

Section 73 Application to vary conditions (9) and (10) of Annex A2 of planning permission TM/10/2029 in order to increase vehicle movements and to allow preloaded HGV's to leave the site from 06:30 hours at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/17/131 (KCC/TM/0328/2016)

A report by Head of Planning Applications Group to Planning Applications Committee on 19 April 2017

Application by Gallagher Aggregates Limited under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions (9) and (10) of Annex A2 of planning permission TM/10/2029 granted by the Secretary of State on 11 July 2013 in order to increase HGV movements and to allow preloaded HGV's to leave the site from 06:30 hours at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/17/131 (KCC/TM/0328/2016)

Recommendation: Permission be granted subject to conditions.

Local Member: Peter Homewood.

Adjoining Members: Dan Daley and Rob Bird

Classification: Unrestricted

#### Site

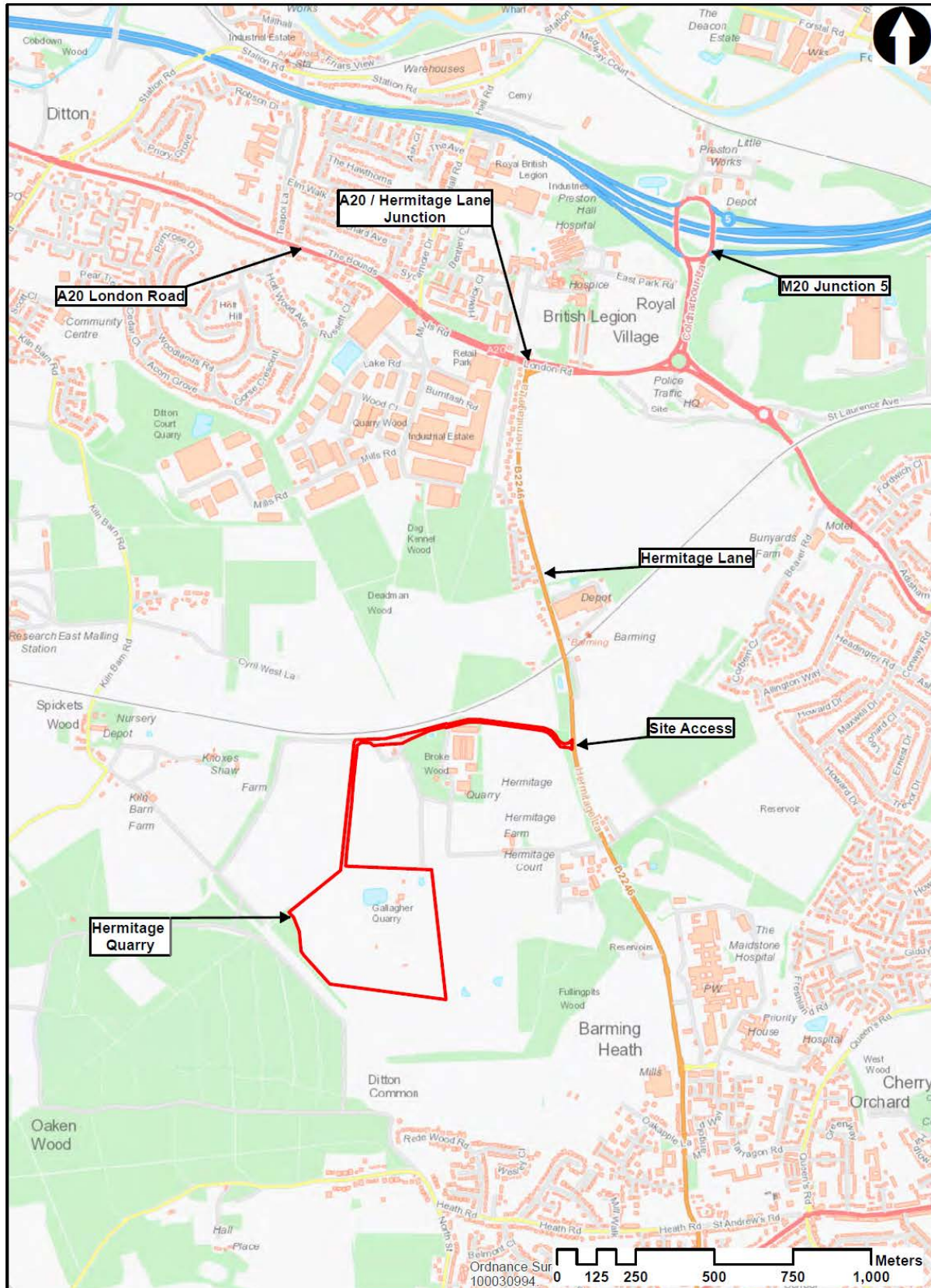
1. Hermitage Quarry lies within the strategic gap between Allington to the east, the village of Aylesford to the north and Barming Heath to the south. It forms part of 230ha of the Hermitage Farm Estate which comprises agricultural land and woodland as well as the quarry itself. The quarry has a purpose built access onto Hermitage Lane (B2246) which leads to the A20 and M20 at junction 5.

#### Background

2. Operational since 1990, the quarry has been subject to a number of separate permissions which has incrementally extended the overall site area, albeit a large area has now been fully restored back to agriculture together with some areas of tree planting. The approved scheme of working makes provision for working and restoration using imported backfill materials of the whole quarry complex with the plant site area being the last part of the site to be restored when the permitted reserves become fully exhausted. Quarry operations are currently taking place within a westerly extension which extends into Oaken Wood, a designated Ancient Woodland, and which was granted by the Secretary of State in July 2013 following a public inquiry held during November/December 2012. The permission allowed for an additional 16,210,000 tonnes of ragstone to be worked at the site which, based on annual rates of production provided for some 25 years of additional reserves.

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Site Location Plan



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3. Since the quarry first became operational it has become well established with the applicant having to date invested over £40 million in fixed and mobile plant and equipment enabling it to steadily increase its range of materials in order to meet market demand. One of the more recent innovations has been the site's ability to produce block stone for new build and heritage products which formed one of a number of important considerations which was taken into account by the Secretary of State in his decision to grant permission. The quarry now has the overall capability to produce up to 1 million tonnes of aggregates (primary and recycled) annually producing more than 70 different products and makes a valuable contribution to the local economy taking advantage of its central location within the county and close proximity to the major road network.

#### Recent Site History

4. Since the UK economy started to recover from the economic downturn in 2008-2012 the applicant has seen a marked and sustained increase in demand for its products, particularly in the residential development sector, which has seen housing starts grow by some 36% in the South East since 2012 and which shows no signs of abating
5. To ensure the applicants can continue to serve customers, markets and meet the ever changing and increased demand for its products has meant they have had to review and assess their operations in the context of their latest permission. As a result, they now need to seek formal variations to some of the existing conditions which control operations at the site and which are primarily aimed at regularising the increase which has occurred over the last 3-4 years in HGV movements from the site and which they accept continue to exceed those which currently apply. The existing vehicle movement restrictions reflect what historically was considered appropriate at that time during the early stages of the quarry operations, when it was considered Kentish Ragstone could only play a relatively limited role towards meeting the overall requirements of the construction industry. However, as explained above, since its inception operations have continuously evolved to the extent that the site is now able to deliver a much greater range of products than originally envisaged, substantially increasing levels of production.

#### Proposal

6. As part of the evidence base gathered in support of their application the applicant has drawn attention to the fact that their increase in vehicle movements above those permitted were already occurring and would therefore have featured in traffic surveys used to consider the recently granted Croudace and Bovis residential developments located along Hermitage Lane, along with those other developments at the junction of the A20/Hermitage Lane which includes a new McDonalds Drive Through, Aldi and Pound Stretcher. The applicant asserts that traffic that flows from these new commercial developments and the resultant congestion they cause, now directly impacts on their business.

#### Transport Assessment

7. In support of the proposal a Transport Assessment (TA) has been produced to assess the potential impacts upon the local highway network. This utilises extensive traffic

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surveys cross checked against KCC's own data which shows the morning peak hour to be between 0730 and 0830 hours, with traffic flows in the hours either side being between 10% and 30% lower, and the evening peak period to be between 1600 and 1800 hours. The analysis includes data for future movements that will be generated off Hermitage Lane, including those from the Croudace and Bovis developments. In response to a request for additional information from Kent Highways & Transportation and Highways England, further recent records of the current flow of traffic into and out of the quarry have been provided along with the projected 2026 flows of traffic in the area and which takes into account the level of traffic generated by the housing developments that have already taken place along with what is expected to be generated by the committed housing developments not yet built. A similar exercise has also been undertaken by way of traffic capacity modelling of the A20/Hermitage Lane Junction along with modelling of the M20 Junction 5 and where Manual Classified Counts were undertaken at both junctions in February this year to help inform this exercise.

8. The TA has been used to determine the strategy for managing quarry HGV movements in the least impactful way possible. On the basis of the pre-loading of vehicles at the quarry site the evening before, it is proposed that HGV movements are capped at 50/45/55 for each of the three hours between 0630 to 0930 hours. The applicant claims this would result in an impact of less than 1% of all traffic movements on Hermitage Lane in the morning 0730 to 0830 hours peak period, which the applicant asserts is a level which is considered to be de minimis and well below the typical daily traffic variation level. It is also proposed that the total number of HGV movements during the evening peak period 1600 to 1800 hours are capped at 50.
9. The total average daily movements are proposed to be 300 arrivals and 300 departures, the majority of which would be generated outside of peak hours when traffic flows are significantly lighter, with the maximum number of HGVs entering and leaving the site on any single day not exceeding 900. The average daily increase proposed very much reflects the actual vehicle numbers that have for some time been generated from the site on a regular basis, whilst the 900 movements sought on any single day is considered by the applicant to provide, based on previous experience, sufficient flexibility on those rare occasions when a specific contract demands this.
10. Given the above, the TA concludes that the proposal would not have a significant or severe impact in terms of transport and therefore asserts that there should be no sound transport based objections to the proposal.

#### Noise and Air Quality Assessments

11. In addition to the TA the application is also supported by separate Noise and Air Quality Assessments. With regard to noise, the assessment concludes that a 50% increase in traffic over the working day would result in an increase in the noise level of 1.8dB. Given that a 1dB increase in noise levels is considered insignificant and not perceptible, with a 3dB change generally considered just perceptible, it concludes that the proposed increase in HGV movements is not considered significant. As a further safeguard, any changes in operations at the site itself will also be subject to the environmental permitting process exercised by the Environment Agency who would seek to control noise.

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12. With regard to air quality an assessment has been undertaken in respect of potential impacts from both dust and vehicle exhaust emissions. With regard to dust, as a result of the distance to receptors taking account of the prevailing wind direction the risk of impacts on the local amenity was considered negligible at all assessed receptor locations. Furthermore with the continued implementation of the dust control measures already carried out at the site itself, the risk of dust effects is considered not to be significant.
13. Potential air quality impacts associated with vehicle movements and their exhaust emissions were also quantified using dispersion modelling techniques. It concluded that trips arising due to the proposed operational changes, would result in a negligible impact on annual mean NO<sub>2</sub> and PM<sub>10</sub> concentrations in accordance with the EPUK guidance Potential Air Quality impacts consistent with the KMAQP guidance which would be low/imperceptible at all modelled receptors. As such it is not considered that air quality represents a material constraint to the development proposals, which conform to the principles of the NPPF and Tonbridge & Malling Borough Council Core Strategy.

Proposed regulation of permitted HGV movements

14. In formulating the proposals for regulating permitted vehicle movements to reflect current actual levels, the applicant has proposed changes to operations that seek to mitigate the impact on the local road network by;
- i) Relocating to the quarry the existing transport workshop and HGV parking area currently located at Little Preston immediately to the north of junction 5 of the M20. ( *The significant benefit of this re-location is that approximately 30 Gallagher HGV aggregate and ready mix concrete lorries would be based at the quarry, therefore no longer needing to travel up Hermitage Lane to the quarry at the beginning of each working day during the morning peak hour period for pre-loading with material* ) This proposal along with other facilities proposed to be introduced at the site including a masonry workshop, manufactured aggregates recycling area and relocation of the existing site offices and weighbridge to the quarry floor was recently subject to a separate submission seeking prior approval of details as part of the rationalisation of the quarry operations, and which has since been formally approved.
  - ii) Extending the operating hours of the quarry for vehicle movements only to accommodate pre-loaded vehicles departing from the site.
15. In summary, it is therefore proposed to formally vary conditions (9) and (10) of Annex A2 of planning permission TM/10/2029 in order to increase HGV movements to and from the site and to allow pre-loaded HGVs to leave the site from 0630 hours with the aim of improving traffic flows during the morning period.
16. Condition (9) currently states;
- 'The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 300 movements per day and the number of movements on any single day shall not exceed 600 movements.'*

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17. Whilst condition (10) states;

*'During the morning and evening peak periods of 0730 hours to 0930 hours and 1600 hours to 1800 hours, the maximum number of HGVs entering and leaving the site shall not exceed 30 movements.'*

18. It is therefore proposed to vary conditions (9) and (10) to allow for the following:

- Highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days not exceeding 600 movements per day (*which is consistent with the levels the site has been operating at for a number of years*);
- The number of HGV movements on any single day not exceeding 900;
- During the morning period of 0630 hours to 0930 hours, the maximum number of HGVs entering and leaving the site not exceeding 150 movements, of which a maximum of 50 movements should take place in the one hour period 0630 to 0730, 45 movements in the one hour period 0730 to 0830 and 55 movements in the one hour period 0830 to 0930;
- In the period 0630 to 0700 only HGVs pre-loaded the previous evening will be permitted to leave Hermitage Quarry (i.e. there will be no plant activity);
- During the evening peak period of 1600 hours to 1800 hours, the maximum number of HGVs entering and leaving the site not exceeding 50 movements.

#### Planning Policy

19. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

20. **National Planning Policy Framework (NPPF) March 2012:** Came into force on 27 March 2012 and should be read in conjunction with National Planning Practice Guidance (NPPG) (March 2014). The NPPF sets out the Government's planning policies and its aims to secure sustainable development in a timely manner. The role of the planning system is seen as contributing towards sustainable development which creates three overarching mutually dependant roles of the planning system namely economic, social and environmental. In this context the NPPF sets out 12 core land-use principles which should underpin both plan making and decision taking. Of particular relevance to this proposal is being plan-led, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving places that the country needs and conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Local planning authorities should set out in their local plan a positive strategy form the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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Section 13 of the NPPF addresses the need to facilitate the sustainable use of minerals where under paragraph 142 it states '*Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.*'

Paragraph 144 gives advice to planning authorities on what they should take into account when determining applications. This includes the need to give great weight to the benefits of the mineral extraction, including the economy.

In facilitating the delivery of these roles and objectives the NPPF requires that local planning authorities should look for solutions rather than problems. Local planning authorities are therefore expected to work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area in a sustainable manner. Local planning authorities should therefore now approach decision-making in a positive way to foster the delivery of sustainable development with decision takers at every level seeking to approve applications for sustainable development.

21. **National Planning Policy Guidance (NPPG) (March 2014):** Includes a section on Transport Assessments (TA) which are ways of assessing the potential transport impacts of developments (and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans). TAs primarily focus on evaluating the potential transport impacts of a development proposal. TAs may propose mitigation measures where these are necessary to avoid unacceptable or "severe" impacts.

The NPPG sets out key principles that should be taken into account in preparing a TA. It advises that TAs should be proportionate to the size and scope of the proposed development to which they relate and build on existing information wherever possible and be tailored to particular circumstances. In general, TAs should be based on normal traffic flow and usage conditions, including the need to consider the implications for any regular peak traffic and usage periods.

22. **Kent Minerals and Waste Local Plan (KMWLP) 2013-2030 (July 2016):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle where policy CSM 1 gives support where, when considering mineral related developments, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by national policy.

Policy DM 1 recognises the need to ensure that minerals developments are designed to minimise the impact upon the environment and Kent's communities. Policies DM 5 and 6 support proposals which help protect the county's heritage assets and historic environment. Policy DM 12 requires the cumulative effects to be taken into account

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when assessing any mineral related proposal. Policy DM 13 requires access arrangements to be safe and appropriate to the scale of the development and that the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a Transport Assessment.

23. **Tonbridge and Malling Core Strategy (September 2007):** One of the key aims is to minimise the number and length of trips and the speed of traffic within residential and other sensitive areas. Policy CP1 relates to sustainable transport. Policy CP2 requires that where development generates a significant volume of traffic it should be compatible with the character and capacity of the highway network in terms of volume and nature of traffic generated. It also requires provision for any necessary enhancements to the safety of the highway network and capacity of the transport infrastructure.
24. **Tonbridge and Malling Managing Development and the Environment DPD (April 2010):** Policy SQ8 requires amongst other matters that before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. Development proposals will only be permitted they would not significantly harm highway safety and where traffic generated by the development can be adequately served by the highway network. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

#### Consultations

25. **Tonbridge & Malling Borough Council:** Is not convinced that the increase in HGV movements proposed by the variation of conditions 9 and 10 would not have an adverse impact on traffic flow on Hermitage Lane, especially at peak periods. Before any change to the conditions is agreed the Borough Council would want Kent County Council, as determining authority, to be satisfied that the increase in HGV movements would not have an adverse impact on traffic levels, air quality and also on the residential amenity of residents in the area around the quarry.
26. **Maidstone Borough Council:** The Council would expect that an independent analysis be carried out as to the likely traffic implications of the proposal, particularly an analysis of the implications for the road junctions to the north of the main site access that are already operating at a level that is over capacity. The analysis should go on to examine whether the developers should fund an improvement to those junctions.
27. **Aylesford Parish Council:** No objection
28. **Barming Parish Council:** No objection but would wish to see improvements to the junction by McDonald's on Hermitage Lane considered.
29. **Ditton Parish Council:** Have not yet responded
30. **East Malling & Larkfield:** Have not yet responded
31. **Kent Highways & Transportation (KHT):** Initially requested additional



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information/clarification on a number of matters including observed traffic flows into and out of the quarry along with the modelled growth in predicted traffic levels having regard to future traffic generated by committed and future developments in the area. Also requested details of a proposed monitoring regime with accurate records of HGV traffic associated with the quarry and how this would be provided to the County Council. Given that observed traffic flows into and out of the site indicate that the number of HGV movements exceed the current limits it is important that a monitoring regime is implemented which can monitor movements on an hourly basis.

On the basis of further information subsequently submitted in support of the proposal in response to KHT's request, concerns raised previously regarding future traffic growths have now been satisfactorily addressed. Also draw attention to future planned improvements to M20 junction 5 which are to be provided in 2018/2019 together with improvements to the junction of Hermitage Lane/retail access which are planned for delivery this summer.

Concludes that it is clear from the additional information provided that the increase in HGV movements arising from the proposed variation to the planning conditions will not lead to any significant impact on the existing highway and does not therefore wish to raise objection.

32. **Highways England:** Initially raised concern about the impact of the proposal on M20 junction 5 and therefore requested additional information relating to the potential impact, including consideration of queues and delays, to allay their concerns. In response the applicant submitted additional information by way of modelling of the M20 junction 5 which used as a baseline 2017 Traffic Capacity Modelling to predict the 10 year horizon to 2027 and which took account of traffic levels generated from future committed development in the area.

Following the receipt of further information to assess the potential impacts on the M20 junction 5, are now satisfied that the proposals will not severely affect the safety and/or operation of the Strategic Road Network and therefore raise no objection to the proposal subject to an appropriate HGV movement monitoring regime being implemented as requested by KHT.

33. **Amey – Air Quality:** Provisionally agreed with the conclusion that trips arising from the proposal would result in negligible impacts on annual Mean NO<sub>2</sub> and PM<sub>10</sub> concentrations. Furthermore, also agreed that potential air quality impacts relating to the proposal would be imperceptible to low at all modelled receptors in accordance with the Kent and Medway Air Quality Partnership (KMAQP) Air Quality and Planning Technical Guidance. However requested minor clarifications resulting from their review of the Air Quality Assessment submitted in support of the application in respect of Significance criteria and model inputs.

With the benefit of additional information submitted by the applicant in response to Amey's request, Amey confirmed in their opinion the Air Quality Assessment was robust. They also indicated that with regard to an Air Quality Report commissioned on behalf of the New Allington Action Group, in their opinion the conclusion it reached that the annual average air quality objective was exceeded was not valid based on the data it collected and assessed.

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34. **Amey – Noise:** After reviewing the Transport Assessment agree that the noise increase due to the increase in HGV movements along Hermitage Lane will be somewhere in the region of 1 and 3dB. In accordance with the Design Manual of Roads and Bridges (DMRB) HD 213/11 Noise and vibration (which is considered to be the relevant guidance in the case of HGV movements) an increase in the region between 1 and 3dB is a minor impact in the short term becoming negligible in the long term. Therefore the increase in HGV movements is likely to result in an adverse effect in the short term which will become neutral in the long term. This would be the case for both the increase in HGV movements and for the earlier start at 0630 hours within a period (from 0630 to 0700 hours) which is usually considered night-time. On the basis that the proposal would result in non-significant adverse effects in the short term that will become neutral in the long term, consider in terms of noise that the proposal is in line with the NPPF.
35. **Environment Agency (Kent Area):** Ongoing permitting discussions are taking place and have no comments or objections to make on the planning application.

Local Members:

36. The local County Members Mr Peter Homewood, Mr Dan Daley and Mr Rob Bird were notified of the application on 16 January 2017.
37. Mr Rob Bird has commented that although the application lies outside of his division it has a significant potential impact on West Maidstone residents as many of the local roads and junctions already suffer acute congestion. The situation is particularly bad at the northern end of Hermitage Lane, both at the Preston Hall traffic lights and the lights serving the the new retail park and drive-thru restaurant. Although Kent Highways advised that mitigation measures were proposed for this additional traffic, none of these works have been commenced to his knowledge and he is not aware of any proposed start date.

Whilst he is aware of the economic benefits of the quarry and associated workings at the quarry site, residents in his division are frustrated by the current traffic problems and rightly concerned that this application may exacerbate the situation.

He believes it is possible to mitigate against some of the increased traffic and is well aware of the applicants' genuine desire to work with Kent Highways on this. However, he has seen no formal assessment of the application from Kent Highways. Until he sees a formal response from Kent Highways and a firm commitment and timetable for the necessary highways works he is unable to express an opinion about the application.

38. Mr Dan Daley has also responded that he shares the comments expressed by Mr Bird.
39. Mr Peter Homewood has not to date made any comments.

Publicity

40. The application was publicised by the posting of a site notice and an advertisement in a local newspaper.

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## Representations

41. In response to the publicity, three separate representations have been received from the New Allington Action Group (NAAG) who, upon their request, were formally notified of the application when it was first submitted. One of their representations included an Air Quality Report commissioned on their behalf which concluded based on a survey undertaken over a two week period between 7 to 21 November 2016 along Hermitage Lane, that the annual air quality objective was exceeded in 2016. The key points raised by NAAG can be summarised as follows:
- The proposed number of HGV movements are too high and are not sustainable
  - The proposals put forward would not mitigate the impact on the road network and air quality
  - The Air Quality Assessment submitted in support of the proposal is not relevant
  - When the Secretary of State granted the latest permission for the quarry the proposed new house building on Hermitage Lane had not begun. With over 2,150 homes on Hermitage Lane having the benefit of planning permission which includes a primary school opposite the quarry site entrance and a principle access road for 500 new homes together with a designated cycle route along the length of Hermitage Lane, this is a major pollution health risk for pedestrians, children and cyclists alike.
  - The applicant should be required to submit details of HGV movements showing all daily and peak hour movements. The original vehicle restrictions should be reinstated.

## Discussion

42. In considering this proposal regard must be had to Government policy and guidance together with the Development Plan Policies outlined in paragraphs (19) to (24) 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 proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:
- Traffic
  - Air Quality
  - Noise
  - Local Amenity

### **Traffic**

43. Hermitage Quarry first became operational in 1990 and has therefore been in existence in excess of 25 years, during which time as referred to in paragraphs (2) and (3) above, the site has become well established in the local area where it has provided an increasing range of products demanded by its customers. In this respect it has also played an increasingly important role in the county's local economy. Served by a dedicated access off Hermitage Lane the site is well positioned to take advantage of

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the primary route network which includes both the A20 London Road to the north together with the M20 which is gained access from junction 5 located approximately 1½ Km to the north east of the site entrance via the Coldharbour Roundabout.

44. The company's success has inevitably meant that what was originally a relatively low key operation where during the early stages of quarrying the materials produced had at that time a relatively limited market, levels of production have since significantly increased as the site has been able to deliver a much greater range of materials and along with it an associated increase in the number of HGV movements to and from the site. Whilst by maximising the full exploitation of the mineral resource at the site to its full potential is fully consistent with the principles of sustainable development as advocated by the NPPF, the applicant recognises that this also needs to be carefully weighed against other impacts that may derive from this including impacts from HGV movements on the local route network. To ensure that they are able to continue to serve the needs of their customers into the future the applicants have been forced to review and assess their operations, particularly in the context of their latest permission granted by the Secretary of State which provided a further 25 years of additional reserves at the site.
45. The applicants accept that they have been generating HGV movements to and from their site in excess of those permitted over the past 3-4 years. During that time up until some 15 months ago I was not aware of any particular issues regarding traffic congestion along Hermitage Lane and the surrounding route network which could have arguably been directly attributable to the quarrying operations. This was the time when in January 2016 the NAAG first drew my attention to a survey they had undertaken at the site entrance of HGV movements in April the previous year, complaining that the current HGV restrictions were being exceeded in breach of the planning permission. The complaint from NAAG was made at the time permission had also then recently been granted for new housing development off Hermitage Lane and who raised concerns over what additional congestion this would cause once this development was completed. NAAG asserted that in their view the traffic delays and adverse impacts on air quality along Hermitage Lane encountered at that time was being seriously affected by the number of HGV movements from the quarry exceeding the restrictions imposed.
46. Following the NAAG complaint the County Council, including planning and highway officers, have since been in discussion with the applicants and their consultants in order to try and seek a solution which will not only allow the quarry to continue operating at its current level which is consistent with that which has occurred over the past few years, but will also ensure that there are no adverse impacts on either the highway, air quality or from noise.
47. In support of their proposals the applicants have developed a strategy based on a TA, for managing their HGV movements in the future in the least impactful way, recognising that this will also need to take into account potential impacts on other road users as well as addressing the adverse impacts they are currently suffering on their own business as a result of the current congestion along Hermitage Lane. They draw particular attention to problems that Hermitage Lane is currently suffering due to the inadequacies in the highway resulting from the new retail developments which have taken place at the junction with the A20. However, they are aware that a relatively modest scheme is being proposed by KHT to improve this junction that would largely address these congestion problems which could be implemented over a relatively

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short period in the near future. KHT have since confirmed that these improvements are due to be delivered this summer along with other improvements to M20 junction 5 which are to be provided in 2018/2019.

48. The applicants have sought to put into context the level of traffic generated by existing and future committed housing developments recently approved in the area compared to the levels of HGV traffic proposed from the quarrying operations. They have assessed that the level of increase from their operations would be between 5% and 10% of the total traffic forecast to be generated from the committed housing development. Furthermore, when this increase is compared to the existing traffic flows along Hermitage Lane, during the morning peak period HGV movements from the quarry site would represent less than 1% of all traffic movements along Hermitage Lane which the applicant considers is de minimis and well below the typically daily traffic fluctuations.
49. KHT have since confirmed following the submission of the additional information they requested in respect of current traffic flows in and out of the quarry together with the modelled growth of traffic from committed and future recently permitted developments in the area, that the proposed increase in HGV movements from the Hermitage Quarry operations will not lead to any significant impact on the existing highway network and accordingly do not raise any objection. However, given that the observed number of current HGV movements exceed the existing restrictions, they consider it is important that a monitoring regime is implemented which can monitor future movements to and from the site on an hourly basis. The applicants have confirmed they would be happy to provide a permanent Automatic Traffic Counter at the site and would welcome further discussion with the County Council on the periodic presentation of traffic data. On this basis I would recommend that any future permission includes a condition requiring the submission of the details of a proposed HGV movement monitoring scheme at the site for the formal approval of the County Planning Authority.
50. With regard to the additional information requested by Highways England, whilst raising initial concerns over the existing and future operating capacity of the M20 junction 5, on the basis of the additional information submitted by the applicants which sought to address these, and which included modelling of the existing operational capacity of the M20 junction 5 together with its predicted future capacity taking account of planned and committed growth in the area, they raise no objection to the proposal. However, they share the views of KHT in respect of the need for an appropriate HGV movement monitoring scheme to be implemented at the site.
51. On the basis of the comments made by KHT and Highways England I do not consider there are any overriding objections to the proposal on the grounds of adverse impacts to the highway network.

#### **Air Quality**

52. Objections have been received from the NAAG in respect of what they consider to be unacceptable adverse impacts on air quality caused by vehicle exhaust emissions and who consider that the traffic delays and air quality in Hermitage Lane is seriously affected by the vehicle movement restrictions being exceeded at the Hermitage Quarry site. They have commissioned an Air Quality Report which concludes that over a two week period between 7 to 21 November 2016 the annual air quality objective was

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exceeded in 2016. In response to this claim the applicants argue that given the monitoring results were taken over a 2 week monitoring period it would not therefore be comparable against the Annual Objective and that Defra Guidance recommends a minimum of 6 months monitoring which would then need to be annualised to be comparable against the annual Air Quality objective. Amey, the County Council's Air Quality Advisor concur with this view stating *'this is only a two week survey and the longer the survey the better to allow for fluctuations in NO2 concentrations which occur during the year. For sample periods less than 9 months the data must be 'annualised' to convert them to an equivalent average for the year. Only then can these be compared to the annual average of 40ug/m3. The other issue is that the lab reports do not show any evidence of bias correction having been completed on these tubes which is required to remove inaccuracies where the tubes over or under predict compared to a reference automatic analyser. I therefore agree that the conclusion that the average air quality objective was exceeded in 2016 is not valid based on these data.'*

53. With regard to the Air Quality Assessment undertaken on behalf of the applicants which assessed potential impacts from both dust and vehicle exhaust emissions, Amey confirm that in their opinion the methodology employed was robust. They agree with the conclusions that vehicle trips arising from the proposal would result in negligible impacts on the annual mean NO2 and PM10 concentrations. They also agree that potential air quality impacts relating to the proposal would be imperceptible to low at all modelled receptors in accordance with the KMAQP Air Quality and Planning Technical Guidance. With regard to dust they agree with the conclusion that dust impact risk is likely to be negligible and that dust disamenity effects will not be significant with the proper implementation of best practice control measures.
54. Having regard to the above advice from the County Council's Air Quality consultant Amey, I do not consider there are any overriding objections to the proposal on grounds of adverse air quality impacts.

#### **Noise**

55. Whilst no objections have been raised on noise grounds the applicants have submitted in support of their proposal a separate Noise Assessment (NA). The NA concludes that a 50% increase in HGV traffic over the working day would result in an increase in the noise level of 1.8dB which is not considered significant. The County Council's Noise Consultant Amey, concurs with this view who consider in terms of noise the proposal is consistent with guidance set out in the NPPF. Accordingly I do not consider there are any overriding objections to the proposal on noise grounds.

#### **Local Amenity**

56. I am satisfied that having regard to advice from technical consultees including KHT and Amey, there would not be any additional impacts on local amenity as a result of the proposal. In addition to the conditions the applicants are seeking to vary there are other conditions imposed on the permission along with conditions imposed on all of the other permissions relating to the overall quarry complex which control operations. These include amongst other matters measures to control noise and dust. Accordingly I do not consider there are any overriding objections to the proposal on amenity grounds.

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## Conclusion

57. Hermitage Quarry has become well established over the past 27 years since it first became operational in 1990, during which time it has continued to serve local markets and therefore makes a valuable contribution to Kent's economy. It also helps provide employment both directly at the site together with secondary employment opportunities to those companies and individuals who utilise their products. The importance of the site was most recently recognised by the Secretary of State in his decision to grant permission for a major extension to the existing quarry providing for some 25 years worth of additional reserves of material.
58. The applicant's success in developing operations at the site since quarrying first commenced which has now led to a much greater range of products being produced has inevitably meant that output has substantially increased over the years and along with this a stepped increase in the number of associated HGV movements to and from the site. The applicants accept that in more recent years this has meant that the original restriction imposed on HGV movements are now being exceeded. This current proposal seeks to address this by way of increasing the number of currently permitted peak and daily HGV movements and also by allowing vehicles pre-loaded at the site at the end of the previous working day to leave the site at 0630 hours as oppose to 0700 hours which currently applies.
59. Notwithstanding concerns which have been raised over the potential adverse impacts from congestion and on air quality which the applicants have recognised is an important consideration in the determination of the application, they also draw attention to the fact that it is also in their business interest to ensure that they can continue to meet the demands of their customers in the most efficient way in the interest of the local economy. In my opinion this also represents a significant material consideration which has to be weighed against any adverse impacts.
60. In consultation with the County Council the applicants have developed a strategy which in their view would lead to a satisfactory solution which would be to the overall benefit of all parties concerned.
61. Following formal consultations I am mindful that notwithstanding objections which have been raised by the NAAG on traffic impacts and air quality grounds, technical consultees have not raised any objections subject to the imposition of the measures proposed by the applicants to reduce the impacts of their proposal to an acceptable level. On this basis when weighed against the important role the site has to date played in Kent's economy and which the applicants are hoping will continue into the future, in my opinion on balance there is an overriding need to accommodate the request which in effect seeks to align HGV movements to and from the site consistent with the levels at which the site has been operating over the past few years, along with an increase in the hours during which pre-loaded HGVs are permitted to leave the site. Accordingly, I recommend that permission be granted in such terms as set out under paragraph (62) below.

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#### Recommendation

62. I RECOMMEND that PERMISSION BE GRANTED to the proposed variations to conditions (9) and (10) of Annex A2 of planning permission TM/10/2029 in order to allow increased HGV movements and pre-loaded HGVs to leave the site from 0630 hours SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- Highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days nor exceeding 600 movements per day;
- The number of HGV movements on any single day not exceeding 150 movements, of which a maximum of 50 movements should take place in the one hour period 0630 to 0730, 45 movements in the one hour period 0730 to 0830 and 55 movements in the one hour period 0830 to 0930;
- In the period 0630 to 0700 only HGVs pre-loaded the previous evening will be permitted to leave the site (i.e. there will be no other activity);
- During the evening peak period of 1600 to 1800 hours, the maximum number of HGVs entering and leaving the site not exceeding a combined total of 50 movements;
- The submission and approval of details of a permanent HGV movement monitoring scheme which shall record movements on an hourly and daily basis.

Case Officer: Mike Clifton
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Background Documents: see section heading
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