

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site (an increase from 110 to 182 movements per day) at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715.

A report by Head of Planning Applications Group to Planning Applications Committee on 17 February 2009.

Application by Cemex UK Materials Limited for variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site (an increase from 110 to 182 movements per day based on vehicles associated with both landfill and recycling operations handling 500,000 tonnes instead of 300,000 tonnes per year) at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks.

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mrs V. Dagger

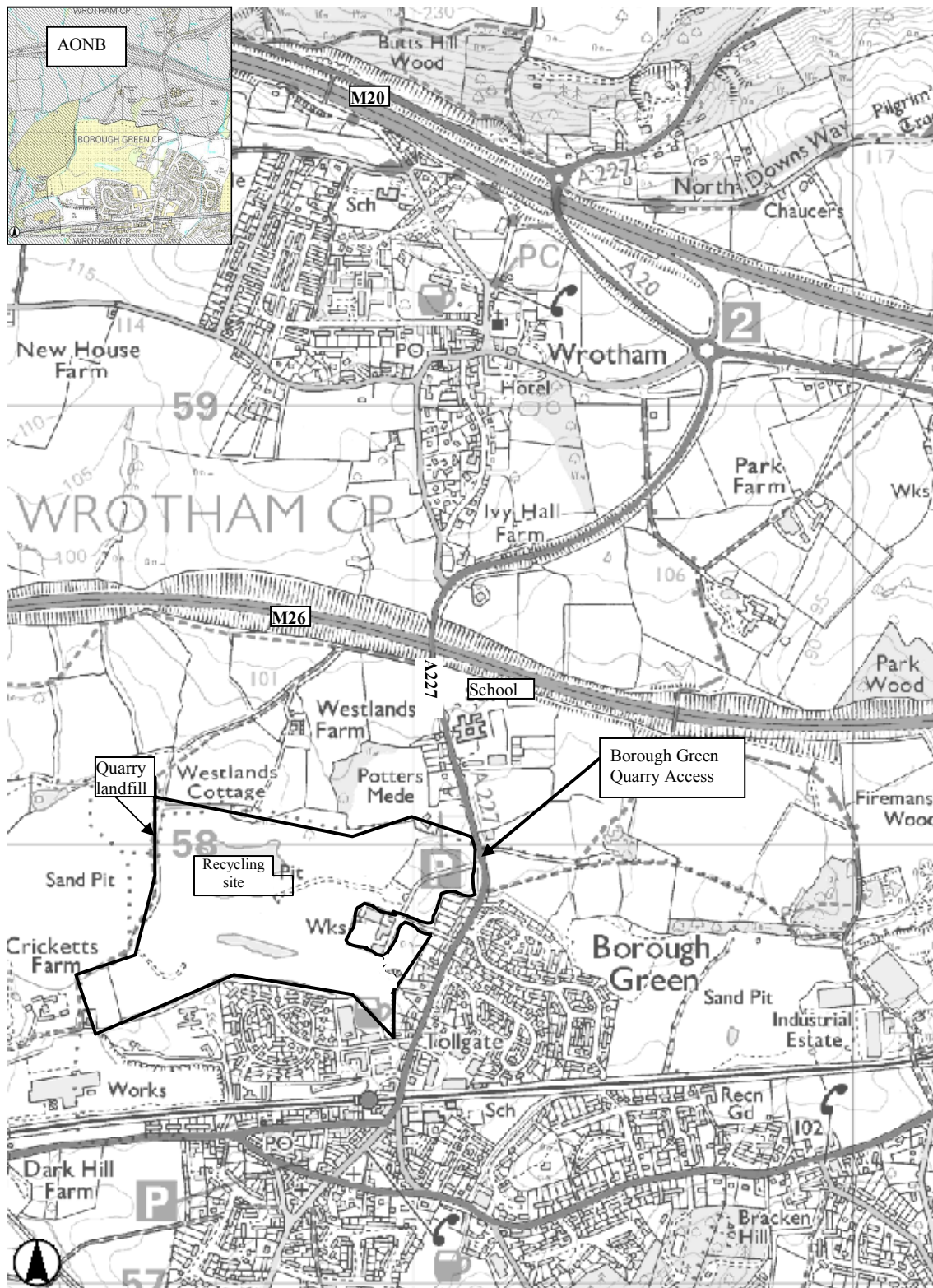
Classification: Unrestricted

Site description and background

1. Borough Green Quarry (landfill site) is situated north of Borough Green village. The site is bounded to the north by open farmland, beyond which lies the M26. To the north-east there is a small woodland and sports ground. To the east is the A227 Wrotham Road from which access is obtained. The southern edge of the quarry abuts a residential area (Fairfield Road), an industrial unit and a nursing home. There are also a number of residential properties fronting the A227 and Wrotham School, which lies to the east of the A227 and some 270m north of the site access. The site lies within the Metropolitan Green Belt and adjoins the Kent Downs Area of Outstanding Natural Beauty (AONB) on its northern and western sides. As a result, HGVs leaving the site travel through the AONB.
2. The site is operated by Cemex under mineral planning permissions TM/93/305 and TM/01/1205/MR86, as amended by TM/08/2981 and TM/08/3175 (which provide for amendments to the access arrangements). Extraction has ceased and the permissions provide for restoration by landfill using inert waste. None of the permissions have any restrictions on numbers of vehicle movements. In October 2006 planning permission was granted for inert waste recycling at the site (TM/06/2171). This recycling permission, which has yet to be implemented (*and does not therefore yet apply*), includes a condition (6), which would restrict HGV movements for both the quarry restoration and the recycling operations to no more than 110 (55 in and 55 out) per day. Condition (6) states that:

Item C1

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019238 2006 © Crown Copyright. All rights reserved 100019238 2006

2 February 2009
AMD



Item C1

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

“The overall vehicle movements for both the quarry restoration permitted under TM/93/305 and the recycling option hereby permitted shall, together, not exceed 110 movements per day (55 loads in, 55 loads out). These movements are based on the vehicles not handling not more than 300,000 tonnes of materials per annum and not more than 3,000 tonnes per day, as set out in section 6 (f) of the Statement in Support of the Application dated 16 June 2006;”

3. Planning permission TM/06/2171 also includes a condition (5) which restricts HGV movements in term time during school morning and afternoon peak times (08.15 to 09.00 and 15.00 to 15.45). Condition (5) refers to a letter in which RMC (now Cemex) confirmed that it would use its “best endeavours” to restrict HGV movements and would prevent HGVs exiting the site during these times. The same condition is also contained in planning permissions TM/93/305 and TM/01/1205/MR86 by virtue of similar conditions being applied to approvals given for restoration and aftercare schemes under the terms of these permissions in 2003 and 2008.
4. It should be noted that a number of complaints were received from local residents and the local Parish Councils about the site during 2008. The concerns related primarily to mud being deposited on the A227, lorries queuing on the road and the road sweeper obstructing the free flow of the traffic. In response to these concerns and following discussions between officers and the operator, Cemex sought approval from the County Council for the installation of an additional wheel-wash, water tank, rumble bars, HGV holding area, widening of the internal access road and associated infrastructure. This was addressed by the submission of two parallel applications to vary conditions (2) of the 1993 and 2002 mineral permissions relating to the access arrangement to the site (TM/08/2981 and TM/08/3175 respectively) and amendments to site infrastructure pursuant to condition 17 of planning permission TM/93/305. These were permitted / approved in November 2008. Some of the improvements were implemented by the time of the Quarry Liaison Group meeting on 24 October 2008. By the time of the 27 January 2009 Quarry Liaison Group meeting, most of the improvements were in place although not all were fully operational. Specifically, a new mains water supply had yet to be provided for the additional wheel-wash (*although on the day of the meeting South East Water was in the process of installing this*) and the HGV holding area had yet to be completed. Cemex also advised the Liaison Group that it was in discussion with Kent Highways on possible further improvements to the site access and adjoining kerb line.

Proposal

5. The application has been submitted under section 73 of the Town and Country Planning Act 1990 to vary condition (6) of the recycling permission (TM/06/2171) to amend the vehicle movement restriction to allow up to 182 HGV movements (91 in and 91 out) per day associated with the quarry restoration (landfilling) and recycling operations.
6. The recycling permission was granted based on an assumption that there would be up to 300,000 tonnes per annum (tpa) brought for landfilling, of which about 100,000tpa would be capable of being recycled, and hence the calculation that the vehicle restrictions of 110 HGV movements (55 in and 55 out) would be appropriate. However, since the time of that application, there has been a much greater demand for inert waste disposal such that the restriction of 110 HGV movements is no longer practical. The applicant advises that in 2005 80,913 tonnes of inert material was imported to the site. The figure rose to 433,713 tonnes in 2006, 260,274 tonnes in

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

2007 and 459,382 tonnes in the eleven months to November 2008. On this basis, the applicant is reluctant to implement the recycling permission and continues to operate under the restoration permissions (TM/93/305 and TM/01/1205/MR86), which do not restrict the number of vehicle movements at all.

7. Consequently, the applicant has applied to amend the number of HGV movements from 110 to 182 to allow restoration of the quarry to be maintained at its current level of operation and allow recycling to take place at the site. The need for 182 HGV movements per day is based on maximum of 500,000tpa of inert material being brought to the site for both operations.
8. In support of the application, the applicant advises that implementation of the permitted recycling operation would provide recycled aggregates to supply the local construction industry, soil-forming material to supplement soils in the land reclamation process at the quarry and residual inert waste (e.g. clay waste and fines) to infill the quarry void. It also states that allowing more HGV movements than currently permitted under the recycling permission would ensure that restoration operations are not unnecessarily delayed and that there would be no material change in the number of HGV movements actually using the site (based on figures for the last few years). It further states that recent improvements will (when completed) avoid any problems of vehicles queuing on the public highway or depositing mud.

Planning Policy Context

9. **National Planning Policies** – The most relevant National Planning Policies are set out in PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.
10. **Regional Planning Policies** – These include Policies E3 (Green Belts), W3 and W4 (regional and sub-regional self-sufficiency), W5 (targets for diversions from landfilling), W6 (recycling and composting facilities), W7 (capacity requirements) and W17 (location of waste management facilities) of the adopted Regional Spatial Strategy (RPG9) and Policies SP5 (Green belts), W3 and W4 (regional and sub-regional self-sufficiency), W5 (targets for diversion from landfill), W6 (recycling and composting), W7 (capacity requirements), W17 (location of waste management facilities), M2 (recycled and secondary aggregates) and M3 (primary aggregates) of the emerging South East Plan.
11. **Kent and Medway Structure Plan (2006)** – These include Policies SP1 (conserving and enhancing Kent's environment and ensuring a sustainable pattern of development), SS2 (extent of the Metropolitan Green Belt), EN1 (protecting Kent's countryside), NR5 (pollution impacts), TP12 (development traffic & access to the primary/secondary road network), TP15 (development traffic & HGVs), WM2 (assessment criteria for waste proposals), MN2 (use of recycled materials) and MN3 (assessment of criteria for mineral proposals).
12. **Kent Minerals Local Plan Construction Aggregates (1993)**: These include Policies CA16 (traffic considerations) and CA18 (noise, vibration and dust).
13. **Kent Waste Local Plan (1998)**: These include Policies W6 (consideration of need and harm), W18 (noise, dust and odour) and W22 (road traffic and access).

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

14. **Tunbridge and Malling Borough Local Plan (1999):** Identifies that the application site lies in the Green Belt.
15. **Tunbridge and Malling Borough Council Local Development Framework Core Strategy (2007):** These include Policies CP1 (sustainable development) and CP3 (Metropolitan Green Belt).

Consultations

16. **Tonbridge and Malling Borough Council:** No comments received at the time of writing this report.
17. **Borough Green Parish Council:** No objections in principle. However, it has drawn attention to the issues relating to the site entrance/exit, wheel-washing arrangements and rumble strips discussed during the Quarry Liaison Group meeting on 24 October 2008 and stated that these should be satisfactorily addressed before any further planning permission is granted. Additionally, it has questioned whether the holding area currently being prepared for up to 40 vehicles (part of the approval given by the County Council in November 2008) would be adequate for the proposed increase in vehicles.

It also states that whilst it is generally encouraged by Cemex's responsiveness to problems as they arose it strongly considers that any new permission should be conditional on more frequent and stringent monitoring of the site.

18. **Platt Parish Council:** Objects to the application until the approved improvements to the HGV handling at the site have been implemented and are demonstrated to be effective.

It also refutes some of the statements within the application documents in which Cemex states that the current operation is unproblematic as these seem to contradict statements included in the September 2008 application where it admitted to problems having occurred on the on the A227 Wrotham Road involving queuing lorries and contamination of the highway.

Additionally, in response to the applicant's comment that the relaxation of the restriction on the volumes of materials would speed up the landfill of the old quarry, it considers that it is far better to have a low level of HGV movements for a long period with no highway problems than to have a high level of HGV movements for a shorter period but with possible associated highway dangers.

19. **Wrotham Parish Council:** Objects to the proposal.

It states that Cemex has a very poor record of managing the backfilling operation which has resulted in constant breaches of planning conditions over several years. It states that:-

- HGVs are inadequately cleaned and deposit large quantities of mud onto the public highway;
- HGVs are inadequately sheeted and shed mud and rubble along the A227 (resulting in the Parish Council receiving many complaints from parishioners who live along Borough Green Road who have large collections of rocks in their front gardens, shed from passing HGVs);

Item C1

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

- HGVs queue on public roads (particularly Wrotham Road and the Whitehill slips) causing a traffic hazard in both places and damage to pavements;
- The slow moving road-cleansing vehicles that the company uses to remove some of the mud, which shouldn't have been deposited in the first place, are a traffic hazard; and
- The company fails to enforce traffic routing, which results in many HGVs driving through Borough Green.

It also states that the proposal would increase the noise levels both to local residents and the Wrotham School and would increase the danger to pedestrians and in particular to school children during their arrival and departure from school.

It further states that it is aware of the applicant's recent investment in more effective washing equipment and an internal roadway (which it understands is not yet operational) and that although these measures may bring the current operation up to acceptable standards, if properly implemented and managed, this should have been installed before the backfilling operation commenced.

20. **Divisional Transportation Manager:** No objection to the proposal subject to all existing conditions regarding restrictions during term time to restrict HGV movements during the morning and afternoon school peak times, wheel washing and lorry routing being upheld. Has also raised no objection to the proposed amendment to the morning peak restrictions suggested by Wrotham School (see paragraph 27 below).
21. **Environment Agency:** No objections but states that the Pollution Prevention Control permit may need to be amended to reflect the changes.
22. **South East England Development Agency:** No comments to make.
23. **South East England Regional Assembly:** No comments received at the time of writing this report.

Local Member

24. The local Member Mrs V. Dagger was notified of the application on 18 December 2008.

Publicity

25. The application was publicised by the posting of a site notice on the gate to the site, a newspaper advert and individual notification of 81 nearby properties.

Representations

26. Eight letters of representation have been received in response to the proposal, seven of which were objections. The main issues raised can be summarised as follows:
 - Objection to any increase in vehicular movements to the levels granted with the original planning consent as residents of the village suffer from the current volumes of heavy transport;
 - The HGV route is mainly past Wrotham Secondary School, but a great number also travel through Borough Green Village centre despite a ban on this route;

Item C1

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

- The inefficiency of the road sweepers to combat the mud left by the HGVs on public roads;
 - The road sweepers pose a constant traffic hazard, especially as their use should only be occasional;
 - HGVs are entering/leaving the site every few minutes already alongside other cars - a 50-60% increase in vehicle movements is unacceptable due to the increase in noise, vibrations, dirt and dust caused by the HGVs. It is noted that KCC has recently permitted a Special Needs School on the Wrotham School Site for children who are very sensitive to noise;
 - HGVs do not have regard to speed limits and have been arriving as early as 5am causing the houses to shake and plaster to crack;
 - HGVs often queue on Wrotham Road pavements causing a severe traffic hazard for other road users, cause obstruction to pedestrians and damage to the village gas mains;
 - KCC are to some extent to blame for this appalling state of affairs because of lack of monitoring and action;
 - The permission for landfill was granted based on the assumption that the Borough Green and Platt Bypass would provide access for the vehicles. The bypass collapsed in September 2007 as KCC were unable to protect the original bypass approval granted in 1991. Without that bypass it would not be excusable to allow an increase of daily HGV movements into the Cemex landfill;
 - Cemex pay little attention to planning conditions and traffic law. Until Cemex have proved over at least a couple of years that they are capable of operating a safe and clean landfill site, they should not be allowed an increase in vehicle movements. Indeed, it could be said that their demonstrable ineptitude should warrant either a shutdown or severe curtailment of their current operation.
27. Additionally, whilst the Headteacher of Wrotham School does not raise objection to the expansion of a local business, he requests that consideration be given to amending the morning peak restrictions on the grounds of health and safety of students and parents in cars who use Borough Green and Wrotham Road between the hours of 08.00 – 08.40 and 15.00 – 15.40. On this basis, the Headteacher has suggested that the morning peak restriction be amended to stop HGV movements between 08.00 and 08.45 hours.

Discussion

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraphs 9 to 15 are of greatest relevance.
29. Prior to the publication of PPS10, Government advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process. PPS10 moved the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is still appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Minerals and Waste Development Framework (MWDF) reaches a more

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are “of the right type, in the right place and at the right time” in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the adopted and emerging Regional Spatial Strategy for the South East (i.e. RPG9 and the draft SE Plan).

30. The main issues in this case are whether the proposed variation to condition 6 would be acceptable in terms of its impact on traffic (in terms of highway capacity and safety), the local environment (including the Green Belt and AONB) and local amenity (in terms of impacts on local residents and other road users). The issue of whether a recycling operation at the site is acceptable in principle at the site is not an issue as it has already been addressed in granting planning permission TM/06/2171. However, the question of whether the recycling permission is likely to be implemented if the current application is not approved is relevant. In considering potential impacts, consideration should also be given to the improvements to the site infrastructure and access permitted / approved in 2008 which have been partially implemented.
31. National and Regional minerals and waste policies seek to encourage recycling in order to reduce demand for primary aggregates and landfill and provide support for applications which are acceptable in other respects. This is reflected in Policy MN2 of the Kent and Medway Structure Plan which seeks to maximise the use of recycled materials through permitting recycling proposals at appropriate locations. Policies MN3 and WM2 of the Kent and Medway Structure Plan set out the criteria against which such applications should be assessed. If the proposed variation of condition 6 is acceptable in terms of the above impacts, these and related policies indicate that permission should be granted.
32. As explained in paragraphs 2 and 6, current landfill operations are not subject to any restrictions on HGV numbers. Figures provided by the applicant for 2006 and 2008 illustrate that the volume of imported materials for these years were significantly higher than the 300,000tpa used to arrive at a combined figure of 110 vehicle movements per day (55 in / 55 out) provided for by condition 6 of the recycling permission (TM/06/2171). It is worth noting that vehicle movements are intended to mean HGV movements in this instance. It should also be noted that the applicant is unwilling to implement the recycling permission until condition 6 has been varied because the condition (as currently worded) would impact unacceptably on its landfill operations at the site. It should also be noted that the proposed increase to 182 HGV movements per day (91 in / 91 out) is no greater than has been experienced in recent years and on this basis it is fair to say that actual HGV movements would not in practice increase as a result of the proposed change. What would actually change is that a proportion of the materials imported to the site would be recycled instead of landfilled. Since there would be no material change in HGV numbers there would not be any additional impacts on the Green Belt or AONB. A number of respondents have suggested that it would be better to retain the current HGV movement restriction and simply require restoration operations to take place more slowly over a longer period of time. As the applicant has indicated that it will not implement the recycling permission with the current restriction in place this scenario seems unlikely.
33. A number of respondents have criticised the applicant for making incorrect statements within the application. Specifically that there have been “*no discernible problems as a result of the higher traffic flows involved*” and that “*the increase in volume of material brought to the site currently registered had no significant effects on the environment and on the safety of the highway*”. Respondents have also referred to serious

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

problems with mud on the road and that if the applicant's statements were true, then there would have been no need for the road sweeper to be used on a regular basis, which is in itself a nuisance for other road users. I agree that there have been problems such as those described by respondents and that, to some extent, these have been as a result of HGV movements being higher than originally envisaged prior to adequate site infrastructure being installed. Indeed, it was problems such as these which led to discussions between officers and the applicant and Cemex submitting proposals for improvements to site infrastructure and access in 2008. However, I do not accept the assertion that the proposed variation of condition 6 would lead to additional problems since there would be no discernable increase in HGV movements and because the recently permitted / approved improvements should significantly reduce the likelihood of mud being tracked onto the highway (with resultant benefits in terms of reduced use of road sweepers) and of HGVs queuing on Wrotham Road.

34. The local Parish Councils have requested that the current proposal should not be permitted until Cemex demonstrates that it can operate the site with no detriment to the amenity of residents and highway safety after all of the new infrastructure permitted under TM/08/2981 and TM/08/3175 (including the establishment of the new water supply and HGV holding area) has been fully implemented. As outlined in paragraph 4 above, it was evident during the Quarry Liaison Group meeting on 27 January 2009 that most of the improvements are close to completion. Although Borough Green Parish Council has questioned whether the size of the HGV holding area is sufficient for the proposed increase in HGV movements, it should both be noted that no actual increase would occur in practice and that further space is available elsewhere in the site should this prove necessary (e.g. on the haul road and on the improved site access). The adequacy of the improvements permitted and approved in 2008 will be monitored and further improvements required if necessary. Since there would be no discernable increase in HGV movements and the applicant has demonstrated its commitment to improve matters, I see no reason to withhold planning permission on these grounds or for any new permission to be conditional on the completion of all the improvements permitted / approved in 2008. Should further problems arise, the existing permissions already provide conditions that would enable action to be taken should the need arise. The matter is also further complicated by the fact that the applicant is dependent on South East Water completing all necessary water works and providing the new supply and it would be unreasonable in this case to make this a pre-condition of permission.
35. A number of respondents have expressed concerns about insufficient site monitoring by the County Council. Although, I accept that more regular monitoring would be advantageous, it should be noted that officers have visited the site on a number of occasions since the problems described above were brought to their attention in 2008 and now attend the Quarry Liaison Group meetings on a regular basis. It should also be noted that officers were instrumental in encouraging Cemex to submit the proposals for the additional facilities to deal with the existing highway problems during 2008.
36. Concerns have been raised about noise, dust and vibration associated with HGV movements. Again, it should be noted that the permissions that have been implemented contain no restrictions on the number of HGV movements and that such a restriction can only be imposed via the recycling permission. As the applicant is unlikely to implement the permission with the current wording of condition 6 in place, it is only by granting permission for an increased number that any planning control can be exercised. The existing mineral permissions already require measures designed to minimise noise and dust impacts (e.g. the sheeting of HGVs and use of the new site

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

- infrastructure facilities – including additional wheel cleaning equipment) and these would continue to have effect regardless of the outcome of the current application. The existing recycling permission includes a condition (10) that requires a modified dust control scheme to be submitted and approved. This has yet to be submitted but would need to be discharged before any recycling operations take place. All conditions included on the recycling permission should be repeated (suitably amended as necessary) if permission is granted.
37. Concerns have also been expressed about HGVs speeding or failing to obey traffic laws, Cemex failing to enforce traffic routing (i.e. away from Borough Green village) and local residents being woken up at 05.00 hours. Concerns about speed and traffic law are matters for the appropriate authorities and they should take action as appropriate. In this context it is worth noting that Kent Police were involved in discussions and correspondence with Cemex and HGV operators during 2008 following complaints about parking on verges and footpaths on Wrotham Road and driver behaviour more generally. Although there are informatives on two of the planning permissions asking the operator to use its best endeavours to route vehicles leaving the site away from Borough Green there is no requirement for it to do so. However, there is a sign at the site entrance directing HGVs to turn left (i.e. north). It should additionally be noted that with the exception of a weight restriction on Borough Green High Street, there are no restrictions to prevent HGVs travelling through Borough Green on the A227 Western Road to the A25. It should also be noted that there are a number of other mineral and waste sites in the area, that many other HGVs travel through Borough Green and that these roads are part of the primary route network. Hours of operation are already restricted on all permissions at the site to between 07.00 and 18.00 Monday to Friday and 07.00 and 13.00 on Saturdays.
38. The suggestion by the Headteacher of Wrotham School that the morning peak hour restriction be amended to between 08.00 and 08.45 hours rather than between 08.15 and 09.00 hours to better reflect current practices is supported by the Divisional Transportation Manager. The applicant has agreed that it would be willing to change its operational practices to meet this request and the matter can be addressed by amending condition 5 of planning permission TM/06/2171. As this would be different from the similar restrictions placed on the mineral permissions, it would be appropriate for the applicant to be invited to seek formal amendments to the relevant conditions attached to those permissions. Notwithstanding this, the applicant has made it clear that it would be happy to operate on the basis of the new restriction. Although this change did not form part of the current application, the local Parish Councils have been informed. Any additional comments on this issue will be reported verbally to the Committee.
39. It has also been suggested by respondents that the recent landfill and recycling permissions were granted on the assumption that the Borough Green bypass would be constructed and would provide an alternative access for HGVs accessing the site. Having reviewed the various application and permission details and the relevant committee papers, I am satisfied that this was not the case and that all the decisions were made on the basis of access remaining as currently onto Wrotham Road.
40. It is important to note that the Divisional Transportation Manager has raised no objection to the application subject to existing conditions relating to HGV movement restrictions in term time during the morning and afternoon school peak times (*amended as noted above*), wheel washing and lorry routing being upheld. I consider

Item C1

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

that any new permission should reflect these requirements although HGV routing should more appropriately continue to be addressed by an informative.

Conclusion

41. Borough Green Quarry is an old established mineral site which is being restored by the deposit of inert waste without any restrictions on the number of HGV movements per day and where the suitability of the site for the recycling of inert materials was established in 2006. The recycling permission was granted based on the assumption that there would be no more than 300,000tpa of inert waste delivered to the site and that this would give rise to no more than 110 HGV movements per day. After three years, it is clear that the amount of waste that the site would attract was greatly underestimated. The proposed 182 HGV movements per day would reflect the current level of use and not, in reality, lead to an increase in HGV numbers actually using the site. As a result, no objections have been received from the Divisional Transportation Manager and there would be no material additional impacts on the Green Belt and AONB. It is important that the County Council supports sustainable waste management in accordance with the national and regional policies and targets by permitting recycling facilities where these comply with development plan policies. As the proposed amendment to condition 6 would accord with the policies set out in paragraphs 9 to 15, subject to the re-imposition of the other conditions and informatives set out in planning permission TM/06/2171 (*amended as explained above*), I recommend accordingly.

Recommendation

42. I RECOMMEND that:

(i) PLANNING PERMISSION BE GRANTED SUBJECT to all other conditions and informatives attached to planning permission TM/06/2171 being repeated (with minor amendments as necessary) and conditions (5) and (6) of planning permission TM/06/2171 being reworded as follows:-

- (5) Unless otherwise agreed beforehand in writing by the County Planning Authority, HGVs associated with the quarry restoration, landfill and recycling operations shall not leave the site during school term time at Wrotham School between the hours of 08.00 and 08.45 and 15.00 and 15.45 Monday to Friday. In addition, the operator shall use its best endeavours to prevent HGVs arriving at the site during these periods. For the purposes of this condition “best endeavours” shall include the operator informing its customers of the above restrictions, requesting that they comply with them and only allowing HGVs to exceptionally enter the site during these hours when not to do so would lead to HGVs parking or queuing on Wrotham Road whilst waiting to enter the site.

Reason: In the interests of highway safety and local amenity and to avoid unnecessary conflict with other road users at the start and end of the school day.

- (6) HGV movements associated with the quarry restoration, landfill and recycling operations shall, together, not exceed 182 HGV movements per day (91 in / 91 out).

Reason: To limit the total number of HGV movements associated with operations at the site, in the interests of highway safety and local amenity

Item C1

Variation of condition 6 of planning permission TM/06/2171 to allow additional vehicle (HGV) movements to/from the site at Borough Green Quarry, Wrotham Road, Borough Green, Sevenoaks – TM/08/3715

and pursuant to Kent and Medway Structure Plan Policies TP15, WM2 and MN2 and Kent Waste Local Plan Policies W18 and W22.

- (ii) The applicant be invited to submit further applications to amend the requirements of conditions attached to planning permissions TM/93/305 and TM/01/1205/MR86, as amended by TM/08/2981 and TM/08/3175, to provide consistency with the restrictions set out in condition (5) above.

Case Officer: Anna Michalska-Dober

Tel. no. 01622 696979

Background Documents: see section heading.
--