

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 9th December, 2015**

**10.00 am**

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





## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 9th December, 2015, at 10.00 am**  
**Council Chamber, Sessions House, County Hall, Maidstone**

Ask for: **Andrew Tait**  
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 - 18 November 2015 (Pages 5 - 10)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

1. General Matters

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

1. Application AS/15/206 (KCC/AS/0040/2015) - Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of existing weighbridge and access on Hook Lane together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry/Burleigh Farm, Hook Lane, Charing, Ashford; Brett Aggregates Ltd, Mr T R Hills, Mrs P J Hills and Mr S R Hills (Pages 11 - 94)

2. Application TW/15/508499 (KCC/TW/0341/2015) -Section 73 application to vary Condition 3 of Permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden; Friday's Ltd and Rika Biofuels (Pages 95 - 106)

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal TH/15/845 (KCC/TH/0271/2015) - New building to accommodate six new classrooms, a new playground and additional car parking at Birchington Primary School, Park Lane, Birchington; KCC Property and Infrastructure Support (Pages 107 - 130)

#### **E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 131 - 134)
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 December 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 sections C and D, 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, 18 November 2015.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mr R H Bird (Substitute for Mr I S Chittenden), Mr L Burgess, Mr N J D Chard, Mr T Gates, Mr P M Harman, 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

**61. Minutes - 21 October 2015**  
*(Item A3)*

RESOLVED that subject to the clarification in Minute 57 (1) that Mr Baldock is a Member of Swale Borough Council, the Minutes of the meeting held on 21 October 2015 are correctly recorded and that they be signed by the Chairman.

**62. Site Meetings and Other Meetings**  
*(Item A4)*

The Committee noted that the training session on Design Matters and the implications of the recent Kelton vs Wiltshire Council judgement was to be held following the Committee meeting.

**63. A review of delegated powers to Head of Planning Applications Group to reflect Government expectation for timely planning decisions to deliver sustainable development**  
*(Item B1)*

(1) The Head of Planning Applications Group presented a review of the powers delegated to her by the Committee in the light of the Government's expectation for timely planning decisions to deliver sustainable development.

(2) In agreeing the proposed delegation arrangements, the Committee made three amendments. These were a clarification in section 4 that a decision would be taken by the Committee on any matter referred by the Local Member with the agreement of the Committee Chairman; the substitution of "group" for "party" in section 5; and clarification that all decisions to refuse applications given in section 5 would be reported to the Committee, including the reason that (exceptionally) it had

been impractical to consult the Chairman, Vice-Chairman and Lead Spokesperson for each political group.

(3) RESOLVED that approval be given to the revised officer delegations set out in Appendix 2 of the report as amended and appended to these Minutes.

**64. Proposal GR/15/20150893 (KCC/GR/0287/2015) - New building to accommodate 8 classrooms, new studio hall, staff room, ICT suite, group room, plant room and associated storage and WC facilities, a new hard play area with access ramps and steps and new car park at Singlewell Primary School, Mackenzie Way, Gravesend; KCC Property and Infrastructure**  
*(Item D1)*

(1) The Committee amended the proposed conditions by requiring ongoing monitoring and review of the updated Travel Plan condition on an annual basis; and the provision and permanent retention of car parking, cycle parking and circulatory routes. It also added an Informative that the applicants should explore the potential for solar panels at the site to support the environmental performance of this community development.

(2) The Committee decided to augment the updated Travel Plan condition through the inclusion of an expectation of engagement with school parents and the local community over parking behaviour and a review of the need for additional on-site parking as school rolls increased.

(3) On being put to the vote, the revised recommendations of the Head of Planning Applications Group were carried by 15 votes to 2.

(4) RESOLVED that:-

- (a) permission be granted to the proposal subject to condition, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; a scheme of landscaping, including hard surfacing, its implementation and maintenance; the submission of a Tree Protection Plan; no tree removal taking place during the bird breeding season; the submission of an updated Travel Plan prior to occupation of the site, and its ongoing monitoring and review on an annual basis thereafter. It is expected that development of the updated Travel Plan will take place through engagement with school parents and the local community and that it will include (amongst other matters) measures to promote safer and more considerate parking by parents associated with the school and a review of the need for additional on-site parking as school rolls increase; the provision and permanent retention of car parking, cycle parking and circulatory routes; measures to address any land contamination; the implementation of archaeological field evaluation works and any subsequent safeguarding measures; hours of working during construction being restricted to between 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management strategy, including access, lorry routing, parking and circulation within the site for contractor's vehicles and other

vehicles related to construction and development vehicles; and measures to prevent mud and debris being taken onto the public highway; and

- (b) the applicants be advised by Informative that:-
  - (i) they should register the School travel Plan with Kent County Council through the “Jambusters” website;
  - (ii) their attention is drawn to the letter from KCC Highways and Transportation in which it is noted that it is their responsibility to ensure that all necessary highway approvals and consents are obtained;
  - (iii) their attention is drawn to the letter from the Environment Agency in which advice and guidance is provided with regard to surface water drainage; and
  - (iv) they should explore the potential for solar panels at this site to support the environmental performance of this community development.

**65. 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 (Environmental Impact Assessment) Regulations 2011; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

**This page is intentionally left blank**



**DELEGATED POWERS TO HEAD OF PLANNING APPLICATIONS  
AS AGREED BY PLANNING APPLICATIONS COMMITTEE 18th NOVEMBER 2015**

<b>Decisions to be taken by the Planning Applications Committee</b>
1. The determination of any application not delegated to officers as set out below or which relate to land or buildings managed by the Director of Environment Planning and Enforcement or to which there are material planning objections - except where representations are received that could otherwise be considered material planning objections but in the opinion of the Head of Planning Applications are not relevant in a particular case.
2. Any actions which might give rise to liability to pay compensation.
3. Responses to Government advice or consultations of particular relevance to the operation of the Development Management service by the Planning Applications Committee.
4. Any matter referred to the Committee by officers or by the local member with the agreement of the request of the Committee Chairman.

<b>Decisions normally to be taken by Head of Planning Applications Group</b>
1. To determine any application (including details submitted under condition and non-material amendments) for which there has been no relevant planning objection raised by consultees or as a result of publicity, or where representations are received that could otherwise be considered material planning objections but in the opinion of the Head of Planning Applications are not relevant in a particular case.
2. To determine an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD)
3. To determine a screening* or scoping opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) or any subsequent order amending, revoking and re-enacting these regulations.
<i>*Local Planning Authorities are required under the Regulations to adopt a Screening Opinion within 3 weeks of receipt of the request, unless a longer period is agreed in writing, for example, if additional information is required.</i>
4. To determine an Appropriate Assessment application pursuant to The Conservation of Habitats and Species Regulations 2010 (as amended) or any subsequent order amending, revoking and re-enacting these regulations, where Natural England has advised the County Council that it is satisfied that the proposal will not affect the conservation objectives of the designated site or that the mitigation measures proposed are acceptable.

5. To refuse applications and to not approve details submitted under conditions where such submissions meet any of the following criteria:

- The proposal does not accord with the Development Plan and there are no overriding material reasons for granting permission or approving the details;
- Insufficient detail or information has been submitted to:
  - (i) enable proper consideration of an application for planning permission; or
  - (ii) satisfy the terms of a condition or conditions, in the case of an application to discharge a condition or conditions; or
  - (iii) enable technical issues raised by consultees to be resolved, either to determine an application for permission or to discharge a condition or conditions;
- The applicant has not agreed a reasonable extension of time to otherwise allow, within the required timescale:
  - (i) proper consideration of any further information submitted; or
  - (ii) completion of a legal agreement; or
  - (iii) resolution of any other outstanding matters;
- The applicant has failed to complete a legal agreement upon which a resolution by the Planning Applications Committee to grant planning permission is dependent within 6 months of such a resolution being made;
- The application is retrospective and is aimed at rectifying a breach of planning control against which Enforcement proceedings including Court prosecutions have already been instigated;
- The application is a repeat application within 12 months of a previous refusal or withdrawal and does not address the grounds of refusal or concerns raised by the earlier proposal.

Such decisions in relation to 5 above will only be issued following consultation with the Chairman, Vice Chairman and Lead Spokesperson for each political group prior to a decision being taken unless reasons of urgency make this impracticable. The consultation period shall usually be 2 working days.

Any decision taken in respect of 5 above is to be reported to the Committee, including the reason that (exceptionally) it had been impractical to consult the Chairman, Vice-Chairman and Lead Spokesperson for each political group.

SECTION C  
MINERALS AND WASTE MANAGEMENT

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

Item C1

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206 (KCC/AS/0040/2015)

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

Application by Brett Aggregates Ltd, Mr T.R. Hills, Mrs P.J. Hills and Mr S.R. Hills (Burleigh Farm) for extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206 (KCC/AS/0040/2015).

Recommendation: Permission be granted subject to conditions and legal agreement.

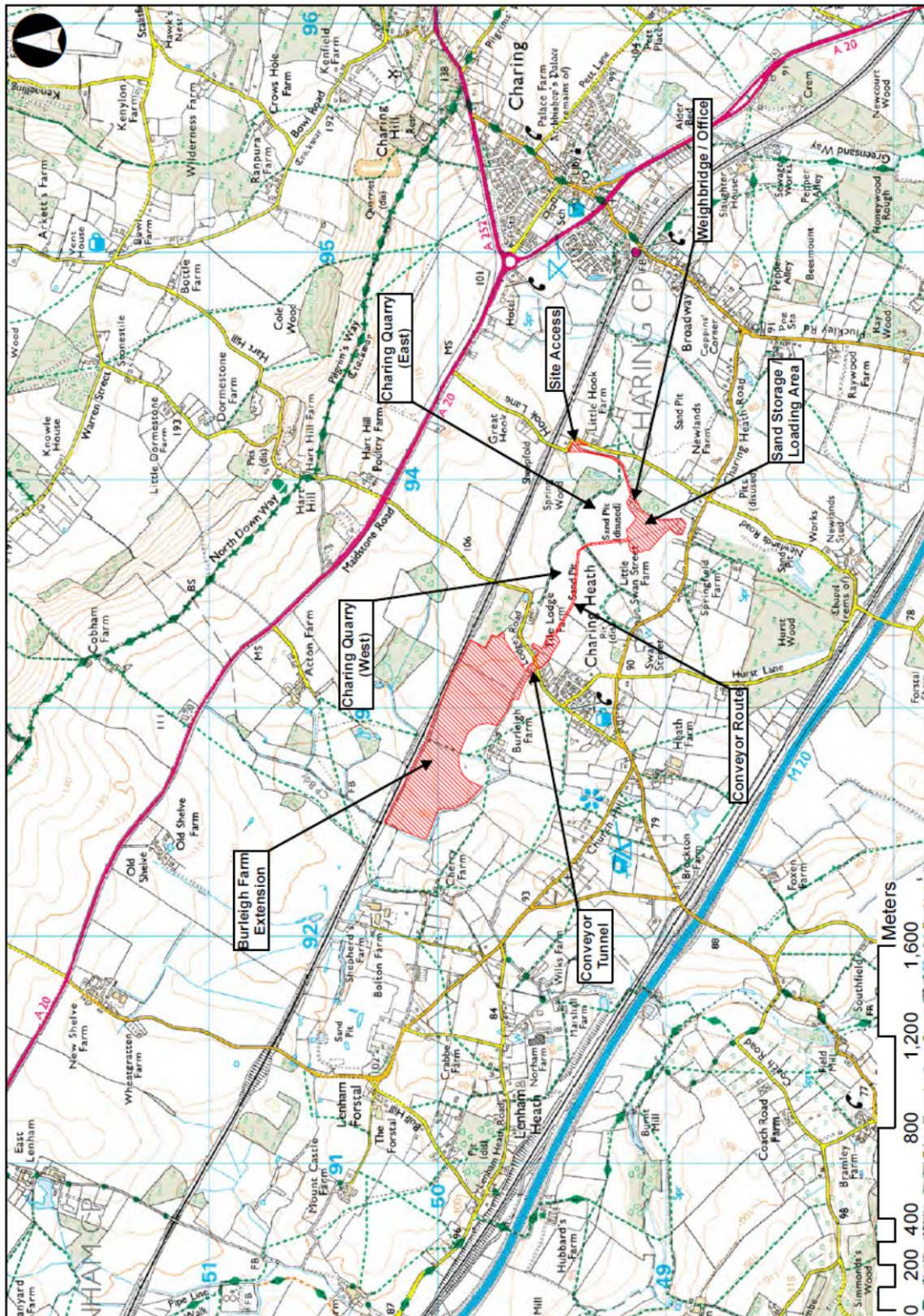
Local Member: Mr C Simkins

Unrestricted

Site description and background

1. Charing Quarry lies in Charing Heath approximately 1 kilometre (km) to the west of Charing and 1km to the south of the A20 Maidstone Road. Access to the quarry is via Hook Lane. The application site comprises about 21 hectares (ha) of arable land to the north west of Charing Heath (where sand extraction and processing would take place) and 4ha of land both within Charing Quarry (where plant, weighbridge, office and haul road would be located) and between the two areas (where a conveyor would connect the two sites under Tile Lodge Road). The Maidstone / Ashford mainline railway lies on an embankment immediately to the north of the proposed extraction area. Burleigh Farm is served by an access road which runs westward from Tile Lodge Road. This access road is within the application site at its eastern end and forms the southern boundary of the proposed extraction area nearer the farm complex. The proposed extraction area gently undulates in a general east to west direction with an overall change in levels of about 15m. Levels are about 102m above ordnance datum (AOD) in the north east and 87m AOD in the south west. The majority of the surrounding land is undulating and in arable use with woodland blocks. The southern boundary of the proposed extraction area is marked by a belt of mature trees. Charing Quarry itself is largely surrounded by mature trees and woodland.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

2. There are a number of residential properties on Tile Lodge Road between Charing Quarry and Burleigh Farm (including Tile Lodge Cottages, Tile Lodge Bungalow, Tile Lodge Farm and Warren Houses). Burleigh Farm House lies to the south of the proposed extraction area. Other residential properties surround Charing Quarry or lie on Hook Lane between the quarry entrance and the A20. The majority of Charing Heath lies to the south of Charing Quarry and Burleigh Farm. No houses lie within 100m of the proposed extraction area. Burleigh Farm House is Grade II listed but the associated barns (a mixture of old and new style buildings between the farmhouse and proposed extraction area) are not listed. The ruins of a building believed to have been a chapel lie between the farm complex and the proposed extraction area and are also Grade II listed. Church Hill Cottage Historic Park and Garden lies just to the north of Church Hill approximately 500m to the south of the proposed extension area.
3. There are a number of public rights of way either in or immediately adjoining the application site. Footpath AW12A crosses the proposed extraction area (south / north) between Burleigh Farm and a tunnel under the railway line and links Charing Heath with the A20 near Acton Farm. The tunnel also accommodates a farm track which links Burleigh Farm with farmland to the north and an ephemeral stream which runs north / south alongside the track to the west of the farm complex. Footpath AW35 runs east / west along the northern boundary of Charing Quarry from Hook Lane to Tile Lodge Road, crossing the site access road in doing so. Footpath AW34 crosses Charing Quarry (northwest / southeast) from Footpath AW35 to Footpath AW33 and Charing Heath Road (to the south), via the retained spine between the eastern and western parts of Charing Quarry and temporary bridge which accommodates the footpath and a stream (which is partially in a pipe).
4. That part of the proposed extraction area to the east of Footpath AW12A, farm track and ephemeral stream lies within an area of search for future building sand extraction in the Kent Minerals Local Plan Construction Aggregates (December 1993). Charing Quarry is identified as both within the area of search and as an existing sand and gravel working in the same Plan. The proposed extraction area is identified as a Preferred Option for future soft sand working in the Kent Mineral Sites Plan Preferred Options Consultation (May 2012) although the conveyor link between this and Charing Quarry is in a slightly different location. None of the application site or Charing Quarry is identified for any specific purpose in the Ashford Borough Local Plan. Part of Charing Quarry is identified as a Regionally Important Geological and Geomorphological Site (RIGS) for its geological interest. The Kent Downs Area of Outstanding Natural Beauty (AONB) lies to the north of the A20 and Hurst Wood Local Wildlife Site (LWS) lies to the south of Charing Quarry and Charing Heath Road. There are a number of blocks of ancient woodland in the area although none are directly affected (e.g. Spring Wood immediately to the north of Charing Quarry and Burleigh Wood, Charing Heath Wood and Great Pringle Wood to the north of the railway line). The eastern part of the proposed extraction area and Charing Quarry lie within a Groundwater Source Protection Area (Outer Zone 2) and the western part of the proposed extraction area within the Total Catchment (Zone 3). Land immediately adjacent to the streams passing through the proposed extraction area and Charing Quarry are identified as being at some risk from surface water flooding by the

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

Environment Agency. The majority (19ha) of the proposed extraction area is Grade 2 or 3a agricultural land (i.e. best and most versatile), with the 21ha site representing about 4% of the entire Burleigh Farm landholding.

5. The application site lies within the Wealden Greensand National Character Area and, with the exception of the northern section of the existing access road into Charing Quarry, within the Hothfield Heathy Farmlands Character Area defined in the Landscape Assessment of Kent (October 2004) and Charing Heath Farmlands Character Area defined in the Ashford Landscape Character Supplementary Planning Document (2011). The Hothfield Heathy Farmland Character Area extends beyond the M20 to the south and the Charing Heath Farmlands Character Area includes the M20. The northern section of the existing site access road, land between Charing Quarry and the railway line and land between the railway line and the A20 are within the Hollingbourne Vale East Character Area defined in the Landscape Assessment of Kent and Charing Farmlands Character Area defined in the Ashford Landscape Character Supplementary Planning Document. Land to the north of the A20 (within the Kent Downs AONB) is within the Hollingbourne Vale Character Area defined in the Landscape Assessment of Kent. The Hothfield Heathy Farmlands and Hollingbourne Vale East Character Areas extend westwards into Maidstone Borough. The former lies immediately to the west of the proposed extraction area (south of the railway line) and is referred to as the Lenham Heathy Farmlands Character Area and the latter (north of the railway line) as the East Lenham Vale Character Area.

#### Planning History and Background

6. There is a long history of mineral extraction at Charing Quarry and of applications for mineral working at Burleigh Farm. Extraction was first permitted at Charing Quarry in the late 1940's and further permissions granted in subsequent years for deeper working and extensions to the east and west of Footpath AW34 and the stream. The key permissions that are still relied upon are:
  - AS/83/290 for sand extraction and restoration in part of the eastern quarry (dated 17 April 1985);
  - AS/90/1702 for extraction of part of the eastern quarry and the main access onto Hook Lane (dated 14 October 1991);
  - AS/96/933 for extraction and restoration of most of the western quarry (dated 7 October 1997);
  - AS/00/742 for extraction of the final part of the western quarry and revised restoration for both the western and eastern quarries (dated 3 July 2001);
  - AS/02/1297 for revised in / out access arrangements to the quarry from Hook Lane (dated 27 March 2003); and
  - AS/10/1352 which amended AS/96/933 by providing additional time for extraction and restoration (dated 17 December 2010).

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

7. Whilst not all of the above permissions have specific end dates, AS/10/1352 requires extraction to be completed by the end of 2015 and restoration to be completed by the end of 2017. Given the relationship between the various permissions and approved details, this would effectively provide an end to all quarrying and related activities at Charing Quarry at the end of 2017 with the exception of the required 5-year aftercare period which would continue until 2022.
8. Four previous planning applications have been submitted for sand extraction at Burleigh Farm. The relevant applications were:
  - AS/81/1044 which was refused (7 August 1981);
  - AS/84/1389 which was refused (26 February 1985) and the appeal dismissed (1 April 1986);
  - AS/89/1255 which was withdrawn (2 July 1990); and
  - AS/00/1096 which was refused (25 September 2001) and the appeal dismissed (15 January 2003).
9. The first two applications were refused due to there being an insufficient case of need, given the overall permitted reserves that existed at the time, and because the proposals would adversely affect landscape, nature conservation, environmental and local amenity interests and would not conserve productive or potentially productive agricultural land. The third application was withdrawn in the light of an officer recommendation to the Planning Sub-Committee for a refusal on similar grounds. In each of these cases need was a primary determining factor. It should be noted that planning policy regarding need has since changed and the consideration of need is now only a determining factor where there is material harm. The fourth application was dismissed as the benefits associated with the development did not outweigh the harm to the local landscape and the setting of the settlement, as there was no need for the development in landbank terms and as there were no overriding material considerations to justify permitting the development which was clearly in conflict with the development plan. It is important to note that the application areas in each case were not identical to that now proposed in that they included the field to the south of the access road to Burleigh Farm, excluded the land to the west of Footpath AW12A, farm track and stream and access was proposed via the railway tunnel and fields to the north of the railway line to Tile Lodge Road and the A20 rather than through Charing Quarry.
10. As noted in paragraph 4 above, parts of Charing Quarry and the application site have been identified as being within an Area of Search for future mineral working since at least 1993. The proposed extraction area was promoted by both the current applicants and Lafarge Aggregates Ltd for inclusion in the Kent Mineral Sites Plan. With the exception of the precise route of the conveyor link (noted above), that proposed is the same as that included as a Preferred Option (Site 77) in the Kent Mineral Sites Plan Preferred Options Consultation (May 2012). An alternative (Site 69) which promoted the same extraction area but with the access refused / dismissed as part of AS/00/1096 was not allocated in the same document.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

11. Brett Aggregates Ltd sought pre-application advice from the County Council's Planning Applications Group on proposals for mineral extraction at Burleigh Farm / Charing Quarry in March 2014. It also submitted a Screening and Scoping request to establish whether Environmental Impact Assessment (EIA) was required and, if so, the necessary scope of the EIA. Written advice was provided on the proposals in April 2014 and a formal Screening and Scoping Opinion issued in May 2014 indicating that EIA was required and setting out those matters that should be addressed in within it. The Company gave a short presentation on its proposals to Charing Parish Council on 10 June 2014 and held a public exhibition at Charing Heath and Lenham Heath Memorial Hall between 11:00 and 20:00 hours on 15 July 2014. It is understood that at least 50 people attended the exhibition and that many provided comments on the proposals, including on two restoration concepts presented (i.e. agriculture and nature conservation).

#### The Proposal

12. The application was submitted in February 2015. It was accompanied by an environmental statement and supported by a number of technical and other reports. As a result of responses to the initial consultation / notification exercise and my own consideration of the application, I sought responses to a number of issues from the applicants in June 2015. Further information was submitted by the applicants in September 2015 and the application was amended. The main amendment was that the sand storage / loading area was relocated from the western end of the western part of Charing Quarry (Charing Quarry (West)) to near the existing weighbridge / office in the eastern part of Charing Quarry (Charing Quarry (East)), resulting in the proposed conveyor link being extended to the new location in Charing Quarry (West). The box culvert between Tile Lodge Cottages and Warren Houses was also extended to the end of the rear gardens (i.e. by about 17m) and an agricultural field access to Charing Quarry (West) was included from Tile Lodge Road (adjacent to the proposed residents' car park) to allow access for maintenance to the western part of the existing quarry once restoration is completed and the two parts of the quarry separated. The details set out in the following paragraphs reflect the application as amended in September 2015.
13. The application proposes the extraction of approximately 2.22 million tonnes (Mt) of soft sand from land at Burleigh Farm (about 2.06Mt of saleable sand). Output is expected to be between 150,000 and 300,000 tonnes per annum (tpa) such that the site would be worked and restored in 8 to 15 years. The applicants propose that extraction would commence in 2017/18 once site preparation works are completed. When the application was submitted in February 2015, the applicants stated that extraction at Charing Quarry was expected to be completed in early 2015 and that Brett Aggregates Ltd would then switch production to Lenham Quarry (Shepherds Farm) where permitted reserves are expected to be exhausted at the end of 2017, thereby allowing local markets to continue to be served. Production has since resumed at Lenham Quarry. The application also proposes formal amendments to four existing planning permissions at Charing Quarry (AS/83/290, AS/90/1702, AS/00/742 and AS/10/1352) to allow those areas to be restored and managed



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

differently than is currently permitted / approved and provide additional time to facilitate this. No specific amendments are required in respect of planning permissions AS/96/933 and AS/02/1297.

14. The application proposes that the Burleigh Farm site be worked progressively and restored principally to nature conservation uses using overburden and soils generated through sand extraction (no importation is proposed). Sand would be processed at the quarry face using a mobile screen and transferred to the existing Charing Quarry by conveyor along the side of the access road to Burleigh Farm, under Tile Lodge Road and through Charing Quarry (West) into Charing Quarry (East) where it would be stockpiled / stored and loaded into heavy goods vehicles (HGVs). HGVs would continue to use the existing weighbridge and leave the site via the current access onto Hook Lane. The overall restoration concept is to restore both Charing Quarry and the Burleigh Farm extension to nature conservation focussing on the creation of acid grassland and habitat for sand martins and invertebrates with increased public access in Charing Quarry and the permanent restoration of the RIGS (the geological interest) in the Burleigh Farm extension. The existing weighbridge, weighbridge office (12.2m x 4.5m x 2.7m high constructed of pre-formed steel cladding on a steel frame) and site office (9.2m x 2.5m x 2.3m high of similar construction) located adjacent to the internal access road within the western part of Charing Quarry would be retained for the duration of the proposed development.
15. Initial site set-up: Initial works would involve the installation of a field conveyor system to take sand from the extension into the existing quarry. This would run parallel and to the south of the railway line for approximately 500m in a south easterly direction, turn south west across the extension area along a partial tree line for about 250m, cross under the Burleigh Farm access track, turn south east towards Tile Lodge Road and Charing Quarry to the south of and alongside the access track, under Tile Lodge Road, between No.8 Tile Lodge Cottages and No.8 Warren Houses and into Charing Quarry. The sections under Burleigh Farm access track and Tile Lodge Road would be in pre-cast concrete boxed culverts (3.6m wide and 2.6m high), with the latter being about 80m long. Where not in boxed culverts, all conveyors will be covered and countersunk approximately 1.5m below existing ground levels to reduce visual, noise and dust impacts. The field conveyor would pass under Footpath AW12A between the proposed extraction area and the railway line. This would necessitate the temporary diversion of the footpath onto the adjoining field whilst a footbridge is installed at existing ground level. A new access track would be installed parallel to the field conveyor to provide access to the land / phases to the west with kissing gates either side of the new track to enable it to be safely crossed by pedestrians. The ephemeral stream would be piped under the new access track and over the conveyor in the bridge. The applicants estimate that the works required to implement the conveyor tunnel would take between 6 and 8 weeks.
16. Construction of the box culverts would require the opening up of the Burleigh Farm access track and Tile Lodge Road and removal sections of hedgerow on either side. It would also require sheet piling. Once the culverts are in place, the roads and hedgerows would be reinstated and not disturbed again as the box culverts would be

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

left in situ following completion of extraction. Construction of the conveyor system and box culverts would require deliveries on large vehicles for a short period during the initial construction. Other large vehicle deliveries would also occasionally be required for maintenance during the operational phase. As it would be desirable for Tile Lodge Road be free of parked cars in the vicinity of the Burleigh Farm access, it is proposed to provide new parking spaces for Tile Lodge Cottage residents to the rear of these properties. The parking would remain in place to allow for any subsequent maintenance of the conveyor system and provide a permanent improvement to the safety of the road for all road users of Tile Lodge Road (something identified as beneficial during stakeholder engagement). The applicants state that the car park would initially remain in their control although it is intended that a management company would be set up such that those residents who wish to do so can take control of its operation and maintenance.

17. A new sand storage / loading area would be established just to the west of the existing weighbridge / office in Charing Quarry (East) to receive the sand from the Burleigh Farm extension and provide for storage and loading of HGVs. The existing unrestored landform in that part of the site would be excavated to provide a development platform (about 13,000m<sup>2</sup>) for the sand storage / loading area at 72m AOD (about 8m below the existing excavated levels present at the restored wooded edge of the quarry and 18m below Hook Lane). The area would be bounded by 3m high temporary bunds (which would be seeded and mown for the duration of the development) and adjoining higher land within the quarry. The sand storage / loading area would contain a radial conveyor to receive sand from the incoming conveyor and distribute it across a stockpile (up to 15.1m high) or into sand storage bunkers. The bunkers (20.3m x 6m x 15.7m high constructed with steel frame and plastisol steel cladding) would enable HGVs to be loaded automatically from above. Covered sand storage bays (21.8m x 13.7m x 6.3m high constructed with 3m concrete walls and curved steel tubing with a polythene cover above) would also be provided to allow for dry sand to be available should this be needed. The existing processing plant in the south east corner of Charing Quarry (East) would be removed and the area used to store soils required for final restoration. The stored soils would be graded and grass seeded.
18. Extraction and phasing: The eastern part of Charing Quarry is worked out but not fully restored because it contains the access, plant site and weighbridge which are still used for working the western part of the quarry. The existing plant site comprises a substantial processing plant which is no longer considered to be the most efficient way to process the sand. It is therefore proposed to use a simple mobile dry screening plant at the extraction face at Burleigh Farm and transport screened sands by conveyor to the new sand storage / loading area at Charing Quarry. This would also allow screened-out residual sands to be retained and used for restoration where they are produced. The existing weighbridge and access onto Hook Lane (which has been significantly improved during the life of the Charing Quarry) would be retained and used. The existing processing plant would be removed and it is proposed that the area be used for the temporary storage of soils required for the final restoration of Charing Quarry. The storage bund would be grass seeded and managed until the soils are required.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

19. The Burleigh Farm site would be worked in 7 phases (west to east) with each providing between 1 and 2 years production depending on demand. The actual extraction boundaries within the proposed extraction area would be at least 10m from the railway boundary (30m adjacent to the badger setts), 8m either side of the stream, 6m from an area of Pine Wood and 4m from the hedgerow along the Burleigh Farm access road. Slope gradients would be 1 vertical to 2 horizontal (1v:2h) apart from alongside the railway line where they would be 1v:2.5h. Restoration would be undertaken progressively. Topsoil and subsoil / overburden would be removed and stored separately using a 30 tonne (t) tracked excavator, four 30t dump trucks and a tracked bulldozer. This machinery would complete each phase of stripping and associated operations in 8 weeks and also be used where restoration was taking place simultaneously with operations coordinated. Once topsoil and subsoil / overburden has been removed, sand would be extracted using excavators and transported within the phase to the processing plant by dump truck where it would be screened. The processed material would be placed into a hopper and transported by conveyor to Charing Quarry. The applicants estimate that between 6 and 7% of extracted sand would be screened out and used in restoration. As extraction proceeds, the conveyor would be shortened and the sand screen, hopper and mobile plant move from phase to phase. A track would be established to the south of and alongside the conveyor to allow personnel access to the working area and enable any necessary maintenance. A staff welfare unit (3.6m x 2.3m x 2.1m high comprising pre-formed steel cladding on a steel frame) would also be located within the Burleigh Farm extension area and moved as extraction progresses.
20. Phases 1 and 2 lie to the west of Footpath AW12A, the ephemeral stream and farm track, with phases 3 to 7 to the east. Topsoil, subsoil and overburden from Phases 1 and 2 would be stored within those phases and used for their restoration. Topsoil from Phase 3 would be stored in a mound at the eastern end of the proposed extraction area to provide noise and visual attenuation for those living at Tile Lodge Cottages, Tile Lodge Bungalow and Tile Lodge Farm for the duration of working in Phases 3 to 7 and then used to restore Phase 7. Topsoil from Phases 4 to 7 would be used in the restoration of earlier phases. Subsoil and overburden from Phases 3 to 7 would be stored pending use in restoration of those phases within the working area. A permanent bund would be retained between phases 2 and 3 to allow Footpath AW12A, the ephemeral stream and the farm track to be retained on their current alignment. The watercourse would be piped where crossed by the conveyor and access track. A bridge would be provided for Footpath AW12A to cross the conveyor and kissing gates provided on either side of the track. A short length and short term diversion would be required to facilitate these works. The applicants state that the track would only be used for initial set up of phases 1 and 2, daily access by personnel and for maintenance.
21. Operations and controls: It is proposed that all soil handling be carried out in accordance with the DEFRA Guidance on Good Practice and that dump trucks and a bulldozer would be used to replace soils in order to minimise compaction. Sand would be worked dry and no extraction would take place within 3m of the top of the monitored ground water level. The applicants state that the maximum depth of

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

working would be 73.3m AOD with an average depth of 76.5m AOD. The proposed hours of operation are 07:00 to 18:00 hours (Monday to Friday) and 07:00 to 13:00 hours (Saturdays) with only emergency maintenance and monitoring outside these hours and on Sundays and Bank Holidays (i.e. as the existing quarry). The applicants state that a maximum of 55 HGV loads (110 movements) would take place in any one day. The applicants also propose that dust suppression measures include limiting vehicle speed with speed humps and signs, regular mechanical sweeping of the highway and access roads, use of a wheel wash facility located at the weighbridge, spraying of roads and internal haul roads with a water bowser, seeding bare earth as quickly as possible after soil and overburden have been placed, damping down materials containing fine particulates in very dry weather, sheeting vehicles and use of covered conveyors. The application also proposes the implementation of a Conservation Plan to protect, enhance and maintain the chapel ruins and provide access and interpretation.

22. Restoration: The applicants state that restoration based on nature conservation with additional public access was preferred to that based on agriculture during the stakeholder engagement exercise. They also state that it had become apparent that the RIGS which had existed in the Charing Quarry was no longer visible and would not reappear under the permitted restoration scheme and that the continued use of parts of Charing Quarry mean that changes are required to the permitted restoration of that site. For these reasons, the applicants state that an holistic approach to restoration has been undertaken and consideration has been given to the restoration of the Burleigh Farm site, the schemes already permitted for Charing Quarry and how the proposals would fit into the surrounding environment, where possible seeking enhancement.
23. The applicants state that Charing Quarry (East) is largely restored with mature perimeter woodland and variously graded slopes and grassland in the base whilst the western part of the quarry is starker with woodland to the south of the void and side slopes which have been graded evenly with a grassland based habitat that has developed naturally on the exposed slope faces rather than seeded or planted. The permitted restoration of Charing Quarry (East) provides for wooded slopes with an agricultural ley across the base of the void whilst that for Charing Quarry (West) requires a mix of vertical unplanted sand faces with woodland planting in between together with acid grassland and wetland. A footpath would be provided down the south eastern slope across the quarry base and up the north western slope.
24. The applicants state that the following issues have been taken into account in preparing the proposed restoration schemes for Burleigh Farm and Charing Quarry:
  - Slope stability of the vertical faces in respect of land above the sides of the quarry and footpaths within the restored quarry;
  - Separating public access use from the more sensitive habitats where possible;
  - The benefits of nature conservation over agricultural use where the latter is at the base of the quarry;
  - Increasing public access to the restored areas;

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

- Use of the existing soils and overburden resources in a creative and imaginative way to soften slope profiles and provide for a non-uniform base to the void;
  - Restoration to take place as early and comprehensively as possible;
  - The value of the slopes as RIGS; and
  - The overall restoration and integration into the surrounding landscape.
25. Final restoration of Charing Quarry: The application proposes three main changes to the restoration of Charing Quarry: (i) the removal of vertical slopes in Charing Quarry (West) for safety reasons given existing footpaths at the base of the site and above the slopes and the presence of the buildings at Tile Lodge Farm; (ii) the retention of the nature conservation interest associated with the matured base of Charing Quarry (East) rather than creating an area of agricultural grass ley as permitted; and (iii) increased public access at Charing Quarry (as the land is owned by Brett Aggregates Ltd) rather than at Burleigh Farm (which is in multiple ownership). All plant and machinery would be removed when no longer required. The application proposes the retention of the access onto Hook Lane and a new access from Tile Lodge Road between Tile Lodge Cottages and Warren Houses (for landscape maintenance purposes). A series of footpath links are proposed in Charing Quarry (East and West) to provide public access to the restored site.
26. The restoration at Charing Quarry would be completed in two stages: (i) interim restoration as far as possible taking into account the need to retain the proposed sand storage / loading area, conveyor route, weighbridge / office, access onto Hook Lane and soil storage areas; and (ii) final restoration once extraction at Burleigh Farm has been completed and the built elements within Charing Quarry can be removed. Final restoration would include the infilling of the land under the temporary bridge, Footpath AW34 and the stream between Charing Quarry (East) and (West), necessitating the use of the proposed agricultural field gate from Tile Lodge Road to access Charing Quarry (West) by vehicle. To facilitate these changes and provide for the continued use of parts of Charing Quarry (East and West) whilst extraction takes place at Burleigh Farm the applicants propose to vary the requirements of conditions (ii), (vi) and (vii) of AS/83/290, conditions (2) and (4) of AS/90/1702, conditions (2), (3) and (12) of AS/00/742 and conditions (2) and (3) of AS/10/1352. The proposals would result in the previously approved restoration and aftercare arrangements being complied with except where amended by the revised interim and final restoration described in this report and the final restoration of Charing Quarry (East and West) be required once working at Burleigh Farm has been completed.
27. Interim restoration of Charing Quarry: The new plant site, haul road and existing access would remain in place whilst the Burleigh Farm extension is operational but the remainder of the areas would be planted in accordance with the proposed amended scheme and public access would be provided. When the application was submitted in February 2015, the applicants stated that planting in Charing Quarry (East) was substantially complete and that planting in Charing Quarry (West) would commence that month with all planting around the edge of quarry expected to have been completed before April. They have since advised that with the exception of the

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

planting that could only be undertaken once the proposed extraction at Burleigh Farm has been completed and the infrastructure associated with the transfer and export of sand and stockpiled restoration materials removed, all planting in Charing Quarry (East and West) would be completed by the end of 2017 (as currently required). The applicants have advised that further consideration is required as to when public access should be provided to the proposed permissive paths in Charing Quarry given the potential health and safety implications whilst plant and machinery (including the field conveyor) is still operating.

28. Final restoration of Burleigh Farm: Footpath AW12A and the intermittent watercourse would remain in situ at their existing levels throughout extraction and restoration by retaining a bund of sand between Phases 2 and 3. This would effectively divide the final void into two bowls. The footpath would be fenced off from the rest of the site. The relative lack of public access to the void would allow undisturbed nature conservation uses and the provision of some unstable restoration slopes not possible in the more accessible Charing Quarry. The base of the bowls would be varied topologically and have a variety of habitats including acid grassland, damp grassland and ephemeral waterbodies which would be formed using clayey soils and overburden in places whilst leaving exposed sand in others. The lowest part of Phases 1 and 2 would be restored at about 80m AOD and that in Phases 3 to 7 at about 77.5m AOD. The restored side slopes would allow various habitats to be created including woodland, scrub and grassland. Restoration slopes in Phases 1 and 2 would vary between 1v:15h to 1v:5h whilst those in Phases 3 to 7 would generally be between 1v:13h and 1v:2h. The restored slope adjacent to the railway line would be no greater than 1v:2.5h and a vertical slope is proposed along the eastern side of the eastern bowl (in Phase 7) to show the regionally important geology and provide habitat for sand martins and invertebrates. The applicants state that the slope would probably be unstable but that experiences at other quarries show that the vertical aspect is likely to exist for a long time. They also state that the eastern edge of Phase 7 is the optimum location for the retention of a vertical slope because there are no immediately adjoining footpaths which could be affected by any land slips, that they have control over the adjoining land which can therefore be excluded from any future public access and that the land immediately adjoining / to the east would be engineered to reduce the risk of slope instability and the early loss of the vertical aspect and the ecology and geology gains this brings to the scheme. They further state that the proposed vertical sand face is not located adjacent to the railway line where slope stability is of paramount importance and is more than 100m from the nearest residential property. Planting is proposed along the eastern boundary of Phase 7 and set back from the vertical slope. An ephemeral water body, formed using clayey overburden and topsoil, is proposed at the base of the slope to add habitat diversity.
29. Final restoration of land affected by the conveyor: All conveyors would be removed when no longer required. The land adjacent to the Burleigh Farm access road would be restored to farmland (the hedgerows would have been reinstated immediately after the conveyor was installed). The box culvert under the Burleigh Farm access road would be retained and its entrances secured with bars to prevent human access but allow its use by fauna. The boxed section of the culvert under Tile Lodge Road would

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

also remain in situ (the short sections of roadside hedgerow having been replaced as soon as construction is completed). The Burleigh Farm (north western) end would be closed and infilled as part of the restoration of the field whilst the Charing Quarry (south eastern) end would be secured with bars (as above). The land between Tile Lodge Road and Charing Quarry (West) would be restored back to pasture land with hedgerow and tree planting around the edge of the quarry.

30. Aftercare: It is proposed that a 5-year aftercare programme would be implemented following the principles of the schemes previously approved for Charing Quarry.
31. The Environmental Statement concludes that the only wholly negative impacts would be those landscape and visual impacts which would be expected to occur wherever mineral is quarried and that these would be temporary and restricted in nature. Short and medium term benefits would be those associated with contributing to the need for construction aggregates. Long term benefits would include improvement to heritage assets (the chapel ruins), ecology (habitat creation), transport (off-street parking and increased length of footpaths), employment (retention of 19 full time equivalent posts) and geology (permanent retention of RIGS). The applicants state that there is a need for permission to be granted in order to meet the demand for soft sand in Kent and ensure that the required 7-year landbank is maintained. It also states that a significant amount of the permitted soft sand reserves are located at Sevenoaks Quarry operated by Tarmac (6.1Mt of the 10.64Mt at the end of 2013 referred to in the 2014 Local Aggregate Assessment) and that with the exception of the remaining reserves at Lenham Quarry (Shepherds Farm) all such reserves are located in the west and north of the County. They also state that if mineral extraction is to take place at Burleigh Farm, it would be preferable for this to happen whilst existing infrastructure is still in place and can be used in Charing Quarry.
32. A Planning Applications Committee Members' Site Meeting was held on 10 June 2015. A brief note of the site meeting is attached at Appendix 1 (pages C1.71 and C1.72). The application site and key features of the proposed development are illustrated on the drawing on page C1.2. A series of drawings illustrating the site layout, conveyor tunnel, plant / buildings, sand storage / loading area, residents' car park, restoration proposals for Burleigh Farm and Charing Quarry (East and West), footpaths, key properties and designated areas are included at Appendix 3 (pages C1.74 to C1.84).

#### Planning Policy Context

33. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012) and the associated Planning Practice Guidance (PPG). These are all material planning considerations.
34. **Kent Minerals Local Plan Construction Aggregates (December 1993)** – Saved Policies CA6 (General approach), CA7 (Provision of geological information), CA8D (Exceptions), CA16 (Traffic considerations), CA18 (Noise, vibration and dust), CA19 and CA20 (Plant and buildings), CA21 (Public rights of way), CA22 (Landscaping) and

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

CA23 (Working and reclamation).

35. **Ashford Local Development Framework Core Strategy (July 2008)** – Policies CS1 (Guiding principles), CS9 (Design quality), CS10 (Sustainable design and construction), CS11 (Biodiversity and geological conservation), CS15 (Transport), CS18 (Meeting the community's needs) and CS20 (Sustainable drainage).
36. **Tenterden and Rural Sites Development Plan Document (October 2010)** – Policies TRS17 (Landscape character and design) and TRS18 (Important rural features).
37. **Ashford Borough Local Plan Saved Policies (October 2012)** – Policies GP12 (Protecting the countryside and managing change), EN23 (Sites of archaeological importance), EN28 (Historic parks and gardens), EN30 (Nature conservation sites), EN31 (Important habitats) and EN32 (Important trees and woodland).
38. **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), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), 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), DM15 (Safeguarding of transportation infrastructure), DM16 (Information required in support of an application), DM17 (Planning obligations), DM18 (Land stability), DM19 (Restoration, aftercare and after-use) and DM20 (Ancillary development).<sup>1</sup>
39. **Kent Minerals and Waste Development Framework: Mineral Sites Plan Preferred Options Consultation (May 2012)** – The emerging Mineral Sites Plan identifies the proposed extraction area as a Preferred Option for soft sand working (Site 77 Burleigh Farm and Tile Lodge, Charing, Ashford).
40. **Ashford Local Development Framework Supplementary Planning Documents:** These include those on **Landscape Character (April 2011)**, **Sustainable Drainage (October 2010)** and **Residential Parking and Design (October 2010)**. The **Charing Parish Design Statement (2002)** was also adopted by the Borough Council as Supplementary Planning Guidance in April 2002.
41. **Kent Downs AONB Management Plan 2014 – 2019 (Second Revision April 2014)** – These include Policies MPP2 (the Management of the Kent Downs AONB), SD8 (Sustainable development) and LLC1 (Landform and landscape character).

---

<sup>1</sup> 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 representatives throughout the Examination, KCC published major and additional (minor) modifications to the Plan on 17 August 2015. The Modifications were subject to an 8 week consultation which ended on 12 October 2015. The Inspector's Report is awaited at the time of writing this report.



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

## Consultations

42. **Ashford Borough Council** – Objects to the application on the grounds of prematurity and the harm that the development would give rise to. It states that although the NPPF is supportive of applications for minerals extraction this has to be balanced against the fact that the development should not give rise to unacceptable adverse impacts on the natural and historic environment. It considers that whilst the development would broadly accord with the principles relating to Site 77 (Burleigh Farm and Tile Lodge, Charing) in the emerging Mineral Sites Plan, it has yet to be put through examination such that the document can only be afforded limited weight. It also states that draft Policy CM4 of the emerging Kent Minerals and Waste Local Plan 2013-30, which deals with non identified sites, is clear in stating that planning permission will only be granted on such sites where there are overriding benefits to justify the extraction. It does not consider that the aggregates landbank argument set out by the applicant is of sufficient weight to justify the development at this stage as an exceptions site. It notes that Policy CA6 of the adopted Minerals Local Plan is clear that extraction of minerals in areas of search (as in this case) will only be acceptable where need overrides harm. It considers that the proposed development would result in considerable visual harm and that in the absence of a policy allocation the need does not outweigh this harm. It states that the site lies in sensitive rolling countryside at the foot of the north Kent Downs AONB and would be clearly visible from the AONB. It also considers that the restoration (when complete) would also result in a significant and permanent change to the landscape. It further considers that there appears to be no justification to bring the site forward ahead of the emerging Minerals Local Plan (which would be the subject of a full examination in public in due course) given the significant visual harm that would occur. In addition, it states that KCC should satisfy itself (seeking the relevant professional advice) that the development would not unacceptably impact on local residents (e.g. noise, dust, smell), not unacceptably impact on matters of ecological / nature conservation importance and be acceptable in terms of archaeology, etc. It does not object to the application on highway safety grounds.
43. **Charing Parish Council** – Objects to the proposed development for a number of reasons and considers that it would cause very substantial harm to the landscape and to the quality of the lives of the community, both in the context of the application itself and especially when taking into consideration the cumulative effect of substantial historic and current quarrying in the area combined with the impact of the CTRL / HS1 and the M20. It also sees minimal, if any, justifiable economic benefit and none whatsoever for the local residents or visitors to the area. It considers there to be no need to permit further soft sand at this time (as the soft sand landbank is greater than 7 years) and that it would be premature to grant permission until such time as final decisions on the sites to be included in the Mineral Sites Plan are made. The Parish Council's response includes a summary of its objections and very detailed comments on many aspects of the proposed development and related issues. Its objections (which it states are supported by the NPPF, technical guidance and adopted and emerging development plan policies) can be summarised as follows:

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

1. The permanent loss of an attractive, bio-diverse, 21 hectare rural landscape, cherished views from the AONB and the cumulative effect of multiple quarry sites on the local landscape over the years irrevocably changing the character of the area. It considers that the applicants under-estimate cumulative impact and have insufficient regard to previous activities and projects that have been detrimental to the area.
2. The permanent loss of 19 hectares of “best and most versatile” (2 & 3A) agricultural land, the significant cumulative loss of good agricultural land over the years, and its long term impact on the local economy. It considers that draft Policy DM1 of the Kent Minerals and Waste Local Plan gives greater protection to such land.
3. The damage to and potential loss of streams feeding the Stour and the cumulative effect of damage to, and loss of streams in the Charing Heath area over the years. It rejects the applicants’ position and considers that the proposed development presents a risk to local water supplies.
4. The substantial damage proposed to Tile Lodge “paddock” and that part of Tile Lodge Road by tunnelling under the road, constructing the conveyor through the paddock, constructing the car park and its access road, all of which will result in a serious change to the character of the street scene and severe loss of amenity for the houses adjacent and close by. It considers that although the extension to the proposed conveyor tunnel would reduce visual impacts once constructed, its implementation would have a greater impact than initially proposed (e.g. duration, noise, dust and disruption). It also considers that the hedges and trees that are to be removed are very well established and of significant height (10 – 15 feet), any replacements would take years to become established and the proposed car park entrance would change the appearance of the area forever. It further considers that the proposed access to Charing Quarry West for long term maintenance purposes would increase security issues and allow noisy heavy machinery through the car parking area and Tile Lodge Road. In addition, it does not believe that proper consultation about the car park has taken place with the residents of Tile Lodge Cottages.
5. Whilst it acknowledges that the proposed revised location for the sand storage and loading area in Charing Quarry East would reduce the impact of associated operations on those properties surrounding Charing Quarry West (i.e. the most densely populated part of Charing Heath), it states that it would increase impacts on those living further east on Charing Heath Road and on Hook Lane. It also states that the revised location would necessitate a longer conveyor and that this would continue to give rise to noise and dust associated with its construction and the transportation of sand through Charing Quarry West. It considers that the applicants have not given sufficient consideration to operating Burleigh Farm as a stand-alone site with direct access to the A20 thereby significantly reducing impacts on Tile Lodge Road and Charing Heath residents and enabling Charing Quarry East and West to be fully restored in 2016 – 2017 as currently required.
6. Long and further delays to shutting down and completing the restoration of Charing Quarries (i.e. 2030 – 2037 instead of 2015 – 2017) and continued / increased use of Hook Lane by HGVs associated with operations at the site. It

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

considers that the proposed timeframes for the restoration of Charing Quarries are unclear.

7. The cumulative impact on the majority of Charing Heath residents of having operations in two large quarries concurrently, so close to the primary residential cluster in the settlement. It states that there would be two main distinct operational areas and that these, together with the conveyor link between the two and increased HGV movements, would give rise to noise and dust with impacts exacerbated as a result of winds.
  8. The harm and potential loss of areas of historic significance around Burleigh Farm. It notes that Burleigh Farm itself is listed and considers that the proposed quarry is part of its farmland setting and curtilage. It also notes that no additional stand-off is proposed around Burleigh Chapel (as had been suggested) and that issues raised previously about the need for surveys in the paddock area have not been fully addressed.
  9. The impact of continued and possibly increased traffic on Hook Lane and additional traffic and diversions on Tile Lodge Road (impacting also Charing Heath Road). It states that quarry traffic has been reduced for the last 10 years and would be increased to levels experienced in about 2005. It also states that traffic on Hook Lane has increased as a result of the recent expansion of the RW Crawfords (agricultural machinery) depot at Little Hook Farm. It also notes that the proposed conveyor tunnel and associated works would give rise to increased traffic and disruption on Tile Lodge Road and Charing Heath Road.
  10. The cumulative impact and harm caused by noise, dust, delay to restoration, loss of agricultural land, potential loss of streams feeding the Stour, damage to areas of historic importance, harm to ecosystems and the character of the area and loss of other amenity.
  11. The severe cumulative environmental and visual impact on the Charing Heath community and visitors, from damage to the surrounding landscape, the increase in noise and air pollution from both proposed operation sites to the north east, when combined with the impact of Channel Tunnel Rail Link (CTRL) and High Speed Rail Link (HS1) and the M20 from the south west.
44. **Environment Agency** – No objection. It has recommended that appropriate containment is provided for the storage of fuel, oil and chemicals due to the sensitivity of the underlying aquifer.
45. **South East Water** – No objection subject to the development being implemented as proposed and conditions to secure the following:
1. Groundwater level monitoring at the extension on a monthly basis reported to South East Water in an appropriate format;
  2. Should groundwater levels exceed those recorded within the risk assessment, then the extension quarry floor plan will be revised to maintain the (proposed) 3m stand-off; and
  3. Groundwater quality monitoring in order to determine if operational practices are affecting groundwater quality.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

46. **Southern Water** – Has identified the position of a sewer in Tile Lodge Road and stated that: no development or new tree planting should be located within 3m either side of the centreline of the public sewer; no new soakaways should be located within 5m of a public sewer; and all existing infrastructure should be protected during the course of construction works. It has also stated that further details would be required on how the public foul sewer would be protected during and after completion of the proposed conveyor tunnel under Tile Lodge Road.
47. **Natural England** – It has stated that the application does not pose any likely or significant risk to a SSSI, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species and/or cases or generic issues which affect a large suite of sites or may set a precedent and thereby affect a significant quantity of habitat across the country. It has no specific comments on the application details and advises that KCC consult the Kent Downs AONB Unit, has regard to Natural England's standing advice on protected species and considers opportunities for biodiversity and landscape enhancement.
48. **English Heritage** – Has recommended that the application be determined in accordance with national and local policy guidance on the basis of KCC's specialist conservation advice.
49. **KCC Landscape Officer** – No objection. She has advised that whilst she is happy with the majority of the Landscape and Visual Impact Assessment (LVIA), she believes that the applicants' landscape consultant ought to have given greater emphasis to the significance of historic field boundaries within the proposed extension area as part of the LVIA process and within the LVIA itself. Specifically, she feels that the applicant has failed to give appropriate weight to the importance of the historic north – south field boundaries within the proposed extension area and how these contribute to landscape character. In part, this reflects a difference of opinion on how the applicants' landscape consultant has undertaken and presented the LVIA. She also acknowledges that unless the proposed extension area were to be restored to existing levels by being backfilled with suitable materials, re-creating historic north – south boundaries would not be possible (other than in respect of the footpath / stream alignment which would be retained). Notwithstanding these issues, she does not consider this sufficient reason to raise a formal landscape objection in this case.
50. **KCC Biodiversity Projects Officer** – No objection subject to the imposition of conditions to secure the implementation of all the identified avoidance and mitigation measures. She has stated that this could take the form of an overarching strategy showing the principles of mitigation as outlined in the planning submission (including timescales for further survey work as appropriate) and detailed mitigation strategies (informed by the further survey work) submitted prior to the commencement of each phase. She has also stated that the restoration proposals have the potential to result in significant enhancements to biodiversity, including positive impacts for a range of protected species and supporting the delivery of Biodiversity Action Plan (BAP) targets through the creation / development of BAP habitats.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

51. **KCC Archaeological Officer** – No objection subject to the following conditions:

- No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- No extraction or enabling works shall take place until fencing has been erected, in a manner to be agreed with the Local Planning Authority, about Burleigh Farm Chapel; and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

She has stated that important archaeological remains have been identified close to the Burleigh Farm chapel and towards the eastern side of the proposed quarry and that there is the potential for as yet unidentified archaeology to survive within the application site. However, she has also stated that on the basis of current information (including additional trial trenching and targeted historic landscape survey and assessment focusing on the potential for remnant Roman and medieval landscape features undertaken in July 2015), and notwithstanding the fact that trial trenching was not undertaken for the area to the east of Tile Lodge Road in the vicinity of the proposed conveyor tunnel and associated works, there are no indications of extensive significant archaeology or significant historic landscape features surviving within the application site which would be a constraint on the proposed quarry and which could not reasonably be addressed by conditions if permission is granted.

52. **KCC Heritage and Conservation Officer** – No objection subject to the future of Burleigh Chapel (including its conservation, enhancement, preservation, regular maintenance, interpretation and access) being secured as part of any permission that may be granted. She has advised that she is satisfied with the proposed stand-offs to Burleigh Farm and Burleigh Chapel (listed buildings).

53. **KCC Sustainable Drainage** – No objection. It has requested that the applicant be advised of the need for Land Drainage Consent from KCC for any works on site which have the capacity to reduce / affect the ability of any ditch or ordinary watercourse on site to convey water (including any temporary works and any culverting required for access).

54. **KCC Highways and Transportation** – No objection subject to conditions to secure the following:

1. The provision of construction vehicle loading / unloading and turning facilities prior to commencement of work on site and for the duration of the operation of the quarry;
2. The provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of the operation of the quarry;

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

3. The provision of wheel washing facilities prior to commencement of work on site and for the duration of the operation of the quarry;
4. The provision and permanent retention of the vehicle parking spaces and turning space for the residents of Tile Lodge Cottages shown on the submitted plans prior to the quarry hereby permitted being brought into use; and
5. The use of a bound surface for the first 6 metres of the access from the edge of the highway for the parking area to Tile Lodge Cottages.

It has also requested that a Section 106 Agreement be concluded to secure:

- a. A contribution of £113,090 towards the costs of bringing Hook Lane up to an appropriate standard fit for further quarry activities and then for the maintenance for the lane for up to 15 year period from 2017 to 2032; and
- b. The provision of the conveyor belt system under Tile Lodge Road with the works being undertaken and funded by the applicant and subject to a full structural approval process with KCC Highways and Transportation.

It has also noted that the proposed conveyor system is, in principle, likely to be acceptable but that Tile Lodge Road would have to be subject to a full temporary road closure (with the most appropriate diversion route being the A20, Station Road, Pluckley Road, Charing Heath Road, Wind Hill Lane and then Tile Lodge Road).

55. **Network Rail** – Has stated that the developer must ensure that the proposed development (both during and after completion of works) does not: (i) encroach onto Network Rail land; (ii) affect the safety, operation or integrity of the company's railway and its infrastructure; (iii) undermine its support zone; (iv) damage the company's infrastructure; (v) place additional load on cuttings; (vi) adversely affect any railway land or structure; (vii) over-sail or encroach upon the air-space of any Network Rail land; and (viii) cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future. It has also stated that the developer should comply with a number of detailed requirements to ensure the safe operation of the railway and the protection of Network Rail's adjoining land. These relate to (amongst other things) future maintenance, drainage, plant and materials, fencing, lighting, noise and vibration and vehicle incursion.
56. **KCC Public Rights of Way – No objection**. It has welcomed the proposed improvements to public pedestrian access in Charing Quarry. It has also made a number of detailed comments about footbridge design and maintenance, structures / furniture, permissive pedestrian routes, temporary closures and the need for further permissions from the Highway Authority and suggested that these be addressed by conditions (as necessary) if permission is granted. It also suggested the creation of a new public footpath linking Footpath AW35 (to the north of Charing Quarry) with Tile Lodge Road via the proposed access road to the parking area to the rear of Tile Lodge Cottages to improve pedestrian access from the north side of Charing Heath to the proposed access at Charing Quarry and to the wider network, including a pedestrian route to Charing village and taking a section of the Lost Landscapes Trail off a dangerous section of Charing Heath Road in order to meet the objectives of

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

Policy CS15 of the Ashford LDF Core Strategy.

57. **KCC Noise Consultant (Amey)** – No objection subject to conditions to secure the following:

1. Noise from normal daytime operations not exceeding 55dB  $L_{Aeq,1h,free\ field}$  at any noise sensitive property;
2. Noise from temporary operations (such as soil stripping and replacement, bund formation and removal) not exceeding 70dB  $L_{Aeq,1h,free\ field}$  for up to 8 weeks in any 12 month period at any noise sensitive property;
3. Vibration levels from the construction of the conveyor tunnel measured as Peak (component) Particle Velocity (PPV) at the ground floor external foundation of adjacent residential buildings not exceeding (as dominant frequencies) 15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz and increasing to 50 mm/s at 40 Hz and above (in accordance with the recommendation in Table B.2 of BS 5228-2:2009+A1:2014). Initial monitoring shall be carried out of the first pile(s) to be driven and to full depth. In practicable monitoring terms, assuming use of a simple seismograph, if the results from this monitoring by direct measurement or by measurement and prediction, indicate that levels do not exceed 15 mm/s PPV at the nearest residential building, then no further monitoring will be required. If the results from this monitoring by direct measurement or by measurement and prediction, indicate that levels may exceed 15 mm/s PPV, then continuous monitoring will occur until piling is complete or until levels are consistently below 15 mm/s PPV. If levels exceed the stated criteria, then the piling force or method will be altered to reduce levels to those deemed acceptable;
4. The submission of a Noise Management Plan (NMP) for the construction of the tunnel for KCC's approval at least four weeks prior to the works commencing. The NMP shall include details of the works to be carried out, their likely duration, proposed working hours and days and it shall demonstrate how Best Practicable Means (Section 71, Control of Pollution Act 1974) shall be applied to the works in terms of plant and methods of working to minimise noise emissions from the works; and
5. The submission of a Noise Management Plan for the operational phases of the proposed development for KCC's approval which provides for continual updates during the life of the development.

It has also advised that the expected noise levels would be within the limits set out in the Minerals PPG (i.e. those referred to in 1 and 2 above), that any vibration arising from the construction of the proposed conveyor tunnel would be acceptable in terms of BS 7385-2 (Guide to evaluation of human exposure to vibration in buildings: Vibration sources other than blasting) and BS 6472-1 (Evaluation and measurement for vibration in buildings: Guide to damage levels from ground borne vibration) and that other noise impacts could reasonably be addressed in a Noise Management Plan that provides for continual updates as necessary.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

58. **KCC Air Quality Consultant (Amey)** – No objection subject to the imposition of a condition to secure the dust control measures proposed for mineral working, restoration and any construction activities (e.g. residents car park). It has suggested that a Dust / Environmental Management Plan be required which reflects the measures proposed in the applicants' Air Quality Assessment.
59. **KCC Geotechnical Consultant (Amey)** – No objection. It has advised that the stability analyses of the proposed slopes show adequate global factors of safety considering the risks to the adjacent land and infrastructure. It has further advised that Network Rail should satisfy itself regarding the slope stability of the design profile and the risk to the railway. Has also advised that whilst the proposed / modest vertical face may slowly degrade it is acceptable and that in this instance the groundwater has little influence on the slope stability.
60. **Kent Wildlife Trust** – No objection subject to the submission and approval of detailed management and monitoring plans. It has stated that it supports the proposed "nature conservation with (limited) public access" restoration.
61. **UK Power Networks** – No objection.
62. **Kent Downs AONB Unit** – It is concerned that the proposed restoration does not conform with relevant landscape character objectives (e.g. to reduce the impact of the existing road and railway network on the landscape and to restore a strong hedgerow network on the scarp foot based on remaining field boundaries) and would introduce a new character which would be at odds with the existing gently undulating and farmed landform. It states that:
- Whilst the site lies outside of the AONB, the proximity of the site to the AONB boundary and the elevated nature of much of the AONB means that the proposals would impact on its setting;
  - The setting of the AONB from the North Downs scarp has enormous value and was a principle reason why the AONB was designated in this area;
  - The Downs around Charing provide an impressive section of both scarp and views;
  - The importance of the setting of the AONB is recognised in the Kent Downs AONB Management Plan which advises that the weight to be afforded to setting issues will depend on the significance of the impact with matters such as the size of the proposals, their distance and incompatibility with their surroundings likely to affect impact (Policy SD8 of the Management Plan, states: *"Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated."*);
  - The importance of the setting of the AONB is also supported by the outcome of both the Kent International Gateway Inquiry and the recent appeal decisions at Waterside Park, Bearsted;



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

- The Management Plan also sets out how the Kent Downs landscape has been influenced by infrastructure development including the M2/A2 and railways and recognises that in recent years the impact of traffic and transport infrastructure has become a significant detractor to the quality of the landscape;
- The application site lies immediately adjacent to the Hollingbourne Vale landscape character area within the Kent Downs AONB where key characteristics of the landscape include large arable scarp foot fields and mixed farmland and where one of the overall landscape character objectives is to reduce the impact of the existing road and railway network on the landscape and to restore a strong hedgerow network on the scarp foot based remaining field boundaries;
- The proposed restoration would reinforce the east west grain in the landscape created by the A20, M20 and the two railway lines rather than providing a north south pattern of agricultural management that is prevalent in the farmed landscape at the foot of the downs;
- The proposed mitigation should be reviewed to better reflect existing character and to ensure that existing field boundaries are reinstated where possible, including those to the north of the farmstead and to ensure that more of a north south pattern is re-established in the landscape; and
- If the principle of the restored voids is to be accepted, it is imperative that they are screened by appropriate woodland planting so that views of the voids and the exposed quarry floor are not possible in views from the AONB.

63. **CPRE Protect Kent – Objects** for the following reasons:

1. The proposal would double the size of the sand extraction activity area north of Charing Heath resulting in harm;
2. Significant / adverse cumulative impacts on the landscape, environmental assets and the historic environment (despite being adjacent to an existing minerals extraction site rather than opening up an entirely new area);
3. The proposal would take 21 hectares of Best and Most Versatile (BMV) agricultural land out agricultural use (first for quarrying sand and then as a habitat conservation site with public access) and the land would not be restored to agriculture;
4. The need for the proposed 2.2 million tonnes of soft sand from 2018 is questionable and there seems to be uncertainty about the size of the construction aggregate landbank (permission should not be granted in the absence of need given the level and diversity of negative impacts);
5. The site is of important historic interest with medieval and later historic buildings remaining (11 listed buildings within 1km although some of the original farmsteads and cottages have been lost). If permission is granted, the remains of Burleigh Chapel should be stabilized and conserved (as a minimum) and the 20m stand-off between the chapel and extraction area increased due to uncertainties about the location of graves and other remains and as a void would remain as part of the proposed restoration (thus adversely affecting the setting of the listed building);

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

6. The impact on hedgerows (which are of historic and habitat interest) on Hook Lane and in the vicinity of the proposed conveyor tunnel under Tile Lodge Road;
  7. Cumulative loss of important landscape (within the Charing Farmlands and Hollingbourne Vale landscape characterisation area and within the visual setting of the Kent Downs AONB) which has already been damaged by Charing Quarry (the importance of the AONB setting having been reinforced by the recent appeal decision on the Waterside Park application);
  8. The steep sided nature of the restored void to nature conservation use and failure to restore the site to productive farmland. The stated absence of materials to restore the site (to current levels) and inability to use such materials due to the importance of the aquifer are further reasons to refuse the application;
  9. Given the apparent uncertainties about the need for soft sand in the County, the application should be put on hold until there is a wider assessment by KCC of soft sand sites and a prioritisation of sites that have the least environmental, cultural and landscape impact (i.e. until the Mineral Sites Plan has been progressed). The western part of the proposed extraction area at Burleigh Farm is outside the site included in the adopted Kent Minerals Local Plan Construction Aggregates; and
  10. Risk to the aquifer and public water supplies provided by South East Water.
64. **Upper Stour Internal Drainage Board** – No objection subject to off-site run-off rates not being increased or significantly reduced and Environment Agency guidance in respect of pollution prevention and control is followed. It also advises that although the application site drains into the River Stour it is outside River Stour (Kent) IDB district.
65. No responses have been received from **the Ramblers Association, the Health and Safety Executive and the Kent and Medway Biological Records Centre / Geo-Conservation Group**.

#### Representations

66. The application was publicised by site notices and a newspaper advertisement and the occupiers of 162 properties notified (i.e. all properties within 250 metres of the site, some just outside this area and all those on Hook Lane between the site access and the A20) in February 2015. The further information (including amendments) submitted by the applicants in September 2015 was publicised by site notices and a newspaper advertisement in September 2015 and all who had been informed in February 2015 or who had responded to the application were also notified.
67. At the time of writing this report 24 letters or emails of representation have been received. Of these 21 (3 of which wrote in twice) object to the proposed development and 3 (all associated with the same property in Tile Lodge Cottages) support the proposed residents car park.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

68. The objections can be summarised as follows:

- Adverse impacts on local / residential amenity (e.g. noise, dust / air quality) from the proposed conveyor link, extraction and associated operations;
- Adverse impacts on health and wellbeing;
- Adverse impacts on landscape and visual amenity (including on views to and from the Kent Downs AONB and the Weald);
- Adverse impacts on flora and fauna;
- Adverse impacts on the character of the village and surrounding area;
- Adverse highway impacts (e.g. traffic, highway safety, weak railway bridge, poor condition of Hook Lane, disruption / road closures due to construction of conveyor tunnel affecting bus route and other users);
- Adverse impact on listed buildings (and associated buildings);
- Adverse impacts on surface water / stream flows and resultant reduction in groundwater supplies;
- Potential pollution of groundwater;
- The proposed residents' car park would remove the existing green barrier to rear of Tile Lodge Cottages and lead to increased noise and dust pollution.
- Potential for landslips on restored quarry slopes;
- Loss of public access to the countryside / footpaths;
- Loss of agricultural land;
- Cumulative impact of quarrying and other activities and infrastructure on the area (i.e. Charing Heath is already an island surrounded by past and present sand pits and has experienced disruption associated with the construction of the M20 and High Speed 1 and use of the mainline railway by goods trains);
- The dismissal of the previous appeal for extraction at Burleigh Farm should be respected;
- Impact on human rights;
- Blight (due to environmental and aesthetic damage and uncertainty);
- Concerned that may be unable to sell property (Tile Lodge Cottages);
- Any conveyor should be between Tile Lodge Farmhouse and Tile Lodge Bungalow (as proposed in the Mineral Sites Plan);
- If the proposed extraction area at Burleigh Farm is to be worked, access should be obtained under the railway (through the existing underpass) and via a new access road to the north of the railway line to Charing Heath Road (i.e. as proposed in the previous application / appeal and the alternative site put forward in the Kent Mineral Sites Plan) thereby avoiding many of the impacts on Charing Heath and Hook Lane and enabling the existing quarry to be fully restored;
- Existing conveyor operations already cause noise problems;
- The proposed landscaping, trees and hedgerows will take time to develop / mature before they provide much visual screening to the development;
- No-one will want to walk through Charing Quarry whilst it is only partially restored given the impacts associated with the conveyor and other operations;
- Greater public access to the restored site should be provided;

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

- The existing permissions require completion of extraction, removal of plant and restoration by a date(s) that should be complied with; and
- 65 years of quarrying at Charing Heath is enough and another 13 years is too much.

69. The reasons for supporting the proposed residents' car park can be summarised as follows:

- It would benefit the occupiers of Tile Lodge Cottages (by providing 2 off-street car parking spaces for each property);
- It would benefit other road users (by removing / reducing conflict with vehicles parked on the road); and
- It would improve road safety.

Local Member

70. County Council Member Mr C Simkins (Ashford Rural West) was notified in February and September 2015.

Discussion

71. 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 34 to 37 above are of most relevance. Material planning considerations include the national planning policies and associated planning guidance referred to in paragraph 33, the emerging Kent Minerals and Waste Local Plan policies referred to in paragraph 38, the preferred option status of the site referred to in paragraph 39, the Supplementary Planning Documents referred to in paragraph 40 and the AONB Management Plan policies referred to in paragraph 41 and the outcome of the previous applications and appeals referred to in paragraphs 8 and 9.

72. The main issues to be considered relate to:-

- The quantity and quality of the mineral resource(s);
- The need or otherwise for the mineral and alternative options;
- Landscape and visual impact;
- Local amenity impacts (e.g. noise, vibration 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);
- Public rights of way / public access; and

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

- Agricultural land / soils.

### **The quantity and quality of the mineral resource(s)**

73. 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. 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 Kent Minerals and Waste Local Plan 2013-30 Proposed Main and Additional Modifications (July 2015) (draft KMWLP). The 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 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 be given to the preferred option status beyond this.
74. The application proposes the extraction of approximately 2.22 million tonnes (Mt) of soft sand (about 2.06Mt of saleable sand) over an 8 to 15 year period based on a production rate of between 150,000 and 300,000 tonnes per annum (tpa). Assuming extraction commences in 2017/18 (as the applicant suggests), it would be completed by no later than 2033.
75. The applicant has provided evidence of the mineral reserves in the form of a series of records based on boreholes drilled between 1979 and 2013 and a geological report prepared by DK Symes Associates based on the 2013 borehole information intended to confirm the earlier findings. The report concludes that the results confirm that the site is underlain by Folkestone Bed sand that is very similar in quality to that in Charing Quarry and that the average workable dry sand sequence is about 12m (varying between 9 and 17m). Similar geological information was also provided to the County Council prior to the inclusion of the site as a preferred option in the emerging Mineral Sites Plan.
76. Having considered the geological information submitted with the application, I am satisfied that the applicant has provided sufficient information to demonstrate a workable soft sand deposit and that this satisfies the requirements of the adopted and emerging development plan policies in respect of the quantity and quality of the mineral resources.

### **The need or otherwise for the mineral and alternative options**

77. National planning policies relating to the need for soft 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

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

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. Paragraph 145 of the NPPF states that mineral planning authorities (MPAs) should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources). It also states that MPAs should make provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. It further states that longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets and productive capacity of permitted sites and that MPAs should ensure that large landbanks bound up in very few sites do not stifle competition.

78. Paragraph 001 of the Minerals Planning Practice Guidance (PPG) states that planning for the supply of minerals has a number of special characteristics that are not present in other development (e.g. minerals can only be worked where they naturally occur, working is a temporary use of land, working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated). Paragraph 008 of the Minerals PPG states that MPAs should plan for the steady and adequate supply of minerals by designating Specific Sites, Preferred Areas and / or Areas of Search (in that order of priority). Paragraph 010 of the Minerals PPG states that the suitability of a proposed site (be it an extension to an existing site or a new site) must be considered on its individual merits taking into account issues such as: need for the specific mineral; economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure); positive and negative environmental impacts (including the feasibility of a strategic approach to restoration); and the cumulative impact of proposals in an area.
79. 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). Paragraph 084 of the Minerals PPG states that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need. It also states that reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank may include: significant future increases in demand that can be forecast with reasonable certainty; the location of the consented reserve is inappropriately located relative to the main market areas; the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and known

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

constraints on the availability of consented reserves that might limit output over the plan period. Paragraph 085 of the Minerals PPG 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.

80. The national policies and guidance are reflected at the local level in Policies CA6 and CA8D of the KMLPCA and draft Policies CSM2, CSM4 and DM16 of the draft KMWLP.
81. 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. The eastern part of the proposed extraction area lies within an area of search for construction sand in the KMLPCA. Charing Quarry is identified as both within the area of search and as an existing sand and gravel working in the same Plan. 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.
82. Draft Policy CSM2 of the draft KMWLP states that the supply of land-won aggregates will be provided for by (amongst other things) 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. It also states that at least 10.08Mt and a landbank of at least 7 years supply (5.46Mt) will be maintained for sharp sand and gravel while resources allow. However, it acknowledges that the rate of supply of sharp sand and gravel from land-won sources will decline as resources will be progressively worked out unless additional non-allocated sites are brought forward and that demand will be met instead from other sources (i.e. recycled and secondary aggregates, marine dredged aggregates, blended materials and imported crushed rock through wharves and railheads). It further states that the required 10-year landbank for crushed rock (20.5Mt) can all be met from existing permitted sources for the entire Plan period and beyond. Draft Policy CSM2 also states that sites will be identified in the Mineral Sites Plan to support supplies of land-won aggregates at the above levels, that a rolling average of 10 years' sales data and other relevant information will be used to assess landbank requirements on an ongoing basis and that this will be kept under review through annual production of a Local Aggregate Assessment. Earlier drafts of the KMWLP had proposed a combined 7-year sand and gravel (i.e. sharp sand and gravel and soft sand) landbank.
83. The proposed extraction area is identified as a Preferred Option for future soft sand working in the Kent Mineral Sites Plan Preferred Options Consultation (May 2012) although the conveyor link between this and Charing Quarry is in a slightly different location (Site 77). Whilst the Preferred Options were not fully tested in 2012, the

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

County Council considered that development of the Burleigh Farm site should be supported subject to: (1) sand reserves being moved by conveyor to the processing plant at Charing Quarry; (2) HGVs only using the existing access on Hook Lane; (3) mineral extraction only commencing after permitted reserves in Charing Quarry are exhausted; (4) protection of any historic hedges and listed buildings; (5) marginal profiled soil bunds and advance tree planting to protect close residential properties; (6) suitable sufficient stand-offs between the railway and the boundary of mineral extraction area and suitable mitigation to ensure the integrity of the railway; (7) a full hydrogeological and hydrological assessment with mitigation measures to ensure that the development will not impact upon the water environment (particularly the natural drainage and the potential flow downstream) and the tributaries of the River Great Stour (which flow around and through the site) being maintained and protected in situ where necessary with suitable sufficient stand offs; and (8) restoration proposals incorporating low level acid grassland and heathland habitats. It should further be noted that an alternative proposal for the Burleigh Farm site (Site 69) (i.e. with access under the railway line and via a new access road to Charing Heath Road parallel and to the north of the railway) was not allocated on the basis that Site 77 was considered to be a better solution.

84. 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. Until such time (if any) as the proposed site is formally included in an adopted Mineral Sites Plan, draft Policy CSM4 is of relevance. Draft Policy DM16 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.
85. Ashford Borough Council (Ashford BC), Charing Parish Council (Charing PC) and CPRE Protect Kent (CPRE) have objected to the application as they question or dismiss the need to grant planning permission for additional soft sand extraction at this time, having regard to the quantity of permitted reserves and the total amount of soft sand required to maintain a 7-year landbank. It has also been suggested that the application be regarded as premature and should be put on-hold until such time as the position in respect of soft sand in Kent has been clarified and there has been a wider assessment by the County Council of potential soft sand sites and a prioritisation of sites that have the least environmental, cultural and landscape impact (i.e. until the Mineral Sites Plan has been progressed).
86. Need and landbank issues were the subject of specific debate at the recent Examination of the draft KMWLP. At the time of writing this report the Inspector's Report on the KMWLP has yet to be published. However, regardless of the outcome of the Examination the position in respect of permitted soft sand reserves and landbank has largely been clarified since the application was submitted. The draft Local Aggregate Assessment (LAA), which is expected to be published in either late December 2015 or January 2016, indicates that the most recent estimate of permitted



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

reserves of soft sand (i.e. at the end of 2014) was 8.04Mt and that the 10-year rolling average of sales from Kent sites was 0.601Mtpa. On this basis, the soft sand landbank at the end of 2014 was 13.4 years.<sup>2</sup> Although the current position has not changed significantly since, it should be noted that an additional 0.5Mt of soft sand has recently been permitted as part of the planning permission granted at Wrotham Quarry (i.e. the sand which lies above the silica sand and which must be removed to extract the industrial mineral). Having regard to this and a further 1-year of sales, there will be approximately 7.94Mt of permitted reserves and a soft sand landbank of approximately 13.2 years at the end of 2015 (assuming sales in 2015 reflect the 10-year average).

87. As noted above, the 7-year landbank is to be regarded as a minimum requirement and longer periods may be appropriate having regard to a number of factors such as the need to supply a range of types of aggregates, the locations of permitted reserves relative to markets, the productive capacity of permitted sites and so that large landbanks bound up in very few sites do not stifle competition. It should also be noted that it normally takes several years to prepare a new minerals application with associated EIA, for the application to be determined and (if permitted) for site establishment to be completed and extraction commence. In this particular case, the applicants commenced work on the project prior to March 2014 and do not expect to commence extraction until at least 2017 if permission is granted. By that time, the soft sand landbank will certainly have reduced, assuming sales continue at their current level (or higher) and no new permissions are granted. It should further be noted that there are no other applications for new soft sand extraction being processed or awaiting determination in Kent at this time. It should also be noted that the soft sand landbank would still be about 11.2 years in 2017 and would only fall below 7 years in 2022 if no new permissions are granted, sales remain at 0.601mtpa and no significant re-evaluation of permitted reserves occurs. However, recent experiences at soft sand sites would appear to indicate that sales have increased at those sites in 2015 such that it is likely that the landbank would fall below 7 year prior to 2022.
88. The remaining operational sites in Kent producing soft sand which are relied upon for landbank purposes are those at Lenham Quarry / Shepherds Farm (Brett Aggregates), Wrotham Quarry / Addington (the Ferns Group), Nepicar Farm Quarry (J Clubb Ltd), Borough Green Sand Pit (Borough Green Sand Pits Ltd), Ightham Quarry (H+H UK Ltd) and Sevenoaks Quarry (Tarmac). Permitted soft sand reserves which are also included in the landbank exist at Aylesford Quarry (Aylesford Heritage Ltd) which is now closed. The soft sand reserves at Aylesford Quarry are now limited to about 200,000t following a re-evaluation of those remaining by the owners in consultation with the County Council prior to the KMWLP Examination. It may also be possible for soft sand to be extracted at Park Farm Quarry near Borough Green (Echoraise Ltd). However, Park Farm Quarry has been closed for many years and potential reserves at the site are not included in the landbank as they cannot reasonably be relied upon to

---

<sup>2</sup> Note that this assumes 80% of the reserves at Nepicar Farm Quarry are industrial and not counted as soft sand.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

make a contribution.<sup>3</sup> It should also be noted that: the soft sand reserves at Wrotham Quarry are limited to those lying above the silica / industrial sands; the vast majority of sand produced at Nepicar Farm Quarry is currently being sold as industrial sand; and the sand from Ightham Quarry is used in the blockworks (and is regarded as industrial sand).

89. Whilst publicly available figures for permitted reserves are not available for most sites, it is clear that the vast majority of the soft sand reserves are at Sevenoaks Quarry in the north west of the County operated by Tarmac. Extraction at Sevenoaks Quarry is permitted until the end of 2030 and the reserve was estimated by Tarmac to be 6.156Mt in 2008 when the site was extended. The reserves at Borough Green Sand Pit (operated by Borough Green Sand Pits Ltd) are restricted to the northern extension area permitted in 2008 which was estimated to contain 0.736Mt of soft sand (including about 50,000t of silica sand) at that time. The northern extension area has been partially worked and an application has been submitted (but not yet determined) to allow extraction to be completed by the end of 2022 (and infilling and restoration by the end of 2025). There is no more recent publicly available reserve figure. The reserves at Nepicar Farm Quarry were estimated by J Clubb Ltd to be about 2.3Mt in May 2015. However, as it produces and supplies industrial sand, the majority of this reserve is not included in the soft sand landbank. The reserves at Ightham Sandpit were estimated by H+H UK Ltd to be about 100,000t in March 2015. Following completion of extraction at Charing Quarry in 2015, the only remaining soft sand reserves south and east of Maidstone will be at Lenham Quarry (Shepherds Farm) operated by Brett Aggregates. Brett Aggregates has recently estimated that there are about 750,000t of soft sand reserves at Lenham Quarry. It has also advised that it would like to transfer operations to Burleigh Farm as soon as possible in order to complete the restoration of that part of Lenham Quarry which requires the importation of inert waste materials and then complete extraction at Lenham Quarry at a later date. Extraction at Lenham Quarry is permitted until 24 August 2025 (with final restoration no later than 2 years after completion of extraction).
90. It is evident from the above that the provision of new soft sand reserves will be necessary if provision is to continue to be made to the south and east of Maidstone once the reserves at Lenham Quarry (Shepherds Farm) have been exhausted. It is also evident that unless new soft sand reserves are permitted somewhere in Kent, the vast majority of all soft sand reserves will increasingly be controlled (and production met) by a single operator (Tarmac) at Sevenoaks Quarry in the north west of the County. The implications of this in terms of both location relative to markets and competition are contrary to the policies referred to above. Productive capacity at Sevenoaks Quarry is restricted to 320,000tpa in order to limit adverse impacts on the local road network (particularly the Bat and Ball junction in Sevenoaks). For this reason alone, Sevenoaks Quarry would be unable to provide sufficient soft sand to meet current demand or make up any shortfall in the landbank if no new permissions were granted.

---

<sup>3</sup> Extraction of soft sand would require the removal of significant amounts of clay and is likely to be uneconomic from the majority of the site.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

91. Ideally, applications should be submitted for sites that have been identified for mineral working in an up to date adopted minerals plan as this allows sites to be tested through the plan-making process and comparatively assessed against a range of potential impacts in the way sought by a number of respondents. Unfortunately this is not always possible, particularly where there have been significant delays in plan-making and the relevant mineral plan was adopted in 1993 (as is the case in Kent), and in such circumstances it is not appropriate to await adoption before determining planning applications. Once adopted, the KMWLP will form part of the development plan and provide the strategic and development management policies to be used when applications for minerals and waste development are determined in Kent. However, it will not identify sites for soft sand or other minerals (with the exception of the strategic mineral site at Holborough). As noted above, the application site was included as a Preferred Option for soft sand extraction in the Mineral Sites Plan in 2012. In this way it has already been subject to an assessment with other sites proposed by the minerals industry, landowners and others and previously found to be acceptable in principle subject to meeting a number of specific criteria. A number of proposed sites were not accepted and were rejected by the County Council (including some in the Charing area). Notwithstanding this, the County Council has decided to undertake a further “call for sites” so that consideration can be given again to potential sites for inclusion in the Mineral Sites Plan. This decision reflects the delay in progressing the Mineral Sites Plan and discussions at the recent Examination of the KMWLP during which concerns were expressed by some about the ability of the County Council to identify sufficient sites to meet the need for future provision and whether certain sites very close to the AONB were capable of being identified (e.g. Shrine Farm near Postling and Wrotham Quarry). The exercise will allow further sites to be proposed and those proposed previously to be revisited and for any new information about the sites or other issues to be considered.
92. As noted in paragraph 78 above, applications should be treated on their individual merits regardless of whether they propose extensions to existing sites or entirely new ones. In some respects, Burleigh Farm represents a combination of the two as it does not represent an obvious lateral extension but would make use of some existing infrastructure. Regardless of which it is, the proposed development would assist in providing continuity in the supply of soft sand and retaining jobs and enable a strategic approach to restoration of the existing and proposed sites. If Burleigh Farm is to be worked through Charing Quarry it would be preferable for this to happen before restoration has been completed.
93. I am satisfied that there is no need to release additional soft sand reserves at this time to meet the 7-year soft sand landbank requirement. Notwithstanding this, I consider that there are good reasons to support granting permission for new soft sand reserves to the south and east of Maidstone and that to do so now would assist in ensuring continuity of supply, maintaining a geographic spread of production and providing ongoing competition between operators which would accord with the objectives of a number of the mineral policies referred to above. I believe that these matters are capable of demonstrating a broader need in the context of Policies CA6 and CA8D of the KMLPCA and being regarded as “overriding benefits” in the context of draft Policy

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

CSM4 of the draft KMWLP that would support granting permission provided the proposals are acceptable in other respects. However, the question as to whether it is appropriate to grant permission at Burleigh Farm in the manner currently proposed can only be answered when all other issues have been considered and addressed. Whilst I do not propose to give any significant weight to the inclusion of the application site as a Preferred Option in the Mineral Sites Plan in 2012, I do not believe that it is necessary to await the outcome of a further “call for sites” exercise or progress with (or adoption of) the Mineral Sites Plan before the current application is determined. I believe that there is sufficient information already available and a satisfactory minerals policy basis for doing so.

### **Landscape and visual impact**

94. National planning policies relating to landscape and visual impact are set out in the NPPF. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes. Paragraph 144 of the NPPF states that mineral development should not give rise to unacceptable adverse impacts on the natural and historic environment and that the cumulative effect of multiple impacts from individual sites and / or from a number of sites in a locality should be taken into account when applications are determined. It also states that restoration and aftercare should be provided at the earliest opportunity and be carried out to high environmental standards through the application of appropriate conditions where necessary. Paragraph 001 of the Natural Environment 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 (designated or otherwise). 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 013 of the Minerals PPG identifies visual impact on the local and wider landscape and landscape character as two of the principal issues that mineral planning authorities should address when assessing the environmental impacts of mineral extraction. Paragraphs 036 to 149 of the Minerals PPG contain detailed advice on restoration and aftercare of mineral sites.
95. Policies CA6 and CA8D of the KMLPCA both require material planning interests (such as those associated with landscape and visual impact) 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 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.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

96. Draft Policies CSM1, DM1, DM2, DM11, DM12, DM17, DM19 and DM20 of the draft KMWLP are also relevant. Draft Policies CSM1 and DM1 of the draft KMWLP support sustainable development. DM1 also states that minerals proposals should demonstrate that they have been designed to avoid causing any unacceptable adverse impact on the environment and communities by appropriate measures to protect and enhance the character and quality of the site's location. Draft Policy DM2 of the draft KMWLP states that minerals proposals should 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 and local importance. Draft Policy DM11 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from illumination and visual intrusion. Draft Policy DM12 states that permission will be granted for minerals development where it does not result in an unacceptable adverse, cumulative impact on the environment. Draft Policy DM17 states that planning obligations will be sought where appropriate to achieve suitable control over or mitigate and / or compensate for the effects of minerals development where this cannot be achieved by planning conditions. 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 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.
97. Policies CS1 (Guiding principles) and CS9 (Design quality) of the Ashford Local Development Framework (LDF) Core Strategy (July 2008), Policies TRS17 (Landscape character and design) and TRS18 (Important rural features) of the Tenterden and Rural Sites Development Plan Document (DPD) (October 2010) and Policies GP12 (Protecting the countryside and managing change) and EN32 (Important trees and woodland) of the Ashford Borough Local Plan Saved Policies (October 2012) are also relevant. The Ashford LDF Landscape Character Supplementary Planning Document (SPD) (April 2011) and Kent Downs AONB Management Plan 2014 – 2019 (Second Revision April 2014) are also relevant. Policy CS1 seeks to protect the countryside, landscape and villages from adverse impacts. Policy CS9 requires development proposals to demonstrate a positive response to

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

character, distinctiveness and sense of place. Policy TRS17 states that development in rural areas shall be designed in such a way which protects and enhances the particular landscape character area within which it is located (and where relevant any adjacent area) having regard to a number of matters such as landform, topography, natural patterns of drainage, the patterns of trees, woodland, field boundaries, settlements, roads, footpaths and historic landscape features and any relevant guidance in a Landscape Character SPD. Policy TRS18 states that development in rural areas shall protect and where possible enhance ancient woodland and semi-natural woodland, river corridors and tributaries, rural lanes which have a landscape, nature conservation or historic importance and public rights of way. Policy GP12 seeks to protect the countryside for its own sake and for its landscape and scenic value. Policy EN32 states that permission will not be granted for development which would damage or result in the loss of important trees or woodlands. As noted in paragraph 5 above, the majority of the application site lies within the Charing Heath Farmlands Landscape Character Area, although part of the access and land to the north lie within the Charing Farmlands Landscape Character Area. Policy SD8 of the AONB Management Plan states that proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting of views to and from the AONB will be imposed unless they can be satisfactorily mitigated.

98. Ashford BC, Charing PC, Natural England, KCC's Landscape Officer, the Kent Downs AONB Unit, CPRE and a number of local residents have made comments relating to landscape and visual impact.
99. Ashford BC, Charing PC, CPRE and local residents have all objected to the application for a variety of reasons related to adverse landscape impact. Ashford BC states that the site lies in sensitive rolling countryside at the foot of the Kent Downs and would be clearly visible from the AONB. It considers that the proposed development would result in considerable visual harm and that the proposed restoration would result in a significant and permanent change to the landscape. Charing PC considers (amongst other things) that the proposed development would cause significant harm to the landscape and on valued views within the parish (to and from the AONB, the Weald and other locations) and would adversely affect the visual amenity of local residents and the street scene (particularly those living near the proposed conveyor link, tunnel and residents car park where trees and hedgerows would be effected as a result of their implementation). It is also unhappy about the impact of delays in completing the full restoration of Charing Quarry and the cumulative impact of quarrying activities in the area and considers the proposed restoration of Burleigh Farm to be unacceptable as it would not reflect landscape character. Whilst it accepts that the amended location of the sand storage / loading area would result in less harm to those living around Charing Quarry (West), it does not consider this sufficient to overcome its concerns. It also considers that although the proposed extraction area is different from that refused previously, the conclusions of the Inspector in dismissing the appeal remain valid in terms of unacceptable visual impact and removal of hedges. CPRE has raised similar concerns, specifically noting adverse impacts on hedgerows and the steep sided nature of the proposed restored

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

void. Local residents' concerns include adverse impacts on landscape and visual amenity and the character of the village and surrounding area (including views), the loss of trees / vegetation to accommodate the proposed residents' car park, the delays in restoring Charing Quarry, the time any new planting would take to develop / mature and cumulative impact.

100. Natural England has stated that the application would not pose a likely or significant risk to the AONB and has no specific comments on the application details but has advised the County Council to consult the AONB Unit.
101. The AONB Unit has stated that the site lies immediately adjacent to the Hollingbourne Vale landscape character area and that the proposed development would impact on the setting of the AONB. It has also advised that it is concerned that the proposed restoration would introduce a new character at odds with the existing gently undulating and farmed landform which would not conform with the landscape character objective of reducing the impact of the existing road and rail network on the landscape and restore a strong hedgerow network on the scarp foot based on remaining field boundaries. It is also concerned that the proposed restoration would reinforce the east – west grain in the landscape created by the A20, M20 and two railway lines rather than providing a north – south pattern of agricultural management that is prevalent in the farmed landscape at the foot of the downs and suggested that this be reviewed. However, it also states that if the principle of restored voids is accepted, it is imperative that they are screened by appropriate woodland planting so that views of the voids and quarry floor are not possible from the AONB.
102. Whilst KCC's Landscape Officer is generally content with the applicants' landscape assessment work and has no formal landscape objection, she has advised that greater weight ought to have been given to the importance of the historic north – south field boundaries and the extent to which these contribute to landscape character. However, she has acknowledged that unless the proposed extraction area is restored to existing levels using suitable imported infill material, it would not be possible to re-create north – south field boundaries (other than in respect of the footpath / stream which would be retained).
103. The proposed development would undoubtedly give rise to some adverse landscape and visual impacts. In terms of the proposed extraction area, impacts would occur during site preparation, working, restoration and post-restoration. The main landscape feature lost within the extraction area would be the line of mature trees between phases 5 and 6 associated with the historic field boundary. The proposed restored landform would also result in a permanent change to the landscape with the existing undulating agricultural fields being replaced with two fairly distinct irregular landscaped bowls providing a range of habitat to meet nature conservation objectives. The restoration proposals would include significant tree, shrub and scrub planting which would reduce the impact of the resultant landform (particularly when viewed from a distance). Whilst the applicant has provided sufficient details of the proposed restoration (including replacement planting for trees and shrubs that would need to be removed to facilitate the development) to enable its acceptability to be assessed, it

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

would be necessary for a detailed restoration and aftercare scheme (including tree and shrub species, grass mixes and management arrangements) to be submitted to and approved by the County Council if permission is granted. I am satisfied that this could be secured by condition.

104. Impacts from site operations would include the presence / movement of plant and machinery involved in soil stripping and replacement, soil storage, mineral extraction, sand processing / screening and loading the conveyor hoppers. The temporary soil storage bunds and conveyors would also be visible from some locations and have an impact. The former would assist in screening the development during operations whilst the latter would be countersunk by 1.5m to reduce impact. The greatest visual impacts would be experienced by users of the public footpaths crossing and to the south of the site and by rail passengers, although views would be possible from, and impacts experienced by those in, more distant locations including properties and publicly accessible locations in Charing Heath. Private views include those from first storey windows in Tile Lodge Cottages. Views of the site would also be possible from more distant locations such as higher land within the Kent Downs AONB and to the south of the site (e.g. from Church Hill near the Memorial Hall) although these would be partially screened by intervening features such as woodland, hedgerows and the railway line (which is on an embankment immediately to the north of the proposed extraction area).
105. The implementation of the conveyor tunnel, associated works and the residents' car park would clearly have significant short term impacts in the area around Tile Lodge Cottages, Warren Houses and Tile Lodge Road as a result of the removal of lengths of hedgerow, trees and other vegetation and construction works more generally. However, the only long term impact in that area would be as a result of the permanent retention of the residents' car park and associated access as trees and hedgerows would be replanted elsewhere. Notwithstanding the significant adverse short term impacts that would arise (which could reasonably be expected to occur temporarily as part of many new developments), I am satisfied that once the conveyor tunnel, conveyors and car park are place and the trees and hedgerows replaced that landscape and visual impacts associated with these would be acceptable. The concerns that have been expressed by some residents about the landscape and visual impact of the car park also need to be balanced against any benefits that would arise from its existence. These matters are addressed elsewhere in this report.
106. The proposed conveyor link through Charing Quarry (West and East), the sand storage / loading area and the retained weighbridge / office, internal access road and access in Charing Quarry (East) would all be visible from certain locations on the public footpaths surrounding the existing site although views from neighbouring properties would be limited due to intervening vegetation. The access to Charing Quarry would also remain visible from Hook Lane and a number of properties in that area. With the exception of the access into the site from Hook Lane (which the applicants propose to retain to provide continued access to the restored land), all of these impacts would be temporary such that they would be removed on completion of working and restoration. As the existing access (in its current form) would be



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

unnecessarily large once mineral working has been completed, I consider it desirable to require it to be amended to better reflect the needs of the after-uses at the restored site. This is something that could reasonably be secured by condition if permission is granted. The landscape and visual impact of HGVs travelling to and from the site on Hook Lane would also be temporary (for the duration of operations at the quarry). I do not consider any of these impacts to be significant.

107. The delay in fully restoring Charing Quarry would be a regrettable but necessary consequence of enabling the proposed extraction area at Burleigh Farm to be worked through the existing quarry. However, it would remain possible to restore the vast majority of Charing Quarry (West) and about two-thirds of Charing Quarry (East) within the period by when full restoration is currently required (i.e. by the end of 2017). Those areas which would not be restored immediately would be those affected by the conveyor tunnel, associated cutting and conveyor link to the rear of Tile Lodge Cottages and Warren Houses, the conveyor link and associated maintenance track through Charing Quarry (West and East), the proposed sand storage / loading area and the retained weighbridge / office, internal access road and access in Charing Quarry (East). It would also not be possible to fully restore the spine between Charing Quarry (West and East) as the access between the two would be required for the conveyor and any vehicles, plant and machinery required for maintenance and restoration in Charing Quarry (West). This proposed tree and shrub planting associated with this restoration would serve to further reduce the visual impact of the proposed operations within the existing quarry. If permission is granted, a condition could be imposed requiring the restoration that can be undertaken prior to the completion of mineral working at Burleigh Farm within a specified time period.
108. The continued use of parts of Charing Quarry and proposed changes to the final restoration in Charing Quarry (East and West) would necessitate formal amendments to a number of conditions attached to planning permissions AS/83/290, AS/90/1702, AS/00/742 and AS/10/1352. In terms of final restoration and aftercare, the applicants propose to rely on the previously approved arrangements except where these are amended by the revised interim and final restoration proposals described in this report. I am satisfied that the proposed amendments to the final restoration of Charing Quarry are acceptable given what is proposed at Burleigh Farm and note that with the exception of the delay in completing final restoration no objections have been received from consultees or other respondents to the changes. If permission is granted for the proposed development at Burleigh Farm, the required changes should be addressed by simultaneously issuing amendments to the above permissions. The applicants have proposed that final restoration of Charing Quarry be completed within 12 months of the completion of extraction at Burleigh Farm. I consider this to be a reasonable period in the circumstances.
109. As noted above, KCC's Landscape Officer is of the opinion that insufficient regard has been given to the importance of historic north – south field boundaries around Burleigh Farm and a number of respondents consider that the restoration of the proposed extraction area would not accord with relevant landscape character objectives. The applicants' landscape consultant has largely rejected these arguments and is of the

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

opinion that regardless of whether or not the north – south field boundaries formed the historic landscape pattern, the east – west pattern derived mainly from transport infrastructure is now the primary dictator of pattern in the contemporary landscape and that the proposals should be considered in that context. Regardless of the merits of these arguments, it is clear that if the extraction area is to be restored to a lower level as proposed it would not be possible to re-create meaningful north – south field boundaries as sought by a number of respondents. The applicant has stated that whilst it would be possible to restore the site to existing ground levels there is insufficient material available in the local waste catchment area. It has also stated that the underlying aquifer would further restrict the type of waste that could be used. Although infilling to existing ground levels with suitable materials (e.g. inert waste) would technically be possible subject to appropriate safeguards being implemented, Brett Aggregates does appear to have had difficulties in securing suitable materials at Lenham Quarry (Shepherds Farm) for restoration in part of the site during the last few years. Infilling at Burleigh Farm would also result in restoration taking significantly longer than is now envisaged and would not be possible without the provision of a direct HGV access to the proposed extraction area (e.g. from Charing Heath Road or Tile Lodge Road) as the site could not reasonably be restored using the conveyor link proposed to transport sand to Charing Quarry. There is no need for additional inert waste disposal capacity in Kent such that support for restoration to existing levels would only be likely if it were considered essential to secure the satisfactory restoration of the site.

110. As noted in paragraphs 8 and 9 above, mineral working at Burleigh Farm has been subject to a number of previous applications and appeals. The reasons for dismissing the most recent appeal in 2003 included harm to the local landscape and the setting of the settlement. In respect of landscape issues, the Inspector stated (amongst other things) that whilst quarrying operations would be visible from various public viewpoints in the immediate locality, operations would be contained to discrete areas at any one time. He also stated that the natural rolling character of the countryside to the west of Charing Heath would be replaced by a landscape containing a variety of steep gradients which (despite being masked to some extent by planting during restoration) would harm the natural rolling character of the local landscape. In respect of the AONB, he stated that whilst distant views of parts of the proposed extraction areas would be seen from viewpoints within the AONB and there would be some detrimental visual impact to views from the AONB, such impacts would be limited and not unacceptable because of the wide vista within which such views would be seen and the distant nature of views of the extraction area. Whilst these comments remain relevant and a number of respondents have placed considerable weight on those referring to harm or have made similar comments concerning the current application, it should be noted that the application areas were not identical and that the proposed means of access was different. Of particular relevance is the fact that the proposed extraction area excludes Wind Hill and is more detached from Charing Heath Village. Regardless of whether the application sites were identical, the 2003 appeal decision alone should not be relied upon as a reason for refusing the current application, which must be treated on its merits.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

111. As noted above, a number of respondents (including Charing PC and CPRE) have objected due to the cumulative impact of quarrying and other development in the area. The Charing Heath area (and wider Charing area) has been, and continues to be, affected by a variety mineral working (sand and chalk / operational and restored). The former / restored sand quarries in the Charing Heath area (all between the A20 and M20) are Bull Heath Sand Pit (Lenham Heath), Hook Lane Quarry (east of Hook Lane), Newlands Sand Pit / the blockworks (off Newlands Road) and a small quarry at the junction of Charing Heath Road and Newlands Road. The operational / partially restored sand quarries are Charing Quarry (East and West) and Lenham Quarry / Shepherds Farm (Lenham Forstal). The former and operational chalk quarries all lie to the north of the A20 (and in most cases at or near the top of the scarp slope). Charing Quarry (East and West), Hook Lane Quarry and Newlands Sand Pit have had the greatest impact on Charing Heath itself. Whilst it would probably have been unacceptable for all of the sites mentioned to have been operating simultaneously, this was and is not the case. The majority of the sites referred to have already been restored or would shortly be substantially restored such that any cumulative impacts associated with these would primarily be restricted to the changes to the landform (i.e. low level restoration with significant amounts or tree and shrub planting) following mineral working. These new landforms could now reasonably be considered to be part of the landscape character of the area. Clearly, the Charing Heath area has also been affected by other development (including the M20 and HS1 railway line) in recent years. However, I do not consider that the proposed development would give rise to a significant cumulative impact when considered in that context.
112. If permission is granted, it would be appropriate to impose a condition requiring extraction and restoration of Burleigh Farm and restoration of those parts of Charing Quarry affected by the proposed development (and which were not already restored) to be completed within a specified time period(s). The applicants estimate that extraction and restoration at Burleigh Farm would be completed in between 8 and 15 years from the commencement of extraction depending on the rate of production (150,000 to 300,000tpa). Given the uncertainties associated with production rates, I consider it reasonable to require extraction and restoration to be completed within 15 years of the commencement of commercial sand extraction. This would additionally require the County Council to be notified of the commencement date. If production is higher, extraction and restoration could be completed earlier. As noted in paragraph 108 I consider it reasonable for final restoration of Charing Quarry to be completed within 12 months of the completion of extraction at Burleigh Farm. This could also be addressed by a condition(s) amending the requirements of the existing permissions.
113. Notwithstanding the objections that have been raised and the harm that would arise from the proposed development, I do not consider that the adverse landscape and visual impacts would be unacceptable or overriding. The impacts associated with the development and operation of the site (including the construction of the conveyor tunnel and operation of the conveyor) would be temporary and whilst the proposed final restored landform would be different from that currently existing at Burleigh Farm, it would be similar to that associated with former mineral workings in the area and give rise to the benefits described elsewhere in this report (e.g. continuity in the supply of

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

soft sand and increased biodiversity interest). I reject the suggestion that proposed development would have a significant impact on the AONB or its setting. Whilst the proposed restoration would conflict in some respects with the landscape character guidelines for the area, I do not consider that the application should be refused on landscape grounds given the benefits of providing additional soft sand reserves referred to in the above section relating to need and the contribution that this would make more generally to securing sustainable development. On the basis that the impacts are not unacceptable, the proposed development would not be contrary to the above policies subject to the imposition of the conditions referred to above.

#### **Local amenity impacts (e.g. noise, vibration and dust / air quality)**

114. National planning policies relating to local amenity impacts associated with mineral working and waste disposal are set out in the NPPF. 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.
115. 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

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

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<sub>10</sub>). More generic advice on air quality is contained in the Air Quality Planning Practice Guidance (PPG).

116. Policies CA18 and CA23 of the KMLPCA 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.
117. Draft Policies CSM1, DM1, DM11 and DM12 of the draft KMWLP are also relevant. Draft Policies CSM1 and DM1 of the draft KMWLP support sustainable development. Draft Policy DM11 of the draft KMWLP states that minerals development will be permitted if it can be demonstrated that it is 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 development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
118. Policy CS1 (Guiding principles) of the Ashford LDF Core Strategy (July 2008) is also relevant in that it seeks to secure healthy sustainable communities that put human health and wellbeing at their heart.
119. Ashford BC, Charing PC, KCC's Noise and Air Quality Consultants and a number of local residents have commented on local amenity impacts.
120. Charing PC and a number of local residents have objected to the application for a variety of reasons related to local amenity impacts. These include adverse noise, air quality, dust and related health impacts associated with the construction of the conveyor tunnel and residents' car park, the working of the extraction area, the transportation of sand from Burleigh Farm to Charing Quarry by conveyor, the discharge, storage and loading of sand in Charing Quarry and the movement of HGVs entering and leaving the site via Hook Lane. Concerns have also been expressed about the impact of the use of the residents' car park on residents of Tile Lodge Cottages and the noise and dust impacts associated with continued mineral working

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

more generally.

121. Ashford BC has asked that KCC satisfy itself that the proposed development would not unacceptably impact on local residents as a result of noise, dust, odour or other effects, having regard to relevant professional advice.
122. KCC's Noise Consultant has no objection subject to the imposition of conditions to secure appropriate noise and vibration limits and associated mitigation. Specifically, a noise limit of 55dB  $L_{Aeq,1h,free\ field}$  when measured at any noise sensitive property for normal operations, a noise limit of 70dB  $L_{Aeq,1h,free\ field}$  limit for up to 8 weeks in any 12 month period for essential site preparation and restoration work when measured at any noise sensitive property, a vibration limit and monitoring for works associated with the construction of the conveyor tunnel and a noise management plan(s) for the construction of the conveyor tunnel and all operations during the life of the proposed development. It has also advised that the noise management plan(s) provide for regular updates. KCC's Air Quality Consultant has no objection subject to the imposition of conditions to secure the dust control measures proposed for mineral working, restoration and any construction activities and a dust / environmental management plan that reflects the measures proposed in the applicants' air quality assessment. These measures include the grass seeding of soil bunds that would remain in situ for more than 6 months, internal haul roads being regularly surfaced and dampened down with water, paved areas and the public highway in the vicinity of Hook Lane being swept and cleaned routinely and additionally when necessary, soil stripping suspended during weather conditions that may give rise to elevated dust emissions (e.g. prolonged dry periods and high wind, the use of a covered conveyor to assist in containing dust during the transfer of sand to Charing Quarry and the sheeting of loaded HGVs.
123. The proposed development would undoubtedly have some adverse effects on amenity. The most significant impacts (noise, dust and general disturbance) are likely to be those experienced by the occupiers of Tile Lodge Cottages and Warren Houses associated with the implementation of the proposed conveyor tunnel, the cuttings to accommodate the conveyor and the residents' car park. This would also give rise to the adverse impacts on visual amenity addressed in the landscape and visual impact section above. These impacts would be temporary and, with the exception of the time taken for replacement hedgerows and other vegetation to become fully established, limited to about 6 to 8 weeks. KCC's Noise and Air Quality Consultants are satisfied that the implementation of the conveyor tunnel, cutting and car park would not give rise to unacceptable noise, vibration and dust impacts and that this could be secured by conditions if permission is granted. Once these works are completed, impacts in this area would largely be restricted to the operation of the conveyor to transport sand from the extraction area to Charing Quarry, maintenance associated with the conveyor and any vegetation and the use of the residents' car park.
124. The processes of stripping, moving, storing and replacing soils from the proposed extraction area and extracting and processing sand within the extraction area would also give rise to some adverse amenity impacts (e.g. noise and dust). As the

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

proposed extraction area itself is at least 90m from any residential property, impacts associated with these operations would not give rise to significant impact on residential properties. Impacts of users of footpath AW12A crossing the extraction area would be greater but transitory. The proposed soil mound / stockpile area immediately to the east of the extraction area (required to store soils from Phase 3) would be closer to Tile Lodge Cottages, Tile Lodge Bungalow and Tile Lodge Farm (about 40m from Tile Lodge Bungalow itself and 25m from the associated garden hedgerow). However, the soil mound would only be created once (at the start of Phase 3) and removed after extraction is completed in Phase 7. The soil mound would be created relatively quickly and once constructed provide noise and visual attenuation and some benefits in terms of minimising dust from operations. The removal of the soil mound would also be a short term operation.

125. The transportation of sand from the extraction area to the sand storage / loading area, the loading of HGVs and the transportation of sand from Charing Quarry (East), the construction of the sand storage / loading area and the restoration of Charing Quarry would all give rise to some adverse amenity impacts (e.g. noise and dust) to those closest to these operations (including those residents in Tile Lodge Cottages, Warren Houses and around Charing Quarry). Notwithstanding the concerns that have been expressed by Charing PC and a number of local residents, the use of conveyors to transport sand within or between mineral workings is common and should not give rise to unacceptable noise and dust impacts provided they are properly designed, implemented and maintained. The use of a covered conveyor could be secured by condition and its effective maintenance reasonably included as a requirement of noise and dust management plans if permission is granted. KCC's Noise and Air Quality Consultants are satisfied that these operations would not give rise to unacceptable impacts and that they are capable of being undertaken in accordance with the Minerals PPG. The location of the proposed sand storage / loading area in the base of Charing Quarry (East) would serve to minimise the noise and dust impacts of its construction and use. Any dust impacts experienced outside the site would be further reduced by the presence of a significant amount of existing vegetation (including mature trees) around the perimeter of the quarry and the proposed additional planting between the existing vegetation and the sand storage / loading area. The removal of the existing processing plant in the south east corner of Charing Quarry (East) and the storage of restoration materials in that area until required for final restoration would result in some adverse impacts on the amenity of occupiers of those properties closest to that part of the site (i.e. Hurst View and Newbury). However, the plant would need to be removed to enable restoration of Charing Quarry in any event and any disturbance associated with the storage of materials required for restoration would be temporary and limited to the initial movement of materials to the area (a short term operation), the maintenance of the grassed area for the duration of works at Burleigh Farm, the removal of the materials for use in the final restoration of Charing Quarry and the restoration of the area itself. The area is already well screened from neighbouring properties by trees and other vegetation which would assist in minimising the dust impacts of these operations. The majority of the restoration works in Charing Quarry would take place in the next couple of years. These would be required regardless of the outcome of the current application and any impacts associated with

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

this have previously been considered to be acceptable. The same applies to impacts associated with the final restoration of those parts of Charing Quarry which could not be undertaken until Burleigh Farm is completed (albeit that these would be delayed by some years).

126. Whilst the proposed development is different from that previously dismissed on appeal for a number of reasons described in this report (particularly the absence of extraction to the south of the Burleigh Farm access road meaning that extraction would have taken place closer to residential properties and the inclusion of the conveyor link to Charing Quarry which would be relatively close to Tile Lodge Cottages and Warren Houses), it should be noted that the Inspector concluded in 2003 that the impact on the living conditions of local residents would not be so great as to justify withholding planning permission for that reason alone. In coming to that view, he noted that the proposed development was unlikely to cause adverse air quality impacts or unacceptable levels of dust that would be detrimental to the living conditions of local residents (given proposed mitigation measures), that the noise levels recommended in Government Guidance would not be exceeded (subject to proposed mitigation measures) and that any impact on outlook would not be so great as to represent an unacceptable impact on the living conditions of local residents (despite the somewhat artificial nature of the main southern site screening bund). I would not wish to attach any significant weight to the Inspector's conclusions on this but it does demonstrate that mineral working can be acceptable in terms of amenity impacts even when proposed close to residential properties.
127. In addition to the conditions referred to above, it would also be necessary for a condition to be imposed restricting the hours of operation to between 07:00 and 18:00 hours Monday to Friday and 07:00 and 1300 hours on Saturdays, with no operations (other than emergency maintenance and monitoring) on Saturdays after 13:00 hours, on Sundays and on Bank / Public Holidays (as is proposed). It would also be desirable to impose a condition requiring the use of non-tonal vehicle reversing alarms. However, the applicants have advised that this could present problems for those vehicles collecting sand from Charing Quarry (East) that are not under the control of Brett Aggregates. They have also advised that the proposed internal routeing arrangements should largely avoid the need for vehicles collecting sand to reverse and that the proposed noise management plan could further address this as necessary. Whilst I have some sympathy with this, and am content that reversing noise associated with HGVs collecting sand could be addressed in the proposed noise management plan, I do believe that it would be appropriate to impose a condition prohibiting the use of tonal reversing alarms on plant and equipment employed on site at Burleigh Farm and Charing Quarry. Restrictions on the number of HGV movements each day (referred to elsewhere in this report) would assist in minimising adverse amenity impacts on residents or others using Hook Lane. Since noise and dust / air quality impacts are capable of being satisfactorily controlled I can see no reason why the proposed development should give rise to any significant adverse health impacts. There is no reason for the proposed development to give rise to odour given the nature sand extraction and related operations.



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

128. Subject to the imposition of conditions to secure the noise and vibration limits and noise management plans recommended by KCC's Noise Consultant, the proposed dust mitigation measures and dust management plan recommended by KCC's Air Quality Consultant, the use of non-tonal reversing alarms for plant and equipment employed on site at Burleigh Farm and in Charing Quarry, restrictions on HGV movements and the hours of operation referred to above, I am satisfied that the proposed development would be acceptable in terms of noise, vibration and air quality / dust impacts and accord with relevant policies.

### **Highways and transportation**

129. National planning policies relating to highways and transportation are set out in the NPPF. 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. 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.
130. Policy CA16 of the KMLPCA states 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. 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.
131. Draft Policy DM13 of the draft KMWLP requires minerals and waste development to demonstrate that emissions associated with road transport movements are minimised 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

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

cannot be secured by conditions.

132. Policy CS15 (Transport) of the Ashford LDF Core Strategy (July 2008) states that developments that would generate significant traffic movements must be well related to the primary and secondary road network and this should have adequate capacity to accommodate the development. It also states that new accesses and intensified use of existing accesses onto the primary or secondary road network will not be permitted if a materially increased risk of road traffic accidents or significant traffic delays would be likely to result. It further states that in rural areas, proposals which would generate levels of traffic, including HGV traffic, beyond that which the rural roads could reasonably accommodate in terms of capacity and road safety will not be permitted. Policy TRS18 (Important rural features) of the Tenterden and Rural Sites DPD (October 2010) states that development in rural areas shall protect and where possible enhance rural lanes which have a landscape, nature conservation or historic importance. The Ashford LDF Residential Parking and Design SPD (October 2010) indicates that 2-bedroom houses in rural areas should be allocated 2 parking spaces per house as part of infill and small-scale (re)development. It also indicates that parking spaces in open spaces should be 5m long and 2.5m wide (increased to 2.7m where next to a wall, fence or building on one side).
133. Ashford BC, Charing PC, KCC Highways and Transportation and a number of local residents have commented on matters relating to highways and transportation
134. Charing PC has objected to the application for a variety of reasons related to highways and transportation. These include the impact of continued and possibly increased HGV traffic on Hook Lane associated with the transportation of sand from Charing Quarry, the impact of additional traffic on Tile Lodge Road and Charing Heath Road associated with the development of the proposed extraction area at Burleigh Farm and the impact on Tile Lodge Road, Charing Heath Road and other local roads as a result of disruption associated with the implementation of the proposed conveyor tunnel (including temporary road diversions). A number of local residents have objected for similar reasons and referred more generally to adverse impacts associated with traffic and highway safety, as well as a weak railway bridge, the poor condition of Hook Lane and the impact on the local bus route using Tile Lodge Road (due to road closures). A local resident has also suggested that if Burleigh Farm is worked, access should be under the railway line (through the existing underpass) and via a new access road to the north of the railway line to Charing Heath Road as proposed in the previous application / appeal. Whilst a number of local residents have objected to the proposed residents' car park due to concerns about the removal of existing trees and vegetation to the rear of Tile Lodge Cottages (leading to various adverse impacts referred to elsewhere in this report, including reduced security as a result of increased access to the land), support has also been expressed for its provision on the basis that it would benefit the occupiers of the cottages by providing 2 off-street car parking spaces for each property and benefit all road users by removing / reducing conflict with parked cars and improving road safety.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

135. Ashford BC has advised that it does not object to the application on highway safety grounds. However, it has also stated that the County Council should satisfy itself that it would not unacceptably impact on local residents as a result of matters such as noise and dust (which could arise from HGVs associated with the proposed development).
136. KCC Highways and Transportation has no objection subject to: the provision of construction vehicle loading / unloading and turning facilities prior to commencement of work on site and for the duration of the operation of the quarry; the provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of the operation of the quarry; the provision of wheel washing facilities prior to commencement of work on site and for the duration of the operation of the quarry; the provision and permanent retention of the vehicle parking spaces and turning space for the residents of Tile Lodge Cottages shown on the submitted plans prior to the quarry hereby permitted being brought into use; and the use of a bound surface for the first 6 metres of the access from the edge of the highway for the parking area to Tile Lodge Cottages. It has also requested a contribution of £113,090 towards the costs of bringing Hook Lane up to an appropriate standard fit for further quarry activities and then for the maintenance for the lane for up to 15 year period from 2017 to 2032 and the provision of the conveyor belt system under Tile Lodge Road with the works being undertaken and funded by the applicant and subject to a full structural approval process with KCC Highways and Transportation. It has also advised that the proposed conveyor system is likely to be acceptable but that Tile Lodge Road would have to be subject to a temporary full road closure (with the most appropriate diversion route being the A20, Station Road, Pluckley Road, Charing Heath Road, Wind Hill Lane and then Tile Lodge Road).
137. Subject to being acceptable in other respects, the implementation and use of the proposed conveyor and conveyor tunnel is essential to the acceptability of the proposed development in highway terms. It would enable the continued use of the existing Hook Lane access (improved in 2003) and Hook Lane to access the A20 (a route which is considered to be acceptable by KCC Highways and Transportation) and avoid ongoing highway impacts on Tile Lodge Road and Charing Heath Road. The County Council previously opposed the use of Charing Heath Road by HGVs associated with mineral working at Burleigh Farm when determining the previous application due in large part to the adverse impact of the necessary road improvements (e.g. passing bays and widening of its junction with the A20) on its historic hedgerows and associated ecology and concerns about the likely success of hedgerow translocation. However, it should be noted that subject to the improvements there were no objections on highway safety grounds from the Highway Authority to its use. The Inspector accepted that Charing Heath Road would provide an acceptable access in terms of road safety and that the impacts to the hedgerows were not sufficient reason to justify withholding planning permission. However, he agreed that the access proposals would be detrimental to the historic and rural character of Charing Heath Road. The use of Tile Lodge Road by HGVs associated with the transportation of minerals would also be unacceptable given its width and sharp bends and as it would still require the use of Charing Heath Road to access the A20. The

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

use of Charing Heath Road and Tile Lodge Road to transport plant, machinery, equipment and materials required for the development of the conveyor link and conveyor tunnel and plant and equipment required for soil stripping and replacement, sand extraction and restoration within the extraction area itself and restoration of the conveyor route once mineral working has been completed are considered to be acceptable as these would be necessary to facilitate the development and as there is no other acceptable means of access. It would not be possible for vehicle movements associated with these operations to use Hook Lane and pass through Charing Quarry. I note that large agricultural vehicles or equipment would also need to use Tile Lodge Road and Charing Heath Road to access Burleigh Farm.

138. Notwithstanding the objections of a number of residents to the proposed car park to the rear of Tile Lodge Cottages, its provision would assist in improving highway safety and reduce (if not entirely remove) the need for on-street parking on this section of Tile Lodge Road enabling other traffic (including buses) to use the route more easily. The provision of 2 parking spaces for each house would accord with the parking standards for 2-bed houses in rural areas set out in the Ashford LDF SPD. Off-street car parking (albeit in a different location) was also acknowledged as beneficial to highway safety by the Inspector in 2003. The provision and permanent retention of the car park can be secured by condition if permission is granted.
139. The applicants have agreed to pay the contribution requested by KCC Highways and Transportation and this can be secured by a Section 106 (legal) Agreement. The Heads of Terms for the Section 106 Agreement are set out in [Appendix 2](#) (page C1.73). KCC Highways and Transportation has advised that the works to bring Hook Lane up to an acceptable standard should be undertaken prior to the commencement of works to facilitate the opening of the new quarry and that the lead-in time for the works should be no more than 6 months from the receipt of the funds. It has also confirmed that all issues associated with the proposed conveyor tunnel (including approval of detailed design, road closure, temporary routeing arrangements, long term arrangements and securing the County Council's costs) can be addressed by the necessary Section 278 (highways) Agreement. The imposition of a condition requiring that the conveyor and tunnel be constructed prior to extraction and used to transport mineral for the duration of working would ensure that the conveyor tunnel is implemented if permission is granted and the site developed. Notwithstanding the fact that the Section 278 Agreement would necessitate the approval of the detailed design of the proposed tunnel by the Highway Authority, it would also be appropriate to impose a condition requiring the submission of further details of the tunnel and associated works to the County Council as Mineral Planning Authority in order that any planning implications can also be considered (e.g. relationship with adjoining land and landscape planting and services).
140. In addition to the above, it would also be appropriate to impose a limit on the number of HGVs entering / leaving Charing Quarry in any one day. The proposed maximum of 110 movements (55 in / 55 out) is acceptable and could be imposed by condition. Conditions could also be imposed to secure the matters requested by KCC Highways and Transportation.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

141. Subject to the prior completion of a Section 106 Agreement to secure the highway contribution, the applicants entering a Section 278 Agreement with the Highway Authority to address the issues relating to the conveyor tunnel and the imposition of conditions to secure the other matters referred to above, I am satisfied that the proposed development would be acceptable in terms of highways and transportation and accord with relevant policies.

**Water environment (hydrology, hydrogeology and groundwater impacts)**

142. National planning policies relating to the water environment are set out in the NPPF. 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 and advice on these how water quality 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.
143. Draft Policies DM1 and DM10 of the draft KMWLP are also relevant. Draft Policy DM1 of the draft KMWLP states that minerals 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 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 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.
144. Policies CS1 (Guiding principles) and CS20 (Sustainable drainage) of the Ashford LDF Core Strategy (July 2008) and the Ashford LDF Sustainable Drainage SPD (October 2010) are also relevant. Policy CS1 seeks to minimise flood risk and protect water supply. Policy CS20 states that all development should include sustainable drainage systems (SUDS) for the disposal of surface water in order to avoid any increase in flood risk or adverse impact on water quality. The Sustainable Drainage SPD provides guidance on how to design SUDS.
145. Charing PC, the Environment Agency, South East Water, Southern Water, KCC Sustainable Drainage, CPRE, the Upper Stour Internal Drainage Board (IDB) and a number of local residents have commented on matters relating to the water

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

environment.

146. Charing PC has objected as it believes that the proposed development would both damage and lead to the loss of streams feeding the River Stour and represent a potential risk to public water supplies. It also believes that such damage has already occurred as a result of previous quarrying activities (i.e. the stream on unexcavated land between Charing Quarry East and West leading to Little Swan Street to the south has stopped flowing in recent years) and that impacts would be cumulative. CPRE has objected due to risks to the aquifer and public water supplies. A number of local residents have also objected to concerns about adverse impacts on surface water / stream flows and the resultant reduction in groundwater supplies and potential pollution of groundwater.
147. The Environment Agency and South East Water have no objection subject to the development being undertaken as proposed, appropriate controls being implemented to minimise pollution risk and groundwater level and quality monitoring being undertaken as proposed by the applicants for the duration of mineral working. Southern Water has provided information on the location of its foul sewer in Tile Lodge Road, outlined a number of restrictions on new tree planting and soakaways in relation to the sewer, stated the need for its apparatus to be protected and indicated that further details on how its apparatus would be protected both during and after completion of the conveyor tunnel. KCC Sustainable Drainage has no objection but has requested that the applicants be advised of the need for land drainage consent from the County Council if any works would reduce or affect the ability of a ditch or ordinary watercourse to convey water (including temporarily). The Upper Stour IDB has no objection subject to off-site run-off rates not being increased or significantly reduced and Environment Agency pollution and prevention and control guidance being followed.
148. Notwithstanding the objections and concerns raised by a number of respondents, it would be difficult to justify refusing planning permission due to concerns about potential loss of streams or adverse impacts on groundwater and public water supplies when the Environment Agency and South East Water have raised no objections and are content for the proposed development to take place following detailed consideration of the proposals and as no objections have been received from KCC Sustainable Drainage and the Upper Stour IDB.
149. If permission is granted, it would be necessary to impose a condition limiting the depth of working to ensure that a 3m stand-off between the base of the quarry and the maximum height of groundwater is maintained. It would also be necessary to impose a condition requiring groundwater level and quality monitoring to be undertaken monthly and the results submitted to the County Council and South East Water. This would ensure that the depth of the workings could be adjusted from those currently envisaged if groundwater levels rise (i.e. so that a 3m stand-off is maintained) and to check whether quarrying activities are having any adverse effect on water quality. Conditions should also be imposed requiring appropriate storage of fuel, oil and any chemicals on site, to ensure that the proposed 8m stand-offs between the stream and

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

the extraction areas are maintained and to require details of the proposed arrangements for the stream whilst it is piped to accommodate the field conveyor and new access track and how it would be reinstated thereafter. An informative could reasonably be imposed to advise the applicants of the need for land drainage consent for works that have the capacity to reduce / affect the ability of any ditch or ordinary watercourse on site to convey water. The issues raised by Southern Water are capable of being addressed appropriately when the detailed design of the conveyor tunnel is undertaken.

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

### **Geotechnical stability**

151. National planning policies relating to geotechnical stability are set out in the NPPF. 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 or differential settlement of quarry backfill. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. 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.
152. Policy W20 of the KWLP requires that proposals take account of land stability. Draft Policy DM18 of the draft KMWLP states that planning permission will be granted for minerals development where it does not result in land instability and that all proposals that could give rise to land instability must include a stability report and measures to ensure land stability.
153. KCC's Geotechnical Consultant, Network Rail and a number of local residents have commented on matters relating to geotechnical stability.
154. A number of local residents have objected on the basis that the proposed development has the potential to lead to landslips on the restored quarry slopes.
155. Network Rail has not raised any objection to the proposed development but has stated that it must not adversely affect its apparatus or operations either during or after completion of the works. It has set out a number of specific requirements and

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

requested that conditions be imposed to safeguard these interests (see paragraph 55 above).

156. KCC's Geotechnical Consultant has no objection and has advised that the applicants' stability analysis of the proposed slopes shows adequate factors of safety for adjacent land and infrastructure. It has also specifically advised that whilst the proposed vertical restoration face (at the south eastern end of the proposed extraction area) may slowly degrade it is acceptable and that groundwater levels would have little influence on slope stability in this instance.
157. 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. railway line, Footpath AW12A, stream, trees and hedgerows) and appropriate excavated profiles would need to be maintained as quarrying progresses to meet health and safety requirements. 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, it would be appropriate to require that the extraction boundaries do not exceed those proposed in the applicants' Geotechnical Assessment (e.g. at least 10m from the railway boundary, 30m from the badger setts, 8m either side of the stream, 6m from an area of Pine Wood and 4m from the hedgerow along the Burleigh Farm access road). Whilst the upper 5m of the quarry face at the south eastern end of the proposed extraction area would remain as part of the final restoration to provide for habitat creation and a Regionally Important Geological / Geomorphological Sites (RIGS), sufficient land within the applicants' control lies immediately to the east to ensure that no other land is adversely affected when the slope degrades naturally over time. The proposed development within Charing Quarry gives rise to no new geotechnical issues although the proposed removal of exposed sand faces would reduce the potential for instability
158. Subject to the development being implemented as proposed and conditions being imposed to address the detailed matters requested by Network Rail and provide for appropriate stand-offs, I am satisfied that it would be acceptable in terms of geotechnical stability and would accord with relevant policies.

### **Ecology**

159. National planning policies relating to ecology are set out in the NPPF. 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



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

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. Paragraphs 007 to 023 of the Natural Environment Planning Practice Guidance (PPG) include advice in respect of biodiversity, ecosystems and green infrastructure.

160. Draft Policies DM1, DM2, DM3 and DM19 of the draft KMWLP are also relevant. Draft Policy DM1 of the draft KMWLP states that minerals 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 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 unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. 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.
161. Policy CS11 (Biodiversity and geological conservation) of the Ashford LDF Core Strategy (July 2008), Policy TRS17 (Landscape character and design) of the Tenterden and Rural Sites DPD (October 2010) and Policies EN30 (Nature conservation sites) and EN31 (Important habitats) of the Ashford Borough Local Plan Saved Policies (October 2012) are also relevant. Policy CS11 states that development proposals should avoid harm to biodiversity and geological conservation interests and seek to maintain and where possible enhance and expand biodiversity by restoring or creating suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the National and Kent Biodiversity Action Plans (BAPs). It also states that if, exceptionally, there are circumstances in

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

which other considerations justify permitting development that causes harm to such interests, appropriate mitigation or compensation measures should be required. Policy TRS17 states that proposals should (amongst other things) have particular regard to the type and composition of wildlife habitats. Policy EN30 states that development which would harm the scientific or wildlife value of Sites of Nature Conservation Importance (Local Wildlife Site), directly or indirectly, or cause adverse effects to any protected species, will not be permitted unless there are material considerations which outweigh the harm or the harm could be overcome by conditions or planning obligations. Policy EN31 states that development which is likely to significantly affect semi-natural habitats or other important habitats such as unimproved grassland, wetland, natural woodlands, heathland, mire and traditional orchards will not be permitted unless measures have been taken to limit significantly this impact and long term habitat protection is provided where appropriate.

162. Ashford BC, Charing PC, Natural England, KCC's Biodiversity Officer, Kent Wildlife Trust, CPRE and a number of local residents have commented on matters relating to ecology.
163. Charing PC has objected due to concerns about harm to ecosystems. In its detailed comments it has specifically referred to concerns about impacts on the area between Tile Lodge Cottages and Warren Houses as a result of the implementation of the conveyor tunnel, including harm arising from the removal of hedgerows, trees and scrubland vegetation. It has similar concerns about the implementation of the residents' car park. It is also concerned about impacts on sand martins in Charing Quarry and other species more generally (including reptiles, skylarks and tree creepers). It is further concerned that the loss of agricultural farmland could adversely affect predators such as weasels, owls and kites which feed on other species in this area and suggested that there is already sufficient "conservation" land in the area. CPRE has objected due to concerns about loss of habitat (e.g. hedgerows). Local residents' objections include those related to adverse impacts on flora and fauna, including skylarks and tree creepers.
164. Ashford BC has asked that KCC satisfy itself that the proposed development would not unacceptably impact on matters of ecological / nature conservation importance having regard to relevant professional advice. Natural England has stated that the proposed development does not pose any likely or significant risk to a SSSI, Natura 2000 site or a large population of a protected species and advised that the County Council have regard to its standing advice on protected species and considers opportunities for biodiversity enhancement.
165. Kent Wildlife Trust has no objection subject to the submission, approval and implementation of detailed management and monitoring plans. It also supports the restoration to "nature conservation with (limited) public access". KCC's Biodiversity Officer has no objection subject to the imposition of conditions to secure the implementation of all of the identified avoidance and mitigation measures, which could take the form of an overarching strategy showing the principles of mitigation outlined in the application and detailed mitigation strategies informed by further survey work

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

submitted prior to the commencement of each phase. She has also acknowledged that the restoration proposals should result in significant biodiversity enhancements, including positive impacts for a range of protected species and supporting the delivery of Biodiversity Action Plan (BAP) targets through the creation / development of BAP habitats.

166. Notwithstanding the concerns that have been expressed by Charing PC, CPRE and a number of local residents about potential impacts on ecology, Natural England, Kent Wildlife Trust and KCC's Biodiversity Officer are satisfied that the proposed development would not give rise to unacceptable ecological impacts provided the development is carried out as proposed (including any avoidance and mitigation measures proposed by the applicants) which are capable of being secured by conditions if permission is granted. The proposed mitigation includes measures to ensure appropriate safeguards for protected species (i.e. badgers, bats, great crested newts and reptiles). The proposed retention of the conveyor tunnel would also provide enhancement for bats. It is also proposed to avoid conflict with nesting birds. As well as providing habitat suitable for sand martins, the proposed retention of sand faces within the final restoration scheme at Burleigh Farm would serve to replace the geological (RIGS) interest previously exposed in Charing Quarry and provide a better solution to that provided for in the earlier permissions. The provision of the sand face to provide ongoing geological interest can be seen positively in the context of draft Policy DM2 of the KMWLP.
167. 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. The proposed development would also be consistent with policy relating to maintaining geological interest.

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

168. National planning policies relating to archaeology, heritage and conservation are set out in the NPPF. 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

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

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.

169. The KMLPCA contains 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 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 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 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.
170. Policy CS1 (Guiding principles) of the Ashford LDF Core Strategy (July 2008), Policies TRS17 (Landscape character and design) and TRS18 (Important rural features) of the Tenterden and Rural Sites DPD (October 2010) and Policies EN23 (Sites of archaeological importance) and EN28 (Historic parks and gardens) of the Ashford Borough Local Plan Saved Policies (October 2012) are also relevant. Policy CS1 seeks to conserve and enhance the historic environment and built heritage of the Borough. Policy TRS17 states that proposals should (amongst other things) have particular regard to the presence and pattern of historic landscape features. Policy TRS18 states that development in rural areas should protect and where possible enhance rural lanes which have a historic importance. Policy EN23 states that in exceptional circumstances, permission may be given for development affecting important archaeological sites or regional or local importance if the applicant has demonstrated that the site would be satisfactorily preserved either in situ or by record and that any archaeological recording should be by an approved archaeological body and take place in advance of development in accordance with a specification and programme of work to be submitted and approved by the Council. Policy EN28 states that proposals which would harm the character or setting of a historic park or garden will not be permitted.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

171. Ashford BC, Charing PC, English Heritage, KCC's Archaeological Officer, KCC's Heritage and Conservation Officer, CPRE and a number of local residents have commented on matters relating to archaeology, heritage and conservation.
172. Charing PC has objected due to concerns about harm and potential loss of areas of historic significance around Burleigh Farm. It considers that the proposed development would adversely affect the setting of Burleigh Farmhouse and that the stand-off to Burleigh Chapel is insufficient. It is also concerned that the archaeological significance of the area between Tile Lodge Cottages and Warren Houses has not been adequately addressed (i.e. further surveys should be required). CPRE has objected due to concerns about significant / adverse cumulative impacts on the historic environment, including those on historic buildings in the area. It has also stated that if permission is granted, the remains of Burleigh Chapel should be stabilised and conserved and the 20m stand-off between the chapel and extraction area increased due to uncertainties about the location of graves and other remains and as the void would remain as part of restoration. Local residents have also objected due to concern about impacts on listed buildings.
173. Ashford BC has asked that KCC satisfy itself that the proposed development would be acceptable in terms of archaeology, having regard to relevant professional advice. English Heritage has recommended that the application be determined in accordance with national and local policy and on the basis of the County Council's specialist advice.
174. KCC's Archaeological Officer has no objection to the proposed development subject to the implementation of a programme of archaeological work in accordance with a written specification and timetable which has first been submitted to and approved by the County Council and fencing being installed before extraction or enabling works take place to protect Burleigh Chapel in a manner agreed beforehand. KCC's Heritage and Conservation Officer has no objection subject to the future of Burleigh Chapel being secured. She is satisfied that the proposed stand-offs to Burleigh Farm and Burleigh Chapel are appropriate.
175. Notwithstanding the concerns that have been expressed by Charing PC, CPRE and a number of local residents about impacts on archaeology, heritage and conservation (including listed buildings), KCC's Archaeological Officer and Heritage and Conservation Officer are both satisfied that the proposed development would not give rise to unacceptable impacts and could be allowed to proceed provided the development is carried out as proposed, archaeological works are undertaken and measures are taken to protect, remediate and enhance the remains of Burleigh Chapel and protect associated historic interest. KCC's Archaeological Officer and Heritage and Conservation Officer have indicated that the applicants' proposals for the protection, remediation and enhancement of the remains of Burleigh Chapel (i.e. Burleigh Chapel Conservation Statement (Oxford Archaeology, September 2014)) are acceptable and should form the basis for more detailed proposals if permission is granted. I am satisfied that the proposed development would have no significant impact on Church Hill Cottage Historic Park and Garden given that it lies about 500m

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

to the south of the proposed extension area.

176. I am satisfied that the programme of archaeological work and fencing requested by KCC's Archaeological Officer can be secured by conditions if permission is granted. In both cases, details would need to be submitted for the prior approval in writing of the County Council and then implemented as approved. Whilst I do not consider that the remediation works to Burleigh Chapel are essential in order for the proposed development to proceed, I do believe that it would be desirable for them to be secured so far as is possible. Securing the protection, remediation and enhancement works to Burleigh Chapel is not straightforward given its listed building status but is capable of being addressed in a satisfactory manner. Notwithstanding the fact that Burleigh Chapel is on land owned and controlled by the applicants, it is not possible for the works to be directly secured by conditions attached to any mineral permission (or any legal agreement associated with this) as listed building consent for these would need to be obtained from Ashford BC. Similarly, permitted development rights for fencing that would ordinarily exist (and could be secured even if outside an application site) do not exist where this would involve developing within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.<sup>4</sup> It should be noted that the fencing proposed in the Burleigh Chapel Conservation Statement is more specifically designed to protect the remains of the chapel as distinct from that requested by KCC's Archaeological Officer which would serve to ensure that plant, machinery and vehicles associated with the proposed quarry do not adversely affect the chapel and the land and historic interest associated with it. In view of these issues, I consider the best way to address the matter and secure public access and appropriate interpretation in perpetuity (as is proposed) would be to secure a legally binding commitment from the applicants to:

- (a) Seek and use reasonable efforts to obtain the necessary listed building and / or other consent(s) from Ashford BC for remedial works to protect / enhance the remains of the chapel consistent with the proposals set out in the Burleigh Chapel Conservation Statement (Oxford Archaeology, September 2014) (including fencing) and implement the proposals if consent / permission is given;
- (b) Submit any applications to Ashford BC required to facilitate (a) above within 3 months of the date of any planning permission granted in respect of planning application AS/15/206; and
- (c) Allow public access to Burleigh Chapel and provide and maintain an interpretation board (both in perpetuity) in accordance with a scheme that has first been submitted to and approved in writing by Kent County Council.

177. The above commitments are included in the Heads of Terms for a Section 106 Agreement set out in [Appendix 2](#) (page C1.73). If permission is granted for the proposed development, a condition could also be imposed requiring the scheme referred to in (c) above. KCC's Archaeological Officer and Heritage and Conservation Officer have indicated that they are satisfied with this approach. Whilst it would also

---

<sup>4</sup> Class A (gates, fences, walls, etc), Part 2 (Minor Operations) of Schedule 2 to the T&CP (GPD) (E) Order 2015

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

be possible to impose a condition requiring the submission of detailed proposals for the remedial works to protect / enhance the remains of the chapel (as referred to in (a) above), this would effectively duplicate what would need to be addressed in the proposed listed building application. On that basis, I propose that Ashford BC be requested to consult the County Council on the listed building application to ensure that what is proposed is consistent with the applicants' current proposals for Burleigh Chapel or are otherwise satisfactory.

178. Subject to the prior completion of a Section 106 Agreement to secure the commitments referred to in paragraph 176 and the imposition of conditions to secure the other matters referred to above, I am satisfied that the proposed development would be acceptable in terms of archaeology, heritage and conservation and accord with relevant policies.

#### **Public rights of way / public access**

179. National planning policies relating to public rights of way / public access are set out in the NPPF. 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.
180. Policy CA21 of the KMLPCA states 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 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.
181. Policy CS15 (Transport) of the Ashford LDF Core Strategy (July 2008) and Policy TRS18 (Important rural features) of the Tenterden and Rural Sites DPD (October 2010) are also relevant. Policy CS15 states that development proposals must show how all highway, public transport, walking and cycling needs arising from the development will be satisfied and provide for the timely implementation of all necessary infrastructure. Policy TRS18 states that development in rural areas should (amongst other things) protect and where possible enhance public rights of way.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

182. Charing PC, KCC Public Rights of Way (PROW) and a number of local residents have commented on matters relating to public rights of way and public access.
183. Local residents' objections include reference to loss of public access to the countryside / footpaths and that greater public access to the restored site should be provided. It has also been suggested that no-one will wish to use the proposed permissive paths in Charing Quarry whilst it is partially restored and operations are ongoing.
184. Charing PC has commented that the timing of public access to the permissive paths in Charing Quarry is unclear.
185. KCC PROW has no objection and has welcomed the proposed improvements to public pedestrian access in Charing Quarry. It has also made a number of detailed comments about footbridge design and maintenance, structures / furniture, permissive pedestrian routes, temporary closures and the need for further permissions from the Highway Authority and suggested that these be addressed by conditions (as necessary) if permission is granted. It also suggested the creation of a new public footpath linking Footpath AW35 (to the north of Charing Quarry) with Tile Lodge Road via the proposed access road to the parking area to the rear of Tile Lodge Cottages to improve pedestrian access and safety to meet the objectives of Policy CS15 of the Ashford LDF Core Strategy.
186. The proposed development would not reduce public access to the countryside and footpaths as suggested by local residents. All existing public rights of way would be maintained and additional public access would be available within Charing Quarry once it is considered safe and reasonable to open the proposed permissive paths. The applicants have suggested that the timing of access to the permission paths be addressed by condition. Given the proposed improvements within Charing Quarry, I do not consider it necessary for additional public access to be provided to the restored landform at Burleigh Farm. Such additional access could have implications for public safety given the proposed inclusion of steep exposed sand faces in parts of the site. I also consider that greater public access to Charing Quarry would be more beneficial given its location in relation to Charing Heath and as it would enable pedestrian links between different parts of the settlement.
187. Whilst the creation of a new footpath linking Footpath AW35 with Tile Lodge Road via the proposed access road to the parking area to the rear of Tile Lodge Cottages would be beneficial in terms of public access and improve pedestrian safety if it led to pedestrians not walking along Tile Lodge Road, it could lead to additional disturbance to residents of Tile Lodge Cottages and decrease the security of the proposed residents' car park. I note that Policy CS15 of the Ashford LDF Core Strategy applies to "walking needs arising from the development". The proposed development in this case gives rise to no specific walking needs (unlike residential, employment or most other forms of development for which Ashford BC is responsible) and it is therefore not necessary for the policy requirement to be addressed in this case. I do not therefore consider that the County Council could insist on the creation of the proposed new



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

public footpath, particularly as the additional public access that is proposed (in the form of permissive paths) provides benefits for pedestrians and should be viewed favourably.

188. Although the proposed temporary diversion of Footpath AW12A would need to be addressed and any infrastructure associated with the footbridge and new access track (such as kissing gates) approved by KCC PROW, I consider it appropriate to require details of these to be submitted to and approved by the County Council before being implemented if permission is granted. This would enable any planning implications to be considered and the relationship between this and other matters to be assessed. I am satisfied that this could be secured by condition. Conditions should also be imposed to require further details of the proposed permissive paths in Charing Quarry (including any surfacing and associated infrastructure) and so that the timing of public access to the paths can be agreed. In order to ensure that the permissive paths remain available for pedestrians in perpetuity (as is proposed) it would be necessary to obtain a formal commitment from the applicants for this. I am satisfied that this could be secured as part of a Section 106 (legal) Agreement. This is included in the Heads of Terms for a Section 106 Agreement set out in [Appendix 2](#) (page C1.73).
189. Subject to the prior completion of a Section 106 Agreement to secure the commitment referred to in paragraph 188 and the imposition of conditions to secure the other matters referred to above, I am satisfied that the proposed development would be acceptable in terms of public rights of way and public access more generally and accord with relevant policies

### **Agricultural land / soils**

190. National planning policies relating to agricultural land are set out in the NPPF. 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.
191. Policy CA23 of the KMLPCA requires satisfactory working and reclamation 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 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

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

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.

192. Charing PC, CPRE and a number of local residents have commented on matters relating to agricultural land / soils.
193. Charing PC has objected to the permanent loss of 19ha of best and most versatile agricultural land (grade 3 and 3A), the cumulative (previous) loss of similar land to quarrying and the resultant impact on the local economy and considers this to be contrary to draft Policy DM1 of the draft KMWLP. CPRE has objected for the same reason (although it refers to 21ha) stating that the land would initially be taken out of agricultural use by quarrying and then by the proposed habitat conservation use (with steep restored sides). A number of local residents have also objected to the further loss of farmland in the area.
194. I note that Natural England (which would normally comment on the restoration of agricultural land) has not raised any objection to the application and that its Technical Information Note (TIN049) relating to protecting the best and most versatile agricultural land states (amongst other things) that non-agricultural after use (e.g. nature conservation or amenity) can be acceptable even on better quality land if soil resources are conserved and the long term potential of best and most versatile land is safeguarded by careful land restoration and aftercare.
195. The applicants have stated that the proposed development would lead to the loss of 21ha of agricultural land to the current agricultural holding but that this loss would not be significant and would not harm the economic viability of the holding as the proposed site represents only 4% of the total area. They also note that whilst the proposed restoration to nature conservation would lead to the loss of 19ha of “best and most versatile” agricultural land, this need not be irreversible because all soils would be stripped, handled, stored and replaced in accordance with (Defra) best practice in order to preserve their agricultural potential. They also note that the best and most versatile soils would be used on areas with gradients of less than 1v:8h except where restored land requires low nutrient soils or is proposed to be restored with exposed sand surfaces for nature conservation reasons. They have also stated that as no built development is proposed, agricultural use could be reinstated at the

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

lower level if this became necessary.

196. Whilst I accept the general principle of what the applicants say, I consider that it would be unrealistic to expect all of the 19ha (or 21ha) to be returned to productive arable agricultural use in future given the need to retain the ephemeral stream and Footpath AW12A on their current alignment and the steep restoration profiles that would be created regardless of how the soils are stripped, handled, stored and replaced and the land used in the interim. Indeed, the only way that all of the agricultural land could be returned to its current quality would be to restore the site to original ground levels using imported materials.
197. Notwithstanding the above, the restoration proposals have been designed to meet biodiversity objectives and would provide benefits discussed elsewhere in this report. The loss of best and most versatile and other agricultural land needs to be considered in that context and I do not consider that the loss (whether permanent or not) is so significant as to warrant refusal in this case provided soils are stripped, handled, stored and replaced in accordance with best practice as is proposed.

### **Other issues**

#### Prematurity

198. It has been suggested by a number of respondents that it would be premature to determine the application at this time. Although the KMWLP has yet to be adopted and issues relating to the aggregates landbank were subject to considerable debate at the KMWLP Examination I am satisfied that it would not be premature to determine the application at this time in the context of that Plan. I am also satisfied that it would not be premature to determine the application in the absence of the Mineral Sites Plan or a robust and comparative assessment of all potential soft sand sites in Kent. 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 (including the NPPF) this is not the case in this instance. It should further be noted that both the existing and emerging mineral plans include criteria based policies designed to enable applications to be assessed and determined at sites and in locations not specifically identified for mineral working and that regard has been given to such policies as necessary in the above sections.

#### Human rights

199. A number of local residents have objected on the basis that the proposed development would adversely impact on their human rights. The planning system, by its very nature, respects the rights of the individual whilst acting in the interest of the wider community. In considering and determining the application the County Council will have assessed the potential effects on individuals and weighed these against the wider public interest. I am satisfied that this report sets out the potential impacts on individuals and the local community more generally and that the County Council will

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

have had due regard to human rights if permission is granted.

### Blight

200. A number of residents have objected on the basis that the proposed development would give rise to blight (as a result of environmental and aesthetic damage and uncertainty) adversely affecting some local property values and making some properties more difficult to sell. As set out elsewhere in this report the proposed development would give rise to some adverse impacts. However, I consider those impacts to be acceptable subject to the imposition of conditions and a Section 106 (legal) Agreement. If permission is granted, any uncertainty as to whether Burleigh Farm would be worked would be resolved. On this basis, and as the proposed site has not been allocated for a public authority function in a development plan document, I do not consider that blight would arise. In itself, potential impact on property values is not a material planning consideration.

### Conclusion

201. I am satisfied that the applicants have provided sufficient information to demonstrate a workable soft sand deposit and meet the requirements of Policy CA7 of the KMLPCA and a number of draft policies in the emerging KMWLP.
202. Whilst there is no need to release additional soft sand reserves at this time to meet the 7-year soft sand landbank requirement, I believe that there are good reasons to support granting permission for new soft sand reserves to the south and east of Maidstone and that to do so now would assist in ensuring continuity of supply, maintaining a geographic spread of production and providing ongoing competition between operators which would accord with the objectives of a number of the National and local mineral policies referred to in paragraphs 77 to 84 above. I also believe that these matters are capable of demonstrating a broader need in the context of Policies CA6 and CA8D of the KMLPCA and being regarded as “overriding benefits” in the context of draft Policy CSM4 of the draft KMWLP that would support granting permission provided the proposals are acceptable in other respects.
203. Whilst the proposed development would give rise to some harm in terms of landscape and visual impact, I do not consider that these adverse impacts would be unacceptable or overriding. The landscape and visual impacts associated with the development and operation of the site would be temporary and whilst the proposed final restored landform would be different from that currently existing at Burleigh Farm, it would be similar to that associated with former mineral workings in the area and give rise to benefits described elsewhere in the report. I do not accept that the proposed development would have a significant impact on the AONB or its setting. Whilst the proposed restoration would conflict in some respects with the landscape character guidelines for the area, I do not consider that the application should be refused on landscape grounds given the benefits of providing additional soft sand reserves referred to in paragraph 202 above. On the basis that the impacts are not unacceptable, the proposed development would not be contrary to the policies relating

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

to landscape and visual impact referred to in paragraphs 94 to 97 above subject to the imposition of the conditions relating to these matters referred to in this report.

204. Whilst the proposed development would give rise to some adverse effects on local amenity (particularly during site establishment), KCC's Noise and Air Quality Consultants are satisfied that noise, vibration, dust and air quality impacts would be acceptable provided the development takes place as proposed and appropriate controls are imposed by condition (including noise and vibration limits and noise and dust management plans). On this basis, and subject to other conditions restricting HGV movements and hours of operation, I am satisfied that the proposed development would be acceptable in terms of noise, vibration and air quality / dust impacts and accord with the policies referred to in paragraphs 114 to 118 above.
205. Whilst there would be some adverse impacts associated with HGVs and objections have been received to the proposed residents' car park to the rear of Tile Lodge Cottages (including from some of the residents of those properties), KCC Highways and Transportation has no objection to the proposed development subject to conditions addressing a number of matters, an appropriate contribution to ensure that Hook Lane is of an appropriate standard whilst it is used by HGVs transporting sand from Charing Quarry and the provision and use of the proposed conveyor tunnel and residents' car park. Subject to these being addressed by condition and a Section 106 (legal) Agreement and a limit on the number of HGV movements each day, I am satisfied that the proposed development would be acceptable in terms of highways and transportation and accord with policies referred to in paragraphs 129 to 132 above.
206. I am also satisfied that the proposals are acceptable in terms of the water environment (paragraphs 142 to 150), geotechnical stability (paragraphs 151 to 158), ecology (paragraphs 159 to 167), archaeology, heritage and conservation (paragraphs 168 to 178), public rights of way (paragraphs 179 to 189), agricultural land / soils (paragraphs 190 to 197), prematurity (paragraph 198), human rights (paragraph 199) and blight (paragraph 200) subject to the imposition of the conditions and provision of a Section 106 (legal) Agreement as referred to in the above sections.
207. Having regard to all of the above, I am satisfied that the proposal represents sustainable development and recommend accordingly.

#### Recommendation

208. I RECOMMEND that:

- (a) PERMISSION BE GRANTED for extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent (i.e. application AS/15/206) SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

in Appendix 2 and:

(i) conditions covering amongst other matters:

- Extraction and restoration of the Burleigh Farm extension and the restoration of those parts of Charing Quarry and land between the two affected by the development within 15 years of the date of commercial mineral extraction;
- Notification of date of commercial sand extraction;
- Completion of all restoration not affected by the proposed development in Charing Quarry (East and West) by the end of 2017;
- Submission, approval and implementation of detailed landscape planting, restoration and aftercare schemes;
- Proposals for post-restoration access arrangements on Hook Lane to reflect the intended after use;
- Noise and vibration limits and associated monitoring;
- Noise Management Plan(s) for the development and operational phases (including the provision of continual updates and measures to minimise the impact of HGV reversing alarms);
- Dust Management Plan(s) for the development and operational phases (including the provision of continual updates);
- Non-tonal reversing alarms for all plant and machinery employed on site;
- No more than 110 HGV movements (55 in / 55 out) associated with the transportation of sand each day;
- Hours of operation being restricted to between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays with no operations (other than emergency maintenance and monitoring) on Saturdays after 13:00 hours or on Sundays and on Bank / Public Holidays (with works associated with the construction of the conveyor tunnel being restricted to the same hours);
- All sand extracted at Burleigh Farm being transported by conveyor to Charing Quarry;
- The provision of construction vehicle loading / unloading and turning facilities, parking facilities for site personnel and visitors and wheel washing facilities prior to commencement of work on site and for the duration of the operation of the quarry;
- The provision of the vehicle parking spaces and turning space for the residents of Tile Lodge Cottages prior to the quarry being brought into use and the permanent retention of the car park thereafter;
- The use of a bound surface for the first 6 metres of the access from the edge of the highway for the parking area to Tile Lodge Cottages;

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

- Submission, approval and implementation of detailed proposals for the design of the conveyor tunnel and associated works;
- A 3m stand-off being maintained between the base of the quarry and the maximum height of groundwater;
- Monthly groundwater level and quality monitoring with the results submitted to the County Council and South East Water;
- Details of the arrangements maintaining the flow of the ephemeral stream during operations and once restored;
- Appropriate storage of fuel, oil and any chemicals;
- The safeguarding of Network Rail property and apparatus;
- The extraction boundaries not exceeding those proposed in the applicants' Geotechnical Assessment (including an 8m stand-off being maintained either side of the ephemeral stream crossing the Burleigh Farm extension area);
- Implementation of all the proposed ecological avoidance and mitigation measures and the submission, approval and implementation of detailed strategies informed by further survey work;
- Submission, approval and implementation of a programme of archaeological work;
- The erection of fencing to ensure that plant, machinery and vehicles associated with the development do not adversely affect Burleigh Chapel and the land and historic interest associated with it;
- Submission, approval and implementation of a scheme to provide public access to Burleigh Chapel and details of an appropriate interpretation board;
- Submission, approval and implementation of arrangements for the maintenance of Footpath AW12A during the development (including any infrastructure) and details of how it will be returned to its current condition on completion of the development;
- Submission, approval and implementation of details for the proposed permissive paths in Charing Quarry (East and West), including the timing of their availability and any surfacing and associated infrastructure; and
- Measures to ensure that soils are stripped, handled, stored and replaced in accordance with best practice.

(ii) informatives relating to the need for:

- Land drainage consent;
- A footpath diversion order(s);
- A Section 278 Agreement for the works associated with the conveyor tunnel and traffic management relating to those works; and

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

- Listed building and / or other consent from Ashford Borough Council for the proposed remediation and maintenance works to Burleigh Chapel and any and fencing to protect / enclose it.
- (b) SUBJECT TO permission being granted for (a) above, PERMISSION BE GRANTED for the variation of conditions (ii), (vi) and (vii) of planning permission AS/83/290, conditions 2 and 4 of planning permission AS/90/1702, conditions 2, 3 and 12 of planning permission AS/00/742 and conditions 2 and 3 of planning permission AS/10/1352 to allow the restoration required by these permissions to be delayed and amended to facilitate the development sought by application AS/15/206, SUBJECT TO additional conditions that would only provide for the delays and amendments to those permissions if any permission granted pursuant to (a) is implemented.

Case Officer: Jim Wooldridge
------------------------------

Tel. no. 03000 413484
-----------------------

Background Documents: see section heading.
--



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

NOTES of a Planning Applications Committee Members' Site Meeting at Charing Quarry / Burleigh Farm, Hook Lane , Charing on Wednesday, 10 June 2015

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr N J D Chard, Mr P M Harman, Mr T A Maddison, Mr S C Manion, Mr C Simkins (Local Member), Mr A Terry and Mr J N Wedgbury (also Ashford Borough Council Member).

OFFICERS: Mrs S Thompson and Mr Wooldridge (Planning) and Ms D Fitch (Democratic Services).

THE APPLICANTS: Mr M Courts and Mr D Knight (Brett Aggregates Ltd), Ms J Owen (Jennifer Owen and Associates Ltd – applicants' agent) and Mr A Josephs (Andrew Josephs Associates – applicants' archaeological and cultural heritage consultant).

ASHFORD BOROUGH COUNCIL: Ms S Andrews (Planning Officer).

CHARING PARISH COUNCIL: Ms G Bradshaw, Ms J Leyland and Ms C Bain-Smith.

- (1) The Chairman opened the meeting in Charing Quarry (East) by explaining that its main purpose was to enable Committee Members to familiarise themselves with the site and to listen to the views of interested parties.
- (2) Mr Wooldridge referred to the briefing note and outlined the proposals. He referred to (amongst other things) the access to the site (on Hook Lane) and the impact that the proposed development would have on residential properties around the site (including those between the existing quarry and proposed extension area). He summarised the objections received from Charing Parish Council which were set out in the briefing paper.
- (3) The Applicants and representatives from the Borough and Parish Councils were given the opportunity to make comments prior to the tour around the site but did not wish to do so.
- (4) Members, officers and representatives of the applicants, Ashford Borough Council and Charing Parish Council then toured the site and viewed aspects of both the existing and proposed development from key vantage points. The tour and viewpoints enabled those present to see Charing Quarry (East) and (West), the site access on Hook Lane and the existing / proposed vehicle route to the A20, the land between Tile Lodge Cottages and Warren Cottages (through which the proposed conveyor would pass and the residents' car park be created), the location on Tile Lodge Road (where the conveyor tunnel would be installed) and the proposed extension area itself at Burleigh Farm.

Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

- (5) At each vantage point Members and representatives from the Borough and Parish Councils were given the opportunity to ask questions or point out matters of concern. Issues raised were responded to or noted by either the KCC officers or the applicants or their representatives.
- (6) The Chairman thanked everyone for attending and stated that the notes of the site meeting would be included in the report to the determining Committee meeting.

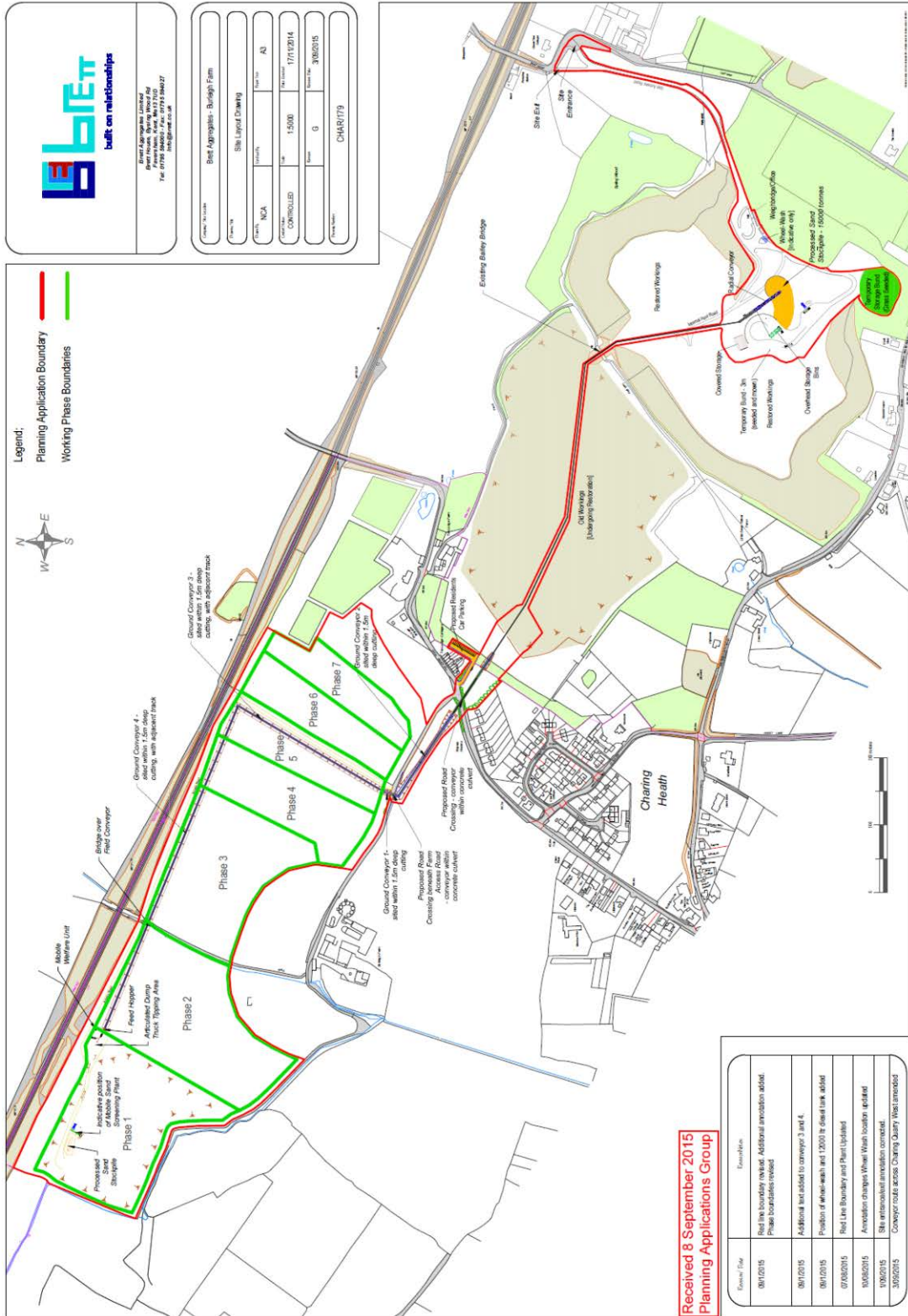
Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206

---

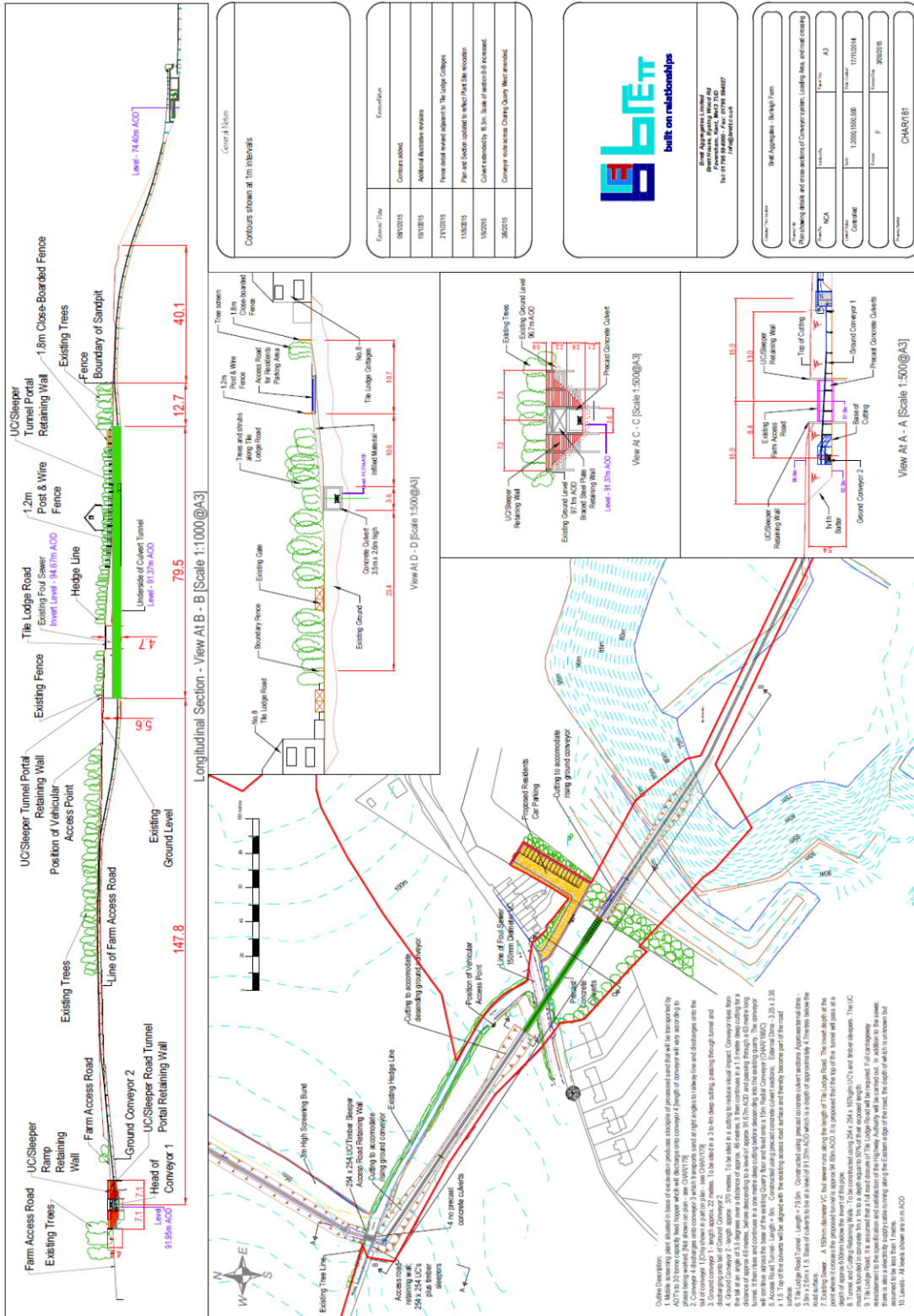
Heads of Terms for Section 106 Agreement

1. The applicant / landowner to pay Kent County Council upon execution of the Agreement all of the County Council's reasonable and proper legal, planning and administrative costs for the preparation and completion of the Agreement (including arranging for this to be placed on the relevant Local Land Charges register).
2. The applicant / landowner to pay a contribution of £113,090 to Kent County Council towards the costs of bringing Hook Lane up to an appropriate standard fit for quarry activities and for the maintenance of the road for the duration of operations.
3. The applicant / landowner to:
  - (a) seek and use reasonable efforts to obtain the necessary Listed Building and / or other consent(s) from Ashford Borough Council for remedial works to protect / enhance the remains of the chapel consistent with the proposals set out in the Burleigh Chapel Conservation Statement (Oxford Archaeology, September 2014) (including fencing) and implement the proposals if consent / permission is given;
  - (b) submit any applications to Ashford Borough Council required to facilitate (a) above within 3 months of the date of any planning permission granted in respect of planning application AS/15/206; and
  - (c) allow public access to Burleigh Chapel and provide and maintain an interpretation board (both in perpetuity) in accordance with a scheme that has first been submitted to and approved in writing by Kent County Council.
4. The applicant / landowner allowing pedestrian access in perpetuity to the permissive paths in Charing Quarry.

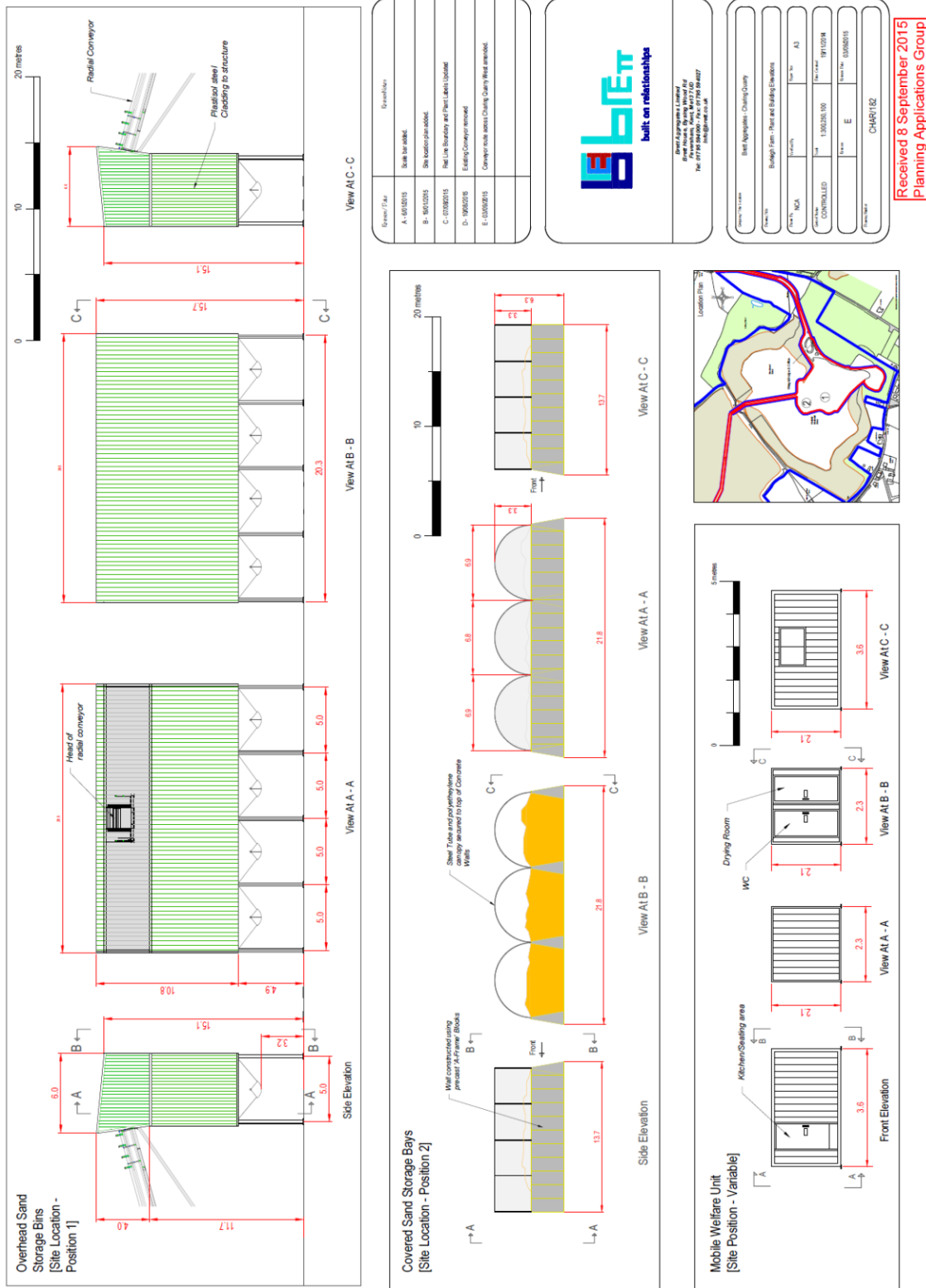
Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



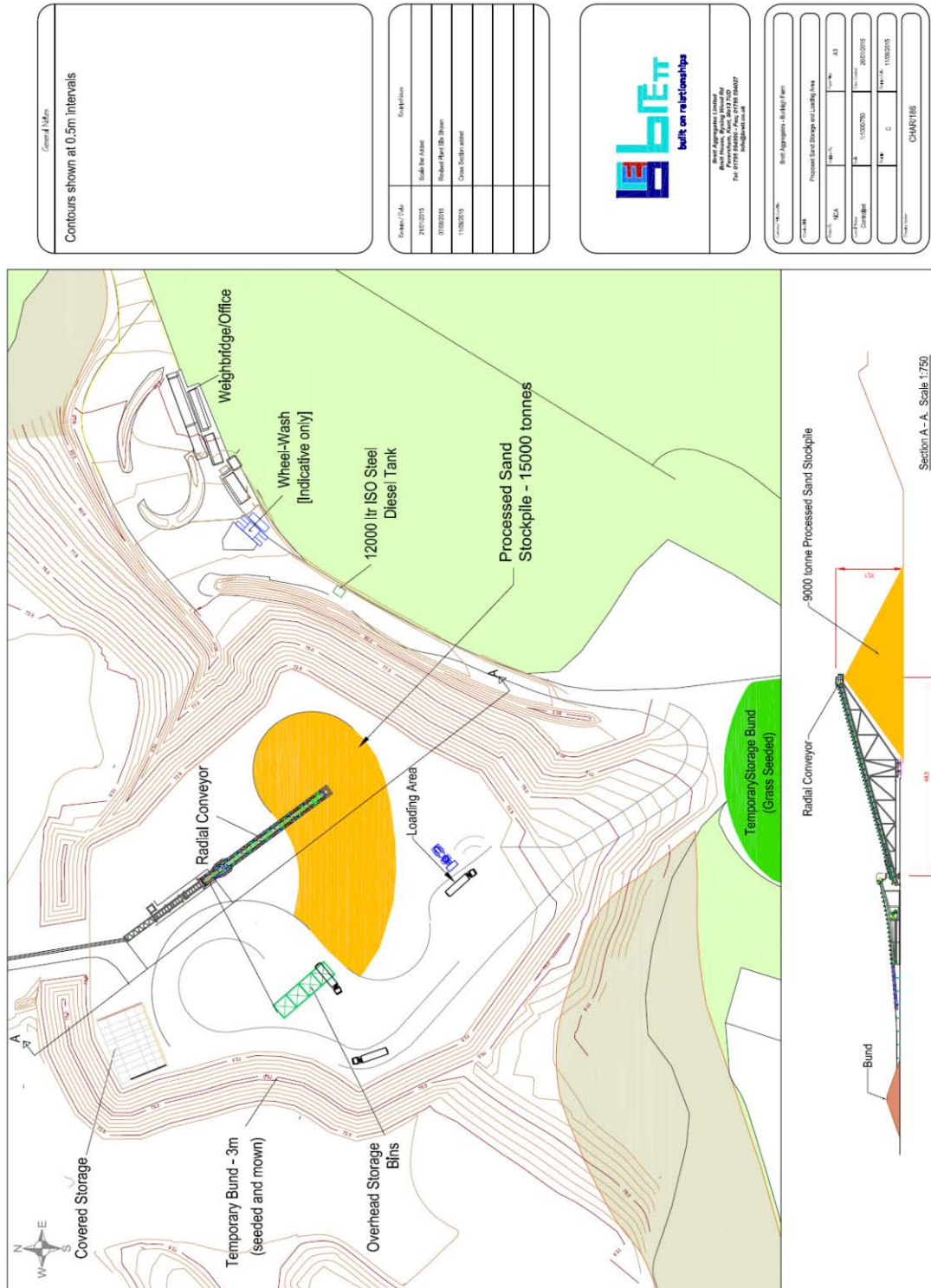
Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



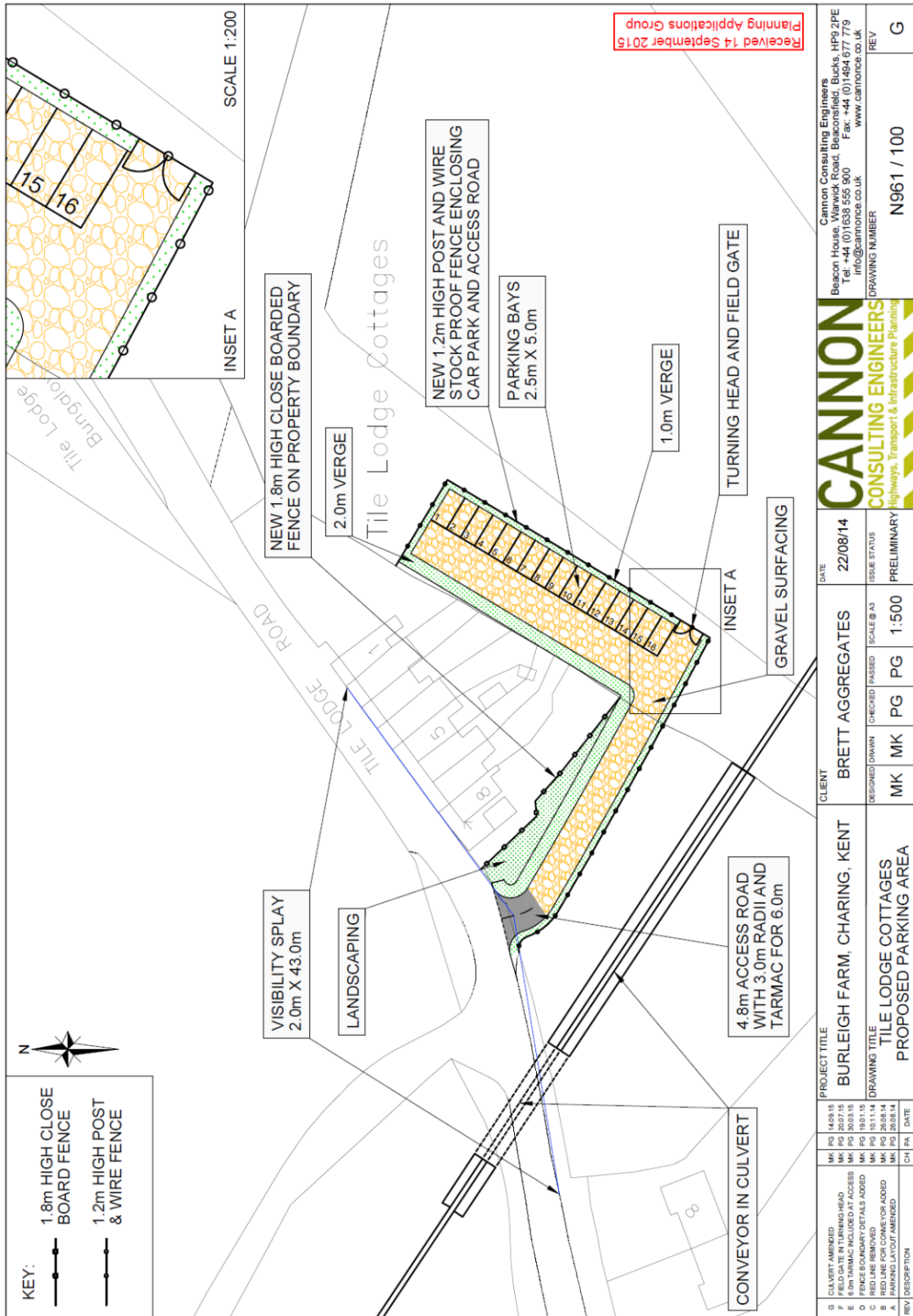
Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent - AS/15/206





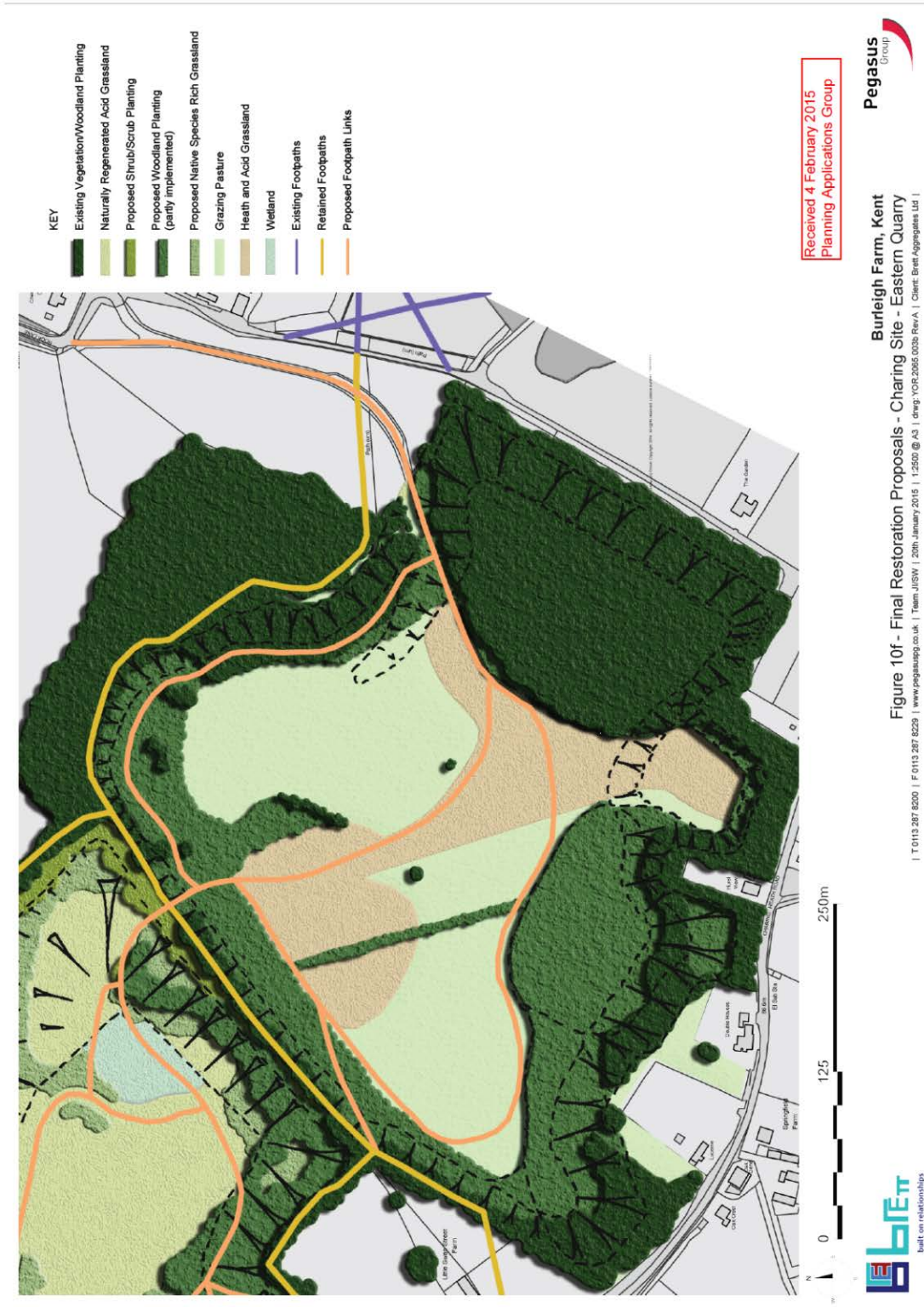
Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



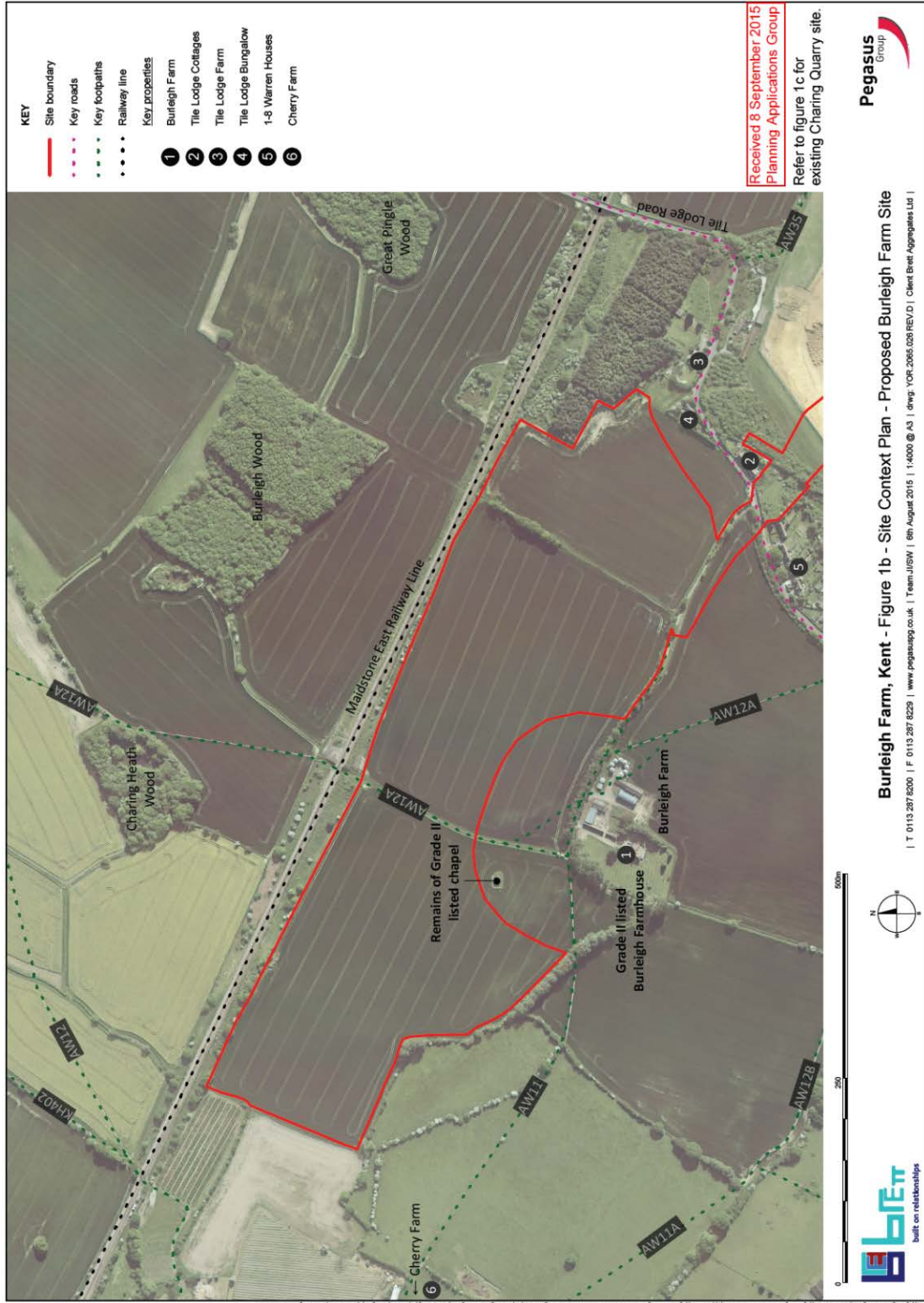
Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



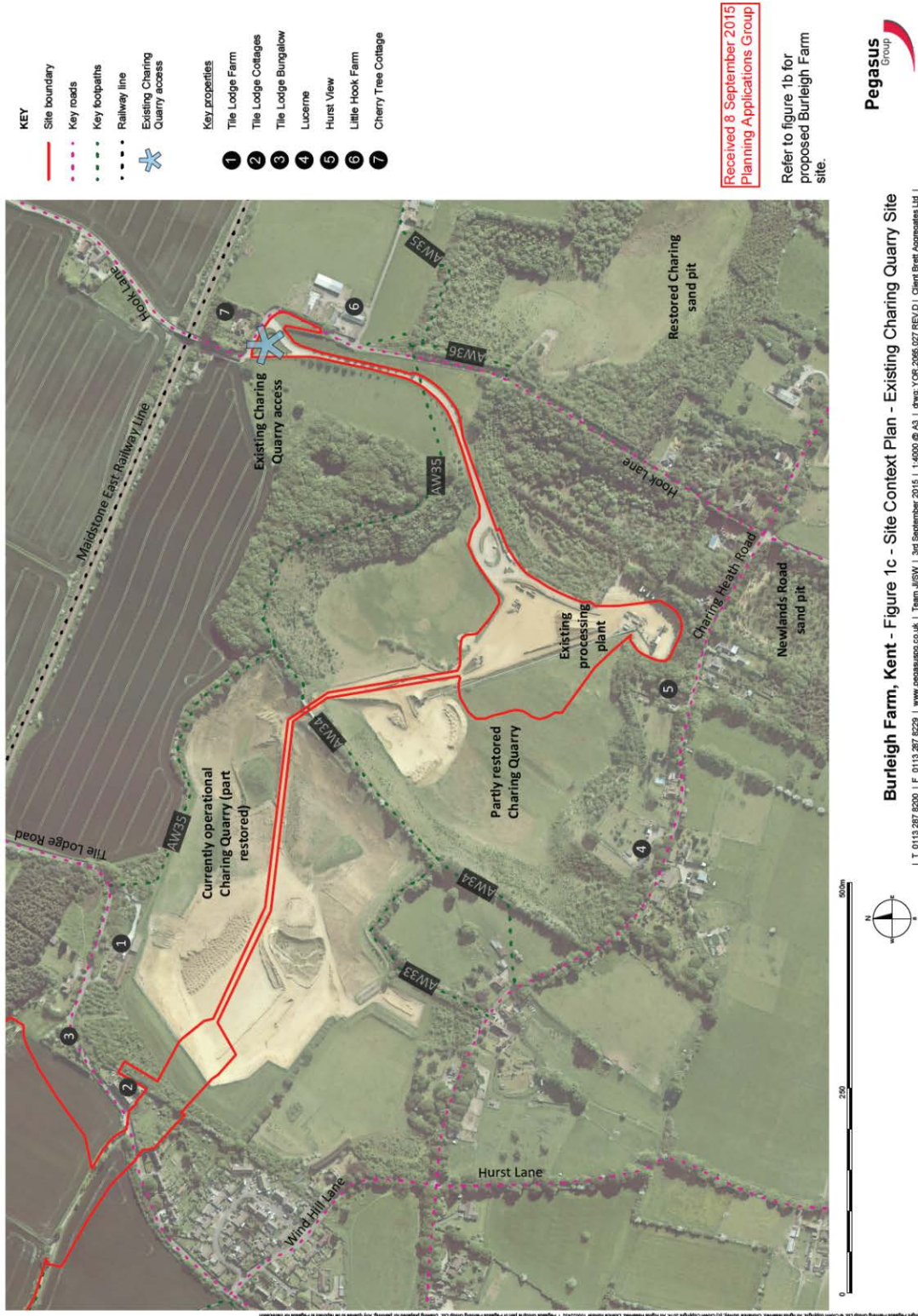
Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



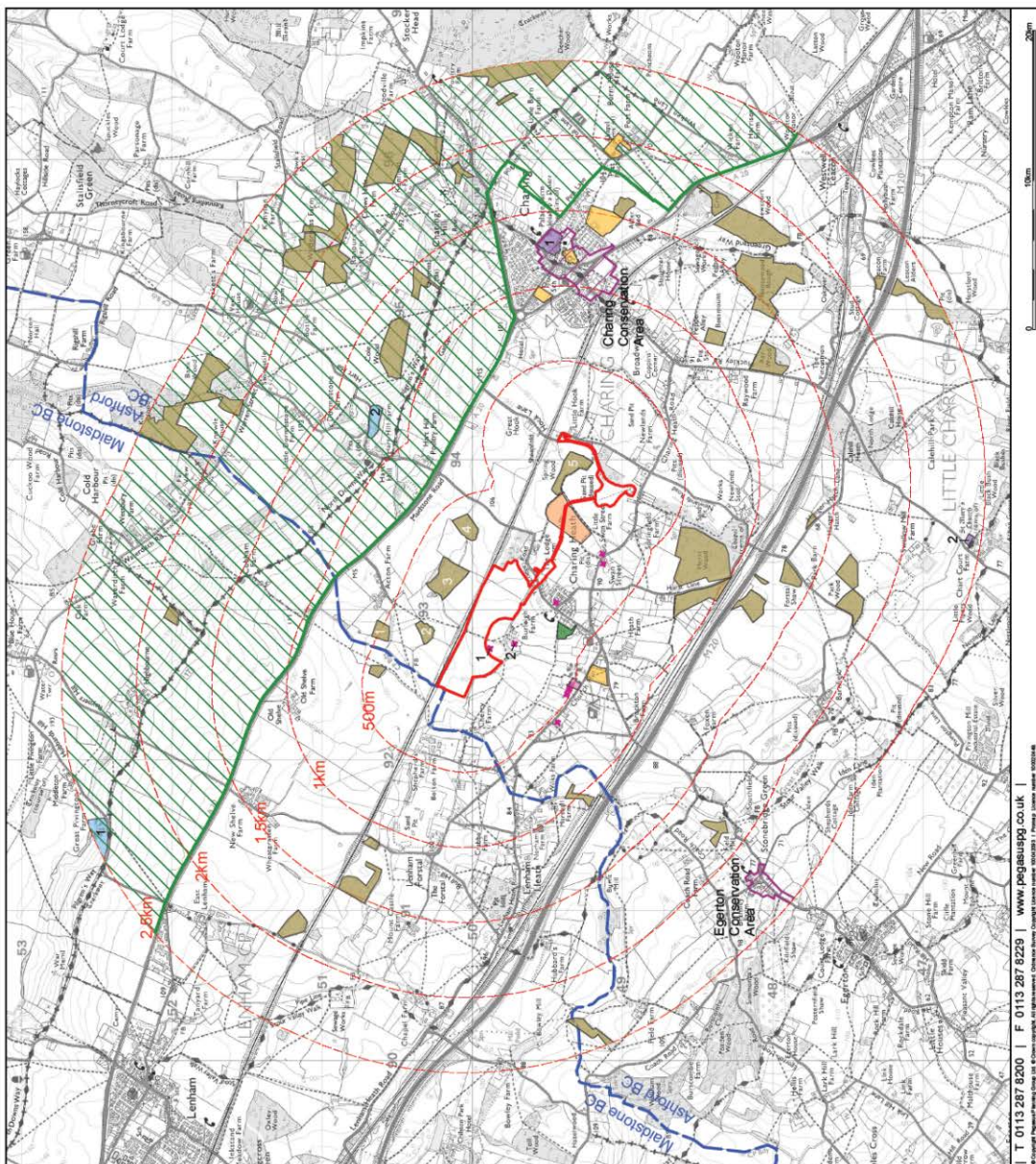
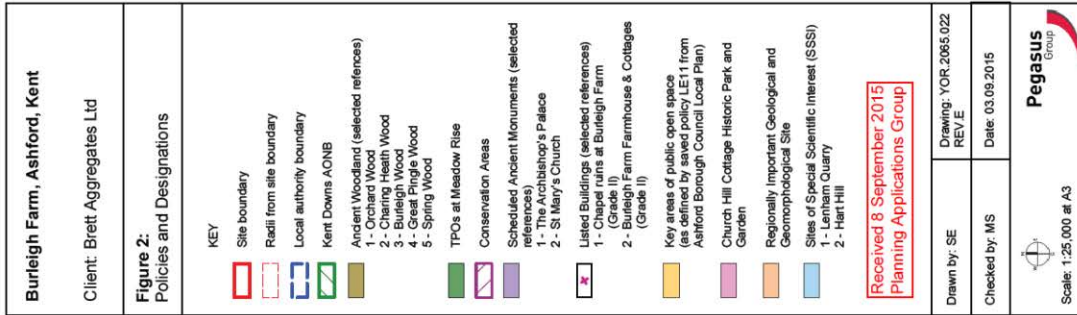
Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



Extraction of sand from Burleigh Farm with conveyor to a plant site in Charing Quarry, use of the existing weighbridge and access on Hook Lane, together with restoration to nature conservation at the lower vertical level with further public access at Charing Quarry / Burleigh Farm, Hook Lane, Charing, Kent – AS/15/206



Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

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

Application by Fridays Ltd and Rika Biofuels for Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/504981 (KCC/TW/0341/2015)

Recommendation: Permission be granted subject to conditions

Local Member: Mr S Holden

Classification: Unrestricted

## Site

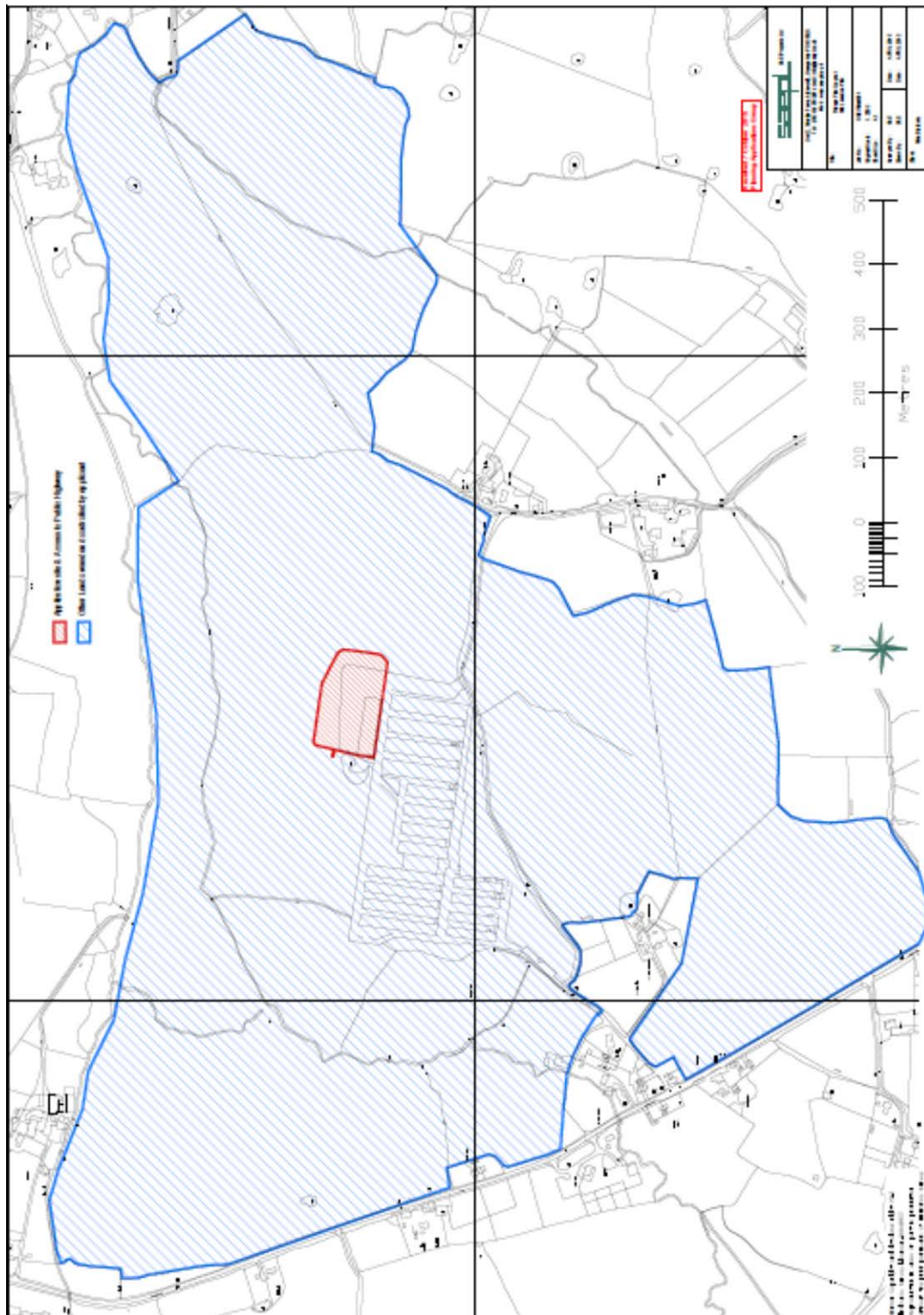
1. Knoxbridge Farm is an established egg producing farm located some 1.8 miles to the south of Staplehurst approximately 500 metres east of the A229 Cranbrook Road. The farm is surrounded by agricultural land with the nearest residential dwellings located some 300 metres to the east in a small cluster at Little Wadd Farm and at Great Wadd Farm located some 400 metres to the south east. A number of other properties adjoin the private site access located immediately off Cranbrook Road some 450 metres to the south west. The site is not subject to any statutory designations. (A site plan is attached).

## Background

2. Fridays Ltd is a family run business which focusses on producing eggs. Their customers include a number of major UK supermarket chains and employs some 270 staff. The laying hens produce around 33,000 tonnes of manure each year which under an existing Environmental Permit issued by the Environment Agency is currently taken away by tractor and trailer for disposal to local farmers who use the material as a fertiliser on their fields. However due to environmental Nitrate Vulnerable Zone Regulations, it is becoming increasingly difficult to find suitable land to spread the manure in winter months and is proving to be an increasing financial and logistical problem for the business.

Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

### SITE LOCATION PLAN





Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

---

### Planning History

3. The wider farm has an extensive planning history which relates to its ongoing use for colony egg production. Most recently in October this year permission was granted by Kent County Council ( Ref. TW/15/504981 ) under officer delegated authority for the installation of an Anaerobic Digester, comprising below ground digester, ammonium sulphate tank, lagoon and associated areas of hardstanding, together with relocated earth bund. The anaerobic digestion process creates biogas, which will be cleaned to produce biomethane and then fed into the national gas grid.
4. The specific benefits of the Knoxbridge Farm AD plant are:
  - It represents a renewable source of energy and will provide enough gas per annum to meet the needs of the farm and around 2000 homes.
  - It reduces the amount of greenhouse emissions by capturing the methane and ammonia produced naturally from hen manure.
  - The ammonium sulphate created as a by-product of the AD process is a widely used fertiliser and one which is largely odourless replacing the need for synthetic fertilisers.
  - It will remove the need for raw material to be taken away from the site and reduce the volume of material which needs to be disposed of.
5. The planning permission for the AD plant has a number of conditions including a restriction on the maximum waste throughput to 40,000 tonnes per annum allowing for seasonal fluctuations ( condition 4), a restriction on the maximum number of vehicle movements to and from the site to 76 each week ( i.e. no more than the number currently generated from the existing operations ) (condition 5) and the plant being restricted to only accepting the chicken manure waste from Knoxbridge Farm (condition 3).

### Proposal

6. This latest application seeks to vary condition 3 of planning permission TW/15/504981 to allow the AD plant to process chicken manure from other Fridays Farms where that becomes necessary to ensure that the digester can operate to its full design capacity as much as possible.
7. As currently worded condition 3 states;
 

*'The development hereby permitted shall only accept the chicken manure waste arising produced from the applicant's chicken farming activities at Knoxbridge Farm and no other materials shall be imported to and processed at the site from elsewhere'.*

Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

The applicant is now proposing that condition 3 be varied such that it shall now read:

*'The development hereby permitted shall only accept the chicken manure arisings produced from the applicant's chicken farming activities'*

8. In support of their proposal the applicants have indicated that currently the Knoxbridge farm typically produces some 33,000 tonnes of manure per annum equating to 38 loads per week. The manure produced in any one week and across a particular year fluctuates as laying flocks are in place for some 13 months before they are then replaced in a staged process, so the number of hens on site at any one time can vary. The 40,000 tonne design capacity of the consented AD plant reflects that potential fluctuation and ensures there is sufficient capacity within the system to deal with times of peak production. However, the applicants state that typically the amount of manure produced at the Knoxbridge site will fall below that 40,000 tonne design capacity. Therefore in order for the plant to operate in an economically viable manner it will be necessary for it to operate at or close to its design capacity whenever possible. The variation of condition 3 of the permission as proposed would allow that to occur, by providing the ability for the applicants to import manure from their other farms when necessary.
9. No other variations to the permission are sought and therefore conditions 4 and 5 in respect of restrictions on waste throughputs and vehicle movements would still apply in the event of permission being granted to the variation proposed.
10. Planning Policy

The most relevant National Policy and Government Guidance together with Development Plan Policies are summarised below:

**The National Planning Policy Framework (NPPF) March 2012:** 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 that 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); In facilitating the delivery of these roles and objectives the Framework requires that local planning authorities should look for

Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

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 in a sustainable manner.

Planning Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should amongst other matters:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;

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 possible.

**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.

**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 consider the likely impact on the local environment and on amenity.

**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

Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

---

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.

**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.

**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 CSW 1 gives effect to this principle where when considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Management Plan for England. Policy CSW 2 seeks to deliver waste management solutions for Kent requiring proposals for waste management to demonstrate how the proposal will help drive waste to ascend the Waste Hierarchy whenever possible.

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 soundness and legal compliance issues and also to improve the Plan. These modifications were then subject to formal consultation and with that process having been completed, responses to the modifications have been collated and submitted to the

Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

---

Inspector for him to take into consideration in the preparation of 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 great weight to relevant policies in emerging plans according amongst other matters to the degree of consistency of the relevant policies in the emerging Plan to the policies in the Framework ( i.e 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 as such should therefore be accorded significant weight in the determination of this application.

## 11. Consultations

**Tunbridge Wells Borough Council:** Views awaited

**Frittenden Parish Council:** Recommend that the application be approved but wish it to be noted that they are extremely unhappy that the variation now sought was not included in the original application. They believe the planning agent must have been fully aware at that time that the amount of chicken manure produced at Knoxbridge Farm fluctuated and, therefore left capacity for manure to be imported from other Fridays' farms.

**Staplehurst Parish Council:** Raise no objection provided the agreed limit on weekly vehicle movements remain unchanged and is monitored.

**Environment Agency:** Raise no objection.

**Kent Highways and Transportation:** Note that it is not proposed to increase the total number of movements at the site which is already limited by condition and on that basis the highway authority would not seek to raise objections.

**Amey (noise, odour):** Since the application does not propose any increase in the number of vehicle movements it is considered that there would not be any adverse effects from noise. With regard to odour the increase from 33,000 tonnes to the full operational capacity of the plant to 40,000 tonnes is not in itself likely to result in any adverse effects. The applicant has asserted that there will be a net reduction in odour as untreated manure that would have previously removed from site by trailer will now be retained and treated in a controlled environment. The treated material is largely odourless and the movement of this material is inherently less malodorous than the transporting of untreated manure. The proposed importation of untreated material up to a maximum of 7000 tonnes per annum is clearly considerably less than the 33,000 tonnes currently removed from the site. Therefore unless the imported material is more malodorous than that currently being transported off site there is no reason to conclude that odour will be an issue.

Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

---

#### Local Member

12. The local County Member Mr S Holden, was notified of the application on 25 November 2015.

#### Publicity

13. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 13 residential properties.

#### Representations

14. In response to the publicity, 7 letters of representation have been received. The key points raised can be summarised as follows:
  - Extending the catchment area for the digester radically alters the nature of the operation.
  - Noxious loads will travel over a greater distance along lanes and roads which would not otherwise be affected.
  - There will be increased traffic.
  - The proposal changes the operations from a recyclable green use to a commercial waste operation.
  - The whole of Staplehurst already protests over the strong smell of chicken manure.

#### Discussion

15. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 9. above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
16. In support of the original application (Ref. TW/15/504981) the applicant made reference to what he considered were the benefits of the proposed development in terms of it being able to provide a renewable source of energy. Other environmental benefits which would derive included a reduction in greenhouse gas emissions along with significant improvements to odour control given that the processed digestate would be largely odourless compared to the existing operations which involve the collection and disposal of a raw malodorous material which is taken away from the farm by tractor and trailer before being used by farmers as a soil conditioner on their fields. The digestate would also help displace the use of synthetic fertilisers. Finally the development would reduce the volume of material needing to be disposed of

Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

resulting in a reduction in the number of vehicle movements. However, in order to provide a sufficient level of flexibility the applicant sought an upper limit of some 76 movements per week which equates to the same number of movements generated by their existing operations. This limit has now been stipulated under condition 5. of the current permission. Other factors that were taken into account included potential impacts on air quality along with those from noise, flood risk and ecology, none of which drew any objections either from consultees or local residents.

17. The application was considered to fully accord with relevant development plan policies and was also consistent with Government policy and guidance which seeks to radically increase the use of renewable energy as a means of addressing the impacts from climate change through the use of low carbon developments. Having regard to advice in the NPPF which states that it expects LPAs to work proactively with applicants to secure development that is consistent with the principles of sustainable development in a timely manner, given that there were no objections to the application either from consultees or local residents permission was granted under officer delegated authority subject to a number of conditions including those referred to in paragraph 5.above.
18. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:
  - Traffic Impacts
  - Potential Impacts from Odour

#### Traffic Impacts

19. Objections have been raised on the grounds that noxious loads would travel over greater distances along lanes and roads which would not otherwise be affected and that the proposal changes operations from a recyclable green use to a commercial waste operation.
20. As explained above, condition 5. of the existing permission restricts the number of vehicle movements to and from the site to a maximum of 76 movements per week. The current proposal would not result in any increase in vehicle movements above those already permitted at the site. On this basis Kent Highways and Transportation have not raised any objection on highway grounds.
21. As mentioned in paragraph 6. above, the proposal seeks to allow the importation of chicken manure from other Friday's Farms only. It is not proposed to import waste from any other sources. At present manure from the other four Friday's Farms has to be collected and disposed of elsewhere. Therefore this raw material is already having to be transported from these sites along the local road network to be spread on land as a soil conditioner. Currently manure from the application site and the other four Fridays Farms namely; Tolhurst Farm which lies approximately 0.5 miles to the south of the application site, Summerhill Farm some 2.5 miles away located immediately east of Staplehurst, Chequer Tree Farm located to the south east of Cranbrook some 4.5 miles from the application site and Combwell Farm located east of the A21 north of

Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

Flimwell which is the furthest approximately 7 miles distant, is taken to a range of farms around Kent. Many of these farms to which this raw manure is currently taken are considerably further away from these four Fridays farms than the Fridays farms are from the application site. The applicant therefore asserts that the amendment sought to condition 3. of the existing permission would create a benefit by allowing some raw manure from other Friday's farms which would otherwise be transported over a much greater distance, to first be processed at the application site before then being disposed of as an inert digestate. I am satisfied that given the existing restriction on vehicle movements which would continue to apply, there would be no overall increase in vehicle journey miles transporting raw materials and therefore concur with the applicant that it is most likely that vehicle journey miles overall would be less compared to the applicant's existing farming operations. Accordingly I do not consider there are any overriding highway grounds for refusing the application.

#### Potential Impacts from Odour

22. One of the benefits in granting permission to the original application was that apart from providing a sustainable green source of energy there would also be environmental benefits, particularly in terms of reducing the adverse impacts from odour caused by the spreading of raw malodorous material on nearby fields. Notwithstanding objections raised on the grounds that noxious loads of material would travel over greater distances along lanes and roads which would not otherwise be affected, this material is already being transported along the local road network. Furthermore, as demonstrated above it is most likely that the vehicle journey miles that the raw materials would be transported would be less than they are currently under the existing Fridays farming operations. In my view any adverse impacts from odour caused by transporting the material to the application site would therefore be no worse than may be currently occurring from the existing handling and transportation of this material and are likely to be less. Taking this into account, when weighed against the overall benefits that would derive in terms of reducing the malodorous impacts which would otherwise be caused by the continuing practice of the spreading of raw materials on farmland as a soil conditioner as opposed to the spreading of digestate which is virtually odourless, in my opinion this would represent an overall improvement upon Friday's Farms current practices. I am also mindful of the comments made by the County Council's Odour advisor Amey who have advised that there is no reason to conclude that odour would be an issue. Accordingly, I do not consider there are any overriding objections to the proposal on the grounds of unacceptable impacts from odour.

#### Conclusion

23. Permission already exists for the installation of an Anaerobic Digestion Plant to process chicken manure waste arisings from the applicant's farm at Knoxbridge Farm. The current proposal would allow for a relatively small quantity of similar waste arisings to be imported and processed at the site from other Friday's Farms whilst not exceeding existing maximum waste throughput and vehicle movement restrictions. I



Section 73 application to vary condition 3 of planning permission TW/15/504981 to allow the consented anaerobic digester to also process chicken manure from other Fridays' farms at Knoxbridge Farm, Cranbrook Road, Frittenden, Cranbrook, Kent, TN17 3BT – TW/15/508499 (KCC/TW/0341/2015)

I am satisfied having regard to comments from KHT and the County Council's odour advisor Amey that there are no overriding grounds for refusing the application either on adverse traffic or odour impacts. In my opinion the proposal represents an overall improvement to the applicants existing farming operations. The proposal accords with relevant development plan policies and is consistent with national policy and government guidance in so far as it represents sustainable development and as such having regard to advice in the NPPF the application should in my view be permitted. Accordingly I would recommend that permission be granted subject to the imposition of a condition such that the site shall only accept chicken manure arisings produced from the applicants' own chicken farming activities and that no other waste arisings shall be imported from elsewhere. I would also recommend the imposition of all those other conditions imposed on the previous permission.

### Recommendation

24. I RECOMMEND that PERMISSION BE GRANTED to vary condition (3) of Planning Permission Reference TW/15/504981 SUBJECT TO the following condition:

1. *The development hereby permitted shall only accept chicken manure arisings produced from the applicants' own chicken farming activities and no other waste arisings shall be imported to the site from elsewhere.*

together with the re-imposition of all those other conditions previously imposed on permission reference TW/15/504981.

Case Officer: Mike Clifton	Tel. no: 03000 413350
----------------------------	-----------------------

Background Documents: see section heading
---

**This page is intentionally left blank**

SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

### Item D1

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

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

Proposed construction of a new two storey building on the school site to accommodate 6 new classrooms, studio hall, staff office and associated WC's and storage. A new playground is proposed on unused land within the site. Additional car parking is also proposed to accommodate staff and visitors and a new pupil drop-off area is to be provided, accessed via a new vehicular entrance from Park Lane at Birchington Primary School, Park Lane, Birchington - TH/15/845 (KCC/TH/0271/2015)

Recommendation: planning permission be GRANTED subject to CONDITIONS.

**Local Members:** Mr Roger Latchford

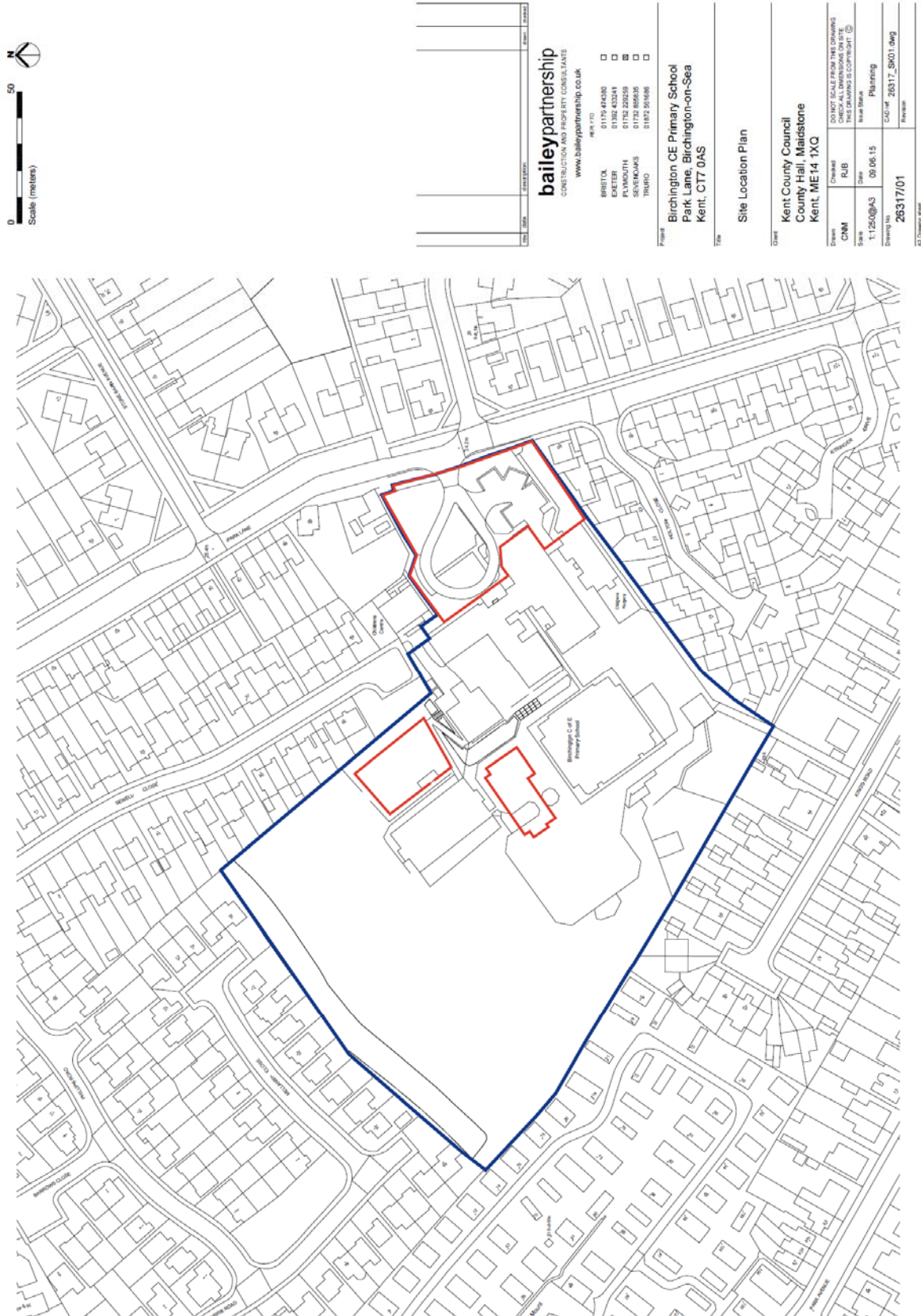
**Classification:** Unrestricted

#### Site Description

1. Birchington Primary School is a two form of entry (FE) school located to the north west of the Isle of Thanet, within the coastal village of Birchington-on-Sea. The primary school is located to the south of the urban area of Birchington-on-Sea, accessed via Park Lane (which leads to Quex Park). The A28 Canterbury Road/Park Lane junction and Birchington Square are located approximately 400 metres to the north of the school access. The school site is surrounded by a mix of single and two storey residential properties, with properties backing onto the site in Mellanby Close to the north, Holton Close to the south and Sewell Close and facing properties in Park Lane to the east. The northern half of the western boundary of the school site adjoins the Court Mount Park Home Estate, a chalet/mobile home development, with properties in Kings Road backing onto the site along the southern half of the western boundary. The main school entrance, and the only vehicular entrance to the site, is located on the eastern boundary (Park Lane). A pedestrian access to the site is located at the southern end of Sewell Close, and a further pedestrian and maintenance access is located in Kings Road to the west. A Sure Start Children's Centre is located to the southern end of Sewell Close to the north of the school boundary, which has pedestrian access from both Sewell Close and Park Lane.
2. The 2.9 hectare (7.16 acre) school site is essentially split in half, with playing fields, external hard play areas and a floodlit games area to the north, and the school buildings, further hard play, access and car parking to the south. Existing buildings on site vary in height and have both pitched and flat roofs, with brick finishes and white UPVC windows being the prominent material finish. Levels fall across the site from east to west, with buildings to the east therefore sitting at a higher level than those to the west. There are currently 39 car parking spaces on site, located to the east of the school building on the site frontage. *A site location plan is attached.*

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

Site Location Plan



<p><b>baileypartnership</b> CONSTRUCTION AND PROPERTY CONSULTANTS www.baileypartnership.co.uk</p>	
<p>BRISTOL 01179 474380 EXETER 01392 432341 PLYMOUTH 01752 228259 SEVENOAKS 01752 869535 TORQUO 01852 261688</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Project: Birchington CE Primary School Park Lane, Birchington-on-Sea Kent, CT7 9AS</p>	
<p>Title: Site Location Plan</p>	
<p>Client: Kent County Council County Hall, Maidstone Kent, ME14 1XQ</p>	
<p>Checked: CMH Scale: T:1:250@A3 Drawing No: 26317/01</p>	<p>Drawn: FJB Date: 09.06.15 CU of: 26317_S01.dwg</p>
<p>Notes: DO NOT SCALE FROM THE DRAWINGS CHECK ALL DIMENSIONS ON SITE THIS DRAWING IS COPYRIGHT ©</p>	
<p>Revision:</p>	

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

Proposed Site Plan



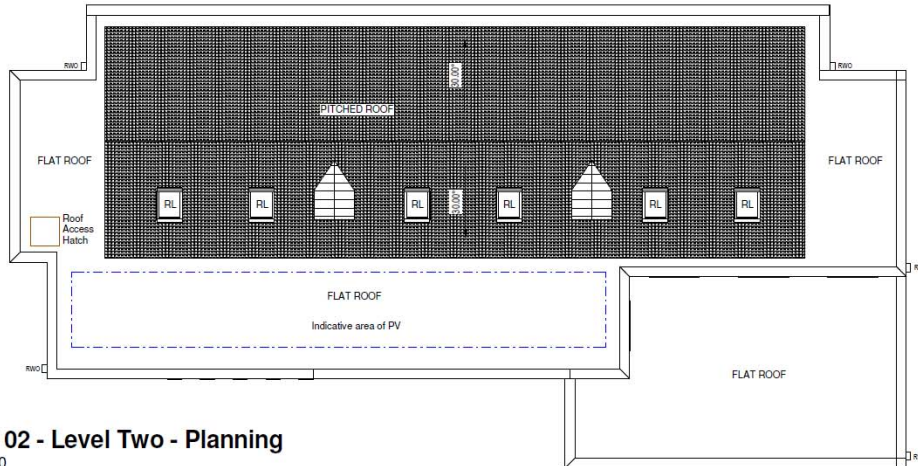
Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

Proposed Works

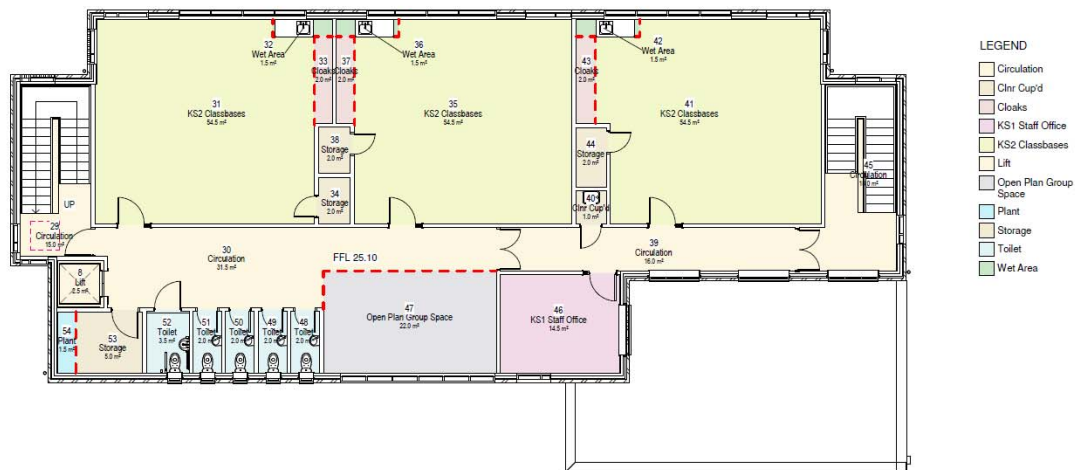


Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

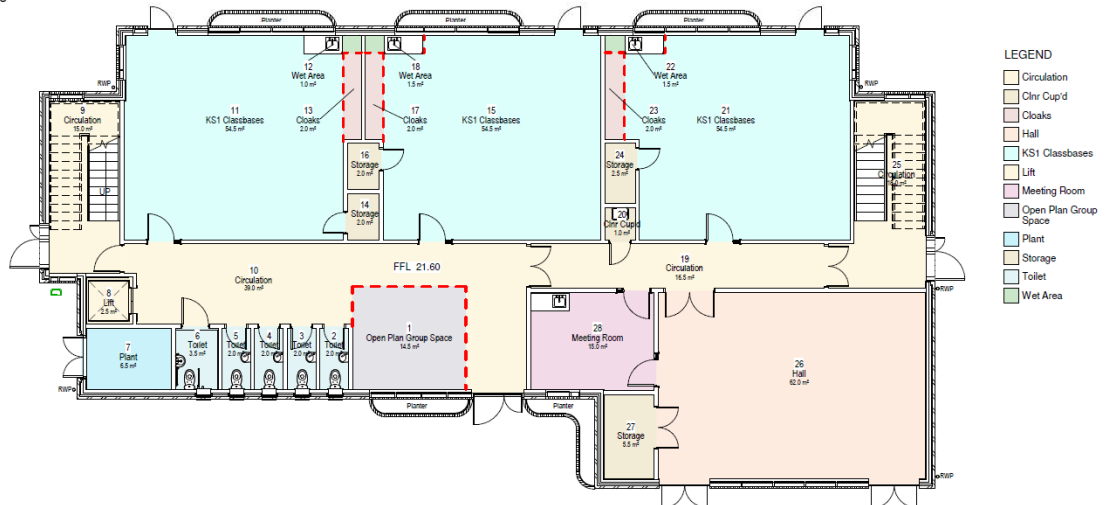
Floor Plans



PL . 02 - Level Two - Planning  
1 : 100



PL . 01 - Level One - Planning  
1 : 100



PL . 00 - Ground Level - Planning  
1 : 100

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

Proposed Elevations

**Notes**

1. This drawing is intended for use as a guide only. It is not intended to be used as a contract document. It is the responsibility of the client to ensure that the design meets their requirements. The design is subject to change without notice. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

2. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

3. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

4. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

5. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

6. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

7. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

8. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

9. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

10. The design is based on the information provided by the client. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose. The design is not intended to be used for any other purpose.

**North Elevation - Planning**  
1 : 100

**East Elevation - Planning**  
1 : 100

**South Elevation - Planning**  
1 : 100

**West Elevation - Planning**  
1 : 100

Reviewed 28 July 2015  
Planning Applications Group

**baileypartnership**  
CONSTRUCTION AND PROPERTY CONSULTANTS

Kent County Council, County Hall, Maidstone,  
Kent, ME14 1XQ

Birchington CE Primary School, Park Lane,  
Birchington-on-Sea, Kent, CT17 0AS

Proposed Elevations

Example - Planning	Developed Design
26317	As indicated
Author	Checker
Approver	Approver
17.06.15	17.06.15
26317-006-G-002	26317-006-G-002



Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

### Relevant Planning History

3. The application site has a limited planning history, with the most recent planning decisions listed below:
  - TH/08/788 – Construction of new Multi Use Games Area with floodlighting;
  - TH/07/1438 – Construction of a single storey modular building for use as a community Children’s Centre;
  - TH/05/943 – Timber structure to be used to provide shelter and to be used as an outdoor classroom.

### Amendments

4. When originally submitted, this current application met with concern from Kent County Council Highways and Transportation on the grounds that the development would exacerbate existing capacity problems through Birchington Square and the A28 Canterbury Road/Park Lane junctions. Following meetings between the applicant and Highways and Transportation, the application was amended and resubmitted to include an additional vehicular access into the school from Park Lane and the provision of a pupil drop-off area. Additional mitigation was also included within the amended submission in response to neighbour concerns raised regarding the proposed hard play area. It is the amended proposal that will be discussed throughout this report.

### Proposal

5. This application has been submitted by Kent County Council Property and Infrastructure Support and is part of the County Wide Basic Needs Programme. The application proposes the construction of a new two storey building to accommodate 6 new classrooms, a studio hall, staff office and associated WCs and storage. A new playground is proposed on unused land within the site to replace that lost as a result of the siting of the new building. Additional car parking is also proposed to accommodate staff and visitors, and a new pupil drop off area is to be provided, accessed via a new vehicular entrance from Park Lane. The school is currently 2FE and has 420 pupils and 59 full time equivalent (FTE) staff. The school is proposed to expand to 3FE in September 2016, incrementally increasing pupils number by 30 per year until reaching full capacity (630 pupils and 73 staff) by 2022.
6. The proposed 6 classroom two storey building would be rectangular in shape, measuring approximately 31 metres (101ft) in length, and 13 metres (42ft) in width. The new building is proposed to the north west of the existing school buildings, to the south of the floodlit Multi Use Games Area (MUGA), upon an area of the existing playground. The building would be oriented east west, with circulatory stair cases at each end of the building. The south side of the building on both floors would house the circulation and group spaces, and the studio hall which would project from the building line of the south elevation (by 3 metres) to provide interest and visual relief. The classrooms are proposed to the northern side of the building, with three classrooms on each floor.
7. The applicant advises that the external appearance of the proposed new build has been developed to match and complement that of the existing buildings. The existing buildings feature yellow stock brick, with some red brick detailing and so the proposed building would be of a yellow stock brick construction with a clay tile roof to also match the existing. A cross would be detailed within the brickwork on the southern elevation

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

using projecting dentil courses. The building would also have an area of flat roof, to the southern side of the building over the circulation space and studio hall, and at each end of the building over the staircases. An area for the provision of an array of PV panels has been indicated on the flat roof to the southern side of the building. The applicant advises that the mixture of pitched and flat roofs reflect the existing roof language across the site, and would keep the mass of the building as compact as possible. The windows and doors are proposed to be dark grey aluminium units with top or side hung openers. The studio hall would benefit from large windows with horizontal fin brise soleil to provide solar shading during the summer months. Passive ventilation units have also been proposed atop the pitched roof to ventilate the classrooms below. These would be hidden within small dormer structures to reflect the dormers on other buildings within the school site. The building has been designed to meet the principles of a BREEAM rating of Very Good.

8. To compensate for the loss of part of the existing playground due to the siting of the new building, a replacement playground for Year 6 is proposed. The new facility would be located to the east of the existing floodlit Multi Use Games Area (MUGA), on an area of unused scrub which the School call 'The Paddock'. The new playground would occupy the space between the MUGA and the eastern boundary of the site which runs to the rear of properties in Sewell Close. The area is distinguished from the wider playing field by an existing hedge, which would be retained, with additional hedge planting also proposed to the east of the playground, between the fencing of the playground and the boundary of the school site. A 2 metre (6.5ft) high green weldmesh fence is proposed along the eastern, southern and in part western sides of the playground, with ball stop nylon netting above this to prevent stray balls leaving the site. In addition, part of the school boundary fence in this area of the site is proposed to be replaced with 1.8 metre high close boarded timber fencing, to match the existing.
9. As outlined in paragraph 1 above, the vehicular access into the site is on Park Lane, with further pedestrian access points located on Sewell Close and Kings Road. As part of this proposal the applicant, following discussion with Kent County Council Highways and Transportation, is proposing to provide an additional access into the site on the Park Lane frontage to create a formal 'IN' and 'OUT' system with an on-site drop off/pick up loop. The new access point, which would be the 'IN', is proposed to the north of the existing, separated from an outbuilding/boundary of a neighbouring property by an existing pedestrian access into the Children's Centre. Existing fencing and a small (0.85metre/2.7ft) section of an existing hedge would need to be removed to provide the new access, and pedestrian guard railing and road markings would need to be relocated/added as necessary.
10. Internally, the car parking layout would be amended and an additional 8 car parking spaces provided, taking the total from 39 to 47. An additional 2 accessible bays would be provided and 2 mini bus bays (2 mini buses currently occupy 3 of the 39 bays on site). The drop off loop would accommodate 8 cars, and it is also intended that the school gates be left open all day to allow delivery drivers and visitors on site. The applicant advises that a member of staff would monitor the drop off/pick up loop in the morning and afternoon. A small number of trees would need to be removed to accommodate the revised car parking layout. However, the applicant is proposing the plant 3 replacement trees on site for each tree removed.

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

*The application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, School Travel Plan, Desk Based Heritage Assessment, Flood Risk Assessment, Phase 1 Contaminated Land Desk Study, Unexploded Ordnance RA, Plant Noise document, Extended Phase 1 Habitat Survey, and Arboricultural Assessment/Method Statement.*

## Planning Policy Context

11. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the **National Planning Policy Framework (March 2012)**, and the **National Planning Policy Guidance (March 2014)**, which set out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF states that, in determining applications, local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- minimising impacts on biodiversity, and protecting and enhancing valued landscapes, contributing to the Government's commitment to halt the overall decline in biodiversity;
- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;

In addition, Paragraph 72 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools, and works with schools promoters to identify and resolve key planning issues before applications are submitted*

**Policy Statement – Planning for Schools Development** (15 August 2011) sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

(ii) **Development Plan Policies**

The adopted 2006 **Thanet District Council Local Plan (Saved Policies)**:

- Policy D1** All new development is required to provide high quality and inclusive design, sustainability, layout and materials.
- Policy D2** Development proposals will be well landscaped and maximise the nature conservation opportunities wherever possible.
- Policy HE12** Archaeological sites will be preserved and protected.
- Policy CF1** Planning permission will be granted for new community facilities if the proposals are not contrary to other Local Plan policies and the community use and location are demonstrated as acceptable.
- Policy TR12** Substantial development generating travel demand will be required to provide convenient and secure cycle parking and changing facilities.
- Policy TR15** Development proposals likely to generate significant travel demand and/or traffic movement will be required to demonstrate, through Green Travel Plans, specific measures to encourage and facilitate the use of walking, cycling and public transport in preference to private car travel.
- Policy TR16** Proposals for development will be required to make satisfactory provision for the parking of vehicles.

**Consultations**

12. **Thanet District Council** has no objection to the application.

**Birchington Town Council:** no comments received to date.

**Kent County Council Highways and Transportation** has no objection to the application, subject to conditions, and comments as follows:

- “1. The proposals are likely to generate additional traffic through Birchington Square and the A28 Canterbury Road/Park Lane junctions, particularly in the morning peak hour. These junctions suffer from congestion during this period and the additional movements will add to this congestion. It may be considered that the need to provide additional school places outweighs the impact of additional traffic.
2. The amount of on-street parking available is in reality significantly less than indicated in the Transport Statement and parents are currently not allowed to drop-off or pick-up pupils inside the school gates, giving rise to the inappropriate parking that occurs at times on the highway at present. The revised proposals now include provision of a new entry point and a loop drop-off/pick-up facility inside the school gates, which should mitigate the additional demand for parent parking arising from the school expansion. It is important that this facility is managed appropriately by the School to maintain

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

the flow of vehicles and therefore the availability of spaces. Appropriate signage and markings would also be required to identify the proposed one-way working of the loop system. Improved pedestrian visibility splays would also be required at the exit point, as visibility for pedestrians crossing the exit to drivers emerging is currently obstructed by high hedges. A total of 51 staff car parking spaces are to be provided and this should be sufficient for the likely demand bearing in mind the existing demand and modal split of staff travel. The proposed 14 cycle parking spaces are also likely to be sufficient.

3. The provision of the new entry point would necessitate relocation of the school crossing patrol a few metres to the south of its current position. This in turn would require additional dropped kerbs and relocation of guardrailling. The existing double yellow lines on the east side of Park Lane will also need to be extended northwards to match the extent of the existing school zig-zag markings on the west side, to improve visibility at the crossing point.
4. The proposed Travel Plan would need to be expanded further and agreed with the School Transport Planner through the Jambusters system.
5. I note the construction logistics comments and clearly access from Park Lane and Sewell Close would need to be carefully managed with appropriate restrictions on delivery times, suitable signage, temporary restrictions on parking where necessary and temporary replacement parking within the site as necessary. Bearing in mind the existing parking situation outside the school at drop-off and pick-up times, adequate parking for site personnel and visitors during construction must either be provided within the site or at an alternative off-street location nearby.”

“Therefore, should planning permission be granted the following should be secured by condition:

- Provision and permanent retention of the vehicle parking spaces and drop-off/pick-up area shown on the submitted plans prior to the use of the site commencing.
- Provision and implementation of a management plan for the drop-off/pick-up area prior to the use of the site commencing in accordance with details to be submitted to and approved by the Planning Authority.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Planning Authority.
- Completion of the new vehicular access, new school crossing patrol point and associated highway works prior to the use of the site commencing in accordance with details to be submitted to and approved by the Planning Authority.
- Gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.
- Provision and maintenance of 2 metres x 10 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- Provision and implementation of a Travel Plan prior to the use of the site commencing in accordance with details to be submitted to and approved by the Planning Authority.

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

- Provision and implementation of a Demolition/Construction Management Plan to include the following:
  - i) Routing of vehicles to/from site.
  - ii) Timing of deliveries (it should be noted these are likely to be restricted to between 9.30 am and 2.30 pm).
  - iii) Parking and turning facilities for delivery vehicles.
  - iv) Parking for site personnel and visitors.
  - v) Wheel washing facilities.”

**Sport England** has no objection to the application.

**Environment Agency** has no objection to the application. The proposal is not considered to be high risk, but advice and guidance is provided with regard to land contamination and waste.

**The County Council's Biodiversity Officer** advises that the submitted survey information covers all of the areas of the site to be affected by the proposed development and, on that basis, advises that there is limited potential for ecological impacts. There is a potential loss of habitat for breeding birds, and the recommended measures within the submitted surveys to avoid impacts to breeding birds must be implemented. Bird and bat boxes should also be provided to provide additional wildlife opportunities, and this should be secured by condition.

**The County Council's Landscape Officer** has no concerns over the proposed development, and considers that the design of the new building has been sensitively undertaken in terms of respecting the character of the existing building and those found locally. A scheme of landscaping should be secured by condition, and it is requested that boundary planting uses locally appropriate and native species. In addition, the hedgerow around the proposed playground should be retained, and its protection during construction should also be secured by condition.

**County Archaeologist:** no comments received to date.

**The County Council's School Travel Plan Advisor** considers that an amended/updated School Travel Plan should be submitted as the current Travel Plan is not up-to-date. The School is registered with the County Council's new *Jambusters* system, and the amended/updated Travel Plan should be prepared using that system.

#### Local Members

13. The Local County Council Member, Mr Roger Latchford, was notified of the application on the 19 August 2015, and notified of the amended proposal on the 22 October 2015

#### Publicity

14. The application was publicised by the posting of 3 site notices around the application site and the individual notification of 82 neighbouring properties. 21 neighbouring properties (those that could be affected by the access changes) were also notified of the amended proposal.

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

## Representations

15. To date I have received 6 letters of representation, from 3 properties. The main points of concern/objection are summarised as follows:-

### Access and Highway Matters

- Parents/carers constantly park on double yellow lines, the grass verge, across driveways and in dangerous/inappropriate locations blocking visibility for pedestrians and drivers, and making access to property difficult and dangerous;
- Access to emergency vehicles is blocked at peak times;
- The School should enter into an agreement to allow parents to park at Quex Barn and then walk to the school
- Park Lane is a busy road, especially at peak school times;
- Sewell Close is narrow and cannot accommodate additional traffic. Parents park here to use the pedestrian access, and already block driveways park inconsiderately;

### Amenity Matters

- When the area proposed to be made into a playground was previously a playground, a neighbour experienced problems with pupils kicking balls into their garden, kicking the boundary fence, throwing rubbish and looking into the garden. They do not want the playground back at the end of their garden;
- The noise from the playground would also be intolerable, and alternative locations should be sought;
- The MUGA is rarely used – that should be used for the playground;
- If the playground goes ahead as proposed a metal fence and a replacement boundary fence should be provided;

### Other

- The draft Local Plan is not referenced in the supporting documentation, and KCC Highways have some plans for Park Lane which are not referenced;
- A planning application submitted to Thanet District Council (F/TH/15/0797) should also be considered, and future plans for housing off Park Lane should be taken into consideration;
- There are bats in the school site.

## Discussion

### Introduction

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the new National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. In this case the key determining factors, in my view, are the impact upon the highway network, general amenity matters, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations.

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

### Need

17. The expansion of Birchington Primary School is part of the targeted Basic Needs Programme to provide new school places across Kent, and the whole country, to cater for the demand created by the previously underestimated national demographic changes. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary. I therefore see no objection in principle to the proposed development, which is strongly supported by the general thrust of planning policy.

### Access and Highway Matters

18. As outlined in paragraphs 9 & 10 of this report, as part of this school expansion proposal (from 2FE to 3FE) the applicant, following discussion with Kent County Council Highways and Transportation, is proposing to provide an additional access into the site on the Park Lane frontage to create a formal 'IN' and 'OUT' system with an on-site drop off/pick up loop. Internally, the car parking layout would be amended and an additional 8 car parking spaces provided, taking the total from 39 to 47. An additional 2 accessible bays would be provided and 2 mini bus bays (2 mini buses currently occupy 3 of the 39 bays on site). The drop off loop would accommodate 8 cars, and it is also intended that the school gates be left open all day to allow delivery drivers and visitors on site. A small number of local residents (only two in fact) expressed concern over existing issues generated by school traffic, particularly inconsiderate parking by parents/carers. The highway and access implications of this application therefore need to be considered and address.

19. Kent County Council Highways and Transportation raise no objection to this application subject to the imposition of conditions (as outlined in paragraph 12 of this report). Although the Highway Authority recognise that the proposals are likely to generate additional traffic through Birchington Square and the A28 Canterbury Road/Park Lane junctions (approximately 400 metres to the north of the school), this impact is not considered severe enough to warrant an objection to the development. It should be noted that the National Planning Policy Framework indicates that Highway Authorities should only advise refusal of a planning consent where traffic problems are judged to be severe. It should also be borne in mind that the increase in pupil numbers would be incremental, and when balanced against the need for additional school places and the strong national and local Policy support for the provision of school places, such a small increase in traffic at an already congested junction would not, in my view, be reason to refuse this application.

20. The applicant has however, as detailed in paragraph 18 above, made provision for additional staff car parking, and created a drop off/pick up area within the school site to reduce the amount of on-street parking at peak school times. Highways and Transportation consider that the proposed access improvements should mitigate the additional demand for parent parking arising from the school expansion. The applicant



Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

has confirmed that a member of staff would manage the facility during morning and afternoon peak school times, and that the gates would be left open during the school day to allow access and use of the drop-off spaces by visitors and delivery drivers. In addition, as required by Highways and Transportation, a management plan for the drop off/pick up area should be submitted for approval prior to occupation of the development and, should permission be granted, this would be required pursuant to condition. The number of car parking spaces proposed (47 spaces, 2 accessible spaces and 2 mini bus spaces), and the retention of the 14 existing cycle parking spaces, is also considered by Highways and Transportation to be sufficient for the likely demand. Again, should permission be granted a condition of consent would require the provision of the car parking and the drop off/pick up area prior to first use of the development. Subject to these conditions, I am satisfied that the development would not have a significantly detrimental impact on the local highway network.

21. However, to further reduce the impact of the school expansion on the local highway network, and to satisfy the requirements of Highways and Transportation and the County Council's School Travel Plan Advisor, an updated School Travel Plan should be submitted prior to occupation of the development, and thereafter subject to ongoing monitoring and review. This process should be done via the County Council's new *Jambusters* system. A draft 2015 School Travel Plan (not prepared using the *Jambusters* system) was submitted with this application and this should form the basis of the final Travel Plan. Initiatives such as walking buses and 'park and stride' are included within that draft, with the School confirming that permission has been gained from the Parish Council for parents to use the Albion Road and Quex Barn car parks (the latter was suggested by a local resident in their letter of representation). Such initiatives would further reduce parents parking in local roads, including Park Lane and Sewell Close, and I am satisfied that the School are actively securing and promoting the implementation and use of 'park and stride' facilities, amongst other matters. The requirement for a final Travel Plan, with ongoing monitoring and review, will ensure that this good work continues.
22. Lastly, Highways and Transportation require a number of conditions to be imposed regarding the new access point on Park Lane. The new access point, which would be the 'IN', is proposed to the north of the existing, separated from an outbuilding/boundary of a neighbouring property by an existing pedestrian access into the Children's Centre. Existing fencing and a small (0.85metre/2.7ft) section of an existing hedge would need to be removed to provide the new access, and pedestrian guard railing and road markings would need to be relocated/added as necessary. Highways and Transportation require the new access gates to open away from the highway and be set back a minimum of 5 metres from the edge of the carriageway, the provision and maintenance of 2m x 10m pedestrian visibility splays behind the footway on both sides of the access, in addition to details of the new crossing patrol point and associated highway works. I consider that a condition of consent should be imposed to require the submission and approval of details of the new access point, including all of the points referred to above. Once approved, the access and associated works/infrastructure should be completed and fully operational prior to occupation of the development. Subject to that condition, I consider the proposed new access to be acceptable.

#### Design/Siting/Massing and Resulting Amenity Matters

23. Development Plan policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the design

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

and general principle of the proposed development (excluding the relocated playground (to be discussed below)) have been received, it is important to discuss these matters to ensure that the proposal is in accordance with the general design principles expressed in Development Plan policies. The proposed two storey new building would, in my view, relate well to the existing buildings on the school site in terms of siting, whilst also remaining separated from the site boundaries by existing amenity space, hard play, existing buildings (to the south and east) and boundary planting. I consider that the proposed location of the teaching block would not be particularly prominent from surrounding residential properties and the scale and massing as proposed is, in my opinion, appropriate and acceptable, complementing the existing school buildings. The location of the teaching block also links well with the existing buildings and facilities on site, especially when considering the level changes across the site.

24. The new building has been designed to respect the features of the existing school buildings whilst providing a modern design solution. The existing buildings feature yellow stock brick, with some red brick detailing and so the proposed building would be of a yellow stock brick construction with a clay tile roof to also match the existing. The building would also have an area of flat roof, to the southern side of the building over the circulation space and studio hall, and at each end of the building over the staircases. In my view, the mixture of pitched and flat roofs reflects the existing roof language across the site, and would keep the mass of the building as compact as possible. In my view, the new building would complement the existing school buildings, enhancing existing facilities on site and visually lifting the design of the school in general. Subject to the imposition of a condition requiring the submission and approval of all materials to be used externally, I consider the design of the building to be acceptable and in accordance with Development Plan policies.
25. In addition to the proposed new building, as discussed in detail above, a new car parking area and improved access arrangements are also proposed. I consider the siting of the car parking area to be logical and, in considering that existing car parking is provided in the same broad location, and given the degree of separation from neighbouring properties and the level of boundary planting/screening, consider that location of the car parking to be acceptable in amenity terms. In addition, trees to be removed here would be replaced on site, with 3 trees planted for each tree removed. A scheme of landscaping would be secured by planning condition to ascertain the location of the replacement planting on the site and to ensure that locally appropriate and native species are provided.
26. Lastly, a replacement Year 6 playground is also proposed, and this element of the proposed development has met with objection from a local resident on amenity grounds. As outlined in paragraph 8 of this report, to compensate for the loss of part of the existing playground due to the siting of the new building, a replacement playground for Year 6 is proposed to the east of the existing floodlit Multi Use Games Area (MUGA), on an area of unused scrub which the School call 'The Paddock'. The new playground would occupy the space between the MUGA and the eastern boundary of the site which runs to the rear of properties in Sewell Close. A local resident has raised objection to the siting of the playground as, when the area was previously a playground, it is stated that the neighbour experienced problems with pupils kicking balls into their garden, kicking the boundary fence, throwing rubbish, making noise and looking into the garden. It is suggested that alternative locations for the playground should be sought, but that if the playground goes ahead a metal fence and a replacement boundary fence should be provided.

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

27. First, as confirmed by the neighbour, the area proposed to accommodate the replacement playground has previously been a playground which does, in my view, set a precedent for such a development in this location. However, the matters raised must be considered and addressed. With regard to alternative locations, the applicant advises that there are no alternative locations within the school site that would work operationally and would not encroach onto the usable playing field. It should be noted that Sport England has no objection to the development, including the location of the replacement of the hard play area. Alternative playground locations would more than likely meet with objection from Sport England, which makes the location as proposed the best possible option in terms of school operation and the support of Sport England. I therefore consider the proposed location of the replacement playground to be logical and practicable.
28. With regard to the amenity impacts of the proposed relocated Year 6 playground, first it is important to note that use of the facility would be limited to break times during the school day, during term time only. I cannot agree that noise from such limited use, and by one year group at play, would be to an unacceptable level. In addition, following receipt of the neighbours concerns, the applicant provided additional detail with regard to the proposed fencing of the playground and boundary treatment. 2 metre (6.5ft) high green weldmesh fencing is proposed along the eastern, southern and in part western sides of the playground, with ball stop nylon netting above this to prevent stray balls leaving the site. In addition, part of the school boundary fence in this area of the site is proposed to be replaced with 1.8 metre high close boarded timber fencing, to match the existing. A hedgerow is also proposed to be planted between these two fence lines to extend the existing hedgerow located the north and west of the proposed playground. It should be noted that submission of details of the protection of the existing hedgerow and the planting of the new hedgerow would be required as part of the landscaping scheme, to be submitted pursuant to condition.
29. The provision of such fencing and planting would, in my view, negate issues of pupils kicking balls into neighbouring gardens, kicking the boundary fence, and looking directly into the garden due to the physical degree of separation and the height/type of the fencing proposed. In any instance, the proposals meet the neighbour's request for the provision of a metal fence and a replacement timber boundary fence. Subject to the imposition of a condition requiring the installation of the playground and boundary fencing prior to first use of the playground, I do not consider that the playground would have a significantly detrimental impact on the amenity of local residents. I therefore see no reason to refuse this element of this proposal.

#### Biodiversity

30. With regard to ecology, an Ecological Scoping Survey Report has been submitted which concludes that the development would not have a detrimental impact on biodiversity, subject to precautionary approaches with regard to bats, hedgehogs and reptiles. The County Council's Biodiversity Officer is satisfied with the level of information provided. However, should permission be granted, conditions of consent should be imposed requiring that the development is undertaken in accordance with the recommendations and precautionary measures as detailed within the submitted Ecological Scoping Survey Report. Biodiversity enhancement measures, such as the provision of bird and bat boxes, should also be explored, and I consider that this matter could be dealt with by way of a further condition.

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

### Sustainable Construction

31. As outlined in paragraph 7 of this report, the building has been designed to meet the principles of a BREEAM rating of very good. The building has been designed to include a number of sustainable features and I consider that the applicant has given sufficient information within the planning application to demonstrate how the principles of a 'Very Good' rating would be achieved. In addition, although not necessarily required to meet energy efficiency targets and building regulation requirements, given the height and orientation of the building, the applicant has included an array of PV panels within the scheme in this instance, with an indicative area marked on the roof plan. For further information on the sustainable credentials of this scheme, including the costs and payback period for the PV panels, please see the statement provided by the applicant in Appendix 1 (end of pg 3 and pg 4). I have no objection to the proposals in this regard.

### Other matters

32. A local resident states that a planning application submitted to Thanet District Council (F/TH/15/0797) should be considered in the determination of this application. Having checked the District Council website that application, which was for a vehicular access into land south east of Quex Barn, was refused permission by the District Council. In addition, the same resident suggested that future plans for housing off of Park Lane should also be taken into consideration. However, there are no live planning applications for housing developments at this time and, in any instance, the District Council would need to consider any such application on its own merits in consultation with the Highway Authority.
33. Further, the resident states that the draft Local Plan is not referenced in the supporting documentation, and that Kent County Council have some plans for Park Lane which are not referenced. With regard to the latter, Highways and Transportation have been consulted on this application, and as discussed in detail above, have no objection to the proposal. Any plans that the Highway Authority may have for Park Lane that would conflict with this proposal would have been considered within their consultation response. With regard to the draft Local Plan, the District Council is in the process of preparing this document. The document, and the policies therein, remain to be approved and subsequently adopted. The District Council does not, therefore, list this document as part of Thanet's 'current Planning Policy'. I am therefore satisfied that all relevant and adopted Planning Policies have been considered in the determination of this application.

### Construction matters

34. Given that there are neighbouring residential and industrial properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
35. I also consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

wheel washing facilities, details of how the site access would be managed to avoid peak school times, and details of any construction accesses. Such a strategy would also address the conditions required by Highways and Transportation with regard to the construction of the development. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

36. In addition to the above, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

### Conclusion

37. In summary, I consider that, subject to the imposition of appropriate planning conditions and the completion of the improved access, parking and drop-off facilities, this proposed development constitutes sustainable development, with an appropriate standard of design and layout, which would not have significantly detrimental effects on the local highway network or residential amenity. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, as well as the National Planning Policy Framework. I am aware of no material planning considerations that indicate that the conclusion should be made otherwise. Therefore, I recommend that permission be granted subject to appropriate conditions

### Recommendation

38. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- the standard time limit;
  - the development to be carried out in accordance with the permitted details;
  - the submission of details of all materials to be used externally;
  - the submission of the scheme of landscaping and tree planting, including details of the protection of the hedgerow adjacent to the proposed playground during construction and planting of the new hedgerow;
  - provision of the playground and boundary fencing prior to first use of the playground;
  - the provision and permanent retention of the car parking, drop off/pick up and turning/loading/unloading areas as shown on the submitted plans;
  - submission of a management plan for the drop off/pick up area;
  - submission of further details of the new access point on Park Lane, including associated works/infrastructure, and subsequent provision prior to occupation of the development;
  - submission of an updated Travel Plan within 6 months of the date of occupation;
  - the development to be undertaken in accordance with the recommendations of the Ecological Scoping Survey;
  - the provision of bird and bat boxes;
  - hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

- the submission of a Construction Management Strategy, including the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, and details of any construction accesses & management of the site access to avoid peak school times;
- measures to prevent mud and debris being taken onto the public highway.

39. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- With regard to the requirement to prepare and submit a (revised/amended) School Travel Plan, the applicant is advised to register with Kent County Council's Travel Plan Management system 'Jambusters' using the following link <http://www.jambusterstpms.co.uk>. Jambusters is a County Wide initiative aiding Schools in the preparation and ongoing monitoring of School Travel Plans.
- The applicant's attention is drawn to the letter from Highways and Transportation in which it is noted that it is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained.
- The applicant's attention is drawn to the letter from the Environment Agency in which advice and guidance is provided with regard to contaminated land and waste.

Case officer – Mary Green	03000 413379
---------------------------	--------------

Background documents - See section heading
--

Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

## Appendix 1

### Birchington Primary School – Sustainability Statement

Birchington Primary School will feature an array of passive sustainable design aspects and practices, as well as being additionally supplemented with the installation of active onsite renewable energy generation to reduce load on grid energy supply and the use of non-renewable fuels.

#### - Energy/CO2 Emissions

Our M&E team carry out Building Physics and Part L Compliance modelling as a matter of course on all our projects at pre-planning stage. The design as submitted even without roof top solar photovoltaics complies with and exceeds the Approved Document Part L2A (2013) emissions criteria for new buildings by approximately 5% compared with the notional building criteria.

Our design focuses on promoting natural daylighting, with large glazing units and south-east facing rooflights to naturally maximise internal illumination.

Our total implementation of passive ventilation and additional passive heat exchange ventilation units across the proposal will allow the building to exchange warm stale air for cool fresh air using just buoyancy and wind loading as required.

South facing brise soleil provide shading and reduce summer over-heating.

The combined effect of the strategies above will create a well balanced and pleasant internal environment for all occupants year round.

#### - Water resource use

Birchington Primary School proposed works will seek to reduce water consumption where possible during both construction and use with the implementation of construction management plans and the installation of efficient eco-flush toilets and aerating taps.

#### - Materials

The materials proposed in the design of Birchington Primary School achieve BRE Green Guide Ratings no lower than B.

Category / Sub-category	Description	Summary Green Guide Rating
External wall - Brickwork	Brickwork, cement mortar, plywood (temperate EN 636-2) sheathing, insulation, structural block work, vapour control layer, plasterboard on battens, paint	A+
External Wall - Curtain Walling.	Extruded aluminium stick type curtain wall, laminated sealed glass unit.	B
Windows generally	Aluminium windows	A
Insulation generally	Stone wool insulation—density 45kg/m <sup>2</sup>	A+



Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

## Appendix 1

Insulation—to external walls	Rigid thermoset insulation	A+
Insulation to single ply roof	High performance rigid thermoset insulation	A
Insulation to ground floor	Rigid polyisocyanurate foam and zero ozone depletion potential (ODP) blowing agents with low global warming potential (GWP) and low emissivity aluminium foil facings on both sides	A+
Internal Walls	Studs insulation and 2 x 12.5mm plasterboard each side	A

### - Sustainable Urban Drainage Systems

-

According to the Flood Risk Assessment prepared by AGB Environmental, the existing site of Birchington Primary School has a Very Low RoFRaS Flood Risk Rating pertaining to flood caused by nearby water courses.

According to JBA modelling, Pluvial flood risk is unclassified (negligible).

AGB Environmental outline that the reason for the negligible flood risk is due to the sites moderately permeable chalk geological formation.

Despite the permeability of the existing site, it is still prone to occasional water logging in heavy weather. For this reason we propose that the new building will drain into the existing drain pipes to adequately take water away from the site.

### - Waste

A Construction Phase Management plan will be developed prior to construction. KPI targets will be agreed by all design members and the principal contractor. Contractors will update this document as on site works continue and their progress will be monitored at regular intervals.

Waste air from the building will be passively extracted from the building during use via rooftop wind catchers within the pitched roof dormers and openable rooflights. These use the buoyancy of the internal air and the pressure differences caused as wind passes over them to extract stale air and draw fresh new air in. As the warm stale air rises through the wind catcher it passes through a high efficiency heat exchanger that uses the heat from the exhaust air to pre-warm the cool incoming air. This process allows for high air change rates to keep internal areas fresh and reduces heating and cooling loads by matching the internal environment temperature.

### - Pollution

Sustainably sourced and built materials have been proposed to reduce pre-construction pollution.

Lead free, low odour and low VOC paint will be used throughout.

On site construction will reduce waste where possible, but where waste is inevitable; it shall be either recycled or safely and correctly disposed of with careful attention not to pollute existing ground or water systems with any on site construction materials.





Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

## Appendix 1

### - Health & Wellbeing

The proposed works at Birchington Primary School solve much needed local demand for primary school places and as such relieve educational pupil place stress of surrounding schools. The proposed works will create a warm and welcoming internal environment, making its daily use a pleasure. These proposed works will be used long into the future by future pupil and staff generations.

The passive systems outlined above will greatly improve the internal environment by providing:

- Long hours of bright and clear natural lighting,
- Maintaining clean temperature matched fresh air,
- Temperature control thanks to heat exchange ventilation, considered glazing and placement of brise soleil,
- And robust construction to reduce noise transfer between occupied spaces.

### - Transport

A robust travel plan will be developed by the school with the assistance of traffic consultants to promote healthy modes of travel.

### - Ecology

The opportunities for biodiversity on site will be maintained and improved following the development thanks to planting of new trees and the instalment of bird and bat boxes on trees across the site.

### - Management

The school staff and site management will be issued with a Building Operation & Maintenance Manual following completion of works that will detail how to use the building and its sustainable services correctly. Instructions to outline the use of the heating and ventilation strategies will be described and will help the school comfortably use the spaces provided while minimising energy usage.

Optimal building efficiency will of course depend on users following the methods outlined in the Building Operation & Maintenance Manual.

Such practices will include:

- Minimising use of artificial lighting.
- Replacing bulbs with LEDs when necessary.
- Using opening windows to control indoor climate and ventilation.
- Using artificial heating only when required.

In addition to all of the already glowing points above, we are still proposing to include rooftop solar PV panels atop the flat roof above the group and staff room.

This location would be ideal as the array would be on the tallest part of the proposal and therefore affords the array a number of benefits:



Proposed new building to accommodate six classrooms, a new playground, and additional car parking at Birchington Primary School – TH/15/845 (KCC/TH/0271/2015)

---

### Appendix 1

- Height of array would provide most visual screening thanks to the parapet.
- Height of array would have least chance of accidental damage and make vandalism or theft difficult.
- Height and orientation of installation would result in minimal shading.

In this location up to 50m<sup>2</sup> plan area of PV could be installed.

Preliminary calculations suggest that an array of this size at 37° tilt and 0° azimuth would be between 3.8-4.8kWp (kilo watts at peak performance at noon on a sunny day) and would generate between 3.75-5mWh per year. (3750-5000kWh)

Calculations suggest this would offset carbon emissions to the effect of more than 35% improvement over the notional building criteria.

Using the current feed in tariff and the buildings estimated Energy Performance Certificate grade, this array would earn around £625/year.

Estimated cost of the array is in the order of £25,000 (subject to change following full and thorough quotation process) – therefore the resultant payback period is 40 years.

This array would provide roughly 20% of the buildings electrical energy needs each year.



**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.

- TM/15/2500      Proposed importation of inert waste and restoration to grassland and treeplanting.  
Land at 54, The Street, Mereworth  
Decision – Permitted
- TM/15/3046      Section 73 application to vary condition 1 of planning permission TM/12/2585 to allow for the retention of the workshop and container for a further three year period.  
Blaise Farm Composting Facility, Kings Hill, West Malling  
Decision - Permitted
- TW/15/507120    Erection of Motor Control Centre (MCC) Kiosk.  
Bidborough Waste Water Treatment Works, Franks Hollow Road, Bidborough  
Decision - Permitted

**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.

- SE/14/13/R19 & R25      Details of revised parking layout to ensure traffic entering the site cannot turn immediately right, and on site cycle parking.  
Knole (East) Academy, Seal Hollow Road, Sevenoaks  
Decision – Approved
- SE/14/13/RVAR      Details pursuant to condition 7 (arboricultural method statement), 12 (wildlife method statement/mitigation strategy for reptiles) and 13 (landscape and ecological management plan) of planning permission SE/14/13.  
Knole (East) Academy, Seal Hollow Road, Sevenoaks  
Decision – Approved

SW/14/500221/RVARA	Details pursuant to conditions (13) – Landscape Plan and (15) – (Design of Swale and Ecology Garden) of planning permission SW/14/500221. Land at Thistle Hill, Minster, Isle of Sheppey Decision - Approved
SW/15/503584/RVAR	Details of materials, construction management plan, landscaping and lighting pursuant to conditions 3, 8, 14 and 17 of planning permission SW/15/503584. Land at Danley Road, Danley Road, Sheerness Decision - Approved
SW/15/503584/R12&R16	Details of visibility splays pursuant to condition (12) and ecology pursuant to condition (16) of planning permission SW/15/503584. Land at Danley Road, Danley Road, Sheerness Decision - Approved
TM/14/2109/R9	Details of external lighting pursuant to condition (9) of planning permission TM/14/2109. Land at Leybourne Chase, Derby Drive, Leybourne, West Malling Decision - Approved
TM/15/554/R	Application for a non-material amendment including; removal of the basement levels; slight reduction in building footprint; alterations to window and door locations and alterations to surrounding landscaping. The Judd School, Brook Street, Tonbridge Decision - Approved

**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:-

TM/88/1002/RVAR Request for approval of the third 5-Year Working, Restoration and Aftercare Scheme and review of wheel cleaning facilities pursuant to conditions 4, 7, 8 and 27 of planning permission TM/88/1002.  
Blaise Farm Quarry, Offham, Kings Hill, West Malling, Kent, ME19 4PN

- (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

**This page is intentionally left blank**