

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber - Sessions House on Wednesday, 6 March 2019.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mrs R Binks, Mr A Booth, Mr P C Cooper, Ms S Hamilton (Substitute for Mr M D Payne), Mr P M Harman, Mr B H Lewis, Ida Linfield (Substitute for Mr I S Chittenden), Mr H Rayner, Mr C Simkins and Mr J Wright

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

13. Minutes - 6 February 2019

(Item A3)

RESOLVED that the Minutes of the meeting held on 6 February 2019 are correctly recorded and that they be signed by the Chairman.

14. Applications TM/18/2549 and TM/18/2555 (KCC/TM/041/2018 and KCC/TM/0492/2018) - Variation of Conditions on Permissions TM/93/612 and TM/97/751/MR102 to provide a revised restoration and aftercare scheme at Aylesford Quarry, Rochester Road, Aylesford; Aylesford Heritage Ltd

(Item C1)

(1) The Head of Planning Applications Group tabled a letter dated 5 March 2019 from the Solicitor Advocate from Tonbridge and Malling BC together with the Officer Delegated Report of 24 October 2018 which accompanied it. This letter set out the Borough Council's view that the Environmental Statement which accompanied the Applications contained fundamental flaws and failed to deal with matters required by law. It also claimed that, in consequence, a number of conclusions set out in the Head of Planning Applications Group's report were *Wednesbury* unreasonable and that any decision issued by the County Council under these circumstances would be susceptible to judicial review.

(2) The Head of Planning Applications Group also tabled paragraph 18 Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. These documents were accompanied by legal advice from Invicta Law to the Head of Planning Applications Group (dated 6 March 2019) which advised that the County Council would not be acting irrationally or unreasonably in determining the applications as proposed.

(3) The Head of Planning Applications Group reported an objection to the applications which had been received from Mr P J Homewood (Local Member) after the Committee papers had been published.

(4) The Head of Planning Applications Group asked the Committee to amend the recommendation set out in paragraph 174 (i) through the inclusion of an additional revised dust mitigation requirements condition.

(5) Following the Head of Planning Applications Group's introduction, the Chairman adjourned the meeting to allow the Members of the Committee to read all the new documentation provided.

(6) Mr H Rayner moved, seconded by Ida Linfield that consideration of this matter be deferred.

(7) Following advice from the Head of Planning Applications Group, Ida Linfield withdrew her support for the motion which therefore fell.

(8) The Head of Planning Applications Group advised the Committee that in determining the applications, it needed to be satisfied that the Environmental Statement met the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

(9) Mr A Booth moved, seconded by Mr R A Pascoe that the recommendations of the Head of Planning Applications Group be agreed as amended in (4) above.

Carried 10 votes to 0 with 2 abstentions.

(10) RESOLVED that: -

(a) permission be granted to Application TM/18/2549 for the variation of conditions 20, 28 and 32 of Permission TM/93/612 to provide a revised restoration and aftercare scheme and consistent noise limits for temporary operations such as restoration with those provided for by Permission TM/97/751/MR102 for that part of Aylesford Quarry to the East of Bull Lane subject to conditions, including those conditions covering the existing conditions on Permission TM/93/612 continuing to apply to the West Lake area (subject to minor alterations to reflect any approvals given pursuant to that permission); the existing conditions on planning permission TM/93/612 continuing to apply to the East Lake area (subject to minor alterations to reflect any approvals given pursuant to that Permission and except where amended by this Application and therefore to be replaced / supplemented); a new condition to address potential land contamination; Natural England's suggestions in respect of the long term management of the SSSI being incorporated into the aftercare / long term management; the written scheme of investigation (WSI) set out in the applicant's Archaeological Report being implemented as proposed; the provision of a detailed ecological mitigation strategy and a site wide management plan; the provision of an updated landscaping scheme and detailed aftercare programme within 6 months of approval / permission; the implementation of the proposed tree protection measures; the implementation of the proposed phasing; the provision of suitable fencing and signage; and revised dust mitigation requirements; and

(b) permission be granted to Application TM/18/2555 for the variation of Conditions 36 and 39 and deletion of Condition 44 of Permission

TM/97/751/MR102 to provide a revised restoration and aftercare scheme for that part of Aylesford Quarry to the East of Bull Lane subject to conditions, including those conditions covering the existing conditions on planning permission TM/97/751/MR102 continuing to apply to the West Lake area (subject to minor alterations to reflect any approvals given pursuant to that planning permission); the existing conditions on Permission TM/97/751/MR102 continuing to apply to the East Lake area (subject to minor alterations to reflect any approvals given pursuant to that planning permission and except where amended by this Application and therefore to be replaced or, in the case of condition 44, deleted); a new condition to address potential land contamination; Natural England's suggestions in respect of the long term management of the SSSI being incorporated into the aftercare / long term management; the written scheme of investigation (WSI) set out in the applicant's Archaeological Report being implemented as proposed; the provision of a detailed ecological mitigation strategy and a site wide management plan; the provision of an updated landscaping scheme and detailed aftercare programme within 6 months of approval / permission and implementation of the proposed tree protection measures; the implementation of the proposed phasing; and the provision of suitable fencing and signage; and

(c) the applicants be advised by Informative that:-

- (i) they are encouraged to allow Natural England to access the SSSI; and
- (ii) they are encouraged to participate in discussions with the Environment Agency and others to explore opportunities to:-
 - reduce flood risk in the centre of Aylesford through the creation of a high-level overflow channel on the land between Anchor Farm and Aylesford Quarry; and
 - introduce meandering and other natural flood management measures upstream of the site.

15. Matters dealt with under delegated powers

(Item E1)

(1) The Head of Planning Applications Group reported two urgent decisions taken under Section 1.7 of Appendix 2 Part 3 of the Constitution. The first of these was a **request from Gallagher Aggregates Ltd to agree to out of hours working at Hermitage Quarry to enable the supply of aggregates to the Manston Lorry Park Project up until the end of March 2019. This is supported by Government as part of Hard Brexit contingency planning.**

(2) The request sought a 3-hour extension to the operating day until the end of March 2019 to allow up to 50 HGV movements between 1800 and 2100 hours on Mondays to Fridays and between 0700 and 1300 hours on Saturdays, although a specified number of pre-loaded vehicles were also able to leave Hermitage Quarry from 0630 hours.

(3) Gallagher Aggregates Ltd advised that it would try to undertake the necessary HGV movements during the normal working day but recognised that it might need the additional periods to supply the required quantity of aggregates. It also advised that allowing the additional hours would not result in the permitted average (600) or maximum (900) number of HJV movements per day being exceeded.

(4) It was not possible to secure any formal planning permission in the timescale involved.

(5) The views of the Chairman of the Planning Applications Committee and the Local Member, Mr P J Homewood were sought in advance of the decision being made. Neither had an objection to the request.

(6) In agreeing to the request, considerable weight was given to the exceptional circumstances in this case, the urgent need to make appropriate arrangements for a potential hard Brexit, the views of the consulted Members and the fact that it was not possible to secure any formal planning permission in time to facilitate the proposed operations.

(7) For the avoidance of doubt, this approval only related to those operations necessary for the delivery of aggregates (including loading HGVs) and the additional hours were not permitted to be used for other operations at the quarry.

(8) The second urgent decision was a **request from Sean Body (Robert Body Haulage Ltd) to agree temporary out of hours working at Borough Green Landfill to enable works to take place on the A25 to support preparations for Brexit.**

(9) The Company sought agreement to facilitate works on the A25 between Sevenoaks and Wrotham Hill starting on Monday, 11 February and lasting for a period of 5 or 6 weeks.

(10) The works would enable the A25 to be “made good” (e.g. overlays and kerbs) so that the A25 could be used safely by additional traffic if the M26 were to be used as a lorry park as a result of Brexit.

(11) A maximum of 10 lorry loads would take place between 1900 and soon after 2400 hours. Following the last delivery – perhaps as late as 0030 hours, the vehicles would stay on site as it would belong to Robert Body Haulage and be based at the site.

(12) It was likely that this would only be required for 2 to 3 nights each week.

(13) No processing would take place over night and agreement would be limited to the deposit of materials to the permitted recycling area. The wheel wash facilities would be used.

(14) The views of the Chairman of the Planning Applications Committee and the Local Member, Mr H Rayner were sought. Neither of them had an objection to the request. Mr Rayner advised that he fully supported the request, subject to a condition regarding routing to ensure that HGVs loaded or empty avoided the use of

Western Road or High Street in Borough Green to access or egress Borough Green Landfill via Borough Green and the Wrotham Railway Station road bridge.

(15) In agreeing to the request, considerable weight was given to the exceptional circumstances in this case, the urgent need to make arrangements for a potential hard Brexit, the views of the consulted Members and the fact that it was not possible to secure any formal planning permission in time to facilitate operations.

(16) For the avoidance of doubt, this approval only related to those operations necessary for the delivery of the above contract and the additional hours were not permitted to be used for other operations at Borough Green Landfill site.

(17) RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None); and
- (e) The Urgent decisions taken under Section 1.7 of Appendix 2 Part 3 of the Constitution as set out in (1) to (16) above.

16. KCC response to consultations

(Item F1)

RESOLVED to note Kent County Council's response to the following consultations:-

- (a) Item F1: Sevenoaks DC – Draft Local Plan Consultation (February 2019); and
- (b) Item F2: Consultation on Land at Court Lodge, Pound Lane, Kingsnorth, Ashford (Application 18/01/1822/AS).