

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Planning application to vary the hours of working of the Barber Green Asphalt Plant to increase the permitted 'out of hours' working to up to 180 periods per year at Hothfield Works, Watery Lane, Westwell, Ashford – AS/16/462 (KCC/AS/0065/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 7 December 2016.

Application by Tarmac Limited to vary the hours of working of the Barber Green Asphalt Plant at the Tarmac Hothfield Works to increase the permitted 'out of hours' working to up to 180 periods per year at Hothfield Works, Watery Lane, Westwell, Ashford, Kent, TN25 4JJ – AS/16/462 (KCC/AS/0065/2016).

Recommendation: Permission be granted, subject to conditions.

Local Member: Mr. C. Simkins

Classification: Unrestricted

Site

1. Hothfield Works is located off Watery Lane approximately 1 kilometre (km) (0.6 miles) north-east of the Maidstone Road (A20) between Charing and Ashford. Watery Lane is a country road that leads from the A20 toward the village of Westwell. The application site is approximately 1.5 km (1 mile) to the south-west of Westwell and 4 km (2.5 miles) north-west of Ashford. The site lies immediately adjacent to the Ashford to London mainline railway and comprises a private railway siding used for the importation of aggregate, with associated storage depot and asphalt plant. The site occupies approximately 4.5 hectares of land, positioned between the mainline railway (to the south-west) and the M20 (to the north-east). The High Speed 1 (Channel Tunnel) Rail Link passes on an embankment beyond the mainline railway (to the south-west).
2. Access to the site is via a dedicated site road off Watery Lane. The operational areas are set back approximately 100 metres from the public highway. The site is screened by a mature tree belt, including from the public highway to the south-east. The landscape planting stretches the length of the eastern boundary and around to the north. The site is screened to the south and west by the railway lines, associated embankments and further landscape planting.
3. The nearest residential property (Keepers Cottage) is located approximately 100m to the north of the operational area. A further property is located opposite the site entrance to the south-east across Watery Lane, approximately 200m from the main works area. There are 12 residential properties located to the south-west along Watery Lane, which is the route travelled by vehicles using the site from Maidstone Road (A20). See attached location plan.

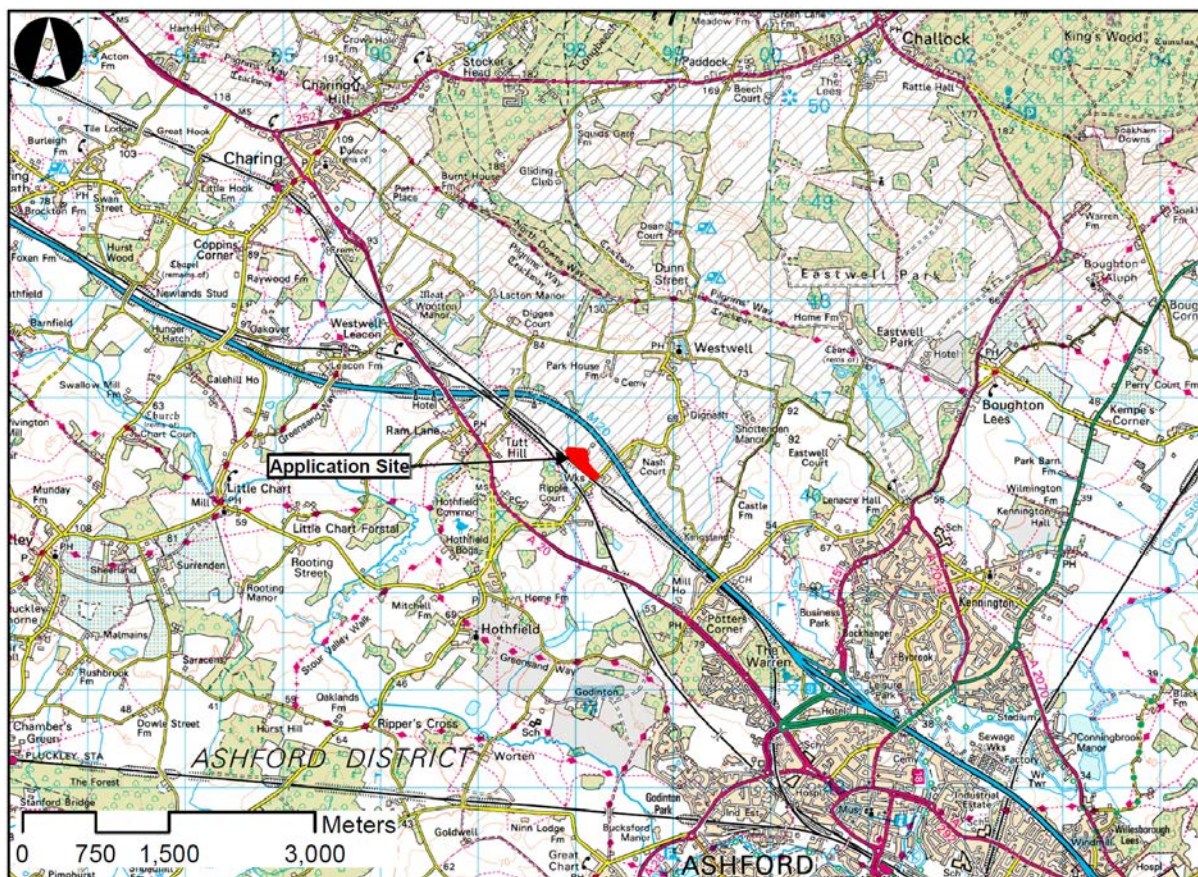
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4. The application site lies on the edge of the Kent Downs Area of Outstanding Natural Beauty (AONB). An area of Ancient Woodland (Parsonage Woods) lies within the belt of trees that flank the site to the east. A Grade II listed building (The Old Parsonage Farm House) is located approximately 140m south-west of the site entrance along Watery Lane on the far side of the mainline railway embankment. The use of the application site as a rail depot for the importation of minerals into the County and for the associated manufacture of asphalt is safeguarded under policies CSM 6 and CSM 7 of the adopted Kent Minerals and Waste Local Plan (2016) (Kent MWLP).
5. There are no other site-specific planning designations, although more general development plan policies are set out in the Planning Policy section below.

Background and Planning History

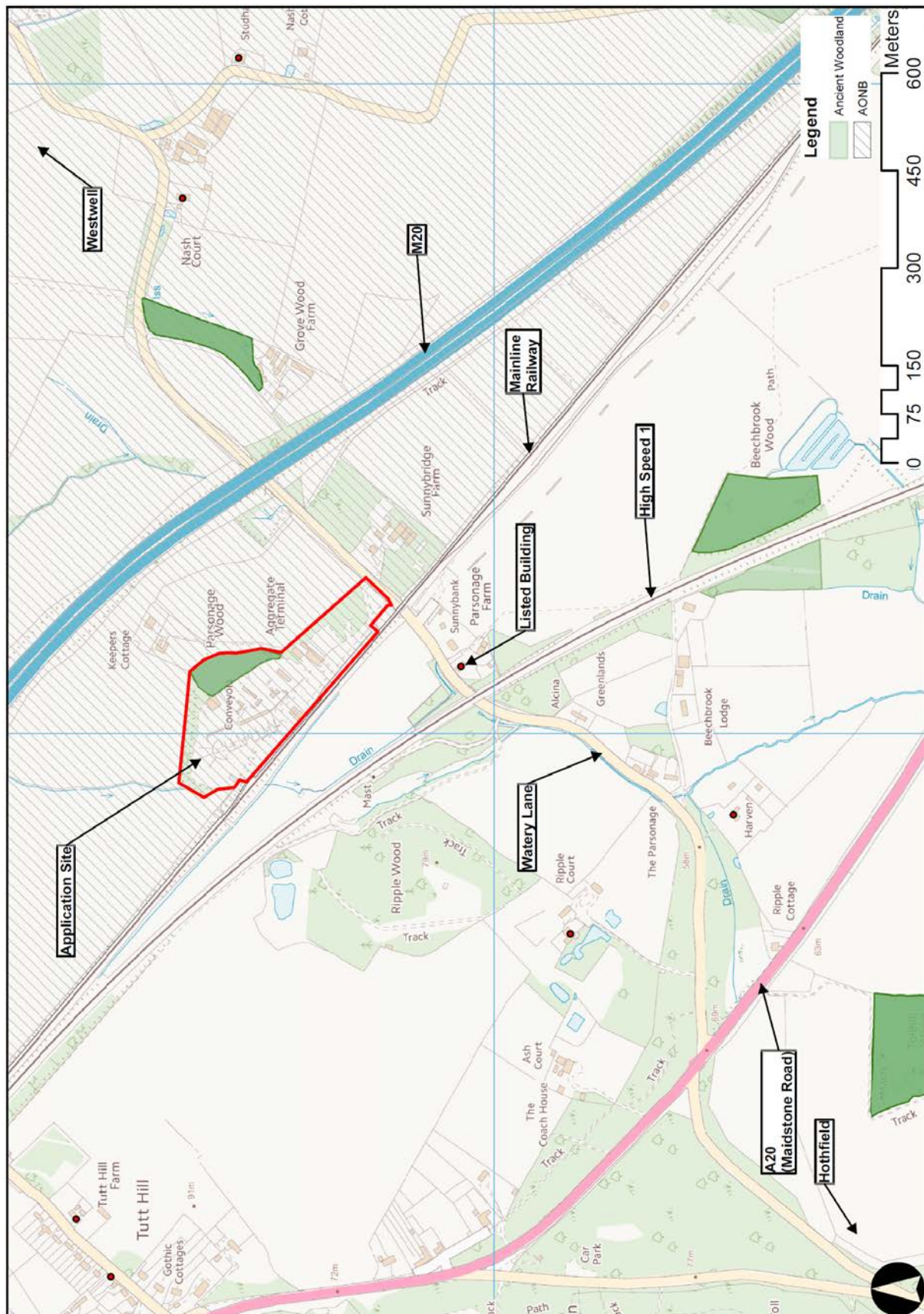
6. The application site has been operational since the mid-1950s. The rail siding, discharge facilities and associated aggregates depot was granted planning permission on appeal in September 1976, under permission reference AS/75/13. This permission includes controls on the operation of the rail siding and depot, including a restrictions on loading or unloading of trains or vehicles to between 0600 – 1800 hours weekdays, controls on stockpile heights, dust mitigation and the provision of tree planting and landscape enhancement measures.

General Location Plan



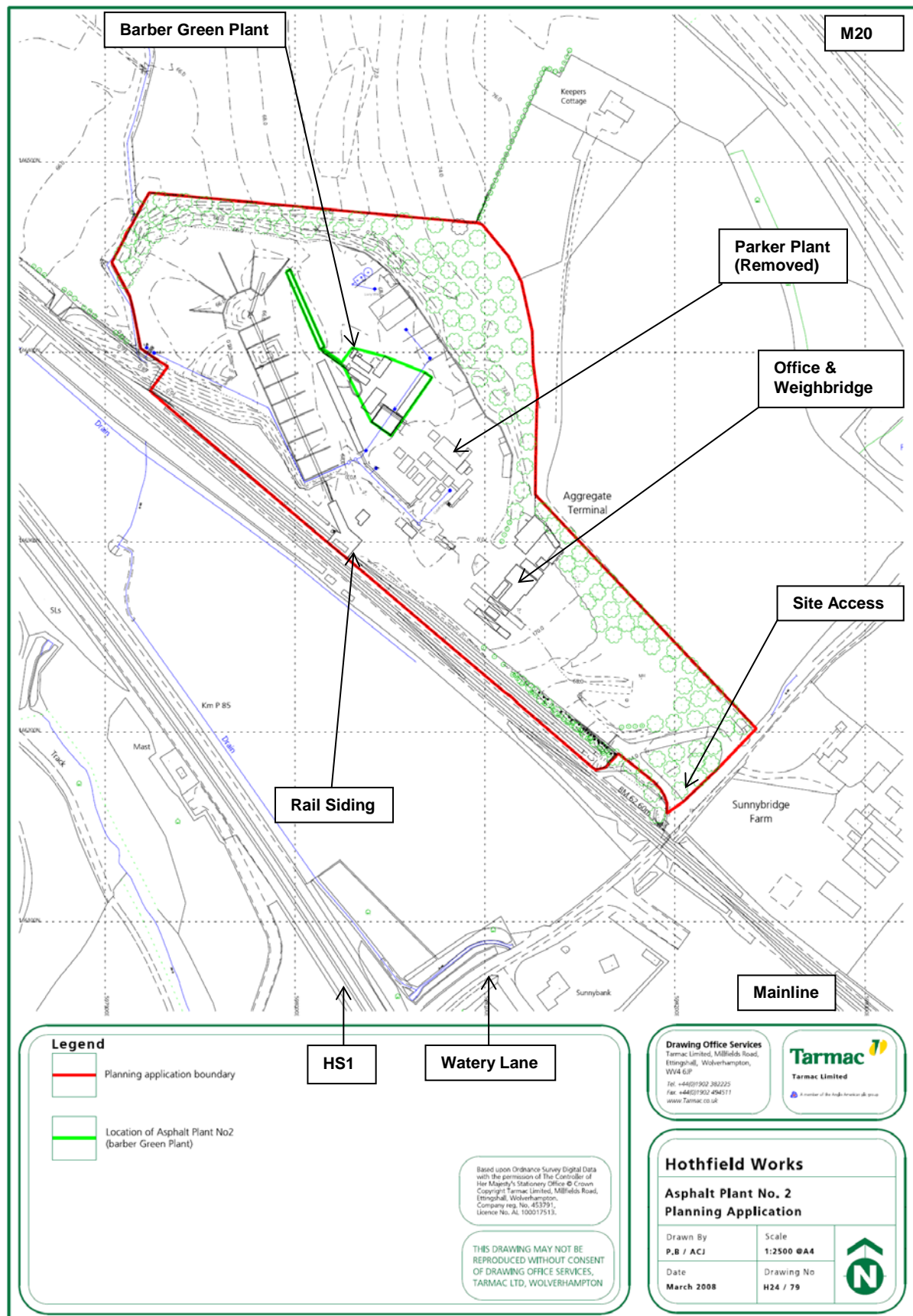
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Site Location Plan



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Layout Plan



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7. Aggregates are imported to the site by rail from the Midlands, Wales and the Mendips, including Granite, Limestone and High Polished Stone Value (PSV) Gritstone. The trains are discharged between 0600 – 1800 hours irrespective of the time of arrival and wait in the dedicated siding until unloading is permitted. The aggregates are transferred to the storage bays on site via an enclosed bottom discharge system that automatically transfers the material by conveyor. The site receives on average 1 to 2 trains per week, with each train taking approximately 2 to 2.5 hours to discharge. Imported materials are stored on site for use within the remaining asphalt plant (Barber Green Plant) with some dry stone being sold and exported from site. All aggregates are imported by rail.
8. Until recently there were two asphalt plants on site (the Parker Plant and the Barber Green Plant). In 2014 the applicant decommissioned and removed the Parker Plant. Planning permission for the Barber Green Plant was granted in March 1993 under reference AS/90/608. This permission was granted subject to a legal agreement securing highway improvements and 12 conditions, including (amongst other matters) drainage arrangements, dust controls, noise attenuation, a programme of woodland management, the use to be linked to the continued importation of aggregate by rail and hours of operation – 0500 to 1800 hours Monday to Friday, 0500 to 1300 hours on Saturdays with no lorries to leave the site before 0600 hours (condition 5).
9. Planning permission (AS/97/90) was granted on 11 July 1997, following a resolution by the County Council's Planning Sub-Committee 10 June 1997, allowing a permanent variation to the 'normal' hours of operation to include 'out of hours' working on site between 1800 and 0500 hours and at any time during weekends and Bank holidays. The permission allows provision for 40 'out of hours' working periods (of up to 8 hours duration each) during any calendar year. The permission restricts the approved 'out of hours' working to ensure the site is not continuously operational for more than 10 days consecutively. None of the above permissions, including for the rail siding and the asphalt plant, contain controls over the total number of vehicle movements associated with the use, either during 'normal' or 'out of hours' working.
10. The frequency of 'out of hours' working each year was varied from 40 to 60 periods per annum on three occasions under permission references AS/98/1537, AS/02/39 and AS/08/733. All of the above permissions were granted on a temporary basis and have since expired.
11. Planning permission (AS/12/844) was granted for a permanent variation of condition 5 of permission reference AS/90/608 to enable 60 'out of hours' working periods per year on 17 October 2012. This permission imposed additional planning controls over the permitted 'out of hours' working to help protect local amenities, including:
 - defined noise limits for operations during additional working periods;
 - a maximum 40 HGVs (total) to leave the site between 1800 and 0600 hours (i.e. 40 leaving / 40 returning);
 - a maximum 10 heavy goods vehicles (HGVs) to leave the site per hour between 1800 and 0000 hours;
 - a maximum 6 HGVs to leave the site per hour between 0000 and 0600 hours;
 - no articulated lorries to be used on site during the night hours;
 - a code of practice for HGV drivers, including a voluntary 20mph speed limit for all Tarmac drivers travelling along Watery Lane;

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- an operational limit on 'out of hours' working to no more than 10 consecutive days; and
 - a written summary of out of hours periods worked to be maintained and made available to the County Council.
12. The plant produces high specification asphalt used in the construction and maintenance of roads alongside supplying private sector contracts. The applicant states that 75% of the production on site is to service public sector highway commitments, including supplying the Kent Maintenance Contract.
 13. Night-time work typically comprises the operation of the asphalt plant and associated infrastructure, which includes acoustic screening that encloses the manufacturing process, a loading shovel and HGV movements associated with the distribution of the product. Normally, the applicant operates 6 HGVs (each with a 20 tonne capacity) delivering material in sequence according to the contract needs. Whilst third party HGVs collect materials during normal working hours, out of hours working are normally restricted to the applicant's own vehicles.
 14. The applicant states that the approved night time production at the site (60 occasions per year) is currently being fully utilised.

Proposal

15. The application seeks a variation of condition 5 of planning permission AS/90/608 to allow an increase in the permitted 'out of hours' working for the the Barber Green Asphalt Plant. 'Normal' working hours are defined by the above permission as 0500 – 1800 hours Monday to Friday and 0500 – 1300 hours Saturdays whilst 'additional' or 'out of hours' working covers any operation of the site outside these hours. The proposed changes would increase the permitted number of 'out of hours' working periods (of up to 8 hours duration each) from the 60 occasions (periods) already permitted to a maximum of 180 occasions each calendar year.
16. The applicant states that the proposals are for an increase in the frequency of the permitted night working and are not an increase in the intensity / level of activity on site during the 'out of hours' periods. Limiting factors on output from the site include the productive capacity of the plant (determined by the size of the mixer and rated capacity for production), the number of vehicles based on site for delivery, the permitted frequency of vehicle movements and the size and duration of the contracts. The applicant indicates that the bias of production in this sector of Kent has moved from major road building projects to predominantly repair and maintenance and consequently the trend of sustained large volumes has changed to smaller more frequent contractual demand.
17. The applicant acknowledges the controls imposed on the existing planning permissions that seek to prevent unacceptable and sustained impact on local amenity from night time (out of hours) working. The application initially proposed that, with the exception of the variation of condition 5, the original conditions imposed on permission AS/90/608 should be retained along with those imposed on permission AS/12/844 and that new controls and measures be introduced, including:

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- a reduction in the maximum number of HGVs allowed to leave the site between 1800 and 0600 from 40 to 25 (unless otherwise agreed with the Mineral Planning Authority);
 - a review of the code of practice for HGV drivers (including a maximum advisory speed limit on Watery Lane of 20mph at all times, day and night);
 - a commitment to resurface damaged sections of the public highway (Watery Lane);
 - neighbourhood notification to advise on permitted operations and provide a main contact on site;
 - a review of existing tree planting and site management to improve biodiversity; and
 - a review of site lighting to manage light spill.
18. The applicant states that activities on site, including operation of the rail depot and asphalt plant, during the permitted normal daytime hours of operation would remain unchanged.
19. The application is accompanied by an assessment of the asphalt supply network in Kent, a Noise and Vibration Assessment, a Highway Condition Review, a Night-time Landscape and Visual Appraisal, an Ecological Appraisal, a Statement of Community Involvement and a copy of a Code of Practice for HGV drivers at Hothfield Works.
20. The Highway Condition Review (prepared in consultation with KCC Highways and Transportation) identifies that generally the carriageway surfacing along the length of Watery Lane between the site access and the A20 is in a reasonable condition. The report identifies a number of defects within the public highway that could contribute to increased vibration and noise from passing vehicles, including three areas that are in need of repair due to the existing surfacing reaching the end of its life, existing pot holes, failed service trenches or poor reinstatements. The report also identifies that there are additional areas along the entire length of the highway access route that may require attention within the next 2-5 years.
21. The applicant has agreed to undertake repairs to the highway in the three locations identified in connection with the above application. Tarmac also indicates that it is prepared to offer resurfacing of the length of Watery Lane from the site entrance towards the junction with the A20. This would be in addition to the measures agreed in the highway condition report and is proposed to help reduce vehicle vibration and associated noise. The improvements would benefit all vehicle movements along the public highway. The applicant is also proposing improvements to the highway drainage where the highway adjoins land in its ownership.
22. In response to initial comments received from statutory consultees and nearby residents, the applicant provided further supporting information including:
- a Landscape and Ecological Management Plan;
 - a Lighting Survey and Supplementary Information;
 - details of additional acoustic cladding to the asphalt plant;
 - a Supplementary Noise & Vibration Technical Note;
 - an agreement to implement a local Consultative (Liaison) Committee with the local Community; and
 - an agreement to resurface the whole stretch of Watery Lane between the Works and the A20.

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23. This additional information has been subject to further consultations with the statutory consultees and those third parties that made representations on the application as originally received. The consultee responses included below represent the latest position.
24. A further Supplementary Statement on Noise was also received from the applicant in response to additional comments received from the County Council's Noise Consultants (Amey) on the Supplementary Noise & Vibration Technical Note referred to above. The County Council's Noise Consultant's comments included below represents its position having considered all relevant information.

Planning Policy

25. The Government Policy / Guidance and Development Plan Policies summarised below are particularly relevant to the consideration of this application:
26. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (March 2012) and the associated Planning Practice Guidance (PPG). National Planning Policy and Guidance are material planning considerations.
27. **Kent Minerals and Waste Local Plan 2013-30 (Adopted July 2016) (Kent MWLP)** Policies: CSM1 (Sustainable Development), CSM6 (Safeguarded Wharves and Rail Depots), CSM7 (Safeguarding Other Mineral Plant Infrastructure), CSM12 (Sustainable Transport of Minerals), DM1 (Sustainable Design), DM2 (Environment and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM15 (Safeguarding of Transport Infrastructure), DM16 (Information required in support of an application) and DM20 (Ancillary Development).
28. **Ashford Borough Council Local Development Framework Core Strategy (July 2008) (Ashford CS)** Policies: CS1 (Guiding Principles), CS11 (Biodiversity) and CS15 (Transport).
29. **Ashford Borough Council Local Development Framework: Tenterden and Rural Sites Development Plan Document (2010) (Ashford TRSDPD)** Policies: TRS8 (Extensions to employment premises), TRS17 (Landscape character & design) and TRS18 (Important Rural Features).
30. **Ashford Borough Local Plan (2000) (Ashford LP)** Saved Policies: GP12 (Protecting the countryside and managing change), EN27 (Landscape Conservation), EN30 (Nature Conservation) and EN32 (Important Trees and Woodland).

Other Material Considerations:

31. **Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019 (Kent Downs AONBMP)** Policies: SD1 (Highest level of protection), SD2 (Local character, qualities and distinctiveness), SD3 (New development or changes in land use), SD7 (Tranquillity), SD8 (Mitigation measures), SD11 (Mitigation measures), BD5

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(Biodiversity), WT1 (Woodland) and WT7 (Woodland protection).

32. The World Health Organisation (WHO) Night Noise Guidelines for Europe (2009).

Consultations

33. **Ashford Borough Council:** raise no objection to the application, subject to conditions ensuring no more than a total 25 HGVs leave the site between 1800 and 0600 hours and/or any 8 hour additional working period, no more than 10 HGV movements an hour between 1800 and 0000 hours and 6 HGV movements an hour between 0000 and 0600 hours, no articulated lorries are used between 18.00 and 06.00 hours and securing an updated landscape management scheme for the site.

The Borough Council's comments encourage the applicant to enter into an agreement with the Highways Authority for works to the highway to mitigate any impacts as outlined in the supporting statement.

34. **Ashford Borough Council Environmental Health:** comments that the site has been permitted for many years and compliance is good with no recent complaints. The response confirms that the site benefits from a local authority Environmental Permit issued by the Borough Council covering air quality. The permit includes the rail and road aggregate handling facilities, the Barber Green asphalt coating plant, the associated dust collection system and the bulk storage containers. Inspection frequency is based upon a 'risk score' matrix which has been developed by DEFRA. When compliance is judged to be good the inspection frequency reduces. At the moment a visit is arranged with the operator every two years. In the event of a complaint (e.g. a dust emission beyond the site boundary) the Borough Council has a range of enforcement options. For example, if there was a failure of the dust collection system then the council could suspend the operation until the fault had been identified and rectified.
35. **Westwell Parish Council:** raise no objections, subject to conditions to minimise any adverse impact on residents, and the character and amenity of the rural location within the Kent Downs AONB. Having considered the initial application and the further supporting information received the conditions recommended by Westwell Parish Council can be summarised by the following:

- Before the additional working hours are implemented, a Consultative (Liaison) Committee should be set up comprising representatives from the residents of Watery Lane, Westwell Parish Council, Hothfield Works, Ashford Borough Council and Kent County Council.
- Before the additional working periods are implemented, the highway between the Works and the A20 should be resurfaced to ensure the road has a quiet surface that reduces vibration and noise to a minimum.
- Continued implementation of the drivers' voluntary Code of Practice – limiting the speed of HGVs servicing Hothfield Works to no more than 20mph between the site and the A20, in both directions.
- Installation of cladding on the highest part of the plant (currently not enclosed), to reduce noise.
- A maximum of 25 HGVs to leave the site between 1800 and 0600.

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- Conditions previously included on permissions AS/90/608 and AS/12/844 being re-imposed on any new permission.
- A condition securing landscape management and enhancement to ensure any harm to the AONB is mitigated.

Westwell Parish Council's comments in response to the further supporting information submitted by the applicant are summarised below:

- Is pleased to note Tarmac's support for a Consultative (liaison) Committee. Considers that establishment of the Consultative Committee should be a condition.
- Is pleased to note that Tarmac is acknowledging the concerns regarding the way in which external hauliers use Watery Lane. Considers that enforcement of the Code of Practice for HGVs, planned management of the verges and proposing a 40mph speed limit along Watery Lane are ongoing matters that need to be managed, some of which should be taken forward by the proposed Consultative (liaison) Committee.
- Notes Tarmac's commitment to investigate and keep odour under control. Considers this could be a standing item for the proposed Consultative (liaison) Committee.
- Notes that the number of out-of-hours periods should be monitored so that the total number of vehicle movements does not increase.
- Notes that Tarmac is sensitive to noise issues and that the rubber noise damping recently installed on the bucket connection point has improved noise impacts for adjacent residents.
- Notes that provided the audible alarm used on site (identified by a local resident) continues to be muted at night and early morning start-up this is not currently considered an amenity problem.
- Is pleased to note that the proposed resurfacing would include the whole length of Watery Lane from the works to the A20. Notes that this should include remedial work to any damage at the highway edge, where potholes occur and cause vehicles to swerve into the centre of the road.
- Notes the 20-year life of the resurfaced highway and that KCC highways will be responsible for the surface condition moving forward. Highlights the importance of any resurfacing work including repairs to the road edge to prevent potholes.
- Notes that a future reduction in the speed limit on Watery Lane is a very important issue for residents, particularly given that this rural road has neither lighting nor footway, but nevertheless is being used day and night by a considerable volume of HGV and other traffic that would be increased under this proposal. The Parish Council accepts that it is unrealistic to make a 40mph speed restriction a condition of any planning permission as this would be outside Tarmac's direct responsibility (and control). Considers that the issue should be taken forward by the Consultative Committee.
- Notes Tarmac's commitment to deal with identified lighting concerns. Considers this could be another item for the Consultative Committee in case further issues arise.
- Supports Tarmac's proposal for woodland management to maintain the visual screen and the AONB setting.
- Notes Tarmac's willingness to address the issues raised by the AONB Unit on lighting, woodland management and ecological enhancement. Notes that Hothfield Works has always been an 'alien' feature in the AONB however acknowledges the considerable effort Tarmac makes to recognise and minimise its impact and to

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comply with all the conditions that are requested.

- 36. **Hothfield Parish Council:** raise no comment.
- 37. **Network Rail (High Speed 1):** no response received.
- 38. **Network Rail (Freight):** raise no objections to the application.
- 39. **Kent Downs AONB Unit:** comments as follows:

“The site lies entirely within the Kent Downs AONB. The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.

As you are aware the AONB Unit previously raised concerns regarding potential impact of the increase in lighting on the Kent Downs AONB due to an increase in frequency of night working. The LVIA advises that there are night time views of the site as a result of the lighting, in particular to the south from Watery Lane as well as at the site entrance on Watery Lane where it is recognised that a break in vegetation allows views of the plant, weighbridge etc. as these are well lit and create glare.

A lighting survey has now been conducted, which advises that light spillage into Parsonage Wood was as a consequence of a single light which has subsequently been adjusted, mitigating light spillage along the northern boundary and reducing impact on Parsonage Wood. The supplementary information does not however address the issue of night time views into the site from the south and at the site entrance, other than advising that light levels are generally lower than operational needs”.

- 40. **Kent County Council Highways and Transportation:** raise no objections to the proposals in respect of highway matters, subject to conditions being attached to secure the following:

- The off-site highway and drainage works described within the application documents.
- No more than 25 HGV vehicles to depart the site between 18:00 and 06:00.
- Out of hours working to be restricted to a maximum of 180 occasions per year.

In addition, the Highway Authority recommends an informative drawing the applicant's attention to the need for separate highway consent for any work within the public highway (Section 278 Agreement).

The comments received state:

“The proposed variation in hours of working at this site has been the subject of pre-application discussions between KCC Highways & Transportation and the Applicant, together with stakeholder engagement with local interested parties. It was concluded at that time that mitigation works would address concerns over flooding and the condition of the road surface, as the noise and vibration of HGV traffic using Watery Lane in its current condition would have a greater impact on residential amenity during these additional night time periods. Items of off-site highway works were identified to improve

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the road surface and address drainage issues, which should minimise the impact that these large vehicles would have overnight on local residents, and I am pleased that the submitted scheme does include these measures.

Notwithstanding the above works, the highway condition review undertaken by the applicant's own highway consultant has concluded that the entire length of Watery Lane would benefit from resurfacing, to extend the life of the remaining sections beyond the 2 to 5 years they have predicted that the road would require attention within. Therefore, in order to avoid the disruption that further resurfacing work would cause to their business at that time, the applicant has also offered to undertake the full resurfacing of Watery Lane between the site and the A20, and I would not have any objection against that offer. It is appreciated too that the permitting of additional occasions for night working would increase the wear and tear on the highway network, shortening the lifespan of the existing road surfacing, so the offer to resurface Watery Lane will also compensate the Highway Authority for the resulting increased maintenance burden.

I note that the applicant is also willing to reduce the maximum number of HGVs allowed to leave the site between 6pm and 6am from 40 to 25, and I agree that it would be prudent to secure this restriction through a variation of the existing planning conditions.

Whilst it has been suggested that a reduction in the speed limit in Watery Lane should be promoted, the implementation would only be possible through a comprehensive package of physical measures to change the road environment, making it conducive to achieving vehicle speeds nearer 30mph, and also meeting the national criteria required for such speed limits. The introduction of speed limits along roads that do not meet the criteria, or would largely be ignored, can undermine the effectiveness of road signage elsewhere. We would only introduce speed limits where it is appropriate to do so and where they would generally be self-enforcing, so they do not rely on police enforcement to administer”.

41. **Kent County Council's Ecological Advice Service:** raise no objection to the application, subject to a condition securing the implementation of the Landscape and Ecological Management Plan received in support of the application. The comments confirm that the Advice Service is satisfied that the adjustments to the existing lighting will help to minimise any impact from light spill on the adjacent Ancient Woodland.
42. **Kent County Council's Noise Consultants:** raise no objections to the application, subject to conditions including
 - Re-imposition of the established noise condition relating to operations on site outside normal working hours.
 - A maximum of 25 HGVs to leave the site between 18:00 and 06:00 (equivalent to 25 HGVs Out / 25 HGVs In).
 - The resurfacing of Watery Lane “as a mitigating measure to reduce the potential for impulsive noise due to vehicle noise movements”.
 - Retention of the Code of Practice for HGVs leaving and accessing the site.

The Noise Consultant's conclusions read as follows:

“We consider that noise from operations on the site is unlikely to cause specific concerns during the additional working proposed. The inclusion of further mitigation

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measures, like improvements to the cladding on the plant, are likely to help mitigate any impact on the surroundings from the additional use proposed and if planning permission is granted the re-imposition of the established noise condition would ensure that acceptable noise levels continue to be maintained outside normal working hours.

The noise calculations indicate a yearly average noise level of 53 dB $L_{night,outside}$ at Sunnybank and of 52 dB $L_{night,outside}$ at The Parsonage. Therefore, the noise level at night after the proposal would be below the Significant Observed Adverse Effect Level (SOAEL) of 55 dB $L_{night,outside}$.

The proposal would not change the acoustic character of the area since it would only increase the residual noise level by 2 dB $L_{night,outside}$ at Sunnybank and 3 dB $L_{night,outside}$ at The Parsonage and the noise level at night would be just 1 dB(A) higher than the additional working hours currently permitted.

Consequently, since (i) the yearly average noise level would be below 55 dB $L_{night,outside}$ and therefore below the SOAEL and (ii) the proposal does not change the acoustic character of the area; the reviewer considers that the proposal meets the first NPPF noise aim of avoiding noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Therefore, it is our opinion that the application should be granted in noise terms.

The proposal would cause noise levels between the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL). Effects between these levels must be mitigated and reduced to a minimum. The applicant has proposed conditions to mitigate and reduce effects, which in the reviewer's opinion are reasonable and meet the requirements of the second NPPF noise aim of mitigating effects between the LOAEL and the SOAEL.

Therefore, we would recommend that the mitigation measures proposed by the applicant are included as planning conditions”.

Local Member

43. The local County Member for Ashford Rural West, Mr. C. Simkins was notified of the application on 23 March 2016 and re-notified concerning the additional information received on 19 August 2016.

Publicity

44. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 17 properties near to the site and along Watery Lane between the site entrance and the A20 (Maidstone Road).

Representations

45. In response to the publicity, 3 letters of representation have been received from two nearby properties objecting to the application. The key material planning considerations raised can be summarised as follows:

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- Considers that the application would have a detrimental impact to the quality of life of local residents through increased noise and air pollution.
- Notes that residents are already subject to noise pollution from both the plant (in particular an alarm that sounds regularly) and from large vehicles using Watery Lane.
- Raises concerns about highway safety. Notes that Tarmac's own vehicles are driven with care and attention, however considers that third party vehicles accessing the site to collect asphalt are often driven at excessive speeds with little respect for other road users.
- Raises concern about the level of air pollution; considers that odour omitted from the plant has increased over recent years. Notes that residents regularly have to close windows and doors due to excessive smells from the site.
- Raises concern that increased night-time operations would raise noise and air pollution affecting local resident's health and ability to sleep, particularly in the summer months when bedroom windows are open.
- Raises concern that the cumulative impact of night-time railway maintenance alongside the proposed increase in out of hours working at the site would make life unbearable.
- Considers that the applicant's offer to resurface the road would make no difference, considers the road to already be in a good state of repair.
- Appreciates that rail depot and asphalt plant are a long-standing operation in the area, however considers that a country lane is not a suitable location for the use, suggests if night-time operation is required now is the time to move to a non-residential area.

Discussion

46. The application is being reported to the Planning Applications Committee as a result of three letters of objection received from the owner/ occupier of two nearby properties. No other objections are being raised. See the Consultations and Representations sections above for details of all views / recommendations received.
47. In considering the proposal, regard must be had to the Planning Policy section above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposals need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations.
48. The key determining considerations in this particular case can be addressed under the following headings:
 - Need for the development;
 - Highways and transportation;
 - Local amenity impacts (including noise, odour and air quality);
 - Landscape and visual amenity (including AONB considerations); and
 - Ecology and the natural environment.

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Need for the development

49. The NPPF seeks to ensure the planning system actively supports sustainable economic growth, ensuring that it encourages and not acts as an impediment to sustainable development. On this basis, Government policy places significant weight on the need to support economic growth through the planning system. The NPPF states that minerals are essential to support sustainable economic growth and our quality of life. Consequently, national policy seeks to ensure that a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs is maintained. It also requires local planning authorities to safeguard existing, planned and potential rail heads and associated storage, handling and processing facilities for the bulk transport of minerals by rail, alongside sites for the manufacture of coated materials, such as asphalt.
50. Kent Minerals and Waste Local Plan 2016 (Kent MWLP) Policy CSM6 identifies Hothfield Works as a safeguarded rail depot and seeks to ensure that its capacity and viability for mineral transportation purposes are not compromised. The supporting text highlights the importance of safeguarded wharves and rail depots in enabling the ongoing supply of essential minerals to Kent in accordance with national planning policy. Policy CSM7 of the Kent MWLP seeks to safeguard mineral production infrastructure, including concrete batching and the manufacture of coated materials. Policy DM20 provides support for proposals for ancillary development within or in close proximity to mineral development provided that it has been demonstrated that there are environmental benefits in providing a close link with the existing site that outweigh the environmental impacts. Policy C1 of the Ashford Borough Council Local Development Framework Core Strategy (Ashford CS) seeks to provide a commercial environment that is conducive to encouraging new and existing businesses.
51. The applicant states that strategic public sector customers responsible for motorway and arterial road repair, maintenance and construction contracts, including the Borough / District Councils, the County Council and Highways England, require high specification asphalt to be supplied at a time when traffic flows are reduced, generally outside peak travel times. This approach reduces the risk to highways contractors and the travelling public and minimises disruption caused by the highway works. The lower risk and disruption periods are typically at night between 2200 and 0600 hours, which creates a demand for material outside the normal working hours. Asphalt is a batched product made, to fulfil demand according to a specific contract in the hours before it is required to be laid on the road surface. Once produced the material cannot be stored for long periods as when it cools it cannot be used. This means that asphalt plants in the County are strategically located and often require flexible working hours to serve specific public sector demand.
52. The applicant states that in the 18 years since out of hours working was originally permitted at Hothfield Works, highway maintenance at night has become increasingly common to the extent that it is now the norm rather than the exception. Approximately 75% of production from the site is high specification asphalt used in major trunk road construction and maintenance, with private sector customers making up the remaining 25% of supply.
53. In demonstrating a need for this proposal, the application includes a review of the asphalt plants in the county and their ability to meet out of hours / night time demands.

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The review concludes that Hothfield is one of a network of 6 asphalt plants in Kent and 1 just outside the County in Erith; the majority of these sites are focused to the north and west of the County. The applicant's only other facility within Kent is located at Ham Hill, Snodland. This plant does not have the capability to produce the high specification highway products in the necessary volumes or speed of production required to service major highway contracts. The review concludes that the other 5 facilities identified (located at Whitstable, Ridham, Allington, Northfleet and Erith) are able to service out of hours contracts, however their locations mean that to supply markets in central, southern and eastern areas the material has to be transported over longer distances across the County past the Hothfield Works. The economics of transporting asphalt long distances and the limitations on the physical properties of delivering the material, which cools even in insulated wagons, means that location is a key factor in meeting demand sustainably. Hothfield Works' central location means that the site is well positioned to serve markets within the County. The site's close proximity to the primary road network also means that transportation of the finish product is limited to essential road miles only, minimising the impact on the highway network.

54. The applicant advises that the existing approved night time operations at Hothfield Works (60 occasions per year) are currently being fully utilised by existing public sector contracts. Under the existing arrangements, Tarmac supplies out of hours contracts from Hothfield up to the permitted limit. However, any production beyond this has to be redirected to outlying plants in East and West London and, on occasions, as far away as Suffolk. In some circumstances raw aggregates, to approved highway specifications, necessary for the supply the local contracts are imported to Hothfield by rail and then delivered to alternative plants by road during normal daytime working hours. Asphalt is then manufactured using these aggregates and brought back across the county to supplement supply from Hothfield Works to meet night-time demand. The applicant states that there is a steady growth in the market, particularly given increased Government funding for road repair and maintenance between 2015 and 2021. The use of facilities outside of Kent to meet existing demand demonstrates that it would be desirable for more capacity to be made available within the County, particularly in areas to the south and east.
55. I am satisfied that the applicant has demonstrated that there is a need for increased flexibility in the operations at Hothfield Works and that meeting this need is in the public interest given the nature of the contracts that are served outside normal working hours; it would also assist in providing additional competition within the supply network available to meet the demand for asphalt in the County. The maintenance of the highway network and supply of asphalt to the construction industry makes a significant contribution towards the local economy. Hothfield Works benefits from the established rail depot, which enables raw materials to be transported in large volumes in a more sustainable way, removing a significant number of HGVs from the highway network that would otherwise be required to deliver the aggregate. Increasing the flexibility of the operations on site would enable more efficient use of the existing sustainable mode of transport and infrastructure, in line with national policy set out within the NPPF. The increased flexibility would also reduce the number of vehicles travelling long distances across the county to serve public sector contracts.

Highways and transportation

56. The NPPF states that traffic associated with development should not give rise to

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unacceptable impacts on the natural, historic environment and human health. National policy stipulates that, in terms of highway considerations, decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved; and improvements can be undertaken within the transport network that cost effectively limits any significant impacts from the development. It goes on to seek to protect and exploit opportunities for the use of sustainable transport modes, including efficient delivery of goods and supplies. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

57. Policy CSM12 of the Kent MWLP highlights the importance of encouraging the transportation of minerals by sustainable means (i.e. sea, river or rail). Policies DM1 and DM13 seek development that minimises road transport as far as practicable, with preference given to non-road transport options. Policy DM13 goes on to state 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.
58. Policy CS1 of the Ashford CS seeks the use of sustainable transport to serve developments that generate significant demand for movement. Policy CS15 states that new development must be well related to the primary and secondary road network and in rural areas, proposals which would generate levels of traffic, including heavy goods vehicle traffic, beyond that which the rural roads could reasonably accommodate in terms of capacity and road safety will not be permitted. Policy TRS8 of the Ashford Borough Council Local Development Framework: Tenterden and Rural Sites Development Plan Document (Ashford TRSDPD) states that proposals to extend existing employment premises in the rural areas will be permitted, subject to (amongst other matters) the development not generating a type or amount of traffic that would be inappropriate to the rural road network that serves it.
59. Three letters objecting to the application have been received from two nearby properties. The key points raised include, amongst other matters, concerns about highway safety and local amenity impacts as a result of HGVs travelling along Watery Lane. The amenity impacts of HGV movements are considered in more detail within the amenity section below. The residents' comments acknowledge that vehicles operated by Tarmac are driven with care and attention; however the representations suggest that 3rd party HGVs attending site *can* drive at excessive speeds with little respect for other road users, including pedestrians that share the carriageway where there are no dedicated footways.
60. Subject to a number of recommended conditions, no objections have been received from consultees concerning highway and transportation matters. Ashford Borough Council raises no objection, subject to the highway conditions proposed by the applicant, including those imposed on previous permissions. The Borough Council also encourages the applicant to enter into an agreement with the Highway Authority concerning the repairs to the public highway outlined within the application. Westwell Parish Council recommends a number of highway related conditions, including highway work to resurface Watery Lane between the Works and the A20, continued implementation of the voluntary HGV Code of Practice (including a 20 mph speed limit on Watery Lane), a maximum of 25 HGVs to leave the site between 1800 and 0600 and

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the re-imposition of conditions previously imposed on AS/90/608 and AS/12/844. KCC Highways and Transportation has considered the application and raised no objections on highways grounds, subject to conditions to secure the off-site highway and drainage repairs proposed by the applicant, no more than 25 HGV vehicles to depart the site between 18:00 and 06:00 and out of hours working to be restricted to a maximum of 180 occasions per year. The comments raise no objection to the offer to fully resurface Watery Lane between the site and the A20, noting however that the proposed work is not essential in highway terms. The comments acknowledge the additional out of hours working would increase wear and tear on the highway network and the offer to resurface Watery Lane would recognise the Highway Authority's increased maintenance burden.

61. The applicant has stated that, if operated at full capacity, the existing infrastructure on site has the capability to produce approximately 800 to 1,000 tonnes of product per 8 hour production period, which would generate at least 40 to 50 loaded vehicles leaving the site. The existing permission for out of hours working allows a maximum of 40 loaded vehicles to leave the during any 8 hour additional working period. The current application offers to further reduce this number to a maximum of 25 loaded vehicles (unless otherwise agreed with the Mineral Planning Authority). The applicant has also agreed to the re-imposition of conditions imposed on AS/90/608 and AS/12/844 alongside the code of practice for HGV drivers (including an advisory speed limit of 20 mph on Watery Lane). In light of representations received (particularly concerning amenity considerations) the applicant has also agreed to resurface the whole length of Watery Lane from the works entrance to the A20, including the work to improve highway drainage near the site entrance (i.e. on land within the applicants control).
62. In response to the concerns received from local residents, the applicant has acknowledged that external hauliers attending the site that fail to respect other road users is a source of concern and one that reflects badly on the company. It has agreed to remind all hauliers of the expectations of the code of practice and indicated that material may be withheld from persistent offenders. In terms of its own vehicles Tarmac is pleased that the local community is satisfied that its drivers continue to show integrity and care for their local working environment by complying with the code of practice. It will continue to enforce this approach. HGVs delivering to out of hours contracts are likely to be the applicant's own vehicles. Typically these operations use the HGVs based on site delivering in sequence according to the contract needs. The existing planning permission restricts the frequency of these movements to not more than 10 HGVs per hour between 1800 and 0000 and no than 6 per hour between 0000 and 0600.
63. Due to the proposed restriction on the maximum number and frequency of vehicles that would leave the site during each additional working period and the timing of the operations (which coincide with quieter periods on the public highway), there are no highway capacity concerns. Whilst Watery Lane is a country road, the stretch of highway between the site and the A20 already accommodates HGV movements associated with the permitted daytime and 60 additional working periods at the site without any significant concerns. The voluntary code of practice for HGVs attending site and the limit on the number of vehicles associated with the proposed use would help to minimise any highway safety concerns.
64. I am content to support the highway recommendations put forward by the Borough Council, Westwell Parish Council and the Highway Authority.

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65. In terms of the Parish Council's comments regarding a reduction in the national speed limit, I note that the local community would welcome a reduction in the speed limit for all road users, in addition to the voluntary speed restriction (20 mph) for HGVs attending site proposed by the applicant. The Highway Authority has commented on the request and advises that the implementation of any speed restrictions would only be possible through a comprehensive package of physical measures to change the road environment, making it conducive to achieving lower speeds, and also meeting the national criteria required for such speed limits.
66. The Highway Authority indicate that it would only introduce speed limits where it is appropriate to do so and where they would generally be self-enforcing, so they do not rely on police enforcement to administer. Whilst a general reduction in the speed limit is aspirational, in this instance I am not in a position to support a requirement that the applicant seeks to deliver this change in connection with the current application. Given the nature of the proposed use, I do not consider that this would be necessary to make the development acceptable or would be justifiable given the limited impact the proposals would have on highway safety. The proposed restrictions on vehicle numbers and frequency, the proposed code of practice, resurfacing of the carriageway and enhancements to drainage arrangements as a package of measures would improve the highway safety for all users at all times and would help to mitigate any impact from the annual increase in vehicle movements in highway terms.
67. The applicant has indicated that it is sympathetic to local residents concerns and would be prepared to support the Parish Council in seeking to a reduction in the speed limit as a separate matter. The applicant has also agreed to implement a regular liaison meeting (consultative committee) with representatives of the local community. This would allow for issues connected with the site to be aired and addressed in a constructive way (including any matters relating to HGV movements).
68. Westwell Parish Council's recommendations also seek regular maintenance of the highway verges, the road surface and associated drainage. The applicant has agreed to resurface the whole stretch of the highway from the site access out to the A20 and indicates that the new surface course should have a life expectancy of 20 years. The application also proposes improvements to highway drainage on land within the applicant's control. The ongoing maintenance of the public highway, including the verges in public ownership, would continue to be the responsibility of the Highway Authority, which has indicated that the work to resurface the road would recognise the maintenance obligation. Maintenance of drainage and vegetation on privately owned land is outside the applicant's and the Highway Authority's control. The applicant suggests that these ongoing matters might be something that could usefully be discussed by relevant parties at the proposed liaison group. Subject to consideration of the amenity impacts in the section below, I do not consider that, in highway terms, a requirement for the applicant to pay for ongoing highway maintenance would be justifiable in this instance.
69. As indicated above, the proposed development would enable the applicant to make more efficient use of the sustainable transport of minerals imported to Hothfield Works by rail to meet out of hours demand for asphalt within the County. The increased flexibility in the working arrangements would avoid the need to transport raw materials by road to other facilities and asphalt then transported back to meet out of hours

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demand within the County beyond the existing permitted capacity of the site. Subject to the further consideration of highway related amenity impacts below and the imposition of the conditions referred to above and below, I am satisfied that the application would not have an unacceptable impact on the highway network, both in terms of capacity and highway safety, and would accord with the development plan and Government policies relating to highway and transport matters, including those stated above.

Local amenity impacts (including noise and air quality)

70. The NPPF seeks to ensure that mineral development has no unacceptable adverse impacts on the natural and historic environment, human health and that any cumulative effect from individual sites is taken into account. National guidance requires local planning authorities to ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. The NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life. Government policy also requires development that mitigates and protects areas of tranquillity, which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. In this regard I note that the site is at the southern edge of the AONB (as shown on the site location plan on page C1.3). It also requires local authorities to reduce to a minimum other adverse impacts arising from noise from new development, including through the use of conditions.
71. The NPPG (Noise) indicates that decision taking should take account of the acoustic environment and in doing so consider the noise exposure hierarchy: whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.
72. At the lowest extreme, when noise is not noticeable, there is by definition no effect. As the noise exposure increases, it will cross the no observed effect level as it becomes noticeable. However, the noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour, attitude or quality of life. As the exposure increases further, it crosses the Lowest Observed Adverse Effect Level (LOAEL) boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television, needing to speak more loudly to be heard or having to close windows for some of the time. At this level there is the potential for some reported sleep disturbance. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise). Increasing noise exposure will at some point cause the Significant Observed Adverse Effect Level (SOAEL) boundary to be crossed. Above this level the noise causes a material change in behaviour, such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout.
73. For development proposing to work or supply construction aggregates, Policy DM11 of the Kent MWLP states that mineral development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise,

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dust, vibration, odour, emissions, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 requires minerals development that does not result in an unacceptable cumulative impact on the environment or communities when considered with any existing development that could occur concurrently and/or successively. Policy DM13 requires that the impact of traffic generated by a minerals development does not have an unacceptable adverse impact on the environment or local community.

74. Policy TRS8 of the Ashford TRSDPD supports proposals to extend employment premises, subject to (amongst other matters) there being no significant impact on the amenities of any neighbouring residents.
75. The World Health Organisation (WHO) 'Night Noise Guidelines for Europe' is a material consideration and provides useful guidance and best practice in terms of assessing the potential impacts of the proposed development.
76. Three letters of objection have been received from two nearby properties. The objections primarily relate to concerns about the potential for an increase in noise and disruption, particularly during the night, and the resultant adverse amenity impacts given the proximity of residential properties to the site and the public highway used to access the facilities. The letters originate from properties to the south of the application site along Watery Lane.
77. Subject to the imposition of appropriate conditions (as set out in the Consultations section above), no objections have been received from consultees concerning local amenity impacts, including Ashford Borough Council, Westwell Parish Council and KCC's Noise Consultant.

Noise from operation on site

78. The noise assessment carried out in support of this application indicates that background noise levels in this part of the County are affected by the nearby M20 motorway, the mainline and high speed rail links and the A20 Maidstone Road. Any assessment of the proposed operations should be set in the context of these background levels, alongside the existing planning permission, which already permits up to 60 out of hours working periods each year and sets site specific noise limits for the plant and equipment used on site.
79. The noise assessment confirms that the actual noise levels, measured whilst the plant was operational during a recent out of hours working period permitted under permission AS/12/884, do not exceed the noise limits approved under the permission. In some instances the noise levels recorded were 3-4 dB lower than the levels set by the extant permission. KCC's Noise Consultant accepts that the reduction in levels recorded would potentially equate to 1-2 dB reduction in noise levels at nearby residential properties. It therefore concludes that noise from operations on the site is unlikely to cause specific concerns during the additional working proposed and that the re-imposition of the established noise condition would ensure that acceptable noise levels continue to be maintained outside normal working hours. The inclusion of the further noise mitigation measures proposed by the applicant, like the improvements to the acoustic cladding to the asphalt plant, would help to mitigate any residual impact on the surroundings. These measures would also improve the acoustic performance of the

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plant during normal working hours.

80. Notwithstanding the results of the noise assessment, the applicant has carried out recent improvements to the operational arrangements on site to help further reduce any impact. This work was carried out in response to comments made by the local community at the pre-application stage and includes modifications to the plant to provide rubber dampening to the front edge of the feed bin to avoid the loading shovel making contact with the metal front edge when depositing material. In response to recommendations made by Westwell Parish Council, the applicant has also agreed to install the above mentioned acoustic cladding to the highest parts of the asphalt plant to enhance the cladding already installed. Details of this have been provided in support of the application.
81. It is also worth noting that some out-of-hours working has been authorised since 1997 albeit subject to a number of conditions and controls. The permission has been re-assessed / updated on a number of occasions. The current application seeks to extend the frequency of these additional working periods. Ashford Borough Council's Environmental Health Officer has confirmed that the site has a good compliance record with no recent complaints. The County Council's recent records also show that no complaints have been received concerning the night time / out of hours operations already taking place under AS/12/884.
82. The cumulative impact of the current application with the existing operations would be limited to an increase in the frequency of out of hours working and would not increase the intensity of operations taking place during the proposed additional working periods. The intensity of operations during these periods is already limited by the number of loaded vehicles that are allowed to leave the site during an 8 hour period (currently 40 HGVs). As indicated above asphalt cannot be stored for any length of time so production is limited to the volume of asphalt that can be exported by the permitted number of HGVs. The current application would have the potential to further control the intensity of operations during out of hours working if permission were to be granted. The applicant's proposal to reduce the permitted HGV loads per additional working period (from 40 to 25 HGVs) would limit the maximum volume of asphalt that could be exported, reducing the demand for material from the plant. The proposal would also reduce the maximum number of HGVs travelling along Watery Lane during out of hours working, albeit increasing the potential number of nights the site could be operational each year.
83. The comments received from a local resident make specific reference to an alarm used on site that is audible from nearby properties. The applicant has confirmed that the alarm (which is two tone alternating for approximately 15 seconds) is sounded on start-up of the plant and forms an important part of the health and safety requirements. The alarm warns site personnel working on or near the plant that it is about to become operational. A mute function is fitted to the system and used on nights and early morning start-ups where there are fewer people on site and servicing and maintenance work cannot be undertaken. On this basis the alarm should not be an issue during any night-time working.
84. Whilst the application would increase the frequency of night time working, taking into account the considerations set out above, I am content that, subject to the re-imposition of the established noise controls, the noise generated on site from the proposed

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increase in the number of night time / out of hours working periods would not have an unacceptable impact on local amenities or the surrounding environment. The improvements to the plant proposed by the applicant would help to further mitigate any impacts; these enhancements would potentially benefit both the night and daytime noise environment.

Noise from highway movements along Watery Lane

85. As noted above, vehicles traveling to and from the site have to travel along approximately 1 km (0.6 miles) of Watery Lane (a rural country road) to reach A20 Maidstone Road (which forms part of the primary road network). Twelve properties are located along this stretch of Watery Lane, some in close proximity to the public highway. Under the planning permission for the rail siding and aggregates depot (AS/75/13) and the base permission for the asphalt plant (AS/90/608) there are no restrictions on the number of vehicle movements during normal working hours. As indicated, the site already benefits for up to 60 periods of out of hours working per annum (under permission reference AS/12/844). Controls imposed on this permission restrict the number of HGV's leaving the site to 40 per 8 hour period with no more than 10 leaving the site per hour between 1800 and 0000 hours and 6 per hour between 0000 and 0600 hours.
86. The letters received in response to the neighbour notification indicate that there are existing concerns regarding permitted night time operations, particularly from HGVs travelling along Watery Lane. Notwithstanding the above comments neither the Borough Council's Environmental Health department nor this office has received any recent complaints about the site. The applicant acknowledges that noise was raised as a concern as part of its pre-application engagement with the community.
87. In commenting on the potential noise impacts from the proposed highway movements, KCC's Noise Consultant has confirmed that noise from HGVs attending and leaving the site is of greater significance than the other noise considerations. KCC's Consultant has undertaken a detailed review of the applicant's noise assessment in the context of the NPPF and WHO Guidelines. Part of this assessment included carrying out separate noise calculations based on the data provided.
88. Based on the above guidelines, KCC's Consultant advises that the Lowest Observed Adverse Effect Level (LOAEL) from HGVs movements associated with the site would be 40dB $L_{\text{night, outside}}$ and the Significant Observed Adverse Effect Level (SOAEL) would be 55dB $L_{\text{night, outside}}$. The term ' $\text{dB } L_{\text{night, outside}}$ ' expresses a yearly average night time noise level associated with a particular noise source at residential properties. The recognised method allows noise calculations to take account of maximum noise level per event (L_{Amax}) and the number of events per year.
89. The applicant's noise assessment indicates that the average night-time background noise levels at two representative locations along Watery Lane are 51 dB $L_{\text{Aeq, 15min}}$ (at Sunnybank) and 49 dB $L_{\text{Aeq, 15min}}$ (at The Parsonage). The calculations undertaken by KCC's Consultant considers a "worse-case" scenario to obtain a robust approach to noise generated through the most sensitive parts of the night (considered to be 2300 – 0700 hours). The applicant considers that the historic use of the site suggests that the majority of night-time working starts during the early evening (between 1800 and 2100 hours) with the working period not normally carrying through to the early hours and

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ultimately being restricted by the 8-hour limit imposed on the permission.

90. KCC's Consultant's calculations indicate that the noise generated by the proposed HGV movements (50 per night (25 In / 25 Out) over 180 nights) would give a yearly average noise level of 53 dB $L_{\text{night, outside}}$ at Sunnybank and 52 dB $L_{\text{night, outside}}$ at The Parsonage. The Consultant concludes that at this noise level the proposals would not change the acoustic character of the area on the basis that it would increase the average background noise levels by 2 or 3 dB $L_{\text{night, outside}}$ depending on the location. The calculations indicate that the noise at night would be 1 dB(A) higher on average than the noise generated by the permitted operations, which allows for a larger number of vehicle movements over a fewer number of nights (80 HGV movements (40 In / 40 Out) over 60 nights). KCC's Noise Consultant concludes that the proposed development would be below the SOAEL and considers that the noise from HGV movements would not give rise to significant adverse impacts on health or quality of life.
91. Notwithstanding this, the calculations also establish that (in all cases including the permitted night time operations) the noise levels generated by vehicle movements associated with both the permitted and proposed development during the night would be above the LOAEL (i.e. 40dB $L_{\text{night, outside}}$). On this basis it is reasonable to assume that the existing and proposed out of hours highway movements would have some impact on local amenity. The NPPF seeks to mitigate and reduce noise to a minimum, including through the use of conditions. The applicant has proposed conditions to address potential noise impacts; these include a limit of 180 'out of hours' working periods per year (rather than a blanket permission for 24 hour working), a maximum of 25 HGVs to leave the site during any additional working period, a Code of Practice for HGV drivers (including a 20 mph voluntary speed limit), the resurfacing of Water Lane between the site access and the A20 and other controls imposed on the existing permission. These existing controls include the defined noise restrictions for the plant on site, no articulated HGVs to be used at night, the frequency of HGVs leaving the site each hour to be restricted to 10 between 1800 and 0000 and 6 between 0000 and 0600, a maximum of 10 additional periods to be worked in a row and a record of additional working periods to be maintained. On the basis of the above conditions, KCC's Noise Consultant has indicated that the measures proposed would reasonably mitigate the noise effects between the LOAEL and the SOAEL.
92. The mitigation measures proposed by the applicant include the possibility of a system of neighbourhood notification to advise when night-time working is planned. This arrangement has not been required to date in connection with the 60 additional working periods already permitted with no concerns recorded about the permitted operations in recent years. Given the frequency of night working proposed (180 periods per year) officers do not believe that notification of each planned operation would be appropriate in this instance. Officers recommend that it would be more fitting for these notification issues to be addressed by the proposed liaison committee. The establishment of a local liaison committee (as recommended by Westwell Parish Council), including representatives of the local community, would further help to build a rapport between interested parties enabling queries to be specifically investigated if / when they arise.
93. In this instance it is necessary to balance the economic and sustainable benefits of increasing the flexibility of operations at the site, alongside the site's unique location (which enables it to sustainably serve markets to the south and east of the County) and the mitigation measures proposed, against the potential amenity impacts. The noise

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assessment demonstrates that the background noise levels in this location are elevated and that the proposed increase in operations would not significantly change the noise environment from the levels associated with the permitted operations. Taking this into account together with the recommendations of KCC's Noise Consultant, the views of Ashford Borough Council and Westwell Parish Council alongside the benefits of the proposals, I am satisfied that, subject to the conditions set out above, the proposed development would be acceptable within the context of the relevant development plan and Government policies in terms of noise.

Vibration

94. The noise assessment received also considers the potential impact of vibration from passing HGVs on the most sensitive properties. The applicant's consultant used a vibration meter capable of measuring Vibration Dose Values (VDV's) at two locations along Watery Lane. The surveys included both Tarmac and non-site related vehicles passing the measurement points. Based on the survey results, the assessment calculates the highest VDV level for the proposed 8 hour period for both the permitted 40 HGVs per period (80 movements – 40out / 40in) and for the proposed 25 HGVs per period (50 movements, 25out / 25in). Base on a general assumption about the construction of the properties closest to Watery Lane, the report estimates that for 80 movements the VDV 8-hour level inside the dwellings would be $0.10 \text{ m/s}^{1.75}$ at Sunnybank and $0.12 \text{ m/s}^{1.75}$ at The Parsonage. The report indicates that if the number of vehicle movements were reduced to 50 movements, the VDV 8-hour level inside the above dwellings would drop to $0.09 \text{ m/s}^{1.75}$ and $0.11 \text{ m/s}^{1.75}$ respectively. British Standard 6472 (Guide to evaluation of human exposure to vibration in buildings) states that for night-time periods a vibration range of $0.1 - 0.2 \text{ m/s}^{1.75}$ equates to a low probability of adverse comment. The assessment therefore concludes that the findings are at the low end of the vibration range with a low probability of adverse comment.
95. The County Council's Vibration Consultant has reviewed the results and is content with the conclusions being drawn. The assessment notes that the road surface of Watery Lane is generally smooth; however there are patches of uneven road that could increase vibration. Given the applicants agreement to resurface the whole stretch of Watery Lane from the access to the A20, any vibration or increased noise resulting from uneven surfaces would be reduced. The benefits of resurfacing the road would improve the impact from all traffic using the road both day and night. Given the above, I am content that the proposals would accord with the relevant Development Plan Policies in respect of vibration.

Air Quality / Odour

96. In terms of the concerns raised about air quality / odour, I note that the asphalt plant is subject to a local Authority Environmental Permit which requires stack emission testing, amongst other matters. The applicant states that the plant is run on natural gas, as opposed to gas oil or reclaimed oil, which is a cleaner fuel with fewer contaminants. The applicant acknowledges that an odour complaint was recently received; however this was at a time when the plant was not operational. On investigation the applicant established that the hot storage bins, used to store the finished asphalt before it is dispatched, were being emptied of residual product. This involved discharging a larger volume of material than would normally be loaded into a HGV. Fumes from the bitumen in the product could account for the odour and the high volume and weather conditions

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may have contributed to the concerns being noted beyond the boundaries of the site. The applicant has indicated that in response it is investigating alternate bitumen supplies and additives that may reduce odour from fumes.

97. The current application does not propose changes to the plant and equipment on site, nor the intensity of activities, only the frequency of 'out of hours' working. The controls proposed by the applicant on the number of HGVs allowed to leave the site would restrict production during the proposed out of hours working, as it would only be able to export a limited amount of material within these vehicles. This would be below the maximum capacity of the plant if it were to be operated at full capacity for the 8 hour period. Given that no concerns about odour or air quality have been received from the consultees and that the site is subject to controls under an Environmental Permit, I am satisfied that odour and air quality do not represent a significant barrier to the development and that the development would be in accordance with the Development Plan and Government policy in the context of air quality.
98. The NPPF specifically states that the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes and emissions themselves where these are subject to approval under other regimes. It further states that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Given the existing Environmental Permit for the site issued and monitored by Ashford Borough Council, I am satisfied that appropriate pollution prevention controls would continue to be in place.

Landscape and visual amenity (including AONB considerations)

99. The NPPF requires development that protects and enhances valued landscapes, and confirms great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Government policy states that planning permission for major development in the AONB should be refused unless there are exceptional circumstances and it can be demonstrated that the development is in the public interest. The policy indicates that consideration should be given to the need for the development, the scope for developing outside the designated area, any detrimental effect on the environment and landscape and the extent to which any such effect could be moderated. The NPPF also encourages good design that limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
100. Policy DM1 of the Kent MWLP requires development that protects and enhances the character and quality of the site's setting. Policy DM2 requires mineral development to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interest or geological interests of sites of international, national and local importance, which includes Areas of Outstanding Natural Beauty (AONB). In line with national policy, Policy DM2 requires major mineral development within an AONB to be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. In relation to other minerals proposals in the AONB, Policy DM2 requires great weight be given to conserving its landscape and scenic beauty. This policy also seeks to protect Ancient Woodland from any unacceptable adverse impacts.

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101. Policy CS1 of the Ashford CS seeks sustainable development that respects the environmental limits that protect the high quality built and natural environment and that protect the countryside, landscape and rural communities from adverse impacts of growth. Policy GP12 of the Ashford Borough Local Plan (Ashford LP) requires development that protects the countryside for its landscape, scenic value and important wildlife habitats. Policy EN32 restricts development which would damage or result in the loss of important tree or woodland. Policies TRS8, TRS17 and TRS18 of the Ashford TRSDPD require development in rural areas to protect and enhance landscape character (including AONBs) by having particular regard to landform, topography, trees and woodlands (including ancient woodland), wildlife habitats and existing patterns of development, alongside any relevant guidance within the AONB Management Plan.
102. Kent Downs Area of Outstanding Natural Beauty Management Plan (Kent Downs AONBMP) Policies SD1, SD2, SD3, SD7, SD8, SD11, WT1 and WT7 require the landscape character, characteristics and qualities of the Kent Downs AONB to be given the highest level of protection and that development that does not conserve or enhance the AONB should be opposed unless any adverse effects can be satisfactorily mitigated. This includes development that proposes changes to an existing land use and that could negatively impact on local tranquillity, through noise and light pollution.
103. Conditions imposed on previous permissions have resulted in significant landscape planting which is now mature and makes a positive contribution to the landscape setting, enhancing the area of ancient woodland that adjoins the site. The site is mostly screened from the public highway to the south-east by a mature tree belt. This landscaping stretches the length of the eastern boundary and around to the north. The site is further screened to the south and west by tree planting, the adjacent railway lines and associated embankments.
104. The application proposes only minor changes to the physical development on site, in the form of improved acoustic cladding to the existing plant; otherwise the only other visual impact from the proposed amendments would be increased operation of existing external lighting, permitted under AS/90/608, and additional vehicles travelling to and from the site. The development and increased use of the site could have an impact of the surrounding landscape, including the Kent Downs AONB.
105. Consideration of the potential noise impacts, included within the local amenity impacts section above, establishes that the proposed changes would not have an unacceptable impact of the local noise environment. Noise from operations on site would be within acceptable levels and the conditions recommended above would help to preserve existing levels of tranquillity.
106. The application is accompanied by a Night Time Landscape and Visual Appraisal and an appraisal of the lighting system installed on site, reviewing light spill in the context of the health and safety requirements the lighting is required to meet. The Landscape Appraisal reviews the visibility of the site and surrounding landscape character. It concludes that the site is generally well enclosed in the landscape, assisted by mature deciduous woodland planting and the local topography. It considers that whilst there would be minor aesthetic and perceptual changes as a result of the increased frequency of lighting, particularly during winter months, the site is barely discernible in

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distant views. In localised views to the south from Watery Lane, the lighting is more visible through the trees. However, the magnitude of effect is considered to be low adverse due to the localised nature of the proposals and their potential reversibility.

107. The Kent Downs AONB Unit initially raised concern regarding the information available to assess the impact of the development on the landscape, in terms of lighting and woodland management. Its latest comments confirm that the application should be determined in accordance with local and national policies relating to the AONB. The comments acknowledge the improvements in the lighting set-up but continue to raise concern regarding the localised impact of lighting on site when viewed from Watery Lane to the south.
108. The lighting report prepared in support of the application establishes that the lighting on site is operating at a minimum level in relation to health and safety requirements. The report also identified that the system would benefit from improvements to the adjustment and alignment to mitigate light spill along the northern boundary. The applicant has subsequently adjusted the lighting scheme in accordance with the recommendations, with the lights focused downwards and into the site, resolving identified light spill into the surrounding woodland. I note the AONB Units comments concerning the potential impact of the lighting closer to the public highway. In terms of this impact, the main entrance to the site, including the weighbridge and office, is set back from the highway by approximately 100m with mature woodland planting either side of the private access road. The access spits closer to the road with the entrance and egress staggered either side of a woodland copse, which helps to blend the access point with the rural character of the road. Any impact of the existing lighting on site at this point would be localised and broken up by the established vegetation. I am satisfied that an increase in the operation of these lights to allow for the extended number of out-of-hours working periods is not likely to have a significant or unacceptable impact on local amenity, the environment or the wider landscape.
109. In addition to the above the applicant has prepared an updated Landscape and Ecological Management Plan for the site in response to initial comments received from Ashford Borough Council, Westwell Parish Council, the County Council's Biodiversity Officer and the Kent Downs AONB Unit. The scheme includes a number of woodland management measures to improve the landscape and biodiversity contribution alongside the visual benefit of the existing landscape planting.
110. In terms of the potential wider impact of the development on the AONB, I am satisfied that the proposals would be in the public interest given the public sector contracts serviced by the site during out of hours working proposed. There is no scope to relocate the development outside the AONB as it proposes minor amendments to an established use within the landscape that is firmly tied to the existing rail siding. The impact of the proposed changes would not alter the nature of the operations in the AONB, only the frequency. This is unlikely to have a significant impact on the designated landscape, including the surrounding levels of tranquillity, which are dominated by the nearby motorway and rail links. Considering the development, I am content that the proposals would have no material impacts on the nearby listed building in terms of the heritage asset (see location plan on page C1.3).
111. The proposals would not material change the nature of this established use within the countryside with any impact limited to the frequency of the operations already taking

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place. Given the considerations set out above, I am content that the proposed development would not have a significant impact on the landscape and that the slight impact that would result would be suitably mitigated through the conditions recommended above and below that seek to control the operations to a reasonable level in the context of the surrounding environment, the adjustments to lighting that have already taken place and the implementation of Landscape and Ecological Management Plan received in support of the application. On this basis, I am satisfied that the proposed development accords with the relevant development plan and Government policies relating to landscape and visual impact and is consistent with the objectives of the AONB Management Plan.

Ecology and the natural environment

112. The NPPF states that the planning system should contribute to and enhance the natural and local environment by avoiding or minimising impacts on biodiversity and delivering net gains where possible. Policies DM1 and DM3 of the Kent MWLP, CS1 and CS11 of the Ashford CS and EN30 and EN32 of the Ashford LP require development that protects Kent's nature conservation interests (including important trees and woodlands) from unacceptable adverse impacts and where appropriate secures a positive contribution to biodiversity.
113. As discussed above the proposal would not change the footprint or the existing built development. The adjustments made to the existing lighting scheme would minimise light spill into the woodland to the north, including the area designated as Ancient Woodland. The Landscape and Ecological Management Plan includes a number of recommendations that seek to improve biodiversity, including coppicing and other woodland management practices to improve the health and diversity of plant species, alongside habitat improvements and a programme of planting to reinforce the existing landscaping.
114. Kent County Council's Ecological Advice Service has reviewed the application in the context of the adjacent Ancient Woodland and raises no objections, subject to a condition securing the implementation of the Landscape and Ecological Management Plan received. Therefore, I am satisfied that the development would be acceptable in terms of ecology and the natural environment and would accord with the development plan and Government policies referred to above, subject to the suggested condition securing the implementation of the updated management plan.

Conclusion

115. The application proposes an amendment to the additional hours of operation for an established asphalt plant at Hothfield Works, an aggregates rail depot located between Ashford and Charing. The site has had permission to operate outside of the normal hours of operations, either during the night and/or at weekends, since 1997 with no history of complaints. The extant permission allows out of hours working periods (of up to 8 hours duration each) on 60 occasions each year. The proposals seek to increase the permitted arrangements up to a maximum of 180 occasions per year.
116. The application has been considered in the context of the Development Plan and other material planning considerations including the NPPF. For the reasons set out above, I conclude that the proposed development would not have significant material impacts

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on the character of the landscape in terms of the Kent Downs AONB, would be acceptable in terms of ecology and would not materially impact on the local highway network. The need for the development and the economic benefit of ensuring an adequate sustainable supply of mineral (mineral product) can be weighed against any residual impacts on the environment, landscape and local amenities.

117. The application has attracted three letters of objection from two local properties, principally concerning local amenity considerations. In this instance I note that the site is already afforded a certain level of out of hours (night-time) working, the current proposals are purely to increase the frequency of this operation, not to change the nature or intensity of the operations during the extended working. The application proposes a number of conditions (such as the reduction in vehicle numbers each period, additional acoustic cladding, resurfacing of the public highway) that would potentially reduce and help mitigate both the proposed and permitted out of hours working. The County Council's Noise Consultant has considered the impact of operations on site and the noise / vibration generated by vehicles traveling on the public highway. The Consultant concludes that whilst vehicle movements would generate a noise above the Lowest Observed Adverse Effect Level the proposed development would not have a significant impact and that the remaining impacts could be reasonably mitigated by the conditions set out above and below.
118. For the reasons summarised above and detailed in this report, I am satisfied that the proposed development accords with relevant development plan and Government policies and represents sustainable development, subject to the imposition of the conditions referred to below. I therefore recommend that permission be granted.

Recommendation

119. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- Prior to the permission being implemented, the public highway between the site access and the A20 shall be resurfaced and drainage work described within the application documents shall be completed;
 - Out of hours working to be restricted to a maximum of 180 occasions per year;
 - No more than a total 25 HGVs to leave the site between 1800 and 0600 hours and/or in any 8 hour additional working period, unless otherwise agreed in writing by the Mineral Planning Authority;
 - Implementation of the updated Landscape and Ecological Management Plan;
 - Installation of the proposed acoustic cladding on the highest part of the plant (colour coated to match the existing plant).
 - The lighting scheme to be maintained.
 - Conditions previously included on permissions AS/90/608 and AS/12/844 (not included above) be re-imposed on any new permission:
 - The asphalt plant to be maintained as approved.
 - The hard surfacing and surface water drainage system shall be maintained.
 - Controls on permitted development rights.
 - Normal operational hours restricted to 0500 to 1800 hours Monday to Friday, 0500 to 1300 hours on Saturdays and no HGVs to leave the site before 0600 hours Monday to Saturday.

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- Operation of the asphalt plant shall cease in the event that minerals are no longer imported to site by rail.
- The plant to be maintained to minimise dust and other emissions.
- Terms of this permission shall be made known to any person given responsibility for operations on site.
- Noise from 'out of hours' operations on site being restricted to specific limits previously permitted.
- No articulated HGVs to be used between 18.00 and 06.00 hours.
- No more than 10 HGVs to leave the site per hour between 1800 and 0000 hours and no more than 6 HGVs to leave the site per hour between 0000 and 0600 hours.
- The additional working periods shall not be used in conjunction with normal working hours to operate the site continuously for more than ten consecutive days.
- A record of additional 'out of hours' working periods undertaken to be maintained and made available to KCC on request.
- The voluntary code of practice for HGV drivers included within the application shall be adhered to and made known to all drivers attending the site, including the voluntary 20mph speed limit between the site and the A20.

120. I FURTHER RECOMMEND that informatives be added to the decision notice including:

- Advising the applicant of the need to secure all necessary highway approvals and consents prior to commencement of the development, including a separate Section 278 Agreement for any work within the public highway.
- The applicant be encouraged to re-establish a formal local liaison group (committee) for the site with invitees to include representatives of the local community (for example residents of Watery Lane, Westwell Parish Council, Ashford Borough Council (Environmental Health), the local KCC Member, Kent County Council (Highways and Transportation) and (Planning)) and hold regular liaison meetings or facilitate other suitable arrangements for discussion, such as notification of local residents providing details of when and how to raise any concerns.
- The applicant be asked to regularly emphasise to all HGV drivers attending site the importance of the code of practice for HGVs using Watery Lane.
- The applicant be encouraged to liaise with the Local Highway Authority and other local land owners concerning the regular maintenance of the highway verges between the works and the A20 to minimise encroachment into the public highway.

Case Officer: James Bickle	Tel. no: 03000 413334
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Background Documents: see section heading
