

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 other documents as might be additionally indicated.

Item C1

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

A report by Head of Planning Applications Group to Planning Applications Committee on 7 October 2008.

Application by Hanson Quarry Products Europe Limited for northern extension to existing quarry at Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent.

Recommendation: Planning permission be granted subject to a legal agreement to secure the Heads of Terms given in Appendix 3 and conditions.

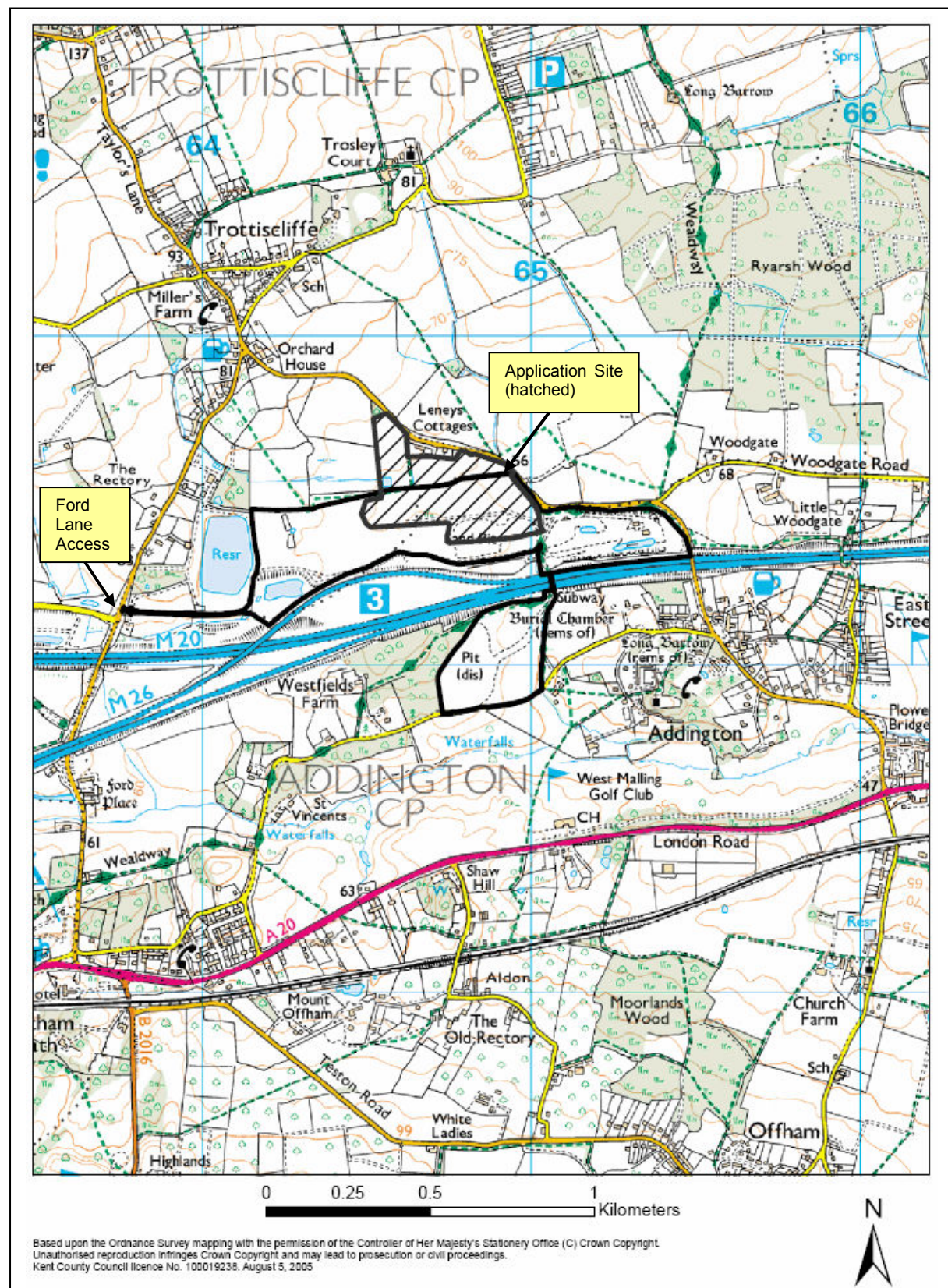
Local Member: Mrs S Hohler (Mrs V Dagger adjoining)

Unrestricted

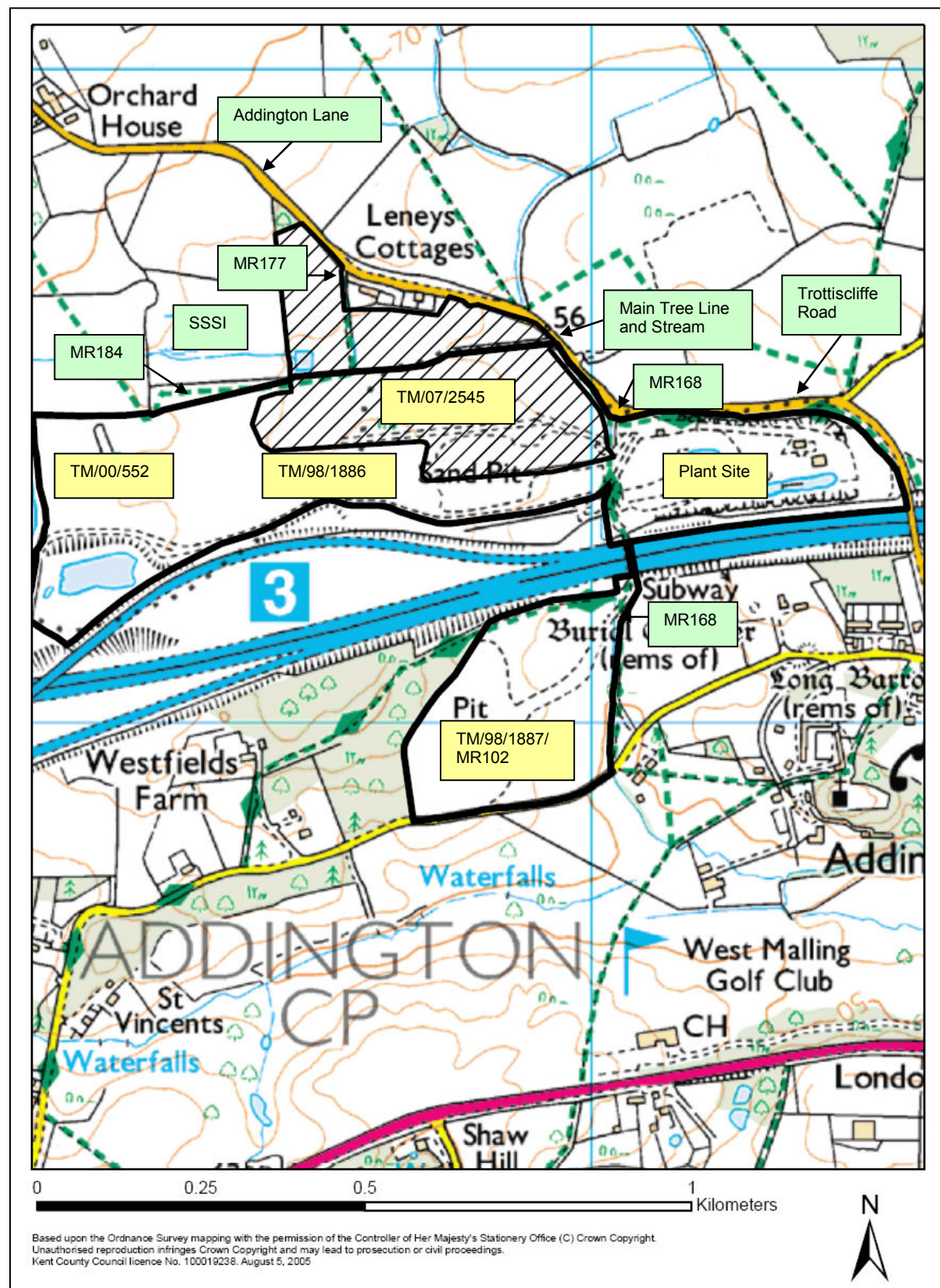
Site description and background

1. Wrotham Quarry (also known as Addington Sand Pit) is located between the settlements of Addington and Trottiscliffe approximately half way between Maidstone and Sevenoaks. The main part of the quarry, processing plant and associated facilities lie immediately to the north of the M20/M26 junction. A further small part lies to the south and is accessed via a tunnel under the motorway. HGV access to the quarry is from the A20 via Ford Lane and a purpose built 1.3km long access road which runs parallel to the motorway. Access to the plant site is also available for cars and light vehicles from Addington Lane / Trottiscliffe Road. The proposed northern extension lies between the existing main quarry area and Addington Lane. The nearest residential properties to the proposed northern extension are Chiralea and 1 and 2 Leney's Cottages on the southern side of Addington Lane. The next nearest residential properties are in Addington (approximately 200m to the north east and south of the plant site area) and Trottiscliffe (approximately 100m from the western end of the existing quarry). There are also a number of residential properties along Ford Lane between the A20 and the site access.
2. The application site consists of an area of the existing quarry that has been partially restored (including some woodland bench planting and grassland slopes) or is used by the field conveyor or for the storage of clay, silt, reject sand and ironstone and topsoil, two fields, sections of hedgerow, trees, a small stream and a pond. The agricultural land classification is grade 3b. The unexcavated parts of the application site lie at between 68m and 57m above ordnance datum (AOD) (sloping down from north west to south east), although the lowest parts of the existing quarry are at about 42m AOD.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545



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Both that part of the quarry to the north of the M20 and the proposed extension area are in the North Downs Area of Outstanding Natural Beauty (AONB). All is in the Green Belt. Immediately to the west of the proposed extension area and north of the western part of the existing quarry is the Trottiscliffe Meadows Site of Special Scientific Interest (SSSI). A South East Water reservoir and a Site of Nature Conservation Importance (SNCI) lie further to the west. The small stream within the application site (which flows west to east) rises at a small pond (believed to be fed from chalk-fed groundwater) to the south west of Trottiscliffe, across the SSSI (west to east) into the pond within the application site and then along the main tree belt which separates the existing workings from the unexcavated area until it is joined by another (culverted) stream flowing south at Addington Lane from where it follows a roadside ditch southwards until re-entering the quarry in culvert, under a haul road and under the M20 (and ultimately to the River Medway). The western part of the application site lies within a Groundwater Source Protection Zone (part Outer Zone/part Total Catchment) associated with the Trosley Pumping Station. Much of the main quarry void to the north of the M20 lies within the Total Catchment (part Inner Zone/part Outer Zone). To the north east of the proposed extension area lies the former mineral working and landfill site known as Pearson's Pit. Public footpath MR177 passes through the application site north to south from Addington Lane and joins public footpath MR184 which goes west along the edge of the existing quarry before providing a link to Trottiscliffe. Public footpath MR168 passes immediately to the east of the application site, between this and the plant site, and links Addington Lane with Addington to the south of the M20. The quarry and application site lie within an area identified in the Kent Minerals Local Plan Construction Aggregates (December 1993) as a Mineral Consultation Area.

3. Wrotham Quarry and the surrounding area has a long history of mineral extraction and there are a number of relevant planning permissions for extraction and associated processing. These include TM/74/1367 (plant and equipment, buildings, washing pools and access), TM/78/1064 (sand storage bins), TM/80/315 (sand store for storage of bagged treated sand), TM/82/313 (extraction of sand and new access), TM/87/1050 (lime sand mortar plant), TM/98/1886 (increased depth of working for TM/82/313), TM/98/1887/MR94 (new conditions under the Minerals Review process for north and south of M20) and TM/00/552 (western extension). Various approvals have also been given pursuant to these permissions. A planning application to allow the importation of inert waste for restoration of the area to the south of the M20 (TM/95/369) was eventually refused in March 2001 although the County Council had initially resolved to grant permission subject to a legal agreement in October 1995.
4. All the planning permissions require the quarry (north and south of the M20) to be restored to a lower level for agricultural, woodland and nature conservation afteruses using reject sand, overburden and soils from the site itself. They also require that operations only take place between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays (with the exception of essential maintenance works) and that only the Ford Lane access be used. To the north of the M20 sand is extracted year-round in a series of benches using mechanical excavator or loading shovel and transported to the plant site by conveyor located along the base of the excavation and partially restored site. The depth of extraction is limited to 35m AOD and a "Code of Operating Practice" designed to prevent pollution and protect public water supplies

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

applies. No more than a daily average of 112 HGV movements (56 in/56 out) in any one week are permitted to use the Ford Lane access. TM/98/1886 requires that extraction must cease and the site be restored by 2 April 2008. TM/00/552 requires extraction to cease and that site to be restored within 7 years of commencement of extraction in that area (i.e. by 6 October 2010). Sand from the south of the M20 is extracted by loading shovel and transported by dumptruck under the M20 via a tunnel shared with public footpath MR168. Unless otherwise agreed by the County Planning Authority sand extraction in this area is only permitted for a total of 4 weeks between 1 April and 30 September. Extraction is permitted to a depth of 42.7m AOD and must cease by 31 May 2010 and restoration be completed in a further 12 months.

5. The various processing plant and related planning permissions (i.e. TM/74/1367, TM/80/315, TM/78/1064 and TM/87/1050) were granted subject to conditions which only allowed them to be used in association with specified older extraction permissions without the prior written consent of the County Planning Authority. Since the older mineral reserves have since been exhausted it will be necessary for Hanson to obtain variations to these consents to enable sand from the proposed northern extension to be processed or otherwise managed at the site. Indeed, due to an oversight it has emerged that variations are also required to allow the plant to be used to continue to process sand from planning permissions TM/98/1886, TM/98/1887/MR94 and TM/00/552. Hanson has made the necessary submission to the County Council and this will be considered alongside the application for a northern extension to the site. In addition to the above, a number of other breaches of planning permissions TM/98/1886 and TM/00/552 have been reported to the County Council's Regulation Committee since September 2005. These relate to non-compliance with the permitted working and restoration scheme as a result of slope stability issues and the need to temporarily store silt and overburden materials in the base of part of the site leading to a delay in implementing some site restoration. Whilst the proposals for the northern extension would address some of these issues (due to the overlap between the two areas), Hanson has now submitted proposals designed to address the breaches of planning permission and resolve these issues (regardless of the outcome of the northern extension application). If planning permission is granted for the proposed northern extension, further minor amendments may be required.
6. A Planning Applications Committee Members' site visit was held on 29 July 2008. This was also attended by the applicant, representatives of Tonbridge and Malling Borough Council and Trottiscliffe and Wrotham Parish Councils, CPRE, Kent Downs AONB Unit and KCC's Landscape Consultant (Jacobs). Notes of the site visit are attached at [Appendix 1](#). The site visit enabled Members to view the proposed northern extension and the other areas of the site north of the M20 and appreciate the relationship between these and the area to the south of the M20.

The Proposal

7. The application, which was submitted in June 2007, proposes the extraction of approximately 470,000 tonnes (t) (314,000m³) of saleable sand from a northern extension area thereby providing a further 3 to 4 years production at 180,000tpa. Restoration would be completed in about 6 years. About 246,000t (164,000m³) would be industrial (silica) sand and 224,000t (150,000m³) would be construction sand. In

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

2007, the applicant stated that current reserves of sand would be depleted in about 2 years at a (current) production rate of about 180,000 tonnes per annum (tpa). In September 2008 the applicant estimated that there was about 50,000t of construction sand and 150,000t of industrial sand remaining (representing about 6 months and 2 years production respectively).

8. Soils and overburden would be stripped and stored for use in final restoration. Excavated materials would be transported from the working face to the plant site by conveyor. All processing operations would be undertaken at the existing plant (i.e. washing and screening plant, sand classifiers and sand drier) and processed sand either stored in open stockpiles or silos in the plant site area prior to distribution (in tankers, bags or loose). No new ancillary development is proposed although as stated at paragraph 5 above it would be necessary for amendments to the existing plant and related permissions to be secured to facilitate the proposed development. The proposed hours of working are as currently (i.e. 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays and no operations on Sundays, Bank or Public Holidays except for essential maintenance). The proposed development would provide continued direct employment for 6 people and an additional 5 during soil and overburden stripping and restoration, as well as continued indirect employment for hauliers and other service providers. External lighting would continue to be required around the plant site during winter months but no lighting would be used within the extraction area as sand extraction would not occur after dusk.
9. Extraction of construction sand in the northern extension would commence when reserves of similar sand are depleted in the existing western extension. The reserve life of construction sand in the northern extension would be about 2.4 years based on a current production rate of 90,000tpa. Extraction of industrial sand in the northern extension would similarly commence when reserves of such sand are depleted in the existing western extension. This would then provide for about 2.7 years of silica sand extraction based on a current production rate of 90,000tpa. Industrial sand extraction would commence about 2 years after that of construction sand, giving a total life for the northern extension of about 5 years. Initially, extraction of construction sand in the northern extension would be concurrent with silica sand extraction in the existing western extension.
10. The extraction area would be 25m from the nearest property boundaries (Chiralea and Leney's Cottages) which, in part, comprise a screen of mature trees which would be retained. A 3m high screening bund (1 vertical to 2 horizontal) would be constructed within this 25m strip nearest to the quarry. The area between the property boundaries and screening bund and between the extraction area and Addington Lane would be used for diverted buried water and electricity mains. A further unexcavated margin would be retained on the western boundary to facilitate these buried services and a public footpath diversion. The quarry would be worked to 38m AOD in accordance with a protocol to be agreed with the Environment Agency and Mid Kent Water.
11. The site would be restored using overburden (i.e. clay and gravel known as "superficials", gault clay and unsaleable brown sand) on the quarry floor and against the lower part of the benched sand faces such that the minimum ground level would be raised to 42m AOD to meet the requirements of the Environment Agency and

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

South East Water. The applicant states that 75,000m³ of overburden is available from the proposed northern extension together with an additional 102,000m³ in the base of the existing quarry floor. Restoration slopes are designed to merge with those already permitted and provide for surface water run-off draining towards an infiltration feature of waste sand fill in the base of the restored area. As with the existing restoration scheme for the quarry, the steeper tree planted benches would face south such that they would not be visible from the AONB to the north.

12. The application proposes that quarry development would take place in four main stages: (1) site establishment; (2) construction sand excavation and second overburden strip; (3) completion of construction sand excavation; and (4) completion of industrial sand excavation and progressive restoration. The written statement and associated drawings set out what would occur in each stage and provide details of the quantities of different materials associated with the various works.

13. Stage 1: Site establishment works would include: the construction of a clay ramp to the proposed northern extension area from the base of the current excavation using clay stored on site; the draining and backfilling of an existing pond and diverting the stream around the northern edge of the proposed excavation area in a reinforced lined channel; the removal of trees and hedgerow separating the existing and proposed areas; the diversion of services into a corridor to the north of the excavation area; the formation of the 3m high screening bund to south of adjoining properties using overburden; the excavation of a new pond in north west corner of site; the temporary diversion of footpath MR177 during drainage channel construction on the line of the footpath and its reinstatement on existing alignment with temporary footbridge; the relocation of an existing soil mound from one area of the quarry floor to another to the south of the conveyor by bridge; overburden stripping and placement of soils, superfcials and clay on the quarry floor (in locations identified on phasing drawings); the reduction in height of the clay ramp to the base of the overburden; and construction of an unsaleable brown sand buttress against any gault clay faces. Topsoil and subsoil would be stored in mounds of up to 3m and 5m high respectively. The site establishment works need to be completed prior to the depletion of construction sands in the western extension to provide continuity of production. When the application was submitted in June 2007, the applicant estimated that production from the northern extension would commence by the end of 2008. In September 2008 the applicant indicated that it if permission were granted it would hope to commence soil and overburden stripping at the eastern end of the northern extension in Spring 2009 (preceded by tree and other vegetation clearance).

14. Stage 2: The construction sand excavation and second overburden strip would involve the working of about half the construction sand reserve (1.3 years at 90,000tpa) with a quarry face advancing from east to west in one or two 6m high benches. Sand would be extracted from the base of the face and transported by loading shovel up to 130m to a hopper and extended conveyor. The conveyor serving the western extension would also remain in place until no longer required. Footpath MR177 would be permanently diverted onto the western site boundary before the second overburden strip. Near the end of stage 2, the remaining soil and overburden would be stripped and placed into storage on the quarry floor (in locations identified on phasing drawings). The remainder of the sand buttress would be formed, protected

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

with hessian matting and seeded. The upper part of a stream overflow spillway would be created. The stockpile of industrial sand in the eastern part of the quarry would be depleted to create further space for overburden storage during stage 3. By the end of stage 2, all overburden would be stripped from the northern extension and final overburden slopes formed.

15. Stage 3: The completion of construction sand excavation would occur in stage 3 (about 2.1 years) as the face would move in a westerly direction and the extraction of industrial sand would move from the western extension to the eastern end of the northern extension with extraction to 38m AOD. Extraction would again progress in a westerly direction to allow progressive restoration in stage 4.
16. Stage 4: The completion of industrial sand excavation and progressive restoration would occur in stage 4. As the lower sand faces advance, fill would be placed on the floor of the quarry behind the working area to enable the final restoration levels to be achieved in accordance with a restoration drawing. Unsaleable brown sand would be placed in the quarry floor to form the final infiltration feature (i.e. linear soakaway). Clay previously backfilled on the existing northern quarry slope would be re-excavated ahead of advancing sand extraction to enable extraction of the existing quarry wall to a depth of 38m AOD. On completion of sand extraction, remaining stored clay fill and soils would be placed to secure the final restoration levels.
17. Restoration of the proposed extension would be similar to the existing quarry with a series of south facing sand faces and benches created by the extraction process which would be soiled and planted with native trees and shrubs, in effect “moving” the previously restored face approximately 150m north. Other features created would include a damp neutral grassland floor with linear drainage (including soakaways), a diverted stream and a new pond with associated woodland and scrubby planting to promote newt habitat creation and colonisation. The soil screening bund between the quarry and the residential properties on Addington Lane which would have been planted with trees and shrubs would be retained. The application contains proposals for soil stripping, handling, storage and replacement, measures to ensure stability of retained sand faces and planting and seeding. When the application was submitted in June 2007 the applicant stated that all restored areas would be subject to a 5 year aftercare period. This has since been extended to 10 years.
18. The application is supported by an environmental statement and non-technical summary containing sections on site description and setting, planning policy, need and alternatives, development proposals, restoration, landscape and visual impact, noise, ecology, geology, air quality, archaeology and cultural heritage, hydrology and hydrogeology, soils and agriculture, highways and public rights of way, geotechnical stability.
19. As a result of objections from the Kent Downs AONB Unit, Wrotham Parish Council, the CPRE and Natural England in respect of landscape and restoration issues, from Natural England and KCC's Biodiversity Projects Officer in respect of ecological issues and from KCC's Archaeological Officer in respect of archaeology and historic landscape issues, discussions were held with the applicant. This led to the applicant submitting further information in support of the application in June 2008. The further

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

information comprises supplementary assessments in respect of need & alternatives, landscape & visual impact, ecology (including details of further reptile surveys and mitigation), archaeology & cultural heritage (i.e. a fully revised section). These are presented in a Supplementary Statement which also contains responses to a number of objections and other issues raised during consideration of the application. It also contains a number of amendments to the proposals (including to the restoration of both the proposed northern extension area and the adjoining existing main quarry area north of the M20, but excluding the plant site area). The main changes are:-

- additional woodland planting to the quarry floor (e.g. two blocks in the base of the quarry and several areas adjacent to the base of the final north and south facing restoration slopes);
 - two additional hedgerows across the quarry floor (linking proposed woodland blocks with surrounding planting);
 - the translocation of the existing mature hedgerow adjacent to footpath which would need to be diverted to accommodate extraction to a receptor location alongside the diverted footpath (supplemented by new planting as necessary);
 - hedgerow strengthening along the western boundary of the site (to close existing gaps);
 - the “softening” of the permanent screening bund in the north of the site;
 - the diverted stream channel would be constructed using “bio-engineering” techniques (designed to improve the nature conservation and habitat creation benefits of the new watercourse);
 - the provision of a new public footpath linking footpaths MR184 and MR168 (around the western and southern boundaries of the quarry).
20. Following discussions with the applicant after the Members’ Site Visit, it has agreed to a number of additional measures. These include extending the aftercare period from 5 to 10 years, undertaking a survey of existing trees near the plant site and supplementing planting in this area and between the application site and Addington Lane as necessary.

Planning Policy Context

21. The most relevant planning policies are set out in [Appendix 2](#).

Consultations

22. **Tonbridge and Malling Borough Council** – No objection. However, recommends that if planning permission is granted conditions should be imposed to secure the implementation of the dust mitigation measures proposed in paragraphs 11.55 and 11.56 of the Applicant’s Environmental Statement.
23. **Trottiscliffe Parish Council** – Considers that the landscape and visual assessment has failed to include viewpoints from roads such as Addington Lane (which allow filtered views of the extension area) with the result that the proposed restoration and planting scheme does not adequately screen the proposed development. It has suggested that the screening bund and associated planting be extended further east

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

even if this means that the quarry face would need to be moved further from Addington Lane. It has also expressed doubts that the proposed hedgerow translocation (mostly mature blackthorn) would succeed and suggested that this be replaced by a mixed native hedge. Failing this, a method statement should be secured to address preparation, lifting and aftercare. It has stated that, wherever possible, planting should be done in advance of development and that KCC should be assured that benches for tree planting should be properly formed with topsoil to provide a good growing medium to support tree growth and avoid the failures that have occurred on the embankment to the north of the plant site. It has further stated that although planting on existing benches has been relatively successful, it contains a high proportion of pine, and any new plant mix should be considered carefully to better reflect this part of the AONB and contain understorey planting as well as trees. The Parish Council has also asked whether the applicant could be required to fund local off-site landscape projects to assist in mitigating the short-term negative effects of the development since new planting may take 15 to 20 years to have any substantial effect.

In responding to the proposals to amend the scheme of working and restoration for the existing site (referred to in paragraph 5 above), it has also expressed the opinion that tree planting and understorey planting should use larger stock (i.e. trees of at least 120-150cm as opposed to 80-100cm and understorey planting of 60-80cm rather than 40-60cm) and that proposed hedgerows should be planted at 6 plants per linear metre and not 4. Since these comments could also be applied to the proposals for the northern extension, they are reported here.

24. **Addington Parish Council** – No response to the Supplementary Statement (June 2008). In commenting on the details contained in the initial June 2007 submission, it stated that it fully supported the application as it is mindful of the need to continue sand extraction in this location and since the application has been prepared so that all the issues and concerns have been dealt with in a constructive way. It also stated that it is keen to ensure that the diversion of the footpath is carried out in such a way that no disruption is caused to users and proper clear signage is provided particularly during the process of diversion. It noted the intention to install a screening bund prior to extraction (at the north end of the site) and hoped that the disruption to local residents would be kept to a minimum.
25. **Wrotham Parish Council** – No response to the Supplementary Statement (June 2008). In commenting on the details contained in the initial June 2007 submission, it stated that the application did not provide sufficient enhancement of the AONB or an exceptional circumstance sufficient to overcome the severe constraints against development in the AONB (i.e. against the criteria set out in Policy EN4 of the KMSP). However, it felt that there are advantages in extending a quarry rather than sourcing the minerals from a new quarry and that it should be possible for the applicant to provide a new and improved scheme of restoration that would overcome the constraints. It suggested that the applicant submit a restoration scheme for the whole quarry which would enhance the quality of the AONB. It also suggested that the part of the quarry close to the M20 embankment which prevents landscape mitigation of the motorway should be backfilled with inert and non-putrescible material such that indigenous planting would screen the motorway. It further suggested that a new

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

restoration scheme be designed for the entire site which provides landscape mitigation for the motorway and provides for lowland heath habitat on the basis that this habitat is now very rare in Kent. It also referred to information in the CPRE's response.

26. **Platt Parish Council** – No response to the Supplementary Statement (June 2008). In commenting on the details contained in the initial June 2007 submission, it stated that it had no objection. However, it would wish to see a condition imposed that restricts the maximum number of HGV movements per day (preferably to no more than 36 loads per day).
27. **SEERA** – Does not consider that the proposals are of regional significance and therefore does not wish to make representations.
28. **SEEDA** – No comments to make.
29. **Environment Agency** – No objections subject to:-
 - a condition requiring the prior approval of details for diverting the existing watercourse to a new man made channel and the new water course being designed to maximise wildlife value by having a varied and sinuous course with a suitable substrata on top of the clay lining;
 - the County Council being satisfied about stability in the base of the excavation as it could be affected by flood water during extreme events;
 - adherence to a revised protocol for groundwater monitoring (to include the potential for leachate and landfill gas monitoring and related risk assessments at Wrotham Quarry should landfill gas or leachate escape through the Folkestone Sands from Pearson's Pit to the north) – *a suitably revised protocol has already been agreed*;
 - specific informatives to address potential risk to groundwater as the site lies in a sensitive area in terms of groundwater vulnerability and overlies a major aquifer and is in the Source Protection Zones for the Trosley public water supply abstractions; and
 - the current working arrangements for foul drainage, storage of fuels/chemicals and dealing with spills being retained to ensure continued management of risks from pollution of soils and groundwater at the site.

It has also stated that it agrees with the proposal to raise the quarry floor level in the extension to 38m AOD from between 31 and 33m AOD in the current quarry to improve the protection of potable water supplies

30. **Natural England** – In commenting on the Supplementary Statement (June 2008), it stated that:-
 - it understands the Kent Downs AONB Unit has been involved in discussions relating to the implications for this proposal on the AONB and recommends they be consulted on the additional information supplied;
 - the indicative reptile mitigation appears appropriate to mitigate the potential impacts of this proposal on local reptile populations but any habitat enhancement works to the receptor site should be conducted sufficiently far in advance of

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

individuals being translocated to ensure the habitat is capable of supporting the additional numbers – a condition should be imposed to secure a detailed reptile mitigation strategy;

- where habitats are created as mitigation or enhancement for a development, these habitats should be subject to long term management and monitoring to ensure that the populations of species affected are conserved, and wherever possible enhanced;
- it recommends that a management plan and monitoring programme should be produced for all habitats and species affected by the application – this strategy (and funding for its long-term implementation) should be secured from the applicant;
- soils should only be handled when they are in a dry and friable condition and in such a way as not to cause significant compaction (i.e. in accordance with MAFF's Good Practice Guide for Handling Soils) so as to ensure that the long term potential of the land for agricultural production is not prejudiced; and
- unlike income generating afteruses such as agriculture or forestry, the success of reclamation schemes based on landscape, recreation and nature conservation depends upon well funded and effective schemes of aftercare being implemented with provision for the longer-term management of the land.

In commenting on the details contained in the initial June 2007 submission, it stated that:-

- the long term visual impact on the landscape would not be great, such that this alone would not be a reason to prompt a proposed rejection. However, it questioned the specific restoration proposed with banks and shelves and suggested that some construction effort be made to tie the resulting landscape to the previous landform such that the contours are “rolling” rather than “angular”. It further stated that it would be minded to object to any application with unhelpful restoration proposals (in terms of landscape topography or habitat);
- it saw no reason to believe that the application would have any impact on the AONB status of the quarry area in the immediate future (and assumed that the Kent Downs AONB Unit would be consulted);
- it had no objection to the proposed permanent diversion of a footpath (as the proposed route would be roughly equidistant to the existing);
- the proposals appeared to be broadly acceptable and in accordance with its protected species guidelines. It commended the care taken over the great crested newts to date and advised that a further licence would be required before works commence;
- it would like to see hedgerow replacement on a like for like basis so far as possible (and suggested that Kent Wildlife Trust could advise on this);
- the County Council should have regard to section 40 of the Natural Environment and Rural Communities Act 2006 and to the duty on public bodies to have regard to issues of biodiversity and to the enhancement of habitat. It noted the proposed restoration by establishing neutral grassland for amenity usage and suggested that acid grassland and heath would be a more preferable aspiration, consistent with the pre-quarry environment in this location and appropriate to the area, as this would reduce the final impact of the development/works on the area; and
- suitable dust control measures should be imposed to ensure that the adjoining

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

Trottiscliffe Meadows SSSI is not adversely affected.

Natural England was subsequently involved in discussions with both the Kent Downs AONB Unit and KCC's Biodiversity Officer and stated in an email (in November 2007) that further reptile survey work was required and that it was unhappy with the restoration proposals and would object to the planning application. The discussions between these parties informed the scope of the further work required by the applicant and are reflected in the information contained in the Supplementary Statement.

31. **Kent Wildlife Trust** – In commenting on the Supplementary Statement (June 2008), it stated that it still has no objection in principle and welcomes the retention of sand faces as a restoration feature, but would prefer that the applicant be asked to explore the potential for applying an appropriate seed mix to a thin sandy loam to achieve lowland dry acid grassland – a Kent Biodiversity Action Plan priority habitat that would complement a range of “designated” habitats in the vicinity. If such treatment is feasible, it would ask that this be a requirement of any permission granted.

In commenting on the details contained in the initial June 2007 submission, it stated that it had no objection in principle provided Natural England are consulted on the proposed mitigation measures to avoid harm to protected species at the site and (*subject to endorsement of Natural England*) the imposition of planning condition(s) and/or planning obligations to secure the mitigation and enhancement measures mentioned in the Environmental Statement. It also advised that it is particularly keen to see the restored grassland to be unimproved and managed by sheep grazing.

32. **Kent Downs AONB Unit** – No response to the Supplementary Statement (June 2008). In commenting on the details contained in the initial June 2007 submission, it stated:-

“We object to the proposed extension to the quarrying operation on the grounds it would be harmful to the landscape character of the Kent Downs AONB. This is because the loss of the existing tree line would be detrimental to views into the site from the north and to views across the site towards the north and south, in the longer term. These trees are an important distinctive landscape feature within the Downs from all angles. They serve as a backdrop to the present quarry, now, and once restored will help screen the quarry and the plant. This is reinforced by the Environmental Statement assessing 13 out of the 14 view points as having a high visual sensitivity rating. The statutory approved Kent Downs Management Plan recognises that development pressure means that the approaches to and views from the AONB are set to deteriorate unless efforts are made to protect them. Policy SDT4 in the Plan states: “The impact on the setting of the AONB and the views in and out of the AONB are to be considered in all development applications”. (page 56)

If this feature were removed a full view into the site would be afforded; where the tree line tapers out at the present time (to the west) it would be possible to see into the site and see the restored north facing batters. These look completely out of keeping with the landscape and the present restoration is inadequate to restore the landscape to a high quality that will be compatible with the AONB designation.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

It is fairly clear that this boundary line for existing operations was chosen as the northern boundary for a number of reasons including:

- To protect the amenity of inhabitants of Addington Lane
- To protect the tree line which is an important feature in its own right and because it acts as a major screen in its own right
- To protect the stream line

Another key consideration is that as the period of extraction and the restoration process is likely to take in excess of twenty years there will be a long term adverse impact upon a highly sensitive part of the AONB, which is not acceptable. The Environmental Statement acknowledges that the overall magnitude of Residual Landscape Change will be substantial during the initial construction, operational and progressive restoration stages.”

The Kent Downs AONB Unit was consulted on an informal response by the applicant to its objections in February 2008. Due to the informal nature of this exchange and since the applicant has since amended the proposals in response to these concerns and other issues raised, they are not reported further.

33. **CPRE** – In commenting on the Supplementary Statement (June 2008), it stated that:-

- it noted that the applicant has now followed the correct planning procedure for large projects in the AONB but is still concerned that the proposal is still focussed primarily on the landscaping of the northern extension and the land areas in the existing pit that would be used for stockpiling sand and overburden;
- its principle concern remains the removal of the tall tree screen that formed part of the initial planting when the land was first acquired;
- the proposal fails to note the main adverse impact on the AONB at the east end of the Quarry where tree screening is poor and there are a number of dead trees (i.e. around the plant site area) – this requires urgent examination and should be addressed now as it will deteriorate further and exacerbate views into the quarry to a far greater extent than the loss of the tall tree line;
- additional lime trees (with a potential height of 30-40m) should be planted at the centre of the proposed screening bund to complement those in a line to the north of the road opposite Chiralea and Leney's Cottages as this should more than compensate for the loss of the tall tree screen when surrounded by the other trees proposed for this area;
- provided planting is implemented in the early stages of development (i.e. when the screen bund is constructed), the negative impact on the landscape could be of relatively short duration and taking account the relative scarcity of silica sand in the South East this may be considered an acceptable measure if the other tree screens are enhanced and maintained in a healthy state; and
- it supports the proposed habitat for the great crested newt colony as the new pond would dry out in summer preventing predatory fish becoming established.

In commenting on the details contained in the initial June 2007 submission, it stated that it:-

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

- objected on the grounds that the proposal does not conform to current planning guidance for the Kent Downs AONB as set out in Policy EN4 of the KSP 2006 but considered that this objection could be overcome if the landscape were to be enhanced;
 - had concerns that the application did not explain how the proposed restoration integrates with that for the rest of the quarry (including the plant site and land south of the M20); and
 - suggested that the entire site should be restored to Lowland Heath as this would entail no significant increase in cost and would accord with earlier discussions between the CPRE and the Trottiscliffe Society in the context of a public inquiry into the Highways Agency's proposals for the widening of the M20 in 1994/5.
34. **South East Water (formerly Mid Kent Water)** – No response to the Supplementary Statement (June 2008). In commenting on the details contained in the initial June 2007 submission, it stated that it:-
- had been working closely with the Environment Agency to ensure that works in the area have a minimal impact on the underlying aquifer and public water supplies;
 - has important groundwater sources for public water supply close to the proposed site and is mindful of its obligation to protect public drinking water supplies at all times;
 - is important that it is included in all discussions surrounding works on the site going forward; and
 - was minded not to oppose the application at this stage subject to being included in all future discussions surrounding groundwater protection and monitoring.
35. **Southern Water** – No comments.
36. **National Grid** – Has advised that there is a negligible risk to its gas and electricity network given the nature of the proposals and the proximity to and sensitivity of the networks.
37. **EDF** – Has confirmed that it has a high voltage overhead cable in the application area.
38. **Southern Gas Networks** – Has identified that its apparatus is not affected.
39. **Divisional Transportation Manager (West Kent)** – No objection subject to existing access and HGV controls being repeated and further positive lorry signing at the junction with A20/Allington directing to the quarry west along A20 and at Ford Lane again directing to the quarry.
40. **KCC Landscape Consultant (Jacobs)** – In responding to issues raised at the Members' Site Visit and comments from Trottiscliffe Parish Council, it has confirmed that the landscape and visual issues have been adequately addressed by the applicant and has made a number of detailed comments. Specifically, it agrees that there is some doubt as to whether hedgerow translocation would be successful (but is satisfied that this can be addressed by conditions requiring its replacement should translocation fail), it is satisfied that the inclusion of Scots Pine is appropriate in this case (as it has commonly been planted as a parkland feature on the sandy soils in this

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

part of Kent along the M20 corridor and would provide a welcome evergreen element) but that other pine species should be avoided and it believes that supplementary planting adjacent to the plant site on the Addington Lane boundary should be concentrated on the top of the bank nearest the road (due to the difficulties that would arise from planting on such a steep bank without additional engineering and irrigation). It has also recommended tree surgery/pruning of any die-back to improve the appearance of the area and measures to ensure that new planting is protected from animals.

In responding to the Supplementary Statement (June 2008), KCC's landscape consultant has advised that whilst it believes that the applicant has slightly underplayed the extent of the visibility the proposals would have when viewed from the North Downs, it is satisfied with the general thrust of the landscape and visual assessment put forward by the applicant and the likely landscape and visual effects that would result from the proposals in overall terms. It advises that the long term visual effects of slight to moderate for key views and landscape character are relatively benign for a development of this kind, particularly given the sensitive AONB setting. It considers that these levels of effect are a fair reflection of the fact that the development would not be conspicuous in the broader landscape and would be set in the context of significant existing and historic quarrying in the local area. It also accepts the applicant's argument that the main east-west hedgerow that would be lost is of less importance as a landscape feature as it comprises more recent screen planting and includes species that are not typical of the landscape character of this part of Kent and were planted for their fast growing / screening properties (e.g. Willow and Alder). In this way, the hedgerow is not strictly "in character" and is replaceable in a way that a more species rich / older hedgerow would not be.

It has further advised that whether or not the landscape and visual effects are acceptable, particularly in relation to the AONB, will obviously need to be considered in line with other issues. Such issues include the need for the mineral extraction and other environmental impacts, such as those relating to ecology and noise and air quality during construction. It would be difficult to argue however, that the landscape and visual effects in isolation are sufficient to warrant a refusal of the application in this instance. It also considers that the creation of the new footpath link is a very positive measure in terms of recreation and the potential for experiencing the landscape and visual amenity of the local area.

In commenting on the wider visual and landscape character effects of the on the AONB in response to the initial June 2007 submission, KCC's landscape consultant broadly agreed with the findings in the Landscape and Visual Impact Assessment contained within the Environmental Statement. Existing tree belts, hedgerows and woodland blocks around the site are important in reducing the site's visibility within the landscape such that it is not highly visible from surrounding areas. The removal of vegetation from the site and the opening up of some restored portions of the existing quarry would only be visible from a few long distance and elevated viewpoints in the AONB. Overall the wider effects on views and landscape character within the AONB would not be significant.

KCC's landscape consultant raised concerns in relation to the direct adverse

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

landscape effects on the site itself including the loss of existing trees and hedgerows, the removal of a length of stream and a pond, and topographic changes which would result in locally significant adverse effects on the landscape character of the site. Because the magnitude of localised adverse effects would be high, overall the landscape impact is considered substantially adverse. These effects could be mitigated by new plantings, but it would take around 15 to 20 years to fully mitigate the adverse effects.

It suggested that it would be beneficial for the applicant to consider ways in which the adverse impacts, particularly on existing vegetation, could be reduced or further mitigated. This might include the retention of more vegetation, the existing pond and part of the stream, and 'Off-site' planting belts could be planted in advance of the commencement of operations. It may also be beneficial to seek improvements to the existing permitted quarry site which might offset some of the adverse impacts of the proposals.

It also suggested that whilst the restoration scheme and proposed mitigation were acceptable in both landscape and visual terms, the restoration scheme should be amended to better reflect surrounding landscape character. It further suggested that the potential historic landscape value of the hedgerow and stream which mark a parish boundary should be further considered.

41. **KCC Geotechnical Consultant (Jacobs)** – No objections. Advised that the parameters used in the geotechnical report accord with published values and are appropriate for the geologies present and that the proposed final restoration slopes are shallower than recommended (*hence acceptable*). Further advised that as the proposed steep temporary slopes in the gault clay would be prone to instability it is important that the proposed buttressing with sand deposits be undertaken without undue delay and that it is also important for the new man made channel to be reinforced.

42. **KCC Noise, Dust, and Odour Consultant (Jacobs)** –

Noise: No objection subject to the imposition of conditions to limit noise from day to day operations to no more than 53dB $L_{Aeq,1hr}$ measured at any noise sensitive property and noise from temporary operations (e.g. soil stripping and bund formation) to no more than 70dB $L_{Aeq,1hr}$ for a period not exceeding 8 weeks in any one year.

Dust: No objection subject to the proposed dust control measures being implemented as set out in Section 11.55 and 11.56 of the Environmental Statement (e.g. water bowser / spray on haul roads, minimisation of double handling of materials and others identified in MPS2). Advises that these measures should mean that the proposed development would be unlikely to cause detriment to amenity at the closest sensitive properties.

43. **KCC Archaeology and Historic Landscape** – No objection subject to the imposition of conditions to secure appropriate archaeological and historic landscape recording work.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

44. **KCC Biodiversity Projects Officer** – No objection subject to any further comments from Natural England in respect of bats and the imposition of conditions to secure the following:-

- the proposed mitigation and habitat creation (with native species planting of local provenance) to ensure that biodiversity is enhanced;
- the translocation of the hedgerow (and monitoring for any changes that may be needed);
- a detailed mitigation method statement for great crested newts (including the measures highlighted in sections 4.2, 4.3 and 4.4 of the great crested newt report);
- the measures recommended in section 4.4 of the protected species survey report on badgers;
- the recommendations in section 3.4 of the protected species survey report on birds and restrictions on the timing of works to avoid the bird breeding season;
- the proposed reptile mitigation measures (set out in section 4 of the Supplementary Statement);
- the implementation of the Bat Conservation Trust Guidelines for felling trees with low potential for bats; and
- the monitoring and reporting of the above to the County Council (annually).

Has also advised that:-

- the proposed habitat creation is welcomed;
- the further survey work and associated mitigation proposals set out in the Supplementary Statement are acceptable; and
- the Environment Agency be consulted with regard to the stream diversion and design.

45. **KCC Rights of Way** – Has welcomed the proposed creation of a new footpath around the southern and western perimeter of the site as it would create an off-road route linking the villages of Addington and Trottiscliffe, allowing pedestrians to avoid walking on the fast and busy Addington Lane. Has confirmed that public footpaths MR177 and MR184 run through the site and would be affected by the proposed development. Has advised that if planning permission is granted, the development would necessitate the diversion of these footpaths and require a formal Order to do so. Is satisfied with the diversion proposals (*having met the applicant on site*), however, advises that there is no guarantee that any application for a diversion Order would be successful. Planning permission does not entitle the developer to obstruct the Public Right of Way and it must not be affected until a diversion Order has been confirmed. The proposed temporary closure of footpath MR177 to allow for the construction of the diverted watercourse would be processed on the basis that: it is paid for by the developer; the duration is kept to a minimum; an alternative pedestrian route is provided at all times; and 6 weeks notice of the requirement of a closure is given by the developer.

Representations

46. The application has been publicised both by site notice and newspaper advertisement and 21 local residents / business properties were notified. The Supplementary

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

Statement submitted in June 2008 was also advertised in accordance with the EIA Regulations and the local resident who initially made representations was informed.

47. Only one representation has been received. It raised the following issues:-

- Something must be done to prevent HGV traffic entering and trying to turn in Trottiscliffe from Addington Lane (alleges that 99% of the problem is caused by HGV vehicles trying to access the quarry from Addington Lane rather than Ford Lane). Suggests that either a HGV access should be made in Addington Lane or additional signs erected to stop HGVs reaching Trottiscliffe.
- The proposed new pond off Addington Lane should only be used for wildlife and newts and be made unsuitable for fishing to prevent problems associated with this use on local farmland as has sometimes been the case with the existing potato irrigation pond (e.g. break-in's, destruction of gates and fences, attacks on livestock, litter leading to vermin and general nuisance).

Local Member

48. County Council Member Mrs S Hohler was notified in July 2007 and again in June 2008. Mrs V Dagger was also notified as the adjoining County Council Member.

Discussion

49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in [Appendix 2](#) are of greatest relevance.

50. In this instance, the proposals need to be considered against minerals policies and other material considerations. The main issues to be considered relate to:-

- The quantity and quality of the mineral resource(s);
- The need or otherwise for the mineral(s) and alternative options;
- Landscape and visual amenity (including AONB and Green Belt issues);
- Water environment (hydrology, hydrogeology and groundwater impacts) and Geotechnical stability;
- Ecology;
- Local amenity impacts (e.g. noise and dust / air quality);
- Archaeology and historic landscape;
- Highways and transport; and
- Public rights of way.

The quantity and quality of the mineral resource(s).

51. Policy CA7 of the Kent Minerals Local Plan (KMLP) Construction Aggregates (CA) states that the County Council will require evidence of the extent and quality of mineral reserves for proposed workings.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

52. The application seeks to extract about 246,000t of silica sand and 224,000t of construction sand (i.e. a total of 470,000t of sand from within the Folkestone Formation). The applicant has provided evidence of these reserves in the form of borehole, trial pit and sieve analysis information. The boreholes indicate that the silica sand deposit in the proposed northern extension extraction area is between 15m and 18m deep and the construction sand deposit between 1.9m and 7.5m deep, overlain by between 0.8m and 6m of unsaleable brown sand, gault clay (including sandy clay transition beds), soils, subsoils, superficial clays and gravel. Over the entire application area, the silica and construction sands average 12.9m and 6.6m respectively. The gault clay and unsaleable brown sand are only present in the western part of the area with soils directly over sands in the eastern part.
53. The applicant states that sampling of the boreholes confirms that much of the silica sand deposit exceeds 99% silica and would be used to produce three grades of foundry sand (i.e. W50, W60 and W75 – the latter needs to be blended with very fine sand from the south of the M20) and is also suitable for use in the manufacture of coloured glass and containers. The production of this sand is more sophisticated than normal sand products with screening, washing and grading before much of it is dried. As the sand at the site is clean and classified into relatively single sized grades it is suitable for use in a variety of specialist applications such as roof and floor tiles, floor and rendering compounds, road markings and paints and fire retardant cements and grouts. The applicant also states that sands would be used for a variety of uses in the sports and leisure industries (e.g. equestrian surfaces, sports pitches, golf courses and play areas) and need to be non-staining, free from impurities and trace elements and have specific drainage characteristics not available from normal unwashed sand. The natural silt / clay content of the construction sand makes it suitable for use in mortar or brick coating.
54. Although the depths of the mineral deposits vary across the proposed site and not all of the mineral could be worked to full depth due to operational and engineering constraints, I am satisfied that the applicant has provided sufficient information to demonstrate workable silica and construction sand deposits and compliance with Policy CA7 of the KMLP CA. No objections have been raised on this issue by those who have responded.

The need or otherwise for the mineral(s) and alternative options

55. The main national planning policies relating to the need for silica sand and construction sand are set out in MPS1 (November 2006) and MPG15 (September 1996). MPS1 deals with the general principles associated with mineral working whilst MPG15 deals with silica sand.
56. The main Government objectives relating to need set out in MPS1 are “to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment” and “to encourage the use of high quality materials for the purposes for which they are most suitable” (paragraph 9). Annex 1 to MPS1 considers the supply of aggregates (such as construction sand) in England and sets the basis for regional and sub-regional apportionment. MPS1 is also clear that major minerals development should not be permitted in AONBs except in exceptional

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

circumstances (because of the serious impact that such development may have on these areas) and should be demonstrated to be in the public interest before being allowed to proceed (second bullet of paragraph 14). It also states that:

“consideration of such applications should therefore include an assessment of:

- (i) the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy;
- (ii) the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way;
- (iii) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.”

This effectively repeats the guidance set out in PPS7 which requires applications in AONBs to be subject to the most rigorous examination. Put simply, and as a starting point, for mineral working to be acceptable in the AONB there must be a demonstrable need for the mineral which cannot be met elsewhere and there should be no materially adverse impact on the character of the area. This policy is reflected in Policy EN4 of the Kent & Medway Structure Plan (KMSP) which states (amongst other things) that:

“Major commercial, mineral or transport infrastructure developments will not be permitted (*in AONBs*) unless it can be demonstrated that:

- (a) there is a proven national interest
- (b) there are no alternative sites available or the need cannot be met in any other way; and
- (c) appropriate provision can be made to minimise harm to the environment.”

57. MPG15 emphasises the essential role of silica sand as a raw material for many industrial processes (e.g. the manufacture of glass, production of foundry castings and ceramics), its sparse distribution and national importance, the fact that its extraction has an impact on the environment which must be carefully balanced against the needs of the community and the need to ensure an adequate and steady supply for the consuming industries. Whilst paragraph 44 of MPG15 indicates that the landbank concept cannot be readily applied to silica sand because of the special features of the industry (e.g. a small number of deposits and limited locations where extraction is economically feasible and high capital investments costs), paragraph 47 states that MPAs should aim to ensure that silica sand landbanks of least 10 years are maintained for individual sites and paragraph 48 that landbanks of 15 years or more should be provided for greenfield sites. Paragraph 46 acknowledges that reserves may fluctuate wildly at the local level depending on the timing and size of individual planning applications given the relatively small number of quarries producing silica sand and the range and types of sand required for different end users. For this reason, paragraph 51 stresses caution on using landbank figures and paragraph 64 that decisions on individual applications should not be determined on an over-precise calculation of whether supply matches the landbank requirement.

58. MPG15 also states (paragraph 24) that silica sand-bearing deposits may be overlain

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

or interbedded with inferior grade sands that may not be suitable for industrial uses and that the use of such sands for construction uses would maximise recovery and ensure efficient use of the total resource in line with the principles of sustainable development. It also states that as the percentages of silica and construction sand may vary from site to site Mineral Planning Authorities (MPAs) will need to distinguish between those operations that essentially produce construction sand with small amounts of silica sand and those that are essentially for silica sand but which as a consequence of geology produce a proportion of material which is only suitable as a construction aggregate. It further states that MPAs will therefore need to recognise the importance of the quality of silica sand whatever element of the overall output it constitutes and exercise some degree of flexibility in applying the guidance. Paragraph 31 additionally states that it would normally be appropriate to utilise certain amounts of lower grade silica sand found within silica sand deposits as construction sand rather than waste these. Paragraph 55 states that it may be generally preferable to allow extensions to existing workings rather than new green field sites to minimise environmental disturbance and because of the scale of investment needed to open new silica sand works. However, it goes on to say that this will not always be the case as some existing mineral workings may be unsuitably located and new workings may do less environmental harm. It further says that any general preference for extensions should not be construed as protecting existing suppliers and a constraint on competition and that each case should be considered on its merits.

59. These national policies are reflected at the regional level in Policies M3 and M4 of RPG9 and the draft South East (SE) Plan and at the local level in Policies MN5 and MN7 of the KMSP and Policies CA6 and CA7 of the KMLP CA. Policy M3 of RPG9 and the draft SE Plan requires that Kent and Medway plan to maintain a combined landbank of at least 7 years of planning permissions for land-won sand and gravel which is sufficient, throughout the mineral plan period, to deliver 13.25 million tonnes per annum (mtpa) of sand and gravel across the region based on a sub-regional apportionment of 2.53mtpa. This requirement is reflected in Policy MN5 of the KMSP. Policy CA6 of the KMLP CA states that in areas of search identified on the Proposals Map, proposals to extract minerals will be acceptable provided that there is a sufficient case of need to override material planning interests and if other policy considerations are met. Wrotham Quarry is not identified as within an area of search for construction sand in the KMLP CA. Policy M4 of RPG9 and the draft SE Plan requires that a permitted reserve of silica sand should be maintained throughout the plan period in Surrey and Kent, equivalent at current production rates to at least 10 years at existing sites and at least 15 years at new sites. This is reflected in Policy MN7 of the KMSP. Policy CA12 of the KMLP CA states, amongst other things, that proposals to work silica sand will be considered against the special case of need for the maintenance of such reserves and the need for their extraction being sufficient to override material planning interests.
60. National annual output of silica sand peaked in the mid-1970's at about 6.3 million tonnes (Mt) but between 1997 and 2006 it remained between 3.833mt (2002) and 5.174mt (2006). In 2006 about 88% was produced in England and most of the rest in Scotland, although Scotland is expected to become increasingly important due to significant permitted reserves and identified resources. Production in the South East

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

rose from 0.489mt in 2001 to 0.761mt in 2006.¹ In 2004 the main uses Nationally were glass (53%), foundry sand (11%), other industrial uses (19%) and horticulture and leisure (17%). Foundry sand production has reduced in recent years reflecting the decline in UK manufacturing. MPG15 (paragraph 49) states that there were about 25 years of reserves for industrial purposes in 1990. Whilst there is no up to date information on permitted silica sand reserves nationally, a survey of operational sites in England undertaken by the Silica and Moulding Sands Association (SAMSA)² found that there were 46.249mt of permitted reserves on 1 January 2003. On this basis, the permitted reserves in England were less than 15 years supply. Reserves in Scotland were estimated to be about 18mt.³ Although some new reserves have since been permitted and the actual landbank is unknown, it should be noted that not all reserves are interchangeable or capable of being used for all uses. The position in respect of the need or otherwise for additional permitted silica sand reserves at the National level is therefore unclear at this time and is further complicated by the variety of uses for such sands. It is unfortunate that Government has not updated MPG15 or included further information on silica sand in MPS1.

61. Paragraph 11.51 of RPG9 (as amended) states that there are nine silica sand quarries in the Lower Greensand in Kent and Surrey (two are currently non-operational and another due for closure). Paragraph 11.52 states that permitted reserves of silica sand in the South East are estimated to be 15.4mt and that at current production rates (of 700,000tpa) this provides a landbank of 22 years. It also states that future silica sand production in the region is likely to be confined to Kent and Surrey, with the major extraction site located between Bletchingly and Godstone, where it is understood that there are substantial reserves of high quality silica sand providing a landbank of at least 10 years. Paragraph 11.53 states that certain factors need to be considered in assessing the regional importance of silica sand: (i) there is evidence of its use as a low grade aggregate, raising the issue of whether high quality sand should be limited for specialist purposes to ensure plentiful supplies for the longer term; (ii) the increased use of cullet (broken glass) in glass manufacture requires a greater use of high-grade silica sand in the process to offset the inconsistency of the cullet which may not be a sustainable use for a relatively scarce natural resource, especially if the re-use of glass containers is to be encouraged; and (iii) lower grade sands can be processed to increase their range of uses, although this can be relatively expensive and has other environmental implications. Paragraph 11.54 states that these uncertainties do not outweigh the need to safeguard high quality resources to meet both regional and national requirements well into the future. It also states that the reserves of high quality mineral in Surrey are potentially large enough to satisfy regional needs for high specification requirements. Much of the content of these paragraphs is repeated in paragraph 10.98 of the Secretary of State's Proposed Changes to the draft SE Plan.
62. On the basis of the above information, and in simple landbank terms, there would appear to be no need for additional reserves to be permitted at this time to meet a need for silica sand in the South East Region. However, the information contained in

¹ Source: United Kingdom Minerals Yearbook for the years 2002–2007 (British Geological Society).

² Now part of the Quarry Products Association (QPA).

³ Source: Silica Sand Mineral Planning Factsheet (Office of the Deputy Prime Minister and British Geological Survey, January 2006).

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

RPG9 (as amended) and the draft SE Plan on silica sand is now out of date (in terms of current reserves and markets served). Importantly, the latest Regional Monitoring Report (SEERA, 2007) indicates that whilst some producers have silica sand reserves in excess of 10 years there is insufficient data to tell whether or not there are adequate reserves to meet the requirements of Policy M4 of RPG9 (as amended) or the draft SE Plan. Additionally, a background paper on silica sand for the Surrey Minerals Plan Preferred Option (April 2008) states (paragraph 6.3) that “discussion with the industry has indicated that remaining permitted reserves are inadequate to maintain past rates of production for the suggested minimum of ten years. This situation applies to both of the existing workings.” Paragraph 5.4 of the same document confirms that “there are only two operational sites remaining in the county.” It also states (paragraph 2.7) that “there is anecdotal evidence that some silica sand has been used as aggregate”. Regardless of the precise landbank figure, it is also necessary to take account of the requirement in MPG15 to look beyond simple landbank considerations in order to ensure an adequate and steady supply for the consuming industries which rely on different sites / operators and grades of silica sand. It is interesting to note that the Surrey Minerals Plan Preferred Option Proposed Amendments to Core Strategy April 2008 contains only one preferred area for future silica sand provision in Surrey (at Pendell Farm, Bletchingly) and this lies in the Surrey Hills AONB. It is expected that the preferred area would be worked as an extension to North Park Farm and that any applicant would need to demonstrate that the requirement for silica sand for industrial uses outweighs any potential harm to the AONB. A further area (Chilmead Farm, Nuttfield Marsh) is identified as an area of search for possible development beyond the plan period. At the time of writing this report, Surrey County Council has yet to complete its consideration of responses to the Preferred Option consultation.

63. The KMSP contains no reserve assessment although paragraph 2.2 and Appendix 2 of Working Paper 11: Mineral Resources (2003) refer to a silica sand landbank in Kent and Medway at 31 December 2000 of 45 years (based on 12.0631mt at 267,117tpa). The information on silica sand reserves in Kent contained on paragraphs 5.5.3 and 5.5.4 of the KMLP CA is even more out of date. Further work on reserves will be required to inform the Kent Minerals Development Framework (MDF) which will eventually replace the KMLP CA (and other parts of the MLP). If the estimate of permitted reserves at the end of 2000 contained in Working Paper 11 was correct, there would still be significant permitted reserves remaining. However, this is not to say that these would meet the requirements of KMSP Policy MN7 (i.e. a landbank of permitted reserves of silica sand for at least 10 years supply for each production site, or at least 15 years at sites where significant capital investment is required).
64. The applicant has not suggested that there is a shortfall in the overall silica sand landbank in the South East or Kent and instead seeks to rely on the premise that each site should have its own 10 year landbank. It is also of the opinion that much of the permitted reserves are unsuitable for the markets served by Wrotham Quarry. The applicant has stated that about 78% of Wrotham Quarry's silica sand sales are dried and 22% moist. The moist silica sands are still washed and graded but are not dried. Examples of dried silica sand sales include Marley Waterproofing (roofing felt) in Canterbury, Creasey Castings (motorsport foundry) in Sittingbourne, MJ Allen (industrial foundry) in Ashford, Stone Foundries (aerospace and defence) in Woolwich, Colbrook Management (high quality equestrian surfaces) in Ryarsh, Ardex UK (floor

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

screeds and adhesives) in Haverhill, Suffolk. During discussions, the applicant has advised that the approximate percentages of dried silica sand sales from Wrotham Quarry can be summarised as follows:-

- 10% roofing felt;
- 24% screeds, grouts and adhesives;
- 2% equestrianism;
- 42% bagged (by Hanson Packed Products); and
- 22% foundry Sand.

It has also advised that about 40% of moist silica sand sales are to equestrian uses and 60% to other uses. It has further advised that 80 to 85% of Wrotham Quarry's moist sand sales are in Kent. The figures for dried and moist silica sand sales appear to demonstrate that a significant amount of Wrotham Quarry silica sands are used for high quality purposes and/or are used within Kent. The fact that some of the sands are transported out of the South East Region would appear to demonstrate the importance of the sands for the various uses, their relative scarcity and that users are prepared to pay a premium for them.

65. The applicant has stated that whilst alternative sources of silica sand are available elsewhere these are as far afield as Kings Lynn (Norfolk), Bedfordshire and Cheshire and have their own outlets and end uses. It also states that Aylesford is the only site in the South East that produces dried silica sand and that Hanson's foundry customers are unable to use the sand from this site due to its characteristics and associated performance. The applicant has also stated that if permission is not granted there are only four sites in Kent that could potentially absorb the capacity lost at Wrotham Quarry (i.e. Aylesford, Nepicar Farm at Wrotham Heath, Squerreys Court near Westerham and Cricketts Farm near Borough Green – operated respectively by Cemex, J Clubb, Lafarge and Ightham Sandpits). It has further stated that since only Aylesford Sandpit has a plant capable of producing the same quality of sands produced at Wrotham, and all the other sites serve specific markets or possess lower quality silica sand and less consistent deposits, this would mean that all good quality silica sand reserves in Kent would be held by one operator (Cemex). In this way, it suggests that if permission is not granted there would be a problem with productive capacity in Kent which the Kent MLP CA appears to want to avoid. It also states that to not work the northern extension now would effectively sterilise about 250,000t of the silica sand. The applicant also seeks to rely on the support expressed in MPG15 in favour of extensions to existing sites as opposed to new greenfield ones. The applicant states that the proposed development would provide continued direct employment for 6 people and an additional 5 during soil and overburden stripping and restoration, as well as continued indirect employment for hauliers and other service providers (e.g. contractors). These indirect impacts are more difficult to quantify but are important.
66. Notwithstanding the need for a 10 year landbank to be maintained for each silica sand site expressed in MPG15 and the above policies, the extent to which reliance can be placed on this to justify the proposed development must be questioned in circumstances where a site has been operational for well in excess of this period. In my view, MPG15 does not intend that once a site is established it should simply

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

continue to receive new permissions to enable a 10-year supply to be maintained forever. Such an interpretation would seem perverse and in this case would mean that Wrotham Quarry would only ever be closed and fully restored if and when all potential reserves in the area immediately around the site are fully exploited and there are no other sources capable of being imported and processed at the plant site regardless of other issues. In this way, it could lead to continued mineral working in less acceptable locations and work against new sites being identified in other more acceptable locations (i.e. outside the AONB).

67. The issue of productive capacity is a material planning consideration and needs to be addressed. However, the issue is complicated by the lack of detailed or publicly available information on some of the sites referred to. Of the sites referred to by the applicant, Cricketts Farm and Squerreys Court are not considered to be viable alternatives as sand reserves at Cricketts Farm have been fully exploited and those at Squerreys Court are both limited and tied to the production of roof tiles. There may also be reserves at Ightham Sandpit (adjacent to Cricketts Farm) although the position at this site is unclear (in terms of quality, quantity and availability). This leaves Aylesford and Nepicar Farm as potential alternatives. Both sites are outside the AONB.
68. Aylesford Sandpit has significant permitted silica sand reserves, a similar plant to that at Wrotham and already supplies silica sand products to the market. However, as the total output from the site is restricted to 275,000tpa prior to the completion of the permitted new access on Rochester Road (and a HGV movement restriction which would also serve to restrict capacity thereafter) and the site produced 253,446t in 2007. On this basis, even if the sands produced at Aylesford Sandpit were suitable for Hanson's existing customers, there would not be sufficient capacity at this site to serve them if production ceased at Wrotham.⁴ It is worth noting that at least some of the reserves at Aylesford Sandpit are used in the production of mortar at the site. This would appear to either suggest that not all the sands at Aylesford are actually silica sands or would reinforce the anecdotal evidence referred to in Surrey about silica sand being used as an aggregate.
69. Nepicar Sandpit was originally tied to supply silica sand to Ryarsh Brickworks. However, this link has since been removed and the brickworks closed. Although the current position on reserves is not entirely clear the site has no plant capable of producing the same quality of sands produced at Wrotham and the applicant states that the sands are of a lower quality. Despite having significant reserves of silica sand, Nepicar Sandpit could not currently take up the capacity that would be lost at Wrotham if the current application were refused and it is unclear whether it could fully do so if new plant were to be installed regardless of whether the operator (Clubb) had an interest in investing in value added products and developing new markets. This said, the likely reserves at the site would seem to be of sufficient size to justify the installation of new plant if this were capable of serving the current Hanson markets. It is also worth noting that transporting the reserves from Nepicar Sandpit to Wrotham Quarry for processing there would not necessarily overcome AONB policy concerns, regardless of whether this were possible commercially, as the existing plant site at

⁴ 90,000tpa – 21,554tpa = 68,446tpa.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

Wrotham Quarry is also in the AONB and similar constraints would apply.

70. On the basis of the above, it would appear likely that much of the 90,000tpa of silica sand productive capacity that would be “lost” if the current application were refused could not be met from permitted sites elsewhere in Kent. There would also seem to be some doubt as to whether it could be met from permitted sites elsewhere in the South East Region and this would seem to be at odds with National minerals policy. If existing markets could not continue to be served from other sites in Kent or the South East, sands would need to be imported from elsewhere in England, Scotland or further afield if these businesses are to be maintained. Importation of silica sand to the UK would have some implications in terms of balance of trade and could therefore be regarded negatively in the context of the advice in MPG15 and the stated need for adequate and steady supplies of industrial sands to be produced.
71. Other than glass cullet, there is a lack of alternatives to using silica sand. Recycled glass is used to make new glass, in water filtration and as an aggregate in asphalt. Sands used in foundry moulds can also be recycled or reclaimed or used for alternative applications such as asphalt filler, cement manufacture or building blocks. Whilst this reduces the total amount of silica sand that may otherwise be required, it does not remove it. Although the applicant states that the sand at Wrotham Quarry is suitable for use in coloured glass and containers, it is understood that it currently has no such markets. Unless some of the markets currently served by Wrotham Quarry could use other sands (washed, graded and dried as necessary) or entirely different products to meet the same objectives, there would appear to be few, if any, alternatives to the continued use of silica sand. The applicant is of the opinion that its customers need the sands produced at Wrotham Quarry and that there are no viable alternatives and believes that their willingness to pay a premium for them (about 3 times the cost of that for building sands) demonstrates this.
72. I do not accept the applicant’s argument that refusing the application would sterilise 250,000t of silica sand although I agree that it would be operationally preferable to work it while the existing site is disturbed and the plant is still operational. Similarly, whilst there is policy support for extensions to existing sites in preference to greenfield sites, this should not be given undue weight in this case. Taking the applicant’s argument to its logical conclusion, this could lead to continual piecemeal extensions of the type now proposed at the site in the AONB. Although difficult to quantify, employment associated with the site (direct and indirect) would continue to benefit the local, regional and national economy for a further five years or so if the application were permitted.
73. The applicant has not sought to promote any exceptional circumstances to justify the extraction of construction sand in the AONB other than the fact that it overlies the silica sand and by reference to the guidance in paragraphs 24 and 31 of MPG15. On this basis, it has only sought to provide exceptional circumstances based on need for silica sand. Since the relative percentages of silica and construction sand are roughly 50:50 with the former underlying the latter, I consider this approach to be reasonable in this case. This said, if the applicant’s case to release further silica sand reserves at the site fails, there could be no justification for the construction sand element.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

74. Although no specific objections have been received in respect of need or alternatives, Wrotham Parish Council initially objected on the basis that the applicant has not provided an exceptional circumstance sufficient to overcome AONB constraints and the requirements of KMSP Policy EN4. As no response to the Supplementary Statement has been received from Wrotham Parish Council it is not known whether this additional information has overcome its earlier objection. Based on comments received from the CPRE to the Supplementary Statement, it would appear that its earlier concerns on this matter might have been overcome.
75. In summary, there is some doubt as to whether or not there is a need for silica sand at the national, regional or local level in landbank terms and whether any need that does exist could be met from elsewhere or in some other way. However, this doubt is sufficient that I do not consider that the application should be refused simply on the basis of need or that alternatives may exist. Refusal on such grounds could lead to the cessation of supplies of silica sands to the current markets served by Wrotham Quarry and to disbenefits to the local economy contrary to the national interest and aims of relevant planning policy. Whilst I am prepared to accept that there may be a need at this time (given the emphasis on maintaining adequate supplies in MPG15 and due to the uncertainties around the suitability of alternative sources of sand and the ability of these sites to produce similar products), I consider it important that the position is clarified when the Kent MDF is prepared such that any future proposals can be assessed with greater clarity. The position on need should also be clarified nationally and regionally and Government policy would benefit from being updated. Having accepted that the proposal meets the requirements of parts (a) and (b) of KMSP Policy EN4 and parts (i) and (ii) of the second bullet of paragraph 14 of MPS1, it is necessary to consider whether the proposals are acceptable in other respects, including whether they would give rise to any materially adverse impact on the character of the area and if appropriate provision can be made to minimise harm to the environment.

Landscape and visual amenity (including AONB and Green Belt issues).

76. The majority of concerns that have been raised to the proposals relate to landscape and visual impact in the context of the AONB. Landscape objections have been received from the Kent Downs AONB Unit, Wrotham Parish Council and the CPRE. The Kent Downs AONB Unit considers that the proposals would be harmful to the AONB due to the loss of the tree line immediately to the north of the existing quarry and states that this would be detrimental to views both to and from the site. It also considers that the north facing batters would be visible and out of keeping with the landscape, that existing and proposed landscaping is inadequate and that there would be a long term adverse impact on the AONB from the proposed working and restoration. Wrotham Parish Council considers that there would be insufficient enhancement of the AONB and that a new restoration scheme should be designed to cover the entire quarry (to include backfilling with inert materials between the plant site and the M20 and associated indigenous planting to screen the motorway and restoration to lowland heath on the basis that this habitat is now very rare in Kent). The CPRE also considers that a new restoration scheme should be applied to the entire site (north and south of the M20) and has a preference for lowland heath. It has also expressed concerns about the loss of the tall tree line and the poor quality and

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

failure of some of the planting around the plant site and suggested that further landscape planting enhancements be sought (including new lime trees near the proposed screening bund and supplementary planting elsewhere). These and related issues were discussed during the Members' Site Visit at which Wrotham Parish Council and the CPRE also expressed concerns about die-back of trees planted in brown sands and the need to ensure that any planting was appropriate in terms of species and ground preparation. Trottiscliffe Parish Council has since expressed concerns about the adequacy of the landscape assessment and resultant effects on the proposed planting and restoration proposals and made a number of detailed suggestions in respect of screen planting, translocation of the hedgerow, tree species, sizes, densities and planting methods (including those on the proposed amendments to the scheme of working and restoration for the existing site). It has also sought funding for local off-site landscape projects.

77. No landscape objections (in some cases subject to conditions or obligations) have been received from Tonbridge and Malling Borough Council, Addington Parish Council, Platt Parish Council, Kent Wildlife Trust and KCC's Landscape Consultant (Jacobs). Although Natural England's comments in respect of landscape are somewhat unclear, it has not raised any formal objection to the proposals and appears content that its landscape interests be addressed by the Kent Downs AONB Unit.
78. In so far as it relates to mineral working, the main national policies and guidance relating to landscape and visual impact are set out in MPS1, PPG2, PPS7 and MPG7. These are reflected in Policies E1 and E3 of RPG9, Policies SP5 and C3 of the draft SE Plan, Policies SP1, SS2, EN1, EN3, EN4, EN9 and MN3 of the KMSP and Policies CA22 and CA23 of the KMLP CA.
79. The key landscape "tests" for development in AONBs as set out in paragraph 14 of MPS1 and Policy EN4 of the KMSP are set out in paragraph 56 above. These and related policies E1 of RPG9 and C3 of the draft SE Plan are clear that the primary objectives in AONBs are to protect, conserve and enhance landscape character and natural beauty. PPG2, Policy E3 of RPG9, Policy SP5 of the draft SE Plan and Policy SS2 of the KMSP all allow for mineral development in the Green Belt provided:-
 - it does not conflict with the purposes of including land in the Green Belt (e.g. to assist in safeguarding the countryside from encroachment);
 - it contributes to the achievement of the objectives for the use of land in Green Belts (e.g. to provide opportunities for access to the open countryside, to retain attractive landscapes, and enhance landscapes, near to where people live, to secure nature conservation interest and retain land in agricultural, forestry and related uses);
 - it is undertaken to high environmental standards; and
 - sites are well restored.

The other policies and guidance referred to seek to (amongst other things) protect, conserve and enhance the countryside more generally (including trees and hedgerows), ensure that minerals proposals are acceptable in terms of landscape and related impacts and provide for appropriate working, landscaping and restoration of mineral sites.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

80. Given the location of the site in the Kent Downs AONB, landscape and visual impact issues are key considerations in this case. Due to the nature of mineral working it is inevitable that there would be some adverse impacts during certain stages of the proposed development. However, the proposals need to be considered in overall terms (including in the context of existing permitted mineral development and any associated restoration and any mitigation now proposed). Ultimately, opinions expressed are to some extent subjective, impacts are difficult to quantify and differences of opinion are always likely.
81. The proposals would lead to the unavoidable loss of lengths of mature hedgerow, woodland trees / shrubs, a length of stream and a pond. However, the application proposes various landscape planting (a net gain of 10,000m²) and other mitigation. Some of this would be implemented in the early stages of development (e.g. soil screen bund formation, tree and shrub planting, hedgerow translocation, new diverted stream, new pond) although the rest could only be undertaken as the phased restoration is completed (e.g. bench planting, grassland on lower slopes and in the base of the quarry, new hedgerows, seasonal ponds). The application is also supported by a detailed landscape and visual impact assessment and supplementary assessments submitted following the receipt of objections and concerns by (in particular) the Kent Downs AONB Unit. These assessments conclude that the only significant adverse visual impacts would occur at three locations relatively close to the site with good views of the operational area during the “initial construction” stage (when vegetation removal, earthworks and associated plant movement would have a major impact on local landscape character) and to a lesser extent during the “operational / progressive restoration” stage (i.e. before the benefits of seeding / planting have developed). They also conclude that no significant adverse visual impacts would be experienced elsewhere due to very good vegetation screening and distance from more sensitive viewpoints on the North Downs and that the proposed restoration would ensure that views of the site would be similar to those that would be achieved with the existing restored workings. The assessments also conclude that the removal of the tree line would be barely perceptible from the only area of the upper slopes of the North Downs with existing views of the site, views from the vast majority of locations at lower elevations would either be non-existent or very limited in nature due to surrounding vegetation and although its loss would be noticeable from a limited number of locations (mainly close to the site) it would not alter the fundamental landscape characteristics of the wider AONB (i.e. it does not contribute significantly to the character of the AONB). The applicant also states that the proposals need to be set against their proximity to the M20 which already has a significant effect on the character of the local area (including the AONB).
82. Whilst taking issue with a number of detailed points in the applicant’s landscape and visual assessments (i.e. in terms of interpretation, analysis and presentation), KCC’s Landscape Consultant has advised that it accepts their general thrust and is satisfied that the proposals would not be conspicuous in the broader landscape. It does not agree with those objecting to the loss of the tree line and, instead, accepts the applicant’s argument that this is of less importance as a landscape feature as it comprises more recent screen planting and includes species that were planted for their fast growing/screening properties that are not typical of the landscape character

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

in this part of Kent (e.g. Willow and Alder) and is therefore replaceable in a way that a more species rich/older hedgerow would not be. It has also advised that it would be difficult to argue that the landscape and visual effect in isolation would be sufficient to warrant refusal. It has also welcomed the improvements to the proposed restoration scheme set out in the Supplementary Statement and those offered by the applicant during discussions following the Members' Site Visit (e.g. supplementary hedgerow planting along Addington Lane and adjacent to the plant site) and has made a number of detailed suggestions in terms of tree and hedgerow species, densities and sizes and grass mixes which could all be secured by condition if permission is granted. It has specifically accepted that the tree and understorey plant sizes proposed by the applicant are appropriate (although a few larger specimens could be included if so desired to increase visual impact at the time of planting) and that although the proposed hedgerow planting density is at a common "industry" standard it could reasonably be increased to meet current Highways Agency guidance. In designing a revised detailed landscaping scheme to address these matters, further consideration could also be given to including lime or other trees near the screen bund as suggested by the CPRE.

83. Removal of the tree line would not significantly open up long distance views into the working quarry as has been suggested and any impacts would be mitigated by the fact that at the eastern end of the existing, partially restored, quarry void only the lower parts of the north facing slopes would be used for soil storage. Although proposed changes to the working and restoration scheme for the existing site would result in the temporary storage of clay on part of the north facing slope at the western end of the main quarry void, this would be of limited duration pending restoration of the western extension area and would be within the relatively narrow part of the site which is well screened from the north by existing trees and other vegetation. The north facing slopes would eventually be restored to grassland and woodland as currently required but with the improvements contained in the current application (as supplemented). Users of public footpaths crossing the site would continue to experience views of extraction, restoration and processing operations and associated vehicle movements. These experiences would be increased where the footpath crosses the proposed northern extension area and prolonged elsewhere due to the extended duration of operations at the quarry. I do not consider these impacts to be unacceptable. Although operations associated with the creation of the proposed screen bund would be fairly close to the rear of Chiralea and Leney's Cottages, these impacts would be of relatively short duration. The proposed screen bund and associated landscape planting would provide mitigation to adverse visual impacts during the operational phases and be acceptable in the long term once the planting has become established. No objections or other comments have been received from the occupants of these properties to the proposals.
84. Given the advice from KCC's Landscape Consultant as to the acceptability of the proposed working and restoration scheme (as amended and proposed to be supplemented), I am satisfied that it would not be reasonable to require new restoration proposals for the entire quarry (north and south of the M20 and for the plant site area) as suggested by the Kent Downs AONB Unit, Wrotham Parish Council and the CPRE. The area south of the M20 has its own restoration scheme (with scope to amend this if the entire area is not worked) and the plant site is subject to a

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

dormant interim development order (IDO) permission that would require a scheme of working and restoration to be submitted before any further mineral extraction could be undertaken in this area. It should also be noted that the applicant has agreed to undertake additional landscape planting near the plant site since these suggestions were first made and that the proposals themselves include improvements to the current restoration scheme for the adjoining quarry area north of the M20. The possibility of backfilling part of the plant site area is something that could be considered when the restoration of that area is being planned although it should be noted that any importation of materials to the site would require a new planning permission.

85. Whilst restoration to lowland heath (sought by the CPRE and supported by Wrotham Parish Council) is not considered appropriate in this case as the restoration profile on the floor of the site would consist of backfilled clay overlain by indigenous top and subsoils (about 1 to 1.2m deep), rather than relatively thin soils overlaying a well drained sandy substrata, it is considered that the proposed grass mixes should be amended to reflect (at least in part) Kent Wildlife Trust's preference for lowland dry acid grassland. KCC's Landscape Consultant has advised that although several of the proposed species reflect the Trust's preference, a closer match could reasonably be required. Whilst this may not produce a true lowland dry acid grassland (due to the presence of the clay and related soil characteristics), the proposed use of upper subsoil, brown sand and clay loam (superficial materials) and (if required) brown sandy clay and unsaleable sand below the topsoil would create a more suitable soil profile than that currently existing and enable the development of a more species rich grassland better reflecting a "lowland acid type". Whilst it has reiterated its opposition to attempting to create lowland acid grassland, the applicant has indicated a willingness to comply with this change in grass species and this could be secured by condition. The restoration of the area to the south of the M20 would appear to offer a better opportunity to create lowland heath and any changes to the existing restoration scheme that may be required to facilitate this can be pursued with the applicant. The applicant has already responded positively to this suggestion.
86. With regard to Wrotham Parish Council's suggestion during the Members' Site Visit that tree die-back brought the applicant's maintenance regime into doubt, it should be noted that the areas of die-back near the plant site are not controlled by planning conditions attached to existing planning permissions. Whilst it would appear that at least some of the planting may have originally been required as part of the development of certain plant, there are no longer any requirements for it to be maintained. Since the Members' Site Visit, the applicant has looked at the planting in question and identified the likely cause of die-back as "Sooty Bark Disease" which has affected self-seeded sycamores. Regardless of whether the planting was originally covered by planning conditions or the precise cause of the die-back, the applicant has indicated that it would be willing to accept a condition requiring the boundary of the plant site to be surveyed and for supplementary planting to be undertaken along the roadside of the bank with Addington Lane. It does not believe that it would be necessary or worth planting the entire width of the bank (which has been accepted by KCC's Landscape Consultant). The applicant has also said that the recent removal of some dead branches and the crowns of some trees should assist rectify the problems. The proposed survey and supplementary planting proposed near the plant site would

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

serve to assist in further mitigating the continued use of the plant site for further time period. Given that new conditions could secure the proposed planting and ensure that any future die-back is rectified during the period that may appropriately be specified, I do not consider that undue weight should be given to these earlier problems.

87. The applicant has also agreed to extend the usual 5 year aftercare period to 10 years in this case and is willing to enter a legal agreement to secure this. It has also indicated that the landowner is prepared to do likewise. This would ensure that the positive features of the proposed restoration scheme are reinforced and all planting is well established in this part of the AONB. It would also go some way to overcoming the concerns that have been expressed about planting failures elsewhere on the site. I am satisfied that subject to the imposition of relevant conditions, a Section 106 Agreement would secure the necessary planting for an appropriate period. I do not consider that it would be reasonable to require the applicant to contribute financially to unspecified off-site landscaping as proposed by Trottiscliffe Parish Council. However, there is no reason why the Parish Council could not contact Hanson to see if it could benefit from any environmental funds managed by the Company.
88. The applicant states that the proposed northern extension would provide sand reserves for a further 3 or 4 years (but has also stated that it may have a life of about 5 years) and that the area would be restored in approximately 6 years. In order that the site is worked and restored in a reasonable time period in this part of the AONB and Green Belt, whilst providing a degree of flexibility to take account of market forces and other unknown factors, I consider that it would be appropriate to impose a condition requiring that mineral extraction cease and the site be restored within 7 years of the commencement of mineral extraction in the northern extension area.
89. Subject to the prior completion of a Section 106 Agreement to secure a 10 year aftercare programme, which is included in the Heads of Terms at [Appendix 3](#), and conditions to secure the various measures outlined above, I consider that the proposals would accord with the landscape and visual impact elements of the planning policies referred to in paragraphs 56, 78 and 79 above, including part (iii) of the second bullet of paragraph 14 of MPS1 and part (c) of Policy EN4 of the KMSP.

Water environment (hydrology, hydrogeology and groundwater impacts) and geotechnical stability.

90. No objections have been received in respect of the water environment or geotechnical stability. The Environment Agency has confirmed that it has no objection to the proposals subject to operations being undertaken in accordance with a revised protocol dealing with environmental monitoring and risk management agreed with the applicant, the Code of Operating Practice designed to minimise the risk of groundwater contamination from operations at the site and various conditions or informatives designed to reinforce this. South East Water (formerly Mid Kent Water) has also raised no objection on the basis that it has been closely involved with the applicant and the Environment Agency to ensure that there would be a minimal impact on the underlying aquifer and public water supplies but has emphasised that it is important that it is included in all future discussions relating to the site (in particular those relating to groundwater protection and monitoring). These requirements are

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

reflected in the Code of Operating Practice and revised protocol. The Environment Agency has also asked that the County Council satisfy itself on stability in the base of the excavation in the event of flooding during extreme events and impose a condition requiring the prior approval of details for diverting the existing watercourse to a man made channel which should be designed to maximise wildlife value. Further consideration of the ecological implications of the diverted watercourse is given in the ecology section below.

91. In so far as it relates to mineral working, the main national policies and guidance relating to the water environment and land stability are set out in MPS1, MPG7, PPS23 and PPS25. These are reflected in Policy INF2 of RPG9, Policies NRM1 and NRM4 of the draft SE Plan and Policies SP1, NR5, NR8, NR10 and MN3 of the KMSP.
92. Whilst KCC's Geotechnical Consultant has advised that the proposals are acceptable in principle (and has no objection), he makes the point that as the steep slopes in the gault clay created by mineral working would be prone to instability it is important that the proposed buttressing with sand deposits takes place without undue delay and that the man made channel should be reinforced and designed appropriately. The applicant and Environment Agency propose that the precise details of the diverted stream be required by condition and I am satisfied that this is approach acceptable in this instance. Any such condition should set out more detailed requirements that would need to be satisfied in its design (including an appropriate factor of safety, landscaping and ecological issues). The proposed restoration would include a number of soakaways and a pond in the base of the restored quarry and the need for more specific land drainage would be considered further during any aftercare period (in accordance with best practice).
93. Subject to conditions to secure the various measures outlined above, I consider that the proposals would accord with the water environment and geotechnical stability elements of the planning policies referred to in paragraph 91 above. Specific reference to the management of the diverted stream in the 10 year aftercare programme proposed to be included in a Section 106 Agreement would provide additional assurance on these matters. See Heads of Terms at [Appendix 3](#).

Ecology.

94. Following discussions with the applicant and the receipt of the Supplementary Statement, which included the results of further reptile surveys and additional mitigation measures, Natural England and KCC's Biodiversity Projects Officer have withdrawn their earlier objections to the proposals subject to conditions to secure the various ecological mitigation and compensation measures proposed and the monitoring and management of the restored landform and the habitats and species associated with the site. Natural England has specifically advised of the need for habitat enhancement at receptor sites to be undertaken sufficiently far in advance of translocation to be effective and capable of supporting additional numbers and that the County Council should have regard to its obligations under section 40 of the Natural Environment and Rural Communities Act 2006 (i.e. in respect of biodiversity and enhancement of habitat). It has also commended the care taken over Great Crested Newts at the site to date. KCC's Biodiversity Projects Officer has welcomed the

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

proposed habitat creation. Kent Wildlife Trust welcomes the proposed retention of sand faces as a restoration feature and has sought restoration to unimproved grassland with management by sheep grazing and conditions to secure the proposed mitigation. The Environment Agency wishes to see further details of the proposed diverted water course and has requested that these maximise wildlife interest through measures such as requiring a sinuous course with suitable sub-strata. A local resident has expressed concerns about the potential adverse impacts on the local area if the proposed new pond were to be used for fishing and that it should be designed so that could only be used for wildlife and newts.

95. Whilst the CPRE supports the creation of a Great Crested Newt colony it raised concerns at the Members' Site Visit about potential impacts on this of adjacent development proposals. It transpires that an application was made to the County Council in April 2008 for stable waste importation and processing but that this was invalid and subsequently returned to the applicant and treated as withdrawn in July 2008 in accordance with the County Council's protocol for dealing with minerals and waste related applications. Notwithstanding this, the proposals for a new Great Crested Newt colony did not rely on this adjoining area of land, are supported by the ecological specialists and therefore remain acceptable. Once any new colony is established, any new development proposals would need to take account of, and provide any necessary mitigation for potential impacts on, this. I am satisfied that the proposed pond could be designed to discourage fish and thereby avoid the problems that could arise from fishing at the site.
96. In so far as it relates to mineral working, the main national policies and guidance relating to ecology are set out in MPS1 and PPS9. These are reflected in Policy E2 of RPG9, Policy NRM5 of the draft SE Plan and Policies SP1, EN6, EN7, EN8 and MN3 of the KMSP.
97. Although the proposed extraction area lies next to the Trottiscliffe Meadows SSSI and near to a SNCI (Local Wildlife Site), all of the consultees are satisfied that the proposals would have no significant adverse impacts on them provided the various mitigation proposals are implemented (e.g. dust controls). There is general support for the proposals to create new Great Crested Newt habitat, as well as the other ecological enhancements and the proposed mitigation. Whilst I am satisfied that the ecological impacts of the proposed working, restoration and aftercare are acceptable in principle, given the proposed mitigation measures, it is clear from the consultee responses that detailed conditions and related mechanisms would be required to ensure that the intended positive benefits are secured and maintained for an appropriate period. It would therefore be necessary for conditions to be imposed to secure the proposed mitigation itself, further detailed schemes and various monitoring and management. The extension of the aftercare period to 10 years would assist significantly in ensuring that these objectives are met. Amongst others, conditions relating to ecology / biodiversity are required in respect of the amended seed mixes (to secure the desired grassland and its subsequent management), further ecological benefits associated with the diverted stream (consistent with the need to ensure geotechnical stability) and measures to ensure that the proposed pond remains suitable for Great Crested Newts and not fish.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

98. Subject to the imposition of the above and other detailed conditions, I am satisfied that the proposals would be acceptable in terms of their likely ecological impacts and would therefore accord with the ecological elements of the planning policies referred to in paragraph 96 above. The opportunities for nature conservation interest contained in the proposals would also contribute to the achievement of the objectives for the use of land in Green Belts as set out in paragraph 79 above. Having considered the above issues against relevant planning policies, I am satisfied that the County Council has met its obligations under section 40 of the Natural Environment and Rural Communities Act 2006 in terms of conserving biodiversity.

Local amenity impacts (e.g. noise and dust / air quality).

99. With the exception of the visual amenity impacts discussed in the landscape and visual impact section and the impacts related to HGV movements on Ford Lane discussed in the highways and transport section, few comments have been made in respect of local amenity. Tonbridge and Malling Borough Council has sought the imposition of conditions to secure the dust mitigation measures set out in the Environmental Statement (e.g. water bowser / spray on haul roads, minimisation of double handling of materials and others identified in MPS2) and Addington Parish Council has asked that disruption to local residents be kept to a minimum. KCC's Noise and Dust Consultant has raised no objections to the proposals subject to the imposition of specific conditions relating to noise and dust. The noise conditions would limit noise to 53dB $L_{Aeq,1hr}$ for day to day operations and no more than 70dB $L_{Aeq,1hr}$ for a period not exceeding 8 weeks in any one year for temporary operations such as soil stripping and bund formation (both measured at any noise sensitive property). The dust controls recommended are the same as those sought by the Borough Council.
100. The main national policies and guidance relating to local amenity impacts associated with mineral working are set out in MPS1 and MPS2. These are reflected in Policy E7 of RPG9, Policy NRM9 of the draft SE Plan, Policies SP1, NR5 and MN3 of the KMSP and Policies CA18 and CA23 of the KMLP CA.
101. The actual creation of the screen bund and associated operations to the south of Chiralea and Leney's Cottages would give rise to adverse impacts in terms of noise and dust. However, once implemented, the screen bund would serve to reduce impacts during the operational and restoration phases and also assist in mitigating the long term impacts of motorway noise. KCC's Noise and Dust Consultant is satisfied that the creation of the bund could be undertaken in accordance with the advice in MPS2 and that it would then ensure that noise impacts are kept to an acceptable level. Both KCC's Noise and Dust Consultant and the Borough Council are satisfied that dust impacts would be acceptable if the proposed mitigation measures are complied with. It should again be noted that no objections or other comments have been received from the occupants of Chiralea and Leney's Cottages to the proposals. There would also be noise and dust impact on users of the public footpaths in and around the site from site preparation, extraction and restoration operations. These would not be significantly different from those experienced already and are considered to be acceptable if controlled by appropriate mitigation measures.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

102. Subject to the imposition of the above conditions, and others to control matters such as hours of working, I am satisfied that the proposals would be acceptable in terms of their likely local amenity impacts in terms of noise and dust / air quality and would therefore accord with the planning policies referred to in paragraph 100 above. Local amenity impacts relating to visual impact and highways and transport are addressed elsewhere in this report.

Archaeology and historic landscape.

103. Following the receipt of the Supplementary Statement which included a fully revised archaeology and cultural heritage section, KCC's Archaeological Officer has confirmed that no objections are raised to the proposals provided conditions are imposed to secure appropriate archaeological and historic landscape recording work. No objections or other comments have been received on the subject.
104. In so far as it relates to mineral working, the main national policies and guidance relating to archaeology and historic landscape are set out in MPS1, PPG15 and PPG16. These are reflected in Policy BE6 of the draft SE Plan and Policies SP1, QL7, QL9 and MN3 of the KMSP.
105. The applicant has carried out the necessary site assessment (i.e. baseline survey) which has identified that appropriate mitigation should comprise a staged approach to archaeological and historic landscape recording work. This approach has been accepted by KCC's Archaeological Officer.
106. Subject to the imposition of conditions to secure the wishes of KCC's Archaeological Officer, I am satisfied that the proposals would accord with the archaeological elements of the planning policies referred to in paragraph 104 above.

Highways and transport.

107. No specific objections have been received in respect of highways issues, although Platt Parish Council has requested that HGV movements be restricted to no more than 36 loads per day (as referred to in the Non-Technical Summary) and a local resident has suggested that something should either be done to prevent HGVs using Addington Lane in error and having to turn in Trottiscliffe or that a new access should be created on Addington Lane. The Divisional Transportation Manager has advised that he has no objection to the proposals subject to the existing access on Ford Lane being used by HGVs accessing the site and the current restriction on HGV movements being maintained. He has also sought the provision of new lorry signage directing HGV traffic to the Ford Lane access to the site.
108. In so far as it relates to mineral working, the main national policies and guidance relating to highways and transport are set out in MPS1 and PPG13. These are reflected in Policies SP1, TP12, TP15 and MN3 of the KMSP.
109. Although Platt Parish Council refer to a figure of 36 loads per day in the Non-Technical Summary and request that daily HGV movements be restricted to this number, it should be noted that this figure (also referred to in the main Environmental Statement)

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

is intended to be an average figure over the life of the site and not a daily maximum. Given that the Divisional Transportation Manager has advised that he is satisfied that the current limit on HGV movements (i.e. a daily average of 112 HGV movements (56 in/56 out) in any one week) should be maintained I see no reason to reduce it in this instance. I am not aware of any specific complaints about the number of HGVs associated with the site using Ford Lane since the restriction was first introduced in April 2002. Similarly, the Divisional Transportation Manager advises that only the Ford Lane access should be used by HGVs associated with the site. Although there is an old access to the quarry via the plant site area from Addington Lane, its use is now restricted to cars and other light vehicles and a height barrier is installed to prevent use by larger vehicles. Whilst allowing HGVs that have attempted to use the wrong access to the site to use this access may reduce the likelihood of HGVs turning in Trottiscliffe, I do not consider that this is the best way to address the matter. Indeed, it could lead to an increase in HGV movements through Addington. Instead, I agree that improved lorry signage should be sought from the applicant as suggested by the Divisional Transportation Manager. The applicant has agreed to this and the matter could be included in a Section 106 Agreement unless it has already been addressed beforehand. These measures should jointly ensure that the local amenity impacts of traffic movements are also acceptable.

110. Subject to the imposition of conditions to restrict HGV movements per day (as currently), conditions to prevent the use of the access from Addington Lane by HGVs and the applicant providing new lorry signage (by Section 106 Agreement as necessary – see Heads of Terms at [Appendix 3](#)), I am satisfied that the proposals would accord with the highways elements of the planning policies referred to in paragraph 108 above.

Public rights of way.

111. No objections have been received to the proposed temporary / permanent diversion of public footpaths MR177 and MR184 or to the continued impacts of site operations on footpath MR168 (which is crossed by the main haul road and access to the extraction area). However, Addington Parish Council is keen to ensure that the footpath diversions are carried out to avoid disruption to users and proper clear signage is provided (particularly during the process of diversion itself). KCC Rights of Way has not raised any objections to the proposed diversions but has reminded the applicant of its obligations and the need to obtain formal diversion Orders before the footpaths can be affected or diverted in any way. KCC Rights of Way has supported the proposed creation of a footpath around the western end of the existing quarry (linking footpaths MR184 and MR168) as this would create an off-road link between Addington and Trottiscliffe and allow pedestrians to avoid walking on the fast and busy Addington Lane. KCC's Landscape Consultant has also supported the new footpath as a very positive measure.
112. In so far as it relates to mineral working, the main national policies and guidance relating to public rights of way are set out in MPS1 and PPG17. These are reflected in Policies SP1 and QL17 of the KMSP and Policy CA21 of the KMLP CA.
113. Although the proposals would necessitate the diversion of existing public footpaths

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

(temporary and permanent diversions), the applicant has included sufficient information at this stage to demonstrate that these would be acceptable. I am satisfied that any necessary further details on these matters (e.g. signage, infrastructure and associated landscaping) could be secured by condition and any legal costs which would otherwise be borne by the County Council in dealing with these matters secured by Section 106 Agreement. Although the new public footpath would run alongside the internal access road for a significant length until working and restoration of the site is completed (requiring some signage), the road would be removed and its route seeded with low maintenance grass mix thereafter. It would provide the benefits stated above and allow improved access to and through this part of the AONB more generally. The proposed new public footpath is therefore particularly welcomed. Again, I am satisfied that any necessary further details could be secured by condition and any legal costs which would otherwise be borne by the County Council in dealing with these matters and the entering of the new footpath on the Definitive Map secured by Section 106 Agreement.

114. Subject to the imposition of conditions to ensure that all the necessary detailed issues relating to the footpath diversions and new footpath are satisfactorily addressed and the applicant entering a Section 106 Agreement to provide assurances of matters such as funding of the County Council's costs associated with these (see Heads of Terms at [Appendix 3](#)), I am satisfied that the proposals would accord with the public rights of way elements of the above policies. The new public footpath would also contribute to the achievement of the objectives for the use of land in Green Belts as set out in paragraph 112 above.

Other issues.

115. Natural England has raised a number of issues relating to soil handling which are designed to ensure that, regardless of the proposed afteruse, the long term potential of the land for agricultural production is not prejudiced. These include measures designed to avoid compaction of soils. Whilst it would be difficult for the restored steep slopes to make any significant contribution to agricultural production and the land yet to be extracted is only classified as agricultural grade 3b, I am satisfied that the proposals are consistent with these "best practice" objectives which are reflected in MPS1, MPG7 and Policy E8 of RPG9, Policy MN3 of the KMSP. This aim should be reinforced by condition(s) if planning permission is granted.
116. As mentioned in paragraph 5 and elsewhere in this report, the applicant has submitted proposals to amend the current working and restoration proposals for the main part of the existing quarry and to allow the existing plant site to be used to process mineral from both the western extension and proposed northern extension. As no specific objections have been received to these submissions they can reasonably be dealt with by the Head of Planning Applications under delegated authority. Although I do not intend to discuss these other applications in any detail, it should be noted that the current proposal relies on the continued use of the plant site and that the application has been assessed on this basis. I am satisfied that conditions could be imposed to secure a landscape survey and additional planting near the plant site which would provide further mitigation to its continued use. It is also subject to other planning permissions that require the removal of plant and buildings and the subsequent

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

restoration of the area. It should also be noted that whilst some minor changes could reasonably be required to the proposed working and restoration scheme for the existing site in respect of tree and plant sizes and hedgerow densities (following advice from KCC's Landscape Consultant), these would not entirely meet the wishes of Trottiscliffe Parish Council expressed in paragraph 76 above. In any event, if planning permission is granted for the proposed northern extension it will also be necessary for further changes to be made to the working and restoration scheme for the existing site in order that the two areas can be worked and restored seamlessly. This offers the opportunity to give further consideration to these and other detailed matters. I am satisfied that this can also be secured by condition.

Conclusion

117. Having accepted that the applicant has provided sufficient information to demonstrate workable silica and construction sand deposits (paragraphs 51 to 54 above), the key considerations in this case relate to whether the proposals meet the "tests" set out in paragraph 14 of MPS1 and Policy EN4 of the KMSP (in respect of major development in the AONB) and, in turn, whether they are acceptable in all other respects (including Green Belt). For the reasons discussed in paragraphs 55 to 75 above, I am satisfied that there is a need for the development and that there are currently no viable alternatives such that the proposals can be considered favourably in terms of these and related policies. I am also satisfied that the proposals are acceptable in terms of landscape and visual impact (paragraphs 76 to 88), the water environment and geotechnical stability (paragraphs 90 to 93 above), ecology (paragraphs 94 to 98), local amenity impacts (paragraphs 99 to 102), archaeology and historic landscape (paragraphs 103 to 106), highways and transport (paragraphs 107 to 110), public rights of way (paragraphs 111 to 114) and other issues (paragraphs 115 to 116) such that, subject to the imposition of various planning conditions and clauses in a Section 106 Agreement (see Heads of Terms at [Appendix 3](#)), they are consistent with the last part of the above "tests" and other development plan policies. I am also satisfied that the Head of Planning Applications can determine the related submissions to amend the current working and restoration proposals for the main part of the existing quarry and to allow the existing plant site to continue to be used under delegated authority. I therefore recommend accordingly.

Recommendation

118. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in [Appendix 3](#) and conditions covering amongst other matters: duration of the permission; revised working scheme; hours of working; depth of extraction; slope stability; no importation of materials for restoration purposes; HGV movement restrictions; HGVs to only use the Ford Lane access; retention of height barrier at old access on Trottiscliffe Road; measures to prevent mud and debris on the highway; HGV sheeting; diversion of public footpaths and creation of new footpath; dust mitigation; maximum noise levels; adherence to the Code of Operating Practice and revised protocol; measures to safeguard the water environment; diversion of watercourse in new man made channel (incorporating detailed design and appropriate factor of safety); archaeological and historic landscape recording; new pond for Great Crested Newts (to ensure no fish);

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

management plan (including mitigation and monitoring programme and other arrangements for ecology/biodiversity interests); revised landscaping scheme (to include proposals for tree planting adjacent to plant site); hedgerow translocation methodology and implementation; soil handling and storage; restoration levels; revised restoration scheme; aftercare scheme (for 10 year period).

Case Officer: Jim Wooldridge	Tel. no. 01622 221060
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Background Documents: see section heading.
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Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

APPENDIX 1 TO ITEM C1

NOTES of a Planning Applications Committee Members' site visit to Wrotham Quarry on Tuesday, 29 July 2008.

MEMBERS PRESENT: Mr R E King (Chairman), Mrs E Green, Mr C Hibberd, Mr J F London, Mr T A Maddison, Mr J I Muckle and Mr A R Poole.

OFFICERS: Mrs S Thompson and Mr J Wooldridge (Planning); Ms S Bandu (Kent Downs AONB Unit); Mr R Lovell (Jacobs Landscape) and Mr A Tait (Democratic Services).

TONBRIDGE AND MALLING BOROUGH COUNCIL: Mr M Balfour, Mr R Charteris and Mr H Rogers with Mrs K Stapleton (Planning).

TROTTISCLIFFE PARISH COUNCIL: Mrs A Kemp (also Tonbridge and Malling BC), Mr T Ledamun and Mr J Wickham.

WROTHAM PARISH COUNCIL: Mr P Gillin, Mr H Rayner and Mr R Saunders (also CPRE).

THE APPLICANTS: Hanson UK (Mr B Smith, Mr D Brown and Mr M Smith) SLR Consulting (Mr D Brittain).

- (1) The Chairman opened the meeting by explaining that its purpose was for the Committee Members to familiarise themselves with the site and to gather the views of interested parties.
- (2) Mr Wooldridge introduced the application by explaining its layout including the main HGV access and haul road, the nearest properties (Leney's Cottages and Chiralea) which were south of Addington Lane, 25m from the extraction area.
- (3) The existing site had a long history of mineral permissions and was to be restored to low level with no importation of inert waste. This restoration would take the form of south-facing sand faces and benches and north facing grassed slopes.
- (4) Mr Wooldridge continued by saying that the site lay north of the M20 in an AONB next to a SSSI with a SNCI and reservoir further to the west. The entire site lay within the Green Belt. Public Rights of Ways passed through both the existing and proposed sites. The site lay within a Minerals Consultation Area identified in the Kent Minerals Local Plan: Construction Aggregates.
- (5) Hours of operation are 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays. HGV movements are restricted to a daily average of 112 (56 in 56 out) in any one week.
- (6) Mr Wooldridge then explained the application itself. This was for the extraction of 470,000 tonnes of sand. This consisted of 246,000 tonnes of industrial/silica sand below 224,000 tonnes of construction sand. The extraction area was about 4 hectares of the overall 12 hectare application area.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

- (7) In 2007, the applicants had stated that current reserves would be depleted in two years. The proposed extension would take about 5 years to work. The hours of operation would be the same as at present, with processing continuing in the existing plant area.
- (8) Mr Wooldridge then said that there would be a 3m high screening bund to the south of the nearest houses for the purpose of noise and visual attenuation. A working protocol would be in force to meet the issues raised by the Environment Agency and SE Water. The site would be worked to a depth of 38m AOD and restored to 42m AOD using overburden and soils from within the site. The application would involve the permanent diversion of Public Footpath MR177 and a linear stream.
- (9) Mr Wooldridge then turned to the Supplementary Statement, which had been submitted in June 2008 in response to objections from consultees. The main changes to the original application consisted of additional woodland and hedgerows as part of the restoration in the existing site, hedge translocation, changes to the screening bund, a bio-engineered stream diversion and a new public footpath around the existing site. The restoration scheme would be similar to the existing one with various improvements.
- (10) Mr Wooldridge outlined the national, regional and local planning policies as well as the key policies relating to minerals development in an AONB. These included MPS1 (paragraph 14) and Policy EN4 of the Kent and Medway Structure Plan.
- (11) Mr Wooldridge then gave details of comments made by Statutory Consultees, pointing out that not all of them had yet replied on the Supplementary Statement. Most had raised no objections subject to conditions or obligations. These comments had included three objections.
- (12) The first objection had been received from Wrotham PC on the grounds of insufficient enhancement of the AONB. It believed that the necessary exceptional circumstances had not been demonstrated to meet the criteria set out in Policy EN4 of the Kent and Medway Structure Plan. The Parish Council accepted that there were advantages to extending the existing quarry rather than starting a new one. It suggested a new restoration scheme for the entire site, including partial backfilling in the plant site area. Further comments were still awaited on the Supplementary Statement.
- (13) The second objection was from the Kent Downs AONB Unit. This was on the grounds that the development would be harmful to the AONB due to the loss of the existing tree line, which would be detrimental to views to and from site. It would be possible to see the north facing batters, which would be completely out of keeping with the landscape. The proposed landscaping was inadequate and incompatible with the AONB designation. It was also considered that there would be a long term adverse impact on AONB from the working and restoration process. Further comments were awaited in response to the amendments to the proposals.
- (14) The third objection was from CPRE. It had originally objected as the application had not addressed Policy EN4 of the Kent and Medway Structure Plan. It considered that this could be overcome if the landscape were to be enhanced. It wanted the

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

restoration scheme broadened to deal with entire site (North and South of the M20) and suggested that it should be restored to lowland heath. Its comments on the Supplementary Statement maintained the concern that the restoration scheme did not address other parts of the site and about the loss of the tall tree screen. It suggested that planting failures around the plant site should be addressed as soon as possible and that additional lime trees should be planted to compliment those to the north of Addington Lane.

- (15) Mr Wooldridge reported one letter of representation from a local resident. This had strongly suggested that HGVs should be prevented from using Addington Land. Alternatively, a new access should be created to prevent vehicles turning in to Trottiscliffe. It had also proposed that the new pond created for Great Crested Newts should be made unsuitable for fishing in order to prevent break-ins, attacks on livestock and litter.
- (16) Mr Wooldridge concluded his presentation by outlining the main determining issues. These were: the quantity and quality of the mineral resource(s); the need or otherwise for the mineral(s) and alternative options; Landscape and visual amenity (including AONB issues); water environment (hydrology, hydrogeology and groundwater impacts); local amenity impacts (e.g. noise and dust / air quality); archaeology and the historic landscape; ecology; highways and transport; Public Rights of Way; Green Belt; and geotechnical stability.
- (17) Mr Bob Smith (Hanson UK) said that the premise behind the application was the need for continuity of production of industrial sand, which was a nationally scarce resource. If the mineral were not industrial sand, he acknowledged that the application would not receive support due to the AONB location.
- (18) Mr Saunders (CPRE) explained that ponds for Great Crested Newts needed to be located in a dry rough ground area, which would dry out in the summer and prevent the establishment of predatory fish. He noted that the proposed location of the pond was close to a neighbouring site where an application for stable waste importation and processing was being proposed. The implications of this on the habitat needed to be investigated. *Mr Wooldridge confirmed that ecological advice would be sought on this point.*
- (19) Mr Smith said that although the other pond that would be lost to the quarry working was inhabited by carp, and thus unsuitable for newts, provision for Great Crested Newts had been made elsewhere prior to the working of the Western Extension with considerable success.
- (20) Members moved to the area of the site close to the nearest properties (Leney's Cottages and Chiralea). Mr Wooldridge explained that the proposed bund could not be moved any nearer to the properties because water and electricity supplies would need to be diverted through this area.
- (21) Mr Smith described the geological composition of the site. He explained that the overburden consisted of gault clay which grew thicker from east to west. The upper levels were unstable when this clay was cut through so brown sand had to be used in

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

order to stabilise it.

- (22) Mr Saunders said that there was evidence that tree planting in the brown sand led to them dying back. Mr Smith replied that this needed to be investigated. Appropriate species needed to be chosen and the planting had to tie in with the water table.
- (23) Mr Rayner (Trottiscliffe PC) said that the fact that trees were dying brought the maintenance regime on site into doubt.
- (24) Mr Smith said that a number of the trees were self-seeding whilst others had been planted. He accepted that some had died back. There had been no conditions attached to the permission in the 1960s. This had resulted in the previous operators working right up to the boundaries. He added that it was clearly in the applicants' best interests to ensure that the tree planting scheme was viable since they would not wish to incur the considerable costs of replanting over a sustained period.
- (25) Mr Wooldridge confirmed that it would be possible to impose conditions requiring a viable planting regime. The applicant had been asked to look at past failings and to learn the lessons from them.
- (26) Mr Smith informed the meeting that the tree line referred to by the Kent Downs AONB Unit and CPRE had been planted shortly before 1984.
- (27) Members then walked past the stream to the northern edge of the current workings and looked out over the existing site where clay overburden had been deposited. Mr Wooldridge explained that the trees immediately to the east would disappear as part of the extension and that the applicants were intending to translocate the hedgerow adjacent to the footpath.
- (28) Mr Smith said that it would not be possible to translocate the trees. He then said that the hedgerows and trees on the outer limits of the site would break down the view of the workings into glimpses. Further mitigation was already provided by greening up the existing north facing quarry slopes as part of the restoration of that area.
- (29) Having inspected the point at which the new public footpath would join the current one, Members returned to the plant site. They were shown the current extraction area at the far western end of the site. Mr Smith explained that gault clay would be used to raise the base level of the site and soften the restoration slope. He also said that restoration would take the form of a series of benches with good quality soil and planting. He added that it would be possible to catch glimpses of the sand through the screening and that the tree species would be changed to something more in keeping with the native vegetation in the AONB.
- (30) Mr Wooldridge pointed out the route of the proposed new footpath. It would go all the way around the western end of the existing site before linking up with the existing path in the trees near the haul road to the west of the plant site.
- (31) Mr Brown (site manager) explained the operation of the site. Extracted sand was transported to the plant via a 0.75 mile conveyor. It was then separated and

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

screened. The industrial sand was then washed, further graded and much of it then dried. Each grade (including two high quality grades) of sand product had different uses including use in foundries and in the manufacture of roof tiles.

- (32) In answer to a question, Mr Brown said that there had been a noise complaint some seven years earlier from a resident on the other side of the Motorway. As a result, improvements had been made to the drying plant and no further complaints had ensued.
- (33) Members inspected the eastern area of the plant where a number of trees had died, possibly as a result of a fire or due to the quality of material in the backfilled slope.
- (34) The Chairman thanked everyone for attending. The notes of the visit would be appended to the report at the determining Committee meeting.

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

APPENDIX 2 TO ITEM C1**Planning Policy Context**

National Planning Policies – the most relevant National Planning Policies are set out in PPG2 (Green Belts), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG15 (Planning and the Historic Environment), PPG16 (Archaeology and Planning), PPG17 (Planning for Open Space, Sport and Recreation), PPS23 (Planning and Pollution Control), PPS25 (Development and Flood Risk), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England), MPG7 (Reclamation of Mineral Workings) and MPG15 (Provision of Silica Sand in England).

Regional Planning Policies – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan⁵. These include RPG9 Policies E1 (Landscape Quality), E2 (Biodiversity), E3 (Green Belts), E7 (Air and Water Quality), E8 (Soil and Land Quality), INF2 (Water Quality and Drainage), M3 (Primary Aggregates), M4 (Other Minerals) and emerging South East Plan Policies SP5 (Green Belts), NRM1 (Sustainable Water Resources, Groundwater and River Water Quality Management), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), M3 (Primary Aggregates), M4 (Other Minerals), C3 (Areas of Outstanding Natural Beauty), C6 (Countryside Access and Rights of Way) and BE6 (Management of the Historic Environment).

Kent and Medway Structure Plan (September 2006) – These include Policies SP1 (Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development), SS2 (Extent of the Metropolitan Green Belt), EN1 (Protecting Kent's Countryside), EN3 (Protecting and Enhancing Countryside Character), EN4 (Areas of Outstanding Natural Beauty), EN6 (International and National Wildlife Designations), EN7 (County and Local Wildlife Designations), EN8 (Protection, Conservation and Enhancement of Biodiversity), EN9 (Trees, Woodland and Hedgerows), QL7 (Archaeological Sites), QL9 (Historic Landscape), QL17 (Rights of Way), TP12 (Development and Access to the Primary / Secondary Road Network), TP15 (Development Traffic & Heavy Good Vehicles), NR5 (Pollution Impacts), NR8 (Water Quality), NR10 (Development and Flood Risk), MN1 (Sources of Minerals Supply), MN3 (Assessment Criteria for Minerals Proposals) and MN7 (Silica Sand).

Kent Minerals and Waste Development Scheme First Review (April 2006) – sets out the policies in the Kent Minerals Local Plans that are “saved” pending replacement by the new Kent Minerals Development Framework. Relevant saved policies are referred to below.

Kent Minerals Local Plan: Construction Aggregates (December 1993) – These include Policies CA6 (Areas of Search), CA7 (Provision of Geological Information), CA8D (Exceptions), CA12 (Silica Sand), CA16 (Traffic), CA18 (Noise, Vibration and Dust), CA19 and CA20 (Plant and Buildings), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation Schemes).

⁵ As set out in the Secretary of State's Proposed Changes to the draft Regional Spatial Strategy (July 2008).

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

Tonbridge and Malling Borough Local Plan (December 1998) – The Proposals Map identifies that the application site is in the Metropolitan Green Belt and the North Downs AONB, adjacent to a SSSI and that land to the west of the existing site is also a SNCI (Policy P3/2).

Tonbridge and Malling Borough Council Local Development Framework Core Strategy (September 2007) – Policies CP3 (Green Belt), CP7 (AONB) and CP8 (SSSI).

Item C1

Application by Hanson Quarry Products Europe Limited for northern extension to Wrotham Quarry (Addington Sand Pit), Trottiscliffe Road, Addington, West Malling, Kent – TM/07/2545

APPENDIX 3 TO ITEM C1

Heads of Terms for Section 106 Agreement

Excluding clause 1, all to be effective only if planning permission is implemented

1. The applicant / landowner to pay KCC upon execution of the Agreement all of KCC's reasonable and proper legal costs for the preparation and completion of the Agreement;
2. The applicant to provide HGV signs on A20 / Ford Lane (the design and locations to be agreed) and pay for any associated mechanisms and costs associated with this (e.g. S278 or other KCC Highways and legal costs that may reasonably be incurred);⁶
3. The applicant / landowner to create a new public footpath around the western end of the existing Quarry north of the M20 as shown indicatively on drawing number WR6/2rev1 titled "Revised Restoration Scheme - Overall Quarry Area" (dated May 2008) to link points "X" and "Y" (to be defined) as shown on a plan *[to be included]* and undertake / pay for all implementation works and pay KCC's reasonable and proper legal and administrative costs associated with the formal adoption process;
4. The applicant / landowner to pay KCC's reasonable and proper legal and administrative costs associated with the proposed temporary and permanent diversions of public footpath MR177; and
5. The provision of a 10-year aftercare programme (with reference to specific details as appropriate).

⁶ Note: This clause could be removed from the Section 106 Agreement if the applicant has satisfactorily addressed this prior to its completion.