

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 other documents as might be additionally indicated.

Item C1

Application by Tarmac Limited for extension of extraction area and continued operation of existing processing and associated manufacturing plant and buildings and other operational areas at Sevenoaks Quarry, Bat & Ball Road, Sevenoaks, Kent, TN14 5SR – SE/08/675

A report by Head of Planning Applications Group to Planning Applications Committee on 21 January 2010.

Application by Tarmac Limited for extension of extraction area and continued operation of existing processing and associated manufacturing plant and buildings and other operational areas at Sevenoaks Quarry, Bat & Ball Road, Sevenoaks, Kent, TN14 5SR.

Recommendation: Planning permission be granted subject to a legal agreement to secure the Heads of Terms given in Appendix 3 and conditions.

Local Member: Mr N Chard (Mr JF London adjoining)

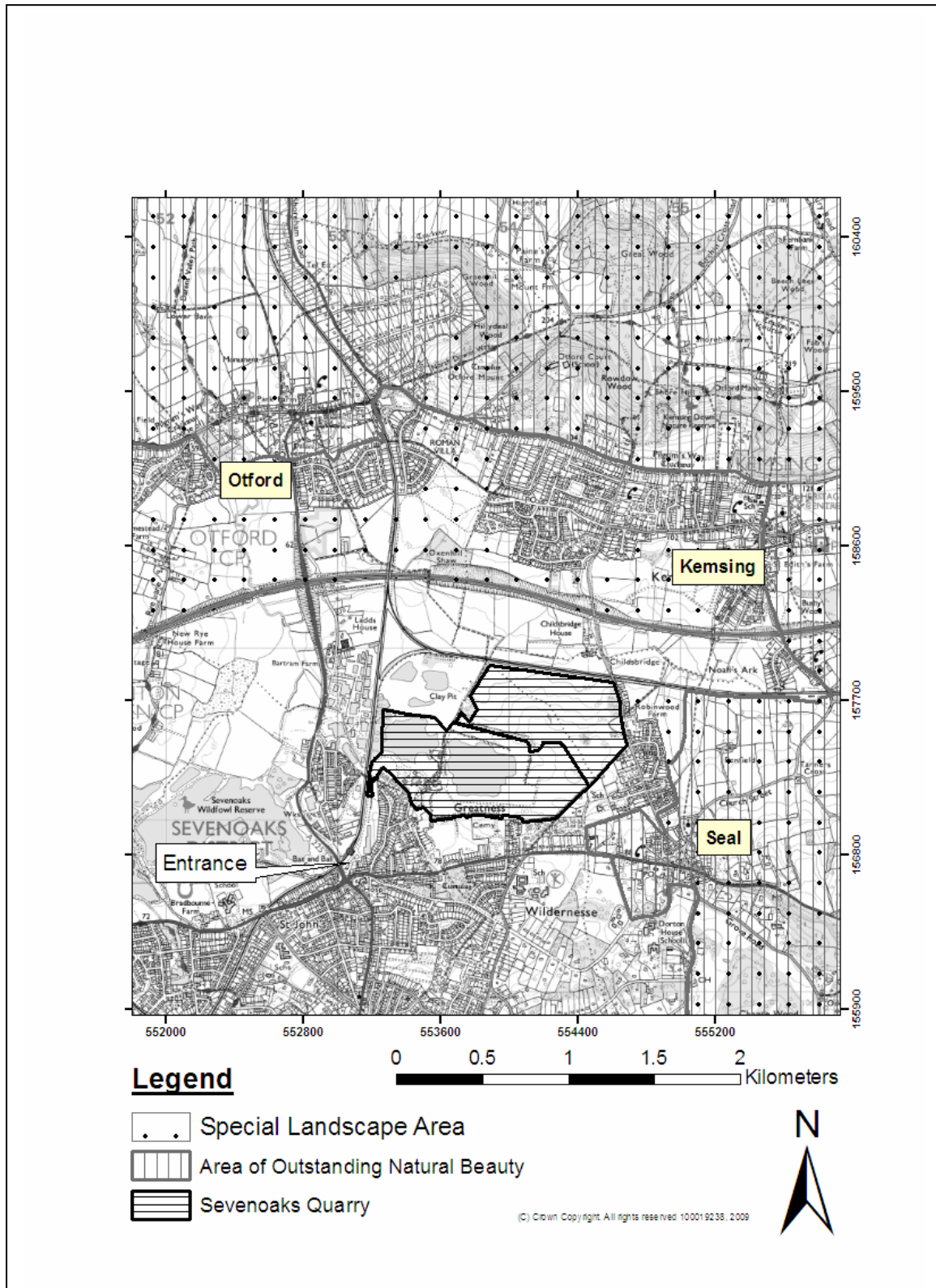
Unrestricted

Site description and background

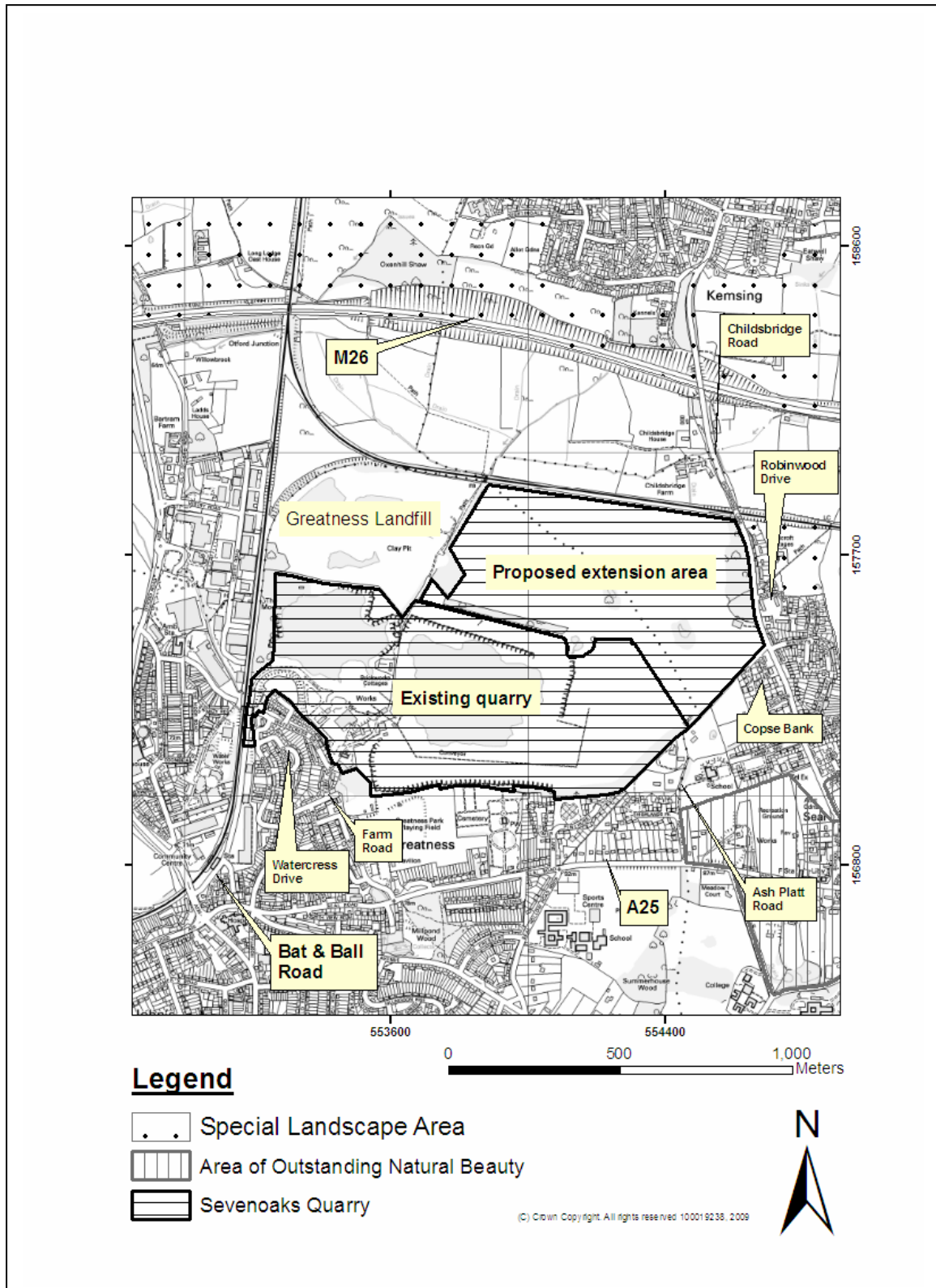
1. Sevenoaks Quarry is located approximately 2.5km north of Sevenoaks town centre and 1km south of the M26. The existing quarry occupies the southern half of an area bounded by railway lines to the north and west, Childsbridge Lane to the east and a mixture of housing, playing fields, a nursing home and a cemetery to the south (much of which is screened by a raised amenity mound and planted area of land which forms part of the existing working and restoration scheme). Further housing is located to the east and south of Childsbridge Lane. Land to the west, between the railway line and A225 Otford Road, contains employment uses. The north western quadrant of this area contains the Greatness Landfill Site (operated by Cory Environmental Ltd) and land to the north east is in agricultural use. Access to the quarry (and adjoining landfill site) is via Bat and Ball Road from its junction on the A225, just to the north of its junction with the A25.
2. The application site includes existing workings (i.e. extraction areas, stockpiles, sand processing plant, mortar batching plant, aggregate bagging plant, site offices and buildings and distribution areas) as well as the proposed extension area. It also includes a number of cottages (some of which are currently in residential use). The entire application site covers 92.5ha, of which the proposed extension area is 35ha and the new extraction area about 14ha of this. The proposed extension area is primarily in agricultural use (farmed under licence) and includes areas of woodland as well as a large agricultural building and sand / compost blending operation. The

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majority of the extension area is grade 3b agricultural land (71.4%), the rest is grade 3a (18.4%) or woodland / non-agricultural (10.2%). The largest area of woodland within the extension area (but outside the proposed extraction area) is on the eastern boundary adjacent to Childsbridge Lane. There are four copses within the proposed extraction area. The largest of these is on the edge of the current extraction area and connected to a narrow plantation strip running along its northern boundary. Access to the agricultural land is off Childsbridge Lane to the east. The existing site contains two lakes. The western lake is currently part of the processing area and is used for silt disposal and process water recycling. The eastern lake is part of the current extraction area and has been formed by the removal of sand from below the water table. Although the natural water level in the eastern lake would be about 68m above ordnance datum (AOD), it is currently at about 66m AOD as a result of pumping associated with quarry operations. Parts of the lake are somewhat shallower due to difficulties in extracting sand as a result of ironstone deposits.

3. There are no designated areas within the application site although the north east corner of Greatness Landfill Site is identified as a (geological) SSSI. Land between the railway line and M26 to the north of the site is designated as an Area of Local Landscape Importance (ALLI). Land to the north of the M26 (including land to the south of Kemsing) is designated as a Special Landscape Area (SLA). The Kent Downs Area of Outstanding Natural Beauty (AONB) lies to the north of Kemsing and Otford (including parts of Otford) and to the east and south east of the site (at its nearest point, approximately 200m away). The AONB is also subject to the SLA designation. The site is in the Green Belt. The site is not identified as an Area of Search for future mineral working in the adopted Kent Minerals Local Plan Construction Aggregates (December 1993) nor is it identified for any specific use in the adopted Sevenoaks Local Plan (March 2000). There are a number of Air Quality Management Areas (AQMAs) in the area. These include the Bat and Ball junction (through which all traffic enters and leaves the site), Seal and Riverhead. A small part of the proposed extension area lies within a Groundwater Source Protection Zone 3. The existing site lies within Source Protection Zones 1, 2 and 3. One public footpath (SU3) crosses the application area linking Sevenoaks and Otford. This passes through the processing plant area and between the Greatness Landfill Site and proposed extension area. It was the subject of a recent diversion application designed to move it away from the plant site for health and safety reasons but this was rejected. Another public footpath (SU4) runs along the south eastern boundary of the application area linking Childsbridge Lane and the A25 (Seal Road).
4. The nearest residential properties to the existing operations are at Watercress Close and Watercress Drive immediately to the south of the existing aggregate bagging plant and site office area. The nearest residential properties to the proposed extension area are at Ragstones / Copse Bank and a number of individual houses (to the south east) and those to immediately to the east of Childsbridge Lane itself. The nearest curtilages of these (Ragstones / Copse Bank and individual houses) are about 100m from the proposed extraction area itself.
5. Sevenoaks Quarry has a long history of mineral extraction and there are a number of relevant planning permissions for extraction and associated processing. These

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include SW/2/52/108, SW/2/50/71, SW/2/52/132, SW/2/52/247, SW/2/66/165 and SE/87/1468. The latter (which provides for sand extraction, access, mortar plant, office, weighbridge and lake infill) being the most relevant. These permission are currently the subject of an application (SE/07/TEMP/0032/MR58) under the minerals review process (ROMP) which has been suspended pending the outcome of the current planning application. There are also a number of mineral related permissions which include SE/87/1467 (A225 re-alignment, access and car park), SE/93/1045 (lorry parking), SE/94/820 (operating hours), SE/94/2038 (replacement mortar plant), SE/96/596 (increased mortar plant silo height), SE/96/819 (extension of area for storage of bagged sand), SE/96/1604 (importation of soils to mix with sand – Bourne Amenity), SE/98/505 (erection of plant, building, hopper and extended bagging facilities), SE/98/506 (use of parking area for sand stocking), SE/99/811 (continued use of mortar plant for ready mix concrete), SE/04/2441 (manufacture of topsoil – Freeland Horticultural) and SE/06/2415 (most recent permission for extended hours of working at the bagging plant).

6. The mineral permissions require the site to be worked in a generally west to east direction towards Seal and restored to lower levels including a large lake in the western part of the site. Operations involving the removal of soils, overburden and Gault clay and the extraction of sand (from the Folkestone Beds) above and below the water table with dry and wet working respectively prior to restoration. Dry workings consist of easterly advancing benches of varying heights which are formed by excavating the quarry face in a series of 3 to 4m lifts by a 360⁰ excavator. Sand cast over the face is collected by face shovel, pre-screened and transported to a hopper and field conveyor system before entering the main screening process plant and deposited by conveyor to stockpiles ready for collection / loading. Wet workings take place below water table in the eastern lake using a low reach back acting excavator which stockpiles material at the lake edge and transported to the hopper and field conveyor system before entering the Linatex Washing Processing Plant where stones are screened off and the sand de-watered and transferred over a radial conveyor system to the main stockpile area for collection / loading. Reject stone and other materials from the processing plant (e.g. silt) are transported or pumped to the western lake for restoration purposes. All finished products are exported by road in sheeted HGVs via the weighbridge. Internal customers (i.e. Trupak Bagging, Mortar Plant, Bourne Amenity and Freeland Horticultural) collect sand from the main stockpiles for storage in their respective stock bays.
7. Restoration of the existing site is set out in a restoration scheme included with planning permission SE/87/1468 granted in January 1990. The restoration scheme shows the plant site and western lake being restored to grassland (using quarry reject materials and overburden and clay arising from within the site and final layers with topsoil) with some of the access road and two site offices being retained. The area is shown as level with a steep batter up from the plant site to the public footpath to the east. Greatness Farm Cottages (three of the four of which are occupied) and Brickworks Cottages (currently empty / boarded up) are also shown to be retained in the restoration scheme. The area to the east of the public right of way is shown as being restored to a water body, with public access (circular walkways linked by steps), picnic areas and viewpoints (with wooden benches) within a relatively narrow strip of

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land around the lake. Potential recreational use of the lake is indicated although no planning permission for such use exists. The lake would be restored in a roughly rectangular shape with relatively steep sides (between 1:1.5 and 1:3 near water level). The areas around the lake would be grassed or planted with trees. Lake margins would be planted with marginal aquatic species (e.g. reeds and rushes). The restoration scheme also shows parking areas for fishermen. The existing southern site screening mound and associated trees would be retained as part of the final restoration.

8. Sands extracted at the site are used for a wide variety of end uses. The main products are:-
- Mortar sand used at the on-site mortar plant and other plant in the South East;
 - Building sand supplied to building companies and merchants in and around Sevenoaks;
 - Sand bagged on site and used in the building and concreting industries (by Trupak);
 - Asphalt sand supplied to coated roadstone plants in Kent and Greater London;
 - Sand for blending on site with imported recycled topsoil for use in the sports turf industry (by Bourne Amenity); and
 - Sand for blending on site with imported compost to produce high specification topsoils for use in residential development on former contaminated land in Kent and the South East (by Freeland Horticultural).
9. The permissions impose, amongst others, the following constraints / requirements:-
- Mineral extraction to cease by 11 January 2020 and site restoration to be completed by 11 January 2022;
 - Importation of soils to mix with sand to cease by 10 January 2020;
 - Manufacture of topsoil to cease by 31 December 2009 (*the renewal of this permission is sought as part of the current application*);
 - Use of mortar plant for production of ready mixed concrete to cease by 11 January 2010 (*the renewal of this permission is sought as part of the current application*);
 - Importation of sand and gravel for use at the bagging plant restricted to 40% of total materials exported from the bagging plant (this allows a wider range of products to be provided to customers);
 - Other imports limited to those materials required for the production of mortar (e.g. lime, pit and sharp sand and colouring pigment) and ready mixed concrete (e.g. cement, cement replacement materials and sharp sand) and for the soil blending operations by Bourne Amenity (topsoil, peat and compost) and topsoil manufacture by Freeland Horticulture (compost);
 - 38 HGV movements (19 in/19 out) per day for the Freeland Horticulture operation and 20 HGV movements (10 in/10 out) per day for the production of ready mixed concrete;
 - Depth of working to 74m above ordnance datum (AOD) without prior consent – this has been amended such that there is now a requirement to retain at least 5m of Folkestone Beds above its interface with the underlying Sandgate Beds;

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- Main hours of working (for mineral working, importation of soils to mix with sand and manufacture of topsoil) 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays with no working on Sundays and Public Holidays;
 - Essential maintenance for mineral working also allowed on Sundays and Public Holidays between 0800 and 1800 hours;
 - Bagging plant allowed to operate (with certain restrictions, including a 50dB noise limit, no audible reversing alarms and no HGV movements into and out of the site) between 1800 and 2200 hours Monday to Friday between 1 April and 30 September each year until 31 December 2018;
 - 6 (mineral related) lorry loads allowed to leave the site between 0600 and 0700 hours Monday to Saturday;
 - Noise from main operations (minerals, importation of soils to mix with sand and manufacture of topsoil) not to exceed 55dB(A) measured at specified boundary stations with an allowance of up to 75dB(A) for temporary works associated with mineral working and restoration;
 - Dust attenuation measures;
 - No importation for backfilling; and
 - Woodland management scheme.
10. A Planning Applications Committee Members' site visit was held on 9 September 2008. This was also attended by the applicant, representatives of Sevenoaks District Council, Sevenoaks Town Council, Seal and Kemsing Parish Councils and the local community. Notes of the 2008 site visit are attached at [Appendix 1](#). A further Members' site visit was held on 8 September 2009. This was also attended by the applicant, representatives of Sevenoaks District Council, Sevenoaks Town Council, Seal and Otford Parish Councils. The site visits enabled Members to view the proposed extension, other areas of the site and its relationship with the surrounding area and listen to the views of interested parties. Notes of the 2009 site visit are attached at [Appendix 2](#).

The Proposal

11. The application, which was initially submitted in February 2008, proposes the extension of the current extraction area to the east and north and the continued operation of the existing processing and associated manufacturing plant and buildings and other operational areas. The application was amended and clarified in October 2008 to:-
- provide an increased stand-off to residential properties to the south east of the proposed extension area (from about 50m to 100m) and resultant reduction in the extraction area;
 - provide revised application drawings, including final restoration (to reflect the increased stand-off and clarify other issues); and
 - provide further details of the development and clarify other matters where necessary (e.g. hours of working, 10-year aftercare programme).

It was further amended and clarified in July 2009 to provide:-

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- a revised restoration scheme including bolder blocks of woodland on the proposed mound between the extraction area and railway line (to better reflect the character of the surrounding landscape and improve views from the north), additional riparian planting adjacent to the ponds, ditches and watercourses (to reflect local landscape character and improve biodiversity) and additional boundary planting of larger stock (for better visual mitigation);
- a series of highway improvements designed to ease congestion at the Bat and Ball junction and have the potential to provide an improvement in air quality within the air quality management area (AQMA);¹ and
- a minor reduction in the proposed depth of extraction and control of water levels to ensure the short and long term stability of the proposed lakes (i.e. to provide appropriate factors of safety and minimise the potential for basal heave² by maintaining sufficient sand from the Folkestone Beds above the Sandgate Beds formation).

12. In summary, the application (as amended) proposes:-

- 14 hectare (ha) extension area;
- 6.156 million tonnes (mt) of sand to be extracted;
- 300,000 tonnes per annum (tpa) sand sales;
- Extraction to cease by 2030 (and restoration completed by 2032);
- Depth of working to be carefully controlled to maintain an appropriate thickness of Folkestone Beds sand above the Sandgate Beds formation (including a minimum of 5.5 metres (m)) to ensure the integrity of the Hythe Beds aquifer;
- Retention and continued use of all existing plant, buildings, operations, etc;
- Normal hours of working 07.00 to 18.00 hours Monday to Friday and 07.00 to 13.00 hours on Saturdays with the following exceptions:-
 - 0600 – 0700 hours Monday to Friday: up to 6 lorry movements;
 - 1800 – 1900 hours Monday to Friday: loading of up to 6 vehicles; and
 - 1800 – 2200 hours Monday to Friday between 1 April and 30 September (inclusive): operation of bagging plant, with no HGV movements during these hours;
- Access as existing via Bat and Ball Road;
- HGV movements no greater than existing (i.e. an average of 190 movements per day from all operations at the site based on annual tonnages / loads with at most 24 movements per hour);
- Continued use of existing footpath through the site;
- Progressive restoration to nature conservation, public amenity and agriculture; and
- 10-year post-aftercare management programme.

¹ The proposed highway measures being: (i) an assessment of the effectiveness of the traffic light system, adjustments where required and installation of a CCTV camera in order to control traffic lights remotely; (ii) Design of an Otford Road improvement plan; (iii) Removal of the central islands and extension of the 2 lane approaches, minor road widening, chevrons to replace the 'keep clear' road markings to have a guaranteed access for HGV's turning into Bat and Ball Lane; and (iv) Installation of a controlled pedestrian crossing.

² Groundwater in the fully saturated Hythe Beds rising into the Folkestone Beds through the Sandgate Beds as a result of upward water pressure leading to connectivity between the two.

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13. The applicant has also agreed to enter into a legally binding agreement under Section 106 of the Town and Country Planning Act (1990) to provide those matters included in the Heads of Terms included at [Appendix 3](#). In summary, these include:-
- making a contribution of £120,000 towards the design and construction of highway improvements at the Bat and Ball Junction;
 - paying £30,000 towards air quality monitoring at the Bat and Ball Junction;
 - creating a new public footpath across the site;
 - undertaking an ecological / biodiversity monitoring and management regime for the duration of the permission and for 10-years after completion of the standard aftercare period;
 - maintaining and managing landscape planting proposals for 10-years after completion of the standard aftercare period; and
 - providing public access and permissive rights of way to the site in perpetuity.
14. Notwithstanding the fact that the extant mineral permission requires extraction to cease in 2020, the applicant estimates that the remaining proven saleable reserve is about 550,000t and that this could be exhausted in less than 2 years based on maximum sales of 300,000tpa. The applicant also says that there is a further quantity of sand which could be extracted from beneath the main lake (which would need to be washed). Precise quality and quantity of this material is uncertain due to ironstone banding and silt but operations would continue until these additional reserves either become unviable or exhausted.
15. The application proposes that mineral extraction and processing would take place in a similar way as currently (see paragraph 6 above), preceded by the phased stripping of soil, overburden and gault clay. Extraction would take place in three main phases once permitted reserves are exhausted and would extend the extractive life of the site by about 20 years (to 22 years).³ The proposed phases are illustrated on the revised “Phasing Overview” drawing and the proposed restoration on the revised “Restoration Masterplan” drawing which are attached at [Appendices 4 and 5](#). *Copies of these and other drawings will be available for inspection at a larger scale in the Council Chamber when the application is determined.*
16. Phase 1 would involve the stripping of soil, overburden and gault clay from an area to the north and east of the current extraction area, the creation of a 2.6m high temporary soil screen mound (bund) at least 60m from the south eastern boundary of the application site (i.e. adjacent to public footpath SU4) extending to the north towards the existing barn (which would be removed) about 70m from Childsbridge Lane, the creation of a permanent main screen mound (new landform) in the north of the site between the edge of the proposed extraction area and the railway line, the continued infilling of the western lake/silt pond with silt and capping with overburden and soils, the restoration of the eastern part of the current working area and the extraction of sand over a 3-year period. Excavation of overburden and clay within the phase 1 area would be about 86m from the site boundary and the limit of mineral

³ All based on an annual extraction rate of 300,000tpa.

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excavation a further 100m away. Overburden comprises clayey sand and gravel and gault clay. The average depths of these materials across the proposed extension area are about 3m and 11m respectively, although the gault clay is up to 20m deep in places.

17. Phase 2 would involve the further extension of the extraction area to the north and east, the creation of part of the restoration landform in the centre of the eastern lake, the continued infilling of the western lake/silt pond with silt and capping with overburden and soils, the restoration of the area between the western soil screen mound and the extraction area and the extraction of sand over a 10-year period.
18. Phase 3 would involve the final extension of the extraction area to the north, the creation of the remaining part of the restoration landform in the eastern lake, the completion of the infilling of the western lake/silt pond with silt and capping with overburden and soils, the restoration of the area around the final extraction area and the extraction of sand over a 7-year period. The applicant notes that Greatness Landfill Site, adjacent to the site, would be restored before the proposed extension is completed.
19. Quarry access arrangements would remain as existing with the Bat and Ball Road being used for the duration of the development. Existing processing plant would continue to be used. Silt generated from the processing of sand would continue to be pumped to the western lake until it is full after which it would be pumped to the eastern lake for the remaining life of the operation. A minimum 5.5m thickness of Folkestone Beds sand would be maintained above its interface with the underlying Sandgate Beds and groundwater levels would be monitored for the life of the operations to enable the potential for basal heave to be kept under review and preventative action taken if appropriate.
20. The applicant states that the proposals incorporate the following restoration objectives:-
 - Improve the scope and extent of marginal wetland habitats beyond the limited scope within the permitted restoration scheme;
 - Reduce the extent of steep battered slopes from those in the existing restoration scheme;
 - Improve the general shape of the landform from that within the permitted restoration scheme;
 - Maintain and develop the proposed public access within the permitted scheme;
 - Create a final suitable landform capable of absorbing the large quantities of stripped overburden in a phased manner;
 - Create a landform and habitats in character with the “Kemsing Clay Farmlands”;
 - Screen views from the north as much as practicable; and
 - Enhance and develop the existing wildlife habitats.
21. The existing western lake/silt pond would be restored using silt and capped with overburden and soils from the extension area to create a revised landform incorporating a pond with an outfall to Watercress Stream to the south west at 66.5m

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AOD. Provision would also be made for flood attenuation and would be included with water levels of up to 65.7m AOD being designed for. The area would be grass seeded to enable livestock grazing which would be used for the long term management of this area. The applicant states that as the area is adjacent to housing, it has the potential for informal recreational use and / or the siting of a playground. The applicant had hoped that if separate proposals for the temporary diversion of the existing public footpath (SU3) were approved, this would be diverted around the north and west of the silt pond and link to footpaths near the site entrance and that on completion of final restoration the public right of way would be returned to its current route and the temporary path retained. However, as these proposals have been rejected since the planning application was submitted they are no longer possible. Since submitting the application, the applicant has made improvements to the existing footpath to provide better separation between users and quarry activities.

22. The existing plant site area would be restored by deep ploughing to break up any compaction within the plant site. Soils stripped from the extension area would be used to create a suitable medium for the sowing of grass seed and the long term management of the area as agricultural grassland (as the existing restoration scheme). The nature of the material beneath the soil level is likely to lead to a more porous soil structure less prone to seasonal wetness than the western lake area. The two existing quarry offices, associated car parking and some of the access roads serving them would be retained.
23. The existing working area contains restored slopes along most of its southern extent with dense vegetation and planting along their tops and partly down their lower slopes. These slopes are steep (about 1:2) but have proved stable and capable of developing a good cover of vegetation and it is proposed that they be retained and extended where it is impracticable to moderate the gradient or blend them into a more natural landform. As these slopes are cut into sand and acidic, they would be restored with scrub species as opposed to woodland to create a more varied habitat and include the potential for steeper faces to the south, southwest and east for bare ground areas for reptiles and insects. Existing slopes to the north and east of the current working area would be worked back into the Gault clay deposits. These slopes would be left at a gradient of 1:7 for stability, giving a more open / natural landform. The eastern lake would be profiled with Gault clay stripped from the extension area to create a shallow dished landform and a slightly raised ridge of land formed between this and the new extension lake to retain water in a number of small ponds and water courses running through the area which would be fed by incident rainfall. This and the clay soils would lead to damp conditions and development of wet grassland habitat. Wet woodland planting would be carried out in small areas adjacent to the water features. An outflow from the area to the new lake to the north would be created. A new ramp would be created to the west of the current workings by filling and cutting the existing sand faces to accommodate a new conveyor layout. Sand faces would be retained along this edge extending southwards to accommodate drainage from a groundwater interception drain along the southern site boundary. This drainage feature would include two small ponds in the southwest corner of the extraction area.
24. The existing boundaries of the site include significant areas of woodland planting and

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vegetation. It is proposed to extend this vegetation along any additional steep slopes to be created by the proposals, strengthen the woodland adjacent to the public footpath through the plant site and along Childsbridge Lane. It is proposed to retain the more open boundary along Childsbridge Lane where views are possible through boundary vegetation into the open fields beyond.

25. The applicant states that the proposed northern screen mound would limit the degree of activity visible when viewing the proposed site from the north and would help to isolate the final restoration scheme from disturbance from the adjacent railway and more distant motorway to the north. It would benefit any wildlife associated with the restored landform as well as improving the general environment for any public use of the site. The proposed cut slopes of 1:7 and built slopes of 1:10 maximum would create a gentle undulating landform more in character with the natural landform of the area than the existing mineral workings. The area would be restored to grass pasture with defined fields and hedgerows and vegetation established along the crest of the screen mound to further increase its screening ability and create a number of characteristic copses.
26. The proposed internal overburden slopes would be cut to a maximum gradient of 1:7 for reasons of stability and would be restored to grassland to merge with the pasture land restoration of the northern screen mound. Proposed internal sand slopes would be limited in extent extending around the western and eastern side of the extraction void and dipping to the north and would be restored using sand soil material and planted with a mixture of scrub species.
27. The existing extraction method results in a steep sided batter extending down below water level to a considerable depth and the afteruse limitations of this would be overcome by the proposed infilling of the eastern lake with clay overburden. The proposed method of working would leave a 1:2 face with an 8m wide bench and a 1:3 batter below water. Final water level would be between 66 and 69m AOD with the higher level limited by a piped outfall to the Honey-pot Stream. The restoration plans show 68m AOD with associated habitats dependent upon final batters but with increased wetland habitat. The proposed extraction method would lead to the creation of a ridge of sand between the existing and proposed new wet extraction areas to separate the areas. The existing eastern lake (southern void) would be filled with clay overburden to about 67m AOD along the margin between the two to give the basis for an 80m wide margin near water level stretching about 600m along the shoreline of the proposed lake. The margin would consist of part retained sand and part tipped clay and would be subjected to detailed cut and fill operations to maximise shoreline margins and marginal vegetation conditions. A number of islands would be created by leaving small blocks of sand in situ and regrading them. The resultant landform would allow water levels of between 300mm and 1.5m and gentle gradients of about 1:15. This southern edge would be sufficiently flexible to absorb the range of potential water levels by more / less clay extraction or extraction as required. A series of ponds and hibernacula would be established along the northern edge of the application site at the foot of the final screen bank at the onset of works to provide receptor sites for great crested newts.

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28. Public access would be provided with paths around the periphery of the extraction area and across the wet grassland area with gradients of less than 1:12. A number of viewpoints and picnic areas would also be provided to the north and south of the proposed new lake and linked to the public right of way and a series of pathways. Viewpoints would be designed to provide open views across the restored area or the Kent Downs AONB to the north. Public access to most of the southern shoreline of the lake would be restricted to provide quieter screened areas for wildlife, however, specific points would be provided elsewhere where constructed edges or shallow margins would be created.
29. Proposed vegetation / habitat types would be: open water; sheltered water, shallow water and ponds; species rich grassland; and woodland, hedgerows and scrub. The total area of open water (over 1.5m deep) would be about 18.9ha, with a maximum depth of about 30m. The edges of the zone would be for aquatic plants and main lake uses would be for wildfowl roosting and fish. The lake would be in continuity with groundwater and its level controlled by a piped outlet to the Honeypot Stream. The total area of sheltered water, shallow water and ponds (less than 1.5m deep) would be about 3.7ha (2.1ha with a depth of less than 1m and 1ha with less than 0.5ha). It would mostly be concentrated along the southern edge of the lake with a narrow 9m margin around the remaining shoreline. Plant growth would provide nesting habitat and associated ditches would provide bird feeding areas. The majority of the restoration area would be to species rich / rough grassland (42ha). This would include the clay based rough pasture to the north of the lake including the northern screen mound (19.8ha), wet clay based species rich grassland to the south of the lake (13.1ha), sand based scrub / grassland mosaic (1.6ha) and mixed clay and sand based grassland around the plant site and western lake (7.4ha). Clay pasture land would be managed with an emphasis on increasing the range of species within the grass sward and creating rough pasture for reptiles. The wet pasture land would consist of a gently sloping bowled landform with ponds and water courses in its base. Wet conditions would be caused by incident rainfall and impervious clay and clay soils and the outlet from this area into the main lake would be restricted to increase soil moisture levels. The sand based grassland would be concentrated around the south, southwest ponds and eastern cut mineral slopes and would include rough grassland for reptiles. Grassland over the infilled western lake would be restored to amenity grassland suitable for informal ball games, picnic area and dog walking. In addition to the strengthening of existing vegetation around the site boundary it is also proposed to create a series of hedgerows, with hedgerow trees, linking wildlife corridors across the restoration area. Some small areas of wet woodland would also be planted within the main wetland area to the south. The total area of dry woodland planting would be about 14.8ha, wet woodland planting about 0.9ha and scrub / woodland edge planting about 1.0ha with about 200 scattered trees. A total of 2.8km of hedgerow would be planted with about 30 hedgerow trees. In addition, there would be about 1.6ha of scrub / grassland mosaic allowing for the development of further scrub through management.
30. Restoration materials would comprise topsoil, subsoil, Gault clay, waste mineral and silt. Soil sources within the existing quarry area are limited with most having been used for restoration in the southern extraction batters. Excluding soils from a small

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part of the existing permitted quarry that has yet to be stripped and worked and that stored in a mound adjacent to the Freeland Horticultural operations within phase 1 of the proposed development, all other restoration materials required for the proposed development would be sourced from within the proposed extension area itself. The application contains details of the volumes of topsoil, subsoil and overburden available from each proposed working phase as well as the volumes required for each restoration phase.

31. The existing topsoil storage mound would be removed from Phase 1 prior to the removal of soils and overburden from Phase 1 and be used to continue restoration of the southern sand batters south of the eastern lake. Soils stripped from the eastern end of Phase 1 would be used to help create a temporary screen bund along the top edge of the proposed overburden cut slope in Phase 2. This screen bund, which would be constructed with subsoil from Phase 1 covered with the topsoil, would be 3m high and 14m wide with a 2m crest and 1:2 slopes. It would be set back about 15m from the south eastern boundary of the extension area adjacent to the public footpath which joins Childsbridge Lane. Topsoil and subsoil would be removed from the area of the proposed northern screen bank and stored in temporary mounds within its footprint for later restoration use. Gault clay overburden would then be used to create part of the northern screen bank and soils stripped subsequently placed directly onto the screen mound landform. Mound heights would be restricted to 3m (topsoil) and 5m (subsoil). Gault clay overburden from Phase 1 would be used to construct the rest of the northern screen bank and to infill part of the wet working void created by Phase 1. Topsoil and subsoil from Phase 2 would be stripped and stored in temporary mounds (3m and 5m as appropriate) within the restoration areas in Phase 1. Gault clay overburden from Phase 2 would be used to extend the restored landform across into the eastern lake and infilling the eastern end to match final restoration contours. Gault clay side-batters would be left at 1:7 to reflect final slope profiles. Remaining soils from Phase 2 would either be placed onto the developing restoration landform or used to replace soils on side batters as they are formed. Sufficient topsoil and subsoil from Phase 3 would be stripped and stored in the base of the workings to restore the clay batters created by the removal of the Gault clay overburden and remaining soils placed directly into the restoration of the eastern lake during dry weather. The temporary screen bund on the eastern side of Phase 2 would be used to restore the marginal areas of the new lake created by the Phase 3 wet sand extraction.
32. Stripping, movement, placement, storage and replacement of soils would accord with best practice. The applicant states that the need for additional measures to ensure ground stability on steeper restoration slopes would be assessed and measures taken as required due to the variable nature of restoration materials and bank profiles. The application includes an outline of proposed planting patterns, tree and scrub mixes, planting stock, techniques and seeding mix and rates that reflect the above habitats and proposed Restoration Masterplan. The applicant states that much of this is indicative at this stage and that further details would be agreed following input from (amongst others) ecologists and the local community. The applicant also proposes to establish reed beds and aquatic vegetation using root fragments, stem cuttings and/or seed bearing silt/soil imported from adjacent ditches and wetlands and to use the early restoration as donor sites where possible.

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33. The applicant states that the site would be monitored throughout the operational, restoration and aftercare periods so that the most suitable management regime could be defined on an area by area basis. It also states that an aftercare management plan would be formulated comprising an outline scheme setting overall objectives and operations for site management and a detailed scheme submitted annually (informed by annual site meetings) to enable site conditions and requirements to be agreed and reviewed as necessary thereafter. Outline details at this stage indicate measures for proposed planting, grassland and reed beds and aquatic vegetation.
34. The applicant states that the proposed development would give rise to the following benefits:-
- Maintain existing direct employment and continue to support indirect employment;⁴
 - Ensure that opportunities for economic growth can be realised in the local area through the continuing availability of construction materials;
 - Contribute over £1M per year in wages, local taxes and expenditure to the local economy;
 - Continue to provide the required quantity and quality of local aggregate supplies and avoid the need for imports from further afield;
 - Remove any uncertainty surrounding the future of the site (e.g. nature and duration of activities);
 - Increase the habitat available to existing species in the area;
 - Make a significant contribution to local bio-diversity by providing a more diverse range of habitats; and
 - Improve on the existing restoration scheme by increasing the available area for nature conservation and public amenity (and reduce the potential for conflict between these potentially conflicting interests).
35. The application is supported by a planning statement, a flood risk assessment and an environmental statement and non-technical summary submitted in February 2008 containing sections on site description and current operations, description of proposed development, the scoping process, planning context, need and alternatives, landscape and visual impact, ecology, highways, noise, air quality, geology, hydrology and hydrogeology, cultural heritage, soils and agriculture and ground stability. These include a variety of proposed mitigation measures in respect of landscape and visual impact, ecology, noise, dust, ground and surface water, archaeology, soil quality and ground stability. It is also supported by the “Supplementary Submission” (dated September 2008) and the “Further Supplementary Submission” (dated July 2009) referred to in paragraph 11 (above). These supplementary submissions were intended to address objections and other issues raised during consultations on the proposals and clarify certain points. The former was also submitted to address the omission of ecological surveys for great crested newts and bats.

⁴ The applicant has advised that the site currently employs 21 full time and 13 part time staff, uses between 30 and 35 HGV drivers and that the majority of the staff live within 20 minutes of the site. It also uses between 10 and 15 support staff (e.g. head office / specialists) and over 40 different firms that provide a range of services to the site.

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Planning Policy Context

36. **National Planning Policies** – Relevant policies include those set out in PPS1 (Delivering Sustainable Development) and associated Planning and Climate Change – Supplement to PPS1, PPG2 (Green Belts), PPS4 (Planning for Sustainable Economic Growth), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG15 (Planning and the Historic Environment), PPG16 (Archaeology and Planning), PPS23 (Planning and Pollution Control), PPS25 (Development and Flood Risk), MPS1 (Planning and Minerals) and associated Practice Guide, MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England) including the associated Annexes 1 and 2 on Dust and Noise, MPG5 (Stability in Surface Mineral Workings and Tips) and MPG7 (Reclamation of Mineral Workings).
37. **South East Plan** – These include Policies SP5 (Green Belts), CC1 (Sustainable Development), CC2 (Climate Change), CC3 (Resource Use), CC7 (Infrastructure and Implementation), NRM1 (Sustainable Water Resources, Groundwater and River Water Quality Management), NRM2 (Water Quality), NRM4 (Sustainable Flood Risk Management), NRM5 (Conservation and Improvement of Biodiversity), NRM7 (Woodlands), NRM9 (Air Quality), NRM10 (Noise), M3 (Primary Aggregates), C3 (Areas of Outstanding Natural Beauty), C4 (Landscape and Countryside Management), C6 (Countryside Access and Rights of Way) and BE6 (Management of the Historic Environment).
38. **Kent Minerals Local Plan: Construction Aggregates (December 1993) (Saved Policies)** – These include Policies CA6 (Areas of Search), CA7 (Provision of Geological Information), CA8D (Exceptions), CA16 (Traffic), CA18 (Noise, Vibration and Dust), CA19 and CA20 (Plant and Buildings), CA20A (Ancillary Operations), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation Schemes).
39. **Sevenoaks District Local Plan (March 2000)** – These include Policies EN1 (Development Control: General Principles), EN6 (AONB), EN7 (SLA), EN8 (ALLI), EN25A and EN25B (Archaeology), NR10 (Pollution Control), GB1 (Green Belt), T2 (land to be safeguarded for the improvement of the A25 Seal Road approach to the A25 / A225 junction), T8, T9 and T10 (Highways) and PS2 (Developer Contributions).

Consultations

40. **Sevenoaks District Council** – Objects to the proposals and requests that permission be refused for the following reasons:-
- The information provided with regard to the AQMAs is insufficient. No details of improvements have been put forward, or the effectiveness of any such improvements assessed and quantified;
 - Granting permission would negate the condition of the previous planning

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permission which demanded restoration of the existing quarry to a recreational area and a long term extension would oblige that benefit to be set aside for years to the detriment of local residents;

- Granting permission would result in continuing lorry traffic crossing the three local AQMAs (Bat and Ball, Seal and Riverhead) which it has a statutory responsibility to ameliorate;
- The proposal is not in accordance with policy EN6 of the Sevenoaks District Local Plan; and
- The proposal constitutes “inappropriate development” within the green belt as the “high environmental standards that should be maintained during operation” are questioned as it currently receives complaints about the quarry.

In the event that the County Council is minded to grant planning permission, it has requested that:-

- The applicant be required to contribute towards continued air quality monitoring at the Bat and Ball junction (50% of the total funding for 5 years has been suggested – i.e. £30,000 or £6,000 per year); and
- A condition be imposed requiring annual noise monitoring at 3 or 4 locations to confirm that the predicted noise levels are being complied with and measures to reduce noise levels being required if this demonstrates that these are being exceeded by more than 3dB.

41. Sevenoaks Town Council – Objects to the proposals on the following grounds:-

- Negative effect on water resources and groundwater (including local aquifer);
- Loss of agricultural land;
- Visual Impact, Green Belt and AONB: The proposed development would have a greater impact on views from the North Downs AONB due to the removal of the ridge line and as the proposed mounds to the north of the extension area would not screen the development from such locations (conflicting with PPG2 (Annex B));
- Loss of amenity: Increased noise, dust and vibration to a large number of residential properties from vehicular traffic and a large increase in bagging and associated facilities contrary to Policies EN1 and NR10 of the Sevenoaks District Local Plan; and
- Air quality: Deleterious effect on the AQMAs in the vicinity of the site.

42. Seal Parish Council – Objects to the proposals for the following reasons:-

- Life of the site: The proposed development would unacceptably extend the life of the quarry from 2020 (with restoration by 2022) until 2030 leading to additional noise, dust and traffic movements with no guarantee that a further time period would not be sought. This is exacerbated by the fact that the applicant has indicated that operations could cease well before 2020 due to insufficient mineral reserves.
- Dust nuisance: There have been failures in dust control associated with existing operations. Dwellings, elderly persons accommodation and a school would be at

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risk from dust from quarrying operations (particularly site vehicle movements). The proposed operations are much closer to Seal.

- Visual Impact, Green Belt and AONB: Serious adverse impact on open countryside and Green Belt. Views from higher ground within the North Downs AONB would be greater due to the proposed removal of an east-west ridge which currently screens extraction operations to the south of this.
- Air quality: Parts of Seal are already subject to Air Quality Management Assessment and have been identified as risk areas. The proposed extension would exacerbate the production of pollutants which would have an adverse impact on the residents of Seal village.

Has also stated that:-

- The additional information on landscaping fails to address stated concerns (including those of the Kent Downs AONB Unit) and some of this is unclear and misleading.
- The location of Sevenoaks Quarry fails to meet sustainability objectives (e.g. health, modal shift to rail and shipping).
- The percentage of HGVs travelling east (i.e. on the A25 through Seal) could increase leading to additional adverse impacts at the Seal AQMA.
- The proposed restoration scheme (although admirable in some respects) does not return the site to the natural condition extant before additional quarrying.
- It is concerned about future car parking impacts associated with public access.
- Drawings included with the proposals do not properly reflect recent housing development such that impacts may not have been properly assessed.
- Its responses were formulated following discussions with local people and well attended public meetings.

43. **Otford Parish Council** – Initially expressed concerns about the impact of the proposals on views from the North Downs Scarp and Crest Area of Outstanding Natural Beauty; the proposal to divert public footpath SU3 (making the walk from Otford to Sevenoaks longer); and the potential for more heavy lorries to use the Bat and Ball junction or travel on the A225 through Otford (with possible consequent damage to the listed Pond and the centre of the village) for a further period of 20 years. Also requested that an archaeological survey be undertaken if permission is granted. In response to the Further Supplementary Submission (July 2009) has welcomed the additional screening to protect Otford and Kemsing from the effects of the proposal but wishes to be reassured that no additional heavy traffic would be routed through Otford to the detriment of residential amenities.

44. **Kemsing Parish Council** – Objects to the proposals for the following reasons:-

- Landscape: The proposed extension would adversely affect householders in Kemsing Parish. The visual impact of operations would be considerable (as noted by the EIA) and not necessarily intermittent and would also be unsightly when viewed from the Kemsing AONB. If development were to go ahead, the creation of a screen bank would be essential and should be seeded and planted as soon as

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possible after formation.

- Highways and transportation: Although Kemsing Parish is not affected by transport movements along the A25 (as the proposed access is as existing), it does not agree that the extension would not generate additional traffic on the highway network. The Bat & Ball junction of the A25 is well known to Sevenoaks District Council as an air quality blackspot and a limitation on vehicle movements within the overall number for the adjacent Cory Landfill Site would be necessary (if permission were to be granted).
- Noise: Notes that there is no legislation concerning an acceptable level of noise and believes that were permission to be granted then operations generating noise would need to be confined to certain hours.
- Air quality: No properties in Kemsing are included in the 5 receptors listed for dust risk assessment. This is an omission as the prevailing wind comes from the south west.

Has also stated that it supports the views of Seal Parish Council and asks that the County Council satisfy itself with the flood risk assessment. It has further stated that if the County Council is minded to approve the application, the following conditions should be applied to mitigate the adverse impact on Kemsing:-

- Landscaping and screening mounds to be carried out concurrently with the expansion; and
- Vehicle movements / hours of work are restricted to minimise road congestion, noise, adverse effects on air quality and the amenities of local residents.

45. **SEEPB (South East England Partnership Board) / SEERA** – Considers that the proposed development would not materially conflict with or prejudice the implementation of the regional spatial strategy (now the South East Plan). If the County Council is minded to grant planning permission, it should address the following through appropriately worded conditions and/or legal agreements:-

- Appropriate mitigation measures concerning air quality and noise to the satisfaction of the Environment Agency, to accord with the objectives of the South East Plan (*Policies NRM9 and NRM10*);
- Appropriate measures concerning sustainable transport of minerals to accord with the objectives of the Regional Minerals Strategy;
- Ensure an appropriate package of protection and mitigation measures to protect and enhance the biodiversity of the site and surrounding area in accordance with the South East Plan (*Policy NRM5*); and
- Ensure that the revised restoration plans are sufficient to deliver regional biodiversity targets and will ensure the achievement of high quality environmental standards and improved landscape quality in line with the South East Plan (*Policy C3*).

46. **SEEDA** – No comments on the application but emphasises the economic importance of minerals extraction to the South East and the need to ensure that there is sufficient supply to meet future needs.

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47. **Environment Agency** – No objection subject to conditions to secure the development, approval and implementation of a detailed groundwater monitoring scheme/strategy (to include regular topographical surveys, groundwater level monitoring and groundwater sampling at specified locations and associated analysis, etc) and controls to prevent surface water and groundwater pollution and flooding. The Further Supplementary Submission (July 2009) satisfactorily overcame its earlier concerns on hydrology, hydrogeology and ground stability.
48. **Natural England** – No objection subject to conditions and Section 106 Agreement to secure the submission, approval and implementation of detailed strategies for protected species, the proposed ecological mitigation measures (e.g. for bats and great crested newts), appropriate soil management, weed control and annual aftercare arrangements and the long term management of the site (with appropriate funding). Recommended that KCC's own ecologist be consulted on the proposals and the appropriateness of the proposed mitigation. It has also stated that, on balance, the proposed development is acceptable in terms of landscape and visual impact despite being very noticeable from the Kent Downs AONB north of Kemsing.
49. **Kent Wildlife Trust** – No objection, in principle, subject to a Section 106 Agreement to secure a fully funded wildlife-focused aftercare regime for at least 10 years beyond the completion of restoration works and conditions to secure the assurances and detailed proposals made in support of the application.
50. **KCC Biodiversity Projects Officer** – No objection subject to the proposed mitigation, monitoring and management measures (including long term ecological management) being secured by conditions and/or Section 106 Agreement.
51. **Divisional Transportation Manager** – No objection subject to a legal agreement to secure an appropriate contribution (£120,000) towards improvements at the Bat and Ball junction and conditions to secure appropriate wheel washing and sheeting facilities. Has advised that the highway authority is satisfied that traffic associated with a continuation of operations can be accommodated on the local road network.

Advises that the highway authority has undertaken an analysis of the Bat and Ball junction based on a traffic count undertaken in October 2008 which reveals that 27,507 vehicles pass through the junction between 0700 and 1900 hours. HGV's and buses accounted for 4.4% of total movements and (*based on the applicant's figures*) quarry movements represented 15.8% of the total HGV/bus movements. Advises that the 12 hour two-way flow figures for the Otford Road "arm" was 16,888 vehicles. HGV's and buses represented 4.3% of these total movements and quarry movements represented 26.1% of these larger vehicles.

Advises that the highway authority is currently working to identify improvements that can be made at the Bat and Ball junction to improve overall flows through the junction with the aim of reducing waiting time and so assist with air quality issues. A progression of measures has been identified and schemes are in various stages of concept and design. The bigger schemes, which involve work to Seal Road and/or St

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Johns Hill “arms” and possibly alternative means of control, are not yet approved by Kent County Council and some options would involve land-take. At this stage, these cannot be considered deliverable such that they could be conditioned to individual planning consents. However, in the short term a series of improvements have been identified including a health check of the junction, installation of improved on line management of the signals, removal of central islands on Otford Road to extend two lane approach and provision of a controlled crossing facility on Otford Road.

Notes that as the existing mineral permission at the site is time-limited, traffic associated with this would cease when operations are completed. This should lead to a reduction in traffic movements, release capacity at the junction and possibly provide additional options for vehicle throughput and be likely to result in improvements in air quality within the AQMA. As the proposal would see a continuation of existing HGV flows, has recommended that Tarmac make a contribution to the initial and deliverable scheme based on a draft concept design relating to the matters referred to above and which are being promoted by the applicant. Notes that the applicant has agreed to this.

52. Kent Downs AONB Unit – Objects to the proposals for the following reasons:-

- The proposed scheme is ill-conceived in terms of visual impact and should not be allowed to proceed;
- The overall effect of the proposals would be enormous in landscape terms, transforming the perception of the area by removing a landform (*i.e. the existing hill and associated ridgeline which is between 80 and 98 metres AOD*) which is vital to views from the North Downs and could not be replaced following working and creating a different one (*i.e. a new ridgeline, further north, at up to 79 metres AOD*) which would not reflect local landscape character (*i.e. including a lake and exposed sand faces visible from the AONB*);
- The proposed operations would last for at least 26 years, during which period most of the site most of the time would be visible from higher ground to the north, having a highly detrimental effect on the very large numbers of recreational users of this very valuable nationally protected landscape; and
- The proposed changes to the scheme are very minor in visual terms and do not overcome its objections about the adverse visual impact of this scheme on the Kent Downs AONB and the destruction of the character of the area within which the quarry extension would lie (perhaps reflecting the impossibility of ameliorating its severe adverse impact in a sensitive site so close to the AONB).

It has also suggested that the viewpoints used for the visualisations submitted in support of the proposals are not as high up on the North Downs AONB than available locations from where the impact of the proposals would be greater and questioned some of the findings of the various landscape and visual assessment work. It further states that the proposals require a high level of scrutiny, parts are not clear or easily understood and urges the County Council to take expert advice to assess the proposals and their implications in landscape terms.

53. CPRE Kent – Objects to the proposals due to their impact on the Green Belt, the Kent

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Downs AONB and the North Downs Special Landscape Area and the prolonged disturbance from the works in further diminishing the tranquillity of the countryside. It also refers specifically to the loss of agricultural land, the urbanising effect of the development (including the man-made nature of the restored landform and lake and adverse impact on landscape character), the harm to views from the AONB, the fact that the development would not be sustainable (in terms of its landscape impacts) and as prevailing winds would carry noise into the countryside. It also fully supports the views expressed by the Kent Downs AONB Unit.

54. **KCC Landscape Consultant (Jacobs)** – Advises that the applicant's landscape and visual assessment underplays the extent of the major change in landform such that the effect is considered to be of moderate significance. However, does not feel that there would be an overriding adverse effect on landscape character sufficient to warrant refusal on these grounds alone. Advises that visual impacts are generally reasonably accurately assessed. Advises that whilst the AONB is an important receptor, there would be no overriding adverse effect on views in either the short or long term sufficient to warrant refusal on these grounds alone. Suggests that any landscape and visual impacts need to be balanced with other environmental effects and the need for the development. Advises that restoration of the site should reflect the County and District wide landscape character assessments rather than the guidance in the Kent Downs AONB Management Plan (as the site is not in the AONB).

In response to the landscape issues raised by other respondents, advises that the Environmental Statement does not significantly underestimate levels of impact associated with the concerns raised (*as has been suggested*). Advises that the proposals need to be viewed in the context of a wide and open panorama, of which the extraction site would be only part, and that from every viewpoint there are a number of urban elements already within the view (e.g. housing at Kemsing, railways, motorway and the town of Sevenoaks). States that it is precisely because this is such open and panoramic view that can successfully contain these urban elements that it is so highly valued. In response to the suggestion that more elevated viewpoints should have been used in the visualisations, advises that the site would appear more distant and as an even smaller part of a more open and panoramic view encompassing a broad area of the town of Sevenoaks and the other urban elements from these locations. Also advises that although a larger working area would be visible from such locations this is counteracted by the greater width and complexity of the existing view and the increased viewing distance. In response to objections about long term views of the proposed lake, advises that only a portion of the lake would be visible and that when viewed from the AONB it would not be unduly incongruous. Indeed, advises that there are a number of water bodies on the Vale of Holmesdale along the River Darent to the west of the site, some of which are within the AONB. Whilst the lake and landform created is inevitably artificial, and would have moderate adverse impacts on landscape character locally, advises that when viewed from the Kent Downs AONB it would be a minor element of the view, not unduly unnatural in appearance. Further advises that once the landscape proposals are fully established they would help to accommodate the landform into the wider setting.

Welcomes the proposed amendments to the scheme including: (i) the increased

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stand-off between the extraction area and properties to the south east (as this would reduce the visual impact of operations on residents); (ii) additional boundary planting using larger stock, including planting near the south eastern boundary of the extension area adjacent to footpath SU4 to reduce the visual impacts and help support the surrounding landscape character more effectively; (iii) the inclusion of bolder blocks of woodland on the crest of the mound between the proposed extraction area and the railway to better reflect the character of the surrounding landscape and improve views from the north; and (iv) additional riparian planting along the proposed streams and around the proposed ponds along the northern boundary of the site with the railway line. Recommends that a condition be imposed to secure the submission, approval and implementation of a detailed planting plan if permission is granted.

55. **KCC Noise and Dust / Air Quality Consultant (Jacobs) – Noise:** No objection subject to conditions to secure the following noise limits at noise sensitive properties during the specified periods and thereby comply with MPS2:-

- 55dB $L_{Aeq, 1 \text{ hour}}$ between 0700 and 1800 hours Monday to Friday and between 0700 and 1300 hours on Saturdays at all noise sensitive properties apart from Ash Platt Road and Copse Bank (normal day to day operations); [i.e. Childs Cottage, Robinwood Drive, Property Within Site and Bat & Ball Road / Watercress Drive]
- 48dB $L_{Aeq, 1 \text{ hour}}$ between 0700 and 1300 hours on Saturdays at noise sensitive properties at Ash Platt Road (normal day to day operations);
- 53dB $L_{Aeq, 1 \text{ hour}}$ between 0700 and 1300 hours on Saturdays at noise sensitive properties at Copse Bank (normal day to day operations);
- 50dB $L_{Aeq, 1 \text{ hour}}$ between 1800 and 2200 hours Monday to Friday between 1 April and 30 September each year at any noise sensitive property (operations associated with extended hours of use at the bagging plant);
- 70dB $L_{Aeq, 1 \text{ hour}}$ between 0700 and 1800 hours Monday to Friday (temporary operations only for up to 8 weeks in any year).

Dust / Air Quality: No objection subject to the proposed dust mitigation measures being employed and the proposed junction improvements being implemented. Accepts that the proposed dust mitigation should be effective and that the proposed planting and increased buffer zones between housing and working areas would also assist by filtering, intercepting and absorbing dust. States that if Tarmac's vehicle fleet is London Low Emission Zone (Euro 1V or better) compliant by the end of 2008 this would have a beneficial, if inconsequential, impact upon the AQMA. Has advised that an air quality assessment is not required as there would not be any greater impact on air quality than currently and as the proposed junction improvements should reduce congestion and lead to an improvement in air quality.

56. **KCC Geotechnical Consultant (Jacobs) –** Advises that the proposals (as amended) provide adequate safeguards / factors of safety in terms of the potential for basal heave and the loss of hydraulic separation between the Hythe Beds and Folkestone Beds. Also advises that the proposals are acceptable in terms of other geotechnical issues, including the stability of the proposed slopes, and that the geotechnical properties assigned to the geologies in the stability analysis and the reported parameters are in line with published values and are appropriate for the geologies

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present.

57. **KCC Archaeology and Historic Landscape** – No objection subject to the imposition of a condition to secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority in order to ensure that features of archaeological interest are properly recorded. Advises that the site has been subject to archaeological desk-based assessment, geophysical survey and trial trenching which suggests that archaeological remains from different periods are likely to be present on site.
58. **KCC Rights of Way and Countryside Access Service** – No objections. Has suggested that the proposed pathway on the northern side of the lake should become a definitive route (via a Creation Agreement) to link Public Footpaths SR3 and SR165 and that the other proposed pathways be secured as permissive routes (via a Section 196 Agreement). Notes that although Public Right of Way SU3 would be affected by the proposals (as is currently the case), Tarmac has implemented a large number of measures to increase the safety of pedestrians including barriers and signage on SU3 and has provided a well signed and surfaced permissive path adjacent to SU3 in the most constricted area in front of Brickworks Cottages.
59. **South East Water** – No objection. Confirms that it has been involved in discussions with the Environment Agency and the applicant and is satisfied that the proposals would not result in any adverse effects on groundwater provided the measures sought by the Environment Agency are secured and implemented. Has also specifically confirmed that subject to these measures the proposals would not have any adverse impact on new water supply boreholes at Kemsing.
60. **Thames Water** – No objection.
61. **National Grid** – Has advised that there is a negligible risk to its apparatus.
62. **EDF** – No objection provided its rights regarding access and maintenance to any of its cables within the area are maintained at all times.
63. **Southern Gas Networks** – Has advised of the presence of a Low / Medium / Intermediate Pressure gas main in the proximity of the site and stated that no mechanical excavations should take place above or within 0.5m of the low pressure and medium pressure system and within 3m of the intermediate pressure system. Drawings that have been provided show its apparatus following Farm Road from housing to the south and a section of the track to the north which forms the eastern boundary between the proposed quarry extension and the Greatness Landfill Site to a point where it would seem to previously have served the brickworks in that area. The apparatus would not be directly affected by the proposed development but the advice provided has been forwarded to the applicant.
64. **Network Rail** – Is satisfied that the proposals would not adversely affect its apparatus provided that they are undertaken as proposed and subject to various conditions

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relating to operations, drainage, plant and machinery, fencing and restoration designed to reinforce this or otherwise safeguard its interests. It has also provided advice on tree planting near railway lines and requested that a number of informatives be included if planning permission is granted.

Representations

65. The application was publicised both by site notices and newspaper advertisement and 1,028 local residents / business properties were notified in March 2008. A public exhibition on the proposals was held by the applicant over three days towards the end of 2007. The Supplementary Submission (September 2008) and the Further Supplementary Submission (July 2009) were also publicised both by site notices and newspaper advertisement (in accordance with the EIA Regulations) and all those who had previously made representations on the application were re-consulted in October 2008 and July 2009.
66. Letters of objection were received from 45 local properties to the March 2008 consultation, 10 local properties to the October 2008 consultation and 15 local properties to the July 2009 consultation. A number of respondents additionally sent emails raising supplementary issues. The responses indicate that neither the amendments to the proposals nor the associated information have been sufficient to overcome the initial concerns. A petition has also been received from Seal Parish Council with 427 signatures. The petition calls on the County Council to protect the landscape heritage and promote a healthier environment for the community by rejecting outright the application for the following reasons:-
- AONB and desecration of the landscape – The proposed extension would destroy forever the natural landscape and the views from the nationally protected AONB.
 - AQMA – This is already an area of poor air quality, as recognised by the designation of the AQMA. Quarrying, loss of trees and continuing HGV movements would degrade the air quality further, despite all Councils and national Government having a duty under EU law to reduce air pollution and improve air quality.
 - Noise and Dust – Quarrying and movement of machinery will inevitably cause noise and dust, both statutory nuisances under the Environmental Protection Act 1990.
67. The objections in individual responses relate to the following issues:-
- Noise – generally, vegetation and proposed earth mounds would be inadequate to satisfactorily mitigate noise impact, intermittent nature of HGV and plant / machinery movements creates high peak noises that are not reflected in overall noise limit (*exacerbated by 'hooters'*) and concern regarding compliance with existing noise limits (*including evening working at bagging plant*);
 - Dust / air quality as exemplified by earth moving operations in 2007 (*refer also to AQMA*);
 - Pollution (*e.g. exhaust fumes*);
 - Odour;

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- Health / psychological impacts;
 - HGV movements/ traffic impacts (*on Bat & Ball Road, A25 and elsewhere*) exacerbated by existing congestion;
 - Cumulative impact - lack of restoration in current area, duration of proposals (*too long*) and quarries should not be situated in residential areas;
 - Adverse impact on quality of life and local amenity generally based on previous experiences associated with the above (*Seal, Kemsing and Sevenoaks*);
 - Proximity to residential properties (*e.g. in Childsbridge Lane, Ragstones / Copse Bank, Watercress Drive and Watercress Close*) and other properties (*e.g. elderly persons homes, school, recreation ground and hospital*) to the south and east – nearest houses are about 39m from proposed extraction area;
 - Landscape impact (*including both local impacts and more distant impacts when viewed from the North Downs AONB and associated rights of way*) - loss of ridge of land which screens views into the site from the north, recent planting on site of poor quality and will take years to establish and removal of trees and hedges;
 - Loss of wildlife habitats - adverse impacts on wildlife (*e.g. bats – including as a result of the loss of the barn and great crested newts*) with no real benefits and inadequate survey information;
 - Adverse impacts on archaeology / historic landscape;
 - Adverse impact on groundwater (*including new water supply boreholes at Kemsing*) and surface water (*pollution and potential for River Darenth to dry up*);
 - Adverse impact on agricultural land quality / soil structure;
 - Green Belt;
 - Need to remove huge (*unjustifiable*) amounts of overburden in places to access the sand;
 - No benefit to local area / population;
 - KCC's own Sustainability Report (2006) for the MDF states that any proposals to extend the quarry would have negative or very negative effects on air pollution and air quality, climate change, water resources, biodiversity, protection of the landscape and historic environment, efficiency of land use, nearby housing and on areas of know poor air quality and health;
 - Withdrawal of MDF (Submission Document); and
 - Concerns about long term management (*5 years is insufficient*).
68. Notwithstanding the above, the following conditions / restrictions have been sought if planning permission is granted:-
- Dirt, dust and noise minimisation being properly addressed;
 - No working on Saturday, Sunday or Bank Holidays;
 - No quarry related access onto Childsbridge Lane and no quarry traffic to use the road; and
 - The removal of Phase 2B and associated earthmoving from the proposals.

Local Member

69. County Council Members Mr N Chard and Mr J London were notified in March 2008, October 2008 and July 2009.

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Discussion

70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraphs 36 to 39 are of greatest relevance.
71. In this instance, the proposals need to be considered against minerals policies and other material considerations. The main issues to be considered relate to:-
- The quantity and quality of the mineral resource(s);
 - The need or otherwise for the mineral(s) and alternative options;
 - Green belt;
 - Landscape and visual amenity (including AONB issues);
 - Highways and transport;
 - Local amenity impacts (e.g. noise and dust / air quality);
 - Water environment (groundwater and surface water) and geotechnical stability;
 - Ecology;
 - Archaeology and historic landscape; and
 - Public rights of way and public access to the site.

The quantity and quality of the mineral resource(s)

72. Policy CA7 of the Kent Minerals Local Plan (MLP) Construction Aggregates states that the County Council will require evidence of the extent and quality of mineral reserves for proposed workings.
73. The application (as amended) seeks to extract about 6.156mt of building sand from within the Folkestone Formation. The applicant has provided a summary of evidence derived from published data and geological investigations (exploratory drilling / boreholes) undertaken over several years. It has also provided a summary of the results of laboratory analysis undertaken on samples from boreholes. The applicant states that the information supports the anticipated volume of the mineral reserve and indicates that sand from the Upper, Middle and Lower Folkestone Beds is capable of being washed and used in a variety of end uses. Although the detailed borehole and laboratory analysis information has not been included with the planning application, detailed information has previously been provided by Tarmac in support of its case for the extension area to be included as a preferred area in the emerging Kent Minerals Development Framework (MDF). The extension area was included as a proposed preferred area in the Kent MDF Construction Aggregates Development Plan Document (DPD) Submission Document (November 2006), in draft Policy CA4 and on Inset Map T, but the DPD was withdrawn along with the Core Minerals Strategy and Primary Mineral Development Control Policies DPDs on 24 January 2008. Although these DPDs were not fully tested through the plan-making process, the County Council had accepted that the full extent of the current application area was likely to contain a gross yield of about 6.8mt. I am satisfied that there is sufficient information

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to demonstrate workable building sand deposits and compliance with Policy CA7 of the Kent MLP Construction Aggregates. No objections have been raised on this issue by those who have responded.

The need or otherwise for the mineral(s) and alternative options

74. The main national planning policies relating to the need for building sand are set out in MPS1 (November 2006) which deals with the general principles associated with mineral working. The main Government objectives relating to need set out in MPS1 are “to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment.” Annex 1 to MPS1 considers the supply of aggregates (such as building sand) in England and sets the basis for regional and sub-regional apportionment.
75. These national policies are reflected at the regional level in Policy M3 of the South East (SE) Plan and at the local level in Policy CA6 of the Kent MLP Construction Aggregates. Policy M3 of the SE Plan requires that Kent and Medway plan to maintain a combined landbank of at least 7 years of planning permissions for land-won sand and gravel which is sufficient, throughout the mineral plan period, to deliver 13.25 million tonnes per annum (mtpa) of sand and gravel across the region based on a sub-regional apportionment of 2.53mtpa. Policy CA6 of the Kent MLP Construction Aggregates states that in areas of search identified on the Proposals Map, proposals to extract minerals will be acceptable provided that there is a sufficient case of need to override material planning interests and if other policy considerations are met. Neither Sevenoaks Quarry nor the proposed extension are identified as being within an area of search in the Kent MLP Construction Aggregates and as such Policy CA8D is relevant. Policy CA8D states that mineral workings will not normally be permitted outside areas of search unless it can be shown that a need exists which cannot be met from within the areas of search. Although the extension area was identified as a preferred area for future mineral working in the Kent MDF Construction Aggregates DPD Submission Document (November 2006) its withdrawal means that it no longer has any status when determining planning applications.
76. On the basis of the above, Kent and Medway would need to have permitted reserves of 17.71mt (i.e. 7 x 2.53mt) to meet the requirements of Policy M3 of the SE Plan in terms of the requirement for a 7 year landbank for sand and gravel. Although the Kent MDF DPDs were withdrawn in January 2008, and are hence not directly relevant, the Kent MDF Construction Aggregates DPD contained a proposed sub-division of the apportionment between Kent and Medway. This proposed a deduction of 160,000tpa for Medway meaning that Kent would need to have reserves of 16.59mt (i.e. 7 x 2.37mt) to meet its required Regional apportionment. The Kent MDF Construction Aggregates DPD also proposed that the County Council should also have regard to the desirability of maintaining a 7 year landbank of building sand of 7.98mt (i.e. 7 x 1.14mt). Although SEERA has not formally adopted this approach by providing separate apportionments for different types of sand and gravel at the Regional level, it is consistent with the advice in paragraph 4.5 of Annex 1 to MPS1 which states that:

“Where there is a distinct and separate market for a specific type or quality of

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aggregate, for example high specification aggregate, asphaltting sand, building sand or concreting sand, separate landbank calculations and provisions for these may be appropriate.”

77. A review of national and regional guidelines for aggregates provision in England was recently completed and revised figures published on 29 June 2009. These included an overall 4% reduction in the amount of land-won sand and gravel to be provided for in the period 2005 – 2020. A review of the sub-regional apportionment within the SE Region is also underway. At this time it is not possible to say what the outcome of this review will be and when any outcome(s) may come into effect, however, it is almost certain to lead to a reduction in the amount of provision required such that the existing landbank in Kent will effectively increase. The Examination in Public (EIP) Panel Report on the partial review of the RSS for the South East (relating to Policy M3 of the SE Plan), which was submitted to the Secretary of State on 27 November 2009, recommends that Kent’s apportionment be amended to 1.63mtpa. This would represent a 31% reduction on the currently accepted figure of 2.37mtpa. This said, it should be noted these are figures to be maintained and not a ceiling on levels of permitted reserves and that provided proposals do not give rise to unacceptable adverse impacts and are consistent with other development plan policies permission need not be withheld unless other material planning considerations indicate otherwise. Indeed, due to the time required for new or extended sites to commence production it is important that adequate new permissions are granted at the appropriate time.
78. The applicant has provided figures which it states illustrate that unless additional mineral reserves are permitted the combined landbank for sand and gravel in Kent⁵ would fall below the minimum required during 2009. The applicant has also provided figures which it states suggest that the building (soft) sand landbank would have been less than 7 years by the end of 2008. My own assessment⁶ is that the combined sand and gravel landbank will not fall below 7 years until 2011 and the soft sand landbank until 2014 unless new permission(s) are granted. The discrepancy between the two assessments may result from my use of more recent figures and a recent re-assessment of the quantity and nature of permitted mineral reserves by operators in Kent. If the recent EIP Panel Report recommendation on Policy M3 of the SE Plan were accepted by the Secretary of State (i.e. 1.63mtpa), the total Kent landbank for the end of 2008 would increase from about 8.5 years to as much as 12.4 years and the soft sand landbank from 10.5 to 15.3 years. This could mean that a combined sand and gravel 7-year landbank would be maintained until 2014 and that a soft sand landbank would be maintained until 2017. If the 1.4mtpa proposed by SEERA in March 2009 were to be accepted, the same landbanks could increase to as much as 14.5 years and 17.8 years respectively. However, the precise figures would depend on various factors (e.g. actual annual production and any new permissions granted).
79. The areas of search for building sand referred to in Policy CA6 are illustrated on Inset Maps H (Borough Green), K (Strood) and V (Harrietsham – Charing) of the Kent MLP

⁵ Based on a Kent apportionment of 2.37mtpa.

⁶ Based on the South East Aggregates Monitoring Report 2008 (produced by SEERAWP for the SEEPB in December 2009) and extrapolation of past sales for future years.

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Construction Aggregates. The majority of area of search shown on Inset H (i.e. the nearest area to Sevenoaks) now either has the benefit of planning permission for mineral extraction and is being worked (e.g. Nepicar Sand Quarry and the northern extension to Borough Green Sand Pit), has planning permission but is currently inactive (Park Farm Quarry) or has been permitted but not implemented (extension to Park Farm Quarry). Planning permission has yet to be applied for on a small part of the area of search. The site evidence base for the withdrawn Kent MDF Construction Aggregates DPD indicates that there are still workable sand reserves in the areas that do not have the benefit of planning permission, however, much of this area has significant quantities of clay that would need to be removed to access the sand. The removal of any sand within the permitted area at Park Farm would also require significant amounts of clay to be removed. The need to remove significant quantities of clay could make these operations uneconomic.

80. The areas of search shown on Inset K represent potential minor extensions to Aylesford Sandpit. Planning permission was granted for one of the areas but was not implemented as the required archaeological works were deemed to be too costly by the operator. The other small area lies on land which the operator has rejected due to the costs associated with removing significant clay deposits outside the existing extraction area. The areas of search shown on Inset V are extensive and planning permissions have only been granted for relatively small parts of these. The site evidence base for the withdrawn Kent MDF Construction Aggregates DPD indicates that there are still workable sand reserves in the areas that do not have the benefit of planning permission and the DPD itself proposed preferred areas for mineral working at Mount Castle Farm, Shepherd's Farm South East and Burleigh Farm North. It also identified a (potential long term) mineral resource area at Newlands Farm. All these areas were within the areas of search on Inset V. Although there are constraints associated with these and other parts of the existing areas of search in this part of Kent, it is fairly certain that building sand could be sourced from within the areas of search on Inset V. It should be noted that the other areas of search (S and U to the east and west of Tonbridge relating to the Upper Medway Valley) nearer Sevenoaks relate to sharp sand and gravel reserves and that these could not serve the same markets and end-uses as Sevenoaks Quarry.
81. Whilst any overall need for additional building (soft) sand would appear capable of being met from within one or more of the areas of search identified in the Kent MLP Construction Aggregates, it should be noted that the remaining unpermitted building (soft) sand reserves that could reasonably be said to be capable of serving the same geographic market as Sevenoaks Quarry without resulting in significant additional travelling are fairly limited in terms of likely workable quantity, subject to constraints that may render them uneconomic or are effectively tied to other operators. On this basis, and since the Plan was adopted in December 1993 and future preferred areas or new areas of search will need to be identified through the new Kent Minerals and Waste Development Framework (MWDF), I would not wish to place undue reliance on Policy CA8D alone to justify withholding planning permission. Although there are a number of sites in Surrey that may be capable of serving similar markets to

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Sevenoaks⁷, the ability of these to meet the demand currently met by Sevenoaks Quarry for any length of time given their existing markets is questionable. The landbank in Surrey was only 3.9 years at the end of 2008. The sites in East and West Sussex are a significant distance from Sevenoaks and would not normally be regarded as being likely to serve similar markets.

82. A further consideration leading me to this opinion is that national minerals policy (MPS1, paragraph 15) requires Mineral Planning Authorities (MPAs) to “consider the benefits, in terms of reduced environmental disturbance and more efficient use of mineral resources including full recovery of minerals, of extensions to existing workings rather than new sites”. Whilst the Practice Guide to MPS1 (paragraph 40) is clear that extensions should not be permitted in unacceptable locations or to protect existing suppliers, the fact that Sevenoaks Quarry already has facilities to enable the efficient use of any sand extracted (e.g. mortar plant, bagging plant and other facilities) which could continue to be used alongside any extension means that it would be logical to continue to work the remaining area of land capable of being served by the existing plant now if this is ever to be worked. These factors are material planning considerations that need to be considered in reaching a decision on the proposals.
83. In summary, I am satisfied that there is no specific need to release additional sand reserves at this point to meet either the County’s combined sand and gravel landbank or its building (soft) sand landbank. I am also satisfied that further building (soft) sand reserves are capable of being permitted within one or more of the areas of search identified in the Kent MLP Construction Aggregates. However, for the reasons given above and due to the desirability of continuity of production and the time required to obtain and implement a planning permission for mineral development, I consider that planning permission should not be withheld on the basis of the need or otherwise for the mineral provided the proposals give rise to no significant harm and unless there are other planning reasons for doing so. In this context, it is also worth noting that if planning permission were to be refused and the applicant appeal against the decision there could be a need for further mineral reserves to be released by the time any Public Inquiry is held if no new reserves are permitted.

Green Belt

84. Objections relating to green belt have been received from Sevenoaks District Council Sevenoaks Town Council, Seal Parish Council and local residents. Sevenoaks District Council specifically considers the proposals to represent “inappropriate development” in the green belt on the basis that high environmental standards would not be maintained as evidenced by complaints about quarry operations.
85. National green belt policy is set out in PPG2. Policy SP5 of the SE Plan supports the broad extent of the green belt in the region, states that the opportunity should be taken to improve land-use management and access in the green belt as part of initiatives to improve the rural urban fringe and provides support for minor boundary reviews.

⁷ E.g. Moorhouse Quarry, Westerham (Titsey Estates), North Park Farm, Godstone (Sibelco UK) and Reigate Road Quarry, Betchworth (J&J Franks Ltd).

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Policy GB1 of the Sevenoaks District Local Plan defines the boundary of the green belt around Sevenoaks and the Proposals Map. MPS1 (paragraph 14) usefully summarises green belt policy as it relates to mineral working. It states that: *“while there is a general presumption against inappropriate development in the Green Belt, which should not be approved except in very special circumstances, mineral extraction need not be inappropriate development, nor conflict with the purposes of designating Green Belts. However, in permitting mineral developments in Green Belts, authorities should ensure that high environmental standards are maintained during operation, and that sites are well restored to after-uses consistent with Green Belt objectives. All mineral-related developments in the Green Belt should be assessed against the policies in PPG2;”*

In effect, mineral development can take place in the Green Belt provided:-

- it does not conflict with the purposes of including land in the Green Belt (e.g. to assist in safeguarding the countryside from encroachment);
- it contributes to the achievement of the objectives for the use of land in Green Belts (e.g. to provide opportunities for access to the open countryside, to retain attractive landscapes, and enhance landscapes, near to where people live, to secure nature conservation interest and retain land in agricultural, forestry and related uses);
- it is undertaken to high environmental standards; and
- sites are well restored.

86. Given the conclusions in respect of the above within the following sections, I am satisfied that the proposals do not represent inappropriate development in the green belt and do not conflict with green belt policy. The fact that a number of complaints have been received by Sevenoaks District Council about quarry operations and local residents have referred to these in responding to the proposals is not sufficient to lead me to depart from this conclusion.

Landscape and visual amenity (including AONB issues)

87. Strong objections have been raised to the proposals on landscape and visual amenity grounds by Sevenoaks District Council, Sevenoaks Town Council, Seal Parish Council, Kemsing Parish Council, the Kent Downs AONB Unit, CPRE Kent and a significant number of local residents. Otford Parish Council has also expressed similar concerns but these appear to have been reduced to some degree following the amendments to the proposals. The objections relate to landscape and visual amenity impacts both generally and specifically relating to views of the site from the Kent Downs AONB on higher land to the north. The landscape and visual amenity objections raised by each of these respondents are summarised in paragraphs 40 to 44, 52, 53 and 66. Put simply, the respondents position is that the proposals would have a significant adverse effect in terms of landscape impact both during working and following completion of restoration (particularly when viewed from the AONB and as a result of the removal of the existing hill and associated ridgeline, hedgerow and trees which currently screen views of the extraction area and permitted restored landform from this location) and that planning permission should be refused on landscape and

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visual amenity grounds regardless of other issues. It would appear that the objections are so fundamental that they could not be overcome by any amount of amendments to the scheme. It has also been suggested that the landscape and visual assessment and associated visualisations submitted in support of the application significantly underplay the extent of any impacts. Further objections relate to the more local landscape and visual impacts of working on occupiers of properties to the south and east of the site and users of footpaths in and around the site. Other landscape and visual amenity issues include those related to the cumulative impact of operations in the area, the extended duration of operations and the assertion that the existing site should be restored as permitted as soon as possible.

88. Notwithstanding these objections, Natural England (the Government's statutory landscape adviser on landscape issues) has stated that, on balance, the proposed development is acceptable in terms of landscape and visual impact despite being very noticeable from the Kent Downs AONB north of Kemsing.
89. The main national policies relating to landscape and visual impact associated with mineral working are set out in MPS1, PPG2, PPS7 and MPG7. These are reflected in Policies SP5 (Green Belts), NRM7 (Woodlands), C3 (AONB), C4 (Landscape and Countryside Management) of the SE Plan, Policies CA22 and CA23 of the Kent MLP Construction Aggregates and Policies EN1 (Development Control: General Principles), EN6 (AONB), EN7 (SLA) and EN8 (ALLI) of the Sevenoaks District Local Plan.
90. MPS1 (paragraph 14) and PPS7 (paragraphs 21 to 23) are clear that AONBs should be afforded maximum protection and that development should only take place within them exceptionally. In the case of major mineral development MPS1 states that major minerals development should not be permitted in AONBs except in exceptional circumstances (because of the serious impact that such development may have on these areas) and should be demonstrated to be in the public interest before being allowed to proceed. It also states that: "consideration of such applications should therefore include an assessment of: (i) the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy; (ii) the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way; and (iii) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated." The same policy tests are not required outside AONBs (*as is the case here*) although Policy C3 of the SE Plan requires planning decisions to have regard to their setting. Policy EN6 of the Sevenoaks District Local Plan states that development which would harm or detract from the landscape character of the Kent Downs AONB will not be permitted. In this context, and although not part of the development plan, the Kent Downs AONB Management Plan for 2004-2009 (April 2004) seeks to protect, conserve and enhance the components of natural beauty and landscape character of the AONB, including views (Policy LC1).
91. Policy C4 of the SE Plan encourages positive and high quality management of the countryside and the protection and enhancement of diversity and local distinctiveness of the landscape informed by landscape character assessment outside nationally

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designated landscapes. It also says that local authorities should develop criteria-based policies to ensure that all development respects and enhances landscape character, securing appropriate mitigation where damage to the local landscape cannot be avoided. Policies CA22 and CA23 of the Kent MLP Construction Aggregates require (respectively) appropriate landscaping schemes and satisfactory working and reclamation schemes designed to return the land to a planned afteruse at the highest standard as quickly as possible taking account of the cumulative impact of any nearby workings as integral parts of proposals. Policy EN1 of the Sevenoaks District Local Plan states (amongst other things) that the layout of the proposed development should respect the topography of the site, retain important features including trees, hedgerows and shrubs, and enhance any established water courses or ponds and that new landscaping and boundary treatment will be required in appropriate cases. Policies EN7 and EN8 of the Sevenoaks District Local Plan state (respectively) that development will only be permitted within SLAs where it would cause no significant harm to the landscape character of the area (EN7) and that proposals in ALLI must not harm the local character of the area and that particular attention should be paid to the design, layout and landscaping of any development and to its boundaries with the open countryside (EN8).

92. There is no doubt that the proposed development would be noticeable from various locations around the site including the Kent Downs AONB and that a number of existing landscape features would be lost as a result of the proposals (e.g. the existing hill and associated ridgeline, hedgerow and trees and a number of woodland blocks). The loss of these and any associated or other features and the landscape and visual impact of the development more generally need to be considered in the context of the proposed mitigation and final restoration proposals and existing permitted operations at the adjoining Greatness Landfill Site (which is now due to be fully restored by 15 August 2017). The permitted restoration scheme for the existing quarry is also material to any decision on the proposals.
93. The majority of long and middle distance views of the site would be from the north in the AONB and in and around Kemsing. More local views of operations would be largely confined to those from public footpaths (within or immediately adjacent to the site), Childsbridge Lane, Copse Bank and the railway line to the north due to surrounding topography and existing vegetation. Visual impact would result both from the proposed extension itself and the ongoing operations within the existing site (e.g. the continued operation of processing plant and associated bagging operations). No specific objections have been received about the landscape and visual impact of the continued use of the existing built development and plant.
94. Whilst proposed mitigation (including the temporary screening bund to the east of the proposed extension and tree planting just within the site boundary) would serve to reduce impact it would not avoid it. The construction of the proposed northern screen mound would itself also be particularly visible although, together with proposed planting, it would then serve to reduce the visual impact of site operations and form an integral part of the overall restoration proposals. There is little doubt that the proposed working scheme would result in a greater impact on medium and long distance views than the current scheme. However, once restoration has been completed and

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associated planting matured a satisfactory (albeit different) landform would exist.

95. Although the restoration scheme for the Greatness Landfill Site was designed to sit alongside the existing landform, I am satisfied that it would continue to appear appropriate alongside that proposed (and visa versa). Putting aside the issues associated with the removal of the existing hill and associated ridgeline, I am also satisfied that the proposed restoration scheme can be viewed favourably against that existing on the basis that it avoids the creation of a lake having very narrow margins and very steep sides (1:1.5 and 1:2) to the north and south. This design resulted from the fact that extraction is currently permitted to take place fairly close to the old site screening mound and associated tree planting to the south and the existing ridgeline, hedgerow and trees to the north.
96. There is no doubt that opinions as to the acceptability of any landscape and visual amenity impacts and landscape change are somewhat subjective. Opponents of the proposals clearly have their opinions (as summarised in this report) and the Kent Downs AONB Unit has specifically requested that KCC seek its own landscape advice. Although KCC's Landscape Consultant has indicated minor reservations about the conclusions of the applicant's landscape and visual assessment he has clearly advised that he is satisfied that there would be no overriding adverse effect on landscape character generally or on views from the AONB in either the short or long term such as to warrant refusal on landscape grounds alone. His comments are summarised at paragraph 54. It is also worth repeating that Natural England (the Government's statutory landscape adviser on landscape issues) has not objected to the proposals.
97. On the basis of KCC Landscape Consultant's advice, Natural England's response and my own observations I am satisfied that the proposals would not harm the AONB itself sufficient to warrant refusal, are acceptable having regard to its setting and are therefore consistent with Policy C3 of the SE Plan, Policy EN6 of the Sevenoaks District Local Plan and Policy LC1 of the Kent Downs AONB Management Plan for 2004-2009. I am also satisfied that the proposals can be viewed favourably when considered against the local designations relating to the area to the north of the site (i.e. SLA and ALLI) such that they are consistent with Policies EN7 and EN8 of the Sevenoaks District Local Plan. I am further satisfied the proposals can, more generally, be viewed favourably in terms of landscape character and visual impact such that they can be considered to be consistent with Policy C4 of the SE Plan, Policies CA22 and CA23 of the Kent MLP Construction Aggregates and Policy EN1 of the Sevenoaks District Local Plan. In all cases, my satisfaction is subject to the long term maintenance and management of the landscape planting proposals being secured by condition(s) and legal agreement (see Heads of Terms for Section 106 Agreement at [Appendix 3](#)).

Highways and transport

98. Objections have been received from Sevenoaks District Council, Sevenoaks Town Council, Seal and Kemsing Parish Councils and local residents about the impact of HGV movements generally on local roads and specifically in the AQMAs. Otford

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Parish Council is also opposed to any increase in HGVs travelling through Otford on the A225. These objections are summarised in paragraphs 40, 41, 42, 43, 44 and 65.

99. The Divisional Transportation Manager has advised that he is satisfied that traffic associated with a continuation of operations can be accommodated on the local road network and has raised no objection to the proposals subject to a legal agreement to secure an appropriate contribution (£120,000) towards improvements at the Bat and Ball junction (i.e. those proposed by the applicant) and conditions to secure appropriate wheel washing and sheeting facilities. Although the highway authority is working on a number of large schemes to improve overall flows through the Bat and Ball junction with the aim of reducing waiting time and assisting with air quality issues, the Divisional Transportation Manager is clearly satisfied that the proposed short term improvements (i.e. a health check of the junction, installation of improved on line management of the signals, removal of central islands on Otford Road to extend two lane approach and provision of a controlled crossing facility on Otford Road) would assist in securing these objectives.
100. The main national policies and guidance relating to highways and transport associated with mineral working are set out in MPS1 and PPG13. These are reflected to some degree in Policy CA16 of the Kent MLP Construction Aggregates and T8, T9 and T10 of the Sevenoaks District Local Plan. Policy CC7 of the SE Plan and PS2 of the Sevenoaks District Local Plan are also relevant in that they encourage appropriate developer contributions towards necessary infrastructure. Policy PS2 specifically states that planning obligations will be sought to secure contributions.
101. If the proposed development were not permitted and implemented, existing operations would cease within a few years, the site would be restored and there would be no HGV movements associated with quarrying and related activities at the site. The proposals therefore need to be considered on the basis that the proposed development would lead to the creation of an average 190 HGV movements per day. Since this is an average figure, it is clear that on some days HGV movements must exceed this. Although the applicant has not provided figures for the actual maximum number of HGV movements in any one day, its transport assessment indicates that the maximum number of HGV movements in any one hour is 24. If this number were maintained over a working day, it would give rise to about 260 movements.
102. Notwithstanding the congestion and resultant air quality issues that have arisen in the area as a result of overall traffic levels, the fact that an average 190 HGV movements associated with quarry activities have been satisfactorily accommodated for many years and it is not proposed to increase the current intensity of use is a material planning consideration. A further material planning consideration is the fact that the Bat and Ball junction is now part of an AQMA and that two further AQMAs (Seal and Riverhead) would be affected by traffic associated with the proposed operations. In determining the current application, regard must therefore be had to the Sevenoaks AQMA Action Plan (2009) as well as planning policies relating to air quality such as Policy NRM9 of the SE Plan and Policies EN1 and NR10 of the Sevenoaks District Local Plan. The AQMA Action Plan outlines a number of measures aimed at reducing levels of air pollution in such areas. In the case of the Bat and Ball AQMA these

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primarily relate to highway improvements to the junction to reduce congestion and in turn reduce pollution.

103. On the face of it, a cessation of quarry operations and completion of site restoration should lead to a reduction in HGV movements and congestion in the area and a resultant improvement in air quality. However, there is no guarantee that traffic levels would actually noticeably reduce or that this benefit would result due to existing traffic flows, HGV's from the other operations on Bat and Ball Road continuing to turn into/out of Bat and Ball Road and as new development in the area could simply result in quarry traffic being replaced by other traffic. Although I have some sympathy with the concerns expressed by respondents about traffic in the Sevenoaks area and resultant air quality impacts (particularly during peak hours), I do not consider that removing quarry traffic from roads in the area would have any significant impact on traffic movements, congestion or air quality in any of the AQMAs or the highway network more generally. However, it should be noted that no-one has been able to quantify this.
104. The applicant contends that minor changes in traffic patterns as a result of removing the Tarmac HGV's would be outside the sensitivity of current traffic congestion modelling or complex atmospheric dispersion modelling systems and that, for this reason, undertaking complex assessment is not considered to present a useful tool to assist in decision making. Instead, it proposes that traffic management measures that would ease overall congestion at the junction would offset emissions from quarry traffic and potentially prove beneficial to air quality. None of the respondents has refuted this. Although Sevenoaks District Council's Environmental Health Officer does not support the proposal due to the potential impact of a continuation of HGV movements on the Bat and Ball Junction AQMA, it is understood that he has accepted that junction improvements that would serve to reduce congestion would meet his objectives. He has also requested that if KCC is minded to permit the application a contribution of £30,000 be obtained towards air quality monitoring at the Bat and Ball Junction AQMA. As detailed above, the applicant has agreed to contribute £120,000 towards the design and construction of highway improvements at the Bat and Ball Junction and to pay £30,000 towards air quality monitoring at the junction. For the same reason that the actual impact of the removal of Tarmac's HGVs on the AQMA is currently impossible to assess, any improvements associated with this would be impossible to quantify.
105. On the basis of the Divisional Transportation Manager's assessment that larger schemes designed to improve the Bat and Ball junction would be undeliverable at this time and that the proposed improvements would serve to reduce congestion and assist in reducing air pollution, I am satisfied that the proposed improvements (including the further investigatory work) are sufficient to overcome any adverse impacts associated with a continuation of HGV movements to and from the quarry provided HGV movements remain similar to those existing. The proposed contribution to air quality monitoring is also a factor in favour of the proposals. In coming to this view, I am mindful that there would be no guarantee that refusing planning permission and requiring the quarry to cease operating once the remaining reserves are exhausted would actually lead to improvements in air quality at the Bat and Ball

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junction as this capacity could simply be taken up by other traffic. If further junction improvements are undertaken in the future as suggested by the Divisional Transportation Manager, this would serve to further improve the situation.

106. The Divisional Transportation Manager has not sought any specific restrictions on HGV movements (e.g. in terms of maximum numbers per day or peak hours restrictions) although I have discussed the issue with him and the applicant. The applicant explained that due to the number of different activities at the site (which are undertaken by different companies and individuals) it is not possible to operate with an overall maximum HGV limit. During those discussions, the Divisional Transportation Manager indicated that he was satisfied that an annual output restriction on sand extraction (expressed in tonnes) would serve to ensure that HGV movements remained consistent with those currently existing. The applicant has subsequently suggested that sand extracted and sold from Sevenoaks Quarry (i.e. excluding imported materials) be limited by condition to 320,000 tonnes per annum (tpa) and that it be required to maintain records to demonstrate compliance and make these available to KCC on request. It has also suggested that the importation of sand and gravel for use at the bagging plant be restricted to no more than 50% of total materials exported from the bagging plant (such as MoT type 1, ballast, 10mm and 20mm gravel, sharp concreting sand and decorative gravel and stone) and that all other specific limitations that have a bearing on HGV movements already imposed on existing / previous permissions be repeated (e.g. 20 HGV movements per day for ready mixed concrete, 38 HGV movements per day for the Freeland Horticulture operation and the nature of other materials that may be imported for use at the various operations being restricted to those previously allowed). The applicant states that this would effectively provide for a continuation of all existing operations (as has been applied for) and serve to ensure that overall HGV movements would still average about 190 movements per day. In support of this, the applicant has also stated that the amount of imported materials for the production of non-bagged products (e.g. mortar, concrete and topsoil) would not change to any significant extent due to the nature of these products.
107. In the circumstances I accept the applicant's case that an overall maximum number of HGV movements at the site would be unworkable such that imposing such a restriction by condition could be contrary to the advice in Circular 11/95 "The use of conditions in planning permissions" and the relevant case law tests on the use of conditions.⁸ I also consider that an overall limit on sand extracted and sold from Sevenoaks Quarry (i.e. excluding imported materials) of 320,000tpa combined with the other restrictions referred to in paragraph 106 above and a mechanism to demonstrate compliance would serve to ensure that HGV movements are similar to those referred to in the application. Although this figure is 20,000tpa higher than the 300,000tpa referred to in the planning application (and on which the estimated life of the site is based) I do not consider this to be significant in this case. It would also provide a limited amount of flexibility for sand sales. Although the proposed 50% limit on materials imported to the bagging plant is 10% more than that currently permitted, it does reflect the annual tonnage / HGV movement figures provided by the applicant in

⁸ Newbury District Council v Secretary of State for the Environment [1965]

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support of the application and is therefore considered to be acceptable. The precise detail of the various restrictions (other than the 320,000tpa and 50% limit on imported materials for the bagging operation) and the mechanism to demonstrate compliance would require further consideration by officers when any decision notice is drafted to ensure that the precise wording secures the stated objectives. I see no reason to believe that existing traffic movements (i.e. in terms of the numbers travelling in each direction after having left the site) would change significantly such that there would be no material change in terms of potential impacts on the wider road network or the other AQMAs in the area. Seeking to control such movements outside the site would also be inappropriate.

108. Given the response of the Divisional Transportation Manager, I am satisfied that the proposals are acceptable in terms of highway capacity and safety subject to the proposed junction improvements being secured through a legal agreement (see Heads of Terms for Section 106 Agreement at [Appendix 3](#)) and conditions to secure the limitations referred to in paragraphs 106 and 107 above, appropriate wheel washing and sheeting of HGVs. I also consider that the proposed junction improvements, together with the agreed contribution to air quality monitoring (see Heads of Terms for Section 106 Agreement at [Appendix 3](#)), are sufficient to overcome the highways and air quality concerns raised by consultees and other respondents and are sufficient to outweigh any planning policy concerns relating to the development plan and other policies referred to above. The proposed contributions would also be consistent with Policy PS2 of the Sevenoaks District Local Plan. The proposed improvements and contribution would also be consistent with the approach advocated by the AQMA Action Plan, the Sevenoaks Joint Transport Boards (JTB) Member / Officer Air Quality Working Group and the draft Sevenoaks District Transport Strategy, all of which seek reductions in congestion at the Bat and Ball Junction. I do not consider the potential quarry impacts on the other AQMAs in the area, and on the A25 and other main roads in the area more generally, are sufficient to warrant further requirements linked to this application although I would encourage relevant parties to pursue measures designed to address the adverse traffic impacts referred to by local residents and others.

Local amenity impacts (e.g. noise and dust / air quality)

109. Objections have been received from Sevenoaks District Council, Sevenoaks Town Council, Seal and Kemsing Parish Councils, CPRE Kent and local residents about a range of local amenity impacts including those related to noise, dust/air quality, vibration and odour. Cumulative impact, health and quality of life objections also relate to these and other issues raised such as the proximity of the proposals to residential and other areas and the proposed duration of operations. Specific objections relating to impact on the air quality management areas (AQMAs) at Bat and Ball, Seal and Riverhead have also been received. These objections are summarised in paragraphs 40, 41, 43, 44, 53 and 65. Visual amenity issues have been addressed in the Landscape and visual amenity section (paragraphs 78 to 97) whilst air quality impacts associated with highways and transport are addressed in the Highways and transport section (paragraphs 98 to 108).

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110. No objections have been received from KCC's Noise and Dust / Air Quality Consultant subject to conditions to secure maximum noise limits that meet the requirements of MPS2 and appropriate dust mitigation measures (see paragraph 55 above). The SEEPB has recommended that appropriate mitigation measures concerning noise and air quality are secured if planning permission is granted.
111. The main national policies and guidance relating to local amenity impacts associated with mineral working are set out in MPS1 and MPS2. These are reflected in Policies NRM9 and NRM10 of the SE Plan, Policies CA18 and CA23 of the Kent MLP Construction Aggregates and Policies EN1 and NR10 of the Sevenoaks District Local Plan.
112. Noise would arise from most activities at the site and, if not controlled, could give rise to nuisance. Existing operations (extraction, restoration and various processing operations) include measures designed to minimise noise impacts (e.g. noise bunds and acoustic fences) and are subject to various controls designed to minimise noise impacts and ensure that operations do not give rise to unacceptable levels. These include restrictions on days and hours of working and specific noise limits at noise sensitive properties, such as residential development, which are imposed by conditions. A number of these restrictions are summarised in paragraph 9. It is proposed that the majority of these and other noise related measures and controls would continue to be used. A number of additional controls would also be appropriate and necessary to ensure that the proposed development accord with mineral policies relating to noise. Specifically, the noise limits recommended by KCC's Noise Consultant. These include standard noise limits (55db) relating to day to day operations during normal working hours (which are reduced to 48dB and 53dB at certain properties on Saturdays to reflect the lower background noise levels in these areas at this time), a higher limit (70dB) to allow for temporary operations such as soil stripping and the formation of noise attenuation bunds for up to 8 weeks in any year and other specific limits for activities that would continue to take place outside normal working hours such as 50dB for the operation of the bagging plant (between 1800 and 2200 hours Monday to Friday between 1 April and 30 September each years) and to allow up to 6 HGVs to be loaded between 0600 and 0700 hours and up to 6 HGVs to leave the site between 0600 and 0700 hours each day (Monday to Friday). I do not consider that Sevenoaks District Council's suggested requirement for annual noise monitoring at the site is necessary or reasonable in this case. This view is supported by KCC's Noise Consultant.
113. Some noise could also result from public access to the site in the longer term. However, as the proposed afteruses are intended to be relatively "low key" they should not give rise to any significant impact on properties surrounding the site. If alternative proposals for a different form of afteruse (i.e. a more intensive use that could give rise to additional impacts) were to be proposed, these would need to be the subject of a fresh application (probably submitted to the District Council) which would need to be tested accordingly.
114. Mineral extraction, processing and restoration operations can give rise to dust impacts which, if not properly controlled, can cause nuisance. This is acknowledged by the

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applicant who proposes a series of mitigation measures designed to minimise impacts. Although problems associated with dust nuisance during soil and overburden stripping and movement at the site have previously been reported by local residents, I am satisfied that appropriate controls could be imposed and are capable of satisfactorily minimising any impacts. The mitigation and controls proposed by the applicant (e.g. managing and monitoring operations, avoiding soil handling in adverse weather conditions, minimising drop heights, seeding of soil bunds and restored areas at the earliest opportunity, the provision of dust attenuation measures on plant and the use of water sprays and wheel cleaning) are consistent with those recommended by MPS2 and are successfully employed at many mineral sites in the County and elsewhere.

115. Vibration would not result from quarrying, processing or restoration operations, although some could occur as a result of HGVs travelling to and from the site. Such impacts are difficult to assess and need to be viewed in the context of other vehicle movements on the public highway. I do not consider the impacts associated with traffic at Sevenoaks Quarry to be significant. Odour would not be an issue as no landfilling or other activities likely to generate odour would be undertaken at the site. Although the proposed development would cover a larger area than that existing, it would effectively replace the existing mineral development (rather than be additional to it). On this basis, and as landfilling operations should be completed at the Greatness Landfill Site by 15 August 2015 and restoration completed by 15 August 2017, I do not consider the cumulative noise, dust and air quality impacts on local amenity to be significantly greater than that existing provided appropriate controls are imposed. Subject to the various controls, I am also satisfied that the proposals should not give rise to adverse health impacts.
116. On the basis of the response from KCC's Noise and Dust / Air Quality Consultant and my own experiences in dealing with other mineral sites, I am satisfied that subject to the imposition of conditions to secure the noise limits and dust mitigation measures referred to above, the proposals would accord with the above national and development plan policies. For the reasons given in the Highways and transport section, I am also satisfied that the proposed highways improvements and contribution to air quality monitoring, secured through a Section 106 Agreement (see Heads of Terms for Section 106 Agreement at Appendix 3), and the proposed annual extraction / sales limit condition are sufficient to overcome any air quality concerns relating to the Bat and Ball AQMA.

Water environment (groundwater and surface water) and geotechnical stability

117. Although objections have been received from Sevenoaks Town Council and local residents about potential adverse impacts on water resources (groundwater and surface water), the Environment Agency is satisfied that water resource interests would be safeguarded provided that an appropriate groundwater monitoring scheme/strategy is implemented and controls are imposed to prevent pollution and flooding. KCC's Geotechnical Consultant is also satisfied that the proposals (as amended) are acceptable in terms of geotechnical stability.
118. The main national policies and guidance relating to the water environment and land

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stability associated with mineral working are set out in MPS1, MPG5, MPG7, PPS23 and PPS25. These are reflected in Policies NRM1, NRM2 and NRM4 of the SE Plan and Policy CA23 of the Kent MLP Construction Aggregates.

119. Detailed discussions have taken place between the applicant and its consultants, the Environment Agency, KCC's Geotechnical Consultant and officers on issues relating to groundwater protection and geotechnical stability. The main initial concern was that basal heave could occur unless sufficient sand from the Folkestone Beds was maintained above the Sandgate Beds. If this were to happen, groundwater in the fully saturated Hythe Beds below could rise into the Folkestone Beds through the Sandgate Beds as a result of upward pressure allowing connectivity between the two potentially resulting in flooding on either the operational quarry or restored site, bank or slope erosion and possible landslips on site (in sand or clay), a resultant increased flow into surrounding surface water (e.g. River Darent) with an increased risk of flooding downstream and pollution of the underlying aquifer (from silt or other contaminants). As noted in paragraph 9, current operations provide for at least 5m of Folkestone Beds being maintained above the Sandgate Beds. The discussions led to amendments to the proposals in July 2009, including a staged approach and a minor reduction to depth of working, which are now acceptable to the relevant technical consultees.
120. On the basis of the responses from the Environment Agency and KCC's Geotechnical Consultant, I am satisfied that subject to the imposition of conditions to secure the submission, approval and implementation of an appropriate groundwater monitoring scheme/strategy, maximum depth of extraction and controls to prevent pollution and flooding, the amended proposals would accord with the above national and development plan policies.

Ecology

121. Objections have been received from local residents about loss of wildlife habitats and adverse impacts on wildlife (including bats and great crested newts) and on the basis that the proposals offer no real benefits to wildlife. These objections are summarised in paragraph 65.
122. No objections have been received from Natural England, Kent Wildlife Trust, the SEEPB and KCC's Biodiversity Projects Officer subject to the imposition of conditions and a Section 106 Agreement to secure a range of ecological protection and enhancement measures, including the implementation of detailed strategies for protected species (e.g. bats and great crested newts, the proposed monitoring and mitigation measures and a 10-year aftercare period following completion of restoration. Natural England, Kent Wildlife Trust and KCC's Biodiversity Projects Officer are all satisfied that the applicant has undertaken the necessary surveys and provided sufficient information (including on protected species such as bats, great crested newts) to enable the proposals to be properly assessed.
123. The main national policies and guidance relating to ecology associated with mineral working are set out in MPS1, MPG7 and PPS9. These are reflected in Policy NRM5

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of the SE Plan. Where protected species are affected by proposals, regard must also be had to the Habitats Directive, as implemented by the Conservation (Natural Habitats, etc) Regulations 1994. Regulation 3(4) requires local authorities to consider whether proposals would harm a protected species and give due weight to their presence when reaching decisions. In essence, this means that the three tests that Natural England must apply when deciding to grant a licence to any activity that might harm a protected species should be considered. The three tests are: (i) the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; (ii) there must be no satisfactory alternative; and (iii) favourable conservation status of the species must be maintained.

124. Notwithstanding the suggestion by local residents that the proposed development would not give rise to any real benefits to wildlife, I am satisfied that the proposals would result in significant biodiversity benefits. The responses from Natural England, Kent Wildlife Trust and KCC's Biodiversity Projects Officer support this view. Biodiversity benefits include increasing the habitat available to existing species in the area and providing a more diverse range of habitats. The proposals would also improve the existing permitted restoration scheme by increasing the available area for nature conservation and reduce the potential for conflict between public access and ecological interests. The applicant proposes that a Biodiversity Action Plan (BAP) be prepared for the entire site containing detailed prescriptions for its aftercare and long term management. It is proposed that this would cover the operational, restoration and aftercare periods and a further 10-year period beyond this (i.e. the same period as the proposed maintenance and management of the landscape planting proposals). As the proposed 10-year further period would not commence until the satisfactory signing-off of the last landscape / aftercare requirement that may be imposed on any planning permission, this would further extend the period sought by Kent Wildlife Trust and is to be welcomed.
125. Subject to appropriate conditions to protect biodiversity interests and condition(s) and Section 106 Agreement to secure the BAP (see Heads of Terms at Appendix 3), I am satisfied that the proposals would accord with the above national and development plan policies. I am also satisfied that the proposals can be viewed favourably in terms of Regulation 3(4) of the Conservation (Natural Habitats, etc) Regulations 1994.

Archaeology and historic landscape

126. Although objections have been received from local residents about adverse impacts on archaeology and the historic landscape, KCC's Archaeological Officer has no objection to the proposals subject to the imposition of a condition to secure the implementation of a satisfactory programme of archaeological works to ensure that any features of archaeological interest are properly recorded.
127. The main national policies and guidance relating to archaeology and historic landscape are set out in MPS1, PPG15 and PPG16. These are reflected in Policy BE6 of the SE Plan and Policies EN25A and EN25B of the Sevenoaks District Local Plan.

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128. Subject to the imposition of conditions to secure the wishes of KCC's Archaeological Officer, I am satisfied that the proposals would accord with the above archaeological and historic landscape policies.

Public rights of way and public access to the site

129. An objection relating to public rights of way was received from Otford Parish Council. However, this was based on the initial proposals which sought to divert public footpath SU3 from its current route through the centre of the site. The proposed removal of this element appears to have overcome this objection. Seal Parish Council has also expressed concerns about any future parking arrangements associated with public access to the restored site. The potential adverse impacts on amenity referred to could also affect users of rights of way both through and adjoining the site.
130. National policies and guidance relating to public rights of way and public access associated with mineral working and restoration are set out in MPS1, MPG7, PPG2, PPS7 and PPG17. These are reflected in Policy C6 of the SE Plan and Policy CA21 of the Kent MLP Construction Aggregates.
131. The applicant proposes to allow public access to the site and provide a series of permissive rights of way around it, in perpetuity, once restoration has been completed. It has also agreed to formally create a public footpath to link existing public footpaths SU3 to the south of the railway / SR66 to the north of the railway with Childsbridge Lane and therefore provide linkages with both SR165 (immediately to the south east of the site) and SR75 (to the east of Childsbridge Lane) and to fund the costs associated with a footpath Creation Agreement. Whilst the existing permission provides for public access via a series of paths, the arrangements associated with this are somewhat unclear. The proposed scheme would provide a significantly larger publicly accessible area than that permitted, although it would clearly take longer for this to become available. I consider that the proposals would provide a valuable resource for people living in the area as well as improved pedestrian links between the urban areas and countryside (including the Kent Downs AONB) to the north.
132. Subject to the imposition of conditions to ensure that all the necessary detailed issues relating to the footpath diversions and new footpath are satisfactorily addressed and the applicant entering a Section 106 Agreement to provide assurances of matters such as funding of the County Council's costs associated with these (see Heads of Terms at Appendix 3), I am satisfied that the proposals would accord with the public rights of way and public access elements of the above policies. The new public footpaths (definitive and permissive) and public access provided for in the restoration scheme would also contribute to the achievement of the objectives for the use of land in Green Belts as set out in paragraph 1.6 of PPG2.

Other issues

133. Other issues that have been raised or merit consideration are: modal shift; agricultural land, soil handling and storage; climate change; the need to remove significant quantities of overburden; impact of future use of site (car parking); matters relating to

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the Kent MDF; employment / economic development; and cumulative impact.

134. Modal shift – Mineral and other planning policy promotes the use of sustainable forms of transport where possible (e.g. water and rail). However, non-road modes cannot always be employed. In this case, and despite the fact that the site is located adjacent to two railway lines, the markets served by Sevenoaks Quarry are all HGV based and I do not consider it realistic to expect rail or water transport to be used.
135. Agricultural land, soil handling and storage issues – Sevenoaks Town Council has objected to the loss of agricultural land. Whilst the proposed restoration scheme would result in a reduction in the area of land available for agricultural use, it would provide for significant biodiversity and ecological benefits and improved public access. It should also be noted that only 18.4% of the land is currently “best and most versatile”. I am satisfied that the benefits of the proposals outweigh any disbenefits associated with any loss of agricultural land in this case. Regardless of proposed afteruse it is important that soils are stripped, handled, stored and replaced in accordance with best practice. The proposals provide for this, as well as a further period of aftercare, and I am satisfied that these issues can be satisfactorily addressed by the imposition of conditions.
136. Climate change – The main climate change issue related to mineral working at Sevenoaks Quarry is that associated with transport. Whilst these issues have largely been addressed above, it is worth noting that granting permission would serve to maintain operations at this site and not lead to other sites serving more distant markets.
137. The need to remove significant quantities of overburden – Objections have been received from local residents due to the large amounts of overburden that would need to be removed before sand extraction could take place. The removal of overburden is required in virtually all surface mineral operations and it is for the applicant to determine whether the costs associated with this are too large. The key planning issue is whether the proposals for overburden give rise to unacceptable impacts and whether the materials can be satisfactorily accommodated during working and as part of the restoration proposals. In this case, although the depths of overburden (mainly gault clay) are fairly large, the proposals for overburden removal and use as part of the proposed development are acceptable. Indeed, the use of overburden to create the main permanent screen mound to the north of the proposed extraction area is a fundamental element of the overall scheme. I therefore see no reason to refuse permission on the basis of the volumes of overburden involved.
138. Impact of future use of site (car parking) – Seal Parish Council has expressed concern about the potential impact of car parking associated with the future use of the site by members of the public. Although this issue has not been addressed at this stage, I am satisfied that it can be satisfactorily dealt with by condition(s) requiring details to be submitted to the County Council for approval if permission is granted (either independently or as part of the other management requirements referred to elsewhere in this report).

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139. Kent MDF and related issues – A number of local residents have suggested that planning permission should be refused on the basis that the Sustainability Report (2006) published by KCC as part of the (now withdrawn) MDF process stated that any proposals to extend the quarry would have negative or very negative effects on air pollution and air quality, climate change, water resources, biodiversity, protection of the landscape and historic environment, efficiency of land use, nearby housing and on areas of known poor air quality and health. Whilst I have some sympathy with the residents' interpretation of these complicated documents, it should be noted that such statements about potential negative effects were by no means unique and were intended to highlight issues that would need to be further addressed before any development could proceed at such locations. The Sustainability Report was not intended to mean that development could not take place at such locations. In this context it should be noted that the Sustainability Report also includes reference to the need for proposals at certain sites to include suitable mitigation measures for those impacts highlighted as likely to be negative. These include noise and dust controls, public access, visual screening, biodiversity enhancement and woodland creation. It also states that matters should be fully assessed, as necessary, through EIA. It should also be noted that the withdrawn Kent MDF Construction Aggregates DPD also identified key planning principles that any applications for identified site would need to address. For any extension to Sevenoaks Quarry, the matters were a full archaeological evaluation and a demonstration of how existing issues relating to traffic and air quality at the Bat and Ball Junction would be addressed. Notwithstanding the status of the MDF, I am satisfied that these and other relevant issues have been satisfactorily addressed.
140. Employment / economic development – Issues relating to the need or otherwise for additional mineral reserves to be made available at this time are addressed earlier in this report (paragraphs 74 to 83). The economic benefits associated with an adequate and steady supply of minerals are clearly reflected in MPS1. The continuing direct and indirect employment and contribution to the local economy associated with site operations (referred to in paragraph 34) are also factors in favour of the proposals and these benefits would accord with national, regional and local employment objectives.
141. Cumulative impact – Objections have been received from local residents on the basis of the cumulative impact of the proposals, particularly in terms of their duration and as the existing site would not be restored in the timescale currently permitted. Cumulative impact more generally also requires consideration. The various issues that go together to make up the cumulative impact of the proposals have been discussed elsewhere in this report. Members will note that there is no single issue that leads me to recommend that permission be refused. Although any new permission would increase the area affected by mineral working and restoration operations (with the various resultant impacts referred to above) and extend the life of the site I am also satisfied that any cumulative impact would be satisfactorily off-set by the benefits associated with the proposals and mitigated for by planning conditions and the clauses in the proposed Section 106 Agreement (see Heads of Terms at [Appendix 3](#)).
142. If permission is granted it would also be necessary to ensure that controls on all existing operations are secured by the imposition of appropriate conditions. I am

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satisfied that this can be satisfactorily provided for.

Conclusion

143. For the reasons set out above, I am satisfied that the proposals are acceptable in terms of the quantity and quality of the mineral resource (paragraphs 72 and 73 above), need and alternatives (paragraphs 74 to 83 above), green belt (paragraphs 84 to 86 above), landscape and visual amenity (paragraphs 87 to 97 above), highways and transport (paragraphs 98 to 108 above), local amenity impacts (paragraphs 109 to 116 above), water environment (paragraphs 117 to 120 above), ecology (paragraphs 121 to 125 above), archaeology and historic landscape (paragraphs 126 to 128 above), public rights of way (paragraphs 129 to 132 above) and that subject to the imposition of various planning conditions (including those required to ensure appropriate soil handling, car parking arrangements and that all existing operations are suitably controlled as set out in paragraphs 135, 138 and 142 above) and clauses in a Section 106 Agreement (see Heads of Terms at [Appendix 3](#)), they are consistent with the development plan policies referred to in this report. I therefore conclude that the proposed development would give rise to no material harm, such that it is unnecessary to consider whether or not there is a need for the mineral in landbank terms, and that the benefits of the proposals outweigh any disbenefits that may arise. I also consider that if the site is to be worked, it is preferable for this to take place whilst the added value associated with the existing bagging plant, mortar plant and other permitted operations can be utilised without the need for new facilities to be established at a later date. I therefore recommend accordingly.

Recommendation

144. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in [Appendix 3](#) and conditions covering amongst other matters: duration of the permission; linking all operations to the life of the permitted mineral reserves; adherence to the proposed working scheme; hours of working; maximum depth of extraction; no importation of materials for restoration purposes; output of sand extracted and sold from Sevenoaks Quarry (excluding imported materials) restricted to 320,000tpa; no more than 50% of materials used in the bagging plant to be imported from outside Sevenoaks Quarry; a continuation of existing limitations on HGV movements for the Freeland Horticulture and ready mixed concrete operations and on the nature of materials that can be imported for use in the permitted operations; records to be maintained and made available to demonstrate compliance with any output, import and related restrictions; measures to prevent mud and debris on the highway; HGV sheeting and wheel cleaning; future car parking arrangements; a scheme for the layout, composition and infrastructure of permissive paths and new footpath; dust mitigation; maximum noise levels; the submission, approval and implementation of an appropriate groundwater monitoring scheme / strategy; controls to prevent pollution and flooding; measures to safeguard the water environment; archaeological and historic landscape work; Biodiversity Action (management) Plan (BAP) (including mitigation and monitoring programme and other arrangements for ecology / biodiversity interests); a scheme for the long term maintenance and management of the landscape planting proposals; soil

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handling and storage; and aftercare.

Case Officer: Jim Wooldridge

Tel. no. 01622 221060

Background Documents: see section heading.
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APPENDIX 1 TO ITEM C1

NOTES of a Planning Applications Committee Members' site visit to Sevenoaks Quarry on Tuesday, 9 September 2008.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J A Davies, Mr G A Horne, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr J I Muckle, Mr W V Newman, Mr A R Poole and Mr N J D Chard (local Member).

OFFICERS: Mr J Wooldridge (Planning); and Mr A Tait (Democratic Services).

SEVENOAKS DISTRICT COUNCIL: Mr R Davison with Ms H Tribe (Planning) and Mr H Walker (Arboriculture).

SEVENOAKS TOWN COUNCIL: Cllr J Brigden (Mr Brigden was also a Sevenoaks District Councillor).

SEAL PARISH COUNCIL: Cllr R Watson (Chairman) and Cllr A Michaelides. Mrs M Osborne was also invited as a representative.

KEMSING PARISH COUNCIL: Cllr A Waters.

THE APPLICANT: Tarmac Ltd (Mr S Treacy, Mr R Sharrad – Quarry Manager, Mr K Stockley).

- (1) The Chairman opened the meeting by explaining that its purpose was for the Committee Members to familiarise themselves with the site and to gather the views of interested parties.
- (2) Mr Wooldridge began his presentation by describing the site and background. He said that the existing quarry occupied the southern half of an area bounded by railway lines to the north and west, Childsbridge Lane to the east and a mixture of housing, playing fields, a nursing home and a cemetery to the south (much of which was screened by a raised amenity mound and planted area of land which formed part of the existing working and restoration scheme). Further housing was located to the east and south of Childsbridge Lane. Land to the west of the site (between the railway line and A225 Otford Road) contained employment uses. The Greatness Landfill Site (operated by Cory Environmental Ltd) lay in the north western quadrant of the area described and the remaining land to the north east was in agricultural use.
- (3) The application site included existing extraction areas (wet and dry working), a silt lagoon, stockpiles, a sand processing plant, a mortar batching plant, an aggregate bagging plant, soil blending, topsoil manufacture, site offices, buildings and distribution areas as well as the proposed extension area. The proposed extension area was mostly in agricultural use and also contained some woodland.
- (4) Access to the site was via Bat and Ball Road. Public Footpath (SU3) passed through the processing plant area and then between the Greatness Landfill Site and the

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proposed extension area before crossing the application area linking Sevenoaks and Otford. It had been the subject of a recent diversion application designed to move it away from the plant site for health and safety reasons. This application had, however, been rejected. Another public footpath (SU4) ran along the south eastern boundary of the application area linking Childsbridge Lane and the A25 (Seal Road).

- (5) There were no designated areas within the application site although the south east corner of Greatness Landfill Site was identified as a (geological) SSSI. The Kent Downs AONB lay to the east and south east (approximately 200m from the application site at its nearest point) and about 1.3km further north (i.e. north of Kemsing). The site was in the Green Belt. The access and other nearby locations were within Air Quality Management Areas (AQMAs).
- (6) The site was not identified as an Area of Search for future mineral working in the adopted Kent Minerals Local Plan Construction Aggregates (December 1993) nor was it identified for any specific use in the adopted Sevenoaks Local Plan (March 2000). The extension area was included as a Preferred Area in the recently withdrawn Minerals Development Framework (consultation draft) for Kent.
- (7) The nearest residential properties to the existing operations were at Watercress Close and Watercress Drive immediately to the south of the existing aggregate bagging plant and site office area. The nearest residential properties to the proposed extension area were at Ragstones / Copse Bank. There were also a number of individual houses (to the south east) and immediately to the east of Childsbridge Lane itself. The nearest curtilages of these houses were about 40m from the proposed extraction area itself.
- (8) The existing site had a long history of mineral permissions and was to be restored to grassland, woodland and lake with some public access. Some of the access road, two site offices and several cottages would be retained.
- (9) The method of working (generally west to east) involved both dry and wet workings and the use of 360 excavators, a loading shovel, field conveyors and a washing / screening plant.
- (10) Thirty staff were currently based on site (all operations).
- (11) The current permissions imposed a number of constraints and requirements. Amongst these were:-
 - Mineral extraction ceasing by 11 January 2020 and site restoration being completed by 11 January 2022;
 - Importation of soils to mix with sand ceasing by 10 January 2020;
 - The Manufacture of topsoil ceasing by 31 December 2009;
 - Main hours of working 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays with no working on Sundays and Public Holidays;
 - 6 (mineral related) lorry loads being allowed to leave the site between 0600 and 0700 hours Monday to Saturday;

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- Noise from main operations not exceeding 55dB(A) with an allowance of up to 75dB(A) for temporary works;
 - Dust attenuation measures; and
 - No importation for backfilling.
- (12) Mr Wooldridge moved on to summarise the proposal. He said that the extension area would be 14 hectares. 6.6 million tonnes of sand would be extracted producing about 300,000 tonnes of sand sales per annum. Extraction would cease by 2030 and restoration completed by 2032. The depth of working would be no less than 5 metres above the Hythe Beds. The existing plant, buildings, operations, etc, would be retained. Hours of working would be as existing: 07.00 to 18.00 hours Monday to Friday and 07.00 to 13.00 hours on Saturdays. Access to the site would continue to be from Bat and Ball Road. HGV movements would not increase beyond current levels (i.e. an average of 189 movements per day from all operations at the site based on annual tonnages / loads with, at most, 24 movements per hour). The site would be progressively restored to nature conservation, public amenity and agriculture.
- (13) Mr Wooldridge then said that following the receipt of various comments (including objections) to the proposals, further information and clarification had been sought from the applicant in May 2008. A formal response to these issues was still awaited.
- (14) After explaining that a range of national, regional and local policies were relevant and would be considered, Mr Wooldridge highlighted the objections and concerns of statutory consultees. Sevenoaks DC had objected on the grounds of insufficient information in the Environmental Statement as well as HGV traffic, the effect on the AQMAs, Noise and the impact on the Green Belt and AONB.
- (15) Sevenoaks TC objected due to the loss of agricultural land, visual impact, impact on the Green Belt and AONB, loss of amenity (noise, dust, vibration), traffic impacts and the deleterious effect on the four AQMAs.
- (16) The objections from Seal PC concerned the extended life of the site, dust nuisance (a recent example had been given), visual impact, Green Belt, AONB, and impact on AQMAs.
- (17) Otford PC's grounds for objection were the AONB, diversion of public footpath and the potential for more HGVs to use the Bat and Ball Road Junction and travel through Otford. The Parish Council also stressed the need for an archaeological survey if permission were granted.
- (18) Kemsing PC objected on the grounds of impact on the Landscape and AONB, HGV traffic, noise and air quality. It asked KCC to satisfy itself on the flood risk assessment and (if permission were granted) to impose conditions on landscaping, HGV movements, hours of working, noise and air quality.
- (19) Mr Wooldridge then reported that a number of consultees had submitted holding objections or requested further information. Natural England had recommended further protected species surveys to enable a proper assessment. Kent Wildlife Trust

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had submitted a holding objection over surveys and maintenance of invertebrate habitat. The County Council's Landscape Consultant sought amendments to the restoration scheme. KCC's Noise, Dust and Odour Consultant sought clarification on aspects of the dust assessment and mitigation and a further noise survey. KCC's Biodiversity Officer asked for further surveys and mitigation.

- (20) Mr Wooldridge said that the following consultees had submitted no objection subject to the imposition of appropriate conditions: SEERA; SEEDA; the Environment Agency; the Divisional Transportation Manager; KCC's Geotechnical Consultant; KCC Archaeology and Historic Landscape; KCC Public Rights of Way; the National Grid; EDF; Southern Gas Networks; and Network Rail.
- (21) No responses had yet been received from the Kent Downs AONB Unit, CPRE, The Ramblers Association, South East Water, Southern Water or BT.
- (22) Mr Wooldridge then set out the grounds given for objection by some 45 residents who had responded to consultation. These related to:-
- (a) Noise: The concerns were about general levels of noise; that the vegetation and proposed earth mounds would be inadequate to satisfactorily mitigate noise impact; that the intermittent nature of HGV and plant / machinery movements would create high peak noises that would not be reflected in the overall noise limit (this would be exacerbated by 'hooters'); and concerns that existing noise limits were not being complied with (including evening working at the bagging plant).
 - (b) Dust: and air quality: Reference was made to the adverse impact of an earth moving operation in 2007. Objection was also raised on the grounds that there were already four AQMAs in the local area and that the proposed development would increase the problem.
 - (c) Pollution (e.g. exhaust fumes).
 - (d) Odour.
 - (e) Health and psychological impacts.
 - (f) HGV movements/ traffic impacts (on Bat & Ball Road, the A25 and elsewhere) which would be exacerbated by existing congestion.
 - (g) The cumulative impact of the lack of restoration in the current worked area, the over-lengthy duration of the proposals and of a quarry being inappropriately situated in a residential area.
 - (h) The adverse impact on quality of life and local amenity. These objections were generally based on previous experiences.
 - (i) The proximity of the proposed development to residential properties (particularly in Childsbridge Lane, Ragstones / Copse Bank, Watercress Drive and Watercress Close) and on the elderly persons homes, school, recreation ground and hospital to the south and east – The nearest houses were about 39m from the proposed extraction area.
 - (j) Landscape impact: This included both local impacts and more distant impacts when viewed from the North Downs AONB and associated rights of way. Concern was also expressed over the loss of the ridge of land which screened views into the site from the north, recent poor quality planting on the site which

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- would take years to establish and the removal of trees and hedges.
- (k) The loss of wildlife habitats and adverse impacts on wildlife. The loss of the barn would endanger bats. Great crested newts would also be jeopardised. The survey information was inadequate and there did not appear to be any mitigating benefits.
 - (l) Adverse impacts on archaeology / historic landscape.
 - (m) Adverse impact on groundwater and surface water (both in terms of pollution and the potential for the River Darent to dry up).
 - (n) Adverse impact on agricultural land quality and soil structure.
 - (o) Adverse impact on the Green Belt.
 - (p) The unjustifiable need to remove huge amounts of overburden in places in order to access the sand.
 - (q) The absence of benefit to the local area and its population.
 - (r) KCC's own Sustainability Report (2006) for the Minerals Development Forum (MDF) stated that any proposals to extend the quarry would have negative or very negative effects on air pollution and air quality, climate change, water resources, biodiversity, protection of the landscape and historic environment, efficiency of land use, nearby housing and on areas of known poor air quality and health.
 - (s) Concerns about long term management - 5 years being insufficient.
- (23) Mr Wooldridge said that objectors had also sought a number of conditions in the event that planning permission was granted. They wished for: the questions of dirt, dust and noise minimisation to be properly addressed; no working on Saturdays, Sundays or Bank Holidays; no quarry related access onto Childsbridge Lane; no quarry traffic to use that road; and the removal of Phase 2B and associated earthmoving from the proposals.
- (24) Mr Wooldridge concluded his presentation by setting out the likely main determining issues. These were: the quantity and quality of the mineral resource(s); the need or otherwise for the mineral(s) and alternative options; water environment (hydrology, hydrogeology and groundwater impacts); local amenity impacts (e.g. noise and dust / air quality); landscape and visual amenity; archaeology and historic landscape; ecology; highways and transport; Public Rights of Way; Green Belt; and geotechnical stability.
- (25) Mr Treacy (Tarmac Ltd) agreed with Mr Wooldridge's description of the application. He then confirmed that a complaint had been received in 2007 about dust arisings at the eastern end of the quarry during the "Freeland" operation when low grade sand was moved. This complaint had been justified as dust control measures were not in place at the time. In June 2008, the same operation had taken place in dry conditions without any such problems.
- (26) Mr Treacy went on to say that Tarmac had been revising the proposal since May 2008 in the light of objections and views expressed during consultation. These revisions would include a significant additional stand off to the Childsbridge Lane Footpath (increased to 180 ft) and a consequent revision to the restoration proposals. These revisions would soon be submitted to the County Planning Authority. *Mr Wooldridge*

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confirmed that there would be a full re-consultation under the Environment Assessment Regulations. This would involve all the statutory consultees and those members of the public who had objected to the proposals.

- (27) Mr Chard (local Member) said that the most important issue in the Bat and Ball area was air quality. In AQMA terms, the Bat and Ball Junction of the A25 was already at full capacity. He was concerned that although mitigation was taking place to address East - West traffic, it was not for North - South traffic. He also asked the Committee Members to note the visual impact of the proposals when viewed from Kemsing, Seal and Otford.
- (28) Mr Davidson (Sevenoaks DC) said that he welcomed Tarmac Ltd's decision to revise its proposals in the light of public concerns.
- (29) Mr Bigden explained that he represented both Sevenoaks DC and TC. He was opposed to the application due to its environmental aspects. The traffic levels at the A25 Bat and Ball Junction were already very high and the increased traffic volumes would result in greater pollution in what was already a high risk area. He asked why it was proposed that the life of the site should be extended to 2030 as it ought to be exhausted in just a few years' time – even if permission were granted. There were also concerns over the footpath, drainage, access to the land, the quantity of sand to be extracted and the length of time that the operation would last.
- (30) Mr Watson (Chairman of Seal PC) said that his Council's response to the application had been driven by the concerns of local people, who were known for their tolerance. The development already had an impact on the schools and shops in Seal village. This application would delay the restoration of the site (including landscaping) by a further 10 years.
- (31) Mr Watson then said that Seal High Street was an AQMA site with very high levels of pollution. As part of the A25, it was the only route to Maidstone and East Kent.
- (32) Mr Waters (Kemsing PC) said that his Authority was particularly concerned about odour, as the prevailing winds came from the south west. It was also essential that a bund should be erected and planted as early as possible in order to screen off the visual impact of the development from the Kemsing AONB.
- (33) Mr Michaelidis from Seal PC suggested that Committee Members should view the site from the North Downs. If they did so, they would see that it was extremely prominent.
- (34) Mr Sharrad, the Quarry Manager described how it was proposed to work the quarry in relation to the geological make up of the site. Extraction would take place between 15 and 20 metres above the water table and recommence at the same distance below it. Extraction would stop 5m above the Folkestone Bed which lay on top of the Sandgate and Hythe Beds. It was therefore the retention of 5m of sand above the Sandgate beds which would determine the precise depth of excavation. Tarmac Ltd would use modern surveying technology to ensure that the excavation would not go any deeper than was required at any given point. Mr Sharrad also said that the site operators

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were very experienced as the site had been worked since 1924.

- (35) Mr Horne asked whether the applicant had considered contributing to improvements to the Bat and Ball Junction. Mr Treacy replied that no one had come forward with suggestions for Tarmac to consider. The junction itself had been constructed by the Quarry Operators in 1990. It had also widened the railway bridge after purchasing the land from BR and had closed off Chatham Hill Road (opposite Bat and Ball Station) by turning it into a cul-de-sac.
- (36) With reference to the previous point, Mr Wooldridge said that KCC Highways had raised no objection subject to the proposal not resulting in additional vehicle movements. He added that KCC Highways would be reconsulted on any additional information submitted and be asked to reconsider whether further improvements should be sought.
- (37) Mr Treacy agreed with Mr Maddison's suggestion that it would be possible to organise an exhibition to explain the revised proposals to the public.
- (38) Mr Brigden said that neither Sevenoaks DC nor TC had any confidence in KCC Highways objecting to anything. He believed that there was a need for a proactive solution such as constructing a roundabout at the Bat and Ball Junction.
- (39) *Mrs Osborne had previously widely circulated a document entitled "The case against the extension to Sevenoaks Quarry." Its authors were Local Residents and Seal Parish Council.* She explained that this document had been produced in response to the original proposal. She said that she would be greatly interested to see how the revisions addressed all the concerns set out in the document, particularly in respect of the AQMAs.
- (40) The Chairman thanked everyone for attending. The notes of the visit would be appended to the report to the determining Committee meeting.
- (41) Following the meeting, Members were transported to various points on the site. They were shown the bagging plant, washing plant and the older workshops. They saw the footpath which Tarmac had unsuccessfully applied to divert around the back of the silt lagoon. Mr Treacy said that the proposal to divert the footpath had been entirely independent of the current development proposal.
- (42) Members were then shown a view of the eastern lake from the west. Next they viewed the proposed extension from a railway bridge to the North West, noting that the proposed screen mound (recontoured landform) would generally be at or just above eye level when standing on the railway bridge. Finally they travelled to the eastern end of the site where they noted the proposed location of the temporary bund which was intended to provide noise and visual attenuation for neighbouring properties. They observed the current workings as well as the view of the North Downs, including Offord Mount.

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APPENDIX 2 TO ITEM C1

NOTES of a Planning Applications Committee Members' site visit to Sevenoaks Quarry on Tuesday, 8 September 2009.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr W A Hayton, Mr C Hibberd, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R A Pascoe, Mr C P Smith, Mr K Smith, Mr A Willicombe and Mr N J D Chard (local Member).

OFFICERS: Mr J Wooldridge (Planning); Mr D Green (Jacobs) and Mr A Tait (Democratic Services).

SEVENOAKS DISTRICT COUNCIL: Mr J Brigden (also Sevenoaks TC) and Mr P McGarvey with Ms H Tribe (Planning) and Mr L Jones (Arboriculture).

SEVENOAKS TOWN COUNCIL: Cllr Mrs M Canet and Cllr R Piper.

SEAL PARISH COUNCIL: Cllr Mr M Harvey, Cllr Mrs A Linley and Cllr Mrs M Osborne.

OTFORD PARISH COUNCIL: Cllr Mrs E Ward and Cllr A Woodrow-Clark.

THE APPLICANT: Tarmac Ltd (Mr S Treacy and Mr R Sharrad – Quarry Manager).

- (1) The Chairman opened the meeting by reminding everyone that a meeting had been held one year earlier. It had proved necessary to hold another one because the membership of the Committee had now changed and because a number of amendments had been made since the last visit. He then explained that its purpose was for the Committee Members to familiarise themselves with the site and to gather the views of interested parties.
- (2) Mr Wooldridge briefly set out the main aspects of the application. This was to extend the quarry by 14 hectares to the north, extracting an additional 6.1m tonnes of sand (approximately 0.5 million tonnes less than originally applied for). This would result in up to 300,000 tonnes per annum of sand sales. Extraction would cease by 2030 with restoration to public amenity and agriculture being completed by 2032.
- (3) Mr Wooldridge then explained that the applicant had made further submissions in September 2008 and June 2009. Between them, these included proposals for: (i) an increased stand-off to residential properties on/near Childsbridge Lane to the south east of the proposed extension area (from about 50m to 100m); (ii) additional tree planting; (iii) a revised restoration scheme; (iv) a 10-year aftercare period; (v) a series of highway improvements designed to ease congestion at the Bat and Ball junction and have the potential to improve air quality within the associated air quality management area (AQMA); and (vi) a minor reduction in the depth of extraction and further control of water levels to ensure the short and long term stability of the proposed lakes, minimise the potential for basal heave by maintaining sufficient sand from the Folkestone beds above the Sandgate beds formation and protect

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groundwater interests. He said that the changes had been informed by discussions between the applicant, KCC Planning, the Environment Agency, KCC's Geotechnical Consultant, KCC's Landscape Consultant, Kent Highways and Sevenoaks District Council's Environmental Health Department. He added that the Environment Agency and KCC's Geotechnical Consultant were now satisfied in terms of the potential geotechnical and groundwater implications of the proposals.

- (4) Mr Wooldridge also explained that a further landscape and visual assessment of the amended proposals had been provided by the applicant which was designed to address the concerns of consultees including the Parish Councils and the Kent Downs AONB Unit.
- (5) Mr Wooldridge then outlined the responses of the statutory consultees to the application. No objections were now being raised by the Environment Agency, Natural England, KCC's Biodiversity Officer, KCC's Geotechnical Consultant or Kent Wildlife Trust (in cases, subject to conditions). Replies were still awaited from Sevenoaks DC, Kent Highways, KCC's Landscape Consultant and the Kent Downs AONB Unit.
- (6) Mr Wooldridge concluded his presentation by saying that Sevenoaks TC and Seal PC had re-iterated their earlier objections, stating that these had not been overcome. Sixteen further letters of objection had also been received from the local community.
- (7) Mr Treacy (Tarmac Ltd) said that he was happy that the front sheet of the briefing note reflected the amendments to the proposal. He accepted Mr Wooldridge's explanation that the main document appended to this was in fact a copy of the 2008 briefing note prepared before any of the amendments had been made. He asked Members to note that although the distance between the nearest property in Childsbridge Lane and the overburden excavation area was 100 metres, the sand extraction area itself was 200 metres away.
- (8) Mr Brigden (Sevenoaks DC and TC) noted that the proposal for the lake did not include provision for sailing and said that the proposed traffic improvements would not ameliorate the congestion and AQMA problems to any great extent. He said this meant that there would be no net gain for local people to offset the inconvenience to local people of extending the life of the quarry by more than 10 years. Mr Brigden made clear that he was opposed to the proposal and that he believed permission should be refused. However, in the event that permission was granted, the Town Council would wish to see improvements to the overall traffic flow including better traffic light systems, better air quality monitoring, white lining and chevrons. He also said that consideration should be given to installing a roundabout at the Bat and Ball junction.
- (9) Mr Wooldridge confirmed that Kent Highways was considering the question of the highways improvements in detail and that implementation of any improvements would be secured via a Section 106 Agreement if permission was granted. He also said that any proposed future use of the lake would be made clear when the application is reported to Committee.

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- (10) Mrs Osborne (Seal PC) stressed that Bat and Ball was an AQMA. She felt that improvements to air quality should be sought regardless of the outcome of the application. She said that it should not just be Tarmac who took responsibility for air quality and that this should be shared with the other local developers. She then asked members to note that granting an extension to the quarry would mean granting an additional 189 HGV movements per day in the AQMA as existing movements would otherwise cease.
- (11) Mr Treacy answered a question from Mr London by saying that the application site had been chosen because of its existing quarry and associated facilities. It already had a processing plant, a mortar plant, workshops, a bagging plant and 2 sand/soil blending operations. Tarmac was not aware of alternative sand sources available for extraction that would provide the full range of products available at Sevenoaks Quarry. He added that 'sand and gravel deposits' are different and are incapable of producing the building materials produced from a 'building sand deposit'. Tarmac did not excavate sand and gravel at the site and that its sand was used for building, asphalt, plastering, mortar, concreting and screed applications as well as for sports turf (by Bourne Amenity) and topsoils on residential developments on former contaminated land (Freeland Horticulture).
- (12) Mr Wooldridge said that he believed that there may be alternative sites with suitable sand. This was a matter for consideration in determining the application.
- (13) Mr Harvey (Seal PC) said that the assumption was that the workings from the current permission were due to become uneconomic in the next 2 to 3 years. Therefore, granting permission would effectively extend the life of the quarry by a further 17 years. Mr Wooldridge agreed that this was a fair assessment of the implication in terms of timescale of granting permission.
- (14) Mr Piper (Sevenoaks TC) said that there were a large number of similar sites in neighbouring Surrey and that these should be considered when assessing the case of need. Mr Wooldridge replied that Kent was required to meet its own obligations in terms of its contribution to the overall regional target and that this issue would be addressed when the application is reported to Committee.
- (15) Mrs Canet (Sevenoaks TC) said that the proposals should be treated as a fresh application. Local people were expecting the workings to finish in the next few years. Now they were faced with the prospect of getting nothing until 2030. They would continue to have noise, traffic jams and poor air quality whilst the recreational benefits would be delayed even longer. She asked Members to consider the impact of further quarrying on the local hi-tech industries.
- (16) Mr Manning asked how deep it was intended to excavate. (The answer was given by Mr Treacy as about 15 metres). He noted that the figure of 189 vehicle movements was an average figure and asked whether the applicant could give an assurance that there would be no sudden surge in numbers arising out of the effects of supply and demand.

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- (17) Mr Treacy replied to Mr Manning's question on vehicle movements by saying that Tarmac is not waiting for permission to be granted before it increases sales for a supposed major contract (Olympics quoted). The site is already supplying materials into the Olympics and has supplied major contracts in recent years such as Chelsea FC, Swiss Re building, Wimbledon centre and No 1 tennis courts, Canary Wharf and the British Library. They had been relatively unaffected by the recession. It would therefore not be fair to suggest that they were waiting for an upturn which would enable them to dramatically increase the number of vehicles entering and exiting the site. The figure of 189 had been calculated by averaging out the sales rate over the past four years. Mr Wooldridge said that if it was determined that a vehicle movement restriction was necessary this could be imposed by condition.
- (18) Mr Sharrad (Quarry Manager) in response to a question on controlling the depth of extraction explained that this is regularly monitored by electronic survey. This would ensure that extraction depths would be no deeper than authorised and meet the requirements of the Environment Agency and KCC's Geotechnical Officer.
- (19) Ms Tribe (Sevenoaks DC – Planning) said that her Authority had not yet formally considered the application. There were a number of concerns, particularly about the vicinity of three AQMAs (Seal, Riverhead and Bat and Ball). She explained that the District Environmental Health Officer had been unable to come to the site visit but that he had asked her to report that he had not yet received details of the proposed highway improvements and would not be able to comment until advice was received from Kent Highways. Ms Tribe said that not granting permission would be helpful at the Bat and Ball Junction which, due to its complexity and turning traffic, was characterised by queuing and congestion.
- (20) Ms Tribe went on to say that the site was located within the Metropolitan Green Belt and in the vicinity of the AONB. This led to concerns about the effect of the proposed development on the landscape when viewed from the AONB (including Green Hill) to the north.
- (21) Mr Jones (Sevenoaks DC - Arboriculture) said that a number of copses would be lost if the proposed development went ahead. These were worthy of preservation.
- (22) The Chairman thanked everyone for attending. The notes of both site visits would be appended to the report to the determining Committee.
- (23) Following the meeting, Members were transported to several points around the site from where they viewed the bagging and washing plant, the eastern lake (from the west) and the proposed extension area (from a railway bridge to the north west). They also travelled to the eastern end of the site, entering from Childsbridge Lane, from where they were able to see the extension area and its relationship with surrounding land and properties. The proposed (amended) limits of excavation had been marked out by the applicant. Members also walked to a point which could be observed from Green Hill and from which they could clearly see the AONB to the north.

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APPENDIX 3 TO ITEM C1

Heads of Terms for Section 106 Agreement

The applicant / landowner shall covenant as follows:-

1. on completion of the Section 106 Agreement to pay all of Kent County Council's reasonable and proper legal and administrative costs for the preparation and completion of the Section 106 Agreement;
2. on completion of the Section 106 Agreement to pay Kent County Council £120,000 towards the design and construction of highway improvements to the Bat and Ball Junction;
3. on completion of the Section 106 Agreement to pay *either* Kent County Council *or* Sevenoaks District Council £30,000 towards air quality monitoring at the Bat and Ball Air Quality Monitoring Area (AQMA) – *in the event that the money is paid to Kent County Council, it will pay the money to Sevenoaks District Council;*
4. no later than one year after completion of final restoration of the site to create a new public footpath to the north of the lake as illustrated indicatively (and titled "definitive footpath") on drawing number SO 3-5c titled "Restoration Masterplan" (dated December 2009), or any amendment to this that may be approved pursuant to a condition attached to the Permission, to link existing public footpaths SU3 to the south of the railway / SR66 to the north of the railway with Childsbridge Lane and therefore provide linkages with both SR165 (immediately to the south east of the site) and SR75 (to the east of Childsbridge Lane) and to pay all of Kent County Council's reasonable and proper legal, administrative and other costs associated with a footpath Creation Agreement relating to this;
5. to undertake an ecological / biodiversity monitoring and management regime for the duration of the Permission and for a period of no less than 10 years beyond the satisfactory signing-off by Kent County Council of the last landscape / aftercare requirement imposed by planning condition in accordance with a scheme which shall first be approved in detail by the County Planning Authority pursuant to a condition attached to the Permission;
7. to maintain and manage the landscape planting proposals shown indicatively on drawing number SO 3-5c titled "Restoration Masterplan" (dated December 2009), or any amendment to this that may be approved pursuant to a condition attached to the Permission, for a period of no less than 10 years beyond the satisfactory signing-off by Kent County Council of the last landscape / aftercare requirement imposed by planning condition in accordance with a scheme which shall first be approved in detail by the County Planning Authority pursuant to a condition attached to the Permission;
8. to provide, in perpetuity, public access to the site and the provision of permissive rights of way shown indicatively on drawing number SO 3-5c titled "Restoration Masterplan" (dated December 2009), or any amendment to this that may be approved

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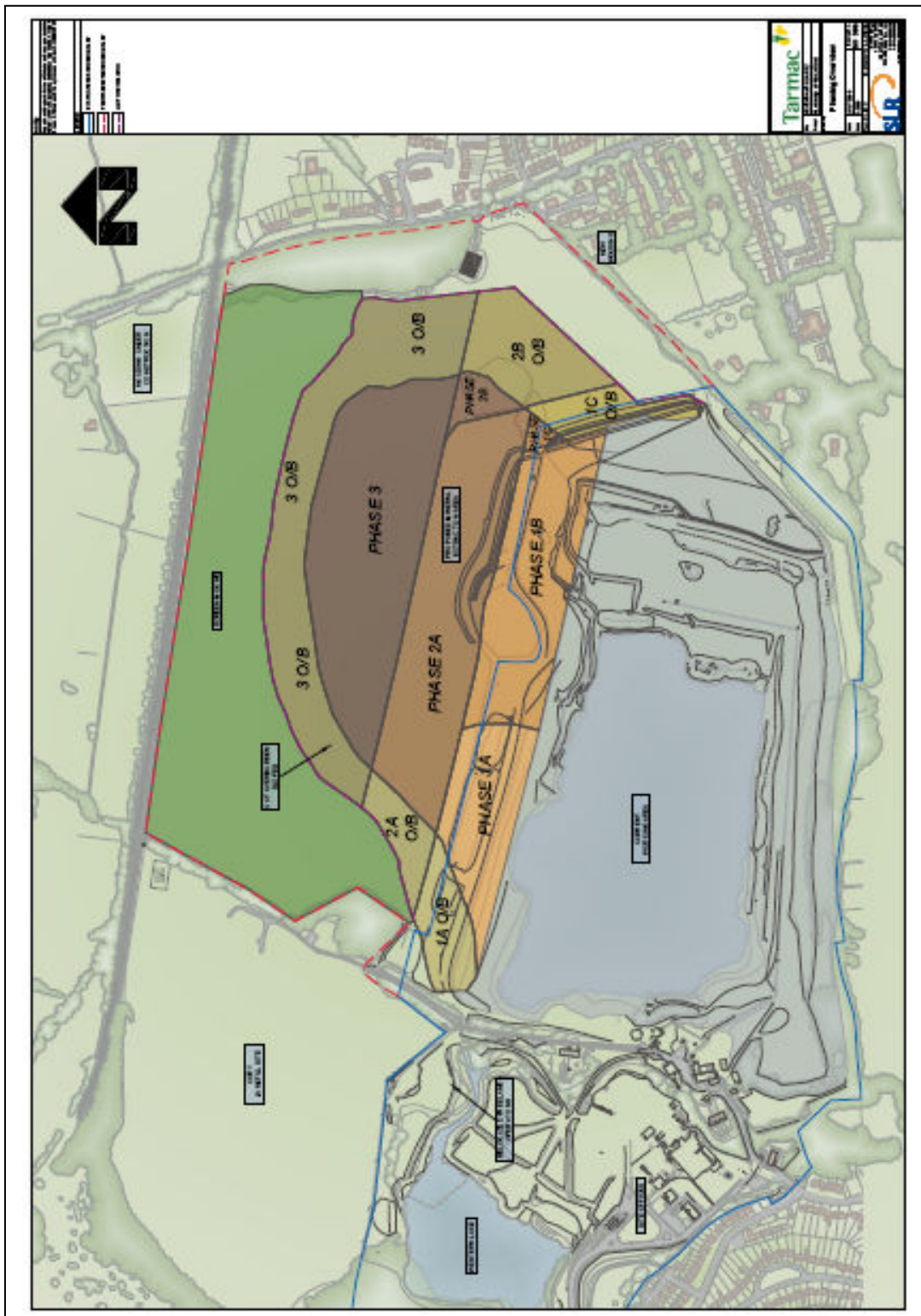
pursuant to a condition attached to the Permission, in accordance with a scheme which shall first be approved in detail by the County Planning Authority pursuant to a condition attached to the Permission.

Note: Likely signatories to any Section 106 Agreement are Kent County Council and Tarmac.

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APPENDIX 4 TO ITEM C1

Phasing Overview



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APPENDIX 5 TO ITEM C1

Restoration Masterplan

