plan providing details of how the site access would be managed, details of the methods and hours of working, location of site compounds and operative/visitor parking, details of site security and safety measures, lorry waiting and wheel washing facilities and details of any construction access; the provision of the on-site parking areas prior to occupation of the school and their retention thereafter; the provision of cycle parking prior to the occupation of the school; the provision of 2m x 2m pedestrian visibility splays at the access with no obstruction over 0.6m from the footway level, and that this be maintained thereafter; the submission of a fully detailed sustainable surface water drainage scheme for the site and the written approval of such a scheme and its ongoing maintenance; the submission of a native species landscape scheme to supplement details submitted with the application, and details of a maintenance scheme for such landscaping; the relocation of all reptiles from the site to the area indicated on drawing number 3344_SK_014 being undertaken in accordance with the ecological report submitted; prior to the commencement of the development; the submission of a detailed lighting design strategy for written approval prior to occupation of the school; and the submission and written approval of a specification for a programme of archaeological work; and

(b) the applicants be notified by Informative:-

(i) to register the School Travel Plan with Kent County Council through the "Jambusters" website;

- (ii) to submit a memorandum of Understanding confirming that the funds required for the Traffic Regulation Order to change Danley Road to one-way only, of £3,000 together with those required for the associated highway improvement works and signage will be submitted to the County Highway Authority;
- (iii) of the need to ensure that all necessary highway approvals and consents are obtained; and
- (iv) of the Committee's strong recommendation that they should explore the scope for the incorporation of photovoltaic panels on the proposed roofing as a means of harnessing renewable energy for the development.

47. County matters 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;
- (b) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environment Impact Assessment) Regulations 2011; and
- (d) Scoping Opinions under the Town and Country Planning (Environment Impact Assessment) Regulations 2011 (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

KCC/SW/0010/2015 (SW/15/500348) – Land off Barge Way, Kemsley Fields Business Park, Kemsley, Sittingbourne, Kent, ME10 2FE

A report by Head of Planning Applications Group to Planning Applications Committee on 9 September 2015.

This application has been submitted by Environmental Compliance Limited on behalf of 4Evergreen Technologies Limited who are proposing to install an advanced thermal conversion and energy facility at the Kemsley Fields Business Park to produce energy and heat. The project will involve: construction of new buildings to house the thermal conversion and energy generation plant and equipment; construction of associated offices; erection of external plant including storage tanks; and the erection of a discharge stack at Land off Barge Way, Kemsley Fields Business Park, Kemsley, Sittingbourne, Kent, ME10 2FE.

Recommendation: Subject to the completion of a legal agreement to secure the provision of suitable offsite reptile receptor site, permission be granted subject to conditions.

Local Member: Mr R Truelove and Mr L Burgess and adjoining Member Mr M Baldock
Unrestricted

Site Description

1. The planning application site is situated on land off Barge Way, in Kemsley to the north of Sittingbourne. The site comprises a rectangular shaped parcel of land which is approximately 1.8 hectares in size. The site forms part of the wider Kemsley Business Park Complex and has direct access via a purpose-built access road into the business park via the B2005 Swale Way westbound towards the A249 at the Grovehurst Junction which in turn leads to both the M2 and M20 motorways. The site lies within close proximity to the Swale Site of Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. A site location plan is included below.

Proposal

2. The applicant proposes to install an advanced thermal conversion and energy generation facility (also referred to as pyrolysis) in order to produce energy (in the form of electricity and heat) for export to the National Grid and for utilisation by adjacent businesses. The proposed development comprises the following:
 - Construction of new buildings to house a thermal conversion and energy generation plant and equipment;
 - Construction of offices and visitors centre;
 - Erection of external plant including storage tanks;
 - The erection of a 30m high discharge stack;

C1.1

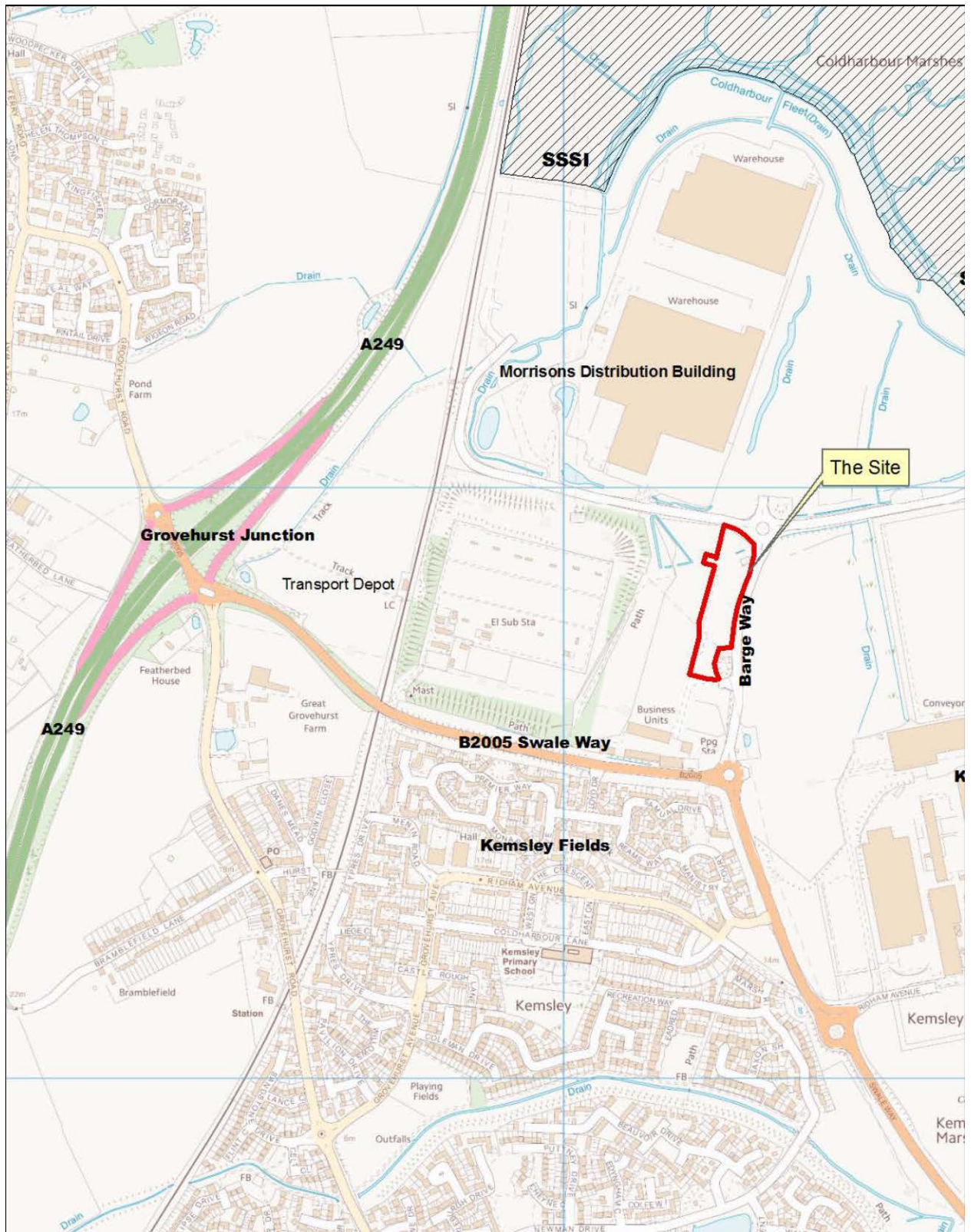


Figure 1: Site Location Plan

- Heat generation and use;
- Storage facilities; and
- Waste management.

Process Description

3. The proposed facility would have the capacity to utilise some 48,000 tonnes per annum of Refuse Derived Fuel (RDF) (consisting of largely combustible components of municipal waste such as plastics and biodegradable waste) along with other feed stocks including clean, recycled wood. Material would be delivered to the site by HGV via the existing primary highway routes (M20 and M2). Vehicles would be weighed on arrival and enter the facility where fuel would be checked and screened within an enclosed facility. Fuel would be dried utilising the waste heat generated by the thermal process and then fed through a ferrous separator before being fed into electrically heated pyrolysis units where fuel is broken down into a synthesis gas (syngas) and a residual carbon char which would be transported off site for disposal or reuse.
4. The process is described as the thermal degradation of a substance in the absence of oxygen. The temperatures during pyrolysis are typically between 300°C and 800°C with the materials produced after pyrolysis being syngas (a gas mixture that comprises carbon monoxide, carbon dioxide and hydrogen) and a solid carbon rich residue, known as char.
5. The syngas would be cooled and cleaned before being used to generate electricity via a gas engine. The applicant states that although the pyrolysis process does not involve combustion, the gas engines used to create electricity produce exhaust gases which are cleaned before being discharged via a 30m high stack.
6. Once fully operational the facility would generate some 10.4MW of electrical power, of which 2.2MW would be used on site and 8.2MW would be available for export to the National Grid.
7. A process flow diagram is included below (see Figure 2) along with a plan showing the general layout of the site (figure 3).

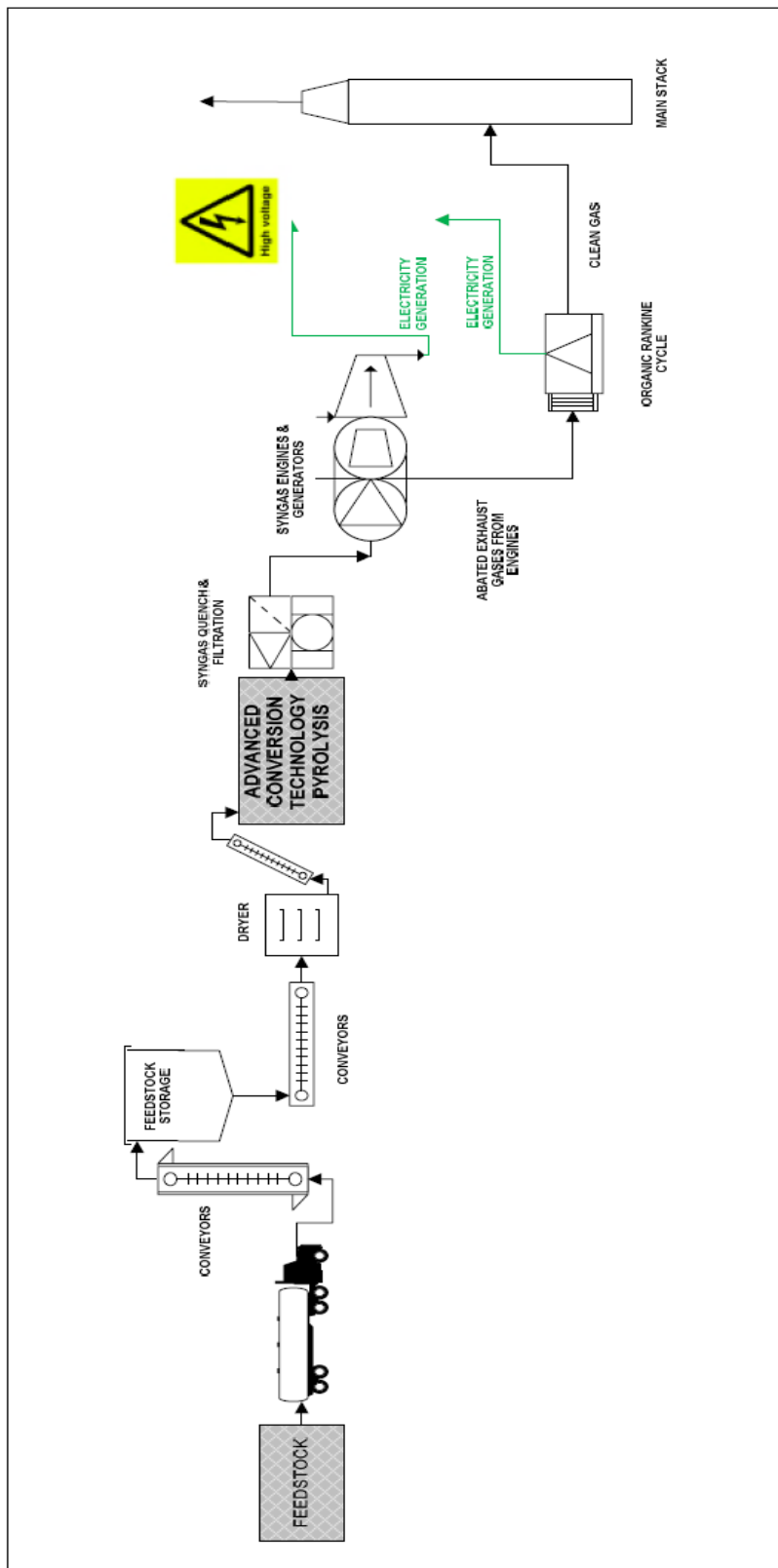


Figure 2 – Process Flow Diagram



Figure 3: Proposed General Arrangement on Site

Hours of operation

8. Whilst the facility would operate on a 24 hour basis, it would only accept delivery of raw materials to the site within the following hours:

0700 – 1900 Monday to Friday; and
0730 – 1730 Saturday and Sunday

Proposed Vehicle Numbers

9. Material would be brought to the site by HGV using the existing highway infrastructure. Routing would therefore be via the M20, M2, A249, Swale Way and Barge Way. The applicant considers that at full operational capacity the development would generate some 20 daily HGV movements (i.e. 10 in/10 out).
10. The planning application included within it environmental information covering, amongst other matters, Air Quality, Human Health, Flood Risk and Drainage, Ecology, Visual Impact, Transport and Noise

11. National Policy Context

The National Planning Policy Framework (NPPF): came into force on 27 March 2012 and should be read in conjunction with the National Planning Policy for Waste published in October 2014 which sets out detailed waste planning policies which local planning authorities should have regard to when discharging their responsibilities to the extent that they are appropriate to waste management.

The NPPF sets out the Government's planning policies and its aim to secure sustainable development in a timely matter. The role of the planning system is seen as contributing to the achievement of sustainable development. The NPPF identifies 3 dimensions to sustainable development which create 3 overarching mutually dependent roles in the planning system namely economic, social and environmental. In this context the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. Of particular relevance these include supporting the transition to a low

carbon future in a changing climate, taking full account of flood risk and coastal change, and encouraging the reuse of existing resources and encourage the use of renewable resources (for example, by the development of renewable energy); and encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; In facilitating the delivery of these roles and objectives the Framework requires that local planning authorities should look for solutions rather than problems. Local Planning Authorities (LPAs) are therefore expected to work proactively with applicants to secure development that improve the economic, social and environmental conditions of the area.

Planning is seen as playing a key role in reducing greenhouse gas emissions and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Local Planning Authorities should therefore now approach decision-making in a positive way to foster the delivery of sustainable development with decision-takers at every level seeking to approve applications for sustainable development where possible¹.

The National Planning Policy Framework requires that:

- proposed development that accords with an up-to-date Local Plan should be approved, and
- development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

National Planning Policy Guidance (NPPG): Requiring in the case of waste related development, that applicants should be able to demonstrate that their proposals will not undermine the Waste Planning Strategy through prejudicing the waste hierarchy.

Waste Management Plan for England (WMPE) 2013: The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero waste economy as part of the transition to a sustainable economy. In particular this means using the 'waste hierarchy' (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management. The WMPE provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive (WFD)

The WMPE recognises that national waste planning policy is an important part of delivering the objectives of the revised WFD in assessing the suitability of areas and sites for waste development within local plans and also in the determination of planning applications. It

¹ NPPF, paragraphs 186 and 187

summarises how the 'waste hierarchy' should be applied. The 'waste hierarchy' is both a guide and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill). The term 'other recovery' includes gasification and the Government does not express a preference for one technology over another, since local circumstances differ. Any technology is considered more beneficial if both heat and electricity can be recovered. In this respect particular attention should be given to the location of the plant to maximise opportunities for heat use.

National Planning Policy for Waste (October 2014) (NPPW): The NPPW should be read in conjunction with amongst others the NPPF and the WMPE. The NPPW retains many of the key messages contained in Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management which it replaced, in particular the need to drive waste management up the waste hierarchy recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal. It advises that in preparing Local Plans, waste planning authorities should ensure that the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities. They should also take account of the need for waste management, including for disposal of residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required.

With regard to identifying suitable sites in preparing plans, waste planning authorities should identify the broad types of waste management facility that would be appropriately located on an allocated site or in the allocated area in line with the waste hierarchy. In this context they should consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complimentary activities. Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers. They should also give priority to the re-use of previously developed land, and sites identified for employment uses amongst others.

When determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. Waste planning authorities should recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy. They should also consider the likely impact on the local environment and on amenity.

Conservation of Habitats and Species Regulations 2010 – in considering a European site interest, the competent authority under the provisions of the Habitats Regulations should have regard for any potential impacts a plan or project may have.

12. Energy Policy

National Policy Statements (NPS) EN1 and EN3 – NPS EN1 represents the Government's overarching National Policy Statement for energy which sets out national policy for energy infrastructure. Whilst primarily it is aimed at informing the National Planning Casework Unit on how it should make decisions on applications for nationally significant energy infrastructure projects, it States that *'In England and Wales this NPS is therefore likely to be a material consideration in decision taking on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether and to what extent, this NPS is a material consideration will be judged on a case by case basis'*. This overarching NPS forms part of a suite of NPSs issued by the Secretary of State for energy and climate change. A further 5 technology specific NPSs for the energy sector include NPS EN3 Renewable Electricity Generation (both onshore and offshore). NPS EN3 taken together with NPS EN1 provides the primary basis for decision making for nationally significant energy and renewable energy infrastructure. It is concerned with impacts and other matters which are specific to biomass and including energy from waste (EfW), onshore and offshore wind energy. It considers electricity generation from renewable sources of energy is an important element in the Government's development of a low carbon economy.

Energy underpins almost every aspect of our way of life. As we move towards 2050 the ways in which we use energy will be transformed. The Government's aim is that we become less dependent on some forms of energy, as new and innovative low carbon technologies and energy efficiency measures are taken up. The UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020 and it is therefore recognised that new projects will need to come forward urgently to ensure that we meet this target. EfW is seen as one of a number of renewable energy resources. The principle purpose of the combustion of waste, or similar processes (for example pyrolysis or gasification) is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity or heat. Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery.

UK National Renewable Action Plan (UKNRAP) 2010 - The UKNRAP recognises the need for the UK to radically increase its use of renewable energy which should look to make the most of our renewable resources in order to provide a secure basis for the UK's future energy needs. It seeks to increase the proportion of energy obtained from renewable sources in order to increase the security of our energy supplies and also provide opportunities for investment in new industries and new technologies. The UK Government believes that climate change is one of the gravest threats we face, and that urgent action at home and abroad is required. It is considered that the development of renewable energy sources along with other types of low carbon development will enable the UK to play its full part in international efforts to reduce the production of harmful greenhouse gases. This is consistent with the objectives as now set out in the NPPF which sees planning as supporting

the delivery of renewable and low carbon energy and associated infrastructure in order to provide resilience to the impacts of climate change.

The UKNRAP sets out measures that will enable the UK to reach its target for 15% of energy consumption to be from renewable sources by 2020 although this should not be seen as representing an upper limit. In 2009 the Department for Energy and Climate Change (DECC) published the results of analysis and modelling to demonstrate how it might be possible to meet this target. It concluded that this target is feasible through domestic action which could be achieved with a proportion of around 30% of electricity demand, including 2% from small-scale sources and 12% of heat demand coming from renewables. The UKNRAP indicated that it was intending to take steps to identify and address those issues that affect the timely deployment of established renewable technologies such as the planning system. Consistent with this approach the NPPF sends a clear signal to LPAs that they should act proactively with applicants to secure development that is consistent with the principles of sustainable development in a timely manner.

The UK Renewable Energy Strategy (2009) – seeks a radical increase in renewable energy use in order to reduce greenhouse gas emissions and diversify energy sources to enable lower reliance on fossil fuels.

13. Development Plan Policy

Kent Waste Local Plan March 1998 (Saved Policies): Policy W11 sets out the criteria against which proposals are required to be considered including support for waste management development within major established or committed industrial or industrial type areas. Policy W17 sets out the need to ensure airborne emissions will not adversely affect neighbouring land uses and amenity. Policy W18 requires adequate controls over noise, dust odours and other emissions. Policy W19 provides Surface and Ground Water protection. Policy W20 Land Stability, Drainage and Flood Control. Policy W21 seeks the satisfactory protection of Ecological Interests. Policy W22 Road Traffic and Access. Policy W25 Site Design and External Appearance

Adopted Swale Borough Local Plan, 2008 (Saved Policies) - Policy E12 (Sites designated for their importance to biodiversity or geological conservation), Policy B2 (providing for new employment), Policy B10 (Ridham as an existing committed employment site), Policy SP1 (Sustainable Development), Policy SP2 (protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough and promote good design in its widest sense), Policy SP3 (Economy), Policy SP6 (Transport and Utilities), Policy TG1 (Thames Gateway Planning Area), Policy E1 (General Development Criteria), Policy E9 (Protecting the quality and character of the Borough's landscape), Policy E13 (The Coastal Zone and Undeveloped Coast), Policy T1 (Providing safe access to new development), Policy U3 (Renewable energy) may also be relevant.

Swale Transportation Strategy Draft, Consultation Draft December 2014 – supporting and complementing Swale Borough Council's emerging Local Plan taking into account committed planned and forecast levels of development.

14. Emerging Policy

Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (Proposed Main and Additional Modifications) July 2015: As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW1 gives support where, when considering waste development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy.

Consistent with one of the Government's key aims to reduce the volume of Municipal Solid Waste (MSW) and Commercial and Industrial Waste (C&I) being sent to Non-hazardous landfill, the KMWLP seeks to establish a policy framework against which future proposals for waste related developments will facilitate the management of waste up the Waste Hierarchy (Policy CSW2). Policy CSW4 of the Plan sets out the County Council's strategy for securing sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. In order to achieve this, the KMWLP has to plan for all forms of waste management in the Waste Hierarchy which helps accommodate the transition towards those forms of waste development which sit towards the top of the Waste Hierarchy. The Plan seeks to address this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by identifying sites for energy recovery.

The preference identified in response to early consultations on the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings whilst enabling operators of large sites to exploit economies of scale. The location of waste sites in appropriate industrial estates was also the preference identified from consultations. This has the benefit amongst others of using previously developed land which will be given priority over greenfield sites. Policy CSW6 gives effect to this locational criterion and applies both to sites which are identified in the Waste Sites Plan and those that are not. In order to meet the need identified in Policy CSW7 for future waste management capacity permission will be granted for built waste management facilities subject to no unacceptable adverse impacts on sensitive receptors, the environment and communities. Such principles are consistent with those set out in the NPPW.

One of the fundamental aims of the KMWLP is to reduce the amount of MSW and C&I waste being sent to non-hazardous landfill. In order to achieve this there will need to be a substantial increase in waste recovery capacity during the plan period if a rapid shift away from landfill is to occur.

Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will increase the provision of waste management capacity for recovery while recognising the need to drive waste up the hierarchy. These include sufficient recovery facilities including EfW to meet a required additional capacity of some 562,000 tonnes per annum by the end of the plan period with provision for an additional capacity of some 375,000 tonnes per annum being met by 2016.

The KMWLP has been given public scrutiny before a Planning Inspector at an Independent Examination (IE) held earlier in April and May this year representing a key stage in its preparation towards formal adoption. Having listened to the various representations and in order to try and alleviate any concerns, during the course of the IE a number of modifications to the Plan were discussed with the Inspector to ensure the soundness and legal compliance issues and also to improve the Plan. These modifications are currently out to formal consultation upon the completion of which responses will be collated before being submitted to the Planning Inspector for him to take into consideration in his final report which is expected at the end of this year prior to the Plan being formally adopted

The NPPF advises that decision-takers may give weight to relevant policies in emerging plans according to amongst other matters the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). In my opinion the emerging policies in the KMWLP are fully consistent with the NPPF and therefore should be afforded significant weight in the determination of this application.

Swale Borough Council Emerging Local Plan (December 2014) Policy CP1 – building a strong, competitive economy, Policy CP2 – promoting sustainable transport, Policy CP4 – requiring good design, Policy ST1 – sustainable development, Policy A1 – existing committed employment locations (including Kemsley and Ridham), Policy DM6 – managing transport demand and impact, Policy DM14 – general development criteria, Policy DM19 – sustainable design and construction, Policy DM20 – renewable and low carbon energy, DM24 – conserving and enhancing valued landscapes, Policy DM28 – biodiversity and geological conservation, Policy DM30 – landscape and biodiversity enhancement.

15. Consultee responses

Swale Borough Council: The Borough Council raise no objection subject to the following criteria:

- (1) No objection from Kent Highway Services, Natural England, or the Kent County Council Biodiversity Officer;
- (2) Amendment of layout to set buildings back and provide a 5m-wide landscaping strip adjacent to Barge Way, and submission of a scheme of tree planting;
- (3) High quality external materials;
- (4) Any conditions recommended by other consultees.

The Borough Council have indicated that item (2) above is, in their view, considered to be particularly important to the success of the proposals. Without the provision of a 5m-wide landscaping strip adjacent to Barge Way the Council considers that the development will have a significant negative impact upon the character and appearance of the area. In this regard attention is drawn to the substantial soft landscaping to the front of the adjacent Morrison's depot.

KCC/SW/0010/2015 (SW/15/500348) - Land off Barge Way, Kemsley Fields Business Park, Kemsley, Sittingbourne, Kent, ME10 2FE

Iwade Parish Council:

The Parish Council objects on the grounds that there are already four similar facilities in the Ridham area and there is real concern about the cumulative impact this is having on the important neighbouring Ramsar/SSSI site and nearby residents. They state:

“The main concerns are roads; on the Transport Statement there are 10 lorry movements per day; worst case scenario 20 per day; then add to this additional cars at one per hour.

There will be a lorry every 15 minutes, plus a car every hour. This will result in more traffic going on to the Grovehurst roundabout, which is already at capacity as stated in Swale’s Local Plan. If this application goes ahead we would ask that a condition is included in the approval to limit the lorry movements to 10 per day, which is stated in the report.

If approved we would ask that silencers be put on the safety valves to reduce noise.

The Parish Council and residents want to see monitoring of emissions and air quality in the area, due to there being the Biomass plant within a two mile radius and monitoring and also noise levels should be checked regularly. Both Iwade and Kemsley Field residents have real concerns regarding this.”

County Fire Officer: No objection.

Environment Agency: No objection is raised - the EA consider that the proposed facility is unlikely to contribute to exceedences of the air quality Environmental Quality Standard (EQS) for human health and agree with the applicants’ conclusion that there would be no significant risk from the proposed facility.

Highways England: No objection.

Kent Highways and Transportation: No objection.

Kent Wildlife Trust: No comments received.

National Grid: No objection raised.

Natural England: No objection is raised however they advise that Kent County Council as the Competent Authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the plan or project may have (see Appendix A).

Lower Medway Drainage Board: No objection.

Biodiversity Projects Officer: No objection is raised subject to the imposition of planning conditions requiring reptile mitigation and monitoring measures be carried out as specified in paragraphs 3 and 4 of the reptile and amphibian method statement.

Heritage Conservation (County Archaeologist): No objection is raised.

Landscape Officer: No objection on landscape grounds.

AMEY (Noise, Air Quality, Odour):

Construction and Operational Noise: No objection subject to the imposition of conditions

Air Quality: No objection subject to a condition requiring those mitigation measures detailed in section 6 of the dust assessment to be adhered to.

Local Member(s)

16. The Local County Members Mr R Truelove and Mr L Burgess, along with the adjoining Member Mr M Baldock were notified of the planning application 20 January 2015. To date, no comments have been received.

Publicity

17. The application was publicised by the posting of a site notice, advertisement in the local newspaper and the individual notification of 1,389 nearby properties.

Letters of representation

18. To date 18 letters of representation have been received. Concerns are raised in relation to the continued development of the Ridham industrial estate as well as the overall cumulative impacts and effects on local residents. In addition there is ongoing concern that the existing road infrastructure is not sufficient to cope with additional traffic in the area. In summary concerns are raised in relation to the following:

Amenity

- Potential noise impacts from the development
- Cumulative noise impacts
- Noise and vibration impacts from additional HGV movements
- Continued concerns relating to odour in the area
- Dust impacts
- Visual impacts of the proposed stack
- Close proximity of an industrial activity to residential properties is unacceptable
- Potential health impacts from emissions
- Pollution resulting from the stack
- Amenity impacts should the site become flooded

Vehicles

- Concerns over increased vehicle movements in the area
- Adverse impacts of additional vehicles using the Grovehurst junction
- Impacts of traffic using the Sheppey Way during peak times
- Queuing traffic could increase air pollution

- the traffic impact assessment does not consider the impact of the recently opened haulage company (which is not yet fully operational)
- Existing traffic/HGVs using the local road network continue to ignore the 40mph speed limit

Discussion

19. 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 application will need to be examined having regard to both national guidance and the relevant development plan policies applying to the site together with any relevant material planning considerations arising from consultation and publicity. In my opinion, the main determining issues in this particular case can be summarised under the following headings:

- Need
- Traffic
- Air Quality
- Noise
- Nature Conservation and Ecology
- Landscape and Visual Impact

Need

20. There is strong planning policy support for renewable energy generating development and Government Guidance indicates that local planning authorities should promote and encourage development of renewable energy resources to address climate change. The wider environmental and economic benefits of proposals for renewable energy projects are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
21. Policy EN3 of the National Policy Statement for Renewable Energy Infrastructure supports electricity generation from renewable sources of energy and states that this is an important element in the Government's development of a low-carbon economy.
22. One of the key aims of Government policy is to reduce the volume of Municipal Solid Waste (MSW) and Commercial and Industrial Waste (C&I) being sent to non-hazardous landfill through the establishment of alternative more sustainable waste management facilities. Energy from Waste Plants (EfW) are seen as playing an important role in helping to achieve this objective which not only help divert waste from landfill but also help towards securing the country's future energy supply. Whilst traditionally EfW plants involved the mass burn incineration of non-recycled waste, Government is seeking to encourage an increase in the amount of energy generated from renewable low carbon technologies. Whilst at present we cannot prevent, re-use or recycle all of our waste, even after extensive and sophisticated recycling techniques, the residual material left over from these processes still has a value as a

fuel source. This has been recognised in a recent publication produced by DEFRA in February 2014 'Energy from Waste. A guide to the debate' which is aimed at stimulating discussions over the role energy from waste might have in managing waste in the future in a more sustainable way.

23. The NPPF sets out the Government's planning policies and its aim to secure sustainable development. On March 2014 the Government launched its National Planning Practice Guidance (NPPG). This new guidance is closely linked to the NPPF and consolidates previous practice guidance. With regard to planning for renewable and low carbon energy the NPPG states '*Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable*'.
24. Policy exists at both the national, regional and local levels which give support in principle for the establishment of the type of facility which seeks alternative waste management solutions to landfill disposal. These include facilities where waste should be recovered as a resource to produce energy. Such objectives also support the aim of how planning should contribute towards the achievement of sustainable development by reducing the carbon footprint by lowering emissions and stabilising climate change.
25. In my opinion this proposal is fully consistent with adopted Government policy and would help contribute towards securing the country's future energy supply consistent with the principles of sustainable development as set out in the NPPF and the guidance set out in the NPPG.

Traffic

26. The NPPF states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It also advises that development likely to generate significant amounts of vehicle movements should be supported by a Transport Statement or Transport Assessment.
27. Policy SP6 of the Swale Borough Local Plan requires new development to be planned and located close to the principal highway network and policy T1 states that development will not be permitted where volumes of traffic would be generated in excess of the capacity of the highway network unless the network can be appropriately improved to address the issues. Policy T1 also notes that development will be considered inappropriate where it would require the inappropriate formation of a new or intensification of an existing access. Policy W22 of the Kent Waste Local Plan (KWLP) states that permission will normally be refused where a development would adversely affect the safety or exceed the capacity of the highway and Policy W27

notes that where relevant a development should secure the interests of users of public rights of way.

28. The proposed site falls within the existing Ridham Industrial complex (now referred to as the Kemsley Business Park), (identified as an employment area in the Swale Borough Local Plan), which has been the subject of a number of planning applications and subsequent permissions recently. The access to the site is directly off Barge Way, a dedicated route built in 2006 to serve the Industrial Estate. A number of proposals have been granted planning permission by this Committee and the Borough Council has also granted planning permissions for major housing development, the Morrisons Distribution Centre and more recently, a 24 hour transport depot which is located close to the application site. Inevitably as business and residential development has progressed over the last few years, traffic impacts have become a major concern locally - these relate to safety as well as volume of traffic. Concerns over traffic and road capacity are therefore again reflected in the comments received from the Parish Council in relation to this proposal.
29. In support of this planning application, the applicant has submitted a transport assessment (TA) which indicates that the maximum vehicle numbers associated with the proposed development, once operational, would be some 20 movements per day (i.e. 10 in/10 out). Those 10 daily trips would be associated with waste deliveries to the site, which would be restricted to the proposed hours of 0700 – 1900 hours Monday to Friday and 0730 – 1730 hours on a Saturday and Sunday.
30. The TA indicates that the 48,000 tonnes per annum fuel capacity of the facility would generate deliveries equating to one inbound movement on the highway network every 90 minutes.
31. Both the Highways Agency and Kent Highways and Transportation have been consulted on the planning application and have assessed the proposal against national policy guidance and conclude that the proposal does not represent a significant impact on the strategic road network. On this basis both have raised no objection to the proposal on highways grounds.
32. Notwithstanding the Parish Council's assertions that the Grovehurst junction is at full capacity, Swale Borough Council themselves have raised no objection to the proposal subject to there being no objection from Kent Highways on traffic impact, capacity or safety grounds. Having regard to this and given the relatively small number of daily vehicle movements associated with this proposal, in my opinion the development meets the requirements of the relevant national objectives and development plan policies. The NPPF requires that development should only be prevented or refused on transport grounds where the cumulative effects of the development are severe. I would therefore find it very difficult to defend refusing the planning application on traffic impact grounds.
33. However in the event that planning permission is granted I would recommend the imposition of a planning condition which restricts the daily vehicle numbers to 20 movements per day.

Swale Transport Strategy

34. Whilst it would be difficult to justify refusing this planning application on the basis of 20 vehicle movements per day (10 in/10 out), Members will already be aware from previous reports to their committee, that there are ongoing concerns relating to traffic impacts on the Grovehurst roundabout/A249 junction. Those concerns continue to be reflected in comments received from Iwade Parish Council, as well as from local residents at Kemsley Fields. Notwithstanding there being no objection from KHT, Highways England and the Borough Council in relation to this particular application, I am aware that a transportation strategy is being developed by the Borough Council which seeks to address the broader transport issues in the Swale area generally and that matters concerning the future long term impacts on the Grovehurst junction are to be considered and addressed as part of this strategy. I would therefore anticipate that wider solutions to the local road infrastructure will be promoted separately in this regard.

Air Quality

35. In relation to air quality, the NPPF states that the planning system should contribute to conserving and enhancing the environment and reducing pollution by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability². Whilst air quality is a material planning consideration in relation to this proposal, there is inevitably likely to be some cross-over with the need for the Applicant to secure an Environmental Permit (EP) from the Environment Agency. The NPPG advises that assessments should be proportionate to the nature and scale of the proposed development and the level of concern about air quality. In this case a number of concerns are raised in relation to air quality and therefore consideration needs to be given to whether the proposed development could lead to an unacceptable risk from air pollution, prevent sustained compliance with EU limit values or national objectives for pollutants or fail to comply with the requirements of the Habitats Regulations.
36. The applicant has submitted an Air Quality Assessment which assesses the cumulative impacts of emissions both during the site construction stage and at full operational capacity. It provides within it the mitigation measures that have been incorporated into the design proposals, in order to minimise the potential adverse impacts and risk associated with the proposed development. The assessment considers whether adverse air quality impacts are likely to arise and draws conclusions as to whether these are significant.

Site Construction

37. The applicant identifies within the assessment any likely effects on air quality from dust generated at the construction stage and at the point when site clearance works would take place (from materials handling and removal etc.). The applicant states that

² Para 109, NPPF

the effects of construction related dust are likely to be limited to areas downwind within 200m of the site. They propose a number of mitigation measures, which would form part of a construction environmental management plan (CEMP) which would be submitted prior to the commencement of any work on site. Those mitigation measures are set out below.

Proposed mitigation to be included within a CEMP:

Communications	<ul style="list-style-type: none"> • Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environmental manager/engineer or the site manager; and • display the head or regional office contact information.
Construction Environmental Management Plan	<ul style="list-style-type: none"> • Develop and implement a CEMP approved by the Local Authority which documents the mitigation measures to be applied, and the procedures for their implementation and management.
Site Management	<ul style="list-style-type: none"> • Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken; • make the complaints log available to the local authority when asked; and • record any exceptional incidents that cause dust and/or air emissions, either on- or off- site, and the action taken to resolve the situation in the log book.
Monitoring	<ul style="list-style-type: none"> • Carry out regular site inspections to monitor compliance with the CEMP, record inspection results, and make an inspection log available to the Local Authority when asked; and • increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust area being carried out and during prolonged dry or windy conditions.
Preparing and Maintaining the Site	<ul style="list-style-type: none"> • Plan the site layout so that machinery and dust-causing activities are located away from receptors, as far as is possible; • erect solid screens or barriers around dusty activities or the site boundary that are as at least as high as any stockpiles on site; • fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period; • avoid site runoff of water or mud; • keep site fencing, barriers and scaffolding clean using wet methods; • remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. If they are being re-used on-site cover as described below; and • cover, seed, or fence stockpiles to prevent wind whipping.
Operating Vehicle/Machinery and Sustainable Travel	<ul style="list-style-type: none"> • Ensure all vehicles switch off their engines when stationary – no idling vehicles; • avoid the use of diesel- or petrol-powered generators and use mains electricity or battery-powered equipment where practicable; and • impose and signpost a maximum-speed-limit of 15 mph on surfaced and 10 mph on un-surfaced haul roads and work areas (if long haul

	<p>routes are required these speeds may be increased with suitable additional control measures provided, subject to the approval of the nominated undertaker and with the agreement of the local authority, where appropriate).</p>
Operations	<ul style="list-style-type: none"> • Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems; • ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate; • use enclosed chutes, conveyors and covered skips; • minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate; and • ensure equipment is readily available on site to clean any dry spillages, and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods.
Waste Management	<ul style="list-style-type: none"> • Avoid bonfires and burning of waste materials.
Measures Specific to Construction	<ul style="list-style-type: none"> • Avoid scabbling (roughening of concrete surfaces), if possible; and • ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place.
Measures Specific to Trackout	<ul style="list-style-type: none"> • Avoid dry sweeping of large areas; • ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport; • record all inspections of haul routes and any subsequent action in a site log book; and • implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable).

38. Amey, the County Council's consultants on air quality matters have considered the mitigation measures proposed, against the latest guidance published by the Institute of Air Quality Management (IAQM). They confirm that the supporting information is a robust assessment of the potential risk of nuisance from dust and PM10 during construction works, identifying dust risk to be negligible provided the mitigation measures proposed are fully adhered to. I am therefore satisfied that provided these measures are adopted and appropriately conditioned, the residual effects at the construction phase would be insignificant.

Operational Phase

39. With regard to the potential impacts at the operational phase, it is proposed that on-site operations would be contained within a fully enclosed building which I would fully support.

40. An atmospheric dispersion modelling study has been undertaken which assesses the impact of any releases from the 30m high discharge stack of the proposed development. The study comprised two main elements:
- ii) the preliminary stack height screening assessment, the purpose of which was to determine a suitable stack height by modelling worst case emission scenarios for a range of stack heights; and
 - ii) the modelling study, the purpose of which was to determine the impact of emissions from the proposed plant for the selected height.
41. The study compared the maximum predicted ground level concentrations of emissions at various sensitive receptors including Swale Way, Kemsley and Kemsley Primary School. These were also compared against ecosystems and vegetation limits in respect of the nearby areas designated for their national and internationally recognised ecological importance. The study also took into account the cumulative effects of the proposed development in combination with other existing and proposed developments in the area. In order to define baseline conditions against which any additional impacts could be assessed it was assumed that all of the other existing and proposed developments were operational simultaneously. A worse case approach to the atmospheric dispersion model was therefore adopted.
42. The study concluded that the proposed facility would not exceed short-term or long-term air quality standards. In addition, at the nearest residential sensitive receptors located approximately 200 metres to the south of the site the predicted pollutant ground level concentrations were less than the maximum predicted levels. Maximum predicted pollutant ground level concentrations were also found not to exceed the limit values for the protection of ecosystems and vegetation.
43. As already mentioned, whilst the operator would need to secure an Environmental Permit which would set out very strict controls over the operation of the facility, mitigation measures include ongoing monitoring to ensure that pollutant levels remain strictly within the set limits and monitoring equipment would be used to trigger a plant shutdown should air emissions be exceeded in accordance with the EP conditions.
44. The Environment Agency (EA) has been consulted on the planning application and has subsequently received a Permit application, the content of which they have had regard to in informing the County Council of their formal views on the planning application. The EA has raised no objections in relation to stack emissions. Irrespective of whether planning permission is granted the applicant would not be able to operate the facility until such times as he obtains a Permit from the EA. I am therefore satisfied that with regard to stack emissions appropriate controls would be put in place to ensure there would be no adverse cumulative effects as a result of this proposal.

Noise

45. The NPPF states³ that planning decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
46. Planning authorities should take account of the acoustic environment and consider whether or not a significant adverse effect is occurring or likely to occur, whether or not an adverse effect is occurring or likely to occur, and whether or not a good standard of amenity can be achieved⁴. The Noise Policy Statement for England (NPSE) sets out the Government's long-term vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development' which is supported by the following aims:
- Avoid significant adverse impacts on health and quality of life;
 - Mitigate and minimise adverse impacts on health and quality of life.
47. The NPSE defines the following concepts as:
- SOAEL - significant observed adverse effect level' as the level above which significant adverse effects on health and quality of life occur;
 - LOAEL - Lowest Observable Adverse Effect Level; and
 - NOEL - No Observed Effect Level.
48. In general terms it is considered that a noise impact with an effects level which is lower than SOAEL is acceptable (providing the effect is mitigated to a minimum).
49. The proposed site is located off Barge Way to the north of Sittingbourne and is within the existing Kemsley Business Park. The Business Park itself includes within it development which is operational on a 24 hour basis and would sit alongside the main route in and out of the existing Ridham Industrial Estate for HGV traffic. Residential properties are located to the south of the site. Industrial premises are sited to the south-east, east and north-west of the proposed site. Coldharbour Marshes SSSI lies more than 500m to the north with the Swale SSSI over 1 km away to the east. The

³ Para 123, NPPF

⁴ Planning Practice Guidance

nearest residential properties to the proposed development are located to the south of Swale Way approximately 200 m to the south of the southern site boundary (see Figure 4 below).

50. A noise impact assessment has been undertaken which assesses the potential noise impact associated with the construction and operation of the proposed development. Typically the assessment considers the potential effects resulting from both the construction and operational stages of the proposal and whether any mitigation measures are likely to be required in the event that planning permission is granted.

Construction Phase

51. The applicant considers that activities associated with the construction of the proposed buildings and 30m high stack could be likely to give rise to noise and /or vibration impacts.
52. The applicant estimates that there would be 2 HGV deliveries (4 movements) per hour associated with construction and specifies that construction operations would take place during the hours of 07.30 – 19.00 Monday to Friday and 07.30 – 17.30 on Saturday and Sunday.
53. The Applicant has used BS5228 which provides guidance of the assessment of construction noise relative to the existing ambient noise level.

Period of Assessment	Category A	Category B	Category C
Evenings & weekends (Saturday 13.00 – 23.00 & Sunday 07.00 – 23.00)	55	60	65
Daytime (07.00 – 19.00) and Saturdays (07.00 – 13.00)	65	70	75

Table 2: Construction Noise Threshold of Significant Effect
(Noise Impact Assessment)

54. The Category A threshold is to be used when ambient noise levels are less than the Category A values. Category B threshold values are to be used when ambient noise levels are the same as the Category A values and Category C is used when ambient noise levels are higher than the Category A values. If the total noise level (ambient plus construction noise) exceeds the appropriate category threshold value, then a significant effect is deemed to occur.

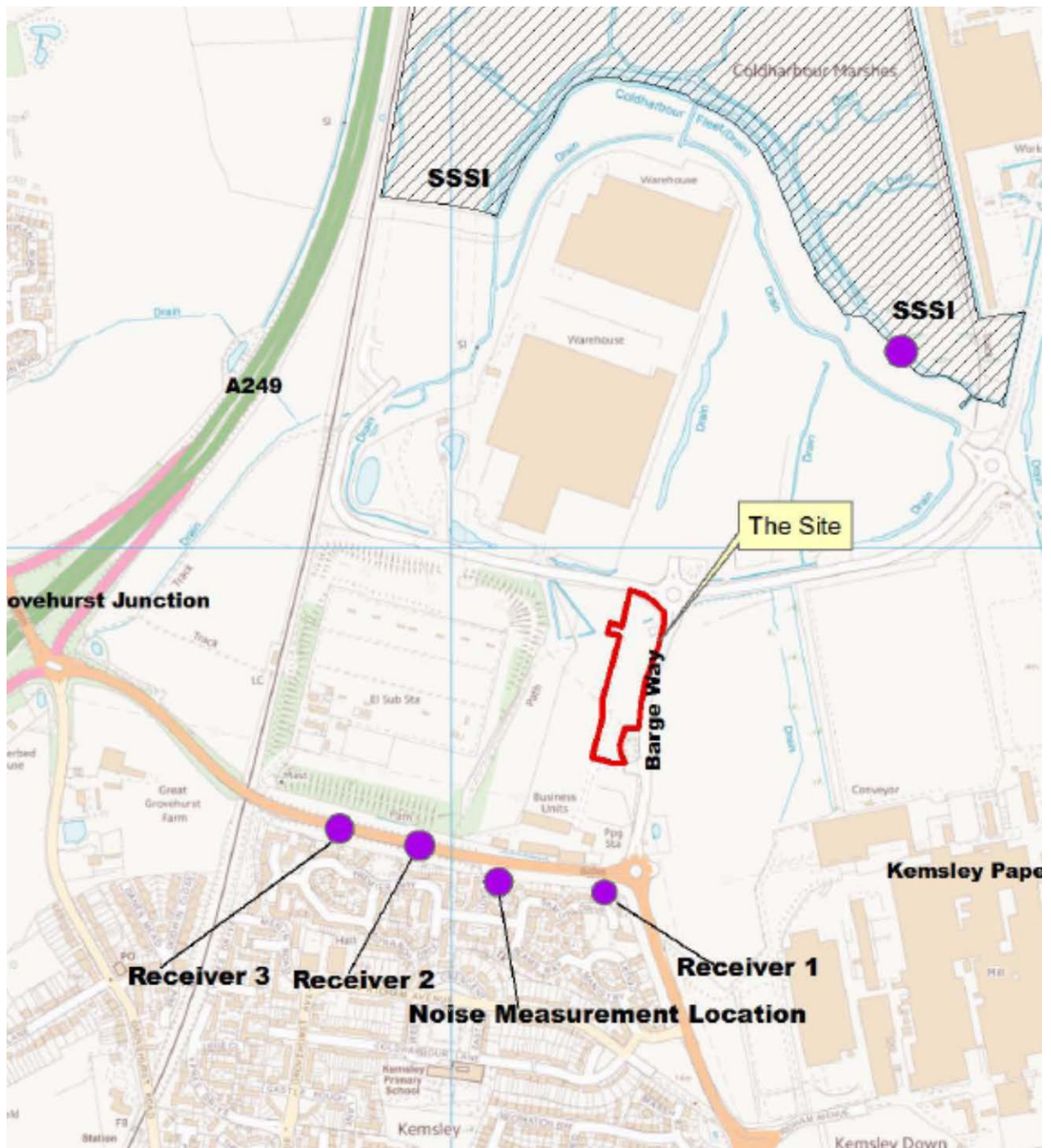


Figure 4: Noise Receptor Locations

55. Construction noise levels have been predicted for the nearest sensitive receptors. The calculations, summarised below, assume the construction works are at the closest point to the receptor. The applicant considers that construction noise levels would reduce as workings move further away from the receptor point. It is assumed that

during construction works a hoarding would surround the site boundary and would consist of a close boarded fence with a minimum surface density of 12kg/m² and an overall height of 2m.

Phase	Receptor & Construction Noise Level, dB L _{Aeq, 1 hour}			
	Receiver 1	Receiver 2	Receiver 3	SSSI
Months 1 - 5	50	47	43	45
Month 2 during piling	50	47	44	46
Months 6-7 & 10-14	48	45	41	43
Months 8 & 9	49	46	42	44
Months 15-17	49	46	43	44

Table 9: Summary of Calculated Construction Noise Levels
(Noise Impact Assessment)

56. The average hourly ambient noise level at the nearest residential property is 61 dB L_{Aeq} during the weekday period (including Saturday morning) and 58 dB L_{Aeq} at the weekend. A threshold of significant effect of 65 dB for construction noise has been derived using these figures and the criteria given in Table 2.
57. The total noise level including ambient and construction noise would be approximately 61 dB during the week and 59 dB at weekends. These values are well below the threshold value of 65 dB therefore construction noise is considered to be acceptable.
58. Mitigation measures and general best practice proposed include the following:
- Careful selection of working methods and programme;
 - Selection of quietest working equipment;
 - Use of regular maintained and appropriately silenced equipment;
 - Shutting down of equipment when not in use i.e. maintain a no idling policy;
 - Positioning of equipment behind physical barriers, i.e. existing features, hoarding etc;
 - Direction of noise emissions from plant including exhausts or engines away from sensitive locations;
 - Handling all materials in a manner which minimises noise;
 - Switch all audible warning systems to the minimum setting required by the Health and Safety Executive; and
 - The implementation of a Construction Environment Management Plan (CEMP)
59. Having regard to the conclusions of the assessment on construction noise impacts and provided those measures proposed and set out above are employed at the site during construction of the facility I am satisfied that noise levels would be below the

threshold of significant effect and are therefore acceptable in planning terms. Construction vibration levels would not be significant.

Operational Phase

60. The applicant's assessment considers the level of noise associated with normal operation of the plant (operational on a 24 hour basis), including those associated with HGV deliveries (which would be restricted to between the hours of 0700 and 1900 on weekdays and 0730 and 1730 at weekends). An assessment of noise levels has been carried out in accordance with BS4142 and has been carried out for both weekly and weekend operations. See tables 7 and 8 below:

	Noise Level, dB		
	Receiver 1	Receiver 2	Receiver 3
Daytime (07.00 – 19.00)			
Representative Background Sound Level	55 dB $L_{A90,15 \text{ min}}$	55 dB $L_{A90,15 \text{ min}}$	55 dB $L_{A90,15 \text{ min}}$
Specific Source Noise Level	43 dB $L_{Aeq, 1 \text{ hour}}$	40 $L_{Aeq, 1 \text{ hour}}$	39 $L_{Aeq, 1 \text{ hour}}$
Rating Sound Level	48 dBA	45 dBA	44 dBA
BS 4142 Assessment Level	-7 dB	-10 dB	-11 dB
Evening (19.00 – 23.00)			
Representative Background Sound Level	45 dB $L_{A90,15 \text{ min}}$	45 dB $L_{A90,15 \text{ min}}$	45 dB $L_{A90,15 \text{ min}}$
Specific Source Noise Level	36 dB $L_{Aeq, 1 \text{ hour}}$	37 $L_{Aeq, 1 \text{ hour}}$	38 $L_{Aeq, 1 \text{ hour}}$
Rating Sound Level	36 dBA	37 dBA	38 dBA
BS 4142 Assessment Level	-9 dB	-8 dB	-7 dB
Nighttime (23.00 – 07.00)			
Representative Background Sound Level	39 dB $L_{A90,15 \text{ min}}$	39 dB $L_{A90,15 \text{ min}}$	39 dB $L_{A90,15 \text{ min}}$
Specific Source Noise Level	36 dB $L_{Aeq, 15 \text{ min}}$	37 $L_{Aeq, 15 \text{ min}}$	38 $L_{Aeq, 15 \text{ min}}$
Rating Sound Level	36 dBA	37 dBA	38 dBA
BS 4142 Assessment Level	-3 dB	-2 dB	-1 dB

Table 7: weekday BS 4142 Noise Impact Assessment
– plant operation and daytime HGV deliveries

	Noise Level, dB		
	Receiver 1	Receiver 2	Receiver 3
Daytime (07.00 – 19.00)			
Representative Background Sound Level	49 dB $L_{A90,15 \text{ min}}$	49 dB $L_{A90,15 \text{ min}}$	49 dB $L_{A90,15 \text{ min}}$
Specific Source Noise Level	43 dB $L_{Aeq, 1 \text{ hour}}$	40 $L_{Aeq, 1 \text{ hour}}$	39 $L_{Aeq, 1 \text{ hour}}$
Rating Sound Level	48 dBA	45 dBA	44 dBA
BS 4142 Assessment Level	-1 dB	-4 dB	-5 dB
Evening (19.00 – 23.00)			
Representative Background Sound Level	43 dB $L_{A90,15 \text{ min}}$	43 dB $L_{A90,15 \text{ min}}$	43 dB $L_{A90,15 \text{ min}}$
Specific Source Noise Level	36 dB $L_{Aeq, 1 \text{ hour}}$	37 $L_{Aeq, 1 \text{ hour}}$	38 $L_{Aeq, 1 \text{ hour}}$
Rating Sound Level	36 dBA	37 dBA	38 dBA
BS 4142 Assessment Level	-7 dB	-6 dB	-5 dB
Nighttime (23.00 – 07.00)			
Representative Background Sound Level	40 dB $L_{A90,15 \text{ min}}$	40 dB $L_{A90,15 \text{ min}}$	40 dB $L_{A90,15 \text{ min}}$
Specific Source Noise Level	36 dB $L_{Aeq, 15 \text{ min}}$	37 $L_{Aeq, 15 \text{ min}}$	38 $L_{Aeq, 15 \text{ min}}$
Rating Sound Level	36 dBA	37 dBA	38 dBA
BS 4142 Assessment Level	-4 dB	-3 dB	-2 dB

Table 8: Weekend BS4142 Noise Impact Assessment
– Plant operations and daytime HGV deliveries

61. The assessment indicates that in the worst case which is during the weekends when waste deliveries are taking place at the site between the hours of 0700 to 1900, the difference between the BS4142 rating sound level and the representative background sound level would be no greater than -1dBA. Whilst I am mindful that such hours extend beyond those normally associated with weekend operations, in my view on the basis of the noise levels predicted they would not result in any adverse effect on the local amenity.
62. The assessment indicates that for operation of the plant, the level of noise impact at the nearest properties would have a low noise impact (as defined in BS 4142). It concludes that the level of noise impact would be around Lowest Observed Adverse Effects Level, as defined in the Noise Policy Statement for England and the National Planning Practice Guidance.

63. The County Council's noise advisor AMEY has been consulted on the application and advises that on the basis of the information submitted in support of the proposal the proposed development is unlikely to result in any adverse impacts on the nearest residential receptors and therefore no objection is raised to the application on noise grounds. In my view having regard to the conclusions of the Noise Assessment and the comments made by Amey I do not consider there are any overriding noise objections to the proposal.

Nature Conservation and Ecology

64. Paragraph 118 of the NPPF advises that when determining planning applications, authorities should aim to conserve and enhance biodiversity, making particular reference to the need to ensure that development on land (in this case outside) a SSSI is not likely to have an adverse effect either individually or in combination with other developments. In addition protection is also afforded to the nearby SPAs and Ramsar sites.
65. Whilst the site itself is not covered by any statutory nature conservation designations it lies close to habitats which form part of the Swale SSSI and the Medway Estuary and Marshes SSSI. These SSSIs are part of the Swale SPA and Ramsar Site and the Medway Estuary and Marshes SPA and Ramsar Site.
66. Neither the County Council's Biodiversity Officer nor Natural England (NE) has raised an objection to the proposal. The County Council as the 'Competent Authority' consider that having undertaken an Appropriate Assessment in accordance with the Habitats Regulations, there would be no likely significant adverse effect upon the Swale SPA and Ramsar. NE now confirm that based on the information contained in the application it is their view that the proposal is not likely to have a significant effect on the Swale SPA and Ramsar Site, either alone or in-combination with other plans and projects in the area. A record of the County Council's Appropriate Assessment is included at appendix A.

Reptiles

67. Suitable reptile habitat was identified on the planning application site following the extended Phase 1 habitat survey undertaken in August 2014. These habitats included semi-improved grassland, scrub, rubble piles and scattered logs etc. A small number of artificial reptile refugia and partially erected Great Crested Newt/reptile drift fencing was observed along the eastern and northern site boundaries indicating that reptiles may have previously been recorded on site. A reptile survey was therefore recommended.
68. A survey was undertaken between September and October 2014 and a low population of slow worms and common lizards were recorded on site. In addition, the juvenile common lizards found, indicates that a breeding population is present. The slow worms were concentrated to the northern end of the site, and the lizards were mostly found around the edges, however the habitat was considered suitable to support reptiles across the site. No grass snakes were recorded during the survey however

habitat suitable to support grass snakes was recorded on and immediately adjacent to the site including the semi-improved grassland and ponds.

69. In order to facilitate the proposed development the Applicant confirms that the habitats identified as being suitable to support reptiles would be lost as a result of the proposed development, therefore to ensure their ongoing protection it is proposed that reptiles be translocated to a suitable off-site receptor area prior to the commencement of any works taking place on site.

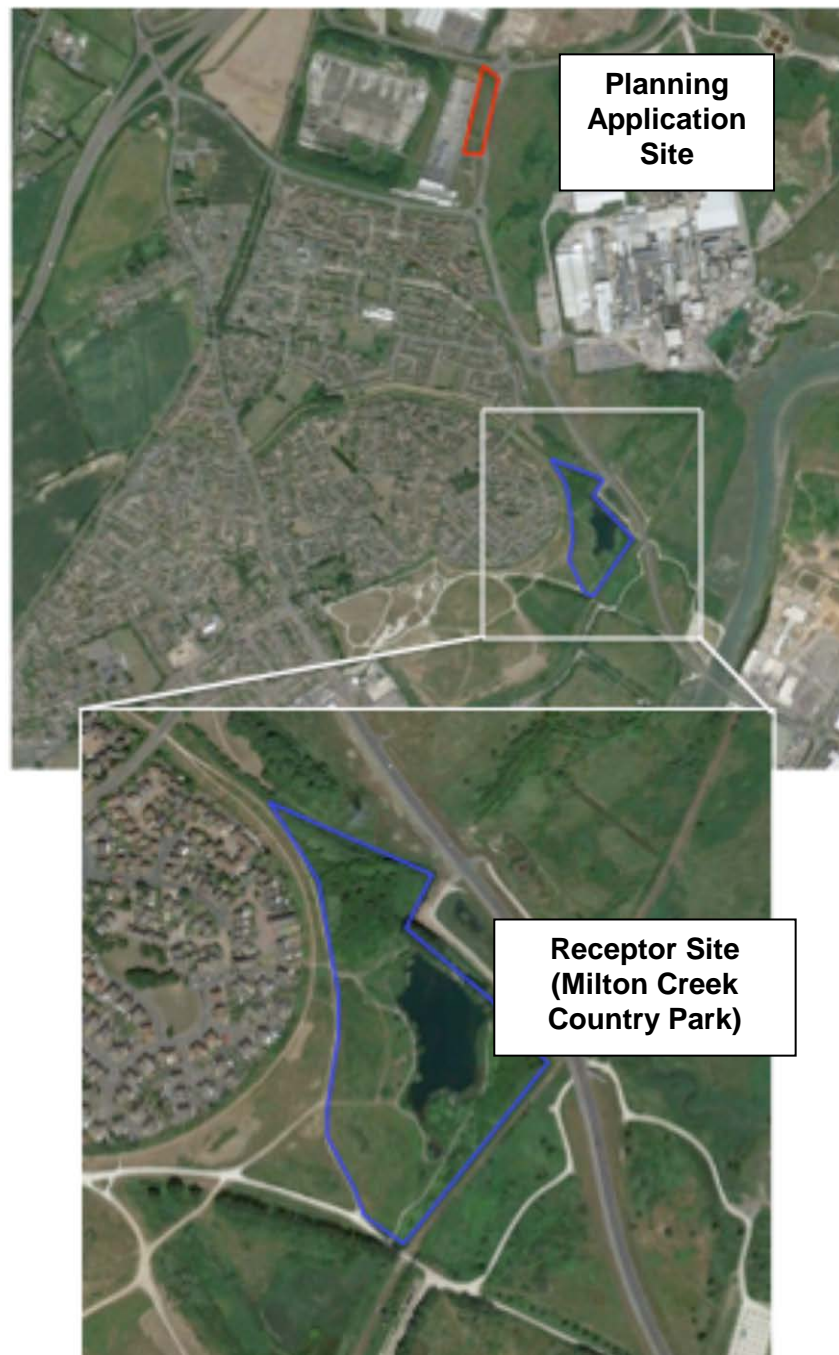


Figure 6: Proposed Receptor Site

70. The receptor site, land at Milton Creek Country Park, is located to the south of the planning application site (see Figure 6 above). In consultation with the County Council's Biodiversity officer, the applicant has provided a reptile mitigation strategy and translocation methodology, along with sufficient evidence to demonstrate that the site has sufficient carrying capacity to enable translocation. Given the application site's location within the existing business park it offers limited carrying capacity for protected species, therefore it is considered that for the long term health of the existing reptile population their translocation to an alternative site would be beneficial. In this case, given the site's location and limited opportunity to provide connectivity, I fully concur with the views of the County Council Biodiversity Officer who is fully supportive of their translocation to off site. In the event that Members resolve to grant planning permission, the off-site receptor area at Milton Creek Country Park, would need to be secured by way of a separate section 106 legal agreement (see appendix B for agreed Draft Heads of Terms). In addition I would recommend that any permission should include a planning condition requiring the applicant to carry out development in accordance with the submitted Reptile and Amphibian Method Statement.

Biodiversity Enhancements

71. The Applicant is proposing to manage and maintain a biodiversity area which is situated to the north of the application site. It is proposed that this area would be enhanced to increase its value for reptiles and wildlife in general (see Figure 7 below). It would encompass an area of c. 0.17 ha that currently comprises scrubby grassland that is of a moderate to high value for sheltering reptiles, with an additional c. 0.07 ha of land that would provide sufficient work space during construction works. This would be returned as wildlife space following construction activities and would improve the suitability and value of this habitat for wildlife.



Figure 7: Biodiversity area enhancement proposals: earth bund, SUDS wildlife pond with marginal grassed area and hibernacula creation.

72. The County Council's Biodiversity Officer is fully supportive of the proposal to create a biodiversity area to the north of the site provided any works are carried out in accordance with the reptile and amphibian method statement submitted in support of the planning application.
73. I therefore consider that the proposal is fully consistent with the objectives as set out in the NPPF which seeks within it opportunities to gain biodiversity enhancements. I also consider that this meets the objectives of development plan policy W21 of the KWLP and policies SP2, E12 of the Borough Local Plan.

Landscape & Visual Impact

74. Section 11 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by, amongst other matters, protecting and enhancing valued landscapes, geological conservation interests and soils as well as recognising the wider benefits of ecosystem services⁵.
75. The proposed development site is situated to the north of Sittingbourne within the Kemsley Business Park Complex, an area composed of a number of large industrial buildings some of which incorporate high chimney stacks namely Kemsley Paper Mill located to the east and the recently constructed MVV waste to energy plant located to the north west. These together with a number of pylons which cross the area to the north, west and east contribute to the overall character of the landscape. The wider surrounding landscape primarily consists of relatively flat agricultural land with an area of higher ground to the west. The channel of the Swale with its associated mudflats and marshes runs to the north and east of the proposed site. The Medway Estuary & Marshes SSSI & Ramsar site and Elmley NNR both partially lie within 2 km of the site.
76. The planning application site is not covered by any national, regional or local landscape designations therefore any associated impacts would be experienced at a local level. The landscape value of the National Character Area and Local Character Areas is considered to be medium. The value of the setting of the SAMs (Scheduled Ancient Monument) and also the SSSI / NNR would be experienced at the local level, so the value of these receptors is considered to be medium. The value of the site elements / setting is considered to be low as land cover is primarily industrial.
77. The applicant has undertaken a landscape impact assessment, which includes a visual assessment of the proposed 30m discharge stack, having regard to policies SP2 and E9 (protection of the Borough's local environment and quality, character and amenity value) of the Borough Local Plan and policies W10 (proposals should not create an adverse impact) and W25 (design considerations of plant and buildings) of the KWLP.
78. The Applicant states early on in the planning application that the site subject of this proposed development is, at just 1.8ha, therefore relatively constrained in its size. Notwithstanding this, careful consideration has been given as to how the development

⁵ Para 109, NPPF

might contribute positively to the wider area in landscape terms. The planning application therefore makes provision for the following:

- All new buildings and structures are proposed to be lower than the height of the surrounding buildings, with the exception of the 30m stack.
- Vertical surfaces would be timber clad in a natural finish or where this is not possible box metal sheets in juniper green
- The stack would be a graduated grey

79. In addition the applicant is proposing the establishment of a green roof and habitat structure as an integral part of the building design, the establishment of new landscaped boundaries (scrub with native cherry trees), a large detention basin with marginal planting, natural grassland mixes and a structure of reed-lined scrapes and fruiting hedges (defined within the Planting Plan proposals drawing 705 100 P Rev A).

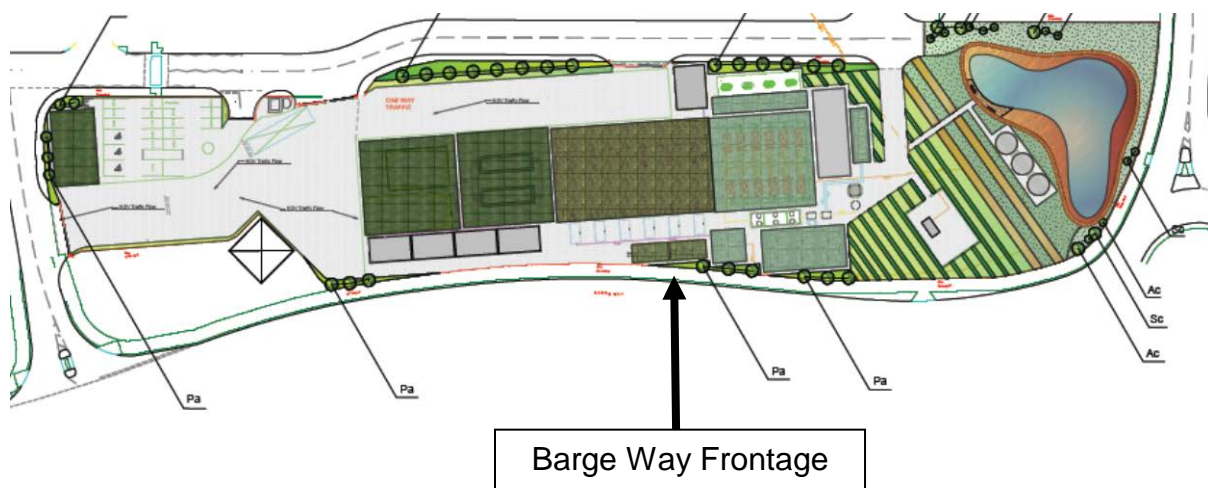


Figure 8: Extract taken from Drawing Number: 705 100 P Rev A

80. All existing hedgerows, trees and water features would be retained as part of the proposals and protected as necessary during the construction period.
81. The applicant's Landscape and Visual Impact Assessment (LVIA) considers the overall importance of landscape effects and a judgement of the potential magnitude of change associated with the proposed development. The results are included in the table below (see Table 1 of the LVIA) with potential receptors identified in column 1. The LVIA describes the proposed development as having a large degree of influence on site character so the magnitude of change is therefore assessed within it as high/adverse on the overall site character with an overall significance of moderate in year 1 and minor in year 15 as the proposed landscape structure matures. However, it is considered that, the successful establishment of a green roof and habitat structure on the site has the potential to provide a positive new feature in the local landscape.

82. The Borough Council, having recently granted permission for other major developments in the area, has sought to improve the area visually. Landscaping proposals therefore appear to have been integral to those developments (including the Morrison's distribution centre). Whilst the Borough Council have not raised any objection to the proposed development in principle, they have requested that consideration be given to the provision of a 5m wide landscape strip along the Barge Way frontage. The applicant has considered ways in which this could be accommodated, however given the sites limited size it has not been able to find a suitable solution which would allow for additional landscaping without compromising the site layout and its practical day to day operation and efficiency. The applicant has however suggested that a 'living fence' could be provided along the Barge Way frontage.

Landscape receptor	Representative photograph location	Landscape Value	Landscape Condition (for LCAs As defined by the Swale SPD)	Sensitivity (for LCAs as defined by the Swale SPD)	Magnitude of change	Importance of effects (yr 1)	Residual importance (yr 15)
NCA 81 Greater Thames Estuary	N/A	M	N/A	N/A	Negligible / Adverse	Negligible	Negligible
Swale LCA 24 Iwade Arable Farmlands	2,3 & 8	M	Poor	M	Low/Adverse	Minor	Negligible
Swale LCA 25 Lower Halstow Clay Farmlands	4 & 7	M	Moderate	H	Low/Adverse	Negligible	Negligible
Swale LCA 1 Chetney & Greenborough Marshes	5	M	Good	H	Low/Adverse	Minor	Negligible
Swale LCA 2 Elmley Marshes	6	M	Good	H	Low/Adverse	Minor	Negligible
Swale LCA 31 Teynham Fruit Belt	9 & 10	M	Moderate	M	Negligible / Adverse	Negligible	Negligible
Swale LCA 14 Elmley Island	6	M	Good	H	Low/Adverse	Minor	Negligible
Setting of Murston Old Church SAM	N/A	M	N/A	M	No effect	None	None
Setting of Castle Rough SAM	N/A	M	N/A	M	No effect	None	None
Setting of WW11 Gunsite SAM	4	M	N/A	L	Low/Adverse	Negligible	Negligible
Setting of the Medway Estuary & Marshes SSSI	5&6	M	Good	M	Low/adverse	Minor	Negligible
Setting of the Elmley NNR	6	M	Good	M	Low/Adverse	Minor	Negligible
Overall site character	1,2	L	N/A	L	High/Adverse	Moderate	Minor

Table 1: Overall Importance of Landscape Effects

83. The County Council's Landscape Officer has been consulted on the proposed development and is supportive of the building design and materials chosen including the stack which would be graduated grey, along with the green roof proposed. Whilst it is recognised that the proposed site is limited in its size, support is also given to the inclusion of a 'living fence' alongside some minor revisions to the species proposed as part of the landscaping scheme. I concur with the Landscape Officer's view that the LVIA submitted by the applicant is appropriate in detail for this scheme and that the plant design including the stack reflects similar features of other industrial buildings in the area and therefore suitably accounts for the character of the landscape of the area. In the event that Members are minded to grant planning for this proposal I would therefore recommend that a planning condition be imposed requiring the applicant to submit a revised landscaping scheme which includes details of a living fence along the Barge Way frontage prior to the commencement of any development.

Employment

84. The site falls within an area identified by the Borough Council for employment. The applicant estimates that some 20 jobs would be generated directly on site and numerous others associated with the construction phase and anticipates Brunel University to be involved with the project from a research and development aspect in the event that planning permission is granted. It also remains a priority of the Government 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. In my view this proposal meets the requirements of Policy B2 of the Swale Borough Local Plan, which supports employment opportunities in the area.

Conclusion

85. The proposed development in my view supports the Government's objective to move towards a zero waste economy. The NPPW retains many of the key messages set out in the (now replaced) PPS10 which recognises the need to drive waste management up the waste hierarchy recognising that there is a need for a mix of types and scale of facilities.
86. Policy exists at both the national, regional and local levels which give support in principle for the establishment of the type of facility which seeks alternative waste management solutions to landfill disposal. These include facilities where waste is recovered as a resource to produce energy. Such objectives also support the aim of how planning should contribute towards the achievement of sustainable development by reducing the carbon footprint.
87. There is strong planning policy support for renewable energy generating development and Government Guidance indicates that local planning authorities should promote and encourage development of renewable energy resources to address climate change. The wider environmental and economic benefits of proposals for renewable energy projects are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
88. This proposal in my view is fully consistent with government policy which considers planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
89. Policy EN3 of the National Policy Statement for Renewable Energy Infrastructure supports electricity generation from renewable sources of energy and states that this is an important element in the Government's development of a low-carbon economy. In my opinion this proposal is fully consistent with adopted Government policy and would help contribute towards securing the country's future energy supply consistent

with the principles of sustainable development as set out in the NPPF and the guidance set out in the NPPG.

90. I am satisfied that on the basis of consultee responses and in particular having regard to the conditions that would be imposed on any future permission, the development could take place such that there would be no adverse cumulative impacts on the local environment. In my opinion the proposal is fully consistent with Government Policy and Guidance together with those relevant development plan policies applying to the site as set out under paragraphs 11 to 13 above. It is also in my view consistent with the emerging policies set out in the KMWLP (see paragraph 14 above) which are founded on the principles of sustainable development as advocated in the NPPF.
91. Government Guidance encourages LPAs to work proactively with applicants to secure sustainable development and as a means of achieving this considers planning has an important role in the delivery of new renewable and low carbon energy infrastructure. Accordingly I recommend that permission be granted for the proposed development.

Recommendation

92. Accordingly I RECOMMEND that SUBJECT TO the satisfactory completion of a Legal Agreement to secure the translocation of protected species from the site to an offsite receptor site that PERMISSION BE GRANTED SUBJECT TO conditions covering amongst other matters;
- Tonnages to be restricted to 48,000 per annum
 - restriction on daily vehicle movements
 - details of parking for site personnel / operatives / visitors to be submitted
 - vehicle parking and turning space details shall be provided,
 - precautions to guard against the deposit of mud and similar substances on the public highway.
 - The access details to be completed prior to the commencement
 - Deliveries shall be restricted to the following times: 0700-1900 Monday to Friday and 07:30-17:30 on Saturday and Sunday;
 - Construction operations would take place during the hours of 07.00 – 19.00 Monday to Friday and 07.30 – 17.30 on Saturday and Sunday.
 - a remediation strategy shall be submitted if contamination is found present at the site
 - Dust mitigation measures to be secured as per section 6.1.2 of the Dust Assessment received 13 April 2015 and included in the CEMP
 - noise limit restrictions
 - all materials to be handled within an enclosed building
 - The installation of a 1.8m high noise barrier along the southern site boundary before the beginning of the operation of the proposed facility;
 - A 2m high noise barrier surrounding the site boundary for the duration of the construction works
 - submission of a revised landscaping scheme

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- Results of reptile monitoring is submitted to the LPA as set out in the Revised *Reptile & Amphibian Method Statement* received don 12 June 2015

APPENDIX A

**APPROPRIATE ASSESSMENT
CONSERVATION OF HABITATS AND SPECIES REGULATIONS ASSESSMENT**

**RECORD OF APPROPRIATE ASSESSMENT (UNDER REGULATION 61 OF THE
CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010)**

INTRODUCTION

This is a record of the Appropriate Assessment of the Land off Barge Way, Kemsley project. The assessment has been undertaken by Kent County Council based on the information provided by 4Evergreen Technologies LTD within the planning application (ref KCC/SW/0010/2015). This assessment is required under Regulation 61 of the Conservation of Habitats and Species Regulation 2010.

In accordance with The Conservation of Species and Habitats Regulations 2010 (as amended), Kent County Council as a 'competent authority' under the Regulations, has to be satisfied that the project will not cause an adverse effect to the integrity of any European designated site before it can grant permission for the works.

DOCUMENTS REVIEWED TO INFORM THIS ASSESSMENT

This record should be read in conjunction with the following documentation and correspondence, which provides extensive background information:

- Noise Impact Assessment – Additional Information; dated 18th March; 24 Acoustics
- Information to Support an Assessment under Reg 61 of the Habitat and Species Regulations 2010; Dated 28th April 15; Argus Ecology
- Ecological Assessment of Air Quality Impacts; Dated 28th April 15; Argus Ecology;
- Air Quality Assessment of Heavy Duty Vehicles Emissions from the proposed Garden of England Energy facility; Dated April 2015; 4 Evergreen Technologies
- Design and Access Statement; December 2014; 4 Evergreen Technologies
- Natural England advice letter dated 29th May 2015

ASSESSMENT OF LIKELY SIGNIFICANT EFFECT ON INTEREST FEATURES OF EUROPEAN DESIGNATED SITES

Natural England advised Kent County Council on 29th May 2015 that the project was unlikely to have a significant effect on the interest features for which the Medway Estuary and Marshes and the Swale Special Protection Area and Ramsar site have been classified.

Natural England advised that as the proposal is not necessary for the management of the European site Kent County Council need to demonstrate that the requirements of Regulations 61 and 62 of the Habitat Regulations have been considered when determining the planning application.

The table below sets out the qualifying features of the European site and considers the likely significant effect resulting from the 4Evergreen Technologies Ltd project.

Name of Site	Legal Status	Qualifying Features
Medway Estuary and Marshes	Special Protection Area	<p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p>During the breeding season; Avocet and Little Tern</p> <p>Over winter; Avocet</p> <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>On passage; Ringed Plover</p> <p>Over winter; Black-tailed Godwit, Dark-bellied Brent Goose, Dunlin, Grey Plover, Pintail, Redshank, Ringed Plover, Shelduck</p> <p>Assemblage qualification: A wetland of international importance.</p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl</p> <p>Over winter, the area regularly supports 65,274 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Little Grebe, Dark-bellied Brent Goose, Shelduck Pintail, Ringed Plover, Grey Plover, Dunlin, Avocet, Redshank, Curlew, Great Crested Grebe, Cormorant, Wigeon, Teal, Oystercatcher, Lapwing, Black-tailed Godwit, Whimbrel.</p> <p>Full details can be found here: http://jncc.defra.gov.uk/default.aspx?page=2043</p>
Medway Estuary and Marshes	<p>Ramsar – Ramsar sites are not designated under European Law but are protected under international agreement (Ramsar Convention) which provides for the conservation and good use of wetlands, and are treated in the UK in the same way as European designated sites with regards to the Appropriate Assessment.</p>	<p>The site meets the following Ramsar Criterion: Ramsar criterion 2 <i>The site supports a number of species of rare plants and animals.</i></p> <p>Ramsar criterion 5 <i>Assemblages of international importance: Species with peak counts in winter</i></p> <p>Ramsar criterion 6 – <i>species/populations occurring at levels of international importance.</i></p> <p>Full details can be found here: http://jncc.defra.gov.uk/pdf/RIS/UK11040.pdf</p>
Swale	Special Protection Area	<p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p>During the breeding season; Avocet, Marsh Harrier, Mediterranean Gull</p> <p>Over winter; Avocet, Bar-tailed Godwit, Golden Plover, Hen Harrier,</p> <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>On passage; Ringed Plover</p> <p>Over winter; Black-tailed Godwit, Grey Plover, Knot, Pintail, Redshank, Shoveler,</p> <p>Assemblage qualification: A wetland of international importance.</p> <p>The area qualifies under Article 4.2 of the Directive</p>

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		(79/409/EEC) by regularly supporting at least 20,000 waterfowl Over winter, the area regularly supports 65,390 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: White-fronted Goose, Golden Plover, Bar-tailed Godwit, Pintail, Shoveler, Grey Plover, Knot, Black-tailed Godwit, Redshank, Avocet, Cormorant, Curlew, Dark-bellied Brent Goose, Shelduck, Wigeon, Gadwall, Teal, Oystercatcher, Lapwing, Dunlin, Little Grebe.
Swale	<i>Ramsar – Ramsar sites are not designated under European Law but are protected under international agreement (Ramsar Convention) which provides for the conservation and good use of wetlands, and are treated in the UK in the same way as European designated sites with regards to the Appropriate Assessment.</i>	The site meets the following Ramsar Criterion: Ramsar criterion 2 <i>The site supports nationally scarce plants and at least seven British Red data book invertebrates.</i> Ramsar criterion 5 <i>Assemblages of international importance: Species with peak counts in winter</i> Ramsar criterion 6 – <i>species/populations occurring at levels of international importance</i> Full details can be found here: http://jncc.defra.gov.uk/pdf/RIS/UK11071.pdf

Natural England and the KCC Biodiversity Officer have been formally consulted on the planning application and have provided detailed comments having regard to the sites designation status and having regard to the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Natural England are now satisfied that although, in combination with other developments/sources, the Critical Load will be exceeded at the Swale it is unlikely that it will result in a significant effect on European designated sites. This is because the in-combination assessment is based on all sources operating at maximum capacity and the direction of the wind. The NE response clarifies the reasoning:

The process contribution (PC) from this proposal alone does not breach the maximum Critical Load or Level (CL) for the designated sites. However, as the Predicted Environmental Concentration (PEC) is above 70% of the CL then the applicants have correctly assessed this proposal in combination with other combustion sources.

The in combination assessment has determined that the CL will be exceeded at The Swale, however this assumes that the other in combination sources will all be operating at maximum capacity at the same time; this is unlikely to be the case. Additionally, the location of the other combustion sources in relation to prevailing wind is a relevant factor in determining whether the maximum in combination effect would occur. We do not consider that the maximum amounts modelled would all occur on the same area at the designated site.

CONCLUSION

Kent County Council concludes, that this project alone or in-combination will not have an adverse effect on the integrity of the Medway Estuary and Marshes and the Swale Special Protection Area and Ramsar sites.

APPENDIX B

AGREED DRAFT HEADS OF TERMS

APPENDIX B
DRAFT HEADS OF TERMS

For Agreement in connection with Planning Application KCC/SW/0010/2015 (SW/15/500348) – 4Evergreen Technologies is proposing to install an advanced thermal conversion and energy facility at the Kemsley Fields Business Park to produce energy and heat a project known as the Garden of England Energy Project. The project will involve: construction of new buildings to house the thermal conversion and energy generation plant and equipment; construction of associated offices; erection of external plant including storage tanks; and the erection of a discharge stack

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. Prior to the translocation of protected species from the application site the off-site receptor site (Milton Creek Country Park) shown on Figure 2 of the Reptile and Amphibian Method Statement and Delivery Information document received on 12 June 2015, shall be provided.
2. Habitat management and post-completion monitoring of the receptor site shall be carried out in accordance with the Reptile and Amphibian Method Statement and Delivery Information document received on 12 June 2015.

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Item C2

Application by Ferns Group for extension to existing quarry to extract silica sand, construction sand and to infill the void with inert waste at Wrotham Quarry, Addington, West Malling, Kent, ME19 5DL – TM/14/4075 (KCC/TM/0378/2014)

A report by Head of Planning Applications Group to Planning Applications Committee on 9 September 2015.

Application by Ferns Group for extension to existing quarry to extract silica sand, construction sand and to infill the void with inert waste at Wrotham Quarry, Addington, West Malling, Kent, ME19 5DL – TM/14/4075 (KCC/TM/0378/2014).

Recommendation: Planning permission be granted subject to conditions.

Local Member: Mrs S Hohler (Mrs V Dagger adjoining)

Unrestricted

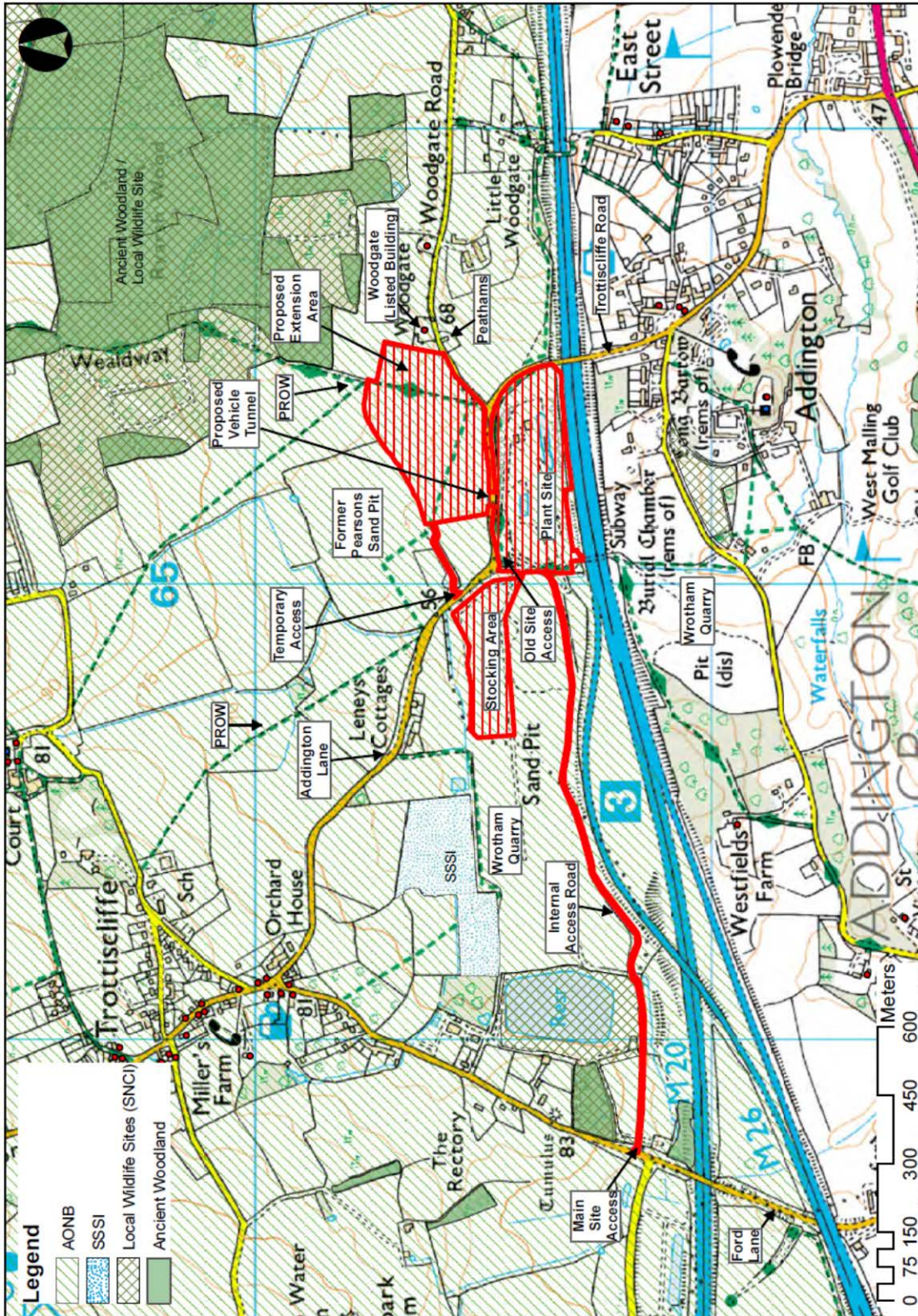
Site description and background

1. Wrotham Quarry (also known as Addington Sand Pit) is located between the settlements of Addington and Trottiscliffe approximately half way between Maidstone and Sevenoaks and close to the M20 / M26 junction. The main part of the quarry, processing plant and associated facilities lie immediately to the north of the M20. A further small part lies to the south and is accessed via a tunnel under the motorway. HGV access to the quarry is from the A20 via Ford Lane and a purpose built 1.3 kilometre long access road which runs parallel to the motorway. Access to the plant site is also available for cars and light vehicles from Addington Lane / Trottiscliffe Road. The proposed extension area lies to the north of the plant site and Addington Lane. The application site includes the proposed extension area, the existing plant site, an area of land towards the eastern end of the main quarry, the internal access road to Ford Lane, an access track between the proposed extension area and Addington Lane and a small strip of land under Addington Lane. The application site covers 18.04 hectares (ha) and the existing quarry and associated land about 43.25ha.
2. The proposed extension area is bounded to the south by Addington Lane and Woodgate Road and by agricultural fields to the north and east. A former sand quarry (Pearsons Sandpit), which was restored to original levels using waste materials, lies immediately to the north-west. The proposed extension area slopes generally from east to west with elevations of between 70 metres Above Ordnance Datum (AOD) in the north-eastern corner to 60m AOD in the south-western corner. The land is currently in agricultural (arable) use and is primarily classified as Grade 3a with some 3b. The proposed extension area is bounded on all sides by relatively intact, mature hedges of up to 2 or 3m in height, although there are a few areas with lower hedges or gaps. Land around the proposed extension area consists mainly of gently undulating fields used for arable or pasture interspersed with woodland, small copses and mature hedgerows and trees along field boundaries linking woodland blocks. Within this area

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are private houses and gardens, farm buildings, other open grassland areas and recreational facilities such as golf courses. The North Downs lies approximately 1.7km to the north reaching elevations of between 180 and 220m AOD. Two footpaths cross the proposed extension area (including the Weald Way long distance footpath) linking with others in the area and there are a number of overhead and buried services located within and around the land.

3. The nearest residential properties to the proposed extension area are Peathams (about 30m to the east-southeast) and Woodgate (about 40m to the east). There are a number of other properties in the area, including some that are relatively close to other parts of the application site within the existing quarry and plant site. There are also a number of properties on Ford Lane between the A20 and the site access.
4. The proposed extension area and all of the existing quarry (including plant site and access road) to the north of the M20/M26 are in the North Downs Area of Outstanding Natural Beauty (AONB) and in the Green Belt. The proposed extension area is not subject to any statutory or non-statutory wildlife designations, although the Trottscliffe Meadows Site of Special Scientific Interest (SSSI) lies 375m to the west and Ryarsh Wood Local Wildlife Site (also part Ancient Woodland) lies 185m to the north-east. A high status badger sett (comprising 30 holes) is located between the plant site and proposed northern extension area. No designated features of cultural heritage importance lie within the proposed extension area. However, three Scheduled Monuments lie within 1km (two long barrows and a megalithic tomb), the Addington Conservation Area lies approximately 340m to the south (300m to the south of the plant site), the Trottscliffe Conservation Area lies approximately 900m to the north-west and there are a number of listed buildings within 1km, of which only Woodgate Farmhouse and Woodgate Cottages lie to the north of the M20. The existing quarry lies within aquifer Source Protection Zones (SPZ) 1, 2, 3 and 4 associated with the Trosley public water abstractions, whilst the proposed extension is wholly within SPZ3 as it is further from the pumping station. Maximum groundwater levels beneath the proposed extension area fall from 37.4m AOD at its south-western boundary to 28.5m AOD on its north-eastern boundary.
5. The existing quarry and proposed extension area / application site lie within an area identified in the Kent Minerals Local Plan Construction Aggregates (December 1993) as a Mineral Consultation Area associated with potential silica sand extraction which is intended to prevent development that might prejudice the working or supply of minerals. The proposed extension area is identified as a preferred site for silica sand and soft sand extraction in the Mineral Sites Plan Preferred Options Consultation (May 2012). None of the existing quarry or application site (including the proposed extension area) is identified for any specific purpose in the Tonbridge and Malling Local Development Framework (LDF). The application site and key features described above are illustrated on the drawings included on pages C2.2 and C2.3 of this report.

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Planning History and Background

6. There is a long history of mineral extraction at Wrotham Quarry and in the area more generally. The earliest planning permission at Wrotham Quarry was that granted for the continuation of mineral (sand) extraction in 1948. A series of permissions for further extraction and related activities have since been granted. The most recent permission relating to land north of the M20 is that granted in June 2009 for a northern extension to the quarry (TM/07/2545). A Section 106 (legal) Agreement relating to this is also of relevance and provides for HGV signs on the A20 / Ford Lane, a new public footpath around the western end of the existing quarry north of the M20 linking other footpaths and the provision of a 10-year aftercare programme. Other permissions of relevance relating to the quarry north of the M20 include TM/00/552 (western extension), TM/98/1886 (increased depth of working for the main quarry), TM/92/335 (Registration of Interim Development Order (IDO) permission TP2105 for sand working at the Dormant plant site), TM/80/315 (sand store for storage of bagged treated sand), TM/78/1064 (sand storage bins) and TM/74/1367 (plant and equipment, buildings, washing pools and access). Planning permission TM/10/1481 (extension of time to complete extraction) relates to land to the south of the M20. Various approvals have also been given pursuant to most of these permissions. Of particular significance were approvals given in June 2009 to allow the various elements of the plant site to continue to be used to process and handle sand from the northern extension area.
7. All of the planning permissions at Wrotham Quarry (north and south of the M20) involve extracting sand from above the water table and require the land to be restored to a lower level for agricultural, woodland and nature conservation after-uses using reject sand, overburden and soils from the site itself. Soils and overburden (i.e. clay and gravel known as “superficials”, gault clay and unsaleable brown sand) are removed and stored for use in restoration. Building sand is extracted from an upper sand layer which varies in thickness in different parts of the site. This is coarse to medium grained, well sorted and orange coloured and is used in a variety of construction uses such as mortar, asphalt, screeds and plaster whose physical and chemical requirements are less stringent. Silica sand is extracted from the sand layers below. These vary in depth but are in total thicker than the building sand layer at Wrotham. A number of defined silica sand layers have been identified: (i) a medium to fine grained, well sorted cream coloured sand; (ii) a medium to fine grained, well sorted orange to dark orange sand with layers of ironstone; and (iii) a fine grained, well sorted sand from light and dark greys to light and dark oranges. Silica sands (i) and (ii) are extracted north of the M20 and sand (iii) to the south of the M20. Silica sands are valued for their combination of physical and chemical properties, including a high silica content (>99.9% at Wrotham Quarry) and a consistently narrow grain size. Silica sands at Wrotham Quarry are washed and graded and most (80%) is then dried for sale. The rest is sold moist. Silica sands are essential materials for a number of industrial applications including glassmaking, foundry castings and various heat resistant products, as well as horticultural, leisure and equestrian products.
8. Silica sand from Wrotham Quarry is supplied to manufacture castings at foundries in Woolwich (for the aerospace and defence industries), Sittingbourne (for the

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motorsport industry) and Ashford (for various industries including marine engines, medical equipment and architectural engineering). Hanson has previously supplied 30 other foundries in the south of the United Kingdom (UK) for the production of various products for a broad customer base (e.g. marine and boat builders, automotive specialists, general engineering supplies and art foundries). It is also supplied to Haverhill, Suffolk (to produce high performance floor screeds and tile adhesives for use in the medical, food and drink and other industries), Canterbury (for the manufacture of roofing felt), Bristol (for the manufacture of fire cements and bricks, fire resistant paints and chemical resistant cements), Stoke on Trent (to produce specific grades of brick) and a number of factories in the south-east for special precast products. Sand is also supplied across the south-east by a local Kent company for high quality equestrian surfaces. Moist (non-staining) silica sand is sold for leisure uses across the south-east of England and two fine sands are also suitable for the all-weather horse arenas. Kiln dried sand is also bagged on site for sale.

9. The operations and uses provided for within the plant site can take place between 0600 and 1700 hours Monday to Friday and 0700 and 1300 hours on Saturdays. The other permissions require that operations only take place between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays (with the exception of essential maintenance works) and that only the Ford Lane access can be used by heavy goods vehicles (HGVs). To the north of the M20 sand is extracted year-round in a series of benches using mechanical excavator or loading shovel and transported to the plant site by conveyor located along the base of the excavation and partially restored site. The depth of extraction is limited to 35m AOD and a “Code of Operating Practice” designed to prevent pollution and protect public water supplies applies. No more than a daily average of 112 HGV movements (56 in/56 out) in any one week are permitted to use the Ford Lane access. Those parts of the quarry north of the M20 not directly affected by the northern extension permission (TM/07/2545) should already have been restored. The northern extension should be restored within 7 years of the commencement of extraction in that area (i.e. by July 2017) or within 12 months of cessation of mineral extraction (whichever is the earlier). Extraction to the south of the M20 is restricted to a total of 4 weeks between 1 April and 30 September each year and to a depth of 42.7m AOD. Sand is extracted by loading shovel and transported to the processing plant by dump truck under the M20 via a tunnel shared with a public footpath. Extraction must cease by 17 May 2017 or by the cessation of extraction in the northern extension area (whichever is the sooner) and the site must be restored within a further 12 months. All plant, equipment, buildings and related structures in the plant site area must be removed once no longer required for the processing of sand from the northern extension area. Whilst it is possible that further mineral reserves could remain under the plant site, extraction could not take place in that area until such time as new conditions and schemes of working, restoration and aftercare are submitted and approved by the County Council (KCC).
10. A planning application to allow the importation of inert waste for restoration of the area to the south of the M20 (TM/95/369) was eventually refused in March 2001 although KCC had initially resolved to grant permission subject to a legal agreement in October 1995.

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11. Mineral extraction at Pearsons Sandpit also commenced in the 1940's although, as stated above, the site has been fully restored to original ground levels using waste materials (initially with waste containing putrescible materials and more latterly with inert waste).
12. A variety of stakeholder and other engagement has taken place prior to the submission of the application. This included a formal scoping exercise with KCC on the scope of the Environmental Impact Assessment (EIA), obtaining pre-application advice from KCC's Planning Applications Group, direct contact with KCC officers (development management, planning policy, landscape, cultural heritage and highways), contact with planning consultees (Environment Agency, South East Water and Kent Downs AONB Unit), the creation of a local stakeholder group with three meetings since July 2012 (involving officers and councillors of KCC and Tonbridge and Malling Borough Council and councillors from Addington, Trottiscliffe, Platt and Wrotham Parish Councils), a public exhibition at Addington Village Hall on 25 January 2013 and meetings with a number of local residents living close to the site. Although the current operator of Wrotham Quarry (Hanson Quarry Products) commissioned the preparation of an application for the proposed extension and was involved in the above engagement, it has subsequently decided not to continue to operate the quarry or progress the application. Instead, the application has been submitted by the owner of the existing site (the Ferns Group) which intends to take over the operation of the site and proposed extension subject to planning permission being granted. It is understood that Hanson would continue to be involved in the marketing and sales of high quality silica sands. It is worth noting that the same planning consultants (Quarryplan (GB) Ltd) have been involved throughout.
13. A Planning Applications Committee Members' site visit was held on 13 May 2015. A list of those who attended the site visit is attached at [Appendix 1](#). The site visit enabled those present to view the access route to and from the site (via the A20, Ford Lane and internal access road), the existing main part of the quarry to the north of the M20, the processing plant and associated facilities, the location of the proposed vehicle tunnel between the plant site and extension area, the access to the former Pearsons Sandpit and old access to Wrotham Quarry on Addington Lane (and the stretch of road between the two), the proposed extension area itself and land surrounding the existing and proposed sites. During the site visit, the case officer explained what already takes place at Wrotham Quarry and what is proposed. Further explanations were also provided by the applicant, agent and representatives of Hanson Aggregates.

The Proposal

14. The application proposes the phased extraction of approximately 1.0 million tonnes (Mt) (688,124 cubic metres (m³)) of silica sand and 0.5Mt (338,213m³) of building sand from the extension area over a 10-year period based on a production rate of 100,000 tonnes per annum (tpa) of silica sand and 50,000tpa of building sand. The site would be restored to original levels by backfilling with approximately 1.0 million cubic metres (Mm³) of inert waste over a 10-year period at a rate of about 100,000m³ per annum. The overall operation would take about 19 years as infilling could not commence until

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the majority of sand had been extracted in year 8 of the extraction programme. If permission were granted and development had commenced before the end of 2015 (as was initially hoped by the applicant), it was estimated that infilling could commence in 2024 and be finished by 2033 with restoration completed by the end of 2034. Given the time required to determine the application, it is reasonable to assume that these estimates may need to be extended slightly (an additional year in each case would seem reasonable). The application forms state that restoration would be completed in 2035 and I consider it reasonable to determine the application on that basis.

15. The proposed hours of operation for the processing plant, access road and ancillary activities would be 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays. Operations in the proposed extension area would only take place between 0700 and 1800 hours Monday to Friday. The applicant proposes that the existing limit of 112 HGV movements per day (56 in / 56 out) be retained.¹ It states that this could be complied with as 150,000tpa of sand sales would generate an average of 44 HGV movements per day (22 in / 22 out) and that HGVs associated with infilling would average 60 HGV movements per day (30 in / 30 out).
16. The method of sand extraction would remain as in the existing site with a hydraulic excavator or loading shovel being used to extract sand in a series of benches or faces ready for transportation to the processing plant. Sand would be loaded into dump trucks by loading shovel for transportation to the processing plant. Sand would be excavated and transported on a campaign basis approximately 3 or 4 times a year with about 40,000t of sand being transported in each campaign. It is anticipated that 2 or 3 dump trucks would be utilised for a period of 2 months for each campaign. The sand would either be taken direct to the processing plant or stockpiled awaiting processing. The application proposes a number of locations for the stockpiles. These include 2 locations in the processing plant and a larger area in the current extraction area. The processing plant would be fed direct from the stockpiles by front end loader or via the existing field conveyor from the current extraction area. Sands would continue to be screened, washed, graded and dried in the existing plant in order to maximise their potential end uses.
17. During the majority of the extraction period, sand would be transported via a new tunnel beneath Addington Lane. However, for a 2 to 3 month period during Phase 1 (when about 40,000t of sand would need to be extracted to create the void and vehicle ramp necessary to access the tunnel portal within the proposed extension area) and a similar period during Phase 2 (when this sand ramp would need to be removed and replaced with one made of overburden if this sand is not to be unnecessarily sterilised) it is proposed to transport sand to the plant site via the former access to Pearsons Sandpit and Addington Lane. This exceptional operation would only take place between 0900 and 1500 hours Monday to Friday. The tunnel would be constructed in two stages to enable Addington Lane to be kept open using a one-way system and traffic lights on a single carriageway. HGVs transporting sand from the quarry would continue to use the existing access road on Ford Lane. The construction of the tunnel would necessitate the loss and damage to 9 of the 30 holes of the badger sett,

¹ Note that the stated limit is a daily average in any one week.

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- although 21 on either side of the proposed tunnel would be unaffected and badgers would be able to continue to occupy the sett without significant disturbance.
18. The sand lies beneath topsoil, subsoil and sandy clay overburden materials which average 2m in thickness. The topsoil would be separately removed and stored around the perimeter of the extension area in screen banks or in separate stockpiles generally two or three meters in height. The screen banks would be sown with grass and kept weed free. Subsoil would be removed where present and placed in stockpiles of 2m in height. The screen banks would also provide noise and dust mitigation and assist in minimising the visual impact of the proposed development. Hedge and roadside planting would also be undertaken to supplement that existing. Overburden material would be stockpiled to 3 or 4m in height. All existing services and public rights of way would be diverted.
 19. Sand extraction would be carried out above the water table using a tracked hydraulic excavator or loading shovel removing sand in 5m high benches and in a phased sequence working from west to east. A rubber tyred loading shovel would load the sand into a dump truck for transportation to the processing plant via a tunnel beneath Addington Lane. The depth of the upper building sand varies between 6 and 9m. The industrial sand lying beneath the building sand varies between 13 and 19m in thickness. Although the sand deposit continues at depth there are no proposals to extract any deeper material to ensure a suitable stand-off of at least 2m above the water table as is the case with the current extraction.
 20. In order to restore the extension area back to agricultural land at original ground level inert material would be infilled into the excavation void. Access by vehicles carrying infill material would also be via Ford Lane and the tunnel beneath Addington Lane. Access between the existing quarry site and the extension area for mobile plant and occasional service vehicles would also be via the tunnel beneath Addington Lane. The tunnel would remain in place and be infilled as part of the final restoration of the site.
 21. The upper 1.2m of the restoration profile would be created with 0.9m of indigenous subsoil (supplemented as necessary by suitable screened inert materials) and 0.3m of indigenous topsoil. The final restoration of the extension area would be to a single arable field (as currently) with a small pond in the south-west corner. It is proposed to provide a 7m wide strip of land along the northern and eastern boundaries as a conservation headland during the 5-year aftercare period following restoration. This would be cultivated with a suitable cereal and grass seed mix to provide a food source for invertebrates, small mammals and birds. Under drainage would be provided as necessary. The land around the tunnel would be reinstated and planted with suitable native tree and shrub species. The public rights of way would also be reinstated on their current alignments.
 22. The applicant states that the silica sand in the proposed extension area is needed if those industrial uses mentioned in paragraphs 7 and 8 above are to continue to be supplied from within South East England. It also states that the additional reserves of building sand would assist in meeting the need for sand and gravel prior to 2030 and

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- that infilling the site would provide additional inert waste disposal capacity that would be required by 2024 as existing sites are completed and would ensure a continuing choice of infill locations in the area. It further states that the continued operation of Wrotham Quarry would provide ongoing employment and benefits to the local economy (6 people are directly employed full time at the quarry, 4 provide related services and over £1 million is spent on purchases including transport, wages, equipment, consumables and fuel at the site each year).
23. The application, which was submitted in November 2014, is accompanied by an Environmental Statement which addresses the background, geology, project description, the need for silica sand, construction sand and inert infill, the assessment of alternatives, community and stakeholder engagement, the scope of the EIA, agriculture and soils, landscape and visual impact, noise, highways, public rights of way, cultural heritage, air quality, ecology, water regime, planning context, cumulative impacts, socio economics and conclusions.
 24. Following the receipt of responses from the majority of those consulted on, and a number of those notified of, the proposed development and as a result of my own consideration of the application, I wrote to the applicant in February 2015 requesting additional information and clarification on a number of issues. A detailed response was submitted in April 2015. This further information was the subject of further consultation and notification (including re-advertisement and individual letters to those who had responded previously). The consultee and other responses referred to in this report reflect the latest position in each case.
 25. As well as responding to issues raised, the applicant included a number of relatively minor amendments to the proposed development. These included revised phasing plans (to reflect amended soil handling and storage arrangements) and a slightly reduced depth of working in the south western part of the site (to reflect slightly higher groundwater levels experienced in 2014 and ensure that a 2m stand-off is maintained between this and the quarry floor). The response also stated that the applicant would be happy to meet Addington Parish Council to discuss community benefits if planning permission is granted and that it is committed to developing a working relationship with local parish councils more generally. It also indicated that Footpath MR165 could be realigned following restoration as requested by the Ramblers. Although the applicant does not own all of the land between the existing quarry and Ford Lane over which the site access road lies, it stated that it would be willing to negotiate with the landowner (South East Water) with a view to providing a further new footpath along the site access road from that already required around the western end of the existing site to Ford Lane.
 26. As a result of ongoing concerns relating to potential adverse groundwater impacts associated with the proposed development and its proximity to the former Pearson's Landfill Sites to the west of the proposed extension area following consideration of the April 2015 response, the applicant met with the Environment Agency and South East Water and subsequently provided them with further technical information intended to allay any concerns. The technical information included the results of methane spike testing and groundwater quality sampling. The responses from the Environment

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Agency and South East Water set out in paragraphs 40 and 41 reflect their respective positions after having considered this further technical information and meeting with the applicant. As a result of other comments made on the April 2015 response, the applicant has subsequently proposed to slightly amend the proposals by adjusting the location of the screen bund to the east of the proposed extraction area to increase the stand-off between the bund and Woodgate House by a further 10m (i.e. from 50 to 60m). This would reduce the volume of mineral able to be extracted and the amount of waste for infilling. The applicant estimates that the result of raising the quarry floor to reflect recent groundwater levels and moving the screen bund further from Woodgate House would be to reduce the proposed reserves of building sand to 496,246t and the reserves of silica sand to 968,864t (i.e. a total of 1,465,110t). There would be a resultant reduction in inert landfill capacity and the overall life of the site. The applicant has also offered to maintain the hedgerow between the bund and Woodgate House at a height of between 2 and 4m (rather than 2m high as originally proposed), with that required to be determined by KCC having regard to the wishes of the occupiers of Woodgate House. Drawings illustrating the general layout of the proposed development, the initial development phase and the final restoration are included at Appendices 2, 3 and 4 (pages C2.71 to C2.73) of this report.

Planning Policy Context

27. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012), the National Planning Policy for Waste (October 2014) (NPPW) and the associated Planning Practice Guidance (PPG) which includes a number of topic related parts including a Minerals PPG, a Natural Environment PGG, an Air Quality PGG and a Noise PGG. These are all material planning considerations.
28. **Kent Minerals Local Plan Construction Aggregates (December 1993)** – Saved Policies CA7 (Provision of geological information), CA12 (Silica Sand), CA16 (Traffic considerations), CA18 (Noise, vibration and dust), CA19 and CA20 (Plant and buildings), CA21 (Public rights of way), CA22 (Landscaping) and CA23 (Working and reclamation).
29. **Kent Waste Local Plan (1998)** – Saved Policies W6 (Need), W12 (Landfill of mineral voids), W18 (Noise, dust and odour), W19 (Groundwater), W20 (Land stability, land drainage and flood control), W21 (Nature conservation), W22 (Road traffic and access), W25 (plant and buildings), W27 (Public rights of way), W31 (Landscaping) and W32 (Aftercare).
30. **Tonbridge and Malling Borough Council LDF Core Strategy (September 2007)** – Policies CP1 (Sustainable Development), CP3 (Green Belt), CP7 (AONB), CP9 (Agricultural land), CP24 (Achieving a high quality environment) and CP25 (Mitigation of development impacts).
31. **Tonbridge and Malling LDF Managing Development and the Environment DPD (April 2010)** – Policies CC3 (Sustainable Drainage), NE1 (Local Wildlife Sites), NE2 (Habitat networks), NE3 (Impact on Biodiversity), NE4 (Trees, Hedges and

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Woodland), SQ1 (Landscape Protection and Enhancement), SQ2 (Locally listed buildings), SQ4 (Air quality), SQ8 (Road safety) and DC6 (Rural Lanes).

32. **Kent Minerals and Waste Local Plan 2013-30 Proposed Main and Additional Modifications (July 2015)** – Draft Policies CSM1 (Sustainable development), CSM2 (Supply of land-won minerals in Kent), CSM4 (Non-identified land-won mineral sites), CSW1 (Sustainable development), CSW2 (Waste hierarchy), CSW4 (Strategy for waste management capacity), CSW6 (Location of non-strategic waste sites), CSW11 (Permanent deposit of Inert Waste), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM4 (Green belt), DM5 (Heritage assets), DM6 (Historic environment assessment), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of minerals and waste), DM14 (Public rights of way), DM16 (Information required in support of an application), DM17 (Planning obligations), DM18 (Land stability), DM19 (Restoration, aftercare and after-use) and DM20 (Ancillary development).²
33. **Kent Minerals and Waste Development Framework: Mineral Sites Plan Preferred Options Consultation (May 2012)** – The emerging Mineral Sites Plan identifies land to the north of Addington Lane, Trottiscliffe (Site 24) as a preferred site for silica sand extraction.
34. **Kent Downs AONB Management Plan 2014 – 2019 (Second Revision April 2014)** – These include Policies MPP2 (relating to the Management of the Kent Downs AONB), SD1, SD2, SD3 and SD8 (Sustainable development), LLC1 (Landform and landscape character), BD1, BD2 and BD5 (Biodiversity), FL1 and FL3 (Farmed landscape), HCH1 (Historic and cultural heritage), GNR2, GNR3 and GNR5 (Geology and natural resources) and AEU2 and AEU14 (Access, enjoyment and understanding). GNR3 in particular states that allocations and permissions for new mineral extraction in the AONB will be opposed except in the exceptional circumstances identified in paragraph 116 of the NPPF and where permitted exceptional site management, working and restoration conditions which support landscape character will be expected, conditioned and enforced.

Consultations

35. **Tonbridge and Malling Borough Council** – No objection, subject to KCC being satisfied that the proposals meet the relevant exceptional circumstances and public interest tests (as detailed in paragraph 116 of the NPPF), and subject to the following matters being secured by appropriately worded planning conditions:
- (a) Appropriate timescales being imposed for sand extraction, inert backfilling, the removal of plant/equipment within the main quarry site, restoration works and the aftercare period;

² An Independent Examination of the Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014) was held in April and May 2015. Following discussions with the Inspector and representors throughout the Examination, KCC published major and additional (minor) modifications to the Plan on 17 August 2015. The 8 week consultation period ends on 12 October 2015.

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- (b) Construction and use of the underground vehicle tunnel beneath Addington Lane for the time-periods set out in the application;
 - (c) Inclusion of the necessary planning conditions as suggested by statutory consultees, including KCC Highways & Transportation, the Environment Agency and South East Water;
 - (d) Controls imposed on hours of working and site noise limits (55 dB LAeq, 1hr for permanent and 70 dB LAeq, 1hr for temporary operations);
 - (e) Dust control measures being conditioned to ensure they are implemented in line with best practice and as detailed in the application, throughout the proposed site's lifespan;
 - (f) Backfilling of the site shall only be undertaken with inert materials;
 - (g) HGV access to/from the site via Ford Lane;
 - (h) Requirement to control measurements of landfilling gas and/or leachate, and a contingency protocol to deal with both waste (should it be exposed) and any releases of landfilling by-products (gas and leachate) owing to the proximity of adjacent historic landfilling;
 - (i) Submission and implementation of restoration and aftercare schemes to ensure the site returns to an arable use; and
 - (j) Any other conditions requested by consultees to reasonably control quarrying, infilling and subsequent restoration/aftercare operations.
36. **Addington Parish Council** – No objection. However, it would like to see the provision of some community benefits (e.g. aggregates levy) for those who would be affected both by the closure of Addington Lane and the proposed quarrying and related activities.
37. **Trottscliffe Parish Council** – No objection raised given that: (1) there would be an access tunnel under Addington Lane; (2) vehicular access would be via Ford Lane (not through the village); and (3) as landscaping would be carried out on completion.
38. **Wrotham Parish Council** – Supports the proposals. It states that the application has been well run with a high level of consultation and that the case to extract a rare and nationally valued mineral is compelling such that the application should be consented.
39. **Surrey County Council** – Its planning officers have provided an update on the position in respect of silica sand and related matters in Surrey. They have confirmed that silica sand extraction at Tapwood / Park Pit (previously operated by Hanson) has ceased and that there is no prospect of an extension to that site. On this basis, the future supply of high quality silica sand will initially be from North Park Quarry (operated by Sibelco) and its recent extension on land to the North East of Pendell Farm, Bletchingly. Future working could potentially take place on other adjoining land (identified as Preferred Area S: Pendell Farm in its Core Strategy DPD (2011)) or from within Areas of Search on other land adjoining Pendell Farm and at Chilmead Farm, Nutfield. The officers have also advised that in granting permission for the extension to North Park Quarry, Surrey County Council accepted that silica sand was a valuable and scarce mineral where national supply considerations applied and that the national need was considered to outweigh the temporary impact on the Green Belt and AONB given that high environmental standards could be maintained and the site would be

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well restored within an acceptable timescale. Although of less significance to the current application, they have also advised that the vast majority of soft sand reserves in Surrey are located in the east of the county at Moorhouse Sandpits, Limpsfield and at Mercers South, Nutfield. They have further advised that recent experiences in Surrey indicate that there is a plentiful supply of inert waste for restoration purposes.

40. **Environment Agency** – No objection subject to conditions to secure the following:

- If unsuspected contamination is found, no further development shall take place until a remediation strategy has been approved by KCC (which shall then be implemented as approved);
- No infiltration of surface water drainage into the ground unless approved by KCC (and only where it can be demonstrated that there would be no unacceptable risk to controlled waters); and
- No excavation within 10m of the boundary of the adjacent (old) landfill sites.

It has also recommended that the existing Code of Operational Practice (COP02/07) be reviewed and expanded to establish monitoring and contingency protocols for the detection of gas and / or leachate within the unsaturated zone during quarrying operations. This could also be addressed by condition.

41. **South East Water** – No objection subject to conditions to secure the following:

- a. The conditions requested by the Environment Agency (see paragraph 40);
- b. A scheme of groundwater level monitoring which provides for:
 - i. The monthly collection of groundwater level data by the Ferns Group with this information being shared with South East Water;
 - ii. Revisions to the base of the excavation in order that the 2m stand-off is maintained if groundwater levels are found to increase; and
 - iii. An annual interpretative report which shows the level of the water table in relation to the depth of working over the 12 months preceding the report;
- c. An ongoing dialogue being maintained between South East Water and the Ferns Group to ensure that the Ferns Group is provided with notification prior to any plans to cease abstraction at Trosley Site and / or confirmation of a protocol should the breach of stand-off occur; and
- d. A trench to drain contaminants from the floor of the proposed quarry extension being installed to mitigate the risk of the lateral stand-off between the quarry and the landfill being breached and the resultant draining of leachate from the landfill via any perched layers from the face to the floor of the quarry.

It has also stated that it looks forward to working with KCC's Planning Applications Group, the Ferns Group and the Environment Agency to agree planning conditions in order to satisfy itself that its sources at Trosley and Ryarsh are protected from any future deterioration in groundwater quality.

42. **Southern Water** – Has provided details of its apparatus in the area (e.g. along Addington Lane and through the existing site) and advised that no development or

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new tree planting should take place within 3m either side of the centreline of the public foul sewer, all existing infrastructure should be provided during the course of construction works and no new soakaways located within 5m of the a public foul sewer.

43. **Natural England** – Has stated that it does not wish to comment on the development in terms of its impact on Protected Landscapes (i.e. the Kent Downs AONB) and has advised KCC to consult the Kent Downs AONB Partnership / Conservation Board to establish whether, based on its knowledge of the location and setting, the proposal would impact significantly on the purposes of AONB designation and whether it accords with the aims and policies of the AONB Management Plan. It has also stated that it is satisfied that the development would not damage or destroy the interest features of the Trottiscliffe Meadows SSSI provided it is carried out as proposed and that its Standing Advice on protected species should be applied and treated as a material consideration when determining the application.
44. **KCC Landscape Officer** – No objection subject to conditions to secure appropriate mitigation and enhancement measures, provided the application meets the “exceptional circumstances” test set out in paragraph 116 of the NPPF.

She has advised that the applicant has produced a clear and self-evident baseline, which accords with the Landscape and Visual Impact Assessment (LVIA) Guidelines, through which impacts have been identified and against which the tests set out in paragraph 116 of the NPPF can be assessed. She has also advised that the mitigation measures within the restoration scheme directly address the most significant aspects of the scheme and that ensuring that the site is restored to existing levels and arable farmland is key to mitigating impacts on the AONB.

This said, she has advised that the proposed development would generate significant negative effects on both landscape and amenity and would also negatively impact on the purposes of the Kent Downs AONB designation (i.e. to conserve and enhance the natural beauty of the AONB). However, she states that these significant effects are not permanent and provided details of an exemplary restoration scheme and aftercare plan can be agreed (which include both appropriate mitigation measures and enhancements) she would not object on landscape impact grounds provided the application meets the “exceptional circumstances” test set out in paragraph 116 of the NPPF.

She has advised that the measures intended to mitigate the significant detrimental effect on landscape features identified by the LVIA should go further given the AONB location and as its proximity to key long distance routes (i.e. the Pilgrim’s Way and the Weald Way) has the potential to affect a considerable number of people. She indicates that this could be achieved by the requirement for more details to be secured by condition to further address a number of particular issues relating to the following:

1. The amount of worked and unrestored land at Wrotham Quarry as a whole should be kept to the minimum and the entire site (including areas not currently subject to an approved restoration scheme) must be effectively restored when

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working ceases.

2. Damage to the verges and boundary features (e.g. hedges, banks, ditches of archaeology) of Addington Lane as a result of its use should be prevented.
3. Any historic interest associated with Addington Lane that is affected by the proposed vehicle tunnel should be recorded.
4. The experience of the users of that part of the Weald Way along Addington Lane should not be compromised.
5. The proposed advance hedge planting should comprise appropriate species and be managed to maintain the character of Addington Lane.
6. The proposed field boundaries should be managed to reflect the character of the area.
7. The need for the species and management of the conservation headland to result in enhancement.

She has recommended that details provided for the above be informed by the Kent Downs AONB Management Plan, the Rural Streets & Lanes Design Handbook (Kent Downs AONB, July 2009), Biodiversity Opportunity Area Targets – Greensand Heaths & Commons) and Landscape Character Assessment Targets Kemsing Vale: Kent Downs (Kent LCA 2004). She has also offered to work with KCC's Planning Applications Group and the AONB Unit to develop suitable conditions.

45. **KCC Biodiversity Projects Officer** – No objection subject to the following:

- a. The hedgerow over the road tunnel being replanted as soon as it has been built to minimise the time period when it is absent (with details of this hedgerow planting being included within the construction management plan for the tunnel);
- b. Any new lighting being designed to avoid shining directly onto hedgerows and minimise impacts on hedgerows;
- c. Topsoil bunds being surveyed by an ecologist prior to removal to reduce the risk to badgers if new setts are established;
- d. A precautionary mitigation approach for great crested newts (GCNs) being used when the area of hedgerow in the north west corner of the site is cleared (with details of the approach being secured by condition);
- e. All works to buildings and vegetation being carried out outside the bird nesting season or, if this is not possible, after the site has been examined by an ecologist and if any nesting birds are present all works must cease until all the young have fledged;
- f. Hedgerows planted with species already recorded at the site;
- g. Bird and bat boxes being erected on mature trees within the hedgerows;
- h. An ecological scoping survey and specific species surveys, together with any necessary mitigation, being submitted to KCC for approval prior to restoration commencing to establish if suitable habitats for protected species are present and identify if any mitigation is needed; and
- i. Details of an ecological assessment of the overhead cable diversion route around the north of the site being submitted to KCC with details of any necessary mitigation if this would impact on protected / notable species.

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46. **KCC Archaeological Officer** – No objection subject to a condition being imposed to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable that has first been submitted to and approved by KCC. She has advised that this would need to include a programme of archaeological strip, map and sample as opposed to a simple watching brief.
47. **KCC Heritage and Conservation Officer** – No objection subject to:
- (a) the location of the screen bund to the east of the proposed extraction area being adjusted to increase the stand-off between the bund and Woodgate House by 10m (i.e. from 50 to 60m); and
 - (b) the hedgerow between the two being allowed to grow to between 3.5 and 4m high (rather than 2m high as originally proposed).
48. **KCC Highways and Transportation** – No objection subject to:
- (a) the construction and use of the proposed vehicle tunnel under Addington Lane;
 - (b) only one vehicle at a time using Addington Lane during those interim periods when the tunnel cannot be used; and
 - (c) the provision and use (as necessary) of wheel washing and road sweeping equipment.

Accepted and agreed with the observations and findings of the Transport Statement. Stated that the vehicle tunnel under Addington Lane was a key element of the proposal and noted that it would be constructed without completely closing Addington Lane to traffic by using temporary traffic lights to maintain two-way access and the existing bus service. Stated that the proposed vehicle tunnel would require the completion of a Section 278 Agreement (or other appropriate mechanism) with the Highway Authority and that the structural design and construction processes would need to be checked by its structural team at no cost to the Authority and with appropriate fees charged.

49. **KCC Public Rights of Way** – No objection. States that footpaths MR164 and MR165 run through the middle of the extension area, that the proposed temporary diversions are acceptable and that the footpaths should be reinstated on their original (definitive) routes as part of the final restoration of the site. It also states that the granting of planning permission confers no other permission or consent, that no works affecting a Public Right of Way can be undertaken without the express consent of the Highway Authority and that KCC's costs associated with this would need to be paid for by the applicant. It advises that these matters need to be formally addressed (probably under Section 261 of the Town and Country Planning Act 1990) and that the process enables it to secure KCC's costs. If the reinstated footpaths are to be different from their definitive alignment (e.g. as suggested by the Ramblers), it states that this would require an Order and is something that could best be considered and addressed nearer the time that backfilling and restoration is completed. It has further advised that extending the footpath that needs to be created around the western end of Wrotham Quarry under the earlier Section 106 Agreement to Ford Lane along the route of the internal access road would be desirable and should be encouraged. It

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advises that this possibility was identified through the Rights of Way Improvement Plan consultation. However, it accepts that this cannot be a pre-condition of planning permission as the land is not within the applicant's control.

50. **KCC Noise Consultant (Amey) – No objection.** Agrees with the findings of the applicant's noise assessment report and that the proposed development would accord with the advice in the PPG. Recommends that conditions be imposed: (a) limiting noise from normal operations to 55dB LAeq, 1h, freefield at any noise sensitive property; (b) limiting noise to 70dB LAeq, 1hr, freefield for up to 8 weeks in any 12 month period at Woodgate House and Peathams for essential site preparation and restoration work including the construction of the earth bund to act as a noise barrier; and (c) requiring the construction of the 4m high earth bund along the eastern boundary of the site before sand extraction commences.
51. **KCC Air Quality Consultant (Amey) – No objection.** Is satisfied that the applicant has satisfactorily assessed air quality / dust issues and that if the proposed dust control measures are implemented the risk of dust nuisance associated with operations (e.g. soil overburden, removal, storage and replacement, mineral extraction and processing, infilling and use of haul routes) is low for all relevant receptors.
52. **Kent Downs AONB Unit – Objects** and requests that the application be refused.

In responding to the application as originally submitted in November 2014 the Kent Downs AONB Unit stated that:

1. The application would extend existing quarry operations north of Addington Road (a natural and important barrier and visual screen for the processing plant and existing quarry);
2. The extension would take operations further into a sensitive area of the Kent Downs AONB at the foot of the North Downs Scarp;
3. The proposed development would challenge far reaching and distant views from the scarp across the Greensand and Low Weald to the High Weald (one of the principle reasons for the designation of the Kent Downs AONB), have a cumulative impact on the character, landscape, tranquillity, access and enjoyment of the Kent Downs and delay the restoration and after use of the existing quarries, plant site and haul route;
4. The proposed use of Addington Lane (a rural AONB road) would further challenge the purposes of the Kent Downs AONB and impact on the existing users of the Lane as part of the Weald Way (long distance trail) and existing road traffic, as well as impact on the physical character of the Lane during operations;
5. It had reservations about the method of handling of soils required for restoration, the life of the quarry to full restoration and after use and the life of the existing plant and how that would relate to the proper end uses for the silica sand;
6. The tests of paragraph 116 of the NPPF need to be satisfied before major development is acceptable in an AONB;
7. The need for the silica sand needs to be balanced against the impact on the

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AONB;

8. It was of the opinion that the impacts on the AONB outweigh the benefit of releasing the site for the extraction of construction and silica sands; and
9. It has consistently opposed development at the site in the context of the emerging Kent Minerals and Waste Local Plan and Mineral Sites Plan.

It also provided a detailed critique of the application and the associated supporting information, together with an assessment of the proposed development in terms of planning policies prepared by Green Balance Planning Consultancy.

In commenting on the applicant's April 2015 response to issues raised about the November 2014 submission, the Kent Downs AONB Unit stated that there was very little that indicated it should change its initial position and reiterated its objection.

The Kent Downs AONB Unit has subsequently commented that discussions at the recent Examination of the KMWLP and proposed modifications to draft Policy CSM2 of the KMWLP need to be considered when the application is determined and that, in its opinion, these further support the case for refusal.

53. **UK Power Networks** – No objection.
54. **Southern Gas Networks** – No objection. It has provided advice in respect of its apparatus (which indicates that its mains gas pipe in Addington Lane would be affected by the proposed tunnel).
55. **Ramblers Association** – No objection subject to the need for drainage measures to prevent waterlogging of the temporary footpath diversion during wet weather (due to run-off from the screen banks) being addressed should this become necessary and the realignment of footpath MR165 so that its eastern end exits onto Woodgate Road at the same point as the southern end of MR164.
56. No comments have been received from **Platt Parish Council, English Heritage, Kent Wildlife Trust, CPRE Protect Kent and National Grid**.

Representations

57. The application was publicised by site notices and a newspaper advertisement and the occupiers of 59 properties notified (i.e. all properties within 250 metres of the site, some just outside this area and all those on Ford Lane between the site access and the A20) in December 2014. The further information (including amendments) included in the applicant's April 2015 response was publicised by site notices and a newspaper advertisement in May 2015 and all who had responded to the application were also notified.
58. At the time of writing this report 7 representations have been received (one of which was from a resident who had previously responded).

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Objections / concerns (6 No.):

Ford Lane issues:

- Ford Lane is unsuitable for the size and number of HGVs due to lack of footpaths (e.g. between the bus stop on the A20 and local properties).
- Increase in HGV movements (1 every 6 minutes on average).
- The speed limit on Ford Lane is too high (60mph).
- Ford Lane is not wide enough to allow HGVs to pass in opposite directions.
- Damage to drains, kerbs, grass verges and surface of Ford Lane.
- Damage to Ford Place (Grade II* listed building) due to vibration from HGVs.
- Impact on users of Gate House Wood Touring Park on Ford Lane (up to 60 families) and associated impacts on the business and tourism more generally.
- The use of Addington Lane (through Addington) would be preferable (and should be used) as it has been improved and is better able to accommodate HGVs.
- If permission is granted, HGVs should enter the site via Addington Lane and leave via Ford Lane (or vice versa) such that traffic is “shared” between the two areas.
- One respondent wanted to know who requested that HGVs stop using Addington Lane and use Ford Lane instead.
- Road condition surveys should be required on Ford Lane if the development is permitted.
- Only one haulage vehicle at a time should be allowed to use Ford Lane.
- HGVs using the site have become larger and heavier in recent years leading to greater impacts and deterioration of the road surface.
- High levels of air pollution are already experienced (from the M26) and any additional particulate from HGV movements is of concern.
- Wheel washing and the use of a road sweeper should be required.
- Adverse impacts on local residents’ quality of life.

Extraction site / tunnel issues:

- Adverse impact on countryside (including views of the North Downs).
- Adverse impact on public footpaths and their users (including from diversions).
- Adverse impacts on residential properties close to the site (e.g. noise / dust).
- Disturbance to skylarks, other ground nesting birds, adders and dormice.
- Danger to children from the proposed quarry.
- Adverse impact of traffic disruption by construction of tunnel on Addington Lane and associated use of traffic lights.
- Lack of consultation / meetings with local residents (and misrepresentation of the facts in this regard).
- Inadequate publicity and notification (e.g. location of site notices).
- Demand for financial compensation.

No objection (1 No.):

- Subject to no HGVs using Addington Lane through Addington.

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Local Member

59. County Council Member Mrs S Hohler (Malling North) was notified in November 2014 and April 2015. Adjoining County Council Member Mrs V Dagger (Malling West) was also notified.

Discussion

60. 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. In the context of this application, the development plan policies outlined in paragraphs 28 to 31 above are of most relevance. Material planning considerations include the national planning policies and guidance referred to in paragraph 27, the emerging Kent Minerals and Waste Local Plan policies referred to in paragraph 32, the preferred option status of the site referred to in paragraph 33 and the Kent Downs AONB Management Plan policies referred to in paragraph 34.
61. The main issues to be considered relate to:-
- The quantity and quality of the mineral resource(s);
 - The need or otherwise for the mineral(s) and alternative options;
 - The need or otherwise for inert waste disposal;
 - Landscape and visual amenity (including AONB and Green Belt issues);
 - Local amenity impacts (e.g. noise and dust / air quality);
 - Highways and transportation;
 - Water environment (hydrology, hydrogeology and groundwater impacts);
 - Geotechnical stability;
 - Ecology;
 - Archaeology, heritage and conservation (including impact on listed buildings); and
 - Public rights of way.

The quantity and quality of the mineral resource(s)

62. Policy CA7 of the Kent Minerals Local Plan Construction Aggregates (December 1993) (KMLPCA) states that the County Council will require evidence of the extent and quality of mineral reserves for proposed workings. Draft Policy CSM2 of the Kent Minerals and Waste Local Plan 2013-30 Proposed Main and Additional Modifications (July 2015) (draft KMWLP) states (amongst other things) that proposals for silica sand production will be considered on their own merits having regard to the policies of the Development Plan as a whole and them demonstrating how the mineral resources meet technical specifications required for silica sand (industrial sand) end uses and how mineral resources will be used so that high-grade sand deposits are reserved for industrial end uses. Whilst the proposed modification indicates that no sites within the AONB or in locations which could have an adverse impact on the setting of, and implementation of, the statutory purposes of the AONB, will now be allocated, the

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earlier inclusion of the proposed extension area as a Preferred Site in the Kent Minerals and Waste Development Framework: Mineral Sites Plan Preferred Options Consultation (May 2012) for both silica sand and soft sand indicates “in principle” acceptance of the quantity and quality of the mineral resources by the County Council, albeit that little or no weight should now be given to the preferred option status beyond this. The need for mineral applications to include information on the quantity and quality of mineral resources is implicit in the National Planning Policy Framework (NPPF) and draft Policies CSM4 and DM16 of the draft KMWLP.

63. The application proposes the extraction of approximately 1.0 million tonnes (Mt) (688,124m³) of silica sand and 0.5Mt (338,213m³) of building sand over a 10-year period based on a production rate of 100,000 tonnes per annum (tpa) of silica sand and 50,000tpa of building sand. The applicant had estimated that if permission were granted and extraction had commenced by the end of 2015, the proposed reserves could be exploited in 2025. Given the time required to determine the application it is likely that they may last until 2026.
64. The applicant has provided evidence of the mineral reserves in the form of borehole and sieve analysis information contained within a site investigation and resource evaluation report. The report identifies a number of geological “units” (overburden and sand deposits) present in the proposed extension area and, based on grading analysis, indicates the suitability of each for the various types of sand products currently produced at Wrotham Quarry (i.e. W60³, W75⁴, leisure sand⁵ and building sand⁶). Unit A comprises between 1m and 3.2m of overburden (i.e. unsaleable brown sand, gault clay, subsoils, superficial clays and gravel and about 0.3m of topsoil). Unit B comprises between 6m and 9.3m of mineral suitable for use as building sand. Unit C comprises between 13m and 19m of mineral suitable for use as industrial sand (primarily to produce industrial sand products W60 and W75 and leisure sand) or building sand. Unit D (below the proposed depth of working) comprises very fine sand (which could be used to produce industrial sand product W75 if its extraction were to take place).
65. Having considered the details included in the Environmental Statement and site investigation and resource evaluation report, I am satisfied that the applicant has provided sufficient information to demonstrate workable silica and construction sand deposits to satisfy the requirements of the adopted and emerging development plan policies referred to above in respect of the quantity and quality of the mineral resources.

³ W60 = Used in industrial processes as foundry sand or for coloured glass production, in the building trade within roofing felt, admixtures, floor screeds and adhesives and in the leisure business as play sand, volley ball and beach football courts.

⁴ W75 = Used in industrial processes as foundry sand and within the leisure business as equestrian surfaces.

⁵ Leisure Sand = Used in volleyball, beach football courts and for leisure purposes.

⁶ Building Sand = Used in mortar and asphalt production.

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The need or otherwise for the mineral(s) and alternative options

66. National planning policies relating to the need for silica sand and building sand are set out in the NPPF. Paragraph 142 of the NPPF states that “Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.” Paragraph 144 of the NPPF states (amongst other things) that when determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy and as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside Areas of Outstanding Natural Beauty (AONBs).
67. Need and alternatives are particularly important considerations for mineral development in AONBs. Paragraph 116 of the NPPF states that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. It also states that consideration of such applications should include an assessment of:
- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - (b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
68. Paragraph 146 of the NPPF states that MPAs should plan for a steady and adequate supply of industrial minerals by providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment (at least 10 years for individual silica sand sites and at least 15 years for silica sand sites where significant new capital is required). Paragraph 221 of the Minerals Planning Practice Guidance (PPG) defines industrial minerals as those which are necessary to support industrial and manufacturing processes and other non-aggregate uses and states that they include minerals of recognised national importance including silica sand (including high grade silica sands). It also defines aggregate minerals as those which are used primarily to support the construction industry including soft sand, sand and gravel, and crushed rock.
69. Paragraph 086 of the Minerals PPG states that MPAs should recognise that there are marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals, which can have different implications for their extraction. These include:

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- geology influencing the size of an industrial mineral resource, how it may be extracted and the amount of mineral waste generated;
 - the fact that markets are based on the consistent physical and/or chemical properties of each mineral. Different uses can require different specifications, and industrial minerals are often not interchangeable in use;
 - the potential for the quality of a mineral extracted from a single site varying considerably. This may require multiple extraction faces within one quarry, or supplies of specific feedstock from several different quarries, to enable blending of lower specification material with that of higher grade. Alternatively, it may result in only a small proportion being suitable for specific industrial end-uses, with remaining minerals occasionally being used for alternative purposes such as aggregates;
 - industrial minerals being essential raw materials for a wide range of downstream manufacturing industries. Their economic importance therefore extends well beyond the sites from which they are extracted;
 - some industries are dependent on several industrial minerals. The loss of supply of one mineral could create difficulties for manufacturers even if the other minerals remain available.
70. Paragraph 087 of the Minerals PPG states that stocks of permitted reserves for industrial minerals are a monitoring tool to aid decision-making on planning applications at existing industrial minerals sites. They should be used as an indicator to assess when further permitted reserves are required at an industrial minerals site. Paragraph 088 of the Minerals PPG states that stocks of permitted reserves should be calculated when a planning application is submitted to extract the mineral (through either a site extension or a new site) or when new capital investment is proposed. The overall amount required should be directly linked to the scale of capital investment to construct and operate the required facility. Paragraph 089 of the Minerals PPG states that each application for minerals extraction must be considered on its own merits, regardless of the current stock of permitted reserves. However, low stocks of permitted reserves to justify capital investment may be seen as a strong indicator of urgent need. Paragraph 090 of the Minerals PPG states that the required stock of permitted reserves for each silica sand site should be based on the average of the previous 10 years sales, having regard to the quality of sand and the use to which the material is put.
71. Paragraph 145 of the NPPF states that mineral planning authorities (MPAs) should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel and 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. It also states that MPAs should co-operate with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes. Paragraph 083 of the Minerals PPG states that the length of an aggregate landbank is the sum in tonnes of all permitted reserves divided by the annual rate of future demand based on the latest annual Local Aggregate Assessment (i.e. a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information). In addition to a

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combined sand and gravel landbank, paragraph 085 of the Minerals PPG also states that where there is a distinct market for a specific type or quality of aggregate (such as sands used for concrete or asphalt), a separate landbank calculation based on provision to that market may be justified given that different physical properties and quality are often needed to meet different end uses and the scope to substitute one aggregate material for another can be limited.

72. The national policies and guidance are reflected at the local level in Policies CA6, CA8D, CA10 and CA12 of the KMLPCA. Policy CA6 of the KMLPCA states that in areas of search identified on the Proposals Map, proposals to extract minerals will be acceptable provided that there is a sufficient case of need to override material planning interests and if other policy considerations are met. Wrotham Quarry is not identified as within an area of search for construction sand in the KMLPCA. Policy CA8D of the KMLPCA states that 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. Paragraph 5.5.5 of the KMLPCA states that with the exception of Aylesford Quarry, all of the area between Aylesford and Addington is subject to strategic planning constraints where mineral working will not normally be permitted. However, it goes on to say that given the importance of silica sand, Kent should play its part in maintaining national productive capacity by accepting the principle of long term permitted reserves as an exception. It further states that because of the strong planning constraints on mineral working in this area, and the importance of husbanding resources of silica sand, it would be reasonable to ensure that high grade deposits of silica sand are reserved for uses requiring such sand. This said, it also recognises that there will in most cases be secondary production of the lower quality sands for construction use. Policy CA10 of the KMLPCA states that it will be the objective of KCC to safeguard workable reserves within the Mineral Consultation Area between Addington and Ryarsh. Policy CA12 of the KMLPCA states (amongst other things) that proposals to work silica sand will be considered against the special case of need for the maintenance of such reserves and the need for their extraction being sufficient to override material planning interests.
73. Draft Policy CSM2 of the draft KMWLP states that in response to planning applications for silica sand production, KCC will seek to permit sites for silica sand production sufficient to provide a stock of permitted reserves of at least 10 years for individual sites and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. It also states that proposals will be considered on their own merits, having regard to the policies of the Development Plan as a whole subject to them demonstrating: (a) how the mineral resources meet technical specifications required for silica sand (industrial sand) end uses; and (b) how the mineral resources will be used efficiently so that high-grade sand deposits are reserved for industrial end uses. Paragraph 5.2.34 of the draft KMWLP states the existing market need for silica sand is being met by extraction from two quarries Wrotham Quarry and Nepicar Sand Pit which have permitted reserves in the region of 2.1Mt. It also states that Wrotham Quarry has a potential extension area which lies within the Kent Downs AONB and that while the Plan seeks to maintain a stock of permitted reserves (in line with national policy) it is recognised that this may

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not be possible if it would be inconsistent with policy to conserve the landscape and scenic beauty of the AONB. It goes on to say that any application for development of silica sand quarries within the AONB or its setting must have regard to the particularly sensitive nature of the environment and demonstrate how the proposed development meets the requirement for exceptional circumstances and why it is of public interest. In light of national policy, the Plan does not seek allocation of sites within the AONB or in locations which would have an adverse impact on the setting of, and implementation of, the statutory purposes of the AONB. Proposals will be considered on their merits against policies CSM2 and CSM4 in particular. Draft Policy CSM4 of the KMWLP states that proposals for mineral extraction other than the Strategic Site for Minerals (i.e. the proposed Medway Cement Works at Holborough) and sites identified in the Mineral Sites Plan will only be granted planning permission if they can demonstrate that there are overriding benefits that justify extraction at the exception site. Draft Policy DM16 of the KMWLP states that applications should be supported by sufficient information, including that specified in the County Council's guidance notes. Such information should include that in respect of need. Draft Policy CSM2 of the KMWLP also states that provision will be made for the supply of land-won aggregates by identifying sites to provide a rolling landbank of soft sand for the whole of the Plan period and beyond of at least 7 years equivalent to at least 15.6Mt, comprising 10.6Mt from existing permitted sources and 5.0Mt from sites allocated in the Mineral Sites Plan. Policy GNR3 of the Kent Downs AONB Management Plan 2014 – 2019 (Second Revision April 2014) (the AONB Management Plan) states that allocations and permissions for new mineral extraction in the AONB will be opposed except in the exceptional circumstances identified in paragraph 116 of the NPPF and where permitted exceptional site management, working and restoration conditions which support landscape character will be expected, conditioned and enforced.

74. Only the AONB Unit and Wrotham Parish Council have specifically commented on need and alternatives. The AONB Unit has stated that the need for silica sand must be balanced against the impact on the AONB. It has also raised a number of issues which it believes mean that the weight given to need should not outweigh the negative impacts on the AONB. In particular, it is concerned that: (a) continued high quality silica sand production would be dependent on the life expectancy of the processing plant; (b) not all of the sands are of a quality that can be classed as industrial and much of the silica sand would be used for leisure and recreational purposes (for which there are an increasing number of alternatives); (c) demand for silica sand for industrial purposes such as foundries is decreasing and there is a plentiful supply nationally for this purpose; and (d) there is no mechanism to control the end use of the silica sand produced. It has since raised issue (d) again during the Examination of the KMWLP and sought a requirement for specific controls on the end-use of silica sand to be included on any new permission that may be granted. Wrotham Parish Council supports the application and states that the case to extract a rare and nationally valued mineral is compelling. Tonbridge and Malling Borough Council has also requested that KCC be satisfied that the proposals meet the relevant exceptional circumstances and public interest tests.
75. I am satisfied that the application represents major development in the AONB such that it needs to be assessed against paragraph 116 of the NPPF (see paragraph 67

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above). Whilst exceptional circumstances, public interest and the assessments required by parts (a) and (b) of paragraph 116 will be addressed in this section of the report, (c) will largely be addressed in the landscape and visual impact section.

76. The applicant has provided information in respect of the uses, markets and production of silica sand in order that need and alternatives can be better considered. These matters, and the extent to which the application complies with the above policies and associated tests, are addressed in the following paragraphs.
77. The applicant has stated that exceptional circumstances in this case include the following:
- Proven source of nationally important silica sand.
 - Wide ranging customer base reliant on the high quality sand product from Wrotham.
 - No alternative sources of supply within Hanson or Fern Group.
 - Very limited alternative sources of supply from third parties.
 - No potential to develop a new Green Field silica sand quarry in Kent or anywhere in the south-east.
 - Existing sophisticated washing, processing and drying plant, access road and ancillary facilities already available at Wrotham.
 - Proposed tunnel means of access to minimise impact.
 - Restoration back to original levels and land use with no long term adverse landscape impact.
 - No significant adverse environmental impact.

It has also stated that public interest is demonstrated by the following:

- Continued operation of existing site.
- Continued employment and financial benefit.
- No new alternative site to be developed.

The extent to which these or any others should be regarded as exceptional circumstances or demonstrating public interest can only be determined once need and alternatives have been assessed. These issues are addressed in the following sections, with reference to the other policies referred to above.

78. Silica sand is widely recognised as being one of the more economically important minerals extracted in Great Britain and is valued for its combination of chemical and physical properties (i.e. high silica / quartz content, very low levels of deleterious impurities such as clay, iron oxides and refractory minerals and narrow grain size). For most uses (as described in paragraphs 7, 8 and 64 above), silica sands have to conform to very closely defined specifications such that consistency in quality is of critical importance. Although sand deposits are widely distributed in the United Kingdom (UK), only a small proportion of these possess the desired physical and chemical properties to be considered as sources of silica sand and those that do exist differ in purity, particle size and thickness. Silica sand is considered to be a mineral of

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national importance due to its limited distribution. The geological resource of silica sand is extremely limited in the South East and primarily occurs in a thin band of the Folkestone Beds (part of the Upper Cretaceous Lower Greensand Formation), which stretches between Farnham (Surrey) in the west and Folkestone (Kent) in the east. Much of this area lies within the Surrey Hills AONB and Kent Downs AONB.

79. Silica sand production in Great Britain peaked in the mid-1970's at about 6.3Mt and declined in the 1980's. It was about 3.9Mt in 2012. About 86.4% of production is currently from England (3.361Mt), 11.3% from Scotland (440,000t) and 2.2% from Wales (86,000t). Great Britain is essentially self-sufficient in the supply of silica sand. In 2012 about 8.7% of silica sand produced in Great Britain was used for foundry uses, 38.3% for glass manufacture, 20% for other industrial uses and 33% for agricultural, horticultural and leisure uses.⁷ Foundry sand production has reduced in recent years reflecting the decline in UK manufacturing. Whilst annual data on silica sand sales is available from the Office for National Statistics, there appears to be no recent up to date information on permitted silica sand reserves nationally or regionally. For reasons of commercial confidentiality, production figures by region and county are also incomplete. However, the South East Region (including Kent) provided 14% of British silica sand production in 2007 (there is no figure for 2012). In 2012, Kent produced 226,000t of silica sand (5.8% of total sales in Great Britain). The only other English counties with published figures for 2012 were Cheshire (925,000t or 23.8% of sales in Great Britain, of which 34.8% was used in foundries) and Cumbria (27,000t or 0.7% of sales in Great Britain, all of which was used for agricultural, horticultural and leisure uses). The largest supplier of silica sand in Britain is Sibelco (over 50% of production in 2009). Hanson is also acknowledged as an important supplier.
80. According to the Directory of Mines and Quarries, 2014 (British Geological Society) there were 39 silica sand sites in the UK in May 2014. However, a number of these represent extensions to / or form part of other sites that are listed. Of the 39 referred to only 5 are in the South East: Wrotham Quarry north of the M20, Wrotham Quarry south of the M20 and Nepicar Farm Quarry (in Kent); and North Park Quarry and North Park Quarry Extension (in Surrey). In effect, this only represents 3 quarries not 5. The rest are as follows: 2 in Nottinghamshire (East Midlands); 11 near Leighton Buzzard in Central Bedfordshire⁸, 1 in Essex, 3 in Norfolk and 1 in Suffolk (East of England); 1 in County Durham (North East England); 5 in Cheshire East (North West England); 1 in Cornwall (South West England); 1 in Staffordshire (West Midlands); 1 in North Lincolnshire and 1 in North Yorkshire (Yorkshire and the Humber); and 6 in Scotland. The nearest sites outside Kent and Surrey are Martells Quarry, Ardleigh (Essex) operated by Garside Sand / Aggregate Industries (which washes, grades and dries silica sand and produces glass sand, filter drainage media and industrial sand), Blyth River Pit, Wenhaston (Suffolk) operated by Bardo (Midlands) Ltd (which produces silica sand for foundries and equestrian ménage surfaces), 3 quarries at Kings Lynn operated by Sibelco (which produce colourless glass sand, float glass sand⁹ and foundry sand) and a number of sites near Leighton Buzzard (Central Bedfordshire) operated by Aggregate Industries, Sibelco and LB Silica Sand (which

⁷ Source: United Kingdom Minerals Yearbook 2013 (British Geological Society).

⁸ Reported to be 6 quarries in the 2010 GWP report.

⁹ Used to produce modern sheet / window glass.

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produce sands for glass, colourless glass, foundries, sports uses, horticulture and other industrial uses).

81. When the previous application for a northern extension to Wrotham Quarry (TM/07/2545) was permitted in 2009, there were two other quarries in Kent producing significant quantities of silica sand (i.e. Aylesford and Nepicar Farm near Borough Green) and two in Surrey (i.e. North Park just to the east of Redhill and Tapwood / Park Pit just to the west of Reigate). There were also three other sites in Kent that produced small quantities of silica sand (i.e. Squerreys Court near Westerham and Cricketts Farm / Ightham and Borough Green Sand Pit near Borough Green). Of the sites in Kent, only Aylesford had a drying plant and sand from Nepicar Farm was sold moist.
82. Of the above, the only operational quarries still producing silica sand are Wrotham, Nepicar Farm and Borough Green Sand Pit in Kent and North Park Farm in Surrey. Of these, only Nepicar Farm and North Park Farm have significant permitted reserves remaining and neither has a drying plant. Extraction has ceased permanently at Squerreys Court, Cricketts Farm and Tapwood / Park Pit. Whilst the position is not entirely clear at Ightham, a small quantity of reserves may remain adjacent to the blockworks. However, the quantity, quality and availability of these is not known. The operator (H+H UK Ltd) has promoted the inclusion of a new site in the Kent Mineral Sites Plan to serve its own business on land to the west of the blockworks (also in the AONB) given that it advises that it will soon no longer be able to use pulverized fuel ash (PFA) as the primary material to make “Aircrete” blocks (aerated concrete blocks).¹⁰ It has also raised the matter at the recent KMWLP Examination and argued the need for new silica sand reserves for its factory. Although permitted reserves may remain at Aylesford, the site was sold in 2013 and the new owners have advised that any remaining silica sand (all below the water table) would be uneconomic to work. The drying plant was removed prior to the sale. The closure of, and uneconomic nature of the reserves at, Aylesford has effectively removed about 2Mt of assumed silica sand reserves from the market. Some silica sand is likely to continue to be sold from Borough Green Sand Pit although total sand reserves are relatively small and are of no real significance to the current application.
83. Nepicar Farm Quarry was originally tied to supply silica sand to Ryarsh Brickworks. However, this link was removed some years ago when the brickworks closed in 1998. The planning statement submitted with an application to amend the working, landscaping and restoration scheme at Nepicar Farm Quarry (KCC/TM/0141/2015) submitted in May 2015 states that there are about 2.3Mt of permitted reserves remaining and that if the production rate in 2013 (162,000t) continues the could site supply industrial sand markets for about 15 years. The planning statement also states that sands are variable in grade and colour and that that selective excavation and blending is required in order to maintain consistency of the product. It further states that sales have extended to new markets following the closure of other sites in Kent,

¹⁰ PFA (a bi-product of coal-fired electricity generation) amounts to 80% of the raw material in the manufacturing process. H+H UK Ltd stated during the KMWLP Examination that PFA production is decreasing as a result of European and National policy on energy generation, is no longer available in the South East and that availability and quality of supply cannot be guaranteed after 2020.

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including Aylesford Quarry. Nepicar Farm has no washing or drying plant. It is therefore clear that Nepicar Farm Quarry could not take up the capacity that would be lost at Wrotham if the current application were refused regardless of if new plant were installed and the operator (J Clubb Ltd) was interested in investing in value added products and developing new markets.

84. Whilst sand from other quarries in Kent and Surrey is capable of being used for some of the purposes served by Wrotham, Nepicar Farm, Borough Green Sand Pit and North Park Farm, the report titled “A Study of Silica Sand Quality and End Uses in Surrey and Kent” (GWP, March 2010)¹¹ (“the 2010 GWP report”) indicated that only Sevenoaks and Moorhouse (in Surrey just to the west of Westerham) produced industrial sands and non-construction aggregates.¹² It also stated that Lenham Quarry (Shepherds Farm) produced a “minor non-construction aggregate” element and that the majority of the sites produced construction sand (with or without other products). It further stated that sands from several of the sites may be capable of being used for industrial and non-industrial specialist uses such as filtration and the other non-construction aggregate uses referred to above. The report also stated that the silica sand in Surrey and Kent includes an unusually high quality resource and that any developments which affect the production of silica sand in the region would have implications and repercussions for the production of silica sand in other areas and on the costs, supply and quality of raw materials going to manufacturing industry, and in particular the chemical and glass industries. Whilst the silica sand from Wrotham is suitable for the manufacture of coloured glass bottles / containers and sodium silicates¹³ it is not currently used for these purposes.
85. The applicant has stated that in 2014, 80% (65,000t) of silica sand sales from Wrotham Quarry were dried and 20% (15,000t) moist. Of this, the dried silica sands were used in the following broad product types:
- Foundry – 10,000t (15.4%)
 - Refractory products and adhesives (including roofing felt) – 15,000t (23.1%)
 - Bagged products – 40,000t (61.5%)

The moist silica sands were used for equestrian, horticultural and brick making purposes. It has further stated that the bagged products are largely used for block paving sand and play pit sand and are distributed nationally after having been washed, graded and dried in the processing plant. Block paving sand is brushed between block paving and must be clean (washed), have a uniform grain size, be free from impurities, be non-staining (free from iron content) and dried. It must be able to flow correctly when brushed into the joints to provide a strong interlocking joint between the pavers. Play pit sand is used in residential and commercial children’s play areas and

¹¹ Part of the evidence base for the KMWLP.

¹² The 2010 GWP report defines “construction aggregates” as those used for concrete, plastering and mortar sand, asphalt sand and granular bulk fill, “industrial sand” as that used in industrial or manufacturing processes and “non-construction aggregates” as those used in leisure, sport and horticulture. It further defines industrial sand and non-construction aggregates as “specialist sands”.

¹³ A versatile range of soluble compounds, produced from soda ash and silica sands, marketed as glassy clear or powdered solids or as liquid used in the production of various products.

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must be clean, non-staining and dried. It states that the silica sand is ideal for these uses as it is a very consistent material, free from iron and other impurities, and that very few quarries nationally have the quality of sand and the processing facilities able to produce these materials. The applicant has advised that about 80% of the bagged products are used for block paving sands (i.e. dry sand jointing use).

86. When the last application (TM/07/2545) for an extension to Wrotham Quarry was determined, Hanson stated that 78% (70,200t) of silica sand sales in 2007 were dried and 22% (19,800t) moist. It also stated that dried silica sands were used as follows during that year:

- Foundry – 15,444t (22%)
- Screeds, grouts and adhesives – 16,848t (24%)
- Roofing felt – 7,020t (10%)
- Bagged products – 29,484t (42%)
- Equestrianism – 1,404t (2%)

It also stated that about 40% of moist silica sand sales were used for equestrian and 60% for other uses. It further advised that 80 to 85% of Wrotham Quarry's moist sand sales are in Kent.¹⁴

87. The use of silica sands in foundries, refractory products, adhesives, screeds, grouts, roofing felt can clearly all be regarded as industrial uses. The 2010 GWP report also includes sand used for dry sand jointing (i.e. block paving sand) as an industrial use (and also defines it as having a specialist use).¹⁵ The use of silica sand for equestrian, sports and leisure (including play pits) and horticulture can also be regarded as specialist (and non-constructional aggregate uses).¹⁶ Given the importance of the washing, grading and drying processes at the site to secure the necessary characteristics for its end use, it is also reasonable to regard other uses of these silica sands as specialist. High grade silica sands are traditionally regarded as those used for the production of glass and foundry moulds. The NPPF and Minerals PPG do not distinguish between high grade / high quality and other uses of silica sand. There is therefore some degree of uncertainty about exactly how policy should be interpreted and applied. Some MPAs have determined that the only real distinction should be between silica sand used for construction aggregate purposes and that used for other purposes (be that industrial or specialist). For example, the adopted Hampshire Minerals and Waste Plan (October 2013) states that specialist and high value industrial uses include glass manufacture, foundry castings, ceramics, chemical manufacture, water filtration, recreational uses, horticultural uses and root zone products. It also states that the distinction between sand used for industrial purposes and that used for construction aggregate is based principally on application and market specifications, with different uses demanding different combinations of properties.¹⁷

¹⁴ Note that Hanson provided a figure of 90,000tpa sales of all silica sands and the percentage figures stated above in 2007 and that the detailed tonnage figures referred to are based on these.

¹⁵ Section 4 of the 2010 GWP report.

¹⁶ Section 5 of the 2010 GWP report.

¹⁷ Paragraph 6.89 of the Hampshire Minerals and Waste Local Plan (October 2013).

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88. If dry sand jointing (i.e. block paving sand) is considered to be an industrial use, and assuming 80% of bagged sand was used for block paving / dry sand jointing in 2007 as well as in 2014, 87.7% of dried silica sand produced in 2014 was used for industrial purposes (89.6% in 2007). Most if not all of the remainder (12.3% in 2014 and 10.4% in 2007) was used for non-constructional aggregate / specialist uses. Although detailed figures are not available, it would appear that a significant percentage of moist silica sand sales in 2007 and 2014 were for non-construction aggregate / specialist uses. Using the same figures and assumptions, 71.25% of total silica sand production was used for industrial purposes in 2014 and 69.9% in 2007.
89. The applicant has advised that the difference between the 2007 and 2014 figures can be explained by a number of factors (i.e. a shortage of reserves, as sales have yet to return to 2007 levels after the economic downturn and as orders for industrial sand were turned away as a result of limited reserves at the site). It is also understood that Hanson wanted to ensure that its own bagged products division could continue to serve established and other markets for its products. The lack of production figures between 2007 and 2014 means that it is not possible to identify any specific trend in terms of end uses between these dates. However, it is probably reasonable to assume that demand for dried silica sand for foundry use (and to some extent for other industrial uses) has declined generally over that period and that there has been a resultant increase in sales for other uses (particularly bagged sand products). Regardless of these or other reasons, the figures for dried and moist silica sand sales appear to demonstrate that a significant amount of silica sands produced at Wrotham Quarry are used for industrial / specialist purposes. Information provided by the applicant indicates that the sand is supplied for uses both within and outside Kent. The fact that silica sand is transported out of Kent and the South East Region appears to reinforce the importance / value of the sands for the various uses and their relative scarcity and indicates that users are prepared to pay a premium for them.
90. Other than recycled glass (cullet), there is a lack of alternatives to using silica sand. Recycled glass is used to make new glass, in water filtration and as an aggregate in asphalt. Sands used in foundry moulds can also be recycled or reclaimed or used for alternative applications such as asphalt filler, cement manufacture or building blocks. Recycled tyres have been used with or instead of silica sand as surface materials for equestrian purposes but causes blackening of hoofs and is not ideal. Other materials (e.g. rubber, fibre and wood chip) have also been used in some other surfaces but are not acceptable alternatives where the properties of silica sand are highly valued. Whilst these may reduce the total amount of silica sand that may otherwise be required, they do not remove the need for it. Unless some of the markets currently served by Wrotham Quarry could use other sands (washed, graded and dried as necessary), or entirely different products to meet the same objectives, there would appear to be few, if any, alternatives to the continued use of silica sand for the majority.
91. Having regard to the above, I am satisfied that there is a need for the development and that refusal would have adverse impacts on the economy both nationally and more locally. Locally, refusal would lead to the loss of 6 site employees, 4 employees

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in related services, 10 people employed in transporting sand products and over £1M per year on purchases such as transport, wages, equipment, consumables and fuel. The loss of silica sand production at Wrotham Quarry would also deprive various businesses in Kent and the surrounding area with a local source of industrial and specialist minerals meaning that, subject to availability, they would need to obtain them from elsewhere. As explained above, there are no other sources of dried silica sand in Kent or elsewhere in the South East region. Whilst sites producing dried silica sand do exist in the Eastern Region and other parts of the UK, they already have established markets and there is no guarantee that they would be able to supply those currently taking materials from Wrotham. Although moist silica sand is produced elsewhere in Kent and Surrey, those sites already have established markets and would not appear likely to be able to produce sufficient quantities to off-set the loss of production at Wrotham without affecting existing customers or significantly affecting the life of those sites. In the case of North Park Quarry (in Surrey), if production were diverted to serve existing Wrotham Quarry customers this would be contrary to the objective of safeguarding high quality silica sand for “high end” uses such as glass and sodium silicate manufacturing. The continued production of moist silica sand at Wrotham may also enable it to serve some of the markets previously supplied by Tapwood / Park Pit Quarry (Surrey), particularly as the proposed production rate is higher than that recently experienced. The proposal would ensure a 10-year supply of silica sand at Wrotham Quarry and a steady and adequate supply of an industrial mineral, both of which are consistent with national industrial minerals policy. Given that the site already has a washing, grading and drying plant, a period in excess of 10 years is unnecessary.

92. Given that silica sand resources in Kent come from the Folkestone Beds, most of which lie within the AONB (or its setting) or has previously been worked (e.g. Aylesford), is currently being worked (e.g. Nepicar Farm) or is otherwise developed land, potential alternative sources of silica sand outside the AONB (or its setting) are likely to be limited. The position in Surrey is similar with future silica sand extraction likely to take place within the Surrey Hills AONB or its setting.
93. In terms of the specific concerns raised by the AONB Unit, I address each point as follows:
- (a) *continued high quality silica sand production would be dependent on the life expectancy of the processing plant*

The applicant has stated that Hanson undertook a substantial amount of work on the drying plant during 2014. It has also stated that the Ferns Group intends to continue operating the existing washing, grading and drying plants at the site and will undertake repairs and maintenance to these as necessary in order to maximise the sales and value of silica sand from the extension area. I see no reason to suggest that the existing processing plant would not continue to be used (maintained and repaired as necessary) for the duration of silica sand production at the site if planning permission is granted (i.e. about 10 years). I believe that the fact that washed, dried and graded silica sand attracts a significant premium compared with moist silica sand or sand used for aggregate uses should serve to reinforce the desirability to the applicant for

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the continued operation of the processing plant. However, the issue is addressed further in response to (d) below. Whilst the gate fees for the various silica and other sands produced at Wrotham and elsewhere are commercially sensitive, it is understood that washed, graded and dried silica sand can secure a premium of up to 5 times that charged for building sand, with moist silica sands costing somewhere between the two. The precise costs are dependent on a number of factors which may include how much and how frequently materials are purchased.

(b) not all of the sands are of a quality that can be classed as industrial and much of the silica sand would be used for leisure and recreational purposes (for which there are an increasing number of alternatives)

Whilst not all of the silica sands produced at Wrotham Quarry are used for industrial purposes, a significant percentage are. As noted in paragraph 88 above, the precise percentages depend on how industrial use is defined and may change over time. Regardless of the definition used, it is clear that most (if not all) silica sand produced at Wrotham is used for industrial and specialist / non-constructional aggregate uses. I see no reason to suggest that similar percentages would not be achieved in future if planning permission is granted.

(c) demand for silica sand for industrial purposes such as foundries is decreasing and there is a plentiful supply nationally for this purpose

Whilst it is understood that demand for foundry sand is in decline that for other silica sand products has increased. Demand can also be affected by various factors relating to the economy and it is possible that the percentage of industrial uses could increase if demand for specific products capable of being produced at the site were to change. It is therefore unreasonable to suggest that permission should not be granted for this reason.

(d) there is no mechanism to control the end use of the silica sand produced

I consider that it would be reasonable to restrict output to a particular end-user (including a single user) in those cases where planning permission has been justified on that basis, as was the case when Nepicar Farm Quarry was initially permitted to serve the Ryarsh Brickworks. However, where a site already, or intends to, serve a variety of end-users and different markets (as in this case), I do not believe that it would be appropriate or reasonable to do so. Such an approach could unreasonably restrict the ability of the operator to adjust to meet changing market demands and be likely to require the submission of further applications on a regular basis to amend any restriction(s) that may be imposed. The fact that a significant percentage of silica sands were used for industrial end-uses, and the remainder appear to have been used for other specialist end-uses in 2007 and 2014, further supports the case for not imposing any specific restriction on end-use. However, the applicant has clearly emphasised the importance of producing washed, graded and dried silica sand in support of the application. Based on the applicant's own figures, the amount of washed, graded and dried silica sand was 80% of total silica sand production in 2014 and 78% in 2007. I consider that it would be reasonable to impose a requirement that

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no less than 70% of silica sand sales at the site each year should be washed, graded and dried. This would reinforce the need for the processing plant to remain available for the life of sand extraction at the site (a key consideration given the lack of similar plant in Kent or elsewhere in the South East) and assist in meeting the requirements of draft Policy CSM2 of the KMWLP (in terms of ensuring that the silica sand produced meets the technical specifications required by end-users and so that the permitted reserves can continue to be used efficiently by industrial uses) whilst still providing the applicant with a degree of flexibility.

94. The applicant has stated that additional reserves of building sand will be needed during the life of the KMWLP and that whilst the proposed extension is primarily required to release additional reserves of silica sand, it would serve to provide 0.5Mt of building sand.
95. At the time the application was submitted in 2014 the emerging KMWLP had proposed a combined sand and gravel landbank (i.e. soft sand and sharp sand and gravel). Given the scarcity of sharp sand and gravel in Kent, this would have necessitated the requirement for additional soft sand to be identified and permitted if a combined landbank was to be maintained. As the draft KMWLP now proposes separate landbanks for soft sand and sharp sand and gravel (with the latter only being required “as long as resources allow”) the soft sand requirement will be less. However, there will still be a need for additional soft sand permissions if the required landbank is to be maintained. Given the above mineral policies, there would be no justification for the extraction of soft sand alone in the AONB. However, the removal of 0.5Mt of overlying soft sand to enable 1.0Mt of silica sand to be extracted (a ratio of 1:2) is acceptable and would assist in meeting any landbank requirement.
96. Having regard to the above, I am satisfied that that there is a need for the development and that there are currently no viable alternatives if the provision of washed, graded and dried silica sand is to be met in Kent and the South East. I am also satisfied that if new reserves are not permitted at Wrotham it is likely that there would be adverse impacts on the supply of silica sand nationally, although the extent of these effects has not been quantified. In view of this, I am further satisfied that the application meets the “exceptional circumstances” and “public interest” tests required by paragraph 116 of the NPPF. Given this and as parts (a) and (b) of paragraph 116 of the NPPF in respect of need and alternatives has been assessed, the application can proceed to be considered against whether or not it would have any detrimental effect on the environment, landscape and recreational opportunities and the extent to which that could be moderated. These issues are addressed in the following sections.

The need or otherwise for inert waste disposal

97. National planning policies relating to the need for inert waste disposal (and other waste planning matters) are set out in the National Planning Policy for Waste (October 2014) (NPPW). Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering the country’s waste ambitions by helping to secure the re-use, recovery or disposal of waste without endangering human health or harming the environment. Paragraph 3 of the NPPW states (amongst other things) that waste

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planning authorities (WPAs) should prepare local plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. Paragraph 6 of the NPPW states (amongst other things) that Green Belts have special protection in respect to development and that in preparing local plans WPAs should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should (amongst other things) only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan and that in such cases WPAs should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. Paragraph 7 of the NPPW also states that WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These are addressed as necessary elsewhere in this report.

98. The national policies and guidance are reflected at the local level in Policies W6 and W12 of the Kent Waste Local Plan (March 1998) (KWLP). Policy W6 states that need will be a material consideration in determining waste applications which are outside a location identified as suitable in principle in the plan and demonstrable harm would be caused to an interest of acknowledged importance. Policy W12 states that proposals for landfill will be permitted if they would assist in the restoration of mineral workings which in planning terms would benefit from being returned as near as possible to original ground levels.
99. Draft Policy CSW2 of the draft KMWLP states that proposals for waste management must demonstrate how the proposal will help drive waste to ascend the Waste Hierarchy. Draft Policy CSW11 of the draft KMWLP states that planning permission for the disposal of inert waste will be granted where: it can be demonstrated that the waste cannot be managed in accordance with the objectives of Policy CSW2; it is for the restoration of landfill sites and mineral workings; environmental benefits will result from the development (particularly the creation of priority habitat); and that sufficient material is available to restore the site within agreed timescales. Paragraph 6.11.2 of the draft KMWLP states that Kent has existing permitted landfill capacity that is more than sufficient to meet Kent's need for the Plan period (at least 10Mt of landfill capacity would remain at the end of the plan period).
100. The application proposes that the site be restored to original levels by backfilling with approximately 1.0Mm³ of inert waste over a 10-year period at a rate of about 100,000m³ per annum. As infilling could not commence until the majority of sand had been extracted in year 8 of the extraction programme, the applicant estimated that infilling would take place between about 2024 and 2033. As noted in paragraphs 14 and 63 above, the time taken to determine the application would be likely to have impacted on these estimates meaning that infilling may now be more likely to take place between 2025 and 2034 (with restoration completed in 2035).
101. Only the AONB Unit and Surrey County Council's officers have made comments relating to the need or otherwise for inert waste disposal. The AONB Unit has

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expressed the concern that insufficient materials may be available when required to ensure the proposed rate of infilling and that this could delay restoration of the proposed extension area and the rest of Wrotham Quarry (e.g. plant site, access road and stockpile areas). Surrey County Council officers have advised that recent experiences in Surrey indicate that there is a plentiful supply of inert waste for restoration purposes. Tonbridge and Malling Borough Council has also requested that conditions be imposed to secure an appropriate timescale for completion of the development and so that only inert materials are used for backfilling.

102. The main need in this case is not the provision of additional inert waste landfill capacity (for which the draft KMWLP states that there is none during the Plan period) but rather the need to restore the proposed extension area to existing levels in the interests of securing the long term acceptability of the landform in the AONB. It will be demonstrated elsewhere that it is necessary for the proposed extension area to be restored to existing levels if the development is to be acceptable in landscape and visual amenity terms. Whether the waste could be managed further up the waste hierarchy, whether there would be environmental benefits and whether or not sufficient materials are likely to be available to enable restoration within a reasonable time period are important considerations.
103. The landfilling of inert waste has the potential to adversely affect recycling targets and prevent waste being managed further up the waste hierarchy. However, there will always be inert waste that cannot be recycled and needs to be disposed of in some other way (e.g. materials such as clay and sub-soils excavated from development sites) that is unsuitable for the production of aggregates. Not all of this waste arises in Kent and much comes from London. There are also a number of financial incentives which mean that waste that can reasonably be recycled, is recycled, rather than disposed of (e.g. recycled aggregates are a valuable product, whereas landfill tax is payable on inert waste that is disposed of). Whilst there can be no guarantee that sufficient suitable inert waste materials would be available within the required time period (i.e. 100,000tpa for 10 years commencing in about 8 years), experiences elsewhere in the Wrotham / Borough Green area indicate that sites have not had particular problems attracting inert waste for restoration purposes. This may reflect the relative proximity of London and good transport links between the two. This may also explain why Surrey County Council's officers have advised that sites in that county have no difficulty in attracting inert waste for restoration purposes. Operators are also able to exert some influence on the amount of waste imported by adjusting the gate price for disposal and can reduce this if necessary. The availability of another site able to accept inert waste would also serve to provide ongoing competition between disposal sites and assist in avoiding the scenario whereby one or more operator controlled the vast majority of suitable capacity in the area. Progress could be monitored by a requirement for annual monitoring reports if planning permission is granted.
104. Draft Policy CSW11 of the KMWLP gives a higher priority to the use of inert waste suitable for the restoration of mineral workings than for that which is deposited on land for other purposes (e.g. bund formation or raising land to improve drainage). Ensuring that applications for inert waste disposal are properly assessed against this emerging

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policy should assist in ensuring that waste that is required for restoration is not diverted elsewhere. As Waste Planning Authority (WPA), KCC is well placed to assist in this when determining applications and is also able to encourage district authorities to do likewise when determining applications for engineering operations that involve the use of waste materials. The fact that there would be environmental benefits resulting from the proposal is addressed and accepted elsewhere in this report.

105. Whilst there is no specific need for additional inert waste disposal capacity in Kent at this time, I consider that there is a need for infilling with suitable inert waste to secure the satisfactory restoration of the proposed extension area, that the site is capable of being worked and restored by the proposed dates and that the proposed development would not prevent suitable waste from being managed further up the waste hierarchy. I therefore consider that the proposals would accord with the waste policies referred to above.

Landscape and visual impact (including AONB and Green Belt issues)

106. National planning policies relating to landscape and visual impacts are set out in the NPPF and NPPW. Paragraph 144 of the NPPF states (amongst other things) that as far as is practical landbanks of non-energy minerals should be maintained outside AONBs. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these aspects. Paragraph 116 of the NPPF states that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. As set out in paragraph 67 above, it also states that consideration of such applications should include an assessment of need, whether the development could take place outside the designated area or the need be met in some other way and consideration of any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. Exceptional circumstances, public interest, need and alternatives have been addressed earlier in this report. The other issues referred to in paragraph 116 of the NPPF will be addressed in this section. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations are the need to protect landscapes or designated areas of national importance such as AONBs and to respect landscape character.
107. Paragraph 001 of the Natural Environment Planning Practice Guidance (PPG) emphasises the importance of recognising the intrinsic character and beauty of the countryside and the need for local plans to include strategic policies for the conservation and enhancement of the natural environment, including landscape. It also advocates the use of Landscape Character Assessment in helping to understand the character and local distinctiveness of the landscape, identifying the features that give it a sense of place and helping to inform, plan and manage change. Paragraph 003 of the Natural Environment PPG reminds local authorities that Section 85 of the Countryside and Rights of Way Act (2000) requires them to have regard to the

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purposes of AONBs when determining planning applications that may affect them. Paragraph 004 of the Natural Environment PPG states that AONB Management Plans may be material considerations in making decisions on individual planning applications where they raise relevant issues. Paragraph 005 of the Natural Environment PPG states that it is for the decision taker to decide whether a proposed development in the AONB should be treated as a major development (to which the policy in paragraph 116 of the NPPF applies), taking into account the proposal in question and the local context.

108. National planning policies relating to Green Belt are also set out in the NPPF and NPPW. Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. Paragraph 80 of the NPPF states that Green Belts serve 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Paragraph 6 of the NPPW states (amongst other things) that Green Belts have special protection in respect to development and that in preparing local plans WPAs should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 90 of the NPPF states that mineral extraction is not inappropriate development in the Green Belt provided it preserves openness and does not conflict with the purposes of including land in the Green Belt. Paragraph 6 of the NPPW states that Green Belts have special protection in respect to development, that Waste Planning Authorities (WPAs) should first look to identify suitable sites and areas outside the Green Belt for waste management facilities and that such facilities would be inappropriate development if located in the Green Belt.
109. Policies CA6, CA8D and CA12 of the KMLPCA and Policy W6 of the KWLP all require material planning interests (such as those associated with landscape and visual impact, AONB and Green Belt) to be balanced against any need for the mineral. Policies CA19, CA20, CA22 and CA23 of the KMLPCA are also of relevance. Policies CA19 and CA20 of the KMLPCA require the County Council to be satisfied that the design and external appearance of fixed plant, machinery and buildings are acceptable. Policy CA22 of the KMLPCA requires that appropriate landscaping schemes are an integral part of the development and Policy CA23 of the KMLPCA requires that satisfactory working and reclamation schemes are included which would return the land to a planned afteruse at the highest standard and as quickly as possible taking account of the cumulative impact of any nearby workings. Policies

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W12, W25, W31 and W32 of the KWLP are also relevant. Policy W12 of the KWLP requires consideration of whether restoration to original ground levels is beneficial, Policy W25 of the KWLP requires the County Council to be satisfied that the design and external appearance of plant, hard surfacing, buildings and lighting are acceptable and Policies W31 and W32 of the KWLP relate (respectively) to the need for satisfactory landscaping, aftercare and afteruse.

110. Draft Policies DM1, DM2, DM4, DM11, DM12, DM19 and DM20 of the draft KMWLP are also relevant. Draft Policy DM1 of the draft KMWLP supports sustainable development and states that proposals will be required to demonstrate that they have been designed to protect and enhance the character and quality of the site's setting. Draft Policy DM2 of the draft KMWLP states that minerals and / or waste proposals in the AONB, or within its setting where they are considered likely to have any unacceptable adverse impacts on the purpose of the AONB, will not be granted planning permission or identified in the Minerals and Waste Sites Plans except in exceptional circumstances and where it can be demonstrated to be in the public interest. It also states that such proposals must assess those matters referred to in paragraph 116 of the NPPF (i.e. need and alternatives) and (c) any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan. Draft Policy DM4 of the draft KMWLP states that proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF. Paragraph 7.3.4 of the draft KMWLP states that processing plant associated with mineral extraction is unlikely to preserve openness due to its size, height and industrial appearance and that in such cases developers will need to demonstrate very special circumstances. Draft Policy DM11 of the draft KMWLP states that minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from (among other things) illumination and visual intrusion. Draft Policy DM12 of the draft KMWLP states that permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the environment. Draft Policy DM19 of the draft KMWLP requires that provision be made for high standards of restoration, aftercare and after-use such that the intended after-use of the site is achieved in a timely manner. It also states that restoration plans should reflect the proposed after-use and, where appropriate, include details such as: the site boundaries and areas identified for soil and overburden storage; directions of phasing of working and restoration and how they are integrated into the working scheme; the proposed final landform including pre and post settlement levels; the seeding of grass or other crops and planting of trees, shrubs and hedges; a programme of aftercare (including vegetation establishment and management); the restoration of the majority of the site back to agriculture, if the site consists of the best and most versatile agricultural land. It further states that aftercare schemes should incorporate an aftercare period of at least 5 years and that voluntary longer periods will be sought where appropriate through agreement. Draft Policy DM20 of the draft KMWLP states that proposals for ancillary development within or in close proximity to the development will be permitted provided it is necessary to enable the main development to proceed and it has been demonstrated that there are environmental benefits in providing a close link with the

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existing site that outweigh the environmental impacts. It also states that the operation and retention of associated development will be limited to the life of the linked facility.

111. Policies CP1 (Sustainable Development), CP3 (Green Belt) and CP7 (AONB) of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy (September 2007) (T&M LDF Core Strategy) and Policies NE4 (Trees, Hedges and Woodland) and SQ1 (Landscape Protection and Enhancement) of the Tonbridge and Malling LDF Managing Development and the Environment Development Plan Document (April 2010) (T&M LDF MD&E DPD) are also relevant. Policies MPP2 (relating to the Management of the Kent Downs AONB), SD1, SD2, SD3 and SD8 (Sustainable development), LLC1 (Landform and landscape character), BD1, BD2 and BD5 (Biodiversity), FL1 and FL3 (Farmed landscape), HCH1 (Historic and cultural heritage), GNR2, GNR3 and GNR5 (Geology and natural resources) and AEU2 and AEU14 (Access, enjoyment and understanding) of the AONB Management Plan are also relevant. GNR3, in particular, states that allocations and permissions for new mineral extraction in the AONB will be opposed except in the exceptional circumstances identified in paragraph 116 of the NPPF and where permitted exceptional site management, working and restoration conditions which support landscape character will be expected, conditioned and enforced.
112. The AONB Unit, Natural England, KCC's Landscape Officer, Trottiscliffe Parish Council, Tonbridge and Malling Borough Council and a number of local residents have made comments relating to landscape and visual impact.
113. The AONB Unit has set out a number of key concerns relating to the impact of the proposed development on the AONB. It states that the application would: extend existing quarry operations north of Addington Road (a natural and important barrier and visual screen for the processing plant and existing quarry); take operations further into a sensitive area of the Kent Downs AONB at the foot of the North Downs Scarp; challenge far reaching and distant views from the scarp across the Greensand and Low Weald to the High Weald (one of the principle reasons for the designation of the Kent Downs AONB); have a cumulative impact on the character, landscape, tranquillity, access and enjoyment of the Kent Downs; and delay the restoration and after use of the existing quarries, plant site and haul route. It also states that the proposed use of Addington Lane would further challenge the purposes of the Kent Downs AONB and impact on the physical character of the Lane during operations. It also disagrees with applicant's landscape consultant's assessment of impacts, conclusions and responses given to its comments. As a result of these and related concerns, it is of the opinion that the impacts on the AONB outweigh the benefit of releasing the site for the extraction of construction and silica sands. Natural England has not commented on landscape and visual impact issues but has advised KCC to consult the AONB Unit. A number of local residents have raised objection on the basis that the proposed development would have an adverse effect on the countryside (including views of the North Downs).
114. KCC's Landscape Officer has advised that the LVIA is acceptable, identifies impacts and enables the tests set out in paragraph 116 of the NPPF to be assessed. She believes that the mitigation measures in the restoration scheme directly address the

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most significant aspects of the scheme and that ensuring that the site is restored to existing levels and arable farmland is key to mitigating impacts on the AONB, although she has said that the proposed development would generate significant negative effects on both landscape and amenity and would also negatively impact on the purposes of the Kent Downs AONB designation (i.e. to conserve and enhance the natural beauty of the AONB). However, she states that these significant effects are not permanent and provided details of exemplary restoration and aftercare schemes (including both appropriate mitigation measures and enhancements) can be secured by conditions, she has no objection provided the application meets the “exceptional circumstances” test set out in paragraph 116 of the NPPF. She has recommended that: (1) the amount of worked and unrestored land at Wrotham Quarry as a whole be kept to the minimum and the entire site (including areas not currently subject to an approved restoration scheme) effectively restored when working ceases; (2) damage to the verges and boundary features (e.g. hedges, banks, ditches of archaeology) of Addington Lane as a result of its use should be prevented; (3) any historic interest associated with Addington Lane that is affected by the proposed vehicle tunnel should be recorded; (4) the experience of the users of that part of the Weald Way along Addington Lane should not be compromised; (5) the proposed advance hedge planting should comprise appropriate species and be managed to maintain the character of Addington Lane; (6) the proposed field boundaries should be managed to reflect the character of the area; and (7) the species and management of the conservation headland should result in enhancement.

115. Trottiscliffe Parish Council has no objection on the basis that landscaping would be carried out on completion. Tonbridge and Malling Borough Council has requested that if permission is granted, conditions be imposed to secure appropriate timescales for sand extraction, inert backfilling, the removal of plant / equipment within the main quarry site, restoration and aftercare and appropriate restoration and aftercare to ensure that the proposed extension area is returned to arable use.
116. Given the location of the site in the Kent Downs AONB, landscape and visual impact issues are key considerations in this case and it is essential that consideration be given to whether there would be any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which any detrimental effect could be moderated. Due to the nature of mineral working it is inevitable that there would be some adverse impacts during certain stages of the proposed development and this is the case in this instance. However, the proposals need to be considered in overall terms (including in the context of existing permitted mineral development and any associated restoration and any mitigation proposed). Ultimately, opinions expressed are to some extent subjective, impacts are difficult to quantify and differences of opinion are always likely.
117. The applicant, the AONB Unit and KCC's Landscape Officer all agree that the proposed development would cause significant adverse impacts. Where they disagree is primarily in terms of the extent of these impacts, the weight that should be given to any adverse impacts in determining the application, the extent to which any adverse impacts can be moderated and whether any adverse impacts are capable of being outweighed by other factors (e.g. “exceptional circumstances” and “public

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interest”). Notwithstanding the various concerns that have been expressed, there appears to be no disagreement that if the development is permitted and goes ahead that restoration to agricultural use at existing levels is desirable.

118. The most significant landscape and visual impacts would be the initial soil stripping and creation of the peripheral soil bunds (which would be retained until the site is restored), the excavation and infilling operations and the construction of the vehicle tunnel. Other impacts would include dump trucks transporting sand from the proposed extension area and existing quarry / plant site whilst the tunnel is constructed and when the sand ramp is removed, the retention / use of the processing plant and associated plant and buildings, HGVs transporting sand from and delivering inert waste to Wrotham Quarry and the delay in restoring part of the existing quarry as a result of an area of land being used for the storage of soils and overburden.
119. The proposed extension area is bounded on all sides by generally intact mature hedgerows between 2 and 3m high. These serve to assist in reducing views into the site although it is visible from higher land to the north (e.g. from Trottscliffe and the North Downs) and immediately adjoining land to the south (including Addington Lane and Woodgate Road). The plant site and that part of the existing quarry to be used for stockpiling are well screened from most locations by existing trees and hedgerows and as they lie on previously excavated land at a lower level than that surrounding. The applicant proposes advance hedge planting to fill gaps around the perimeter of the proposed extension area to further reduce views into the site. It also proposes to reinstate / replant the area of land affected by the installation of the vehicle tunnel in the next available planting season.
120. The greatest visual impacts would be experienced by those using the public footpaths that currently cross the proposed extraction area and which would need to be diverted to enable the development to proceed. The proposed diversions would require footpath users walking around the perimeter of the site between the soil bunds and existing boundary hedgerows for about 20 years (rather than across the centre of the field) and would result in a loss of views of the North Downs. Whilst this is not desirable, the diversions are relatively short in distance. The soil bunds would also be visible from the 1st floor windows of Woodgate House, particularly those in the north eastern part of the site where existing land levels are highest. Given that the soil bunds would be particularly visible, it would be important for them to be properly formed with appropriate slope profiles, seeded and managed for the duration of the development as is proposed.
121. As noted elsewhere in this report, KCC's Heritage and Conservation Officer has recommended that the hedgerow between Woodgate House and the extension area be maintained at between 3.5 and 4m high (rather than the 2m originally proposed) to assist in overcoming her concerns about the impact on the setting of the listed building. The applicant has agreed to maintain the hedgerow at whatever height between 2 and 4m KCC determines to be appropriate having regard to the wishes of the occupiers of Woodgate House. Notwithstanding the recommendation of KCC's Heritage and Conservation Officer, since increasing the height of the hedgerow would impact on the occupiers of Woodgate House (who may feel that 4m is unduly high as

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it would affect views from their property), I believe that it would be appropriate to impose a minimum height of 2m. I do not believe that the provision of a higher hedgerow would have any significant bearing in terms of the setting of the listed building for the duration of the proposed development. However, if it can be established that the occupiers would be happy for the hedgerow to be higher, this could still be achieved. It would also be possible for the height to be adjusted to suit local preferences during the course of the development, provided a hedgerow of at least 2m is maintained.

122. The effective restoration of the proposed extension area within a reasonable time period is essential if the development is to be acceptable. Although restoration to lower levels without the use of inert waste materials for infilling was determined to be appropriate and is required elsewhere at Wrotham Quarry (i.e. to the south of Addington Lane), restoration to existing levels using both inert and other waste was required at Pearson's Sandpit (to the north). In part at least, this reflects the fact that the trees and hedgerows associated with Addington Lane were considered to provide sufficient screening (and hence separation) from the major part of the AONB to the north such that lower level restoration was acceptable. In terms of the more recent permissions at Wrotham Quarry, it also reflects the fact that restoration of later phases needed to complement those permitted earlier. In the absence of the more substantial screening associated with Addington Lane and there being no need to reflect lower level restoration on land immediately adjoining, restoration to existing levels to the north of Addington Lane remains preferable in landscape terms. I am satisfied that restoration of the proposed extension area to agricultural use at existing levels is essential for the development to be acceptable in this location. As concluded in the above section, I am also satisfied that the proposed time period for working and restoration is achievable and reasonable.
123. With the exception of the plant site (together with associated plant, buildings and hardstandings), the access road to Ford Lane and the proposed stocking area in the main part of the quarry, the rest of Wrotham Quarry (both north and south of the M20) would continue to be worked and restored in accordance with extant permissions which already provide satisfactory working, restoration and aftercare schemes. Once remaining mineral has been extracted from the main part of the quarry north of the M20, the vast majority of that area would be restored. The stocking area would need to be restored at a later date in accordance with the relevant permission (TM/07/2545) but its use would not significantly interfere with the other restoration.
124. The quarry south of the M20 has significant reserves of very fine silica sand remaining and cannot now be fully worked and restored in accordance with the approved scheme before operations and restoration must be completed as required by the current permission (TM/10/1481). TM/10/1481 requires that extraction cease by 17 May 2017 or when extraction ceases under TM/07/2545 (whichever is sooner) and that the area be restored within a further 12 months. It will therefore either be necessary for the permission to be varied to allow additional time for completion of working and restoration or for an alternative restoration scheme to be approved pursuant to the existing permission. At this time, the applicant's intentions in respect of this are not known. However, I am satisfied that this need not delay consideration of the current

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application. The area is outside the AONB, separated from the rest of the quarry by the M20, the M26 slip road and a significant amount of vegetation (including trees), is accessed via a tunnel under the M20 and is a relatively low key operation. In the event that an application is made to extend the life of quarrying operations south of the M20, KCC would be in a position to refuse permission and require the area to be restored if it was not satisfied that continued working would be acceptable when considered cumulatively with other operations (including that now proposed).

125. As noted in paragraph 6, the plant site area is subject to a Dormant IDO (TM/92/335 having registered TP2105). This means that further mineral extraction in that area cannot take place until a scheme of working, restoration and aftercare has been submitted to and approved by KCC. Given that the plant site sits in a previously worked area, it is unclear whether any mineral remains to be extracted. As also noted in paragraph 6, the plant site area is also subject to a number of permissions relating to plant, equipment, buildings, washing pools, access and a sand store. These must all be removed under the terms of the existing permissions when extraction ceases in the northern extension (TM/07/2545). A restoration and landscaping scheme was required by the main permission for the plant site (TM/74/1367). Whilst I have been able to establish the landscaping details that were approved for the perimeter of the plant (primarily tree planting and some regarding works that have already been undertaken), these do not address the situation after the plant site has been removed. It is therefore unclear exactly how the plant site area would be restored following removal of all plant, buildings and associated facilities. The current application offers the opportunity to correct this apparent omission as a condition could be imposed if permission is granted requiring a new restoration and aftercare scheme to be submitted, approved and implemented. Any such scheme could be required to best reflect current aspirations for the area and complement the restoration approved elsewhere at the site south of Addington Lane such that it benefits the AONB. It could not provide for the restoration of the plant site area using imported inert waste unless an entirely fresh permission is obtained that provides for this. The Dormant IDO provisions offer the opportunity to remove any remaining sand from the plant site area as part of the restoration works should this be possible and desirable.
126. I am satisfied that the existing permissions are capable of ensuring that the amount of worked and unrestored land at Wrotham Quarry is kept to the minimum (thereby reducing cumulative impact) and that together with the requirement for a new restoration and aftercare scheme for the plant site area would ensure that all of Wrotham Quarry is effectively restored when working ceases as recommended by KCC's Landscape Officer. I am also satisfied that the other matters recommended by KCC's Landscape Officer are capable of being addressed by conditions if permission is granted.
127. No new plant, buildings, structures and lighting are proposed as part of the current application. The imposition of a condition(s) to prevent any additional plant, buildings, structures or lighting being installed unless otherwise approved beforehand in writing by KCC would ensure no unexpected additional impacts occur and enable KCC to consider whether any that may be required at a later date are appropriate.

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128. Given the above and in the absence of “exceptional circumstances” and “public interest” being demonstrated in the context of need and alternatives I would be unable to support the application. However, for the reasons set out elsewhere in this report, I consider that these requirements have been satisfactorily met. Whilst I accept that there would be significant landscape and visual impacts associated with certain aspects of the proposed development, I am satisfied that these would be temporary (albeit nearly 20 years), mitigated appropriately by what is proposed and what could be secured by condition and that they would therefore be moderated to an acceptable degree. I am also satisfied that the extension area would be worked and restored to a high standard such that the proposed mineral extraction is not inappropriate in the Green Belt. Whilst the proposed infilling (waste) element of the proposed development and the proposed retention and use of the processing plant represent inappropriate development in the Green Belt, they are (respectively) essential to the effective and satisfactory restoration and working of the mineral site. Given that I am satisfied that the exceptional circumstances required to meet the AONB test in paragraph 116 of the NPPF have been met, and as I am able to conclude elsewhere in this report that the use of waste for restoration and the processing plant are acceptable in other respects, I consider that the very special circumstances necessary to overcome the usual presumption against inappropriate development in the Green Belt have been established. I therefore consider that the proposals would accord with the landscape and visual impact and other policies set out above subject to the inclusion of conditions to address those matters referred to above. I am also satisfied if planning permission is granted, KCC will have complied with its duties under Section 85 of the Countryside and Rights of Way Act (2000) in that appropriate regard has been given to the purposes of AONBs when determining this application.

Local amenity impacts (e.g. noise and dust / air quality)

129. National planning policies relating to local amenity impacts associated with mineral working and waste disposal are set out in the NPPF and NPPW. Paragraph 144 of the NPPF states that local planning authorities should ensure that there are no unacceptable adverse impacts on human health when granting permission for mineral development and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and appropriate noise limits are established for extraction in proximity to noise sensitive properties. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on amenity against various locational criteria and other matters. Key locational amenity considerations primarily relate to proximity to sensitive receptors and the impact of air emissions (including dust), odours, noise, vibration and litter, both from site operations themselves and from HGVs travelling to and from sites. Paragraph 7 of the NPPW also states that WPAs should: consider the locational implications of any advice on health from the relevant health bodies; avoid carrying out their own detailed assessment of epidemiological and other health studies; concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities; and work on the assumption that the relevant pollution control regime will be properly applied and enforced.

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130. Paragraph 013 of the Minerals PPG states that noise, dust, air quality and lighting are principal issues that MPAs should address when determining mineral applications. Paragraph 015 of the Minerals PPG states that mineral operators should look to agree programmes of work with MPAs which take into account, as far as is practicable, the potential impacts on the local community and local environment, the proximity to occupied properties and legitimate operational considerations over the expected duration of operations. Paragraph 018 of the Minerals PPG states that separation distances / buffer zones may be appropriate in specific circumstances where it is clear that a certain distance is required between the boundary of the minerals extraction area and occupied residential property. However, it also states that any separation distance should be established on a site-specific basis and should be effective, properly justified and reasonable and that it should take into account: the nature of the mineral extraction activity; the need to avoid undue sterilisation of mineral resources; location and topography; the characteristics of the various environmental effects likely to arise; and the various mitigation measures that can be applied. Paragraphs 019 to 022 of the Minerals PPG set out the expectations in respect of noise associated with mineral working. Paragraph 019 states (amongst other things) the need for applications to be accompanied by a noise impact assessment identifying all sources of noise and its likely impact on the surrounding neighbourhood and proposals for the control or mitigation of noise emissions. Paragraph 020 states that MPAs should take account of the prevailing acoustic environment and consider whether or not noise from the proposed operations would be acceptable or not. Paragraph 021 states that appropriate noise limits at noise sensitive properties should be applied by conditions for normal working hours (07:00 to 19:00 hours). It also specifically states that: MPAs should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) during normal working hours (0700-1900); where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable; and, in any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). It further states that the potential for addressing tonal or impulsive noise (such as reversing alarms) should be considered. Paragraph 022 states that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties may be necessary to facilitate essential site preparation and restoration work (e.g. soil stripping, movement, storage and replacement) and the construction of baffle mounds where it is clear that this will bring longer term environmental benefits to the site or its environs. More generic advice on noise is contained in the Noise Planning Practice Guidance. Paragraphs 023 to 032 of the Minerals PPG set out the expectations in respect of dust emissions associated with mineral working. Amongst other things these identify the need for a dust assessment study and proposals for dust mitigation, including measures to control fine particulates (PM_{10}). More generic advice on air quality is contained in the Air Quality Planning Practice Guidance (PPG).
131. Policies CA18 and CA23 of the KMLPCA and Policies W18 and W32 of the KWLP require the County Council to be satisfied that proposals are acceptable in terms of noise, dust, odour and vibration impacts and include appropriate schemes of working and restoration.

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132. Draft Policies CSM1, CSW1, DM1, DM11, DM12 and DM13 of the draft KMWLP are also relevant. Draft Policy DM11 of the draft KMWLP states that minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Draft Policy DM12 of the draft KMWLP states that permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
133. Policy CP1 (Sustainable Development) of the T&M LDF Core Strategy and Policy SQ4 (Air quality) of the T&M LDF MD&E DPD are also relevant. Policies MPP2 (relating to the Management of the Kent Downs AONB), SD2 and SD8 (Sustainable development), LLC1 (Landform and landscape character), HCH1 (Historic and cultural heritage), GNR3 (Geology and natural resources) and AEU14 (Access, enjoyment and understanding) of the AONB Management Plan are also relevant.
134. The AONB Unit, KCC's Noise and Air Quality Consultants, Tonbridge and Malling Borough Council and a number of local residents have made comments relating to local amenity impacts.
135. The AONB Unit and a number of local residents have objected to the proposed development on the basis that it would have an adverse effect on local amenity. The AONB Unit's concerns include those relating to tranquillity, access and enjoyment of the AONB and users of public footpaths and Addington Lane. The concerns raised by local residents relate to both impacts associated with HGVs using Ford Lane (such as air pollution and quality of life) and the proposed extension area itself (such as noise and dust impacts on residential properties and users of the public footpaths in the area).
136. KCC's Noise and Air Quality Consultants have no objections to the proposed development provided conditions are imposed to secure appropriate noise limits and mitigation (i.e. 55dB LAeq, 1h, freefield at any noise sensitive property for normal operations, 70dB LAeq, 1h, freefield for up to 8 weeks in any 12 month period for essential site preparation and restoration work and the provision of the proposed 4m high earth bunds along the eastern boundary of the extension area) and the proposed dust control measures (e.g. avoid soil handling in adverse weather, grading and seeding soil stockpiles, siting of storage mounds to take advantage of shelter from wind, minimising drop heights where possible, speed controls and use of a water bowser when necessary on site and on haul roads, regular sweeping of surfaced areas and sheeting of HGVs). Tonbridge and Malling Borough Council has requested that if permission is granted, conditions be imposed to secure the same noise limits as recommended by KCC's Noise consultant and the proposed dust control measures to ensure that the development is implemented in line with best practice.
137. The proposed development would undoubtedly have some adverse effects on amenity including those described above. The most significant impacts relating to the

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proposed extension area would be those associated with initial works such as soil stripping, the creation of the soil bunds around its perimeter and the removal and re-spreading of these soils during site restoration. These operations are recognised in the Minerals PPG as being both essential and short term and, in the case of the soil bunds, capable of providing a longer term environmental benefit (particularly in terms of noise attenuation). They also assist in minimising dust impacts off site. The operations and bunds themselves would also result in visual amenity impacts (which have been considered elsewhere in this report) and could be regarded as capable of adversely affecting the enjoyment of those in the AONB (particularly users of public footpaths and local residents). In terms of local residents, the occupiers of Woodgate House and Peathams would be most directly affected by works in the proposed extension area, particularly when using their gardens. Whilst Peathams is slightly closer (30m), Woodgate House (40m) shares a common boundary with the application site. Whilst the issue of how high the hedgerow between Woodgate House and the extension area should be is addressed elsewhere in this report, it should be noted that this could have amenity implications for the occupiers.

138. Adverse amenity impacts would also occur as a result of the construction of the proposed vehicle tunnel. These would include noise and dust impacts and general disturbance associated with the works and related traffic management measures. The tunnel and associated works are remote from housing but would impact on vehicular and pedestrian users of Addington Lane and those using the Weald Way (which shares the highway verge between Woodgate Road and the old access to Wrotham Quarry). Similar impacts would occur as a result of dump trucks temporarily using Addington Lane to transport sand from the proposed extension area via the former access to Pearson's Sandpit and the old access to Wrotham Quarry. The continued use of the plant site would also result in some amenity impacts (e.g. noise, dust and visual). However, the M20 dominates the noise environment in the area, the plant is located at the base of a previously worked area and is fairly well screened and there are no properties very close to the site. The amenity or other impacts associated with HGV traffic entering and leaving the site (e.g. noise, dust and vibration) would largely perpetuate the existing situation and are acceptable.
139. The proposed hours of operation for the processing plant, access road and ancillary activities are 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays. Operations in the proposed extension area would only take place between 0700 and 1800 hours Monday to Friday. These are more restricted than those currently allowed at the existing quarry in that the plant site can operate from 0600 hours and all operations can take place on Saturdays until 1300 hours. Subject to a condition(s) to secure these hours of operation and prevent Sunday and Bank / Public Holiday working, I consider them to be acceptable. The proposal not to work in the proposed extension area on Saturday mornings is particularly welcome given the proximity of Woodgate House and Peathams and as this would mean that no weekend working would be taking place in that area when more people are likely to be enjoying walks in the AONB. In addition to the noise conditions recommended by KCC's Noise Consultant, I also consider that it would be reasonable to impose a condition requiring the use of non-tonal vehicle reversing alarms in the proposed extension area.

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140. Subject to the imposition of conditions to secure the noise limits and mitigation recommended by KCC's Noise Consultant (which would serve to protect the amenity of the nearest noise sensitive properties and minimise noise impacts on those using public footpaths or other publicly accessible locations), the proposed dust control measures (as recommended by KCC's Air Quality Consultant), the use of non-tonal reversing alarms in the proposed extension area and the hours of operation referred to above, I am satisfied that the proposed development would be acceptable in terms of noise and air quality / dust impacts and accord with relevant policies. These restrictions would also serve to make the proposals acceptable in amenity terms more generally when considered with the visual impact and related matters referred to elsewhere in this report.

Highways and transportation

141. National planning policies relating to highways and transportation are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from traffic. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that plans and decisions should take account of whether safe and suitable access to the site can be achieved and if improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations include the suitability of the road network and the extent to which access would require reliance on local roads. Advice on whether a transport assessment or transport statement is required and how these should be considered when applications are determined is contained in paragraphs 001 to 015 of the Planning Practice Guidance (PPG) relating to travel plans, transport assessments and statements in decision-taking.
142. Policy CA16 of the KMLPCA and Policy W22 of the KWLP state that permission will be refused if 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 and that any necessary highway improvements are secured and (in the case of Policy W22) the character of historic local lanes or the local environment (including dwellings, conservation areas and listed buildings). Policy CA18 of the KMLPCA states that the County Council should also be satisfied that noise, vibration and dust from haulage vehicles can be satisfactorily controlled.
143. Draft Policy DM13 of the draft KMWLP requires minerals and waste development to demonstrate that emissions associated with road transport movements are minimised

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as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community. Draft Policy DM17 of the draft KMWLP identifies highways and access improvements and traffic management measures including the regulation of lorry traffic as matters for potential planning obligations where these cannot be secured by conditions.

144. Policy CP1 (Sustainable Development) of the T&M LDF Core Strategy and Policies SQ8 (Road safety) and DC6 (Rural Lanes) of the T&M LDF MD&E DPD are also relevant. Policies MPP2 (relating to the Management of the Kent Downs AONB), SD1, SD2 and SD8 (Sustainable development), LLC1 (Landform and landscape character), GNR3 (Geology and natural resources) and AEU14 (Access, enjoyment and understanding) of the AONB Management Plan are also relevant.
145. The AONB Unit, Tonbridge and Malling Borough Council, Trottscliffe Parish Council, KCC Highways and Transportation and a number of local residents have made comments relating to highways and transportation.
146. The AONB Unit has objected to the use of Addington Lane by dump trucks transporting materials to the plant site via the former access to Pearsons Sandpit prior to the completion of the proposed tunnel (during phase 1) and when the sand ramp is removed (during phase 2) would lead to conflict between, and disruption to, those using the road, particularly as the works to construct the tunnel would require one-way traffic and associated traffic management measures (leading to tail backs). It has also raised concerns about damage to the verges, stated that figures for road accidents cannot be used as indicators of likely future incidents and that the use of the former access to Wrotham Quarry on Addington Lane is specifically precluded by the existing permissions.
147. A number of residents living between the A20 and the site access road have objected to the proposed development due to concerns about the continued use of Ford Lane (to access the site) and the adverse impact of traffic disruption caused by construction of the tunnel under Addington Lane and associated use of traffic lights. The residents are concerned that Ford Lane is unsuitable for the size, weight, number and frequency (1 every 6 minutes on average) of HGVs (in part due to a lack of footpaths), that the speed limit (60mph) is too high and that the road is not wide enough to allow HGVs to pass in opposite directions. They are also concerned about damage to drains, kerbs, grass verges and the road surface, damage to Ford Place (Grade II* listed building) due to vibration from HGVs and the impact on users of Gate House Wood Touring Park, the business and tourism more generally as a result of HGV movements. It has been suggested that access to the site should instead be from Addington Lane (through Addington) as it has been improved and is better able to accommodate HGVs or that HGVs should enter the site via Addington Lane and leave via Ford Lane (or vice versa) such that traffic is “shared” between the two areas. It has also been suggested that if permission is granted road condition surveys should be required,

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- only one HGV at a time should be allowed to use Ford Lane and that wheel washing and the use of a road sweeper should be required. One resident from Addington has raised no objection subject to HGVs not passing through Addington.
148. Trottiscliffe Parish Council has raised no objection on the basis that there would be an access tunnel under Addington Lane and that vehicular access would be via Ford Lane.
 149. Tonbridge and Malling Borough Council has requested that if permission is granted, conditions be imposed to secure the construction and use of the underground vehicle tunnel beneath Addington Lane for the time periods set out in the application, HGV access to the site being via Ford Lane and any others requested by KCC Highways and Transportation.
 150. KCC Highways and Transportation has no objection subject to the construction and use of the proposed vehicle tunnel under Addington Lane, only one vehicle at a time using Addington Lane during those interim periods when the tunnel cannot be used and the provision and use (as necessary) of wheel washing and road sweeping equipment. It has advised that the proposed vehicle tunnel would require the completion of a Section 278 Agreement (or other appropriate mechanism) with the Highway Authority and that the structural design and construction processes would need to be checked by its structural team at no cost to the Authority and with appropriate fees charged.
 151. The implementation and use of the vehicle tunnel is essential to the acceptability of the proposed development. The inclusion of a tunnel capable of accommodating the transportation of sand from the proposed extension area to the plant site and the importation of inert waste without using Addington Lane or Trottiscliffe Road was strongly supported by most stakeholders during the pre-application engagement and appears to have significantly influenced the number and nature of responses that have been received to the application. Unfortunately, it is not possible to entirely avoid the use of the relatively small section of Addington Lane between the former Pearson's Sandpit access and the old access to Wrotham Quarry. It will be necessary for plant and equipment required to begin work in the proposed extension area to use that route and for dump trucks to do so in order to transport sand to the plant site during two specific phases of development (i.e. as noted in paragraph 146 above). This is not desirable but is necessary if the tunnel is to be constructed and the sand ramp within the extraction area removed rather than for valuable mineral to be sterilised. Whilst the use of Addington Lane in these circumstances would lead to some degree of conflict with other road users, I am satisfied that the proposed arrangement is acceptable in terms of highway safety, amenity and other impacts subject to appropriate traffic management arrangements being implemented, only one haulage vehicle at a time associated with quarry operations using Addington Lane during those periods when its use is required and the provision and use (as necessary) of wheel washing and road sweeping equipment.
 152. Whilst a number of those living or working between the main access to the existing quarry on Ford Lane and the A20 have objected to the continued use of Ford Lane to

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access the site, this route was generally supported during the pre-application engagement. Notwithstanding the concerns that have been expressed about the continued use of Ford Lane, I am satisfied that this is the best route into and out of the site and is acceptable in terms of highway safety and potential impacts. KCC Highways and Transportation supports this view. I do not accept that it would be appropriate for HGVs to use Addington Lane and Trottiscliffe Road when entering or leaving the site and note that KCC has maintained this position since the purpose built access road between the plant site and Ford Lane was constructed.

153. The applicant proposes that the existing limit of 112 HGV movements per day (56 in / 56 out) be retained. As noted in paragraph 15 above, the existing HGV restriction expresses this as a daily average in any one week. As KCC has previously accepted this limit, and KCC Highways and Transportation has not raised objection, I believe that it is reasonable to impose the same condition again in this case. This would restrict all HGVs associated with operations at the site (i.e. minerals and waste). I also consider that it would be appropriate to replicate other conditions relating to highways and transportation imposed on recent permissions at the site (with such amendments as may be necessary) in the interests of highway safety, the local environment and amenity. These include not allowing HGVs and commercial vehicles to use the old access on Addington Lane, maintaining a restriction on the old entrance to deter unauthorised traffic and requiring that records of HGV movements be maintained by the operator and made available to KCC, the surfacing of the site access road being maintained in a good state of repair and kept clean and free of mud and other debris, adequate measures are taken to ensure vehicles leaving the site do not deposit mud or other debris on the highway (including if necessary the provision of wheel and chassis cleaning equipment) and the sheeting of all loaded open backed HGVs. In addition to these, I also consider that it would be appropriate to impose conditions: to ensure that Addington Lane is only used in those specific circumstances outlined above (such that the proposed vehicle tunnel is used at all other times); to ensure that Addington Lane is not used by quarry traffic during peak traffic periods; requiring the submission, approval and implementation of a traffic management plan for Addington Lane addressing the period when the tunnel is constructed and when the road is used to transport materials from the proposed extension area to the existing quarry (to include the provision of before and after surveys to identify any damage caused by the proposed development so it can be rectified); and requiring the submission and approval of the detailed design of the proposed vehicle tunnel.
154. Subject to the imposition of the above conditions, I am satisfied that the proposed development would be acceptable in terms of highways and transportation and accord with relevant policies. KCC Highways and Transportation would also need to approve the structural design and construction processes for the vehicle tunnel and has indicated that this can be done independently from the planning process. I am therefore satisfied that these issues can be left for KCC Highways and Transportation to address.

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Water environment (hydrology, hydrogeology and groundwater impacts)

155. National planning policies relating to the water environment are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from flooding, the flow and quantity of surface and groundwater and contamination (including cumulatively). Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Further policy on flood risk and related climate change issues is contained in paragraphs 93 to 104 of the NPPF. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters relating to protection of water quality and resources and flood risk management. Key locational considerations include the proximity of vulnerable surface and groundwater or aquifers. It also states that for landfill, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area and that the suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care. Advice on these how these issues should be addressed in preparing and determining planning applications is contained in the Planning Practice Guidance (PPG) relating to water supply, wastewater and water quality.
156. Policies W19 and W20 of the KWLP require that surface and groundwater resources are protected and that proposals take account of the safeguarding of land drainage and flood control and minimisation of rainwater infiltration. Draft Policies DM1 and DM10 of the draft KMWLP are also relevant. Draft Policy DM1 of the draft KMWLP states that minerals and waste proposals should demonstrate that they have been designed to utilise sustainable drainage systems wherever practicable. Draft Policy DM10 of the draft KMWLP states that permission will be granted for minerals and waste development where it does not: result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds); have an unacceptable impact on groundwater Source Protection Zones; and exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future. It also states that all minerals and waste proposals must include measures to ensure the achievement of both no deterioration and improved ecological status of all waterbodies within the site and/or hydrologically connected to the site and that a hydrogeological assessment may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level. Policy CP1 (Sustainable Development) of the T&M LDF Core Strategy and Policy CC3 (Sustainable Drainage) of the T&M LDF MD&E DPD are also relevant. Policy GNR3 (Geology and natural resources) of the AONB Management Plan is also relevant.
157. The Environment Agency, South East Water, Southern Water and Tonbridge and Malling Borough Council have made comments relating to the water environment.

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Whilst both the Environment Agency and South East Water initially raised objections / concerns about potential adverse effects on groundwater / public water supplies, these have been overcome as a result of discussions and further information being provided by the applicant.

158. The Environment Agency has no objection subject to conditions to protect groundwater (i.e. to address any unsuspected contamination that may be found, to prevent infiltration of surface water drainage into the ground unless approved and to ensure that no excavation takes place within 10m of the boundary of the adjacent old landfill sites). It has also recommended that the existing Code of Operational Practice be reviewed and expanded to establish monitoring and contingency protocols for the detection of gas and / or leachate within the unsaturated zone during quarrying operations. It has further advised that the proposed infilling would require an Environmental Permit.
159. South East Water has no objection subject to the same conditions as the Environment Agency, a scheme of groundwater level monitoring (in order that the depth of working can be adjusted as necessary if levels increase during the life of the site), an ongoing dialogue being maintained between it and the applicant (in terms of respective operations) and a trench being installed to drain contaminants from the floor of the proposed quarry extension to mitigate the risk of the lateral stand-off between the quarry and the landfill being breached and the resultant draining of leachate from the landfill via any perched layers from the face to the floor of the quarry.
160. Southern Water has sought controls to ensure that its apparatus is not adversely affected or is appropriately maintained during construction works (in the case of the proposed vehicle tunnel).
161. Tonbridge and Malling Borough Council has requested that if permission is granted, any conditions required by the Environment Agency and South East Water be included (including those relating to potential landfill gas and leachate migration and exposure of previously deposited waste given the proximity of adjacent historic landfilling).
162. As explained in paragraph 26 above, concerns were initially raised by the Environment Agency and South East Water about potential adverse impacts on groundwater. However, as a result of discussions with, and the provision of further information by, the applicant these have been overcome. On this basis, I am satisfied that the proposed development is acceptable in terms of the water environment subject to the imposition of conditions to secure the matters requested by the Environment Agency and South East Water and to ensure that the development is undertaken as proposed, particularly in respect of the depth of working, the maintenance of the required 2m stand-off between the base of the quarry and the maximum height of groundwater and to ensure that only inert waste is imported and used for restoration purposes. More detailed operational controls on the landfilling aspect of the proposed development will be applied by the Environment Agency as part of the Environmental Permit. The issues raised by Southern Water are capable of being addressed appropriately when the detailed design of the vehicle tunnel is undertaken.

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163. Subject to the imposition of the above conditions, I am satisfied that the proposed development would accord with relevant policies.

Geotechnical stability

164. National planning policies relating to geotechnical stability are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from tip and quarry slope stability, differential settlement of quarry backfill. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations include land instability and the guidance states that places that are liable to be affected by land instability will not normally be suitable for waste management facilities. Paragraph 033 of the Minerals PPG states that the consideration of slope stability that is needed at the time of an application will vary between mineral workings depending on a number of factors: e.g. depth of working; the nature of materials excavated; the life of the working the length of time interim slopes are expected to be in place; and the nature of the restoration proposals. It also states that appraisal of slope stability for new workings should be based on existing information, which aims to: identify any potential hazard to people and property and environmental assets and assess its significance; and identify any features which could adversely affect the stability of the working to enable basic quarry design to be undertaken.
165. Policy W20 of the KWLP requires that proposals take account of land stability. Draft Policy DM17 of the draft KMWLP states that planning permission will be granted for minerals or waste development where it is demonstrated that it will not result in land instability. It also states that all proposals that could give rise to land instability must include a stability report and measures to ensure land stability. Policy CP1 (Sustainable Development) of the T&M LDF Core Strategy is also relevant. Policy GNR3 (Geology and natural resources) of the AONB Management Plan is also relevant.
166. No objections have been raised in respect of geotechnical stability.
167. The proposed development has been designed to ensure geotechnical stability is maintained both during operations and after restoration has been completed. Appropriate lateral stand-offs have been included between the proposed extraction area itself and surrounding land (e.g. Addington Lane, Woodgate Road, the former Pearson's Sandpit, Woodgate House and the proposed footpath diversions) and appropriate excavated profiles would need to be maintained as quarrying progresses to meet health and safety requirements. The limit of the extraction area is at least 10m from the boundary of the proposed extension area, in-situ overburden would be excavated at 1v:3h slopes, sand faces would normally be no more than 5m high and

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benches at least 3m wide. The detailed requirements for slope profiles (quarry faces and benches) are determined annually under the Quarries Regulations and I consider it appropriate to leave these matters for that regime. However, I do consider it appropriate to require that extraction shall not take place within 10m of the boundary of the proposed extension area. Any detailed geotechnical issues associated with the proposed vehicle tunnel would be addressed as part of the structural design and construction processes referred to in the Highways and transportation section above. Long term stability would be assured as a result of the infilling of the proposed extraction area and vehicle tunnel. The former quarried slopes associated with the plant site have been in place for many years. The long term stability of these can be considered further as part of the restoration proposals that are recommended elsewhere in this report for that area.

168. Subject to the development being implemented as proposed (which could be secured by conditions), I am satisfied that it would be acceptable in terms of geotechnical stability and would accord with relevant policies.

Ecology

169. National planning policies relating to ecology are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural environment and ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, including for biodiversity. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles: if significant harm resulting from development cannot be avoided, adequately mitigated or (as a last resort) compensated for, then planning permission should be refused; and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and the benefits of, the development in that location clearly outweigh the loss. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment against various locational criteria and other matters. Key locational considerations include any adverse effect on a site of international importance for nature conservation, a site with a nationally recognised designation and ecological networks and protected species. Paragraphs 007 to 023 of the Natural Environment PPG include advice in respect of biodiversity, ecosystems and green infrastructure.
170. Policy W21 of the KWLP states that before granting planning permission for a waste management proposal the planning authority will need to be satisfied that the earth

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science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats or species of wildlife importance. It also states that where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory measures should be provided.

171. Draft Policies DM1, DM2, DM3, DM18 and DM19 of the draft KMWLP are also relevant. Draft Policy DM1 of the draft KMWLP states that minerals and waste proposals should demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss. Draft Policy DM2 of the draft KMWLP states that proposals for minerals and waste development must ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national or local importance. Draft Policy DM3 of the draft KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted permission following (amongst other things): an ecological assessment of the site (including specific protected species surveys as necessary); the identification and securing of measures to mitigate any adverse impacts; the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity. Draft Policy DM19 of the draft KMWLP states that restoration plans should include details of (amongst other things) key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats and proposals for meeting targets or biodiversity gain.
172. Policy CP1 (Sustainable Development) of the T&M LDF Core Strategy and Policies NE1 (Local Wildlife Sites), NE2 (Habitat networks), NE3 (Impact on Biodiversity), SQ1 (Landscape Protection and Enhancement) and SQ4 (Air quality) of the T&M LDF MD&E DPD are also relevant. Policies BD1, BD2 and BD5 (Biodiversity) and GNR3 (Geology and natural resources) of the AONB Management Plan are also relevant.
173. Natural England, KCC's Biodiversity Officer, Tonbridge and Malling Borough Council and a number of local residents have made comments relating to ecology.
174. Natural England has stated that it is satisfied that the development would not damage or destroy the interest features of the Trottscliffe Meadows SSSI (375m to the west) provided it is carried out as proposed and that its Standing Advice on protected species should be applied and treated as a material consideration when determining the application.
175. KCC's Biodiversity Officer has no objection subject to conditions to protect and enhance ecological interest, including protected species and habitat. These include

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the requirement for the hedgerow over the road tunnel to be replanted as soon as it has been built, any new lighting being designed to avoid shining directly onto hedgerows to minimise potential impacts, topsoil bunds being surveyed by an ecologist prior to removal to reduce the risk to badgers if new setts are established, a precautionary mitigation approach for great crested newts (GCNs) being used when the area of hedgerow in the north west corner of the site is cleared, all works to buildings and vegetation being carried out outside the bird nesting season or, if this is not possible, after the site has been examined by an ecologist and if any nesting birds are present all works must cease until all the young have fledged, hedgerows planted with species already recorded at the site, bird and bat boxes being erected on mature trees within the hedgerows, an ecological scoping survey and specific species surveys, together with any necessary mitigation, being submitted to KCC for approval prior to restoration commencing to establish if suitable habitats for protected species are present and identify if any mitigation is needed and details of an ecological assessment of the overhead cable diversion route around the north of the site being submitted to KCC with details of any necessary mitigation if this would impact on protected / notable species.

176. Tonbridge and Malling Borough Council's response supports the inclusion of the conditions proposed by KCC's Biodiversity Officer.
177. A number of local residents have objected due to concerns about disturbance to skylarks, other ground nesting birds, adders and dormice.
178. Notwithstanding the concerns that have been expressed (including objections from a number of local residents), both Natural England and KCC's Biodiversity Officer are satisfied that the proposed development would not give rise to unacceptable ecological impacts (including on the designated Trottiscliffe Meadows SSSI and the Ryarsh Local Wildlife Site and Ancient Woodland) provided the development is carried out as proposed (including any mitigation proposed by the applicant) and, in the latter case, subject to the imposition of conditions to secure a number of other measures and actions to protect and enhance biodiversity interests (including those referred to in paragraph 177 above). The proposed mitigation includes measures to ensure appropriate safeguards for badgers and dormice. A licence would be required from Natural England to facilitate the work associated with the proposed vehicle tunnel as this would damage / destroy part of the badger sett. The removal of the hedgerows to enable access to the proposed extension area from the former Pearson's Sandpit and the construction of the proposed vehicle tunnel would need to be undertaken under the supervision of a dormouse licensed ecologist.
179. Subject to the imposition of conditions to secure those matters outlined above, I am satisfied that the proposed development would be acceptable in terms of ecological interests and would accord with relevant policies. I am also satisfied if planning permission is granted, KCC will have complied with its duties under the Natural Environment and Rural Communities (NERC) Act (2006) in that appropriate regard has been given to conserving biodiversity.

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Archaeology, heritage and conservation (including impact on listed buildings)

180. National planning policies relating to archaeology, heritage and conservation are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the historic environment. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Further policy on conserving and enhancing the historic environment is contained in paragraphs 126 to 141 of the NPPF. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, permission should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment against various locational criteria and other matters. Key locational considerations include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.
181. The KMLPCA and KWLP contain no saved policies dealing with archaeology, heritage and conservation. However, draft Policies DM1, DM5 and DM6 of the draft KMWLP are relevant. Draft Policy DM1 of the draft KMWLP states that proposals for minerals and waste development will be required to demonstrate that they have been designed to (amongst other things) protect and enhance the character and quality of the site's setting or mitigate and if necessary compensate for any predicted loss. Draft Policy DM5 states that proposals for minerals and waste developments will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets, Listed Buildings, conservation areas, Scheduled Ancient Monuments and archaeological sites are conserved in a manner appropriate to their significance. It also states that proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities must be sought to maintain or enhance historic assets affected by the proposals. Minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.

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182. Policy CP1 (Sustainable Development) of the T&M LDF Core Strategy and Policies SQ1 (Landscape Protection and Enhancement) and SQ2 (Locally listed buildings) of the T&M LDF MD&E DPD are also relevant. Policies SD8 (Sustainable development), LLC1 (Landform and landscape character) and HCH1 (Historic and cultural heritage) of the AONB Management Plan are also relevant.
183. KCC's Archaeological Officer, KCC's Heritage and Conservation Officer and a number of local residents have commented on archaeology, heritage and conservation issues.
184. KCC's Archaeological Officer has no objection subject to a condition being imposed to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable that has first been submitted to and approved by KCC (which would need to include a programme of archaeological strip, map and sample as opposed to a simple watching brief).
185. KCC's Heritage and Conservation Officer has no objection subject to the location of the screen bund to the east of the proposed extraction area being adjusted to increase the stand-off between the bund and Woodgate House (a Grade II Listed Building) by 10m (i.e. from 50 to 60m); and the hedgerow between the two being allowed to grow to between 3.5 and 4m high (rather than 2m high as originally proposed).
186. Tonbridge and Malling Borough Council's response supports the inclusion of the conditions proposed by KCC's Archaeological Officer and Heritage and Conservation Officer.
187. A number of local residents have objected due to concerns about damage to Ford Place (a Grade II* Listed Building) on Ford Lane.
188. Notwithstanding the concerns that have been expressed by local residents about potential impacts on Ford Place (Listed Building), no objection has been raised by either KCC's Heritage and Conservation Officer or KCC Highways and Transportation to the continued use of Ford Lane by HGVs and I do not believe that an objection on these grounds could be substantiated. I am satisfied that KCC Archaeological Officer's recommendation can be satisfactorily addressed by condition if permission is granted. KCC Heritage and Conservation Officer's recommendation that the screen bund to the east of the proposed extraction area be adjusted to provide a stand-off between the bund and Woodgate House (Listed Building) of 60m rather 50m has been addressed and the applicant has provided revised drawings that provide for this and these can be referred to as necessary in any permission that is granted. However, as explained in paragraph 121 above I do not believe that it is essential for the hedgerow between the bund and Woodgate House to be maintained at a height in excess of 2m in order to protect the setting of the Listed Building. On this basis, I propose not to fully accept the recommendation of KCC's Heritage and Conservation Officer in this instance and, instead recommend that a minimum height of 2m be required.
189. Subject to the development being implemented as proposed and conditions being imposed to secure the above, I am satisfied that it would be acceptable in terms of

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archaeology, heritage and conservation (including impact on listed buildings) and would accord with relevant policies.

Public rights of way

190. National planning policies relating to public rights of way are set out in the NPPF and NPPW. Paragraph 144 of the NPPF states that when determining minerals applications, local planning authorities should ensure that there are no unacceptable adverse impacts on human health. Paragraph 75 of the NPPF states that planning policies should protect and enhance public rights of way and access and that local authorities should seek opportunities to provide better facilities for users (e.g. by adding links to existing networks). Paragraph 004 of the Planning Practice Guidance (PPG) relating to open space, sports and recreation facilities, public rights of way and local green space includes limited advice relating to public rights of way and national trails. Amongst other things this states that public rights of way form an important component of sustainable transport links and should be protected or enhanced.
191. Policy CA21 of the KMLPCA and Policy W27 of the KWLP both state that where public rights of way would be adversely affected by development, the interests of its users will be taken into account and / or secured. Draft Policy DM14 of the draft KMWLP states that planning permission will only be granted for minerals and waste development that adversely affect a public right of way, if: (1) satisfactory prior provisions for its diversion are made which are both convenient and safe for users of the Public Rights of Way; (2) provision is created for an acceptable alternative route both during operations and following restoration of the site; and (3) opportunities are taken wherever possible to secure appropriate, improved access into the countryside.
192. Policy CP1 (Sustainable Development) of the T&M LDF Core Strategy is also relevant. Policies MPP2 (relating to the Management of the Kent Downs AONB), SD2 (Sustainable development) and AEU14 (Access, enjoyment and understanding) of the AONB Management Plan are also relevant.
193. KCC Public Rights of Way (PROW), the Ramblers Association, the AONB Unit and a number of local residents have commented on public rights of way issues.
194. KCC PROW has no objection, states that the proposed temporary diversions of footpaths MR164 and MR165 are acceptable and that they should be reinstated on their original (definitive) routes as part of the final restoration of the site. It has also provided advice on the necessary procedures to secure this and confirmed that it is able to ensure that the applicant pays KCC's costs associated with this. It has also advised that if the reinstated footpaths are to be different from their definitive alignment (as suggested by the Ramblers), this would require an Order and is something that could best be considered and addressed nearer the time that backfilling and restoration is completed. It has further advised that extending the footpath that needs to be created around the western end of Wrotham Quarry under the earlier Section 106 Agreement to Ford Lane along the route of the internal access road would be desirable and should be encouraged. However, it accepts that this cannot be a pre-condition of planning permission as the land is not within the

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applicant's control.

195. The Ramblers Association has no objection subject to the provision of drainage measures to prevent waterlogging of the temporary footpath diversion during wet weather as a result of run-off from the screen banks should this become necessary and the realignment of footpath MR165 so that its eastern end exits onto Woodgate Road at the same point as the southern end of MR164.
196. The AONB Unit has raised concerns about the impact of the proposed development on access to and enjoyment of the AONB and on users of public rights of way (including the Weald Way long distance trail).
197. A number of local residents have objected due to concerns about adverse impacts on public footpaths and their users, including from the proposed diversions.
198. Tonbridge and Malling Borough Council's response supports the reinstatement of the public footpaths.
199. As noted in paragraphs 120, 137 and 138 above, there would be some adverse impacts on users of public rights of way (existing and proposed diversions). However, the proposed diversions would serve to maintain pedestrian links during the development and the footpaths could be reinstated on their current alignment once restoration has been completed. Whilst the proposed temporary diversions would be less preferable to the definitive routes, KCC PROW has indicated that they would be acceptable and that it is able to deal with the necessary procedures to facilitate the diversions independently from the planning process if planning permission is granted and ensure that its costs are met by the applicant. Whilst the applicant may not obstruct or divert the footpaths until the necessary Orders have been secured and would be required to reinstate them, I consider that it would be appropriate to impose a condition stating that the footpaths must be diverted before any soil stripping or excavation takes place (with the exception of that related to the vehicle tunnel) and be reinstated on completion of restoration. KCC Prow has further advised that any amendment to the existing alignment, such as that suggested by the Ramblers Association, would best be addressed at a later date. The agreement of the applicant to seek to secure an additional length of new footpath to link that already required (but yet to be implemented) by the existing Section 106 Agreement to Ford Lane alongside the site access road is welcomed. However, as the applicant does not own or control the land in question it would be unreasonable to seek to make this a pre-condition of planning permission. As KCC PROW has supported the extension of the footpath and its inclusion as part a definitive public right of way, I believe it would be appropriate to encourage the applicant to use his best endeavours in pursuing this with the landowner (South East Water).
200. Subject to the development being implemented as proposed and conditions being imposed to secure the above, I am satisfied that it would be acceptable in terms of public rights of way and would accord with relevant policies.

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Other issues

Agricultural land / soils

201. National planning policies relating to agricultural land are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans, local planning authorities should (amongst other things) put in place policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources). Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications and apply conditions where necessary. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing soils. Paragraphs 036 to 058 of the Minerals PPG include advice on the restoration and aftercare of mineral sites.
202. Policy CA23 of the KMLPCA and Policy W32 of the KWLP require satisfactory working and reclamation / restoration and aftercare schemes to be integral to proposals in order that sites are returned to a planned afteruse at the highest possible standard as quickly as possible. Draft Policy DM1 of the draft KMWLP states that proposals for minerals and waste development will be required to demonstrate that they have been designed to (amongst other things) minimise the loss of Best and Most Versatile Agricultural Land. Draft Policy DM19 of the draft KMWLP requires that provision be made for high standards of restoration, aftercare and after-use such that the intended after-use of the site is achieved in a timely manner. It also states that restoration plans should reflect the proposed after-use and, where appropriate, include details such as: an assessment of soil resources and their removal, handling and storage; the site boundaries and areas identified for soil and overburden storage; types, quantities and source of soils or soil making materials to be used; a methodology for management of soils to ensure that the pre-development soil quality is maintained; directions of phasing of working and restoration and how they are integrated into the working scheme; the proposed final landform including pre and post settlement levels; the seeding of grass or other crops and planting of trees, shrubs and hedges; a programme of aftercare (including vegetation establishment and management); and the restoration of the majority of the site back to agriculture, if the site consists of the best and most versatile agricultural land. It further states that aftercare schemes should incorporate an aftercare period of at least 5 years and that voluntary longer periods will be sought where appropriate through agreement. Policies CP1 (Sustainable Development) and CP9 (Agricultural land) of the T&M LDF Core Strategy are also relevant (in terms of agricultural land). Policies MPP2 (relating to the Management of the Kent Downs AONB), SD2, SD3 and SD8 (Sustainable development), FL1 and FL3 (Farmed landscape) and GNR5 (Geology and natural resources) of the AONB Management Plan are also relevant.
203. The AONB Unit has expressed concerns about the potential impact on the quality of soils available for restoration due to the method of working and stockpiling arrangements although its concerns appear to have reduced somewhat as a result of

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the applicant's April 2015 response which included amendments to these details following a review of all soil and overburden movements which resulted in a reduction in double handling of soils. The proposed extension area is currently primarily Grade 3a (i.e. best and most versatile) with some Grade 3b.

204. Subject to the development being implemented as proposed whereby soils are stripped, handled, stored and replaced in accordance with best practice (which can be secured by conditions), I am satisfied that the proposals are capable of ensuring that soil quality is maintained and the site restored to a high standard suitable for agricultural (arable) use in accordance with the above policies.

Community benefits

205. Addington Parish Council has indicated that it would like to see the provision of some community benefits (e.g. aggregates levy) if the application is permitted. The applicant has stated that the Ferns Group would like to meet representatives from the Parish Council if permission is granted to discuss opportunities to provide community benefits during the life of the site. The applicant has also stated that the Ferns Group is committed to developing a working relationship with the local community and would welcome discussions with the local parish councils.
206. Whilst the Aggregates Levy is still applied as a tax on aggregates (currently £2/tonne), the former Sustainability Fund is no longer in place. Some, but by no means all, of the tax paid to the government is now distributed to large organisations such as the RSPB nationally. On this basis, there is no direct benefit to the community directly affected by the development subject to the tax. The minerals industry has sought the introduction of a new Community Fund (using the aggregates tax) but this yet to be adopted by government. Regardless of this, the majority of the mineral proposed to be extracted at Wrotham Quarry would not be used as an aggregate and would not be subject to the tax.
207. Whilst I do not consider that it would be appropriate to seek to make the provision of community benefits a pre-condition of granting planning permission in this case, I would certainly encourage the applicant to engage with the local community and find ways of contributing to local projects where possible. Any engagement with the local community (including parish councils) could be undertaken informally or through the establishment of some form of local liaison group. These matters are capable of being referred to in an informative if permission is granted.

Community engagement / publicity

208. Two of the local residents have questioned the adequacy of the pre-application consultation and meetings with local residents and the extent of the publicity and notification on the application itself. As noted in paragraph 12 above, various stakeholder engagement was undertaken prior to the submission of the application. Paragraph 57 above sets out the extent of the publicity and notification undertaken by KCC after the application was submitted. I am satisfied that both were adequate and went beyond what is required in planning terms.

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Quarry safety

209. Whilst concerns have been raised by local residents about quarry safety associated with the proposed extension area, it should be noted that the proposed extraction area would be surrounded by soil bunds and the site fenced to deter public access. There would also need to be fences between the diverted public footpaths and the soil bunds. Details of these and any other new fencing could be secured by condition. The operations would also be subject to the requirements of the Health and Safety Executive.

Utilities (e.g. Southern Gas and UK Power)

210. The proposed development would require the diversion of existing overhead power lines which currently cross the proposed extension area. The diverted lines would be buried underground just inside the northern boundary of the proposed extension area. Works would also be required to ensure that the underground gas supply, which would be affected by the proposed vehicle tunnel, is maintained. The diversion underground of the power lines represents an improvement on the current position. The applicant will be responsible for addressing these issues with the utility companies that are affected. Southern Water's interests are addressed in paragraph 162 above and can be further considered as necessary as part of the detailed design of the proposed vehicle tunnel.

Prematurity

211. Although the approach to silica sand policy in the KMWLP and whether or not any silica sand sites in the AONB or its setting should be identified in the Mineral Sites Plan has been subject to considerable debate at the KMWLP Examination, and modifications are proposed to draft Policy CSM2, I am satisfied that it would not be premature to determine the application at this time. For a decision on an application to be considered premature, it would need to be likely to fundamentally undermine emerging policy. Given that the application contains sufficient information to enable an assessment of its acceptability against both existing and emerging policy and the KMWLP policy will need to be consistent with the NPPF, this is not the case in this instance.

Conclusion

212. Having accepted that the applicant has provided sufficient information to demonstrate workable silica sand and construction sand deposits and satisfy the requirements of Policy CA7 of the KMLPCA and a number of draft policies in the emerging KMWLP (paragraphs 62 to 65 above), the key considerations in this case relate to whether the proposals meet the "tests" set out in paragraph 116 of the NPPF (in respect of major development in the AONB) and, in turn, whether they are acceptable in all other respects (including Green Belt).

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213. For the reasons discussed in paragraphs 66 to 96, I am satisfied that “exceptional circumstances” and “public interest” have been demonstrated having regard to the need for the development (including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy) and the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way. I am also satisfied that the proposed development accords with the adopted and emerging development plan policies referred to in paragraphs 72 and 73 subject to imposing a condition requiring that at least 70% of silica sand sales each year are washed, graded and dried.
214. For the reasons discussed in paragraphs 97 to 105, I am satisfied that there is a need for the proposed inert waste disposal to ensure that the site is restored in an acceptable manner and that the proposed development accords with the adopted and emerging development plan policies referred to in paragraph 98 and 99.
215. Having accepted that the proposed development meets the first two tests in paragraph 116 of the NPPF it is necessary to consider whether it would have any detrimental effect on the environment, landscape and recreational opportunities and the extent to which that could be moderated. For the reasons discussed in paragraphs 106 to 128, I am satisfied that whilst there would be significant landscape and visual impacts associated with certain aspects of the proposed development, these would be temporary, mitigated appropriately by what is proposed and what could be secured by condition and that they would therefore be moderated to an acceptable degree. I am also satisfied that the proposed extension area would be worked and restored to a high standard such that the proposed mineral extraction is not inappropriate in the Green Belt and that very special circumstances exist to overcome the usual presumption against inappropriate development in the Green Belt in respect of the use of waste for restoration purposes and the use of the processing plant to ensure that silica sand can be washed, graded and dried. I am also satisfied that the proposed development accords with the adopted and emerging development plan policies relating to landscape, visual impact and Green Belt referred to in paragraphs 109 to 111 subject to the imposition of conditions.
216. I am also satisfied that the proposals are acceptable in terms of local amenity impacts (paragraphs 129 to 140), highways and transportation (paragraphs 141 to 154), the water environment (paragraphs 155 to 163), geotechnical stability (paragraphs 164 to 168), ecology (paragraphs 169 to 179), archaeology, heritage and conservation (paragraphs 180 to 189), public rights of way (paragraphs 190 to 200) and other issues (paragraphs 201 to 211) subject to the imposition of the conditions referred to in the above sections.
217. Having regard to all of the above, I am satisfied that the proposal represents sustainable development. I am also satisfied if planning permission is granted, KCC will have complied with its duties under: (a) Section 85 of the Countryside and Rights of Way Act (2000) in that appropriate regard has been given to the purposes of AONBs when determining this application; and (b) the Natural Environment and Rural Communities (NERC) Act (2006) in that appropriate regard has been given to conserving biodiversity.

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218. I therefore recommend accordingly.

Recommendation

219. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO:

(i) conditions covering amongst other matters:

- The duration of the permission and removal of plant (restoration to be completed by the end of 2035);
- At least 70% of silica sand sales to be washed, graded and dried each year;
- Only inert waste to be used for infilling;
- Restoration (including the existing plant site);
- Aftercare (5 years);
- The landscape mitigation proposed by the applicant and the measures recommended by KCC's Landscape Officer;
- The hedgerow between the proposed extension area and Woodgate House being maintained at least 2m high;
- The removal of permitted development rights;
- All soil bunds being properly formed, seeded and maintained;
- No new lighting unless approved beforehand by KCC;
- Noise limits (55dB LAeq, 1h, freefield at any noise sensitive property for normal operations and 70dB LAeq, 1hr, freefield for up to 8 weeks in any 12 month period for essential site preparation and restoration work);
- No tonal reversing alarms to be used in the proposed extension area;
- The air quality / dust mitigation proposed by the applicant being implemented;
- Hours of working (07:00 to 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays for the processing plant, access road and ancillary activities and 07:00 to 18:00 hours Monday to Friday for the proposed extension area with no operations on Saturday after 13:00 hours, Sundays or Bank / Public Holidays);
- The construction and use of the proposed vehicle tunnel under Addington Lane (including detailed design);
- Addington Lane only being used to transport sand from the proposed extension area to the plant site during construction of the vehicle tunnel and when the sand ramp in the extension area is being removed (and then by only by 1 vehicle at a time and between 09:00 and 15:00 hours);
- A traffic management plan for Addington Lane (for when the vehicle tunnel is constructed and when the road is used to transport materials from the proposed extension area to the existing quarry);
- Addington Lane being surveyed before and after its use (to identify any damage caused by the proposed development and so it can be rectified);
- 112 HGV movements per day (56 in / 56 out) expressed as a daily average in any one week (as currently), with records maintained by the

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operator;

- HGVs only using the Ford Lane access to enter and leave the site;
- Measures to prevent mud and debris on the highway;
- HGVs to be sheeted;
- Depth of working (at least 2m above groundwater);
- Groundwater protection (the detailed matters requested by the Environment Agency and South East Water);
- No extraction (with the exception of that related to the construction of the vehicle tunnel) within 10m of the boundary of the proposed extension area;
- The ecological mitigation proposed by the applicant and the measures recommended by KCC's Biodiversity Officer;
- The implementation of a programme of archaeological work in accordance with a written specification and timetable that has first been submitted to and approved by KCC;
- The toe of the screen bund to the east of the proposed extraction area being no less than 60m from Woodgate House;
- The diversion of public footpaths MR164 and MR165 before any soil stripping or excavation takes place (with the exception of that related to the vehicle tunnel) and their reinstatement on completion of restoration;
- Appropriate soil handling and storage; and
- Details of fencing associated with the proposed extension area; and

(ii) the following informatives:

- The applicant be encouraged to engage with the local community (e.g. parish councils), consider the establishment of a local liaison group and respond positively to reasonable requests for assistance with local projects; and
- The applicant use its best endeavours to secure the implementation of an extension to the footpath required by the existing Section 106 Agreement to Ford Lane and have this registered as a definitive public right of way.

Case Officer: Jim Wooldridge	Tel. no. 03000 413484
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Background Documents: see section heading.
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APPENDIX 1 TO ITEM C2

PLANNING APPLICATIONS COMMITTEE MEMBERS' SITE VISIT TO WROTHAM QUARRY ON WEDNESDAY, 13 MAY 2015

LIST OF ATTENDEES

KENT COUNTY COUNCIL MEMBERS: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M Baldock, Mrs P Brivio, Mr L Burgess, Mr N J D Chard, Mr I S Chittenden, Mr P M Harman, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mrs E D Rowbotham, Mr C Simkins, Mr A Terry and Mr J N Wedgbury.

OFFICERS: Mrs S Thompson, Mr J Wooldridge (Planning), Mr T Drury (Highways) and Mr A Tait (Democratic Services).

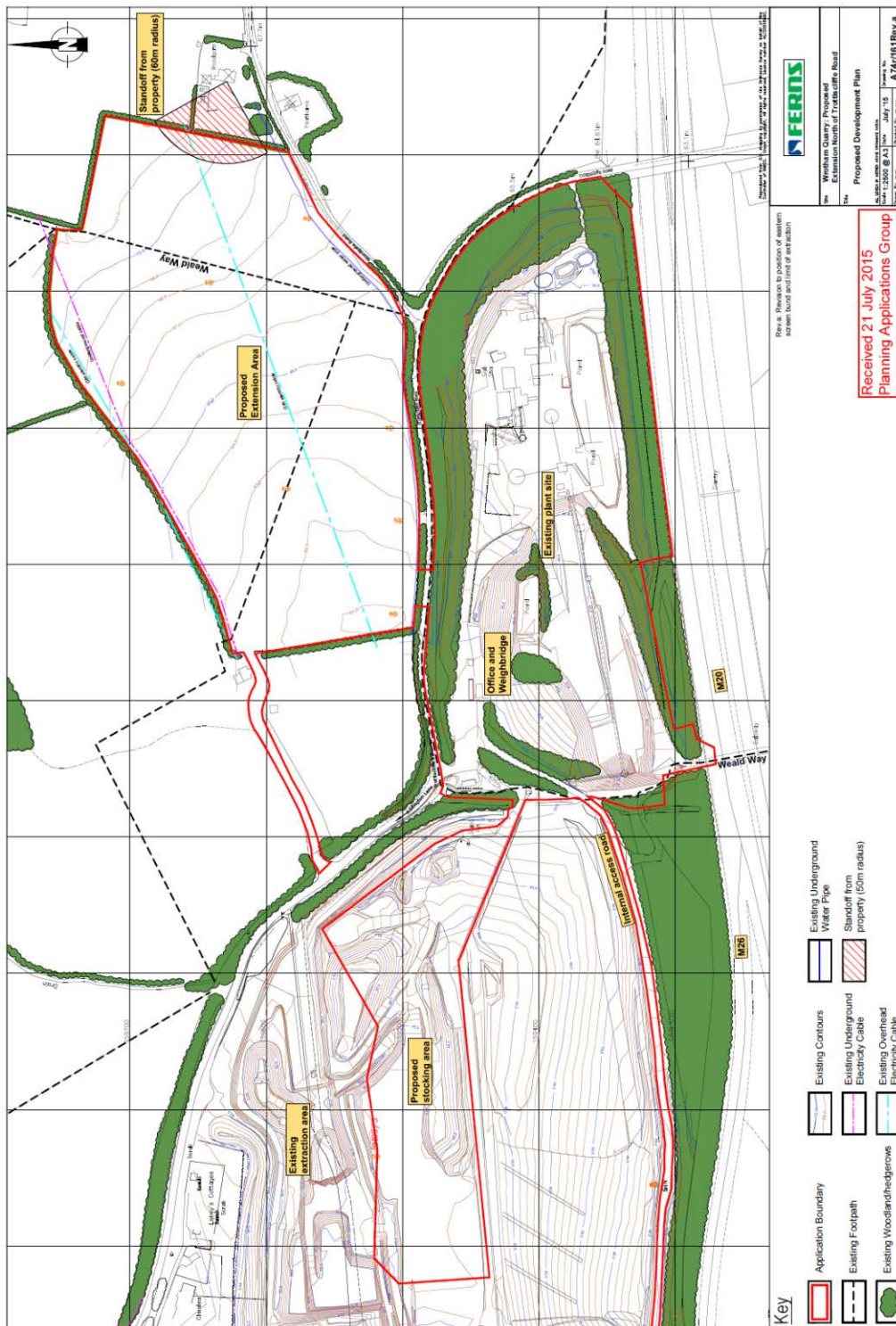
THE APPLICANT: Mr I Fern (The Ferns Group), Mr S Lamb (Quarryplan (GB) Ltd), Mr C Rowlands and Mr R Smith (Hanson Aggregates).

TONBRIDGE AND MALLING BOROUGH COUNCIL: Mr M A C Balfour.

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APPENDIX 2 TO ITEM C2

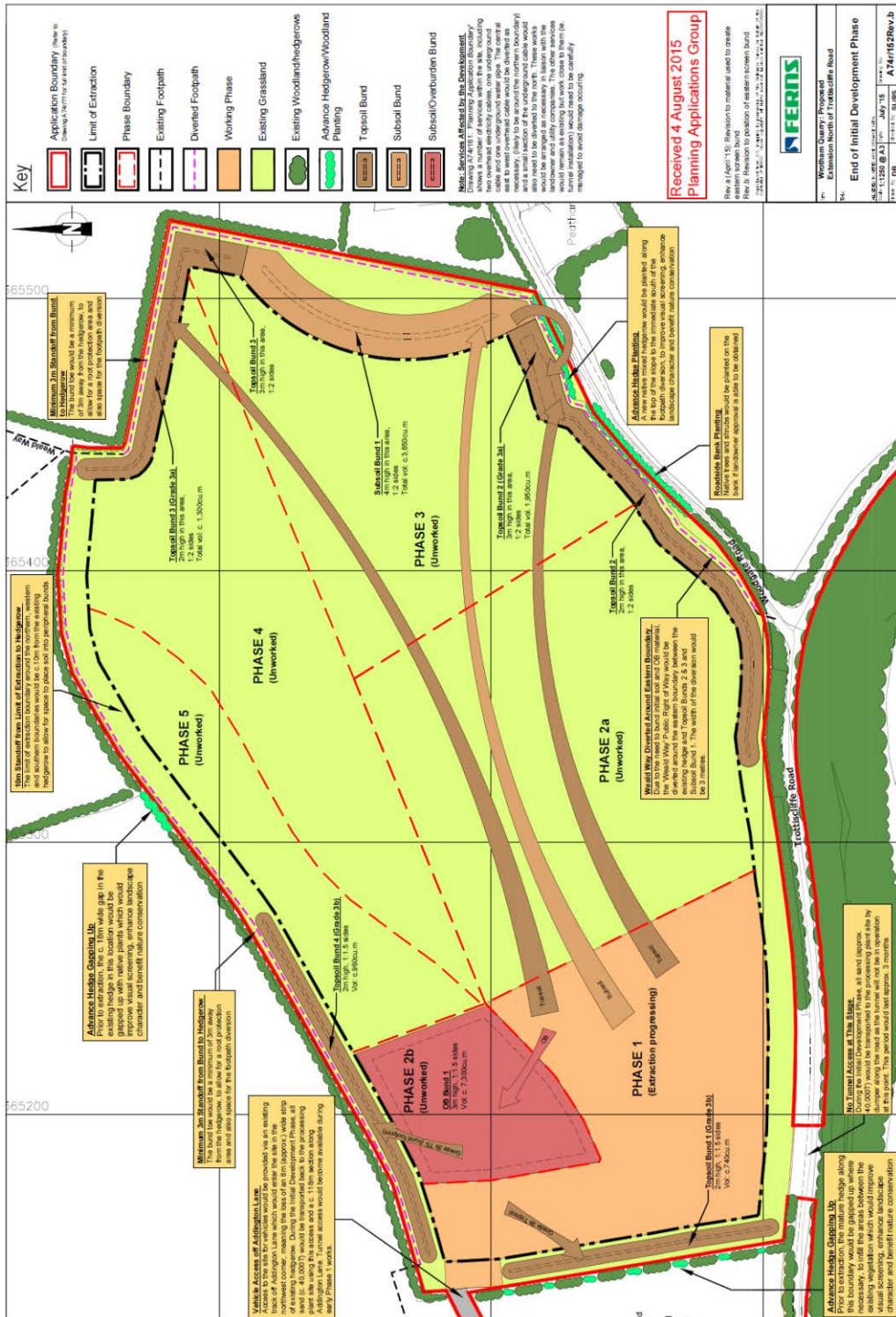
Proposed Development Plan



Application by Ferns Group for extension to existing quarry to extract silica sand, construction sand and to infill the void with inert waste at Wrotham Quarry, Addington, West Malling, Kent, ME19 5DL – TM/14/4075 (KCC/TM/0378/2014)

APPENDIX 3 TO ITEM C2

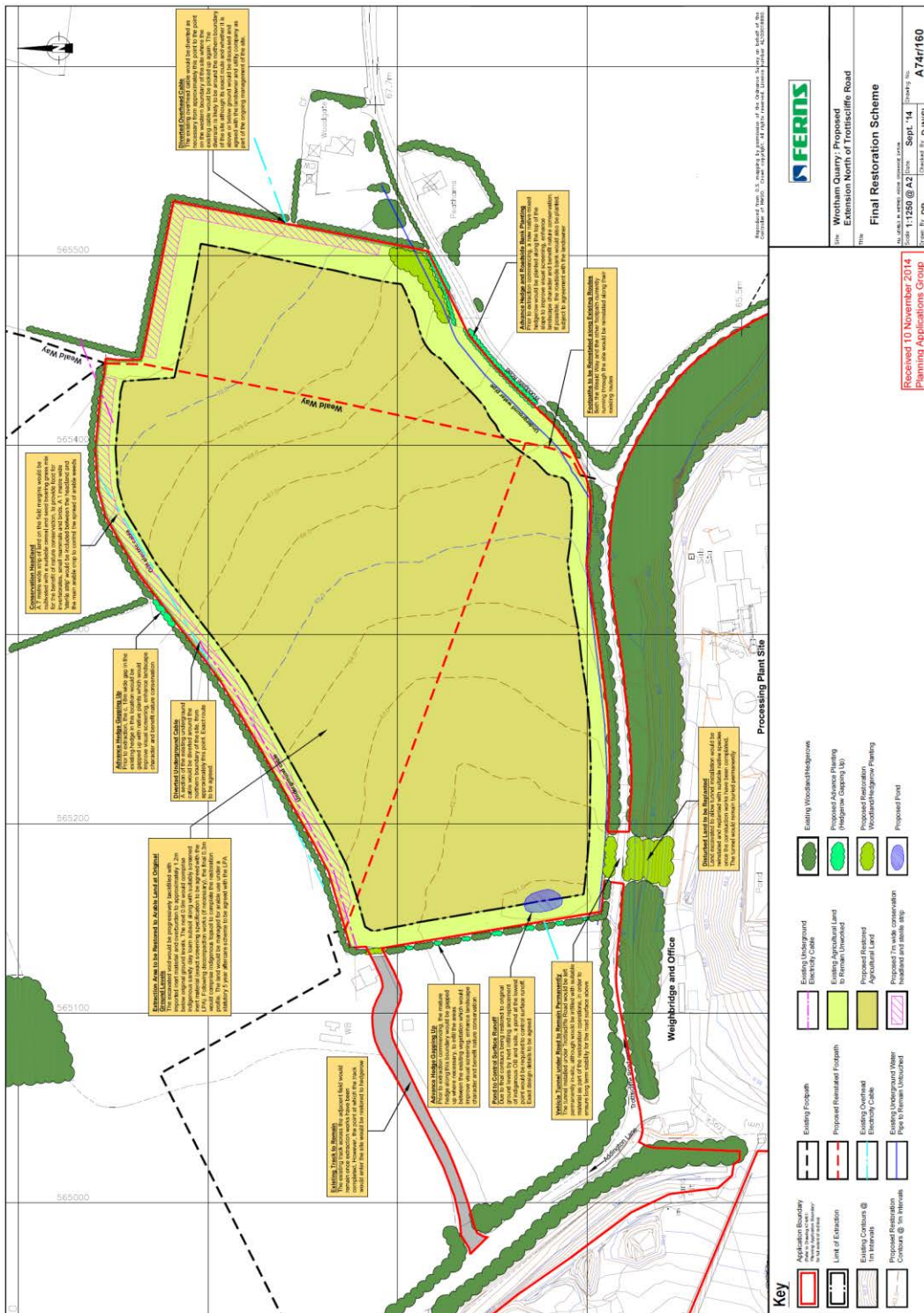
End of Initial Development Phase



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APPENDIX 4 TO ITEM C2

Final Restoration Plan



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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.

- CA/00/1085/R4 Details of revised leachate treatment facility pursuant to condition 4 of planning permission CA/00/1085.
Shelford Landfill Site, Shelford Farm Estate, Broad Oak Road, Canterbury
Decision - Approved
- CA/05/228/MR23/R Non-material amendment to condition 3 of planning permission CA/05/228/MR23 to provide a revised restoration scheme at Highstead Quarry, Heart in Hand Road, Highstead, Herne Bay
Decision - Approved
- CA/14/2033/R5 Details of an Environmental Management Plan pursuant to condition (5) of planning permission CA/14/2033.
Unit 3, Canterbury Industrial Park, Island Road, Hersden
Decision - Approved
- CA/15/1443 Construction of a sub-station associated with Unit 3 Canterbury Industrial Estate.
Unit 3, Canterbury Industrial Park, Island Road, Hersden
Decision - Permitted
- DO/15/663 Expansion of White Cliffs Primary College for the Arts from one form entry (1FE) to two form entry (2FE) including the erection of a two storey extension to be connected to the existing school building together with new hard and soft landscaping and additional parking spaces.
White Cliffs Primary College for the Arts, St Radigunds Road, Dover, Kent, CT17 0LB
Decision - Permitted
- MA/15/505792 Application for certificate of lawfulness of proposed use or development (CLOPUD) for the replacement of four existing horizontal bitumen tanks with four new vertical bitumen tanks.
Roadstone Coating Plant, 20/20 Industrial Estate, St Laurence Avenue, Allington, Maidstone
Decision - Approved
- SE/08/675/R Non-Material Amendment to conditions 7 and 15 of planning permission SE/08/675 to allow approximately 35,000 cubic metres of overburden material to be transferred each way between Greatness Quarry and Sevenoaks Quarry.
Sevenoaks Quarry, Bat and Ball Road, Greatness, Sevenoaks
Decision – Approved

- SW/14/503276/R11 Details of surface water drainage strategy pursuant to condition 11 of planning permission reference SW/14/503276.
Milton Pipes Site, Gas Road, Sittingbourne
Decision – Approved
- SW/15/502632 Phased extraction of brickearth over 4 summer campaigns, storage and transportation of materials to nearby brickworks throughout the year, creation of a new vehicle access and the phased restoration of land back to agricultural use.
Orchard Farm, School Lane, Iwade, Sittingbourne
Decision - Permitted
- TM/15/1957 Application under Section 73A for retrospective authorisation for completion of restoration at Workhouse Road Quarry without fully complying with conditions (18) and (1) of permission TM/09/1414.
Workhouse Quarry, Workhouse Road, Ryarsh, West Malling
Decision - Permitted
- TW/15/500309/
R3 & 4 Written scheme of Archaeological Investigation pursuant to condition (3) and identification of tree root protection zones pursuant to condition (4) of planning permission TW/15/500309.
Conghurst Farm, Conghurst Lane, Hawkhurst
Decision - Approved

**E2 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/14/1023/RVAR Details pursuant to conditions (3) - External Materials, (6) - Construction Management Strategy and (9) - Landscaping of planning permission AS/14/1023.
Challock Primary School, Church Lane, Challock
Decision - Approved
- AS/15/903 Provision of a 2 classroom (5 bay modular unit) incorporating toilets and storerooms.
Repton Manor Primary School, Repton Avenue, Ashford
Decision - Permitted
- CA/15/580/R6 Details of the amount and location of onsite car parking, loading and off loading areas, and turning facilities for site personnel, visitors and construction vehicles pursuant to condition (6) of planning permission CA/15/580.
Hampton Primary School, Fitzgerald Avenue, Herne Bay
Decision - Approved

CA/15/1431	Renewal of the existing planning permission for the mobile unit. Blean Primary School, Whitstable Road, Blean, Canterbury Decision - Permitted
DA/14/19/R4	Details of a scheme of landscaping and tree planting pursuant to condition (4) of planning permission DA/14/19. Oakfield Primary School, Oakfield Lane, Dartford Decision - Approved
DO/14/521/R8	Details of an archaeological watching brief pursuant to condition (8) of planning permission DO/14/521. Land adjoining the Deal Leisure Centre, Tides, Park Avenue, Deal Decision – Approved
DO/15/587	Renewal of the existing temporary planning permission for 2 No. single classroom mobile units. Kingsdown & Ringwould C of E Primary School, Glen Road, Kingsdown, Deal Decision - Permitted
DO/15/648	Retention of existing mobile classroom unit. Lydden Primary School, Stonehall Road, Lydden, Dover Decision - Permitted
DO/15/683	Demolition of existing pottery building and stores. Provision of new mobile building and relocation of existing mobile to a new location within the site boundary. Portal House School, Sea Street, St Margarets-at-Cliffe, Dover Decision - Permitted
DO/15/713	Proposed single storey, part glazed extension to rear of existing building to provide replacement staff room and associated works. White Cliffs Primary College for the Arts, St Radigunds Road, Dover Decision - Permitted
GR/15/515	Demolition of the existing swimming pool and construction of a new modular building. The proposed building will consist of a small hall studio, Design Technology Special Educational Needs (SEN) space, toilets and storage. Shears Green Junior School, White Avenue, Northfleet Decision - Permitted
MA/15/504490	Proposed external fire escape staircase. Sessions House, County Hall, Maidstone Decision - Permitted
MA/15/504969	Temporary installation of a mobile classroom block. Five Acre Wood School, Boughton Lane, Maidstone Decision - Permitted
MA/15/504973	Replacement of existing non compliant DDA ramp and conversion of an existing outside store to a small group room. St Michaels C of E Infants School, Douglas Road, Maidstone Decision - Permitted

SE/14/13/R	<p>Application for a Non-Material Amendment to lift the level of the building footprint. This means the building itself would not be extended but the overall height would be raised by 30cm; to leave the existing car park as is, and marry the two new car parks either side to this level; the surrounding paths and roadways will then be adjusted to suit the car parks and buildings.</p> <p>Knole (east) Academy, Seal Hollow Road, Sevenoaks</p> <p>Decision – Approved</p>
SE/14/3963/R	<p>Non material amendment to conditions 2 and 3 of planning permission SE/14/3963 for reduction in roof overhang to roof of reading bay and alteration of roof and wall abutment and to omit sheet metal roof to shallow pitch roof and substitute single ply polymer roof, colour mid grey.</p> <p>St Lawrence Church of England Primary School, Church Road, Stone Street</p> <p>Decision – Approved</p>
SE/14/3963/R4	<p>Submission of mitigation strategy details pursuant to condition 4 of planning permission SE/14/3963.</p> <p>St Lawrence Church of England Primary School, Church Road, Stone Street</p> <p>Decision – Approved</p>
SH/14/694/R10, 12 & 13	<p>Details pursuant to condition 10, (ecological mitigation strategy) 12, (management plan for areas of ecological enhancement) and 13 (external lighting) of planning permission SH/14/694.</p> <p>St Mary’s Playing Field, Warren Way, Folkestone</p> <p>Decision – Approved</p>
SH/14/694/R15	<p>Details pursuant to condition 15 (surface water drainage) of planning permission SH/14/694.</p> <p>St Mary’s Playing Field, Warren Way, Folkestone</p> <p>Decision – Approved</p>
SH/14/694/R17	<p>Details pursuant to condition 17 (archaeology) of planning permission SH/14/694.</p> <p>St Mary’s Playing Field, Warren Way, Folkestone</p> <p>Decision – Approved</p>
SH/14/694/RVAR	<p>Details pursuant to conditions 3 (external materials), 6 (tree removals, method statement for working in close proximity to trees and hedges, root protection zones and protective fencing), 8 (fencing), 10 (ecological mitigation strategy), 12 (management plan for areas of ecological enhancement), 13 (external lighting), 15 (surface water drainage), 19 & 20 (access visibility splays), 22 (cycle parking) and 25 (construction management strategy) of planning permission SH/14/694.</p> <p>St Mary’s Playing Field, Warren Way, Folkestone</p> <p>Decision – Approved</p>
SH/15/619	<p>Installation of a fire exit door from the hall to the Black Bull Road elevation of the school and associated works.</p> <p>Mundella Primary School, Black Bull Road, Folkestone</p> <p>Decision – Permitted</p>

SW/14/501481/R3	<p>Details of external materials pursuant to condition (3) of planning permission SW/14/501481. Bredgar C of E Primary School, Bexon Lane, Sittingbourne Decision - Approved</p>
SW/15/503528	<p>Replace section of existing 1200mm high timber palisade fencing with 1800mm high timber palisade fencing to Reception class external play area. Hartlip Endowed Primary School, The Street, Hartlip, Sittingbourne Decision - Permitted</p>
SW/15/504976	<p>Refurbishment of the pitched roof coverings to the main school building and associated works. Rodmersham Primary School, Rodmersham Green, Rodmersham Decision – Permitted</p>
TH/14/475/ R12 & R26	<p>Details pursuant to condition (12) – Drainage and condition (26) – Lighting of planning permission TH/14/475. Land at Ozengell Place, Ramsgate Decision - Approved</p>
TH/15/523	<p>Application to vary conditions (2) and (3) of planning permission TH/14/475 to amend the material choice for the school building. Land at Ozengell Place, Ramsgate Decision - Permitted</p>
TH/15/557	<p>Provision of a 4 classroom (15 bay modular unit) incorporating toilets and store rooms to directly replace existing 3 number buildings that are beyond economical repair. St Nicholas at Wade C of E Primary School, Down Barton Road, St Nicholas at Wade, Birchington Decision - Permitted</p>
TM/14/1929/R10	<p>Details of Soft Landscape Scheme pursuant to condition (10) of planning permission TM/14/1929. Land at Gibson Drive, 30 Gibson Drive, Kings Hill, West Malling Decision - Approved</p>
TM/14/2020/R	<p>Non-Material Amendment to planning permission TM/14/2020, relating to minor changes to the site boundary, site layout, elevations and wall height. Land at Holborough Lakes, Polyfield Close, Snodland Decision - Approved</p>
TM/14/2020/R4	<p>Details of a scheme of landscaping and tree planting pursuant to condition 4 of planning permission TM/14/2020 Land at Holborough Lakes, Polyfield Close, Snodland Decision - Approved</p>
TM/15/121/RVAR	<p>Details pursuant to conditions 12 (a scheme of landscaping and hedgerow planting), 16 (a mitigation and management plan relating to hedgerows), 17 (surface water drainage scheme) and 20 (construction management strategy) of planning permission TM/15/121. Land of Lower Haysden Lane, Tonbridge Decision – Approved</p>

- TM/15/2026 Provision of 2 no. canopies to the Early Years play areas. Demolition of playground storage facility (former shed), re-instatement with tar paving to hard standing laid to adjacent levels and incorporating tree pits.
Sussex Road Primary School, Sussex Road, Tonbridge
Decision - Permitted
- TM/15/2096 New perimeter fence and gates to front aspect of school. Height raised from 1.2m to 1.5m. Chain link fencing removed and replaced with meshweld fence (Protek 1000 or similar). New vehicle entry gates and new pedestrian safety railings. Hedge and shrub bed removed and area tarmaced over to match adjacent footway and an extra pedestrian access to school adjacent to vehicle gates.
Stocks Green Primary School, Leigh Road, Hildenborough, Tonbridge
Decision - Permitted
- TW/14/504142/R4 Details of improved visibility splays pursuant to condition (4) of planning permission TW/14/504142.
Broomhill Bank School, Broomhill Road, Tunbridge Wells
Decision - Approved
- TW/14/504142/R5 Details of School Travel Plan pursuant to condition (5) of planning permission TW/14/504142.
Broomhill Bank School, Broomhill Road, Tunbridge Wells
Decision - Approved
- TW/15/504150 Single storey extension to the fire escape lobby area and new tarmac path leading to the existing car park.
Tunbridge Wells Library, Mount Pleasant Road, Tunbridge Wells
Decision - Permitted
- TW/15/504486 Renewal of planning consent for the retention of four mobile classrooms.
Tunbridge Wells Grammar School for Boys, St Johns Road, Tunbridge Wells
Decision - Permitted

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *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/SE/0249/2015 - Section 73 application to vary six planning conditions from planning permission reference SE/14/13 (conditions 23, 27, 28, 29, 30 and 31) to enable the development to be built and completed in two phases.
Knole east Academy (site), Seal Hollow Road, Sevenoaks
- KCC/SE/0265/2015 - Permanent planning permission for the existing 2 classroom modular building at Otford Primary School, High Street, Otford, Sevenoaks
- KCC/SCR/SW/0243/2015 - Request for a Screening Opinion as to whether the proposed establishment of a secondary aggregate recycling facility and the reworking of existing aggregate deposits requires an Environmental Impact Assessment (EIA).
Rushenden Marshes Disposal Site, Rushenden Marshes, Rushenden, Isle of Sheppey
- KCC/TM/0141/2015 - A section 73 application to revise the existing working, landscaping and restoration scheme pursuant to condition (19) of planning application TM/98/1815.
Nepicar Sand Quarry, Maidstone Road, Wrotham Heath
- KCC/SCR/TW/0235/2015 - Request for a screening opinion to determine whether the proposed upgrades to the wastewater treatment works requires an Environmental Impact Assessment.
Underhill Wastewater Treatment Works, Bedgebury Road, Goudhurst
- (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

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – 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) Regulations 2011.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None