

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

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

A report by Head of Planning Applications Unit to Planning Applications Committee on 6 November 2007.

Applications by Borough Green Sand Pits Limited:

- (i) for northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials (TM/07/512);
- (ii) to vary condition 1 of planning permission TM/05/1672, to relax the time limit for soil blending operations to continue in final location only on the site plan beyond 2008 to 31 August 2018 to meet revised quarry restoration timescales proposed in current planning application TM/07/512 for a northern extension to the sand quarry (TM/07/3101); and
- (iii) to vary condition 3 of planning permission TM/98/1843/MR100, as amended by planning permission TM/05/1173, to further relax the time limit for sand extraction and restoration by backfilling, to provide an amended timetable for implementation of restoration pursuant to condition 2 of planning permission TM/98/1843/MR100 and to amend the details of site buildings and associated facilities pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100 (TM/07/3100)

all at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

Recommendation: Subject to the prior completion of a legal agreement to secure the Heads of Terms given in Appendix 7, conditional planning permission be granted for (i), (ii) [*partially*] and (iii) and approval being given for the details pursuant to condition 21 of planning permission TM/98/1843/MR100.

Local Members: Mrs V Dagger

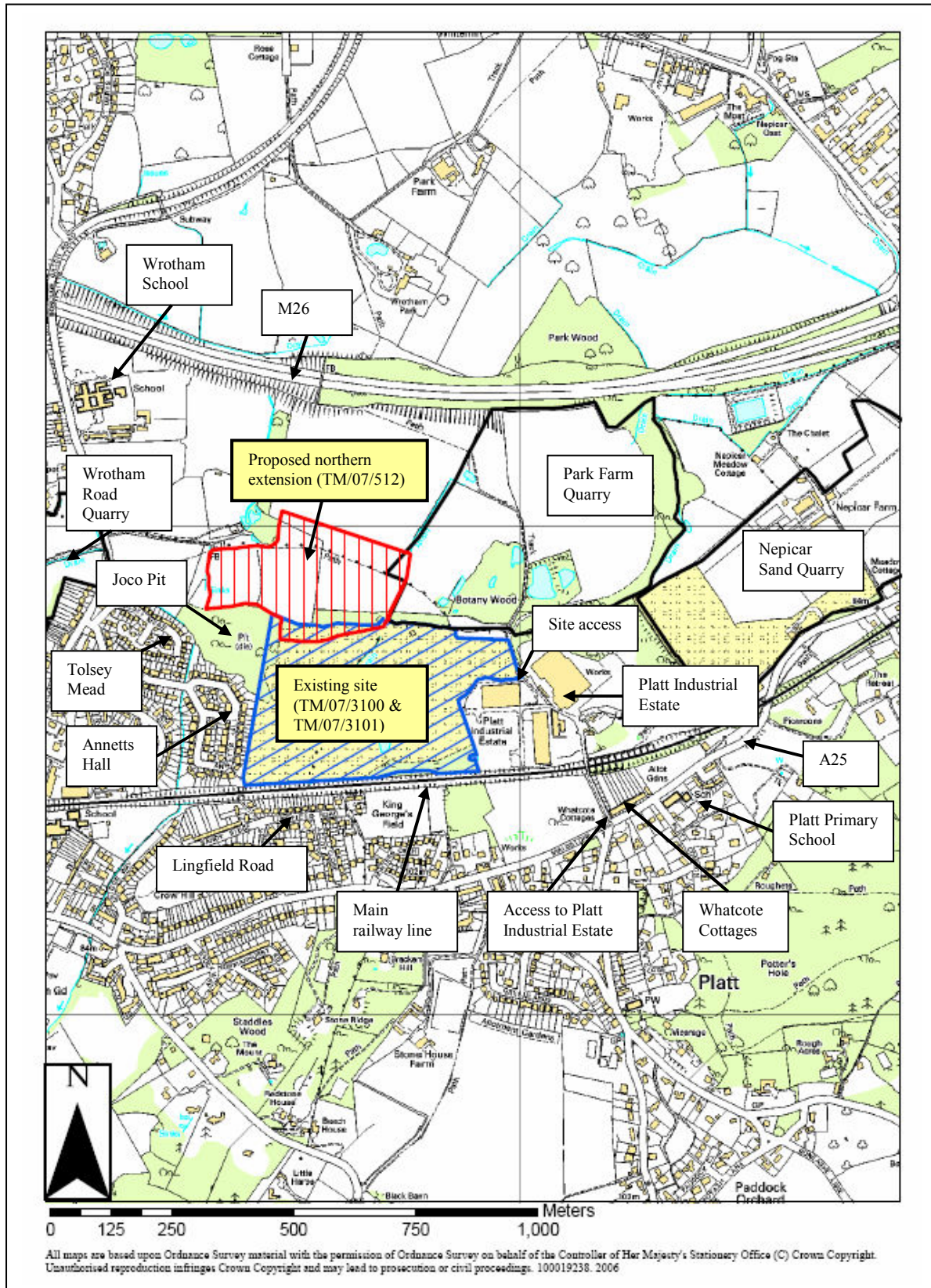
Unrestricted

Site description and background

1. Borough Green Sand Pit lies to the north of the mainline railway, west of Platt Industrial Estate, east of the Annetts Hall housing estate and to the south of woodland and open fields about 1 mile to the east of Borough Green town centre. The quarry is accessed from the A25 via Platt Industrial Estate. The nearest residential properties to the existing site are at Annetts Hall (which adjoins the western boundary) and Lingfield Road (immediately to the south of the railway line).

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2. The proposed northern extension application site lies immediately to the north of the western section of the current quarry and to the north east of the disused Joco Pit. The nearest residential properties to this area are at Annetts Hall and Tolsey Mead respectively about 150m and 80m to the south / south west of the proposed northern extension. Wrotham School lies approximately 300m to the north west. To the north east of the existing quarry and east of the proposed northern extension area lies Park Farm Quarry (operated by Cemex) which is also accessed from the A25 via Platt Industrial Estate. There are also a number of other quarries in the area. These include Nepicar Sand Quarry (operated by Clubbs) to the east, Wrotham Road Quarry and Landfill Site (operated by Cemex) to the west and Ightham Sand Pit (operated by H+H Celcon) and Crickett's Farm (operated by Trodell Plant Ltd) further west.
3. The proposed northern extension application site consists of three fields used for grazing, an area of old and new semi-natural woodland (much of which is subject to a group Tree Preservation Order (TPO)) and a small part of the existing sand pit. The three fields are separated by hedgerows running north to south which include occasional mature trees. The agricultural land classification is grade 3b. The site largely lies at between 95 and 92.5m AOD (sloping down to the south east), although levels fall to about 88.5m AOD to the west. A public footpath (MR251) runs east to west just within northern part of the application site. The North Downs AONB lies just to the north west. Further woodland blocks, which are also subject to TPOs, lie to south west and north west. Both the existing quarry and proposed northern extension are in the Green Belt.
4. The majority of the northern extension application site is identified in the Kent Minerals Development Framework Construction Aggregates Development Plan Document: Submission Document (November 2006) as a preferred area for the future working of building sand (Inset Map S: Land North and East of Joco Pit).
5. Mineral extraction is understood to have commenced at Borough Green Sand Pit in 1952 and a number of planning permissions have since been granted for sand extraction, restoration by infilling with inert waste and soil blending. The main mineral planning permission is TM/98/1843/MR100 dated 15 March 2000. This updated the earlier mineral permissions in accordance with the Environment Act 1995 (i.e. the Minerals Review / ROMP process). The permission was amended on 7 June 2005 by TM/05/1173 to allow extra time for completion of sand extraction. Sand extraction must be completed by 31 December 2008 and restoration (involving inert waste landfill) by 31 December 2015. The site is to be restored to a private nature conservation area in accordance with a Landscape Strategy dated July 1999 and a Landscape Management Plan dated 21 November 2002. Planning permission TM/05/1672 was granted on 16 August 2005 for a temporary soil blending operation which must cease by 31 December 2008. The maximum depth of working is 70m AOD. The mineral permission restricts the maximum number of lorry movements at the site to 60 per day (30 in/30 out). A further 4 movements (2 in/2 out) are permitted for the soil blending. Hours of working are 0700 to 1800 hours Monday to Friday and 0700 to 1300 on Saturdays. None of the above planning permissions contain specific

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noise limits, although "stand-off's" at certain site boundaries are imposed to minimise impacts on adjoining residential areas. The eastern part of the existing quarry is largely worked out and is nearly backfilled to approved levels, although soiling has yet to be completed. The western part of the quarry contains the mobile dry screening sand processing plant and soil blending operation and the southern part is currently being backfilled with inert waste.

6. New conditions and a scheme of working and restoration for Park Farm Quarry were permitted under the ROMP process on 3 March 2003 (TM/02/2663/MR97) to update the earlier mineral permission granted in 1953 (MK/4/53/106A) which was itself affected by the construction of the M26. The extraction of clay in the central part of the permitted area at Park Farm is due to cease by 31 December 2007. Extraction of clay or sand in the western part of Park Farm (i.e. from the area between this and the proposed northern extension to Borough Green Sand Pit) must cease by 21 February 2040 and the entire site be restored by 21 February 2042. The northern, eastern and southern parts of Park Farm (i.e. previously worked and restored areas and retained woodland) are to be retained as existing. It is unclear at this stage whether extraction will take place in the western part of Park Farm and various pre-development requirements would need to be met and approvals given if this is to occur (e.g. new schemes of working, restoration and aftercare). If such extraction does not take place, the planning permission provides for interim restoration of agriculture and woodland (including the retention of Botany Wood). The maximum number of HGV movements for Park Farm Quarry is 320 (160 in/160 out) per week. The permitted hours of working are the same as for Borough Green Sand Pit. Planning permission was granted for a westerly extension to Park Farm for clay extraction in 1999 (TM/95/1708) with access via Nepicar Farm. The application had initially proposed extraction of sand from beneath the clay but was amended to exclude this element. The permission, which included the eastern field included in the current northern extension application as well as land further north, was not implemented and has since lapsed.
7. A number of complaints have been received during 2007 about operations at the site. These have related to the HGV movement restriction being breached (Platt Parish Council); noise, dust, windblown sand and hours of working (from residents of Lingfield Road); and mud and debris on the highway in Platt and the A25 (Platt Parish Council). These matters were reported to the County Council's Regulation Committee on 18 September 2007 and are referred to as appropriate later in this report.
8. A Planning Applications Committee Members' site visit was held on 21 September 2007. This was also attended by the applicant, representatives of Tonbridge and Malling Borough Council and Platt and Borough Green Parish Councils. Notes of the site visit are attached at Appendix 1 (pages C1.36 – C1.41). The site visit enabled Members to view the proposed northern extension and the existing operational area.

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The Proposals

Application TM/07/512 (northern extension)

9. The application proposes the extraction of approximately 736,000 tonnes of building, construction and industrial (silica) sand in 3 phases from an extraction area of about 4.42 hectares (ha) and the restoration of the area with imported inert waste. Only about 50,010 tonnes of this would be silica sand. The site would be worked as an extension to the existing Borough Green Sand Pit, although the depth of extraction would be 68m AOD as opposed to the current 70m AOD. The total application area (about 6.1ha) would also accommodate temporary topsoil storage and mitigation measures. The sand would be processed through the existing mobile dry screening plant in the existing quarry until the final stages of development when this could be relocated into the proposed phase 3 area (subject to progress with landfilling in the existing site). Access to the extension area would be through the existing quarry using the same access arrangements. It is proposed that extraction and restoration would be completed by 31 December 2018 (i.e. 3 years longer than the current operation). The proposed locations of the sand processing plant and topsoil storage areas are shown on the drawing at Appendix 4 (page C1.45). The three new phases for the proposed northern extension area all lie within phase R3 of the proposed phasing arrangement for the existing site and proposed northern extension area shown on the drawing at Appendix 3 (page C1.44).
10. The application proposes that topsoils would be stripped and stored separately using 360° back excavator and dumptruck for use in restoration of the proposed extension area, but that clay subsoils would be replaced with superior imported subsoils. The indigenous subsoils would either be directly placed or stored in the base of the proposed excavation or used to aid restoration in the existing quarry (as overburden). The application includes a proposed phasing arrangement for soil and overburden movements, extraction and restoration which is designed to minimise double-handling where possible. Topsoil would be stored in a large bund in the eastern part of the most westerly field until required for final restoration. This would also serve as a screen bund providing visual and noise attenuation.
11. Sand would be extracted with 360° back excavator or wheeled front loading shovel and the loading shovel used to feed the mobile screening plant or road going vehicles. The proposed phasing arrangement within the northern extension area would see extraction take place in phases 1 and 2 in a northerly direction and phase 3 in an easterly direction. Production is expected to continue at about 100,000 tonnes per year (tpa). The applicant wishes to commence preparatory operations in the proposed extension area in late 2007 / early 2008, as the permitted reserves expected to be exhausted in 2008. The applicant estimates that sand reserves in the proposed extension area would be exhausted by the end of 2014 or beginning of 2015 and the both existing and proposed areas would be fully restored by the end of 2018. Since not all of the existing site could be restored until the proposed northern extension is completed (as the working of that area relies on access through and use of associated facilities in the existing site), the application is reliant on changes to the existing

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planning permission which are addressed in planning application TM/07/3100. The proposed phasing arrangement for the existing site and proposed northern extension are shown on the drawing at Appendix 3 (page C1.44).

12. The application proposes that inert waste (e.g. soils, concrete, rubble, clay, glass and similar materials) be used to restore the site to levels designed to reflect those existing whilst ensuring a progressive and acceptable interface between and with restoration of the existing site. At least 4m of indigenous gault clay will be placed into the quarry base (i.e. to 72m AOD) prior to imported wastes being landfilled. The precise details of the landfill and associated engineering would be addressed in a Pollution Prevention and Control (PPC) permit. The applicant estimates that landfilling would commence in phase 1 of the proposed northern extension when sand extraction is nearly completed in phase 2. The proposed landscape restoration plan for the existing site and proposed northern extension are shown on the drawing at Appendix 6 (page C1.47).
13. The application proposes the removal of both the area of woodland subject to a group TPO that separates the existing and proposed extraction areas and the main central north-south hedgerow within the site, as well as the diversion of public footpath MR251 further north. Advance "woodland shaw" tree planting is proposed to the west and north of the topsoil storage bund and north of the proposed extraction area (separating this from the new route of the diverted footpath). Advance hedgerow planting is also proposed to the north of the diverted footpath and to the south of that part of the footpath that would be retained on its current route in the western part of the application site. The topsoil store would be seeded with a legume mix and cut / managed as necessary to ensure a tidy appearance and control noxious weeds. Further woodland planting would be undertaken as part of the final restoration on the area used during operations for the topsoil store and between the existing and proposed extraction areas. The remainder of the final restoration would be to permanent pasture. The proposed initial landscaping works, trees to be retained and removed and the footpath diversion are shown on the drawing at Appendix 5 (page C1.46).
14. The application proposes that hours of working would remain as currently (i.e. 0700 to 1800 hours Monday to Friday and 0700 to 1300 on Saturdays and that the existing traffic limit would remain (i.e. 60 movements per day – 30 in/30 out). The application also proposes to continue existing noise and dust mitigation measures.
15. In support of the proposals, the applicant states that the site is identified as a preferred area for future mineral extraction in the emerging Kent MDF Construction Aggregates, that there is a need for further sand to meet the required 7 year landbank, that the extraction of silica sand would accord with National and Local minerals policy, that there is a continued need for inert waste landfill and that employment at the site would increase from 7 to 9, rather than reduce to 4 once current sand reserves are exhausted. The application is supported by a series of assessments in respect of landscape and visual impact, soils, ecology, hydrogeology, noise and dust and archaeology.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

16. Additional assessments and further information have also been submitted in respect of hydrogeology (groundwater protection), noise, dust / air quality, ecology (great crested newts, dormice and bats), archaeology, historic landscape, slope stability and trees. The most recent noise report also recommends that the existing noise bund between the existing site and Annetts Hall be extended to close the gap between this and another peripheral bund further north to ensure that appropriate noise levels can be met and improve the current situation and for a further "L" shaped barrier to be erected during the latter stages of infilling of phase R4 to assist in mitigating noise impact from these operations. A proposed Code of Safe Operating Practice has also been submitted in order to seek to overcome any concerns about potential groundwater pollution and adverse impacts on Mid Kent Water's pumping station nearby. The Code includes measures designed to ensure no adverse impacts from the operation of sand extraction and screening plant, site plant and operatives, contractors mobile plant and haul road lorry traffic, as well as detailed requirements in respect of groundwater monitoring, liaison with the Environment Agency and Mid Kent Water and landfilling operations.

Application TM/07/3101 (duration of soil blending)

17. This application proposes to vary condition 1 of planning permission TM/05/1672, to relax the time limit for soil blending operations to continue beyond 2008 to 31 August 2018 to meet revised quarry restoration timescales proposed in the application for a northern extension to the sand quarry (TM/07/512). The application also states that the location for soil blending will be in the most northerly of two locations referred to for such activities on the permitted site plan. The applicant states that the application is necessary to allow soil blending operations to continue and assist in providing the necessary soils to complete restoration at the existing quarry in the event that planning permission is granted for the proposed northern extension. The proposed location of the soil blending area is shown on the drawing at Appendix 4 (page C1.45).

Application TM/07/3100 (duration of sand extraction and restoration by backfilling, etc)

18. This application proposes to: (a) vary condition 3 of planning permission TM/98/1843/MR100, as amended by planning permission TM/05/1173, to further relax the time limit for sand extraction and restoration by backfilling (until 31 December 2018); (b) provide an amended timetable for implementation of restoration pursuant to condition 2 of planning permission TM/98/1843/MR100; and (c) amend the details of site buildings and associated facilities pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100. The application is necessary for the reasons set out in paragraph 11 above and parts (a) and (b) would only be required if planning permission is granted for the proposed northern extension (TM/07/512). Part (c) is required to regularise the planning status of site buildings and associated facilities at the quarry and should be addressed regardless of the outcome of the application itself. The proposed phasing arrangement for the existing site and proposed northern extension are shown on the drawing at Appendix 3 (page C1.44).

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

Planning Policy Context

19. The most relevant planning policies are set out in Appendix 2 (pages C1.42 – C1.43).

Consultations

20. **Tonbridge and Malling Borough Council** – No objection, subject to the following conditions:-

1. If the County Council is minded to grant planning permission on the basis that noise of a short duration (up to 8 weeks) can have a maximum of 70dB(A) LAeq, 1h, and no objections have been received from Natural England, Mid Kent Water, Environment Agency, Kent Highways and Kent Highways PROW, SEERA and the County Archaeologist, appropriately worded conditions regarding the following should be secured:
 - Imposition of a 55dB(A) noise level limit, with a maximum noise level limit of 70dB(A) LAeq, 1h for a maximum of 8 weeks;
 - Appropriate mitigation measures to prevent hydro-geological risks;
 - As part of the soil assessment, the submission of a chemical analysis to establish the baseline condition of the site;
 - Appropriate restoration/aftercare conditions to cover remedial treatment of soil so as to facilitate the use for agriculture, amenity and woodland;
 - The carrying over of Conditions 11-14 of previous permission TM/98/1843/MR100 (traffic generation and access) and effective monitoring of these conditions;
 - The carrying over of Condition 24 of previous permission TM/98/1843/MR100 (dust mitigation); and
 - Incorporation of features of the existing landscape, as identified in the historical landscape survey provided, into the restoration scheme for the site.

No objection to applications TM/07/3101 and TM/07/3100 subject to the imposition of conditions to secure the above noise limits and the retention of all other conditions attached to the earlier permissions.

21. **Borough Green Parish Council** – No objection to application TM/07/512 subject to:-

- The number of lorry movements in/out of the site not exceeding the permitted limits; and
- All vehicles in/out of the site being adequately covered and sheeted (and wheel-washing and road-cleaning operations must be in place for the duration of works).

In responding to applications TM/07/3101 and TM/07/3100, it has stated that current conditions should be maintained for any extended periods (particularly the controls on traffic movements set out in condition 11 of planning permission TM/98/1843/MR100) and no changes should be made until application TM/07/512 has been formally

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approved and implemented.

22. **Platt Parish Council** – Objects to application TM/07/512 due to the loss of woodland between the existing and proposed sites. It has suggested that the proposed northern area be reduced to facilitate this and stated that the complete or partial loss of old mixed hedgerows must be at least fully compensated for by planting as part of the restoration proposals. Notwithstanding this, it has stated that: the proposed Code of Safe Operating Practice appears sensible; the noise report indicates acceptable noise levels; and there are unlikely to be great crested newts or dormice habitats in the proposal area. During the consultation process, it also raised the following issues:-

- The proposed footpath diversion route is unclear;
- KCC should carefully consider any hydrogeological issues;
- There should be no extension to the current permitted hours and, since there has been some suggestion that these are being breached, they should be policed and enforced;
- The current restriction of 60 movements (30 in/30 out) appears to have been breached and is adversely affecting local housing and the primary school between the Platt Industrial Estate access and Wrotham Heath. Suggested that weighbridge details be examined and that any new permission should have clear new conditions restricting such movements so they can be policed and enforced.
- All lorries should be properly sheeted and wheels and chassis effectively cleaned prior to leaving the site to avoid mud, dust and debris being deposited on the A25 as there have been problems with these issues in recent months.

In responding to applications TM/07/3101 and TM/07/3100, it has expressed concerns that this would lead to additional HGV movements and problems at the junction of Platt Industrial Estate and A25 and on the A25 during any extra time period. It has reiterated the above issues and commented that HGVs experience particular problems if vehicles are leaving and entering Platt Industrial Estate at the same time as vehicles turning left (eastbound) onto the A25 (i.e. the most common movement) have to pull out across the opposite carriageway to travel in that direction. It has expressed concerns about the ongoing use of the Platt Industrial Estate to access the site, referred to the fact that proposals to extend the Park Farm clay pit about 10 years ago were only accepted on the basis that an alternative access via Nepicar Sand Quarry was to be used (but did not happen) and suggested that this should be the case again. If not, it has suggested that consideration be given to imposing restrictions on vehicle movements during the busiest times on the A25 with particular regard to school arrival and leaving times.

23. **Wrotham Parish Council** – No comments received.

24. **SEERA** – In responding to application TM/07/512 it has stated that the County Council should not grant planning permission unless the Environment Agency is satisfied that the development will not have any adverse effects on ground water quality, in line with the objectives of Policy INF2 of RPG9 and NRM1 of the draft South East Plan. If the

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County Council is minded to grant planning permission, it should secure the following through appropriately worded conditions and/or legal agreements:-

- Appropriate mitigation measures and restoration plans in relation to protecting and enhancing landscape quality in line with the objectives of Policies E1 of RPG9 and Policies W14 and C2 of the draft South East Plan; and
- Appropriate mitigation measures to protect and enhance the site's biodiversity assets in line with the objectives of Policies E2 of RPG9 and Policy NRM1 of the draft South East Plan.

25. **Environment Agency** – No objections to any of the applications subject to the proposed Code of Safe Operating Practice (including depth of working and other specified controls) being appropriately incorporated into any planning permission for a northern extension. Has advised that if planning permission is granted for the northern extension, the operator would need to amend the existing PPC Permit.

26. **Natural England** – *Nature conservation interests* – No objection to application TM/07/512 subject to a condition (bats) and informatives (great crested newts and dormice).

- **Bats:** Notes that a common pipistrelle bat roost has been observed within an oak tree that would be lost but that the indicative mitigation in the bat survey appears appropriate to mitigate the impacts of the proposed development on local bat populations (subject to condition requiring a detailed mitigation strategy to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works which may affect bats or their roosts). Has also requested that the applicant be advised that a licence may be required for any works which directly affect bats or their roosting sites.
- **Great Crested Newts:** Notes that whilst great crested newts were recorded to the north of the M26 there was no evidence of any being found in the ponds at the site during 2007. Requests that an informative be appended to any consent advising the applicant that if evidence of any great crested newts is found on site, all works must cease and further advice be sought from either a suitably experienced ecologist or Natural England before recommencement. Has also advised that a licence may be required before works are able to recommence.
- **Dormice:** Is satisfied that it is unlikely that the site supports a population of dormice based on the habitat feasibility report and lack of significant habitat links to adjoining areas which may hold populations of dormice in sufficient numbers to make colonisation of the site likely and since they would be unlikely to breed on site due to a lack of food resources at the critical times of the year. Has requested that a similar informative to that above for great crested newts be appended for dormice.

Agricultural issues – No objection to application TM/07/512 subject to the imposition of conditions to ensure best practice for restoration and aftercare.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

27. **Kent Wildlife Trust** – No objection subject to the County Council being satisfied that the use of the site for inert waste is consistent with the County Waste Strategy and subject to conditions / obligations / agreements to secure implementation of a fully funded programme of aftercare for the new native-species woodland and all the semi-natural habitat features that are to be retained at the site. Thanked the County Council for giving consideration to its preference for restoration to lowland dry acid grassland and acknowledged that this would be incompatible with a restoration to original ground levels involving inert waste landfill and a gault clay cap. No comments received on applications TM/07/3101 and TM/07/3100.
28. **CPRE** – No comments received.
29. **Mid Kent Water** – No objection to application TM/07/512 subject to the conditions laid out in the Code of Safe Operating Practice, the Site Monitoring Plan and the agreed depth of working being adhered to. No comments on applications TM/07/3101 and TM/07/3100.
30. **Divisional Transportation Manager (West Kent)** – No objection to the applications subject to:-
- The maximum number of HGV movements associated with sand extraction and restoration by backfilling with inert waste being limited to 60 per day (30 in and 30 out) and to a total of 64 per day (32 in and 32 out) if the soil blending is included;
 - The applicant being required to submit monthly monitoring reports on vehicle movements for the first 6 months following implementation of the northern extension and thereafter implementing proposals that would enable the planning authority to directly and remotely monitor vehicle movements over the site weighbridge (such proposals having first be approved in writing by the Planning Authority); and
 - The applicant being required to submit proposals to improve the kerb radius for left turning vehicles from the industrial site access road onto the A25 and also to improve the safety of pedestrians crossing the access road within 6 months of any permission being granted (and for these works to be carried out at the applicant's expense).
31. **KCC Landscape Consultant (Jacobs)** – Has advised that application TM/07/512 is acceptable in terms of phasing and the restoration works proposed. At the local level, visual and landscape impacts from the removal of vegetation and some mature trees as a result of the works are slight adverse lessening to insignificant on the completion of restoration works. From the AONB scarp slope there would be moderate adverse visual impacts. It is satisfied that the tree survey and report identifies root protection zones and appropriate protection methods. Concludes that the proposals satisfactorily mitigate the impact of the proposed quarry extension within the constraints of the site and proposed usage. It is supportive of restoration contours being similar to original levels for landscape character and local landscape topography reasons.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

32. **KCC Noise, Dust, and Odour Consultant (Jacobs)** – Has advised that all three applications need to be considered together since they are interrelated. Is satisfied that the operator could meet MPS2 requirements with the proposed mitigation measures (e.g. extension of existing peripheral bund on western boundary near Annetts Hall and erection of “L” shaped barrier during the latter stages of infilling of phase R4). Recommends that noise from all activities at the existing and proposed sites be restricted by condition(s) to 55 dB $L_{Aeq,1hr}$ for normal day to day operations and 70 dB $L_{Aeq,1hr}$ for temporary operations for up to 8 weeks in a year in accordance with MPS2.

Has recommended that the dust mitigation measures outlined in the applicant's Air Quality Report be applied to all activities at the site (existing and proposed areas).

33. **KCC Archaeology** – Has advised that the northern extension area is not likely to contain significant archaeology, that the reports submitted in respect of archaeology and historic landscape are acceptable and that any further necessary archaeological and historic landscape recording work could be satisfactory secured by condition(s).

34. **KCC Biodiversity** – No objection subject to condition(s) and informative(s).

Dormice: The submission and approval of a method statement prior to the removal of any habitat that could potentially support dormice detailing how this habitat (e.g. hedgerows and woodland) would be removed using a precautionary approach. Work on site should then accord with this in case dormice are present. This should be reinforced by the informative on dormice requested by Natural England.

Bats: The submission and approval of a detailed mitigation strategy prior to the commencement of works which may affect bats or their roosts (i.e. removal of trees). The strategy should include a detailed plan of action for removing the trees and the mitigation measures necessary to avoid harm to the bats using the tree, including timing, necessary supervision and methods. It should also include compensatory bat roosts and replacement hedge planting (as detailed in the application). This should be reinforced by the informative on bats requested by Natural England.

Has also recommended that conditions be imposed to require appropriate mitigation in respect of nesting birds and that development should cease if other protected species are found during the development work to enable suitable advice on how best to proceed to be obtained. Has stated that no further information or work is required in respect of Great Crested Newts.

35. **KCC Rights of Way** – No objection subject to appropriate consideration of proposed footpath diversion and any recommendation for planning permission requiring the applicant to pay all KCC's reasonable costs associated with the proposed diversion and associated installation of necessary infrastructure.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

Representations

36. The applications have all been publicised by site notice and newspaper advertisement and all local residents / business properties within 250m of the application sites were notified.

Application TM/07/512 (northern extension)

37. At the time of writing this report, 13 representations have been received. Of these, 12 object and 1 raises no objection subject to conditions. The representations relate to the following issues:-

Objections:

- Loss of 3 fields used for public access and public footpath;
- Loss of mature trees;
- Adverse traffic impacts on local residents, school children and property (e.g. noise, dust, vibration, highway safety, traffic speed, spillages, congestion, etc) from HGVs (particularly those carrying waste to the site) for more years;
- Proximity to local school;
- HGV numbers – restrictions are regularly exceeded;
- Adverse impact on the quality of life for local residents, including those near Platt Industrial Estate access road;
- A25 / Platt Industrial Estate access road junction is inadequate for HGVs if vehicles are entering and leaving at the same time (resulting in queuing or vehicles travelling through Borough Green instead);
- Access should be from Wrotham Road instead;
- Concerns about nature of waste materials and methane gas on local properties;
- Noise impact on local residents (e.g. Annetts Hall, Tolsey Mead);
- Dust impact on local residents;
- Visual impact for local residents, including lighting impact – particularly as properties in Tolsey Mead are at or below the level of the proposed development;
- Impacts on wildlife (e.g. badgers, rabbits and foxes);
- The wildlife study underplays the importance of bird species in the area;
- Impact on water levels and drainage on local housing;
- Adverse cumulative impact of quarrying in the area;
- There are enough quarries in the area already; and
- Proposal is contrary to the local plan and in the Green Belt.

No objections subject to:

- Access being via Platt Industrial Estate (and not from Wrotham Road); and
- Tree planting across field to screen workings from Tolsey Mead.

Item C1

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

Applications TM/07/3101 (duration of soil blending) and TM/07/3100 (duration of sand extraction and restoration by backfilling, etc)

38. At the time of writing this report, 4 objections have been received to each of the above applications. The representations relate to the following issues:-
- The operator should have managed to complete operations within the permitted timescale (and may fail to do so again if allowed extra time);
 - The existing site should be restored as soon as possible if the proposed northern extension is permitted; and
 - *The same reasons set out above relating to HGV movements and associated impacts.*

Local Member

39. County Council Member Mrs V Dagger was notified in February and August 2007.

Discussion

40. 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 these applications, the policies outlined in Appendix 2 (pages C1.42 – C1.43) are of greatest relevance.
41. The main issues to be considered in respect of application TM/07/512 (northern extension) relate to:-
- The quantity and quality of the mineral resource;
 - The need or otherwise for the mineral;
 - The need or otherwise for inert waste disposal (generally and to assist in restoration);
 - Water environment (hydrogeology / groundwater impacts);
 - Local amenity impacts (e.g. noise and dust / air quality);
 - Landscape and visual amenity;
 - Trees and woodland (including TPOs);
 - Archaeology and historic landscape;
 - Ecology;
 - Highways and transport;
 - Public rights of way;
 - Green Belt.
42. The main issues to be considered in respect of applications TM/07/3101 (duration of soil blending) and TM/07/3100 (duration of sand extraction and restoration by backfilling, etc) relate to:-

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

- The need or otherwise for soil blending to assist in restoration at the site or for other purposes;
- The appropriateness of the additional time periods sought (including the relationship with other operations at the site – existing or proposed);
- Local amenity impacts (e.g. noise and dust / air quality);
- Landscape and visual amenity;
- Highways and transport; and
- Green Belt.

43. Each of the above issues will be considered in turn in so far as they relate to all three applications.

The quantity and quality of the mineral resource

44. Policy CA7 of the KMLP CA and Policy MDC1 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006 state that the County Council will require evidence of the extent and quality of mineral reserves for proposed workings.
45. Although the application for a northern extension seeks to extract about 50,010 tonnes (t) of silica sand, the main minerals element against which the proposal should be assessed is that for the extraction of about 685,990t of building and construction sand. The applicant has provided some evidence of the quantity and quality of the mineral resource and also relies on information included as part of the evidence base for the emerging Kent Minerals Development Framework (KMDF) Construction Aggregates (CA) Development Plan Document (DPD) Submission Document November 2006. Whilst the proposed extraction area is not identical to that identified as a preferred area in the KMDF CA DPD Submission Document November 2006, and the estimate of available mineral is therefore different, the information available is considered to be sufficient to demonstrate a workable building sand deposit and compliance with Policy CA7 of the Kent Minerals Local Plan (KMLP) Construction Aggregates (CA). The silica sand element represents a further, albeit more limited, resource that was not included in the KMDF CA DPD Submission Document November 2006. It is proposed that silica sand will be addressed in the KMDF Other Minerals DPD in due course.
46. The information submitted with the application for a northern extension shows that between 2 and 14m of gault clay would need to be extracted to access between 15 and 24m of sand (dependent upon location on site). I am satisfied that the sand would meet a general cross section of standards for fine aggregates and could be used for various purposes requiring these sand types. The applicant states that the very fine grained (silica) sands would be produced as specialist sands for a range of end-uses such as equestrian.
47. On the basis of the above, I am satisfied that the application for a northern extension is consistent with the above minerals policies. Application TM/07/3100 (duration of sand extraction and restoration by backfilling, etc) does not need to be considered in

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

this context since it relates to previously consented mineral reserves.

The need or otherwise for the mineral

48. The main national planning policies relating to the quantity and quality of and need for building and construction sand are set out in MPS1 and the Regional Guidelines for Aggregates Provision in England 2001-2016. MPG15 is relevant insofar as it relates to silica sand. 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 Kent & Medway Structure Plan (KMSP) and Policies CA6 and CA7 of the KMLP CA. Policy M3 of RPG 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. Proposals Map Inset H of the KMLP CA identifies the area to the north of Borough Green Sand Pit as an area of search for building sand.
49. Policy CMS1 of the KMDF Core Minerals Strategy (CMS) DPD Submission Document November 2006 supports proposals that secure or maintain the overall levels of supply required by the Regional Minerals Strategy. Policy CA2 of the KMDF CA DPD Submission Document November 2006 states that land provision will be made in Kent sufficient to secure and maintain production of 2.37mtpa of sand and gravel and a landbank of permitted reserves sufficient for at least 7 years production. This reflects a subtraction of 160,000 tonnes per annum (tpa) from the 2.53mtpa for Medway's contribution. Paragraph 3.3.3 also states that when assessing planning applications for land won aggregates resources, regard will be had to a separate apportionment for different types of aggregates which are set out in paragraph 3.3.2 and are designed to allow separate plan proposals to be made in Kent. Paragraph 3.3.2 indicates a further apportionment for "building sand" of 1.14mtpa. This would make up the required 2.37mtpa when combined with further apportionments for "mainly flint derived gravels" (0.95mtpa) and "mainly sandstone derived gravels" (0.28mtpa). Policy CA4 of the KMDF CA DPD Submission Document November 2006 identifies the land north and east of Joco Pit as a preferred area for working building sand (Inset S).
50. Policy M4 of RPG 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 and Policy CMS1 of the KMDF CMS DPD Submission Document November 2006. 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.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

51. On the basis of the above, Kent and Medway would need to have permitted reserves of 17.71mt (i.e. 7 x 2.53mt) to meet the requirements of Policy M3 of RPG9 and the draft SE Plan and Policy MN5 of the KMSP in terms of the requirement for a 7 year landbank for sand and gravel. When the Medway contribution of 160,000tpa is deducted, Kent would need to have reserves of 16.59mt (i.e. 7 x 2.37mt) to meet the requirements of Policy CA2 of the KMDF CA DPD Submission Document November 2006. The County Council should also have regard to the desirability of maintaining a 7 year landbank of building sand of 7.98mt (i.e. 7 x 1.14mt) to meet the aims of paragraphs 3.3.2 and 3.3.3 of the KMDF CA DPD Submission Document November 2006. It should be noted these are figures to be maintained and not a ceiling on levels of permitted reserves and that provided proposals do not give rise to unacceptable adverse impacts and are consistent with other development plan policies permission need not be withheld unless other material planning considerations indicate otherwise. Indeed, due to the time required for new or extended sites to commence production it is important that adequate new permissions are granted at the appropriate time.
52. The applicant does not seek to make a case of need for the proposed northern extension on the basis of the overall sand and gravel landbank but states that the landbank for building sand is less than 7 years based on a building sand reserve of 8mt at the end of 2004¹, a regional apportionment production requirement of 1.19mtpa and the fact that no significant additional reserves have been permitted in the interim. However, the latest published figures for permitted reserves² (which appear to reflect an increased assessment of existing reserves) indicate that Kent had a landbank of permitted sand and gravel reserves of 25.769mt at the end of 2005. This comprised 11.493mt of building sand (soft sand) and 14.276mt of sharp sand and gravels. Medway's figures are recorded as confidential. These figures demonstrate that both the combined Kent and Medway requirement and the disaggregated Kent requirement exceeded those required to meet the apportionments set out in the above at the end of 2005. Regardless of which method is used to extrapolate these figures, there would still be more than the required 7 year landbanks for sand and gravel or for building sand at this point based on the figures for the end of 2005. Although the figures for the end of 2006 are not yet published, it is understood that they are likely to reflect a further reassessment of existing reserves (downwards) such that a deficit for building sand may already have arisen based on regional apportionment. Regardless of the precise figures, how landbank is calculated and whether there is actually a need at this precise time for the release of additional reserves, it is fairly clear that at some point in the next year or so the landbank for building sand would fall below 7 years if no new permissions are granted if it has not already done so. In view of the limited size of the silica sand element and the fact that it only represents 7.3% of the proposed sand reserve, I do not propose to consider the need or otherwise for this separately.

¹ South East Aggregates Monitoring Report 2004 (SEERAWP, July 2006)

² South East Aggregates Monitoring Report 2005 – SEERAWP 07/01 (SEERAWP, February 2007)

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

53. In summary, I am satisfied that there is no need to release additional sand reserves at this point to meet an overall sand and gravel landbank requirement. However, I accept that there is some doubt as to whether there is currently a need for the sand reserves in the proposed northern extension to meet a building sand landbank requirement at this time and that there will almost certainly be such a need in the next year or so if it has not already done so. On this basis, and since the site is identified as a preferred area in the emerging KMDF CA DPD Submission Document November 2006, I see no reason to refuse the application on the basis of need or otherwise for the mineral provided the proposals give rise to no significant harm. Application TM/07/3100 (duration of sand extraction and restoration by backfilling, etc) does not need to be considered in this context on this occasion since it relates to previously consented (and relatively minor remaining) mineral reserves.

The need or otherwise for inert waste disposal (generally and to assist in restoration)

54. National planning policy for waste management is set out in PPS10 and is, in turn, reflected at the regional level. Policy W13 of RPG9 sets out the required landfill capacity for C&D waste in the region for the period to 2025. Policy W13 of the draft SE Plan sets out the surplus or shortfall of capacity for inert waste by sub-region at 2015. For Kent, the figure is a surplus in capacity of 7.155mt in 2015. RPG9 and the draft South East Plan also contain policies designed to support diversion of waste from landfill and meet recycling and recovery targets. Policy WM4 of the KMSP states that Kent will make provision equivalent to its waste arisings and provide integrated waste management capacity for 15 years ahead whilst Policy WM5 states that priority will be given to using suitable mineral workings rather than other land disposal sites for inert waste where this will facilitate the reinstatement of land to a beneficial after-use and where disposal to land accords with the principles of the Best Practicable Environmental Option (BPEO). The KMSP also contains policies which provide support for recycling and recovery. Policy W12 of the Kent Waste Local Plan (KWLP) states that proposals for landfill will be permitted if they would assist in the restoration of mineral workings which would benefit in planning terms from being returned as near as possible to original ground levels. The KWLP also supports recycling and recovery at appropriate locations.
55. The first issue relating to the need or otherwise for inert waste disposal relates to that of overall inert waste landfill capacity in Kent. As stated above, the draft SE Plan identifies that Kent would have surplus inert waste landfill capacity of 7.155mt in 2015. More recent figures produced by ERM for SEERA in 2007³ indicate that this figure could be significantly higher as Kent currently has 29.297mt inert waste landfill capacity and would still have 22.199mt inert waste landfill capacity in 2025. Whilst there remains some doubt as to the accuracy of the current figure and those projected, which are also reliant on (amongst other things) recycling targets being met through the SE Plan period, it serves to further demonstrate the extent of permitted inert waste landfill capacity in the County and the fact that there is currently no need for additional inert waste landfill capacity now or for the foreseeable future. This said,

³ Regional Waste Management Capacity: Survey, Methodology and Monitoring Final Report (ERM, April 2007)

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

there are also a number of factors which could affect the rate at which the permitted inert waste landfill capacity may be used. These include, the rate of re-development in major growth areas such as the Thames Gateway, the demand for capacity to take waste from London or elsewhere (linked to the success of otherwise of waste planning in such areas) and the rate at which such wastes are recycled or re-used in other ways. These are matters that will need to be addressed in detail in the emerging Kent Waste Development Framework (KWDF).

56. The second issue is that of the need or otherwise for inert waste to secure the satisfactory restoration of the proposed northern extension to the mineral site. Although quarries around Borough Green have been, or are to be, restored to both pre-existing, intermediate or low levels, I am of the opinion that restoration to levels close to those currently existing are necessary in this instance in order to ensure satisfactory restoration. This would serve to reflect the fact that the existing quarry is to be restored close to pre-existing levels and since the two sites would be linked as part of a final restoration scheme. Whilst Park Farm Quarry, to the east, would be restored to lower levels if the remaining mineral reserves are to be worked at that site, there is some doubt as to whether this will occur. Given this, and in the absence of any overall restoration masterplan for the area to which all mineral permissions must conform, I do not consider that it would be feasible to restore the proposed northern extension to low level as part of the current proposals. In addition, KCC's landscape consultant is supportive of restoration near to original levels and no respondents have suggested that the site should be restored to a low level although Kent Wildlife Trust has asked that the County Council be satisfied that the use of the site for inert waste disposal is consistent with the County's waste strategy.
57. A third issue is whether sufficient suitable inert waste would be available to restore the site in the timescale proposed. The applicant has confirmed that the time required for restoration is based on permitted vehicle movements only on those days when the site would be open and that the amount of "backhauling" that occurs (whereby vehicles importing waste take out sand) would assist in securing restoration within the time period sought. The applicant has further stated that its success in sourcing suitable inert waste materials for restoration since the site was acquired in 2002 and the considerable recent progress in bringing the site up towards final levels demonstrates that it would have no trouble in completing the works in the time period proposed. Whilst there can be no guarantee that sufficient suitable inert waste materials would be available, these and the fact that the applicant is also able to influence waste imports by changing price, contracts and the ratio between sand exports and waste imports (as explained at the Members' site visit and demonstrated by changes in HGV movements between May and August 2007), I believe that the site can be worked and restored by the proposed dates. Progress could be monitored by a requirement for annual monitoring reports if planning permission is granted.
58. A fourth issue is the impact of the proposed infill on recycling targets. The effect the proposal may have on the achievement of recycling targets is difficult to assess and the need for sites for the disposal of inert waste will remain regardless of these. In view of this and the need for infilling to satisfactorily restore the site in this case, I do

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

not propose to consider the issue further.

59. In summary, whilst I do not accept that there is any need at this time for additional inert waste disposal capacity in Kent I do accept that there is a need for infilling with suitable inert waste to secure the satisfactory restoration of the proposed northern extension to the site. On this basis, I consider that the proposed development would accord with the principles of the BPEO, Policy WM5 of the KMSp and Policy W12 of the KWLP such that I am satisfied that it is consistent with the County's waste strategy (as requested by Kent Wildlife Trust). Since the existing site already has the benefit of planning permission for inert waste landfill, and its capacity was included in the figures and targets referred to above, it is not necessary to consider further the need or otherwise for inert waste landfill in terms of inert landfill capacity, to secure satisfactory restoration and potential impact on recycling figures in the context of application TM/07/3100 (duration of sand extraction and restoration by backfilling, etc). However, the above comments on availability of suitable materials are equally relevant to this application.

Water environment (hydrogeology / groundwater impacts)

60. MPS1 seeks to ensure that mineral working and subsequent restoration do not adversely affect the quantity or quality of surface and groundwater supplies nor materially increase the risk of flooding. PPS10 seeks to do likewise for waste management operations. Policies INF2 of RPG9 and NRM1 of the draft SE Plan seek to protect and enhance water resources and quality. Policies MN3, WM2 and NR8 of the KMSp require proposals to be acceptable in terms of impact on the water environment. The requirements of these policies are mirrored in Policy CA6 of the KMLP CA and Policies W19 and W20 of the KWLP. The above minerals policies are being carried forward in Policies MDC1, MDC2, MDC6, MDC7 and MDC8 of the KMDF PDCP DPD Submission Document November 2006.
61. The Environment Agency and Mid Kent Water have no objections to the proposed northern extension subject to the imposition of conditions and/or S106 Agreement to limit the depth of working, ensure that the site is worked and restored in a satisfactory manner and to secure the groundwater monitoring and other measures contained in the proposed Code of Safe Operating Practice. Conditions can be imposed to ensure a maximum depth of working and for the site be worked and restored as proposed. The requirement for groundwater and other monitoring is already a requirement of the PPC Permit for the existing site and would be extended to cover any extension to the site. On this basis, it is not strictly necessary for the matter to be duplicated. However, since a S106 Agreement is necessary to secure other matters, the applicant has indicated a willingness for the proposed Code of Safe Operating Practice to be included in a S106 Agreement. No objections have been received from either the Environment Agency or Mid Kent Water to applications TM/07/3101 (duration of soil blending) and TM/07/3100 (duration of sand extraction and restoration by backfilling, etc).

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

62. Subject to the imposition of any necessary conditions and the completion of a S106 Agreement, the development of the proposed northern extension would accord with the above policies. It would also satisfy SEERA. The proposals to extend the duration of soil blending and sand extraction and restoration by backfilling would also accord with the above policies provided existing planning conditions continue to be applied. This can easily be done.

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

63. Government guidance on both minerals and waste seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 makes it clear that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. MPS1 and MPS2 both seek to ensure that mineral proposals are acceptable in terms of amenity and related health impacts.
64. Policies E7 of RPG9 and NRM7 of the draft South East Plan encourage local authorities to work with the Environment Agency in playing a positive part in pollution control, and to encourage measures to improve air quality. Policy NRM7 also encourages the use of best practice during construction activities to reduce the levels of dust and other pollutants. Policy W17 of RPG9 states that the suitability of waste management sites should be assessed on the basis of being capable of meeting a range of locally based environmental and amenity criteria. Policy NRM8 of the draft South East Plan encourages new developments to adopt measures to address and reduce noise pollution at regional and local level. Policies MN3, WM2 and NR5 of the KMSP require (as appropriate) proposals to be acceptable in terms of their environmental and/or community impacts. Policy CA18 of the KMLP CA requires that noise and dust are satisfactorily controlled. Policy W18 of the KWLP requires noise, dust odour and other emissions from waste management proposals to be controlled, particularly in respect of potential impact on neighbouring land uses and amenity. Policy W26 of the KWLP had additionally set out the hours during which waste facilities will normally be permitted to operate in Kent and these are reflected in the existing hours of working. However, following the decision of the Secretary of State not to continue to "save" Policy W26 under the terms of the Planning and Compulsory Purchase Act 2004 it ceased to be part of the development plan on 27 September 2007. The above minerals policies are being carried forward or are otherwise reflected in Policies MDC1, MDC2, MDC6, MDC7, MDC19, MDC20, MDC21 and MDC25 of the KMDF PDCP DPD Submission Document November 2006.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

65. A number of local residents have objected to the proposals due to concerns about noise and dust whilst Platt Parish Council has raised concerns about non-compliance with the existing permitted operating hours. Platt Parish Council also expressed concerns at the Members' site visit that both Wrotham School and Platt Primary School could be affected by noise from site operations. As noted at paragraph 7 above, complaints have also been received during 2007 about noise, dust, windblown sand and hours of working at the existing site. These have been received from local residents living to the south of the existing site and main railway line at Lingfield Road. It is believed that the worst air quality impacts have resulted from inert landfill / restoration operations in that south western part of the site closest to these properties during certain wind directions in periods of dry weather and the temporary failure of the operators' water bowser, exacerbated by the fact that large areas of the site remain to be fully restored and grassed. The applicant has taken or plans a number of measures to address these concerns (e.g. improvements to water bowser, erection of additional site screening / noise bund parallel to the railway line and grass seeding of large areas of the site). The applicant has also been reminded of the need to comply with the permitted hours of working and has given assurances on this. Concerns about mud / debris on the highway are addressed in the Highways and transport section of this report. Some local residents have also objected as a result of concerns about waste types and the potential for methane gas.
66. Tonbridge and Malling Borough Council has no objection to the application for a northern extension provided that the County Council is satisfied that day to day operations would not exceed 55 dB $L_{Aeq,1hr}$ and temporary operations such as soil stripping and replacement and formation and removal of site screening / noise attenuation bunds would not exceed 70 dB $L_{Aeq,1hr}$ for no more than 8 weeks in any year and subject to conditions being imposed to secure (amongst other matters) this and dust control measures. The Borough Council has also requested that similar conditions be applied to the existing site and soil blending operation. Borough Green Parish Council has also requested that existing conditions be maintained in respect of potential amenity impacts for any additional time periods.
67. The County Council's noise and dust consultant has advised that all the proposed operations on the existing and proposed sites are capable of meeting the noise limits set out in MPS2 (i.e. those set out above) subject to the implementation of the mitigation measures set out in the latest noise report. Given this, and the fact that that the current planning permission contain no specific noise limits, I consider that the applications are all acceptable in terms of noise emissions and that the opportunity should be taken to apply noise limits L_{Aeq} on any new permissions. In order to achieve these noise limits, it would be necessary for additional noise attenuation measures to be implemented (e.g. extension of existing peripheral bund on western boundary near Annetts Hall and erection of "L" shaped barrier during the latter stages of infilling of phase R4). Specific noise limits and any necessary mitigation measures can be secured by condition(s).
68. The County Council's noise and dust consultant has also advised that he is satisfied that the proposed dust / air quality mitigation measures are acceptable. These can be

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

secured by condition(s). This would meet the Borough Council's request. It is also important that the existing site is satisfactorily restored in a phased manner and that those areas which have been soiled (including site screening / noise bunds and the Phase 1a area referred to in paragraph 104) are successfully grass seeded as soon as possible such that the total amount of exposed surface is reduced. This can also be secured by condition(s).

69. Notwithstanding the fact that KWLP Policy W26 is no longer part of the development plan, I consider that the hours of working set out in old Policy W26 and are already permitted at the existing site remain appropriate in this case. The proposed waste types (i.e. inert) would not give rise to methane gas or threaten local properties as has been suggested. The precise nature of any wastes to be deposited at the site would continue to be addressed by the PPC Permit and the Environment Agency would continue to monitor operations. Conditions should also be imposed to secure the proposed hours of working and to restrict waste types to those sought.
70. Subject to the imposition of any necessary conditions to address the above matters all three applications would accord with the above policies.

Landscape and visual amenity

71. Government guidance on both minerals and waste seeks to ensure that landscape impacts of development proposals are acceptable. PPS10 states that landscape, design and visual impact are important locational criteria and MPS1 that the character of rural and urban areas should be protected and enhanced by careful planning and design of any proposals for mineral development. Similar requirements are reflected in Policies E1 and W14 of RPG9 and Policies C2, C3 and W14 of the draft South East Plan. Policies EN1, EN3, EN4, WM2 and MN3 of the KMSP require that development is acceptable in terms of landscape impact. Policy WM5 of the KMSP additionally requires landfill associated with the restoration of mineral workings to result in beneficial after-use or improvement of the environment. Policies CA22 and CA23 of the KMLP CA respectively require minerals proposals to include appropriate landscaping schemes and satisfactory working and reclamation schemes designed to return the land to a planned afteruse of the highest standard as quickly as possible whilst taking account of cumulative impact. Policy W32 of the KWLP requires that proposals incorporate satisfactory operation, restoration and aftercare schemes. The above minerals policies are being carried forward or are otherwise reflected in Policies MDC1, MDC2, MDC12, MDC13, MDC27, MDC27 and MDC28 of the KMDF PDCP DPD Submission Document November 2006.
72. Although a number of local residents have objected to the proposed northern extension due to concerns about landscape and visual impact (e.g. cumulative impact of quarrying in the area, loss of fields and potential impacts of lighting), none of the consultees has maintained a landscape objection provided certain matters are satisfactorily secured and none have disputed that it would be necessary for the site to be restored close to original levels using imported inert waste. SEERA has advised that if planning permission is granted for the northern extension, appropriate mitigation

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

should be secured to protect and enhance landscape quality to meet the objectives of the above regional policies. The Borough Council has requested that appropriate restoration and aftercare conditions be imposed and that features of the existing landscape be incorporated into the site restoration scheme as set out in the historical landscape survey. Kent Wildlife Trust has withdrawn its initial objection provided a fully funded programme of aftercare for the new native-species woodland and all semi-natural habitat features is secured. The County Council's landscape consultant has supported the desirability of restoration contours being similar to original levels and has no objection to the proposals subject to the imposition of conditions to secure the proposed landscape mitigation measures (including measures to protect existing trees).

73. The existing site can be seen to varying degrees from locations including housing to the south and west (primarily from first floor windows), the industrial estate to the east and the railway line to the south. Views from these locations would not change significantly although the removal of the woodland (including the TPO area) to facilitate the northern extension would lead to increased views of operational areas albeit that this would be mitigated to some degree by an increase in restored area in the existing site. Views of the proposed northern extension would be greatest from the footpath which crosses the site (or its amended route) and those joining this, although some other viewpoints would exist (mostly from distance), including those from within the AONB to the north. The proposed initial landscape planting and soil storage area would assist in screening the development from most viewpoints although any advance planting (including that between the realigned footpath and the proposed extraction area) would not fully screen workings but would serve to provide some visual attenuation. Existing woodland and hedgerows would also play an important role in minimising visual impact. The proposed final restoration has been designed to both reflect and link with that already permitted and would result in an overall increase in tree and other planting in the area.
74. In response to the local objections, I consider that the cumulative impact of quarrying and landfill operations around Borough Green has clearly had some effect on the local area and that the proposed northern extension would add to this for a relatively short period of time. However, minerals can only be worked where they are found and quarries require subsequent restoration in order that they be returned to a beneficial afteruse. I believe that provided appropriate conditions are imposed and planning obligations secured through a S106 Agreement, the proposed mitigation measures and site restoration proposals would not give rise to an unacceptable cumulative impact. Similarly, whilst a temporary loss of the fields affected by the proposed northern extension during mineral working and restoration is unavoidable, they would not be permanently lost as they would be restored as part of the proposed restoration scheme. Whilst it is possible that some lighting may be used by plant or vehicles at the site during periods of poor lighting (e.g. in winter months) it is understood that the site is unlikely to operate extensively during such times due to health and safety issues. No lighting is specifically proposed as part of the proposals and if permission is granted it would be appropriate to require the prior approval of any external lighting within the proposed northern extension area and any new lighting within the existing

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

site area before any is installed. Although the proposed development lies very close to the AONB, I am satisfied that it would not cause any significant harm to the distinctive character and features of the AONB or to the natural beauty of its landscape such that it should not be permitted.

75. I consider that the proposals are acceptable in landscape terms and that subject to the imposition and condition(s) in respect of the matters outlined above and the completion of a S106 Agreement to secure the Heads of Terms set out in Appendix 7 (page C1.48) they would accord with the above policies.

Trees and woodland (including TPOs)

76. Policy EN9 of the KMSP seeks the maintenance and enhancement of existing tree and hedgerow cover and creation of new woodland as part of development proposals. These objectives are reflected in Policy MDC14 of the KMDF PDCP DPD Submission Document November 2006 which also states that the MPA will only grant planning permission for development which would not result in significant harm to trees, woodland and hedgerows which are of historic, amenity or wildlife value.
77. Platt Parish Council has objected to the loss of the woodland between the existing site and proposed northern extension area and has suggested that the proposals be amended to secure its retention. It has also stated that any loss of mixed hedgerows must be fully compensated for by new planting. A number of local residents have also objected to the loss of mature trees.
78. The loss of the trees and woodland would be unavoidable if the proposed northern extension area is to be worked as an extension to the existing site and is to include both of the fields from which extraction is proposed. Given these losses, it is important that the proposals safeguard any existing woodland, trees and hedgerows that are to be retained and provide for an overall increase in woodland, tree and hedgerow cover. The County Council's landscape consultant is satisfied with the applicant's tree survey report and measures proposed to safeguard trees. These measures are capable of being secured by condition. I am satisfied that the proposals would lead to an overall increase in woodland, tree and hedgerow cover in the longer term such that they would not conflict with the aims of the above policies.
79. As detailed in the Landscape and visual amenity section above, it would be important to ensure that the applicant undertake an appropriate aftercare programme for the new native-species woodland and all semi-natural habitat features. Normally, aftercare would be addressed by condition and would only last for 5 years. In this case, because mature trees and woodland (including a group TPO) would be lost, it is important to ensure that any replacements are retained and maintained in the longer term. The applicant acknowledges the importance of retaining the proposed woodland shaw on land to the west of the proposed topsoil stockpile and I believe that this longer term safeguarding should be extended to other areas of the site. The applicant has agreed to maintain and manage the landscape planting in both the proposed northern extension and existing site for a period of no less than 10 years beyond the

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

satisfactory signing-off by KCC of the last landscape / aftercare requirement imposed by planning condition. This would need to be secured through a S106 Agreement and is reflected in clause 6 of the Heads of Terms set out at Appendix 7 (page C1.48). Those issues relating to the use of the trees and hedgerows by bats or other animals is addressed in the Ecology section later in this report. Subject to the imposition of conditions and the completion of a S106 Agreement I am satisfied that the proposals would accord with the above policies.

Archaeology and historic landscape

80. MPS1 and PPS10 are clear that archaeology and the historic environment are important locational criteria when considering minerals and waste proposals. Policy E1 of RPG9 seeks to protect and enhance areas for their landscape quality or cultural importance whilst Policy BE7 of the draft SE Plan encourages Local Authorities to adopt policies and proposals which support the conservation and, where appropriate, the enhancement of the historic environment. Policies QL7 and QL9 of the KMSP require that development is acceptable in terms of potential impact on archaeology and historic landscape features. The aims of these policies are being carried forward in detail in Policies MDC2, MDC9b and MDC9c of the KMDF PDCP DPD Submission Document November 2006.
81. No objections have been received in respect of archaeology and historic landscape and the County Council's archaeological officer has indicated that the northern extension area is not likely to contain significant archaeology. The existing site has already been completely disturbed by previous extraction. Following the receipt of the additional historic landscape assessment, the County Council's archaeological officer has confirmed that the proposals are acceptable in terms of both archaeology and historic landscape and that any requirement for further works (e.g. recording) can be satisfactorily addressed by a condition requiring that no development take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written statement and timetable which has been submitted to and approved in writing by the County Planning Authority. On this basis, I am satisfied that the proposals accord with the above policies.

Ecology

82. MPS1 and PPS10 are clear that wildlife and biodiversity interests are important locational criteria when considering minerals and waste proposals. Policy E2 of RPG9 and Policy NRM4 of the draft South East Plan seek to maintain and enhance the region's biodiversity and actively pursue opportunities to achieve a net gain across the region. Policies EN7 and EN8 of the KMSP require that development is acceptable in terms of potential impact on ecology (including designated sites). Policy W21 of the KWLP requires proposals to be acceptable in terms of potential impacts on environmental resources such as SNCI's or require appropriate mitigation for protecting such interests. The aims of the above policies are being carried forward in detail in Policies MDC2 and MDC11c of the KMDF PDCP DPD Submission Document November 2006.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

83. A number of local residents have objected to the potential adverse impacts on wildlife (e.g. badgers, rabbits and foxes) and believe that the ecological reports fail to adequately reflect the importance of bird species in the area. However, Natural England is satisfied that the proposals would not give rise to unacceptable impacts on protected species provided appropriate mitigation is undertaken. It has requested that if planning permission is granted a condition be imposed requiring the submission and approval of a detailed mitigation scheme for bats prior to the commencement of any works which may affect bats or their roosts. It has also asked that informatives be attached reminding the applicant of its obligations in respect of great crested newts and dormice (in the unlikely event that these are found at the site). Kent Wildlife Trust is content to leave these issues to Natural England. SEERA has advised that if planning permission is granted for the northern extension, appropriate mitigation should be secured to protect and enhance biodiversity assets to meet the objectives of the above regional policies. Although the County Council's Biodiversity Officer is also satisfied in respect of potential impacts on great crested newts and supports Natural England's request for a condition relating to bats, she has also sought conditions in respect of dormice (precautionary mitigation method statement) and nesting birds (protection). Since Natural England is satisfied that the dormice issue can be satisfactorily addressed by an informative, I do not believe that the suggested condition is either necessary or reasonable in this instance. The issue of nesting birds can also be satisfactorily addressed by an informative.
84. Although the proposals would have some impact on ecological interest, those responsible for its protection are satisfied that any impacts are acceptable subject to the mitigation measures set out in the ecological reports. On this basis, and notwithstanding the discrepancy between the approaches suggested by Natural England and the County Council's Biodiversity Officer, I consider that the proposed development would accord with the above policies provided suitable conditions are imposed to secure appropriate mitigation, informatives are appended in respect of those matters referred to above and a S106 Agreement is concluded to ensure the long term retention and maintenance of restored areas.

Highways and transport

85. Government guidance on both minerals and waste seeks to ensure that transportation impacts of development proposals are minimised. PPS10 states that the selection of sites for new or enhanced waste management facilities should involve consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and that the suitability of the road network and the extent to which access would require reliance on local roads are criteria that should be considered. Good transport connections are also encouraged in MPS1, Policy W17 of RPG9 and Policy W17 of the draft South East Plan. Policies WM2, MN3 and TP15 of the KMSP require that development is acceptable in terms of traffic impact and, in the case of TP15, well related to the primary or secondary route network. Policy W22 of the KWLP and Policy CA16 of the KMLP CA require waste management and minerals proposals to be acceptable in terms of highway safety and capacity and for the

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

developer to provide for any necessary improvements. The aims of the above policies are being carried forward in Policies MDC2, MDC3 and MDC4 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.

86. Platt Parish Council and most local residents who have responded have objected to the proposals due to concerns about HGV movements and their impacts on local residents (including users of Platt Primary School) as a result of the use of the Platt Industrial Estate / A25 junction and the A25 more generally. It has also been suggested that the Platt Industrial Estate / A25 junction is inadequate because HGVs travelling east often use part of the westbound carriageway to turn left and that problems at the junction are exacerbated when vehicles are entering and leaving the industrial estate at the same time. Platt Parish Council has also suggested that access should be through Nepicar Sand Quarry as required by the 1999 planning permission for a western extension to Park Farm Quarry (as referred to in paragraph 6 above). Although one resident has suggested that access should be off Wrotham Road instead, another has raised no objection provided the existing access via the industrial estate onto the A25 is maintained. Concerns have also been expressed about HGV numbers, the applicant's failure to comply with the existing permitted daily limits and mud / debris on the highway. These issues were discussed at some length during the Members' site visit.
87. Tonbridge and Malling Borough Council has raised no objection on highway grounds subject to no objection from Kent Highways and the imposition of the same highway conditions as currently. Borough Green Parish Council has also sought the re-imposition of the highway conditions and specifically stated that HGV movements should be no greater than currently, that all vehicles entering and leaving the site should be adequately covered and sheeted and that wheel-washing and road cleaning operations must be in place for the duration of any works. The Divisional Transportation Manager (West Kent) has no objections subject to no more than 60 HGV movements (30 in/30 out) associated with sand extraction and restoration by backfilling with inert waste and 4 HGV movements (2 in/2 out) associated with the soil blending (i.e. a maximum of 64 per day in total), a verifiable system to facilitate the monitoring of daily HGV movements and the submission of proposals to provide for minor improvements to the Platt Industrial Estate / A25 junction (to be implemented at the applicant's expense).
88. Notwithstanding the concerns expressed by Platt Parish Council and local residents, the proposed development would not lead to any increase in HGV movements. It must also be acknowledged that apart from Park Farm Clay Quarry (which has a weekly limit of 320 movements but no daily maximum) no other users of Platt Industrial Estate are subject to any restrictions whatsoever in terms of numbers of vehicle movements. It should also be noted that the previous permitted access through Nepicar Quarry was required because the extension to Park Farm Quarry would have resulted in a weekly average of up to 608 HGV movements (equating to 111 movements per day). This was clearly significantly greater than those existing and proposed at the current application site. More importantly, the Divisional Transportation Manager (West Kent) has agreed that the proposed HGV movements

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

are acceptable provided the maximum number is adhered to. The Divisional Transportation Manager has not recommended any additional controls in respect of peak hours such as those suggested by Platt Parish Council to avoid school opening and closing times.

89. As was discussed at the Members' site visit, the applicant has recently demonstrated that he can comply with the existing permitted HGV movement restriction and can continue to do so through careful management of his pricing structure and arrangements with customers (e.g. prioritising and encouraging backhauling). The applicant also already has measures in place to address potential mud, debris and dust issues on the highway (e.g. wheel wash and road sweeper) and has given assurances on their continued use.
90. Restrictions on HGV movements and implementation of measures to minimise mud, debris and dust on the highway could continue to be addressed by conditions if permission is granted. Condition(s) could also be imposed to require that HGVs entering and leaving the site are covered or sheeted (as appropriate) and the submission of daily HGV movements on a monthly basis. Whilst the proposed implementation of a verifiable system to facilitate the monitoring of daily HGV movements and the submission and implementation of proposals to provide for minor improvements to the Platt Industrial Estate / A25 junction are capable of being addressed by conditions, the fact that the applicant may need to undertake works at his expense means that these matters should more appropriately be addressed in a S106 Agreement. Heads of terms for these issues are set out in Appendix 7 (page C1.48). It should be noted that if the proposals to provide for minor improvements to the Platt Industrial Estate / A25 junction are not capable of being implemented on land within the highway boundary at this location (i.e. on land which neither the applicant or the County Council has control) it may not be possible for improvements to be made. Having discussed the matter with the relevant Highway Engineer prior to the Members' site visit, I am reasonably confident that some improvements (e.g. minor kerb realignment) would be possible within the highway boundary such that the suggested approach is a fair one.
91. Subject to the above matters being satisfactorily addressed by conditions and S106 Agreement (as appropriate), I consider that the proposed development would be acceptable in highways terms and would accord with the above policies.

Public rights of way

92. Policy QL17 of the KMSP states that the rights of way network will be protected and enhanced. Policy W27 of the KWLP and Policy CA21 of the KMLP CA require rights of way or their users interests to be safeguarded from proposals.
93. Although a number of local residents have objected on the basis that the footpath and public access to the fields within the application site would be lost, no objections have been received to the proposed footpath diversion arrangements. West Kent Public Rights of Way Office has raised no objection subject to appropriate consideration of

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

proposed footpath diversion and any recommendation for planning permission requiring the applicant to pay all KCC's reasonable costs associated with the proposed diversion and associated installation of necessary infrastructure.

94. The application proposes that public footpath MR251 would be permanently diverted some 30m to 45m to the north and would be separated from the extraction area by existing trees, a new woodland shaw and a new hedgerow. The new footpath would be fenced and a further hedgerow planted to the north. The proposed route would only be slightly longer than currently and would only involve a short detour northwards. Whilst the proposed tree and hedgerow planting proposals would serve to provide some visual attenuation from the mineral and waste operations, it is likely that the planting would not be sufficiently mature to fully screen them for the initial stages of development. The issue of whether the proposed route with its associated planting would be better or worse than that existing is a matter of personal preference. The proposal would give rise to a more enclosed experience. Any loss of openness experienced in this context would need to be offset against the benefits that would accrue from increased ecological interest.
95. The obstruction or closure of the existing footpath could not lawfully take place until such a time as a formal diversion order has been obtained under the relevant legislation and a new route fully implemented (including associated infrastructure). There is no guarantee at this stage that any application for a diversion order would be successful and it would therefore be important to ensure that the proposed development could not have any direct impact on the existing footpath until such a time as the above matters were successfully concluded. This could be secured by condition(s) if planning permission were granted. In the event that the proposed formal footpath diversion order were not obtained, it would either be necessary for some revised diversion to be secured or for the proposed development to be amended to provide for the retention of the footpath on its current route. This could also be addressed by condition. The Heads of Terms at Appendix 7 (page C1.48) would ensure that the developer pay for any costs that may be associated with the footpath diversion process.
96. Subject to the above matters being satisfactorily addressed by conditions and S106 Agreement (as appropriate), I consider that the proposed development would be acceptable in terms of public rights of way and would accord with the above policies.

Green Belt

97. PPG2 states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. However, it goes on to say that minerals can only be worked where they are found, their extraction is a temporary activity and extraction need not be inappropriate development and need not conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained and that the site is well restored. Policy E3 of RPG9 and Policy CC10a of the draft SE Plan both recognise the importance of Green Belts. Policy SS2 of the KMSP states

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

that there is a general presumption against inappropriate development in the Green Belt. The aims of the above policies are being carried forward in Policy MDC16 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.

98. Whilst the site lies in the Green Belt it is clear from the above policies that provided the proposal incorporates high environmental standards and appropriate restoration this need not be inappropriate development nor preclude development. The application includes phased working and restoration plans. Assessment of the adequacy of the proposed environmental standards, mitigation and restoration proposals are addressed elsewhere in this report. Subject to these all being acceptable and permitted development rights being withdrawn to prevent inappropriate ancillary development (which can be done by condition), I see no reason to refuse the application on Green Belt grounds.

The need or otherwise for soil blending to assist in restoration at the site or for other purposes

99. The use of an active mineral working site for soil blending using materials sourced from on and off site would accord with the locational criteria set out in Policy W17 of RPG9 and Policy W17 of the draft SE Plan (i.e. at a compatible land use).
100. The existing planning permission for soil blending at the site until 31 December 2008 was not originally granted on the basis of being required to assist in site restoration although it additionally serves this purpose. Instead, it was granted to serve an increasing market demand for such products and because such facilities are difficult to establish on industrial areas where all materials required would need to be imported. The operation involves the manufacture of about 8,000tpa of soil by blending imported compost (20%) with sand extracted from the quarry (40%) and reclaimed / recycled subsoil material arising from imported waste materials arriving for landfill (40%). Demand for the manufactured soils is greatest in February, March, September and October when required for tree planting and other landscape projects.
101. I accept that a continuation of soil blending operations would serve to assist in providing suitable soils for restoration of the existing site as well as providing a useful source of manufactured soils for local markets. The proposed location of the soil blending operation is acceptable and the application provides the opportunity to impose a specific noise limit on the operation (i.e. 55 dB L_{Aeq,1hr}). The Divisional Transportation Manager (West Kent) has no objection to 4 HGV movements (2 in/ 2 out) per day associated with the operation although this needs to be considered in the context of his overall comments referred to in the Highways and transportation section of this report.

The appropriateness of the additional time periods sought (including the relationship with other operations at the site – existing or proposed)

102. It has previously been accepted that soil blending may continue at the site for the

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

duration of the permitted mineral reserves (i.e. until the end of 2008). If the northern extension is permitted and soil blending were to continue on the same basis, it would mean that operations should be permitted until at least 2015 (i.e. the time by which the applicant estimates that all mineral reserves would be exhausted). In this case, the applicant has sought permission until the end of 2018 to coincide with the anticipated completion of restoration.

103. If the duration of the soil blending operation were to be linked to final restoration (as proposed) this would give rise to the need for sand to be stockpiled for this purpose unless sand is to imported once indigenous reserves are exhausted. The importation of sand for soil blending is not permitted by the current consent and has not been sought now. In view of concerns that have been expressed about vehicle movements in the area and the desirability of restoration being completed rapidly after mineral reserves are exhausted, I consider that any soil blending permission should remain linked to the availability of sand from the site. On this basis, and to avoid the possibility of a large stockpile being created to facilitate soil blending after extraction has ceased or lead to any delay in restoration, I consider that any new soil blending permission should cease when sand reserves are exhausted or the end of 2015 (whichever is the sooner). This can be secured by condition. If the applicant wanted to continue some form of soil blending after this date (e.g. to further assist in providing soils for restoration of the site), he could apply to either vary the permission or apply for a new planning permission (as appropriate).
104. If planning permission is granted for the proposed northern extension to the site and sand processing is not to take place in that area, I accept that additional time would be required to allow sand processing to continue and for restoration by backfilling to be completed in the existing site. I also accept that the proposed time period sought for this is reasonable for the reasons set out in paragraph 11. However, I consider that it would be appropriate to impose additional restrictions on the duration of any sand extraction in the existing site such that extraction be completed in this area before extraction commence in the northern extension. This would secure appropriate and timely phasing, avoid the possibility of further piecemeal extraction or re-working and ensure no unnecessary delays in restoring the remainder of Phases R1b and R2.

Other issues

105. Due to difficulties in achieving suitable surface water drainage on the largely restored eastern part of the existing site (Phase R1a) whilst the site is still operational and partially restored and access is still required through the northern part of this area, the applicant has tipped and topsoiled to levels which exceed those required by the existing planning permission. The over-tipping varies from 2m to 8m too high. As discussed in paragraph 68 above, it is considered important that this area is grass seeded as soon as possible to reduce adverse air quality impacts. For this reason, and in acceptance of the problem with internal surface water drainage pending completion of much of the other restoration, I consider that it would be pragmatic to allow the over-tipped area to remain at this stage and for the area to be recontoured as part of the final restoration works (i.e. those associated with Phases R4 and R5).

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

This would also serve to reduce any cumulative adverse impacts on properties to the south of the railway line whilst the area to the west (Phases R1b and R2) is being restored. This can be addressed by condition(s).

106. Natural England has requested that conditions be imposed to ensure that best practice is employed for restoration and aftercare in so far as this relates to the agricultural areas of the site (e.g. soil handling, depth and profile). I am satisfied that these issues can be addressed by condition(s).
107. No objections have been received in respect of the details of site buildings and associated facilities pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100 and if they were not part of an application seeking permission for other matters they would normally be dealt with under delegated authority. Since the applicant is seeking retrospective approval of these items and I consider them to be acceptable I see no reason not to permit / approve the details subject to any additional detailed controls that may be necessary.

Conclusion

Application TM/07/512 (northern extension)

108. I am satisfied with the quantity and quality of the mineral reserve. Although there may currently be no need for the sand reserves in the proposed northern extension to meet any landbank requirement at this time I accept that there will be such a need in the near future if this is not already the case. Failure to grant permission now would be likely to simply delay implementation of the proposals and lead to operational difficulties that could best be addressed at this time as part of a logical extension to the working and restoration of the existing site. On this basis, and since the proposal would give rise to no significant harm and that any harm that would arise could be satisfactorily addressed by the imposition of conditions and the prior completion of a S106 Agreement to cover the Heads of Terms set out in Appendix 7 (page C1.48), I recommend accordingly.

Applications TM/07/3101 (duration of soil blending)

109. I am satisfied that the proposed extension of the soil blending permission would continue to provide a useful facility for the production of soils in the area (for use on or off-site), would not give rise to significant adverse impacts and that any impacts that may arise could be satisfactorily mitigated by the imposition of conditions. In some instances the existing conditions are already adequate and can be re-imposed, however, a specific noise limit should also be imposed by condition. Assuming that planning permission is granted for the proposed northern extension, it would also be appropriate to limit operations until when sand reserves are exhausted or the end of 2015 (whichever is the sooner). I therefore recommend accordingly. If planning permission is not granted for the northern extension, permission for extended soil blending operations should be refused.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

TM/07/3100 (duration of sand extraction and restoration by backfilling, etc)

110. I am satisfied that it would be necessary to vary the terms of the existing planning permission for sand extraction and restoration by backfilling, etc, if planning permission is granted for the northern extension and that the proposed extended time period and associated revised timetable is reasonable. I am also satisfied that the details of site buildings and associated facilities pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100 are acceptable. On this basis, I recommend accordingly. If planning permission is not granted for the northern extension, permission to extend the duration of sand extraction and restoration by backfilling, etc, and the associated revised timetable should be refused. In this eventuality, I would still recommend that the details of site buildings and associated facilities be permitted / approved pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100.

Recommendation

111. I RECOMMEND that:

- (i) PERMISSION BE GRANTED for the northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials (*i.e. planning application TM/07/512*) SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 7 and the applicants meeting the County Council's reasonable legal costs associated with this agreement and conditions covering amongst other matters: duration of the permission (until 31 December 2018); requirement for annual progress reports; maximum depth of extraction (68m AOD); wastes being restricted to those types set out in the application; hours of operation; noise limits; dust controls; lighting (to minimise visual impacts); vehicle movement restrictions (60 per day – 30 in/30 out); use of existing site access only; measures to minimise mud, dust and other debris being deposited in the highway (including vehicle sheeting); landscape planting and long term maintenance; protection of existing trees; removal of permitted development rights; more detailed working, restoration and aftercare schemes; surface water drainage; appropriate soil handling and storage; ecology; and archaeology and historic landscape.
- (ii) PERMISSION BE PARTIALLY GRANTED to vary condition 1 of planning permission TM/05/1672, to relax the time limit for soil blending operations to continue in final location only on the site plan beyond 2008 to 31 August 2018 to meet revised quarry restoration timescales proposed in current planning application TM/07/512 for a northern extension to the sand quarry (*i.e. planning application TM/07/3101*) SUBJECT TO planning permission being granted for the northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials and conditions covering amongst other matters: to limit operations until when sand reserves are exhausted or the end of 2015 (whichever is the sooner); and existing conditions

Item C1

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

to be replicated or amended as necessary.

- (iii) PERMISSION BE GRANTED to vary condition 3 of planning permission TM/98/1843/MR100, as amended by planning permission TM/05/1173, to further relax the time limit for sand extraction and restoration by backfilling, to provide an amended timetable for implementation of restoration pursuant to condition 2 of planning permission TM/98/1843/MR100 (*i.e. part of planning application TM/07/3100*) SUBJECT TO planning permission being granted for the northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials and conditions covering amongst other matters: duration of the permission (until 31 December 2018); sand extraction to be completed in the existing area before extraction commences in the proposed northern extension; and existing conditions to be replicated or amended as necessary.

- (iv) PERMISSION BE GRANTED to depart from the requirement of condition 2 of planning permission TM/98/1843/MR100 and for APPROVAL TO BE GIVEN to amend the details of site buildings and associated facilities pursuant to condition 21 of planning permission TM/98/1843/MR100 (*i.e. part of planning application TM/07/3100*).

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: see section heading.
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Item C1

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

APPENDIX 1 TO ITEM C1

NOTES of a Planning Applications Committee Members' Site Visit to Borough Green Sand Pit on Friday, 21 September 2007.

MEMBERS PRESENT: Mr R E King (Chairman), Mrs V J Dagger, Mrs S V Hohler, Mr S J G Koowaree, Mr T A Maddison, Mr A R Poole and Mr F Wood-Brignall.

OFFICERS: Mr J Wooldridge (Planning), Mr R Dines (Highways) and Mr A Tait (Legal and Democratic Services).

THE APPLICANT: Borough Green Sand Pits Ltd: Mr R Body (with Mr R Lane – Land and Mineral Management Ltd).

OTHER LOCAL AUTHORITIES: Tonbridge and Malling BC (Cllrs H S Rogers and F R D Chartres); Platt PC (Cllr B Baker).

1. The Chairman opened the meeting. He explained that its purpose was for the Committee Members to familiarise themselves with the site and to listen to the views of interested parties.
2. Mr Wooldridge introduced the applications. These were: firstly for the northern extension of the existing sand quarry; secondly for the continuation of the soil blending until the end of August 2018; and thirdly for the extension of time for sand extraction and restoration by backfilling with a consequently amended timetable for restoration.
3. Mr Wooldridge referred members to the briefing note, which had set out a detailed description of the site. He then explained that access was via the Platt Industrial Estate from the A25, which was also used by other operations. He pointed out the close proximity to the entrance of Whatcote Cottages. The nearest properties to the existing site were in the Annetts Hall housing estate, Tolsey Mead and Lingfield Road (between 80 and 150 metres to the south and west of the proposed northern extension). The entire site lay within the Green Belt. There were also a number of other quarries in the area.
4. Mr Wooldridge then described the location of the proposed northern extension. This consisted of three grass fields, sloping down to the south east and separated by hedgerows which ran north to south and contained some mature trees. There was also an area of old and semi-natural woodland, much of which was the subject of a group Tree Protection Order. A small part of the existing sand pit was also part of the application site. A public footpath ran east to west within the northern part of the site.
5. Parts of the application site lay within a Special Landscape Area and a Green Wedge. The North Downs AONB lay to the north west. The site had been identified as a preferred area for building sand extraction in the Kent Minerals Development Framework.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

6. Mr Wooldridge went on to explain the existing permissions. The sand extraction and soil blending needed to be completed by the end of 2008 with restoration to a private nature conservation area through inert waste landfill by the end of 2015. The maximum depth of working was 70m AOD (Above Ordnance Datum). The maximum number of lorry movements was limited to 60 per day (30 in and 30 out) with an additional 4 (2 in and 2 out) for soil blending. The hours of working were 7 am to 6 pm on Mondays to Fridays and 7 am to 1 pm on Sundays. There were no specific noise limits. The eastern part of the existing quarry had been largely worked out and was now nearly backfilled to approved levels, although soiling had yet to be completed. The western part of the quarry contained the dry screening sand processing plant and soil blending operation, whilst the southern part was currently being backfilled with inert waste.
7. Borough Green Sand Pit had a shared access with the Park Farm Quarry. This quarry's maximum number of vehicle movements was 320 (160 in and 160 out) per week with no daily maximum. Clay or sand could continue to be extracted from the western part of that site up to 2040 (with restoration by 2042). The permission for the westerly extension to Park Farm for clay extraction (with access via Nepicar Farm) had now lapsed.
8. Mr Wooldridge continued by describing the proposals in detail. The Northern Extension would involve the extraction of 736,000 tonnes of building, construction and industrial/silica sand in three phases and restoration with imported inert waste. The silica sand element would amount to 50,000 tonnes. The extraction area would be 4.42 hectares of a 6.1 hectare site at an increased depth of 68m AOD. The proposal would require the removal of an area of woodland (including the group TPO) and the main hedgerow and the diversion of the public footpath to a more northerly route.
9. The topsoil would be stored in a large bund in the western field until it was used in the final restoration. This would also assist with visual and noise attenuation. The subsoils would either be stored in the base of the proposed excavation or used to aid restoration of the existing quarry. Production would continue at about 100,000 tonnes per annum.
10. The applicant hoped to commence operations in late 2007 or early 2008 (as the permitted reserves were expected to be exhausted in 2008). Extraction would be completed by 2015 and restoration by 2018. The phased restoration would be close to existing levels. It would also include new woodland, tree and hedgerow planting. The rest of the site would be restored to pasture.
11. Mr Wooldridge explained that changes would be needed to the existing permission as it would not be possible to restore all of the existing site until the proposed northern extension was completed.
12. The application proposed that the hours of operation and traffic limits would be the same as for the existing permission and that the existing noise and dust mitigation

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

measures would continue. There would also be a Code of Safe Operating Practice to protect groundwater and the Mid Kent Water pumping station.

13. Mr Wooldridge said that since publication of the briefing note, a revised noise report and bat survey had been submitted. These were now being circulated for comment. He also said that a response had now been received from Tonbridge and Malling Borough Council to the proposed northern extension.
14. The proposal for the soil blending operation was to allow it to continue until 31 August 2018 in order to meet the revised quarry restoration timescales.
15. The other proposal would: bring about an extension of the time for sand extraction and restoration by backfilling to end 2018; amend the timetable for implementation and restoration; and amend the details of various site buildings and associated facilities.
16. Mr Wooldridge informed the meeting of objections from five consultees. The first of these was from Tonbridge and Malling BC on noise grounds. Platt PC had also objected on the grounds of loss of woodland, the number of HGV movements and their resultant impact on the A25 and the industrial estate junction with the A25. In this respect, they had also raised questions of compliance with the terms of the current permission. Natural England, Kent Wildlife Trust and the KCC Biodiversity Officer had all objected to the lack of a bat survey. *This had now been received – see para 13.*
17. Comments were still awaited from Wrotham PC, Kent Wildlife Trust (on the two Section 73 applications), CPRE, Mid Kent Water and the KCC Noise and Dust consultant (on the revised noise report). The other consultees had raised no objections.
18. Mr Wooldridge said that 12 objections to the proposed northern extension had been received from local residents. The grounds for objection were: the loss of fields which were used for public access and the public footpath; the loss of mature trees; the impact of HGVs on local residents, houses and Wrotham School (some 300m to the north west) in terms of noise, dust, vibration, highway safety, traffic speed, spillages, congestion and way of life; HGV numbers; the inadequacy of the A25 / industrial estate road junction; waste materials and methane gas; noise, dust and visual impacts; wildlife impact (including badgers, rabbits, foxes and birds); water levels and drainage; the cumulative impact of the quarrying; and impact on the Green Belt. One respondent had argued that access should be from the Wrotham Road.
19. One respondent had raised no objection subject to the access being from Platt Estate and not the Wrotham Road and also to tree planting taking place across the field to screen the workings from Tolsey Mead.
20. Four objections had also been received in respect of the other two applications. These had indicated that the operator should have been able to complete operations within the permitted timescale and there was no guarantee that he would be able to do

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

so again if further permission(s) were granted; HGV movements would give rise to unacceptable impacts (as above); and that the proposals did not allow for the need for the existing site to be restored as quickly as possible in the event of the northern extension being permitted.

21. Mr Wooldridge summed up the determining issues for the northern extension proposal. These were the quantity and quality of the mineral resource; the need for the mineral and for inert waste disposal; water environment; local amenity impacts; landscape and visual amenity; trees and woodland (including the TPOs); archaeology and historic landscape; ecology; highways and transport; the public rights of way and the Green Belt.
22. For the soil blending and sand extraction/restoration proposals the determining issues were the need for soil blending to assist restoration; the appropriateness of the additional time period sought; local amenity impacts; landscape and visual amenity; highways and transport; and the Green Belt.
23. Mr Wooldridge concluded his presentation by saying that a number of complaints had been received during 2007. These had related to the HGV movement restriction being breached (Platt PC); noise, dust, windblown sand and hours of working (Lingfield Road); and mud and debris on the highway in Platt and the A25. These concerns had recently been reported to Regulation Committee. HGV movement 'returns' for the period May to August 2007 had demonstrated that although the limit had been breached, operations were reduced during this period such that they were effectively compliant in August.
24. Mr Body (Borough Green Sand Pits) said that the washing equipment on site enabled vehicles to exit the site in good condition. The problems experienced on the highway in Platt and the A25 arose through vehicles picking up mud on the access road. The operator now had its own sweeper, which was used all day every day during the winter months.
25. Mr Body added that complying with the vehicle movement restrictions had posed difficulties since, in practice, customers just turned up. Borough Green Sandpits had attempted to manage this by fixing the price at a certain level and by restricting some of their customers. Those landfill customers who collected building sand received preferential treatment.
26. Mr Baker (Platt PC) said that he was concerned that both Wrotham School and Platt Primary School could be affected by noise from the site. The latter School was some 100 yards away from the industrial estate on the A25 and had received planning permission to move to a new site.
27. Mr Baker then said that ten years earlier the Park Farm Quarry had sought approval for an extension. They had needed an alternative access. He asked whether this had been due to the higher number of vehicles entering and exiting that site.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

28. Mr Wooldridge replied to Mr Baker by saying that he was not sure of the precise reason for the alternative access but that the intention at the time had been to provide access to Park Farm via Nepicar Quarry and the Clubb site. Mr Wooldridge agreed to address this matter when reporting the applications to Committee.
29. Mrs Hohler asked who owned the three fields and what they were currently being used for; whether the footpath would be fenced and screened; and what proportion of the mineral resource was silica sand. She added that local residents had complained to her about fly tipping in the area.
30. Mr Wooldridge said that the three fields were not all controlled by the applicant. Some of this land belonged to CEMEX and Mid Kent Water. It was currently used as low quality grazing for horses. 50,000 tonnes of silica sand would be extracted out of a total of 736,000 tonnes of sand. The silica sand was seen by the applicant as supplementary to the building sand which was the main product. Hedgerows would be planted north of the diverted footpath, which would be fenced.
31. Mr Lane (Land and Mineral Management Ltd) said that he was unaware of any complaints concerning fly tipping. Mr Body added that the School used the footpath in the field as a running track.
32. Mr Chartres (Tonbridge and Malling BC) asked about the aftercare plan. Mr Wooldridge said that the standard aftercare period was 5 years but that this was something that he intended to look at in more detail before reporting the application to Committee. Mr Wooldridge also referred those present to those areas on the Landscape Restoration Plan which would be completed at an early stage. Other landscaping areas would need to wait upon completion of the workings.
33. Mr Body replied to questions from Mr Maddison by saying that all his customers came from the catchment area as it was the most economic option available to them. The Quarry appeared in the Minerals Development Framework because there was a recognised need for sand to be extracted.
34. Mr Wooldridge said that the question of the need for the development would be addressed in the Committee report.
35. Mr Lane replied to a question from Mr Wood-Brignall by saying that the reserves of silica sand were at the bottom of the quarry. It was naturally cleaner than building sand and was the reason the applicant wanted to excavate to a level of 68m AOD.
36. Mr Body said that silica sand consisted of 99.2% pure silicon. It was used in castings, glass manufacture, drainage and equestrianism. Its price was similar to building sand.
37. Mr Dines (KCC Highways) said that the HGV movements had to be seen as part of an overall figure from the industrial estate. He advised that there should be no increase in the number of permitted vehicles and that there were some concerns about the ability to enforce that figure.

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

38. Mr Dines continued by saying that a more sophisticated method of monitoring vehicle movements was required. This could involve using a website to provide a monthly monitoring report whilst enable remote access to the figures for the Planning Authority.
39. Mr Dines then said that traffic volume along the A25 was a highly sensitive local issue, which heightened concern over the access arrangements from the site, particularly when HGVs turned left and encroached onto the wrong side of the road. There was scope for some minor improvements to be made at the junction.
40. Mr Chartres asked whether it would be possible to build some flexibility into the limit on vehicle numbers. He asked whether it might be possible to impose a condition giving an average of 60 vehicles per day. He added that it would make no sense to force HGVs to travel all the way to North Kent simply because they were not permitted to come to their local operation.
41. Mr Lane said that the limit on vehicle numbers had been imposed when the site was subject to the Minerals Review (ROMP) process which was before the landfilling part of the operation had commenced.
42. Mr Wooldridge replied to a question from Mr Wood-Brignall by saying that the limit of 60 vehicles per day applied only to this particular quarry. He also said that the current application sought permission for a continuation of this number and that on this basis the County Council could not impose a higher limit unless the application was to be amended or the applicant subsequently sought some variation of this. He further said that there were no restrictions for other operations in the Industrial Estate except for Park Farm which was limited to 320 per week. The applicant currently counted vehicle movements as they used the weighbridge. New modes of recording were currently being investigated.
43. The Chairman thanked everyone for attending. The notes of the visit would be appended to the report to the determining Committee meeting.
44. Members then inspected the site of the proposed extension, including the location of the proposed topsoil storage bunds and the woodland area between the currently worked site and the proposed northern extension. They also viewed the existing site from a vantage point in the woodland area.

Item C1

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

APPENDIX 2 TO ITEM C1

Planning Policy Context

National Planning Policies – the most relevant National Planning Policies are set out in PPG2 (Green Belts), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England), MPG7 (Reclamation of Mineral Workings), MPG15 (Provision of Silica Sand in England), National and Regional Guidelines for Aggregates Provision in England 2001-2016, PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.

Regional Planning Policies – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan. These include RPG9 Policies E1 (Landscape Quality), E2 (Biodiversity), E3 (Green Belts), E8 (Soil and Land Quality), INF2 (Water Quality and Drainage), M3 (Primary Aggregates), M4 (Other Minerals), M5 (Safeguarding of Mineral Reserves), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion from Landfill), W7 (Waste Management Capacity Requirements), W13 (Landfill Requirements) and W17 (Location of Waste Management Facilities) and emerging South East Plan Policies CC10a (Green Belts), NRM1 (Sustainable Water Resources, Groundwater and River Water Quality Management), NRM4 (Conservation and Improvement of Biodiversity), NRM7 (Air Quality), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion from Landfill), W7 (Waste Management capacity Requirements), W13 (Landfill Requirements), W14 (Restoration), W17 (Location of Waste Management Facilities), M2 (Recycled and Secondary Aggregates), M3 (Primary Aggregates), M4 (Other Minerals), M5 (Safeguarding of Mineral Reserves), C2 (Areas of Outstanding Natural Beauty), C3 (Landscape and Countryside Management) and BE7 (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), 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), WM2 (Assessment Criteria for Waste Proposals), WM4 (Planning for Waste Management Capacity), WM5 (Waste Disposal to Land), MN1 (Sources of Minerals Supply), MN3 (Assessment Criteria for Minerals Proposals), MN5 (Provision for Construction Aggregates), MN7 (Silica Sand) and MN12 (Safeguarding of Strategically Important Minerals).

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

Item C1

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

Kent Minerals Local Plan: Construction Aggregates (December 1993) – These include Policies CA6 (Areas of Search), CA7 (Provision of Geological Information), CA8D (Exceptions), CA10 (Mineral Consultation Areas – Safeguarding), 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).

Kent Minerals Development Framework Core Minerals Strategy Development Plan Document Submission Document (November 2006) – These include Policies CMS1 (The Supply of Minerals), CMS2 (The Community, Environment and Natural Resources) and CMS6 (Safeguarding).

Kent Minerals Development Framework Primary Development Control Policies Development Plan Document Submission Document (November 2006) – These include Policies MDC1 and MDC2 (Requirements for the Determination of Applications for Planning Permission), MDC3 and MDC4 (Highways & Transport), MDC5 (Public Rights of Way), MDC6 and MDC7 (Water Environment), MDC8 (Ground Stability), MDC9b and MDC9c (Historic Environment), MDC11c (Biodiversity & Geological Conservation), MDC12 (AONB), MDC13 (Landscape Character), MDC14 (Trees, Woodland & Hedgerows), MDC16 (Green Belt), MDC17 (Planning Obligations), MDC18 (Climate Change) MDC19 (Air Quality, Public Health and Pollution Control), MDC20 (Noise), MDC21 (Dust), MDC25 (Operating Hours), MDC26 (Landscaping) and MDC27 and MDC28 (Reclamation and Aftercare).

Kent Minerals Development Framework Construction Aggregates Development Plan Document Submission Document (November 2006) – These include Policies CA2 (Local Land Won Resources, Sand and Gravel), CA4 (Local Land Won Resources, Building Sand) CA8 (Local Land Won Resources, Other Proposals), CA11 and CA12 (Safeguarding), Appendices 3 and 5 and Proposals Map Inset S.

Kent Waste Local Plan (1998) – These include Policies W6 (Need), W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Unstable Land, Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W31 (Visual Impact and Landscaping) and W32 (Aftercare).

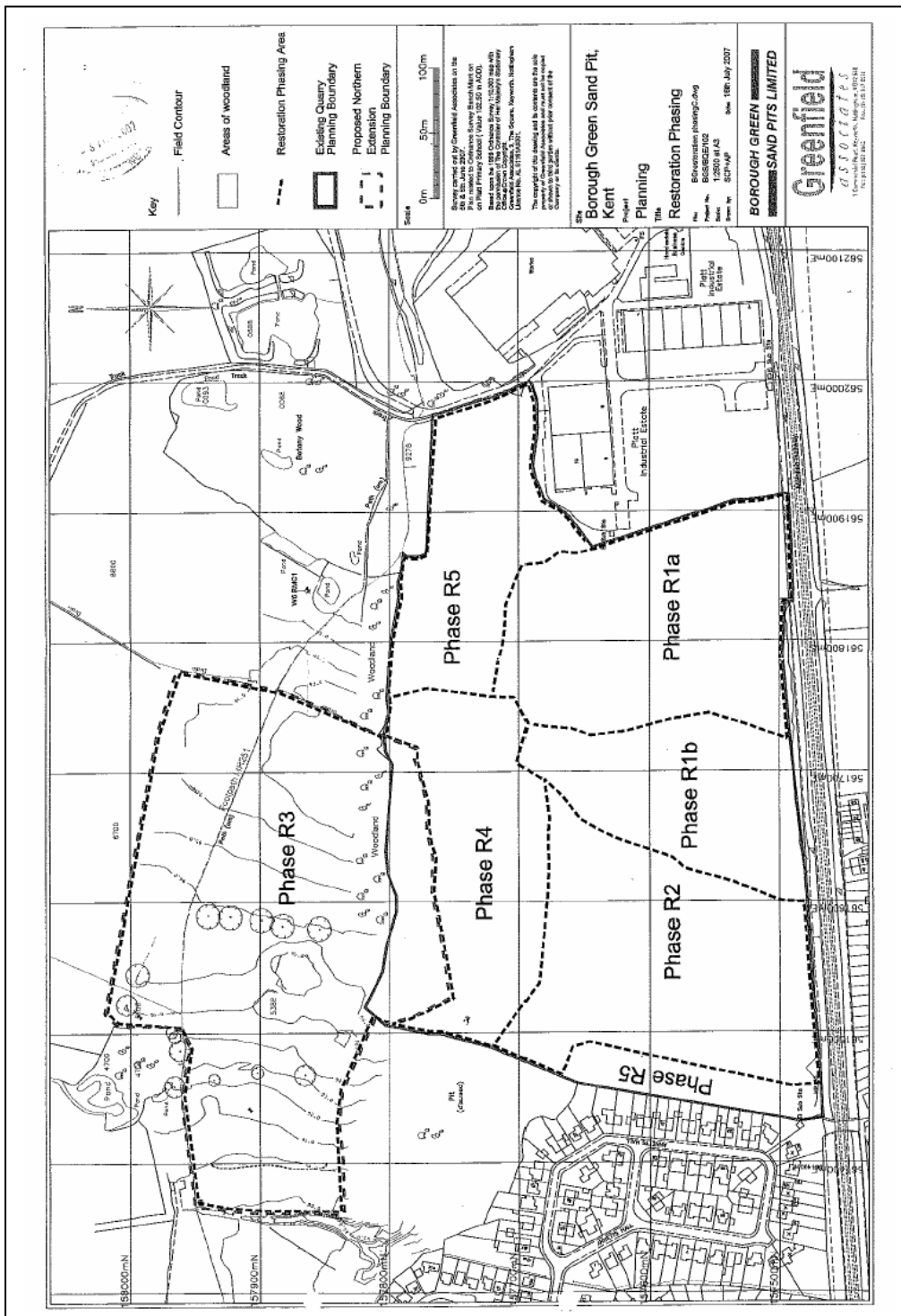
Tonbridge and Malling Borough Local Plan (December 1998) – Identifies that the application site is in the Metropolitan Green Belt and is adjacent to the North Downs AONB.

Tonbridge and Malling Borough Council Local Development Framework Core Strategy (25 September 2007) – These include Policies CP3 (Green Belt), CP7 (AONB), CP12 (a) Borough Green (Rural Service Centres).

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

APPENDIX 3 TO ITEM C1

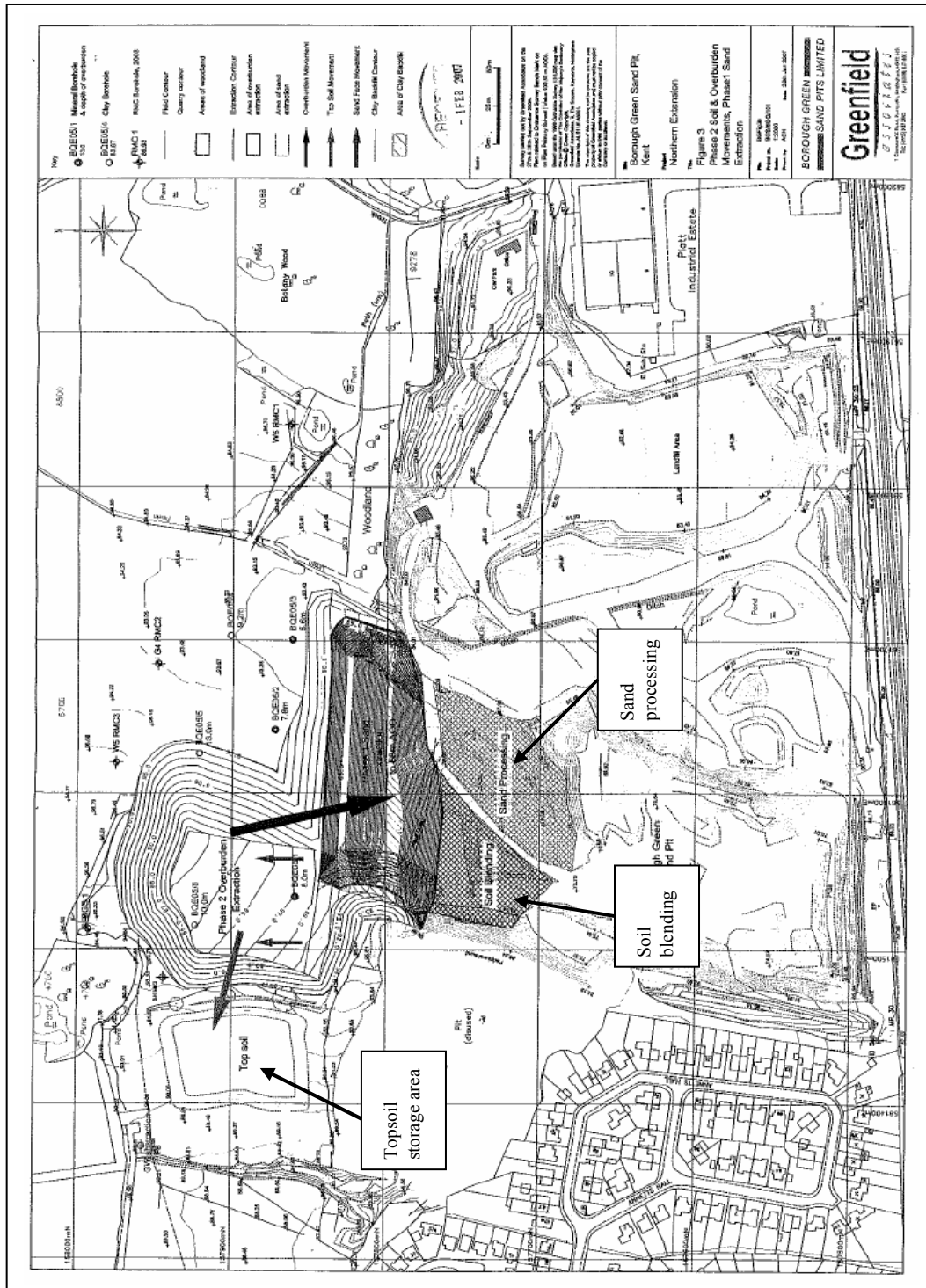
Proposed phasing of the existing site and proposed northern extension and the existing public footpath



Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

APPENDIX 4 TO ITEM C1

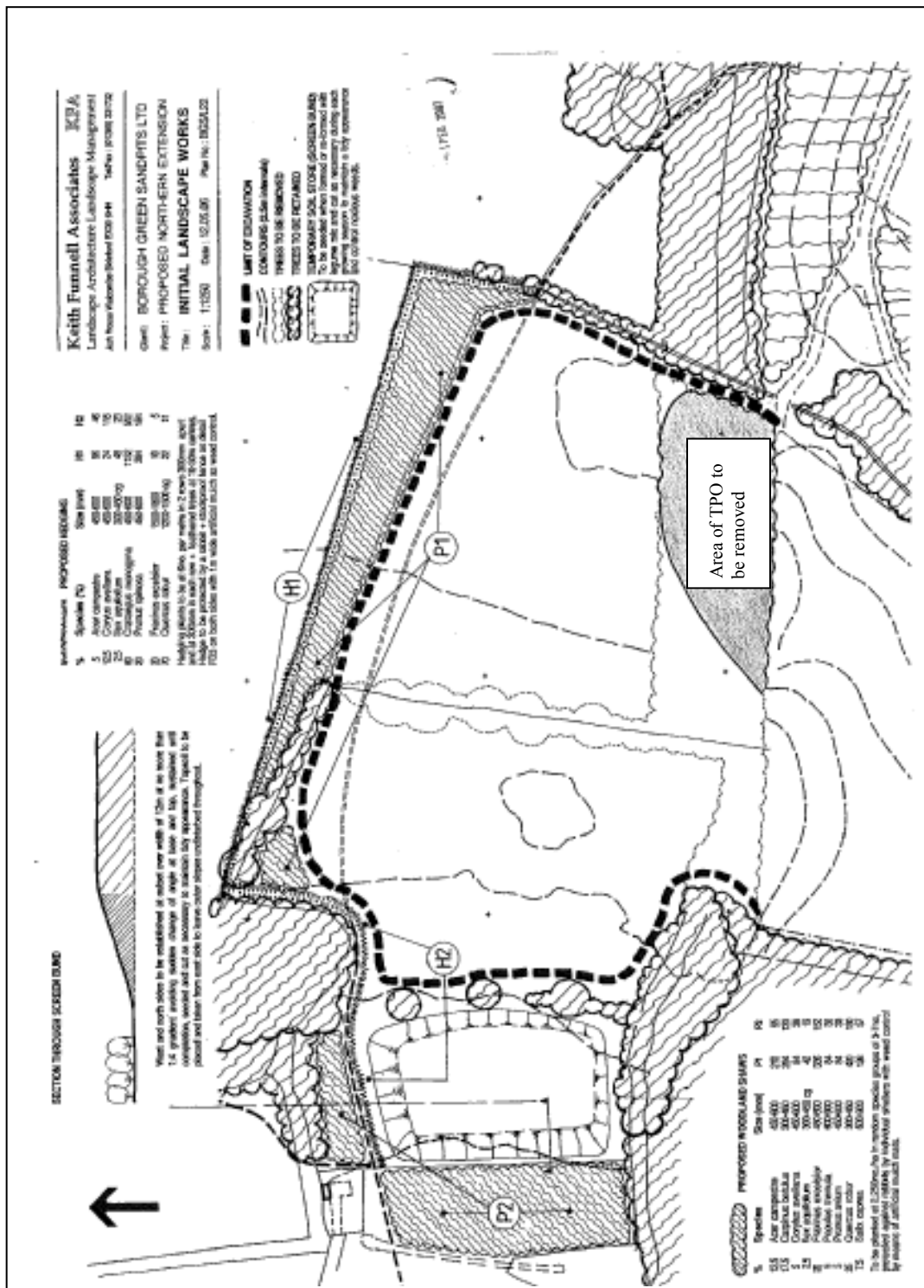
Proposed locations of the sand processing, soil blending and topsoil storage areas



Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

APPENDIX 5 TO ITEM C1

Proposed initial landscaping works, trees to be retained and removed and footpath diversion

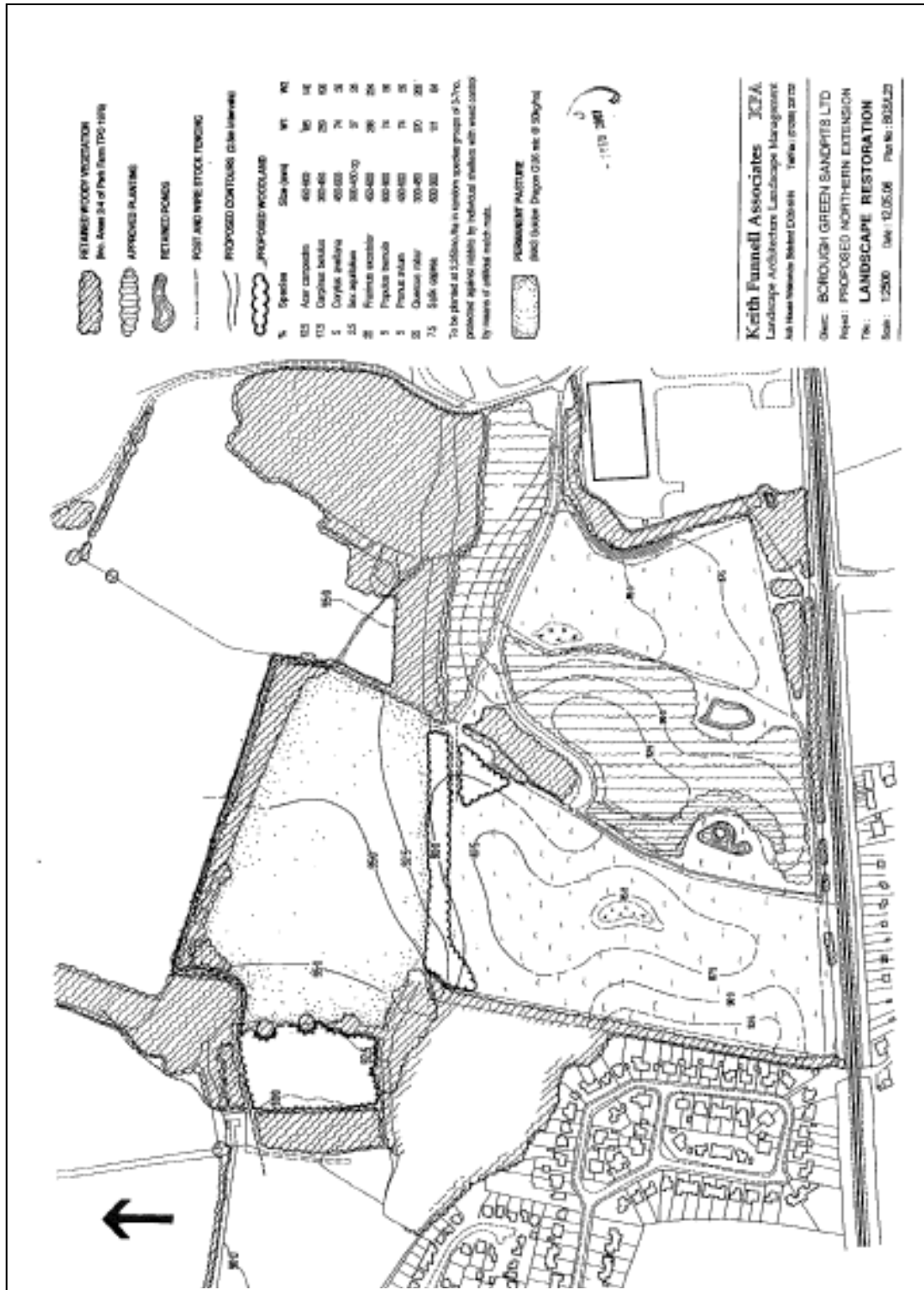


Item C1

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

APPENDIX 6 TO ITEM C1

Proposed landscape restoration plan for existing site and northern extension area



Item C1

Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

APPENDIX 7 TO ITEM C1

Heads of Terms for S106 Agreement

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

The applicant / landowner(s) shall covenant:-

1. to pay KCC upon execution of the S106 Agreement all of KCC's reasonable and proper legal costs for the preparation and completion of the S106 Agreement;
2. to implement proposals within highway land to improve the kerb radius for left turning vehicles from the industrial site access road onto the A25 (*as identified on a drawing to be prepared*) and improve the safety of pedestrians crossing the access road within 12 months of the date of any planning permission that may be granted for a northern extension to the site and to enter all necessary legal agreements with the Local Highway Authority and pay all the Council's reasonable and proper legal costs incurred in the preparation and conclusion of these agreements;
3. to pay all KCC's reasonable and proper legal, administrative and other costs associated with a footpath diversion application that shall be made for Footpath MR251 under the Town & Country Planning Act for the route illustrated indicatively on Plan Number BGS/L22 titled "Initial Landscape Works" dated 12 May 2006 or any amendment to this that may be approved pursuant to a condition attached to any planning permission that may be granted for a northern extension to the site;
4. to indemnify KCC for any costs that it may incur in relation to the footpath diversion process (including any potential appeal costs if the footpath diversion order were to go to public inquiry);
5. to undertake or allow (as appropriate) the groundwater monitoring referred to in the Code of Safe Operating Practice and adhere to all other elements of the Code (*copy to be attached to the S106 Agreement*);
6. to maintain and manage the landscape planting proposals shown indicatively on Plan Numbers BGS/L22 titled "Initial Landscape Works" (dated 12 May 2006) and BGS/L23 titled "Landscape Restoration" (dated 12 May 2006) for a period of no less than 10 years beyond the satisfactory signing-off by KCC of the last landscape / aftercare requirement imposed by planning condition in accordance with a scheme which shall first be approved in detail by the County Planning Authority pursuant to a condition attached to any planning permission that may be granted for a northern extension to the site.

KCC shall covenant:-

7. To process the footpath diversion order as expeditiously as possible.