

PLANNING APPLICATIONS COMMITTEE

Wednesday, 6th March, 2019

10.00 am

Council Chamber - Sessions House





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 6th March, 2019, 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 - 6 March 2019 (Pages 5 - 8)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Applications TM/18/2549 and TM/18/2555 (KCC/TM/041/2018 and KCC/TM/0492/2018) - Variation of Conditions on Permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford; Aylesford Heritage Ltd (Pages 9 - 66)

C1

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 67 - 68)
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. PLANNING CONSULTATIONS FOR MEMBERS' INFORMATION

1. Sevenoaks DC - Draft Local Plan Consultation February 2019 (Pages 69 - 76)
2. Consultation on Land at Court Lodge, Pound Lane, Kingsnorth, Ashford (18/01822/AS) (Pages 77 - 94)

G. 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, 26 February 2019

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in section C, are available to Members in the Members' Lounge.)

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber - Sessions House on Wednesday, 6 February 2019.

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

ALSO PRESENT: Mr R L H Long, TD

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

UNRESTRICTED ITEMS

9. Minutes - 16 January 2019

(Item A3)

RESOLVED that the Minutes of the meeting held on 16 January 2019 are correctly recorded and that they be signed by the Chairman.

10. Application TM/18/1924 (KCC/TM/0443/2018) - 1FE expansion involving an extension to an existing building, new multi-use games areas, new "exit only" footpath link to Mabledon Road, 14 additional car parking spaces and landscaping works at The Judd School, Brook Street, Tonbridge; KCC Property and Infrastructure Support

(Item D1)

(1) Mr M D Payne informed the Committee that although he was the Local Member for the proposal, he had neither discussed it with his constituents and was able to approach its determination with an open mind.

(2) Mr R L H Long was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(3) Mr Daniel Alexander and Mr Paul Smith addressed the Committee on behalf of Mabledon Road Residents in opposition to the proposal. Mr Indy Shokar (Resolution Planning) and Mr Jonathan Wood (Head Teacher of Judd School) spoke in reply.

(4) The Committee decided to amend the recommendation to specify that the updated Travel Plan was to be approved before occupation of the extended building.

(5) On being put to the vote, the recommendations of the Head of Planning Applications Group as amended in (4) above were carried by 8 votes to 3 with 1 abstention.

(6) RESOLVED that the application be referred to the Secretary of State for Housing, Communities and Local Government on Sport England grounds and that subject to his decision :-

(a) permission be granted to the application 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 development being carried out using external materials and colour finishes as specified within the planning application documents to match those existing, unless otherwise agreed; the submission of a scheme of landscaping, including the relocation of the garden area that would be lost to create the additional car parking, soft landscaping, and any additional hard surfacing; the submission of a precautionary mitigation strategy for reptiles and an enhancement plan, prior to the commencement of the development; the submission and approval of an updated Travel Plan prior to occupation, to include reference to the pedestrian exit gate onto Mabledon Road and an assessment of its effectiveness in splitting pedestrian traffic on route to Tonbridge Train Station; the provision and retention of 14 car parking spaces; the gate onto Mabledon Road only being used as a pedestrian exit for The Judd School pupils and only being unlocked between 3.45pm and 4.15pm on school days during term time unless otherwise approved in writing by the County Planning Authority; no floodlighting being installed on the MUGAs; hours of working during construction and demolition being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; and 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 would be managed to avoid conflict with peak school times, and details of any construction accesses; and

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

- (i) they should register with Kent County Council's "Jambusters" Travel Plan Management system in respect of the requirement to prepare and submit a revised School Travel Plan; and
- (ii) consideration should be given to the inclusion of species that encourage bees when fulfilling the requirement to prepare and submit a scheme of landscaping.

11. Application DO/18/01015 (KCC/DO/0446/208) - Classroom extension to replace a timber mobile at Kingsdown and Ringwoud Primary School, Glen Road, Kingsdown, Deal; KCC Property and Infrastructure Support
(Item D2)

(1) The Head of Planning Applications Group reported correspondence from the Local Member, Mr S C Manion in support of the application.

(2) In unanimously agreeing the recommendations of the Head of Planning Applications Group, the Committee added an Informative that the applicants should take the opportunity to explore renewable energy options for the application.

(3) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the standard three year time limit; the development being carried out in accordance with the permitted details; the submission and approval of an updated Travel Plan prior to occupation; and the submission and approval of a Construction Management Plan; and
- (b) the applicants be advised by Informative that:-
 - (i) no furniture may be erected on or across Public Rights of Way without the express consent of Highway Authority;
 - (ii) there must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority;
 - (iii) no hedging or shrubs should be planted with 1.5 metres of the edge of the public paths; and
 - (iv) they should take the opportunity to explore renewable energy options for the application.

12. Matters dealt with under delegated powers

(Item E1)

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

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

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SECTION C1
MINERALS AND WASTE MANAGEMENT

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

Item C1

The variation of conditions on planning permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/18/2549 (KCC/TM/0491/2018) and TM/18/2555 (KCC/TM/0492/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 March 2019.

Applications by Aylesford Heritage Ltd for the:

- (i) Variation of conditions 20, 28 and 32 of planning permission TM/93/612 to provide a revised restoration and aftercare scheme and consistent noise limits for temporary operations such as restoration with those provided for by planning permission TM/97/751/MR102 for that part of Aylesford Quarry to the East of Bull Lane – **TM/18/2549** (KCC/TM/0491/2018); and
- (ii) Variation of conditions 36 and 39 and deletion of condition 44 of planning permission TM/97/751/MR102 to provide a revised restoration and aftercare scheme for that part of Aylesford Quarry to the East of Bull Lane – **TM/18/2555** (KCC/TM/0492/2018);

at Aylesford Quarry, Rochester Road, Aylesford, Kent, ME20 7DX.

Recommendation: Permissions be granted subject to conditions.

Local Member: Mr P Homewood

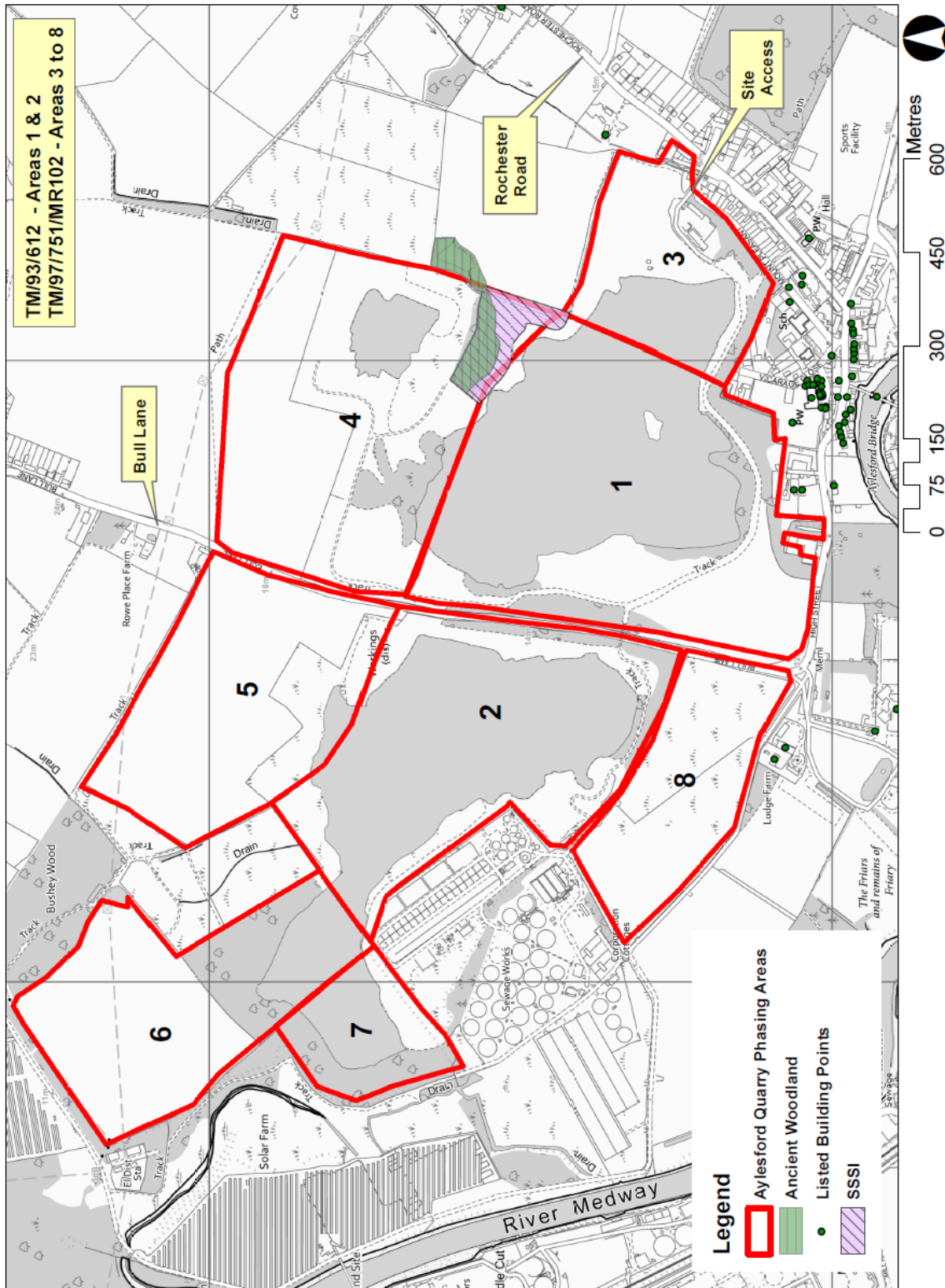
Unrestricted

Site description

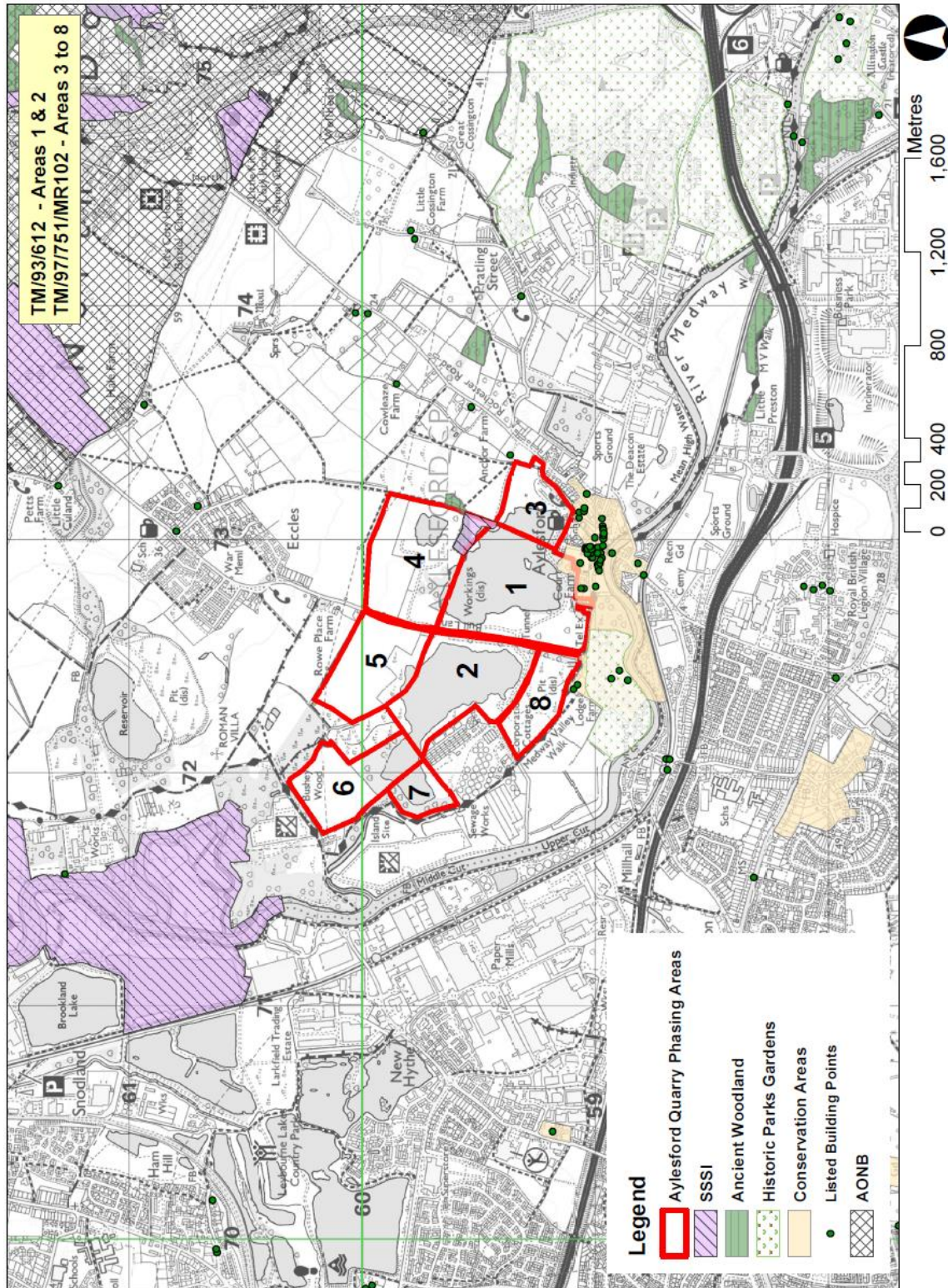
1. Aylesford Quarry lies approximately 5 kilometres to the north west of Maidstone, between Aylesford and the River Medway (to the south) and Eccles (to the north). It includes land to the east and west of Bull Lane. The eastern area of the quarry lies between Rochester Road and Bull Lane and the western area between Bull Lane and Aylesford Waste Water Treatment Works (WWTW) and Bushey Wood. Each of the areas contains a large lake created by soft sand working above and below water table, whilst the eastern area also contains a smaller lake created by clay extraction. The land around the lakes has either been worked or disturbed by quarry activities, was subject to earlier restoration (which has subsequently been disturbed to some degree) or has not been worked and remains in agricultural use. The quarry offices, workshop and staff car park lie at the eastern end of the site near Rochester Road.

Item C1

The variation of conditions on planning permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/18/2549 and TM/18/2555



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The variation of conditions on planning permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/18/2549 and TM/18/2555

2. The main access to the eastern area of the quarry is via Rochester Road which provides access to the A229. The western area of the quarry can be accessed from Bull Lane via the Aylesford WWTW access. The two areas are linked by a vehicle tunnel under Bull Lane although this is not wide enough to accommodate most modern quarry plant, machinery, equipment and vehicles. The two areas were also previously linked by a crossing point over Bull Lane (for quarry plant, machinery, equipment and vehicles too large to use the tunnel), although this can no longer be used due to extraction that has taken place to the west of Bull Lane. Although the eastern area of the quarry contains no public rights of way, it is largely surrounded by public footpaths. The western area of the quarry is surrounded by a combination of bridleways, restricted byways and footpaths.
3. The site is not allocated for any specific purpose in the Tonbridge and Malling Local Development Framework (TMBC LDF) nor the Kent Minerals and Waste Local Plan (Kent MWLP), although the majority of the site is identified as being within a Mineral Safeguarding Area in the Kent MWLP (relating to Silica Sand / Construction Sand associated with Sandstone from the Folkestone Formation and of River Terrace Deposits). The site contains a Geological Site of Special Scientific Interest (SSSI) and an area of Ancient Woodland. It is identified as containing a Regionally Important Geological Site (RIGS) and being within the Strategic Gap in the Tonbridge and Malling Local Plan. The eastern section of the southern boundary of the eastern area of the quarry is subject to a linear group Tree Preservation Order (TPO). The Kent Downs Area of Outstanding Natural Beauty lies approximately 1 kilometre to the north west of the most northerly part of the site and the Aylesford Village Conservation Area lies just to the south. The Friars Historic Park and Garden (part of which is within the Aylesford Village Conservation Area) lies to the south of the site at Aylesford Priory. The Aylesford Village Conservation Area contains a number of listed buildings. These include the main block and gatehouse at the Friars and the Church of St Peter to the north of the High Street which are Grade 1, Court Farmhouse which is Grade 2* and 22 to 32 Mount Pleasant and numerous other properties and features which are Grade 2.

Planning History and Background

4. Mineral working at Aylesford Quarry has taken place in one form or another for over 100 years. Planning permission was first granted under the Interim Development Order (IDO) arrangements in the mid-1940's and a number of other planning permissions for mineral working and processing were subsequently granted. However, the Quarry is now subject to two extant planning permissions which provide for the extraction of minerals (TM/93/612 and TM/97/751/MR102). Each of the permissions includes land to the east and west of Bull Lane. Both of these permissions represents an "update" to the earlier planning permissions in that TM/93/612 was issued under the terms of the Planning and Compensation Act 1993 (updating the permissions granted before 1 July 1948) and TM/97/751/MR102 under the Environment Act 1995 (updating those granted after 30 June 1948). The extent of the areas covered by planning permissions TM/93/612 and TM/97/751/MR102 (including the phasing areas within these) and a number of the key features referred to in this report are shown on the drawings on pages C1.2 and C1.3.

The variation of conditions on planning permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/18/2549 and TM/18/2555

5. Other extant planning permissions include TM/98/462 (as amended by TM/00/2827 on appeal) and TM/04/1019. The former relates to a new access to the Quarry from Rochester Road (which has been implemented but never completed) and the latter relates to the site offices (which are currently subject to an application KCC/TM/0521/2018 seeking permission for their retention until 21 February 2042 or within 6 months of the permanent cessation of mineral working, whichever is the sooner). Although no longer extant, planning permissions were also granted for clay extraction in an area to the north of the main lake to the east of Bull Lane (most recently TM/05/2618 which varied condition 44 of planning permission TM/97/751/MR102).
6. Planning permissions TM/93/612 and TM/97/751/MR102 both include conditions which require the cessation of mineral working by 21 February 2042 (i.e. the date set out in relevant legislation). TM/97/751/MR102 requires that final restoration of the site be completed by that date or within 2 years of the completion of mineral working at Aylesford Quarry (whichever is the sooner). Both of the permissions also included conditions requiring the submission, prior approval and implementation of working, restoration and aftercare schemes. Whilst both permissions require the land to be restored to a standard reasonably fit for amenity, recreation and nature conservation purposes, the nature of the intended after-use was left to be determined as part of the detailed restoration scheme. Schemes of working and restoration were approved pursuant to conditions 12 and 28 of permission TM/93/612 on 1 November 1995. Schemes of working and restoration were approved pursuant to conditions 14 and 36 of permission TM/97/751/MR102 on 22 October 2002 and an aftercare scheme was approved pursuant to condition 39 on 8 January 2003. The approved schemes complement one another and provide arrangements for the working, restoration and aftercare of all of Aylesford Quarry. The restoration scheme approved pursuant to condition 36 of permission TM/97/751/MR102 was amended on 20 December 2005 by planning permission TM/05/2618 (in that it slightly increased the size of the clay lake area as a result of the further clay extraction that was permitted at that time). Since planning permission TM/05/2618 required clay extraction to cease by 31 December 2010 it is no longer relevant, except in so far as it amended the 2002 restoration scheme.
7. Planning permissions TM/93/612 and TM/97/751/MR102 include a large number of other conditions relating to all aspects of the working, restoration and aftercare of Aylesford Quarry. These include those in respect of: site access; depth, extent and method of working; soil handling and storage; hours of operation; noise limits; blasting; dust control; the removal of plant, buildings, machinery, sanitary facilities, foundations, bases, access roads and parking areas when no longer required for working and restoration; restoration and aftercare; replacement planting and seeding as necessary; and no filling materials from outside sources. Condition 2 of TM/96/612 and condition 2 of TM/97/751/MR102 largely restrict access to Rochester Road, although provision is made for some vehicles to use the WWTW access road (and previously a cross over between the land east and west of Bull Lane). Condition 16 of TM/96/612 and condition 22 of TM/97/751/MR102 restrict hours of operation to between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays, with limited

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provision for HGVs / tankers to leave the quarry at other times. Condition 20 of TM/96/612 and condition 25 of TM/97/751/MR102 limit noise from operations to no more than 55dB $L_{Aeq, 1 \text{ hour}}$ when measured at the nearest noise sensitive property, whilst condition 26 of TM/97/751/MR102 additionally allows up to 70dB $L_{Aeq, 1 \text{ hour}}$ limit for temporary operations such as site preparation, soil and overburden stripping, bund formation and removal and final restoration for up to 8 weeks a year. Condition 27 of TM/93/612 and condition 28 of TM/97/751/MR102 require dust mitigation measures to be employed, with the latter being more specific in terms of the measures to be implemented. Condition 44 of TM/97/751/MR102 effectively incorporated an earlier planning permission (TM/99/1539 dated 27 April 2000) for clay extraction in a relatively small part of the quarry which required the cessation of clay extraction and restoration by 31 December 2005. As noted above, condition 44 of TM/97/751/MR102 was effectively amended by planning permission TM/05/2618 (on 20 December 2005).

8. Operations at Aylesford Quarry ceased in 2012 when the previous owner (Cemex UK) decided to sell the site. The majority of the Quarry (east and west of Bull Lane) and some adjoining land was purchased by Aylesford Heritage Limited (AHL) in 2013. Those parts it did not acquire are either unworked (e.g. agricultural land to the north) or previously restored areas with the benefit of more recent planning permissions (e.g. the area to the west of Bull Lane and south of the WWTW access road used to train electrical field operatives how to erect and cable telegraph poles). Since 2012, no silica sand extraction has occurred (below water), limited quantities of construction sand have been extracted (above water) and various site management works have been undertaken. AHL made representations on the draft Kent MWLP and appeared at the Local Plan Inquiry in 2015. It argued that the silica sand resource at the site was not workable (unviable) and that only 150,000 – 200,000 tonnes (t) of building (soft) sand (i.e. construction sand) remained within the consented area. This position was accepted by the Inspector and resulted in Aylesford Quarry no longer being included in calculations of permitted silica sand reserves. However, he considered that the presence of a relatively limited amount of recoverable mineral meant that the site should remain within a Mineral Safeguarding Area (as now reflected in the adopted Plan).
9. AHL has aspirations to develop parts of Aylesford Quarry for non-minerals development. This is evidenced by an outline planning application (TM/17/02971) submitted to Tonbridge and Malling Borough Council (TMBC) seeking planning permission for the demolition of existing buildings, structures and hardstanding, land raising of development area, development of up to 146 dwellings as a mix of houses and apartments and provision of a local centre for use classes A2 (financial and professional services), A3 (café / restaurant), D1 (clinics / creche) and D2 (assembly and leisure) up to a total floorspace of 1,256 sq m (13,519 sq ft), and provision of new access road and pedestrian/cycle access, and provision of open space. This application (which relates to the south eastern part of the Quarry east of Bull Lane which previously contained the sand processing plant and which still contains the site offices and workshops and which is now referred to as Plot C) is scheduled to be the subject of a Public Inquiry to be held between 12 and 20 March 2019 (APP/H2265/W/18/3209279) as AHL has appealed against non-determination of the application. AHL's aspirations are also illustrated by its promotion of the appeal site

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and other areas of Aylesford Quarry for inclusion in the emerging TMBC Local Plan (including at the Call for Sites stage). It should be noted that TMBC has indicated that it would have refused planning permission for application TM17/02971 had it still been in a position to do so and has decided to defend this position at the Public Inquiry. It is also not proposing to allocate any of the land at Aylesford Quarry for residential or other non-mineral development in its emerging Local Plan. It will be for the Planning Inspectorate to determine whether application TM/17/02971 (for housing / local centre) is permitted and for TMBC to determine whether any allocations for non-mineral development are included in the TMBC Local Plan having regard to an Inspector's Report following a Local Plan Inquiry.

10. Since the land outside AHL's ownership is either unworked or restored and need have no impact on the restoration of those parts within its control, these areas would not need to be subject to further restoration and aftercare requirements unless proposals come forward to extract minerals from them. In that eventuality, new schemes of working, restoration and aftercare would be needed. Given the underlying geology (whereby sand resources become deeper and are overlain by significantly greater depths of clay further north), the fact that working relatively small areas of land in these circumstances would be difficult (if not impossible) and as some of this other land has also been promoted for non-mineral development in the TMBC Local Plan, the likelihood of any proposals to extract minerals on land subject to planning permissions TM/93/612 and TM/97/751/MR102 within these areas is extremely remote.
11. KCC issued a screening opinion (KCC/SCR/TM/0109/2018) in respect of a number of potential applications relating to revised restoration proposals for Aylesford Quarry on 2 July 2018. At that stage it was unclear exactly which parts of the site would be included and, in particular, whether the proposals would involve works directly affecting the SSSI and Ancient Woodland. Regardless of this, the screening opinion concluded that the development the subject of the screening request constituted Schedule 1 development by virtue of paragraph 19 of Schedule 1 of the 2017 Regulations as the site exceeded 25 hectares (ha) and that Environmental Impact Assessment (EIA) was therefore required. It should be noted that the development now proposed does not include works directly affecting the SSSI or Ancient Woodland.

The Proposal

12. The applications propose:
 - (i) The variation of conditions 20, 28 and 32 of planning permission TM/93/612 to provide a revised restoration and aftercare scheme and consistent noise limits for temporary operations such as restoration with those provided for by planning permission TM/97/751/MR102 – TM/18/2549 (KCC/TM/0491/2018); and
 - (ii) The variation of conditions 36 and 39 and deletion of condition 44 of planning permission TM/97/751/MR102 to provide a revised restoration and aftercare scheme – TM/18/2555 (KCC/TM/0492/2018).

The variation of conditions on planning permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/18/2549 and TM/18/2555

In both cases, the applications only include restoration and aftercare proposals for that part of Aylesford Quarry to the east of Bull Lane (referred to as the East Lake area by the applicant). The proposals would replace the restoration and aftercare schemes previously approved / permitted in 1995, 2002, 2003 and 2005 for the East Lake area and continue to provide land suitable for amenity, recreation and nature conservation purposes. Although the approved schemes illustrate the lake areas being used for a number of recreational purposes (such as fishing, sailing, water skiing and related facilities) it has previously been accepted that planning permission would be required for these activities and related development from TMBC and that they are not provided for by the mineral planning permissions. No public access to the site is either required or proposed at this stage. The applications are accompanied by the same Environmental Statement (ES). Application TM/18/2555 had initially proposed to vary condition 2 of TM/97/751/MR102 to allow the East Lake area to be accessed from Bull Lane. However, the application was amended to remove this element in November 2018.

12. The applicant states that proposals for those parts of the quarry to the west of Bull Lane (the West Lake area) are to be addressed at a later date. Assuming that the applicant still intends to extract further mineral from west of Bull Lane, such proposals would need to include amended schemes for working, restoration and aftercare for that part of the site.
13. Both applications include a single revised restoration scheme for the East Lake area which uses the approved restoration scheme and current position as the baseline. The applicant states that the revised restoration scheme incorporates landscape features and the design intent of the approved scheme updated to reflect subsequent changes, including a higher lake level than previously envisaged and variations in the extent of quarry working adjacent to Bull Lane. It also states that the restoration strategy proposes a naturalistic wetland landscape based around the East Lake itself with areas of reedbed, open pasture, scrub, hedgerow and woodland to replace the damaged landscape left by previous quarrying activity. Existing stable slopes which are close in terms of topography to those of the approved scheme would be left undisturbed. Elsewhere, ground contours would be softened to produce more natural looking slopes. It further states that the revised scheme would enhance the biodiversity of the site and enable the SSSI, Ancient Woodland and RIGS sand face to be retained.
14. The revised restoration scheme sub-divides the East Lake area into a number of distinct areas: Plot C; Plot D; Northern Faces; Clay Lake; SSSI; Northern Fields; and Existing RIGS Sand Face. These are shown on the drawing included in Appendix 1 (page C1.51). Appendix 1 also contains a number of other drawings
15. The applicant states that where existing stable slopes are already restored at close to the approved topography they would be left undisturbed. Similarly, existing regenerating or planted vegetation would be retained, particularly along the southern, eastern and western boundaries of the East Lake area. The Northern Fields which are in agricultural use would be left undisturbed, the RIGS Sand Face on the northern edge of Plot C would be retained for its geological interest and the SSSI and overlying

The variation of conditions on planning permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/18/2549 and TM/18/2555

area of Ancient Woodland (which are outside the approved mineral working area) would not be disturbed. The tunnel between Plot D and the West Lake area and older tunnels between Plot D and The Wharf (to the south of the site and Aylesford High Street) and Plot C and Rochester Road (under Mount Pleasant), would be retained and unaffected by the restoration proposals. Other parts of the East Lake area would be remodelled as follows:

- Plot C would be subject to cut and fill to achieve the proposed restoration levels once cleared of buildings and hard surfacing. Plot C currently has very variable topography and parts close to the shoreline of the East Lake are very irregular and lie just above the lake level. The proposed regrading and infilling (using indigenous materials from elsewhere within the East Lake area) would create a landform high enough to avoid flooding as the water level in the lake varies, be compatible with the open pastureland after-use proposed for this area and a sculptured shoreline that does not simply reflect that left after mineral working.
 - Plot D would be restored with the existing, irregular and in places low lying / seasonally wet floor level raised to 4m above ordnance datum (AOD), necessitating only relatively minor alterations to existing levels. This would be above the highest measured water level in the East Lake of 3.0m AOD. This land raising would allow the area to be restored to open pastureland.
 - That part of the Northern Faces parallel to Bull Lane (including part of the East Lake itself) would be backfilled using indigenous materials to replicate the previously approved landform.
 - That part of the Northern Faces along the north side of the East Lake (which the approved restoration scheme shows as part of the lake) would be reduced in height (i.e. cut) to reduce the steepness of the slopes close to north shoreline, enhance the stability of the shoreline and enable restoration to open pastureland. In doing this, it would generally replicate the topography of the approved restoration scheme.
 - The Clay Lake (which the permitted 2005 restoration scheme shows as a steep-sided bowl-shaped landform containing a shallow lake) would be backfilled with indigenous materials to create a shallow bowl-shaped landform which merges into the adjoining ground contours of the Northern Faces in order to provide for surface water to naturally run off into the East Lake. The applicant states that the proposed restoration would enhance the usability of this part of the site as open pastureland. Whilst the applicant has referred to the restoration scheme approved in 2002 (which provided for a smaller and less deep area of clay extraction than that permitted in 2005 which allowed extraction to 6.8m AOD as opposed to 11m AOD), I am satisfied that this does not undermine what is proposed or alter the overall conclusions of the EIA / ES since the schemes are broadly similar in their overall design and as the position on the ground more closely reflects the extent of the mineral working permitted in 2005 and is what has been used to inform the proposed development. The 2002 and 2005 restoration schemes are included in Appendix 1 (pages C1.52 and C1.53).
16. The applications include drawings which show the existing and proposed landforms and the cut and fill necessary to secure the latter. These are included in Appendix 1 (pages C1.54 to C1.56). The drawing on page C1.51 also includes details of the

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amount of cut and fill proposed in each of the distinct areas referred to above. The Northern Faces would provide the majority of the cut required for the fill on this and the other areas of the site and the Clay Lake would be the major recipient. In net terms, the Northern Faces would contribute 158,000m³, whilst the Clay Lake and Plot C would receive 105,200m³ and 52,575m³ respectively. Plot D would receive 300m³. The SSSI, Northern Fields and main East Lake would not be subject to any cut or fill (although it should be noted that Plot C extends into the main East Lake at its eastern end). The materials balance calculations shown on the above drawing indicate a small excess of material (625m³). The applicant states that the volumes of materials available for restoration shown on the above drawing include stockpiles of topsoil and subsoil materials created during the working of the quarry and reserved for use in final restoration and that these will be excluded from the main cut and fill restoration works so they can be prioritised for use in areas to be planted with trees and hedgerows. For the avoidance of doubt, it is not proposed to import materials to the site for use in the revised restoration scheme.

17. The applications also include an aftercare and long term management programme for individual landscape areas and features within the East Lake area. The applicant proposes that this be supplemented within 6 months of planning permission being granted by a more detailed 5 year aftercare programme for all areas of new planting. The landscape restoration strategy is illustrated on the drawing included in Appendix 1 (page C1.57).
18. The applications (and associated ES) are supported by a number of expert reports which have been used to inform the proposals:
 - Stability Report;
 - Archaeological Assessment and Specification for Archaeological Building Recording;
 - Ecological Assessment;
 - Landscape Restoration Strategy Report and Masterplan;
 - Tree Report; and
 - Noise Assessment.
19. The Stability Report reviews the stability of the existing slopes and lake shoreline in the East Lake area and proposes remedial works to be undertaken prior to and during restoration. In doing so, it has regard to geology, groundwater and surface water. The report includes details of significant slope instability at the mid-point along the northern shore of the East Lake within the Northern Faces (which are at about 17m AOD), noting that a deep trench (-28m AOD and up to 100m wide – providing a lake depth of over 30m) lies immediately to the south within / near the edge of the lake (the majority of the lake being between -5 and -7m AOD – i.e. 7.5 to 10m deep). The instability is clear as evidenced by the significant slumping that has occurred in the bank above. The report states that whilst the weight of water within the trench provides a degree of stability to the bank above, further slope instability would be best addressed by cutting back the landform away from the north shore and dressing (soiling) and vegetating this. The Stability Report states that the platform elsewhere around the shoreline of the main East Lake is generally about 3m above lake water

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level, that the slopes entering the lake are mostly between 1:1 (vertical:horizontal) (45°) and 1:1.5 (33°), that the excavated slopes below water continue at about 1:1.5 to 1:2.5 (22°) for another 2 to 3m and then about 1:10 (5° to 6°), with the shallow slopes comprising mainly silt discharged after mineral processing. It also states that exposed slopes above water level are relatively stable despite showing evidence of erosion from wave action. The land above the RIGS sand face is owned by the applicant. The Stability Report notes that the exposed RIGS sand face to be retained is approximately 10m high, its lower 4 to 5m face is at 1:0.6 to 1:0.4 (60° to 70°), the upper 4 to 5m face is at 1:2.5 to 1:1 (22° to 45°) and that a berm of fill material at the base of the sand face prevents any material released from it moving far from the base. It also notes that whilst the lower face is devoid of vegetation and will degrade / erode over time there is no evidence of deep seated slope failures or extensive surface water erosion. It further notes that the upper sand and gravel face is covered with a reasonably thick grass sward and some well-established shrubs. The Stability Report notes that the sand faces and slopes elsewhere around the perimeter East Lake area are generally at 1:1 (45°) and about 10m high, although the slopes are as much as 15m high (adjacent to Bull Lane) and significantly lower at the entrance to the site on Rochester Road. It also notes that the perimeter slopes are primarily covered in dense vegetation (which would limit erosion) and recommends new planting in unvegetated areas to further assist in maintaining stability.

20. The Stability Report notes that the former clay working area has no natural outlet for impounded water and is now a lake (the Clay Lake). It states that clay was worked to 7m AOD. It further states that the lake would be infilled and a platform created at about 14m AOD which would allow the restored land to drain naturally towards the main lake to the south (via a gravel filled pathway or similar sub-strata flow path) and avoid perched water becoming trapped. The platform would be bounded by a 1:5 slope which would separate it from the higher unworked land to east, north and west. The Stability Report notes that a shoreline plateau would be created at 4m AOD with a 1:6 to 1:10 slope cut back between this and the undisturbed Northern Fields to the north at a level of 17m AOD, although the precise arrangement would be dependent on the exact location of the interface between the Gault Clay and Folkestone formation. The slope would be dressed (soiled) and vegetated to minimise the likelihood of minor surface instability and future slope failures. The Stability Report notes that a plateau would be created in Plot C at between 4 and 6m AOD with a 1:100 slope falling towards the main lake and that the new or cut shoreline banks would require dressing and vegetation. It notes that a more level profile at 4m AOD would be created in Plot D with a 1:100 fall towards the main lake to provide better surface water drainage. The Stability Report clearly indicates that the potential for slope failure beyond the site boundary remains a low risk.
21. The Archaeological Assessment and Specification for Archaeological Building Recording proposes that quarry structures within the East Lake area lost as a result of restoration work would be recorded. No other archaeological work is proposed as the parts of the site that would be affected by the proposed restoration works have already been worked.

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22. The Ecological Assessment includes the results of an extended Phase 1 habitat survey and various surveys (some updated) for protected species. The Ecological Assessment concludes that there are no identified ecological conflicts arising from the scheme and states that the main emphasis of the revised restoration scheme is the protection, management and enhancement of biodiversity and creation of a green framework with enhanced connectivity to wildlife conservation areas off-site. The proposed biodiversity enhancements are stated to be:

- New woodland, scrub and hedgerow planting on the perimeter of the site and following internal boundaries providing north / south and east / west linkages across the site and to habitats outside the site;
- The retention, enhancement and management of the hedgerow along Bull Lane;
- The incorporation of hedgerow remnants along the northern boundary of the Northern Fields into a new field boundary hedge line;
- The management of the TPO woodland and other woodland on the eastern and southern quarry sides (to improve its health and condition and enhance biodiversity);
- The establishment of species-rich pasture on the re-contoured and infilled areas of the site introducing a new habitat type;
- The establishment of lake reed beds to provide a wide variety of wetland habitats; and
- The improvement of wildlife potential by the removal of invasive species and thinning out vegetation in the SSSI / Ancient Woodland area.

The Ecological Assessment recommends the preparation and implementation of an Ecological Design Strategy and a Mitigation Strategy (i.e. a site wide Ecological Management Plan).

23. The Landscape Restoration Strategy Report and Masterplan (which the applicant states complements the Ecological Assessment and should be read with the Tree Report) sets out the rationale for the revised restoration scheme having regard to the approved restoration scheme, the current position, designated areas, landscape character and planning policy. It states that open pasture would be established using species-rich donor seed and that reedbeds would be established using suitable donor material. It also includes detailed proposals for the tree and shrub species to be used (and respective ratios of each) in the woodland areas and hedgerows. It states that the revised restoration scheme (as described above) would visually enhance and integrate the restored quarry complex into the wider landscape character and setting of Aylesford and the North Downs AONB to the north and create a wide range of bio-diverse habitats. The Landscape Restoration Strategy Report and Masterplan sets out the overall aftercare and long term management actions for each of the identified areas of the East Lake area. Whilst a number of aftercare and long term management actions are set out (e.g. ground felling of encroaching vegetation from the face of the exposed gravel with no ground disturbance and the removal of slumped gravels from the base of the gravel face to re-expose the geological interest in the SSSI; ground felling of encroaching scrub and trees to prevent root action on the RIGS sand face; annual reed cutting and removal of cuttings from individual reed bed compartments on a 4 to 7 year rotation; grassland management to prevent scrub

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succession with grass cut for hay and / or silage), it also proposes that a detailed aftercare programme for all areas of new planting be submitted within 6 months of permission being granted. The Tree Report includes details of existing trees and proposed protection measures (e.g. 7m stand-off to TPO, at least 5m stand-off to hedgerows and protective fencing) and management recommendations (e.g. regular tree health inspections, cutting ivy, lifting crowns, formative pruning and coppicing) for those to be retained.

24. The Noise Assessment includes predictions on the noise levels likely to be created by the implementation of the revised restoration scheme and concludes that the earthworks proposed in Plots C and Plot D would cause the 55dB $L_{Aeq, 1 \text{ hour}}$ limit to be exceeded at some of the houses near the southern boundary of the East Lake area. However, it confirms that those noise levels would be below the 70dB $L_{Aeq, 1 \text{ hour}}$ limit for temporary operations for up to 8 weeks a year provided for by condition 26 of planning permission TM/97/751/MR102.
25. The proposed deletion of condition 44 of planning permission TM/97/751/MR102 would simply remove the reference to clay extraction at Aylesford Quarry (given that condition 43 of TM/97/751/MR102 only now permits sand and gravel working at the site).

Planning Policy Context

26. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (July 2018) and the National Planning Practice Guidance. These are material planning considerations.
27. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSM1 (Sustainable development), CSM5 (Land-won mineral safeguarding), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM5 (Heritage assets), DM7 (Safeguarding mineral resources), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of minerals and waste), DM14 (Public rights of way), DM16 (Information required in support of an application), DM18 (Land stability), DM19 (Restoration, aftercare and after-use)
28. **Tonbridge and Malling Borough Council LDF Core Strategy (September 2007)** – Policies CP1 (Sustainable development), CP5 (Strategic gap), CP7 (AONBs), CP8 (SSSIs), CP16 (Bushey Wood area of opportunity) and CP25 (Mitigation of development impacts).
29. **Tonbridge and Malling LDF Managing Development and the Environment DPD (April 2010)** – Policies CC3 (Mitigation – Sustainable drainage), NE1 (Local sites of wildlife, geological and geomorphological interest), NE2 (Habitat networks), NE3 (Impact of development on biodiversity), NE4 (Trees, hedgerows and woodland), SQ1 (Landscape and townscape protection and enhancement), SQ2 (Locally listed buildings), SQ3 (Historic parks and gardens), SQ4 (Air quality) and SQ8 (Road safety).

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30. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission draft (November 2018)** – Draft (modified) Policy DM7 (Safeguarding mineral resources).
31. **Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018)** – Draft Policies LP1 (Presumption in favour of sustainable development), LP11 (Designated areas), LP12 (Areas of Outstanding Natural Beauty), LP13 (Local natural environment designations), LP18 (Sustainable drainage systems (SUDS)), LP19 (Habitat protection and creation), LP20 (Air quality), LP21 (Noise quality), LP22 (Contamination), LP23 (Sustainable transport), LP24 (Minerals and waste) and LP33 (Areas of opportunity – (a) Bushey Wood, Eccles).

Consultations

32. **Tonbridge and Malling Borough Council** – Objects to both applications for the following reasons:

Comments dated 30 November 2018:

- “1. *The Local Planning Authority does not consider that the applications made and currently under formal consideration by the Minerals Planning Authority satisfy the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, including under Regulation 18 (1-5) and Schedule 4. The applications are inadequate in both procedural and substantive terms. As such, the Local Planning Authority is of the view that the assessment underlying the purported Environmental Statement is inadequate, taken as a whole. It is therefore not possible for any informed or proper decision to be made as regards all likely significant environmental effects of the relevant development, when properly characterised.*
2. *Further to [1] above, the Local Planning Authority does not consider that the scope of subject matters which form the basis of purported Environmental Impact Assessment are adequate, or have allowed for any adequate assessment of all likely significant environmental impacts of the development, when properly characterised. The following subject matters require adequate assessment:*
- *Cumulative highway/traffic impacts for the lifetime of the project;*
 - *Public safety;*
 - *Land contamination;*
 - *Noise, dust and vibration;*
 - *Air quality; and*
 - *Socio-economic impacts.*
3. *Further to [1] and [2] above, the Local Planning Authority considers that the subject matters which have formed the basis of the purported Environmental*

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Impact Assessment overall have not been robustly or adequately assessed pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (including Regulation 18 (1-5) and Schedule) in other respects.

4. *Of relevance to the above, the Local Planning Authority notes that the basis for the assessment undertaken assumes an end use that comprises a nature conservation/amenity function. No adequate detail has been provided to specify this use. It is not clear whether the site will be made publically available or retained on a private basis, a matter that would have important implications for the parameters of the assessment to be undertaken. In addition, the Local Planning Authority is aware that the developer has a clear intention to utilise at least part of the site for residential purposes. There is no assessment of impacts on, or from, that residential development.*
5. *The Local Planning Authority considers that the single baseline scenario adopted in the assessment provides for an inadequate basis of assessment by virtue of the fact that it merely considers quarrying activities in full and in an abstract form. The Local Planning Authority is of the view that various and permuted baseline scenarios, prefaced upon minerals extraction either not being undertaken or being undertaken in part, should properly have been incorporated with the Environmental Statement and, in turn, should have informed the overall assessment of all likely significant effects.*

Informative

The County Council is advised that: The Local Planning Authority reserves the right to make further formal representations on the Environmental Statement and merits of the proposed development in the event that the above matters are refined. As such, the Local Planning Authority formally requests the County to give due notification upon any such further information being received. Equally, if the County does not intend to seek the resolve these matters, the Local Planning Authority requests notification to allow for its consideration over whether further representations are to be made.”

Further comments dated 7 February 2019:

“Thank you for your email, which we received on 30 January 2019, and for the opportunity to make further representations in connection with the applications currently under consideration by the County. I would ask that this letter be read in conjunction the representations previously made to the County in respect of this matter.

*Tonbridge and Malling BC acknowledge that the Secretary of State has now issued a formal screening opinion concluding that the residential development of part of this site does not fall to be considered as a part of a wider project for the purposes of applying the Environmental Impact Assessment Regulations (2017). However, and for the avoidance of any doubt, that does **not** alter the position of the Council in any way. The detailed commentary previously submitted was not simply predicated on the*

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argument that the residential development should be considered as part of the wider project, that is a subsidiary point and the decision from the Secretary of State on this is in no way determinative in respect of the current applications under consideration by the County.

In fact, very little of the Council's representations to the County discussed the failings of the Environmental Statement within the context of the view concerning the wider project (paragraphs 5.13 – 5.15 only specifically seek to set this out). Nothing concerning the far more substantive issues raised regarding the overall inadequacy of the submissions has been overridden as a result of the direction of the Secretary of State and the Council remains firmly of the view that in their current form the applications simply cannot be determined.

I would take the opportunity to reiterate the Council's previous objections in full as follows:

- 1 The Local Planning Authority does not consider that the applications made and currently under formal consideration by the Minerals Planning Authority satisfy the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, including under Regulation 18 (1-5) and Schedule 4. The applications are inadequate in both procedural and substantive terms. As such, the Local Planning Authority is of the view that the assessment underlying the purported Environmental Statement is inadequate, taken as a whole. It is therefore not possible for any informed or proper decision to be made as regards all likely significant environmental effects of the relevant development, when properly characterised.*
- 2 Further to [1] above, the Local Planning Authority does not consider that the scope of subject matters which form the basis of purported Environmental Impact Assessment are adequate, or have allowed for any adequate assessment of all likely significant environmental impacts of the development, when properly characterised. The following subject matters require adequate assessment:*
 - Cumulative highway/traffic impacts for the lifetime of the project;*
 - Public safety;*
 - Land contamination;*
 - Noise, dust and vibration;*
 - Air quality; and*
 - Socio-economic impacts.*
- 3 Further to [1] and [2] above, the Local Planning Authority considers that the subject matters which have formed the basis of the purported Environmental Impact Assessment overall have not been robustly or adequately assessed pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (including Regulation 18 (1-5) and Schedule) in other respects.*

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- 4 *Of relevance to the above, the Local Planning Authority notes that the basis for the assessment undertaken assumes an end use that comprises a nature conservation/amenity function. No adequate detail has been provided to specify this use. It is not clear whether the site will be made publically available or retained on a private basis, a matter that would have important implications for the parameters of the assessment to be undertaken. In addition, the Local Planning Authority is aware that the developer has a clear intention to utilise at least part of the site for residential purposes. There is no assessment of impacts on, or from, that residential development.*
- 5 *The Local Planning Authority considers that the single baseline scenario adopted in the assessment provides for an inadequate basis of assessment by virtue of the fact that it merely considers quarrying activities in full and in an abstract form. The Local Planning Authority is of the view that various and permuted baseline scenarios, prefaced upon minerals extraction either not being undertaken or being undertaken in part, should properly have been incorporated with the Environmental Statement and, in turn, should have informed the overall assessment of all likely significant effects.*

The Council would therefore strongly urge the County to seek to resolve these matters before making any recommendations to the Planning Committee. In the event that you do decide to proceed in any event, I would be grateful if you could arrange for a copy of the final report to be sent to me directly.”

33. **Aylesford Parish Council** – No objection to either application.
34. **Natural England** – No objection to either application. It notes that the SSSI and Ancient Woodland would not be disturbed and would remain intact and that the EIA clearly indicates that there would be no direct or indirect impacts on the SSSI. It welcomes the retention of the RIGs exposure as part of the proposed scheme. It notes that the Stability Report appears to confirm that there are no immediate concerns about the stability of the SSSI. It welcomes the emphasis on the need for long term management of the SSSI and suggests that the removal of any trees and scrub is helpful. It states that there is no need to keep the geological face exposed and that a light covering of herbaceous vegetation could be allowed to establish as the face can then be re-exposed when scientific access is needed. It also states that the area above the geological exposure and the ancient woodland should also be kept clear of trees and scrub as this is where boreholes or trial pits could be used to study the river terraces at some point in the future. It recommends that the suggested removal of slumped gravels at the base of the exposure not take place. Instead, it advises that if scientific access is required the material be temporarily removed and then replaced (on top of a geotextile) after any field survey work. It suggests that the Ancient Woodland be managed as such and according to good practice. It states that it has not been able to access the SSSI for some years and would appreciate the opportunity to do so (in order to reappraise its 2015 condition assessment).
35. **Historic England** – Has no comments to make on either application. It suggests that advice be obtained from KCC’s specialist conservation and archaeological advisers.

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36. **Environment Agency** – No objection to either application subject to the removal of any fish that may be in the clay lake prior to it being filled in. It also provides advice on environmental permitting, flood risk management, fish rescue, herbicide use and disposal of soil. It emphasises the importance of ponds and wetlands as important wildlife habitats that support a wide variety of plants and animals, including rare and endangered species, and recommends that this be taken into account when the application is determined. It also recommends that the applicant should supply a works method statement as part of the restoration scheme for the movement of materials which details the type, source and quantity of materials moved / imported and states that any materials used to backfill the lake should be of indigenous local cut so materials are the same as the underlying geology and prevent any potential groundwater quality impacts from non-similar soil types. This appears to be based on the idea that imported materials will be used, which is not the case. It has also suggested that there may be opportunities to reduce flood risk in the centre of Aylesford through the creation of a high level overflow channel on the land between Anchor Farm and the site itself and that it would support this idea in principle and would be happy to discuss this with the applicant and KCC. It has further suggested that there may be opportunities for meandering and other natural flood management measures upstream of the site (which it would support).
37. **Southern Water** – No objection to either application. It provides advice on sewers and the protection of its assets (including the proximity of planting to its apparatus).
38. **KCC SUDS** – No objection on either application. It advises that approval would be required from the Environment Agency for the infilling works in Flood Zone 2 and that careful consideration should be given to the displacement effects of infilling the clay lake to avoid flooding other areas or adversely affecting the water quality of other receiving bodies.
39. **KCC Highways and Transportation** – No objection on either application. It notes that the existing / permitted access on Rochester Road would continue to be used.
40. **KCC Archaeology** – No objection on either application. It is satisfied with the proposed Written Scheme of Investigation (WSI) relating to archaeological building recording.
41. **KCC Conservation Officer** – No objection on either application. Is of the opinion that the proposed works would have no unacceptable adverse impact on the setting, character or appearance of the Aylesford Conservation Area.
42. **KCC Noise Consultant** – No objection on either application. It has advised that some of the proposed works (in Plots C and D) would give rise to the 55dB L_{Aeq, 1 hour} noise limit (i.e. the limit for normal mineral working) being exceeded at the nearest noise sensitive property. However, it agrees that it is reasonable to allow up to 70dB L_{Aeq, 1 hour} for temporary operations such as site preparation, soil and overburden stripping, bund formation and removal and final restoration for up to 8 weeks a year and notes that this is already provided for by planning permission TM/07/751/MR102.

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43. **KCC Dust / Air Quality Consultant** – No objection on either application subject to the dust mitigation measures required by condition 28 of planning permission TM/97/751/MR102 being implemented during site activities. It notes that there will not be significant vehicle movements on the public highways (nor through neighbouring AQMAs) and is satisfied that risk of significant dust impact will be low.
44. **KCC Landscape Consultant** – It advises that the proposed Landscape Restoration Strategy / Masterplan is generally appropriate although additional details concerning the local donor material for the reed bed creation and the establishment of open pasture grassland is required. It suggests that additional wildflower plug planting reflecting local wildflower meadows may benefit the establishment of grassland biodiversity dependent on the locally sourced seed characteristics. It also suggests the restoration planting would benefit from the inclusion of larger tree planting in the form of heavy standards and feathered tree planting. It also recommends that soil testing is undertaken and subsequent ground preparation details and mix details are then established including any proposed topsoil application and soil amelioration if required. It further advises that UK provenance certification should be provided for the planting.
45. **KCC Geotechnical Consultant** – No objection to either application. It states that it is in general agreement with the conclusions of the submitted Land Stability Report.
46. **KCC Ecological Advice Service** – No objection subject to the provision of a detailed ecological mitigation strategy to ensure that the restoration works do not result in a breach of wildlife legislation and a site wide management plan being produced to ensure the created / restored / retained habitats are managed appropriately to retain the ecological interest of the site.

It notes that the ecological surveys indicate that the site and the applicant's wider land holdings contain 6 species of foraging / commuting bats, Great Crested Newts, slow worms, common lizards, grass snakes, notable bird species (during the breeding and wintering bird seasons) and rare and nationally rare terrestrial invertebrates, as well as an area of ancient woodland, a geological SSSI and the UK BAP Habitat "Open Mosaic Habitat on Previously Developed Land". It advises that the ecological surveys provide a good understanding of the species found within the site and that the restoration plan demonstrates that there would be sufficient habitat to support any increase in population size and distribution that may have arisen as a result of increased vegetation since the surveys were carried out (particularly as any increase is unlikely to be significant). It also advises that whilst the existing ecological surveys are sufficient to inform the determination of the planning application, updated ecological surveys would be required to inform a detailed mitigation strategy which will have to be implemented during the restoration works to ensure that the works do not result in a breach of wildlife legislation. It further advises that species mitigation must be designed to take in to account the applicant's future plans to avoid / minimise the risk of this being carried out more than once.

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It notes that the restoration plan proposes that hedgerow, scrub, woodland, reed beds and species rich grassland would be created within the restored site and that existing habitats including the area of Ancient woodland would be retained and is content that these habitats would retain the majority of the species interest of the site. However, it also notes that the development would result in a loss of “Open Mosaic Habitat on Previously Developed Land” and that the restoration plan does not indicate that bare ground / successional habitat areas would be created. It states that as the invertebrate surveys indicated that the open mosaic habitat areas had the greatest invertebrate interest within the site, there is a need to ensure that this interest is retained. Rather than seeking an amendment to the restoration scheme, it proposes that the site wide management plan provide for an area of the site to be cleared of vegetation every 1-2 years and allowed to naturally regenerate. (with the areas to be cleared agreed between the applicant and its ecologist).

47. **KCC Public Rights of Way** – Has no objections to either application.
48. **Kent Downs AONB Unit** – Has no comments to make on either application (having assessed the proposed restoration scheme against the previously approved scheme).
49. **Southern Gas Networks** – Advises that its gas pipe locations are available via its online service.
50. No responses have been received from **Kent Wildlife Trust, CPRE Kent, UK Power Networks** and **South East Water**.

Representations

51. The application was publicised by site notice and newspaper advertisement and the occupiers of all properties within 250 metres of the sites were notified on October 2018. Further site notices were put on and another newspaper advertisement published in November 2018 (due to the amendment to application TM/18/2555 no longer proposing to use Bull Lane for access).
52. Nine representations have been received (relating to both applications), including from the local MP (Tracey Crouch). The objections and concerns can be summarised as follows:
 - Access from / to and use of Bull Lane (relating to concerns about HGV and other traffic on Bull Lane through and near Eccles and at the junction between Bull Lane and Pilgrims Way);
 - HGV movements, traffic and congestion on unsuitable local roads more generally;
 - Noise and pollution impact on local properties;
 - Concerns about lack of consultation (i.e. not all Bull Lane / Eccles residents were notified by letter);
 - Concerns about the relationship with proposed new housing and other development on part of the site (the proposals appear to be designed to

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- facilitate that development) and in the area more generally; and
- Concerns that the proposed landscaping could introduce new barriers to future public access from the north and south of the site.

Local Member

53. County Council Member Mr P Homewood (Malling Rural North East) was notified in October and November 2018.

Discussion

54. The applications are being report to KCC's Planning Applications Committee for determination as planning objections have been received from Tonbridge and Malling Borough Council and those who have submitted representations.
55. 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 27 to 29 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 26 and the draft development plan policies in paragraphs 30 and 31.
56. The main issues that require consideration are as follows:
- The adequacy of the Environmental Impact Assessment (EIA) and associated Environmental Statement (ES);
 - The impact on mineral resources;
 - Effective and appropriate restoration and aftercare for the permitted after-use;
 - Land stability;
 - Water environment (surface water and groundwater);
 - Impact on / loss of SSSI (and RIGS Sand Face);
 - Impact on heritage assets / archaeology;
 - Impact on / loss of Ancient Woodland;
 - Ecological impact;
 - Landscape impact;
 - Health and amenity;
 - Public rights of way;
 - Traffic impact;
 - Socio-economic impact; and
 - The relationship between the East and West Lake areas.

The adequacy of the Environmental Impact Assessment (EIA) and associated Environmental Statement (ES)

57. Tonbridge and Malling Borough Council (TMBC) has objected to the applications as it considers the EIA and associated ES to be procedurally and substantially inadequate

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such that it believes an informed decision on whether there would be significant environmental effects is not possible. It considers this to be contrary to Regulation 18 (paragraphs 1 to 5) and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”). It states that the scope of the EIA / ES is inadequate in that it does not address: cumulative highway / traffic impacts for the lifetime of the project; public safety; land contamination; noise, dust and vibration; air quality; and socio-economic impacts. It also states that the subject matters that have been addressed in the EIA / ES have not been robustly or adequately assessed. TMBC also states that the basis for the assessment undertaken assumes a nature conservation / amenity function end use (after-use) although no adequate detail has been provided to specify this use and that is not clear whether the site will be made publicly available or retained on a private basis. It further states that there is no assessment of impacts on, or from, the proposed residential development. It also considers that additional baseline scenarios ought to have been considered (such as those where mineral extraction is either not undertaken or is undertaken in part as opposed to in full).

58. Regulation 18(3) of the EIA Regulations states (amongst other things) that an ES must include at least:
- (a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;
 - (b) a description of the likely significant effects of the proposed development on the environment;
 - (c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
 - (d) a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;
 - (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
 - (f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

Regulation 18(4) states that an ES must also:

- (b) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and
- (c) be prepared, taking into account the results of any relevant UK environmental assessment, which are reasonably available to the person preparing the environmental statement, with a view to avoiding duplication of assessment.

Regulation 18(5) also requires that an ES be prepared by competent experts and be accompanied by a statement from the developer outlining the relevant expertise or

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qualifications of such experts. Regulations 18(1) and 18(2) are not directly relevant in this case since they relate to “subsequent applications” (i.e. applications for approval of a matter where the approval is required by or under a condition to which a planning permission is subject and must be obtained before all or part of the development permitted by the planning permission may be begun). If a formal scoping opinion or direction had been issued (relating to the scope and level of detail of the information to be provided in the ES), Regulation 18(4)(a) states that the ES must also be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion or direction). No formal scoping opinion or direction was issued in this case. Schedule 4 of the EIA Regulations expands upon Regulation 18(3) in setting out the information that should be included in an ES.

59. The officer delegated report relating to its objections indicated that TMBC believed that the current applications ought to be considered as part of a wider project with planning application TM/17/02971/OA (i.e. the housing / local centre proposals which are now the subject of the appeal (APP/H2265/W/18/3209279) referred to in paragraph 9 above). This is reinforced by the report to its Area 3 Planning Committee on 22 November 2018 relating to application TM/17/02971/OA in which TMBC sets out the position it intends to defend at the appeal. It should be noted that the need for the applications to be considered as part of a wider project has since been rejected by the Planning Inspectorate (PINS) and the Secretary of State in an EIA screening direction dated 16 January 2019. The screening direction concluded that planning application TM/17/02971/OA would not be likely to result in significant environmental impact, was not EIA development and that EIA was not required. It should also be noted in respect of the appeal site that the PINS screening direction states (amongst other things) that *“The site is located on a quarry with remaining deposits that are no longer viable to extract. It is understood that the quarry has an extant planning permission for a restoration scheme currently being revised by the Mineral Planning Authority that will be implemented on site before the proposals can be initiated.”* It should also be noted that TMBC appears to have accepted in paragraph 7.1(1) of the report to its Area 3 Planning Committee on 22 November 2018 that the EIA / ES submitted with the mineral planning applications *“may be adequate for KCC’s decision making”*.
60. The adequacy or otherwise of the EIA / ES is a matter for the determining authority (i.e. KCC) to decide having regard to the relevant regulations, the proposed development and relevant circumstances. It should be noted that no other consultees have objected or expressed any concern about the adequacy or otherwise of the EIA / ES, including those whose interests / responsibilities relate to the issues referred to by TMBC. Paragraph 035 of National Planning Practice Guidance for EIA (the EIA PPG) states that *“Whilst every Environmental Statement should provide a full factual description of the development, the emphasis should be on the “main” or “significant” environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. Where, for example, only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been*

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considered.” Paragraph 041 of the EIA PPG states that “The 2017 Regulations do not require an applicant to consider alternatives. However, where alternatives have been considered, paragraph 2 of [Schedule 4](#) requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied (for example in terms of development design, technology, location, size and scale) and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.”

61. The mineral planning applications have been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and seek to vary conditions 20, 28 and 32 of planning permission TM/93/612 and conditions 36 and 39 of planning permission TM/97/751/MR102 and to delete condition 44 of planning permission TM/97/751/MR102 (i.e. applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted). Section 73 requires that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application. National Planning Practice Guidance (NPPG) states that: (a) where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended; (b) a decision notice describing the new permission should be issued, setting out all of the conditions related to it; and (c) to assist with clarity decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Whilst Section 73 enables KCC to impose different conditions to those existing (including those which are not specifically proposed to be amended), it would be necessary to justify any such changes and ensure that they are reasonable having regard to relevant guidance.
62. In this case the primary reason for the applications is to secure a revised restoration scheme for the East Lake area (Aylesford Quarry east of Bull Lane) and provide for consistency between the noise conditions on the extant planning permissions. The applicant states that working, restoration and aftercare for the West Lake area (Aylesford Quarry west of Bull lane) will be addressed at a later date.
63. Although no formal scoping opinion or direction has been issued (such that Regulation 18(4)(a) is not relevant), KCC provided advice to the applicant in 2017 and 2018 on both the proposed and related development at Aylesford Quarry and those issues that might reasonably be scoped into an EIA / ES (or addressed in some other way as part of any planning application) if such an opinion were to be requested. In so far as relates to the development now proposed, the advice specifically indicated that landscape, ecology, archaeology / heritage, geotechnical / land stability and the water environment should be addressed. KCC also advised that it would be necessary for the applicant to demonstrate that the requirements of the existing conditions relating to

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safeguarding the environment, health and amenity (e.g. those relating to noise and dust / air quality) remain appropriate and effective. The advice also specifically noted the importance of any proposals ensuring effective and appropriate restoration and aftercare for the intended after-use and (ideally) not adversely affecting the SSSI and Ancient Woodland. Given that planning permissions TM/93/612 and TM/97/751/MR102 include no specific limit on the number of HGV movements that can enter or leave the site via Rochester Road, and as planning permission TM/98/462 (amended by TM/00/2827) restricts HGV movements generated by all mineral and related development at the site to no more than 160 movements (80 in / 80 out) per day, the advice acknowledged that unless alternative access arrangement were proposed (e.g. using Bull Lane), highways and transportation was unlikely to be a significant consideration.

64. The EIA / ES addresses those matters which KCC informally advised should be included (i.e. landscape, ecology, archaeology / heritage, geotechnical / land stability and the water environment). It also briefly addresses the SSSI and Ancient Woodland, confirming that the revised restoration scheme would have no impact on these. Since the applications (as amended) propose to use the Rochester Road entrance and would give rise to only very limited numbers of HGV movements, highways and transportation was omitted from the EIA / ES. This is consistent with KCC's earlier advice. The extent to which those matters that have been scoped into the EIA / ES have been satisfactorily addressed and whether or not those matters which TMBC believes should have been included needed to be (i.e. cumulative highway / traffic impacts for the lifetime of the project, public safety, land contamination, noise, dust and vibration, air quality and socio-economic impacts) are addressed in the following sections of this report.

The impact on mineral resources

65. Paragraph 203 of the National Planning Policy Framework (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 and that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Paragraph 204 states (amongst other things) that planning policies should seek to safeguard mineral resources by defining Mineral Safeguarding Areas, that policies should be adopted to avoid sterilisation and that the prior extraction of minerals should be encouraged where practical and environmentally feasible. Paragraph 206 states that local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.
66. Ensuring the delivery of adequate and steady supplies of sand and gravel and the safeguarding of economic mineral resources for future generations are included in the spatial vision and strategic objectives of the Kent Minerals and Waste Local Plan (Kent MWLP). Policy CSM2 of the Kent MWLP seeks to ensure the supply of (amongst others) soft sand, sharp sand and gravel and silica sand. Policies CSM5 and DM7 of the Kent MWLP and draft (modified) Policy DM7 of the Early Partial Review of the Kent MWLP 2013-30 Pre-Submission draft (November 2018) seek to ensure that

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economic mineral resources are not unnecessarily sterilised.

67. Whilst Aylesford Quarry was previously worked for soft sand above and below water table (with that below water table being silica sand), it has been accepted by KCC following the Kent MWLP Examination in 2015 that the only viable mineral reserves remaining at the quarry are a relatively limited amount of soft (building) sand above the water table primarily in the West Lake area. However, even though the amount of recoverable mineral may be small (up to 200,000 tonnes (t)), the site is still within a Mineral Safeguarding Area because of the remaining reserves of soft sand (including silica sand).
68. In responding to application TM/17/02971 (for housing / local centre) on behalf of KCC as Mineral Planning Authority in January 2018, KCC's Head of Planning Applications raised no objection on mineral sterilisation grounds although she did suggest that the minerals assessment information submitted by AHL in support of the application (effectively that submitted to and accepted at the Kent MWLP Examination) be supplemented by a short update on whether there have been significant changes in respect of economic viability since 2015. Such an assessment has now been undertaken on behalf of AHL and is included in the Proof of Evidence of David Thaddeus (Matthews and Son LLP Chartered Surveyors) which has been submitted to PINS for the Public Inquiry referred to in paragraph 9 above. The assessment confirms what KCC had previously indicated to TMBC (i.e. that there was no reason to believe that there have been any changes that might lead to the conclusion that silica sand extraction is now economically viable at Aylesford Quarry) and reaffirms the above position in terms of soft sand reserves (being in the West Lake area). The assessment suggests that it may be theoretically possible for up to 65,856t of silica sand to be extracted from part of the former plant site area. However, it indicates that this is likely to be "contaminated" by silt and other materials as a result of past disturbance and that it would be extremely difficult operationally. The assessment also indicates that that up to 530,000t of hoggin could be extracted from elsewhere at the site (i.e. the Northern Fields). In terms of the hoggin, it is understood that AHL may decide to submit a revised scheme of working to extract some or all of that material if it is unable to secure planning permission for the revised scheme of restoration and aftercare and residential development on the appeal site.
69. Given that the remaining workable reserves of soft sand above water are in the West Lake area, I am satisfied that there can be no objection on mineral sterilisation grounds to the East Lake area being fully restored or developed for an alternative use(s) provided it remains possible for the reserves in the West Lake area to be worked. Should this not be possible, consideration would need to be given to the implications of the remaining soft sand reserves being sterilised. The proposed deletion of condition 44 of TM/97/751/MR102 would serve to clarify that no further clay extraction will take place at the site and is therefore desirable. The clay at Aylesford Quarry is not included in any landbank and is not a safeguarded mineral.
70. The remaining soft sand reserves in the West Lake area lie within Area 5 of the TM/97/751/MR102 planning permission area (i.e. to the north of the western lake and immediately to the west of Bull Lane). Condition 2 of TM/97/751/MR102 requires the

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existing Rochester Road access (or that also on Rochester Road provided for by planning permission TM/98/462 as amended by TM/00/2827 on appeal) to be used for Areas 3, 4, 5, 6 and 7, although it does additionally allow Area 8 (which lies to the south of the WWTW private access road) to use the WWTW access road (and hence Bull Lane). The approved scheme of working, restoration and aftercare for both TM/93/612 and TM/97/751/MR102 also requires that the Rochester Road access be used and for sand from the West Lake area being transported by dump truck through the tunnel under Bull Lane. However, as modern dump trucks are too large to travel through the tunnel an alternative means of transportation would be required. One alternative would be for planning permission to be obtained to remove the sand via Bull Lane. As noted elsewhere in this report objections from local residents to the use of Bull Lane through Eccles have been received and although Bull Lane is the signed HGV route to the Island Site (to the south west of Aylesford Quarry) it is by no means certain that such planning permission would be granted (although KCC has previously granted planning permission necessitating the use of Bull Lane to serve temporary waste management development at the Island Site with restrictions on the number of HGV movements each day and the timing of such movements). Another alternative would be to employ a relatively short length of field conveyor through the tunnel and for the excavated sand to be fed via a field hopper onto the conveyor for onward transportation through the East Lake area. The applicant has indicated verbally that if planning permission is secured for the proposed residential development but is not granted to allow the soft sand to be removed via Bull Lane, the remaining soft sand reserves may be used as part of that development (thereby making the multiple handling associated with use of a conveyor economically viable). I am satisfied that there remains a reasonable prospect of the remaining soft sand being worked (either via Bull Lane or through the tunnel).

71. For the reasons given above, I am satisfied that the proposed development is acceptable in the context of the mineral resource policies referred to in paragraphs 65 and 66 above.

Effective and appropriate restoration and aftercare for the intended after-use

72. Paragraph 204 of the NPPF states (amongst other things) that planning policies should ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place. Paragraph 205 states that when considering proposals for mineral extraction, mineral planning authorities should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. The National Planning Practice Guidance for Minerals (the Minerals PPG) includes further guidance on the restoration and aftercare of mineral sites. It further reinforces the desirability of ensuring that land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place. Amongst other things, it states that separate planning permission is likely to be required for most forms of after-use except agriculture and forestry, nature conservation and informal recreation which does not involve substantial public use.

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73. The restoration of mineral sites to the highest possible standard to sustainable after-uses that benefit the Kent community economically, socially or environmentally and, where possible, with after-uses which conserve and improve local landscape character and incorporate opportunities for biodiversity is one of the strategic objectives of the Kent MWLP and is consistent with its spatial vision. This strategic objective is also reflected in Policies DM1, DM2, DM3, DM5, DM10, DM16, DM18 and DM19 of the Kent MWLP.
74. The key restoration, aftercare and after-use requirements for mineral sites are set out in Policy DM19 of the Kent MWLP. The other policies referred to above, set out the policy requirements in terms of specific topic areas such as sustainable design (DM1), environmental and landscape sites of international, national and local importance (DM2), ecological impact assessment (DM3), heritage assets (DM5), water environment (DM10), information required in support of an application (DM16) and land stability (DM18). These topic areas are also addressed to some degree in Policies CP1, CP7 and CP8 of the TMBC LDF Core Strategy, Policies CC3, NE1, NE2, NE3, NE4, SQ1, SQ2 and SQ3 of the TMBC LDF Managing Development and the Environment (MDE) DPD and draft Policies LP1, LP11, LP12, LP13, LP18 and LP19 of the emerging TMBC Local Plan.
75. Policy DM19 of the Kent MWLP states that satisfactory provision should be made for high standards of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner and that restoration plans should be submitted with the planning application which reflect the proposed after-use and include appropriate details. These include: a site-based landscape strategy for the restoration scheme; the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats; the geological, archaeological and historic heritage and landscape features and their settings; consideration of land stability after restoration; details of the proposed final landform; types, quantities and source of soils or soil making materials to be used; proposals for meeting targets or biodiversity gain; planting of new native woodlands; details of the seeding of grass and planting of trees, shrubs and hedges; and a programme of aftercare to include details of vegetation establishment, vegetation management and biodiversity habitat management. It also states that aftercare schemes should incorporate an aftercare period of at least five years.
76. The applications include a Landscape Restoration Strategy and Masterplan which, when read with the other documents submitted with the applications, broadly addresses the matters referred to in Policy DM19 and / or proposes that further details be secured by condition if planning permission is granted. The applications propose a nature conservation / amenity after-use for the East Lake area. Restoration would be undertaken using indigenous materials already on site, including soils previously set aside for restoration purposes.
77. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to whether or not the proposals would provide effective and appropriate restoration and aftercare for the permitted after-use, they do refer to a lack of clarity about the after-use and whether or not public access would be provided.

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They also refer to the applicant's intention to use part of the site for residential purposes and the fact that there is no assessment of impacts on, or from, that residential development. These matters are also referred to in the associated officer delegated report which also states that these issues have additional implications for land stability, the water environment, health and amenity, socio-economics, land contamination and highway impacts.

78. No objections have been raised by other consultees or others to the proposed restoration and aftercare strategy.
79. As noted in paragraph 6 above, both TM/93/612 and TM/97/751/MR102 require the cessation of mineral working by 21 February 2042. TM/93/612 includes no specific date for the completion of restoration whereas condition 1 of TM/97/751/MR102 states that final restoration must be completed by 21 February 2042 or within 2 years of the completion of extraction. Although condition 30 of TM/93/612 additionally seeks to provide for the restoration and landscaping of those parts of the site covered by that permission if excavation ceases and does not recommence to any substantial extent for a period of 2 years, this is incapable of preventing further mineral working prior to 21 February 2042 and may not necessarily ensure that those parts of Aylesford Quarry are fully restored given the relationship with TM/97/751/MR102. There is no such condition on TM/97/751/MR102. Preventing further mineral working prior to 21 February 2042 can only be secured by formally revoking the planning permissions (which would give rise to compensation) or implementing new development which prevents mineral working on any affected area of the site. Given this, approving the proposed revised restoration scheme for the East Lake area probably represents the best way of ensuring that a significant part of Aylesford Quarry is fully restored as soon as possible.
80. The question of whether the proposed development complies with Policy DM19 is dependent on the conclusions of the following sections.

Land stability

81. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural and historic environment or human health. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of land instability and remediating and mitigating unstable land where possible. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks from land instability. In respect of slope stability, the Minerals PPG advises that the consideration needed at the time of an application will vary between mineral workings depending on a number of factors such as the depth of working, the nature of materials excavated and the nature of the restoration proposals. Land stability is further addressed in the Land Stability PPG. Amongst other things, this provides advice on the content of stability reports.

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82. Policy DM18 of the Kent MWLP states that planning permission will be granted for minerals development where it is demonstrated that it would not result in land instability and that proposals that could give rise to land instability must include a stability report and measures to ensure land stability. In this case, land instability has already occurred as a result of past mineral extraction and measures are required to minimise the risk of further instability. The applications include a stability report which addresses this issue.
83. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to land stability, its officer delegated report relating to its objections does. In respect of the applicant's Stability Report it states: *"This provides only background information concerning the context of the site; explains the geology of the site and area, levels and gradients involved; sets out the proposed works, and concludes no risks established or substantive mitigation. It is unclear from the information what land raising is necessary as part of the residential scheme or the restoration proposals. The materials proposed for, their transportation onto site, and the construction method(s) envisaged for, altering land levels are not defined clearly or at all. The ES lifts certain aspects of the conclusions of the report and concludes a positive impact (due to landscaping apparently) once the restoration is complete. This does not amount to EIA in respect of land stability and no substantive assessment on this can be reasonably or rationally concluded."*
84. Notwithstanding these comments, no objections have been raised by consultees (including KCC's Geotechnical Consultant) or others in respect of land stability.
85. When read in their entirety the applications are clear why significant land remodelling works are required and how these would be undertaken. As noted in paragraph 19 above, significant slumping has occurred (and continues to occur) to north of the main lake. Left in its current form, it is clear that the instability will continue leading to further slumping and loss of land to the north of the main lake (including ultimately at least some of the SSSI) as materials fall into the deep water immediately to the south. The significant "cut" proposed in the Northern Faces is designed to minimise future instability by reducing gradients in this part of the East Lake area. The proposed infilling of the Clay Lake to the north of these unstable slopes would avoid perched water exacerbating instability to the south as it tries to drain towards the main lake. The applications include details of the cut and fill required to achieve the proposed final restoration contours for each part of the East Lake area. As noted in paragraph 16 above, landraising ("fill") is proposed in a number of areas of the site. Whilst it would appear that some of this has been designed with the applicant's current and future aspirations in mind (e.g. the proposed residential development in Plot C and proposed TMBC Local Plan allocation in Plot D), this does not undermine what is proposed as long as KCC is satisfied that what is proposed is acceptable in terms of providing an effective and appropriate restoration solution for the mineral site and does not give rise to unacceptable adverse impacts.
86. It should be noted that altering the current levels in Plots C and D would enable the land to be used more effectively following restoration regardless of whether residential

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development were to take place. In terms of the required after-use (which may reasonably include agricultural land as well as the stated nature conservation / amenity use), restoration of these areas to open pasture draining gently into the main lake (1:80 to 1:100) would be beneficial. The proposed infilling at the eastern end of the main lake in Plot C would increase the usable area of land in that area without prejudicing the future use of the lake. With the exception of the infill proposed within the main lake itself, the majority of the fill proposed in Plots C and D would actually be cut within these areas. For the avoidance of doubt, all materials used in the proposed restoration of the East Lake area would be sourced from within the East Lake area. No materials are proposed to be imported to the site. The restoration operations would be undertaken using an excavator in cut area, a tracked dozer and vibratory roller in fill area and up to 4 dump trucks transporting material between the two areas.

87. Whilst the retention of the SSSI and RIGS Sand Face may lead to some future instability in those particular parts of the East Lake area, I am satisfied that the proposed revised restoration scheme would provide an acceptable solution in terms of slope stability and is therefore generally consistent with the objectives of Policy DM18 and the NPPF and associated Minerals and Land Stability PPGs. In coming to this view, I am mindful that fully resolving the potential instability in all parts of the East Lake area would necessitate either the removal of all or part of the SSSI and RIGS exposure or (if environmentally acceptable) the importation of huge quantities of restoration materials from outside the site and infilling the main lake. I am also content that land stability has been adequately addressed in the EIA / ES.

Water environment (surface water and groundwater)

88. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks from land contamination.
89. Policy DM10 of the Kent MWLP states that planning permission will be granted for minerals development where it would not result in the deterioration of physical state, water quality or ecological status of any water resource and water body (including rivers, streams, lakes and ponds), have an unacceptable impact on groundwater Source Protection Zones (SPZs) or exacerbate flood risk. It also states that proposals must include measures to ensure the achievement of no deterioration and improved ecological status of all waterbodies within the site and / or hydrologically connected to the site and that a hydrogeological assessment may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.

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90. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to the water environment, its officer delegated report relating to its objections does. In respect of the water environment it states: *"This is addressed only very briefly in the ES in terms of surface water and groundwater impacts. The only conclusion is that there would be a generally positive impact as a result apparently of biodiversity enhancements (presumably in terms of the completed development but this is not made clear). There is no technical evidence to support this claim/conclusion, and so it is not founded on any clear basis and is limited in nature in any respect. Consideration is inadequate."* TMBC has also objected on the grounds that the EIA / ES does not include land contamination.
91. Notwithstanding these comments, no objections have been raised by consultees (including the Environment Agency and KCC SUDS) or others in respect of the water environment.
92. As noted above, surface water and groundwater impacts are addressed in the application (specifically in the ES and the associated Stability Report).
93. Whilst the water environment is addressed relatively briefly in the applications, it is evident from technical consultee responses that sufficient information has been included in respect of relevant issues. It should also be noted that existing conditions relating to the water environment would continue to apply during the proposed restoration. These include those imposed to minimise the risk of pollution of any water course or the aquifer such as no fill materials from outside sources being imported to the site and appropriate arrangements being employed for oil, fuel, lubricant or other potential pollutant storage. The other key control relating to the water environment relates to the permitted depth of working. However, since no further extraction is proposed below water level in the East Lake area, this is no longer directly relevant.
94. Whilst land contamination is not specifically addressed in the EIA / ES, it is possible that land may have been contaminated by pollutants (such as fuels and oils) as a result of operations that have occurred on site. The potential for this is more likely in parts of Plot C which previously contained the processing plant and which still contains the workshops and office building as well as hardstanding and the remains of other structures. Given this possibility, I consider it appropriate to include a new condition which would require works to cease in any part of the East Lake area where any ground contamination is encountered during the restoration works until such time as an appropriate method statement for remediating this has been agreed with KCC and successfully implemented. In the event that this becomes necessary, it would also be appropriate to secure a verification report confirming that the contamination has been satisfactorily dealt with before restoration works re-commence on the affected part of the site. The applicant has agreed to this approach.
95. Given the above and since it is not proposed to import materials to the site for infilling and restoration, I do not consider that the works method statement proposed by the Environment Agency (detailing the type, source and quantity of materials to be used to backfill the Clay Lake) is necessary. As noted in paragraph 36 above, the

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Environment Agency has suggested that there may be opportunities to reduce flood risk in the centre of Aylesford through the creation of a high level overflow channel on the land between Anchor Farm and the site itself. It has indicated that it would support this idea in principle and would be happy to discuss this with the applicant and KCC. It has further suggested that there may be opportunities for meandering and other natural flood management measures upstream of the site (which it would again support). Whilst the applicant owns much of the land between Aylesford Quarry and Anchor Farm, it is understood that it does not own it all (including the stream itself). Given this, and as this is not directly related to the acceptability or otherwise of the proposed revised restoration scheme, I consider it appropriate to include an informative on any planning permissions that may be granted encouraging the applicant to participate in discussions with the Environment Agency and others to explore these and related issues further.

96. Subject to the imposition of a new condition to address potential land contamination, I am satisfied that the proposed development would not adversely affect the water environment and would accord with Policy DM10. I am also content that the water environment has been adequately addressed in the EIA / ES.

Impact on / loss of SSSI (and RIGS Sand Face)

97. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing sites of geological value (in a manner commensurate with their statutory status or identified quality). Paragraph 175 states that when determining planning applications, local planning authorities should not normally permit development which is likely to have an adverse effect on a SSSI.
98. Policy DM2 of the Kent MWLP states that proposals for minerals development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of national importance such as Sites of Special Scientific Interest (SSSIs). It states that proposals for minerals development within or outside of SSSIs that are likely to have any unacceptable adverse impact on a SSSI will not be granted planning permission except in exceptional circumstances where it can be demonstrated that the benefits of the development outweigh any impacts that it is likely to have on the features of the site that make it of special scientific interest and the benefits of the development outweigh any impacts that it is likely to have on the national network of SSSIs.
99. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to the impact on / loss of the SSSI, its officer delegated report relating to its objections does. In respect of the impact on / loss of the SSSI it states: *"No specific reports. The ES merely suggests that no restoration works are required within the SSSI, and on this basis, that no impacts are to be considered. This is demonstrably narrow and inadequate in EIA terms, particularly given that the County (albeit*

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informally, it appears) scoped this topic in to the EIA.”

100. Notwithstanding these comments, no objections have been raised by consultees (including Natural England and KCC Archaeology) or others in respect of the impact on / loss of the SSSI (which lies within TM/97/751/MR102). Natural England accepts that there would be no direct or indirect impact on the SSSI and that there appear to be no immediate concerns over its stability. Natural England also welcomes the proposals for the long term management of the SSSI and makes a number of suggestions as to how this could be improved from its perspective (see paragraph 34 above). It would also appreciate the opportunity to access the SSSI in order to reappraise its previous condition assessment.
101. As noted in paragraph 11 above, when KCC issued its screening opinion on potential applications for revised restoration at Aylesford Quarry it was unclear whether the works would directly affect the SSSI. Discussions that took place between KCC, AHL and Natural England had referred to the possibility that the SSSI (and Ancient Woodland) might be directly affected and, indeed, removed in order to provide the greatest possible long term stability in this part of the site. Natural England was opposed in principle to any proposals that would have resulted in the loss of the SSSI (in whole or part) in the absence of a suitable alternative site being provided. AHL has always maintained that this is not possible. The possibility that AHL might propose to remove the SSSI (in whole or in part) or bring forward proposals that may indirectly affect it influenced KCC's approach to the potential scope of any EIA and why the impact on / loss of the SSSI was “informally” scoped into it. However, the current proposals would both retain the SSSI and provide measures for its long term management.
102. KCC Archaeology was also previously involved in discussions with AHL and Natural England about revised restoration proposals. It's interest in the SSSI related to the potential for Palaeolithic remains and geo-archaeology, as well as archaeology more generally in any previously unworked / undisturbed parts of the site. Since the SSSI would be retained and no previously unworked / undisturbed parts of the site would be affected by the revised restoration proposals it is unsurprising that it has raised no objection.
103. In respect of locally important sites such as Local Geological Sites (i.e. Regionally Important Geological Site (RIGS)), Policy DM2 states that minerals proposals located within such sites will not be granted planning permission 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.
104. As with the SSSI, the RIGS (which lies within TM/97/751/MR102) would be retained as part of the restoration proposals and measures are proposed for its long term management. This is welcomed by Natural England.
105. Subject to Natural England's suggestions in respect of the long term management of the SSSI being incorporated into the proposals (something that can be addressed by condition and incorporated into the proposed detailed aftercare / management

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programme), I am satisfied that the proposed development would not adversely affect the SSSI or the RIGS and would accord with Policy DM2. I consider that encouraging the applicant to allow Natural England to access the site is something that can reasonably be addressed by an informative. I am also content that the impact on / loss of the SSSI and any impact on the RIGS have been adequately addressed in the EIA / ES.

Impact on heritage assets / archaeology

106. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the historic environment. Paragraphs 184 to 202 contain policies relating to conserving and enhancing the historic environment. In respect of archaeology, the Minerals PPG refers to the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology (June 2008).
107. Policy DM5 states proposals for minerals development will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets, registered historic parks and gardens, Listed Buildings, conservation areas, Scheduled Ancient Monuments and archaeological sites and features are conserved in a manner appropriate to their significance. It also states that proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities must be sought to maintain or enhance historic assets affected by the proposals. Minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.
108. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to the impact on heritage assets / archaeology, its officer delegated report relating to its objections does. In respect of the applicant's Archaeological Report it states: *"The report describes the broad evolution of the site in historical terms and sets out the need to record buildings in situ, setting out a suggested methodology for doing so which appears, of which the County may have been notified. The ES merely refers back to the methodology for such recording of buildings. This does not comply with EIA requirements and no substantive assessment on this can possibly be accurately concluded, giving rise to inadequacy. The ES discusses matters of heritage, asserting no impact on the Aylesford Conservation Area (due apparently, to woodland management and landscaping). This conclusion is not based on any technical evidence or assessment. The heritage section does not incorporate any discussion any of the nearby listed buildings that would unarguably be impacted by the development. The scope of the assessment in respect of heritage assets makes no regard to heritage assets other than the CA. There are a number of important listed buildings in the immediate vicinity of the site (some immediately adjacent to its boundary) and to fail even to attempt to assess the likely significant impacts on their setting demonstrates the inadequacy of the heritage assessment. An adequate assessment as to likely significant impacts on Old Mill House, 22 -32 Mount*

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Please and Trinity Court must be incorporated.”

109. Notwithstanding these comments, no objections have been raised by consultees (including Historic England, KCC Archaeology and KCC Conservation Officer) or others in respect of the impact on heritage assets / archaeology. Securing the advice of KCC Archaeology and KCC Conservation Officer is consistent with the advice given by Historic England.
110. As noted in respect of the SSSI above, it was previously believed that the applications may include proposals for works in previously unworked / undisturbed parts of the site. Given that this is not the case, and the land that would be subject to the proposed restoration works has been worked to a depth of at least 3 or 4m below original ground level, KCC Archaeology is satisfied that the proposed written scheme of investigation (WSI) set out in the applicant's Archaeological Report is sufficient to address any archaeological interest. KCC Conservation Officer is of the opinion that the proposed works would have no unacceptable adverse impact on the setting, character and appearance of the Aylesford Conservation Area. Since the Listed Buildings lie within the Aylesford Conservation Area and the Friars Historic Park and Garden lies both within this and further to the south west of the site, I am satisfied that the proposed restoration works would similarly have no unacceptable impact on them or their settings. In this context it should be noted that the proposed works are only temporary, that restoration is a requirement of the mineral planning permissions and that the restoration proposals for the East Lake area are similar to those previously approved in terms of their overall appearance. Clearly the proposals will give rise to other impacts (e.g. noise and dust) which may have a temporary adverse impact on the local area. However, the acceptability or otherwise of those is addressed elsewhere in this report.
111. Subject to the written scheme of investigation (WSI) set out in the applicant's Archaeological Report being implemented as proposed, I am satisfied that the proposed development would be acceptable in terms of its impact on heritage assets / archaeology and would accord with Policy DM5. I am also content that the impact on heritage assets / archaeology has been adequately addressed in the EIA / ES.

Impact on / loss of Ancient Woodland

112. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development that would result in the loss of irreplaceable habitats such as Ancient Woodland unless there are wholly exceptional reasons and a suitable compensation strategy exists.
113. Policy DM2 of the Kent MWLP states that proposals for minerals development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of national importance such as Ancient Woodland. It states that minerals

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proposals located within or considered likely to have any unacceptable adverse impact on Ancient Woodland will not be granted planning unless the need for, and the benefits of the development in that location clearly outweigh any loss.

114. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to the impact on / loss of Ancient Woodland, its officer delegated report relating to its objections does. In respect of the impact on / loss of Ancient Woodland it states: *"No specific reports. The ES merely suggests that no restoration works are required within the SSSI, and non this basis, that no impacts are to be considered. This is demonstrably narrow and inadequate in EIA terms, particularly given that the County (albeit informally, it appears) scoped this topic in to the EIA."*
115. Notwithstanding these comments (which actually refer to the SSSI rather than the Ancient Woodland), no objections have been raised by consultees (including Natural England, KCC's Landscape Consultant and KCC Ecological Advice Service) or others in respect of the impact on / loss of Ancient Woodland. The Ancient Woodland occupies the northern part of the SSSI (within TM/97/751/MR102) and an area of land immediately to the north east of this (outside the mineral site).
116. As in the case of the SSSI, the applicant had originally considered the possibility of removing all or part of the Ancient Woodland in order to provide the greatest possible long term stability in this part of the site and this resulted in the impact on / loss of Ancient Woodland being "informally" scoped into the EIA. However, the revised restoration proposals do not propose any works in the Ancient Woodland other than the long term management proposals relating to the SSSI.
117. Subject to the long term management proposals referred to elsewhere in this report being secured, I am satisfied that the proposed development would not adversely affect the Ancient Woodland and would accord with Policy DM2. I am also content that impact of / loss of Ancient Woodland has been adequately addressed in the EIA / ES.

Ecological impact

118. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status or identified quality) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development which that would result in significant harm to biodiversity if this cannot (as a last resort) be compensated for.
119. Policy DM3 of the Kent MWLP states that proposals for minerals development will be required to ensure that it results in no unacceptable adverse impacts on Kent's important biodiversity assets (such as European and nationally protected species and

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habitats and species of principal importance for the conservation of biodiversity / Biodiversity Action Plan habitats and species). It also states that proposals that are likely to have unacceptable adverse impacts upon important biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted planning permission following: (1) an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys; (2) consideration of the need for, and benefits of, the development and the reasons for locating the development in its proposed location; (3) the identification and securing of measures to mitigate any adverse impacts (direct, indirect and cumulative); (4) the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and (5) the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.

120. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to ecological impact, its officer delegated report relating to its objections does. In respect of the applicant's Ecological Assessment it states: *"This is an update report following an earlier report produced on behalf of the developer in relation to the residential planning application for part of the site. This document is however far more akin to what would be expected in order to assess impacts and propose mitigation measures. It will also be noted that the report indicates that the assessment provides a baseline for assessing ecological impacts of proposed mineral extraction and residential development across the site, and so is contradictory in terms of what the developer actually says these applications relate to. Some mitigation measures are proposed, but these are predicated predominately on the end use rather than throughout the lifetime of the development, from commencement. The ES fails to address development holistically, considering cumulative impacts. The ES inadequately lists a series of enhancement measures intended to be secured at the completion of the development (nature conservation and amenity use)."*
121. Notwithstanding these comments, no objections have been raised by consultees (including Natural England, KCC Ecological Advice Service and the Environment Agency) or others in respect of ecological impact.
122. The applicant's Ecological Assessment includes both the update report referred to by TMBC (dated September 2018 and based on site surveys undertaken in August 2018) and an earlier Ecological Assessment (dated December 2016 and based on site surveys in 2015 and 2016). Whilst the 2016 Ecological Assessment refers to providing a baseline for assessing ecological impacts for both mineral and residential development across the East Lake area (which in itself does not undermine its findings and recommendations), the updated 2018 Ecological Assessment specifically relates to the proposed revised restoration strategy. The updated 2018 Ecological Assessment identifies any changes that have occurred since the earlier report and updates the conclusions and recommendations as necessary. The updated 2018 Ecological Assessment has informed the Landscape Restoration Strategy Report and Masterplan and needs to be read with these and the Tree Report. It concludes that there are no identified ecological conflicts arising from the proposed revised restoration scheme and that the recommendations of the earlier report remain valid.

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123. The approach to ecology and the findings and recommendations of the assessments have been accepted by KCC Ecological Advice Service. It has no objection to the proposed revised restoration scheme subject to the provision of a detailed ecological mitigation strategy (informed by updated ecological surveys) to ensure that the restoration works do not result in a breach of wildlife legislation and a site wide management plan being produced to ensure the created / restored / retained habitats are managed appropriately to retain the ecological interest of the site. It proposes that the site wide management plan provide for additional open mosaic habitat and is content that this can be addressed in that context. These matters are capable of being secured by condition.
124. Ensuring that any fish that may be present in the Clay Lake are removed before it is infilled (as requirement of the Environment Agency) is capable of being addressed by condition. The applicant has indicated that it is content with this.
125. Subject to the provision of a detailed ecological mitigation strategy and a site wide management plan, I am satisfied that the proposed development would be acceptable in terms of ecological impact and would accord with Policy DM3. I am also content that ecological impact has been adequately addressed in the EIA / ES.

Landscape impact

126. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
127. Policy DM2 of the Kent MWLP states that proposals for minerals development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national and local importance. It states that Areas of Outstanding Natural Beauty (AONBs) are to have the highest level of protection in relation to landscape and scenic beauty and that proposals outside, but within the setting of, AONBs will be considered having regard to the effect on the purpose of conserving and enhancing the natural beauty of the AONB. It further states that the consideration of such applications will assess (amongst other things) the need for the development.
128. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to landscape impact, its officer delegated report relating to its objections does. In respect of the applicant's Landscape Restoration Strategy Report it states: "*Landscape analysis as submitted is notably limited to discussion about SSSI and CA, and only at the completion stage of the project. General assessment of tree*

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quality across the site and mitigation measures set out. The ES explains the documents should be read together and draws very broad (and inadequate) conclusions in terms of positive long term impacts arising from restoration (nature conservation and amenity use). A proper discussion must adequately address the likely significant landscape impacts and likely significant impacts to the setting of the AONB, to the north of the site. The assessment is inadequate.”

129. Notwithstanding these comments, no objections have been raised by consultees (including Natural England, the Kent Downs AONB Unit and KCC's Landscape Consultant) or others in respect of landscape impact.
130. The proposed revised restoration scheme is broadly similar to that previously approved and unless planning permission were to be obtained to import large quantities of restoration materials to supplement those available on site the ability of the applicant to secure a significantly different landform is unlikely. Only indigenous materials already on site would be used, including soils previously set aside for restoration purposes. Tree protection measures are proposed and would serve to ensure that existing trees to be retained (including those subject to the Group Tree Preservation Order (TPO)) are safeguarded from the proposed works. The applicant proposes that a detailed aftercare programme be submitted within 6 months of approval / permission. This would provide more detailed proposals for the aftercare actions and long term management set out in its Landscape Restoration Strategy, including those for the SSSI, RIGS Sand Face, semi-natural woodland, TPO woodland, Plots C and D, the Northern Faces, Northern Fields and Clay Lake areas.
131. KCC's Landscape Consultant is satisfied that the proposed revised restoration scheme is acceptable subject to the provision of additional details on reed bed creation and seed mixes, wildflower plug planting, larger tree planting / feathered tree planting, soil testing and amelioration measures as necessary and UK provenance certification. These are all capable of being secured by a condition requiring that the proposed landscaping scheme be updated to reflect these requirements. Since neither Natural England nor the Kent Downs AONB Unit have raised objections, it is reasonable to assume that impacts on the AONB are not significant.
132. In providing for the restoration of that part of Aylesford Quarry to the east of Bull Lane, the proposed scheme would serve to maintain the Strategic Gap. Whether the applicant's aspirations for non-mineral development at the site would do so is a matter for TMBC and / or PINS / the Secretary of State.
133. One local resident has expressed the concern that the proposed landscaping could introduce new barriers to future public access from the north and south of the site. Since public access is not proposed at this time I consider it premature to specifically seek to address this now. However, I am satisfied that the proposed landscaping would not prejudice future public access and that any new proposals for the future use of the site are capable of addressing this and any other public access issues as necessary.

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134. Subject to the provision of an updated landscaping scheme and detailed aftercare programme within 6 months of approval / permission and implementation of the proposed tree protection measures, I am satisfied that the proposed development would be acceptable in terms of landscape impact and would accord with Policy DM2. I am also content that landscape impact has been adequately addressed in the EIA / ES.

Health and amenity

135. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on human health and that any avoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and that appropriate noise limits are established for extraction in proximity to noise sensitive properties. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks from land instability and contamination.
136. Policy DM11 of the Kent MWLP states 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, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and / or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an AQMA. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes.
137. Although TMBC's reasons for objection referred to in paragraph 32 above do not specifically refer to health and amenity, they do state that a number of related issues (e.g. noise, dust and vibration, air quality and public safety) have not been robustly or adequately assessed. Its officer delegated report relating to its objections does refer to health and amenity. In respect of the applicant's Noise Assessment it states: *"One baseline scenario is stated, within the context of the quarry being in full operation (see above comments on baseline flaws). On this basis the ES concludes no amenity impact on the basis that planning conditions would adequately govern. There is no cumulative assessment of impacts and with regard to all relevant baseline scenarios. Matters of health and amenity should reasonably include issues of broader public safety and given the nature of the site and works required to facilitate restoration this should not least be considered in terms of safety during the restoration phase both for those involved in those operations but also more broadly given the fact that the site is bounded almost entirely by a network of public footpaths. As set out above, there is inadequate clarity over how the restored site will be used. The purported use is for nature conservation/amenity purposes but with no reference being given as to whether the land would be publically accessible. This would ultimately have a bearing on the likely significant impacts on safety given the restored site would contain altered land*

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levels (and thus links to land stability considerations) and large expanses of deep water. This also has relevance when considering the developer's wider aspiration to develop the site, at least in part, for residential purposes and the potential for safety and amenity to be impacted (and to what extent being dependant on the phasing of each element - which is also unknown)."

138. Notwithstanding these comments, no objections have been raised by consultees (including KCC's Noise and Dust / Air Quality Consultants) or others in respect of health and amenity. It should also be noted that in respect of "Consultees" the TMBC officer delegated report states "4.1 None by TMBC: since it is not the determining authority." This suggests that TMBC's Environmental Health Officers have not specifically commented on these and related issues and that it is reasonable for KCC to rely on its own independent consultants for advice on these and related issues.
139. With the exception of the proposed variation of condition 20 of TM/93/612 to allow the 55dB $L_{Aeq, 1 \text{ hour}}$ noise limit to be exceeded for up to 8 weeks in any year (i.e. up to the 70dB $L_{Aeq, 1 \text{ hour}}$ limit provided for by condition 26 of TM/97/751/MR102), no variations are proposed to the hours of operation, noise limits or dust mitigation measures which have previously been found to be acceptable. Although no changes are specifically proposed to the existing conditions which permit blasting at the site (as a means of breaking up very hard ironstone bands within the mineral), blasting has not been undertaken for many years and it is understood that no further blasting would take place. I am content that no further consideration is required on blasting.
140. The proposed amendment to condition 20 of TM/93/612 accords with the Minerals Planning Practice Guidance (PPG) which advises that 55dB $L_{Aeq, 1 \text{ hour}}$ be regarded as the maximum noise limit for mineral operations during the day and that 70dB $L_{Aeq, 1 \text{ hour}}$ be allowed for up to 8 weeks in any year to facilitate essential temporary operations (including restoration). KCC's Noise Consultant has confirmed that these noise limits are acceptable. Since the applicant's Noise Assessment is based on a series of 9 detailed phases being employed for restoration works, I consider it appropriate to require that the restoration works be undertaken in accordance with that phasing. This would ensure that the assumptions used in the assessment remain valid and that noise impact is minimised. It would also be beneficial in minimising dust impacts.
141. Condition 28 of TM/97/751/MR102 requires that measures be taken to mitigate potential dust problems. These include: ceasing work if wind speed, dryness and wind direction could lead to dust nuisance; control of vehicle speeds within the site; unpaved site roads to be maintained by regular grading to create a good travelling surface and prevent fugitive emissions; use of a water bowser to damp down site roads and open areas; minimising the drop height of material to reduce the distance fine particles have to fall; wetting down of stockpiles during dry periods of weather and / or high winds; sweeping of surfaced access roads to reduce the build up of dust particles; sheeting of loaded lorries; and grass seeding of soil mounds. Although sheeting is not employed on dump trucks used to transport restoration materials within a site, the other measures referred to remain valid and should continue to be employed as necessary during restoration. Since these measures are more

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comprehensive than those referred to in condition 27 of TM/93/612, I propose that the requirements of condition 28 are applied to the proposed development. This is consistent with KCC Dust / Air Quality Consultant's advice. KCC's Dust / Air Quality Consultant has also noted that there would not be significant HGV movements on the public highway (including through neighbouring AQMAs) and has raised no objection in terms of air quality impacts associated with traffic.

142. Condition 16 of TM/96/612 and condition 22 of TM/97/751/MR102 restrict hours of operation to between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays. No changes are proposed to these hours and I consider them to remain acceptable.
143. Whilst land stability is addressed so far as is reasonably possible given the desirability of retaining the SSSI and RIGS Sand Face, the restored landform (with deep water and steep cliff faces in places) has the potential to present some danger to future users. However, as public access to the site is not proposed as part of the revised restoration scheme I consider the potential dangers to be acceptable for the proposed uses that are provided for at this stage within the overall description of nature conservation / amenity use. The majority of the restored site would either be water (ecological amenity / nature conservation) or open pasture (agricultural / ecological amenity / nature conservation), together with areas of woodland and scrub (ecological amenity / nature conservation) and those involved in the future management of the site would be aware of the potential dangers. Notwithstanding this, it would be appropriate to ensure that measures continue to be maintained to remind site personnel and discourage unauthorised public access to those parts of the site which might pose the greatest danger. I consider that the use of suitable fencing in the vicinity of the SSSI and RIGS Sand Face and signage in the vicinity of these and the main lake would be appropriate in this case. This can be secured by condition.
144. The need for further consideration of public safety within the restored site would be dependent on the detailed nature of any proposals for its use. In terms of the proposed residential use in Plot C, the use of appropriate fencing and signage may be sufficient. Future proposals for other parts of the site may give rise to the need for more detailed consideration (something which should be done as part of those proposals).
145. Subject to the re-imposition of the existing conditions relating to noise, dust and hours of operation (amended as referred to above), implementation of the proposed phasing and the provision of suitable fencing and signage, I am satisfied that the proposed development would be acceptable in terms of health and amenity and would accord with Policy DM11. I am also content that health and amenity has been adequately addressed in the EIA / ES.

Public rights of way

146. Paragraph 98 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

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147. Policy DM14 of the Kent MWLP states that planning permission will only be granted for minerals development that adversely affect a Public Right of Way, if: (1) satisfactory prior provisions for its diversion are made which are both convenient and safe for users of the Public Rights of Way; (2) provision is created for an acceptable alternative route both during operations and following restoration of the site; and (3) opportunities are taken wherever possible to secure appropriate, improved access into the countryside.
148. No objections have been raised by consultees (including KCC PROW) or others in respect of public rights of way.
149. No public rights of way are directly affected by the proposed development and any impacts on users would be temporary. I am satisfied that the noise and dust controls referred to above would be sufficient to ensure that there would be no unacceptable impact on users.
150. As noted earlier in this report, no public access to the site is proposed. Since no provision was specifically made requiring this when the mineral permissions were granted and as existing rights of way would not be adversely affected, I do not believe that this can be required. As also noted above, any proposals for future uses at the site will be a matter for TMBC (or, in the case of the current appeal, PINS / the Secretary of State). The desirability or otherwise of public access can be considered further as part of those proposals.
151. I am satisfied that the proposed development would be acceptable in terms of public rights of way and would accord with Policy DM14. I am content that there was no need for public rights of way to have been scoped into the EIA / ES.

Traffic impact

152. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health and that any avoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Paragraph 108 states that in assessing applications, it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity or congestion) or any 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.
153. Policy DM13 of the Kent MWLP states that minerals development will be required 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. Where development requires road transport, proposals will be required to demonstrate

The variation of conditions on planning permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/18/2549 and TM/18/2555

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 (3) 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.

154. TMBC's reasons for objection referred to in paragraph 32 above include traffic impact. Its objection and associated officer delegated report state that cumulative highway / traffic impacts for the lifetime of the project have not been robustly or adequately assessed. Objections have also been received in respect of traffic impact from local residents and the local MP.
155. No objections have been raised by other consultees (including KCC Highways and Transportation (H&T)) in respect of traffic impact.
156. Neither TM/93/612 nor TM/97/751/MR102 contain any limit on HGV movements during normal working hours. Whilst it could be argued that the 160 movements (80 in / 80 out) limit per day imposed by TM/98/462 (as amended by TM/00/2827 on appeal) applies as that planning permission has been implemented, this is largely academic at this stage since the only HGV movements now proposed would relate to those bringing in (and subsequently removing) the plant and equipment required to undertake the restoration works. Following the withdrawal of the proposed use of an access on Bull Lane, all vehicles would enter and leave the site via the permitted access on Rochester Road.
157. Since the application proposes to use the permitted access on Rochester Road and the number of HGV movements would be significantly lower than any limit which may apply, I can see no reason to justify TMBC's suggestion that the consideration of highway / traffic impacts is inadequate. It should be noted that regardless of the outcome of the current applications, Aylesford Quarry will still need to be restored and that any alternative restoration proposals would give rise to some HGV movements. Any highway / traffic implications of future land uses / development is a matter for TMBC and / or PINS / the Secretary of State to consider when determining those proposals. As noted in paragraph 141 above, KCC's Dust / Air Quality Consultant has raised no objection in terms of air quality from traffic impact as there would not be significant HGV movements on the public highway (including through neighbouring AQMAs).
158. The objections from the local residents and the local MP referred to in paragraph 52 above primarily relate to the proposed use of the access off Bull Lane which would have led to HGV traffic through Eccles and along Pilgrims Way. Since this element of the proposals was withdrawn in November 2018 and all traffic would use Rochester Road I consider these concerns to have been overcome. However, the

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representations clearly indicate that any proposals to remove sand from the West Lake area using Bull Lane are likely to attract objection. The potential implications of such objections for remaining mineral reserves at Aylesford Quarry is addressed further in paragraph 70 above.

159. I am satisfied that the proposed development would be acceptable in terms of traffic impact and would accord with Policy DM13. I am content that there was no need for traffic impact to have been scoped into the EIA / ES.

Socio-economic impact

160. As noted in paragraph 57 above, TMBC has stated that the EIA / ES is inadequate in that it has not addressed cumulative highway / traffic impacts for the lifetime of the project, public safety, land contamination, noise, dust and vibration, air quality and socio-economic impacts. It has also stated that those matters that have been scoped in have not been robustly or adequately assessed. The above sections of this report effectively address and respond to all but socio-economic impacts.
161. Since the proposed development relates to the provision of an alternative restoration scheme for a permitted mineral site rather than an entirely new proposal for mineral working and the proposed restoration and after-use is broadly the same as already permitted, I see no reason to require further information on socio-economic impacts or for the applicant to have specifically scoped the topic into the EIA / ES. It is clear that ensuring that the East Lake area is restored is preferable (and more sustainable) to the site remaining in its current unrestored condition for many more years. It is also clear that it is not possible for the East Lake area to be restored in accordance with the schemes approved in 2002 or 2005 as mineral working has not been undertaken to the full extent provided for in the related working schemes. It is also clear that there are benefits in amending the earlier schemes to provide an acceptable long term restoration solution which not only is acceptable as proposed but offers the potential for future non-mineral development (subject planning permission being obtained).

The relationship between the East and West Lake areas

162. As noted in paragraph 12 above, the applicant states that proposals for those parts of Aylesford Quarry to the west of Bull Lane will be addressed at a later date. On that basis, if planning permission is granted for the proposed development in the East Lake area it would be necessary for all of the existing conditions and approved details currently provided for by planning permissions TM/93/612 and TM/97/751/MR102 to be retained in so far as they relate to the West Lake area. This would, in effect, mean that any planning permissions granted for TM/18/2549 and TM/18/2555 would each include two sets of conditions.
163. Given that further silica sand extraction is not viable, as a result of land ownership constraints and the size of the tunnel under Bull Lane, it is likely that further variations to the conditions and approved details relating to the West Lake area would need to be secured before that part of Aylesford Quarry could be fully restored in any event. It is understood that the applicant is awaiting the outcome of the current mineral

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applications and the appeal in respect of application TM/17/02971 before deciding how best to work any remaining soft sand and restore the West Lake area.

Other issues

164. Proposed residential / other non-minerals development: As noted in paragraph 52 above, concerns have been expressed by local residents about the relationship between the proposed revised restoration scheme and the new housing and other development proposed on part of the site (application TM/17/02971) and in the area more generally. It has also been suggested that the revised restoration proposals have been designed to facilitate that development.
165. As noted in paragraph 85 above, whether or not the revised restoration scheme has been designed to facilitate the applicant's other development aspirations for the site is not relevant to KCC's determination of the mineral applications provided it is satisfied that what is proposed is acceptable in terms of providing an effective and appropriate restoration solution for the mineral site and does not give rise to unacceptable adverse impacts. I conclude elsewhere in this report that the proposed scheme is acceptable in these contexts. The acceptability or otherwise of any other proposals is a matter for TMBC and / or PINS / the Secretary of State.
166. The adequacy of consultation: As noted in paragraph 52 above, concerns have been expressed by local residents that not all Bull Lane / Eccles residents were notified by letter about the applications. All properties within 250m of the application sites (including a number on Bull lane in Eccles) were notified, site notices were erected and newspaper advertisements published. This accords with KCC's Statement of Community Involvement and goes beyond that required by legislation. Notwithstanding this, since access is no longer proposed from Bull Lane this is no longer of relevance.

Conclusion

167. The applications propose the variation of conditions 28 and 32 of planning permission TM/93/612 and conditions 36 and 39 of planning permission TM/97/751/MR102 to provide a revised restoration and aftercare scheme for that part of Aylesford Quarry to the east of Bull Lane (the East Lake area). The applicant wishes to restore this part of the site for beneficial after-use now that the economically viable mineral has been worked out. In so doing, it wishes to address land stability so far as is reasonably possible having regard to the importance of retaining the SSSI and Ancient Woodland within and immediately adjoining the site boundary. No changes are proposed in respect of that part of Aylesford Quarry to the west of Bull Lane (the West Lake area). The applicant states that proposals for the West Lake area would be proposed separately. Application TM/18/2549 also proposes the variation of condition 20 of TM/93/612 to provide consistent noise limits with those of TM/97/751/MR102 (in respect of temporary restoration operations). Application TM/18/2555 also proposes the deletion of condition 44 (as no further clay extraction is allowed).

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168. TMBC has objected to the applications as it considers the EIA and associated ES to be procedurally and substantially inadequate such that it believes an informed decision on whether there would be significant environmental effects is not possible. In particular it considers the scope of the EIA / ES to be inadequate (in not addressing a number of topics) and that the subject matters that have been addressed in the EIA / ES have not been robustly or adequately assessed. It also considers that inadequate information has been provided on the proposed after-use, on whether the site would be made publicly available or retained on a private basis and that there is no assessment of impacts on, or from, the residential development proposed by planning application TM/17/02971 (i.e. the housing / local centre proposals that will be determined following a Public Inquiry which is scheduled to take place between 12 and 20 March 2019). It further considers that additional baseline scenarios ought to have been considered in the EIA / ES.
169. A number of objections have been raised by local residents and the local MP. However, these primarily relate to the proposed use of Bull Lane (through Eccles) to access the site. This was initially proposed as part of application TM/18/2555 but was withdrawn in November 2018 and access would now only be via the permitted access on Rochester Road. The other concerns raised by local residents relate to a perceived lack of consultation with Eccles residents, the relationship with proposed new housing development on part of the site and in the area more generally and future public access to and through the site.
170. With the exception of those of TMBC, no objections have been received from consultees about the adequacy or otherwise of the EIA / ES or what is actually proposed (in cases subject to conditions), including those whose interests / responsibilities relate to the issues referred to by TMBC. KCC's in-house specialists and its external consultants have similarly raised no concerns or objections (in cases subject to conditions).
171. The adequacy or otherwise of the EIA / ES is a matter for the determining authority (i.e. KCC) to decide having regard to the relevant regulations, the proposed development and relevant circumstances. Having given careful consideration to the objections raised by TMBC and taken advice from KCC's legal advisors (Invicta Law) I am satisfied that the EIA / ES is both adequate and sufficiently robust to enable an informed decision on whether there would be significant environmental effects. It should be noted that the applicant has addressed the topics which KCC informally advised should be scoped into the EIA / ES in 2017 and 2018 and that the relative brevity afforded to the SSSI and Ancient Woodland in the EIA / ES reflects the fact that the revised restoration scheme does not propose to disturb these as had previously been indicated as a possibility. It should also be noted that there are no current planning permissions or Local Plan allocations which provide for any other alternative uses at Aylesford Quarry and that the environmental or other implications of any such proposed development are matters for the relevant authority (TMBC, PINS / Secretary of State) to assess as necessary when any application is determined or Local Plan allocation considered. Notwithstanding this, there is no reason why the revised restoration scheme for the East Lake area should not be completed prior to any other development taking place at the site (particularly in respect of the housing /

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local centre development proposed by TM/17/02971 which relies on Plot C being restored). Indeed, any decision on TM/17/02971 could be made conditional on that happening.

172. Having considered all relevant issues, I am satisfied that the proposed development would provide an effective and appropriate restoration and aftercare scheme for the permitted after-use (nature conservation / amenity use) of the East Lake area subject to the imposition of conditions. I am also satisfied that it would be appropriate to vary condition 20 of TM/93/612 to provide the proposed consistency between the noise conditions and that the deletion of condition 44 of TM/97/751/MR102 would clarify that no further clay extraction will take place. I consider that this position is reinforced by the lack of objection to the proposed development by technical consultees and KCC's in-house specialists and external consultants.

173. I therefore recommend accordingly.

Recommendation

174. I RECOMMEND that:

(i) PERMISSION BE GRANTED for the variation of conditions 20, 28 and 32 of planning permission TM/93/612 to provide a revised restoration and aftercare scheme and consistent noise limits for temporary operations such as restoration with those provided for by planning permission TM/97/751/MR102 for that part of Aylesford Quarry to the East of Bull Lane (application TM/18/2549), SUBJECT TO conditions covering amongst other matters:

- The existing conditions on planning permission TM/93/612 continuing to apply to the West Lake area (subject to minor alterations to reflect any approvals given pursuant to that planning permission);
- The existing conditions on planning permission TM/93/612 continuing to apply to the East Lake area (subject to minor alterations to reflect any approvals given pursuant to that planning permission and except where proposed to be amended by TM/18/2549 and therefore to be replaced / supplemented);
- a new condition to address potential land contamination;
- Natural England's suggestions in respect of the long term management of the SSSI being incorporated into the aftercare / long term management;
- the written scheme of investigation (WSI) set out in the applicant's Archaeological Report being implemented as proposed;
- the provision of a detailed ecological mitigation strategy and a site wide management plan;
- the provision of an updated landscaping scheme and detailed aftercare programme within 6 months of approval / permission;
- the implementation of the proposed tree protection measures;
- the implementation of the proposed phasing;

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- the provision of suitable fencing and signage; and
- (ii) PERMISSION BE GRANTED for the variation of conditions 36 and 39 and deletion of condition 44 of planning permission TM/97/751/MR102 to provide a revised restoration and aftercare scheme for that part of Aylesford Quarry to the East of Bull Lane (application TM/18/2555), SUBJECT TO conditions covering amongst other matters:
- The existing conditions on planning permission TM/97/751/MR102 continuing to apply to the West Lake area (subject to minor alterations to reflect any approvals given pursuant to that planning permission);
 - The existing conditions on planning permission TM/97/751/MR102 continuing to apply to the East Lake area (subject to minor alterations to reflect any approvals given pursuant to that planning permission and except where proposed to be amended by TM/18/2555 and therefore to be replaced or, in the case of condition 44, deleted);
 - a new condition to address potential land contamination;
 - Natural England's suggestions in respect of the long term management of the SSSI being incorporated into the aftercare / long term management;
 - the written scheme of investigation (WSI) set out in the applicant's Archaeological Report being implemented as proposed;
 - the provision of a detailed ecological mitigation strategy and a site wide management plan;
 - the provision of an updated landscaping scheme and detailed aftercare programme within 6 months of approval / permission and implementation of the proposed tree protection measures;
 - the implementation of the proposed phasing;
 - the provision of suitable fencing and signage; and
 - the following informatives:
 - The applicant being encouraged to allow Natural England to access the SSSI; and
 - The applicant being encouraged to participate in discussions with the Environment Agency and others to explore opportunities to:
 - (a) reduce flood risk in the centre of Aylesford through the creation of a high level overflow channel on the land between Anchor Farm and Aylesford Quarry; and
 - (b) for meandering and other natural flood management measures upstream of the site.

Case Officer: Jim Wooldridge

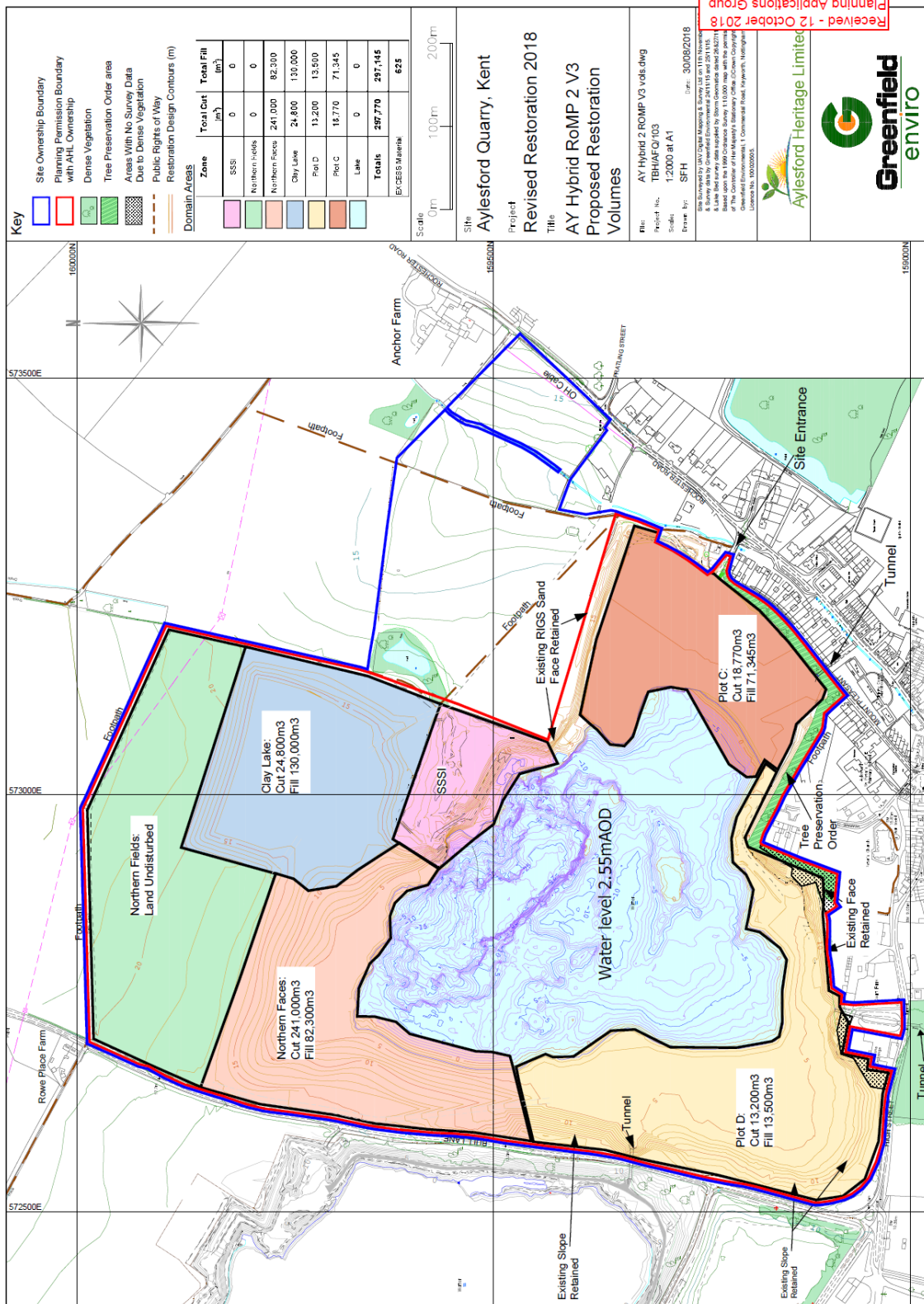
Tel. no. 03000 413484

Background Documents: see section heading.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Schedule 4): <http://www.legislation.gov.uk/ukxi/2017/571/schedule/4/made>

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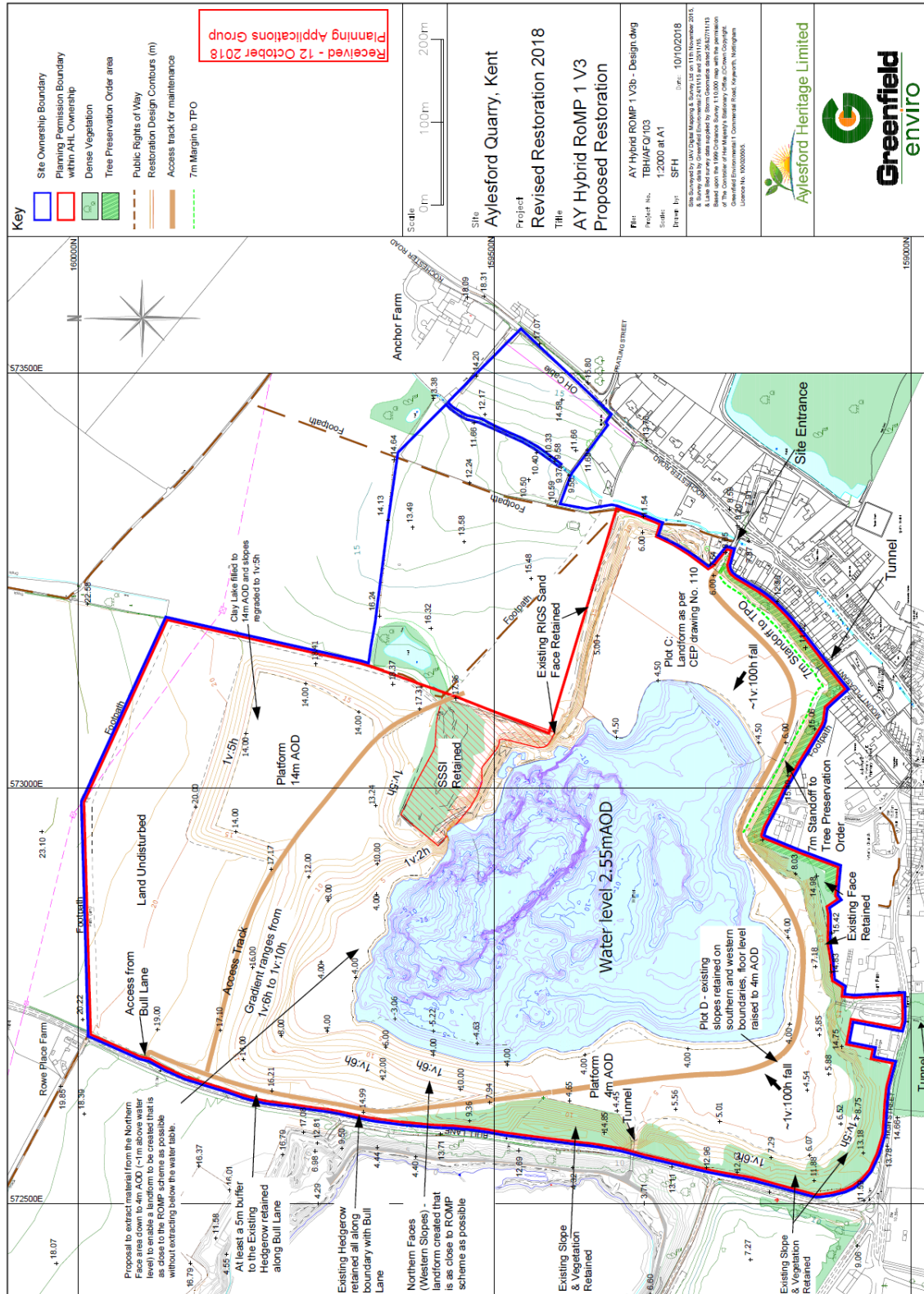
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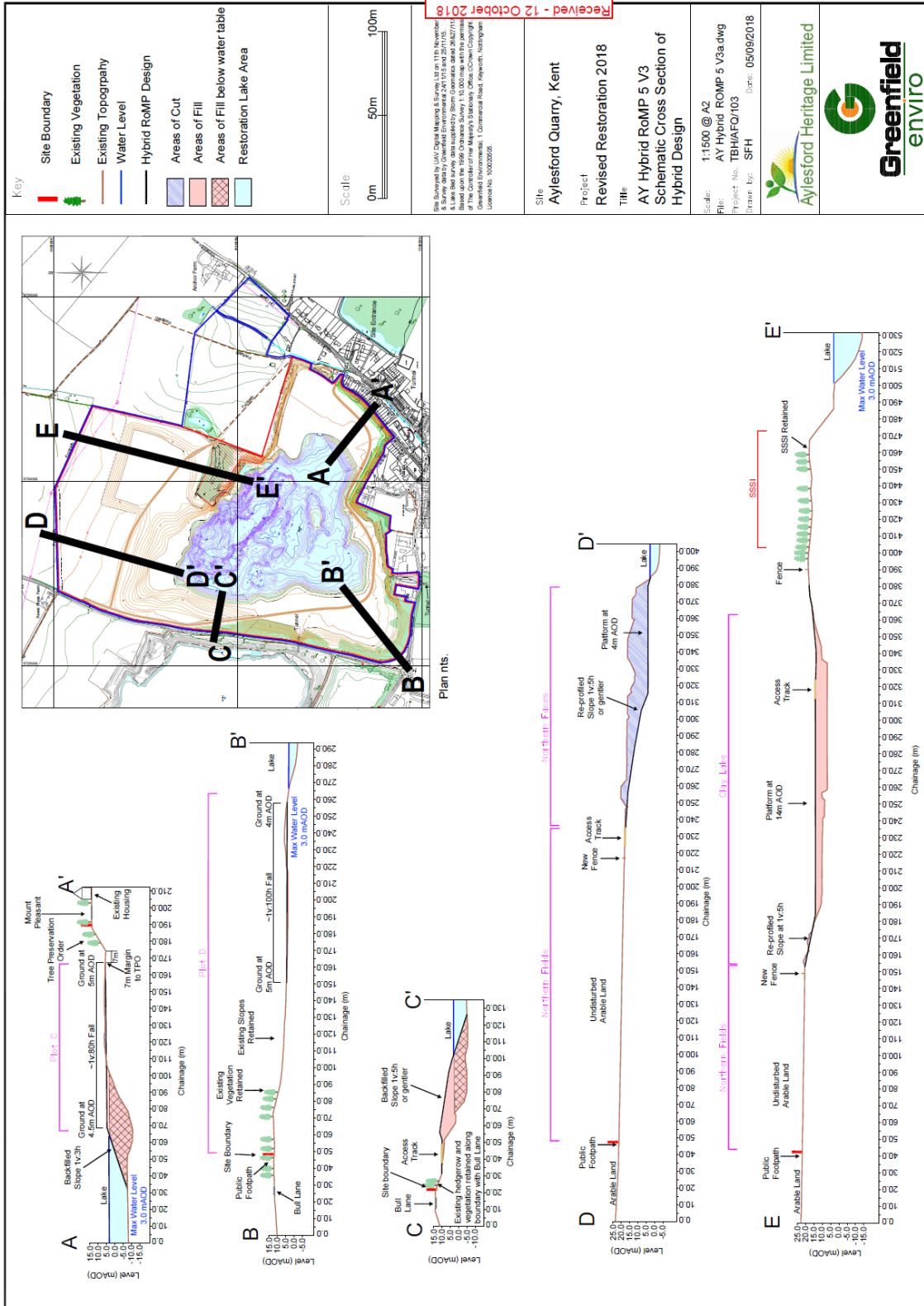
Appendix 1 to Item C1

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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.

AS/12/1322/ R5,6,7 Details pursuant to conditions 5, 6 and 7 - storage, landscape and drainage and lighting respectively of planning permission AS/12/1322 - waste transfer station.
Unit 2, Cobbswood Industrial Estate, Brunswick Road, Ashford
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/18/2383 Proposed permanent location of a modular building to provide 2 classrooms, toilets & storage.
Spires Academy, Bredlands Lane, Sturry
Decision: Permitted

CA/18/2601 Change of use of the first floor of building from D1 (public library) to B1 (offices) for use as a small business start up hub.
Herne Bay Library, 124 High Street, Herne Bay
Decision: Permitted

GR/17/674/R Non-material amendment for minor alterations to the building height and fenestration, and change the specified brick choice to a near identical brick.
St Georges Church Of England School, Meadow Road, Gravesend
Decision: Approved

SE/19/90 Installation of all-weather surface daily mile path around school sports field - 260m x 1.2m wide constructed in porous wetpour rubber surface (colour - black). The path will follow the perimeter boundary fence, will not require the removal of trees or hedging and will not reduce the ample playing area.
St Johns CEP School sport field, accessed via driveway from Bayham Road, Sevenoaks
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/AS/0516/2018 Request for a Screening Opinion to determine whether the proposed construction of a new waste pumping station and rising main requires an Environmental Impact Assessment.
Junction of Long Length and Chilmington Green Road to Waterbrook Park Waste Pumping Station, Ashford

KCC/TW/0020/2019 Installation of 6 rows of solar photovoltaic panels facing 3 directions (to provide electricity generation throughout the day) located at the southern end of the site adjacent to the point of connection at Swattenden House.
Swattenden Centre, Swattenden Lane, Cranbrook

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

None

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

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

Background Documents -

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

None

**F1 SEVENOAKS DC – DRAFT LOCAL PLAN CONSULTATION RESPONSE
FEBRUARY 2019**

Kent County Council has commented on the above consultation.

The following Appendices can be found on the KCC website amongst the reports for this meeting:

Appendix 1: KCC response to Sevenoaks DC Local Plan Consultation September 2018

- (a) : Schedule of KCC's technical comments
- (b): Site specific commentary
- (c) : CYPE comments
- (d) : H and T site specific comments

Appendix 2: Schedule of KCC's response to February 2019 letter

Appendix 3: Impact Assessment of allocated sites on KCC service provision.

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Mr James Gleave
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Sevenoaks
TN13 1HG

Growth, Environment & Transport

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County Hall
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 415981
Ask for: Barbara Cooper
Email: Barbara.Cooper@kent.gov.uk

1 February 2019

BY EMAIL ONLY

Dear James

Re: Sevenoaks District Council - "Proposed Submission Version" Regulation 19 Consultation December 2018

Thank you for inviting Kent County Council (KCC) to comment on the Proposed Submission Version of the Local Plan for Sevenoaks.

The County Council remains supportive of the Sevenoaks District Council's Local Plan approach, which looks at prioritising growth in existing settlements and then redeveloping previously developed land in sustainable locations. The County Council continues to recognise the challenge in meeting the identified housing need in the highly constrained District. KCC appreciates that, even with promoting high density development in such sites (where appropriate), this strategy could only deliver a proportion of the identified housing need for the District, triggering the need to assess the growth potential of Green Belt 'Exceptional Circumstances' sites.

The County Council notes that twelve 'Exceptional Circumstances' sites were included in the previous Regulation 18 consultation, which would have contributed approximately 6,800 new homes to the housing land supply, enabling the assessed local need figure to be met. However, it is recognised that whilst the sites were included in the Draft Local Plan, they were still being tested at that stage, and their inclusion in the Proposed Submission Version of the Local Plan was not guaranteed. As a result of consultation and assessment, it is acknowledged that four strategic sites are now put forward for allocation and inclusion in the Proposed Submission Version of the Local Plan.

In the context of the growth and development planned within the emerging Local Plan, the County Council will continue to examine its own priorities in respect of calls on CIL revenue and section 106 contributions, to ensure that future requirements for KCC services and infrastructure relating to highways, education facilities, adult social

care, community learning, youth service and libraries are met. Furthermore, the County Council recognises the important role of the Infrastructure Delivery Plan as an evidence base to the Local Plan and a live document throughout the Plan period, and as such, KCC will value continued engagement with Sevenoaks District Council on its formulation and updating. This collaborative relationship will be essential in identifying the timing and costs associated with the delivery of infrastructure and how it will be funded, to ensure that future development will be serviced by adequate infrastructure to meet the existing and future needs of the community that it serves.

In response to this consultation, the County Council has provided detailed, technical comments on the Proposed Submission Version of the Local Plan policies and site allocations. For ease of reference, these are set out in a comprehensive schedule accompanying this letter (Appendix 2). The County Council previously submitted a response to the Regulation 18 Draft Local Plan consultation on the 18 September 2018, providing commentary on the draft policies and the proposed site allocations (Appendix 1). The County Council requests that, where referenced, the two responses are read in conjunction to ensure all matters raised are considered, whilst avoiding unnecessary repetition in this letter and the associated appendix.

Separately, the County Council has provided an initial assessment on the identified additional strategic development sites in the Green Belt also subject to consultation. KCC would like to continue to work with the District Council to ensure that growth is properly supported by the necessary services and infrastructure.

Highways and Transportation

The County Council has been working closely with Sevenoaks District Council throughout the progression of the emerging Local Plan to help to ensure that it is supported by a robust evidence base. The County Council has provided evidence in support of the Proposed Submission Version of the Local Plan, including the Swanley Transport Study and the Sevenoaks District Transport Study. Together, these studies provide evidence that identifies the transport related issues and opportunities that are predicted to arise from the delivery of the Plan, identifying appropriate transport mitigation measures where necessary.

However, the County Council recognises that there are currently several sites that have been included within the Proposed Submission Version of the Local Plan that have only had limited assessment of the highway infrastructure and required mitigation measures. For instance, the site at Sevenoaks Quarry would generate traffic at a level that would significantly add to existing capacity issues on an already congested Bat and Ball junction, and a Transport Assessment is required to assess the impact of the development and the mitigation required. Full details are provided in appendix 2, which sets out the range of sites for which KCC has requested that Transport Assessments/Transport Statements are provided. Once this information has been received, the County Council, as Local Highway Authority, will be able to fully assess whether the impact of the development is acceptable in highway terms, and be in a position to provide more detailed commentary on the proposed site allocations.

Provision and Delivery of County Council Community Services

The County Council supports the objective of the Proposed Submission Version of the Local Plan to seek to support lively communities with well performing town and village centres that provide a range of services, facilities and infrastructure. The County Council agrees that this can be best achieved by allocating sites that support or enhance local community facilities. The County Council therefore welcomes the identification within the document of education, health and social care and community facilities as necessary infrastructure to support sustainable growth. The County Council will look to work closely with the District Council during the Examination process and throughout the Plan period to ensure that the necessary KCC services and infrastructure continue to be factored into the growth proposals of the emerging Local Plan and are delivered as necessary.

The County Council requests that where improvements are required to infrastructure as a direct result of development, such improvements are funded, where possible, either through planning obligations, legal agreements or CIL, as appropriate.

The County Council recognises that, of the proposed allocated sites put forward in the Proposed Submission Version of the Local Plan, just a few would class as strategic sites that would be capable of supporting new community infrastructure. As a result, there may be the need to identify land for the provision of any new community facilities necessary to support growth and KCC would welcome discussions with the District Council on this.

The County Council has also provided an assessment of the education requirements resulting from the proposed growth in Sevenoaks. A number of new primary schools will be required to be provided under S106 agreements, and CIL contributions may be requested towards enhancements to current educational facilities. The proposed development at Pedham Place would necessitate a new 6FE secondary school to be built within the development. An additional secondary school is also required and would ideally be located in Sevenoaks town to support the growth in the south of the District.

A full Impact Assessment of proposed allocated sites on KCC service provision is provided in Appendix 3.

Minerals and Waste

As the Minerals and Waste Planning Authority, the County Council is responsible for ensuring that mineral resources are not needlessly sterilised by other forms of development, thus ensuring that a steady and adequate supply of minerals is maintained into the future to facilitate sustainable development. This safeguarding approach is supported by the National Planning Policy Framework (NPPF) and locally in the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP). The NPPF requires that development proposals should not be permitted within mineral safeguarding areas where they might constrain potential future use of the economic

mineral resource. As such, the policies within the KMWLP aim to prevent the sterilisation of Kent's potentially economic mineral assets.

Minerals are essential to the delivery of sustainable development and mineral planning considerations are key to ensuring that there is a sufficient supply of minerals to provide the infrastructure, buildings and goods that the country needs. Mineral planning considerations are a strategic matter that cross administrative boundaries and as required by the NPPF require effective communication between local authorities.

There is a requirement to address the safeguarding of economic minerals and existing permitted waste management facilities present within the District, with particular reference to the relevant policies of the adopted KMWLP. You will be aware that in previous responses to the Sevenoaks Local Plan Issues and Options consultation and Regulation 18 consultation that the County Council drew attention to mineral and waste safeguarding matters that needed to be addressed. These matters do not appear to have been fully addressed. Separately, workshops have been hosted by the County Council for local planning authorities to discuss Mineral and Waste Safeguarding matters, to aid local understanding of this matter.

As Minerals and Waste Planning Authority, the County Council notes that a number of the proposed allocations in the consultation have mineral and waste management safeguarding implications that need to be examined before the sites are allocated. This was raised in the County Council's response to the Regulation 18 consultation and attention was drawn to the need for Mineral Assessments to inform the plan making process.

The County Council has not seen Mineral Site Assessments for any of the affected sites (the sites are listed in appendix 2). If the assessments have been undertaken, it is requested that copies are provided to the County Council. However, in the absence of Mineral Assessments for these sites, it is not possible to assess the mineral safeguarding implications or to consider whether an exemption to the safeguarding policy DM7 of the KMWLP applies and as such, the County Council currently raises a holding objection.

Sevenoaks Quarry

Notwithstanding the above, the proposed allocation ST2 – 13 (Sevenoaks Quarry) would have significant consequences for mineral planning in the County and the wider South East in the event that the site were to be developed prior to the mineral reserve being worked out. The site currently benefits from an extant planning permission for mineral extraction until 2032 (reference SE/08/675) and forms a significant part of the County Council's landbank for soft sand, which is a key indicator for the need for further soft sand releases in the County.

The County Council's current Mineral Sites Plan (currently at Regulation 19 stage) is predicated on the permitted reserve at Sevenoaks Quarry. The site is safeguarded under Policy CSM 5 of the KMWLP and is strategically important in maintaining a

steady and adequate supply of construction sand. It currently makes a significant contribution to supply not only in Kent, but also the wider South East region. Its continued and effective working is therefore crucial to the delivery of the strategy of the KMWLP, as well as the emerging Kent Mineral Sites Plan.

In the absence of evidence to demonstrate that the permitted mineral reserves can be worked prior to any housing development taking place, the County Council strongly objects to the allocation of the site. This is on the basis that it would prejudice the full and effective working of all mineral reserves and would sterilise permitted mineral resources, which would be contrary to the NPPF and to KMWLP policies. The County Council considers that in order to ensure that this policy is sound, KCC, as Mineral Planning Authority considers it necessary that provisions are incorporated into the Local Plan to require the permitted reserves to be worked in advance of housing development taking place.

There is no evidence in the Proposed Submission Version of the Local Plan that the mineral reserves are intended to be worked prior to non-mineral work taking place, although it is noted that there is some information in respect of phasing. In respect of this phasing, the Proposed Submission Version of the Local Plan indicates, within the description of the allocation, that:

“Some extraction is still taking place on the site. The Council is satisfied that there is a reasonable prospect that it will become available. As such, it is considered ‘developable’. Phase 1: years 6-10 and phase 2: 11-15, subject to confirmation of mineral extraction programme”.

The commencement of construction under this phasing plan is considered to be premature to ensure that mineral planning matters are addressed. In light of previous consultation responses, the County Council was expecting the Proposed Submission Version of the Local Plan to include evidence to demonstrate that mineral extraction could be reliably completed before non-mineral development takes place – but no such evidence appears to have been published as part of this consultation process. The Plan, as it currently stands, lacks assurance that the effective working of the mineral reserve will take place and that this important economic mineral will not be sterilised. Further evidence is requested to demonstrate that this phasing will not prejudice the permitted reserves and undermine mineral planning in the South East. The site cannot be considered as “developable” until such a time that the permitted mineral reserves have been exhausted, in order to prevent their unnecessary sterilisation. It is suggested that an approach could be to identify the site as a broad location of growth.

Furthermore, it is noted that part of the rationale for allocating the site is that the “land has been subject to previous development”. However, unlike other types of development, mineral development is a temporary land use with an approved restoration scheme. It is not a brownfield site for planning purposes, which appears to have been part of the rationale used to support allocation.

Finally, attention is drawn to the adjacent landfill activity at Greatness Quarry and the need to consider the implications of this land use activity on any future housing allocation. This would also apply for residents of phase 1, in respect of their proximity to both Sevenoaks Quarry and Greatness Quarry.

Other Mineral and Waste Safeguarding Matters

In the absence of evidence to demonstrate that mineral and waste safeguarding issues have been satisfactorily considered to address safeguarding policies (DM7 and DM8) in the adopted KMWLP, the County Council as Mineral Planning Authority raises a holding objection.

Full technical comments are set out in appendix 2.

The County Council, as Minerals and Waste Planning Authority for Kent wishes to remain involved in the plan making process for the Sevenoaks District Local Plan and would be happy to discuss the above matters. Should you require any further information regarding the above or wish to discuss it further, please contact a member of the Minerals and Waste Planning Policy Team at mwlp@kent.gov.uk or on 03000 422370.

The County Council recognises the importance of the Local Plan in identifying sites suitable for development within the Sevenoaks District to enable the delivery of new housing, employment and required infrastructure in response to local needs.

As a key infrastructure and service provider, the County Council looks forward to building upon the established and collaborative working arrangements in place between the two authorities and welcomes continued engagement with Sevenoaks District Council throughout the progression of the Local Plan to Examination. We would look to this continuing beyond adoption of the Plan to implementation; to ensure that as each of the proposed development sites are assessed and brought forward, they will deliver the necessary infrastructure to support sustainable growth.

If you require any further information or clarification on any matter raised in the County Council's response, please do not hesitate to contact me.

Yours sincerely



Barbara Cooper

Corporate Director – Growth, Environment and Transport

Encs:

Appendix 1: KCC Response to Draft Local Plan (Regulation 18) dated 18 September 2018

Appendix 2: Schedule of KCC's Technical Responses to Policies

Appendix 3: Impact Assessment of Allocated Sites on KCC Service Provision

F2 CONSULTATION ON LAND AT COURT LODGE, POUND LANE, KINGSNORTH, ASHFORD (18/01822/AS)

Kent County Council has commented on the above consultation.

The following Appendices to the letter can be found on the KCC website amongst the reports for this meeting:

Appendix 1: PROW Network Map

Appendix 2: KCC Children, Young Persons and Education detailed response

Appendix 3 : KCC development contribution assessment for Primary Education

Appendix 4 : KCC Communities development contributions assessment

Appendix 5 : KCC Social Care assessment

Appendix 6 : General Site Transfer Terms

Appendix 7 : KCC Heritage response

Please note that this is an example of the information to be provided in the future.

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BY EMAIL ONLY

**Growth, Environment
& Transport**

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Sessions House
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Phone: 03000 415981
Ask for: Barbara Cooper
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15 February 2019

Dear Sue

Re: Land at Court Lodge, Pound Lane, Kingsnorth (18/01822/AS)

Thank you for consulting Kent County Council (KCC) on the above outline application for the construction of up to 1,000 new homes and a local centre comprising retail uses, flexible office space and community facilities; including a primary school, a combined community hall and a site management suite. The application also includes a new means of vehicular accesses onto Pound Lane, Long Length, Magpie Hall Road, new pedestrian and cycle routes and green infrastructure.

KCC has reviewed the submitted documentation and would like to raise the following comments.

Highways and Transportation

KCC, as Local Highway Authority raises a **holding objection** to the proposed application, subject to the matters below being satisfactorily addressed by the applicant.

The application site is allocated in the Ashford Local Plan (Site S3), so the use of the site for development is accepted in principle by the County Council, as Local Highway Authority.

This application is not currently promoting the delivery of the Pound Lane Link Road (PLLR), so the County Council has considered the impact on local roads in the vicinity of the site. The main points of access to the site currently promoted by the applicant, as set out in the Framework Plan, are as follows:

- 1) A new three arm roundabout off Magpie Hall Road, together with a new spine road being provided off the roundabout into the centre of the development site. The proposal also includes the closure of the junction of Long Length at its junction with

Magpie Hall Road and a new priority junction provided off the main through route onto Long Length;

- 2) Two new priority junctions off Pound Lane;
- 3) A new priority junction off Long Length; and
- 4) Access via Site S4 in the Local Plan (land north of Steeds Lane and Magpie Hall Road).

Proposed Access Arrangements

The County Council has concerns that the access proposals do not consider the impact of the development on increased use of Pound Lane for vehicular traffic, cyclists and pedestrians, as the Pound Lane Link Road is not being promoted as part of this application.

The application also currently fails to properly address key walking and cycling routes to destinations such as John Wallis secondary school, Imagine Play Centre, and bus stops on Coulter Road and Britannia Lane. All of these destinations are outside the application site and as such, require new links in a northerly direction via Pound Lane and then via the existing Chartfields Estate and Britannia Lane. Improvements to walking and cycling routes are also required via Long Length and Merino Way.

It should be noted that there is currently no footway along Pound Lane from the proposed western access onto Pound Lane and along a section of Britannia Lane from the junction with Pound Lane. As a minimum, a two-metre-wide footway is required to connect into the existing footway on Britannia Lane (just to the south of the junction with Millbank Road). Further details are therefore required to be provided to the County Council to show how this facility will be provided.

There is currently an existing segregated footway / cycle way within Chartfields Estate that links from north of Pound Lane to Britannia Lane. Any pedestrian / cyclist seeking to access this footway / cycle way would need to cross Pound Lane, yet the proposal does not currently provide for an improved crossing point on Pound Lane. The applicant will need to investigate whether or not is possible to implement a speed limit reduction along Pound Lane to provide for an improved crossing facility. A minimum of two different week-long Automatic Traffic Counts are required in locations along Pound Lane, to be agreed with the County Council. Once the results of any speed surveys are known, the County Council will be able to discuss the most appropriate form of crossing facility required with the applicant.

A new footway / cycle way link from Pound Lane over the watercourse onto the footway / cycle way along Merino Way is also required. This is likely to be required in the form of a new three metre wide bridge over the watercourse.

The proposal currently fails to take into account the requirement for Site S5 in the Local Plan (Land south of Pound Lane) to provide a vehicle link from Ashford Road to the eastern boundary of the current application site (planning obligation 28 of the draft Section 106 Heads of Terms Agreement). It is the County Council's view that the eastern vehicle link onto Pound Lane, that is currently proposed, is not necessary and is not required, as it will encourage increased vehicle movements onto Pound Lane. The proposed link is not considered appropriate by the County Council, due to the width constraints along Pound

Lane and the direct potential for 'rat running'. From site measurements, Pound Lane is approximately five metres in width and there is a pinch point in the form of the bridge over the watercourse where the available carriageway width is 4.1 metres. A suitable vehicle link is proposed via Site S5 to be built to a Local Distributor Road standard, as agreed through the Kingsnorth Green planning application.

Even with the deletion of the eastern access onto Pound Lane, there will still be a western access built onto Pound Lane. This will result in a significant increase in the use of Pound Lane. Pound Lane is therefore required to be upgraded to a minimum of a 5.5-metre-wide standard throughout, up to the junction with Chart Road to cater for two-way vehicle movement. It is suggested that the western access is made the main through movement and that Pound Lane becomes the side arm of the junction. The proposed priority junction plan (1281-HL-102) should therefore be amended so that the main through route becomes Pound Lane north into the development site.

Transport Assessment (TA)

A28 Corridor – the County Council notes that the applicant has not modelled the impact of the development upon the A28 corridor from the junction with Chilmington Green Road up to Drovers Roundabout and M20 Junction 9. The A28 corridor is operating well in excess of its link flow capacity (as evidenced in the traffic flow spreadsheets supplied in Appendix F of the TA). This is also witnessed through severe queuing that currently takes place in both the AM and PM peaks on Great Chart Bypass, Chart Road and Templar Way (A28). Works to dual the A28 between Matalan and Tank roundabout were due to commence this year; however the developer of the Chilmington Green development has not provided KCC with the security payment to deliver the scheme. The developer is however allowed to build up to 400 dwellings until KCC can call upon the security payment. As such, works on the A28 scheme have yet to commence.

This development, once built out, is estimated to add 127 movements to the A28 corridor in the AM peak and 112 movements to the A28 corridor in the PM peak. The cumulative impact of this development, together with up to 400 dwellings at Chilmington Green, is therefore a severe impact without any mitigation proposals being proposed by this development, given that the A28 is already operating well in excess of theoretical link capacity.

Accident data - the accident data as submitted is out of date and needs to include the most recent three-year period up to January 2019. Upon request from the applicant, KCC will be able to provide this information.

Public Transport Improvements – the County Council notes that Stagecoach has yet to be consulted for its views on possible public transport improvements. KCC has nevertheless discussed the issue of required contributions with colleagues in the Public Transport Team at the County Council.

To date, KCC has sought £400,000 from the Kingsnorth Green development towards the improvement of services between the application site and Ashford Town Centre. This site is already served from the Ashford Road by a two hourly Stagecoach service 2A and an hourly subsidised service 11, giving 1.5 buses per hour. KCC would be seeking to increase this to

two buses an hour with a half hourly frequency provided to the Kingsnorth Green development across all routes.

These additional journeys could be provided either as a standalone service or additional journeys provided as 'shorts' on Stagecoach service 2A. At present, there is a lack of a turning point on Ashford Road to turn a bus; however, it may be possible to continue turning right along Magpie Hall Road to the proposed new roundabout with Chilmington Green Road. It may be possible to then extend the service into the Court Lodge development on commencement of phase one. KCC would be seeking £400,000 of funding from phase one of the Court Lodge development to extend this service into the site from Chilmington Green Road. Longer term, and on the basis of a new vehicular through route being provided from Ashford Road to Chilmington Green Road, there is the possibility that Stagecoach may wish to divert service 2A through the Court Lodge development site. There is potentially far greater patronage levels to be gained from up to 1,000 dwellings on this site. The link road should therefore be delivered as part of phase two of the development, at the very latest.

This will largely influence how KCC progresses in terms of the configuration of services from phase two onwards, but in order to ensure that the site receives a sufficient level of service, KCC would be seeking an additional £400,000 for phase two to extend the initial service into this part of the development and to improve service frequencies. A total of £800,000 is therefore sought towards improvements to local bus services in the vicinity of the site. KCC may decide in future to tender these services or alternatively the funding could go direct to Stagecoach to deliver an improved service in consultation with KCC. KCC would encourage further discussions between Stagecoach and Ashford Borough Council regarding this issue.

Trip Distribution and Assignment - full details of the agreed trip distribution and assignment should be included in the Transport Assessment.

Proposed Office Development - 350 square metres of B1 office spaces are being proposed as part of the planning application. The vast majority of the vehicle trips associated with this proposed use are likely to be external and so will be new trips on the local highway network. This is however not taken into account in the proposed trip generation for the site. Further junction modelling is therefore required on all of the junction assessments proposed to include the trip generation from the proposed offices.

Committed Developments - the Waterbrook Park and Park Farm South East developments need to be included in the committed development section of in paragraph 8.17 of the TA as these planning applications now have a resolution to grant planning permission. The trip generation from these proposed developments can be found in the corresponding Transport Assessments submitted with these planning applications.

Junction 5: Ashford Road / Magpie Hall Road / Steeds Lane - a scaled plan is requested, showing the proposed improvements to this junction that are being promoted as part of the Kingsnorth Green planning application so that KCC can review the dimensions as quoted in the PICADY assessment for the junction.

Junction 6: Long Length / Magpie Hall Road - the junction modelling results in Figure 9g of the Transport Assessment do not replicate what is being promoted at this junction in the

form of a new three arm roundabout, together with the closure of part of Long Length at its junction with Magpie Hall Road. The roundabout junction should be modelled based on a 2030 scenario with committed development; 2030 with committed development and Court Lodge; and 2030 with committed development with Court Lodge, Kingsnorth Green with Pound Lane closed.

Junction 9: A2042 / Kimberley Way / Norman Road - a capacity improvement scheme at this junction was implemented approximately two months ago. This provides three lane entry on all arms of the roundabout. The applicant is required to model the impact of their development on the as-built scheme.

A2070 / The Boulevard / Waterbrook Avenue junction - no junction assessment of the A2070 / The Boulevard / Waterbrook Avenue junction has been undertaken. This junction is within the ownership of Highways England and the only arm of the roundabout that is within the ownership of KCC Highways is The Boulevard. The County Council, as Local Highway Authority, needs to understand the impacts of the development on this arm of the junction. A mitigation scheme is proposed by Crest Nicholson (Finberry) at the roundabout known as the Bellamy Gurner scheme. Works to this roundabout to turn it into a signal controlled junction are likely to commence sometime this year. The applicant should test the impact of the proposed development on this scheme to ascertain whether or not there is sufficient capacity to cater for the proposed development.

Stage 1 Road Safety Audit - a Stage 1 Road Safety Audit is required for all of the proposed highway schemes below. This is to ensure that the County Council has the assurance that the proposal will not lead to any new highway safety concerns.

Proposed Priority Junction Pound Lane South (1281-HL-101)

As previously explained above, this junction proposal should be removed as it is not appropriate to encourage a substantial increase in vehicle movements along Pound Lane given its limited width. There is also a pinch point on Pound Lane at the location of the bridge that goes over the existing water course.

There is a desire by the County Council to secure the land required for the future Pound Lane Link Road, but this junction should not be provided as part of this application and should only come forward when the Pound Lane Link Road is provided. This plan should therefore be amended to show how a 6.75-metre-wide local distributor road can be provided up to the eastern boundary of the Court Lodge site to connect in with the Kingsnorth Green application site as discussed above, which can be secured through a Section 106 planning obligation.

There is, however, a need for this planning application to secure a new pedestrian linkage into the site from the existing footway that runs along the southern side of Pound Lane. This will provide a new direct link from the site to the Queen's Head Public House and the Ashford Road / Church Hill / Pound Lane junction. There is an agricultural access that runs just to the east of the watercourse by the bridge pinch point. This should provide a pedestrian link onto Pound Lane together with a new bridge to connect in with the existing bridleway that runs along the southern side of Pound Lane as the County Council does not

wish to encourage pedestrians walking in the carriageway to access the bridleway on the southern section of Pound Lane.

There does however need to be an alternative Secure by Design pedestrian / cycle link provided from Local Plan Site S5 up to the existing alignment of the Public Right of Way that runs to the far northern boundary of the site close to the junction of Pound Lane and Chart Road. This link should be provided directly in front of the most northern houses, so that it is lit and well overlooked. The provision of this link should be clearly shown in the Framework Plan document.

Britannia Lane On Road Parking Provision (1281-HL-26)

The County Council supports the proposal for a new parking lay-by on Britannia Lane. This will provide parking for up to six vehicles and ensure that Britannia Lane itself is clear of any parked vehicles. However, parking restrictions are required between the parking lay-by and the junction to the east serving numbers 2-42 Britannia Lane. The plan should be annotated to include the provision of double yellow lines to prevent any obstructive parking around the junction. The proposal will also require the removal of approximately nine street trees. These trees will need to be replaced at the cost of the applicant as part of the Section 278 Agreement between the applicant and the County Council. It is suggested that these trees could be replaced on the other side of the carriageway on Britannia Lane.

Proposed Priority Junction Pound Lane North (1281-HL-102)

As set out above, there are no details of required footpath provision along Pound Lane, linking into the existing footway on Britannia Lane. The proposed site access is 5.5 metres in width, but there are no details of required widening of Pound Lane to a suitable standard of 5.5 metres up to the junction with Chart Road to allow for two-way vehicle movement. Furthermore, vehicle tracking of the site access point needs to be provided for an 11.4 metre long refuse vehicle.

Proposed Priority Junction Long Length (1281-HL-103)

Vehicle tracking for an 11.4 metre long refuse vehicle needs to be provided for the proposed site access point.

Ashford Road / Pound Lane / Church Hill Mitigation (1281-HL-200)

The promoters of the Kingsnorth Green application site are proposing to signalise the junction of Ashford Road / Pound Lane / Church Hill. This has been secured through a respective planning condition for that site and is required prior to the commencement of Area Two or by the 151st dwelling (whichever is sooner). The junction modelling undertaken within the Transport Assessment demonstrates that the signalised junction will operate within 100% practical capacity and just over 90% theoretical capacity at 93.1% on the Ashford Road North and Church Hill arms in the PM peak.

The staging diagrams in the LINSIG assessment appear to show that the Pound Lane arm and Church Hill arm will run at the same time; however, no traffic will exit the Pound Lane

arm as a result of the Pound Lane closure. The proposal does not however take into account that there will be a small element of traffic that will exit Pound Lane at this junction, even with the closure of Pound Lane just to the west of Riverside Close. The junction model should therefore be re-run in both the AM and PM peaks based on a small element of traffic both entering and exiting Pound Lane from Ashford Road. There will be approximately 50 dwellings and the Public House (Queen's Head) that will still need to access Pound Lane from this junction. The applicant will need to agree the likely number of vehicle movements from Pound Lane onto Ashford Road with KCC as Local Highway Authority. Vehicle tracking is required to demonstrate that 16.5 metre long articulated vehicle can safely travel in a north - south direction along Ashford Road and that a minimum of two cars can safely wait in the right hand turn lane whilst seeking to turn right from Ashford Road into Church Hill. The signalisation of the junction does provide a safer layout and allows for the provision of formal pedestrian crossing facilities (something that the junction does not benefit from currently).

Romney Marsh Road Roundabout (1281-HL-211)

The proposal to increase the entry widths on all arms of the roundabout, whilst providing slightly more capacity, does not resolve existing safety issues at this junction as it will just encourage increased vehicle speeds into the roundabout at off-peak times. This roundabout junction currently features on KCC's Crash Remedial List and the County Council will be implementing a safety scheme at this junction in the next financial year. The County Council, as the Local Highway Authority is currently investigating a longer-term highway capacity improvement scheme at this junction, which provides enough capacity for all Local Plan sites up to the 2030 Local Plan scenario.

Subject to securing necessary Section 106 planning obligations, KCC is looking at delivering a scheme as a major project. The promoters of the Waterbrook Park site have devised a signalised roundabout scheme, together with a left-hand filter lane from Romney Marsh Road onto Bad Munstereifel Road. This scheme has also been subject to an independent Stage 1 Road Safety Audit. An outline scheme cost of £6,181,391 has been identified, of which £1 million has been secured from the Waterbrook Park development. The County Council has identified four further sites that can contribute towards this improvement as they will have a significant effect on this roundabout:

- Court Lodge (Policy S3 of the Local Plan);
- Kingsnorth Green (Policy S4 and 55 of the Local Plan);
- Park Farm South East (Policy S14 of the Local Plan); and
- Finberry (Policy S15 of the Local Plan).

The identified number of vehicle movements at the Romney Marsh Road roundabout in the PM peak period (this is the most challenging peak in terms of capacity) because of these sites has been identified by Kent County Council as below:

- Court Lodge – 217 movements;
- Kingsnorth Green – 195 movements;
- Park Farm South East – 57 movements; and
- Finberry – 64 movements.

Based on a pro-rata number of movements, the amount sought from this application site is £2,109,497. This contribution request may however change as a result of the increased trip generation from the proposed office development.

Forestall Meadow Roundabout (1281-HL-311)

In order to assess future capacity issues as a result of the proposed development, the applicant is proposing to provide three lanes of entry from Britannia Lane onto the roundabout and also widen the entry width and increasing the flare length on Ashford Road. This scheme is acceptable to the County Council as it provides a nil-detriment scenario subject to the provision of a Stage 1 Road Safety Audit.

Designer Outlet Roundabout (1281-HL-911)

The owners of the Designer Outlet have recently implemented a roundabout capacity improvement scheme at this roundabout, together with a new slip lane onto Romney Marsh Road from the new Southern Car Park. Details of this capacity improvement scheme were submitted as part of the Designer Outlet expansion planning application (14/01402/AS). The applicant is required to model the impact of the Court Lodge proposal on this scheme.

Roundabout with Long Length and Magpie Hall Road (1281-HL-611)

The proposed carriageway should be 6.75 metres in width, as per the Kent Design Guide for a local distributor road. The route is likely to be a bus route from Ashford Road so needs to cater for all types of vehicles including HGVs. As a minimum, a two-metre-wide footway needs to be provided on one side of the carriageway and a three-metre footway / cycleway on the other side in order to provide suitable pedestrian / cycle access from Stubbs Cross into Court Lodge and vice versa. A new footway connection is also required from the junction of Tally Ho Road / Magpie Hall Road to the proposed new roundabout. The proposed splitter islands at the roundabout can be used as pedestrian crossing points. The section of Long Length between the proposed northern and southern accesses should be downgraded to be a pedestrian / cycle link only to encourage vehicles to route through the development site. Lockable drop-down bollards should be provided at either end of Long Length to prevent unauthorised vehicle access. Vehicle tracking for a 16.5 metre long articulated vehicle needs to be provided for this roundabout to show that this size of vehicle can manoeuvre around the roundabout.

Additional notes

The proposed travel plan should be secured through a Section 106 planning obligation together with a £10,000 monitoring fee (£1,000 per annum over a 10 year period) so that KCC can effectively monitor the travel plan.

All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed and this should be subject to a planning condition. Where communal car parks are proposed, EV charging points should be provided at a rate of 10% of the total car parking provision.

Public Rights of Way (PRoW)

The County Council would like to ensure the applicant is aware of public footpaths AW298 and AW299, bridleway AW376 and restricted byway AW299A, which will be directly affected by the proposed development. The locations of these paths are indicated on the attached extract of the Network Map (Appendix 1).

The Design and Access Statement includes proposals for new pedestrian and cycle routes, walkable neighbourhoods and improved pedestrian and cycle connectivity. It proposes to safeguard opportunities for wider pedestrian and cycle linkage to Discovery Park West and considers a role for the Roman Road to provide this provision and links to the Park.

KCC is supportive of the proposals outlined in the Design and Access Statement in relation to the proposed pedestrian and cycle routes; and requests that in order to meet the pedestrian and cycle connectivity requirements for the site, footpaths AW298 and AW299 are upgraded to bridleways. AW298 will provide an important link to existing bridleway AW376, to the east, connecting to the proposed Chilmington Green bridleway and Discovery Park to the west. In addition, the upgrade of footpath AW299 to bridleway will provide pedestrian, cycle and equestrian access north to south through the site; providing a link to restricted bridleway AW299A to the north and connecting to Magpie Hall Road to the south. There is potential here to extend the route of the proposed Chilmington Green bridleway to provide a connection to the Court Lodge development to the south west.

The Design and Access Statement also states that multiple site accesses will be explored and that existing PRoW through the site will be retained and enhanced with new surfacing, signage and seating. Routes will be extended to provide interlinked movement, recreational routes and links north to Ashford, south to Stubbs Cross and west to Discovery Park and Chilmington Green will be included. The upgrades of footpaths AW298 and AW299 to bridleway, support Court Lodge's Site Access Strategy. They will provide traffic free routes linking to Stubbs Cross, Discovery Park and Chilmington Green and will greatly benefit the sites connectivity, further increasing opportunities available to residents for recreation, active travel and exercise.

KCC notes that the final design, including materials, seating and signage for the Roman Road is to be determined via a reserved matters application. The County Council requests that details of the PRoW are also included within any relevant subsequent applications. Furthermore, KCC notes that the application identifies two locations where carriageways interface with the Roman Road. KCC requests that the PRoW Network is included and that any crossing of the Roman Road or PRoW should be managed to ensure pedestrian, cyclist and equestrian safety, as required.

Greensands Way

The Greensand Way is an important route that has been recognised within the Chilmington Green development and forms part of the promoted long distance walk. Although within this site the Greensand Way has not been obstructed by any proposed building work and appears to run within an area of amenity green space, the alignment of the route has not

been shown on any maps and KCC requests clarification of the treatment of this route by the applicant.

In respect of ongoing maintenance, it will be expected that site operators take on maintenance responsibilities for any landscaping and enhancements to benefit the PRow network. In the case of any planted vegetation screening, this should be cut on a regular basis so that PRow are open and available to their full width at all times. If it is appropriate to do so, KCC requests that the maintenance responsibilities be added as a planning condition.

KCC would strongly advise the applicant to contact the County Council at its earliest convenience to address all PRow issues and discuss crossing points, surfacing and signage specifications, to ensure that the planning process is not unnecessarily delayed.

Provision and Delivery of County Council Community Services

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that the scheme will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The County Council has provided a summary below.

	Per Applicable House (1000)	Per Applicable Flat (0)	Total	Project
Primary Education	£4,535.00 per house	£1,134 per flat	Up to £4,535,000.00	Contributions towards a new 2FE Primary School at Court Lodge
Primary Education - Land	Freehold transfer at 'nil' cost to KCC of a 2.05ha site in accordance with our General Site Transfer Requirements, attached See Appendix 6 for KCC's site transfer requirements			
Secondary Education	£4,687.00 per house	£1,172.00 per flat	Up to £4,687,000.00	Contributions towards the new Chilmington Green Secondary School – Additional 2FE

'Applicable' excludes 1 bed units of less than 56 sqm GIA. Confirmation requested that 29 of the flats are under 56sqm GIA.

	Per Dwelling (1000)	Total	Project
Community Learning	£34.45	£34,451.65	IT and Equipment to enable outreach provision and increased capacity within existing local centres
Libraries	£108.32	£108,320.49	Book stock, IT and enhanced services at Stanhope Library
Youth Service	£27.91	£27,908.39	Equipment and mobile vehicle to enable the provision of outreach

			services in the area.
Adult Social Care	£77.58	£77,580.00	Fairlawns Respite Care, Ashford
	KCC requests that the on-site community facility is DDA compliant (Wheelchair accessibility requirements of the Equalities Act 2010 and Building Regulations approved document Part M), incorporates a dementia friendly design and Changing Place Facility (as per http://www.changing-places.org/install_a_toilet/design/changing_places_standards.aspx)		
	10 Wheelchair Adaptable Homes as part of the onsite affordable homes delivery		

Please note that these figures:

- are to be **index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment** (Oct-16 Index 328.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

The full detailed assessment of the implications of this proposal on County Council community services is provided in Appendices 2-6.

Education

The County Council would like to raise the following comments on the proposal for a new school at the site.

The County Council's KCC General Site Transfer Requirements (Appendix 6) require that the entire site is located outside of any flood zone. The County Council notes that the current scheme shows that a small part of the education site will fall within the flood zone and requests that the education site is altered accordingly.

The County Council also notes that there is an overhead power line that runs over the education site and that this overhead power line currently has a building exclusion zone. The County Council recognises that concerns are often raised with overhead power lines and therefore requests the applicant has consideration of the KCC General Site Transfer Requirements, which sets out that no overhead cables are located within 250m of a new education facility.

The County Council notes that within the Design and Access Statement, paragraph 6.7, reference is made to the proposed education site containing public realm. The County Council would like to clarify that public realm on school sites is not acceptable, due to the need for the security. It is not possible for an education facility to take responsibility for land which is not secure, with unrestricted access. The budget for the school proposal will not allow for the public realm to be constructed, nor will the school have the revenue cost of maintenance of the public realm. The County Council recommends that the applicant makes the necessary amendments to rectify this issue.

Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, has reviewed the information submitted and is generally satisfied with the principles of the design, namely limiting the surface water discharge rate from site to the existing Qbar value and for this to be discharged to an existing watercourse.

The discharge rate proposed, whilst acceptable, is slightly higher than that advised within Ashford Borough Council's latest SPD. The County Council requests that confirmation is sought as to the acceptability of the proposed rate (4.39l/s/Ha).

KCC would expect to see the drainage system modelled using Flood Estimation Handbook (FEH) rainfall data in any appropriate modelling or simulation software. Where FEH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of the County Council's latest Drainage and Planning Policy Statement (June 2017)¹; the FSR dataset should not be used.

As this is an outline application, the County Council is willing to accept the values used at this stage, but will expect for these be dealt with as part of the detailed design.

The County Council will also expect for it to be demonstrated that the receiving network is in a good working manner, for the proposed flows, prior to any connections being made, remedial works may be required should this not be possible.

KCC would recommend that the following conditions are attached to a decision notice:

1) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the FRA prepared by Brookbanks dated 20th November 2018 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.*
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.*

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off

¹ http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

2) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority, which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018). This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Biodiversity

The County Council recognises that the applicant has carried out extensive ecological surveys within the site and surrounding area. The surveys provide a good understanding of the ecological interest which appears to be greatest around the existing hedges/ditches/water ways. The County Council notes that the majority of these areas will be retained or there is sufficient space within the proposed green infrastructure to implement mitigation.

KCC would like to highlight that ground nesting farmland birds (including skylarks) have been recorded and no information has been provided demonstrating how they will mitigate for the loss of farmland habitat.

KCC requests that further detail is provided with regards to mitigation, including a Mitigation Plan, clearly setting out how much habitat will be lost and subsequently created/enhanced and where the habitat will be created/enhanced. This will enable the application to demonstrate that appropriate mitigation can be implemented. The applicant should note that the Mitigation Plans will need to be adhered to in subsequent reserve matter applications, if outline planning permission is granted.

Further to the submission of a Mitigation Plan, KCC requests that the applicant submits a table detailing the areas of habitat which will be lost as a result of development, and the

habitat which will be created. KCC also requests that the applicant provides details of how they propose to mitigate for the loss of farmland habitat.

Heritage Conservation

The County Council provided a direct response to Ashford Borough Council on the 24 January 2019 in relation to heritage conservation. A copy of the response is attached in Appendix 7.

In summary, the County Council noted that the application site lies within an area of high archaeological potential associated with prehistoric and Roman activity and with possible medieval and later activity focused around Court Lodge Farm itself. Whilst the heritage assessment is reasonable, there are some key areas which need further consideration prior to determination of this application.

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, is responsible for ensuring that mineral resources and minerals infrastructure are not needlessly sterilised by other forms of development. This ensures a steady and adequate supply of minerals is maintained into the future to facilitate sustainable development. This safeguarding approach is supported by the National Planning Policy Framework (NPPF) and in the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP)². The NPPF requires that development proposals should not be permitted within mineral safeguarding areas where they might constrain potential future use of the economic mineral resource. As such, the policies within the KMWLP aim to prevent the sterilisation of Kent's potentially economic mineral assets.

The proposed development application site is partly located within a Minerals Safeguarding Area (MSA) as defined by Policy CSM5 "Land-won Minerals Safeguarding" of the adopted KMWLP, as shown on the Ashford Borough Mineral Safeguarding Areas proposals maps. The proposed outline development application site is coincident with the following safeguarded economic minerals:

- Sub-Alluvial River Terrace Deposits;
- River Terrace Deposits; and
- Limestone- Pauldina Limestone, Weald Clay Formation.

The submitted Framework Plan (Drawing No 147-P-09 Rev K) shows where potentially sterilising development may occur across the site. It would appear that the some of the Sub-Alluvial River Terrace and River Terrace Deposits in the central area of the application site could be at risk of sterilisation from the potential new residential, local centre and educational development. The area where the Pauldina Limestone is situated appears to be

² <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-1>

unaffected by potentially sterilising development, as this area is identified on drawing (147-P-09 Rev K) to be for green infrastructure and structural woodland planting.

The County Council notes that the application is in outline only and the layout of the development may change. Therefore, the County Council requests that a detailed Minerals Assessment is carried out by the applicant. The Minerals Assessment should clarify if the development of the site would sterilise the economically important minerals, and whether it is appropriate to revise the application to avoid this impact. Alternatively, the submitted Planning Statement, informed by the evidence of a Mineral Assessment, should be amended to justify as to whether there are circumstances that invoke any of the specified exemptions from the presumption to safeguard, as set out in Policy DM7 of the KMWLP.

The County Council and Minerals and Waste Planning Authority is happy to discuss this further with the applicant or the Borough Council and can be contacted at mwlp@kent.gov.uk or 0300 422370.

Countryside, Leisure and Sport

The County Council would like to ensure that the applicant considers Sport England's Active Design³. This publication encourages design of developments to build activity into people's lives with linking walkways and cycle routes to green space and community facilities.

The County Council will continue to work closely with the Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. In addition, the County Council welcomes any further engagement with the Borough Council and the applicant as this planning application progresses.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely



Barbara Cooper

Corporate Director – Growth, Environment and Transport

Encs:

[Appendix 1:](#) Extract of the Network Map

[Appendix 2:](#) Detailed Response regarding Provision and Delivery of County Council Community Services

[Appendix 3:](#) Education Assessment

[Appendix 4:](#) Community Learning & Youth Service

[Appendix 5:](#) Social Care Assessment

[Appendix 6:](#) General Transfer Requirements

[Appendix 7:](#) KCC Heritage Conservation Response dated 24 January 2019

³ <https://www.sportengland.org/media/3426/spe003-active-design-published-october-2015-email-2.pdf>

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