

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16th May, 2018

10.00 am

Council Chamber - Sessions House



AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16th May, 2018, at 10.00 am
Council Chamber - Sessions House

Ask for: **Andrew Tait**
Telephone: **03000 416749**

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

Membership (13)

- Conservative (10): Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman),
Mr A Booth, Mr P C Cooper, Miss E Dawson, Mr M D Payne,
Mr H Rayner, Mr C Simkins, Mrs P A V Stockell and Mr J Wright
- Liberal Democrat (1): Mr I S Chittenden
- Labour (1) Mr B H Lewis
- 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 - 14 March 2018 (Pages 5 - 8)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. Draft revisions to the National Planning Policy Framework (Pages 9 - 16)

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Applications DA/17/2025 (KCC/DA/0320/2017) and DA/17/2081 (KCC/DA/0321/2017) - (i) Variation of Conditions 2,3,4,12,13 and 14 of Permission DA/13/206 to extend the completion date for development, return to using Articulated Dump Trucks (ADTs) for on-site haulage and to remove the seasonality of the operations and limits on delivery times; and (ii) Erection of a processing plant, construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford; Ingrebourne Valley Ltd (Pages 17 - 54)
2. Application SE/18/0293 (KCC/SE/0007/2018) - Construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby; Oncoland Ltd (Pages 55 - 86)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal CA/17/2916 (KCC/CA/0327/2017) - Minor extensions to the school building and new storage shed at Wickhambreux CE Primary School, The Street, Wickhambreux; Governors of Wickhambreux Primary School (Pages 87 - 106)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 107 - 112)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

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)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 8 May 2018

(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 at Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 14th March, 2018.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr A Booth, Mr I S Chittenden, Mr P C Cooper, Miss E Dawson, Mr P M Harman, Mr B H Lewis, Mr M D Payne, Mr H Rayner, Mr C Simkins, Mrs P A V Stockell and Mr J Wright

OFFICERS: Sharon Thompson (Head of Planning Applications Group), Paul Hopkins (Principal Planning Officer), Jim Wooldridge (Principal Planning Officer - Mineral Developments), Helen Edwards (Planning Officer), Sally Benge (Strategic Transport and Development Planning) and Andrew Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**5. Minutes - 7 February 2018.**
(Item. A3)

RESOLVED that the Minutes of the meeting held on 7 February 2018 are correctly recorded and that they be signed by the Chairman.

6. Site Meetings and Other Meetings.
(Item. A4)

(1) The Committee noted that the meeting would be followed by a training session on the Education Commissioning Plan.

Note: The first part of this session was delivered after the meeting, with the second part being arranged to follow the next meeting of the Committee.

(2) The arrangements for the site visit on Monday, 19 March 2018 were confirmed in respect of the Wilmington Academy and Wilmington Girls' Grammar School applications.

7. General Matters.
(Item. B1)

(1) The Head of Planning Applications Group informed the Committee of the publication of draft revisions to the National Planning Policy Framework (NPPF) and briefly outlined the salient points. She said that the revisions had a strong housing theme, to deliver on the Government's view that "this country needs radical, lasting reform that will allow more housing to be built." The consultation period was due to finish on 10 May 2018 with publication of the final version expected in the Summer.

(2) The Committee agreed to receive a summary report at its next meeting on the implications of the draft revised NPPF for its work.

(3) The Democratic Services Officer referred to a case law update provided by the County Council's Legal team which had been sent to all Members of the Committee and trained substitutes. This update had set out the implications of two recent Supreme Court cases: *Dover District Council v CPRE Kent (2017)* and *Steer, R v Shepway District Council (2018)*. He drew attention to the most significant implication of these cases which was that the Committee had a legal duty to provide reasons for its decision that could be clearly understood. This was particularly important whenever the Committee took a decision that had not been recommended by the Officers.

8. Application SW/18/500195 (KCC/SW/0004/2018) - Section 73 application to vary conditions 1 and 6 of Permission SW/15/502632 (the phased extraction of brickearth over 4 summer campaigns) to allow for an extended period of working and amended restoration scheme at Orchard Farm, School Lane, Iwade; Weinberger Limited.
(Item. C1)

(1) Mr J Wright informed the Committee that although he owned property in the vicinity of the permitted mineral working at Paradise Farm between Hartlip and Newington, this permission would not be affected by any decision taken on the application under consideration. He was therefore able to approach its determination with a clear mind.

(2) RESOLVED that permission be granted to the application subject to conditions, including conditions covering the cessation of brickearth extraction by 31 October 2020; the removal of all brickearth stockpiled at the site and the completion of restoration by 31 May 2022; the restoration of the site in accordance with the proposed revised restoration scheme; the requirement for a further road condition survey within 6 months; and the re-imposition of the conditions imposed on Permission SW/15/502632 with such amendments as are necessary to reflect the above changes and the approvals given pursuant to the permission.

9. Proposal Y/18/0061/SH (KCC/SH/0343/2017) - Renewal of temporary permission for the "Sharman Block" modular building, erection of 2.2m and 2.4m fencing within the site and new pedestrian access onto Bowen Road on part of the former Pent Valley School adjoining Bowen Road, Folkestone; GEN 2 on behalf of KCC.
(Item. D1)

(1) The Head of Planning Applications Group tabled revised recommendations which made the granting of permission subject to no new material planning issues being raised by Shepway DC at its Committee meeting on 20 March 2018 and also required the removal of the gate to Bowen Road if the proposed use were to cease.

(2) The Head of Planning Applications Group informed the Committee that Shepway DC's Planning Committee was due to consider the application at its meeting on 20 March 2018. She had received a copy of the published Officer's report, which had recommended the removal of the gate to Bowen Road if the proposed use were to cease. The amendments to her recommendations set out in (1) above had been made in consequence.

(3) Mr Joe McNeil, a local resident addressed the Committee in opposition to the application. Mr David Adams (Area Education Officer – South Kent) spoke in reply.

(4) Mr J Wright moved, seconded by Mr C Simkins that the revised recommendations of the Head of Planning Applications Group be agreed.

Tied 6 votes to 6 with 1 abstention.

(5) In accordance with Committee Procedure Rule 2.26 (2) the Chairman declared that he was using his casting vote for the motion.

(6) RESOLVED that subject to no new material issues being raised by Shepway DC at its Committee meeting on 20 March 2018:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the removal of the Sharman Block from the site on or before 31 March 2023 and the land being reinstated to its former use as part of the school grounds; the development being carried out in accordance with the permitted details; the approved gate onto Bowen Road opening away from the Highway; access to the former Pent Valley School not being permitted via the new gate on Bowen Road, which shall serve the Sharman Block PRU only; and the removal of the gate if the proposed use ceases; and
- (b) the applicants be notified by Informative that they should ensure that all necessary highway approvals and consents are obtained.

10. Matters dealt with under delegated powers.
(Item. E1)

RESOLVED to note matters dealt with under 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 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None).

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Item B1**Draft Revisions to the National Planning Policy Framework**

A report by Head of Planning Applications Group to Planning Applications Committee on 16th May 2018

Draft Revisions to the National Planning Policy Framework 2018

Recommendation: Members note the changes proposed in the recent consultation and the direction of planning policy changes in the draft revised National Planning Policy Framework.

Local Member: N/A

Classification: Unrestricted

Background

1. The National Planning Policy Framework (NPPF) was first published in 2012, establishing a 'presumption in favour of sustainable development' and aiming to bring together a range of planning policy and guidance into a single document.
2. In March 2018, the Government published its long-awaited draft revision of the NPPF for consultation. The revised NPPF consolidates a series of proposals that have been announced and consulted upon since 2016. These include the Housing White Paper 2017 - Fixing Our Broken Housing Market, Planning and Affordable Housing for Build to Rent 2017, Planning for the Right Homes in the Right Places: Consultation, 2017 and the 2017 Autumn Budget which proposed further proposals to change planning policy and legislation to bring forward more land for development. The consultation ended on 10th May 2018.
3. The launch of the draft revised NPPF was accompanied by a number of supporting documents including:
 - I. NPPF: consultation proposals and draft text
 - II. Supporting housing delivery through developer contributions: consultation
 - III. Draft planning practice guidance for viability
 - IV. Housing Delivery Test: draft measurement rule book
 - V. Government Responses to the Housing White Paper and the Planning for the Right Homes in the Right Places consultations; and
 - VI. Section 106 planning obligations and the Community Infrastructure Levy in England
4. As strongly inferred from above, the key driver for the changes to planning policy is the failure to deliver housing to meet the country's needs. The revised Framework underlines the continuing importance that the Government places on seeking to resolve the housing crisis. It seeks to provide a strategy that delivers radically lasting reform that will allow more homes to be built. The stated intention is to put reforms in place to provide the right homes in the right places, building homes faster and to diversify the market.

The Revised NPPF

5. The Ministry of Housing, Communities and Local Government sought views on the draft text of the revised Framework. The revised Framework makes several structural changes (dividing the document into 17 topic-based chapters), incorporates policy proposals on which the Government has previously consulted, along with additional proposals upon which it sought views.

Draft Revisions to the National Planning Policy Framework

6. The revised Framework has been rewritten with a new structure to reflect the priorities of Government, very much focussed on delivering solutions to the housing crisis through a plan-led system. The “presumption in favour of sustainable development” – which was established when the Framework was first introduced, in 2012 - remains at the heart of the document. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
7. As the planning authority responsible for the determination of planning applications for mineral and waste management development and community infrastructure and the associated plan making responsibilities, many of the proposed changes are not directly related to the business of this Committee. There are however of wider interest to Members and an important context for the decisions that this Committee takes. The following paragraphs briefly summarise the key proposed changes set out in the consultation documents.

Achieving Sustainable Development

8. This continues to be reliant upon three interdependent overarching objectives - economic, social and environmental that need to be pursued in mutually supportive ways. The revised Framework would see the deletion of the current core principles section of the Framework so as to remove duplication with other chapters. The content of the core principles has however been retained and relocated to the most appropriate part of the revised Framework. There is a proposed expectation for objectively assessed needs to be accommodated, unless there are strong reasons not to, including any unmet needs from neighbouring areas. The 2012 Framework includes examples of policies which provide a specific reason for *restricting* development. The revised NPPF proposes a defined list, which includes Ancient Woodland and aged and veteran trees as specific reasons for *refusing* development.

Housing Delivery

9. The revised Framework includes the introduction of a policy for a housing delivery test. Standardised methodology for calculating local housing need (which has been subject to a previous consultation) is included within the text, with further details to be set out in a revised Planning Policy Guidance document. A housing delivery test proposes sanctions on councils (responsible for housing delivery) for failure to meet housebuilding targets in their local plans. The revised Framework seeks to apply the ‘presumption in favour of development’ where delivery is below 75% of the housing requirement from 2020.
10. There is a separate consultation on ‘supporting housing delivery through developer contributions’ to deal with reform to Section 106 and Community Infrastructure Levy (CIL). The objectives are to provide clarity around how contributions work, improve transparency, accelerate development and allow the introduction of a Strategic Infrastructure Tariff. In respect of CIL, a range of measures are proposed including simplifying the process for reviewing charging schedules, removing pooling restrictions and setting of contributions nationally.

Development Plans

11. The revised Framework strengthens the role of the Development Plan, underlining the Government’s intention that the planning system should be a plan led one and introduces a greater focus on strategic policies and a joined-up approach to ensure that strategic priorities are addressed within an area. The duty to cooperate, which local

Draft Revisions to the National Planning Policy Framework

planning authorities are required to demonstrate has been undertaken with neighbouring authorities as part of the local plan process, would be bolstered by a requirement for Statements of Common Ground to be prepared, to address cross boundary issues. Further details are to follow in planning practice guidance. Local plans are to be reviewed 'at least once every five years' following the date of adoption, with updates as necessary to reflect changing circumstances. In terms of the test of a plan's soundness, in future, plans will need to show that they propose 'an appropriate strategy' compared with the current requirement for them to constitute 'the most appropriate strategy' for the area.

12. There is a shift towards focusing viability assessments at the plan making stage (rather than as part of planning applications). The revised NPPF removes the previous emphasis on ensuring viability and deliverability and now instead states that when development accords with all relevant policies in an up to date development plan, there will be no need to submit a viability assessment.

Prematurity

13. The revised Framework sets out the weight to be given to policies in emerging plans and policy in respect to prematurity. Arguments that an application is premature are unlikely to justify a refusal of planning permission except in the limited circumstance where the development proposed is so substantial, or its cumulative effect would be so significant that granting permission would undermine the plan-making process and the emerging plan is at an advanced stage but not yet formally part of the development plan.

Building a strong, competitive economy

14. There is more explicit support for business growth and improved productivity, in a way that links to the Government's Industrial Strategy. The rural economy section supports policy and decisions for local business and community needs outside existing settlements in ways which minimise the impact of such sites and exploits opportunities to make such locations sustainable.

Ensuring the vitality of town centres

15. There are various revisions proposed including changes to the sequential test for main town centre uses which would allow out-of-centre sites to be considered only if town centre or edge-of-centre locations are not available, or not expected to become available 'within a reasonable period'.

Promoting Healthy and Safe Communities

16. The revised Framework recognises the role that planning can play in social interaction and healthy lifestyles. A new policy is introduced to help counter malicious or natural threats and take account of wider defence and security requirements.

Promoting Sustainable Transport

17. This chapter has been substantially revised to improve its structure. A new introduction explains the variety of ways in which transport should be considered, so that transport issues are recognised and addressed as fully as possible. The policy for assessing the transport impact of proposals has been revised to refer to highway safety as well as capacity and congestion in order to make clear that designs should prioritise pedestrians and cycle movements, followed by access to high quality public transport

Draft Revisions to the National Planning Policy Framework

(as far as possible) as well as to reflect the importance of creating well-designed places. There is new policy to recognise the importance of maintaining a national network of general aviation facilities. In addition, the revised text reflects two previous announcements that authorities should be expected to identify additional development opportunities arising from strategic infrastructure investment and includes the recent Ministerial Statement on criteria for local parking standards.

18. In determining proposals, the revised Framework retains the policy that development should only be prevented or refused on highway grounds if the residual cumulative impacts on the road network or road safety would be severe.

Supporting High Quality Communications

19. The Framework reflects Government support for the further expansion of mobile technology. Plans are required to set out expectations in relation to the delivery of high quality digital infrastructure, which provides access to a range of providers.

Making effective use of land

20. Reflecting previous announcements or consultations, this chapter seeks to make more effective use of land, with more intensive use of land and buildings, the avoidance of building homes at low densities in areas of high demand and pursuing higher densities in accessible locations, while reflecting the character and infrastructure capacity. Substantial weight is to be given to the value of using suitable brownfield land within settlements for homes. The policy also proposes taking a flexible approach to policies or guidance that could inhibit making effective use of a site; the inclusion of daylight and sunlight considerations are now specifically referred to in the policy.
21. There is support for more effective use of empty space above shops, reallocating land where there is no reasonable prospect of an application coming forward for the allocated use, making it easier to convert retail and employment land and expecting minimum density standards to be used in town and city centres around transport hubs. Applications should be refused where the planning authority considers that proposals fail to make effective use of land in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Achieving well-designed places

22. Plans should set out a clear design vision and expectation. Additional emphasis is placed upon the importance of pre-application discussion in securing good design. Design should not be used as a reason to object to development where the scheme complies with local policies.

Green Belt

23. The revised Framework maintains the strong protections of the Green Belt. Policy has been strengthened in respect of the revision of green belt boundaries requiring plan makers to have examined fully all other reasonable options for meeting their identified need for development, including making as much use as possible of suitable brownfield sites, underutilised land or well-served by public transport. Affordable housing developments (not just starter homes) on brownfield land which would not cause substantial harm to openness and would meet an identified need would not be considered inappropriate development. Similarly, material changes of use that would not affect the openness and do not conflict with the purposes of the Green Belt are not considered inappropriate development for the purposes of Green Belt policy. Mineral

Draft Revisions to the National Planning Policy Framework

extraction is identified as one form of development that is not inappropriate development for the purposes of Green Belt Policy.

Climate Change, Flooding and Coastal Change

24. Delivering on a number of previous announcements and consultations, the revised Framework requires planning policies to support measures to ensure the future resilience of communities and infrastructure to climate change, clarifies that plans should have regard to the cumulative impacts of flood risk and sets out policy on the exception text to be applied when considering development in locations at risk of flooding. It also recognises the important role that local authorities can play in improving the energy performance of buildings, which will be the subject of future consultation. Support for sustainable drainage systems is given for major developments and should take account of advice from the lead local flood authority (Kent CC) have minimal operational standards, have maintenance agreements and where possible provide multifunctional benefits.
25. In coastal areas, policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across land and sea boundaries to ensure effective alignment of the terrestrial and marine planning regimes. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. Coastal Change Management Areas (CCMA) should be used to identify an area likely to be affected by physical changes to the coast and policies should set out the appropriateness and management of development within the CCMA.

Conserving and enhancing the natural environment

26. The revised Framework seeks to implement the proposal within the Housing White Paper for the 'agent of change' (the applicant) to be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development. Whilst the examples given relate to live music venues and church bells, it could equally apply from new development sited in close proximity to the aggregate wharfs around the county which are a critical part of the country's mineral infrastructure.
27. The chapter has been updated to align with the Government's 25 Year Environment Plan. It provides additional policy to strengthen existing networks of habitats and requires air quality considerations to be taken into account, with decisions and policies sustaining and contributing towards compliance with relevant limit values or national objectives for pollutants. Great weight should be given to conserving landscape and scenic beauty within National Parks and Areas of Outstanding Natural Beauty and any development should be limited. Planning policy continues to presume against major development, other than in exceptional circumstances, and where it can be demonstrated to be in the public interest.
28. There is greater policy support in the revised Framework for ancient woodland and other irreplaceable habits, making it clear that development resulting in their loss or deterioration should be wholly exceptional. There is a high level of protection for individual aged or veteran trees. The policy seeks to strike a balance between protecting natural assets, while allowing development to proceed in the limited circumstances where it would have significant public benefits.

Draft Revisions to the National Planning Policy Framework

Conserving and enhancing the historic environment

29. The policy has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance that should be taken into account in decision making.
30. In considering the impact of development on a designated heritage asset, the Framework clarifies that great weight should be given to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance.

Facilitating the sustainable use of minerals

31. This chapter has been shortened, with the intention of placing the deleted text into guidance. The deleted text relates to a number of key elements of mineral planning including the recognition that minerals are essential to support sustainable economic growth and our quality of life, the removal of safeguarding considerations for the manufacture of coated materials and the deletion of the specified types of amenity and restoration considerations relevant to mineral planning. In terms of maintaining mineral supply, the recognition that longer periods than 7 years (for sand) or 10 years (crushed rock) may be appropriate has been removed from the revised Framework. Similarly, the current reference to permitted reserves of at least 10 years for individual silica sand sites and at least 15 years for cement primary (chalk, limestone, clay and shale) and 25 for brick clay has been removed. The revised Framework also includes additional text on on-shore oil and gas development to provide clear policy on the issues to be taken into account in planning for and determining this type of development.
32. There is currently no draft of the guidance text, so it is difficult to comment on the adequacy of the content or the significance of any changes. Views were specifically sought as to whether planning policy would better sit in a separate planning policy document and views on the utility of national and sub-national guidelines on future aggregate provision. From discussions with other mineral planning authorities and representatives from the mineral industry there is no support for a separate policy document, with the consensus that it marginalises mineral planning from other planning considerations and fails to recognise the contribution that mineral planning plays in the delivery of housing development and sustainable communities.

Material Considerations

33. The revised Framework clarifies that endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications.

KCC response to the consultation

34. The consultation sets out a series of technical questions, relating to each of the seventeen chapters within the revised Framework, which cover the range of plan-making and decision-making matters. At the time of drafting this report, the County Council's response to the consultation was not finalised. The response is expected to emphasise that KCC is well positioned and willing to work with Government to deliver economic and housing growth, in the midst of an increasing awareness of the importance and benefits of strategic planning and the potentially valuable role of county councils in preparing strategic plans.

Draft Revisions to the National Planning Policy Framework

35. The Council's response is intended to address all questions raised within the revised Framework consultation, including the following key issues - achieving sustainable development, infrastructure delivery, plan making including the need for a joined-up approach to ensure that strategic priorities are addressed within an area, maintaining effective cooperation, delivering a wide choice of high quality homes, building a strong, competitive economy, promoting sustainable transport, support for a high quality communications network, meeting the challenge of climate change, flooding and coastal change and mineral planning. A copy of the response will be available by the date of this Committee and available upon request.

Next Steps

36. The consultation ended on 10 May 2018. The expectation is for Government to publish the final revised Framework before the Summer Recess this July. Members are therefore asked to note the above revisions to the NPPF, pending the publication of the final revised Framework.

Recommendation

37. I RECOMMEND Members note the changes proposed in the recent consultation and the direction of planning policy changes in the draft revised National Planning Policy Framework.

Officer: Sharon Thompson Head of Planning Applications
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03000 413468

Background documents: as set out in para 3 above.

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Applications for: (i) variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206 to extend the completion date for development, return to using Articulated Dump Trucks (ADTs) for on-site haulage and to remove the seasonality of the operations and limits on delivery times – DA/17/2025 (KCC/DA/0320/2017); and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings (weighbridge, office, messroom, stores) – DA/17/2081 (KCC/DA/0321/2017) at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

A report by Head of Planning Applications Group to Planning Applications Committee on 16 May 2018.

Applications by Ingrebourne Valley Limited:

- (i) for the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206 to extend the completion date for development, return to using Articulated Dump Trucks (ADTs) for on-site haulage and to remove the seasonality of the operations and limits on delivery times – DA/17/2025 (KCC/DA/0320/2017); and
- (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings (weighbridge, office, messroom, stores) – DA/17/2081 (KCC/DA/0321/2017);

at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN.

Recommendation: Permission be granted for applications (i) and (ii) subject to conditions.

Local Member: Mr D. Butler

Classification: Unrestricted

Site

1. The application site lies to the west of Joyce Green Lane, Dartford, on the site of the former Joyce Green Farm and comprises an area of some 25.48 hectares of Grade 3 grazing land. Part of the site has been worked for aggregate and restored to a lake. Joyce Green Lane connects to the A206 Bob Dunn Way via a roundabout approximately 600 metres to the southeast of the site access. From this roundabout eastward the A206 joins the A282/M25 and Dartford Crossing and westwards it serves

(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

Dartford and Crayford and links to the A2 into south-east London. The closest residential properties to the site are situated in Joyce Green Lane between the site access and the Bob Dunn Way roundabout (see site plans on page C2.5 & C2.6). The closest, Ivy Cottage, is owned by the applicant and is currently unoccupied. It is not intended to be inhabited, on a residential basis, for the duration of the extraction at the site. The next nearest residential development is some 200 metres to the south-east and to the south of Bob Dunn Way (A206). The new mixed residential and business development 'The Bridge' lies some 250 metres to the east of the site and is separated from it, in part, by dense woodland. Dartford town centre lies approximately 3.5km (2.2 miles) to the south with the River Thames approximately 1.6km (1 mile) to the north with the River Darent to the west, beyond which is a former landfill site.

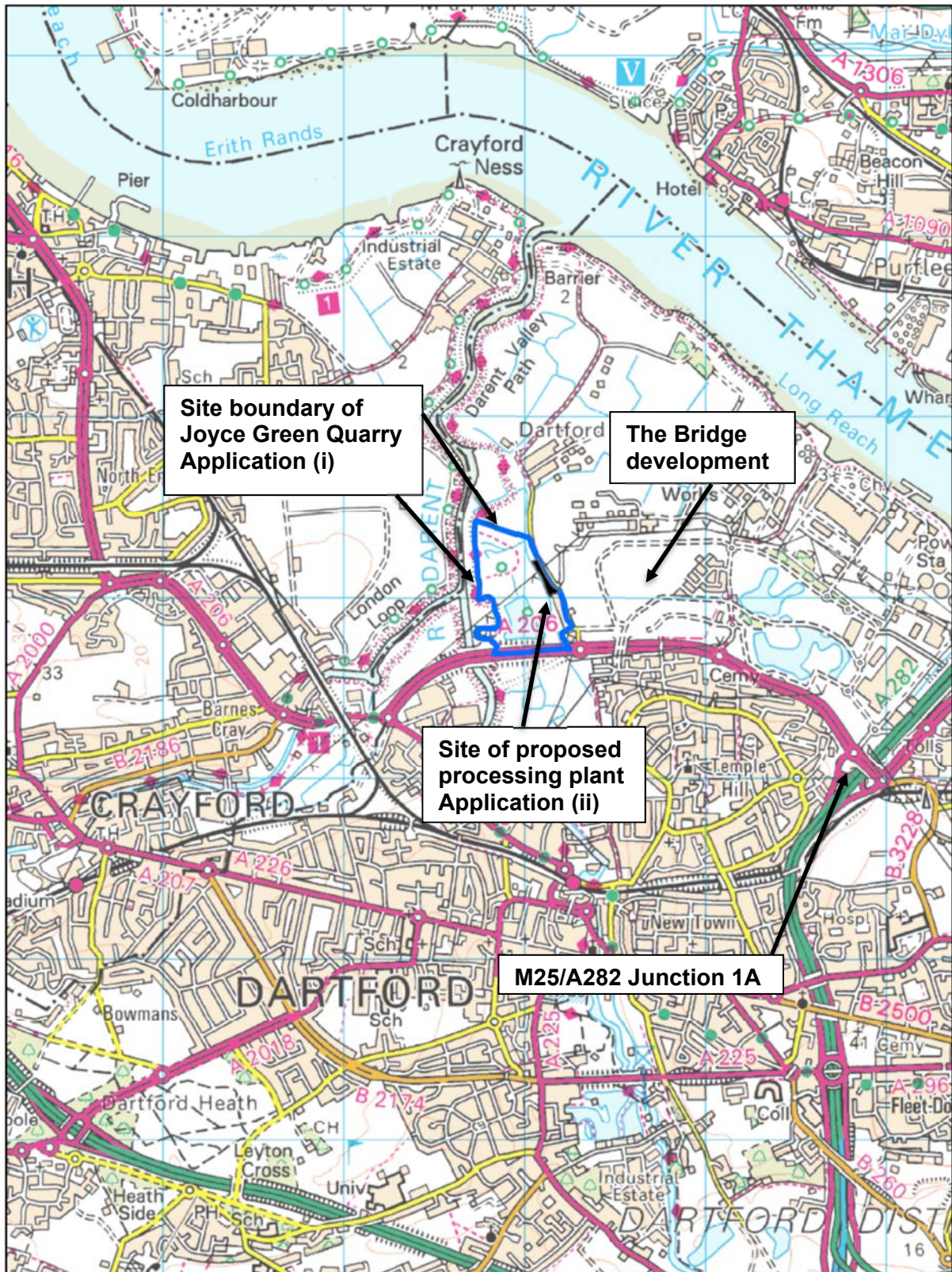
2. The site is located within the Green Belt, Thames Gateway and the Dartford Marshes. The Dartford Marshes Local Wildlife site adjoins the site's western and northern boundary and parts of the verges to Joyce Green Lane are designated as a Roadside Nature Reserve. The Dartford Marsh Fresh Dyke originally flowed from south to north through the centre of the site, however, its route was diverted westward to follow the western boundary prior to the commencement of extraction. The site is also within a Flood Zone 3 and is protected by flood defences (see site plan on page C2.4). The Joyce Green Farm contains an assortment of redundant farm buildings and part of the farm-holding to the north has been used for motocross. Public Footpath DB1 also crosses the site as does a line of high voltage power cables in an east-west direction. The application site and key features referred to in this report are identified within the drawings below.

Background and Recent Site History

3. The site has held planning permissions for the extraction of sand and gravel dating back to 2001, so the principle for mineral extraction at this site is well established.
4. The following planning permissions and approvals are of relevance: -
5. Planning permission (DA/00/326) was granted in December 2001 to allow the extraction of sand and gravel, with all mineral to be transported off-site to J Clubb Ltd.'s processing plant in Darenth Road, Dartford. No on-site processing of the excavated material was permitted. The transportation of excavated materials around the site was permitted under a combination of Articulated Dump Trucks (ADTs) and a conveyor belt system. The whole site was to be restored to a landscaped conservation lake by 30 September 2010.
6. The method of working provided for by planning permission DA/00/326 was varied in 2002 under approval reference DA/00/326/R3 to allow for the extension of the permitted conveyor belt system to a designated stockpile area next to the farm buildings. This system meant that the use of ADTs on site was removed.
7. Condition 12 of planning permission DA/00/326 was varied on two occasions under permission references DA/02/696 and DA/03/900 to allow a temporary extension of the mineral extraction working period to include the months of October and November 2002 and February and March 2003 and October and November 2003 and February and March 2004 respectively.

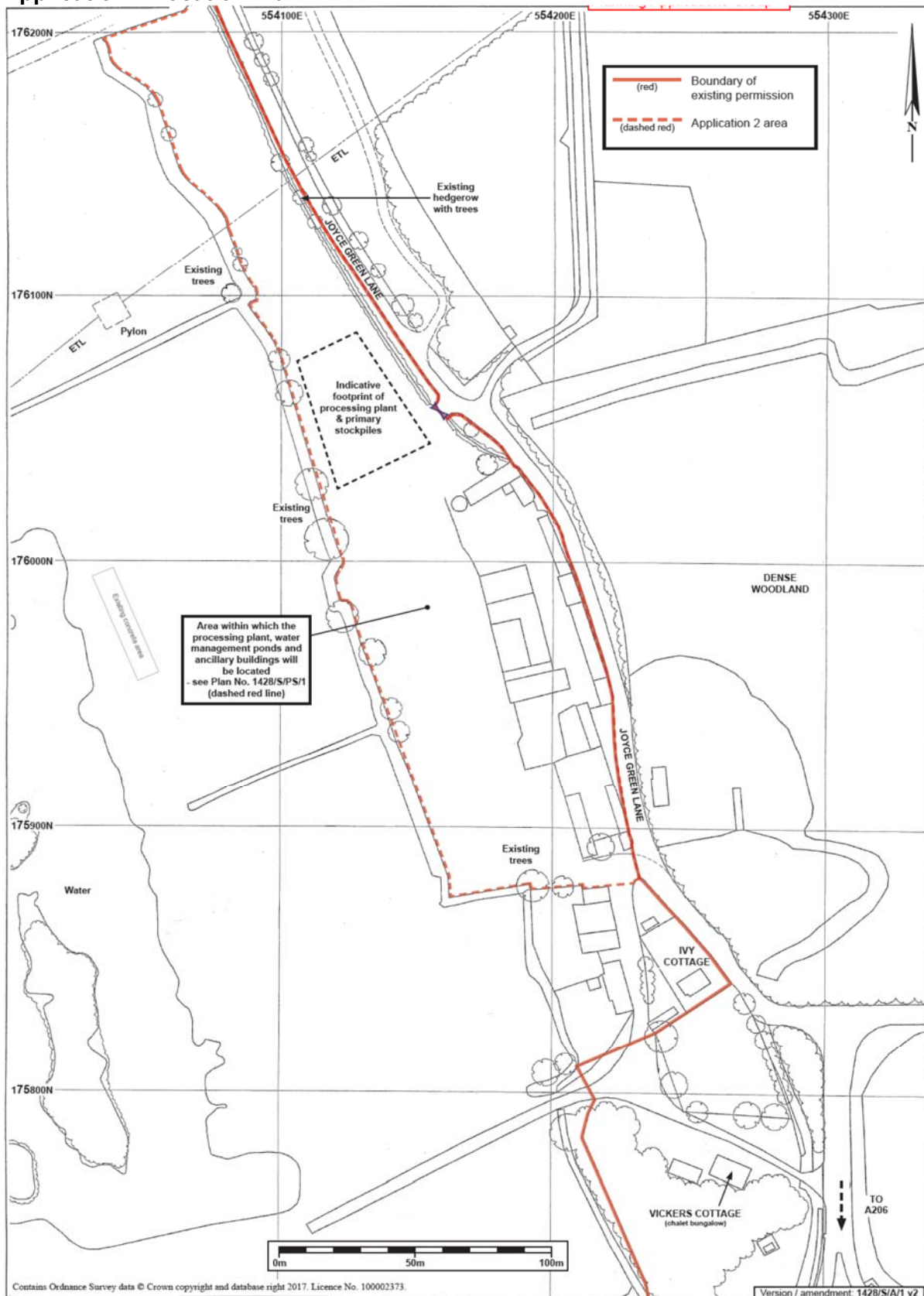
(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

Site Location Plan



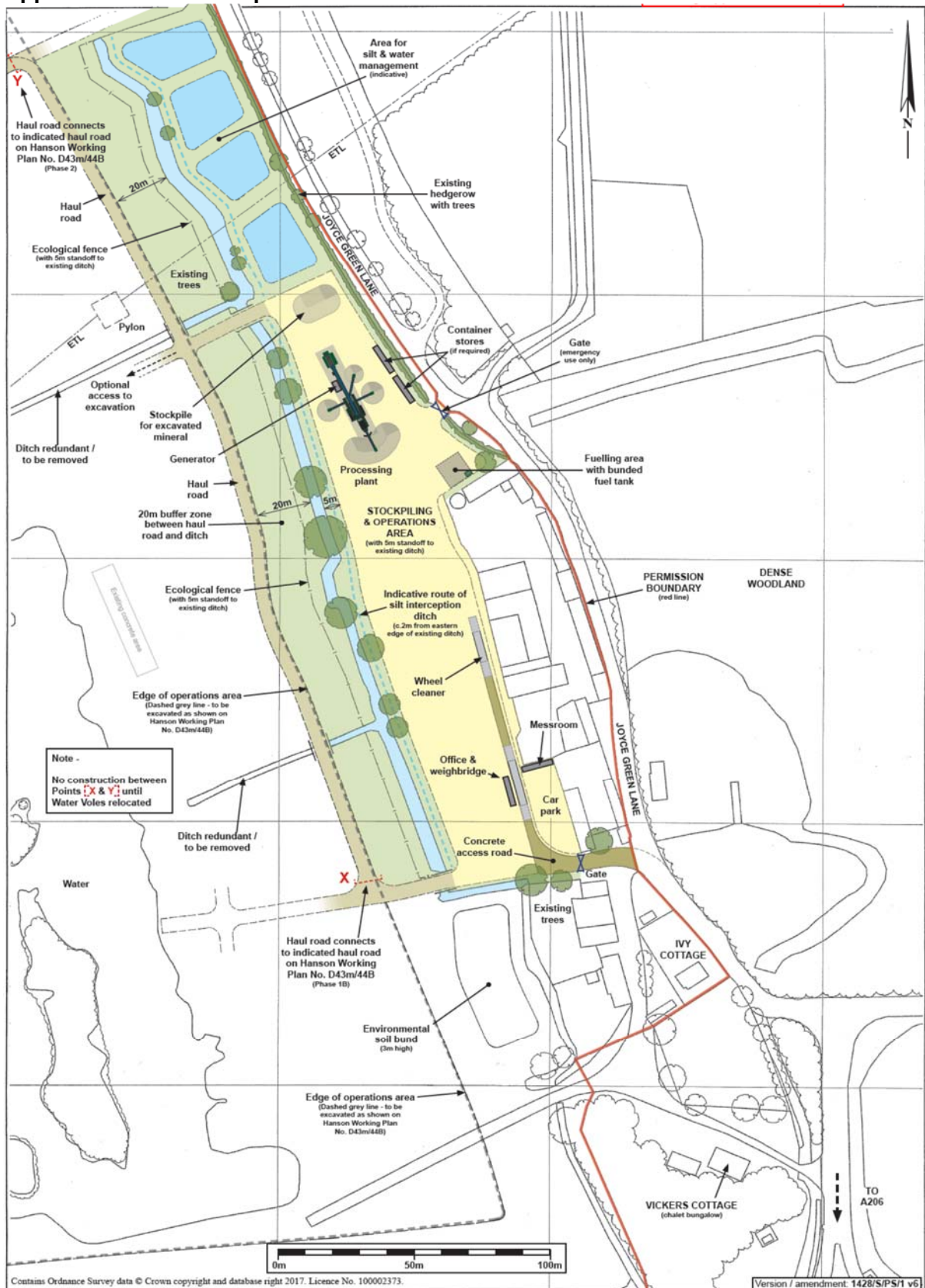
(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

Application II Location Plan



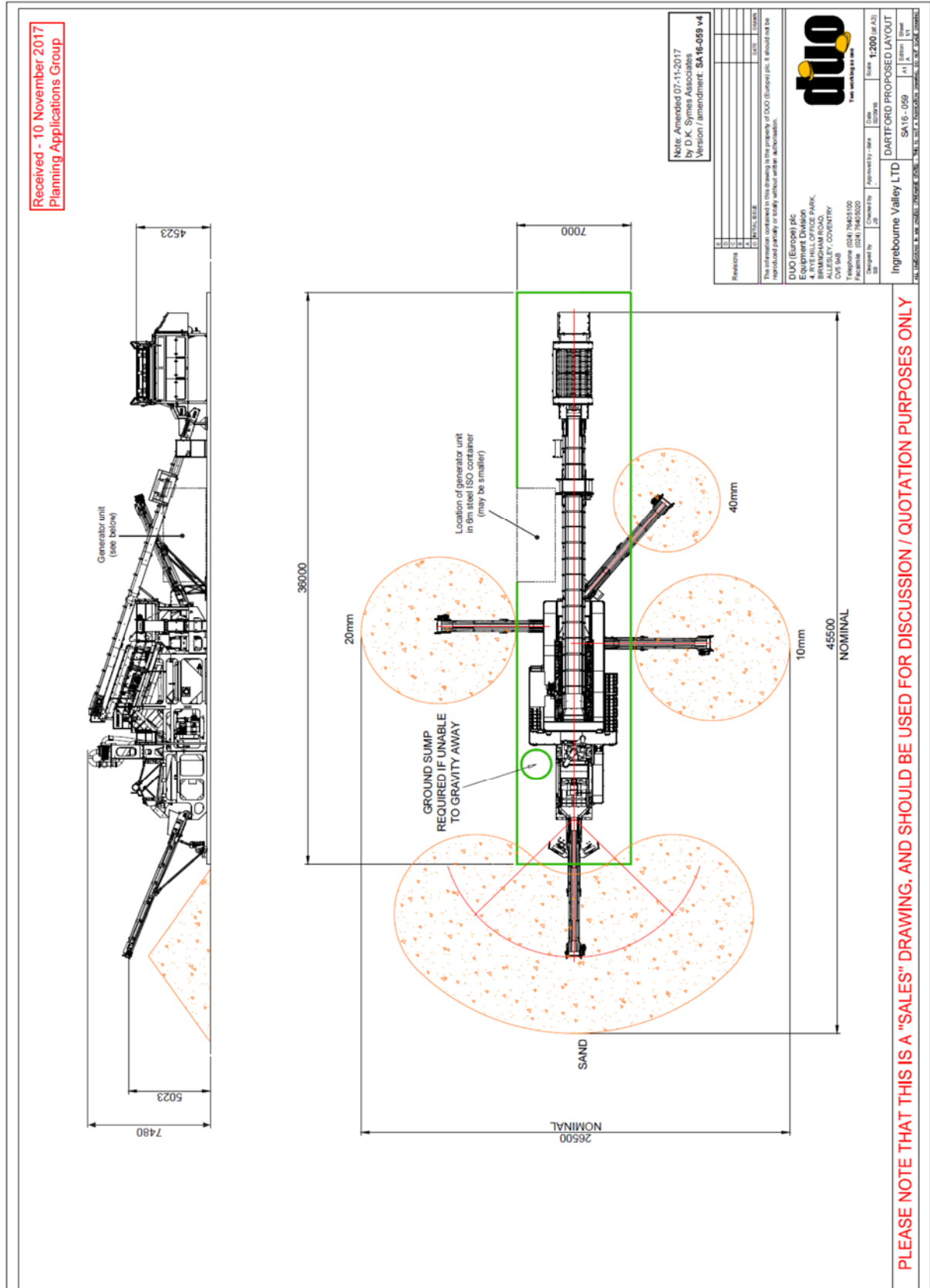
(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

Application II Plant & Operations Area



(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

Application II – Processing Plant



(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

8. Planning permission DA/00/326 was implemented in 2002 with operations ceasing temporarily in 2004 due to market forces. To date no further extraction has taken place.
9. Planning permission DA/00/326 was varied in 2013 under permission reference DA/13/206. The application was submitted in 2010 by Hanson (before 30 September 2010) but it was determined that EIA was required as the application falls under paragraph 19 Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as the surface of the quarry site exceeds 25 hectares. This took some time to complete and it was submitted in January 2013. This permission sought to extend the life of the site until the end of 2020, with all extraction and restoration to be completed by 31 December 2020. The main other controls on this permission are listed below.
 - All vehicle access/egress to the site via Joyce Green Lane;
 - Operations to take place between 0700 and 1800 Monday to Friday and 0700 and 1300 on Saturday. No operations shall take place outside these hours;
 - Vehicles carrying sand and gravel shall only leave the site between 0900 and 1700 Monday to Friday and 0900 and 1300 on Saturdays.
 - Site operations to take place from 1 April to 30 September each year apart from the transport off-site of 20,000 tonnes of material per annum outside of these periods;
 - All excavated material exported off-site for processing;
 - All trees and shrubs planted under the permitted landscaping/restoration scheme to be maintained for a period of 5 years following implementation, including the replacement should any die;
 - All operations to be in accordance with the permitted dust suppression and noise mitigation measures;
 - Noise from operations on site shall not exceed 55dbLA eq 1h (freefield) as measured on the boundary of the site;
 - Stockpiles of overburden or soil shall only be placed in the permitted locations and shall not exceed 4 metres in height;
 - No development (other than that permitted) shall take place within the margins adjacent to the flood defence banks, re-routed ditch and main river running parallel to Joyce Green Lane;
 - No lighting shall be employed on site unless otherwise approved beforehand in writing by the Mineral Planning Authority (MPA);
 - All operations to be undertaken in accordance with the approved aftercare, archaeology and ecology details;
 - Operator to ensure no mud (or other materials) are deposited onto the public highway by vehicles exiting the site;
 - Site access road to be maintained in a good state of repair and kept clean of mud and other debris;
 - All loaded lorries leaving the site to be sheeted;
 - All moveable plant and machinery to be removed upon the completion of the site restoration (31 December 2020).
10. All other conditions previously imposed on DA/00/326 were included in this planning permission except for condition 15 which was removed as it was no longer required to

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send all extracted material to the Clubb's site in Dartford for processing. This application received no objections and was approved through delegated channels. Prior to extraction recommending conditions relating to aftercare, archaeology and ecology were required to be discharged by the MPA.

11. The submission of details pursuant to conditions 17 (Aftercare Scheme), 21 (Archaeology) and 27 (Ecological Mitigation Strategy) of planning permission DA/13/206 was made in November 2017 with a view to allowing planning permission DA/13/206 to be implemented by 7 October 2018. Although the details have not been approved at the time of writing this report, it is anticipated that they will have been by 16 May 2018 when applications (i) and (ii) are determined. Members will be updated appropriately at Committee.

Proposals

12. Applications DA/17/2025 and DA/17/2081 are accompanied by an Environment Statement (ES) covering both applications as they fall under paragraph 19 Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as the surface of the quarry site exceeds 25 hectares.

Application (i) – the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206

13. Following the acquisition of the site in 2015 by the applicant (Ingrebourne Valley Ltd), it was decided that for them to work the site in the most efficient and expeditious manner that they would have to vary a number of conditions on planning permission DA/13/206. These variations are summarised and explained below:
14. Condition 2 – the remaining reserve is c.670,000 tonnes and the expected annual output would be 100,000 to 125,000 tonnes. Allowing for a reasonable period of time for preparatory works and the resumption of extraction the anticipated completion date for restoration would need to be extended until 31 December 2024.
15. Condition 3 – to provide haulage of excavated material to the stockpile area by Articulated Dump Trucks (ADTs) via a network of internal haul roads. The proposed internal haul roads are indicated on the Plant and Operations Plan 1428/S/PS/1 (see page C2.6). Initially a bailey bridge to the south of the site would be used to cross the eastern watercourse to gain access to the proposed plant area, this is to facilitate the removal of water voles from the drainage ditch. Thereafter, the internal access road would extend northwards and then cross the ditch into the northern end of the plant site. All haul roads would be constructed using excavated mineral (no materials would need to be brought onto site) and would be 'retreat' excavated as the workings progress in a northerly direction.
16. Condition 4 – amend the condition wording to allow for the provision of a processing plant with crusher, water management ponds and ancillary buildings which is proposed under the second parallel planning application (application (ii) – for the erection of a processing plant, the construction of water management ponds and ancillary buildings). The area proposed for the processing plant was previously used for stockpiling of material prior to export and for storage of restoration material.

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17. Condition 12 – this condition currently restricts the operations to the months of April to September as the quarry was previously intended to be a satellite supply to J. Clubb quarry at Dartford. The applicant is proposing the deletion of this condition to increase the flexibility and competitiveness of the operation, the rationale being that without the seasonal restrictions it would mean they could operate all year round, enabling the continuity of supply to the market;
18. Condition 13 – this condition prohibited vehicles carrying sand and gravel from leaving the site during the daily peak hours. The applicant considered this to be a reasonable restriction when all excavated mineral was to go to the Clubb's quarry at Dartford for processing, but given this restriction is no longer in place and in order to meet the wider needs of the market the applicant is proposing to align this condition with the site operating hours outlined in condition 11 of DA/13/206.
19. Condition 14 – proposed to be deleted as the processing of the excavated material would be undertaken on site should application (ii) be permitted.
20. The applicant is not proposing changes to any other aspects of the permitted development and the area of extraction as permitted by DA/13/206 would not change.

Application (ii) – the erection of a processing plant, the construction of water management ponds and ancillary buildings

21. The earlier planning permissions for the site were permitted on the basis that the extracted mineral left the site for processing. The applicant is now proposing to process the material on site using a temporary low profile semi-mobile modular processing plant measuring 7.5m in height, alongside additional ancillary buildings including a weighbridge, office, mess facility, security storage container, fuelling area, there would also be a wheel cleaning facility and small car park with space for a maximum of 8 vehicles.
22. A mobile crushing plant would be brought onto site occasionally so that oversized material can be treated and fed into the processing plant. All processed sand and gravel would be stored to the south of the plant. The proposed plant equipment would be accompanied by a water management system comprising excavated ponds which would be located on slightly higher ground to the north of the Joyce Green Farm buildings. The water used for processing would be re-circulated and would require no discharge. The water management ponds would be a series of shallow ponds through which the water from processing would be allowed to settle. These ponds would be removed upon the completion of the extraction and the land reinstated as grassland and trees. The recovered silt from the processing would be used as part of the restoration process through the creation of reed beds. All of the plant, buildings and ancillary uses would be contained within that part of the permitted area identified for material stockpiling, which lies between the permitted extraction areas and Joyce Green Lane, with the water management ponds located slightly further to the north, see site plan on page C2.6. Extracted material would be brought to the stockpile area by ADTs.

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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), and the associated Planning Practice Guidance (PPG). National Planning Policy and Guidance are material planning considerations.
24. A draft revised NPPF (March 2018) is currently out for consultation. Many of the proposed changes reflect the current position with regard to EU legislation references and add more emphasis for the support for the delivery of new housing. The basic principles of sustainable development, building a strong competitive economy, supporting a prosperous rural economy and promoting sustainable transport remain. Protection is still given to the Green Belt and meeting the challenge of climate change, flooding and coastal changes, as well as conserving and enhancing the natural environment.
25. **Kent Minerals and Waste Local Plan 2013-30 Adopted July 2016 (KMWLP):** Policies include: CSM1 (Sustainable Development), CSM2 (Supply of Land-won Minerals in Kent), CSM4 (Non-identified Land-won Mineral Sites), CSM5 (Land-won Mineral Safeguarding), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM5 (Heritage Assets), DM6 (Historic Environment Assessment), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding Transport Infrastructure), DM19 (Restoration, Aftercare and After-use), DM20 (Ancillary Development).
26. The KMWLP commits the County Council to preparing a Minerals Sites Plan, which allocates land considered suitable for minerals development. As part of the work to develop this Site Plans, a review has been undertaken to confirm the requirements for minerals in Kent. Early work on the Minerals Sites Plan has resulted in the identification of sites potentially suitable for allocation, two of which are near to Joyce Green Quarry, however neither site has any direct bearing on these applications.
27. **Dartford Borough Council Core Strategy Local Plan (2011):** Policies include: CS13 (Green Belt), CS14 (Green Space), CS15 (Managing Transport Demand), CS16 (Transport Investment), CS23 (Minimising Carbon Emissions), CS24 (Flood Risk), CS25 (Water Management).
28. **Dartford Borough Council Development Policies Local Plan and Policies Map (Adopted July 2017):** Policies include: DP1 (Dartford's Presumption in Favour of Sustainable Development), DP3 (Transport Impacts of Development), DP5 (Environment and Amenity Protection), DP11 (Sustainable Technology and Construction), DP22 (Green Belt in the Borough), DP23 (Protected Local Green Space), DP24 (Open Space) and DP25 (Nature Conservation and Enhancement).

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Consultations

Application (i) – the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206

29. **Dartford Borough Council:** objects to the application and provide the following comments:

The Council raises significant concerns with regard to both the form of this submission and the potential impact of the proposal. Condition 10 of DA/13/206 clearly states that a cessation of works for a period of two years constitutes abandonment of the site and that restoration of the site is then required. It is considered that this submission, and consequently the other application that relies on this consent, to be invalid. The degree of change proposed means that it is not appropriate to consider this proposal as a minor amendment under s73.

The main impacts of concern for this application relate to the impact on the Highway Network and Air Quality. Dartford Borough Council (DBC) are carefully considering every application for development in this area with regard to its impact on the road network, focusing on the ability of the road network to accommodate additional traffic, in particular along and at the eastern and western ends of Bob Dunn Way, including impacts on Jct 1a of the M25. Both of these junctions are within Air Quality Management Areas (AQMA's).

An assessment of air quality impacts has been undertaken for this s73 application, this focuses on the use itself and not the impacts from increased traffic generation. The s73 application is accompanied by a brief Transport Statement (TS) but it is considered that the changes since the original consent and the deviation from the original proposal, means that this application should be accompanied by a comprehensive Transport Assessment.

The TS considers the projected movements to the consented scheme in comparison to the proposed new scheme. DBC do not consider that this is appropriate given the abandonment position above and even if this is not considered appropriate, the length of time since the original application would also require fresh consideration of these issues. Therefore, the change in the proposal is beyond that which can be dealt with as a s73 as it would require different considerations and conditions.

The application also proposes a variation to other controls previously imposed including the use of articulated dump trucks on the site. DBC have no concerns with regard to this change but do have concerns with regard to the change to the seasonality of site works, as it is unclear what has changed to overcome the previous reason for the imposition of this control.

30. **London Borough of Bexley:** raise no objection.

31. **Kent County Council Highways and Transportation:** raise no objection to the proposal in respect of highway matters, subject to conditions requiring the following:

- Limit on annual production output of 150,000 tonnes.

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- A traffic management plan that prohibits HGV movements through the M25/A282 Junction 1A during the peak hours of 07:00-09:00 and 17:00-18:00 on weekdays, no restrictions on Saturdays.
32. **Environment Agency:** raise no objection.
 33. **Highways England:** raise no objection.
 34. **Kent Wildlife Trust:** no response received.
 35. **National Planning Casework Unit** – notified as this is an EIA application: No comments to make on the Environmental Statement.
 36. **National Grid:** makes the comment that it exercises its right to place a Holding Objection to the proposal which is in close proximity to a High Voltage Transmission Overhead Line, which is protected by a Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset.
 37. **Natural England:** raise no objection.
 38. **UK Power Networks:** raise no objection but comments that the site should contact the UK Power Network's Plan Provision department before any excavation is carried out.
 39. **Thames Water:** raise no objection.
 40. **Kent County Council's Ecological Advice Service:** raise no objection subject to either the prior approval of the details relating to condition 27 of planning permission DA/13/206 (including water vole mitigation) or the imposition of a condition requiring the submission of an ecological mitigation strategy (in the same way as DA/13/206).
 41. **Kent County Council Public Rights of Way:** makes the comment that no development shall take place within the application site that would obstruct public footpath DB1 until a diversion order has been approved.
 42. **Kent County Council's Archaeological Officer:** raise no objection as the archaeological details submitted pursuant to condition 21 of DA/13/206 have already resolved all archaeological matters.
 43. **Kent County Council's Noise, Air Quality and Odour Consultant (Amey)** – raises no objections to the proposals and makes the following comments:

Noise

The application is supported by a noise assessment from LFAcoustics dated October 2017 which identifies three noise sensitive receptors; Ivy Cottage adjacent to the quarry, Vickers Cottage to the south east and the new Bridge development approximately 300 metres away.

At each of the noise sensitive locations the operational noise has been predicted for the mineral extraction (and processing plant). The use of articulated dump trucks using the haul road on the eastern side has also been included in the assessment. In

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order to assess the worst case, the predictions have assumed that both processing and extraction operations are carried out simultaneously with results showing predicted levels of 52 dB, 50 dB and 46 dB LAeq, 1hr at Ivy Cottage, Vickers Cottage and the proposed Bridge Development respectively. By way of identifying which of the two processes has the dominant effect, the results for the mineral extraction operations only show maximum predicted noise levels of 45.9 dB, 43.7 dB and 34.6 dB for the three receptors.

A number of standard noise control measures are suggested in the noise report. I would recommend that these along with a requirement to carry out noise monitoring on a regular basis are conditioned should permission be minded to be granted. These would be best addressed by the requirement for a noise scheme to be submitted for the approval of the planning authority. One further point is a recommendation that condition 20 is amended to stipulate that site attributable noise from the development shall not exceed 55 dB LAeq, 1hr at the any noise sensitive receptors.

In summary, the noise assessment has demonstrated that the works associated with the Section 73 application can be carried out without adverse impact to nearby noise sensitive receptors and within noise limits as defined by appropriate guidance, subject to the use of appropriate conditions.

44. Air Quality and Odour

The successful execution of a varied condition 2 is dependent on the variation to conditions 3, 4, 12, 13 and 14 and potential changes to background air quality in the quarry area. On the assumption that the conditions are executed without a significant impact on air emissions and emissions continue to be properly managed there is no reason to believe that air quality will change significantly. Furthermore, we do not expect background air quality to change significantly in the period 2020-2024 and are not aware of any new developments in the area that could adversely impact air quality or dust amenity. We therefore see no reason to refuse the application as a result of the extension to 2024.

Section 6.1.3 of the Air Quality EIA concludes that air quality impacts as result of transport emissions are predicted to be negligible and this is considered to be robust. This is a sensible conclusion as demand for transport is expected to decrease in some areas and any increases will be spread over the yearly operation.

Section 4.4 of the Planning & Environmental Statement Volume 1 details condition 14 which prohibits the processing of materials on-site. In the Air Quality Assessment, the applicant provides a semi-quantitative assessment of likely impacts from PM10 on health from on-site activities. It assumes a process contribution of 5µg/m³ which is considered to be conservative for this process. We therefore consider the assessment of no significant effect as being robust and see no reason to refuse the application on this basis on the assumption that on-site emissions are managed effectively, and on-site crushing is completed in accordance with the appropriate permit requirements for this mobile unit.

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As processing of the extracted material on-site is now proposed. This would decrease the need for transporting large volumes of material to a processing site before the aggregate is supplied to the building and construction industry. It will therefore reduce the products carbon footprint, lorry traffic on public highways, and vehicle emissions. Hence, on-site processing will be far more sustainable than the current system of transporting material elsewhere for treatment. This variation is dependent on the success of the application proposing to erect the processing plant (application ii).

45. **Kent County Council's Flood Risk Project Officer (Sustainable Drainage):** raise no objection.
46. **Application (ii) – the erection of a processing plant, the construction of water management ponds and ancillary buildings**
47. **Dartford Borough Council:** makes the following comments:
- “The site is located within the Green Belt and therefore I consider that the amount of plant/equipment required to support the mineral extraction works should be kept to a minimum and that the applicant should undertake to remove the equipment and restore the site should the operations cease.”*
48. **London Borough of Bexley:** raise no objection but requests that a condition is imposed on any planning permission relating to a Construction Management Plan for the construction phase and a Servicing Plan including arrangements for abnormal loads.
49. **Kent County Council Highways and Transportation:** raise no objection to the proposal in respect of highway matters, subject to conditions requiring the following:
- Limit on annual production output of 150,000 tonnes.
 - A traffic management plan that prohibits HGV movements through the M25/A282 Junction 1A during the peak hours of 07:00-09:00 and 17:00-18:00 on weekdays, no restrictions on Saturdays.
50. **Environment Agency:** raise no objection and consider that the appropriate environmental permits will cover the emissions and impacts to air, land and water for the proposed activities.
51. **Highways England:** raise no objection.
52. **Kent Wildlife Trust:** no response received.
53. **National Planning Casework Unit:** notified as this is an EIA application: No comments received.
54. **National Grid:** recommends that no permanent structures are built directly beneath overhead lines and that the statutory minimum safety clearance is 7.6 metres to ground and 8.1 metres to normal road surface.
55. **Natural England:** raise no objection.

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56. **UK Power Networks:** raise no objection but comments that the site should contact the UK Power Network's Plan Provision department before any excavation is carried out.
57. **Thames Water:** raise no objection but makes the following comments:

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

It is also requested that the following condition be included:

"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the County Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

58. **Kent County Council's Ecological Advice Service:** - raise no objection but comments that the works area is located on hard standing or short regularly mown grassland therefore minimising the potential for protected/notable species to be present. The current management of the site must continue to prevent any suitable habitat for protected/notable species establishing on site – in particular reptiles as they are known to be in the adjacent habitat.
59. **Kent County Council Public Rights of Way:** makes the comment that no development shall take place within the application site that would obstruct public footpath DB1 until a diversion order has been approved. The location of the proposed plant site has no bearing on the PROW.
60. **Kent County Council's Archaeological Officer:** Joyce Green Quarry site has potential for early prehistoric remains and for later prehistoric to post medieval remains, including possible industrial archaeology. On this basis I would like to recommend the following is placed on any forthcoming consent:

Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*

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ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

61. **Kent County Council's Noise, Air Quality and Odour Consultant (Amey)** – raises no objections to the proposals, making the following comments:

Noise

The application is supported by a noise assessment from LFAcoustics dated October 2017 which jointly assesses the impact from this proposal in addition to those from application (i) (KCC/DA/0320/2017).

The noise report identifies three noise sensitive receptors; Ivy Cottage adjacent to the quarry, Vickers Cottage to the south east and the new Bridge development approximately 300 metres away. The assessment has referenced NPPF guidance including the updated guidance [PPG] on noise from March 2014 and takes a view that the appropriate permitted noise limit is 55 dB LAeq, 1hr at the noise sensitive receptors. Although no baseline monitoring has been undertaken for this particular application, I understand that previous noise monitoring exercises have shown that LA90 background noise levels in this area are greater than 45 dB and therefore, the maximum permitted level of 55 dB would apply.

At each of the noise sensitive locations the operational noise has been predicted for the processing plant and the mineral extraction. The use of articulated dump trucks using the haul road on the eastern side has also been included in the assessment. In order to assess the worst case, the predictions have assumed that both processing and extraction operations are carried out simultaneously with results showing predicted levels of 52 dB, 50 dB and 46 dB LAeq, 1hr at Ivy Cottage, Vickers Cottage and the proposed Bridge Development respectively. By way of identifying which of the two processes has the dominant effect, the results for the processing plant only show predicted noise levels of 50.9 dB, 48.4 dB and 45.8 dB.

In summary, the noise assessment has demonstrated that the works should be able to be carried out without adverse impact to nearby noise sensitive receptors and within noise limits as defined by appropriate guidance, subject to the use of appropriate conditions.

Air Quality and Odour

There are four potential changes to air emissions relating to this application: emissions from an increased number of vehicles, both onsite and offsite; dust generated from construction activities; emissions from the generator; and odorous releases related to the water management ponds.

In summary, the submitted air quality assessment has demonstrated that the works should be able to be carried out without adverse impact to nearby receptors.

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62. **Kent County Council's Flood Risk Project Officer (Sustainable Drainage):** raise no objection but makes the following comment:

"Any other feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water may require our land drainage consent (including culvert removal, infilling or diversion, installation of access culverts)."

Local County Member

63. The local County Member for Dartford North East, Mr. D. Butler was notified of both applications on 1 December 2017 and has raised the following objections:

"The area where the application has been submitted for, has one of, if not the worse levels of traffic in the county. Residents on the nearby Bridge development endure a living traffic nightmare week in week out, whereby it can take over an hour just to leave the development. The traffic, in theory leaves people trapped in their own homes whenever there is an issue at the Dartford Crossing. No level of current mitigation works will supplement this application going ahead and it should strongly be considered for rejection.

Given this application is in very close proximity to the crossing, and a growing development with over 2000 new homes. Adding just one extra HGV to the already saturated local road network in Dartford is completely irresponsible. Let alone the other local environmental impacts such as noise and air pollution.

I'm making this representation as KCC member of Dartford North East and local resident."

Publicity

64. The applications were publicised by the posting of a site notice at the site, advertisement in a local newspaper, and the individual notification of 114 nearby properties.

Representations

65. In response to the publicity, 70 representations have been received objecting to the two applications. All representations were made regarding both applications and all were received from residents of the Bridge development. No representations were received from the nearest 114 residential properties who were individually notified (see paragraph 64). The key points raised can be summarised as follows:

- The works will produce large amounts of pollution. These will take the form of atmospheric pollution from dust from the proposed activities at the site, exhaust from machinery and vehicles in use at the site as well as traffic for the site, noise

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from the site itself which will have a substantial effect on background noise in the area, and increased light pollution.

- Exacerbate respiratory problems for residents, damage property and planting and increase cleaning costs.
- Mitigations are possible and these would include encapsulation of the site, advanced filtration systems, active and passive noise suppression systems, and appropriate benefits for residents on the area to offset the effects.
- Changes to the A206 to accommodate increased traffic while also separating traffic in different directions and prioritising public transport.
- Damage to the ecology of the site.
- Preservation of areas of archaeological interest.
- As a resident of the Bridge it is well publicised the issues we currently face with only one access route in and out of the development. The nature of the proposed development would only further restrict the access by residents and add further traffic of a nature that would cause further disruption and unnecessary aggravation.
- Increase in traffic on one of the busiest roads in the area.
- Proximity of such an off-putting site to the residential development, which will no doubt have a negative effect on house prices or attractiveness of it.
- The Bridge Development is already affected enough by the surrounding industrial entities:
 - with the shooting range to the north west causing noise pollution
 - power plant and sewage treatment plant to the north causing bad smell
 - logistical centres to the north east and east and their truck exhausts
 - latest addition of a DHL depot to the south
- Noise we have the M25 to deal with already and increasing noise is not welcome.
- The Bridge may have some industrial areas but we have no desire to see more industry on the sky line or piles of minerals.
- The houses in the Bridge Development are very close to the proposed Mineral extraction project.

66. The Member of Parliament for Dartford Mr. G. Johnson has made the following comments:

"I am aware that there is a significant level of concern among local people about this application and I would ask that the representations made by local residents are given appropriate weight by the planning committee.

Whilst I have read the conclusions of the transport impact assessment, I remain extremely concerned that increasing the operational hours of the site would place more pressure on an already congested local road network during peak times. Placing extra traffic on Bob Dunn Way during peak hours, as this proposal would, must be avoided.

I would ask that my comments be noted."

Discussion

67. Applications (i) and (ii) are being reported to the Planning Applications Committee as a result of objections received from Dartford Borough Council, the KCC Member, and from residents of the Bridge development. A holding objection has also been received from the National Grid for application (i). This relates to the presence of an overhead

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high voltage transmission line across the site and the need for two of the supporting pylons to either be diverted to allow the entire extraction area to be excavated or for National Grid to pay compensation to the landowner for any mineral that would be sterilised under the terms of the relevant Wayleave Agreement if they are to be retained in situ. This issue has been considered as part of all previous applications at the site and it was concluded that this is a matter between the two parties. Given the locations of the support pylons near the eastern and western edges of the excavation area, the quantity of mineral likely to be sterilised if they are to be retained in situ would not be significant. Similarly, this would not require major amendments to the schemes of working and restoration. It is understood that discussions between the two parties are ongoing and that agreement is likely to be reached. I am satisfied that this need not delay determination of either planning application.

68. 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. The proposals therefore need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations including those arising from consultation and publicity.
69. Dartford Borough Council (DBC) has raised the question of whether application (i) can be considered valid. Consequently, prior to discussing the two applications in detail, it is necessary to examine this question. Condition 1 of planning permission DA/13/206 requires the development to be commenced within 5 years of the date of that permission (i.e. by 7 October 2018). The operator has until that date to implement the permission. If a planning permission has been implemented (and is being relied upon), there is an expectation that the conditions set out in the permission are complied with. However, it is for KCC as the Mineral Planning Authority (MPA) to decide whether it is expedient to take any action to secure compliance with the relevant condition(s) having regard to matters such as any harm that would arise as a result non-compliance and the merits of enabling the mineral reserve at the site to be worked rather than sterilised. It is noted that condition 10¹ of DA/13/206 does include some flexibility and provides for KCC agreeing that a period of inactivity of longer than two years is appropriate. In some cases, operators have sought (and obtained) the MPA's approval for this. Whilst this has not happened at Joyce Green Farm Quarry, it is clear that in granting planning permission DA/13/206 that KCC was already satisfied that a period of inactivity in excess of two years was reasonable.
70. It is not disputed that excavation ceased in 2004 however, it is not as simple as suggested by DBC and in the wording of condition 10 itself. In addition to the points

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Restoration if working ceases

10. Unless otherwise approved by the County Planning Authority, if excavation ceases and does not recommence to any substantial extent for a period of two years, the workings shall be deemed to have been abandoned and the site shall be restored and landscaped within a further period of one year in accordance with the approved scheme with such amendments as may be approved beforehand in writing by the County Planning Authority.

Reason: To ensure restoration in the event of abandonment of the site.

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made previously, it is necessary to note that it would be necessary for KCC (as the MPA) to make an order revoking the planning permission if it wanted to ensure that no further mineral working takes place at the site prior to 31 December 2020 as it cannot simply rely on condition 10 to secure this. In considering whether it would be appropriate to seek such an order, KCC would need to be satisfied that the site has truly been abandoned rather than having been temporarily suspended. In this case, we do not believe that the site has been abandoned or that the resumption of mineral working is unlikely. Indeed, both the previous owners (Hanson) and current owners (Ingrebourne Valley Ltd) have consistently stated that they intended to resume mineral working and it is clear that this remains the case. The making of a successful order (which is considered unlikely) would give rise to compensation if it would affect the asset value of the site and result in the sterilisation of the remaining permitted mineral reserves, and compensation in this situation, payable by KCC, would be significant. On this basis, it is considered that the application is valid, and I will now proceed to the main discussion for each application.

Application (i) – the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206

71. Irrespective of the outcome of the two applications currently before Members the principle of mineral extraction at Joyce Green Quarry is established by the existing planning permission DA/13/206 and the Quarry can operate in accordance with the conditions outlined in paragraph 9. However, it should be understood that the operator will not be able to extract the full reserve available in the remaining permitted period until December 2020 and would likely be required to submit a revised restoration scheme to take into account the reduction in the size of the extracted area. Given this, it is necessary to consider the implications of working the site beyond 2020 (until 2024) and any changes that may occur during the period from now until 2024 and the merit of extracting mineral to assist in meeting Kent's sharp sand gravel landbank and to assess what the impacts of these would be.
72. The key changes that would result from this application are:
- Extension of the end date to 31 December 2024 for the completion of extraction and restoration;
 - All internal haulage by ADTs;
 - Extraction to be permitted all year round;
 - Loosening of the restrictions in place on times HGVs can exit the site.
73. Several other conditions would have to be altered, or removed, to administratively facilitate the second application, however, these changes in isolation would have no impact on the current permitted situation and so are not relevant for discussion here.
74. This application does not propose any changes to the area of the site, the method of extraction or the amount of mineral to be extracted, it is merely an extension of the period in which the applicant has to complete the extraction and restoration of the site and to allow year-round working. Given the principle of mineral extraction at Joyce Green has already been established, I am satisfied that the application is still in general accordance with planning policy and guidance.

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75. Paragraph 142 of the NPPF states that minerals are essential to support sustainable economic growth and quality of life and that it is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. It also acknowledges that minerals are a finite natural resource and can only be worked where they are found. Paragraph 144 of the NPPF states that great weight should be given to the benefits of mineral extraction (including to the economy) when applications are determined. Paragraph 145 states that Minerals Planning Authorities (MPA) should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. Paragraph 001 of the Minerals PPG states that planning for the supply of minerals has a number of special characteristics that are not present in other development (e.g. minerals can only be worked where they naturally occur, working is a temporary use of land, working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated).
76. The NPPF is reflected in Kent MWLP Policy CSM 2, whereby there is a requirement for the MPA to plan for a steady and adequate supply of aggregates and to make provision for the maintenance of landbanks. However, these are rapidly depleting in Kent, resulting in there already being a shortfall in supply and the landbank being below the required 7 years. This supports the policy argument for fully working the remaining available sand and gravel reserves at Joyce Green Quarry.
77. All the representations received were from residents of the Bridge development, which suggests that they were not aware that an existing permission was in place for sand and gravel extraction at this site. This is supported by the fact that no representations were received from the closest residential properties, all of whom were notified of these applications suggesting that they were familiar and arguably content with the continued principle of mineral extraction at Joyce Green.
78. The extension of the period until 2024 does by definition extend the period of time that operations can take place by 4 years, however, in real terms, as the extraction has not been ongoing since permission was granted in 2013, it does not represent a continuation to the potential impacts associated with the development as to date there has been no significant impact since 2004. Crucially by allowing the site to continue extraction until 2024 it would be supporting the principles of the NPPF and Kent MWLP Policy CSM2 by providing much needed sharp sand and gravel supplies to an increasingly dwindling landbank that is currently below the Government requirement of at least 7 years. The principle of mineral extraction in this location is established, and by refusing this application, would be contrary to the objectives of the NPPF and Kent MWLP Policy CSM2, however, it is also necessary to assess the impacts of the proposal on all planning issues before reaching the conclusion that the proposal is acceptable in planning terms. These will be outlined in the following paragraphs.
79. Other factors that are relevant for consideration on a new application of this type would be Green Belt, ecology, archaeology, landscape impact and site aftercare, however, in this case there would be no changes over that which is already approved, and there have been no material changes since the DA/13/206 was considered. These issues

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were all examined in detail at the time that DA/13/206 was assessed and conditions were imposed requiring additional details to be submitted to and approved by the County Planning Authority prior to the commencement of the development

80. The details submitted pursuant to conditions imposed on DA/13/206 presented comprehensive additional information relating to the aftercare of the site for 5 years, including a strategy for the reinstatement of the worked land as a mosaic of grassland and wetland habitats and the management of existing and new woodland in order to maintain and enhance the biodiversity value of the site; a programme of archaeological investigation work to provide for the archaeological mitigation of the site; and an ecological mitigation strategy that approved appropriate measures including:

- Reptile translocation;
- Water Vole translocation;
- Retention and enhancement of ditches;
- Restoration of grassland; and
- Native planting.

81. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open preserving their openness and permanence. Kent MWLP Policy DM4 states that proposals for mineral development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF. Certain forms of development are not considered inappropriate in the Green Belt provided they preserve the openness of the Green Belt and mineral extraction is one of these developments. No objections have been received on the grounds of Green Belt. Whilst there would be some minor impacts on the openness of the Green Belt in terms of the stockpiles and the use of operational machinery, these would be low key and temporary in their nature. The principle of the development has previously been considered as being appropriate in the Green Belt and in general landscape terms, that there are no significant changes (other than the length of time the applicant has to work the mineral) being proposed now, and I am satisfied that the proposal constitutes appropriate development in the Green Belt.

82. I am therefore satisfied that the proposed variations to DA/13/206 would give rise to no significant adverse impact in terms of Green Belt, landscaping, archaeology and ecology and that the proposed development is in accordance with planning policy. Subject to the prior approval of the aftercare, archaeology and ecological details included within the submission referred to in paragraphs 11 and 80, it would be unnecessary for any new permission to require the submission of further details relating to these matters. Should these not be approved prior to the determination of application (i), similar conditions to those imposed on planning permission DA/13/206 may be required. Members will be updated on this as necessary at Committee. In addition, I am content that the site is still capable of being satisfactorily restored in accordance with the details previously submitted.

Highways and transportation

83. Paragraph 143 of the NPPF states that local plans should set out environmental criteria against which planning applications should be assessed to ensure that

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permitted operations do not have unacceptable impacts on the natural and historic environment and human health from traffic. Paragraph 144 states that regard should be given to such matters when determining planning applications. Paragraph 32 states that 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.

84. Policy DM13 of the KMWLP 2016 requires minerals and waste development to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community.
85. Dartford Borough Council and local residents have objected to the application for a variety of reasons relating to highways and transportation issues. Highways England and KCC Highways and Transportation have commented on highways and transportation issues but have raised no objections (in the latter case, subject to conditions).
86. The principle of the highway movements for this development has already been established, however the applicant is applying to make variations that would, if permitted, alter the impact on the public highway. The applicant is not proposing to increase the output from the facility from the current 100,000-150,000 tonnes per annum, but by varying condition 12 it would allow operations to take place all year round, instead of the permitted 1 April to 30 September, allowing the material to be moved out of the site over a longer period, thus reducing the daily lorry movements compared with the current permission. This has the potential to provide a positive change to the current permission in terms of the intensity of the vehicle movements over the shorter period. KCC Highways and Transportation have stated that they are content with the variation of condition 12 providing that restrictions are put on the output from the site to control the number of HGV movements. The applicant and KCC Highways and Transportation are content for the site's output to be restricted to 150,000 tonnes per annum, and therefore, should Members be minded to permit this application, I recommend a condition to this effect.
87. The applicant is also seeking to vary condition 13 of DA/13/206 which would allow HGVs to exit the site during the same operating hours as the Quarry, i.e. 07.00 -18.00 Monday to Friday and 07.00 to 13.00 on Saturdays, which would include the morning and evening peak traffic hours. Concerns were raised to this aspect by the local Member, Member of Parliament for Dartford, local residents and KCC Highways and Transportation on the grounds that the site is in close proximity to M25 / A282 Junction 1A, connecting with the Dartford Crossing. This junction is considered one of the most strategically important yet least resilient parts of the national road network. Frequent incidents on the M25 /A282 approach to the Dartford Crossing cause traffic to seek alternative routes and leads to severe congestion on the local road network, including Bob Dunn Way and particularly around the access points to the Bridge development. Even modest traffic increases can have a sizeable impact on traffic conditions,

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particularly when viewed cumulatively with other planned development in the local area.

88. The applicant stated in the supporting information that 80% of HGV movements would be to the west of the site towards South East London and not east towards Junction 1A, on this basis agreement was reached with KCC Highways and Transportation that would allow peak hour vehicle movements from the site providing that vehicles only travel in a westerly direction and not towards Junction 1A. KCC Highways and Transportation do not consider it necessary for there to be any peak hour restrictions on Saturdays. On this basis, I am therefore recommending that a condition covering the following is included on any planning consent.

- A traffic management plan that prohibits HGV movements through the M25/A282 Junction 1A during the peak hours of 07:00-09:00 and 17:00-18:00 on weekdays, no restrictions on Saturdays.

89. Notwithstanding the concerns that have been expressed by Dartford Borough Council and local residents about traffic impacts, neither KCC Highways and Transportation nor Highways England have objected or indicated that any road improvements or highway related contributions are required, although KCC Highways and Transportation has requested that conditions be imposed to control certain aspects of the development. Whilst the proposed development could give rise to some adverse highways and transportation impacts, it would be for a temporary period until 31 December 2024, and in effect earlier than this as the extraction operations would cease up to a year prior to this date. I do not consider these impacts to be overriding and sufficient to justify refusal.

90. Based on the advice of KCC Highways and Transportation and Highways England, I am satisfied that the traffic that would be generated by the proposed development is acceptable and would represent an improvement in terms of the intensity of movements currently permitted. Subject to the imposition of conditions to secure the highway related conditions referred to in paragraph 86 & 88 above, I am satisfied that the proposed development would be acceptable in terms of highways and transportation and accord with relevant policies.

Noise, air quality and odour impacts

91. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air or noise pollution. Paragraph 123 states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts on health and quality of life, including through the use of conditions. Paragraph 124 states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan. Paragraph 144 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

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or removed at source and appropriate noise limits are established for extraction in proximity to noise sensitive properties.

92. Paragraph 013 of the Minerals PPG states that noise, dust and air quality are principal issues that MPAs should address when determining mineral applications. The Minerals PPG also includes more detailed advice on how these issues should be addressed to protect local amenity (e.g. through the design of the proposed development itself) and controls or limits that should be imposed if development is permitted (e.g. appropriate noise limits and measures to minimise dust / air quality impacts). Amongst other things, the Minerals PPG states that planning conditions should be imposed to ensure: that noise associated with mineral development does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900); that where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable; and that, in any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). It also states that the potential for addressing tonal or impulsive noise (such as reversing alarms) should be considered. It further states that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties may be necessary to facilitate essential site preparation and restoration work (e.g. soil stripping, movement, storage and replacement) and the construction of baffle mounds where it is clear that this will bring longer term environmental benefits to the site or its environs. More generic advice on air quality is contained in the Air Quality PPG.
93. Policies CSM1, DM1, DM11 and DM12 of the KMWLP 2016 are of particular relevance. Policies CSM1 and DM1 support sustainable development. Policy DM11 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 states that permission will be granted for minerals development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
94. Dartford Borough Council and local residents have objected to the application for a variety of reasons relating to noise, dust and air quality impacts. KCC's Noise, Dust / Air Quality Consultants have commented on noise, dust and / or air quality impacts but have raised no objections (subject to conditions).
95. KCC's Noise Consultant is satisfied that the applicant's noise assessment uses the appropriate regulations and methodology and that the predicted noise levels are within those set out in the Minerals PPG. At each noise sensitive location the applicant has predicted the operational noise for the mineral extraction (and processing plant). The use of articulated dump trucks using the haul road on the eastern side has also been included in the assessment. In order to assess the worst case, the predictions have assumed that both processing and extraction operations are carried out simultaneously with results showing predicted levels of 52 dB, 50 dB and 46 dB LAeq, 1hr at Ivy Cottage, Vickers Cottage and the Bridge Development respectively. By way of identifying which of the two processes has the dominant effect, the results for the mineral extraction operations only show maximum predicted noise level of 45.9dB, 43.7 dB and 34.6dB for the three receptors. Ivy Cottage was highlighted as having

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levels that could potentially exceed 55 dB during Phase 1B of the mineral extraction. In order to eliminate the risk of this occurring, the applicant has committed to constructing a 3 metre high environmental bund adjacent to the property and the predicted level of 52 dB for Ivy Cottage assumes this is carried out. During the bund construction, noise levels will be up to 56.1 dB although I consider this to be temporary and acceptable in planning terms as it is within the limit of 70 dB for short term works.

96. Ivy Cottage is owned by Ingrebourne Valley and is currently vacant, it is the applicant's intention for it to not be used as a residential property for the duration of operations on site. The applicant may look to use Ivy Cottage as a site/security office whilst operations are ongoing at the Quarry, however, this would be subject to a separate planning application following a decision being made on these applications.
97. The proposed development would undoubtedly give rise to some adverse noise impacts as the sand and gravel is extracted, however, the principle for this activity has already been accepted until 2020. The main change to consider in terms of noise would be the change to allow ADTs to transport the extracted material around the site. No consultee objections have been received on this aspect of the proposal and KCC's Noise Consultant is satisfied that the submitted noise assessment demonstrates that there would be no noise disturbance as a result of this change to the permission. Noise impacts would primarily be experienced in and immediately around the phase being worked and near the internal haul road and access road, there is the possibility for this to be heard by users of the public right of way but I am satisfied this would be acceptable subject to the noise control measures outlined in the noise assessment including:
- Ensuring all plant is kept well maintained;
 - Ensuring silencers on plant are effective;
 - Turning off plant when not in use; and
 - Using alternative non tonal reversing signals on mobile plant.

The imposition of a condition requiring regular noise monitoring and for condition 20 to be amended to stipulate that site attributable noise from the development shall not exceed 55 dB LAeq, 1hr at the any noise sensitive receptors.

98. KCC's Dust / Air Quality Consultant is satisfied that the assessment of air and dust emissions is technically robust and agrees with the applicant's conclusions and advised that dust and air quality issues can be satisfactorily addressed by the existing conditions. It is confident in the judgement that impacts on air quality inside the nearby AQMA and at sensitive receptors outside it would not be significant and that any dust impacts associated with the development would be acceptable subject to the implementation of appropriate mitigation. It has advised that emissions from road vehicles are highly unlikely to cause any exceedances of the health-based criteria inside the AQMA.
99. The variation to allow the transportation of excavated material on site would result in a maximum of 3 ADTs and one long reach excavator operating on site and it is not considered that air emissions relating to diesel combustion from ADTs on-site to be significant. KCC's Dust / Air Quality Consultant has stated that the submitted Air Quality aspect of the Environmental Statement (ES) concludes that air quality impacts as result of transport emissions on site by ADTs are predicted to be negligible. This is

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considered an accurate conclusion as demand for transport is expected to decrease in some areas and any increases will be spread over the yearly operation.

100. The deletion of condition 14 would permit the processing of materials on site (which is the subject of application ii). This would decrease the need for transporting considerable volumes of material, over several years, to a processing site before the aggregate is supplied to the building and construction industry. This revision to the site's operations would significantly reduce the extracted material's carbon footprint, HGV traffic on public highways, and vehicle emissions. Hence, on-site processing would be a far more sustainable approach to the current system of transporting material elsewhere for processing. This variation to condition 14 is dependent on Members giving support to application (ii).
101. KCC's Dust / Air Quality Consultant requested further information pertaining to the measures for managing emissions from the stockpiles of extracted materials. The excavation and processing of the sand and gravel is a wet process and the stockpiles of excavated (and processed) material would have a retained moisture content which means that when handled there would be very minor emissions. The applicant has advised that additional measures to prevent emissions would be implemented as necessary during dry periods, these would include the dampening of operational areas and stockpiles. Members should note that condition 19 of planning permission DA/13/206 which covers the dust suppression and noise mitigation measures set out in the original and amended Environmental Impacts Assessment would be carried over into a revised schedule of conditions for this application. On this basis KCC's Dust / Air Quality Consultant has no concerns over dust and air quality issues in relation to the proposed variations to conditions for planning permission DA/13/206.

Public rights of way

102. Paragraph 75 of the NPPF states that planning policies should protect and enhance public rights of way and access and that local authorities should seek opportunities to provide better facilities for users (e.g. by adding links to existing networks). Paragraph 004 of the PPG relating to open space, sports and recreation facilities, public rights of way and local green space includes limited advice relating to public rights of way and national trails. Amongst other things this states that public rights of way form an important component of sustainable transport links and should be protected or enhanced.
103. Policy DM14 of the KMWLP 2016 states that planning permission will only be granted for minerals development that adversely affect a public right of way, if: (i) satisfactory prior provisions for its diversion are made which are both convenient and safe for users of the Public Rights of Way; (ii) provision is created for an acceptable alternative route both during operations and following restoration of the site; and (iii) opportunities are taken wherever possible to secure appropriate, improved access into the countryside. A number of local residents have raised concerns over the impact of the development on the Public Right of Way (PROW) and the KCC Public Rights of Way Officer has stated that no development that affects the public right of way can take place until an application to divert the route has been approved. The principle of the diversion was established in the previous applications and was included as an informative on permission reference DA/13/206. The same informative would be included should this application be approved. The applicant advises that the majority of

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footpath users already use the proposed diversion route, which is along the western boundary of the site, as opposed to the official circuitous route that passes through the site. The applicant is in the process of formally applying to divert the public footpath.

104. As noted in the noise, dust and air quality sections above, the proposed development would give rise to some adverse impacts on those using the public footpaths. Given that these would be temporary and capable of being mitigated I am satisfied that such impacts would be acceptable.
105. Subject to an informative stating that no development shall take place within the site that would obstruct public footpath DB1 until a diversion order has been approved, I am satisfied that the proposed development would be acceptable in terms of public rights of way and accord with relevant policies.

Application (ii) – the erection of a processing plant, the construction of water management ponds and ancillary buildings

106. The key determining considerations in this particular case can be addressed under the following headings:
- Need for the development;
 - Green Belt;
 - Noise, dust and air quality impacts
 - Highways and Transportation;
 - Other considerations including landscape and visual amenity; water environment; ecology; and archaeology.

Need for the development

107. In the broadest sense the need for the proposed development can be said to be necessary at the site as it is essential to process the material in order to make best use of the extracted sand and gravel. Therefore, in terms of the sustainability agenda, it can be said that the processing at source is the most appropriate approach given it helps to guard against the effects of climate change by saving vehicle miles on the public highway. It must also be assessed whether the application site is acceptable in terms of, amongst other matters, the Green Belt, landscape and noise/air quality impacts.

Green Belt

108. The applicable planning policies and guidance have already been set out for application (i), please refer to paragraphs 83 for the relevant policies and guidance. Joyce Green Quarry is sited within the Green Belt and as such it is necessary that the impacts of the development are fully assessed against Green Belt policies. There are no permanent buildings proposed and the plant machinery would be located on a small footprint. The processing plant would be relatively low key in nature with the highest point measuring 7.5metres in height (see plan on page C2.7), a crusher would be brought on as and when required. The plant area would only be operational during the extraction period and would be removed from site at the earliest opportunity. The impact of the processing plant on the appearance of this part of the Green Belt is

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limited due to the screening of the site from long distance views to the south and east of the site by the well-established tree cover, which renders the plant site virtually screened from view from the Bridge development. The plant area would be partially visible from west and northerly directions, however, given the relatively low-key profile of the plant machinery, its temporary nature and that it would be seen as part of the existing derelict farm complex, I am content that it would only have a limited visual impact and would not affect the openness of the Green Belt.

109. There have been no objections received on Green Belt grounds and given the limited visual impact of the proposed plant and that the machinery would be removed from site when there is no longer a need for it, I consider that there is a compelling case of need for this plant in this location, in order to enable the operator to sustainably process the excavated material at source and it does not constitute inappropriate development. I am satisfied that the measures proposed to mitigate against any potential impacts outweigh any limited harm to the Green Belt.

Noise, dust and air quality impacts

110. The applicable planning policies and guidance have already been mentioned for application (i), refer to paragraphs 91-93 for the relevant policies and guidance.

111. This application is supported by a noise assessment which jointly assesses the impact from this proposal, and those from application (i). The noise report identifies three noise sensitive receptors, Ivy Cottage adjacent to the quarry, Vickers Cottage to the south east and the new Bridge development approximately 300 metres away. The assessment has referenced NPPF guidance including the updated PPG on noise from March 2014 and takes a view that the appropriate permitted noise limit is 55 dB LAeq, 1hr at the noise sensitive receptors. KCC's Noise Consultant has commented that although no baseline monitoring has been undertaken for this particular application, that previous noise monitoring exercises have shown that LA90 background noise levels in this area are greater than 45 dB and therefore, the maximum permitted level of 55 dB would apply. It is noted that the NPPF derived permitted limits are primarily applicable to mineral extraction operations. For fixed plant operations such as the processing plant, BS4142:2014 Methods for rating and assessing industrial and commercial sound could be considered as appropriate guidance as it allows additional factors such as the acoustic characteristics of the noise to be considered.

112. The NPPF limits apply to minerals extraction, processing and restoration operations. Planning Practice Guidance for Minerals, specifies that the assessment should consider the production process, and this includes both extraction and processing within the environs of the quarry. BS 4142:2014 additionally specifies that the Standard should not be applied to other sources falling within the scopes of other standards and guidance (e.g. minerals operations) and noise from construction and demolition operations (which would often use similar plant to that proposed). Therefore, it is not considered appropriate to assess noise from minerals processing operations against the industrial / commercial noise guidance from BS 4142. However, the PPG advises that where noise from a site has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Noise from the proposed processing plant would be principally attributable to the operation of the engines, as the processing of sand and gravel is not particularly characteristic or tonal in nature, with the character of the noise generated equivalent to that of the plant used

(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

for the extraction / restoration operations and similar to that associated with the current road traffic in the surrounding area. Following a request from the KCC Noise Consultant, the applicant provided an additional noise assessment taken adjacent to a plant similar to that proposed for this site which indicates that the noise generated from the proposed plant would not be tonal in nature and would not represent a noise disturbance to any residential properties.

113. It is therefore considered that the assessment undertaken using the Minerals PPG guidance is the most appropriate guidance for minerals operations, with the assessment and limits proposed considered to be appropriate. The KCC Noise Consultant advises that he has no objections on the grounds of noise, subject to the imposition of a condition requiring regular noise monitoring to ensure that the applicant is operating within the required limits.
114. There are four potential changes to air emissions in relation to this application: emissions from an increased number of vehicles; dust generated from processing activities; emissions from the generator; and potential odorous releases related to the water management ponds.
115. The Land-Use Planning & Development Control: Planning for Air Quality IAQM Guidance, 2017 states that a change in HGV flow of more than 25 AADT within or adjacent to an AQMA will require an Air Quality Assessment. Whilst the principle of vehicle movements has already been permitted, the applicant has carried out an Air Quality Assessment based on the development generating an increase in 29 HGVs per day. The assessment states that the impacts from NO₂ and PM₁₀ at sensitive receptors are predicted to be negligible and the air quality impact from traffic emissions is predicted to be not significant (section 6.1.3) in accordance with the IAQM guidance, 2017. KCC's Dust / Air Quality Consultant consider this assessment to be robust and considers it uses up-to-date guidance documentation and detailed dispersion modelling to predict and interpret the impact of this application.
116. Construction of the ancillary buildings and ponds would generate additional dust, due to earthworks, construction, and vehicles tracking out. This would add to dust generated by vehicles used by the construction workforce travelling to site, construction machinery and permanent employees. The nearest residential receptor is Ivy Cottage which is approximately 40m south with Vickers Cottage about 100m south. As per the Guidance on the assessment of dust from demolition and construction, these residential properties would require a dust risk assessment as they are within 350m of the boundary of the site and within 50m of the route used by construction. The applicant states in section 7.54 of the Planning & Environment Statement Volume 1 that the Disamenity Dust Impact Risk at Ivy cottage and Vickers Cottage is determined as low due to the ineffectiveness of the pathway of the dust. The Disamenity Dust Impact Risk in the Air Quality EIA does not measure the risk at Ivy Cottage which is within 50m of the site entrance (section 4.7.7), however this is considered acceptable as this property would not be used for residential purposes for the duration of operations and restoration of the site.
117. The development would include a 400kW diesel generator and the maximum period of its operation would be between the hours of 07.00 - 18.00 Monday to Friday and 07.00 - 13.00 on Saturdays. Due to the distance between the processing area and local receptors, as well as the limited operating period, the KCC Dust / Air Quality

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Consultant considers it unlikely that emissions would significantly affect local air quality.

118. The processing of sand and gravel on site would have the potential to increase the risk of amenity impacts in relation to dust. Sand and gravel would be externally stockpiled and on dry and windy days this would increase the dustiness of the area. The application documents have highlighted that the excavation and processing of sand and gravel as being a wet process and that the stockpiles of excavated and processed material would have retained moisture causing the dust impacts to be negligible. A wheel-washing facility would be installed on site to reduce vehicle 'track-out' of dust and mud, daily inspections of access roads would also be imposed by planning condition should this proposal be approved. The applicant states that the dust management measures controlled by condition 19 of DA/13/206 would be extended to cover the plant and all operational areas and on this basis KCC's Dust / Air Quality Consultant is satisfied that there would be no significant impact on amenity in relation to the proposed processing plant and its operations.
119. KCC's Dust / Air Quality Consultant has stated that there would be a potential risk to amenity from odour if the proposed water management ponds are not maintained appropriately. This can come from silt build up, debris from plants falling in the ponds and decomposing, or from oil leaks into the pond. However, if properly maintained, as stated in the application documents, they would be satisfied that there would be no risk to amenity from odour.
120. KCC's Noise, Dust / Air Quality Consultant has advised that the noise and air quality assessments carried out on both applications are robust and that it agrees with their conclusions and that the proposed developments are acceptable in terms of noise and air quality impacts. In both cases, the consultants accept that there would be no significant adverse impact on amenity or the environment subject to the proposed mitigation and the imposition of the conditions referred to in paragraph 148.

Highways and Transportation

121. The inclusion of a small processing plant does not in itself generate any significant highways issues, as the material that will pass through the plant would ultimately leave the site in any event, just in an unprocessed form. Therefore there would be no increase in overall HGV movements as a result of this application. The main highways impacts have already been assessed when DA/13/206 was approved and in paragraphs 83-90 above.
122. There are no changes proposed to the existing access onto Joyce Green Lane and an area of parking would be created next to the proposed site office, weighbridge and mess-room. Within this car park there would be space for up to 8 vehicles for the 5 full time equivalent employees (4 full time and 2 part time) and visitors. The applicant has stated that car sharing would be encouraged and that it would be open to producing a site specific travel plan.
123. KCC Highways and Transportation have raised no objection to this application but have requested that detailed plans for the car parking area and a travel plan are conditioned on any planning permission.

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124. This application would not generate any increase in highways movements in itself, it would enable an overall decrease in the number of vehicle movements associated with this operation as it would remove the need to transport the unworked extracted material to a processing site before the aggregate is supplied to the building and construction industry. It should be noted that whilst the additional years of operation proposed by application (i) would result in extra traffic on the public highway between 2020 and 2024 compared with the situation should the application be refused (and vehicle movements cease in 2020), it would allow for the site to be fully worked and would be supportive of the NPPF and Kent MWLP policies in terms of landbank maintenance and the supply of much needed aggregate.
125. As stated above for application (i), this revision to the site's operation would significantly reduce the extracted material's carbon footprint, the amount of HGV traffic on the public highways, and ultimately vehicle emissions by removing the current system of transporting material elsewhere for processing. Subject to the imposition of the conditions referred to above, I am satisfied that this application would not have an unacceptable impact on the highway network and would accord with the development plan and Government policies relating to highway and transport matters referred to above.

Other considerations

Landscape and visual amenity

126. The application site is not subject to any specific landscape designation. Policies DM1 and DM19 of the Kent MWLP require proposals to protect and enhance the character and quality of the site's setting and require high standards of restoration and aftercare. Policies DP1 and DP25 of the Dartford Borough Local Plan seek to protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough, including the quality, character and amenity value of local landscape.
127. No landscape and visual amenity objections or concerns have been raised by consultees. However, some concerns have been raised by residents of the Bridge development stating that the development proposed by both applications (i) and (ii) is too close to residential development. Existing dense woodland is situated around 7 metres to the east of the proposed plant site and would provide an effective visual barrier that would continue to ensure that Joyce Green Quarry, the proposed processing plant and views of the operations would be limited from public vantage points. In addition, the existing, albeit dilapidated, Joyce Green Farm buildings would aid the visual screening of the processing plant from the east and south, and indeed views into the site from the west would see the processing plant very much as part of the existing farm complex and would have a very limited impact on the landscape from this direction.
128. Subject to the continued imposition of conditions to secure implementation of the proposed working / phasing arrangements, the restoration and aftercare details (which include specifications for lakes, advanced woodland planting, scrub, hedgerows, meadow and grassland and management during a 5-year period after restoration), I am satisfied that the proposed development would be acceptable in terms of landscape and visual impact and accord with the above policies.

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Water Environment

129. The NPPF states that permitted operations should not have unacceptable impacts on the natural environment or on the flow and quantity of surface and groundwater or give rise to contamination. Policy DM10 of the Kent MWLP states that permission will be granted for minerals and waste development where it does not: result in the deterioration of physical state, water quality or ecological status of any waterbody (e.g. rivers, streams, lakes and ponds); have an unacceptable impact on groundwater Source Protection Zones; and exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future.
130. The water management ponds would be a series of shallow ponds, through which water from the processing plant would be allowed to settle. These ponds would be regularly cleared of silt and this material would be used in the restoration of the lake. At the end of the extraction period these ponds would be restored to open grassland.
131. No objections or concerns have been raised by consultees, KCC's Flood Risk Project Officer has stated that he considers the proposals as low risk from a surface water flooding perspective and that the main risk associated with the operation of the site is the silting and or pollutions of adjacent watercourses. It is considered that this would be adequately addressed by the Environment Agency's permitting requirements. The proposal would also involve the alteration of an existing watercourse as the extraction of mineral progresses; this would also be addressed by the Environment Agency's permitting requirements.
132. In the absence of any objections from key technical consultees (e.g. the Environment Agency and KCC's Flood Risk Project Officer and Natural England), I am satisfied that the development proposed by this application does not present an unacceptable risk to groundwater or surface water quality, would not exacerbate flood risk and would therefore accord with the development plan and Government policies relating to the water environment referred to above.

Ecology

133. Paragraph 143 of the NPPF states that local plans 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 regard should be given to such matters when determining planning applications. Paragraph 109 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. Kent MWLP Policy DM3 requires proposals for minerals developments to ensure that they do not result in unacceptable adverse impacts on Kent's important biodiversity assets and demonstrate an adequate level of ecological assessment has been undertaken.
134. No objections or concerns have been raised by consultees. Natural England is satisfied that the development is unlikely to have any significant effect on any

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designated sites if it is undertaken as proposed and KCC's Ecological Advice Service has no objections providing the applicant continues to prevent any suitable habitat for protected/notable species establishing on the plant site.

135. In the absence of any objections from key technical consultees (e.g. Natural England, KCC's Ecological Advice Service and the Environment Agency), I am satisfied that the development proposed by the application would be acceptable in terms of ecology and the natural environment and would therefore accord with the development plan and Government policies referred to above.

Archaeology

136. The NPPF seeks to ensure that archaeology and cultural heritage are properly considered when applications are determined, and that the historic environment is conserved where possible. Policies DM5 and DM6 of the Kent MWLP are also relevant and seek to protect important heritage assets.

137. Extensive archaeological work was carried out following the approval of application DA/13/206, however, the area for the processing plant was not due to be used under this permission, other than for stockpile storage, the site has known potential for early and later prehistoric remains, post medieval remains including possible industrial archaeology. KCC's Archaeological Officer has raised no objection subject to the imposition of a condition requiring the submission of an archaeological field evaluation, and further archaeological investigation determined by the results of the evaluation. I am therefore satisfied that the proposals accord with development plan and Government policies relating to archaeology and cultural heritage.

Conclusion

138. In determining these applications it is important to note that irrespective of the outcome of the two applications the principle of mineral extraction at Joyce Green Quarry is established by the existing planning permission DA/13/206 and this permission is expected to be implemented before 7 October 2018. The majority of objections received are in relation to the impact of additional vehicles on the road network around Joyce Green Quarry and the air quality impacts arising from this. The refusal of these current applications would not reduce the number of vehicles on the public highway as they are already permitted by DA/13/206. Indeed, it is my view that by granting planning permission for these two applications it would result in an improvement to the current situation, given the additional controls that would be imposed.

Application (i) – the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206

139. The principle of the development proposed by application (i) has been established by planning permissions DA/00/326 and DA/13/206. The main proposed changes to the development previously permitted by DA/13/206 are the extension of the period of time for mineral extraction and final restoration by 4 years until 31 December 2024; allow the internal movement of excavated material by ADTs; allow year-round operations; and permit some restricted HGV movements to and from the site during peak periods.

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140. Whilst objections have been received from residential properties on the new Bridge development to the east, no objections have been received from the nearest residential properties to the site. Objections have also been received from Dartford Borough Council, however, I am satisfied that these objections have been fully addressed above. With the exception of the National Grid's holding objection (explained in paragraph 67), no objections have been received from any technical or other consultees, subject to the imposition of conditions.
141. Whilst there would be some adverse impacts associated with HGV movements, KCC Highways and Transportation and Highways England have no objections to the proposed development (in the former case subject to conditions). Subject to these and other matters being addressed by conditions, I am satisfied that the proposed development would be acceptable in terms of highways and transportation and accord with policies referred to in paragraphs 24 to 29 above.
142. Having regard to all of the above, I am satisfied that the benefits of the proposed development outweigh the impacts from the development and that the variation to allow year-round operations reduce the intensity of operations that would be the situation with the current permission. The proposed variations to permission reference DA/13/206 conform with NPPF and Kent MWLP policies in relation to maintaining an adequate supply of sharp sand and gravel (which is already well below the required 7 years landbank) and in terms of sustainable development for the reasons summarised above and detailed in this report. I am satisfied that the proposed development accords with relevant development plan and Government policies subject to the imposition of the conditions referred to (which largely replicate those imposed on planning permission DA/13/206). I therefore recommend that permission be granted.

Application (ii) – the erection of a processing plant, the construction of water management ponds and ancillary buildings

143. I am satisfied that there is a clear case of need to process the mineral extracted from Joyce Green Quarry and I am also satisfied that that the proposed location is a sustainable location as it can be accessed without the need for plant, machinery or vehicles to use the public highway. The proposed plant site is relatively well screened from all but very localised viewpoints and I am satisfied that there would be limited landscape impact. I recommend that a condition is imposed requiring the processing plant to be removed from site as soon as it is no longer required.
144. Whilst objections have been received from residential properties on the new Bridge development to the east of the site, no objections have been received from technical or other consultees subject to the imposition of appropriate conditions. Whilst the proposed development would give rise to some localised impacts in terms of noise, dust and air quality, KCC's Noise and Dust / Air Quality Consultants are satisfied that any impacts would be acceptable, provided the development takes place as proposed and appropriate controls are imposed by condition.
145. On this basis, and subject to other conditions (including those restricting HGV movements) I am satisfied that the proposed development accords with relevant development plan and Government policies and represents sustainable development subject to the imposition of the conditions referred to below. I therefore recommend that permission be granted.

(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

Recommendation

146. I RECOMMEND that:

- (i) PERMISSION BE GRANTED to vary conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206 at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN, SUBJECT TO conditions covering amongst other matters:
- The completion of extraction and restoration by 31 December 2024;
 - The use of Articulated Dump Trucks (ADTs) to transfer materials to the stockpile area;
 - Operations permitted to take place throughout the year (rather than just April to September);
 - On-site processing of material at the plant proposed in application (ii) (subject to application (ii) being permitted);
 - Annual production / output limited to no more than 150,000 tonnes per year;
 - A traffic management plan that prohibits HGV movements through the M25/A282 Junction 1A during the peak hours of 07:00-09:00 and 17:00-18:00 on weekdays, with no restrictions on Saturdays;
 - Noise attributable to operations on site not exceeding 55 dB LAeq, 1hr at any noise sensitive receptor;
 - The submission and approval of a drainage strategy detailing any on and/or off-site drainage works;
 - Ivy Cottage not to be used for residential use until the site has been fully restored;
 - The submission and approval of a scheme for regular noise monitoring;
 - Compliance with the details approved pursuant to conditions 17, 21 and 27 of planning permission DA/13/206 (or the imposition of similar conditions as necessary); and
 - Those other conditions on planning permission DA/13/206 that are necessary to ensure satisfactory control over the development (amended as necessary to reflect the above);
- (ii) SUBJECT TO permission being granted for (i) above, PERMISSION BE GRANTED for the erection of a processing plant, the construction of water management ponds and ancillary buildings (weighbridge, office, messroom, stores) at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN, SUBJECT TO conditions covering amongst other matters:
- The submission and approval of a Travel Plan;
 - The removal of the processing plant when no longer required;
 - The submission and approval of a Construction Management Plan and a Servicing Plan, including arrangements for abnormal loads;
 - The submission and approval of a programme of archaeological works; and
 - Any others necessary to ensure consistency with application (i) above.

(i) the variation of conditions 2, 3, 4, 12, 13 & 14 of planning permission DA/13/206; and (ii) the erection of a processing plant, the construction of water management ponds and ancillary buildings at Joyce Green Quarry, Joyce Green Lane, Dartford, Kent, DA1 5PN

Case Officer: Adam Tomaszewski

Tel. no: 03000 411029

Background Documents: see section heading

Item C2

**Construction and operation of an Agricultural Waste
Digester and ancillary infrastructure at Court Lodge Farm,
Stack Road, Horton Kirby, Kent, DA4 9DU – SE/18/00293
(KCC/SE/0007/2018)**

A report by Head of Planning Applications Group to Planning Applications Committee on 16 May 2018

Application by Oncoland Ltd for construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU. SE/18/00293 (KCC/SE/0007/2018)

Recommendation: Permission be GRANTED subject to conditions.

Local Member: Roger Gough/David Brazier

Classification: Unrestricted

Site

1. Court Lodge Farm is located approximately 800m to the east of Horton Kirby village along Stack Road, a private road leading from the junction between Forge Lane, Jacobs Lane and Skinney Lane. The farm holding extends to approximately 281ha, with the farmyard sitting centrally within the land holding.
2. The site for the proposed Agricultural Waste Digester (AWD) plant is immediately to the south east of the existing group of agricultural buildings at Court Lodge Farm. This collection of buildings includes an existing farm manager dwelling, old cattle sheds, storage barns and grain stores, a large granary shed and a hop picking and drying shed. There is an existing planning permission for the replacement of some of the barns to the north of the access track with two new cattle sheds and an area for straw storage, and the installation of an area for silage clamps, an attenuation pond and workshop to the south of the track.
3. The proposed site for the AWD is to the south of the main, surfaced track through the farm and to the east of a secondary track leading to the south. This area presently forms the north-western corner of a large arable field. Immediately to the west of the secondary track within a broader area of hardstanding is a large metal clad sheep shed and a smaller polytunnel structure. The application site extends out to the east including the route of the proposed gas pipeline which follows the farm track and passes through Horton Wood (Ancient Woodland), crossing a public right of way and in to the field beyond where two small buildings are proposed where the pipeline would connect with the existing gas pipeline network.
4. The site is located at the crest of a broad ridge running gently down to the north west and thus occupies an elevated position, raised above the surrounding areas to the north, west and south.
5. The site lies wholly within the Metropolitan Green Belt. It also is within a number of nationally and locally designated landscape character areas; the North Kent Plains National Landscape Character Area, Darenth Downs Character Area (part of KCC's

Construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU – SE/18/00293 (KCC/SE/0007/2018)

Landscape Character Assessment of Kent 2004) and Downs Farmlands landscape character area (part of Sevenoaks Countryside Assessment 2011). It also lies entirely within a Flood Zone 1 which is defined as having a low risk of flooding from rivers and sea. The nearest nature conservation designation is the Farningham Wood Site of Special Scientific Interest (SSSI) which lies over 2km to the west of the application site.

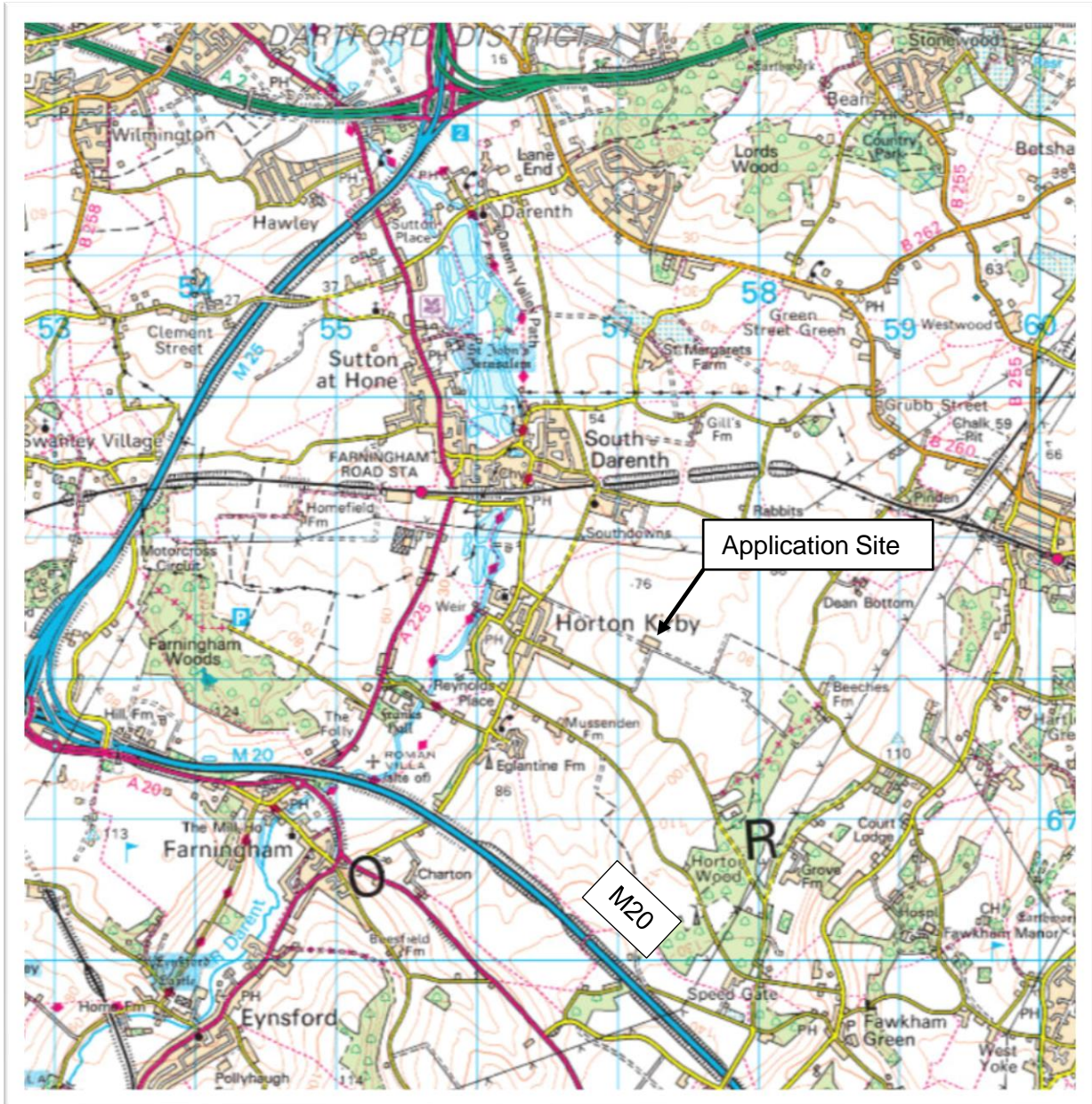
6. The application site lies within a groundwater Source Protection Zone 2 (SPZ2) where the Environment Agency (EA) give consideration to the risk of pollution and suggest prevention measures if appropriate. It also overlays a principal chalk aquifer which the Environment Agency identify as being of High Vulnerability. The Chalk in the area of the site is also identified as a Nitrate Vulnerable Zone.

Background and Recent Site History

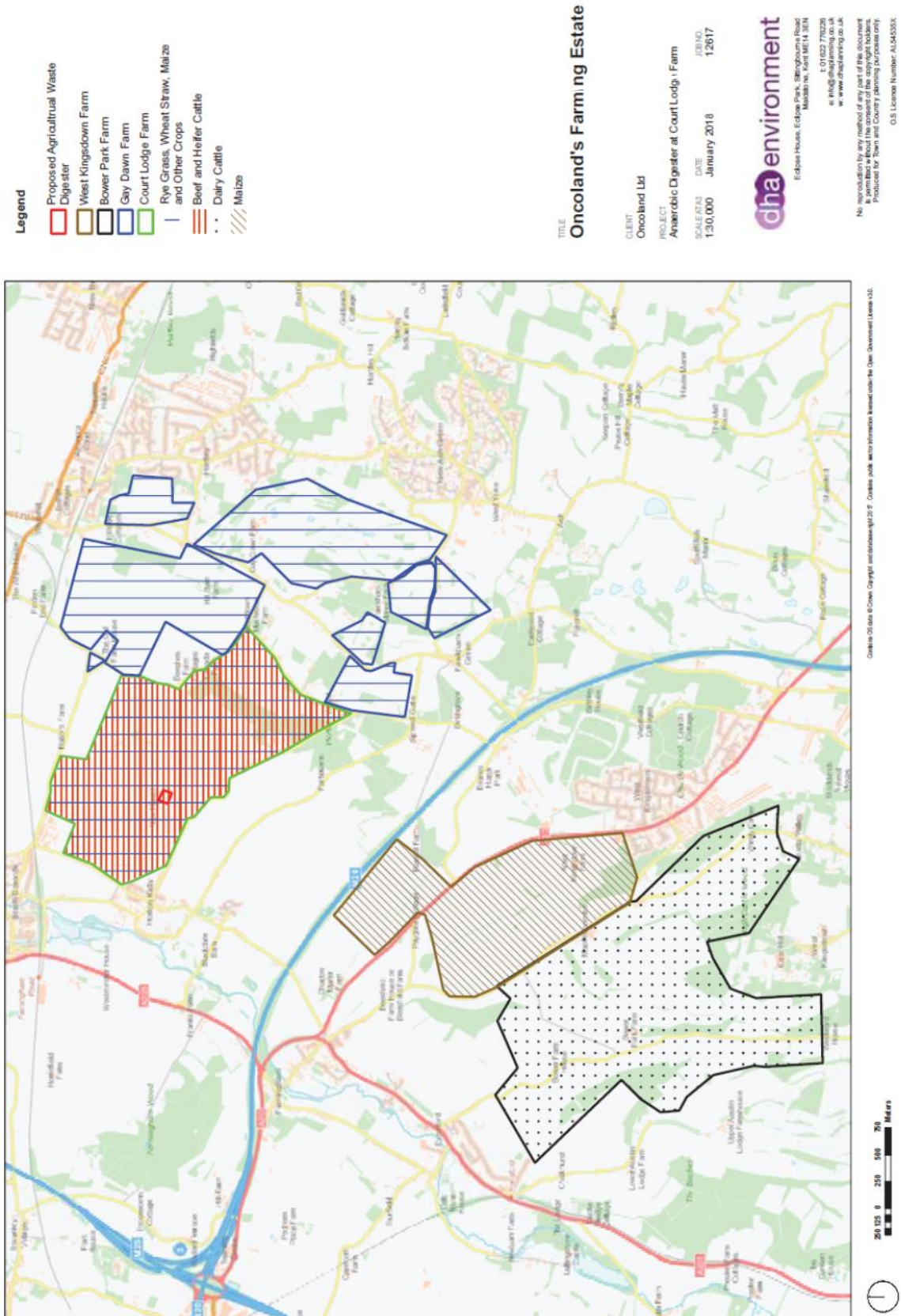
7. Oncoland Ltd, (the Applicant) is an established family owned farming business which in more recent times has centred business on holdings around the West Kent area. Oncoland's portfolio currently consists of approximately 3,600 acres of mixed use land, but primarily within the arable, dairy and beef sectors. The farming estate consists of four main farms; Gay Dawn Farm (GDF), West Kingsdown Farm (WKF), Bower Park Farm (BPF), and Court Lodge Farm (CLF).
8. GDF is predominantly an arable operation producing a number of arable and forage crops, and WKF is arable and produces maize and wheat. BPF conversely is predominantly dairy farming housing approximately 340 dairy cows. A further 180 beef cattle and 180 followers are currently housed at GDF. In 2016 the applicant purchased CLF to house the beef and dairy followers and to improve efficiency and centralise these operations.
9. To this end the applicant secured planning permission in September last year (SE/17/01833/FUL) to demolish existing dilapidated farm buildings and build modern purpose-built facilities at CLF to facilitate the relocation of the animals from GDF. To the north of the farm road permission was granted for two new cattle sheds and straw storage and to the south manure and silage clamps, a workshop building and an attenuation pond. (Demolition of the existing structures is underway).
10. Planning permission was granted (reference SE/04/02711/FUL) for a steel portal building to be used as a grain store and hop oast. The granary shed and hop picking and drying buildings remain on site to the east of the permitted new cattle sheds.
11. Prior to submission of this application the Applicant sought a screening opinion from the County Council as to whether the application should be the subject of an Environmental Impact Assessment. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it was concluded that the application did not need to be accompanied by an Environmental Statement.

Construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU – SE/18/00293 (KCC/SE/0007/2018)

General Location Plan

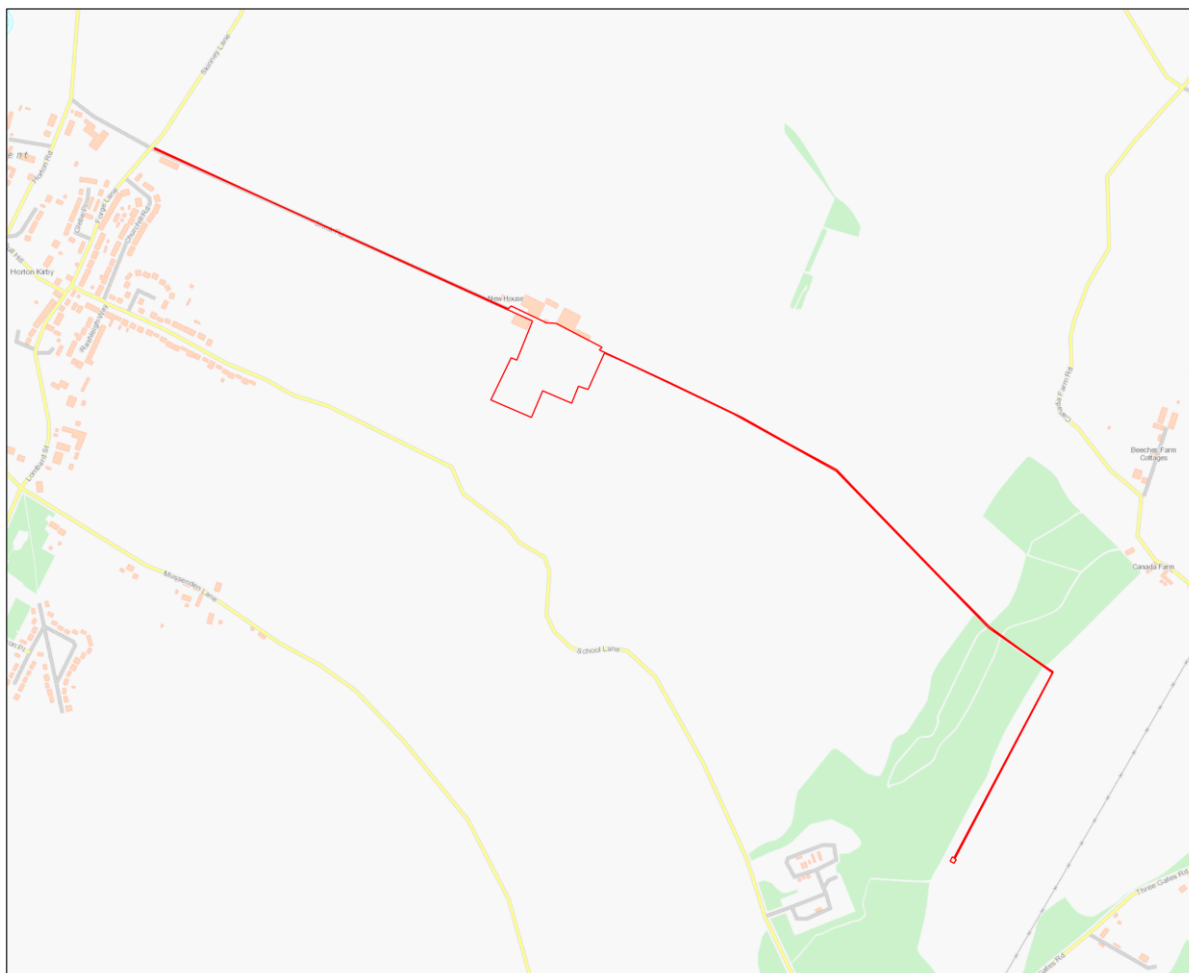


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Application Site Plan



Proposal

8. The application seeks planning permission for an Agricultural Waste Digester (AWD) for the anaerobic digestion of up to 37,000 tonnes per annum of agricultural waste. The AWD would consist of 2 x fermenter tanks, a covered lagoon, an extended silage clamp, pre-storage tanks, a feeding system, a biogas upgrading unit and other ancillary infrastructure (including gas pipeline). Anaerobic digestion is a biological process whereby organic material (feed stocks) are broken down by bacteria, in the absence of oxygen. The feedstock is fed into the fermenter tanks where the digestion process is optimised and controlled. The digestion process (typically 40 days) produces an inert digestate fertiliser/soil conditioner in both a liquid and solid fraction. The liquid fraction is stored within a sealed expandable ultra-flexible polyethylene membrane bag within the lagoon. The volume of digestate is typically around 90-95% of what has been fed into the digester.

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9. A natural by-product of the process is the production of a combustible biomethane which can be exported to the national grid (as a gas) for energy generation. The Applicant intends to use a small proportion of the biogas to power Court Lodge Farm and export any excess unprocessed gas to the national grid. A below ground pipeline would join up with Southern Gas Network's assets to the east with some gas monitoring/pressure increase equipment housed in small structures at the point of connection. A gas flare would be included within the development so that any excess gas could be flared and safely released in the event of an emergency. Such gas flares are common to all AD plants but rarely, if ever, used.
10. It is proposed that the AWD would utilise all existing agricultural waste from the farm estates including farmyard manure, slurry, straw (a waste product of wheat production) and rye grass. The process also requires the addition of Glycerol, a waste product from the biodiesel industry, as an important additive which optimises the carbon:nitrogen balance within the digesters and the resultant quality of the biomethane. The remaining non-waste input into the AWD would be maize grown on the estate to supplement the feedstock to maximise the amount of digestate produced and provide sufficient quantities of organic fertiliser for the estate's needs and therefore minimise its reliance on imported fertiliser.
11. Access to the site would be along the existing Stack Road, a private road leading from the junction between Forge Lane, Jacobs Lane and Skinney Lane. Slurry bought in from Bower Park Farm would come in on this access (in sealed slurry tankers), as would the maize from West Kingsdown Farm and the imported Glycerol. The road access would also be used to take any required digestate to West Kingsdown. The proposal to locate the AWD on Court Lodge Farm allows the farm yard manures from the beef and dairy followers to be fed directly to the digesters. Shared borders with Gay Dawn Farm (GDF) also allow for the imported maize, rye and straw to be transported almost entirely on internal farm tracks, as would be the case for the export of the resultant digestate for spreading.
12. No hours of operation are proposed as the process is continual although the Applicant has proposed that vehicle movements from the proposed development would be timed to avoid the peak periods. It is stated that the proposals would result in an additional 1.5 vehicle movements per day to the Court Lodge Farm site.

Construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU – SE/18/00293 (KCC/SE/0007/2018)



Construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU – SE/18/00293 (KCC/SE/0007/2018)

Planning Policy

13. **National Planning Policy Framework (NPPF) (March 2012)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.
14. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 3 (Supporting a prosperous rural economy), 4 (Promoting sustainable transport), 9 (Protecting Green Belt Land), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) are of particular relevance.
15. The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.
16. A draft revised NPPF (March 2018) is currently out for consultation. Many of the proposed changes reflect the current position with regard to EU legislation references and add more emphasis for the support for the delivery of new housing. The basic principles of sustainable development, building a strong competitive economy, supporting a prosperous rural economy and promoting sustainable transport remain. Protection is still given to the Green Belt and meeting the challenge of climate change, flooding and coastal changes, as well as conserving and enhancing the natural environment.
17. **National Planning Policy Guidance (NPPG) (March 2014 (as updated))** supports the NPPF including guidance on planning for air quality, climate change, environmental impact assessment, flood risk and coastal change, light pollution, minerals, natural environment, noise, transport and waste (amongst other matters). The waste section of NPPG advises that the aim should be for each Local Planning Authority to be self-sufficient in dealing with their own waste in the context of the 'proximity principle'. It requires waste planning authorities to plan for sustainable management of waste.
18. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF and Waste Management Plan for England (WMPE) 2013. It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.

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19. **Waste Management Plan for England (WMPE) 2013:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a guide for sustainable waste management. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill).

Development Plan Policies:

20. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (July 2016):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW1 gives support where, when considering waste development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy.
21. Policy CSW2 recognises that to deliver sustainable waste management solutions for Kent any proposal should demonstrate how they will help drive waste up the waste hierarchy whenever possible.
22. Policy CSW6 guides the location of built waste management facilities. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the waste hierarchy. In reflecting the relative positions of the different methods of waste management in the waste hierarchy it is considered preferable to process organic waste to produce compost as opposed to burning it to produce heat/power. The use of organic waste to produce gas that may be used as a fuel via anaerobic digestion is also considered preferable to its direct combustion.
23. Policy DM1 requires that proposals for waste development are designed amongst other matters, to maximise the re-use or recycling of materials. Policy DM2 of the KMWLP states that proposals for waste development must ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Policy DM3 of the 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

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a positive contribution to the protection, enhancement, creation and management of biodiversity.

24. Policy DM4 requires that proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF. Policy DM5 seeks protection of Kent's Heritage Assets. Policy DM10 seeks to protect the water environment and embraces issues of flood, groundwater, SPZ's and the protection of waterbodies. Policy DM11 requires waste developments to demonstrate that they are unlikely to generate unacceptable adverse impacts from noise, dust, odour, vibration, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 establishes the need to take into account the cumulative impacts of individual elements of a proposal to ensure there are no unacceptable adverse impacts on the environment or local communities. Policy DM13 requires waste developments to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Policy DM14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments.
25. **Sevenoaks District Council Core Strategy 2011:** Policy SP1 requires high quality design and for it to respond to the distinctive local character of the area in which it is situated. Policy SP2 Sustainable Development: Sustainable Construction and Low-Carbon Energy Generation. Policy LO8 seeks to conserve the countryside, protect the Green Belt, landscape features and the protection and enhancement of biodiversity. Policy SP11 conserve and seek opportunities to enhance biodiversity.
26. **Sevenoaks Allocations and Development Management Plan 2015:** Policy EN1 requires high quality design, EN2 seeks to protect residential amenity, EN5 seeks development to conserve the character of the landscape (and where feasible to help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD), Policy EN6 seeks to minimise the impact of outdoor lighting on the countryside, Policy EN7 control of potential noise pollution, Policy T1 seeks to mitigate travel impact.
27. **Sevenoaks District Council Development in the Green Belt Supplementary Planning Document (SPD) (February 2015):** Section 8 states that new buildings that are demonstrably essential for agriculture or forestry purposes are considered to be appropriate development in the Green Belt.

Consultations

28. **Sevenoaks District Council** - No objection subject to the County Council being satisfied that the highway impacts of the proposals would be acceptable.

Horton Kirby and South Darenth Parish Council – Objects Until:

- An Environmental Impact Assessment is completed
- Clarification that no other potential route is available to farm traffic from West Kingsdown, i.e. A20, Scratchers Lane, Speedgate and internal farm roads.

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- Comprehensive KCC Highway Survey on impact of proposed farm traffic on proposed route in application is completed
- That all of the above are shared with the Parish Council for further comment.

Fawkham Parish Council – No views received

Environment Agency – No objection - based upon the additional information contained in the hydrogeological risk assessment and, its assumptions about the required infrastructure specifications and planning controls. It goes on to offer advice to the Applicant relating to the Environmental Permitting Regime which would be applied and encourages early contact for pre-permitting advice.

Sustainable Drainage - No objection. Given the site location within Zone 2 Groundwater Protection Zone and a Nitrate Vulnerable Zone, it is important that the proposed development does not infiltrate into the ground at any instance, so care needs to be given to design. We are concerned about the statement that exceedance of the attenuation pond will flow into adjacent fields. Though this may not occur frequently, it is important to ensure that flood risk is not increased off-site. Due to the possibility of overflow we recommend that the depth of the attenuation pond is increased by a margin such that potential for an overflow is reduced and as such recommend a condition requiring details of the pond be submitted for approval prior to commencement of works on site

Natural England – No objection - Is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Farningham Wood and Halling to Trottscliffe Escarpment SSSI's have been noted. (NB. these are over 2km distant from the application site). Defers to standing advice on protected species.

Kent County Council Biodiversity – No objection - Satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species or sites. We recommend that the precautionary mitigation measures within the submitted ecological report are incorporated into any construction environmental management plan (CEMP). As there is habitat for breeding birds on site, we request that an informative advising the applicant of the requirements under the Wildlife and Countryside Act 1981 be issued.

Kent County Council Noise and Air Quality Consultant (Amey)

Noise - No objection. Satisfied that the proposals will have a minimal noise impact and that no adverse noise impact will occur at any noise sensitive receptors including the farm managers property from either plant operations or any associated vehicle movements.

Air Quality and Odour – No objection. The traffic associated with the construction of the facility and the operational traffic is not considered likely to be significant or have any adverse impacts upon any Air Quality Management Areas. The net amount of deposited nitrogen is likely to be the same if not lower than that currently produced by the combustion of imported gas as the quantities used to heat the cattle shed and for drying straw/grain is likely to be the same. The contribution of any non-anticipated increases in nitrogen deposition to the Nitrate Vulnerable Zone degradation is likely to be minor and more than offset by the reduction of degradation realised by the use of

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nutrient stable fertiliser.

Kent County Council Landscape Consultant (Amey) – No objection - based on the revised landscape plan which gives outline details of the proposed planting and shows additional landscaping around the western extent of built development near the permitted attenuation pond and existing sheep shed. This is on the basis that further and more specific details of the proposed planting will be provided by the applicant through a submission pursuant to a planning condition. We would require a greater number of the heavy standards and feathered trees than that shown on the landscape drawing submitted thus far (possibly another 5 along the western boundary).

Kent County Council Highways and Transportation - No objection. The application is supported by a comprehensive Transport Note (TN) which demonstrates that the likel

y traffic generation as a result of this application would not be significant in terms of vehicle movements on the local highway network – in the order of 1.5 additional movements per day on average. Since this type of facility is specific, the number of additional traffic movements taking into account the reduction in some trips already existing, has been estimated from information provided by the potential operators and is assumed to be a valid assessment. The routing of the vehicles on the local roads has been identified and the TN identifies any issues relating to the roads used, none of which appear to result in any significant problems. I therefore conclude there are no grounds to object to this application on highway safety or congestion grounds.

Kent County Council Archaeology – No objection. The site lies within an area of potential associated with prehistoric and later activity. There are several nearby cropmarks, some of which could be Bronze Age ring ditches or burial sites. It is therefore recommended a condition requiring field evaluation and further archaeological investigation determined by the results of the evaluation, as follows:

Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Public Rights of Way – No comments to make

Council for the Protection of Rural England – Kent – In principle this is a project worthy of support in that it can provide 'closed loop' re-use of on-farm wastes, generating both a usable supply of biogas for use on and off site as well as generating a sustainable digestate which can be used to improve soil across the farm estate. It is also acknowledged that it will limit the emissions of greenhouse gases from the farm

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waste. Residual concerns:

- Impacts on Green Belt: it is for the Planning Officers to establish whether the AWD constitutes appropriate agricultural development, or if not, whether the benefits of on-farm treatment of agricultural waste constitutes the 'very special circumstances' necessary for the construction of such a project. Careful attention will need to be given to the landscape mitigation of new industrial-style buildings in such an open rural setting.
- Transport Implications: We note the Planning, Design and Access Statement reassures that overall vehicle trip numbers will not increase significantly but wish to be convinced that organic waste will not have to be imported from elsewhere, with negative transport impacts, to ensure the optimum operation of the AWD. The Transport Technical Note says that a large proportion of the cattle waste will come from Court Lodge Farm which is at odds with the Planning Statement that implies only waste and non-waste inputs used in the AWD will be generated on site. The potential number and effects of vehicle movements associated with the proposal are a particular concern. Access to the site is by rural lanes, where wear and tear and inconvenience to other users would be greatest. AWD's need to be kept 'fed' and shortfalls from local sources for whatever reason, would mean importations. Evidence from elsewhere suggests that the need for imported material can be underestimated; determining the true requirement in all circumstances is therefore key to validating the projected vehicle movements, which we think are very likely to be an underestimate.
- Site Waste Management: We note the controls to be applied to limit air pollution and odour in operation, but we urge the implementation of a site management plan that would ensure the rapid clean up of any spilled raw materials or digestates, which can easily become compacted by vehicle movements and generate odour as they break down. Good site housekeeping will be essential to limit nuisance and odours.

Southern Gas Networks – No comments

Animal and Plant Health Agency - No comment other than to confirm that approval from the APHA is required in order to run a compost or biogas site.

Local Member

29. The local County Member Mr Roger Gough lends his support to the views taken by the Parish Council and repeats their comments that the application cannot be supported until the requests of the Parish Council are met. No views have been received to date from Mr David Brazier.

Publicity

30. The application was publicised by the posting of 3 site notices, an advertisement in a local newspaper, and the individual notification of 109 residential properties.

Representations

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31. In response to the publicity, 40 letters of representation have been received, including one from the Headteacher at Horton Kirby Primary School. The key concerns raised can be summarised as follows:

Traffic and Congestion

- The village and its lanes are very small and struggle to cope with any large commercial vehicles which damage the hedgerows and banks and parking is already difficult for the school run.
- Jacobs Lane and Horton Road border the school and already become congested when there are school events. This can block the local bus route and disrupt traffic flows, regularly obscuring the junction. This would be made worse unless Jacobs Lane was widened or an alternative area for parents to park was created.
- The increase in traffic will create more pollution to the detriment of the young children at the local school and cause conflict with all users of the roads and footpaths.
- There are no pavements along Jacobs Lane and inadequate signage so there is a risk to pedestrians and school children.
- What controls would be in place to make sure vehicles followed the suggested route.
- The tractors are very slow and cause congestion behind them, the cows are welcome, but the slurry tankers and glycerol tankers are not.
- Local roads are already brought to a standstill when there is a problem on the M25 and Dartford Crossing.
- Traffic levels are high at the following times;
 - 8.30am-9.30 am Horton Kirby School and Riverside Nursery
 - 12pm -1pm Riverside Nursery
 - 3.00pm – 3.45pm Horton Kirby School
- We live in a rural farming community and accept some farm vehicles, noises and smells are inevitable, but this proposal is for an industrial use of farm land and should be refused.
- It is unclear how the glycerol will be transported.
- The proposal is to cross bridges not suitable for HGV's and if the Bridge were to fail it would severely impact the village.
- The farm should only move vehicles at times of the day to avoid peak periods and not hinder the local bus.
- As a local resident I have never seen the large vehicles carrying fertilizer and other chemicals travelling on the proposed route. The entrance is only ever used for the occasional tractor and cars. I question their description of the current traffic movements.
- The traffic will damage the local roads.
- The environmental centre often has coaches visiting along the already narrow lanes.
- The extra traffic will have a negative effect on the village as a whole and as stated by on County Councillor 'lorries should be removed from small roads through the villages in Kent'
- There are alternative sites that belong to the landowner that would be more central and easier for transportation.
- Could the slurry be transported by pipeline?

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Odour

- The smell that will come from the cow slurry will be a problem during the summer affecting school play time and sports activities, and will affect house prices.
- Lorries transporting slurry reek and leak and the smell lingers and slurry stains. proposals are dangerous for the local children.
- The slurry spread on the fields every September is dreadful, this will be all year round.
- The smell will affect the customers visiting the local pubs during the lighter evening when they sit out in the pub gardens enjoying the fresh air and sunshine.

Other Environmental Impacts

- There has been no environmental assessment of the proposals and any decision should be revoked.
- The digester and ancillary buildings are to be built on Green Belt land not in keeping with the surroundings.
- The digester will be visually damaging to the landscape and will destroy traditional field patterns creating an adverse effect on the rural community and the loss of farming land.
- There are no benefits to the general countryside or to the local residents who chose to live here for the enjoyment of the location.
- The area is already used by strangers for fly tipping creating an eyesore in the beautiful countryside.
- Ammonia and other gaseous emissions are a concern and the proposal will create unacceptable noise and odour (and attract flies), especially for those properties in close proximity
- There is no assessment of the noise from the cooling system or exhaust system. and no confirmation of when the vehicle movements would take place.
- A gas pipe is to be built through Horton Wood, an ancient woodland to the detriment of the wood and surrounding wildlife.
- We are concerned about toxic spills and explosions due to gas build ups blighting the surrounding area.
- The proposed site is on the side of a valley and when it rains heavily the run-off goes down Jacobs Lane as well as into Forge Lane and if the lagoon leaks it will end up in the village and likely go in to the River Darent leading to environmental damage.
- The use of maize grown on the states is extremely destructive and will permanently damage the soil.

Discussion

32. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 10 above. Section 38(6) of the Planning and Compulsory

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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 can be summarised by the following headings:

- Need and Sustainability
- Green Belt
- Landscape and Visual Impact.
- Traffic and transport
- Noise, air quality and odour
- Water Environment
- Ecology and Ancient Woodland
- Other issues.

Need and Sustainability

33. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and it requires that policies in local plans should follow this approach. As set out in paragraphs 13 -16 there are three dimensions to sustainable development, social, economic and environmental. The spatial vision for waste planning in Kent seeks to move waste up the Waste Hierarchy, encourage waste to be used to produce renewable energy (including anaerobic digestion), be managed close to the source of production and facilities be provided to deal with all waste streams now and in the future. Policy CSW 1 of the Kent Mineral and Waste Local Plan 2013-2030 (KMWLP) seeks that sustainable development be approved without delay unless other material considerations indicate otherwise.
34. It is stated that this proposal provides a holistic waste solution to the Applicant's farming business with associated cost benefits thereby helping the to support the rural economy, the development and diversification of agricultural businesses being supported by the NPPF. The Application highlights that the processing of agricultural waste would also reduce CO2 emissions from the estate by approximately 2,800 tonnes per annum helping to ameliorate its impact on climate change whilst generating a renewable combustible biomethane gas. Paragraph 93 of the NPPF states 'supporting the delivery of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development'. The proposed development would also result in a number of other environmental benefits including reducing the risk of nitrogen eutrophication¹ and increasing break crop coverage (to the benefit of the nutrient levels in the soil) across the farming estate.
35. Policy CSW 2 of the KMWLP supports sustainable waste management solutions that prepare waste for re-use or recycling that will help drive waste to ascend the Waste Hierarchy wherever possible. Policy CSW 7 supports the use of waste in anaerobic digestion facilities to increase waste management capacity. Furthermore, this proposal

¹ Eutrophication is an over-enrichment of water by nutrients causing excessive growth of plants and algae and can deplete the oxygen levels in the water body.

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would recover the biomethane (a product of the anaerobic digestion process), a quantity to be used by Court Lodge Farm itself for drying hay/crops and all excess biogas exported to the National Grid, and all digestate used as a fertiliser across the farming estate. Policy CSW 6 seeks to identify sites that are appropriate for waste management facilities and the supporting text recognises that in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with compost and anaerobic digestion), the most proximate location for the waste facility will be within the rural area. It goes onto to state that waste management facilities on greenfield sites is not precluded. Consideration of Green Belt Policy is given in the next section of my report.

36. In principle I am satisfied that there is policy support for the proposed waste management facility in this location. It seeks to improve an existing agricultural operation by managing the current waste arisings in a sustainable way which has the advantage of producing a renewable biogas to benefit the farming enterprise (and beyond) and digestate which replaces the need for the import of fertiliser to the holding. It represents sustainable development in accordance with the policies contained in the development plan.

Green Belt

37. The site lies entirely within the boundary of the Metropolitan Green Belt and must therefore be considered in the light of the relevant planning policy relating to development in such areas.
38. The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. It goes onto to state the five purposes are:
- to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns merging into on another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The aims and purposes remain unchanged in the government's proposed draft changes to the NPPF, currently out to consultation.

39. It also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight be given to any harm to the Green Belt. Paragraph 89 of the NPPF is clear that the construction of new buildings should be regarded as inappropriate in Green Belt but goes onto to list a number of exceptions; at the top of the list is buildings for agriculture and forestry. The NPPF does not add any requirement to consider the impact of these buildings on the openness of the Green Belt. Policy DM4 of the KMWLP states that minerals and waste development within the Green Belt will be considered in light of their potential impact and shall comply with national policy and the NPPF. Policy LO8 of the Sevenoaks Core Strategy 2011 states the extent of the Green Belt will be maintained.

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Section 8 of the Sevenoaks District Council Development in the Green Belt SPD states that new buildings that are 'demonstrably essential for agriculture or forestry purposes' are considered to be appropriate development in the Green Belt.

40. The proposed development seeks to find a more sustainable waste solution for the Applicant's farming estate, of which 75.7% of the feedstock for the AWD would be waste (Including glycerol), 70.3% of which would be existing waste arisings from the estate. The remaining 24.3% would be break crops (predominantly maize) that would be grown entirely on the existing agricultural estate. The addition of break crops would be used in part to increase the feedstock to the AWD to total to 37,000 tonnes to produce enough fertiliser for the Applicant's estate, thereby reducing the need to import fertiliser. All fertiliser produced by the AWD would be used by the Applicant within the farming estate only. The Applicant argues therefore that all elements of the proposed development are directly linked to and form an integral part of the agricultural operation of the farming estate. On that basis the scheme proposes agricultural management additional to the current operations and an appropriate form of development within the Green Belt.
41. Paragraph 91 states when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and, in such cases, developers would need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
42. It is the Applicant's case that this proposal for an Agricultural Waste Digester is different from other proposals for anaerobic digestion (AD) plants in that the purpose behind it is to deal with the waste arisings from the estate and it does not involve the generation of electricity and is not therefore primarily a renewable energy project.
43. The biogas that is produced is a by-product of the AD process and consequential to the breakdown of the waste and the desired high-quality fertiliser produced. It would be used parasitically to dry hops and grains on the holding with the export of any excess unprocessed gas to the national grid. The farm already undertakes this drying operation and imports gas cylinders for this purpose; the use of the biogas generated replaces the need for these cylinders. No electricity generated from the gas would be exported from the site, only biogas as a by-product of the AD process would be exported where it was produced in excess of the farm's need. The primary purpose of the AWD is therefore as a waste digester producing a fertiliser/soil conditioner and not as an energy generation source.
44. The Applicant makes reference in their planning statement to two planning Appeals relating to AD plants in the Green Belt. In both cases the proposed plants were to generate electricity on site capable of providing power to approximately 500-1200 and 6,574 dwellings respectively. That level of generation was considered to extend far beyond the agricultural need and as such beyond being ancillary or ordinarily incidental to the primary agricultural use of the land. Furthermore, the Inspector's in both cases concluded the processing of the gas to generate electricity on this scale was such that it could not be concluded an ancillary by-product. It was therefore concluded that these were not agricultural development but more of a mixed use and would be inappropriate in the Green Belt.

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45. In contrast it is explained in the application that the proposed development would use a proportion of the gas by-product to generate electricity/heat parasitically for its farming operations at Court Lodge Farm only. Any surplus gas would essentially be waste that would be exported in its raw gaseous state to the national grid. Its primary purpose therefore would not be for energy/electricity generation except by virtue of meeting the farms own needs. For example, the AWD could theoretically release all surplus gas into the atmosphere and still fulfil its primary purpose as a waste digester producing fertiliser for Oncoland's estate.
46. It is worthy to note that the Sevenoaks District Committee of the Council for the Protection of Rural England (CPRE) support the proposal in principle and comment that it would provide 'closed-loop' re-use of on-farm wastes, generating both a usable supply of biogas for use on and off site as well as generating as sustainable digestate which can be used to improve soils across the farm estate as well as limiting the emissions of greenhouse gases from the farm waste. Although it acknowledges that the decision as to whether it constitutes appropriate agricultural development, or if not whether the benefits of on-farm treatment of agricultural waste constitutes the 'very special circumstances' necessary for the construction of such a project in a Green Belt location lies with the planning authority.
47. Having considered the above and given that about 95% of the materials to be handled in the proposed digester plant would be either waste arising from the Oncoland farming estate (70.3%) or feedstock grown on the estate (24.3%), I am satisfied that most, if not all of the proposed development can reasonably be regarded as buildings for agricultural purposes and thus appropriate development in the Green Belt.
48. Notwithstanding this view I have asked the Applicant to provide a brief summary of what very special circumstances (VSC) might be put forward were any element of the scheme considered to be inappropriate development in the Green Belt. In response the Applicant has set out the summary below:
- The proposal would significantly reduce the greenhouse gas emissions from the existing farming operation and provide a renewable energy source; the digestate produced will replace up to 80% of imported petrochemical fertiliser greatly reducing the farm's carbon footprint. The digestion process produces biomethane which is a 'carbon neutral' energy source and provides a renewable source of energy for the farm and for the wider gas network when exported to the national grid.
 - The use of digestate as fertiliser for the farm has a number of benefits particularly within a nitrate vulnerable zone; the digested feedstock "digestate" is an organic, low odour, slow release and pathogen reduced agricultural fertiliser and soil conditioner. The digestate is a significantly superior fertiliser and soil conditioner than the same organic material in its raw form as the percentage of readily available nitrogen is much higher and consistent and the nutrients are more readily available for use by plants than in raw slurry.
 - Benefits to the financial viability of the farm holding and associated retention of land within the Green Belt and AONB in active agricultural use, through the diversification arising from feed in tariffs and negating the need to buy up to 80% of existing fertiliser used by the farm.

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- The location of the scheme within the Green Belt is necessary due to its position within the wider Oncoland estate which is entirely within the Green Belt. The location of the proposed agricultural waste digester is outside the AONB and is logically located in respect of the Oncoland cattle and other feedstocks, the vast majority of which would be sourced from the Oncoland estate;
 - The location of the proposed agricultural waste digester ensures that a significant amount of the waste and feedstock can be brought to the site via internal roads, limiting the amount of movements on the public highway.
49. Considering the above, even were it the case that this was not agricultural development, the factors set out could cumulatively (with others as may be appropriate) be taken to put forward a case that sufficient very special circumstances would exist to overcome the usual presumption against inappropriate development.
50. The NPPF is clear however that VSC will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whilst the proposed development is largely driven by the functional and technological requirements of the plant it has been designed to minimise the visual impact and harm to the Green Belt. The plant would be positioned to relate logically to the existing farm buildings. The digestate tanks would be positioned at the northern end of the site to benefit from the screening of the adjacent existing agricultural building which is taller than the proposed digestate tanks and they would be constructed in an appropriate colour not incongruous with the existing character of the farm yard. To further reduce the visual envelope of the proposed development the AWD plant would be set into a concreted bund 1 metre below existing ground level and the silage clamps would be positioned to the east of the AWD to benefit from the screening it would provide. The proposed development would be sited close to existing structures and would form a compact unit with existing built development and would therefore be unlikely to impact upon the openness of the Green Belt. (Further consideration of the landscape and visual impact is given in the next section of my report).
51. The holistic agricultural waste solution for the estate must by its very nature be located within the estate it serves. Its location within an existing farm yard complex is practical and therefore its location within the Green Belt unavoidable. In conclusion I am satisfied that the proposed development can reasonably be regarded as involving buildings for agricultural purposes and thus appropriate development in the Green Belt. Even if were not regarded in this way I am satisfied that sufficient very special circumstances could be put forward to overcome the usual presumption against inappropriate development; and that any harm to the Green Belt would be outweighed by the benefits of the proposed development.

Landscape and Visual Impact

52. The site is not covered by any national or local designation for landscape quality, and the nearest part of the Kent Downs Area of Outstanding Natural Beauty lies to the south west, around 2.5km from the site. However, given the location of the elevated site on a broad ridge surrounded by large open fields it is appropriate to consider the impact of the proposals upon the landscape and the visual impact upon the local community and

Construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU – SE/18/00293 (KCC/SE/0007/2018)

in the vicinity. The application is therefore accompanied by a Landscape and Visual Assessment Report.

53. The site lies within the 'Horton Kirby Downs' local landscape character area, as identified in the Sevenoaks Countryside Assessment, and this area is stated to be in moderate condition, with a moderate degree of sensitivity. It lies within an area which is characterised by medium to large field sizes and urban infrastructure (including lines of pylons) and nearby urban areas visible to the north. The area immediately around the site is dominated by the large-scale farm buildings to its north and west and contains little visually significant vegetation. Permitted works are underway to remove some of the old barns and grain store and replace them with new buildings including cattle sheds and also (to the west of the proposed AWD) site) a new workshop building. The approved replacement cattle sheds will be long, relatively low buildings and will replace the group of existing buildings and grain stores in that part of the farm complex. They are to be screened by a new planted bund to their north. The layout of the AWD plant and the silage clamps has been designed to sit within the existing farm yard complex and measures have been taken to minimise the impact such as lowering the overall height of the digestate tanks by building within a concrete bund 1 metre below ground level. The excavated material would be used to form a gently graded bund around the AWD which is intended to provide some immediate screening, and which would also be planted. Some low-key night time security lighting would be required but is proposed to be designed to minimise light spill and glare, exact details of any lighting could be conditioned.
54. The report assesses the area of low to medium landscape quality as the local landscape is open and rural with some attractive features such as expansive views but is also denuded with few hedges or trees. The site has been assessed as having low sensitivity to development of the type proposed. The application is accompanied by a planting scheme to further assist in integrating the proposed development.
55. It is considered that the proposed development features would generally be seen as subsidiary to the existing farm buildings and the nature of the farm in views from the landscape around it would not change significantly. The views would still be of a group of building, some of them large scale and with a variety of shapes, forms and materials. It is also argued that there would be some longer-term landscape and visual benefits as a result of the proposed planting, which would also help screen and integrate the existing buildings. It is acknowledged that there may be some low level visual effects for the properties to the west, south west and north west of the site although the new AWD features would be a minor, incremental addition only to those views and any effect would be negligible. Some more distant properties and areas with public access also have views in the direction of the site, but at greater distances and any effects are considered to be low level and the new AWD feature would be difficult to pick out.
56. My landscape advisor considers the landscape mitigation to be broadly appropriate. A revised landscape planting plan has been secured which adds further hedge and tree planting to the west of the existing sheep shed and to the west and south west of the approved (but not yet built) attenuation pond and new workshop building. Some further species notes have also been added to the amended plan, but greater planting details are to be agreed and secured through an appropriate planning condition.

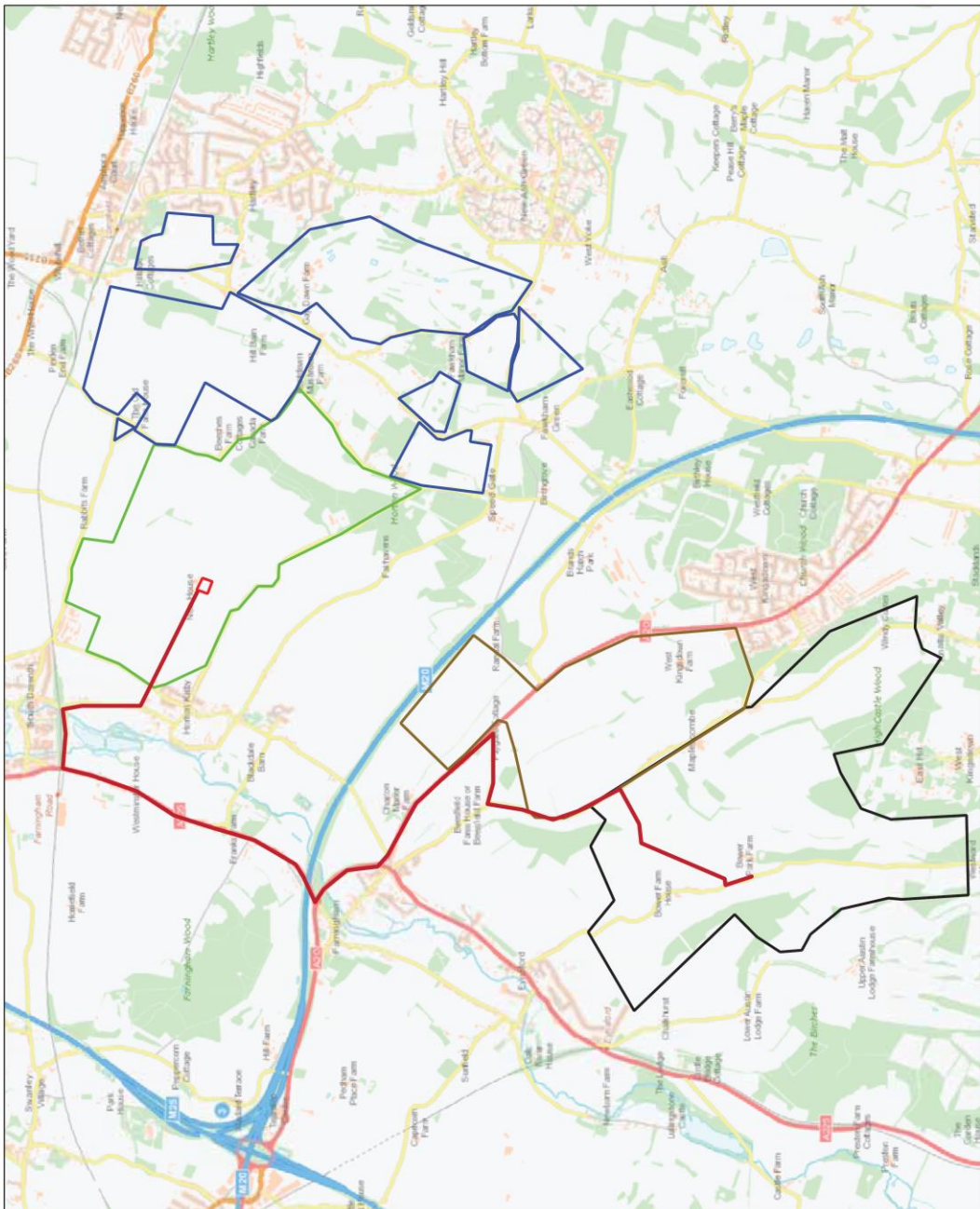
Construction and operation of an Agricultural Waste Digester and ancillary infrastructure at Court Lodge Farm, Stack Road, Horton Kirby, Kent, DA4 9DU – SE/18/00293 (KCC/SE/0007/2018)

would be almost entirely via internal farm tracks through its shared boundaries with Court Lodge Farm, minimising the on-road vehicle movements.

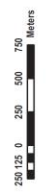
59. Some of the maize to be put through the AWD is grown at West Kingsdown Farm and would be transported to Court Lodge Farm. This would generate up to 200 farm vehicle movements per year. However, currently straw grown at Gay Dawn Farm is taken by road to storage facilities at West Kingsdown Farm. These movements (over 200 per year) would no longer take place as the straw would go into the AWD at Court Lodge Farm (via internal tracks) and the storage facilities at West Kingsdown would become obsolete. So, in practice the proposed traffic movements associated with the transport of the Maize from West Kingsdown to Court Lodge Farm would be offset against those current movements that would no longer be necessary from Gay Dawn Farm to West Kingsdown.
60. Slurry from the Dairy Cattle at Bower Park Farm would be transported to Court Lodge Farm by tractor and trailer using sealed slurry tankers (commonly used agricultural vehicles). It is anticipated that these movements would generate 550 journeys per year, equivalent to 11 journeys per week, or 1.5 vehicle trips per day. A dedicated route has been identified for the slurry proposed movements to avoid Horton Kirby village as much as possible, with each road having been audited to ensure its suitability.
61. The movement of Glycerol, an additive for optimising the carbon:nitrogen balance within the digesters would result in 50 vehicle trips per year. However, these trips would be offset by the decrease in road movements associated with the current HGV movements associated with the fertiliser currently delivered to the estate.

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- Legend**
- Proposed Slurry Route to Court Lodge Farm
 - Proposed Agricultural Waste Digester
 - West Kingsdown Farm
 - Bower Park Farm
 - Gay Dawn Farm
 - Court Lodge Farm



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TITLE
Slurry Routing Plan

CLIENT
Billings Group

PROJECT
Anaerobic Digester at Court Lodge Farm

SCALE AT A3 **DATE** **JOB NO.**
1:30,000 January 2018 12617



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62. Once digested the majority of the digestate fertiliser would be utilised on Gay Dawn Farm and Court Lodge Farm itself where significant crop production occurs and would be transported on internal farm tracks. On the occasions when fertiliser was required at West Kingsdown this would be undertaken as return journeys on those tractor and trailer movements bringing slurry to the AWD from Bower Park, thereby ensuring no additional road movements. Similarly, the solid fraction of the digestate would be spread at West Kingsdown and transported as return loads on the vehicles taking the maize to Court Lodge Farm.
63. The overall proposed trip generation would result in an intensification equating to 1.5 vehicle movements per day on average. The access and proposed route for the slurry trailers is considered suitable for the additional traffic. Furthermore, the Applicant has agreed so as to minimise any conflict with other traffic in the vicinity to avoid peak travel times of 07.00 – 09.30 and 15.00 – 18.00 hours. The Highways Officer considers the transport assessment to be valid and is satisfied that there are no grounds to object on highway safety or congestion grounds. He has also commented that there would be little benefit from undertaking a further highway survey (as requested by the Parish Council) beyond that which has already been carried out by the transport consultants of the application given the numbers of traffic generated by the development are so low.

Noise, Air Quality and Odour

64. Noise – The application states that the AWD is not a significant noise generating installation because of the reliance on micro-organisms in sealed containers to decompose the feedstock. Only a small generator would be required on site as part of the AWD, but this would be housed inside an insulated plant room and would not cause a significant noise nuisance. Furthermore, the change in traffic flows on the local network is considered sufficiently low for there to be less than a 3dB(A) increase in noise level, the level at which a change would just be perceptible. My noise advisor acknowledges that the site is remote from any substantial residential development, the nearest dwellings being over 500 metres away, with just one property close by already used by the farm manager. He is satisfied that there would be minimal noise impact and that no adverse noise impact would occur at any noise sensitive receptors including the farm managers property.
65. Air Quality – Consideration is given in the application to the potential impacts upon air quality from the associated traffic and also from the proposed operations themselves. Construction traffic could be via the M20 which is within a NOx Air Quality Management Area (AQMA). However, the construction project is considered relatively small and unlikely to result in sufficient an increase in HGV movements to initiate the requirement for an air quality assessment. Whilst construction activities would include excavations and other dust generating activities there is unlikely to be any significant impact as a result due to the distance to residential receptors and there being no ecological receptors within 50 metres. The increase of operational traffic by an average of 11 per week is not considered likely to produce significant impacts on air quality.
66. A portion of the gas produced by the AWD would be combusted on site to generate electricity for Court Lodge Farm. However, the volume of nitrogen dioxide emissions produced would be almost entirely offset by replacing the existing practice of importing

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gas cylinders onto the site for the same purpose. It is also argued that combustion of industrial quantities of gas would be required to result in significant nitrogen deposition on the land. Furthermore, any emissions to air would be safeguarded by the Environment Agency as part of the environment permit considerations.

67. Odour – The application states that digestate produced by the AWD is low in odour and would replace the need to spread raw cattle slurry as it is a superior fertiliser. As a result, there would be less need to store manures in open areas around the crop fields thereby reducing odour. Transportation of the slurry would also occur via sealed slurry tankers reducing potential odours on the road network. The fermentation process itself is anaerobic and occurs within an airtight structure. This means that there would be no odour from the digestion of the organic matter released to the atmosphere. The digestate and solids are themselves odourless. Furthermore, the AWD would negate the need for the storage of raw slurry in open pits and for the spreading of raw slurry and farmyard manures. The production of the by-product biogas is entirely contained with any excess gas contained via pipeline to a connection with the national grid. Given the distance to the sensitive receptors there is unlikely to be evidence of any risk to amenity from odour emissions resulting from the proposals.

Water Environment

68. The NPPF requires regard to be had to climate change and impacts such as increasing flood risk. Policy DM 10 of the Kent Minerals and Waste Local Plan specifically seeks to protect the water environment from any potential impacts a development may have. The application is accompanied by a Flood Risk Assessment and outline drainage strategy which was carried out in accordance with the NPPF in that the proposed development exceeds 1 hectare in size and is located in Flood Zone 1. As such the site is at low risk of flooding from rivers and seas. The agricultural land and buildings are classified as less vulnerable and it is concluded that such uses are appropriate and an exception test is not required. The assessment considers all potential sources of flood risk and categorises them as low.
69. All surface water run-off from the AWD and associated hardstanding is proposed to be collected via a network of gravity fed sewers before discharging into the attenuation pond. Water from the pond would be extracted for use as drinking water for the cattle, washing down the cattle sheds and to water the crops during the growing season. The capacity of the attenuation pond has been designed specifically based upon careful calculations relating to total run-off (supply) and the demand for water over both an annual and monthly basis and includes an allowance for climate change. Currently surface water discharges un-attenuated into the fields surrounding the farm yard. In principle the sustainable drainage team are satisfied with the proposals but request that the final details of the attenuation pond be submitted for approval to ensure that the proposed development does not exacerbate the risk of on/off site flooding. An appropriate condition would secure this. It is proposed that foul water would be collected via a network of foul sewers that would discharge via a storage tank into the proposed AWD as required. This would include foul water from the cattle sheds and also the silage clamps and associated hardstanding forecourt.

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70. The proposed development site is also within a Source Protection Zone 2 and is located upon a Principal aquifer and in a nitrate vulnerable zone. The application proposes that the fermenter tanks and lagoon which would store the liquid digestate would be located within a sealed bund so that there were no permeable pathways to the groundwater. However, at the request of the Environment Agency (EA) the Applicant produced a further Groundwater Risk Assessment Report. The report considers the hydrogeological setting of the proposed AWD, a conceptual model and assessment of all risks of all components of the proposed operations. It is concluded that the application of appropriate design, construction and operational measures required to comply with legislation and best practice guidance would be adequate to ensure that the risks of spillage of potentially polluting substances to groundwater are very low. This would be regulated through the appropriate Environmental Permit and the implementation of an Environmental Management Plan, required and regulated under the Permit.
71. Based upon this additional assessment and its assumptions about the required infrastructure specifications and permitting controls the EA have no objection the planning application. They have offered extensive advice to the Applicant through informatives in their consultation response as to more detailed information they would require as part of the Environmental Permitting Regulations.

Ecology

72. The proposed AWD plant comprises part of an arable field with small areas of semi-improved grassland. The construction of the below ground gas pipeline would for most of its route be located within the existing farm track, including a section through an area of ancient woodland and through arable fields where required. A full extended Phase 1 walkover survey was undertaken which provides information relating to the habitats within and around the site and identifies potential for, and if apparent, evidence of use by protected species. The report proposes appropriate mitigation where necessary which primarily relates to breeding birds, although it also advises any trenches that may be required are not left open so as to avoid trapping animals. It concludes that with appropriate fencing to protect the ancient woodland ground flora that there would be no direct impacts on the ancient woodland.
73. Natural England has concluded that the proposed development would have no impact on the features for which the nearest SSSI's have been notified and therefore have no objection to the proposals. It should be noted these are over 2km distant. My ecologist has considered protected species impacts and is satisfied with the conclusions of the ecological report and recommends that any precautionary mitigation measures be incorporated into a construction environmental management plan (CEMP), this could be required by condition. As there is habitat for breeding birds on site it is advised that an informative relating to the terms of the Wildlife and Countryside Act 1981 and timing of the construction is attached to any permission.

Other Issues

74. Agricultural land – Policy DM1 of the Kent Minerals and Waste Local Plan requires proposals for waste development to demonstrate that they have been designed to

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minimise the loss of Best and Most Versatile Agricultural Land (BMV). BMV is graded 1 to 3a and the proposal would result in the loss of approximately 1.9ha of grade 2 BMV. Given the scale of BMV generally in Kent, the remaining agricultural land area in the estate and the size of the site it is not considered significant beyond site level.

75. Whilst this small parcel of land would be lost to growing crops the development as a whole would facilitate the greater use of break crops across the estate. This offers a number of benefits; it improves soil fertility as well as reducing the impact of weeds, insect pests and disease naturally, and thus reduces the reliance on chemical based fungicides, herbicides and fertilisers.
76. Heritage – There are no listed buildings within an 800m radius of the site and given the proposed location adjacent to the existing farm yard there is not likely to be adverse effects upon the setting of any listed building. There are no Scheduled Ancient Monuments or World Heritage Sites within a 1 km study area, however I am advised by the County Archaeologist that the application site lies in an area of potential associated with prehistoric and later activity. There are several cropmarks, some of which could be Bronze Age ring ditches or burial sites. It is therefore recommended that a pre-commencement condition requiring field evaluation and further archaeological investigation, recording and reporting is placed on planning permission granted.
77. Public Right of Way – The proposed pipeline carrying the excess gas to the national grid for the most part follows an agricultural track to the east of the farmyard complex into an arable field at the far edge of Horton Wood. As it passes through the ancient woodland it crosses a public right of way (PROW) which traverses through the woodland. It is acknowledged that it would be necessary to seek permission for a temporary closure of the footpath and it is anticipated this would be for no more than 48 hours. It is not considered therefore that there would be any long-term effects upon the PROW. The PROW officer has no objection to the proposals.
78. Other amenity issues – Some other quite specific concerns from local residents, not covered above, have been made such as fly tipping, flies, toxic spills and explosions. Some of these concerns are issues outside of the control of the Applicant but a condition requiring a site management plan as suggested by the CPRE would ensure measures are in place to ensure good housekeeping in the transfer of the raw materials to the digester and in the export of the digestate so as to avoid any spills. The environmental permit would further deal specifically with pollution prevention and the necessary site inspections.

Conclusion

79. The application identifies that the proposed AWD would enable Oncoland Ltd to create an almost completely self-sufficient closed farming loop providing an estate wide solution to the current agricultural waste by-product liability of the farm and producing a high quality organic fertiliser. As well as replacing the need to import fertiliser and reducing the carbon footprint, it would also allow a number of other environmental benefits including the production of renewable biomethane which would be used on-site with any excess exported to the national grid for energy production elsewhere. The use of break crops in the AWD would also benefit the quality of the soils and reduce the

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impact of weeds, pests and diseases, further reducing the reliance on chemical treatments. In meeting the needs of the farming estate, the proposed development represents sustainable development in accordance with the NPPF.

80. A case is made for the agricultural development being appropriate in the Green Belt and the AWD has been designed to minimise landscape impacts. The use of internal agricultural tracks and return trips for slurry vehicles would minimise traffic movements associated with bringing the raw materials to the AWD and delivering the high-quality odour-less fertiliser to fields where it is needed. The vehicles associated with importing the glycerol would be off-set by no longer needing to import fertiliser to the estate. The net result is a small increase in additional traffic of 11 trips per week.
81. Amenity and biodiversity impacts upon the site and surrounding areas from the AWD are considered to be minimal and with appropriate mitigation there are no objections from consultees. Additional information has been provided in relation to the potential risks to groundwater sufficient to satisfy the Environment Agency. The proposed AWD would be subject to further pollution control considerations through the permitting regime administered by the Environment Agency.
82. It is not considered there would be any cumulative or combined impacts associated with other developments.
83. I am satisfied the proposed development complies in all relevant aspects with the NPPF to which the presumption in favour sustainable development therefore applies. It is concluded that the proposals comply with the adopted KMWLP 2016 and the relevant policies of the Sevenoaks District Council's Core Strategy 2011 and Sevenoaks Allocations and Development Management Plan 2015 and the Sevenoaks District Council Development in the Green Belt SPD 2015.
84. I recommend that planning permission should be granted for these proposals.

Recommendation

85. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
 - Time Limit of 3 years for commencement of development.
 - No vehicle shall visit the site between the hours of 07.00-09.30 and 15.00-18.00.
 - Only waste arisings from the farm estate (plus glycerol) as set out in the application shall go through the AWD plant and no other waste shall be imported to the facility.
 - The vehicles bringing materials for processing to the AWD and those taking the digestate for application to the fields shall follow the routes detailed in the Trip Generation and Distribution Technical Note.
 - No development shall take place until the submission and subsequent approval of a Construction and Environmental Management Plan detailing the methods of construction and proposed mitigation so as to minimise impacts upon any protected species and their habitats and the ancient woodland.
 - Prior to commencement a scheme of archaeological field evaluation be secured and implemented as set out in paragraph 28.

Item C2

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- Prior to its construction detailed plans of the construction and design capacity of the attenuation pond shall be submitted for approval.
- Prior to construction details of materials and finishes of all buildings be submitted for approval.
- A site management plan shall be submitted for approval (including arrangements for management of the transfer of material to and from the AWD and measures to address any spill issue that may arise).
- A detailed landscaping plan shall be submitted for approval.
- Landscaping to be maintained for five years and replacement of any failures of planting within that period.
- Full details of any proposed lighting be submitted for approval.

86. I further recommend an informative relating to the protection of breeding birds.

Case Officer: Andrea Hopkins

Tel. no: 03000 413394

Background Documents: see section heading

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Proposed minor extensions to the school building and new storage shed at Wickhambreaux Primary School - CA/17/2916 (KCC/CA/0327/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 May 2018.

Application by Kent County Council and Wickhambreaux Primary School for proposed extensions to provide a new group space, additional storage and a larger staff room to accommodate existing staff and pupils only, an area of hard surfacing and provision of new outside storage at Wickhambreaux Primary School, The Street, Wickhambreaux – CA/17/2916 (KCC/CA/0327/2017)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Michael Northey

Classification: Unrestricted

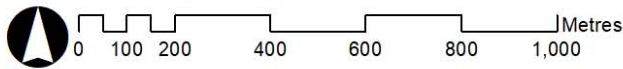
Site

1. The village of Wickhambreaux lies approximately four and a half miles to the east of Canterbury city centre, to the north east of the village of Littlebourne, and to the north west of Wingham. The whole of the village is within a Conservation Area, which includes a number of Grade II and II* Listed Buildings. The 0.16 ha school site is located in the heart of the village, to the east of the village green, accessed via The Street which is a narrow village road, with little or no pavements and limited opportunities for on-street car parking due to the narrow width of the road.
2. The school site lies to the immediate south of The Street with a brick wall and white timber fence delineating the school boundary. Although the white fence includes both pedestrian and vehicular gates, there is no car parking on the school site. The school playground and a ball court separate the road frontage from the main school building, which is located to the south of the site. Due to the constrained size of the site, the school also make use of the Village Hall, to the east of the school site on the opposite side of The Street, and also have use of a remote field for sporting use.
3. The school site is bound by the Little Stour River to the south, beyond which lies a residential garden. The east and west boundaries of the school site are bound by residential properties and their gardens, and facing residential properties lie to the north of the site on the opposite side of The Street.

A site location plan is attached.

Proposed minor extensions to the school building and storage shed at Wickhambreaux Primary School - CA/17/2916 (KCC/CA/0327/2017)

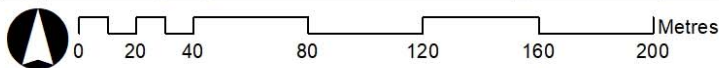
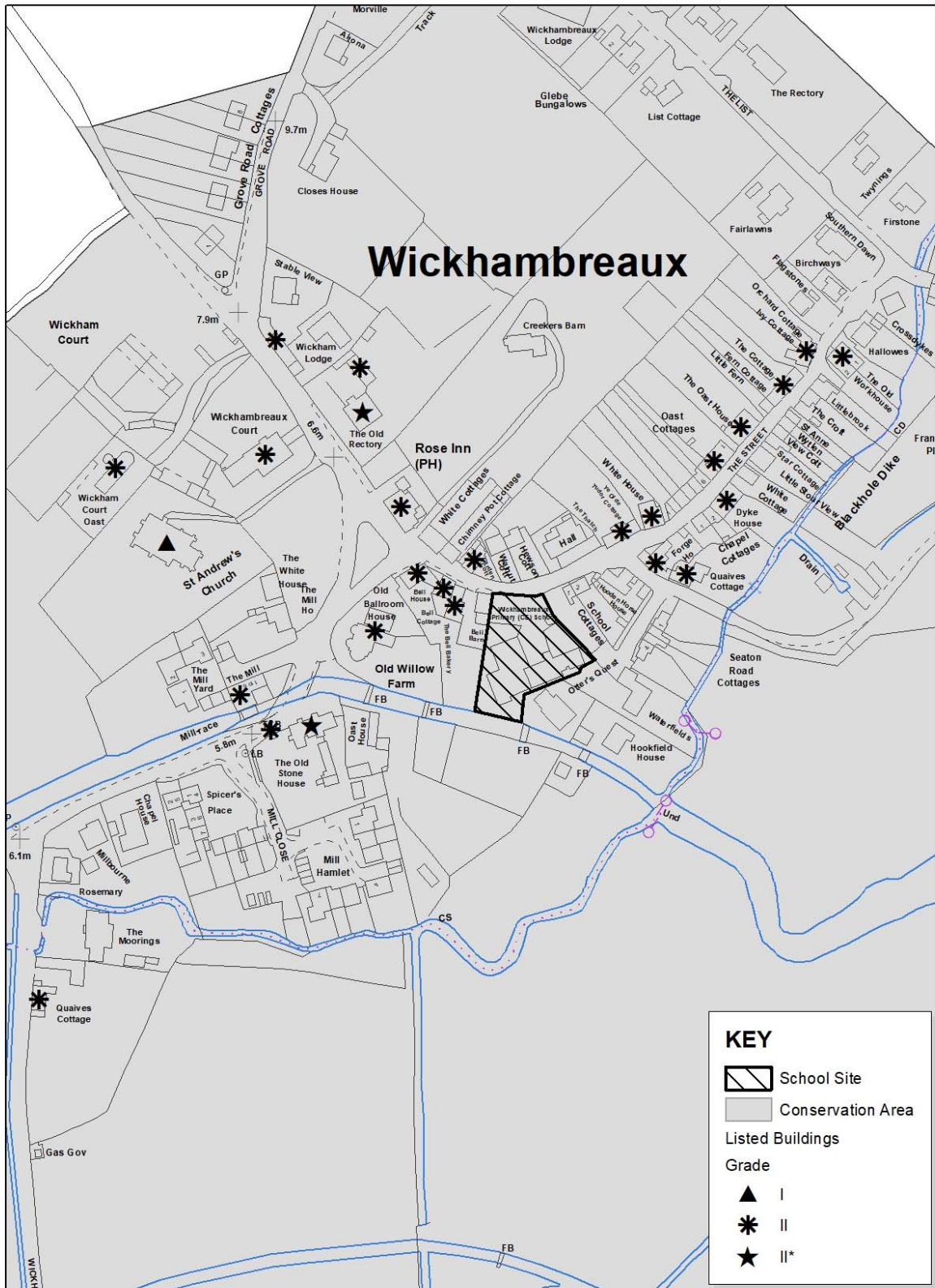
Wider Location Plan



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Proposed minor extensions to the school building and storage shed at Wickhambreaux Primary School - CA/17/2916 (KCC/CA/0327/2017)

Site Location Plan



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Proposed minor extensions to the school building and storage shed at Wickhambreaux Primary School - CA/17/2916 (KCC/CA/0327/2017)

3D Perspectives



3D Perspective 01



Background and Relevant Planning History

4. The original Victorian school building was extended in 2005/2006 following the granting of permission for the removal of an existing mobile classroom and replacement with a single storey new build extension (application reference CA/05/423). That extension provided additional classroom space to the west of the original building, and was designed to mimic the original Victorian school, constructed of brick and tiles to match the existing. A small single storey extension to the rear of the school building was also granted permission in 2009 under consent reference CA/09/777.
5. The school has a pupil admission number (PAN) of 105 which is 0.5 Forms of Entry (FE). An application was submitted in 2016 to expand Wickhambreaux Primary School to increase the PAN from 105 to 140. That application, reference KCC/CA/0264/2016, proposed the accommodation proposed within this application (the subject of this report)

Proposed minor extensions to the school building and storage shed at Wickhambreaux Primary School - CA/17/2916 (KCC/CA/0327/2017)

and an additional extension to provide a larger classroom space. The application met with local objection due to the increase in vehicle movements to and from the school and was subsequently withdrawn by the applicant.

6. A primary reason for the withdrawal of that application was that funding was being provided via a legal agreement attached to a housing development in the nearby village of Littlebourne. That housing development was, in part, where the need for additional school places was being generated. However, Littlebourne Primary School had capacity to accommodate the initial pressure arising from the housing development in the village, and although Wickhambreaux Primary School may have been a more popular parental choice, to travel to Wickhambreaux from Littlebourne when places at Littlebourne Primary School were available would not have been sustainable. Arguably, that application would not therefore have met the sustainable development test required by the National Planning Policy Framework (NPPF). The applicant's formal withdrawal letter read as follows;

“Following discussion with Planning Officers and detailed consideration of the objections received, in particular those relating to the sustainability of the proposal under planning policy and the NPPF, we do not consider that we are able to sufficiently rebut all of the points of objection received. [... ..] Having considered all options and the unique circumstances of this case, we have decided to withdraw the application and will not be proceeding with the formal expansion of Wickhambreaux Primary School.”

Amendments Following Original Submission

7. Following initial consultation on the current application, concerns were expressed by Wickhambreaux Parish Council regarding the siting and design of a shed proposed on the site frontage. When originally submitted, the proposed shed had a steep pitched roof resulting in a high ridge level. In addition, large paladin bins that are stored on the site frontage were to remain unscreened, which was not desirable. The applicant subsequently amended the shed design and added a bin store to the proposal. It is the amended proposal that will be discussed throughout this report.

Proposal

8. This application has been submitted by Wickhambreaux Primary School and Kent County Council and proposes two extensions to the existing school building, one to provide staff room space, and the other a group space and storage. In addition, a storage shed and bin store is proposed. The applicant advises that the accommodation is required to cater for the space requirements and needs of existing staff and pupils only. The PAN is not proposed to expand above 105.
9. The first of the two extensions to the west of the school building would provide a staff room space of 36m² in total by extending an existing store. The previous staff room has been used as a teaching space for some time, so staff currently do not have a dedicated area for class preparation and/or social space. It is proposed to construct this extension using a red facing brick and a pitched tiled roof to match the existing. The existing external timber doors to the store would be reused to provide external access to and from the staff room.

Proposed minor extensions to the school building and storage shed
at Wickhambreaux Primary School - CA/17/2916 (KCC/CA/0327/2017)

10. The second of the two extensions, which is to the north of the proposed staff room, would provide a 19.2m² group space and would extend an existing store to provide a total of 13m² of storage space. The group space would be accessed via an existing classroom, separated by a folding screen. The applicant advises that the space is required to provide the bespoke curriculum requirements associated with children with Special Educational Needs (SEN) who require small group sessions and/or one to one sessions. The school also has a small number of children with mobility issues. The additional storage space proposed would facilitate the removal of items currently stored in corridors to enable those pupils to have safe movement around the school.
11. The group space and store room extension is proposed with a flat roof and a modern design to compliment rather than mirror the design of the existing school. The walls are proposed to be finished in timber cladding, with large sliding glazed doors allowing external access. A grey rubber membrane roofing finish is proposed.
12. The external area between the school building and the existing western site boundary hedgerow is currently a mix of hard standing and grass. It is proposed to surface this area with resin bound gravel. The applicant advises that the mature hedgerow, and its roots, would not be affected by the works, and nor are there any proposals to reduce the height.
13. To the north east of the site it is proposed to replace an existing storage unit with a shed, and to enclose the school paladin bins (which are stored here) with 1.5metre high timber fencing and gates. The proposed timber shed would be oriented north to south along the eastern site boundary, and would be 4.47metres in length and 1.9metres in depth, split into two units with two sets of doors. The shed would have a mono-pitched roof, rising from 2metres in height at the site boundary to 2.16metres.

Planning Policy

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

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

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

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- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- consideration of whether the opportunities for promoting sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation;

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

Draft Revised National Planning Policy Framework (March 2018)

A draft review of the NPPF was published on Monday 5th March 2018. The text has been revised to implement policy changes as a result of previous Government consultation on papers such as the Housing White Paper, National Planning Policy, Planning and Affordable Housing for Build to Rent, and Planning for the Right Homes in the Right Places. In so far as the review is applicable to the consideration of this planning application, the section relating to the delivery of school facilities remains largely unchanged with similarly worded text regarding the need to ensure sufficient choice of school places to meet the needs of existing and new communities.

The sustainable transport chapter emphasises that transport issues should be considered from the earliest stage so that potential impacts can be addressed and opportunities realised. It reiterates the current advice that the planning system should support sustainable development in preparing local plans and dealing with planning applications. Development, it states, should only be prevented or refused on highway grounds if the residual cumulative impacts on the road network or road safety would be severe.

- (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.

Development Plan Policies

- (iii) **Canterbury District Local Plan: Adopted July 2017**

Policy SP1 - When considering development proposals, the City Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy DBE1– All development should respond to the objectives of sustainable development and reflect the need to safeguard and improve the quality of life for residents, conserve resources, reduce/minimise waste, and protect and enhance the environment.

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- Policy DBE3** -Development proposals are expected to be of high quality design, and are assessed against specific amenity, visual, landscape, accessibility and highways criteria.
- Policy DBE6** -Alterations and extensions to buildings must respect the character of the original building, not result in overshadowing and overlooking, and should not be detrimental to the amenity and character of the locality. Particular care to be given to works to and/or affecting heritage assets.
- Policy CC6** - Minor infill development and development on previously developed land in Flood Zones 2 and 3 will be permitted subject to other local plan policies.
- Policy HE1** –The City Council will support proposals which protect, conserve and enhance the historic environment.
- Policy HE4** - Development proposals should preserve and/or enhance the special historic or architectural interest, and/or the setting of listed and locally listed buildings.
- Policy HE6** –Development proposals within a Conservation Area should preserve and/or enhance its special architectural and historic character, and its appearance.
- Policy QL1** - Proposals for new buildings to provide community facilities will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located, and highway safety and residential amenity would not be prejudiced.

Consultations

15. **Canterbury City Council** raise no objection to the application. The City Council considers that the proposals accord with the underlying principles of the NPPF and policies DBE3, DBE6, QL1, HE1 and HE6 of the adopted Canterbury District Local Plan 2017.

Wickhambreaux Parish Council generally support the application as it is acknowledged that the school is currently overcrowded and cramped so the new facilities would be an improvement, in particular the provision of a staff room. However the Parish Council cannot wholly support the proposals as they consider that the application could be accompanied by an increase in school roll. The Parish Council raise the following points for consideration:

- 1) Following the withdrawal of the previous planning application the school roll has continued to increase and is now 125. That is a 12% increase, which given a PAN of 15 represents roughly a years intake and is 19% above the school roll of 105. By continuing to admit pupils on a cramped site, the school is exacerbating overcrowding and dodging the problem of unsustainability. Whilst the application is not proposing additional classroom space, the new spaces could be used for classrooms in the future. The school roll cannot be capped and as a result, the

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Parish Council do not feel that there is any validity, reassurance or enforceability in the statement that the new facilities would be for use by existing staff and pupils only.

- 2) The school site is within a Conservation Area, so development should preserve or enhance the location. The Parish Council consider that the proposals do not completely fulfil that requirement. The group space extension has an irregular shape, a flat roof and unattractive timber cladding, which is in stark contrast to the school extension completed in 2008/9 which is aesthetically pleasing and sensitively designed. However, the Parish Council appreciate that that extension is to the rear of the building and would not be seen from The Steet. The Parish Council consider the location of the proposed shed to be more unacceptable, near the school gate and visible from the road. That position neither enhances the school nor the Conservation Area's street scene. Although the Parish Council appreciate that the shed would house PE and playground equipment so logistically it is a suitable place, they ask that consideration be given to placing the shed at a site where it is not visible. In addition, the industrial size wheelie bins are already located at the gates which is not attractive to the scene.
- 3) Planning policy recognises that lack of sustainability, largely from a traffic/parking perspective, is the main issue facing the historic village and is the reason why further village growth is restricted. Consequently, it is considered essential that a school travel plan addresses the negative impact an increase in numbers has imposed and will continue to impose upon the village. The most recent Travel Plan published on the Jambusters website dates from 2005, when the school roll stood at 69 pupils with 5 staff. Recently, the Parish Council have been informed by the school that the 2016 Plan was never completed due to the decision to withdraw the previous planning application. Given these factors and the growth in school numbers, even since the inception of the 2016 Plan, the parish Council consider it extremely important that the Travel Plan is updated, completed and made available for wider consideration. This should involve the whole community, not just those attending the school.

Should permission be granted the Parish Council suggest that conditions of consent should be imposed to limit further expansion of the school building, to restrict the new areas to the uses applied for so that they cannot become classrooms, to require the relocation of the shed, and to require the submission of an updated School Travel Plan.

Kent County Council Highways and Transportation raise no objection to this application as the proposed development is to provide accommodation for existing staff and pupils only, therefore not generating additional movements to and from the site. Should permission be granted, a condition of consent is required to secure the submission of a Construction Management Plan which must include details of lorry/construction vehicle routing, parking and turning areas for delivery and construction vehicles and site personnel, timing of deliveries to avoid conflict with peak school times, provision of wheel washing facilities, and temporary traffic management and signage.

The County Council's School Travel Plan Advisor confirms that an amended School Travel Plan has been submitted by the School via the online Jambusters system, and that it meets the County Council's criteria and has been approved.

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The County Council's Conservation Officer raises no objection to the application and comments as follows:

"The school is not a listed building but is set within a Conservation Area with several listed and non-listed Heritage Assets close by. The site is therefore sensitive, and any development must preserve or enhance the setting of the Conservation Area. The proposed extensions to the school building are sited such that they are not visible from the road and would, therefore, have minimal impact on the Conservation Area. Further, the amended bespoke shed design incorporating a bin store is an improvement to the scheme."

The Environment Agency raise no objection to the application. Advice regarding flood risk and Flood Risk Activity Permits (FRAPS) is provided for the applicant.

The County Archeologist no comments received to date.

Local Member

16. The local County Member, Mr Michael Northey, was notified of the application on the 21 December 2017.

Publicity

17. The application was publicised by advertisement in a local newspaper, the posting of a site notice, and the individual notification of 18 neighbouring properties.

Representations

18. In response to the publicity, 2 letters of representation have been received. The key points raised can be summarised as follows:
 - Concern is raised that the extension would overlook a neighbours back garden and impact upon privacy. A work unit/office is located in the neighbours garden and they consider that client confidentiality could be breached;
 - The previous application for a slightly larger scale development was withdrawn as an expansion of the school was not acceptable;
 - What would prevent the County Council from increasing staff and pupil numbers after the proposed development is complete?
 - The previous application set out a need for additional primary school places in the local area. How has this demand been met if Wickhambreaux Primary School is not expanding?
 - The school admission number (PAN of 105) should not increase, and that should be controlled by condition;
 - The percentage of pupils who travel to the school by car should be limited and controlled by condition;

The Littlebourne and Wickhambreaux Conservation Society have also commented on the proposal, and have two concerns as follows:

"1) Anxious that the beech hedge along the north west of the application site be preserved. It is an important wild life habitat for nesting birds in the Spring and

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provides sheltered roosting for many small birds in the winter. Should you give consent for the development, we should like you to add a condition that the hedge remain undisturbed.

2) The siting of the shed is unsympathetic to the Conservation Area. The Victorian detail on the old school building is very attractive and seen from The Street the shed will detract from the approach to the school. We ask that it be re-sited in a less conspicuous position, possibly round the back, near to the proposed extension.”

Littlebourne Parish Council have also commented on this application and strongly object as they consider the proposal to be an expansion to Wickhambreaux Primary School. A previous application for an expansion was withdrawn by the applicant (The Area Education Officer) as the points of objection received could not be rebutted. Previous objections therefore appear to have been accepted in considering that application. Littlebourne Parish Council therefore object ‘most strongly to this apparent unlimited expansion’ and reiterate that:

- “a) We were not consulted, despite being a neighbouring, and interested Parish Council;
- b) There has been no regard paid to the classification of Wickhambreaux Village as not sustainable under the NPPF;
- c) The detrimental effect of the increased car journeys already taking place and likely to increase in future;
- d) The lack of a visible, agreed, Travel Plan;
- e) There is capacity at both Pre-School and Primary levels within Littlebourne.”

Discussion

Introduction

19. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 14 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. The National Planning Policy Framework, together with the Planning for Schools Development Policy Statement, strongly promote the provision of improved school facilities and exhort local planning authorities to work with applicants to overcome obstacles in the securing of planning consents. In addition to need, in this case the key determining factors, in my view, are design and massing, including impact upon heritage assets, amenity concerns, and access and highway matters.

Siting and Design including impact upon Heritage Assets

20. As outlined in paragraph 1 of this report, the whole of the village of Wickhambreaux is included within a Conservation Area, which also contains a number of Grade II and II* Listed Buildings. Development Plan Policies require development to conserve and enhance the character and appearance of a Conservation Area and the setting of Listed Buildings. Wickhambreaux Parish Council consider that the proposals do not completely fulfil that requirement. With regard to the main two extensions, the Parish Council

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consider that the group space extension would have an irregular shape, a flat roof and unattractive cladding which would not be aesthetically pleasing.

21. However, I consider the design and materials to be a modern design solution which would enhance the existing building rather than detract from it. In any instance, as can be seen from the site plans and as acknowledged by the Parish Council and the County Council's Conservation Officer, the two extensions to the rear of the site would not be visible from the site frontage or from public vantage points. It is also of note that both Canterbury City Council and the County Council's Conservation Officer raise no objection to the proposed development. Subject to the imposition of a condition requiring the submission of final details of all materials to be used externally to ensure that they match the existing where appropriate, I consider the siting, massing and design of the rear extensions to be appropriate for the site and do not consider that the extensions would detract from the character and appearance of the Conservation Area, or affect the setting of nearby Listed Buildings.
22. However, Wickhambreaux Parish Council and Littlebourne and Wickhambreaux Conservation Society consider the siting of the proposed shed to be unsympathetic to the Conservation Area and suggest that alternative locations within the school site should be considered, preferably to the rear of the school. First, it is important to note that the shed is proposed to be sited upon an area of the site that has previously accommodated a shed and is currently home to a wooden storage unit. Further, the applicant has looked at alternative locations within the school site and has advised that the site proposed is the only site suitable as alternatives would impact upon netball court markings or the dedicated fenced-off reception play area, would affect access to the school or would block school windows. The store needs to be adjacent to the playground/netball court to be fit for purpose as it is needed to store outdoor play equipment, as did previous sheds in this location.
23. Notwithstanding this, following the concerns received regarding the siting of the shed, the applicant amended the design to reduce the height of the shed and therefore reduce its impact on the street scene. The shed would be viewed in the context of an adjacent wooden pergola which, as can be seen from the sections on page 4 of this report, is much taller and larger in scale than the shed. Existing boundary hedge planting along the eastern site boundary would also be retained, which is higher than the shed, again giving it a back drop. The timber finish is appropriate for such a structure and would match the adjacent pergola and existing fencing on site. I accept that alternative locations within the school site would not be suitable or fit for purpose, and further consider the amended shed design to be appropriate in this instance.
24. Further, as pointed out by Wickhambreaux Parish Council, industrial sized school bins are currently stored on the site frontage adjacent to the proposed shed. These bins are not attractive and detract from the appearance of the site and the locality. As part of this application, it is proposed to provide a 1.5metre high timber fencing enclosure for the two bins. As noted by the County Council's Conservation Officer, this an improvement over the current situation, and in my view would enhance the existing street scene.
25. In conclusion, subject to the imposition of a condition requiring the submission of final details of all materials to be used externally to ensure that they match the existing where appropriate, I consider the siting, massing and design of the proposed extensions and the shed to be appropriate for the site and do not consider that the development would detract from the character and appearance of the Conservation Area, or affect the

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setting of nearby Listed Buildings.

Amenity Issues

26. A local resident has expressed concern that the extension would overlook their garden and impact upon privacy, especially as they have a work unit/office in their garden so are concerned about client confidentiality. The two extensions proposed are to the west of the school building and are single storey, as is the rest of the school. Built development on the site would not be moved much closer to the western boundary than the existing, and arguably the development would maintain the status quo in that regard. Further, the proposed development, including the area of proposed surfacing (see paragraph 12) is not adjacent to a neighbouring property but rather a heavily vegetated area of a neighbouring garden and screened by a mature hedgerow.
27. As noted by the Littlebourne and Wickhambreaux Conservation Society, the hedge along the western site boundary is important in terms of screening and wildlife habitat, and it is therefore proposed to be retained. The applicant advises that the mature hedgerow, and its roots, would not be affected by the works, and nor are there any proposals to reduce its height. Subject to the imposition of a condition requiring the retention and protection of the boundary hedge during construction works, should permission be granted, I am satisfied that the development would not result in overlooking or loss of privacy. I am further satisfied that the development would not have an undue impact on the amenity of local residents as the development is of a nature and scale appropriate to the site and its existing use.

Clarification about the School Roll, Highway and Access Matters

28. As outlined in paragraphs 5 & 6 of this report, an application was submitted in 2016 to expand Wickhambreaux Primary School to increase the PAN from 105 to 140. That application, reference KCC/CA/0264/2016, proposed the accommodation proposed within this application, the subject of this report, and an additional extension to provide a larger classroom space. That application met with local objection due to the increase in vehicle movements to and from the school and was subsequently withdrawn by the applicant. Further, as detailed in paragraph 6 of this report, arguably that proposal would not have met the sustainable development test required by the National Planning Policy Framework (NPPF) due to the need for the expansion arising in part from a housing development in Littlebourne, a village that has its own school with capacity to accommodate the initial pressure arising from that housing. The formal expansion of Wickhambreaux Primary School by the Education Authority was also withdrawn, so the PAN remains at 105, with no proposals to increase that.
29. This application has, however, continued to meet with objection and concern from Wickhambreaux Parish Council, Littlebourne Parish Council and a local resident on the grounds of an expansion to the school. This application, however, is proposing accommodation needed by existing staff and pupils only, as set out in paragraphs 9 & 10 of this report. Staff currently do not have a staff room for lesson preparation and/or a social space, and due to existing pupils needs (SEN requirements and mobility issues) a small group space and additional storage is required. It is requested by Wickhambreaux Parish Council that a condition be imposed to ensure that the additional accommodation proposed is not used as classroom space in the future, should permission be granted. We cannot control how the school use their internal accommodation, and nor would it be appropriate to do so. However, I am satisfied that the accommodation proposed is

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required to meet the needs of existing staff and pupils, and moreover the spaces proposed, particularly the group space, are not of a size or shape that could easily be used for the teaching of additional classes.

30. Although the PAN is to remain at 105, the school had 124 pupils on the school roll in January 2018. This increase of 19 pupils over the PAN has led to concern that an increase in pupil numbers is occurring without a formal expansion. First, it is important to note that the previous application proposed an extended classroom which was required to accommodate an increase in the school roll. That is no longer proposed, and therefore the school roll is limited by existing teaching space constraints. Moreover, the Area Education Officer has confirmed that only 15 places will be offered to Year R in September 2018, which is in accordance with a PAN of 105.
31. I am advised that over the last few years the school has agreed to take over its PAN of 15 to provide enough places for local families, resulting in an initial increase to 112 pupils. Further, due to the proposed expansion by the Education Authority, the PAN was increased to 20 for September 2017, resulting in 117 pupils on the school roll. A further two pupils with SEN were admitted as the school is required to admit these pupils is parents name the school in their child's Education, Health and Care Plan. The school also admitted further children through the 'in year' application process which is managed by the school. The school numbers in January 2018 were:

Year	No.
Rec	16
1	17
2	21
3	14
4	19
5	17
6	20
Total	124

32. I am also advised that the loss of the 20 Year 6 pupils at the end of this academic year, and an intake of only 15 in September 2018 would reduce the roll down to 119. This would continue over the coming years, gradually reducing the school roll back down to 105, 15 per year group. The PAN of 105 is not proposed to increase, but those making representations request that we control that by planning condition. This is not something that the Planning Authority can impose, we cannot limit school rolls by planning condition and such a condition would not meet the requirements of the 6 tests as set out in the NPPF (planning conditions must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects). However, as previously stated, the school roll is limited by accommodation space constraints. Any future proposals to increase the PAN above 105 would be subject to the normal consultation procedure undertaken by the Education Authority, Further, should the school require further teaching spaces in the future, a planning application would be required. I am therefore satisfied that the school roll will continue to reduce back to the PAN, and that any future formal expansion of the school cannot occur without further consultation and publicity. However, in light of local concern regarding the potential expansion of PAN, and that the application is predicated on no expansion, I recommend that an informative be imposed to remind the applicant that the school roll is expected to reduce back to 105, in accordance with the Pupil Admission Number (PAN).

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33. For avoidance of doubt, the Area Education Officer advises that the need for the additional school places that resulted in the previous proposal for an expansion of Wickhambreaux Primary School has been met by Littlebourne Primary School. Any additional future pressure for school places in the locality is expected to be met by an intended new school at the south Canterbury (Mountfield Park) development.
34. As this development is proposing to provide accommodation to provide for the needs of existing staff and pupils only, Kent County Council Highways and Transportation raise no objection to the proposal. Further, given that the development is minor in nature and to provide for existing pupils, I am satisfied that the development would no longer fail the NPPF's sustainability test, as was the case with the previously withdrawn application.
35. Wickhambreaux Parish Council consider the submission of an up to date Travel Plan essential in addressing the impact of 'additional vehicle movements' in a village. However, in recent weeks the School have completed and had approved a School Travel Plan, dated February 2018, as confirmed by the County Council's School Travel Plan Advisor. That Travel Plan was prepared and agreed outside of the planning process and will be periodically reviewed and updated as part of that separate requirement for schools to have up to date School Travel Plans on the County Council's Jambusters system. The Travel Plan is available to view online via www.kent.gov.uk. Given that this application would not result in additional vehicle movements as it is to provide accommodation for existing staff and pupils only, and in light of the fact that a School Travel Plan has recently been approved by the County Council's School Travel Plan Advisor, I do not consider that the Planning Authority need to condition any further work with regard to the Travel Plan in this case.
36. In conclusion, I am satisfied that the proposed development is to provide accommodation to meet the needs of existing staff and pupils only and am further satisfied that the intention is that over the coming years the school roll would revert back to the PAN of 105. There are no proposals to expand Wickhambreaux Primary School, and should a future need arise that would have to be subject to consultation and publication by the Education Authority, and any resulting accommodation requirements would be subject to planning approval. In my view, the development is sustainable in highway terms, and would not exacerbate any existing highway and access issues. I therefore see no reason to refuse this application on highway and access grounds.

Construction matters

37. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I recommend that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day, and details of this would be required to be included within the Construction Management Strategy (see below).
38. Given the narrow and rural nature of local roads, and the proximity of neighbouring properties, I also consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of the development. That

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should include details of lorry/construction vehicle routing, parking and turning areas for delivery and construction vehicles and site personnel, timing of deliveries to avoid conflict with peak school times, provision of wheel washing facilities, and any temporary traffic management and signage. Such a strategy would also address the condition required by Kent County Council Highways and Transportation with regard to the construction of the development. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

Conclusion

39. This proposal seeks to provide two minor extensions to the school building to accommodate a group space, increased storage space and a staff room area, and the provision of a storage shed to the site frontage. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. I do not consider that the development would have an adverse effect on the character and appearance of the Conservation Area within which the school is located or would affect the setting of nearby Listed Buildings. The development is in accordance with the principles of the National Planning Policy Framework and the Planning Policy Statement for Schools (2011). Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a detrimental impact on the character and appearance of the Conservation Area, the setting of nearby Listed Buildings, the local highway network or the amenity of local residents. I therefore conclude that the development is sustainable and recommend that permission be granted subject to conditions.

Recommendation

40. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- A 5 year time limit for implementation;
- The development to be carried out in accordance with the permitted details;
- The submission of details of all materials to be used externally;
- Retention and protection of boundary hedging including root protection areas;
- The submission and approval of a construction management strategy prior to the commencement of the development, including details of lorry/construction vehicle routing, parking and turning areas for delivery and construction vehicles and site personnel, timing of deliveries to avoid conflict with peak school times, provision of wheel washing facilities, and any temporary traffic management and signage;
- Hours of working during construction to be restricted between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operation on Sundays and bank holidays;

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

- The applicant's attention is drawn to the letter from the Environment Agency in which advice is provided with regard to flood risk and Flood Risk Activity Permits (FRAPS);

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- The applicant is reminded that the school roll is expected to reduce back to 105, in accordance with the Pupil Admission Number (PAN).

Case Officer: Mary Green

Tel. No: 03000 413379

Background Documents: see section heading

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

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

Background Documents - The deposited documents.

- SW/17/504034/R6 Details pursuant to condition (6) - 'Ecology mitigation strategy' of planning permission SW/17/504034.
Countrystyle Recycling Ltd, Ridham Dock Road, Iwade, Sittingbourne, Kent, ME9 8SR
Decision: Approved
- SW/17/506014 Section 73 application to amend the site layout pursuant to conditions 2 and 8 (including area for processed waste storage in bays) and discharge of condition 5 (car parking details) of planning permission SW/15/500146 (Recycling Facility).
London & Kent Metals, Unit D9, Eurolink Business Park, Sittingbourne
Decision: Permitted
- KCC/TH/0302/2016 Application for a Lawful Development Certificate of an existing use for the recycling, storage and distribution of concrete and aggregates, including the crushing and screening of imported material, separation and storage thereof, together with sale, distribution and supply of sorted material.
Spratling Court Farm, Spratling Street, Manston, Ramsgate
Decision: Approved
- TM/00/1599/R26C Request, pursuant to condition (26) of planning permission TM/00/1599, to extend the period for the cessation of operations until 30 October 2018.
Stonecastle Quarry, Whetsted Road, Five Oak Green, Tonbridge
Decision: Approved
- TM/14/4075/R26&R28 Request for approval of details pursuant to conditions 26 (Traffic Management Plan) and 28 (Tunnel Design and Construction Management Plan) of planning permission TM/14/4075.
Wrotham Quarry, Addington, West Malling
Decision: Approved
- TM/17/1336/R23 Request for approval of written specification and timetable for a programme of archaeological work pursuant to condition 23 of planning permission TM/17/1336
Wrotham Quarry, Land south of M20 Motorway, Ford Lane, Wrotham Heath, Kent
Decision: Approved

TW/18/488 Section 73 application to vary condition 3 of planning permission TW/16/7847 to allow construction activities between the hours of 07:00 and 18:00 at the weekend as well as on week days i.e. 07:00 to 18:00 seven days a week, excluding Bank holidays.
Tunbridge Wells Wastewater Treatment Works, North Farm Lane,
Royal Tunbridge Wells
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/17/236/R11(i) Details of surface water drainage scheme, pursuant to condition 11 of planning permission AS/17/236 (partial discharge).
The John Wallis Church Of England Academy, Millbank Road,
Kingsnorth, Kent, TN23 3HG
Decision: Approved

CA/17/2917 The construction of a 6 classroom modular building to replace 4 no classrooms no longer fit for purpose. Subsequently, the 4 classrooms are to be demolished and the site is to be re-surfaced as a paved area. The new building is to be constructed on an existing hard surface recreational area..
The Archbishops School, St. Stephens Hill, Canterbury
Decision: Permitted

DA/16/1565/R7&11 Details of a School Travel Plan and Construction Management Plan pursuant to conditions (7) and (11) of planning permission DA/16/1565.
The Brent County Primary Junior and Infant School, London Road,
Stone, DA2 6BA
Decision: Approved

DO/17/1057 Construction of a two form entry (2FE) mainstream school plus 1FE SEN school, including the erection of a two storey school building; provision of hard and soft play space; sports pitches and MUGA; vehicular and pedestrian access, car parking and cycle parking spaces and associated hard and soft landscaping
Land south-east of Archers Court Road, Whitfield, Dover, Kent, CT16 3HU
Decision: Permitted

DO/18/112	Removal of the existing redundant chimneys. Ventilate and extend the roof covering over the location of the chimneys. Strip and recover the roof including renewal of the lead valley gutters. Renew Broomhall clay tiles with grey Spanish slates and renew lead with new lead work. Sandown School, Golf Road, Deal Decision: Permitted
GR/16/1061/R	Application for a non material amendment; changes to external areas including car parking layout of planning permission GR/16/1061. St Johns RC Primary School, Rochester Road, Gravesend, Kent, DA12 2SY Decision: Approved
GR/16/1061/R3, 13 & 17	Details of; all materials to be used externally, a detailed surface water drainage scheme and a construction management strategy, pursuant to conditions (3), (13) and (17) of planning permission GR/16/1061. St Johns RC Primary School, Rochester Road, Gravesend, Kent, DA12 2SY Decision: Approved
MA/18/500489	Replacement of existing 3m high chain link fencing with 2.4m high weld mesh fencing. St Michaels C Of E Infants School, Douglas Road, Maidstone Decision: Permitted
SW/17/501720/R3	Details of external materials pursuant to condition (3) of planning permission SW/17/501720. Regis Manor Community Primary School, Middletune Avenue, Milton Regis, Sittingbourne Decision: Approved
SW/17/501720/R5	Details of a construction management plan pursuant to condition (5) of planning permission SW/17/501720. Regis Manor Community Primary School, Middletune Avenue, Milton Regis, Sittingbourne Decision: Approved
SW/17/501720/R14	Details of archaeological evaluation pursuant to condition (14) of planning permission SW/17/501720. Regis Manor Community Primary School, Middletune Avenue, Milton Regis, Sittingbourne Decision: Approved
SW/17/5017320 /R6(i)	Details of surface water drainage pursuant to condition 6(i) of planning permission SW/17/501720. Regis Manor Community Primary School, Middletune Avenue, Milton Regis, Sittingbourne, Kent, ME10 2HT Decision: Approved
SW/17/501720/R11	Details of hedge protection along the eastern boundary pursuant to condition (11) of planning permission SW/17/501720. Regis Manor Community Primary School, Middletune Avenue, Milton Regis, Sittingbourne Decision: Approved

- SW/17/501720/R12 Details of a scheme of landscaping, hedge & tree planting pursuant to condition (12) of planning permission SW/17/501720
Regis Manor Community Primary School, Middletune Avenue, Milton Regis, Sittingbourne, Kent, ME10 2HT
Decision: Approved
- SW/17/505854 Proposed expansion of Meadowfield School involving the erection of a new 1.5 storey PE block and a 2 storey sixth form block with associated parking and landscaping works.
Meadowfield School, Swanstree Avenue, Sittingbourne
Decision: Permitted
- TH/15/294/R Non material amendment to vary condition 2 to change 1no corner windows into flat window, changes to windows configurations (louvres, glazed and look-alike panel) in their consented locations.
Land at St George's C of E Foundation School, Westwood Road, Broadstairs, Kent, CT10 2LH
Decision: Approved
- TM/16/853/R14, 17 & 18 Discharge of conditions 14,17 and 18 of TM/16/853 for landscaping, parking and visibility splays, pursuant to conditions (14), (17) and (18) of TM/16/853
Land adjacent to Hall Road, Wouldham, Kent
Decision: Approved
- TM/17/2215/R Non-material amendment to reduce the number of windows in the school hall and from 3 panes of glass to 2 panes of glass.
Ryarsh primary School, Birling Road, Ryarsh
Decision: Approved

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
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- (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/DA/0056/2018 The continuation of restoration to the northern half of Stone Pit 1 via the importation and recovery of inert engineering materials and soils to establish a sustainable landform in preparation for use as a green amenity space with biodiversity benefits.
Stone Pit 1, Cotton Lane, Stone, Dartford, Kent, DA9 9ED

KCC/TW/0042/2018 Proposed change of use from woodland to form an extension to the existing Wastewater Treatment Works to be occupied by a vehicle turning head.
Hawkhurst North Wastewater Treatment Works, Hartenoak Road, Hawkhurst, Cranbrook, TN18 5EY

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

None

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

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

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None

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