

SECTION C  
MINERALS AND WASTE DISPOSAL

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

**Item C1**

**Application for the consolidation of planning permissions, northern extension of Pinden Quarry and exchange of the proposed northern extension for the existing and permitted westerly extension at Pinden Quarry, Green Street Green Road, Dartford, Kent – DA/07/1**

A report by Head of Planning Applications Unit to Planning Applications Committee on 19 June 2007.

Application by Pinden Limited for the consolidation of planning permissions, northern extension of Pinden Quarry and exchange of the proposed northern extension for the existing and permitted westerly extension at Pinden Quarry, Green Street Green Road, Dartford, Kent.

Recommendation: Subject to the prior completion of a legal agreement to secure the Heads of Terms given in Appendix 5 and the applicant meeting the County Council's reasonable legal costs associated with this agreement, conditional planning permission be granted.

Local Members: Mr AR Bassam

Unrestricted

**Site description and background**

1. Pinden Quarry lies to the north of the B260 (from which access to the site is obtained), to the west of the Channel Tunnel Rail Link (CTRL), to the east of previously worked and restored land and to the south of farmland, near Longfield. The current operational area is located behind a 6m high landscaped site screening bund. The site has a long history of minerals and waste related planning permissions. The proposed northern extension occupies a 4.4ha area of the farmland immediately to the north of the existing quarry.
2. The application site, which covers the current operational area, existing access to the site and the proposed extension, lies in the Metropolitan Green Belt and is partially within land subject to a CTRL safeguarding direction. The extension area lies approximately 300m to the south east and 100m to the west of Areas of Special Significance for Agriculture and 500m to the south of the Highcross Road, Westwood Area of Special Character. It also lies adjacent to the Longfield Site of Nature Conservation Importance (SNCI) associated with the disused railway cutting (now the CTRL). Overhead power lines pass to the north of the extension area and to the east of the CTRL. Although Pinden Quarry is identified as an existing chalk quarry for non-cement uses in the adopted Kent Minerals Local Plan Chalk and Clay (December 1997), none of the land is identified for future chalk working or covered by site specific

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proposals in the Plan. Similarly, neither the quarry nor its associated waste management uses are identified in the Kent Waste Local Plan (March 1998).

3. The main planning permission at the site (DA/93/451) is for chalk extraction and restoration by landfilling to original levels. This permission was issued in 1995 to update the old Interim Development Order (IDO) minerals permission under the Planning and Compensation Act 1991. The nature of wastes landfilled at the site are controlled by the Pollution Prevention Control (PPC) Permit (previously Waste Management Licence) and include both bonded and bagged asbestos. The minerals permission requires working at the site to cease by 21 February 2042. In addition to the current operational area (phases 1, 2, 3 and 8), the minerals permission also provides for further chalk extraction and restoration on land to the west (phases 4, 5, 6 and 7), together with an area for brickearth working approximately 100m south of this unworked area to the south of Green Street Green Road. The applicant owns all the land with permitted chalk reserves but not the brickearth area. A high pressure gas pipeline has more recently been installed north-south through the eastern part of the permitted western extension and has sterilised part of the permitted chalk reserves.<sup>1</sup>
4. A number of other planning permissions have been issued at the site. These include improved site access (DA/90/456), a recycling and waste minimisation facility (DA/90/416), the extension to the storage area for the waste minimisation facility (DA/96/39), a materials recycling facility (MRF) (DA/97/688), soil blending facility (DA/03/221), extension to the car parking area, office and welding shed (DA/03/210) and single storey extension and alterations to main building (DA/05/90). Various other small buildings, fixed plant and structures have also been approved as part of these permissions. All permissions are linked to the life of the minerals permission and require all plant, buildings and structures to be removed on completion of quarrying and for the site to be restored in accordance with the minerals permission.
5. The majority of the proposed northern extension area has been subject to two previous planning applications for extensions to the existing quarry with restoration by infilling with waste materials (DA/89/229 and DA/91/405). Both applications were refused on the grounds that the case of need for additional chalk reserves was considered to be insufficient to override the material, environmental and landscape interests that would be affected by further extending quarrying into open countryside. In each case the proposed quarry extensions were additional to existing permitted reserves such that need was an important material planning consideration.
6. The previous site owners (Hanson) submitted various details designed to satisfy the requirements of conditions 8 (archaeology), 9 (soil storage bunds for the western extension), 15 (4m high barrier/bunds on the boundaries of the permitted western extension), 19 (restoration scheme) and 23 (aftercare scheme) attached to planning permission DA/93/451 in 2002/03. Since these details were unacceptable they have never been approved. As well as preventing works in the permitted western extension this has resulted in there being no proper restoration and aftercare schemes in place.

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<sup>1</sup> Approximately 281,000m<sup>3</sup> of the chalk reserve has been sterilised by the pipeline and the need to leave some land unworked to facilitate soil storage / site screening bunds.

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7. A Planning Applications Committee Members' site visit was held on 15 May 2007. This was also attended by the applicant, representatives of Dartford Borough Council and Southfleet, Longfield and New Barn and Darenth Parish Councils and a number of local residents. Notes of the site visit are attached at Appendix 1 (page C1.31). The site visit enabled Members to view the proposed northern extension, the existing operational area and the existing permitted western extension.

**The Proposal**

*Existing Development*

8. Chalk is extracted in a phased manner by mechanical excavator on a campaign basis to meet market demand. The chalk is used for agricultural lime, miscellaneous manufacturing industry processes (including, previously, for "whiting" in the paper industry) and in construction projects. Prior to extraction, topsoil and subsoil is stripped and stored in screen bunds. The resultant void is being backfilled with asbestos containing wastes (i.e. both the asbestos and anything that may have been contaminated by it such as wood and plastic sheeting). These include fibrous asbestos which is delivered "double bagged" in sealed skips and asbestos contaminated demolition waste which is delivered either in sealed skips or lined and covered lorries. In all cases the waste is immediately deposited in the base of the operational landfill cell and covered immediately with soils to prevent escape. The most recent cells are lined with clay prior to being landfilled. Once the cell is filled, it is capped with clay and soils are replaced and seeded. The landfill operation is regulated in accordance with the pollution prevention and control (PPC) permit to prevent pollution of the environment and harm to human health and is monitored regularly by the Environment Agency. Landfilling under controlled conditions such as those used at Pinden Quarry is the most effective way of disposing of asbestos waste.
9. The MRF (incorporating recycling and waste minimisation facility) enables value to be recovered from non-asbestos containing construction and demolition wastes and diversion from landfill. The MRF consists of a sequence of physical treatment steps involving the use of plant and equipment such as screeners, magnets and a manual picking station where selected materials are retrieved (e.g. bricks, hardcore, plastics soil and wood). Separated waste streams are either exported for use or final disposal and residual finely grained material is used as "cover" in the landfill. The soil blending facility involves the screening of source separated civic amenity waste soils to remove large items such as bricks, concrete, rubble and hardcore, which are redirected to the MRF for further recovery, and the blending of the soil with compost and sand to form a useful product beneficial to plant growth.
10. The permitted phasing of extraction and restoration is illustrated on drawing PQ11 which is reproduced at Appendix 2 (page C1.35). This provides for the completion of infilling in phase 3, the extraction and infilling of phases 4 to 7 (in the permitted western extension) and the extraction of remaining reserves and restoration of phase 8. Extraction of phase 8 would necessitate the cessation of the MRF and associated operations. All the other development referred to in paragraph 4 (e.g. main building,

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other small buildings, car park, other areas of hardstanding, fixed plant and structures) would need to be removed as the site is finally restored to agricultural use.

11. The main planning controls / conditions relating to the permitted minerals and waste operations at the site are (in summary):-

- Cessation of operations: by 21 February 2042 or when mineral working and restoration is completed (whichever sooner);
- Hours of working: 0700 and 1800 hours Monday to Friday and 0700 to 1300 on Saturdays (with no working at other times without the prior written approval of the County Planning Authority);
- Vehicle movements: 500 per day (250 in/250 out) combined site maximum;
- Noise limits: not to exceed 55dB LAeq 1hr (free field) measured at site boundary / noise sensitive properties (as appropriate);
- Dust control: specified measures (e.g. water spraying).

*Proposed Development*

12. The application proposes:-

- the consolidation of all existing planning permissions for mineral extraction, landfill and waste management uses at the site under one planning permission;
- a northern extension to quarrying with associated restoration by landfilling with the same waste types as currently (i.e. inert waste including asbestos containing wastes); and
- the revocation of the permitted western extension (phases 4, 5, 6 and 7) in exchange for the proposed northern extension.

13. The proposed northern extension would be worked and restored to original ground levels in a similar manner to the existing mineral permission (as described in paragraph 8 above). The proposed phasing arrangement is illustrated on drawing 613745-PPREST/P1 which is reproduced at Appendix 3 (page C1.36). The main changes to the existing scheme are that extraction would next take place in phase 3c in the south east corner of the site (currently part of phase 8), then move to four new phases (4 to 7) in the northern extension and then to the remainder of phase 8 in the south west corner of the site (requiring the prior cessation of the MRF and associated waste recycling operations). Infilling and associated restoration would follow in the same order. It is proposed that infilling and restoration of phase 3b would be completed by the end of 2009, that extraction, infilling and restoration of phase 3c would be completed by the end of 2014 and that soil stripping, landscape bund formation and chalk extraction would commence in phase 4 of the northern extension by the end of 2014. The applicant proposes that this and subsequent phasing programmes be reviewed at 3-yearly intervals with detailed proposals submitted to the Planning Authority. It is proposed that all operations at the site would cease and that the land would be restored to existing permitted levels no later than February 2042. The proposal to work and restore phase 3c at an earlier stage than currently would require the removal of the existing screen bund / bank adjacent to the CTRL as part of the restoration of that area and the erection of a further screen bund to the east of

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proposed phase 8 (to screen the MRF and associated waste recycling operations and subsequent chalk extraction and landfilling in that area). The main screen bund along the front of the site would be retained until phase 8 is restored.

14. Access to / egress from the proposed northern extension would only be from the existing quarry entrance on Green Street Green Road, through the existing site, via a new internal access road across phase 3a and through the existing hedgerow immediately to the north of the existing site. A 10m gap (7.5m at base) would be created in the hedgerow 2m below existing ground level to facilitate this. Existing site infrastructure (e.g. offices, workshops, parking, weighbridge and wheelwash) would continue to be used for all operations at site. Whilst the existing MRF would remain unaltered in its current location until removed, the associated waste recycling operations would need to be accommodated within the revised (smaller) phase 8 area once extraction commences in phase 3c. No changes are proposed in respect of arrangements for site drainage, suitable fencing would continue to be provided on all areas and lighting will only be used when the site is operational and ambient lighting inadequate for safe operations.
15. The application proposes the same working hours, vehicle movement restrictions and waste types (including those for landfilling) as currently permitted. On this basis, hours of working would be 0700 and 1800 hours Monday to Friday and 0700 to 1300 on Saturdays (with no working at other times without the prior written approval of the County Planning Authority), the combined maximum number of vehicle movements would be 500 per day (250 in/250 out) and landfilling would be with inert waste (including asbestos containing wastes).
16. The application proposes the establishment of new hedgerows around the northern and western perimeters of the proposed northern extension area and the reinforcement of the existing hedgerow separating this area from the existing site (all within the application site). It also proposes the reinforcement and some new sections of hedgerow on land outside the application site along the western side of Whitehill Road and between the application site and properties at Westwood. It is proposed that all planting would be included within an agreed landscape management plan which would ensure its establishment and long term maintenance. The gap created for access to the northern extension would be replanted as part of the final restoration. The application also proposes a series of perimeter and intermediate soil screen bunds around and within the extension area as part of the phasing arrangements which would provide both visual and acoustic screening as well as on-site storage of soils required for restoration. No indigenous topsoil or subsoil would be removed from the site.
17. The application initially proposed that the northern extension be worked to a depth of 20m AOD to provide a chalk reserve of about 1,118,100m<sup>3</sup>. However, in acknowledgement that the installation of a high pressure gas pipeline through part of the existing permitted western extension (together with the land needed in that area to accommodate soil storage and site screening bunds) has reduced the workable area to about 837,300m<sup>3</sup>, the applicant has since stated that it is prepared to accept a reduction of 10m in the depth of working to 30m AOD to ensure a similar volume of

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chalk reserves and resultant landfill voidspace. This would mean an average depth of working of about 24m from surrounding land levels. The applicant states that this would provide for the intended equitable land 'swap', thereby avoiding the requirement for a case of need to be established for chalk reserves or landfill voidspace in the event of material planning objections being raised to the proposed development, and reduce the overall impact of the proposed development on the local community by reducing the total number of vehicle movements and time required for completion. The applicant has said that it is willing to enter an appropriate legal agreement to ensure that the existing permitted western extension is not worked.

18. The application is accompanied by a formal Environmental Statement which specifically addresses landscape and visual impact, hydrogeology, noise, air quality, ecology, archaeology and cultural heritage, stability and cumulative impacts.

**Planning Policy Context**

19. The most relevant planning policies are set out in Appendix 4 (page C1.37).

**Consultations**

20. **Dartford Borough Council** – Objects for the following reasons:-

- The proposed site is not included in KCC's policy on mineral extraction and is not a suitable alternative;
- The site is on higher ground and the proposal would impact adversely on views of the countryside;
- Chalk quarrying could impact upon surrounding properties;
- Increased vehicle movements on a site where there has been virtually nil. The narrow roads are unsuitable for such traffic;
- There is concern over asbestos, airborne pollution and contamination of underground water, dust contamination and nuisance. The application site is higher than the western site and the south westerly winds would deposit dust and asbestos fibres over Longfield, New Barn, Southfleet and Westwood and create further noise and light pollution;
- The proposal would compromise Green Belt policy and would encourage similar applications and set a precedent. There would be a loss of agricultural and Green Belt land which would subsequently result in an adverse impact on wildlife in the area;
- Concern is raised regarding monitoring of mitigation measures relating to the adverse impacts of the proposal.

In addition, it noted that the application has caused considerable local concern and has been the subject of two well attended public meetings.

21. **Southfleet Parish Council** – Objects for the following reasons:-

- The northern extension is not included in KCC's latest minerals policy and is

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unsuitable as an alternative to the western extension (which should not have been permitted if problematic and close to residential properties);

- The proposed northern extension would have a high impact on the open countryside in the green belt for many years due to being on much higher ground, subject to wide views and since chalk extraction would not easily be hidden;
- Geological stability (chalk being friable) and potential serious effects on properties in Whitehill Road, Westwood, and Highcross, as well as on the railway (questions if a 10m buffer is sufficient);
- Impact of increased vehicle movements (plant and HGVs);
- Impact of backfilling with asbestos waste on groundwater resources and human habitation (villages and hamlets);
- Potential dust impact on parts of Longfield, New Barn and extensive areas of Southfleet (including Westwood/Highcross) as a result of winds blowing from an arc south round to the west-northwest and difficulties of controlling dust given experiences with CTRL works over several years, duration of proposed operations and higher level of proposed extension;
- Noise and light pollution due to higher level of proposed site;
- Industrial development in the Green Belt (and precedent for future working of arable land to the north);
- Current condition of land (unmanaged) is irrelevant in planning terms;
- The hedgerow between the site and proposed northern extension is important and should be protected.

**22. Longfield and New Barn Parish Council – Objects as follows:-**

- Needs to be satisfied that proper environment controls are in place and has requested evidence from the Environment Agency and local medical practice;
- The amount of dust and particulate matter produced on the site is a cause for concern for the Parish Council and residents. Continual monitoring by the site management of dust, particulate matter and asbestos creation is required to ensure that containment measures – having due regard for prevailing wind conditions – are always used to contain these elements to ensure that there is no detrimental impact to the air quality outside the periphery of the site, and that the site generates less airborne pollution than at present;
- Although no increase in vehicle movements above the current level of 500 per week day or Saturday is proposed, is concerned at the current level and standard of driving of some of the Pinden lorries, and the apparent excessive speed of these large vehicles along inappropriate country roads in the area. The Company needs to put in place and strictly enforce a policy for its drivers to observe that takes into account due deference to other road users and which incorporates a complaints procedure for the public to use;
- Objects on public health concerns in the absence of any data from the Environment Agency.

**23. Darenth Parish Council – Supports the proposal to exchange the existing permitted western extension for the proposed northern extension. However, has raised concerns about the volume, speed and pollution impacts (e.g. debris deposited on**



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roads) of traffic associated with existing operations. Has asked that the County Council satisfy itself that speed limits are complied with and that a revised limit be imposed on maximum vehicle movements of 250 movements per day (125 in/125 out) on the basis that the applicant had indicated that it was currently only using about 50% of the permitted 500 movements and that it did not intend to increase this volume.

24. **SEERA** – Based on the information provided, considers that the proposal does not materially conflict with or prejudice the implementation of the Regional Spatial Strategy (RPG9 and Alterations and the draft South East Plan). Advises that if the County Council is minded to grant permission, it should secure the following through appropriately worded conditions and/ or legal agreements:-
  - Appropriate mitigation measures concerning suitable environmental standards, site restoration and aftercare to accord with the objectives of Policy E3 of RPG9 (adopted alteration) and Policy CC10a of the draft South East Plan;
  - Appropriate mitigation measures concerning landscape quality and the historic environment to accord with the objectives of Policy E1 of RPG9 and BE7 of the draft South East Plan; and
  - Appropriate mitigation measures concerning air and water quality are appropriate and to the satisfaction of the Environment Agency, to accord with the objectives of Policy E7 of RPG9 and Policies NRM1 and NRM 7 of the draft South East Plan.
25. **SEEDA** – Supports the application. The winning and working of chalk is of economic importance to the South East and the proposal will have the effect of ensuring continuing production and improving environmental conditions for local residents. The application meets the Regional Economic Strategy (RES) objective to meet sustainable prosperity within environmental limits.
26. **Environment Agency** – No objection. The proposals would move future operations away from the old landfilled area adjacent to the road and disused pit to the west and avoid conflict with main gas and electricity services that cross to the west of the old chalk pit. Advises that the landfill site is currently authorised under a PPC permit and that the proposal would require the operator to apply for a variation to this for the northern extension and for the partial surrender of the installation area to the west that would no longer be used for the disposal of waste. Advises that the operator has had extensive consultation with the Environment Agency on the proposals and that relevant pollution control mechanisms, base line monitoring and the Hydrogeological Risk Assessment would need to be re-appraised appropriately in determination of any PPC permit applications. This could lead to additional clarification or changes being required at this later stage.
27. **Natural England (nature conservation interests)** – No objection. Is satisfied that the proposals should not adversely affect badgers or reptiles. Advises that if any protected species are found on site during the proposed works, all work should cease and further advice be sought from Natural England. Recommends that any comments from Kent Wildlife Trust in relation to any direct and indirect impacts of the proposed development on the adjacent SNCI be fully considered when determining the application.

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28. **Natural England (mineral and waste planning and aftercare issues)** – No comment on the principal of the proposals, having considered them in the light of the Government's policy for the protection of the best and most versatile agricultural land (paragraphs 28 and 29 of PPS7 "Sustainable Development in Rural Areas"), but has recommended conditions be imposed in respect of soil stripping, handling and replacement and aftercare (including the need for field drainage).
29. **Kent Wildlife Trust** – No objection in principle subject to conditions to avoid encroachment onto the Local Wildlife Site (SNCI) and the monitoring of dust deposition on the Local Wildlife Site to ensure the nature conservation interest of the Local Wildlife Site is maintained.
30. **Union Railways Property (CTRL) / Network Rail** – Network Rail (CTRL) Ltd has concerns that the safe operation of railway infrastructure may be jeopardised by the proposed works unless appropriate safeguards are in place and consequently recommends detailed conditions be attached to any grant of planning permission. In summary, these include:-
- No extraction within 10m of the railway boundary for the proposed northern extension and no works within a 1:0.6 plane from this distance;
  - No extraction within 5m of the railway boundary for the existing quarry;
  - No overburden to be tipped or buildings erected on the undisturbed berm between the edge of the excavation and the railway boundary (existing quarry);
  - The length of the open sidewall adjacent to the railway shall be kept to the minimum necessary and backfilling against it must be undertaken as soon as possible (existing quarry);
  - Storm and surface water must not be discharged onto or towards Network Rail (CTRL) Ltd property and suitable drainage must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway;
  - Cranes and jibbed machines used in connection with the works must be positioned so that the jib or any suspended loads do not swing over railway property or within 3m of the nearest rail if the boundary is within 3m; and
  - Cranes, machinery and constructional plant must be positioned and used to prevent the accidental entry onto railway property of such plant or loads in the event of failure.
- It has also asked for a number of detailed operational and safety informatives relating to overhead electrified lines, gas monitoring results and any liaison be passed on to the applicant/operator.
31. **Thames Water** – No objections in terms of either sewerage or water infrastructure.
32. **EDF (Seeboard)** – Has advised that the applicant should contact EDF as its overhead cable may be affected.
33. **National Grid (electricity and gas)** – No objection. Advises that the operator must

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take account of its pylon / pipeline infrastructure.

34. **Divisional Transportation Manager (West Kent)** – No objection as the proposed development has no impact on the highway and the access, vehicle numbers and quarry life remain unchanged.
35. **KCC Landscape Consultant (Jacobs)** – No objection subject to further detail on boundary planting. Advises that in general the proposals have mitigated the impact of the proposed northern extension with the constraints of the site and proposed usage and that the proposal to work the northern extension instead of the existing permitted western extension is preferable in landscape terms as it would create less landscape and visual impact.
36. **KCC Noise, Dust, and Odour Consultant (Jacobs)** – Has advised that noise levels from the working of the proposed northern extension should not increase the ambient noise levels in the area and that the appropriate noise limit for normal operations should be set at 55dBL<sub>Aeq</sub>. This is on the basis that the minimum background noise level in the area is 46dBL<sub>Aeq</sub> and since MPS2 (Annex 2: Noise) states that noise from mineral workings should not exceed the background noise level by more than 10dB(A) subject to an absolute maximum of 55dBL<sub>Aeq</sub>. Has advised that the results of the applicant's noise assessment demonstrate that the existing permitted MRF and associated waste recycling operations currently comply with the 55dBL<sub>Aeq</sub> limit and is satisfied that this would continue to be the case when either chalk extraction or landfilling were being undertaken in proposed phase 3c. The only operations which are predicted to give rise to a higher noise limit are those associated with the formation of the proposed soil screening bunds for the northern extension which could result in 56dBL<sub>Aeq</sub> being experienced at 58 and 60 Whitehill Road. However, this would be well within the 70dBL<sub>Aeq</sub> allowed for temporary works in MPS2.
- Has also advised that provided the proposed dust control measures are implemented as set out in the Environmental Statement, dust is unlikely to cause detriment to amenity at any dust sensitive properties.
37. **KCC Archaeology** – No objection subject to conditions to secure mitigation measures in respect of archaeology and historic landscape. Such measures to include the implementation of programmes of archaeological work and historic landscape recording (i.e. for the hedgerow and any associated ditch) in accordance with agreed specifications and timetables.
38. **KCC Biodiversity Officer** – No objection provided any indirect impacts on the SNCI (such as those that could arise from air, water, noise and light pollution) are minimised and subject to any comments from Kent Wildlife Trust. Has also advised that if protected species are subsequently found on site, works should cease and Natural England be contacted for advice.
39. No comments have been received from the Heath Protection Agency, CPRE or Mid-Kent Water.

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**Representations**

40. The application has been publicised both by site notice and newspaper advertisement and 73 local residents / business properties were notified in Green Street Green Road, Mile End Green, Whitehill Road and Highcross Road.

*Objections*

41. At the time of writing this report, letters of objection have been received from occupiers of 17 local properties as well as Southfleet Parish Residents' Association and the local MP. A petition opposing the application has also been received from Southfleet Women's Institute signed by 26 people. The objections relate to the following issues:-

Pollution / amenity impacts:

- Noise (e.g. traffic, site operations, reversing alarms), vibration, dust, airborne particulates, litter, light and groundwater pollution;
- Noise, dust and airborne particulates impacts on local residents on Whitehill Road, Westwood, exacerbated by the prevailing south westerly wind direction;
- Sunday and bank holiday working should never be permitted (even exceptionally);
- Impacts on food being grown locally and users of rights of way.

Cumulative impact:

- Commercial operations in the area generally and (specifically) works associated with CTRL (e.g. visual and landscape and traffic).

Traffic and road safety issues:

- Adverse road safety and pollution impacts of development in the area on local roads (e.g. the volume of both light and heavy vehicle traffic);
- Lack of street lighting in the area;
- HGV movements associated with Pinden Quarry would increase as a result of the proposals (including on Highcross Road).

Visual and landscape impact:

- Loss of countryside and adverse landscape and visual impact of the proposals;
- Proposed site in more exposed position further up the hill;
- Proposed screening would only be of limited benefit (especially until new planting matures);
- Concerns about failure of CTRL planting in the area.

Health concerns:

- Adverse health effects of the transportation and landfilling of asbestos waste.

Green Belt:

- Inappropriate development in the Green Belt.

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Operational controls:

- Lorries using Pinden Quarry passing local houses and entering / leaving the site before the permitted start time of 0700 hours (i.e. from 0630 hours);
- Lack of confidence in proposed mitigation and associated procedures.

Proposed land 'swap' / need:

- Lack of alternatives should not be an issue;
- The application for a northern extension should be treated on its own merits and not permitted as a way of resolving problems associated with operating the current permission (or simply for reasons of cost);
- If the western extension was suitable in 1995 when planning permission was granted it must still be suitable in planning terms;
- Nothing has changed since the previous applications for a northern extension were refused to justify permitting now;
- Demand for chalk/whiting is variable and decreasing (hence no great demand);
- Pinden Ltd would try to go back and work the western extension at a later date;
- The western extension is close to commercial enterprises (hence better located).

Other issues:

- The area is not designated for mineral extraction in any KCC policy document;
- Loss of agricultural land;
- Land instability (chalk is highly friable);
- Concerns that residents of Northdown Road were not informed of the application;
- Untended nature of site irrelevant to determination of application.

42. In addition, the local MP (Dr H Stoaate) states that he has received letters and petitions from over 100 residents living in Whitehill Road, Northdown Road and Highcross Road objecting to the proposals due to adverse impact on Green Belt and existing properties (noise, visual disruption and reduced air quality). He also states that he has a great deal of sympathy with these concerns, and asks that KCC consider these issues fully before determining the application.

*Support*

43. At the time of writing this report, two letters of support for the application have been received, including one stated to be on behalf of the residents of 14 houses at Grubb Street (i.e. adjacent / near to the existing permitted western extension). The reasons for support relate to the following issues:-
- The working of the existing permitted western extension would have a major adverse impact on local properties in that fairly densely populated area (e.g. noise, dust and disturbance) affecting quality of life;
  - The working of the existing permitted western extension would introduce another major scar on the landscape for those living at Pinden, as well as travellers on the London to Dover railway line and local roads, and have a greater visual impact;
  - The working of the existing permitted western extension would be dangerous to users of the public footpath which runs north south between that area and the

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- existing operational site since it would need to be crossed regularly by lorries and earth moving equipment;
  - The proposed site would be far more suitable having boundaries with the CTRL and open farmland;
  - The proposed site would be far less intrusive if suitably landscaped being some distance from the nearest properties at Westwood; and
  - The working of the existing permitted western extension would seriously affect the adjoining farmers ability to continue livestock or other types of farming due to dust contamination of pasture and air (based on past experiences).
44. Both prior to and after the Members' Site Visit, further correspondence has been received from several of those who had previously objected to the proposals reinforcing their reasons for objection. In addition, correspondence has been received from a Longfield and New Barn Parish Councillor suggesting that many of the expressed concerns relate to existing operations and requesting that regular communication be established between the operator and local community to enable future liaison on traffic movements, health and nuisance monitoring and situations of concern and emergency.

**Local Members**

45. County Council Member Mr AR Bassam was notified in January 2007. No written comments have been received.

**Discussion**

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in Appendix 4 (page C1.37) are of greatest relevance. The existence of the permitted western extension and the applicant's stated willingness to exchange this area for the proposed northern extension if permission is granted is an important material planning consideration in this case and will be addressed further later in the discussion.
47. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process. The new advice moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered

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against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are “*of the right type, in the right place and at the right time*” in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the draft South East Plan.

48. In this instance, the proposals need to be considered against various minerals and waste policies and other material considerations. The main issues to be considered relate to:-
- Need for chalk extraction and hazardous waste landfill and the ‘equity’ of the proposed land ‘swap’ in this context;
  - What, if anything, has changed since the two previous applications for a northern extension were refused in 1991 and 1992?;
  - Potential pollution and amenity impacts (e.g. noise, air quality, water environment, health impacts, agricultural land);
  - Landscape and visual impact;
  - Traffic and associated impacts;
  - Green Belt;
  - Ecology;
  - Archaeology and historic landscape;
  - The suitability of the proposed northern extension for chalk extraction and hazardous waste landfill; and
  - The comparative merits of the existing permitted western extension and proposed northern extension.

Need for chalk extraction and hazardous waste landfill and the ‘equity’ of the proposed land ‘swap’ in this context

49. A number of local residents have objected to the proposals on the grounds that there is no great need for chalk or that the operator would simply seek to work the existing permitted western extension at a later date. SEEDA supports the application on the basis that the proposed development would ensure continued production whilst improving environmental conditions for local residents. SEERA states that the application would not materially conflict with or prejudice the implementation of RPG9 or the draft South East Plan (i.e. the Regional Spatial Strategy).
50. The main national planning policy for winning and working chalk is set out in MPG10 and relates to the needs of the cement industry. Other uses for chalk are only covered by the general objective in MPS1 which requires that an adequate and steady supply of minerals needed by society and the economy should be secured consistent with environmental concerns. These national policies are reflected at the regional level in Policy M4 of RPG9 and Policy M4 of the draft South East Plan and at the local level in Policy MN10 of the Kent & Medway Structure Plan (KMSP) and Policy CC1 of the Kent Minerals Local Plan (KMLP) Chalk and Clay. Policy MN10 of the KMSP states that the County Council will seek to maintain adequate permitted reserves of chalk for engineering, pharmaceutical and whiting manufacture throughout the Plan period but does not define “adequate”. The same intention is also reflected in Policy CC1 of the KMLP Chalk and Clay which refers to previous Structure Plan Policy NR13.

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Policy CMS1 of the Kent Minerals Development Framework (KMDF) Core Minerals Strategy (CMS) Development Plan Document (DPD) Submission Document November 2006 supports proposals that secure or maintain the overall levels of supply required by the Regional Minerals Strategy.

51. Since Pinden Quarry does not supply chalk to the cement industry and the reserves required to meet national, regional and local need for such uses in the County (*i.e. at least 25 years supply for new plant*) are met at Holborough, there is no need for chalk from Pinden for cement production. However, the general need requirements set out above are relevant. The situation in terms of the landbank of permitted chalk reserves for non-cement uses in Kent is complicated by the different uses that each site has served over time, since the KMLP Chalk and Clay was adopted 10 years ago and because there is no up to date evidence base for such reserves or demand. I expect this position to be clarified during production of the KMDF DPD for Other Minerals (including chalk) which is timetabled for adoption in 2010. Notwithstanding the above, provided the proposed northern extension has a similar reserve to the existing permitted western extension and the ability to work the latter is removed as proposed, no additional chalk reserves would be created. I consider that the reserves in the two areas would be similar provided an appropriate depth limit is imposed and that the proposed 'exchange' can be secured by legal agreement. Since the proposal would serve to ensure the continued supply of chalk to the local construction market it would accord with the above policy objectives.
  
52. National planning policy for waste management is set out in PPS10 and is, in turn, reflected at the regional level. Policy W15 of RPG9 (adopted alteration) and Policy W15 of the draft South East Plan both seek to identify and safeguard sites for storage, treatment and remediation of contaminated soils and demolition waste and, where necessary, encourage the creation of protective cells for stable hazardous waste landfill. Policy W15 of the draft South East Plan also identifies hazardous waste landfill capacity as a priority in Kent and elsewhere in the South or South East of the Region although it should be noted that the wording of this policy was the subject of debate at the EIP in December 2006 and has yet to be finalised. RPG9 (adopted alteration) and the draft South East Plan also contain policies designed to support diversion of waste from landfill and meet recycling and recovery targets. The KMSP contains no specific policies relating to hazardous waste although Policy WM4 states that Kent will make provision equivalent to its waste arisings and provide integrated waste management capacity for 15 years ahead. The KMSP also contains policies which provide support for recycling and recovery, whilst Policy WM5 encourages the use of inert waste for restoration of mineral voids where disposal to land accords with the principles of the Best Practicable Environmental Option (BPEO). The Kent Waste Local Plan (KWLP) contains no specific policies relating to hazardous waste but again supports recycling and recovery and the appropriate use of inert waste for restoration of mineral voids.
  
53. Whilst precise needs for hazardous waste disposal are uncertain, and work on the subject is ongoing via the SERTAB Hazardous Waste Task Group, it is accepted that there is a continuing need for facilities for hazardous waste landfill such as those at Pinden Quarry which are used to dispose of asbestos waste. This is supported by the



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absence of other similar facilities in Kent and the fact that only one other site in the South East Region (i.e. Horton Landfill, Small Dole, West Sussex – about 57 miles from Pinden) can accept asbestos waste. The nearest other landfill facilities capable of accepting asbestos waste are at Hitchin (Hertfordshire), Ipswich (Suffolk), Purton, Swindon (Wiltshire), Shepton Mallet (Somerset) and Chorley (Lancashire). More detailed consideration of need for further capacity in Kent will have to await further work by the SERTAB Hazardous Waste Task Group and preparation of the Kent Waste Development Framework (KWDF) Development Plan Document (DPD) for Hazardous Waste which is timetabled for adoption between 2010 and 2012. As with chalk, provided the proposed northern extension would provide a similar landfill void to the existing permitted western extension and the ability to work the latter is removed as proposed, no additional landfill void would be created. As with chalk, I consider that the potential landfill voidspace in the two areas would be similar provided an appropriate depth limit is imposed and that the proposed 'exchange' can be secured by legal agreement. Since the proposal would serve to ensure the continued capacity for hazardous waste landfill, including that from the redevelopment of the nearby Thames Gateway, it would accord with the above policy objectives.

54. The MRF and associated waste recycling operations would continue regardless of which of the two areas is extracted and restored by landfill. On this basis, I do not consider it necessary to consider need for these further.

What, if anything, has changed since the two previous applications for a northern extension were refused in 1991 and 1992?

55. The reasons for refusing the two earlier planning applications for a northern extension to Pinden Quarry (as set in paragraph 5 above) relied on the fact that it was determined that there was no need for additional chalk reserves sufficient to override the material environmental and landscape interests in previous Structure Plan policies (MWD6 and MWD1). In recommending that the first of these applications be refused on 20 November 1990 (DA/89/229), the County Planning Officers' report states (paragraphs 9 and 10) that:

*"Whilst in my opinion this particular area has no unique landscape merit, the site is part of the extensive dip slope of the chalk outcrop. Large tracts of the dip comprise pleasant, rolling countryside and to extend the quarry northwards by cutting further into the ridge that separates Longfield/Grubb Street from Southfleet cannot in my view be justified by any need for the mineral." "I do not consider that an objection can be substantiated by virtue of the impact of operations on local residents. However, my overall conclusion is that there is an insufficient case of need for further extending quarry working into open countryside."*

Although Members refused the second application (DA/91/405) for identical reasons to the first, the County Planning Officer had recommended to Committee on 21 January 1992 that it be permitted as he was satisfied (paragraphs 21 and 22) that:

*"The environmental impact issues such as increased visual impact, potential dust and noise problems and increased lorry traffic, raised by the Borough Council and*

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*local representations are acknowledged, and it is felt that they can be dealt with by imposition of appropriate schemes of working and restoration, use of the planning conditions and waste disposal site licensing conditions. Furthermore, with regards to their concern over the impact the proposal would have on the local road network, whilst it would result in some increase in movements above those presently generated, the overall increase would nevertheless be within those already permitted for the site.” “In the light of the circumstances it is my opinion that on balance a sufficient case of need has been advanced to satisfy Policy MWD1 to override the landscape and environmental impact of the development, provided certain safeguards are embodied within legal agreements and particular planning conditions are attached to the permission.”*

56. Clearly, in both of the above cases, the County Council was of the opinion that the proposals gave rise to adverse impacts on the environment and landscape. The main change between these and the current application is that the applicant is now proposing to exchange the existing permitted western extension for the proposed northern extension thereby creating no net increase in terms of chalk reserves or resultant landfill voidspace. This, in turn, means that there would be no additional impacts in terms of duration of operations and vehicle movements to and from the site.

Potential pollution and amenity impacts (e.g. noise, air quality, water environment, health impacts, agricultural land)

57. Dartford Borough Council, Southfleet and Longfield and New Barn Parish Councils, as well as many of the local residents who have objected, have expressed concerns about potential pollution and adverse amenity impacts and the perceived health risks associated with the delivery and landfilling of asbestos waste on the local community. Other related concerns include noise from both road traffic and on-site operations (including reversing alarms), vibration, dust, airborne particulates, litter, light, groundwater pollution and impacts on food being grown locally and users of rights of way. Some have also expressed a lack of confidence in the proposed operation and associated regulatory regimes on the basis that they consider that the existing operations give rise to considerable dust and airborne pollution. Whilst the objections relate primarily to the waste element of the application, concerns have also been expressed about the adverse impacts of mineral working. Those supporting the application appear to do so on the basis that the pollution and amenity impacts of working the proposed northern extension would be less than if the existing permitted western extension were worked due to the relative proximity of nearby properties in each case. This issue is addressed further later in the report.
58. 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

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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.

59. 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 NRM1 of the draft South East Plan seeks to protect and enhance water resources and quality. 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. In respect of waste, Policies WM2 and NR5 of the KMSP require proposals to be acceptable in terms of their environmental impacts. Policy W18 of the KWLP requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Policy W26 sets out the hours during which waste facilities will normally be permitted to operate. The requirements of these policies are mirrored in Policy M3 of the KMSP and Policies CC12 and CC19 of the KMLP Chalk and Clay in respect of minerals. Policy W27 of the KWLP and Policy CC20 of the KMLP Chalk and Clay require rights of way or their users interests to be safeguarded from proposals. Policy W19 of the KWLP and Policy CC13 of the KMLP Chalk and Clay require the quality and quantity of surface and groundwater resources to be protected. Policy W20 of the KWLP and Policy CC14 of the KMLP Chalk and Clay require land drainage, flood control and land stability to be safeguarded. The above minerals policies are being carried forward in Policies MDC1, MDC2, MDC5, MDC6, MDC7, MDC8, MDC19, MDC20, MDC21 and MDC25 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.
60. Health impacts: Although no response has been received from the Health Protection Agency, the Environment Agency has raised no objection to the proposals and has advised that the existing PPC permit would need to be varied to include the northern extension. This would continue to provide appropriate controls for the handling and deposition of asbestos and other waste at the site. The Environment Agency has confirmed that particulate monitoring (including that for dust and asbestos fibres) is undertaken to the north, east, south and west of the site by the operator's independent specialist environmental consultant and the results submitted to it on a quarterly basis (i.e. more frequently than required by the PPC permit). It has also advised that the results demonstrate that the control limits relating to dust and asbestos releases are not being exceeded. The Environment Agency has also advised that it has had extensive discussions with the applicant on the proposals, including on relevant pollution control mechanisms, base line monitoring and the Hydrogeological Risk Assessment, and that further detailed appraisal would be required on these issues as

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part of the consideration of any application to vary the existing PPC permit. Given the advice in PPS10 (as set out in paragraph 58 above), since the Environment Agency can impose any necessary operational controls in any revised PPC permit I can see no reason to refuse the application on the grounds of potential adverse health effects.

61. Air quality (dust and airborne particulates): Whilst this issue is addressed, in part, above, dust and other particulates can give rise to nuisance and adversely affect amenity without giving rise to health concerns. Such emissions can be associated with both mineral working and waste management operations and impact on people and other land uses. The application proposes various mitigation measures to minimise dust and other airborne emissions (e.g. water spraying, on-site speed limits, wheel cleaning equipment, seeding of soil bunds). Since such measures are never absolutely foolproof, the applicant also proposes that site management and monitoring incorporate a complaints response system to facilitate additional action should problems occur. Notwithstanding the concerns that have been expressed about prevailing winds, local topography (i.e. the relative height of the land in relation to nearby properties), impacts on the local population, users of rights of way and adjoining farmland, the County Council's air quality consultant has advised that provided the proposed air quality controls are imposed they should be capable of ensuring that air quality is satisfactorily maintained such that dust is unlikely to cause detriment to amenity at local properties. Whilst the proposal would be likely to give rise to some adverse air quality impacts in the vicinity of the proposed northern extension, including on adjoining land uses and users of the footpath to the west, I am satisfied that the proposed measures would serve to satisfactorily minimise these. All are capable of being secured by condition(s) and/or legal agreement.
  
62. Noise (and vibration): Noise arises from both on-site operations such as soil stripping, formation of soil screening bunds, chalk extraction, landfilling, replacement of soils and the MRF and associated waste recycling as well as from off-site traffic movements. At Pinden Quarry, vibration is only likely to be an issue for off-site traffic movements. The County Council's noise consultant has advised that the 55dB<sub>L<sub>Aeq</sub></sub> limit (measured at noise sensitive properties) imposed on the current planning permissions at the site are being complied with and that this limit would continue to be met for normal day to day operations if the proposed northern extension were to be worked. This limit would need to be relaxed to facilitate the formation of the proposed soil screening bunds for the northern extension since it is predicted that 56dB<sub>L<sub>Aeq</sub></sub> would be experienced at 58 and 60 Whitehill Road during these works. Since MPS2 allows for up to 70dB<sub>L<sub>Aeq</sub></sub> for such works and it is unclear precisely what noise levels may be experienced on properties directly opposite the site on Green Street Green Road when the main site screening bund is removed (*something that would be required under the existing consent anyway*) it is considered appropriate to allow up to 70dB<sub>L<sub>Aeq</sub></sub> in this instance. In reality, the noise experienced from temporary works would probably be significantly less and the applicant has given an assurance that it will endeavour not to exceed 56dB<sub>L<sub>Aeq</sub></sub>. Whilst the proposal would give rise to additional noise in the vicinity of the proposed northern extension, particularly at 58 and 60 Whitehill Road, any noise would be within the limits recommended in MPS2. These limits are all capable of being secured by the imposition of conditions. Other noise emissions which can be particularly intrusive include reversing alarms. These

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are unlikely to impact on the actual noise limit and can only be minimised by the use of less audible alarms which are now available (e.g. 'white noise' and 'warblers') and by routing vehicles to minimise reversing. The applicant has indicated that it is in the process of replacing standard reversing alarms on its plant with 'white noise' devices for use on site and is exploring whether it would be possible to extend this to its own road-going vehicles where additional safety issues may arise. Any reduction in the use of more audible alarms would assist in minimising disturbance from operations at the site. Any vibration which may arise as a result of off-site traffic movements would occur regardless of whether permission is granted for the northern extension.

63. Hours of working: The application proposes that the existing hours of working are repeated if planning permission is granted. On this basis, working would take place between 0700 and 1800 hours Monday to Friday and 0700 to 1300 on Saturdays (with no working at other times without the prior written approval of the County Planning Authority). Concerns have been expressed that the applicant does not always comply with these hours and that vehicles have been seen arriving at or leaving the site prior to 0700 hours. If the County Council were to establish that the permitted hours of working are being breached it could take appropriate action to secure compliance and this would continue to be so if a new permission were granted. Hours of working could continue to be secured by condition. Whilst concerns have been expressed about the flexibility afforded for the County Council to allow working outside the stated hours under the terms of the existing permissions, I see no reason why this should not be continued. It is worth noting that the only occasion on which such working has been exceptionally allowed by the County Council in recent years was to facilitate an 'open-day' at the site on Saturday 28 September 2002 and that a further request to open the site for operational reasons on 25 March 2005 (i.e. Good Friday) was refused.
64. Water environment: Although objections have been raised by Dartford Borough Council, Southfleet Parish Council and some local residents about potential groundwater pollution, the Environment Agency (which is responsible for protection of the water environment) has not done so and is content to ensure that further detailed assessment of hydrogeological issues is carried out in considering any variation to the PPC permit. On this basis, and subject to the imposition of suitable controls relating to drainage, depth of working and storage of liquids (which are capable of being secured by condition) and similar / additional controls which would form part of any amended PPC permit, I consider that the proposed development is acceptable in this context.
65. Light pollution: Lighting is used on the existing site to enable safe working when natural light is inadequate and is only used when the facility is open. It is proposed that this would continue to be the case. Notwithstanding the objections on the issue, and whilst the proposed development of the northern extension would be likely to give rise to some extra light impact in the area during winter months, I believe that any additional impact would not be significant provided suitable controls are in place to ensure that lighting is appropriately designed and not used or left on unnecessarily. These controls are capable of being secured by the imposition of planning conditions.
66. Litter: The proposed northern extension is unlikely to create any additional litter since the only waste materials deposited here would be asbestos wastes which are landfilled

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under strictly controlled conditions. Litter is more likely to result from inadequate management of the MRF which would continue to operate regardless of the outcome of the current application. In the event that the application is permitted, it would be appropriate to include conditions requiring best practicable means to be employed in the operation of the MRF.

67. Land stability: Although Southfleet Parish Council and a number of local residents have raised concerns about potential instability and adverse impacts on the CTRL and local properties due to chalk extraction and the friable nature of chalk, Union Railways Property is satisfied that the proposed 10m stand-off from the railway boundary with 1:0.6 plane would not jeopardise its interests. It has also accepted that a 5m stand-off would be acceptable for extraction within the remaining part of the existing site. On this basis, since both Whitehill Road and the nearest residential properties are significantly further from the proposed extraction area than the CTRL and based on experiences elsewhere I do not consider that the development would lead to problems of land instability. The requirements of Union Railways Property can all be secured by condition.
68. Agricultural land: A number of local residents have objected to the application on the basis of loss of agricultural land and potential impacts on crops on adjoining farmland. Support has been expressed by others due to potential impacts on farmland adjoining the existing permitted western extension. Concerns were also expressed at the Members' Site Meeting that there were insufficient soils on the existing permitted western extension to properly cover the landfilled waste. Natural England has not objected to the proposals and has recommended that conditions be imposed to ensure that the farmland can be worked and restored in such a way that its future use is not prejudiced. The potential impacts on adjoining land have been addressed in the context of air quality (above). It should also be noted that the owner of the proposed northern extension (the South Darenth Farm Cold Store Company Ltd) also owns the adjoining farmland. An agricultural land classification (ALC) report submitted with the application indicates that the ALC of the proposed northern extension is grades 2 and 3a (with the majority being grade 2) and that the existing permitted western extension is grades 2 and 3b (with the majority being grade 3b). Both areas are therefore classified as best and most versatile land. However, the report also states that due to thinner soils and the resultant lack of suitable restoration soils in the existing permitted western extension it would be more difficult to restore this area to quality farmland than would be the case for the proposed northern extension. The concern expressed at the Members' Site Visit about there being insufficient soils to effectively cover waste in the existing permitted western extension may well result from a misunderstanding of the position since indigenous soils are stored and used for final restoration and soils and other suitable materials obtained via the waste recycling operations are used as cover for landfill. Subject to the imposition of conditions, including those proposed by Natural England, I am satisfied that land quality can be maintained through restoration and returned to a beneficial afteruse.
69. In considering all of the above, it should be remembered that the MRF and associated waste recycling operations will continue at the existing site and that any remaining chalk will be extracted and landfilling occur in this area regardless of whether the

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proposed northern or existing permitted western extensions are worked and that these ongoing operations will continue to have some impact on the local area. Further consideration of amenity impacts is given later in this report in the context of landscape and visual impact, traffic and associated impacts and the comparative merits of the existing permitted western extension and proposed northern extension. One way in which the stated lack of confidence in site operations and the associated regulatory regimes could be addressed would be for the establishment of a formal liaison group involving the operator and representatives of the local community. Experiences elsewhere in Kent suggest that this would facilitate discussion and understanding and enable any problems that may arise to be addressed most effectively. Allied to this, a clear complaints procedure could be established and publicised. These measures could be secured by condition and/or legal agreement as appropriate and would ensure that the proposals comply with the above policies.

Landscape and visual impact

70. Objections have been raised by Dartford Borough Council, Southfleet and Longfield and New Barn Parish Councils and many of the local residents who have responded on the grounds that the landscape of the rural area and views of the countryside would be adversely affected by the proposed northern extension, exacerbated by the fact that the site is on higher ground and subject to extensive views from the surrounding area and could not easily be hidden.
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 Policy W14 of RPG9 and Policy W14 of the draft South East Plan. Policies E1, E3, 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. Policy W32 of the KWLP requires that proposals incorporate satisfactory operation, restoration and aftercare schemes. Policies CC26 and CC27 of the KMLP Chalk and Clay respectively require minerals proposals to be acceptable in terms of landscaping and include satisfactory working and reclamation schemes. The above minerals policies are being carried forward in Policies MDC1, MDC2, MDC13 and MDC14 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.
72. Although in the Green Belt, the site is not subject to any specific landscape designations. The application proposes that the entire site, including the northern extension, would be restored to agricultural use at original/existing ground levels by February 2042. It also proposes various measures designed to mitigate and help screen the proposals such as advance hedgerow planting and reinforcement both on and off-site and the creation of temporary soil screening bunds both within (intermediate) and around the perimeter of the proposed extraction area which would be seeded appropriately and managed. The gap which would need to be created to

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access the northern extension would also be replanted as part of the final restoration.

73. The County Council's landscape consultant has raised no objection to the proposed northern extension, subject to further detail on boundary planting, on the basis that the proposals have mitigated the associated impacts within the constraints of the site and proposed usage and since it would be preferable in landscape terms to work this area instead of the existing permitted western extension since it would create less landscape and visual impact. However, this is not to say that the proposal would not have some adverse impact on landscape and visual amenity. The construction of the soil screening bunds and associated operations would give rise to a moderate adverse landscape and visual impact in the short to medium term (5-10 years), until the bunds have 'greened up' and the proposed hedgerows matured, after which (in the longer term) the impact would change to slight adverse (15 years plus). In this context, 'moderate adverse' means that the scheme would cause a noticeable deterioration in the existing view and 'slight adverse' means that the scheme would cause a barely perceptible deterioration. The County Council's landscape consultant has also advised that the proposed hedgerow planting and reinforcement would be very welcome and would be of long term benefit to the surrounding landscape character.
74. Overall, I accept the conclusion of the applicant's landscape and visual impact assessment that the residual visual impact, after mitigation, would not be significant. I also believe that the new and reinforced hedgerows (see Appendix 6 on page C1.40) would improve the landscape in the longer term. With the exception of the proposed off-site hedgerow improvements, the proposed mitigation is capable of being secured by condition(s) in the event that permission is granted. The off-site works would need to be secured by legal agreement. This could also include the long term retention and management of the hedgerow planting. The applicant has confirmed that both it and the landowner are prepared to enter the necessary legal agreement. Subject to the above matters being secured by condition or legal agreement, the proposals would comply with the landscape and visual amenity related policies referred to.

Traffic and associated impacts

75. Objections have been raised by Dartford Borough Council, Southfleet Parish Council and many of the local residents who have responded on the grounds that HGV movements would increase and due to the adverse impacts associated with this (e.g. road safety and loss of amenity). Longfield and New Barn Parish Council acknowledges that there would be no such increase in traffic, but has raised concerns about current vehicle movements (e.g. speed and driver behaviour) on inappropriate local roads. Similar concerns have also been expressed by Darenth Parish Council which has additionally raised the issue of debris being deposited on local roads. Concerns have also been expressed by objectors about the possibility of vehicles accessing the proposed northern extension via the existing field access on Whitehill Road and using rural lanes in the area to and from the site and vehicles travelling through Longfield and New Barn and other settlements. Concerns about the potential adverse effects of asbestos waste being transported to the site have already been mentioned above.



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76. 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 CC24 of the KMLP Chalk and Clay require waste management and minerals proposals to be acceptable in terms of highway safety and capacity and for the developer to provide for any necessary improvements. Policies W23 and CC25 respectively require measures to prevent mud and debris being deposited on the public highway for waste management and mineral proposals. The above minerals policies are being carried forward in Policies MDC2, MDC3 and MDC4 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.
77. Notwithstanding the above concerns and the fact that Pinden Quarry does not sit comfortably with the above transportation policies, as it is not well related to the primary and secondary road network, the proposed development would not lead to an increase in vehicle movements since it proposes to exchange one working area for another of equal chalk reserve and resultant voidspace and retain the current cap on daily movements. Similarly, the application proposes that only the existing access to Pinden Quarry on Green Street Green Road would be used. These are both capable of being reinforced by condition in the event that permission is granted such that further planning permissions would be required for either eventuality. The actions of vehicles on the public highway are largely beyond the scope of planning control and are covered by other legislation. However, it should be noted that all vehicles delivering asbestos wastes to the site are suitably contained to prevent emissions. Notwithstanding this, it would be possible to reinforce the need for asbestos waste to arrive at or leave the site in suitably contained vehicles and for vehicles carrying other wastes to do likewise in suitably sheeted or otherwise covered vehicles. These measures could be included in condition(s) and reinforced in a legal agreement such that the operator would need to ensure that all users of the site meet the required obligations. The issue of routing often leads to local concern, however, in this case I consider that there is little that could reasonably be done to require vehicles to travel in any particular direction to and from the site since deliveries are imported to or exported from various parts of the County and beyond. Despite this, it would seem helpful to secure a commitment from the operator to avoid rural lanes and minimise routing impacts wherever possible. This could be secured as part of a legal agreement.

Green Belt

78. Dartford Borough Council, Southfleet Parish Council and many of the local residents who have responded have raised objection on the grounds that the site lies in the

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Green Belt, would compromise Green Belt policy, be inappropriate and lead to other similar development in such areas.

79. 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 both recognise the importance of Green Belts. Policy SS2 of the KMSP states that there is a general presumption against inappropriate development in the Green Belt and that new building should accord with the provisions of PPG2 and Annex B of PPG3. Policy W4 of the KWLP and Policy CC4 of the KMLP Chalk and Clay are clear that there will be a general presumption against inappropriate development in the Green Belt but both provide scope for temporary proposals related to the restoration of mineral workings. The above minerals policies are being carried forward in Policy MDC16 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.
80. 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 and proposes that these be reviewed every three years with detailed proposals submitted to the planning authority prior to implementation. 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 (through the imposition of conditions and/or legal agreement as necessary), I see no reason to refuse the application on Green Belt grounds.

#### Ecology

81. Dartford Borough Council and Southfleet Parish Council have both objected on the grounds that there would be an adverse impact on wildlife in the area. No objections have been received from Natural England, Kent Wildlife Trust or KCC's Biodiversity Officer although Natural England and KCC's Biodiversity Officer have both stated that if protected species are subsequently found on site during the proposed works that works should cease and the operator contact Natural England for further advice. They have also referred to the need to consider comments from Kent Wildlife Trust in respect of any direct or indirect impacts on the adjacent Longfield SNCI. Kent Wildlife Trust has advised that whilst the interest associated with the SNCI, now known as Local Wildlife Site (LWS), (*i.e. grey mouse-ear plant species*) was disturbed by the CTRL works it remains the largest of only three populations in Kent, the only other in the British Isles being in Bedfordshire, and has requested that conditions be imposed requiring the monitoring of dust deposition on the SNCI to ensure that its nature conservation interest is maintained.

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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). Policies CC2a and CC15 of the KMLP Chalk and Clay and W2 and W21 of the KWLP require proposals to be acceptable in terms of potential impacts on environmental resources such as SNCI's or require appropriate mitigation for protecting such interests. Securing nature conservation interest is also a Green Belt objective. The above minerals policies are being carried forward in Policies MDC2, MDC11b and MDC11c of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.
83. The proposed northern extension comprises former arable farmland that has been left unmanaged and has become dominated by common arable weeds and disturbed ground plants. The field boundary to the south consists of single species-rich hedgerow. The site supports no protected species. The proposed development would have no direct impact on the adjoining SNCI and little negative impact on recognised biodiversity interests. The proposed new and improved hedgerow planting would provide some positive impact due to the creation of increase linkages through the landscape by improving habitat connectivity. Appropriate dust monitoring to ensure that the ecological interests of the SNCI are satisfactorily protected can be secured by condition and could include the requirement for a detailed monitoring and mitigation scheme to be agreed prior to the commencement of development. Subject to the above matters being secured by condition or legal agreement, the proposals would comply with the ecology and related policies referred to.

Archaeology and historic landscape

84. No specific objections have been received which refer directly to archaeology or historic landscape, however, concerns have been expressed by Southfleet Parish Council and a number of other respondents about the need to protect the important hedgerow between the existing site and proposed northern extension.
85. 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 South East 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. Policies CC2a, CC21, CC22 and CC23 of KMLP Chalk and Clay and Policies W2, W28, W29 and W30 of the Kent WLP require proposals to be acceptable in terms of potential impacts on archaeology or require appropriate mitigation for protecting such interests. The above minerals policies are being carried forward in Policies MDC2, MDC9b and MDC9c of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November

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2006.

86. The application is supported by an archaeological assessment which indicates that the area of the proposed northern extension has considerable archaeological potential. Consideration of the historic landscape reveals that the hedgerow between the existing site and proposed northern extension is of importance as it forms the boundary between the parishes of Longfield and New Barn and Southfleet. The applicant proposes various mitigation measures, including the implementation of programmes of archaeological work and historic landscape recording, all of which are supported by KCC Archaeology. It also proposes to reinstate that section of the historic hedgerow through which access to the proposed northern extension would be obtained and reinforce other parts of the hedgerow. Notwithstanding the acknowledged archaeological potential, there would be no impact on scheduled ancient monuments, listed buildings or conservation areas. The proposed mitigation measures are all capable of being secured by condition(s) and would satisfactorily ensure compliance with the above policies.

The suitability of the proposed northern extension for chalk extraction and hazardous waste landfill

87. It has been shown in the above sections that the proposed development will give rise to some adverse impacts and hence some harm on the local environment and to local amenity. However, it has also been shown that these adverse impacts are all capable of being minimised by the imposition of condition(s) and/or by suitable clauses in a legal agreement. Before coming to a view on the acceptability or otherwise of working the proposed northern extension, it is necessary to consider both the implications of the applicant's offer to exchange the existing permitted western extension for this area and the potential impacts associated with working the western extension if planning permission is not granted to extend operations to the north.

The comparative merits of the existing permitted western extension and proposed northern extension

88. Ultimately, the application requires the County Council decide which of the existing permitted western extension and the proposed northern extension should be worked and restored. Both would give rise to some adverse impacts and the applicant has made it clear that if permission is not granted it would progress the necessary submissions to enable the western extension to be worked.
89. A number of potential difficulties with working the existing permitted western extension have been identified in the application or have been raised by those supporting the application. These include significant adverse noise, dust and visual impact on occupiers of local properties (exacerbated by proximity to the site and topography), adverse impact on users of the public footpath which would probably need to be crossed by the new site access and considerable landscape impact due to the topography and difficulties in satisfactorily screening development from the surrounding area by either soil screening bunds or further landscape planting. In addition, concerns have been expressed about proximity to adjoining pasture and

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associated livestock. Difficulties in respect of access, noise, soil storage, screening and landscape were evident during consideration of the submissions made by Hanson (referred to at paragraph 6) which remain unapproved. Whilst these impacts have not been quantified, I am satisfied that they would be greater than those associated with the proposed northern extension.

90. It has already been stated that County Council's landscape consultant believes that it would be preferable in landscape terms to work the northern extension rather than the existing permitted western extension since it would create less landscape and visual impact. Whilst the area of the proposed northern extension may be visible from a wider area than the existing permitted western extension, I agree with this assessment. The proposed northern extension is also more remote from sensitive receptors (e.g. housing) and the site lends itself to being better able to facilitate the mitigation of associated visual and amenity impacts.
91. At the Members' site visit, Southfleet Parish Council stated that the County Council should not grant planning permission for the proposed northern extension in exchange for the existing permitted western extension to overcome any difficulties in working that area and should, instead, consider the acceptability or otherwise of the western extension being worked as part of the periodic minerals review process in 2.5 years time. The second periodic review date for Pinden Quarry is 8 November 2010. The implication of this suggestion is that the County Council should impose measures as part of that process to overcome adverse impacts on the community living around that area. In view of the issues involved, this could include the further sterilisation of at least some of the reserves in the western extension and hence reduce the voidspace created. I must advise the Committee that if this approach were adopted and resulted in mineral working rights being restricted such that this would prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site this would give rise to the requirement for the County Council to pay compensation to the operator. Subject to the extent of any sterilisation, any compensation could be substantial. It could also lead to a precedent being set and raised expectations elsewhere in the County. For these reasons, I believe that if an acceptable solution can be secured at Pinden Quarry that would avoid the need for this it should be seriously considered.

**Conclusion**

92. The application is unusual in that it effectively requires the County Council to decide whether the 'status quo' should be maintained and the existing permitted western extension worked with any resultant disbenefits that may arise or whether planning permission should be granted for a new area such that this existing permitted area would not be worked. As can be seen from the responses received from the local community and expressed at the Members' site visit the application has had the effect of dividing the local community between those who would be most affected by either option. Clearly, more people have objected to the application than support it, perhaps reflecting the fact that more people live nearer to the proposed northern extension than to the existing permitted western extension. However, planning decisions should not be based simply on the numbers objecting or supporting proposals. Members

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must consider the planning merits of the application.

93. It has been shown in the above sections that the proposed development will give rise to some adverse impacts and some harm to the local environment and to local amenity. However, it has also been shown that these adverse impacts are all capable of being minimised by the imposition of condition(s) and/or by clauses in a legal agreement such that the land could be worked and restored in a satisfactory manner in accordance with adopted and emerging national, regional and local minerals and waste management policy, including the specific development plan policies referred to. On balance, I consider that subject to the imposition of the proposed mitigation and controls the proposed northern extension could better accommodate working than the existing permitted western extension. For this reason, and given the particular nature of the application, I consider that the waste elements of the proposed development accord with the principles of BPEO and are *“of the right type, in the right place and at the right time.”* I therefore recommend accordingly.
94. Notwithstanding the fact that the site is not identified specifically as a preferred area or site for future mineral working I do not consider that the application represents a departure from the development plan since it would not be contrary to those policies which seek to ensure high environmental standards and appropriate restoration of mineral sites and to protect rural areas and land in the Green Belt from inappropriate development. On this basis it is not necessary to refer to the application to the Secretary of State to decide whether she wishes to determine the application.

**Recommendation**

95. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 5 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 February 2042); requirement for annual progress reports; requirement for working and phasing programmes to be reviewed at 3-yearly intervals; maximum depth of extraction (30m AOD); wastes being restricted to those set out in the application; hours of operation; noise and dust controls; lighting (to minimise visual impacts); land stability (relating to the CTRL); vehicle movement restrictions; use of existing site access only; measures to minimise any adverse effects associated with any landfill gas and leachate control infrastructure; measures to minimise mud, dust and other debris being deposited in the highway (including the use of suitably contained or covered vehicles); landscape planting; removal of permitted development rights; working, restoration and aftercare schemes; surface water drainage; appropriate soil handling and storage; ecology (including monitoring of dust impacts on the SNCI); and archaeology and historic landscape.

Case Officer: Jim Wooldridge	Tel. no. 01622 221060
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Background Documents: see section heading.
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**APPENDIX 1 TO ITEM C1**

**NOTES of a Planning Applications Committee Members' Site Visit to Pinden Quarry on Tuesday 15 May 2005.**

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

OFFICERS: Mr J Wooldridge (Planning) and Mr A Tait (Legal and Democratic Services).

THE APPLICANTS: Pinden Ltd (Mr G East) with Mr I Thompson (Bureau Veritas).

**OTHER LOCAL AUTHORITIES:**

Dartford BC: Mr R Perfitt and Mr T Smith.

Darenth PC: Mrs I Gutteridge (Chairman), Mr R Gutteridge, Mr J Steggles (Clerk).

Longfield and New Barn PC: Mr A Butler, Mr J Drake, Mr R Eagles and Mr S Grainger.

Southfleet PC: Mrs M Salway

ALSO PRESENT were some 15 members of the public.

- (1) The meeting was held in the area of the proposed northern extension off Whitehill Road, Longfield.
- (2) The Chairman opened the meeting by explaining that its purpose was to enable the Committee Members to familiarise themselves with the proposed scheme and to listen to the views of those in attendance.
- (3) Mr Wooldridge briefly introduced the application, highlighting the salient points of the briefing note that had already been widely circulated. He said that planning permission had already been granted for chalk extraction and landfill (including hazardous waste) in the existing site and in the unworked area to the west. The applicants now proposed to work the 4.4 ha rectangular area to the north. If permission were granted, they would relinquish the western permission. The applicant had also agreed to reduce the proposed depth of extraction to ensure a similar volume of chalk reserve and resultant void space.
- (4) The application also proposed a series of perimeter bunds, which would provide visual and acoustic screening whilst enabling soils ultimately required for restoration to be productively stored on site. New hedgerows would also be established and gaps in the existing ones filled in both on and off-site to provide visual attenuation between the workings and neighbouring properties and provide landscape improvements.
- (5) The chalk would be extracted by mechanical excavators. Access and egress would be through the existing site onto Green Street Green Road, mainly turning right towards Dartford. Some traffic would turn left towards Longfield.
- (6) Mr Wooldridge said that a number of representations had been received from statutory

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consultees and the public. These were summarised in the briefing note.

- (7) Mr Wooldridge concluded his presentation by identifying the main determining issues. These were:-
- (a) the equity of the proposed land swap in the context of the need for chalk extraction and hazardous waste landfill;
  - (b) the suitability of the proposed northern extension for chalk extraction and hazardous waste landfill;
  - (c) the comparative merits of the permitted western extension and the proposed northern extension;
  - (d) potential pollution and amenity impacts;
  - (e) landscape and visual impact;
  - (f) traffic and associated impacts;
  - (g) Green Belt;
  - (h) Ecology; and
  - (i) Archaeology and the historic landscape.
- (8) In response to a question from the Chairman, Mr Wooldridge confirmed that the number of vehicle movements and the access arrangements for this application were identical to those for the already permitted western extension.
- (9) Mr East (Pinden Ltd) replied to a question from Mr Maddison by saying that the reason the applicants wanted to swap sites was to do with infrastructure. The application site bolted on to the current landfill area, whilst the neighbouring properties to the western extension lived closer to the area of operations than those neighbouring the proposed northern extension would.
- (10) Mr East responded to a question from a member of the public by saying that Pinden Ltd was not in the business of building and was not intending to apply for permission to build houses in the area of the western extension.
- (11) Mrs Gutteridge (Darenth PC) said that her Authority supported the proposal. The western extension was closer to farmland within Darenth Parish, so this application represented an improvement. The restoration scheme would be superb for the northern extension, whilst the land which would be used in the west was superior quality farmland. She did not wish to see development taking place in both areas, and believed that this was the best option available.
- (12) Mr Philip Memory from the Southfleet Quarry Action Group said that the reason for the proposed swap was identified in Section 7.1 of the application in which the applicants spoke of operational difficulties in the west. There were some seven or eight properties next to the permitted western extension. These had already been blighted as the western extension featured in all the local plans. In contrast, the proposed extension area was not identified in any local plan at all.
- (13) Mr Memory went on to say that over 120 local residents lived within a radius of 500 metres of the application site, whereas there were only 30 within the same radius from



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the western extension (there were more local residents within a 100m radius of the western extension than of the application site).

- (14) Mr Memory continued that the infill aspect of the proposal would lead to the loss of Grade 2 and 3 arable land, which produced Grade 1 vegetables for the supermarkets. This land had been farmed until recently.
- (15) Mr Memory then pointed out the view of Dartford, saying that the open landscape was very rare in the Borough and that it would be ruined by industrialisation if the application were permitted.
- (16) Mr Memory concluded by saying that two applications to work the site had been turned down in 1989 and 1991. On these occasions, the applicants had been unable to demonstrate an overriding case of need. He believed that the situation in the western extension was resolvable. The problem there was that the applicants would not be able to gain enough soil to provide sufficient protective covering for the asbestos that they buried underground. He urged the Committee to reject the application on the grounds that it was not a reasonable proposal.
- (17) Mrs Salway (Southfleet PC) said that her authority was strongly opposed to the application as it represented unacceptable development in the Green Belt and because of the loss of high quality arable land and loss of amenity for the local residents. She said that the original plans accompanying the application had not shown the local hamlets.
- (18) Mrs Salway continued that the application should not be seen as a like for like swap as the site was not designated as suitable for mechanical extraction or for landfill in any of the local plans. These were two separate matters. The land of the proposed northern extension was not owned by Pinden Ltd, but by a local farmer. If there was a problem with the western extension, it begged the question as to why that consent had been given in the first place. KCC would need to look again at the western extension when it came up for review in 2.5 years' time.
- (19) Mrs Salway asked the Committee to bear in mind that traffic from the development would need to travel through the villages of Longfield, New Barn and Southfleet in order to get to the A2. KCC should reconsider whether this activity was necessary in the light of its impact of the quality of life of a growing population.
- (20) Mr Ballard (local resident) said that he farmed the land that neighboured the western extension. Noting that the original consents dated back to 1947, he said that conditions had changed since that permission had been granted. More people lived to the west than had been the case sixty years earlier. If chalk extraction and landfill were to commence in the west, it would be taking place right next to his garden and would also make livestock farming extremely difficult. He understood that asbestos needed to be disposed of and therefore believed that the application represented a sensible solution.
- (21) A resident from Northdown Road in Longfield said that she had moved in to the area

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three years before. The Environmental Search had never highlighted that asbestos was being disposed of on the site. She asked how often the Environment Agency regulated the existing site.

- (22) Mr East replied that the Environment Agency came every three weeks. They were responsible for the Waste Management Licence and for the PPC Permit. The Health and Safety Executive had visited the site once in the previous 12 months.
- (23) Mr Memory said that the local MP had written on this question to the Environment Agency. The method of monitoring was that the company itself took readings and sent them to the Environment Agency.
- (24) A local resident said that she had seen Pinden Lorries emitting a suspicious cloud of blue dust. She asked what precautions were taken when asbestos was transported and whether there was an explanation for what she had seen. She asked the Committee to bear in mind the large number of schools in the locality.
- (25) Mr East said that asbestos was bagged and placed in sealed containers. He added that whatever the local resident had seen, it was certainly not blue asbestos as the company did not landfill this form of asbestos.
- (26) Mr Wooldridge said that the report to the Committee would address the issue of transportation and sheeting.
- (27) Mr Grainger (Longfield and New Barn PC) said that the Parish Council had made a commitment to keep its residents informed of the results of monitoring on and around the site.
- (28) A local resident said that if there had been no permitted western extension, this application would have been laughed out of court. It would have been inconceivable that permission could have been granted for someone to dig a hole in the middle of the Green Belt in an Area of Outstanding Natural Beauty so that they could tip asbestos into it (not to mention all the traffic impacts and inconvenience to nearby residents that this would cause).
- (29) Mrs Salway said that the entrance that had been used to get onto the site was an official entrance. She asked how the applicants could be prevented from using it if permission were granted. Mr Wooldridge replied that if permission were granted, the conditions would specify that this entrance could not be used. If the applicants wished to vary this permission, they would need to bring forward another proposal.
- (30) The Chairman thanked everyone for attending. The notes of the visit would be appended to the report to the determining Committee meeting.
- (31) After the meeting, Members viewed the existing operational chalk extraction, landfill and waste recycling areas to the south of the proposed northern extension and then toured the permitted western extension (travelling past the existing site access on Green Street Green Road).

## **Item C1**

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### **APPENDIX 2 TO ITEM C1**

Drawing PQ11: Permitted phasing of extraction and restoration

## **Item C1**

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### **APPENDIX 3 TO ITEM C1**

**Drawing 613745-PPREST/P1: Proposed phasing arrangements**

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**APPENDIX 4 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), 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 E2 (Biodiversity), E3 (Green Belts), E7 (Pollution Control and Air Quality), E8 (Soil and Land Quality), M2 (Recycled and Secondary Aggregates), M4 (Other Minerals), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling and Composting Targets), W7 (Waste Management capacity Requirements), W13 (Landfill Requirements), W15 (Hazardous Waste) 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), W6 (Recycling and Composting Targets), W7 (Waste Management capacity Requirements), W13 (Landfill Requirements), W15 (Hazardous Waste) and W17 (Location of Waste Management Facilities), M2 (Recycled and Secondary Aggregates), M4 (Other Minerals), 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), EN8 (Protection, Conservation and Enhancement of Biodiversity), EN9 (Trees, Woodland and Hedgerows), QL7 (Archaeological Sites), QL9 (Historic Landscape Features), 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) and MN10 (Chalk and Clay).

**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.

**Kent Minerals Local Plan: Chalk and Clay/Oil and Gas (December 1997)** – These include Policies CC1 and CC1A (Provision for Development), CC2 and CC2A (Protecting Environmental Resources), CC4 (Green Belt), CC12 (Noise, Vibration and Dust), CC13 (Groundwater), CC14 (Land Drainage and Flood Control and Unstable Land), CC15 (Nature Conservation), CC16 (Plant and Buildings), CC18 (Ancillary Operations), CC19 (Hours of

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Working), CC20 (Public Rights of Way), CC21, CC22 and CC23 (Archaeology), CC24 and CC25 (Road Traffic and Access), CC26 (Visual Impact and Landscaping) and CC27 (Aftercare).

**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 CMS5 (Secondary and Recycled Materials).

**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 and MDC6 (Water Environment), MDC9c (Historic Environment), MDC11c (Biodiversity & Geological Conservation), MDC13 (Landscape Character), MDC14 (Trees, Woodland & Hedgerows), MDC15 (Best & Most Versatile Agricultural Land), MDC16 (Green Belt), MDC17 (Planning Obligations) and MDC18 (Climate Change).

**Kent Minerals Development Framework Construction Aggregates Development Plan Document Submission Document (November 2006)** – The only relevant policy is Policy CA1 (Secondary and Recycled Materials).

**Kent Waste Local Plan (1998)** – These include Policies W1 (Provision for Waste Processing), W2 (Protecting Environmental Resources), W4 (Metropolitan Green Belt), W7 (Re-use), W9 (Waste Separation and Transfer), W12 (Landfill of Mineral Voids), W16 (Environmental Management), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Unstable Land, Land Drainage and Flood Control), W21 (Nature Conservation), W22 and W23 (Road Traffic and Access), W26 (Hours of Working), W27 (Public Rights of Way), W28, W29 and W30 (Archaeology), W31 (Visual Impact and Landscaping), W32 (Aftercare).

**The Borough of Dartford Local Plan (April 1995)** – Identifies that the application site lies in the Metropolitan Green Belt (GB1-2) and is partially within land subject to a Channel Tunnel Rail Link safeguarding direction.

**The Borough of Dartford Local Plan Review Second Deposit Draft (September 2002)** – Identifies that the application site lies in the Metropolitan Green Belt (GB1-6), is partially within land subject to a Channel Tunnel Rail Link safeguarding direction and is close to overhead power lines (BE17).

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**APPENDIX 5 TO ITEM C1**

**Heads of Terms for Legal Agreement**

1. Applicant to covenant not to work the existing permitted western extension.
2. Applicant and landowner to covenant to implement and maintain off-site landscaping works (hedgerows) illustrated on Figure 5.9 (see Appendix 6).
3. Applicant to covenant to:-
  - (a) establish a formal local liaison group with invitees from representatives of the local community (e.g. from the County Council and Longfield and New Barn, Southfleet and Darenth Parish Councils) and hold regular liaison meetings or facilitate other suitable arrangements for discussion;
  - (b) establish, publicise and maintain a formal complaints procedure for the site; and
  - (c) seek to avoid rural lanes and minimise the routing impacts of its operations wherever possible.

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**APPENDIX 6 TO ITEM C1**

**Figure 5.9: Screen Vegetation and Mitigation Plan  
(including off-site landscaping works)**