

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Aggregate recycling facility, concrete batching plant and amendments to quarry restoration provisions at Ham Hill Quarry, Snodland – TM/12/983 (KCC/TM/0075/2012)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2012.

Application by Tarmac Limited for an aggregate recycling facility and concrete batching plant, together with amendments to the currently approved quarry restoration provisions at Ham Hill Quarry, Snodland – TM/12/983 (KCC/TM/0075/2012).

Recommendation: Planning permission be granted, subject to conditions.

Local Member: Mrs Sarah Hohler

Classification: Unrestricted

Site Description and Background

1. Ham Hill Quarry lies on the western side of the Medway Valley immediately to the southwest of Snodland and 8km northwest of Maidstone (see “Site Location Plan” page C1.2). It is accessed via Hays Road, a private cul-de-sac servicing Tarmac’s depot operated by its National Contracting business, Tarmac’s existing asphalt plant and a Tesco distribution centre, which joins the A228 Malling Road some 700 metres south west. Junction 2 of the M2 lies approximately 7.5 kilometres to the north, whilst Junction 4 of the M20 lies some 1.5 kilometres to the south. The site lies just outside and to the east of the North Downs Area of Outstanding Natural Beauty.
2. Ham Hill Quarry hosts a number of uses, including mineral workings with associated restored and undisturbed areas and soil storage; an asphalt plant producing coated road stone; the storage of asphalt road planings and a depot for Tarmac’s National Contracting business. Public footpath (MR75A) runs through part of the restored quarry site leading from Hollow Lane past the National Contracting Depot, asphalt plant, vehicular site entrance and south-west onto Sandy Lane. Overhead power lines pass across the north-eastern corner of the site and the Pluto Oil pipeline lies underground, transversing the western and northern boundary’s of the site.
3. Mineral extraction commenced at Ham Hill during the 1960s, with a planning permission granted to extract silica sand in 1962 (reference MK/4/62/281). This permission established the site as a sand quarry, required progressive restoration to agriculture and made provision for a dedicated access joining the highway at the southern end of Hollow Lane. An extension to the quarry was granted in 1985 (reference TM/85/8) which allowed additional mineral to be extracted into the area now subject to this application. Temporary planning permission was granted for an asphalt plant at the site in 1985 (reference TM/85/9) which required the plant to be removed once the adjoining sand quarry reserves were fully extracted. Planning permission TM/85/8 was varied in 1999 enabling the importation of asphalt road planings from local road maintenance and storage of up to 5000 tonnes within a defined 1000 square metre area. This variation did not allow for any treatment or processing of road planings and was required to cease upon completion of mineral extraction.

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Site Location Plan

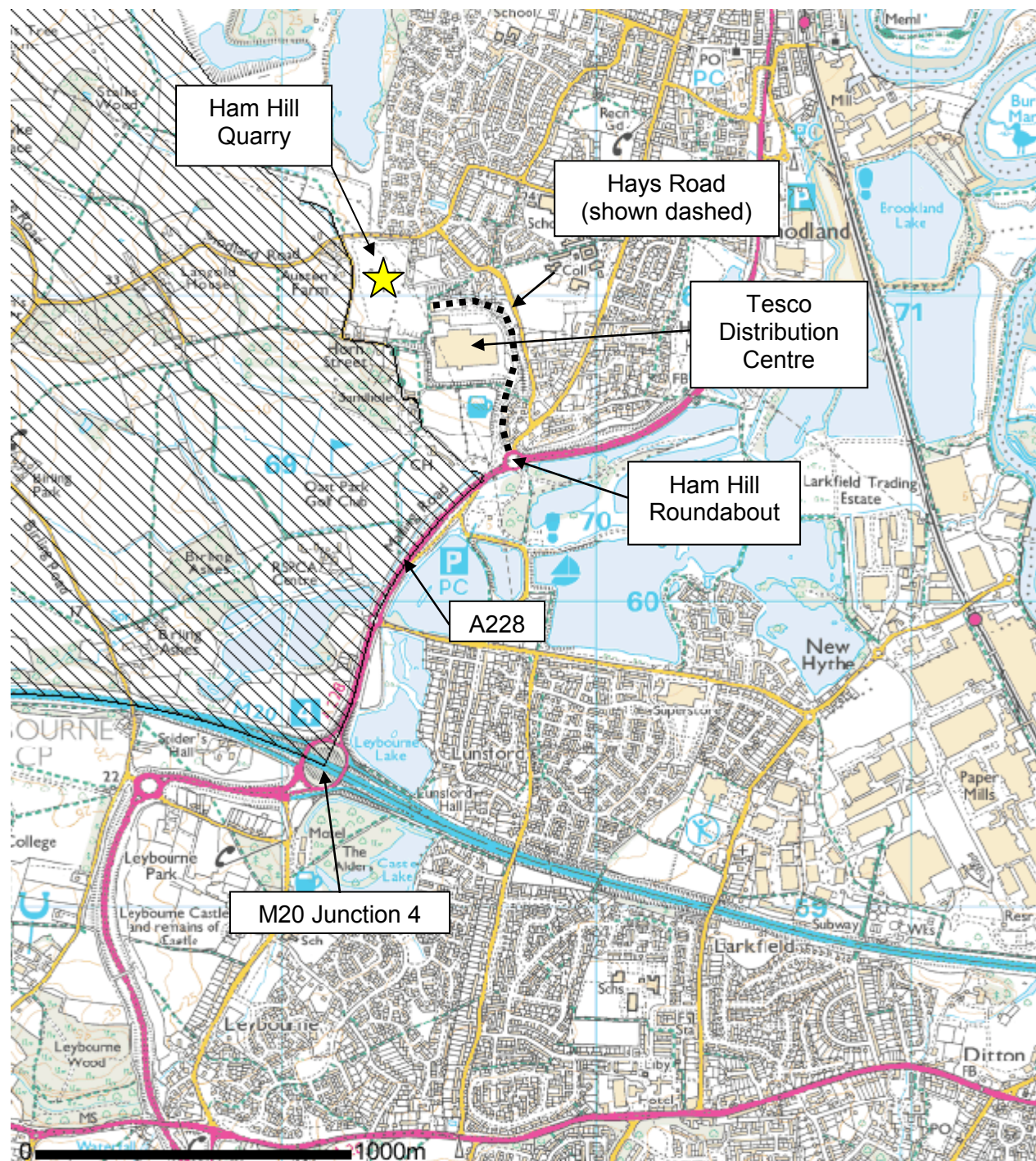


Figure 1 – Site Location Plan

Produced using KentView by initials on Tuesday, 19 June 2012 at 08:26

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 **Areas of Outstanding Natural Beauty (AONB)**

1:20002



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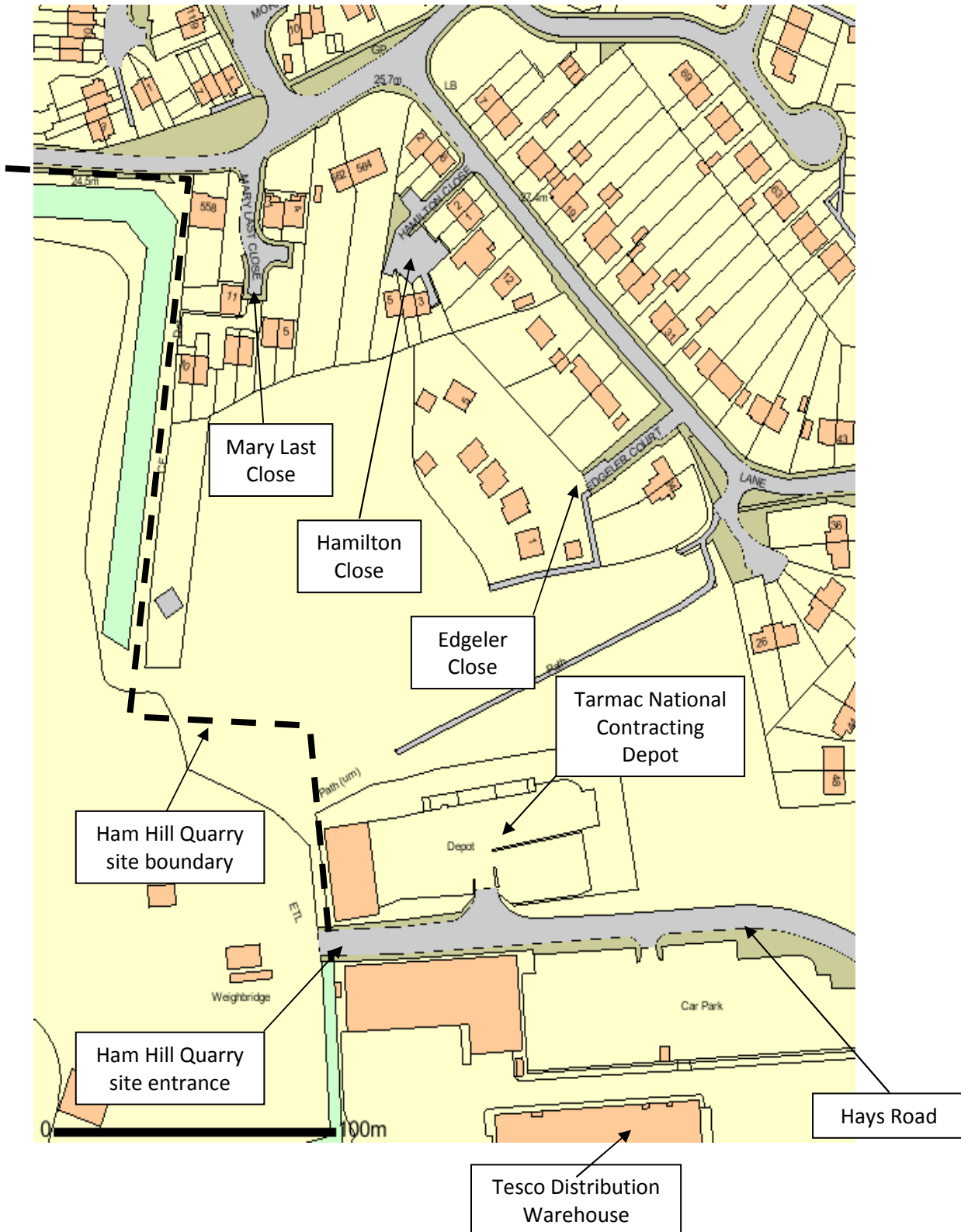
Development Proposals



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Extract 1: Map showing Mary Last Close, Hamilton Close and Edgeler Close



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In 2001, planning permission was granted (reference TM/01/1862) for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays.

4. Following two periods during which planning permission was granted on a temporary basis for out of hours working of the asphalt plant, a permanent permission was granted in 2008 (reference TM/08/1451). This permission allows the asphalt plant to operate between the following hours: Monday to Friday 05:00 to 18:00 hours; Saturday 05:00 to 13:00 hours; and Sunday 08:00 to 18:00 (for essential maintenance only). No lorries are permitted to leave the site before 06:00 hours Monday to Friday. This planning permission however, enables the plant to operate (and lorries to leave the site) outside these working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 00:00 hours and 04:00 hours, with the exception of the loading and movement of lorries. No more than five of these 60 occasions are permitted to be used consecutively.
5. The Environment Act 1995 provides for the regular review and updating of old mineral permissions. The 1962 and 1985 planning permissions referred to above have been the subject of this review process and revised planning conditions were granted in 2008 (reference TM/00/1155/MR101). Specifically, and of interest in this case, conditions attached to the mineral review permission require the following aspects: site to be restored by 30 June 2016; site to be landscaped within 12 months of abandonment (cessation of sand extraction) or within 12 months of the exhaustion of indigenous reserves; site not to be used for processing or storage of non-indigenous materials without the prior written permission of the Mineral Planning Authority; and the site to be restored in accordance with an approved restoration and aftercare scheme.
6. It should be noted that all economic material has been extracted from the south eastern part of the quarry void which is now occupied by the asphalt plant. A small reserve of remaining consented sand remains at the north western corner of the site, to be worked out by the applicant in due course. The quarry is still to be completely restored using indigenous materials in accordance with the approved restoration scheme. Currently, the areas under restoration are those parts of the quarry batters no longer in operational use. These have been set down to grass and planted with trees.
7. The existing site survey demonstrates that the site boundary ranges between 24 metres Above Ordnance Datum (AOD) in the north and west to 29 metres AOD to the south and east. The ground level of the quarry is approximately 6 metres AOD, some 18 to 22 metres below the level of the original pre-quarrying ground levels. Neighbouring land uses include agricultural land to the northwest, a residential area to the northeast, a Tesco distribution centre to the southeast and residential properties set in a wooded area to the southwest. The closest residential properties to the proposed activities are on Sandy Lane to the south and west of the site; Mary Last Close, Busbridge Road and Snodland Road to the north of the site; and Edgeler Court off Hollow Lane to the northeast.
8. A Planning Applications Committee Members' Site Visit to Ham Hill Quarry and a Public Meeting at Snodland Town Hall were held on Thursday 28 June 2012. The notes of the Public Meeting are set out in Appendix 1.

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Proposal

9. The application (in summary) proposes permanent development in the form of a Concrete Batching Plant (CBP) and the production of secondary aggregates with a mobile crushing/screening plant within the void of the former Ham Hill sand quarry. The proposed location of the CBP and approximate location of the recycling plant is illustrated on “Development Proposals” (see page C1.3).
10. This application seeks planning permission for the storage and processing of up to 100,000 tonnes per annum of general construction and demolition waste, utility arisings and waste asphalt (road planings, return loads and surplus production), the latter producing Recycled Asphalt Product (RAP) for reuse as a feedstock for Tarmac’s existing asphalt plant and any surplus as fill material for sale on the open market being typically used for hard-standings, haul roads, sub-bases for buildings, paths, roads, highways, driveways and patios.
11. Based on predicted sources for waste imports, it is anticipated that 28,000 tonnes per annum would be sourced from road planings, 5,000 tonnes from customer returns to the asphalt plant and 2,000 tonnes from surplus production. Other sources of imported material for recycling would be 40,000 tonnes of construction and demolition waste plus 25,000 tonnes of utility arisings. Of the imported waste, 2,000 tonnes of surplus production would have no additional traffic attraction as it would be sourced from within the existing asphalt plant. Based on an average payload of 20 tonnes for imported materials, importing 98,000 tonnes of material over 275 working days *[275 working days is based on a 5.5 day working week and allowing for Bank Holidays and planned shutdowns]* results in an average of 18 loads per day (36 movements).
12. Out of the recycled products, the applicant predicts that 20,000 tonnes of RAP would be fed back into the existing asphalt plant as feedstock, replacing a similar quality of imported aggregate. Therefore, based on the similar payload for existing aggregate imports, a total of 4 loads (8 movements) associated with the proposed operation day would be offset against current HGV movements. The applicant anticipates that 15,000 tonnes of RAP would be available for re-sale to the local market, resulting in 3 loads (6 movements) per day. Of the construction and demolition waste, and utility arisings, the majority would be recycled and re-used, although there would inevitably be some non-reusable materials, which would be dispatched to appropriate sites for processing and/or landfill. Based on the combined total of 65,000 tonnes of non-asphalt (40,000 tpa of construction and demolition waste and 25,000 tpa of utility arisings, as detailed in paragraph 10 above) based products being exported, a total of 12 loads (24 movements) per day are predicted.
13. Based on the above assumptions, the applicant predicts that in a ‘worst case’ scenario (where it is assumed there is no back-haul between imported and exported materials), the proposed recycling operation would attract a total of 29 loads (58 movements) per day.
14. Much of the waste asphalt would comprise road planings that are generated by the Highway Authority during those periods when large scale road works are undertaken at night, frequently between 22:00 and 02:00 hours. Consequently, the site would need to accept (but not process) material 24 hours a day, seven days a week. The applicant predicts that typically it is anticipated that there would be a need to import road planings for 5 to 6 consecutive nights once or twice each month.

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15. Rather than the processing plant remaining on site permanently to be used every working day, it would be delivered to the site on a short-term contract basis to crush and screen material to produce a saleable product once sufficient volumes have been accumulated. The processing plant would be located within a defined recycling area which would be located in the south-western corner of the site. Once all materials have been processed the plant would be removed only to return again once stocks of unprocessed material had been replenished. This arrangement is commonly referred to as a 'campaign' basis. In general terms, recycling 100,000 tonnes annually equates to 8,300 tonnes of monthly imports and sales. The imported material would be stockpiled for processing each month over a two week period on the basis that the recycling plant would be on site two weeks in every four. As with the imported materials, the recycled product would be sold and distributed throughout the year from stockpiles created by the recycling plant during the period it would be on site. Mobilisation of the processing plant would involve one low-loader and four visits to deliver and four to collect the plant.

16. Whilst waste arisings would need to be delivered to the site and placed on stock on a 24 hours a day / seven days a week basis, the proposed hours for processing and sale would be:

Monday to Friday:	08:00* hours to 18:00 hours
Saturday:	08:00* hours to 13:00 hours
Sunday and Public Holidays:	No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours.

**Note that following the Public Meeting held on the 28 June 2012 the applicant has amended their application to propose a later start time of 08:00 hours on Monday Saturdays in associated with the proposed aggregate recycling operations.*

17. No additional infrastructure would be required to facilitate the proposed recycling operations as the existing weighbridge, office, mess room and toilets associated with the asphalt plant would be utilised. Assuming that recycling targets are achieved, two employees would be required to load and operate the machinery. On the basis that these staff would be on site two weeks in every four, the proposed activities would create one full-time equivalent job.

18. The application also seeks permission for a Concrete Batching Plant (CBP) which would be capable of producing up to 30,000 cubic metres of concrete per annum. The CBP would be located on an area of land north-west of the existing asphalt plant (as illustrated on "Development Proposals" on page C1.3), sited on a bespoke concrete pad. No stock bays would be required as the CBP would utilise those existing stock bays associated with the neighbouring asphalt plant. It is proposed that should planning permission be granted, the precise detail and specification of the CBP would be secured by planning condition. The applicant however sets out some indicative parameters, detailing that the CBP is unlikely to exceed 18 metres in height. Sitting on the quarry base (at approximately 6m AOD) a maximum height of 18 metres would result in the top level of the plant being at 24m AOD, at or below the rim level of the quarry which ranges from 24m AOD in the north and west to 29m AOD in the south and east.

19. In terms of highway movements associated with the proposed CBP, the application states that in order to produce 30,000 cubic metres of concrete it is necessary to import

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60,000 tonnes of sand and gravel and 8,400 tonnes of cement. Sand and gravel would be typically be imported in average payloads of 20 tonnes, whereas cement is typically delivered in 28 tonne loads. Based on these assumptions and the proposed core working days *[275 working days is based on a 5.5 day working week and allowing for Bank Holidays and planned shutdowns]* the importing of materials to the concrete plant would result in 11 loads (22 movements) associated with sand and gravel plus 1 load (2 movements) associated with cement; giving a total of 12 loads (24 movements) per day on average.

20. Concrete would be exported in truck mixers with an average capacity of 5.4 cubic metres. Based on the proposed annual prediction it is predicted that that distribution of concrete would result in an average of 20 loads (40 movements) per day. Taking into account the imports and exports associated with the proposed CBP, this element of the development is anticipated to generate up to 32 loads (64 movements) per day on the local road network.
21. The proposed working hours of the CBP would be as follows:

Monday to Friday:	07:00 hours to 18:00 hours
Saturday:	07:00 hours to 13:00 hours
Sunday and Public Holidays:	No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours
22. It is proposed that the CBP would create 5 full time positions (plant operator, site supervisor and mixer truck drivers) plus a fitter on a 0.25 basis.
23. As part of these proposals the applicant is seeking a variation to the quarry restoration scheme as approved by the Minerals Review application (reference TM/00/1155/MR101). This variation would permit the applicant to leave the base of the quarry as it is currently, to be used as an operational area for the proposed development, as opposed to restoring it to low maintenance grassland as required under the Minerals Review permission. The sides of the quarry would be restored by way of landscape planting, in the same manner as that previously approved under the Mineral Review restoration scheme. A small amount of consented mineral is yet to be worked out from the north-western corner of the site; the applicant proposes that this indigenous material would be extracted and the land restored within 18 months of the implementation of the proposed development.
24. The application proposes the erection and maintenance in perpetuity of an acoustic fence adjacent to part of the northern boundary of the site with Snodland Road (measuring some 110 metres in length) and adjacent to the eastern boundary of the site near to Mary Last Close (measuring some 100 metres in length). The location of the proposed acoustic fence is illustrated on "Development Proposals" (see page C2.3). The height of the fence is proposed to range from 28 metres AOD to 30 metres AOD, generally 3 metres in height above the surrounding ground levels.
25. The application is accompanied by detailed studies covering ecology, water resources and hydrology, dust, landscape and visual impact, noise and transport.
26. Based on the transport movements discussed above, the combined total of HGV movements associated with the development proposals (including the aggregate recycling and CBP) would result in the addition of 61 loads (122 movements) per day to

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Hays Road and the surrounding local road network. In addition to HGV movements, 5 additional members of staff are likely to be employed at the site, resulting in a further 10 additional movements per day. Based on an 11 hour day, the proposed development could, as a worst-case scenario, generate 12 movements per hour on average.

27. Following the receipt of initial consultee responses, the applicant provided additional technical information in respect of predicted noise level calculations for the proposed operations. This additional noise information was provided to the Borough Council, Snodland Town Council, Birling Parish Council and the County Council's Noise Consultant for comment.
28. A number of changes and/or further undertakings have been offered as part of the development proposals by Tarmac, specifically in response to questions raised during the Public Meeting held on 28 June 2012. These include the setting up of a Site Liaison Committee and a later start time of 08:00 hours on Monday – Saturdays (as opposed to the originally proposed 07:00 start) in connection with the proposed aggregate recycling facility. The Concrete Batching Plant would continue to operate from 07:00 as originally proposed. The general principles proposed for the Site Liaison Committee include meetings being held twice annually, with invitees representing (as necessary) Snodland Town Council, Birling Parish Council, Tunbridge and Malling Borough Council, Kent County Council, Tarmac and Tesco.

Planning Policy Context

29. The key National and Development Plan Policies most relevant to the proposal are summarised below:
 - (i) **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (March 2012), Planning Policy Statement 10: Planning for Sustainable Waste Management (2005, as amended in 2011) and the Waste Strategy for England (2007).
 - (ii) **South East Plan (2009)** – the most relevant Policies are: CC1 (Sustainable Development), CC2 (Climate Change), RE3 (Employment and Land Provision), NRM1 (Sustainable Water Resources and Groundwater Quality), NRM2 (Water Quality), NRM5 (Conservation and Improvement of Biodiversity), NRM9 (Air Quality), NRM10 (Noise), W1 (Waste Reduction), W3 (Regional Self-Sufficiency), W4 (Sub-Regional Self-Sufficiency), W5 (Targets for Diversion from Landfill), W6 (Recycling), W7 (Waste Management Capacity Requirements), W17 (Location of Waste Management Facilities), M2 (Recycled and Secondary Aggregates), C3 (Areas of Outstanding Natural Beauty), C4 (Landscape and Countryside Management) and C6 (Countryside Access and Rights of Way Management).

Important note regarding the South East Plan: Members will already be aware of the relevant South East Plan (SEP) policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been

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enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan. The Government is currently consulting on the likely significant environmental effects of revoking the Plan.

- (iii) **Kent Minerals Local Plan: Construction Aggregates (December 1993)** – These include Saved Policies CA16 (Traffic), CA18 (Noise, Vibration and Dust), CA19 and CA20 (Plant and Buildings), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation Schemes).
- (iv) **Kent Waste Local Plan (1998)** – These include Saved Policies W3 (Waste Processing), W6 (Need), W7 (Locations for Waste Reuse), W18 (Noise, Dust and Odour), W19 (Groundwater Protection), W20 (Land Settlement, Stability and Drainage), W21 (Nature Conservation), W22 (Highway Access), W25 (Siting, Design and External Appearance of Hard Surfacing, Plant, Buildings, Lighting, etc.), W27 (Public Right of Way), W31 (Landscaping) and W32 (Restoration and Aftercare).
- (v) **Kent Minerals and Waste Development Framework – Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011)** – These include draft Core Strategy Policies CSM1, CSM5*, CSM9, CSW1, CSW2, CSW3, CSW6, CSW9, DM1, DM2, DM7, DM9, DM10, DM11, DM13 and DM17. *Core Strategy Policy CSM5 identifies that sufficient sites will be identified to provide capacity to recycle 1.4mtpa of secondary and recycled aggregates for the duration of the plan period (i.e. to the end of 2030). The target capacity of 1.4 mt is a minimum requirement, and the County Council is keen to promote the more sustainable practice of aggregate recycling, as opposed to extracting virgin minerals. It also includes a criteria for assessing any further site proposals, which would be considered in addition to the allocated sites within the final Mineral Sites Plan.
- (vi) **Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007)** – These include Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP7 (Areas of Outstanding Natural Beauty), CP21 (Employment Provision) and CP25 (Mitigation of Development Impacts).
- (vii) **Tonbridge and Malling Borough Council Local Development Framework Development Land Allocations Development Plan Document (2008)** – This includes Policy E1 (Safeguarding Land at Ham Hill for Employment Purposes).
- (viii) **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (2010)** – These include Policies CC2 (Waste Minimisation), CC3 (Sustainable Drainage), NE3 (Impact of Development on Biodiversity), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).

Consultations

30. **Tonbridge and Malling Borough Council** – Objects to the proposal on the following grounds:

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- i. It does not appear that the noise issues have been fully or correctly addressed. The Borough Council recommends that a site limit for ALL operations taking place at the site should be set at 55dB LAeq, 1hr, free field. The information currently available suggests that this would not be achievable. The County Council needs to be satisfied that the development would not have an adverse impact on the residential amenity of the surrounding area. The Borough Council considers that no decision should be made on the proposal until the noise issues are resolved and would wish to be reconsulted on any revised details;
- ii. Given the likely impact on surrounding residents, the Borough Council considers that planning permission should only be granted if the County Council is satisfied that there is a proven need for these additional recycling facilities;
- iii. The Borough Council is concerned that some of the submitted plans do not fully show existing development in the vicinity of the application site. The County Council should take note of all surrounding development in reaching its decision on the application. In particular, the need for additional screening for residential properties in Sandy Lane should be fully explored;
- iv. If the County Council is minded to grant planning permission conditions should be attached in relation to: controls on the hours of operation of the crusher, screener and batching plant, and the times of day when this can be brought onto and removed from the site; controls on noise arising as a result of the operation of the plant and other dust from vehicles accessing/leaving the site; site restoration to be undertaken if the quarrying use ceases before all quarrying activities are completed; requirements for vehicles on the site to use broadband reversing alarms; and that such activities are limited to daytime hours only.

The Borough Council was consulted on further technical information in June 2012. A response on this is still awaited, despite numerous requests from the County Council. A verbal response updating the views of the Borough Council in respect of noise will be given to Members at the Committee meeting should one be provided.

The Borough Council Planning Department has provided some further information in respect of the planning history for the Tesco Distribution warehouse located off Hays Lane (*for which it has sole responsibility as the relevant Local Planning Authority*). The Area Planning Officer at the Borough Council has confirmed that no conditions were imposed on the planning consent for the Tesco warehouse relating to staff or HGV parking on Hays Road, the maximum number of HGV movements associated with the facility, the on-going upkeep of Hays Road or the maintenance of fencing around the perimeter of the old quarry site.

The Borough Council's Environmental Health Officer (EHO) has also provided some additional information in respect of concerns raised by respondents that road planings, particularly from older surfaces, contain unacceptable levels of lead, diesel particulates and asbestos from older brake and clutch linings. He believes that asbestos has not been in brake linings in Europe for some time and that asbestos from clutch linings (if it is still used) would not be released into the atmosphere as clutch housings are sealed units.

The EHO notes that the current site is subject to an Environmental Permit for the road stone coating plant. Within the Permit there are emissions limits for particulates from the chimney stack and this is continuously monitored in compliance with the Permit. The

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monitoring results are submitted to the Borough Council on an annual basis. He notes that the proposed crusher/screener would be subject to a Permit, which would seek to minimise the emissions of dust to the atmosphere, usually via water sprays, at key points on the plant.

31. **Snodland Town Council** – Strongly objects to the planning application as it considers that the consultation process appeared to be flawed and not enough time has been given to carry out a full consultation of all of the people who this application would have an impact on, some of the evidence produced in the application does not reflect accurately on the impact of noise, dust and vehicle movements on surrounding properties and that the proposal would seriously affect the quality of life for many Snodland residents who fall within the vicinity of the proposal.
32. **Birling Parish Council** – Object to the planning application noting that insufficient time has been given for the Parish Council to analyse, review and comment on the significant volume of information contacted within this application. It feels that there was also insufficient prior discussion/communication by Tarmac Limited with either residents or the Parish Council and, as such, the manner of undertaking consultation is not in the spirit of Localism. Specific grounds of objection raised by the Parish Council include transport movements and environmental factors such as noise, dust, pollution and lighting, and have raised a series of questions, including:
 - i. Can KCC verify key specific reports submitted within the application independently for environmental factors?
 - ii. Would the road surface of the A228 be maintained to a high standard as a result of the increase in traffic? Would speed reduction measures be implemented as a result of the proposal?
 - iii. Would vehicles operating within the quarry as a result of this development be equipped to reduce noise of reversing?
 - iv. Can KCC require a condition of planning consent to reduce noise level to 50dB? Can KCC insist that acoustic fencing is installed on the western boundary of the site to protect the noise environment of properties in Sandy Lane?
 - v. Can KCC provide assurances that light pollution at night would not affect local residents?
 - vi. Given the proposed developments can KCC give assurances that the emissions resulting from operations are not potentially carcinogenic and that the smell could be reduced? and
 - vii. The Parish Council seeks clarification about restoration requirements and timescales given that it appears that the new development would mean that the base of the quarry would not be returned to grass.
33. **Environment Agency** – Has no objection to the proposal and amendments to the previously approved restoration plans. It has confirmed that the applicant would need to apply for an Environmental Permit to cover their proposed operations and that the applicant is already in discussions with the Agency to this effect.
34. **KCC Highways and Transportation** – Has no objection to the proposal, noting the relative expected increases in traffic volumes set out in the applicant's Transport Statement in comparison to existing traffic volumes. He notes that the crash record at Ham Hill roundabout is very good, especially when considering the high volumes of traffic experienced here at and off this strategic route (the A228). Noting the above, he

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considers there are very little grounds to recommend refusal and consider these proposals to be acceptable.

Following the Public Meeting, further views have been received from KCC Highways and Transportation covering a number of highway concerns raised at that Meeting. A summary of his further views are set out below:

- Notes that there was a recent incident (just a few days ahead of the Public Meeting) with a HGV rolling on to its side at the Ham Hill roundabout. Notes that KCC records show that there have been three injury crashes involving HGVs either at or in the near vicinity of Ham Hill roundabout in the last five years. The three crashes do not share similar characteristics and therefore do not suggest that there is a particular characteristic of the highway that results in compromised safety at this location.
- In respect of car and HGV parking along Hays Road, notes that this road is privately owned meaning that neither KCC nor TMBC can directly address the issue of inappropriate or obstructive parking. Having sought clarification from the Borough Council, it would appear that conditions were not attached to any of the recent Tesco planning permissions to restrict off-site parking. Nevertheless, if this were a serious issue it would be a matter that either Tesco and/or Tarmac would need to address with the landowner.
- Notes that directional signage for HGVs access Tesco Distribution Centre and Ham Hill Quarry has been improved in recent years. It is not aware of any issues involving HGVs making wrong turns on to Hollow Lane and does not consider that the relatively modest increase in HGV movements associated with this application would materially increase the risk of this taking place.
- Accepts the finding of the Transport Statement that, as a worst case, the proposed development would generate on average 12 additional HGV movements per hour (or approximately one every five minutes). This would fall well within the existing day-to-day variation in traffic flows observed on local roads and does not therefore represent a material impact requiring highway capacity improvements. It also considers that in view of the marginal increase in HGV movements associated with this application, the Highway Authority could not reasonably request a contribution for general carriageway maintenance in this case.
- Furthermore, it considers that there is not a case for imposing a cap on daily HGV movements. The forecast 12 additional HGV movements per hour (on average) fall well within the existing day-to-day variation in traffic flows observed on the A228; therefore to impose a cap (either daily or peak hour) would be disproportionate given that no such cap has been imposed on any of the other uses on Hays Road.

35. **KCC Noise, Dust and Odour Consultant (Jacobs)** – raises no objections to the proposals, making the following comments:

Noise

“The site is currently subject to a condition limiting noise to 55 dB LA_{eq,1hr} free-field at nearby residential properties. This condition would remain valid following the introduction of the proposed additional plant. The applicant is proposing a limit of 50 dB LA_{eq,1hr} from the proposed recycling operations to ensure the existing overall site noise

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limit of 55 dB LA_{eq,1hr} is not exceeded.

The topography of the site provides significant noise attenuation due to the quarry's steep internal faces and the difference in source and receiver heights. The further technical information provided by the applicant demonstrates that varying the position of the recycling operation to the corners of the defined proposed "recycling area" would alter the degree of noise attenuation provided to nearby residential properties. However, this technical information identifies that the noise levels would remain below the applicants proposed noise limit of 50 dB LA_{eq,1hr} at all properties with the recycling operations positioned at all four locations and the proposed acoustic barrier in place. It is therefore my consideration that the position of the recycling operation within the defined "recycling area" is not critical in terms of noise emanating from the site.

In response to a previous concern regarding cumulative noise levels from existing and proposed site operations, the technical information provides anecdotal evidence that noise levels from current site activities result in noise levels less than 55 dB LA_{eq,1hr}. Therefore, the technical information considers that the addition of 50 dB LA_{eq,1hr} to the noise currently emanating from the site would not breach the overall site noise limit. Without objective evidence of existing site noise levels, it is not possible to validate this assumption; however, I do not believe that site noise levels in excess of 55 dB have been recorded or presented to the Local Authority. Nevertheless, even if site noise did currently meet 55 dB LA_{eq,1hr}, the increase in noise due to the proposed additional operations would be only 1 dB, a marginal increase.

Whilst additional near-field screening or placing the plant within a building would reduce generated noise levels, it is considered that noise from plant within the proposed "recycling area" would meet the applicants proposed noise limit of 50 dB LA_{eq,1hr} without the need for such mitigation. On this basis, it could be considered onerous to insist on further mitigation measures.

An acoustic fence is proposed to the north and eastern boundaries of the quarry. Specifying an "acoustic fence" implies certain characteristics and a particular acoustic performance; however, I would look for the applicant to provide details of the acoustic fence before the application is determined.

Noise attenuation through the air is affected by temperature and humidity. It should be noted however that the noise predictions contained within the application did not include for the attenuation afforded by air absorption. Although the additional attenuation would not be significant at the relatively short distances between source and receiver, it could result in minor noise reductions at residential properties, and therefore, the predictions can be considered conservative.

Noise from the proposed operations has not been considered in the assessment at properties in Lakeside, Brook Lane or Malling Road. These properties are several hundred metres from the proposed site and therefore not one of the properties that are likely to be most affected.

The application proposes for night-time HGV tipping at the site. As present, night-time noise on the site is not limited by condition; however, the application proposes restricting tipping to a specific area of the quarry floor and specifying that HGVs use broadband reversing alarms. The Noise Assessment predicts a maximum night-time noise level of 50 dB LA_{max} at the surrounding properties from the tipping activities. This falls well below the noise level recommended by the World Health Organisation to minimise the effect

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on sleep quality. To ensure activities at night do not result in sleep disturbance, I would wish to set a condition restricting night-time noise to 50 dB L_{Amax} free-field. Furthermore, I would recommend stipulating that broadband reversing alarms are used on all HGVs on site working at night.

The Noise Assessment also considers the potential impact of increased HGVs on Hays Road at night resulting from the tipping activities. It demonstrates that with three deliveries per hour (six movements) a noise increase of 1 dB is predicted, which meets the threshold from short-term impacts provided within the Design Manual for Roads and Bridges. Any further movements would likely result in adverse impact for residents adjacent to Hays Road. Therefore, I would recommend the number of deliveries be restricted by condition to three in any one hourly period.

Noise levels from the operation of the concrete batching plant (CBP) are shown to be the least intrusive of the proposed operations, with noise levels from the plant at the proposed location well below the 50 dB L_{Aeq,1hr}. I questioned the applicant on the plant noise levels used for the assessment and it was confirmed that noise from the attendant vehicles at the plant were the main source of noise. In particular the noisiest activity associated with the CBP is the loading of the mixer lorries which has a source height of 3 metres rather than the more elevated concrete silo.

In order to reassure the Local Authority and local residents, I recommend that a scheme of noise monitoring be stipulated by condition to any planning permission to demonstrate that the site is adhering to the day-time noise limit of 55 dB L_{Aeq,1hr} and the night-time noise limit of 50 dB L_{Amax}."

In responding to further information submitted by the applicant (i.e. indicative details of the proposed acoustic fencing, confirmation that it would be of a solid construction with no holes or gaps between the panels or at the base of the barrier and stating that it is likely to have a surface mass of at least 20 kg/m²), KCC's Noise Consultant has advised that a barrier of such surface mass would generally perform well but that consideration of a more detailed design should be reserved for later consideration by condition.

Air Quality, Dust and Odour

"Nitrogen Dioxide (NO₂) levels in the area of Ham Hill are generally 'good' with concentrations of NO₂ significantly below the Air Quality Objectives, the major sources of NO₂ being the road traffic on the M20 and A228. Any increase in HGV traffic would contribute to the overall concentrations of NO₂; however in this instance the amount of traffic generated by the proposals would have a minimal effect on concentrations in this area.

The crusher and screen incorporate dust suppression systems such as mist sprays which, together with the overall site management plan, would provide adequate dust control measures to the proposed activities.

Whilst the asphalt plant obviously has odour issues attached to it, the crusher and screen together with the CBP are not odorous activities in themselves. The operation of the proposed recycling and CBP would not lead to any increases in the carcinogenic impacts in the area, other than those normally associated with the operation of diesel engines".

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36. **KCC Biodiversity Projects Officer** – Has no objection as the proposed development would be located entirely on an area of bare ground and as a result would have minimal potential to impact any habitats or species. Recommends that precautionary mitigation measures are secured by condition (as detailed within the planning application) when the noise fence is installed.
37. **KCC Public Rights of Way Officer** – Has no objection as the Public Right of Way (MR75A) which runs along the southern boundary of the site would not be affected by the proposals.

Local Member

38. The local County Member Mrs Sarah Hohler and adjoining local County Member Mrs Trudy Dean were notified of the application in March 2012. Both local County Members were notified of the further information submitted by the applicant in June 2012.

Publicity

39. The application was publicised by the posting of a site notice at the entrance to Ham Hill Quarry, a newspaper advertisement in the Kent on Sunday, and the individual notification of 310 properties within 250 metres of the application site.
40. Whilst not a formal planning meeting, a meeting was held by the applicant on 20 April 2012 for local residents, Borough and Parish Councillors to meet with Tarmac representatives to discuss the proposals.

Representations

41. At the time of writing, 109 letters of objection have been received from local residents, many in the format of a standard letter. The main issues of concern (in one or more of the letters) can be summarised as follows: -
- disappointment with Tarmac for not having engaged with the local community before formally making the planning application;
 - lack of time given by the County Council (21 days) to respond to the vast number of detailed application documents;
 - concern over the potential for the quarry to be extended – do not feel that Tarmac should be allowed to extract any further sand from the former quarry. Several residents from Mary Last Close and Edgeler Court have already experienced movement and fear further movement should more sand be extracted in the direction of residential properties;
 - current operations within the quarry already have a noise impact on surrounding residents – the proposed developments would greatly increase these effects through increased use of heavy industrial machinery and additional HGV movements;
 - concerns that the proposed plant could be moved anywhere within the base of the quarry – has this been factored into the calculations for sound pollution? Would this alter the effectiveness of the proposed sound barrier?;
 - concerns raised relating to noise associated with reversing beepers and the use of a site personal address system;
 - apart from the M20 the main noise currently forming the “backing track” to residents lives is the constant humming of the Tesco distribution centre’s fridges – sporadic

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clatters, bangs, scrapes and various engine tones of heavy industrial machinery working within the quarry as a result of this proposal would have a much worse affect on many local residents. The proposals are simply too close to what is now an established residential area;

- request that a trial run of a mobile crushing plant be undertaken to allow local residents to experience first-hand the proposed noise levels;
- concerns with the proposed hours of operation of the aggregate recycling facility and concrete batching plant;
- object to the planned increase in HGV movements to/from the site. At present residents have great difficulty accessing the Ham Hill roundabout. The Snodland bypass is also riddled with potholes, with KCC Highways not having sufficient money to carry out necessary repairs. Surely by approving this application the situation would only be made worse?;
- concerns that the traffic predictions have not taken into account other planned development in the locality and are based on a significant under-estimate by Tarmac;
- what safeguards are in place to make sure that predicted HGV estimates submitted by the applicant are not exceeded?;
- Hays Road is insufficient to cope with the extra HGV traffic – Tesco employees regularly park along the side of this road causing significant obstructions;
- concerns regarding the potential for increased dust – residents in the surrounding houses already suffer from dust from existing operations within the quarry. Concrete dust is classed as an irritant, this would cause significant health problems for the surrounding community as a result of the proposals;
- landscaping around the site should be increased to assist with visual screening of operations;
- request that Tarmac renew the pedestrian crossing markings immediately outside their site where Public Right of Way MR75A crosses their entrance;
- pleased that a Public Meeting was held allowing local people the opportunity to voice their concerns, however has concerns that officers were having too much reliance on the data supplied by the applicant (in respect of noise, dust and odour);
- concerned to hear that the County Council only has one enforcement officer; and
- concerned that road planings particularly from older surfaces, contain unacceptable levels of lead, diesel particulates and asbestos from older brake and clutch linings – surely this will lead to harmful pollutants in the locality when road planings are crushed through the aggregate recycling facility? Questions whether the levels of atmospheric pollutants are monitored and/or tested regularly by a third party.

42. A letter expressing concerns on behalf of her constituents has been received from Tracey Crouch MP. She has raised concerns regarding the lack of consultation with the local community by Tarmac Limited before the planning application was made and in respect of the short timescales in which the local community had to respond to the extensive documents submitted in support of the proposal by the applicant.
43. A letter of objection has also been received from Snodland Labour Party. It states that despite the Government's recent planning guidance to encourage local authorities to view recycling applications favourably, it considers that the evidence for the application is not strong enough to prevent disturbance to local residents. It specifically raises concerns regarding disturbance at night from vehicular movements, noise from loading and unloading, the risk of dust particulates contaminating the local area and the possibility of smells and odours.

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DiscussionIntroduction

44. The application seeks planning permission for an aggregate recycling facility and concrete batching plant within the void of the former Ham Hill Quarry, with associated amendments to the currently approved quarry restoration provisions. The application is being reported to the Planning Applications Committee as planning objections have been raised by the Borough Council, Snodland Town Council, Birling Parish Council, local residents and others.
45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Policy and other material planning considerations including those arising from consultation and publicity.
46. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
- the principle of the development of the aggregate recycling facility and CBP within the quarry void and a case of need;
 - noise, dust and air quality impacts of the proposed development (on site and associated transportation) on nearby residential receptors;
 - highway issues (including capacity issues on the local road network);
 - ecological impacts;
 - the suitability of the revised restoration proposals;
 - landscape and visual impact;
 - groundwater and surface water impacts;
 - public rights of way; and
 - Any other issues arising from consultation/publicity.

Principle of development and case of need

47. The principle of employment use at Ham Hill has been established through Policy E1 of the Tonbridge and Malling Borough Development Land Allocations Development Plan Document which safeguards land for employment purposes. That Policy identifies Ham Hill as suitable for business (Class B1), general industrial (Class B2) and warehouse/distribution (Class B8) uses, subject to no overriding impact on residential amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation. The overriding objective of the Policy is to secure and retain a variety of employment sites within the Tonbridge & Malling Borough to meet the needs of local employers and attract investment.
48. PPS10 states that the overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. Policy W3 of the South East Plan aims to achieve net regional self-sufficiency and requires waste planning authorities (WPAs) and waste management companies to provide capacity equivalent to the waste forecast to require management within its boundaries. Policy W4 requires WPAs to plan for sub-regional

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net self-sufficiency through provision for waste management capacity equivalent to the amount of waste arising and requiring management within their boundaries. Policy W5 sets targets for diversion of waste from landfill, including re-use and recycling as well as stating that priority will be given to processes higher up the waste hierarchy. Policy W6 sets targets for recycling and composting in the region and Policy W7 for each WPA (or combination thereof).

49. Draft Policy CSM5 of the Kent MWDF Minerals and Waste Core Strategy: Strategy and Policy Directions Consultation (May 2011) states that sufficient sites will be identified to provide capacity to recycle 1.4 million tonnes per annum (mtpa) of secondary and recycled aggregates for the duration of the Plan period (i.e. to the end of 2030). Kent current has permitted capacity for 1.9mtpa of secondary and recycled aggregates and therefore there is no specific need (in overall Kent waste capacity terms) for additional permitted capacity at this time. However, because some of the permitted capacity is temporary in nature (for example recycling operations permitted at quarries which are linked to the life of the quarry site) there is likely to be a shortfall in terms of overall permitted capacity in Kent before the end of the Plan period. The Kent MWDF Core Strategy makes it clear that the 1.4mtpa is a minimum requirement, and that the County Council is keen to promote the more sustainable practice of aggregate recycling, as opposed to extracting virgin minerals.
50. Paragraph 24 of PPS10 states that waste management facilities proposed on sites not allocated for such use should be considered favourably when they are consistent with the policies set out in PPS10 and a range of criteria. These criteria include the physical and environmental constraints on development (including existing and proposed neighbouring land uses), the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (seeking modes other than road transport where practicable and beneficial) and giving priority to the re-use of previously developed land. Policy W17 of the South East Plan states that sites for waste management development should be assessed against the following criteria:
 - good accessibility from existing urban areas or major new or planned development;
 - good transport connections including, where possible, rail or water;
 - compatible land uses such as previously or existing industrial land use; and
 - be capable of meeting a range of locally based environmental and amenity criteria.
51. Policy W3 of the Kent Waste Local Plan states that proposals which only involve waste processing and transfer at locations outside those identified on the proposals map will not be permitted unless they can avoid the need for road access, or can gain ready access to the primary or secondary route network and preferably have potential for a rail or water transport link and are located within or adjacent to an existing waste management operation or within an area of established or proposed general industrial use. Policy W6 of the Kent Waste Local Plan states that need will be a material consideration in the decision where a planning application is submitted for waste management development on a site outside a location identified as suitable in principle in the plan and demonstratable harm would be caused to an interest of acknowledged importance. Whilst Policy W7 of the Kent Waste Local Plan does not identify land at Ham Hill as suitable in principle for waste re-use, it identifies that proposals for waste re-use at non identified sites should be assessed against whether they:

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- seek to minimise impact on the local and natural environments (specifically major concentrations of population and important wildlife sites) consistent with the principle of environmental sustainability;
 - have, or could secure in an acceptable way, ready access to the main road network, or a rail or water link provided that there is acceptable access also to an appropriate road network; and
 - are within or adjacent to existing waste management facilities or are part of a location within an established or committed general industrial type area.
52. The application seeks permission for the storage and processing of up to 100,000 tonnes per annum of general construction and demolition waste, utility arisings and waste asphalt (road planings, return loads and surplus production), the latter producing Recycled Asphalt Product (RAP) for reuse as a feedstock in Tarmac's existing asphalt plant and any surplus as fill materials for sale on the open market being typically used for hard-standings, haul roads, sub-bases for buildings, roads, etc. It also seeks permission for a Concrete Batching Plant (CBP) capable of producing up to 30,000 cubic metres of concrete per annum. There are certain synergies between the co-location of operations currently undertaken by Tarmac at Ham Hill and those proposed in so far as they would all provide construction materials and there are opportunities for recycled materials to be used within the asphalt and CBP without needing to be transported to similar facilities elsewhere.
53. Whilst the wider amenity impacts which are relevant to this application will be considered in turn below, I note that there is established policy support for this type of development at Ham Hill. I also note that there are similar employment type uses currently being undertaken in the vicinity, including two operations carried out by Tarmac (i.e. an asphalt plant and a contracting depot) and a large scale Tesco distribution warehouse. Based on the policy support and existing operations currently taking place at the site I would not raise an objection to the principle of the development in this case. Subject to the proposed development not giving rise to significant harm, I see no reason to object to the proposals on the basis of need.

Noise, dust and air quality impacts

54. Members will note that noise is one of the key issues which has been raised by the local community, both within the representations received (as detailed in paragraph 41 above) and during the Public Meeting held on the 28 June 2012.
55. Firstly, to put these proposals in to context, regard must be had to the existing operations which take place at Ham Hill. Temporary planning permission was granted for an asphalt plant at the site in 1985 (reference TM/85/9) which required the plant to be removed once the adjoining sand quarry reserves were fully extracted. In 2001, permission was granted (reference TM/01/1862) for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays. The 2001 permission permits the asphalt plant to be operational between 05:00 and 18:00 hours Monday to Fridays and 05:00 and 13:00 on Saturdays. Controls on that permission also stipulate that noise from site operations shall not exceed 50 dB LA_{eq} (free field) between the hours of 05:00 and 07:00 on weekdays and Saturdays, and 55 dB LA_{eq} (free field) between the hours of 07:00 and 18:00 on weekdays and 05:00 and 13:00 on Saturdays.

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56. Following two periods during which planning permission was granted on a temporary basis for out of hours working of the asphalt plant, a permanent permission was granted in 2008 (reference TM/08/1451) allowing the asphalt plant to operate between the following hours: Monday to Friday 05:00 to 18:00 hours; Saturday 05:00 to 13:00 hours; Sunday 08:00 to 18:00 (for essential maintenance only). It also stipulates that no HGVs are permitted to leave the site before 06:00 hours Monday to Saturday. The permission however enables the plant to operate (and HGVs leave the site) outside these working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 00:00 hours and 04:00 hours, with the exception of the loading and movement of HGVs. No more than 5 of these 60 occasions are permitted to be used consecutively.
57. The main permission for operations associated with mineral extraction (reference TM/00/1155/MR101) places a number of controls over hours of working and noise at the site. These include no operations taking place except between 07:00 and 18:00 hours Monday to Fridays, 07:00 and 13:00 Saturdays and no operations (except essential maintenance) taking place on Sundays or Bank Holidays. Noise controls include a limit of 55 dB LAeq,1hr (free field) for general operations on site measured at any noise sensitive property and a higher limit of 70 LAeq,1hr (free field) for temporary operations such as the movement, storage and replacement of soil and overburden materials. The controls on mineral extraction however are largely no longer relevant since the majority of mineral has been worked, save for a small reserve in the north-west corner of the site which the applicant proposes would be worked within 18 months of implementation of any permission granted in respect of the development now proposed.
58. Planning control for Tarmac's national contracting depot and the Tesco distribution warehouse do not fall within the jurisdiction of the County Council. Instead the planning responsibilities for these operations rest with the Borough Council. I understand that the planning permissions for Tarmac's national contracting depot and the Tesco distribution warehouse do not include specific controls limiting the hours of working or place any noise limits on site operations.
59. The application includes a noise assessment which considers the noise impacts of operations associated both with the proposed aggregate recycling facility and CBP. That assessment has been independently considered by KCC's Noise Consultant, with his detailed comments set out in paragraph (35) above. Noise impacts associated with proposed operations have also been considered by the Borough Council's Environmental Health Officer, with the Borough Council's formal response set out in paragraph (30) above.
60. The application proposes the erection and maintenance in perpetuity of an acoustic fence adjacent to the northern site boundary with Snodland Road (measuring some 110 metres in length) and adjacent to the eastern site boundary near Mary Last Close (measuring some 100 metres in length). The location of this proposed acoustic fence is shown on "Development Proposals" on page C1.3. The height of the acoustic fence is generally 3 metres in height above the surrounding ground levels and would be of solid construction with no holes or gaps either between panels or at the base of the barrier. It would have a typical density of 20 kg/m². This specification is considered acceptable in principle by KCC's Noise Consultant.
61. As noted above, the site is currently subject to conditions on both the existing mineral extraction and asphalt plant consents limiting noise to 55 dB LAeq,1hr free field at nearby residential properties. This application proposes a limit of 50 dB LAeq,1hr from the

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proposed recycling operations to ensure that the existing overall site noise limit of 55 dB LA_{eq,1hr} is not exceeded at nearby residential properties. KCC's Noise Consultant notes that the topography of the site provides significant noise attenuation due to the quarry's steep internal faces and the difference in source and receiver heights. He is satisfied that varying the position of the recycling operation (i.e. the physical locations of the crusher and screener) within the defined "recycling area" would not result in noise levels exceeding the limit of 50 dB LA_{eq,1hr} at all properties with the proposed acoustic fence in place such that an overall limit of 55dB LA_{eq,1hr} would be maintained.

62. The crusher/screener itself would be brought onto the site on a short-term campaign basis to crush and screen material to produce a saleable product once sufficient volumes have been accumulated. Once all materials have been processed, the plant would be removed from the site only to return again once stocks of unprocessed material had been replenished. Whilst the same crusher/screener would not be brought back to the site each time, the applicant has submitted details of typical plant which would be representative of the type of equipment proposed. These details have formed part of the noise calculations undertaken by the applicant and as assessed by both KCC's Noise Consultant and the Borough Council's Environmental Health Officer.
63. Questions have been raised as to whether additional near-field screening or placing the recycling plant within a building would reduce generated noise levels at and beyond the site. KCC's Noise Consultant accepts that whilst such measures would reduce noise levels locally, the proposals submitted by the applicant are acceptable in noise terms and would not result in noise levels in excess of 50 dB LA_{eq,1hr} at any nearby noise sensitive properties provided the proposed acoustic fence is installed and maintained. On this basis, I considered that it would be unreasonable to insist on further mitigation measures such as near-field screening in this instance.
64. The applicant has provided indicative details of the specification of acoustic fencing proposed for the northern and eastern boundaries of the site. KCC's Noise Consultant has considered these indicative details and accepts the specification as being fit for purpose. I therefore propose that a condition be imposed on any planning consent requiring final technical details of the acoustic fence to be approved and implemented before any operations commence and that it be maintained in perpetuity for the life of the development.
65. Concerns have been raised by residents of Sandy Lane (as shown on Page C1.3) that their properties would not benefit from acoustic mitigation provided for by an acoustic fence in the same way that properties to the north and north-east of the site would do. However, based on advice provided by KCC's Noise Consultant I am satisfied that an acoustic fence is unnecessary at this location due to the natural topography of the site and the natural noise mitigation that the steep quarry sides provide given the proximity of the proposed recycling operations to them in this area.
66. A question was raised at the Public Meeting about the effectiveness of noise attenuation as a result of temperature and humidity and, specifically, whether damp air conditions in the locality could lead to noise associated with the proposed development being experienced further from the site than would otherwise be the case. KCC's Noise Consultant advises that although the applicant's noise predictions did not include for attenuation afforded by air absorption, they can be regarded as conservative in this instance because such weather conditions would actually reduce noise impacts on local residential properties.

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67. The application proposes the importation of road planings during night-time periods in order to provide for the key times when road projects are undertaken. During night-time periods HGVs would enter the site and tip within a defined working area. No processing would occur other than during day-time periods (as detailed in paragraph 16 above). At present night-time noise on the site (associated with the asphalt plant) is limited by condition not to exceed 50 dB (LAeq) (free field) measures at the boundary of the nearest residential property at Edgeler Court between the hours of 05:00 and 07:00 on weekdays and Saturdays. The application proposes restricting tipping during night-time periods to a specific area of the quarry floor and that HGVs use broadband reversing alarms during night-time periods. The noise assessment accompanying the application predicts a maximum night-time noise level of 50 dB LA_{max} at surrounding residential properties arising from the tipping activities. KCC's Noise Consultant states that this predicted level falls well below the noise level recommended by the World Health Organisation to minimise the effect on sleep quality. Accordingly, he recommends that a condition restricting night-time noise to 50 dB LA_{max} free field be imposed on any future consent to ensure that activities occurring at night do not result in sleep disturbance. He also recommends that a condition be imposed to ensure that broadband reversing alarms are used on all HGVs on site at night.
68. The applicant's noise assessment considers the potential impact of increased HGV movements on Hays Road at night-time periods resulting from the tipping activities. That assessment predicts that three deliveries per hour (six movements) would give rise to a 1 dB increase in noise. KCC's Noise Consultant states that an increase of 1 dB meets the threshold from short-term impacts provided within the Design Manual for Roads and Bridges but that additional movements would be likely to exceed this and result in adverse impacts for residents near to Hays Lane. KCC's Noise Consultant therefore recommends that a limit be placed on the number of HGV deliveries to the site during night-time periods of three deliveries (six movements) in any one hour. Considered in isolation, I would normally accept this advice. However, it is also necessary to consider this in the context of existing development at Ham Hill and any restrictions imposed on relevant planning permissions and whether it could prevent Tarmac accepting the receipt of waste movements from night-time contracts. As neither the Tarmac asphalt plant, Tarmac depot nor Tesco distribution warehouse have any such controls, restricting HGV movements for night-time deliveries to the proposed recycling facility would be unreasonable since the various existing operations at Ham Hill would be able to continue to operate unrestricted HGV movements during night-time periods and would not serve to secure the objectives of protecting local residents from delivery noise. It could also unnecessarily restrict the ability of the site to accept materials from road projects which can only be undertaken at night.
69. Noise from combined site operations have been considered in this instance, since it is likely that multiple operations could take place simultaneously (i.e. the asphalt plant, recycling operations and CBP, for instance). KCC's Noise Consultant notes that noise associated with the CBP is shown to be the least intrusive of the proposed operations, with noise levels from the plant in its proposed location falling well below 50 dB LA_{eq,1hr}. The main noise source from the CBP would be from the vehicles servicing the plant (such as mixer lorries being filled) with a source height of around 3 metres as opposed to the more elevated concrete silo which extends to some 18 metres above ground level.
70. In order to ensure that the noise associated with the proposed operations does not exceed those levels predicted by the applicant in its noise assessment, KCC's Noise Consultant recommends that a scheme of noise monitoring be required by condition.

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This scheme would require the applicant to undertake noise testing following the installation and final commissioning of the proposed development (covering both the aggregate recycling facility and CBP, with additional monitoring if these are installed at different times) and then periods of six monthly testing for the first two years thereafter. After this time the noise monitoring frequency would be reduced to one test per year, assuming no substantiated noise complaints were received. I consider that this is an appropriate safeguard and would provide a mechanism to demonstrate whether the suggested noise controls are being complied with. Should the monitoring not demonstrate compliance, the County Council could take action to require additional mitigation or the cessation of operations unable to meet the requirements.

71. Members will note that the local community has requested that a trial take place on site with a mobile crusher / screener in order for nearby residents to ascertain the actual levels of noise they could be subjected to as part of these proposals. This suggestion was first raised at an informal meeting held by Tarmac at the site in April 2012 for local residents, Borough and Parish Councillors. Whilst any such trial of a typical crusher / screener on site would allow noise levels to be witnessed within the quarry void itself I do not consider that this would provide an accurate representation of noise levels at nearby residential properties since the proposed acoustic fencing would not be in place to provide any noise attenuation. Given this, the fact that the technical information submitted by the applicant in respect of predicted noise levels has been thoroughly and independently considered by KCC's Noise Consultant and found to be satisfactory and as the noise monitoring condition proposed above would demonstrate whether any permitted limits are being complied with and assist in facilitating action by the County Council should this not be the case for any reason, a trial has not been required.
72. In summary, taking account of the technical advice received from KCC's Noise Consultant, I am satisfied that the proposals are acceptable in noise terms and comply with relevant development plan and other planning policies subject to the imposition of conditions to cover day-time (55 dB LAeq,1hr) and night-time (50 dB LAmax) noise limits, the submission of details/specification of the acoustic fence, the erection and maintenance in perpetuity of the proposed acoustic fence, the use of broadband reversing alarms for all HGVs operating at the site during night-time periods and a scheme for on-going noise monitoring. Whilst the only formal response received from the Borough Council included an objection to the proposals on the basis that noise issues had not been fully or correctly addressed, it should be noted that this response was provided prior to the submission of further technical information (which it was reconsulted on). Despite a number of requests for further comments from the Borough Council, none have yet been provided. Members will be updated verbally if any additional response be received prior to the Committee Meeting.
73. Concerns have also been raised by Snodland Town Council, Birling Parish Council and others about air quality (including dust and odour) and related potential adverse health effects.
74. In respect of the general concerns about potential dust impacts, I note that the applicant proposes dust mitigation measures to cover vehicle movements, processing of material and use of the access road. In order to control dust associated with vehicle movements the applicant proposes the use of water as required, speed limits on all vehicle routes and lorries to be sheeted as appropriate. Dust mitigation in respect of the processing of material would be controlled via the use of water sprays and the use of integrated dust suppression within the recycling plant. A road sweeper would be used on the site access road when required and the approaches of the access road would be regularly

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maintained. KCC's Air Quality Consultant is satisfied that the proposed dust mitigation measures are sufficient for the operations proposed and I am satisfied that they can be secured by condition. Furthermore, I note that the proposed operations would be subject to an Environmental Permit which would address dust controls in more detail.

75. Specific concerns have also been raised as to whether road planings from older surfaces could contain unacceptable levels of lead, diesel particulates and asbestos from brake and clutch linings. The Borough Council's Environmental Health Officer has commented on these concerns noting that he does not believe that asbestos has been in brake linings in Europe for some time. He also does not believe that asbestos from clutch linings (if it is still used) would be released into the atmosphere as clutch housings are sealed units. He further notes that the proposed crusher and screener would be subject to a Permit under the Environmental Permitting Regulations which would seek to minimise the emissions to the atmosphere (typically via water sprays at key points on the plant). With regard to odour, KCC's Air Quality Consultant has noted that whilst the asphalt plant gives rise to some odour, the crushing / screening and CBP operations are not odorous activities in themselves. Furthermore, he notes that the operation of the proposed recycling plant and CBP would not lead to any increases in carcinogenic impacts in the area, other than those normally associated with the operation of diesel engines.
76. In respect of air quality impacts associated with an increase in HGV traffic to/from the site, KCC's Air Quality Consultant has stated that Nitrogen Dioxide (NO₂) levels in the area of Ham Hill are generally "good" with concentrations of NO₂ significantly below the Air Quality Objectives. He states that the major sources of NO₂ are road traffic on the M20 and A228 and that whilst any increase in HGV traffic would contribute towards the overall concentrations of NO₂, the amount of traffic generated by the proposals would have a minimal effect on concentrations in the area.
77. Notwithstanding the air quality concerns expressed by the local community, based on the technical advice received from KCC's Air Quality Consultant and the Borough Council's Environmental Health Officer I am satisfied that the development is acceptable in terms of air quality and complies with relevant development plan and other planning policies subject to the imposition of the conditions referred to above.

Highway issues

78. Members will be aware that highway issues feature heavily within the representations received from interested parties (as detailed in paragraph 41 above) and during the Member Site Visit and Public Meeting held in June 2012. The application is accompanied by a detailed transport assessment which considers 'worst case' average vehicle movement numbers associated with both the aggregate recycling and CBP operations. As outlined in paragraph (13) above, that assessment predicts that in a 'worst case' scenario (where it is assumed there is no back-hauling between imported and exported materials) the proposed recycling operation would attract a total of 29 loads (58 movements) per day on average. Similarly, as outlined in paragraph (20) above, the CBP is predicted to generate up to 32 loads (64 movements) per day on average, taking into account both imports and exports associated with this operation. Combining these two operations the total HGV movements associated with the development proposals would result in the addition of an average of 61 loads (122 movements) per day to Hays Road and the surrounding local road network. Taking into consideration 5 additional members of staff which would be employed on the site as part of the proposals, an additional 10 vehicle movements per day are anticipated. Based on

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an 11 hour day, and taking into account all movements associated with the recycling operations, CBP and site personnel, the proposed development would, as a 'worst case' scenario, generate up to 12 movements per hour on average. It is important to note that this average hourly figure is a 'worst case' scenario as in reality a number of movements associated with the delivery of road planings to the aggregate recycling activity would take place in the evenings or at night and that any back-hauling associated with the permitted and proposed operations would reduce this figure further.

79. Significant concern has been expressed regarding any additional HGV movements onto the surrounding local road network since it is considered locally that the A228 is at peak times at full capacity. Road safety concerns have also been expressed, particularly in respect of additional HGV's using Ham Hill roundabout where it is perceived there is a high crash record. Other highway concerns expressed include existing problems with car and HGV parking along Hays Road and that there may be an increase in the number of HGVs missing the turning for Ham Hill and ending up in Snodland on surrounding residential streets.
80. Notwithstanding these concerns, KCC Highways and Transportation has raised no objection to the proposals, noting the relative expected increases in traffic volumes in comparison to those existing. It notes that, contrary to local opinion, the crash record at Ham Hill roundabout is very good, especially when considering high volumes of traffic experienced along this strategic route (A228). With regard to the incident a few days prior to the Public Meeting when a HGV rolled onto its side at the Ham Hill roundabout, KCC Highways and Transportation advises that KCC's records show that there have been 3 injury crashes involving HGVs either at or in the near vicinity of the roundabout in the last 5 years and that as these 3 crashes do not share similar characteristics this does not suggest that there is a particular characteristic of the highway that results in compromised safety at this location.
81. With regard to car and HGV parking along Hays Road, I note that this road is a private access road serving the Tesco distribution warehouse and Tarmac's existing operations. Staff parking along this access road would appear to be overspill car parking associated with the Tesco distribution warehouse. Given that this road is privately owned it would not be possible for parking restrictions to be imposed on it by the Highway Authority or Borough Council. Instead, any conflicts which could occur as a result of inappropriate vehicle parking along Hays Road would be a matter for either Tarmac or Tesco to take up (as appropriate) with the relevant land owner.
82. In respect of concerns over HGVs missing the turning for Ham Hill and ending up in residential roads in Snodland, KCC Highways and Transportation states that directional signs on the A228 to Ham Hill have been upgraded in recent years. It is not aware of any significant problems with HGVs making wrong turns on to Hollow Lane and does not consider that the relatively modest increase in HGV movements would materially increase the risk of this taking place. I am therefore satisfied that the concerns expressed by local residents are not material in this instance.
83. Capacity issues on the local road network have been raised by the local community, including Snodland Town Council and Birling Parish Council. KCC Highways and Transportation accept that the 'worst case' average HGV movements predicted in the application (i.e. an increase of 12 movements per hour, or approximately one every five minutes on average) fall well within the existing day-to-day variation in traffic flows observed on local roads and does not therefore represent a material impact requiring highway capacity improvements. Furthermore, it considers that in view of the marginal

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increase in HGV movements associated with the proposals, the Highway Authority could not reasonably request a contribution for general carriageway maintenance in this instance.

84. In terms of the predicted numbers of HGV movements supplied by the applicant it is important to note that these are average figures that represent a 'worst case' scenario. These are therefore not figures which could reasonably be used to restrict ('cap') daily HGV movements associated with the proposed site operations, since daily fluctuation in movements would inevitably occur due to factors such as the demand for product outputs and the importation of road planings. In respect of capping daily HGV movements, regard should be had to the existing planning permissions for operations in the locality. Specifically it is noted that the planning permissions covering the Tesco or other Tarmac operations in the vicinity do not impose HGV movement restrictions. KCC Highways and Transportation advises that there is no case for imposing a cap on daily HGV movements since the predicted average movements fall well within the existing day-to-date variation in traffic flows observed on the A228. To impose a cap (either on a daily or peak hour basis) would be disproportionate given that no cap has been imposed on any of the other uses on Hays Road. Having regard to the past permissions granted for operations on Hays Road, and the advice received from KCC Highways and Transportation, I do not propose to restrict either daily or peak hour HGV movements as part of any planning permission granted in respect of the proposed development.
85. Whilst I have not sought to impose a specific cap on highway movements, for the reasons stated above, I consider it necessary to limit the overall throughput of the proposed operations to those levels applied for (100,000 tpa associated with the aggregate recycling and 30,000 cubic metres per annum associated with the CBP). Limiting the throughput of the aggregate recycling facility and the capacity of the CBP to those applied for this would serve to ensure that the applicant's transport assessment and any assumptions in respect of associated HGV numbers would remain valid. Such a restriction would also have wider benefits in terms of ensuring that the proposed operations would not give rise to additional amenity concerns which may otherwise be associated with higher levels of operational throughput/capacity.
86. In summary, having considered the highway implications of the proposed development, taking into consideration the representations received and the views expressed at the Members Site Visit and Public Meeting, together with the advice received from the KCC Highways and Transportation, I am satisfied that the proposals are acceptable in highway terms and would comply with relevant development plan and other planning policies subject to the imposition of a condition(s) limiting the throughput of the aggregate recycling facility and the capacity of the CBP to those applied for. Given this and for the reasons set out above, I do not consider that it would be appropriate to impose daily or peak hour restrictions on the number of HGV movements associated with the two operations or seek developer contributions from the applicant in respect of carriageway improvements.

Ecology

87. The application includes an ecological assessment of the land at Ham Hill Quarry which considers the impacts of the proposals on any important habitats or species. Features of note identified within the assessment are confined to the restored and yet to be restored quarry side slopes and consist of unimproved grassland, mining bees, an outlier badger sett and slow worms at the north-eastern corner. The floor of the quarry itself, which consists of bare sand, was considered to be of negligible ecological significance. Bats

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were identified as using the edges of the wider quarry and a single noctule pass was recorded at high level above the quarry. The assessment concluded that the potential direct impact of the proposed CBP and recycling activities within the base of the former quarry would be of negligible direct ecological importance with no direct effect on bat roost or flight lines. Indirect effects, particularly disturbance to bats through lighting, would be avoided through careful control of lighting so as to minimise light spill. Mitigation to protect any reptiles present during the erection of the noise fence has been included within the application.

88. The assessment has been independently considered by the County Council's Biodiversity Officer. Her comments are set out in paragraph (36) above. She has no objection to the proposed development, noting that the proposals would be entirely located on an area of bare ground and as a result would have minimal potential impact on any habitats or species. She recommends that the precautionary mitigation measures proposed in the application (taller areas of vegetation be strimmed within the footprint of the acoustic fence, in accordance with Natural England best practice) is secured by condition when the noise fence is installed. I therefore recommend that any permission includes a condition requiring ecological mitigation as set out in the application. On this basis, the proposed development would comply with relevant development plan and other planning policies relating to ecology.

Revised restoration scheme

89. The application proposes a variation to the quarry restoration scheme permitted under the Minerals Review (reference TM/00/1155/MR101). The variation sought would allow the base of the quarry to remain as it currently is (i.e. bare sand) in order to be used as an operational area for the proposed development, as opposed to restoring it to low maintenance grassland as required under the Minerals Review permission. The quarry slopes would be restored with landscape planting in the same manner as currently permitted. The applicant also proposes the retention, maintenance and management of the restored landscaped areas for the life of the development.
90. A small reserve of consented mineral is yet to be worked from the north-western corner of the site, making way for the final restoration of the quarry. The applicant proposes that this indigenous reserve be extracted and the land restored within 18 months of the implementation of the proposed development. Whilst concerns have been expressed about the quarry going deeper, I can confirm that this is not the case. The only sand which would be extracted is that covered by the main mineral permission, which until now has not been worked.
91. I consider that the revised restoration proposals are acceptable in land-use planning terms. Furthermore, I note that the base of the former quarry is identified as employment land by Policy E1 of the Tonbridge and Malling Borough Development Land Allocations Development Plan Document and therefore insisting on restoration to low maintenance grassland as originally required under the Minerals Review permission is unjustified. Subject to the imposition of conditions requiring the applicant to work the remaining indigenous sand reserve and restore the land within 18 months of the implementation of the development, to undertake appropriate aftercare of the restored landform (i.e. similar obligations to those imposed on the mineral permission) and retain, maintain and manage the restored landscaped area for the life of the development. I consider that the proposed development would comply with relevant development plan and other planning policies.

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Landscape and visual impacts

92. The application is accompanied by an assessment of landscape and visual impacts associated with the proposals. This assessment concludes that both the existing and proposed developments have been found to give rise to only very minor adverse levels of landscape and visual impacts both within close proximity to the site as well as further away associated with the North Downs AONB. It states that no significant levels of direct, indirect and/or cumulative impacts would occur and that the proposed development can be integrated into the local landscape without causing any significant detriment to landscape character, quality and visual amenity of either the immediate locality or the adjacent North Downs AONB. I concur with this assessment and note that very limited views of the proposed development would be witnessed from outside the site itself, noting that both elements of the development would sit below the rim of the former quarry.
93. The application proposes indicative parameters of the CBP, stating that it is unlikely to exceed 18 metres in height. Sitting on the quarry base (at approximately 6m AOD) a maximum height of 18 metres would result in the top level of the plant being at 24m AOD, at or below the rim level of the quarry which ranges from 24m AOD in the north and west to 29m AOD in the south and east. In order to ensure that the details are acceptable in visual terms and to retain planning control over the precise details of the plant to be installed, I recommend that a condition be attached to any consent requiring the prior submission of details of the CBP.
94. The applicant has agreed to the stockpiles of materials within the operational area (i.e. the base of the quarry) being restricted to a maximum height of 6 metres above the floor of the quarry. I therefore propose that a condition to this effect be placed on any decision. Furthermore, I propose to include a condition ensuring that vehicles, machinery, mobile plant or equipment do not operate on the top of the stockpiles. Subject to these provisions, the stockpiles or associated operations would not be visible above the quarry rim.
95. Whilst no details have been provided to date, the applicant requires site lighting to allow for 24 hour deliveries of road planings during night-time periods. Elements of the existing site are already lit, for example around the asphalt plant, which already operates during dark periods. I propose that the details of any site lighting required be reserved by condition such that the technical details would require the prior written approval of the County Council before being installed on the site. This would ensure that any site lighting would be controlled to the minimum required to allow safe operation of the site, whilst ensuring no light spill impacts would occur outside of the site itself. Subject to this and the above, the proposed development would comply with relevant development plan and other planning policies relating to landscape and visual impact.

Groundwater and surface water impacts

96. The application is accompanied by a water resources and hydrogeological assessment. That assessment identifies that the application site lies within a Flood Risk Zone 1; that there is more than 300 metres standoff between the application site and the nearest floodplain; and that within this buffer zone ground elevation is at least 10 metres higher than the level of the floodplain. The assessment considers that there would be negligible potential for significant flooding of the proposed site from rainfall runoff from adjacent land. Similarly it considers that the risk posed by flooding from groundwater is deemed to be acceptable. It also concludes that the rates of discharge from the proposed

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development would not increase as a result of the planned operation of the site and thus that the proposals are considered acceptable in this regard.

97. Members will note that the Environment Agency has raised no objections to the proposals and amendments to the previously approved restoration plans. It has confirmed that the applicant would need to apply for an Environmental Permit to cover the proposed operations and that the applicant is already in discussions with it to this effect. In the absence of any objections to the proposals on groundwater or surface water impacts I consider that the proposals are acceptable in these respects and comply with relevant development plan and other planning policies relating to groundwater and surface water impacts.

Public Rights of Way

98. Public Right of Way (Footpath) MR75A runs through part of the restored quarry site leading from Hollow Lane past the Tarmac Depot, asphalt plant, vehicular site entrance and south-west on to Sandy Lane. The Right of Way would not be affected by the proposals since it is physically separated from the two development sites. Accordingly, the KCC Public Rights of Way Officer has raised no objection to the proposals.
99. As part of the consultations undertaken on these proposals a question has been raised as to whether Tarmac could renew the pedestrian crossing markings immediately outside their site where the Public Right of Way crosses their entrance. This crossing current takes the form of an informal zebra crossing however the line markings on the road surface have considerable worn off over time. Having discussed this request with the applicant, Tarmac have provided an undertaking to re-paint the crossing as far as it is able to do, bearing in mind it acknowledges no responsibility for the actual maintenance of this crossing. With this in mind, I propose that an informative be placed on any consent requesting that the applicant re-paint the crossing markings as soon as they are reasonably able to do so. Subject to this, I am satisfied that the proposed development complies with relevant development plan and other planning policies.

Other issues

100. Concerns have been raised by the local community and Tracey Crouch MP concerning a perceived 'flawed' consultation processed undertaken by the applicant prior to the submission of the application to the County Council. Concerns have also been expressed regarding the short timescales in which the local community had to respond formally to the County Council on the extensive documents submitted in support of the proposal.
101. In respect of the lack of pre-application consultation undertaken by the applicant it is noted that it is currently government best practice to encourage developers to engage with local communities ahead of submitting development proposals. Legislation requiring developers to undertake pre-application engagements with local communities is changing, such that in the future there is likely to be an actual requirement for such consultation to be undertaken. However, to date such legislation has not been enacted and therefore we are only able to suggest that applicants undertake pre-application consultation, as opposed to insisting that it takes place.
102. With regard to the timescales for any interested parties to make comments to the County Council in respect of the proposals, I can confirm that a 21 day period was given to all notified residents. This period reflects statutory publicity requirements for planning

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applications and complies with the County Council's own publicity arrangements. In reality all comments received prior determination will be taken into consideration in the decision making process. I am therefore satisfied that the County Council has met its responsibilities in terms of allowing any interested parties to comment on these particular proposals.

103. I note that the applicant met representatives from the Borough, Town and Parish Councils and local residents to discuss the development proposals and that whilst this meeting took place after the planning application had been submitted it enabled the local community to seek any necessary assurances and clarification from the applicant, in turn informing any comments the local community wished to make in respect of the planning application.
104. As outlined in paragraph (28) above, the applicant has offered to set up a Site Liaison Committee, which would include twice annual meetings with invitees representing (as necessary) Snodland Town Council, Birling Parish Council, Tonbridge and Malling Borough Council, Kent County Council, Tarmac and Tesco. With this in mind, I propose that an informative be placed on any consent requesting that the applicant ensure that the Liaison Committee is established following the implementation of the development.
105. Concern was raised at the Public Meeting that the applicant already operates a tanoid/PA system to guide its vehicles on site. During a meeting with the applicant, it confirmed that no tanoid/PA system is required for the proposed operations. I therefore propose to impose a condition preventing the use of a tanoid/PA system during night-time periods. The applicant also confirmed that it intends to cease the existing tanoid/PA system use during night-time periods, but pointed out that Tesco use its own personal address system as part of its operations at Ham Hill.
106. Concern was raised at the Public Meeting that the County Council needed to carefully consider the cumulative impacts of the various developments at Ham Hill. These issues have been carefully considered, particularly in respect of the cumulative impacts of noise and transportation, and are addressed in each of the respective sections above.

Conclusion

107. Whilst there is no specific need (in overall Kent waste capacity terms) for additional secondary and recycled aggregates waste management capacity at this time, national, regional and local planning policies support the movement of waste management solutions up the waste hierarchy and encourage sustainable waste management that produces less waste and uses it as a resource whilst protecting human health and the environment. The emerging Kent Minerals and Waste Development Framework also advocates this approach and makes it clear that 1.4mtpa of secondary and recycled aggregate capacity should be regarded as a minimum requirement. It also makes it clear that this required capacity will not be maintained throughout the Plan period (i.e. to 2030) unless further planning permissions are granted. Given that the application site is allocated for employment use by Policy E1 of the Tonbridge and Malling Borough Council Local Development Framework Development Land Allocations Development Plan Document, the proposed development is acceptable in principle. Having examined the proposals (both individually and cumulatively with other permitted development in the area), and considered the consultee responses, the representations received and

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the views expressed at both the Members' Site Visit and Public Meeting, I am satisfied that the proposed development would not give rise to any overriding harm and would accord with relevant development plan policies provided the planning conditions referred to above and below are imposed. I therefore recommend accordingly.

Recommendation

108. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including those to cover the following matters:

- 5 year implementation period;
- the development to be carried out in accordance with the permitted details;
- limit of 100,000 tonnes per annum associated with the aggregate recycling facility;
- limit of 30,000 cubic metres per annum associated with the concrete batching plant;
- details/specification of acoustic fence to be submitted for approval;
- erection of acoustic fence prior to the commencement of development and maintenance in perpetuity for life of the permitted operations;
- ecological mitigation (as detailed in the application) to be implemented when constructing the acoustic fence;
- day-time noise from site operations limited to 55 dB LAeq, 1 hr;
- night-time noise from site operations limited to 50 dB LAmax;
- all vehicles on site to use broadband reversing alarms during night-time periods;
- no audible tanoid/PA system to be used during night-time periods;
- scheme of noise monitoring;
- hours of working for processing and sale of materials associated with the aggregate recycling facility: Monday – Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 hours and no operations (except for essential maintenance and then only between 08:00 to 18:00 hours) on Sundays and Bank Holidays;
- hours of working of the CBP: Monday – Friday 07:00 to 18:00 hours, Saturday 07:00 to 13:00 hours and no operations (except for essential maintenance and then only between 08:00 and 18:00 hours) on Sundays and Bank Holidays;
- removal of remaining indigenous sand reserves and restoration completed (in accordance with the revised restoration scheme) within 18 months from the implementation of the development;
- height of material stockpiles being restricted to no more than 6m above the quarry floor and no vehicles, machinery, plant or equipment be operated on top of the stockpiles;
- retention, maintenance and management of the restored landscape areas for the life of the development;
- a formal 5 year aftercare period for the restored landscaped areas;
- dust mitigation measures;
- measures to control mud and debris being tracked out of the site;
- details of any site lighting to be submitted for approval; and
- details of CBP to be submitted for approval.

109. I FURTHER RECOMMEND that the APPLICANT BE ADVISED, BY WAY OF AN INFORMATIVE, that a Site Liaison Committee is established in accordance with the general terms which the applicant has proposed. I also recommend that the applicant be requested to re-paint Public Right of Way MR75A crossing markings immediately

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outside of their site as soon as they are reasonably able to do so (in consultation with the landowner as necessary).

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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APPENDIX 1

APPLICATION KCC/TM/0075/2012 – AGGREGATE RECYCLING FACILITY AND CONCRETE BATCHING PLANT TOGETHER WITH AMENDMENTS TO THE CURRENTLY APPROVED QUARRY RESTORATION PLANS AT HAM HILL QUARRY, SNODLAND

NOTES of a Planning Applications Committee Public Meeting at Snodland Town Hall on Thursday, 28 June 2012.

MEMBERS PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr C Hibberd, Mr P J Homewood, Mr J F London, Mr R F Manning, Mr M B Robertson and Mrs E M Tweed.

LOCAL MEMBER: Mrs S V Hohler.

OFFICERS: Mrs S Thompson, Mr J Wooldridge and Mr J Moat (Planning); and Mr A Tait (Democratic Services).

THE APPLICANTS: Tarmac Ltd: represented by Mr S Treacy (Senior Estates Manager, Tarmac Ltd) and Mr P Woodger (Site Foreman)

TONBRIDGE AND MALLING BC: Mr M Balfour

SNODLAND TC: Miss A Moloney (Chairman), Mr J Atkins and Mr A Keeley. *Miss Moloney and Mr Atkins were also Members of Tonbridge and Malling BC.*

ALSO PRESENT were some 30 members of the public.

(1) Members of the Committee visited the application site prior to the meeting. Mrs P A V Stockell was present at this visit, whilst KCC Highways and Transportation were represented by Mr P Lulham.

(2) The Chairman opened the meeting by explaining that its purpose was for the Planning Applications Committee Members to listen to the views of local people concerning the application. The Committee Members had visited the site earlier that afternoon and had also inspected the surrounding area.

(3) Mr Moat introduced the application by saying that Ham Hill Quarry lay on the western side of the Medway Valley immediately to the southwest of Snodland and 8km northwest of Maidstone. It was accessed via Hays Road, a private cul-de-sac servicing Tarmac's depot, the existing asphalt plant and a Tesco distribution centre. The access road joined the A228 Malling Road at the Ham Hill Roundabout some 700 metres south west of the site. Junction 2 of the M2 lay approximately 7.5 kilometres to the north, whilst Junction 4 of the M20 was some 1.5 kilometres to the south. The site lay just outside and to the east of the North Downs Area of Outstanding Natural Beauty and was also identified in the Tonbridge and Malling Borough Council Local development Framework (LDF) as land safeguarded for employment purposes.

(4) The site hosted a number of uses, including mineral workings; an asphalt plant which produced coated road stone; the storage of asphalt road planings and a depot for Tarmac's

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National Contracting business. A public footpath (MR75A) ran through part of the restored quarry site leading from Hollow Lane (north-east of the site) to Sandy Lane (south west).

(5) Mr Moat went on to outline the history of the site. Mineral extraction had commenced at Ham Hill in 1962 with a planning permission to extract silica sand. This permission established the site as a sand quarry, required progressive restoration to agriculture and made provision for a dedicated access joining the highway at the southern end of Hollow Lane. An extension to the quarry was granted in 1985 allowing additional mineral to be extracted in the area now subject to this application. Temporary planning permission was granted for an asphalt plant at the site in 1985 requiring the plant to be removed once the adjoining sand quarry reserves had been fully extracted. Approval was given in 1999 enabling the importation of up to 5,000 tonnes of asphalt road planings. This approval did not allow for any treatment or processing and was required to cease upon completion of mineral extraction. In 2001, planning permission was granted for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays.

(6) A permanent permission was granted in 2008 allowing the asphalt plant to operate between 0500 to 1800 Mondays to Fridays; 0500 to 1300 on Saturdays; and 0800 to 1800 on Sundays and Bank Holidays (for essential maintenance only). No lorries were permitted to leave the site before 0600 hours on Mondays to Fridays.

(7) This planning permission however, enabled the asphalt plant to operate (and lorries to leave the site) outside the conditioned working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 0000 hours and 0400 hours with the exception of the loading and movement of lorries. No more than five of these 60 occasions were permitted to be used consecutively.

(8) A Minerals Review permission was granted in 2008, updating previous conditions imposed on the 1962 and 1985 permissions. Conditions attached to the mineral review permission required the site to be restored by 30 June 2016 and that it would not be used for processing or storage of non-indigenous materials without the prior written permission of the Mineral Planning Authority. It also required restoration in accordance with an approved restoration and aftercare scheme.

(9) Mr Moat then said that all economic material had been extracted from the south eastern part of the quarry void which was now occupied by the permanent asphalt plant. A small reserve of remaining consented sand remained at the north western corner of the site, to be worked out by the applicant in due course. The quarry was still to be completely restored using indigenous materials in accordance with the approved restoration scheme. The areas under restoration are those parts of the quarry batters no longer in operational use. These have been set down to grass and planted with trees. .

(10) The site boundary ranged between 24 metres AOD in the north and west to 29 metres AOD to the south and east. The ground level of the quarry was approximately 6 metres AOD (some 18 to 22 metres below the level of the original pre-quarrying ground levels). Neighbouring land uses included agricultural land to the northwest, a residential area to the northeast, a Tesco distribution centre to the southeast and residential properties set in a wooded area to the southwest. The closest residential properties to the proposed activities were those located on Sandy Lane (130m) to the south and west of the site; Mary Last Close (140m) and Busbridge Road (220m) to the north of the site; and Edgeler Court (180m) and Hamilton Close (200m) off Hollow Lane to the northeast.

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(11) Mr Moat then turned to the application itself. He said that permission was sought for a Concrete Batching Plant (CBP) and the production of secondary aggregates using a mobile crushing/screening plant within the void of the former Ham Hill sand quarry.

(12) The recycling plant would handle up to 100,000 tonnes per annum of general construction and demolition waste, utility arisings and waste asphalt. This would produce Recycled Asphalt Product (RAP) for reuse as a feedstock for Tarmac's existing asphalt plant. Any surplus would be sold as fill material on the open market.

(13) Mr Moat said that the applicant predicted that if the site were to operate at the maximum of 100,000 tonnes per annum the proposed recycling operation would attract (at worst) a total of 29 loads (58 movements) per day.

(14) Much of the waste asphalt would comprise road planings generated by the Highway Authority during those periods when large scale road works were undertaken at night (frequently between 2200 and 0200 hours). Consequently, the site would need to accept (but not process) material 24 hours a day, seven days a week. The applicant predicted that typically there would be a need to import road planings for 5 to 6 consecutive nights once or twice each month.

(15) The processing plant itself would be delivered to the site on a short-term 'campaign' basis to crush and screen material in order to produce a saleable product once sufficient volumes had been accumulated. Once all materials had been processed the plant would be removed only to return again once stocks of unprocessed material had been replenished.

(16) Imported material would be stockpiled for processing each month over a two week period on the basis that the recycling plant would be on site two weeks in every four. As with the imported materials, the recycled product would be sold and distributed throughout the year from stockpiles created by the recycling plant during the period it would be on site.

(17) Waste arisings would need to be delivered to the site and placed on stock on a 24 hours a day / seven days a week basis. The proposed hours for processing and sale would be 0700 to 1800 on Mondays to Fridays; 0700 to 1300 on Saturdays with no operations on Sundays and Public Holidays (except for essential maintenance between 0800 and 1800).

(18) No additional infrastructure would be required to facilitate the proposed recycling operations as the existing weighbridge, office, mess room and toilets associated with the asphalt plant would be utilised.

(19) The application also sought permission for a Concrete Batching Plant (CBP) which would be capable of producing up to 30,000 cubic metres of concrete per annum. The CBP would be located on an area of land north-west of the existing asphalt plant. No additional stock bays would be required in addition to those already associated with the neighbouring asphalt plant.

(20) Mr Moat said that the applicant had set out some indicative parameters for the CBP, stating that was unlikely to exceed 18 metres in height. In the context of the quarry base (at approximately 6m AOD) a maximum height of 18 metres would result in the top level of the plant being at 24m AOD (i.e. below the rim level of the quarry which at this point was approximately 28m AOD).

(21) The CBP was anticipated to generate up to 32 loads (64 movements) per day on the local road network. Its proposed working hours would be 0700 to 1800 on Mondays to

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Fridays; 0700 to 1300 on Saturdays with no operations on Sundays and Public Holidays (except for essential maintenance between 0800 and 1800).

(22) The application sought a variation to the quarry restoration scheme as permitted in 2008. This variation would allow the applicant to leave the base of the quarry unrestored so that it could be used as an operational area for the proposed development. The sides of the quarry would be restored by way of landscape planting, in the same manner as previously permitted.

(23) Mr Moat said that a relatively small amount of consented mineral was yet to be worked out from the north-western corner of the site. The applicant had proposed that this indigenous material would be extracted and the land restored within 18 months of the implementation of the proposed development.

(24) It was proposed to erect an acoustic fence and to maintain it in perpetuity along part of the northern boundary of the site with Snodland Road (measuring some 110 metres in length) and along the eastern boundary of the site adjacent to Mary Last Close (measuring some 100 metres in length). The height of the fence was proposed to range from 28 metres AOD to 30 metres AOD, generally 3 metres in height above the surrounding ground levels.

(25) The application would result in an additional 61 loads (122 movements) per day to Hays Road and the surrounding local road network. Five additional members of staff were likely to be employed at the site, resulting in a further 10 additional movements per day. The proposed development would therefore (when calculated on an 11 hour working day) generate a maximum of 12 movements per hour on average.

(26) Mr Moat went on to summarise the responses from statutory consultees. He said that objections had been received from Tonbridge and Malling Borough Council, Snodland Town Council and Birling Parish Council. These had focussed primarily on noise, dust, odour and highway issues. Concerns had also been raised about the lack of pre-application consultation undertaken by Tarmac before submitting its planning application.

(27) No objections had been received from the Environment Agency, Kent Highways, the Biodiversity Officer and Public Rights of Way. The Environment Agency had confirmed that the proposed operations would be subject to an Environmental Permit.

(28) Further technical noise information had been submitted in respect of the predicted noise level calculations for the proposed operations. Further consultee responses were awaited in respect of this information from the County Council's Noise Consultant as well as from the Borough, Town and Parish Councils. These responses would be set out in the final officer report to the County Council's Planning Applications Committee.

(29) Some 93 letters of objection had been received from local residents, many in the form of a standard petition letter. The main issues raised included concerns over the lack of pre-application consultation by Tarmac, noise, dust and odour issues together with concerns regarding the increase in highway movements.

(30) A letter expressing concerns has been received from Tracey Crouch MP, focussing on a lack of pre-application consultation and the short timescales for the local community to respond to the extensive range of documents submitted with the proposals.

(31) Snodland Labour Group had raised concerns regarding noise disturbance at night from vehicle movements, loading and unloading, dust and odour issues.

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(32) Mr Moat concluded his presentation by saying that the site was identified in the Borough Council Local Development Framework as a site safeguarded for employment. National and local waste management policies were supportive in principle of such locations for waste management facilities, subject to there being no overriding environmental concerns.

(33) Mr Hibberd noted that regulations in respect of lorries were continuing to change, permitting the carriage of ever heavier loads and possibly greater noise as a result. He asked whether this was taken into account when assessing noise impact. *Mr Wooldridge replied that some allowance was indeed made for this possibility. The main area of concern had, however been night time noise, particularly that associated with reversing alarms. The applicant had proposed the use of broadband alarms for reversing vehicles. This could be covered by condition. As a general point, the noise assessment had taken account of the noise already emanating from the site and from the neighbouring Tesco depot.*

(34) Mrs Tweed asked whether KCC Highways and Transportation had recommended any mitigating features in respect of the high speeds travelled along the main highway. She also asked about the impact of the noise proof fence on properties in Mary Last Close given their small back gardens. *Mr Moat replied that KCC Highways and Transportation had raised no objection. He also stated that the proposed acoustic fence would not be immediately adjacent to these gardens.*

(35) Mr Robertson asked whether communication with the lorry drivers would be undertaken by radio with no aerial sound. *Mr Moat replied that this matter was still under discussion with Tarmac.*

(36) Mr Manning said that up to this point the applicants had not given information about the type of plant that would be used. He wished to know more about source and intensity. He also asked for information on the complaints made by the community over the lack of pre-application consultation by Tarmac. *Mr Moat replied that the application included illustrative plant/equipment and noise output data typical of such plant. In respect of the pre-application consultation, there was no legal requirement on Tarmac to undertake it – although the Government planned to introduce legislation at a later stage.*

(37) Mrs Hohler (Local Member) said that it would be difficult for anyone to imagine the level of noise that would arise from operations at the bottom of the quarry until it actually occurred. She believed that the noise would be particularly disturbing during the night for residents in some of the properties that were situated very close to the edge of the site in what was currently a very quiet area. She then said that the road into the site was a private road and therefore impossible to regulate. She was pleased to hear that the applicants proposed using broadband alarms and added that if this needed to be a condition in the event that the Committee decided to grant permission. The PA system was a nuisance for residents and it was essential for the site operators to establish a liaison committee so that issues of this nature could be brought to their attention. She asked the Committee to carefully consider potential dust impacts. She concluded her remarks by saying that the applicants proposed that the crusher and screener would have a footprint rather than being installed all over the site at different times. *Mr Moat confirmed that the applicants had proposed a definitive area for the crusher and screener.*

(38) Mr Homewood asked for clarification about the equipment that would be making the noise. *Mr Wooldridge replied that the CBP was permanent, fixed, stationery and not particularly noisy. Its noise levels had been factored into the noise assessment. The location*

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of the crusher and screener had now been more closely defined to enable the Noise Consultant to determine whether their noise levels would be reasonable and acceptable.

(39) Mr Balfour (Tonbridge and Malling BC) said that the neighbouring properties were very close to the site and were already suffering (in what had once been a residential area) from the disturbance, noise and smell from the existing plant and the lorries at Tesco. The plant would produce noise disturbance during the day. The lorries would arrive on site during the night to deliver scrapings from the roads. There would be noise from the tipping at about 3 o'clock in the morning. Dust would definitely arise from the tipping operations on site.

(40) Mr Balfour went on to say that although the applicants had produced a machine measurement or estimate of noise levels, this would be different to what people would actually hear – in much the same way that people's perception of the noise from a train going through a tunnel was often in complete contrast to the sound measurements taken. He then said that the site was on the edge of the Medway Flood Plain – which meant that very dense air arose from the river. He asked whether the Noise Consultants had taken air density into account when making their assessments. *Mr Moat replied that he would ensure that the Noise Consultants were asked that specific question.*

(41) Mr Balfour then said that the nearest properties were in Sandy Lane. They were set at a lower height than the others, yet there was no sound attenuation for them or for properties to the south west. He asked the Committee to consider the effect of night time tipping in the light of the cumulative effect of Tesco being open all day and night. Finally, he considered that the applicants should have taken emerging legislation into account and held pre-application consultation.

(42) The Chairman asked the Planners whether they had evidence of the current noise nuisance that had been mentioned by Mr Balfour. *Mr Wooldridge replied that there had been no complaints during the previous seven to eight years. The Borough Council's Environmental Health Officer had not mentioned it in response to the consultation.*

(43) Mrs Moloney (Snodland TC) said that there already was a congestion problem at the Ham Hill Roundabout. In fact, there had very recently been an accident involving an overturned lorry. She then said that there would be an unacceptable visual impact on the residents of Mary Last Close arising from the erection of a 3 metre high noise attenuation fence so close to their gardens. She added that even properties in Brook Lane and Lakeside to the south east currently suffered noise disturbance when the wind was blowing in their direction. *Mr Moat said that the acoustic fencing would be set back in Tarmac's land on its side of the vegetation which currently shielded the Mary Last Close residents from the site. There would therefore be no significant visual impact. He agreed to check the level of the fence across all the undulations of the land. The Chairman also agreed that the concerns raised by Mrs Moloney in respect of the roundabout would be considered.*

(44) A resident from Edgeler Close gave apologies from Tracey Crouch, MP. She said that Ms Crouch had written to the Planning Applications Group in order to communicate her concerns about the lack of pre-application engagement by the applicants, noise and dust. She suggested that tests could be carried out on the equipment to be used in order to ascertain whether or not it would cause a nuisance. *Mr Wooldridge replied that every crusher would sound extremely noisy when standing close to the equipment. The only way it could be assessed properly was at the correct distance with the mitigation measures in place.*

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(45) Dr Jonathan Shaw (former MP) said that he believed that the applicants needed to inspire confidence in local residents that their concerns would be treated seriously. They had agreed to post leaflets to everyone in the neighbourhood to explain their intentions. They had, instead, simply placed it on their website. He then said that there was still some uncertainty over noise levels. Although the applicants had made measurements, these readings could not be absolutely reliable. He had asked Tarmac to hold trials including crushing of the noisiest aggregates. He asked whether Tarmac had made any approaches on this matter to the Planning Applications Group. Mrs Thompson said that if people believed that the operators were going beyond the conditions of their current permissions, they should contact the County Council's Planning Applications Group which would investigate the matter and take action if appropriate.

(46) Mr Atkins (Tonbridge and Malling BC) said that 40 years earlier the effects of sand extraction had been particularly dreadful with cars being covered in sand. Progress had been made over the last 20 years as a result of the cessation of this work and landscaping work. He was concerned that this progress could be jeopardised as a result of concrete batching and crushing taking place in close proximity to residential areas. He did not believe that the dust nuisance would be mitigated by having the proposed operations taking place at the bottom of the quarry.

(47) Local residents contributed to the discussion. Their points are summarised below:

- (a) Traffic exiting the site would create nightmarish conditions at the Ham Hill roundabout.
- (b) The applicants could already have permission to use a tanoid/PA system to guide their vehicles on the site. If so, there would be nothing to stop them continuing to use it.
- (c) A resident from Edgeler Close said that he had been able to hear the crusher the moment it had been installed in May.
- (d) The general noise from the site could already be heard in Malling Road and Brook Lane. Light intrusion was already taking place. Lorries trying to get on to Hays Road from the roundabout often missed the turning and travelled up Hollow Lane and Snodland Road instead. This became especially difficult when they attempted to reverse back towards the main road.
- (e) A resident from Sandy Lane said that vegetation was less dense during the winter months when hooters could be heard throughout day.
- (f) Hays Road was marked with double yellow lines on both sides of the road all the way to the Tesco depot. From there on, one side of the road was unmarked and used by staff for parking. This prevented lorries from passing one another – particularly during the Christmas and Easter periods.
- (g) The applicants had on at least four occasions unloaded road rollers and equipment for the asphalt plant outside of the permitted hours. How could they be trusted to obey the Law in all respects?
- (h) Although KHS were not objecting on grounds of traffic safety, three lorries had turned over at the Ham Hill roundabout in the last three years.

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- (i) It was surprising that Tesco had not formally objected to the application. The Committee should note that more lorries might in future travel down Hays Road to the Tesco site than was currently the case. *Mr Wooldridge said that KCC Highway and Transportation/Tonbridge and Malling BC would be asked whether the Tesco permission permitted greater traffic numbers than currently went to the site.*
- (48) The Chairman thanked everyone for attending. He said that a number of issues had been raised that would be looked at in detail. The notes of the meeting would be appended to the Committee report.