

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 May 2006.

Development of new factory to manufacture aerated concrete products with outside storage and parking and new access and associated facilities at Ightham Sandpit, Borough Green Road, Ightham, Sevenoaks by H + H Celcon Ltd.

For Refusal

Local Member: Mrs. V Dagger

Unrestricted

Introduction

1. This application was reported to committee on 21 March 2006 where it was resolved to defer consideration of the application pending a Member's site visit. The notes of that site visit are attached at Appendix 1, and the original committee report is reproduced in full at Appendix 2. This report is intended to update all correspondence received since the first report as well revisiting a number of issues raised in discussions at the committee meeting and subsequent site visit.
2. Officers reported verbally at the March meeting that a confirmation letter had been received from Cemex (formerly RMC) stating their willingness to enter into a legal agreement to deliver up their land to enable the completion of the Bypass in accordance with the extant planning permission.
3. The applicant has also submitted a letter requesting response from the planning authority to a number of points that they consider were not reported accurately. The Applicants presented Members with this letter at their site visit, but for simplicity it is reproduced at Appendix 3. The main areas they raise relate to , delivery of the Bypass, element production, access to raw materials, landscape impact, noise and sustainable benefits.

Updates from Consultees

4. **Tonbridge and Malling Borough Council:** The formal views of the Borough Council were reported verbally at the meeting and are as follows:

Considers that material planning considerations such as the location of the site within designated areas, the provision of the bypass, the environmental impacts and the special circumstances promoted by the Applicant must be balanced in the context of sub-regional, countywide and local factors surrounding minerals considerations and strategic highway matters. If planning permission were to be granted then the following should be secured by legal agreement and /or conditions:

- completion of the bypass,
- provision of safe and updated access for pedestrians and cyclists to Wrotham school,
- need for traffic calming and speed management as a result of modified traffic patterns,
- the possibility of works to White Hill roundabout, including those in relation to air quality being required,

- site access,
- noise and odour emissions,
- provision of landscaping mitigation,
- control over the external appearance of the buildings,
- limiting future expansion without consent,
- protection of ecology,
- impact on Listed buildings,
- construction impacts including traffic,
- air borne particulates arising from the movement of the aircrete products themselves,
- construction traffic routing,
- impacts upon Dark Hill Cottages, Cricketts Farm and Cricketts Farm Cottages,
- the issue of whether or not the proposed factory would be sited on what is colloquially known as 'brownfield' land because there is an enforceable restoration condition,
- it should be noted that while the buildings and plant are tall structures, they will be set down in the landscape,
- encourage the completion of the bypass in advance of the commencement of construction of the new factory.

KCC should fully investigate the following matter once the Borough Green Bypass is opened:

The potential impacts upon the A25 and especially at Wrotham Heath and the possible need for traffic management (including prescribed primary traffic and HGV routing)

Wrotham Parish Council: Further comments have been received with photographs illustrating the parish council's concerns regarding the loss of a beautiful nature conservation haven once restoration and recolonisation are complete and the significant impact upon the residential properties of Cricketts Farm and Cricketts Farm Cottages. Illustrative diagrams are also submitted showing the height and scale of the proposed development relevant to the bypass. Also included are copies of correspondence from the current owner of Cricketts Farm and the Cottages stating that they have not agreed a sale on the properties to the Applicant.

English Nature: Further comments upon the Reptile and Amphibian Strategy were also reported verbally to Members at the March meeting. To summarise they advise that population estimates for protected species of reptiles and amphibians are not sufficiently accurate to be confident that the proposed strategy is capable of adequately mitigating the adverse impact of the development on these species.

KCC Biodiversity Officer: Further comments upon the Reptile and Amphibian Strategy have been received since reporting to committee. He shares the concerns of English Nature and advises it is still not possible to make a considered response on the efficacy of the mitigation strategy, when concerns still exist upon the adequacy of the survey data.

Publicity

7. Nine further letters of representation (two from Borough Members) have been received following committee supporting the application. The following points are made:

- The provision of the Bypass should be viewed as valid planning gain for granting permission for the second factory.
- A precedent was set when the existing factory was permitted
- The new factory would be sited on ground that is lower than the existing factory so the silos and chimney would not be as high as the existing ones.
- The new factory would have no more visual impact than the one that exists at present.
- There would be no harmful emissions from the factory.
- The application would provide for some 60+ semi-skilled workers.
- The factory would help maintain the vitality of the local economy
- Any newts on site could be encouraged to move to specially created lagoons/ponds nearby without any difficulty.
- Ightham Sandpit is an ideal site to expand Celcon's operations and ticks the right boxes of sustainability promoted by both central and local government.
- There are approx. 400 dwellings in Borough Green and St. Mary's Platt that directly front on to either the A25 or A227. At certain times of the day the two junctions in Borough Green Village are up to capacity. Two primary schools and a secondary school also front on to these two roads. The mythical slip roads on the M26 are many many years away.

8. The Keep Boroughs Green campaign has responded to the Applicants letter and make the following points:

- East facing slips are currently planned to be incorporated into the M25 widening post 2010 and would bring relief to traffic flows to all A25 villages.
- The production of purely elements in the new factory is clearly aspirational as far as the Applicant is concerned, for the foreseeable future there will be plenty of spare capacity to produce both blocks and elements in a footloose factory and enable joint load deliveries.
- The Applicant is now suggesting that they will use 100% sand with no PFA in its element production, this is at odds with the Environmental Statement submitted with their planning application. Whatever the sand content no consideration has been given to sustainable transport modes.
- The plant and equipment are still higher than the proposed bypass and in such close proximity that it cannot fail to have a huge impact on the greater landscape and particularly from the Bypass. The existing mixer tank is smaller than the new one proposed and is clearly visible from numerous vantage points, therefore the new one will be even more visible.
- It is understood that no agreement has been reached to sell Cricketts Farm and Cricketts Farm Cottages to the Applicant. The residents of the properties would be in an intolerable position, surrounded by block factories and an HGV depot and subject to severe noise pollution. The

setting of the listed building would be destroyed and pedestrian safety compromised.

- The proposal does not have the full support of the local community, even opinion in Borough Green is very much split.
- The company has made numerous redundancies since Christmas.
- Unemployment rates are much higher in the areas of alternative sites under consideration, with rail and water links, which enable sustainable transport methods.

Discussion

9. Following discussion of the proposals at committee in March a number of issues were raised by Members that warrant further discussion. In no particular order these are; sustainability, employment, the precedent set by the existing factory, the status of the application site in planning terms and the up to date position on the potential provision of east facing slips at Junction 6 of the M25. I shall discuss each of these in turn.

Sustainability

10. The sustainability of the proposal can be considered in a number of ways, economic, environmental, social and financial. Whilst the previous committee report did not specifically have a paragraph dedicated to sustainability, each one of the issues discussed goes towards consideration as to whether a proposal is sustainable. Indeed the Policies contained within the Kent and Medway Structure Plan have been themselves through a sustainability appraisal.
11. The Jamera system of manufacture and building by itself is in my opinion no more or less sustainable than manufacturing ordinary aircrete blocks. It could be argued to be less sustainable in terms of the use of raw materials as the Applicant has confirmed that the elements would solely use sand as a raw material and not PFA, thereby losing the benefit of utilising a waste material in the manufacturing process. This would also utilise the remaining on-site reserves more quickly thus bringing forward the need to rely on imported raw materials, increasing vehicle miles. There is no obvious reduction in the use of energy in the manufacturing process; the same quantity of raw material would be used. It is however acknowledged that having the two factories located together could bring about significant benefits in operational terms and reduce energy and transport costs should both sets of product be delivered in common loads. Indeed the Applicant argues the ability to deliver combined loads of blocks and elements to the market are one of the special circumstances existing to override green belt policy. There has however been no serious commitment from the Applicant to achieving this aim in terms of restricted production at the second factory or the provision of evidence of this practice being achieved elsewhere.
12. The proximity to available raw materials and the market for the finished product are also considered by the applicant as part of the sustainability of the proposal. The life of the on-site reserves has been discussed above, but little analysis has been put forward to discount the benefit of locating the factory adjacent to the market. It could be argued that taking the raw materials to a site closer to the product market was more sustainable as the transport of bulk raw materials would reduce transport costs. Furthermore there has been no analysis of the costs of alternative modes of transport for the raw materials.

13. In my opinion the only obvious sustainable advantage the Jamera system of construction offers over more traditional house building methods is the speed of construction on site which has the potential to lead to savings in terms of labour costs.
14. It is also however necessary to consider whether locating the factory at this particular site has any specific advantage over other sites. There is nothing in the Jamera Building System that in manufacturing terms requires the production building to be located adjacent to the existing factory. In that sense the manufacture of the Jamera elements could be carried out in a footloose factory located elsewhere within the Applicants market area. A number of the alternative sites examined in their study are more proximate to major house-building sites within the region.
15. It is further acknowledged that the new factory would generate a number of new jobs, this will be discussed below.

Employment

16. The planning application suggests that the proposed development would generate 60 new jobs and contribute to the continued viability of the existing H + H Celcon Ltd works at Borough Green. It is further stated that it would provide for a wide range of valuable local employment and training opportunities. Objectors to the scheme have cited recent redundancies at Borough Green and other factories, as well as due to a lack of market demand the stoppage of the production of Jamera products at the Pollington factory in Yorkshire. These issues have been put to the Applicant and I await their response. Furthermore it is suggested that the need for additional jobs within the vicinity of the application site is not as great as some of the other alternative sites locations.
17. Unemployment figures for March 2006 published by the Analysis & Information Team (AIT) of the County Council shows 916 unemployed in Tonbridge and Malling Borough. This represents 1.4 % of the resident-based working population, with only Tunbridge Wells and Sevenoaks having lower figures. The East Kent Districts have much higher rates of unemployment Dover and Shepway having 3.1% and Thanet with the highest at 4.1%. Gravesham and Swale, where some of the other alternative sites were identified have a rate of 3.3% and 2.9% respectively. The creation of new jobs is to be welcomed, wherever they occur but other parts of Kent and particularly the location of the alternative sites considered by the Applicant all have higher unemployment rates than Tonbridge and Malling.
18. Unemployment rates within Tonbridge and Malling Borough (latest figures produced by AIT January 2006 give the unemployment rate as a percentage of economically active). The Borough Green and Long Mill ward has a rate of 1.5%, whilst not the lowest there are 8 other wards with higher rates, Snodland East having the highest at 3.1%. Ightham and Wrotham have rates of 0.2% and 1.2% respectively. Again, whilst the creation of new jobs is to be welcomed, the benefits in this particular location must be weighed against the planning impacts the proposal will have.

Precedent of Existing Factory

19. Following discussion of the application at committee in March officers have been asked to consider whether allowing the existing factory has already set a precedent of allowing development in the green belt.
20. Brick production began at Borough Green before the introduction of the planning system with the first related mineral permission commencing in the early 1950's. The current Celcon block making factory was granted consent in 1988. In doing so it was considered the proposal offered the opportunity for environmental improvements to a major part of site which included an old abandoned brickworks complex and which, most notably, did not have enforceable conditions to achieve this. Furthermore the prime justification for locating the blockworks at this site was in order to utilise on site sand supplies to produce the aerated blocks. At that time the company claimed reserves on site would have been sufficient for a 25 year life of the plant. Having assessed the company's figures for those reserves, the County Council estimated, based on the rate at which they would be depleted for use in the factory, they would have a 23 year life.
21. Minerals Policy M6 of Regional Planning Guidance for the South East requires a permitted reserve of clay for brick and tile manufacture sufficient to last for at least 25 years. Although not strictly applying to sand for the manufacture of blocks, I consider similar principles are material in the determination of this application. Whilst clearly in granting permission for the existing block works, considerable weight was given to the availability of on site reserves, a similar argument could not be asserted in this case, where the remaining permitted reserves by the applicant's own estimation would be exhausted after about 9 years requiring the importation of materials thereafter.
22. The new factory application site covers an additional site area of 18.85 hectares of green belt land and would include built development on around half of this area. In comparison to the previous blockworks application the current proposal relates to a greenfield site. Whilst this land was previously subject to mineral extraction, this is a use which is universally accepted as an activity which has to take place where the mineral occurs and one which is an acceptable exception within the green belt. Mineral workings have a limited life and are restored, thereby maintaining in the longer term the objectives of green belt policy.

Planning Status of the Application Site

23. A number of commentators have suggested that the application site is a despoiled mineral working and therefore should be considered as brownfield. As stated earlier the mineral permissions at Ightham are subject to restoration and aftercare requirements. In many instances such sites are given over to nature conservation after use that is achieved by managed regeneration. The main policy aim for such former mineral workings is to maintain and respect the landscape quality of the area whilst also respecting the open character of this green belt location. Whilst the land has been recontoured the application site has yet to receive final planting. In due course full restoration will be achieved. This is not a brownfield site but a greenfield location which respects the planning policy designations set by national, regional and local plans.

M25 widening/East facing slips

24. There is discussion within the original report about the relative merits of traffic flow relief that the bypass would bring compared with shift in flows that would result from the provision of east facing slips on the M26 at Chevening. Questions were raised as to the timing of the latter road improvements. Widening of the M25 from junction 5 to 7 within the existing Highway limit was a recommendation of the Government's Multi Modal Study "Orbit" (2001). These widening plans entered the Government's Target Programme of Improvements in April 2004 but it is not certain that the provision of east facing slips onto the M26 will be part of the scheme, as this would require land acquisition outside the highway. Whilst the Highways Agency intend to award the contract for widening the M25 between Junctions 5 and 7 in 2008, the provision of the slip roads is being studied at this time for feasibility. If this study concludes that provision is feasible and/or desirable there would be the opportunity of the scheme going to a public inquiry before being constructed, either at the planning stage or during the Compulsory Purchase Order and Side Roads Order stage. With the above procedures being carried through it is not expected that any scheme would be commenced until post 2010/2011.
25. The timing of the M25 scheme does not however have a material impact upon the acceptability or otherwise of the new factory proposal. Without these improvements it is acknowledged that the A25 from Wrotham Heath to Sevenoaks remains a primary route. The completion of the Borough Green and Platt bypass will undoubtedly bring traffic relief to some of the local highway network. It is anticipated that while there would not be any noticeable impact on traffic flows on the M20 or the M26, changes to traffic flows on the A20, A25 and A227 would be local to the area of Borough Green, Platt and Wrotham. The predicted figures provided by the applicant's transport consultants show a 38% reduction on the A25 through Platt (east of the A227) and a 53% reduction on the A25 to the west of the A227. The predicted reduction of flow on the A25 (east) results primarily from the transfer of traffic to and from the M20/M26 motorway interchange onto the section of the A20 between the M26 junction and the A227 at Wrotham. This section of the A20 would be subject to a significant increase in traffic flows of the order of 30-40% or some 5000-6000 extra vehicles per day.
26. In support of the bypass it is confirmed that the capacity of the proposed bypass itself is more than adequate for future growth and the completion of the bypass would mitigate for the additional traffic impact arising as a result of the proposed new factory. It has been suggested that it would be possible to manage the speed and quantity of traffic along the A25 without the Bypass. However it is acknowledged that restrictive traffic calming measures alone would not be appropriate on a strategic primary route.
27. Despite this the planning issue still remains whether the bypass delivers net benefits that outweigh a principal green belt policy objection to building a new factory at Ightham Sandpits. It is the openness of the countryside that green belt policy seeks to protect. I remain unconvinced that the offer to bring forward the bypass overcomes the inappropriateness of the development and does not by itself represent the 'very special circumstances' that would make the proposal acceptable in green belt policy terms.

Other Issues

28. Combined Loads -The Applicants are critical of my report dismissing the views of

the house building industry as to the possibility of combined loads of elements and blocks. Given the confidentiality of this correspondence it is difficult to elaborate on the detail given. However whilst comment is made that combined loads could be beneficial to house building programmes they do not guarantee that the Applicant would deliver combined loads. I am not dismissing the requirements of the building industry but comment that there would be nothing to prevent two lorries leaving the factories, one full load of blocks and one full load of elements. The correspondence does not confirm that housebuilders would accept building materials in combined loads only; nor would the Applicant be prepared to accept restrictions on the production of elements only from the second factory. It would therefore be quite possible that vehicles leaving the Borough Green site would leave with blocks only.

29. The delivery of both blocks and elements on one vehicle may contribute to the efficient and speedy construction of houses but it is not essential that they are delivered in this way. Despite requests to the Applicant no evidence of the combined load being put into practice elsewhere has been forthcoming.
30. Access to Raw Materials – The Applicant comments that because the current reserves are utilised in the existing factory and other block-making companies use other nearby sand reserves from the Folkestone Beds they are deemed to be of a suitable quality for the new factory. The addendum to the Environmental Statement discusses the availability of soft (building) sand, yet the Applicants letter discusses the high silica content of on-site reserves. There is still no specific analysis of the availability of supplies of sand to the appropriate quality or quantity to serve the production of Jamera elements.
31. Landscape Impact – The Applicant raises questions relating to the landscape chapters of my report. It should be noted that the specific comments from Jacobs, the County Councils landscape advisors were inadvertently omitted from the consultees list. However their comments were taken account of in the discussion section of my report and subsequent grounds of refusal and the policy objections in landscape terms remain. The Applicants argue that the quality of the planting proposed within the application outweigh the quantity of green space that would be created under the restoration scheme associated with the mineral permission. My advisor comments that whilst the applicant proposes additional woodland planting this does not mitigate the permanent loss of other landscape elements and habitats of nature conservation interest.
32. Furthermore it is important to understand the dual function of the AONB and green belt designations. The AONB designation seeks to protect and enhance landscape character and natural beauty of these nationally important landscapes. In contrast Green Belt policy is much more a spatial strategy seeking to maintain the open countryside between the edge of Greater London and the urban areas of Medway, the Medway Gap and Tunbridge Wells and containing urban growth. Green belt policies therefore seek to protect against inappropriate development and maintain the open character of the area. This policy is further reinforced by the Green Wedge Policy P2/19 contained in the Tunbridge and Malling Borough Local Plan. The application for the existing block works covered an area of some 7 hectares, a substantial part of which was occupied by the old brickworks complex. It is located in an area which is set significantly lower than the embankment of the railway line which runs adjacent to the south of it and which acts as an effective visual screen. When weighed against the environmental benefits in terms of the improvements to a major part of the sand

working/brickworks complex, the strategic countryside and Green Belt designations were not considered to be overriding in granting permission. In my opinion neither can be said of the current application, which is located in an open part of the countryside forming part of a old mineral working which has been restored and is required to be landscaped in accordance with an approved restoration scheme. Furthermore, given the scale and height of the facility the site will be seen when viewed from the surrounding area. Under these circumstances the proposal is clearly contrary to both Green Belt policy as it would lead to erosion of the Green Belt and the built development form of the factory and associated development must impact significantly on the character of the AONB.

33. Noise – It is confirmed that the environmental noise impact of the proposed blockworks is acceptable in principle subject to the acquisition of Cricketts Farm and the cottages so that Cricketts Farm is not in residential use. My noise consultant's comments were based on the residential amenity of these properties and therefore do not differ from those of the Applicant. Despite reference to the Applicant moving forward on the acquisition of the properties they are currently capable of residential occupation and must therefore be assessed as such. Certainly the change of use of these properties is some way off even if they are sold to the Applicant (which is challenged by one of the owners). They would need to be subject to planning permission being obtained from Tonbridge and Malling Borough Council for their change of use that would by no means be certain to be forthcoming.

Conclusion

34. I have revisited some the issues pertinent to the consideration of the planning application. I am still required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to consider this proposal in accordance with the development plan unless material considerations indicate otherwise. I have concluded that I do not support the Applicants argument that 'very special circumstances' exist sufficient to override the normal restraint policy in this sensitive location. Furthermore consideration of the environmental impacts of the proposed development have highlighted a number of issues where the proposal is in conflict with the policies contained in the Structure and Local Plans. I have concluded that beside the principal green belt policy objection the impact of the proposal is such that there are other significant material planning objections. There is no new evidence provided that leads me to a different recommendation to that made to Members in my earlier committee report. I cannot therefore support the planning application. For simplicity I repeat the grounds of refusal below.
35. The application has been advertised as a departure from the development plan and therefore should Members be minded to grant planning permission it would be necessary to refer the application to the Secretary of State for him to decide whether it should be called-in for his determination.

Recommendation

36. I RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:
- i The proposed site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The Applicant has failed to demonstrate that very special circumstances exist sufficient to demonstrate that those national and development Plan Policies which seek to protect such areas should be overridden. The proposal is therefore contrary to government guidance in Planning Policy Guidance Note 2 - Green Belts, Policies S3 and MGB3 of the Kent Structure Plan 1996, Policy SS8 of the emerging Kent and Medway Structure Plan and Policy P2/16 of the Tonbridge and Malling Borough Local Plan.
 - ii The proposed site lies within the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA) where the primary objective is to protect, conserve and enhance landscape character. The proposal to locate a second factory of significant scale and massing is contrary to Policy ENV3 and ENV4 of the Kent Structure Plan, Policies E4 and E5 of the emerging Kent and Medway Structure Plan and Policies P3/5 and P3/6 of the Tonbridge and Malling Borough Local Plan.
 - iii The proposal lies within the Area of Local Landscape Importance between Borough Green and Ightham, specifically identified as an area of woodland, open countryside and mineral workings contributing to the rural character of these settlements as viewed from the A25 and A227. The siting of a large factory with its associated development within this protected area would result in long term damage to the open character of this area contrary to Policy P3/7 of the Tonbridge and Malling Borough Local Plan.
 - iv The application site lies within the Green Wedge as identified in the Borough Local Plan, where the land performs an important separating function between existing villages. The proposal by virtue of its scale and massing conflicts with this separation function and cannot be adequately designed or landscaped so as not to compromise this function and as such is contrary to Policy P2/19 of the Tonbridge and Malling Borough Local Plan.
 - v The proposal does not afford adequate conservation or enhancements to wildlife habitats and species and there is no overriding need for the proposed development demonstrated and as such is contrary to Policy ENV2 of the Kent Structure Plan and Policy E8 of the emerging Kent and Medway Structure Plan.
 - vi The proposed impact upon the sensitive groundwater environment has not been fully assessed and the impact of the proposed development cannot therefore be measured. As such I consider the proposal would be contrary to Policies ENV20 of the KSP and Policies NR4, NR5 and NR7 of the emerging Kent and Medway Structure Plan.
 - vii The noise levels associated with the proposed development would have an unacceptable detrimental effect upon the residential amenity of Cricketts Farm and Cricketts Farm cottages contrary to Policies ENV20 of the KSP and

Policies and Policies NR4 and NR5 of the emerging Kent and Medway Structure Plan.

- viii The siting of the proposed development in close proximity to the adjacent existing factory would result in an unacceptable detrimental effect upon the setting of the Grade II listed Cricketts Farmhouse contrary to Policy ENV19 of the Kent Structure Plan and QL9 of the emerging Kent and Medway Structure Plan and Policy P4/1 of the Tonbridge and Malling Local Plan;

and subject to any minor amendments to these reasons as agreed to be necessary by the Committee.

Consequential variations to other permissions

37. I further recommend that MEMBERS NOTE that the Applicants have also proposed in writing to vary the working, restoration and aftercare scheme for the permitted sand reserves to the west of the proposed factory site (Ref. TM/85/1436 & TM/87/1851). Particularly, they seek to vary Condition 4 of the above permissions to allow the excavation and subsequent stockpiling of the sand to the east of the existing factory in a former quarry void. Should Members approve the substantive application this would allow the prior working of sand beneath and to the west of the line of the bypass in advance of the bypass being constructed and thus avoid their sterilisation.
38. Should Members be minded to accept the recommendation set out in paragraph 90 of the original report I WOULD RECOMMEND that this request be REFUSED as there would be no need to remove all these reserves at this point in time.
39. Additionally, there remain outstanding working, restoration and aftercare requirements under permissions TM/85/1436 and TM/87/1851 which the applicants requested originally that completion of working and restoration be extended to 30 June 2006 and by further letter dated 1 March 2006 until 30 June 2008. I have concerns that the submitted schemes of working and restoration remain unapproved and until approved we cannot secure with any confidence the end date of these permissions. In the circumstances it is now urgently necessary to ensure these schemes are submitted in a sufficient and acceptable form to allow them to be approved and to secure controlled working and restoration under the permission. Should Members agree the recommendation in paragraph 90 of the original report I also SEEK AGREEMENT from Members to remind the applicant of this outstanding issue setting a deadline for their submission within 6 months and also refer the matter to the Regulation Committee to consider taking of appropriate enforcement action should the submission of acceptable schemes within this timescale be further delayed.

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| Case Officer: Andrea Hopkins |
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| Background Documents - see section heading (or specify particular documents)* |
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APPENDIX 1

Members Site Visit Notes

APPLICATION TM/03/2563 – DEVELOPMENT OF A NEW FACTORY TO MANUFACTURE AERATED CONCRETE PRODUCTS, ACCESS AND ASSOCIATED FACILITIES AT IGHTHAM SANDPIT, BOROUGH GREEN ROAD, IGHTHAM

BRIEF report of a Planning Applications Committee Members' site visit to Ightham Sandpit and tour of the outlying road scheme on Tuesday, 11 April 2006.

MEMBERS PRESENT: Mr R E King (Chairman), Mrs E Green, Mr G A Horne, Mr S J G Koowaree, Mr T A Maddison, Mr J I Muckle, Mr W V Newman, Mr A R Poole and Mr F Wood-Brignall..

OFFICERS: Mrs W Murphy and Mr M Clifton (Planning), Mr R Dines (Kent Highways) and Mr A Tait (Democratic Services).

THE APPLICANT: Celcon Ltd: Mr S Brittle (Celcon) and Mr I Painting (Barton Willmore)

OTHER LOCAL AUTHORITIES: Tonbridge and Malling BC: Cllrs Mrs Murray and M Coffin. Mrs M Geary (Planning)

BOROUGH GREEN PC: Cllrs Mrs J Lazarus and Mr C Willsher.

IGHTHAM PC: Cllr Mrs G Bowden and Mr J Edwards (Clerk).

PLATT PC: Cllrs B Bank and R Searle.

WROTHAM PC: Cllrs H Rayner and C Perree.

ALSO PRESENT were Mr P Gillin from Keep Boroughs Green Action Group and Mr M Taylor from Borough Green Traffic Action Group.

- (1) The party set out by coach from the Oakdene Café, just north of the M26/A20 Roundabout.
- (2) The coach travelled north along the A20 before turning south on to the A227 Borough Green Road. It travelled into Wrotham and back to the Whitehill Roundabout via Wrotham High Street and Bull Lane.

- (3) The coach then rejoined the A227. This time it went past the turn off to Wrotham, crossing over the M26 into Borough Green. It stopped briefly at the entrance to Western Road so that Members could get an idea of the traffic flows along this road.
- (4) The coach followed the A25 to the Dark Hill Roundabout, where it joined the A227 towards Ightham. It then turned back again, this time heading north from the Dark Hill Roundabout and entering the Celcon site.
- (5) At the Celcon site, Members were shown the existing blockworks factory in operation.
- (6) Members were then shown the model Jamara building within the built complex. Mr Brittle briefly explained the thinking behind the Jamera concept. He said that in terms of construction, their aircrete form made them light, strong and easily workable. They offered excellent insulation and reduced daily temperature fluctuations. They were also fire-resistant, did not rot or decay and were resistant to sulphate attack in poor soil conditions.
- (7) Mr Brittle also said that the Celcon Thin-Joint System was an integral part of the Jamera concept. It comprised a specially developed thin-joint mortar, enabling thin-joint blockwork. This enabled walls to be built very quickly without having to wait the conventional 24 hours for the mortar to set. Amongst the benefits of thin-joint blockworking were a reduction in wall construction times, increased productivity, an increase in bond strength and the elimination of piles of sand on site.
- (8) In response to a question, Mr Brittle said that he was unable to estimate how much of the future operation would concentrate on the Jamera concept and how much on the block production.
- (9) Members then travelled to a point just west of the application site. From there they observed the application site, which would need to be subject to final planting if permission were refused. The applicants had set up markers showing the area of the proposed operation in outline.
- (10) Members were transported along the route of the permitted Borough Green Bypass from where they were offered the opportunity to visualise the operation and its impact on the landscape if permission were granted.
- (11) Members returned by coach to the Oakdene Café via the A25 and the M26/A20 interchange.
- (12) A second party of Members was taken along the same route and was shown the same aspects of the site on Friday, 28 April.

Appendix 2 Committee Report 21 March 2006

A report by Head of Planning Applications Unit to Planning Applications Committee on 21 March 2006.

Development of new factory to manufacture aerated concrete products with outside storage and parking and new access and associated facilities at Ightham Sandpit, Borough Green Road, Ightham, Sevenoaks by H + H Celcon Ltd.

For Decision

Local Member: Mrs. V Dagger

Unrestricted

Introduction

1. A planning application seeking permission for a new works adjacent to the existing blockworks was received in July 2003 but was invalid. Following a report to committee in December 2003 the application was held in abeyance whilst an Environmental Impact Assessment was carried out. This was duly submitted in January 2005 and the application went out to consultation immediately after. A further package of information in the form of an addendum to the Environmental Statement was submitted in November 2005, which has been subject to a second round of consultation.

The Site and Background

2. The application site lies to the west and north west of Borough Green, to the north of the A25 and the Maidstone East to London railway line. The village of Ightham is to the west (and south-west) of the application site. The Dark Hill roundabout on the A25 provides access under the railway to the application site and forms the south-western end of the Borough Green Bypass. The Bypass was granted planning permission in 1991 and as a result of a need to carry out works to a freight line on the railway, this end of the new Bypass and a rail bridge over it were constructed. This effectively implemented the planning permission even though the majority of the new road and the dedicated roundabout access into the site has yet to be built. (A recent application TM/05/219 permitted in June 2005 effectively renewed the provision of that roundabout).
3. The A227 runs south from Dark Hill roundabout to Tonbridge. The M26 motorway runs east to west approximately 1km to the north of the application site and to the north of that is the village of Wrotham.
4. The application site is to the north of the existing blockmaking works. In total the application site covers approximately 18.85 hectares within the applicant's wider ownership of 35 hectares. The built development area would account for around half of the application site area, the remainder being given over to landscaping.

5. The application site includes former sand workings backfilled to a lower level to provide as part of the approved restoration scheme a nature conservation after use. The site has been subject to extensive naturalisation and has now attained considerable wildlife interest.
6. The site lies within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty (AONB), Special Landscape Area (SLA), an Area of Local Landscape Importance and a Green Wedge. To the west of application site boundary is the Grade II* listed building of Ightham Court and its Grade II registered Historic Park and Gardens. Sandwiched between the existing blockworks and the application site (not within it) is the Grade II Cricketts Farm, to the east of which is a small parcel of land where further sand has been extracted (by the owner of Cricketts Farm) and is currently being infilled with inert material.
7. The nearest residential properties are Cricketts Farm and Cricketts Farm Cottages, to the north of the existing blockworks, and The Dene and West Bank Nursing Home to the north east of the existing site occupying an elevated position above the existing factory.
8. I attach a site plan [page C2.2]. I also enclose reduced copies of the currently approved restoration scheme [page C2.3] and the current proposals [page C2.4]. Larger scale copies of these drawings will be displayed at the meeting.

Proposal

9. The Applicants are proposing to introduce a new building system into the UK known as the Jämerä building system. The Applicants claim that this system could provide aircrete components for an entire house - walls, floors, roof and foundations. Celcon have also developed a 'Thin-Joint' quick-setting mortar system thus enabling rapid construction times for new houses. I will discuss the merits of this type of construction later in this report.
10. The proposed development comprises a main factory building of 12,300 square metre with associated storage area covering 9.58 hectares with the remainder of the application site (about 9 ha) being given over landscaping, including two woodland areas. The factory building would include a boiler house with a 20 metre high emissions stack, 25 metre high mixer tank tower, silos, banded storage vessels, water balancing tanks, sand hopper, 12 autoclave ovens office and amenities area. To the north of the factory building would be an area for the external storage of the manufactured product. A transport office and weighbridge would be located at the site entrance, to the south-west of the factory.
11. Access to the site would be off a dedicated roundabout from the Borough Green Bypass. The Applicant would fund the completion of the bypass. This new roundabout would serve the existing factory also. Parking for 44 cars and 24 HGV spaces are to be provided south west of the proposed new factory.
12. The site is a former sand quarry and would be remodelled to achieve a consistent base level of 75.5 m above ordnance datum (AOD). Current levels across the site range from 72-74 m AOD. This remodelling is expected to involve the movement of approximately 250,000 m³ of on-site material (understood to be mainly in-filled inert material), it is not intended to import any materials for this purpose. The sides of the main void (south of the Bypass) would be planted with

trees and two additional areas of woodland to the north of the line of the Bypass would be created. The overall landscaped area within the current proposal amounts to about 9 ha compared with the approved restoration scheme, which is in the order of 10 ha. The landscaped areas in the new scheme are more fragmented than in the approved scheme and would circle around the proposed factory.

13. The proposed development would operate 24 hours a day, 7 days a week with a four-shift pattern. A total of 60 people would be employed; 53 skilled and semi-skilled process workers, 7 office, laboratory and canteen staff and also 15 contract drivers once the factory were up and running. The construction of the factory would also generate local employment albeit temporary in nature.
14. The proposed factory could manufacture up to either 4000,000m³ of blocks or 300,000m³ of elements, or any combination of the two, per year. It is proposed that the Applicant would switch production plans depending upon customer orders. Raw materials imported to the application site would include pulverised fuel ash (PFA – a waste by-product from coal burning power stations currently from Kingsnorth), cement, lime anhydrite and aluminium, which together would total 195,000 tonnes per annum. It is intended that sand would be used from the applicant's existing quarry until these reserves are exhausted (about 9 years), following which sand would be imported from nearby quarries.
15. The raw materials would be mixed together and poured into moulds. When the mixture has partially set the resultant cakes are wire-cut into units of predetermined size and transferred to autoclaves for high pressure steam curing. The steam-raising plant includes two boilers, one on duty one standby, which along with the autoclaves would produce clean steam emissions. The manufacturing operations would take place within an enclosed building to prevent odour and dust escaping. The boiler operations would be computer controlled with emissions from the stack continuously monitored.

Main Planning Policy Designations

16. The whole of the application site, the existing factory and the bypass route are within the Metropolitan Green Belt and protected from inappropriate development. The application site is also designated an Area of Outstanding Natural Beauty and Special Landscape Area. The area of the site to the south-east of the line of the bypass is also protected by Green Wedge Policy (P2/19 Tonbridge & Malling Borough Local Plan) and is designated as an Area of Local Landscape Importance. Cricketts Farmhouse which lies immediately to the south of the application site is a Grade II listed building, whilst Ightham Court to the west is Grade II* listed. The land around Ightham Court is also a listed Historic Parks and Gardens. The route of the permitted bypass is safeguarded. Public Right of Way MR244 runs along the eastern boundary and to the south of the application site, however the route of the approved bypass to the north dissects it.

Planning Policy Context

17. There is a range of planning policy implications relating to these proposals. The policy issues are set out in detail in the Environmental Statement submitted with

the application. The most significant policies and advice follow:

Government Guidance

18. Government guidance on the location and design of development is contained in Planning Policy Guidance notes (PPG's) and Government Circulars. PPG's are being replaced (through a rolling programme) with focussed statements of national planning policies – Planning Policy Statements (PPS). The Environmental Impact Assessment has been prepared in light of this national guidance.

| | |
|---------|--|
| PPS1 - | Creating Sustainable Communities |
| PPG2 - | Green Belts |
| PPG4 - | Industrial, Commercial development and small firms |
| PPS7 - | Sustainable Development in Rural Areas |
| PPS9 - | Biodiversity and Geological Conservation |
| PPS11 - | Regional Spatial Strategies |
| PPG13 - | Transport |
| PPG15 - | Planning and the Historic Environment |
| PPS23 - | Planning and Pollution Control |
| PPG24 - | Planning and Noise |
| PPG25 - | Development and Flood Risk |

Mineral Planning Statement 2 – Controlling and mitigating the environmental effects of mineral extraction in England.

19. Development Plan Policy

Kent Structure Plan 1996

- S1 - Seeks to promote sustainable forms of development.
- S2 - Seeks to conserve and enhance the quality of Kent's environment.
- S3 - Seeks to stimulate economic activity respecting the environment and Green Belt constraints
- ENV1 - Seeks to protect of the countryside for its own sake.
- ENV2 - Seeks to conserve and enhance Kent's landscape and wildlife (flora and fauna) habits.
- ENV3 - Seeks long-term protection of Kent Downs and High Weald Areas of Outstanding Natural Beauty. The siting of major industrial or commercial development will not be permitted unless there is a proven national interest, and a lack of alternative sites.
- ENV4 - seeks long-term protection of Special Landscape Areas giving priority to the conservation and enhancement of natural beauty of the landscape over other planning considerations

- ENV19 - Seeks to preserve listed buildings and protect and enhance the character of their settings
- ENV20 - Seeks to ensure that development is planned and designed so as to avoid or minimise any potential pollution impacts.
- ENV25 - Seeks to minimise environmental impact of construction projects
- MGB3 - Sets a general presumption against inappropriate development
- T20 - Seeks to ensure the funding of future transport improvements which are necessary to enable a development project to proceed

Tonbridge and Malling Borough Local Plan 1998

- P2/16 Protection of Green Belt
- P2/19 Protection of the separation function of areas defined as Green Wedges
- P3/5 Protection of Areas of Outstanding Natural Beauty, the siting of major industrial or commercial development will not be permitted unless there is a proven national interest or a lack of alternative sites.
- P3/6 Seeks conservation or enhancement of the natural beauty of the landscape within the Special Landscape Areas.
- P3/7 Seeks protection of Areas of Local Landscape Importance
- P4/1 Seeks to protect the integrity and setting of listed buildings.
- P6/17 Allows for limited infilling on established sites within the Green Belt (refers to existing factory site)
- P7/4 Promotes maintenance and improvements to the public rights of way
- P7/7 Safeguards the route of the Borough Green Bypass from prejudicial development

Emerging Planning Policy

The Kent & Medway Structure Plan – Deposit Plan September 2003

- SP1 - Seeks to promote sustainable forms of development.
- E1 - Protection of the countryside for its own sake.
- E3 - Conserve and enhance Kent's landscape character and wildlife habits.

- E4 - Seeks long-term protection of Kent Downs and High Weald Areas of Outstanding Natural Beauty. The siting of major commercial development will not be permitted unless there is a proven national interest, and a lack of alternative site or unless appropriate provision can be made to minimise harm to the environment.
- E5 - Seeks long-term protection and enhancement of Special Landscape Areas giving priority to the conservation and enhancement of natural beauty of the landscape whilst having regard to their economic and social well being.
- E8 - Seeks protection and enhancement of biodiversity
- QL9 - Seeks to preserve listed buildings and protect and enhance the character of their settings
- QL10 - Seeks protection of historic landscape features
- QL18 - Green space networks and rights of
- SS8 - Sets a general presumption against inappropriate development in the green belt
- TP7 - Promotes Borough Green and Platt Bypass to be funded partially or fully by development.
- NR4 - Seeks to conserve and enhance the quality of the environment. Development should be planned and designed to avoid, or adequately mitigate, pollution impacts.
- NR5 - Presumption against development sensitive to pollution.
- NR7 - Safeguarding of water quality.

20. The principle change in the strategic context since the adoption of the Kent Structure Plan has been the inclusion of Ashford and the Thames Gateway as two of the Government's four growth areas for the South East. The required level of house building in these areas is significant and the construction industry will be expected to meet the volume and pace of development set by the Government.

Tonbridge and Malling Borough Local Development Framework – Preferred Options Report September 2005

21. This document is in the process of being worked up into a Development Plan Document, which is likely to go before Tonbridge and Malling Members in June/July 2006. Until then it has little weight for development control purposes however it does not propose any major allocation of land within the vicinity of the application site (within the green belt).

22. Consultees

Tonbridge and Malling Borough Council: considers that material planning considerations such as the location of the site, the provision of the bypass, the environmental impacts and the special circumstances promoted by the Applicant must be balanced in the context of sub-regional, countywide and local factors surrounding minerals considerations and strategic highway matters. Were permission to be granted then the following should be secured by legal agreement and /or conditions; completion of the bypass, provision of safe and updated access for pedestrians and cyclists to Wrotham school, need for traffic calming and speed management as a result of modified traffic patterns, site access, noise and odour emissions, provision of landscaping mitigation, external appearance of the buildings, limiting future expansion without consent, protection of ecology, impact on Listed buildings and construction impacts including traffic.

Borough Green Parish Council: Supports the application subject to the council being satisfied as to the impact and public health issues of the emissions. And subject to the the planned crossing and roundabout from the bypass be in place before any factory construction work commences and the bypass be open before the factory becomes operational.

Ightham Parish Council: Object as the proposal is contrary to green belt policy as the provision of the bypass and/or the need to locate next to the existing factory are not sufficient to represent very special circumstances. The proposed factory is not sustainable for staff journeys nor employing local staff. Concerned at the impact upon the listed buildings at Cricketts Farm and their residential amenity. Critical of traffic assessment post 2007 and the capacity of the Whitehill roundabout to take the additional traffic. Concerned at the lack of and unwillingness to carry out surveys and provide mitigation strategies for protected species. The alternative sites study does not take account of the fact that the new factory could produce both blocks and elements and therefore could be footloose, nor does it consider sites outside eof Kent.

Wrotham Parish Council: Object – The Applicants have not considered wharf access for delivery of raw materials in their choice of site contrary to government policy. WPC dispute the life of remaining reserves, the future availability of pulverised fuel ash, the accuracy of the traffic assessment particularly in relation to capacity at Whitehill roundabout. The council also questions the impact upon air quality, the lack of ecological assessment and safeguards, effects upon amenity of listed residential properties, poor alternative sites assessment, and considers there are a lack of ‘special circumstances’ in the green belt.

Platt Parish Council: No objection as the scheme brings benefits both in terms of traffic relief through Borough Green and Platt and the provision of local employment.

SEERA: Does not consider the proposal would conflict with the Regional Spatial Strategy but the planning authority should be wholly satisfied that there is no adverse impact on the AONB in accordance with Policy E1 of RPG9 and that sufficient mitigation measures can be secured to protect and enhance the landscape. The planning authority should also be satisfied that the biodiversity of the application site is at least maintained in accordance with Policy E2 of RPG9; and that the form of the development proposed is appropriate in a green belt location in line with PPG2 and local planning policy.

Environment Agency: no objection subject to a condition requiring water vole survey and mitigation scheme, object to culverting of water courses and state scrub clearance and tree removal should be done outside the bird breeding season. Appropriate remediation should be established if contamination is found.

Mid Kent Water: Very concerned that there are no specific environmental assessments or land-use investigations to clarify the potential for contamination. However if their involvement in the approval of assessments and mitigation can be guaranteed by condition they would be prepared to withdraw their objections.

English Nature: Object, the information provided for protected species as it stands is insufficient to determine the impact the development will have on protected species. Also consider the number of surveys for reptiles is insufficient and the time of year that these took place (July-August) not ideal, nor do they give details of weather conditions on the day.

Kent Wildlife Trust: Object, no account has been taken of PPS9, inadequate and inappropriate surveys carried out for great crested newts and reptiles and no evidence is provided that the development would lead to ecological enhancement.

KCC Biodiversity Officer: Object, a detailed mitigation strategy for great crested newts should be submitted for approval prior to any permission being granted. The survey effort for reptiles is inadequate and as above a detailed mitigation strategy should be submitted. Survey details for water voles and a mitigation strategy should be submitted, same for bats. There is no consideration of effects upon breeding birds. Details of how the scheme contribute to targets set in the UK and Kent BAP have not been provided.

English Heritage: No comment other than ' the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.'

Highways Agency: No objection subject to parking standards being set low and a request for a travel plan (to cover both existing and proposed development).

Division Transport Manager: confirms that the proposed bypass would bring local relief through Borough Green and Platt, would wish to see satisfactory improvements to White Hill roundabout, a moving the pelican crossing to the north of the new roundabout on the A227 and contributions to a new traffic management strategy for the surrounding area. Approval of highway details (including a travel plan) should be required prior to starting works and all highways works being completed prior to first occupation of the new factory.

Public Rights of Way: satisfied that the new factory and access at Ightham Sandpit would not affect Public Footpath MR244. However the condition of MR244 is still less than satisfactory, having been severely compromised by continual development at the site and would therefore welcome any opportunity to divert the footpath permanently.

Jacobs

Odour – no objection

Noise – The predicted noise levels at Cricketts Farm and Cricketts Fram Cottages are unacceptable and would have an adverse effect upon the residential amenity of those properties.

Dust – no objection subject to mitigation measures identified.

Network Rail: No comment

KCC Heritage (Archaeology): No objection

Countryside Agency: no views received

DEFRA: National Land Management Team – Where there are surplus soil resources due to the proposals these should be used in a sustainable way. This may include consideration of their use on other land in the area to effect a satisfactory standard of restoration.

National Grid: no comments

CPRE: Object to inappropriate development in the green belt, critical of the Alternative Sites Study, the Bypass is less needed now as an improved access into the existing works has now been provided, the road is not essential to the development. There are also air quality issues on this part of the M20.

Local Member

23. The Local Member, Mrs Valerie Dagger, was notified of the application on 31 January 2005 and upon the addendum and supplementary to the application on 22 November 2005.

Publicity

24. The application was publicised by way of site notices, advertisement in the local newspaper and a neighbour notification exercise. Upon receipt of the addendum to the Environmental Statement the application was re-advertised and a reconsultation exercise with neighbours and those making representations was undertaken.

25. Initially approximately 80 letters of representation had been received, (mainly from residents in Ightham and Wrotham) as well as a lengthy submission from the Keep Boroughs Green group. The following were the main points of objection:

Green Belt, Landscape and Ecology

- The site is within the Green Belt and is an Area of Outstanding Natural Beauty which should be protected against development.
- The proposal will damage an existing habitat occupied by protected species.
- The scale and size of the proposed development and its 24 hour operation would create an industrial landscape instead of the present rural atmosphere.
- The conditions on the mineral permission required the site to be fully restored

- and therefore it must be viewed as a greenfield site
- The proposal is not appropriate in the Green Belt as there are no 'very special circumstances', there is no proven national interest and inadequate evidence on the lack of alternative sites.

Traffic

- The proposed development would generate significant number of HGV movements within the vicinity of a school.
- The increased traffic movements would be detrimental to the area and would be certain to increase further when on-site sand reserves run out and raw materials have to be imported from elsewhere.
- The offer to fund the bypass is a bribe; the County Council should find another way to fund the construction of the Bypass.
- The construction of the bypass would increase the traffic levels through all neighbouring villages
- The majority of the raw material currently used is not sand but pulverised fuel ash from Kingsnorth Power station in North Kent, to avoid traffic crossing Kent the factory should be located nearer there.
- The bypass should not be considered until additional slip roads off the M26 are built.

Amenity Impacts

- The existing factory already causes noise pollution, a second factory will only make matters worse.
- The factory emissions and the increase in traffic will result in an unacceptable effect on air quality in the area, as will the increased use of pfa.
- The bypass would take passing trade away from the local shops causing a serious effect on the viability of Borough Green.
- The proposed development would be detrimental to the listed buildings.
- Liquid effluent from the factory already affects local watercourses.

Economic

- The present workforce is not locally based and in any case Ightham has one of the lowest unemployment figures in Kent, the new development should be located in area of high unemployment.

26. Since re-publicising the application an additional 30 letters of representations have been received, the following new objections have been made:

General

- The addendum offers nothing to make the proposals any more acceptable.
- As the new factory could produce both blocks and elements it is totally footloose and does not need to be located next to the existing factory.
- The justification for selecting Ightham Sandpits in the alternative site selection is transparently weak and retrospective. It is based solely on convenience and profitability for the applicant in being able to expand operations adjacent to one of their existing factories.
- Government advice on the use of legal agreements to secure planning gain requires that it must be 'directly related to the proposed development' and

'fairly and reasonably related in scale and kind to the proposed development', these conditions are clearly not met in this case.

Green Belt, Landscape and Ecology

- ❑ Unless KCC takes a stance against this proposed development, it will open the floodgates for development in the greenbelt.

Traffic

- ❑ The Applicants have ignored the advice contained in PPG13, which requires consideration for such factories to be located where wharf or rail connections could be used.
- ❑ There is much misleading comment that there is overwhelming support for the bypass.

Amenity Impacts

- ❑ The proposal would lead to further light pollution.
- ❑ The new factory would make Cricketts Farm and Cricketts Farm Cottages uninhabitable.

27. Borough Green Traffic Action Group submitted a lengthy representation insisting that the bypass and outstanding traffic calming measures (pedestrian crossing) be resolved as soon as possible by KCC for the benefit of the residents of Borough Green and Platt.

28. The Keep Boroughs Green campaign has also made additional representations on the addendum maintaining their objections (same comments as above).

Discussion

Introduction

29. The application is for a new factory to produce aerated concrete (aircrete) products, including tongue and groove aircrete elements for ground and upper floors and roofs, and aircrete lintels and steps to form staircases. The new factory also has the potential to produce blocks. The proposed system of building manufacture is hailed as being extremely flexible, quick to construct and of high thermal efficiency. The proposal includes a new access into the site from the permitted (not yet built) Borough Green Bypass. The submitted document confirms the Applicant's intent to fund the bypass including land acquisition and construction costs. Subsequently the Applicants have agreed in principle to fund further traffic calming measures along the A25, a new pedestrian crossing close to Wrotham School and improvements to Whitehill roundabout. The issue of costs associated with these additional works will be discussed later in the report. The site lies within the Metropolitan Green Belt and has been advertised as a departure from the Development Plan.

30. Determining Authority - Schedule 1 of the Town and Country Planning Act 1990 defines those categories of applications which fall as 'county matter', two parts of which apply to this proposal. In essence these are:

- (i) The use of land, or the erection of any building for the carrying out of any process for the manufacture of any article from a mineral where the land forms part of or adjoins a site to be used for the winning or working of minerals.
 - (ii) Carrying out of operations where the land in question forms part of a site used or formerly used for the winning or working of minerals where those operations would conflict or prejudice compliance with a restoration or aftercare condition.
31. It was agreed with the Borough Council that the proposal was a 'county matter'; and should therefore be dealt with by the County Council.
32. Initial considerations of the submission in late 2003 identified a deficiency of information in a number of areas. Of importance was the conclusion that the proposal should be subject to a full Environmental Impact Assessment (EIA) as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The preparation of the EIA took a good deal of time but was eventually forthcoming in December 2004, when the application was made valid. Whilst this was not usual practice and was against the protocol for handling planning applications it was agreed with the Borough Council that the applicants be given more time to prepare the detail essential to allow full consideration of the proposal. The County Council wrote to the Applicants in March 2005 requesting additional information in the form of an addendum to the Environmental Statement. The Addendum was submitted in November 2005.

History of the Site and Surroundings

35. The site has a long history of sand workings and brick and block manufacture commencing prior to the introduction of the modern Town and Country Planning System in 1948. The original permission for sand extraction was granted in 1951. Since then, there have been a series of permissions granted for the sand reserves beneath and to the east and south of the line of the permitted Borough Green bypass. Permissions to work the remaining reserves of sand exist in the southern working section and east of the works. Permission MK/4/51/43 to the east of the existing blockworks is estimated to contain some 400,000 tonnes of sand. Permissions TM/87/1851 and TM/85/1436 on the line of the proposed bypass are estimated to contain some 160,000 tonnes. The application site was previously worked for sand under these 1980's permissions. Under a separate submission the Applicant has sought to extract and stockpile the remaining reserves which would be sterilised by the bypass, were it to be built. This would be done through a revised working, restoration and aftercare scheme.
36. The site was partly restored at a lower level using imported, inert waste under a 1991 restoration scheme. The restoration scheme was subsequently amended with a revised scheme TM/02/583 requiring further works that have been partially completed with some areas of planting outstanding. The amendment sought shallower side slopes, greater emphasis on nature conservation with the provision of woodland and grassland and covered an area of approximately 16 ha.
37. The existing works adjacent to the application site were permitted in 1988 on land

adjoining the railway line that runs to the south, on the basis that it made use of on-site sand reserves then around 25 years.

38. The bypass itself was permitted under reference TM/91/636, its route has been safeguarded in the Tonbridge and Malling Borough Local Plan (TMBLP). Part of the bypass from the Dark Hill roundabout under the railway line has been implemented and therefore the remainder is capable of completion. Planning permission was recently granted for a dedicated roundabout into the existing works. Permission granted previously for this roundabout had lapsed.

Principle Issues

39. The application site is located within the Metropolitan Green Belt (MGB) where Planning Policy Guidance Note 2 (PPG2) - Green Belts is clear that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open:'. There is presumption against inappropriate development and PPG2 states that such development should not be approved, '...**except in very special circumstances**. Inappropriate development is, by definition, harmful to the Green Belt.' PPG2 makes it clear that it is for the applicant to show why permission should be granted.
40. The scale and height of the building and structures proposed are such that they would have a significant impact upon the MGB. The applicant acknowledges that the proposed factory would be inappropriate but submits that the very special circumstances of the scheme are:
41. Provision of the Borough Green Bypass as a major public benefit in accordance with the requirements of the Development Plan;
42. Unique operational requirements of the applicant in terms of the need to deliver combined loads from both factories of aerated concrete products with its associated sustainable transport benefits and the ability to share on-site management and expertise.
43. However I have also included consideration of the following issues:
- Location requirements in terms of access to raw materials and the product market;
 - National need requirements in terms of the provision of the Jamera Building System building products, an innovative Modern Method of Construction (MMC); and
 - Availability of suitable, available and commercially viable alternative sites.
44. Each of the above issues will be discussed and considered to establish whether it can be agreed that those 'very special circumstances' do indeed exist. It will then also be necessary to consider the environmental impacts of the proposed scheme on the site and surrounding vicinity.

Delivery of the bypass

45. As stated above the bypass has been partially implemented and therefore

remains an extant planning permission, having also been safeguarded in the TMBLP. Policy TP7 recognises that the scheme would be funded partially or fully by development. It is unlikely that the bypass would go forward without external funding. The Applicant has made representation both to the Kent Structure Plan Review and the Tonbridge and Malling Local Development Framework Issues Report seeking the appropriate review of the Green Belt boundary to provide for the enabling development necessary to fund the bypass. The Local Plan at Policy P6/17 makes provision for sites within the greenbelt that could be subject to acceptable infilling, this includes the existing factory site, but not the application site.. However the Borough Council has advised that the issue be pursued through the development control process.

46. The line of the bypass lies on land within the ownership of the Applicant (approx. 60%) and Cemex (formerly RMC) (approx. 40%) and therefore both parties would need to be signatories to a legal agreement to give over that land. Initially Cemex offered their land on the understanding that Celcon also obtain planning permission for an access from the proposed bypass to their land both north and south of the route. All of this land is also within the green belt and any future aspirations for the development of this land would be subject to policy restraints. Cemex have re-confirmed in writing that they would be prepared to give up their land although I have yet to receive clarification that this would be unconditional.
47. It is also not clear whether Cemex in agreeing to give over their land would be prepared to sign a legal agreement to this effect in so far as they would only relate to the line of the Bypass.
48. The Applicant submits that provision of the bypass offers substantial highway benefits in transferring significant vehicle movements off the immediate highway network. The Division Transport Manager (DTM) comments on the position as follows:

"I consider that the predicted figures provided by the applicant's transport consultants provide a reasonable indication of the likely percentage changes to existing traffic flows in the local area. These show a 38% reduction on the A25 through Platt (east of the A227) and a 53% reduction on the A25 to the west of the A227.

The predicted reduction of flow on the A25 (east) results primarily from the transfer of traffic to and from the M20/M26 motorway interchange onto the section of the A20 between the M26 junction and the A227 at Wrotham.

This section of the A20 would be subject to a significant increase in traffic flows of the order of 30-40% or some 5000-6000 extra vehicles per day. These additional flows would impact on some 37 residential properties along this road. A further 10 properties on the A227 opposite Wrotham School will be subject to additional traffic arising from the construction of the by-pass. I am not aware whether the environmental impacts of these increases have been fully assessed but it is fair to say that the properties on the A20 are fairly well set back from the edge of carriageway

However, it should be noted that some 379 properties on the A25 and A227 (south) would benefit from a significant reduction in traffic flows. The A227 south of the by-pass junction would be reduced by some 55%.

There would also be increases in the traffic flows at the Whitehill Roundabout at Wrotham and it is evident that this junction would need to be improved to cater for year of opening traffic and future growth. It is understood that the applicants would be willing to fund these works but they are reluctant at this stage to commit resources to detailed design work for such improvements.

The capacity of this junction and indeed the A20 itself could well be a controlling factor in the likely level of transfer from the A25 through Borough Green and Platt. The current assessments are based on an opening year of 2007 and clearly it is unlikely that the by-pass will be completed by that date.

The local highway network as a whole will be under increasing pressure post 2007 with or without the by-pass due to normal traffic growth. However, the assessments submitted do provide a useful indication of the changes in flows that would result from the by-pass construction.

The proposed improvements to the Whitehill Roundabout should not be out of balance with the capacity of the route as a whole. Longer term relief to the A25 and the A20 would be dependent on improvements to the M25/M26/A21 interchange at Sevenoaks.

The capacity of the proposed by-pass itself is more than adequate for future growth and there is no doubt that the construction of the by-pass would mitigate the impact of the development now and in the future. The issue is whether the by-pass delivers net benefits that outweigh any greenbelt objections and negative impacts on parts of the A20 and A227.

In the case of the latter there does appear to be a net benefit for local residents but I am unable to judge whether this would outweigh other objections and negative impacts.”

49. It is therefore acknowledged that the bypass would remove traffic from the A25 and A227 (south) but increase traffic on the A20 and A227 (north). The DTM comments further that “The impact of the proposed Borough Green and Platt Bypass will be relatively local. In my previous comments I indicated the likely impact on the A25 east and west of the A227 in Borough Green. It is not anticipated that there will be any noticeable impact on traffic flows on the M20 or the M26 and changes to traffic flows on the A20, A25 and A227 will be local to the area of Borough Green, Platt and Wrotham.”
50. It is generally acknowledged that the length of the A25 from Wrotham Heath to Sevenoaks is a primary route because of the lack of east facing slips at the M25/M26/A21. I am advised that the provision of these slips is likely to be addressed as part of a future phase of the M25 widening but there is no firm programme date for this work and no details of any modifications to the above mentioned interchange.
51. It is therefore considered that whilst the bypass would impact locally by shifting vehicles away from Borough Green and Platt the longer-term solution to removing traffic from the wider area has to be via the introduction of east facing slips.
52. The Applicant further submits that there are no known alternative schemes within the locality able to provide funding and land to deliver the bypass. As such the

proposal offers the only means of meeting the Development Plan commitment and therefore must be considered as the very special circumstance to over ride green belt policy. Members may agree that it is unlikely that there would be any other development coming forward likely to be able to fund the bypass, but that is not in my opinion, good enough reason to ignore government guidance on maintaining the openness of green belt. Even acknowledging that planning permission exists for the bypass the net benefit as indicated by the DTM would be relatively limited to the residents of Borough Green and Platt. This has to be balanced against the disbenefit to residents on the A20 and A227. Furthermore the provision of the bypass does not resolve the traffic problems of the wider area that could be addressed to a much greater extent by the east facing slips at the M25/M26 and A26.

53. I have not therefore been convinced that the offer to bring forward the provision of the bypass overcomes the inappropriateness of the development and does not by itself represent the 'very special circumstance' that would make the proposal acceptable in green belt policy terms. I have investigated case law regarding the issue of whether the provision of a bypass could be considered adequate 'very special circumstances' sufficient override green belt policy. Whilst I accept that no case is ever directly comparable my conclusions that the provision of a bypass would not be sufficient to outweigh the detriment that would be caused by a development to the open countryside are supported.

Combined Loads

54. The Applicant submits that the new works would enable production of the reinforced building elements alongside blocks produced from the existing works and the combined delivery on each separate load of the full range of aerated products to construction sites in Kent, London and the South-East. It is also proposed that the new facility would benefit from the use of on-site silica sand and future potential local sources as well as a wide range of other benefits gained from proximity to the existing works including management and staffing expertise. (The issue of sand reserves will be discussed further later in this report).
55. Following discussions with officers the Applicant has confirmed that the second factory has the capability to produce blocks as well as elements. The Applicant would not be prepared to restrict production to elements only for commercial reasons, which in my view undermines the need for the two factories to co-locate. Confidential evidence from a number of house builders in the form of exchange of emails does not convince me that the possibility of delivering all building components on one vehicle to a construction site is adequate reason for the two factories to be located side by side. Whilst I accept that there would be economies of scale in management and staffing issues of co-location, the new factory, having the ability to also produce blocks, could effectively be footloose. A factory capable of producing either elements or blocks does not therefore need to be located adjacent to the existing factory.
56. I am not convinced on that basis that the new factory must be located at Borough Green. The Scale and height of the proposed buildings would undoubtedly have a significant impact to the detriment of the MGB. Accordingly I cannot support the Applicants submission that the potential to deliver combined loads by co-locating the two factories presents a 'very special circumstance'.

Access to raw materials

57. The Applicant argues that the Borough Green site offers the benefit of having 9 years supply of on-site permitted sand reserves and 5 active sand pits located within approximately 10 km of Borough Green. The existing factory requires approximately 20,000 tonnes of sand per annum. The proposed factory would require between 20,000 tonnes and 85,000 tonnes of sand per annum depending on the products produced and market demand. (Manufacture of elements uses more sand than blocks). The application does not make it clear as to the quality of sand they would need for either the manufacture of blocks or elements in the proposed factory. It states, "The sand requirements of the existing factory are very much dependant upon demand, however approximately 20,000 tonnes per annum is typically required". The addendum to the Environmental Statement goes on to say, "With half of all soft sand workings in Kent located within approximately 10km of Borough Green, there is likely to be significant available provision to meet the requirements of the proposed and existing plant" manufacturing requirements." The original Environmental Statement refers to "...reliance will be placed upon alternative sources of silica sand...". Without details of the required specifications it would be extremely difficult to determine whether the availability of permitted sand reserves meets those requirements. Indeed availability of industrial sand from some of those quarries is questionable given the quantities available and existing supply contract commitments.
58. The existing factory currently uses large quantities of Pulverised Fuel Ash (PFA) from Kingsnorth Power Station as an alternative raw material to sand. The Applicant submits that, "The sand requirement will increase post 2016 when PFA supply is curtailed with the decommissioning of Kingsnorth Power Station." The exact date of decommissioning is yet to be confirmed, so the supply of PFA could still be the main source of raw materials for some time to come.
59. I conclude that there is doubt over the supply and type of raw materials to be used in the manufacturing process. I accept that it is very difficult to predict with certainty the availability of raw materials from sites that are not within the ownership of the Applicant. However it is this very point that leads me to conclude that the second factory, without greater certainty of where the raw materials would come from, does not have to be located at Borough Green within the MGB.

Access to the Product Market

60. The Applicant submits that the new range of products would mostly serve a 30-mile radius market including London, Kent and South East England. It is also acknowledged that the growth areas of the Thames Gateway and Ashford would provide the main potential market areas outside London. Other factories are located at Pollington, Nr Goole and at Westbury in Wiltshire, and it is argued that a second factory at Borough Green would provide the company with national coverage in terms of the Jamera products. I have no reason to disagree with the principle point of their argument that a site within the south east region would be better located to meet the proposed market needs. This point also accords with SEERA's observations on the application as the Regional Planning body. However this alone does not justify releasing a substantial green belt site. Alternative sites within the locality are discussed later in this report.

National Need for Jamera Building Concept

61. It is acknowledged that many of the Jamera building system products meet the definition of a Modern Methods of Construction (MMC) which facilitate fast construction of buildings with certified standards. The planning application is accompanied by an economic report by the Director of Economic Affairs at the House Builders Federation (John Stewart). The report concludes that:
- Southern England will see a substantial increase in house building over the next 15-20 years;
 - To achieve the scale of increase envisaged, the house building industry will have to expand its capacity substantially by increasing the supply of skilled labour and by a wider adoption of MMC's.
62. It is submitted that the Jamera System and the proposed new factory proposed at Borough Green, would meet many of the requirements to achieve this capacity expansion and substantial rise in house building. It further concludes that the Jamera system rates highly in sustainability terms, using either a waste product or on-site reserves, so avoiding the need to import materials. It also argues that because the proposed plant would be located within the greater South East region, transportation of the finished product is minimised. The products could in the longer-term be recycled as well as meeting the thermal efficiency requirements of building regulations.
63. The need for faster, more efficient and sustainable construction methods to meet housing demand presently and in the future is not disputed. However none of the above factors demonstrate why the County Council should disregard national green belt policy by allowing an inappropriate use at this location.

Absence of suitable, available and commercially viable alternative sites

64. In carrying out a Scoping Opinion upon the proposal officers requested that an alternative sites assessment be carried out in response to the sites location in the green belt and in accordance with the requirements of the EIA Regulations. The Applicant has always disputed the requirement for such an assessment on the basis that the Development Plan requires enabling development funding of the Borough Green Bypass under Kent Structure Plan policy. It is stated that "The bypass is therefore dependant upon enabling development, for all practical purposes, coming forward within the line of the Bypass, which can provide land for the Borough Green Bypass and derive benefit from the Borough Green Bypass. In addition, the form of enabling development proposed by the Applicant presents operational requirements closely related to the existing Borough Green works which justify the proposed site adjacent to the existing factory."
65. Notwithstanding the above the Applicant has carried out an assessment of potential alternative site opportunities. Following initial considerations of the assessment officers sought further justification as to why in their opinion the Borough Green site represented the best option. Officers asked that the assessment should involve a comparison of the magnitude and significance of the effects of the alternatives considered, as well as the commercial viability of all alternative sites. In response the Applicant has revisited the assessment of each

alternative against the site selection criteria and also commissioned a detailed commercial viability assessment by Harrisons Surveyors involving research into acquisition costs of alternative sites. The financial detail of the latter has been provided in confidence to officers, the conclusions of that report will be discussed later.

66. The following alternatives were considered:

- Northfleet Power Station
- Swanscombe Peninsula West,
- Waterbrook Site , Ashford
- Orbital Park, Ashford
- Canal Basin Area, Gravesend
- Rugby Cement , Halling
- Ridham, Sittingbourne
- Kingsnorth Power Station Site

against the following site selection criteria:

- Outside the Green Belt and Area of Outstanding Natural Beauty (AONB)
- Access to the strategic road network to serve the market
- Access to raw materials
- Adequate Available Land
- Exclusive Occupancy and Security
- Able to accommodate purpose built buildings
- Available for immediate occupation
- Reasonable proximity to the existing Borough Green works to benefit from economies of scale
- Reasonable proximity to the existing Borough Green works to benefit from on-site management, staffing, training and technical expertise
- Ability to provide national coverage with combined loads from existing Borough Green blockworks

67. Not surprisingly the assessment concluded that although the magnitude and significance of the effects of development at these alternative sites were, in principle, comparable with the Borough Green site all could be discounted against the criteria for site selection. In summary none of the sites were found to be realistically suitable, available or commercially practical to meet the requirements of the Applicant. It is notable that the assessment only considered sites within Kent, and specifically it did not consider any within south east London, which is a large area of their product market. However it is acknowledged that the proximity to product market must be weighed against the vehicle mileage associated with accessing raw materials.

68. I would argue that the Alternative Sites assessment did not submit the sites to a rigorous comparative examination. The magnitude and significance of effects has not been weighted on all of the sites when compared to each other. There are other criteria that could have been applied to each of the sites. For example, the availability of alternative modes of transport taking up advice contained in PPG13 "Transport", for raw materials and finished product and proximity to the market for finished product. Points 8-10 of the site selection criteria are largely superfluous as all sites other than Borough Green would by definition fail on these criteria.

69. The Harrisons report provides additional financial and commercial information assessing the practical and commercial viability of each assessed site for manufacturing use. This report also considered two additional sites to those listed above namely the Isle of Grain and Neats Court , Isle of Sheppey. The report concludes that the eight sites in the alternatives assessment are completely unavailable or the owners would not dispose of land for the proposed use either for commercial or planning reasons. Of the two remaining suites Grain is too distant and the complexity and costs of land preparation are currently incalculable. Kingsnorth is available but to date all prospective purchasers have been unable to conclude a site acquisition or development of any significant size. Until the owners can remove the uncertainty in respect of access, site development costs and servicing it is argued this site cannot provide a suitable alternative location for major manufacturing uses.
70. The report concludes that there is no site currently available that would provide a realistic and viable alternative for the Applicant. It is acknowledged that the restrictions placed on sites by Local Plans, the unsuitability of many major sites for B2, and the operation of the property market favouring higher value uses, combine to make it very difficult for large B2 users. Having said that as discussed above there are some criticisms of the rigour of the Alternative Sites Assessment. Given its location within the green belt, I have to be certain that the Borough Green site is the only available site. The total cost of establishing a second factory at Borough Green has yet to be fully established in terms of site remediation, mitigation, provision of the Bypass and other highway improvement costs. I cannot therefore conclude that given the negative score the application site has in terms of location, preparation and associated development funding that it is the optimum site.

Conclusion on the issue of 'Very Special Circumstances'

71. The provision of the Bypass may resolve a local highway issue, but in my view does not address the issues of highway congestion in the wider area, that could be dealt with more substantially by the provision of east facing slips on the M25/M26/A21. The case for combined loads is not supported by hard evidence particularly given the ability of the proposed factory to continue to produce blocks. The choice of site based on the access to raw materials is not substantiated. The principle consideration in the choice of the application site has to be its location within the Metropolitan Green Belt, where the openness of the location must be retained. Given this situation the need for this factory to be located at Borough Green in order to contribute to the governments rapid house building programme cannot be supported. It has not been demonstrated through the alternative sites assessment that Borough Green is the optimum location for a second factory. I do not therefore support the Applicants argument that 'very special circumstances' exist sufficient to override the normal restraint policy in this sensitive location.

Environmental Impacts

72. In addition to considering the principle policy issue it is also appropriate to give attention to the specific environmental impacts the proposal may have. Below is discussion of the key issues that have arisen in terms of the likely impacts of the proposed development.

Landscape

73. As set out above the site is covered by a number of specific planning designations which seek to protect the landscape quality of the area. Besides its green belt designation the site is also within the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA). Policy within the adopted Structure Plan and the emerging Kent and Medway Structure Plan (ENV3 and E4 respectively) seeks long-term protection of the AONB and states that the siting of major commercial development will not be permitted unless there is a proven national interest, and a lack of alternative sites or unless appropriate provision can be made to minimise harm to the environment. This status is supported by the Tonbridge and Malling Borough Local Plan (Policy P3/5). The SLA is afforded similar protection in the Structure Plan (Policy ENV4 and E5) and Local Plan (policy P3/6) in that proposals should seek to conserve and enhance the natural beauty of the landscape over other planning considerations.
74. The site also lies within the Green Wedge and Area of Local Landscape Importance (ALLI). These designations are applied under policies P2/19 and P3/7 of the TMBLP and essentially object to any development that is likely to extend the urban areas or significantly adversely affect the local function that those areas perform in maintaining separation between existing settlements. The scale and mass of the proposed buildings as well as the large area of hardsurafacing proposed would in my view be contrary to these policies. Although the proposal involves an element of ground remodelling, planting and bunding to screen the development, the presence of such a large built structure with a 20-metre high emissions stack and 25 metre high mixer tank tower would be almost impossible to screen completely. As such it is considered that the proposed factory at this location would have a significant impact upon the landscape quality of the area.
75. The approved landscaping and restoration scheme of the former mineral working covers some and 16 hectares and seeks to return much of the site back to a nature conservation afteruse. Within this area over 10 hectares comprises planting blocks with a further 6 hectares of grassland. This provides a local biodiversity gain and enhanced conditions on site for a range of protected species. The ES states that the application proposals would seek to fulfil the aims and objectives of the national and Kent Biodiversity Action Plans. However there is no further detail produced as to how that would be achieved other than mention of the establishment of a Local Nature Reserve. I am not aware that this has been progressed with the Borough Council. The area proposed for landscaping in the application is approximately 9 hectares thereby resulting in a net loss of landscape enhancement. Additionally, whilst this is not hugely different from the 'landscaped' area in the approved scheme it is more fragmented as over 3 hectares would be north of the bypass. In the revised scheme the 'southern' areas also lose the 'pastures' in the centre of the site to a factory use which further impacts on available 'wildlife' corridors. The addendum to the ES states that the delivery of the enhancements would be via a Section 106 agreement or a set of planning conditions. I consider that this detail should be provided before any permission could be granted.

Ecology

76. The application site does not have a designation, statutory or non-statutory, for nature conservation. The site as currently restored does however contain a mosaic of habitats, which have the potential to support a range of protected species. Specifically great crested newts, reptiles, water vole, bats and invertebrates could all be present. English Nature, Kent Wildlife Trust and KCC's own ecologist all took the view that insufficient information had been provided to enable them to support the proposals. Following discussions with the Applicant the addendum revisited the ecology chapter, however no further ecological evidence was produced. English Nature comment that:

“we would advise you that the information currently provided for protected species is as it stands is not sufficient to determine the impact that the development will have on protected species. Paragraph 14.7 of the Additional Information and ES Addendum (November 2005) states that “Ecology Solutions are in the process of providing and agreeing...a mitigation strategy to enable the planning process to proceed unhindered”. We have been given assurances that this report will be with us shortly but nevertheless, as things stand it is not possible for us to assess what the residual impacts of the development will be on this species and advise you accordingly.

With regard to reptiles we still consider that the number of surveys (four) is insufficient and the time of year that these surveys took place (July-August) not ideal. Even though the number of tins used was high it is much more difficult to attract reptiles to basking areas when the weather is hot and we have no information on the weather conditions of the surveys. We accept that great-crested newt mitigation will also prove beneficial to reptiles but again the absence of this mitigation strategy, combined with insufficient survey effort, means that the potential impacts of the development on reptiles cannot be properly assessed.”

77. The report referred to above has now been received and I await further comment from English Nature. I will report their views verbally to Members at the meeting, however planning case law dictates that the report will need to ensure that the potential impacts upon reptiles and amphibians can be properly assessed and mitigated prior to any grant of planning permission.

78. The Application documents still do not provide any further detail as to impact upon water voles, bats or birds other than suggesting that further surveys would be carried out prior to commencement of works. As things currently stand all three nature conservation interests retain their objections to the proposal. The Environment Agency confirms that surveys for water voles must be undertaken and if such animals are found appropriate mitigation and compensation agreed. They suggest that it is essential to develop any ecological mitigation strategies for different species simultaneously to ensure they do not conflict. On the basis of case law I am not satisfied that this is an acceptable approach and consider that these details should be provided before any decision on the planning application is made. As such the proposal would be contrary to Policy E8 of the Kent and Medway Structure Plan.

Ground Conditions and Water Resources

79. The site has historically been used for quarrying sand. Notably it is believed that the site has been in-filled with inert material and the ES states that this would be confirmed through intrusive investigation once planning permission has been obtained. It further goes on to say that the site is partly located on a Total

Catchment Zone SPZ. The aquifer status is fairly sensitive, and the potential risk to groundwater from activities on site is highest in the south east, it is estimated that the water table rests at 65m AOD. There are numerous small streams, drains and ponds around the perimeter of the site and its surroundings, and there are also several areas of standing water on site. Standing water was present in the base of the pit approximately 70m AOD, although the site is not known to be at risk of flooding.

80. The residual impacts for the short term of the construction of the development, once mitigation measures have been put in place, are considered in the ES to be minor adverse. These relate primarily to the risks of contamination affecting receptors on site, changes in surface water run-off, and the continued low risk potential for contaminated run-off to reach local watercourses. Landslip risks would be addressed prior to development and therefore the ES asserts that the residual impacts would be beneficial. The residual impacts for the medium to long term of the completed development were considered to be minor adverse and again relate primarily to the risks of contamination affecting receptors on site. Other impacts include the accumulation of land gas, and contamination of soils and water as a result of factory activities. The ES states beneficial impacts relate to the elimination of potentially contaminated land and water as well as eliminating slope instability risks through investigation and remedial measures, once planning permission is granted.
81. The Environment Agency have commented that “the potential to cause ground water contamination at this site is high and therefore it is essential to fully address the impact of site drainage on the groundwater and surface water systems during the construction phase and working phase of this development.” They go on to suggest a condition seeking determination of past and present uses of the site and adjacent area to ascertain the likelihood of contamination existing on site, with appropriate remediation being determined.
82. Mid Kent Water have taken a similar view expressing concerns over the potential to contaminate important aquifers but have agreed with the Applicant that provided they be party to agreeing the evidence put forward to the EA suggestion above that they would withdraw their objection. They have stated that if they were not able to voice their concerns in the future with regards to the conditions set they would be failing in their statutory obligation to their customers to protect groundwater. They state, “a detailed Environmental Assessment is required and it is at this stage of the planning procedure that the Company has any voice in making sure groundwater supplies are protected.”
83. Without the information requested regarding potential contamination issues I cannot be satisfied that the impacts of the proposed development could be fully assessed and therefore adequately mitigated. To leave the requirement for this information until after the planning application has been determined would in my view be unacceptable. As such I consider the proposal would be contrary to Policies ENV20 of the KSP and Policies and Policies NR4, NR5 and NR7 of the Kent and Medway Structure Plan.

Noise

84. The Applicant as part of the Environmental Impact Assessment has undertaken a noise survey. A number of sensitive receptors have been identified however of most significance is the potential impact upon the nearest residential properties.

The Applicant has stated that it is intended that these properties would be acquired for their use as commercial premises. However the noise assessment should be based upon their residential use. I am advised by my noise consultant that there is predicted to be a significant impact at Cricketts Farm and Cricketts Farm Cottages, all of which are indicated by a situation in excess of a "complaints likely" scenario when assessed using BS 4142. This has the potential to significantly affect the occupiers' residential amenity in terms of the effects of noise. The Applicant's noise consultant does briefly consider mitigation in the form of a barrier but he discounts this due its impractical size and goes on to declare that it is considered "acceptable in principle". This is a view not shared by my noise consultant who considers there would be a significant and substantial impact at three properties. It is concluded that the proposed factory would have an unacceptable detrimental effect upon the residential amenity of Cricketts Farm and Cricketts Farm cottages and is therefore contrary to Policies ENV20 of the KSP and Policies and Policies NR4 and NR5 of the Kent and Medway Structure Plan.

Air Quality

85. Emissions to the atmosphere from the existing Celcon Plant are subject to control by the Borough Council pursuant to the Local Air Pollution Control regime established under the provisions of the Environmental Protection Act 1990 and the Pollution Prevention and Control Act 1999. The Borough Council state that so far as they are aware the new plant would be subject to the same regulatory regime. They advise that the stringent controls should ensure that unacceptable levels of local pollution would not be caused by the new plant.

Affects on Listed Buildings

86. As stated above there are two listed buildings within the vicinity of the proposal. English Heritage has been consulted upon the proposal and has replied that the application should be determined in accordance with national and local policy guidance. I am satisfied that the effects of the proposal upon Ightham Court and its listed garden can be adequately mitigated. However Policy ENV19 of the Kent Structure Plan and QL9 of the Kent and Medway Structure Plan seek to preserve listed buildings and protect and enhance their settings. Policy P4/1 of the Tonbridge and Malling Local Plan supports this position.
87. The Applicant argues that the Farm has been in close proximity to active mineral workings for many years which had led to substantial screening being provided by mounding, reinforced by hedgerows and woodland in some places. Further mitigation proposed as part of the overall scheme, it is argued, would remediate recognised impacts.
88. I am seriously concerned as to the potential effects of the proposal upon Cricketts Farmhouse. The residential complex surrounding the farmhouse would effectively be totally surrounded by industrial development. Although not within the application boundary I understand it is the intention of the Applicants to acquire Cricketts Farm and change the use of some or all of the buildings to workshops, stores and offices. However I am not aware of an application having been made to the Borough Council. Without details of the intended activities at the farm complex it is impossible to fully assess the potential changes to the context of the setting of the listed building. I acknowledge that the Cricketts Farm

site has been subject to active and continuing mineral working for some time, however that working is temporary in nature and subject to a restoration scheme designed to protect the setting once completed. The proposed factory and potential use of this farm complex which would ensure on a permanent basis would have significant detrimental impact upon the setting of the listed building in perpetuity.

Conclusion

89. Earlier in this report I have concluded I do not support the Applicants argument that 'very special circumstances' exist sufficient to override the normal restraint policy in this sensitive location. Furthermore consideration of the environmental impacts of the proposed development have highlighted a number of issues where the proposal is in conflict with the policies contained in the Structure and Local Plans. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that beside the principal green belt policy objection the impact of the proposal is such that there are other significant material planning objections. I cannot therefore support the planning application.

Recommendation

90. I RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:
- (i) The proposed site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The Applicant has failed to demonstrate that very special circumstances exist sufficient to demonstrate that those national and development Plan Policies which seek to protect such areas should be overridden. The proposal is therefore contrary to government guidance in Planning Policy Guidance Note 2 - Green Belts, Policies S3 and MGB3 of the Kent Structure Plan 1996, Policy SS8 of the emerging Kent and Medway Structure Plan and Policy P2/16 of the Tonbridge and Malling Borough Local Plan.
 - (ii) The proposed site lies within the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA) where the primary objective is to protect, conserve and enhance landscape character. The proposal to locate a second factory of significant scale and massing is contrary to Policy ENV3 and ENV4 of the Kent Structure Plan, Policies E4 and E5 of the emerging Kent and Medway Structure Plan and Policies P3/5 and P3/6 of the Tonbridge and Malling Borough Local Plan.
 - (iii) The proposal lies within the Area of Local Landscape Importance between Borough Green and Ightham, specifically identified as an area of woodland, open countryside and mineral workings contributing to the rural character of these settlements as viewed from the A25 and A227. The siting of a large factory with its associated development within this protected area would result

in long term damage to the open character of this area contrary to Policy P3/7 of the Tonbridge and Malling Borough Local Plan.

- (iv) The application site lies within the Green Wedge as identified in the Borough Local Plan, where the land performs an important separating function between existing villages. The proposal by virtue of its scale and massing conflicts with this separation function and cannot be adequately designed or landscaped so as not to compromise this function and as such is contrary to Policy P2/19 of the Tonbridge and Malling Borough Local Plan.
- (v) The proposal does not afford adequate conservation or enhancements to wildlife habitats and species and there is no overriding need for the proposed development demonstrated and as such is contrary to Policy ENV2 of the Kent Structure Plan and Policy E8 of the emerging Kent and Medway Structure Plan.
- (vi) The proposed impact upon the sensitive groundwater environment has not been fully assessed and the impact of the proposed development cannot therefore be measured. As such I consider the proposal would be contrary to Policies ENV20 of the KSP and Policies and Policies NR4, NR5 and NR7 of the emerging Kent and Medway Structure Plan.
- (vii) The noise levels associated with the proposed development would have an unacceptable detrimental effect upon the residential amenity of Cricketts Farm and Cricketts Farm cottages contrary to Policies ENV20 of the KSP and Policies and Policies NR4 and NR5 of the emerging Kent and Medway Structure Plan.
- (viii) The siting of the proposed development in close proximity to the adjacent existing factory would result in an unacceptable detrimental effect upon the setting of the Grade II listed Cricketts Farmhouse contrary to Policy ENV19 of the Kent Structure Plan and QL9 of the emerging Kent and Medway Structure Plan and Policy P4/1 of the Tonbridge and Malling Local Plan;

and subject to any minor amendments to these reasons as agreed to be necessary by the Committee.

Consequential variations to other permissions

91. I further recommend that MEMBERS NOTE that the Applicants have also proposed in writing to vary the working, restoration and aftercare scheme for the permitted sand reserves to the west of the proposed factory site (Ref. TM/85/1436 & TM/87/1851). Particularly, they seek to vary Condition 4 of the above permissions to allow the excavation and subsequent stockpiling of the sand to the east of the existing factory in a former quarry void. Should Members approve the substantive application this would allow the prior working of sand beneath and to the west of the line of the bypass in advance of the bypass being constructed and thus avoid their sterilisation.
92. Should Members be minded to accept the recommendation set out in paragraph 90 above I WOULD RECOMMEND that this request be REFUSED as there would be no need to remove all these reserves at this point in time.

93. Additionally, there remain outstanding working, restoration and aftercare requirements under permissions TM/85/1436 and TM/87/1851 which the applicants requested originally that completion of working and restoration be extended to 30 June 2006 and by further letter dated 1 March 2006 until 30 June 2008. I have concerns that the submitted schemes of working and restoration remain unapproved and until approved we cannot secure with any confidence the end date of these permissions. In the circumstances it is now urgently necessary to ensure these schemes are submitted in a sufficient and acceptable form to allow them to be approved and to secure controlled working and restoration under the permission. Should Members agree the recommendation in paragraph 90 above I also SEEK AGREEMENT from Members to remind the applicant of this outstanding issue setting a deadline for their submission within 6 months and also refer the matter to the Regulation Committee to consider taking of appropriate enforcement action should the submission of acceptable schemes within this timescale be further delayed.

Case Officer: Andrea Hopkins

01622 221056

Background Documents - see section heading (or specify particular documents)*

Appendix 3 Letter from Applicant

BY POST & E-MAIL: Andrea.Hopkins@kent.gov.uk

Ms Andrea Hopkins
Kent County Council
First Floor
Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Our Ref: 12583/A3/AM

6th April 2006

Dear Andrea

RE: PLANNING APPLICATION REF: TM/03/2563 – DEVELOPMENT OF NEW FACTORY TO MANUFACTURE AERATED CONCRETE (JAMERA) PRODUCTS WITH OUTSIDE STORAGE, PARKING, NEW ACCESS AND ASSOCIATED FACILITIES AT IGHTHAM SANDPIT, BOROUGH GREEN ROAD, IGHTHAM, SEVENOAKS

We write on behalf of our client H + H Celcon Ltd with reference to the above scheme to be considered by Members on the 16th May 2006 at Planning Committee following its deferral at the 21st March 2006 Committee.

We would request your response and consideration to the following points raised in relation to misleading references contained within the Officers Committee Report regarding the nature and benefits of our client's scheme. We would request that Members be fully advised of the following issues raised when reporting the scheme again to Committee.

We respond to the contents of the Officers Committee Report as follows.

Delivery of the Bypass

Paragraph 47 - Cemex have formally confirmed their agreement to make provision of the necessary land on an unconditional basis for the delivery of the bypass.

Paragraph 49 – We accept that the provision of Borough Green bypass will only have a local effect on traffic flows in Borough Green and Wrotham and will not attract traffic generally to the A25 corridor. This was a concern raised previously by Seal Parish Council and Sevenoaks Council. The work our client's Highways consultant have done has shown very clearly that there will be no material change to traffic flows on A25 west of the Borough Green, if the Borough Green bypass were to be provided.

Paragraphs 50-51 – Kent County Council in the mid 1980's carried out a study into the provision of east facing slips at M25/M26/A21 which advised that provision of east facing slips was both difficult and complex, and therefore very expensive to provide. East facing slips would raise serious traffic issues in and around Sevenoaks, with particular reference to the already congestion junctions at Riverhead and Bat and Ball.

There is, as yet, no firm programme or any certainty that east facing slips at Sevenoaks will be provided. Officers at Kent CC have recently in conversation confirmed there are no Government proposals for the delivery of east facing slips, only a Highways Agency investigative study.

Further, there is no analysis or assessment of the likely benefit to traffic flows in Borough Green provided by the KCC Division Transport Manager. Our client's highways consultants WSP have advised that the provision of East facing slips would have some beneficial effect on traffic flows at Borough Green, however the effect would be much less than the provision of the Borough Green bypass, for example, the provision of east facing slips would not reduce A227 traffic passing through Borough Green which is approximately 35% of the total.

The Officers report is therefore quite wrong to assume in paragraph 51 that "*the longer term solution to removing traffic from the wider area has to be via the introduction of east facing slips.*" The Borough Green bypass will provide a much greater relief than would the provision of east facing slips, indeed there would be highways benefits if both schemes were to come forward.

Paragraph 52 – It is not for Members to agree or otherwise the likelihood of other development coming forward to build the Borough Green bypass. It is surely a simple statement of fact that only H + H Celcon Ltd and Cemex who control the necessary land for the bypass, have shown any interest or ability to provide a bypass linked to a development scheme.

Further in paragraph 52, the views of Officers are both biased and incorrect in the reference to the disbenefit to residents of the A20 and A227. This ignores completely the views of his highway officers set out in paragraph 48, that some 379 properties on the A25 and A227 would benefit from the significant reduction of traffic flows, whereas only some 37 + 10 residential properties along A227 and A20 would experience additional traffic flows, albeit of a lesser order, and with an acknowledgement that most of these properties are set back from the edge of the carriageway.

In addition, there is no mention in this report that the village of Wrotham already has the benefit of a bypass.

At the end of paragraph 52 there is the bold statement that provision of the bypass does not resolve traffic problems for the wider area that could be addressed to a much greater extent by east facing slips at M25/M26/A26, this statement is not supported by any traffic analysis.

Element Production

Paragraph 55 - Reference is made to the confidential evidence provided by the Applicant from a number of house builders as not being convincing regarding the possibility of combined loads of elements and blocks. No explanation is, however provided as to why Officers are not convinced and consider themselves better placed to judge the requirements of the house building industry than the industry itself. No reference is made to evidence having been obtained from the house building industry advising to the contrary on the issue of combined loads. H + H Celcon Ltd remain committed to the production of Elements from the proposed plant and the wider acceptance of the Jamera building technique within the construction industry including the delivery of combined loads of Elements and Blocks produced from the two factories.

Access to Raw Materials

Paragraph 57 - Reference is made to the applicant not being clear as to the quality of sand they would need for the proposed factory. This is not the case, the quality of sand required by H + H Celcon Ltd is for it to be of comparable quality to the existing on-site reserves that have supplied the existing factory which is a high silica content, low silt content and low iron content. As the nearby quarries identified are also located within the same Folkestone Beds and supply other aircrete block-making companies the reserves can therefore be deemed to be of suitable quality. The existence of several sandpits within relative close proximity to

Borough Green is therefore clearly a strong supporting argument that the new factory would be ideally located in respect of proximity to raw materials.

Reference is made in paragraph 57 to the manufacture of elements requiring more sand than blocks, no reference is made to the fact that element production therefore requires no PFA within the recipe mix for the product and is totally reliant on local sand reserves.

Landscape Impact

Paragraph 22 - In the summary of the views from consultees there appears to be no professional specialist consultee advising Kent CC on the landscape impact of the proposals, a key consideration in reaching the planning balance. Is the landscape evaluation of the scheme by Kent CC reliant on the views of Planning officers?

Paragraph 74 - There is no mention of the important use of colour as a mitigation measure.

Paragraph 75 - It is stated that *'The area proposed for landscaping in the application is approximately 9ha thereby resulting in a net loss of landscape enhancement.'* This statement is misleading, whilst the overall greenspace area is reduced, that remaining is considerably enhanced. The issue is one of quality as much as quantity and the additional woodland planting in particular will be a significant benefit to the local landscape. Furthermore, the actual built area is approximately 6.25ha south of the bypass with the exclusion of the proposed woodland planting on the sides of the former quarry (see Keith Funnell, Landscape Proposals drawing ref: CBG/L2A), we challenge Officers therefore as to whether they have given due allowance to the extent of greenspace around the development to the south east of the bypass and the qualitative benefits of the proposed landscaping.

Noise

Paragraph 84 - Reference is made to the view held by the Applicant's noise consultant which is misleading and has been taken out of context. For the avoidance of doubt, the Applicant's noise consultant considers that the environmental noise impact of the proposed blockworks to be acceptable in principle subject to the acquisition of Cricketts Farm including the cottages so that Cricketts Farm is not in residential use. Discussions are ongoing between H + H Celcon Ltd and the owners of Cricketts Farm regarding the site's acquisition and is only contingent on the current owner complying with planning and Environment Agency requirements.

Sustainable Benefits

No reference is made in the Officers Report to the sustainable benefits that accompany the scheme which are important considerations given that the pursuit of Sustainable Development is now firmly embedded in national, regional and local planning policy. The principle sustainable development benefits are considered to relate to issues of transport, community and employment. In terms of transport, as set out above, the proposed development will have a significant positive impact on the local transport system in delivering the Bypass and thereby meeting with the requirements and aims of the Kent Structure Plan and Kent Local Transport Plan. In terms of community, the delivery of the Bypass is fully supported by the residents of Borough Green who wish to enjoy the benefits to their local environment that the Bypass will bring. In terms of employment the proposed development will generate some 60 new jobs and contribute to the continued viability of the existing H + H Celcon Ltd works at Borough Green providing for a wide range of valuable local employment and training opportunities. The scheme is therefore considered to provide for overriding sustainable benefits.

We await your considered response to the above matters raised and trust these issues will be taken on board when reporting the scheme to Members at Committee. If you have any queries please do not hesitate to contact us.

Yours sincerely

ALASDAIR MACKENZIE
Associate

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|-----|----------------|---|------------------|
| cc: | Stuart Brittle | : | H + H Celcon Ltd |
| | Keith Funnell | : | KFA |
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| | David Watts | : | AIRO |