

SECTION C  
MINERALS AND WASTE DISPOSAL

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

---

Item C1

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264 (KCC/TM/0224/2017)

A report by Head of Planning Applications Group to Planning Applications Committee on 8 November 2017.

Section 73 application by Tarmac Limited to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264 (KCC/TM/0224/2017).

Recommendation: Planning permission be granted, subject to conditions.

**Local Member: Mrs Sarah Hohler**

**Classification: Unrestricted**

#### Site Description and Background

1. Ham Hill Quarry lies on the western side of the Medway Valley to the southwest of Snodland and 8km northwest of Maidstone (see “Site Location Plan” page C1.2). It is accessed via Hays Road, a private cul-de-sac servicing Tarmac’s depot operated by its contracting business, Tarmac’s existing asphalt plant and a Tesco distribution centre. It joins the A228 Malling Road some 700 metres south west. Junction 2 of the M2 lies approximately 7.5 kilometres (4.6 miles) to the north, whilst Junction 4 of the M20 lies 1.5 kilometres (1 mile) to the south. The site lies just outside and to the east of the North Downs Area of Outstanding Natural Beauty (AONB).
2. Ham Hill Quarry itself hosts a number of uses, including mineral workings with associated restored and undisturbed areas and soil storage; an asphalt plant producing coated road stone; the storage of asphalt road planings and a depot servicing Tarmac’s national contracting business. Public footpath (MR75A) runs through part of the restored quarry site leading from Hollow Lane past the National Contracting Depot, asphalt plant, vehicular site entrance and south-west onto Sandy Lane. Overhead power lines pass across the north-eastern corner of the site and the Pluto Oil pipeline lies underground, transversing the western and northern boundary of the site.
3. Mineral extraction commenced at Ham Hill during the 1960s, with a planning permission granted to extract silica sand in 1962 (reference MK/4/62/281). This permission established the site as a sand quarry, required progressive restoration to agriculture and made provision for a dedicated access joining the highway at the southern end of Hollow Lane. An extension to the quarry was granted in 1985 (reference TM/85/8) which allowed additional mineral to be extracted. Temporary planning permission was granted for an asphalt plant at the site in 1985 (reference TM/85/9) which required the plant to be removed once the adjoining sand quarry reserves were fully extracted.

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

Site Location Plan

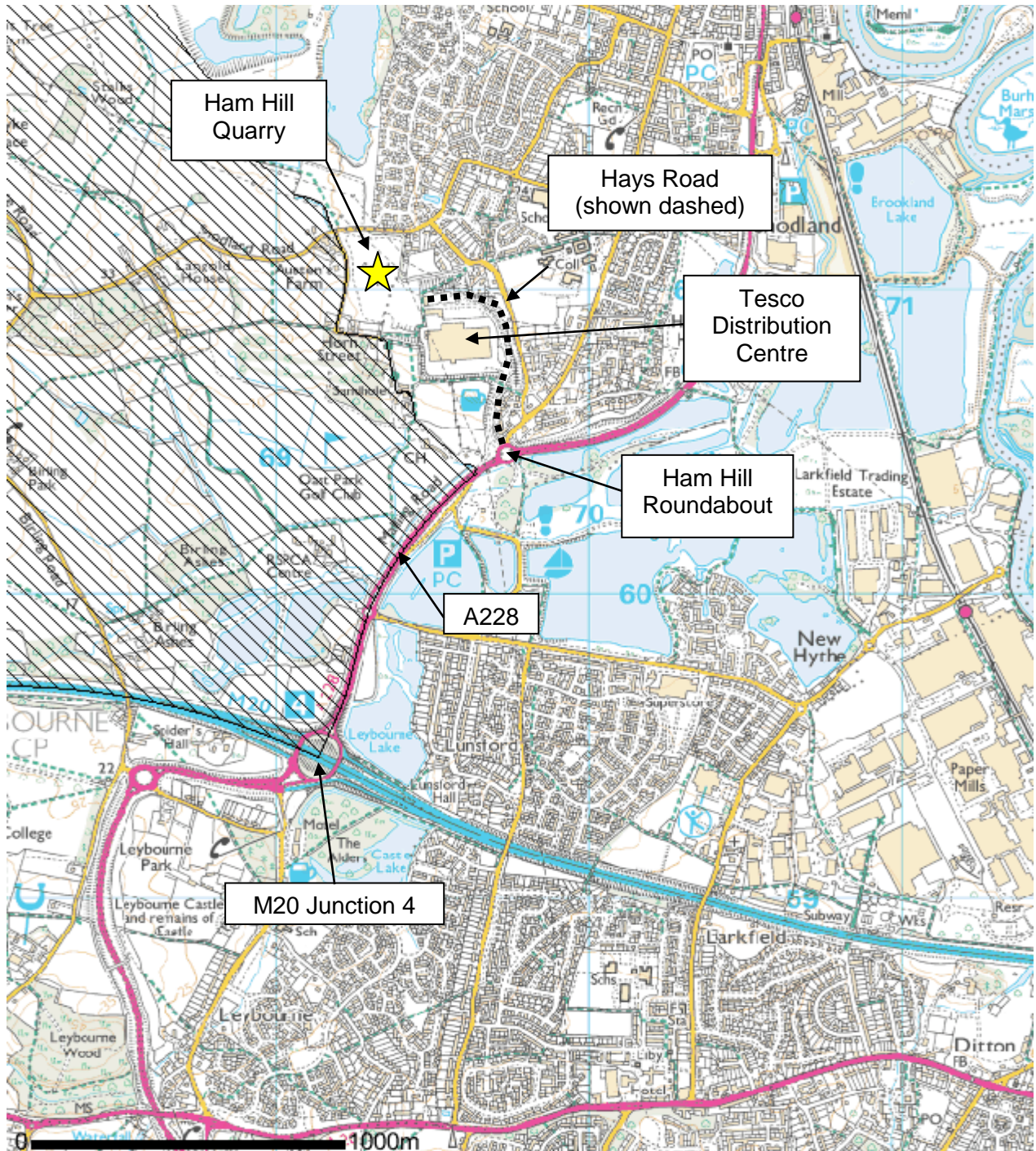


Figure 1 – Site Location Plan

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

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019238 (2012)



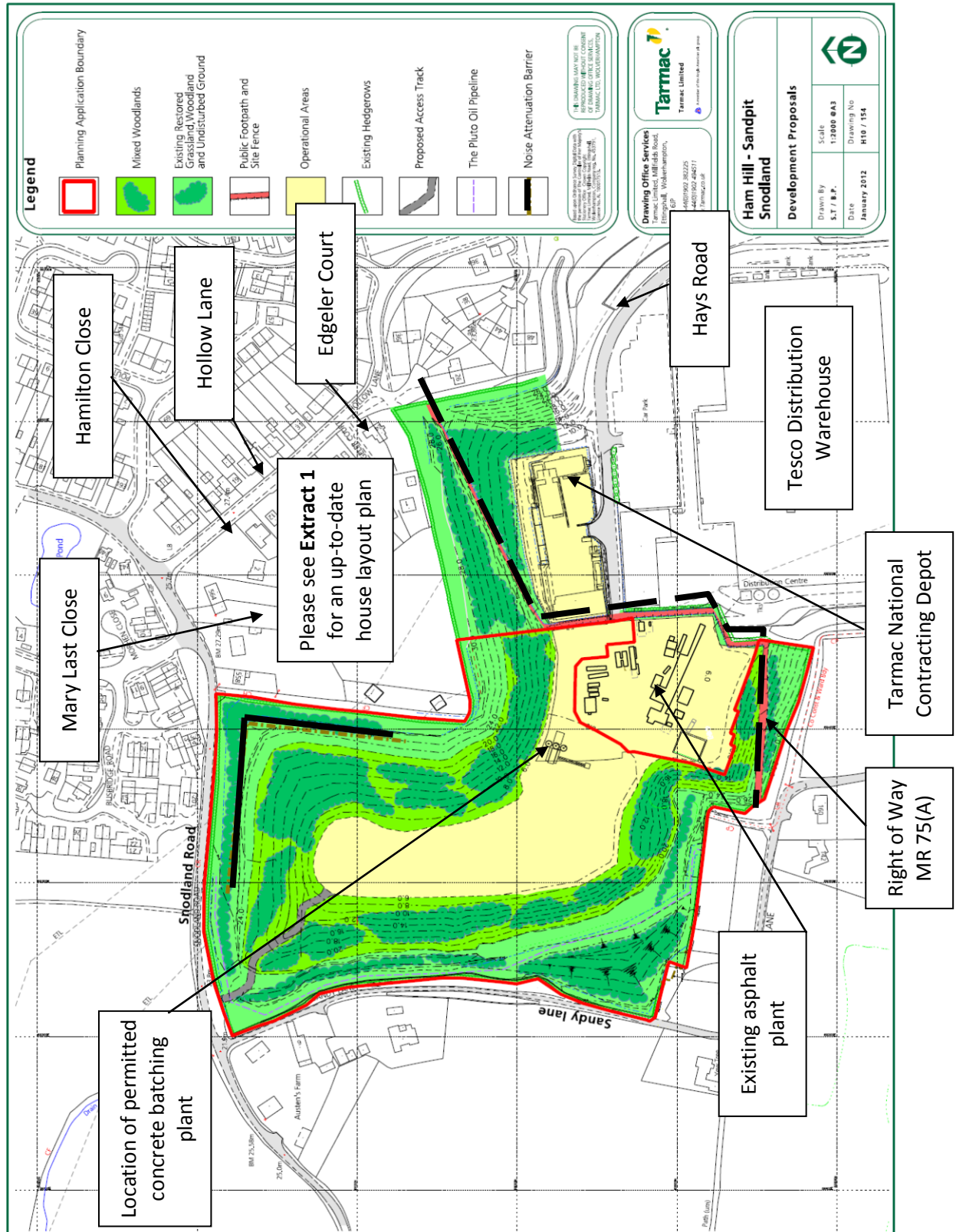
 Areas of Outstanding Natural Beauty (AONB)

1:20002



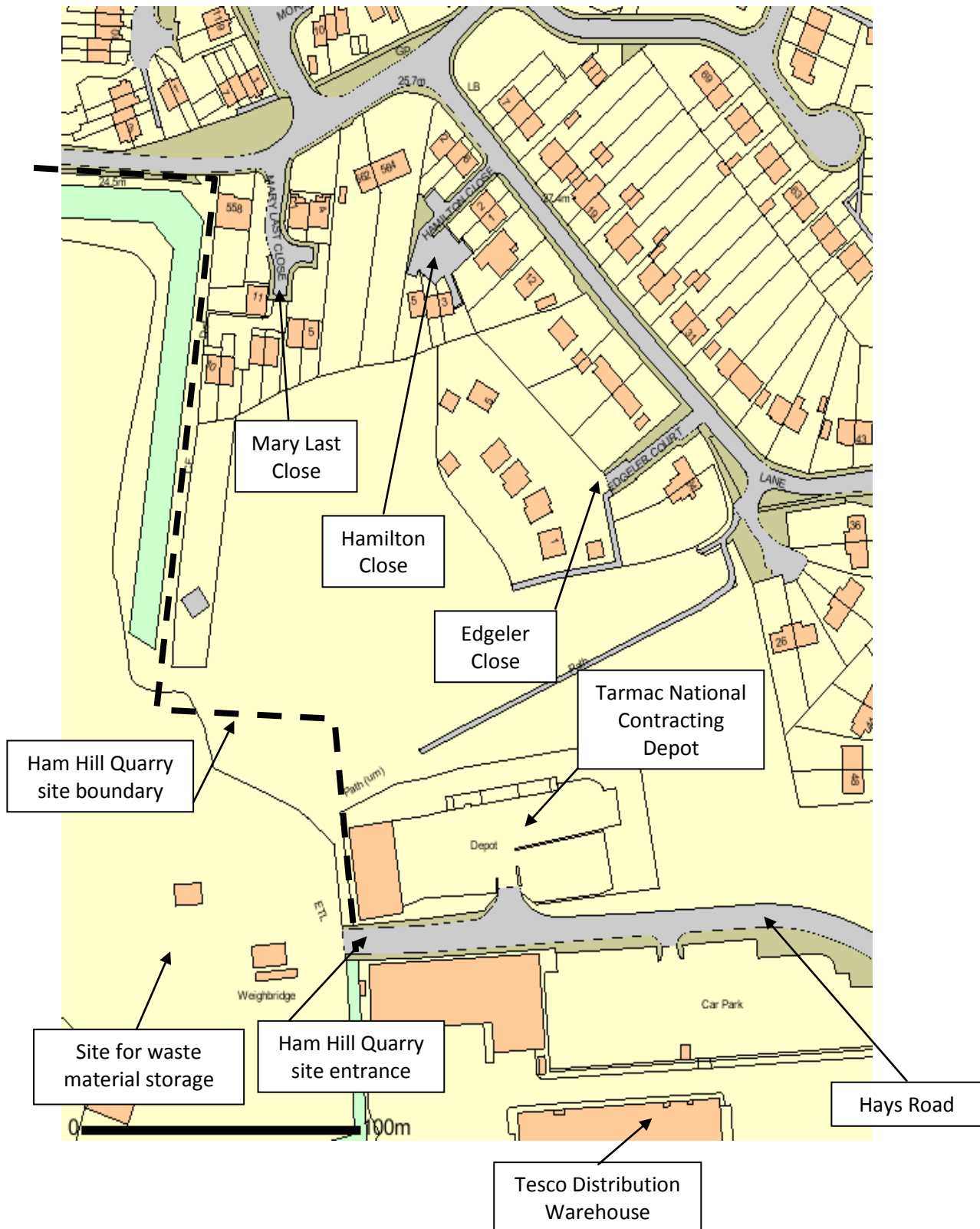
Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

Development Proposals



Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

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



Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

Planning permission TM/85/8 was varied in 1999 enabling the importation and storage of up to 5000 tonnes of asphalt road planings from local road maintenance projects on a continual 4-6 week cycle before selling and dispatching the same unprocessed and untreated material from the site. This variation did not allow for any treatment or processing of road planings and was required to cease upon completion of mineral extraction. In 2001, planning permission was granted (reference TM/01/1862) for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays.

4. Following two periods during which planning permission was granted on a temporary basis for out of hours working of the asphalt plant, a permanent permission was granted in 2008 (reference TM/08/1451). This permission allows the asphalt plant to operate between the following hours: Monday to Friday 05:00 to 18:00 hours; Saturday 05:00 to 13:00 hours; and Sunday 08:00 to 18:00 (for essential maintenance only, unless in connection with additional working hours periods). This planning permission however, enables the plant to operate (and lorries to leave the site) outside these working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 00:00 hours and 04:00 hours (with the exception of the loading and movement of lorries on site). No more than 5 of these 60 occasions are permitted to be used consecutively. No lorries are permitted to leave the site before 06:00 hours Monday to Saturday unless in connection with additional working hours periods.
5. The Environment Act 1995 provides for the regular review and updating of old mineral permissions. The 1962 and 1985 planning permissions referred to above have been the subject of this review process and revised planning conditions were granted in 2008 (reference TM/00/1155/MR101).
6. The existing site survey demonstrates that the site boundary ranges between 24 metres Above Ordnance Datum (AOD) in the north and west to 29 metres AOD to the south and east. The ground level of the quarry is approximately 6 metres AOD, some 18 to 22 metres below the level of the original pre-quarrying ground levels. Neighbouring land uses include agricultural land to the northwest, a residential area to the northeast, a Tesco distribution centre to the southeast and residential properties set in a wooded area to the southwest. The closest residential properties to the proposed activities are on Sandy Lane to the south and west of the site; Mary Last Close, Busbridge Road and Snodland Road to the north of the site; and Edgeler Court off Hollow Lane to the northeast.
7. In 2012 planning permission was granted (TM/12/983) for an aggregate recycling facility, concrete batching plant (CBP) and for amendments to the previously approved quarry restoration. This application sought planning permission for the storage and processing of up to 100,000 tonnes per annum of general construction and demolition waste, utility arisings and waste asphalt (road planings, return loads and surplus production), the latter producing Recycled Asphalt Product (RAP) for reuse as a feedstock for Tarmac's existing asphalt plant and any surplus as fill material for sale on the open market and being typically used for hard-standings, haul roads, sub-bases for buildings, paths, roads, highways, driveways and patios.
8. Much of the waste asphalt comprised road planings generated by the Highway Authority during those periods when large scale road works are undertaken at night, frequently

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

between 22:00 and 02:00 hours. Consequently, the site needed to accept (but not process) material 24 hours a day, 7 days a week. Typically there would be a need to import road planings for 5 to 6 consecutive nights once or twice each month. Planning permission was granted as stated above but the importation of road planings out of hours was permitted on a temporary basis for 2 years.

9. As part of this permission the applicant was required to erect an acoustic fence adjacent to part of the northern boundary of the site with Snodland Road (110 metres in length) and adjacent to the eastern boundary of the site near to Mary Last Close (100 metres in length). The location of the proposed acoustic fence is illustrated on "Development Proposals" (see page C1.3). Planning permission TM12/983 was implemented however the concrete batching plant has not been constructed to date.

#### Proposal

10. This planning application seeks to vary condition 14 of planning permission TM/12/983 to make permanent the out of hours importation of waste materials associated with the aggregates recycling facility. The current wording of condition 14 is as follows:

#### Condition 14:

With the exceptions of those circumstances set out below, all operations associated with the Aggregate Recycling Facility shall only take place between the following hours:

Monday to Friday: 08:00 hours to 18:00 hours;

Saturday: 08:00 hours to 13:00 hours; and

Sunday and Public Holiday: No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours.

Vehicles associated with the importation of waste materials arising from road projects may additionally enter or leave the site and deposit their loads outside these hours for a temporary period of two years from the date of commencement referred to in condition 1. Such "out of hours" movements shall thereafter cease.

*Reason: To minimise disturbance from operations and avoidance of nuisance to the local community, to accord with the objectives of South East Plan Policy NRM10, Kent Waste Local Plan Policy W18 and Tonbridge and Malling Borough Local Development Framework Managing Development and the Environment DPD Policy SQ6 and to allow the Waste Planning Authority to review the acceptability of vehicle movements outside normal operating hours after a two year trial period.*

11. It is proposed to revise it as follows:

#### Condition 14

All operations associated with the Aggregate Recycling Facility shall only take place between the following hours:

Monday to Friday: 08:00 hours to 18:00 hours;

Saturday: 08:00 hours to 13:00 hours; and

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

Sunday and Public Holiday: No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours.

Vehicles associated with the importation of waste materials arising from road projects may enter or leave the site and deposit their loads outside of these hours.

*Reason: To minimise disturbance from operations and avoidance of nuisance to the local community.*

12. The temporary two year period for out of hours importation was set to allow consideration of the potential impacts and whether these activities would cause detriment to the amenity of the local area in the longer term. This two year period commenced in July 2015 and subsequently expired in July 2017. The applicant has stated in the application documents that there have been no complaints with regards to the out of hours activities associated with the importation of waste materials arising from road projects and to date no complaints regarding these vehicle movements have been received by the County Planning Authority or the Environment Agency (EA). The proposed operations would only consist of the movement of HGVs and the tipping of road planings onto an area of hardstanding within the site, no processing of the material would occur outside of the permitted operational hours and all other operational controls would remain in place.

#### Planning Policy Context

13. **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

**National Planning Policy Framework (NPPF) (March 2012)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 1 (Building a strong, competitive economy), 3 (Supporting a prosperous rural economy), 4 (Promoting sustainable transport), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment), and 13 (Facilitating the sustainable use of minerals) are of particular relevance. The NPPF seeks local planning authorities to look for solutions rather than problems and to approve sustainable development that accords with the development plan, unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, the Framework seeks that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF policies.

**National Planning Policy Guidance (NPPG) (March 2014 (as updated))** supports the NPPF including guidance on planning for air quality, climate change, environmental impact assessment, flood risk and coastal change, light pollution, minerals, natural environment, noise, transport and waste (amongst other matters). The waste section of NPPG advises that the aim should be for each Local Planning Authority to be self-

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

sufficient in dealing with their own waste in the context of the 'proximity principle'. It requires waste planning authorities to plan for sustainable management of waste including wastewater.

**National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF and Waste Management Plan for England (WMPE) 2013. It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through, amongst other matters, helping to secure the recovery of waste without endangering human health and without harming the environment.

#### 14. Development Plan Policies

**Kent Minerals and Waste Local Plan 2013-30 Adopted July 2016 (KMWLP):** Policies include: CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW3 (Waste Reduction), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM15 (Safeguarding Transport Infrastructure), DM16 (Information Required in Support of an Application)

**Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007)** – These include Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP21 (Employment Provision) and CP25 (Mitigation of Development Impacts).

**Tonbridge and Malling Borough Council Local Development Framework Development Land Allocations Development Plan Document (2008)** – This includes Policy E1 (Safeguarding Land at Ham Hill for Employment Purposes).

**Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (2010)** – These include Policies CC2 (Waste Minimisation), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).

#### Consultations

#### 15. Tonbridge and Malling Borough Council: Objects to the application on the following grounds.

- Concerns have been raised about the amount of evidence that has been used as the basis for the overnight noise report, the Borough raise objections to the variation of condition 14 on the grounds that there is insufficient information indicating that the noise levels would not lead to overnight disturbance. Should the County be minded to recommend approval the Borough would wish that suitable conditions are imposed to restrict noise levels; that the restriction on weekend/public and bank holiday use is retained; and that the overnight operation relates solely to vehicles



Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

entering the site to deposit materials rather than the operation of the plant itself. It is confirmed that there have been no complaints to the Borough Planning Enforcement team.

In addition the following comments have been received from the Borough Environmental Health Officer:

- The Applicant has submitted a Technical Note that has assessed the noise from activities associated with an 'out of hours' delivery of material to the site over the night of 01-02 June 2017. Monitoring was undertaken at a point closer to the site than the reference points and inside the acoustic fencing (i.e. the monitoring point was between the fencing and the source and would represent a worst-case scenario). No information appears to have been provided about the nature of the material being delivered and whether this would be typical. I did, however, note that the noisiest element recorded was a tailgate impact.
- The results were compared to the site limit of 50dB LAmax and the monitoring demonstrated that the limit was not exceeded by activities at the site during the delivery. Although I do not believe that I have received any complaints about out-of-hours activities at the site, I would be interested to know how many times deliveries have been made out-of-hours to the site over the past 2-years and whether that represents a typical pattern.

16. **Snodland Town Council:** Raises no objection.

17. **Birling Parish Council:** Objects to the application on the following grounds.

- The commencement of vehicles access at night was not immediate due to delays in the development of the site. It is not clear how long the two year trial period imposed by KCC has left to run. Tarmac reported to the Ham Hill Liaison Committee on 20 April 2017, as written in the minutes, that they had not undertaken any noise monitoring at night due to lack of night activities. Therefore Birling Parish Council assert there is insufficient information about the implications of noise should operations be extended beyond the current conditions. There is only one report submitted to measure noise at night, dated 01/02 June 2017, to cover the period to date and the council believe that this is insufficient evidence to lift the restriction. More clarity is required about vehicle movements to assess the local impact.
- The Quarry is surrounded by residential houses that have raised numerous concerns about the smell of diesel fumes, dust from the recycling operations, pollution, odour, the noise from the tannoy, and vehicle reversing alarms at night. It is unclear whether the conditions that apply relating reversing alarms and tannoys are being met. The Ham Hill Committee, set up to improve liaison and communication about operations has been told by Tarmac they have not received any complaints from the local residents about the night operations, however, the Council is aware that residents have submitted complaints to Tonbridge and Malling Council. The fact that there has been no prior discussion with the Ham Hill Liaison Committee before this application to KCC suggests Tarmac has not taken into account the effect on the local community.

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

- Birling Parish Council has no information about the amount of night vehicle movements at the Quarry, the Council would suggest that more rigorous statistical information about vehicle movements would be helpful to understand the likely impact on residents. Birling Parish Council note that the relaxation of overnight activities only relates to vehicles entering the site to deposit materials not the operation of the plant. Birling Parish Council would like to be assured that any overnight operational activities would not be given permission. Should the deposit of materials be extended the council would seek KCC to enforce the restrictions on Saturday, Sunday and Public Holidays as permanent condition.

18. **Environment Agency:** Raise no objection to the proposal as the site has been working in this capacity for the last two years with no issues. We have received no complaints regarding out of hours working. The granting of this application would not alter the on-site activities or risks associated with these activities from those described in the last two years and therefore we do not have any additional comments to make regarding this application.
19. **KCC Highways and Transportation:** Raises no objection.
20. **KCC Noise and Air Quality Consultant (Amey)** – raises no objections to the proposals, making the following comments:

#### Noise

The current permission TM/12/983 permitted vehicles to enter and leave the site outside of core hours for a temporary period of two years from the date of commencement subject to a  $L_{AMax}$  level not exceeding 50 dB from site operations.

The application is supported by a technical note on noise [WBM dated 05 June 2017] which details noise monitoring carried out during the evening/night time periods when waste vehicles were entering and leaving the site. The results of the monitoring show that whilst levels of 50 dB  $L_{AMax}$  and over occurred on some occasions the source was either general road traffic noise or from motorbikes. For the periods and occasions where the source was identified as from the site's HGV lorries depositing waste, noise levels ranged 40 to 48 dB  $L_{AMax}$ . The application is further supported by a comment from Tarmac's Estate department that "*During the two year trial period the site has received no complaints with regards to the out of hours activities*".

The supporting information has shown that noise from the out of hours operations is below the permitted level and therefore I have no objection to the proposed variation of condition 14. I would however recommend that noise monitoring continues on a periodic basis to ensure continued compliance is maintained.

#### Air Quality

The changes to permitted hours alone do not produce a significant impact on air quality or amenity because the sensitivity of the receptors or likelihood of receptors does not change. Indeed, if the same amount of material is moved under extended hours then this can actually be beneficial to air quality because the vehicle movements are spread throughout the day which reduces short term exposure. As no complaints pertaining to out of hours vehicle movements have been received under the 2-year exception to

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

condition 14 there is no evidence of compromise to amenity or detrimental impacts on air quality as a result of out of hours working. Therefore, as there are no proposed changes to the methods of working, quantity of material to be imported or vehicle movements we see no reason to object or to seek to modify this application of the grounds of air quality or dust amenity impacts.

21. **KCC Public Rights of Way Officer:** No response received.

Local Member

22. The local County Member Mrs Sarah Hohler was notified of the application in August 2017.

Publicity

23. The application was publicised by the posting of a site notice at the entrance to Ham Hill Quarry, a newspaper advertisement and the individual notification of 90 properties within 250 metres of the application site.

Representations

24. At the time of writing, 1 video recorded at a property on Busbridge Road to show the level of noise experienced during the day and 8 letters of objection have been received from local residents (3 from the same resident). The main issues of concern can be summarised as follows: -

- Concern over any out of hours working at this plant;
- The so called noise abatement fence does not work;
- We have already complained to the council with regards to the heavy smell of diesel fumes created from the current works for which we have no option but to close all windows during the night;
- This application would increase the fumes and noise and will in no doubt impact heavily on the overall value of my home and have a negative effect on our family's long term health;
- Progressive and disturbing uplift in dust levels both outside and within our property;
- Objecting to anything which relates to, or encourages, or allows for increased traffic or workload in the area unless dust dispersion is contained within the Tarmac quarry area;
- The extension of operating hours at the quarry will cause issues regarding noise pollution on residential areas in Snodland;
- The lorries driving in and out, out of hours would not be so bad except that those loads will have to be tipped which is not a nice sound.
- Tarmac's noise is a churning variable noise with gearing and grinding noises as it processes the material, the sounds increase and decrease, you have peace one minute and noise the next;
- When combined with the rush of material being tipped, crashing sounds and beepers, living near this quarry is hell;
- Annoyed that Tarmac say in their covering letter that they have not received a single complaint. I have complained to the Council on several occasions in 2015 \*(NB presumed to be complaints to Tunbridge & Malling Borough Council as none

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

received by the County Planning Authority);

## Discussion

### Introduction

25. The application seeks planning permission to vary condition 14 of planning permission TM/12/983 with regards to the out of hours importation of waste materials associated with the aggregates recycling facility. The application is being reported to the Planning Applications Committee as planning objections have been raised by Tonbridge and Malling Borough Council, Birling Parish Council and a number of local residents.
26. In considering this 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 proposal needs to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations.
27. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:
  - the principle of development / sustainable development / need;
  - local amenity (including noise, air quality, odour and health);
  - highways and transportation;
  - landscape and visual impacts;
  - Public Rights of Way; and
  - other matters

### **Principle of development / sustainable development / need**

28. The overall objective of Government policy for waste is to protect human health and the environment by producing less waste and using it as a resource wherever possible. It also states that planning authorities should help deliver sustainable development through driving waste management up the waste hierarchy and looking to disposal as the last option. The NPPF, Policies CSW1 and CSW2 of the Kent MWLP include a presumption in favour of sustainable development, which includes economic, environmental and social dimensions. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The NPPW accords with national planning policy and also seeks delivery of sustainable development and resource efficiency, through provision of modern waste infrastructure, associated local employment opportunities and wider climate change benefits by driving waste management up the waste hierarchy. Government policy seeks to ensure that waste management is considered alongside other spatial planning concerns, recognising the positive contribution that this can make to the development of sustainable communities, helping to secure the re-use and recovery or disposal of waste without endangering human health and without harming the environment. Policies CSW4 and CSW7 of the Kent MWLP require the development of waste management capacity to manage waste arising in Kent.



Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

29. The Ham Hill area is home to a number of employment uses including those at the quarry and the principle of employment use at Ham Hill has been established through Policy E1 of the Tonbridge and Malling Borough Development Council Local Development Framework Development Land Allocations Development Plan Document (2008) which safeguards land for employment purposes. That Policy identifies Ham Hill as suitable for business (Class B1), general industrial (Class B2) and warehouse/distribution (Class B8) uses, subject to no overriding impact on residential amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation. The overriding objective of the Policy is to secure and retain a variety of employment sites within Tonbridge & Malling Borough to meet the needs of local employers and attract investment. The boundary of the Policy E1 area includes the totality of the Tarmac operation at Ham Hill and the Tesco distribution centre.
30. Government legislation indicates that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved without delay.
31. The principle of the proposed development was previously approved on a temporary basis under planning permission TM/12/983 and so has already been considered to be in accordance with the principles of sustainability; the site also allows for good accessibility to the primary route network and is on the site of a compatible industrial use.
32. Whilst the wider amenity impacts which are relevant to this application will be considered in turn below, I note that there is established policy support for this type of development at Ham Hill. I also note that there are similar employment type uses currently being undertaken in the vicinity, including two operations carried out by Tarmac (i.e. an asphalt plant and a contracting depot) and a large scale Tesco distribution warehouse. Based on the policy support and existing operations currently taking place at the site I am satisfied that there is a need to deal with the arrival of the plantings at night and the management of these waste arisings is appropriate to enable the sustainable recycling of the material. Subject to the proposed development not giving rise to significant harm, I see no reason to object to the proposals on the basis of need.

**Local amenity (including noise, air quality, odour and health)**

33. Members will note that noise and air quality are key issues raised by the local community.
34. Firstly, to put this proposal into context, regard must be had to the existing operations which take place at Ham Hill. Temporary planning permission was granted for an asphalt plant at the site in 1985 (reference TM/85/9) which required the plant to be removed once the adjoining sand quarry reserves were fully extracted. In 2001, permission was granted (reference TM/01/1862) for the permanent retention of the asphalt plant, requiring various environmental improvements such as the installation of hard surfacing, site drainage and the covering of several existing dust storage bays. The 2001 permission permitted the asphalt plant to be operational between 05:00 and 18:00 hours Monday to Fridays and 05:00 and 13:00 on Saturdays. Controls on that permission also stipulated that noise from site operations shall not exceed 50 dB LA<sub>eq</sub>

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

(free field) between the hours of 05:00 and 07:00 on weekdays and Saturdays, and 55 dB LA<sub>eq</sub> (free field) between the hours of 07:00 and 18:00 on weekdays and 05:00 and 13:00 on Saturdays.

35. Following two periods during which planning permission was granted on a temporary basis for out of hours working of the asphalt plant, a permanent permission was granted in 2008 (reference TM/08/1451). This permission allows the asphalt plant to operate between the following hours: Monday to Friday 05:00 to 18:00 hours; Saturday 05:00 to 13:00 hours; and Sunday 08:00 to 18:00 (for essential maintenance only, unless in connection with additional working hours periods). This planning permission however, enables the plant to operate (and lorries to leave the site) outside these working hours on 60 occasions per calendar year, subject to the plant and associated machinery not being operated between 00:00 hours and 04:00 hours (with the exception of the loading and movement of lorries on site). No more than five of these 60 occasions are permitted to be used consecutively. No lorries are permitted to leave the site before 06:00 hours Monday to Saturday unless in connection with additional working hours periods. So in simple terms the asphalt plant operates throughout the day and on a limited number of occasions until midnight and after 4am.
36. The current planning permission limits by condition the noise levels from operations both during the day and at night. The permission also required the erection of an acoustic fence which has been installed.
37. Furthermore, whilst the Borough Council is responsible for the planning permission for Tarmac's national contracting depot and the Tesco distribution warehouse, I understand that the planning permissions for both facilities do not include specific controls limiting the hours of working or place any noise limits on site operations.
38. This application would allow for the importation of road plantings during night-time periods, on a permanent basis, to provide for the key times when road projects are undertaken. During night-time periods HGVs would enter the site and tip within a defined working area of the site yard and HGVs would use non-tonal reversing alarms, there would be no audible tannoy personal address system used in connection with the development during "evening and night-time hours.. No processing of the material would occur other than during day-time periods. At present night-time noise on the site (associated with the asphalt plant) is limited by condition not to exceed 50 dB (LA<sub>eq</sub>) (free field) measures at the boundary of the nearest residential property at Edgeler Court between the hours of 05:00 and 07:00 on weekdays and Saturdays.
39. KCC's Noise Consultant has acknowledged that the application is supported by a technical note on noise [WBM dated 05 June 2017] which details noise monitoring carried out during the evening/night time periods when waste vehicles were entering and leaving the site. The results of the monitoring show that whilst levels of 50 dB L<sub>Amax</sub> and over occurred on some occasions the source was not related to the applicant's activities and was either general road traffic noise or from motorbikes. For the periods and occasions where the source was attributable to HGV lorries depositing waste, noise levels ranged 40 to 48 dB L<sub>Amax</sub>, significantly below the permitted noise levels. My Noise Consultant has stated that the supporting information has shown that noise from the out of hours operations is below the permitted level and therefore he has no objection to the proposed variation of condition 14. Given the existing noise environment set out above and the potential for other facilities to operate at night it would be unreasonable to

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

impose further restriction here. However, it is further recommended that noise monitoring continues on a periodic basis to ensure continued compliance is maintained.

40. In summary, taking account of the technical advice received from KCC's Noise Consultant, I am satisfied that the proposals are acceptable in noise terms and comply with relevant development plan and other planning policies. However, I would suggest the continued imposition of conditions to cover day-time (55 dB LA<sub>eq,1hr</sub>) and night-time (50 dB LA<sub>max</sub>) noise limits, the use of non-tonal reversing alarms for all HGVs operating at the site during night-time periods, and no audible tannoy during night-time periods, and a scheme for on-going noise monitoring.
41. Concerns have also been raised by Birling Parish Council and others about air quality (including dust and odour) and related potential adverse health effects.
42. In respect of the general concerns about the impacts from dust, I note that the applicant would have to continue to comply with dust mitigation measures covering vehicle movements, the processing of material and use of the access road that are imposed on planning permission TM/12/983. Measures to control dust associated with vehicle movements include the use of water as required, speed limits on all vehicle routes and lorries to be sheeted as appropriate. Dust mitigation in respect of the processing of material is controlled via the use of water sprays and the use of integrated dust suppression within the recycling plant and these would continue. A road sweeper is used on the site access road when required and the approaches of the access road would be regularly maintained.
43. KCC's Air Quality Consultant was satisfied that the proposed dust mitigation measures were sufficient for the operation when the main application (TM/12/983) was originally considered and considers that the proposed changes to permitted hours alone do not produce a significant impact on air quality or amenity. Moreover if the same amount of material is moved over extended hours that this can be beneficial to air quality because the vehicle movements are spread throughout the day which reduces short term exposure. Given there are no proposed changes to the methods of working, quantity of material to be imported or vehicle movements KCC's Air Quality Consultant raises no objection.
44. With regard to odour, the out of hours importation of waste materials arising from road projects would result in negligible levels of odour being omitted, given the only operations would be the tipping of road planings only, a material which in itself, has very little odour.
45. It should be further noted that the proposed operations would continue to be subject to an Environmental Permit, controlled by the EA, which address dust and odour control in more detail.
46. Notwithstanding the air quality concerns expressed by the local community and Birling Parish Council, based on the technical advice received from KCC's Air Quality Consultant I am satisfied that the development is acceptable in terms of air quality and complies with relevant development plan and other planning policies subject to the continued imposition of the conditions referred to above.

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

### **Highways and transportation**

47. The NPPW requires local authorities to consider the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, seeking when practicable and beneficial to use modes other than road transport.
48. Policies DM13 and DM15 of the Kent MWLP require waste management proposals to be acceptable in terms of highway safety and capacity and require the level and environmental impact of vehicular traffic be taken into account when considering the location of development. Policies CSW6 and DM13 of the Kent MWLP require waste development to minimise road transport as far as possible. Where there are no practicable alternatives to road transport, the above policies, require development to be well located in relation to Kent's Key Arterial Routes, with safe and appropriate access, ensuring that traffic generated is not detrimental to highway safety nor has an unacceptable impact on highway capacity, the environment or local communities. The principle of the recycling activity is well established and the highway network has been deemed acceptable for the associated traffic.
49. This proposal seeks permanent permission for HGV movements importing road planings at night time. The nature of the operation means that the amount of road planings imported to the site is entirely dependent on the highways maintenance works taking place in the local vicinity and therefore it is not possible to be precise as to the number of vehicle movements. The applicant has stated that during the two year temporary period there have been 4 'planings sessions' (periods where highway maintenance projects have necessitated the delivery of road planings). These 'sessions' have typically lasted 3-4 weeks at a time and whilst the amount of road planings received has been variable, it has generated on average approximately 24 loads per night. I acknowledge that over the course of a 2 year period 4 'planings sessions' is not a significant number, however, an average of 24 loads per night over a total period of around 4 months, is a significant number of HGV movements and coupled with the fact that none of the Regulators have records of any complaints regarding these activities it is reasonable to accept that this activity has not had a detrimental impact on residential amenity.
50. All out of hours HGV vehicle movements would enter the site via Hays Road from the A288 from either the M2 or M20 directions, no vehicles would pass through the surrounding residential road network and as such the impact on residential amenity from the vehicle movements would be negligible. KCC Highways and Transportation have raised no objection to the proposal.
51. In terms of the overall HGV movements, regard should also be had to the existing planning permissions for operations in the locality. Specifically it is noted that the planning permissions covering the Tesco or other Tarmac operations in the vicinity do not impose HGV movement restrictions, however, given the potential, albeit on a low level, for this application to generate a noise impact on residential amenity, I recommend the imposition of a limit of 35 HGV loads per night in association with the out-of-hours importation of road planings. The overall throughputs of waste being imported to the site would not alter and the application has stated that current operations for the site are within the throughput limit of 100,000 tonnes per annum.



Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

52. The applicant has further stated that by importing waste material to this site that they are able to reduce the overall road miles carried out by the hauliers which will lead to reduced emissions and reduced impact on the road network. Generally the road planings are received between 22:00 – 02:00 hours; therefore, there is minimal concern with the cumulative impacts on traffic levels on the road network as during this time of the day the level of traffic is very low.
53. In summary, having considered the highway implications of the proposed development, taking into consideration the representations received, together with the advice received from KCC Highways and Transportation, I am satisfied that the proposals are acceptable in highway terms. The proposed development would comply with relevant development plan and other planning policies subject to the continued imposition of condition(s) limiting the throughput of the aggregate recycling facility and a limit of 35 out-of-hours HGV loads per night.

#### **Landscape and visual impacts**

54. The main impact in terms of visual and landscape impact is from lighting associated with the operations. Elements of the existing site are already lit, for example around the asphalt plant, which operates during dark periods. Whilst no details have been provided to date, should the applicant require additional site lighting to allow for the continued out of hours delivery of road planings during night-time periods then a further submission would be required pursuant to condition 4 of TM/12/983. This ensures that any site lighting would be controlled to the minimum required to allow safe operation of the site, whilst ensuring no light spill impacts would occur outside of the site itself. Subject to this, the proposed development would comply with relevant development plan and other planning policies relating to landscape and visual impact.

#### **Public Rights of Way**

55. Public Right of Way (Footpath) MR75A runs through part of the restored quarry site leading from Hollow Lane past the Tarmac Depot, asphalt plant, vehicular site entrance and south-west on to Sandy Lane. The Right of Way would not be affected any further than was assessed at the time of the main application which attracted no objections from the KCC Public Rights of Way Officer; I therefore have no reason to conclude that the situation would be any different as a result of this application.

#### **Other matters**

56. Following planning permission for TM/12/983 being granted, the Ham Hill Liaison Committee was set up as a forum for interested parties to meet on a regular basis to raise concerns relating to the Ham Hill area. Interested parties include, but are not limited to, KCC, Tonbridge & Malling Borough Council, the Parish Councils, Tarmac and Tesco. The minutes for these meetings have highlighted that complaints have been made by local residents regarding noise and odour. In the most part these complaints have been answered by the relevant operators, however, it should be noted that no complaints have been received in relation to the out-of-hours importation of waste materials (and this has been confirmed by the Borough Council Environmental Health Officer and the Environment Agency) all complaints have related to daytime operations, so are not considered relevant to the current application.

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

#### Conclusion

57. The application seeks to vary condition 14 of planning permission TM/12/983 to make permanent the out of hours importation of waste materials (from road projects) associated with the aggregate recycling facility. All of the other existing conditions on the planning permission would remain the same. There is strong policy support at national and local levels for ensuring the delivery of sustainable waste management and these out-of-hours movements enhance the ability for the applicant to remove the road planings directly from their source swiftly, reducing the road miles travelled in line with the policy principles of sustainability.
58. I acknowledge that there have been no objections received from technical consultees and a site noise monitoring report has been submitted, which does not highlight a noise concern. There have also been no complaints from local residents with regards the out-of-hours movements over the two year temporary period and therefore the proposal is, in my opinion, consistent with the principles of sustainable development as set out in the NPPF and should be supported. The applicant has demonstrated that the out-of-hours operations over the two year temporary period have not caused a detrimental impact on residential amenity in terms of noise, air quality or highways and therefore I am of the opinion that a permanent permission is now appropriate.
59. In conclusion, I am of the opinion that, subject to the re-imposition of all other conditions imposed on TM/12/983, a limit of 35 HGV loads per night in association with the out-of-hours importation of road planings and a scheme of regular noise monitoring, the proposed variation to condition 14 would represent sustainable development and would not give rise to any material harm and would accord with relevant Government and Development Plan Policies. I am satisfied that there are no other material considerations that indicate the decision should be made otherwise and therefore recommend that the proposed variation to condition 14 of permission TM/12/983 be granted.

#### Recommendation

60. I RECOMMEND that PLANNING PERMISSION BE GRANTED,

- i. To vary condition (14) of planning permission TM/12/983 to read:

All operations associated with the Aggregate Recycling Facility shall only take place between the following hours:

Monday to Friday: 08:00 hours to 18:00 hours;

Saturday: 08:00 hours to 13:00 hours; and

Sunday and Public Holiday: No operations with the exception of essential maintenance and then only between 08:00 hours and 18:00 hours.

Vehicles associated with the importation of waste materials arising from road projects may enter or leave the site and deposit their loads outside of these hours.

*Reason: To minimise disturbance from operations and avoidance of nuisance to the local community.*

Section 73 application to vary condition 14 of planning permission TM/12/983 to allow out of hours vehicle movements associated with the importation of waste materials arising from road projects at Ham Hill Quarry, Snodland – TM/17/2264

---

With additional restrictions as follows:

- Subject to a limit of 35 HGV loads per night in association with the out-of-hours importation of road planings; and
  - Noise monitoring to be carried out every three months to demonstrate compliance with the noise limits in place and details to be submitted in writing to the County Planning Authority.
- ii. I further recommend that all other conditions imposed on planning permission TM/12/983 be repeated with the same wording except conditions (2) & (17) which have been discharged following the submission of details of a noise attenuation barrier and a noise monitoring scheme.

Case officer – Adam Tomaszewski 03000 411029
--