

**The variation of conditions on planning permissions TM/18/2549 and TM/18/2555 relating to vehicular access to the West Lake area at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/19/1931 (KCC/TM/0171/2019) and TM/19/1932 (KCC/TM/0172/2019)**

A report by Head of Planning Applications Group to Planning Applications Committee on 4 December 2019.

Applications by Aylesford Heritage Ltd for:

- (i) the variation of conditions W2, W3, W4 and W6 of planning permission TM/18/2549 relating to vehicular access to the West Lake area – **TM/19/1931** (KCC/TM/0171/2019); and
- (ii) the variation of conditions W2, W4 and W6 and the removal of conditions W7 and W8 of planning permission TM/18/2555 relating to vehicular access to the West Lake area and output of minerals – **TM/19/1932** (KCC/TM/0172/2019);

at Aylesford Quarry, Rochester Road, Aylesford, Kent, ME20 7DX.

Recommendation: Permissions be granted subject to conditions.

Local Member: Mr P Homewood

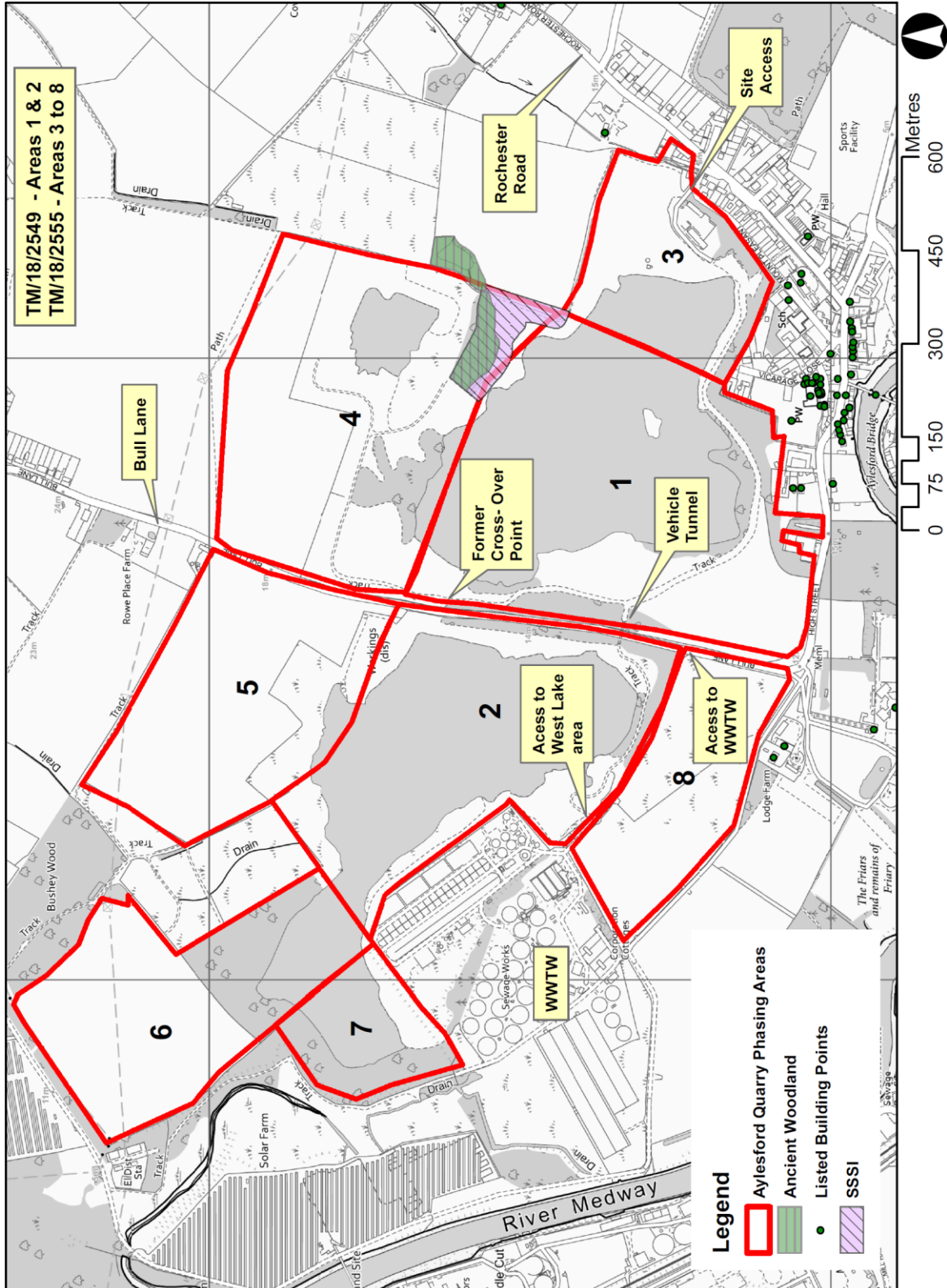
Unrestricted

**Site description**

1. Aylesford Quarry lies approximately 5 kilometres to the north west of Maidstone, between Aylesford and the River Medway (to the south) and Eccles (to the north). It includes land to the east and west of Bull Lane. The eastern area of the quarry lies between Rochester Road and Bull Lane and the western area between Bull Lane and Aylesford Wastewater Treatment Works (WWTW) and Bushey Wood. Each of the areas contains a large lake created by soft sand working above and below water table, whilst the eastern area also contains a smaller lake created by clay extraction. The land around the lakes has either been worked or disturbed by quarry activities, was subject to earlier restoration (which has subsequently been disturbed to some degree) or has not been worked and remains in agricultural use. The quarry offices, workshop and staff car park lie at the eastern end of the site near Rochester Road.
2. The main access to the eastern area of the quarry is via Rochester Road which provides access to the A229. The western area of the quarry can be accessed from Bull Lane via the Aylesford WWTW access. The two areas are linked by a vehicle tunnel under Bull Lane although this is not wide enough to accommodate most modern quarry plant, machinery, equipment and vehicles. The two areas were also previously linked by a crossing point over Bull Lane (for quarry plant, machinery, equipment and vehicles too large to use the tunnel), although this can no longer be used due to extraction that has taken place to the west of Bull Lane. Although the eastern area of the quarry contains no public rights of way, it is largely surrounded by public footpaths. The western area of the quarry is surrounded by a combination of bridleways, restricted byways and footpaths.

**Item C2**

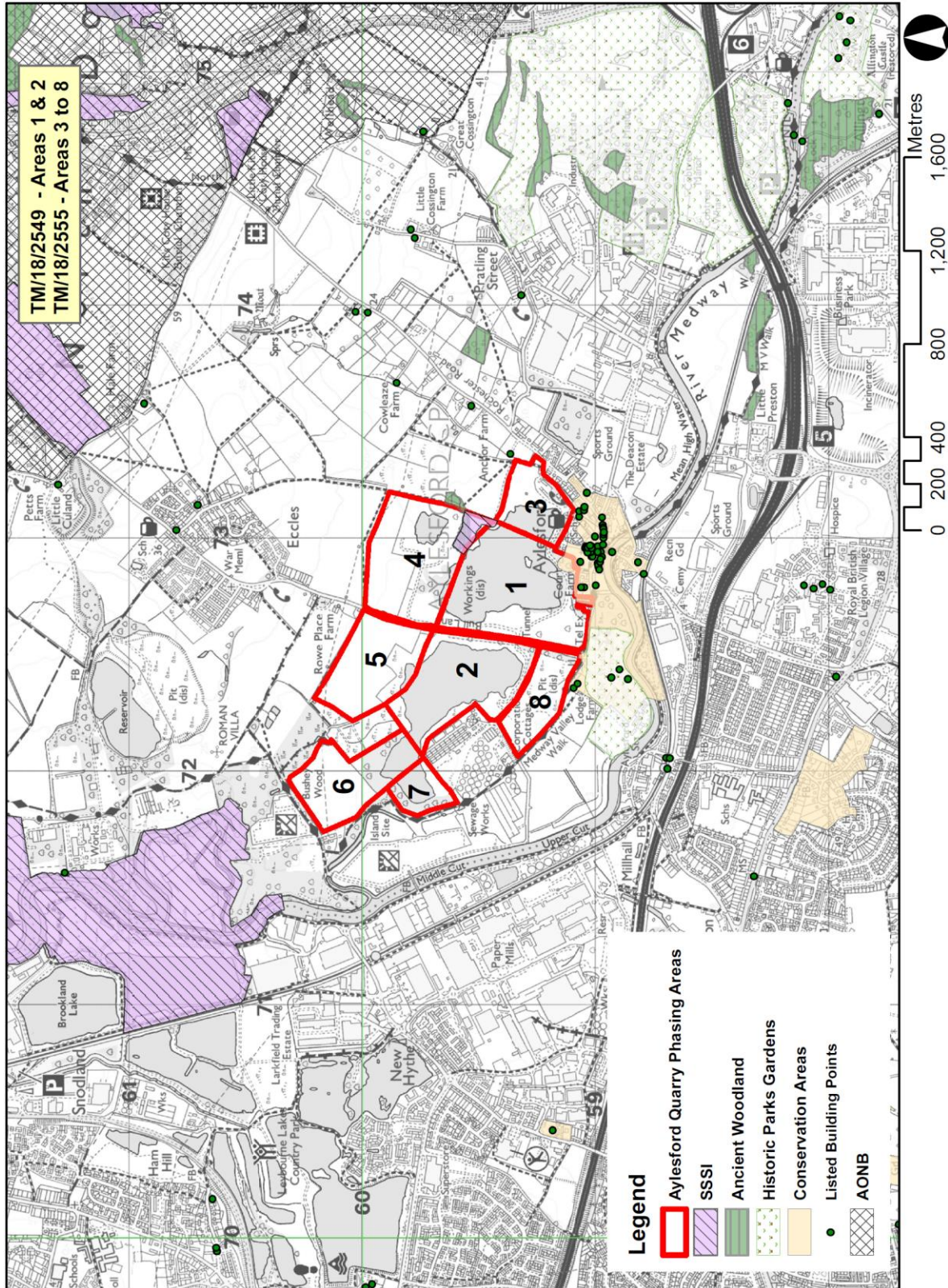
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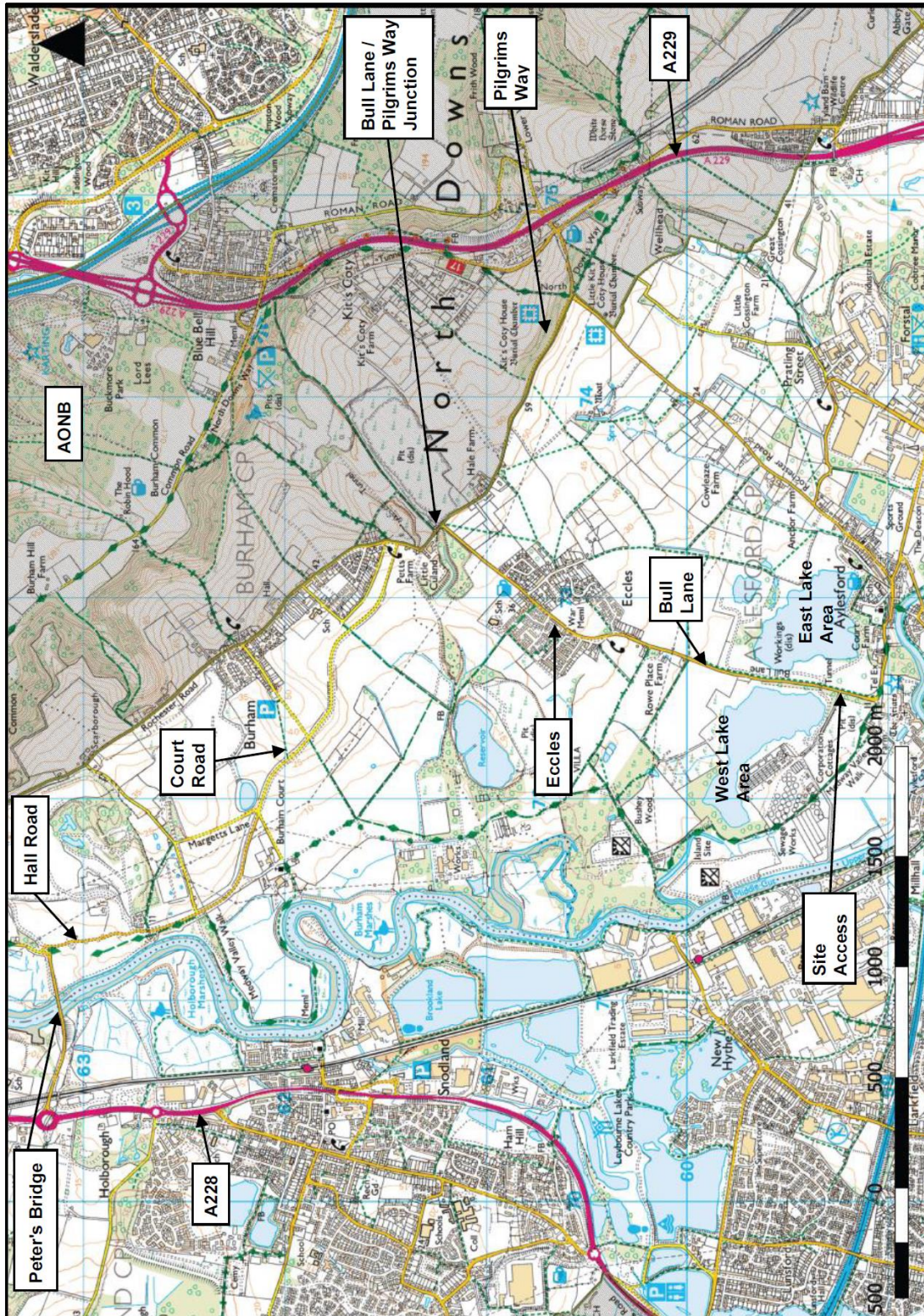
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3. The land at Aylesford Quarry is not allocated for any specific purpose in the Tonbridge and Malling Local Development Framework (TMBC LDF) nor the Kent Minerals and Waste Local Plan (Kent MWLP), although the majority of the site is identified as being within a Mineral Safeguarding Area in the Kent MWLP (relating to Silica Sand / Construction Sand associated with Sandstone from the Folkestone Formation and of River Terrace Deposits). Those parts of the quarry to the west of Bull Lane also lie within the Bushey Wood Area of Opportunity identified in the TMBC Core Strategy which safeguards a much larger area of land for residential needs after 2021 and within the Bushey Wood Area of Opportunity and associated Masterplan Area identified in the emerging TMBC Local Plan which may accommodate residential development after 2031. However, the land is outside the Bushey Wood Strategic Site identified in the emerging Local Plan further north (to the north, west and south of Eccles).
4. Aylesford Quarry is identified as containing a Regionally Important Geological Site (RIGS) and being within the Strategic Gap in the Tonbridge and Malling Local Plan. The eastern part of the quarry contains a Geological Site of Special Scientific Interest (SSSI) and an area of Ancient Woodland. The eastern section of the southern boundary of the eastern area of the quarry is subject to a linear group Tree Preservation Order (TPO). The Kent Downs Area of Outstanding Natural Beauty lies approximately 1 kilometre to the north west of the most northerly part of the quarry and the Aylesford Village Conservation Area lies just to the south. The Friars Historic Park and Garden (part of which is within the Aylesford Village Conservation Area) lies to the south of the site at Aylesford Priory. The Aylesford Village Conservation Area contains a number of listed buildings. These include the main block and gatehouse at the Friars and the Church of St Peter to the north of the High Street which are Grade 1, Court Farmhouse which is Grade 2\* and 22 to 32 Mount Pleasant and numerous other properties and features which are Grade 2. There are also two Grade 2 listed buildings on Bull Lane in Eccles (the Red Bull Public House and the Eccles War Memorial Clock Tower).

**Planning History and Background**

5. Mineral working at Aylesford Quarry has taken place in one form or another for over 100 years. Planning permission was first granted under the Interim Development Order (IDO) arrangements in the mid-1940's and a number of other planning permissions for mineral working and processing were subsequently granted. However, the Quarry is now subject to two extant planning permissions which provide for the extraction of minerals (TM/93/612 and TM/97/751/MR102). Each of the permissions includes land to the east and west of Bull Lane. Both of these permissions represents an "update" to the earlier planning permissions in that TM/93/612 was issued under the terms of the Planning and Compensation Act 1993 (updating the permissions granted before 1 July 1948) and TM/97/751/MR102 under the Environment Act 1995 (updating those granted after 30 June 1948).
6. Planning permissions TM/18/2549 and TM/18/2555 were granted on 11 March 2019 having been considered by KCC's Planning Applications Committee on 6 March 2019. Planning permission TM/18/2549 "amended" TM/93/612 by "varying" conditions 20, 28



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and 32 of that planning permission to provide a revised restoration and aftercare scheme and consistent noise limits for temporary operations such as restoration with those provided for by planning permission TM/97/751/MR102 for that part of Aylesford Quarry to the East of Bull Lane. Planning permission TM/18/2555 “amended” TM/97/751/MR102 by “varying” conditions 36 and 39 and “deleting” condition 44 of that planning permission to provide a revised restoration and aftercare scheme for that part of Aylesford Quarry to the East of Bull Lane. It should be noted that planning permissions TM/18/2549 and TM/18/2555 are constructed in two parts. Those conditions relating to that part of Aylesford Quarry to the East of Bull Lane (the “East Lake area”) are prefixed with “E” whereas those relating to that part of Aylesford Quarry to the West of Bull Lane (the “West Lake area”) are prefixed with “W”. The conditions relating to the East Lake area were “amended” to reflect the revised restoration and aftercare scheme and consistent noise limits. However, those relating to the West Lake area remained largely unaffected although the opportunity was taken to identify any details that had been approved pursuant to conditions attached to the earlier planning permissions and update the relevant conditions accordingly. Planning permissions TM/18/2549 and TM/18/2555 have yet to be formally implemented but are the subject of the current applications.<sup>1</sup>

7. The extent of the areas covered by planning permissions TM/18/2549 (TM/93/612) and TM/18/2555 (TM/97/751/MR102), the phasing areas within these and a number of the key features referred to in this report (including access and proposed routeing) are shown on the drawings on pages C2.2 to C2.4.
8. Other extant planning permissions at Aylesford Quarry include TM/00/2827 which “amended” TM/98/462 on appeal under reference APP/W2275/A/01/1070715 and TM/19/23. The former relates to a new access to the Quarry from Rochester Road (which has been implemented but never completed) and the latter relates to the site offices (which may be retained until 21 February 2042 or within 6 months of the permanent cessation of mineral working, whichever is the sooner). KCC also gave approval for a new storage, garaging and workshop building and the repair and refurbishment of the existing yard area to be used ancillary to the new building pursuant to condition E35 of planning permission TM/18/2555 on 8 October 2019, although this has yet to be implemented.
9. Planning permissions TM/18/2549 and TM/18/2555 include conditions which require the cessation of mineral working by 21 February 2042. Restoration is effectively required by that date or within 2 years of the completion of mineral working at Aylesford Quarry (whichever is the sooner). The restoration and aftercare requirements for the East and West Lake areas were approved at different times. The East Lake area is to be restored in accordance with details specifically referred to in planning permissions TM/18/2549 and TM/18/2555 (including further details specifically required by conditions E40, E41, E42 and E45 of TM/18/2549 and E47, E48, E49 and E52 of TM/18/2555 relating to ecology, landscape, aftercare and protection fencing for the SSSI). The working, restoration and aftercare requirements

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<sup>1</sup> The terms “amended”, “varying” and “deleting” used above are intended to enable easier understanding of the effect of the new planning permissions that were granted. In law, the new permissions (also referred to in some cases as “Section 73 permissions”) are planning permissions in their own right.

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for the West Lake area rely on approvals given on 1 November 1995, 22 October 2002 and 8 January 2003 (although they are effectively the same for each of planning permissions TM/18/2549 and TM/18/2555). The further details required to address the above conditions were approved on 7 November 2019.

10. Planning permissions TM/18/2549 and TM/18/2555 include a large number of other conditions relating to all aspects of the working, restoration and aftercare of Aylesford Quarry. Those of particular relevance to the current applications are as follows:

TM/18/2549

- W2. The only access to and egress from the site shall be by way of the existing quarry access and crossing point as referred to in letter dated 26 January 1994 and shown on revised Drawing No. P1/1192/6.
- W3. The concrete surfacing of the site access road shall be maintained in a good state of repair and kept clean and free of mud and other dirt and debris at all times to the satisfaction of the County Planning Authority.
- W4. Adequate measures shall be taken to the satisfaction of the County Planning Authority to ensure that vehicles leaving the site shall not deposit mud or other materials on the public highway. Wheel and chassis cleaning equipment installed at the Rochester Road access shall be maintained for the duration of operations until final restoration of the site is complete.
- W6. Within 6 months of the date of this permission a sign directing all HGV vehicles to turn left into Rochester Road shall be erected at the site exit and maintained in position for the duration of operations until final restoration of the site is complete.
- W16. No operations including vehicle movements shall take place on the site except between 0700 and 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays; no operations shall take place on Saturday afternoon, Sunday, Bank Holidays and National Holidays without the prior approval in writing of the County Planning Authority.
- W17. Notwithstanding the provisions of condition W16 above the drying plant identified on Drawing No. P1/1192/6 shall only be operated in accordance with the details submitted in the letter of 26 January 1994 unless otherwise approved by the County Planning Authority.
- W18. Notwithstanding the provisions of condition W16 above, no more than 5 lorry loads of sand shall leave the site between 0530 and 0700 hours Monday to Friday and no more than 3 sand tankers shall leave the site between 1800 and 0700 hours nightly other than with the approval in writing of the County Planning Authority.

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TM/18/2555

- W2. Prior to the bringing into use of the new Quarry access to Rochester Road provided for under planning permission TM/98/462 as amended by Appeal Decision APP/W2275/A/01/1070715 granted on 23 November 2001, the only vehicular access to and egress from the site shall be by way of the access to Rochester Road shown on Dwg. No. P2/1192/3/1. Thereafter the Quarry access shall only be as provided for under planning permission TM/98/462 as amended by Appeal Decision APP/W2275/A/01/1070715. The only exception shall be the access to Area 8 where access shall be obtained from the private road serving Aylesford Waste Water Treatment Works as shown on plan no. P2/1192/3/1.
- W4. Vehicles leaving the site shall not deposit mud or other materials on the public highway. Wheel and chassis cleaning equipment installed in Area 3 adjacent the access to Aylesford Sand Quarry shall be maintained for the duration of operations until final restoration of the Quarry is complete. Separate wheel and chassis cleaning provision shall be provided for Area 8 prior to any resumption of mineral extraction pursuant to condition W15 below.
- W6. Pending the opening of the new access road provided for by planning permission TM/98/462, as amended by Appeal Decision APP/W2275/A/01/1070715, the sign provided pursuant to condition 6 of Interim Development Order permission TM/93/612 directing all HGV vehicles to turn left into Rochester Road shall be maintained in position at the site exit for the duration of operations until final restoration of the site is complete.
- W7. Prior to the bringing into use of the new Quarry access to Rochester Road as provided for in planning permission TM/98/462, as amended by Appeal Decision APP/W2275/A/01/1070715, the output of all mineral leaving the Aylesford Sand Quarry shall not exceed a level of 275,000 tonnes over a twelve month period starting from the date clay output commenced, and over each subsequent twelve month period whilst it continues.
- W8. Prior to the bringing into use of the new Quarry access to Rochester Road as provided for in planning permission TM/98/462, as amended by Appeal Decision APP/W2275/A/01/1070715, the operators shall continue to maintain records of their monthly output of minerals from Aylesford Sand Quarry and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least twelve months.
- W22. No operations including vehicle movements shall take place on the site except between 0700 and 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays; no operations shall take place on Saturday afternoon, Sunday, Bank Holidays and National Holidays without the prior approval in writing of the mineral planning authority.
- W23. Notwithstanding the provisions of condition W22 above not more than 5 lorry loads of sand shall leave Aylesford Sand Quarry between 0530 and 0700 hours



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Monday to Friday and no more than 3 sand tankers shall leave the Aylesford Sand Quarry between 1800 and 0700 hours nightly other than with the approval in writing of the mineral planning authority.

11. Operations at Aylesford Quarry ceased in 2012 when the previous owner (Cemex UK) decided to sell the site. The majority of the Quarry (east and west of Bull Lane) and some adjoining land was purchased by Aylesford Heritage Limited (AHL) in 2013. Those parts it did not acquire are either unworked (e.g. agricultural land to the north) or previously restored areas with the benefit of more recent planning permissions (e.g. the area to the west of Bull Lane and south of the WWTW access road used to train electrical field operatives how to erect and cable telegraph poles which broadly equates to Area 8). Since 2012, no silica sand extraction has occurred (below water), limited quantities of construction sand have been extracted (above water) and various site management works have been undertaken. AHL made representations on the draft Kent MWLP and appeared at the Local Plan Inquiry in 2015. It argued that the silica sand resource at the site was not workable (unviable) and that only 150,000 – 200,000 tonnes (t) of building (soft) sand (i.e. construction sand) remained within the consented area. This position was accepted by the Inspector and resulted in Aylesford Quarry no longer being included in calculations of permitted silica sand reserves. However, he considered that the presence of a relatively limited amount of recoverable mineral meant that the site should remain within a Mineral Safeguarding Area (as now reflected in the adopted Plan). A drawing showing the location of the remaining mineral (soft sand) in Area 5 (West Lake area) is included at [Appendix 2](#).
12. As reported in March 2019, AHL has aspirations to develop parts of Aylesford Quarry for non-minerals development. However, the appeal held in March 2019 (APP/H2265/W/18/3209279) on the outline planning application (TM/17/02971) submitted to Tonbridge and Malling Borough Council (TMBC) seeking planning permission for residential and other development in the south eastern part of the East Lake area was dismissed. AHL's aspirations are also illustrated by its promotion of the appeal site and other areas of Aylesford Quarry for inclusion in the emerging TMBC Local Plan. Any decisions on the promoted sites will be for TMBC to determine having regard to an Inspector's Report following a Local Plan Inquiry.

**The Proposal**

13. The applications propose:
  - (i) the variation of conditions W2, W3, W4 and W6 of planning permission TM/18/2549 relating to vehicular access to the West Lake area – TM/19/1931 (KCC/TM/0171/2019); and
  - (ii) the variation of conditions W2, W4 and W6 and the removal of conditions W7 and W8 of planning permission TM/18/2555 relating to vehicular access to the West Lake area and output of minerals – TM/19/1932 (KCC/TM/0172/2019);at Aylesford Quarry.

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14. In seeking to vary condition W2 of TM/18/2549 and condition W2 of TM/18/2555, the applications propose to allow the remaining mineral (soft sand) to be removed from the West Lake area via the existing access from the Aylesford WWTW private access road onto Bull Lane rather than as currently required through the East Lake area via the existing vehicle tunnel under Bull Lane or former crossing point over Bull Lane and onto Rochester Road. This would require HGVs associated with transporting the mineral to travel north through Eccles and use the Bull Lane / Pilgrims Way junction to access the A229 (Blue Bell Hill) via Pilgrims Way or the A228 (to the west of the River Medway) via Court Road, Hall Road and Peter's Bridge (according to destination). The access to the West Lake area and Aylesford WWTW private access road were previously used by lorries and tankers transporting dried sand from the former drying plant.
15. The proposed variation of condition W3 of TM/18/2549 would simply reflect that the access to the East Lake area from the WWTW access road is compacted hardcore as opposed to concrete. The proposed variation of condition W4 of TM/18/2549 would remove the specific reference to the retention of wheel and chassis cleaning equipment at the Rochester Road entrance from the condition whilst still requiring that adequate measures be taken to ensure that vehicles leaving the West Lake area do not deposit mud or other materials on the public highway. The proposed variation to condition W6 of TM/18/2549 would replace the requirement for a sign requiring drivers to turn left into Rochester Road with one requiring drivers to turn left into Bull Lane.
16. The proposed variation of condition W4 of TM/18/2555 would remove the specific reference to the retention of wheel and chassis cleaning equipment in Area 3 (i.e. in the East Lake area) and for similar equipment to be provided for Area 8 (i.e. in that part of the West Lake area which is now being used as a training ground in accordance with a more recent planning permission (TM/14/909)) prior to the resumption of mineral working in that area from the condition whilst still requiring that adequate measures be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway. The proposed variation of condition W6 of TM/18/2555 would replace the requirement for a sign requiring drivers to turn left into Rochester Road with one requiring drivers to turn left into Bull Lane.
17. The proposed removal of conditions W7 and W8 of TM/18/2555 is intended to reflect the fact that these conditions (which relate to an output limit of 275,000 tonnes per annum (tpa) and associated record keeping) would no longer be necessary since access would be via Bull Lane and only about 148,000 tonnes (t) of mineral remains to be worked.
18. The applicant states that the tunnel under Bull Lane is only 2.5 metres (m) wide and is too narrow to be used by HGVs or modern quarry dump trucks and that on this basis it is necessary to use Bull Lane if the remaining sand deposits (which lie in the southern part of Area 5 adjacent to the West Lake) are to be worked and delivered by road to end users. It also states that the quantity of remaining sand in the West Lake area makes it uneconomic to carry out anything other than simple processing (e.g. screening). It envisages that the remaining sand would be worked on a campaign basis to supply a number of large construction projects, meaning that there would be

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periods when no mineral working or associated HGV movements take place.

19. The applicant proposes that mineral working would take place between 07:00 and 18:00 hours Monday to Friday and between 07:00 and 13:00 hours on Saturdays, with none on Sundays or Public Holidays (i.e. as provided for by condition 16 of TM/18/2549 and condition 22 of TM/18/2555). However, to reflect the presence of the primary school in Eccles and concerns about traffic in peak periods, it proposes that HGV traffic associated with mineral working in the East Lake area would avoid the times between 08:15 and 09:00 hours and between 15:00 and 16:00 hours on weekdays in term time. It also proposes that HGVs would not travel in convoy (i.e. 2 or more vehicles together in the same direction) and that drivers would be instructed to wait at least 5 minutes before following an inbound or outbound vehicle. These and a number of other measures intended to minimise the impact of HGVs travelling along Bull Lane through Eccles and an associated complaints procedure are included in a document titled “Aylesford Heritage Limited: Eccles Village Voluntary Traffic Management Scheme for West Lake, Aylesford Quarry” which the applicant has stated it would accept being imposed by way of an enforceable condition if planning permissions are granted. A copy of the Voluntary Traffic Management Scheme is included in [Appendix 1](#).
20. The applicant further states that if the proposed access arrangement is not found to be acceptable and planning permission is refused, it will not be practicable to extract the remaining safeguarded sand reserves in the West Lake area of Aylesford Quarry (i.e. the reserves would be sterilised) and the safeguarding exemption provisions of Policy DM7 of the Kent MWLP will apply to the reserves.

**Planning Policy Context**

21. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (July 2018) and the National Planning Practice Guidance. These are material planning considerations.
22. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSM1 (Sustainable development), CSM5 (Land-won mineral safeguarding), DM1 (Sustainable design), DM2 (Environmental and landscape sites of international, national and local importance), DM3 (Ecological impact assessment), DM5 (Heritage assets), DM7 (Safeguarding mineral resources), DM10 (Water environment), DM11 (Health and amenity), DM12 (Cumulative impact), DM13 (Transportation of minerals and waste), DM14 (Public rights of way), DM16 (Information required in support of an application), DM18 (Land stability), DM19 (Restoration, aftercare and after-use)
23. **Tonbridge and Malling Borough Council LDF Core Strategy (September 2007)** – Policies CP1 (Sustainable development), CP2 (Sustainable transport), CP5 (Strategic gap), CP7 (AONBs), CP8 (SSSIs), CP16 (Bushey Wood area of opportunity) and CP25 (Mitigation of development impacts).
24. **Tonbridge and Malling LDF Managing Development and the Environment DPD (April 2010)** – Policies CC3 (Mitigation – Sustainable drainage), NE1 (Local sites of



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wildlife, geological and geomorphological interest), NE2 (Habitat networks), NE3 (Impact of development on biodiversity), NE4 (Trees, hedgerows and woodland), SQ1 (Landscape and townscape protection and enhancement), SQ2 (Locally listed buildings), SQ3 (Historic parks and gardens), SQ4 (Air quality) and SQ8 (Road safety).

25. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission draft (November 2018)** – Draft (modified) Policy DM7 (Safeguarding mineral resources). The Early Partial Review of the Kent MWLP is currently at the Examination Stage of the plan making process with hearings having taken place in October 2019.
26. **Kent Mineral Sites Plan Pre-Submission Draft (December 2018)** – The Draft Mineral Sites Plan proposes to allocate one new site for soft sand working at Chapel Farm, Lenham. The Kent MSP is currently at the Examination Stage of the plan making process with hearings having taken place in October 2019.
27. **Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018)** – Draft Policies LP1 (Presumption in favour of sustainable development), LP11 (Designated areas), LP12 (Areas of Outstanding Natural Beauty), LP13 (Local natural environment designations), LP18 (Sustainable drainage systems (SUDS)), LP19 (Habitat protection and creation), LP20 (Air quality), LP21 (Noise quality), LP22 (Contamination), LP23 (Sustainable transport), LP24 (Minerals and waste), LP25 (Housing Allocations – Overview), LP27 (Strategic Site – Bushey Wood, Eccles) and LP33(a) Bushey Wood, Eccles (Areas of Opportunity).

**Consultations**

28. **Tonbridge and Malling Borough Council** – Objects to both applications due to the potential impact of the additional HGVs from the quarry on the village of Eccles and also the junction of Bull Lane and Pilgrims Way. It also states that if KCC is minded to grant planning permission, it should be satisfied that the additional HGV movements would not give rise to adverse highway issues in the area.
29. **Aylesford Parish Council** – Objects to both applications as they seek to increase HGV traffic movements along Bull Lane, through Eccles Village, through the recognised dangerous junction of Bull Lane / Rochester Road / Pilgrims Way and along the equally dangerous Pilgrims Way. It states that Bull Lane and Pilgrims Way are already used by HGVs from the Sewage Works and the increased traffic arising using the Peters Village bridge as a rat run to Maidstone, which causes significant distress to local residents and increasing danger to other traffic users. It also states that retention of the access through Rochester Road would cause significantly less distress to local residents and danger to other traffic users.
30. **Burham Parish Council** – Objects to both applications and considers what is proposed to be totally unacceptable. It states that the additional 100 HGV movements per day would be combined with the current tanker HGVs using Bull Lane and the Pilgrims Way and that the road infrastructure is not sufficient to cover the current

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volume of traffic. It also states that major investment is required as the roads were built for minimal use by local village motorists not hundreds of HGVs.

31. **KCC Highways and Transportation** – No objection to the applications subject to the following conditions:

- Prior to commencement, details of wheel and chassis washing shall be submitted for approval. The measures shall be implemented and available for use prior to commencement.
- Prior to commencement, a method for recording vehicle movements and estimating excavation tonnages shall be submitted for approval. This shall also include a method for making this information available and shall include reports of any incidences as itemised in the voluntary traffic management plan.
- Details shall be submitted (perhaps by signage and documentation), which communicate to staff the voluntary traffic management plan including the proposed exclusion times of 08:15hrs and 09:00hrs and 15:00hrs and 16:15hrs.

It also recommends that an informative be applied advising the applicant of the need to ensure that all necessary highway approvals and consents are obtained (where required) and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

In commenting on the Voluntary Traffic Management Scheme, it advises that no more than 50 vehicles in and 50 vehicles out each weekday and 30 vehicles in and 30 vehicles out on Saturdays should be permitted (to avoid uncertainty) and that for both traffic and amenity reasons quarrying campaigns should be forward planned to ensure that they can be undertaken within these parameters.

It notes that the application is essentially to remove 148,000 tonnes of sand from the West Lake area of Aylesford Quarry over a period of at least 30 weeks and by no later than 2042. It also notes that based on the maximum rates / minimum period the proposal to not exceed 50 lorry loads per weekday (100 movements) is consistent with a payload of 17.5 tonnes per lorry, which is consistent with the payloads of 4 axle rigid HGVs. It notes that 100 movements over a 9-hour day (i.e. 07:00 to 18:00 minus 08:15hrs to 09:00hrs and 15:00hrs to 16:15hrs), would equate to an average of 11 movements per hour. It therefore has no objection in terms of traffic generation. On the issue of safety, it notes that the 3-year injury crash record submitted for Bull Lane (including its junction with Pilgrims Way) shows low incidences of injury crash (i.e. two incidents on Bull Lane classified as “slight” in severity relating to vehicles turning out of Greenfield Close and Mackenders Lane onto Bull Lane and a third on Pilgrims Way classified as “serious” in severity when a stationary vehicle was hit from behind by a drunk driver whilst waiting at temporary traffic lights). It advises that an analysis of goods vehicle crashes (using [www.crashmap.co.uk](http://www.crashmap.co.uk)) shows that there have been no crashes at the junction with Pilgrims Way involving goods vehicles over a 20-year period, despite the junction being used by slow moving (including laden) HGVs associated with Aylesford WWTW.

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It advises that paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It does not consider that the proposed development would constitute a severe impact on the highway or that an assertion that it does could be sustained. As a result, it considers that there is no evidence or tangible reasoning to contend that the proposal constitutes an unacceptable impact on highway safety.

**32. KCC Noise Consultant – No objection to the applications.**

It has advised that it is satisfied that no significant adverse noise effect would occur from the proposals to route an additional 100 HGVs along Bull Lane through Eccles each day.

It has also advised that although the additional HGV movements would increase the total number of vehicles using Bull Lane and the percentage of those vehicles that are HGVs, this would have a minimal effect on noise levels, possibly 1 to 1.5dB higher than currently, but still below the 3dB necessary to be perceptible based on the methodology contained in the Calculation of Road Traffic Noise Manual.

**33. KCC Air Quality Consultant – No objection to the applications.**

It advises that although the applications are not accompanied by any detailed information on air quality, any air quality screening assessment undertaken on the proposed HGV movements would conclude that the air quality impacts would be negligible. On that basis, further information on the air quality impact of the HGV movements is not required.

Neither the proposed development itself nor the vehicle route which would be used to transport mineral from the West Lake area via Bull Lane and Pilgrims Way is within or adjacent to an AQMA. The proposed HGV movements are below the screening criteria (100 AADT) for a full air quality assessment for HGV movements outside an air quality management area (AQMA) (beyond 200m).

The Institute of Air Quality Management Guidance “Land-Use Planning & Development Control: Planning For Air Quality” (January 2017) suggests that an air quality assessment should be required for developments not located within AQMAs where the annual average daily traffic (AADT) flow of Heavy Duty Vehicles (HDVs) would increase by more than 100. Since the AADT figure is an annual daily average, this means that more than 36,500 annual HGV movements would be required before an air quality assessment would normally be required outside and not adjacent to an AQMA. Even if all the remaining mineral were to be extracted and removed from the West Lake area in a single campaign in one year, the proposed development would only generate 16,914 movements (8,457 loads), representing an AADT of 46. As such, a detailed air quality assessment is not required.



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34. **Environment Agency** – No comments to make.

**Representations**

35. The application was publicised by site notice and newspaper advertisement and the occupiers of all properties within 250 metres of the West Lake area were notified in August 2019.

36. 107 representations (all objections) have been received on application TM/19/1931 (KCC/TM/0171/2019) and 55 representations (all objections) on application TM/19/1932 (KCC/TM/0172/2019). Since the applications are complementary and some, but not all, respondents have commented on both applications, it is assumed that the main reason for difference in numbers relates to the fact that more people have submitted comments on the earlier numbered application. The responses include a letter from the MP for Chatham and Aylesford (Tracey Crouch).

37. The objections and concerns can be summarised as follows:

- Access from / to and use of Bull Lane (relating to concerns about HGV and other traffic on Bull Lane through and near Eccles and at the junction between Bull Lane and Pilgrims Way and other minor junctions in Eccles);
- HGV movements, traffic and congestion on unsuitable local roads more generally (exacerbated by the opening of Peter's Bridge);
- Danger to other road users, pedestrians, cyclists and horse riders;
- Impact on children and others using the local school, pre-school, playing field and other facilities in Eccles;
- Conflict with other traffic due to lawfully parked cars on Bull Lane in Eccles;
- Lack of a pedestrian crossing in Eccles;
- Increased noise and pollution impacts on people and local properties;
- Health impacts;
- Vehicle speeds too high;
- Damage to the road;
- The need for road improvements (which have previously been requested but denied);
- The cumulative impact of other proposed development (e.g. new housing); and
- Concerns about lack of consultation (i.e. not all Bull Lane / Eccles residents were notified by letter) and time allowed to comment.

**Local Member**

38. County Council Member Mr P Homewood (Malling Rural North East) was notified in August 2019.

**Discussion**

39. The applications are being report to KCC's Planning Applications Committee for determination as planning objections have been received from Tonbridge and Malling

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Borough Council, Aylesford Parish Council, Burham Parish Council and those who have submitted representations.

40. 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 development plan policies outlined in paragraphs 22 to 24 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 21 and the draft development plan policies in paragraphs 25 to 27.
41. The applications propose amendments to and the deletion of conditions imposed on planning permissions TM/18/2549 and TM/18/2555 in so far as they relate to how mineral (soft sand) is transported from the West Lake area at Aylesford Quarry. It is not proposed to alter other conditions relating to the West Lake area or those relating to the East Lake area, although I will refer to some of these as necessary later in this report. The main issues that require consideration in determining the applications are therefore as follows:
  - The impact on mineral resources; and
  - The impact of HGVs using Bull Lane (in terms of highway safety and capacity, amenity and the environment).

**The impact on mineral resources**

42. Paragraph 203 of the National Planning Policy Framework (NPPF) states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs and that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Paragraph 204 states (amongst other things) that planning policies should seek to safeguard mineral resources by defining Mineral Safeguarding Areas, that policies should be adopted to avoid sterilisation and that the prior extraction of minerals should be encouraged where practical and environmentally feasible. Paragraph 206 states that local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working. Paragraph 207 states that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by (amongst other things): (a) preparing an annual Local Aggregate Assessment to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources); (c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate; (e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction

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and alternative supplies in mineral plans; (f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised; (g) ensuring that large landbanks bound up in very few sites do not stifle competition; and (h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

43. Ensuring the delivery of adequate and steady supplies of sand and gravel and the safeguarding of economic mineral resources for future generations are included in the spatial vision and strategic objectives of the Kent Minerals and Waste Local Plan (Kent MWLP). Policy CSM2 of the Kent MWLP seeks to ensure the supply of (amongst others) soft sand, sharp sand and gravel and silica sand. Policies CSM5 and DM7 of the Kent MWLP and draft (modified) Policy DM7 of the Early Partial Review of the Kent MWLP 2013-30 Pre-Submission draft (November 2018) seek to ensure that economic mineral resources are not unnecessarily sterilised.
44. Whilst Aylesford Quarry was previously worked for soft sand above and below water table (with that below water table being silica sand), it has been accepted by KCC following the Kent MWLP Examination in 2015 that the only viable mineral reserves remaining at the quarry are a relatively limited amount of soft (building) sand above the water table primarily in the West Lake area. However, even though the amount of recoverable mineral may be small (now stated to be 148,000 tonnes (t)), the site is still within a Mineral Safeguarding Area because of the remaining reserves of soft sand (including silica sand). The remaining mineral reserves at Aylesford Quarry represent a small but recognised part of the soft sand landbank in Kent County Council.
45. The latest published figures for soft sand sales and reserves are set out in KCC's (6<sup>th</sup>) Local Aggregate Assessment 2018 (October 2018) (the "Kent LAA 2018") which is based on the most recent data from the end of 2017. This shows that permitted soft sands reserves were 8.85mt at the end of 2017 and that there was a 17 year landbank (based on permitted reserves divided by sales in 2017), representing a 15.57 year landbank (based on current reserves and 10-year average sales as advocated by the NPPF). The Kent LAA 2018 also states that permitted soft sand reserves will fall below the 7-year landbank required by the NPPF in 6 or 7 years at the current 10-year average rates of sales (extraction). The Kent MSP proposes to allocate one new site for soft sand working at Chapel Farm, Lenham (with an estimated yield of 3.2mt) in order to ensure that the required quantity of soft sand is appropriately planned for. If Chapel Farm is allocated and subsequently brought forward for development with planning permission this would provide a surplus of around 0.7mt over the Plan period. Any final decision on which site(s) will be included in the Kent MSP will be made by KCC once the Inspector's Report following the Local Plan Examination has been received and considered.
46. The remaining soft sand reserves in the West Lake area lie within Area 5 of the TM/18/2555 (TM/97/751/MR102) planning permission area (i.e. to the north of the western lake and immediately to the west of Bull Lane). However, they would need to be removed from the site via Area 2 of the TM/18/2549 (TM/93/612) planning permission area since direct access to the East Lake area or Bull Lane is not possible



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from Area 5. As explained earlier in this report the extant planning permissions are clear that, with the exception of that from Area 8 (which will no longer take place), mineral must leave Aylesford Quarry via either the existing or permitted (but not yet completed) access onto Rochester Road. This requirement is reflected in the approved schemes of working, restoration and aftercare which rely on sand from the West Lake area being transported by dump truck through the tunnel under Bull Lane or via a crossing point over Bull Lane. It is accepted that modern dump trucks are too large to travel through the tunnel and that it is no longer possible to use the crossing point as a result of the extraction that has already taken place in the West Lake area.

47. In reporting applications TM/18/2549 and TM/18/2555 to KCC's Planning Applications Committee on 6 March 2019, I advised (paragraph 70 of that report) that the alternatives to the permitted / approved arrangement were to remove the sand via Bull Lane (as is now proposed) or to employ a relatively short length of field conveyor through the tunnel and for the excavated sand to be fed via a field hopper onto the conveyor for onward transportation through the East Lake area or for use as part of future development in the East Lake area (such as that proposed by planning application TM/17/02971 / appeal APP/H2265/W/18/3209279). In respect of the use of Bull Lane, I advised that considerable local objection had been received due to the perception that those applications were proposing that mineral be removed using Bull Lane (which was not the case) and that although Bull Lane was the signed HGV route to the Island Site (to the south west of Aylesford Quarry) and KCC had previously granted planning permission necessitating the use of Bull Lane to serve temporary waste management development at the Island Site (with restrictions on the number of HGV movements each day and the timing of such movements), it was by no means certain that planning permission could be secured. In respect of a field conveyor, I advised that the applicant had indicated verbally that if planning permission was secured for the proposed residential development but not to allow the soft sand to be removed via Bull Lane, the remaining soft sand reserves might be used as part of that development (thereby making the multiple handling associated with use of a conveyor economically viable). As a result, I advised that there remained a reasonable prospect of the remaining soft sand being worked (either via Bull Lane or through the tunnel).
48. As noted in paragraph 12 above, the appeal in respect of the residential development envisaged by the applicant taking place in the East Lake area was dismissed earlier in 2019. Whilst the applicant still has aspirations to secure an allocation(s) for residential development in the East Lake area (and elsewhere at Aylesford Quarry) which might enable sand from the quarry to be used on site, this is not supported by TMBC. Given that the use of the sand is now unlikely to be used for development within the East Lake area in the foreseeable future, I consider it is reasonable to conclude that transporting the mineral via a field conveyor through the tunnel will not happen. Given this, if planning permission is not granted to allow the use of Bull Lane the remaining mineral (148,000t of soft sand) is likely to be sterilised (as stated by the applicant).
49. If planning permission is refused, the applicant could reasonably assert that the remaining mineral is not of economic value and that its extraction would not be viable or practicable. This would effectively mean that the mineral safeguarding exemption provisions of points 1 and 2 of Policy DM7 of the Kent MWLP (which are the same in

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draft (modified) Policy DM7 of the Early Partial Review of the Kent MWLP) would apply. This would have the effect of removing the mineral safeguarding that currently applies to Aylesford Quarry and, in all probability, result in no further mineral working in the West Lake area (other than in terms of restoration and aftercare). Whilst planning permissions TM/18/2549 and TM/18/2555 include conditions precluding further mineral working in the East Lake area unless otherwise approved by KCC, further extraction of sand or hoggin in that part of the quarry could still conceivably take place if approved or in accordance with planning permissions TM/93/612 and TM/97/751/MR102. However, this would have no effect on the soft sand landbank (since it is already assumed that no viable soft sand exists in that part of the quarry) and would rely on the use of Rochester Road rather than Bull Lane.

50. Sterilisation of the remaining soft sand in the absence of compelling reasons would be contrary to the objectives of paragraphs 203 and 207 of the NPPF and Policies CSM2 and CSM5 of the Kent MWLP. It would also have the effect of reducing the soft sand landbank (by about 3 months) and bringing forward the date at which further soft sand reserves would need to be allocated or permitted (by a similar period). The question of whether or not there are any compelling reasons for HGVs not to use Bull Lane to transport the remaining 148,000t of soft sand from Aylesford Quarry can only be determined having regard to the potential impacts associated with this. As noted above, the main impacts relate to highway safety and capacity, amenity and the environment. These are addressed in the following section.

**The impact of HGVs using Bull Lane**Highway safety and capacity

51. Paragraph 108 of the NPPF states that in assessing applications, it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity or congestion) or any highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
52. Policy DM13 of the Kent MWLP states that minerals development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. Where development requires road transport, proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and (3) emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA.

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53. Policy CP2 of the TMBC Local Development Framework (LDF) Core Strategy states that new development that is likely to generate a significant number of trips should (amongst other things) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated. Policy SQ8 of the TMBC LDF Managing Development and the Environment (MDE) Development Plan Document (DPD) states that: (1) proposals will need to demonstrate that any necessary transport infrastructure (the need for which arises wholly or substantially from the development) is in place or is certain to be provided; (2) proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; and (5) where significant traffic effects on the highway network and / or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied. Policy CP16 of the TMBC LDF Core Strategy states that land at Bushey Wood is identified as an Area of Opportunity containing land with potential for meeting residential needs in the post 2021 period, that land will only be released for housing development through the preparation of an Area Action Plan and that development will not be permitted within this area which might prejudice its long term development potential. Paragraph 6.3.22 of the associated text states that assessment of the future development potential of this area will need to have regard to (amongst other things) the provision of adequate access to the area from the principal road network and the M20 motorway avoiding the village of Eccles. Draft Policy LP27 of the emerging TMBC Local Plan states that land at Bushey Wood, Eccles, will be allocated and identified as an area of opportunity for development of approximately 1,514 dwellings (900 of which are expected to be completed by 2031, with the remainder built in the post-plan period). It also states that the prospective applicant should prepare a masterplan which addresses all relevant policy requirements and delivers the necessary infrastructure to meet the needs of the development, including road links to Bull Lane (north and south) and Court Road and other mitigation and improvement measures on the local network arising from a Transport Assessment.
54. TMBC has objected to the applications due to the potential impact of HGVs on Eccles and the junction of Bull Lane and Pilgrims Way. However, it has not sought to substantiate the objection in any detail and has also stated that if KCC is minded to grant planning permission it should be satisfied that the additional HGV movements would not give rise to adverse highway issues in the area. Aylesford PC, Burham PC and a large number of local residents have objected to the applications for reasons which include highway safety and capacity concerns. They consider that the roads are not suitable for the current volume of traffic (exacerbated by “rat running” between the Peter’s Village Bridge and Maidstone and HGVs already using the Aylesford WWTW), let alone the proposed HGV movements. Local residents have also referred to conflict with other traffic and congestion due to lawfully parked cars on Bull Lane in Eccles; dangers to other road users, pedestrians, cyclists and horse riders; the impact on children and others using the local school, pre-school, playing field and other facilities in Eccles; the lack of a pedestrian crossing in Eccles; the speed of vehicles being too high; damage to the road; the need for road improvements (which have previously been requested but denied); and the cumulative impact with other proposed development (primarily the new housing development proposed in the emerging TMBC

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Local Plan).

55. Notwithstanding the above concerns, KCC Highways and Transportation (H&T) has raised no objection in terms of highway safety and traffic generation subject to appropriate wheel and chassis cleaning arrangements, a method for recording HGV movements and tonnages and details of how the requirements of the traffic management plan would be communicated being submitted, approved and implemented, as well as compliance with the proposed Traffic Management Scheme, including a maximum of 100 HGV movements per day (50 in / 50 out) Monday to Friday and 60 movements (30 in / 30 out) on Saturdays. In terms of the relevant policy tests above, this equates to no objection on grounds of highway safety and capacity. KCC H&T has also advised that refusal of the proposed development could not be sustained in terms of highway safety and capacity having regard to paragraph 109 of the NPPF. Its reasons are set out in greater detail in paragraph 31 above.
56. HGVs associated with transporting mineral from the West Lake area would all travel north on Bull Lane from the Aylesford WWTW access due to weight and width restrictions on Aylesford High Street. Having passed through Eccles, they would either travel east (to the A229 via Pilgrims Way) or west (to the A228 via Court Road, Hall Road and Peter's Bridge) from the Bull Lane / Pilgrims Way junction depending on where the mineral was to be delivered to. Neither of these routes is subject to any HGV restrictions. Although dependent on final destination, this would be likely to result in HGVs using both routes and associated impacts being shared between the two.
57. The proposed Traffic Management Scheme includes a number of measures intended to minimise highway safety and capacity concerns in addition to the maximum number of HGV movements each day. These include a voluntary 20mph speed limit through Eccles, avoiding peak times during the school term, giving way to other traffic at pinch points (unless unsafe to do so), avoiding convoys and correct loading and sheeting arrangements being employed. The measures are very similar to those included in the "SCA Packaging: Eccles Village Voluntary Constraints" Code which was encapsulated in planning permissions TM/03/487 and TM/03/2653 relating respectively to the reinstatement of temporary storage lagoons and the restoration of land at the Island Site in 2003 when HGVs associated with those operations had to travel on Bull Lane through Eccles.
58. Although the timing of when the remaining mineral would be extracted and removed from Aylesford Quarry from the West Lake area via Bull Lane is uncertain and may not be undertaken immediately, I believe it is reasonable to assume that it would take place relatively quickly if planning permission is granted since this would secure income for the applicant and enable it to better plan for the future development of its land. Although the proposed development at Bushey Wood / Eccles has the potential to have a significant impact on the area if unconstrained, I note that it would need to be the subject of a masterplan and include appropriate road links, mitigation and improvement measures on the local network informed by a Transport Assessment before any development could take place. Any such masterplan and transport assessment would need to have regard to the proposed mineral development (if permitted). For these reasons, and as the mineral extraction and removal would be

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temporary, I am satisfied that the proposed development would not give rise to significant cumulative impact in terms of highway safety and capacity.

59. As a result of the advice from KCC H&T I must conclude that the proposed development is acceptable in terms of highway safety and capacity and is consistent with the above planning policies subject to the imposition of conditions to secure the terms of the proposed Traffic Management Scheme (with conditions reinforcing the maximum number of HGV movements each day) and those requested by KCC H&T. Since the potential impact of the proposed development has been assessed on the basis of the need to transport an estimated 148,000t of mineral (soft sand) from the West Lake area it would also be appropriate to include a condition which limits the transportation of mineral from the West Lake area via Bull Lane to a maximum of 148,000t unless the written approval of KCC is first obtained to exceed that amount. This would enable KCC to consider the implications of any additional impact in this eventuality.

Amenity impacts

60. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health and that any avoidable noise, dust and particle emissions are controlled, mitigated or removed at source.
61. Policy DM13 of the Kent MWLP states (amongst other things) that where development requires road transport, proposals will be required to demonstrate that the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community. It also encourages vehicle scheduling to avoid movements in peak hours. Policy DM11 states minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It also states that mitigation measures may be required through planning condition and / or planning obligation. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes.
62. Policy CP1 of the TMBC LDF Core Strategy states that in determining planning applications, the quality of residential amenity will be preserved and wherever possible enhanced. Policy SQ4 of the TMBC LDF MDE DPD states that development will only be permitted where (amongst other things) the proposed use would not result in a significant deterioration of the air quality of the area (either individually or cumulatively with other proposals or existing uses in the vicinity). Draft Policy LP14 of the emerging TMBC Local Plan states that development must (amongst other things) protect the amenity of the local area. Draft Policy LP20 states that development (either individually or cumulatively with other proposals or existing uses in the vicinity) that could directly or indirectly result in material additional air pollutants and a significant worsening of levels of air quality within the area surrounding the development site will



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not be permitted unless evidenced, specifically identified and detailed measures to offset or mitigate those impacts are introduced as part of the proposal. Draft Policy LP21 states that development will only be permitted if it can be demonstrated, to the satisfaction of the Council having regard to the relevant British Standards and other relevant national guidance and good practice at the time the planning application is determined, that it is located, designed and controlled to minimise the impact of noise on neighbouring properties and the prevailing acoustic environment.

63. TMBC has objected to the applications due to the potential impact of HGVs on Eccles and the junction of Bull Lane and Pilgrims Way. However, it has not sought to substantiate the objection in any detail and has also stated that if KCC is minded to grant planning permission it should be satisfied that the additional HGV movements would not give rise to adverse highway issues in the area. Aylesford PC, Burham PC and a large number of local residents have objected to the applications for reasons which include amenity concerns. They consider that the proposed development would lead to increased noise and pollution impacts on people and local properties and associated health impacts. They also refer to the potential cumulative impact of other proposed development (primarily the new housing development proposed in the emerging TMBC Local Plan).
64. Notwithstanding the above concerns, KCC's Noise and Air Quality Consultants have raised no objection in terms of noise and air quality impacts provided the HGV movements are as proposed (i.e. a maximum of 100 movements (50 in / 50 out) each day). In terms of noise impact, the advice is that the proposed routeing of an additional 100 HGV movements along Bull Lane through Eccles each day would give rise to no significant adverse noise effect. KCC's Noise Consultant has advised that although the additional HGV movements would increase the total number of vehicles using Bull Lane and the percentage of those vehicles that are HGVs, it would have a minimal effect on noise levels (possibly 1 to 1.5dB higher than currently, but still below the 3dB necessary to be perceptible based on the methodology contained in the Calculation of Road Traffic Noise Manual). This advice was given having regard to traffic flow data for Bull Lane from 2016 and 2019.
65. KCC's Air Quality Consultant has advised that although the applications are not accompanied by any detailed information on air quality, any air quality screening assessment undertaken on the proposed HGV movements would conclude that the air quality impacts would be negligible. On that basis, it is satisfied that further information on the air quality impact of the HGV movements is not required. Neither the proposed development itself nor the vehicle route which would be used to transport mineral from the West Lake area via Bull Lane and Pilgrims Way is within or adjacent to an AQMA. The proposed HGV movements are below the screening criteria (100 AADT) for a full air quality assessment for HGV movements outside an air quality management area (AQMA) (beyond 200m). The Institute of Air Quality Management Guidance "Land-Use Planning & Development Control: Planning For Air Quality" (January 2017) suggests that an air quality assessment should be required for developments not located within AQMAs where the annual average daily traffic (AADT) flow of Heavy Duty Vehicles (HDVs) (i.e. HGVs) would increase by more than 100. Since the AADT figure is an annual daily average, this means that more than 36,500

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annual HGV movements would be required before an air quality assessment would normally be required outside and not adjacent to an AQMA. Even if all the remaining mineral were to be extracted and removed from the West Lake area in a single campaign in one year, the proposed development would only generate 16,914 movements (8,457 loads), representing an AADT of 46. As such, a detailed air quality assessment is not required.

66. Condition W16 of TM/18/2549 and condition W22 of TM/18/2555 only allow operations (including vehicle movements) to take place in the West Lake area between 0700 and 1800 hours Monday to Friday and between 0700 and 1300 hours on Saturdays. No operations can take place on Saturday afternoon, Sunday, Bank Holidays and National Holidays without the prior approval in writing of the County Planning Authority. The same operating hours apply to the East Lake area. No change is proposed to these conditions and they would continue to apply if planning permissions are granted. However, it is now additionally proposed that HGV movements associated with the transportation of mineral from the West Lake area would not take place through Eccles between 08:15 and 09:00 hours and between 15:00 and 16:00 hours on weekdays in term time. This and a number of other elements of the Traffic Management Scheme would assist in minimising adverse amenity impacts and can be secured by conditions if planning permission is granted.
67. Although no variations are proposed to conditions W17 and W18 of TM/18/2549 (relating to operations at the former drying plant and the provision for HGVs to leave the West Lake area outside normal operating hours) and condition W23 of TM/18/2555 (also relating to the latter) I consider it appropriate for these conditions to be deleted if planning permissions are granted. This would remove the possibility of HGVs entering or leaving the West Lake area outside normal operating hours. Other conditions relating to working, restoration and aftercare in the West Lake area (such as those relating to noise and dust controls on site) would be unaffected and would need to be replicated in any new planning permissions.
68. For the reasons given in paragraph 58 above in respect of potential cumulative impact of the proposed development with that envisaged at Bushey Wood, Eccles in the emerging TMBC Local Plan, I am also satisfied that the proposed development would not give rise to significant cumulative impact on amenity. As noted in paragraph 56 above, the impact of HGV movements on Pilgrims Way, Court Road and Hall Road are likely to be shared. Whilst it is not possible to know the percentage which would travel in each direction (as the final destination of the mineral is not known at this stage), it would clearly be no greater than the number travelling through Eccles.
69. As a result of the advice from KCC's Noise and Air Quality Consultants I must conclude that the proposed development is acceptable in terms of amenity and is consistent with the above planning policies subject to the imposition of conditions to secure the terms of the proposed Traffic Management Scheme and those conditions referred to elsewhere in this report.

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Environmental impacts

70. Paragraph 205 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should (amongst other things) ensure that there are no unacceptable adverse impacts on the natural and historic environment and that any avoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value and valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development which that would result in significant harm to biodiversity if this cannot (as a last resort) be compensated for.
71. Policy DM2 of the Kent MWLP states that proposals for minerals development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national and local importance. It states that AONBs are to have the highest level of protection in relation to landscape and scenic beauty and that proposals outside, but within the setting of, AONBs will be considered having regard to the effect on the purpose of conserving and enhancing the natural beauty of the AONB. It further states that the consideration of such applications will assess (amongst other things) the need for the development. Policy DM5 states proposals for minerals development will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets, registered historic parks and gardens, Listed Buildings, conservation areas, Scheduled Ancient Monuments and archaeological sites and features are conserved in a manner appropriate to their significance. It also states that proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities must be sought to maintain or enhance historic assets affected by the proposals. Minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.
72. Policy CP1 of the TMBC LDF Core Strategy states that in determining planning applications, the quality of the natural and historic environment, the countryside and land, air and water quality will be preserved and, wherever possible, enhanced. Policy SQ2 of the TMBC LDF MDE DPD states that listed buildings will be retained wherever possible and protected from development that would harm their setting or local historic or architectural interest. Policy SQ4 states that development will only be permitted where (amongst other things) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact. Draft Policy LP11 of the emerging TMBC Local Plan states that the Council will apply the relevant policy for various designations and listed buildings in the NPPF or whatever represents the relevant national planning policy at the time the planning application is determined and that if a

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development proposal is in conflict with the relevant national policy then it will be in conflict with this Policy. Draft Policy LP12 seeks to protect AONBs and their settings. Draft Policy LP13 seeks to protect and where possible enhance Local Wildlife Sites (LWS), Regionally Important Geological Sites (RIGS) and Priority Habitats. Draft Policy LP14 seeks to protect the local distinctiveness of the area including the setting and pattern of the settlement and its historical and architectural interest and the landscape character, as well as any important prevailing features or characteristics of the area.

73. Although the objections raised by TMBC, Aylesford PC, Burham PC and local residents primarily relate to concerns about highway safety and capacity and amenity, the proposed development is also capable of having other impacts on the environment. The proposed development would result in HGVs travelling past two Grade 2\* listed buildings on Bull Lane in Eccles (i.e. the Red Bull Public House and the Eccles War Memorial Clock Tower). It would also result in HGVs travelling within the setting of the AONB.
74. Advice obtained from KCC's Noise and Vibration Consultant in respect of an application elsewhere in Kent that proposed HGVs being routed past a large number of listed buildings clearly indicated that whilst traffic vibration (airborne and ground borne) can cause nuisance to occupants there was no evidence that traffic vibration causes significant damage to buildings. It also advised that reducing vehicle speeds to 20mph and ensuring that the road surface was well maintained would assist in minimising any vibration. In this case, the Traffic Management Scheme proposes that HGVs travel at 20mph through Eccles. Given this, the advice received from KCC's Noise Consultant on the impact of the current applications and subject to KCC H&T ensuring that the highway is appropriately maintained, I am satisfied that there is no reason why the proposed development should significantly affect the listed buildings (or indeed any other buildings).
75. HGVs transporting mineral from Aylesford Quarry would travel within the setting of the AONB (and partially within it) regardless of whether they use Bull Lane or Rochester Road, although the use of Pilgrims Way (between Bull Lane and the A229) would increase the time that HGVs would be within its setting and involve them being closer to it for longer. The use of Court Road and Hall Road would result in HGVs being further from the AONB boundary than when using Pilgrims Way, although still within its setting. However, when considered in the context of other traffic and the vegetation immediately to the north of Pilgrims Way and built development and topography to the north of Court Road and Hall Road, I do not consider any additional impact to be significant. I am also satisfied that the proposed development would have no significant impact on other aspects of the environment such as biodiversity or the water environment.
76. For the reasons given in paragraph 58 above in respect of potential cumulative impact of the proposed development with that envisaged at Bushey Wood, Eccles in the emerging TMBC Local Plan, I am also satisfied that the proposed development would not give rise to significant cumulative impact on the environment. As noted in paragraph 56 above, the impact of HGV movements on Pilgrims Way, Court Road and

**The variation of conditions on planning permissions TM/18/2549 and TM/18/2555 relating to vehicular access to the West Lake area at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/19/1931 (KCC/TM/0171/2019) and TM/19/1932 (KCC/TM/0172/2019)**

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Hall Road are likely to be shared. Whilst it is not possible to know the percentage which would travel in each direction at this stage, I do not consider that this is significant in terms of potential impact on the environment.

77. In view of the above, I am satisfied that the proposed development is acceptable in terms of its potential environmental impacts and is consistent with the above planning policies subject to the imposition of conditions to secure the terms of the proposed Traffic Management Scheme and those conditions referred to elsewhere in this report.

**Other issues**

78. The adequacy of consultation: As noted in paragraph 37 above, concerns have been expressed by local residents about the lack of consultation and the time allowed for comment on the applications. All properties within 250m of the West Lake area were notified, a joint site notice was erected and a joint newspaper advertisement published. This accords with KCC's Statement of Community Involvement and goes beyond that required by legislation. Notwithstanding this, it is clear from the large number of responses that the local community is aware of the proposed development and has had plenty of time to comment.
79. The working and restoration of the West Lake area: The proposed development would have no direct impact on the actual working of the mineral and restoration of the West Lake area and all relevant conditions in respect of those operations would continue to apply. Notwithstanding this, it is possible that there may be a need for minor alterations to the approved schemes of working, restoration and aftercare for the West Lake area depending on exactly how much further mineral extraction takes place. I am satisfied that this can and should most appropriately be addressed as necessary once the current applications have been determined.
80. The relationship between the West and East Lake areas: The conditions relating to the East Lake area (pre-fixed "E") would remain largely unaffected by the proposed development and would need to be repeated in any new planning permissions that are granted. Those relating to the West Lake area (pre-fixed "W") would be amended or deleted as proposed or replicated if unaffected. Any new conditions would be pre-fixed "W" and included in the relevant section of each decision notice. It would also be desirable to make minor amendments to conditions E2 and E7 of TM/19/1931 and E2 and E9 of TM/19/1932 (to remove reference to aspects of development in the West Lake area which are already covered by those prefixed W elsewhere in the permissions), as well as to reflect the approvals given pursuant to that planning permission on 7 November 2019.

**Conclusion**

81. The primary purpose of the applications in seeking amendments to and the deletion of conditions imposed on planning permissions TM/18/2549 and TM/18/2555 is to enable the remaining 148,000t of mineral (soft sand) to be removed from the West Lake area via the existing access from the Aylesford WWTW private access road onto Bull Lane rather than as currently required through the East Lake area via the existing vehicle



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tunnel under Bull Lane or former crossing point over Bull Lane and onto Rochester Road. This would require HGVs associated with transporting the mineral to travel north through Eccles and use the Bull Lane / Pilgrims Way junction to access the main road network.

82. The proposed amendments would also provide for a number of consequential changes to what is currently permitted in terms of measures intended to ensure that HGVs do not track mud or other materials onto the highway and ensure that HGV routing is implemented and signed. They would also remove a current limit on annual output from the West Lake area (which is greater than the quantity of remaining mineral in that part of the site). The applicant proposes to implement a Traffic Management Scheme to minimise impacts on the local community which includes a maximum of 100 HGV movements (50 in / 50 out) each day and avoiding peak periods during school term time.
83. The applicant states that the tunnel under Bull Lane is too narrow to be used by HGVs or modern quarry dump trucks and that it is necessary to use Bull Lane if the remaining sand deposits are to be worked. It envisages the remaining sand being worked on a campaign basis. The applicant also states that if planning permission is refused, it will not be practicable to extract the remaining safeguarded sand reserves in the West Lake area of Aylesford Quarry (i.e. the reserves would be sterilised) and the safeguarding exemption provisions of Policy DM7 of the Kent MWLP will apply to the reserves.
84. The main issues when determining the applications are the impact on mineral resources and the impact of HGVs using Bull Lane (in terms of highway safety and capacity, amenity and the environment).
85. Whilst objections have been received from TMBC, Aylesford PC, Burham PC and a large number of local residents, there are no technical objections to the applications from KCC H&T and KCC's Noise and Air Quality Consultants subject to conditions (including implementation of the Traffic Management Scheme). In the absence of any technical reasons for refusal and given the planning policy presumption of working the remaining mineral (soft sand), I have no option other than to recommend that planning permission be granted.
86. Having considered all relevant issues, I am satisfied that the proposed development is acceptable subject to the re-imposition of the majority of conditions on planning permissions TM/18/2549 and TM/18/2555, the deletion of conditions relating to operations at the former drying plant and the provision for HGVs to leave the West Lake area outside normal operating hours and the imposition of new conditions.

**Recommendation**

87. I RECOMMEND that:
  - (i) PERMISSION BE GRANTED for the variation of conditions W2, W3, W4 and W6 of planning permission TM/18/2549 relating to vehicular access to the West Lake

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area at Aylesford Quarry (application TM/19/1931), SUBJECT TO conditions covering amongst other matters:

- The existing conditions on planning permission TM/18/2549 continuing to apply to the East Lake area (subject to minor alterations to remove reference to aspects of development in the West Lake area which are already covered by those prefixed W elsewhere in the permissions and to reflect the approvals given pursuant to that planning permission on 7 November 2019);
  - The existing conditions on planning permission TM/18/2549 continuing to apply to the West Lake area (except where proposed to be amended by TM/19/1931 and therefore to be replaced / supplemented);
  - The development not commencing until details of wheel and chassis washing have been submitted to and approved in writing by KCC and any approved measures being available and implemented for the duration of the development;
  - The development not commencing until a method for recording vehicle movements, estimating excavation tonnages and making this information available with reports of any incidences itemised in the Voluntary Traffic Management Scheme have been submitted to and approved in writing by KCC and any approved details being implemented for the duration of the development;
  - The development not commencing until details have been submitted to and approved in writing by KCC setting out how the terms of the Voluntary Traffic Management Scheme will be communicated to staff / drivers;
  - No more than a combined total of 100 HGV movements per day (50 in / 50 out) Monday to Friday and 60 HGV movements (30 in / 30 out) on Saturdays;
  - The Voluntary Traffic Management Scheme being complied with for the duration of the proposed development;
  - No more than a combined total of 148,000t of mineral being exported from the West Lake area via Bull Lane, unless approved in writing by KCC;
  - The deletion of conditions W17 and W18 of TM/18/2549 (relating to operations at the former drying plant and the provision for HGVs to leave the West Lake area outside normal operating hours); and
- (ii) PERMISSION BE GRANTED for the variation of conditions W2, W4 and W6 and the removal of conditions W7 and W8 of planning permission TM/18/2555 relating to vehicular access to the West Lake area and output of minerals at Aylesford Quarry (TM/19/1932), SUBJECT TO conditions covering amongst other matters:
- The existing conditions on planning permission TM/18/2555 continuing to apply to the East Lake area (subject to minor alterations to remove reference to aspects of development in the West Lake area which are already covered by those prefixed W elsewhere in the permissions and to

## Item C2

### **The variation of conditions on planning permissions TM/18/2549 and TM/18/2555 relating to vehicular access to the West Lake area at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/19/1931 (KCC/TM/0171/2019) and TM/19/1932 (KCC/TM/0172/2019)**

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reflect the approvals given pursuant to that planning permission on 7 November 2019);

- The existing conditions on planning permission TM/18/2555 continuing to apply to the West Lake area (except where proposed to be amended by TM/19/1932 and therefore to be replaced or, in the case of conditions W7 and W8, deleted);
- The development not commencing until details of wheel and chassis washing have been submitted to and approved in writing by KCC and any approved measures being available and implemented for the duration of the development;
- The development not commencing until a method for recording vehicle movements, estimating excavation tonnages and making this information available with reports of any incidences itemised in the Voluntary Traffic Management Scheme have been submitted to and approved in writing by KCC and any approved details being implemented for the duration of the development;
- The development not commencing until details have been submitted to and approved in writing by KCC setting out how the terms of the Voluntary Traffic Management Scheme will be communicated to staff / drivers;
- No more than a combined total of 100 HGV movements per day (50 in / 50 out) Monday to Friday and 60 HGV movements (30 in / 30 out) on Saturdays;
- The Voluntary Traffic Management Scheme being complied with for the duration of the proposed development;
- No more than a combined total of 148,000t of mineral being exported from the West Lake area via Bull Lane, unless approved in writing by KCC;
- The deletion of condition W23 of TM/18/2555 (relating to the provision for HGVs to leave the West Lake area outside normal operating hours); and
- the following informative (on each):
  - The applicant being advised of the need to ensure that all necessary highway approvals and consents are obtained (where required) and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Case Officer: Jim Wooldridge
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Tel. no. 03000 413484
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Background Documents: see section heading.
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## **Appendix 1 to Item C2**

### **The variation of conditions on planning permissions TM/18/2549 and TM/18/2555 relating to vehicular access to the West Lake area at Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/19/1931 (KCC/TM/0171/2019) and TM/19/1932 (KCC/TM/0172/2019)**

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#### **Aylesford Heritage Limited: Eccles Village Voluntary Traffic Management Scheme for West Lake, Aylesford Quarry**

- Haulage vehicles will be required to approach the West Lake site from the north along Bull Lane and to leave the site towards the north along Bull Lane.
- Haulage vehicles to comply with a voluntary speed limit of 20mph through the village of Eccles.
- A maximum per day of 50 vehicles in and 50 vehicles out each weekday, and a maximum of 30 vehicles in and 30 vehicles out on Saturdays all within the permitted operating hours for Aylesford Quarry.
- Haulage vehicle movement through Eccles between 08:15hrs and 09:00hrs and 15:00hrs and 16:15hrs will be avoided other than in exceptional circumstances.
- Haulage vehicles will, where there are pinch points (including on-street parking) in Eccles Village, give way to other oncoming vehicles unless it would not be safe to do so.
- Aylesford Parish Council Clerk to be notified in a timely way of the need for any additional daily vehicle movements when required for operational reasons.
- Vehicles to travel separately and not in convoy (that is two or more vehicles following each other all bound to or from the West Lake of Aylesford Quarry).
- Haulage vehicles will be filled flat and loads sheeted prior to exiting the West Lake of Aylesford Quarry.
- Commitment to record all complaints and investigate all legitimate complaints with the results being reported to Aylesford Parish Council.

If residents identify a breach of the above conditions, please record:

- (1) Exact date and time (to the nearest minute);
- (2) Name of haulier;
- (3) Vehicle registration number;
- (4) Nature of complaint.

Register the complaint by telephoning 01622 812285.

**Appendix 2 to Item C2**  
**The variation of conditions on planning permissions TM/18/2549 and**  
**TM/18/2555 relating to vehicular access to the West Lake area at**  
**Aylesford Quarry, Rochester Road, Aylesford, Kent – TM/19/1931**  
**(KCC/TM/0171/2019) and TM/19/1932 (KCC/TM/0172/2019)**

Location of remaining mineral (soft sand) in Area 5 (West Lake area)

