

PLANNING APPLICATIONS COMMITTEE

Wednesday, 20th January, 2016

10.00 am

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



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 20th January, 2016, 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 - 9 December 2015 (Pages 5 - 10)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application CA/15/2375 (KCC/CA/0351/29015) - Section 73 application for the minor material amendment of Permission CA/13/2209 to delete the limitaton to Canterbury DC in Condition (8) (ii) and to amend the hours of operation in Condition 11 at Plots D and E, Lakesview Business Park, Hersden; Ling UK Holdings. (Pages 11 - 30)

2. Applications MA/14/727 (KCC/MA/009/2014) and MA/93/660/R22 and 24 - (i) Importation of clay/soil to stabilise the northern face of the sand workings as part of the revised scheme of restoration and aftercare pursuant to Conditions 22 and 24 of Permission MA/93/660; and (ii) Scheme of restoration and aftercare pursuant to Conditions 22 and 24 of Permission MA/93/660 as amended by Permission MA/00/1990 at Chilston Sandpit, Sandway Road, Sandway, Maidstone; Mr R Body (Pages 31 - 74)
3. Applications SH/08/124/ R2, R14 to R17 and R34 and KCC/SH/0095/2015 - (i) Details pursuant to Conditions 12, 14 to 17 and 34 of Permission SH/08/124; and (ii) Section 73 application to vary Condition 10 (badger mitigation) of Permission SH/08/124 at Land at Otterpool Quarry, Ashford Road, Sellindge; Countrystyle Recycling Ltd (Pages 75 - 102)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal 15/509370/COUNTY (KCC/SW/0365/2015) - Two storey extension, relocated pedestrian access, reconfigured car park and two new MUGAs at West Minster Primary School, St George's Avenue, Sheerness; KCC Property and Infrastructure Support (Pages 103 - 120)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 121 - 126)
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, 12 January 2016

(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, 9 December 2015.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M J Angell, Mr M Baldock, Mr D L Brazier (Substitute for Mr N J D Chard), Mrs P Brivio, Mr T Gates, Mr T A Maddison, Mr S C Manion, Mr B Neaves (Substitute for Mr A Terry), Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mr M E Whybrow (Substitute for Mr P M Harman) and Mr J N Wedgbury

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

UNRESTRICTED ITEMS

66. Minutes - 18 November 2015
(Item A3)

RESOLVED that the Minutes of the meeting held on 18 November 2015 are correctly recorded and that they be signed by the Chairman.

67. Site Meetings and Other Meetings
(Item A4)

The Committee noted the provisional date of Wednesday, 10 February 2016 for a site visit to Forest Farm in Cranbrook.

68. 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
(Item C1)

(1) Mr C Simkins informed the Committee that he wished to address the Committee in his capacity as the Local Member. Having done so, he took no further part in the decision making process for this application.

(2) Mr J N Wedgbury informed the Committee that he was a Member of Ashford BC which had commented on the application. He had not, however, participated in any of the Borough Council's discussions of this application and was able to approach its determination with a fresh mind.

(3) Correspondence from five local residents which had initially been sent to the Local Member, Mr C Simkins was tabled and read by the Committee Members prior to commencement of the consideration of this application.

(4) Councillor Mrs Jill Leyland (Charing PC) and Mr Terry Whitehead (a local resident) addressed the Committee in opposition to the application. Mrs Jenny Owen from Jennifer Owen Associates Ltd spoke in reply on behalf of the applicants.

(5) Mr J N Wedgbury moved, seconded by Mr T A Maddison that the recommendations of the Head of Planning Applications Group be agreed.

(6) Pursuant to Committee Procedure 2.26 (4), one third of the voting Members present required that the way all Members cast their vote should be recorded in the Minutes.

(7) The Chairman put the motion in (4) above to the vote when the voting was as follows:

For (8)

Mr D L Brazier, Mrs P Brivio, Mr J A Davies, Mr T Gates, Mr T A Maddison, Mr S C Manion, Mr C P Smith, Mr J N Wedgbury.

Against (6)

Mr M J Angell, Mr M Baldock, Mr B Neaves, Mrs E D Rowbotham, Mr T L Shonk, Mr M E Whybrow.

(8) RESOLVED that:-

- (a) permission be granted to the application for 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 subject to the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms as set out in Appendix 2 of the report and to conditions, including conditions covering the 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 the date of commercial sand extraction; the completion of all restoration not affected by the proposed development in Charing Quarry (East and West) by the end of 2017; the 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 on Mondays to Fridays and between 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; the 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 being submitted to the County Council and South East Water; details of the arrangements for 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); the implementation of all the proposed ecological avoidance and mitigation measures and the submission, approval and implementation of detailed strategies informed by further survey work; the 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; the submission, approval and implementation of a scheme to provide public access to Burleigh Chapel and details of an appropriate interpretation board; the 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; the 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;

- (b) permission be granted for the variation of conditions (ii), (vi) and (vii) of Permission AS/83/290, conditions 2 and 4 of Permission AS/90/1702, conditions 2, 3 and 12 of Permission AS/00/742 and conditions 2 and 3 of Permission AS/10/1352 to allow the restoration required by these permissions to be delayed and amended to facilitate the development hereby granted subject to additional conditions that would only provide for the delays and amendments to those Permissions if this Permission is implemented; and
- (c) the applicants be advised by Informative of 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 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 or enclose it.

69. 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 (Item C2)

(1) The Head of Planning Applications Group advised the Committee of correspondence from Tunbridge Wells BC raising no objection to the Application.

(2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee inserted the applicant's name into the Condition in order to reinforce the point that the chicken manure arisings could only be imported from their own operations.

(3) RESOLVED that permission be granted to the variation of Condition (3) of Permission TW/15/504981 subject to the re-imposition of all conditions previously imposed on that Permission and to the following condition:-

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

70. 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 (Item D1)

(1) The Head of Planning Applications Group informed the Committee of the views of the Local Member, Mr R Latchford in support of the Proposal.

(2) The Head of Planning Applications Group informed the Committee of correspondence from Councillor Julie Francis from Birchington TC suggesting that the proposed entrance and exit arrangements be reversed. The reasons for not agreeing to this suggestion were explained and agreed by the Committee.

(3) RESOLVED that:-

(a) permission be granted to the Proposal subject to conditions, 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; 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; the 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; the submission of an updated Travel Plan within 6 months of the date of occupation; the development being 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 being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; 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 and management of the site access to avoid peak school times; and measures to prevent mud and debris being taken onto the public highway; and

(b) the applicant 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 Highways and Transportation in which it is noted that it is their responsibility to ensure that all necessary highway approvals and consents are obtained; and
- (iii) their attention is drawn to the letter from the Environment Agency in which advice and guidance is provided with regard to contaminated land and waste.

71. 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).

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Section 73 application for the minor material amendment of planning permission CA/13/2209 to delete the limitation to Canterbury District in condition (8)(ii) and amend the hours of operation in condition (11) at Plots D & E, Lakesview Business Park, Hersden, Nr Canterbury – CA/15/2375 (KCC/CA/0351/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 20 January 2016.

Application by Ling UK Holdings Ltd for Section 73 application for the minor material amendment of planning permission CA/13/2209 to delete the limitation to Canterbury District in condition (8)(ii) and amend the hours of operation in condition (11) at Plots D & E, Lakesview Business Park, Hersden, Nr Canterbury, Kent, CT3 4GP – CA/15/2375 (KCC/CA/0351/2015)

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr A. Marsh

Classification: Unrestricted

Site

1. The application site lies within the Lakesview Business Park at Hersden, approximately 5km to the north east of Canterbury. The Business Park, which lies on the land previously occupied by the former Chislet Colliery, is located to the south of the A28 (Island Road) and north of the Canterbury to Margate railway line and is accessed from a dedicated roundabout on the A28. The application site is bounded to the north and east by other units within the Business Park and to the south and west by those within the Canterbury Industrial Park. The site lies approximately 200m to the north of the River Stour and associated Stodmarsh Valley Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The nearest residential properties are located approximately 200m to the north west of the application site on the A28 (“The Villas”) and to the east of the access road leading to the Canterbury Industrial Park (“Westbere Court”). The application site and key features referred to in this report are identified within the drawings below.
2. The application site lies within an area identified on Proposals Map Inset L of the Kent Waste Local Plan (March 1998) as suitable in principle for the preparation of inert waste for re-use (Policy W7) and waste separation and transfer (Policy W9). As an existing waste facility with a permanent planning permission, the site is proposed to be safeguarded by draft Policy CSW16 of the Kent Minerals and Waste Local Plan (draft Kent MWLP) 2013-30 Proposed Main and Additional Modifications (July 2015).

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

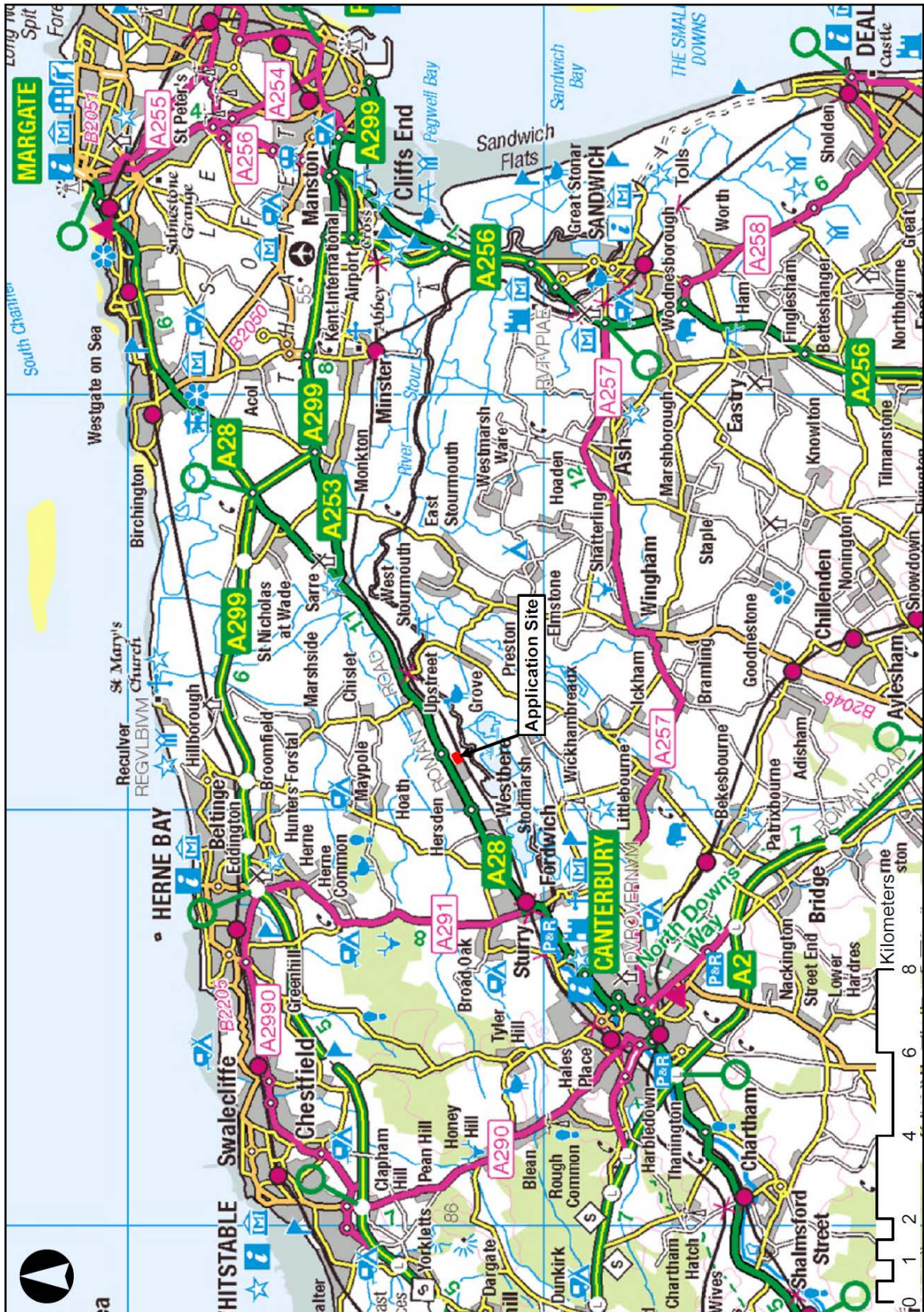
3. Lakesview Business Park is also safeguarded for employment use by Policy ED1 of the Canterbury City Local Plan (2006) and is proposed to be safeguarded for employment use by draft Policy EMP4 of the Canterbury District Local Plan Publication Draft (2014).
4. The application site, which is occupied by Ling (UK) Holdings Ltd following its relocation from Parham Road in Canterbury, is largely covered by a concrete pad. The existing planning permissions allow for the development of a number of independent buildings to house the various waste operations permitted on site as well as office and welfare facilities; not all of the permitted buildings have been constructed to date.
5. Existing development on site includes a waste transfer building (in the north east corner of the site), a non-ferrous waste building and an end of life vehicle (ELV) building (in the southern part of the site), a car bailer, engine pit, drainage pit and associated structures (in the south western part of the site) and weighbridges and a weighbridge office (in the centre of the site). The site also contains a number of temporary buildings used for site offices and associated facilities, which will remain until the main site offices are constructed. The site also accommodates several large containers, which provide a temporary screen between the metal processing area and the rest of the Lakesview Business Park to the north, pending the completion of the approved development on site. An area in the north-west corner of the site has yet to be surfaced and currently contains a large mound of surplus soil and construction material that needs to be removed to enable the permitted materials recycling facility (MRF) to be built. A further area in the south east corner, currently used for vehicle parking, will accommodate the main site office building and associated car parking once completed. The development benefits from significant areas of open yard space for the manoeuvring and the temporary parking of vehicles within the site.
6. The entire site is surrounded by a palisade fence (between 2.1 and 2.4m high) and parts of the western and southern boundaries are reinforced with concrete divisions to provide “push-walls” (between 3 and 3.5m high).

Background

7. Outline planning permission CA/98/0224 was granted by the City Council on 5 May 2000 for use of land at the former Chislet Colliery site as a business estate (Classes B1 (business) and B8 (storage and distribution)). This also provided for the roundabout that now serves Lakesview Business Park. A number of more recent planning permissions have been granted by the City Council that include B2 (general industrial) uses on land to the south and east of application site (i.e. towards the rear of the business park).

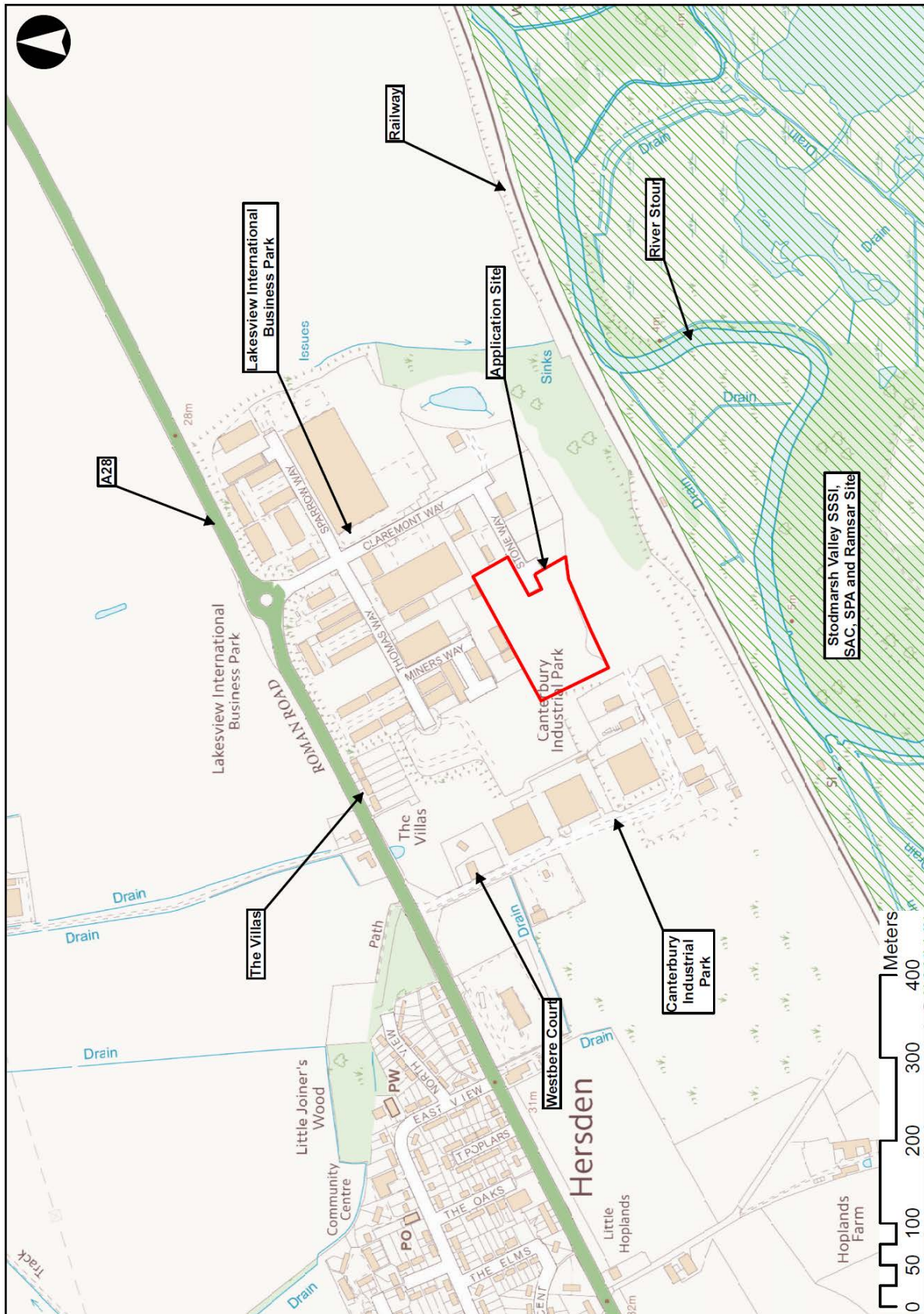
Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden - CA/15/2375 (KCC/CA/0351/2015)

General Location Plan



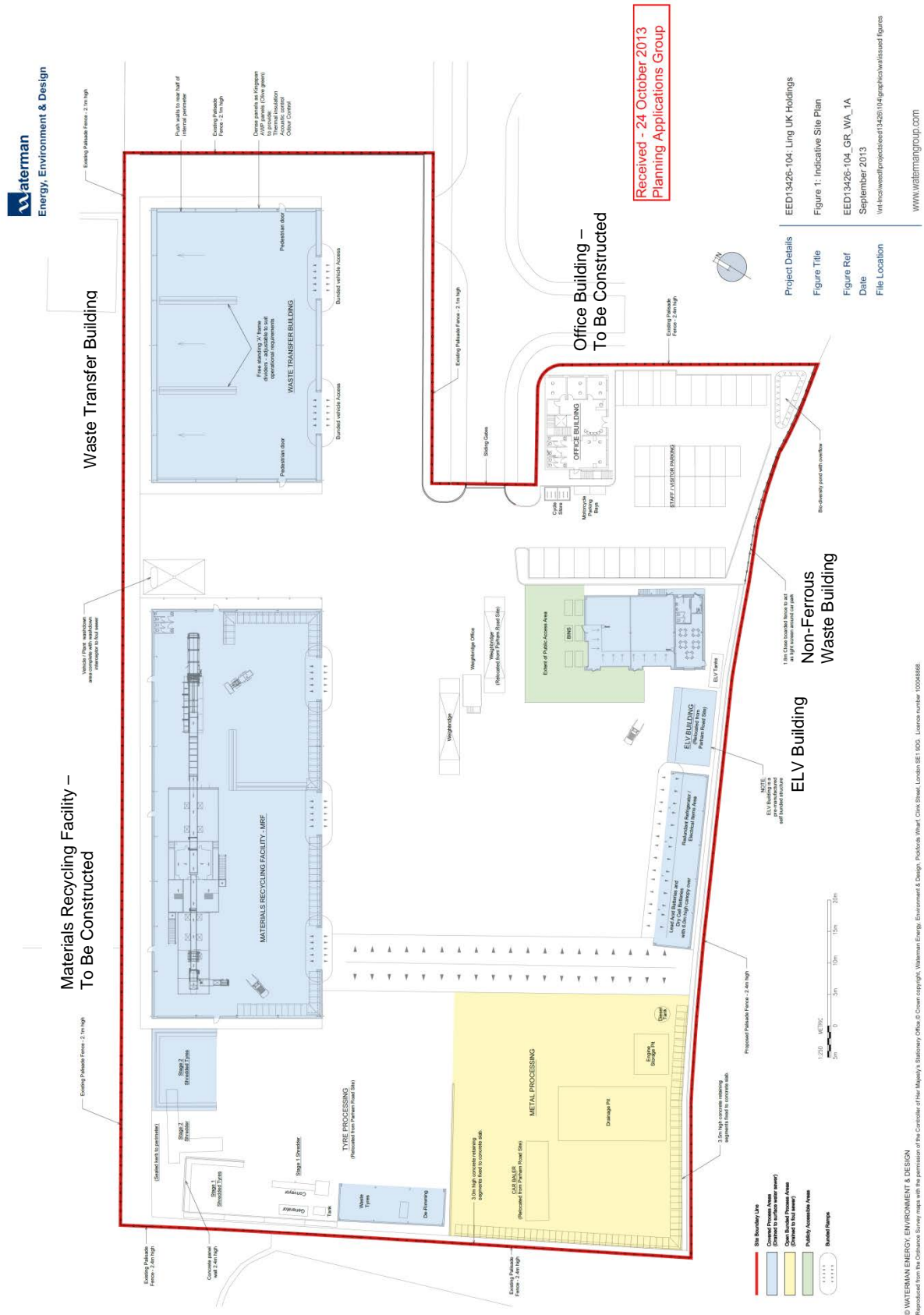
Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden - CA/15/2375 (KCC/CA/0351/2015)

Site Location Plan



Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden - CA/15/2375 (KCC/CA/0351/2015)

Approved Site Layout Plan (Included For Reference Purposes Only)



Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

8. Planning permission (CA/09/607) was granted for the development of a metal and vehicle recycling and transfer centre together with a materials recycling centre for dry recyclable waste and electrical goods, the storage of associated waste and waste products and the storage of demolition and contracting plant and vehicles on 17 November 2009, following a resolution of the County Council's Planning Applications Committee on 3 November 2009. The 2009 permission (which contained 27 conditions) was intended to enable the applicant to relocate its metals recycling business from its former site at Parham Road, Canterbury, and to develop a range of other waste recycling operations. The main elements of the permitted facility were a pre and post treated waste storage building (43.6 x 27 x 14m), a materials recycling facility (MRF) building (65.1 x 27 x 14m), a shredded tyre storage shed (17 x 5 x 7m), a battery and redundant electrical items storage shed (27.8 x 5 x 7m), a two-storey office building (15 x 10 x 7.6m), a two-storey non-ferrous building with canteen (19 x 12 x 7.4m), two weighbridges and weighbridge office (5 x 2.9 x 3.3m), a scrap metal processing area and parking for staff and visitors.
9. Planning permission (CA/10/285) was granted to amend condition (18) of planning permission CA/09/607 on 2 August 2010, following a resolution of the County Council's Planning Applications Committee on 27 July 2010. This 2010 permission (which contained 29 conditions which were largely identical to those included in 2009) additionally allowed recovered abandoned vehicles to be delivered to the site at any time and for permitted waste types to be delivered from Civic Amenity sites and for members of the public to bring electrical / recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours only. Those conditions attached to the 2010 permission that required the submission to and approval of further details by the County Council were approved or discharged on 8 August and 20 December 2012.
10. Planning permission (CA/13/18) was granted to allow a change of use of the waste facility to allow all of the waste streams mentioned above plus domestic ("black bag") waste and source-separated food waste on 15 April 2013, following a resolution from the County Council's Planning Applications Committee on 10 April 2013. At the time the application was determined, the development platform had been partially completed and the pre and post treated waste storage building (by that time constructed as a waste transfer building) and areas of concrete hardstanding had been completed. Planning permission CA/13/18 served to regularise a number of minor changes to the building to accommodate the handling of "black bag" and source-separated food waste (e.g. double doors with fast-action inner fabric doors, an odour suppression system and internal layout) and provided associated development (e.g. a vehicle wash-down area, foul drainage and a cesspool).
11. Approval (CA/13/18/R) was given on 27 November 2013 for a non-material amendment to planning permission CA/13/18. The approval, which has no direct bearing on the current application, amends (amongst other things) the size and orientation of a roll-over bund (which separates the car dismantling area from the rest of the site), the external design and internal layout of the non-ferrous building and the main vehicular access gate and provides for the installation of vehicle and engine storage pits.
12. Planning permission (CA/13/2209) was granted to amend conditions (8) and (9) of planning permission CA/13/18 to allow for the acceptance of commercial and industrial waste from commercial, industrial and institutional premises from sources in and

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

external to the Canterbury District and source segregated fractions from waste collections from domestic properties in the Canterbury District in addition to existing waste streams and without exceeding the existing (established) 82,000 tonnes per annum limit previously imposed on the site. Planning permission (CA/13/2209) was granted on 17 February 2014, following a resolution from the County Council's Planning Applications Committee on 12 February 2014.

13. The key controls imposed on permission (CA/13/2209) include (amongst other matters):-

- The permitted waste types, including batteries, end of life vehicles (ELV), scrap metal, tyres, electrical waste (including fridges), dry recyclables (from commercial and industrial sources), domestic ("black bag") waste, source-separated food waste, separately collected fractions (excluding green / garden waste) and bulky domestic waste from within the Canterbury District and municipal wastes, arising only from commercial, industrial and institutional sources
- A maximum volume of waste permitted to enter the site for treatment, processing or recycling of 82,000 tonnes per annum (tpa) of which no more than 58,000tpa may be domestic ("black bag") waste, source-separated food waste, separately collected fractions, bulky domestic waste or municipal waste, arising only from commercial, industrial and institutional sources;
- No more than 324 HGVs (162 in / 162 out) shall enter / leave the site each day;
- With the exception of waste sorting activities permitted in the MRF and the delivery of abandoned vehicles to the site, no activities on site or deliveries to or from the site shall take place except between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays;
- Waste materials collected from Civic Amenity sites may also be delivered and members of the public may also take electrical / recyclable waste to the site on Bank Holidays between 08:00 and 16:00 hours;
- Abandoned vehicles can only be delivered and off-loaded at the site between 07:00 and 23:00 hours;
- Domestic ("black bag") waste, source separated food waste, bulked domestic waste and similar municipal waste shall only be deposited, handled, stored and transferred within the Waste Transfer Building;
- Noise from fixed and mobile plant to not exceed 52dB at residential properties;
- Provision of an odour suppression system within the Waste Transfer Building;
- Domestic ("Black Bag") waste to be removed from site within 48 hours; and
- Implementation of a foul and surface water drainage scheme.

Proposal

14. The application proposes the variation of conditions (8)(ii) and (11) of planning permission CA/13/2209.

15. Under condition (8)(ii) of CA/13/2209 the site is already afforded planning permission to receive domestic ("black bag") waste, source separated food waste, separately collected fractions (excluding green / garden waste) and bulk domestic waste from within Canterbury District (only). The current application seeks to vary this condition to allow domestic waste to be received from areas both within and from outside Canterbury

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

District; allowing the site to receive domestic waste arisings from a wider area, including the districts of Thanet, Dover and Shepway.

16. Condition (11) controls the timing of operations associated with the receipt, handling and export of the above-mentioned waste streams on-site and similar wastes from municipal sources to between 0700 to 1800 hours Monday to Friday, 0700 to 1300 on Saturdays with no operations on Saturday afternoon and Sundays. The application proposes a minor variation to these controls to allow the above operations to take place on a Saturday afternoon up to 1700 hours on any Saturday immediately following a Public Bank Holiday. The flexibility to operate the domestic and municipal waste facilities on occasional Saturday afternoons is proposed to meet the requirements of a Kent County Council Waste Disposal Authority contract to allow for any exceptional service demands during busy collection periods.

17. Conditions (8) and (11) of planning permission CA/13/2209 currently read as follows:-

(8) Only the following waste materials shall enter the site:

- (i) those wastes specified in section 8 "Description of the Development" of the Environmental Statement Non-Technical Summary dated 27 February 2009 (document reference: ES NTS Final 27.2.09) that accompanied planning application CA/09/607;
- (ii) domestic ("black bag") waste, source separated food waste, separately collected fractions (excluding green / garden waste) and bulky domestic waste collected from within Canterbury District; and
- (iii) municipal wastes, arising only from commercial, industrial and institutional sources, including separately collected fractions from those sources (excluding green / garden type waste).

Reason: Waste materials outside these categories may raise environmental, pollution or other issues that would need to be considered afresh.

(11) Unless otherwise approved beforehand in writing by the Waste Planning Authority, operations associated with the receipt, handling and export of domestic ("black bag") waste, source separated food waste, separately collected fractions, bulky domestic waste and similar wastes from municipal sources shall only take place between the following times:-

07:00 to 18:00 hours Monday to Friday;
07:00 to 13:00 hours on Saturdays.

No operations shall take place on Saturday afternoons and Sundays.

Reason: To ensure the minimum disturbance and avoidance of nuisance to the environment of locality and to accord with the objectives of Kent Waste Local Plan Policy W18.

18. The applicant proposes that the conditions be re-worded as follows:-

(8) Only the following waste materials shall enter the site:

Section 73 application to amend conditions (8) and (11) of permission CA/13/2209 at Plots D & E, Lakesview Business Park, Hersden – CA/15/2375 (KCC/CA/0351/2015)

- (i) those wastes specified in section 8 "Description of the Development" of the Environmental Statement Non-Technical Summary dated 27 February 2009 (document reference: ES NTS Final 27.2.09) that accompanied planning application CA/09/607);
- (ii) domestic ("black bag") waste, source separated food waste, separately collected fractions (excluding green / garden waste) and bulky domestic waste; and
- (iii) municipal wastes, arising only from commercial, industrial and institutional sources, including separately collected fractions from those sources (excluding green / garden type waste).

Reason: Waste materials outside these categories may raise environmental, pollution or other issues that would need to be considered afresh.

- (11) Unless otherwise approved beforehand in writing by the Waste Planning Authority, operations associated with the receipt, handling and export of waste types and sources specified in conditions (8)(ii) and (8)(iii) shall only take place between the following times:-

07:00 to 18:00 hours Monday to Friday;

07:00 to 13:00 hours on Saturdays; and

following a Public Bank Holiday on Saturday afternoons up to 17:00 hours.

No operations shall take place on Saturday afternoons following a Public Bank Holiday unless the applicant has notified the Waste Planning Authority of the intention to be open. The applicant shall confirm such notification by email, fax or letter.

No operations shall take place on Sundays.

Reason: To ensure the minimum disturbance and avoidance of nuisance to the environment of locality and to accord with the objectives of Kent Waste Local Plan Policy W18.

19. The applicant states that the existing permissions do not prevent the operation of the site on Public / Bank Holidays and notes that the operating hours for other elements of the permitted waste uses on-site already allow some Saturday afternoon working. The Saturday afternoon working already permitted under the existing permission CA/13/2209 includes the sorting of mixed dry recyclable waste within the Materials Recycling Facility (MRF) (24 hours a day, 7 days a week - under condition (12)(a)); and the delivery of abandoned vehicles (between 0700 to 2300 hours 7 days a week - under condition 12(c)).
20. No changes are proposed to the other conditions imposed on planning permission CA/13/2209, including the controls placed on the maximum volume of waste allowed to enter the site each year and the maximum number of HGV movements each day, amongst other matters.

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Planning Policy

21. The Government Policy and Guidance and Development Plan Policies summarised below are particularly relevant to the consideration of this application:
22. **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) and National Planning Policy for Waste (NPPW). National Planning Policy and Guidance are all material planning considerations.
23. **Kent Waste Local Plan (March 1998) (Kent WLP) Saved Policies:** W6 (Need), W7 (Re-use), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W19 (Water Resources), W20 (Land drainage and flood control), W21 (Nature conservation) and W22 (Road traffic and access).
24. **Canterbury City Local Plan (2006) (Canterbury LP) Saved Policies:** the most relevant saved policies include ED1 (Safeguarding existing employment sites and premises), BE1 (High Quality Design and Sustainable Development), NE1 (Biodiversity), C1 (Transport), C39 (Air Quality), C40 (Potentially Polluting Development), and C41 (Waste Management).
25. **Emerging Policy - Kent Minerals and Waste Local Plan (draft Kent MWLP) 2013-30 Proposed Main and Additional Modifications (July 2015)** – draft Policies include: CSW1 (Sustainable development), CSW2 (Waste hierarchy), CSW4 (Strategy for waste management capacity), CSW6 (Location of non-strategic waste sites), CSW7 (Waste Management for Non-hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of Minerals and Waste), DM15 (Safeguarding Transport Infrastructure), DM16 (Information required in support of an application) and DM20 (Ancillary development)¹.
26. **Emerging Policy - Kent Minerals and Waste Development Framework: Waste Sites Plan Preferred Options Consultation (May 2012)** – The emerging Waste Sites Plan identifies land at Unit 14 Canterbury Industrial Park (immediately to the south of the application site) as a preferred location for waste treatment / recycling facilities.
27. **Emerging Policy - Canterbury District Local Plan Publication Draft (2014) (draft Canterbury DLP)** – Draft Policies include: SP1 (Sustainable development), SP7 (Habitat Regulations mitigation measures), EMP4 (Protection of employment sites), T1 (Transport Strategy), CC12 (Water Quality), DBE1 (Sustainable Design and Construction), LB5 (Sites of International Conservation Importance), LB6 (Sites of

¹ An Independent Examination of the Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014) was held in April and May 2015. Following discussions with the Inspector and representors throughout the Examination, KCC published major and additional (minor) modifications to the Plan on 17 August 2015. The modifications were subject to an 8 week consultation which ended on 12 October 2015. As a result of this consultation, the Inspector proposed further modifications to the Plan. An 8 week consultation on these further modifications commenced on 8 January 2016. The Inspector's Report will not be published and the Plan not adopted until this process has been completed.

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Special Scientific Interest), LB7 (Locally Designated Sites), QL11 (Air Quality), QL12 (Potentially Polluting Development) and QL13 (Waste Management and Recycling).

28. **Kent Joint Municipal Waste Management Strategy (April 2007)** – This document is a material consideration and includes Policy 20 which states that the transfer station network will be improved across Kent to promote efficient transport of wastes for treatment, recovery and disposal. It also includes a number of other policies intended to assist in increasing recycling rates.

Consultations

29. **Canterbury City Council:** no response received.

30. **Westbere Parish Council:** objects to the application on the following grounds:

- Concerns about local amenity impacts due to the proposed changes to the hours of use.
- Strong objections to the delivery of additional waste to Westbere. Considers that it should be mandatory to process waste as close as possible to its source as convenient, to reduce traffic congestion, pollution, protect air quality and minimise wasted energy and additional fuel costs.
- Concerns that additional volumes of waste would be received on site following the proposed increase in the potential catchment area, increasing concerns about noise, dust, emissions and unpleasant odours and the potential for impacts on health and well-being of residents and occupants of business units in the vicinity.
- Concerns about additional vehicle movements and the potential for increased congestion on A28, including in terms of traffic travelling from Dover and Shepway via the Sturry level crossing.
- Concerns about the amenity impacts of HGV movements.
- Concerns about poor provision for surface water runoff.
- Concerns about possible adverse effects on the adjacent Stodmarsh SSSI and Ramsar sites.

The Parish Council also requested clarification of the throughput of waste and the number of vehicle movements generated by the permitted operations on site.

31. **Chislet Parish Council:** no response received.

32. **Sturry Parish Council:** no response received.

33. **Environment Agency:** raises no objections to this application.

34. **Kent County Council Highways and Transportation:** raises no objection. Notes the application proposes no increase in the amount of waste processed on site and therefore there would be no impact on vehicle movements to and from the site.

35. **Kent County Council Ecological Advice Service:** raises no objection and confirms it has no comments on the proposed amendments to the existing planning conditions.

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36. **Kent County Council Waste Management:** supports the principle of the development, indicating that the additional flexibility would help to divert Municipal Solid Waste from landfill to either Allington Energy Waste facility at Maidstone or, in the case of separately collected food waste, to specialist processing facilities elsewhere in Kent. This would assist in meeting EU Directives, Government targets and Best Value Performance Indicators. The Hersden location ideally suits the local Waste Collection Authorities (District Councils), insofar as the site is situated strategically within their geographical area of operation. Occasional Saturday afternoon operation (up to 17:00 hours) would help to meet any operational or “back log” issues associated with domestic waste collection.

The Waste Disposal Authority states that in awarding waste contracts, amongst other matters, particular consideration is given to the environmental impact of the proposal, recycling targets set by Government, the operational requirements of the Waste Collection Authorities, the minimisation of traffic and the technical sustainability and deliverability of the proposal.

Local Member

37. The local County Member for Herne and Sturry, Mr Alan Marsh was notified of the application on 30 October 2015.

Publicity

38. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 23 nearby properties.

Representations

39. No letters of representation have been received in response to the above publicity.

Discussion

40. In considering this proposal, regard must be had to the Planning Policy section 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 Policy and Guidance and other material planning considerations arising from consultation and publicity.

41. The main issues to be considered are:

- the principle of development / sustainable development / need;
- local amenity (e.g. air quality / odour, noise and health);
- highways and transportation; and
- biodiversity and drainage considerations.

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Principle of development / sustainable development / need

42. The application site benefits from planning permission as a waste management facility, allowing for the receipt, storage, recycling and transfer of a number of different waste streams (as detailed within the background section above). The permitted waste streams include: batteries; end of life vehicles (ELV); scrap metal; tyres; electrical waste (including fridges); dry recyclables; municipal wastes, arising from commercial, industrial and institutional sources (from both within and outside Canterbury District) and domestic (“black bag”) waste, source-separated food waste and bulky domestic waste (from within the Canterbury District). The site is allocated within the Kent WLP, under Policies W7 and W9, as being suitable in principle for the separation and transfer of waste. The site is also safeguarded by draft Policy CSW16 of the draft Kent MWLP as a permitted waste facility that forms part of the County’s waste infrastructure. Canterbury LP Saved Policy ED1 and draft Canterbury DLP Policy EPM4 seek to protect the site for employment use in support the economic strategy for the District. Amongst other matters, these policies include support for in-situ expansion of existing businesses, provided that there are no significant environmental, amenity, landscape, transport or other adverse impacts.
43. National Policy within the NPPF and NPPW, as well as Policies within the Kent WLP and draft Kent MWLP all support the location of waste management facilities within or adjacent to existing waste sites or within established industrial estates.
44. The NPPF, Policies CSW1 and CSW2 of the draft Kent MWLP and Policy SP1 of the draft Canterbury LP all include a presumption in favour of sustainable development, which includes economic, environmental and social dimensions. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Government guidance indicates that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved without delay. The NPPW seeks to delivery of sustainable development and resource efficiency, through provision of modern waste infrastructure, associated local employment opportunities and wider climate change benefits by driving waste management up the waste hierarchy. Government Policy seeks to ensure that waste management is considered alongside other spatial planning concerns, recognising the positive contribution that this can make to the development of sustainable communities, helping to secure the re-use and recovery or disposal of waste without endangering human health and without harming the environment.
45. The NPPW requires local Waste Planning Authorities to work collaboratively in groups with other waste planning authorities and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management. Government Policy highlights the need to plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.
46. Policy W6 of the Kent WLP, Policies BE1 and C41 of the Canterbury LP and Policy QL13 of the draft Canterbury DLP all identify the need for the development as a material consideration. Policies CSW4 and CSW7 of the draft Kent MWLP require the development of waste management capacity to manage waste arising in Kent. The

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Kent Joint Municipal Waste Management Strategy (April 2007) specifically identifies the need to improve the waste transfer station network to facilitate transport of materials to the recycling, composting, treatment, recovery and disposal infrastructure provided across the County. The Strategy recognises that the waste transfer station network delivers reduced environmental impacts, cost-effective and efficient transport, and efficiencies for collection services by facilitating the separation and bulking up of materials close to its source.

47. Whilst the proposed development would not add to the capacity of the waste transfer network, the proposed changes to the controls placed on the existing permissions would improve the flexibility of the site to cater for waste streams arising in east Kent, including the County Council's own waste management contracts. This would be achieved by facilitating the sustainable transfer of waste materials onwards to appropriate treatment and recovery facilities elsewhere in the County and where necessary further afield. I note that KCC Waste Management supports the principle of the development, indicating that the additional flexibility would help to divert Municipal Solid Waste from landfill.
48. Taking account of the broad policy support, the site's allocations within the Development Plan and the permitted waste uses, the proposed development would be considered acceptable in principle, subject to its consideration in the context of other relevant Development Plan Policies, Government Guidance and other material planning considerations. Whilst there is an established need to improve the waste transfer station network to facilitate more sustainable transport of materials, it is not possible to establish whether the proposed development is acceptable or whether it represents sustainable development until all other development plan policies and material considerations have been assessed.

Local amenity (e.g. air quality, odour, noise and health)

49. NPPW requires that new or enhanced waste management facilities should be considered against physical and environmental constraints on development. This includes existing and proposed neighbouring land uses and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential. Policy W18 of the Kent WLP, Policies CSW6, DM11 and DM12 of the draft Kent MWLP, Policies BE1, CE39, CE40 and C41 of the Canterbury LP and Policies DBE1, QL11, QL12 and QL13 of draft Canterbury DLP all require development that is compatible with existing land uses, that preserves local amenities and include suitable controls on noise, dust, odour and other emissions, amongst other matters.
50. The proposed variation to condition (11) seeks a minor change to extend the permitted hours of operation to allow the receipt, handling and export of domestic waste and municipal wastes (arising only from commercial, industrial and institutional sources) on occasional Saturday afternoons following a Public Bank Holiday (up to 1700 hours). The permitted hours of operation for these waste streams already allows working on Saturday mornings between 0700 and 1300 hours. The proposed amendment would principally involve the delivery of domestic and municipal wastes to the permitted buildings on site. Material would then be sorted and bulked up within the buildings for onward transportation to suitable treatment and processing facilities elsewhere in the County.

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51. Westbere Parish Council has raised objections to the application on the grounds that, amongst other matters, the proposed development would give rise to local amenity concerns for residents and nearby businesses, including from increased noise, dust, odour and emissions resulting from the proposed changes in the hours of use, additional waste processing and vehicle movements.
52. I note that the existing planning permission already allows for the permitted Materials Recycling Facility (MRF) (yet to be implemented) to operate, and for the delivery of abandoned vehicles, during Saturday afternoons. The proposed variation is being sought to meet the requirements of a Waste Disposal Authority contract, which requires approved transfer stations to include the flexibility to receive waste on occasional Saturday afternoons. This provision is required to allow for exceptional service demands during busy collection periods that follow a Public holiday.
53. For the avoidance of doubt, the existing permissions do not preclude the site from operating on public holidays; this was previously considered and accepted by the Waste Planning Authority and the current application does not represent an opportunity to revisit this issue.
54. In considering the potential impacts of the small change to the hours of operation proposed, it is worth noting that the nearest residential properties are located approximately 200m to the north west of the application site on the A28 (“The Villas”) and to the east of the access road leading to the Canterbury Industrial Park (“Westbere Court”), on the far side of the Lakesview Industrial Estate. The industrial estate also benefits from a direct access onto the primary road network (A28), which does not require vehicles accessing the estate to travel past residential properties until they are well out onto the main road.
55. The issue of the potential for noise from operations on site was considered in detail as part of the previous applications, including other permitted operations that could take place beyond the standard hours and during Saturday afternoons. The existing permissions include controls that seek to ensure noise attributable to the operation of plant and machinery on site is maintained at an acceptable level and does not exceed 52dB at any residential property.
56. Taking account of the distance to the nearest sensitive receptors, the intervening uses within the industrial estate, the level of activity likely to take place on site during the occasional Saturday afternoons proposed and the existing noise controls, I am satisfied that the minor alterations proposed to the hours of use would not result in a significant change in the noise associated with the development. I recommend that the existing controls, including the noise condition, be re-imposed on any new consent.
57. Westbere Parish Council’s comments concerning the potential for an increase in the impacts from noise, dust, odour and emissions appear to be based on the assumption that there would be an increase in the waste throughput at the site, and a subsequent increase in vehicle movements, associated with this application. For the avoidance of doubt, the proposed development does not seek to change the existing controls imposed on the development, beyond the above-mentioned hours of operation and a change in the catchment for domestic waste sources. The existing controls imposed on CA/13/2209 would largely remain unchanged. These include the nature of the waste

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materials that could be accepted on-site, the maximum permitted throughput of 82,000 tonnes of waste per year and the maximum number of vehicle movements of 324 HGV movements (162 in and 162 out) each day.

58. The Waste Planning Authority has previously concluded that this level of activity is considered acceptable and the existing planning permissions are subject to a number of conditions that seek to control the permitted development to safeguard local amenities and minimise the impact of the development on the local environment. These conditions include, amongst other matters, the provision of buildings to contain operations on site, the use of fast action doors within the Waste Transfer Building, odour suppression systems, noise controls, dust suppression measures and limits on the length of time putrescible waste can be retained on site. As a waste use, the site is also subject to monitoring and control by the Environment Agency through the Environmental Permitting regime.
59. In response to Westbere Parish Council's enquiry, the applicant has confirmed that the site is currently operating at approximately 50% of the annual tonnage limit and is generating approximately 23% of permitted daily limit on HGV movements. This equates to 41,000 tonnes of waste per year and approximately 74 HGV movements each day (37 in / 37 out). It is understood that this level of activity reflects the fact that limited amounts of domestic and municipal waste has been received on site to date and the general downturn in metal recycling. The extent of activity on site is well within the permitted maximum levels that are there to protect highway safety, local amenities and environment, both in terms of throughput of waste and the number of vehicle movements.
60. Taking the above into consideration, subject to the re-imposition of those conditions relating to noise, odour and dust contained in planning permission CA/13/2209, I am satisfied that the proposed development would continue to be satisfactorily controlled (both through the planning and environmental permitting regimes) and would accord with the Government Policy and the relevant Development Plan Policies in terms of local amenity considerations.

Highways and transportation

61. The NPPW requires local authorities to consider the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, seeking when practicable and beneficial to use modes other than road transport.
62. Policy W22 of the Kent WLP requires waste management proposals to be acceptable in terms of highway safety and capacity. Canterbury DLP Policies C1 and C41 and draft Canterbury DLP Policies T1 and QL13 require that the level and environmental impact of vehicular traffic be taken into account when considering the location of development. Draft Policies CSW6 and DM13 of the draft Kent MWLP require waste development to minimise road transport as far as possible. Where there are no practicable alternatives to road transport, the above policies, require development to be well located in relation to Kent's Key Arterial Routes, with safe and appropriate access, ensuring that traffic generated is not detrimental to highway safety nor has an unacceptable impact on highway capacity, the environment or local communities.

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63. The variation proposed to condition (8) seeks to amend the catchment area for the domestic waste streams that are permitted to be received on site, to allow these types of waste to be received from both within and beyond Canterbury District. This would allow domestic waste to be received from Thanet, Dover and Shepway as necessary. The existing permissions already allow the site to receive end of life vehicles (ELV), scrap metal, batteries, tyres, electrical waste (including fridges), dry recyclables (from commercial and industrial sources) and municipal wastes from an unrestricted catchment area. The proposed application would bring the permitted catchment area for domestic waste in line that permitted for the other waste streams allowed on site.
64. As indicated above the the applicant does not propose to amend the current restriction on the amount of waste that can be received or the maximum number of HGV movements, which would remain at the permitted level 324 movements per day (i.e. a maximum of 162 in / 162 out).
65. I note that Westbere Parish Council has raised concerns about waste from other areas being transported to the site and the changes in the direction of travel that could result from the proposed amendment. The Parish Council consider that waste should be processed as close to its source as convenient.
66. Members will be aware that similar waste transfer sites around the County, including a number located within the Green Belt, are not generally subject to controls on potential waste catchment areas. The catchment of most sites, including the non-domestic waste streams permitted to be received by the application site, are influenced by the market, with fuel costs and time swaying the decision to haul waste in small volumes over longer distances. The provision of transfer stations at strategic locations around the County (such as this site) enables waste to be sorted and bulked up for onward transportation in greater volumes, which represents the most sustainable way of moving waste by road. Whilst it is appropriate for these facilities to be located close to the waste sources, the NPPW makes it clear that facilities will need to serve catchment areas large enough to secure economic viability. For the avoidance of doubt, whilst the waste received at transfer stations is sorted and bulked up, which helps to drive the material up the waste hierarchy towards a more sustainable solution, the transfer station is not the final destination. Final processing and treatment facilities are located elsewhere in the County or further afield in the case of some recyclables.
67. The Local Highways Authority has considered the proposed development and raised no objections to the application, commenting that the application proposes no increase in the permitted volumes of waste that could be received on site and therefore there would be no impact on the permitted maximum number of vehicle movements. It should be noted that the site is well related to the primary road network with direct access onto the A28. The existing planning permissions have established that the permitted number of vehicle movements is acceptable, such that operations on site at the permitted maximum level would not have an unacceptable impact on congestion, highway safety or the local amenity given the surrounding environment and highway network.
68. I note Westbere Parish Council's concern about potential changes in the direction of travel resulting from the proposals and that this would affect congestion at the Sturry level crossing. The current planning permission is not subject to any specific routing arrangements, with vehicles able to approach the site from either direction along the A28. The good access to the primary highway network means that vehicle routing

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would not be justifiable in this instance. Rather than increase vehicle movements from the west, via the Sturry level crossing, the proposed changes to the catchment for the domestic waste streams are more likely to help balance out the direction of travel for this waste stream and the site in general. The proposed changes would free up waste collection vehicles to approach the site from Thanet and northern parts of Dover District to the east, balancing the movements within the confines of the overall maximum limit (which would remain unchanged). Domestic waste movements from Shepway are highly unlikely given the distances involved and the time required to negotiate Canterbury; material from this part of the County is more likely to be transported to Ashford. Irrespective of the outcome of this application, there would be some logic to any hauler traveling to the site choosing to use the route to the east where possible, as this would avoid the congestion associated with Canterbury and the Sturry level crossing and save time. Taking the above into account, I am not convinced that the proposed development would have a detrimental impact on congestion at the Sturry level crossing.

69. The current planning permission restricts the number of vehicle movements to and from the site to 324 (162 in/162 out) per day and the annual waste throughput on site is to remain at 82,000 tonnes per annum. The suitability of this site and its location has previously received full consideration in terms of highway access and capacity. The applicant states that there would be no change to those restrictions as a result of this proposed variation. On the basis that there would be no increase in vehicle movements to or from the site and that KCC Highways and Transportation has raised no objection to the proposals, I am satisfied that the proposed development would accord with the policies set out above and see no reason to refuse the application on highways and transportation grounds, subject to existing conditions relating to these matters being included as part of any new permission.

Other matters

70. The application site lies approximately 200m to the north of the River Stour and associated Stodmarsh Valley Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The site itself has limited ecological potential. The NPPF, Kent WLP Policies W20 and W21, draft Kent MWLP Policies DM2, DM3 and DM10, Canterbury LP Policy NE1 and draft Canterbury DLP Policies LB5, LB6 and LB7 all require development that protects and conserves the integrity, character, appearance and function of the scientific or nature conservation interests, including sites of international, national and local importance.
71. Westbere Parish Council has raised concerns that the proposed development could have adverse effects on the adjacent Stodmarsh SSSI and Ramsar sites and raises concerns about the provisions for the control surface water runoff on site.
72. The County Council's Ecological Advice Service has considered the application and confirmed that it has no comments to make on the proposed amendments.
73. The Waste Planning Authority has previously concluded that the approved waste management facility would not have a significant impact on the designated sites to the south. Amongst other controls, the planning permissions include an approved foul and surface water drainage scheme that controls the impact of any run-off from the site. On the basis that the application does not propose any to change the nature of the use, the

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volume or types of waste materials that could be received or any new physical development on site, I am satisfied that the proposals would have no impact on biodiversity or conservation interests beyond the level of activity previously accepted.

74. Given the site would continue to be subject to an Environmental Permit issued by the Environment Agency and as the proposed changes to the waste catchment and hours of use would have no impact on biodiversity interests or the water environment, I am satisfied that the proposed development accords with the above policies and that there is no reason to refuse permission on biodiversity or drainage grounds, subject to the re-imposition of conditions imposed on planning permission CA/13/2209 (updated as necessary).

Conclusion

75. In conclusion, I am of the opinion that, subject to the re-imposition of all other conditions imposed on CA/13/2209, the proposed variations to conditions (8) and (11) would represent sustainable development, would not give rise to any material harm and would accord with relevant Government and Development Plan Policies. I am satisfied that there are no other material considerations that indicate the decision should be made otherwise. I therefore recommend that the proposed minor material amendments to conditions (8) and (11) of permission CA/13/2209 be granted, subject to conditions (as indicated below).

Recommendation

76. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO:

- the re-imposition of all conditions previously imposed on permission CA/13/2209 updated and amended as necessary;
- condition (8) being amended to allow domestic (“black bag”) waste to be received from areas both within and from outside Canterbury District; and
- condition (11) being amended to allow operations on a Saturday afternoon up to 1700 hours on any Saturday following a Public / Bank Holiday.

Case Officer: James Bickle	Tel. no: 03000 413334
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Background Documents: see section heading

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Item C2

Importation of clay / soil to stabilise the northern face of the sandpit workings as part of the revision scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 and approval of a scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 as amended by MA/00/1990 at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU – MA/14/727 and MA/93/660/R22&24

A report by Head of Planning Applications Group to Planning Applications Committee on 20 January 2016.

Applications by Mr R Body for: (i) the importation of clay / soil to stabilise the northern face of the sandpit workings as part of the revision scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 – MA/14/727 (KCC/MA/0009/2014); and (ii) approval of a scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 as amended by MA/00/1990 – MA/93/660/R22&24 (KCC/MA/0016/2014); both at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU

Recommendation: Planning permission be granted / approval be given subject to conditions.

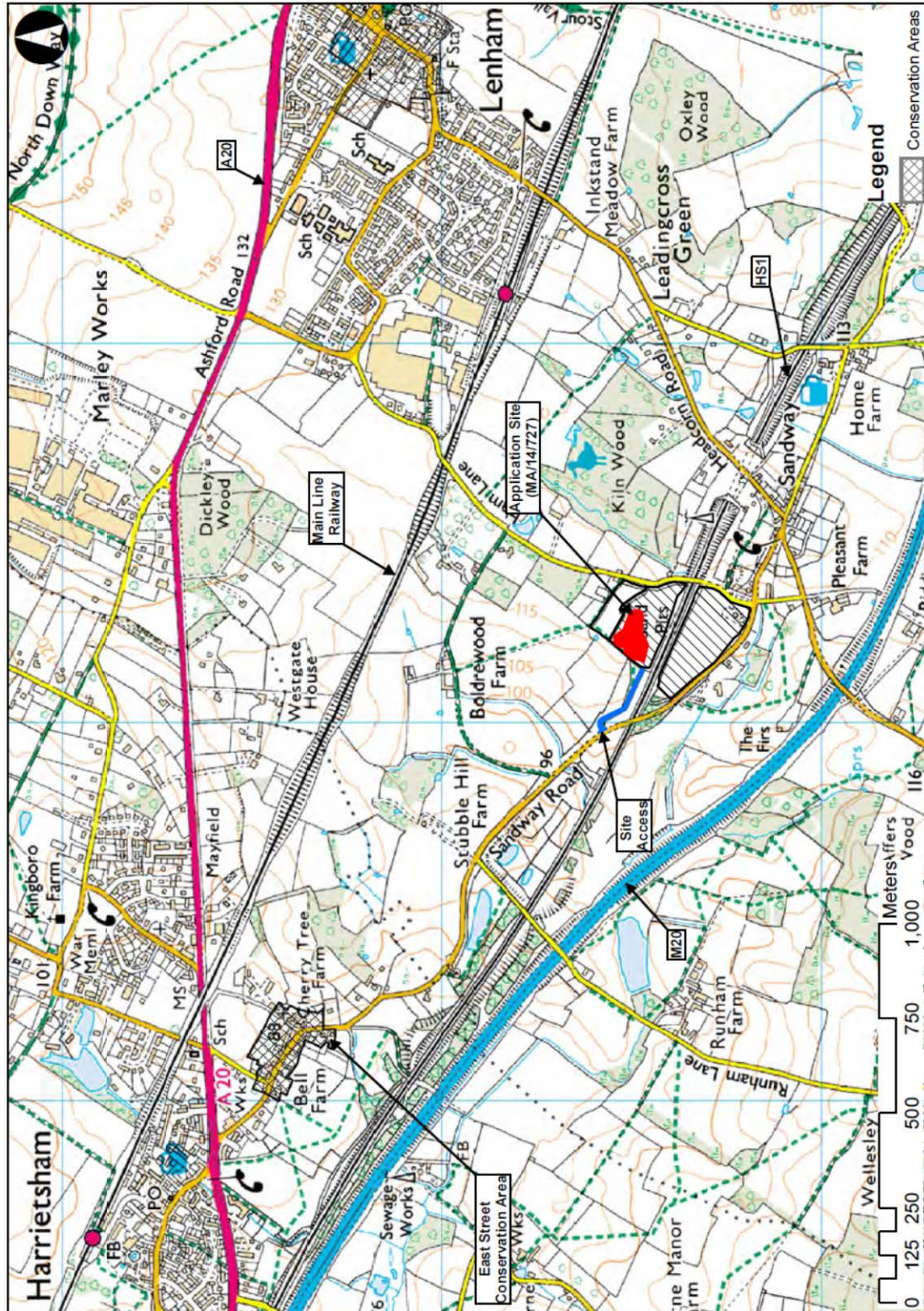
Local Member: Mrs Jenny Whittle

Classification: Unrestricted

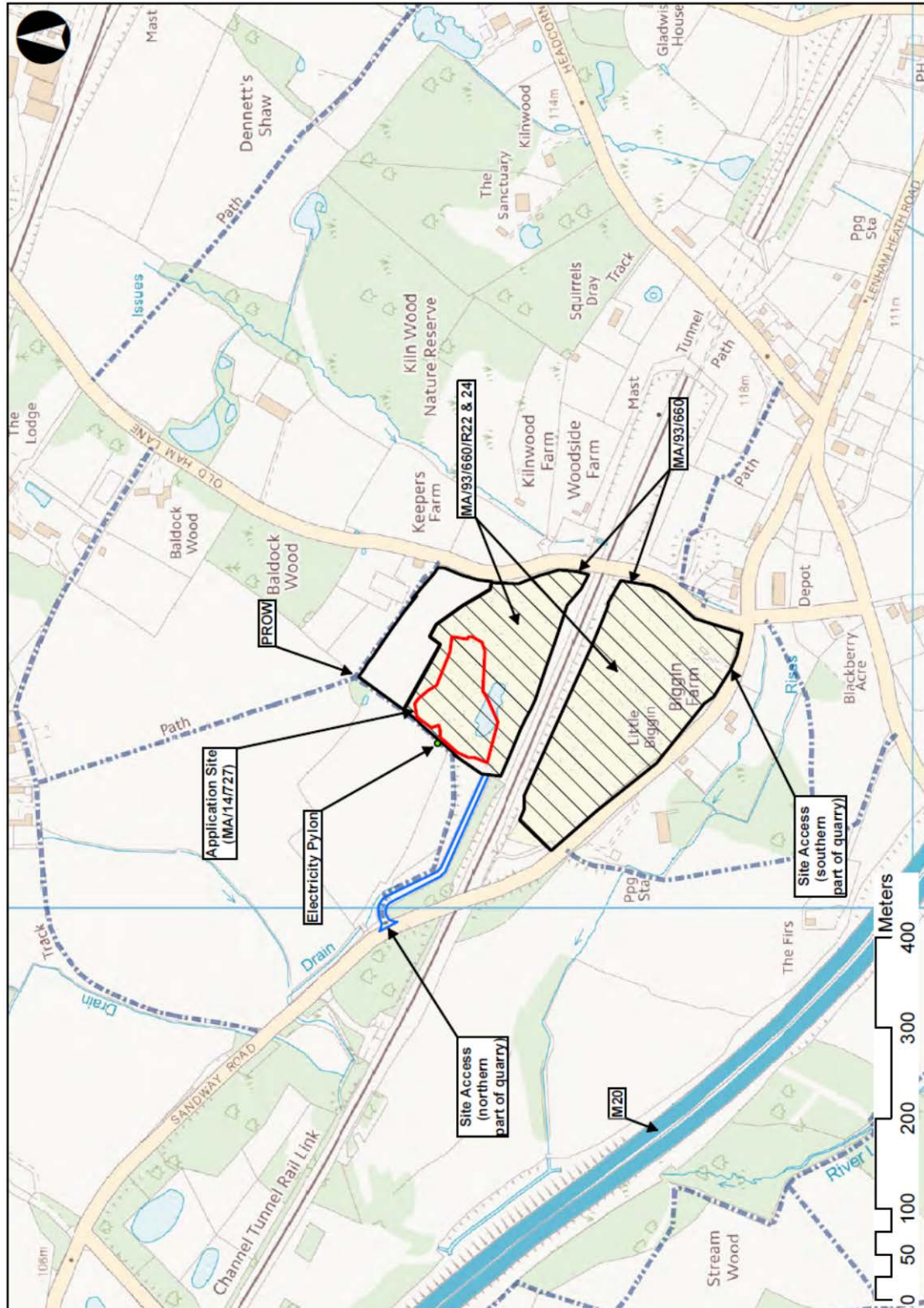
Site Description

1. Chilston Sandpit (Lenham Sand Quarry), which closed in 2008, is located in the hamlet of Sandway, approximately 1.6 kilometres (km) south of Lenham Village, 2km to the east of Harrietsham and 400 metres (m) to the north of the M20, immediately to the north of Sandway Road and to the west of Old Ham Lane. The quarry was dissected by the Channel Tunnel Rail Link (CTRL), now High Speed 1 (HS1), and comprises land to the north and south of the railway line. The northern part of the quarry covers a total area of about 2.7 hectares (ha) and includes an access road (installed as part of the CTRL works), disused sandpit workings, a pond, rough grassland, scrub and gorse. The application site for the proposed stabilisation works using imported clay / soil is confined to the north western face of the northern part of the quarry and covers an area of about 0.76ha. The southern part of the quarry covers about 3.6ha and comprises disused sand workings, access, hardstandings, a lake and areas of partially restored land. The floor of the northern part of the quarry lies at about 96m above ordnance datum (AOD), the pond at 95m AOD, the HS1 railway line at about 101m AOD and the crest of the quarry faces at between 111m and 116m AOD. The southern part of the quarry lies at between 98m and 102m AOD, with the lake at 96.25m AOD.

Importation of clay / soil to stabilise the northern face of the sandpit workings (MA/14/727) and approval of a scheme of restoration and aftercare (MA/93/660/R22&24) at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU



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2. A public footpath (KH414B) runs immediately to the north of the access road to the northern part of the quarry and then at a higher level immediately to the west of the quarry from where it runs in a north westerly direction across fields. Another footpath (KH651) lies approximately 60m to the north of the quarry. An underground electricity cable runs under Sandway Road, the western end of the southern part of the quarry, the HS1 line and access to the northern part of the quarry and then overground immediately to the west of the northern part of the quarry and across the quarry to the north east.
3. The nearest residential properties are located to the north east of the site (Keepers Farm), to the east of Old Ham Lane (Kilnwood Farm, Woodside Farm and Cygnet Cottages and to the south of Sandway Road (Biggin Farm and Little Biggin). There is also a haulage depot yard and buildings located on the south side of Sandway Road on the corner with Old Ham Lane.
4. Access to Chilston Sandpit can be obtained by road from the A20 at Harrietsham (via East Street and Sandway Road) or at Lenham (via Ham Lane and Old Ham Lane or Faversham Road, High Street, Headcorn Road and Sandway Road). Headcorn Road continues south to Grafty Green and Headcorn. All of these routes contain residential and other development and, with the exception of Old Ham Lane, all pass through a Conservation Area (i.e. Harrietsham – East Street, Sandway, Lenham and Liverton Street). There are a number of listed buildings within each Conservation Area and all potential routes contain listed buildings. The application site, site access, the route to and from the site from the A20 and a number of the key features referred to in the report (including East Street Conservation Areas) are illustrated on the drawing on page C2.2. A larger scale drawing showing the application site (as amended), the areas covered by the proposed restoration and aftercare scheme, the full extent of the original quarry permission and the access to the northern and southern parts of the quarry is included on page C2.3.
5. The site is identified as an existing sand and gravel working in the Kent Minerals Local Plan Construction Aggregates (December 1993). It is not identified for any specific purpose in the Maidstone Borough Wide Local Plan, but lies outside any built up area shown on the Proposals Map (i.e. in the countryside). The site is not identified for any purpose in the emerging Kent Minerals and Waste Local Plan or Minerals or Waste Sites Plans. The site is not within a groundwater source protection zone.

Background / Relevant Planning History

6. Planning permission was first granted for mineral (sand) extraction at Chilston Sandpit on 28 February 1948 (Interim Development Order permission reference TP1638). The only condition was that excavation should not take place below the level of the roads bounding the site within 40 feet from the centres of such roads. This permission was reviewed under the requirements of the Planning and Compulsory Purchase Act 1991 and new conditions (with an associated working and restoration scheme) issued on 29 July 1993

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(MA/93/660). In February 1993, the operator estimated that there were about 1 million tonnes (Mt) of sand left to be extracted (half of which from below the water table). It also stated that the north eastern part of the site (nearest Keepers Farm) had already been substantially worked and restored to original levels. Revised working and restoration proposals (to address the fact that the CTRL was to pass through the middle of the site) were approved on 19 February 2003 pursuant to conditions 5, 8, 20 and 25 of planning permission MA/93/660 (MA/93/660/Rvar). These envisaged further extraction in both the southern and northern parts of the quarry and the creation of fairly large lakes in both areas. The restoration scheme included relatively steep gradients on the northern boundary of the northern part of the quarry, the majority being about 1 vertical to 3 horizontal (1v:3h) or 1v:2h. However, a small section at the western end of the northern boundary was at about 1.7v:1h given the proposed retention of a sand face for sand martins.

7. Planning permissions were subsequently granted on 2 August 2001 to allow access to the northern part of the quarry (MA/00/1990) and for the erection of an office, mess room and toilet, weighbridge, store, fuel tank, related facilities and area of hardstanding to serve the northern part of the quarry (MA/00/1989). The new access road itself was provided for under the terms of the CTRL Act and planning permission MA/00/1990 was implemented and remains in use. The southern section of Old Ham Lane was also realigned at about this time. However, planning permission MA/00/1989 was never implemented as no further mineral extraction took place in the northern part of the quarry.
8. The County Council served notices on the previous owners (Cemex) on 13 July 2007 and 4 June 2008 informing it of the requirement for a periodic review of the mineral planning permissions under the terms of the Environment Act 1995. As no application was made by 29 July 2008 (i.e. the review date), and no postponement agreed, all planning permissions for development consisting of the winning and working of minerals or involving the depositing of mineral waste relating to the site ceased to have effect except in so far as they imposed restoration or aftercare conditions.
9. An application for a revised restoration plan and aftercare scheme was submitted by Cemex in 2011 (MA/93/660/R22&R24X). This largely reflected the landform existing following the cessation of mineral working in 2008. The details were the subject of consultation but were never approved as further information requested from the applicant to explain or further support the proposals was not forthcoming. It is understood that the site was sold to the current applicant in January 2012.
10. In addition to the main planning application which is the subject of this report (MA/14/727), the new owner has also submitted a revised application for the approval of a scheme of restoration and aftercare for the entire quarry site (MA/93/660/R22&R24) to the County Council. The revised restoration and aftercare details assume that planning application MA/14/727 will be permitted and relies on the landform proposed.

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11. A hybrid application (MA/13/2092) for outline planning permission for the erection of 5 eco dwellings including warden accommodation with parking and access and full planning permission for the change of use of land to use as a community open space with fishing lake, parking and access relating to the southern part of the quarry was also submitted to Maidstone Borough Council in December 2013. The application was withdrawn in June 2015.

The Proposal

12. The applications were originally submitted in December 2013 but were not validated until further details were provided by the applicant in April 2014. As a result of comments made on the proposals as originally submitted and consulted on, a site meeting between the applicant and the case officer in June 2014 and subsequent discussions involving KCC's biodiversity officer, further information was submitted in August 2015. This also included a number of amendments to the proposed development intended to better reflect the ecological interest that had established at the site and the need to safeguard protected species (including great crested newts) and associated habitat. The applicant has consistently stated that it is necessary to import materials to provide a restored landform that provides long term stability to the northern face of the quarry. As noted in paragraph 10, the proposed use of imported clay / soils for stabilisation purposes (MA/14/727) is integral to the proposed revised scheme of restoration and aftercare for the entire quarry site (MA/93/660/R22&R24), particularly in so far as it relates to that part of the quarry to the north of the HS1 line. Amendments to the revised restoration and aftercare scheme were also made in August 2015 to ensure consistency between the applications. Further details were again submitted in December 2015. These included an amended restoration and aftercare scheme and revised drawings (to correct a number of discrepancies between the earlier details and address comments on the August 2015 details) and additional sections through the unstable quarry face.

The applications in April 2014

13. The application site proposed by MA/14/727 (as originally submitted) covered an area of about 0.98ha and extended along the entire northern face of the northern part of the quarry. Application MA/14/727 (and the associated proposals for restoration of the remainder of the northern part of the site included within application MA/93/660/R22&24) proposed that the floor of the northern part of the quarry would be levelled to between 98.5 and 99m AOD (about 2m above the water level of the pond) by cutting about 10,600 cubic metres (m³) of reject mineral materials and stored soils currently stored on the eastern part of the site, retaining the pond near the centre of the quarry and then using approximately 23,800m³ of imported clay / soil to form a 1v:3h slope to stabilise the northern quarry face. It also proposed that a 4m high sand face would be retained below the crest of the quarry (to provide a habitat for nesting sand martins, encourage geological interest and visual / habitat diversity) with a 3m wide bench at the base of the sand face around the majority of the northern

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part of the quarry. The sand face would not have been retained for the western section immediately adjacent to public footpath KH414B or for the eastern section near Old Ham Lane to reduce potential impacts on existing trees. The restored site would primarily have comprised grassland with native tree and shrub planting. Areas restored to grassland would have had a minimum of 150 millimetres (mm) of topsoil or subsoil over in-situ overburden, whilst tree and shrub creation areas would have had 450mm of subsoil.

14. Application MA/14/727 proposed that imported materials would comprise clean / inert clay / soils sourced from various construction sites around the county which would be transported to the site by HGV from the A20 at Harrietsham along East Street and Sandway Road. Imported material would be carried directly to the face of the slope by HGV where it would be tipped / unloaded and battered against the sand face by machinery, thereby avoiding the need for stockpiling and double handling. It proposed that HGVs would only operate between 09:00 and 15:00 hours to avoid conflict with the morning peak hour traffic and afternoon school peak traffic. It proposed that there would be a maximum of 25 loads per day (50 HGV movements) of vehicles with a 20 tonne capacity (9 to 12m³) depending on the density of the material). Based on 25 loads per day and assuming 10.5m³ per 20 tonne load, the proposed 23,800m³ of restoration material would have required a total of 2,267 HGV loads. Assuming a rate of 25 loads per day were maintained, this would have resulted in the restoration operation lasting 91 working days (i.e. approximately 16.5 weeks of continuous filling operations if such a pattern were possible). However, the applicant stated that it was unlikely that a single large source of material could be identified to allow for a continuous operation and that it was more likely that a number of different sources of material would need to be identified. This would result in a number of periods of operation. It suggested that a period of about 18 months would be reasonable to allow for the effective restoration of the quarry workings and the importation of 23,800m³ of clay / soil material. The applicant considered 25 loads per day to be an acceptable level of vehicle movements given the location of the site and the local highway network. It stated that this would ensure that there would be no or minimal congestion, no increased risk to the safe and free flow of traffic on the local highway network and no unacceptable impact on residential amenity.
15. Application MA/14/727 also proposed that a Transport Management Plan be prepared and formally agreed by the County Council before development commenced to manage and minimise the effects of the vehicle movements associated with the importation of the fill material. The principles of the Traffic Management Plan were set out in the Transport Statement which accompanied the planning application. Key features of the interim Transport Management Plan were:
 - Adequate notice being provided to the County Council and local residents on East Street and Sandway Road between the site and the A20 prior to each filling period;

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- A radio controlled system between the site and HGVs to ensure that two HGVs associated with operations do not meet on the route, thereby avoiding the need for such vehicles to reverse into passing places;
 - Temporary advance warning signs being placed at the Headcorn Road junction with Sandway Road and at the A20 junction with East Street in Harrietsham, as well as at and along the route to advise other road users of the presence of HGVs along the route;
 - The hours of use referred to above;
 - The contractor ensuring that highway verge planting is maintained throughout the period of works to ensure that full visibility is retained and summer growth does not create undue visibility constraints;
 - The contractor being required to carry out an independent pre and post-filling highway condition study / report and any defects resulting from the operations being rectified at the applicant's expense (reinforced by conditions as necessary);
 - Wheel cleaning facilities and road brush provision;
 - Site office and welfare facilities; and
 - Public liaison throughout the operation (including signage with contact details and the offer of regular liaison meetings with the Parish Council).
16. In addition to the above proposals for the restoration of the northern part of the site, application MA/93/660/R22&24 proposed that the restoration of the southern part of the quarry would have involved extending the lake to create an island feature to encourage birdlife. An area of low lying marsh / wetland would have been maintained to the northwest of the lake to promote species diversity. A reject mineral stockpile of 5,000m³ at the western end of the lake would have been used to re-grade the western part of the site to about 102m AOD and approximately 10,800m³ of materials currently contained in the eastern and northern part of the site would have been cut and used to create levels at about 98m AOD in this area with the rest placed against the eastern face to create a 1v:2.5h slope to ensure long term stability. The southern part of the site would have been restored to grassland with native tree and shrub planting. Soils from on site would have been placed by loose tipping with dump truck and tracked excavators at the same depths as those referred to in paragraph 13 for the northern part of the site. Both areas would have been subject to a five year aftercare regime.
17. Both applications were also supported by a planning statement, restoration and aftercare scheme, drawings and ecological surveys.

The application in August 2015

18. Application MA/14/727 (as amended in August 2015) proposed the importation of approximately 37,000 cubic metres (m³) of clay / soil to stabilise the western section of the northern face of the sandpit workings in the northern part of the quarry. The eastern section was excluded from the application site and would largely remain in its current form in the overall restoration and aftercare scheme (application MA/93/660/R22&24 was amended accordingly). The

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description of the proposed development was also amended to remove the reference to the precise quantity of clay / soil to be imported.

19. The further information comprised an amended site location plan (reflecting the amended application site), drawings showing the amended restoration proposals and associated sections, a revised transport statement, a protected species mitigation strategy for great crested newts and responses to specific issues raised during the initial consultation. Application MA/14/727 (as amended in August 2015) also proposed a temporary 1.5m high soil between the infill area and the HS1 line to ensure HGVs, plant and machinery do not damage HS1 property or apparatus.
20. The proposed restoration for the northern part of the quarry changed as a result of the above amendments and resulted in the following consequential amendments to application MA/93/660/R22&24. The eastern section of quarry face (which is already well vegetated, less steep and relatively stable) would be left to continue to regenerate naturally. Overburden silts and fines from previous quarry working stored in a large mound near the quarry face in the eastern part of the northern quarry (which were initially proposed to be used as part of the works to stabilise the northern face of the quarry) would also remain in-situ as the land has undergone significant natural regeneration and has been colonised by trees and other vegetation. The applicant also considers these materials unsuitable for buttressing works given their high moisture content and that their removal would be harmful to ecological interests at the site. The imported clay / soil would still be used to buttress the unstable sand face as previously proposed. A 1.5m high sand face would be created at the top of the slope with a 3m wide bench below this. The sand face would provide habitat for nesting birds. The imported clay / soil would be planted with mixed species native scrub and trees (e.g. hawthorn, field maple and hazel). Part of the existing pond would be retained (part affected by the proposed placement of imported clay / soil) and two new ponds created. The rest of the northern part of the quarry would remain largely as it is.
21. A greater amount of imported clay / soil would be required as the eastern part of the initial application site would remain undisturbed and the soils in that area would no longer be able to contribute the overall quantity of material required for stabilisation / restoration purposes. The result of this would be that the total number of HGV loads would increase from 2,267 to 3,524. Rather than intensify the number of HGV movements per day, the applicant proposed to maintain a limit of 25 loads (50 movements) per day and increase the overall time to complete the development. It stated that the estimated 91 working days (16.5 weeks) of continuous filling operations, if such a pattern were possible, would increase to 141 days (25.6 weeks). However, it again proposed that the development be completed in about 18 months to allow for periods of inactivity. No changes were proposed to the hours of HGV movements (i.e. 09:00 and 15:00 hours) and the proposed traffic management arrangements remain.
22. The restoration and aftercare proposals for the southern part of the quarry remained as previously proposed. However, the ecological mitigation was

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amended as a result of the further work undertaken by the applicant's ecologist.

The applications in December 2015

23. Application MA/14/727 (as further amended in December 2015) remains largely the same as in August 2015. The only alterations are relatively minor changes to the restoration and aftercare scheme. These changes include the removal of the 1.5m high sand face on that part of the quarry immediately adjacent to Footpath KH414B and electricity pylon to provide greater long term stability in that area and protect the roots of existing trees on adjoining land near the edge of the quarry. The previously proposed 1.5m high sand face and 3m wide bench would be retained at the top of the remaining part of the imported fill slope and the upper part of the slope adjoining this covered with sandy soils and left unvegetated. No further changes are proposed in terms of the quantity of imported materials, HGV movements or routeing. The applicant has also provided an amended restoration and aftercare scheme document, a number of additional sections through the unstable quarry face and a new drawing showing additional sections through the existing and proposed landform with the "natural angle of repose" included to illustrate the likely effects on the quarry face if no works take place and natural erosion continues.¹ The applicant has also subsequently advised that HGV movements are only proposed on weekdays (with no weekend working). Whilst this may affect the estimated number of weeks in which the operations could potentially be completed it should not significantly affect the overall duration envisaged.
24. At each of the above stages, the applicant submitted consequential changes to the proposed revised scheme of restoration and aftercare for the entire quarry site (application MA/93/660/R22&R24). Drawings illustrating the existing site contours, proposed cut and fill areas, proposed restoration, existing and proposed sections (including the position if the quarry face is not stabilised) are set out in Appendix 1 (pages C2.39 to C2.43).

Planning Policy Context

23. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012), the National Planning Policy for Waste (October 2014) (NPPW) and the associated Planning Practice Guidance (PPG) which includes a number of topic related parts including a Minerals PPG, a Natural Environment PGG, an Air Quality PGG and a Noise PGG. These are all material planning considerations.
24. **Kent Minerals Local Plan Construction Aggregates (December 1993):** Saved Policies CA6 (The General Approach), CA16 (Traffic Considerations), CA18 (Noise, Vibration and Dust), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation). Appendix 6 relating to Inset V (Land between Harrietsham and Charing) is also relevant.

¹ The natural "angle of repose" for the sand face being about 33° from the horizontal.

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25. **Kent Waste Local Plan (March 1998):** Saved Policies W6 (Need), W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Stability, Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W31 (Landscaping) and W32 (Operation, Restoration and Aftercare).
26. **Kent Minerals and Waste Local Plan 2013-30 Proposed Main and Additional Modifications (July 2015)** – Draft Policies CSM1 (Sustainable development), CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW11 (Permanent Deposit of Inert Waste), 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), DM18 (Land stability) and DM19 (Restoration, aftercare and after-use).²
27. **Maidstone Borough Wide Local Plan (2000):** Policies ENV28 (Development in the Countryside), ENV41 (Ponds, Wetlands and Marshes), T1 (Integrated Transport Strategy) and T23 (Adequacy of the Transport Network).
28. **Maidstone Borough Council Interim Approval of Maidstone Borough Local Plan Policies 13 March 2013:** Policies NPPF1 (Presumption in favour of sustainable development), CS5 (Countryside), CS7 (Sustainable transport) and CS13 (Historic and Natural Environment)

Consultations

29. **Maidstone Borough Council:** No objection to application MA/14/727 as submitted in April 2014. No further comments received.
30. **Lenham Parish Council:** No comments received.

² An Independent Examination of the Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014) was held in April and May 2015. Following discussions with the Inspector and representors throughout the Examination, KCC published major and additional (minor) modifications to the Plan on 17 August 2015. The modifications were subject to an 8 week consultation which ended on 12 October 2015. As a result of this consultation, the Inspector proposed further modifications to the Plan. An 8 week consultation on these further modifications commenced on 8 January 2016. The Inspector's Report will not be published and the Plan not adopted until this process has been completed.

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31. **Harrietsham Parish Council:** Has the following comments / concerns in respect of application MA/14/727:

1. The proposed number / frequency of heavy lorry movements through East Street would have a seriously detrimental impact on the lives of residents in this area, particularly as a result of noise, dirt / pollution and vibration;
2. East Street conservation area would be put at risk by such prolonged and frequent movements - the historic buildings are unlikely to have been built to withstand such vibration, particularly given the narrow width of the road, lack of verges / pavements and the fact that many buildings are set very close to the road;
3. Damage to the road surface, kerbs / pavement and to street furniture (which is already happening);
4. Pedestrian safety - the paving where it exists is very narrow and many residents have to walk in the road which is also narrow; and
5. The proposals would be highly detrimental to general amenity - East Street is one of the most charming, historic, rural, unspoilt areas within Harrietsham parish and this is entirely incompatible with a constant stream of HGV's thundering through, one every few minutes, throughout every working day.

As a consequence of these concerns, it has asked that the planners and applicants look at alternative solutions for site restoration that would require less infill, or less transportation of infill.

32. **UK Power Networks:** Has advised that the proposed stabilisation of the quarry face would assist in providing long term protection of its equipment on top of the bank. It has also advised that no work should be carried out within 6m either side of the outside conductors until agreed on site; no ground levels should be lowered on site until the 33kv cables have been located and the depths confirmed; no trees should be planted within the Safety Zone (i.e. 6m either side of the outside conductors); and no existing ground levels at the top of the bank should be raised under the line (the lowest point of the conductor is indicated to be 7.3m). It has also verbally advised that the power line immediately to the west of the site is a 33kv line serving approximately 7600 customers (including about 4900 in Harrietsham and 2000 in Headcorn) and that there would be significant costs associated with diverting the power line either above or below ground. Whilst a further written response was promised, this has not been received.

33. **Environment Agency:** No objection. Notes that the proposed development (MA/14/727) would require an environmental permit and that the operator would need to demonstrate that all pollution risks are managed effectively at the site (e.g. adequate site infrastructure, drainage and the protection of watercourses) and appropriate certification to confirm that the imported material is of a suitable chemical quality to ensure no potential derogation of the underlying aquifer via leaching / infiltration.

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34. **High Speed 1: No objection** subject to the temporary earth bund to prevent damage to HS1 being implemented in accordance with a method statement that has first been submitted to and approved in writing by KCC (in consultation with HS1). The method statement should include the final design of the earth bund (including mass and gradients), a construction methodology (including control of plant and exclusion zones) and the demarcation of exclusion zones for plant constructing the bund. It has also requested that if any ground remodelling works are to take place to south of the HS1 line to the west of the acoustic barrier (which is on elevated ground) that could potentially lead to an incursion onto the HS1 line or associated apparatus, appropriate protection measures be secured as necessary by condition if permission is granted.
35. **Kent Wildlife Trust: Objects** on the grounds that the application appears not to offer any good reasons why the on-site material cannot be left to continue its “naturalisation” and why, in the event of evident danger to footpath users, techniques (such as creating benches and / or installing timber crib walls) cannot be deployed as an alternative to supporting the sand with a large volume of imported waste. It requests that KCC determine the applications with two important biodiversity principles in mind: (1) that every effort should be made to avoid further loss of scarce and declining habitat (i.e. lowland acid grassland and bare sand faces); and (2) that the translocation of animals should only be contemplated as a last resort when all opportunities to “avoid” and “mitigate” disturbance and threat of harm have been exhausted. It states that paragraphs 109 and 118 of the NPPF lend weight to (1) and Natural England Standing Advice on Protected Species to (2). It also states that many sandpits between Maidstone and Ashford have been allowed to naturalise or have been restored with the minimum of intervention, that some now provide rich acid grassland / heathland and sand-face habitats (e.g. Old Blockworks, Charing Heath) and that one has been recognised as having habitat of county value and been declared a Local Wildlife Site (i.e. Bull Heath Pit, Lenham). It further states that open sandy areas and sand-faces are valuable habitats for specialist invertebrate and bird species and that lowland acid grassland supports amphibian, reptile, invertebrate and bird populations. It also states that the application site exhibits both habitat types, already supports a valuable amphibian population and is likely to support significant and valuable reptile and invertebrate populations and that these habitats would be lost if the extensive fill and re-grading operations take place.
36. **KCC Highways and Transportation: No objection** subject to conditions to secure: the proposed time periods for HGV movements (09:00 to 15:00 hours); no more than 25 HGV loads (50 movements) per day; the submission, approval and implementation of a detailed transport management plan; a road condition survey prior to commencement with any damage or defect being made good on completion of development; and notification of contact details at the site entrance. Welcomes the offer of liaison meetings with the Parish Council and does not consider that there are sustainable grounds in highway terms to refuse the application.

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37. **KCC Public Rights of Way and Access Service:** Supports the application (MA/14/727) on the basis that it would safeguard the continued existence of the public right of way (footpath KH414B).

It has confirmed that public footpath KH414B borders the application site to the west (along the south west side of the boundary fence) and that footpath KH651 lies to the north of the site. It notes that footpath KH414B has previously been diverted on two occasions (firstly to accommodate the quarrying and secondly to accommodate the CTRL / HS1) and that whilst it is currently usable, arrangements have recently been made to cut back some vegetation to improve pedestrian safety. Given the location of footpath KH414B and the apparent unstable nature of the quarry face, it is concerned that the footpath may slump into the quarry and become unusable. It states that there are two potential solutions to ensuring its continued existence: (i) a further diversion; or (ii) stabilisation of the quarry face. It notes that a diversion would require land beyond the current ownership such that it would either be necessary to obtain the agreement of the adjacent landowner or the making of an order by the County Council which could lead to compensation being sought by the landowner. It advises that there is no certainty to the Order-making process or the timescales associated with this and that whilst the County Council could make an Order, it could only be confirmed if it is expedient to do so and no objections or representations are made. In view of these uncertainties and potential implications for the County Council, it has expressed support for the proposals on the basis that they would ensure the long term stability of the quarry face. It further states that any diversion of the footpath should be a last resort. It has also requested that the applicant be advised that no rights of way may be closed or diverted without the express permission of the Highway Authority.

38. **KCC Landscape Officer:** KCC's Landscape Officer commented on the applications as submitted in April 2014 and August 2015. She has since left KCC and not yet been replaced. She has therefore not been able to comment on the applications as submitted in December 2015.

In commenting on the applications as submitted in April 2014 she advised that the importation of clay soils into an area typified by sandy soils was undesirable as it would impact on existing soils and their associated characteristics and may not support the characteristic species of the landscape. However, she accepted that it may be necessary to use such materials to stabilise the quarry face. She noted that the Leeds – Lenham Landscape Character Area is made up of mixed farmland of arable fields, pastures and small copses and that the sandy well-drained nature of the soils tend to support acid tolerant plant species creating heathland and acid woodland. She also noted that ponds and lakes are not typical features in the area and do not contribute to landscape character, unlike acid grassland. However, she accepted that there were biodiversity benefits provided by standing water. She also requested additional information on (amongst other things) the proposed management of the acid grassland and further justification for what was proposed.

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In commenting on the applications as submitted in August 2015 she advised that there was still a lack of detail and that the additional information provided had not directly addressed her initial landscape concerns. She felt that too much emphasis was being given to great crested newt mitigation and insufficient emphasis to how the proposals would make a positive contribution to landscape character and improve what already exists on site (i.e. has naturally regenerated since mineral extraction ceased). She stated that although the site is not perfect from a landscape character point of view, the natural regeneration that has occurred as a result of the substrate has formed some habitats which are characteristic of the area and which are rare and much needed in Kent. Whilst she welcomed the reduction in the proposed area of imported fill, she reiterated many of her initial concerns and advised that the proposed development and revised scheme of restoration and aftercare failed to accord with the NPPF and best practice. She also stated (amongst other things) that: she would prefer the proposed slope (if it is needed) left as grassland rather than be planted with scrub; the applicant should explain how the clay slope would blend in appropriately with the rest of the site and its habitats; the proposed soil bund (to prevent incursion onto the HS1 line) should not be a permanent feature; and grassland species mixes should be provided and management regimes agreed.

39. **KCC Biodiversity Officer:** KCC's Biodiversity Officer commented on the applications as submitted in April 2014, August 2015 and December 2015. Her most recent comments (which summarise her final position) are as follows:

She has advised that while it is essential that the determination of the applications takes account of the legal obligations associated with European protected species, KCC must be able to adequately address all ecological impacts in the decision.

She advises that whilst there is potential for significant impacts on great crested newts, their breeding sites and resting places, the proposed Protected Species Mitigation Strategy (which provides an overview of the mitigation proposals and reserves the details for the European protected species mitigation licence application) is broadly acceptable. She also advises that the proposed mitigation for reptiles would be contiguous with the great crested newt capture and translocation and that the reduction in scrub planting towards the top of the slope on the northern section of the site would provide specific reptile habitat and provide benefits for invertebrates. The proposed landscaping would provide further reptile habitat. She notes that detailed reptile mitigation measures are not provided due to the European protected species mitigation licence application but considers this to be acceptable and states that the proposed mitigation for reptiles is adequate. She states that the proposed stabilisation of the slope would reduce the extent of exposed sand face and lead to a reduction in the extent of habitat for specialist invertebrates associated with uncommon sand faces and that whilst invertebrates associated with more widespread grassland and scrub habitats are likely to benefit from the proposals the proposed mitigation is not considered to be like-for-like. She states that there would be a short-medium term loss of breeding bird habitat

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(i.e. scrub, trees and long grass) but notes that measures to minimise the potential for offences against breeding birds during clearance works are incorporated into the Protected Species Mitigation Strategy. In the medium-long term, she considers that the proposed restoration scheme would compensate for the loss of habitat. She notes that sand martins are known to nest in the exposed sand faces and that whilst some sand faces would be retained and enhanced within the proposed restoration there would be an overall reduction in sand martin nesting opportunities.

She further states that the delivery of the proposed ecological mitigation and enhancements is dependent on the implementation of appropriate landscaping and habitat management. She notes that the Protected Species Mitigation Strategy provides an overview of the key habitats (i.e. rough grassland, hedgerows, scrub, ponds and hibernacula) and that further details are provided in the proposed Restoration and Aftercare Scheme which states that there would be annual site meetings to review the aftercare and agree detailed programmes for each subsequent year. She advises that it would be preferable if these meetings also include a review of the success of the ecological mitigation measures, including the delivery of the great crested newt licence requirements, so that additional remedial measures can be implemented if necessary.

40. **KCC Conservation Officer:** Has expressed concerns about HGV movements through the East Street Conservation Area and the potential damage to listed and other buildings. States that East Street is not wide enough to allow two HGVs to pass each other and that some of the listed buildings flank the road with one or two sitting immediately adjacent to the pavement. Has recommended that HGVs not be allowed to meet in the East Street Conservation Area given the width of the road and suggested that the transport management plan be strengthened to ensure this does not happen. Has also recommended that those properties in the East Street Conservation Area that are “in close proximity to the roadway” and which “may over time be affected by heavy traffic movements” have a condition survey carried out prior to the operation taking place to note any defects that may be present and another afterwards to verify whether any damage was a result of the development.

As a result of the concerns about the potential impact of HGV movements on listed / historic buildings in East Street Conservation Area, discussions have taken place with KCC’s Heritage Conservation Manager. She remains of the opinion that it would be preferable for a baseline condition survey and subsequent monitoring of the historic buildings to be carried out but that if this approach is not considered to be reasonable, the applicant should at least be required to ensure that the road surface is kept smooth and free of bumps.

41. **KCC Noise and Vibration Consultant:** No objection subject to a condition limiting noise to no more than 55dB_{L_{Aeq,1hr} free field} at any noise sensitive property.

Following concerns about the potential impact of HGV movements on listed / historic buildings in East Street Conservation Area and discussions with KCC’s

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Heritage Conservation Manager, KCC's Noise and Vibration Consultant has advised that although traffic vibration (airborne and ground borne) can cause severe nuisance to occupants there is no evidence to support the assertion that traffic vibration can also cause significant damage to buildings. It has also advised that ground borne vibration is more likely to occur where properties are close to road surface irregularities / poor maintenance. On this basis, it has advised that there would be no reason to request building surveys unless there is clear evidence that existing HGV traffic is causing cosmetic or structural damage to buildings and that reducing the speed of HGVs associated with the development to 20mph and ensuring that the road surface is well maintained would assist in minimising any vibration.

42. **KCC Dust / Air Quality Consultant:** No objection subject to the submission, approval and implementation of a detailed Dust Management Plan.
43. **KCC Geotechnical Consultant:** No objection. KCC's Geotechnical Consultant commented on the applications as submitted in April 2014, August 2015 and December 2015. Its most recent comments (made following a review of all application details and a site visit on 5 January 2016) which set out its final position in respect of application MA/14/727 are as follows:

The drawings prepared by Greenfield Associates, LEN-15/2, LEN-15/4 V3 and Plan A- Northern Area are a reasonable representation of the existing situation with regards to slopes, the footpath and the electrical apparatus. Overall, the slopes shown more-or-less concur with the actual slopes on site although there are clearly some more resistant, prominent bands of sandstone within the Folkestone Beds, forming slight bluffs. Geotechnically, the restoration fill levels shown would provide support to the edges of the former sandpit and ensure the long term stability of the footpath and electrical apparatus. There are, however, other engineering non-fill solutions that can be adopted to stabilise the slopes locally, such as soil nailing. However, it has further advised that soil nailing at the site is likely to be very expensive due to the difficult access and would be unlikely to provide a permanent solution (if undertaken on only part of the effected quarry face) as the weak Folkestone Beds would continue to weather and erode around any treated area. The projected slopes showing the unmanaged natural angle of repose are somewhat 'pessimistic' and assume that the weakly-cemented Folkestone Beds are completely broken down by weathering to fine sand, and no scree builds up at the toe of the slope. No data is provided to justify the 33 degree angle of repose but this is not an unreasonable value for a completely weathered (no cohesion), free-draining fine silty sand. Regardless of the precise value, it is clear that, in the long-term, the footpath and electrical apparatus will be lost to erosion. 'Long-term' is difficult to quantify. The bare sandstone faces and tears in the vegetation clearly indicate ongoing weathering, erosion and mass wasting (slumping) in the slope. However, unlike a sea cliff, there is no active erosion at the toe and the rate of recession will be much less than a comparable eroding sea cliff. Frost action, rain, alternate wetting and drying, and wind are the main weathering agents here. Although the adjacent fields (underlain by Gault clay) were extremely wet underfoot on 5 January 2016, there was no evidence of

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erosion caused by surface water run-off. Burrowing animals and birds also contribute to the erosion in the over-steep faces. Anecdotally, excavation in the northern quarry ceased within the last 20 years. There are no detailed surveys to show where quarrying stopped in relation to the footpath, or monitoring to show how quickly the faces are receding. Using engineering judgement, it estimates an average recession rate of 50mm or less per year between the top of the face and the fence line. There is evidence of slippage within 0.5m of the fence line but not beyond it. At 50mm per year, the fence and footpath may be compromised within 10 years at the pinch-point. The electrical apparatus will survive somewhat longer. However, this is weather and climate-dependant and the rate is unlikely to be consistent. Different parts of the face will have different weathering characteristics and rates, due to inherent geological variability.

Its responses to the applications submitted in April 2014 and August 2015 (both MA/14/727 and MA/93/660/R22&24) had sought further information from the applicant on a number of matters which was, in most cases, subsequently provided. It initially advised that the eastern quarry face within the northern part of the site was more stable and vegetated and may not require additional support. This led to application MA/14/727 being amended and the proposed fill area being reduced. It had also noted that the restoration works in the southern part of the site generally involved regrading stockpiles and uneven ground by spreading materials on site, that the proposed quantities of imported clay / soils were in the right order of magnitude and that Network Rail's engineers were satisfied that the proposals would not adversely impact on the HS1 line.

44. **South East Water:** No comments received.
45. **Health & Safety Executive:** No comments received.

Representations

46. The application was advertised by site notice and press advert and individual notification letters were sent to all properties within 250m of the application site and those along Sandway Road and East Street between the site and the A20 in Harrietsham in April 2014. All of the properties were re-notified in September 2015 (following receipt of the amended details in August 2015) and all who had previously responded were notified again following the receipt of the further information in December 2015.
47. Objections have been received from 2 individuals and 1 couple. The objections can be summarised as follows:-
- Adverse impact of HGV movements on East Street Conservation Area and Listed Buildings in Harrietsham (i.e. vibration / lack of foundations); and

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- Highway safety / increased danger of accidents (due to a sharp bend opposite Rectory Lane, the proposed increase in HGVs and flooding on East Street which creates black ice in winter months).

The respondents have also questioned whether there is an alternative route that could be used that would be less damaging to the environment / buildings and if lower vehicle speeds would reduce vibration and resonant impacts on the houses. Two of the respondents have also requested a site visit.

Local Member

48. The County Council Member Mrs J Whittle (Maidstone Rural East) was notified of the application in April 2014 and of the further details in September and December 2015. No written comments have been received.

Discussion

49. 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 24, 25 and 27 above are of most relevance. Material planning considerations include the national planning policies and guidance referred to in paragraph 23, the emerging development plan policies referred to in paragraphs 26 and 28 and the requirements of planning permission MA/93/660.

50. The main issues to be considered relate to:

- The need to restore the site (including long term stability of the quarry slopes and protection of the public footpath and electricity supply apparatus) and the need for imported materials to secure this;
- Landscape and visual amenity;
- Ecology;
- Highways and transportation (including the consideration of alternative HGV routes);
- The impact on the East Street Conservation Area and on Listed and other buildings; and
- Amenity impacts (e.g. noise and dust / air quality).

The need to restore the site (including the long term stability of the quarry slopes and protection of the public footpath) and the need for imported materials to secure this

51. There is clear policy support for the effective restoration of mineral sites in the National Planning Policy Framework (NPPF). Paragraph 144 of the NPPF states that restoration and aftercare should be provided at the earliest opportunity and be carried out to high environmental standards. Paragraphs 036 to 149 of the Minerals Planning Practice Guidance (PPG) contain detailed

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advice on restoration and aftercare of mineral sites. Policy CA22 of the Kent Minerals Local Plan Construction Aggregates (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 after-use at the highest standard and as quickly as possible taking account of the cumulative impact of any nearby workings. Draft Policy DM19 of the draft Kent Minerals and Waste Local Plan (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 proposed final landform, the seeding of grass or other crops and planting of trees, shrubs and hedges and a programme of aftercare. 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.

52. National planning policies relating to the need for inert waste disposal (and other waste planning matters) are set out in the National Planning Policy for Waste (October 2014) (NPPW). Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering the country's waste ambitions by helping to secure the re-use, recovery or disposal of waste without endangering human health or harming the environment. Paragraph 7 of the NPPW states that when determining waste planning applications waste planning authorities (WPAs) should only expect applicants to demonstrate the quantitative or market need where proposals are not consistent with an up-to-date Local Plan and that in such cases WPAs should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. Paragraph 7 of the NPPW also states that WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. The national policies and guidance are reflected at the local level in Policies W6 and W12 of the Kent Waste Local Plan (March 1998) (KWLP). Policy W6 states that need will be a material consideration in determining waste applications which are outside a location identified as suitable in principle in the plan and demonstrable harm would be caused to an interest of acknowledged importance. Policy W12 states that proposals for landfill will be permitted if they would assist in the restoration of mineral workings which in planning terms would benefit from being returned as near as possible to original ground levels. Draft Policy CSW11 of the draft KMWLP states that planning permission for the disposal of inert waste will be granted where: it is for the restoration of landfill sites and mineral workings; environmental benefits will result from the development (particularly the creation of priority habitat); and that sufficient material is available to restore the site within agreed timescales.
53. National planning policies relating to geotechnical stability are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts from tip and quarry slope stability and differential

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settlement of quarry backfill. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations include land instability. 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; and the nature of the restoration proposals. Policy W20 of the KWLP requires that proposals take account of land stability. Draft Policy DM17 of the draft KMWLP states that planning permission will be granted for minerals or waste development where it is demonstrated that it will not result in land instability.

54. Planning permission MA/93/660 provided for the further extraction of minerals in the western part of field to the north of the northern quarry (between the quarry face, footpath KH651 and the previously restored area to the south of Keepers Farm) and a restoration scheme was approved in February 2003 pursuant to condition 20 based on that scenario. Whilst that scheme indicated a fairly steep slope on the western boundary of the northern part of the quarry, it would have provided for shallower slopes along the majority of the northern face. It should also be noted that the land to the west of the quarry was also owned by the mineral operator at that time. Notwithstanding the provisions of the permission, working never resumed in the northern part of the site after construction of the CTRL (HS1 line) and the western part of the field to the north (all of which is now in 3rd party ownership) was never worked. It also appears that the north western quarry slope below footpath KH414B was somewhat steeper than shown on the restoration drawing. As noted in paragraph 8 above, the mineral permission ceased to have effect in July 2008 apart from its restoration and aftercare requirements. Condition 22 required a revised restoration scheme to be submitted, approved and implemented if mineral working ceased prior to completion. As noted in paragraph 9 above, a revised restoration scheme was submitted by the former owners (Cemex) in 2011 but was never approved or implemented due to a lack of information and the site was sold in January 2012. The current owner of the quarry (the applicant) subsequently advised that the 2011 restoration scheme would not have provided the necessary long term slope stability and, instead, prepared his own scheme. Both proposals included an aftercare scheme as required by condition 24. The land to the west of the quarry is not owned by the applicant.
55. The delays in restoring the site are not consistent with the above policies. However, the issue has been complicated by the fact that not all of the site has been worked, the failure of the previous owner to progress the necessary revised restoration scheme, the sale of the site and land immediately to the north and west and the natural regeneration that has occurred (leading to the creation of valuable habitat and greater numbers of protected and other species).

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56. Unless works are undertaken to secure long term stability of the quarry face, natural erosion processes will ultimately lead to the loss of footpath KH414B and the electricity pylon as well as other adjoining land outside the control of the quarry owner as the natural angle of repose (33° from the horizontal) is approached / achieved. Whilst the timing of this is uncertain (and could be many years from now) the eventual outcome is not. It is evident from a number of localised landslips and differential ground levels at the top of the quarry face that the natural erosion process is already advanced and continuing. Both KCC Public Rights of Way (PROW) and UK Power Networks are supportive of proposals that would secure the effective long terms stability of the quarry face and respectively safeguard the footpath and electricity pylon. The implications of not addressing the issue for KCC PROW and UK Power Networks are set out in paragraphs 37 and 32 above.
57. Kent Wildlife Trust has objected to the proposals (for reasons discussed further in the Ecology section below) and suggested that the natural regeneration of the site that has occurred should be allowed to continue and that alternatives to the use of a large volume of importation waste (clay / soil) to support the sand face be used (e.g. creating benches and / or timber crib walls) should this be necessary. It has further suggested that it may be unnecessary to stabilise the quarry face on the basis that other quarries in the area have been allowed to naturalise without significant intervention and with steep sand-faces / slopes (e.g. Newlands Quarry in Charing Heath and Bull Heath Pit in Lenham).
58. I reject the suggestion that benches or timber crib walls represent acceptable solutions in this case. Benches are normally formed by extracting mineral from the sides of a quarry as working proceeds (i.e. "leaving" benches in place as the working deepens) rather than using materials to "create" them later on. In this case, no benches were created and the quarry faces are already too steep. Creating benches at this stage would either require land outside the ownership / control of the applicant and, in the case of the land to the west, outside the permission area or it would require significant engineering operations as well as suitable materials. I do not consider the installation of timber crib walls to be a realistic proposition in this case given the height of the quarry faces and the likely cost implications. Whilst the former Newlands Quarry and Bull Heath Pit do both have very steep faces / slopes in places, the circumstances are different. Whilst Bull Heath Pit has a very steep sand face on part of its northern boundary, there is a significant area of land between the top of the sand face and the adjoining property such that as natural erosion proceeds towards the natural angle of repose the land that would be adversely affected is within the same ownership and land outside this would remain unaffected (i.e. a managed retreat). In the case of Newlands Quarry, parts of the steeply restored slopes show signs of instability (including relatively recent slippages) where vegetation is relatively sparse or trees appear to have been lost. I would not recommend that such steeply restored slopes be regarded as acceptable when new schemes are considered unless sufficient land adjoining the quarried area is available within the same ownership to allow a managed retreat without adversely affecting other properties, infrastructure or features.

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59. As noted earlier in this report and in paragraph 55 above, significant natural regeneration has occurred at the site. As a result, KCC's Biodiversity Officer and Kent Wildlife Trust would prefer that the site simply be allowed to continue to regenerate with the minimum of intervention and that existing ecological interest is safeguarded. For this objective to be secured so far as possible consistent with the need to ensure long term stability of the quarry faces, it would be desirable for the majority of the site and associated interest to be retained largely as it is. As a result, the materials that were previously proposed to be used by Cemex and initially proposed to be used by the applicant (in its April 2014 submission) for restoration purposes would no longer be available for use in stabilising the quarry faces. If long term stability of the quarry faces is to be secured using suitable materials, it will therefore be necessary for these to be imported. The re-use of suitable waste materials for this purpose would be consistent with a number of the above policies.
60. KCC's Geotechnical Consultant has advised that whilst the applicant's projected slope profiles are somewhat pessimistic, in that they assume the quarry face would be completely broken down by weathering to fine sand and have not fully taken account of the impact of scree at the toe of the slope, it is reasonable to assume that the quarry faces will continue to erode as they seek their natural angle of repose (about 33° from the horizontal) and that this will ultimately result in the closure of footpath KH414B and adversely affect the electrical apparatus. Whilst it is difficult to quantify how long this process may take, it has estimated that the footpath may be compromised within 10 years at its closest point to the edge of the quarry face. It has also advised that it is reasonable to re-grade the slope to 1v:3h using the proposed clay / soil materials (as proposed) in order to stabilise the quarry faces and that the estimated quantity of materials (37,000m³) is in the right order of magnitude. It has additionally stated that there are engineering solutions that would not involve the use of fill materials (e.g. soil nailing). However, it has further advised that soil nailing at the site is likely to be very expensive due to the difficult access and would be unlikely to provide a permanent solution (if undertaken on only part of the effected quarry face) as the weak Folkestone Beds would continue to weather and erode around any treated area. The engineered nature of some examples of soil nailing on steep cliff faces (whereby concrete slabs are effectively bolted to the surface) also suggests that these may be unacceptable for landscape / visual impact and ecological reasons at this location. The Environment Agency has no objection and confirmed that the proposed development would require an Environmental Permit.
61. Although engineering solutions such soil nailing may be technical alternatives to the use of fill materials these are likely to be very expensive and may give rise to unwanted landscape, visual and ecological impacts. I do not consider it appropriate to reject the proposals on the basis that an alternative may exist. I am satisfied that the proposed development would ensure the long term stability of the quarry faces / slopes and safeguard footpath KH414B, the electricity pylon (and associated electricity supply apparatus serving about 7600 properties) and adjoining land consistent with a number of the above

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policies. Subject to being acceptable in terms of those other matters discussed elsewhere in this report, the proposed development and associated revised restoration and aftercare scheme would also accord with the other policies referred to above.

Landscape and visual amenity

62. National planning policies relating to landscape and visual impacts are set out in the NPPF and NPPW. Paragraph 109 of the NPPF states (amongst other things) that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations are the need to protect landscapes and respect landscape character. Paragraph 001 of the Natural Environment Planning Practice Guidance (PPG) emphasises the importance of recognising the intrinsic character and beauty of the countryside and the 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.
63. Policy CA22 of the KMLPCA requires that appropriate landscaping schemes are an integral part of the development and Policy CA23 of the KMLPCA requires that satisfactory working and reclamation schemes are included which would return the land to a planned after-use at the highest standard and as quickly as possible taking account of the cumulative impact of any nearby workings. Policies W31 and W32 of the KWLP relate (respectively) to the need for satisfactory landscaping, aftercare and after-use. Policy W32 states that schemes should be designed to return the land to a planned after-use at the highest possible standard relevant to that use as quickly as possible. Draft Policy DM1 of the draft KMWLP supports sustainable development and states that proposals will be required to demonstrate that they have been designed to protect and enhance the character and quality of the site's setting.
64. Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP) states that permission will not be given for development in the countryside if it would harm the character and appearance of the area. Policy CS7 of the Maidstone Borough Council Interim Approval of Maidstone Borough Local Plan Policies (draft MBLP) states that development in the countryside will only be permitted where impacts on the appearance and character of the landscape can be appropriately mitigated.
65. KCC's Landscape Officer expressed concerns about a number of aspects of the development as proposed in April 2014 and August 2015. However, she left KCC before being able to comment on the further details submitted in December 2015 which included changes intended to address her (and other) concerns. In terms of the specific issues raised previously by KCC's

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Landscape Officer, I consider that it would be preferable for the proposed slope to be largely planted with scrub (as proposed) rather than restored to grassland in order to provide high quality terrestrial habitat for great crested newts. This, together with the proposed spreading of available sandy soils on the slope surface, would assist in enabling the slope to blend visually with adjoining land. I agree that the proposed soil bund (to prevent incursion onto the HS1 line) should be a temporary feature to be removed on completion of importation and associated operations and consider that this can be satisfactorily addressed by condition if permission is granted. I am also satisfied that the latest Restoration and Aftercare Scheme includes sufficient information on associated management regimes and that a grassland species mix that has subsequently been submitted by the applicant is acceptable. The locations and design of the site office, welfare facilities and wheel cleaning facilities (proposed in the transport management plan) would also need to be approved by KCC prior to being implemented in order to ensure acceptability in landscape and visual amenity terms. These are also capable of being addressed by condition.

66. That part of the site to the south of the HS1 line currently contains a number of stockpiles of soil and reject sand that were always intended for use as part of the final restoration of the site. The eastern end of the site (south of the HS1 line) also contains the remains of the foundations associated with the former plant site, offices and weighbridge. The former represent alien features in the landscape which would benefit from being regraded and the latter need to be addressed to meet the requirements of planning permission MA/93/660. As the stockpiled materials arose on site, they are also capable of being more easily reintegrated into the restored landform. I also consider the proposed use of much of the restored land in the southern part of the site for grazing to be reasonable as it would serve to help offset the likely inability of the applicant to use that part of the site to the north of the HS1 line for any economically viable purpose whilst still enabling the biodiversity benefits associated with the lake, its margins and areas of existing and proposed planting.
67. Having reviewed the issues raised by KCC's Landscape Officer, I believe that whilst the details submitted in December 2015 are unlikely to have fully satisfied her and the scheme is not necessarily one which would be supported if it were being considered on an entirely new site, I consider that it represents a reasonable one in the circumstances (i.e. where significant natural regeneration has occurred and large parts of the site would benefit from being left largely undisturbed in the interests of biodiversity and as a result of the need to use imported materials to create a 1v:3h slope and ensure the long term stability of the quarry face). I am therefore satisfied that the proposals are generally consistent with the above policies and are acceptable when all relevant issues are considered subject to the imposition of conditions to address the matters referred to above.

Ecology

68. National planning policies relating to ecology are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local

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

69. Policy W21 of the KWLP states that before granting planning permission for a waste management proposal the planning authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats or species of wildlife importance. It also states that where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory measures should be provided. Draft Policy DM1 of the draft KMWLP states that minerals and waste proposals should demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss. Draft Policy 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

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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.

70. Policy ENV28 of the MBWLP states that proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources. Policy ENV41 states that where the loss of a pond or area of wetland or marshland cannot be avoided, a replacement should be created. Policy CS13 of the draft MBLP seeks to protect and enhance the natural environment (e.g. biodiversity and habitat).
71. As noted in paragraph 59 above, KCC's Biodiversity Officer and Kent Wildlife Trust would prefer that the site simply be allowed to continue to regenerate with the minimum of intervention and that existing ecological interest be safeguarded. However, as explained elsewhere in this report this preference cannot be accommodated in this case if the long term stability of the quarry faces in the northern part of the site is to be ensured and the applicant is to be able to use parts of the site to the south of the HS1 line for grazing purposes. Whilst Kent Wildlife Trust has objected to the proposals, KCC's Biodiversity Officer has not done so.
72. KCC's Biodiversity Officer is satisfied that the proposed development is acceptable provided it is undertaken as proposed and the ecological mitigation and enhancement measures set out in the Protected Species Mitigation Strategy, associated information from Lloyd Bore Ltd and the Restoration and Aftercare Scheme are implemented. She has also advised that the proposed annual aftercare process should include a review of the success of the ecological mitigation measures (including those that would be required as part of the great crested newt licence obligations) so that additional remedial measures can be implemented if necessary.
73. I am satisfied that the matters raised by KCC's Biodiversity Officer are capable of being addressed by condition if permission is granted and the revised restoration and aftercare scheme approved. I note that the Protected Species Mitigation Strategy proposes a minimum 10-year monitoring period for great crested newts on the basis that this is likely to be a requirement of the European protected species licence whereas the existing planning permission requires a 5-year aftercare period. Any monitoring obligations relating to the site beyond the aftercare period would therefore be a matter for Natural England (as necessary). This would be consistent with Government Guidance which seeks to avoid unnecessary duplication between different regulatory regimes.
74. I am therefore satisfied that the proposals are generally consistent with the above policies and are acceptable when all relevant issues are considered subject to the imposition of conditions to address the matters referred to above.

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Highways and transportation (including the consideration of alternative HGV routes)

75. National planning policies relating to highways and transportation are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from traffic. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that plans and decisions should take account of whether safe and suitable access to the site can be achieved. It also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations include the suitability of the road network and the extent to which access would require reliance on local roads. Advice on how transport assessments and statements 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.
76. Policy CA16 of the KMLPCA and Policy W22 of the KWLP state that permission will be refused if the proposed access or the effects of vehicles travelling to and from the site would adversely affect in a material way the safety and capacity of the highway network and that any necessary highway improvements are secured and (in the case of Policy W22) the character of historic local lanes or the local environment (including dwellings, conservation areas and listed buildings). Policy CA18 of the KMLPCA states that the County Council should also be satisfied that noise, vibration and dust from haulage vehicles can be satisfactorily controlled. Although Chilston Sandpit was an existing site long before the adoption of the KMLPCA and mineral working has ceased, it should also be noted that Policy CA6 requires that proposals for mineral working (and by implication restoration) in areas of search should (amongst other things) satisfy the requirements set out in Appendix 6 of the Plan. Appendix 6 sets out specific issues to be considered for proposals in areas of search identified in the Plan's Inset Maps. Proposals Map Inset V "Harrietsham – Charing" identifies Chilston Sandpit as an existing operation. Appendix V states that for land between Harrietsham and Charing, road access via the villages themselves and along (amongst others) Sandway Road and East Street will be prohibited and that for areas of search to the south and west of Lenham a new access direct to the A20 will be required.
77. Draft Policy DM13 of the draft KMWLP requires minerals and waste development to demonstrate that emissions associated with road transport

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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 cannot be secured by conditions.

78. Policy T23 of the MBWLP states that the impact of traffic generated by development on the transport system and on the environment will be considered and that proposals should be adequately serviced by the transport network. Policy CS7 of the draft MBLP states that development proposals must demonstrate that all significant impacts of trips generated to and from the development are remedied or mitigated.
79. Harrietsham Parish Council has raised concerns about the proposed number and frequency of HGV movements through East Street as a result of potential adverse impacts on local residents, pedestrians and damage to the road surface, kerbs, pavements and street furniture and has requested that consideration be given to alternatives that would require less infill / transportation of infill. Those individuals who have made representations have objected due to concerns about the adverse impact of HGV movements on highway safety and questioned whether there is an alternative route that could be used by HGVs that would be less damaging to the environment and buildings. Harrietsham Parish Council is also concerned that the East Street Conservation Area would be put at risk by HGV movements and stated that the historic buildings are unlikely to have been built to withstand vibration associated with these, particularly given the narrow width of the road, the lack of verges / pavements and the fact that many buildings are set very close to the road. Those individuals who have made representations have also objected due to the potential impact on East Street Conservation Area and listed buildings from vibration associated with HGV movements and questioned whether lower vehicle speeds would reduce vibration and impacts on properties. These conservation / heritage related issues are specifically addressed in the next section of the report.
80. KCC Highways and Transportation has no objection to the proposed development subject to HGV movements only taking place between 09:00 and 15:00 hours, no more than 25 HGV loads (50 movements) per day, the submission, approval and implementation of a detailed transport management plan, before and after road condition surveys (with any damage or defect being made good on completion of development) and notification of contact details at the site entrance. It also states that it welcomes the offer of liaison meetings with the Parish Council and does not consider that there are sustainable grounds in highway terms to refuse the application. Discussions with KCC Highways and Transportation have also established that there is no suitable

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alternative to the use of East Street and Sandway Road to access the site.

81. Notwithstanding the presumption against the use of East Street and Sandway Road to access new mineral workings noted in paragraph 76 above, the proposed development is essential to the effective restoration of the existing mineral working and the proposed means of access is considered to be acceptable by KCC Highways and Transportation subject to a number of restrictions and measures that can be secured by conditions. The proposed limit on HGV movements to between 09:00 and 15:00 hours would assist in avoiding conflict with vehicles involved in transporting children to school and a limit of 25 HGV loads (50 movements) per day would serve to minimise the impact of HGVs in a number of ways and result in an average of just over 4 loads (8 movements) per hour during the 6 hour working day. The provision of wheel cleaning facilities would reduce the likelihood of mud or other materials being tracked out of the site and a road brush would ensure that if this does occur it is rectified. The proposed transport management plan would further assist in reducing conflict with other road users, provide additional voluntary controls on HGV movements and signage and reduce any effects associated with the transportation of materials to the site. The initial road condition survey would ensure that the Highway Authority is able to correct any problems identified in East Street and Sandway Road before development commences and the second ensure that the applicant is held accountable for any damage caused to the roads and that they are repaired as necessary (at the applicants expense) once it has been completed. These surveys would include consideration of the condition of the road surface, verges, kerbs, pavements and street furniture. As noted in paragraph 65 above, the locations and design of the site office, welfare facilities and wheel cleaning facilities (proposed in the transport management plan) would also need to be approved by KCC prior to being implemented.
82. I consider the proposed development to be acceptable in terms of highways and transportation and in the context of relevant policies subject to conditions to secure the above matters.

The impact on the East Street Conservation Area and on Listed and other buildings

83. National planning policies relating to heritage and conservation are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the historic environment. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Further policy on conserving and enhancing the historic environment is contained in paragraphs 126 to 141 of the NPPF. Amongst other things, this seeks to ensure that no significant harm is caused to heritage assets (including listed buildings). Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local

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environment against various locational criteria and other matters. Key locational considerations include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.

84. The KMLPCA and KWLP contain no saved policies dealing with archaeology, heritage and conservation. However, draft Policy DM5 of the draft KMWLP states that proposals for minerals and waste developments will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets, Listed Buildings, conservation areas, Scheduled Ancient Monuments and archaeological sites are conserved in a manner appropriate to their significance. It also states that proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities must be sought to maintain or enhance historic assets affected by the proposals. Minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.
85. Policy CS13 of the draft MBLP states that development will not be permitted where it would lead to adverse impacts on heritage assets for which mitigation measures appropriate to the scale and nature of the impacts cannot be achieved.
86. As noted above, Harrietsham Parish Council and a number of individuals (including local residents) have expressed concerns or objected on the grounds that the East Street Conservation Area and associated listed or other historic buildings may be damaged by vibration associated with HGV movements, particularly given the narrow width of the road, the lack of verges / pavements and the fact that many buildings are set very close to the road. It has also been suggested that lower vehicle speeds may reduce vibration and impacts on properties. KCC's Conservation Officer has expressed similar concerns and requested that building condition surveys be carried out for those listed buildings in close proximity to the roadway prior to and after the proposed development and that any damage attributable to the HGVs associated with the development be made good. There are 12 listings for properties or other features within East Street Conservation Area that lie immediately adjacent or very close to the road, although a number of these relate to more than one property. One property is Grade I listed and the others Grade II. A drawing illustrating the locations of the listed buildings within the East Street Conservation Area is included at [Appendix 2](#) (page C2.44).
87. The applicant has stated that it considers KCC Conservation Officer's request to be unreasonable and unnecessary and that a building condition / structural survey is not justified given the relatively small number of movements involved. It states that the situation is really no different to that associated with many development proposals (such as housing, commercial or school development) which would involve HGV movements during the construction

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phase over a period of a number of months and that it is not aware of Local Planning Authorities ever requesting building condition surveys in such circumstances.

88. In view of the above, further advice has been obtained from KCC's Noise and Vibration Consultant and discussions have taken place with KCC's Heritage Conservation Manager. KCC's Noise and Vibration Consultant has advised that although traffic vibration (airborne and ground borne) can cause severe nuisance to occupants there is no evidence to support the assertion that traffic vibration can also cause significant damage to buildings. It has also advised that ground borne vibration is more likely to occur where properties are close to road surface irregularities / poor maintenance. On this basis, it has advised that there would be no reason to request building surveys unless there is clear evidence that existing HGV traffic is causing cosmetic or structural damage to buildings and that reducing the speed of HGVs associated with the development to 20mph and ensuring that the road surface is well maintained would assist in minimising any vibration. KCC's Heritage Conservation Manager remains of the opinion that it would be preferable for a baseline condition survey and subsequent monitoring of the historic buildings to be carried out but that if this approach is not considered to be reasonable, the applicant should at least be required to ensure that the road surface is kept smooth and free of bumps.
89. As noted in paragraph 15 above, the applicant proposes to undertake a road condition survey prior to and after the completion of the development and then rectify any damage attributable to HGVs associated with this. As noted in paragraph 80, KCC Highways and Transportation has no objection subject to (amongst other things) this happening. It has also advised that if the initial road condition survey identifies any problems with the road surface, these would be corrected by the Highway Authority at that stage (the applicant being responsible for correcting problems after the second survey when works are completed). In this way, I am satisfied that vibration associated with HGVs transporting materials to the site during the proposed development and other traffic (including HGVs) using the road following completion of the development would be minimised. Impacts would be further minimised if the transport management plan also restricts HGVs associated with the development to no more than 20mph in East Street.
90. Given the above, the advice of KCC's Noise and Vibration Consultant and my own consideration of the matter, I am satisfied that the proposed development would not have any significant impact on the East Street Conservation Area and on Listed and other buildings subject to the conditions referred to above and elsewhere in this report. I also agree with the applicant that it would be unnecessary and unreasonable to require building condition surveys in East Street or elsewhere in this case.

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

91. National planning policies relating to local amenity impacts associated with mineral working and waste disposal are set out in the NPPF and NPPW. Paragraph 144 of the NPPF states that local planning authorities should ensure that there are no unacceptable adverse impacts on human health when granting permission for mineral development and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and appropriate noise limits are established for extraction in proximity to noise sensitive properties. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on amenity against various locational criteria and other matters. Key locational amenity considerations primarily relate to proximity to sensitive receptors and the impact of air emissions (including dust), odours, noise, vibration and litter, both from site operations themselves and from HGVs travelling to and from sites. Paragraph 7 of the NPPW also states that WPAs should not concern themselves with the control of processes which are a matter for the pollution control authorities and should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Paragraphs 011 to 032 of the Minerals PPG provide detailed advice on how to address noise and dust / air quality issues when determining mineral applications. Paragraphs 19 to 22 of the Minerals PPG state (amongst other things) that noise associated with mineral working should not exceed the background noise level by more than 10dB(A) during normal working hours (0700-1900) and that the total noise from the operations should not exceed 55dB_{L_{Aeq,1hr free field}} at any noise sensitive property. It also states that increased temporary daytime noise limits of up to 70dB_{L_{Aeq,1hr free field}} may be necessary for periods of up to 8 weeks in a year at specified noise-sensitive properties to facilitate essential site restoration work. It also states that applications should 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.
92. Policies CA18 and CA23 of the KMLPCA and Policies W18 and W32 of the KWLP require the County Council to be satisfied that proposals are acceptable in terms of noise, dust, odour and vibration impacts and include appropriate schemes of working and restoration. Draft Policy DM11 of the draft KMWLP states that minerals and waste developments will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Draft Policy DM12 of the draft KMWLP states that permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
93. Policy ENV28 of the MBWLP states that permission will not be given for development in the countryside if it would harm the amenities of surrounding occupiers.

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94. No objections or concerns have been received about potential adverse amenity impacts associated with operations on site. However, concerns have been expressed by Harrietsham Parish Council about potential adverse noise and dirt / pollution impacts associated with HGV movements through East Street.
95. KCC's Noise and Dust / Air Quality Consultants have no objections subject to the imposition of a condition limiting noise from operations on site to no more than $55\text{dB}_{\text{LAeq},1\text{hr free field}}$ at any noise sensitive property and the implementation of a dust management plan that has first been submitted to and approved by KCC.
96. Planning permission MA/93/660 does not contain any specific noise limits although it does restrict operations to between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays. In the absence of application MA/14/727 or the revised restoration and aftercare proposals, there would therefore not have been any noise restriction when the site was restored. Although the applicant has not undertaken a noise assessment, the area of the site where imported materials would be placed and engineered (application MA/14/727) is relatively remote from residential properties and generally fairly well screened by the quarry faces and surrounding vegetation. The majority of the ground remodelling works associated with the revised restoration and aftercare scheme (MA/93/660/R22&24) would take place in that part of the quarry to the south of the HS1 line. Some of these restoration works would take place closer to residential properties to the south and east of the site but would again be screened to some extent by existing vegetation which would assist in minimising dust impacts.
97. Given the above, I consider it would be appropriate for any permission granted in respect of application MA/14/727 to include conditions restricting noise from normal day to day operations to no more than $55\text{dB}_{\text{LAeq},1\text{hr free field}}$ at any noise sensitive property and requiring the implementation of a dust management plan that has first been submitted to and approved by KCC. I also consider it appropriate to include a condition allowing up to $70\text{dB}_{\text{LAeq},1\text{hr free field}}$ for up to 8 weeks in any year at any noise sensitive property to facilitate associated site restoration work. These restrictions should also be applied to any approval given in respect of the restoration and aftercare scheme as planning permission MA/93/660 does not include any specific noise limits. In addition to these requirements, it would also be appropriate to include conditions restricting operations on the site itself to the hours already permitted (i.e. between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays) and for the importation and associated stabilisation works to be completed within 18 months of commencement. I also consider it appropriate to require the restoration of the entire site (north and south of the HS1 line) to be completed within the same time period. I am satisfied that whilst there would be some adverse amenity impacts resulting from HGV movements (particularly in East Street), these would not be unacceptable given the relatively small number of movements and the proposed duration of operations.

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98. I am satisfied that the proposed development would not have any significant impact on amenity and would accord with relevant policies subject to the imposition of the above conditions.

Other issues

99. HS1 has stated that it has no objection to the proposed development subject to the proposed temporary earth bund being constructed in accordance with a method statement that has first been approved by KCC and no ground remodelling works south of the HS1 line to west of the existing acoustic barrier taking place until such time as appropriate measures to prevent incursion onto the line have been secured. KCC's former Landscape Officer has stated that the proposed earth bund should not be allowed to remain permanently. These matters can be secured as necessary by condition if permission is granted.

Conclusion

100. Unless works are undertaken to secure the long term stability of the quarry face, natural erosion will ultimately lead to the loss of footpath KH414B and the electricity pylon as well as other land outside the control of the quarry owner. If this scenario is to be avoided, it will be necessary for a sufficient quantity of suitable materials to be used to buttress / stabilise the quarry face. Given the natural regeneration that has occurred on site since quarrying ceased in 2008, large parts of the site now contain significant habitat and protected and other species. The extent of this ecological interest is such that using suitable materials already on site would result in significant harm to both habitat and protected and other species.
101. Application MA/14/727 as submitted in April 2014 sought to use as much material from within the site as was thought reasonably possible at that time. However, regardless of the ecological harm that this would have resulted in it would not have avoided the need for the use of a significant quantity of imported materials such that the disbenefits of transporting materials to the site via East Street and Sandway Road could not have been entirely avoided. Application MA/14/727 as submitted in August 2015 sought to further minimise impacts on habitat and protected and other species by reducing the area of disturbance by leaving a greater proportion of the northern part of the site in its naturally regenerated form, leaving the majority of existing materials in place and reducing the extent of the buttressing works. Regardless of the reduction in the area affected by the proposed buttressing works, the need for an increase in imported materials is unavoidable if the quarry face is to be appropriately stabilised.
102. There is strong development plan and other planning policy support for securing the effective restoration of the site and safeguarding the adjoining land and footpath and other infrastructure (as is proposed by both applications MA/14/727 and MA/93/660/R22&24). The benefits associated with ensuring this need to be balanced against any disbenefits associated with importing the

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required materials (e.g. the impact of HGV movements on East Street Conservation Area) and depositing them on site (e.g. any disturbance that would occur within the site). Any disbenefits associated with remodelling areas of the site to the south of HS1 provided for by application MA/93/660/R22&24 (e.g. impacts on some of the existing habitat and protected and other species) need to be weighed against the benefits of securing a restoration scheme that creates a more natural landform and is acceptable in other respects (e.g. the desirability of removing / re-grading the most incongruous parts of the existing landform such as the linear soil stockpiles within the site that were always intended to be used for restoration purposes).

103. Subject to the imposition of the conditions referred to in this report I do not consider that the harm that may arise from either application MA/14/727 or MA/93/660/R22&24 would be significant. I am also of the opinion that any harm that may arise would be outweighed by the benefits associated with securing the long term restoration of the site and, in particular, the long term stability of the quarry face. I therefore recommend accordingly.

Recommendation

104. I RECOMMEND that:

- (a) PERMISSION BE GRANTED for the importation of clay / soil to stabilise the northern face of the sandpit workings as part of the revision scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU (i.e. application MA/14/727) SUBJECT TO conditions covering amongst other matters:
- The development being implemented as proposed (e.g. only clay / soils being imported);
 - The importation and associated stabilisation works being completed within 18 months of commencement;
 - The locations and design of the site office, welfare facilities and wheel cleaning facilities being approved by KCC prior to being implemented;
 - The restoration and aftercare provided for by MA/93/660/R22&24 being implemented as proposed for 5 years;
 - The ecological mitigation and enhancement measures being undertaken as proposed;
 - The aftercare reporting including a review of the success of the ecological mitigation measures to enable remedial measures as necessary;
 - HGV movements only taking place between 09:00 and 15:00 hours Monday to Friday (with no Bank / Public Holiday movements);
 - No more than 25 HGV loads (50 movements) per day;

Importation of clay / soil to stabilise the northern face of the sandpit workings (MA/14/727) and approval of a scheme of restoration and aftercare (MA/93/660/R22&24) at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU

- The submission, approval and implementation of a detailed transport management plan (to include a 20mph speed limit in East Street for HGVs associated with the development);
 - Before and after road condition surveys (with any damage or defect being made good on completion of development);
 - Notification of contact details at the site entrance;
 - Hours of operation on site being restricted to those provided for by planning permission MA/93/660 (i.e. between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays with no operations on Saturday afternoons, Sundays or Bank / Public Holidays);
 - Noise limits (i.e. 55dB_{L_{Aeq,1hr free field}} at any noise sensitive property for normal operations and up to 70dB_{L_{Aeq,1hr free field}} for up to 8 weeks a year at any noise sensitive property to facilitate essential site restoration work);
 - The approval and implementation of a Dust Management Plan;
 - A method statement for the construction of temporary soil bund to prevent incursion onto the HS1 line;
 - The removal of the temporary soil bund on completion of operations; and
- (b) SUBJECT TO permission being granted for (a) above, APPROVAL BE GIVEN for the scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 as amended by MA/00/1990 at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU (i.e. application MA/93/660/R22&24) SUBJECT TO amongst other matters:
- The existing conditions on planning permission MA/93/660 being complied with as necessary (e.g. operations only taking place between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays with no operations on Saturday afternoons, Sundays or Bank / Public Holidays);
 - The restoration scheme being implemented as proposed and completed within 18 months of the date of commencement of the importation and associated stabilisation works provided for by MA/14/727;
 - The aftercare scheme being implemented as proposed for 5 years;
 - The ecological mitigation and enhancement measures being undertaken as proposed;
 - The aftercare reporting including a review of the success of the ecological mitigation to enable remedial measures as necessary;
 - Noise limits (i.e. 55dB_{L_{Aeq,1hr free field}} at any noise sensitive property for normal operations and up to 70dB_{L_{Aeq,1hr free field}} for up to 8 weeks a year at any noise sensitive property to facilitate essential site restoration work); and

Importation of clay / soil to stabilise the northern face of the sandpit workings (MA/14/727) and approval of a scheme of restoration and aftercare (MA/93/660/R22&24) at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU

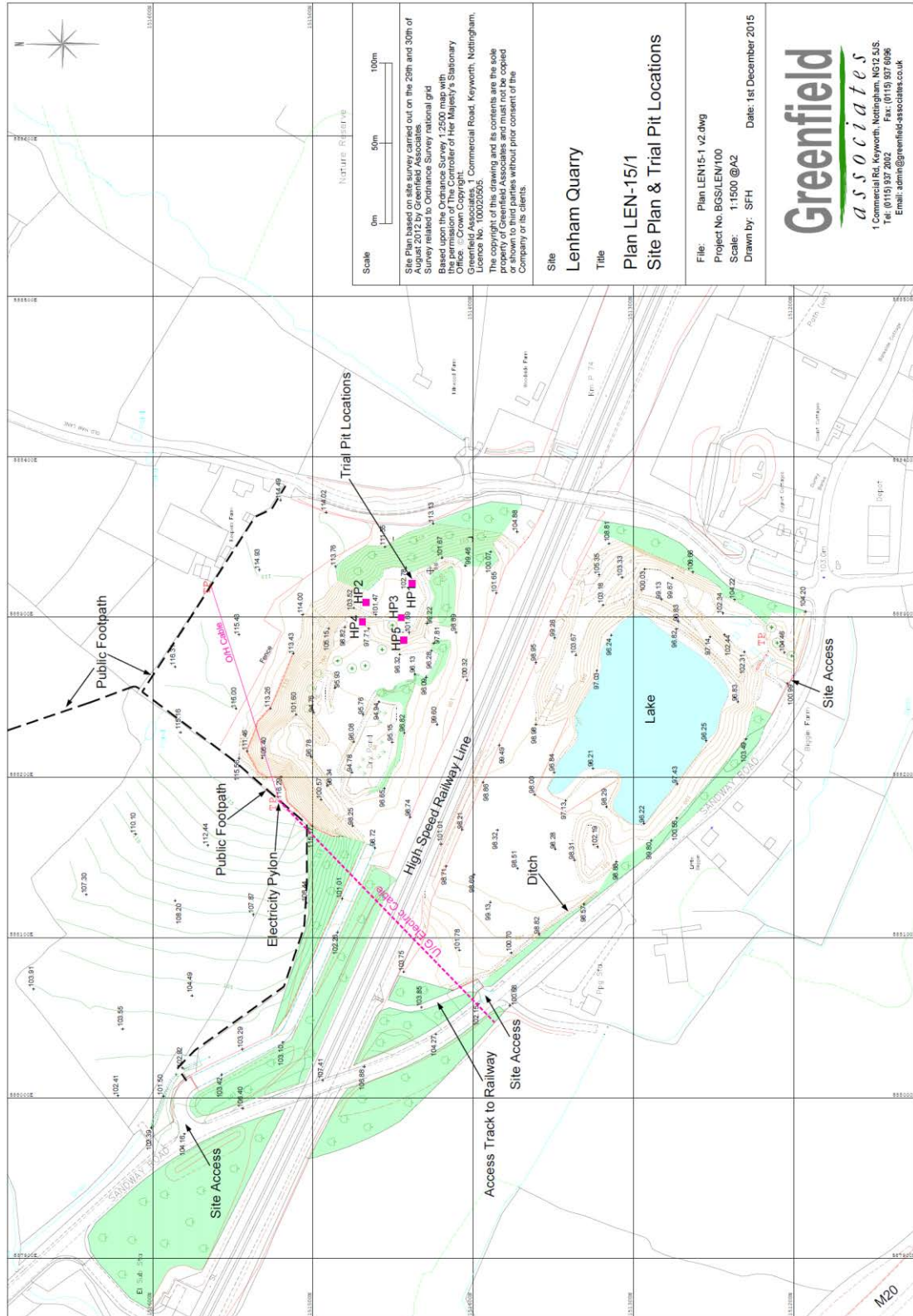
- Compliance with the Dust Management Plan required by MA/14/727.

Case Officer: Jim Wooldridge

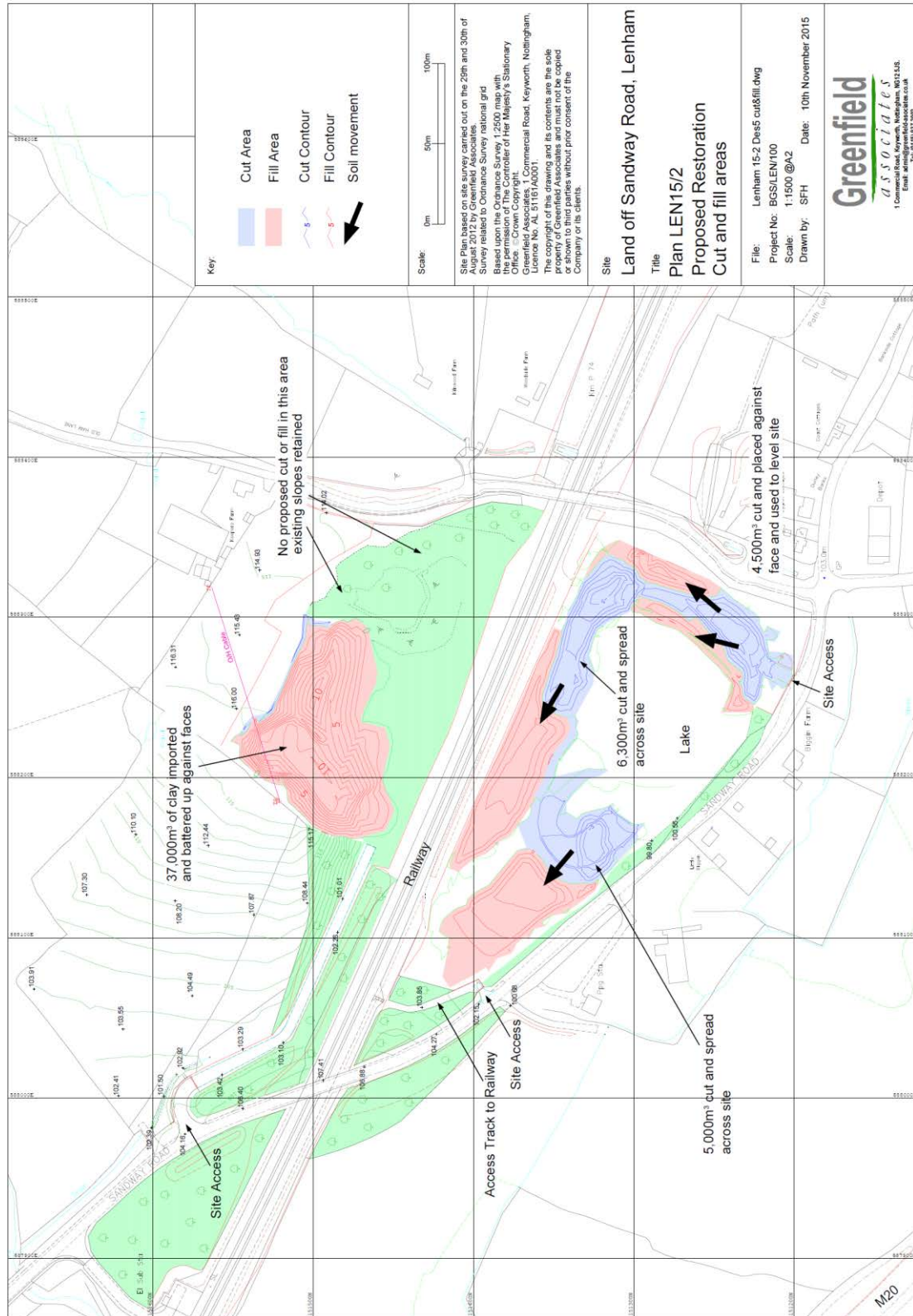
Tel. no. 03000 413484

Background Documents: see section heading.
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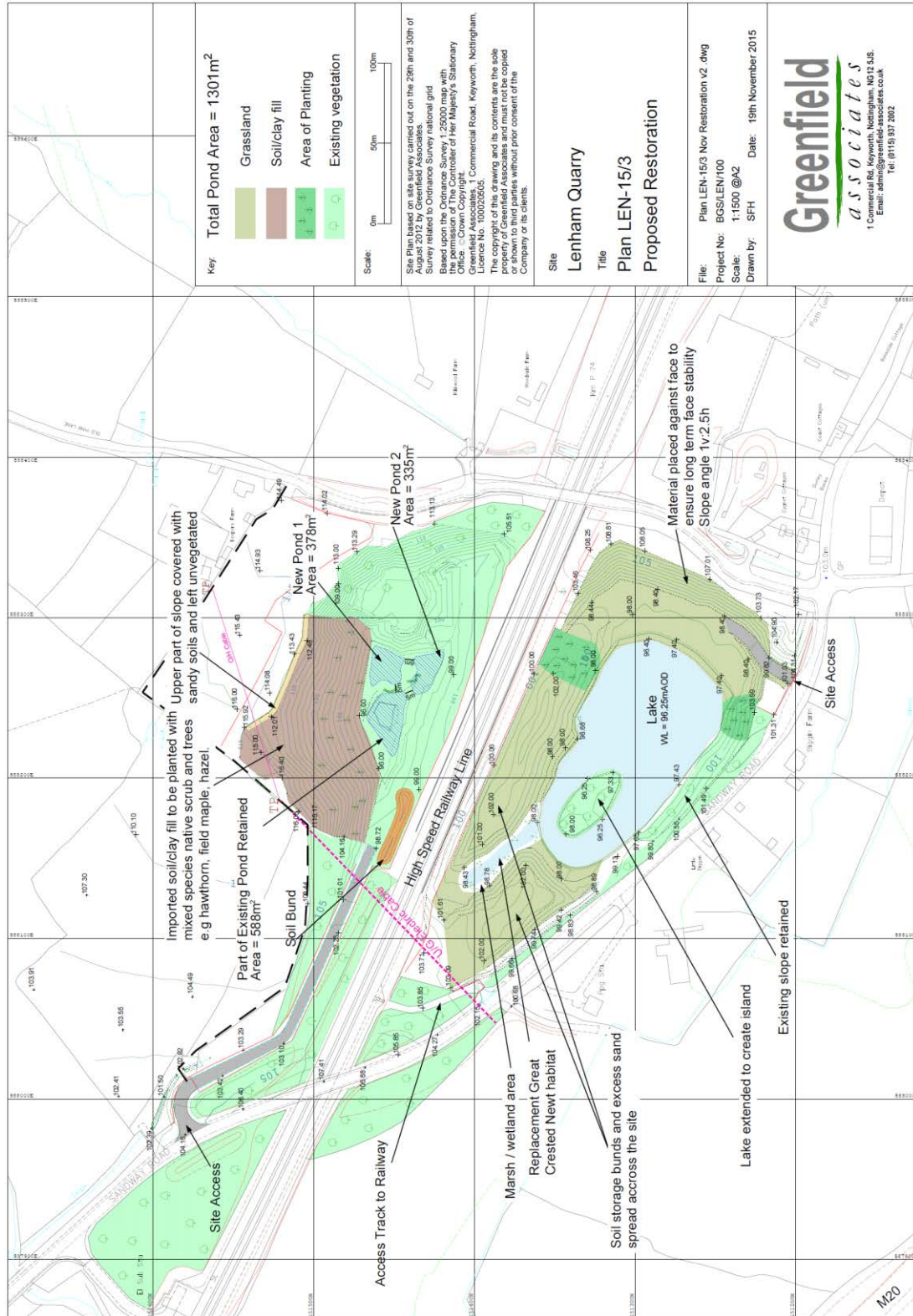
Appendix 1 to Item C2
 Importation of clay / soil to stabilise the northern face of the
 sandpit workings (MA/14/727) and approval of a scheme of
 restoration and aftercare (MA/93/660/R22&24) at Chilston
 Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU



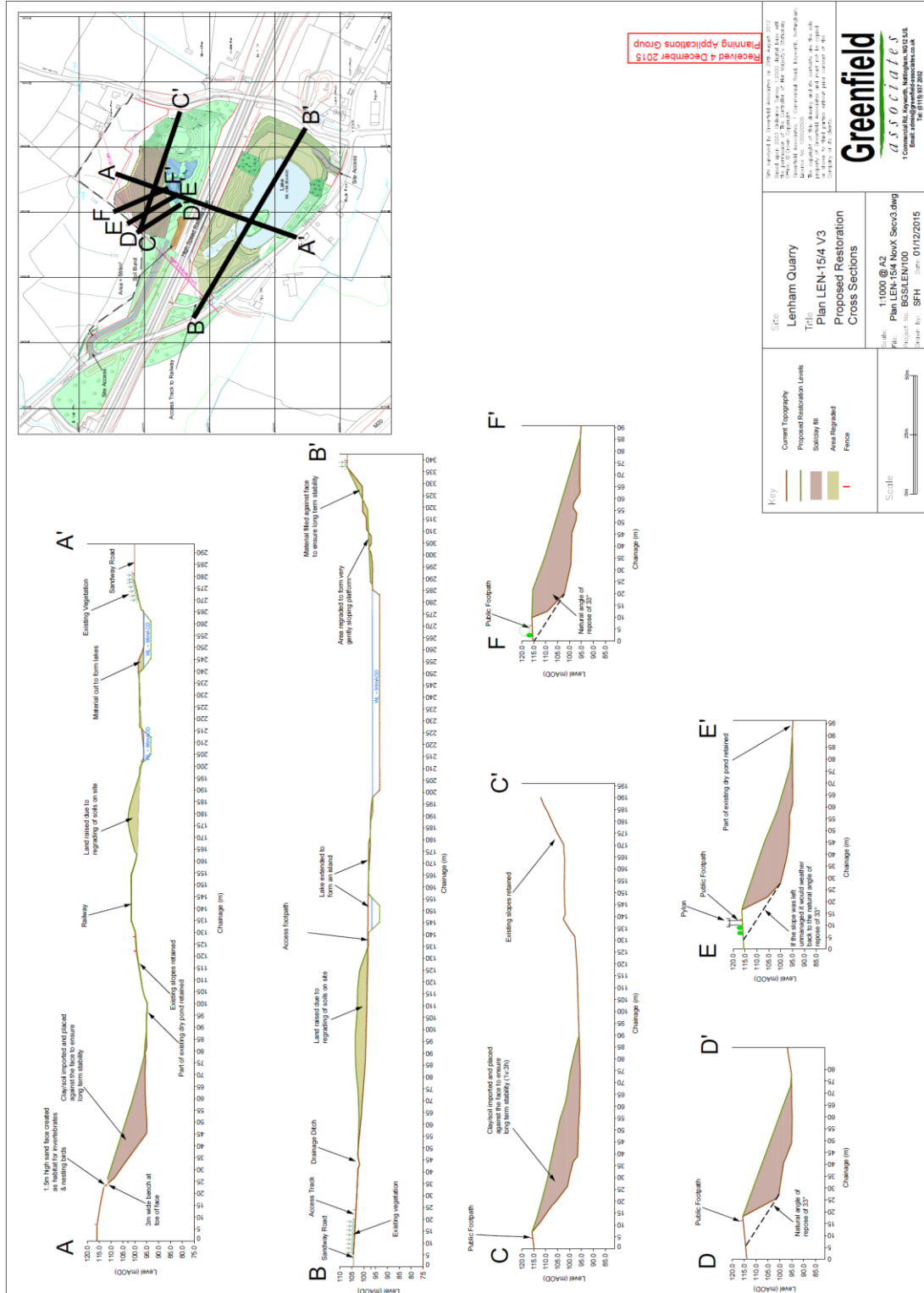
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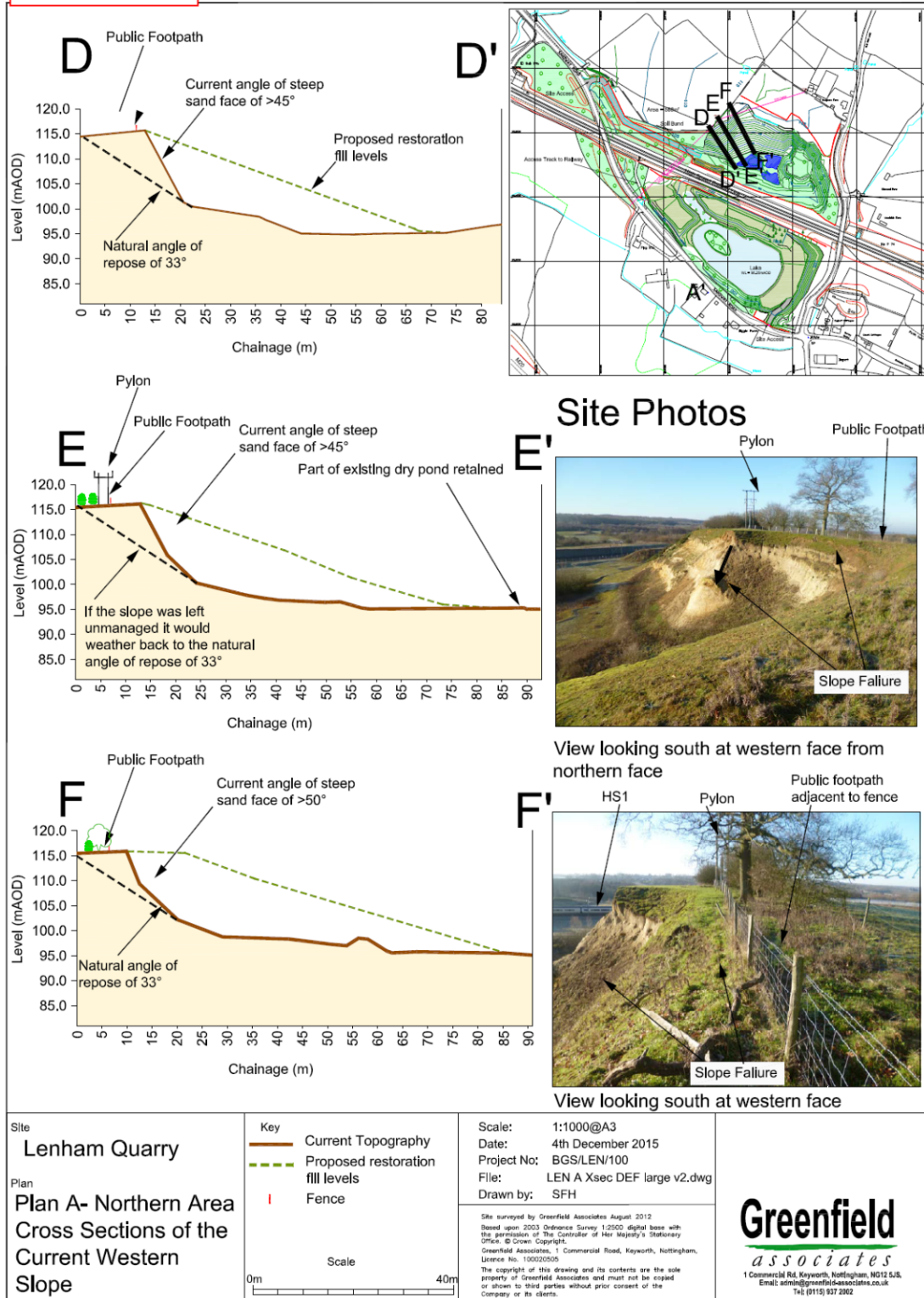


Importation of clay / soil to stabilise the northern face of the sandpit workings (MA/14/727) and approval of a scheme of restoration and aftercare (MA/93/660/R22&24) at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU



Appendix 1 to Item C2
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Received 4 December 2015
 Planning Applications Group



Planning Permission: SH/08/124 – Details submitted pursuant to conditions 12, 14, 15, 16, 17 & 34 together with a Section 73 application to vary condition 10, land at Otterpool Quarry, Ashford Road, Sellindge, Ashford (KCC/SH/0095/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 20 January 2016.

Details submitted pursuant to conditions 12 (surface water drainage), 14-17 (site contamination and remediation works) & 34 (landscaping) together with a Section 73 Application to vary condition 10 (badger mitigation measures) of planning permission SH/08/124, land at Otterpool Quarry, Ashford Road, Sellindge, Nr Ashford TN25 6DD (MR. 112 365).

Recommendation: Details submitted be Approved and Permission be Granted to vary condition 10.

Local Member: Mrs S Carey

Unrestricted

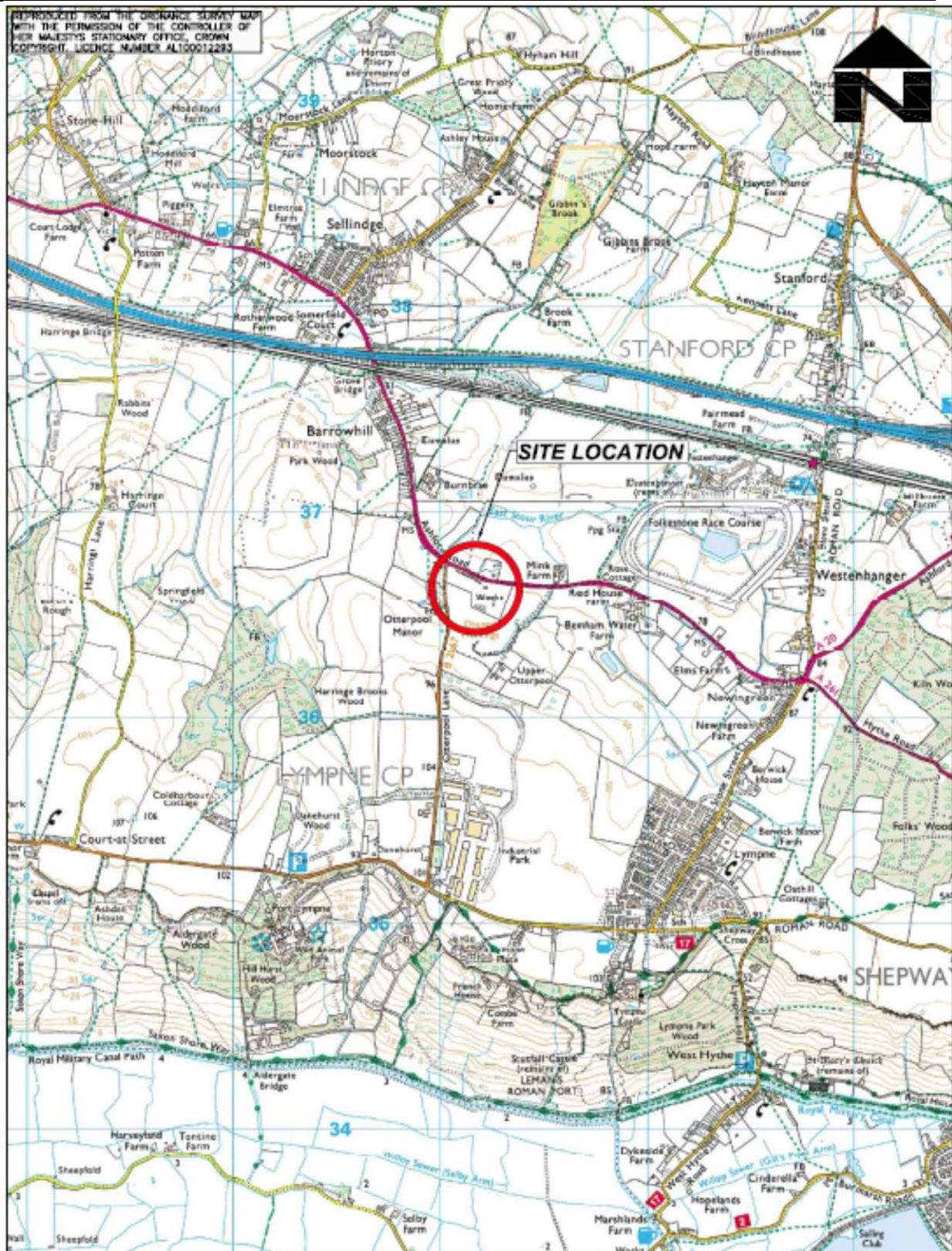
The Site

1. The site is situated adjacent to the southern side of the A20 located some 1 km distant midway between the villages of Sellindge to the north and Lympne to the south. It is bounded by a SSSI immediately to the east and west. The Kent Downs AONB is some 1.5km to the north east and south of the site from which can be seen the M20, Channel Tunnel Rail Link (HS1), Westenhanger Castle (a Scheduled Ancient Monument), Folkestone Racecourse, the Junction Motorway 11 services and the A20.
2. The closest properties to the site are the Airport Café, which sits alongside a number of light industrial units permitted by the District Council, at some 30m immediately to the north on the northern side of the A20, Otterpool Manor (to the west) and Upper Otterpool (to the south) at 250m distant from the site. To the south of the site is the existing Lympne Industrial Estate.
3. A location plan is included below showing the site in its wider context along with drawing numbers OP/4 and HD1 which illustrate general layout of the site and approved access arrangements onto the A20.

Background

4. The site is set within a former ragstone quarry where, upon the completion of mineral extraction it was then subject to a number of commercial mineral associated uses which included a Ready Mix Concrete Plant together with an Asphalt Plant. These activities have since ceased with the majority of the site structures being demolished in 2005 and the area left as a brownfield site which had no restoration requirements.

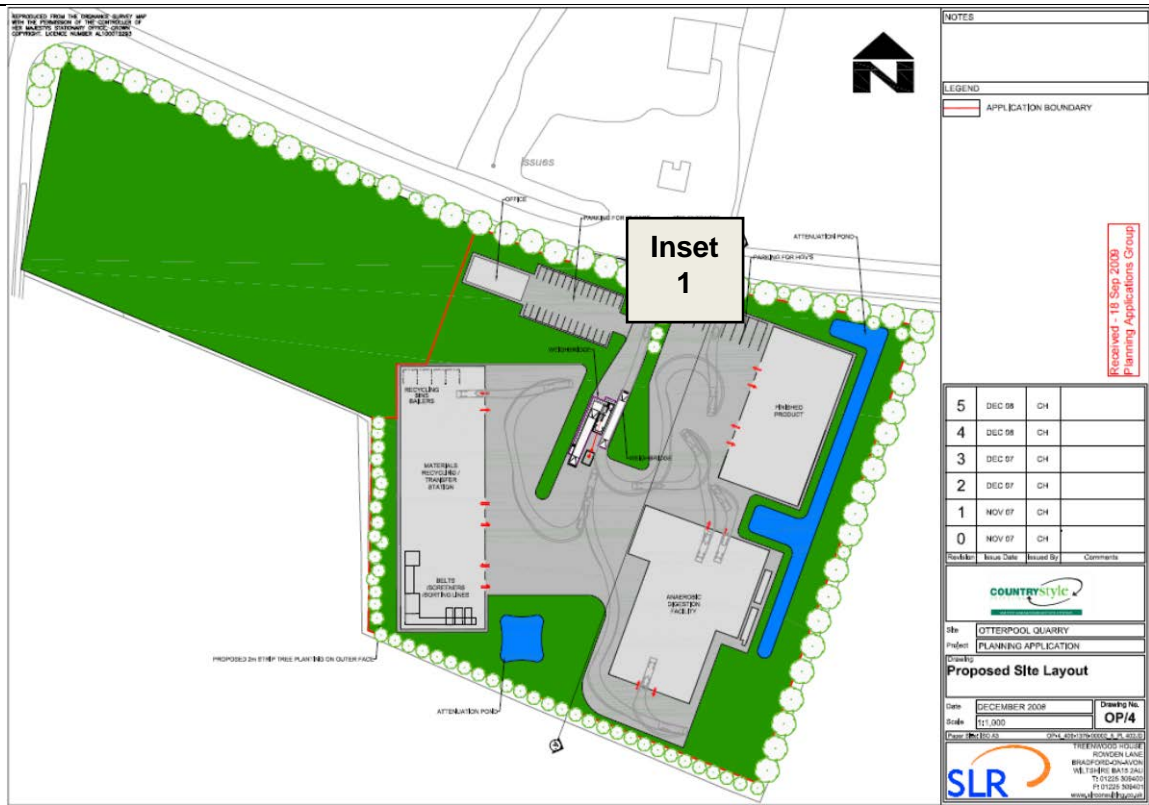
Item C3
SH/08/124/R12, 14-17 & 34 & section 73 application
(KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge,
Ashford



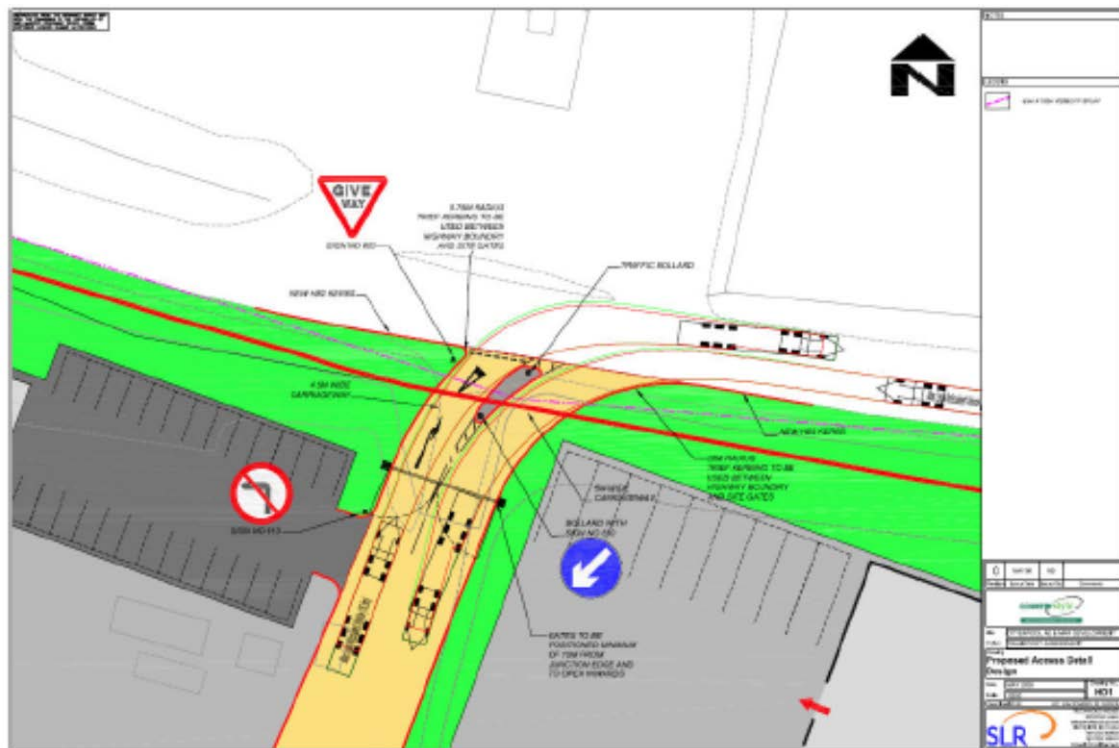
Site Location Plan

C3.2

Item C3
 SH/08/124/R12, 14-17 & 34 & section 73 application
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 Ashford



Drawing Number OP/4 – showing the approved general site layout



Inset 1: Approved Drawing Number HD1 – Proposed Access Detail Design

SH/08/124/R12, 14-17 & 34 & section 73 application (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge, Ashford

Recent Site History

Planning Applications Committee Meeting 15 March 2011

5. In March 2011 planning permission was granted by the Planning Applications Committee (Ref. SW/08/124) for the construction and operation of a Materials Recycling Facility (MRF), Anaerobic Digestion (AD) Plant and Associated Office and parking facilities (under consent reference SH/08/124) at the Otterpool Quarry site, Ashford Road, Sellindge, Kent. Prior to being permitted the planning application had attracted significant local opposition particularly from the residents of Sellindge Village and the Sellindge and District Residents Association (SDRA) as well as the Sellindge and Lympne Parish Councils. As a result, Members of the Committee attended two site visits and public meetings (in June 2008 and February 2010) which enabled them to hear first-hand the views and concerns of consultees and local residents before they formally determined the application.
6. Having assessed in detail matters relating to, amongst others, site contamination and groundwater pollution, air quality, impacts on the highway, visual impact, ecological matters (including badger mitigation) along with other amenity impacts the officer report concluded the proposed development would be acceptable in this location provided appropriate conditions were imposed to control any adverse impacts. Members subsequently resolved to grant planning permission for the proposed facility subject to the imposition of a number of planning conditions requiring the formal submission and approval of various details, some of which have since been discharged.
7. In order to provide Members with the background to the current proposals and help put into context the manner in which they are being asked to consider them, a summary of what they originally considered and subsequently permitted at their meeting in March 2011 is attached under Appendix A. The decision that Members took established the principle that the development proposed represented an acceptable use of the site in land use planning terms. Therefore in considering these latest details the Committee are not able to consider whether or not permission should be granted for the development itself, but having regard to consultee responses and representations received, whether they are satisfied that sufficient information has been provided to enable the conditions which were imposed on the permission they previously granted to be formally discharged.
8. Meanwhile initial enabling works were undertaken at the beginning of 2014 pursuant to condition 5 of the permission involving the commencement of the construction of the site access. These works effectively legally implemented the permission. However, with the exception of works connected with conditions 14-17 (site contamination and remediation works) no further works can commence on site until such times as the site access improvements have been fully completed and all other outstanding conditions requiring prior approval of details in respect of the remaining development of the site have been formally discharged.

SH/08/124/R12, 14-17 & 34 & section 73 application (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge, Ashford

Planning Applications Committee Meeting 12 March 2014

9. In March 2014, in response to objections raised on detailed submissions made pursuant to conditions imposed on the planning permission, Members formal approval was sought in respect of those details submitted pursuant to condition 7 (weighbridge and office facilities) and condition 34 (landscaping). Members authorisation was also sought to allow the Head of Planning Applications Group to formally determine any further details submitted pursuant to those outstanding conditions remaining to be discharged where they did not raise any additional material issues that were not considered during the determination of the original planning permission, and also subject to no objection being raised by the relevant statutory consultees.
10. During their consideration of the submitted details Members raised concerns over what appeared to them to be inconsistencies between the approved drawings specified in the permission relating to site layout and detailed design of the site access compared with how they were then taken into account in the proposed landscaping details. Members were therefore keen to ensure that before any decision was taken on the proposed landscaping details these should not only align with the approved site layout and access details but should also be considered in conjunction with the outstanding drainage and site remediation details which were at that stage yet to be formally submitted for approval. Such concerns also raised doubts over whether when ultimately approving these details they would then potentially compromise measures proposed to protect the interests of badgers, where at the time of the original planning application the findings of a badger survey identified the presence of a seven entrance badger sett in the south east corner of the site. Consequently condition 10 of the permission requires badger mitigation measures to be undertaken in accordance with details submitted with the original application during both the site construction phase and also thereafter during the operation of the site. Such measures include amongst other matters a 30m standoff, non-vibrating piling techniques, a limit on the construction activities to outside the period of January to June (inclusive) during the time when badgers have dependant young and unimpeded access to the site from scavenging badgers.
11. Subsequently whilst Members resolved to approve details for the weighbridge and office facilities pursuant to condition 7, they requested that all remaining details, including those relating to drainage, landscaping and site remediation measures be brought back to them for their joint consideration. This was to ensure that any matters of inconsistency could be properly addressed and that the project could be delivered on site as approved whilst at the same time ensuring the interests of any badgers found present either within or adjoining the site remain protected. The minutes of the meeting held in March 2014 are attached under Appendix B.
12. Since the last report to the Planning Applications Committee in March 2014 the Applicant has taken the opportunity to jointly review and compare his outstanding submissions with those details already approved and has recognised that from the various details previously submitted there were some minor inconsistencies. These inconsistencies arose partly as a result of the time delays between when the various submissions were made which meant that as the project has evolved and consequently been refined in certain areas to address matters raised by consultees

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they no longer fully aligned. Having taken time to revisit the outstanding details, updated drawings in respect of landscaping and site drainage details have been formally submitted such they now properly align with the approved site layout and detailed access improvements and there are therefore no longer any inconsistencies between them. However, as a result it is now necessary to revise the approved badger mitigation measures stipulated under condition 10 which now requires a formal variation to ensure the interests of badgers are properly protected both during site construction and thereafter throughout the operational life of the site.

Proposals

13. The matters which Members are being asked to formally consider and determine are twofold, namely;
 - a) Details submitted pursuant to conditions 12 (surface water drainage scheme), 14 - 17 (site contamination and remediation works) and 34 (proposed landscaping) of planning permission SH/08/124 and;
 - b) A Section 73 planning application to vary condition 10 of planning permission SH/08/124 to amend the approved badger mitigation measures.

a) Details:

(i) Surface water drainage scheme (condition 12)

14. Condition 12 requires the surface water drainage scheme to be designed in a manner which ensures that the rate of surface water run-off from the site is limited to a maximum of 5 litres per second to either a maintained sealed drainage system or to a watercourse that discharges unimpeded to the East Stour.
15. Since the permission was granted the applicant has obtained the rights from one of the landowners opposite the application site to drain surface water arising from the proposed development across his land unimpeded via a sealed drainage system directly into the East Stour. As a result the applicant has submitted a scheme which makes provision for surface water to be collected from the roofs of the proposed buildings and concrete hardstanding areas via a series of pipework which then discharges into a sealed attenuation pond on site. The diameter of the pipework together with the holding capacity of the pond have been designed sufficient to be able to deal with a 1 in 100 year flood event and which ensures that the volume of surface water run-off from the site can be regulated to meet the maximum discharge rate of 5 litres per second as stipulated under condition 12 of the permission. Details of the site drainage arrangements and attenuation pond are shown below.

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Drawing number 008 T2: Proposed Site Drainage and Flooding Extent 1 in 100 + CC Storms

16. In response to the details submitted the Environment Agency have indicated they are satisfied that the level of information provided is sufficient for the condition to be formally discharged provided the County Council’s Flood Risk Team are satisfied with the design of the system. The Flood Risk Team has since confirmed that they are content that the proposed surface water drainage scheme will be satisfactory if the system is sized and functions as proposed. They have also stated that KCC’s formal Land Drainage Consent will be required for any outfall or similar potential obstruction to the flow in the receiving watercourse. The Flood Risk Team have therefore asked that they should be contacted by the applicant to discuss this matter. Should Members be minded to approve these details my intention would therefore be to add this requirement as an informative on the formal decision. Having regard to these consultee comments I consider that the details submitted in respect of proposed surface water drainage are sufficient to satisfy the requirements of condition 12 and would therefore recommend they be formally approved.

(ii) Site Contamination and remediation Works (conditions 14-17)

17. The original planning application was accompanied by a Preliminary Contamination Assessment and Generic Risk Assessment upon which the Environment Agency (EA) were formally consulted. The EA accepted that both reports had been written in accordance with the relevant guidance and raised no objection to the development

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subject to the imposition of a number of planning conditions requiring the submission and approval of further details. In summary the details required by those conditions cover the following matters:

- A preliminary risk assessment to identify all previous uses, and potential contaminants;
 - A site investigation scheme;
 - Site investigation results
 - Verification report – demonstrating completion of the works set out in the approved remediation strategy
 - Reports on monitoring, maintenance and any contingency action; and
 - A requirement to submit an amended remediation strategy should any contamination not previously identified on site be found to be present during the development.
18. The applicant submitted a remediation validation report and remediation strategy report as required in late 2013, however at that stage the EA then requested that further information be provided to address the issue of active pollutant linkages to controlled waters and in this respect advised there was therefore a need for the applicant to carry out further detailed site investigation and risk assessment work for submission and their consideration prior to the discharge of these conditions. The EA set out the specific issues needing to be addressed which included identifying the source of contamination which had previously been found present at the site together with options for remediation. As a means of obtaining this information the installation of additional trial pits across the whole site was recommended from which soil samples could then be taken at various depths in order to establish the specific source of contamination. The provision of further groundwater monitoring data in respect of groundwater levels and quality along with calculations of the hydraulic gradient was also required in order to assess the potential risk to offsite sensitive receptors.
19. The additional information requested by the EA was subsequently set out in a supplementary Remediation Validation Report as an update to the original submission. Following the installation of a series of trial pits across the whole site the source of contamination previously detected was identified as being associated with underground fuel distribution pipes located in the vicinity of where the underground fuel tanks associated with the previous uses at the site had been located. The contaminated soils were subsequently removed in order to avoid the risk of pollution to groundwater and also to offsite receptors. Further borehole information also helped established groundwater levels and water quality across the site with provision made for ongoing groundwater monitoring both during site construction and thereafter during the operational life of the site. This is in order to reflect any trends in the data and to assess the need for any further remediation works should these be considered necessary in the event that these show any increase in pollutants above acceptable levels. Upon the receipt of this additional information the EA have raised no objection to the site contamination and remediation works conditions being discharged. Accordingly I would recommend that the details submitted pursuant to conditions 14 – 17 of the permission be formally approved.

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(iii) Proposed Landscaping scheme (condition 34)

20. When granting permission to the original planning application Members supported amongst others the imposition of a condition to secure the prior approval of additional planting and screening measures along with ongoing maintenance.
21. The applicant has submitted further landscaping details which, whilst based on the principles of those submitted in support of the original application also now take into account the approved site layout and detailed access improvements along with the need to accommodate the proposed surface water drainage works. The details are shown on drawing number KDP/13 rev H below.
22. Having regard to the comments of the County Council's own landscape advisor who is supportive of the details submitted I am satisfied that the applicant has provided the necessary details to demonstrate that the development would not result in any adverse impact on the landscape and that previous matters of inconsistency with other schemes have been fully addressed. I would therefore recommend formal approval of the landscaping details submitted as satisfying the requirements of condition 34.

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b) Section 73 planning application to vary condition 10 of planning permission SH/08/124

Badgers

23. At the time of the original planning application the findings of a survey identified a seven entranced badger sett (the main sett) in the south east corner of the site together with a second less significant outlying sett located on the southern site boundary. These are shown on Figure 1 below.

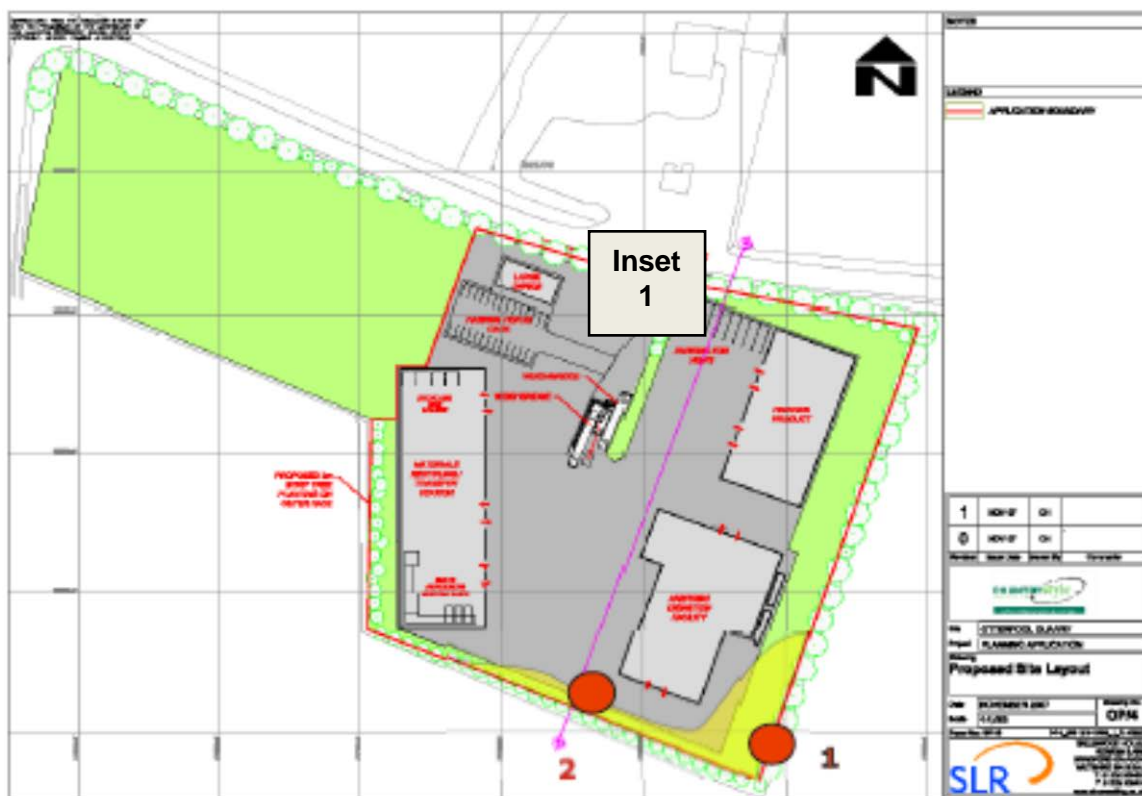


FIGURE 1: SETT LOCATION AND SURVEY AREA. The two setts are shown as red circles and are numbered. The yellow shaded area shows the approximate extent of the main areas of badger activity on the site.

24. Whilst the survey considered that the site itself was unlikely to be important for badgers, the Applicant having regard to the 1992 Protection of Badgers Act (The 1992 Act) which protects badgers from disturbance or destruction, proposed mitigation measures to be employed at the site and these were subsequently secured by way of condition 10 of the planning permission. Condition 10 states:

‘Prior to any construction activities commencing on the site the badger mitigation measures, at both the construction stage and post construction, shall be carried out in accordance with those recommendations set out in the Martin Newcombe report (dated 6 March 2010) and SLR’s letter dated 10 November 2010 which, amongst other

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matters, limits construction activities to outside the period of January to June (inclusive) in order to avoid the period in which badgers rear their young ’

25. The measures and recommendations stipulated under condition 10 met the requirements of both Natural England and the County Council's own Ecologist and sought to ensure that badgers are properly safeguarded during both site construction and the operational stages of the development. These measures include amongst others a 30m standoff, non-vibrating piling techniques, a limit on the construction activities to outside the period of January to June (inclusive) and unimpeded access to the site from scavenging badgers.
26. At the time of reporting details to the March 2014 committee meeting, Members raised concerns over what appeared to them to be inconsistencies between the approved drawings specified in the permission relating to site layout and detailed design of the site access compared with how they were then taken into account in the proposed landscaping details. Members were therefore keen to ensure that before any decision was taken on the proposed landscaping details these should not only align with the approved site layout and access details but should also be considered in conjunction with the outstanding drainage and site remediation details which were at that stage yet to be formally submitted for approval. Such concerns also raised doubts over whether when ultimately approving these details they would then potentially compromise measures proposed to protect the interests of badgers.
27. Since the time of the original planning application the project has further evolved and has been refined to address matters raised by consultees. This has resulted in changes to the proposed site drainage and landscape schemes which as mentioned above has led to queries as to whether the previously agreed badger mitigation measures could still be implemented as approved. The Applicant has subsequently sought further advice from a professional wildlife and countryside consultant, who has since returned to the site firstly in August 2014 and more recently in September 2015 in order to reassess the badger situation and consider whether the original mitigation measures need to be amended. As a result, a number of new mitigation measures have been proposed alongside some of the measures set out in the original application which now requires a formal variation to condition 10.
28. Following the applicant's consultant's reassessment of the measures required to mitigate any adverse impacts on badgers in the light of the latest surface water drainage and landscaping details, he has reached the following conclusions;
 - The site drainage and landscape details provide for a sufficient standoff distance between Sett 1 and its underground tunnels for the sett to be retained. Whilst the bulk of the used entrances of the sett are located on the eastwards facing slope that forms the eastern edge of the site which means that its underground tunnels are well away from any works, as a precautionary measure it is recommended that a licence be obtained under the 1992 Act which makes provision for such works to be carried out under the supervision of a suitably qualified badger expert. *(N.B. no licence will be approved unless the applicant is able to show that all aspects of the work have been considered so the licenced work can take*

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place at the point of the year (July to November inclusive) when the badgers are least vulnerable).

- Sett 2 will be lost as a result of the needs for site drainage and will be closed with the benefit of a licence under the 1992 Act. The loss of sett 2 will not be significant provided that sett 1 remains as undisturbed as possible.
 - The approved site security fence will not present a problem to badgers attempting to move through it to access the site. The landscaping plan shows the location of the security fence and it is clear that there is a sufficient standoff between Sett 1 and the foraging area and the location of the fence.
29. In the light of his conclusions a number of new badger mitigation measures are proposed as set out in a letter from Martin Newcombe dated 18 August 2014. These are as follows;
1. Retain Sett 1 without disturbance and protect it by Heras fencing whilst works are proceeding until such time as a permanent security fence for the site has been installed;
 2. No landscape or vegetation management measures to be implemented around Sett 1 (The landscape plan suggest some native hedge planting along the southern boundary of the site but no landscaping measures immediately around the sett);
 3. All earthworks and drainage works in proximity to Sett 1 to be carried out under licence;
 4. Sett 2 to be closed under licence;
 5. All personnel on site to be briefed about the presence of the badger setts, particularly Sett 1 as part of site induction;
 6. The mitigation measures set out in SLRs letter of 10 November 2010 continue to be observed.
30. Accordingly this Section 73 Application seeks to amend condition 10 to read as follows;
- ‘Prior to any construction activities commencing on site the badger mitigation measures, at both the construction stage and post construction, shall be carried out in accordance with those recommendations set out in the Martin Newcombe’s letter dated 18th August 2014 and SLR’s letter dated 10th November 2010, which amongst other matters, limits construction activities to outside the period of January to June (inclusive) in order to avoid the period in which badgers rear their young’.*

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Consultations

31. A summary of consultee responses is set out as follows:

Shepway District Council: No objection is raised.

Sellindge Parish Council: The Parish Council concur with the Applicants badger expert and highlight the importance of works being carried out during the appropriate times of the year to avoid disturbance to badgers whilst rearing their young.

Environment Agency: No objections are raised in relation to discharging conditions 12 (surface water drainage) or 14-17 (site remediation and contamination measures) of planning permission SH/08/124.

The EA have no comments to make in relation to the landscaping details or variation of badger mitigation measures.

Landscape Officer: No comments to make.

Biodiversity Officer: No comments to make.

Natural England: No response received.

Southern Water: No comments to make.

CPRE: Two separate letters have been received from CPRE (Protect Kent).

Details

In CPRE's letter dated 11 April 2014, they initially raised objections to the discharge of conditions 12 (drainage) and 14 and 15 (contamination) on the grounds that inconsistencies remained in relation to this project. In summary concerns were also raised as follows:

- A less than thorough investigation into the potential sources and nature of contamination;
- Lack of clarity on the approach to infiltration of surface water into the ground; and
- Lack of proper consideration of the potentially large quantity of groundwater implied by water levels measured in boreholes across the site.
- They further consider that inconsistencies between the master plan layout, the agreed wildlife strategy, and the landscaping layout remain.

Section 73 application

In their letter dated 29 April 2015, In relation to the planning application to vary condition 10 of planning permission SH/08/124, which relates to badger mitigation measures, no objection is raised however the CPRE have raised some concern that the badger survey submitted with the original planning application may be outdated and subsequently they consider it probable that the badger population may have changed. They recommend that a site-wide survey be carried out to bring the data up to date.

SH/08/124/R12, 14-17 & 34 & section 73 application (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge, Ashford

Sellindge and District Residents Association: Concerns were initially raised over the submitted landscape scheme. Whilst the County Council's landscape officer raised no objection to the scheme at the time of reporting to the March 2014 Planning Applications Committee, Members requested that details of the landscape scheme be deferred to enable it to be considered in conjunction with the drainage and site remediation details to ensure matters of inconsistencies are addressed alongside other outstanding matters be reported back to the Committee. No further comments have since been received in relation to the landscape scheme and no comments have been received in relation to the request to vary condition (10) of permission SH/08/124 which relates to badger mitigation.

Local Member

32. The Local County Member, Susan Carey was notified that details submitted in relation to condition (12), (14-17) and (34) had been received on 6 August 2013, 10 October 2013, 6 February 2014, 20 March 2014 and 27 March 2015 along with formal notification of the submission of a section 73 application (variation of badger mitigation) on 27 March 2015. No formal comments have been received to date.

Representations

33. Two letters of representation have been received from a local residents, one of whom was representative from the campaign committee set up to oppose the original planning application which questions the validity of the badger surveys given the significant time delay between surveys. The second letter raised matters principally relating to the permitted use already granted by Members.

Conclusion

34. I would reiterate that notwithstanding continued local opposition to this development the decision already taken by Members in March 2011 has established the principle that the development proposed represented an accepted use of the site in land use planning terms. Having considered the details submitted in respect of proposed surface water drainage, site contamination and remediation works along with landscaping details, which take into account consultee comments, I am satisfied that when considered together, the details submitted are sufficient to satisfy the requirements of conditions (12), (14)-(17) and (34) and would therefore recommend they be formally approved.
35. With regard to the s73 application, which seeks to revise the approved badger mitigation measures proposed on site (both at the construction and operational stage of the development), in response to the need to address matters of minor inconsistencies to ensure the drawings and details properly align with the approved site layout, the Applicant has undertaken to ensure their interest will continue to be safeguarded. In response to comments received from Protect Kent (CPRE) and the local resident, which relate to the need for updated badger surveys, the Applicants'

SH/08/124/R12, 14-17 & 34 & section 73 application (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge, Ashford

professional wildlife and countryside consultant accepts that the original badger report was outdated given the time lapse between the original application and now. He has since revisited the site in order to reassess the current badger situation and any mitigation measures considered necessary. Those measures, as set out in para 29 above, have been the subject of further consultation with key consultees. The County Council's Biodiversity Officer has raised no objection and no further comments have been received from Protect Kent in relation to this matter. I am therefore satisfied that the wording of condition (10) be amended accordingly (see para 30 above) and that formal permission be granted. I would also recommend an informative to be included on any planning consent which advises the Applicant of the need to obtain a licence under the Protection of Badgers Act 1992 as required.

36. In planning policy terms therefore, as already mentioned in paragraph 7 above, when Members determined the original application they considered, having regard to government guidance together with relevant development plan policies and taking account of consultee comments, that the development represented an acceptable use of the site. Having now considered the details, which have subsequently been submitted pursuant to conditions imposed on the planning permission, I remain satisfied that they continue to ensure the proposal represents an acceptable use of the site and would prevent any adverse effects on site drainage, land contamination, landscaping and ecology. Accordingly I consider the proposals represent a sustainable form of development and are consistent with relevant development plan policies and government policy as set out in the National Planning Policy Framework.

Recommendation

37. I RECOMMEND that:

- A) APPROVAL BE GIVEN to the details submitted pursuant to conditions (12) (14-17) and (34) of planning permission SH/08/124, and
- B) PERMISSION BE GRANTED under permission reference KCC/SH/0095/2015 to amend the wording of Condition 10 of planning permission SH/08/124 to read as follows:

“Prior to any construction activities commencing on site the badger mitigation measures, at both the construction stage and post construction, shall be carried out in accordance with those recommendations set out in the Martin Newcombe’s letter dated 18th August 2014 and SLR’s letter dated 10th November 2010, which amongst other matters, limits construction activities to outside the period of January to June (inclusive) in order to avoid the period in which badgers rear their young”.

Case Officer: Angela Watts	Tel. no. 03000 413476
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Background Documents: see section heading.
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APPENDIX A

Summary of the proposal as granted under SH/08/124

SH/08/124/R12, 14-17 & 34 & section 73 application (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge, Ashford

Planning Permission SH/08/124

At the meeting of the Planning Applications Committee held in March 2011, Members resolved to grant planning permission (under reference SH/08/124) for the construction and operation of a Materials Recycling Facility, Anaerobic Digestion Plant along with associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge. A summary of what was permitted is provided below:

Summary

The site, once operational, would deal primarily with a total of 95,000 tonnes per year of commercial and industrial waste derived from the East Kent area (i.e. Ashford, Dover and Shepway). The general site arrangements proposed are shown below.



Approved Site Layout - Drawing OP/4

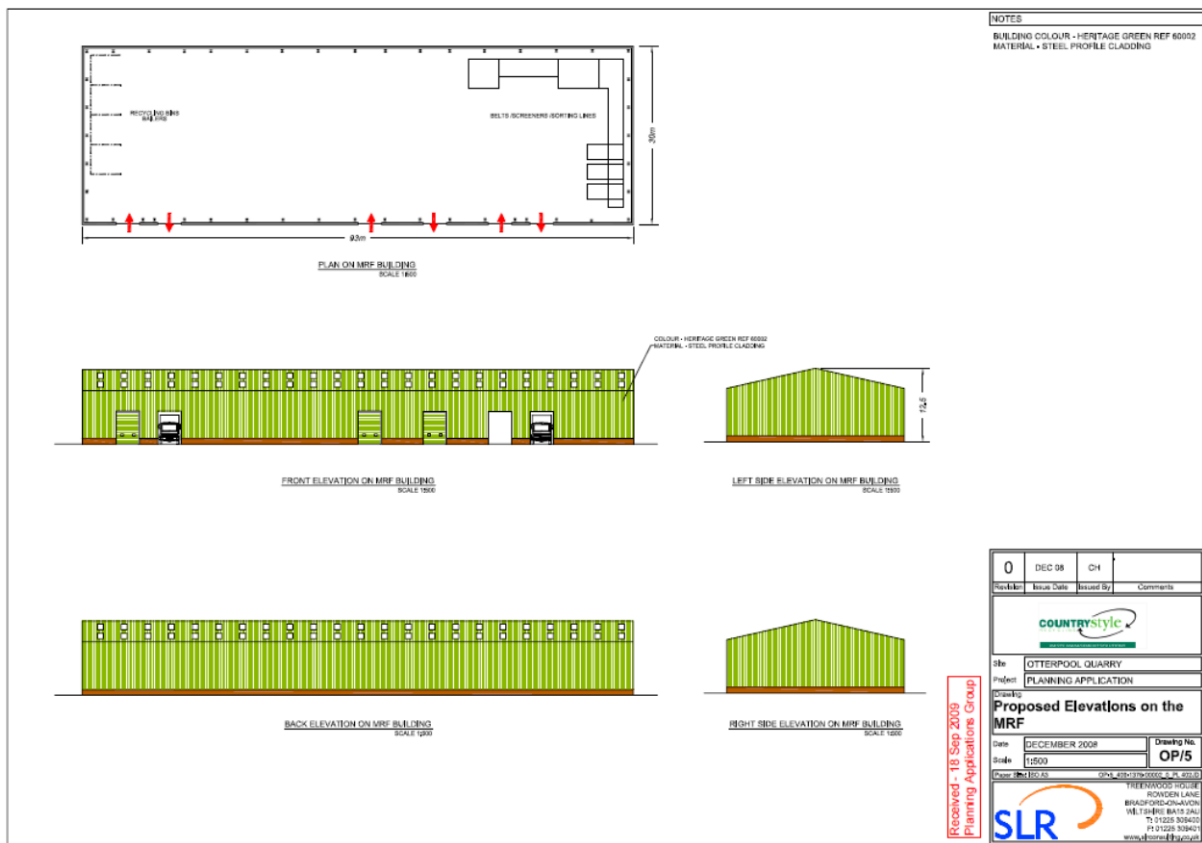
As part of the works, the southern section of the site would be excavated, removing up to 5m of previously made ground. This includes the land in which perched water was identified.

The application was accompanied by an Environmental Statement which covered amongst other matters sections on, surface and foul drainage, impacts on groundwater, visual impact, contamination, transport, air quality, noise, flood risk, ecology, traffic and biodiversity.

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Materials Recycling Facility (MRF)

The MRF would deal with the recovery and treatment of 75,000 tonnes per annum of ‘co-mingled recyclable materials’ being, cardboard, paper, mixed plastics, mixed glass, wood, ferrous and non-ferrous metals, C&D waste, fines and non recoverable waste. Waste would be generated from commercial and industrial waste producers arising from the business sector including trade and commercial business sources. Waste would be processed within a dedicated building measuring 93m by 30m and 12.5m in height which would contain within it a dedicated area at the northern end for recycling bins and to the southern end belts screening and sorting lines (see below). All waste would be handled within the fully enclosed building via a waste reception and processing area. Any external storage of material recovered from the recycling process would be limited to items such as baled metals.



Approved MRF Elevations - Drawing OP/5

Process

Incoming vehicles would be weighed at the weighbridge and directed to the MRF building where the vehicles would be received by a MRF supervisor. Vehicles would enter the building and tip once the shutter doors have been closed. Material would be tipped in the tipping hall and unwanted large items would be removed manually. Single product streams that only require baling would be placed adjacent to the in-floor conveyor for processing when the space would occur for feeding into the system prior to the baling press. The remaining combined waste would then be processed by a combination of automated and physical selection processes that would, in the applicant’s view, deliver high quality recovered materials for delivery into an appropriate re-processor facility, or in the event of C

SH/08/124/R12, 14-17 & 34 & section 73 application (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge, Ashford

& D and fines waste, forwarded to an aggregate recycling facility in Kent. The principle elements would consist of a trommel screen to take out over size materials, then various conveyor systems through to an elevated picking station which would then take out defined product types and deposit them into separate containers. Ferrous and non-ferrous metals and certain plastics would be selected by using air and magnetic separation equipment. These materials would then be emptied into the baling press conveyor for final baling.

Non-recoverable waste would be forwarded to a suitably licensed disposal facility. All card/paper materials, mixed plastics and ferrous/non-ferrous metals would be baled and forwarded to re-processors in 20 ton payloads in order to reduce outgoing traffic movements. Given the nature of baled materials, all card/paper and mixed plastic bales would be stored within the building in order to prevent any wind-blown litter escaping from the building. Shutter doors would be operated in order to maintain good housekeeping on site and in order to manage any other environmental impacts including odour, dust and noise.

Anaerobic Digestion (AD) Plant

The proposed AD plant would accept kitchen and garden waste. The dedicated building would consist of a waste reception hall and feedstock preparation area which would be contained within an enclosed building some 60m by 47m and at 12.5m in height. A single digestion tank and gas utilisation plant is also proposed alongside an enclosed maturation area which would store saleable product derived from the AD plant. Incoming waste would be deposited in the waste reception hall before being moved to the feedstock preparation area whereby the waste would be turned into a slurry. The slurry would then be passed to the single digestion tank where it would be turned into biogas and compost. The biogas would then go to the gas plant where it could then be used to generate some 0.2Megawatts of electricity internally (i.e. to provide power required for associated infrastructure on site) and approximately a further 0.5Megawatts to be sold into the Grid. The compost would be sold on as a soil conditioner. It is proposed that the AD plant would handle some 20,000 tonnes of kitchen and garden waste per annum using a KOMPOGAS installation (which is illustrated in more detail below).

Process

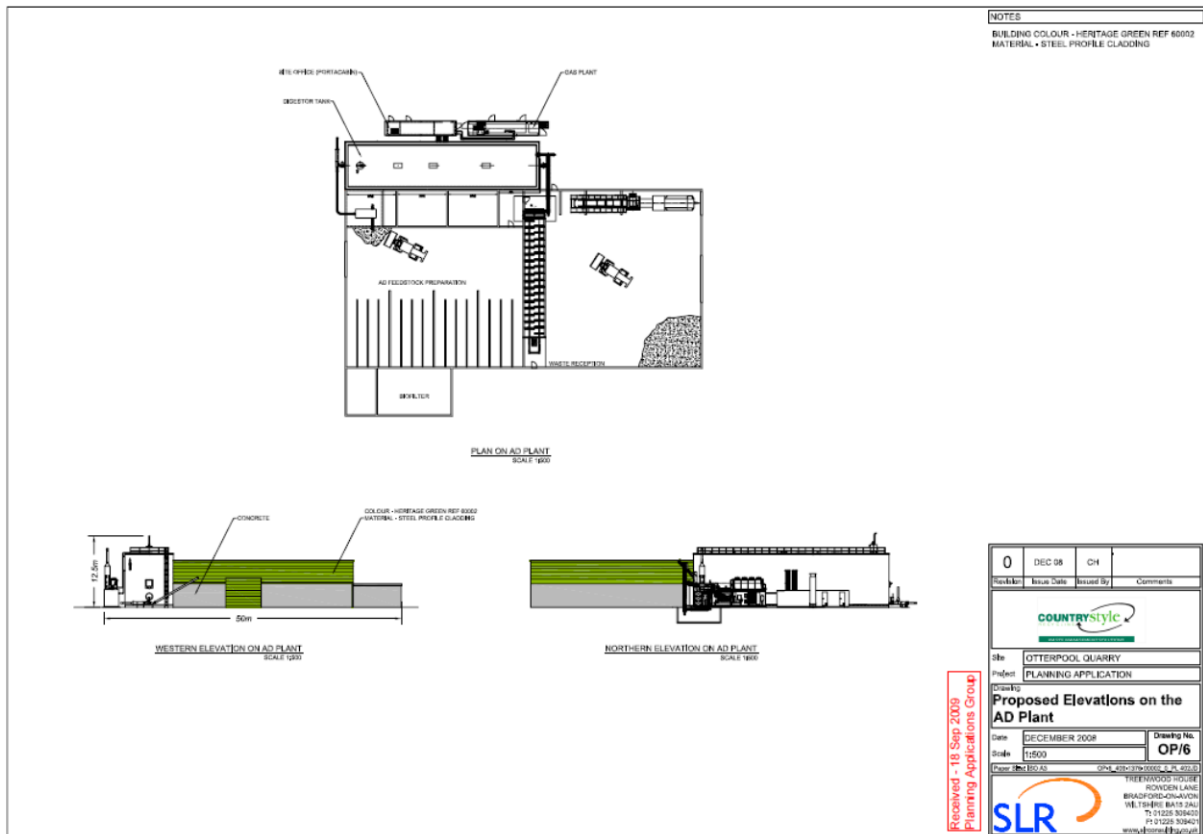
The AD plant would handle kitchen and garden waste separately from the proposed MRF process. Vehicles would enter the AD building and would tip after the reception hall doors are closed behind them. Once tipped the material would be shredded and screened before being transported into the digester feed hopper. Organic material from the feed hopper would be pumped to the fermenter within a fully automatic system. Digestion of waste would take place in the fully sealed and insulated tank. Bacteria use organic material as their food source thereby removing those components with the potential to generate unpleasant odour and releasing biogas. Biogas would be collected from the digester and used in a gas engine for power production.

The applicant states that the fermentation residue would be dewatered into a cake and liquid phase. The liquid phase would be partially recycled and any surplus liquid stored in covered tanks and used as liquid fertiliser. The digestate cake would be laid out in composting rows

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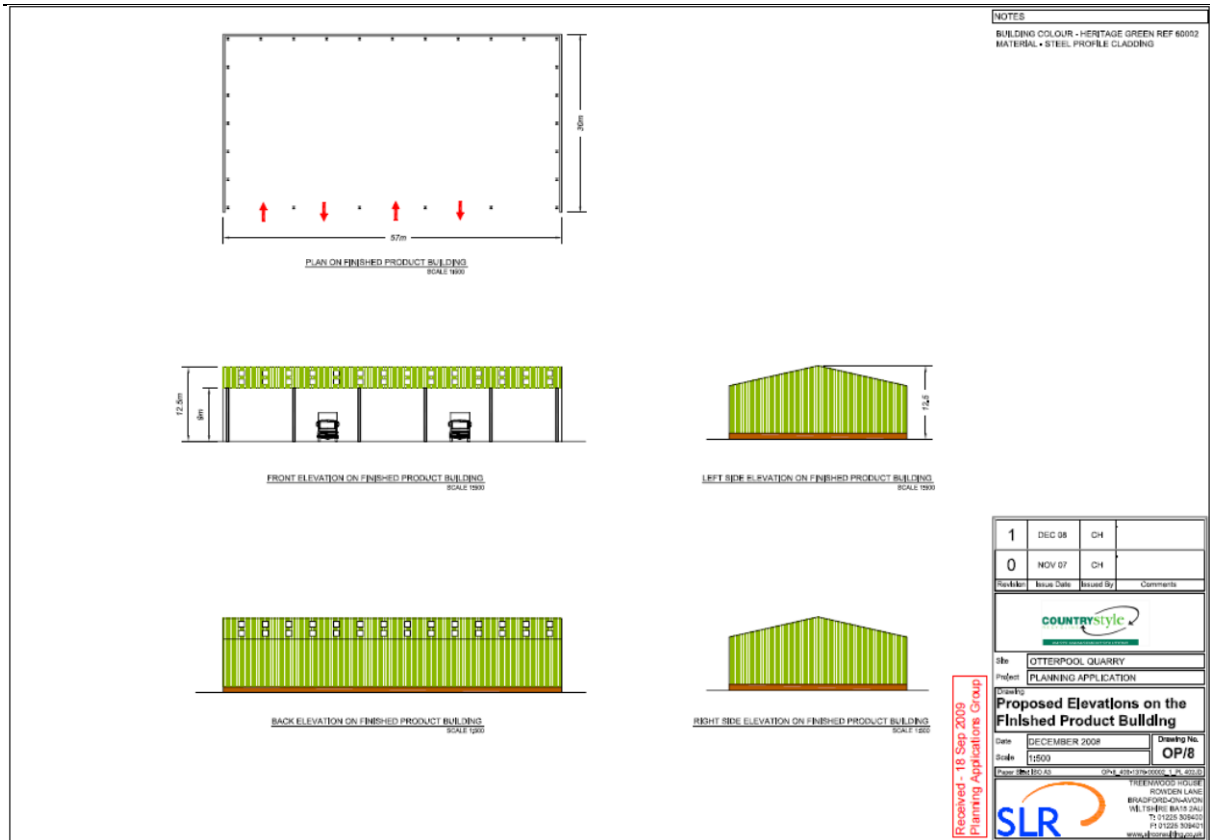
within the enclosed building where active aeration would start a conventional composting process and lead to further stabilisation of remaining organic material. Following aeration of the digestion cake, the compost bacteria level should be low and would then be transported for further maturation in the maturation hall before being relocated to the enclosed maturation area/finished product building.

Given the AD plant is a fully enclosed treatment facility a ventilation system would be required to manage any odour, operator health and safety, dust and particulate emissions. All air from the reception hall would be diverted to a biofilter system.

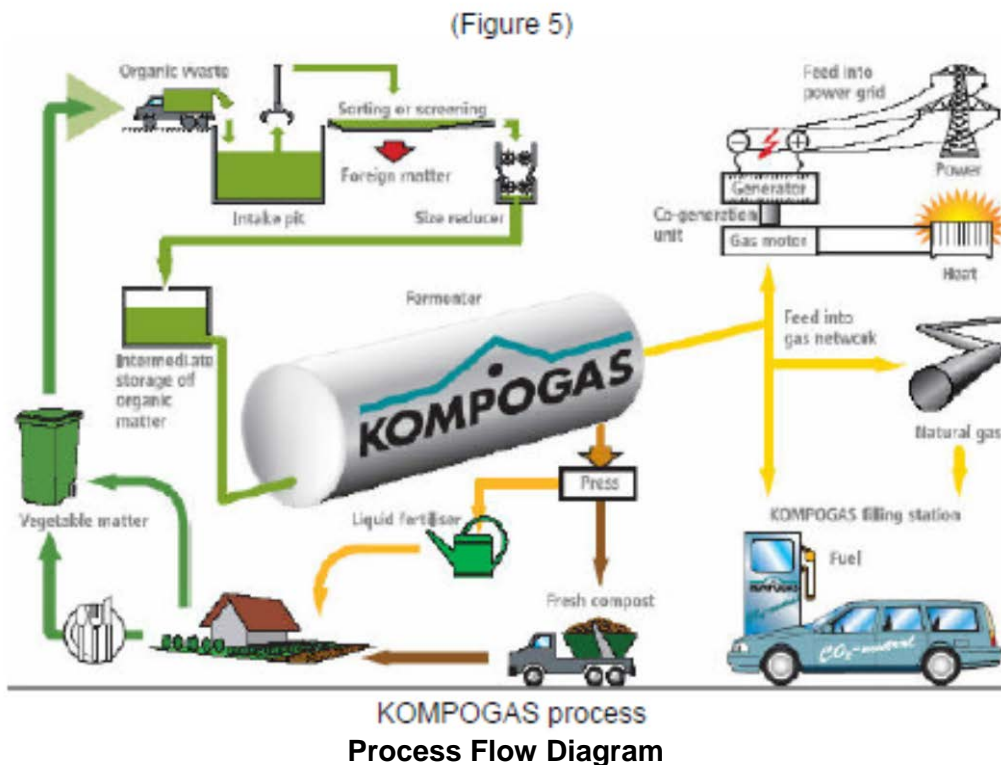


Approved AD Plant Elevations - Drawing OP/6

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Approved Finished Product Building Elevations - Drawing OP/8



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Hours of Operation

Whilst the applicant proposes hours of operation and waste deliveries to the to the MRF and AD Plant, to be between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays (with no working on Saturday afternoons, Sundays or Public Holidays), the AD process plant by its very nature would be operational on a 24 hour basis.

HGV Movements & Access Arrangements

The applicant estimates there would be an average of 152 daily vehicle movements to and from the site with a maximum of 168 during times of peak demand, equating to around 16 movements per hour.

Of the 152 movements proposed the applicant anticipates that 128 of those would be attributed to the MRF and 24 with the AD plant operations. In order to discourage vehicles travelling along the A20 through Sellindge Village vehicles would be encouraged to use what the applicant considers to be the most direct route from the application site via the A20 towards Junction 11 of the M20. In order to facilitate this, the applicant proposes to upgrade the existing access with the intention of encouraging vehicles exiting the site to turn right. Having considered the need to avoid vehicles queuing along the A20 to access the site, the applicant proposes to install separate weighbridge facilities for both incoming and outgoing HGV's which would be set back from the junction bellmouth by some 50m which in the applicants view would sufficiently accommodate queuing vehicles having regard for the proposed capacity of 16 vehicle movements per hour. Vehicle numbers proposed at the construction stage would be some 50 movements (i.e. 25in/25 out).

The planning permission (ref SH/08/124) includes 37 planning conditions covering, amongst other matters waste throughputs; daily vehicle movements; a prohibition on left turning for vehicles exiting the site; the prevention of vehicles queuing on the public highway; contamination risk assessment details; badger mitigation (construction stage and post construction); weighbridge details; access arrangements; access gates and fencing details; signage; code of construction practice; landscaping details; operating hours; noise controls; notification of commencement; a dust and odour Management Plan; and an electricity generation strategy. An informative was requested to be included within the decision setting out the Committee's view that the buildings should be sunk as low into the ground as possible in order to reduce the visual impact of the development.

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APPENDIX B

Extract taken from the Agreed Minutes of the Planning Applications Committee
Meeting - March 2014

SH/08/124/R12, 14-17 & 34 & section 73 application (KCC/SH/0095/2015) – Otterpool Quarry, Ashford Road, Sellindge, Ashford

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, 12 March 2014.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M Baldock, Mr M A C Balfour, Mrs P Brivio, Mr L Burgess (Substitute for Mr A Terry), Mr I S Chittenden, Mr T Gates, Mr M Heale, Mr P M Harman, Mr P J Homewood, Mr T A Maddison, Mr R J Parry, Mr T L Shonk, Mr C Simkins and Mr J N Wedgbury

ALSO PRESENT: Miss S J Carey

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr J Crossley (Principal Planning Officer - County Council Development), Mr J Hammond (Strategic Transport and Development Planner), Ms R Childs (Landscape Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

13. Minutes - 12 February 2014
(Item A3)

RESOLVED that the Minutes of the meeting held on 12 February 2014 are correctly recorded and that they be signed by the Chairman.

14. Site Meetings and Other Meetings
(Item A4)

The Committee agreed that the site visit to Tunstall School on 25 March 2014 would now be supplemented by a Local Meeting on 9 April 2014.

15. Application SH/08/124/R7 and 34 - Details pursuant to Conditions 7 (weighbridge and office facilities) and 34 (landscaping) of Permission SH/08/124 at Otterpool Quarry, Ashford Road, Sellindge; Countrystyle Recycling Ltd
(Item C1)

(1) Mr G Horner (CPRE) and Mr R Edden (Sellindge and District Residents Association) addressed the Committee in opposition to the application. Mr S Butler- Gaille (Countrystyle Recycling) spoke in reply on behalf of the applicants.

(2) Miss S J Carey was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(3) The Head of Planning Applications Group reported correspondence from a local resident objecting to the application.

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(4) Mr J N Wedgbury moved, seconded by Mr M Baldock that the recommendation of the Head of Planning Applications Group be agreed in respect of Condition 7 (weighbridge and weighbridge office details) but that consideration of Condition 34 (landscaping) be deferred to enable it to be considered in conjunction with the drainage details in Condition 12 and the site remedial details in Conditions 14 to 17, and that recommendation (b) be deleted.

Carried by 15 votes to 1

(5) Pursuant to Committee Procedure 2.26 (5), the votes cast in respect of the motion set out in (4) above were recorded as follows:-

FOR: Mr J A Davies, M A C Balfour, Mr M Baldock, Mr L Burgess, Mrs P Brivio, Mr I S Chittenden, Mr T Gates, Mr P M Harman, Mr M Heale, Mr P J Homewood, Mr T A Maddison, Mr R J Parry, Mr T L Shonk, Mr C Simkins and Mr J N Wedgbury (15).

AGAINST: Mr C P Smith (1).

(6) RESOLVED that:-

(a) approval be given to the weighbridge and weighbridge office details submitted pursuant to Condition 7; and

(b) consideration of Condition 34 (landscaping) be deferred to enable it to be considered in conjunction with the drainage details in Conditions 12 and the site remedial details in Conditions 14 to 17.

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

A report by Head of Planning Applications Group to Planning Applications Committee on 20th January 2016.

Application by Kent County Council Property and Infrastructure for the construction of a two storey extension to provide 9 new classrooms (including a reception classroom and two SEN rooms), plant room, storage and toilet facilities, and canopies linking the extension to the existing school, relocated pedestrian access from St George's Avenue, reconfigured car park, two new MUGA's and a new nursery play area at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

Recommendation: Permission be granted subject to conditions.

Local Member: Ms A Harrison

Classification: Unrestricted

Site Description

1. West Minster Primary School is located in Sheerness on the Isle of Sheppey and lies to the south-west of the town centre. The school is a federation school twinned with Rose Street Primary. The school occupies a corner plot, on the north-western side of St George's Avenue and the south-western side of Bridgewater Road. The surrounding area is predominantly two storey residential housing, but with some three storey flats in Davie Close opposite. To the north and north-west of the school runs 'The Fleet' water course and on the other side of the water there are industrial units which are accessed from New Road. A pedestrian footpath runs along the north-eastern boundary of the school grounds (from Bridgewater Road), where it joins with the footpath running along the waters edge. Both of these are Public Rights of Way.
2. The original school is a 1950's building which was set around a courtyard. The school was extended in the 1970's, again in 1995 with 3 further classrooms, and a four classroom block was added in 2013. Last year permission was given to infill the original courtyard to extend the school hall. The recent planning history is set out overleaf.
3. Given the various extensions, the school has a mixture of designs, with the original building being a flat roof single storey structure, of brickwork with blue infill panels. The 1995 extension has brick and blockwork walls and a pitched tiled roof, and the 2013 Bayford Wing is a steel frame with a mixture of timber, aluminium cladding and rendered blockwork. There are also two temporary modular buildings on site which face towards St George's Avenue, which have blue cladding and yellow detailing to the roof. One is used for the administration staff for the Sheerness West School Federation and the other by the primary school for additional space.

New two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

4. Vehicular access to the school is off Bridgewater Road, along with a separate pedestrian gate and a second pedestrian access is provided from St George's Avenue. The on-site car park is for staff only and currently provides 42 spaces. Cycle and scooter racks are also located in this area facing towards St George's Avenue.

Background

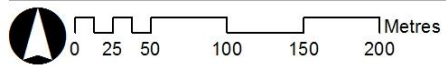
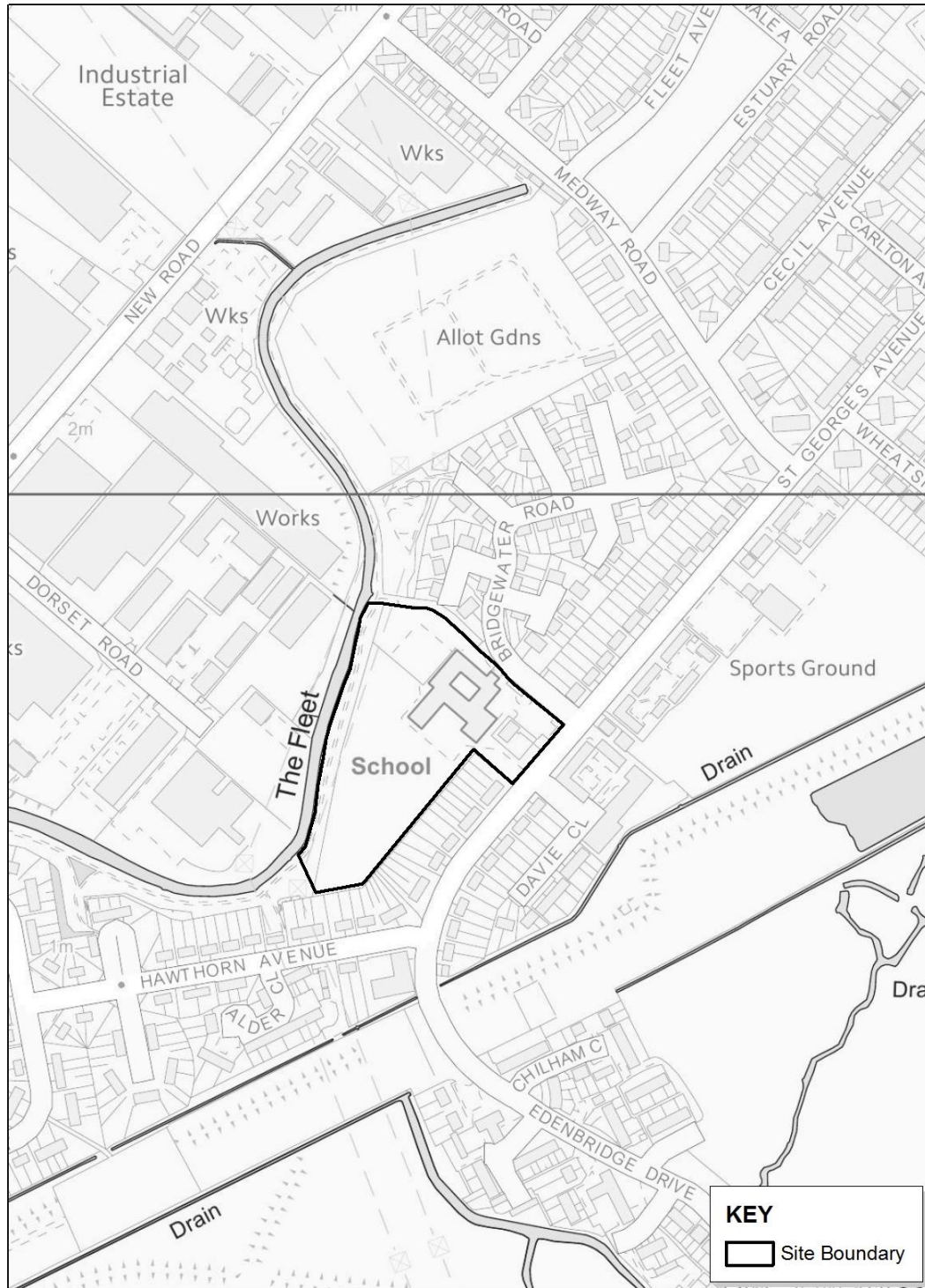
5. In support of the planning application an Education Planning Statement has been submitted which sets out the need for additional primary school places in the Swale district. Primary school rolls in this district are expected to rise from the current 12,159 pupils to an expected 13,256 pupils in 2018/2019. This increase is due to both a rise in the birth rate and the inward migration of families, and the current lack of primary school places means that schools in Sheerness and across the Isle of Sheppey have to operate with some classes of more than 30 pupils.
6. In August 2015 it was agreed to permanently expand West Minster Primary School to a 3FE school and add a 15 place specialist resource base provision (SRBP) for children with speech, language and communication needs, subject to planning consideration and being able to provide sufficient accommodation.

Recent Site History

SW/14/505581	Proposed infilling of existing courtyard to enlarge school hall.	Approved 17/12/2014
SW/11/1351	Alterations and extensions to existing classroom to form staff room.	Approved 16/12/2011
SW/10/705	Proposed main school extension consisting of classroom block and small hall, and extension to hard play area.	Approved 06/12/2010
SW/09/1229	Modular building for administration facility within the school.	Approved 14/01/2010

New two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

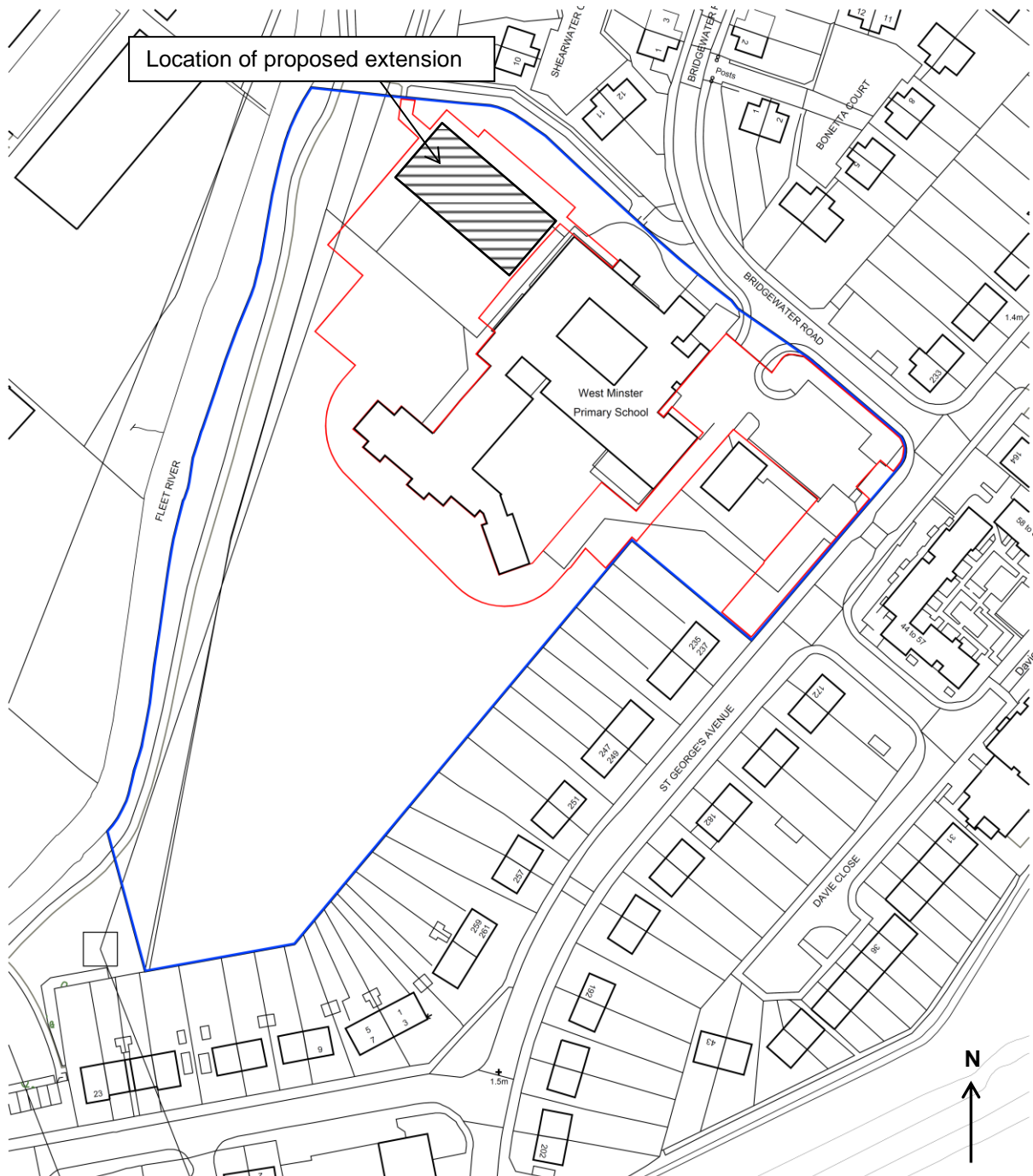
General Location Plan



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New two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness - 15/509370/COUNTY (KCC/SW/0365/2015)

Site Location Plan



New two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

Proposed 3D View



New two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

Proposal

7. The application seeks approval for a two storey extension which would be located to the north-west of the original school, and sited parallel to the footpath which runs between Bridgewater Road and The Fleet water course. The extension would provide 6 new classrooms at ground floor level and a further three at first floor. The extensions would provide the necessary accommodation to allow the school to expand from a 2 Form Entry school to a 3 Form Entry school, with 630 pupils and 66 members of staff (an increase from the current 54 staff).
8. The design has a central element which is two storeys in height with classrooms on one side of the corridor, and toilets, storage and a lift on the other – the first floor layout being a replica of the ground floor layout. A staircase would be provided at either end of this two storey element. Single storey additions would then be provided at either end to provide the additional three classrooms and the plant room.
9. The extension is proposed to be used for one reception classroom, and three year 5 classes at ground floor level, plus the two SEN rooms in the single storey element; and three year 6 classes would be located on the first floor. A link canopy would be provided to allow a covered link between the new extension and the existing school.
10. The proposed building would be clad in white render panels at ground floor level set on a dark grey plinth, and have timber cladding to the first floor, with a flat roof of single ply membrane. The doors and windows would be double glazed with a mid-grey powder coated finish. The window reveals would be highlighted in blue.
11. To replace the area of hardstanding lost through the location of the extension it is proposed to create two new MUGA's which would be sited between the new extension and the Bayford wing, and which would provide flexible outdoor PE space.
12. It is proposed to reorganise and expand the existing car park. The vehicular access into the site would remain from Bridgewater Road, but the existing cycle and scooter parking would be moved to in front of the administration block, and the pedestrian access from St George's Avenue moved along the frontage to this area, to allow the car parking to be extended into the area in front of the Intervention Centre. This reorganisation would create an additional 10 parking spaces, taking the total on site to 52 (which would include 4 disabled bays).
13. The relocation of the cycle racks would require the removal of a small group of trees that are currently located in front of the administration block, but the remainder of the trees on site would be retained and protected during construction. Access for emergency vehicles would be provided round the south of the Bayford Wing allowing a route through to the new extension. The existing playing field to the south of the Bayford Wing would not be affected.

New two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

Planning Policy

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

- (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance** (March 2014), sets 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).

In determining applications the NPPF states that 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:

- 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;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- The great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools (paragraph 72).

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

- (iii) **Swale Borough Local Plan (saved policies) 2008** constitutes the current adopted development plan for the Borough and the relevant policies can be summarised as follows:

Policy SP1 Sustainable Development: Proposals should accord with principles of sustainable development that increase local self-sufficiency, satisfy human needs, and provide a robust, adaptable and enhanced environment.

Policy SP2 Environment: Development should avoid adverse environmental impact, and where development needs are greater, adverse impacts should be minimised and mitigated.

New two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

- Policy SH1 Settlement Hierarchy:** Defines 6 categories of settlement and sets out the scale of development that would be supported within them. The countryside areas are defined as “all remaining settlements for which built-up area boundaries have not been defined”. These areas are only considered suitable for development in exceptional circumstances as indicated by saved Policy E6.
- Policy TG1 Thames Gateway Planning Area:** Recognises the position of the proposed development within the Thames Gateway Planning Area.
- Policy E1 General Development Criteria:** Proposals should cause no demonstrable harm to residential amenity and other sensitive uses or areas; reflect positively characteristics and features of the site surroundings; and protect and enhance the natural and built environments.
- Policy E10 Trees and Hedges:** Seeks to retain trees and hedges as far as possible and provide for new planting to maintain and enhance the character of the locality.
- Policy E11 Protecting and Enhancing the Borough's Biodiversity and Geological Interests:** Seeks to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered and suitable mitigation is in place.
- Policy E19 Achieving High Quality Design and Distinctiveness:** Development proposals should be of a high quality design and respond positively to design criteria.
- Policy E21 Sustainable Design and Build:** Proposals should incorporate sustainable design and build measures into the detailed design of new development in its use of siting, design, materials and landscaping.
- Policy SP6 Transport and Utilities:** Aims to ensure that there is sufficient infrastructure in place such that new developments are located close to good quality public transport and the principle highway network, whilst seeking to reduce car dependence.
- Policy SP7 Community Services and Facilities:** Seeks to satisfy social needs of communities and promote safe environments and a sense of community by providing and continuing existing services and safeguarding services and facilities from harmful changes of use and development proposals.
- Policy T1 Providing Safe Access to New Development:** Proposals which cause unacceptable impacts of the capacity of the highway network or on highway safety will not be granted planning permission.
- Policy T3 Vehicle Parking for New Development:** Requires appropriate

New two storey extension, relocated pedestrian access, reconfigured car park and two new MUGA's at West Minster Primary School, St George's Avenue, Sheerness – 15/509370/COUNTY (KCC/SW/0365/2015)

vehicle parking for new development in accordance with the adopted Kent County Council parking standards.

Policy T4 Cyclists and pedestrians: Requires cycle parking facilities for new development in accordance with the Kent County Council cycle parking standards.

Policy T5 Public Transport: Recognises that a Transport Assessment and Travel Plan will be expected to support all proposals generating potentially significant volumes of traffic.

- (iv) The draft **Swale Borough Local Plan ('Bearing Fruits')** (December 2014) also contains broadly similar policies on transport, parking, design and general development criteria. This document was submitted for Independent Examination to the Planning Inspectorate on 20th April 2015, and the Local Plan Examination Process concluded on Wednesday 16th December. The interim findings are due at the end of January 2016 and modifications are likely to be made during spring next year, with further public consultations to follow.

Consultations

15. **Swale Borough Council** was consulted on 9th November but no comments have been received to date. Any comments received prior to the Planning Applications Committee meeting will be reported verbally.

The County Council's Biodiversity Officer has advised that the recommendations set out in the Ecological Appraisal are appropriate and should be secured by condition.

The Environment Agency (Kent Area) have raised no objection to the application subject to the imposition of a condition requiring the submission of a scheme detailing flood resistance and resilience measures in accordance with the submitted Flood Risk Assessment.

The County Council's Landscape Officer raises no objection to the proposal but encourages that all work be carried out in compliance with the tree protection measures included in the Arboricultural Report, and that new trees to be planted are of native species, suitable for the area and of local provenance.

The County Council's Sustainable Drainage Officer raises no objection to the proposal subject to the imposition of a condition requiring the submission of a detailed sustainable surface water drainage scheme, to be approved in writing by the County Council.

Kent County Council Highways and Transportation raises no objection to the proposals subject to the imposition of planning conditions to control the depositing of dust and mud on the highway; accommodating the loading and turning of operatives and construction vehicles on site; the provision of on site parking for site operatives, personnel and visitors; parking areas shown to be paved and drained adequately and

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retained for such use; no occupation before the provision of cycle parking made on site; and no occupation before the submission of a Travel Plan.

Local Member

16. The local County Member, Ms Angela Harrison was notified of the application on 9th November but no comments have been received.

Publicity

17. The application was publicised by the posting of three site notices around the perimeter of the site and the individual notification of 157 residential properties.

Representations

18. In response to the publicity, 3 letters of representation have been received. The key points raised can be summarised as follows:

- Suggest the need for double yellow lines down Bridgewater Road to alleviate the existing parking problems before it gets worse
- Volume of traffic at school drop off and pick up times is so severe residents cannot get in and out of driveways
- Total disregard to traffic management for the school day
- 2 storey extension and canopies would have a visual impact on the surrounding housing stock and alter the St George's Avenue façade
- New pedestrian access and extended parking area would cause confusion
- Consultation should have been carried out with the residents prior to the application being made
- Inconsiderate parking by parents, who regularly block residents' driveways
- Cars park on the footways putting pedestrians at risk
- Emergency vehicles struggle to access the area at pick up and drop off times
- Bus service, delivery and trade vehicles also encounter problems accessing the area
- Reduced sight lines due to parked cars affects pedestrian safety and that of the lollipop crossing officer
- Proposed increase in school roll would exacerbate the problems.

Discussion

19. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (14) 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. In my opinion, the key material planning considerations in this particular case are the design and appearance of the proposed extension and issues relating to access, parking and highway impacts; along with other matters

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including ecology and biodiversity, landscaping, construction methods, flooding and drainage, and renewable energy.

20. This application is being reported to the Planning Applications Committee due to the neighbour representations received.

Siting, Design and Appearance

21. The extension would be a free standing building linked by a glazed canopy and is of a modern design. The use of rendered panels and timber cladding reflect the material choices and design influence of the Bayford wing which was added to the school in 2013. However the blue window reveals and the flat roof design would also help link the extension back to the original school, and tie the various elements of the site together. Given the existing variety of designs on the site and the proposed design and material choices it is considered that the extension would be an appropriate addition to the school site.
22. The extension would be located to the side of the existing school when viewed from the footpath linking Bridgewater Road to the Fleet, but behind the school when viewed from St George's Avenue. Although the extension would be two storey in height it would be partially screened by the existing school buildings when viewed from St George's Avenue, and set back some 100m from the road frontage. It should also be noted that the surrounding housing development is primarily two storey in height, therefore the school extension would not be out of keeping. It is considered therefore that any visual impact it would have on the appearance of St George's Avenue would be negligible.
23. The most prominent vantage point for seeing the proposed extension outside of the school grounds, would be from the footpath along the water's edge and that linking the watercourse to Bridgewater Road. The closest properties would be those that are located at the end of Shearwater Court – numbers 10 and 11. The proposed extension is set well inside the boundary of the site, and in the location of the extension itself there is substantial screening along the boundaries in the form of hedgerows and trees. Glimpses of the buildings within the school site are possible from these footpaths but it is considered that the proposed extension would be viewed in the context of the other school buildings and would not be out of keeping. There are no windows in the gable walls of the closest two properties in Shearwater Close and this combined with the separation distances and the existing screening along the intervening footpath would ensure that the extension would have a minimal impact on the occupants of these properties.
24. The scheme is therefore considered to be compliant with Policies SP1, SP2 and E1 of the Swale Borough local Plan.

Access, Parking and Highway Impacts

25. The application was supported by the submission of a Transport Statement, which considered the impact the development would be likely to have on the capacity of the existing highway network and the parking demand on the surrounding streets. The Highways and Transportation Officer has considered the statement and the calculations

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of the existing trip attractions and the number of additional vehicles that are likely to be associated with the increase in pupils.

26. The general impact of the additional pupil numbers is that a predicted further 45 vehicles would be associated with each school drop off and collection period. This impact would be felt more at afternoon collection time, as parents wait for the children to be released and therefore park over a longer period, rather than dropping off and continuing on their journey. However, the Highways Officer considers that there is plenty of spare capacity within the surrounding roads to absorb the additional parking demand. Furthermore, at the start and end of the school day, the parking demand and traffic activity within residential areas such as this are mainly associated with schools, and this tends not to overlap with the highway network peak period or when most people are at home and would be taking up availability of on-street parking.
27. It is also acknowledged that the road network in the vicinity of the school only serves the immediate residential area and does not form part of the wider reaching highway routes. It is therefore not a particularly busy area and is not subjected to much passing traffic that would be impacted by the activity generated by the school over these short periods of time. It is therefore considered that in terms of traffic generation and impact on the highway network the application is considered to be acceptable in relation to Policies SP6 and T1 of the Swale Borough Local Plan.
28. The reconfiguration of the car park and relocation of the pedestrian access would allow the number of on-site parking spaces to increase from 42 to 52. The staff numbers would increase by 12 to a total of 66 and although this is more than the number of parking spaces on site, a reasonably high proportion of existing staff walk to the school (19 members of staff/36%). The reconfigured layout is therefore considered to provide an appropriate level of parking for staff and visitors whilst still encouraging the uptake of sustainable travel amongst staff and minimising the impact of staff parking on the surrounding residential streets.
29. The new pedestrian access would be easily visible along St George's Avenue, still by the school zig-zags, and not far from the existing pedestrian gate. The existing 64 cycle parking bays would be relocated close to this new pedestrian access, and would be available for staff and pupils travelling to the site. In order to ensure that all vehicle and cycle parking is available prior to occupation of the new extension, conditions are proposed requiring these areas to be laid out in accordance with the submitted plans.
30. A further condition is proposed requiring the School to prepare and submit a Travel Plan prior to occupation, to ensure that travel to the school by sustainable modes is promoted. It is proposed that this would be subject to an annual review for a minimum of 5 years beyond the school operating with 3 forms in each year group.
31. Although objections to the scheme have been received in relation to traffic and parking issues it is considered that the proposal would not be harmful in this regard and would be in accordance with Policies T3, T4 and T5 of the Swale Borough Local Plan. In particular, the school site is well located in a residential suburb to serve the community's needs (and to also maximise journeys to school other than by car) but inevitably there will be complaints in such areas about use of the local roads by school traffic. However, the roads serving the area are part of the public highway and are quite capable of being

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shared by both local residents and those attending the school. Competition for road space outside schools is a nationwide source of irritation and the most that Planning Authorities can usually do to address this essentially non-planning land use issue is to encourage Schools to work with parents and the Highway Authority to better manage the situation. It should be noted that driver behaviour is not in itself a planning land use issue, and school developments cannot be turned down on the basis of poor behaviour by some motorists.

Other Matters**Ecology and Biodiversity**

32. The application was supported by the submission of an Ecological Appraisal, which included recommendations to minimise the potential impact of the development on trees with bat roosting potential; the protection of potential reptile habitats; the protection of boundary trees and hedgerows; and ensuring that works to trees and hedgerows are carried out outside of the bird breeding season. The Council's Biodiversity Officer has assessed the submitted report and concluded that an appropriate level of ecological appraisal has been undertaken to inform conclusions regarding the potential for ecological impacts arising from the proposed development.
33. Provided the recommendations set out in the report are implemented the potential for ecological impacts would be minimised, therefore a condition is proposed to require the submission of details of the buffer zone, the means by which this area would be protected, and the location of replacement bat boxes, as well as requiring the recommendations to be implemented. As such the scheme would accord with Policies E10 and E11 of the Swale Borough Local Plan.

Landscape

34. The application was supported by an Arboricultural Impact Assessment which considered a total of 30 individual trees, 8 groups and 1 hedge in relation to the British Standard BS5837:2012 – Trees in relation to demolition, design and construction – Recommendations.
35. The development would have a limited impact on the surrounding landscape other than the removal of a small group of trees in the vicinity of the proposed cycle parking, the pruning of three tree groups close to the vehicle and pedestrian access and the removal of two small trees for sound arboricultural management. Some hard surfacing would be required within the root protection area of some grade B and C trees but this could be carried out without affecting the health of the trees.
36. The Council's Landscape Officer has assessed the application and submitted report and concluded that the development would be acceptable, providing the work is carried out in accordance with the tree protection measures set out in the Arboricultural Report and that trees to be planted to compensate for those removed should be of a native species, suitable for the area and of local provenance. A condition is proposed to secure these requirements. As such it is considered that the scheme would comply with Policy E10 of the Swale Borough Local Plan.

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Flood Risk and Drainage

37. The application has also been supported by the submission of a Flood Risk Assessment (FRA) due to the site's location within Flood Zone 3a (considered to be at a high risk from tidal flooding) which has been reviewed by both the Environment Agency and the County Council's Flood Risk Officer. Because of the existing use of the site as a school, it is considered that there would not be any increase in the vulnerability of the users of the site to flooding as a result of this development. As such the Environment Agency has raised no objection to the scheme provided a condition is imposed securing details to be submitted for a scheme of flood resistance and resilience measures, as described in the submitted FRA.
38. The Council's Flood Risk Officer also raises no objection to the scheme provided that a condition be included requiring a detailed sustainable surface water strategy for the site be submitted to and approved by the County Planning Authority.

Construction Methods

39. Given that there are neighbouring residential properties, if planning permission is granted it is considered appropriate to impose a condition restricting hours of construction to protect residential amenity (Monday to Friday between 0800 and 1800; Saturday 0900 to 1300; and no operations on Sundays or public holidays).
40. Should permission be granted a condition requiring the submission of a full Construction Management Strategy prior to commencement of development is considered appropriate. That should include details of how the site access would be managed to avoid peak school periods; details of the methods and hours of working; location of site compounds; location of operative/visitor parking on site; details of on-site provision to accommodate operatives and construction vehicles loading, off-loading and turning; details of site security and safety measures, lorry waiting and wheel cleaning facilities; and details of any construction access.

Renewable Energy

41. The NPPF places a presumption in favour of development that is sustainable and at the local level Swale Borough Council's supplementary planning document 'Sustainable Building Design' (July 2010) supports the incorporation of sustainability measures and the effective adoption and application of renewable energy technology. The application has been supported by an Energy Statement, which sets out the methodology applied to the design of the building in relation to reducing energy consumption. The statement confirms that the required CO₂ levels could be achieved through the design and materials used in the building, but in addition some photovoltaic panels are proposed to be included on the roof (in recognition of the need to think about the future and to provide a more visual sustainability feature than the inherent energy reduction and sustainable construction features already incorporated in the design) and these could provide some additional renewable energy directly for the running of the school.

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Public Consultation

42. Although there have been objections raised about the lack of consultation undertaken by the school prior to the application being made, the applicant has confirmed that a public consultation evening was held on 15th October 2015 (prior to the application being submitted) inviting residents to view the proposals and that 47 people attended the consultation event.

Conclusion

43. In my view the key determining factors for this proposal are the planning policy aspects, together with the suitability of the highway network to accommodate the additional school traffic and parking implications and the appropriateness of the proposed extension in terms of design and layout.
44. There is strong Government support in the NPPF for the development of new schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on local amenity and all other material considerations, such as highway matters, design, noise, flooding and surface drainage. In my view the proposed development would not give rise to any significant and demonstrable harm in any of these respects, as far as planning, environmental and amenity aspects are concerned.
45. It is considered that subject to the imposition of appropriate planning conditions, the proposal would not have any significant detrimental effects on the local highway network, the amenities of local residents or the natural environment. In my view the development is sustainable and there are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

46. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard 5 year time limit;
 - the development to be carried out in accordance with the permitted details;
 - the submission and approval of details of all construction materials to be used externally;
 - hours of working during construction to be restricted to 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 or Bank Holidays;
 - the submission of a School Travel Plan prior to occupation of the extension and its ongoing review;
 - the submission of a Construction Management Plan providing details of methods and hours of working to avoid peak school times, location of site compounds, location of operative/visitor parking on site, details of on-site provision to accommodate

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operatives and construction vehicles loading, off-loading and turning, details of site security and safety measures, lorry waiting and wheel cleaning facilities, and details of any construction access;

- the provision of the on-site parking areas prior to occupation of the extension and their retention thereafter;
- the provision of cycle parking prior to the occupation of the extension and retention thereafter;
- the submission of details for the ecological buffer zone, how it would be protected, the location of replacement bat boxes, to be approved in writing;
- that the recommendations set out in the Ecological Appraisal be implemented;
- that work be carried out in accordance with the Arboricultural Report and that new trees be of a native species;
- the submission of details for a scheme of flood resistance and resilience measures as set out in the FRA and the written approval of such a scheme;
- the submission of a fully detailed sustainable surface water drainage scheme for the site and the written approval of such a scheme and its ongoing maintenance.

47. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>;
- That the applicant ensures that all necessary highway approvals and consents are obtained.
- To ensure that works to trees are carried out outside of the breeding bird season and if this is not possible that an ecologist examine the site prior to works commencing

Case Officer: Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT
PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS -
MEMBERS' INFORMATION**

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

Background Documents - The deposited documents.

- DA/15/1602 A Section 73 application to vary condition 12 of planning permission DA/98/805/MR27 to move the wheel wash location.
Stone Pit II, St James Lane, Greenhithe, Dartford
Decision: Permitted
- SE/15/3212 Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit (formerly known as Squerryes Sandpit) until 31 October 2017.
Covers Sandpit, Westerham
Decision: Permitted
- SW/10/444/RA Non material amendment to building footprint and elevation and site layout as shown on amended plans.
Land at Kemsley Paper Mill, Kemsley, Sittingbourne
Decision: Approved
- SW/15/502632/R16 Details of a scheme of archaeological works pursuant to condition (16) of planning permission SW/15/502632 for the phased extraction of brickearth and restoration to agriculture.
Orchard Farm, School Lane, Iwade, Sittingbourne
Decision: Approved
- TM/15/2500 Proposed importation of inert waste and restoration to grassland and treeplanting.
Land at 54, The Street, Mereworth, Maidstone
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.

AS/15/832	New pathway and front pedestrian access to school to meet up with the existing road crossing. Construction of a pre-school building to front of school. Egerton CEP School, Stisted Way, Egerton, Ashford, Kent, TN27 9DR Decision: Permitted
AS/15/1107	Erection of detached single storey outbuilding in school play field. Challock Primary School, Church Lane, Challock, Ashford Decision: Permitted
AS/15/1454	Installation of a multiwall polycarbonate canopy to partially cover an internal courtyard. Great Chart Primary School, Hoxton Close, Ashford Decision: Permitted
AS/15/1465	Construction of a small shelter in the school playground. Brook Community Primary School, Spelders Hill, Brook, Ashford Decision: Permitted
GR/15/997	Renewal of planning permission for the retention of a mobile classroom unit. Lawn Primary School, High Street, Northfleet, Gravesend Decision: Permitted
GR/15/1047	Relocation of childrens centre within Chantry school site following demolition of canteen. Chantry Community Academy, Ordnance Road, Gravesend Decision: Permitted
SE/14/13/R26	Details of off site cycle route signage, including location, type of signage and a time frame for implementation, pursuant to condition (26) of planning permission SE/14/13. Knole (east) Academy, Seal Hollow Road, Sevenoaks Decision: Approved
SE/15/2417	Section 73 application to vary six planning conditions from planning permission reference SE/14/13 (conditions 23, 27, 28, 29, 30 and 31) to enable the development to be built and completed in two phases. Knole East Academy (site), Seal Hollow Road, Sevenoaks Decision: Permitted

SE/15/3349	<p>Revisions to the approved design for the demolition of the mobile classroom and the construction of a new reception classroom, sheltered play area and toilet facilities, including realignment of the western boundary wall and regularisation of the repositioning of the building.</p> <p>St Lawrence CEP School, Stone Street, Seal, Sevenoaks</p> <p>Decision: Permitted</p>
TH/14/112/RVARA	<p>Non material amendment; minor changes to the fenestration, removal of louvres, reconfiguration of the nursery entrance, relocation of the air source heap pump, changes to plant rooms, addition of a roof top key clamp guard rail and addition of roof plant.</p> <p>Land north of Ellington and Hereson School, Newlands Lane, Ramsgate</p> <p>Decision: Approved</p>
TM/14/1929/R15	<p>Details of lighting pursuant to condition (15) of planning permission TM/14/1929.</p> <p>Land at Gibson Drive, 30 Gibson Drive, Kings Hill, West Malling</p> <p>Decision: Approved</p>
TM/14/2109/R8&28	<p>Details of all fencing, gates and other means of enclosure and construction management strategy pursuant to conditions (8) and (28) of planning permission TM/14/2109.</p> <p>Land at Leybourne Chase, London Road, Ryarsh, West Malling</p> <p>Decision: Approved</p>
TM/15/3492	<p>Provision of one canopy to main playground.</p> <p>Slade Primary School, The Slade, Tonbridge</p> <p>Decision: Permitted</p>
TM/15/3558	<p>Proposed replacement of 2 no. existing mobile units with the erection of new modular building unit</p> <p>Holmesdale Technology College, Malling Road, Snodland</p> <p>Decision: Permitted</p>
TW/14/500759/RVARA	<p>Details pursuant to conditions 3 (geoenvironmental report), 7 (drainage details), 18 (landscaping details), 20 (tree protection details) and 21 (biodiversity information) of planning permission TW/14/500759.</p> <p>Land at Home Farm Lane, Tunbridge Wells</p> <p>Decision: Approved</p>
TW/15/501948/R3 & R5	<p>Details pursuant to condition 3 (materials) and 5 (construction management strategy) of planning permission TW/15/501948.</p> <p>Speldhurst CEP School, Langton Road, Speldhurst, Tunbridge Wells</p> <p>Decision: Approved</p>

TW/15/508363

Amendments to the layout of Wedge Car Park to provide one entrance and one exit onto Knights Way.
Wedge Car Park, Knights Way, Tunbridge Wells
Decision: Permitted

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
 - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/GR/0387/2015 - Improvement and Enhancement of existing Waste Transfer Site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall.

Unit 4, Apex Business Park, Queens Farm Road, Gravesend

KCC/SH/0383/2015 - Section 73 application to vary condition 4 of planning permission SH/14/694 to amend the approved site contours/levels shown on drawing no. MHS091/14 – 100 Rev P7 including alterations to the level of the playing field.

St Marys Playing Field, Warren Way, Folkestone

KCC/TM/0385/2015 - Full planning application for the relocation of The Judd School's outdoor playing pitches at Yeomans - comprising 1 x grass senior rugby pitch, 1 x grass junior rugby pitch, 1 x grass training pitch, 1 x floodlit synthetic pitch (with restricted non-school use), 1 x hammer cage, 1 x cricket square plus all weather wicket and a single storey changing rooms block and associated landscaping works.

Land off Lower Haysden Lane, Tonbridge

KCC/TM/0390/2015 - Proposed new two storey Special Educational Needs School with associated car parking and landscaping. Change of use from D2 Assembly and leisure use to D1 Non-Residential Institution.

Land at Upper Haysden Lane, Tonbridge

KCC/TW/0298/2015 - Erection of an anaerobic digestion facility, comprising of two partially buried twin tanks with conjoined centre partition, one gas holder and two gas membranes located on tank roof, one process building to house controls and CHP units, one feeder, one digestate separator, one digestate drier, one transformer, one office/education facility and associated works.

Forest Farm, Ninevah Lane, Benenden, Cranbrook

KCC/TW/0337/2015 - Change of use from B1, B2 and B8 uses to an Aggregate Recycling Facility comprising of the importation, storage and treatment of non-hazardous inert and excavation materials. Erection of office, portacabin office and weighbridge and importation of <5,000 tonnes of material for re-profiling works (Sui generis).

Land at North Farm Lane, Tunbridge Wells

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

KCC/SCR/SW/0368/2015 - Request for an EIA screening opinion for a new gypsum line building, additional offices and lorry parking at existing waste management facility.

Countrystyle Recycling Ltd, Ridham Dock, Iwade, Sittingbourne

KCC/TW/0363/2015 - Request for a screening opinion in connection with the proposed change of use of land from B1, B2 and B8 uses to an Aggregate Recycling Facility comprising the importation, storage and treatment of non-hazardous inert and excavation materials, erection of an office building and importation of <5,000 tonnes of material for re-profiling works.

Land at North Farm Lane, Tunbridge Wells

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

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- (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

