

Item C2

Importation of clay / soil to stabilise the northern face of the sandpit workings as part of the revision scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 and approval of a scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 as amended by MA/00/1990 at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU – MA/14/727 and MA/93/660/R22&24

A report by Head of Planning Applications Group to Planning Applications Committee on 20 January 2016.

Applications by Mr R Body for: (i) the importation of clay / soil to stabilise the northern face of the sandpit workings as part of the revision scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 – MA/14/727 (KCC/MA/0009/2014); and (ii) approval of a scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 as amended by MA/00/1990 – MA/93/660/R22&24 (KCC/MA/0016/2014); both at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU

Recommendation: Planning permission be granted / approval be given subject to conditions.

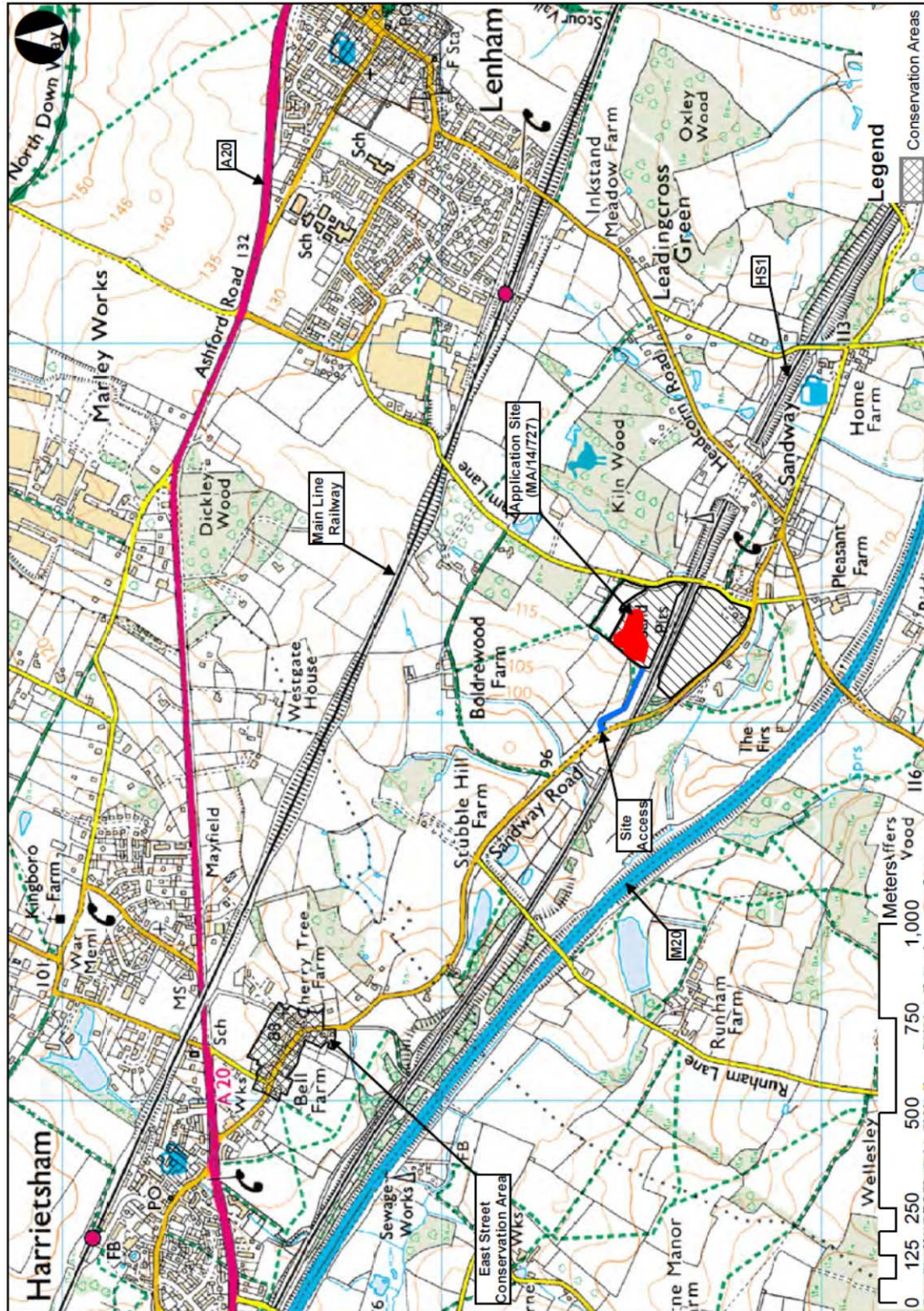
Local Member: Mrs Jenny Whittle

Classification: Unrestricted

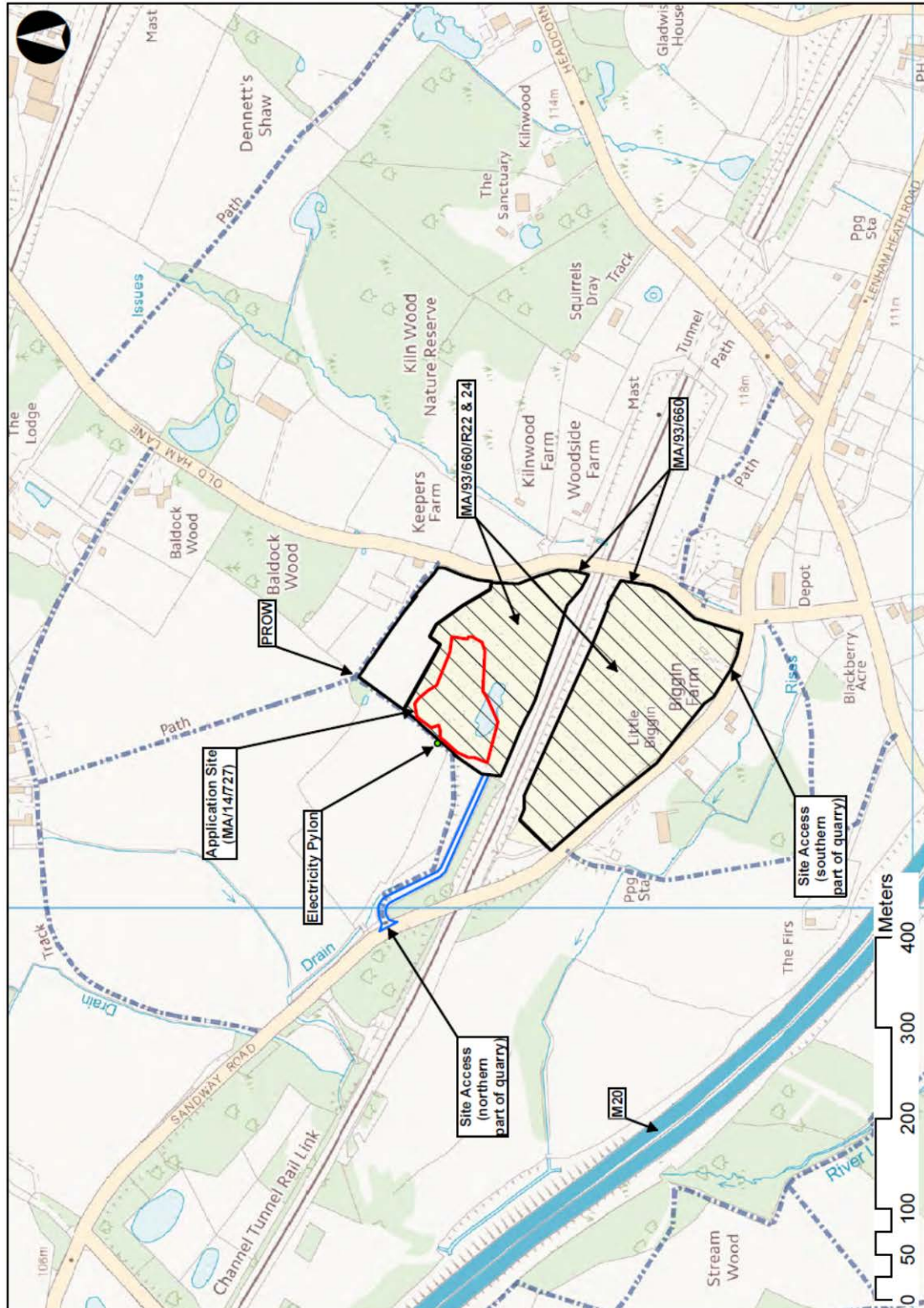
Site Description

1. Chilston Sandpit (Lenham Sand Quarry), which closed in 2008, is located in the hamlet of Sandway, approximately 1.6 kilometres (km) south of Lenham Village, 2km to the east of Harrietsham and 400 metres (m) to the north of the M20, immediately to the north of Sandway Road and to the west of Old Ham Lane. The quarry was dissected by the Channel Tunnel Rail Link (CTRL), now High Speed 1 (HS1), and comprises land to the north and south of the railway line. The northern part of the quarry covers a total area of about 2.7 hectares (ha) and includes an access road (installed as part of the CTRL works), disused sandpit workings, a pond, rough grassland, scrub and gorse. The application site for the proposed stabilisation works using imported clay / soil is confined to the north western face of the northern part of the quarry and covers an area of about 0.76ha. The southern part of the quarry covers about 3.6ha and comprises disused sand workings, access, hardstandings, a lake and areas of partially restored land. The floor of the northern part of the quarry lies at about 96m above ordnance datum (AOD), the pond at 95m AOD, the HS1 railway line at about 101m AOD and the crest of the quarry faces at between 111m and 116m AOD. The southern part of the quarry lies at between 98m and 102m AOD, with the lake at 96.25m AOD.

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2. A public footpath (KH414B) runs immediately to the north of the access road to the northern part of the quarry and then at a higher level immediately to the west of the quarry from where it runs in a north westerly direction across fields. Another footpath (KH651) lies approximately 60m to the north of the quarry. An underground electricity cable runs under Sandway Road, the western end of the southern part of the quarry, the HS1 line and access to the northern part of the quarry and then overground immediately to the west of the northern part of the quarry and across the quarry to the north east.
3. The nearest residential properties are located to the north east of the site (Keepers Farm), to the east of Old Ham Lane (Kilnwood Farm, Woodside Farm and Cygnet Cottages and to the south of Sandway Road (Biggin Farm and Little Biggin). There is also a haulage depot yard and buildings located on the south side of Sandway Road on the corner with Old Ham Lane.
4. Access to Chilston Sandpit can be obtained by road from the A20 at Harrietsham (via East Street and Sandway Road) or at Lenham (via Ham Lane and Old Ham Lane or Faversham Road, High Street, Headcorn Road and Sandway Road). Headcorn Road continues south to Grafty Green and Headcorn. All of these routes contain residential and other development and, with the exception of Old Ham Lane, all pass through a Conservation Area (i.e. Harrietsham – East Street, Sandway, Lenham and Liverton Street). There are a number of listed buildings within each Conservation Area and all potential routes contain listed buildings. The application site, site access, the route to and from the site from the A20 and a number of the key features referred to in the report (including East Street Conservation Areas) are illustrated on the drawing on page C2.2. A larger scale drawing showing the application site (as amended), the areas covered by the proposed restoration and aftercare scheme, the full extent of the original quarry permission and the access to the northern and southern parts of the quarry is included on page C2.3.
5. The site is identified as an existing sand and gravel working in the Kent Minerals Local Plan Construction Aggregates (December 1993). It is not identified for any specific purpose in the Maidstone Borough Wide Local Plan, but lies outside any built up area shown on the Proposals Map (i.e. in the countryside). The site is not identified for any purpose in the emerging Kent Minerals and Waste Local Plan or Minerals or Waste Sites Plans. The site is not within a groundwater source protection zone.

Background / Relevant Planning History

6. Planning permission was first granted for mineral (sand) extraction at Chilston Sandpit on 28 February 1948 (Interim Development Order permission reference TP1638). The only condition was that excavation should not take place below the level of the roads bounding the site within 40 feet from the centres of such roads. This permission was reviewed under the requirements of the Planning and Compulsory Purchase Act 1991 and new conditions (with an associated working and restoration scheme) issued on 29 July 1993

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- (MA/93/660). In February 1993, the operator estimated that there were about 1 million tonnes (Mt) of sand left to be extracted (half of which from below the water table). It also stated that the north eastern part of the site (nearest Keepers Farm) had already been substantially worked and restored to original levels. Revised working and restoration proposals (to address the fact that the CTRL was to pass through the middle of the site) were approved on 19 February 2003 pursuant to conditions 5, 8, 20 and 25 of planning permission MA/93/660 (MA/93/660/Rvar). These envisaged further extraction in both the southern and northern parts of the quarry and the creation of fairly large lakes in both areas. The restoration scheme included relatively steep gradients on the northern boundary of the northern part of the quarry, the majority being about 1 vertical to 3 horizontal (1v:3h) or 1v:2h. However, a small section at the western end of the northern boundary was at about 1.7v:1h given the proposed retention of a sand face for sand martins.
7. Planning permissions were subsequently granted on 2 August 2001 to allow access to the northern part of the quarry (MA/00/1990) and for the erection of an office, mess room and toilet, weighbridge, store, fuel tank, related facilities and area of hardstanding to serve the northern part of the quarry (MA/00/1989). The new access road itself was provided for under the terms of the CTRL Act and planning permission MA/00/1990 was implemented and remains in use. The southern section of Old Ham Lane was also realigned at about this time. However, planning permission MA/00/1989 was never implemented as no further mineral extraction took place in the northern part of the quarry.
 8. The County Council served notices on the previous owners (Cemex) on 13 July 2007 and 4 June 2008 informing it of the requirement for a periodic review of the mineral planning permissions under the terms of the Environment Act 1995. As no application was made by 29 July 2008 (i.e. the review date), and no postponement agreed, all planning permissions for development consisting of the winning and working of minerals or involving the depositing of mineral waste relating to the site ceased to have effect except in so far as they imposed restoration or aftercare conditions.
 9. An application for a revised restoration plan and aftercare scheme was submitted by Cemex in 2011 (MA/93/660/R22&R24X). This largely reflected the landform existing following the cessation of mineral working in 2008. The details were the subject of consultation but were never approved as further information requested from the applicant to explain or further support the proposals was not forthcoming. It is understood that the site was sold to the current applicant in January 2012.
 10. In addition to the main planning application which is the subject of this report (MA/14/727), the new owner has also submitted a revised application for the approval of a scheme of restoration and aftercare for the entire quarry site (MA/93/660/R22&R24) to the County Council. The revised restoration and aftercare details assume that planning application MA/14/727 will be permitted and relies on the landform proposed.

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11. A hybrid application (MA/13/2092) for outline planning permission for the erection of 5 eco dwellings including warden accommodation with parking and access and full planning permission for the change of use of land to use as a community open space with fishing lake, parking and access relating to the southern part of the quarry was also submitted to Maidstone Borough Council in December 2013. The application was withdrawn in June 2015.

The Proposal

12. The applications were originally submitted in December 2013 but were not validated until further details were provided by the applicant in April 2014. As a result of comments made on the proposals as originally submitted and consulted on, a site meeting between the applicant and the case officer in June 2014 and subsequent discussions involving KCC's biodiversity officer, further information was submitted in August 2015. This also included a number of amendments to the proposed development intended to better reflect the ecological interest that had established at the site and the need to safeguard protected species (including great crested newts) and associated habitat. The applicant has consistently stated that it is necessary to import materials to provide a restored landform that provides long term stability to the northern face of the quarry. As noted in paragraph 10, the proposed use of imported clay / soils for stabilisation purposes (MA/14/727) is integral to the proposed revised scheme of restoration and aftercare for the entire quarry site (MA/93/660/R22&R24), particularly in so far as it relates to that part of the quarry to the north of the HS1 line. Amendments to the revised restoration and aftercare scheme were also made in August 2015 to ensure consistency between the applications. Further details were again submitted in December 2015. These included an amended restoration and aftercare scheme and revised drawings (to correct a number of discrepancies between the earlier details and address comments on the August 2015 details) and additional sections through the unstable quarry face.

The applications in April 2014

13. The application site proposed by MA/14/727 (as originally submitted) covered an area of about 0.98ha and extended along the entire northern face of the northern part of the quarry. Application MA/14/727 (and the associated proposals for restoration of the remainder of the northern part of the site included within application MA/93/660/R22&24) proposed that the floor of the northern part of the quarry would be levelled to between 98.5 and 99m AOD (about 2m above the water level of the pond) by cutting about 10,600 cubic metres (m³) of reject mineral materials and stored soils currently stored on the eastern part of the site, retaining the pond near the centre of the quarry and then using approximately 23,800m³ of imported clay / soil to form a 1v:3h slope to stabilise the northern quarry face. It also proposed that a 4m high sand face would be retained below the crest of the quarry (to provide a habitat for nesting sand martins, encourage geological interest and visual / habitat diversity) with a 3m wide bench at the base of the sand face around the majority of the northern

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part of the quarry. The sand face would not have been retained for the western section immediately adjacent to public footpath KH414B or for the eastern section near Old Ham Lane to reduce potential impacts on existing trees. The restored site would primarily have comprised grassland with native tree and shrub planting. Areas restored to grassland would have had a minimum of 150 millimetres (mm) of topsoil or subsoil over in-situ overburden, whilst tree and shrub creation areas would have had 450mm of subsoil.

14. Application MA/14/727 proposed that imported materials would comprise clean / inert clay / soils sourced from various construction sites around the county which would be transported to the site by HGV from the A20 at Harrietsham along East Street and Sandway Road. Imported material would be carried directly to the face of the slope by HGV where it would be tipped / unloaded and battered against the sand face by machinery, thereby avoiding the need for stockpiling and double handling. It proposed that HGVs would only operate between 09:00 and 15:00 hours to avoid conflict with the morning peak hour traffic and afternoon school peak traffic. It proposed that there would be a maximum of 25 loads per day (50 HGV movements) of vehicles with a 20 tonne capacity (9 to 12m³) depending on the density of the material). Based on 25 loads per day and assuming 10.5m³ per 20 tonne load, the proposed 23,800m³ of restoration material would have required a total of 2,267 HGV loads. Assuming a rate of 25 loads per day were maintained, this would have resulted in the restoration operation lasting 91 working days (i.e. approximately 16.5 weeks of continuous filling operations if such a pattern were possible). However, the applicant stated that it was unlikely that a single large source of material could be identified to allow for a continuous operation and that it was more likely that a number of different sources of material would need to be identified. This would result in a number of periods of operation. It suggested that a period of about 18 months would be reasonable to allow for the effective restoration of the quarry workings and the importation of 23,800m³ of clay / soil material. The applicant considered 25 loads per day to be an acceptable level of vehicle movements given the location of the site and the local highway network. It stated that this would ensure that there would be no or minimal congestion, no increased risk to the safe and free flow of traffic on the local highway network and no unacceptable impact on residential amenity.
15. Application MA/14/727 also proposed that a Transport Management Plan be prepared and formally agreed by the County Council before development commenced to manage and minimise the effects of the vehicle movements associated with the importation of the fill material. The principles of the Traffic Management Plan were set out in the Transport Statement which accompanied the planning application. Key features of the interim Transport Management Plan were:
 - Adequate notice being provided to the County Council and local residents on East Street and Sandway Road between the site and the A20 prior to each filling period;

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- A radio controlled system between the site and HGVs to ensure that two HGVs associated with operations do not meet on the route, thereby avoiding the need for such vehicles to reverse into passing places;
 - Temporary advance warning signs being placed at the Headcorn Road junction with Sandway Road and at the A20 junction with East Street in Harrietsham, as well as at and along the route to advise other road users of the presence of HGVs along the route;
 - The hours of use referred to above;
 - The contractor ensuring that highway verge planting is maintained throughout the period of works to ensure that full visibility is retained and summer growth does not create undue visibility constraints;
 - The contractor being required to carry out an independent pre and post-filling highway condition study / report and any defects resulting from the operations being rectified at the applicant's expense (reinforced by conditions as necessary);
 - Wheel cleaning facilities and road brush provision;
 - Site office and welfare facilities; and
 - Public liaison throughout the operation (including signage with contact details and the offer of regular liaison meetings with the Parish Council).
16. In addition to the above proposals for the restoration of the northern part of the site, application MA/93/660/R22&24 proposed that the restoration of the southern part of the quarry would have involved extending the lake to create an island feature to encourage birdlife. An area of low lying marsh / wetland would have been maintained to the northwest of the lake to promote species diversity. A reject mineral stockpile of 5,000m³ at the western end of the lake would have been used to re-grade the western part of the site to about 102m AOD and approximately 10,800m³ of materials currently contained in the eastern and northern part of the site would have been cut and used to create levels at about 98m AOD in this area with the rest placed against the eastern face to create a 1v:2.5h slope to ensure long term stability. The southern part of the site would have been restored to grassland with native tree and shrub planting. Soils from on site would have been placed by loose tipping with dump truck and tracked excavators at the same depths as those referred to in paragraph 13 for the northern part of the site. Both areas would have been subject to a five year aftercare regime.
17. Both applications were also supported by a planning statement, restoration and aftercare scheme, drawings and ecological surveys.

The application in August 2015

18. Application MA/14/727 (as amended in August 2015) proposed the importation of approximately 37,000 cubic metres (m³) of clay / soil to stabilise the western section of the northern face of the sandpit workings in the northern part of the quarry. The eastern section was excluded from the application site and would largely remain in its current form in the overall restoration and aftercare scheme (application MA/93/660/R22&24 was amended accordingly). The

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description of the proposed development was also amended to remove the reference to the precise quantity of clay / soil to be imported.

19. The further information comprised an amended site location plan (reflecting the amended application site), drawings showing the amended restoration proposals and associated sections, a revised transport statement, a protected species mitigation strategy for great crested newts and responses to specific issues raised during the initial consultation. Application MA/14/727 (as amended in August 2015) also proposed a temporary 1.5m high soil between the infill area and the HS1 line to ensure HGVs, plant and machinery do not damage HS1 property or apparatus.
20. The proposed restoration for the northern part of the quarry changed as a result of the above amendments and resulted in the following consequential amendments to application MA/93/660/R22&24. The eastern section of quarry face (which is already well vegetated, less steep and relatively stable) would be left to continue to regenerate naturally. Overburden silts and fines from previous quarry working stored in a large mound near the quarry face in the eastern part of the northern quarry (which were initially proposed to be used as part of the works to stabilise the northern face of the quarry) would also remain in-situ as the land has undergone significant natural regeneration and has been colonised by trees and other vegetation. The applicant also considers these materials unsuitable for buttressing works given their high moisture content and that their removal would be harmful to ecological interests at the site. The imported clay / soil would still be used to buttress the unstable sand face as previously proposed. A 1.5m high sand face would be created at the top of the slope with a 3m wide bench below this. The sand face would provide habitat for nesting birds. The imported clay / soil would be planted with mixed species native scrub and trees (e.g. hawthorn, field maple and hazel). Part of the existing pond would be retained (part affected by the proposed placement of imported clay / soil) and two new ponds created. The rest of the northern part of the quarry would remain largely as it is.
21. A greater amount of imported clay / soil would be required as the eastern part of the initial application site would remain undisturbed and the soils in that area would no longer be able to contribute the overall quantity of material required for stabilisation / restoration purposes. The result of this would be that the total number of HGV loads would increase from 2,267 to 3,524. Rather than intensify the number of HGV movements per day, the applicant proposed to maintain a limit of 25 loads (50 movements) per day and increase the overall time to complete the development. It stated that the estimated 91 working days (16.5 weeks) of continuous filling operations, if such a pattern were possible, would increase to 141 days (25.6 weeks). However, it again proposed that the development be completed in about 18 months to allow for periods of inactivity. No changes were proposed to the hours of HGV movements (i.e. 09:00 and 15:00 hours) and the proposed traffic management arrangements remain.
22. The restoration and aftercare proposals for the southern part of the quarry remained as previously proposed. However, the ecological mitigation was

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amended as a result of the further work undertaken by the applicant's ecologist.

The applications in December 2015

23. Application MA/14/727 (as further amended in December 2015) remains largely the same as in August 2015. The only alterations are relatively minor changes to the restoration and aftercare scheme. These changes include the removal of the 1.5m high sand face on that part of the quarry immediately adjacent to Footpath KH414B and electricity pylon to provide greater long term stability in that area and protect the roots of existing trees on adjoining land near the edge of the quarry. The previously proposed 1.5m high sand face and 3m wide bench would be retained at the top of the remaining part of the imported fill slope and the upper part of the slope adjoining this covered with sandy soils and left unvegetated. No further changes are proposed in terms of the quantity of imported materials, HGV movements or routeing. The applicant has also provided an amended restoration and aftercare scheme document, a number of additional sections through the unstable quarry face and a new drawing showing additional sections through the existing and proposed landform with the "natural angle of repose" included to illustrate the likely effects on the quarry face if no works take place and natural erosion continues.¹ The applicant has also subsequently advised that HGV movements are only proposed on weekdays (with no weekend working). Whilst this may affect the estimated number of weeks in which the operations could potentially be completed it should not significantly affect the overall duration envisaged.
24. At each of the above stages, the applicant submitted consequential changes to the proposed revised scheme of restoration and aftercare for the entire quarry site (application MA/93/660/R22&R24). Drawings illustrating the existing site contours, proposed cut and fill areas, proposed restoration, existing and proposed sections (including the position if the quarry face is not stabilised) are set out in Appendix 1 (pages C2.39 to C2.43).

Planning Policy Context

23. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012), the National Planning Policy for Waste (October 2014) (NPPW) and the associated Planning Practice Guidance (PPG) which includes a number of topic related parts including a Minerals PPG, a Natural Environment PGG, an Air Quality PGG and a Noise PGG. These are all material planning considerations.
24. **Kent Minerals Local Plan Construction Aggregates (December 1993):** Saved Policies CA6 (The General Approach), CA16 (Traffic Considerations), CA18 (Noise, Vibration and Dust), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation). Appendix 6 relating to Inset V (Land between Harrietsham and Charing) is also relevant.

¹ The natural "angle of repose" for the sand face being about 33⁰ from the horizontal.

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25. **Kent Waste Local Plan (March 1998):** Saved Policies W6 (Need), W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Stability, Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W31 (Landscaping) and W32 (Operation, Restoration and Aftercare).
26. **Kent Minerals and Waste Local Plan 2013-30 Proposed Main and Additional Modifications (July 2015)** – Draft Policies CSM1 (Sustainable development), CSW1 (Sustainable Waste Management and Climate Change), CSW2 (Waste Hierarchy), CSW11 (Permanent Deposit of Inert Waste), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM5 (Heritage assets), DM6 (Historic Environment Assessment), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of minerals and waste), DM14 (Public rights of way), DM15 (Safeguarding of transportation infrastructure), DM16 (Information required in support of an application), DM18 (Land stability) and DM19 (Restoration, aftercare and after-use).²
27. **Maidstone Borough Wide Local Plan (2000):** Policies ENV28 (Development in the Countryside), ENV41 (Ponds, Wetlands and Marshes), T1 (Integrated Transport Strategy) and T23 (Adequacy of the Transport Network).
28. **Maidstone Borough Council Interim Approval of Maidstone Borough Local Plan Policies 13 March 2013:** Policies NPPF1 (Presumption in favour of sustainable development), CS5 (Countryside), CS7 (Sustainable transport) and CS13 (Historic and Natural Environment)

Consultations

29. **Maidstone Borough Council:** No objection to application MA/14/727 as submitted in April 2014. No further comments received.
30. **Lenham Parish Council:** No comments received.

² An Independent Examination of the Kent Minerals and Waste Local Plan 2013-30 Submission Document (July 2014) was held in April and May 2015. Following discussions with the Inspector and representors throughout the Examination, KCC published major and additional (minor) modifications to the Plan on 17 August 2015. The modifications were subject to an 8 week consultation which ended on 12 October 2015. As a result of this consultation, the Inspector proposed further modifications to the Plan. An 8 week consultation on these further modifications commenced on 8 January 2016. The Inspector's Report will not be published and the Plan not adopted until this process has been completed.

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31. **Harrietsham Parish Council:** Has the following comments / concerns in respect of application MA/14/727:

1. The proposed number / frequency of heavy lorry movements through East Street would have a seriously detrimental impact on the lives of residents in this area, particularly as a result of noise, dirt / pollution and vibration;
2. East Street conservation area would be put at risk by such prolonged and frequent movements - the historic buildings are unlikely to have been built to withstand such vibration, particularly given the narrow width of the road, lack of verges / pavements and the fact that many buildings are set very close to the road;
3. Damage to the road surface, kerbs / pavement and to street furniture (which is already happening);
4. Pedestrian safety - the paving where it exists is very narrow and many residents have to walk in the road which is also narrow; and
5. The proposals would be highly detrimental to general amenity - East Street is one of the most charming, historic, rural, unspoilt areas within Harrietsham parish and this is entirely incompatible with a constant stream of HGV's thundering through, one every few minutes, throughout every working day.

As a consequence of these concerns, it has asked that the planners and applicants look at alternative solutions for site restoration that would require less infill, or less transportation of infill.

32. **UK Power Networks:** Has advised that the proposed stabilisation of the quarry face would assist in providing long term protection of its equipment on top of the bank. It has also advised that no work should be carried out within 6m either side of the outside conductors until agreed on site; no ground levels should be lowered on site until the 33kv cables have been located and the depths confirmed; no trees should be planted within the Safety Zone (i.e. 6m either side of the outside conductors); and no existing ground levels at the top of the bank should be raised under the line (the lowest point of the conductor is indicated to be 7.3m). It has also verbally advised that the power line immediately to the west of the site is a 33kv line serving approximately 7600 customers (including about 4900 in Harrietsham and 2000 in Headcorn) and that there would be significant costs associated with diverting the power line either above or below ground. Whilst a further written response was promised, this has not been received.

33. **Environment Agency:** No objection. Notes that the proposed development (MA/14/727) would require an environmental permit and that the operator would need to demonstrate that all pollution risks are managed effectively at the site (e.g. adequate site infrastructure, drainage and the protection of watercourses) and appropriate certification to confirm that the imported material is of a suitable chemical quality to ensure no potential derogation of the underlying aquifer via leaching / infiltration.

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34. **High Speed 1: No objection** subject to the temporary earth bund to prevent damage to HS1 being implemented in accordance with a method statement that has first been submitted to and approved in writing by KCC (in consultation with HS1). The method statement should include the final design of the earth bund (including mass and gradients), a construction methodology (including control of plant and exclusion zones) and the demarcation of exclusion zones for plant constructing the bund. It has also requested that if any ground remodelling works are to take place to south of the HS1 line to the west of the acoustic barrier (which is on elevated ground) that could potentially lead to an incursion onto the HS1 line or associated apparatus, appropriate protection measures be secured as necessary by condition if permission is granted.
35. **Kent Wildlife Trust: Objects** on the grounds that the application appears not to offer any good reasons why the on-site material cannot be left to continue its “naturalisation” and why, in the event of evident danger to footpath users, techniques (such as creating benches and / or installing timber crib walls) cannot be deployed as an alternative to supporting the sand with a large volume of imported waste. It requests that KCC determine the applications with two important biodiversity principles in mind: (1) that every effort should be made to avoid further loss of scarce and declining habitat (i.e. lowland acid grassland and bare sand faces); and (2) that the translocation of animals should only be contemplated as a last resort when all opportunities to “avoid” and “mitigate” disturbance and threat of harm have been exhausted. It states that paragraphs 109 and 118 of the NPPF lend weight to (1) and Natural England Standing Advice on Protected Species to (2). It also states that many sandpits between Maidstone and Ashford have been allowed to naturalise or have been restored with the minimum of intervention, that some now provide rich acid grassland / heathland and sand-face habitats (e.g. Old Blockworks, Charing Heath) and that one has been recognised as having habitat of county value and been declared a Local Wildlife Site (i.e. Bull Heath Pit, Lenham). It further states that open sandy areas and sand-faces are valuable habitats for specialist invertebrate and bird species and that lowland acid grassland supports amphibian, reptile, invertebrate and bird populations. It also states that the application site exhibits both habitat types, already supports a valuable amphibian population and is likely to support significant and valuable reptile and invertebrate populations and that these habitats would be lost if the extensive fill and re-grading operations take place.
36. **KCC Highways and Transportation: No objection** subject to conditions to secure: the proposed time periods for HGV movements (09:00 to 15:00 hours); no more than 25 HGV loads (50 movements) per day; the submission, approval and implementation of a detailed transport management plan; a road condition survey prior to commencement with any damage or defect being made good on completion of development; and notification of contact details at the site entrance. Welcomes the offer of liaison meetings with the Parish Council and does not consider that there are sustainable grounds in highway terms to refuse the application.

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37. **KCC Public Rights of Way and Access Service:** Supports the application (MA/14/727) on the basis that it would safeguard the continued existence of the public right of way (footpath KH414B).

It has confirmed that public footpath KH414B borders the application site to the west (along the south west side of the boundary fence) and that footpath KH651 lies to the north of the site. It notes that footpath KH414B has previously been diverted on two occasions (firstly to accommodate the quarrying and secondly to accommodate the CTRL / HS1) and that whilst it is currently usable, arrangements have recently been made to cut back some vegetation to improve pedestrian safety. Given the location of footpath KH414B and the apparent unstable nature of the quarry face, it is concerned that the footpath may slump into the quarry and become unusable. It states that there are two potential solutions to ensuring its continued existence: (i) a further diversion; or (ii) stabilisation of the quarry face. It notes that a diversion would require land beyond the current ownership such that it would either be necessary to obtain the agreement of the adjacent landowner or the making of an order by the County Council which could lead to compensation being sought by the landowner. It advises that there is no certainty to the Order-making process or the timescales associated with this and that whilst the County Council could make an Order, it could only be confirmed if it is expedient to do so and no objections or representations are made. In view of these uncertainties and potential implications for the County Council, it has expressed support for the proposals on the basis that they would ensure the long term stability of the quarry face. It further states that any diversion of the footpath should be a last resort. It has also requested that the applicant be advised that no rights of way may be closed or diverted without the express permission of the Highway Authority.

38. **KCC Landscape Officer:** KCC's Landscape Officer commented on the applications as submitted in April 2014 and August 2015. She has since left KCC and not yet been replaced. She has therefore not been able to comment on the applications as submitted in December 2015.

In commenting on the applications as submitted in April 2014 she advised that the importation of clay soils into an area typified by sandy soils was undesirable as it would impact on existing soils and their associated characteristics and may not support the characteristic species of the landscape. However, she accepted that it may be necessary to use such materials to stabilise the quarry face. She noted that the Leeds – Lenham Landscape Character Area is made up of mixed farmland of arable fields, pastures and small copses and that the sandy well-drained nature of the soils tend to support acid tolerant plant species creating heathland and acid woodland. She also noted that ponds and lakes are not typical features in the area and do not contribute to landscape character, unlike acid grassland. However, she accepted that there were biodiversity benefits provided by standing water. She also requested additional information on (amongst other things) the proposed management of the acid grassland and further justification for what was proposed.

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In commenting on the applications as submitted in August 2015 she advised that there was still a lack of detail and that the additional information provided had not directly addressed her initial landscape concerns. She felt that too much emphasis was being given to great crested newt mitigation and insufficient emphasis to how the proposals would make a positive contribution to landscape character and improve what already exists on site (i.e. has naturally regenerated since mineral extraction ceased). She stated that although the site is not perfect from a landscape character point of view, the natural regeneration that has occurred as a result of the substrate has formed some habitats which are characteristic of the area and which are rare and much needed in Kent. Whilst she welcomed the reduction in the proposed area of imported fill, she reiterated many of her initial concerns and advised that the proposed development and revised scheme of restoration and aftercare failed to accord with the NPPF and best practice. She also stated (amongst other things) that: she would prefer the proposed slope (if it is needed) left as grassland rather than be planted with scrub; the applicant should explain how the clay slope would blend in appropriately with the rest of the site and its habitats; the proposed soil bund (to prevent incursion onto the HS1 line) should not be a permanent feature; and grassland species mixes should be provided and management regimes agreed.

39. **KCC Biodiversity Officer:** KCC's Biodiversity Officer commented on the applications as submitted in April 2014, August 2015 and December 2015. Her most recent comments (which summarise her final position) are as follows:

She has advised that while it is essential that the determination of the applications takes account of the legal obligations associated with European protected species, KCC must be able to adequately address all ecological impacts in the decision.

She advises that whilst there is potential for significant impacts on great crested newts, their breeding sites and resting places, the proposed Protected Species Mitigation Strategy (which provides an overview of the mitigation proposals and reserves the details for the European protected species mitigation licence application) is broadly acceptable. She also advises that the proposed mitigation for reptiles would be contiguous with the great crested newt capture and translocation and that the reduction in scrub planting towards the top of the slope on the northern section of the site would provide specific reptile habitat and provide benefits for invertebrates. The proposed landscaping would provide further reptile habitat. She notes that detailed reptile mitigation measures are not provided due to the European protected species mitigation licence application but considers this to be acceptable and states that the proposed mitigation for reptiles is adequate. She states that the proposed stabilisation of the slope would reduce the extent of exposed sand face and lead to a reduction in the extent of habitat for specialist invertebrates associated with uncommon sand faces and that whilst invertebrates associated with more widespread grassland and scrub habitats are likely to benefit from the proposals the proposed mitigation is not considered to be like-for-like. She states that there would be a short-medium term loss of breeding bird habitat

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(i.e. scrub, trees and long grass) but notes that measures to minimise the potential for offences against breeding birds during clearance works are incorporated into the Protected Species Mitigation Strategy. In the medium-long term, she considers that the proposed restoration scheme would compensate for the loss of habitat. She notes that sand martins are known to nest in the exposed sand faces and that whilst some sand faces would be retained and enhanced within the proposed restoration there would be an overall reduction in sand martin nesting opportunities.

She further states that the delivery of the proposed ecological mitigation and enhancements is dependent on the implementation of appropriate landscaping and habitat management. She notes that the Protected Species Mitigation Strategy provides an overview of the key habitats (i.e. rough grassland, hedgerows, scrub, ponds and hibernacula) and that further details are provided in the proposed Restoration and Aftercare Scheme which states that there would be annual site meetings to review the aftercare and agree detailed programmes for each subsequent year. She advises that it would be preferable if these meetings also include a review of the success of the ecological mitigation measures, including the delivery of the great crested newt licence requirements, so that additional remedial measures can be implemented if necessary.

40. **KCC Conservation Officer:** Has expressed concerns about HGV movements through the East Street Conservation Area and the potential damage to listed and other buildings. States that East Street is not wide enough to allow two HGVs to pass each other and that some of the listed buildings flank the road with one or two sitting immediately adjacent to the pavement. Has recommended that HGVs not be allowed to meet in the East Street Conservation Area given the width of the road and suggested that the transport management plan be strengthened to ensure this does not happen. Has also recommended that those properties in the East Street Conservation Area that are “in close proximity to the roadway” and which “may over time be affected by heavy traffic movements” have a condition survey carried out prior to the operation taking place to note any defects that may be present and another afterwards to verify whether any damage was a result of the development.

As a result of the concerns about the potential impact of HGV movements on listed / historic buildings in East Street Conservation Area, discussions have taken place with KCC’s Heritage Conservation Manager. She remains of the opinion that it would be preferable for a baseline condition survey and subsequent monitoring of the historic buildings to be carried out but that if this approach is not considered to be reasonable, the applicant should at least be required to ensure that the road surface is kept smooth and free of bumps.

41. **KCC Noise and Vibration Consultant:** No objection subject to a condition limiting noise to no more than 55dB_{L_{Aeq,1hr free field}} at any noise sensitive property.

Following concerns about the potential impact of HGV movements on listed / historic buildings in East Street Conservation Area and discussions with KCC’s

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Heritage Conservation Manager, KCC's Noise and Vibration Consultant has advised that although traffic vibration (airborne and ground borne) can cause severe nuisance to occupants there is no evidence to support the assertion that traffic vibration can also cause significant damage to buildings. It has also advised that ground borne vibration is more likely to occur where properties are close to road surface irregularities / poor maintenance. On this basis, it has advised that there would be no reason to request building surveys unless there is clear evidence that existing HGV traffic is causing cosmetic or structural damage to buildings and that reducing the speed of HGVs associated with the development to 20mph and ensuring that the road surface is well maintained would assist in minimising any vibration.

42. **KCC Dust / Air Quality Consultant:** No objection subject to the submission, approval and implementation of a detailed Dust Management Plan.
43. **KCC Geotechnical Consultant:** No objection. KCC's Geotechnical Consultant commented on the applications as submitted in April 2014, August 2015 and December 2015. Its most recent comments (made following a review of all application details and a site visit on 5 January 2016) which set out its final position in respect of application MA/14/727 are as follows:

The drawings prepared by Greenfield Associates, LEN-15/2, LEN-15/4 V3 and Plan A- Northern Area are a reasonable representation of the existing situation with regards to slopes, the footpath and the electrical apparatus. Overall, the slopes shown more-or-less concur with the actual slopes on site although there are clearly some more resistant, prominent bands of sandstone within the Folkestone Beds, forming slight bluffs. Geotechnically, the restoration fill levels shown would provide support to the edges of the former sandpit and ensure the long term stability of the footpath and electrical apparatus. There are, however, other engineering non-fill solutions that can be adopted to stabilise the slopes locally, such as soil nailing. However, it has further advised that soil nailing at the site is likely to be very expensive due to the difficult access and would be unlikely to provide a permanent solution (if undertaken on only part of the effected quarry face) as the weak Folkestone Beds would continue to weather and erode around any treated area. The projected slopes showing the unmanaged natural angle of repose are somewhat 'pessimistic' and assume that the weakly-cemented Folkestone Beds are completely broken down by weathering to fine sand, and no scree builds up at the toe of the slope. No data is provided to justify the 33 degree angle of repose but this is not an unreasonable value for a completely weathered (no cohesion), free-draining fine silty sand. Regardless of the precise value, it is clear that, in the long-term, the footpath and electrical apparatus will be lost to erosion. 'Long-term' is difficult to quantify. The bare sandstone faces and tears in the vegetation clearly indicate ongoing weathering, erosion and mass wasting (slumping) in the slope. However, unlike a sea cliff, there is no active erosion at the toe and the rate of recession will be much less than a comparable eroding sea cliff. Frost action, rain, alternate wetting and drying, and wind are the main weathering agents here. Although the adjacent fields (underlain by Gault clay) were extremely wet underfoot on 5 January 2016, there was no evidence of

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erosion caused by surface water run-off. Burrowing animals and birds also contribute to the erosion in the over-steep faces. Anecdotally, excavation in the northern quarry ceased within the last 20 years. There are no detailed surveys to show where quarrying stopped in relation to the footpath, or monitoring to show how quickly the faces are receding. Using engineering judgement, it estimates an average recession rate of 50mm or less per year between the top of the face and the fence line. There is evidence of slippage within 0.5m of the fence line but not beyond it. At 50mm per year, the fence and footpath may be compromised within 10 years at the pinch-point. The electrical apparatus will survive somewhat longer. However, this is weather and climate-dependant and the rate is unlikely to be consistent. Different parts of the face will have different weathering characteristics and rates, due to inherent geological variability.

Its responses to the applications submitted in April 2014 and August 2015 (both MA/14/727 and MA/93/660/R22&24) had sought further information from the applicant on a number of matters which was, in most cases, subsequently provided. It initially advised that the eastern quarry face within the northern part of the site was more stable and vegetated and may not require additional support. This led to application MA/14/727 being amended and the proposed fill area being reduced. It had also noted that the restoration works in the southern part of the site generally involved regrading stockpiles and uneven ground by spreading materials on site, that the proposed quantities of imported clay / soils were in the right order of magnitude and that Network Rail's engineers were satisfied that the proposals would not adversely impact on the HS1 line.

44. **South East Water:** No comments received.
45. **Health & Safety Executive:** No comments received.

Representations

46. The application was advertised by site notice and press advert and individual notification letters were sent to all properties within 250m of the application site and those along Sandway Road and East Street between the site and the A20 in Harrietsham in April 2014. All of the properties were re-notified in September 2015 (following receipt of the amended details in August 2015) and all who had previously responded were notified again following the receipt of the further information in December 2015.
47. Objections have been received from 2 individuals and 1 couple. The objections can be summarised as follows:-
- Adverse impact of HGV movements on East Street Conservation Area and Listed Buildings in Harrietsham (i.e. vibration / lack of foundations); and

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- Highway safety / increased danger of accidents (due to a sharp bend opposite Rectory Lane, the proposed increase in HGVs and flooding on East Street which creates black ice in winter months).

The respondents have also questioned whether there is an alternative route that could be used that would be less damaging to the environment / buildings and if lower vehicle speeds would reduce vibration and resonant impacts on the houses. Two of the respondents have also requested a site visit.

Local Member

48. The County Council Member Mrs J Whittle (Maidstone Rural East) was notified of the application in April 2014 and of the further details in September and December 2015. No written comments have been received.

Discussion

49. 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 development plan policies outlined in paragraphs 24, 25 and 27 above are of most relevance. Material planning considerations include the national planning policies and guidance referred to in paragraph 23, the emerging development plan policies referred to in paragraphs 26 and 28 and the requirements of planning permission MA/93/660.
50. The main issues to be considered relate to:
- The need to restore the site (including long term stability of the quarry slopes and protection of the public footpath and electricity supply apparatus) and the need for imported materials to secure this;
 - Landscape and visual amenity;
 - Ecology;
 - Highways and transportation (including the consideration of alternative HGV routes);
 - The impact on the East Street Conservation Area and on Listed and other buildings; and
 - Amenity impacts (e.g. noise and dust / air quality).

The need to restore the site (including the long term stability of the quarry slopes and protection of the public footpath) and the need for imported materials to secure this

51. There is clear policy support for the effective restoration of mineral sites in the National Planning Policy Framework (NPPF). Paragraph 144 of the NPPF states that restoration and aftercare should be provided at the earliest opportunity and be carried out to high environmental standards. Paragraphs 036 to 149 of the Minerals Planning Practice Guidance (PPG) contain detailed

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advice on restoration and aftercare of mineral sites. Policy CA22 of the Kent Minerals Local Plan Construction Aggregates (KMLPCA) requires that appropriate landscaping schemes are an integral part of the development and Policy CA23 requires that satisfactory working and reclamation schemes are included which would return the land to a planned after-use at the highest standard and as quickly as possible taking account of the cumulative impact of any nearby workings. Draft Policy DM19 of the draft Kent Minerals and Waste Local Plan (KMWLP) requires that provision be made for high standards of restoration, aftercare and after-use such that the intended after-use of the site is achieved in a timely manner. It also states that restoration plans should reflect the proposed after-use and, where appropriate, include details such as the proposed final landform, the seeding of grass or other crops and planting of trees, shrubs and hedges and a programme of aftercare. It further states that aftercare schemes should incorporate an aftercare period of at least 5 years and that voluntary longer periods will be sought where appropriate through agreement.

52. National planning policies relating to the need for inert waste disposal (and other waste planning matters) are set out in the National Planning Policy for Waste (October 2014) (NPPW). Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering the country's waste ambitions by helping to secure the re-use, recovery or disposal of waste without endangering human health or harming the environment. Paragraph 7 of the NPPW states that when determining waste planning applications waste planning authorities (WPAs) should only expect applicants to demonstrate the quantitative or market need where proposals are not consistent with an up-to-date Local Plan and that in such cases WPAs should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. Paragraph 7 of the NPPW also states that WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. The national policies and guidance are reflected at the local level in Policies W6 and W12 of the Kent Waste Local Plan (March 1998) (KWLP). Policy W6 states that need will be a material consideration in determining waste applications which are outside a location identified as suitable in principle in the plan and demonstrable harm would be caused to an interest of acknowledged importance. Policy W12 states that proposals for landfill will be permitted if they would assist in the restoration of mineral workings which in planning terms would benefit from being returned as near as possible to original ground levels. Draft Policy CSW11 of the draft KMWLP states that planning permission for the disposal of inert waste will be granted where: it is for the restoration of landfill sites and mineral workings; environmental benefits will result from the development (particularly the creation of priority habitat); and that sufficient material is available to restore the site within agreed timescales.
53. National planning policies relating to geotechnical stability are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts from tip and quarry slope stability and differential

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settlement of quarry backfill. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations include land instability. Paragraph 033 of the Minerals PPG states that the consideration of slope stability that is needed at the time of an application will vary between mineral workings depending on a number of factors: e.g. depth of working; the nature of materials excavated; and the nature of the restoration proposals. Policy W20 of the KWLP requires that proposals take account of land stability. Draft Policy DM17 of the draft KMWLP states that planning permission will be granted for minerals or waste development where it is demonstrated that it will not result in land instability.

54. Planning permission MA/93/660 provided for the further extraction of minerals in the western part of field to the north of the northern quarry (between the quarry face, footpath KH651 and the previously restored area to the south of Keepers Farm) and a restoration scheme was approved in February 2003 pursuant to condition 20 based on that scenario. Whilst that scheme indicated a fairly steep slope on the western boundary of the northern part of the quarry, it would have provided for shallower slopes along the majority of the northern face. It should also be noted that the land to the west of the quarry was also owned by the mineral operator at that time. Notwithstanding the provisions of the permission, working never resumed in the northern part of the site after construction of the CTRL (HS1 line) and the western part of the field to the north (all of which is now in 3rd party ownership) was never worked. It also appears that the north western quarry slope below footpath KH414B was somewhat steeper than shown on the restoration drawing. As noted in paragraph 8 above, the mineral permission ceased to have effect in July 2008 apart from its restoration and aftercare requirements. Condition 22 required a revised restoration scheme to be submitted, approved and implemented if mineral working ceased prior to completion. As noted in paragraph 9 above, a revised restoration scheme was submitted by the former owners (Cemex) in 2011 but was never approved or implemented due to a lack of information and the site was sold in January 2012. The current owner of the quarry (the applicant) subsequently advised that the 2011 restoration scheme would not have provided the necessary long term slope stability and, instead, prepared his own scheme. Both proposals included an aftercare scheme as required by condition 24. The land to the west of the quarry is not owned by the applicant.
55. The delays in restoring the site are not consistent with the above policies. However, the issue has been complicated by the fact that not all of the site has been worked, the failure of the previous owner to progress the necessary revised restoration scheme, the sale of the site and land immediately to the north and west and the natural regeneration that has occurred (leading to the creation of valuable habitat and greater numbers of protected and other species).

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56. Unless works are undertaken to secure long term stability of the quarry face, natural erosion processes will ultimately lead to the loss of footpath KH414B and the electricity pylon as well as other adjoining land outside the control of the quarry owner as the natural angle of repose (33° from the horizontal) is approached / achieved. Whilst the timing of this is uncertain (and could be many years from now) the eventual outcome is not. It is evident from a number of localised landslips and differential ground levels at the top of the quarry face that the natural erosion process is already advanced and continuing. Both KCC Public Rights of Way (PROW) and UK Power Networks are supportive of proposals that would secure the effective long terms stability of the quarry face and respectively safeguard the footpath and electricity pylon. The implications of not addressing the issue for KCC PROW and UK Power Networks are set out in paragraphs 37 and 32 above.
57. Kent Wildlife Trust has objected to the proposals (for reasons discussed further in the Ecology section below) and suggested that the natural regeneration of the site that has occurred should be allowed to continue and that alternatives to the use of a large volume of importation waste (clay / soil) to support the sand face be used (e.g. creating benches and / or timber crib walls) should this be necessary. It has further suggested that it may be unnecessary to stabilise the quarry face on the basis that other quarries in the area have been allowed to naturalise without significant intervention and with steep sand-faces / slopes (e.g. Newlands Quarry in Charing Heath and Bull Heath Pit in Lenham).
58. I reject the suggestion that benches or timber crib walls represent acceptable solutions in this case. Benches are normally formed by extracting mineral from the sides of a quarry as working proceeds (i.e. "leaving" benches in place as the working deepens) rather than using materials to "create" them later on. In this case, no benches were created and the quarry faces are already too steep. Creating benches at this stage would either require land outside the ownership / control of the applicant and, in the case of the land to the west, outside the permission area or it would require significant engineering operations as well as suitable materials. I do not consider the installation of timber crib walls to be a realistic proposition in this case given the height of the quarry faces and the likely cost implications. Whilst the former Newlands Quarry and Bull Heath Pit do both have very steep faces / slopes in places, the circumstances are different. Whilst Bull Heath Pit has a very steep sand face on part of its northern boundary, there is a significant area of land between the top of the sand face and the adjoining property such that as natural erosion proceeds towards the natural angle of repose the land that would be adversely affected is within the same ownership and land outside this would remain unaffected (i.e. a managed retreat). In the case of Newlands Quarry, parts of the steeply restored slopes show signs of instability (including relatively recent slippages) where vegetation is relatively sparse or trees appear to have been lost. I would not recommend that such steeply restored slopes be regarded as acceptable when new schemes are considered unless sufficient land adjoining the quarried area is available within the same ownership to allow a managed retreat without adversely affecting other properties, infrastructure or features.

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59. As noted earlier in this report and in paragraph 55 above, significant natural regeneration has occurred at the site. As a result, KCC's Biodiversity Officer and Kent Wildlife Trust would prefer that the site simply be allowed to continue to regenerate with the minimum of intervention and that existing ecological interest is safeguarded. For this objective to be secured so far as possible consistent with the need to ensure long term stability of the quarry faces, it would be desirable for the majority of the site and associated interest to be retained largely as it is. As a result, the materials that were previously proposed to be used by Cemex and initially proposed to be used by the applicant (in its April 2014 submission) for restoration purposes would no longer be available for use in stabilising the quarry faces. If long term stability of the quarry faces is to be secured using suitable materials, it will therefore be necessary for these to be imported. The re-use of suitable waste materials for this purpose would be consistent with a number of the above policies.
60. KCC's Geotechnical Consultant has advised that whilst the applicant's projected slope profiles are somewhat pessimistic, in that they assume the quarry face would be completely broken down by weathering to fine sand and have not fully taken account of the impact of scree at the toe of the slope, it is reasonable to assume that the quarry faces will continue to erode as they seek their natural angle of repose (about 33° from the horizontal) and that this will ultimately result in the closure of footpath KH414B and adversely affect the electrical apparatus. Whilst it is difficult to quantify how long this process may take, it has estimated that the footpath may be compromised within 10 years at its closest point to the edge of the quarry face. It has also advised that it is reasonable to re-grade the slope to 1v:3h using the proposed clay / soil materials (as proposed) in order to stabilise the quarry faces and that the estimated quantity of materials ($37,000\text{m}^3$) is in the right order of magnitude. It has additionally stated that there are engineering solutions that would not involve the use of fill materials (e.g. soil nailing). However, it has further advised that soil nailing at the site is likely to be very expensive due to the difficult access and would be unlikely to provide a permanent solution (if undertaken on only part of the effected quarry face) as the weak Folkestone Beds would continue to weather and erode around any treated area. The engineered nature of some examples of soil nailing on steep cliff faces (whereby concrete slabs are effectively bolted to the surface) also suggests that these may be unacceptable for landscape / visual impact and ecological reasons at this location. The Environment Agency has no objection and confirmed that the proposed development would require an Environmental Permit.
61. Although engineering solutions such soil nailing may be technical alternatives to the use of fill materials these are likely to be very expensive and may give rise to unwanted landscape, visual and ecological impacts. I do not consider it appropriate to reject the proposals on the basis that an alternative may exist. I am satisfied that the proposed development would ensure the long term stability of the quarry faces / slopes and safeguard footpath KH414B, the electricity pylon (and associated electricity supply apparatus serving about 7600 properties) and adjoining land consistent with a number of the above

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policies. Subject to being acceptable in terms of those other matters discussed elsewhere in this report, the proposed development and associated revised restoration and aftercare scheme would also accord with the other policies referred to above.

Landscape and visual amenity

62. National planning policies relating to landscape and visual impacts are set out in the NPPF and NPPW. Paragraph 109 of the NPPF states (amongst other things) that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations are the need to protect landscapes and respect landscape character. Paragraph 001 of the Natural Environment Planning Practice Guidance (PPG) emphasises the importance of recognising the intrinsic character and beauty of the countryside and the use of Landscape Character Assessment in helping to understand the character and local distinctiveness of the landscape, identifying the features that give it a sense of place and helping to inform, plan and manage change.
63. Policy CA22 of the KMLPCA requires that appropriate landscaping schemes are an integral part of the development and Policy CA23 of the KMLPCA requires that satisfactory working and reclamation schemes are included which would return the land to a planned after-use at the highest standard and as quickly as possible taking account of the cumulative impact of any nearby workings. Policies W31 and W32 of the KWLP relate (respectively) to the need for satisfactory landscaping, aftercare and after-use. Policy W32 states that schemes should be designed to return the land to a planned after-use at the highest possible standard relevant to that use as quickly as possible. Draft Policy DM1 of the draft KMWLP supports sustainable development and states that proposals will be required to demonstrate that they have been designed to protect and enhance the character and quality of the site's setting.
64. Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP) states that permission will not be given for development in the countryside if it would harm the character and appearance of the area. Policy CS7 of the Maidstone Borough Council Interim Approval of Maidstone Borough Local Plan Policies (draft MBLP) states that development in the countryside will only be permitted where impacts on the appearance and character of the landscape can be appropriately mitigated.
65. KCC's Landscape Officer expressed concerns about a number of aspects of the development as proposed in April 2014 and August 2015. However, she left KCC before being able to comment on the further details submitted in December 2015 which included changes intended to address her (and other) concerns. In terms of the specific issues raised previously by KCC's

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Landscape Officer, I consider that it would be preferable for the proposed slope to be largely planted with scrub (as proposed) rather than restored to grassland in order to provide high quality terrestrial habitat for great crested newts. This, together with the proposed spreading of available sandy soils on the slope surface, would assist in enabling the slope to blend visually with adjoining land. I agree that the proposed soil bund (to prevent incursion onto the HS1 line) should be a temporary feature to be removed on completion of importation and associated operations and consider that this can be satisfactorily addressed by condition if permission is granted. I am also satisfied that the latest Restoration and Aftercare Scheme includes sufficient information on associated management regimes and that a grassland species mix that has subsequently been submitted by the applicant is acceptable. The locations and design of the site office, welfare facilities and wheel cleaning facilities (proposed in the transport management plan) would also need to be approved by KCC prior to being implemented in order to ensure acceptability in landscape and visual amenity terms. These are also capable of being addressed by condition.

66. That part of the site to the south of the HS1 line currently contains a number of stockpiles of soil and reject sand that were always intended for use as part of the final restoration of the site. The eastern end of the site (south of the HS1 line) also contains the remains of the foundations associated with the former plant site, offices and weighbridge. The former represent alien features in the landscape which would benefit from being regraded and the latter need to be addressed to meet the requirements of planning permission MA/93/660. As the stockpiled materials arose on site, they are also capable of being more easily reintegrated into the restored landform. I also consider the proposed use of much of the restored land in the southern part of the site for grazing to be reasonable as it would serve to help offset the likely inability of the applicant to use that part of the site to the north of the HS1 line for any economically viable purpose whilst still enabling the biodiversity benefits associated with the lake, its margins and areas of existing and proposed planting.
67. Having reviewed the issues raised by KCC's Landscape Officer, I believe that whilst the details submitted in December 2015 are unlikely to have fully satisfied her and the scheme is not necessarily one which would be supported if it were being considered on an entirely new site, I consider that it represents a reasonable one in the circumstances (i.e. where significant natural regeneration has occurred and large parts of the site would benefit from being left largely undisturbed in the interests of biodiversity and as a result of the need to use imported materials to create a 1v:3h slope and ensure the long term stability of the quarry face). I am therefore satisfied that the proposals are generally consistent with the above policies and are acceptable when all relevant issues are considered subject to the imposition of conditions to address the matters referred to above.

Ecology

68. National planning policies relating to ecology are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local

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planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural environment and ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, including for biodiversity. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles: if significant harm resulting from development cannot be avoided, adequately mitigated or (as a last resort) compensated for, then planning permission should be refused; and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and the benefits of, the development in that location clearly outweigh the loss. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment against various locational criteria and other matters. Key locational considerations include any adverse effect on ecological networks and protected species. Paragraphs 007 to 023 of the Natural Environment PPG include advice in respect of biodiversity, ecosystems and green infrastructure.

69. Policy W21 of the KWLP states that before granting planning permission for a waste management proposal the planning authority will need to be satisfied that the earth science and ecological interests of the site and its surroundings have been established and provisions made for the safeguarding of irreplaceable and other important geological and geomorphological features, habitats or species of wildlife importance. It also states that where an overriding need requires some direct loss or indirect harm to such features, habitats or species, where practicable suitable compensatory measures should be provided. Draft Policy DM1 of the draft KMWLP states that minerals and waste proposals should demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary compensating for any predicted loss. Draft Policy DM3 of the draft KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted permission following (amongst other things): an ecological assessment of the site (including specific protected species surveys as necessary); the identification and securing of measures to mitigate any adverse impacts; the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity. Draft Policy DM19 of the draft KMWLP states that restoration

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plans should include details of (amongst other things) key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats and proposals for meeting targets or biodiversity gain.

70. Policy ENV28 of the MBWLP states that proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources. Policy ENV41 states that where the loss of a pond or area of wetland or marshland cannot be avoided, a replacement should be created. Policy CS13 of the draft MBLP seeks to protect and enhance the natural environment (e.g. biodiversity and habitat).
71. As noted in paragraph 59 above, KCC's Biodiversity Officer and Kent Wildlife Trust would prefer that the site simply be allowed to continue to regenerate with the minimum of intervention and that existing ecological interest be safeguarded. However, as explained elsewhere in this report this preference cannot be accommodated in this case if the long term stability of the quarry faces in the northern part of the site is to be ensured and the applicant is to be able to use parts of the site to the south of the HS1 line for grazing purposes. Whilst Kent Wildlife Trust has objected to the proposals, KCC's Biodiversity Officer has not done so.
72. KCC's Biodiversity Officer is satisfied that the proposed development is acceptable provided it is undertaken as proposed and the ecological mitigation and enhancement measures set out in the Protected Species Mitigation Strategy, associated information from Lloyd Bore Ltd and the Restoration and Aftercare Scheme are implemented. She has also advised that the proposed annual aftercare process should include a review of the success of the ecological mitigation measures (including those that would be required as part of the great crested newt licence obligations) so that additional remedial measures can be implemented if necessary.
73. I am satisfied that the matters raised by KCC's Biodiversity Officer are capable of being addressed by condition if permission is granted and the revised restoration and aftercare scheme approved. I note that the Protected Species Mitigation Strategy proposes a minimum 10-year monitoring period for great crested newts on the basis that this is likely to be a requirement of the European protected species licence whereas the existing planning permission requires a 5-year aftercare period. Any monitoring obligations relating to the site beyond the aftercare period would therefore be a matter for Natural England (as necessary). This would be consistent with Government Guidance which seeks to avoid unnecessary duplication between different regulatory regimes.
74. I am therefore satisfied that the proposals are generally consistent with the above policies and are acceptable when all relevant issues are considered subject to the imposition of conditions to address the matters referred to above.

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Highways and transportation (including the consideration of alternative HGV routes)

75. National planning policies relating to highways and transportation are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from traffic. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that plans and decisions should take account of whether safe and suitable access to the site can be achieved. It also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. Key locational considerations include the suitability of the road network and the extent to which access would require reliance on local roads. Advice on how transport assessments and statements should be considered when applications are determined is contained in paragraphs 001 to 015 of the Planning Practice Guidance (PPG) relating to travel plans, transport assessments and statements in decision-taking.
76. Policy CA16 of the KMLPCA and Policy W22 of the KWLP state that permission will be refused if the proposed access or the effects of vehicles travelling to and from the site would adversely affect in a material way the safety and capacity of the highway network and that any necessary highway improvements are secured and (in the case of Policy W22) the character of historic local lanes or the local environment (including dwellings, conservation areas and listed buildings). Policy CA18 of the KMLPCA states that the County Council should also be satisfied that noise, vibration and dust from haulage vehicles can be satisfactorily controlled. Although Chilston Sandpit was an existing site long before the adoption of the KMLPCA and mineral working has ceased, it should also be noted that Policy CA6 requires that proposals for mineral working (and by implication restoration) in areas of search should (amongst other things) satisfy the requirements set out in Appendix 6 of the Plan. Appendix 6 sets out specific issues to be considered for proposals in areas of search identified in the Plan's Inset Maps. Proposals Map Inset V "Harrietsham – Charing" identifies Chilston Sandpit as an existing operation. Appendix V states that for land between Harrietsham and Charing, road access via the villages themselves and along (amongst others) Sandway Road and East Street will be prohibited and that for areas of search to the south and west of Lenham a new access direct to the A20 will be required.
77. Draft Policy DM13 of the draft KMWLP requires minerals and waste development to demonstrate that emissions associated with road transport

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movements are minimised as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community. Draft Policy DM17 of the draft KMWLP identifies highways and access improvements and traffic management measures including the regulation of lorry traffic as matters for potential planning obligations where these cannot be secured by conditions.

78. Policy T23 of the MBWLP states that the impact of traffic generated by development on the transport system and on the environment will be considered and that proposals should be adequately serviced by the transport network. Policy CS7 of the draft MBLP states that development proposals must demonstrate that all significant impacts of trips generated to and from the development are remedied or mitigated.
79. Harrietsham Parish Council has raised concerns about the proposed number and frequency of HGV movements through East Street as a result of potential adverse impacts on local residents, pedestrians and damage to the road surface, kerbs, pavements and street furniture and has requested that consideration be given to alternatives that would require less infill / transportation of infill. Those individuals who have made representations have objected due to concerns about the adverse impact of HGV movements on highway safety and questioned whether there is an alternative route that could be used by HGVs that would be less damaging to the environment and buildings. Harrietsham Parish Council is also concerned that the East Street Conservation Area would be put at risk by HGV movements and stated that the historic buildings are unlikely to have been built to withstand vibration associated with these, particularly given the narrow width of the road, the lack of verges / pavements and the fact that many buildings are set very close to the road. Those individuals who have made representations have also objected due to the potential impact on East Street Conservation Area and listed buildings from vibration associated with HGV movements and questioned whether lower vehicle speeds would reduce vibration and impacts on properties. These conservation / heritage related issues are specifically addressed in the next section of the report.
80. KCC Highways and Transportation has no objection to the proposed development subject to HGV movements only taking place between 09:00 and 15:00 hours, no more than 25 HGV loads (50 movements) per day, the submission, approval and implementation of a detailed transport management plan, before and after road condition surveys (with any damage or defect being made good on completion of development) and notification of contact details at the site entrance. It also states that it welcomes the offer of liaison meetings with the Parish Council and does not consider that there are sustainable grounds in highway terms to refuse the application. Discussions with KCC Highways and Transportation have also established that there is no suitable

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alternative to the use of East Street and Sandway Road to access the site.

81. Notwithstanding the presumption against the use of East Street and Sandway Road to access new mineral workings noted in paragraph 76 above, the proposed development is essential to the effective restoration of the existing mineral working and the proposed means of access is considered to be acceptable by KCC Highways and Transportation subject to a number of restrictions and measures that can be secured by conditions. The proposed limit on HGV movements to between 09:00 and 15:00 hours would assist in avoiding conflict with vehicles involved in transporting children to school and a limit of 25 HGV loads (50 movements) per day would serve to minimise the impact of HGVs in a number of ways and result in an average of just over 4 loads (8 movements) per hour during the 6 hour working day. The provision of wheel cleaning facilities would reduce the likelihood of mud or other materials being tracked out of the site and a road brush would ensure that if this does occur it is rectified. The proposed transport management plan would further assist in reducing conflict with other road users, provide additional voluntary controls on HGV movements and signage and reduce any effects associated with the transportation of materials to the site. The initial road condition survey would ensure that the Highway Authority is able to correct any problems identified in East Street and Sandway Road before development commences and the second ensure that the applicant is held accountable for any damage caused to the roads and that they are repaired as necessary (at the applicants expense) once it has been completed. These surveys would include consideration of the condition of the road surface, verges, kerbs, pavements and street furniture. As noted in paragraph 65 above, the locations and design of the site office, welfare facilities and wheel cleaning facilities (proposed in the transport management plan) would also need to be approved by KCC prior to being implemented.
82. I consider the proposed development to be acceptable in terms of highways and transportation and in the context of relevant policies subject to conditions to secure the above matters.

The impact on the East Street Conservation Area and on Listed and other buildings

83. National planning policies relating to heritage and conservation are set out in the NPPF and NPPW. Paragraph 143 of the NPPF states that in preparing local plans local planning authorities should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the historic environment. Paragraph 144 states that local planning authorities should have regard to such matters when determining planning applications. Further policy on conserving and enhancing the historic environment is contained in paragraphs 126 to 141 of the NPPF. Amongst other things, this seeks to ensure that no significant harm is caused to heritage assets (including listed buildings). Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local

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environment against various locational criteria and other matters. Key locational considerations include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.

84. The KMLPCA and KWLP contain no saved policies dealing with archaeology, heritage and conservation. However, draft Policy DM5 of the draft KMWLP states that proposals for minerals and waste developments will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets, Listed Buildings, conservation areas, Scheduled Ancient Monuments and archaeological sites are conserved in a manner appropriate to their significance. It also states that proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities must be sought to maintain or enhance historic assets affected by the proposals. Minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.
85. Policy CS13 of the draft MBLP states that development will not be permitted where it would lead to adverse impacts on heritage assets for which mitigation measures appropriate to the scale and nature of the impacts cannot be achieved.
86. As noted above, Harrietsham Parish Council and a number of individuals (including local residents) have expressed concerns or objected on the grounds that the East Street Conservation Area and associated listed or other historic buildings may be damaged by vibration associated with HGV movements, particularly given the narrow width of the road, the lack of verges / pavements and the fact that many buildings are set very close to the road. It has also been suggested that lower vehicle speeds may reduce vibration and impacts on properties. KCC's Conservation Officer has expressed similar concerns and requested that building condition surveys be carried out for those listed buildings in close proximity to the roadway prior to and after the proposed development and that any damage attributable to the HGVs associated with the development be made good. There are 12 listings for properties or other features within East Street Conservation Area that lie immediately adjacent or very close to the road, although a number of these relate to more than one property. One property is Grade I listed and the others Grade II. A drawing illustrating the locations of the listed buildings within the East Street Conservation Area is included at [Appendix 2](#) (page C2.44).
87. The applicant has stated that it considers KCC Conservation Officer's request to be unreasonable and unnecessary and that a building condition / structural survey is not justified given the relatively small number of movements involved. It states that the situation is really no different to that associated with many development proposals (such as housing, commercial or school development) which would involve HGV movements during the construction

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phase over a period of a number of months and that it is not aware of Local Planning Authorities ever requesting building condition surveys in such circumstances.

88. In view of the above, further advice has been obtained from KCC's Noise and Vibration Consultant and discussions have taken place with KCC's Heritage Conservation Manager. KCC's Noise and Vibration Consultant has advised that although traffic vibration (airborne and ground borne) can cause severe nuisance to occupants there is no evidence to support the assertion that traffic vibration can also cause significant damage to buildings. It has also advised that ground borne vibration is more likely to occur where properties are close to road surface irregularities / poor maintenance. On this basis, it has advised that there would be no reason to request building surveys unless there is clear evidence that existing HGV traffic is causing cosmetic or structural damage to buildings and that reducing the speed of HGVs associated with the development to 20mph and ensuring that the road surface is well maintained would assist in minimising any vibration. KCC's Heritage Conservation Manager remains of the opinion that it would be preferable for a baseline condition survey and subsequent monitoring of the historic buildings to be carried out but that if this approach is not considered to be reasonable, the applicant should at least be required to ensure that the road surface is kept smooth and free of bumps.
89. As noted in paragraph 15 above, the applicant proposes to undertake a road condition survey prior to and after the completion of the development and then rectify any damage attributable to HGVs associated with this. As noted in paragraph 80, KCC Highways and Transportation has no objection subject to (amongst other things) this happening. It has also advised that if the initial road condition survey identifies any problems with the road surface, these would be corrected by the Highway Authority at that stage (the applicant being responsible for correcting problems after the second survey when works are completed). In this way, I am satisfied that vibration associated with HGVs transporting materials to the site during the proposed development and other traffic (including HGVs) using the road following completion of the development would be minimised. Impacts would be further minimised if the transport management plan also restricts HGVs associated with the development to no more than 20mph in East Street.
90. Given the above, the advice of KCC's Noise and Vibration Consultant and my own consideration of the matter, I am satisfied that the proposed development would not have any significant impact on the East Street Conservation Area and on Listed and other buildings subject to the conditions referred to above and elsewhere in this report. I also agree with the applicant that it would be unnecessary and unreasonable to require building condition surveys in East Street or elsewhere in this case.

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

91. National planning policies relating to local amenity impacts associated with mineral working and waste disposal are set out in the NPPF and NPPW. Paragraph 144 of the NPPF states that local planning authorities should ensure that there are no unacceptable adverse impacts on human health when granting permission for mineral development and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and appropriate noise limits are established for extraction in proximity to noise sensitive properties. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on amenity against various locational criteria and other matters. Key locational amenity considerations primarily relate to proximity to sensitive receptors and the impact of air emissions (including dust), odours, noise, vibration and litter, both from site operations themselves and from HGVs travelling to and from sites. Paragraph 7 of the NPPW also states that WPAs should not concern themselves with the control of processes which are a matter for the pollution control authorities and should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Paragraphs 011 to 032 of the Minerals PPG provide detailed advice on how to address noise and dust / air quality issues when determining mineral applications. Paragraphs 19 to 22 of the Minerals PPG state (amongst other things) that noise associated with mineral working should not exceed the background noise level by more than 10dB(A) during normal working hours (0700-1900) and that the total noise from the operations should not exceed 55dB_{L_{Aeq,1hr free field}} at any noise sensitive property. It also states that increased temporary daytime noise limits of up to 70dB_{L_{Aeq,1hr free field}} may be necessary for periods of up to 8 weeks in a year at specified noise-sensitive properties to facilitate essential site restoration work. It also states that applications should be accompanied by a noise impact assessment identifying all sources of noise and its likely impact on the surrounding neighbourhood and proposals for the control or mitigation of noise emissions.
92. Policies CA18 and CA23 of the KMLPCA and Policies W18 and W32 of the KWLP require the County Council to be satisfied that proposals are acceptable in terms of noise, dust, odour and vibration impacts and include appropriate schemes of working and restoration. Draft Policy DM11 of the draft KMWLP states that minerals and waste developments will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Draft Policy DM12 of the draft KMWLP states that permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
93. Policy ENV28 of the MBWLP states that permission will not be given for development in the countryside if it would harm the amenities of surrounding occupiers.

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94. No objections or concerns have been received about potential adverse amenity impacts associated with operations on site. However, concerns have been expressed by Harrietsham Parish Council about potential adverse noise and dirt / pollution impacts associated with HGV movements through East Street.
95. KCC's Noise and Dust / Air Quality Consultants have no objections subject to the imposition of a condition limiting noise from operations on site to no more than $55\text{dB}_{\text{LAeq,1hr free field}}$ at any noise sensitive property and the implementation of a dust management plan that has first been submitted to and approved by KCC.
96. Planning permission MA/93/660 does not contain any specific noise limits although it does restrict operations to between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays. In the absence of application MA/14/727 or the revised restoration and aftercare proposals, there would therefore not have been any noise restriction when the site was restored. Although the applicant has not undertaken a noise assessment, the area of the site where imported materials would be placed and engineered (application MA/14/727) is relatively remote from residential properties and generally fairly well screened by the quarry faces and surrounding vegetation. The majority of the ground remodelling works associated with the revised restoration and aftercare scheme (MA/93/660/R22&24) would take place in that part of the quarry to the south of the HS1 line. Some of these restoration works would take place closer to residential properties to the south and east of the site but would again be screened to some extent by existing vegetation which would assist in minimising dust impacts.
97. Given the above, I consider it would be appropriate for any permission granted in respect of application MA/14/727 to include conditions restricting noise from normal day to day operations to no more than $55\text{dB}_{\text{LAeq,1hr free field}}$ at any noise sensitive property and requiring the implementation of a dust management plan that has first been submitted to and approved by KCC. I also consider it appropriate to include a condition allowing up to $70\text{dB}_{\text{LAeq,1hr free field}}$ for up to 8 weeks in any year at any noise sensitive property to facilitate associated site restoration work. These restrictions should also be applied to any approval given in respect of the restoration and aftercare scheme as planning permission MA/93/660 does not include any specific noise limits. In addition to these requirements, it would also be appropriate to include conditions restricting operations on the site itself to the hours already permitted (i.e. between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays) and for the importation and associated stabilisation works to be completed within 18 months of commencement. I also consider it appropriate to require the restoration of the entire site (north and south of the HS1 line) to be completed within the same time period. I am satisfied that whilst there would be some adverse amenity impacts resulting from HGV movements (particularly in East Street), these would not be unacceptable given the relatively small number of movements and the proposed duration of operations.

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98. I am satisfied that the proposed development would not have any significant impact on amenity and would accord with relevant policies subject to the imposition of the above conditions.

Other issues

99. HS1 has stated that it has no objection to the proposed development subject to the proposed temporary earth bund being constructed in accordance with a method statement that has first been approved by KCC and no ground remodelling works south of the HS1 line to west of the existing acoustic barrier taking place until such time as appropriate measures to prevent incursion onto the line have been secured. KCC's former Landscape Officer has stated that the proposed earth bund should not be allowed to remain permanently. These matters can be secured as necessary by condition if permission is granted.

Conclusion

100. Unless works are undertaken to secure the long term stability of the quarry face, natural erosion will ultimately lead to the loss of footpath KH414B and the electricity pylon as well as other land outside the control of the quarry owner. If this scenario is to be avoided, it will be necessary for a sufficient quantity of suitable materials to be used to buttress / stabilise the quarry face. Given the natural regeneration that has occurred on site since quarrying ceased in 2008, large parts of the site now contain significant habitat and protected and other species. The extent of this ecological interest is such that using suitable materials already on site would result in significant harm to both habitat and protected and other species.
101. Application MA/14/727 as submitted in April 2014 sought to use as much material from within the site as was thought reasonably possible at that time. However, regardless of the ecological harm that this would have resulted in it would not have avoided the need for the use of a significant quantity of imported materials such that the disbenefits of transporting materials to the site via East Street and Sandway Road could not have been entirely avoided. Application MA/14/727 as submitted in August 2015 sought to further minimise impacts on habitat and protected and other species by reducing the area of disturbance by leaving a greater proportion of the northern part of the site in its naturally regenerated form, leaving the majority of existing materials in place and reducing the extent of the buttressing works. Regardless of the reduction in the area affected by the proposed buttressing works, the need for an increase in imported materials is unavoidable if the quarry face is to be appropriately stabilised.
102. There is strong development plan and other planning policy support for securing the effective restoration of the site and safeguarding the adjoining land and footpath and other infrastructure (as is proposed by both applications MA/14/727 and MA/93/660/R22&24). The benefits associated with ensuring this need to be balanced against any disbenefits associated with importing the

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required materials (e.g. the impact of HGV movements on East Street Conservation Area) and depositing them on site (e.g. any disturbance that would occur within the site). Any disbenefits associated with remodelling areas of the site to the south of HS1 provided for by application MA/93/660/R22&24 (e.g. impacts on some of the existing habitat and protected and other species) need to be weighed against the benefits of securing a restoration scheme that creates a more natural landform and is acceptable in other respects (e.g. the desirability of removing / re-grading the most incongruous parts of the existing landform such as the linear soil stockpiles within the site that were always intended to be used for restoration purposes).

103. Subject to the imposition of the conditions referred to in this report I do not consider that the harm that may arise from either application MA/14/727 or MA/93/660/R22&24 would be significant. I am also of the opinion that any harm that may arise would be outweighed by the benefits associated with securing the long term restoration of the site and, in particular, the long term stability of the quarry face. I therefore recommend accordingly.

Recommendation

104. I RECOMMEND that:

- (a) PERMISSION BE GRANTED for the importation of clay / soil to stabilise the northern face of the sandpit workings as part of the revision scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU (i.e. application MA/14/727) SUBJECT TO conditions covering amongst other matters:
- The development being implemented as proposed (e.g. only clay / soils being imported);
 - The importation and associated stabilisation works being completed within 18 months of commencement;
 - The locations and design of the site office, welfare facilities and wheel cleaning facilities being approved by KCC prior to being implemented;
 - The restoration and aftercare provided for by MA/93/660/R22&24 being implemented as proposed for 5 years;
 - The ecological mitigation and enhancement measures being undertaken as proposed;
 - The aftercare reporting including a review of the success of the ecological mitigation measures to enable remedial measures as necessary;
 - HGV movements only taking place between 09:00 and 15:00 hours Monday to Friday (with no Bank / Public Holiday movements);
 - No more than 25 HGV loads (50 movements) per day;

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- The submission, approval and implementation of a detailed transport management plan (to include a 20mph speed limit in East Street for HGVs associated with the development);
 - Before and after road condition surveys (with any damage or defect being made good on completion of development);
 - Notification of contact details at the site entrance;
 - Hours of operation on site being restricted to those provided for by planning permission MA/93/660 (i.e. between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays with no operations on Saturday afternoons, Sundays or Bank / Public Holidays);
 - Noise limits (i.e. 55dB_{LAeq,1hr free field} at any noise sensitive property for normal operations and up to 70dB_{LAeq,1hr free field} for up to 8 weeks a year at any noise sensitive property to facilitate essential site restoration work);
 - The approval and implementation of a Dust Management Plan;
 - A method statement for the construction of temporary soil bund to prevent incursion onto the HS1 line;
 - The removal of the temporary soil bund on completion of operations; and
- (b) SUBJECT TO permission being granted for (a) above, APPROVAL BE GIVEN for the scheme of restoration and aftercare pursuant to conditions 22 & 24 of planning permission MA/93/660 as amended by MA/00/1990 at Chilston Sandpit, Sandway Road, Sandway, Maidstone, ME17 2LU (i.e. application MA/93/660/R22&24) SUBJECT TO amongst other matters:
- The existing conditions on planning permission MA/93/660 being complied with as necessary (e.g. operations only taking place between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays with no operations on Saturday afternoons, Sundays or Bank / Public Holidays);
 - The restoration scheme being implemented as proposed and completed within 18 months of the date of commencement of the importation and associated stabilisation works provided for by MA/14/727;
 - The aftercare scheme being implemented as proposed for 5 years;
 - The ecological mitigation and enhancement measures being undertaken as proposed;
 - The aftercare reporting including a review of the success of the ecological mitigation to enable remedial measures as necessary;
 - Noise limits (i.e. 55dB_{LAeq,1hr free field} at any noise sensitive property for normal operations and up to 70dB_{LAeq,1hr free field} for up to 8 weeks a year at any noise sensitive property to facilitate essential site restoration work); and

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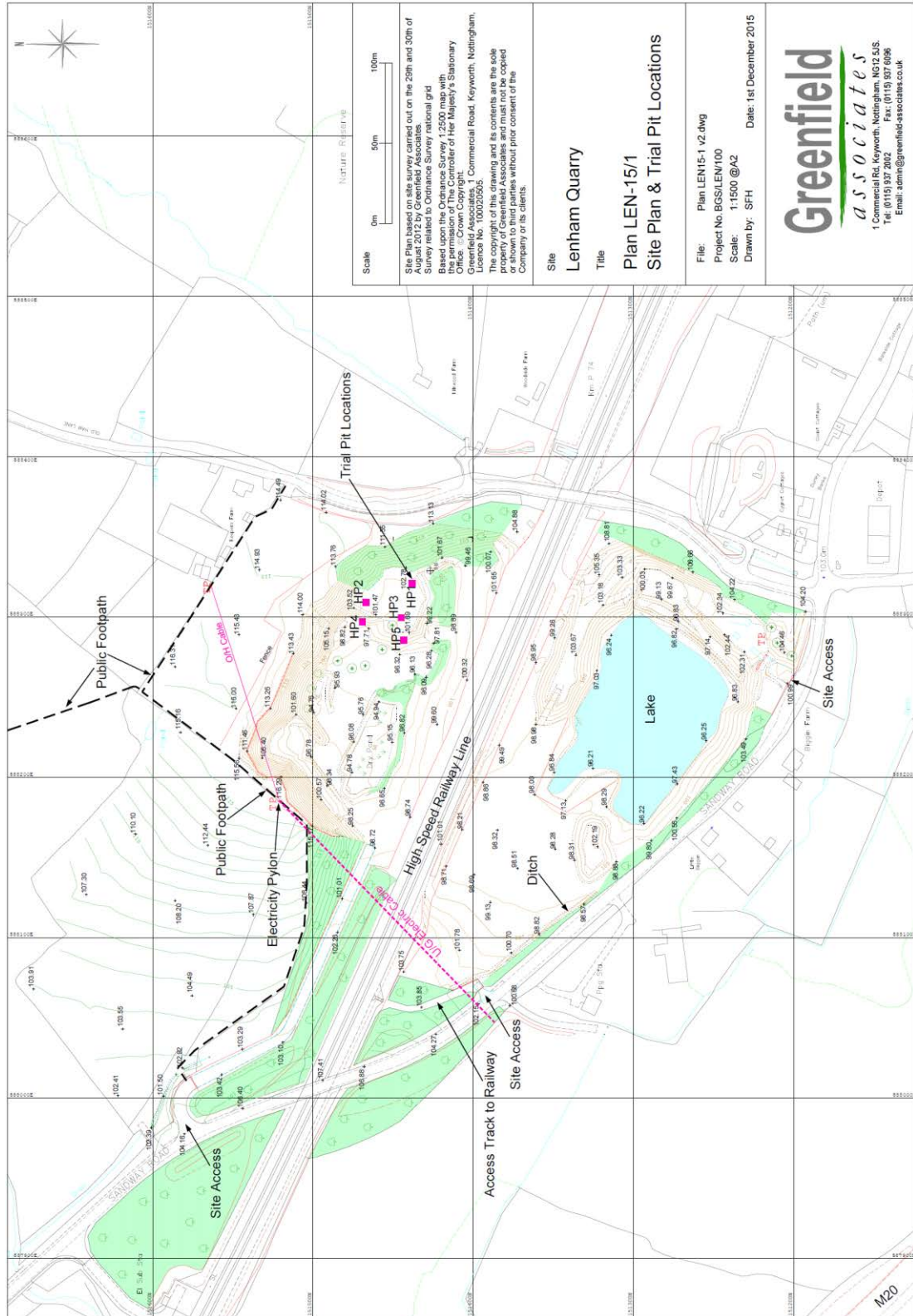
- Compliance with the Dust Management Plan required by MA/14/727.

Case Officer: Jim Wooldridge

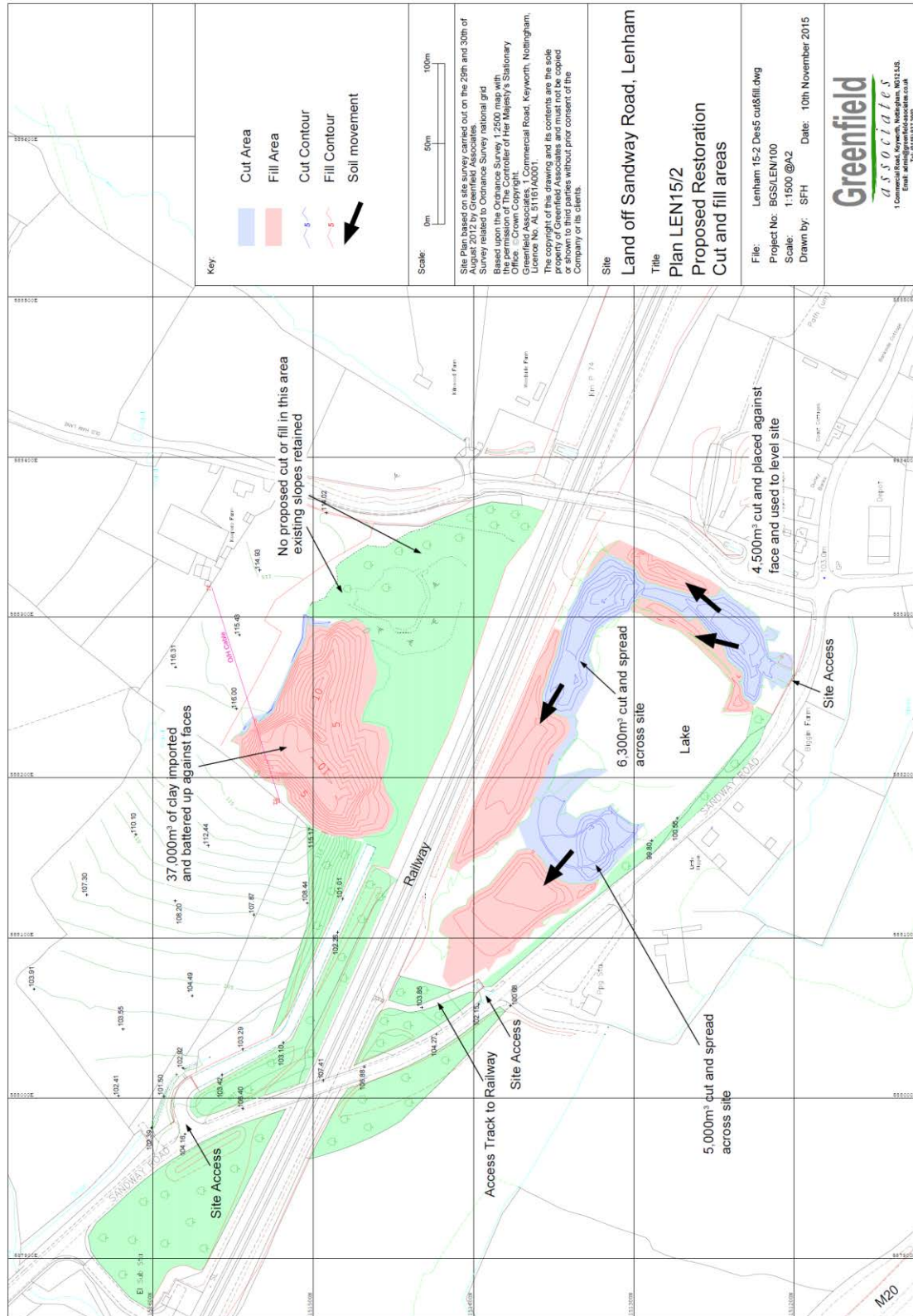
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Background Documents: see section heading.
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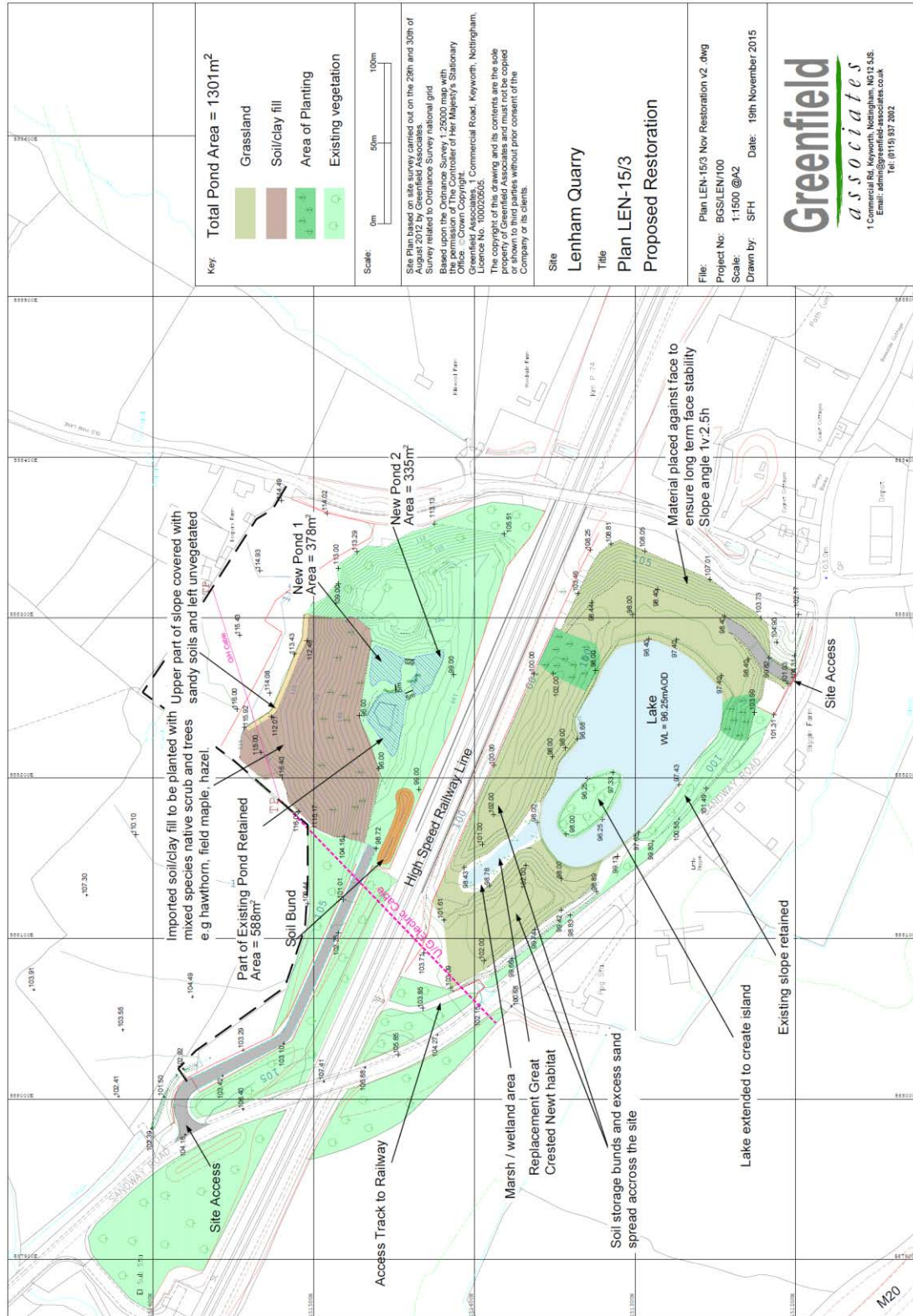
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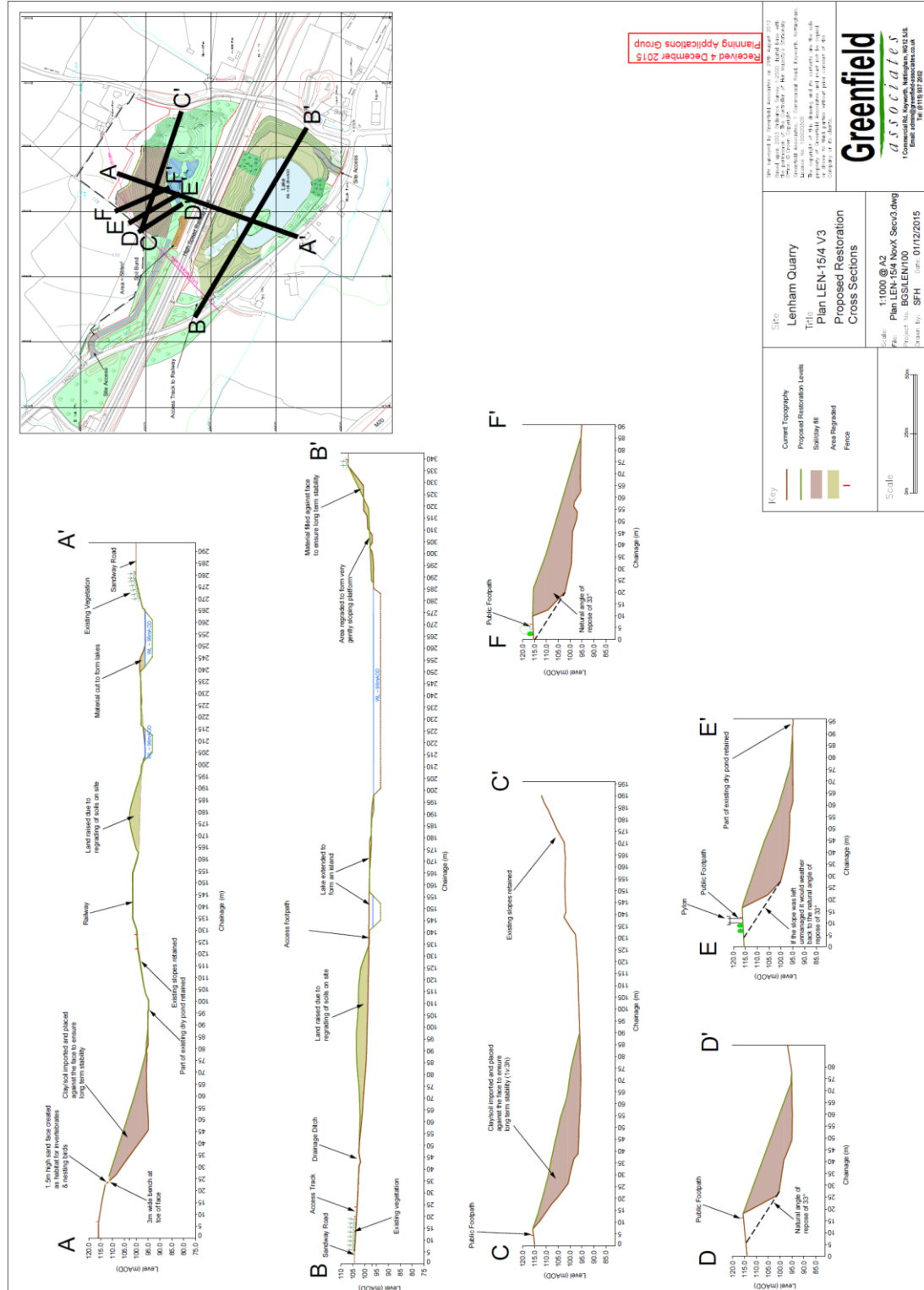


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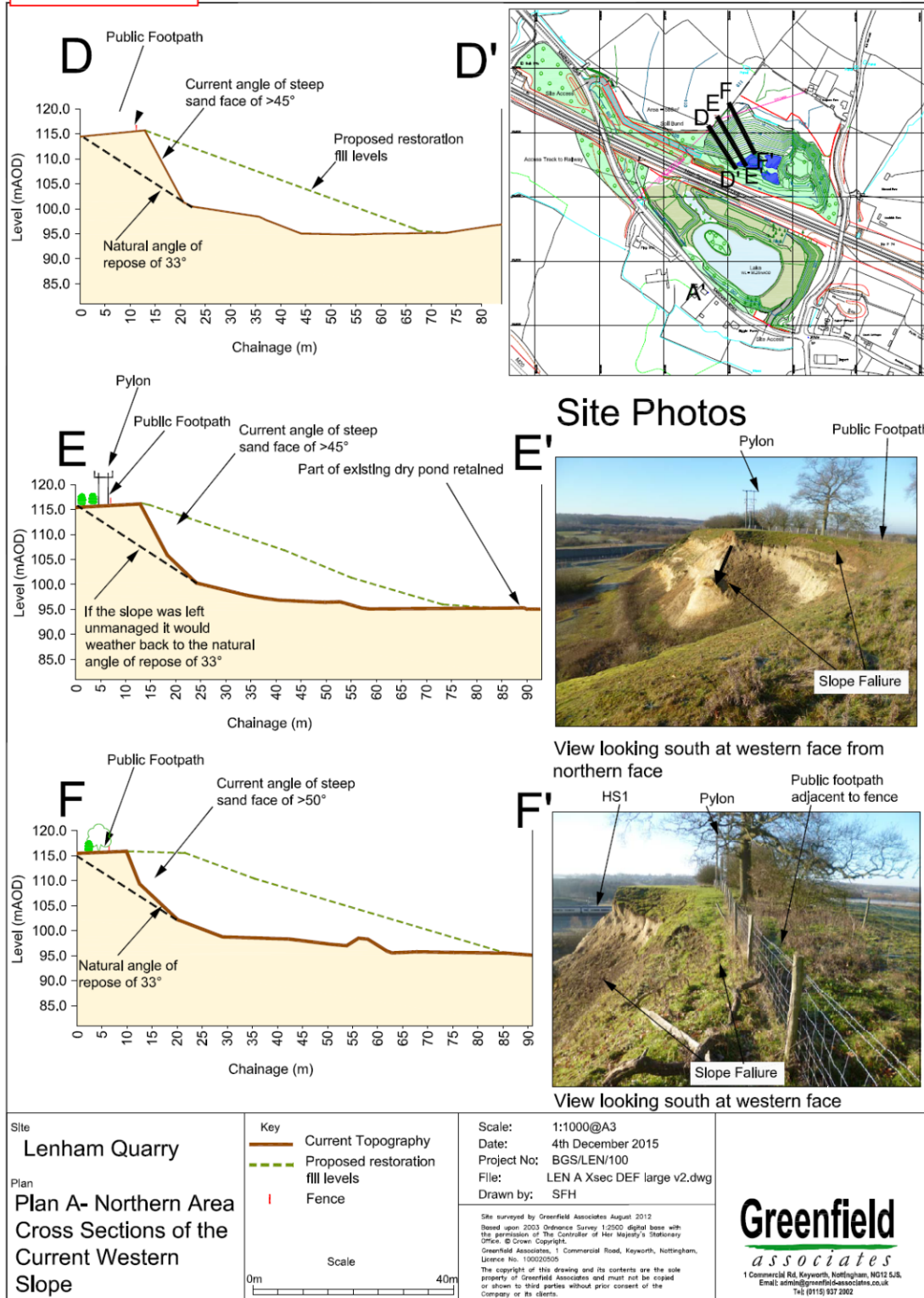
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Appendix 2 to Item C2
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