

**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** - The deposited documents.

- CA/96/794/R Non-material amendment of planning permission CA/96/794 for the placement of a storage container on existing hardstanding. Shelford Landfill Site, Shelford Farm Estate, Broad Oak Road, Canterbury, Kent CT2 0PR  
Decision: Approved
- DO/19/656/R10 Details of a Scheme of Landscaping pursuant to condition 10 of Planning permission DO/19/656. Whitfield Pumping Station, Sandwich Road, Whitfield, Dover, Kent, CT16 3LA  
Decision: Approved
- TM/19/1931/RVAR Details of wheel and chassis washing (Condition W37); Details for recording vehicle movements, estimated excavation tonnages and recording any incidences itemised in the Voluntary Traffic Management Scheme (Condition W38); and Details of how the terms of the Voluntary Traffic Management Scheme will be communicated to staff/drivers (Condition W39) pursuant to planning permission TM/19/1931. Aylesford Quarry, Rochester Road, Aylesford, Kent ME20 7DX  
Decision: Approved
- TM/19/1932/RVAR Details of wheel and chassis washing (Condition W45); Details for recording vehicle movements, estimated excavation tonnages and recording any incidences itemised in the Voluntary Traffic Management Scheme (Condition W46); and Details of how the terms of the Voluntary Traffic Management Scheme will be communicated to staff/drivers (Condition W47) pursuant to planning permission TM/19/1932. Aylesford Quarry, Rochester Road, Aylesford, Kent ME20 7DX  
Decision: Approved

**E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS  
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS  
MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** – The deposited documents.

- CA/19/1633/R16A Revised location of site compound for Phase 2 of the development.  
Former Chaucer Technology College, Spring Lane, Canterbury, Kent  
CT1 1ST  
Decision: Approved
- CA/19/2221/R13 Details of a landscaping scheme pursuant to Condition 13 of planning  
permission CA/19/2221  
Water Meadows Primary School, Shaftesbury Road, Hersden,  
Canterbury, Kent CT3 4HS  
Decision: Approved
- DA/18/0039/R17 Details of an Operation & Maintenance Manual for the sustainable  
water drainage scheme pursuant to Condition 17 of planning  
permission DA/18/0039.  
Wilmington Academy, Common Lane, Wilmington, Dartford, Kent,  
DA2 7DR  
Decision: Approved
- DO/17/1057/RVAR Details of External Roof Plant & External Lighting pursuant to  
conditions 13, 14 & 27 of planning permission DO/17/1057.  
Land on the South East side of Archers Court Road, Whitfield, Dover,  
Kent CT16 3HU  
Decision: Approved
- DO/19/1486 Section 73 application to change the site boundary, amendments to  
previously approved plans, including amendments to fencing and  
external materials.  
Land on The South East Side of Archers Court Road, Whitfield, Dover,  
Kent CT16 3HU  
Decision: Permitted
- GR/18/510/R3 Details of a Written Scheme of Investigation for an Archaeological  
Evaluation pursuant to Condition 3 of planning permission  
GR/18/0510 as amended by GR/20/285.  
Mayfield Grammar School, Pelham Road, Gravesend, Kent DA11 0JE  
Decision: Approved
- GR/18/510/R4 Details of a Construction Management Plan pursuant to Condition 4 of  
planning permission GR/18/510 (as amended by GR/20/285).  
Mayfield Grammar School, Pelham Road, Gravesend, Kent DA11 0JE  
Decision: Approved

GR/19/1045	<p>Erection of a new two storey teaching block and an activity studio extension to the existing sports block.  Northfleet School for Girls, Hall Road, Northfleet, Gravesend, Kent DA11 8AQ  Decision: Permitted</p>
GR/20/200513	<p>Construction of an infill extension to the existing external garage to create a flat roofed music room.  Cecil Road Primary School, Cecil Road, Gravesend, Kent DA11 7BT  Decision: Permitted</p>
GR/20/553	<p>Proposed two storey teaching facility which would replace the temporary 2 classroom unit, which is currently on the school site under Permitted Development Rights. The proposed replacement would comprise of 4 classroom Portakabin units over two storeys to accommodate a 0.5FE pupil expansion.  St. Johns Catholic Comprehensive School, Rochester Road, Gravesend, Kent, DA12 2JW  Decision: Permitted</p>
MA/20/502338	<p>School security improvements including replacement of four polycarbonate canopies, guard rail installation on high risk roof areas, landscaping wall heights increased, fire escape handrail alterations and fence relocation and replacement.  Sandling Primary School, Ashburnham Road, Penenden Heath, Maidstone, Kent ME14 2JG  Decision: Permitted</p>
SE/20/1472	<p>Proposed erection of two single storey temporary buildings (4 classrooms total) to serve Trinity School, required until the construction works associated with planning permission reference SE/18/1726 (KCC/SE/0095/2018) has been completed.  Trinity School, Seal Hollow Road, Sevenoaks, Kent TN13 3SL  Decision: Permitted</p>
TM/19/2964	<p>Erection of a new primary school and nursery with associated hard and soft landscaping, Multi use games area, boundary fences and associated works.  Land North of Platinum Way, St Mary's Platt, Sevenoaks, Kent, TN15 8JE  Decision: Permitted</p>
TW/19/239/R12	<p>Details of an Ecological Enhancement Plan pursuant to Condition 12 of planning permission TW/19/239.  Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells, Kent TN4 9SH  Decision: Approved</p>
TW/20/1525	<p>Section 73 Application for variation of planning conditions following the grant of planning permission TW/18/7023 (that was subsequently amended under Section 73 permission reference TW/19/3535) for the erection of a new 2 Form Entry Primary School and associated works.  Hawkenbury Farm, Hawkenbury Road, Tunbridge Wells, Kent TN3 9AD  Decision: Permitted</p>

### **E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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#### **Background Documents –**

- *The deposited documents.*
  - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
  - *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

KCC/FH/0131/2020 - Proposed access improvements to the front of the school site including drop off area.  
Stelling Minnis C of E Primary School, Bossingham Road, Bossingham, Canterbury, Kent, CT4 6DU

KCC/MA/0152/2020 -Section 73 application to vary condition 1 of planning permission MA/17/503482 to allow for a further 3 years in which to complete the slope remediation within Phase 1.  
Lenham Quarry (Shepherds Farm), Forstal Road, Lenham, Kent, ME17 2JB

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

### **E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

#### **Background Documents -**

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None

## **E5 - COUNTY MATTER PROPOSALS AGREED PURSUANT TO THE URGENT MATTER PROCEDURE UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matter has been determined under the Council's urgent matters procedure as set out in Section 10.15 (Schemes of Delegation) of Part 2 (Functions and Decision-Making) of the Constitution.

Decisions are required to be reported to the next meeting of the Council or Committee.

### **Blaise Farm Quarry, Kings Hill, West Malling, Kent, ME19 4PN – Request by Gallagher Aggregates Ltd for extended operating hours at Blaise Farm Quarry to supply an urgent Brexit related Government contract for the Ashford Inland Port Project**

#### **The Proposal**

The urgent decision related to a request by Gallagher Aggregates Ltd (GAL) as the operator of Blaise Farm Quarry to allow HGVs to arrive, be loaded and be dispatched outside the normal operating hours to supply an urgent Brexit related contract for the Ashford Inland Port Project off Junction 10A of the M20 at Ashford.

GAL stated that the contract requires the delivery of 200,000 tonnes of capping and type 1 sub base for the foundation layer of the Ashford Inland Port Project. GAL envisaged the delivery taking place between 17 August and 31 October 2020. However, whilst it was confident that this would be during 2020, it stated that the timing could be delayed as a result of decisions by Government / Department for Transport (DfT).

Condition 15 of the relevant mineral planning permission TM/88/1002 states:

“No operations authorised or required under the terms of this permission, other than with the prior approval of the County Planning Authority, shall be carried out except between 0700 and 1800 hours on Mondays to Fridays and 0700 and 1300 hours on Saturdays; and no operations shall take place on Sundays, Bank Holidays or National Holidays.

*Reason: In the interests of safeguarding the local environment by ensuring minimum disturbance and avoidance of nuisance to the locality consistent with mineral working.”*

GAL proposed that the County Council (KCC) additionally allow the arrival, loading and dispatch of HGVs between 6:00 and 07:00 hours and 18:00 and 21:00 hours Monday to Friday and between 6:00 and 07:00 hours and 13:00 and 16:00 hours on Saturdays for the duration of the contract. It also sought approval for HGVs to park at the quarry overnight and for drivers to use the existing welfare facilities outside normal operating hours and to install a second temporary weighbridge next to the existing weighbridge for the duration of the contract. It also proposed the use of four low level lighting towers within the quarry (well below the surrounding unexcavated land level) and the existing lighting around the weighbridge, site office and welfare facilities as necessary during the contract period.

GAL stated that HGVs would travel to and from Ashford on the M20 and use the A228 to access Junction 4 of the M20. In the unlikely event of the A228 being closed, HGVs would be instructed to travel south on the A228 and A26 and use Seven Mile Lane (B2016) to access the M20 (via the A20 and M26). GAL advised that it would issue driver rules which would prohibit HGV drivers from driving through Offham and / or West Malling and stated that overnight parking would take place only in appropriate locations (i.e. lorry parks). It advised that it would make provision for secured parking at Blaise Farm Quarry and at the delivery site in Ashford and that welfare facilities would be available at both sites. It stated

that being neighbourly and respectful to all villages around Blaise Farm Quarry is very important to the Company.

GAL indicated that whilst the majority of the aggregates would be loaded and delivered during the normal working day, the use of the additional hours was essential for the contract to be met. It stated that:

1. It is essential that GAL be able to start loading and delivering aggregates from 06:00 hours (Monday to Saturday) in order that HGVs can complete sufficient deliveries in the day to make the project viable (due to the additional time it allows in the context of 2 below);
2. The 06:00 hours start time is significant in avoiding the worse effects of the morning peak period (on the M20 and its approach roads);
3. It estimates that up to 50 HGVs could be employed as part of the project and that it would expect up to 25 to be loaded / dispatched between 06:00 and 07:00 hours;
4. It assumes 10 minutes to load and dispatch each HGV and states that 3 loading shovels would be employed for this;
5. Subject to traffic conditions, each HGV is likely to transport 5 or 6 loads a day to Ashford (with a 90 minute round trip);
6. It would not be possible to undertake the project using both Blaise Farm Quarry and Hermitage Quarry during permitted hours without GAL having to stop honouring existing contracts at Hermitage Quarry;
7. The materials at Blaise Farm Quarry are better suited to the Ashford Inland Port Project, with those at Hermitage Quarry more beneficially used for "higher" end uses such as ready mix concrete, etc.;
8. Existing material stockpiles at Blaise Farm Quarry are already almost sufficient to meet the demands of the project;
9. An additional weighbridge would be temporarily installed next to the existing one to speed up the operation;
10. HGVs would be loaded in an area significantly below surrounding land levels (i.e. in the quarry void) and circulate in such a way as to avoid the need for reversing in the site (site plant is fitted with white noise reversing alarms);
11. It is happy to accept that the proposed additional hours only be used for the Ashford Inland Port Project;
12. Some HGVs may be loaded ready for dispatch the following morning; and
13. Four low level lighting towers would be used within the quarry (well below the surrounding land level) and existing static lighting around the weighbridge would be used when required (noting that the entire site, including weighbridge and offices, is well screened from surrounding land by existing woodland).

It is understood that GAL were first approached to undertake the scheme directly by Central Government at the end of June 2020 given its successful delivery of two similar Brexit related projects undertaken in 2019 and that the contract has only just been awarded (July 2020). For these reasons, it was unable to secure planning permission to amend the operating hours in the usual way (i.e. via a planning application).

### **Member Consultation**

The views of the Chairman of the Planning Applications Committee (Alan Marsh) and the three Local Members (Sarah Hohler, Matthew Balfour and Trudy Dean) were sought in advance of the decision being made.

Alan Marsh (Chairman of the Planning Applications Committee): In response to the request as initially made, Mr Marsh requested that officers explore the possibility of avoiding or offsetting the proposed 06:00 hours start time. Following those investigations and receipt of additional information from GAL (which is reflected in the information set out above) and further consultation with the Chairman and KCC Local Members, Mr Marsh accepted the strategic need for the additional hours and agreed that approval should be given.

Sarah Hohler (KCC Member for Malling North): Mrs Hohler stated:

*“Offham has had a lot to put up with recently, not just from the blasting, which is a major concern with most blasts resulting in worried residents reporting the vibrations and noise. Quite a log has been compiled.*

*Now residents are going to have many extra HGVs on the roads they use but there is bound to be noise from loading activities and from early to late, most days.*

*I am very concerned that the parish will only be notified after the decision has been made to authorise all these additional HGVs and quarry activities. They, like me, will question why this had not been planned sooner.*

*I note the low level lighting being proposed and the banning of the reversing of HGVs but remain uncomfortable about the effect it will have on residents. The roads in the vicinity – A228 and M20 – are very busy, even at 6am as we discovered during the M20 road works overnight closures until 6am with large numbers of vehicles, HGVs included, diverting on the A20 and other residential roads.*

*As I cannot see that there is an alternative to agreeing this I would urge that a condition is added to prevent any HGVs driving through Offham for any reason as this is already a problem with farm produce HGVs doing just that. The HGV drivers also need to be made very aware that turning up Church Road is strictly forbidden for HGVs as there is a low bridge, narrow lanes, a farm and school to negotiate before turning left on Teston Road in Offham and then right for the Blaise roundabout.*

*Finally, if an HGV takes the West Malling road (first left) off the Blaise roundabout and then turns left for Offham, they will shortly find a large and inviting layby on their left, opposite some houses. For some time I have been trying to get this layby closed to HGVs as it is surprisingly often used for HGV overnight stops and all the ‘inconvenience’ this causes, not just to the neighbouring houses. Please do something to prevent this happening during this period either with bollards or a chain but probably not with signs alone. HGV drivers needing to be in the area overnight for an early start (or late finish) must not be allowed to use laybys or park up in the village.”*

Matthew Balfour (KCC Member for Malling Rural East): Mr Balfour stated:

*“As the KCC member for Kings Hill, I cannot agree to this change to the working hours being treated as an Urgent Decision without it being properly consulted on. The local roads are, even in the current situation, busy and I do not know if there will be an increase in the noise disturbance.*

*I am also unaware if GAL can fulfil this contract, with the increase in material leaving the quarry, within their current permissions. Local people may well take the view that this is some “backdoor” way to increase the blasts and thus the disturbance to the local communities.*

*I also feel that we are being “bullied” into agreeing by HMG who should have thought about this long ago, given that it was their incompetence in failing to follow KCC's advice that led to the Judicial Review that stopped the ill-fated lorry park.*

*I suspect that this will come down to an executive decision but I hope my views will at least be recorded.”*

Trudy Dean (KCC Member for Malling Central): Although Mrs Dean stated that she was sympathetic to the request, she expressed concerns about the increasing numbers of complaints about the effects of blasting locally and requested that officers continue to explore what more could be done to reassure the local community (particularly in terms of blast monitoring). [Members should note that issues relating to blasting are being addressed separately.]

## **Discussion**

The urgency of a decision meant that there was not time for KCC to undertake the consultations that would normally take place for a planning application submitted in the usual way for a proposal of this type (i.e. approval pursuant to a planning condition). Responses from those who would normally be consulted on such an application would however, in all probability, have closely reflected those raised by the KCC Local Members (above) such that the application would have had to be reported to KCC’s Planning Applications Committee for determination. The next such meeting was not scheduled to be until 2 September 2020 (after the expected commencement of deliveries).

Allowing the additional out of hours for the arrival, loading and dispatch of HGVs would be likely to reduce pressure on local roads during the peak periods (particularly in the morning).

Blaise Farm Quarry has excellent access to Junction 4 of the M20, and a suitable alternative route can be used if it is not available for some reason. GAL agreed to instruct drivers not to travel through local villages and to only use appropriate overnight parking facilities.

The area of the quarry which would be used for the loading and dispatch of HGVs is relatively remote from residential properties (although some additional disturbance cannot be ruled out, it is not likely to be significant and would be for relatively short duration). The location of the proposed loading area within the quarry and the woodland surrounding the entire site (including weighbridge and offices) would serve to minimise any lighting impacts.

The mineral permission includes no specific limitations (i.e. conditions) in terms of HGV movements and output such that in theory a greater amount of material could be transported from the site and a larger number of HGV movements could take place each day (or over a 2.5 month period) than is now proposed.

The amount of activity (including blasting) at the quarry is clearly influenced by demand for the mineral. However, there is a finite (albeit large) quantity of mineral in the site so the quicker it is extracted, the less time the quarry will operate overall (technically the permission lasts until 2054).

It would have been preferable if the Government had been better prepared for Brexit such that the need for urgent decisions of this type had been avoided. However, ensuring that GAL is in a position to supply the necessary minerals is likely to assist in the Ashford Inland Port Project being delivered. Failure to ensure delivery of the project could have potentially serious implications for large parts of Kent once Brexit happens at the end of 2020.

Whilst there may be a more sustainable way of meeting the demand at Ashford (such as importing the required minerals by rail via the Waterbrook Park rail depot), KCC was asked to help facilitate the Government’s proposed means of meeting the required demand for mineral now. It is difficult to comment on the likelihood of the material being imported by rail, although there may be difficulties in arranging this as short notice and GAL would not be able to supply the materials in this way from its quarries.



Local concerns about blasting are noted and are being considered and addressed separately.

In considering the request, regard was given to the following:

- Correspondence between officers of KCC Planning Applications Group and GAL;
- The National Planning Policy Framework;
- The Kent Minerals and Waste Local Plan;
- The Tonbridge and Malling Local Plan; and
- Comments received from elected KCC Members.

## **Decision**

In accordance with the Council's urgent matters procedure as set out in Section 10.15 (Schemes of Delegation) of Part 2 (Functions and Decision-Making) of the Constitution, the request was approved by the Head of Planning Applications subject to the following conditions:

1. The additional hours (i.e. between 6:00 and 07:00 hours and 18:00 and 21:00 hours Monday to Friday and between 6:00 and 07:00 hours and 13:00 and 16:00 hours on Saturdays) shall only be used for the arrival, loading and dispatch of HGVs associated with the contract for the delivery of minerals for the foundation layer of the Ashford Inland Port Project.
2. The additional hours shall only be used for the duration of the contract and all operations during the additional hours shall cease no later than 31 December 2020.
3. Gallagher Aggregates Ltd shall notify KCC Planning Applications Group in advance of the actual dates for the commencement of the out of hours operations and of the actual cessation (when known).
4. HGVs shall use the A228 (north of the quarry) to access Junction 4 of the M20 whenever this is possible. If it is not possible (e.g. it is closed), HGVs shall use the A228 (south of the quarry), A26, B2016 (Seven Mile Lane), A20 and M26 to access the M20.
5. Gallagher Aggregates Ltd shall instruct HGV drivers not to travel through local villages (e.g. Offham, West Malling and Mereworth) and to use designated lorry parks or secured facilities at Blaise Farm Quarry and the delivery site at Ashford for overnight parking and take measures as necessary to secure compliance.

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

It was also considered that whilst the request may give rise to some additional adverse impacts to local amenity and the environment, these would not be significant.

It should also be noted that local concerns about blasting referred to above are being considered and addressed separately and that the Director for Highways, Transportation and Waste is considering how best to prevent potential HGV parking in the layby referred to by the local Member above.