

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

Details of Interim Restoration (Conditions 2b and 22), Working, Restoration and Aftercare Scheme for the area marked in 'yellow' on drawing P1/1782/2 (Condition 8), Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and Archaeological Watching Brief (Condition 30) pursuant to planning permission TM/02/2663/MR97, which allows for clay and sand extraction at Park Farm Quarry, Platt Industrial Estate, Maidstone Road, Platt, Borough Green - TM/02/2663/MR97/R

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2019

Application by Echoraise Ltd (trading as J Connolly & Sons Ltd) for details of Interim Restoration (Conditions 2b and 22), Working, Restoration and Aftercare Scheme for the area marked in 'yellow' on drawing P1/1782/2 (Condition 8), a Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and an Archaeological Watching Brief (Condition 30) pursuant to planning permission TM/02/2663/MR97, which allows for clay and sand extraction from the quarry at Park Farm Quarry, Platt Industrial Estate, Maidstone Road, Platt, Borough Green - TM/02/2663/MR97/R.

Recommendation: Details pursuant to 2b, 22, 8, 24, 27 and 30 of planning permission TM/02/2663/MR97 be approved, subject to conditions and informatives.

Local Member: Mr H. Rayner

Classification: Unrestricted

Site

1. Park Farm is a partially worked dormant quarry located to the north of Platt Industrial Estate and to the south of the M26 motorway, between Borough Green and Wrotham Heath. The quarry is immediately to the north-east of Borough Green Sand Pit and the north-west of Nepicar Farm Quarry. A former inert landfill is located immediately to the south-east of the site. Access to the site is through Platt Industrial Estate, using private estate roads, including a narrow bridge over a railway cutting leading out onto the A25 (Maidstone Road) to the south. The A25 at this point passes through Platt village and access to the estate is located close to residential properties and Platt Primary School. The access road serves several commercial / industrial uses within the estate, as well as Borough Green Sand Pit and Park Farm Quarry.
2. The quarry benefits from planning permission for the extraction of clay and sand and the subsequent export of this mineral by virtue of planning permission

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TM/02/2663/MR97. Permission was originally granted in the 1950's. In the intervening time the quarry has only been partially worked for some of its clay reserves, which overlie the sand deposits. The operations have largely been dormant for some 10 years with part of the quarry left open and unrestored. The mineral permission allows for quarrying activity up until 2040 with the final restoration of the site at a lower level by 2042 at the latest. The consent does not afford permission to import fill material and restoration is permitted at a lower ground level.

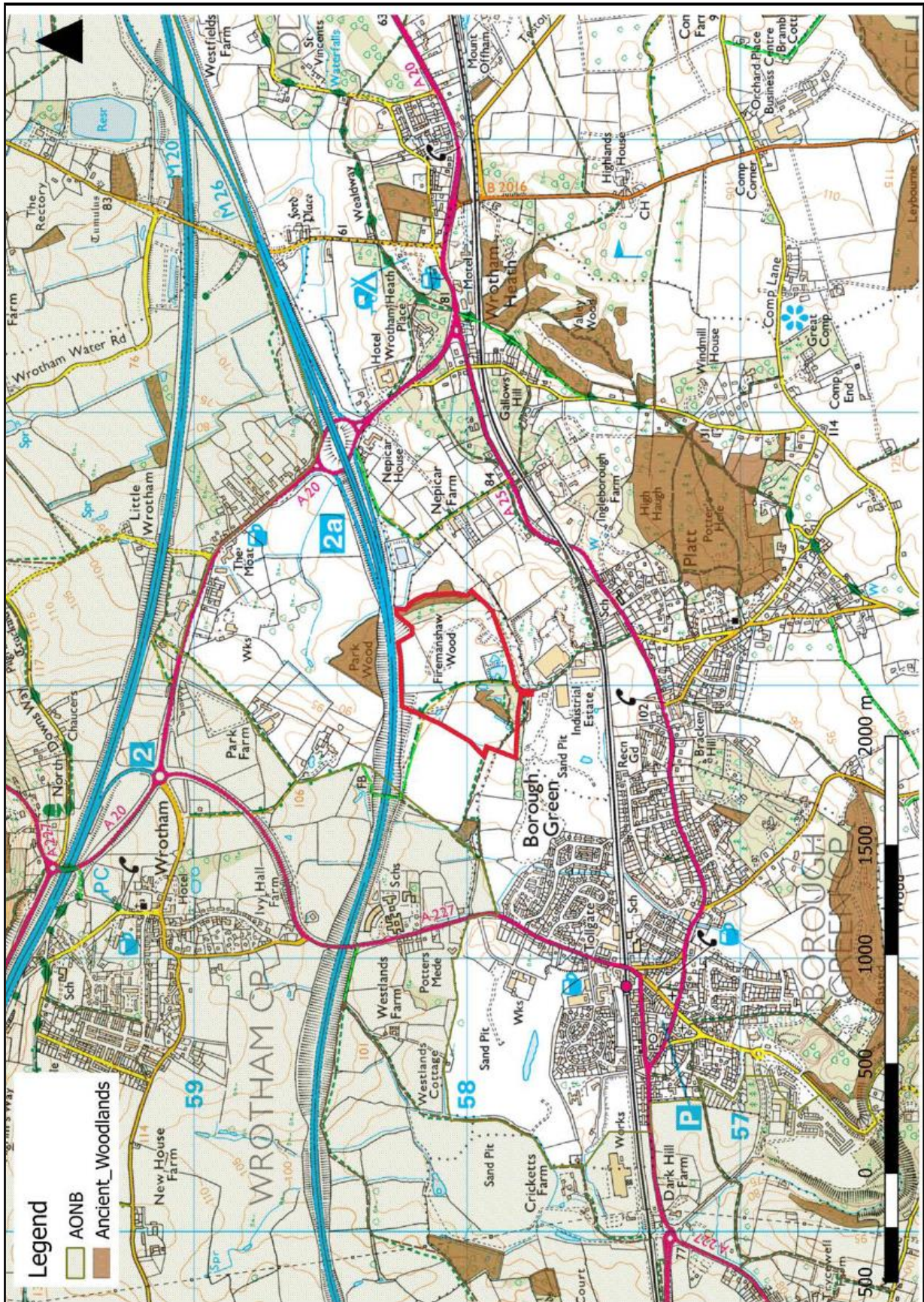
3. The quarry site falls within the Green Belt and is approximately 280m south-east of the Kent Downs Area of Outstanding Natural Beauty (AONB). A Kent Minerals and Waste Local Plan (MWLP) minerals safeguarding zone for Silica Sand/Construction Sand is located immediately to the south. Public Footpaths MR251 and Restricted Byway MR247B share the initial access road into the quarry. Footpaths MR251 and MR252 pass from the Byway to the west through the wooded area to the south-west of the quarry, known as Botany Wood. Restricted Byway MR247B crosses an unworked part of the permitted quarry toward the north-west. The route joins MR274A (a bridleway) that crosses the M26 by an elevated bridge to the west.
4. The quarry includes two wooded areas, Firemanshaw Wood along the eastern boundary and Botany Wood to the south-east. Both areas include sections of designated Ancient Woodland. Deciduous woodland is also identified as a 'Priority Habitat' and part of Firemanshaw Wood is subject to a group Tree Preservation Order (TPO) designated by Tonbridge and Malling Borough Council. There is a further woodland (Park Wood) immediately north of the M26, which is also designated Ancient Woodland. The quarry intersects with a Source Protection Zone (SPZ) 2 in the north-west and a SPZ 3 to the south.
5. The entire quarry and adjacent land north of Platt and Borough Green and south of the M26 forms part of the proposed Borough Green Gardens Strategic Site proposed for housing in the emerging Tonbridge and Malling Borough Council Local Plan (January 2019).
6. Other development plan policies that relate to the site / development are included in the Policy section below.

Background / Recent Site History

7. Planning permission for sand and clay extraction at Park Farm was granted on 15 March 1954 under permission reference MK/4/53/106A. The material extracted from the quarry was transported off site to Halling Cement Works for use in cement production. In 1976, a programme of working, restoration and landscaping for the quarry was granted permission under reference TM/75/885.

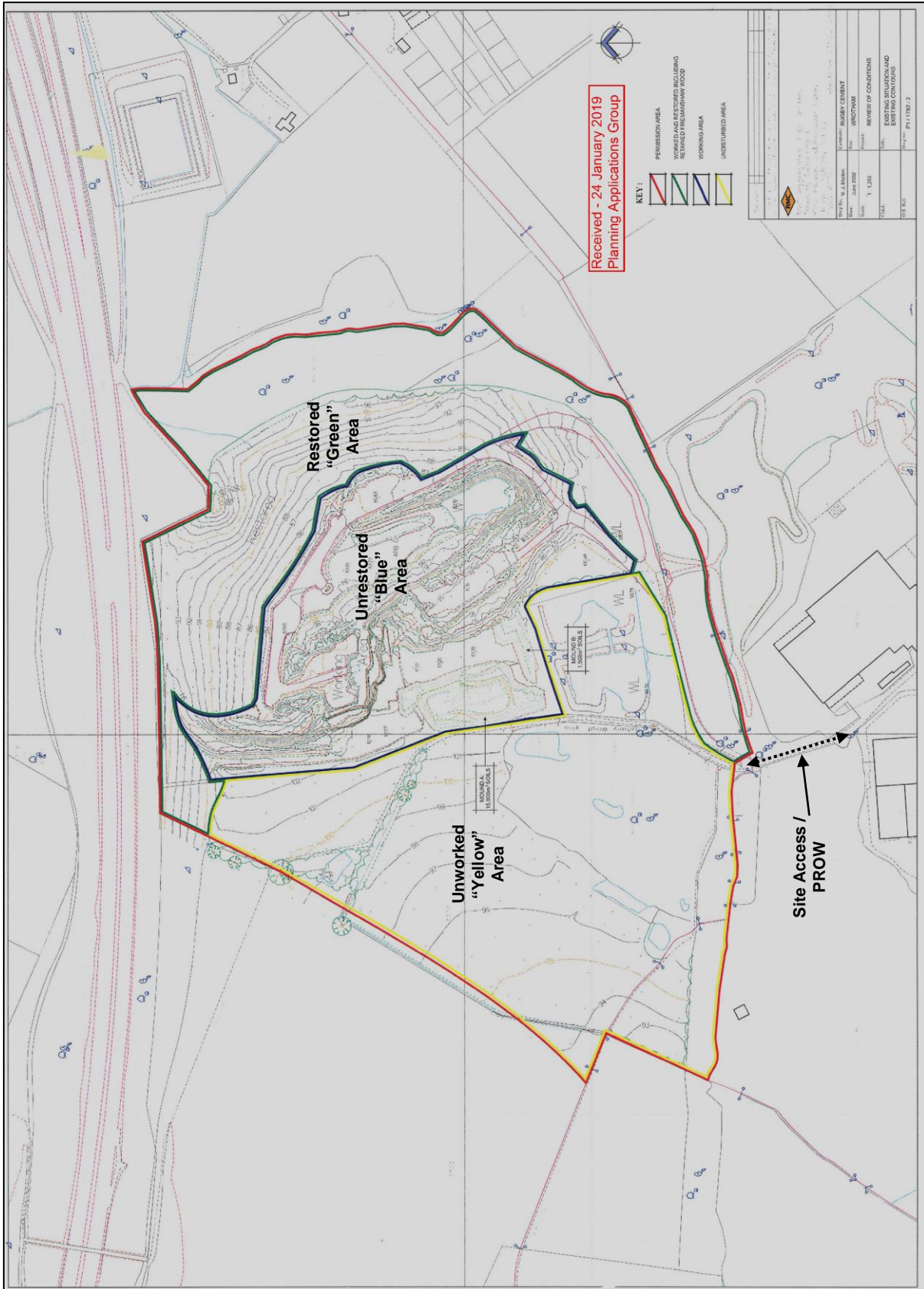
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General Location Plan



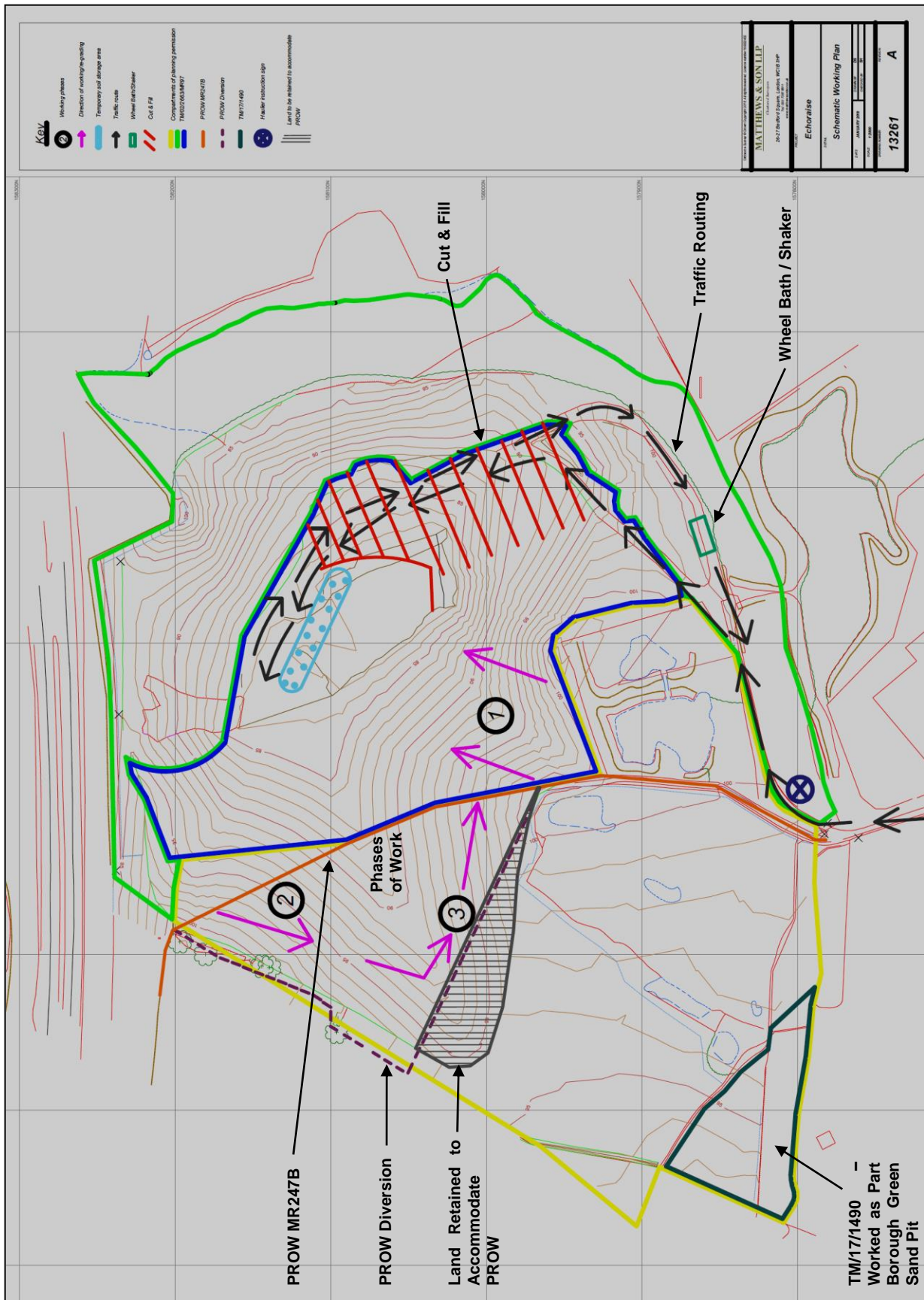
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Existing Site Plan



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Schematic Working Plan



Details pursuant to conditions 2b, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97 at Park Farm Quarry, Platt, Borough Green - TM/02/2663/MR97/R

8. In October 1999 planning permission was granted for a westerly extension to Park Farm Quarry under planning reference TM/95/1708. This allowed for a significant extension of the land available for extraction of Gault Clay (only). The justification for the extension was that the clay reserves at Park Farm, along with the consented chalk reserves at Halling, would satisfy the raw material requirements for the cement works for a further 20 years. As part of the mitigation measures proposed with this significant extension to the quarry, the construction of a revised access was agreed (amongst other matters). This new access was proposed through the adjoining Nepicar Farm Quarry and out on to the A25, east of Platt. The access was subject to a legal agreement between the landowners and the restoration scheme for Nepicar Farm was altered to reflect the proposal. Planning permission TM/95/1708 was subject to a condition requiring the permission to be implemented within 5 years.
9. In 2000, before the above extension to Park Farm was implemented, Halling Cement Works ceased production. Ownership of the quarry changed hands at this time and the new owner indicated that the level of clay output would reduce, unless other uses could be found for the material. In this changing economic environment, planning permission TM/95/1708 subsequently lapsed before it was implemented, and the permission has now fallen away (including the permission for a revised access to Park Farm). The base permission MK/4/53/106A remained in effect.
10. In 2003, permission MK/4/53/106A was subject to the Review of Mineral Planning Permission (ROMP) process, which allows for the periodic review of old minerals permissions to ensure that the conditions imposed meet modern standards. An application for determination of new conditions was approved by the planning authority under reference TM/02/2663/MR97 on 3 March 2003. This permission includes 30 conditions in place of the 7 conditions included on the base permission granted in 1954. The new conditions included improved / modern controls to help minimise the impacts of quarry operations on the surrounding environment. Amongst other matters, the ROMP permission granted approval for an interim restoration scheme covering the initial phases of the quarry ("green" and "blue" areas identified on the Existing Site Plan (Page C1.4)).
11. The ROMP conditions include:
 - No mineral to be worked below 79.04m AOD unless approved, and not more than 2m above the highest ground water level;
 - Extraction to cease by 21 February 2040 with final restoration by 2042;
 - Access to the site restricted to the arrangements through Platt Industrial Estate;
 - HGV movements restricted to a combined total of 320 movements (160 In / 160 Out) per week (with no specific daily controls);
 - All vehicles directed to approach and leave the site from the east on the A25;
 - Measures to prevent mud and debris on the public highway;
 - No extraction within remaining undisturbed areas of the permitted quarry until working, restoration and aftercare schemes are submitted;
 - No importation of fill materials to site;
 - Soil handling / maintenance;
 - Measures to minimise the emission of dust;

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- Operations between 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays; no operations at other times without approval;
 - Noise controls – maximum of 55dB_{L_{Aeq} 1h (free field)} at nearest sensitive properties, with exception of temporary operations up to 8 weeks a year not exceeding 70dB_{L_{Aeq}} (including site setup, overburden stripping, bund formation and restoration);
 - Interim restoration to be carried out in accordance with the approved plan;
 - Woodland management to be submitted;
 - Aftercare arrangements to be submitted; and
 - An archaeological watching brief to be agreed and implemented before further extraction.
12. The closure of Halling Works and a change in the cement industry severely affected the market for the Gault Clay, which forms a significant overburden to the sand resources below. The planning permission in place controls the working of the quarry and particularly the depth of sand extraction to safeguard groundwater resources below.
13. There has been limited activity on site over the last 10 years. The 'Existing Site Plan' included on Page C1.4 broadly illustrates the current position. The redline boundary is subdivided into three areas shown edged in 'green', 'blue' and 'yellow'. The 'green' area to the east of the site includes the retained Firemanshaw Wood and an area of the quarry that has been worked and restored. The 'blue' area to the centre of the drawing shows the unrestored quarry, which is currently extracted down to the interface between the clay and sand at 82m AOD. The 'yellow' area signifies the undisturbed section of the permitted quarry to the west, which is approximately 100m AOD and similar in height to the surrounding unworked farmland and woodland. Permission TM/02/2663/MR97 requires further information on the working, restoration and aftercare of the remaining areas before further extraction can take place. The permission allows for the possibility that these areas could be worked up until 2040 end date for extraction. However, it is drafted in such a way as to allow for the possibility that the quarry could lie dormant for a time by requiring the submission of interim arrangements for the successful integration of the land back into a productive use.
14. An interim restoration scheme for the worked area ('blue' area) was approved in 2003. However, it was concluded, following an inspection by KCC in 2007, that the approved scheme contours could not be delivered, and a revised scheme was requested. Revised details were submitted to KCC in July 2008. The submission was registered as a separate planning application, reference TM/08/2869, however due to the failure of previous owners to address issues raised during its consideration it was never determined. The current application seeks to address these outstanding matters.
15. Borough Green Sand Pit (BGSP) shares the access through the Platt Industrial Estate with Park Farm. BGSP benefits from permission to extract sand and infill the void with inert waste material. The original quarry has been subject to two extensions, the most recent of which was granted on 6 September 2017 under permission reference TM/17/1490. This extension relates to land within the south-west corner of the redline boundary and permitted reserve within Park Farm Quarry. The quarry and landfill operations at BGSP are subject to several controls that seek to limit the impact of the development on the surrounding land uses and the local environment. These controls

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include a maximum of 60 HGV movements per day (30 In / 30 Out). The County Council has received a number of complaints that the controls on HGV movements are being breached, however the consideration of the current application should assume that the controls are in place and operations continue as approved. The County Council is investigating the complaints and this matter will be dealt with separately.

16. Tonbridge and Malling Borough Council granted permission for extensions to Platt Industrial Estate in January 2017 under permission reference TM/16/01766/FL for the erection of 3 industrial buildings accommodating a mix of B2 (General Industry) and B8 (Storage/Distribution) use (Phase 4 Platt Industrial Estate). In September 2015, the Borough Council granted permission under reference TM/15/03084/FL for the erection of an industrial building comprising 3 no. light industrial units (Phase 3 Platt Industrial Estate). Both developments appear to have been implemented and are currently in the process of being built out.
17. Tonbridge and Malling Borough Council recently granted outline planning permission for a new access road to Platt Industrial Estate under planning reference TM/16/03630/OA. This application was promoted by Platt Parish Council (independent of the landowners) as a potential future alternative to the existing access arrangements to the industrial estate and quarries. The proposed route passes east directly through Nepicar Sand Pit to join the A25 (Maidstone Road) beyond Platt. The permission allows 12 years for the implementation of the access. There are several conditions imposed that would need to be discharged before the permission could be implemented, these include a strategy demonstrating non-sterilisation of strategic mineral reserves below the route, detailed design work for the road, a report into the predicted noise impact from the new road and relocation of sand quarry operations within Nepicar Farm Quarry including processing/screening/loading and weighbridge area.

Proposal

18. The submission, made on behalf of Echoraise Ltd (trading as J Connelly & Sons), proposes details pursuant to various conditions placed on permission TM/02/2663/MR97. The details proposed address outstanding matters that would enable the recommencement of quarrying, the provision of interim restoration requirements, and suitable management and aftercare arrangements to be put in place. The proposals include the extraction of clay to help achieve a more stable and sustainable interim restoration scheme, which better reflects the surrounding topography and enables an agricultural after-use.

Interim Restoration (Conditions 2b and 22)

19. Condition 2 (b) requires that the extraction of clay, for the purposes of implementing interim restoration in the area edged 'blue' on the 'Existing Site Plan' (Page C1.4), should cease by 31st December 2007. Condition 22 requires the interim restoration of the area shown in 'blue' pending the submission of further details of the working of the wider permitted quarry complex. Approval is sought for the resumption of clay extraction in the 'blue' area to achieve the revised interim restoration contours illustrated on 'Schematic Working Plan' (Page C1.5) and in accordance with the planting details described within the 'Planting Plan' (Page C1.6).

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20. In its current partly worked condition the quarry cannot be returned to agricultural use. This is due to the depth of excavation in the 'blue' extraction area and the steep slopes left by the previous site operator.

Working, Restoration and Aftercare Scheme for the area marked in 'yellow' on drawing P1/1782/2 (Condition 8)

21. The area marked in 'yellow' on the approved drawing highlights the part of the quarry that has yet to be worked. Condition 8 seeks to ensure that suitable working, restoration and aftercare schemes are in place before excavation commences in later phases of the quarry. The original working scheme approved proposed slopes on the western boundary of the extraction area to be worked to 1 in 3 with the inclusion of tree planting to stabilise the landform. As indicated above, the faces of the worked areas, including those on the boundary with the 'yellow' area, have been worked to a steeper slope angle and left. The angle and lack of vegetation has resulted in ground slips and erosion around the edges of the void.
22. Condition 23 refers to restoration of the site to agricultural use and condition 27 specifically refers to the interim restoration of the 'blue' area to a scheme "as may be necessary to return the land to a standard reasonably fit for agricultural purposes".
23. The 'blue' area has been worked to a depth of approximately 82mAOD at its lowest point; this marks an interface between the clay and the sand in this part of the quarry. Although the planning permission allows extraction of the underlying sand across the site it is not proposed to deepen the workings in the blue area at this stage. The difference in height between the western extent of the quarry (the unworked 'yellow' area) and the base of the current void means that a stable interim restoration slope cannot be engineered unless part of the 'yellow' area is engineered to achieve a suitable slope angle.
24. Permitted operations may not take place in the 'yellow' area until a scheme of working and restoration has been approved under condition 8. The application proposes to extend the regrading into the 'yellow' area to create 1 in 8 slopes, which would support interim restoration to agriculture. The extraction of some of the clay within the 'yellow' area would free up material (approximately 27,000m³) to infill the eastern slopes within the 'blue' area to a suitable gradient. A further 187,000m³ (approximately 374,000 tonnes) of clay would need to be extracted and exported to achieve the proposed landform within the 'yellow' area. This exported material could then be used in other reclamation projects as engineering material.
25. The applicant anticipates that the clay could be worked over a period of two to three years if worked continuously, based on 18 tonne loads over 270 working days per year. Notwithstanding this, the application states that the site would be open for specific contracts, rather than being open daily to the collection trade. The work rate would depend on the demand for clay and the availability of suitable contracts. The material would be extracted using mobile plant, including an excavator, loading shovel and a bulldozer to create the profiles. The application includes a Schematic Working Plan (included above). This shows the extent of the extraction area and the direction of working. Soils would be stripped and stored on site for use in the restoration work.

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The application includes details of soil handling arrangements to ensure the resource is preserved.

26. The Restricted Byway MR247B, which crosses the quarry between the 'blue' and 'yellow' areas on the attached map, is proposed to be permanently diverted to a route passing around the western boundary of the quarry, as indicated on the 'Schematic Working Scheme' included on Page C1.5.
27. Planning permission TM/02/2663/MR97 includes conditions that seek to control the operations to ensure the development does not have an unacceptable impact on the surrounding environment and local amenities. The application states that these would continue to be adhered to including controlling the permitted access route and vehicle routing toward the east; total number of HGV movements; hours of working; dust suppression measures and specific noise limits.
28. The proposed extraction from the quarry would be contract specific, so hauliers would be instructed in advance to observe the access requirements. A wheel bath and shaker operating in series is proposed to prevent mud and debris on the access road and public highway. The neighbouring quarry operator (Borough Green Sand Pits), also uses the industrial estate roads as their main access. BGSP regularly sweep these roads and the applicant proposes to collaborate over the provision of this service.
29. The submission proposes additional controls on HGV movements in response to local concern. The current weekly controls, under condition 5, allows 320 movements (160 in 160 out) per week. In theory this condition could allow all 320 movements in a single day. The proposals include a new daily limit of 58 HGV movements (29 in / 29 out) (i.e. the weekly limit spread over 5.5 days).

Aftercare Scheme (Condition 27)

30. Condition 27 requires submission of an aftercare scheme to cover any interim restoration period of the 'blue' area, as may be necessary to achieve a standard reasonably fit for agricultural purposes.
31. The Restoration and Aftercare Scheme proposed includes measures for management of the area to be worked and regraded, which includes part of both the 'yellow' and 'blue' areas (as indicated above). The scheme sets out details of soil handling, drainage, habitat creation, woodland, shrub, hedgerow and grassland planting with a 5-year aftercare scheme providing management practices during each year.

Woodland Management Scheme (Condition 24)

32. Details of a woodland management scheme, pursuant to Condition 24 of TM/02/2663/MR97, were approved on 6th September 2004. The scheme scoped a 10-year management plan for the planting, mainly at Firemanshaw Wood. The scheme states that "management is to be carried out initially for 10 years and then reviewed and altered as necessary".
33. As aftercare details are being submitted, the applicant has taken the opportunity to submit an updated Woodland Management Plan. The scheme is based on an up-to-

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dated ecological baseline and provides for management of the woodland for a further 10-year period, seeking to enhance ecological function, structural diversity, habitat diversity, whilst maintaining landscape character and amenity value.

Archaeological Watching Brief (Condition 30)

34. Condition 30 of permission TM/02/2663/MR97 requires a watching brief of soil stripping in accordance with a “written programme and specification for the archaeological work” approved by the mineral planning authority. The submission includes for approval, a Written Scheme of Investigation covering the undisturbed ‘yellow’ area proposed for extraction.

Additional / revised information received from the applicant during the processing of the submissions

35. Following initial concerns from consultees, including Public Rights of Way and Highways England, the applicant provided further supporting information in response. Public Rights of Way initially raised concern about there being no agreement in place to allow for the temporary or permanent diversion of Restricted Byway MR247B (which crosses the extraction area). Highways England’s concerns related to the proximity of the site to the Strategic Road Network and the potential for the proposed activities to affect the stability of the soil and / or drainage close to the motorway.
36. Information received in response is as follows:
- Technical Briefing Note: Supplementary Information for Interim Restoration and Aftercare Scheme – relating to landscape and ecological matters.
 - Technical Note concerning geotechnical considerations in relation to the Strategic Road Network.
 - A revised Schematic Working Plan – which updates the original plan to show a revised order for the phasing of work to preserve the existing route of the byway until a permanent diversion is legally agreed and implemented. This includes revisions to the proposed landform to retain land at existing levels to accommodate the agreed routing proposed for the right of way.
37. Further to the above a separate application has been made to Kent Highways that seeks the formal diversion of Restricted Byway MR247B.
38. The additional information referenced above has been subject to further consultations with key statutory consultees (as appropriate). The consultee responses included below represent the most recent views received in each case.

Planning Policy

39. The most relevant Government Guidance and Development Plan Policies are summarised below:
40. **National Planning Policies** – the relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (2019) and the associated National

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Planning Practice Guidance (NPPG), including the Minerals Planning Practice Guidance (MPPG). These are material planning considerations.

41. **Kent Minerals and Waste Local Plan (2016) (KMWLP) Policies:** CSM1 (Sustainable Development); CSM2 (Supply of Land-won Minerals in Kent); 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); DM7 (Safeguarding Mineral Resources); DM10 (Water Environment); DM11 (Health and Amenity); DM12 (Cumulative Impact); DM13 (Transportation of Minerals and Waste); DM14 (Public Rights of Way); DM18 (Land Stability); DM19 (Restoration, Aftercare and After-use); and DM20 (Ancillary Development).
42. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (September 2018) (EPRKMWLP) Policy:** DM7 (Safeguarding Mineral Resources).
43. **Tonbridge and Malling Borough Council Local Development Framework: Core Strategy (2007) (TMBC CS) Policies:** CP1 (Sustainable Development); CP2 (Sustainable Transport); CP3 (Green Belt); CP14 (Development in the Countryside); CP6 (Separate Identity of Settlements); CP9 (Agricultural Land); CP24 (Achieving a High-Quality Environment); and CP25 (Mitigation of Development Impacts).
44. **Tonbridge and Malling Borough Council Local Development Framework: Managing Development and the Environment Development Plan Document (2010) (TMBC MDE) Policies:** CC3 (Adaptation – Sustainable Drainage); NE2 (Habitat Networks); NE3 (Impact of Development on Biodiversity); NE4 (Trees, Hedgerows & Woodland); SQ1 (Landscape & Townscape Protection & Enhancement); SQ4 (Air Quality); SQ5 (Water Supply & Quality); SQ6 (Noise); SQ7 (Health & Well-being); and SQ8 (Road Safety).
45. **Emerging Tonbridge and Malling Borough Council Local Plan Regulation 22 Submission (January 2019) (Draft TMBC LP) Policies:** LP1 (Presumption in Favour of Sustainable Development); LP11 (Designated Areas); LP12 (Areas of Outstanding Natural Beauty); LP14 (Achieving High Quality Sustainable Design); LP18 (Sustainable Drainage Systems (SuDS)); LP19 (Habitat Protection and Creation); LP20 (Air Quality); LP21 (Noise Quality); LP23 (Sustainable Transport); LP24 (Minerals and Waste); LP25 (Housing Allocations – Overview); and LP29 (Strategic Site – Borough Green Gardens).

Consultations

46. **Tonbridge & Malling Borough Council – no objection** to the details.
47. **Borough Green Parish Council – no objection, subject to a condition** requiring access to be via a new haul road permitted through Nepicar Farm Sand Pit. The Parish Council are concerned about any increase in HGV movements on the old access to the industrial estate and consider that the access already has unacceptable impacts in terms of highway safety and local amenity through noise, dust and debris.

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The Parish's comments indicate that if, the application is an attempt to quickly restore the pit for re-development it would object in the strongest possible terms. The concern being that this is an attempt to vary the original permission to extract sand, in the hope of sterilising the reserves to facilitate plans to redevelop the site for housing. The Parish note KCC's own mineral plan indicates a shortage of soft sands, and the nearest sources when Nepicar and BGSP are exhausted would be Lenham.

48. **Platt Parish Council – no objection, subject to a condition** requiring a new access through Nepicar Farm Sand Pit, to avoid exacerbating the impact of HGVs using the existing haul road, including in terms of noise and dust impacts on the residents of Platt.
49. **Wrotham Parish Council – no objection**, provided the submission does not sterilise the remaining permitted mineral reserves.
50. **Environment Agency – no objection** to the proposed works. The EA note that this submission is not seeking to extend operations previously agreed under planning permission TM/02/2663/MR97 in terms of the extent of the quarry or the volume of material to be excavated. The proposed works are not to increase the extent of the quarry therefore the works are not going to influence the historical landfill located south of the quarry boundary.
51. **Natural England – no comments** on the interim restoration pursuant to planning permission TM/02/2663/MR97.
52. **Highways England – no objection**. Following a visit to site and receipt of further supporting information on geotechnical matters Highways England is content for the conditions to be discharged.
53. **Health and Safety Executive – no response received**.
54. **South East Water – no response received**.
55. **Kent Highways & Transportation – no objection** to the submissions. The comments recommend an informative advising the applicant of the need to obtain all necessary highway approvals and consents where required (being separate from the planning process).
56. **Kent County Archaeological Officer – no objection** to approval of the written specification of archaeological work. The response draws attention to the potential for important archaeological remains to be present within the proposed works area. There have been several previous archaeological discoveries within the vicinity, including at adjacent quarry sites. These archaeological discoveries include Palaeolithic and Mesolithic flint work, Late Iron Age and Romano-British activity and occupation and a possible Romano-British cremation cemetery.

The response recommends the following informatives:

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- The archaeological condition should not be considered to have been fully complied with until the on-site works have been completed in accordance with the written specification, including a report on the findings to be submitted and approved, and agreement reached on the publication (if required) of the results. The written specification provides a timetable for the reporting works.
- In practical terms, the proposed works will require the machine stripping of a relatively large area of previously undisturbed land. The wording of the planning condition requires a watching brief only, however the applicant might wish to consider carrying out strip, map and sample investigations within previously undisturbed land ahead of the proposed extraction. In this way any archaeological remains could be adequately dealt with before the main restoration works start and would avoid any potential difficulties that might arise should important archaeological remains be encountered during the restoration works.

57. **Kent Flood and Water Management – no objection.** The comments received note that none of the conditions appear to relate to surface water and the site is deemed as a low risk development with regards to flooding.

58. **Kent Public Rights of Way – no objection,** subject to a condition securing no excavation in phases 2 and 3 of the development, set out in drawing 13261 Rev A titled 'Schematic Working Plan' dated January 2019, (i.e. below or to the west of Byway MR247B), until after a diversion to the above byway is legally confirmed and the agreed arrangements are provided on site.

Rights of Way recommend a further informative advising the applicant that planning permission confers no other permission or consents and that any change to the PROW requires the express permission of the Highways Authority.

59. **Kent Ecological Advice Service – no objection.** The comments acknowledge that amendments have been made to the proposed restoration works and aftercare scheme in response to initial recommendations, including:

- Removing the potential application of herbicides.
- Removing the conventional anti-parasitic chemicals from livestock maintenance.
- Clarification of the intended grazing regime timings/compartments.

The Ecological Advice Service confirms it is satisfied that the proposals as amended and recommend that they are implemented.

60. **Kent Downs AONB Unit – no response received.**

61. **Kent County Council's Landscape Consultant (Amey) – no objection.** Amey made several initial recommendations relating to the enhancement of the open water proposed, including translocation of native marginal planting and soils; the replace of Ash trees with suitable native alternatives; advice on soil handling; and provision of a site clearance plan. These matters are addressed within the supplementary 'Technical Briefing Note' prepared by the applicant, which Amey confirms addresses its earlier comments.

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Amey recommend that the Woodland Management Plan for Firemanshaw Wood is appropriate to meet the stated objective of enhancing the ecological value of the existing woodland. The advice concludes that the overall proposal to create gentle slopes and contours no steeper than 1:8 is appropriate in the landscape and would reflect the local topography.

62. **Kent County Council's Noise Consultant (Amey) – no objection.** Amey note that the previous planning permission, under conditions 19 and 20, set specific noise limits for mobile plant at 55dB (at the nearest noise sensitive properties) and, for temporary operations such as soil stripping, at 70dB. Additional controls on noise and disturbance are provided with respect to working hours (condition 15), numbers of heavy goods vehicles (condition 5) and access route (through the Platt Industrial Estate) (condition 3). The current submission would not require the alteration of any of the existing conditioned controls. Amey concludes that it is satisfied that off-site noise arising from the proposals would not be a significant cause for concern and no further detailed assessment is required.
63. **Kent County Council's Air Quality & Odour Consultant (Amey) – no objection.** The advice confirms Amey is satisfied that the application continues to fulfil the conditions previously laid down regarding air quality and dust. Therefore, the impact of dust and pollution from vehicle movements would not be significant. The advice recommends that no further detailed assessments should be required at this stage. It notes that should the proposed operations change significantly in the future further assessments may be required.

Local Member

64. The local County Member for Malling West, Mr Harry Rayner was notified of the application on 20 February 2019.

Publicity

65. The submission was publicised by the individual notification of 30 nearby properties.

Representations

66. In response to the publicity, 1 letter of representation has been received objecting to the submission on the following grounds:
- The suitability of the narrow access road, including the bridge over the railway and the junction with the A25 (Maidstone Road) to accommodate an increase in HGV movements. Considers that an increase in HGV movements would be unsafe and would have an unacceptable impact on residential amenity.
 - An alternative access to the public highway should be provided (irrespective of cost and should be built from any money made from re-opening the quarry).
 - Noise pollution from operations within the quarry, which is near residential property.
 - Concerns about vehicles associated with the existing businesses leaving at 5am.

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Discussion

67. The submission proposes details pursuant to planning permission TM/02/2663/MR97 relating to the ongoing operation of the currently dormant Park Farm Quarry. The quarry site benefits from planning permission until 2040 for the extraction of clay (overburden) and soft sand located below (down to a maximum depth of 2m above the highest recorded groundwater levels). The permission requires final restoration of the site back to an agricultural use at a lower level by 2042. Due to changes in the commercial market for clay, operations on-site have reduced with the site falling dormant for approximately 10 years. This has left one section of the overall site left open and in an unrestored / used state for this time. The current submission addresses several conditions included within the permission that allow for the interim restoration of the quarry, which makes good the existing extraction and returns the site to an agricultural use whilst the quarry remains dormant. The conditions relate to an Interim Restoration (Conditions 2b and 22), a Working, Restoration and Aftercare Scheme (Condition 8), a Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and an Archaeological Watching Brief (Condition 30).
68. The submission is being reported to the Planning Applications Committee as a result of one letter of objection from a nearby resident (raising concerns about the access, highway safety and local amenity impacts) and Platt and Borough Green Parish Councils' recommendations that approval only be granted subject to a new vehicle access to the site being provided. See the Consultation and Representations sections above for details of all views received
69. In considering this proposal regard must be had to the Development Plan Policies outlined in the Planning Policy section. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultations and publicity.
70. In my opinion, the key material planning considerations in this case can be summarised by the following headings:
- Continued working and interim restoration (Conditions 2b, 8 and 22)
 - Principle of the development / need
 - Sustainable use of reserves / safeguarding
 - Highways and access
 - Interim Restoration (Landscape / visual impact / ecology)
 - Geotechnical
 - Local Amenities (Noise and dust)
 - Groundwater / surface water flooding
 - Rights of Way
 - Aftercare Scheme (Condition 27)
 - Woodland Management Scheme (Condition 24)
 - Archaeological Watching Brief (Condition 30)

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Continued working and interim restoration (Conditions 2b, 8 and 22)Principle of the development / Need

71. Paragraph 203 of the NPPF states the importance of maintaining the supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It states that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Paragraph 205 indicates that great weight should be given to the benefits of mineral extraction, including to the economy. Amongst other matters, paragraph 205 also seeks development that provides for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards.
72. Policies CSM1 of the KMWLP, CPS1 of the TMBC CS and Policy LP1 of the draft TMBC LP provide a presumption in favour of sustainable development and delivery of a high-quality sustainable environment. Policy CSM2 of the KMWLP allows for the supply of land-won minerals in Kent. This includes the extraction of clay for engineering purposes to meet the needs of the local market and soft sand to provide for rolling landbanks for the whole of the plan period and beyond. Policy DM1, amongst other matters, requires development that protects and enhances the character and quality of the site's setting and its biodiversity interests.
73. The current submissions do not represent an opportunity to revisit the principle of the quarrying development or the key operational criteria and controls established under the extant permission. The principle of quarrying at Park Farm was established in 1954, with the more recent ROMP permission (TM/02/2663/MR97) updating the controls in respect of the quarry. At the time of the ROMP application the Planning Authority was satisfied that the impacts of the development could be reasonably mitigated by the conditions imposed. The submission does not propose to extend or change the nature of the development / quarrying operations previously agreed, including in terms of the extent of the quarry, the overall volume of material that remains to be extracted, the timeframes for extraction, the hours of operation and the routing or number of vehicle movements.
74. Due to the circumstances described in the background section above, the site has not been worked since December 2007. These circumstances relate to the changes in ownership and a change to the local market for clay as a mineral product. As part of the work required to restore the open quarried area, the operations propose the extraction of further clay reserves, approximately 214,000m³, to allow the creation of a useable and sympathetic landform. Approximately 12% of this material (circa 27,000m³) would be required as infill material to reprofile part of the eastern slopes of the quarry void to a more acceptable gradient. The remaining 187,000m³ of clay would be suitable for export for use in restoration and engineering work elsewhere.
75. The current proposals seek to address the conditions imposed on TM/02/2663/MR97 to protect and enhance the surrounding environment and ensure that the quarry does not remain open and unrestored for a significant length of time. I am satisfied that there is a genuine need for an interim restoration arrangement to be agreed and secured given the length of time that the quarry has remained open and unworked (10-years). In its current state the land impacted by earlier mineral working cannot be put to a suitable / sustainable alternate use until further mineral extraction takes place

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or an interim restoration scheme is secured that provides a landform suitable to enable the return of the land to agriculture.

Sustainable use of reserve / safeguarding

76. Policies CSM5 and DM7 of the KMWLP safeguard certain minerals identified within Mineral Safeguarding Areas or sites for mineral working within the plan period identified in Appendix C of the KMWLP. This safeguarding is subject to several conditions, including that extraction of the mineral should be economically viable and practicable.
77. The KMWLP states that *“The purpose of the Mineral Safeguarding Area safeguarding designations is to ensure that mineral resources are properly considered in planning decisions for non-mineral development proposals, in order to prevent unnecessary sterilisation of Kent’s potentially economic mineral assets. There is no presumption that the mineral present in these areas will be extracted, or that these areas would be considered acceptable for mineral extraction works”*.
78. As discussed above, the permitted clay and sand reserves at Park Farm Quarry are not within a Mineral Safeguarding Area and are not included in the minerals landbank. Clay is no longer a safeguarded mineral, although the strategic waste allocation associated with the proposed extension to Norwood Quarry and Landfill Site is included in the Kent MWLP. This would provide clay for engineering purposes during the plan period. The reasons for not including the sand reserves at Park Farm Quarry in the soft sand landbank are due to uncertainty over the quantity and quality of the reserves and question marks over the economic viability and the likelihood of these ever being worked given the extent of the clay overburden. The Planning Authority cannot require the applicant to work all the permitted clay and sand at Park Farm Quarry. Indeed, it can only require that the quarry be restored in an appropriate way (such as had been envisaged in the earlier interim restoration proposals and now in the current submission).
79. The applicant states that the proposed scheme is a temporary measure to improve the interim restoration of the site and extract clay while longer term further clay and sand extraction aspirations for the site are considered. It notes that a staged approach to the extraction was always anticipated and this is reflected in permission TM/02/2663/MR97, which includes conditions seeking the submission of further survey work and working schemes before sand or clay is extracted.
80. In terms of the factors influencing future working of the sand reserves, these include the maximum depth of working which is conditioned to be at least 2 metres above the historic water level to protect groundwater resources. The applicant states that the maximum depth of the working may also be influenced by the need to create suitable restoration slopes between the surrounding ground levels and the quarry floor. The permission does not allow for infill material to be imported to site. Other constraints in working more of the quarry would include the existing fishing lakes and surrounding woodland areas, which include an area designated as ancient woodland. The submitted scheme does not propose to impact on these constraints. Any proposal to work more of the reserve would need to address the above matters accordingly before extraction from the wider quarry area could be approved.

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Green Belt

81. The application site falls within the Green Belt as set out in the Tonbridge and Malling Borough Council's proposals map. Policy DM4 of the KMWLP requires that proposals for minerals and waste development within the Green Belt are considered in light of their potential impacts and whether they comply with national policy. Paragraphs 143 – 144 of the NPPF indicates that "inappropriate development" is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 indicates that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, these developments include mineral extraction. The proposed submissions do not propose to alter the permitted development in terms of the quarry's size, scale, nature or intensity of the use. The development proposed purely relates to details of working, restoration, on-going maintenance and aftercare. Considering the above and the extant planning permission, I am content that the development would have no greater impact on the openness of the Green Belt than the existing permitted development and would therefore be considered acceptable within the designation.
82. Subject to further consideration of the potential impacts of the submission below, I am content that the extant planning permission(s) to work the quarry until 2042 and the genuine need to secure an interim restoration scheme establishes the need for the development and the principle of working the reserves in this location.

Highways and access

83. Paragraphs 108 - 109 of the NPPF, policy DM13 of the KMWLP, policy CP2 of TMBC CS and policy SQ8 of TMBC MDE require development that avoids any significant impacts on highway safety, capacity or congestion that cannot be effectively mitigated. This includes a safe access that is appropriate to the scale and nature of the use. Government guidance indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
84. Planning permission TM/02/2663/MR97 grants permission for the quarrying of the land, including establishing an acceptable level of HGV movements and the access onto the primary highway network. As confirmed above, the submitted details do not propose to alter the permitted development in terms of the quarry's scale, nature or intensity of the use. This includes no changes to the access arrangements, nor the overall number of HGV movements permitted (restricted to 320 movements (160 in / 160 out) per week).
85. I note that the existing access to the quarry through the Platt Industrial Estate onto the A25 Maidstone Road is cause for concern for the local community. There have been several changes made to widen and improve the arrangements in response to development within the industrial estate over the years. A local resident, Platt and Borough Green Parish Councils all raise concern over the access provisions, which involve use of a narrow private access road that joins the A25 close to residential property and a local school, within a 30mph zone. The size of the vehicles using this route and turning on to and off the public highway can cause congestion and has prompted highway safety concerns from the local community in the past. Platt and

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Borough Green Parish Councils are seeking a condition that requires the applicant to deliver a revised access, which was granted permission by Tonbridge and Malling Borough Council under permission reference TM/16/03630/OA, as part of the current submissions. The revised access scheme, which was promoted by Platt Parish Council, seeks to provide for an alternate access road to the Platt Industrial Estate and quarries through Nepicar Farm Quarry (land outside the applicant's ownership) to the east, with the new access road joining the A25 beyond the village confines.

86. Whilst I appreciate the concerns expressed, in this instance given the nature of the submission (providing details pursuant to an extant planning permission) the proposals would not materially alter the highway impacts from those already accepted following the grant of the extant planning permission; even though the site has been dormant for several years. On the basis that the proposals would not change the scale or nature of the permitted use there is no justification to seek a change to the established highway controls, including the approved access arrangements. The acceptability of the use is already established by the extant planning permission. Notwithstanding the justification needed to seek contributions to any new access, delivery of the permitted route would also require the agreement of the landowner(s) of Nepicar Farm, the strategic sand reserves below the route to be worked and the processing/screening/loading and weighbridge area for the quarry to be relocated.
87. In response to local concerns about HGV movements through the industrial estate onto the A25, the applicant has voluntarily offered up changes to the controls on vehicle movements. The proposed approach would restrict the maximum number of daily movements in place of the permitted weekly limit. Technically, the way the existing condition is drafted it would allow the weekly number of movements (320) to take place in a single day (with no movements the rest of the week). The submission proposes a voluntary daily limit on HGV movements of 58 (29 in / 29 out) each day, which is the permitted weekly limit spread over the working week (5.5 days). By spreading the movements across the working week, the potential impact of the quarry on the existing daily movements in and out of the industrial estate could be controlled, as could the cumulative impact when considered in the context of the surrounding quarry and commercial uses. This represents betterment over the existing permitted arrangements. In addition, given that the applicant proposes to work the clay on a campaign basis in response to specific demand, rather than continuously working the permitted clay reserve, a daily restriction would limit the potential impacts and the ability of the applicant to run large volumes of material out of the site in a short space of time. This would further help to reduce any residual impacts on highway safety and local amenity.
88. Conditions 4 and 7 of the extant permission require the access road to be maintained in a good state of repair and kept clean and free of mud and other debris and that wheel and chassis cleaning equipment shall be installed for the duration of operations on site. The submission proposes the installation of a wheel bath and shaker operating in series, as shown on the 'Schematic Working Plan' (Page C1.5). The access road within the site is long and would be maintained. The operator would collaborate with Borough Green Sand Pits over the provision of regular road sweeping of the industrial estate roads.
89. Both Highways England and Kent Highways and Transportation have commented on the scheme raising no objection. Highways England estimates that the proposed

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activity would generate approximately 6 movements (3 in / 3 out) per hour and confirms that this level of impact would not materially affect the safety, reliability and / or operation of the Strategic Road Network (SRN).

90. The submission includes details of signage in accordance with condition (6) of TM/02/2663/MR97 that would be displayed at the site gate so that exiting hauliers are reminded of the condition in place regarding the routing of traffic left out onto the A25. A condition restricting daily HGV movements to 58 (29in/29out) on Monday to Friday and 30 movements (15in/15out) on Saturdays could be imposed on any approval notice. The conditions imposed on the extant permission would continue to apply, including those relating to highways and access.
91. Taking into account the extant planning permission, the nature of the proposals and the recommendations of both Highways England and Kent Highways and Transportation, subject to the consideration given to geotechnical matters below and the conditions recommended above, I am content that the submitted details would accord with Development Plan and Government Guidance set out above where they relate to highway matters and that there are no material planning considerations that would justify a recommendation otherwise.

Interim Restoration (Landscape / visual impact / ecology)

92. The quarry site is located approximately 300m south-east of the Kent Downs Area of Natural Beauty within the open countryside. The M26 motorway forms the northern boundary with open countryside / farmland and further quarrying activities forming the surrounding land uses. The quarry includes open farmland, several wooded areas, including areas of ancient woodland, small lakes and ponds and the partially restored quarry area.
93. Paragraphs 127 and 170 of the NPPF, policies DM1 and DM2 of KMWLP, CP6 and CP14 of TMBC CS, SQ1 of TMBC MDE and LP11, LP12 and LP14 of the draft TMBC LP all seek development that is sympathetic to local character and landscape setting by protecting and enhancing the natural and local environment, including AONBs. The protection afforded AONBs extends to the wider setting of the designation, which would include the application site.
94. As indicated above, the principle of the quarry area, allowing extraction of clay and sand reserves below, is already established, accordingly so is the landscape / visual impact of the development which would continue to take place below surrounding ground levels. Notwithstanding, part of the current submission seeks to address conditions (2a), (8) and (22) that provide for the interim restoration of the quarry. Due to the depth of working in the open 'blue' area of the quarry and the angle of slope created it is not possible to implement an acceptable interim restoration scheme without using material and land within the unworked 'yellow' area. This is needed to deliver the shallower slopes required to use the land for the agreed agricultural afteruse. The partially worked 'blue' area of the quarry has been left open for 10 years and it would be undesirable to leave the unrestored quarry area for a continued extended period. The conditions imposed on the extant permission allow for the possibility that the site could be partially worked and lie dormant for a period. The requirement for interim restoration allows for this and seeks to ensure an acceptable landform is created. This approach does not sterilise the permitted mineral reserves,

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which could be worked at any point up to 2040. The provision of an interim restoration scheme ensures that the visual impact of an open quarried area is removed from the landscape until such time as a decision on the viability of the remaining mineral reserve can be made.

95. In its current condition the open quarry area could not be returned to an agricultural use; the current landform would make the area unusable. The proposed clay extraction would enable part of this material to be used to reprofile the eastern parts of the quarry that have not been restored. The remainder of the extracted clay (187,000m³), that needs to be worked to re-profile the north and western boundaries of the existing extraction, could then be exported for sale as part of land reclamation work.
96. The applicant states that the volume of clay reserve identified to achieve the restoration could be worked over a period of two to three years if worked continuously within the restrictions of the extant planning permission, including the limit on HGV numbers. However, the intention is for the site to open to service specific contracts, rather than being open daily to the collection trade. The rate of working would depend on demand and the ability to secure the necessary contracts. Whilst this will take longer to achieve the restoration, the approach would be considered more sustainable by ensuring the material is used for specific engineering projects rather than as more general fill material. The approach would also serve to reduce highway and amenity impacts by spreading them out over a longer period reducing the intensity of the permitted activity.
97. As indicated above, the revised landform to create the 1 in 8 slopes on site would involve additional land take from the unworked "yellow" area of the permitted quarry. This work would result in the removal of two semi mature trees and several hedgerows that currently divide up the farmland. There are also 4 ponds within the identified area, 3 are within the base of the open quarry and were formed due to the topography of the base. The fourth is an ephemeral pond overshadowed by scrub that dries out annually. The base permission establishes the principle of the loss of these features; however, conditions (8) and (22) require the details of the impacts and suitable mitigation to be provided as part of a revised working scheme. The submission allows for the stripping and temporary storage of top soils during extraction. The proposals also include an interim restoration scheme (alongside the aftercare scheme required by condition (27), as amplified by a technical briefing note). This provides for replacement habitat to compensate for losses resulting from extending the extraction area. The replacement planting proposed includes new diverse native hedgerow planting (200m), areas of tree and shrub planting (approximately 1.6ha) and the restoration and enhancement of the large pond at the base of the quarry. Please see attached 'Planting Plan' (Page C1.6).
98. The County Council's Landscape Consultants (Amey) and Ecological Advice Service have commented on this aspect of the development specifically. Amey made several initial recommendations relating to the enhancement of the open water proposed; the replacement of Ash trees with suitable native alternatives; advice on soil handling; and requested provision of a site clearance plan. These matters are addressed within the supplementary 'Technical Briefing Note' prepared by the applicant, which Amey has now considered confirming the additional information addresses the initial comments and subsequently raises no objections. Amey concludes that the overall proposal to

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create gentle slopes and contours no steeper than 1 in 8 is appropriate in the landscape and would reflect the local topography. The Ecological Advice Service confirm that it is satisfied that the proposals as amended and recommend that the arrangements are implemented as proposed.

99. I am satisfied that the landform proposed would be within the confines of the area permitted for extraction under permission TM/02/2663/MR97 and would achieve a shallow sloping landform that would be more in accordance with the gently undulating landscape that surrounds the quarry. The landform would also help to secure its agricultural use, which would further help to integrate the site with the surrounding landscape character. The proposals also include suitable replacement habitat and landscape planting that would adequately compensate for and enhance the habitat lost as a result of the land forming work proposed. Subject to the development being carried out in accordance with the proposed drawings and aftercare arrangements, I am content that the proposed schemes would be in accordance with the relevant Government guidance and Development Plan Policies relating to landscape, visual amenity and ecology.

Geotechnical

100. Paragraph 170 of the NPPF seeks development that enhances the natural and local environment by, amongst other matters, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 178 requires development to be located on a site that is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Policy DM12 of KMWLP seeks development where it can be demonstrated that it will not result in land instability.
101. The submission seeks approval to work part of the unworked 'yellow' area of the quarry to achieve interim restoration slope angles into the existing quarry. This would reduce the slopes from 1 in 3 or steeper on unrestored working faces to create 1 in 8 slopes. This work would require extraction and landscaping within the 'yellow' area and a small amount of work to remodel the north-west corner within the restored 'green' area. Whilst the operation would extend the permitted quarry area, the proposals would allow working relatively close to the northern boundary shared with the adjacent M26 motorway.
102. Initial comments received from Highways England noted the proximity of the development to the westbound carriageway of the M26. Due to this Highways England sought reassurances over the potential for the changes to the landform to impact on land stability close to the motorway. In response to these comments the applicant provided further supporting information and met with Highways England on site to review the arrangements proposed. The details submitted provided further evidence that the proposed work would have no detrimental impacts on either short- or long-term slope stability. This included reducing the slope height adjacent to part of the northern boundary with the motorway and in so doing diverting a significant proportion of surface water runoff away from the motorway. The arrangements would retain an existing land drain within the slope facing the motorway, which would be maintained / reconnected as part of the proposed work.

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103. Further to this additional work, Highways England confirmed that it is content that the arrangements are acceptable and would not present a risk to highway safety. The proposed landform seeks to create slopes with an angle of 1 in 8, which would increase the stability of the landform that currently exists, which features much steeper slope angles in some instances. The proposed landform would be stable enough to facilitate the integration of the land back into an agricultural use for the interim, whilst the site owner considers the options available to work the remaining permitted mineral reserve.
104. Given the latest comments from Highways England and that the reason for the proposals are in part to secure more shallow slope angles, which are inherently more stable, I am satisfied that the development proposed would not represent a risk to ground stability and would be in accordance with Development Plan Policies and Government guidance on this matter.

Local Amenities (Noise and dust)

105. Paragraph 205 of the NPPF requires that great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, mineral planning authorities should, amongst other matters,
- ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health, and consider the cumulative effect of mineral sites in a locality;
 - ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
106. Policy DM11 of the KMWLP requires development that is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 further seeks development that does not result in an unacceptable adverse, cumulative impact on the environment or communities.
107. The extant planning permission as reviewed by the ROMP decision TM/02/2663/MR97 imposes several controls that seek to ensure the impact of the permitted quarrying activity does not have an unacceptable impact on local amenity. The conditions imposed on the above permission include:
- HGV movements restricted to combined total of 320 movements (160 In / 160 Out) per week;
 - No extraction within remaining undisturbed areas of the permitted quarry until working, restoration and aftercare schemes are submitted;
 - No materials imported;
 - Operations between 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays; no operations at other times without approval;
 - Noise controls – maximum of 55dB_{L_{Aeq} 1h (free field)} at nearest sensitive properties, with exception of temporary operations up to 8 weeks a year not exceeding 70dB_{L_{Aeq}} (including site setup, overburden stripping, bund formation and restoration).

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108. In addition to the extant conditions, the applicant has volunteered an additional highway control further restricting HGV movements to a maximum of 58 (29in/29out) on Monday to Friday and 30 (15in/15out) on Saturdays. This would help to reduce any cumulative impact from the number of HGVs by spreading the potential impacts more evenly.
109. The submitted details do not propose to alter the permitted development in terms of the quarry's scale, nature or intensity of the use originally permitted. On this basis the proposals would not materially alter the potential impacts on local amenities. The closest residential properties to the operational areas would be at the closest point 250m to the east and 340m to the south. There are a couple of properties adjoining the industrial estate access road to the south. The concerns raised by a local resident may be due to the time the quarry has been dormant (10 years) and perception that any development undertaken now would have negative impacts on the area.
110. The Environment Agency has considered the submitted details and raised no objections. The County Council's Noise, Air Quality and Odour technical specialists (Amey) have also considered the submission and are satisfied that the impacts on noise air quality or dust would be adequately control by the existing conditions and that the operations proposed on site would not significantly alter the development to warrant further assessment or mitigation.
111. Given that no objections have been received from the statutory or technical consultees to the submission on amenity grounds and that the existing conditions imposed on the extant permission would continue to apply, I am satisfied that the proposals would not have an unacceptable impact on local amenities. I therefore recommend that the development is in accordance with the relevant Development Plan Policies and that there are no other material considerations that would indicate a decision should be taken otherwise.

Groundwater / surface water flooding

112. Paragraph 170 of the NPPF requires development to contribute to and enhance the natural and local environment by, amongst other matters, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
113. Policy DM10 of the KMWLP requires mineral or waste development that does not: result in the deterioration of physical state, water quality or ecological status of any water resource and waterbody; have an unacceptable impact on groundwater Source Protection Zones; or exacerbate flood risk. Policy CC3 of the TMBC MDE states that development will not be permitted if it has an unacceptable effect on the water environment, including surface water and groundwater quality.
114. The Environment Agency raises no objection to the application confirming that provided the development is carried out in accordance with the existing conditions it has no concerns about the proposed surface water drainage strategy. In its response the EA draws attention to the requirements of condition 1(c) of the extant permission which requires no extraction below a depth of 79.04mAOD, unless further survey work

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and a working scheme is submitted and approved that demonstrates that at least 2m of undisturbed mineral is retained above groundwater levels. The application does not propose to increase the existing depth of the open quarry, which is currently around 82mAOD. Other groundwater protection measures are also imposed under conditions 16 and 17 relating to operation of plant and machinery and storage of oil, fuel and lubricant. The EA also advise if site won waste is used in the restoration that that the development is likely to require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, unless the operations meet certain exemption criteria. Kent Flood and Water Management raise no objections and confirm the site is deemed as a low risk development with regards to flooding.

115. The north-west section of the proposed operational areas included within the interim restoration scheme overlie a Groundwater Source Protection Zone 2, which seeks to protect potable water. The development involves extraction and regrading of the land within the clay layer that overlies the sand resources. Despite involving the extraction of 214,000m³ of clay the landform would remain within the clay layers, well above the approve depth of excavation. This would therefore preserve the protection afforded any underlying water resources and would not significantly change the existing arrangements in this regard. The quarry base would remain as exposed clay and would therefore hold water for part of the year and act as a basin for the surface water run-off from the quarry slopes.
116. The development would extend the catchment of the extracted area and as such is unlikely to impact on flooding outside the site as more runoff would be channelled into the low-lying areas within the quarry void. The extant proposals allow for the creation of a balancing pond / ephemeral open water at the base of the quarry with surface water draining to the sand layer below at the lowest point. The management plan proposed includes planting at the base of the working with water tolerant species.
117. Given the EA and Kent Flood and Water Management's comments on the application, I am satisfied that the proposals would accord with the Development Plan Policies and Government guidance in relation to groundwater and surface water protection and surface water flooding.

Rights of Way

118. Paragraph 98 of the NPPF states planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Policy DM14 of KMWLP requires that development is only granted if a satisfactory diversion of any Public Right of Way (PROW) that is both convenient and safe can be secured.
119. Several public rights of way cross the wider quarry site and would need to be considered in more detail should the entire site be worked in future. However, in the context of the current submissions, Restricted Byway MR247B would be directly impacted by the work to reprofile the slopes to the west of the open quarry. The work would result in the interruption of this route and given the restoration is at a lower ground level, it would impact on the future gradient of the route as it crosses the site.
120. Kent Public Rights of Way (Kent PROW) have been closely involved with the consideration of these details, initially raising a holding objection whilst the approach

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to diverting the Byway was considered further. Kent PROW's policy when negotiating over changes / impacts from development on a right of way is to ensure that any replacement provisions are as suitable as those being impacted and where possible represent an improvement. In the context of the current submissions Kent PROW consider that the changes to the gradient that would impact on the original route of Byway MR247B would be considered unacceptable as this would potentially make the route less attractive to pedestrians and horse riders. Further to these concerns, a revised route was negotiated to provide a Bridleway that follows the edge of the slope created by the proposed landform; thereby keeping the route at a similar level to the existing arrangements. Kent PROW are content to recommend a potential downgrade of the route from a Restricted Byway to a Bridleway on the grounds that the Restricted Byway designation is historic (potentially predating construction of the motorway (M26)) and cannot be accessed by horse drawn carriages or other permitted vehicles. This section of Byway is accessed from the south by a footpath leading through the Platt Industrial Estate and immediately to the north by a Bridleway that crosses the motorway via a dedicated bridge. Neither route would allow wheeled traffic wishing to use the section of Restricted Byway to reach it without breaching the restrictions imposed on the adjacent routes. It is on this basis that an alternate arrangement has been agreed in principle.

121. However, any changes to the right of way network are subject to approval under separate legislation and an application to formally divert the route is now being considered by Kent PROW. This separate process is likely to take some time to complete and cannot be guaranteed with any disputes potentially being referred to the Secretary of State to resolve. Currently an application has been lodged to divert the route as shown in the attached 'Schematic Working Plan' (Page C1.5). In the interim Kent PROW are content to raise no objections to the changes proposed, subject to a condition securing no work to take place in phases 2 and 3 nor impacting on the route of Byway MR247B until the diversion to the right of way is legally confirmed and the revised route provided. As a result of negotiated changes to the diversion several of the submitted drawings would need to be updated if permission is granted to reflect the agreed route. I am content that these updates would not materially alter the provisions shown in the drawings included on Pages C1.5 and C1.6 and can be secured by way of a suitably worded condition.
122. Taking the above considerations into account, I am satisfied that, subject to a condition securing the arrangements described above, the proposed development would be in accordance with Development Plan Policies relating to Public Rights of Way and there are no material planning considerations that indicate recommending otherwise.

Aftercare Scheme (Condition 27)

123. As indicated above, paragraphs 127 and 170 of the NPPF, policies DM1 and DM2 of KMWLP, CP6 and CP14 of TMBC CS, SQ1 of TMBC MDE and LP11, LP12 and LP14 of the draft TMBC LP all seek development that is sympathetic to local character and landscape setting by protecting and enhancing the natural and local environment, including AONBs.
124. In addition, paragraph 205(e) of the NPPF seeks the provision for restoration and aftercare of mineral extraction at the earliest opportunity, with work to be carried out to

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high environmental standards and secured through appropriate conditions. Policy DM19 of the KMWLP requires mineral development to make provision for high standards of restoration and aftercare, such that the intended after-use of the site is achieved in a timely manner. This includes appropriate land forming and landscaping, soil management, drainage arrangements, biodiversity gain, suitable planting of native species, long-term management and aftercare plan and restoration to an agricultural after use.

125. The 'Interim Restoration' section included above concludes that the proposed scheme to restore the mineral extraction that has taken place to date is considered acceptable. The details submitted also include a Five-Year Aftercare Scheme pursuant to condition (27) in relation to the proposed scheme. This includes annual management requirements relating to planting including maintenance of the ephemeral pond and tussock grassland, hedgerows and woodland and scrub planting. The scheme requires detailed site records of the programme and annual site meetings between the landowners and the Mineral Planning Authority during the aftercare period to review performance and agree a detailed programme of works for the following year.
126. Both Amey (Landscape) and the County Council's Ecological Advice Service have reviewed the arrangements proposed and raise no objections to the scheme as amplified by the additional technical briefing note. Considering the above, I am content that the aftercare scheme complies with the requirements of condition (27) and relevant Government guidance and Development Plan Policies. Condition (27) subsequently requires the scheme to be implemented as approved.

Woodland Management Scheme (Condition 24)

127. An initial woodland management plan was approved pursuant to condition (24) of TM/02/2663/MR97 in September 2004. This scheme provided for a 10-year management plan that mainly focused on Firemanshaw Wood (to the east). An updated scheme was submitted in 2014, however this was never approved and at the time officers recommended a replacement as opposed to an updated proposal. The Woodland Management Scheme received with the current submission has been prepared based on an up to date ecological baseline survey and taking account of officer's earlier recommendations. The plan covers a period of 10-years 2018-2028, seeking to enhance the ecological value of the woodland by improving native species diversity, enhanced structural and habitat diversity, and maintain landscape character and amenity. The scheme divides the woodland, which runs along the eastern boundary of the site and access road, into 5 compartments detailing management and enhancement measures for each. The management plan includes a commitment to monitor progress and report results to the Mineral Planning Authority.
128. Amey (Landscape) recommend that the Woodland Management Plan for Firemanshaw Wood is appropriate to meet the stated objective of enhancing the ecological value of the existing woodland. KCC Ecological Advice Service confirm that the scheme is appropriate and implementable and make several suggested enhancements that have since been provided to the applicant for information.
129. Taking account of the comments received from consultees, including KCC Ecological Advice Service and KCC's Landscape Consultants, I am content the scheme received,

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as amplified and amended by the further technical briefing note satisfies the requirements of condition (24) and relevant Development Plan Policies.

Archaeological Watching Brief (Condition 30)

130. Paragraph 189 of the NPPF states where a site has potential for heritage assets with archaeological interest consideration should be given to field evaluation where necessary. Policies DM5 and DM6 of the KMWLP require archaeology to be investigated and conserved in a manner appropriate to its significance.
131. A written scheme of archaeological investigation received pursuant to condition (30) provides for an archaeological watching brief covering the additional excavation proposed. This seeks to ensure that items of interest and finds are recorded. The watching brief has been prepared by Archaeological South-East (ASE) in close reference to Kent's standard specification and relevant Chartered Institute for Archaeologists procedures. The Historic Environmental Records and previous investigations carried out on nearby sites suggest that the locality has the potential for prehistoric, Romano-British and post medieval periods remains to be encountered.
132. The County Archaeological Officer raises no objections to the written specification of archaeological works received. The comments draw attention to the fact that there have been a number of previous archaeological discoveries within the vicinity, including relating to Palaeolithic and Mesolithic, Late Iron Age and Romano-British activity. The comments highlight that the condition should not be considered to have been fully complied with until the on-site works have been completed, a report on the findings has been submitted and approved, and agreement has been reached for the publication (if required) of the results, in accordance with the written specification. The Archaeological Officer recommends that the applicant might wish to consider carrying out strip, map and sample investigations within previously undisturbed land ahead of the main operation to prevent delays during restoration work should important archaeological remains be encountered.
133. Given the above recommendation, I am content that the scheme received would ensure that any features of archaeological interest encountered would be properly examined and recorded, thereby meeting the requirements of condition (30) and the Development Plan policies and Government guidance referenced above relating to heritage assets.

Other Considerations

Future Phases of Working

134. Planning permission TM/02/2663/MR97 allows for the working of clay and sand reserves within the redline area highlighted by the plans attached above. As discussed, the permission allows for the development to be implemented in phases allowing mineral extraction up until 2040, subject to several conditions and controls. The current submission relates to securing an interim restoration scheme of the area worked to date in accordance with the planning permission and includes some additional clay extraction. This is of importance given the time the quarry has been dormant. If granted the proposals would secure the restoration of the site. However, should the landowner subsequently decide to work the remaining permitted reserves,

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clay and/or sand, further details would need to be submitted pursuant to the above-mentioned conditions to seek further approval for the method of working, archaeological works and revised restoration / aftercare requirements.

Borough Green Gardens

135. Concern has been raised by the Parish Councils regarding the implications of Borough Green Gardens (a major housing development being promoted in the emerging TMBC LP) on the working of the quarry and the potential for the permitted mineral reserves to be sterilised should planning permission for the housing development be granted. In the context of this application, as indicated above, the proposals allow for an interim restoration scheme and would not result in the sterilisation of any reserves. The scheme is proposed in accordance with the planning permission, which was drafted to allow for the possibility that the site may not be worked in one continuous phase. This is partly due to the uncertainty over the viability of the permitted reserve in the context of a changing market for clay as an economic mineral asset. The requirement to provide for interim restoration seeks to ensure that the site does not remain partially worked for an extended period.
136. The Borough Green Gardens proposals are being promoted through the draft TMBC Local Plan which has not yet been subject to examination by the Planning Inspectorate. The emerging Local Plan therefore does not form part of the Development Plan and should be afforded little weight at this time. The Inspector will need to consider the potential for sterilisation of mineral reserves resulting from the Borough Green Gardens proposals at the Local Plan Inquiry. In addition to which the matter would also need to be considered by Tonbridge and Malling Borough Council should any individual planning applications for alternate development be received on this or any of the surrounding mineral sites. The above considerations would need to take account of policy DM7 of the KMWLP which safeguards permitted mineral reserves, subject to a number of conditions and would only allow the sterilisation of the resources if, amongst other conditions: it can be demonstrated that extraction of the mineral would not be viable or practicable; the need for the new development overrides the presumption for mineral safeguarding; or constitutes development on a site allocated in the adopted development plan. Members should note that the County Council's emerging Early Partial Review of the Minerals and Waste Local Plan proposes changes to the Mineral Safeguarding Policy DM7. The proposed development would not be in conflict with these emerging changes.

Conclusion

137. The planning submission received seeks approval of details of an interim working and restoration scheme for the (partly worked) quarry area within Park Farm Quarry. The void created by extraction work undertaken to date has remained open, dormant and unrestored for some 10 years. To achieve an acceptable restoration landform the working scheme proposed requires extraction of unworked clay reserves for use in restoring the eastern quarry slopes and to create a useable and appropriate landform that would enable an agricultural after-use. As part of the further extraction proposed additional archaeological and aftercare requirements are included pursuant to the extant planning permission. The submission also includes a separate Woodland

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Management Scheme for Firemanshaw Wood to the east of the permitted quarry area pursuant to condition (24).

138. The consideration set out above establish that I am content that the details received address the submission requirements of conditions 2b, 22, 8, 24, 27 and 30. The proposals would secure the necessary restoration of a site that has remained open and unworked for a significant amount of time. This would ensure that the land is returned to an effective after-use as soon as possible and would allow the landowner time to consider the approach to working more of the quarry reverses without legitimate concerns about the land remaining unrestored until 2040 or beyond. The extant planning permission establishes the principle of the activity and includes a number of controls that would ensure that any future operation of the quarry would not have an unacceptable impact on the environment or local amenities. I therefore recommend that planning approval be granted, subject to the additional conditions and informatives included below.

Recommendation

139. I RECOMMEND that the SUBMISSION BE APPROVED pursuant to the requirements of conditions 2, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97, SUBJECT TO the imposition of further conditions covering the following:

- Daily HGV movements limited to 58 (29 in / 29 out) on Monday to Friday and 30 movements (15 in / 15 out) on Saturdays.
- Except for archaeological investigations, no work shall take place in phases 2 and 3 nor any disturbance of the route of Restricted Byway MR247B until the diversion of this right of way is legally confirmed and the revised route provided on site.
- Updated drawings reflecting the amended route of right of way MR247B shall be submitted for approval.

140. I FURTHER RECOMMEND that the following informatives are included on any approval notice:

- The applicant is reminded that all conditions imposed on TM/02/2663/MR97 remain in force, including on-going controls / requirements under conditions 2, 8, 22, 24, 27 and 30 that are not superseded by the details hereby approved.
- The planning permission confers no other permission or consents and that any change to the PROW requires the express permission of the Highways Authority, separate from the planning process.
- Informatives recommended by the County Archaeological Officer relating to delivery of the written specification of work and subsequent reporting, and advice that the applicant considers implementing sample investigations ahead of the main excavation.

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