

PLANNING APPLICATIONS COMMITTEE

Wednesday, 12th January, 2022

10.00 am

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





AGENDA

PLANNING APPLICATIONS COMMITTEE

**Wednesday, 12th January, 2022, at 10.00
am
Council Chamber, Sessions House, County
Hall, Maidstone**

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

Membership (13)

Conservative (10): Mr R A Marsh (Chairman), Mr A Booth (Vice-Chairman),
Mr C Beart, Mrs R Binks, Mr P Cole, Mr D Crow-Brown,
Mr M Dendor, Mr O Richardson, Mr C Simkins and Vacancy

Labour (1): Ms J Meade

Liberal Democrat (1): Mr I S Chittenden

Green and
Independent (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 - 10 November 2021 (Pages 1 - 6)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

1. Application TM/21/42 (KCC/TM/0289/2020)- Section 73 application to vary conditions 9 & 10 of Annex A2 of Permission TM/10/2029 (as amended by Permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford: Gallagher Aggregates Ltd (Pages 7 - 44)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal 21/504168/COUNTY (KCC/SW/0150/2021) - Erection of a two storey new stand alone teaching block and sports hall, with a single storey kitchen extension and remodelling works to areas of the existing school buildings to facilitate school expansion from 4FE to 5FE at Borden Grammar School, Avenue of Remembrance, Sittingbourne: KCC Strategic and Corporate Services (Pages 45 - 80)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 81 - 86)
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. KCC RESPONSE TO CONSULTATIONS

1. Swale Borough Local Plan - October 2021 - Issues & Options - Regulation 18 (Pages 87 - 98)
2. Folkestone and Hythe District Council Local Plan Main Modifications (Pages 99 - 100)

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, 4 January 2022

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 10 November 2021.

PRESENT: Mr R A Marsh (Chairman), Mr A Booth (Vice-Chairman), Mr C Beart, Mrs R Binks, Mr I S Chittenden, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Ms J Meade, Mr O Richardson, Mr C Simkins and Mr H Rayner (Substitute for Vacancy)

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Ms M Green (Principal Planning Officer), Mrs L Cook (Senior Planning Officer), Ms N Stevens (Invicta Law) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**36. Membership**

(Item A1)

The Committee noted that Mr J Wright had resigned as a Member of the Committee.

37. Minutes - 13 October 2021

(Item A4)

RESOLVED that the Minutes of the meeting held on 13 October 2021 are correctly recorded and that they be signed by the Chairman.

38. Site Meetings and Other Meetings

(Item A5)

The Committee noted that there would be an Induction Training session for Members on 3 December. Members of the Committee would be most welcome to attend, although they had already received such training in June 2021.

39. Proposal SE/21/891 (KCC/SE/0045/2021) - New sports facilities comprising 2 multi use games areas and 2 all-weather floodlit pitches on the existing school playing fields, and change of use of an area of land to grass playing field at Sevenoaks Grammar Annexe/Trinity School, Seal Hollow Road, Sevenoaks; KCC Strategic and Corporate Services

(Item D1)

(1) During discussion of this item, the Committee agreed to strengthen the final draft condition so that construction access was to be controlled to avoid arrivals and departures during the AM and PM peak school times including the use of the bus drop off access by construction vehicles during the school bus operating times of 0745 to- 0900 and 1500 to 1615.

(2) The Committee also agreed to the addition of two Informatives. The first of these asked the applicant to draw the attention of the Clerk of Work on site to the conditions attached to the planning permission, particularly those relating to tree protection. The second asked the application to give consideration to an alternative colour to the proposed fencing to minimise visual impact.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were unanimously agreed as amended in (2) and (3) above.

(4) RESOLVED that the application be referred to the Secretary of State for Levelling Up, Housing and Communities (LUHC) as a departure from the Development Plan on Green Belt 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; removal of permitted development rights to the field to the east of the main school site; tree protection fencing/measures being installed on site prior to commencement of the development and thereafter retained throughout the construction period; the approved landscaping scheme being implemented within the first planting season following completion of the development; the development being undertaken in accordance with the recommendations contained within the submitted protected species reports regarding protection and enhancement measures; the submission for approval of a detailed mitigation and enhancement strategy, including details of the reptile receptor site, details of how the remaining grassland within the eastern field is to be enhanced and details of ecological enhancement features within the wider site; the submission of a woodland management plan, setting out how the woodland on site is to be managed to benefit biodiversity; access for all community users of the facilities being via the main site access on Seal Hollow Road, with car parking on site being available for use by community users at all times; use of the Seal Drive access being by emergency and maintenance vehicles only; no use of the development taking place until certification of the Artificial Pitch surfaces (to FIFA and World Rugby Regulation Standard) has been provided to the County Planning Authority together with confirmation that the facilities have been registered on the Football Association's Register of Football Turf Pitches; the submission and approval of a Community Use Agreement prior to first use of the development; hours of community use being limited to those specified within the application; the acoustic barrier being installed prior to first use of the All Weather Pitches; lighting levels not exceeding those specified within the application; hours of use of the floodlighting according with those set out in the application (i.e. being extinguished by 9 pm on weekdays and 8 pm on weekends); lighting being installed in accordance with the submitted details and specification unless otherwise approved in writing by the County Planning Authority, and checked on site with any necessary adjustments being made prior to the first use; the floodlighting being extinguished when the pitch is not in use; the submission for approval of final details regarding the location of the cricket nets prior to their placement on site; the submission for approval

of an assessment of ground condition details and any required mitigation prior to the commencement of any works relating to the grass playing field to the east; the submission and approval of a Management and Maintenance Scheme for the facilities prior to first use of the development; the submission of a verification report relating to the SUDs Scheme prior to first use of the development; the construction of the development being undertaken in accordance with the submitted and approved Construction Management Strategy; 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 construction access being controlled to avoid arrivals and departures during the AM and PM peak school times, including the use of the bus drop off access by construction vehicles during the school bus operating times of 0745 to- 0900 and 1500 to 1615; and

- (b) the applicant be requested by Informative to:-
 - (i) draw the attention of the Clerk of Work on site to the conditions attached to the planning permission, particularly those relating to tree protection; and
 - (ii) give consideration to an alternative colour to the proposed fencing to minimise visual impact.

40. Proposal MA/21/502002 (KCC/MA/0078/2021) - First floor extension to the sports pavilion, including a two storey side extension for access and external emergency escape staircase at Maidstone Grammar School, Barton Road, Maidstone; Maidstone Grammar School

(Item D2)

(1) Mrs Sharon Thompson, Head of Planning Applications Group informed the Committee that her daughter had been a pupil at Maidstone Grammar School. As her daughter had left the School more than two years previously, she was able to advise the Committee on the application.

(2) The Committee added two Informatives. The first strongly encouraged the applicant to include the provision of mature species in the tree planting scheme required by condition. The second encouraged the applicant to use the energy generated from the PV panels within the school estate.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were unanimously agreed as supplemented in (1) above.

(4) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit; the development being carried out in accordance with the permitted details; no

development taking place until the applicant has secured an archaeological watching brief in accordance with a written programme and specification to be approved in writing by the County Planning Authority; details of external lighting; any lighting proposals following the recommendations within the Bats and Artificial Lighting in the UK guidance document produced by the Bat Conservation Trust and Institution of Lighting Professionals; no development taking place until a construction management plan, including details of lorry routing, access, parking, construction vehicle loading/unloading and circulation within the site for contractors and other vehicles related to construction operations, and measures to prevent mud and debris being taken onto the public highway, has been submitted for approval and thereafter being implemented as approved; measures to protect the existing trees during construction; hours of working during construction 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; the provision and permanent retention of the 2 vehicle parking spaces shown on the submitted plans prior to the occupation of the building; the tree planting scheme being implemented as submitted within the first planting season and maintained for a period of not less than 5 years; and no tree removal taking place during the bird breeding season; and

- (b) the applicants be advised by Informative:-
- (i) that they are strongly encouraged to include the provision of mature species in the tree planting scheme required by condition; and
 - (ii) that they are encouraged to give consideration to an alternative colour to the proposed fencing in order to minimise visual impact.

41. Matters dealt with under delegated powers

(Item E1)

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

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

42. KCC Responses to Consultations

(Item F1)

RESOLVED to note Kent County Council's responses to the following Consultations:-

- (a) Birchington Neighbourhood Plan (Regulation 14 Consultation); and
- (b) Dartford Local Plan Regulation 19 Consultation.

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SECTION C
MINERALS AND WASTE MANAGEMENT

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

Item C1

Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)

A report by Head of Planning Applications Group to Planning Applications Committee on 12 January 2022.

Application by Gallagher Aggregates Ltd for Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX - TM/21/42 (KCC/TM/0289/2020)

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

Local Member: Andrew Kennedy

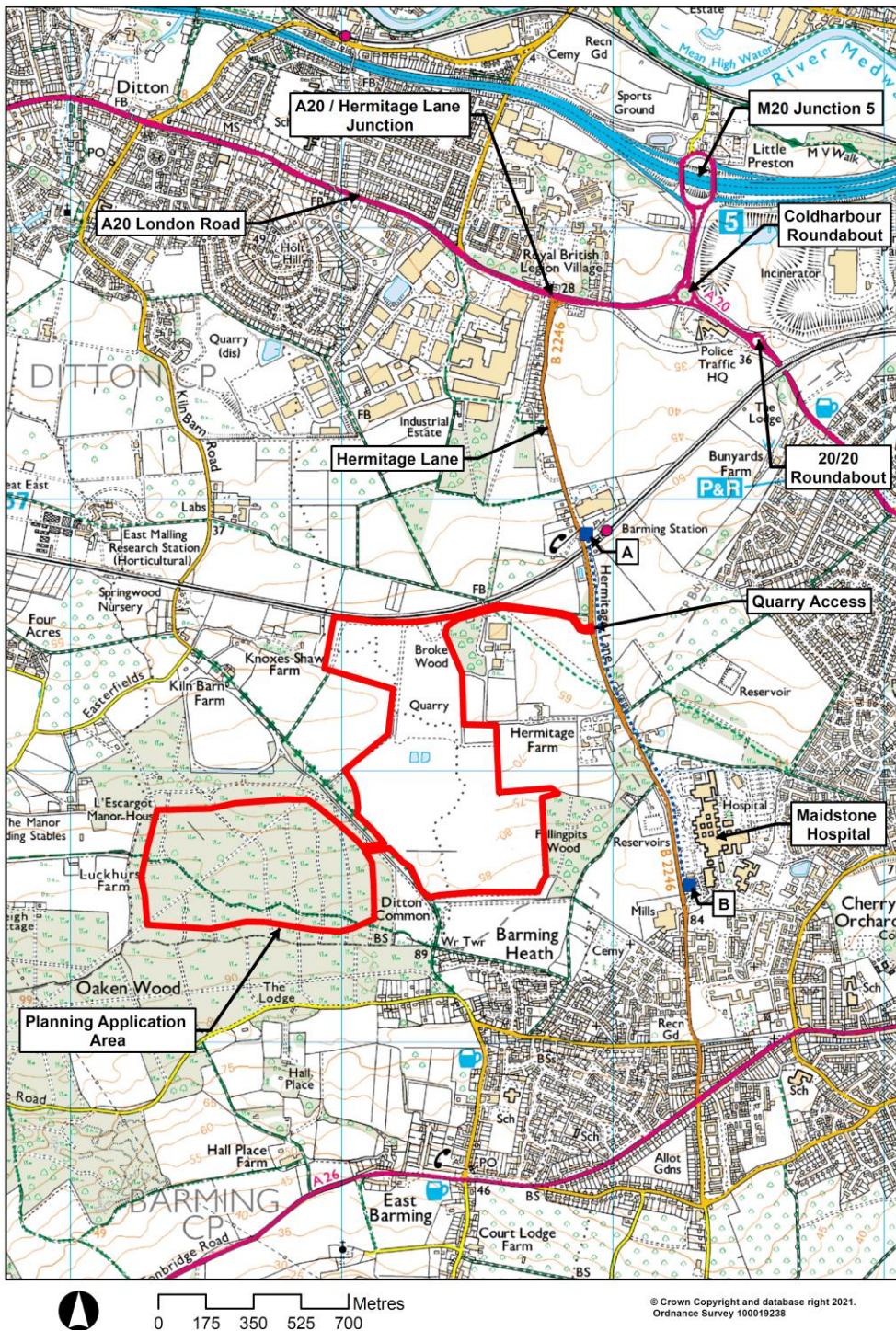
Unrestricted

Site description

1. Hermitage Quarry lies to the west of Maidstone between Allington (to the east), Aylesford (to the north) and Barming Heath (to the south). The quarry has a purpose built access onto Hermitage Lane (B2246) which leads north to the A20 and provides access to M20 Junction 5 via the Coldharbour Roundabout. HGV's must travel to and from the north as a result of the weight limit imposed just to the south of the quarry entrance. The distance between Hermitage Lane and the quarry weighbridges and offices is approximately 580 metres (m). The main part of the quarry is a further 580m from these facilities.
2. Maidstone Hospital lies approximately 650m to the south of the quarry access road and Barming railway station lies approximately 340m to its north. There are a number of residential and commercial properties on Hermitage Lane between the quarry access road and the A20 to the north. The commercial properties include a DHL distribution depot, an Aldi supermarket and a McDonald's drive-through. The main residential development in the area lies to the southeast and east of the quarry with much of the recent and emerging development being accessed off Hermitage Lane. There are also a number of other commercial properties accessed off Hermitage Lane to the south of the quarry access road.

Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)

Site Location Plan (showing the application site and surrounding area)



Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)

3. Hermitage Quarry and the access route to the A20 and M20 lie within the Borough of Tonbridge and Malling. Maidstone Hospital and the residential development to the southeast and east of the quarry are within Maidstone Borough. The quarry lies in the strategic gap identified in the Tonbridge and Malling Local Plan and Oaken Wood (to the west) is designated as Ancient Woodland and a Local Wildlife Site. Although the quarry does not lie within an AQMA, HGV movements to and from the site pass through the Aylesford AQMA (which includes the Hermitage Lane / A20 junction) and the M20 AQMA (which includes parts of the M20 to the west and east of Junction 5 as well as small sections of the A229 and A249). The quarry and the associated mineral plant infrastructure (including concrete plant, other concrete products and the those associated with the handling, processing and distribution of substitute, recycled and secondary aggregate material) are safeguarded in the Kent MWLP.
4. There are a number of public rights of way in the area although only one is directly affected by the proposed development. Footpath MR488 crosses the quarry access road approximately 300m from Hermitage Lane. The quarry access road is subject to a 20 miles per hour (mph) speed limit reinforced with signs along the access road in both directions, a speed monitor between Hermitage Lane and the footpath crossing (which flashes the speed a vehicle is travelling on a sign as HGVs travel into the quarry) and a speed ramp between the quarry and the footpath crossing to slow HGVs leaving the site. The footpath crossing itself is clearly marked on the road and signed. There are also cameras on the access road to record HGV registration numbers for the HGV monitoring records.

Planning History and Background

5. Hermitage Quarry is one of only two quarries in South East England which produce hard rock quarry products (the other being Blaise Farm Quarry near Kings Hill also operated by Gallagher Aggregates Ltd (GAL)). Hermitage Quarry supplies over 70 products to a wide range of markets both within Kent and the wider region. These include primary and recycled aggregates, ready mix concrete, hydraulically bound materials, flowing screeds, soils and top-quality dimension stone for new build and heritage projects. Permission also exists for manufacturing aggregates using advanced technologies. The quarry also provides void space for residual inert waste which is used in progressive restoration following mineral extraction.
6. Planning permission for mineral working at Hermitage Quarry was first granted for the “Original Quarry” on 28 September 1989 and quarrying began in 1990. A Section 106 Agreement associated with this (also dated 28 September 1989) provided for a new access road to the site from Hermitage Lane (as now existing), the realignment of Hermitage Lane in the vicinity of the railway line and a new bridge over the railway line (as part of the Maidstone Western Relief Road project). Hermitage Quarry has since been subject to a number of extensions: the “Southern Extension” (12 January 1996); the “Western Extension” (14 June 1999); the “Eastern Extension” (8 December 2005); and, most recently, the “Westerly Extension” (11 July 2013). The Westerly Extension (TM/10/2029) was granted by the Secretary of State after the application was called in and the subject of a Public Local Inquiry. Planning permission TM/10/2029 also varied

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the permissions relating to the Original Quarry, the Southern Extension and the Eastern Extension and provided new conditions for all four areas in (respectively) Annexes A1, A2, A3 and A4 of the new planning permission. It made no changes to the Western Extension permission as it was compatible with the new proposals.¹ A Section 106 Agreement dated 18 December 2012 associated with planning permission TM/10/2029 includes covenants and obligations relating to woodland, ecological and other long term management and aftercare, habitat creation, native woodland planting and the costs of independent blast monitoring. It also discharged the covenants and obligations contained in a Section 106 Agreement dated 8 December 2005 since these were either no longer necessary or were addressed in the new Agreement.

7. Mineral extraction is taking place in the Westerly Extension. Much of the Original Quarry, Eastern Extension and Western Extension and parts of the Southern Extension have been restored to agricultural land at original levels using quarry waste (hassock / overburden) and imported inert waste and infilling and restoration has commenced in part of the Westerly Extension. The rest of the Original Quarry and Southern Extension and a small part of the Western Extension contain the processing plant (washing, grading, screening and crushing), a recycling facility (dealing with inert waste from road maintenance, construction and demolition and utilities), ready mixed concrete batching plant, manufactured aggregates facility (MAF), stone cutting shed, HGV workshop, other ancillary buildings and structures, parking areas and surface water lagoons. The site offices and weighbridges are currently located further north at the quarry end of the access road (but are to be relocated into the main part of the Original Quarry).
8. Since all vehicle movements from the quarry must pass through the Original Quarry to reach Hermitage Lane, traffic and access conditions are set out in Annex A2 of TM/10/2029. Conditions 9 and 10 initially read as follows:
 - (9) The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 300 movements per day and the number of movements on any single day shall not exceed 600 movements.
 - (10) During the morning and evening peak periods of 0730 hours to 0930 hours and 1600 hours to 1800 hours, the maximum number of HGVs entering and leaving the site shall not exceed 30 movements.

Condition 11 required the operator to submit six-monthly returns of all HGV movements to and from the site showing daily and peak hour movements to the County Council (KCC) as the Mineral Planning Authority. Condition 12 required measures be taken to ensure that vehicles leaving the site do not deposit mud or other materials onto the public highway (including the continued provision of wheel and chassis cleaning equipment). Condition 13 required visibility splays of 9m by 160m at

¹ The Western Extension currently operates under planning permission TM/97/2068 (dated 14 June 1999) as amended by TM/03/2785 (dated 31 December 2004), TM/07/4294 (dated 27 May 2008) and TM/17/501166 (dated 3 April 2017). The infilling and restoration phasing was approved alongside that for TM/10/2029 (as amended).

Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)

the site entrance to be maintained free of all obstruction to a height of 0.9m clear of the carriageway on Hermitage Lane. Condition 14 required the restoration of the access upon cessation of operations.

9. Condition 11 of TM/10/2029 was varied by planning permission TM/14/573 (dated 8 April 2014) to require the operator to maintain records of all HGV movements to and from the site showing daily and peak hour movements and upon written request make them available to KCC within 21 days of the last day in any month.
10. Conditions 9 and 10 of TM/10/2029 were varied by planning permission TM/17/131 (dated 20 April 2017) to read:
 - (9) The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 600 movements per day and the number of movements on any single day shall not exceed 900 movements.
 - (10) During the morning peak period of 0630 to 0930 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 150 movements of which a maximum of 50 movements shall take place in the one hour period 0630 to 0730 hours, 45 movements in the one hour period 0730 to 0830 hours and 55 movements in the one hour period 0830 to 0930 hours. In addition to these restrictions, during the period between 0630 to 0700 hours only HGVs pre-loaded at the site the previous working day shall be permitted to leave the site and no other operations shall be allowed to take place until 0700 hours. During the evening peak period of 1600 to 1800 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 50 movements.

TM/17/131 also imposed an additional condition (not numbered):

Within 3 months of the date of this permission hereby granted details of a permanent HGV movement monitoring scheme shall be submitted to the County Planning Authority for approval, such scheme shall include the means by which to, henceforth in perpetuity from an agreed date, record on an hourly and daily basis, the number of HGV movements entering and leaving the site. The results of the HGV monitoring shall be provided to the County Planning Authority in a form and on an agreed basis.

11. The HGV monitoring scheme required by the additional (not numbered) condition was approved under planning reference TM/17/131/R (dated 26 September 2017). The approval was subject to a single condition which stated:
 - (1) Unless otherwise agreed beforehand in writing by the County Planning Authority the results of the HGV monitoring shall be provided to the County Planning Authority in the format shown in Figure 8 of the report reference: GAL-HQ-0617-R03 each month.

Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)

Reason: To assist the County Planning Authority in monitoring the number of vehicles entering and leaving the site.

12. The results of the HGV monitoring provided by GAL since January 2018 have shown that the permitted limits during each of the morning peak periods have regularly been exceeded in all months and that the occasional exceedance of the afternoon peak period has occurred. They have also shown that in 2019, the daily average limit of 600 HGV movements was exceeded during most months and that the absolute daily maximum of 900 HGV movements was frequently exceeded. In 2020, the daily average and absolute numbers were each only exceeded once (in October 2020). In 2021, the daily average and absolute numbers were also each only exceeded once (in January 2021).
13. Although not altering any of the above conditions or allowing any additional HGV movements, a number of other planning permissions and approvals have been issued in recent years. These include:
- TM/17/501166 (dated 3 April 2017) which amended the working and restoration scheme;
 - TM/10/2029/RVARB (dated 31 March 2017) which (amongst other things) approved the relocation of the transport workshop and HGV parking area from Little Preston to Hermitage Quarry and provided for the relocation of the site offices and weighbridge facilities to the quarry working area, a masonry workshop building and a manufactured aggregate recycling facility;
 - TM/10/2029/A2/R26A (dated 13 September 2019) which approved a replacement ready mixed concrete batching plant;
 - TM/19/2091 (dated 6 February 2020) which permitted the construction and operation of a manufactured aggregates facility (MAF) including associated hardstanding and external plant; and
 - TM/10/2029/A2/R26B (dated 4 March 2021) which amended the design of the transport workshop and provided for the installation of an air source heat pump system, associated equipment and enclosure and a refuse store.

Condition 1 of TM/10/2029/A2/R26A required the removal of the two existing ready mixed concrete batching plants within 12 months of the commissioning of the new one. These have since been removed. Condition 6 of TM/19/2091 explicitly states that HGV movements associated with the MAF shall be accommodated within the numbers and in accordance with terms provided for by conditions 9 and 10 of TM/17/131 (or such numbers and terms as may be provided for as a result of any subsequent planning permission relating to the combined total of HGV movements entering and leaving Hermitage Quarry) and that they shall be included in the results of the monitoring required by the HGV Monitoring Scheme approved on 26 September 2017 (or such subsequent scheme as may be approved by KCC).

14. The majority of the land within Maidstone Borough to the east of Hermitage Lane and north of Maidstone Hospital is allocated for residential development in the adopted

Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)

Maidstone Borough Local Plan (October 2017) and benefits from planning permission (MA/13/1749 – APP/U2235/A/14/2226326) for housing development. Much of the housing has already been built or its construction is ongoing. The development is accessed via Chapelfield Way, whose junction with Hermitage Lane lies approximately 67m to the south of the quarry access road. Much of the land within Maidstone Borough to the west of Hermitage Lane and south of the quarry is similarly allocated for housing development and now has the benefit of planning permission (MA/20/501773) granted on 15 July 2021 following completion of a Section 106 Agreement.

15. Land to the east of Hermitage Lane, north of the railway line linking Barming Station with Maidstone East and south of the A20 within Tonbridge and Malling Borough was proposed as a new strategic housing site (i.e. South Aylesford) for about 1,000 dwellings in the draft Tonbridge and Malling Borough Local Plan. The draft Plan proposed that this would provide (amongst other things) a new link road between Hermitage Lane and the 20/20 roundabout on the A20 and proportionate contributions to other road improvements (i.e. improvements to the A20 / Hall Road / Mills Road junction, local improvements to the Hermitage Lane / A20 junction and improvements at the southern end of Hermitage Lane at / leading to the Fountain Lane / A26 Tonbridge Road junction). Although Tonbridge and Malling Borough Council (TMBC) formally withdrew its draft Local Plan following its resolution to do so on 13 July 2021, the road improvements referred to for the strategic housing site are effectively secured by planning permission (TM/17/01595/OAEA) which provides for 840 dwellings on the site. The draft Tonbridge and Malling Borough Local Plan also proposed 118 houses on land to the southeast of the quarry (Oakapple Lane, Barming). This is subject to a planning application (TM/20/01218/OA) submitted in parallel with that part in Maidstone Borough referred to above (MA/20/501773) which TMBC resolved to permit subject to completion of a Section 106 Agreement on 18 March 2021 but which has yet to be determined. A planning application (TM/20/02749/OAEA) for up to 330 dwellings on land south of Barming Station and east of Hermitage Lane (the access to which was proposed to be approximately 145m to the north of the quarry access road) was refused on 1 October 2021 for reasons relating to landscape, character and loss of agricultural land.

The Proposal

16. The application proposes to vary conditions 9 and 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry. The application is accompanied by supporting information in the form of detailed letters, a Transport Assessment, an Air Quality Assessment, a Noise Assessment and an updated HGV Monitoring Scheme. The updated HGV Monitoring Scheme would replace the requirements of condition 11 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131).

Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)

17. Conditions 9 and 10 of Annex A2 currently state:

- (9) The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 600 movements per day and the number of movements on any single day shall not exceed 900 movements.
- (10) During the morning peak period of 06:30 to 09:30 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 150 movements of which a maximum of 50 movements shall take place in the one hour period 06:30 to 07:30 hours, 45 movements in the one hour period 07:30 to 08:30 hours and 55 movements in the one hour period 08:30 to 09:30 hours. In addition to these restrictions, during the period between 06:30 to 07:00 hours only HGVs pre-loaded at the site the previous working day shall be permitted to leave the site and no other operations shall be allowed to take place until 07:00 hours. During the evening peak period of 16:00 to 18:00 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 50 movements.

18. The current application initially proposed that conditions 9 and 10 of Annex A2 should instead read:

- (9) The highest daily number of HGV movements entering and leaving the site averaged over any one calendar month, excluding non-working days, shall not exceed a combined total of 800 movements per day and over any working week (Monday to Friday) shall not exceed 900 movements per day.
- (10) During the period of 06:30 to 09:30 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 250 movements.

19. As a result of a number of consultee responses, my own consideration of the application and detailed discussions between myself, the applicant, KCC Highways and Transportation and National Highways (previously Highways England / Highways Agency), the application was amended in February 2021 and again in October 2021. This resulted in:

- clarification as to how the 800 HGV movement average would be measured each month (i.e. weekdays only and excluding Bank / Public Holidays);
- the reintroduction of the absolute limit of 900 HGV movements on any single weekday (rather than being an average for the working week);
- the introduction of a 500 HGV movement limit on Saturdays (where no specific limit currently exists);
- clarification that no HGV movements may take place on Saturdays after 13:00 hours nor at any time on Sundays or Bank / Public Holidays;
- the introduction of a specific limit of 75 HGV movements between 08:00 and 09:00 hours (the key morning peak hour) Monday to Friday;

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- a limit of no more than 100 HGV movements in any one hour between 06:30 and 09:30 hours Monday to Friday (to prevent the theoretical scenario in which all 250 HGV movements could take place over a very short period of time);
- the reintroduction of the requirement for HGVs leaving the site between 06:30 and 07:00 hours to have been pre-loaded at the site the previous working day (to minimise noise impact);
- the introduction of a combined limit of 75 HGV movements between 16:00 and 18:00 hours Monday to Friday (where no such limit was initially proposed but where the current limit is 50);
- the introduction of a limit of no more than 100 HGV movements in any one hour between 06:30 and 09:30 hours on Saturdays (to provide control where none currently exists); and
- the submission of an amended HGV Monitoring Scheme to record HGV movements against each of the proposed restrictions together with proposals to manage HGV movements during busy periods to ensure that the limits are not exceeded.

20. The effect of the above amendments is that conditions 9 and 10 of Annex A2 would read:

- (9) Within any single calendar month the average number of HGVs entering or leaving the site on weekdays (excluding Bank / Public Holidays) shall not exceed a combined total of 800 movements. No more than a combined total of 900 HGV movements in the form of entering or leaving the site shall take place on any single weekday. No more than a combined total of 500 HGV movements in the form of entering or leaving the site shall take place on any Saturday. No HGV movements shall take place on Saturdays after 13:00 hours nor at any time on Sundays or Bank / Public Holidays.
- (10) During the morning peak period of 06:30 to 09:30 hours (Monday to Friday), the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 250 movements of which:
- (a) No more than 75 movements shall take place between 08:00 and 09:00 hours; and
 - (b) No more than 100 movements shall take place between 06:30 and 07:30 hours, between 07:30 and 08:30 hours and between 08:30 and 09:30 hours.

In addition to these restrictions:

- (c) Only HGVs pre-loaded at the site the previous working day shall leave the site between 06:30 and 07:00 hours and no other operations shall take place until 07:00 hours Monday to Saturday;
- (d) No more than a combined total of 75 HGV movements shall take place between 16:00 and 18:00 hours (Monday to Friday); and
- (e) No more than more than 100 movements shall take place between 06:30

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and 07:30 hours, between 07:30 and 08:30 hours and between 08:30 and 09:30 hours on Saturdays.

As a consequence of these changes, condition 11 of Annex A2 would also need to be updated to read:

- (11) Unless otherwise approved beforehand in writing by the Mineral Planning Authority, HGV movement monitoring shall be undertaken in accordance with the report titled “HGV Monitoring Scheme for Hermitage Quarry” (Ref: GAL-HQ-0617-R04 Rev A) dated October 2021 and the results provided to the Mineral Planning Authority each month in the format shown in Figure 8 titled “Hermitage Quarry Monthly HGV Movements Report”.
21. The applicant (GAL) also agreed to contribute £50,000 towards a new footway / cycleway immediately to the east of Hermitage Lane between the entrance to Barming Railway Station and Maidstone Hospital to overcome concerns expressed by KCC Highways and Transportation, primarily relating to HGV movements in the morning peak periods. The extent of the proposed footway / cycleway is shown indicatively as a broken blue line between points A and B on the Site Location Plan on page C1.2 of this report.
22. GAL states that when planning permission TM/10/2029 was granted in 2013 it had assumed (based on the supporting evidence at the time) that demand would be steady and continue at the established levels. It states that the demand for increased housing and infrastructure and the popularity of a local, sustainable and reliable supply of quality materials which compared favourably in terms of price with products imported from outside the region led to a significant increase in demand. It states that the uplift in HGV movements approved in 2017 was a result of this increased demand, noting that it also followed the last recession. GAL states that it has made capital investment to increase production at Blaise Farm Quarry in order to try to mitigate the effects of increased demand, although it notes that the material at Blaise Farm Quarry is of a more basic specification.
23. In support of the current application GAL states that it has experienced a further marked increase in demand for rock and aggregate materials supplied from Hermitage Quarry which shows no sign of declining and that the application seeks to regularise the extent of HGV movements already taking place over the last couple of years without undue impact or complaint, rather than increase movements further. It considers the extent of this additional traffic to be relatively small in comparison to the baseline flow on the network, particularly in terms of the morning peak period. It also states that it would operate in accordance with an amended HGV Monitoring Scheme which reflects the proposed new restrictions on HGV movements.
24. GAL emphasises the importance of a steady and adequate supply of aggregates to the economy (particularly in terms of housebuilding) and the locational benefits of Hermitage Quarry (noting that the quarry is centrally located in Kent, has good links to the strategic road network and is well positioned to supply markets within the County

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and wider region). It states that more than 60 people are employed directly at Hermitage Quarry, with over 100 employed indirectly through the quarry (e.g. hauliers and suppliers).

25. GAL states that in the year to September 2019 it supplied 1.3 million tonnes (Mt) of natural and recycled products to the market from Hermitage and Blaise Farm Quarries (over 90% of which was delivered into Kent based projects for construction and maintenance). Approximately 1Mt of this was from Hermitage Quarry. It also supplied about 100,000 cubic metres of ready-mix concrete (including an element of flowing screeds) to housing, industrial and infrastructure projects in Kent from Hermitage Quarry. It is understood that similar quantities continue to be produced and that in respect of Hermitage Quarry they effectively represent the productive capacity of the quarry. Whilst the majority of its products are used in housing development, examples of other recent projects supplied from Hermitage Quarry include the “Brexit” lorry parks, the M20 and M23 smart motorway upgrades and M20 Junction 10A infrastructure. In addition to supplying materials to a significant number of housing projects already permitted, proposed or likely to be required (including many close to Hermitage Quarry), GAL anticipates supplying materials to major industrial and infrastructure developments in Kent (e.g. Kingsnorth warehousing and Siemens, additional lorry parks, the A2 Bean to Ebbsfleet improvements, M2 Junction 5 improvements and the Lower Thames Crossing). It should be noted that as well as supplying materials to these projects, Hermitage Quarry also receives waste materials from the groundworks required for their development.

Planning Policy Context

26. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (July 2021), the associated National Planning Practice Guidance (NPPG) and the National Planning Policy for Waste (NPPW) (2014). These are material planning considerations. Other material planning considerations include Our Waste, Our Resources: A Strategy for England (2018) and the Waste Management Plan for England (2021).
27. **Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020)** – Policies CSM1 (Sustainable Development), CSM2 (Supply of Land-won Minerals in Kent), CSM5 (Land-won Mineral Safeguarding), CSM7 (Safeguarding Other Mineral Plant Infrastructure), CSM8 (Secondary and Recycled Aggregates), CSM9 (Building Stone in Kent), CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW11 (Permanent Deposit of Inert Waste), DM1 (Sustainable Design), DM1 (Environmental and Landscape Sites of International, National and Local Importance), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding of Transportation Infrastructure) and DM17 (Planning Obligations).
28. **Tonbridge and Malling Local Development Framework (LDF) Core Strategy (September 2007)** – Policies CP1 (Sustainable Development) and CP2 (Sustainable

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Transport).

29. **Tonbridge and Malling LDF Managing Development and the Environment Development Plan Document (DPD) (April 2010)** – Policies NE1 (Local Sites of Wildlife, Geological and Geomorphological Interest), NE2 (Habitat Networks), NE3 (Impact of Development on Local Biodiversity), NE4 (Trees, Hedgerows and Woodland), SQ4 (Air Quality) and SQ8 (Road Safety, Transport and Parking).
30. **Draft Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018)** – Tonbridge and Malling Borough Council formally withdrew its draft Local Plan (following its resolution to do so on 13 July 2021) with the intention of it being reviewed and refreshed before resubmission. This followed the Local Plan Inspectors’ decision that it should not be adopted. On this basis, no weight is to be afforded to the policies within the withdrawn plan for decision making purposes. However, the development strategy (including the strategic housing sites) set out in the draft Plan remains relevant.

Consultations

31. **Tonbridge and Malling Borough Council** – No objection. It asks for careful consideration of highways and amenity impacts, and future compliance with imposed conditions.
32. **Maidstone Borough Council** – No objection.
33. **Aylesford Parish Council** – No objection.
34. **Ditton Parish Council** – Asks that the County Council consider the following when determining the application:
 1. NPPF’s Strategic objectives support proposals which minimise road miles, however GAL’s proposals will surely increase road miles with the request for HGV movements, how is this then acceptable?
 2. Greenhouse gas emissions in the UK from HGV’s totalled 19.5 million metric tonnes of Carbon Dioxide equivalent (MtCO₂e) in 2019 – how are these additional HGV movements not detrimental to the environment and community and what is GAL’s policy to reduce this level within their fleet?
 3. With the increase in demand for the material surely this will also mean a required increase in the overall mining at the site?
 4. What does GAL mean by the phrase ‘demand profile’ if it is not to seek an increase in outputs beyond current levels at the Quarry, which has been stated is near productivity capacity?
 5. It states (within the letter of engagement) that GAL will continue efforts to influence its customer base, at the same time recognising that any change in behaviour will be small and gradual given established habits and practices. So what is GAL actually doing to influence their customers and why is it acceptable that it is slow when GAL as the only supplier in the area are best placed to

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influence this behaviour. Who are their top customers and what are they doing to assist GAL in this process? [*Ditton PC do not accept this statement from GAL as we feel they are the leaders within this industry and need to influence their customers behaviour.]

6. The NPPF and development policies require that mineral development should not give rise to unacceptable impacts on the environment or communities. How can this additional mineral development and HGV movements not have an unacceptable impact on the environment and local communities around the Aylesford area when as stated above the emissions will be considerably increased along with noise and traffic movement causing disruption along Hermitage Lane and the A20 towards Coldharbour roundabout during the peak travel time.
 7. The new proposals state they will retain the 900 daily cap for the site, but adapt movements to meet market demand by means of an increase in permitted AM peak period and interpeak HGV movements. [*We at Ditton Parish Council feel this gives GAL too much flexibility without the need to keep peak levels down to acceptable levels.]
 8. If this proposal is to be granted, we ask that the movements be slowly increased over the current restricted times as in 06:30-07:30, 07:30-08:30, 08:30-09:30 so rather than allowing a combined level of 250 within the 3hr peak period the hourly restrictions remain in place with the increase of not exceeding 250 apportioned accordingly.
 9. Will noise levels be monitored during the increased HGV movements?
 10. Ditton Parish Council do accept this that this application makes it clear enough that the change to the permitted HGV levels causes no material harm and can be delivered in accordance with national and local planning policies and would welcome more evidence to the contrary.
35. **Barming Parish Council** – No objection, but would like to be reassured that the vehicle movements will be monitored carefully.
36. **KCC Highways and Transportation** – No objection subject to the conditions being amended and monitored as proposed and a contribution of £50,000 towards the footway / cycleway between the entrance to Barming Station and Maidstone Hospital. It notes that the proposed contribution to the footway / cycleway (to be secured through a Section 106 Agreement) would help to offset traffic from Hermitage Quarry.

KCC Highways and Transportation had initially commented that the application shows that the existing conditions had been regularly exceeded over the last two years, that the Transport Assessment indicates that highway delay has not worsened and that significant delay and an increase in queue lengths are predicted on the Hermitage Lane / A20 junction. It stated that this junction does not have any mitigation proposed to handle additional traffic which, as it is located nearest to the Gallagher site, will be seen as the gateway by operators and members of the public. However, the link road being implemented in 2031 as part of the South Aylesford (residential) development provided for by planning permission TM/17/01595/OAEA (i.e. that referred to in paragraph 15 above) will provide an alternative routing arrangement between

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Hermitage Lane and the 20/20 roundabout on the A20. In the absence of mitigation within the GAL application itself, KCC Highways and Transportation advised that the maximum number of HGV movements in any one hour period between 06:30 and 09:30 hours should be capped at 75. As an alternative, it advised that if 100 HGV movements was to be permitted in any of the one hour periods, it would be necessary to secure a £50,000 contribution towards an unfunded footway / cycleway linking Barming Rail Station to Maidstone Hospital. Although not directly benefitting the quarry, it advised that this would provide a sustainable solution more generally by helping to provide another option to car travel in the area. It further stated the need for any increase in daily HGV movements and those in the PM peak period to be conditioned. Discussions between KCC Highways and Transportation, National Highways, the applicant and myself, resulted in agreement being reached on the proposed restrictions and the amendments to the proposed conditions set out in paragraph 20 above which KCC Highways and Transportation consider to be appropriate.

37. **National Highways** – No objection subject to the conditions being amended and monitored as proposed. It is satisfied that the proposed development would not impact on the safe and efficient operation of the Strategic Road Network (SRN), particularly M20 Junction 5. It is content that the latest proposed amended conditions and monitoring framework are clearer than previously in terms of their intent and limits and that this would make monitoring and compliance easier for all concerned.

National Highways had initially raised concerns about the application given that the only limitation originally proposed by the applicant in condition 10 during the weekday morning peak period was a total of 250 HGV movements between 06:30 and 09:30 hours (i.e. with no restrictions during any single one hour period). It was particularly concerned about HGV movements between 08:00 and 09:00 hours. Other than that the existing conditions were being breached and that a robust monitoring system was required, it had no specific concerns about the proposed amendments to condition 9. Following discussions between National Highways, KCC Highways and Transportation, the applicant and myself, National Highways suggested that no more than 75 HGV movements be permitted between 08:00 and 09:00 hours within the overall limit of 250 HGV movements during the entire three hour period and that no more than 90 HGV movements be permitted in any single hour. It also suggested a tightening of the detailed wording of condition 9 to provide greater clarity in respect of how the 800 HGV movement average was calculated. Further discussions led to the amendments to the proposed conditions set out in paragraph 20 above which National Highways is content with.

38. **KCC Public Rights of Way** – No objection subject to the current arrangements to slow drivers using the private access road into Hermitage Quarry from Hermitage Lane and warn them that pedestrians may be crossing the access road on Footpath MR488 are maintained.
39. **Environment Agency** – No comments to make.

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40. **Natural England** – No comments to make.
41. **KCC Ecological Advice Service** – No objection. It is satisfied that the proposed development would not have a detrimental impact on any sensitive designated sites in the area, including the North Downs Woodlands Special Area of Conservation (SAC) (which lies to the north of Detling adjacent to the A249 and is over 6km away) in the unlikely event that all 200 extra HGV movements were to travel along the A249.
42. **KCC Air Quality Consultant** – No objection. It advises that:
- the applicant's air quality assessment recognises the requirement for the assessment as the proposals exceed the indicative criteria given in the joint Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) planning guidance;
 - the assessment has been undertaken using industry standard modelling software, with model verification undertaken using the 3 representative roadside air quality monitoring locations within the study area;
 - representative worst-case sensitive receptors were modelled to determine relevant predicted pollutant concentrations without and with the proposed additional HGV movements;
 - the modelling predicted one slight adverse / medium impact (determined using the impact descriptors given in the EPUK / IAQM and Kent and Medway Air Quality Partnership (KMAQP) guidance, respectively) at one of the 15 sensitive receptors considered (i.e. the housing to the east of Preston Hall entranceway);
 - the assessment includes a damage cost assessment, in line with the KMAQP guidance, totalling £284,065; and
 - the assessment also includes mitigation measures to limit emissions to air, which the applicant is in the process of implementing both onsite and offsite to limit the potential impacts of the operation of the quarry on local air quality (i.e. measures to reduce vehicle emissions and reliance on diesel generators).

It is satisfied that the assessment adequately addresses the air quality issues in respect of the proposed changes and sees no reason to refuse the application on air quality grounds.

43. **KCC Noise Consultant** – No objection. It is satisfied that the proposed development is acceptable in terms of noise impact subject to HGV movements being limited to no more than 100 between 06:30 and 07:30 hours.

In commenting on the application as initially submitted (January 2021) it advised that the applicant's noise assessment was based on the Government's technical document known as Calculation of Road Traffic Noise Manual (CRTN) and had demonstrated that the proposed development would give rise to a noise increase of less than 1dB. However, it also advised that the proposed HGV movements were focused on the early morning period and that the potential effects of this had not been assessed, leading to some concerns (particularly in respect of the period between 06:30 and 07:30 hours). It suggested that the applicant be asked to provide further detail on the

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potential impact during the early morning period (particularly from 06:30 to 07:30 hours) or alternatively to consider retaining condition 10. On receipt of the clarification provided by the applicant in February 2021 (which included only pre-loaded HGVs being permitted to leave the site between 06:30 and 07:00 hours, a limit of 100 HGV movements in any one hour between 06:30 and 09:30 hours and a limit of 50 HGV movements between 16:00 and 18:00 hours Monday to Friday), it advised that its concerns had been overcome.

Representations

44. The application was publicised by site notice and newspaper advertisement in January 2021.
45. Three representations (all objections) were received in response to the initial publicity including one from the New Allington Action Group (NAAG). The objections can be summarised as follows:
 - Congestion – Hermitage Lane is already at gridlock almost throughout the day creating problems for all (including the hospital), HGVs make this worse;
 - Air quality – Poor air quality in Hermitage Lane as a result of diesel fumes is unpleasant and dangerous to health (particularly for pedestrians and cyclists);
 - Noise impact of traffic;
 - The volume of loaded HGV's in and out of the quarry all day is unsustainable for those that live nearby;
 - Since 2017 (when the current HGV monitoring scheme was introduced) over 2,000 new homes built have been built all along Hermitage Lane and the level of traffic has increased;
 - More housing is proposed (including 330 immediately opposite the quarry entrance);
 - Too much traffic and insufficient infrastructure; and
 - Increased HGV movements will mean more disturbance from the quarry (e.g. noise and blasting).
46. Those who initially made representations were informed of the further information / clarification provided by the applicant in February 2021. This resulted in two (including NAAG) providing further representations. The further representations largely reiterated the earlier objections but also expressed concerns about blasting and noise from the quarry (including in the early morning).
47. Those who had made representations were also notified of the amendments made by the applicant in October 2021. This resulted in six further representations. No new issues were raised although specific reference was made to lorries spilling water, dust and other materials on the highway and driver behaviour and it was alleged that operations at the quarry were starting well before 06:00 hours causing noise nuisance. Reference was also made to monitoring and climate change in the context of the COP 26 meeting. One respondent also considered the proposed £50,000 contribution

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towards the footway / cycleway to represent bribery, suggesting that local councils already had sufficient funding for such routes.

Local Members

48. Prior to County Council elections on 6 May 2021: County Council Member Peter Homewood (Malling North East) and adjoining County Council Members Rob Bird and Dan Daley (Maidstone Central), Paulina Stockell (Maidstone Rural West) and Trudy Dean (Malling Central) were notified of the application in January 2021 and again in respect of clarification provided by the applicant in February 2021.
49. The only comments received from KCC Members prior to 6 May 2021 were from Mr Bird who objected to the proposed development on 8 February 2021. He stated: *“I would like you to register my objection to this application. I appreciate that there is already significant demand for ragstone and aggregates. This is likely to increase as the country comes out of lockdown. I therefore understand the applicant's desire for a relaxation of the current conditions applied to lorry movements, particularly during the early morning peak period. However, I do not believe this would be appropriate at the current time. There is already heavy congestion at the northern end of Hermitage Lane and on the A20 London Road, particularly during the peak periods. This is expected to worsen as more houses, for many of which planning permission has already been granted, are built and occupied in the local area. The increase in traffic volumes arising from recent new dwellings is likely to be masked currently by the impact of the lockdown and school closures. Kent Highways are aware of the problems and are planning to start construction on two significant schemes to mitigate the congestion at the intersection of the A20 with Hall Road and the South Aylesford Retail Park and at the Coldharbour Roundabout leading from the A20 to Junction 5 on the M20. It is inevitable that these works will add to the local congestion in the area during the construction phase. Although the design of these two schemes has been based on extensive modelling, it is clear that their effectiveness can only be properly judged when the works have been completed and the performance can be properly measured. At that time Kent Highways would be better placed to assess whether the new junctions have adequate capacity to accommodate additional quarry traffic. Accordingly, I believe it would be premature to grant this permission at the present time.”*
50. After County Council elections on 6 May 2021: County Council Member Andrew Kennedy (Malling North East) and adjoining County Council Members Tom Cannon (Maidstone Central) and Simon Webb (Maidstone Rural West) were notified of the application in May 2021. Adjoining County Council Members Dan Daley (Maidstone Central) and Trudy Dean (Malling Central) were already aware of the application. All of the current County Council Members were notified again following receipt of the additional information submitted in October 2021.
51. No further responses have been received from KCC Members at the time of writing this report.

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Discussion

52. The application is being reported to KCC's Planning Applications Committee for determination as planning objections have been received from a former KCC Member (Rob Bird) and local residents (one stated to be on behalf of the New Allington Action Group).
53. 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 and strategies referred to in paragraph 26.
54. The key implications of the proposed amendments are as follows:

Condition 9:

- The existing daily average number of HGV movements per month would be increased from 600 to 800 (i.e. up to 200 extra HGV movements each day). However, the average would be based only on weekdays excluding Bank / Public Holidays rather than including Saturdays as currently when HGV movements are significantly lower.
- The existing absolute limit of 900 HGV movements in any one day would be retained for weekdays.
- The introduction of a 500 HGV movement limit on Saturdays (where no specific limit currently exists).
- Explicit recognition that no HGV movements may take place on Saturdays after 13:00 hours nor at any time on Sundays or Bank / Public Holidays.

Condition 10:

- The existing limit of 150 HGV movements between 06:30 and 09:30 hours Monday to Friday would be increased to 250 HGV movements (i.e. up to an extra 100 during the entire 3 hour period).
- There would be a new / specific limit of 75 HGV movements between 08:00 and 09:00 hours (the key morning peak hour) Monday to Friday.
- The existing limits of 50, 45 and 55 HGV movements respectively between 06:30 and 07:30, between 07:30 and 08:30 and between 08:30 and 09:30 would each be replaced by a limit of no more than 100 HGV movements (to prevent the theoretical scenario in which all 250 HGV movements could take place over a very short period of time, including in the earliest part of the morning).
- HGVs leaving the site between 06:30 and 07:00 hours would continue to have to be pre-loaded at the site the previous working day (to minimise noise impact).

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- The existing limit of 50 HGV movements between 16:00 and 18:00 hours (Monday to Friday) would be increased to 75 HGV movements (i.e. up to 25 extra).
- There would be a new limit of no more than 100 HGV movements in any one hour between 06:30 and 09:30 hours on Saturdays (to provide control where none currently exists).

Condition 11:

- There would be a new HGV Monitoring Scheme to record HGV movements against each of the proposed restrictions together with proposals to manage HGV movements during busy periods to ensure that the limits are not exceeded.

55. The main issues that require consideration are as follows:

- Principle / Need;
- Traffic and transportation;
- Air quality; and
- Noise.

These issues are addressed in the following sections, together with any others that have been raised or require consideration.

Principle / Need

56. Paragraphs 7 to 14 of the National Planning Policy Framework (NPPF) set out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. Paragraph 8 sets out the importance of building a strong, responsive and competitive economy and supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
57. Paragraphs 209 to 217 of the NPPF set out national policy on facilitating the sustainable use of minerals. Paragraph 209 states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It also acknowledges that minerals can only be worked where they are found. Paragraph 210 states that planning policies should safeguard existing, planned and potential sites for the bulk transport, handling and processing of minerals,

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the manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. Paragraph 211 states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy whilst ensuring that there are no unacceptable adverse impacts on the natural and historic environment or human health. Paragraph 213 requires minerals planning authorities (MPAs) to plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 10 years for crushed rock.

58. The latest resources strategy for England (“Our Waste, Our Resources: A Strategy for England” (2018)) sets out how the stock of material resources should be preserved by minimising waste, promoting resource efficiency and moving towards a circular economy. It aspires for waste to be managed to ensure that environmental impacts are minimised and the resource value extracted is maximised. The strategy promotes waste infrastructure that can be used to extract value from items considered worthless by others and limits the burden on the environment. The Waste Management Plan for England (2021) seeks to divert waste suitable for recycling or other recovery (e.g. construction and demolition waste) from landfill to enable these to be used instead of virgin materials.
59. The Kent Minerals and Waste Local Plan’s (Kent MWLP) spatial vision for minerals and waste in Kent are for minerals and waste development to make a positive and sustainable contribution to the Kent area, assist with progression towards a low carbon economy and support the needs arising from growth within Kent. Amongst other things, the Plan seeks to deliver a sustainable, steady and adequate supply of land-won minerals (e.g. aggregates and crushed rock), facilitate the processing and use of secondary and recycled aggregates and become less reliant on land-won construction aggregates, safeguard economic mineral resources for future generations, move waste up the Waste Hierarchy and reduce the amount of non-hazardous waste sent to landfill.
60. Policies CSM1 and CSW1 of the Kent MWLP state that KCC will take a positive approach that reflects the presumption in favour of sustainable development when considering minerals and waste development proposals and that proposals that accord with the development plan will be approved without delay unless material considerations indicate otherwise. Policy CSM2 seeks to ensure the supply of land-won minerals in Kent (including aggregates such as crushed rock) by maintaining landbanks of permitted sources. Policy CSM5 seeks to ensure that economic mineral resources (including permitted sites) are not unnecessarily sterilised. Policy CSM7 seeks to ensure that facilities for concrete batching, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material are safeguarded for their on-going use (where appropriate for the life of the host quarry). Policy CSM8 supports the provision of additional capacity for secondary and recycled aggregate production. Policy CSM9 provides support for proposals to supply suitable local building stone necessary for restoration work associated with the maintenance of Kent’s historic buildings and structures and new build projects within conservation areas. Policies CSW2 and CSW11 support the waste hierarchy and

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where necessary the use of inert waste to restore landfill sites and mineral workings.

61. As noted earlier in this report, planning permission already exists for a variety of minerals and waste operations and Hermitage Quarry plays an important role in the supply of primary (crushed rock) and recycled aggregates, ready mix concrete, hydraulically bound materials, flowing screeds, soils and top-quality dimension stone and in receiving and handling inert waste capable of being recycled or used for restoration. Enabling these operations to continue as they have during the last few years would accord with the above planning policies and should be supported subject to being acceptable in terms of the impact of the associated HGV movements. If GAL were to be required to operate strictly in accordance with the permitted HGV restrictions, this would have consequences for the supply of materials in the County and the local economy and serious implications for GAL and the Gallagher Group. Such consequences are likely to include the need for alternative materials to be imported to Kent for distribution, increased costs for developers as a result of materials needing to be sourced from further afield, the need for alternative sites in Kent or elsewhere to accept inert waste for recycling and / or disposal and delays to the working and restoration of Hermitage Quarry. It could also result in the loss of jobs at the quarry and in related operations.
62. The key issue when considering this application is whether the proposed development (i.e. the amendments to the conditions relating to HGV movements) is acceptable having regard to highway safety and capacity and any impacts on the environment and amenity. In this context it must be remembered that the proposed HGV movements broadly reflect those experienced during the busiest periods during the last few years and have been accounted for in the various highway modelling associated with development planning more generally in the area (including that associated with residential development).

Traffic and transportation

63. Paragraph 110 of the NPPF 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 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. Paragraph 7 of the National Planning Policy for Waste (NPPW) states that when determining waste planning applications waste planning authorities (WPAs) should consider the likely impact on the local environment and on amenity against various locational criteria. These include the suitability of the road network and the extent to which access would require reliance on local roads.

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64. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from traffic. Policy DM12 states that planning permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the environment or communities. Policy DM13 states that minerals and waste 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, it states that proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and (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. Policy DM15 states that development will be granted planning permission where it would not give rise to unacceptable impacts on road transport or where these impacts are mitigated. Policy DM17 states that planning obligations will be sought where appropriate to achieve suitable control over, and to mitigate and / or compensate for, the effects of minerals and waste development where such objectives cannot be achieved by planning conditions. Matters to be covered by such planning obligations may include highways and access improvements and traffic management measures.
65. Policy CP2 of the TMBC Local Development Framework (LDF) Core Strategy states that new development that is likely to generate a significant number of trips should be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated. Policy SQ8 of the TMBC LDF Managing Development and the Environment (MDE) Development Plan Document (DPD) states that: (1) proposals will need to demonstrate that any necessary transport infrastructure (the need for which arises wholly or substantially from the development) is in place or is certain to be provided; (2) proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; and (5) where significant traffic effects on the highway network and / or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.
66. Objections have been received from local residents and from the former adjoining County Council Member Rob Bird (Maidstone Central) relating to traffic and transportation. Ditton Parish Council has also raised a number of concerns and

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questions which it has asked the County Council to consider when determining the application.

67. Local residents state that Hermitage Lane is already gridlocked for much of the day (creating problems for all, including the hospital) and that permitting additional HGVs would make this worse. They consider that there is too much traffic, insufficient infrastructure, that the volume of loaded HGV's in and out of the quarry all day is unsustainable for those that live nearby and that increasing HGV movements would mean more disturbance from the quarry (e.g. noise and blasting). They also refer to the significant number of houses that have been built or are proposed along Hermitage Lane and the traffic associated with this development. They also express concerns about lorries spilling water, dust and other materials on the highway, driver behaviour, monitoring and climate change. It has also been suggested that the proposed £50,000 contribution towards the footway / cycleway represents bribery and that local councils already had sufficient funding for such routes.
68. Whilst appreciating that there is already significant demand for ragstone and aggregates and understanding the applicant's desire for a relaxation of the current conditions relating to HGV movements (particularly during the early morning peak period), Mr Bird does not believe it would be appropriate at the current time. He states that there is already heavy congestion at the northern end of Hermitage Lane and on the A20 London Road (particularly during the peak periods) and that this is expected to worsen as more houses (many already with which planning permission) are built and occupied in the local area. Mr Bird is also concerned that works implementing the schemes to mitigate congestion at the intersection of the A20 with Hall Road and the South Aylesford Retail Park and at the Coldharbour Roundabout leading from the A20 to Junction 5 on the M20 will add to local congestion in the area during the construction phase. He states that although the design of the two schemes has been based on extensive modelling, their effectiveness can only be properly judged when the works have been completed and the performance can be properly measured. He therefore believes it would be premature to grant permission. It should be noted that Mr Bird's comments were made on 8 February 2021 before the end of the lockdown associated with the Covid-19 pandemic, such that his other comment about traffic volumes being masked may no longer be applicable.
69. Ditton Parish Council does not accept that it is clear enough that the proposed development would cause no material harm and that it could be delivered in accordance with national and local planning policies and would welcome more evidence to the contrary. It questions the acceptability of any increase in road miles or greenhouse gas emissions on the basis that these would be detrimental to the environment and community and suggests that the proposed development would increase mineral working at the site. It also questions what is meant by "demand profile" and the extent to which GAL can influence its customer base to change established behaviour. It considers that the proposed development would have an unacceptable impact on the environment and local communities in the Aylesford area and that emissions, noise and traffic would be considerably increased causing disruption along Hermitage Lane and the A20 towards the Coldharbour roundabout

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during peak travel times. It also considers that GAL is seeking too much flexibility without keeping peak movements to acceptable levels, suggesting that the cap on 250 HGV movements between 06:30 and 09:30 hours should be further controlled (note this is proposed). It also questions whether noise levels will be monitored.

70. KCC Highways and Transportation has no objection subject to the conditions being amended and monitored as proposed and a contribution of £50,000 towards the footway / cycleway between the entrance to Barming Station and Maidstone Hospital which it states would help to offset traffic from Hermitage Quarry. Whilst it acknowledges that queuing and delays do occur at the Hermitage Lane / A20 junction, it notes that a new road link between Hermitage Lane and the 20/20 roundabout on the A20 is being implemented in 2031 and that this will provide an alternative route to M20 Junction 5.
71. National Highways has no objection subject to the conditions being amended and monitored as proposed. It is satisfied that the proposed development would not impact on the safe and efficient operation of the Strategic Road Network (SRN), particularly M20 Junction 5. It is content that the latest proposed amended conditions and monitoring framework are clearer than previously in terms of their intent and limits and that this would make monitoring and compliance easier for all concerned.
72. No objections have been received from Tonbridge and Malling Borough Council (BC), Maidstone BC, Aylesford Parish Council (PC) or Barming PC about traffic and transportation. However, Tonbridge and Malling BC has asked that careful consideration be given to highways and amenity impacts and future compliance with imposed conditions. Barming PC would like to be reassured that the vehicle movements will be monitored carefully.
73. It is clear from HGV monitoring results provided by GAL since January 2018 and from the information submitted in support of the current application that the existing HGV movement restrictions imposed by conditions 9 and 10 of Annex A2 of planning permission TM/10/2029 (as amended) are not being complied with and that the permitted limits have been regularly exceeded. This has occurred most noticeably in respect of the morning peak periods (which have been, and continue to be, regularly exceeded in all months). The results / information also show the occasional exceedance during the afternoon peak period (throughout this period) and exceedances of the daily average limit of 600 HGV movements and the absolute daily maximum of 900 HGV movements (particularly in 2018 and 2019 and to a lesser extent in 2020 and 2021).
74. In terms of the morning peak period, GAL's own assessment (based on HGV movement records at the quarry between January 2018 and February 2020) is that: exceedances of the 50 HGV movement limit between 06:30 and 07:30 hours occurred in every month from January 2018 to February 2020 apart from in December 2019 (with the number of days with such exceedances being between 5 and 21 in any month); exceedances of the 45 HGV movement limit between 07:30 and 08:30 hours occurred in every month from January 2018 to February 2020 (with the number of

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days with such exceedances being between 6 and 21 in any month); and exceedances of the 55 HGV movement limit between 08:30 and 09:30 hours occurred in every month from January 2018 to February 2020 (with the number of days with such exceedances being between 5 and 20 in any month). Its assessment also shows that in 2018, on average, 55 HGV movements (28%) occurred between 06:30 and 07:30 hours, 68 HGV movements (34%) occurred between 07:30 and 08:30 hours and 78 HGV movements (39%) occurred between 08:30 and 09:30 hours. In terms overall HGV numbers, GAL's assessment is that the 600 HGV movements per day average was exceeded in 5 of the 12 months during 2018 (i.e. February, March, April, October and November 2018) and in each of the following 14 months to February 2020. It also shows that the 900 HGV movements in any one day was exceeded on between 1 and 8 occasions during 7 of the months between February 2019 and February 2020 (i.e. in February, March, April, May, June, August and November 2019). However, it is confident that the proposed increase from 600 to 800 HGV movements per day as an average over a month would enable it to operate without breaching this new limit and that the exceedances of the absolute daily maximum of 900 HGV movements were only experienced during periods of extreme demand such that it will have to manage future contracts to ensure it is not exceeded moving forward.

75. My own assessment of the HGV monitoring returns received during 2021 (i.e. since the current application has been submitted) show that the proposed limit of 100 HGV movements in any of the one hour periods 0630 to 0730 hours, 0730 to 0830 hours and 0830 to 0930 hours was only exceeded on two days (on 18 January and 2 June 2021). On 18 January there were respectively 105 and 106 HGV movements between 0630 and 0730 and between 0730 and 0830 hours and on 2 June there were 111 HGV movements between 0630 and 0730 hours. Only on each of these days was the proposed limit of 250 HGV movements between 0630 and 0930 hours exceeded. The HGV monitoring returns also show that the absolute number of 900 movements in any single day was only exceeded on 18 January (989 movements) and that the proposed limit of 75 HGV movements between 1600 and 1800 hours was only exceeded on 13 January (90 movements). Given the way the approved HGV Monitoring Scheme records HGV movements, it is not possible to determine which (if any days) the proposed limit of 75 HGV movements between 0800 and 0900 hours were exceeded (although it seems likely that there have been some). HGV monitoring returns prior to 2021 also include some exceedances of the proposed limit of 100 HGV movements in any of the one hour periods 0630 to 0730 hours, 0730 to 0830 hours and 0830 to 0930 hours (by up to 12 movements) and the proposed limit of 250 HGV movements between 0630 and 0930 hours (by up to 20 movements).
76. Whilst GAL's failure to comply with the existing planning conditions is very regrettable, it has not sought to disguise or deny this and is seeking to regularise the position based on the number and timing of HGV movements it now believes is reasonably necessary to continue operating effectively having regard to likely future demand, the measures it can implement to comply with any restrictions and highway conditions moving forward. As well as updating the HGV Monitoring Scheme to ensure that HGV movements are properly recorded and reported, GAL also intends implementing a number of management measures to ensure that the proposed restrictions are not

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breached again. These include proactively seeking to change customer behaviour by encouraging those HGV movements which can take place outside peak periods do so (e.g. by creating a price differential, instructing / negotiating with suppliers so they arrive at specific times of the day and prioritising sales which lend themselves to greater control in terms of HGV arrival and departure times) and implementing measures at the site designed to actively control HGV movements (e.g. staff training, constantly monitoring the flow of HGVs so it can step in if limits are in danger of being exceeded and hold back HGVs that are ready to leave the site as necessary, dispatch the first deliveries of the day to the sites farther afield so the HGVs will be returning to the quarry outside of peak hours, include a contingency “buffer” to account for HGVs that can turn up “on spec”, adopt a continual review of performance (KPIs) and require the Distribution Supervisor to report data to the Managing Director on a weekly basis).

77. Although the HGV monitoring returns that have been submitted since the current planning application was submitted have included a small number of exceedances of the restrictions that are proposed and are incapable of demonstrating whether or not the proposed limit of 75 HGV movements between 0800 and 0900 hours were complied with, I am satisfied that the proposed limits are capable of being adhered to with the proposed measures in place. It is worth noting that all of the exceedances of the proposed limits during 2021 occurred prior to the more recent discussions with KCC Highways and Transportation and Highways England which led to agreement on the precise distribution of maximum HGV movements during the peak periods and before GAL proposed the additional management measures referred to in paragraph 76 above. The requirement for HGV monitoring returns to be submitted to the County Council each month would demonstrate whether this is the case. If the monitoring returns continue to demonstrate non-compliance, the County Council would be able to take enforcement action against GAL.
78. Notwithstanding the proximity of the main Maidstone to London railway line just to the north of the quarry access road, weighbridges and offices, GAL is not proposing any alternatives to road use. Whilst reasonable alternatives to road use are possible for operations at some sites (e.g. where materials are exported in bulk to rail depots for further distribution or materials derived from a single source are imported for processing or use) I am satisfied that this is not the case at Hermitage Quarry. Even if a new rail link were possible at Hermitage Quarry, the nature of GAL’s business requires it to transport a range of different materials and products to constantly changing locations throughout Kent and surrounding areas. Some of the materials and products (e.g. ready mixed concrete and flowing screeds) are also time sensitive in that they need to be delivered and used relatively quickly once prepared, thereby reinforcing the need to use direct road transport.
79. Planning permission TM/10/2029 includes conditions which require HGVs leaving the quarry to use the wheel wash and, unless transporting stone greater than 75mm in size, to be sheeted. These controls would be reimposed if permission is granted.
80. Although any increase in HGV movements is likely to result in an increase in the intensity of working, there is a finite amount of mineral permitted to be worked and void

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space created for infilling at the quarry. On that basis, any increase in the intensity of working would result in mineral working and resultant restoration being completed more quickly than would otherwise be the case.

81. KCC Highways and Transportation has advised that a £50,000 contribution towards a new (but currently unfunded) footway / cycleway on Hermitage Lane is necessary in order for the proposed 100 HGV movements in each of the one hour periods between 06:30 and 09:30 hours to be acceptable. The proposed footway / cycleway was discussed at the Maidstone Joint Transportation Board meeting on 14 October 2020. The Minutes of the meeting indicate that it was partially funded through Section 106 Agreements to a total of £81,500, with an approximate overall cost of £227,000, and that alternative sources of funding were being examined by the County Council. I am satisfied that the proposed £50,000 contribution meets the tests set out in paragraph 57 of the NPPF and would accord with Policy DM17 of the Kent MWLP.
82. Whilst the concerns expressed by Ditton Parish Council (PC) those who have made representations relating to traffic and transportation are understandable given the queuing and delays that occur at the Hermitage Lane / A20 junction (and more widely in the area) at peak times, the technical advice received from KCC Highways and Transportation and National Highways is that the proposed amendments to conditions 9 and 10 (and consequential amendment to condition 11) are acceptable subject to the conditions being included as proposed (and monitored to ensure compliance) and a contribution of £50,000 towards a new footway / cycleway between the entrance to Barming Station and Maidstone Hospital. Since the proposed HGV monitoring scheme would provide the necessary information to demonstrate whether the proposed HGV restrictions are being complied with and GAL has agreed to the proposed financial contribution, I must conclude that the proposed development is consistent with the above policies in terms of highway safety and capacity and that there is no reason to refuse the application on these grounds. Similarly, there is no reason to delay granting planning permission on the grounds of prematurity. It therefore falls to consider whether potential impacts in terms of the environment and amenity are acceptable and whether there are any other reasons why permission should not be granted.

Air quality

83. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air pollution and that development should wherever possible help to improve local environmental conditions such as air quality. Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of the presence of Air Quality Management Areas (AQMAs).

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Paragraph 188 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Paragraph 211 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health and that any avoidable dust and particle emissions are controlled, mitigated or removed at source. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include the proximity of sensitive ecological and human receptors and the extent to which adverse emissions can be controlled using appropriate and well-maintained and managed equipment and vehicles.

84. Policy CSW6 of the Kent MWLP requires waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site and does not give rise to significant adverse impacts on AQMAs. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from dust, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It also states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and / or planning obligation. 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. Policy DM12 states that permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community. Policy DM13 states that development should demonstrate that emissions associated with road transport movements are minimised as far as practicable, including by emission controls and reduction measures (e.g. the use of low emission vehicles and vehicle scheduling to avoid movements in peak hours), and that particular emphasis will be given to such measures where development is proposed within an AQMA.
85. Policy CP1 of the TMBC LDF Core Strategy states that in determining planning applications, the quality of residential amenity will be preserved and wherever possible enhanced. Policy SQ4 of the TMBC LDF MDE DPD states that development will only be permitted where: (a) the proposed use would not result in a significant deterioration of the air quality of the area (either individually or cumulatively with other proposals or existing uses in the vicinity); (b) proposals would not result in the circumstances that would lead to the creation of a new Air Quality Management Area; and (c) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.

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86. Although not formally adopted as a Supplementary Planning Document (SPD), TMBC's Environmental Health Officers encourage developers to refer to and use the Kent & Medway Air Quality Partnership's "Air Quality Planning Guidance (Mitigation Option B)" (December 2015). The Guidance aims to improve air quality across Kent and Medway, encourage emission reductions through the planning process and provide a consistent approach across the Kent and Medway area as far as is practicable. It also provides developers with clarification on what is expected and the approach towards planning applications in relation to air quality, information on how air quality and emissions mitigation assessments should be undertaken and details of standard mitigation measures for all developments.
87. Objections have been received from local residents relating to air quality. They state that poor air quality in Hermitage Lane as a result of diesel fumes is unpleasant and dangerous to health (particularly for pedestrians and cyclists).
88. Ditton Parish Council has also expressed concerns about air quality and does not accept that the proposed development would cause no material harm to the environment or local community (particularly during peak travel times) and that it could be delivered in accordance with national and local planning policies.
89. KCC's Air Quality Consultant has no objection and sees no reason to refuse the application on air quality grounds. It is satisfied that the applicant's air quality assessment adequately addresses the air quality issues in respect of the proposed changes.
90. No objections have been received from Tonbridge and Malling Borough Council (BC), Maidstone BC, Aylesford Parish Council (PC) or Barming PC about air quality impact. However, Tonbridge and Malling BC has asked that careful consideration be given to amenity impacts.
91. A detailed air quality assessment was undertaken and submitted in support of the application as the proposed development would exceed the indicative criteria given in the joint Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) planning guidance (i.e. it would result in an increase of more than 100 Annual Average Daily Traffic (AADT) movements along several roads which are within Air Quality Management Areas (AQMAs)). The assessment modelled the impact of the proposed development in terms of Nitrogen Dioxide (NO₂) and small airborne particles less than 10 and 2.5 microns (µm) in diameter (PM₁₀ and PM_{2.5}) on 15 representative sensitive human receptors on or near Hermitage Lane, the A20 / London Road (east and west of the Hermitage Lane junction), Coldharbour Lane and the M20.
92. The assessment concluded that the predicted annual average NO₂, PM₁₀ and PM_{2.5} concentrations are below the relevant National Air Quality Objectives (NAQOs) at all existing receptors, both with and without the Development Proposal in place. Although the model predicted an annual average increase in NO₂ as a percentage of NAQO of 2% at one of the 15 sensitive receptors (i.e. the housing to the east of Preston Hall entranceway), giving rise to a "slight adverse" categorisation in terms of IAQM criteria

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and a “medium” categorisation in terms of the Kent and Medway Air Quality Partnership (KMAQP) guidance, all other receptors were predicted to have a change of between 0% and 1% (i.e. “negligible” in terms of IAQM criteria and “low / imperceptible” in terms of KMAQP criteria). The model predicted changes in the annual mean PM₁₀ and PM_{2.5} concentrations to be 0% at all locations (when rounded to the nearest whole number) such that the impacts are described as “negligible” in terms of IAQM criteria and “low / imperceptible” in terms of KMAQP criteria. On the basis that the predicted annual mean NO₂ concentrations are below 60µg/m³ at all receptors (indicating that exceedances of the 1-hour mean NO₂ NAQO are not likely) and the predicted annual mean PM₁₀ concentrations are below 32µg/m³ at all receptors, the assessment also states that exceedances of the 24-hour mean PM₁₀ NAQO are not likely.

93. Given these results, the report concludes that the operational air quality effects of the proposed development are “not significant”. As a result, no specific mitigation is required in respect of air quality associated with the direct effects of traffic movements. Notwithstanding this, the applicant has determined the “damage costs” in accordance with the KMAQP guidance. This resulted in an estimated damage cost of £284,065 (comprising £166,977 for 4,719 kg/year of NO_x and £117,088 for 370 kg/year of PM_{2.5}). It states that this damage cost is greatly exceeded by the fact that 92% of its HGV fleet is Euro VI compliant (with the rest being Euro V and due to be upgraded on replacement) and the planned replacement of its diesel generators on site with electrical power at a cost of approximately £2M (which would reduce diesel consumption by about 1.5 million litres per year). It is understood that the new power supply is expected to come on stream in the first quarter of 2022.
94. Planning permission TM/10/2029 includes conditions which require HGVs leaving the quarry to use the wheel wash and, unless transporting stone greater than 75mm in size, to be sheeted. These controls would be reimposed if permission is granted and serve to minimise dust impacts associated with the transportation of materials.
95. Notwithstanding the concerns expressed by Ditton Parish Council (PC) and those who have made representations relating to air quality, the technical advice received from KCC’s Air Quality Consultant is that the proposed amendments to conditions 9 and 10 (and consequential amendment to condition 11) are acceptable. I must therefore conclude that the proposed development is consistent with the above policies in terms of air quality and that there is no reason to refuse the application on air quality grounds.

Noise

96. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and that in doing so they should mitigate and reduce to a minimum potential adverse impacts

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resulting from noise, avoid noise giving rise to significant adverse impacts on health and the quality of life and protect tranquil areas. Paragraph 211 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health and that any avoidable noise emissions are controlled, mitigated or removed at source. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include potential noise pollution and impact on sensitive receptors. The NPPW states the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings (including noise and vibration from goods vehicle traffic movements to and from a site) and that intermittent and sustained operating noise may be a problem if not properly managed (particularly if night-time working is involved).

97. Policy CSW6 of the Kent MWLP requires minerals and waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise. 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. Policy DM13 states that where development requires road transport, proposals will be required to demonstrate that the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community.
98. Policy CP1 of the TMBC LDF Core Strategy states that in determining planning applications, the quality of residential amenity will be preserved and wherever possible enhanced.
99. Objections have been received from local residents relating to noise associated with HGV movements. They are also concerned that increased HGV movements will lead to more noise from operations and blasting at the quarry. It was also alleged that quarry operations were starting well before 06:00 hours causing noise nuisance.
100. Ditton Parish Council has also expressed concerns about noise impact and does not accept that the proposed development would cause no material harm to the environment or local community (particularly during peak travel times) and that it could be delivered in accordance with national and local planning policies. It also questions whether noise levels will be monitored.
101. KCC's Noise Consultant has no objection. It is satisfied that the proposed development is acceptable in terms of noise impact subject to HGV movements being limited to no more than 100 between 06:30 and 07:30 hours.

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102. No objections have been received from Tonbridge and Malling Borough Council (BC), Maidstone BC, Aylesford Parish Council (PC) or Barming PC about noise impact. However, Tonbridge and Malling BC has asked that careful consideration be given to amenity impacts.
103. A detailed noise impact assessment was undertaken and submitted in support of the application. This concludes that the proposals would comply with noise level limits defined in the Noise Policy Statement for England (i.e. less than a 1dB change on all routes or “No Observed Adverse Effect Level”) and that the regularisation of HGV movements would not give rise to unacceptable levels of noise pollution.
104. Planning permission TM/10/2029 includes conditions which require noise from operations on site to be maintained below specified levels when measured at noise sensitive properties. It also includes conditions relating to blasting (which is monitored by GAL and the results provided to the County Council). The results of the blast monitoring provided by GAL and independent blast monitoring undertaken on behalf of the County Council demonstrate compliance. These controls would continue to be imposed.
105. GAL has refuted the allegation that quarry operations are starting well before 06:00 hours. It states that with the exception of site security staff (who attend site outside working hours), the quarry manager is usually the first person to arrive on site at about 06.20 hours and that most quarry operatives arrive for work between 06.30 and 07.30 hours (depending on their roles and responsibilities). Whilst the operatives change into their personal protective equipment and make their way to their machines or plant to carry out any essential or routine maintenance such as prestart inspections, measuring lubricant levels and general safety checks, operations do not commence until 07:00 hours (as permitted). Whilst GAL is confident that noise limits are being complied with, it is aware that the main quarry trommel does create a metallic noise that can be noticeable outside the site as rock is tumbled within it. It states that a replacement trommel is planned next year and that an acoustic building is being considered to further reduce noise from this source. It has also taken steps to reduce the noise from the audible intercom used on the ready mixed concrete plant to communicate with drivers and has indicated its willingness to explore other alert systems to eradicate this should it be necessary.
106. Notwithstanding the concerns expressed by Ditton Parish Council (PC) and those who have made representations relating to noise impact, the technical advice received from KCC’s Noise Consultant is that the proposed amendments to conditions 9 and 10 (and consequential amendment to condition 11) are acceptable. I must therefore conclude that the proposed development is consistent with the above policies in terms of noise and that there is no reason to refuse the application on noise grounds.

Other issues

107. Ecology: Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing sites of

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biodiversity value (in a manner commensurate with their statutory status or identified quality) and minimising impacts on and providing net gains for biodiversity. Paragraph 180 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. Paragraph 211 states that when considering proposals for mineral extraction, MPAs should ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment against various locational criteria. These include protecting ecological networks and protected species.

108. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that do not give rise to significant adverse impacts upon designated sites (including Special Areas of Conservation (SACs) and Ancient Woodland). Policies DM1, DM2 and DM3 seek to protect and enhance biodiversity interests or mitigate and if necessary compensate for any predicted loss. Policy CP1 of the TMBC LDF Core Strategy states that in determining planning applications, the quality of the natural environment will be preserved and, wherever possible, enhanced. Policy SQ4 of the TMBC LDF MDE DPD states that development will only be permitted where there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.
109. Given that there are no designated ecological sites within 200m of the affected roads, an impact assessment was not required. KCC Ecological Advice Service has no objection and is satisfied that the proposed development would not have a detrimental impact on any sensitive designated sites and Natural England has no comments to make. I am therefore satisfied that the proposed development accords with the above planning policies and should not be refused on ecological grounds.
110. Public Rights of Way: Paragraph 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access, taking opportunities to provide better facilities for users. Policy DM14 of the Kent MWLP seeks to protect public rights of way.
111. The proposed development would result in increased numbers of HGV movements crossing Footpath MR488 as they enter and leave the quarry on the private access road than provided for by the existing planning permission. However, KCC Public Rights of Way (PROW) has no objection subject to the current arrangements to slow drivers and warn them that pedestrians may be crossing the access road on Footpath MR488 being maintained. This could reasonably be addressed by an informative. I am therefore satisfied that the proposed development accords with the above planning policies and should not be refused on public rights of way grounds.

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Conclusion

112. Objections have been received from local residents and from the former adjoining County Council Member Rob Bird (Maidstone Central). Concerns have also been expressed by Ditton PC.
113. No objections have been received from Tonbridge and Malling BC, Maidstone BC, Aylesford Parish Council (PC) or Barming PC. However, Tonbridge and Malling BC has asked that careful consideration be given to highways and amenity impacts and future compliance with imposed conditions. Barming PC would like to be reassured that the vehicle movements will be monitored carefully. These issues have been addressed in the report.
114. No objections have been received from KCC Highways and Transportation (subject to the proposed conditions being implemented / monitored and a £50,000 contribution to a new footway / cycleway on Hermitage Lane between the entrance to Barming Station and Maidstone Hospital), National Highways (subject to the proposed conditions being implemented / monitored), KCC's Air Quality Consultant, KCC's Noise Consultant, KCC Ecological Advice Service or KCC Public Rights of Way. Natural England and the Environment Agency have advised that they have no comments to make.
115. Hermitage Quarry plays an important role in the supply of primary (crushed rock) and recycled aggregates, ready mix concrete, hydraulically bound materials, flowing screeds, soils and top-quality dimension stone and in receiving and handling inert waste capable of being recycled or used for restoration. This is demonstrated by the quantity and range of materials it has supplied to development projects within the County in the last few years of both local and national significance. Enabling these operations to continue as they have would accord with the planning policies set out in this report and should be supported subject to being acceptable in terms of the impact of the associated HGV movements in terms of highway safety and capacity, air quality, noise and other impacts. If the applicant (GAL) were to be required to operate strictly in accordance with the permitted HGV restrictions (something which HGV monitoring returns have demonstrated it has been unable to do since January 2018), this would have consequences for the supply of materials in the County and to the local economy and serious implications for the Company. Such consequences are likely to include the need for alternative materials to be imported to Kent for distribution, increased costs for developers as a result of materials needing to be sourced from further afield, the need for alternative sites in Kent or elsewhere to accept inert waste for recycling and / or disposal and delays to the working and restoration of Hermitage Quarry. It could also result in the loss of jobs at the quarry and in related operations.
116. In view of the responses of technical consultees, I am satisfied that the proposed amendments to conditions 9 and 10 (with the consequential amendment to condition 11) of Annex A2 of planning permission TM/10/2029 (as amended) are acceptable, that there is strong case for permitting what is proposed and that granting planning permission would be consistent with relevant planning policies subject to the

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imposition of the conditions referred to in this report. I therefore recommend accordingly.

Recommendation

117. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO the prior satisfactory completion of a legal agreement to secure the Heads of Terms set out in Appendix 1 and the following conditions / informatives:

- (i) conditions 9, 10 and 11 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) being worded as follows:
 - (9) Within any single calendar month the average number of HGVs entering or leaving the site on weekdays (excluding Bank / Public Holidays) shall not exceed a combined total of 800 movements. No more than a combined total of 900 HGV movements in the form of entering or leaving the site shall take place on any single weekday. No more than a combined total of 500 HGV movements in the form of entering or leaving the site shall take place on any Saturday. No HGV movements shall take place on Saturdays after 13:00 hours nor at any time on Sundays or Bank / Public Holidays.
 - (10) During the morning peak period of 06:30 to 09:30 hours (Monday to Friday), the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 250 movements of which:
 - (a) No more than 75 movements shall take place between 08:00 and 09:00 hours; and
 - (b) No more than 100 movements shall take place between 06:30 and 07:30 hours, between 07:30 and 08:30 hours and between 08:30 and 09:30 hours.

In addition to these restrictions:

- (c) Only HGVs pre-loaded at the site the previous working day shall leave the site between 06:30 and 07:00 hours and no other operations shall take place until 07:00 hours Monday to Saturday;
 - (d) No more than a combined total of 75 HGV movements shall take place between 16:00 and 18:00 hours (Monday to Friday); and
 - (e) No more than more than 100 movements shall take place between 06:30 and 07:30 hours, between 07:30 and 08:30 hours and between 08:30 and 09:30 hours on Saturdays.
- (11) Unless otherwise approved beforehand in writing by the Mineral Planning Authority, HGV movement monitoring shall be undertaken in accordance with the report titled “HGV Monitoring Scheme for Hermitage Quarry” (Ref: GAL-HQ-0617-R04 Rev A) dated October 2021 and the results provided to the Mineral Planning Authority each month in the format shown in Figure 8

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titled “Hermitage Quarry Monthly HGV Movements Report”.

- (ii) all other conditions in Annexes A1, A2, A3 and A4 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) being replicated or updated as necessary to reflect the amendments or details approved pursuant to the permission(s) since planning permission TM/10/2029 was granted by the Secretary of State on 11 July 2013; and
- (iii) informatives relating to the following:
 - The applicant being advised of the need to maintain the existing arrangements to slow drivers using the private access road into Hermitage Quarry from Hermitage Lane and warn them that pedestrians may be crossing the access road on Footpath MR488.

Case Officer: Jim Wooldridge

Tel. no. 03000 413484

Background Documents: see section heading.
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Appendix 1 to Item C1

Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)

Heads of Terms for Section 106 Agreement

1. The applicant to pay Kent County Council upon execution of the Agreement all of the County Council's reasonable costs and disbursements incurred in connection with negotiation, drafting and completion of the Agreement and arranging for it to be placed on the relevant Local Land Charges Register.
2. The applicant to pay Kent County Council a contribution of £50,000 towards a footpath / cycleway on Hermitage Lane between the entrance to Barming Station and Maidstone Hospital.

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Erection of a two-storey new standalone teaching block and sports hall, with a single storey kitchen extension and remodelling works to areas of the existing school buildings to facilitate school expansion from 4FE to 5FE at Borden Grammar School, Avenue of Remembrance, Sittingbourne, Kent ME10 4DB – 21/504168/COUNTY (KCC/SW/0150/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 12th January 2022.

Application by KCC Strategic & Corporate Services for erection of a two-storey new standalone teaching block and sports hall, with a single storey kitchen extension and remodelling works to areas of the existing school buildings to facilitate school expansion from 4FE to 5FE at Borden Grammar School, Avenue of Remembrance, Sittingbourne, Kent ME10 4DB – 21/504168/COUNTY (KCC/SW/0150/2021)

Recommendation: PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions.

Local Member: Mr John Wright

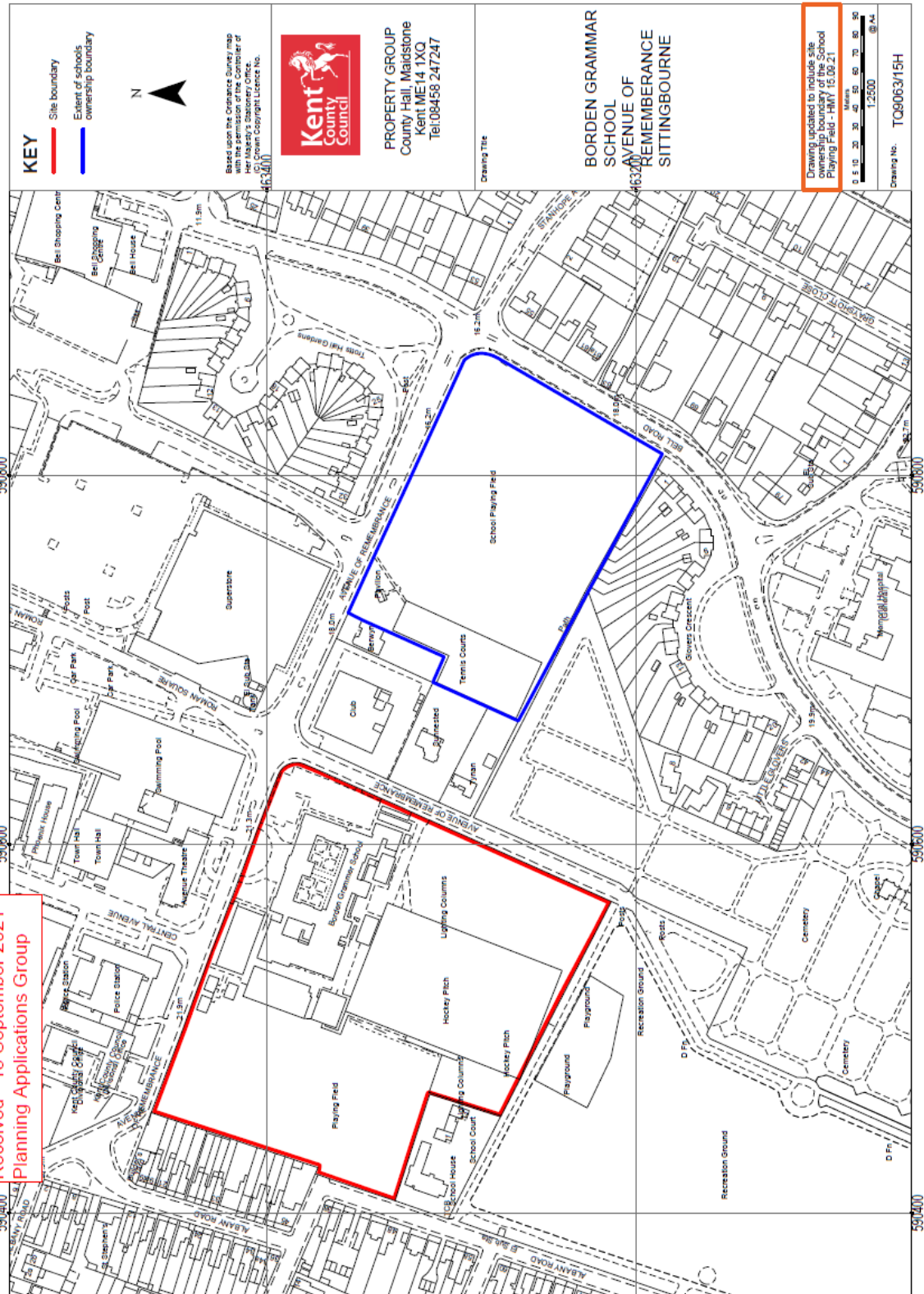
Classification: Unrestricted

Site

1. Borden Grammar School is a 4 Form of Entry (4FE) selective boy's grammar school, which is located within the centre of Sittingbourne. It holds specialist status in sports and achieved Academy status in 2012. It is located on the southern side of the Avenue of Remembrance and consists of the original 1920's two storey school building, which is brick built with a pitched roof, with additional two storey flat roof buildings added in the 1970's and 1990's. To the front and eastern side of the original building is the school car park; to the south of the school buildings lie hard surface courts and a full size multi use games area (MUGA); whilst to the west is the school playing fields. A pavilion building for the Old Bordenian Hockey Club is located between the MUGA and playing fields which was completed in 2003 (along with the MUGA) as a joint project between the hockey club and school. To the north of the later flat roof school buildings lie two hard surfaced courts enclosed by fencing - the location for the recent temporary mobile classroom development. The school site is fairly level with a slight change in levels to the west.
2. There are a number of accesses into the site. Along the northern frontage there is an 'in and out' driveway which provides access to the front of the original school. Along the eastern boundary there is a separate access for staff to the staff car park, and there is a service and delivery access point to the rear of the school along the eastern boundary. Field maintenance access gates are located in the railings along the northern frontage by the playing field, and there is a further set of access gates located on the corner of Albany Road to the south-west of the school site.

Erection of a two-storey teaching block and sports hall, & single storey kitchen extension at Borden Grammar School, Avenue Of Remembrance, Sittingbourne, Kent ME10 4DB – 21/504168/COUNTY (KCC/SW/0150/2021)

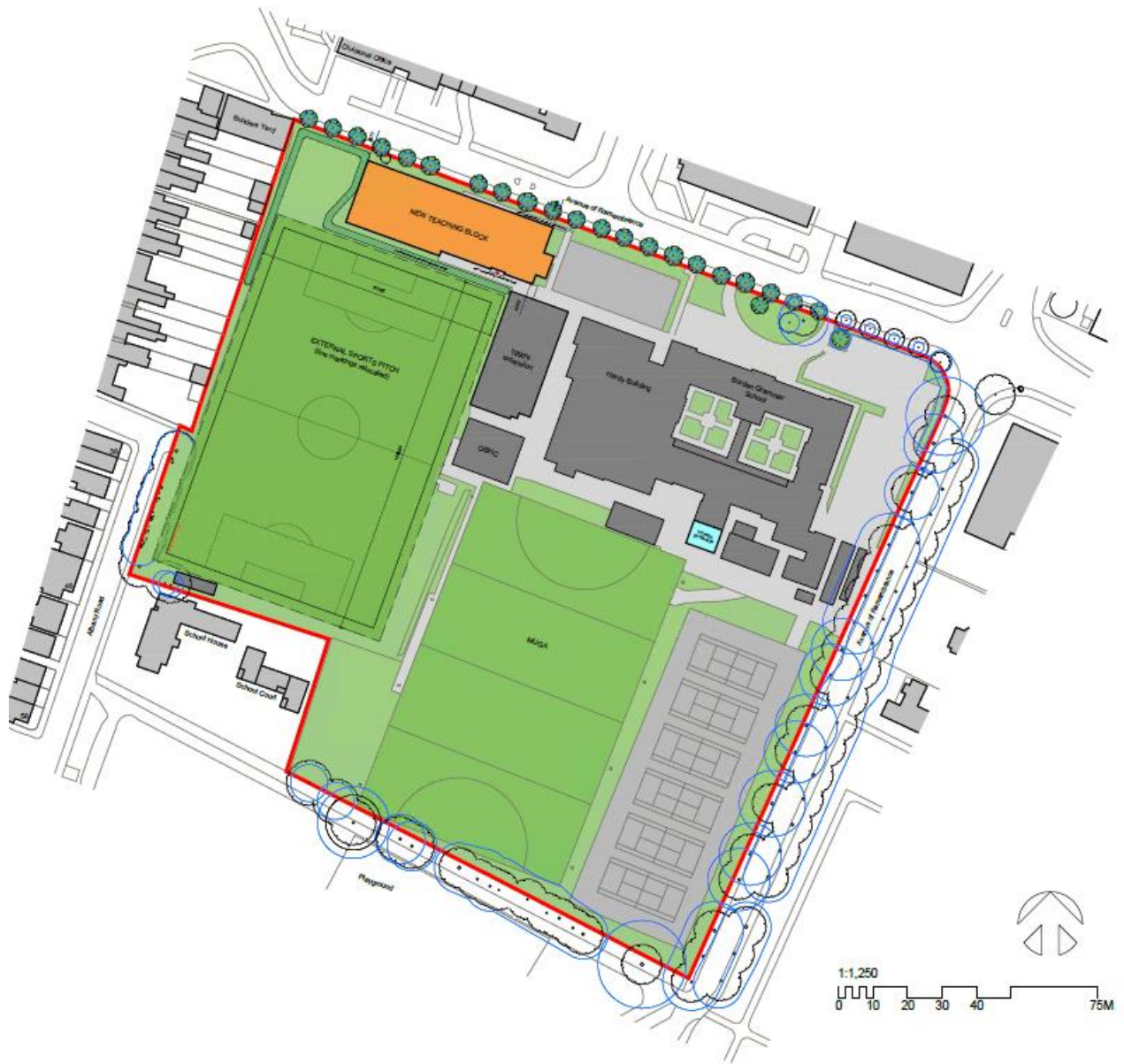
Site Location Plan



Item D1

Erection of a two-storey teaching block and sports hall, & single storey kitchen extension at Borden Grammar School, Avenue Of Remembrance, Sittingbourne, Kent ME10 4DB – 21/504168/COUNTY (KCC/SW/0150/2021)

Proposed Site Layout



Erection of a two-storey teaching block and sports hall, & single storey kitchen extension at Borden Grammar School, Avenue Of Remembrance, Sittingbourne, Kent ME10 4DB – 21/504168/COUNTY (KCC/SW/0150/2021)

Proposed Elevations



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3. The Avenue of Remembrance runs along the northern and eastern frontages of the school, whilst to the west the school site is bounded by the rear gardens of terraced properties in Albany Road, and by Albany Road itself in the south-west corner. To the south of the school site lies Sittingbourne recreation ground and to the south-east the Sittingbourne cemetery. Opposite the school site on the northern side of the Avenue of Remembrance is The Swallows Leisure Centre, Sainsburys Supermarket, The Avenue Theatre, Age Concern UK building, Sittingbourne Police Station and Kent County Council local offices. The school also own the 'Sale Field' which lies to the east of the main site and is separated from the school by the Avenue of Remembrance. Access to this field is via a footway which runs between the cemetery and the property Tynan. In terms of the wider surrounding context the areas to the east, west and south are residential, whilst to the north is the town centre and central area.
4. The site is covered by designations in the Swale Borough Local Plan (2017). It is located within the 'Area of High Townscape Value' (Policy DM36) which covers an area south of the Sittingbourne town centre which includes the school site and areas of Victorian and Edwardian housing, parks, cemeteries, trees and open spaces. It also lies adjacent to the designation for the 'Central Sittingbourne Regeneration Area' (Policy Regen 1) which seeks to consolidate and expand the main retail, business, cultural, community and civic centre for the Borough. Finally, the school playing field and Sale Field are covered by Policy DM18 for Local Green Spaces, which seeks to protect the openness of such areas from development.
5. At present Borden Grammar has a school role of 644 pupils in years 7-11, and 217 pupils in the 6th form, which is co-educational – a total of 861 pupils as of September 2021. There are 93 permanent members of staff employed at the school, 50 teaching staff and 43 support workers. The main entrance (drop off area) has parking for up to 10 cars and 2 minibus spaces, and the main car park provides 50 spaces plus 1 motorcycle space.

Members' Site Visit

6. A group of Planning Applications Committee Members visited Borden Grammar School on the 15th of September to familiarise themselves with the location of the school within Sittingbourne, to view the proposed location of the new building in relation to the surrounding area, and to observe the traffic situation at the end of the school day. Members were accompanied by the Head of Planning, Sharon Thompson; Principal Planning Officer, Mary Green; Case Officer, Helen Edwards, and the Highways and Transportation Officer, Mr Alun Millard.

Education Need and Background

7. Modernisation of the school was undertaken in 2007 when the library, sixth form study area, sixth form common room, 3 classrooms, toilets, changing rooms and offices were all updated. More recently a demand for increased pupil places has been identified, which requires further development to increase accommodation on site for sports facilities, classrooms and kitchen space. The Area Education Officer for East Kent has provided background for this application which states:

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“The County Council is the Strategic Commissioner of Education provision in Kent and has a statutory duty to ensure that sufficient school places are available to meet demand. The 2021-2025 Plan forecast a continued increase in the demand for secondary school places across the Swale district. If additional capacity is not added, there will be insufficient places available to meet demand and parental preference. The forecasts indicate that there is constant need for additional places for both selective and non-selective with a shortfall of 72 Year 7 grammar places predicted in 2023/2024. To maintain sufficient grammar provision, the enlargement of Borden Grammar School is necessary. Commissioning a 1FE enlargement of Borden Grammar school and Highsted Grammar School [the selective girls school in Sittingbourne] will provide grammar places for both boys and girls, to meet predicted demand and help secure Kent’s vision for a high performing education system where every child and young person can go to a good or outstanding school.”

8. To assist with pupil numbers for this academic year (2021/2022) an application (reference SW/21/502319) was submitted in April last year for the installation of a temporary double classroom modular block. No objection was received to this application and it was approved under delegated powers on 4th August 2021. The modular classroom block is sited on the existing hard surfaced courts to the front of the school and has a temporary consent which runs until the end of August 2022.

Proposal

9. The application proposes the erection of a two storey stand alone teaching block and sports hall and a single storey extension to the existing school to enlarge the kitchen facilities, along with internal alterations to the existing school, which would facilitate a school expansion from 4FE (600 pupils in years 7-11) to 5FE (750 pupils in years 7-11). The increase would take place incrementally as an additional form (30 pupils) is added for each annual year 7 intake. The two-storey teaching block and sports hall would be sited along the northern boundary of the site. It would be set back by 2.9m from the edge of the site where it adjoins the Avenue of Remembrance (at the closest point) and set in 25m from the western boundary where the site backs onto the rear gardens of properties in Albany Road. The new building would have a rectangular footprint, running east/west along the site frontage, and would provide a 3-court sports hall, viewing area and PE office; 3 changing rooms, pupil toilets, plant rooms and stores; three general classrooms, a science lab and an ICT/Business classroom. The building would have an overall height above existing ground level of 9.15m. The original school building has a ridge height of 11.3m, whilst the flat roof school buildings have overall heights of 7.2m, although these are from a slightly higher ground level (approximately 0.8m) than the proposed sports hall/teaching block.
10. The building would be built with brickwork to the ground floor, as well as the first floor of the teaching block, similar to the original 1920’s school building. The sports hall would have an off-white render finish to the first floor and grey cladding would be used between the ground and first floor windows. A galvanised steel stair enclosure would be provided on the eastern end elevation. The flat roof of the teaching block would be hidden by a 1.1m high parapet wall to provide safe access and screening to the roof plant.

Erection of a two-storey teaching block and sports hall, & single storey kitchen extension at Borden Grammar School, Avenue Of Remembrance, Sittingbourne, Kent ME10 4DB – 21/504168/COUNTY (KCC/SW/0150/2021)

11. The kitchen extension would be on the southern side of the original school building and would provide an additional 68sqm of kitchen space in a small extension to the existing building. The extension would have a flat roof to match and would be constructed from brickwork to also match the existing. Internal alterations to the existing school, possible as a result of the new accommodation being provided in the stand alone block, would be additional dining hall space, new toilet facilities and the drama room relocated to the existing gymnasium at ground floor level, plus a new science lab at first floor.
12. There would be no alteration to vehicular access to the site for parking and deliveries, and no additional car parking would be provided as part of the proposed development. The existing field maintenance access gates on the Avenue of Remembrance would be removed and replaced with railings to match. Access to the playing field would be retained from the existing gates off Albany Road. An additional 12 cycle spaces would be provided as part of the development, adding to the existing 38 on site at present.

Planning Policy

13. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:
 - (i) **National Planning Policy Framework (NPPF) July 2021** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

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

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

- designation of land as Local Green Space...allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services (*paragraph 101*);
- consideration of whether appropriate opportunities to promote sustainable transport modes can be or have been taken up and safe and suitable access to the site can be achieved for all users (*paragraph 110*);
- whether impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (*paragraph 110*);

Erection of a two-storey teaching block and sports hall, & single storey kitchen extension at Borden Grammar School, Avenue Of Remembrance, Sittingbourne, Kent ME10 4DB – 21/504168/COUNTY (KCC/SW/0150/2021)

- 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 would be severe (*paragraph 111*);
- That access to high quality open spaces and opportunities for sport and recreation are important in their contribution to health and well-being, and therefore that existing open space, sports and recreation facilities should not be built on unless the loss would be replaced by equivalent or better provision in terms of quantity and quality (para 98,99);
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should ensure that developments would function well and add to the overall quality of an area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, creating a welcoming and distinctive place to live, work and visit; include an appropriate mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being (*paragraph 130*);
- Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that...existing trees are retained wherever possible (*paragraph 131*);
- planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal (*paragraph 195*).

In addition, Paragraph 95 states that: *It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. It is the Government’s view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations.

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop

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state-funded schools when determining applications and appeals that come before him for decision.

- Local authorities should make full use of their planning powers to support state-funded school applications. This should include engaging in preapplication discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out on the Planning Practice Guidance website. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

(iii) The adopted **Swale Borough Local Plan – Bearing Fruits 2031 (adopted July 2017)** (summarised policies)

Policy ST3 The Swale Settlement Strategy: Development proposals will be permitted in accordance with a settlement strategy, of which the main Borough area of Sittingbourne will provide the primary urban focus for growth, where development will support town centre regeneration and underpin the town's role as principal centre.

Policy ST5 The Sittingbourne Area Strategy: Development proposals will ensure the vitality of Sittingbourne town centre, as appropriate by, 2. (b) providing a wider range of services, including transport, education, health, leisure and cultural facilities.

Policy CP6 Community facilities and services to meet local needs: The Council will work with developers and other public agencies to identify deficiencies in infrastructure. Development proposals will, as appropriate deliver timely infrastructure and safeguard existing community services and facilities where they are viable or can be made so unless replacement facilities can be provided without leading to any shortfall in provision.

Policy CP4 Requiring Good Design: All development proposals will be of a high-quality design that is appropriate to its surroundings. Development proposals will, as appropriate, create safe, accessible, comfortable, varied and attractive places; promote and reinforce local distinctiveness and strengthen the sense of place; retain and enhance features which contribute to local character and distinctiveness; conserve and enhance landscape, biodiversity and local environs; be appropriate to the context in respect of materials, scale, height and massing; and maximise

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opportunities for including sustainable design and construction techniques.

Policy Regen 1 Central Sittingbourne: Regeneration Area: A regeneration area for central Sittingbourne, including its town centre, is shown on the proposals map. Within this area proposals which support the objective of consolidating and expanding Sittingbourne's position as the main retail, business, cultural, community and civic centre for the Borough will be permitted. [Note: the site lies just outside this identified area, on the southern side of The Avenue of Remembrance.]

Policy DM6 Managing transport demand and impact: Development proposals generating a significant amount of transport movements will be required to support their proposal with the preparation of a Transport Assessment (including a Travel Plan). In assessing impacts on the highway network, development proposals will (a) demonstrate that opportunities for sustainable transport modes have been taken up; (b) ensure that where the residual cumulative impact of development on traffic generation would be in excess of the capacity of the highway network and/or lead to a decrease in safety, environmentally acceptable improvements to the network are agreed. If such works cannot be carried out and the residual cumulative impacts of development are severe the development will be refused.

Policy DM7 Vehicle Parking: Until such time as a local Swale Borough Supplementary Planning Document (SPD) can be adopted the Council will continue to apply extant Kent County Council vehicle parking standards to new development proposals. When prepared the Swale Vehicle Parking SPD will provide guidelines for vehicle parking for non-residential uses, which will take into account (a) the accessibility of the development and availability of public transport; (b) the type, mix and use of the development proposed; (c) the need to maintain an adequate level of car parking within town centres to ensure that viability of the centres is not compromised; and (d) that development proposals do not exacerbate on street car parking to an unacceptable degree.

Policy DM14 General Development Criteria: All development proposals will, as appropriate, accord with the policies and proposals of the Development Plan unless material considerations indicate otherwise; include sufficient information to enable the application to be determined; accord with adopted supplementary planning guidance; respond to constraints and opportunities posed from climate change; reflect the positive characteristics of the site and locality; conserve and enhance the natural built environments taking into account the desirability of sustaining an enhancing significant heritage assets; be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location; cause no significant harm to amenity and other sensitive uses or areas; provide an integrated landscape strategy; and achieve safe vehicular access, convenient routes for pedestrians and cyclists,

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enhanced public transport facilities, together with parking and servicing facilities.

Policy DM16 Alterations and Extensions: Planning permission will be granted for alterations and extensions to existing buildings provided they (1) are of an appropriate design and quality which responds positively to the style and character of the building being extended; (2) are appropriately scaled in relation to the building and its surroundings; (3) maintain or enhance (where applicable) the character of the street scene; (4) reinforce or enhance as appropriate local distinctiveness; (5) preserve architectural, historic, landscape, or nature conservation features of interest; and (6) protect residential amenity. [Relevant to the kitchen extension only.]

Policy DM17 Open space, sports and recreation provision: Proposals for residential and other developments as appropriate will safeguard existing open space, sports pitches and facilities in accordance with national policy.

Policy DM18 Local Green Spaces: Within designated Local Green Spaces [the school playing field and the Sale Field are designated as such] planning permission will not be granted other than for (1) the construction of new building for one of the following purposes: essential facilities for outdoor sport or recreation, cemeteries, allotment use, or other uses of land where preserving the openness of the Local Green Space and not conflicting with its purpose; (2) the re-use or replacement of an existing building, provided the re-use does not include any associated uses of land around the building which might conflict with the openness of Local Green Space or the purposes of including land within it; and (3) the carrying out of engineering or other operation or the making of any material change of use of land, provided that it maintains the openness and character of the Local Green Space.

Policy DM19 Sustainable design and construction: Development proposals will include measures to address and adapt to climate change in accordance with national planning policy and guidance and, where appropriate, will incorporate the following: (a) use of materials and construction techniques which increase energy efficiency and reduce carbon emissions; (b) promotion of waste reduction, re-use, recycling and composting; (c) recognition that retaining and upgrading existing structures may be more sustainable than building new; (d) design of buildings which will be adaptable to change and re-use over the long term. Development proposals should where appropriate be located and designed to take advantage of opportunities for low and zero carbon energy and all new non-residential developments over 1000 sqm gross floor area will aim to achieve BREEAM 'Very Good' standard or equivalent as a minimum.

Policy DM21 Water, flooding and drainage: When considering the water-related, flooding and drainage implications of development, development proposals will (1) accord with national planning policy and planning practice guidance; (2) avoid inappropriate development in areas at risk of

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flooding and where development would increase flood risk elsewhere; (3) provide site specific flood risk assessments, as required, carried out to the satisfaction of the Environment Agency; (4) include where possible sustainable drainage systems; (5) integrate drainage measures within the planning and design of the project; (10) protect water quality, including safeguarding ground water source protection zones from pollution, to the satisfaction of the Environment Agency.

Policy DM28 Biodiversity and geological conservation: Development proposals will conserve, enhance and extend biodiversity, provide net gains in biodiversity where possible and minimise any adverse impacts and compensate where impacts cannot be mitigated. Development proposals will be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development, especially where it is known or likely that development sites are used by species, and/or contain habitats, that are subject to UK or European law. Development proposals will provide, where possible, a net gain of biodiversity overall.

Policy DM29 Woodlands, trees and hedges: The Borough Council will seek to ensure the protection, enhancement and sustainable management of woodlands, orchards, trees and hedges. 4. Unless the need for, and benefits of development in a location clearly outweigh the adverse impacts, planning permission will be refused where there (3) would be a loss of trees (including individual trees, old orchards, fruit trees, hedgerows or woodland scrub) that make an important contribution either to the amenity, historic, landscape, townscape or biodiversity value of the site and/or the surrounding area.

Policy DM36 Area of high townscape value: Within and adjacent to the Area of High Townscape Value, as defined on the proposals map [and includes this site], the Borough Council will not grant planning permission for development proposals unless they provide for the conservation or enhancement of the local historic and architectural character, together with its greenspaces, landscaping and trees.

(iv) **Swale Borough Council Parking Standards (May 2020), paragraphs 93-98:**

- Schools where expansion is proposed are expected to develop, update and monitor School Travel Plans.
- Staff and visitor parking should be provided for, together with overflow parking areas for community uses. Parent and pupil parking are discouraged as this is a disincentive to travelling by sustainable means. Appropriate provision should be made for the setting down and picking up of pupils in a safe environment and in a manner that does not unduly interfere with the operation of the public highway.
- Measures to discourage parking should be considered and include car sharing, parking restrictions and parking permits.

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- On all new school sites where it is likely that pupils will travel to and from school in coaches, buses or minibuses, sufficient space should be reserved to allow them to be dropped off and collected.
- Provision of secure and covered cycle parking will be a condition of any new or expanded school.
- To allow SEN pupils to attend any school, a proportional provision should be made available at all schools to ensure suitable access for emergency vehicles with the appropriate level of disabled parking to be designated.

Consultations

14. **Swale Borough Council** raise an objection to the proposal, stating: “The proposed teaching block and sports hall, due to its design, scale, siting and proximity to the Avenue of Remembrance, would constitute a prominent and incongruous development that would be harmful to the character and appearance of the area, within an Area of High Townscape Value. In addition, the development would be sited on land designated as local green space and would result in the partial loss of such space. As such, Swale Borough Council would object to the proposal as it would be contrary to Policies CP4, DM14, DM18 and DM36 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.”

KCC Highways and Transportation Officer raises no objection to the proposal subject to the imposition of conditions to secure the submission of a Construction Management Plan, the permanent retention of the vehicle and cycle parking spaces, the inclusion of electric vehicle charging facilities for 4 spaces, and the submission of a revised School Travel Plan.

Sport England raise no objection as the development broadly meets Exception 3 of their Playing Fields Policy.

KCC Biodiversity Officer raises no objection subject to the imposition of conditions which secure the submission of ecological enhancement features for approval; that a habitat establishment and management plan be submitted for approval; that the Construction Management Plan be updated to include that the ecological mitigation detailed in the Preliminary Ecological Appraisal and Bat Report will be implemented; and that any lighting condition requires the lighting plan to follow recommendations within the Bats and artificial lighting guidance.

KCC County Archaeological Officer raises no objection subject to the imposition of a condition to secure a programme of archaeological work.

Environment Agency (Kent Area) raise no objection subject to the imposition of conditions to ensure that if any contamination not previously identified is found on site a remediation strategy will be submitted to deal with it and that there be no infiltration of surface water drainage into the ground without written permission of the County Planning Authority.

KCC Transport Planner Schools advises that revisions would be required to the submitted School Travel Plan, which could be covered by the imposition of a condition.

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KCC Flood and Water Management Officer raises no objection subject to the imposition of conditions to secure the submission and written approval of a detailed surface water drainage scheme, and a verification report to demonstrate the drainage system complies with that approved.

KCC Highways and Transportation Arboriculture Manager raises no objection.

Local Member

15. The local County Member for Sittingbourne South, Mr John Wright, was notified of the application and requested Members of the Planning Applications Committee undertook a site visit.

He also submitted information regarding the Public Consultation undertaken by Swale Borough Council regarding the Avenue of Remembrance. He stated: "Being of historical importance in that it is the only surviving intact avenue with trees and name plates commemorating the fallen in the UK. This will be an issue for the committee on how visually the Borden Grammar School extension impacts a historical open space and increases the traffic and buses that use that space. You may wish to think how its impact is minimised or enhances the area."

The Local Borough Councillor for Sittingbourne and Leader of Swale Borough Council, Mr Roger Truelove, has provided the following comments:

"I am writing as a Borough Councillor for the ward affected by this proposed development. Whilst I sympathise with the school's wish to expand its facilities, they do need to take a long term view of their needs and this proposal appears to be squeezing too much into a limited and restricted area. Difficult though it may be, they ought to be considering the use of their Sale Field. The proposed design of this development does not fit into the surrounding area. It will have a detrimental impact on the culturally important Avenue of Remembrance, it is too close and out of keeping with the local residential properties in Albany Road in an area of high townscape. The current provision of a full sized football pitch provides the town with a visual break."

Publicity

16. The application was publicised on 4th August 2021 by the posting of 6 site notices, and an advertisement in a local newspaper.

Representations

17. In response to the publicity, 37 letters have been received objecting to the application, along with 1 letter of support. The key points raised can be summarised as follows:

Principle of development

- Utilise the Sale field for a lower school which would provide a longer term solution
- Split site schools are common and easily managed
- Lack of proper consideration of other locations for the building

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- A new school should be included in new housing developments not expanding this school
- Justification for increasing school numbers unclear and would only meet a short term need, not the projected growth of households in Swale by 2038
- Current increase in pupil numbers is just a bulge year and there is no need for immediate expansion, but a longer term solution should be considered
- Insufficient number of classrooms being proposed
- An annex to the school is needed on the Isle of Sheppey to eliminate daily travel of a large number of pupils and the associated carbon footprint
- Building lacks any 'green' features (renewable energy or green roof) and is inconsistent with a net-zero approach
- Building design basic and lacks any design features relating to the original school
- School should utilise the Swallows leisure centre for any additional sports facilities they require
- Brown field land at the Bell Shopping Centre opposite should be considered first, to provide any additional school buildings
- Redevelopment by enhancing existing structures should be considered

Location of Building & Impact on Avenue of Remembrance

- New building lacks landscaping to the front as it sits forward of the existing buildings
- Building would be detrimental to the character, visual appearance and historic nature of the Area of High Townscape Value
- Building design does not reflect the character of the local area or the original school
- No evidence that it complements the Avenue of Remembrance
- Building in this location would be disrespectful to the Avenue of Remembrance and dominate it
- New building will loom over the Avenue making it feel dark and oppressive
- All other buildings along the Avenue are set back at least 15-20 feet from the road
- Location of the building would be inconsistent with the existing frontage of the school and other buildings in the Avenue
- Proposed building sits within protected green space
- Loss of green space would have a negative impact on the area – extension should be added to the rear of the school instead
- The building will further reduce the grassed area on the school site, which has been reduced by around 50% since 1994
- New building should not be constructed anywhere on the playing fields, so that the pitch can be rotated to preserve its quality, and a full sized senior pitch maintained
- Building siting would affect the key character of the Avenue of Remembrance which is "...the existing school façade, the tree lining and open sky of the playing field"
- Harm arising from the siting of the building would be highly visible due to the location on the highway
- Building should be sited where the MUGA is at the back of the school

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Impact on Avenue trees

- Application should be required to fill the gaps of missing trees along the Avenue
- No trees should be pollarded or lost to facilitate the development
- Trees may affect light into the new building putting pressure to have the trees cut back in the future
- Fear new building would need to be moved closer to the road and Avenue trees to allow the 3m run off for Sport England requirements
- Negative impact on trees to provide access for the crane for construction
- Development will have a direct impact on the trees

Residential Amenity

- New building should be located away from residents
- Noisy school activities should not be located next to neighbouring residents
- Building should not overshadow living areas or gardens of neighbours
- Loss of views of the Avenue of Remembrance from neighbouring properties
- There should be no use of the facilities outside of school hours as would be harmful to residents
- Roof plant would potentially affect nearby residents

Construction and Highway and Transportation Impacts

- Construction could further damage the boundary wall which the school have not maintained
- Construction access too narrow for large vehicles and no room for them to turn
- Roads identified for construction vehicle routes are too narrow with many parked cars
- Construction traffic using residential roads would affect pedestrian safety
- Construction traffic will damage residential roads and possibly parked cars
- Already insufficient local parking for residents
- There should be no suspension of parking on local roads to facilitate the construction
- No space on public roads for any construction vehicles or contractors to park
- Construction noise will affect people working from home, and Saturday working is antisocial
- Dust and debris from construction will affect health of residents
- Construction access times for the site would conflict with local infant and junior school opening times
- Considerate Construction Scheme gives little comfort
- Road improvements should be included due to additional traffic generated by the expansion
- Increase in traffic after the expansion will adversely affect residents due to congestion and poorer air quality
- Will result in more staff who will park in nearby roads
- No additional staff parking being proposed on site
- A satellite drop off area for pupils should be considered

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- Student travel data used (from 2014) out of date
- Future access to the playing field would not be possible from the gates on The Avenue of Remembrance (which would be removed) which will affect residents on surrounding roads
- Fire engine access would be limited once these gates are removed

Process

- Concerned site notices not re-published to explain changes in plans
- No explanation of why the deadline for comments was extended

Discussion

18. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 13 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
19. This application is being reported for determination by the Planning Applications Committee due to the objection received from Swale Borough Council and those from local residents, as set out in paragraphs 14 and 17 above. In my opinion, the key material planning considerations in this particular case are the principle of development and the need for education facilities; the siting and design of the new building and any impact on the wider area in particular the Avenue of Remembrance; any impact on residential amenity; loss of local green space and provision of sports facilities; any highway and transportation implications linked to the proposal; and landscape, tree and ecological matters.

Principle of Development and Education Need

20. Planning policy guidance in the form of both the NPPF and the Policy Statement for School Development are strongly worded to ensure that proposals for the development of state funded schools should, wherever possible, be supported. The guidance is set out in paragraph 13 above and in summary states that there should be a presumption in favour of the development of state funded schools; that planning authorities should take a proactive, positive and collaborative approach to meeting this requirement; and that any refusal would have to be clearly justified. The school site lies within the defined built-up area of Sittingbourne and as such the principle of development is accepted, subject to it being in accordance with other relevant policies.
21. The educational need for expanded facilities at Borden Grammar School is set out in paragraphs 7 and 8 above, and a bulge year has been accepted at the school for this academic year, with those students being accommodated through the temporary mobile classrooms which have been given a 1 year consent for their siting on the school grounds. There are a number of undersized rooms within the existing school, and a lack of science facilities, sports facilities, toilets and the required dining hall space and

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kitchen facilities to accommodate the 1 FE expansion, therefore the school needs to provide these through additional accommodation. The site has an established education use and the provision of such new facilities would be considered acceptable in principle in respect of the guidance on the NPPF and Planning Policy Statement for Schools Development, subject to other policy constraints which are addressed below.

Siting and Design of New Building

22. The proposed sports hall and teaching block would be sited along the northern boundary of the school grounds, alongside the Avenue of Remembrance. It would be sited lengthways along the front of the site and sit forward of the established building line created by the original school and the later extensions. In determining the most appropriate location for the siting of the building, the applicants undertook an Options Appraisal which considered 6 potential positions for the building. This document forms part of the application submission, where pros and cons of each option were considered and a balanced judgement determined which was the preferable site overall. The different siting options are outlined below.

Option 1 – Along the northern boundary with the Avenue of Remembrance (the application scheme).

Pros included the flat nature of the site; logistical/operational preference for the school; better for potential access for out of hours use; minimises the loss of external green space for sport and retains a full sized 11 v 11 sports pitch; likely support from Sport England; opportunity to compliment the Avenue of Remembrance and provide a visual offering to the streetscape; preferred location for fire brigade access.

Cons included proximity to the Avenue of Remembrance for street noise and fire management; impact upon trees; proximity to existing school buildings regarding light impact to adjacent classrooms; and access to existing services.

Option 2 – South of the site between the MUGA and the playing pitch

Pros were a lesser impact on residential areas and existing trees; and located within good proximity to the MUGA and external sports.

Cons included the inability to accommodate the full sized 11 v 11 playing pitch; weakened relationship with existing school and impact on the Hockey Club building; public access would have to be through the site; sloping site levels; insufficient space for construction next to the MUGA; difficult to meet compliance for fire tender access; likely opposition by Sport England.

Option 3 – South-western corner of the site, adjacent to School House and access gates by Albany Road

Pros included less impact to trees, relatively flat site; can accommodate full sized 11 v 11 pitch; good proximity to external sports facilities; meets fire tender access; less likely to affect buried services.

Cons included weakened relationship with existing school and impact on the Hockey Club building; impact on neighbouring properties; public access would have to be through the site; additional hard landscaping required; impact on storage hut for scouts; pitch location right at northern end of site may result in balls going into the Avenue; may affect drainage.

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Option 4 – On hard courts to south of existing school

Pros included a flat level site; can accommodate the full size 11 v 11 sports pitch; acceptable fire tender access.

Cons included loss of hardstanding playground/tennis court/external space which would need to be replaced elsewhere on the site; parking suspension required for access along narrow eastern section of Avenue of Remembrance; limited space for contractor compound; retained area of hardstanding obscured from view by new building; impact on more mature trees along this part of the Avenue, which would need cutting back for access for construction; public access would need to be via delivery and service access; likely opposition from Sport England; conflict of movement between pupils and deliveries/collections.

Option 4a – On hard courts but with square footprint not rectangular.

Pros included a flat level site; can accommodate the full size 11 v 11 sports pitch; acceptable fire tender access.

Cons included loss of hardstanding playground/tennis court/external space which would need to be replaced elsewhere on the site; parking suspension required for access along narrow eastern section of Avenue of Remembrance; limited space for contractor compound; retained area of hardstanding obscured from view by new building; impact on more; mature trees along this part of the Avenue, which would need cutting back for access for construction; public access would need to be via delivery and service access; likely opposition from Sport England; conflict of movement between pupils and deliveries/collections.

Option 5 – Sale Field

Pros included a level flat site; flexibility in terms of position and orientation of building; proximity to playing fields and tennis courts used by school for outside teaching.

Cons included remoteness from main school and not supportive of curriculum delivery; additional resourcing required to transfer students between the two sites; missed opportunity to create a statement on main school site; risk of objection by Sport England due to impact on existing sports field; visual impact on prominent junction in Sittingbourne; risk to pupils due to conflict with their movement and deliveries; challenging to meet fire tender access; would require vehicular access and parking for the new block in order to meet DDA (Disability Discrimination Act) requirements.

23. To supplement the above, the applicants have provided additional information regarding the options for siting the building on the hard courts to the south of the school – options 4 and 4a. They state that the courts are utilised 80-100% by the school during the week for both PE and by 1000 pupils during break and lunch periods from October to May due to weather conditions making the soft landscaped areas unsuitable for play. The teaching of tennis for years 7-10 requires the use of all 6 courts and the loss of any of these would limit the sports curriculum. They state that the facilities at the Sale Field cannot accommodate these losses and existing soft play areas would be lost to replace the hardstanding so the curriculum requirements can be met. With regard to the Sale Field option (option 5) the applicants state that these hard courts are also utilised 80-100% by the school during the week for PE and break and lunch periods. The site is not utilised as much as the main school grounds, however, as it requires additional supervision.

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24. Having considered the available alternative sites, the applicants have applied for their preferred option. In this position (Option 1) the location of the building allows a full size 11 v 11 playing pitch to be retained on site, and avoids an objection from Sport England on loss of playing field land; it provides the teaching and sports hall accommodation to be in close proximity to the existing school which allows better delivery of the curriculum and less time being spent for students moving between buildings; it keeps access towards the front of the school site, so that should the building be let for community uses in the future it would be easily accessed; it retains the hardstanding tennis courts which are heavily used by pupils during breaktimes; and avoids any detrimental impact on the trees along The Avenue of Remembrance which would all be retained.
25. The building would however, be forward of the building line which is established by the siting of the existing school buildings, and closer to the pavement/road frontage than the buildings are on the opposite side of the road, which are all set back a substantial distance. The Sainsburys Superstore which is located to the north-east of the school site, is also quite hard up to the road frontage and therefore in my view there is a precedent in the area for siting the building closer to the road frontage than the existing buildings. In addition, if the building were to be sited back in line with the existing school, the full sized playing pitch would be compromised and unachievable, and Sport England would object to the loss of playing field on policy grounds. The proximity of the building to the road would, in my view, be an acceptable compromise which allows the playing field to be retained as fully as possible and achieves a workable solution to provide the established educational need.
26. The design of the building is modern and comprises part brickwork and part render, with grey cladding between the windows and a galvanised steel external staircase on the eastern elevation. Although the original school has a 1920's frontage, the design of the other buildings in the vicinity of the site (such as the KCC building, Avenue Theatre, Age Concern building as well as the Swallows Leisure Centre) are all more modern brick built flat roof structures, and it is considered that the design of the building would not be out of keeping with the variety of structures along this part of the Avenue. As discussed in more detail below (in the Impact on the Avenue of Remembrance section, paragraphs 38-41) the school have suggested they could include some imagery for either the elevation of the sports hall which would front the Avenue, or something free standing in front of the building. It is considered that such images would provide a focus and some detailing for the façade of the sports hall (which doesn't benefit from windows due to the use within) as well as paying respect to the heritage nature of the Avenue of Remembrance.
27. In addition to the stand alone sports hall and teaching block, the application also includes the extension of the existing kitchen to provide a larger facility to serve the increased number of pupils. The design of this would match the existing single storey flat roof building and would be constructed with matching materials. The kitchen extension is a minor part of the wider scheme, and it is considered that it would be acceptable in both scale, size and design and would have no impact on the surrounding area, nearby properties or the wider designation of the Area of High Townscape Value. It is considered that this element of the scheme would accord with Policy DM16 which seeks to ensure extensions to existing buildings would be of an appropriate scale and an appropriate design, responding to the style and character of the building being extended.

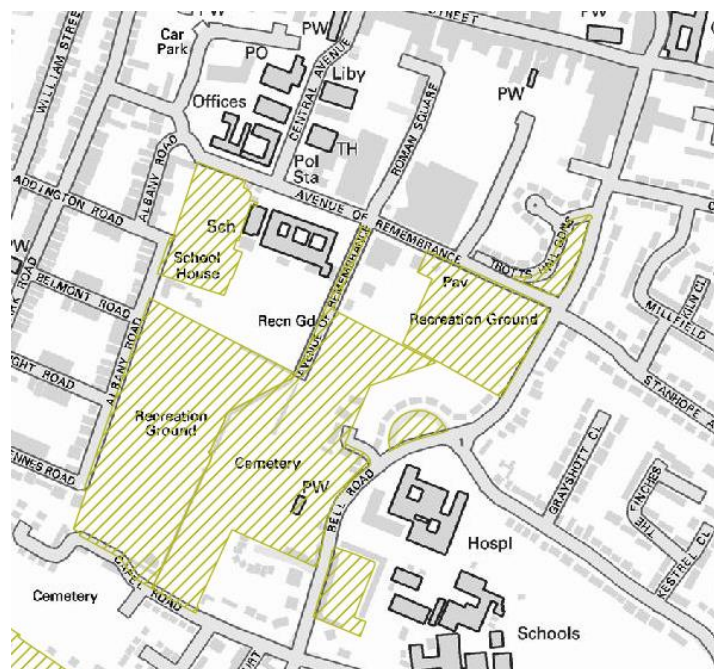
Item D1

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28. Should the application be approved, any consent should include a condition requiring the submission and approval of all external materials to be used, to ensure these are in keeping with the existing school and wider area.
29. The options appraisal was provided to demonstrate that other sites were considered and discounted and the reasons for doing so but does not offer alternative options for siting now that the application has been submitted and is before you for determination. The proposed siting and design of the buildings have been considered at length and whilst it is acknowledged that the building would sit forward of the established building line, there is an established need for the additional education accommodation on an existing education site, whilst seeking to retain as much of the existing hard court playing areas and grass playing pitch as possible. It is considered that the building in this location would not be so harmful to the street scene that it should be refused bearing in mind the NPPF and Policy Statement for School guidance that wherever possible the development for state funded schools should be supported.

Loss of Local Green Space

30. The application site is covered by a 'Local Green Space' designation (Policy DM18), which applies to the existing school playing field, as well as the Sale Field, as shown on the extract of the Local Plan proposals map below.



The policy aims to protect the Local Green Spaces from development and ensure their retention for enjoyment by the local community. The Local Plan states that such spaces have been designated due to their particular importance to local communities because of, for instance, their recreational value and tranquillity, heritage or biodiversity value. There is no pre-requisite for Local Green Spaces to be in public ownership, nor a requirement for them to be open for public access. Policy DM18 will be used, the Local

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Plan states, to preserve these Local Green Spaces, and proposals for development which would conflict with the purposes of designating the land will not be permitted, other than in very special circumstances.

31. The proposed development does not accord with the exceptions listed in Policy DM18 as it is not an essential facility for outdoor sport or recreation, cemetery, allotment use; it does not re-use or replace an existing building; and it is not for a material change of use of the land which retains its openness. Swale Borough Council published a Technical Paper (No. 2) on Local Green Spaces in June 2016, which sets out the background to Policy DM18 and explains the various designated sites. The school playing field and the Sale Field were designated together in this paper (Site LGS060) and the description of the special significance of these spaces was stated as follows:

“The site lies within an Area of High Townscape Value. It forms part of the linked green spaces between Albany Road and Bell Road, which extend up to the edge of the town centre. The Avenue of Remembrance frontage trees enhance the role of this open space. It forms part of the stepping stones of green infrastructure extending into the town centre to support wildlife, together with street trees and other amenity spaces.”

32. The Policy is supported by guidance in the NPPF which states that the designation of land as Local Green Space allows communities to identify and protect green areas of particular importance to them but also states that such designations should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services (para 101). Policies for managing development within a Local Green Space, the NPPF goes on to state, should be consistent with those for Green Belts.
33. Swale Borough Council have objected to the application on the grounds that the development would result in the partial loss of the local green space. In support of the application, and in order to address the fact that the development would not accord with this policy, the applicants have provided an update to their Planning Statement. They acknowledge the above policy viewpoint but emphasise that the vast majority of the green space of the playing field would remain and continue to provide the same recreational value to the school that it currently does. They note that the building would not fill in the whole gap along the frontage and therefore views of the green space (and appreciation of it) would still be achieved through the open frontage to the north-west of the site.
34. Although the technical paper makes reference to the contribution the green space makes to supporting wildlife, the submitted ecological surveys have demonstrated that there would be a minimal ecological impact as a result of the proposals and that the overall scheme would deliver a net biodiversity gain, thus enhancing the site for wildlife. The Avenue of Remembrance trees, also highlighted in the technical paper description, would not be affected by the development proposals. The applicants note that in their view the intrinsic heritage/commemorative value of this area is not in the playing field itself, but rather the tree lined street, which would not be affected.
35. The Local Green Space designation covers the entirety of the school playing field, and only excludes the MUGA and the hard courts to the south of the original school. An

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assessment of why these areas are not appropriate has been provided above. Any new building at the school would therefore need to be sited on land under the Local Green Space policy coverage. The applicants suggests that the policy would have the effect of restricting all and any essential expansion and improvement to the school, and such expansion has been established as being required on this site to maintain up to date teaching space standards, to provide the facilities for the expanded school roll and to ensure the long-term viability of the school itself. Such expansion and improvement is supported by the NPPF (and Local Plan Policy CP6) in paragraph 95 which states:

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

36. On the basis of the above, the applicants state that the essential need for the educational development (supported by local and national policy), the assessment which demonstrates that the proposed siting is the only realistic and viable location, the ability to retain the required sports pitch, alongside the net biodiversity gain would outweigh the minimal harm to the Local Green Space that would result.
37. It is acknowledged that the development would not accord with Policy DM18, but the Government places great importance on education provision and school development. In my opinion, although there is an objection by Swale BC, I consider that the education need and the provision of additional teaching space to suitably accommodate the increase in pupils at the school to meet community need and the provision of facilities which are suitable for use, would outweigh the loss of this part of the playing field which has been designated as a Local Green Space, especially when taking a longer term view and considering the proposals in a holistic and broader context.

Impact on Avenue of Remembrance

38. The application site lies within an area designated as High Townscape Value (Policy DM36), which includes the Avenue of Remembrance along the northern edge of the site, and includes the whole school site, plus areas of development which lie to the west and south of the site. The Local Plan states that these areas of Victorian and Edwardian housing, cemeteries, parks, trees and open spaces mark an important period in the town's post-industrial expansion and many of its street trees are a poignant reminder of the town's marking of The Great War. The objective of Policy DM36 (Area of High Townscape Value) is to encourage a high standard of design of new development, the retention and reinstatement of original features and the preservation of the spaces between buildings, landscaping and parks, alongside the retention and expansion of its street trees. The Policy itself states that development will not be permitted unless it provides for the conservation and enhancement of the local historic and architectural character, together with its greenspaces, landscaping and trees.

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39. The proposed building would be sited close to the boundary with the Avenue of Remembrance and in a prominent position within the area designated as being of High Townscape Value. Although the building would not affect the Avenue trees, it would introduce a large building into what is currently a green gap within the street scene, and it is recognised that this would alter the appearance of this part of the road. The Avenue of Remembrance has been designated as a memorial to those soldiers who lost their lives fighting in the First World War and the School are very conscious of this and the location of their grounds in relation to the road and its significance for the community. However, there is a requirement for additional educational facilities within the site and for the reasons outlined in the rest of this report the siting of the new building is as proposed. In order to show respect for the Avenue the School have suggested they include a memorial to the fallen soldiers either on the northern elevation of the building facing toward the Avenue, or in between the building and the boundary fencing.
40. Suggested images would either be poppies, as used on the road signage for the Avenue of Remembrance, or alternatively silhouette images of soldiers, as often displayed for Remembrance Sunday. It is considered that such imagery would enhance the appearance of the building within the street scene and would provide recognition of the local historic character of the Avenue, which Policy DM36 aims to protect. In order to take time to decide on the best and most appropriate images to be used, whether this should be free standing or applied to the elevation of the building, and to allow consultation with Swale Borough Council on the designs, it is suggested that a condition could be imposed on any consent for details to be submitted and approved by the County Planning Authority and installed prior to occupation of the building.
41. The majority of the green space provided by the school playing field would be retained, albeit it is acknowledged that it would no longer be readily visible from the Avenue of Remembrance with the building in the proposed location, however views of it would still be afforded to passers-by from the north-western corner of the site. It is considered that although the new building would be prominent within the street scene, it would not materially affect the Avenue of Remembrance trees and the proposed imagery would seek to enhance the Avenue and reinforce its significance in relation to World War 1. As such it is considered that there would not be overriding harm caused to the Area of High Townscape Value and balanced with the educational need which has been outlined above, the development would be acceptable, subject to the imposition of a condition to secure appropriate imagery as discussed above.

Sports Provision

42. As outlined above, the proposed siting of the sports hall and teaching block is on the edge of the existing school playing field. Sport England fundamentally oppose development which would result in the loss of, or would prejudice the use of, all or any part of a playing field in all but exceptional cases whether the land is in public, private or educational use. Policy P1 of the Sport England Policy Statement sets out the exceptions to their general presumption against the loss of playing fields, and these are:
- E1 A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

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- E2 The proposed development is ancillary to the principal use of the site as a playing field or playing fields and does not affect the quantity or quality of pitches or adversely affect their use.
- E3 The proposed development affects only land incapable of forming or forming part of a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.
- E4 The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to commencement of development.
- E5 The proposed development is for an indoor or outdoor sports facilities, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.
43. Sport England were consulted on the application and advise that in their view the application affects only land incapable of forming part of a playing pitch and does not:
- reduce the size of any playing pitch
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site; or
 - prejudice the use of any remaining areas of playing field on the site.'

As such they state that they are satisfied that the development broadly meets exception 3 of the Playing Field Policy and the do not wish to raise an objection to the application.

44. Notwithstanding this view, they go on to note that the 3m run off (required for a full-size pitch in Sport England and FA pitch guidance) on the eastern side would overlap a small area of footpath. They suggest that this be reinstated to grass to match the pitch surface or alternatively the school consider reducing the size of the pitch to a compliant Youth U15 and U16 11 v 11 pitch, although they note that this would prevent the pitch being used for the older age group match play. The overlap relates to a very small section of footpath which is located by the Bordenian Hockey Club House building – 5m in length (and 1.5m wide) and located just by the halfway line of the pitch, which provides a paved access route to some storage containers located on site. The School have advised that they will remove this small section of paving and realign the access to the containers, so that no paving juts into the run off area for the sports field. A condition to ensure that this is undertaken has been included in the recommendation below. The proposal is therefore considered to comply with Policy DM17 of the Local Plan, in that it safeguards existing sports pitches in accordance with national policy.

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Impact on Residential Amenity

45. The building would be sited to the rear of properties 19-25 (odd) Albany Road. These properties have rear garden lengths of approximately 15m and are separated from the school playing field by a boundary wall. The proposed building would be set off this shared boundary by a distance of 25m, thus providing an overall separation distance of approximately 40m. The end elevation of the new building would be for the sports hall and as such would have no windows in this elevation, just one access door at ground level. The materials on this elevation would be part brickwork and part off white render. Although there have been objections received from neighbouring residents regarding loss of amenity as a result of the location of the building and overshadowing it is considered that the distances between the houses and the new building are sufficient such that existing levels of sunlight would be maintained and the scheme would not give rise to overshadowing. There would be no loss of privacy given the lack of windows in this elevation, and although the building would alter the outlook from the rear of these properties it would be sited far enough away so as not to cause a sense of enclosure.
46. In relation to residential amenity, Swale Borough Council have raised no objection on these grounds in their response, and I concur that the development would not cause significant harm to residential amenity, and as such would not be in conflict with Policy DM14 of the Bearing Fruits Local Plan in this regard. Potential impact on noise and construction issues are addressed separately below.

Access, Parking and Highways

47. As set out above, the application does not involve the alteration of any of the existing access points into the school for staff and visitor parking, which would remain as existing and no additional vehicular parking is proposed to be provided. The application was supported by the submission of a Transport Statement and a Draft Travel Plan and the application documents have been considered by the County's Highways and Transportation Officer, who also attended the Member site visit. The Transport Statement considered the impact the proposed development would have on the local highway network and reviews the existing conditions within the vicinity of the school, and the Highways Officer concurs with the assessment, noting that that site is centrally located within the town centre where access to sustainable transport choices are good, and large areas of residential population are within reasonable walking and cycling distance. In addition, he notes that public car parks can be found nearby to accommodate demand from drop off and collection, and these have ample capacity to cater for any increased need, given the limited number of vehicles which were observed using them at present.
48. The Transport Statement (TS) has estimated that once the 1 form of entry expansion has worked through the school to full capacity after 5 years, the additional pupils are likely to generate an additional 26 car journeys to bring pupils to the school. This is based on the current modal share of transport to school, as identified through the school's survey. The survey showed that 36.5% of pupils walk to the school, 29.2% travel by bus, and 21.6% by car (15.3% as a single passenger and 6.3% shared with other pupils in the same vehicle). The Highway Officer notes that this reflects fairly closely the results of the 2014 National Travel Survey, as set out in the TS, which has 38% of secondary school children walking, 29% travelling by bus and 23% by car. The

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school is in close proximity to the public car parks, where there is plenty of capacity to accommodate these additional 26 vehicles. It is also noted that some of these journeys would also be linked with other purposes, and some pupils may only take part of the journey by car (to destinations elsewhere) and walk the final leg. It is therefore considered that the additional 26 car journeys at the start and end of the school day would not have a severe impact on the local highway network or result in parking issues, given the current evidence of the existing car journeys at each of these times.

49. Once at full capacity the school is expected to generate an additional 50 pupils who would travel by bus, increasing from the current level of 242 pupils who travel in this manner. The Highway Officer notes that there are 2 dedicated buses which wait at the school with capacity for 220 passengers. These generally serve destinations through the western side of Sittingbourne, terminating on the Isle of Sheppey. Buses originating at other schools also pass by en-route and collect overspill if necessary. However, not all pupils travelling by bus are served by the Sheppey service, and many pupils disperse to bus stops in the town centre to access routes to destinations elsewhere. The level of bus activity at the school is not expected to increase from the current number of services, and therefore the Highway Officer does not anticipate there would be any material impact on the Avenue of Remembrance. However, if another bus was required it is considered that this could be accommodated in the space available along the school frontage without obstructing the free flow of traffic. It was observed at the site meeting that two-way traffic was able to freely pass the waiting buses due to the width of the road.
50. An additional 62 pupils are anticipated to walk to school, with a further 8 likely to cycle. An additional 12 cycle parking facilities are proposed as part of the scheme to accommodate this demand (and additional uptake), and the Highway Officer suggests that details of these could be secured via the imposition of a condition, to ensure they are covered to encourage more cycling and promote sustainable transport modes.
51. The proposed 1 FE expansion would also result in an additional 5 members of staff on site, and the TS states that there is capacity within the existing staff parking areas to accommodate a further three to four vehicles, but that all staff would be actively encouraged to walk, cycle, car-share or use public transport. No objection has been raised to this matter by the Highways Officer.
52. A draft School Travel Plan was submitted with the application which has been considered by the County Council's School Transport Planner and the Highways Officer. The Travel Plan requires further modifications, but it is considered appropriate to seek these through the imposition of a condition, should permission be granted, whereby the new development shall not be brought into use until a revised version of the Travel Plan has been submitted to and approved in writing by the County Planning Authority. The Travel Plan should ensure that objectives for reducing the dependency on the private car are included with objectives, targets, a programme of implementation and provision for monitoring, review and improvement.
53. At the Member site visit in September, Members were able to observe the end of the school day and watch pupils leave the site. The two dedicated buses were parked outside the school prior to the end of the day ready to collect pupils, and a third bus arrived once pupils were leaving. None of the buses were observed to affect the free

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flow of traffic along the Avenue of Remembrance. Furthermore, no parent parking was observed outside the school gates, as might have been expected, and pupils appeared to disperse without congestion being caused. It was pointed out that some pupils would walk to alternative bus stops to continue their journey home and Members were able to view pupils leaving the site from both the northern boundary and the eastern boundary. Members were also able to observe the spare capacity within the existing staff parking areas.

54. One of the suggested requirements from the Highways and Transportation Officer was the inclusion of four electric vehicle charging points within the car park, however as no amendments are being made to the parking provision on site, and it has been accepted that additional parking spaces are not required, we are not able to insist that these be provided as part of the scheme. The School are aware of the request and it is likely that they would need to undertake such provision themselves in the future, given the recent increase in ownership of electric vehicles.
55. It is considered that the proposed development would accord with the Swale Borough Council Parking Standards as set out in paragraph 13 above and would also accord with the aims of Policies DM6 and DM7 of The Bearing Fruits Local Plan and the transport elements of Policy DM14. The application is therefore considered to be acceptable in relation to highways and transportation matters, subject to the imposition of conditions as required by the Highways Officer, which are included in the recommendation below and include a revised Construction Management Plan; retention of all existing parking on site; provision of additional secure and covered cycle spaces; and the revised Travel Plan.

Landscape and Trees

56. The proposed development would be located along the northern boundary of the site, set in from the boundary by 2.9m at the closest point, the north-eastern corner of the proposed building, and 3.5m at the north-western corner. The Avenue of Remembrance trees are planted within the pavement of the footway which runs along this boundary of the Avenue of Remembrance and the positions of these have been shown on the submitted drawings. The application was supported by the submission of an Arboricultural Report and Tree Survey Plan and these show that the proposed location of the new building would be outside of the root protection area and tree canopy of the trees that run along the Avenue of Remembrance here. The report states that building lines should be at least 2m outside the root protection area to allow for the movement of materials, the erection of scaffolding around the new structure and the installation of new services. The proposed development would accord with this criterion.
57. The County Council's Arboriculture Manager, who oversees trees within highway land was asked to comment on the application and has stated that he has no objections to the application. Given that there would be no impact on the trees which are planted along this section of the Avenue of Remembrance, it is considered that the development would meet the aims of Policies DM14, DM36 and DM29 which all seek to ensure that trees would be protected and would not be lost as a result of permitted development proposals. A condition to ensure that tree protection measures are erected on site prior to the commencement of development is proposed, should permission be granted.

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58. There has been no landscape scheme submission made with the application, although there is a section explaining the site layout with regard to landscape within the Planning Statement. Due to the need to retain the full size playing pitch and the provision of the run off area and shallow bund (a surface water drainage feature – see drainage section below) there would not be scope for additional landscape planting to the south of the new building. It is considered, however, that the additional landscaping is not essential for the site given the existing tree lined street in front of the application site and the proposed imagery as discussed above.

Ecology

59. The application was supported by the submission of a Preliminary Ecological Appraisal (PEA) which has been considered by the County Council's Biodiversity Officer. The findings of the Appraisal show that the site supports suitable habitat for roosting bats (on site and immediately adjacent buildings) and nesting birds (on-site buildings, shrubs and trees); and that there are no designated sites of importance for nature conservation located within relevant distance of the proposed development. The Appraisal recommends that a bat emergence / re-entry survey of buildings on site would need to be completed; that if any demolition of buildings, tree clearance and/or shrub clearance are to be carried out during the bird breeding season (March to mid-September) they must be checked for the presence of active birds nests before work commences; and that ecological enhancements (biodiversity net gain) should be identified for the site.

60. The buildings to which the bat survey work relate are identified in the Appraisal as the boundary wall of 19 Albany Road to the north-west of the development site; part of the boundary wall along the western edge of the school playing field site; the clay tiled roof of the original school building close to the kitchen extension; and the building to the east of the kitchen extension. The survey results were submitted to the County Council and reviewed by the County Biodiversity Officer, who has advised that the report assesses that it is unlikely that bats are roosting within the building, however as suitable features are there the occasional roosting of bats cannot be ruled out. They concur with the proposal in the report that works should be carried out using a precautionary mitigation approach, under a watching brief, for any elements of the scheme impacting areas suitable for roosting bats. This should be controlled through the submission of a Construction Environmental Management Plan. The Biodiversity Officer also concurs with the findings regarding breeding birds and notes that the precautionary mitigation approach suggested in the PEA also be included in the Construction Environmental Mitigation Plan.

61. With regard to lighting, the Biodiversity Officer notes that lighting can have a negative impact on roosting bats and they therefore recommend that any lighting condition requires the lighting plan to follow the recommendations of the 'Bats and Artificial Lighting in the UK' document. Finally, they state that two further conditions should be imposed on any permission given – one to secure details of ecological enhancement features to be incorporated into the site (including bat and bird boxes) and the second for a habitat establishment and management plan to be submitted to ensure that the dense scrub which the Biodiversity Net Gain Report details is established and managed properly to achieve the net gain. Subject to these it is considered that the application is acceptable on ecological grounds and would accord with Policy DM28 of the Local Plan.

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Noise and Construction

62. The site would retain its education use, and therefore ambient noise levels for nearby residential properties would not be significantly different to that already experienced. There would be roof plant sited on the building, and we have received a number of objections to the possible noise disturbance as a result of these units. The applicants were asked to consider this and have submitted an additional Noise Report which assesses the impact of the units against the lowest measured background noise levels taken at the site. The assessment was undertaken during the day based on the worst case scenario of the proposed plant items operating continuously, and the calculated plant noise levels were taken from the manufacturers technical data. The report specifies that the plant units would only be operating during the daytime (school period). The nearest noise sensitive receptors which have the potential to be affected by plant noise, are 21 Albany Road, the building opposite the site on the other side of the Avenue of Remembrance, and the school itself. The assessment demonstrates that the expected noise level from the roof plant is expected to be inaudible compared to the lowest measured background noise level, and therefore no impact on residential amenity is anticipated.
63. A Construction Management Plan (CMP) was submitted as part of the planning application, to establish the construction details and this document has been assessed by the Highways and Transportation Officer. It has also given rise to a number of objections from local residents in relation to the proposed routing of construction traffic, which are proposed to access the school playing field site via the gates at the corner of Albany Road. The objections related to the width of the roads on the suggested route, the potential damage to parked cars, safety issues of construction traffic using residential streets, and the possible suspension of on-street parking to allow construction traffic to pass, to the detriment of resident's amenity. The Highways Officer acknowledged that the route would have involved a long section of road where passing would be difficult and that the route may be intrusive if there are lots of traffic movements. As a result of these concerns the applicants were asked to reconsider the construction routing. The applicant has since engaged with the Highway Authority to devise an appropriate strategy for routing large construction vehicles to and from the site, and the revised document reflects the discussions held.
64. In this revised document the proposed route of construction traffic is via Ufton Lane and Addington Road. This route utilises existing one-way streets so vehicles would not conflict with opposing traffic where carriageway widths and on-street parking already restrict the free flow. The existing one-way system in Addington Road between Park Road and Albany Road would be reversed for the duration to allow vehicles to pass straight across Park Road to enter the construction site. The road alignment of this route and existing parking restrictions are better suited to accommodate the turning movements of the largest HGVs expected, removing the likelihood of overrunning footways and minimising the amount of on-street parking that would need to be suspended. If Park Road were to be used instead of Ufton Lane, HGVs would not be able to turn into either Addington Road or Belmont Road without overrunning the footways and requiring significant loss of on-street parking.
65. The Highways Officer notes that it is not a valid reason to refuse planning permission because of the associated construction traffic movements, and these must instead be

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managed to minimise the impact as far as possible. The revised Construction Management Plan (CMP) does address the original concerns about routing and is considered to offer the best solution for accessing the site, without having to remove or prune any of the trees along the Avenue of Remembrance which would have been the only other alternative. As discussed in paragraphs 56 and 57 above, the retention of these trees is supported by Development Plan Policy, and their removal and/or pruning would not be supported in this case.

66. The revised CMP and Logistics Plan covers the routing of construction and delivery vehicles; parking and turning areas for construction and delivery vehicles, and site personnel; timing of deliveries to avoid peak school times along with a booking system and advance instructions for suppliers; provision of wheel washing facilities; temporary traffic management and signage; and on site loading and unloading facilities. Subject to the imposition of a condition to ensure that the development is carried out in accordance with the latest revision of this document, there is no objection to the development from the Highways and Transportation Officer. Given that there are neighbouring residential properties to the site, if planning permission is granted it is considered appropriate to restrict the hours of construction to protect residential amenity to the standard operating hours of Monday to Friday between 0800 and 1800; Saturday 0900 to 1300; and no operations on Sundays or public holidays.

Drainage

67. The application was supported by the submission of a revised Flood Risk Assessment which identifies that the site is entirely within Flood Zone 1, where there is the lowest risk of flooding. This document identified, however, that the proposed building is in an area at low to medium risk of surface water flooding and subsequently the finished floor levels have been designed to be elevated above surface water flood levels, circa 300mm above prevailing ground levels. The surface water drainage strategy for the site incorporates sustainable drainage systems, including geocellular soakaways and filter drains, and the report states that this would reduce offsite runoff and provide betterment and alleviate flood risk downstream of the site. The discharge of foul drainage would be into the existing foul sewers and utilise the existing offsite connection to the Southern Water public sewer. The proposed development can be drained effectively, the report states, and existing surface water flooding and overland flows would be intercepted and contained by an arrangement of berms (or bunds) and a shallow infiltration basin for storm events up to the 1 in 100 year event for a duration of 24 hours. Excess flows would be diverted around the proposed development and discharged into the existing overland flow route in the Avenue of Remembrance. The report states that the proposed surface water drainage system would be able to effectively control runoff generated within the site for the proposed teaching block and would provide improvements on pre-development conditions for the kitchen extension, without increasing flood risk elsewhere off site.
68. The revised Flood Risk Assessment was considered by the County Council's Flood and Water Management Team and they have advised that they have no objection to the principles of the drainage scheme proposed in the report but have requested the imposition of two conditions should planning permission be granted - to secure the submission of a detailed surface water drainage scheme prior to commencement of development, and the submission of a verification report relating to the drainage scheme

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prior to occupation of the new building. As such the scheme is considered to accord with Policy DM21 for water, flooding and drainage.

69. The Environment Agency were also consulted on the application, and whilst they raised no objection, they requested the imposition of two conditions. The first seeks to ensure that there is no infiltration of surface water drainage into the ground, other than as permitted with the written consent of the County Planning Authority, to ensure that the development does not contribute to unacceptable levels of water pollution caused by mobilised contaminants. Secondly, they requested a condition which ensures that should any contamination be found on site that has not been previously identified, development will cease until a remediation strategy detailing how the contaminants would be dealt with has been agreed in writing with the County Planning Authority. Both of these conditions have been included in the recommendation below.

Sustainability

70. Planning policy at all levels recognises the need to address climate change and to reduce the amount of energy consumed by development. The NPPF places a presumption in favour of development that is sustainable and planning policy DM19 states that any new non-residential development over 1000sqm should meet the BREEAM 'very good' standard. The planning application was supported by the submission of an Energy Strategy report. The proposed scheme has been designed to offer a sustainable solution, which is practical and meets the needs of the school. The DfE do not request formal BREEAM certification, and therefore the proposed scheme has not followed this process. However, the development does have to adhere to the Department for Education (DfE) Output Specification 2019, which sets out detailed specifications for new buildings. When the energy requirements for schools are assessed against an environmental assessment like BREEAM it inevitably achieves a minimum BREEAM rating of 'very good'.
71. The energy approach for the new school is predominantly a passive one using a fabric first approach, whereby the thermal envelope of the building is enhanced to improve overall energy efficiency of the building. The applicants state that this is the most effective and efficient approach to construction. The passive design measures include limiting heat loss through walls, floors, roofs, windows and doors; day lighting; night cooling; natural ventilation; shading in summer; thermal heating in winter; and reduced air permeability. Mechanical and electrical services are critical to reducing energy consumption and the proposed development would include (but not limited to) dimming controls linked to daylight sensors; local light switching; movement and absence sensors for lighting control; low energy lighting; heat recovery mechanical ventilation; low specific fan power; and heating controls to optimise plant efficiency.
72. A number of Low and Zero Carbon (LZC) technologies have been considered for the building based on physical and financial viability for use on the project. Roof mounted Photo Voltaic (PV) panels are considered by the applicant's to be the most favourable for the development. This has been limited to provision being made for future installation only, however, as the scheme through its design would already achieve the equivalent BREEAM 'very good' rating required to meet Policy DM19. It is considered that the energy approach for the proposed development would meet the aims of Policy DM19 of the Core Strategy and the guidance of the NPPF.

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Archaeology

73. The application was supported by an Archaeological Desk Based Assessment which covered the wider school site and the potential for development generally on site. The assessment finds that the site has an archaeological interest, mainly concerning the presence of possible remains of medieval land management, occupation, and industrial use given its location close to the medieval historic core of Sittingbourne. The site also has broad potential for Romano-British and Anglo-Saxon archaeology as it is located close to the Roman road of Watling Street, three Roman burial sites and an Anglo-Saxon royal estate. The County Council's Archaeological officer has considered the Assessment and the details of the planning application and advises that he broadly agrees with the findings of the report.
74. Given the site's archaeological potential the Archaeological Officer recommends that further archaeological work is warranted on the site, but states that this could be undertaken after determination of the planning application, through the imposition of a condition. The proposed condition would be to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable, submitted to and agreed in writing by the County Planning Authority. This has been included in the recommendation below, and subject to this the application is considered to accord with Policy DM14 where it relates to heritage assets.

Conclusion

75. In my view the key determining factors for this proposal are the principle of the development and the educational need, the loss of part of an area designated as Local Green Space, together with the appropriateness of the design and siting of the new building, and the impact of the development on residential amenity and heritage considerations in relation to the Avenue of Remembrance. There is strong Government support in the NPPF for the development or expansion of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on local amenity and all other material considerations. In my view the proposed development would not give rise to any severe, significant or demonstrable harm that would be overriding as far as planning, environmental and amenity aspects are concerned, as demonstrated in the discussion above.
76. The loss of part of the Local Green Space would be outweighed, in my view, by the need for and improved education facilities on site. It has been demonstrated that there would be no loss of amenity for nearby residents, and the development would not affect the trees within the Avenue of Remembrance. Despite being closer to the road frontage than the existing buildings it is considered that the development would not affect the Area of High Townscape Value, and its local heritage value. There would be no overriding highway impacts as a result of the development, a full sized playing pitch can be retained on site and the proposed conditions would ensure that any impacts in relation to drainage, archaeology, ecology and contamination can be suitably mitigated against. A revised Construction Management Plan has been provided to ensure that construction traffic would not have an adverse effect on local residents.

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77. Support for the provision of school places is heavily embedded within the NPPF, the Planning for Schools Development Policy Statement, and local planning policy, and this development would satisfy a required need for secondary school places. In my view the development is sustainable and in accordance with the aims of the NPPF and I recommend that planning permission be granted subject to the conditions set out below.

Recommendation

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

- The standard 3-year time limit;
- The development to be carried out in accordance with the permitted details;
- The submission and approval of details of all construction materials to be used externally prior to the commencement of development;
- The removal of the section of paving which juts into the 3m sports pitch run off area and its replacement with grass prior to the occupation of the new building;
- The installation of tree protection fencing prior to the commencement of development;
- Within 6 months of this permission details of the 'Remembrance Imagery' to be positioned on or adjacent to the new school building shall be submitted to and approved by the County Planning Authority, and installed prior to the occupation of the new building;
- No development shall commence until a programme of archaeological work is submitted and agreed in writing by the County Planning Authority;
- The development shall be carried out in accordance with the Construction Management Plan Revision 05, dated 20/12/2021.
- That works shall only be carried out on site between the hours of 0800 to 1800 Monday to Friday; 0900 to 1300 on Saturdays; and no operations on Sundays or public holidays;
- Permanent retention of all existing vehicle parking on site;
- Details of covered cycle stands to be submitted for approval, prior to their installation on site, and permanent retention thereafter;
- Revised School Travel Plan to be submitted prior to occupation of the new building;
- Submission of a detailed sustainable surface water drainage scheme prior to the commencement of development;
- Submission of a verification report covering this scheme to be approved in consultation with the Lead Local Flood Authority prior to occupation of the development;
- No infiltration of surface water drainage into the ground, other than with the written approval of the County Planning Authority and shall only be used in those areas where there would be no unacceptable risk to controlled waters or ground stability;
- If during development contamination not previously identified is found to be present, then no further development shall take place until a remediation strategy has been agreed with the County Planning Authority;
- Details of a lighting scheme to be submitted including hours of use, level of illumination and ongoing control over any new lighting on site;
- Submission of a Construction Environmental Management Plan prior to the

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commencement of development to outline the precautionary mitigation approach on ecological matters;

- Submission on an Ecological Enhancement Plan within 3 months of work commencing on site to be and agreed in writing by the County Planning Authority;
- Submission of a Habitat Establishment and Management Plan within 3 months of work commencing on site to be and agreed in writing by the County Planning Authority.

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

- The registering with Kent County Council of the School Travel Plan through the “Jambusters” website following the link <http://www.jambusterstpms.co.uk>;
- Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.
- Advice that planning permission does not convey any approval to carry out work on or affecting a public highway and that engagement with KCC Highways and Transportation would be required at an early stage.
- The applicant is strongly encouraged to install photovoltaic panels in the area designated, and other renewable features into the scheme. to enhance the energy efficiency of the building.

Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

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

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

Background Documents - The deposited documents.

- MA/21/504951 Variation of condition 2 of planning permission MA/20/504362 to amend the date for completion of restoration by a further period of 18 months (i.e. until 25 March 2023).
Chilston Sand Pit, Sandway Road, Sandway, Maidstone, Kent ME17 2LU
Decision: Permitted
- MA/21/504994 Variation of condition 2 of planning permission MA/20/504360 to amend the date for completion of importation and stabilisation works and restoration by a further period of 18 months (i.e. until 25 March 2023).
Chilston Sand Pit, Sandway Road, Sandway, Maidstone, Kent ME17 2LU
Decision: Permitted
- SW/20/500291/
RVAR Details of a Construction Environmental Management Plan (CEMP) (Condition 9) and details of a Travel Plan (Condition 10) pursuant to planning application SW/20/500291.
Plot 6B, Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8SR
Decision: Approved
- TM/21/1007 Erection of an asphalt plant.
East Peckham Rail Depot, Hale Street, East Peckham, Tonbridge, Kent TN12 5HL
Decision: Permitted
- TM/21/2864 Section 73 application to amend conditions (2), (4), (5), (10), (12), (13), (16), (18), (19), (20), (25), (27), (28), (30) and (31) attached to planning permission TM/20/62 (as amended) to permit amendments to Household Waste Recycling Centre.
Allington Waste Management Facility, Laverstoke Road, Allington, Maidstone, Kent, ME16 0LE
Decision: Permitted
- TW/19/1343/R29 Request for approval of details pursuant to condition 29 (Landscaping, Restoration & Aftercare) of planning permission TW/19/1343.
Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE
Decision: Approved

TW/21/2187

Change of use of land to enable an upgrade and extension of the wastewater treatment works, to include construction and operation of above ground wastewater treatment plant; a ferric dosing kiosk, caustic dosing kiosk and Motor Control Centre kiosk; installation of site fencing and associated landscaping.

Benenden Wastewater Treatment Works, Walkhurst Road, Benenden, Kent TN17 4AP

Decision: Permitted

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

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

Background Documents – The deposited documents.

- CA/21/1093/R Non-material amendment to planning permission CA/21/1093 to omit one car parking space from approved 'Car Park 3', add one more car parking space to approved 'Car Park 2' and another to approved 'Car Park 4' resulting in a net gain of one car parking space.
Simon Langton Grammar School for Boys, Langton Lane, Canterbury, Kent, CT4 7AS
Decision: Approved
- CA/21/1429/R3 Details of External Materials and Finishes pursuant to condition (3) of planning permission CA/21/1429.
Whitstable and Seasalter Endowed C Of E School, High Street, Whitstable, Kent CT5 1AY
Decision: Approved
- DO/19/1120/R22 Details of Air Raid Shelter building recording pursuant to condition 22 of planning permission DO/19/1120.
Dover Grammar School for Boys, Astor Avenue, Dover, Kent CT17 0DQ
Decision: Approved
- DO/19/1120/RVARA Details of External Lighting (Condition 14), details of Ecological Enhancement Measures (Condition 28) and details of proposed tree and shrub planting (Condition 34) pursuant to planning permission DO/19/1120.
Dover Grammar School for Boys, Astor Avenue, Dover, Kent CT17 0DQ
Decision: Approved

E.2

- DO/20/1048/R15 Details of an updated Badger Survey pursuant to Condition 15 of planning permission DO/20/1048.
Dover Fastrack - Land to the north of Dover and to the south of Whitfield, Kent
Decision: Approved
- GR/21/1060 Proposed demolition of existing canteen building, storage and ancillary buildings; erection of new single storey school canteen/dining building; upgrading and reconfiguration of existing car park; and associated external landscaping works.
Gravesend Grammar School for Boys, Church Walk, Gravesend, Kent DA12 2PR
Decision: Permitted
- MA/19/501705/R10 Details of a Verification Report to the surface water drainage system pursuant to Condition 10 of planning permission MA/19/501705.
Harrietsham Church of England Primary School, West Street, Harrietsham, Kent, ME17 1JZ
Decision: Approved
- MA/19/501705/R11 Details of Tree and Shrub Planting (including the species, size and method of planting) pursuant to condition 11 of planning permission MA/19/501705.
Harrietsham Church of England Primary School, West Street, Harrietsham, Kent, ME17 1JZ
Decision: Approved
- MA/19/503387/R12 Details of a Drainage Verification Report pursuant to condition 12 of planning permission MA/19/503387 (as amended by MA/21/1384).
The Maplesden Noakes School, Buckland Road, Maidstone, Kent, ME16 0TJ
Decision: Approved
- SE/21/1199/R4 Details of the proposed external materials including the proposed paint finish of the ductwork & brickwork to the extended parapet wall, including colour finishes pursuant to Condition 4 of planning permission SE/21/1199.
Hever C of E Primary School, Hever Road, Hever, Kent TN8 7NH
Decision: Approved
- TW/21/3471 Proposed extension to form new reception, waiting area, meeting room & toilets, and associated landscaping and hardstanding.
Broomhill Bank School, Broomhill Road, Tunbridge Wells, Kent TN3 0TB
Decision: Permitted

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/DA/0200/2021 - Operation of aggregates recycling facility to accept 150,000tpa of construction and demolition waste.
Sheerness Recycling Ltd, Land to the South of Manor Way,
Swanscombe, Kent DA10 0PP
- KCC/FH/0212/2021 - Supply and installation of a Multi-Use Games Area including Fence Enclosure.
Stowting Church of England Primary School, Stowting Hill,
Stowting, Kent TN25 6BE
- KCC/SCR/SW/0234 - Request for a Screening Opinion as to whether the proposed construction and operation of a cement grinding plant requires an Environmental Impact Assessment.
/2021
Land off Great Basin Road, Port of Sheerness, Isle of Sheppey, Kent ME12 1SW
- (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

E.5

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SECTION F KCC RESPONSE TO CONSULTATION

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.

KCC Response to Consultations

Reports to Planning Applications Committee on 12 January 2022.

These reports set out KCC's responses to consultations.

Recommendation: To note the reports

Unrestricted

1. Introduction and Supporting Documents.

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

F1 Swale Borough Local Plan - October 2021 - Issues & Options - Regulation 18

County Council's response to Swale Borough Council on the above.

F2 Folkestone and Hythe District Council Local Plan Main Modifications

County Council's response to Folkestone and Hythe District Council on the above.

Background Documents: As set out in the report.

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Question	The County Council's response
Chapter 2. What has influenced the development of the Local Plan	
<p>1: How do you think the Local Plan should be amended to address the NPPF requirement for Local Plans to set larger scale developments within a 30 year vision?</p>	<p>The County Council recognises the need to ensure that there will be an appropriate time horizon for strategic policies, and to anticipate and respond to long term requirements and opportunities, as now recommended in the National Planning Policy Framework (NPPF). Moreover, it notes the need for the Local Plan Review to provide for additional new housing and other development required to meet future needs. The County Council supports the inclusion of additional wording within the Vision and Strategic Objectives to recognise the potential for some allocations to deliver housing and development beyond the Local Plan period. Close working with infrastructure providers will be essential in ensuring the right infrastructure is delivered alongside growth, at the right time. In promoting an “Infrastructure First” approach to development, the County Council would emphasise the need for infrastructure to be planned for, funded and delivered in a timely manner, ahead of residential and commercial growth as appropriate. To deliver sustainable development, a collaborative approach with all key stakeholders will be crucial – taking in to account all necessary infrastructure and services required to deliver robust and resilient communities during the plan period and beyond. Once the option for growth is determined, KCC will look to work closely with the Borough Council to plan and deliver the necessary KCC infrastructure at the right time.</p> <p>The longer-term timescales for the build out of large site allocations can present a particular challenge in determining and reflecting changes in service provision and funding, and so will necessitate a flexible approach to ensure that infrastructure can be funded and delivered over the long term. County Council Officers will welcome continued and on-going work with the Borough Council to ensure that as any such allocations progress, all County Council services and infrastructure will be captured in the planning, phasing and delivery of new settlements. County Council responsibilities will extend beyond health and transportation infrastructure and for example, KCC will have vital roles as Lead Local Flood Authority, Education Planning Authority and Minerals and Waste Planning Authority. KCC would also encourage early engagement with partners to ensure that Design Codes are developed to enable the long-term delivery and maintenance of high-quality design.</p> <p>As the Local Plan Review progresses and at the appropriate time, the County Council would value early engagement in the shaping and inputting, as appropriate, into a Statement of Common Ground for Examination, to ensure that all cross-boundary and strategic matters are properly and clearly addressed.</p> <p>Provision of KCC community infrastructure and services: From an education and waste perspective, additional land will be required for extra schools to support growth (including 0-5 early years provision and special school provision) and waste sites, along with financial contributions towards the build costs. Community services like libraries, adult education, youth services and social care will require additional contributions to mitigate the impacts of additional users calling upon their services and in some instances, new facilities. All new development will require digital connectivity, with broadband fibre to the premises (FTTP) capable of delivering 1000mps (in line with NPPF paragraph 114).</p> <p>Heritage: It is important that the developments that will take decades to come to fruition are delivered to a coherent masterplan that is supported by Swale Borough Council over the entire period. The masterplan may need amending over the years, but the matters that it was originally designed to conserve and enhance, such as heritage, must remain in place as key themes and protected by such changes that take place. Heritage is a fragile and non-renewable resource, and its individual elements work most effectively together as part of a coherent heritage landscape integrated with the new build. Changes to masterplans or building design requirements can fragment that landscape and could lead to the degradation of the resource and its corresponding ability to play a role in shaping life in the Borough.</p>
<p>2. Do you have any comments on the interim Sustainability Appraisal? Please explain the reasons for your comments.</p> <p>Do you think any changes to the interim Sustainability Appraisal are necessary? If so, please set out these changes and the reasons why you think they are needed.</p>	<p>Highways and Transportation: The County Council, as Local Highway Authority, would make the following comments in respect of the Sustainability Appraisal (SA) chapters (which are also relevant to the questions relating to the five growth strategy options):</p> <p><i>Air Quality:</i> Notwithstanding that scoring has not been presented, the County Council acknowledges that the SA correctly reports on transport-related air quality matters and current Air Quality Management Areas (AQMA) with additional issues highlighted on the A251 heading to Ashford. Transport modelling completed in conjunction with the Borough Council would appear to support the statement that the South East Sittingbourne site within options 1 and 5 would improve air quality in the known areas of concern. It is however also noted that the report highlights concern regarding the Bobbing site currently proposed and its potential impact on the Keycol and St Paul's AQMAs, which KCC would agree. The SA states that it is difficult to draw conclusions, however, there would appear from the SA to be reasons to discount options 2 and 4 and potentially 1, on air quality grounds, due to the inclusion of sites along the A2.</p> <p><i>Community:</i> Community facilities and accessibility to such facilities can have a considerable bearing on transport. It is noted that growth strategy option 5 is reportedly the preference, with options 3 and 4 scoring second. Whilst KCC recognises that the provision of secondary schools should not be the only qualifying factor, the essential components of mixed-use development within the larger sites at East and South East Faversham and South East Sittingbourne, along with their proximity to existing facilities, would suggest that the appraisal scoring is appropriate on this matter.</p> <p><i>Transport:</i> Recently completed transport modeling evidence has been shared by the Borough Council, in line with its requirements under the Duty to Co-operate for the previous Regulation 19 consultation, along with modeling for the current Highsted Park (North and South) applications (planning application references 21/503914 and 21/503906). Option 3 appears most closely aligned to the Regulation 19 proposed growth strategy, and there is sufficient modeling completed to demonstrate considerable concern in regard to the severity of highway impact (as indicated in KCC's earlier response to that consultation, dated 26th April 2021).</p> <p>In summary, whilst the SA does not provide supporting transport evidence against each option presented, there is sufficient evidence completed to date to suggest that</p>

	<p>Option 5, or a combination of 5 and elements of Option 3, would be preferable from a transport perspective. This position would be further supported when considering the assessment of community and employment set out within the SA. Option 5 would appear to offer the greatest reduction of necessary travel to community facilities, and the SA analysis on employment identifies Sittingbourne as having the greatest requirement for employment land. Placing higher levels of housing to the east of the borough, away from employment need/demand would create an undesirable and potentially objectionable increase in traffic demand, which could raise issues if options 3 and 4 (where growth would be focussed to the east) are taken forward.</p> <p>Waste Management: The SA does not consider impact upon waste management and its sustainability. It is critical that the impact upon waste is considered. The County Council, as the Waste Disposal Authority, has previously highlighted the issue with lack of capacity at both Waste Transfer Station (WTS) facilities and Household Waste Recycling Centres (HWRCs) across the borough. All options have the potential to impact the sustainability of the service to different extents and therefore it is critical that this is included in the SA. KCC would welcome engagement with the Borough Council and its consultants to address this. The County Council has previously given information on how different growth options would impact our service and this may be used as a basis.</p> <p>Provision of KCC community infrastructure and services: The delivery of a new secondary school(s) is essential - it is urgently required in North West Sittingbourne (policy MU1 in the adopted Bearing Fruits Local Plan) and is also required in Faversham to meet projected growth. It is noted that this is captured on page ii, page 11 and page 28 of the SA).</p> <p>It is important that the term “Community” also captures other statutory responsibilities like libraries, adult education, social care and digital technology.</p> <p>Public Health: As a general point, it is disappointing that “health and wellbeing/health inequalities and deprivation” is not a consideration within the SA, despite being recognised as a key issue. Additionally, it is not clear whether any Public Health data has been reviewed. It is important to understand the health needs of the current and future population and how a Local Plan and proposed growth options provide an opportunity to improve health and wellbeing for residents. Evidence should be used from the Kent Joint Strategic Needs Assessment (JSNA) and / or other sources of public health data from the Public Health Outcomes Framework (PHOF), including ward level data.</p> <p>PRoW and Access Service: There is very little mention of the multiple benefits of Active Travel and a lack of consideration of how to boost opportunities to shift from short car journeys through investment in the PRoW network. Off road connectivity across the borough should be a priority encourage Active Travel. KCC seeks to promote the protection and enhancement of the PRoW network and is committed to working in partnership with the Borough Council to achieve the aims contained within KCC’s Rights of Way Improvement Plan (ROWIP). The ROWIP should be referenced as it is a strategic and statutory policy document for PRoW protection and enhancement. The population of Swale is predicted to grow, placing additional pressures on an already congested transport network that has limited spare capacity, even with proposed Junction and Highway improvements. To address this challenge, the priority should be to encourage a modal transport shift towards walking and cycling and other forms of sustainable transport. Increasing active travel participation would help to reduce vehicle congestion on roads, address issues of air quality and improve the health and well-being of Swale residents.</p>
<p>Chapter 3. Characteristics of the borough and the key challenges to be addressed</p>	
<p>3: Do you agree with the key issues and challenges that we have identified?</p> <p>If not, what other issues do you think need to be considered further and addressed by the Local Plan Review.</p>	<p>KCC identifies some suggestions below, and as the Local Plan Review process continues, should any further topic areas be incorporated the County Council would welcome the opportunity to consider any implications they may have on its services and infrastructure and to work with Swale Borough Council as the evidence base develops.</p> <p>PRoW and Access Service: KCC agrees with the identified issues regarding the necessary infrastructure needed for high quality development and the need for embedding sustainable and active travel options.</p> <p>Heritage: KCC agrees that one of the key challenges for the future will be “delivering sustainable growth while conserving and enhancing our natural, built and heritage assets”. Swale Borough has a rich and varied historic environment. It has numerous nationally and regionally important heritage assets, including more than twenty Scheduled Monuments and 1,400 Listed Buildings, 25 historic parks and gardens and numerous Conservation Areas. The Borough also contains a large number of archaeological sites that are known and in likelihood, many others that have yet to be discovered. This heritage has the potential to shape life in the Borough, helping to make it an attractive and interesting place to live and contributing to wellbeing, education and tourism (as explored in the Swale Heritage Strategy). Many of these sites are, however, vulnerable and need to be dealt with appropriately by the planning and development control system.</p> <p>Public Health: KCC agrees that improving health and wellbeing of residents should be one of the key challenges, however, given the large differences in the health and wellbeing and levels of deprivation between communities in Swale, reducing health inequalities and deprivation should also be emphasised here, as seen by the lower levels of life expectancy in the more deprived communities. Under paragraph 3.1.2, it is not clear where the information on life expectancy has come from, as data on the Public Health Outcomes Frameworks suggests the life expectancy for women is actually over eight years lower in the more deprived areas - not four years, as stated.</p>
<p>Chapter 4. Vision and Objectives</p>	
<p>4: Do you agree this is the right Vision for the</p>	<p>Highways and Transportation: KCC, as the Local Highway Authority, is generally supportive of improved sustainable and active transport connections. However, this</p>

<p>borough?</p> <p>If not, please explain what changes you would like to see made to the Vision and why.</p>	<p>should not be exclusive to Sittingbourne - it is of equal importance to all of the borough's major settlements.</p> <p>Provision of KCC community infrastructure and services: From the perspective of delivery of the vital KCC infrastructure and services, KCC is supportive of the Vision, provided that it delivers sustainable development, with adequate and timely infrastructure to support growth. A collaborative approach with the range of key stakeholders will be crucial in achieving this.</p> <p>PRoW and Access Service: KCC agrees with the identified aims for the Vision for Swale in respect of PRoW.</p> <p>Public Health: Even though health and wellbeing of residents has been recognised as a key issue and challenge, it does not appear to be explicitly considered within the objectives or vision for the Local Plan.</p>
<p>5: Do the draft Objectives support the Vision and set appropriate goals for the Local Plan?</p> <p>Please give your reasons, identifying the objectives that you support or objectives that you oppose explaining any changes you would like to see and why.</p>	<p>Provision of KCC community infrastructure and services: KCC welcomes the inclusion of the provision of community infrastructure.</p> <p>PRoW and Access Service: KCC supports the listed objectives, with its inclusion of objectives to achieve sustainable travel.</p> <p>Waste Management: KCC would request that waste is included in objective 6, as suggested below: <i>To deliver a level of investment and growth at key locations to facilitate significant improvements to support infrastructure e.g. schools, healthcare, waste and highways and sustainable and active travel options for the benefit of local communities;</i></p> <p>Heritage: The draft objectives do not include any that make any reference to Swale's environment or heritage. As the draft text notes in Chapter 3, the borough's environment is among its great strengths. Its rich heritage and high quality historic and natural landscape, including Areas of Outstanding Natural Beauty, are among those factors which make Swale an attractive place to live. It is, however, vulnerable to both the new development and to climate change. It is therefore important that among the strategic objectives for the Local Plan, is the goal of sustaining and enhancing this environment. The following objective is suggested: <i>To conserve and enhance Swale's high-quality landscape and rich heritage in the face of climate change, growth and development.</i></p> <p>Public Health: Even though health and wellbeing of residents has been recognised as a key issue and challenge, it does not appear to be explicitly considered within the objectives or vision for the Local Plan.</p>
<p>Chapter 5. Policy issues and preferred options</p>	
<p>6: Do you think that the council should attempt to justify not complying with the Government's Standard Method for calculating the borough's housing need figure (due to the constraints of the Swale, such as the natural environment, flood risk, infrastructure), which means that the council would not fully meet the housing target?</p>	<p>Whilst the County Council considers that this matter is for the Borough Council to decide, it would request that there is close collaboration to ensure that the growth strategy selected to meet the Local Plan's identified housing target will be delivered to take account of all necessary infrastructure and services required to deliver sustainable communities.</p>
<p>7: Do you believe that if we do not fully meet our target, we should consider asking our neighbours to provide for our unmet development needs? If asked by a neighbouring council to consider meeting their unmet development needs, what should be our response and why?</p>	<p>This will be a matter for discussion between Swale Borough Council and neighbouring authorities through the Duty to Cooperate (or potentially under the forthcoming Statement of Common Ground requirement likely to be introduced by Government shortly) and, as a key infrastructure provider, KCC would request involvement in planning for new development, as appropriate.</p>
<p>8: Do you agree that the allocations listed in Appendix 2 should be rolled forward into the reviewed Local Plan?</p> <p>If not, please explain why you think this, supporting your response with reference to any evidence.</p>	<p>Provision of KCC community infrastructure and services: KCC would highlight that it will be important for any allocations rolled forward into the Local Plan Review to mitigate their impacts and to provide either on site or off-site contributions for all services affected.</p> <p>Minerals and Waste: The allocations relate to sites that have gained planning permission, that are pending consideration and for which no planning application has yet been lodged. Where the principle of the development has been determined as acceptable, mineral and waste management safeguarding no longer applies to a consideration of their allocation in a new Local Plan. However, this is not the case for allocations where either a planning application is in the process of being considered or where no planning application is lodged. Therefore, where an allocation is coincident with a safeguarded landwon mineral and/or is within 250m of a safeguarded minerals or waste facility, it should be assessed against the exemption criteria as set out in Policy DM 7 and DM 8 of the Kent Minerals and Waste Local Plan 2013-30. It cannot be assumed that where minerals and waste assessments have previously been undertaken to support proposed allocations, they will remain robust and can be relied upon as relevant and up-to-date and that can enable the allocation to be 'rolled forward'. In order to assist in this process, KCC would welcome engagement with the Borough Council to help identify which of these, and any other potential allocations, should be assessed for minerals and waste safeguarding.</p>
<p>9: Do you agree with the proposed windfall</p>	<p>Provision of KCC community infrastructure and services: Where unplanned windfall sites are submitted, it will be important that individual site assessments are</p>

<p>allowance rate of 250 dwellings per annum?</p>	<p>undertaken to mitigate their own impacts, and that there also is an understanding and assessment of the aggregation of smaller sites, to factor in the need for infrastructure and service provision.</p>
<p>10: Do you agree that the strategy for allocating future development needs in the borough should include small scale development at thriving villages? If not, please explain why you think this?</p>	<p>Highways and Transportation: Any strategy for allocating future development needs that includes small-scale development at existing thriving villages will need to consider whether the locations are sustainable. Increasing development within unsustainable village locations could be considerably detrimental to the Borough Council's stated vision and could increase vehicle dependency.</p> <p>Provision of KCC community infrastructure and services: Any such strategy will need to be subject to reviews of capacity, to determine the critical mass required to provide fully functioning services (schools operate in full Form Entries) and to ensure that extra land / finance is made available to accommodate expansions.</p> <p>Heritage: If development is to take place at smaller settlements, then it will be important to ensure that it is successfully integrated into the existing landscape. The landscape that is visible today is the result of many centuries of evolution and the pattern of roads, tracks, field boundaries and hedgerows that gives the modern landscape its character is firmly rooted in the past. The Kent Historic Landscape Characterisation (2001) is a tool for understanding this historic context and should be used to inform decisions taken regarding the landscape character of Swale. Ideally, this county level study should be deepened to be more relevant at the district and local level as has recently happened in the Hoo Peninsula and in Tunbridge Wells Borough. KCC would be happy to discuss further how this can be taken forward for Swale Borough.</p> <p>In terms of development in rural areas more generally, it should be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. English Heritage, KCC and Kent Downs AONB have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with existing character. The Kent Farmsteads Guidance has been endorsed by the County Council and it is recommended that Swale Borough Council considers adopting the guidance as Supplementary Planning Document (SPD), as part of the Local Plan process. KCC would be happy to discuss this further.</p>
<p>Option 1 Business as usual</p> <p>11: Do you agree that the broad locations shown in the document will help to deliver this development option? If not, why not?</p> <p>12: Do you agree with the potential advantages and disadvantages listed in the document for this development option? Can you think of any others that you would add?</p>	<p>Highways and Transportation: This option includes the allocation of significant sites located along the A2 East of Sittingbourne and at Newington, which are likely to exacerbate the severity of issues such as air quality and congestion along that corridor. KCC does not support this option in its role as Local Highway Authority.</p> <p>Provision of KCC community infrastructure and services: Should this option be selected, KCC would emphasise the need for the growth strategy to be supported by the necessary section 106 financial contributions in respect of the need for additional provision and capacity in all County services, including land / sites where appropriate. KCC would welcome further discussion with the Borough Council, should this option be taken forward, to ensure that growth is delivered alongside the necessary infrastructure and services.</p> <p>Secondary: In respect of its role as Local Education Authority, KCC would advise that new secondary school sites are required in Faversham, North West Sittingbourne and on the Isle of Sheppey to underpin growth (KCC would note that, should the Highsted Park planning applications be approved and/or a site allocation for Highsted Park to be put in the Local Plan, this scheme would also require a new secondary school, with a 10ha site and appropriate financial contributions).</p> <p>Primary: KCC would need to consider the level of available capacity at existing primary schools and the potential for expansion at existing sites, along with preferred maximum sizes of schools. In respect of primary school provision, new 2FE primary school sites of 2.05ha (with financial contributions) will be required on any sites of 1,500 units, and for larger developments, one 2 FE primary school site would be required for each multiple of 1,500 units.</p> <p>Special Needs Provision: Demand created by new housing increases the need for places at primary, secondary and special schools. Forecasting the demand for special needs provision is challenging, but KCC uses a trend-based forecast system. KCC would welcome a dialogue with the Borough Council to explore how much additional special provision is needed following the planned housing development. In common with mainstream provision, such provision will require funding through section 106 contributions.</p> <p>0-5 Early Years Provision: KCC would also highlight the need for the Local Plan to set out requirements to enhance 0-5 early years provision. KCC would again welcome a dialogue with the Borough Council on this provision.</p> <p>KCC would welcome further discussion with the Borough Council, should this option be taken forward, to ensure that growth is delivered alongside the necessary infrastructure and services.</p> <p>Sustainable Urban Drainage Systems (SuDS): The diagrams provided are not sufficiently detailed to confirm whether there is sufficient provision or avoidance of any areas of surface water flood risk; however, KCC assumes that a full assessment has been undertaken and accounted for through the assessment and mapping for the Strategic Flood Risk Assessment. Therefore, KCC as Lead Local Flood Authority has no specific comments to raise.</p> <p>Heritage: Whilst from a heritage perspective, KCC has no preferred option for the general pattern of development in Swale, it must be emphasised that the Borough's heritage will have a significant role to play in ensuring that the option selected is carried out successfully. The Swale Heritage Strategy has identified the heritage</p>

	<p>themes of greatest relevance for Swale, and the range of benefits that heritage brings. For these to be delivered, the master-planning, development and building design that will accompany the new development must reference the strategy and draw upon its baseline data and recommendations. All the options identified, and the development that each will involve, will need extensive formal assessment for their impact on Swale's heritage before they are confirmed.</p>
<p>Option 2 - More even distribution of the additional development requirements across the borough's main urban centres and rural areas</p> <p>13: Do you agree that the broad locations shown in the document will help to deliver this development option? If not, why not?</p> <p>14: Do you agree with the potential advantages and disadvantages listed in the document for this development option? Can you think of any others that you would add?</p>	<p>Highways and Transportation: In its role as Local Highway Authority, this is not KCC's preferred option. KCC would advise that additional disadvantages would include the loss of opportunity to reduce dependence of private vehicles, promote modal shift and comply with the proposed net-zero vision. Moreover, there is no indication of improvements to highway infrastructure. There is also concern regarding highway capacity within central and eastern Sheppey (and particularly the constraints along the A250 and the A2500 corridors).</p> <p>Provision of KCC community infrastructure and services: Should this option be selected, KCC would emphasise the need for the growth strategy to be supported by the necessary section 106 financial contributions in respect of the need for additional provision and capacity in all County services, including land / sites where appropriate. KCC would welcome further discussion with the Borough Council, should this option be taken forward, to ensure that growth is delivered alongside the necessary infrastructure and services.</p> <p><i>Secondary:</i> In respect of its role as Local Education Authority, KCC would advise that new secondary school sites are required in Faversham, North West Sittingbourne and on the Isle of Sheppey to underpin growth (KCC would note that should the Highsted Park planning applications be approved and/or a site allocation for Highsted Park to be put in the Local Plan, this scheme would also require a new secondary school, with a 10ha site and appropriate financial contributions).</p> <p><i>Primary:</i> In respect of primary school provision, new 2FE primary school sites of 2.05ha (with financial contributions) will be required on any sites of 1,500 units, and for larger developments, one 2FE primary school site would be required for each multiple of 1,500 units. Should this option be taken forward, KCC would need to consider the level of available capacity at existing primary schools and the potential for expansion at existing sites, along with preferred maximum sizes of schools.</p> <p><i>Special Needs Provision:</i> Demand created by new housing increases the need for places at primary, secondary and special schools. Forecasting the demand for special needs provision is challenging, but KCC uses a trend-based forecast system. KCC would welcome a dialogue with the Borough Council to explore how much additional special provision is needed following the planned housing development. In common with mainstream provision, such provision will require funding through section 106 contributions.</p> <p><i>0-5 Early Years Provision:</i> KCC would also highlight the need for the Local Plan to set out requirements to enhance 0-5 early years provision. KCC would again welcome a dialogue with Swale Borough Council on this provision.</p> <p>Sustainable Urban Drainage Systems (SuDS): The diagrams provided are not sufficiently detailed to confirm whether there is sufficient provision or avoidance of any areas of surface water flood risk; however, KCC assumes that a full assessment has been undertaken and accounted for through the assessment and mapping for the Strategic Flood Risk Assessment. Therefore, KCC as Lead Local Flood Authority has no specific comments to raise.</p>
<p>Option 3 - More even distribution of the final requirements across the main urban centres (when combined with allocations in the current local plan, Bearing Fruit)</p> <p>15: Do you agree that the broad locations shown in the document will help to deliver this development option? If not, why not?</p> <p>16: Do you agree with the potential advantages and disadvantages listed in the document for this development option? Can you think of any others that you would add?</p>	<p>Highways and Transportation: In its role as Local Highway Authority, this is not KCC's preferred option. The County Council, as Local Highway Authority, would also add the following disadvantages - the loss of opportunity to reduce dependence of private vehicles, promote modal shift and ability to comply with the proposed net-zero vision. There is also concern regarding highway capacity within central and eastern Sheppey (and particularly the constraints along the A250 and the A2500 corridors). Additionally, there is no indication of improvements to highway infrastructure.</p> <p>Provision of KCC community infrastructure and services: Should this option be selected, KCC would emphasise the need for the growth strategy to be supported by the necessary section 106 financial contributions in respect of the need for additional provision and capacity in all County services, including land / sites where appropriate. Where this option is looking to spread growth across the borough, it will need to ensure that the scale of developments is sufficient to support the delivery of investment required, otherwise it could risk additional growth without the ability to secure infrastructure. Due to viability challenges, housing growth on the Isle of Sheppey would need a mechanism in place to secure regeneration investment to support it. KCC would welcome further discussion with the Borough Council, should this option be taken forward, to ensure that growth is delivered alongside the necessary infrastructure and services.</p> <p><i>Secondary:</i> In respect of its role as Local Education Authority, KCC would advise that new secondary school sites are required in Faversham, North West Sittingbourne and on the Isle of Sheppey to underpin growth (KCC would note that should the Highsted Park planning applications be approved and/or a site allocation for Highsted Park to be put in the Local Plan, this scheme would also require a new secondary school, with a 10ha site and appropriate financial contributions).</p> <p><i>Primary:</i> In respect of primary school provision, new 2FE primary school sites of 2.05ha (with financial contributions) will be required on any sites of 1,500 units, and for larger developments, one 2FE primary school site would be required for each multiple of 1,500 units. Should this option be taken forward, KCC would need to consider the level of available capacity at existing primary schools and the potential for expansion at existing sites, along with preferred maximum sizes of schools.</p> <p><i>Special Needs Provision:</i> Demand created by new housing increases the need for places at primary, secondary and special schools. Forecasting the demand for special needs provision is challenging, but KCC uses a trend-based forecast system. KCC would welcome a dialogue with the Borough Council to explore how much</p>

	<p>additional special provision is needed following the planned housing development. In common with mainstream provision, such provision will require funding through section 106 contributions.</p> <p><i>0-5 Early Years Provision:</i> KCC would also highlight the need for the Local Plan to set out requirements to enhance 0-5 early years provision. KCC would again welcome a dialogue with Swale Borough Council on this provision.</p> <p>Sustainable Urban Drainage Systems (SuDS): The diagrams provided are not sufficiently detailed to confirm whether there is sufficient provision or avoidance of any areas of surface water flood risk; however, KCC assumes that a full assessment has been undertaken and accounted for through the assessment and mapping for the Strategic Flood Risk Assessment. Therefore, KCC as Lead Local Flood Authority has no specific comments to raise.</p>
<p>Option 4 - More of the overall development requirements at the eastern end of the borough</p> <p>17: Do you agree that the broad locations shown in the document will help to deliver this development option? If not, why not?</p> <p>18: Do you agree with the potential advantages and disadvantages listed in the document for this development option? Can you think of any others that you would add?</p>	<p>Highways and Transportation: In its role as Local Highway Authority, this is not KCC's preferred option. KCC would also highlight disadvantages around highway capacity and air quality issues for Faversham Town Centre and the A251. There is also concern regarding highway capacity within central and eastern Sheppey (and particularly the constraints along the A250 and the A2500 corridors).</p> <p>Provision of KCC community infrastructure and services: Should this option be selected, KCC would emphasise the need for the growth strategy to be supported by the necessary section 106 financial contributions in respect of the need for additional provision and capacity in all County services, including land / sites where appropriate. KCC would welcome further discussion with the Borough Council, should this option be taken forward, to ensure that growth is delivered alongside the necessary infrastructure and services. Where this option is looking to spread growth across the borough, it will need to ensure that the scale of developments is sufficient to support the delivery of investment required, otherwise it could risk additional growth without the ability to secure infrastructure. Due to viability challenges, housing growth on the Isle of Sheppey would need a mechanism in place to secure regeneration investment to support it. KCC would welcome further discussion with the Borough Council, should this option be taken forward, to ensure that growth is delivered alongside the necessary infrastructure and services.</p> <p><i>Secondary:</i> In respect of its role as Local Education Authority, KCC would advise that new secondary school sites are required in Faversham, North West Sittingbourne and on the Isle of Sheppey to underpin growth (KCC would note that should the Highsted Park planning applications be approved and/or a site allocation for Highsted Park to be put in the Local Plan, this scheme would also require a new secondary school, with a 10ha site and appropriate financial contributions). With this option, there would be capacity issues to consider in respect of impacts on the Canterbury district and the need for coastal secondary provision (new Herne Bay/Whitstable secondary capacity).</p> <p><i>Primary:</i> In respect of primary school provision, new 2FE primary school sites of 2.05ha (with financial contributions) will be required on any sites of 1,500 units, and for larger developments, one 2FE primary school site would be required for each multiple of 1,500 units. Should this option be taken forward, KCC would need to consider the level of available capacity at existing primary schools and the potential for expansion at existing sites, along with preferred maximum sizes of schools.</p> <p><i>Special Needs Provision:</i> Demand created by new housing increases the need for places at primary, secondary and special schools. Forecasting the demand for special needs provision is challenging, but KCC uses a trend-based forecast system. KCC would welcome a dialogue with the Borough Council to explore how much additional special provision is needed following the planned housing development. In common with mainstream provision, such provision will require funding through section 106 contributions.</p> <p><i>0-5 Early Years Provision:</i> KCC would also highlight the need for the Local Plan to set out requirements to enhance 0-5 early years provision. KCC would again welcome a dialogue with Swale Borough Council on this provision.</p> <p>Sustainable Urban Drainage Systems (SuDS): The diagrams provided are not sufficiently detailed to confirm whether there is sufficient provision or avoidance of any areas of surface water flood risk; however KCC assumes that a full assessment has been undertaken and accounted for through the assessment and mapping for the Strategic Flood Risk Assessment. Therefore, KCC as Lead Local Flood Authority has no specific comments to raise.</p>
<p>Option 5 - Focus our development requirements on Strategic Development Sites and/or urban extensions primarily located within existing rural areas</p> <p>19: Do you agree that the broad locations shown in the document will help to deliver this development option? If not, why not?</p> <p>20: Do you agree with the potential advantages and disadvantages listed in the document for this development option? Can you think of any</p>	<p>Highways and Transportation: In principle, this strategy could provide additional highway infrastructure such that may be required to support the additional growth in the borough, however, it would depend on the sites chosen and the infrastructure that they would provide. The County Council would look to work closely with the Borough Council if this option is selected. KCC would advise that the advantages set out in the Local Plan Review document should be consistent with the accompanying Sustainability Appraisal. Advantages therefore could include expected improvements to traffic-related air quality compared to the other options put forward. There would be employment land availability in close proximity to proposed housing and reduced dependence of private vehicles. It is however essential that the sites either include, or can easily access, existing community amenities, employment and transport hubs.</p> <p>Provision of KCC community infrastructure and services: Should this option be selected, KCC would emphasise the need for the growth strategy to be supported by the necessary section 106 financial contributions in respect of the need for additional provision and capacity in all County services, including land / sites where appropriate. KCC would welcome further discussion with the Borough Council, should this option be taken forward, to ensure that growth is delivered alongside the necessary infrastructure and services.</p>

<p>others that you would add?</p>	<p><i>Secondary:</i> In respect of its role as Local Education Authority, KCC would advise that new secondary school sites are required in Faversham, North West Sittingbourne and on the Isle of Sheppey to underpin growth (KCC would note that should the Highsted Park planning applications be approved and/or a site allocation for Highsted Park to be put in the Local Plan, this scheme would also require a new secondary school, with a 10ha site and appropriate financial contributions). South East Faversham does require a new secondary school - not “potentially”, as the consultation document states on page 40). With this option, there would be capacity issues to consider in respect of impacts on the Canterbury district and the need for coastal secondary provision (new Herne Bay/Whitstable secondary capacity).</p> <p><i>Primary:</i> In respect of primary school provision, new 2FE primary school sites of 2.05ha (with financial contributions) will be required on any sites of 1,500 units, and for larger developments, one 2FE primary school site would be required for each multiple of 1,500 units. Should this option be taken forward, KCC would need to consider the level of available capacity at existing primary schools and the potential for expansion at existing sites, along with preferred maximum sizes of schools. KCC would also advise that Highsted Park would require more than 9FE for primary provision (as is stated in paragraph 5.1.81).</p> <p><i>Special Needs Provision:</i> Demand created by new housing increases the need for places at primary, secondary and special schools. Forecasting the demand for special needs provision is challenging, but KCC uses a trend-based forecast system. KCC would welcome a dialogue with the Borough Council to explore how much additional special provision is needed following the planned housing development. In common with mainstream provision, such provision will require funding through section 106 contributions.</p> <p><i>0-5 Early Years Provision:</i> KCC would also highlight the need for the Local Plan to set out requirements to enhance 0-5 early years provision. KCC would again welcome a dialogue with Swale Borough Council on this provision.</p> <p>Sustainable Urban Drainage Systems (SuDS): The diagrams provided are not sufficiently detailed to confirm whether there is sufficient provision or avoidance of any areas of surface water flood risk; however KCC assumes that a full assessment has been undertaken and accounted for through the assessment and mapping for the Strategic Flood Risk Assessment. Therefore, KCC as Lead Local Flood Authority has no specific comments to raise.</p>
<p>24: Do you think the Preferred Development Option (option 3) for meeting our housing target is the most suitable and meets our vision, objectives and the principles of sustainable development?</p>	<p>Highways and Transportation: The County Council, as Local Highway Authority, does not consider Option 3 to be the most suitable option. The proposed strategy would appear, on the evidence presented, to have significant detrimental impact on traffic, air quality and the ability for sustainable modal shift within the borough. The option reduces the ability of the Local Plan to deliver necessary highway infrastructure, which, on the evidence presented, exacerbates the already heavily congested and polluted network in the Borough.</p>
<p>25: Do you think that any of the areas identified for potential development should be progressed as 'Areas of Opportunity' to enable a more comprehensive approach to master planning for their development and infrastructure needs?</p>	<p>Provision of KCC community infrastructure and services: KCC would support comprehensive master-planning requirements for strategic sites and would welcome early engagement as key infrastructure provider to ensure that infrastructure can be funded and delivered in a timely manner over the long term.</p>
<p>26: Do you agree with the view held by the developers as shown on page 46 of the document? What evidence do you have to support your answer?</p> <p><i>“Many developers argued that Swale’s targets (climate change) were too ambitious, inconsistent with national policy on sustainability standards and may lead to deliverability/viability issues”.</i></p>	<p>SuDS: Issues in relation to flood risk and sustainable drainage are noted in the Climate Change section. KCC would reiterate that its expectation is that climate change allowances, as set by the Environment Agency, are accounted for in flood risk assessment and drainage design. These were set in policies DM 36 “Flood Risk” and DM 37 “Sustainable Drainage” of the Regulation 19 Local Plan. KCC has no further comment on these provisions, provided they remain unchanged.</p> <p>Heritage: The historic environment has a significant role to play in the conservation of resources required for development and also in energy efficiency. Old buildings can often be more energy efficient than newer ones and of course have already been built. Thus, it may take fewer overall resources to adapt an old building than to demolish it and build a completely new one. Historic England has produced guidance (‘Climate Change and the Historic Environment’, 2008) that reviews the threats to the historic environment posed by climate change (more recent guidance can also be found in ‘Climate Change Adaptation Report’ (Historic England, 2016). The guidance demonstrates that historic structures, settlements and landscapes can, in some scenarios, be more resilient in the face of climate change, and more energy efficient than more modern structures and settlements. This has also been updated in the HE report ‘There’s no Place Like Old Homes: Re-use and Recycle to Reduce Carbon’ (Historic England 2019).</p> <p>PRoW and Access Service: KCC does not agree with the statement on page 46. Planning policy can also be used to ensure sustainable and connected transport connections to encourage walking, cycling and public transport as much as possible. Inter-connectivity and permeability between different modes of transport must be paramount, making use of existing PRoW within, round and through developments.</p>
<p>27: Do you think the council should accept this view or seek to be more ambitious and continue to aim to embed sustainable/active travel measures across new developments? What are the reasons for your answer?</p>	<p>Provision of KCC community infrastructure and services: Sustainable transport and active travel is required to relieve congestion around schools and enable expansion of existing schools constrained currently by highway issues.</p> <p>PRoW and Access Service: It is considered that the Borough Council should seek to embed sustainable and Active Travel in all policies, for multiple benefits, including population health, air quality and landscape design. There is an increasing body of research and evidence to suggest that off-road routes encourage cycling participation levels, especially amongst families with young children. Development of high quality ‘traffic free’ cycle routes should therefore be a priority, to encourage</p>

<p>“Across the board there was a view that the infrastructure is not in place for sustainable/ active travel and it is too expensive to implement.”</p>	<p>active travel among younger generations and to change long term travel patterns. The creation of new and improved routes could bring additional benefits to the local economy by providing green infrastructure for outdoor recreation and tourism, such as through promoted cycle routes.</p> <p>Public Health: From a public health perspective, consideration of the health issues in the Swale area, ambitious targets and aiming to have high quality sustainable/active travel measures across new developments is welcomed. Consideration should also be given to how new development can be used to improve already existing communities particularly those in areas of deprivation in order to tackle and not increase levels of health inequalities.</p> <p>Data from the Public Health Outcomes Framework in relation to active travel shows that Swale performs significantly worse on England and Kent averages for those killed and seriously injured on the roads. It also shows that Swale has significantly higher levels of both overweight and obesity in children of reception year and performs worse than the England average for the percentage of adults cycling for travel at least three days per week with just 1.3% of the population doing so. It is in the 2nd worst quintile for England and the worst quintile for Kent in terms of air pollution (fine particular matter).</p>
<p>28: Do you think the policies on design (as contained in the Pre-Submission Local Plan, February 2021) should be updated to reflect the changes in the NPPF?</p>	<p>The County Council would draw attention to the consultation underway on the refresh of the Kent Design Guide, which should be captured in any revisions around design, to ensure that all development is of high quality.</p>
<p>29: Do you think the policies on trees (as contained in the Pre-Submission Local Plan, February 2021) should be updated to reflect the changes in the NPPF?</p>	<p>Biodiversity: Paragraph 174 of the NPPF emphasises the importance of recognizing the intrinsic character and beauty of the countryside, and “the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”. KCC would like to see the wider benefits from natural capital and ecosystem services recognised. Specifically, average tree canopy cover can be an important component of natural capital, and reference to carbon sequestration and storage (climate regulation) as ecosystem services should also be considered.</p>
<p>30: Do you agree that the council should be ambitious in its requirement for biodiversity net gain on new developments and that 20% is justified even though the emerging Environment Bill 10% is "a minimum"?</p>	<p>Biodiversity: KCC welcomes the target of 20% Biodiversity Net Gain proposed. KCC supports the Kent Nature Partnership’s proposal that a 20% target should be adopted, where viable, by all the county’s planning authorities. Kent’s habitats have faced significant degradation, losses and fragmentation over the past decades and in the last century, there have been major losses in Kent’s wildlife. In the face of further exceptional development pressures, it is considered that a 20% biodiversity net gain target is a proportionate response and one that illustrates the county’s commitment to tackling the ecological crisis that faces Kent. Furthermore, the scale of previous biodiversity losses require aspirational levels of gain to make up for them.</p> <p>Sufficient flexibility within the policy will be required to allow for off-site provision of biodiversity net gain – whether delivered via a dedicated site or through a locally invested tariff - to address the issue of feasibility of delivering biodiversity net gain on site (particularly relevant for small sites) and to help to ensure that biodiversity net gain is actually delivering a meaningful gain. Delivery of biodiversity gains on development sites may not sufficiently address nature recovery priorities within the borough or county – having the option to deliver biodiversity net gain offsite will ensure we see investment and action where it is most needed as guided by the required Local Nature Recovery Strategy. Biodiversity net gain will need to be calculated in accordance with the government recognised Natural England/Defra biodiversity metric.</p> <p>Heritage: In respect of paragraph 5.4 “Protecting and enhancing environment and heritage”, it is disappointing that there is so little text in the draft document that relates to Swale’s heritage – even in this section which purports to focus on it. Currently, only one of the seven issues identified mentions heritage (“Swale’s heritage is one of its assets but needs better management and protection”). It is to be hoped that this is because this text is an options document and that the final Local Plan will contain much more information. This can be taken primarily from the Swale Heritage Strategy and should present the main actions from the Action Plan.</p>
<p>31: Do you agree that the Local Plan should be clearer on how the needs of older people will be met?</p>	<p>The County Council agrees that clarity should be required in the Local Plan on how to meet the needs of older persons within the Borough. The Ministry of Housing, Communities and Local Government (MHCLG) identified in its guidance; ‘Housing for older and disabled people’ (June 2019) that the need to provide housing for older, vulnerable and disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely. It provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. KCC requests the dwellings are built to Building Reg Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupants’ requirements.</p> <p>The County Council would recommend that the Local Plan should include consideration of dementia friendly design requirements. Small design changes to housing and infrastructure can help someone living with dementia to be more independent, by providing a home and environment that is clearly defined, easy to navigate and feels safe. Well-designed housing can have long term benefits, including the meeting of market demand in an area that has a lack of supply, and can also improve health and wellbeing opportunities for residents. High quality design should also be accessible, taking into account the varying needs of the evolving community.</p>
<p>32: Do you agree new dwellings should be built to Nationally Described Space Standards?</p>	<p>KCC would highlight the value of designing in space for home working in new developments, particularly in light of the Covid-19 pandemic and changes to working patterns.</p>
<p>37: Do you agree the Local Plan should not allocate specific locations for the creative industries but instead draft the development management policies to provide flexibility to allow these businesses to establish & grow?</p>	<p>The County Council supports taking a flexible approach in supporting such businesses to establish and grow.</p>

<p>38: Do you agree with our assessment of what we need to provide to ensure that the economy is sustained in Swale and that we can provide the right environment to attract new businesses to Swale & new employees?</p>	<p>KCC agrees with the Borough Council in the recognition that planning for long-term prosperity goes well beyond just finding employment land, but also requires having access to an appropriately skilled work force in place. The County Council agrees that a strong quality of place is fundamental to achieving a fit and strong economy – which will be achieved through ensuring that sites are well connected and that high quality communities are delivered. Detailed consideration will need to be given to access and movement requirements across the Borough. A high-quality transport network, which enables the public to move around quickly and easily, is an essential requirement for economic growth and prosperity. The PRoW Network can support public transport and the wider higher network, by providing opportunities for recreation and commuting, especially short distance journeys. KCC would also draw attention to the need for new hub in Sittingbourne and changing place facilities.</p>
<p>39: Where should we be locating the next generation of employment sites? For example, as extensions to existing sites? Close to the strategic road network? Adjacent to existing and/or new housing sites?</p>	<p>It will be necessary for new employment sites to be located in accessible locations within close proximity of suitable transport links. This will enable the shift towards more sustainable methods of transport such as walking, cycling or public transport, alleviating congestion and pressure on Swale’s roads. It is important to ensure that employment generated traffic does not compound existing congestion or traffic generated air quality issues. Where possible, opportunities should be sought to reduce the impacts relating to existing distribution centres. New employment sites should also be located in areas that have good access to suitable fibre broadband, with the ability to provide strong internet connectivity. KCC would appreciate an opportunity to comment on employment sit suitability and any mitigation measures required to enable delivery during the Local Plan process.</p>
<p>41: Should there be a more flexible development management approach to building uses at ground and second floor and above in our town centres, to encourage occupation by a range of business types?</p>	<p>The County Council continues to support the aim to retain a strong sense of vitality within town centres. Ensuring town centres have the flexibility to meet changing demands and shopping patterns will boost the resilience of these centres in the long-term. The County Council supports the recognition of the need for town centres to evolve to meet the changing needs of the community and this may include long term changes resulting from a movement towards online retail and short-term shopping and behavioural changes resulting from the COVID-19 pandemic. The County Council would therefore support a more flexible approach, to include the provision of libraries, cultural uses, youth, adult education and the full range of community services.</p>

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Ref	Policy / Paragraph	Commentary
MM01	Supporting text: Insert new paragraphs to follow paragraph 4.36	The County Council notes the paragraphs added in respect of Dungeness Power Station and recommends these are updated to reflect the EDF announcement in June 2021 regarding the defueling of Dungeness B.
MM02	Section 4.2 Housing and the Economy Growth Strategy Supporting text: Paragraphs 4.42 – 4.56	Provision and Delivery of County Council Community Services and Infrastructure: KCC welcomes the additional paragraph that makes reference to the need for local authorities to make a realistic assessment of likely rates of delivery, given the lead-in times for large-scale sites (as set out in National Planning Policy Framework, paragraph 73).
MM03	Policy SS3: Place-Shaping and Sustainable Settlements Strategy d-i)	Heritage Conservation: In respect of Policy SS3 part e - KCC is supportive of the proposed changes, which strengthen the commitment to the conservation and enhancement of heritage assets in the district.
MM05	Policy SS5: District Infrastructure Planning	Provision and Delivery of County Council Community Services and Infrastructure: The County Council supports the inclusion of paragraph 4 of Policy SS5, which states “...developers will be required, where necessary, to provide the necessary infrastructure and/or make a proportionate contribution towards such infrastructure” and would highlight the importance of section 106 agreements to secure funding for necessary infrastructure.
MM06	Policy SS6: New Garden Settlement Development Requirements	Provision and Delivery of County Council Community Services and Infrastructure: The County Council welcomes the amendment, which makes reference to the three-tier approval structure in respect of the preparation and consultation of the masterplan. In respect of part d, the County Council would emphasise that if other phases of development come forward at the same time as the early phases within and around the town centre, the Local Planning Authority will need to consider the cumulative impact on existing infrastructure including, but not limited to, school places and social care provision.
MM07	Supporting text: Paragraph 4.178	KCC fully supports the need to engage with Network Rail and other partners to encourage sufficient rail capacity for the garden settlement to support the future population. Heritage Conservation: KCC welcomes the additional requirement for a Landscape and Visual Impact Assessment to be prepared for the new garden settlement. This is essential in ensuring that the new development does not detract from the setting of Westenhanger Castle and will help the new development benefit from the proximity of the heritage asset.
MM09	Supporting text: New paragraphs following existing paragraph 4.190	Provision and Delivery of County Council Community Services and Infrastructure: The County Council welcomes the additional paragraph, which makes reference to the three-tier approach in respect of the need for flexibility with regard to phasing.
MM09	Policy SS9 New Garden Settlement – Infrastructure, Delivery and Management	Highways and Transportation: KCC supports the references made within the new paragraphs to the ‘ <i>monitor and manage</i> ’ approach. The exact details of this approach will be set out as part of the County Council’s response to the proposed amendments to the new garden settlement planning application, which is expected in due course. The requirements will then be secured through a section 106 agreement with the district council. Waste Management: There remains some concern that waste management is not fully considered by the Local Plan. Whilst reference to waste is made within Policy SS9 (p48), under the ‘delivery of infrastructure and phasing’ paragraph, from reading the supporting paragraphs it is not clear whether it is in fact referring to waste management or wastewater provision. Folkestone and Hythe district does not have a waste transfer facility and KCC is aware that operational teams at the district council have raised the need for one. The district currently uses the Waste Transfer Station at Ashford but its capacity is diminishing. There is a critical need for a new waste transfer station in the Folkestone and Hythe district, and the pressure resulting from the Otterpool Park development particularly, will make it extremely challenging for the County Council, as Waste Disposal Authority, to meet its statutory requirements. It is vital that KCC is supported in identifying land suitable for a facility within the district. Without a new facility, the waste management service will not be sustainable, which would be contrary to Policy SS5.
MM12	Policy CSD1: Balanced Neighbourhoods	Provision and Delivery of County Council Community Services and Infrastructure: The County Council notes the additional paragraph within this policy around site specific viability assessments and affordable housing. It is not clear whether ‘ <i>the requirements</i> ’ refers specifically to affordable housing, or whether it applies to the range of infrastructure requirements. If the latter, the County Council would strongly request engagement to ensure that the necessary infrastructure is provided.
MM14	Policy CSD3: Rural and Tourism Development k)	Heritage Conservation: The County Council is supportive of the new sentence (part k), which will help ensure the future of heritage assets.
MM15	Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation	Public Rights of Way and Access Service: KCC would recommend reference is made to the Public Rights of Way (PRoW) network within Policy CSD4.

Ref	Policy / Paragraph	Commentary
MM16	Policy CSD5: Water and Coastal Environmental Management	Public Rights of Way and Access Service: KCC would recommend that reference is made to the newly created National Trail - the England Coast Path. As a coastal National Trail, any development should ensure that the England Coast Path is contiguous with the coast and not forced inland whenever development is proposed.
MM19	Supporting text: Paragraph 5.157 Sellindge	Public Rights of Way and Access Service: The County Council is supportive of the additional text within paragraph 5.157 and suggests that reference to the Kent County Council Rights of Way Improvement Plan would also be appropriate here (https://www.kent.gov.uk/_data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf).
MM19	Supporting text: Paragraph 5.159	Heritage Conservation: The County Council welcomes the additional text, which highlights the archaeological potential of the Sellindge site.
MM21 Appendix 5	Table 9: Other Infrastructure - Delivery, Phasing and Management (Within Plan Period) Page 115	<p>Provision and Delivery of County Council Community Services and Infrastructure: KCC cannot accept the option for delivery of primary, secondary or special educational needs (SEN) school provision by Otterpool Park LLP at this stage. Any consideration of this proposal will be taken at a later stage and will be subject to both legal advice and Member approval.</p> <p>Given the uncertainty of the exact quantum of school places required over the lifetime of this development, the County Council is supportive of the “<i>monitor and manage</i>” approach proposed by the applicant. However, it is the County Council who has the statutory duty to ensure that school places exist for all resident statutory school aged children who require one. School place planning remains the responsibility of the County Council as the Local Education Authority. Expansion of any grammar school places (either The Harvey Grammar School or The Folkestone School for Girls) in the district will be subject to land availability.</p> <p>KCC notes the indicative timings for education referred to in the table, but reserves taking any view until detail relating to housing tenures and phasing has been shared. Instead, the County Council proposes the timing reads “<i>delivered throughout construction of development</i>” - akin to the wording for timing of other infrastructure.</p> <p>The County Council strongly recommends that the timing of SEN provision is amended from “<i>late in the development</i>” to “<i>delivered throughout construction of development</i>”.</p> <p>Current local SEN provision at the Beacon School is at capacity and therefore places to mitigate the impact of SEN demand created at Otterpool Park will be required far earlier than at the point of delivery of the first 6,000 homes, as indicated. KCC cannot accept the current proposal drafted in Table 9 relating to timing of SEN provision. SEN provision is critical and necessary infrastructure for the garden settlement. Permanent SEN provision will be required early in the development, in line with need created by the development.</p> <p>KCC is concerned that there is no mention of critical and necessary infrastructure relating to social care. Consideration of infrastructure relating to social care must be given in order to plan for the garden settlement. Please refer to KCC’s response to the Otterpool Park Planning Application (July 2019) and subsequent infrastructure requirements shared with the applicant for further detail on the requirements¹.</p>
MM21 Appendix 5	Table 9 and 10: Other Infrastructure - Delivery, Phasing and Management	Public Rights of Way and Access Service: The County Council strongly advises that “ <i>KCC PRoW and Access Service for Otterpool and Sellindge</i> ” is included under the ‘ <i>Delivered by</i> ’ in respect of ‘ <i>On Site Pedestrian / Cycle Routes (Away from Spine Roads)</i> ’.
MM21 Appendix 5	Table 10: Other Infrastructure - Delivery, Phasing and Management (Up to 10,000 Homes) Pages 122 to 125	Provision and Delivery of County Council Community Services and Infrastructure: KCC notes that comments relating to the timing of SEN provision and lack of necessary infrastructure for social care in Table 9 are equally relevant for Table 10.

¹ The County Council can provide a copy of the KCC response to the Otterpool Planning Application on request.