

SECTION C
MINERALS AND WASTE MANAGEMENT

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

Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 (to increase the rated capacity of the processing plant from 100 to 120 tonnes per hour) and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 (relating to the siting, design and operation of the plant) at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343 (KCC/TW/0093/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 5 February 2020.

Application by Tarmac Ltd for Replacement processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 (to increase the rated capacity of the processing plant from 100 to 120 tonnes per hour) and the submission of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 (relating to the siting, design and operation of the plant) at Stonecastle Farm Quarry, Whetsted Road, Five Oak Green, Tonbridge, Kent TN12 6SE - TW/19/1343 (KCC/TW/0093/2019).

Recommendation: Permission be granted subject to conditions.

Local Member: Sarah Hamilton

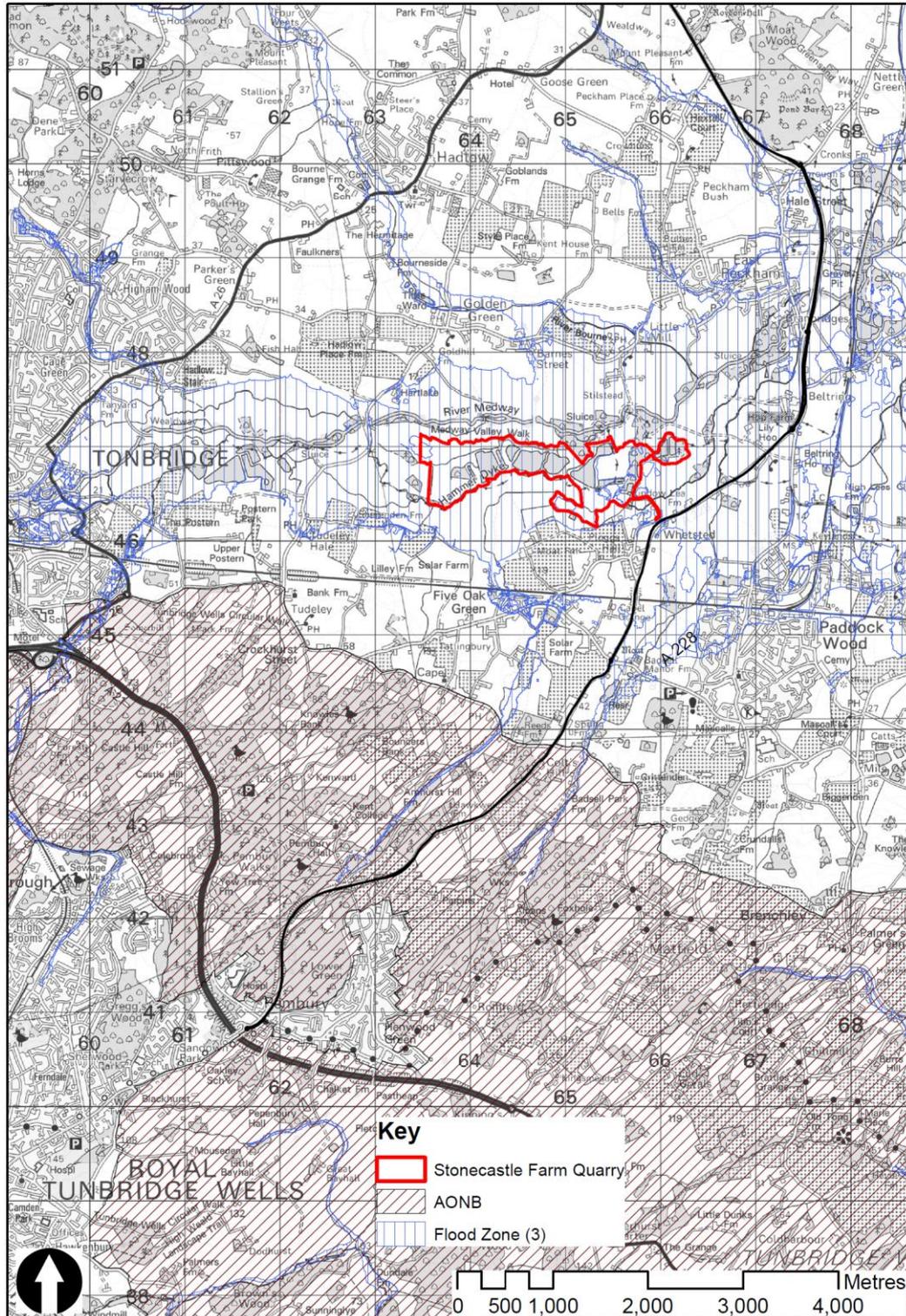
Unrestricted

Site description

1. Stonecastle Farm Quarry comprises land within the Boroughs of Tunbridge Wells and Tonbridge and Malling. It lies to the west of the A228, south of the River Medway, east of Hartlake Road and just over 1 kilometre (km) north of the main Ashford to London Charing Cross railway line (via Tonbridge). The current mineral extraction area lies towards the western end of the Quarry in Tonbridge and Malling Borough, just to the north of Hammer Dyke. The majority of the Quarry (in both Boroughs) has been worked and restored (either to lakes or backfilled with imported inert and putrescible waste to agriculture and woodland), although an unworked area remains at the western end of the Quarry and is still in agricultural and woodland use. The plant site (at the eastern end of the Quarry in Tunbridge Wells Borough) lies approximately 300 metres (m) north of Whetsted.

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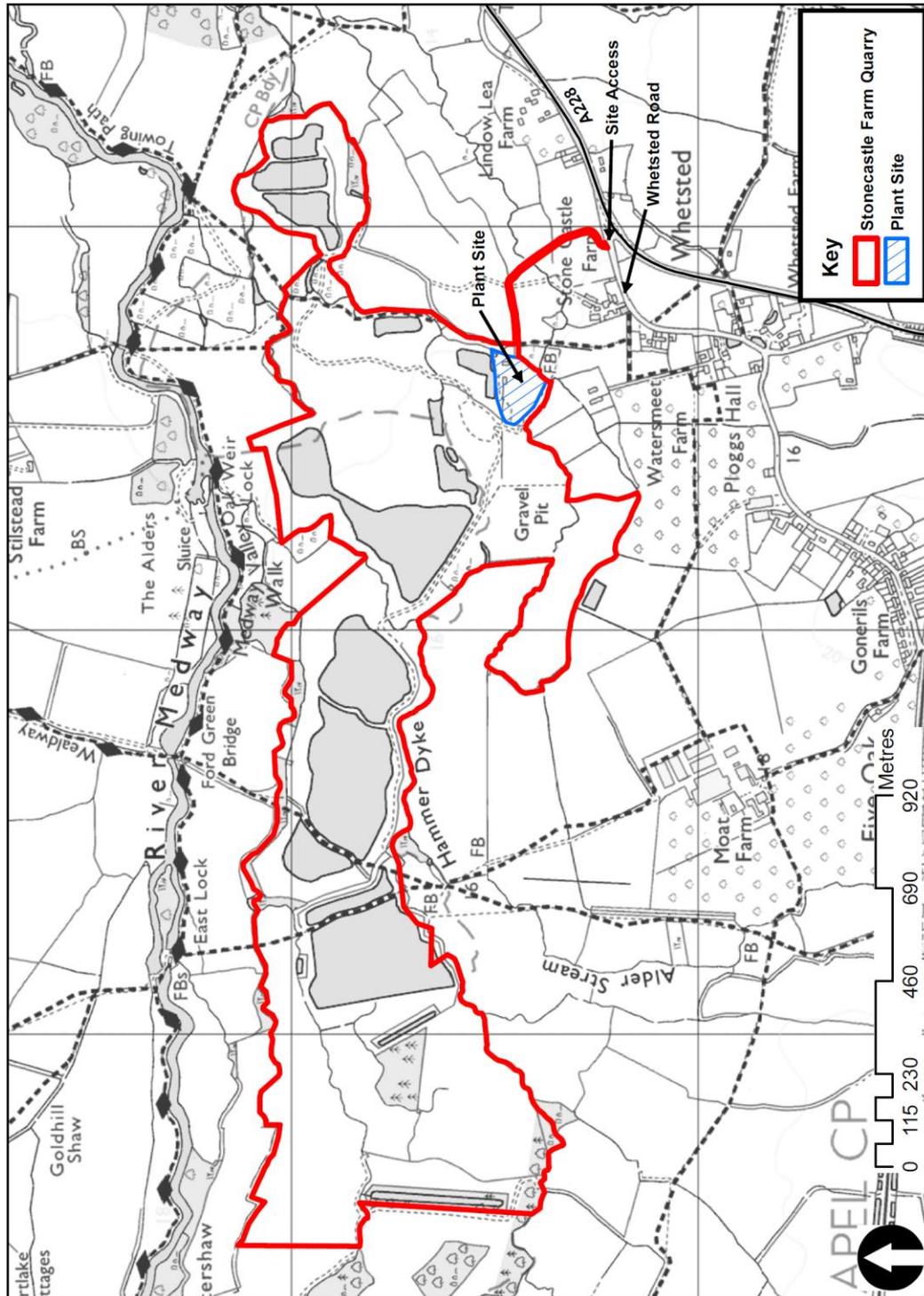
Site Context Plan



Item C1

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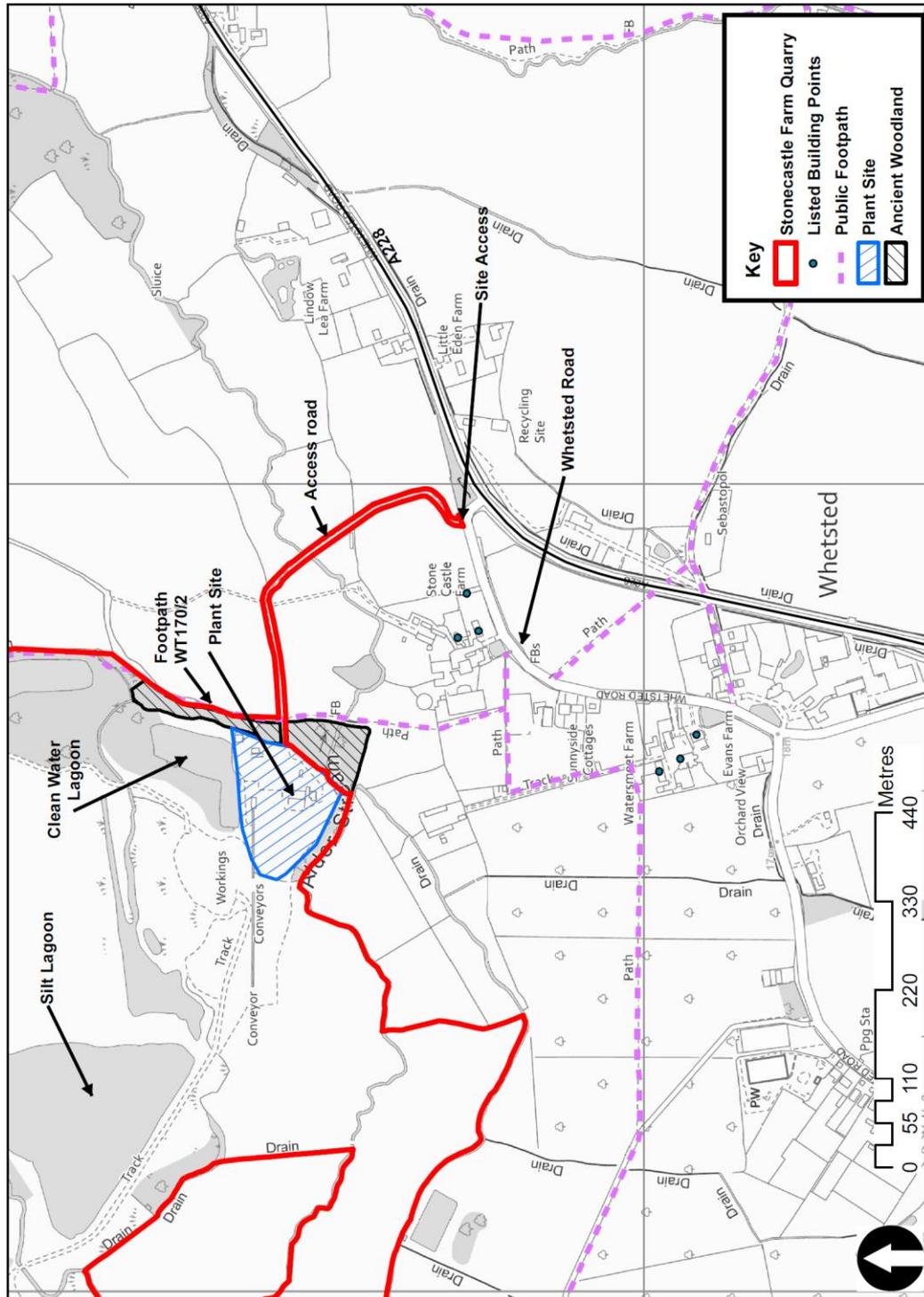
Site Location Plan



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Site Plan



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2. Access to the plant site (and wider Quarry) is via a purpose built access road from Whetsted Road (just to the east of Whetsted and approximately 35m from its junction with the A228). The A228 connects the M20 in the north and Tunbridge Wells to the south. The current working and unworked areas lie more than 1km to the west of the plant site. Public footpath WT170/2 crosses the site access road approximately 30m to the east of the inner gates to the plant site area.
3. The plant site lies within the flood plain of the River Medway and is primarily within a Flood Zone 3 (high risk of flooding), although small parts of this and associated stockpiling areas and the previously landfilled areas lie within Flood Zone 2 (medium risk). It also lies within the Green Belt. The High Weald Area of Outstanding Natural Beauty (AONB) lies just over 2km (1.4 miles) to the south. An area of Ancient Woodland lies immediately to the east of the plant site (with another just to the south east of the current extraction area). Although not allocated for any specific purpose in the adopted Tunbridge Wells Borough Local Plan, the emerging (draft) Local Plan proposes to safeguard land just to the south of Stonecastle Farm Quarry for a new offline section of highway (known as the Colts Hill bypass) between the dualled section of the A228 just north of Pembury to a position near to the existing roundabout between Paddock Wood and Five Oak Green. This may also include a new section of highway to a large housing development proposed to be allocated at Tudeley (further west). The emerging (draft) Local Plan is at an early stage in plan making and it is likely that more detailed safeguarding will be established as the Local Plan is developed.
4. The closest existing residential properties to the plant site (the Oast House, the Granary and Stonecastle Farmhouse) are within the Stonecastle Farm complex. The proposed replacement processing plant lies approximately 330m from the nearest existing residential property (the Oast House), although the edge of the plant site area is just under 250m from this property. Stonecastle Farmhouse and the Oast House lie closer to the site access road. The distance varies from about 120m (i.e. the distance between Stonecastle Farmhouse and the entrance to the site access road on Whetsted Road) and between about 170m and 250m (the distance between Stonecastle Farmhouse / the Oast House and the majority of the access road itself).
5. Stonecastle Farmhouse, the Oast House and the Garden Walls approximately 2m to the east of Stonecastle Farmhouse are Grade II Listed Buildings. There are also other Listed Buildings further south (e.g. those associated with Ploggs Hall). The locations of Stonecastle Farm Quarry, the plant site, silt and clean water lagoons, site access and Footpath WT170/2 and the extent of the AONB, Flood Zone 3 and Ancient Woodland in the area are shown on the plans included above. Appendix 1 contains plans showing the extent of the planning permissions at Stonecastle Farm Quarry, the proposed plant site (including its relationship with the stocking areas and silt and clean water lagoons), plant elevations and the locations of the previously landfilled areas.

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Planning History and Background

6. Mineral working (sand and gravel) was first permitted at Stonecastle Farm Quarry in May 1981 on land either side of the Borough boundary (TM/79/938 and TW/79/753). These planning permissions also provided for the erection of mineral processing and ready-mix concrete plant and the construction of an access road. The permissions also provided for restoration using imported waste materials.
7. Planning permission TW/79/753 contained 26 conditions. The conditions of particular relevance are as follows:
 - (iii) Required that operations take place in accordance with a scheme of working and restoration to be agreed with the County Council (KCC) before operations begin (part (b) specifically required details of the location and maximum height of all stockpiles of processed material);
 - (vii) Required that the landscaping of the site be carried out in accordance with a scheme to be agreed by KCC;
 - (ix) Required that operations on site be carried out in compliance with the schemes of working, restoration and landscaping approved under conditions 3 and 7 with any alterations to these being approved by KCC before being implemented;
 - (x) Stated that the Quarry be restored and landscaped if excavation ceased and did not recommence to any substantial extent for a period of two years or such period as may be agreed by KCC;
 - (xi) Restricted operations other than essential maintenance work to between 07:00 and 18:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays, with no operations other than routine maintenance on Sundays and Bank Holidays and only then between 08:00 and 18:00 hours;
 - (xiii) Stated that no materials other than cement for use in the ready-mix concrete plant should be introduced for processing or storage without KCC's prior written approval;
 - (xiv) Required arrangements for the safe storage and handling of fuel and lubricating oils and the disposal of waste oils, and KCC's approval of details of any facilities;
 - (xv) Required KCC's approval for details of facilities for sanitary accommodation;
 - (xvi) Required details of the siting and design of all fixed plant and buildings, including the ready-mixed concrete plant, and all areas to be reserved for parking cars and lorries and measures for the attenuation of noise and dust generated by all fixed plant;
 - (xvii) Limited the rated capacity of the sand and gravel processing plant to no more than 100 tonnes per hour (tph);
 - (xviii) Required the prior approval of KCC for the erection of any buildings, plant or machinery regardless of permitted development rights;
 - (xix) Required the removal of all plant, buildings and machinery and their foundations and basis, including those areas to be used for the parking of cars and lorries, and the access road and its junction with the (old) B2015, at such

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- time as KCC determined they were no longer required for the working or restoration of the site, and the reinstatement by deep cultivation to remove obstructions to future cultivation, covering with topsoil to the same depth as that originally stripped from the site and re-seeding with a suitable herbage mixture;
- (xxii) Required the washing or grading plant to be operated on a closed circuit, with water for washing purposes being drawn from the workings and effluent from the plant being returned to the workings;
 - (xxiii) Stated that there should be no discharge of groundwater from the workings without the prior approval of KCC; and
 - (xxvi) Required arrangements be made to keep the surface of the site access road maintained in a good state of repair and cleaned and free of mud and other debris at all times, and for lorry wheel and chassis cleaning.
8. Condition (iii) of planning permission TW/79/753 was varied in August 1981 to allow certain specified works to be carried out in advance of the scheme of working and restoration being approved (TW/81/795). These included the construction of access roads, excavation of silt lagoons, preparation of the plant site and the storage of topsoil, subsoil and overburden in connection with these works.
9. Schemes of working, restoration and landscaping were approved pursuant to permissions TW/79/753 and TM/79/938 in September 1983. The permissions were amended to allow dewatering and the importation of fine aggregate for use in the ready-mix concrete plant in 1985. The permissions were further amended to allow the restoration of part of the site to a lake and the remaining area to a level higher than the initial working and restoration scheme in 1990 (TM/89/1480 and TW/89/1781). TM/79/938 was amended in October 2002 (TM/92/843) to enable variations to the permitted hours of operation to be varied without the need for a formal planning application. A temporary extension of the operating hours provided for by TW/79/753 was also approved in April 1993. Extraction and infilling operations were completed under these permissions in 1995 although parts of these areas (e.g. plant site, stockpiling areas, clean water lagoon, silt lagoon and access road) cannot be fully restored until operations cease at Stonecastle Farm Quarry and the plant and any remaining stockpiles are removed. The landfilling was carried out by Redland Aggregates Ltd and Biffa Waste Services in accordance with Waste Disposal / Management Licences issued in 1981 (Refs: 19523 and P/12/10) and 1989 (Ref: P/12/14) which are now covered by an Environmental Permit (Ref: JP3398HM).
10. A western extension to the Quarry was permitted in July 1993 (TM/92/1142). The permission provided for the continued use of the plant site and access road and required water-based restoration. The permitted mineral reserves have been fully worked and the land restored.
11. A further western extension to the Quarry was permitted in September 2002 (TM/00/1599). The application (which was accompanied by an Environmental Impact Assessment (EIA)) had proposed 6 phases. However, the two most westerly phases

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(3 and 6) were refused on the grounds that insufficient information had been provided to demonstrate that the development would not have an unacceptable effect on the quality or potential yield of groundwater resources in these areas. The permission (relating to phases 1, 2, 4 and 5) was subject to a Section 106 Agreement which required (amongst other things) groundwater monitoring and mitigation, a detailed scheme for nature conservation and management and the applicant indemnifying the County Council (KCC), South East Water and the landowner of the application site against any costs, damages, expenses or other liabilities in respect of its obligations or breach thereof.

12. Planning permissions enabling the plant site and access road to continue to be used for the duration of planning permission TM/00/1599 were also granted in September 2002 (TW/00/1398 and TM/00/1600). Permission TW/00/1398 varied conditions (x) and (xix) of TW/79/753. Permission TM/00/1600 varied conditions (ix) and (xviii) of TM/79/938 and conditions 4, 5, 6, 12, 13 and 14 of TM/92/1142. The permissions required the cessation of the use of the plant site and access road on completion of sand and gravel extraction and their removal and restoration in accordance with the approved restoration scheme within a further 6 months.
13. A number of approvals relating to TM/00/1599 have been given by KCC since September 2002. A working and restoration scheme, dust attenuation measures and an archaeological specification were approved pursuant to conditions 3, 21 and 22 of TM/00/1599 in February 2003 (TM/00/1599/R3, 21 and 22). Amongst other things, the working scheme provided for year-round extraction and the transportation of excavated material from the extraction area to the processing plant by a combination of dump truck and field conveyor. A variation to the approved method of working was approved pursuant to condition 3 of TM/00/1599 in May 2004 (TM/00/1599/R3). This introduced a campaign style of working whereby extraction would take place 3 times a year with each period lasting about 1 month (e.g. March, June and September), an extension to the internal haul road and stocking area for excavated ("as raised") material and the use of dump trucks along the entire internal haul road (with no field conveyor). A landscaping scheme and a nature conservation and management scheme were approved pursuant to condition 4 of TM/00/1599 and paragraph 2(d)(i) of the Section 106 Agreement in September 2005 (TM/00/1599/R4A). An aftercare scheme and soil handling details were approved pursuant to conditions 5 and 6 of TM/00/1599 in January 2010 (TM/00/1599/R5 & R6).
14. Planning permissions TM/00/1599, TM/00/1600 and TW/00/1398 were implemented and mineral working took place within the TM/00/1599 area. However, extraction at the Quarry was temporarily suspended in 2008 due to market conditions. This led to the submission of a number of applications seeking planning permission and approval from KCC to vary the requirement of condition 26 of TM/00/1599 that the Quarry be restored and landscaped if excavation ceased and did not recommence to any substantial extent for a period of two years or such period as may be agreed by KCC (as Mineral Planning Authority). KCC permitted or approved applications TM/10/2158 (September 2010), TM/00/1599/R26 (May 2012), TM/00/1599/R26A (October 2014),

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TM/00/1599/R26B (July 2016) and TM/00/1599/R26C (March 2018) enabling the Quarry to remain inactive / mothballed pending re-opening. The most recent approval (TM/00/1599/R26C) was subject to a condition which required an ecological scoping survey (with species surveys and detailed mitigation and enhancement strategies as may be necessary) to be submitted for KCC's approval and thereafter implemented as approved before operations recommence. Details partially satisfying these requirements were approved by KCC in September 2018 (TM/00/1599/R26C1) subject to further conditions and informatives to safeguard ecological interests.

15. Details of a revised scheme of working for phases 1, 2, 4 and 5 of TM/00/1599 were considered by KCC's Planning Applications Committee on 10 October 2018 and approved by KCC later that month. The scheme provides for the Quarry to be worked wet (rather than by dewatering), amends the location of the internal haul road for phases 1 and 2 and the phasing arrangement for phase 2 and extends the duration of each annual campaign from 3 to 6 months. The approval was conditional on no extraction and haulage of mineral from the extraction area to the plant site / associated storage area taking place on Saturdays and the use of non-tonal reversing alarms within the extraction area and when hauling mineral to the plant site / associated storage area. The approval also included informatives relating to the possibility of a new east to west footpath link, community engagement and HGV routeing (i.e. for HGVs leaving the Quarry to turn left onto the A228 until such time as crash remedial works being considered by KCC Highways and Transportation are implemented).
16. Planning permission was also given by KCC in November 2017 for the temporary storage of road planings from highways maintenance work for a period of 6 months between January 2018 and June 2018 in the plant site area (TW/17/3110). This use has since ceased.
17. During 2018, the processing plant and ready-mix concrete plant were dismantled and removed from the site. It is understood that their age (about 37 years old), inactivity and condition meant that they were no longer suitable for use. The former site offices were also removed, although the weighbridge and a number of concrete and other structures were left in place (including a large ramp and parts of a workshop and store).
18. Preparatory works (e.g. soil and overburden movement and excavation) have been undertaken in phases 1 and 2A during 2019, although mineral has yet to be exported from the Quarry. The requirements of conditions 1, 2 and 3 of TM/00/1599/R26C1 have yet to be submitted and discharged such that works can currently only take place in those parts of phases 1, 2A, 2B and 2C (illustrated on the details approved under TM/00/1599/R26C1) outside the 15m buffers adjacent to hedgerows and woodland. The applicant is aware of these requirements and it is understood that it will be submitting the necessary details shortly.
19. The current planning application for a replacement processing plant was submitted on 16 April 2019. On 29 April 2019, Tunbridge Wells Borough Council (TWBC) granted

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approval under Class Q of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of a number of agricultural buildings within the Stonecastle Farm complex into 4 residential dwellings (TW/18/3858, TW/18/3859 and TW/18/3798). As a result, the distance between the replacement processing plant and the nearest existing or permitted residential property would be about 280m (as opposed to the 330m referred to in paragraph 4 above). The nearest of the new properties would also be about 45m closer to the edge of the plant site and about 10m closer to the majority of the access road than the nearest of those existing. The implications of this are addressed as necessary elsewhere in this report.

The Proposal

20. The application proposes the replacement of processing plant and ancillary associated office and welfare buildings involving a variation of condition (xvii) of planning permission TW/79/753 as well as seeking approval of details pursuant to conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) of planning permission TW/79/753 at Stonecastle Farm Quarry. The proposed variation of condition (xvii) would increase the rated capacity of the processing plant from 100 to 120tph. The details submitted in respect of conditions (iii)(b), (xiv), (xv), (xvi), (xviii) and (xxii) relate to the siting, design and operation of the plant and associated elements within the plant site (including site office and welfare buildings). More specifically, the details submitted pursuant to the conditions relate to the following:

- (iii)(b) The location and maximum height of all stockpiles of processed material;
- (xiv) Fuel and oil storage arrangements;
- (xv) Sanitary accommodation;
- (xvi) The siting and design of fixed plant and buildings and areas reserved for car parking;
- (xviii) The prior approval of details of buildings, plant and machinery; and
- (xxii) The closed circuit water system for the processing (washing and grading) plant.

21. The proposed replacement processing plant is described as a low elevation mobile plant. It would be 7m high, more compact and occupy a smaller footprint than the original 14m high fixed processing plant it would replace. It would be approximately two thirds the length, and located about 10m to the south, of the original processing plant (albeit on a similar alignment). The ready-mix concrete plant (now removed) was 12m high and located in the southern part of the plant site.

22. The proposed replacement processing plant would comprise a feed ramp, feed hopper, control cabin, a barrel / log washer, a series of screens, sand classification plant and radial stocking conveyors. The original processing plant consisted of a feed hopper, washing plant, screening section and overhead storage bins linked by conveyor systems with overhead conveyors for stockpiling. Given the height of the proposed replacement processing plant, processed material stockpiles at the plant

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would be no greater than 6m high (as opposed to 12m previously). The proposed replacement processing plant would be powered by a diesel generator (as opposed to by mains electricity).

23. As noted above, excavated sand and gravel is transported “as raised” to a stocking area near the plant site before being processed. The main stocking area for “as raised” material is in the northern part of the plant site, to the north west of the proposed replacement processing plant.
24. A loading shovel would take material from the “as raised” stockpile and transfer this into the processing plant hopper from a ramp. The top of the loading shovel bucket would be at a similar height to the top of the processing plant when tipping into the hopper. The sand and gravel would be washed using water abstracted from the clean water lagoon (which lies just to the north of the processing plant) and graded over an initial screen to separate the sand from the gravel. The 0 to 4 millimetre (mm) sand fraction would be diverted to a cyclone where the coarse sand would drop to the bottom and finer sand weir over the top. The gravel would pass over a series of screens to produce 10mm, 20mm and 40mm gravel grades (plus 40 to 100mm depending on the deposit) which would be discharged via radial conveyors to stockpiles. No crushing is proposed / required to reduce the size of the naturally occurring deposit. Wastewater from the process would be discharged into the southern end of a silt lagoon to the north west of the plant site where fine particles would settle out, after which clean water would be pumped from the northern part of the silt lagoon to replenish the clear water lagoon. The silt lagoon is not connected to the surface water system and the proposed arrangement (which replicates that previously employed at the Quarry) represents the closed water system required by condition (xxii) of TW/79/753.
25. The applicant states that although the replacement processing plant would be rated at 120tph, it would be operated at an average 100tph for practical operational reasons. It states that the speed the material is processed by the plant has implications for processed material stock levels, particularly under the stocking conveyors, and that sand and gravel would build up more quickly under the plant if run at a higher rate and require the loading shovel to move material from the processed stockpiles more frequently. It states that double handling impacts on operational costs and that there is a balance to be met between adequate stock levels and machinery activity. For these reasons, it states that it is desirable for the plant to operate under its rated capacity.
26. The applicant also states that the low level plant limits the quantity of final product which can be stockpiled and that additional stockpiling areas would be created adjacent to the proposed processing plant (including in the former location of the ready-mix concrete plant). It states that processed material stockpiles would vary in height according to demand and would typically be 6m high.
27. The existing weighbridge would be renovated (or replaced if necessary) in its current location. It would be powered by a second diesel generator. A weighbridge office

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(13m long x 3.5m wide) and toilet block (3.5m x 3.5m) would be sited adjacent to the weighbridge. The toilet block would be connected to mains water and existing cesspit. A bunded 10,000 cubic litre fuel tank for the mobile plant and an oil storage container (3m x 3.5m) would also be required. It is also proposed that an existing ramp (previously associated with the ready-mix concrete plant) would be removed. Site lighting would only be used for operational purposes and safety when the plant site is operational during darker mornings and afternoons in winter months. The processing plant lighting would comprise 8 x 100 watt LED floodlights at 7m high powered by the plant generator and the office and weighbridge lighting 4 x 100 watt LED floodlights powered by the office generator. In both cases, they would only be used when operationally necessary. Security lighting (which would be solar powered and use infrared sensors to enable safe access at the gates and office door) would also be employed.

28. The applicant states that the plant site layout would minimise the need for HGVs to reverse, thereby minimising impact associated with reversing alarms. It also considers that the proposed processing plant would be quieter than that it would replace. It states that whilst planning permission TW/79/753 does not include any specific noise limits, noise associated with the proposed development would be below that required by planning permission TM/00/1599 (55dB) and accord with the stricter limit set out in the Planning Practice Guidance for Minerals of 52dB.
29. The applicant states that the surface of the plant site yard could become dusty in prolonged dry conditions and that an on site water bowser would be used to damp down surfaces as required. It also states that the “as raised” and final product stockpiles would be damp, thereby aiding dust suppression. In the former case, due to the deposit being worked wet and, in the latter case, as the material would be processed wet and as the turnover of stockpiles would ensure that fresher processed material is maintained on the outer surface.
30. The applicant states that operating hours and vehicle routeing would remain as permitted. It also states that the proposed development would be very similar to that already permitted and approved and that landscape and visual impacts would continue to be minimised by tree planting on the southern boundary of the plant site which would filter views from Whetsted.
31. The application (as initially submitted in April 2019) was accompanied by a planning statement, a noise assessment report and drawings illustrating the proposed replacement processing plant and revised plant site layout.
32. As a result of objections and issues raised by consultees as well as my own consideration of the application (including the need to have regard to the approvals for change of use to residential dwellings given by TWBC on 29 April 2019 referred to in paragraph 19 above), I requested further information from the applicant in May and June 2019. A package of further information was submitted in August 2019. This included a document responding to the various concerns and issues raised, together

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with an air quality assessment, a dust attenuation scheme, a noise assessment technical report, a flood risk assessment (FRA), aerial photographs and copies of the applicant's British Standards Institution (BSI) ISO 14001:2015 Environmental Management System (EMS) certificate and environmental policy. In its response, the applicant also reaffirmed a commitment made to the Quarry Liaison Group that weekend working would be restricted to sales from stock and maintenance only (i.e. the processing plant would not be operated). All consultees were reconsulted on this package of further information and all those who had made representations following the initial publicity exercise were re-notified.

33. Whilst the majority of issues raised by technical consultees were satisfied by the further information submitted in August 2019, the Environment Agency maintained its objection on flood risk grounds as it considered that the applicant had failed to comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework (NPPF) in that no drawings / elevations of the proposed ancillary welfare and office buildings had been provided (including no finished floor levels). As a result, it stated that the FRA did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
34. The applicant provided further information to address this in September 2019. It advised that the weighbridge office would be 1.2 m above ground level, that the welfare building may be at a similar level and that the plant control cabin would be on the plant site floor and be in a sealed container where it could be moved by mobile plant if it becomes vulnerable to flood risk. Whilst this was sufficient for the Environment Agency to withdraw its objection, further objections were received from the local community. A number of the further objections were accompanied by a report prepared on behalf of local residents relating to local concerns about the potential impact of the historic landfill at Stonecastle Farm Quarry. This report (titled "Historic Landfill, Stonecastle Quarry, Tonbridge, TN12 6SE" (October 2019)) reiterated and expanded upon earlier concerns raised, including in respect of the potential for the former landfills to have contaminated waters within the quarry and for any pollution that may have occurred to be exacerbated by the operation of the proposed replacement processing plant.
35. Notwithstanding the absence of any objection from technical consultees, the applicant commissioned a report by TerraConsult Ltd to try to allay the concerns raised by the local community. The report, which was submitted in December 2019, concluded (amongst other things) that the local residents' concerns are unfounded as: the operation would take place downgradient of the water abstraction points to the west and south west; the groundwater and surface water at Stonecastle Farm are not polluted by the adjacent landfills or the mineral processing works; there is no indication of a landfill influence on water quality which could impact or affect the operation of the processing plant; the water quality in the lagoons significantly exceeds all relevant water quality standards; the pollution potential from the closed landfills is low and pollution is not occurring; the water circulation system would maintain water levels within each lagoon and not impede other water users; the mineral processing has a

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low to negligible potential to contaminate the process water, except for being too silt laden to be discharged to a surface water course; the introduction of silt into the lagoon would shallow the lagoon, allow the creation of shallow margins, provide ecological benefit by encouraging aquatic plants to colonise the lagoon margins and also further reduce the potential for erosion of the landfill; the introduction of silt would not change the storage potential of the lagoon since it is limited in depth by the groundwater level in the connected gravel deposits; and surface water drainage could continue as currently. The report was subject to further consultation and notification.

Planning Policy Context

36. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (May 2019) and the National Planning Practice Guidance. These are material planning considerations.
37. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSM1 (Sustainable Development), CSM2 (Supply of Land-won Minerals in Kent), CSM5 (Land-won Mineral Safeguarding), CSM7 (Safeguarding Other Mineral Plant Infrastructure), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), 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), DM17 (Planning Obligations), DM18 (Land Stability), DM19 (Restoration, Aftercare and After-use) and DM20 (Ancillary Development).
38. **Tunbridge Wells Borough Local Development Framework Core Strategy Development Plan Document (June 2010)** – Policies CP2 (Green Belt), CP3 (Transportation Infrastructure), CP4 (Environment), CP5 (Sustainable Design and Construction), CP8 (Retail, Leisure and Community Facilities Provision) and CP14 (Development in the Villages and Rural Areas).
39. **Tunbridge Wells Borough Site Allocations Local Plan (July 2016)** – Policy AL/STR1 (Limits to Built Development).
40. **Tunbridge Wells Borough Local Plan (2006) Remaining Saved Policies** – Policies EN1 (Development Control Criteria), EN8 (Outdoor Lighting), EN13 (Trees and Woodland Protection), EN16 (Protection of Groundwater and other Watercourses), EN18 (Flood Risk), EN25 (Development Control Criteria for all Proposals Affecting the Rural Landscape), MGB1 (Metropolitan Green Belt) and TP4 (Access to the Road Network).
41. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (November 2018)** – This has no direct bearing on the current

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application although the proposed modification to Policy DM7 serves to reinforce the desirability of 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.

42. **Kent Mineral Sites Plan Pre-Submission Draft (December 2018)** – The Draft Mineral Sites Plan proposes to allocate an extension to Stonecastle Farm Quarry and a site at Moat Farm, both of which would be worked through Stonecastle Farm Quarry and use the existing access to the site. The Kent MSP is currently at the Examination Stage of the plan making process with hearings having taken place in October 2019.
43. **Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft (20 September to 1 November 2019)** – Draft Policies STR1 (The Development Strategy), STR2 (Presumption in favour of Sustainable Development), STR4 (Green Belt), STR8 (Conserving and Enhancing the Natural, Built and Historic Environment), STR10 (Limits to Built Development Boundaries), EN1 (Design and other Development Management Criteria), EN2 (Sustainable Design and Construction), EN5 (Climate Change Adaption), EN6 (Historic Environment), EN7 (Heritage Assets), EN10 (Outdoor Lighting and Dark Skies), EN11 (Net Gains for Nature: Biodiversity), EN12 (Protection of Designated Sites and Habitats), EN14 (Trees, Woodlands, Hedges and Development), EN15 (Ancient Woodland and Veteran Trees), EN20 (Rural Landscape), EN21 (High Weald AONB), EN23 (Air Quality), EN26 (Water Quality, Supply and Treatment), EN27 (Conservation of Water Resources), EN28 (Flood Risk), EN29 (Sustainable Drainage), EN30 (Noise), EN31 (Land Contamination), TP1 (Transport Assessments, Travel Plans and Mitigation), TP2 (Transport Design and Accessibility) and TP6 (Safeguarded Roads).

Consultations

44. **Tunbridge Wells Borough Council** – No objection.

Its Officer Delegated Report states (in summary): *“Having regard to the comments from key statutory consultees Tunbridge Wells Borough Council now withdrawn their previous objections subject to any conditions and recommendations made by the consultees. In addition, there is no objection provided KCC are satisfied that the impact of the proposal on residents living conditions (in regards to dust, noise, vibrations etc.) can be controlled. **Recommendation** – Raise no objections subject to conditions suggested by Statutory Consultees.”*

The Borough Council had initially objected to the application on 7 June 2019 pending the Environment Agency being satisfied in terms of flooding, KCC Highways and Transportation having no objection to future cumulative impact on the highways, KCC being satisfied that the impact of the proposal on residents living conditions (in regards to dust, noise, vibrations etc.) could be adequately controlled and that sufficient information has been provided in respect of ecology.

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- 45. **Tonbridge and Malling Borough Council** – No objection.
- 46. **Capel Parish Council** – Objects to the application.

In June 2019 it recommended refusal for the following reasons:

- “1. *The proposal would lead to unnecessary road movements on to the A228. There is no real necessity for the applicants to process this low grade material on site. If the process was off site the link road to the A228 would lie entirely within the applicant’s control and there would be fewer movements accessing the exit road, and no heavily loaded vehicles turning right endangering traffic.*
- 2. *Lack of an updated flood risk assessment. Since the original permission was submitted in 1979 the Leigh Barrier has come in to use – there is, for example, no evidence of consideration having been given of the impact on the site of a forced opening of the barrier under flood conditions. The neighbouring village of Five Oak Green has experienced flooding from the Alders Stream which is at the southern end of the site.*
- 3. *There is no ecological report.*
- 4. *Screening of the southern boundary of the site is inadequate. Some of the screening shown in the plan is outside the land controlled by the applicant.*
- 5. *The proposal will cause the diversion of local Public Rights of Way.”*

Notwithstanding the above, if planning permission is granted it would like to see the following conditions imposed:

- “1. *The processing plant should be linked to the workings by conveyor belt (as previously) rather than a haul road. [Reason: Alleviation of noise and dust along the now nearly 3km distance to the extraction site.]*
- 2. *Noise monitoring of the workings. [Reason residential amenity of the properties south of the plant along Whetsted Road.]*
- 3. *More adequate screening to the south of the processing plant. [Reason residential amenity as above.]*
- 4. *No Saturday working apart from routine maintenance. Technological improvements since the original permission and the improved capacity of the plant (now 120 tonnes per hour) means Saturday working should no longer be necessary. [Reason protection of residential amenity.]”*

Following receipt of the further information submitted in August 2019 and December 2019, it continues to object and recommends refusal on the grounds that it does not consider that the TerraConsult Ltd report has addressed its previous comments (which it states still stand). It also states:

- “1. *TARMAC flood report appears inadequate given recent flooding – began on Friday 20th, peaking on 21st December 2019.*
- 2. *Ecology survey remains outstanding.*

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3. *The issue of leachate and its required removal has not been addressed. Tarmac to abide by the terms of the existing Leachate licence before work begins on site should KCC be minded to approve.*
4. *Concerns regarding pollution in the north east of the site, in the direction of the river Medway and East Peckham – Fields towards the bridge at Stilstead, East Peckham.*
5. *Unproductive wastelands could be contaminated.”*

It also requests that KCC's Planning Applications Committee Members visit the site before determination and that any decision should be deferred until the Environment Agency / South East Water and independent reports are received.

47. **Hadlow Parish Council** – No objection following the further information submitted in August 2019 and December 2019.

In responding to the May 2019 consultation it objected to maintenance or other works on a Sunday, but accepted all other conditions within the application. It also stated that it would also like to see a more robust enforcement team monitoring the project and ensuring that conditions are strictly adhered to.

48. **East Peckham Parish Council** – No objection.

49. **Environment Agency** – No objection following the receipt of the further information and additional clarification submitted in August and September 2019 and no objection following receipt of the applicant's TerraConsult Ltd report in December 2019.

In its most recent response (dated 13 January 2020) it advised that it has no objections subject to the following comments. It also advised that its previous comments continue to apply.

Groundwater and Contaminated Land: It concurs with the key findings of the TerraConsult Ltd report (which clarifies the hydrogeological setting of the proposed processing plant and likely impacts) in relation to any concerns specifically related to groundwater management / quality. It states that there would appear to be adequate control associated with the circulation of process waters to ensure no interactions with the landfills and that the management of the landfills and any potential impacts would be managed under the relevant waste permit.

Groundwater Hydrology: It states that there are no concerns from a water resources perspective on the application and that issues relating to the viability and integrity of the aquifer have been appropriately addressed through the TerraConsult Ltd report.

Fisheries, Biodiversity and Geomorphology: In terms of biodiversity / landscaping / silt lagoon, it states that it is acceptable practice to leave the silt lagoon to self-seed with time and that the rate of establishment will be dependent on the proximity and pathways of local seedbank sources. If quicker establishment is desired, creating new

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marginal (i.e. at water level) habitat features (e.g. berms) could be an option and would be supported (assuming it does not affect local flood risk) as it could provide multiple benefits such as creating a planting medium that also physically absorbs and buffers wave erosion potential but also provides instant complex edge habitat where it is currently lacking due to steep sides. It also states that opportunities to pro-actively create habitat, especially to increase the extent of diminished wetland habitats, can contribute towards achieving biodiversity net gain for the site and would also help to significantly improve landscape connectivity and wildlife networks on the wider scale.

It has also provided advice to the applicant on its responsibilities (as a landowner) on the maintenance of surface water channels in its ownership (including the clearance of vegetation and silt). It states that the Alder stream is particularly noted for its high ecological value (especially for maintaining excellent fish diversity and abundance) despite its relatively small size and that it strongly encourages careful and sympathetic maintenance best practice in this main river. It advises that sections of the Alder stream near the quarry are currently maintained by the Environment Agency and that it would encourage consultation between the parties to minimise unnecessary disturbance and “double working” to avoid detriment to the river ecology and function. It has also advised that it would like to enhance and restore the natural functioning of the Alder stream throughout its catchment and has invited the applicant to collaborate and support investigations into feasibility studies on this with catchment partners.

In its previous response (dated 18 September 2019) it stated that it had no objection on the basis of flood risk and groundwater and contaminated land, although it advised that (if possible) the welfare portacabin should be raised up to a similar level to the weighbridge (i.e. 1.2m above ground) and that appropriate pollution control measures should be fully implemented at the site for all operations and plant use. It also advised that fuels, oils and any other potentially contaminating materials should be stored carefully (e.g. in bunded areas secured from public access) to prevent accidental / unauthorised discharge to ground and that areas used for storing such materials should not drain to any surface water system. It further advised that where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001 and that drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

In its initial response (dated 16 May 2019), it had objected to the absence of a flood risk assessment (FRA) on the basis that this was contrary to the NPPF since the application site lies within Flood Zone 3 (which has a high probability of flooding). It had also stated that it would expect to see an Environmental Management Plan (EMP) which identifies potential environmental risks and outlines how these would be avoided / mitigated. Its interim response (dated 5 September 2019) maintained the objection on flood risk grounds due to the absence of drawings / elevations of the proposed ancillary welfare and office buildings and finished floor levels (required to assess their specific flood risk). As noted above, this omission was rectified and the objections removed.

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50. **KCC Highways and Transportation** – No objection, subject to a condition restricting access / egress to the A228 from Whetsted Road whereby HGVs leaving the site would turn left onto Whetsted Road and left again (also Whetsted Road) heading north on the A228 before navigating on their final routing at the southern end of the East Peckham by-pass and traffic arriving at the site would turn right into the site from Whetsted Road.

It notes that the applicant has proposed this HGV routeing and has confirmed there would be an average of 20 loads per day (up to 30 loads during busier periods). It also notes that the extant planning permission imposes no limit on the number of vehicle movements at the site and that the proposed development would be no worse in terms of HGV loads than currently permitted.

It states that the A228 / Whetsted Road junction was a crash cluster site in 2018/19, but has not been identified as such this year. It advises that improvements were made to the junction during the last year by KCC Highways (i.e. the installation of improved junction warning signage and give way signs and the cutting back of vegetation on the A228) in response to the crash cluster status and that there are no further plans for further works.

51. **KCC Public Rights of Way** – No objection. It advises that it is satisfied with the current arrangements where Footpath WT170 crosses the site access road.
52. **The Ramblers** – No objection. It notes that the proposed development would not affect any public right of way.
53. **KCC Sustainable Drainage** – It states that KCC as the Lead Local Flood Authority (LLFA) has no comment to make on the application as the proposed development does not relate to the disposal of surface water. It states that advice on matters relating to fluvial flooding and water quality from proposed new development should be sought from the Environment Agency, as the appropriate statutory consultee. It also states that as the LLFA, KCC is a statutory consultee for surface water drainage, including surface water drainage strategies, surface water drainage designs and maintenance arrangements for surface water drainage put forward by developers for new major developments.
54. **KCC Ecological Advice Service** – No objection.

It states that the footprint for the replacement processing plant and ancillary associated office and welfare buildings are within an area of bare ground and that there is no need for ecological surveys to be submitted with the application. On the basis that the submitted drawings had suggested that some existing vegetation might be lost as a result of the proposals (i.e. scrub at the tip of the clean water lagoon and a strip of vegetation to the west of the proposed development area), it had initially recommended that an ecological mitigation strategy should be required before works

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commence. However, it has since accepted that this is unnecessary as the vegetation is not to be removed.

In response to the TerraConsult Ltd report it has advised that in order to benefit biodiversity, the silt should not cover / damage aquatic (marginal) vegetation and that consideration be given to silt being pumped into cells to create different water levels within the lagoon to benefit birds. It has also commented that whilst the flow of water has to be maintained in surface water channels, there is a need to ensure that the channels are not permanently devoid of vegetation as they will be used by biodiversity. It suggests that it would be more effective to have a regular monitoring / management approach and for only one side of the ditch to be cleared at a time in order that connectivity is retained.

55. **KCC Noise Consultant** – No objection, subject to the imposition of a condition limiting noise associated with the proposed development to 52dB_{L_{Aeq}, 1hr, free-field} and restricting operations (including generators) to the daytime period only.

It had initially raised concerns that the noise assessment submitted in April 2019 had not included the two diesel generators that are proposed to be used, had not taken account of the approval given by TWBC on 29 April 2019 (meaning that if implemented the nearest residential property would be closer to the plant site) and was not clear in demonstrating whether additional mitigation measures might be necessary to prevent disturbance to residential amenity through general site noise and / or low frequency noise (particularly at night). It had therefore recommended that additional noise assessment be required.

Having considered the noise assessment technical report undertaken by WBM Acoustic Consultants included with the further information submitted in August 2019, it advised that it was satisfied that this had provided an appropriate response on these matters. It stated that the noise assessment (although originally including an element for the diesel generators) had been revised to more accurately represent the plant layout and to take account of the additional residential receptors. It advised that the low frequency noise output from the generators at the new receptor (calculated to be around 33dB_{L_{Aeq}}) was well below both the background level and the calculated overall level for the site operations. It also advised that the predicted noise level at the converted agricultural building was 50dB_{L_{Aeq}, 1hr} (i.e. below the site noise limit of 52dB_{L_{Aeq}, 1hr}). It also accepted that no additional mitigation was necessary in order to achieve compliance with permitted noise limits, noting that the diesel generators would not operate overnight.

56. **KCC Air Quality / Dust Consultant** – No objection, subject to the proposed dust attenuation scheme being implemented.

It had initially advised that there had been a number of changes to air quality legislation and best practice guidance since 1981 and 2002 (i.e. when KCC permitted the use and continued use of the plant site) which had not been considered in the

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application. It stated that the proposed increase in processing plant capacity from 100 to 120tph, the use of diesel generators, the increase in surface storage area as a result of lower stockpiles and the need for HDVs (HGVs) to import fuel and oil for storage on site could all variously lead to additional / greater air quality impacts (dust and emissions). It also questioned how the proposed water bowser would be used and when and whether a wheel wash would be provided. It therefore recommended that an air quality assessment be undertaken which considers point source and on road HDV movements (using EPUK and IAQM Land Use Planning and Development Control guidance) and all other on-site activities (using the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning).

Having considered the air quality assessment and dust attenuation scheme undertaken / prepared by Smith Grant LLP Environmental Consultancy included with the further information submitted in August 2019, it advised that it was satisfied that air quality and dust had been suitably assessed and that the proposed dust attenuation scheme was robust and acceptable.

57. **KCC Heritage Conservation Officer** – Raises no objection, subject to measures being required to minimise impacts on the setting of designated heritage assets.

He advises that the resumption of materials processing activities on site would confer a degree of harm on the setting of the group of designated historic structures at Stonecastle Farm (i.e. two Grade II listed buildings and a Grade II listed wall) and that the level of potential harm should be carefully assessed when determining the application. He notes that the proposed processing plant would be less than half the height of the previous plant and that the site is well screened from the historic asset group by mature trees such that the potential degree of harm arising from any new structures would be low. He advises that limiting the height of stored materials so they are masked by the existing line of mature trees would be a simple and effective mitigation measure. He recommends that if planning permission is granted, mitigation measures should be put in place to minimise noise levels, dust and vibration both from the site and from use of the access road. However, he advises that this should not involve unrestricted hedge planting because, over time, it would alter the currently open appearance of the area which is an important element of the traditional setting of the historic structures. He also advises that maintaining the access road in a good condition, limiting speed on the access road and ensuring that the agreed HGV routing is adhered to would also be desirable and assist in minimising impact on the heritage assets.

58. No responses have been received from **South East Water** and **Kent Wildlife Trust**.

Representations

59. The application was publicised by site notices and the occupiers of all properties within 250 metres of the site (including access road), as well as others beyond this distance

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in the vicinity of the site, were notified on 1 May 2019 (19 in total). Site notices were erected on 3 May 2019 and a newspaper advertisement was published on 10 May 2019. All those who had made representations following the initial publicity exercise were notified again on 22 August 2019. The local resident understood to be the author of the Historic Landfill report was notified in December 2019 about the submission of the TerraConsult Ltd report and the deadline for the receipt of representations was subsequently extended until 17 January 2020.

60. Seven (7) representations (all objections) were received from local residents and the Tunbridge Wells Borough Councillor for the Capel Ward (Carol Mackonochie) in response to the May 2019 notification / publicity (i.e. in response to the application as submitted in April 2019). Two of the seven were from the same respondents (with additional points). A letter was also received from the Member of Parliament for Tunbridge Wells (Greg Clark) with copies of four of these responses which asked that the objections be put before Committee when the application was considered.
61. A further twenty one (21) representations (all objections) were received from local residents in response to the August 2019 notification / publicity (i.e. in response to the application following the further information submitted in August 2019). Five of those who responded initially commented again (one on four additional occasions) and one of the new respondents commented twice.
62. A further fifty eight (58) representations (all objections) were received from local residents in response to the December 2019 notification / publicity (i.e. in response to the application following the receipt of the TerraConsult Ltd report in December 2019). Some of these were from those who had commented previously and, in cases, there was more than one from the same property.
63. The objections primarily relate to: Noise; Air quality / dust; Health impacts; Landscape and visual impact; Highways and transportation; Flood risk; Heritage assets; Ecology; Rights of way; Green Belt; Contaminated land / pollution; Need; and Cumulative impact. The nature of the objections can be summarised in more detail as follows:

Noise:

- Unacceptable noise impact;
- Inadequate information on / assessment of noise impacts (including from diesel generators and not clear if another is required for lighting);
- Lack of confidence in noise data used in the noise assessment more generally;
- Impact on recently permitted residential development at the Stonecastle Farm complex not assessed (although closer to the plant site than existing housing);
- The predicted noise levels are very close to permitted limits;
- Further details of noise attenuation are needed (the plant should be sound-proofed / enclosed, possibly within a large building / barn);
- Impact of reversing alarms;

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- Impact of HGVs on site access road;
- Mains electricity should be employed instead of diesel generators (possibly from the nearby solar farm);
- If diesel generators are used, they should be in soundproof containers;
- No working should be permitted at weekends (and Tarmac should notify neighbours of any “out of hours” “routine maintenance” works if required); and
- Ongoing monitoring and reporting should be required.

Air quality / dust:

- Unacceptable dust / air quality impact;
- Inadequate information on / assessment of dust / air quality impacts (including any emissions from diesel generators);
- Impact on recently permitted residential development at the Stonecastle Farm complex not assessed (although closer to the plant site than existing housing);
- The proposed processed material stockpiles would be closer to residential properties and thus have a greater impact on residential amenity;
- Proposed dust control measures are inadequate (stockpiles will dry out and create dust, particularly in the summer / dry weather);
- Lack of detail on HGV wheel and chassis cleaning;
- Ongoing monitoring and reporting should be required;
- Poor condition of haul roads; and
- Impact of HGVs on site access road.

Health impacts:

- Adverse health impacts associated with the above noise and dust / air quality impacts.

Landscape and visual impact:

- The existing tree screening is inadequate (particularly in winter months);
- Not all of the planting required in 1981 was implemented and some was removed / cut back in 2018;
- New planting is needed to screen the plant site and access road;
- Light pollution (associated with operational and security lighting);
- Any lighting arrangements (and associated solar panels) should be clarified; and
- Impact on the AONB.

Highways and transportation:

- HGV impacts (in terms of highway safety and capacity);
- The need for junction improvements;

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- HGV's should not travel along Whetsted Road to the west of the site entrance (and should continue to abide by the previously agreed routing on the A228);
- The need for a weight limit on the railway bridge in Five Oak Green;
- Environmental impact of additional HGV movements;
- The speed of HGVs on the access road; and
- The poor condition of the access road.

Flood risk:

- No flood risk assessment (FRA) has been undertaken / submitted with the application;
- The potential flood risks have not been assessed;
- The proposed increase in the area required to stockpile processed material at 6m high could exacerbate flood risk to local properties and the area more generally; and
- Recent flooding in and around the site illustrates the inappropriate nature of the development at this location.

Heritage assets:

- Impact on listed buildings and other heritage assets; and
- No assessment of the potential impact on the setting of the historic farmstead at Stonecastle Farm or the Grade II listed buildings / wall associated with that complex.

Ecology:

- No assessment has been made of the potential impact on ecology (including that associated with the use of the clean water and silt lagoons);
- Impact from lighting, noise and vibration;
- Impact on ancient woodland (close to the site); and
- The proposal contains no net gains for biodiversity.

Rights of way:

- Impact on rights of way and their users.

Green Belt:

- The processing plant is not appropriate in the Green Belt.

Contaminated land / pollution:

- Pollution (leachate and methane gas) from previously landfilled / restored parts of the quarry to the north and south of the plant site (due to vibration from the

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plant site);

- Pollution of the silt lagoon by leachate from the former landfill to the north of the plant site leading to groundwater and surface water pollution more generally as a result of the recirculation of this water via the clean water lagoon for use in the processing plant; and
- Pollution from fuels, oils and other liquids stored on site.

Need:

- A processing plant is not needed at Stonecastle Farm Quarry; and
- Material should be transported from the site and sold “as dug” or processed at a site such as the J Clubb Ltd plant at East Peckham.

Cumulative impact:

- The cumulative impact of the processing plant with further mineral extraction and other development proposed in the area is unacceptable.

Other issues:

- Concerns have been expressed about the accuracy of information included in the planning application documents (including in the TerraConsult Ltd report);
- Concerns have been expressed about previous breaches of planning control at the site (including that the landfill areas were not restored to original ground levels);
- The proposal should be treated as a new application and be subject to current planning laws and regulations given that the previous plant and machinery has been removed;
- Any new plant should be closer to the extraction area;
- Part of the hardstanding should be used as a car park to enable public access to the restored parts of the quarry / nature reserve;
- Excavated mineral should be transported by conveyor rather than dump truck;
- The site should be turned into a nature reserve with no further mineral working or by relocating the plant site;
- No materials should be permitted to be imported to the site for processing;
- No further waste should be imported to the site for restoration purposes;
- Concerns have been expressed about the relationship with the sites proposed to be allocated in the Kent Mineral Sites Plan and the potential impact on the life of the site; and
- Members of KCC’s Planning Applications Committee should visit the site prior to determination of the application.

Local Member

64. County Council Member Sarah Hamilton (Tonbridge Wells Rural) was notified in April,

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August and December 2019. Matthew Balfour (Malling Rural East) was also notified as adjoining Member.

65. No comments have been received on the proposed development from Sarah Hamilton or Matthew Balfour at the time of writing this report.

Discussion

66. Although all of the objections raised initially by technical consultees (including Tunbridge Wells Borough Council) have been overcome, the application is being reported to KCC's Planning Applications Committee for determination as Capel Parish Council (PC) has maintained its objections and objections have been received from those making representations.
67. 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 37 to 40 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 36 and the draft development plan policies in paragraphs 41 to 43.
68. The main issues that require consideration are as follows:
- The principle of the development;
 - Green Belt;
 - Landscape and visual impact;
 - Noise;
 - Air quality / dust;
 - Water environment (including flood risk);
 - Traffic and transportation;
 - Rights of way;
 - Heritage assets; and
 - Ecology.

These issues are addressed in the following sections, together with other issues that have been raised or require consideration.

The principle of the development

69. Planning permission already exists for a processing plant in the plant site area and the continued use of the existing site access at Stonecastle Farm Quarry for the life of the mineral working provided for by planning permission TM/00/1599 by virtue of planning permissions TW/00/1398 and TM/00/1600 (which effectively amended earlier permissions TW/79/753 and TM/79/938).

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70. Planning permission is also granted for certain types of mineral development by Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Class A of Part 17 provides permission for a limited range of development including the erection, extension, installation, rearrangement, replacement, repair or other alteration of any plant, machinery and buildings used in connection with the winning and working of minerals on land at a mine (i.e. a quarry) without the prior approval of the Mineral Planning Authority (MPA) subject to a number of limitations (such as height and floor space) and subject to the external appearance of the site not being materially affected. Class B of Part 17 grants permission for a wider range of development (including secondary industry such as ready mix concrete plants) at a mine and on ancillary mining land (i.e. land adjacent to and forming part of a quarry) subject to the prior approval of the MPA. Permission can only be exercised under Class B if the developer has first submitted to the MPA detailed proposals covering the siting, design and external appearance of the proposed development and obtained its written approval for the proposal. MPAs may only refuse to approve development proposed under Class B, or attach conditions to an approval, on the grounds that the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury or the proposed development ought to be, and could reasonably be, sited elsewhere.
71. Condition (xviii) of planning permission TW/79/753 served to avoid the possibility that development falling within what is now Class A of Part 17 of Schedule 2 to the GPDO (2015) could be undertaken without the need for proper consideration of its potential impact and effectively meant that the consideration provided for by what is now Class B would necessitate the submission of details pursuant to the condition.
72. Were it not for the fact that the proposed replacement processing plant has a rated capacity of greater than the 100 tonnes per hour (tph) allowed by condition (xvii), there would be no requirement for the applicant to formally seek planning permission for what is proposed and the matter could have been dealt with under the terms of condition (xviii) of planning permission TW/79/753. Notwithstanding this, the issues of whether the proposed development would injure the amenity of the neighbourhood, whether modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce any injury or whether the proposed development should be sited elsewhere will be addressed in the following sections of this report.
73. 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 that planning policies should (amongst other things) safeguard mineral resources by defining Mineral Safeguarding Areas and adopting appropriate policies so that known locations of specific minerals resources of local and national importance are not

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sterilised by non-mineral development where this should be avoided; and safeguard existing, planned and potential sites for the handling and processing of minerals as well as the manufacture of concrete and concrete products. Paragraph 205 states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

74. Seeking to deliver a sustainable, steady and adequate supply of land-won minerals such as aggregates is included in the spatial vision and strategic objectives of the Kent Minerals and Waste Local Plan (Kent MWLP) and is reflected in Policy CSM2. Policy CSM5 safeguards Stonecastle Farm Quarry and Policy CSM7 safeguards mineral plant infrastructure for the life of the host quarry and requires Local Planning Authorities to consult KCC (as Mineral Planning Authority) where non-mineral development is proposed within 250m of safeguarded minerals plant infrastructure. Policy DM20 states that proposals for ancillary development within or in close proximity to mineral development will be granted planning permission provided it is necessary and that the environmental benefits in providing a close link with the site outweigh any environmental impacts. It also states that the operation and retention of any such development will be limited to the life of the linked mineral facility.
75. A number of local residents have suggested that a processing plant is not necessary at Stonecastle Farm Quarry and that any mineral extracted at the site should either be processed elsewhere (e.g. at the J Clubb Ltd site at East Peckham) or sold "as dug" (i.e. unprocessed). It has also been suggested that if a processing plant is to be used at Stonecastle Farm Quarry it should be relocated to a position closer to the extraction area. Capel PC has also suggested that there is no need for the mineral to be processed at the site.
76. Processing excavated material before sale is generally preferable to using the mineral "as dug" unless it is of such poor quality that processing is not economic. This assists in ensuring that best use is made of the extracted material consistent with the above policies. Although the mineral extracted in the area is not of the highest quality, it is capable of being viably processed and used. Any decision as to whether the mineral at Stonecastle Farm Quarry is processed is for the applicant to determine. Whilst transporting the excavated material elsewhere for processing is an option for the applicant, this would need to be based on a commercial decision and the availability of a suitable processing plant with a willing operator. Given the nature of the mineral extracted at the site and as the East Peckham site is operated by a competitor, it is unlikely to be acceptable to the applicant regardless of whether J Clubb Ltd were able and willing to be involved. It should also be noted that whilst there is still currently a processing plant at East Peckham, the relevant planning permission (TM/16/1563) requires its removal by 12 November 2021. After that date, the site can only be used as a rail import facility for the loading / unloading, storage and distribution of aggregates, crushed rock, sand and gravel and production of ready mixed concrete. The planning permission which currently provides for the processing plant (TM/18/306) also precludes the importation by road of materials other than for backfilling / restoration purposes and then only until 30 April 2020. In this case, the applicant

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clearly believes that it is viable to process the mineral at Stonecastle Farm Quarry since it proposes to invest in a new plant and resume commercial activity at the site. KCC cannot require the applicant to process the material elsewhere.

77. Relocating the processing plant elsewhere at Stonecastle Farm Quarry would (even if the applicant were prepared to consider it) give rise to a number of issues. Locating it closer to the extraction area would necessitate the construction of a significant length of road suitable for road-going HGVs if the existing access onto Whetsted Road and the A228 were to be used. The impact of creating and using such a road would be significant and costly. There would appear to be no better alternative way of accessing the site to the south or west since all other roads would be less suitable. The River Medway would prevent access to the north. The use of other roads in the area would also conflict with other comments made in response to the application and undoubtedly give rise to other objections.
78. It is clear from the above that the principle of a processing plant in the plant site area is already established, that there is clear planning policy support for its retention for the life of planning permission TM/00/1599 and that there is also strong policy support for such a facility even if one did not already exist. It is also clear that any decision on whether to process the material excavated either at the site or elsewhere is primarily one for the applicant and that if a processing plant is to be retained at the site, the current location is probably the best likely to be available.
79. The key issue when considering this application is not whether there should be a processing plant at Stonecastle Farm Quarry, rather it is whether what is now proposed is acceptable in the context of what is already permitted.

Green Belt

80. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. Paragraph 134 of the NPPF states that Green Belts serve 5 purposes. These include checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another and assisting in safeguarding the countryside from encroachment. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 of the NPPF states that with the exception of certain types of development, local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. The exceptions include the extension or alteration of a building (provided that it does not

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result in disproportionate additions over and above the size of the original building) and the replacement of a building (provided the new building is in the same use and not materially larger than the one it replaces). Paragraph 146 of the NPPF states that mineral extraction is not inappropriate development in the Green Belt provided it preserves openness and does not conflict with the purposes of including land in the Green Belt.

81. Policy DM4 of the Kent MWLP states that proposals for minerals development within the Green Belt will be considered in light of their potential impacts and shall comply with national policy and the NPPF.
82. Policy CP2 of the Tunbridge Wells Borough (TWB) Local Development Framework (LDF) Core Strategy, saved Policy MGB1 of the TWB Local Plan and draft Policy STR4 of the emerging TWB Local Plan require that development comply with national policy on Green Belt.
83. A number of local residents have objected as they consider the proposed processing plant to be inappropriate development in the Green Belt. This assertion also gave rise to some of the issues referred to in the preceding section of the report.
84. Whilst the processing plant, ancillary office and welfare buildings and other works and structures which are generally associated with mineral development (including the site access, stockpiles of processed and unprocessed mineral and related activities) would have some impact on the openness of the Green Belt and on the landscape for some years, any impact would not be permanent and would not conflict with the purposes of the Green Belt. I am therefore satisfied that the proposed development can benefit from the exception provided for by paragraph 146 of the NPPF and is not inappropriate development in the Green Belt. It is also worth noting that the East Peckham site referred to in the above section is also in the Green Belt.
85. In reaching this conclusion, I have had particular regard to the fact that planning permission already exists for a processing plant in the plant site area for the life of the mineral working provided for by planning permission TM/00/1599 and that the extant planning permissions for the plant site and site access require their removal and the reinstatement of the land when no longer required for the working or restoration of the quarry. It should also be noted that the previous plant was larger than that now proposed, that there is no longer a ready mix concrete plant (which was a larger structure) at the site, that the landscape and visual impact of the proposed (low level) processing plant would not be significant and that the plant site area is surrounded by trees and other vegetation which assist in further minimising landscape and visual impact. These issues are addressed further in the following sections.

Landscape and visual impact

86. Paragraph 204 of the NPPF states (amongst other things) that planning policies should ensure that worked land is reclaimed at the earliest opportunity and that high quality

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restoration and aftercare of mineral sites takes place. Paragraph 205 states that when considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and that restoration and aftercare is provided for at the earliest opportunity and to high environmental standards. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development that would result in the loss of irreplaceable habitats such as Ancient Woodland unless there are wholly exceptional reasons and a suitable compensation strategy exists. The Minerals Planning Practice Guidance (PPG) includes further guidance on the restoration and aftercare of mineral sites. It reinforces the desirability of ensuring that land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place.

87. Policy DM1 of the Kent MWLP supports sustainable development and states that proposals will be required to demonstrate that they have been designed to protect and enhance the character and quality of the site's setting. Policy DM2 states that minerals proposals outside but within the setting of an AONB 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. It also states that minerals proposals likely to have any unacceptable adverse impact on Ancient Woodland will not be granted planning permission unless the need for, and the benefits of, the development in that location clearly outweigh any loss. Policy DM11 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from (among other things) illumination and visual intrusion. Policy DM12 states that permission will be granted for minerals development where it does not result in an unacceptable adverse cumulative impact on the environment. Policy DM19 of the Kent MWLP requires that provision be made for high standards of restoration, aftercare and after-use such that the intended after-use of the site is achieved in a timely manner. It also sets out further detail on what is expected in terms of restoration and aftercare.
88. Policy CP4 of the TWB LDF Core Strategy seeks to conserve and enhance the landscape and CP14 seeks to protect the countryside for its own sake in order to maintain landscape character and quality. Saved Policy EN1 of the TWB Local Plan requires development to comply with a range of criteria (including those relating to landscape) to minimise harm. Saved Policy EN8 seeks to ensure that any impacts from external lighting are minimised. Saved Policy EN13 seeks to protect Ancient Woodland. The emerging (draft) TWB Local Plan includes a number of policies in respect of the above issues (STR8, EN1, EN10, EN14, EN15, EN20 and EN21). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.

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89. A number of local residents have objected to the application for landscape and visual amenity reasons. They assert that the existing tree screening is inadequate (particularly in winter months), that not all of the planting required in 1981 was implemented and some was removed / cut back in 2018 and that new planting is needed to screen the plant site and access road if planning permission is granted. Capel PC also considers the existing tree screening on the southern boundary of the site to be inadequate and is concerned that some of the landscaping is outside the land controlled by the applicant. Objections have also been received about potential light pollution (from operations and security lighting) and a lack of clarity about the arrangements (including about the small solar panels proposed for the security lighting). Objectors have also referred to the potential impact on the AONB. Capel PC has also stated that it would like to see more adequate screening to the south of the processing plant if planning permission is granted.
90. As noted earlier in this report, planning permission already exists for a processing plant in the plant site area and the continued use of the existing site access at Stonecastle Farm Quarry for the life of the mineral working provided for by planning permission TM/00/1599. The question of whether the plant site and access should continue to be used thereafter is a matter for the emerging Kent Mineral Sites Plan. In terms of landscape and visual impact, the main issue in determining this application is whether what is now proposed is more or less visually intrusive than that that previously permitted and approved and whether any impacts are acceptable in that context.
91. The proposed replacement processing plant is smaller in terms of footprint and height than the plant approved in 1983 and in the same general location within the plant site area. It would be only half the height (7m as opposed to 14m high) of the previous processing plant. Given the height of the proposed plant, stockpiles of processed materials would only be up to 6m high (as opposed to 12m as permitted). Whilst accommodating a similar quantity of processed materials in the plant site area at up to 6m high as opposed to up to 12m high would require a larger footprint, it should be noted that at least some of this footprint would be in an area previously used by a ready mixed concrete plant (itself 12m high) and associated infrastructure (now removed or to be removed). It should also be noted that unprocessed excavated material awaiting processing on land to the northwest of the main plant site area having been transported from the excavation area by dump truck could still be stored at a greater height as there is no limitation on the height of its storage.
92. Whilst local residents and Capel PC have expressed concerns about the existing tree screening on the southern boundary of the site (particularly in winter months), I am satisfied that this provides adequate visual attenuation to the plant site from public viewpoints to the south. This vegetation and the areas of Ancient Woodland to the east of the plant site also serve to largely screen the plant site from Footpath WT170 other than from where it crosses the site access road about 30m from the internal gates to the plant site where it is possible to see into the plant site. HGVs entering and leaving the site would be seen from Whetsted Road between the Stonecastle Farm

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complex and the A228 and from some of the properties in the Stonecastle Farm complex itself when travelling along the access road despite the planting that exists along part of this route since the hedgerows that do exist are not sufficiently high or thick to screen them. Whilst it may be possible to increase the screening, significant additional planting along the access road would be difficult to accommodate as it would be outside the applicant's ownership or control and it would remain possible to see HGVs using the access road. Any planting would also need to be considered in the context of the advice provided by KCC's Heritage Conservation Officer (see paragraph 57 above).

93. The applicant has confirmed that with the exception of security lighting (which would be solar powered and use infrared sensors to enable safe access at the gates and office door), site lighting would only be used for operational purposes and safety when the plant site is operational during darker mornings and afternoons in winter months. The processing plant lighting would comprise 8 x 100 watt LED floodlights at 7m high powered by the plant generator and the office and weighbridge lighting 4 x 100 watt LED floodlights powered by the office generator. In both cases, they would only be used when necessary.
94. Although quarrying and related processing activities outside AONB's have the potential to affect their settings, I am satisfied that the proposed development would have no significant impact on the High Weald AONB.
95. Whilst the restoration of the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon are already provided for in planning terms, the details for this are not as clear and comprehensive as might be the case. On this basis, I consider it desirable to secure a more detailed and up to date landscape, restoration and aftercare scheme for these unrestored parts of the quarry. This scheme could include measures to be undertaken (or initiated) during the life of the proposed development as well as on its completion. I am satisfied that this can reasonably be addressed by the imposition of a condition requiring the submission of a new landscape, restoration and aftercare scheme for KCC's approval. I would expect any new scheme to broadly reflect that required previously and elsewhere at the site and meet the biodiversity and water environment objectives referred to elsewhere in this report. It may also offer the opportunity to meet some of the concerns raised by local residents about existing landscape planting (including around the plant site and access road) and the stated objectives of the local community in terms of public access to the restored quarry and better integrate with the long term proposals included as part of the later mineral planning permissions at the site (including the nature conservation and management scheme provided for by the Section 106 Agreement relating to planning permission TM/00/1599). The applicant has agreed to the imposition of a condition requiring the submission of a new landscape, restoration and aftercare scheme. Notwithstanding this, it should be noted that these and related issues may need to be considered further at a later date in the event that future mineral extraction is permitted in the area which relies on the continued use of the plant site.

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96. In considering any landscape and visual impacts associated with the proposed development it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. Given this and as the proposed plant would be smaller and have less impact than the one previously permitted and approved, I can see no reason to withhold permission on the basis of landscape and visual impact subject to a conditions restricting processed material stockpiles to no more than 6m in height, only allowing external lighting to be used when necessary and as proposed and securing a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon. Any proposals to improve existing landscape planting in the vicinity of the plant site and access road could also usefully be discussed by the Stonecastle Farm Quarry Liaison Group.

Noise

97. 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 human health and that any avoidable noise is controlled, mitigated or removed at source and that appropriate noise limits are established for extraction in proximity to noise sensitive properties. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of noise pollution.

98. Paragraph 013 of the Minerals Planning Practice Guidance (PPG) states that noise is a principal issue that MPAs should address when determining minerals applications. The Minerals PPG also includes more detailed advice on how these issues should be addressed to protect local amenity (e.g. through the design of the proposed development itself) and controls or limits that should be imposed if development is permitted (e.g. appropriate noise limits). Amongst other things, it states that planning conditions should be imposed to ensure: that noise associated with mineral development does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900); that where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable; and that, in any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). It also states that the potential for addressing tonal or impulsive noise (such as reversing alarms) should be considered. It further states that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties may be necessary to facilitate essential site preparation and restoration work (e.g. soil stripping, movement, storage and replacement) and the construction of baffle mounds where it is clear that this will bring longer term environmental benefits to the site or its environs.

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99. Policy DM11 of the Kent MWLP states minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise. 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.
100. Saved Policy EN1 of the TWB Local Plan requires that nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of (amongst others) noise, vibration and health impacts. The emerging (draft) TWB Local Plan includes a policy in respect of noise impact (EN1). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
101. Local residents have raised a number of concerns and objections about noise associated with the proposed development and consider that the replacement processing plant would give rise to unacceptable noise impact. The concerns relate to the adequacy or otherwise of the noise assessment, a lack of confidence in the noise data that has been used to inform the noise assessment (including whether all potential noise sources have been properly taken into account) and as the predicted noise levels appear to be very close to permitted limits. Some residents were also concerned that consideration had not been given to the recently permitted residential development at the Stonecastle Farm complex as this was closer to the plant site than existing housing. Other concerns raised relate to the impact of reversing alarms on site and of HGVs on the site access road. It has also been suggested that the plant should be sound-proofed / enclosed, possibly within a large building / barn), that mains electricity should be employed instead of diesel generators (possibly from the nearby solar farm) and that if diesel generators are used, they should be in soundproof containers. It has also been suggested that no working should be permitted at weekends, that Tarmac should notify neighbours of any "out of hours" or "routine maintenance" works that may be required outside normal working hours and that ongoing noise monitoring and reporting should be required. Notwithstanding its objections, Capel PC has requested that conditions be imposed to require noise monitoring, to prevent working (other than routine maintenance) on Saturday and to require the use of a conveyor between the extraction area and the plant site (rather than a haul road) to reduce noise impact if planning permission is granted.
102. Although initially raising concerns about potential noise impact, KCC's Noise Consultant is satisfied with the additional noise assessment that has been undertaken (which included that in respect of potential impact on the new residential properties approved by TWBC on 29 April 2019) and has no objection subject to the imposition of a condition limiting noise associated with the proposed development to $52\text{dB}_{\text{L}_{\text{Aeq}}, 1\text{hr}}$, free-field and restricting operations (including the use of generators) to the daytime period only (i.e. the permitted hours of use). Since the extant permission has no noise limit and it is unclear whether the restoration of the plant site and access road in particular are capable of being undertaken within the $52\text{dB}_{\text{L}_{\text{Aeq}}, 1\text{hr}}$, free-field limit proposed for the

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operation of the plant site, it would also be appropriate to impose a further condition allowing up to 70dB(A) $L_{Aeq\ 1h\ (free\ field)}$ for up to 8 weeks in a year for those restoration operations. It would also be appropriate for this limit to be applied to works associated with the construction of the replacement processing plant. It is likely that these operations could be undertaken without giving rise to this level of noise but this would accord with Government Guidance and establish a maximum limit for the required works. The applicant has agreed to these conditions.

103. Although the extant planning permission allows normal operations to take place on Saturdays between 07:00 and 13:00 hours (as well as between 07:00 and 18:00 hours Monday to Friday, excluding Bank Holidays), the applicant has agreed that the processing plant would not operate at weekends. It therefore proposes that only the dispatch of aggregates from the site by road and maintenance would take place on Saturdays. This commitment could usefully be secured by a condition which precludes the use of the processing plant on Saturdays unless agreed beforehand in writing by KCC. It should be noted that the extant permission also allows routine maintenance to take place between 08:00 and 18:00 hours on Sundays and Bank Holidays.
104. The applicant also proposes that mobile plant used at the site will have white noise reversing alarms (rather than “bleepers”). I consider that this should also be required by condition.
105. In considering any potential noise impacts associated with the proposed development it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. Given this, I can see no reason to withhold permission on the basis of noise impact and no justification for noise monitoring subject to the imposition of conditions to secure the 52dB $L_{Aeq, 1hr, free-field}$ noise limit for the operation of the plant site and up to 70dB(A) $L_{Aeq\ 1h\ (free\ field)}$ for up to 8 weeks in a year for restoration operations, restricting operations (including the use of generators) to the daytime period only (i.e. the permitted hours of use), no use of the processing plant on Saturdays (unless agreed beforehand in writing by KCC) and for mobile plant used at the site to employ white noise reversing alarms (rather than “bleepers”). In addition, I consider it desirable to include an informative requesting that the applicant engage positively with the local community and respond appropriately to any concerns that are raised by local residents about any noise issues that may arise once operations resume at the quarry. This could most usefully be done through the Stonecastle Farm Quarry Liaison Group.

Air quality / dust

106. 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 human health and that any avoidable dust and particle emissions are controlled, mitigated or removed at source. Paragraph

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170 states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air pollution.

107. Paragraph 013 of the Minerals PPG states that dust and air quality are principal issues that MPAs should address when determining minerals applications. The Minerals PPG also includes more detailed advice on how these issues should be addressed to protect local amenity (e.g. through the design of the proposed development itself) and controls or limits that should be imposed if development is permitted (e.g. measures to minimise dust / air quality impacts). More generic advice on air quality is contained in the Air Quality PPG.
108. Policy DM11 of the Kent MWLP states minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from dust and emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures 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. Policy DM12 states that permission will be granted for minerals development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community.
109. Saved Policy EN1 of the TWB Local Plan requires that nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of (amongst others) smell or health impacts. The emerging (draft) TWB Local Plan includes a number of policies in respect of air quality / dust impact (EN1 and EN23). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
110. Local residents have raised a number of concerns and objections about the potential dust / air quality impact of the proposed development and consider these impacts to be unacceptable and likely to give rise to adverse health impacts. Concerns were also expressed that consideration had not been given to the recently permitted residential development at the Stonecastle Farm complex as this was closer to the plant site than existing housing. Some residents consider that processed material stockpiles would be closer to residential properties and thus have a greater impact on residential amenity and that the proposed dust control measures are inadequate (as stockpiles will dry out and create dust, particularly in the summer / dry weather). Other dust / air quality concerns relate to a lack of detail on HGV wheel and chassis cleaning, the poor condition of haul roads and the impact of HGVs on the site access road. It has also been suggested that ongoing dust / air quality monitoring and reporting should be required. Capel PC has requested that a condition be imposed to require the use of a conveyor between the extraction area and the plant site (rather than a haul road) to

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reduce dust impact if planning permission is granted. This is supported by some of the local residents.

111. Although initially raising concerns about potential dust / air quality impacts (in part because a number of changes to air quality legislation and best practice guidance since 1981 and 2002 had not been considered in the application), KCC's Air Quality Consultant is satisfied that air quality and dust have been suitably assessed and has no objection subject to the proposed dust attenuation scheme being implemented.
112. The Dust Attenuation Scheme includes detailed management proposals for the control of dust. These include the implementation of various operational measures and techniques designed to minimise airborne dust arising from specific site activities (i.e. general matters, site access and road transport, vehicle and mobile plant movements, mineral loading and tipping operations, mineral processing and wind scouring exposed surfaces and stockpiles. The measures include the use of a pressurised water bowser (including on stockpiles as necessary), controlling vehicle speeds on site (10mph), minimising drop heights, clearly delineating stockpiles to avoid vehicles tracking through them, HGV sheeting, repair of hard surfaces and the access road, clearing spilt material and properly maintaining all plant. The Dust Attenuation Scheme also set out requirements in respect of monitoring and management responsibilities (including dealing with complaints) and includes provision for a review (in consultation with KCC) at least every 3 years.
113. Although some of the stockpiles of processed materials may be slightly closer to residential properties than would previously have been the case, they would be significantly lower and still some distance away. The stockpiles and other activities would also still be separated from residential properties by the trees and vegetation surrounding the plant site which would further assist in minimising dust emissions from the site and potential impact on sensitive receptors. It should also be noted that a number of controls intended to minimise dust and air quality impacts already exist (including a condition which requires the access road to be maintained in a good state of repair and kept clean). If problems arise because the access road is not properly maintained, KCC can take action to ensure that it is. HGV wheel and chassis cleaning is not specifically proposed as HGVs would remain on hard surfaces whilst in the plant site area. However, the Dust Attenuation Scheme states that the site manager will be responsible for the inspection and cleaning of departing transport and that a road sweeper will be employed to clean the road should this be necessary.
114. The use of dump trucks to transport excavated material from the extraction area to the plant site (rather than conveyor) has previously been accepted by KCC and forms part of an approval given pursuant to planning permission TM/00/1599 such that it is not something for consideration in determining the current application. However, the possibility of altering the method of transporting excavated material for future extraction phases is something which could reasonably be discussed with the operator.

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115. In considering any potential dust / air quality impacts associated with the proposed development it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. Given this and the provision of a new Dust Attenuation Scheme (which can be secured by condition), I can see no reason to withhold permission on the basis of dust / air quality impact. The new Dust Attenuation Scheme should be required by condition alongside those existing conditions intended to assist in minimising potential dust / air quality impacts. Notwithstanding this, I think that it would be desirable to include an informative requesting that the applicant respond appropriately to any concerns that are raised by local residents about any dust / air quality issues that may arise once operations resume at the quarry. This could most usefully be done through the Stonecastle Farm Quarry Liaison Group.

Water environment (including flood risk)

116. 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 environment. Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It also states that where appropriate (e.g. development within Flood Zones 2 and 3 such as that now proposed), applications should be supported by a site-specific flood-risk assessment and that development should only be allowed in areas at risk of flooding where potential risks are demonstrated to be acceptable. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
117. Guidance on flooding matters is set out in the Flood Risk and Coastal Change PPG. Amongst other things, this states (paragraph 018) that it should be recognised that mineral deposits have to be worked where they are and that sand and gravel working is defined as water-compatible development (in terms of flood risk vulnerability), acknowledging that these deposits are often in flood risk areas. The categorisation is set out in paragraph 066 of the PPG. Paragraph 065 advises that Flood Zone 3 is sub-divided into 3a (land having a 1:100 or greater annual probability of river flooding) and 3b (land where water has to flow or be stored in times of flood also referred to as the functional floodplain). Paragraph 034 of the PPG states that local planning authorities should consider the extent to which sequential test considerations have been satisfied taking advice from the Environment Agency as appropriate. Paragraph 043 reinforces the requirement for the Environment Agency to be consulted on

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development in areas at risk of flooding. Guidance on water quality is set out in the Water Supply, Wastewater and Water Quality PPG. Paragraph 016 of the PPG includes guidance on assessing impacts on water quality.

118. Policy DM10 of the Kent MWLP states that planning permission will be granted for minerals development where it would not result in the deterioration of physical state, water quality or ecological status of any water resource and water body (including rivers, streams, lakes and ponds), have an unacceptable impact on groundwater Source Protection Zones (SPZs) or exacerbate flood risk. Paragraph 7.8.3 of the Kent MWLP states that planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment.
119. Saved Policy EN16 of the TWB Local Plan states that development will only be permitted if: there would be no unacceptable effect on the quality or potential yield of groundwater; there would be no adverse impact on the water quality within, or water supply to, lakes, ponds, wetlands and other watercourses; all practicable measures have been taken to minimise the demand for water; and (in appropriate locations) it incorporates sustainable drainage systems for the disposal of surface waters. Saved Policy EN18 seeks to guide built development away from areas at high risk from flooding (e.g. Flood Zone 3b) but acknowledges that some development has to be sited in such locations. In such circumstances it requires practicable and effective flood protection and mitigation measures to be proposed and maintained for the lifetime of the development and practicable and effective measures to be included as part of the development to prevent the increased risk of flooding elsewhere. The emerging (draft) TWB Local Plan includes a number of policies in respect of the water environment / flood risk (EN1, EN26, EN27, EN28 and EN29). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
120. Capel PC and local residents have raised a number of concerns and objections relating to the water environment, both in terms of flood risk and potential pollution (including that associated with contaminated land).
121. The flood risk concerns were exacerbated by the lack of a flood risk assessment (FRA) with the application as initially submitted in April 2019, meaning that potential flood risks had not been assessed. Concerns were also expressed that the proposed increase in the area required to stockpile processed material at 6m high could exacerbate flood risk to local properties and the area more generally. Capel PC also objected to the lack of an up to date FRA when responding to the application as initially submitted in April 2019, referring to flooding from the Alders Stream at the southern end of the site having affected the village of Five Oak Green and the lack of consideration having been given to the impact of a forced opening of the Leigh Barrier under flood conditions.
122. The FRA submitted in August 2019 identifies that the proposed development is itself at potential risk of flooding, primarily as a result of that associated with upstream

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reservoir breaches and recommends that the site should register with the Environment Agency for flood warnings. It also includes a Flood Evacuation Plan to be followed in the event of possible and actual flooding. Amongst other things, the FRA specifically considers the potential impact of stockpiled materials on the water environment and concludes that these and all other aspects of the proposed development would not exacerbate the extent of off-site flood risk.

123. Although initially objecting to the proposed development due to the lack of a FRA in April 2019 and then maintaining an objection due to the inadequacy of the FRA submitted in August 2019, the Environment Agency withdrew its objection following the receipt of additional information in September 2019 clarifying the height (1.2m) at which the weighbridge office and welfare building would be located above ground level and the applicant explaining that the plant control cabin would be in a sealed container at ground level which could be moved by mobile plant should the need arise. It therefore has no objection to the proposed development on the basis of flood risk. KCC Sustainable Drainage has advised that it has no comment to make on the application as the proposed development does not relate to the disposal of surface water. It has also been clear that advice on matters relating to fluvial flooding and water quality from proposed new development should be sought from the Environment Agency, as the appropriate statutory consultee. This is consistent with the guidance in the Flood Risk and Coastal Change PPG referred to above.
124. It is thought that the concerns in respect of flood risk raised by local residents and Capel PC are in part a reflection of the Environment Agency's formal responses prior to it receiving the additional information / clarification in September 2019. Those earlier responses (which clearly indicated objections based on the information available in April and August 2019) were relayed to TWBC and made available publicly. The more recent concerns about flooding clearly appear to have been influenced by the flooding which occurred in December 2019. Notwithstanding the submission of a FRA, Capel PC has maintained its objections about flooding (referring explicitly to flooding in the area in December 2019). The objections on flood risk grounds appear to be strongly influenced by the belief that as the site is subject to flooding, it is not an appropriate location for mineral extraction or mineral processing. However, this view is not supported by the NPPF or the Flood Risk and Coastal Change PPG which regard sand and gravel working as water-compatible development in terms of flood risk vulnerability and indicate that such development may proceed subject to being demonstrated to be acceptable by an appropriate FRA.
125. The pollution concerns raised initially by respondents related both to the possibility that previously landfilled (restored) areas of the quarry (to the north and south) could be adversely affected by vibration from the plant site allowing the emission of pollutants (such as gas and leachate) and that fuels, oils and other liquids stored on site might leak or be spilled and pollute the environment (including local watercourses). More recent concerns have also specifically been expressed that leachate from the former landfill to the north of the plant site has polluted the silt lagoon and that the recirculation of this water via the clean water lagoon for use in the processing plant

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would lead to groundwater and surface water pollution more generally. Concerns have also been expressed that the proposed development could adversely affect the integrity of the previously landfilled areas.

126. It is possible that some of the concerns expressed by local residents about potential pollution (including that associated with contaminated land) may have been influenced by the fact that the Environment Agency's earlier responses gave the impression that it may have concerns about groundwater and contaminated land. In fact, it had actually stated that it had other comments to make on these subjects which it would provide once its flood risk concerns had been overcome. Regardless of this, the concerns of the local community in respect of these issues do not appear to have been allayed by the TerraConsult Ltd report and Capel PC does not consider that concerns expressed about leachate and potential pollution have been satisfactorily addressed.
127. The Environment Agency's more recent responses are clear that it has no objection in terms of groundwater and contaminated land provided appropriate pollution prevention measures are fully implemented at the site. It has also provided advice on fuel, oil and chemical storage in its response. The existing planning permission includes a condition relating to these issues and I propose that it be updated to reflect the current advice. The Environment Agency has raised no concerns about the potential impact of the proposed development on previously landfilled (restored) areas of the quarry (to the north and south) and I am satisfied that these would not be affected by vibration associated with the proposed replacement processing plant or other activities now proposed.
128. It is clear from the Environment Agency's most recent response (January 2020) that it accepts the key findings of the TerraConsult Ltd report in respect of groundwater management / quality, including the viability and integrity of the aquifer, and is satisfied that the circulation of process waters would not adversely affect the landfills. It advises that it has no concerns from a water resources perspective and that the management of the landfills and any potential impacts would be managed under the relevant waste permit. The Environment Agency has suggested that whilst allowing the silt lagoon to appropriately self-seed over time is acceptable, there would be benefit in adopting a more proactive approach to habitat creation which would assist in securing biodiversity net gain for the site and help to significantly improve landscape connectivity and wildlife networks on the wider scale. It has also provided advice on the desirability of careful and sympathetic maintenance of surface water channels (suggesting that the applicant undertake such works in consultation with the Environment Agency) and encouraged discussions intended to restore and enhance the natural functioning of the Alder stream. The more proactive approach suggested by the Environment Agency could be secured by a condition requiring a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon to be submitted to and approved in writing by KCC. This could then be implemented during the proposed works as appropriate and completed once mineral processing ceases.

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129. In considering any potential impacts on the water environment (including flood risk) it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including some of those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. It is also clear that the Government envisages sand and gravel working taking place in areas at risk of flooding provided this is demonstrated to be acceptable. Given the submission of the FRA (as subsequently clarified) and the TerraConsult Ltd report and as the Environment Agency has no objection, I can see no reason to withhold permission on the basis of potential impact on the water environment (including flood risk). However, I proposed that any permission be subject to conditions requiring the implementation of the Flood Evacuation Plan, the applicant seeking to ensure that the weighbridge and welfare offices are positioned 1.2m above ground level, appropriate arrangements for fuel, oil and chemical storage and the requirement for a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon, as well as informatives in respect of consultation with the Environment Agency on the maintenance and management of surface water channels in the area.

Traffic and transportation

130. 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.

131. Policy DM11 of the Kent MWLP states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from traffic. Policy DM13 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, it states that 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; and (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. Policy DM17 indicates that traffic management measures will be secured where possible.

132. Saved Policy EN1 of the TWB Local Plan requires that nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause

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significant harm to the amenities or character of the area in terms of (amongst others) excessive traffic generation. Saved Policy TP4 states (amongst other things) that development will be permitted if the roads proposed to be used have adequate capacity, the access is safe (or can be made so) and the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. The emerging (draft) TWB Local Plan includes a number of policies in respect of traffic and transportation (EN1, TP1 and TP6). Draft Policy TP6 relates to the highway safeguarding referred to in paragraph 3 of this report (i.e. the Colts Hill bypass) which is likely to be clarified as the emerging Local Plan is developed. The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.

133. Local residents have raised a number of concerns and objections relating to highways and transportation. They consider that the proposed development (linked to the re-opening of Stonecastle Farm Quarry) would be unacceptable in terms of highway safety and capacity and that any additional HGV movements would be environmentally unacceptable. They have stated a need for junction improvements (on the A228 / Whetsted Road junction just to the east of the entrance to the quarry) and a weight limit on the railway bridge in Five Oak Green. The environmental concerns relate both to the impact of HGVs generally, as well as the speed of HGVs on the access road and the poor condition of the access road. If planning permission is granted, local residents would not wish to see HGV's travelling along Whetsted Road to the west of the site entrance (instead continuing to abide by the previously agreed routeing on the A228). Capel PC has also objected due to concerns about the impact of HGVs associated with the quarry.
134. KCC Highways and Transportation has no objection subject to a condition restricting access / egress to the A228 from Whetsted Road whereby HGVs leaving the site would turn left onto Whetsted Road and left again (also Whetsted Road) heading north on the A228 before navigating on their final routing at the southern end of the East Peckham by-pass and traffic arriving at the site would turn right into the site from Whetsted Road. The applicant is content with this arrangement and I am satisfied that it can reasonably be controlled by condition. Securing HGV routeing in this way would overcome some of the above objections / concerns. The imposition of a weight limit on the railway bridge on Whetsted Road in Five Oak Green (which would relate to all traffic as opposed to just quarry traffic) is a matter for KCC as Highway Authority and not for consideration when determining the current application.
135. KCC Highways and Transportation has advised that there are no plans for further improvements on the A228 / Whetsted Road junction and its response indicates that these are not necessary to facilitate the proposed development. Concerns about the HGV speed on, and the condition of, the site access road have been addressed in paragraphs 112 and 113 above in the context of air quality / dust.
136. Although the proposed replacement processing plant would have the theoretical ability to process an additional 20tph of mineral (equating to a maximum of 220 tonnes per

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day based on an 11 hour working day), the applicant has advised that this would not happen and that the plant would be operated at an average 100tph for practical operational reasons linked to its ability to handle the processed material within the plant site at the higher rate. Regardless of this, the additional plant capacity would not in itself lead to any increase in the number of HGVs entering and leaving the site. The applicant has indicated that once the quarry re-opens there are likely to be an average of 20 loads per day (with up to 30 loads during busier periods). However, it has advised that it would resist any attempt to impose a limit on HGV movements on the basis that the extant planning permissions impose no such limits (in terms of either processed or unprocessed mineral). Given the position, I do not believe that it would be reasonable or necessary to seek to impose a limit in this case.

137. In considering any potential highways and transportation impacts it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant, the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. It should also be noted that the total number of HGVs required to remove the remaining mineral permitted to be extracted at the quarry would not alter. The emerging TWB Local Plan is at a very early stage of preparation such that it carries limited weight at this stage. On that basis, and as the emerging TWB Local Plan will need to have proper regard to the mineral safeguarding requirements of the Kent MWLP and the Kent Mineral Sites Plan, I do not consider that the safeguarding proposed by draft Policy TP6 to be of particular significance in this case. As KCC Highways and Transportation has no objection, I can see no reason to withhold permission on the basis of potential highways and transportation impacts subject to the imposition of a condition requiring the HGV routeing referred to above and those conditions referred to elsewhere in this report intended to minimise the impact of HGVs entering and leaving the site. It would also be appropriate to impose a condition restricting the rated output of the processing plant to 120tph.

Rights of way

138. Paragraph 98 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
139. Policy DM14 of the Kent MWLP states that planning permission will only be granted for minerals development that adversely affect a Public Right of Way, if: (1) satisfactory prior provisions for its diversion are made which are both convenient and safe for users of the Public Rights of Way; (2) provision is created for an acceptable alternative route both during operations and following restoration of the site; and (3) opportunities are taken wherever possible to secure appropriate, improved access into the countryside.
140. Policy CP8 of the TWB Core Strategy seeks (amongst other things) to safeguard and improve public rights of way links within the Borough. Draft Policy TP2 of the emerging

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TWB Local Plan has similar objectives.

141. Those making representations have objected to the proposed development due to concerns about potential impact on rights of way and their users. Reference has specifically been made to the proximity of Footpath WT170/2 to the plant site.
142. Neither KCC Public Rights of Way (PROW) nor The Ramblers have raised objections. KCC PROW has also advised that it is satisfied with the current arrangements where Footpath WT170 crosses the site access road.
143. The majority of Footpath WT170 is separated from the plant site area by trees and vegetation associated with the Ancient Woodland. Although those using Footpath WT170 would be aware of operations within the plant site and of HGVs entering and leaving the site, I do not consider the impacts associated with these to be significant.
144. In considering any potential impacts on public rights of way it is important to note that HGVs and other vehicles using the quarry would need to cross Footpath WT170 regardless of the outcome of the current application and that the total number of HGVs required to remove the remaining mineral permitted to be extracted at the quarry would not alter. I can therefore see no reason to withhold permission on the basis of potential impacts public rights of way.

Heritage assets

145. 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 historic environment. Paragraph 192 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
146. Policy DM5 of the Kent MWLP states proposals for minerals development will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets and Listed Buildings 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 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.

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147. Policy CP4 of the TWB Core Strategy states that the Borough's heritage assets (including Listed Buildings) will be conserved and enhanced and special regard will be had to their settings. Policy CP14 states that designated buildings and areas of historic or environmental importance will be conserved and enhanced to ensure the special character of the villages is maintained. The emerging (draft) TWB Local Plan includes a number of policies in respect of heritage assets (STR8, EN6 and EN7). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
148. Objections have been received from local residents about the potential impact on listed buildings and other heritage assets and as no assessment has been undertaken of the potential impact on the setting of the historic farmstead at Stonecastle Farm or the Grade II listed buildings / wall associated with that complex.
149. Although advising that a resumption of minerals processing would result in some harm to the setting of heritage assets, KCC's Heritage Conservation Officer notes that the proposed processing plant would be less than half the height of the previous plant and that the site is well screened from the historic asset group by mature trees such that the potential degree of harm arising from any new structures would be low. On this basis, KCC's Heritage Conservation Officer has raised no objection subject to measures being required to minimise impacts on the setting of designated heritage assets. These include limiting the height of stored materials so they are masked by the existing line of mature trees (i.e. processed material stockpiles being no higher than 6m) and minimising noise, dust and vibration both from within the site and from the use of the access road (including by ensuring that the access road is maintained in a good condition, limiting speed on the access road and ensuring that the agreed HGV routing is complied with). Although indicating the beneficial effects of planting, he advises against any unrestricted hedge planting as this may alter the currently open appearance of the area which is an important element of the traditional setting of the historic structures.
150. In considering any potential impact on heritage assets it is important to note that other than the processing of mineral extracted at the quarry and the presence of the proposed replacement processing plant (which would be smaller than that previously permitted / approved), the other activities (including those which have given rise to objections) could occur anyway by virtue of the extant planning permissions. As KCC's Heritage Conservation Officer has no objection, I can see no reason to withhold permission on the basis of potential impact on heritage assets subject to the imposition of conditions referred to above and elsewhere in this report.

Ecology

151. 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 environment. Paragraph 170 states that planning decisions should contribute to and enhance the natural

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environment by protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status or identified quality) and minimising impacts on and providing net gains for biodiversity. 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.

152. Policy DM3 of the Kent MWLP states that proposals for minerals development will be required to ensure that they result in no unacceptable adverse impacts on Kent's important biodiversity assets (such as European and nationally protected species and habitats and species of principal importance for the conservation of biodiversity / Biodiversity Action Plan habitats and species).
153. Policy CP4 of the TWB Core Strategy states that a hierarchical approach to nature conservation and the protection of biodiversity and geodiversity will be applied across the sites and habitats of national, regional and local importance within the Borough, with the objective of avoiding net loss of biodiversity and geodiversity across the Borough as a whole. Saved Policy EN1 of the TWB Local Plan requires that there would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements. The emerging (draft) TWB Local Plan includes a number of policies in respect of ecology (STR8, EN11 and EN12). The emerging (draft) Local Plan is at an early stage in plan making (Regulation 18) such that limited weight should be given to its policies.
154. Objections have been received from local residents about the potential impact on ecology. The objections state that no assessment has been made of the potential impact on ecology (including that associated with the use of the clean water and silt lagoons, lighting, noise and vibration). Concerns have also been expressed about potential impact on Ancient Woodland (close to the site) and that the applicant has not demonstrated net gains for biodiversity. Capel PC has also objected due to the absence of an ecological report.
155. KCC Ecological Advice Service has no objection to the proposed development provided an existing area of scrub at the tip of the clean water lagoon and a strip of vegetation to the west of the proposed development area are not removed unless this takes place in accordance with an appropriate ecological mitigation strategy which is first submitted to and approved in writing by KCC. The loss of these areas of vegetation had been implied in the schematic plant site layout which appeared to indicate that they would be used for materials stockpiling. The applicant has confirmed that these vegetated areas will not be removed or used for stockpiling except in accordance with such a strategy and has agreed to the imposition of a condition in respect of this. KCC Ecological Advice Service is satisfied that the rest of the plant site area comprises bare ground and that there is no need for ecological surveys to be submitted with the application in respect of this. It has raised no concerns about potential impact on adjoining Ancient Woodland.

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156. Whilst not raising objection to the further use of the clean water and silt lagoons, KCC Ecological Advice Service has advised that in order to benefit biodiversity, the silt should not cover / damage aquatic (marginal) vegetation. It has suggested that consideration be given to silt being pumped into cells to create different water levels within the lagoon to benefit birds. It has also commented that whilst the flow of water has to be maintained in surface water channels, there is a need to ensure that the channels are not permanently devoid of vegetation as they will be used by biodiversity. It therefore suggests that it would be more effective to have a regular monitoring / management approach and for only one side of the ditch to be cleared at a time in order that connectivity is retained.
157. In considering any potential impact on ecology it is important to note that activities at the plant site and elsewhere at Stonecastle Farm Quarry could occur anyway by virtue of the extant planning permissions. It is also important to note that ecological issues relating to other parts of the site (such as those referred to by TWBC) should be addressed in the context of the relevant planning permission and not as part of the determination of this application. As noted earlier in this report, I propose to secure a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon. In order to ensure that operations associated with the silt and clean water lagoons may contribute to net gains for biodiversity from as early a stage as possible and not prejudice potential longer term gains, I propose that this scheme should be submitted to KCC for approval within 6 months of the date of any permission granted for the replacement processing plant. This should provide sufficient time for the applicant to prepare an appropriate scheme which has regard to the above issues.
158. As KCC Ecological Advice Service has no objection, I can see no reason to withhold planning permission on the basis of potential impact on ecology subject to conditions to secure a new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon, appropriate arrangements for fuel, oil and chemical storage and for the existing area of scrub at the tip of the clean water lagoon and a strip of vegetation to the west of the proposed development area not being removed unless this takes place in accordance with an appropriate ecological mitigation strategy which has first been submitted to and approved in writing by KCC. As noted earlier in this report, I also propose an informative requesting that the applicant coordinate silt and vegetation clearance works with the Environment Agency to ensure that the flow of water is maintained in surface water channels whilst minimising impact on biodiversity and maintaining connectivity.

Other issues

159. Other issues or concerns that have been received relate to cumulative impact, the accuracy of information included in the planning application documents and previous breaches of planning control. It has also been suggested that no materials should be permitted to be imported to the site for processing and that no further waste should be

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imported to the site for restoration purposes.

160. Whilst local concerns about potential cumulative impact are understandable in the context of both the minerals and other development (particularly housing) being proposed in the area by KCC and TWBC in their emerging local plans, it has been demonstrated that the proposed replacement processing plant would not have a significant impact when considered cumulatively with the existing mineral permissions at the site. Any decisions about the acceptability or otherwise of future mineral working on any new sites and any housing or other development in the area will be made in the context of the emerging local plans and any subsequent planning applications. Although it has been alleged that the application includes misleading information, the details that have been submitted have been assessed by technical consultees and found to be acceptable. Any breaches of planning control are capable of being addressed as necessary. The suggestion that such breaches include the failure to restore the landfill areas to original ground levels appears not to have regard to the fact that the restoration scheme was amended in 1990 to allow parts of the site to be restored to a higher level with imported waste and other parts restored to a lake (rather than be backfilled and restored to agricultural land). This amendment (which is referred to in paragraph 9 above) reflected the need for the landfill areas to have a “domed” profile to facilitate surface water drainage whilst enabling the lake areas to provide compensatory flood storage capacity.
161. Condition (xiii) of planning permission TW/79/753 prohibits the importation of materials for processing and storage (other than cement for the previous ready-mix concrete plant) unless approved beforehand in writing by KCC. Approval was given in 1985 to also allow fine aggregate to be imported for use in the ready-mix concrete plant. In the absence of the ready-mix concrete plant, no other materials can be imported for processing and storage. Since those parts of the site that were permitted to be backfilled with imported waste have already been restored, there is no longer a need to import waste materials to the site. However, this could usefully be reinforced by condition.

Conclusion

162. The application proposes a replacement processing plant and ancillary associated office and welfare buildings and the approval of details pursuant to conditions imposed on planning permission TW/79/753 at Stonecastle Farm Quarry.
163. The principle of a processing plant in the plant site area is already established and there is clear planning policy support for its retention for the life of planning permission TM/00/1599. There is also strong policy support for such a facility even if one did not already exist.
164. The key issue when considering the application is not whether there should be a processing plant at Stonecastle Farm Quarry, rather it is whether what is now

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proposed is acceptable in the context of what is already permitted.

165. Whilst the proposed increase in the rated output / capacity of the processing plant would increase from 100 to 120tph, this would not (in itself) result in additional impact. Indeed, the proposed plant would be significantly smaller than that previously permitted / approved and give rise to no significant impact. The details submitted in respect of conditions imposed on planning permission TW/79/753 are necessary to support the processing plant and related plant site operations and are also considered to be acceptable.
166. Government advice is clear that sand and gravel working should be regarded as a water-compatible development (in terms of flood risk vulnerability) and can take place in areas at risk of flooding provided it is demonstrated to be acceptable. Notwithstanding the objections and concerns that have been raised by Capel PC and local residents, it is clear from technical consultee responses and my own consideration of the application that there is no justification for refusing planning permission provided the conditions referred to in this report are imposed. I therefore recommend accordingly.

Recommendation

167. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO:

- (i) conditions covering amongst other matters:
- The re-imposition of conditions imposed on planning permission TW/79/753 (amended or deleted as necessary to reflect subsequent approvals or what is now proposed);
 - The rated output of the processing plant being restricted to no more than 120tph;
 - Processed material stockpiles being restricted to no more than 6m in height;
 - External lighting only being used when necessary and as proposed;
 - A new landscape, restoration and aftercare scheme for the plant site, stockpiling areas, access road, silt lagoon and clean water lagoon (to be submitted to KCC for approval within 6 months of the date of planning permission);
 - A 52dB_{L_{Aeq, 1hr, free-field}} noise limit for operations at the plant site;
 - A 70dB(A) _{L_{Aeq, 1h, (free field)}} noise limit for up to 8 weeks in a year for restoration and plant construction operations;
 - Operations (including the use of generators) being restricted to the to the daytime period only (i.e. the permitted hours of use);
 - No use of the processing plant on Saturdays (unless agreed beforehand in writing by KCC);
 - Mobile plant used at the site to employ white noise reversing alarms

Item C1

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(rather than “bleepers”);

- The implementation of the new Dust Attenuation Scheme;
- The implementation of the Flood Evacuation Plan;
- The applicant seeking to ensure that the weighbridge and welfare offices are positioned 1.2m above ground level;
- Access / egress to the A228 from Whetsted Road whereby HGVs leaving the site would turn left onto Whetsted Road and left again (also Whetsted Road) heading north on the A228 before navigating on their final routing at the southern end of the East Peckham by-pass and traffic arriving at the site would turn right into the site from Whetsted Road;
- The existing area of scrub at the tip of the clean water lagoon and a strip of vegetation to the west of the proposed development area not being removed unless this takes place in accordance with an appropriate ecological mitigation strategy which is first submitted to and approved in writing by KCC;
- No waste materials to be imported to the site; and

(ii) the following informatives:

- The applicant be asked to:
 - Coordinate silt and vegetation clearance works with the Environment Agency to ensure that the flow of water is maintained in surface water channels whilst minimising impact on biodiversity and maintaining connectivity;
 - Engage positively with the local community and respond appropriately to any concerns that are raised by local residents about any noise, dust / air quality or other issues that may arise once operations resume at the quarry; and
 - Continue to engage with the local community through the Stonecastle Farm Quarry Liaison Group.

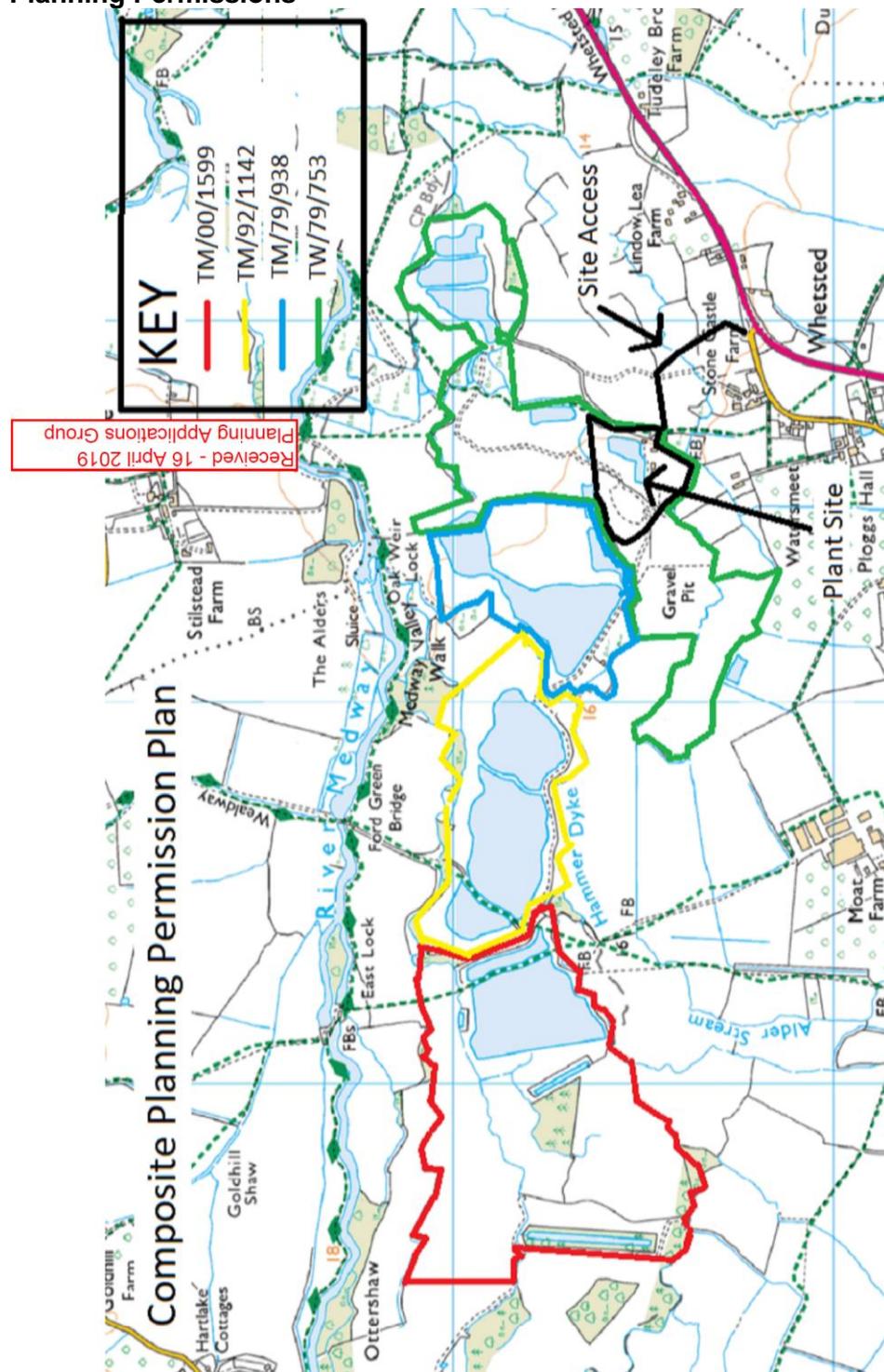
Case Officer: Jim Wooldridge

Tel. no. 03000 413484

Background Documents: see section heading.
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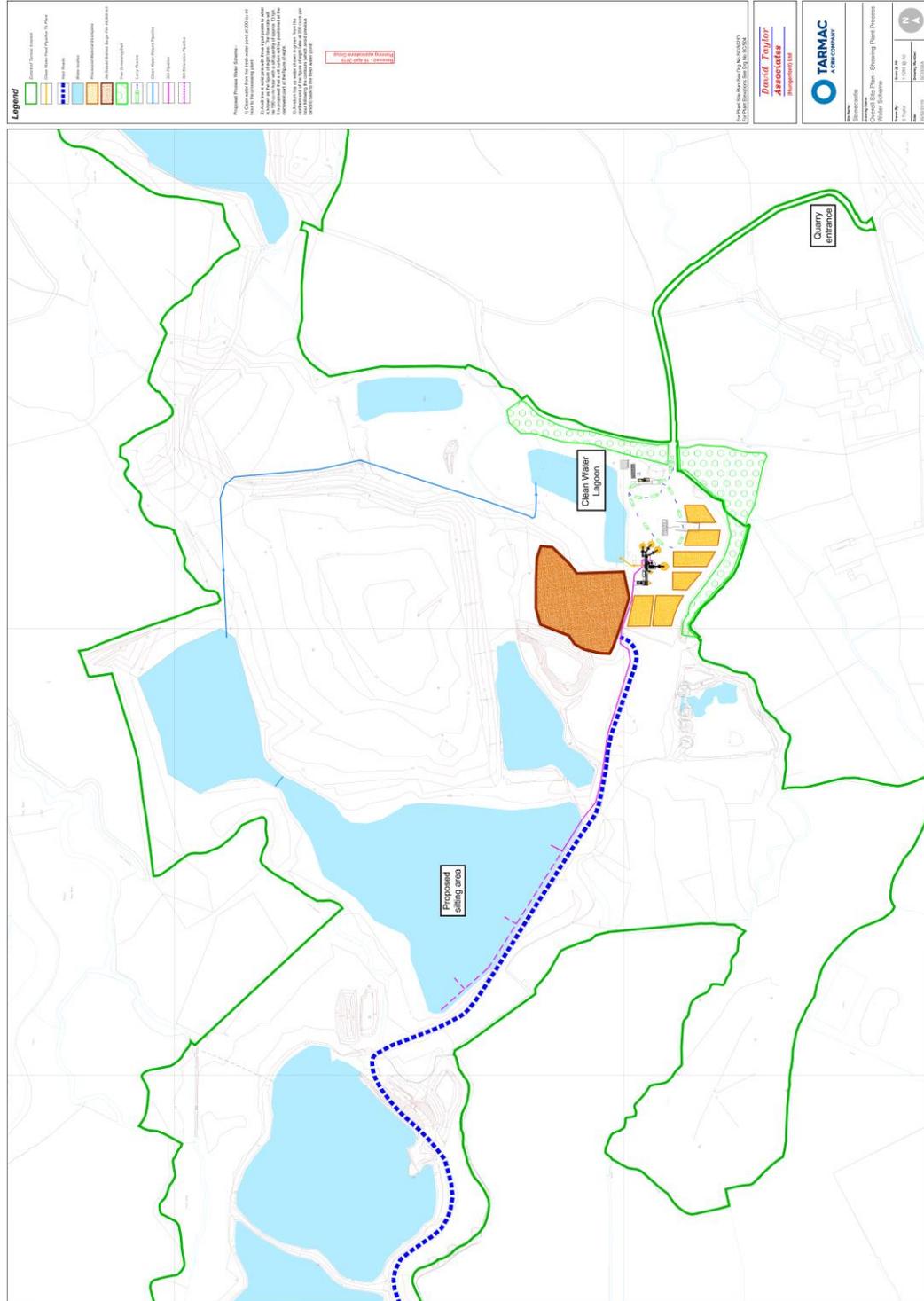
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Planning Permissions



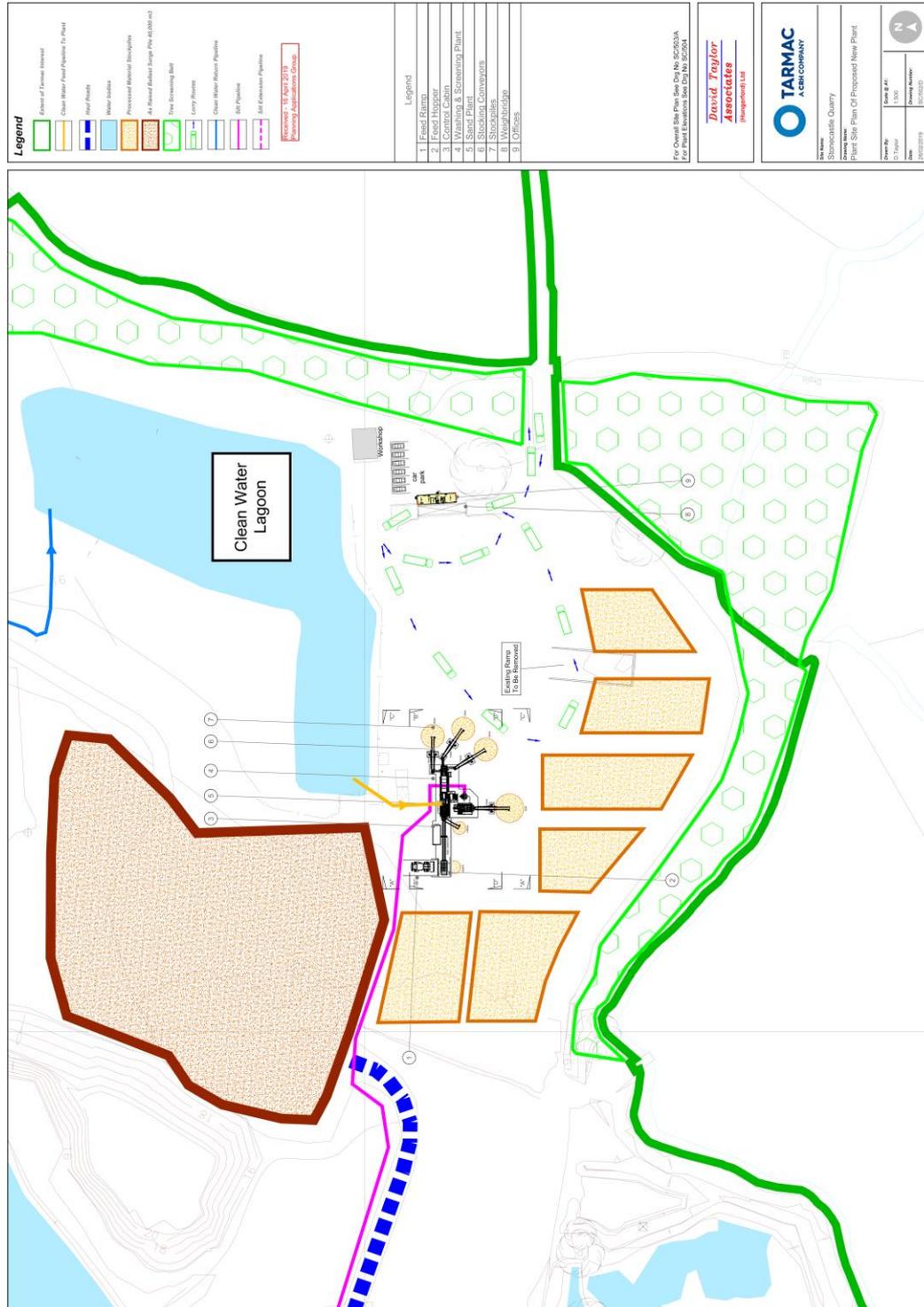
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Overall Site Plan



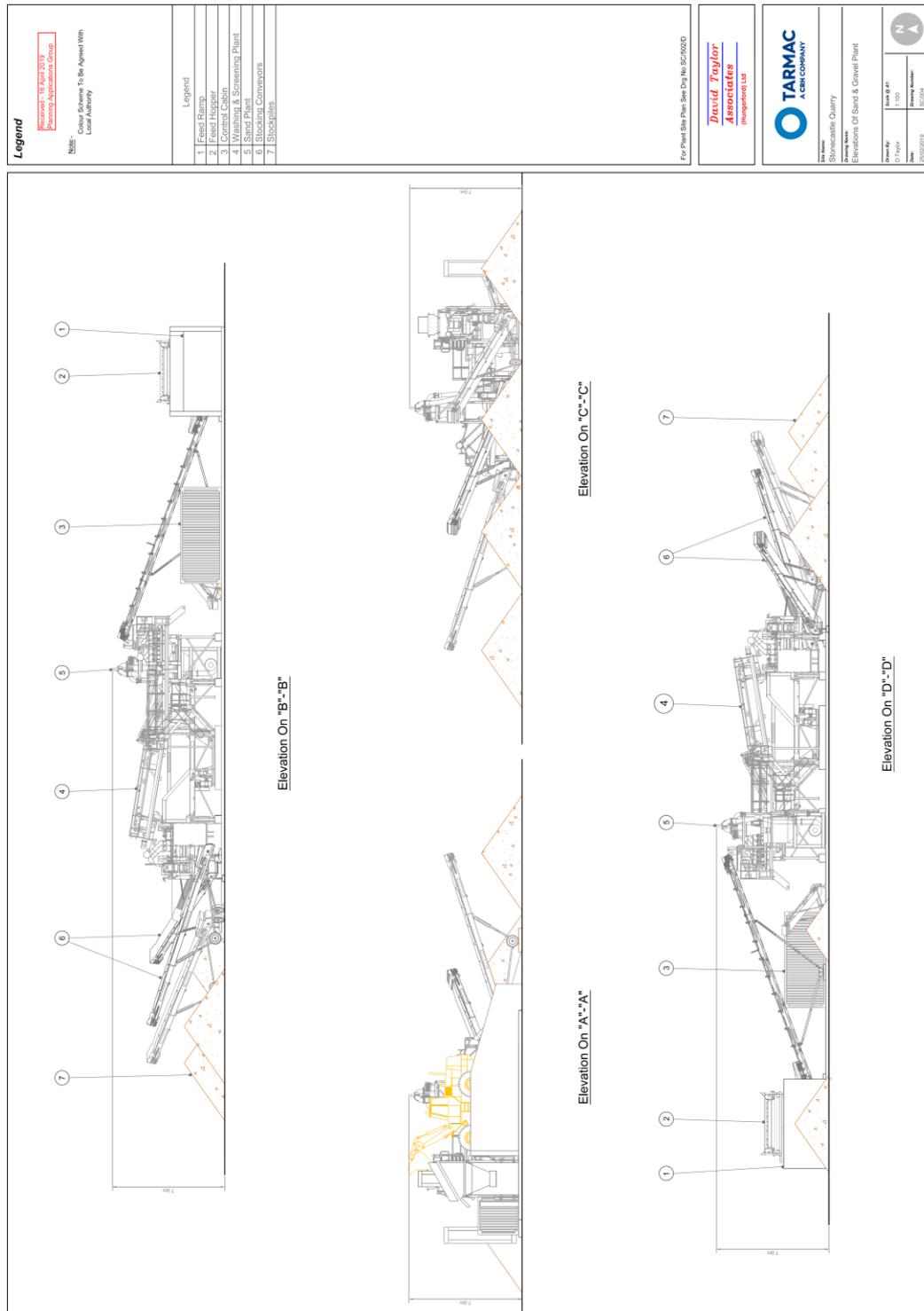
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Plant Site



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Plant Elevations



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Location of former landfill sites

