

SECTION C  
MINERALS AND WASTE DISPOSAL

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

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**Item C1**

**TM/10/2029 – PROPOSED WESTERLY EXTENSION TO HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD, KENT**

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A report by Head of Planning Applications Group to Planning Applications Committee on 10 May 2011.

Planning application TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent (MR. 717 556)

Recommendation: Permission be granted subject to conditions.

Local and adjoining Member(s): Mrs T Dean, Mrs P Stockell, Mr P Homewood, Mr D Daley, Mr M Robertson, Mrs V Dagger, Mrs S Hohler and Mr R Long,

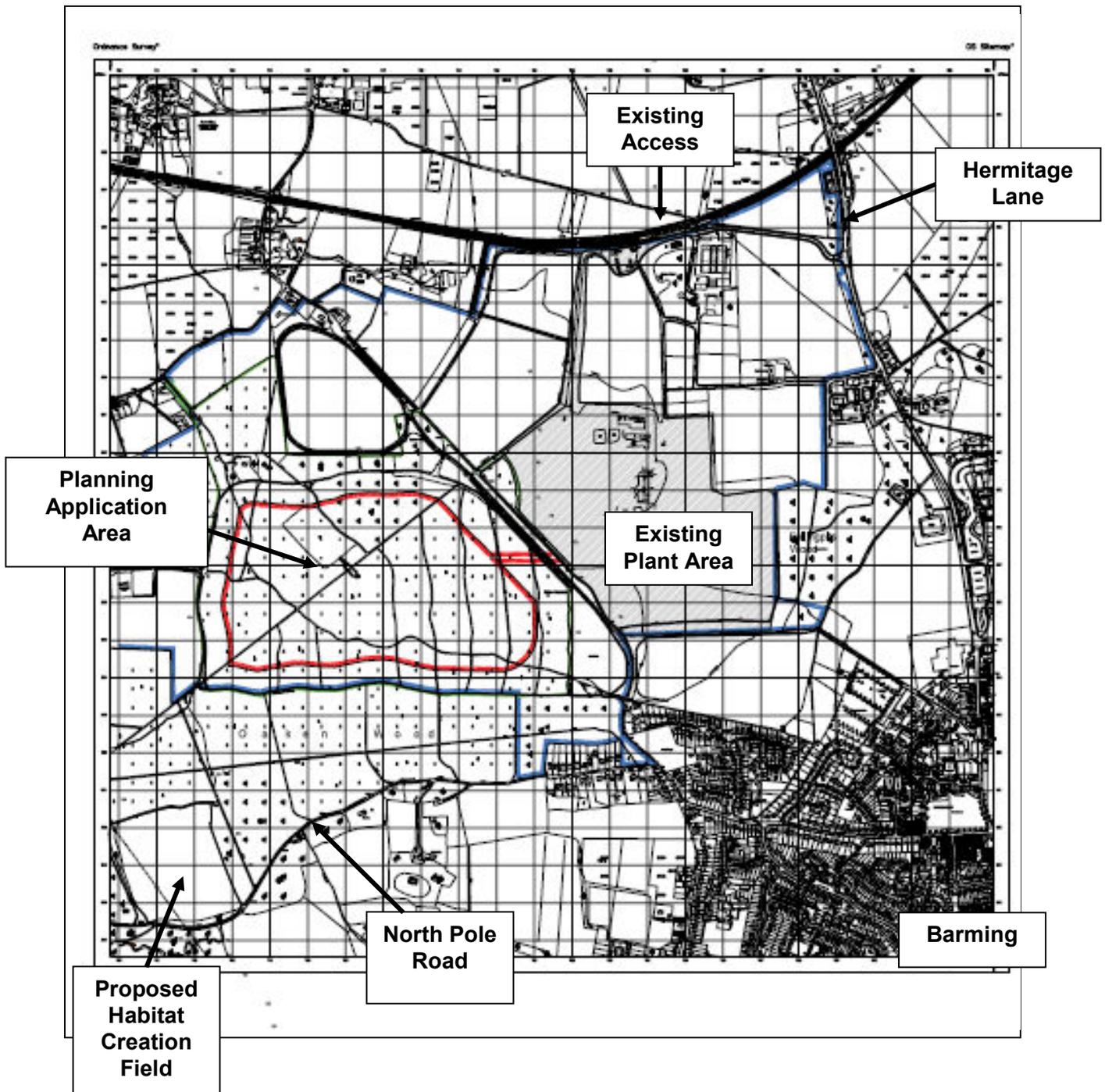
Classification: Unrestricted

**Background**

1. The existing Hermitage Quarry lies within the strategic gap between Allington, to the east, the village of Aylesford, to the north and Barming Heath to the south. It forms part of 230ha of the Hermitage Farm Estate which comprises agricultural land and woodland as well as the quarry itself. The existing quarry has a purpose built access onto Hermitage Lane (B2246), leading to the A20 and M20 at junction 5.
2. Operational since 1990, the quarry is currently operating within an eastern extension area permitted under planning permission reference TM/05/2784. As part of the overall working plan, the consented phased working and restoration scheme requires the operator to work the site in an east to south direction, with final permitted reserves being worked in the permitted western extension (reference TM/02/2782) before infilling and restoration of the final phase which is currently occupied by the plant site area. It is estimated that at its current production rate the existing permitted reserves at the site would be exhausted within 4 years.
3. A planning application was refused by the County Council for ragstone extraction at Oaken Wood in March 1995 (under reference TM/93/1484) on the grounds that at that time a case of need was not considered sufficient to outweigh the conservation interest of the site.
4. The existing Hermitage Quarry is one of only two ragstone quarries within the County, the other being located at Blaise Farm, West Malling which whilst it has some 30 million tonnes of permitted reserves is currently only worked on a campaign basis as and when there is a demand to supply a specific contract.



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Site Location Plan (2)

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5. Following the completion of permitted extraction operations at Hermitage quarry the applicant seeks to extend quarrying operations into Oaken Wood as a western extension, retaining the existing processing equipment and employing the current methods of extraction which involves blasting at the quarry face in a series of terraces. The existing internal haul road, weighbridge facilities, office accommodation and access onto Hermitage Lane would be retained for the life of the site.

**Proposal**

6. The applicant proposes to extract some 16,210,000 tonnes of ragstone from the application site over a period of 23 years, with a view to final restoration being complete by 2037. The proposed westerly extension, known as Oaken Wood is some 33 hectares (78 acres) in area and forms 14% of the overall total of Oaken Wood which is designated Ancient Woodland and forms part of a Local Wildlife Site (LWS). The application site falls within an area covered by a Tree Preservation Order (TPO), imposed by the Borough Council. A bridleway (MR 108) runs across the southern part of the area of the proposed quarry extension. A byway MR 496 runs between the existing quarry and the application site. There are no other Public Rights of Way affected by the proposals. A site location plan is attached.
7. It is proposed that the site would be worked in a phased manner and which would follow extraction of reserves permitted under planning consent reference TM/03/2785 (western extension). Operations would continue as they do on site currently in that material would be loosened by blasting on site, loaded onto vehicles and taken to the existing processing plant located at the main Hermitage Quarry site. Finished products would be exported from the site by HGVs via the existing weighbridge facilities on site. Vehicles would be sheeted prior to leaving via the existing purpose built haul road and out onto Hermitage Lane. No changes are proposed to the existing quarry operating hours, which are between 0700 hours and 1800 hours (Monday to Friday) and 0700 hours and 1300 hours on Saturdays. HGV movements, which are currently restricted to a combined total of 300 movements per day with the number of movements on any single day not exceeding 600 movements would remain as existing with no more than 30 movements during the morning and evening peak periods (i.e. 0730 hours to 0930 hours and 1600 hours to 1800hours) taking place.
8. The applicant proposes to work the site over 15 separate phases which would follow the phased working and restoration approach already adopted at the existing permitted site. In general the planning application area would be accessed from the existing quarry to the east and progress into phase 8 as shown below which represents the first phase of the application site. Access would be created into the site ahead of extraction and which the applicant anticipates would take some 6 months to complete. Phase 8 would remain open for the life of the extension for the purposes of access, however the remainder of the area would be progressively quarried, backfilled with inert material and restored in a way which would require for example phase 9 to have been backfilled and restored by the time extraction would take place in phase 12 (see drawing below which illustrates this). It is proposed that a tree belt of between 50 and 70m be retained around the perimeter of the site in order to provide screening.

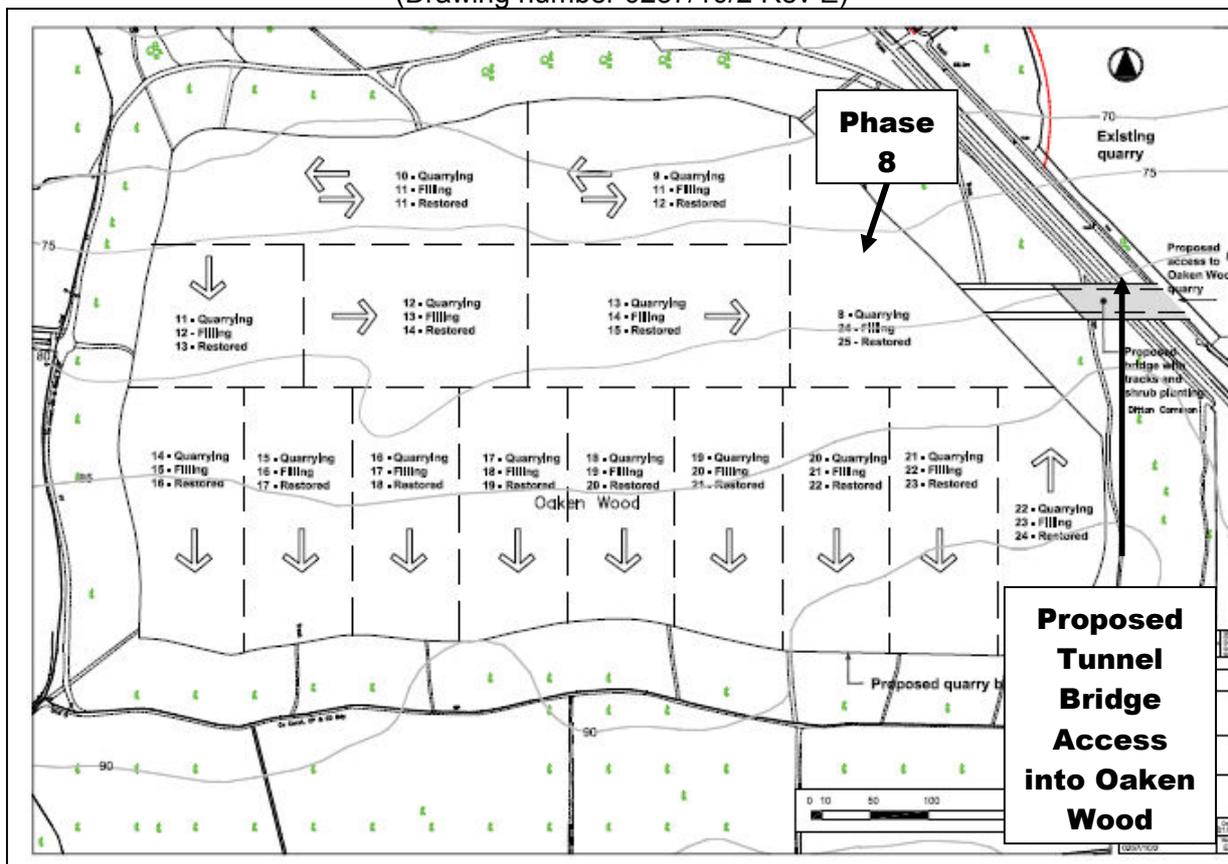
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*Proposed Phases/Management*

9. The applicant considers that in order to manage the application site successfully as an integral part of the existing quarry complex, would involve six key elements. They are set out as follows:

- Woodland management of the Gallagher Aggregates Limited (GAL) owned land on the quarry area and surrounding woodland
- Planting of a habitat creation field offsite
- Access construction
- Commencement of the first phase (shown as phase 8 on the proposed working plan)
- Transporting of materials to the existing plant site area for processing
- Further phased working with infilling and habitat creation

**Proposed Quarry Working Plan**  
(Drawing number 0257/10/2 Rev E)



10. Before entering into each successive phase, the area would be surveyed to identify any nature conservation interests, prior to which areas of suitable habitat would have been created off site within a 9ha creation field into which any species found present would be translocated. Woodland coppice stools would then be removed and topsoil stripped and stockpiled for future use on site. The overburden from the first phase would be stripped and

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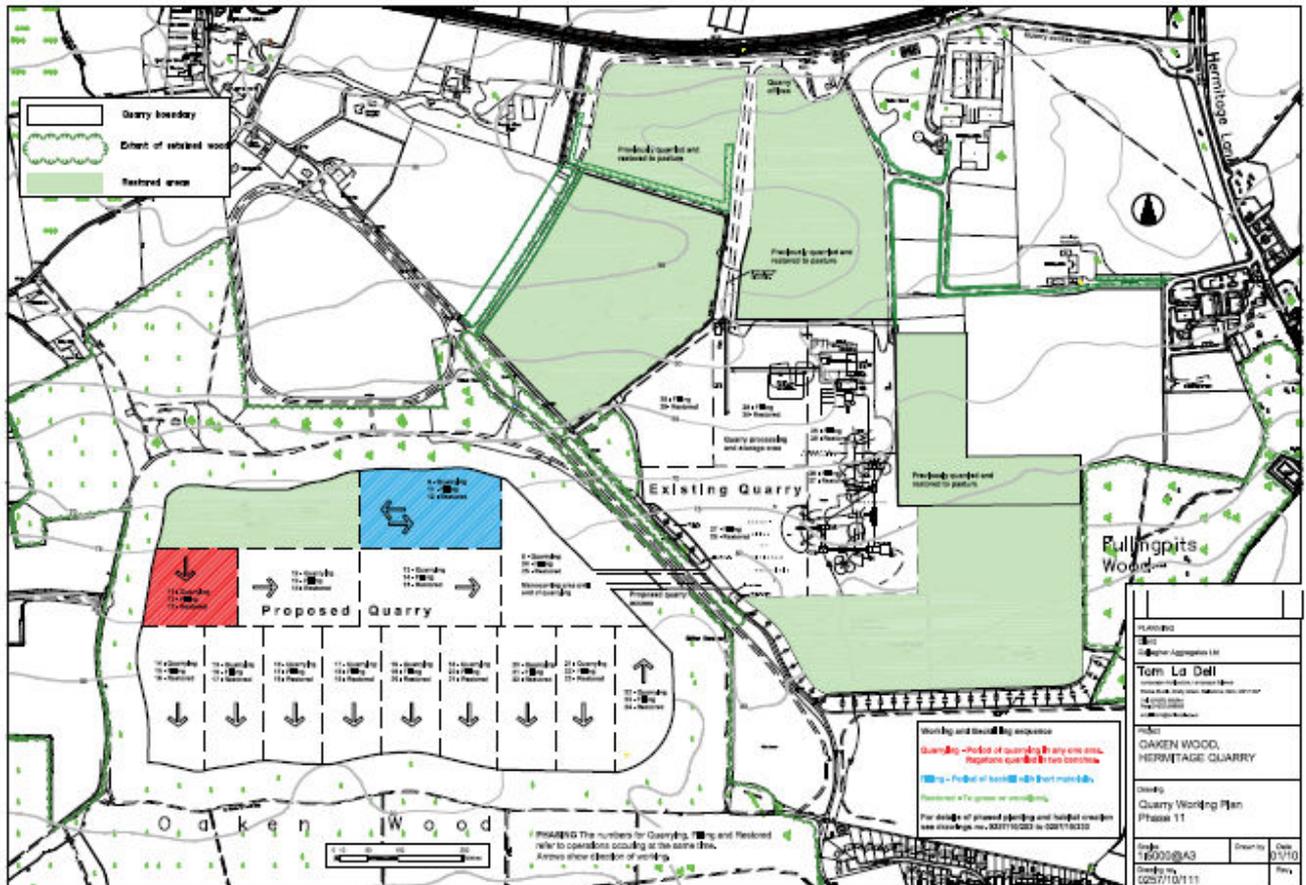
used for restoration at the existing quarry. Once extraction is complete, that phase would be backfilled to original levels with inert materials and planted, following restoration with overburden and topsoil stripped from the next preceding phase, with native trees and shrubs. The restored phase would incorporate a series of wide rides and would be managed along with the surrounding woodland together with other designated areas of the Hermitage Estate in the long term for the purposes of nature conservation. Each successive phase would follow a similar pattern with the exception of phase 8, which would be required to be restored last.

*Nature Conservation Interests*

11. The applicant has submitted, in support of the application, ecological surveys for the following:
  - Vascular and lower plants
  - Terrestrial Invertebrates
  - Badgers
  - Bats
  - Dormouse
  - Breeding Birds
  - Reptiles, and
  - Amphibians
  
12. The applicant identifies within the supporting information mitigation measures considered necessary for each of the above. However, given the 23 year time period over which the applicant proposes to work the site, the applicant recognises that whilst baseline surveys have been undertaken of the whole application area in support of the proposal, further more up to date surveys would be required to be undertaken of each successive phase prior to any disturbance or extraction taking place in order to identify any changes that may have occurred since the original baseline surveys were carried out. Also, given the in-built flexibility necessary to ensure the ecological interests are protected throughout the duration of the quarrying operations, the applicant proposes that the nature and timings of the surveys together with the future long term management regime of the restored site and other areas of the Hermitage Estate that are proposed to be incorporated into the long term management regime, are addressed by way of a separate Legal Agreement that would be attached to any future permission. They envisage that such an agreement would make provision amongst other matters, for the establishment of a management team consisting of officers from KCC, Natural England, the applicant along with other wildlife specialists including the Kent Wildlife Trust who were the body responsible for designating the application area along with it's surroundings as a Local Wildlife Site.

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Proposed Quarry Working Plan Phase 11 (Drawing number 0257/10/11) showing work commencing in phase 11 and backfilling in phase 10

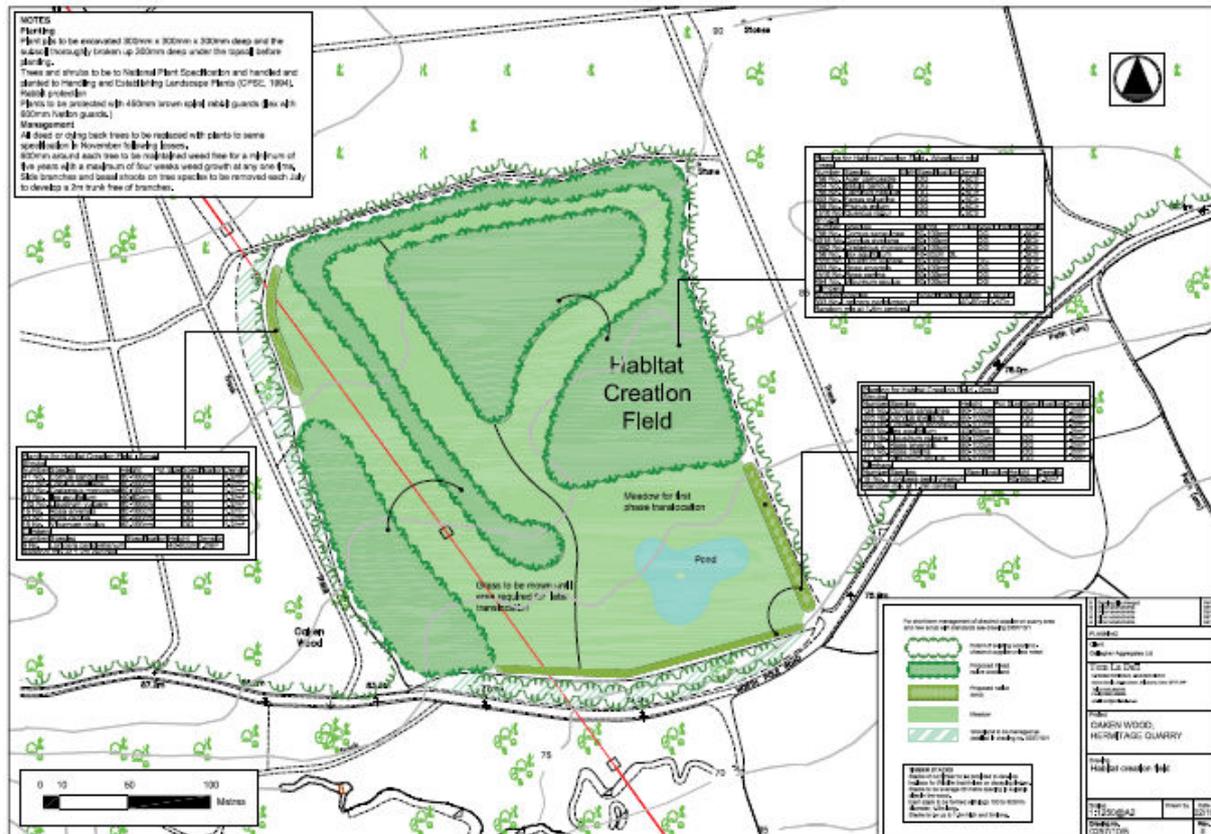


*Restoration and Habitat Creation*

13. Prior to any extraction works at the planning application site, the applicant proposes the provision of a habitat creation field on a parcel of land to the south west of the planning application site, located along North Pole Road (as shown below). The field itself, at some 9ha in size, is bounded to the north, east and west by the Oaken Wood LWS and in the applicant's view would create a new and varied habitat that would in time be capable of incorporation into the LWS. Whilst it is proposed that the field would be incorporated under the long term management plan, the habitats to be created within it would be need to be provided in good time to ensure that it is suitable to act as a receptor site for any species requiring translocation from the application area in advance of ragstone extraction taking place.

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**Habitat Creation Field, North Pole Road  
(Drawing number 0257/10/5 Rev E)**



14. In addition to the creation of the habitat creation field offsite, the proposal also includes further habitat creation and its management around the planning application area, on completion of restored phases. The quarry would be worked in a phased manner to ensure that the minimum area possible is open at any time. Once a phase has been worked and restored it is proposed to replant the restored area with mixed, native broadleaved woodland which makes provision for wide rides and scrub margins in selected areas. The applicant indicates that the objective would be to increase the habitat and wildlife value of the woodland falling within his ownership including the application site, within a year of any grant of planning permission by virtue of it's ongoing management. This approach in his view would ensure that the surrounding habitats are enhanced year on year before the first restored area of the quarry is planted. The objective is to develop 'high forest' with standard trees and a shrub layer. The wide rides in the woodland are in his view excellent for wildlife and there will be further habitat diversification with areas of scrub and a wildlife corridor of scrub with standards.

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### **National Planning Policy Context**

15. The original Members briefing note initially set out the relevant policy considerations in relation to the proposed development, The South East Plan (SEP) referred to in that note in the meantime was abolished and later reinstated pending the enactment of the Localism Bill. Members will be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that Cala Homes has been granted leave to appeal the recent High Court judgement and are seeking clarity on how much weight should to be given to the RSS in light of the intention to revoke.
16. The key National and Development Plan Policies summarised below are the most relevant to the consideration of the application:
17. The Planning System, General Principles (2005), Planning Policy Statement 1: Delivering Sustainable Development and the supplement Planning and Climate Change, 2007; Minerals Policy Statement 1: Planning and Minerals; Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals, Minerals Planning Guidance Note 7: Reclamation of mineral workings; Planning Policy Statement 4: Planning for sustainable economic growth; Planning Policy Statement 5: Planning for the Historic Environment; Planning Policy Statement 7: Sustainable Development in Rural Areas, Planning Policy Statement 9: Biodiversity and Geological Conservation, Planning Policy Statement 10: Planning for Sustainable Waste Management, Planning Policy Guidance 13: Transport, Planning Policy Guidance 24: Planning and Noise, Planning Policy Statement 25: Development and Flood Risk.
18. *The Planning System, General Principles (2005), Planning Policy Statement 1: Delivering Sustainable Development and the supplement Planning and Climate Change – Encouraging decisions taken on planning applications to contribute to the delivery of sustainable Development. The Supplement to PPS1 – Planning and Climate Change sets out how planning should contribute to reducing emissions and stabilising climate change. Tackling climate change is a key Government priority for the planning system.*
19. *Minerals Policy Statement 1: Planning and Minerals – Planning and Minerals (November 2006) - MPAs should use the length of the landbank in its area as an indicator of when new permissions for aggregates extraction are likely to be needed. The landbank indicator for crushed rock is at least 10 years. A longer period may be appropriate to take account of the need to supply a range of types of aggregates, locations of reserves relative to markets, and productive capacity of permitted sites. Individual permitted sites need sufficient reserves to be economically viable therefore consideration of the landbank needs to be flexible enough to allow for this. A large existing landbank bound up in very few sites should not be allowed to stifle competition.*

If landbanks are considered to be excessive, MPS1 advises:

- New planning permissions should only be given where it can be shown that demand could not be met from the existing permitted reserves, for example, for

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reasons of type and quality of the aggregate and/or distance to the market.

- The industry should consider voluntarily agreeing to revocation, or prohibition orders, in respect of planning permissions at sites that are unlikely to be worked again.
  - Planning Authorities do not normally grant planning permission for a proposed mineral development on land within or outside a SSSI if it is likely to have an adverse effect.
  - Ensure that the statutory protection given to many individual wildlife species under a range of legislative provision and the special protection afforded to European protected species, is fully taken into account when considering mineral proposals which might affect them.
  - Do not permit mineral proposals that would result in the loss or deterioration of ancient woodland, not otherwise protected, unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat;
  - Take account of the value of the wider countryside and landscape, including opportunities for recreation, including quiet recreation, and as far as practicable maintain access to land. Minimise the impact of minerals operations on its quality and character and consider the cumulative effects of local developments.
20. *Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals* - Development plan policies and proposals for minerals extraction and associated development should take into account the impact of mineral working such as visual intrusion, dewatering, water pollution, noise dust and fine particulates, blasting and traffic. Landscape, ecology, wildlife and habitat loss should also be considered.
21. *Minerals Planning Guidance Note 7: Reclamation of mineral workings* – Local planning authorities must take into account in decisions on individual planning applications sustainable development, ensuring the long term quality of the landscape is maintained and enhanced.
22. *Planning Policy Statement 4: Planning for sustainable economic growth*.
23. *Planning Policy Statement 5: Planning for the Historic Environment* – sets out the Government's planning policies on the conservation of the historic environment.
24. *Planning Policy Statement 7: Sustainable Development in Rural Areas* – key principles para 1 (i) relates to the Government's four aims of sustainable development. Paragraph 1 provides for decisions on development proposals to be taken on the basis of sustainable development principles ensuring an integrated approach to the consideration of:
- Social inclusion, recognising the needs of everyone
  - Effective protection and enhancement of the environment
  - Prudent use of natural resources, and

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- Maintaining high and stable levels of economic growth and employment.

Paragraph 1 (vi) states “All development in rural areas should be well designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness”

25. *Planning Policy Statement 9: Biodiversity and Geological Conservation –*

*Ancient Woodland and Other Important Natural habitats*

Planning Authorities should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.

In line with PPS9 principles, planning authorities should seek to avoid direct harm to biodiversity and geology recognizing that certain natural habitats, such as ancient woodland, cannot be replaced.

Where harm cannot be avoided then appropriate mitigation may be a means of reducing any adverse impacts. Mitigation could comprise measures carried out on or outside the development site in order to reduce adverse effects on nature conservation interests on the site itself or on adjacent or other land potentially affected.

Compensation relates to all measures designed to help offset the adverse effects that cannot be further reduced by mitigation. Compensation measures, a final option wherever all mitigation possibilities have been exhausted, will normally involve off-site measures to offset losses within the development site or to offset residual effects on affected wildlife sites.

26. *Planning Policy Statement 10: Planning for Sustainable Waste Management –* Positive planning has an important role in delivering sustainable waste management through the development of appropriate strategies for growth, regeneration and the prudent use of resources;

27. *Planning Policy Guidance 13: Transport -* Sets out how the Government seeks to integrate planning and transport through the planning system.

28. *Planning Policy Guidance 24: Planning and Noise –* outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. The planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.

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29. *Planning Policy Statement 25: Development and Flood Risk* – the aim of planning policy seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct developments a way from areas at high risk. Where new development is necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere. All forms of flooding and their impact upon the environment are material planning considerations.

**Kent Minerals Local Plan: Construction Aggregates (saved policies)**

30. On the basis of the amount of permitted reserves already available in the County which is in excess of that required to meet the County's own landbank, no areas of search for ragstone are identified in the Kent Minerals Local Plan for Construction Aggregates December 1993.

**Policy CA1:** When considering potential locations for wharves and rail depots to receive aggregates, the county council will normally require that they

- (i) have no undue impact upon road safety and road congestion;
- (ii) avoid residential areas; and
- (iii) in the case of wharves are capable of linking to the rail network.

**Policy CA6:** In the areas of search identified on the proposals map, proposals to extract minerals will be acceptable provided the county council is satisfied that there is a case of need to release such additional land sufficient to override the material interests identified in the then structure plan policy mwd1; and also provided that the requirements set out in appendix 6, and of other relevant policies in this plan, are satisfied.

**Policy CA7:** The County Council will require in support of an application for mineral working evidence of the extent and quality of reserves in the site.

**Policy CA8D:** Mineral working will not normally be permitted outside areas of search, unless it can be shown that a need exists which cannot be met from within the areas of search.

**Policy CA16:** When considering applications for the working or supply of construction aggregates the county council will:

- (i) refuse permission if it is considered that the proposed access, or the effects of vehicles travelling to and from the site, would adversely affect in a material way the safety and capacity of the highway network.
- (ii) ensure that any highway improvements necessary to secure acceptable access to the development are completed before mineral extraction or supply commences.

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- Policy CA18:** Before granting permission for the working or supply of construction aggregates, the County Council will require to be satisfied that noise, vibration and dust from both the site and haulage vehicles can be satisfactorily controlled.
- Policy CA19:** Where the external appearance of the workings would be materially affected by fixed plant and buildings, the county council will require that approval is given for the siting, design and external appearance of fixed plant and buildings.
- Policy CA21:** Where proposals to work or supply construction aggregates could adversely affect a public right of way, the county council will take account of the interests of its users.
- Policy CA22:** Before mineral extraction or supply commences the County Council will require to be satisfied that an appropriate landscaping scheme is an integral part of the development.
- Policy CA23:** Before any extraction or supply commences the county council will require to be satisfied that satisfactory working and reclamation schemes are an integral part of the proposal. The schemes should be designed to return the land to a planned afteruse at the highest standard and as quickly as possible, and should take account of the cumulative impact of any nearby workings.

31. **The South East Plan (May 2009)**

- Policy CC1:** The principal objective of the Plan is to achieve and to maintain sustainable development in the region. Sustainable development priorities for the South East are identified as:
- i) achieving sustainable levels of resource use
  - ii) ensuring the physical and natural environment of the South East is conserved and enhanced
  - iii) reducing greenhouse gas emissions associated with the region
  - iv) ensuring that the South East is prepared for the inevitable impacts of climate change
  - v) achieving safe, secure and socially inclusive communities across the region, and ensuring that the most deprived people also have an equal opportunity to benefit from and contribute to a better quality of life.
- Policy W4:** Waste planning authorities (WPAs) will plan for net self-sufficiency through provision for management capacity equivalent to the amount of waste arising and requiring management within their boundaries.

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**Policy W14:** High quality restoration and aftercare.

**Policy M1:** The regional planning body, the South East England Development Agency, the construction industry, and other stakeholders will work to encourage the development of sustainable construction practices, and to promote good practice, reduce wastage and overcome technical and financial constraints, including identifying sustainable supply routes and seeking to reduce delivery distances. The long-term aspiration is that annual consumption of primary aggregates will not grow from the 2016 level in subsequent years.

Local development documents should promote the use of construction materials that reduce the demand for primary minerals by requiring new projects to include a proportion of recycled and secondary aggregates wherever practicable.

**Policy M2:** The use of secondary aggregates and recycled materials in the South East should increase from 6.6mtpa (29% of the guidelines for primary aggregate production in the region) to at least 7.7mtpa (34%) by 2016 so as to reduce the need for primary aggregates extraction. To enable this target to be met, and where possible exceeded, mineral planning authorities (MPAs) should ensure that their mineral development frameworks enable provision to be made for 1.4 mtpa in Kent.

**Policy M3:** The supply of construction aggregates in the South East should be met from a significant increase in supplies of secondary and recycled materials, a reduced contribution from primary land-won resources and an increase in imports of marine-dredged aggregates. With regard to crushed rock mineral planning authorities should plan to maintain a landbank of at least ten years of planning permissions which is sufficient, throughout the Plan period, to deliver 2.2 million tonnes of crushed rock per annum across the region, with the sub-regional apportionment for Kent being 0.78mtpa.

**Policy RE1:** Contributing to the UK's long term competitiveness.

**Policy NRM5:** Local planning authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

- i. They must give the highest level of protection to sites of international nature conservation importance (European sites (6)). Plans or projects implementing policies in this RSS are subject to the Habitats Directive. Where a likely significant effect of a plan or project on European sites cannot be excluded, an appropriate assessment in line with the Habitats Directive and associated regulations will be required.
- ii. If after completing an appropriate assessment of a plan or project local planning authorities and other bodies are unable to conclude that there

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- will be no adverse effect on the integrity of any European sites, the plan or project will not be approved, irrespective of conformity with other policies in the RSS, unless otherwise in compliance with 6(4) of the Habitats Directive.
- iv. They shall avoid damage to nationally important sites of special scientific interest and seek to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided, including additional areas outside the boundaries of European sites where these support the species for which that site has been selected.
  - v. They shall ensure appropriate access to areas of wildlife importance, identifying areas of opportunity for biodiversity improvement and setting targets reflecting those in the table headed 'Regional Biodiversity Targets - Summary for 2010 and 2026' below. Opportunities for biodiversity improvement, including connection of sites, large-scale habitat restoration, enhancement and re-creation in the areas of strategic opportunity for biodiversity improvement (Diagram NRM3) should be pursued
  - vi. They shall influence and applying agri-environment schemes, forestry, flood defence, restoration of mineral extraction sites and other land management practices to:
    - deliver biodiversity targets
    - increase the wildlife value of land
    - reduce diffuse pollution
    - protect soil resources.
  - vi. They shall promote policies that integrate the need to accommodate the changes taking place in agriculture with the potential implications of resultant development in the countryside.
  - vii. They shall require green infrastructure to be identified, developed and implemented in conjunction with new development.

**Policy NRM7:** In the development and implementation of local development documents and other strategies, local authorities and other bodies will support the implementation of the Regional Forestry and Woodland Framework, ensuring the value and character of the region's woodland are protected and enhanced. This will be achieved by:

- i. protecting ancient woodland from damaging development and land uses
- ii. promoting the effective management, and where appropriate, extension and creation of new woodland areas including, in association with areas of major development, where this helps to restore and enhance degraded landscapes, screen noise and pollution, provide recreational opportunities, helps mitigate climate change, and contributes to floodplain management
- iii. replacing woodland unavoidably lost through development with new woodland on at least the same scale

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- iv. promoting and encouraging the economic use of woodlands and wood resources, including wood fuel as a renewable energy source
- v. promoting the growth and procurement of sustainable timber products.

**Policy NRM10:** Measures to address and reduce noise pollution.

**32. Tonbridge and Malling Borough Council Core Strategy Adopted September 2007**

**Policy CP1:** Sustainable mineral working proposal

**Policy CP2:** Sustainable transport

**Policy CP5:** Strategic Gap

**Policy CP14:** Development in the countryside

**Policy CP24:** achieving a high quality environment

**Policy PC25:** mitigation of development impacts

**33. TMBC adopted DPD entitled 'Managing Development and the Environment'** on 20 April 2010 following receipt of the inspectors' binding report. The principal policies of relevance are:

**Policy NE1:** Local Wildlife Sites. The Inspector has revised this policy to read:

1. *Development that adversely affects either directly, indirectly or cumulatively a Local Wildlife Site (LWS) or Local Nature Reserve (LNR), as identified on the Proposals Map and listed in Policy Annex NE1, will not be permitted unless it can be demonstrated that the benefits of the development override the need to safeguard the nature conservation value of the site and that adverse impacts can be adequately compensated.*
2. *Where development may exceptionally be justified, it must minimise harm to the nature conservation interest of the site, and re-establish and enhance the habitat, or nature conservation features lost.*
3. *..... (deals with RIGS)*
4. *Planning conditions or obligations will be used to protect the sites nature conservation, geological or geomorphological interest, and to provide appropriate mitigation or compensatory measures and site management.*

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**Policy NE2:** Habitat Networks

**Policy NE3:** Biodiversity

**Policy NE4:** Trees, hedgerows and woodland

The Inspector has revised this policy to read:

1. *The extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.*
2. *Development that would result in the net loss or deterioration of woodland will only be permitted if all of the following tests are met:*
  - (a) *development cannot reasonably be located on an alternative site*
  - (b) *the need for development clearly outweighs any harm which may be caused to the ecological, archaeological and landscape value of the woodland; and*
  - (c) *harm can be reduced to acceptable limits through the implementation of positive environmental mitigation measures within the site or by replacement planting elsewhere or enhanced management.*
3. *Ancient Woodland will be protected, and where possible, enhanced through improved management. Development that would adversely affect ancient woodland will not be permitted unless the need for, and benefits of, the development in that location can be demonstrated to override the harm that would be caused to the ecological and historical importance of the ancient woodland.*

**Policy SQ1:** Landscape Protection & enhancement

**Policy SQ4:** Air Quality

**Policy SQ6:** Noise

**Policy SQ8:** Road Safety

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**34. Tonbridge and Malling Borough Local Plan (Adopted December 1998)**

**Policy P2/18:** Development will not be permitted which significantly extends the built confines of existing rural settlements or urban areas or other areas reserved for development.

**Policy P7/17:** Development which would lead to a significant increase in HGVs should not compromise road safety and should be well served by the existing highway network.

**Minerals and Waste Core Strategy (Strategy and Policy Directions Consultation May 2011)**

35. This document, representing emerging policy, forms the second stage in the preparation of Kent's new Minerals and Waste Development Framework. Land-won construction aggregates are recognised as now being the most economically significant mineral in the County. In terms of future provision, whilst the preferred option is not to identify any crushed rock sites on the basis that the existing landbank is more than sufficient for the plan period, it is considered prudent to prepare emerging policy on the basis that there may be the possibility of an alternative supply needed if the large consented deposit at Blaise Farm is found to be uneconomic for an extended period and remains largely unworked. Such situations can be addressed by the identification and allocation of 'Areas of Search' in the Mineral Sites Development Plan Document.

*Prematurity*

36. In considering whether this planning application is likely to be premature given the current timeframe of the County Councils MWDF, national advice is provided on how planning applications such as this should be treated. Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in *The Planning System: General Principles*. The General Principles further advise that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

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- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.
- Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

Having regard to the above advice, I consider that refusing the proposal on the basis of 'prematurity' would in itself be unreasonable and difficult to defend in the event of an appeal by the applicant. I therefore consider that the proposed development at Oaken Wood should be assessed and determined on the basis of whether there is a clear case of need for in light of advice set out in MPS1 along with other relevant development plan policies.

**37. Consultations**

**Tonbridge and Malling Borough Council:** Object to the proposed development due to the loss of Ancient Woodland, woodland covered by a tree preservation order and part of the Local Wildlife Site unless the County Council establish there is a current and demonstrable need for ragstone which cannot be met elsewhere. They further comment that any such case, if proven, can only be properly established through the comprehensive Minerals Development Framework and that until such time the proposals are premature.

**Maidstone Borough Council:** Objections are raised on the following grounds:

1. The proposal is considered premature due to the incomplete status of the Minerals Development Framework, the application should be resisted at this time unless the County is satisfied there is a current, overriding and demonstrable need for the material that cannot be met elsewhere.
2. The proposal would fail to protect ancient woodland from damaging development and land uses, and would therefore be contrary to policy NRM7 of the South East Plan 2009. Therefore on arboricultural grounds the application for a proposed westerly extension to Hermitage Quarry should be resisted unless the County is satisfied that the application fulfils the criteria set out within PPS9 for granting planning consent within ancient woodland and complies with Natural England's Ancient Woodland Standing Advice.

Oaken Wood is a core site within the Kent Biodiversity Action Plan and Greensand Heaths and Commons Biodiversity Opportunity Area, and the proposal would be contrary to the aims of planning policies NRM5 and NRM7 of the South East Plan 2009 and PPS9 Biodiversity and Geological Conservation.

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**Barming Parish Council:** Having considered the additional information submitted, Members felt there is insufficient evidence to cause them to change their original view, namely

- Residents have been putting up with the noise, dust and vibration for the past 20 years in the belief and expectation it would soon come to an end; they do not want to put up with it all for another 20 years. Members do not accept that no complaints or objections on the grounds of noise, dust or vibration have been received by GAL.
- Ground vibrations are not caused solely by air overpressure. Ground vibration and the accumulative effect of ground vibration are issues that have been not been adequately addressed, and it is these vibrations that particularly concern local residents.
- Members remain unconvinced that every animal can be successfully translocated
- Members still contend that coppicing is very much of wildlife value and if managed properly, can prove a viable local industry: there is a growing call on coppiced woodland as a sustainable fuel source.
- The ecology and local biodiversity of the site will still be disturbed and upset
- Ragstone is still a finite resource whether it runs out now or in 20 years time; employment cannot be guaranteed.

**Ditton Parish Council:** Objection is raised to the loss of ancient woodland and wildlife habitat.

**Aylesford Parish Council:** No objections are raised in principle however they support the environmental concerns raised by Barming Parish Council (set out above).

**East Malling and Larkfield Parish Council:** Objections are raised on the following grounds: Prematurity, protection of the countryside, loss of trees (covered by TPO), loss of ancient woodland, loss of wildlife/biodiversity, affects on Public Rights of Way, noise/amenity impacts

**CPRE:** Have raised concerns over the loss of ancient woodland and are of the opinion that the needs test set out in PPS9 is a central issue to the MPA in determining the planning application. If the MPA are minded to grant planning permission, they would wish to see a number of matters covered by planning condition and/or s106 legal agreement, including, amongst other matters, tunnel access, restoration PROW diversion, fencing, blasting, noise and dust etc.

**English Heritage:** No comments to make on the planning application.

**Environment Agency:** No objections are raised.

**Health Protection Agency:** No comments received.

**Highways Agency:** No comments received to date.

**Kent Wildlife Trust:** Raises an objection on the following grounds.

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- Disturbance to and effectively the loss of, Ancient Woodland; in particular the soils and sub-soils that have been undisturbed for at least 400 years.
- Disturbance and potential threat to the continued presence of species of county, national and international importance. Higher and lower order plant species of importance, especially those indicative of Ancient Woodland, are the species at greatest risk.
- Development that is contrary to planning policy which presumes against disturbance and loss of ancient woodland habitat and species of nature conservation interest.
- Absence of an independently-verified apportionment to Kent of primary aggregate need that justifies setting aside this presumption.
- Wholly inadequate measures to compensate for the scale of disturbance and loss envisaged in the application.

**Natural England:** Objects to the proposal on the following grounds:

- the proposal would result in the direct loss of approximately 31 ha of irreplaceable ancient woodland habitat and indirectly impacts on a further significant area of ancient woodland
- The proposal has been put forward outside of the Kent County Councils strategic minerals planning process.

**Network Rail:** No comments to make.

**The Ramblers:** No objections are raised however, the following comments are made:

*“The main concern of our association is with Public Rights of Way. Should the application be successful, we are content with the proposed arrangements for the temporary diversion of Byway MR496 to facilitate the construction of an underpass. It is understood that it will be reinstated on the original line as soon as construction has been completed.*

*The proposed diversion for Bridleway MR108 has in fact been in place for some time, and is already being used by the public. We would seek assurance that the existing definitive route through Oaken Wood will remain open and available for use until the commencement of quarrying operations. We would further seek confirmation that this Bridleway will be reinstated on its definitive alignment as soon as the land has been restored to its original state after mineral extraction has ceased and the wood replanted.”*

**High Speed 1:** No comments to make.

**Mid Kent Water:** In order to ensure groundwater protection MKW recommend that the County Council contact the EA to ensure that all measures are taken to protect groundwater before, during and after and development work takes place.

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**Biodiversity Project Officer:** Substantial comments have been received in relation to protected species at the site and how these would be managed and/or translocated in the long term and over the life of the site. Further substantial comments have also been received in relation to the proposed mitigation and compensation package put forward.

**Environmental Management Officer (PROW):** No objections are raised.

**Heritage Conservation (County Archaeologist):** In summary, there is potential for significant palaeolithic remains, historic landscape features and other buried archaeological remains to survive within the proposed quarry. The information so far provided by the applicant is not fully comprehensive and there is a need for further assessment of the historic environment resource before its significance can be fully assessed. At this stage, however, I do not consider there are sufficient grounds to object to the proposed quarrying specifically on archaeological grounds alone. If however you are minded to recommend refusal, the impact on the historic environment may be considered to contribute to a cumulative negative effect.

**Jacobs (Landscape):** Jacobs have emphasised the importance of the landscape character and the need to adequately ensure that the wider landscape impact is minimised. They also emphasise the importance of the restoration scheme in recreating a sympathetic landscape.

**Kent Downs AONB Unit:** The site is within the setting of the Kent Downs AONB as is visible and within the far reaching views from the south facing scarp of the Oaken Woods are visible from the AONB (as indicated in the view points chosen for the landscape assessment) and particularly from Bluebell Hill view points and the path running west from the car park, and from lower view points at Kits Coty. Both are frequently visited. Oaken Woods are an important part of the wooded nature of the current view on the middle horizon, and facing the AONB, making a pleasant and important backdrop and non-urbanized focus for the eye, away from the more developed area in the foreground.

It would appear from the application that the operations - that will be continuous for a considerable length of time – will be screened from these long views from the AONB by the retention of a wide margin of the existing woodland.

The site is to be restored to original levels with imported inert materials which are traditionally in short supply. The phasing of extraction and restoration should be limited to ensure that a large area is not open at any one time. The availability of inert materials if not in balance with speed of extraction could either prolong the life of extraction and interrupt the continuous working of the material, or mean a larger area of the quarry is open at any one time. This will all delay the final planting and restoration to mature woodland, which the AONB would wish to see within the time scale stated, to replace this important element of the middle horizon in views from the AONB.

In general terms the AONB unit would like to express concern that such a major part of an Ancient Woodland and Local Wildlife Site should be excavated. These woodlands are important for landscape as well as their biodiversity value.

**Jacobs (noise, dust odour, vibration):** No objection raised.

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**Kent Highway Services:** No comments received.

**Mid Kent Healthcare Trust:** No comments received.

**Heritage Conservation (Conservation and Design Architect):** Supports the proposal stating that there is a need to ensure there is a continued supply of Kentish Ragstone for use in maintaining historic buildings and the new buildings which enhance Kent's local character and distinctiveness. Currently Kentish Ragstone for building purposes is available only from Hermitage Quarry.

**Kent Conservation Officers Group:** Supports the principle of winning Kentish Ragstone for use in maintaining historic buildings and the enhancement of local character and distinctiveness in line with MPS1.

### **Local Members**

38. The Local and adjoining Members, Mr D Daley, Mr M Robertson, Mrs V Dagger, Mrs S Hohler, Mr R Long, Mrs T Dean, Mrs P Stockell and Mr P Homewood, were notified of the applications on 6 August 2010.

### **Publicity**

39. The application was publicised by the posting of 2 site notices and the individual notification of 256 properties. The application was also publicised in the local newspaper as a departure to the development plan on 13 August 2010. To date approximately 240 individual letters of objection have been received along with some 1161 standardised letters generated via the Woodland Trust website. Two petitions against the proposal have been received one with 1116 names and addresses included and the second with 75.

40. The application was the subject of a Members site visit and public meeting on 7 December 2010 notes of these are attached at appendices 1, 2 and 3.

### **Summary of letters of representation**

41. Letters of objection can be summarised as follows:

#### Loss of Ancient Woodland

Ancient Woodland is a unique and irreplaceable habitat which supports many species of conservation concern

Once the Ancient Woodland is lost, it cannot be recreated

A number of plants found in Oaken Wood support ancient woodland habitat

Loss of ancient landscape

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Impact on wildlife and protected species (bats, hedgehogs, dormouse, badgers)  
Tree Preservation Order

Need

Given current reserves available from Blaise Quarry, is there any real need to permit a further extension into Oaken Wood  
If the quality of ragstone is so good, why use it as aggregate and for road building? This is not sustainable.  
The economic case for quarrying ragstone and aggregate is poor and has been undermined by the abolition of the South East Plan  
Ragstone is not viable building material

Amenity

- Loss of quality of life and local amenity
- Impact of vibration from blasting on nearby properties
- Dust nuisance generally from the day to working of the quarry
- Dust impacts on health of local residents
- Noise generated from the existing crushing plant
- Noise nuisance generated from vehicles moving material within the quarry
- Noise impact from vehicle reversing beepers
- Traffic impact on Hermitage Lane
- Loss of recreation space for local residents

Other

- Concerns that backfilling with 'inert' waste would be a health hazard
- If the quarry has to extend, why doesn't it go further north where there are no properties
- Granting planning permission will affect quality of life

Letters of Support

24 number of letters have been received in support of the application and can be summarised as follows:

- Hermitage Quarry provides quality products and provides a viable alternative to the 'super quarries' located elsewhere in the country and controlled by a handful of international overseas based companies.
- Loss of jobs
- The quarry closure will impact on the wider construction sector
- Potential loss of ragstone as a resource for restoration of heritage buildings
- Gal have a good recycling operation which provides an alternative supply to the market
- GAL have a good track record operationally and for restoration

A petition supporting the proposal has been received with some 61 names included.

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**Discussion**

42. 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.
43. The application for the Hermitage Quarry extension into Oaken Wood will need to be examined in the light of both national guidance and the appropriate development plan policies applying to the site. Having regard to government guidance as set out in PPS1, PPS7, PPS9, MPS1, MPS2, MPG7, and the South East Plan (SEP), PPS4, PPS5, PPS10, PPG13, PPS24/25 and other relevant material planning considerations. In assessing individual applications the need for a mineral only becomes a consideration where there are other material planning objections against which need would then be weighed, taking into account of the need to maintain a landbank.
44. When considering the amount of permitted reserves within the two sites which constitute the County's landbank for ragstone, there remains in excess of 30 million tonnes. At present the total quantity of permitted reserves for crushed rock in the County remains in excess of that needed to maintain the 10 year landbank sought in the SEP and included in emerging Kent Minerals and Waste Development Framework Core Strategy Policy.
45. In terms of the landbank of permitted reserves in relation to crushed rock, under revised policy M3 of the SEP, Kent is expected to maintain a landbank of at least ten years sufficient to maintain an annual production of 0.78 mtpa. Of the two existing ragstone quarries in the County, based on current production rates Hermitage Quarry currently has 4 years of permitted reserves. The second site is located at Blaise Farm, West Malling. When the application for the 80ha site at Balise Farm was submitted, it contained supporting information estimating the potential reserves as being 59.6 million tonnes. However, having regard to the haddock content within the deposit, the anticipated yield of marketable material was only some 33.9 million tonnes. The remaining 25.7 million tonnes was intended to be utilised in the low level restoration of the site. Production was proposed at a level of 550,000 tonnes per annum. The quarry opening in March 2001 and remained operational until March 2005 when the operator Hanson Aggregates announced their intention to close the site. Assuming that over the 4 year period when the site was operational, production levels of 550,000 tonnes per annum were achieved I would estimate that based on a conservative estimate there currently remains in excess of 30 million tonnes of marketable material within the site. This position represents a material consideration which needs to be taken into account. This aspect is considered more fully in the following paragraphs below.
46. Notwithstanding the applicant's case of need put forward in support of the application, in my opinion a key issue in determining the application, will be whether the need for and benefits of the development in this location outweigh the loss of the ancient woodland habitat.
47. As well as being ancient woodland, the application site also lies within a Local Wildlife Site (LWS). There is clear policy support to safeguard nature conservation interests and to protect ancient woodland. Nevertheless safeguarding nature conservation and ancient

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woodland at all policy levels recognise the benefits to be gained in some instances from allowing appropriate development. Accordingly where a need for a development can be demonstrated and there are no suitable alternatives, then development which impacts on an LWS or ancient woodland can be considered acceptable where appropriate mitigation and, as necessary, compensation is provided to address loss and harm to the safeguarded land uses. It follows therefore that 'need' and 'alternatives' must be considered in more detail.

48. The applicant accepts that the proposed development if permitted, would result in a direct loss of some 33 hectares of irreplaceable ancient woodland and impact on a LWS. However, he has put forward what he considers to be an overriding case of need to quarry the application site having particular regard to government advice including that set out in Minerals Policy Statement 1 (MPS1). MPS1 sets out the national policy for minerals in terms of the essential need for an adequate and steady supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs in accordance with the principles of sustainable development. In this context the maintenance of permitted landbanks are considered particularly relevant having regard amongst other matters to the type and quality of materials together with where landbanks may be tied up in one site which could limit competition. Having regard to the impacts of quarrying the site, the applicant has provided an alternative sites assessment in support of his proposal which compares the suitability of other sites with the application site in terms of their potential deliverability to provide materials of a similar quantity and quality, good access arrangements, together with their potential impacts on known interests including ancient woodland and any ecological interests which may be present. Both need and alternatives are considered in more detail below.

*National Policy Objectives for Mineral Planning*

49. The national objectives for minerals planning policy reflect the requirement for minerals to contribute to the achievement of sustainable development. In summary these are: the prudent, efficient and sustainable use of minerals; conserving mineral resources through appropriate provision and timing of supply; safeguarding mineral resources; minimise production of mineral waste; to secure working practices which prevent or reduce, impacts on the environment and human health, processing, management or transportation of minerals; to protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in exceptional circumstances; to secure adequate and steady supplies of minerals needed by society and the economy; to maximise the benefits and minimise the impacts of minerals operations over their full life cycle; to protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses; to secure closer integration of minerals planning policy with national policy on sustainable construction and waste management and other applicable environmental protection legislation; and to encourage the use of high quality materials for the purposes for which they are most suitable.
50. MPS1 seeks to ensure that the statutory protection given to many individual wildlife species under a range of legislative provision, and the special protection afforded to *European*

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*protected species*, is fully taken into account when considering mineral proposals which might affect them; It further advises that MPAs should not permit mineral proposals that would result in the loss or deterioration of ancient woodland, not otherwise statutorily protected, unless the need for, an benefits of, the development in that location outweigh the loss of the woodland habitat; and take account of the value that existing woodland offers in terms of amenity and habitat, when considering mineral proposals; In this particular case the application is subject to statutory protection afforded by its designation as a LWS.

51. PPS9, 'Biodiversity & Geological Conservation (2005) advises that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.
52. PPS9 recognises (paragraph 10) that ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.

**Need**

53. In terms of Kent's apportionment for the future supply of crushed rock, Policy M3 of the SEP seeks to secure a landbank of at least 0.78 mtpa sufficient for at least 10 years' production. In considering advice set out in MPS1, the landbank is the total sum of all permitted reserves with valid planning permissions. Having regard to the volume of reserves currently permitted in the County and taking account of the advice in MPS1 which requires a balance between the need to meet fluctuations in demand against avoiding the consequences of excessive provision, in pure landbank terms there is currently an excessive landbank of permitted reserves when having regard to the existing planning permission at Blaise Farm Quarry. However, in assessing the current application for the proposed extension at Hermitage Quarry in the context of the existing landbank of permitted reserves, in my opinion the historic and current position at Blaise Farm remains a key factor. I am also mindful of advice in MPS1 which advises that a large existing landbank bound up in very few sites should not be allowed to stifle competition.
54. At the time of reporting an Eastern Extension at Hermitage Quarry to Members in 2005, Hanson Aggregates, who operate Blaise Quarry, publicly announced the impending closure

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of the site on the basis of “declining sales and weak demand for Kentish ragstone in local markets” and also to “increasing competition from recycled and other materials”. However, with considerable permitted reserves remaining at the site, the operators retained the option of reopening should the market dictate in the future. Since that time, the site has been operated on a campaign basis only.

*Type and quality of reserves*

55. The applicant states in his supporting information that the geological resource available at the application site has been assessed by an independent geologist who considers the quality of the ragstone resource found at Hermitage to be exceptional and that no reserves of similar strength and suitability for quality construction aggregate uses apply anywhere else in Kent.
56. I concur with the applicant’s view that the resource found in the application site would produce a comparable product range as is currently produced from the existing Hermitage Quarry. Furthermore the aggregates produced at Hermitage Quarry could in his view meet the same specifications as the majority of indigenous and imported crushed rock materials. The applicant considers that products currently produced at Hermitage Quarry continue to provide the most diverse range of uses of any alternative sources in Kent and that any comparison of yield per hectare shows that ragstone is significantly higher than sand and gravel, a shallow and extensive form of extraction. In this context he considers that the continued extraction of ragstone at Hermitage Quarry should be recognised as being of significant importance. The economical significance of land-won construction aggregates is also recognised in the M&WDF consultation document referred to under paragraph (34) above.

*Real need and real supply*

57. In considering the issue of real need and real supply the applicant concludes that his Alternative Site Assessment (ASA) shows that there are no comparable alternative resources to the proposed extension and acknowledges that the permitted reserves of ragstone are held in Hermitage and Blaise Quarries. At current production rates Hermitage Quarry would be exhausted within 4 years whilst Blaise Farm could last for a considerably longer period, particularly given the current position at the site where production since 2005 has only been periodic. Whereas at Hermitage Quarry the applicant claims they have continued to maintain production levels of some 0.62 mtpa which is almost three times the Blaise Farm Quarry output originally envisaged when the application at Blaise was first submitted. In my opinion the production levels which have been consistently maintained at Hermitage Quarry are a clear reflection of the range of high order products it has been able to develop over the years since it first became operational, underpinned by a significant investment in fixed plant and machinery at the site.
58. The applicant, who has extracted materials from Blaise Farm under a separate arrangement between himself and the site owners, suggests that the production at Blaise has been limited due to the poorer quality of the deposit. Blaise is only worked on a campaign basis utilising mobile plant and equipment provided that the specific contract to

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be met is of sufficient size to make it economic. In comparing the differences between the two quarries in the context of the factors to be considered when looking at real need and real supply, the applicant has carried out a study which concludes that:

- the permitted reserves at Blaise by their nature are incapable of replacing the reserves at Hermitage
- the permitted reserves at Blaise by their nature could not support and maintain production on a similar basis to that currently undertaken at Hermitage Quarry if the plant and machinery employed at Hermitage were to be relocated to the site at Blaise Farm.
- production capacity and the quality of the final product from Blaise are severely limited
- it is most unlikely that Blaise could play any meaningful part in providing construction aggregates for the planned growth and regeneration in Kent
- if Kent is to meet and maintain its current apportionment figure as set out in the SEP, then additional reserves will need to be permitted
- if Hermitage Quarry is to continue in production and to maintain its significant contribution towards meeting Kent's apportionment figure then it requires an extension to its permitted reserves
- the study has shown that those reserves now needing to be released are in the proposed extension.

59. Notwithstanding government advice that the landbank should include all permitted reserves, the reason stated for the closure of Blaise Farm Quarry at the time of the 2005 report raised questions over how it was to be treated. Advice in MPS1 requires MPAs to consider the general concept of 'real need' and 'real supply' and one of the reasons stated for Hanson's decision to close Blaise Farm was linked to the increasing competition from recycled products. In my view this would appear to support the assertion made by the applicant that production at Blaise is limited due to the poorer quality of the deposit. On this basis it is arguable therefore that Blaise does not represent a realistic alternative to the application site. GAL have been able to expand their product range to successfully compete in the local market with imports from outside of the County. In my opinion this is consistent with advice in MPS1 where the aim should be to source mineral supplies indigenously taking account of the benefit, including the reduction in carbon emissions, which local supplies of minerals make in reducing the impact of transporting them over long distances. It should be noted that Hanson's as a company operate on a national basis and as a national company it is easier to switch production from one site to another to reflect market conditions. In this respect despite the closure of Blaise Farm announced in 2005, where at that time and which still remains the case, a substantial volume of permitted reserves remain to be worked at the site, they have continued to supply local markets from other sources outside the county. For this reason, in assessing the County's landbank requirement against existing permitted reserves, I consider the extent to which the reserve at Blaise is likely to be able to play a role towards meeting Kent's overall contribution for crushed rock, still remains questionable. If Blaise Quarry can be discounted on the basis that it is unlikely to be worked other than on a campaign basis this would mean that the current landbank sought, could fall below that required when the Hermitage site reserves are exhausted in 4 years time.

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*Sterilisation of reserves*

60. If in the future a new quarry was contemplated in Oaken Wood, in order to achieve a reasonable level of return on investment, the applicant argues that it is likely to entail the loss of a much larger area of woodland than is currently proposed. Also, significant disruption to the previously restored site would occur given that the only acceptable means of access would appear to be through Hermitage Farm onto Hermitage Lane as exists at present. In the event that planning permission is refused the applicant considers that he would lose the opportunity to work this area in the future.
61. The applicant also considers that the completion of the existing quarry, as approved, would sterilise the reserves within the proposed extension area stating that 'in the event that the existing Hermitage Quarry is restored then it would not be viable to recommence production on site at some point in the future'. This is largely linked to the significant investment in replacement plant that would be required and the cost of physically accessing reserves in the extension area. I am also mindful of advice in MPS1 which requires consideration to be given to the benefits in terms of reduced environmental disturbance and more efficient use of mineral resources including full recovery of minerals, of extensions to existing mineral workings rather than new ones. 'Start up' costs associated with the opening up of a new quarry site compared to extensions to existing sites where plant and equipment is immediately readily available, also feature in the applicant's alternative site assessment discussed below.
62. Whilst I do not fully accept this argument I do however consider that the wide range of products currently produced at Hermitage Quarry is attributed to the high level investment in plant and equipment by the operator. This in my opinion represents the most sustainable method of working a mineral deposit, where the reserves are exploited to their full potential rather than being used for lower grade uses which could be met from other less valuable sources. Therefore in order to work the Oaken Wood site in a similar manner in the future, similar processing plant and equipment would also need to be made available to that currently employed at the site. Any future extraction post restoration at the existing Hermitage Quarry site would require plant to be re-established, which in my view would require significant additional land-take. Alternatively in the event that the material would be processed elsewhere a significant number of HGV movements would be generated in order for materials to be transported off site. On this basis I would agree with the applicant that it would be more economically viable and cause less disturbance to the local environment for the site to be worked as an extension to the existing site rather than at some time in the future following the current operational area being restored.
63. The applicant makes reference in the submission to the main national planning policies relating to the need for crushed rock being set out in MPS1 and the Regional Guidelines for Aggregates Provision in England 2001-2016 (published June 2003) (revision for 2005 – 2020). In particular he draws attention to Annex 1 of MPS1 which sets out policy on the provision of construction aggregates and deals with aggregate landbanks. It is worth noting that MPS1 places a greater emphasis on the consideration of alternatives to land won primary aggregates at the strategic, landbank level and that this particular issue would have therefore already been taken into consideration in concluding that for crushed rock a landbank provision of at least 10 years is appropriate. MPS1 refers to the landbank

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as ‘an indicator’ and considers a longer period of 10 years may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. It is clear Government advice that there is no cap as to the length of the landbank, more that the landbank should be appropriate having regard to local and market circumstances.

64. The applicant makes reference to Annex 3 to MPS1 which sets out policy on natural building stone such as ragstone, drawing attention to block and walling stone as a significant secondary product to primary aggregate production at Hermitage and is proposed to be continued, and as such the need to safeguard natural ragstone for use as a building stone is supported by policy. There is a long legacy in Kent of using ragstone for building purposes and the supply of stone is considered by the applicant to be important for repairing historic buildings and monuments. Given GAL is the only supplier of ragstone for such uses, as well as for stone for use in new building projects, the applicant considers that this local source of stone needs to be secured, sufficient to ensure that the high quality of Kent’s built environment is maintained and enhanced. This is supported by the Conservation Group.

### **Alternative Sites Assessment**

65. In support of his proposal the applicant has undertaken his own Alternative Site Assessment (ASA) which examines the potential ragstone resource available in Kent required as part of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the EIA Regulations). Schedule 4 of the EIA Regulations describes the information for inclusion in Environmental Statements to include:

*“An outline of the main alternatives studied.....and an indication of the main reasons for his choice, taking into account the environmental effects”.*

66. The Circular 02/99 which accompanies the EIA Regulations advises (in paragraph 83) that the EIA Directive and the EIA Regulations “do not expressly require the developer to study alternatives”. However it adds that “The nature of certain developments and their location may make the consideration of alternative sites a material consideration”.
67. In the event that the proposal gains any future planning consent it is accepted that there would be a direct loss of some ancient woodland. As a consequence MPS1 requires that that the need for and the benefits of ragstone working in the proposed extension is shown to outweigh the loss of such woodland habitat. This policy requirement in effect means that an alternative sites study is necessary which compares the suitability or otherwise of other sites with the application site in terms of their potential deliverability to provide materials of a similar quantity and quality, good access arrangements, together with their potential impacts on known interests including ancient woodland and any ecological interests which may be present.
68. The applicant first considered the extent and nature of the geological strata within which ragstone can be sourced. Whilst from a study of the geological outcrop ragstone deposits are shown to exist across the entire width of the county stretching from as far as

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Folkestone in the east to Westerham on the Kent/Surrey border in the west, the extent of the deposit in terms of workable area and depth is much more restricted, concentrated around the southern area of Maidstone and immediately to the east and west. Unsurprisingly it is mainly within this area where ragstone extraction has occurred in the past on a commercial basis and also where the two existing sites at Hermitage and Blaise Farm quarries are situated. Whilst there have been one or two other sites operated in the past more distant from this central location, this has been where materials have been quarried as a building stone in order to meet a specific need for a particular building project and therefore the small pockets of shallow deposits worked which contained only a relatively small quantity of material would have been sufficient for this purpose. Clearly, these shallower deposits, whilst having met a local need in the past and where arguably such remaining deposits could still be successfully worked as a building stone, are not comparable in terms of representing a viable alternative to the application site. This is either in terms of their quantity or quality necessary to meet the requirements of a modern day quarry such as Hermitage which operates on a commercial basis producing a much wider range of materials for construction purposes. Inevitably the applicant's assessment of alternative sites has therefore been limited to the extent that the area of search has focussed on the central area around Maidstone. The assessment includes a planning appraisal of this resource applying relevant national, regional and local policy constraints.

69. The approach was underpinned by the need for GAL to provide for future ragstone production and involved an assessment of what the applicant considers to be the following key issues:
- In resource terms, what does GAL need to continue their current business?
  - Where can they find that resource?
  - Is it a viable option and
  - Is it available to GAL?
70. GAL already operates a successful business providing ragstone products from their Hermitage Quarry. Therefore, I consider it reasonable that in appraising any potential alternative ragstone resource, the starting point should be to seek a resource that is at least comparable to the existing ragstone deposit upon which they have developed their existing business, and which the applicant considers from detailed borehole investigations at the site, is also found to exist within the proposed extension area. An examination of the characteristics of the ragstone resource at Hermitage Quarry were used to develop a number of indicators to 'test' for a comparable or better resource across the study area.

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71. The characteristics of the existing Hermitage Quarry operation are:

Quality	<ul style="list-style-type: none"> <li>• the ragstone is strong and well cemented and shows good strength and durability;</li> <li>• Ragstone amounts to some 55% of the workable deposit;</li> <li>• individual Ragstone beds have a thickness of 0.6 to 0.8m;</li> </ul>
Quantity	<p>72. ability to provide an annual output of some 0.7 mtpa;</p> <ul style="list-style-type: none"> <li>• a workable quarrying depth of some 30m;</li> <li>• a low water table to allow the full workable depth;</li> <li>• minimal hassock/silt content such that washing and silt management systems are viable;</li> </ul>
Quarry Economics	<ul style="list-style-type: none"> <li>• a minimum yield per hectare of 275,000t;</li> <li>• an overburden thickness averaging 5m or less</li> <li>• maximising the sale of hassock</li> <li>• a productive life of some 20 years</li> </ul>

72. The applicants' study in considering possible alternatives examined an area of over 21 square kilometres incorporating the area of ragstone resource as referred to above most likely to offer a site for a modern ragstone quarry. Some 120 sites were appraised in a three stage process which applied firstly Strategic and then secondly local planning constraints, the outcome of which identified 9 sites that were constraint free. All of these sites with the exception of one were ruled out on the basis that they were too small and not able to offer the yield per hectare on a comparable basis to the application site, Stage 3 then involved a more detailed analysis having regard to local features (e.g. buildings of architectural or historic interest), protection for local residents by the application of a 260 metre buffer zone (N.B. this distance has been applied on a comparable basis to the distance the existing and application site are located in relation to the nearest residential properties), accessibility and finally site area. The application of the size criteria together with the imposition of the buffer zone reduced the number of sites down to 18 in total. Those 18 sites covered almost 760 hectares. The detailed analysis considered both planning and infrastructure constraints and potential impacts from quarrying as well as the ability of a site to provide for a viable quarry operation. The expertise of a consultant geologist was used to examine sites to the west, east and south of the study area.

73. This Study failed to identify a site that is comparable to or better than the proposed extension. There was considerable difficulty within the Maidstone area of identifying a site with sufficient potential on which to develop a new stand-a-lone quarry. This largely reflected the well developed spread of hamlets and villages across the area and the need to protect residential amenity. Where potential alternative sites were identified they were in locations remote from the primary road system and where the local road network is physically limited or restrictions have been imposed to protect local hamlets and villages from the impact of HGVs in the locality. Other sites were not comparable in terms of the

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nature of the resource or ability to accommodate a modern quarry.

74. This study in the applicants view, demonstrated that there were no comparable sites to the application area that are constraint free or offer lesser levels of planning constraint. The wider consideration of the sites identified were only possible on the basis of allowing protection of the best and most versatile agricultural land to be considered as a lesser level of constraint than protecting nature conservation interests. It was noted that some possible sites are constrained by two or three times the number of planning designations applicable to the proposed extension.
75. This examination of possible alternatives sites to supplying ragstone into the local and regional market covered both the geological and planning aspects. The conclusion was that there are no sites that can be shown to provide a better potential for the release of replacement ragstone reserves at Hermitage Quarry than the proposed extension. The conclusion flows from considerations derived not only from business needs but also from the need to offset any loss or harm arising from the working of ragstone.
76. The overall conclusion from the available evidence is that there is no site that could provide a comparable or better alternative to that proposed in the application site. Having consulted with the County Councils own technical advisor I have no reason to doubt the conclusions of the applicants own ASA. On this basis having already established the need for the proposed extension, I shall now consider the remaining determining issues as set out below.
77. Having regard to advice in MPS1, in my opinion the applicant has demonstrated in support of his application that a case of need exists sufficient to outweigh the loss of ancient woodland at this site.

**Ancient Woodland/Mitigation**

78. NE confirms that Oaken Wood is ancient woodland and that it should be reclassified within the Ancient Woodland Inventory as a Plantation on Ancient Woodland Site (PAWS), due to the dominance of sweet chestnut plantation. They further advise that this does not alter how the woodland loss should be considered in this case due to the fact that the special value of ancient woodland resides in its soils, not just in its tree cover. PPS9 makes no distinction in terms of policy protection between the different types of ancient woodland therefore NE and KWT raise objections in principle to the proposal on the grounds of loss of irreplaceable ancient woodland drawing specific attention to paragraph 10, which seeks to protect ancient woodland on the basis that it is a *“valuable biodiversity resource both for its diversity of species and its longevity of woodland. Once lost it cannot be recreated. Local Planning Authorities should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefit of, the development in that location outweigh the loss of the woodland habitat”*.
79. A case of need for the development is supported for the reasons set out above in paragraphs (54) to (65) notwithstanding that a number of objections to the loss of ancient woodland have been received from local residents and consultees including from NE and

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KWT. Whilst NE continue as a matter of principle to object to the planning application, having regard to their standing advice which sets out the way in which major proposals such as this are likely to be treated, they have sought to provide comments on the mitigation and compensation measures proposed in order to assist the MPA in determining whether those measures are acceptable in the event that permission is granted.

80. The applicant accepts that whilst mineral extraction effectively borrows land for a temporary period, in the case of this proposal, the development would result in the direct loss of ancient woodland and impact on a LWS. The existing woodland habitat and interests have been surveyed and assessed and as a result the submission seeks to reduce and manage that impact as follows:

- The return of the land to former levels by infill restoration
- The creation of a significantly greater potential for biodiversity than exists at the moment
- To not only fully comply with restoration requirements for mineral working but to go beyond that in taking forward GALs vision
- The full mitigation of the impact of quarrying where removal and/or reduction of impact has not been possible
- The provision of additional compensation measures to ensure that there is a net gain to the environment
- No net loss of woodland coverage

*Proposed Mitigation and Compensation Measures*

81. As part of the overall mitigation and compensation package put forward, the applicant proposes to make provision for a new wildlife area on a piece of land located at North Pole Road. The area identified is a former arable field and is bounded on three sides by the Oaken Wood LWS. The objective for this 9 ha field would be to create a new and varied habitat that in time would be capable of incorporation into the LWS. The objective would also be to add diversity of habitat to provide for species not readily associated with the LWS. The applicant also proposes to include a freshwater habitat within this area.

82. Surveys undertaken by the applicant of the application site identified a number of protected species therefore the proposed mitigation and compensation package sets out measures in order to relocate the species ahead of any extraction works. It is proposed that the new habitat creation field would commence at an early stage of the proposed development in order that the Field could act as a receptor site for species relocated from the proposed quarry extraction phases.

83. It is also proposed that this Field would be subject to longer term management along with other previously restored land on the Hermitage Farm Estate together with the remaining area of Oaken Wood in the ownership of the applicant. The applicant considers that based on the findings set out in the submitted ES that there would be no long term significant harm from the proposed development and that any harm which would occur could more than adequately be mitigated against. He also considers there is no overall loss to nature conservation given the land would be restored to native woodland following ragstone extraction and that there would be no overall loss in the extent of woodland. The applicant

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considers that overall there would be a net gain to biodiversity, as a result of a combination of the proposed long term management of the of the application site itself together with the long term management of additional areas on the Hermitage Estate.

*Longer term management*

84. The proposed woodland management details set out in the supporting information provides for management during the operational phases of the quarry and following completion of restoration. Whilst the details of the planting of the restored areas are proposed to be secured by way of a planning condition the applicant proposes the management of the restored area in the long term be secured by a separate legal agreement. In essence the applicant seeks the restoration and management of woodland with what he considers to be improved woodland habitat, landscape and amenity value that would be managed in perpetuity.
85. NE initially advised that in the event that the MPA considers the need for and benefits of the development would outweigh the loss of the woodland habitat, then they would wish to provide comments on mitigation and compensation whilst maintaining their objection. They confirm that it is appropriate to consider compensatory measures only after an assessment of overriding need has been made which having considered all other material issues the MPA considers is now the case. To this end notwithstanding that they continue to maintain their objection in principle to the proposal, NE offer the following comments on mitigation and compensation in relation to this proposal:
- The currently proposed mitigation measures do not adequately address the potential indirect effects from mineral workings on the ancient woodland which will remain in the proximity of the quarry extension. These include effects such as disturbance, light pollution, noise pollution, air pollution and changes in hydrology. Natural England's standing advice provides further information on the types of impact on ancient woodland likely to arise from development of adjacent land and we would expect these to be addressed and mitigated in so far as possible.
  - Most of the measures proposed by the applicant are aimed at minimisation of impacts on the woodland. They do not compensate for the land take which cannot be avoided. Given the exceptional land take which will happen if this development must proceed, our advice is that it would be justified for the planning authority to seek additional compensatory measures on a substantial scale, in the form of habitat management and new woodland planting.
86. The applicant has given further consideration to how he could seek to address NEs request for a compensation package which would represent enhancement and gain on the basis that the long term managed areas are likely to be far larger than the area of woodland being lost. Having regard to NE and KWT comments the applicant has sought to produce further enhancements, by way of a '2 for 1 replacement', to the compensation package in order to seek to address consultees concerns. The site proposed for quarrying is some 33ha in total. Whilst the site would be worked over a 23 year period, as set out in MPS1, mineral extraction whilst it can only be worked where it is found, it is considered nevertheless to be a temporary activity. The area is proposed to be worked on a phased

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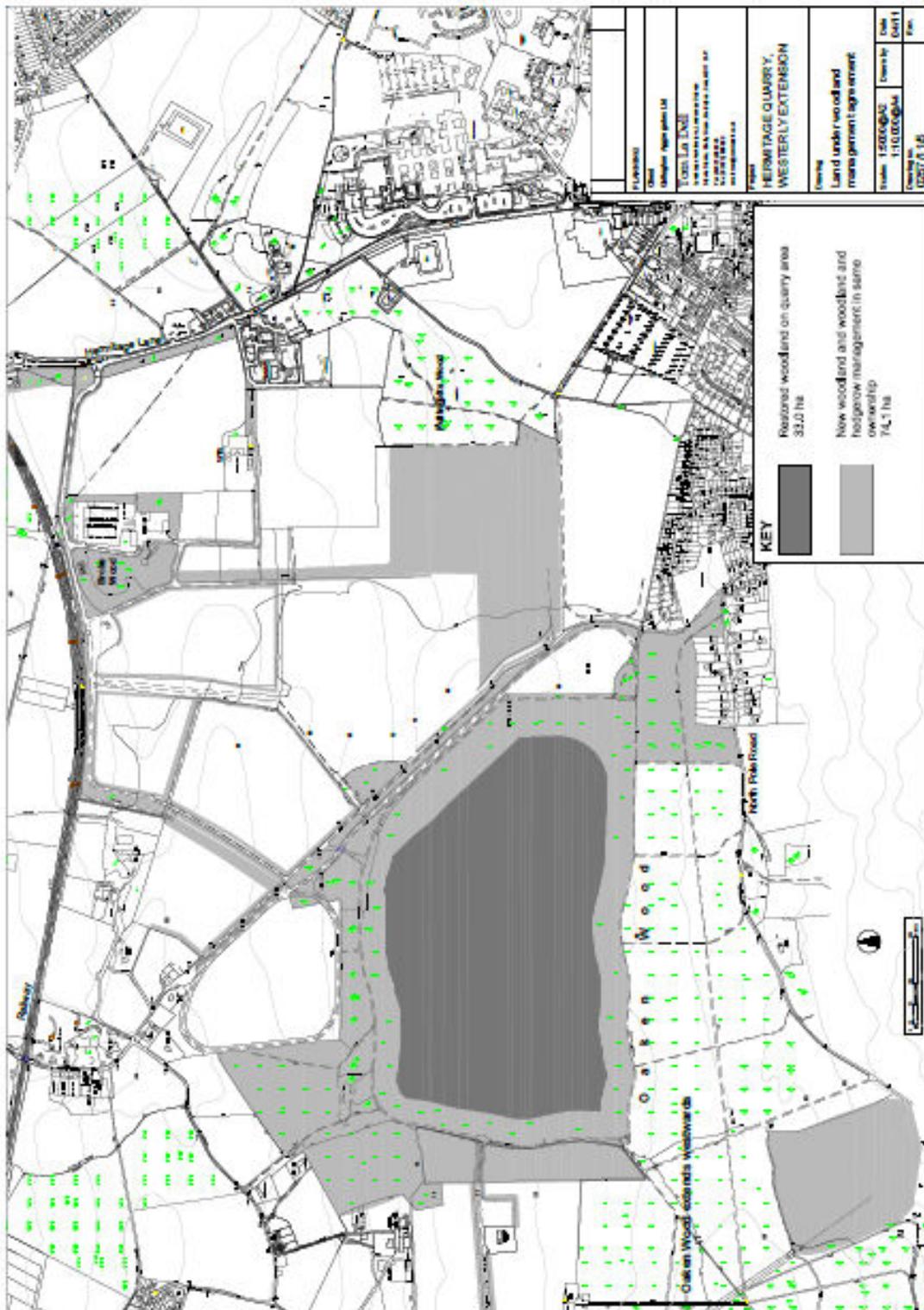
programme and would be backfilled and replanted on completion of each successive phase. The full 33ha would be restored and managed in the longer term. In addition to the restored quarry area, the applicant has sought to make provision for new woodland to be planted and managed along with the continued management of existing and recently planted woodland. Together this would total some 72.7 ha as indicated in the table below:

Table 1<sup>1</sup>

ITEM	Area (ha)	GAINS (cumulative, ha) (new habitats and suitably managed existing habitats brought in for enhanced nature conservation)
<b>Westerly extension</b>		
Quarrying in westerly extension	- 33	
Restored woodland on westerly extension	+ 33	Replacement of existing habitat area
<b>Connectivity with Oaken Wood</b>		
New woodland to be planted and managed	+ 26.6	26.6
Recently planted woodland to be managed	+ 4.3	30.9
Existing woodland to be managed	+ 41.8	72.7
Existing hedgerows connected to Oaken Wood		6.8km
<b>TOTAL GAIN (excluding hedgerows)</b>		<b>72.7 ha</b>

<sup>1</sup> Summary Analysis of Compensation dated 19 April 2011

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**Land Under Woodland Management Agreement**  
(Drawing number 0257/11/5)

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87. In considering the long term planting and woodland management offered as part of the proposal, I consider that what is proposed, at a total of 72.7 ha representing what would be an additional area to the application site to be incorporated under the long term management regime in itself is more than a 2 for 1 replacement. In my opinion this ratio represents additional compensatory measures on a substantial scale in the form of habitat management and new woodland planting. Also whilst they form part of the long term management package it is noted that the applicant has excluded the existing hedgerows at the site which in themselves represent a further 1.4 ha in total. Added to what the applicant identifies as a total gain, I consider that given the overall importance the existing hedgerows play in terms of connectivity and their importance in biodiversity terms, the total gain does in fact represent 74.1ha, not 72.7ha as indicated by the applicant. Overall the total area to be managed in the longer term, including the restored quarried area together with the additional compensatory areas amounts to some 107 ha, which in my view represent a positive benefit for the purposes of nature conservation.

**Nature Conservation and Ecology**

88. PPS9<sup>2</sup> advises that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities would need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternative sites, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

89. PPS9 recognises<sup>3</sup> that ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Specifically paragraphs 15 and 16 of PPS9 consider species protection and recognise that many species are afforded statutory protection.

90. The applicant has surveyed the site for protected species and provides in his submission proposed mitigation measures in the event that protected species presence is identified at the site and within the surrounding woodland following future surveys it is intended to undertake under the proposed phasing scheme. In order to take account of the 23 year life of the site and the way in which it is proposed to work it, the applicant accepts that in order for the site to be managed properly, the site would have to be appropriately surveyed prior to being worked in phases. The applicant has provided a strategy for mitigation for

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<sup>2</sup> Biodiversity & Geological Conservation (2005)

<sup>3</sup> (paragraph 10)

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protected species, the details for which are set out in the submitted Environmental Statement. It is proposed that the mitigation strategy for each phase of the quarry working would be planned and timed to be carried out at least two years before work commences on that phase. It is then proposed that a strategy would then be submitted to a management group, likely to consist of the key nature conservation interest groups, for their approval before any works may take place on site. Should Members be minded to grant permission such a group would need to be set up in advance of any quarrying activity and formally agreed under the terms of the legal agreement.

91. The strategy itself, would cover mitigation measures for the following:

- Badgers
- Bats
- Dormice
- Breeding Birds
- Reptiles and Amphibians

92. Concerns have been raised by consultees, as to any potential wildlife value of the planning application site. In particular, it was considered that protected species may be present on site. Species surveys have been undertaken at the planning application site, however the applicant accepts that in the event that planning permission be granted for ragstone extraction works, then the surveys would become out of date over the working life of the site. Following discussions with the County Council's own biodiversity officer, it was agreed that each phase would need to be surveyed prior to any works commencing in order to establish the most up to date information is recorded and which would ensure the most appropriate mitigation measures are agreed and put in place.

93. I am satisfied that provided any future permission is subject to a legal agreement in order to secure amongst other matters a management agreement which includes provision for safeguarding any protected species on site, having regard to advice in PPS9, biodiversity interests would be adequately mitigated. Accordingly in my view there are no overriding reasons for justifying refusal on nature conservation grounds.

**Landscape/Strategic Gap**

94. The application site falls within an area identified as the Strategic Gap and is subject to development plan policies seeking to maintain the open character of this designation free from built development. Objections have been raised on the grounds that the proposal would be contrary to these policies. The Applicant has provided detailed working and restoration plans to demonstrate any additional impacts above those already permitted would be minimal.

*Timescale for restoration*

95. Concerns have been raised that successful progressive restoration at this site is reliant upon available inert material to backfill the void left by extraction. Given the total volume of material it is intended to extract from the site over the 23 year life of the operations, this

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would also equate to the need for a similar volume of inert waste materials to be imported in order to restore the site (i.e. 16 million tonnes at a rate of some 700,000 tonnes per annum). Policy CA23 of the Kent Minerals Local Plan for Construction Aggregates requires that satisfactory working and reclamation schemes form part of an integral part of the proposal. The current permitted capacity in Kent for inert landfill amounts to some 24,000,000 tonnes with a known annual maximum capacity of some 890,000 tonnes per annum. This suggests that in terms of net self-sufficiency there is sufficient capacity within the County to handle the current arisings of construction, demolition and excavation CDE waste from Kent. The SEP indicates that the Thames Gateway districts of Dartford, Gravesham and Swale along with the district of Ashford are growth areas along with Maidstone and Dover. The major proportion of inert landfill capacity is located in the borough of Tonbridge and Malling representing a disparity between west and east Kent. The deficit of inert landfill capacity in east Kent could therefore be an issue that adversely affects the development and arguably additional landfill capacity to serve east Kent should not be discounted.

96. SEP Policy W4 on sub-regional self-sufficiency for waste states that a degree of flexibility should be used in applying the sub-regional self-sufficiency concept and where appropriate Planning Authorities should provide capacity for waste from London and from adjoining sub-regions (the sub-region that Kent falls into consists of Kent and Medway). The SEP does not use any growth forecast for CDE waste and keeps the annual arisings constant to 2025 for all the WPA areas and for the SE Region as a whole. The forecast of waste sent to landfill in Kent declining by 2026 to 260,000 tonnes and based on the current capacity of inert landfill in Kent suggests there is no need to provide for additional capacity over this period. However there are other considerations that need to be taken into account. Whilst the SEP assumes a share of CDE inert waste sent to landfill will decline, proportionally a large percentage of CDE waste is sent to landfill in Kent. Although CDE waste is costly to transport, Kent is near to London where there are limited opportunities for disposal. The quantity of London's CDE waste sent to Kent and Medway has increased in recent years to 521,000 tonnes in 2008. Kent's inert landfill and recycling sites have no planning restrictions on the origin of waste. The "re-use" of CDE waste has involved its use in development sites which are exempt from waste management permitting. The South East Plan forecasts assumed that the "re-use" of CDE waste on exempt sites falls from 34% to 30% but is only 21% in Kent and might not decline further. The capacity of "exempt sites" is not known and no provision for them can be made in the MWDF, as they are not 'county matter' developments. However the Environment Agency changed the way they deal with these exempt sites in 2010, meaning that many facilities that would have previously been able to obtain an exemption from permitting now fall within the permitting regime. The percentage of the CDE waste stream going to exempt sites is therefore likely to drop further. In my view this is also likely to make landfill sites such as that at Hermitage Quarry a more viable proposition. In this respect emerging policy in the MWDF in respect of inert waste infill seeks to support proposals where, amongst other matters, it can be demonstrated waste can be managed in a more sustainable way, for example the restoration of a mineral working. With regard to the future potential role that could be played from the additional inert waste capacity created at Hermitage Quarry, should permission be granted, I am mindful of the applicant's previous success in being able to attract sufficient volumes of inert waste to the site such that he has been able to progressively restore the site in accordance with the approved restoration scheme.

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Furthermore, up until last November he was also able to attract sufficient volumes of similar material to complete infilling and restoration of a nearby site at Workhouse Quarry, Ryarsh. This site, with a capacity of some 900,000m<sup>2</sup> (i.e.1.4mt) was progressively infilled over a period of 7 years. In my opinion the applicant was able to complete restoration at this site and also sustain the concurrent restoration at Hermitage Quarry due to the diverse nature of the Gallagher business enterprise which also operates separately as a civil engineering contractor transporting CDE waste arisings from major construction projects. This will in my view place the applicant at an advantage when competing for materials to restore Hermitage Quarry. I am confident therefore that provided any future permission is suitably conditioned which would reflect the maximum area of the site open at any one time this would provide the necessary controls to secure progressive restoration.

97. Prior to being able to progress into the next phase the applicant proposes to survey for nature conservation interests at the site and would be required to put in place any appropriate mitigation prior to any preparation for extraction works. This would effectively trigger the timescale for work to commence in the next phase. In order to ensure the site is progressively worked as proposed I am therefore of the view that this requirement could be covered by way of an appropriately worded planning condition in the event that Members resolve to grant permission.
98. Hermitage Quarry is an existing quarry which would remain operational until the proposed extension is fully worked and restoration commences in the main quarry floor. Given the commitment to progressively work and restore the site over separate phases throughout the duration of operations, in my view the proposal is not incompatible with the objectives of the Strategic Gap. I consider that provided environmental controls are maintained and that the site is progressively restored, the objectives of the relevant development plan policies which seek to safeguard this area from built development would not be compromised. Indeed in the longer term I am of the opinion, given the additional planting together with a commitment to its maintenance in perpetuity, this can only lead to an enhancement to the quality of this part of the strategic gap in landscape terms.

*Landscape*

99. MPG7 'Reclamation of mineral workings' provides guidance, amongst other matters, on the contribution which reclaimed mineral sites can make to the Governments policies for sustainable development, including maintaining the long term quality of the landscape and creating or enhancing sites for nature conservation.
100. The planning application site is located within Oaken Wood which forms part of the open countryside. To the north is the London – Maidstone railway beyond which is the residential and business areas of Ditton and Aylesford. To the east is the existing Hermitage Quarry and beyond Hermitage Lane are Maidstone, Allington and Barming. To the south east is Barming Heath and southwards beyond North Pole Road is the open country of the Weald. To the west of the site is woodland and open country extending towards the Mallings.
101. The application site lies within the Hermitage Farm Estate which totals some 230 hectares (ha) around the existing Hermitage Quarry. The farm is a combination of grazing for cattle and woodland with some arable and a well equipped complex of farm buildings

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and yard. Some of the grazing land was formerly quarry which has been restored with inert material to a very high standard with new hedgerows and fencing. Large areas of the estate are open to the public and footpaths, tracks and benches have been created for the benefit of walkers, cyclists and horse riders from the local community. The north eastern part of Oaken Wood which falls within the applicant's ownership and including the proposed extension area is subject to a Tree Preservation Order, TPO Ditton No.2 issued by the TMBC in February 1993. The TPO does not specify individual trees but relates to 'woodland consisting mainly of sweet chestnut coppice, with silver birch, oak, ash, hornbeam and hazel' and protects against the cutting down, uprooting, topping or lopping of a tree. TMBC stated that the grounds for making the TPO was, "Due to the significant amenity value of the woodland which is visually prominent in the landscape and which is a *site of nature conservation interest noted for its flora and birdlife.*"

102. The TPO extends beyond the boundary of the application area. The proposal in the application for woodland management to enhance both wildlife and woodland amenity extends beyond the application area to woodland within the applicants control therefore the MPA are requested to delete the restrictive requirements of the TPO in respect of not only the application area but also to enable the wider enhancement of the woodland. Any grant of planning permission for the proposed extension would supersede the TPO and allow the woodland to be managed as proposed. The applicant proposes a phased working and restoration programme over the life of the proposed area and has been designed to minimise the removal of woodland to take land in limited blocks as quarrying progresses across the site.
103. The TPO protects a monoculture of sweet chestnut coppice woodland and as such the applicant considers this to be a bar to providing a more natural and open woodland as proposed in the application. The applicant considers that the existing woodland should therefore be removed and replaced by the woodland management plan detailed in the application which could be secured by way of a planning condition and/or legal agreement as necessary.
104. Jacobs, the County Council's landscape advisors have emphasised the importance of the Landscape Character and the need to adequately ensure that the wider landscape impact is minimised from quarrying activity for the life of the site. Jacobs also emphasise the importance of the need to ensure that the restoration proposals recreate a sympathetic landscape.
105. The applicant proposes to work the in phases over a 23 year period in order to reduce the area open at any one time. Once each phase is complete, with the exception of the first phase (phase 8 on the plan), each section would be successively backfilled with inert material and then planted. In addition the applicant proposes to maintain a tree belt of between 50 and 70m around the planning application area for the duration of extraction.
106. The applicants have undertaken a landscape and visual appraisal of the proposed development which includes an assessment of the visual impact in the landscape when viewed from various locations surrounding the site considered most sensitive to the development. I do not consider there to be any significant impacts on the landscape from short, medium or long views given the woodland surrounding the proposed quarry would

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screen any quarrying activity. The medium distance views to the site appear to be concealed by landform and the woodland. I concur with the applicant's conclusion that the only long views would be from the North Downs, some 7 to 9km from the site. However in my opinion the distance is such that the proposed quarry would be insignificant in the wider landscape.

107. Having regard to the comments made by the County Council's landscape consultants Jacobs, in my opinion the mitigation measures proposed by the applicants represent a satisfactory balance when considered against other benefits that would be derived from the proposal. The phased approach to working the site, along with backfilling and planting proposals and the retention of a perimeter tree screen would in my opinion help screen quarrying when viewed at a distance. I do not therefore consider there are any overriding landscape objections to the proposal.

## **Blasting**

108. It is proposed by the operator to work the extension area in a similar manner to the existing quarry development. That is to loosen the deposit at the quarry face by blasting in a series of 15 metre terraces which would then be transported to the existing plant site area for processing. The optimum blast design may vary from blast to blast and would be decided by the quarry operator depending on the site specific conditions and in order to comply with the restrictions on maximum levels of vibration.

109. Government advice recommends that vibration from individual blasts should not exceed 12mm/sec ppv. when measured at vibration sensitive buildings. Average levels should not exceed 10mm/sec pp. and usually not be below 6mm/sec ppv, in 95% of all blasts. Accordingly conditions relating to blasting have been imposed on the latest planning permissions at Hermitage Quarry to reflect these recommended limits. The operator is required to provide the MPA with regular monitoring data to indicate levels of vibration on each day when blasting has taken place. To date this data has demonstrated that vibration levels continue to be well below the limits set and at times when the MPA have requested independent monitoring to be undertaken the readings obtained by Jacobs, have correlated with those provided by the operator.

110. Notwithstanding this, local residents concerns remain in relation to the damaging effects of blasting at the existing quarry site on their properties and are raised again as a matter of concern should the proposed extension gain future planning consent to operate for a further 23 years. In this context local residents have raised concerns over the potential cumulative effects and associated structural risk to their nearby properties should blasting be allowed to continue for the foreseeable future.

111. In support of the application, the applicant has submitted an Assessment of Environmental Impact of Blasting<sup>4</sup> upon which Jacobs, the MPAs vibration consultants, have been consulted. Jacobs have raised no objection to the proposal in relation to the blasting activity and advise that to date the monitoring of blasting at the Quarry, including

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<sup>4</sup> Assessment of Environmental Impact of Blasting, Vibrock Limited, Dated 14 April 2010

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monitoring undertaken by them on behalf of the MPA at properties where owners have requested independent monitoring, has shown blasts to be perceptible but well within the limits set by KCC.

112. Jacobs recognise that the current site has been subject to a number of complaints in the past due to the vibration from blasting associated with the quarry. When inspecting the operators blasting and monitored vibration records and also when conducting monitoring spot checks together with monitoring in response to complaints, vibration has at all times been recorded well within the limits set under the current planning consent. The current vibration limits set in the consent are well below, in percentage terms, the level of vibration where damage to property would be expected, they are however still perceivable at these levels. This indicates that proposed quarry operations should be subject to similar limits to that currently in operation which has demonstrated through a comprehensive assessment of the blasting operation that vibration levels will not be significantly above 2 mm/sec ppv at all properties even when the blasting is taking place during the closest quarrying phase. This level of 2mms/sec is significantly below the existing limits set and would not give cause for concern at the closest residential properties in terms of property damage or the possibility of cosmetic cracking of plaster or brickwork. The limit of 0.3mms/sec ppv at Maidstone Hospital is set under the present conditions and the proposed worst case blasting would result in levels of 0.28 mms/sec ppv marginally under the proposed limit.
113. This level of vibration would however be freely perceivable and with the attendant air overpressure would be likely to continue the cycle of complaints received from the properties in the vicinity.
114. Jacobs agree with the vibration assessments conclusions that ground and airbourne vibration would result in a negligible risk to structural damage upon the closest residential properties and the Maidstone Hospital, however reiterate that it is essential that good practice is followed throughout blasting operation in order to minimise nuisance.

*Perception*

115. It is recognised that the human body is sensitive to vibration and as a result blasting activity at the quarry incurs complaints. A person will generally become aware of blast induced vibration at levels of around 1.5 mms/sec, although under some circumstances this can be as low as 0.5 mms/sec. Even though such vibration is routinely generated within any property by day to day household activities and is also entirely safe, when it is induced by blasting activities it is not unusual for such a level to give rise to concern. Such concern is also frequently the result of the recent discovery of cracked plaster or brickwork that in fact has either been present for some time or has occurred due to natural processes.
116. The Vibrock report submitted in support of the proposal suggests that virtually all complaints regarding blasting arise because of the concern over the possibility of damage to owner-occupied properties and that such complaints are largely independent of the vibration level. Once an individual's perception threshold is attained, complaints can result from 3% to 4% of the total number of blasts, irrespective of their magnitude. Whilst it is considered that provided blast activity does not exceed the set limits, property damage would be considered unlikely. The applicant does however recognise that local residents

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concerns are likely to remain and have given some further consideration as to how they might address this aspect.

117. In this regard discussions have therefore taken place between the MPA and the applicant as to the merits of a revised working and phasing scheme. It is considered that the development phases as proposed could be revised in order that the application site could be worked in a manner which would commence in those phases closest to local residents (i.e. in North pole Road) and which would then gradually move north and thus further away in the longer term. This would also result in a break being created in the ragstone deposit along the southern boundary of the site between the blast site and nearest housing such that following the completion of extraction in this area, conditions would no longer exist which provide the potential for a continuous seam of ragstone between the site and these properties along which it could otherwise be argued vibration may be able to travel. In my view this would go some way to addressing local residents concerns such that any possible disturbance would be minimised in the longer term.
118. Blast monitoring results demonstrate that measurements taken at a variety of locations over the years show blasting to be well within prescribed limits and significantly below levels where it is considered cosmetic damage to houses may occur. This is documented in the independent noise report considered in the ES. Whilst the consistent results of monitoring will probably not alter public perceptions, local residents should be reassured by the measures taken by GAL and the regulators to minimise possible impacts from vibration and by the commitment to ongoing comprehensive monitoring of blasting at Hermitage Quarry.
119. The British Standards Institution have produced a document relevant to such a discussion entitled BS 6472-2: 2008, Guide to evaluation of human exposure to vibration in buildings, Part 2: Blast-induced vibration. This document discusses how and where to measure blast-induced vibration and gives maximum satisfactory magnitudes of vibration with respect to human response. Satisfactory magnitudes are given as 6 to 10 mms-1 at a 90% confidence level as measured outside of a building on a well-founded hard surface as close to the building as possible.
120. In recognition of local residents general concerns at blasting activity and of operations moving closer to houses in North Pole Road however, the applicant proposes to revise the direction of working the site in order to progressively move blasting activities away from properties. This would primarily involve working the south and east sections of the site in the first instance and then progressing in a northerly direction.
121. Notwithstanding the views expressed regarding blasting, I consider that provided levels do not exceed government guidelines, these issues do not represent an overriding objection to the proposals. However I would support a revised working scheme which would require the applicant to submit drawings demonstrating that operations could be carried out closest to properties early on in the phasing plans and progressing extraction in a northerly direction, This could be secured by way of a planning condition in the event that Members are minded to grant planning permission. In addition, I would support the continuation of independent monitoring arrangements already in place at this site, which could be secured by way of a formal legal agreement.

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**Highways Impact**

122. In order to continue operations at the site the applicant proposes access the Oaken Wood site via a cut-through which he estimates would take up to 6 months to undertake. Materials would be transported from the planning application site to the existing quarry plant area for processing. The applicant proposes to continue using the existing purpose built internal haul road and access currently facilitating the site. The existing number of vehicle movements associated with the Hermitage Quarry site would remain and is already controlled by way of a planning condition.

*Vehicle Movements*

123. Historically following previous applications for extensions at the site the applicant was asked by the Highway Authority investigate numbers of vehicle movements generated during peak hours including times when the quarry had reached maximum levels of production in the past. This information was requested to demonstrate whether or not there was any corresponding increase in movements at peak times of the day. The following periods were at that time of particular interest:

0800 hours and 0900 hours and  
1700 hours and 1800 hours

124. At the time, this enabled an assessment of any cumulative traffic impact on the junctions of A20/Hermitage Lane and on Junction 5 of the M20 at peak times of the day. At that time it was considered necessary to impose a restriction on the number of vehicle movements associated with the site. The applicant states in the supporting information for the current application that the proposed number of HGV movements to and from the site would not differ from that already generated by ongoing quarrying activities.

125. GAL currently generate an average of 260 movements per day. However, during times of high activity quarry operations reached a monthly average of 300 movements per day with absolute daily movements reaching 600 movements on occasions. Previously the applicant in response to a request by the Highway Authority on past applications at the site, submitted further information regarding the maximum number of HGV movements encountered at the quarry during times of high activity and in particular during the morning and afternoon peak hours of the day. The applicant was asked to further investigate numbers of vehicle movements generated during peak hours including times when the quarry has reached maximum levels of production in the past. Following the receipt of traffic data at that time, the DTM was satisfied that the quarry activities would not have a significant impact on the junction of Hermitage Lane and Junction 5 of the M20 during peak periods of the day. The DTM recommended at that time that a condition be imposed on any planning consent to restrict the maximum number of HGVs movements into and out of the site during any one calendar month to 30 (15 in and 15 out) in any one hour period between 7.30am and 9.30am and 4pm and 6pm. The DTM have been consulted on the proposal however to date has not sought to raise any objection in relation to highway matters. I have not received any complaints in relation to numbers of vehicles in relation to this site. I consider that provided a similar condition to that already in place at the site is imposed, the proposed development if permitted would not result in any unacceptable

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impact on the highway and can see no reason to justify refusing the application on highway grounds.

*Unsheeted Vehicles*

126. A number of local residents have expressed concern that on occasions debris falling from GAL vehicles have found their way onto the public highway. Notwithstanding a condition already imposed on the existing planning consent requiring all vehicles be sheeted before they leave the site, complaints have been received that un-sheeted vehicles have been seen using Hermitage Lane. The County Council have therefore written to Gallaghers formally reminding them of the terms of their current planning permission requirements and they have responded by issuing a reminder notice to all contract driver leaving the site that their vehicles should be covered before they leave the site. I would therefore recommend that as with the current planning permissions, a condition be imposed on any planning permission requiring all lorries carrying material to or from the site be sheeted. This would continue to be monitored closely by officers of the County Council.

**Other amenity impact**

127. Local residents have raised a number of concerns in connection to the proposed application, including the potential to cause noise dust nuisance. MPS2 (Annex 1: Dust), Policy CA18 Minerals Local Plan and W18 of the KWLP requires the MPA to be satisfied that dust can be adequately controlled or mitigated on mineral sites in order to avoid potential impact on neighbouring land uses and amenity.
128. Jacobs have been consulted on the supporting information in relation to noise and dust mitigation measures and have raised no objections on either grounds. In addition, Jacobs are satisfied that no adverse noise impact from proposed HGV movements to and from the site, is likely to occur. I am therefore satisfied that the proposal meets the requirements of policy ENV21 of the Kent Structure Plan and policy W18 of the KWLP.

**Socio Economic Impacts**

129. The applicant currently employs over 300 people of which some 50 are directly engaged in the aggregates business. The applicant further states that given Kent is an area of significant planned growth and regeneration over the next 20 to 25 years and this will in his view fuel demand for construction materials. The applicant draws attention to KCCs "Unlocking Kent's Potential" (2009) initiative which develops the Councils vision for the wider regeneration of the County and is a plan for growth and improvement in Kent. It also sets the framework as to how the County Council and its partners see delivery of the planned growth in areas such as Thames Gateway, Maidstone and Ashford, the growth in new housing units, meeting employment demands and provision of the necessary infrastructure that underpin regeneration.

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130. In his view in order to facilitate the forecast to accommodate an additional 5-6000 new houses and associated infrastructure there will be a significant and continuing demand for construction aggregates.
131. Members may be aware of an announcement made in the coalition government's Budget in March when the Chancellor of the Exchequer issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The Government's top priority is to promote sustainable economic growth and jobs, and as a fundamental means to achieve this considers the planning system has a key role to play by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. Government's clear expectation therefore is that there should be a strong presumption in favour of development except where this would compromise the key sustainable development principles set out in national planning policy. Having regard to supply, MPS1 is in favour of enabling the minerals industry, so far as is practicable, to secure productivity growth and high and stable levels of employment, which are central to long-term economic performance and rising living standards<sup>5</sup>

**Conclusion**

132. In terms of Kent's apportionment for the future supply of crushed rock, revised Policy M3 of the SEP seeks to secure a landbank of at least 0.78 mtpa sufficient for at least 10 years' production. Having regard to advice set out in MPS1, it is accepted that in pure landbank terms taking account of the remaining permitted reserves at Hermitage Quarry together with those which exist at Blaise Farm Quarry there is currently a sufficient landbank of permitted reserves to maintain the production of Kent's apportionment for ragstone for 10 years. Arguably the reserves at Blaise Farm alone would achieve this which will also last beyond the plan period for the KMWDF. However having regard to the further advice in MPS1 which advises that a large existing landbank bound up in very few sites should not be allowed to stifle competition, whilst Blaise Quarry remains a material consideration in the determination of this application, I consider the extent to which the reserves at Blaise is likely to play a major role towards meeting Kent's overall contribution for crushed rock remains questionable.
133. The applicant has carried out a study of alternative sites and having consulted with the County Councils own technical advisor I concur with the overall conclusion from the available evidence that there is no site that could provide a comparable or better alternative to that proposed in the application site in terms of quality of material. Neither in my view are there any sites comparable that could deliver the same yield per hectare over a similar area to the application site of which are either constraint free or offer lesser levels of planning constraint.
134. It is accepted that in the event that Members are minded to grant planning permission for mineral extraction at this site this would result in a direct loss of irreplaceable ancient woodland and also affect a LWS. Having regard to advice set out in PPS9, a proposed mitigation and compensation package has been offered by the applicant in order to seek to

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<sup>5</sup> Paragraph 15, Minerals Policy Statement 1

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offset this loss. In considering the long term planting and woodland management offered as part of the proposal in addition to the proposed restoration of the application site, I consider that what is proposed at a total of 72.7 ha is in itself more than a 2 for 1 replacement. In my opinion this ratio of habitat management and new woodland planting represents additional compensatory measures on a substantial scale. I am satisfied that provided any future permission is subject to a legal agreement in order to secure amongst other matters a management agreement which includes provision for safeguarding any protected species on site, together with the long term management of the restored application site along with the additional compensatory areas having regard to advice in PPS9, biodiversity interests would be adequately mitigated. Having regard to advice in MPS1, particularly in the context of the applicant's ASA, I am satisfied that on balance the applicant has demonstrated that a sufficient case of need exists which outweighs the loss of ancient woodland at the site. Further, notwithstanding the loss of this irreplaceable resource, in my opinion the mitigation and compensation package offered which in total would result in the long term management in perpetuity of some 107 hectares of a mixture of woodland, scrub, meadow and pasture, would be of positive benefit for the purpose of ecological and nature conservation. Accordingly in my view there are no overriding reasons for justifying refusal on nature conservation grounds.

135. Turning to other material considerations, having regard to the comments made by the County Council's landscape consultants Jacobs, in my opinion the mitigation measures proposed by the applicants represent a satisfactory balance when considered against other benefits that would be derived from the proposal. The phased approach to working the site, along with backfilling and planting proposals and the retention of a perimeter tree screen would in my opinion help screen quarrying when viewed at a distance. I do not therefore consider there are any overriding landscape objections to the proposal.
136. Notwithstanding the views expressed regarding blasting, I remain of the view that provided levels do not exceed government guidelines, these issues do not represent an overriding objection to the proposal. I support a revised working scheme which would require the applicant to submit drawings demonstrating that operations could be carried out closest to properties early on in the phasing plans and progressing extraction in a northerly direction. This could be secured by way of a planning condition in the event that Members are minded to grant planning permission. I would support the continuation of independent monitoring arrangements already in place at this site, which could be secured by way of a formal legal agreement.
137. In terms of highway impact, I have not received any complaints in relation to numbers of vehicles in relation to this site. The application would not result in any increase in overall vehicle numbers visiting the site to that currently generated. No comments have been received from the DTM therefore I consider that provided a similar condition to that already in place at the site is imposed, the proposed development if permitted would not result in any unacceptable impact on the highway and can see no reason to justify refusing the application on highway grounds.
138. Local residents have raised a number of concerns in connection to the proposed application, including the potential to cause noise dust nuisance. MPS2 (Annex 1: Dust), Policy CA18 Minerals Local Plan and W18 of the KWLP requires the MPA to be satisfied

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that dust can be adequately controlled or mitigated on mineral sites in order to avoid potential impact on neighbouring land uses and amenity.

139. Jacobs have been consulted on the supporting information in relation to noise and dust mitigation measures and have raised no objections on either grounds. In addition, Jacobs are satisfied that no adverse noise impact from proposed HGV movements to and from the site, is likely to occur. I am therefore satisfied that the proposal meets the requirements of policy ENV21 of the Kent Structure Plan and policy W18 of the KWLP. I therefore recommend accordingly.

**Recommendation**

140. I RECOMMEND that SUBJECT TO no direction to the contrary from the Secretary of State; PERMISSION BE GRANTED subject to the prior satisfactory completion of a legal agreement to secure the Draft Heads of Terms set out under Appendix 4 and conditions covering amongst other matters, the standard time condition, noise and dust controls, hours of working, scheme of working and restoration, blasting regime, lorry sheeting, imposition of maximum number of HGV movements during any one calendar month to 30 during peak hours, a restriction on the highest monthly average of vehicle movements to 300 with no single day exceeding 600 movements (300 in/300 out), depth of working and ground water monitoring and archaeological evaluation;

Case Officer: Angela Watts
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Background Documents: See Section Heading
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**APPENDIX 1**

KENT COUNTY COUNCIL  
PLANNING APPLICATIONS GROUP

**MEMBERS' BRIEFING NOTE** for SITE VISIT ON TUESDAY 7 December 2010 AT 2PM AT HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD, KENT (MR 717 556)

APPLICANT: - GALLAGHER AGGREGATES LIMITED

LOCAL MEMBER(s) NOTIFIED: - Mrs T Dean, Mrs P Stockell and Mr P Homewood along with adjoining Members: Mr D Daley, Mr M Robertson, Mrs V Dagger, Mrs S Hohler and Mr R Long.

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**Site Description**

1. The existing Hermitage Quarry lies within the strategic gap between Allington, to the east, the village of Aylesford, to the north and Barming Heath to the south. It forms part of the 230ha of the Hermitage Farm Estate and comprises agricultural land and woodland as well as the quarry itself. The existing quarry has a purpose built access onto Hermitage Lane (B2246), leading to the A20 and M20 at junction 5.
2. Operational since 1990 Hermitage Quarry was originally granted permission in September 1989 under ref. TM/88/295 and following subsequent extensions to the site, now currently operates under planning permission reference (TM/05/2784), known as the Eastern Extension. As part of the overall working plan, permission remains to be worked within a 'Western Extension' permitted under consent reference TM/07/4294. The applicant estimates that at its current production rate the existing permitted reserves would be exhausted within 4 years.
3. The Quarry is one of only two ragstone quarries within the County, the other being located at Blaise Farm, West Malling. A site plan is attached.

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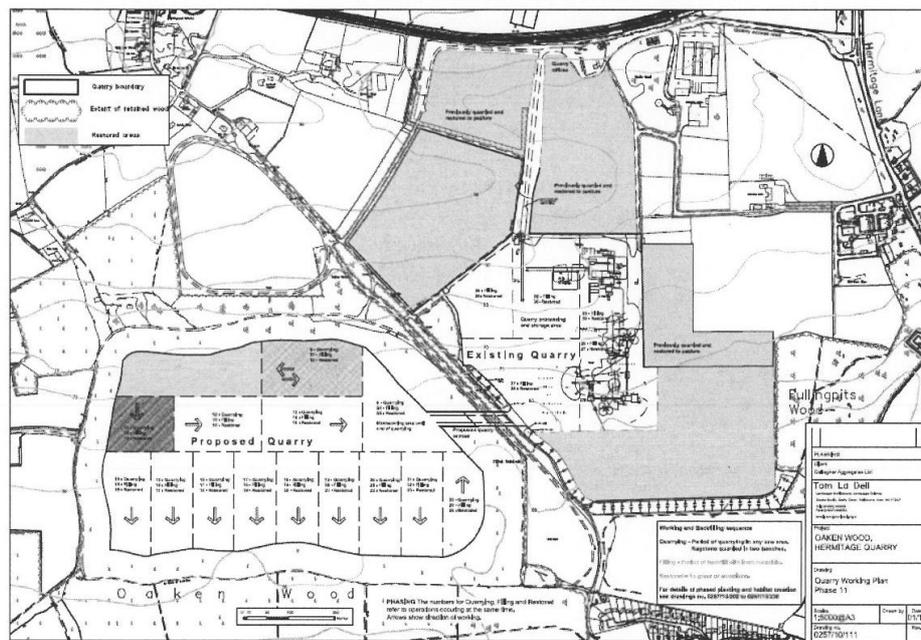
**Current Proposal**

4. The applicant proposes to extract 16,210,000 tonnes of ragstone from the application site over a period of 23 years. It is proposed to backfill the site to original levels, along with the creation of new native broadleaved woodland on the restored quarry phases. Final restoration would be complete by 2037.
5. The planning application site falls within an area known as Oaken Wood which comprises 240 hectares (580 acres) of woodland which would form a further major western extension to the quarry complex. At 33 hectares (78 acres), the application site forms 14% of the total Oaken Wood area. Following the completion of permitted extraction operations at the existing quarry, the applicant seeks to extend quarrying operations into Oaken Wood using the existing processing equipment and methods currently employed on site. The existing internal haul road, weighbridge facilities, office accommodation and access onto Hermitage Lane would be retained for the life of the site.
6. It is proposed that the site would be worked in a phased manner and which would follow extraction of reserves permitted under planning consent reference

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TM/03/2785 (western extension). In order to achieve access from the existing quarry into the proposed site the operator is proposing a cut into the western area and would provide a cover bridge in order to maintain the existing byway, gallop and wildlife corridor which crosses at this point.

7. It is then proposed to work the site in a number of phases, as shown below. The applicant proposes that once a sufficient working area has been established, infilling and restoration would take place progressively behind to original ground levels using imported inert materials. The restored woodland would then be subject to long term management.
8. The planning application area would be accessed from the existing quarry to the east and into phase 8. This particular phase would remain open for the life of the extension for the purposes of access however the remainder of the area would be quarried, backfilled with inert material and restored in a way which would require for example phase 9 to have been backfilled and restored by the time extraction would take place in phase 12 (see drawing below). It is proposed that a 60m wide tree belt be retained around the proposed site in order to provide screening.



9. Prior to extraction, material would need to be loosened by blasting. It would then be loaded onto vehicles and taken to the existing processing plant located at the main Hermitage Quarry site. Finished products would be exported from the site by HGVs via the existing weighbridge facilities on site. Vehicles would be sheeted prior to leaving the site via the existing purpose built internal haul road and out onto Hermitage Lane. No changes are proposed to the existing quarry operating hours, which are between 0700 hours and 1800 hours (Monday to Friday) and 0700 hours and 1300 hours on Saturdays. HGV movements, which are currently restricted to a combined total of 300 movements per day with the number of movements on any single day not exceeding 600 movements would remain as existing with no more than 30

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movements during the morning and evening peak periods (i.e. 0730 hours to 0930 hours and 1600 hours to 1800hours).

### *Habitat Creation Field*

10. As part of the overall mitigation and compensation package for working part of Oaken Wood, the applicant proposes to transform an area of land on North Pole Road into a new wildlife area. The 9 ha arable field would include the creation of native woodland, scrub and meadow habitats with a new pond and would provide, in the applicants view, an immediate and significant nature conservation enhancement compared to the existing arable use. These habitats would be provided for the translocated reptiles from the application area. Work on the Habitat Creation Field would commence within a year should planning consent be granted.
11. The applicant considers that there are no other comparable reserves elsewhere in the County that could meet the specification currently found at the planning application site.

### **Development Plan Policies**

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13. The National and Development Plan Policies summarised below are relevant to the consideration of the application:

**National Planning Policy** – National Planning Policies are set out in MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction in England), PPS 1 (Delivering Sustainable Development), PPS 5 (Planning for the Historic Environment), PPS 7 (Sustainable Development in Rural Areas), PPS 9 (Biodiversity and Geological Conservation), PPS 10 (Planning for Sustainable Waste Management), PPS 23 (Planning and Pollution Control) and PPS 25 (Development and Flood Risk).

**Regional Planning Policy** – the most relevant Regional Planning Policies are set out in RPG9 and the emerging South East Regional Waste Strategy.

**The South East Plan (May 2009)** - These include Policies SP1 (Sub-regions in the South East), CC1 (Sustainable development), CC2 (Climate change), NRM1 (Sustainable water resources and groundwater quality), NRM2 (Water quality), NRM5 (Conservation and improvement of biodiversity), NRM7 (Woodlands), NRM9 (Air quality), NRM10 (Noise), W3 Regional self-sufficiency), W4 (Sub-regional self sufficiency), W5 (Targets for diversion from landfill), W14 (Restoration), W16 (Waste transport infrastructure), C4 (Landscape and countryside management), M1 (sustainable construction), M2 (recycled and secondary aggregates), M3 (primary aggregates), M5 (safeguarding of mineral reserves), C6 (countryside access and rights of way management) and BE6 (Management of the historic environment).

**Minerals Local Plan 1993** - Policies CA16 and 18 -23 incorporate the County Council's requirements for the detailed control of mineral site.

**Kent Waste Local Plan (Adopted March 1998)** - W18 (noise, dust, odour and other emissions), W19 (Protection of surface and groundwater resource

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interests), W21 (protection of earth science and ecological interests of the site), W31 (landscaping scheme will be an integral part of the development) W32 (restoration)

**Managing Development and the Environment DPD adopted April 2010 -**

Policy CC1 (Sustainable Design), Policy CC2 (Waste Minimisation), Policy CC3 (Sustainable Drainage), Policy NE1 1 (Development that adversely affects either directly, indirectly or cumulatively a Local Wildlife Site (LWS), will not be permitted unless it can be demonstrated that the benefits of the development override the need to safeguard the nature conservation value of the site and that adverse impacts can be adequately compensated), Policy NE2 (Habitat Networks), Policy NE3 (Impact of Development on Biodiversity), Policy NE4 (Trees, hedgerows and woodland Policy), SQ1 (Landscape and Townscape Protection and Enhancement), SQ6 (Noise), SQ8 (Transport).

**Local Member**

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14. The Local County Members Mrs T Dean, Mrs P Stockell and Mr P Homewood along with adjoining Members, Mr D Daley, Mr M Robertson, Mrs V Dagger, Mrs S Hohler and Mr R Long were notified of the application on 6 August 2010.

**Publicity**

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15. The application was publicised by the posting of site notices, advertisement in the local newspaper and individual notification of 256 neighbouring properties.

**Consultees**

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16. Consultees include:

Tonbridge and Malling Borough Council, Maidstone Borough Council, Ditton Parish Council, Aylesford Parish Council, Barming Parish Council, East Malling & Larkfield Parish Council, CPRE (Protect Kent), DEFRA, EDF, English Heritage, Environment Agency, GOSE, Health protection Agency, Highways Agency, Kent Wildlife Trust, Natural England, Network Rail, The Ramblers Association, Union Railways, Mid Kent Water, Biodiversity Projects Officer, Environmental Management (Public Rights of Way), Heritage and Conservation (County Archaeologist & Conservation Officer), Jacobs (vibration, landscaping, noise, dust & odour), Kent Highways and Policy Group.

The final views of consultees are awaited.

**Summary of Representations**

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17. To date over 1300 letters of representation have been received, the majority of which are standardised letters. A petition has also been received with 1,116 names and addresses included. Issues raised include the following:

Loss of Ancient Woodland

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- Ancient Woodland is a unique and irreplaceable habitat which supports many species of conservation concern
- Once the Ancient Woodland is lost, it cannot be recreated
- A number of plants found in Oaken Wood support ancient woodland habitat
- Loss of ancient landscape
- Impact on wildlife and protected species (bats, hedgehogs, dormouse, badgers)
- The site is covered by Tree Preservation Orders

### Need

- Given current reserves available from nearby Blaise Quarry, is there any real need to permit a further extension into Oaken Wood?
- If the quality of ragstone is so good, why use it as aggregate and for road building? This is not sustainable.
- The economic case for quarrying ragstone and aggregate is poor and has been undermined by the abolition of the South East Plan (Note this has since been reinstated)
- Ragstone is not viable building material

### Loss of Amenity

- Loss of quality of life and local amenity
- Impact of vibration from blasting on nearby properties
- Dust nuisance generally from the day to working of the quarry
- Dust impacts on health of local residents
- Noise generated from the existing crushing plant
- Noise nuisance generated from vehicles moving material within the quarry
- Noise impact from vehicle reversing beepers
- Traffic impact on Hermitage Lane
- Loss of recreation space for local residents

Over 20 letters of support have been received and can be summarised as follows:

- Only producer in the County of good quality ragstone
- Sterilization of quality ragstone reserves should permission not be granted
- Having a central quarry providing primary, recycled aggregates, concrete and a tipping facility for inert materials is key to the commercial viability of construction projects in Kent
- Quality ragstone is required for restoration projects as well as for repairing and creation of new roads
- Alternatives for quality material would only be available from the Mendips and Midlands which would increase the carbon footprint and be more costly to import to Kent
- Also have a significant recycling operation which gives an alternative supply into the market
- The operator has invested heavily in plant and equipment to provide an efficient and professional operation
- Key local employer. Should the quarry close there would be a loss of local jobs as well as further impacts on other local companies who currently have business links with the Quarry
- The operator has a good track record for quality restoration and managing ecology

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- The planning application area is not a countryside park but privately owned by the operator

**Determining Issues**

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18. In considering the above application, the County Council will need to examine the proposal in the light of national and regional guidance, together with the appropriate development plan policies relevant to the site along with any other material considerations.
19. Having established the Ancient Woodland status of the area the County Council must have regard to the principles set out in PPS9, which advise that planning permission should not be granted for development that would result in the loss or deterioration of ancient woodland unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. It is therefore necessary for the County Council to consider whether there is a need for further ragstone reserves on the basis of the case put forward by the applicant, which would outweigh the loss of ancient woodland.

Case Officer: Angela Watts	Tel: 01622 221059
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**TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent**

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**Site Visit Notes**

**APPENDIX 2**

**APPLICATION TM/10/2029 – PROPOSED WESTERLY EXTENSION TO HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD.**

NOTES of a Planning Applications Committee site visit to Hermitage Quarry, Aylesford on Tuesday, 7 December 2010.

MEMBERS PRESENT: Mr R E King (Chairman), Mr R E Brookbank, Mr A R Chell, Mr J D Kirby, Mr R A Pascoe, Mr C P Smith, Mr K Smith and Mr A T Willicombe. Mrs P A V Stockell was also present as a Local Member.

OFFICERS: Mrs S Thompson, Mr M Clifton and Miss A Watts (Planning); and Mr A Tait (Legal and Democratic Services).

THE APPLICANTS: Gallagher Aggregates Ltd (Mr P Gallagher, Mr N Yandle) with Mr M Hare (Civitas Ltd) and Mr T La Dell.

MAIDSTONE BC: Ms A Marks (Planning)

SAVE OAKEN WOOD ACTION GROUP: Mrs S Cooper and Mrs A Pyman

- (1) The Chairman welcomed everyone to the site visit. He explained that its purpose was for the Committee Members to familiarise themselves with the site prior to the public meeting that evening.
- (2) Mr Clifton introduced the application by saying that the site had been operational since the early 1990s. The applicants estimated that at current production rates, the existing permitted reserves would be exhausted within 4 years.
- (3) The application site comprised 33 hectares of woodland (within 240 hectares of woodland overall), forming a further western extension to the quarry. The proposal was for the extraction of 16 million tonnes of ragstone over a period of 23 years at a rate of approximately 700,000 tonnes per annum. The site would be worked over 15 phases with restoration of the exhausted extraction phase taking place as the next two phases were being worked.
- (4) The applicants intended to screen the workings with a 60 metre wide tree belt. Further off-site mitigation would be provided in the area of North Pole Road in the form of an arable field including native woodland and provision for the translocation of reptiles.
- (5) Hours of working would continue to be 0700 to 1800 Monday to Friday, 0700 to 1300 on Saturday with no working on Sunday. There would be no more vehicle movements than at present (a maximum of 600 per day).
- (6) Mr Clifton then said that Natural England had raised an objection on the grounds that the application site constituted 14% of an Ancient Woodland. The determining issue was therefore likely to be whether the need for the ragstone reserve was sufficient to outweigh the loss of ancient woodland.
- (7) The restoration scheme would involve stockpiling top soil and placing it over non-putrescible waste, bringing it back up to current levels.
- (8) Mr Clifton concluded his presentation by saying that some 1500 letters of objection had been received, together with a petition containing 1200 signatures. The principal concerns were loss of ancient woodland, loss of

**TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent**

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amenity and permissive footpaths, noise, dust and blast vibration.

**Members were then transported to a vantage point overlooking the current workings.**

(9) Mr Robertson asked whether the applicants would be asked to agree to a binding undertaking that they would backfill the site.

*Mr Clifton replied that the applicants had stated that they intended to progressively work and restore the site in 15 phases with 3 being worked at any one time. They would be required to strictly adhere to this condition if permission were granted.*

(10) Mr Hare (Civitas Ltd) pointed out to Members the point where it was intended to cut through into the proposed Western Extension. He also answered a question from Mrs Cooper (Save Oaken Wood Action Group) by saying that 30% of the Oaken Wood Trust area was owned by the Gallagher Trust.

(11) Mr Clifton said that blasting usually occurred twice or three times each week. He added that quarrying would take place no nearer than 260 metres from the nearest properties. This was the same distance as present operations.

**Members were then transported to the area of the application. They were taken to a marked point 60 metres into the woodland, where the tree belt would begin.**

(12) Mr Clifton pointed out the centre of the proposed quarrying area. He explained that the public byway would not be affected by the application and that people would be able to walk to the water tower. Meanwhile, the bridleway would be diverted for the lifetime of the operation along a circular route around the site.

**Members were then driven around the entire area of the proposed extension.**

(13) The Chairman thanked everyone for attending. He looked forward to the public meeting that evening, when people would be able to make their contributions in detail.

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**Public Meeting Notes**

**APPENDIX 3**

**APPLICATION TM/10/2029 – PROPOSED WESTERLY EXTENSION TO HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD.**

NOTES of a Planning Applications Committee public meeting at Oakwood House, Maidstone on Tuesday, 7 December 2010.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr A R Chell, Mr C Hibberd, Mr M B Robertson and Mr K Smith.

OFFICERS: Mrs S Thompson, Mr M Clifton and Miss A Watts (Planning); and Mr A Tait (Legal and Democratic Services).

THE APPLICANTS: Gallagher Aggregates Ltd (Mr N Yandle) with Mr M Hare (Civitas Ltd) and Mr T La Dell

ALSO PRESENT were some 200 members of the public.

- (1) Members visited the application site shortly before the public meeting. Notes of this visit are contained in a separate document.
- (2) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to listen to local views on the application. The application would not be determined by the Committee until February 2011 at the earliest.
- (3) Mr Clifton introduced the application by outlining the site history. Since becoming operational in the early 1990s, it had been the subject of a number of applications to extend operations. Permission had been granted for quarrying in the area known as the Eastern Extension in 2007. The applicants estimated that at current production rates, the existing permitted reserves would be exhausted within 4 years.
- (4) Mr Clifton then described the application itself. This was for the quarrying of some 16 million tonnes of ragstone over a period of 23 years at a rate of approximately 700,000 tonnes per annum. The application area itself comprised 33 hectares of woodland (within 240 hectares of woodland overall), forming a further western extension to the quarry. The site would be worked over 15 phases with restoration of the exhausted extraction phase taking place as the next two phases were being worked. Only three phases would therefore be active at any one period.
- (5) Restoration would be to original ground levels, together with the creation of new broadleaved woodland. The workings would be screened by a 60 metre wide tree belt. Further off-site mitigation would be provided in the area of North Pole Road in the form of an arable field including native woodland and provision for the translocation of reptiles.
- (6) The method of working would involve blasting to loosen the material, which would be transported to the plant site area. Hours of working would continue to be 0700 to 1800 Monday to Friday, 0700 to 1300 on Saturday with no working on Sunday.
- (7) Mr Clifton then said that some 1500 letters of objection had been received. The principal concerns were loss of amenity, loss of ancient woodland, noise, dust and the effect of blasting. There had also been letters of support which described the site's high quality aggregates that would otherwise need to be imported from as far afield as the Mendips.
- (8) Mr Clifton then informed the meeting that Natural England had raised an objection on the grounds that the

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application site constituted 14% of an Ancient Woodland.

(9) Mr Clifton concluded his presentation by saying that a major factor in the determination of the application would be whether the applicants were able to satisfy the Planning Authority that the need for the ragstone reserve was sufficient to outweigh the loss of ancient woodland. All comments made in respect of the application would be taken fully into account.

(10) The applicants confirmed that they were in agreement with the content of Mr Clifton's presentation. The Chairman invited comments from the public, which are summarised below:-

(a) A resident from Rede Wood Road, Barming said that his house rattled whenever a blast occurred. It was sufficient to wake him up and sometimes happened five days a week. He compared his property to a bomb zone and asked why the applicants should be permitted to continue to cause such disturbance for another 23 years. He asked whether he could claim compensation.

*Mr Clifton replied that KCC had set a maximum level of peak particle vibration at 6 mm per second. This was half the level required by the Government. The applicants were required to monitor these levels and to let KCC see the results. In addition, KCC undertook independent monitoring whenever there was a complaint. He offered to arrange for such monitoring to take place in this particular case. It was also possible that the effects described arose from air over-pressure (for which no limits were set).*

(b) Mr Peter McMillan (CPRE) said that restoration schemes could take years to complete. He asked what guarantee could be given that the applicants would not simply submit an application for an overriding development. Would the applicants be asked for a Section 106 restoration guarantee to ensure that this did not happen.

*Mr Clifton replied that a Section 106 Agreement would not be required as KCC would be able to condition any permission. These conditions would require proper restoration (including original ground levels and woodland).*

(c) A resident from North Pole Road said that he had read the Gallagher company accounts and that they had indicated that the demand for aggregates was in decline due to the recession. This was likely to continue in the light of the Comprehensive Spending Review and cuts. Gallaghers were only just now starting to quarry the Western Extension, where there were still four years worth of supplies. Given these circumstances, it was far more difficult to justify the destruction of ancient woodland. He also explained that the term "Ancient Woodland" did not refer to the trees, but to the soil.

*Mr Clifton replied that the demand issue was fundamental to the determination of the application. KCC Planners had to think on a long-term basis and to assume that the recession would eventually come to an end. He added that the South East Plan had specified a figure for ragstone that Kent was expected to plan for.*

(d) Mrs Simpson from Tonbridge and Malling BC informed the meeting that the application had been discussed at a recent Local Forum meeting. This meeting had focussed on three areas. The first of these was demand. She believed that the South East Plan was no longer a valid document and that the Minerals Plan 1993 was out of date. There was consequently a need to undertake a careful study of what the demand actually was. She considered that the application had been put in too soon, before a proper long term perspective could be developed.

The second question was how the woodland could be retained. She had been encouraged to hear that the land was to be held in trust and asked for a guarantee that this was the case.

The third question was why the woodland could not be retained for chestnut coppicing rather than as mixed woodland. If this did not happen, the area in question would not be productive in any way once the quarrying operation had finished.

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Mrs Simpson also said that she was very happy with the recycling opportunities that this application provided and suggested that this might alleviate some of the waste disposal difficulties in the Mid Kent area.

*The Chairman informed the meeting that the Secretary of State's decision to revoke the South East Plan had been successfully challenged in the High Court. As a result, the Plan continued to be a material planning consideration.*

*Mr Yandle (Gallagher Aggregates Ltd) confirmed that the land in question was owned by a charitable trust and that it was the intention that Mr Gallagher's children would continue the land restoration work. Mr Gallagher was very proud of the estate and wanted to ensure that the woodland was restored in the future.*

*Mr Clifton said that the County Council had to determine planning applications when they came forward. It was not open to the Council to reject it on the grounds of prematurity. They would need to determine it based on the existing development plan (including the Minerals Local Plan). The reason that the applicants had proposed restoration to broadleaf woodland was because they believed that this would enhance biodiversity and because the demand for chestnut coppicing had diminished. He noted the view from a member of the public that demand was on the rise and that chestnut wood was now being exported. He concluded by saying that the question of the appropriateness of the restoration arrangements had been put to KCC's consultants.*

(e) A resident from Rede Wood Road said that less than 1% of the ragstone quarried was used for heritage projects, whilst the rest was crushed and used as aggregate. He said that there was nothing sustainable about producing aggregates for roads. He then asked how the vibrations from blasting could be described as "air over-pressure" when the belongings in his house fell over whenever there was a blast despite the windows being closed. He added that a representative from Gallaghers had indicated that the quarrying operation would have a negative impact on all local properties.

*Mr Clifton said that there was demand for ragstone both for heritage and construction purposes. In terms of sustainability, it would be better to use aggregate from Kent for road construction rather than transporting it in from the Mendips.*

*Mr Clifton then repeated the offer that KCC would independently monitor blast vibrations for local residents who had complained.*

(f) An engineering geologist said that she was involved in a strategic stone study for English Heritage. She supported the application because there was a shortage of ragstone of sufficient quality in Kent to enable the building heritage of the County to be preserved.

(g) Another North Pole Road resident said that Gallaghers had been monitoring the effects of blasting on his property for the previous six months. Each blast had registered on the machines. Meanwhile his chair had shaken and his windows rattled. He asked what the difference was in terms of sustainability between importing ragstone from the Mendips and exporting it. He added that it was impossible to replace ancient woodland.

*Mr Clifton replied that latterly the blast vibration levels had been well below those conditioned in the planning permission. The proposed excavation area was no nearer local properties than was currently permitted. He also explained that there was no intention on the part of the applicants to export ragstone outside the county.*

(h) A resident from Eastfields said that the applicants were justifying their case of need on the basis of the figure of 1.2 million tonnes per annum set out in the South East Plan 2009. This figure had, however, been reduced by 35% in March 2010 and the Government was now expected to reduce this figure by a further 19%. This would lead to the proposed Eastern Extension being in operation for 40 rather than 23 years and indicated that the level of need was not as great as the applicants were saying and would even be further diminished if secondary aggregate recycling levels were to grow.

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*Mr Clifton agreed that the figures in the South East Plan had varied as a result of a downturn in demand. The Planners would need to carefully consider both the level and quality of reserves in the light of a number of factors. These included the need to ensure that there was a sufficient land bank in the event that demand picked up again. He confirmed that secondary aggregate recycling was a factor that the Planners were considering, whilst pointing out that secondary aggregates could not match higher quality special indigenous materials at the top end of the market.*

(i) Mrs Cooper from the Save Oaken Wood Action Group said that local recycled aggregates represented a better option for the County. She then said that although there were Government guidelines on blast vibration levels, there was no study of the long term effects on people and properties. The residents of Barming felt the blast vibrations several times each week and the Planning Authority should consider the cumulative effect over the period of 40 years that it was likely the operation would last.

*Mr Clifton said in reply that the Government guidelines on blast vibrations were based on empirical evidence gathered over a long period. The Government's advice was that 12mm per second was acceptable, whereas KCC's conditions specified 6mm per second. He added that Government advice referred only to ground vibration and did not include air over-pressure. He noted a comment from the audience that the levels had been set lower than 6mm per second for the Hospital and said that this was to protect the hospital's equipment rather than the building itself.*

(j) A local resident asked whether the Planners' report would consider the cumulative effect of ground vibration and air over-pressure.

*The Chairman said that he would ask the Planners to look into the question of air vibration as well as the effect of blasting on houses.*

(k) A spokesman from Jackson Civil Engineering said that there was a need for products from Hermitage Quarry. This was because they were affordable and reduced the carbon footprint by avoiding the need to import them into the County. The quarry was the most impressively run quarry he had ever seen.

(l) A resident from Tonbridge Road said that she had been able to collect 2 to 3 tonnes of ragstone simply by surfing skips or Tovil Tip. She added that although there was no Government guidance on over air pressure, it was acknowledged that studies carried out since the 1960s demonstrated that simple road traffic could cause damage to properties as well as health (in the form of stress and related illnesses). She then said that translocation was not always in the best interest of the reptiles. This needed to be closely examined as every species of bat and lizard was protected by European Law and English Biodiversity targets. She believed that the level of demand for chestnut was likely to increase and said that dormice were particularly keen on chestnut coppices. The native fungi thrived in this area, to the extent that there were several hundred native species. They would be impossible to reproduce in a mixed woodland. There would be a greater demand for wood as wood-burning stoves became more popular.

*The Chairman thanked her for her contribution and confirmed that biodiversity was a very important factor. The views of the Kent Wildlife Trust were always sought and valued. The County Council meeting on 16 December 2010 would be discussing a report from its Renewable Energy Select Committee. One of its recommendations was to drive forward coppiced woodland as a renewable resource.*

(m) A representative from a company that supplied machinery to Gallagher Ltd said that they were held up as a leading light in the quarrying industry. In order for the UK to come out of recession, it was vital that companies such as them were able to grow and sustain their business. The Institute of Quarrying rated Gallaghers very highly in terms of environmental management and sustainable development.

(n) A representative from the Woodland Trust said that ancient woodland was irreplaceable. The proposal to quarry 33 hectares (14%) would represent a direct loss. There would also be indirect loss and damage to the

**TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent**

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remaining 86% as a result of changes in light, noise, dust levels and hydrology. She asked the Committee to bear in mind that the provisions of PPS 9 (Biodiversity and Geological Conservation) referred to both loss and deterioration.

(o) A local resident said that an application for an extension to Hermitage Quarry had been turned down in 1995 due to the lack of need for the development. Today, need for the materials was decreasing rapidly. He said that no one had yet mentioned nearby Blaise Farm which had reserves of 30 million tonnes and was scheduled to last a further 40 years.

He then said that blast vibrations travelled through the rocks, the depth of which rose as you travelled in a northward direction. So the further north (and nearer to Barming) that was quarried, the closer they were to the surface. If the phased operations were to commence at the north end, the vibrations would be felt in North Pole Road. If on the other hand they were to start at the southern end, the vibration effects would be mitigated.

He then said that oak trees would need two gallons of water per day in order to grow. The Millennium Project Oaks had only grown by 9 feet in ten years due to lack of water. He therefore warned that oak trees should definitely not be part of the restoration scheme.

*Mr Clifton agreed that the refusal in 1995 had occurred for the reasons described. The large land bank of aggregate reserves at Blaise Farm was a factor in that the applicants would need to demonstrate that there was a case of need in that context. He would also approach the County's advisers to ask whether it was more appropriate to measure ground vibration at ground or bedrock level. If permission were to be granted, KCC would look to ensure the long term maintenance of those trees that were planted. KCC's Landscape experts had already been asked to comment on this matter.*

(p) A local resident asked whether the application should be considered as an extension to the existing development or as a completely new development.

*Mr Clifton said that it was seen as an extension to an existing quarry because access would be through a tunnel cut through the boundary of the existing workings. In planning terms, the description made no difference to the way in which the application would be determined.*

(q) A local resident said that she was concerned about the protected species. She asked whether research had been undertaken into what happened when species were translocated from an ancient woodland to an alternative area. It was her understanding that they died out. She asked whether the new area would be linked to the existing habitats.

*Mr Clifton confirmed that this was an important issue and that advice on it was being sought from Natural England and the Kent Wildlife Trust.*

(r) A resident from Teston said that she was a keen walker in Oaken Wood. She knew three families who relied on coppicing for their livelihoods as did a successful local business in Livesey Street, Teston. This business could not keep up with the demand for chestnut, partly because the height of the trees had reduced to between 5 and 6 feet. She then said that she could hear the noise from the quarrying operations from the village where she lived.

(s) A local resident said that he had visited the application site and had asked the applicants whether they had done any drill testing in the woods. He suggested that permission could be granted only for it to emerge at a later stage that there was no ragstone there.

*Mr Clifton replied that a detailed borehole analysis had been required. This had been presented to the County Council's mineral advisers. This had confirmed that that not only was the quarry viable, it also in the applicants' view contained materials whose quality was unmatched.*

**TM/10/2029 Proposed westerly extension to Hermitage Quarry,  
Hermitage Lane, Aylesford, Kent**

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- (t) Mrs F Gooch (Barming Parish Council) said that she was concerned that, although the proposed restoration scheme seemed to be environmentally and visually commendable, this could be jeopardised if the applicants were to sell recyclable aggregates rather than using them for infill. This would lead to the restoration taking longer to accomplish than was envisaged in the application.
- (u) A young resident said that the application would have a negative effect on young people. It would interfere with their studies and put a stop to them playing in the woods or learning about the natural environment.
- (v) Two employees of Gallaghers Ltd said that he had worked for the company for 15 to 20 years. They asked the Committee to approve the application as this would save some 25 local jobs.
- (w) The owner of a stone masonry company in Cranbrook said that his company needed the ragstone that the quarry provided as it enabled buildings to be saved that were an integral part of Kentish history. Materials sourced from Blaise Farm Quarry were too soft to be suitable for this purpose.
- (x) A local resident said that ragstone was a valuable resource which was being used up far too quickly. He asked the Committee Members not to be misled into believing that most of the aggregate was being used for anything other than crushing.
- (y) A local builder/repair worker said that blast vibrations caused damage to drains. These were made of clay pipe and often cracked slowly. He believed that more and more damage would occur as the blasts continued. Property Insurers would only pay if they considered that the damage was accidental. He asked what would happen if they refused to cover this damage.
- (11) The Chairman thanked everyone for attending and contributing so many important points to the meeting. The notes of the meeting would be appended to the report to the determining Committee meeting which would take place in February at the earliest.

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Hermitage Lane, Aylesford, Kent**

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**APPENDIX 4**

**DRAFT HEADS OF TERMS**

**For Agreement in connection with  
Planning Application TM/10/2029 proposed westerly extension to Hermitage Quarry,  
Hermitage Lane, Aylesford, Kent.**

Prior to the issue of the Planning Permission the applicant shall enter into all of the necessary legal agreements required to secure the following matters at no cost to the County Council;

1. The developer will not commence development on the application site until:-
  - a) a long term Management Agreement in perpetuity for the restored quarry site together with the remaining area of Oaken Wood in Gallagher Ownership including the wholly new habitat to be created at North Pole Road as shown on Drawing no. 0257/11/4, has been submitted to and approved by the County Council.
  - b) the Management Agreement to be based on the general principles set out in the submissions by Tom La Dell dated 18 April 2011 entitled 'Contents of Ecological Management Plan for Section 106 Agreement' and 'Draft Strategy for Mitigation for Protected Species'.
2. The funding of the full cost of independent blast monitoring undertaken on behalf of the County Council up to a maximum of 4 times a year.
3. The applicant to pay all the County Council's legal and professional costs including those already incurred by the Head of Planning Applications Group prior to the completion of the Agreement.

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Hermitage Lane, Aylesford, Kent**

**APPENDIX 5**

**SAVE OAKEN WOOD ACTION G**

c/o Woodlands, North Pole Road, Barming, Maidstone, ME16 9HH

Kent County Council  
Planning Applications Group  
First Floor, Invicta House  
County Hall  
Maidstone  
ME14 1XX

17 October 2010



COPY PLANC	20/10/10
ACK	20/10/10
FILED 10/10	20/10/10

Dear Sirs

**Re: Planning Application No.: TM/10/TEMP/0025 – Proposed extension to Hermitage Quarry**

We, the undersigned, are appointed members of the committee of the above named organisation, which was initially inaugurated to canvass and collate the views of local residents and campaign on their behalf. As part of our activities, we have taken advice from representatives of or written reports from the following:

- Barming Parish Council
- Maidstone Borough Council
- Tonbridge & Malling Borough Council
- Kent Wildlife Trust
- The Woodland Trust
- Protect Kent (part of the Campaign for the Protection of Rural England – CPRE)
- The Green Party
- Environmental Law Foundation

We have also opened a dialogue with the applicant, Gallagher Aggregates Ltd.

In preparing this submission, we have solicited and received views, some very emotive, from many local residents. The majority show a common thread which, if only statistically, must give credence to those views and we have found there to be persuasive evidence for substance to the claims.

At all times, we have set out to be objective and rational in our judgement and to weed out the more extreme and less credible views or opinions.

We are strongly of the view that planning permission should not be given for this application and this is based on several arguments. However, we recognise that the planning authority may choose to disregard our arguments and so we have also given thought to how best the perceived effects of quarrying may be mitigated should planning consent be given.

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Hermitage Lane, Aylesford, Kent**

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As part of our activities, we have raised a petition in support of our aims. The signatories fully support the objectives of this Group, but may also write to you separately as individuals. In addition, we have invited support via the social networking site, Facebook,

Our submission is divided into four sections:

Appendix A - Reasons for refusing the planning application outright.

Appendix B - Suggestions for ameliorating the effects of quarrying, should KCC see fit to disregard all objections to the application, and the proposed retention of the processing facility.

Summary.

Appendix C - The petition.

Addendum - Map of Ancient Woodland in the Tonbridge & Malling borough.

Parts of this submission refer to studies and conclusions of some of the above named third party bodies, recognised as competent in their respective fields. These bodies may also write to you directly, expressing their objections in greater detail than may be summarised here, and this Group fully supports their input.

Yours faithfully

Sarah Cooper (Chair)

Michael Gough (Vice Chair)

Valerie Power (Secretary)

Anita Pyman (Treasurer)

Mercedes Pyman (Researcher)

Cindy Matthews (Researcher)



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Hermitage Lane, Aylesford, Kent**

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## Appendix A

### Reasons to refuse planning permission.



Our argument may be divided into three areas:

- Consideration of Ancient Woodland
- The need for and management of mineral extraction
- The impact on local residents of blasting, dust and noise from grinding and other sources

#### Ancient Woodland

The area of Oaken Wood proposed for development is designated 'ancient woodland'. There is little need to enter the argument as to whether the area of Oaken Wood is or is not truly 'ancient'; safe to say that both KCC, as arbiters in the past, and Tonbridge & Malling Borough Council, the current arbiters, have classified it as such. If the referee says it's a goal, it is indeed a goal.

The following is an extract from the minutes of a meeting of Tonbridge and Malling Borough Council held on 11 September 2008, shortly before the latest survey was undertaken:

*Members were advised that the South East was particularly important for ancient woodland with 11% existing in Tonbridge and Malling. A potential gain of 248 hectares had been discovered in the north east of the Borough, with Deadman Wood in Aylesford being newly identified as an ancient semi natural wood of great age. This discovery highlighted the importance of undertaking this type of work to identify and protect these small woods before they disappeared.*

The survey resulted in the Environmental Map of Ancient Woodland in the Tonbridge & Malling borough dated March 2010 and a copy is attached as an addendum. The area of Oaken Wood is ringed in red for clarity where it appears on the various maps.

However, it is probably worth reminding ourselves exactly what the definition means with particular regard to this type of managed coppiced woodland.

The following extract is taken from the BTCV handbook 'Woodlands'. It is the section on coppicing from the first chapter 'A brief history of woodlands in Britain'.

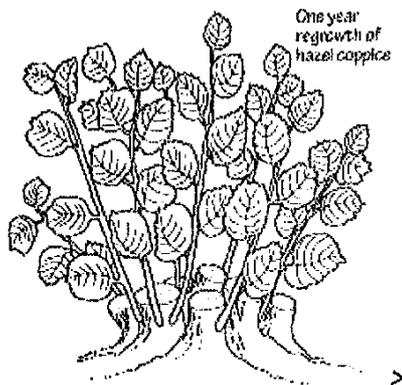
*From earliest times in Britain, woodland needs were fulfilled not by the felling of new areas of wildwood, but by the periodic harvesting of managed coppice plots. Coppicing allowed the natural deciduous woodland to survive, in modified form, because of its exploitation for fuel, building wood and other purposes. The wide-held belief that woodlands were cleared for charcoal, fuelwood for brick and lime kilns and for tanbark is erroneous. In fact, these demands sustained the coppice woodlands, and it was with their demise that clearance increased.*

*'Coppice' comes from the French word couper, to cut. Coppices or 'copses' are woodlands cut on a fairly short rotation of five to thirty years. In most cases, one part of the wood, called a 'coupe', is harvested each*

## TM/10/2029 Proposed westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford, Kent

year. The coppice trees and their produce are known as 'underwood'. Underwood species, which are all deciduous, respond to cutting by sending up multiple stems from the stools. Periodic cutting greatly extends the life of most trees, so that coppiced stools may be many hundreds of years old.

The practice of coppicing can be traced back to Neolithic times (4500 BC). Neolithic wattle trackways in the Somerset Levels are evidence of sophisticated coppicing systems which produced rods of exactly the same size. Archaeological evidence shows that coppice products were used for numerous rural needs throughout the Bronze, Roman and Saxon periods. It's estimated that 23,000 acres of coppice were required to provide charcoal for the Roman military ironworks in the Weald (Rackham, O, 1986). Coppicing remained the most widespread method of woodland management until the mid 1800s. The reason for its importance over such a long period was that it allowed the woodland crop to be harvested and converted with simple hand tools. Large, mature trees are difficult to cut, transport and convert, whereas coppice growth is of a size which is easy to handle.



The long history of coppicing is the reason why ancient coppice woodlands can be seen as the direct descendants of the original wildwood. It is perhaps a paradox that a coppiced wood, with a structure which looks least like one's idea of the ancient natural forest, is biologically closest to it. It is unlikely that trees were planted for coppicing, or that any particular selection of species was made. Even in the late 18th century, it is recorded that 'the underwood was not carefully selected and planted; the production of it, both in quantity and quality was, for the most part left to chance' (Peterken, 1981). In some places coppices were 'improved' through encouraging the valuable species by layering, planting and natural regeneration, to fill any gaps where old stools died. Unwanted shrubs and invasive species such as birch were sometimes removed to favour the desirable species. However, the general pattern of species remained very close to the natural cover. Planting only became commonplace from the late 18th to the late 19th centuries, and then again in the period after World War II.

The system of 'coppice with standards' is also ancient, with records of felling dating from the 1200s. Under this system, some trees are grown as standards over a longer rotation, with the coppice beneath cropped at more frequent intervals. The coppice or underwood suppressed the lower side branches of the standard trees, so encouraging the growth of tall, unbranched trunks. During the reign of Henry VIII, there was a legal requirement that at least 12 standards per acre (30 per hectare) be grown, but at other times numbers varied greatly, according to the demand. Periods of felling occurred during time of war, as well as after the Dissolution and during the Commonwealth.

The words 'timber' and 'wood' have historically described different woodland products. Timber referred to the large beams and planks cut from standard trees, used for large buildings and other structures. Wood referred to anything less than 2 foot in girth (7" or 18cm diameter), and included coppice poles, pollard poles or the branches of large trees felled for timber. The coppice with standards system provided both timber and wood, and it is likely that the two products were often sold to different people. Historically

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*The words 'timber' and 'wood' have historically described different woodland products. Timber referred to the large beams and planks cut from standard trees, used for large buildings and other structures. Wood referred to anything less than 2 foot in girth (7" or 18cm diameter), and included coppice poles, pollard poles or the branches of large trees felled for timber. The coppice with standards system provided both timber and wood, and in a single plot the timber and wood often belonged to different people. Historically,*

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*wood was generally the more valued crop. From both the timber and wood crop, nothing was wasted, with branches, bark, 'loppium et choppium', twigs and even leaves having a use.*

*Oak was by far the most abundant standard tree, although other species such as ash were occasionally allowed free growth. Every soil type and region had characteristic combinations of coppice species. These included hazel and ash on the Midland clays, beech and sessile oak on western sandstone, and lime in central Lincolnshire. Hornbeam and sweet chestnut, a Roman introduction, grew widely in the south east, while local or minor underwood species included whitebeam, wild cherry, crab apple, maple and elm. Some underwood species were particularly suited to specialised uses, and there was some selection in favour of these, but most coppice remained mixed, to serve a variety of needs.*

*In the uplands, sessile oak was by far the most common species and dominated both the underwood and canopy of the coppiced woodland. Where conditions were difficult, standards grew too slowly and erratically to be worth fostering, so 'scrub oak' coppice without standards developed. Much of this was used for tanbark or charcoal.*

*From the late 18th century, coppicing began to decline. One reason for this was the trend towards growing more standard trees for the production of timber, and the fashion for new plantations (see brief history of woodlands in Britain). Many landowners greatly increased the density of oak in their coppice woods through supplementary planting, although much of this was never harvested. In the Chilterns, coppice working as well as wood-pasture management declined due to the planting of beech for the furniture industry. From the mid 19th century, some of the most important traditional uses of coppice products diminished as coke and coal replaced charcoal and firewood for fuel, and artificial substitutes replaced tanbark in the leather industry. In addition, the general agricultural decline of the mid and late 19th century meant that less hazel was needed for sheep hurdles and other farm products. However, many coppiced woods continued in use, and apart from a lengthened rotation, many coppices were much the same at the beginning of the 20th century as they had been a thousand years earlier.*

*Active commercial coppicing survived throughout the 20th century, mainly in the sweet chestnut coppices of Kent and East Anglia, with the main outlet being the fencing industry. In the last decade or so there has been a revival of coppicing, especially of hazel, in Hampshire and other southern counties, and of oak in the North West. This is partly due to the realisation of the importance of coppicing in maintaining traditional woodlands, and partly due to coppice workers developing new markets and products. These include faggots for bank stabilisation, barbecue charcoal, greenwood furniture, yurts, garden ornaments and many other products. The demand from coppice workers for good quality coppice in many areas now exceeds the supply.*

From the above and other input, we deduce that:

1. The type of woodland in Oaken Wood probably dates much further back than the Victorian times claimed by the applicant.
2. The age of individual trees, although of significance, is not the deciding factor of ancient woodland. It is the length of time that the area has been given over to woodland, whether managed, as here, or not.
3. Managed coppiced woodland is important for the maintenance of natural deciduous woodland, which includes the wide variety of wildlife living there, in addition to simple commercial considerations.

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4. The demand for coppiced products, although different from in the past, is flourishing and therefore this type of woodland cannot be dismissed on simple mineral-extraction-based commercial considerations.

The applicant has commissioned flora and fauna surveys of the proposed quarry extension area by Kent Wildlife Trust and these are available to view on Gallagher's web site. This Group would refer the planning committee to the conclusions of these surveys. In particular, they indicate that the site is of local or county importance as ancient woodland in relation to the following species some of which are protected under European law:

- **Badgers**  
The Kent Wildlife Trust Badger Survey December 2009 (revised February 2010) by Martin Newcombe was commissioned by the applicant

This report quotes:

*"At least seven animals were thought to be present in the survey area throughout the survey period.*

*Suitable sites for badgers are rare in the Barming area, where setts are limited by geology, topography and land use and occur at relatively low densities by comparison with some areas of Kent such as the North Downs where they are much more common. For this reason, the whole of the survey area (including the proposed quarry area) is considered to be of local importance for badgers."*

- **Bats**  
The Kent Wildlife Trust Bat Survey December 2009 (revised February 2010) by Martin Newcombe was commissioned by the applicant

This Group notes:

A total of 6 different species of Bats were found, with six bat roosts recorded.

All British bats and their roosts are protected by law under the wildlife and countryside act 1981 and the conservation (natural Habitats etc.) regulations 1994. This makes it illegal to kill, injure, capture or disturb bats or obstruct access to damage or destroy bat roosts. Under the law a roost is any structure or place used for shelter or protection. As bats tend to reuse the same roosts, the roost is protected whether the bats are present at the time or not.

The report concludes in section 5.14:

*"To summarise therefore, the whole of the survey area (both the proposed quarry area and the wider survey area) is considered to be of county importance as a foraging ground for common pipistrelles; the Natter's bat roost is also considered to be of county importance. The whole of the survey area is considered to be of local importance for all other species, although all the bats that were positively recorded at the site were Kent Red Data Book species."*

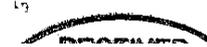
- **Reptiles**  
Oaken Wood is a key reptile site as defined by the Kent Biodiversity Partnership and is therefore considered to be of county importance for reptiles.

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- **Reptiles**

Oaken Wood is a key reptile site as defined by the Kent Biodiversity Partnership and is therefore considered to be of county importance for reptiles.



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The Kent Wildlife Trust Reptile Survey December 2009 (revised February 2010) by Jon Bramley, Phil Buckley and Jason Armstrong was commissioned by the applicant

This report quotes:

*"The maximum single visit counts within the proposed quarry area were:*

- o *Viviparous lizard - 22*
- o *Slow-worm - 28*
- o *Grass snake – 2*

*The presence of three reptile species indicates that the quarry area and the wider survey area qualify as a 'Key Reptile Site' according to current published guidelines.*

*Both the quarry area and the wider survey area may therefore be considered to be of county importance for reptiles."*

- **Dormice**

The Kent Wildlife Trust Hazel Dormice Survey December 2009 (revised February 2010) by Martin Newcombe was commissioned by the applicant.

This Group notes:

At least 4 nests for Hazel Dormice were found in the proposed site with activity in tubes and young coppiced sweet chestnut. The Hazel Dormouse is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 and schedule 2 of the conservation (natural Habitats) regulations 1994.

These acts make it an offence to:

1. intentionally capture, kill or injure a dormouse
2. deliberately disturb a dormouse or damage or destroy a dormouse breeding site or resting place.

- **Vascular plants**

The Kent Wildlife Trust Vascular Plant Survey December 2009 (revised February 2010) by Martin Newcombe was commissioned by the applicant.

This report concludes:

*"Consequently, both the proposed quarry area and the wider survey area are considered to be of county wildlife importance for its ancient woodland."*

All the above concentrates on what might be termed the macro climate. The micro climate is, more often than not, disregarded. This is probably because it is ill understood, other than by those well versed in the field. We are talking here about such things as bacteria and fungi that exist in the subsoil of ancient woodland. These types of organisms, upon which much of the macro climate eventually depends and that have taken hundreds of years to establish to their present extent, do not recover in the relatively short timescales that trees grow or bats and badgers return to inhabit the restored habitat.

We and others believe that the preservation of Ancient Woodland is of vital importance. Once destroyed, the environment cannot and will not return in all aspects to its present condition in the lifetime of the vast majority of people living in this area and we deplore the oft prevailing attitude that well invested commercial concerns can ride roughshod over these concerns.

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*"They chopped down the trees  
Put 'em in a tree museum  
And charge all the people  
A dollar and a half just to see 'em.*

*Don't it always seem to go,  
That you don't know what you've got 'til it's gone?  
They've paved Paradise,  
Put up a parking lot."*

Joni Mitchell, Big Yellow Taxi



We are given to understand that, in the current climate, the protection of Ancient Woodland is not of itself a reason for refusing planning permission, merely a weighting factor. However, we would draw the planning committee's attention to the following paragraphs from page 12 of Minerals Policy Statement 1 (MPS1):

- ensure that the statutory protection given to many individual wildlife species under a range of legislative provision, and the special protection afforded to *European protected species*, is fully taken into account when considering mineral proposals which might affect them;
- consider carefully mineral proposals within or likely to affect *regional and local sites of biodiversity, geodiversity, landscape, historical and cultural heritage*;
- do not permit mineral proposals that would result in the loss or deterioration of ancient woodland, not otherwise statutorily protected, unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat;
- take account of the value that existing woodland offers in terms of amenity and habitat, when considering mineral proposals;

Bearing the above in mind, we move on to question the need for this particular mineral.

**Mineral Extraction**

In the above section, mention is made of MPS1. This Policy Statement has been cancelled by the present government and a replacement document is not due until 2014. We understand, however, that in the interim, MPS1 remains a guiding if not a binding document.

In examining the balance between need for ragstone and supply, we consider both the alternative source of the mineral within Kent - Blaise Farm, Offham - and the as yet undefined, but certainly reduced requirement for the major use of ragstone, namely roadstone.

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Blaise Farm Quarry is owned by Hanson Aggregates Ltd. and quarrying commenced in 2001, with permission to quarry until 2063. It was mothballed in 2005 and we are given to understand that the reason for this was that it was uncompetitive compared to the mining at Hermitage Quarry.

The applicant submits that the quality of ragstone at Blaise Farm is inferior to that found at Hermitage Quarry. There is a lower ratio of ragstone to hassock and the ragstone itself has inferior load-bearing capability. We further understand that Hermitage Quarry yields approximately 45% ragstone and Blaise Farm 30%. However, Blaise Farm has around 50 – 60 years remaining planning consent, which equates to 30 – 40 years at Hermitage Quarry – far longer than the estimated working life of the proposed extension. Yes, more mining activity is required, but this is already approved and, we would submit, much of the applicant's reason for preferring Hermitage Quarry is that it owns the site, and could merely mine at Blaise Farm under concession from the owners.

This last point may make commercial sense to the applicant, but on wider consideration of the county requirements, which must be divorced from the commercial judgements of any single company, it makes less sense. We submit that, since operations at Blaise Farm were suspended, much of the production from Hermitage Quarry has effectively been wasted on projects where the quality of ragstone from Blaise Farm would have been perfectly adequate. Surely it would be better to use the lower grade material where it is appropriate and reserve the higher grade for those projects where it is really needed, such as architectural and particularly high load bearing applications. The applicant may argue that the output from Hermitage Quarry is supplied at lower cost and KCC itself is a major client. In the short term, that may be so, but when Hermitage Quarry is exhausted and Blaise Farm is left as the ONLY viable source of ragstone, its price will be unconstrained by competition and, in the long run, more expensive than it would be while both sites are producing.

There is no doubt that the demand for ragstone will reduce under the current government's proposals to reduce the national debt. It is beyond the purview of this Group, or indeed KCC at present, to know what that reduction may be. Nevertheless, it would seem premature to allow further development of ragstone mining at least until a new extraction plan has been formulated. It is, of course, the view of this Group that further development should not even be considered until Blaise Farm is close to exhaustion and, given the Ancient Woodland nature of the proposed extension, not even then. We would therefore propose that a rejection of this planning application would encourage the remaining 4 – 5 years production already authorised at Hermitage Quarry to be reserved as suggested above for more demanding projects and Blaise Farm, with its existing planning permission, would once again become commercially viable.

**The impact of blasting, noise and dust on local residents**

These topics are covered in Appendix B from the somewhat different perspective of ameliorating the effects of quarrying. However, we feel that the planning group should consider these points as being contributory towards outright refusal of the application.

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**Appendix B**

Should the planning authority see fit to pass the application, this Group would like to propose several measures to reduce the effect of quarrying on local residents.

**Blasting**

Since the quarry has been blasting, progress has always been in a generally southerly direction towards Barming, which is the closest residential area to mining activity. It is not hard to see how this came about. Firstly, for whatever reason, the quarry entrance was sited towards the northerly end of the designated area and it was natural to commence excavation from that end. Secondly, when the quarry first started blasting, noise measurements were made within the residential area. It does not take a genius to realise that the noise figures would be lower the further away the blasting was from the measurement point, the sound pressure level (spl) halving, or being reduced by 6dB, for every doubling of distance.

The long-term result of this approach, however, has been a steady increase in noise levels to residents from both blasting and movement of vehicles as excavation has progressed southwards. Furthermore, the blasting face is situated such that the shock wave through the ground is projected towards the residential area, and this too has increased over the period of quarrying.

The applicant submits that the seismic shock from blasting falls well below government guidelines. This may be so, but it is the experience of one of the committee members, who has knowledge of the drafting of internationally accepted standards in the different, but associated field of acoustics, that they are set predominantly by people in the industry and weighted towards what is practically and commercially achievable rather than what would be totally to the benefit of the general public.

It is unlikely that a resolution of disparate opinions will be achieved. The fact remains, however, that residents are disturbed by their houses and contents being shaken by blasting. The effects are not felt uniformly across the residential area (see also the last paragraph of this subsection). This is to be expected from variations in the geological structure and different building methods. It may be true that the cracks found in some houses cannot be proven to be as a result of blasting shock and settlement cannot be ruled out. Nevertheless, the Group strongly feels that blasting cannot be ruled out as a cause and it would be at least politic to alter the method of working in two areas:

1. That quarrying should start from the southern end of the designated area and progress northwards so that blasting faces away from those residential areas mentioned above. The shock wave felt by residents should be lower in intensity and decrease progressively as excavation progresses. This is contrary to the initially published programme for development.
2. That the blasting method be modified in respect of the sequencing interval between individual charges. By that means it should be possible to reduce the peak level of the shock wave without reducing the efficacy in loosening rock.
3. That the proposed extension area be reduced in order to increase the distance to properties along North Pole Road and the few houses on the western side of the site. It must be borne in mind that

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3. That the proposed extension area be reduced in order to increase the distance to properties along North Pole Road and the few houses on the western side of the site. It must be borne in mind that

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these properties in the main pre-date by some margin those properties currently closest to Hermitage Quarry and the foundations are significantly less deep, exposing the properties to greater potential deterioration from blasting. We would suggest that the distance between quarrying and these properties should be no less than at present (ie the workings should not extend so far to the south and west as proposed).

It was mentioned above that the Group has opened a dialogue with the applicant and committee members have visited the quarry to observe a blasting operation. The blasting took place at the southern end of the quarry, with the observation point towards the northern end. Somewhat surprisingly, the noise was far lower in level than expected and no ground vibration at all could be felt. Contrast this, however, with the fact that the very same blast caused noticeable vibration at Barming Primary School. Indeed, it is a common observation that ground vibration can be felt in places such as Southwood more than it can closer to the quarry. The fact that vibration was felt more in the direction of blasting gives empirical weight to point (1) above.

**Noise**

In addition to the over-ground shock noise from blasting, there is constant noise from the processing area of Hermitage Quarry, partly due to the warning beep of reversing vehicles, but mainly due to the grinding and sorting process, which gives rise to a continual drone that varies in intensity with the wind direction and other weather conditions.

We are pleased to note the efforts of the applicant to adopt alternative vehicular warning devices that promise virtually zero noise at any reasonable distance. The company is also being encouraged to investigate the practicality of some kind of acoustic shielding for the rotating drum sorter, which currently is open to the atmosphere. We believe, however, that it would be more effective for KCC to impose and monitor mandatory conditions of noise reduction on the applicant, rather than rely on private individuals or groups to liaise, despite the apparent willingness of the applicant to investigate such improvements. Such noise reduction would also be of considerable benefit to the quarry workforce.

In determining the annoyance factor of such continuous noise, the absolute sound pressure level (spl) must not be the only factor. The well-known dripping tap situation and more scientific studies of road noise substantiate this view.

**Dust**

Some individuals have raised concerns to this Group regarding the generation of dust from the quarry, especially in relation to the proximity of Maidstone Hospital. We confess to no expertise in this area, but feel obliged to draw these concerns to the notice of the planning committee.

**Restoration**

The Group feels that conditions must be put in place to guarantee restoration of the land to be quarried to the same state in which it was found. That essentially means two conditions:

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1. That the area once again becomes wild woodland, as 'ancient' as possible, and not the more manicured and managed 'amenity' environment that has hitherto been imposed by the applicant on land already developed and that is proposed for the proposed extension.
2. That the insurance bond required to guard against the applicant going into liquidation or otherwise being unable or unwilling to complete restoration be closely scrutinised to ensure that it will cover the full cost of restoration with due regard to inflation. The Group strongly feels that it would be unacceptable for the council taxpayer to be asked to pick up the bill, considering that the onus of restoration ultimately falls upon KCC.

The Group feels that this second point is of the utmost importance. The countryside is littered with disused quarries that have been left as eyesores once profitable working has ceased. The following photograph illustrates this point quite clearly. Here a relatively small chalk quarry, this one happens to be in West Sussex, has been left in an unsightly state.



Nor does the Group relish the thought of a different type of outcome, namely a mini-Bluewater.

The Group notes that the programme of working publicised by the applicant indicates that restoration will be carried out section by section, rather than leaving it all until the whole area has been worked. This the group supports, but requests that it be written into any contract to develop.

The Group further believes that the proposed receptor site for wildlife is inadequate. Not only is it much smaller than the proposed area to be quarried, it is not even woodland. A larger and more suitable provision is requested.

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The Group further believes that the proposed receptor site for wildlife is inadequate. Not only is it much smaller than the proposed area to be quarried, it is not even woodland. A larger and more suitable provision is requested.

**Summary**



In support of a rejection of planning permission:

The proposed extension area is designated Ancient Woodland and should be preserved with due respect to the supported flora, fauna and micro climate.

The county-wide extraction of ragstone has been poorly managed in terms of the quality of material not being properly matched to the quality requirements of individual projects. Leaving this to short-term market forces has resulted in a long-term distortion of use which may be better controlled by restricting further expansion of Hermitage Quarry.

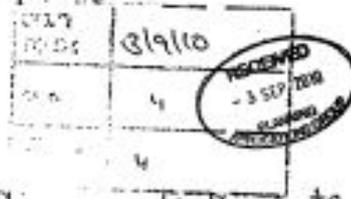
There is likely to be significantly less demand overall for ragstone, due to the reduced public sector spending plans of central government.

In addition to the local community having to suffer continuation of the noise, shock and dust of mining, the proposed extension would take mining closer to older properties that are structurally less able to withstand the effects of blasting.

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APPENDIX 6

Application No. TM/10/TEMP/0025



Dear Sir,

We are putting in writing our objections to the deforestation of Oaker Wood and all the animals and flora and fauna that live there. We are a riding school adjacent to Oaker wood and have conducted our lawful business for 22 years. A large percentage of our business involves hacking through Oaker wood. We have had uninterrupted access to the whole of Oaker wood not only the Birklepaths and Byeways for 22 years. The ages of our clients range from 6 years upwards. We have a staff of five people working for us. We have four properties on the farm and are concerned about blasting and dust. I have to wear a respirator mask at night and any added dust will have an adverse effect on my health I have been informed of this by St Thomas's hospital. Our houses are newer than any others and obviously will suffer the most.

The riding school operates all year round. As I'm sure you are aware horses are flight animals, any sudden noise or movements can send them into flight and as herd animals they would all follow. We would not be able to avoid the noise or the large lorries going under or over the Birkleway.

I am at a loss as to how you can move animals to a part of the wood and tell them to stay. If this situation would so serious it would be laughable. Wild animals are territorial and will always make their way back to where they came.

There is no shortage of ragstone. Blaise farm has at least 60 years of ragstone and with the economic climate as it is with major cutbacks on road building and the properly marked planning. We are astonished to find ourselves in this position again after it was agreed before. Oaker wood goes back 400 years and is protected as are lots of the animals.

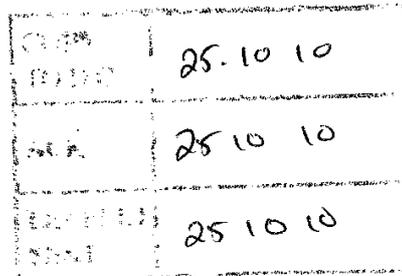
As there is not need for the quarry all the ragstone is covered by existing quarries. There is no need to quarry Oaker wood. Please find enclosed petition from the clients at the riding school.

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**APPENDIX 7**

**Support for Hermitage Quarry Extension: Repre  
from Employees**

Planning Applications Group  
Kent County Council  
First Floor,  
Invicta House, County Hall  
Maidstone, Kent  
ME14 1XX



11 October 2010

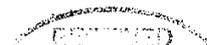
Dear Sirs

**Support Hermitage Quarry**

We are some of the people who work for Gallagher at Hermitage Lane quarry and would like our views to be taken into account when you consider the proposed extension of quarrying at Hermitage Lane, Barming.

This letter has been signed to indicate our support for the extension of the quarry so that it can remain operational over the next 25 years. We ask that permission to extend the quarry is granted for the following reasons:

- **SAVE OUR JOBS:** The quarry employs dozens of people - either directly or indirectly through projects. Most of these people live locally and would find it difficult if not impossible to find similar work. Surely the protection of long-term jobs is an important factor in the planning decision?
- **A SUCCESSFUL AND SUSTAINABLE BUSINESS:** The quarry is a highly sustainable business – it employs local people, supplies traditional construction materials locally, it recycles materials, and the quarried land is restored for farming and for nature habitats to a better condition than before quarrying. Not only does the business make a major contribution to the local economy, but it also supports the local hospital, community groups and charities - for the benefit of local people.
- **SETTING HIGH STANDARDS:** The quarry has been in operation for 20 years and is managed by the Gallagher Group to an extremely high standard, which is evident to anyone who has visited the site. It produces high quality traditional materials not available anywhere else in the South East. We enjoy modern equipment because of the continuous investment.
- **CONTINUED PUBLIC ENJOYMENT OF OAKEN WOOD:** The countryside and woodland walks around Gallagher’s section of Oaken Wood have been created for everyone to enjoy and this will continue over the next 25 years.
- **MINIMISE THE IMPACT OF QUARRYING:** Gallagher is continuously looking for ways to minimise the impact of the quarry on our neighbours. That is why the extension is proposed in gradual phases, over 25 years.



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**Support for Hermitage Quarry Extension: Representation  
from Employees**

We are proud to be part of a successful and stable business at Gallagher. Many of us have worked for Gallagher for quite a few years and we want that security of employment to continue. The prospect of the business closing in 4 years does not bear thinking about.

We are relying on KCC to make the right decision.

Yours sincerely

The Undersigned...

