

PLANNING APPLICATIONS COMMITTEE

Wednesday, 10th October, 2018

10.00 am

Council Chamber - Sessions House





AGENDA

PLANNING APPLICATIONS COMMITTEE

**Wednesday, 10th October, 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),
Mrs R Binks, Mr A Booth, Mr P C Cooper, 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 - 11 July 2018 (Pages 7 - 18)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application SW/18/503317 (KCC/SW/0103/2018) - Section 73 application to vary the wording of Condition 3 of Permission SW/17/502996 to increase the permitted number of HGV movements per day from 258 to 348 in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant at Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne; Wheelabrator Technologies (Pages 19 - 42)
2. Application TM/87/346/R21 (KCC/TM/0414/2018) - Request for prior approval to import silica (industrial) sand pursuant to Condition 21 of Permission TM/87/346 at Ightham Works and Quarry, Sevenoaks Road, Ightham; H +H UK Ltd (Pages 43 - 58)
3. Application TM/00/1599/R3 (KCC/TM/0418/2018) - Details of a revised scheme of working for phases 1,2,4 and 5 pursuant to Condition 3 of Permission TM/00/1599 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge; Tarmac Trading Ltd (Pages 59 - 82)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SH/18/39 (KCC/SH/0344/2017) - Two storey extension to be constructed in two phases, internal alterations and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmmarsh Primary School, St George's Place, Hythe; Gen 2 Property (Pages 83 - 108)
2. Proposal DA/18/965 (KCC/DA/0104/2018) - Installation of a modular building to accommodate further teaching and learning space at Maypole Primary School, Franklin Road, Dartford; Governors of Maypole Primary School (Pages 109 - 120)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 121 - 128)
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, 2 October 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.)

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber - Sessions House on Wednesday, 11 July 2018.

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

ALSO PRESENT: Mrs A D Allen, MBE

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mrs A Hopkins (Principal Planning Officer), Mr P Hopkins (Principal Planning Officer), Mr D Joyner (Transport & Development Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**24. Minutes - 13 June 2018**

(Item A3)

RESOLVED that the Minutes of the meeting held on 13 June 2018 are correctly recorded and that they be signed by the Chairman.

25. Site Meetings and Other Meetings

(Item A4)

The Committee was advised that there would be a training visit to Ridham Dock on Tuesday, 24 July 2018.

26. General Matters

(Item B1)

The Head of Planning Applications Group advised that the revised National Planning Policy Framework was due to be published by the end of July 2018, although it was possible that there would be a delay until the Autumn. Until the revised NPPF was published, all her reports on planning applications would therefore refer to both the current *and* emerging NPPF policies.

27. Application DO/18/0034 (KCC/DO/0339/2017) - Wood recycling to produce biofuel together with ancillary power production at former KCC Waste Transfer Station, Fernfield Lane, Hawkinge; Flisher Energy Ltd

(Item C1)

(1) Mr R A Pascoe informed the Committee that he chaired the Hawkinge PC Planning Committee which had commented on this application. He would therefore not take part in the decision-making process for this item.

(2) The Head of Planning Applications Group informed the Committee of recent comments from the Local Members, Mr G Lymer and Miss S J Carey in support of the application.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were unanimously agreed.

(4) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the development being carried out in accordance with the approved plans; waste wood awaiting processing being stored only in the area identified on the plans; no additional containers being brought on site; no more than 20,000 tonnes of wood waste per annum being brought onto the site; the shredder only being located as shown on the layout drawing 324/101 rev A; a noise limit of 112dBA as set out in Table 4.1 of the Noise report; the shredder and other external plant operating only between 0730 to 1630 on Mondays to Fridays, 0800 to 1300 on Saturdays with none of these activities taking place on Sundays or Bank Holidays; details of the acoustic qualities of the barrier and its long-term maintenance plan being submitted for approval prior to its installation; the submission of a detailed landscaping scheme; the maintenance of the approved planting scheme; a limit of 7 HGV movements per day; use of the private access for the import and export of wood, including operation of the gates; the areas identified for parking, turning and manoeuvring being kept available for such use; and the storage of oils, fuels and lubricants being appropriately contained to prevent spillage and impact on groundwater; and
- (b) the applicants be advised by Informative of the matters for inclusion the landscaping scheme and of the need for them to remind drivers visiting the site by using the private road that pedestrians have the right of way.

28. Proposal SE/18/01521/KCCRG3 (KCC/SE/0075/2018) - Erection of a two storey extension to the existing school to provide accommodation for an additional Form of Entry (1FE to 2FE), relocation of existing mobile classroom and the provision of a further temporary classroom (for 12 months), 18no additional car parking spaces, new hard court playground (including MUGA), associated landscaping and ancillary works at Seal Church of England Primary School, Zambra Way, Seal, Sevenoaks, TN15 0DJ

(Item D1)

- (1) The Head of Planning Applications Group reported correspondence from Seal PC commenting on the report and requesting an additional condition. She also reported the receipt of three late representations in support of the proposal and the comments of the Local Member, Mr R W Gough, also in support.
- (2) During discussion of the item, the Committee requested a future training session on the effectiveness of School Travel Plans.

- (3) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed to amend the native species landscaping condition to specify the inclusion of berry-bearing trees and bushes.
- (4) RESOLVED that:-
- (a) the application be referred to the Secretary of State for Housing, Communities and Local Government, and that subject to his decision, permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission for approval of details of all construction materials to be used externally; the first floor windows on the eastern end elevation being obscure glazed as shown on drawing number XXZZDRA050007 Rev P01 and retained as such to avoid overlooking neighbouring properties; details of the roof plant being submitted for approval in writing prior to the commencement of the permanent development; all temporary classrooms being permanently removed from the site within 3 months of occupation of the school extension, with the land being reinstated as part of the playing field/informal play space; the submission and written approval of a revised and updated School Travel Plan within 6 months of occupation of the extension, and its ongoing monitoring review thereafter for a period of 5 years; the off-site parking facility being provided for parent drop off and pick up facilities prior to 1 September 2019, or upon completion and occupation of the extension, whichever is the later, to mitigate for the expansion of Seal Primary School from 1FE to 2FE; the submission of a Construction Management Plan, providing details of, amongst other matters, no traffic movements including deliveries, occurring in Zambra Way and Ash Platt Road during school start and finish times, the location of parking and turning areas for construction and delivery vehicles, site personnel and visitors, the provision of wheel washing facilities and hours of construction; the ecological enhancements recommended in the Ecological Appraisal being implemented; a detailed reptile and amphibian mitigation strategy being submitted prior to commencement of the development; a bat emergence survey and any details of mitigation being submitted prior to commencement of the development; the provision and permanent retention of the vehicle and cycle parking facilities prior to the occupation of the school; the submission for written approval of a fully detailed sustainable surface water drainage scheme for the site prior to commencement of the permanent development, and its on-going maintenance prior to occupation of the extension; the submission and approval of a maintenance manual for the sustainable drainage scheme prior to occupation of the extension; no development of the permanent extension commencing until a remediation strategy to deal with risks associated with contamination of the site has been submitted to the County Planning Authority and approved in writing; if during development, contamination not previously identified is found to be present, no further development shall take place until a remediation strategy has been agreed with the County Planning Authority; no piling or penetrative foundation methods being used on site without the prior

written consent of the County Planning Authority; the submission of a native species landscape scheme including berry-bearing trees and shrubs, together with details of its maintenance scheme to ensure the establishment of the planting and its management to benefit biodiversity; all trees and hedges in close proximity to the proposed development that are to be retained being fenced off with protective fencing prior to commencement of the permanent development, as set out in the Arboricultural Impact Assessment and maintained for the duration of the building works; and any lighting of the MUGA not being permitted without the written consent of the County Planning Authority; and

- (b) the applicants be advised by Informative that:-
- (i) they should register the School Travel Plan with Kent County Council through the “Jambusters” website;
 - (ii) Seal Primary School should pursue, as a matter of importance, the reduction of the speed limit to 30mph where the current 40mph speed limit exists on the A25 at Seal Hollow Road; the introduction of a pedestrian phase at the Seal Hollow traffic lights; and the inclusion of Seal Primary School within the ‘Safer School Zone’ programme in the interests of the safety of their pupils and to encourage more sustainable modes of transport;
 - (iii) they need to ensure that all necessary highway approvals and consents are obtained;
 - (iv) the development should take account of the Bat Conservation Trust’s ‘Bats and Lighting in the UK’ guidance;
 - (v) the need to ensure that works to trees are carried out outside of the breeding bird season and, if this is not possible, that an ecologist should examine the site prior to works commencing; and
 - (vi) in developing the planting scheme referred to in the landscaping condition above, species should be selected to provide suitable species with berries and be chosen to maximise potential for biodiversity and wildlife

29. Proposal SE/18/01520/KCCRG3 (KCC/SE/0076/2018) - Extension to existing car park to include 5 parking spaces, reconfiguration of existing parking layout, resurfacing and upgrade of existing footpath at Seal Recreation Ground Car Park, High Street, Seal, Sevenoaks
(Item D2)

- (1) The Head of Planning Applications Group informed the Committee of correspondence from the Local Member, Mr R W Gough in support of the proposal and from Seal PC.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit for implementation; the development being carried out in accordance with the permitted details; the *Keep Clear* markings on the A25 (shown on drawing number XX00DRA050017 Rev P03) being provided prior to the use of the car park following the extension and resurfacing works; the updated recommendations within the Ecological Constraints and Mitigation Strategy (to include the whole construction footpath) being submitted for written approval by the County Planning Authority and implemented prior to commencement of the development; and no work commencing until the trees and hedges that are to be retained (marked in the Arboricultural Impact Assessment) are protected from construction, with such protection being maintained for the duration of the works; and
- (b) the applicants be advised by Informative to ensure that all necessary highway approvals and consents are obtained.

30. Proposal SW/18/502/753 (KCC/SW/0077/2018) - Retrospective application for erection of a 2.3m high 57m long fence along one boundary of the sports field at Newington CEP School, School Lane, Newington; Governors of Newington CEP School
(Item D3)

- (1) The Head of Planning Applications Group reported the views of the Local Member, Mr M Whiting.
- (2) The Committee asked for its disappointment over the retrospective nature of the proposal to be minuted.
- (3) The Head of Planning Applications Group tabled revised recommendations which were agreed.
- (4) RESOLVED that permission be granted to the proposal subject to a condition requiring the maintenance of the area between the new fence and the boundary of the adjoining properties so that the grass and other vegetation is regularly cut in accordance with details provided by the School.

31. Proposal DA/18/659 (KCC/DA/0088/2018) - Temporary application for retention of 3 modular classrooms (permitted under DA/17/1626), provision of a further 3 modular classrooms to accommodate the September 2018 allocation of pupils and 42 additional car parking spaces at Wilmington Academy, Common Lane, Wilmington; KCC Property and Infrastructure Support
(Item D4)

- (1) The Head of Planning Applications Group tabled an amendment to the report. This consisted of an amended version of the table on the impact on Year 7 and Year 7-11 capacity in Dartford and replaced the table in paragraph 39 of the report.

(2) Mrs A D Allen was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(3) The Head of Planning Applications Group informed the Committee of correspondence from the County Council's Biodiversity Officer stating that she was satisfied with the findings of the Ecological Report confirming that bats were not using the London plane tree.

(4) Mrs Marion Charlton, a local resident addressed the Committee in support of the proposal.

(5) The Committee agreed that the proposed condition on details of replacement tree planting would reference a need to include London planes.

(6) On being put to the vote, the recommendations of the Head of Planning Applications Group (as amended in (5) above) were carried by 9 votes to 2 with 1 abstention.

(7) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions, including conditions covering the development being carried out in accordance with the permitted details; the modular buildings being removed from site and the land reinstated as playing field on or before 1 September 2019; the installation of the modular classrooms being undertaken outside of school operating hours; the 42 space car park being completed and operational prior to first occupation of the additional 3 modular classrooms; the onsite drop-off/pick-up area, bus parking/pick-up area, and car parking being available for use during school operation hours; and the submission of details of replacement tree planting including London planes; and

(b) the applicants be advised by Informative that:-

(i) the Academy should maintain their previously cut back vegetation lines to avoid future growth overhanging the carriageway and footway/footpaths to facilitate pedestrian movement and reduce the likelihood of large vehicles overrunning the Common Lane footway;

(ii) they should liaise with the Parish Council regarding the provision of benches in the local area made from the wood of the removed tree;

(iii) the Education Authority's attention is drawn to the comments expressed by Dartford Borough Council that they are keen to work with KCC Education regarding the provision of school places in the Borough and have always sought to do so. The Borough Council request that any further expansion of schools (whether temporary or permanent) are discussed with the Borough Council at an early stage, so that the planning matters such

expansions may lead to can be fully considered before the offer of places is prejudiced.

**32. Proposal DA/18/39 (KCC/DA/0353/2017)- Three storey teaching block to accommodate additional two Forms of Entry, provision of additional 18 car parking spaces, playground and games court and associated landscaping and ancillary highways works spaces at Wilmington Academy, Common Lane, Wilmington; KCC Property and Infrastructure Support
(Item D5)**

(1) The Head of Planning Applications Group tabled an amendment to the report. This consisted of an amended version of the table on the impact on Year 7 and Year 7-11 capacity in Dartford and replaced the table in in paragraph 38 of the report.

(2) The Head of Planning Applications Group informed the Committee of an amendment within paragraph 66 of the report, where the relevant sentences were to be changed to: "This application proposes 300 additional pupils, which equates to two classes. Using the Borough Council's parking standards, this application would generate a need for 25 additional parking spaces. The 18 spaces proposed are considered adequate to accommodate the additional staff. Should the car parking proposed under application reference KCC/DA/0088/2018 (the temporary proposal - Item D4 on these papers) be granted planning permission, 42 car parking spaces would be provided on site in lieu of the 18 proposed here. That would be of significant benefit in terms of providing onsite car parking to ease existing overspill onto local roads"

(3) Mrs A D Allen was present for this item pursuant to Committee Procedure Rule 2.27 and spoke. She asked the Committee to note that she was including a statement from *Wilmington Safer Streets* and drew attention to that organisations acknowledgement of the work undertaken by all concerned to bring safety to the streets of Wilmington.

(4) The Head of Planning Applications Group informed the Committee of correspondence from the County Council's Biodiversity Officer requiring an additional condition specifying precautionary measures for reptiles and the submission and approval of external lighting to minimise the disturbance to bats and the submission for approval of a biodiversity management plan. This was agreed.

(5) The Committee agreed to the Head of Planning Applications Group's request to delete the proposed condition for the completion of off-site highways works prior to the expansion of the school role to over 210 pupils.

(6) Mr Derek Hunnisett addressed the Committee as the local Borough Councillor and Chairman of Wilmington PC. He spoke in opposition to the proposal. Mr Ian Watts (Area Education Officer and Mr Simon Moon (DHA Highways) spoke in reply.

(7) On being put to the vote, the recommendations of the Head of Planning Applications Group (amended in (4) and (5) above) were carried by 6 votes to 5 with 1 abstention.

(8) RESOLVED that the application be referred to the Secretary of State for Housing, Communities and Local Government as a departure from the Development Plan on Green Belt grounds, and subject to his decision and to a Memorandum of Understanding regarding the required monetary contribution to ensure monitoring of the Travel Plan:-

(a) permission be granted to the proposal subject to conditions, conditions, including conditions covering the standard 5 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission and approval of details of all materials to be used externally; the submission of a landscaping scheme, including additional tree planting, soft landscaping, hard surfacing, and ecological enhancements; tree protection methods, as shown on the submitted drawings, being adopted to protect those trees to be retained; no tree removal taking place during the bird breeding season; the development not being implemented until assurance regarding the implementation of the Wilmington Grammar School for Girls (WGSB) (KCC/DA/0002/2018) development, specifically the coach park and footpath link, is provided; completion of the off-site infrastructure shown on the submitted plans (Drawing 11231T-03), subject to a Stage 1 safety audit and the inclusion of any recommendations within the audit, within 6 months of the occupation of the extension; provision of new poles and globes at the zebra crossing at the Academy/ WGSB exit on to Common Lane to match the brightness of those at the new crossing recently installed by KCC Highways further along Common Lane; the submission and approval of an updated Travel Plan within six months of occupation, authorised by the school management team as a specific school policy, and the monitoring and auditing of the Travel Plan for a period of 5 years, within which there are to be annual updates, with funding secured for KCC Highways (MoU) to ensure adequate resourcing to audit and oversee this process; the provision and retention of car parking prior to the occupation; access to the drop off loops and bus parking areas within the school site being maintained; the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and of subsequent details of the implementation, maintenance and management of the approved Scheme; no infiltration of surface water drainage into the ground other than with the approval of the County Planning Authority; measures to control development should land contamination be identified; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; the submission and approval of a construction management strategy prior to the commencement of the development, including details of the location of site compounds and operative/visitor parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access is to be managed to avoid conflict with peak school times, and details of any construction accesses; precautionary measures for reptiles being carried out; the submission and approval of external lighting to ensure that the disturbance to bats is minimised; and the submission and approval of a biodiversity management plan; and

(b) the applicants be advised by Informative that:-

- (i) the Academy should maintain its previously cut back vegetation lines in order to avoid future growth overhanging the carriageway and footway/footpaths, to facilitate pedestrian movement and to reduce the likelihood of large vehicles overrunning the Common Lane footway; and
- (ii) their attention is drawn to the letter from the Environment Agency in which advice is provided with regard to the disposal of waste material;

33. Proposal DA/18/94/CPO (KCC/DA/0002/2018) - Erection of two storey teaching block and sports hall with roof top MUGA to accommodate an additional Form of Entry (4FE to 5FE), provision of a drop-off loop for 6 buses, 12 additional car park spaces, rearrangement of existing hard surfaced games court together with temporary games court during construction works, associated landscaping, upgraded footpath link and ancillary highways works at Wilmington Grammar School for Girls, Parsons Lane, Wilmington.

(Item D6)

(1) The Head of Planning Applications Group tabled an amendment to the report. This consisted of an amended version of the table on the impact on Year 7 and Year 7-11 capacity in Dartford and replaced the table in in paragraph 37 of the report.

(2) Mrs A D Allen was present for this item pursuant to Committee Procedure 2.27 and spoke.

(3) The Head of Planning Applications Group asked the Committee to include an additional recommended condition requiring that details of any external lighting to be submitted for approval. This was agreed.

(4) On being put to the vote, the recommendations of the Head of Planning Applications Group (as amended in (3) above) were carried by 9 votes to 2.

(5) RESOLVED that the application be referred to the Secretary of State for Housing, Communities and Local Government as a departure from the Development Plan on Green Belt grounds, and that subject to his decision and to a Memorandum of Understanding regarding the required monetary contribution to ensure monitoring of the Travel Plan:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 5 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission and approval of details of all materials to be used externally; the submission of a landscaping scheme, including additional tree planting, soft landscaping, hard surfacing, and ecological enhancements; tree protection methods, as shown on the submitted drawings, being adopted to protect those trees to be retained; Tree T8 (Scots Pine) being cut down and removed in sections to protect the potential for bats to be roosting within it; the submission of a bat mitigation strategy for written approval prior to the removal of any trees on site; the development being carried out in accordance with the reptile mitigation strategy as set out in the Preliminary Ecological Appraisal (PEA) and that a fingertip search for reptiles be undertaken upon completion of the vegetation clearance; any

widening of the footpath on site being undertaken in accordance with the precautionary reptile mitigation strategy set out in the PEA; completion of the on-site infrastructure (footpath link) shown on the submitted plan (drawing number 11231T-03) prior to the commencement of the construction works relating to the new building, and its permanent retention thereafter; completion of the off-site infrastructure shown on the submitted plans (Drawing 11231T-03), subject to a Stage 1 safety audit, with the inclusion of any recommendations within 6 months of the occupation of the extension; the provision of new poles and globes at the zebra crossing at the Academy/ Wilmington Grammar School for Girls (WGSB) exit on to Common Lane to match the brightness of those at the new crossing recently installed by KCC Highways further along Common Lane; the submission and approval of an updated Travel Plan within six months of occupation, its authorisation by the school management team as a specific school policy, and its monitoring and auditing for a period of 5 years, within which time there will be annual updates with funding secured for KCC Highways (MoU) to ensure adequate resourcing to audit and oversee this process; the provision and permanent retention of the 6 coach bays and 12 parking spaces shown on the submitted plans within 6 months of the occupation of the building; access to the drop off loops and bus parking areas within the school site being maintained; measures to prevent the discharge of surface water onto the highway; the submission of a fully detailed sustainable surface water drainage scheme for the site prior to commencement of the development, together with the written approval of such a scheme and its on-going maintenance prior to occupation of the extension; the submission and approval of a maintenance manual for the sustainable drainage scheme prior to occupation of the extension; no infiltration of surface water drainage into the ground other than with the approval of the County Planning Authority; no further development taking place if, during development, contamination not previously identified is found to be present, until a remediation strategy has been agreed with the Council; no piling or penetrative foundation methods being used on site without prior the written consent of the County Planning Authority; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; the submission and approval of a construction management strategy prior to the commencement of the development, including details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access is to be managed in order to avoid conflict with peak school times, details of any construction accesses, hours of construction, and compliance with the Phasing Strategy; the rooftop MUGA not being lit without the prior written consent of the County Planning Authority; and details of any external lighting being submitted for approval; and

- (b) the applicant be advised by Informative that:-
- (i) Wilmington Grammar School for Girls should maintain their previously cut back vegetation lines to avoid future growth overhanging the carriageway and footway/footpaths to facilitate pedestrian movement and reduce the likelihood of large vehicles overrunning the Common Lane footway;

- (ii) they should register the School Travel Plan with Kent County Council of the School Travel Plan through the “Jambusters” website ;
- (iii) they should ensure that works to trees are carried out outside of the breeding bird season and, if this is not possible, an ecologist should examine the site prior to works commencing; and
- (iv) they should be aware of the Bat Conservation Trust’s guidance with regard to lighting on site.

34. Matters dealt with under delegated powers

(Item E1)

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

- (a) County Matter applications;
- (b) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environmental Assessment) Regulations 2017 (None); and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment Regulations 2017 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD – SW/18/503317 (KCC/SW/0103/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 October 2018.

Application by Wheelabrator Technologies to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD – SW/18/503317 (KCC/SW/0103/2018).

Recommendation: Permission be granted subject to conditions.

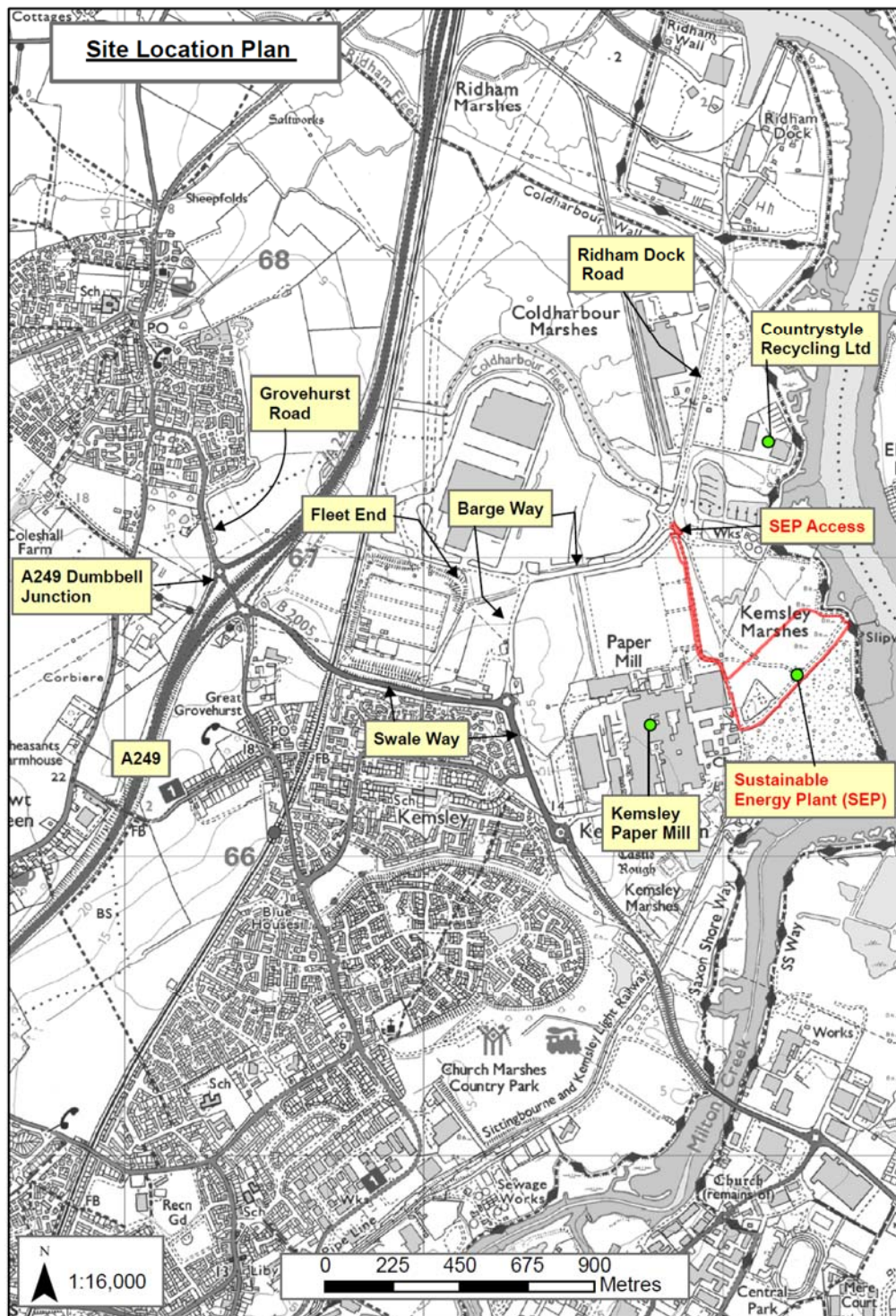
Local Member: Mrs S Gent

Unrestricted

Site description

1. The Kemsley Sustainable Energy Plant (SEP) is currently under construction and is expected to become operational around August 2019. The Kemsley SEP is located on land immediately to the east of the Kemsley Paper Mill (a key local employer) about 3km north of Sittingbourne. The Swale Estuary lies just to the east, Coldharbour Marshes to the northwest and the Isle of Sheppey to the north.
2. The Kemsley SEP is accessed from the A249 (Dumbbell Junction) to the south of Iwade via Grovehurst Road (B2005), Swale Way (part of the Sittingbourne Northern Perimeter Road linking the A249 with the Eurolink Industrial Estate to the east and providing access to other industrial and residential areas in Sittingbourne), Barge Way and an internal access road (the Northern Site Access). The nearest residential properties (Kemsley) lie to the south of Swale Way. Land to the north of Swale Way contains a variety of existing and committed employment uses (including the Morrisons Distribution Depot at Fleet End). The A249 provides access to the A2, M2, M20 and beyond.

Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD - SW/18/503317 (KCC/SW/0103/2018)



Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD - SW/18/503317 (KCC/SW/0103/2018)

3. The Swale Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) covers the majority of the Swale Estuary (to the east and north of the site) and Coldharbour Marshes (to the north). The Medway Estuary and Marshes SPA, Ramsar and SSSI lies further north and to the northwest (primarily to the northwest of the A249).
4. The application site is safeguarded for waste management use by Policy CSW16 of the Kent Minerals and Waste Local Plan 2013-30.

Planning History and background

5. Planning permission (SW/10/444) was granted for the development of a SEP to serve Kemsley Paper Mill comprising waste fuel reception, moving grate technology, power generation and export facility, air cooled condensers, transformer, bottom ash handling facility, office accommodation, vehicle parking, landscaping, drainage and access by the County Council (KCC) as Waste Planning Authority on 6 March 2012 following completion of a Section 106 Agreement. The application (which was accompanied by an Environmental Statement) had been considered by KCC's Planning Applications Committee on 12 April 2011. The Section 106 Agreement (dated 5 March 2012) included owner / developer covenants (relating to reedbed habitat creation, an employment strategy setting out a strategy to maximise the use of locally employed personnel at the site, commencement and relocation of species) and RSPB covenants (relating to a land maintenance scheme). The applicant and prospective operator at that time were the St Regis Paper Co. Ltd and E.ON Energy from Waste UK Ltd. Wheelabrator Technologies subsequently took over these interests.
6. KCC approved a non-material amendment (NMA) (SW/10/444/R) relating to the site layout on 2 September 2013.
7. KCC approved details relating to conditions 6 (rail strategy), 10 (contamination risk), 11 (buffer management zone for ditch), 12 (environmental management plan), 13 (programme of archaeological work), 14 (scheme of landscaping) and 20 (waste bunkers) of planning permission SW/10/444 (SW/10/444/RVAR) on 23 September 2013.
8. KCC granted planning permission (SW/14/506680) for the variation of conditions 2 (amendment) and 4 (deletion) of planning permission SW/10/444 (relating to the permitted hours of delivery) on 21 April 2015. The variation enabled the Kemsley SEP to receive waste 24 hours per day / 7 days a week. Given the wording of the Section 106 Agreement dated 5 March 2012 (which meant that its obligations continued to apply in the event of the approval of reserved matters and any variation or modification to planning permission SW/10/444), there was no need to require a further Section 106 Agreement to ensure that the obligations contained therein remained effective.

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9. KCC approved a NMA (SW/10/444/RA) relating to the building footprint, elevation and site layout on 18 December 2015. This superseded the NMA dated 2 September 2013.
 10. KCC approved a NMA (SW/10/444/RB) relating to the building footprint, elevations, appearance and site layout on 27 March 2017. This superseded the NMA dated 18 December 2015.
 11. KCC confirmed in writing that the majority of the Owner / Developer obligations contained in the Section 106 Agreement dated 5 March 2012 had been satisfied on 24 June 2016. The current position is as follows:
 - (a) Schedule 1 (Owner / Developer Obligations): Clauses 1.1 and 1.2 (Reedbed Habitat Creation – Site 2), 1.4 (Commencement Notice) and 1.5 and 1.6 (Relocation of Species) have been fully addressed. Clause 1.3 (Employment Strategy) has been partially addressed. Whilst the obligations in the Employment Strategy relating to the construction of the plant have been met by virtue of the “Meet the Buyer” event held on 12 May 2016, those associated with the operation of the plant remain to be addressed. The Employment Strategy requires a second open day focussing on goods and services likely to be needed at the plant and for job vacancies to be advertised in (amongst other places) the local media.
 - (b) Schedule 2 (RSPB Obligations): Clause 1.2 (Full implementation of the Scheme in Site 2) has been addressed, clause 1.1 (the maintenance of Site 2 in accordance with the provisions of the Maintenance Scheme) is ongoing and clauses 1.3 and 1.4 (relating to an alternative Maintenance Scheme) have not yet been triggered.
 - (c) Schedule 3 (The Scheme): The Scheme has been fully implemented (see clauses 1.1 and 1.2 of Schedule 1 and clause 1.2 of Schedule 2 above).
 - (d) Schedule 4 (The Maintenance Scheme): It is understood that the Maintenance Scheme is being implemented (see clause 1.1 of Schedule 2 above) and that no changes to this have been made (see clauses 1.3 and 1.4 of Schedule 2 above).
 - (e) Schedule 5 (Employment Strategy): The obligations associated with the construction of the plant have been met (by virtue of the “Meet the Buyer” event held on 12 May 2016). However, those associated with the operation of the plant remain to be addressed (see clause 1.3 of Schedule 1 above).
 - (f) Schedule 6 (The Relocation Scheme): The Relocation Scheme has been fully implemented (see clauses 1.5 and 1.6 of Schedule 1 above). However, it is understood that ongoing management remains to be completed.
 12. KCC approved details relating to conditions 6 (rail strategy), 11 (buffer zone alongside western ditch), 12 (environmental monitoring and mitigation plan), 14 (landscaping scheme) and 20 (storage bunkers) of planning permission SW/10/444 (SW/10/444/RVAR) on 27 June 2017.

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13. KCC granted planning permission (SW/17/502996) for the variation of condition 16 (relating to a flood risk assessment) of planning permission SW/10/444 on 23 August 2017. This planning permission reflects the latest position by incorporating the variation proposed and all previous amendments to or approvals given under planning permission SW/10/444 (i.e. all planning permissions, approvals and the most recent NMA).
14. KCC has also granted planning permission or approved details or non-material amendments relating to the Kemsley SEP Site Access Road. Planning permission (SW/12/1001) was granted for an improved access road and associated development to serve Kemsley SEP on 5 November 2012. A NMA (SW/12/1001/R) relating to a surface water drainage pond associated with the site access road was approved on 29 August 2013 and details relating to conditions 4, 5, 7 and 8 of planning permission SW/12/1001 (SW/12/1001/RVAR) were approved on 5 February 2014. KCC also granted planning permission SW/13/1257 for the variation of condition 6 of planning permission SW/12/1001 (relating to the formation of an improved access road and associated development to serve Kemsley SEP) on 4 February 2014.
15. KCC has also granted planning permission or approved details or non-material amendments for a number of other facilities or operations related to Kemsley Paper Mill. Planning permission (SW/12/167) was granted for the refurbishment and use of the existing rail sidings and site infrastructure for the importation and transfer of containers of waste to the proposed Kemsley Mill SEP for use as a fuel on 22 May 2012. This permission was not implemented and has lapsed. Planning permission (SW/16/507687) was granted for an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the Kemsley SEP on 9 February 2017. This permission has not yet been implemented but remains live. Planning permission (SW/11/1291) was granted for an anaerobic digestion (AD) plant and associated ground reprofiling and landscaping on 16 July 2012. KCC also approved details relating to reptile mitigation pursuant to Schedule 1 of the associated Section 106 Agreement on 19 September 2016, condition 7 of planning permission SW/11/1291 (relating to ground contamination) on 30 November 2016, conditions 3, 5 and 11 of planning permission SW/11/1291 (relating to vehicle parking, wheel washing and dust control) on 27 January 2017, conditions 4, 9 and 10 of planning permission SW/11/1291 (relating to vehicle parking, surface water drainage and external finish) on 18 April 2017 and condition 8 of planning permission SW/11/1291 (relating to foundation piling design) on 18 April 2017 and approved a non-material amendment relating to the site layout and elevations on 7 March 2017. Planning permission SW/11/1291 has been implemented and it is understood that the AD plant is nearing operation. KCC has also granted planning permissions for various waste disposal / landfill and related infrastructure associated with the Kemsley Paper Mill since 1977 (i.e. SW/76/453, SW/91/793, SW/93/626, SW/98/1026 and SW/12/1069). With the exception of the permissions relating to the refurbishment and use of the existing rail sidings (SW/12/167) and IBA

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Recycling Facility (SW/16/507687) these have no bearing on the Kemsley SEP.

16. Once operational, the Kemsley SEP will be capable of receiving between 500,000 and 550,000 tonnes per annum (tpa) of pre-treated waste comprising Solid Recovered Fuel Waste, Commercial and Industrial (C&I) Waste and pre-treated Municipal Solid Waste (MSW). The heat generated from the combustion of that waste would create high pressure steam which would drive a steam turbine and in turn a generator to produce electricity which would be exported to the grid. The resulting low-pressure steam would be fed to the adjacent Kemsley Paper Mill, for use within the paper production process. At least 20% of the waste (fuel) was expected to arise from within Kent, Medway, Thurrock and Tandridge with the rest sourced from London, the South East and elsewhere in the UK subject to commercial viability.

17. Condition 3 of planning permission SW/17/502996 (previously condition 3 of planning permission SW/10/444) states:

3. The maximum number of Heavy Goods Vehicle Movements to and from the Application Site shall not exceed a combined total of 258 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.

Reason: In the interests of highway safety.

18. Condition 5 of planning permission SW/17/502996 states that waste deliveries originating from and returning to the railway depot at Ridham Docks accessing and egressing the Application Site by the use of Ridham Dock Road shall not be subject to condition 3.

19. As noted in paragraph 15 above, planning permission SW/12/167 provided for the refurbishment and use of the existing rail sidings and site infrastructure (at Ridham Docks) for the importation and transfer of containers of waste to the Kemsley SEP. Since this permission has lapsed, waste will not now be delivered by rail unless a further planning permission is obtained for the refurbishment. On this basis, the second part of condition 3 is no longer of direct relevance at this stage.

20. Notwithstanding this, it should also be noted that condition 6 of planning permission SW/10/444 required the submission, approval and implementation of a strategy to encourage the use of the railway as a means of delivering waste to the site, that a rail strategy was first approved in September 2013 and a revised rail strategy approved in June 2017 and that condition 6 of planning permission SW/17/502996 requires the revised 2017 rail strategy to be implemented as approved. The 2013 rail strategy was based on upgrading the Ridham Docks rail sidings and securing the North London Fuel Use contract from the North London Waste Authority. As the North London Fuel Use contract was subsequently withdrawn (and the waste managed more locally at the

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North London Heat and Power project at Edmonton Eco Park) it became necessary for alternative waste sources to be secured for the Kemsley SEP. In the absence of a similar waste (fuel) source(s) which could viably be transported by rail to the Kemsley SEP, the rail sidings at Ridham Docks were not upgraded and it is understood that the option to acquire the site for the upgrading lapsed and the land was developed for other purposes. On that basis, the rail strategy was amended. The 2017 revised rail strategy acknowledges the desirability of non-road transport where environmentally advantageous, feasible and viable and provides for 5-yearly reviews being submitted to KCC for approval. Ultimately, whether or not non-road transportation is to be used is likely to depend on waste (fuel) sources, quantities and contractual arrangements.

21. The Kemsley SEP (as permitted) is capable of providing a maximum gross electrical power output of 49.9 Megawatts electrical (MWe). However, the applicant has identified an opportunity to increase this to an estimated 75MWe. In order to be able to increase the power output above 50MWe gross, a Development Consent Order (DCO) is required from the Secretary of State (SoS) for the Department for Business Energy and Industrial Strategy (BEIS) under the Planning Act 2008 as it would represent a Nationally Significant Infrastructure Project (NSIP). The applicant formally initiated this process in July 2016 when it held a Project Meeting with the Planning Inspectorate (PINS). It subsequently submitted an EIA Scoping Report to PINS in December 2016, received a Scoping Opinion from the SoS BEIS in January 2017 and published a Preliminary Environmental Information Report (PEIR) for consultation in March 2017. At that stage, the applicant stated that there would be no need for the DCO application to alter the design or other restrictions imposed on the planning permission (including those relating to the types and quantity of fuel input) or alter emissions. However, on 1 June 2018 the applicant sought a direction from the SoS under Section 35 of the Planning Act in respect of another proposal for a new waste-to-energy plant known as Wheelabrator Kemsley North (WKN) capable of processing 390,000tpa of waste with a generating capacity of 42MWe. The SoS confirmed that WKN could be treated as a DCO on 27 June 2018. The applicant subsequently submitted a Scoping Report to the SoS on 7 September 2018 in which it set out proposals for both WKN and the upgrade of the Kemsley SEP (also known as the K3 Project). The Scoping Report proposes that as well as the power upgrade for the K3 Project, the DCO application would include proposals for the Kemsley SEP to process an additional 107,000tpa of waste. On that basis, it is proposed that K3 and WKN would process up to a combined total quantity of waste of 1,047,000tpa (i.e. 550,000 + 107,000 + 390,000tpa). The PINS website states that the DCO application for K3 and WKN is expected to be submitted in April 2019.
22. Although not directly connected to K3 Project, DS Smith Paper Ltd (which operates Kemsley Paper Mill) has also submitted a DCO application for a Combined Heat and Power (CHP) Plant comprising a gas turbine (52MW), waste heat recovery boilers (105MWth steam) and steam turbine (16MW). This project (known as the K4 Project) is intended to provide a replacement for the existing natural gas fuelled energy plant at

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Kemsley Paper Mill. The existing natural gas fuelled energy plant known as the K1 Project would be decommissioned when the K4 Project is fully operational. The power demands of the Paper Mill necessitate both the K3 and K1 or K4 Projects. The K4 Project was formally initiated with the submission of a Scoping Request to PINS in August 2017 and is the subject of an Examination which must end by 17 January 2019 (i.e. 6 months beginning with the day after the close of the Preliminary Meeting).

The Proposal

23. The application proposes the variation of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements by 90 per day (the equivalent of 45 in / 45 out) from 258 (the equivalent of 129 in / 129 out) to 348 (the equivalent of 174 in / 174 out). The applicant states that the proposed increase in HGV movements reflects a change in the type of HGVs that will deliver waste to the site rather than any increase in the operational capacity or generation output and that no other changes are proposed.
24. The 258 HGV movements a day (i.e. 129 in / 129 out) were originally considered sufficient to enable the importation of waste, the export of ash / aggregate arising from the combustion process and the delivery of reagents. The figure was derived from a waste throughput of 550,000tpa, waste being delivered in 20 tonne (t) loads (equating to a total of 27,500 loads or 55,000 movements each year) and the Kemsley SEP receiving waste 5.5 days a week (i.e. Monday to Friday and Saturday mornings). Based on a 5.5 day week, an average of 192 movements (96 in / 96 out) were expected to be related to waste deliveries on weekdays (reduced to 96 movements or 48 in / 48 out on Saturday mornings). A further 58 movements (29 in / 29 out) per weekday (reduced to 29 movements on Saturday mornings) were expected for the export of ash / aggregate and 8 movements (4 in / 4 out) a day were assumed for reagent transport.
25. The applicant notes that although SW/10/444 was amended to allow deliveries on a 24/7 basis, no change was made to the maximum number of HGVs permitted per day such that the 258 HGV movement would be spread over a full 7-day week. It also notes that the IBA recycling facility (SW/16/507687) makes provision for a maximum of 84 HGV movements per day (42 in / 42 out) and that these are additional to 258 movements per day provided for by the Kemsley SEP.
26. The applicant states that it now expects approximately 50,000tpa of waste to be delivered to the Kemsley SEP by Countrystyle Recycling Ltd which operates a recycling facility to the north of the site in Ridham Dock Road. It also states that unless additional HGV movements are permitted, Countrystyle's Refuse Collection Vehicles (RCVs) would need to travel to its own recycling facility to bulk up the waste prior to it being transported to the Kemsley SEP. The applicant would like Countrystyle to be able to deliver waste directly to the SEP in RCVs or similar size

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vehicles instead. In addition, the applicant now also anticipates more generally that a larger proportion of the 550,000tpa of waste will be delivered directly to the Kemsley SEP in RCVs with a capacity of less than the 20t bulk loads originally assumed and that an increase in the permitted number of HGV movements per day is necessary to accommodate this. The RCVs would typically carry an average payload of about 8t.

27. The applicant estimates that the proposed increase in the number of HGVs would generate 7 to 8 extra HGV movements (around 4 in / 4 out) per hour between 07:00 and 19:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays. It states that the proposed additional 90 HGV movements (45 in / 45 out) would provide an appropriate level of flexibility in respect of both the size of source of HGVs to ensure that the Kemsley SEP can function to its maximum operational capacity (as defined by the Environmental Permit). It further states that this would also reflect ongoing contractual discussions with waste providers regarding sources of waste for the Kemsley SEP. The applicant advises that the Kemsley SEP is a merchant facility and therefore not underpinned financially by a specific local authority contract such that the majority of waste is likely to be C&I waste from Kent and surrounding areas. It states that waste hauliers will try to minimise travel distances to ensure the most efficient and cost effective collection and disposal service and will aim to prioritise waste that is close to the plant, removing the need to bulk up and put additional road miles onto the road network.
28. In terms of potential alternatives to road transport, the applicant states that the movement of waste by rail or water requires an appropriate contract for a significant volume of waste with loading facilities at the waste source and an appropriately long contract period to allow depreciation of the rail / water capital infrastructure. It states that opportunities to use these modes typically relate to local authority tenders, but that these are limited and only occur occasionally due to the long term nature of the contracts. It further states that it is not currently involved in any suitable tender opportunities that would allow the delivery of waste by rail or water but points out that alternatives to road transport will continue to be reviewed under the approved Revised Rail Strategy.
29. The application is supported by a Planning Statement and an Environmental Statement Addendum which includes a Transport Assessment and an Air Quality Impact Report, as well as the original Environmental Statement and subsequent supplementary reports.

Planning Policy Context

30. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (July 2018), the National Planning Policy for Waste (October 2014) and the National Planning Practice Guidance. These are all material planning considerations.

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31. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-Hazardous Waste), CSW8 (Recovery Facilities for Non-Hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM5 (Heritage Assets), DM8 (Safeguarding Waste Management Facilities), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding of Transport Infrastructure) and DM16 (Information Required in Support of an Application).
32. **Bearing Fruits 2031: The Swale Borough Local Plan (July 2017)** – Policies ST1 (Delivering sustainable development in Swale), CP1 (Building a strong, competitive economy), CP2 (Promoting Sustainable Transport), CP7 (Conserving and enhancing the natural environment), DM6 (Managing transport demand and impact), DM14 (General development criteria), DM21 (Water, flooding and drainage) and DM28 (Biodiversity and geological conservation).
33. **Partial Review of the Kent Minerals and Waste Local Plan 2013-30 (December 2017)** – the Partial Review proposes changes to (amongst others) Policies CSW4, CSW6, CSW7, CSW8 and DM8. One of the reasons for the Partial Review was to update the assumptions about waste management capacity underlying Policies CSW7 and CSW8 to reflect the fact that the Kemsley SEP planning permission has been implemented and ensure that the permitted 550,000tpa capacity is not double counted. Since the application proposes no changes to the quantity of waste or waste sources, as the Kemsley SEP is already being constructed and as no other changes are proposed to the policies referred to in paragraph 31, the Partial Review is not considered to have any significant implications for the determination of this application.

Consultations

34. **Swale Borough Council** – No comments received.
35. **Iwade Parish Council** – Objects on the grounds that the application proposes a huge increase in lorry movements (90 vehicles per day).
36. **Bobbing Parish Council** – No comments received.
37. **Highways England** – No objection. Its response is set out below:

“Highways England has been appointed by the Secretary of State for Transport as

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strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case particularly the A249.

We note from the Transport Assessment (contained in Appendix 1 of the Environmental Statement Addendum) that the variation of the condition would result in a potential additional 7-8 HGV movements per hour. These vehicles will primarily already be travelling on the wider network, however may induce additional turning movements at local junctions (estimated at up to 5 per hour at the Grovehurst Roundabout).

The junction modelling undertaken indicates that the A249 Grovehurst Roundabout will operating above design capacity in the future baseline (no proposals) without improvement. The impact of the additional vehicles due to the proposals are minimal, with predicted queues on the A249 increasing by a maximum of three.

It is noted that improvements for the mitigation of the junction as part of the Swale Local Plan are under discussion. It is therefore anticipated that the operation of the junction will improve in the future.

On the basis of the above, we can only conclude that the proposed variation will not have a severe impact on the safety, reliability and/or operation of the existing SRN. We therefore offer No Objection to the proposals.”

38. **KCC Highways and Transportation** – No objection. It states that it has reviewed the information provided and can find no reasonable justification for refusal and therefore recommends that permission be granted. Its response is set out below:

“Thank you for consulting the Highway Authority on the above application for which we have the following observations and comments on the submitted Transport Assessment.

Baseline conditions

The traffic and junction counts were completed in neutral dates in March 2017 and June 2016 and are agreed as valid. The resulting baseline junction assessments and queue lengths are as expected and therefore considered robust.

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Development proposals

Access – The route of access is unchanged and no assessment is required to ensure suitable geometry can be achieved.

Delivery times – An assumption has been made that the new “RCV” movements will be between 07:00 and 19:00. A quick assessment of the hours of opening of two local facilities operated by Countrystyle and East Kent Recycling would indicate that their operations cease at 18:00. The number of predicted movements would be expected to increase to 8.1 per hour however the submitted Appendix G (Development trips) already accounts for 8 movements and this difference is considered as inconsequential.

Future Year Traffic Flows

A date of 2023 has been assessed for the future operational test and is in accordance with the 5 year national guidance. The impact of existing committed development sites have been included and are agreed as demonstrated on table 5.3 of the assessment. Further cumulative assessments have been completed to take into consideration the anticipated growth attributed to allocated local plan development. The future assessments are therefore considered to be robust.

Trip Generation

The trip generation and junction assessments have been correctly modelled routing all traffic via Swale Way including those that may come direct from the adjoining Countrystyle recycling plant. If, as indicated, a proportion of the additional HGV movements come from the Countrystyle site, then any associated trips would reduce the assessed impact on the wider highway network. Appropriate weekday peak assessments of 07:30-08:30 and 16:30 – 17:30 have been submitted for the affected junctions including that at of the A249/Grovehurst Road.

Junction Assessments

Barge Way between Northern Access & Fleet End: This junction has been demonstrated to operate well within capacity at the future year scenarios. As such the Highway Authority has no concerns with the proposed development impact at this junction.

Swale Way/Barge Way roundabout: The assessment demonstrates that the roundabout currently operates within operational capacity although in the AM the Swale Way West arm has minimal reserve. The 2023 assessment unsurprisingly therefore demonstrates that the Swale Way West arm of the junction exceeds

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operational capacity at that time. It is however noted that the traffic generated is minimal; the development proposed represents a 4% HGV increase in the AM and 5% increase in the PM. The increase in delays directly attributed to the development would be 5 seconds which are agreed cannot be considered severe in respect of the NPPF tests. The assessment refers to a further DCO application being sought for the proposed K4 gas powered energy generating facility. The applicant should note that should that proposal be progressed, it should be expected that appropriate mitigation by way of a left turn lane facility off the Swale West arm may be required. The approach is currently of single carriageway width and improvements will be required for the dominant HGV left turning movements.

A249/Grovehurst Junction: The assessment demonstrates that this junction is already operating beyond its operational capacity and it is on that basis that the Highway Authority have submitted an application for “Housing Infrastructure Funding” in order that the proposed Local Plan Growth can be accommodated. That application is yet to be fully approved. Within the local plan however there are large allocated residential sites that at Iwade and North West Sittingbourne that will have far greater effect on the operations of this junction. The proposed development would decrease the operational effectiveness of the junction by 0.02% which is considered minimal compared to the other allocated local plan sites. It is appropriate that those sites having the greatest impact should provide the greater levels of mitigation. It could not therefore be considered reasonable to request mitigation from this application towards improvements at this junction.

Conclusion

Having reviewed the information provided I can find no reasonable justification for refusal and therefore recommend that the application be granted permission.”

39. **Environment Agency** – Has no comments to make.
40. **Natural England** – Has no comments to make.
41. **KCC Ecological Advice Service** – No objection. It is satisfied that the proposed variation would not result in a negative impact on the designated sites.
42. **KCC Noise and Air Quality Consultant** – No objection. It is satisfied that the proposal to increase the number of vehicles by 90 per day will not have an adverse effect on noise or air quality at any of the nearest sensitive human and ecological receptors and therefore sees no grounds for refusal resulting from changes to noise and air emissions.

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Representations

43. The application was publicised by site notice and newspaper advertisement and the occupiers of all properties within 250 metres of the site were notified in June 2018.

Local Member

44. County Council Member Mrs S Gent (Sittingbourne North) was notified in June 2018. Mr M Whiting (Swale West) was also notified as the adjoining Member.
45. Mr Whiting has commented that he raises no objection assuming the additional lorries will connect directly to the Strategic Road Network via a single agreed path and not use other local roads.

Discussion

46. The application is being reported to KCC's Planning Applications Committee for determination as Iwade Parish Council has raised objection. No objections have been received from any technical or other consultees and, with the exception of the comments from Mr Whiting (as adjoining KCC Member), no representations have been received.
47. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 31 and 32 are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 30 and the draft policies referred to in paragraph 33.
48. The principle of the Kemsley SEP has already been established by the planning permissions referred to in paragraphs 5 to 13 inclusive and the related permission for the site access road referred to in paragraph 14. Given this and as the relevant permissions have already been implemented, it is therefore only necessary to consider whether the proposed increase in HGV movements would give rise to any significant adverse impacts and whether what is proposed accords with relevant planning policy.
49. Given the above, the issues that require consideration are as follows:
- Highways and Transportation;
 - Noise and Air Quality; and
 - Ecology.

Section 73 application to vary the wording of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements per day (from 258 to 348) in order to allow waste to be transported directly from local collection points to the Sustainable Energy Plant on Land North East of Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent, ME10 2TD – SW/18/503317 (KCC/SW/0103/2018)

Highways and Transportation

50. Paragraph 108 of the National Planning Policy Framework (NPPF) states that when assessing applications for development it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of traffic and access, Appendix B states that considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning transport policy in “Transport evidence bases in plan making and decision taking” (13 March 2015) and “Travel Plans, Transport Assessment and Statements” (6 March 2014).
51. Policy CSW1 of the Kent Minerals and Waste Local Plan (Kent MWLP) establishes the principle of taking a positive approach to waste development proposals which reflects the presumption in favour of sustainable development. Policy DM13 of the Kent MWLP states that minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised so 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, proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA.
52. Policy ST1 of the Swale Borough Local Plan (Swale BLP) seeks to deliver sustainable development in Swale by (amongst other things) managing emissions and conserving and enhancing the natural environment. Policy CP2 promotes sustainable transport and identifies a number of measures to be promoted by development proposals,

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including by making best use of capacity in the network and facilitating greater use of waterways for commercial traffic. Policy DM6 seeks to manage transport demand and impact, with development proposals generating a significant amount of transport movements to be supported by a Transport Assessment. Development proposals are expected to demonstrate that opportunities for sustainable transport modes have been taken up, and states that development will not be permitted where the residual cumulative impacts of development are severe. Proposals are expected to ensure they do not worsen air quality to an unacceptable degree. Policy DM14 sets out general development control criteria, including that proposals should achieve safe vehicular access.

53. The acceptability of 258 HGV movements (the equivalent of 129 in / 129 out) associated with the delivery of waste / fuel to the Kemsley SEP using the A249 (Dumbbell Junction), Grovehurst Road (B2005), Swale Way, Barge Way and the internal access road, together with an additional unspecified number of additional movements associated with the delivery of waste / fuel from a railway depot at Ridham Docks along Ridham Dock Road, has already been established.
54. The application is accompanied by an Environmental Statement Addendum and a Supplementary Transport Assessment which considers the potential impact of the proposed additional 90 HGV movements in the context of up to date information on traffic flows, road safety and new and other committed development (including cumulatively). In terms of the transport links between junctions / roundabouts, the Transport Assessment predicts that the proposed development would not have a significant impact on traffic flows between the Kemsley SEP and the M2 in 2023 (i.e. when all committed development and the proposed additional HGV movements are taken into account). In terms of junction assessment, it predicts that the Barge Way / Northern Site Access and Barge Way / Fleet End junctions would continue to operate within their design capacity in 2023, that the Barge Way / Swale Way junction (currently within capacity) would operate over capacity during the morning (07:30 to 08:30 hours) and afternoon (16:30 to 17:30 hours) peaks in 2023 and the A249 Dumbbell junction would continue to operate over capacity in 2023. It notes that significant vehicle queuing already occurs on Swale Way during the afternoon peak but that a mitigation scheme for the Grovehurst Road (A249) Dumbbell junction put forward at the recent Swale Local Plan Examination relating to housing development to the Southwest of Sittingbourne would improve the operation of the junction when future residential development moves forward. It should be noted that the Transport Assessment does not assume the implementation of the mitigation scheme for the purposes of assessing the development now proposed. Notwithstanding the above, the Transport Assessment also states that the proposed additional HGVs would not have a significant impact on the operation of any junction. Given this, the Transport Assessment (which adopts a worst-case approach) concludes that the impact of the proposed additional HGV movements on the local highway network would be negligible and would not result in any severe impacts on the link or junction operation

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nor on highway safety.

55. Whilst Iwade Parish Council has objected to the application as it proposes “a huge increase in lorry movements of 90 vehicles per day” and the applicant’s own Transport Assessment acknowledges that two of the junctions between the Kemsley SEP and the A249 would operate over capacity in 2023, neither KCC Highways and Transportation nor Highways England have objected. KCC Highways and Transportation has recommended that permission be granted. Highways England has advised that the proposed variation would not have a severe impact on the safety, reliability and / or operation of the existing Strategic Road Network. KCC Highways and Transportation has also specifically stated that the Transport Assessment is robust and accords with the relevant NPPF tests and that the additional impact of the proposed development is not sufficient to warrant a contribution towards the A249 / Grovehurst Road junction improvements. Given the highway responses, I am unable to recommend that the application be refused on highway capacity or safety grounds and am satisfied that the proposed development accords with relevant planning policies in respect of these issues.
56. Whilst the NPPF and several development plan policies promote the use of sustainable transport modes, they do not preclude road use. Indeed, there are circumstances where road use will be the most sustainable transport mode. The most sustainable mode of transport for importing waste / fuel to facilities such as the Kemsley SEP is likely to be determined by the geographical distribution of available sources of waste, the quantity and reliability of the waste source (related to contractual arrangements) and the proximity of both the facility and the source(s) of waste to the necessary rail or dock infrastructure. In the case of the Kemsley SEP, it was originally envisaged that a significant quantity of waste / fuel would be delivered to Ridham Docks by rail from London and then transferred to the facility along Ridham Dock Road. However, the applicant was unable to secure the waste / fuel contract on which the rail use depended and has had to establish alternative waste / fuel sources. In the absence of a similar large contract for the delivery of waste / fuel by rail (or water), the applicant has had no choice but to seek alternatives if the Kemsley SEP is to operate and provide power to Kemsley Paper Mill. In these circumstances, road transport is likely to be the most sustainable mode for the delivery of locally collected C&I Waste such as that proposed. Ensuring that the Kemsley SEP is able to accommodate waste collected locally from within Kent is also consistent with a number of the strategic objectives of the Kent MWLP. Whilst there is currently no specific obligation on the applicant relating to the use of water transport, the 2017 revised rail strategy requires potential rail use to be reviewed on a 5-yearly basis. I am satisfied that this remains an appropriate mechanism for encouraging alternatives to road use. I am also satisfied that if the applicant were able to secure an appropriate waste / fuel contract(s) which justified the use rail and / or water transport that it would take steps to enable use these alternative transport modes.

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57. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements, the re-imposition of the other conditions imposed on planning permission SW/17/502996 and the proposed development being acceptable in terms of noise, air quality and ecology, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of highways and transportation.

Noise and Air Quality

58. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution and that development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development and that in doing so they should (amongst other things) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 181 states (amongst other things) that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones, and the cumulative impacts from individual sites. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of noise and air quality, Appendix B states that considerations will include the proximity of sensitive receptors (human and ecological), including those associated with vehicle traffic movements to and from a site. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning policy for noise and air quality in “Noise” (6 March 2014) and “Air Quality” (6 March 2014).
59. Policy DM1 of the Kent MWLP states that proposals for minerals and waste development will (amongst other things) be required to demonstrate that they have been designed to minimise greenhouse gas emissions and other emissions. Policy DM11 states that minerals and waste 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. It also states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements.

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60. As noted in paragraph 52 above, Policy ST1 of the Swale BLP seeks to deliver sustainable development in Swale by (amongst other things) managing emissions and Policy DM6 seeks to minimise adverse air quality impacts associated with traffic. Policy DM14 states that development proposals should cause no significant harm to amenity and other sensitive uses or areas.
61. It has previously been established that the Kemsley SEP would be acceptable in terms of noise and air quality impacts based on condition 3 as currently worded. The proposed increase in HGV movements has the potential to increase off site road traffic noise and traffic generated pollution levels with consequential effects on ambient air quality.
62. The application is accompanied by an Environmental Statement Addendum (which considers the potential noise and vibration and air and climate impacts associated with the proposed additional 90 HGV movements) and a Supplementary Air Quality Assessment which considers air quality impacts in the context of up to date information on air quality (including cumulatively). The Environmental Statement Addendum concludes that significant noise (and vibration) effects associated with the proposed increase in HGV movements can (when considered alone and cumulatively) be screened out as not significant and that the conclusions of the original Environmental Statement remain valid. In terms of noise, the Environmental Statement Addendum points out that a 10dB(A) increase in noise is typically taken to represent a doubling of loudness, a 3dB(A) increase is generally just perceptible, that a halving or doubling of road traffic flow generally produces a 3dB(A) change in noise level and that the Transport Assessment demonstrates that the greatest increase in traffic levels on any road link would (when considered cumulatively with all existing and committed development) be 23%. In terms of air quality, the Environmental Statement Addendum and Supplementary Air Quality Assessment show that the concentrations of nitrogen dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}) at the facades of existing receptors would remain similar and negligible at all human receptors. The Environmental Statement Addendum and associated Supplementary Air Quality Assessment conclude that there would be a negligible effect on air quality and human health receptors that is not significant (when considered alone and cumulatively) and that the conclusions of the original air quality assessment remain valid. They also include information and conclusions on the potential impact on ecology which are addressed in the Ecology section below.
63. No objections have been received in respect of noise and air quality from KCC's Noise and Air Quality Consultant which is satisfied that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any of the nearest sensitive human receptors. It has advised that it sees no grounds for refusal resulting from changes to noise and air emissions. The Environment Agency has stated that it has no comments to make. I note that the Kemsley SEP is subject to an Environmental Permit which (amongst other things) regulates air emissions from the

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facility.

64. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements, the re-imposition of the other conditions imposed on planning permission SW/17/502996 and the proposed development being acceptable in terms of ecology, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of noise and air quality.

Ecology

65. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should (amongst others) apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; and (d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Paragraph 176 states (amongst other things) that listed or proposed Ramsar Sites should be given the same protection as habitats sites. Paragraph 7 of the National Planning Policy for Waste (NPPW) states (amongst other things) that Waste Planning Authorities (WPAs) should consider the likely impact of on the local environment and on amenity against the criteria set out in Appendix B of the NPPW. In terms of nature conservation, Appendix B states that considerations will include any adverse effect on a site of international importance for nature conservation (e.g. SPA, Ramsar Sites and Special Areas of Conservation), a site with a nationally recognised designation (e.g. SSSI) and ecological networks and protected species. The National Planning Policy Guidance (NPPG) contains guidance on the application of national planning policy for ecology in "Natural Environment" (21 January 2016).
66. Policy DM1 of the Kent MWLP states that minerals and waste proposals should demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss. Policy DM2 states that proposals for minerals and waste development must ensure that there is no unacceptable adverse impact on

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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 states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted permission following (amongst other things): an ecological assessment of the site (including specific protected species surveys as necessary); the identification and securing of measures to mitigate any adverse impacts; the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.

67. As noted in paragraph 52 above, Policy ST1 of the Swale BLP seeks to deliver sustainable development in Swale by (amongst other things) conserving and enhancing the natural environment. As noted in paragraph 60 above, Policy DM14 states that development proposals should cause no significant harm to sensitive areas. Policy CP7 states that the Council will work with partners and developers to ensure the protection, enhancement and delivery of the Swale natural assets, in order to conserve and enhance the natural environment, including ensuring that there is no adverse effect on the integrity of a SAC, SPA or Ramsar site. Policy DM28 states (amongst other things) that development proposals will give weight to the protection of designated biodiversity sites equal to the significance of their status (with internationally designated sites receiving the highest level of protection).
68. As noted in the Noise and Air Quality section above, the application is accompanied by an Environmental Statement Addendum and a Supplementary Air Quality Assessment which address these issues. In terms of ecology, the Environmental Statement Addendum and Supplementary Air Quality Assessment show that the annual mean nitrogen oxide (NOx) concentration would not exceed 1% of the critical level at any modelled receptors (meaning that the air quality effects on the ecologically designated sites is not considered to be significant) and that there would be minimal change to modelled nutrient deposition rates (also not considered to be significant). In terms of the potential impact on ecology and nature conservation they conclude that no significant effects are likely to occur as a result of the proposed increase in HGV movements (when considered alone and cumulatively) and that the conclusions of the original ecology assessment remain valid.
69. No objections have been received from KCC's Noise and Air Quality Consultant, Natural England, KCC Ecological Advice Service or other consultees and no representations have been made in respect of ecological issues. KCC's Noise and Air Quality Consultant is satisfied that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any of the nearest sensitive

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ecological receptors. It has advised that it sees no grounds for refusal resulting from changes to noise and air emissions. KCC Ecological Advice Service is satisfied that the proposed variation would not result in a negative impact on the designated sites. As Natural England has stated that it has no comments on the proposed development I am satisfied that it must be content that the proposed increase in HGV movements would not have any significant effect on the designated sites.

70. Subject to condition 3 being reworded to refer to 348 rather than 258 HGV movements and the re-imposition of the other conditions imposed on planning permission SW/17/502996, I am satisfied that the proposed development would accord with the above policies and be acceptable in terms of ecology.

Conclusion

71. The application proposes the variation of condition 3 of planning permission SW/17/502996 to increase the permitted number of HGV movements by 90 per day (the equivalent of 45 in / 45 out) from 258 (the equivalent of 129 in / 129 out) to 348 (the equivalent of 174 in / 174 out). No other changes are proposed.
72. The principle of the Kemsley SEP has already been established by a series of planning permissions (most recently SW/17/502996) and as these have already been implemented it is only necessary to consider whether the proposed increase in HGV movements would give rise to any significant adverse impacts and whether what is proposed accords with relevant planning policy. In determining this, the key issues relate to highways and transportation, noise and air quality and ecology.
73. Whilst the proposed increase in HGV movements would result in additional traffic on the road network, KCC Highways and Transportation and Highways England have no objection. KCC Highways and Transportation has advised that it can find no reasonable justification for refusal and recommends that permission be granted. Highways England has advised that the proposed variation would not have a severe impact on the safety, reliability and / or operation of the existing Strategic Road Network.
74. KCC's Noise and Air Quality Consultant has raised no objection and advised that the proposed increase in HGV movements would not have an adverse effect on noise or air quality at any sensitive human or ecological receptors and sees no grounds for refusal from changes to noise and air emissions.
75. Neither Natural England nor KCC Ecological Advice Service have raised objections. KCC Ecological Advice Service has specifically stated that it is satisfied that the proposed variation would not result in a negative impact on designated sites.

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76. Given the proximity of the Kemsley SEP to potential rail and existing water transshipment facilities, it is disappointing that waste / fuel is unlikely to be delivered to the Kemsley SEP by rail or water in the near future. However, granting planning permission for the proposed variation would not preclude either delivery mode. As noted in paragraph 56 above, the most sustainable form of transport is likely to depend on factors that are largely outside the applicant's control. In the current circumstances, road transport is likely to be the most sustainable mode for the delivery of locally collected C&I Waste such as that proposed. The 2017 revised rail strategy requires potential rail use to be reviewed on a 5-yearly basis and I am satisfied that this remains an appropriate mechanism for encouraging alternatives to road use. However, it should be noted that unless the applicant is able to secure a major, long-term waste / fuel contract which can enable the viable use rail or water transport, it is likely that road transport will remain the main or only means of transporting waste / fuel to the Kemsley SEP. It should also be noted that ensuring that the Kemsley SEP is able to accommodate waste collected locally from within Kent is also consistent with a number of the strategic objectives of the Kent MWLP and that this would assist in providing a sustainable power supply for Kemsley Paper Mill. These and related issues are likely to be explored further as part of the Kemsley DCO application relating to the K3 power upgrade and throughput increase and WKN projects referred to in paragraph 21 above.
77. I am satisfied that the proposed development gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the application should be refused. I am also satisfied that any harm that would arise from the proposed development would reasonably be mitigated by the imposition of the proposed conditions. I therefore recommend accordingly.

Recommendation

78. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO:

- (a) Condition 3 of planning permission SW/17/502996 being reworded as follows:
3. The maximum number of Heavy Goods Vehicle Movements to and from the Application Site shall not exceed a combined total of 348 movements per day save for movements in accordance with condition 5 subject to any prior written variation as approved by the Waste Planning Authority.
- Reason: In the interests of highway safety.*
- (b) All other conditions included on planning permission SW/17/502996 being re-imposed.

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Case Officer: Jim Wooldridge

Tel. no: 03000 413484

Background Documents: see section heading

Item C2**Request for prior approval to import silica (industrial) sand pursuant to condition 21 of planning permission TM/87/346 at Ightham Works & Quarry, Sevenoaks Road, Ightham, Kent TN15 9HZ - TM/87/346/R21 (KCC/TM/0414/2018)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 October 2018

Application by H + H UK Ltd requesting prior approval to import silica (industrial) sand pursuant to condition 21 of planning permission TM/87/346 at Ightham Works & Quarry, Sevenoaks Road, Ightham, Kent TN15 9HZ - TM/87/346/R21 (KCC/TM/0414/2018)

Recommendation: Prior Approval BE GRANTED

Local Member: Mr Harry Rayner

Classification: Unrestricted

Site and surroundings

1. Ightham Works is located to the east of Borough Green village within the parishes of Ightham and Borough Green. The site lies to the north of the A25 and the Maidstone East to London railway line. A roundabout on the A25 provides direct access (crossing under the railway line) in to the factory site. The A227 runs south from this roundabout to Ightham and Tonbridge. The M26 motorway runs west to east to the north of the site beyond the restored Ightham Sandpits, and beyond this is the North Downs escarpment. The site is within the Metropolitan Green Belt and within the Kent Downs Area of Outstanding Natural Beauty.
2. The works site is comprised of the large blockworks production building (including offices) and adjacent plant, including autoclaves, silos, workshops etc., the yard area, used for the storage and loading of the finished blocks and a large office/admin building with associated car parking.
3. To the east of this area (and outside of the AONB) is the small existing (and only remaining) sand quarry.
4. The nearest residential properties (one a nursing home) lie to the north east of the blockworks, at a higher level, given the factory itself was developed on the site of a former mineral working. Cricketts Farm to the north, originally a farmstead has been developed for light industrial units although the farmhouse (grade II listed) itself remains in residential use. To the south east of the factory site and between the railway line embankment and the A25 are further residential properties.
5. Further to the west of the access road lies Ightham Court (grade II* listed) along with its grade II registered gardens, and a number of houses along Fen Pond Road.

Background

6. The site has a long history of sand workings and brick and block manufacturing, with sand extraction in the adjoining quarry being granted in 1951. This small silica sand quarry has limited reserves left. A further series of planning permissions for sand

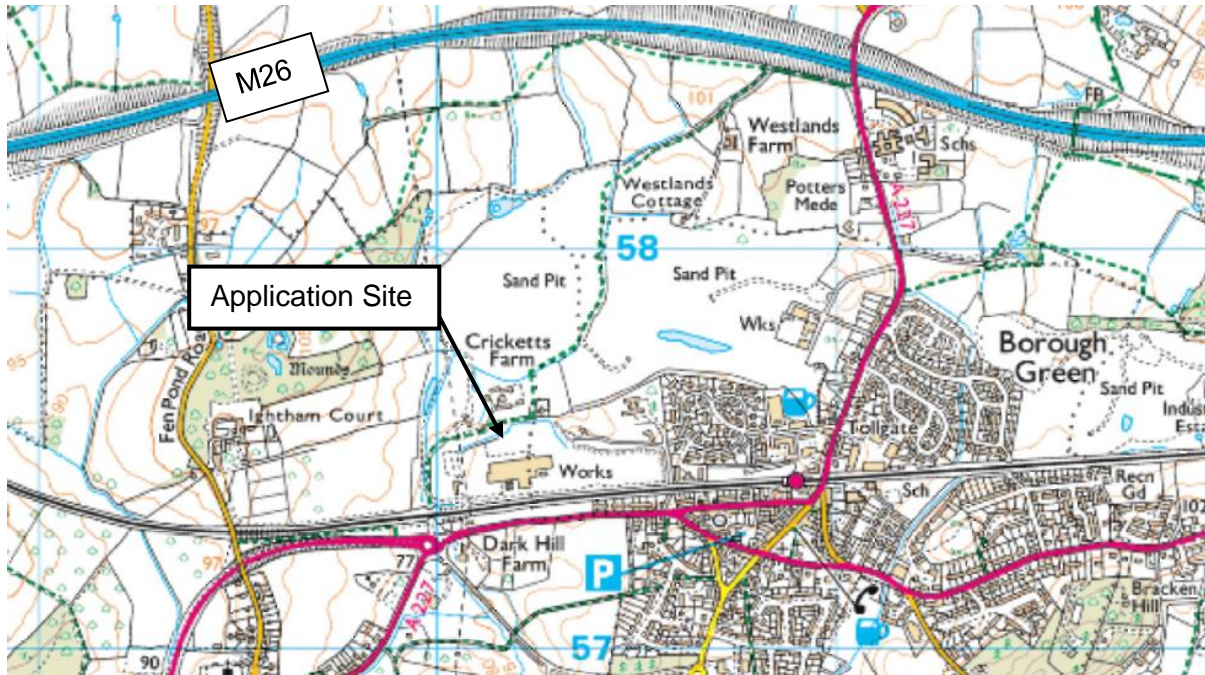
Request for prior approval to import silica (industrial) sand pursuant to condition 21 of planning permission TM/87/346 at Ightham Works & Quarry, Sevenoaks Road, Ightham, Kent TN15 9HZ - TM/87/346/R21 (KCC/TM/0414/2018)

reserves to the north of the factory site were granted in the mid to late 1980's and have been worked and now restored. The existing blockworks was permitted in outline in 1988 (TM/87/346) with the reserved matters being approved two years later (TM/88/1186). The justification given at the time for locating the blockworks at the site included utilising on-site sand supplies to produce the blocks and explains why the County Council as Mineral Planning Authority (MPA) dealt with the applications.

7. Sand extraction under those original planning permissions were not tied to any specific end user and exports to the general market took place. This continued after the factory was granted permission. The production of the blocks has always required a mix of raw materials in the manufacturing process and has always included an element of imported Pulverised Fuel Ash (PFA) as well as quantities of sand. An upper limit on HGV movements was arrived at taking account of existing traffic movements at the time and those likely to be generated by the new blockworks. A limit of 340 movements per day and a restriction on the import of any sand was agreed (conditions 13 and 21 of TM/87/346 respectively).
8. In January 1995 a request (pursuant to condition 21) to import sand was submitted. It was stated that a quantity of fine sand as a direct replacement for the same quantity of PFA, brought to site by HGV from Kingsnorth Power Station (Isle of Grain), was needed. The imported sands were considered particularly fine and clean and helped ensure that a consistent quality product was produced. There would be no increase in HGV movements as the replacement of PFA with sand would be on a like for like basis in terms the number of lorries required and would still be within the cap of 340 movements set by condition 13. Temporary consent was granted until 31 December 1996. Two further extensions to the temporary import of sand were granted in May 1997 (until 31 December 1998) and November 2000 (until 31 December 2001).
9. This submission seeks prior approval again (under condition 21) to import sand to the site.

Request for prior approval to import silica (industrial) sand pursuant to condition 21 of planning permission TM/87/346 at Ightham Works & Quarry, Sevenoaks Road, Ightham, Kent TN15 9HZ - TM/87/346/R21 (KCC/TM/0414/2018)

General Location Plan



Aerial view of location



Request for prior approval to import silica (industrial) sand pursuant to condition 21 of planning permission TM/87/346 at Ightham Works & Quarry, Sevenoaks Road, Ightham, Kent TN15 9HZ - TM/87/346/R21 (KCC/TM/0414/2018)

Application Boundary

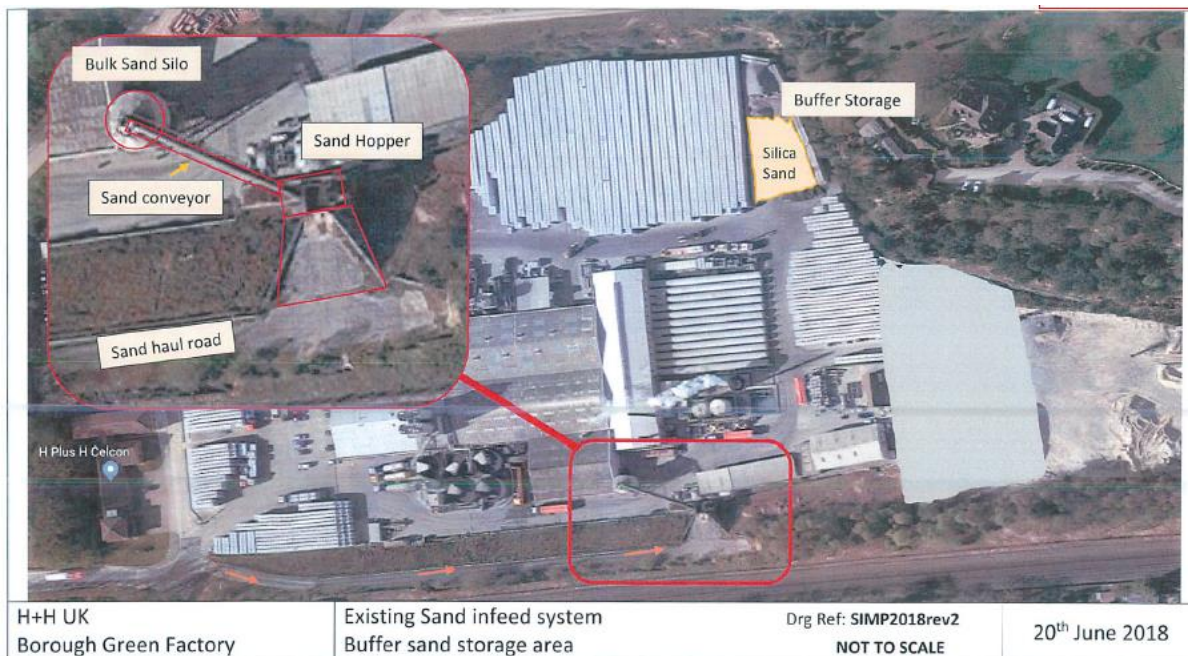


Aerial view of site



Request for prior approval to import silica (industrial) sand pursuant to condition 21 of planning permission TM/87/346 at Ightham Works & Quarry, Sevenoaks Road, Ightham, Kent TN15 9HZ - TM/87/346/R21 (KCC/TM/0414/2018)

Site Layout



Proposal

10. This submission seeks prior approval to import silica (industrial) sand pursuant to condition 21 of planning permission TM/87/346.
11. Condition 21 of the factory permission reads:

No sand shall be imported for use in the industrial buildings hereby permitted without the prior approval of the County Planning Authority;

Reason: To avoid development not directly related with the permitted excavations on and adjoining the site.
12. It is proposed to import up to 50,000 tonnes of sand in the first year, increasing over the following 3 years up to 200,000 tonnes per annum, which would be the constant raw material run rate thereafter. The imported sand would be brought to site by HGV, which then travel up the sand haul road and tip directly into the sand hopper. The sand is then transferred by conveyor into the 350-tonne bulk sand storage silo. These sand import facilities already exist on site (see above) and there is no requirement for any additional sand handling infrastructure.
13. In addition, and to ensure continued production the applicant proposes an emergency buffer storage of sand to the north-east of the factory in the corner of the yard covering an area of approximately 300 square metres.

Request for prior approval to import silica (industrial) sand pursuant to condition 21 of planning permission TM/87/346 at Ightham Works & Quarry, Sevenoaks Road, Ightham, Kent TN15 9HZ - TM/87/346/R21 (KCC/TM/0414/2018)

Planning Policy

14. **National Planning Policy Framework (NPPF) (July 2018)** 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.
15. 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, Chapter 6 (Building a strong, competitive economy, including supporting a prosperous rural economy), 9 (Promoting sustainable transport), 13 (Protecting Green Belt land), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment), 17 (Facilitating the sustainable use of minerals) are of particular relevance.
16. 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.
17. **National Planning Policy Guidance (NPPG) (March 2014 (as updated))** supports the NPPF including guidance on planning for air quality, climate change, flood risk and coastal change, light pollution, natural environment, noise, transport and minerals (amongst other matters). The minerals section of NPPG recognises the essential contribution minerals make to the country's prosperity and quality of life.
18. **Kent Minerals and Waste Local Plan 2013-30 (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. Whilst this proposal is not specifically related to the supply of minerals Policy CSM1 gives support where, when considering mineral 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.
19. Policy DM1 seeks proposals to achieve sustainable design, whilst Policies DM4 (Green Belt), DM11 (health and amenity), and DM13 (Transportation of Minerals and Waste) may also be relevant.
20. **Tonbridge & Malling Borough Council Core Strategy September 2007-** Policies CP1 (Sustainable Development), CP3 (Green Belt) , CP7 (AONB) apply and specifically Policy CP21 safeguards the works site for employment use.

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21. **Tonbridge & Malling Borough Council Development Land Allocations DPD April 2008** – Policy E2 safeguards the site for continued employment use and Policy M1 recognises it as a Major Development Site in the Green Belt where infilling or redevelopment may be appropriate subject to further potential impact considerations.
22. **Tonbridge & Malling Borough Council Managing Development and the Environment DPD April 2010** – seeks to manage development so that environmental quality is maintained whilst preserving a sense of place and sets policy direction to deliver these aims as well as achieving the best balance between the built and natural environment.

Consultations

23. **Tonbridge & Malling Borough Council** – No objection.

Ightham Parish Council – Concerned, with particular regard to:

- The agents letter states that an application will be forthcoming for a dedicated sand quarry. I believe that this application should assume that this quarry is not viable and that this statement is removed from the application letter as it presumes a successful future application
- There is little evidence that PFA supply is declining and it is a more environmentally friendly substance than Silica Sand. I would ask that KCC request H&H to supply evidence of the decline of in supply of PFA (old coal fired stations have large stock piles of PFA)
- H&H are suggesting stockpiling a large quantity of silica sand in the open. Silica sand is believed to be a cause of cancer. Any storage or movement of silica sand (such as conveyor belts) should be covered.
- The application suggests that importation of the silica sand will be 'subject to the existing environmental controls.' The existing controls cover PFA which is an inert substance whereas silica sand is carcinogenic and should be covered by different and more stringent controls.
- Sand is denser than PFA and so this is an opportunity to reduce the lorry movements using the site access below 340 lorries whilst maintain the factory output.

Borough Green Parish Council – ask for the following comments to be taken into account when determining the application:

We are aware that H+H have made significant investment recently to allow the percentage of sand used to be increased and are grateful that this will protect employment. We do not believe the PFA situation is as dire as H+H would have us believe, and that there are more than ample supplies into the far future. H+H also lose some of their Green Justification by switching from PFA which otherwise use valuable landfill space and intend to use a virgin raw material with a limited supply. Clearly the reason for the shift has less to do with the availability of PFA and more towards enabling H+H to access their own local sand supply, whatever the serious constraints against the use of the land. Whilst we support the spirit of the application

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as part of this shift to sand, we are extremely concerned about the several mentions about their “new dedicated silica sand quarry” coming on line. Whilst this application is not about Ightham Court meadow, it is important that we register our continuing objections to the possibility of this scheme, with its impact on MGB, AONB and the setting of the two listed buildings, Ightham Court and Cricketts Farm. We also share concerns about the extra external handling of Silica Sand and the possibility of increased release of harmful particulate materials and demand some form of industrial particulate monitoring with reporting to T&MBC EHO as a condition of any approval. There should also be an enforcing of the sheeting of bulk tippers in and out of the site.

Wrotham Parish Council – Support H+H being able to use a proportion of sand as well as a majority of stockpiled PFA in their Ightham Works. We have been informed that a percentage of silica sand mixed with stockpiled PFA is advantageous in producing consistent quality autoclaved lightweight concrete blocks. However, we wish to consider the availability of PFA following the letter from Celcon’s agent which is full of references to the imminent demise of the PFA with the loss of 120 jobs. While it is true that the supply of fresh PFA in dry form is declining, there is evidence from the UK Quality Ash Association that their estimates are that there could be in excess of 50 million tonnes of stockpiled PFA around the country. This is a massive resource for the future.

Some block manufacturing uses dry PFA as it’s cheaper to transport but now having problems as the fresh (dry) PFA runs out. H+H have traditionally used wet PFA usually with a proportion of silica sand. This was confirmed by UK marketing manager in 2016 as follows:

“The reduction in fresh PFA has caused challenges across the entire concrete industry. In Europe, H+H produces its aircrete using sand as the main constituent and while this is an option for us here in the UK if required, we will continue to use PFA in the short term. Rather than seeking an alternative material, which could undermine the performance and environmental benefits enjoyed by aircrete in its current form, we have been developing our manufacturing processes to enable the use of stockpiled PFA. There is a considerable quantity of such material, built up over the previous century when the UK relied primarily on coal fired power generation, easily sufficient to supply of needs for many years to come. Stockpiled PFA does not have the same performance characteristics as fresh material which has meant certain changes to our production process have been required to utilise it, to enable us to provide the same high-quality end product. With the shortage issue now resolved, and a continued strong demand, it is business as usual for H+H and its great to see that our production volumes have significantly increased during 2016.” (Jenny Smith-Andrews - H+H)

It is interesting to converse with Nigel Cooke who is a Director of the UK Quality Ash Association, his recent email includes the following comments:

“I am the Director for the UKQAA and one of my main aims is to ensure that existing stockpiles of landfilled fly ash located at coal fires power stations around the country (it has been estimated that there could be in excess of 50 million tonnes of these landfilled stockpiles) are recognised as a ‘National Asset’ that should be adopted within the Minerals Plan.” (Nigel Cooke UKQAA 10/07/18)

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We are informed there are significant stockpiles of PFA available in Kent. WPC is concerned that the agent's letter indicates a ramping up of Silica Sand use by the factory when this cannot be justified by the available stockpiles of PFA locally. WPC is of the opinion that the MPA should be concerned about the sustainable use of raw materials and a historic waste by-product of energy generation as it affects the reserves of a national important mineral.

In conclusion WPC supports H+H being able to use a proportion of silica sand because it is advantageous to mix with stockpiled PFA that is available in very significant quantities around the country next to coal fired power stations. Clearly anything that diminishes the need to dig fresh sand and utilise by-product of historic energy production should be supported. It is understandable that the applicant seeks to imply that stockpiled PFA is unusable in a period when its advisers are working on an application to begin a new sand quarry in the AONB, following on from requesting a scoping opinion to that effect from the MPA. The MPA should, in WPC's view, take special advice regarding the tonnages of silica sand that H+H are seeking to import as a percentage of stockpiled PFA imports, as it is far more sustainable from an environmental view point to use the stockpiled PFA as the significant component, whilst preserving a nationally important mineral. Storage and handling of silica sand should comply with relevant national safety guidance.

Environment Agency (Kent Area) – No objection

Kent County Council Highways and Transportation – Whilst there are no detailed HGV figures associated with this application it is accepted that there is a condition on the extant permission which limits the traffic movements at the site. As traffic movements will not change because of these proposals I do not wish to raise an objection on behalf of the local highway authority.

Kent County Council Noise Consultant (Amey) – In the context of the existing and relatively extensive operational activities on site, and given the existing site control measures as conditioned, it is considered unlikely that the replacement of the importation of PFA by silica sand will generate any significant additional noise which would be of cause for concern to the potentially noise sensitive receptors to the south-east and east of the facility. Consequently we are satisfied that the proposals will create no significant adverse noise impact and would offer no objection to the proposals.

Kent County Council Air Quality & Odour Consultant (Amey) – The change in raw material being imported will not increase the maximum number of HGV's accessing the site beyond the original planning application limit of 340 HGV movements per day. The Borough Green Air Quality Management Area was declared in 2013. As such, it is correct to assume that the traffic data used to carry out the assessment included existing HGV movements to/from the facility and that no further detailed assessment would be required at this time. A brief review of traffic data from the Department of Transport traffic statistics site supports this assumption. Should the site operator exceed the agreed 340 HGV movements it may be necessary to complete a detailed assessment of the impact of additional HGV movements on local air quality.

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Sand would be transported along the internal sand haulage road to a sand hopper where it will immediately be tipped onto a feed conveyor and into the bulk sand silo. It is unclear whether the conveyor is enclosed. If the conveyor is open, it is recommended that it be enclosed, otherwise we are satisfied with how the sand is transported around the site. The buffer storage area is enclosed on three sides, therefore we are satisfied that the storage of sand will not cause significant dust emissions and subject to application of best practice for the management of dust emissions.

Local Member

24. The local County Member for Malling West, Mr Harry Rayner was notified of the application on 5 July 2018. He comments that there appear to be some inaccuracies in the documentation and information at odds with public comments from the management of the applicant company regarding the supply of raw materials. He also advises that the plans included with the application have identified land within their ownership which is actually part of a garden belonging to a local resident. *(N.B. This error has been brought to the attention of the Applicant who has confirmed with a revised boundary drawing showing the correct extent of their land ownership).*

Publicity

25. The application was publicised by the posting of a site notice and an advertisement in a local newspaper.

Representations

26. In response to the publicity, one objector has made the following points:
- The supply of PFA is not declining there are large stockpiles available (and used by other block producers).
 - The UK Quality Ash Association states there are significant amounts of surplus fly ash produced year on year, with around 50 million tonnes available in landfills.
 - PFA is a more environmentally friendly substance than silica sand.
 - The proposed stockpile is not covered, it amounts to a month's supply and will probably be used as the primary 'dumping ground' for all sand arriving by road and all the dust that entails. How can you control this air born risk given silica sand is believed to be a cause of cancer?
 - Additional environmental controls are required for silica sand. The existing controls cover PFA which is an inert substance whereas silica sand is carcinogenic and should be covered by different and more stringent controls.
 - Silica sand is seen as a hazardous material by the Health and Safety Executive (reference to HSE guidance is given) and given the proximity of the site to Borough Green and Ightham H+H should adhere to standards.
 - Main HSE recommendations should be required in any approvals:
 - use of segregation and water suppression to control the airborne contaminants
 - use equipment which is designed to resist the abrasive effects of silica

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- containing materials,
 - segregate the operator in a ventilated control cab,
 - consult the manufacturer or a qualified ventilation engineer to ensure that the design will cope with anticipated dust levels.
- H+H should cover a number of health and safety points in relation to the cab of the vehicle used to move the sand around the following points.
- Specifically, H+H should follow these practises, in dry weather, fit rippers with a mist boom mounted on the ripper shank mechanism, keep roadways damp to help dust suppression and wash down metal roadways regularly and limit vehicle speed.

Discussion

27. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs 14-22 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. The condition is worded to allow the Applicant to seek prior approval for use of imported sand in to the site and so the matters for consideration are limited to those relating to the change in some of the HGV's bringing in sand instead of PFA, all other conditions on the planning permission remain in place.
28. As set out in the background section of my report the applicant has been operating the block manufacturing facility in the Green Belt and AONB, since the early 1990s. The principle of the factory, its production operations and export of its finished product to market in this sensitive location is well established and will not change as a result of this proposal.

Raw Materials Supply

29. The planning permission granted for the factory did not place any restriction on the relative quantities of raw materials as this is a commercial decision for the company to make depending upon supply and production requirements. The infrastructure on site can take both sand and PFA and the production process had always relied upon a mix of raw materials to make and secure a consistent quality product. Importation of sand from elsewhere has been considered acceptable in the past on the basis that there would be no increase in HGV movements and activities would remain within the cap of 340 movements. To date the applicant has been able to access the required quantities of suitable PFA for use in the factory but now needs to increase the mix of sand. It is stated that initially it is intended to import up to 50,000 tonnes of silica sand in the first year, increasing over the following years up to 200,000 tonnes per annum. This is a direct replacement for PFA by volume and thus as in the past, the same number of vehicles would bring the sand to site so there is no change in HGV movements.

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30. The local community has queried whether there is a scarcity of supply of PFA. Whilst the decision on choice of raw material is a commercial matter for the Applicant, some additional information has been provided.
31. I understand that fresh PFA (produced by fresh burning of coal) is now scarce and will not be available at all within a few years. It is acknowledged that there are stockpiles of landfilled (buried) PFA however its use resulted in poor pass rates of finished product (as low as around 40 % last year) and led to an increase in waste blocks. The variability in quality of product has been managed since then by utilising sand reserves from their own sand quarry to the east of the factory which produces a consistent grade of sand for the production process. However, the limited remaining reserves are dwindling rapidly, and it is now necessary for the Applicant to bring in sand from elsewhere. It is stated that the ultimate aim is to get a mix of material that aids first time pass rates and minimise waste and cost.
32. The Applicant comments specifically as follows:

“The Company have used a mix of raw materials to produce aircrete products at Ightham over the many years of its existence. That mix has comprised variable proportions of silica sand and PFA depending on the economics of the time and the quality of raw material aggregates available. At times PFA has been in the greatest proportion at others silica sand has been the primary raw material. At this time there is considerable volatility in raw material supply given the declining availability of suitable PFA as a raw material for Ightham.

In January 2018 the Government set out its strategy to “Implementing the end of unabated coal by 2025”. The level of coal generation in the electricity system has continued to decline and for the first time ever this year the national electricity output was provided without any coal generation. There are no coal fired electricity stations in Kent and only 7 remain in the country. When these close there will be no supply of ‘fresh’ PFA. There has been no supply of fresh PFA in Kent for a number of years and H+H have been forced to source it from further afield but recently such supplies have been ended and are no longer available to Ightham. The less efficient ‘buried’ PFA has been substituted but the vagaries of the material are such that consistent firing cannot be achieved in the factory without the addition of silica sand. The poorer the PFA, the greater the need for silica sand in the mix.

Some 18 months ago the raw material mix was in the order of 80% fresh PFA with 20% silica sand. Now the mix proportion is much more variable given the unknown nature of buried PFA that the Company can obtain. Additional silica sand is needed as a consequence of the upgrade of the Ightham factory which has increased production capacity.

Mention has been made of press releases by H+H some 18 months ago as to the ongoing availability of PFA which presented no problems as to raw material sourcing. Unfortunately, that information is now dated with respect to Ightham given the volatility of the raw material market, particularly as two leading national suppliers of PFA have ceased to operate. It remains that whilst there may be tonnages of buried PFA they

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may neither be suitable or available to supply Ightham Works. For example, there are no supplies available in Kent and none are being marketed. It is noted that the Kent Minerals & Waste Local Plan does not address PFA sources at all and only refers to PFA in the context of Ightham Works future needs."

33. The Applicant has also commented that some of their competitors do use PFA and some use just sand and in their view, it is no coincidence that the sand-based competitors are consistently producing. Moreover, the current high demand for the Borough Green product is heavily influenced by the shutdown of one of their key competitors who are citing PFA supply and quality as their issue.
34. Given the rapidly dwindling supplies of sand on site and the arguments put forward regarding availability of suitable PFA supplies there is a demonstrated need to import sand to the site as a raw material in the production of the aircrete blocks.

Sand Storage

35. Most of the sand to be imported to the site would arrive and be dispatched immediately to the sand storage silo, via the covered conveyor and would therefore be contained. However, it is proposed that a quantity of sand be stored in a buffer stockpile in the north east corner of the yard area as an emergency supply should imports be interrupted for any reason, such as poor weather. This area is surrounded by high bay walls and has in the recent past been used for the crushed reject blocks that were awaiting recycling back through the process. The very recent investment in the new plant and the increased usage of sand from the adjacent quarry has meant that there has been less of this waste and this area would be available to contain the emergency sand stockpile.
36. The original factory permission was subject to a scheme of dust attenuation measures which included daily sweeping of the yard, sheeting of vehicles and cleaning of the raw material delivery vehicles. This would apply equally to the movement of sand on the limited occasions when it was not possible for the sand to be supplied from the silos.
37. In addition, the Applicant comments that they operate within and fully comply with health and safety legislation as applied to the Ightham Factory. They comment that this is a different legislative regime to that of planning and normally the different regulatory roles are respected and accepted. The Applicant goes on to say that there is a difference with health and safety advice between silica sand in a factory environment and silica extraction at a quarry, and that it appears that some of the objections are based on the latter and not the former. It is stated that the HSE have issued advice for the use of silica sand in brick and tile making, pursuant to the Control of Substances Hazardous to Health Regulations 2002 (COSHH) and the advice sets out good practice for controlling exposure to silica. H+H state that they fully comply with the COSHH regulations and operate best practice at the works.
38. In summary, the delivery of sand would continue to utilise the existing sand importation/storage infrastructure and the buffer stockpile would be managed utilising existing dust management and best practice measures. The Borough Council has no

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objection to the proposals and furthermore there are additional requirements under health and safety legislation regarding dust control. I am advised on that basis this proposal will not cause significant dust emissions.

Economy

39. It is recognised that the Ightham Aircrete factory is a production unit of national importance, one of only a limited number in the country positioned to supply the national housing market. Delivery of new homes is a key aim of central Government economic and social policy and the new National Planning Policy Framework published in July this year has sought to remove any unnecessary barriers to housebuilding. An inability to source the necessary raw materials could prejudice production at the works and the contribution it makes to supplying the house building market. Furthermore, the factory employs 120 people locally and the contribution it makes to the local employment sector should also be given appropriate weight.

Other Issues

40. Some comment has been made regarding the future supply of silica sand from a site adjacent to Ightham Court within the Applicant's ownership. A scoping opinion request was submitted by the Applicant in November 2016 and an opinion issued by KCC in January 2017 as to the suggested content of any future Environmental Statement. However, to date there is no planning application for sand extraction on this area of land and should one be forthcoming it would be dealt with entirely on its own merits at that time.

Conclusion

41. The factory has been operational in the Green Belt and AONB since the early 1990s. and in simple terms this application seeks prior approval to replace a quantity of PFA imports with silica sand imports. The HGVs would already be visiting the site and the sand would be fed into the sand storage silo and be used directly in the process, as is the PFA currently. There is no restriction on the routes that these vehicles must take. The emergency buffer stockpile of sand would be stored in the corner of the yard area and only be used in the event of an interruption to the supply of imported sand into the site. The environmental controls in place on the factory permission would remain in place as would all other conditions covering operations on site. Furthermore, the Company are required to operate within health and safety regulatory legislation.
42. The continued production of aircrete blocks is important to the Kent and wider UK economy both in terms of local employment but also in supplying the house building market. With the paucity of supply of appropriate PFA the Applicant has a need to import silica sand as a direct replacement for quantities of PFA. I am advised there is a pressing need to be able to import sand as on-site supplies are being worked out rapidly and are therefore in very short supply going forward. Without some security of supply of appropriate raw material, the ability to produce blocks to meet market demand would be in jeopardy, and on this basis the need to import silica sand should be weighed favourably.

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43. As such, I am satisfied the proposal complies in all relevant aspects with the NPPF to which the presumption in favour of sustainable development therefore applies. The policies of the Kent Minerals and Waste Local Plan and Tonbridge and Malling Borough Council Core Strategy also presume in favour of sustainable development. Furthermore, the import of sand would facilitate continued production of blocks on a site that is safeguarded for employment use in the Tonbridge and Malling Borough Council Development Land Allocations DPD 2008.
44. I recommend that prior approval should be granted for this proposal.

Recommendation

45. I RECOMMEND that PRIOR APPROVAL BE GRANTED.

Case Officer: Mrs Andrea Hopkins

Tel. no: 03000 413394

Background Documents: see section heading

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Item C3

Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TM/00/1599/R3 (KCC/TM/0418/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 October 2018.

Application by Tarmac Trading Limited to revise the scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TM/00/1599/R3 (KCC/TM/0418/2018)

Recommendation: Approval be given.

Local Member: Sarah Hamilton

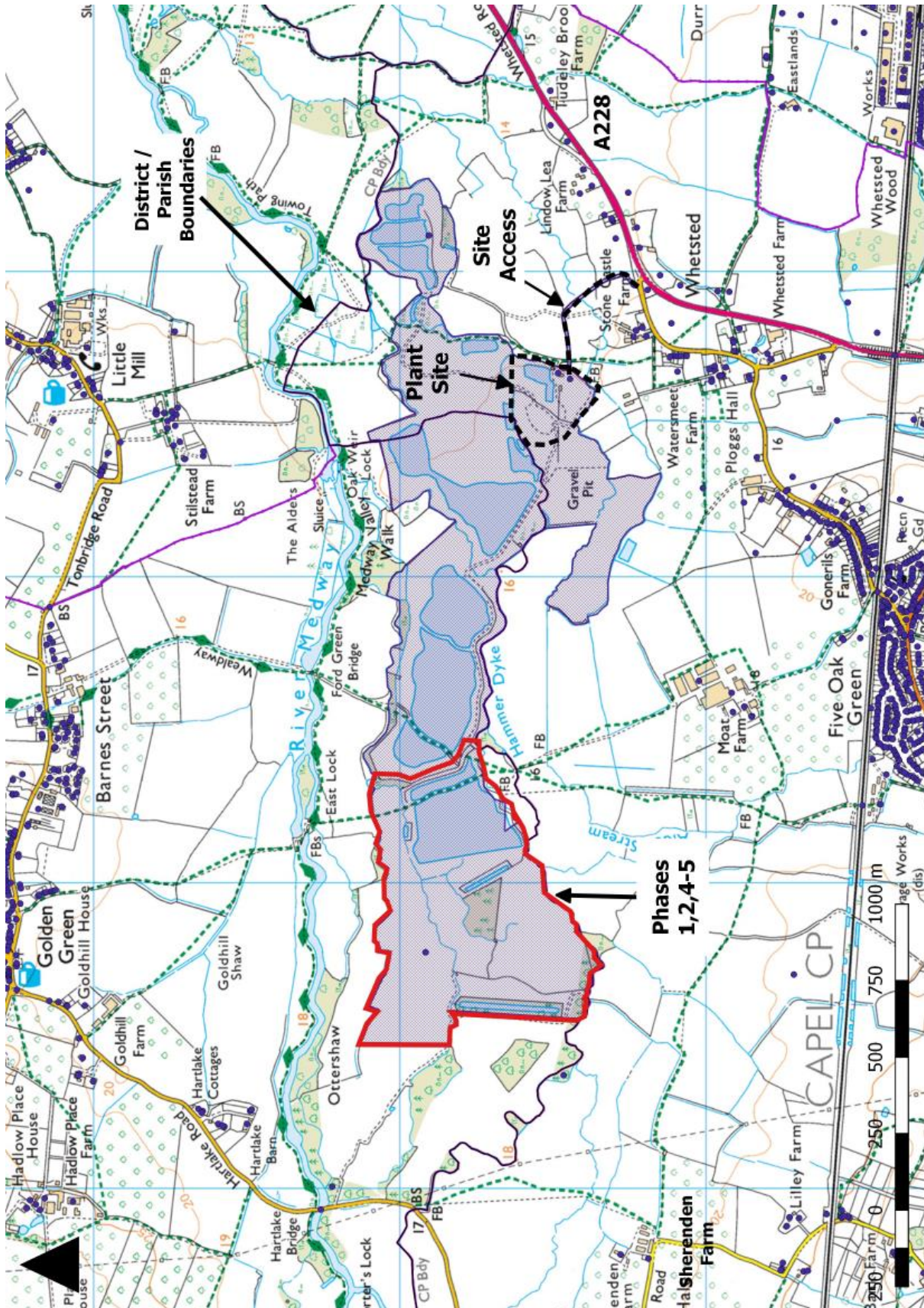
Classification: Unrestricted

Site

1. Stonecastle Farm Quarry is located approximately 300 metres north of Whetsted with the site access immediately east of Whetsted on Whetsted Road. The site entrance is approximately 35 metres to the west of the A228 which connects onwards to the M20 in the north and Tunbridge Wells to the south. The site comprises an area of some 100 hectares of which about 50 hectares remains to be worked for its sand and gravel reserves. Part of the site has been worked for its reserves and restored to lakes. The remaining site area to be worked is currently predominantly in agricultural use and is bound to the north by the River Medway, much of which is lined by trees, to the west by Hartlake Road and to the south by Hammer Dyke. The area left to be worked for mineral is approximately 1km west of Whetsted and lies approximately midway between the nearest concentrations of housing at Golden Green to the north and Five Oak Green to the south. The closest residential properties are situated at Stone Castle Farm, Moat Farm, Sherenden Farm and on the Hartlake Road (see site plan on pages C3.2).
2. The site is within the flood plain of the River Medway and is generally flat and low lying. It is bisected east west by Hammer Dyke which is lined by trees and shrubs and two public footpaths cross the site. The site is in the Metropolitan Green Belt and within a Flood Zone 3. The High Weald Area of Outstanding Natural Beauty lies just over 2kms (1.4 miles) to the south and some small areas of Ancient Woodland border the site.
3. The application site for this submission is entirely within the borough of Tonbridge and Malling, however the plant site, quarry access and parts of the formerly worked areas of the quarry are within the borough of Tunbridge Wells. In addition, there are a number of different parish councils that have boundaries across the site. The area associated with this submission is within Hadlow Parish, however significant parts of the wider site including the access and plant area are within Capel Parish. East Peckham Parish is also adjacent to the site. For the purposes of consultation on this submission both boroughs and all three parishes have been consulted.

Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

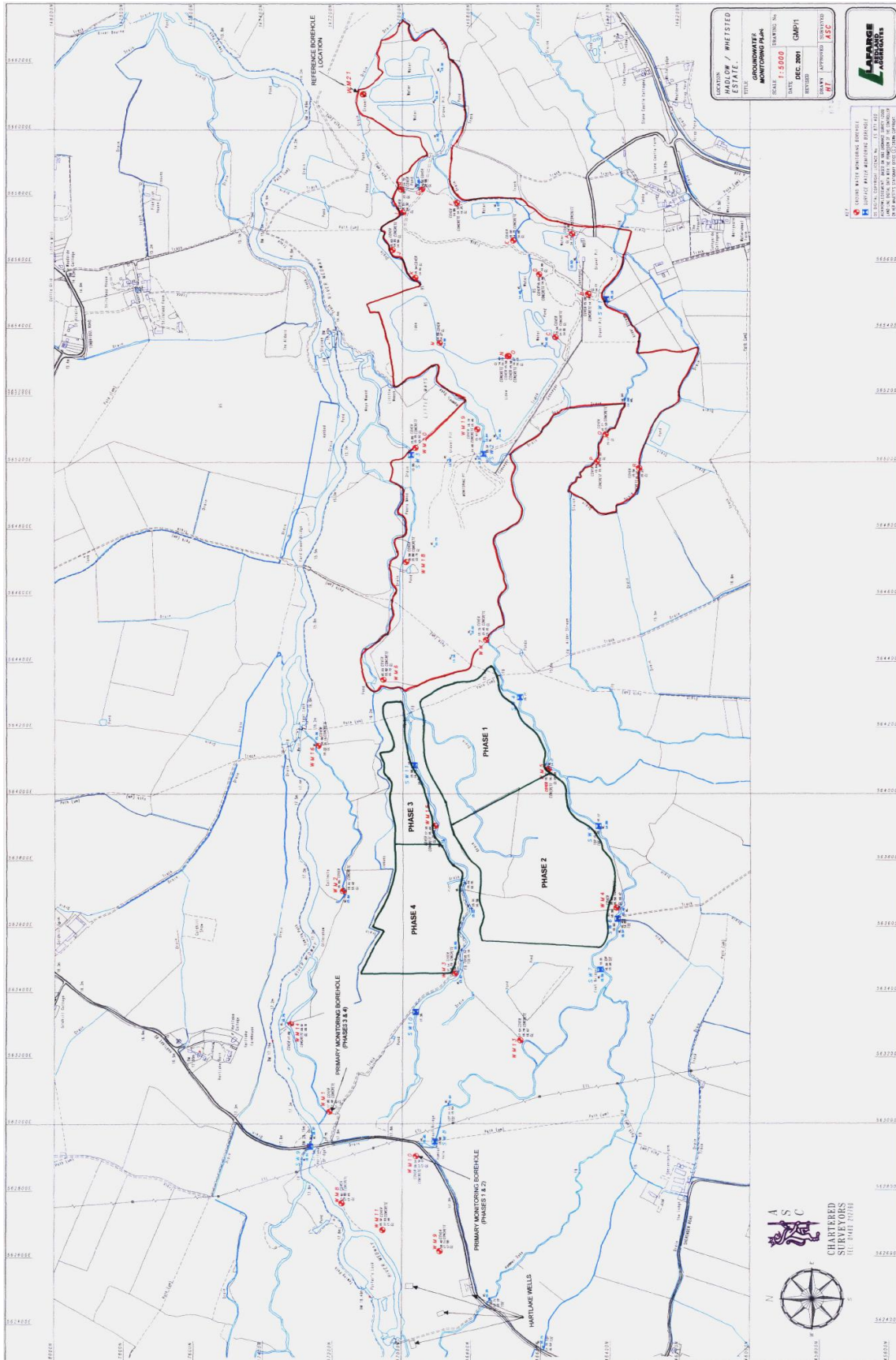
Site Location Plan – including borough/parish boundaries



Item C3

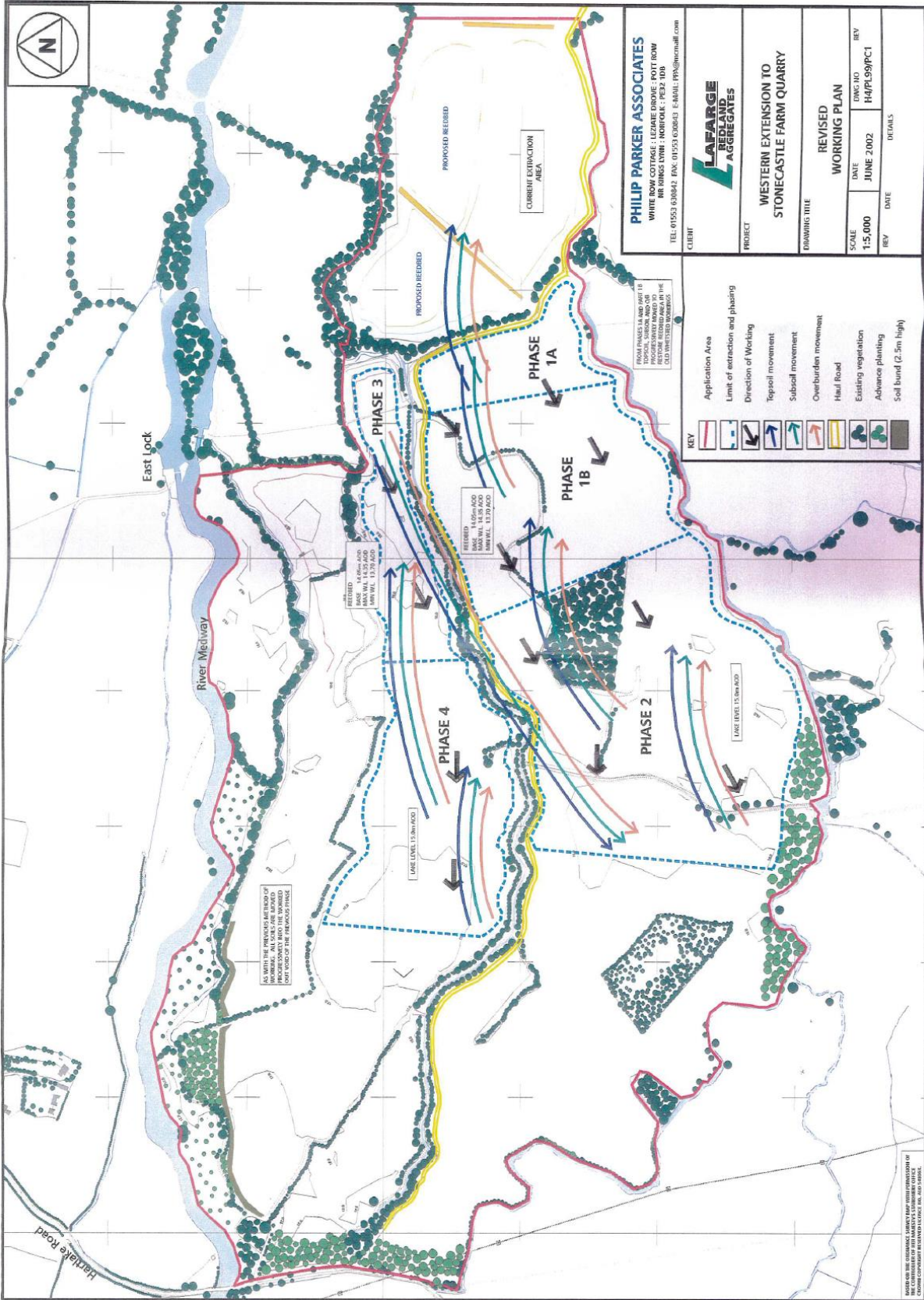
Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

Stonecastle Farm Quarry – Approved Application Boundaries



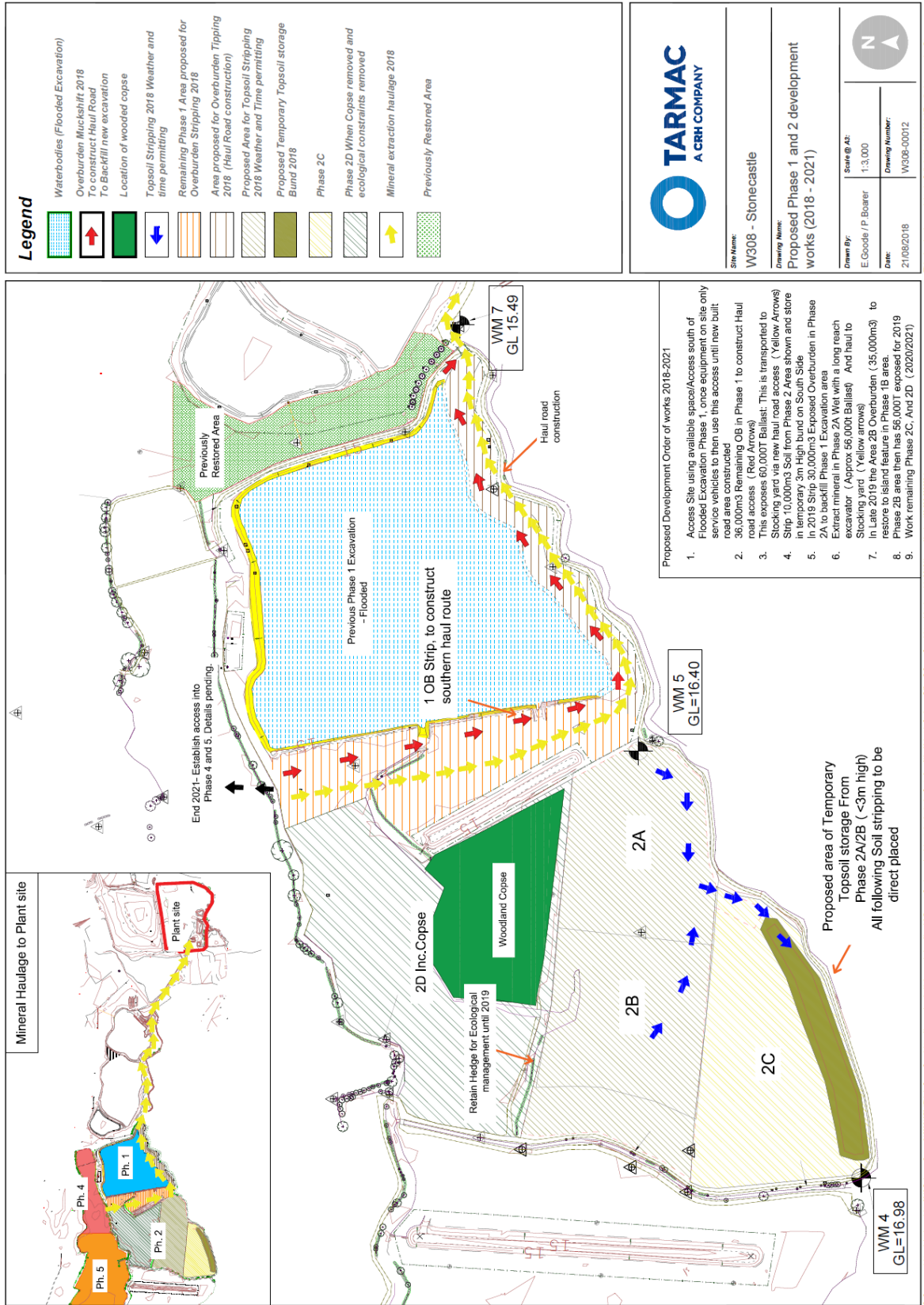
Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

Approved Working Scheme



Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

Proposed Working Scheme (for Phases 1 & 2)



Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

Background and Recent Site History

4. Stonecastle Farm Quarry was first consented for the extraction of sand and gravel in 1981 under two separate permissions (TM/79/938 and TW/79/753) for two adjoining parcels of land which were situated in the two adjacent boroughs (see plan on page C.3.2). The permissions also made provision for the erection of mineral processing and ready-mix concrete plant, and for the construction of a dedicated access from the public highway. Extraction and infilling operations were completed under these permissions in 1995 and with the exception of the plant site and access the land was restored to a mixture of agriculture (utilising imported materials) and open water.
5. In 1993 permission was granted under reference TM/92/1142 for a western extension to the Quarry. Incorporating further water-based restoration, this permission utilised the permitted plant site and access road (see plans above). The mineral reserves under this permission have been fully worked and the land restored.
6. In 2002 permission was granted under reference TM/00/1599 for a further western extension (see plan on page C3.3). The application (which was accompanied by an Environmental Impact Assessment) had proposed 6 phases (1 – 6). However, the two most westerly phases (3 and 6) were refused on the grounds that insufficient information was provided to demonstrate that the development would not have an unacceptable effect on the quality or potential yield of groundwater resources in these areas. Phases 1, 2, 4 and 5 were permitted and are now the subject of the proposed variations to the working scheme.

Site Preparation

7. Prior to operations associated with planning permission TM/00/1599 starting on site advance planting was carried out on the southern, western and northern boundaries to supplement the existing tree screen. This enabled a mature visual screen to become established during the early stages of the site operations at the south-eastern end of the site, adjacent to the existing mineral workings permitted under TM/92/1142.

Mineral Extraction

8. Application TM/00/1599 had sought to remove some 3.1 million tonnes of sand and gravel from the site over a period of 20 years at a rate of 150,000 tonnes per annum. However, the total quantity was revised to around 2 million tonnes following the refusal of phases 3 and 6. The depth of extraction would average 5 metres below ground level with each phase of working being dewatered so that the mineral could be worked dry.
9. The same method of extraction used in the earlier quarry operations was permitted to be used again. This included the extraction of sand and gravel by hydraulic excavator and the use of dump trucks to transport the worked mineral to a drive over hopper where it would be fed via a field conveyor to the existing processing plant. Processed material would be placed into stockpiles and then loaded onto HGVs to be exported from the site via the existing road access onto the primary road network after turning left onto Whetsted Road.
10. The approved working scheme provided for topsoil, subsoil and overburden stripped from phase 1 of the site being used directly to reinstate the western area of the

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workings permitted under TM/92/1142. Thereafter working would progress in a westerly direction through phases 1 and 2 to the south of the dyke which sub-divides the site. Materials stripped from within each successive phase would be used to progressively restore the previous area of extraction gradually extending the area of reedbeds wet grassland and open water. Upon completion of extraction in phase 2, excavation would commence to the north of the dyke in phase 4 on the eastern boundary of the site moving progressively westwards through phase 5. Again, materials stripped from each successive phase would be used to progressively restore the previous area of extraction to a combination of reedbeds, wet grassland and open water.

Restoration and Aftercare

11. The approved restoration and aftercare scheme sought to:

- Protect the integrity of the most important sections of hedgerow network;
- Restore land to a traditional wet meadow;
- Create a large wetland linked to the earlier quarry restoration; and
- Provide for a comprehensive wetland restoration.

12. Planning permission TM/00/1599 was subject to 27 conditions. These required the prior approval of a number of details (referred to in paragraph 13 below) and controls relating to (amongst others) the following:

- Best and most versatile topsoil and subsoil only being handled when they are dry and friable, normally between May and September;
- Maximum height of topsoil and subsoil stockpiles being 3 metres and 5 metres respectively;
- No materials other than topsoil and subsoil stripped from on-site being used in restoring the site and no materials being imported;
- No trees or shrubs planted in accordance with the details approved by the landscaping scheme together with any materials stockpiled on site taking place within 3 metres of any watercourse; no excavations taking place within 15 metres of any watercourse and the perimeter slopes not being excavated to a gradient in excess of 1 in 2 without the prior approval of the Mineral Planning Authority;
- Any above ground oil/chemical storage tank/container and associated pipework being sited and bunded in a manner so as to retain any spillage;
- No discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways;
- All traffic entering the site by turning right into the existing access and leaving the site by turning left via the same access;
- Measures being taken to ensure that vehicles connected with the development do not deposit mud or other debris on the public highway, including the use of wheel and chassis cleaning equipment as appropriate;
- Routes of Public Footpaths MT158 and MT159 being kept free from any obstructions;
- The surfacing of the site access road being maintained in a good state of repair and kept clear of mud and other debris at all times;
- All loaded lorries entering and leaving the site being sheeted;
- All operations, with the exception of essential maintenance, taking place between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturday;

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- no operations taking place on Saturday afternoon, Sunday or Bank Holidays without the prior approval of the Mineral Planning Authority;
- Noise levels when measured at the façade of any residential property not exceeding 55dB LAeq as a result of any activity at the site;
 - All vehicles, plant and machinery employed within the site being well maintained and fitted with silencers;
 - All plant, buildings and machinery including their foundations and bases being removed from site when they are no longer required;
 - No buildings, fixed plant or machinery shall be located on site without the prior approval in writing of their siting, design and external appearance by the Mineral Planning Authority (MPA); and
 - If excavation ceases for a period of 2 years or a subsequent period as agreed in writing by the MPA, the workings shall be deemed to have been abandoned and shall be restored and landscaped within a further period of 12 months.
13. Details pursuant to other conditions imposed on planning permission TM/00/1599 were subsequently submitted and approved in relation to the following matters:
- scheme of working and restoration;
 - landscaping scheme;
 - aftercare scheme and soil stripping and storage details;
 - dust attenuation; and
 - archaeology.
14. As a result of the applicant's proposal to extend Stonecastle Farm Quarry (TM/00/1599) it was also necessary to vary the earlier permissions TM/79/938, TW/79/753 and TM/92/1142. These variations (which were provided for by planning permissions TM/00/1600 and TW/00/1398) were to:
- Continue to use the existing site access and amend the approved restoration scheme relating to TM/92/1142 to incorporate reedbeds into the restoration of the western part of those workings; and
 - Retain the established plant site (including mineral processing plant, associated facilities and ready mixed concrete plant).
15. The method of working provided for by planning permission TM/00/1599 was varied in 2004 under approval reference TM/00/1599/R3 to allow a variation to the working scheme involving the extension of the existing internal haul road along the route of the existing conveyor line and consequently the removal of the conveyor line. Alongside the removal of the conveyor line, this variation also moved the extraction to a 'campaign' style whereby the sand and gravel would be extracted at three distinct times during the year with each period lasting approximately one month. These periods would usually be during March, June and September and involve the extraction and haulage of "as raised" sand and gravel for stockpiling close to the processing plant area by the extended internal haul road. This system meant that for significant parts of each year extraction would entirely cease, thereby minimising the environmental and associated impacts of the extraction. The stockpiling area adjacent to the processing plant was also extended as part of this variation to accommodate additional stocks of material during the times of campaign extraction. This scheme of working remains the permitted working scheme.

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16. Extraction operations at Stonecastle Farm Quarry ceased temporarily in 2008 due to market conditions. Condition 26 of planning permission TM/00/1599 states that if excavation ceases and does not recommence to any substantial extent for a period of 2 years (or such period as may be approved by the Mineral Planning Authority (MPA) the workings shall be deemed to be abandoned and the site shall be restored and landscaped within a further period of 12 months in accordance with the approved restoration and landscaping schemes with such modifications as may be approved by the MPA. Approval has been given on several occasions to extend the 2-year period. The most recent of these ends on 31 October 2018. Should excavation not resume by this date a further approval would be required. Planning permission TM/00/1599 does not contain a condition specifying a date by when extraction must cease and the site be restored such that it lasts for 60 years from the date of the permission (i.e. until 23 September 2062). Condition 26 cannot by itself “take away” the planning permission. In order for this to happen KCC (as the MPA) would have to make and secure an order to revoke the planning permission. 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 operations 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, the current owners (Tarmac 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. In such circumstances, the compensation (which would be payable by KCC) would likely be significant.
17. The most recent approval (TM/00/1599/R26C) was given with an additional condition requiring the submission and approval of ecological scoping surveys and any associated mitigation and enhancement strategies prior to the recommencement of operations. Details pursuant to this condition were approved under reference TM/00/1599/R26C1 in September 2018. Whilst this will enable extraction to resume in the remaining part of phase 1 and about half of phase 2 subject to the provision of a 15 metre buffer between the extraction areas and the hedgerows and woodland within phases 1, 2A, 2B and 2C and by the installation of Heras fencing to ensure these areas are not entered during the extraction works, further ecological surveys will be required before extraction recommences in phases 2D, 4 and 5.
18. In November 2017 permission was granted under reference TW/17/3110 for the temporary storage of road planings arising from highways maintenance work. This was for a period of 6 months from the first importation of road planings or by 30 June 2018 (whichever was the sooner). The permission was subject to conditions which included the construction of a 3.5 metre noise barrier, limits on stockpile heights and operating hours and those in respect of highways that broadly reflected those imposed on TM/00/1599. The development provided for by TW/17/3110 had ceased by the end of the permitted temporary period and the site was reinstated to its condition prior to the development. At the same time, all remaining plant equipment was removed from the processing area. As a result, it will be necessary for a further permission / approval to be obtained for replacement processing plant and equipment if extracted material is to be processed before being exported from the site. An application for replacement processing plant equipment was made pursuant to condition 23 of TM/00/1599 in September 2018 but has yet to be processed.

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Proposal

19. Following an improvement in the market conditions it is the applicant's intention to recommence extraction at the site in 2018. As part of this process the applicant has applied to revise the approved scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of reference TM/00/1599. The proposed changes to the working scheme are outlined below:
- Phase 1 and 2 working arrangement (see plan on page C3.5) – includes the sub-division of phase 2 and reference to the required ecological surveys;
 - Mineral working to be undertaken wet using a long reach excavator (i.e. below the water table without dewatering);
 - Relocation of the internal haul road to follow the southern boundary of phase 1 (see plan on page C3.5 for location of the haul road) – to avoid the previously restored areas of the site along the northern boundary of phase 1; and
 - Campaign working to change from 3 to 6 months each year – reducing the intensity of extraction operations whilst still avoiding wetter periods when excavated material is harder to transport without damaging the internal haul road.
20. These are the only changes proposed, all other elements and conditions of the current permission will remain as existing. The applicant states that phases 4 and 5 will be worked in accordance with the approved scheme of working.
21. In response to the Environment Agency's comments (paragraph 34) about potential silting of surface waters, the applicant has advised that if the request to change to wet working is approved the extracted mineral would be stockpiled wet and surrounded by drainage ditches and retaining bunds to ensure that no contaminated water leaves the site. It states that this approach is commonplace when carrying out wet mineral working. It also states that it will use the existing silt lagoons at the site to ensure that no suspended solids and silt leave the site when processing the mineral at the plant site.

Planning Policy

22. The most relevant Government Guidance and Development Plan Policies are summarised below are relevant to the consideration of this application:
23. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (July 2018), and the associated Planning Practice Guidance (PPG). National Planning Policy and Guidance are material planning considerations.
24. **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

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(Safeguarding Transport Infrastructure), DM19 (Restoration, Aftercare and After-use), DM20 (Ancillary Development).

25. 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 Stonecastle Farm Quarry. One of these two sites is essentially the previously refused phases 3 and 6, however these potential sites do not have any direct bearing on the current submission to amend the scheme of working.
26. **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007):** These include Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP21 (Employment Provision) and CP25 (Mitigation of Development Impacts).
27. **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (2010):** These include Policies SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).
28. **Tunbridge Wells Local Plan 2006:** These include policies EN1 and TP4.

Consultations

29. **Tunbridge Wells Borough Council:** objects to the application for the following reasons:
- Insufficient information on the revised scheme of working does not make it possible to understand whether there would be harm to residential amenity (in terms of noise, disturbance and dust/particles) and highway safety.
 - Insufficient information on Flood risk (*but states that this reason would be overcome if the Environment Agency raises no objection to the scheme*).
 - Insufficient information on ecological impact (*but states that this reason would be overcome if the biodiversity details submitted pursuant to TM/00/1599/R26C1 are acceptable and relate to the proposed working scheme*).
30. **Tonbridge & Malling Borough Council:** no comments received.
31. **Capel Parish Council:** objects to the application and recommends refusal for the following reasons:
- 1) Concerned raised regarding highway safety. The volume of traffic and road conditions have changed considerably since the permission and the council are worried about the safety implications of an additional 60 vehicles per day using the junction.
 - 2) Lack of Environmental Impact Report (see 4 below)
 - 3) Lack of updated flood risk assessment given the site is in EA flood zone 3.

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- 4) Loss of residential amenity: Noise and dust impact of six months continuous working on the residential amenity in nearby properties in Whetsted Road generated by the processing plant and associated heavy vehicle movements
- 5) Disruption to public rights of way.
- 6) Lack of screening around the site. The screening from the original permission does not seem to be fully implemented.

If KCC are minded to approve the variation of conditions Capel Parish Council request the imposition of an S106 agreement to fund junction improvements on the A228.

Capel Parish Council request the applicant to consult with local residents and parish councils to mitigate impact of this development on the local environment, should the planning authority be minded to approve.

32. **Hadlow Parish Council:** no comments received.
33. **East Peckham Parish Council:** no comments received.
34. **Environment Agency (Kent Area):** raises no objection but makes the following comments:

Fisheries, Biodiversity and Geomorphology

We note that the site has undergone recent ecological surveys as submitted under TM/00/1599/R26C1 (KCC/TM/0106/2018). We agree with the findings and recommendations of the Preliminary Ecological Appraisal. As a result, we have no objections to the revised working plan and site restoration plan.

Flood Risk

Please be aware that the River Medway and the Alder Stream are a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions. As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Any activities in, over, under or within eight metres of the top of bank may require a permit with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmentalpermits>. Please contact the Partnerships and Strategic Overview team at or our National Customer Contact Centre on 03708 506 506 or enquiries@environment-agency.gov.uk for more information.

Groundwater and Contaminated Land

We have reviewed the submitted drawings (Proposed Phase 1 and 2 Development Works (No: W308-00012) dated 25/07/2018, Revised Working Plan (No: H4/PL99/PC1) dated 2002, and Revised Site Based Restoration Plan (No: H4/PL99/PC2) dated June 2002) in support of amending the scheme of working in relation to condition 3 of the planning permission (ref: TM/00/1599). We have no issues in principle with the revised working plan from a groundwater protection point of view. As the sand and gravel is to be excavated when wet we assume that this water will have to be removed prior to processing by Tarmac Trading Ltd. From the submitted documents it is unclear how this water will be removed. If the material is to be stockpiled and left to drain this water may contain silt which could then flow off site and pollute nearby surface waters. Tarmac

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Trading Ltd will have to have appropriate measures in place to deal with this issue. We do require further information as to how, if required, water from the excavated material is to be removed. Our only concern would be that as the material is to be excavated when wet, there may be an issue where surface water runoff containing silt is produced when stockpiled material is left to drain. If wet material is to be stockpiled and left to drain appropriate pollution prevention measures should be in place.

The Environment Agency has subsequently confirmed verbally that it is satisfied with the proposed arrangements referred to in paragraph 21 above to prevent silt polluting watercourses.

Land and Water

Silt or silty water from quarrying activities must not be allowed to enter any watercourse. If discharge of clean water from quarrying activities to a watercourse is proposed, a permit may be required and the Environment Agency should be consulted before works commence.

Fuel, Oil and Chemical Storage

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any open surface water system. Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

35. **Transportation Planning:** raise no objection.
36. **Public Rights of Way (West Kent PROW Team):** raises no objection but makes the following comments:
- The application states that the public rights of way will be reinstated on their original lines on completion, however the alignment shown on the plans, differs from the legal line of the footpath. The public rights of way should be reinstated along the route as set out in the enclosed plan. If an alternative route is required, then the developer will need to apply for a public path diversion order.
- In line with KCC Countryside Access Improvement Plan policy N1, consideration should be given for provision of an additional east-west pedestrian route once the quarry works are complete in order to link public footpaths MT158 with WT171. This could potentially use the existing haul road with an appropriate surface once works have ended.
37. **Biodiversity:** raise no objection on the basis that the phasing plan submitted with this submission reflects what has been agreed as part of the ecological mitigation submitted as part of the submission approved under reference TM/00/1599/R26C1.
38. **South East Water:** no comments received.
39. **Natural England:** raise no objection.

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Local Member

40. The local County Members for Tunbridge Wells Rural (Sarah Hamilton) and Malling Rural East (Matthew Balfour) were notified of the application on 1 August 2018. The following comments were received from Sarah Hamilton:
- Concern raised about the environmental impact, particularly on birds, as the area has been left for so long.
 - Traffic is also a concern given the length of time and increased volumes on the public highway.

Publicity

41. This is a submission of details pursuant to a condition on an existing planning permission such that there is no requirement to carry out the publicity that would be necessary on a full planning application.

Representations

42. Nine letters of objection to the submission have been received from local residents.

The key points raised can be summarised as follows:

- The junction from Whetsted Road onto the A228 is very busy and the traffic has increased since the application was originally assessed, a revised transport assessment should be carried out.
- Extraction is now due to take place for a full 6 months a year rather than the current permitted 3 months a year. This will significantly affect the enjoyment of outside activities during the summer and increase the levels of noise and dust.
- Increase in the number of vehicle movements as a result of this development.
- Has the approved landscaping scheme been fully implemented and will this be increased given the change to the haul road location.
- Move the processing plant closer to the point of extraction.
- If material is to be stockpiled as part of a 6 month campaign does this not offer the opportunity to reduce the window of road haulage out of the plant i.e. to Monday to Friday only
- Over the years Stonecastle Quarry has been backfilled with existing and imported waste which has lifted ground levels, if some ground levels were reduced back to the old existing ground levels I am convinced that this would help reduce the flooding risk both up and down stream of the Alders Stream, immediately helping Five oak Green, East Peckham and Yalding. The water table has risen and residents within the area have been flooded on several occasions.
- Everything about this latest application suggest 'cheap': no on site long-term investment.
- Impacts on the public rights of way that cross the site.
- No concrete plant and no importation of materials during the entire duration of any future workings.
- What flood risk assessment has been carried out now that the site is within a Flood Zone 3.

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- No planning notices were put up does this not invalidate this planning application.
 - The condition of the access road is very poor and should be resurfaced.
 - There is no mention of the revised process of the effects to the surrounding water table when working the site wet.
 - Does the proposed wet extraction have any dangerous implications that could further blight the local community, such as flood risk.
 - Much effort has hitherto been taken to keep workings below 3 metres in order to reduce visual impact, the Medway floodplain will now be graced with a long reach excavator for 6 months of the year.
 - Ecological impacts – since the quarrying activity has stopped the area has become a valuable habitat for numerous mammals and migrating birds and I hope that an impact assessment has been carried out.
43. Several other comments have been received from residents which relate to land that is outside of the boundary of this site and of the perceived opportunities for the future of the site after extraction has been completed. These are not material to the consideration of what is being proposed or what is already approved in terms of restoration and aftercare and are issues that are largely dependent on the operator engaging with the community on these future aspirations at a later date.

Discussion

44. This submission pursuant to condition 3 of planning permission TM/00/1599 is being reported to the Planning Applications Committee as a result of objections received from Tunbridge Wells Borough Council, Capel Parish Council, and local residents.
45. 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.
46. It is important to note that the principle of mineral extraction in phases 1, 2, 4 and 5 (together with the transfer of excavated materials both within and from the site) at Stonecastle Farm Quarry has already been established by planning permission TM/00/1599 and that the Quarry could be operated in accordance with the existing permitted scheme of working irrespective of the outcome of the current application. Similarly, the continued use of the plant site and site access remains provided for by planning permissions TM/00/1600 and TW/00/1398. Since planning permission TM/00/1599 does not contain a condition specifying a date by when extraction must cease and the site be restored, it lasts for 60 years from the date of the permission (i.e. until 23 September 2062). Planning permissions TM/00/1600 and TW/00/1398 are linked to TM/00/1599 so the plant site and access can also continue to be used during this period. If the proposed change to the permitted working scheme is refused, it is the operator's intention to resume working the site in accordance with the permitted scheme of working. The key issue for consideration is therefore whether the proposed changes themselves are acceptable and not the principle of mineral working at the site. Members should also note that Stonecastle Farm Quarry is one of the mineral sites listed in Appendix C of the KMWLP and that its permitted mineral reserves are therefore

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included in Kent's sharp sand gravel landbank. In the absence of the permitted reserves additional mineral would need to be found if the current landbank is to be maintained.

47. The application does not propose any changes to the area of the site, the number of HGV movements on the public highway, the amount of mineral to be extracted or the final restoration scheme. It is simply a request to work the site wet, relocate the internal haul road and allow a campaign system of working over 6 months of the year instead of the current 3 months.
48. Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals 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 and best use needs to be made of them to secure their long-term conservation. Paragraph 205 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 207 states that MPAs should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel and 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).
49. The NPPF is reflected in Kent MWLP Policy CSM2, 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 and the most recent published figures set out in the Local Aggregate Assessment 2017 (KCC, May 2018), which is based on data to the end of 2016, show that the sharp sand and gravel landbank is below the required 7 years (4.7 years based on the last 10 years sales average). Since no new sharp sand and gravel reserves have been permitted since the end of 2016, and whilst the figure could alter if operator estimates of permitted mineral reserves which are provided annually were to change, this further supports the case for fully working the remaining permitted sand and gravel reserves at Stonecastle Farm Quarry.
50. Paragraph 170 of the NPPF states that planning policies and decisions 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 181 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Paragraph 205 states that local planning authorities should ensure that there are no unacceptable adverse impacts on human health when granting permission for mineral development and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and appropriate noise limits are established for extraction in proximity to noise sensitive properties.

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51. 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.
52. 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.
53. Paragraph 204 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 and historic environment and human health from traffic. Paragraph 205 states that regard should be given to such matters when determining planning applications. Paragraph 108 states that decisions should take account of whether safe and suitable access to the site can be achieved and paragraph 109 goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
54. Policy DM13 of the KMWLP requires minerals and waste development to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community.
55. Paragraph 133 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

Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

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. The principle of the development has previously been considered as being appropriate in the Green Belt and in general landscape terms and given that there are no significant changes and I am satisfied that the proposal constitutes appropriate development in the Green Belt.

56. The site has been dormant for several years. This has enabled the establishment of various ecological interests on site that need to be surveyed and assessed and any adverse impacts mitigated prior to the recommencement of extraction at the site. This issue was raised by several local residents and Tunbridge Wells Borough Council. It was evident at the time of the last extension to the cessation period application (TM/00/1599/R26C) that it was the operator's intention to restart extraction imminently and it was on this basis that the condition outlined in paragraph 17 above was imposed. This condition required ecological scoping surveys to be carried out. These were undertaken, the results submitted to KCC and the requirements of the condition were discharged in accordance with the details outlined in paragraph 17 above. No objections were received from consultees (including Tunbridge Wells Borough Council) and following negotiations with KCC's Ecological Advice Service the condition was discharged with the inclusion of an additional condition that extraction operations could recommence, from an ecological standpoint, in phases 1, 2A, 2B and 2C provided a 15 metre buffer between the extraction areas and the hedgerows and woodland areas be clearly demarcated by Heras fencing in order to ensure these areas are not entered during the extraction works. In addition, the condition provided for further ecological surveys to be submitted to and approved by the MPA prior to extraction recommencing in phases 2D, 4 and 5. The ecological surveys carried out were based on the changes to the working scheme now proposed. KCC's Ecological Advice Service has no objection to the changes now proposed and, on this basis, it can be assumed that the objection from Tunbridge Wells Borough Council relating to ecology outlined in paragraph 29 is also removed. I am therefore satisfied that the proposed changes to the working scheme would not result in any detrimental impact in terms of biodiversity interests, providing the requirements of approval reference TM/00/1599/R26C1 are complied with.
57. Other factors that are relevant when considering an application for new mineral working at the site would be the impact from noise, air quality, water environment (groundwater, surface water, flooding), highways, archaeology, landscape impact and site aftercare. Whilst the proposed changes to the working scheme would give rise to some additional / different impacts (which are addressed in paragraphs 58 to 66 below) no significant changes to what is already permitted / approved are proposed. Similarly, there have been no significant changes since TM/00/1599 was considered and found to be acceptable (in respect of phases 1, 2, 4 and 5). I am therefore satisfied that the permission remains in general accordance with development plan policies with regard to those matters outlined in paragraphs 22-28 and 48-55. Furthermore, I am satisfied that the proposed changes to the working scheme would not give rise to significant impact in terms of noise, air quality, water environment, highways, archaeology, landscape impact and site aftercare. Whilst objections have been received from local residents with regard to some of these matters, I am satisfied that these issues would continue to be addressed by the conditions imposed on TM/00/1599 with particular reference to:

Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

- Noise levels not exceeding 55dB LAeq at the façade of any residential property;
- All traffic entering the site by turning right into the existing access and leaving the site by turning left via the same access;
- Measures being taken to ensure that vehicles connected with the development do not deposit mud or other debris on the public highway;
- The surfacing of the site access road to be always maintained in a good state of repair;
- All loaded lorries entering and leaving the site being sheeted;
- Limits on the hours of operation;
- All vehicles, plant and machinery employed within the site fitted with silencers;
- Any above ground oil/chemical storage tank/container and associated pipework being sited and bunded in a manner so as to retain any spillage; and
- No discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways.

Phase 2 Working Arrangement

58. The recommencement of operations at the site would start with the site being accessed to the south of the flooded excavation of the already worked part of phase 1. Prior to operations ceasing on site, the soil stripping of the remaining part of phase 1 took place. The remaining overburden in phase 1 (some 36,000m³) would be used to construct the new haul road and its removal would expose the 60,000 tonnes of remaining mineral in phase 1. This would then be extracted and transported by Articulated Dump Truck (ADT) along the new haul road to the stockpiling area in the eastern part of the site, adjacent to the processing plant area. Soil stripping operations in phases 2A and 2B would take place in 2019 and soils would be stored in a 3m high bund on the southern boundary of phase 2C. This would expose 30,000m³ of overburden in phase 2A which would be used to backfill phase 1.
59. The mineral in phase 2A (approximately 56,000 tonnes) would be worked wet with a long reach excavator and hauled to the stockpiling area. This method of extraction means that the stockpiles of excavated (and processed) material have a retained moisture content which ensures that when handled there are minimal emissions. Working the site wet also removes the necessity to have diesel pumps operating 24 hours a day in order keep the site dewatered and from an ecology standpoint, by retaining the lake, it would allow the resident birdlife to remain in situ. These measures cumulatively lessen the resultant impact on the environment. Furthermore, in the event that there is a particularly wet winter it would not add to water flow through Poors Mead and onto the River Medway as the water would be retained on site. Should the request to change to wet working be approved the extracted mineral would be stockpiled wet and surrounded by drainage ditches and retaining bunds which would ensure no contaminated water leaves the site. This is commonplace when carrying out wet mineral working along with the use of the (pre) existing silt lagoons on site to ensure no suspended solids and silt leave the site. As noted in paragraph 34, this approach is accepted by the Environment Agency.
60. In late 2019 phase 2B overburden would be used to restore an island feature in phase 1B, which would largely complete the restoration of phase 1. This would leave 56,000 tonnes of mineral exposed for extraction in late 2019. Phases 2C and 2D would then be progressively worked throughout 2020/2021 subject to further approval on ecological

Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

mitigation, including for the removal of the woodland copse, prior to moving north into phases 4 and 5 at the end of 2021.

61. There have been no objections received from technical consultees in response to this aspect of the proposal and it is important to note that these proposed changes relate only to phases 1 and 2. The subsequent working of phases 4 and 5 would be in accordance with the original working scheme with the mineral being worked dry unless further changes are proposed and approved. I am therefore satisfied that the proposed changes are in accordance with development plan policies and that there is no reason to refuse the submission on the grounds of working the site wet or the associated changes to working in phases 1 and 2. Members should also note that conditions 19 and 20 of planning permission TM/00/1599 cover the dust suppression and noise mitigation measures set out in the original planning permission and they would remain valid.

Internal haul road and highways related matters

62. In the original approved working scheme, the internal haul road extended along the eastern boundary of phase 1 then westwards along the northern boundary of phase 1. Given the extent that the site was worked before operations ceased, this routing is no longer regarded as suitable. When operations were suspended the restoration to the eastern part of phase 1 was already completed, this created islands for reed bed habitat and saw the reinstatement of the footpath along its original route. The relocation of the haul road to the south of phase 1 would avoid impact on the established restoration of phase 1 and lessen the ecological impact of the recommencement of operations.
63. The principle of the highway movements at Stonecastle Farm Quarry has already been established and the changes that the applicant is proposing would not result in any greater impact to the public highway beyond what is already permitted. The applicant is not proposing to increase the output from the site from the current 150,000 tonnes per annum. KCC Highways and Transportation have stated that they have no objection to the proposed change to the working scheme given it would not result in any increase in vehicle movements over that which is already permitted.
64. Notwithstanding the concerns that have been expressed by Tunbridge Wells Borough Council and local residents about traffic impacts, KCC Highways and Transportation have not objected or indicated that any road improvements or highway related contributions are required. Members should note that the proposed amendments to the scheme of working would have no direct bearing on HGV movements to and from the quarry since the excavated material would continue to be stockpiled for processing or removal from the site "as dug" and removed from the site throughout the year as required. The existing highway related conditions on planning permission TM/00/1599 remain valid and I am satisfied that the proposed development is acceptable in terms of highways and transportation and accords with relevant policies.

Campaign working

65. As noted in paragraph 15 above, the working scheme was varied in 2004 to provide for a campaign style of working whereby extraction at the site was to take place over for 3 months each year enabling it to cease for 9 months of the year. The applicant remains of the view that the campaign method of extraction is the most efficient method of

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working the quarry, as it avoids transporting material from the extraction area to the processing plant during the wetter seasons thereby preventing damage to the internal haul roads. However, experience gained during the working of the mineral over the 3 month periods has deemed it unsuitable to extract the required mineral for a year's processing without maintaining a very intense period of work using greater numbers of mobile plant. Therefore, to reduce the intensity of the operation and the associated impacts it is now proposed to extract the required mineral for up to 6 months each year. Whilst objections have been made to this aspect of the proposal and it would double the permitted length of the extraction period each year, I note that when application TM/00/1599 was originally approved there were no time restrictions on when the mineral could be extracted thus allowing the operator to extract the mineral all year round should this be required.

66. Regardless of whether the proposed amendments are approved, it would be necessary for ADTs hauling mineral from the extraction area to the plant site to cross the public right of way. KCC PROW has no objection to this and it is likely that by increasing the extraction window from 3 to 6 months the operator will be able to better control the movement of these ADTs. This approach would allow a regular steady flow of vehicles over a 6 month period rather than an intensive and more frequent flow squeezed into the current approved 3 month period. If approval is given, it would be desirable for the operator to keep records of when extraction takes place and to make these available to KCC on request to demonstrate compliance with the 6 month period. As noted above, the proposed changes would not permit any increase in the amount of material extracted each year, rather it would allow that same amount to be extracted over a longer period of time using a less intensive method of operating. I am therefore satisfied that the proposed changes are in accordance with development plan policies and that there is no reason to refuse the submission on the grounds of increasing the annual extraction period from 3 to 6 months.

Conclusion

67. In determining this submission, I am satisfied that there is a need to work the remaining permitted mineral reserves at Stonecastle Farm Quarry if Kent's sharp sand and gravel landbank is to be maintained without the need for new reserves to be permitted. It is important to note that irrespective of the outcome of this submission the principle of mineral extraction at Stonecastle Farm Quarry is established by the existing planning permission (TM/00/1599) and that the applicant could recommence extraction at the quarry at any time and operate in accordance with the permitted working scheme.
68. A significant number of the objections have been received in relation to highway matters and Capel Parish Council has requested that improvements be made to the site access. However, the permitted highways arrangements and the number of HGVs on the public highway would remain the same regardless of the outcome of the current application. It should also be noted that KCC Highways and Transportation have no objection to the proposals.
69. A number of objections have also been received relating to the potential ecological impact of the proposals. However, no ecological objections have been received from technical consultees and I am satisfied that these matters have been comprehensively addressed by the approval given under reference TM/00/1599/R26C1 (as noted in paragraph 17 above). I am also satisfied that Tunbridge Wells Borough Council's

Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

concerns about ecology have also been satisfactorily addressed by this approval and as a result of KCC Ecological Advice Service's response.

70. A number of concerns have been raised by local residents about a potential increased risk of flooding. However, no objections have been raised by the Environment Agency (EA). I am therefore satisfied that there is no planning justification for refusing the proposals on flood risk grounds. I am also satisfied that Tunbridge Wells Borough Council's concerns about flood risk have also been satisfactorily addressed given that no objection has been received from the Environment Agency.
71. A number of other issues have been raised by local residents and others about potential further changes to how the site is worked (including relocating the plant site further west) and is restored (including how public access could be improved). KCC PROW has also suggested that a new east – west footpath link would be desirable once operations have been completed. Capel Parish Council has requested that the applicant consult local residents on how the local environment might be improved. None of these issues are of direct relevance to the determination of the proposals but might usefully be addressed by the imposition of informatives if approval is given. Some concerns have also been expressed about the extent of notification and publicity undertaken for the application. I can advise Members that the notification and publicity undertaken was appropriate in this case.
72. I am satisfied that the proposed changes to the scheme of working are acceptable and accord with relevant development plan and Government policies provided when undertaken in accordance with the conditions already imposed on planning permission TM/00/1599. I therefore recommend that approval be given to the changes to the working scheme pursuant to condition 3 of TM/00/1599 as set out in paragraph 73 below.

Recommendation

73. I RECOMMEND that APPROVAL BE GIVEN to the proposed amendments to the working scheme pursuant to condition 3 of planning permission TM/001599 at Stonecastle Farm Quarry, Whetsted Road, Tonbridge, Kent, TN12 6SE, SUBJECT TO the following INFORMATIVES:
- a) The applicant be advised of the need to continue to comply with the conditions imposed on planning permission TM/00/1599 and the details previously approved pursuant thereto unless amended by the details hereby approved;
 - b) The applicant be advised to undertake discussions with KCC Public Rights of Way over the possibility of a new footpath link east – west to link footpaths MT158 and WT171 (as referred to in its comments); and
 - c) The applicant be encouraged to engage with the local community about its aspirations for the future working and restoration at Stonecastle Farm Quarry.

Item C3

Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry - TM/00/1599/R3 (KCC/TM/0418/2018)

Case Officer: Mr Adam Tomaszewski

Tel. no: 03000 411029

Background Documents: see section heading

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 10 October 2018.

Application by Gen2 Property on behalf of Kent County Council for a two storey extension to be constructed in two phases (Phase 1 to facilitate an increase from 0.5 Forms of Entry (FE) to 1FE providing 4 classrooms, new entrance and supporting facilities and Phase 2 to accommodate an increase to 2FE, providing 6 new classrooms), minor internal alterations to the existing building, and the provision of a new parking/drop-off area, accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe, Kent, CT21 6NE – SH/18/39 (KCC/SH/0344/2017)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Martin Whybrow

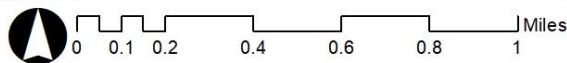
Classification: Unrestricted

Site

1. Palmarsh is located on the south east coast of Kent, approximately 1.5 miles (2.5km) to the south west of Hythe, located to the north of Dymchurch Road which is separated from the coast line to the south by an area of Ministry of Defence Land. The Romney, Hythe and Dymchurch Railway runs through the centre of Palmarsh, and the Primary School is located to the immediate south of the railway line. The School is currently accessed via St George's Place, which is a cul-de-sac accessed from Dymchurch Road (A259). The site is bound to the north by the railway line, to the south of which a Public Right of Way runs which links St George's Place with Nightingale Avenue via a railway crossing. Residential properties beyond the railway back onto the site, as do properties in Palmbeach Avenue to the west of the school site. Residential properties on Dymchurch Road also back onto the southern/eastern site boundary. Jubilee Close, an unadopted road, provides maintenance access onto the school playing fields via the south eastern site boundary. The side elevation of the end property and a modern single storey church in that road adjoin the school playing field.
2. The existing school buildings, which were built in the 1980s, are single storey although there is a double height hall (with a butterfly roof) located in the centre of the built development. The school buildings are located in the north east corner of the site, along with two nursery buildings and areas of hard play. The playing field to the south and west of the site is approximately 1 metre lower than the rest of the site, separated by a grass embankment. The whole of the school site, and the wider area of Palmarsh, is located in flood zone 3a – defined as having a high probability of flooding, in this case from the sea (1 in 200 or greater annual probability of flooding from the sea in any year).

Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

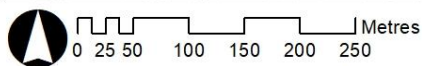
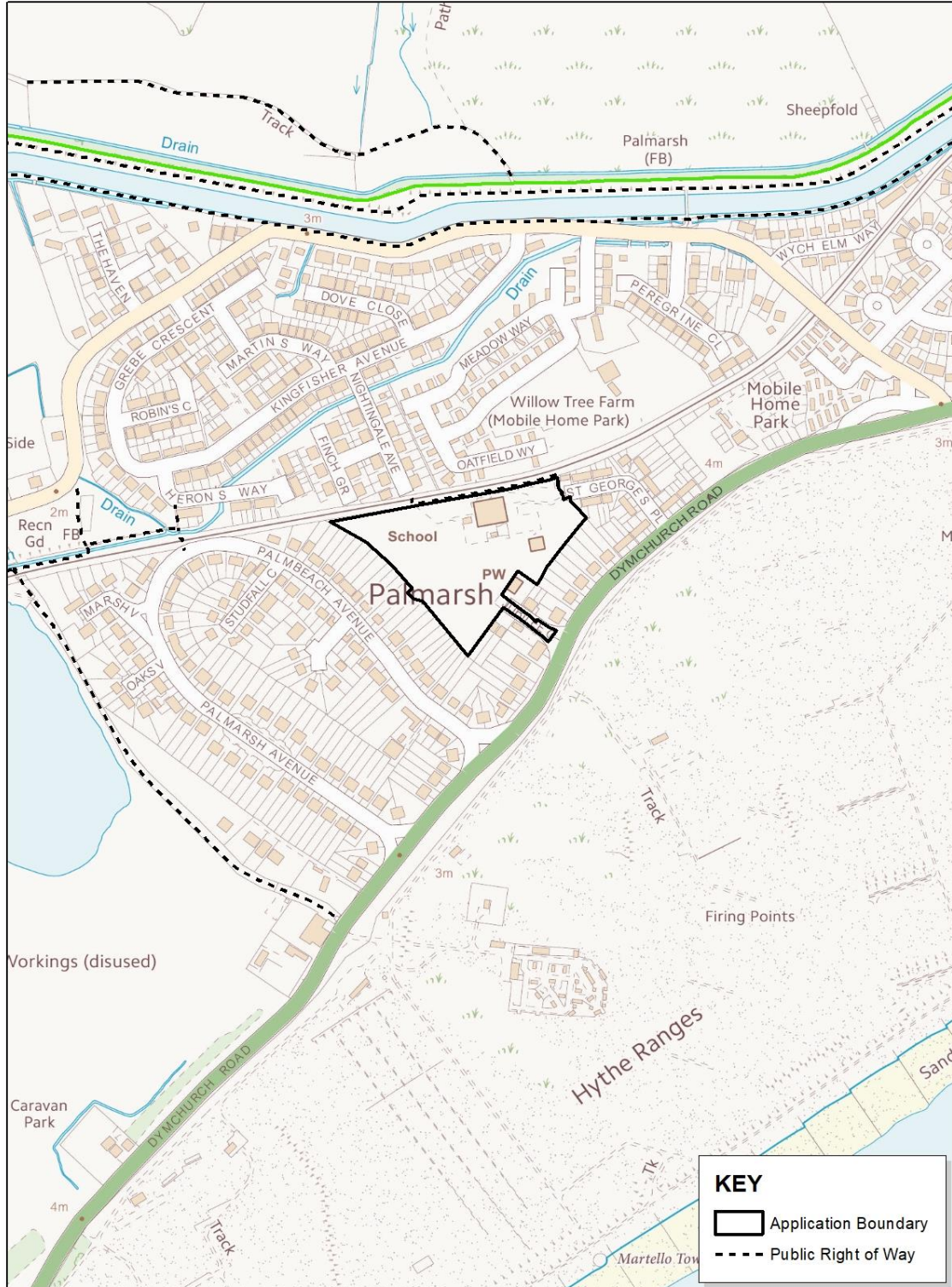
General Location Plan



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Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

Site Location Plan



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Ordnance Survey 100019238

Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

Proposed Site Plan Phase 1



Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

Proposed Site Plan Phase 2



Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

Elevations of Phase 1 and Phase 2



Proposed 2FE Extension



Proposed 1FE Extension

Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

Background and Relevant Planning History

3. This application proposes to provide the accommodation required to cater for an expansion of Palmarsh Primary School from 0.5 Forms of Entry (FE) to 2FE, although that expansion would be phased. The applicant advises that due to changing demographics in the area, with an increasing birth rate and in-migration, there is an increase in demand for primary school capacity. The Martello Lakes housing development, less than half a mile to the south west of Palmarsh Primary School, will contain 1050 new homes when completed, and is a further key driver for the need for additional Primary School places. The housing development itself will not contain a school, so Palmarsh Primary School, being so close to the development, would be the primary parental choice.
4. Recent developments granted permission at the site are as follows:
 - SH/16/575 - Detached building for use as a breakfast club.
 - SH/13/826 – Replacement of perimeter fencing with 2.4m high weldmesh fencing anti-climb fencing, to include the renewal of the existing front gates with motorised vehicle gates and pedestrian gate, renewal and relocation of the pedestrian railway access gate and the renewal of the field entrance.
 - SH/13/335 - Erection of a covered external space with canopy.
 - SH/09/88 - Retention of existing mobile classroom unit.

Proposal

5. This application, submitted on behalf of Kent County Council Property & Infrastructure Support, proposes a two storey extension, which would be constructed in 2 phases. As outlined in paragraph 4 above, phase 1 would facilitate an increase in pupil numbers from 0.5 FE to 1 FE, whilst phase 2 would provide the accommodation required for a further additional FE (2FE total). The applicant advises that there is no set timescale regarding the provision of phase 2, rather periodic reviews would assess the demand for pupil places in the area. Should permission be granted, an existing single modular classroom would be demolished.
6. Phase 1 of the proposed development would provide 4 new classrooms, a new entrance and reception area and space for support facilities. The 916m² 2 storey building, which is proposed to the south of the existing school building, would be sited upon an area of underused informal hard play. The ground floor is proposed to accommodate 2 classrooms and stores, a new reception area (school access to be relocated (see paragraph 9 below) headteachers office, meeting room and toilets. A further 2 classrooms would be located on the first floor, one of which would be used as an intervention room under phase 1, and revert back to a classroom as and when the phase 2 expansion is required, in addition to a SEN room, library and further storage. The ground floor of the new building would link with the existing school building to the north via a single storey flat roof link corridor.
7. Phase 2 of the development would involve the addition of a 426m² two storey extension to the west of the new classroom block, providing a further 6 classrooms and ancillary accommodation. The toilets, circulation space, stairs and lifts needed for phase 2 would all be constructed and included with phase 1. This would ensure that the

Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

accommodation for phase 2 would be a simple addition and would not impact on the operation of the school.

8. The flat roofed two storey classroom block is proposed to be finished predominately in a buff brick, with the new school entrance and office areas delineated with a contrasting coloured curtain walling finish. The central area, which would house the circulation space between the phase 1 and phase 2 elements of the build would be expressed with a rainscreen cladding in a dark grey finish.
9. The main school entrance is proposed to be relocated as part of this proposal, hence the relocation of the school reception to the proposed teaching block. The existing school access, via St Georges Place, would be retained for vehicular access for staff parking, deliveries and nursery drop off only, and pedestrian access for parents and pupils. A new school access from Jubilee Close, to the south east of the school site, is proposed. An existing maintenance access would be upgraded to provide access to a new 27 space car park and pupil pick-up/drop off area. Jubilee Close is currently unadopted, and as part of this development it is proposed to upgrade the Close to adoptable standards. An additional pedestrian access into the site is also proposed from the footpath to the north of the school site which leads to the level crossing across the Romney Hythe and Dymchurch Railway.
10. The vehicular drop off area would be accessible between the hours of 7am and 9am and again from 2.30pm to 6pm. It would not be used by the school in the evenings – any out of hours school activities would utilise the existing access via St Georges Place. However, the church which is adjacent to the proposed Jubilee Close access would be provided with a key to use the car park for any services or events as they do not have any car parking at present resulting in on street car parking.
11. An additional grass playing pitch would be marked out on the site under phase 1 of the development, with a further pitch marked out under phase 2 if required. Extended hard play space is proposed to the west of the new classroom building on the higher level of the site, with steps leading down to the playing field beyond. In addition, a new fenced hard surfaced play area would be provided to the south west of that extended play area as part of the phase 2 development, which would also be used for overflow car parking if required.
12. Ten trees would be removed as a result of this development, nine due to the siting of the classroom block and car parking, and one due to poor health. One of trees is of moderate quality, 7 are low quality and two are classified as poor quality. The applicant is proposing to replace all 10 trees. In addition, shrubs and planting is proposed to the southern boundary of the site, to provide screening between the site and adjacent properties on Jubilee Close.

This application is supported by a Design and Access Statement, Planning Statement, Transport Statement, Preliminary Ecological Appraisal, Arboricultural Report, Flood Risk Assessment and Ground Investigation Report.

Two storey extension to be constructed in two phases, internal alterations, and the provision of a new parking/drop-off area accessed from Jubilee Close at Palmarsh Primary School, St Georges Place, Hythe – SH/18/39 (KCC/SH/0344/2017)

Planning Policy

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

- (i) **National Planning Policy Framework (NPPF) July 2018** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, and decision takers at every level should seek to approve applications for sustainable development where possible.

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

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

In addition, Paragraph 94 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.*

- (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. In particular the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

Development Plan Policies

- (iii) **Shepway District Council Core Strategy Local Plan (September 2013)**

Policy DSD Delivering Sustainable Development: To take a positive approach that reflects the presumption in favour of sustainable development

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contained in the NPPF. To work proactively to find joint solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Policy CSD7 Hythe Strategy: Development should contribute to the priorities for investment in the town which include, amongst other matters, developing new/expanded primary and secondary schools to improve educational attainment, and where appropriate, the delivery of improvements in skills/training in nearby deprived areas.

(iv) Shepway District Local Plan Review (2006)

Policy SD1 Sustainable Development: All development should take account of the broad aim of sustainable development.

Policy LR8 Public Rights OF Way: Rights of way will require to be properly integrated into the design and layout of development sites. Regard will be had to a route's attractiveness, safety and convenience for public use.

Policy LR12 Protection of School Playing Fields: Proposals resulting in the loss of school playing fields or grass play and amenity areas at school sites, as shown on the Proposals Map, will only be permitted where development would not cause an unacceptable loss in local environmental quality and where it also accords with both the following criteria:

- a) In the case of school playing fields, sufficient alternative open space provision exists or new sport and recreational facilities will be provided of at least equivalent community benefit having regard to any deficiencies in the locality;
- b) The land required is for an alternative educational purpose which cannot reasonably be met in another way.

Policy BE1 Layout, Design and Materials: A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height, and elevational details.

Policy BE16 Landscaping: The District Planning Authority will require development proposals to retain important existing landscape features and make appropriate provision for new planting using locally native species of plants wherever possible.

Policy TR6 Pedestrians: New development will not be permitted unless provision is made for the needs of pedestrians. The layout and design of development should provide for safe, attractive and convenient

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pedestrian routes, particularly to public transport routes

Policy TR11 Access to the Highway Network: Proposals which involve the formation of a new access, or would result in the intensification of the use of an existing access, will only be permitted where:-

- a. the access is not detrimental to the safety of vehicle traffic, cyclists and pedestrians or
- b. the access can alternatively be improved to a standard acceptable to the Highway Authority or
- c. the applicant can demonstrate by means of a transport impact study that the proposal would not increase the risk of accidents or create delays.

Policy TR12 Car Parking: New development, redevelopment or a change of use will only be permitted if it makes provision for off street parking on or near the site in accordance with the current maximum vehicle parking standards

Policy TR13 Travel Plans: Where development proposals are considered likely to have significant transport implications, a travel plan should be submitted with the planning application

Consultations

14. Folkestone and Hythe District Council comment as follows:

“The role of the expansion of Palmarsh Primary School within the Kent Commissioning Plan for Education 2018-2022 is noted, with the school having a community status within the Hythe Planning Group and earmarked for expansion from September 2018 to meet the demand arising from the 1,050 new homes at Martello Lakes/Nickolls Quarry.

Notwithstanding the above, I would like to raise some concern around the flat-roofed design and visual impact of the two storey extension. Although it is acknowledged that many views from the surrounding public realm would be obscured by the surrounding, predominantly residential built environment, it is considered that the two storey extension would be generally visible from St George’s Place and Jubilee Close with glimpses available from the surrounding area, and that the proposed extension constitutes poor design. In this regard the flat-roofed design of the existing buildings on site is noted however it is considered that the extension should more closely reflect the existing main school building, which has a butterfly roof form which adds variation to the building and lightens the appearance and bulk of the roof form.”

Hythe Town Council have no objection to the application.

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Kent County Council Highways and Transportation have no objection to this application and comments as follows:

“The proposed expansion of Palmarsh Primary school is predominately to cater for the increase in local population due to the construction of the Martello Lakes housing development. This new housing site is less than a kilometre to the west of the school and is within easy walking distance using either of the front entrances from the A259 or via the improved pedestrian entrance to the rear of the site.

St Georges Place is restrictive as a school access, being a cul-de-sac of limited dimensions and being subject to on street parking close to its junction with the A259 (some of this parking likely related to nearby properties on the A259). The latter issue often causes congestion and access difficulties at school start and finish times.

Accompanying the primary school expansion proposal is the improvement of the existing private road of Jubilee Close (owned by Kent County Council, but not a publicly maintainable highway). The proposed revisions to Jubilee Close will see its current ‘Y’ style give-way junction with the A259 simplified to a more conventional straight give-way junction. In addition to this, the road surface would be upgraded, continuous footways added on both sides, street lighting would be installed and parking restrictions implemented.

The proposed junction alterations are acceptable, adequate visibility for the speed limit is available and the scheme is accompanied by a satisfactory Road Safety Audit.

The layout for the drop off car park to be accessed via Jubilee Close is workable for a slow speed environment and is more practical than what currently occurs in St Georges Place.

Taking account of the above proposed upgrades and the limitations of the historic access onto St George’s, the intention to split traffic for the site makes good sense and the proposed drop off facility would represent a significant improvement over the current situation.

The detailed design of the Jubilee Close junction improvement would need to be approved by KCC Highways and Transportation to ensure suitability of street lighting, drainage etc and works relating to the public highway secured and supervised via a Section 278 Agreement (a simplified letter of agreement may be suitable in this case).

I note that the staff parking is somewhat lower than the SPG4 standards, however I accept that these are maximum parking standards. Considering the proposal is to expand the school over time, this will provide a good opportunity for a robust School Travel Plan to be developed to support the staff reduce single occupant private car journeys in line with the lower parking provision. Taking this into account and the fact that parking restrictions are proposed in the roads adjacent to the school as part of the application, this matter alone is not severe enough in nature to warrant a recommendation of refusal.

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The proposed parking restrictions will have to be advertised and processed via the statutory Traffic Regulation Order procedure, this is outside of the planning process. As such, the plans pertaining to parking restrictions should only be considered draft in nature and a best endeavours condition will be requested as to their implementation.

I am aware that there have been requests to traffic calm and reduce the speed limit on the A259. The revised junction layout for Jubilee Close has sufficient visibility for the posted speed limit. Taking account of the layout and street scene of the A259 in this area, it is well suited to the posted 40mph limit. To gain the support of Kent Police, all changes in speed limits should be self-enforcing. The width of the A259 and lack of any development on the southern side of the road would not support the lowering of the speed limit to 30mph without the implementation of significant traffic calming measures. It is important to remember that the A259 plays a key role as a local primary distributor road for all traffic and as such would not normally be a candidate to be traffic calmed without a significant justification from a personal injury crash record. This is not the case here. With the above issues in mind it would not be appropriate for the school proposal to have to fund such a scheme.

The issue of a pedestrian crossing on the A259 to accompany the school proposal has also been raised. This would of course improve access to the nearby bus stops and although I acknowledge that provision of a pedestrian crossing may be an incentive to potentially increase bus patronage for school journeys, the current figures are relatively low (approximately 13 pupils), and as such I don't believe the burden of a significant contribution (circa £60,000) for a Puffin Crossing could be considered as proportionate or reasonable. In early talks with the project team this was raised as a possibility and it was confirmed that there was simply not sufficient budget to be added to the overall proposal. When seeking developer contributions for the highway network from planning applications, it is of key importance that they directly mitigate the likely impact of the proposal. In this case it is important to remember that the uplift in population requiring the need for the school expansion is very closely located just west of the school site. As such, the vast majority of the new pupils would be within walking distance and on the northern side of the A259.

Taking account of all of the above issues, subject to the following conditions being added to any consent granted by the planning authority, I can confirm that I have no objections on highway grounds:

1. Submission of a Construction Management Plan before the commencement of any development on site;
2. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the extended use of the site commencing;
3. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing;
4. Prior to the occupation of the development, the applicant shall undertake best endeavours to implement the parking restrictions as detailed in the accompanying Transport Statement via the statutory Traffic Regulation Order process;
6. Prior to the occupation of the development, an updated School Travel Plan shall be submitted and revised yearly for a period of 5 years following commencement of the proposed development.

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INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site."

Sport England have no objection to this application and comment as follows:

"The proposed development results in a minor encroachment onto the playing field in the form of the extended hard play area and a new parking area. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. The extended playing area is proposed on an area of land where it is considered difficult to fit a playing pitch due to its irregular shape, and it is noted that there are currently trees on the area proposed for the car park, largely preventing this particular area's use as a playing field. As such, Sport England is satisfied that the proposed development broadly meets the intention of the following Sport England Policy exception:

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

This being the case, Sport England does not wish to raise an objection to this application. The applicant should however ensure that all safety run-off areas are maintained on the existing pitches."

The County Council's Biodiversity Officer is satisfied that sufficient ecological information has been provided and has no objection to the application subject to the imposition of conditions requiring the submission of a biodiversity method statement and details of ecological enhancements.

Public Rights of Way has no objections to the application but requests that the applicant's attention is drawn to the following points;

- no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;

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- there must be no disturbance to the surface of the Right of Way, obstruction of its use, and/or encroachment on the current width, either during or following any approved development; and
- the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Further it is noted that a gate is proposed to be installed in the fence line adjoining PROW HB84. That gate must swing inwards into the school site and not outwards onto the PROW.

The County Council's Flood Risk Management Team (SuDs) raises no objection to the application subject to the imposition of conditions requiring the submission and approval of a detailed Sustainable Surface Water Drainage Scheme and subsequent details of the maintenance and management of the approved Sustainable Surface Water Drainage Scheme, and a further condition requiring the submission of a verification report pertaining to the approved Scheme.

Environment Agency raises no objection to the application and is satisfied with the content of the revised Flood Risk Assessment and the mitigation measures detailed within it specifically;

1. Safe refuge is to be provided on the first floor, above the 1 in 200 year 2115 breach flood level;
2. A formal flood warning and evacuation plan to be implemented on site and reviewed regularly to take into account any changes in flood risk;
3. Flood resistant and resilient design measures to be fully explored and implemented during the developments construction;
4. The ground floor level to be raised to 300mm above the existing ground level at the site.

Romney Hythe and Dymchurch Railway no comments received to date.

Local Member

15. The local County Member, Mr Martin Whybrow, was notified of the application on 5 January 2018 and comments as follows:

“As the Local Authority Governor at Palmarsh Primary School as well as in my capacity as the local KCC Member, I welcome the plans for the extension of the school. There is a clear need as a result of the 1000+ homes that are being built at Martello Lakes. I know that there has been good liaison between KCC, the School governing body, the headteacher and staff with regards the extension plans and that they have been refined to take in feedback, so that all parties are supportive of what is being proposed.

The new school entrance via Jubilee Close is also welcomed and will be an improvement over the current one via St George's Place. Considerably fewer residents will be impacted and, with the planned work, it will constitute a more readily accessible approach and exit.

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The one addition that I would have liked to have seen from the developer funding would have been a pedestrian crossing between St George's Place and Jubilee Close. Any pupil arriving by bus from the Hythe (east) direction in the morning or leaving in the Dymchurch (west) direction after school needs to cross the ever busier A259 Dymchurch Road, which is the main coastal artery and onto which the Martello Lakes development will feed. This need to cross the A259 also applies to all residents as all homes are on the north side of the A259 with only the army ranges and the sea to the south. If we are to encourage use of public transport, including to and from school, then I think this would have been a prerequisite.

Nevertheless, with regards the extension and entrance plans per se, I am wholly supportive."

Publicity

16. The application was publicised by an advertisement in a local newspaper, the posting of 5 site notices and the individual notification of 97 residential properties.

Representations

17. In response to the publicity, 6 letters of representation have been received. The key points raised can be summarised as follows:
- Entering and leaving Jubilee Close at peak times is extremely dangerous due to the amount of cars using the A259 (Dymchurch Road) and the speed of vehicles;
 - Jubilee Close would become gridlock as vehicles would have to queue for some time to exit onto the A259;
 - The A259 bends as it approaches Jubilee Close making visibility and safe exit from Jubilee Close difficult;
 - The Martello Lakes housing development will only increase vehicle numbers on the A259;
 - Traffic calming measures should be introduced on the A259 to enable safer use of the Jubilee Close junction;
 - The speed limit on the A259 should be reduced to 30mph, or at the least a speed camera installed to enforce the 40mph limit;
 - Crossing the A259 is almost impossible due to poor visibility and the high volume and speed of traffic. Accessing the bus stops on the southern side of the road is therefore dangerous and does not encourage the use of public transport;
 - Several accidents have occurred with pedestrians being knocked down by vehicles on the A259 – this is only going to get worse;
 - The need to expand Palmarsh Primary School is fully understood;
 - Confirmation is sought that there would be no access to the proposed drop off area outside of school hours;
 - The proposed use of Jubilee Close will significantly impact all properties in the road, and effect quality of life;
 - Jubilee Close is an unadopted road with no street lights or mains drainage and the road has flooded in the past. If it is to be used for school access it must be made up to a good standard;

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- The removal of a horse chestnut tree on the existing traffic island at the Jubilee Close/A259 junction is a shame;
- A telegraph pole will have to be removed which supplies power to properties in Jubilee Close – how will supply be provided in the future?
- No objections to the expansion of Palmarsh Primary School but request that measures are put in place to prevent seagulls nesting on the roof. Local residents currently experience a lot of nuisance from gulls, especially when nesting, and they could attack pupils if nesting on the school roof.

Discussion

18. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 13 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. Issues of particular relevance in this case include need, access and highway safety matters, design, flood risk, biodiversity, general amenity matters, and whether the development is sustainable in light of the NPPF.

Need

19. As set out in paragraph 3 of this report, this application proposes to provide the accommodation required to cater for an expansion of Palmarsh Primary School from 0.5 Forms of Entry (FE) to 2FE, although that expansion would be phased. The applicant advises that due to changing demographics in the area, with an increasing birth rate and in-migration, there is an increase in demand for primary school capacity. The Martello Lakes housing development, less than half a mile to the south west of Palmarsh Primary School, is a further key driver for the need for the expansion as, due to proximity, Palmarsh would be the primary parental choice. Folkestone and Hythe District Council and the local County Member, Mr Martin Whybrow, recognise the need for the expansion within their consultation responses (see paragraphs 14 & 15). The National Planning Policy Framework, together with the Planning for Schools Development Policy Statement, strongly promote the provision of new or expanded schools and exhort local planning authorities to work with developers to overcome obstacles in the securing of planning consents. I therefore see no objection in principle to the proposed development.

Access and Highway Safety Matters

20. As outlined in paragraphs 9 and 10 of this report, the schools main vehicular and pedestrian entrance is proposed to be relocated as part of this proposal, with an existing maintenance access proposed to be upgraded to provide access to a new 27 space car park and pupil pick-up/drop off area, via Jubilee Close. The existing school access, via St Georges Place, would be retained for vehicular access for staff parking, deliveries and nursery drop off only, and pedestrian access for parents and pupils. An additional pedestrian access into the site is also proposed from the footpath to the north of the

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school site which leads to the level crossing across the Romney Hythe and Dymchurch Railway.

21. As can be seen in paragraph 17 of this report, local concerns regarding this application, apart from issues with seagulls (see paragraph 41 below) all relate to the proposed access arrangements, and primarily express concern about the safety of the A259 Dymchurch Road, and the problems associated with exiting Jubilee Close onto Dymchurch Road. Before considering the issues associated with the A259, the suitability of an access into the school via Jubilee Close must be considered.
22. As set out in section 14 of this report, Kent County Council Highways & Transportation (H&T) raise no objection to this application subject to conditions. With regard to the proposed access via Jubilee Close, this is considered to be an improvement over the existing access via St George's Place. H&T advise that St Georges Place is restrictive as a school access, being a cul-de-sac of limited dimensions and being subject to on street parking close to its junction with the A259 (some of this parking is likely to be related to nearby properties on the A259). The latter issue often causes congestion and access difficulties at school start and finish times. The proposed improvements to Jubilee Close would see its current 'Y' style give-way junction with the A259 simplified to a more conventional straight give-way junction. In addition to this, the road surface would be upgraded, continuous footways added on both sides, street lighting would be installed and parking restrictions implemented.
23. H&T consider the Jubilee Close/A259 Dymchurch Road junction improvements to be acceptable, with adequate visibility for the speed limit (to be discussed further below) The layout for the drop off car park to be accessed via Jubilee Close is considered to be workable for a slow speed environment and more practical than what currently occurs in St Georges Place. The local County Member, Mr Martin Whybrow, also welcomes the new school access arrangement, and considers it an improvement over the existing access road. H&T conclude that taking account of the proposed upgrades to Jubilee Close, and the limitations of the historic access onto St George's Place, the intention to split traffic for the site makes good sense and the proposed drop off facility would represent a significant improvement over the current situation. I therefore consider the proposed access via Jubilee Close to be a practicable and preferable option in this case.
24. However, as set out in paragraph 17 of this report, local residents express concern regarding the safety of the A259 Dymchurch Road and the subsequent difficulties associated with existing Jubilee Close on to the A259. First, it should be noted that St Georges Place is also accessed via the A259 and so any issues regarding the safety of that road are relevant to the existing access also. It is suggested that the speed limit should be reduced from 40mph to 30mph, or that traffic calming should be introduced, including a speed camera.
25. H&T are aware of requests to traffic calm and reduce the speed limit on the A259. However, the revised junction layout for Jubilee Close would have sufficient visibility for the current speed limit of 40mph. There is, therefore, no justification to reduce the limit to allow adequate visibility to be able to safely exit Jubilee Close. H&T consider that taking into account the layout and street scene of the A259 in the Palmarsh area,

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it is well suited to the 40mph limit. I am also advised that Kent Police require all changes in speed limits to be self-enforcing. The width of the A259 and lack of any development on the southern side of the road would not support the lowering of the speed limit to 30mph without the implementation of significant traffic calming measures. It is important to note that the A259 plays a key role as a local primary distributor road for all traffic and as such would not normally be a candidate for traffic calming without a significant justification from a personal injury crash record. H&T confirm that this is not the case here.

26. With the above issues in mind, I consider that it would not be reasonable or proportionate in this instance for the school development to require the need for or funding of traffic calming on the A259 Dymchurch Road. Given the detailed information provided by H&T, and the lack of concerns or objections raised by them, I am satisfied that the access from Jubilee Close onto the A259 Dymchurch Road could operate safely and effectively, especially in considering the access improvements proposed and the splitting of school traffic across two accesses.
27. The local County Member and local residents express concern regarding existing difficulties in crossing Dymchurch Road, and the provision of a pedestrian crossing is suggested. It should be noted that whilst residential properties are not located to the south of the road in this location as MoD land separates the A259 from the coast, there are bus stops located on that side of the road. The County Member considers that if the use of public transport is to be encouraged, including to and from school, then a crossing should have been a prerequisite.
28. H&T advise that such a crossing could improve access to the nearby bus stops and that the provision of a pedestrian crossing may act as an incentive to increase bus patronage for school journeys. However, the current figures show that only 13 pupils travel to the primary school by bus. In this case it is also important to remember that the uplift in population requiring the need for the school expansion is very closely located just west of the school site (The Martello Lakes Development). As such, the vast majority of the new pupils would be within walking distance and on the northern side of the A259. As such a significant contribution (circa £60,000) for a Puffin Crossing could not be considered as proportionate or reasonable in this case. H&T advise that when seeking developer contributions for the highway network from planning applications, it is of key importance that they directly mitigate the likely impact of the proposal. In considering the above, I am satisfied that the provision of a crossing should not be required as a result of this application.
29. Local residents have also requested that the drop off area only be open at peak school times. I can confirm that, as set out in the application documents, the vehicular drop off area would be accessible between the hours of 7am and 9am and again from 2.30pm to 6pm. It would not be used by the school in the evenings – any out of hours school activities would utilise the existing access via St Georges Place. However, the church which is adjacent to the proposed Jubilee Close access would be provided with a key to use the car park for any services or events as they do not have any car parking at present resulting in on street car parking. I consider these restrictions to be acceptable in amenity terms.

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30. The Transport Statement accompanying this application sets out details of parking restrictions on Jubilee Close, with single yellow lines restricting parking between 8.30 & 9.15 and between 14.30 & 15.15. Such restrictions would have to be advertised and processed via a Traffic Regulation Order procedure which is separate to the planning process. As such, H&T require a condition of consent to be imposed (should permission be granted) requiring the applicant to undertake best endeavours to implement the parking restrictions as detailed in the accompanying Transport Statement via the Traffic Regulation Order process. Should permission be granted, I consider it reasonable that such a condition should be imposed.
31. As set out in the application documents, and as outlined in paragraph 9 of this report, Jubilee Close would be upgraded to an adoptable standard as part of the development proposals, including the provision of street lighting and appropriate drainage. As outlined by Highways & Transportation, those works would be subject to a separate S278 agreement between the applicant and the highway authority. However, as part of these works, the existing island at the southern end of the road would need to be removed, including the removal of a tree and a telegraph pole. Although regrettable, the removal of the tree (a horse chestnut) is necessary in enabling the road to be upgraded and in providing a safe access/egress onto the A259. With regard to the telegraph pole and local concerns regarding maintaining power supply to properties in Jubilee Close, the applicant has advised that the contractor would take advice from UK Power Networks to ensure power would not be disrupted to the existing properties. If some disruption is unavoidable, then the contractor would ensure that it was kept to a minimum. I consider that to be a reasonable approach but must also advise that such works would be regulated by other authorities and are out of the remit of the Planning Authority.
32. In considering the above, and in light of the views of the Highway Authority, I consider that subject to the imposition of the conditions required by H&T regarding the submission of an updated Travel Plan, the provision and permanent retention of the car parking, cycle parking, and drop off area as shown on the submitted plans, and the condition outlined in paragraph 30 above, that the development would not have a significantly detrimental impact overall on the local highway network. I therefore see no reason to refuse this application on access and highway grounds.

Design and Siting

33. Development Plan policies promote high quality design, sustainable development, and significant improvements to the built environment. Although we have not received any local concerns regarding the design and siting of the development, Folkestone and Hythe District Council raise concern around the flat-roofed design and visual impact of the two storey extension. The District Council acknowledge that many views from the surrounding public realm would be obscured by the surrounding, predominantly residential built environment, but consider that the two storey extension would be generally visible from St George's Place and Jubilee Close with glimpses available from the surrounding area, and that the proposed extension constitutes poor design. The District Council note the flat-roofed design of the existing buildings on site but consider that the extension should more closely reflect the existing main school building, which has a butterfly roof form.

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34. As set out in paragraphs 6 to 8 of this report, this development is proposed to be constructed in 2 phases, and the building is specifically designed to facilitate the addition of phase 2 with minimum disruption to the operation of the school. Following the concerns raised by the District Council, the applicant has considered the points raised and in response confirms that given the dual phase construction sequence, it would be impractical to design a butterfly roof that was only half built during phase 1. The flat roof design offers a flexible approach in allowing the building to be extended at a later stage, as community needs grow, with minimal disruption to an operational school. The vertical circulation core of the building, to be provided in phase 1, has been designed as a link between the first phase and subsequent phase - a pitched roof as suggested would undermine this intention.
35. The applicant further advises that the flat roof design was carefully considered to produce a building with reduced visual impact on its surrounding, compared to a pitched or butterfly roof option which would raise the roof eaves, increase the mass and have a less compact nature. The two-storey option as proposed allows for a more efficient use of space on site, providing the accommodation required whilst not having an undue impact on the external areas required by BB103 and Sport England. This is reflected in the consultation response from Sport England, who raise no objection to this application. The proposed building is central to the site and well screened by existing and proposed planting and other built development on the site. The siting and massing is, in my view, appropriate for the site and would not be out of scale with existing built development in the surrounding area. Due to the degree of separation, I am further satisfied that the development would not have an adverse impact on the amenity of local residents with regard to privacy, loss of light and/or overlooking. The location of the teaching block also links well with the existing buildings and facilities on site. However, should permission be granted, I consider that a condition of consent should require the landscaping and planting to be provided on site, in accordance with the details provided within the application drawings, in the first available planting season following completion of phase 1 of the development.
36. Having accepted the siting and massing of the building, it is important to note that if the applicant amended the design to mimic the pitch of the existing butterfly roof the eaves of the proposed building would be raised by 1.7m. In my view, that would result in the building being far more prominent in the local landscape, and would add unnecessary height to the building unnecessarily. Further, on a practical note, due to the inverse slope of a butterfly roof, rainwater would run to the centre of the building, requiring internal downpipes and additional maintenance. This would require additional costs both during construction and for future maintenance, neither of which I consider are warranted in this case. The flat roof design is not out of keeping with the single storey buildings on the school site, and is an accepted design solution of school sites across the County.
37. Externally, the new classroom block is proposed to be finished predominately in a buff brick, with the new school entrance and office areas delineated with a contrasting coloured curtain walling finish. The central area, which would house the circulation space between the phase 1 and phase 2 elements of the build would be expressed with a rainscreen cladding in a dark grey finish. The existing school buildings are a buff finish, so the materials proposed would, in my view, be appropriate as they would be in keeping with the existing school buildings. Should permission be granted, I recommend that a condition of consent should require the development to be constructed using the

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materials specified within the application documents. Subject to that condition, I consider the design of the building to be acceptable and in accordance with Development Plan policies.

Flood Risk and Drainage

38. As outlined in paragraph 2 of this report, the whole of the school site, and the wider area of Palmarsh, is located in flood zone 3a – defined as having a high probability of flooding, in this case from the sea (1 in 200 or greater annual probability of flooding from the sea in any year). The planning application was therefore accompanied by a Flood Risk Assessment (FRA). The Environment Agency (EA) are satisfied with the content of the FRA, and the mitigation measures contained within it, specifically:
1. Safe refuge is to be provided on the first floor, above the 1 in 200 year 2115 breach flood level;
 2. A formal flood warning and evacuation plan to be implemented on site and reviewed regularly to take into account any changes in flood risk;
 3. Flood resistant and resilient design measures to be fully explored and implemented during the developments construction;
 4. The ground floor level to be raised to 300mm above the existing ground level at the site (*NB: the levels shown on the application drawings adhere to this level and are acceptable to the EA*)
39. In considering the above, I would advise that, should permission be granted, a condition of consent should require the development to be undertaken in accordance with the details set out in the FRA, and that the applicant adhere to the mitigation measures listed within it. Subject to that condition, I am satisfied that the development is not at an unacceptable risk of tidal flooding, and that in the worst case that flooding of the school does occur (which would also involve flooding of the wider area), measures are in place to minimise risk.
40. The County Council's Flood Risk Team (SuDs) raise no objection to this application, subject to the imposition of conditions. These would require the submission of a detailed Sustainable Surface Water Drainage Scheme, the submission of details regarding the maintenance and management of the sustainable drainage scheme and the further submission of a verification report pertaining to the approved scheme. Should permission be granted, the conditions as outlined above would be imposed upon the consent, and I am satisfied that such conditions would ensure that drainage of the site was both sustainable and effective.

General Amenity Matters

41. Apart from issues surrounding access and highway matters, as discussed above, local residents have requested that measures are put in place to prevent seagulls nesting on the roof of the proposed classroom building. It is stated that local residents currently experience nuisance from gulls, especially when nesting, and concern is raised that they could attack a pupil if nesting on the school roof. As a result of these concerns, the applicant has confirmed that a sea gull deterrent/'scarer' would be installed on the roof. The automatic unit would be solar powered and would admit a distress/warning call which would deter seagulls from the immediate area. Should permission be granted, I would recommend that a condition of consent be imposed to require the seagull

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deterrent to be installed on the roof within 1 month of the completion of phase 1 of the building works. Subject to that condition, I do not consider that the proposal would exacerbate existing problems caused by seagulls in the area.

Biodiversity

42. With regard to ecology and biodiversity matters, a Preliminary Ecological has been submitted and the County Council's Biodiversity Officer is satisfied with the level of information provided within that document. However, should permission be granted, conditions of consent are recommended requiring that the submission of a Biodiversity Method Statement regarding bats and reptiles, and the submission of details of ecological enhancements on the school site. In addition, I consider that a further condition of consent should be imposed to ensure that there is no tree removal during the bird breeding season, unless supervised by a suitably qualified ecologist. Subject to the imposition of the conditions outlined above, I am of the view that the development would not have a detrimental impact upon ecology/biodiversity interests.

Public Right of Way

- 43 As outlined in paragraph 1 of this report, a Public Right of Way (PROW) lies to the immediate north of the school site, from which an additional pedestrian access into the school is proposed. As can be seen in paragraph 14 of this report, Public Rights of Way have provided advice regarding erecting furniture, disturbance to the surface and obstruction of use. Further, it is stated that the access gate to be installed within the fence line of the school site must open inwards and not outwards onto the PROW. The applicant has confirmed that the gate would open into the school site (as shown on the application drawings), and that the PROW would be unaffected by the development. Further, I am satisfied that the development would not unduly alter the wider setting and character of the Public Right of Way. Therefore, I consider it sufficient to draw the applicant's attention to the advice provided by Public Rights of Way by way of an informative only.

Construction Matters

44. 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 would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
45. I also consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times, and details of any construction accesses. Such a strategy would also address the conditions required by Highways and Transportation with regard to the construction of the development.

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Therefore, should permission be granted, a Construction Management Strategy should be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

Conclusion

46. This proposal seeks to provide a two storey extension, to be constructed in two phases, to facilitate the expansion of Palmarsh Primary School from 0.5FE to 2FE, with associated access alterations including a new parking/drop-off area accessed via Jubilee Close. 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 impact on the local highway network or the amenity of the locality, and further am satisfied that the development would not be at an unacceptable risk of tidal flooding when considering the floor levels proposed and the nature of existing surrounding built development. 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 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

47. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the development to be carried out using the external materials and colour finishes as specified within the planning application documents unless otherwise agreed;
- landscaping to be provided on site in accordance with the application details in the first available planting season following completion of phase 1 the development;
- the submission of a Biodiversity Method Statement regarding bats and reptiles;
- the submission of details of ecological enhancements on the school site;
- no tree removal during the bird breeding season;
- submission of an updated Travel Plan prior to occupation, and thereafter ongoing monitoring and review;
- provision (prior to occupation) and retention of car parking, cycle parking, drop off area & circulatory routes;
- the applicant to undertake best endeavours to implement the parking restrictions as detailed in the accompanying Transport Statement via the statutory Traffic Regulation Order process;
- the development to be undertaken in accordance with the content of the Flood Risk Assessment, including adherence to the mitigation measures listed within it;
- the submission of a detailed Sustainable Surface Water Drainage Scheme;
- the submission of details regarding the maintenance and management of the Sustainable Surface Water Drainage Scheme;

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- the submission of a verification report regarding the Sustainable Surface Water Drainage Scheme;
- seagull deterrent to be installed on the roof within 1 month of the completion of phase 1 of the building works;
- hours of working during construction to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction management strategy, including access, lorry routing, parking and circulation within the site for contractor's and other vehicles related to construction activities, details of how the site access would be managed to avoid peak school times, and measures to prevent mud and debris being taken onto the public highway.

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

- With regard to the requirement to prepare and submit a (revised/amended) School Travel Plan, the applicant is advised to register with Kent County Council's Travel Plan Management system 'Jambusters' using the following link <http://www.jambusterstpms.co.uk>. Jambusters is a County Wide initiative aiding Schools in the preparation and ongoing monitoring of School Travel Plans.
- The applicant's attention is drawn to the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. Further the gate proposed to be installed in the fence line adjoining PROW HB84 must swing inwards into the school site and not outwards onto the PROW.
- Kent County Council Highway and Transportation state that it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. The applicant must ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Mary Green

Tel. no: 03000 413379

Background Documents: see section heading

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Item D2

Planning application for the installation of a modular building to accommodate further teaching and learning space at Maypole Primary School, Franklin Road, Dartford – DA/18/965/CPO (KCC/DA/0104/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 10th October 2018

Application by Maypole Primary School for the installation of a 4 bay modular building on the school grounds to provide further teaching and learning space at Maypole Primary School, Franklin Road, Dartford – (DA/18/965) (KCC/DA/0104/2018)

Recommendation: Permission be granted subject to conditions.

Local Member: Mrs Ann Allen

Classification: Unrestricted

Site

1. The application site relates to Maypole Primary School, which sits to the south of a residential development in the south western corner of Dartford, very close to the Kent and Bexley border. The school site which totals 2.45 hectares backs onto a larger residential development to the south and is bordered to the east and west by open fields. There is a children's centre and a nursery at the front of the site which share a communal car park with the school. A site location plan is attached.
2. Primary access is at the north of the school site, where the school sits at the end of the Franklin Road. Due to the positioning of this access, a formal drop off and pick up facility is used within the car park. There is also pedestrian and cycle access from Dykewood Close to the south.
3. The application site is within the Metropolitan Green Belt.

Background

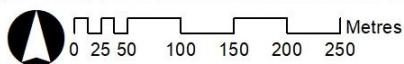
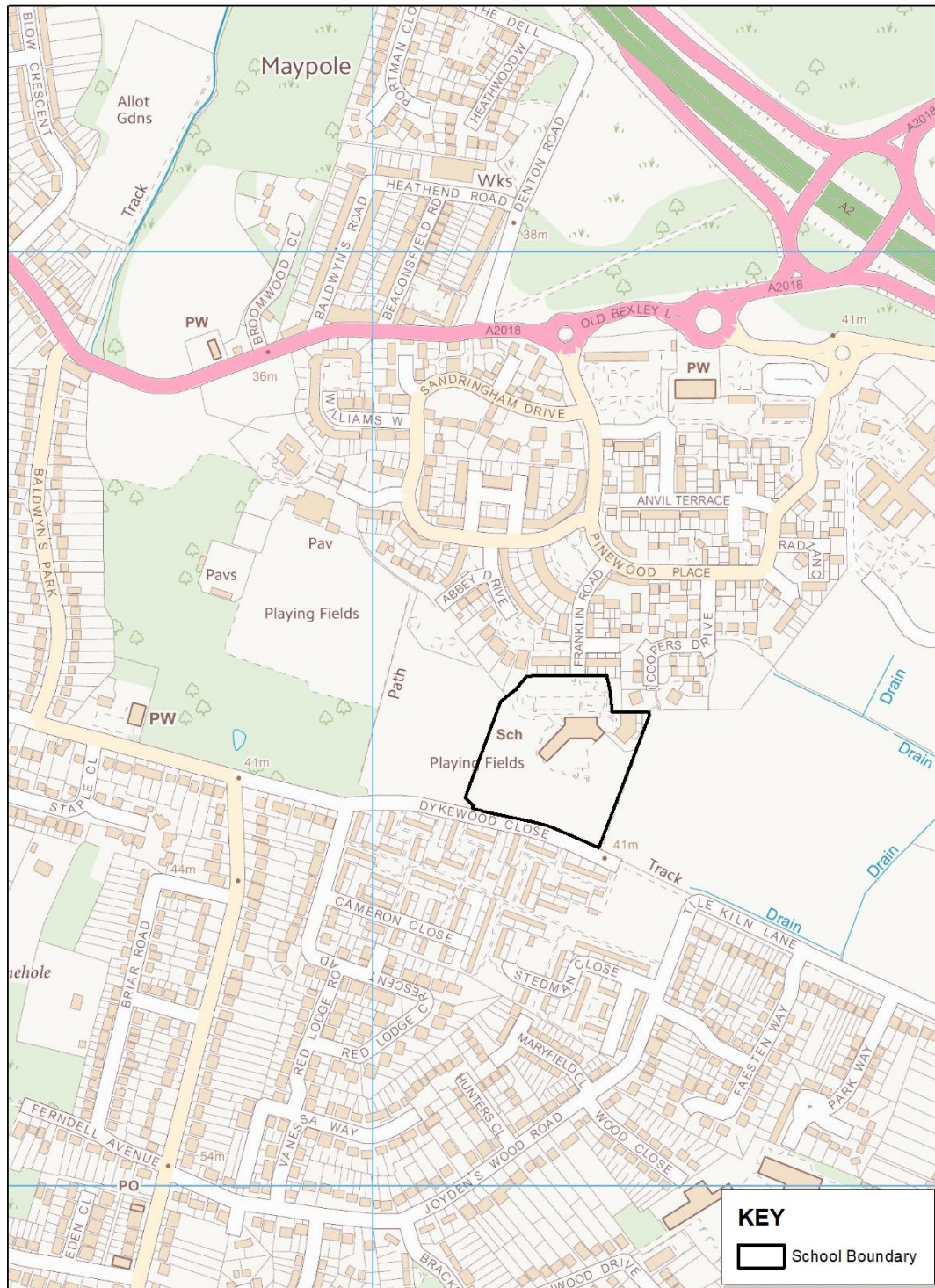
4. In 2016, the school expanded from 1FE with 210 pupils, to 2FE with 420 pupils. This expansion did not include any spaces for additional small teaching groups or focused intervention. Therefore, such activities are currently being held in communal spaces such as the school hall and library.
5. This arrangement is considered to be inadequate as it does not afford the levels of privacy and seclusion that are appropriate for such sessions. Furthermore, it prevents the use of these spaces for other school activities.
6. As such, planning permission is now being sought to create formal spaces for the aforementioned sessions.

Recent Site History

7. Planning permission was granted in 2013 for the expansion of the school (DA/13/1203). Since then, the planning permissions below have been granted to vary certain elements of the scheme:
 - DA/14/234 – Amendment to the school hall extension
 - DA/14/541 – Relocation of the proposed Multi Use Games Area (MUGA)

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Site Location Plan



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Ordnance Survey 100019238

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Site Location Plan



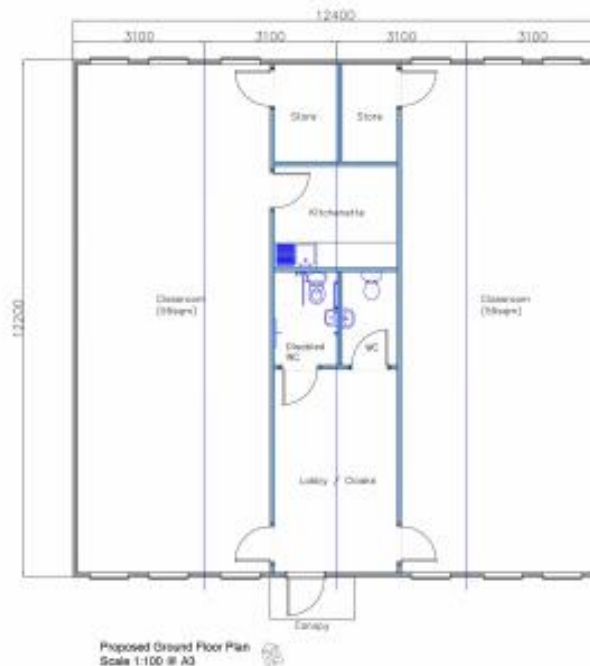
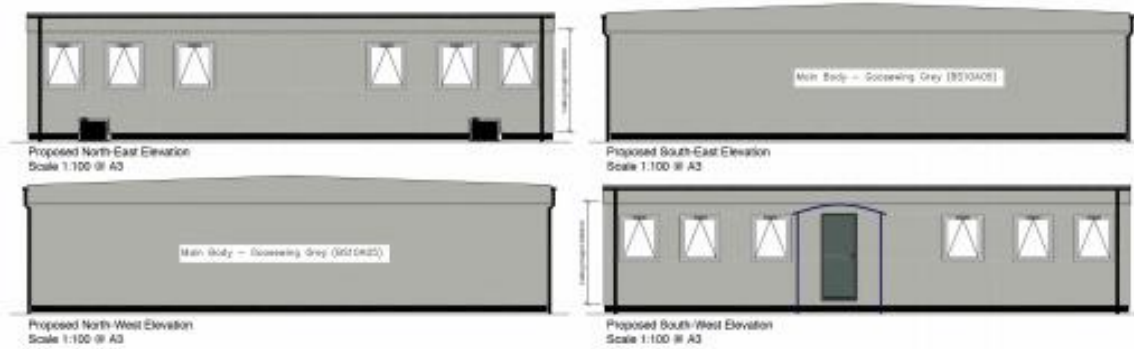
Proposal

8. The proposal seeks to site a permanent modular building on the school grounds to accommodate focused intervention; primarily counselling and well-being sessions.
9. The building would consist of an entrance lobby, two classrooms, toilets, a small office and storage space, totalling 151m². It would sit to the west of site between the MUGA and the west wing of the main school building on an open area of grass.
10. The building would be single storey in keeping with the main school building, with a maximum height of 3.2m. A standard, modular design is proposed with a grey colour palette. Elevations and floor plan are attached.

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Elevations and Floor Plan



Received - 5 June 2018
Planning Applications Group

Planning application for the installation of a modular building to accommodate further teaching and learning space at Maypole Primary School, Franklin Road, Dartford – DA/18/965/CPO (KCC/DA/0104/2018)

Planning Policy

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

- (i) **National Planning Policy Framework (NPPF) July 2018** and the **National Planning Policy Guidance (March 2014)**, sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to policies in the NPPF, the greater weight that they may be given).

There is an expectation within the NPPF that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take into account the local circumstances, to reflect the character, needs and opportunities of each area. Furthermore, Local Planning Authorities should approach decision on proposed development in a positive and creative way and look for solutions rather than problems. Decision makers at every level should seek to approve applications for sustainable development where possible.

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

- Achieving the requirement for the creation of spaces which are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and
 - The great importance the Government attaches to Green Belts, with the fundamental aim of Green Belt Policy being to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and permanence; and
 - That great weight should be given to the need to create, expand or alter schools.
- (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. In particular, the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt to improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.
- (iii) **Development Plan Policies**

Dartford Borough Council Core Strategy Document (2011)

Policy CS13 Seeks to resist inappropriate development within the Green Belt, in accordance with the NPPF.

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Policy CS21 Seeks the provision of community facilities that are close to the population they serve and come forward in a timely fashion. Dual use of facilities is sought.

Dartford Development Policies Local Plan (2017)

Policy DP1 **Presumption in Favour of Sustainable Development:** States that the Plan is written in accordance with national objectives to deliver sustainable development. A positive approach to considering development proposals will be had, reflecting the presumption in favour of sustainable development contained in the NPPF and the development needs of the Borough set out in the Core Strategy.

Policy DP2 **Good Design in Dartford:** Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough by (a) reinforcing and enhancing localities to create high quality places, (b) ensuring heritage assets are retained, re-used and respected, (c) facilitating a sense of place through a mix of uses and careful design, (d) providing clear pedestrian and cycle linkages and permeability, active frontages and a mix of buildings and spaces. Provides further advice about determining planning applications in relation to scale, massing, form, materials, Conservation Areas and areas of heritage sensitivity, inclusive, safe and accessible places, management of natural resources and flood alleviation, and appropriate signage and advertisements.

Policy DP5 **Environmental and Amenity Protection:** Development will only be permitted where it does not result in unacceptable material impacts, and consideration must be given to potential amenity/safety factors such as air and water quality, traffic, access and parking, anti-social behaviour and littering, and intensity of use (amongst other matters).

Policy DP21 **Securing Community Facilities:** New community facilities will be permitted where they are in an appropriate location and of a type and scale to reflect the needs of the communities they will serve.

Policy DP22 **Green Belt in the Borough:** Sets out 12 aspects against which development in the Green Belt will be assessed, including the consideration of inappropriate development, which by definition is harmful to the Green Belt and would only be approved in Very Special Circumstances; criteria against which to assess harm to the Green Belt; criteria to assess development considered as potentially not inappropriate by the NPPF; those developments that support Core Strategy Policy CS13; the re-use of existing permitted permanent buildings; taking account of the character and scale of existing buildings; criteria relating to extensions to buildings or infilling of previously developed sites; the replacement of buildings; ensuring no loss of the best and most versatile agricultural land; criteria for

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proposals for farm diversification; the use of land for horses or the erection of stables; outdoor sports and recreation uses; and the infrastructure required for such uses.

Consultations

12. **Dartford Borough Council** – Raises no objection subject to a condition ensuring that the proposed building is used for the stated purpose of various intervention sessions and not in order to accommodate a greater pupil intake. Furthermore, they state the following:

“The County would not want consented development (it is was deemed VSC exist) to be used for general school expansion without further liaison by KCC with DBC about future education demand arising in the planning area”

KCC Highways and Transportation – No objection subject to the submission and approval of a construction management plan.

Local Member

13. The local County Council Member, Mrs Ann Allen, was notified of the application on 25 July 2018.

Publicity

14. The application was publicised by the posting of a site notice at the front of the school, an advertisement in the local newspaper and the individual notification of 11 residential properties.

Representations

15. At the time of writing this report, 2 letters of representation have been received. Both are from the residents of Dykewood Close which sits to the south of the site. The key points raised can be summarised as follows:
- Traffic in the area is bad due to the number of pupils attending the school
 - This proposal will encourage further expansion of the school
 - The school gates and drop off/pick up zone are never open which exacerbates the traffic issue
 - Construction of the building started prior to the planning application being determined
 - The operations of the school have a general negative impact on the local amenity and therefore there is not a good relationship between the school and local residents.

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Discussion

16. 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 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 comprise design, the impact of the development on the Green Belt, and the impact on local amenity.

Design

17. Planning permission is being sought for a permanent permission for the modular building. Whilst arguably its single storey flat roofed form is similar to the adjacent children's centre building it is not in keeping with the main school building. Moreover the design and appearance of the building and its construction are clearly that of a temporary building. Although I accept the need for the accommodation, given the nature of the building I do not consider that a permanent permission is appropriate in this instance. I therefore consider that if permission is granted it should be for a temporary period of 5 years in order that the position can be reviewed.

Green Belt

18. Any development which can be considered to adversely impact the openness of the Green Belt is considered to be inappropriate development. There is strong policy presumption against inappropriate development in the Green Belt unless very special circumstances exist. The proposed development, by virtue of its siting and design, is considered to be inappropriate development and therefore when determining this application it must be considered whether a case of very special circumstances apply which would outweigh the harm by way of inappropriateness and any other harm resulting from the proposal.
19. Whilst the development does represent inappropriate development which is by definition harmful, it is important to consider how great the impact on the Green Belt's openness it would have. The proposed building is of a small size, single storey height and would be situated in an already established school site. Its positioning would be close to the existing school buildings and away from the more open parts of the site and the visual impact would be minimal. I would therefore consider that the impact on the openness would be minimal in relation to the existing school buildings. Furthermore, there is a clause in NPPF paragraph 145 which supports development in the Green Belt comprising the extension of a building provided it does not result in disproportionate additions over or above the size of the original building. It could therefore be argued that, were this proposal for an extension to the existing school building and not of a freestanding nature, this clause would apply and the building would not be considered to be inappropriate development.

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20. However, as the proposal is for a building of a free standing nature, and would have an impact on the openness of the Green Belt, albeit minimal, it is important to consider whether very special circumstances exist that are sufficient to outweigh this harm.
21. The applicant prepared a statement outlining why very special circumstances should apply in this instance, this largely relies on the need for the development. Whilst the school has sufficient formal learning spaces to cater for the recent expansion, it has become apparent that there is a need for space for activities which fall outside of the regular patterns of teaching and learning, but are still essential to student health and wellbeing. Such activities include, but are not limited to speech and language therapy, nurture groups, pastoral support work, family sessions and counselling.
22. The aforementioned activities are currently taking place on a daily basis in communal areas such as the library and the school hall. The applicant considers that such accommodation does not afford the privacy, seclusion and security to carry out such sessions effectively. Furthermore, this is preventing these spaces being used for more appropriate activities.
23. I do agree with the assertion that the current arrangements are unsustainable and there is a clear need for the school to establish some formal accommodation for focused intervention. The need for the development, combined with the minimal impact on the openness of the area would lead me to conclude that this application should not be refused on the grounds of Green Belt policy.

Impact on Local Amenity

24. Local residents expressed within their representations that unacceptable adverse amenity impacts are being experienced due to the operations of the school, with particular emphasis that the expansion of the school to 420 pupils should not have gone ahead. Furthermore, there was some concern over whether this application was now a means to further expand the school, when it is already oversubscribed. Dartford Borough Council mirrored this concern somewhat, with a request for a condition which prohibits the building being used for any additional pupil intake.
24. Planning permission for the expansion of the school has already been granted and as such it is not appropriate or relevant to discuss the planning merits of the expansion in the consideration of this planning application. However, in light of the concerns raised it should be stated that this application is only intended to provide facilities which were not included as part of the expansion scheme. Should the school wish to further increase the school role, another full planning application would need to be submitted for consideration by the County Council, which would include further engagement with local residents and the Borough Council. Any such application would have to be considered against Development Plan Policy and be determined on its planning merits.
25. In respect of the current application when being considered in isolation from the possible concerns caused by the expansion, I would regard this proposal to have limited impacts on local amenity. This is mainly because the proposal does not include any increase to the school roll, and the building would sit at a good distance (some 65m)

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away from any residential properties so any additional noise associated with the use of the new building would in my view be negligible.

26. There would be potential impact on the visual amenity for the residents of Dykewood Close as the view across the school playing field would be altered. However, given the location of the building alongside the existing building and its small scale of some 150m², I would consider any visual impact to be minimal. Furthermore, as the building would be away from the site boundary which is interspersed with trees, the view across the open school playing field would not be significantly impacted. I therefore consider the proposal to be acceptable in terms of local amenity.

Other Matters

27. As detailed in the previous paragraphs, local residents expressed concern over the impact that the earlier school expansion has had on the local area. Whilst the general impacts on amenity have been addressed above, concerns were also made regarding the traffic associated with drop-off and pick-up times. In particular there were concerns that the school is not utilising the drop off/pick up zone which was considered necessary for the expansion of the school. When queried on this point, the School expressed that use of the zone was becoming unsafe due to irresponsible parking.
28. This proposal does not include the increase in school roll, and I would therefore consider it to be neutral in terms of traffic impacts. This view was supported by KCC Highways, who requested that traffic be monitored throughout construction by way of a Construction Management Plan. However, it is evident and has been confirmed by Highways Officers in the past that neglecting to use the drop-off and pick up zone does potentially impose an unacceptable impact on the local highway network.
29. This matter is currently being investigated and liaison is being undertaken with the School and Highways Officers to find an acceptable solution. In the meantime, it is important that only the traffic impacts of the current proposal are considered, independent of any other matters which are ongoing at the school. Given that the current proposal would not cause generate any additional highway movements or impact on the highway, I do not consider it appropriate to refuse the proposal on highway grounds.
30. Finally, representations that advised the construction of the building had started prior to the application being determined. Investigation confirmed this to be the case. The School were advised that this represented a planning contravention and operations should cease immediately and I subsequently received confirmation from the agent that they had. Clearly this application must be considered on its merits in the context of the Development Plan policies and other material considerations regardless of the fact that construction has already commenced in advance of this application being determined.
31. The above matters have been reported to the County Council's Regulation committee so that they can be appropriately monitored and addressed.

Item D2

Planning application for the installation of a modular building to accommodate further teaching and learning space at Maypole Primary School, Franklin Road, Dartford – DA/18/965/CPO (KCC/DA/0104/2018)

Conclusion

32. I conclude that there is a justified need for the development, which in this instance outweighs the potential harm from inappropriate development and I do not consider it would have a significant impact on the openness of the Green Belt and associated policy. Furthermore, whilst there are some amenity concerns with the general operations of the school, these are not relevant to this current application. I therefore do not consider there to be any material consideration which would warrant refusal of the application.
33. The development is in accordance with the general aims and objectives of the relevant Development Plan Policies and the principles of the National Planning Policy Framework and therefore my recommendation is that planning permission be granted subject to conditions.

Recommendation

34. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The development to be carried out in accordance with the permitted details.
35. I FURTHER RECOMMEND that the following INFORMATIVES be added:
- The applicant must not use the building for any use other than for intervention sessions as set out in the application details. Should future school expansion be required, this must not go ahead without the submission of a full planning application to Kent County Council.

Case Officer: Alice Short	Tel. no: 03000 413328
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Background Documents: see section heading

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

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

Background Documents - The deposited documents.

- DA/18/485 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
Decision: Permitted
- DO/15/588/R5&15 Details of the alterations to the existing access and details of a Construction & Environmental Management Plan pursuant to conditions 5 & 15 of planning permission DO/15/588.
Land to the South of Stonar Cut, Ramsgate Road, Sandwich, Kent
Decision: Approved
- GR/15/1192/R16 Details pursuant to conditions of planning permission GR/15/1192 - improvement and enhancement of existing waste transfer site by erection of a replacement building to provide covered working area and ancillary site improvements together with retrospective provision for trommel, picking station and wall (16 - Lighting).
Apex Business Park, Unit 4, Queens Farm Road, Shorne, Gravesend
Decision: Approved
- MA/18/503471 The erection of a replacement weighbridge office and a replacement workshop with staff welfare facilities .
Hanson Allington Depot, St Laurence Avenue, Allington, Maidstone, Kent, ME16 0LQ
Decision: Permitted
- TM/00/1599/R26C1 Details pursuant to condition 1 of consent reference TM/00/1599/R26C
Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent
Decision: Approved
- TM/09/1888/
R4H Approval of details submitted under condition (8) of planning permission TM/09/1888 (Annual Report).
Offham Landfill, Teston Road, Offham, West Malling, Kent, ME19 5PF
Decision: Approved

- TM/14/4075/R26A Request for approval of details pursuant to condition 26 (traffic management plan) of planning permission TM/14/4075.
Wrotham Quarry, Addington, West Malling
Decision: Approved
- TM/17/1490/R4 Details pursuant to condition 4 (Proposed Ditch Diversion) of planning permission TM/17/0490 for an extension to the sand quarry.
Borough Green Sand Pit, Platt Industrial Estate, St Marys Platt, Borough Green, Kent, TN15 8JL
Decision: Approved
- TW/18/894/R3 Details of an Invasive Species Management Plan pursuant to condition 3 of planning permission TW/18/894.
Hawkhurst North Wastewater Treatment Works, Heartenoak Road, Hawkhurst, Cranbrook
Decision: Approved

E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION

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

Background Documents – The deposited documents.

- CA/18/1721 Maintenance and improvement works are proposed within the school playground - Removal of 3 No. timber sheds (not to be replaced); Replacement of life-expired timber play equipment with new play equipment; Replacement of existing playground surfacing with court markings by a new sports court, a smaller play court and general play area; Replacement of existing reading area with a new reading area and raised planter, containing trees and shrubs.
Whitstable and Seasalter Endowed C Of E School, High Street, Whitstable
Decision: Permitted
- DA/16/1413/R10 Amendment to details of condition 10 - surface water drainage of planning permission DA/16/1413/RVARA.
Craylands School, Craylands Lane, Swanscombe, Kent, DA10 0LP
Decision: Approved
- DA/18/964 The construction of acoustic noise fencing within the Highway verge, as part of the A206 St Clements Way Highway Improvements scheme.
St Clements Way, Greenhithe
Decision: Permitted

- DO/17/753/R7 Details of construction management plan pursuant to condition 7 of planning consent DO/17/753.
Preston County Primary School, Mill Lane, Preston, Canterbury, Kent, CT3 1HB
Decision: Approved
- DO/17/753/R8 Details of Archaeological Watching Brief pursuant to condition 8 of planning consent DO/17/753.
Preston County Primary School, Mill Lane, Preston, Canterbury, Kent, CT3 1HB
Decision: Approved
- DO/17/1057/RVAR Submission of drainage strategy and sustainable surface water scheme pursuant to conditions 3 and 4 of planning permission DO/17/1057.
Land south-east of Archers Court Road, Whitfield, Dover, Kent, CT16 3HU
Decision: Approved
- GR/12/441/R15 Details for making good 15 Darnley Road pursuant to condition (15) of planning permission GR/12/441.
Rathmore Road Link, Land at and surrounding Rathmore Road, south of the Railway, Gravesend, Kent, DA11 0HP
Decision: Approved
- GR/18/681 Proposed new electric substation and switchgear enclosure; provision of a new gate within the existing boundary wall to provide a vehicular access to the substation; relocation of existing pedestrian gate and relocation and replacement of the guard rail between the pedestrian access and the road.
Mayfield Grammar School, Pelham Road, Gravesend
Decision: Permitted
- MA/17/504553/R4 Details of external lighting pursuant to condition (4) of planning permission MA/17/504553.
Langley Park Primary Academy, Edmett Way, Maidstone, Kent, ME17 3FX
Decision: Approved
- MA/18/504116 Retrospective application for a new grasscrete fire appliance path for access to new pavilion. Removal of existing poor quality trees and creation of additional car parking spaces along boundary of current car park.
Maidstone Grammar School, Barton Road, Maidstone, Kent, ME15 7BT
Decision: Permitted
- SW/17/501720/R15 Details of all external lighting and hours of lighting operation pursuant to Condition 15 of planning permission SW/17/501720.
Regis Manor Community Primary School, Middletune Avenue, Sittingbourne, Kent ME10 2HT
Decision: Approved

SW/18/502314	<p>The removal of mobile 1 to allow the re-positioning of mobile 2 into its location to allow sufficient space for a new double modular classroom to be constructed under permitted development. Planning permission is sought for a period of 5 years for the relocation of mobile 2 as within 5 metres of the school boundary.</p> <p>Bapchild and Tonge CEP School, School Lane, Bapchild, Sittingbourne</p> <p>Decision: Permitted</p>
KCC/TH/0094/2018	<p>Alteration and redistribution of existing earth bund along the west of school boundary to facilitate the implementation of consented phase 2 school expansion approved under reference TH/15/294/R.</p> <p>St Georges Church Of England Foundation School Primary Hope Way, Broadstairs, Kent, CT10 2FR</p> <p>Decision: Permitted</p>
TH/15/294/R7	<p>Details of Construction Management Strategy pursuant to condition 7 of planning permission TH/15/294.</p> <p>St Georges Church of England Foundation Primary School, Westwood Road, Broadstairs, CT10 2LH</p> <p>Decision: Approved</p>
TH/18/333/R6	<p>Details of construction management plan pursuant to condition 6 of planning consent TH/18/333.</p> <p>Laleham Gap School, Ozengell Place, Ramsgate</p> <p>Decision: Approved</p>
TH/18/333/R12	<p>Details of access visibility splays pursuant to condition 12 of planning consent TH/18/333.</p> <p>Laleham Gap School, Ozengell Place, Ramsgate</p> <p>Decision: Approved</p>
TH/18/467	<p>Change of use from agricultural land to school sports field and the construction of associated sports pavilion, horticultural polytunnels, storage containers and the erection of boundary fencing and construction of vehicular access and turning areas (amended proposal to that approved in September 2017 under planning permission reference TH/17/818 (KCC/TH/0137/2017)).</p> <p>Land off Newlands Lane, Adjacent to Foreland Fields School, Ramsgate</p> <p>Decision: Permitted</p>
TM/15/554/R3&4	<p>Details of external materials regarding the reinstatement of the external facade following demolition of part of the dining space and details regarding the high level window on the external facade of the dining space pursuant to conditions 3 & 4 of planning permission TM/15/554.</p> <p>The Judd School, Brook Street, Tonbridge, Kent, TN9 2PN</p> <p>Decision: Approved</p>
TM/15/554/RA	<p>Application for a Non Material Amendment. Decrease in proposed demolition, inclusion of an additional window and replacement of large timber window to north facade.</p> <p>The Judd School, Brook Street, Tonbridge, Kent, TN9 2PN</p> <p>Decision: Approved</p>

- TM/17/2215/R3 Details of external materials pursuant to Condition 3 of planning permission TM/17/2215.
Ryarsh Primary School, Birling Road, Ryarsh, West Malling, Kent ME19 5LS
Decision: Approved
- TM/17/2215/R5 Details of a Construction Management Plan pursuant to Condition 5 of planning permission TM/17/2215
Ryarsh Primary School, Birling Road, Ryarsh, West Malling, Kent ME19 5LS
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*
- (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/MA/0108/2018 Hanson Aggregates, Allington Depot, Liphook Way, St Laurence Avenue, 20/20 Industrial Estate, Maidstone, ME16 0LQ.
Hanson Aggregates, Allington Depot, Liphook Way, St Laurence Avenue, 20/20 Industrial Estate, Maidstone, ME16 0LQ
- KCC/SH/0163/2018 Planning application for the processing and recycling of scrap metal.
Hand Car Wash, Pennypot Industrial Estate, Hythe, Kent, CT21 6PE
- KCC/TW/0062/2018 To site and install a block of four, modular built classrooms for use by primary children (age 7-11) with Special Educational Needs and/or learning disabilities (SEND). The classroom block fully integrated within the existing school site.
Oakley School, Pembury Road, Royal Tunbridge Wells, Kent, TN2 4NE
- KCC/GR/0427/2018 - Timber framed extension to provide additional office space.
Trosley Country Park, Waterlow Road, Vigo Village, Gravesend, Kent, DA13 0SG

KCC/SCR/GR/0466/2018 - Request for a Screening Opinion to determine whether the proposed replacement of an existing wet pipeline discharge system with a dry conveyor system requires an Environmental Impact Assessment.

Northfleet Wharf, Botany Marshes, Lower Road, Northfleet, Kent DA11 9BB

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

KCC/SCR/TM/0109/2018 Request for a Screening Opinion to determine whether an Environmental Impact Assessment will need to accompany any one or all of the planning applications proposed to be submitted for revised restoration proposals for the Aylesford Quarry site.

Aylesford Sand Quarry, Rochester Road, Aylesford

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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