

Item C2

Request for approval of details pursuant to conditions 4, 7, 8, 12, 17 and 27 of planning permission TM/88/1002 relating to 5-year schemes of working, restoration and aftercare, prior approval for static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities and updated schemes of blasting and blast monitoring at Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling, Kent ME19 4PN - TM/88/1002/RVARA (KCC/TM/0121/2020)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 September 2020.

Application by Gallagher Aggregates Ltd for approval of details pursuant to conditions 4, 7, 8, 12, 17 and 27 of planning permission TM/88/1002 relating to 5-year schemes of working, restoration and aftercare, prior approval for static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities and updated schemes of blasting and blast monitoring at Blaise Farm Quarry, Blaise Quarry Road, Kings Hill, West Malling, Kent ME19 4PN - TM/88/1002/RVARA (KCC/TM/0121/2020)

Recommendation: Approval be given subject to conditions.

Local Members: Sarah Hohler, Trudy Dean & Matthew Balfour

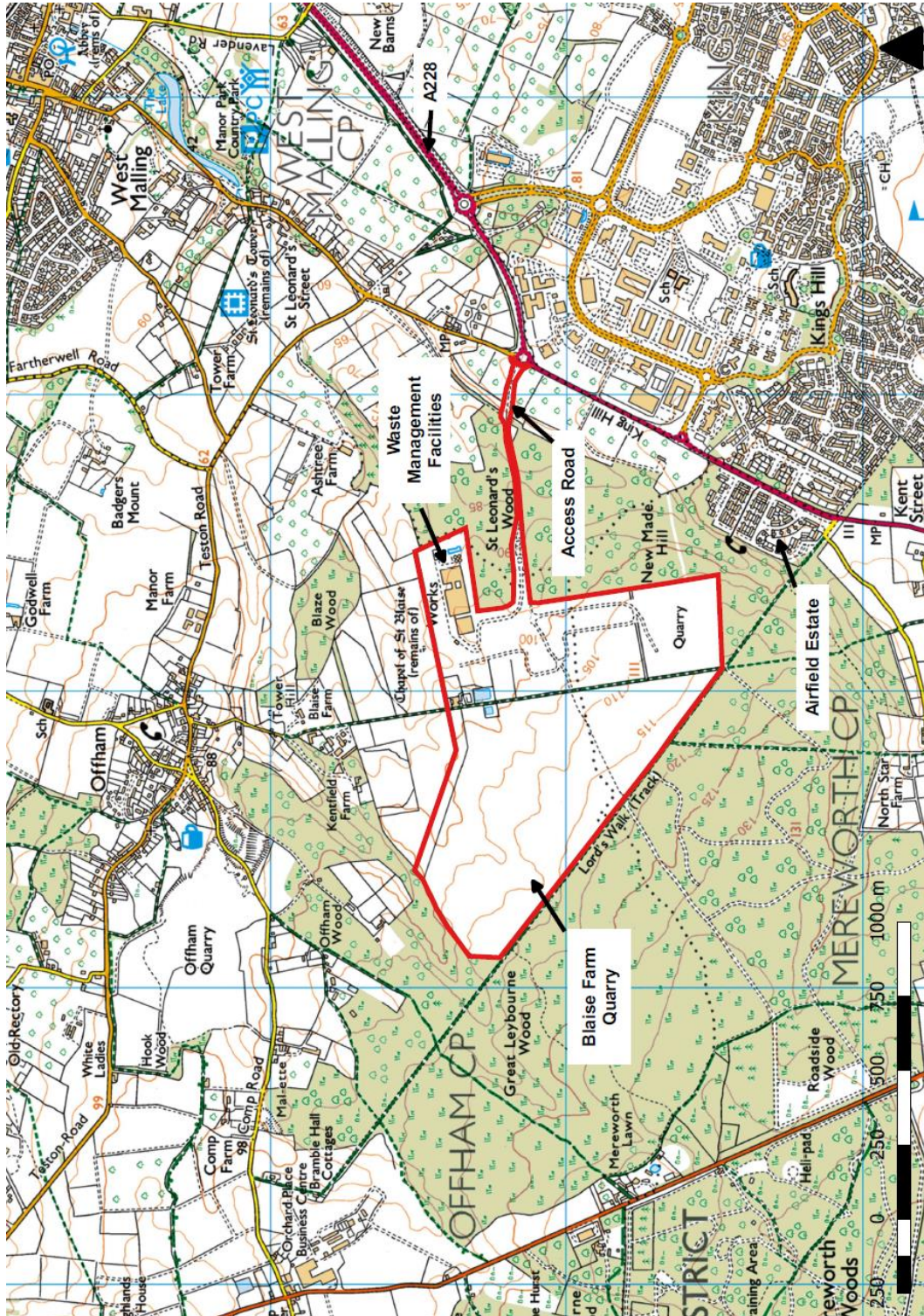
Unrestricted

Site description

1. Blaise Farm Quarry (some 116 hectares) is located to the south of the village of Offham and to the west of the A228 and the residential area of Kings Hill. The quarry is bounded on all sides by woodland. The site is served by a purpose built surfaced access road onto the A228 West Malling roundabout located near Kings Hill. The site offices, weighbridge and parking facilities, etc. relating to the quarry, are currently located approximately 600 metres from the roundabout and are surrounded by woodland. Buildings and structures associated with the permitted waste management facilities lie in the north eastern corner of the quarry.

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Site Location Plan



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2. The nearest settlements are Offham (to the north of the quarry), West Malling (to the northeast), Kings Hill (to the east and southeast) and Mereworth (to the south). The nearest residential properties to the edge of the permitted quarry and the area proposed to be worked in the 4th 5-year plan are on the Airfield Estate (part of Kings Hill). These lie approximately 170m to the southeast of the edge of the permitted quarry at its nearest point (an area used for the placement and storage of overburden and haddock where extraction will not take place) and 425m from the nearest part of the area proposed to be worked in the 4th 5-year plan (Phase 3G). There are a number of isolated dwellings and farms between the quarry and Offham. The nearest is approximately 300m from the edge of the permitted quarry and 500m from the nearest part of the area proposed to be worked in the 4th 5-year plan (Phase 4C). The proposed static processing plant area would be at least 600m from any residential property.
3. The site lies in the Metropolitan Green Belt. With the exception of the tree belts planted immediately to the north of the quarry (as advance planting to screen the quarry from the north), all of the surrounding woodland (including St Leonard's Wood and Mereworth Woods) are designated as both Ancient Woodland and a Local Wildlife Site (LWS). An area of the woodland immediately to the east of the quarry and south of the existing site offices, weighbridge and parking facilities was initially proposed to accommodate a static processing plant. However, this has never been established and the woodland has been retained. The remains of the Chapel of St Blaise (Scheduled Ancient Monument) lie approximately 100m to the north of the previously worked area of the quarry (Phase 1) which now contains the waste management facilities. A public right of way (Footpath MR286) crosses the permitted quarry area north / south and will need to be diverted further west to facilitate ongoing mineral working at the quarry and to provide continuity for pedestrians wishing to access Footpath MR260 (Lords Walk) to the south west. Those parts of the site that have been worked (or are being worked) are as much as 35m lower (70m above ordnance datum (AOD)) than the surrounding unexcavated land (105m AOD). That part of the quarry that has yet to be worked (to the west) currently remains in agricultural use. The highest known rest of groundwater is 63m AOD.
4. The locations of the quarry, access road, waste management facilities and nearby settlements are illustrated on the drawing on page C2.2.

Planning History and Background

5. Planning permission (TM/88/1002) was granted for the winning and working of ragstone and restoration at a low level to agricultural use and construction of an access road at Blaise Farm Quarry in January 1994. The permission provided for the extraction of some 57 million tonnes (Mt) of ragstone (of which about 34Mt would be marketable and the rest quarry waste) over a 62-year period beginning with the date on which commercial mineral extraction started. It was envisaged that production would be about 550,000 tonnes per annum (tpa) generating an average of some 230 HGV movements per day. However, no limitations were imposed on either. The permission provided for the new access road from the A228 roundabout which now serves the quarry. The permission limited operations to take place between 0700 and

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1800 hours Monday to Friday and between 0700 and 1300 hours on Saturdays unless approved beforehand by KCC (condition 15). It also made provision (condition 18) for blasting to be undertaken between 0900 and 0930 hours Monday to Saturday, 1200 and 1400 hours Monday to Friday and 1200 and 1300 hours on Saturday whilst restricting the explosive charge weight per delay of any one blast to no more than 10kg weight (i.e. a maximum instantaneous charge or MIC of no more than 10kg) and precluding secondary blasting.

6. The planning permission was amended in August 1998 (TM/98/460) to enable the 5-year date for implementation of the permission to be extended until 27 January 2003.
7. Approval (TM/88/1002/RVAR) was given in January 1999 for various details that had been reserved by condition. These included schemes of progressive working, restoration and aftercare for the first phase (i.e. Phase 1 or the 1st 5-year plan) (conditions 4, 7 and 8), schemes for woodland management and site landscaping (conditions 9 and 10), details of buildings and sanitary facilities (condition 12), areas reserved for parking cars and lorries (condition 13) and dust attenuation (condition 19), construction details for the access road (condition 25) and measures for wheel cleaning and the safe storage of fuels (conditions 27 and 29).
8. Commercial mineral extraction commenced in 2001 meaning that extraction may continue until 2063 (i.e. the 62 period referred to in condition 2 of TM/88/1002).
9. Mineral working in Phase 1 was initially undertaken without blasting. However, it soon became clear to Hanson (which still owns and was operating the site at that time) that it was essential for the effective working of the site. Condition 17 required a Schedule (scheme) of Blasting (which included measures to minimise nuisance / danger from ground vibration, air overpressure, noise, fly rock and dust) to be submitted to and approved in writing by KCC and for the scheme to be implemented as approved unless otherwise approved in writing by KCC. A scheme of blasting (which included a blast monitoring scheme) was approved by KCC in October 2002 subject to the following conditions and informatives:

Conditions:

- (1) All blasting at Blaise Farm Quarry shall take place in accordance with the approved details.
- (2) Ground vibration as a result of blasting operations within the Phase 1 Operations extraction area shall not exceed:-
 - (a) a peak particle velocity of 6mms-1¹ in 95% of all blasts when measured over any period of one month as measured at any vibration sensitive location;
 - (b) a peak particle velocity of 12mms-1 as measured at any vibration sensitive location; and
 - (c) a peak particle velocity of 15mms-1 at the remains of the Chapel of St. Blaise.

¹ Millimetres per second can be expressed as mms-1 or mm/s. The term mm/s is used hereafter in this report.

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- (3) No blasting shall take place outside the Phase 1 Operations extraction area without the prior approval in writing of the Mineral Planning Authority.
- (4) In addition to notifying those official bodies identified in Appendix 1 “Shotfiring Rules and Procedures” of the Vibrock Report dated 28 March 2002, the Operator shall also notify the Mineral Planning Authority of its intention to blast.

Informatives:

1. You are reminded that the approved scheme must be implemented as approved and that you should comply with the requirements of condition 18 at all times unless otherwise approved beforehand in writing by the Mineral Planning Authority.
2. You are advised that for the purposes of condition 4 above, you should telephone the offices of the Planning Applications Unit on 01622 221062 (or such other contact as shall be provided by the Mineral Planning Authority) on the day of the proposed blasting to advise of the intended time of blasting.
10. The first production blast took place in November 2002 and a further 20 blasts took place by the end of 2003. Apart from one trial blast approved by KCC using a MIC of more than 10kg, all of these were restricted to the 10kg MIC. The trial blast was undertaken in anticipation of Hanson seeking permission to increase the MIC in order to have more efficient blasting and less vibration.
11. The first complaint relating to blasting at the quarry was received in May 2003. This was from Kent Scientific Services (KSS) at Kings Hill about 700m from the quarry. It suggested that ground vibration from the quarry had caused cracks to appear inside its building. Blast monitoring was undertaken in May 2003 at the KSS building by Hanson and simultaneously in a slightly different location by Babbie (KCC’s then Noise and Vibration consultant). Both recorded ground vibration measurements (respectively 0.381mm/s and 0.30mm/s) were far lower than those permitted (6mm/s). Babbie advised KCC that the figure was less than 1% of the prescribed cosmetic damage limit and provided a strong indication that vibration from the quarry posed no significant threat to the structure and that cracks in the breezeblock internal walls would not have been caused by vibration from blasting. It is understood that KSS subsequently employed Mouchel to undertake an examination of the building and that Mouchel advised it that the building was essentially safe although the cracks are unsightly and some remedial work should be undertaken. It was unable to say whether the cracks were due to or exacerbated by blasting and suggested that some of the cracks were probably due to the absence of the necessary expansion joints in some of the walls. KSS advised that its insurer would not pay to repair the cracks on the basis that they were not due to subsidence (although it is worth noting that the insurer would not pay for repairs to the KSS car park because it was due to subsidence).
12. The second complaint was received via Offham Parish Council in July 2003. It related to the concerns of a resident of Comp Lane about cracks in two walls and the ceiling of

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an office building in his garden (about 900m from the quarry) as well as those of local residents more generally. Hanson undertook blast monitoring at the office building in July 2003 (recording ground vibration of 0.8mm/s). Further complaints led to KCC instructing Babbie to monitor a blast in November 2003 (which recorded ground vibration of 0.67mm/s). Babbie advised that whilst the vibration was clearly perceptible during the blast, the figure was less than 2% of the prescribed cosmetic damage limit and provided a strong indication that vibration from the quarry posed no significant threat to the structure. It also commented that it is common for those experiencing this level of vibration to associate it with cracks in buildings even though the relevant damage criterion in BS7385 is not exceeded and that cracks in walls are a sign of differential movement within a building (with various reasons contributing to this). Hanson undertook further investigations into the local resident's concerns which proved inconclusive as to the precise cause of the damage.

13. A number of other complaints were also received during 2003 from local residents in Offham and West Malling, some of which included allegations of damage to properties. This led to Offham Parish Council writing to KCC in November 2003 expressing concern about possible damage to property and to Offham Landfill Site from blasting. Amongst other things it did not accept that because the monitored vibrations were well within Government Guidelines meant that the blasting was completely safe on the basis that the Guidelines may not adequately take local conditions into account. It also requested written guarantees from KCC that the blasting had / would not structurally affect any property within the village or the landfill site and a cessation of blasting until such a guarantee was provided.
14. The above complaints were reported to a KCC Regulation Committee Member Panel on 7 January 2004. The Member Panel resolved (amongst other things) that:
 - Offham Parish Council be informed that:
 - KCC could not give the assurances that it had sought about potential damage to properties;
 - there was no published information to support the view that structural damage may be caused by the blasts given that the planning permission was being complied with; and
 - it was for Hanson to decide whether to continue blasting and face potential legal claims from residents or others if it were subsequently established that blasting had caused any damage;
 - Officers undertake a number of actions, including taking a report to the Regulation Committee setting out a formal procedure for dealing with complaints relating to blasting, the circumstances in which KCC would undertake independent blast monitoring and the extent of such monitoring and information on blasting related issues for the local community;
 - Hanson be encouraged to review the 2002 blast monitoring scheme with KCC and submit a revised scheme for approval; and
 - Officers investigate the use of specific limits on air overpressure for possible inclusion as part of any future permissions or approvals for blasting.

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A copy of the report and minutes of the Member Panel meeting are included in Appendix 1.

15. In April 2004 a revised scheme of blasting and blast monitoring scheme was agreed between KCC and Hanson following consultation with Tonbridge and Malling Borough Council (TMBC), all four local Parish Councils (Offham, West Malling, Kings Hill and Mereworth) and the three KCC local members. It included additional monitoring locations (four as opposed to one for each blast), better notification to the local community on the timing of future blasts, the provision of blast monitoring results to all members of the Blaise Farm Quarry Liaison Group (in tabular form) and measures to facilitate independent monitoring by KCC (including Hanson reimbursing KCC for independent blast monitoring on up to 4 occasions each year).
16. A report updating Members on progress with the blasting issues was considered by KCC's Regulation Committee on 25 May 2004. The report also included details of the revised blast monitoring scheme approved in April 2004 and draft documents providing guidance on blasting at ragstone quarries in Kent and a procedure for dealing with complaints about blasting at ragstone quarries in Kent. The Regulation Committee resolved to note the content of the report and for officers to:
 - make the documents providing "Guidance on Blasting at Ragstone Quarries in Kent" and "Procedure for dealing with complaints relating to blasting at Quarries in Kent" publicly available;
 - keep all blasting related issues under review and update or supplement the documents as necessary; and
 - undertake independent blast monitoring for Hermitage Quarry without the requirement for the previous criteria for doing so to be met (and amend the procedure for dealing with complaints document to reflect this).

A copy of the report to the Regulation Committee meeting (with revised recommendation) is included in Appendix 2. The guidance and procedure documents were published in May 2004. "Guidance on blasting at Ragstone Quarries in Kent" (KCC, May 2004) is included in Appendix 3 and should assist Members' understanding of the blasting issues referred to in this report.

17. Approval (TM/88/1002/R12) was given in April 2004 for an explosives store compound and a quarry manager's office (located between the site offices / weighbridge and quarry).
18. Approval was given in October 2006 for three trail blasts using a MIC greater than 10kg. By this time, operations at the quarry were being undertaken by Gallagher Aggregates Ltd (GAL) under a short term arrangement with Hanson (something which has since been formalised in a longer term contract).
19. Approval (TM/88/1002/R4&7) was given in March 2007 for the 2nd 5-year plan for progressive working and restoration in (i.e. Phase 2). The approval was conditional on (amongst other things) noise generated from normal day to day operations not exceeding 55dB_{L_{Aeq,1hr} (free field)} and noise from temporary operations such as soil and

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overburden stripping, movement, storage and replacement not exceeding 70dB_{LAeq,1hr} (free field) (both as measured at any noise sensitive property).

20. Approvals were given in May 2007, March 2010 and June 2011 for a series of trial blasts using a MIC greater than 10kg.
21. Approval was given in November 2012 (DC28/MR114) for a postponement of the First Period Review² from 11 August 2013 until 11 August 2028 on the basis that the existing planning conditions are judged to be satisfactory (conditions 4 and 7 of planning permission TM/88/1002 (as amended by TM/98/460) already provide for regular reviews of the schemes of progressive working and restoration and condition 8 provides for appropriate aftercare on a phased basis). Regard was also given to the desirability of not requiring applicants or developers to incur unnecessary expense and the Growth and Infrastructure Bill's aim of cutting red tape by providing Councils with more local discretion over whether they review the planning conditions for mineral sites, rather than following rigid, centrally-set targets. The more recent Planning Practice Guidance states that Mineral Planning Authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions and which the operator has been made aware of and has not been able to address.
22. Approval (TM/88/1002/RVAR) was given in April 2016 for the 3rd 5-year plan relating to working, restoration and aftercare (i.e. Phase 3). It also included a review of wheel cleaning facilities. The approval was conditional on (amongst other things) the noise limits referred to above. It also contained a number of informatives, including a reminder that approval had not been obtained for a scheme of blasting outside the Phase 1 area and advising that whilst KCC considered the scheme approved for that area to remain generally acceptable the matter should be regularised by the submission of an appropriate scheme pursuant to condition 17 of planning permission TM/88/1002 for other phases.
23. A Scoping Opinion (KCC/SCO/TM/0325/2016) was issued in February 2017 relating to the proposed variation of condition 18 of planning permission TM/88/1002 to allow an increase in the maximum instantaneous charge when blasting from 10kg to 25kg. This stated that the EIA necessary to accompany the proposed application should address the impact of ground borne vibration and air overpressure on residential properties in the area, the adjoining waste management facilities, the remains of the Chapel of St Blaise, users of public rights of way crossing or immediately adjoining the site, any wildlife interest associated with the LWS adjoining areas more generally and Offham Landfill Site. No application has yet been submitted and blasting is still undertaken with a 10kg MIC. KCC also suggested that an updated Scheme of Blasting incorporating a Blast Monitoring Scheme relating to the entire site be included with the

² The Environment Act 1995 (as amended) enables Mineral Planning Authorities (MPAs) to require operators to review planning conditions on a periodic basis (no more than every 15 years) and submit new conditions and associated schemes of working, restoration and aftercare. However, it should be noted that an applicant can claim compensation as a result of any reviews of planning conditions where: the MPA determines conditions different from those it submitted; and the effect of new conditions, other than restoration or aftercare conditions, is to prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site, taking account of the expected remaining life of the site.

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planning application to replace the schemes approved for Phase 1 in 2002 and 2004.

24. On 3 August 2020 KCC approved a request by GAL to allow HGVs to arrive, be loaded and be dispatched outside the normal operating hours at Blaise Farm Quarry to supply an urgent Brexit related contract for the Ashford Inland Port Project off Junction 10A of the M20 at Ashford. The decision was made by Head of Planning Applications under the provisions of Section 10.15 of the KCC Constitution as there was an urgent need to make a decision and insufficient time to await the outcome of a formal planning application. The approval was conditional on:
- 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) only being 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;
 - The additional hours only being used for the duration of the contract and all operations during the additional hours ceasing no later than 31 December 2020;
 - GAL notifying 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);
 - HGVs using 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 using the A228 (south of the quarry), A26, B2016 (Seven Mile Lane), A20 and M26 to access the M20; and
 - GAL instructing 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.
25. Although concerns and complaints about the effects of blasting have been received at various times since 2004 (excluding those periods when the quarry has been mothballed), the number and frequency of these has increased significantly in recent months. This appears to coincide with an increase in the frequency of blasting at the quarry (up to three times each week) and (to some extent) the beginning of the lockdown associated with the Covid-19 pandemic when many more people will have been at home when the blasts took place.
26. Extraction is currently taking place within the Phase 3 area in accordance with the 3rd 5-year plan approved in April 2016, although quarrying operations have not yet progressed onto or to the west of footpath MR286. KCC began publishing the blast monitoring results provided by GAL for both Blaise Farm Quarry and Hermitage Quarry online in April 2020. Those for Blaise Farm Quarry are available via the following link: <https://www.kentplanningapplications.co.uk/Planning/Display/BLAST%20MONITORING%20RESULTS%20BLAISE%20FARM%20QUARRY> All of the results demonstrate compliance with the vibration limits set out in paragraph 9 above.

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The Proposal

27. The application seeks the approval of details pursuant to conditions 4, 7, 8, 12, 17 and 27 of planning permission TM/88/1002 relating to 5-year schemes of working, restoration and aftercare, prior approval for static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities and updated schemes of blasting and blast monitoring.
28. Although there is some overlap between the various elements in terms of the relevant conditions, the details can most logically be separated out for consideration as follows:
- The 4th 5-year plan for working, restoration and aftercare and wheel cleaning facilities (conditions 4, 7, 8 and 27);
 - The static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities (condition 12); and
 - The updated scheme of blasting and blast monitoring (condition 17).

The 4th 5-year plan for working, restoration and aftercare and wheel cleaning facilities (conditions 4, 7, 8 and 27)

29. The 4th 5-year plan covers the period 2020 to 2025. It includes the proposed working and progressive restoration for the remainder of Phase 3 (sub-phases 3e to 3g) and the transition into Phase 4 (sub-phases 4a to 4c). The detailed proposals are set out in an accompanying document titled “Blaise Farm Quarry – Details required in accordance with Conditions 4, 7, 8 and 27 of planning permission TM/88/1002 – Fourth 5-year Working and Restoration Scheme: 2020 to 2025” and drawing number GAL-BG-20-08 Rev C titled “4th 5 Year Working and Progressive Restoration Scheme: Phases 3f to 4g (2020 – 2025)” (dated 27 May 2020). The document and drawing describe and illustrate how what is proposed complies with the requirements of conditions 4, 7 and 8 in terms of sub-phasing, direction and method of working, timing, soil handling procedures, waste haddock stockpile locations, heights and dimensions, progressive restoration, final restoration levels and proposed future use. Whilst it closely follows the scope, format and principles of the 3rd 5-year plan (relating to the period 2015 to 2020) approved in 2016, the 4th 5-year plan also incorporates (or assumes the use of) the proposed new static processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities (which are described in further detail below). The new wheel wash arrangements are proposed following a review of the existing arrangements as required by condition 27. A drawing illustrating the proposed phased working is included in Appendix 4.

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The static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities (condition 12)

30. The applicant (GAL) states that until recently (and owing to confined space in the working area) it has been standard practice to follow the quarry phases with mobile plant and equipment to crush and screen at the exposed quarry face. However, whilst this has worked so far, there are two distinct disadvantages: (i) it necessitates double handling to enable processed material from the plant area to be transported to the stock area for sale; and (ii) for the duration of each blast the entire tracked (mobile) operation must be moved away from the exposed quarry face in accordance with Health and Safety requirements (with each withdrawal / re-siting of plant at the quarry face taking approximately two hours representing a loss of productivity of about 31,000 tonnes per annum (tpa)).
31. GAL states that the quarry has been developed to the point where a plant site can be created to allow for more efficient operations, processing and stocking of materials for the remaining length of the lease it agreed with Hanson in 2017. It would also allow a central production area to be maintained as extraction continues to the west. The plant site would be located within the void created by the removal of materials in Phase 3 at the lowest level of excavation.
32. GAL states that there has been a steady increase in sales from Blaise Farm Quarry with a 65% increase in market demand during the past 3 years which has led to the need for more efficient production practices. It states that centralising the processing operations would enable better productivity than the current methodology as the extraction area extends westwards and that transporting the primary blasted material to a central processing plant area is standard quarrying practice. It would also enable the Ancient Woodland and LWS in the location of the static plant site originally intended to the east to remain intact.
33. It is proposed to replace the existing tracked barrel, screen and conveyors which currently operate at approximately 85m AOD with a new skid mounted barrel, screen and conveyor configuration at a location on the quarry floor at approximately 72m AOD. There would be no additional processes, although the equipment would be more efficient. A new barrel screen would process blasted rock and scalp off underneath the barrel to 125mm down. The fine material would be further screened to produce three stockpiles: 125mm to 75mm; 75mm to 20mm; and 20mm down (i.e. the hassock fines for carriage and placement in the quarry void). Moving the hassock fines by conveyor to the next bench up would remove the need to transport approximately 250,000tpa by dumper truck from the lower bench working area, thereby reducing risk of dust, internal movements and fuel consumption / carbon emissions. The positioning of the barrel on the lower bench, together with the installation of associated processing equipment at a level of 72m AOD, would mean that crushing and screening would be carried out at a lower level and avoid the need to crush and screen at 85m AOD. The static plant would operate in a similar way to the existing mobile plant and in accordance with the permitted noise thresholds.

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34. The plans accompanying the application show the configuration of the processing and other ancillary facilities which are critical to the efficient operation of the quarry. The weighbridge, wheel wash, welfare accommodation and associated parking which are currently situated at the top of the existing access road would be relocated to the plant site area. The replacement welfare facilities would be in a single storey steel hut similar in appearance and dimensions to the existing accommodation at the quarry. The weighbridge facilities would comprise a single storey prefabricated hut similar in dimensions and appearance to that which is installed at Hermitage Quarry. The explosives store compound (already approved) and a proposed ammonium nitrate storage compound (already in situ) would remain in their current locations between the existing quarry offices and quarry void).
35. The existing internal road junction near the quarry weighbridge and wheel wash would be reconfigured to improve access for vehicles travelling south into the quarry and to the north into the waste management facilities. The junction and length of access road into the quarry would be hard surfaced.
36. A bund to the north of the current excavation would be installed to prevent surface water from that part of the quarry operated by GAL from draining into that occupied by the waste management facilities and a pond would be created in the northeast of the plant site area to provide additional surface water drainage provision. Drawings illustrating the key elements referred to above are included in Appendix 4.

The updated scheme of blasting and blast monitoring (condition 17)

37. The application includes updated schemes of blasting and blast monitoring which would replace those previously approved for the Phase 1 area. GAL states that the earlier scheme has been updated to take account of current legislation, policies, British Standards and good practice guidance. It states that vibration prediction levels and locations have been revised and monitoring locations added to take account of the westerly advancement of the quarry. For the avoidance of doubt, it states that no change is proposed to the 10kg MIC (which it accepts would require a planning application accompanied by an Environmental Impact Assessment).
38. The proposed Schedule (scheme) of Blasting explains how the blasts are carried out (having regard to ground vibration and air overpressure) and how their effects are monitored against permitted limits. The proposed scheme uses best practice guidance / methodology to calculate the predicted ground vibration levels that would be experienced during the 4th 5-year plan period using 10kg MIC at each of five locations around the site. The locations and their respective predicted vibration levels are as follows (with the maximum representing the worst case when blasting is closest to the location):

Item C2

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Location	Vibration Level Maximum Peak Particle Velocity (mm/s)	
	Mean	Maximum
1. The remains of the Chapel of St Blaise	1	3
2. Blaise Farm (to the north)	0.3	0.7
3. Properties to East (The Crest on King Hill)	0.1	0.2
4. Properties the South East (the Airfield Estate)	0.1	0.3
5. Properties to North East (Ashtree Farm)	>0.1	0.2

In all cases these are well within the 6mm/s limit required in 95% of all blasts and significantly below maximum 12mm/s for any one blast. The scheme makes it clear that it is impracticable to set a maximum limit on air overpressure (with or without an appropriate percentile of exceedances being allowed) due to the significant and unpredictable effect of variable weather conditions. However, it states that with a sensible ground vibration limit, the economics of safe and efficient blasting will automatically ensure that air overpressures are kept to reasonable levels. A drawing showing the vibration prediction locations is in the proposed Schedule (scheme) of Blasting (which is included in Appendix 5).

39. The proposed Blast Monitoring Scheme identifies a number of potential monitoring locations (“stations”) which lie between the blast site and vibration sensitive locations:

- Farm Gate (FG2)
- Offham Access Road (OAR)
- Central Site Station1 (CSS1)
- Central Site Station 2 (CSS2)
- Southern Site Station (SSS1)
- Ruins of St Blaise Chapel (BCR)
- Site Office (SO)
- Eastern Boundary (EB)
- Northern Boundary (NB)
- Beau Fighter Road (BFR1)
- New Earth Solutions (NES)

These are shown on a drawing in the proposed Blast Monitoring Scheme (which is included in Appendix 6). It proposes that monitoring be undertaken at the four stations which would give the best representations of the intensity of the blast vibration at the closest vibration sensitive location / property to the blast site based on a regression line produced from gathered data. It proposes that the results of blast monitoring be submitted to KCC as soon as possible after firing. The results would include a copy of the reading from the monitoring instrument (including the peak particle velocities in three mutually perpendicular planes), the date and time of the blast, the monitoring location, weather conditions and blast design details (including an accurate plan showing the position of the blast in relation to the monitoring location), the total explosive charge weight and maximum instantaneous charge weight.

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40. The Blast Monitoring Scheme also proposes that GAL notify KCC of its intention to blast and the proposed time of the blast by email on the morning of a blast day and that the information also be sent by email and telephone to KCC, TMBC and one representative of each relevant parish council and local residents (if up to date email addresses are provided). The scheme states that complaints to the quarry management about blasting will be dealt with via the Company's complaints procedure (i.e. logged, investigated and measures taken where necessary to prevent further incident / reason for complaint), the results submitted to KCC within 72 hours of being completed and recorded on an electronic archive which can be made available to KCC on request and at liaison meetings. The scheme also provides for GAL pay (on request) the reasonable expenses incurred by KCC in undertaking independent monitoring at no more than one location on up to four occasions each year (with the location(s) to be determined by KCC in consultation with TMBC Environmental Protection Team and the relevant Parish Council(s)).

Additional information from applicant

41. In support of the application, GAL states that Blaise Farm Quarry is one of only two sources of commercial limestone within the County and that the reserves are essential to the provision of construction materials. It also states that it is in a unique position to invest in the ongoing working of Blaise Farm Quarry and to make best use of the finite limestone resources and that it has already approved the expenditure necessary to renew the proposed barrel and screen configuration in this financial year with the intention of installing the new plant in Quarter 4. It further states that it would continue to comply with the conditions attached to the extant planning consent (including the need to maintain at least a 3m stand-off between the base of the excavation and the highest known rest of groundwater) and the noise limits imposed on the 3rd 5-year plan. In terms of the other conditions and informatives imposed on the 3rd 5-year plan, GAL states (amongst other things) that:
- Responsibility for ongoing woodland management rests with Hanson (as landowner) which will review and update the approved schemes as necessary;
 - Whilst no changes are currently proposed to the required low level restoration scheme it may be necessary for some modifications to be made to reflect the restoration requirements of the waste management facilities when these are removed and that this will be done as part of subsequent phased working and restoration schemes;
 - A temporary footpath diversion order is currently being considered by KCC for the necessary diversion of Footpath MR286 (which would see an alternative provided around the northern and western perimeter of the permitted quarry area); and
 - The approved archaeological requirements (watching brief) are being complied with.

Drawings showing the proposed footpath diversion arrangements are included (for information only) in Appendix 7.

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Planning Policy Context

42. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (May 2019) and expanded upon in the associated National Planning Practice Guidance (NPPG). These are material planning considerations.
43. **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), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM5 (Heritage Assets), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding of Transport Infrastructure), DM16 (Information Required In Support of an Application), DM17 (Planning Obligations), DM19 (Restoration, Aftercare and After-use) and DM20 (Ancillary Development).
44. **Tonbridge and Malling Borough Council LDF Core Strategy (September 2007)** – Policies CP1 (Sustainable Development), CP2 (Sustainable Transport), CP3 (Metropolitan Green Belt), CP14 (Development in the Countryside), CP24 (Achieving a High Quality of Life) and CP25 (Mitigation of Development Impacts).
45. **Tonbridge and Malling LDF Managing Development and the Environment DPD (April 2010)** – Policies CC3 (Water Environment), NE1 (Local Sites of Wildlife, Geological and Geomorphological Interest), NE2 (Priority Habitats), NE3 (Biodiversity), SQ1 (Landscape and Townscape Protection and Enhancement), SQ4 (Air Quality), SQ6 (Noise) and SQ8 (Transport Infrastructure).
46. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (November 2018)** – The Early Partial Review of the Kent MWLP proposes no changes to the policies that are relevant to the determination of this application. The Early Partial Review of the Kent MWLP was subject to an independent examination between 8 and 15 October 2019 and the Inspector's Report was published on 23 April 2020. The Report concludes that the Plan is sound provided that a number of main modifications are made. The main modifications were discussed at the examination hearings, subject to sustainability appraisal and public consultation and considered by the Inspector along with any representations made on them. The proposed modifications were subject to consultation and the responses considered. The intention is for the Early Partial Review of the Kent MWLP to be adopted by KCC at the County Council meeting on 10 September 2020. As it would be inappropriate to pre-empt the outcome of that meeting in this report (which has to be published on 8 September 2020), the policies are currently referred to in their draft form. However, for the reasons set out in this report the adoption of the Early Partial Review of the Kent MWLP would not affect my conclusions or recommendation. I will update Members appropriately at Committee.

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47. **Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018)** – Draft Policies LP1 (Presumption in Favour of Sustainable Development), LP11 (Designated Areas), LP13 (Local Natural Environment Designations), LP14 (Achieving High Quality Sustainable Design), LP17 (Flood Risk), LP18 (Sustainable Drainage Systems (SuDS)), LP20 (Air Quality), LP21 (Noise Quality) and LP24 (Minerals and Waste).

Consultations

48. **Tonbridge and Malling Borough Council** – No objection.

In respect of vibration and noise, the Borough Council's Environmental Protection Team has commented as follows:

"The Applicant has submitted a Schedule of Blasting document, dated June 2020, to continue to demonstrate compliance with Condition 17 of Planning Permission TM/88/1002. The document explains how blasts are carried out and how their effects are measured and compared to predicted levels. I believe that the document shows that previous predicted maximum levels have been complied with and these results have recently become available online. I believe that if the measures proposed are adhered to, levels should be continued to be complied with. I would thus have no comments to make on these proposals. The Environmental Protection team has recently seen an increase in Residents reporting noticing the effects of the blasts (perceived to be vibrations) and I believe that this has primarily been due to air overpressure. All of the concerns raised have been connected with the possibility of damage being caused to Residents' properties, which is outside of the scope of the Environmental Protection Team."

49. **Offham Parish Council** – No comments on the application itself but states:

"The Parish Council is receiving a higher number of complaints about the increase in frequency of blasts and the effect on the village of blasting at the quarry. Blasting is causing great concern and anxiety to residents. The blasting may be within limits, but that does not mean it is acceptable and reports are that the effects are getting worse. The Parish Council is concerned that as work moves across the footpath into the wheat field and closer to the village, these problems will get worse. However, the Parish Council recognises that this is the 4th 5 year plan for the Quarry and that there are no changes to the frequency or size of blasts. In respect of this application the Parish Council has no comments, but will continue to seek action to reduce the effect of the blasts on the village and surrounding areas."

50. **West Malling Parish Council** – No comments on the application itself but states:

"West Malling Parish Council have considered the above application and do not wish to make any comments. The Council would however, wish to echo the comments previously submitted by Offham Parish Council regarding an increase in complaints from residents about the frequency of blasts and the detrimental effect that these blasts are having on residents of West Malling and the surrounding areas."

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51. **Kings Hill Parish Council** – States that:

“The parish council recognises that this application is the 4th of a 5 year plan for Blaise Farm Quarry. We note that there are no changes to the size and frequency of the blasts. The parish council has the following comments: Kings Hill Parish Council is extremely concerned that since the beginning of June there has been an increase in complaints from residents who are rightly concerned with the increase in the number of blasts per week. The parish council wants to ensure that Gallagher works closely with KHPC in future to address the residents concerns. We request that Gallaghers / TMBC / KCC should undertake relevant measurements in Kings Hill.”

52. **Mereworth Parish Council** – States that:

“There are concerns regarding the explosions which are already being felt in properties at the Airfield Estate – these will probably worsen with closer proximity.”

53. **Environment Agency** – No objection subject to relevant conditions being carried over to any new permission. Its key requirements are:

- A minimum 3m standoff above the highest seasonal water table (i.e. the maximum depth of extraction to be at least 3m above the highest known rest level of groundwater);
- Surface water drainage being managed in accordance with approved drainage designs; and
- All equipment and processing machinery being maintained and operated in such a manner as to avoid any risk of pollution to the underlying aquifer body.

It has also suggested the following informative relating to fuel, oil and chemical storage: *“Care should be taken with all operations to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental / unauthorised discharge to ground. The areas for storage should not drain to any surface water system. 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. 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.”*

54. **Natural England** – Has no comment to make.

55. **KCC Highways and Transportation** – No objection. It states that:

“The application includes proposals to improve the internal access arrangements and provide for greater separation between the minerals and waste uses within the quarry (both are accessed via the purpose built access road from the A228 roundabout). It is also proposed to increase the length of the surfaced road into the quarry and relocate the wheel cleaning facilities further into the site. Although I am not aware that mud or

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other materials have been tracked onto the public highway, this should serve to further reduce that possibility. Given that the proposals would have no direct impact on the highway (as all the works are internal to the site and the mineral permission includes no specific limit on HGV movements or output), I would not wish to raise objection.”

56. **KCC Public Rights of Way** – No objection subject to no works being carried out which would in any way affect the current alignment of Footpath MR286 until such time as the Public Path (Diversion) Order has been confirmed and certified and the diverted route is in place.
57. **KCC Noise and Vibration Consultant** – No objection. It states:

“We referred to your letter dated 30 June 2020 and have reviewed the application documents and in particular the Schedule of Blasting and the Blast Monitoring Scheme, both dated June 2020.

Schedule of Blasting

The applicant has provided an updated Schedule of Blasting in order to be compliant with Condition 17 of Planning Permission TM/88/1002. The document has reviewed the previous schedule from 2002 and details a number of measures, good practice and analysis of blasting to provide the assurances that noise and vibration from blasting at Blaise Farm Quarry will not cause unacceptable or adverse effects. The document does correctly note that whereas previously vibration limits were specifically identified in Minerals Planning Guidance 9 (MPG 9) and MPG 14, the current NPPF and associated PPGs does not offer any specific guidance. The former guidance documents advised that ground vibration limits of between 6mm/s and 10mm/s at a 95% confidence level with a maximum of 12mm/s measured at a sensitive receptor were considered acceptable. Current British Standard (BS) guidance supports these limits and we are satisfied that their use as limits is acceptable and appropriate to provide protection at the nearest receptors.

Notwithstanding the suggested limits of being between 6 and 10 mm/s, the Schedule does also provide an extensive list of good practice measures which provide supplementary assurances that the impact blasting may have is extensively controlled. The Schedule provides further details by way of a series of predicted levels at a number of representative receptors around the site. These have been calculated based on a proven industry acceptable methodology utilising previous measured results with resultant predictions which indicate levels at the sample residential receptors ranging between 0.2 and 0.7 mm/s. Although clearly not a dwelling, the assessment has also included as a sensitive receptor the remains of the Church of St Blaise which has a predicted level of 3 mm/s. The applicant notes that a vibration level of this magnitude will have no effect upon the remains of the Church of St Blaise and this is a view I would agree with as vibration levels would need to be in the order of 15 to 20 mm/s for the onset of any minor superficial damage to occur. The Schedule concludes noting that the predicted levels are well within the recommended vibration limit of 6 mm/s and we concur with this statement. The final section of the Schedule provides details of the site manager’s rules which have been drawn up to comply with

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Part V of the Quarries Regulations 1999. (2nd Edition) 2013. The rules are related to the health and safety at the site with specific regard to the manufacture, storage, use and control of explosives. We are satisfied that these rules provide further assurances to the proposed method of blasting at the quarry.

Blast Monitoring Scheme

The Blast Monitoring Scheme provides the methodology of how the actual monitoring will be carried out when blasting takes place. The document includes appropriate identification of sensitive receptors, the locations where the blast monitoring will be undertaken and how the resultant data will be used to create a regression line in order to predict the level of vibration at the other non-monitored sensitive receptors. The background to how this is derived is detailed in the Schedule of Blasting and we are comfortable that this is in accordance with industry standards and guidance. Results will be submitted to the MPA which will include the peak particle velocities in three mutually perpendicular planes together with the date and time.

We note that the applicant would notify the MPA of its intention to fire a blast via email on either the day before or the morning of a blast day. We believe that advising on the morning by email does not offer sufficient advance warning to the MPA and would recommend a longer notice period of at least three days. The Scheme proposes an annual review of the blast monitoring procedures if requested by either the MPA or operator and this is welcomed as is the offer by the operator to pay reasonable expenses incurred by the MPA for undertaking its own independent monitoring on up to four occasions each year.

In summary, we are satisfied that the Schedule of Blasting has been reviewed in line with updated guidance and the proposed vibration limits are appropriate. The applicant has undertaken predicted levels for the nearest sensitive receptors and the results show levels well below the appropriate limits. The Blast Monitoring Scheme details thoroughly the monitoring procedures to be utilised and we are satisfied is fit for purpose.”

Representations

58. The application was not subject to any formal neighbour notifications as none were required by legislation or to meet the requirements of KCC’s Statement of Community Involvement (SCI). However, five (5) representations from four (4) different people (all objections relating to blasting) have been received. Correspondence has also been received from Tom Tugendhat MP in which he noted local residents’ concerns about blasting in the West Malling, Kings Hill, Mereworth and Offham area and requested that KCC undertake additional investigation on the impact of the level of blasts on nearby residents. The representations that have been received from local residents are as follows:

- (i) *“I have to complain on the latest activities of this quarry. Blaise Farm’s latest blasts have disturbed our Kings Hill community as these blasts seems to be escalating by the week. Many residents have complained for damages to their*

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houses. The activities of this quarry need to stop ASAP. I understand that this quarry has been operating for decades but you are approving a growing community on Kings Hill with more and more houses even closer to this quarry. I am on phase 3 and there might be an underground passage that potential assist in transferring the magnitude of the blasts to our newly established development.”

- (ii) *“Further to my previous email (see (i) above), please note the following concern: Vibration moves in waves. Especially when the quarry is undertaking blasts under the level where houses are located, it is only possible to measure the impact a blast has only within the perimeter of every house. At the end of the day, the further deep the quarry is blasting the greater the impact to the surrounding areas. The blasts results the quarry is reporting are irrelevant to every house as the only reliable measurements are within the perimeter of a specific building in the surrounding area and over the course of a calendar year. I appreciate that this quarry has been around for decades but not to the same depths and not with Kings Hill to it current size.”*
- (iii) *“We moved to Kings Hill in 2012 and had not, during our time here, heard, or felt the blasts at Blaise Farm. However, over the last year we have heard blasts and experienced the house shaking. We are some distance from this site but the impact has intensified. We note that there is a significant amount of technical data and technospeak within the application but no 'real life' reference to what residents are experiencing. We also note - over the past 3-4 years, applications for increased charging capacity, which has not been challenged. This is not our field of expertise and nor should it be, the application should include consultation with residents regarding the impact of the blasting on their properties and everyday lives. It is not acceptable - as we have noted from previous applications, to say that superficial cracking and 'perception' are not valid complaints and to state that these are at 'acceptable' levels. There is no indication as to who should bear the cost for the damage, however 'superficial' it is deemed to be by people that profit from operations at Blaise Farm. We strongly object to the current blast levels and most certainly any increase in them. I do not believe that anyone at the council has the technical knowledge or understanding either!!”*
- (iv) *“As a resident of Kings Hill I object to this proposal and request that TMBC along with KCC, Gallagher, and all local parish councils carry out further investigations as to the sizes of the blast and frequency. The blast have been significantly louder and since the beginning of June causing houses to shake, windows to rattle and hair line cracks to appear in the houses. The blast sizes are having a significant impact on all surrounding parish council residents not just Kings Hill. Residential houses need to have monitoring equipment to measure the damage they are doing to property. I therefore object to this application until further investigation has taken place and the council, KCC and Parish Councils got Kings Hill, Offham and West Malling are happy about the impact on residents and their property The blasts also have my dog running around scared as to what the noise was so must be having a significant impact on the wildlife around*

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the area.”

- (v) *“Objection. The site is getting too big and my house in Lambourne drive shakes regularly at 1.15 from the explosions.”*

Local Members

59. County Council Members Sarah Hohler (Malling North), Trudy Dean (Malling Central) and Matthew Balfour (Malling Rural East) were notified in June 2020.
60. No comments on the application have been received from the Local Members at the time of writing this report although all three have relayed concerns expressed by their constituents, sought clarification on issues relating to blasting and requested that officers investigate the concerns in recent months.

Discussion

61. The application is being reported to KCC’s Planning Applications Committee for determination as planning objections have been received from four individuals (five responses) who have made representations. No objections have been received from technical or other consultees, although the four local parish councils have expressed concerns about the impact and frequency of blasting and the number of complaints.
62. 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 43 to 45 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 42 and the draft development plan policies in paragraphs 46 and 47. As noted in paragraph 46 above, the intention is for the Early Partial Review of the Kent Minerals and Waste Local Plan (MWLP) to be adopted by KCC at the County Council meeting on 10 September 2020. Whilst its policies are referred to in draft form in this report, I am satisfied that were the Plan to be adopted it would not affect my conclusions or recommendation on the proposed development.
63. The main issues in this case are:
- The principle of the development; and
 - Whether what is proposed accords with the requirements of the relevant conditions and whether it is acceptable having regard to planning policy and other material planning considerations.

These are addressed in the following sections having regard to each of the main elements of the proposal.

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The principle of the development

64. Planning permission already exists for mineral extraction (including blasting) at Blaise Farm Quarry by virtue of TM/88/1002 (as amended by TM/98/460). The key issue when considering this application is therefore not whether quarrying (including blasting) should take place at Blaise Farm Quarry, rather it is whether what is now proposed is acceptable in the context of what is already permitted.

The 4th 5-year plan for working, restoration and aftercare and wheel cleaning facilities (conditions 4, 7, 8 and 27)

65. The proposed 4th 5-year plan sets out details which address each of the various provisions set out in conditions 4, 7 and 8 of planning permission TM/88/1002 (i.e. the progressive schemes of working, restoration and aftercare). Provisions 4a to 4f relate to how the quarry is to be worked, provisions 7a to 7i to how the quarry is to be progressively restored and provisions 8a to 8i to how the aftercare is to be undertaken. The proposals are explained in more detail in paragraph 29 above and the proposed phasing arrangement illustrated in the drawing at Appendix 4. On this basis, I am satisfied that the requirements of each of the conditions has been met.
66. The 4th 5-year plan also addresses the requirement of condition 27 to review the measures intended to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway and explains that the current wheel cleaning facilities near the existing weighbridge and site offices would be replaced / relocated into the quarry void as part of the related proposals for a static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities.
67. Other than the concerns and complaints about blasting (which are addressed elsewhere in this report), no recent complaints have been received about quarrying operations and implementation of the 3rd 5-year plan appears to have progressed satisfactorily with no significant impact on the environment or local amenity. No objections have been raised by technical or other consultees to the 4th 5-year plan. Given the similarities with the 3rd 5-year plan and the lack of objection, I see no planning reason not to approve the 4th 5-year plan. KCC Highways and Transportation is not aware that mud or other materials have been tracked onto the public highway whilst the current wheel cleaning arrangement has been employed and advises that increasing the length of the surfaced road into the quarry and relocating the wheel cleaning facilities further into the site should serve to further reduce that possibility. This element of the proposal can therefore also be viewed favourably. KCC Public Rights of Way has advised that no works should be carried out which would in any way affect the current alignment of Footpath MR286 until such time as the Public Path (Diversion) Order has been confirmed and certified and the diverted route is in place. This is addressed in relevant legislation but could usefully be emphasised by informative.

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The static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities (condition 12)

68. Planning permission is 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 range of development including the erection, extension, installation, rearrangement, replacement, repair or other alteration of any plant, machinery, buildings and private ways 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.
69. Condition 12 of planning permission TM/88/1002 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.
70. Given that the principal purpose of the proposed plant, machinery, buildings and private ways would be in connection with the winning and working of minerals at the quarry, as the external appearance of the quarry would not be materially affected (they would be located in the quarry void and / or surrounded by woodland), as the height of any building, plant or machinery in the excavated area would not exceed 15m above the excavated ground level or 15m above the lowest point of the unexcavated ground level immediately adjacent to the excavation and as no new or replacement buildings would exceed relevant size thresholds (i.e. a floor space exceeding 1,000 square metres (sqm) for new or replacement buildings and a cubic content exceeding 25% of an existing building for any replacement building), the proposed static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities would require no approval from KCC and could simply be implemented by Gallagher Aggregates Ltd (GAL) were it not for condition 12. Even if what is proposed were considered against Class B, it is clear that approval should be given having regard to the relevant criteria.

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71. 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 205 states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.
72. 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 DM11 states that minerals development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from (amongst other things) noise, dust, vibration, emissions, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy 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. Class A and B of Part 17 of Schedule 2 to the GPDO (2015) both require the removal of such development when mineral operations cease permanently and condition 14 of TM/88/1002 requires their removal at such time as they are no longer required for the working or restoration of the site.
73. Permitted development rights are not affected by land being in the Green Belt unless a Direction has been issued under Article 4 of the GPDO (2015) or some earlier iteration of the Order. No such Direction exists in this case. On that basis, there is no requirement to have regard to Green Belt policy in determining the application. This said, it is worth noting that 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. Given size and location of the proposed development within the permitted quarry void and / or the surrounding woodland, and subject to being linked to the life of the mineral working (which it would be), it is clear that it would accord with paragraph 146 anyway. In this way, it would also accord with Policy DM4 of the Kent MWLP which 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.
74. As set out in the Planning Policy Context section above there are a number of adopted and emerging development plan policies that are relevant to the determination of the application. These reflect, and are consistent with, the policies set out in the NPPF and associated National Planning Practice Guidance (NPPG)). The policies of particular relevance (given that planning permission already exists for mineral working and blasting at the site) are those which relate to local amenity and the environment since they provide the framework against which the proposed 4th 5-year plan and the details that have been submitted pursuant to condition 12 should be assessed. In terms of the proposed static plant and related elements this would also be consistent

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with the limitations imposed in approving details under Class B of Part 17 of Schedule 2 to the GPDO (2015).

75. The proposed arrangement would reduce the need for double handling of materials and regularly relocating equipment and in so doing would assist in increasing efficiency and minimising emissions. Locating the plant at the lowest depth possible in the quarry void would better contain operations and further reduce potential effects such as noise, dust and visual impact and assist in minimising any impacts on the surrounding area (including woodland and associated biodiversity interest). Altering the internal road layout and relocating the wheel wash and other elements necessary for the effective operation of the quarry would reduce conflict between the quarry and waste operations. It would also avoid the need for vehicles using the waste facilities to travel on internal roads between the quarry and existing wheel cleaning facilities (which has the potential to result in mud and other materials being tracked towards or onto the public highway). The proposed installation of a bund between the operational quarry area / proposed plant site and the waste management facilities would provide better physical separation between the two and prevent surface water drainage from the quarry interfering with the latter. Surface water drainage would be improved by the proposed new pond in the north east of the plant site area.
76. It is clear from the above that the principle of what is proposed is already established and that there is clear planning policy support for its provision. It is also clear that what is proposed in the 4th 5-year plan and in respect of the details submitted pursuant to condition 12 would not have any significant impact on the environment or local amenity (subject to the re-imposition of the noise limit conditions imposed on the 3rd 5-year plan) and that the processing of mineral extracted from Blaise Farm Quarry should be undertaken at the site (ideally at a low level within the quarry void) rather than elsewhere. No objections have been received from technical or other consultees to the details submitted pursuant to condition 12 and I see no reason to withhold approval provided the noise limit conditions are re-imposed and any redundant buildings, containers or structures are removed from the site.

The updated scheme of blasting and blast monitoring (condition 17)

77. As explained in paragraphs 5 and 9 above, condition 18 of planning permission TM/88/1002 allows blasting to take place as part of the mineral working at the quarry at specified times and subject to a maximum instantaneous charge (MIC) of no more than 10kg whilst condition 17 requires that the blasting be undertaken in accordance with an approved Schedule (scheme) of Blasting which includes measures to minimise nuisance / danger from ground vibration, air overpressure, noise, fly rock and dust. Whilst GAL has considered seeking planning permission to increase the MIC from 10kg to 25kg and has undertaken a number of trial blasts with an MIC of more than 10kg (with KCC's agreement), blasting at the quarry is still undertaken with a 10kg MIC. The most recent trial blasts were undertaken in 2012 so the recent complaints cannot have been as a result of blasting with more than a 10kg MIC. Blasting continues to be undertaken in accordance with the scheme of blasting and blast monitoring approved by KCC in 2002 and amended in 2004 for the Phase 1 area (i.e. the 1st 5-year plan). Although officers were content that these schemes remained

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appropriate for subsequent phases, they informed Hanson and GAL of the need for formal approval to be secured for schemes for Phases 2 and 3 on several occasions (including as informatives in approving the 2nd and 3rd 5-year plans). The delay in addressing this is regrettable but has not in itself had any bearing on events since the approved schemes have continued to be complied with. GAL now wishes to regularise this position as part of its investment in the quarry and ensure that appropriate schemes of blasting and blast monitoring are in place moving forward.

78. Paragraph 205 of the NPPF states that in considering proposals for mineral extraction, MPAs should (amongst other things) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties. Paragraph 015 of the Minerals Planning Practice Guidance (Minerals PPG, part of the NPPG) states that mineral operators should look to agree a programme of work with the MPA which takes into account, as far as is practicable, the potential impacts on the local community and local environment (including wildlife), the proximity to occupied properties, and legitimate operational considerations over the expected duration of operations in order to minimise the impact of development upon properties and the local environment in close proximity to mineral workings. Despite containing no specific policies on blasting, 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 (amongst other things) vibration.
79. Whilst neither the NPPF nor Minerals PPG contain detailed policy or guidance on blasting, earlier minerals planning guidance³ specifically referred to the desirability of imposing conditions which provided for: limits on the timing of blasts and on ground vibration received at noise or vibration sensitive properties; monitoring to ensure that the limits are not exceeded; and methods to be employed minimising air overpressure (i.e. the approach adopted at Blaise Farm Quarry). It advocated peak particle velocity (ppv) levels of 12mm/s for any individual blast and 6mm/s in 95% of all blasts and the prior approval of schemes for the monitoring of blasting (including the location of monitoring points and equipment to be used) and the methods to be employed to minimise air overpressure. It should be noted that similar conditions were imposed by the Secretary of State for Communities and Local Government in July 2013 in granting planning permission for the Westerly Extension to Hermitage Quarry (conditions 23 and 24 of Annex A1 to TM/10/2029), albeit that the 12mm/s limit on individual blasts was replaced by a 10mm/s limit and a specific 0.3mm/s limit imposed in so far as it related to Maidstone Hospital. It should also be noted that KCC subsequently approved a scheme of blasting pursuant to condition 24 in October 2013. The effect is that the blasting and blast monitoring at Hermitage Quarry is substantially similar to that undertaken and proposed at Blaise Farm Quarry.
80. Although complaints have been received about the blasting that has been undertaken at the quarry and four individuals have formally submitted objections to the current application (in five responses), it is important to note that no objections have been

³ Minerals Planning Guidance (MPG) 9: Planning and Compensation Act 1991 – Interim development order permissions (IDOS): conditions (March 1992) and MPG14: Environment Act 1995: review of mineral planning permissions (September 1995).

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received from technical consultees. It is also important to note that all of the blast monitoring results submitted to KCC by GAL and all independent blast monitoring that has been undertaken on behalf of KCC has demonstrate that the 6mm/s vibration limit is being complied with. Although not submitted as part of the current application, GAL has provided graphs illustrating the ppv and air overpressure readings resulting from the blast monitoring at Blaise Farm Quarry between 1 March and 11 August 2020. These are included in Appendix 8 along with the information provided for the most recent blast shown on the graph which was provided to KCC pursuant to the planning permission and which is available on the KCC website which also illustrates the locations of the monitoring positions. The graphs clearly show that ground vibration is significantly below the 6mm/s limit and air overpressure below the 120dB design parameter. GAL has also provided a copy of a report R20.10806/2/BG titled "Assessment of Environmental Impact of Blasting at Blaise Farm Quarry, West Malling, Kent" (Vibroch, 2 September 2020) which it commissioned to assist in demonstrating compliance with the planning permission and help explain the true impact of its operations. Again, this does not form part of the current application but is helpful in illustrating and explaining the actual impact of the blasting that takes place. This report is included in Appendix 9.

81. Tonbridge and Malling Borough Council has raised no objection and its Environmental Protection Team is satisfied that the permitted maximum vibration levels are being complied with based on the blast monitoring results provided to KCC by GAL and made available online. It is also satisfied that if the measures in the proposed scheme of blasting are adhered to, the permitted levels should be continued to be complied with. Whilst it notes that there has been an increase in local residents reporting having noticed the effects of blasting (which is perceived to be vibration), it believes the effects that have been experienced are primarily due to air overpressure. However, it should be noted that blast monitoring results have consistently demonstrated that air overpressure has been maintained below 120dB at monitoring locations significantly closer to the blast than any sensitive properties.
82. KCC's Noise and Vibration Consultant was made aware of the complaints and concerns that have been raised by local residents and has examined the proposed scheme of blasting and blast monitoring in that context. It advises that the Schedule of Blasting has been reviewed in line with updated guidance and that the proposed vibration limits are appropriate. It also advises that the applicant's predicted vibration levels for the nearest sensitive receptors are well below the appropriate limits and that the Blast Monitoring Scheme thoroughly sets out the monitoring procedures to be utilised and is fit for purpose.
83. The work undertaken by officers in 2003 and 2004 which was reported to the KCC Regulation Committee Member Panel and KCC Regulation Committee and which led to the publication of "Guidance on blasting at Ragstone Quarries in Kent" (KCC, May 2004) relied heavily on other published guidance available at that time, research into the experiences of other MPAs and discussions with the quarry operator. All available guidance was clear that perceptions about blasting and the belief that damage to property resulted from blasting were not borne out by reality since the vibration necessary to cause damage was significantly greater than that resulting from the

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blasting at either Blaise Farm Quarry or Hermitage Quarry. This remains the case today.

84. Based on the above, it is clear that the proposed updated Schedule of Blasting and Blast Monitoring Scheme are acceptable and should be approved, that there is no reason to withhold approval and that seeking to do so is unlikely to be supported on appeal.
85. Officers are of the view that further independent blast monitoring may assist in reassuring the local community that the blast monitoring undertaken by GAL is being done appropriately and that the vibration limits referred to above are being complied with. This will necessitate the appointment of external consultants as KCC does not have the necessary in-house expertise and equipment and as discussions have established that TMBC's Environmental Protection Team is unable to undertake the monitoring on behalf of KCC. It is hoped that KCC's Noise and Vibration Consultant will be able to undertake this monitoring although this has not been agreed at the time of writing this report. If it is unable to do so, it will be necessary to procure alternative arrangements.
86. Whilst it may not be possible to satisfy some local residents that blasting at Blaise Farm Quarry is not responsible for damaging their properties, officers are of the view that there would be merit in reviewing and updating "Guidance on blasting at Ragstone Quarries in Kent" (KCC, May 2004) as a standalone document and that should this include links to the KCC website where the blast monitoring results can be viewed and contact details for GAL to enable individuals to address concerns directly to the Company as necessary. Making the updated document available may assist in explaining the position and providing at least some reassurance to the local community.
87. Although unlikely to be popular with many in the local community (due to the perception that a larger MIC equates to increased vibration), there may also be merit in GAL pursuing its earlier proposals to increase the MIC from 10kg. Using a larger MIC (as previously envisaged and as is the case at Hermitage Quarry) would be likely to reduce the frequency of blasting necessary at Blaise Farm Quarry without giving rise to any significant increase in vibration. Any such application would need to be accompanied by an EIA and be subject to further consultation. Any decision on whether to pursue such an application is a matter for GAL.

Conclusion

88. As noted above, no objections have been received from consultees to the 4th 5-year plan for working, restoration and aftercare, the proposed static replacement processing plant and ancillary mobile plant and equipment, amended internal road layout, replacement weighbridge and weighbridge office, wheel wash, storage and staff welfare facilities or to the updated scheme of blasting and blast monitoring. However, objections have been received from four individuals (in five responses) in respect of the blasting that has been undertaken and to blasting continuing to take place at Blaise Farm Quarry. Complaints have also been received separately from local residents

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about blasting at the site and all four local parish councils have relayed their concerns on the subject more generally in support of those complaints.

89. Notwithstanding the objections and concerns that have been raised, I can give no reason to refuse the application as submitted which complies with the development plan, the NPPF and the NPPG. I therefore recommend accordingly. Separate to this application, officers are arranging independent blast monitoring to assist in reassuring the local community that the blast monitoring undertaken by GAL is being done appropriately and that the vibration limits referred to above are being complied with.

Recommendation

90. I RECOMMEND that the application BE APPROVED SUBJECT TO the following conditions and informatives:

Conditions:

1. The details hereby approved shall be implemented as approved unless otherwise agreed beforehand in writing by the County Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

2. Except for the temporary operations defined in condition 3 (below), noise generated from operations at the site associated with the approved details shall not exceed $55\text{dB}_{\text{LAeq},1\text{hr}}(\text{free field})$ as measured at any noise sensitive property.

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community.

3. For temporary operations such as soil and overburden stripping, movement, storage and replacement, the noise level at any noise sensitive property shall not exceed $70\text{dB}_{\text{LAeq},1\text{hr}}(\text{free field})$. Temporary operations that exceed the normal day to day criterion shall be limited to a total of eight weeks in any twelve month period at any noise sensitive property.

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community.

4. Ground vibration as a result of blasting operations shall not exceed:-

- (a) a peak particle velocity of 6mm/s in 95% of all blasts when measured over any period of one month as measured at any vibration sensitive location;
- (b) a peak particle velocity of 12mm/s as measured at any vibration sensitive location; and
- (c) a peak particle velocity of 15mm/s at the remains of the Chapel of St. Blaise.

Item C2

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Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community.

5. All buildings, containers or structures outside the quarry void in the vicinity of the existing quarry offices shall be removed when no longer required for the effective working of the quarry.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

Informatives:

1. You are advised that all conditions attached to planning permission TM/88/1002 remain in force and must be complied with at all times.
 2. You are advised that conditions 4, 7 and 8 of planning permission TM/88/1002 require schemes of progressive working, restoration and aftercare to be submitted to and approved by the County Planning Authority at intervals of no more than 5 years.
 3. You are advised that no works should be carried out which would in any way affect the current alignment of Footpath MR286 until such time as the Public Path (Diversion) Order has been confirmed and certified and the diverted route is in place.
 4. You are advised of the need to comply with the archaeological requirements of condition 23 of planning permission TM/88/1002. In particular, you should ensure that archaeological investigations take place in accordance with a specification agreed with the County Council's archaeological officers.
91. I also RECOMMEND that Members ENDORSE officers reviewing and updating "Guidance on blasting at Ragstone Quarries in Kent" (KCC, May 2004) as a standalone document and that this include links to the KCC website where the blast monitoring results can be viewed and contact details for Gallagher Aggregates Ltd (GAL) to enable individuals to address concerns directly to the Company as necessary.

Case Officer: Jim Wooldridge

Tel. no. 03000 413484

Background Documents: see section heading.
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Appendices 1 to 9 of Item C2
Request for approval of details pursuant to conditions 4, 7, 8, 12, 17
and 27 of planning permission TM/88/1002 at Blaise Farm Quarry,
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See separate Appendices 1 to 7 which contain the following:

- **Appendix 1:** Report and minutes of the KCC Regulation Committee Member Panel on 7 January 2004.
- **Appendix 2:** Report to the KCC's Regulation Committee on 25 May 2004 (with revised recommendation and draft documents titled "Guidance on Blasting at Ragstone Quarries in Kent" and "Procedure for dealing with complaints relating to blasting at Quarries in Kent").
- **Appendix 3:** "Guidance on blasting at Ragstone Quarries in Kent" (KCC, May 2004).
- **Appendix 4:**
 - Drawing GAL-BQ-20-08 Rev C titled "4th 5 Year Working and Progressive Restoration Scheme: Phases 3f to 4c (2020 - 2025)" (dated 27 May 2020)
 - Drawing GAL-BQ-20-06 Rev F titled "Production Plant Proposal Blaise Quarry" (dated 4 June 2020)
 - Drawing GAL-BQ-20-05 Rev E titled "Production Plant Proposal Blaise Quarry" (dated 4 June 2020)
 - Drawing GAL-BQ-20-01 Rev D titled "Illustration of Replacement Plant Layout" (dated 19 February 2020)
 - Drawing GAL-BQ-20-02 Rev B titled "Foundation Layout Blaise Processing Plant" (dated 26 May 2020)
 - Drawing GAL-BQ-20-07 Rev A titled "Proposed Junction Layout" (dated 28 May 2020)
- **Appendix 5:** Proposed "Schedule of Blasting" (dated June 2020).
- **Appendix 6:** Proposed "Blast Monitoring Scheme" (dated June 2020).
- **Appendix 7:**
 - Drawing GAL-BQ-10-05 Rev C titled "Option 2 Sections Locations Proposed Diversion of Footpath MR286 Ordnance Survey Overlay" (dated 12 February 2020)
 - Drawing GAL-BQ-10-03 Rev D titled "Proposed Diversion of Footpath MR286" (dated 12 February 2020)
- **Appendix 8:** Blaise Farm Quarry GAL Blasting Data (1.3.20 to 11.8.20) and Blast Monitoring Results 11.8.20
- **Appendix 9:** Report R20.10806/2/BG titled "Assessment of Environmental Impact of Blasting at Blaise Farm Quarry, West Malling, Kent" (Vibroek, 2 September 2020)