

**Details of a revised scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TM/00/1599/R3 (KCC/TM/0418/2018)**

A report by Head of Planning Applications Group to Planning Applications Committee on 10 October 2018.

Application by Tarmac Trading Limited to revise the scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of planning permission TM/00/1599 at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TM/00/1599/R3 (KCC/TM/0418/2018)

Recommendation: Approval be given.

Local Member: Sarah Hamilton

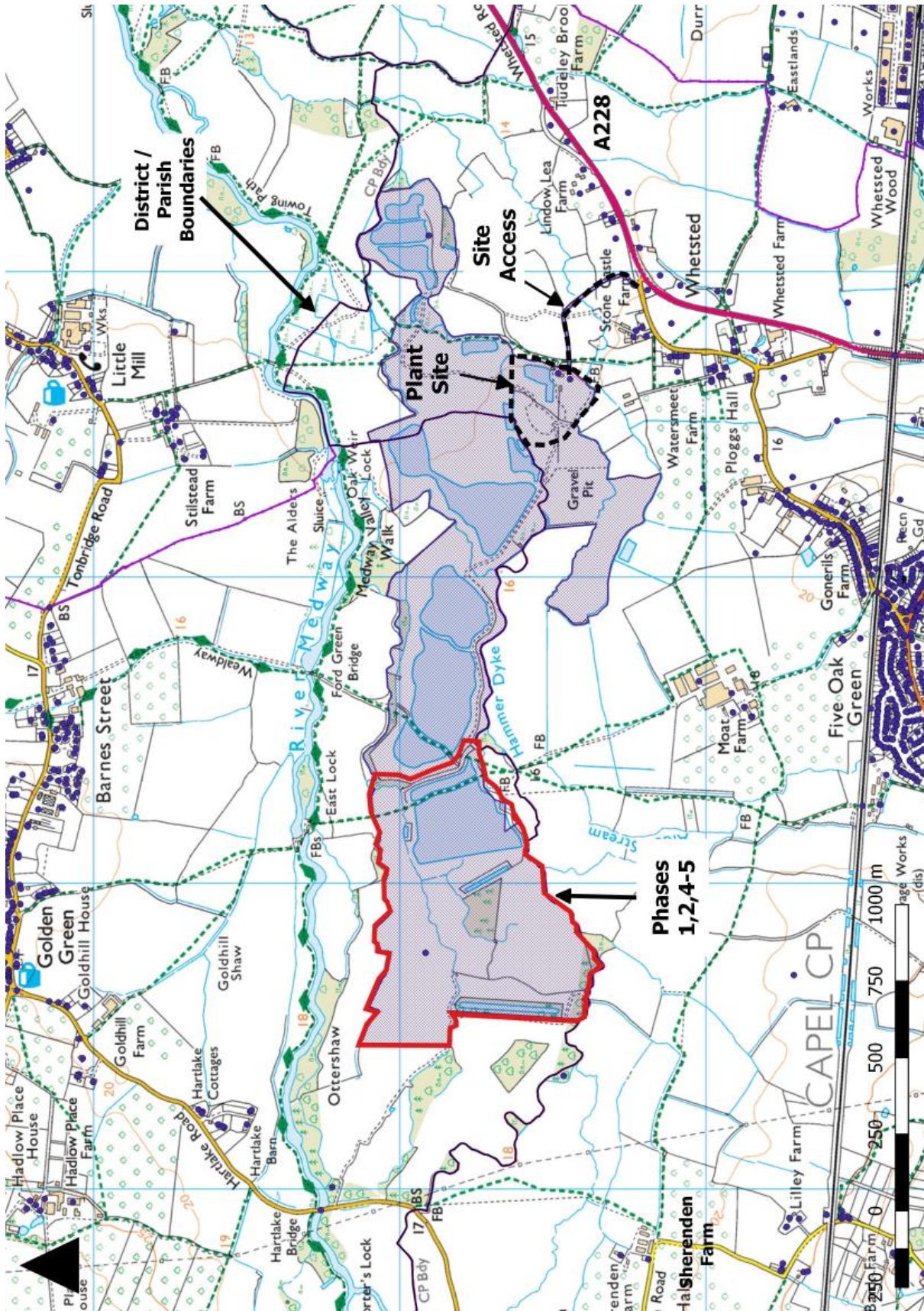
Classification: Unrestricted

**Site**

1. Stonecastle Farm Quarry is located approximately 300 metres north of Whetsted with the site access immediately east of Whetsted on Whetsted Road. The site entrance is approximately 35 metres to the west of the A228 which connects onwards to the M20 in the north and Tunbridge Wells to the south. The site comprises an area of some 100 hectares of which about 50 hectares remains to be worked for its sand and gravel reserves. Part of the site has been worked for its reserves and restored to lakes. The remaining site area to be worked is currently predominantly in agricultural use and is bound to the north by the River Medway, much of which is lined by trees, to the west by Hartlake Road and to the south by Hammer Dyke. The area left to be worked for mineral is approximately 1km west of Whetsted and lies approximately midway between the nearest concentrations of housing at Golden Green to the north and Five Oak Green to the south. The closest residential properties are situated at Stone Castle Farm, Moat Farm, Sherenden Farm and on the Hartlake Road (see site plan on pages C3.2).
2. The site is within the flood plain of the River Medway and is generally flat and low lying. It is bisected east west by Hammer Dyke which is lined by trees and shrubs and two public footpaths cross the site. The site is in the Metropolitan Green Belt and within a Flood Zone 3. The High Weald Area of Outstanding Natural Beauty lies just over 2kms (1.4 miles) to the south and some small areas of Ancient Woodland border the site.
3. The application site for this submission is entirely within the borough of Tonbridge and Malling, however the plant site, quarry access and parts of the formerly worked areas of the quarry are within the borough of Tunbridge Wells. In addition, there are a number of different parish councils that have boundaries across the site. The area associated with this submission is within Hadlow Parish, however significant parts of the wider site including the access and plant area are within Capel Parish. East Peckham Parish is also adjacent to the site. For the purposes of consultation on this submission both boroughs and all three parishes have been consulted.

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Site Location Plan – including borough/parish boundaries

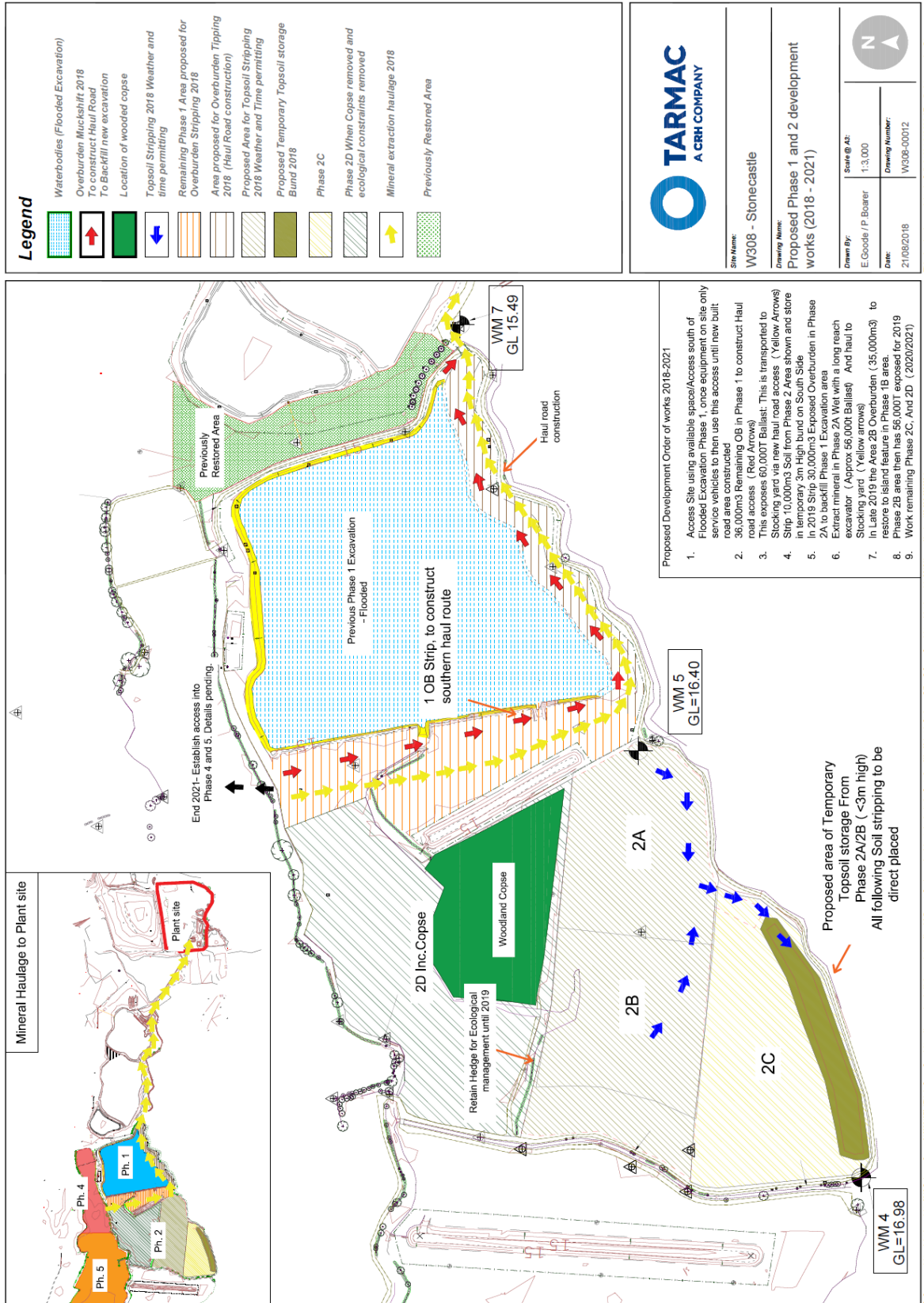






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## Proposed Working Scheme (for Phases 1 & 2)



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**Background and Recent Site History**

4. Stonecastle Farm Quarry was first consented for the extraction of sand and gravel in 1981 under two separate permissions (TM/79/938 and TW/79/753) for two adjoining parcels of land which were situated in the two adjacent boroughs (see plan on page C.3.2). The permissions also made provision for the erection of mineral processing and ready-mix concrete plant, and for the construction of a dedicated access from the public highway. Extraction and infilling operations were completed under these permissions in 1995 and with the exception of the plant site and access the land was restored to a mixture of agriculture (utilising imported materials) and open water.
5. In 1993 permission was granted under reference TM/92/1142 for a western extension to the Quarry. Incorporating further water-based restoration, this permission utilised the permitted plant site and access road (see plans above). The mineral reserves under this permission have been fully worked and the land restored.
6. In 2002 permission was granted under reference TM/00/1599 for a further western extension (see plan on page C3.3). The application (which was accompanied by an Environmental Impact Assessment) had proposed 6 phases (1 – 6). However, the two most westerly phases (3 and 6) were refused on the grounds that insufficient information was provided to demonstrate that the development would not have an unacceptable effect on the quality or potential yield of groundwater resources in these areas. Phases 1, 2, 4 and 5 were permitted and are now the subject of the proposed variations to the working scheme.

Site Preparation

7. Prior to operations associated with planning permission TM/00/1599 starting on site advance planting was carried out on the southern, western and northern boundaries to supplement the existing tree screen. This enabled a mature visual screen to become established during the early stages of the site operations at the south-eastern end of the site, adjacent to the existing mineral workings permitted under TM/92/1142.

Mineral Extraction

8. Application TM/00/1599 had sought to remove some 3.1 million tonnes of sand and gravel from the site over a period of 20 years at a rate of 150,000 tonnes per annum. However, the total quantity was revised to around 2 million tonnes following the refusal of phases 3 and 6. The depth of extraction would average 5 metres below ground level with each phase of working being dewatered so that the mineral could be worked dry.
9. The same method of extraction used in the earlier quarry operations was permitted to be used again. This included the extraction of sand and gravel by hydraulic excavator and the use of dump trucks to transport the worked mineral to a drive over hopper where it would be fed via a field conveyor to the existing processing plant. Processed material would be placed into stockpiles and then loaded onto HGVs to be exported from the site via the existing road access onto the primary road network after turning left onto Whetsted Road.
10. The approved working scheme provided for topsoil, subsoil and overburden stripped from phase 1 of the site being used directly to reinstate the western area of the

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workings permitted under TM/92/1142. Thereafter working would progress in a westerly direction through phases 1 and 2 to the south of the dyke which sub-divides the site. Materials stripped from within each successive phase would be used to progressively restore the previous area of extraction gradually extending the area of reedbeds wet grassland and open water. Upon completion of extraction in phase 2, excavation would commence to the north of the dyke in phase 4 on the eastern boundary of the site moving progressively westwards through phase 5. Again, materials stripped from each successive phase would be used to progressively restore the previous area of extraction to a combination of reedbeds, wet grassland and open water.

Restoration and Aftercare

11. The approved restoration and aftercare scheme sought to:

- Protect the integrity of the most important sections of hedgerow network;
- Restore land to a traditional wet meadow;
- Create a large wetland linked to the earlier quarry restoration; and
- Provide for a comprehensive wetland restoration.

12. Planning permission TM/00/1599 was subject to 27 conditions. These required the prior approval of a number of details (referred to in paragraph 13 below) and controls relating to (amongst others) the following:

- Best and most versatile topsoil and subsoil only being handled when they are dry and friable, normally between May and September;
- Maximum height of topsoil and subsoil stockpiles being 3 metres and 5 metres respectively;
- No materials other than topsoil and subsoil stripped from on-site being used in restoring the site and no materials being imported;
- No trees or shrubs planted in accordance with the details approved by the landscaping scheme together with any materials stockpiled on site taking place within 3 metres of any watercourse; no excavations taking place within 15 metres of any watercourse and the perimeter slopes not being excavated to a gradient in excess of 1 in 2 without the prior approval of the Mineral Planning Authority;
- Any above ground oil/chemical storage tank/container and associated pipework being sited and bunded in a manner so as to retain any spillage;
- No discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways;
- All traffic entering the site by turning right into the existing access and leaving the site by turning left via the same access;
- Measures being taken to ensure that vehicles connected with the development do not deposit mud or other debris on the public highway, including the use of wheel and chassis cleaning equipment as appropriate;
- Routes of Public Footpaths MT158 and MT159 being kept free from any obstructions;
- The surfacing of the site access road being maintained in a good state of repair and kept clear of mud and other debris at all times;
- All loaded lorries entering and leaving the site being sheeted;
- All operations, with the exception of essential maintenance, taking place between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturday;

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- no operations taking place on Saturday afternoon, Sunday or Bank Holidays without the prior approval of the Mineral Planning Authority;
- Noise levels when measured at the façade of any residential property not exceeding 55dB LAeq as a result of any activity at the site;
  - All vehicles, plant and machinery employed within the site being well maintained and fitted with silencers;
  - All plant, buildings and machinery including their foundations and bases being removed from site when they are no longer required;
  - No buildings, fixed plant or machinery shall be located on site without the prior approval in writing of their siting, design and external appearance by the Mineral Planning Authority (MPA); and
  - If excavation ceases for a period of 2 years or a subsequent period as agreed in writing by the MPA, the workings shall be deemed to have been abandoned and shall be restored and landscaped within a further period of 12 months.
13. Details pursuant to other conditions imposed on planning permission TM/00/1599 were subsequently submitted and approved in relation to the following matters:
- scheme of working and restoration;
  - landscaping scheme;
  - aftercare scheme and soil stripping and storage details;
  - dust attenuation; and
  - archaeology.
14. As a result of the applicant's proposal to extend Stonecastle Farm Quarry (TM/00/1599) it was also necessary to vary the earlier permissions TM/79/938, TW/79/753 and TM/92/1142. These variations (which were provided for by planning permissions TM/00/1600 and TW/00/1398) were to:
- Continue to use the existing site access and amend the approved restoration scheme relating to TM/92/1142 to incorporate reedbeds into the restoration of the western part of those workings; and
  - Retain the established plant site (including mineral processing plant, associated facilities and ready mixed concrete plant).
15. The method of working provided for by planning permission TM/00/1599 was varied in 2004 under approval reference TM/00/1599/R3 to allow a variation to the working scheme involving the extension of the existing internal haul road along the route of the existing conveyor line and consequently the removal of the conveyor line. Alongside the removal of the conveyor line, this variation also moved the extraction to a 'campaign' style whereby the sand and gravel would be extracted at three distinct times during the year with each period lasting approximately one month. These periods would usually be during March, June and September and involve the extraction and haulage of "as raised" sand and gravel for stockpiling close to the processing plant area by the extended internal haul road. This system meant that for significant parts of each year extraction would entirely cease, thereby minimising the environmental and associated impacts of the extraction. The stockpiling area adjacent to the processing plant was also extended as part of this variation to accommodate additional stocks of material during the times of campaign extraction. This scheme of working remains the permitted working scheme.



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16. Extraction operations at Stonecastle Farm Quarry ceased temporarily in 2008 due to market conditions. Condition 26 of planning permission TM/00/1599 states that if excavation ceases and does not recommence to any substantial extent for a period of 2 years (or such period as may be approved by the Mineral Planning Authority (MPA) the workings shall be deemed to be abandoned and the site shall be restored and landscaped within a further period of 12 months in accordance with the approved restoration and landscaping schemes with such modifications as may be approved by the MPA. Approval has been given on several occasions to extend the 2-year period. The most recent of these ends on 31 October 2018. Should excavation not resume by this date a further approval would be required. Planning permission TM/00/1599 does not contain a condition specifying a date by when extraction must cease and the site be restored such that it lasts for 60 years from the date of the permission (i.e. until 23 September 2062). Condition 26 cannot by itself “take away” the planning permission. In order for this to happen KCC (as the MPA) would have to make and secure an order to revoke the planning permission. In considering whether it would be appropriate to seek such an order, KCC would need to be satisfied that the site has truly been abandoned rather than operations having been temporarily suspended. In this case, we do not believe that the site has been abandoned or that the resumption of mineral working is unlikely. Indeed, the current owners (Tarmac Ltd) have consistently stated that they intended to resume mineral working and it is clear that this remains the case. The making of a successful order (which is considered unlikely) would give rise to compensation if it would affect the asset value of the site and result in the sterilisation of the remaining permitted mineral reserves. In such circumstances, the compensation (which would be payable by KCC) would likely be significant.
17. The most recent approval (TM/00/1599/R26C) was given with an additional condition requiring the submission and approval of ecological scoping surveys and any associated mitigation and enhancement strategies prior to the recommencement of operations. Details pursuant to this condition were approved under reference TM/00/1599/R26C1 in September 2018. Whilst this will enable extraction to resume in the remaining part of phase 1 and about half of phase 2 subject to the provision of a 15 metre buffer between the extraction areas and the hedgerows and woodland within phases 1, 2A, 2B and 2C and by the installation of Heras fencing to ensure these areas are not entered during the extraction works, further ecological surveys will be required before extraction recommences in phases 2D, 4 and 5.
18. In November 2017 permission was granted under reference TW/17/3110 for the temporary storage of road planings arising from highways maintenance work. This was for a period of 6 months from the first importation of road planings or by 30 June 2018 (whichever was the sooner). The permission was subject to conditions which included the construction of a 3.5 metre noise barrier, limits on stockpile heights and operating hours and those in respect of highways that broadly reflected those imposed on TM/00/1599. The development provided for by TW/17/3110 had ceased by the end of the permitted temporary period and the site was reinstated to its condition prior to the development. At the same time, all remaining plant equipment was removed from the processing area. As a result, it will be necessary for a further permission / approval to be obtained for replacement processing plant and equipment if extracted material is to be processed before being exported from the site. An application for replacement processing plant equipment was made pursuant to condition 23 of TM/00/1599 in September 2018 but has yet to be processed.

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**Proposal**

19. Following an improvement in the market conditions it is the applicant's intention to recommence extraction at the site in 2018. As part of this process the applicant has applied to revise the approved scheme of working for phases 1, 2, 4 and 5 pursuant to condition 3 of reference TM/00/1599. The proposed changes to the working scheme are outlined below:
- Phase 1 and 2 working arrangement (see plan on page C3.5) – includes the sub-division of phase 2 and reference to the required ecological surveys;
  - Mineral working to be undertaken wet using a long reach excavator (i.e. below the water table without dewatering);
  - Relocation of the internal haul road to follow the southern boundary of phase 1 (see plan on page C3.5 for location of the haul road) – to avoid the previously restored areas of the site along the northern boundary of phase 1; and
  - Campaign working to change from 3 to 6 months each year – reducing the intensity of extraction operations whilst still avoiding wetter periods when excavated material is harder to transport without damaging the internal haul road.
20. These are the only changes proposed, all other elements and conditions of the current permission will remain as existing. The applicant states that phases 4 and 5 will be worked in accordance with the approved scheme of working.
21. In response to the Environment Agency's comments (paragraph 34) about potential silting of surface waters, the applicant has advised that if the request to change to wet working is approved the extracted mineral would be stockpiled wet and surrounded by drainage ditches and retaining bunds to ensure that no contaminated water leaves the site. It states that this approach is commonplace when carrying out wet mineral working. It also states that it will use the existing silt lagoons at the site to ensure that no suspended solids and silt leave the site when processing the mineral at the plant site.

**Planning Policy**

22. The most relevant Government Guidance and Development Plan Policies are summarised below are relevant to the consideration of this application:
23. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (July 2018), and the associated Planning Practice Guidance (PPG). National Planning Policy and Guidance are material planning considerations.
24. **Kent Minerals and Waste Local Plan 2013-30 Adopted July 2016 (KMWLP):** Policies include: CSM1 (Sustainable Development), CSM2 (Supply of Land-won Minerals in Kent), CSM4 (Non-identified Land-won Mineral Sites), CSM5 (Land-won Mineral Safeguarding), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM5 (Heritage Assets), DM6 (Historic Environment Assessment), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15

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(Safeguarding Transport Infrastructure), DM19 (Restoration, Aftercare and After-use), DM20 (Ancillary Development).

25. The KMWLP commits the County Council to preparing a Minerals Sites Plan, which allocates land considered suitable for minerals development. As part of the work to develop this Site Plans, a review has been undertaken to confirm the requirements for minerals in Kent. Early work on the Minerals Sites Plan has resulted in the identification of sites potentially suitable for allocation, two of which are near to Stonecastle Farm Quarry. One of these two sites is essentially the previously refused phases 3 and 6, however these potential sites do not have any direct bearing on the current submission to amend the scheme of working.
26. **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).
27. **Tonbridge and Malling Borough Council Local Development Framework Managing Development and the Environment Development Plan Document (2010):** These include Policies SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Road Safety).
28. **Tunbridge Wells Local Plan 2006:** These include policies EN1 and TP4.

### **Consultations**

29. **Tunbridge Wells Borough Council:** objects to the application for the following reasons:
- Insufficient information on the revised scheme of working does not make it possible to understand whether there would be harm to residential amenity (in terms of noise, disturbance and dust/particles) and highway safety.
  - Insufficient information on Flood risk (*but states that this reason would be overcome if the Environment Agency raises no objection to the scheme*).
  - Insufficient information on ecological impact (*but states that this reason would be overcome if the biodiversity details submitted pursuant to TM/00/1599/R26C1 are acceptable and relate to the proposed working scheme*).
30. **Tonbridge & Malling Borough Council:** no comments received.
31. **Capel Parish Council:** objects to the application and recommends refusal for the following reasons:
- 1) Concerned raised regarding highway safety. The volume of traffic and road conditions have changed considerably since the permission and the council are worried about the safety implications of an additional 60 vehicles per day using the junction.
  - 2) Lack of Environmental Impact Report (see 4 below)
  - 3) Lack of updated flood risk assessment given the site is in EA flood zone 3.

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- 4) Loss of residential amenity: Noise and dust impact of six months continuous working on the residential amenity in nearby properties in Whetsted Road generated by the processing plant and associated heavy vehicle movements
- 5) Disruption to public rights of way.
- 6) Lack of screening around the site. The screening from the original permission does not seem to be fully implemented.

If KCC are minded to approve the variation of conditions Capel Parish Council request the imposition of an S106 agreement to fund junction improvements on the A228.

Capel Parish Council request the applicant to consult with local residents and parish councils to mitigate impact of this development on the local environment, should the planning authority be minded to approve.

32. **Hadlow Parish Council:** no comments received.
33. **East Peckham Parish Council:** no comments received.
34. **Environment Agency (Kent Area):** raises no objection but makes the following comments:

Fisheries, Biodiversity and Geomorphology

We note that the site has undergone recent ecological surveys as submitted under TM/00/1599/R26C1 (KCC/TM/0106/2018). We agree with the findings and recommendations of the Preliminary Ecological Appraisal. As a result, we have no objections to the revised working plan and site restoration plan.

Flood Risk

Please be aware that the River Medway and the Alder Stream are a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions. As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Any activities in, over, under or within eight metres of the top of bank may require a permit with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmentalpermits>. Please contact the Partnerships and Strategic Overview team at or our National Customer Contact Centre on 03708 506 506 or [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) for more information.

Groundwater and Contaminated Land

We have reviewed the submitted drawings (Proposed Phase 1 and 2 Development Works (No: W308-00012) dated 25/07/2018, Revised Working Plan (No: H4/PL99/PC1) dated 2002, and Revised Site Based Restoration Plan (No: H4/PL99/PC2) dated June 2002) in support of amending the scheme of working in relation to condition 3 of the planning permission (ref: TM/00/1599). We have no issues in principle with the revised working plan from a groundwater protection point of view. As the sand and gravel is to be excavated when wet we assume that this water will have to be removed prior to processing by Tarmac Trading Ltd. From the submitted documents it is unclear how this water will be removed. If the material is to be stockpiled and left to drain this water may contain silt which could then flow off site and pollute nearby surface waters. Tarmac

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Trading Ltd will have to have appropriate measures in place to deal with this issue. We do require further information as to how, if required, water from the excavated material is to be removed. Our only concern would be that as the material is to be excavated when wet, there may be an issue where surface water runoff containing silt is produced when stockpiled material is left to drain. If wet material is to be stockpiled and left to drain appropriate pollution prevention measures should be in place.

*The Environment Agency has subsequently confirmed verbally that it is satisfied with the proposed arrangements referred to in paragraph 21 above to prevent silt polluting watercourses.*

**Land and Water**

Silt or silty water from quarrying activities must not be allowed to enter any watercourse. If discharge of clean water from quarrying activities to a watercourse is proposed, a permit may be required and the Environment Agency should be consulted before works commence.

**Fuel, Oil and Chemical Storage**

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any open surface water system. Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

35. **Transportation Planning:** raise no objection.
36. **Public Rights of Way (West Kent PROW Team):** raises no objection but makes the following comments:
- The application states that the public rights of way will be reinstated on their original lines on completion, however the alignment shown on the plans, differs from the legal line of the footpath. The public rights of way should be reinstated along the route as set out in the enclosed plan. If an alternative route is required, then the developer will need to apply for a public path diversion order.
- In line with KCC Countryside Access Improvement Plan policy N1, consideration should be given for provision of an additional east-west pedestrian route once the quarry works are complete in order to link public footpaths MT158 with WT171. This could potentially use the existing haul road with an appropriate surface once works have ended.
37. **Biodiversity:** raise no objection on the basis that the phasing plan submitted with this submission reflects what has been agreed as part of the ecological mitigation submitted as part of the submission approved under reference TM/00/1599/R26C1.
38. **South East Water:** no comments received.
39. **Natural England:** raise no objection.

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**Local Member**

40. The local County Members for Tunbridge Wells Rural (Sarah Hamilton) and Malling Rural East (Matthew Balfour) were notified of the application on 1 August 2018. The following comments were received from Sarah Hamilton:
- Concern raised about the environmental impact, particularly on birds, as the area has been left for so long.
  - Traffic is also a concern given the length of time and increased volumes on the public highway.

**Publicity**

41. This is a submission of details pursuant to a condition on an existing planning permission such that there is no requirement to carry out the publicity that would be necessary on a full planning application.

**Representations**

42. Nine letters of objection to the submission have been received from local residents.

The key points raised can be summarised as follows:

- The junction from Whetsted Road onto the A228 is very busy and the traffic has increased since the application was originally assessed, a revised transport assessment should be carried out.
- Extraction is now due to take place for a full 6 months a year rather than the current permitted 3 months a year. This will significantly affect the enjoyment of outside activities during the summer and increase the levels of noise and dust.
- Increase in the number of vehicle movements as a result of this development.
- Has the approved landscaping scheme been fully implemented and will this be increased given the change to the haul road location.
- Move the processing plant closer to the point of extraction.
- If material is to be stockpiled as part of a 6 month campaign does this not offer the opportunity to reduce the window of road haulage out of the plant i.e. to Monday to Friday only
- Over the years Stonecastle Quarry has been backfilled with existing and imported waste which has lifted ground levels, if some ground levels were reduced back to the old existing ground levels I am convinced that this would help reduce the flooding risk both up and down stream of the Alders Stream, immediately helping Five oak Green, East Peckham and Yalding. The water table has risen and residents within the area have been flooded on several occasions.
- Everything about this latest application suggest 'cheap': no on site long-term investment.
- Impacts on the public rights of way that cross the site.
- No concrete plant and no importation of materials during the entire duration of any future workings.
- What flood risk assessment has been carried out now that the site is within a Flood Zone 3.

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- No planning notices were put up does this not invalidate this planning application.
  - The condition of the access road is very poor and should be resurfaced.
  - There is no mention of the revised process of the effects to the surrounding water table when working the site wet.
  - Does the proposed wet extraction have any dangerous implications that could further blight the local community, such as flood risk.
  - Much effort has hitherto been taken to keep workings below 3 metres in order to reduce visual impact, the Medway floodplain will now be graced with a long reach excavator for 6 months of the year.
  - Ecological impacts – since the quarrying activity has stopped the area has become a valuable habitat for numerous mammals and migrating birds and I hope that an impact assessment has been carried out.
43. Several other comments have been received from residents which relate to land that is outside of the boundary of this site and of the perceived opportunities for the future of the site after extraction has been completed. These are not material to the consideration of what is being proposed or what is already approved in terms of restoration and aftercare and are issues that are largely dependent on the operator engaging with the community on these future aspirations at a later date.

**Discussion**

44. This submission pursuant to condition 3 of planning permission TM/00/1599 is being reported to the Planning Applications Committee as a result of objections received from Tunbridge Wells Borough Council, Capel Parish Council, and local residents.
45. 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. The proposals therefore need to be considered in the context of the Development Plan Policies, Government Policy and Guidance and other material planning considerations including those arising from consultation and publicity.
46. It is important to note that the principle of mineral extraction in phases 1, 2, 4 and 5 (together with the transfer of excavated materials both within and from the site) at Stonecastle Farm Quarry has already been established by planning permission TM/00/1599 and that the Quarry could be operated in accordance with the existing permitted scheme of working irrespective of the outcome of the current application. Similarly, the continued use of the plant site and site access remains provided for by planning permissions TM/00/1600 and TW/00/1398. Since planning permission TM/00/1599 does not contain a condition specifying a date by when extraction must cease and the site be restored, it lasts for 60 years from the date of the permission (i.e. until 23 September 2062). Planning permissions TM/00/1600 and TW/00/1398 are linked to TM/00/1599 so the plant site and access can also continue to be used during this period. If the proposed change to the permitted working scheme is refused, it is the operator's intention to resume working the site in accordance with the permitted scheme of working. The key issue for consideration is therefore whether the proposed changes themselves are acceptable and not the principle of mineral working at the site. Members should also note that Stonecastle Farm Quarry is one of the mineral sites listed in Appendix C of the KMWLP and that its permitted mineral reserves are therefore

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included in Kent's sharp sand gravel landbank. In the absence of the permitted reserves additional mineral would need to be found if the current landbank is to be maintained.

47. The application does not propose any changes to the area of the site, the number of HGV movements on the public highway, the amount of mineral to be extracted or the final restoration scheme. It is simply a request to work the site wet, relocate the internal haul road and allow a campaign system of working over 6 months of the year instead of the current 3 months.
48. Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It also acknowledges that minerals are a finite natural resource and can only be worked where they are found and best use needs to be made of them to secure their long-term conservation. Paragraph 205 of the NPPF states that great weight should be given to the benefits of mineral extraction (including to the economy) when applications are determined. Paragraph 207 states that MPAs should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. Paragraph 001 of the Minerals PPG states that planning for the supply of minerals has a number of special characteristics that are not present in other development (e.g. minerals can only be worked where they naturally occur, working is a temporary use of land, working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated).
49. The NPPF is reflected in Kent MWLP Policy CSM2, whereby there is a requirement for the MPA to plan for a steady and adequate supply of aggregates and to make provision for the maintenance of landbanks. However, these are rapidly depleting in Kent and the most recent published figures set out in the Local Aggregate Assessment 2017 (KCC, May 2018), which is based on data to the end of 2016, show that the sharp sand and gravel landbank is below the required 7 years (4.7 years based on the last 10 years sales average). Since no new sharp sand and gravel reserves have been permitted since the end of 2016, and whilst the figure could alter if operator estimates of permitted mineral reserves which are provided annually were to change, this further supports the case for fully working the remaining permitted sand and gravel reserves at Stonecastle Farm Quarry.
50. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air or noise pollution. Paragraph 181 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Paragraph 205 states that local planning authorities should ensure that there are no unacceptable adverse impacts on human health when granting permission for mineral development and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and appropriate noise limits are established for extraction in proximity to noise sensitive properties.



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51. Paragraph 013 of the Minerals PPG states that noise, dust and air quality are principal issues that MPAs should address when determining mineral applications. The Minerals PPG also includes more detailed advice on how these issues should be addressed to protect local amenity (e.g. through the design of the proposed development itself) and controls or limits that should be imposed if development is permitted (e.g. appropriate noise limits and measures to minimise dust / air quality impacts). Amongst other things, the Minerals PPG states that planning conditions should be imposed to ensure: that noise associated with mineral development does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900); that where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable; and that, in any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). It also states that the potential for addressing tonal or impulsive noise (such as reversing alarms) should be considered. It further states that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties may be necessary to facilitate essential site preparation and restoration work (e.g. soil stripping, movement, storage and replacement) and the construction of baffle mounds where it is clear that this will bring longer term environmental benefits to the site or its environs. More generic advice on air quality is contained in the Air Quality PPG.
52. Policies CSM1, DM1, DM11 and DM12 of the KMWLP 2016 are of particular relevance. Policies CSM1 and DM1 support sustainable development. Policy DM11 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 states that permission will be granted for minerals development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
53. Paragraph 204 of the NPPF states that local plans should set out environmental criteria against which planning applications should be assessed to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health from traffic. Paragraph 205 states that regard should be given to such matters when determining planning applications. Paragraph 108 states that decisions should take account of whether safe and suitable access to the site can be achieved and paragraph 109 goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
54. Policy DM13 of the KMWLP requires minerals and waste development to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. It also states that where new development would require road transport, proposed access arrangements must be safe and appropriate, traffic generated must not be detrimental to road safety, the highway network must be able to accommodate the traffic generated and its impact must not have an unacceptable adverse effect on the environment or local community.
55. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open preserving their openness and

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permanence. Kent MWLP Policy DM4 states that proposals for mineral development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF. Certain forms of development are not considered inappropriate in the Green Belt provided they preserve the openness of the Green Belt and mineral extraction is one of these developments. The principle of the development has previously been considered as being appropriate in the Green Belt and in general landscape terms and given that there are no significant changes and I am satisfied that the proposal constitutes appropriate development in the Green Belt.

56. The site has been dormant for several years. This has enabled the establishment of various ecological interests on site that need to be surveyed and assessed and any adverse impacts mitigated prior to the recommencement of extraction at the site. This issue was raised by several local residents and Tunbridge Wells Borough Council. It was evident at the time of the last extension to the cessation period application (TM/00/1599/R26C) that it was the operator's intention to restart extraction imminently and it was on this basis that the condition outlined in paragraph 17 above was imposed. This condition required ecological scoping surveys to be carried out. These were undertaken, the results submitted to KCC and the requirements of the condition were discharged in accordance with the details outlined in paragraph 17 above. No objections were received from consultees (including Tunbridge Wells Borough Council) and following negotiations with KCC's Ecological Advice Service the condition was discharged with the inclusion of an additional condition that extraction operations could recommence, from an ecological standpoint, in phases 1, 2A, 2B and 2C provided a 15 metre buffer between the extraction areas and the hedgerows and woodland areas be clearly demarcated by Heras fencing in order to ensure these areas are not entered during the extraction works. In addition, the condition provided for further ecological surveys to be submitted to and approved by the MPA prior to extraction recommencing in phases 2D, 4 and 5. The ecological surveys carried out were based on the changes to the working scheme now proposed. KCC's Ecological Advice Service has no objection to the changes now proposed and, on this basis, it can be assumed that the objection from Tunbridge Wells Borough Council relating to ecology outlined in paragraph 29 is also removed. I am therefore satisfied that the proposed changes to the working scheme would not result in any detrimental impact in terms of biodiversity interests, providing the requirements of approval reference TM/00/1599/R26C1 are complied with.
57. Other factors that are relevant when considering an application for new mineral working at the site would be the impact from noise, air quality, water environment (groundwater, surface water, flooding), highways, archaeology, landscape impact and site aftercare. Whilst the proposed changes to the working scheme would give rise to some additional / different impacts (which are addressed in paragraphs 58 to 66 below) no significant changes to what is already permitted / approved are proposed. Similarly, there have been no significant changes since TM/00/1599 was considered and found to be acceptable (in respect of phases 1, 2, 4 and 5). I am therefore satisfied that the permission remains in general accordance with development plan policies with regard to those matters outlined in paragraphs 22-28 and 48-55. Furthermore, I am satisfied that the proposed changes to the working scheme would not give rise to significant impact in terms of noise, air quality, water environment, highways, archaeology, landscape impact and site aftercare. Whilst objections have been received from local residents with regard to some of these matters, I am satisfied that these issues would continue to be addressed by the conditions imposed on TM/00/1599 with particular reference to:

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- Noise levels not exceeding 55dB LAeq at the façade of any residential property;
- All traffic entering the site by turning right into the existing access and leaving the site by turning left via the same access;
- Measures being taken to ensure that vehicles connected with the development do not deposit mud or other debris on the public highway;
- The surfacing of the site access road to be always maintained in a good state of repair;
- All loaded lorries entering and leaving the site being sheeted;
- Limits on the hours of operation;
- All vehicles, plant and machinery employed within the site fitted with silencers;
- Any above ground oil/chemical storage tank/container and associated pipework being sited and bunded in a manner so as to retain any spillage; and
- No discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways.

**Phase 2 Working Arrangement**

58. The recommencement of operations at the site would start with the site being accessed to the south of the flooded excavation of the already worked part of phase 1. Prior to operations ceasing on site, the soil stripping of the remaining part of phase 1 took place. The remaining overburden in phase 1 (some 36,000m<sup>3</sup>) would be used to construct the new haul road and its removal would expose the 60,000 tonnes of remaining mineral in phase 1. This would then be extracted and transported by Articulated Dump Truck (ADT) along the new haul road to the stockpiling area in the eastern part of the site, adjacent to the processing plant area. Soil stripping operations in phases 2A and 2B would take place in 2019 and soils would be stored in a 3m high bund on the southern boundary of phase 2C. This would expose 30,000m<sup>3</sup> of overburden in phase 2A which would be used to backfill phase 1.
59. The mineral in phase 2A (approximately 56,000 tonnes) would be worked wet with a long reach excavator and hauled to the stockpiling area. This method of extraction means that the stockpiles of excavated (and processed) material have a retained moisture content which ensures that when handled there are minimal emissions. Working the site wet also removes the necessity to have diesel pumps operating 24 hours a day in order keep the site dewatered and from an ecology standpoint, by retaining the lake, it would allow the resident birdlife to remain in situ. These measures cumulatively lessen the resultant impact on the environment. Furthermore, in the event that there is a particularly wet winter it would not add to water flow through Poors Mead and onto the River Medway as the water would be retained on site. Should the request to change to wet working be approved the extracted mineral would be stockpiled wet and surrounded by drainage ditches and retaining bunds which would ensure no contaminated water leaves the site. This is commonplace when carrying out wet mineral working along with the use of the (pre) existing silt lagoons on site to ensure no suspended solids and silt leave the site. As noted in paragraph 34, this approach is accepted by the Environment Agency.
60. In late 2019 phase 2B overburden would be used to restore an island feature in phase 1B, which would largely complete the restoration of phase 1. This would leave 56,000 tonnes of mineral exposed for extraction in late 2019. Phases 2C and 2D would then be progressively worked throughout 2020/2021 subject to further approval on ecological

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mitigation, including for the removal of the woodland copse, prior to moving north into phases 4 and 5 at the end of 2021.

61. There have been no objections received from technical consultees in response to this aspect of the proposal and it is important to note that these proposed changes relate only to phases 1 and 2. The subsequent working of phases 4 and 5 would be in accordance with the original working scheme with the mineral being worked dry unless further changes are proposed and approved. I am therefore satisfied that the proposed changes are in accordance with development plan policies and that there is no reason to refuse the submission on the grounds of working the site wet or the associated changes to working in phases 1 and 2. Members should also note that conditions 19 and 20 of planning permission TM/00/1599 cover the dust suppression and noise mitigation measures set out in the original planning permission and they would remain valid.

**Internal haul road and highways related matters**

62. In the original approved working scheme, the internal haul road extended along the eastern boundary of phase 1 then westwards along the northern boundary of phase 1. Given the extent that the site was worked before operations ceased, this routing is no longer regarded as suitable. When operations were suspended the restoration to the eastern part of phase 1 was already completed, this created islands for reed bed habitat and saw the reinstatement of the footpath along its original route. The relocation of the haul road to the south of phase 1 would avoid impact on the established restoration of phase 1 and lessen the ecological impact of the recommencement of operations.
63. The principle of the highway movements at Stonecastle Farm Quarry has already been established and the changes that the applicant is proposing would not result in any greater impact to the public highway beyond what is already permitted. The applicant is not proposing to increase the output from the site from the current 150,000 tonnes per annum. KCC Highways and Transportation have stated that they have no objection to the proposed change to the working scheme given it would not result in any increase in vehicle movements over that which is already permitted.
64. Notwithstanding the concerns that have been expressed by Tunbridge Wells Borough Council and local residents about traffic impacts, KCC Highways and Transportation have not objected or indicated that any road improvements or highway related contributions are required. Members should note that the proposed amendments to the scheme of working would have no direct bearing on HGV movements to and from the quarry since the excavated material would continue to be stockpiled for processing or removal from the site "as dug" and removed from the site throughout the year as required. The existing highway related conditions on planning permission TM/00/1599 remain valid and I am satisfied that the proposed development is acceptable in terms of highways and transportation and accords with relevant policies.

**Campaign working**

65. As noted in paragraph 15 above, the working scheme was varied in 2004 to provide for a campaign style of working whereby extraction at the site was to take place over for 3 months each year enabling it to cease for 9 months of the year. The applicant remains of the view that the campaign method of extraction is the most efficient method of

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working the quarry, as it avoids transporting material from the extraction area to the processing plant during the wetter seasons thereby preventing damage to the internal haul roads. However, experience gained during the working of the mineral over the 3 month periods has deemed it unsuitable to extract the required mineral for a year's processing without maintaining a very intense period of work using greater numbers of mobile plant. Therefore, to reduce the intensity of the operation and the associated impacts it is now proposed to extract the required mineral for up to 6 months each year. Whilst objections have been made to this aspect of the proposal and it would double the permitted length of the extraction period each year, I note that when application TM/00/1599 was originally approved there were no time restrictions on when the mineral could be extracted thus allowing the operator to extract the mineral all year round should this be required.

66. Regardless of whether the proposed amendments are approved, it would be necessary for ADTs hauling mineral from the extraction area to the plant site to cross the public right of way. KCC PROW has no objection to this and it is likely that by increasing the extraction window from 3 to 6 months the operator will be able to better control the movement of these ADTs. This approach would allow a regular steady flow of vehicles over a 6 month period rather than an intensive and more frequent flow squeezed into the current approved 3 month period. If approval is given, it would be desirable for the operator to keep records of when extraction takes place and to make these available to KCC on request to demonstrate compliance with the 6 month period. As noted above, the proposed changes would not permit any increase in the amount of material extracted each year, rather it would allow that same amount to be extracted over a longer period of time using a less intensive method of operating. I am therefore satisfied that the proposed changes are in accordance with development plan policies and that there is no reason to refuse the submission on the grounds of increasing the annual extraction period from 3 to 6 months.

**Conclusion**

67. In determining this submission, I am satisfied that there is a need to work the remaining permitted mineral reserves at Stonecastle Farm Quarry if Kent's sharp sand and gravel landbank is to be maintained without the need for new reserves to be permitted. It is important to note that irrespective of the outcome of this submission the principle of mineral extraction at Stonecastle Farm Quarry is established by the existing planning permission (TM/00/1599) and that the applicant could recommence extraction at the quarry at any time and operate in accordance with the permitted working scheme.
68. A significant number of the objections have been received in relation to highway matters and Capel Parish Council has requested that improvements be made to the site access. However, the permitted highways arrangements and the number of HGVs on the public highway would remain the same regardless of the outcome of the current application. It should also be noted that KCC Highways and Transportation have no objection to the proposals.
69. A number of objections have also been received relating to the potential ecological impact of the proposals. However, no ecological objections have been received from technical consultees and I am satisfied that these matters have been comprehensively addressed by the approval given under reference TM/00/1599/R26C1 (as noted in paragraph 17 above). I am also satisfied that Tunbridge Wells Borough Council's

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concerns about ecology have also been satisfactorily addressed by this approval and as a result of KCC Ecological Advice Service's response.

70. A number of concerns have been raised by local residents about a potential increased risk of flooding. However, no objections have been raised by the Environment Agency (EA). I am therefore satisfied that there is no planning justification for refusing the proposals on flood risk grounds. I am also satisfied that Tunbridge Wells Borough Council's concerns about flood risk have also been satisfactorily addressed given that no objection has been received from the Environment Agency.
71. A number of other issues have been raised by local residents and others about potential further changes to how the site is worked (including relocating the plant site further west) and is restored (including how public access could be improved). KCC PROW has also suggested that a new east – west footpath link would be desirable once operations have been completed. Capel Parish Council has requested that the applicant consult local residents on how the local environment might be improved. None of these issues are of direct relevance to the determination of the proposals but might usefully be addressed by the imposition of informatives if approval is given. Some concerns have also been expressed about the extent of notification and publicity undertaken for the application. I can advise Members that the notification and publicity undertaken was appropriate in this case.
72. I am satisfied that the proposed changes to the scheme of working are acceptable and accord with relevant development plan and Government policies provided when undertaken in accordance with the conditions already imposed on planning permission TM/00/1599. I therefore recommend that approval be given to the changes to the working scheme pursuant to condition 3 of TM/00/1599 as set out in paragraph 73 below.

**Recommendation**

73. I RECOMMEND that APPROVAL BE GIVEN to the proposed amendments to the working scheme pursuant to condition 3 of planning permission TM/001599 at Stonecastle Farm Quarry, Whetsted Road, Tonbridge, Kent, TN12 6SE, SUBJECT TO the following INFORMATIVES:
- a) The applicant be advised of the need to continue to comply with the conditions imposed on planning permission TM/00/1599 and the details previously approved pursuant thereto unless amended by the details hereby approved;
  - b) The applicant be advised to undertake discussions with KCC Public Rights of Way over the possibility of a new footpath link east – west to link footpaths MT158 and WT171 (as referred to in its comments); and
  - c) The applicant be encouraged to engage with the local community about its aspirations for the future working and restoration at Stonecastle Farm Quarry.

**Item C3**

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Case Officer: Mr Adam Tomaszewski

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Background Documents: see section heading