

SECTION C  
MINERALS AND WASTE MANAGEMENT

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

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**Item C1**

**Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 January 2022.

Application by Gallagher Aggregates Ltd for Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX - TM/21/42 (KCC/TM/0289/2020)

Recommendation: Permission be granted subject to legal agreement and conditions.

Local Member: Andrew Kennedy

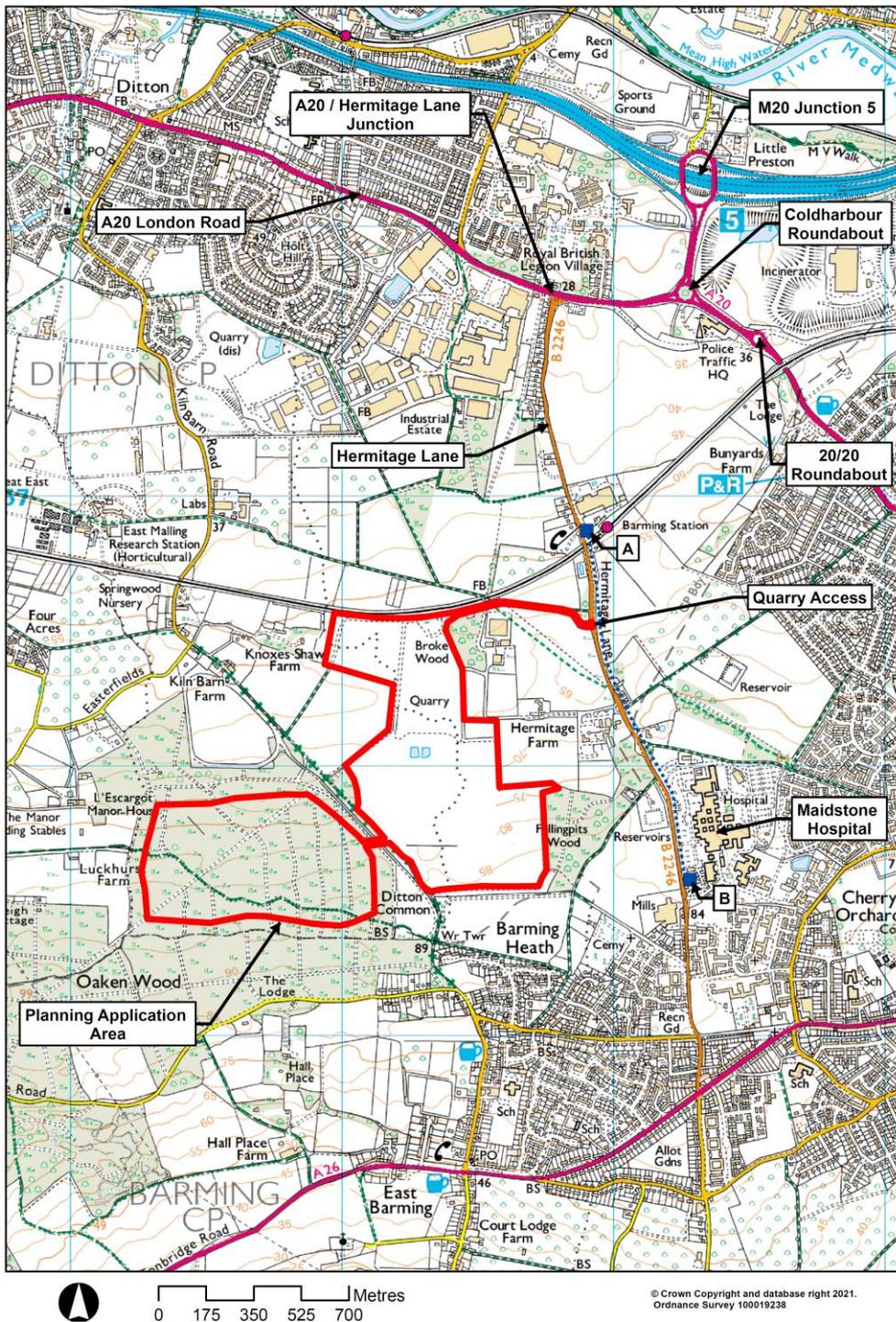
Unrestricted

**Site description**

1. Hermitage Quarry lies to the west of Maidstone between Allington (to the east), Aylesford (to the north) and Barming Heath (to the south). The quarry has a purpose built access onto Hermitage Lane (B2246) which leads north to the A20 and provides access to M20 Junction 5 via the Coldharbour Roundabout. HGV's must travel to and from the north as a result of the weight limit imposed just to the south of the quarry entrance. The distance between Hermitage Lane and the quarry weighbridges and offices is approximately 580 metres (m). The main part of the quarry is a further 580m from these facilities.
2. Maidstone Hospital lies approximately 650m to the south of the quarry access road and Barming railway station lies approximately 340m to its north. There are a number of residential and commercial properties on Hermitage Lane between the quarry access road and the A20 to the north. The commercial properties include a DHL distribution depot, an Aldi supermarket and a McDonald's drive-through. The main residential development in the area lies to the southeast and east of the quarry with much of the recent and emerging development being accessed off Hermitage Lane. There are also a number of other commercial properties accessed off Hermitage Lane to the south of the quarry access road.

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Site Location Plan (showing the application site and surrounding area)



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3. Hermitage Quarry and the access route to the A20 and M20 lie within the Borough of Tonbridge and Malling. Maidstone Hospital and the residential development to the southeast and east of the quarry are within Maidstone Borough. The quarry lies in the strategic gap identified in the Tonbridge and Malling Local Plan and Oaken Wood (to the west) is designated as Ancient Woodland and a Local Wildlife Site. Although the quarry does not lie within an AQMA, HGV movements to and from the site pass through the Aylesford AQMA (which includes the Hermitage Lane / A20 junction) and the M20 AQMA (which includes parts of the M20 to the west and east of Junction 5 as well as small sections of the A229 and A249). The quarry and the associated mineral plant infrastructure (including concrete plant, other concrete products and the those associated with the handling, processing and distribution of substitute, recycled and secondary aggregate material) are safeguarded in the Kent MWLP.
4. There are a number of public rights of way in the area although only one is directly affected by the proposed development. Footpath MR488 crosses the quarry access road approximately 300m from Hermitage Lane. The quarry access road is subject to a 20 miles per hour (mph) speed limit reinforced with signs along the access road in both directions, a speed monitor between Hermitage Lane and the footpath crossing (which flashes the speed a vehicle is travelling on a sign as HGVs travel into the quarry) and a speed ramp between the quarry and the footpath crossing to slow HGVs leaving the site. The footpath crossing itself is clearly marked on the road and signed. There are also cameras on the access road to record HGV registration numbers for the HGV monitoring records.

**Planning History and Background**

5. Hermitage Quarry is one of only two quarries in South East England which produce hard rock quarry products (the other being Blaise Farm Quarry near Kings Hill also operated by Gallagher Aggregates Ltd (GAL)). Hermitage Quarry supplies over 70 products to a wide range of markets both within Kent and the wider region. These include primary and recycled aggregates, ready mix concrete, hydraulically bound materials, flowing screeds, soils and top-quality dimension stone for new build and heritage projects. Permission also exists for manufacturing aggregates using advanced technologies. The quarry also provides void space for residual inert waste which is used in progressive restoration following mineral extraction.
6. Planning permission for mineral working at Hermitage Quarry was first granted for the “Original Quarry” on 28 September 1989 and quarrying began in 1990. A Section 106 Agreement associated with this (also dated 28 September 1989) provided for a new access road to the site from Hermitage Lane (as now existing), the realignment of Hermitage Lane in the vicinity of the railway line and a new bridge over the railway line (as part of the Maidstone Western Relief Road project). Hermitage Quarry has since been subject to a number of extensions: the “Southern Extension” (12 January 1996); the “Western Extension” (14 June 1999); the “Eastern Extension” (8 December 2005); and, most recently, the “Westerly Extension” (11 July 2013). The Westerly Extension (TM/10/2029) was granted by the Secretary of State after the application was called in and the subject of a Public Local Inquiry. Planning permission TM/10/2029 also varied

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the permissions relating to the Original Quarry, the Southern Extension and the Eastern Extension and provided new conditions for all four areas in (respectively) Annexes A1, A2, A3 and A4 of the new planning permission. It made no changes to the Western Extension permission as it was compatible with the new proposals.<sup>1</sup> A Section 106 Agreement dated 18 December 2012 associated with planning permission TM/10/2029 includes covenants and obligations relating to woodland, ecological and other long term management and aftercare, habitat creation, native woodland planting and the costs of independent blast monitoring. It also discharged the covenants and obligations contained in a Section 106 Agreement dated 8 December 2005 since these were either no longer necessary or were addressed in the new Agreement.

7. Mineral extraction is taking place in the Westerly Extension. Much of the Original Quarry, Eastern Extension and Western Extension and parts of the Southern Extension have been restored to agricultural land at original levels using quarry waste (hassock / overburden) and imported inert waste and infilling and restoration has commenced in part of the Westerly Extension. The rest of the Original Quarry and Southern Extension and a small part of the Western Extension contain the processing plant (washing, grading, screening and crushing), a recycling facility (dealing with inert waste from road maintenance, construction and demolition and utilities), ready mixed concrete batching plant, manufactured aggregates facility (MAF), stone cutting shed, HGV workshop, other ancillary buildings and structures, parking areas and surface water lagoons. The site offices and weighbridges are currently located further north at the quarry end of the access road (but are to be relocated into the main part of the Original Quarry).
8. Since all vehicle movements from the quarry must pass through the Original Quarry to reach Hermitage Lane, traffic and access conditions are set out in Annex A2 of TM/10/2029. Conditions 9 and 10 initially read as follows:
  - (9) The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 300 movements per day and the number of movements on any single day shall not exceed 600 movements.
  - (10) During the morning and evening peak periods of 0730 hours to 0930 hours and 1600 hours to 1800 hours, the maximum number of HGVs entering and leaving the site shall not exceed 30 movements.

Condition 11 required the operator to submit six-monthly returns of all HGV movements to and from the site showing daily and peak hour movements to the County Council (KCC) as the Mineral Planning Authority. Condition 12 required measures be taken to ensure that vehicles leaving the site do not deposit mud or other materials onto the public highway (including the continued provision of wheel and chassis cleaning equipment). Condition 13 required visibility splays of 9m by 160m at

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<sup>1</sup> The Western Extension currently operates under planning permission TM/97/2068 (dated 14 June 1999) as amended by TM/03/2785 (dated 31 December 2004), TM/07/4294 (dated 27 May 2008) and TM/17/501166 (dated 3 April 2017). The infilling and restoration phasing was approved alongside that for TM/10/2029 (as amended).

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the site entrance to be maintained free of all obstruction to a height of 0.9m clear of the carriageway on Hermitage Lane. Condition 14 required the restoration of the access upon cessation of operations.

9. Condition 11 of TM/10/2029 was varied by planning permission TM/14/573 (dated 8 April 2014) to require the operator to maintain records of all HGV movements to and from the site showing daily and peak hour movements and upon written request make them available to KCC within 21 days of the last day in any month.
10. Conditions 9 and 10 of TM/10/2029 were varied by planning permission TM/17/131 (dated 20 April 2017) to read:
  - (9) The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 600 movements per day and the number of movements on any single day shall not exceed 900 movements.
  - (10) During the morning peak period of 0630 to 0930 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 150 movements of which a maximum of 50 movements shall take place in the one hour period 0630 to 0730 hours, 45 movements in the one hour period 0730 to 0830 hours and 55 movements in the one hour period 0830 to 0930 hours. In addition to these restrictions, during the period between 0630 to 0700 hours only HGVs pre-loaded at the site the previous working day shall be permitted to leave the site and no other operations shall be allowed to take place until 0700 hours. During the evening peak period of 1600 to 1800 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 50 movements.

TM/17/131 also imposed an additional condition (not numbered):

Within 3 months of the date of this permission hereby granted details of a permanent HGV movement monitoring scheme shall be submitted to the County Planning Authority for approval, such scheme shall include the means by which to, henceforth in perpetuity from an agreed date, record on an hourly and daily basis, the number of HGV movements entering and leaving the site. The results of the HGV monitoring shall be provided to the County Planning Authority in a form and on an agreed basis.

11. The HGV monitoring scheme required by the additional (not numbered) condition was approved under planning reference TM/17/131/R (dated 26 September 2017). The approval was subject to a single condition which stated:
  - (1) Unless otherwise agreed beforehand in writing by the County Planning Authority the results of the HGV monitoring shall be provided to the County Planning Authority in the format shown in Figure 8 of the report reference: GAL-HQ-0617-R03 each month.

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*Reason: To assist the County Planning Authority in monitoring the number of vehicles entering and leaving the site.*

12. The results of the HGV monitoring provided by GAL since January 2018 have shown that the permitted limits during each of the morning peak periods have regularly been exceeded in all months and that the occasional exceedance of the afternoon peak period has occurred. They have also shown that in 2019, the daily average limit of 600 HGV movements was exceeded during most months and that the absolute daily maximum of 900 HGV movements was frequently exceeded. In 2020, the daily average and absolute numbers were each only exceeded once (in October 2020). In 2021, the daily average and absolute numbers were also each only exceeded once (in January 2021).
13. Although not altering any of the above conditions or allowing any additional HGV movements, a number of other planning permissions and approvals have been issued in recent years. These include:
- TM/17/501166 (dated 3 April 2017) which amended the working and restoration scheme;
  - TM/10/2029/RVARB (dated 31 March 2017) which (amongst other things) approved the relocation of the transport workshop and HGV parking area from Little Preston to Hermitage Quarry and provided for the relocation of the site offices and weighbridge facilities to the quarry working area, a masonry workshop building and a manufactured aggregate recycling facility;
  - TM/10/2029/A2/R26A (dated 13 September 2019) which approved a replacement ready mixed concrete batching plant;
  - TM/19/2091 (dated 6 February 2020) which permitted the construction and operation of a manufactured aggregates facility (MAF) including associated hardstanding and external plant; and
  - TM/10/2029/A2/R26B (dated 4 March 2021) which amended the design of the transport workshop and provided for the installation of an air source heat pump system, associated equipment and enclosure and a refuse store.

Condition 1 of TM/10/2029/A2/R26A required the removal of the two existing ready mixed concrete batching plants within 12 months of the commissioning of the new one. These have since been removed. Condition 6 of TM/19/2091 explicitly states that HGV movements associated with the MAF shall be accommodated within the numbers and in accordance with terms provided for by conditions 9 and 10 of TM/17/131 (or such numbers and terms as may be provided for as a result of any subsequent planning permission relating to the combined total of HGV movements entering and leaving Hermitage Quarry) and that they shall be included in the results of the monitoring required by the HGV Monitoring Scheme approved on 26 September 2017 (or such subsequent scheme as may be approved by KCC).

14. The majority of the land within Maidstone Borough to the east of Hermitage Lane and north of Maidstone Hospital is allocated for residential development in the adopted

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Maidstone Borough Local Plan (October 2017) and benefits from planning permission (MA/13/1749 – APP/U2235/A/14/2226326) for housing development. Much of the housing has already been built or its construction is ongoing. The development is accessed via Chapelfield Way, whose junction with Hermitage Lane lies approximately 67m to the south of the quarry access road. Much of the land within Maidstone Borough to the west of Hermitage Lane and south of the quarry is similarly allocated for housing development and now has the benefit of planning permission (MA/20/501773) granted on 15 July 2021 following completion of a Section 106 Agreement.

15. Land to the east of Hermitage Lane, north of the railway line linking Barming Station with Maidstone East and south of the A20 within Tonbridge and Malling Borough was proposed as a new strategic housing site (i.e. South Aylesford) for about 1,000 dwellings in the draft Tonbridge and Malling Borough Local Plan. The draft Plan proposed that this would provide (amongst other things) a new link road between Hermitage Lane and the 20/20 roundabout on the A20 and proportionate contributions to other road improvements (i.e. improvements to the A20 / Hall Road / Mills Road junction, local improvements to the Hermitage Lane / A20 junction and improvements at the southern end of Hermitage Lane at / leading to the Fountain Lane / A26 Tonbridge Road junction). Although Tonbridge and Malling Borough Council (TMBC) formally withdrew its draft Local Plan following its resolution to do so on 13 July 2021, the road improvements referred to for the strategic housing site are effectively secured by planning permission (TM/17/01595/OAEA) which provides for 840 dwellings on the site. The draft Tonbridge and Malling Borough Local Plan also proposed 118 houses on land to the southeast of the quarry (Oakapple Lane, Barming). This is subject to a planning application (TM/20/01218/OA) submitted in parallel with that part in Maidstone Borough referred to above (MA/20/501773) which TMBC resolved to permit subject to completion of a Section 106 Agreement on 18 March 2021 but which has yet to be determined. A planning application (TM/20/02749/OAEA) for up to 330 dwellings on land south of Barming Station and east of Hermitage Lane (the access to which was proposed to be approximately 145m to the north of the quarry access road) was refused on 1 October 2021 for reasons relating to landscape, character and loss of agricultural land.

**The Proposal**

16. The application proposes to vary conditions 9 and 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry. The application is accompanied by supporting information in the form of detailed letters, a Transport Assessment, an Air Quality Assessment, a Noise Assessment and an updated HGV Monitoring Scheme. The updated HGV Monitoring Scheme would replace the requirements of condition 11 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131).

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17. Conditions 9 and 10 of Annex A2 currently state:

- (9) The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 600 movements per day and the number of movements on any single day shall not exceed 900 movements.
- (10) During the morning peak period of 06:30 to 09:30 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 150 movements of which a maximum of 50 movements shall take place in the one hour period 06:30 to 07:30 hours, 45 movements in the one hour period 07:30 to 08:30 hours and 55 movements in the one hour period 08:30 to 09:30 hours. In addition to these restrictions, during the period between 06:30 to 07:00 hours only HGVs pre-loaded at the site the previous working day shall be permitted to leave the site and no other operations shall be allowed to take place until 07:00 hours. During the evening peak period of 16:00 to 18:00 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 50 movements.

18. The current application initially proposed that conditions 9 and 10 of Annex A2 should instead read:

- (9) The highest daily number of HGV movements entering and leaving the site averaged over any one calendar month, excluding non-working days, shall not exceed a combined total of 800 movements per day and over any working week (Monday to Friday) shall not exceed 900 movements per day.
- (10) During the period of 06:30 to 09:30 hours, the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 250 movements.

19. As a result of a number of consultee responses, my own consideration of the application and detailed discussions between myself, the applicant, KCC Highways and Transportation and National Highways (previously Highways England / Highways Agency), the application was amended in February 2021 and again in October 2021. This resulted in:

- clarification as to how the 800 HGV movement average would be measured each month (i.e. weekdays only and excluding Bank / Public Holidays);
- the reintroduction of the absolute limit of 900 HGV movements on any single weekday (rather than being an average for the working week);
- the introduction of a 500 HGV movement limit on Saturdays (where no specific limit currently exists);
- clarification that no HGV movements may take place on Saturdays after 13:00 hours nor at any time on Sundays or Bank / Public Holidays;
- the introduction of a specific limit of 75 HGV movements between 08:00 and 09:00 hours (the key morning peak hour) Monday to Friday;

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- a limit of no more than 100 HGV movements in any one hour between 06:30 and 09:30 hours Monday to Friday (to prevent the theoretical scenario in which all 250 HGV movements could take place over a very short period of time);
- the reintroduction of the requirement for HGVs leaving the site between 06:30 and 07:00 hours to have been pre-loaded at the site the previous working day (to minimise noise impact);
- the introduction of a combined limit of 75 HGV movements between 16:00 and 18:00 hours Monday to Friday (where no such limit was initially proposed but where the current limit is 50);
- the introduction of a limit of no more than 100 HGV movements in any one hour between 06:30 and 09:30 hours on Saturdays (to provide control where none currently exists); and
- the submission of an amended HGV Monitoring Scheme to record HGV movements against each of the proposed restrictions together with proposals to manage HGV movements during busy periods to ensure that the limits are not exceeded.

20. The effect of the above amendments is that conditions 9 and 10 of Annex A2 would read:

- (9) Within any single calendar month the average number of HGVs entering or leaving the site on weekdays (excluding Bank / Public Holidays) shall not exceed a combined total of 800 movements. No more than a combined total of 900 HGV movements in the form of entering or leaving the site shall take place on any single weekday. No more than a combined total of 500 HGV movements in the form of entering or leaving the site shall take place on any Saturday. No HGV movements shall take place on Saturdays after 13:00 hours nor at any time on Sundays or Bank / Public Holidays.
- (10) During the morning peak period of 06:30 to 09:30 hours (Monday to Friday), the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 250 movements of which:
- (a) No more than 75 movements shall take place between 08:00 and 09:00 hours; and
  - (b) No more than 100 movements shall take place between 06:30 and 07:30 hours, between 07:30 and 08:30 hours and between 08:30 and 09:30 hours.

In addition to these restrictions:

- (c) Only HGVs pre-loaded at the site the previous working day shall leave the site between 06:30 and 07:00 hours and no other operations shall take place until 07:00 hours Monday to Saturday;
- (d) No more than a combined total of 75 HGV movements shall take place between 16:00 and 18:00 hours (Monday to Friday); and
- (e) No more than more than 100 movements shall take place between 06:30

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and 07:30 hours, between 07:30 and 08:30 hours and between 08:30 and 09:30 hours on Saturdays.

As a consequence of these changes, condition 11 of Annex A2 would also need to be updated to read:

- (11) Unless otherwise approved beforehand in writing by the Mineral Planning Authority, HGV movement monitoring shall be undertaken in accordance with the report titled “HGV Monitoring Scheme for Hermitage Quarry” (Ref: GAL-HQ-0617-R04 Rev A) dated October 2021 and the results provided to the Mineral Planning Authority each month in the format shown in Figure 8 titled “Hermitage Quarry Monthly HGV Movements Report”.
21. The applicant (GAL) also agreed to contribute £50,000 towards a new footway / cycleway immediately to the east of Hermitage Lane between the entrance to Barming Railway Station and Maidstone Hospital to overcome concerns expressed by KCC Highways and Transportation, primarily relating to HGV movements in the morning peak periods. The extent of the proposed footway / cycleway is shown indicatively as a broken blue line between points A and B on the Site Location Plan on page C1.2 of this report.
22. GAL states that when planning permission TM/10/2029 was granted in 2013 it had assumed (based on the supporting evidence at the time) that demand would be steady and continue at the established levels. It states that the demand for increased housing and infrastructure and the popularity of a local, sustainable and reliable supply of quality materials which compared favourably in terms of price with products imported from outside the region led to a significant increase in demand. It states that the uplift in HGV movements approved in 2017 was a result of this increased demand, noting that it also followed the last recession. GAL states that it has made capital investment to increase production at Blaise Farm Quarry in order to try to mitigate the effects of increased demand, although it notes that the material at Blaise Farm Quarry is of a more basic specification.
23. In support of the current application GAL states that it has experienced a further marked increase in demand for rock and aggregate materials supplied from Hermitage Quarry which shows no sign of declining and that the application seeks to regularise the extent of HGV movements already taking place over the last couple of years without undue impact or complaint, rather than increase movements further. It considers the extent of this additional traffic to be relatively small in comparison to the baseline flow on the network, particularly in terms of the morning peak period. It also states that it would operate in accordance with an amended HGV Monitoring Scheme which reflects the proposed new restrictions on HGV movements.
24. GAL emphasises the importance of a steady and adequate supply of aggregates to the economy (particularly in terms of housebuilding) and the locational benefits of Hermitage Quarry (noting that the quarry is centrally located in Kent, has good links to the strategic road network and is well positioned to supply markets within the County

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and wider region). It states that more than 60 people are employed directly at Hermitage Quarry, with over 100 employed indirectly through the quarry (e.g. hauliers and suppliers).

25. GAL states that in the year to September 2019 it supplied 1.3 million tonnes (Mt) of natural and recycled products to the market from Hermitage and Blaise Farm Quarries (over 90% of which was delivered into Kent based projects for construction and maintenance). Approximately 1Mt of this was from Hermitage Quarry. It also supplied about 100,000 cubic metres of ready-mix concrete (including an element of flowing screeds) to housing, industrial and infrastructure projects in Kent from Hermitage Quarry. It is understood that similar quantities continue to be produced and that in respect of Hermitage Quarry they effectively represent the productive capacity of the quarry. Whilst the majority of its products are used in housing development, examples of other recent projects supplied from Hermitage Quarry include the “Brexit” lorry parks, the M20 and M23 smart motorway upgrades and M20 Junction 10A infrastructure. In addition to supplying materials to a significant number of housing projects already permitted, proposed or likely to be required (including many close to Hermitage Quarry), GAL anticipates supplying materials to major industrial and infrastructure developments in Kent (e.g. Kingsnorth warehousing and Siemens, additional lorry parks, the A2 Bean to Ebbsfleet improvements, M2 Junction 5 improvements and the Lower Thames Crossing). It should be noted that as well as supplying materials to these projects, Hermitage Quarry also receives waste materials from the groundworks required for their development.

**Planning Policy Context**

26. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (July 2021), the associated National Planning Practice Guidance (NPPG) and the National Planning Policy for Waste (NPPW) (2014). These are material planning considerations. Other material planning considerations include Our Waste, Our Resources: A Strategy for England (2018) and the Waste Management Plan for England (2021).
27. **Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020)** – Policies CSM1 (Sustainable Development), CSM2 (Supply of Land-won Minerals in Kent), CSM5 (Land-won Mineral Safeguarding), CSM7 (Safeguarding Other Mineral Plant Infrastructure), CSM8 (Secondary and Recycled Aggregates), CSM9 (Building Stone in Kent), CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW11 (Permanent Deposit of Inert Waste), DM1 (Sustainable Design), DM1 (Environmental and Landscape Sites of International, National and Local Importance), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding of Transportation Infrastructure) and DM17 (Planning Obligations).
28. **Tonbridge and Malling Local Development Framework (LDF) Core Strategy (September 2007)** – Policies CP1 (Sustainable Development) and CP2 (Sustainable

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Transport).

29. **Tonbridge and Malling LDF Managing Development and the Environment Development Plan Document (DPD) (April 2010)** – Policies NE1 (Local Sites of Wildlife, Geological and Geomorphological Interest), NE2 (Habitat Networks), NE3 (Impact of Development on Local Biodiversity), NE4 (Trees, Hedgerows and Woodland), SQ4 (Air Quality) and SQ8 (Road Safety, Transport and Parking).
30. **Draft Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018)** – Tonbridge and Malling Borough Council formally withdrew its draft Local Plan (following its resolution to do so on 13 July 2021) with the intention of it being reviewed and refreshed before resubmission. This followed the Local Plan Inspectors' decision that it should not be adopted. On this basis, no weight is to be afforded to the policies within the withdrawn plan for decision making purposes. However, the development strategy (including the strategic housing sites) set out in the draft Plan remains relevant.

**Consultations**

31. **Tonbridge and Malling Borough Council** – No objection. It asks for careful consideration of highways and amenity impacts, and future compliance with imposed conditions.
32. **Maidstone Borough Council** – No objection.
33. **Aylesford Parish Council** – No objection.
34. **Ditton Parish Council** – Asks that the County Council consider the following when determining the application:
  1. NPPF's Strategic objectives support proposals which minimise road miles, however GAL's proposals will surely increase road miles with the request for HGV movements, how is this then acceptable?
  2. Greenhouse gas emissions in the UK from HGV's totalled 19.5 million metric tonnes of Carbon Dioxide equivalent (MtCO<sub>2</sub>e) in 2019 – how are these additional HGV movements not detrimental to the environment and community and what is GAL's policy to reduce this level within their fleet?
  3. With the increase in demand for the material surely this will also mean a required increase in the overall mining at the site?
  4. What does GAL mean by the phrase 'demand profile' if it is not to seek an increase in outputs beyond current levels at the Quarry, which has been stated is near productivity capacity?
  5. It states (within the letter of engagement) that GAL will continue efforts to influence its customer base, at the same time recognising that any change in behaviour will be small and gradual given established habits and practices. So what is GAL actually doing to influence their customers and why is it acceptable that it is slow when GAL as the only supplier in the area are best placed to

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influence this behaviour. Who are their top customers and what are they doing to assist GAL in this process? [\*Ditton PC do not accept this statement from GAL as we feel they are the leaders within this industry and need to influence their customers behaviour.]

6. The NPPF and development policies require that mineral development should not give rise to unacceptable impacts on the environment or communities. How can this additional mineral development and HGV movements not have an unacceptable impact on the environment and local communities around the Aylesford area when as stated above the emissions will be considerably increased along with noise and traffic movement causing disruption along Hermitage Lane and the A20 towards Coldharbour roundabout during the peak travel time.
  7. The new proposals state they will retain the 900 daily cap for the site, but adapt movements to meet market demand by means of an increase in permitted AM peak period and interpeak HGV movements. [\*We at Ditton Parish Council feel this gives GAL too much flexibility without the need to keep peak levels down to acceptable levels.]
  8. If this proposal is to be granted, we ask that the movements be slowly increased over the current restricted times as in 06:30-07:30, 07:30-08:30, 08:30-09:30 so rather than allowing a combined level of 250 within the 3hr peak period the hourly restrictions remain in place with the increase of not exceeding 250 apportioned accordingly.
  9. Will noise levels be monitored during the increased HGV movements?
  10. Ditton Parish Council do accept this that this application makes it clear enough that the change to the permitted HGV levels causes no material harm and can be delivered in accordance with national and local planning policies and would welcome more evidence to the contrary.
35. **Barming Parish Council** – No objection, but would like to be reassured that the vehicle movements will be monitored carefully.
36. **KCC Highways and Transportation** – No objection subject to the conditions being amended and monitored as proposed and a contribution of £50,000 towards the footway / cycleway between the entrance to Barming Station and Maidstone Hospital. It notes that the proposed contribution to the footway / cycleway (to be secured through a Section 106 Agreement) would help to offset traffic from Hermitage Quarry.

KCC Highways and Transportation had initially commented that the application shows that the existing conditions had been regularly exceeded over the last two years, that the Transport Assessment indicates that highway delay has not worsened and that significant delay and an increase in queue lengths are predicted on the Hermitage Lane / A20 junction. It stated that this junction does not have any mitigation proposed to handle additional traffic which, as it is located nearest to the Gallagher site, will be seen as the gateway by operators and members of the public. However, the link road being implemented in 2031 as part of the South Aylesford (residential) development provided for by planning permission TM/17/01595/OAEA (i.e. that referred to in paragraph 15 above) will provide an alternative routing arrangement between

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Hermitage Lane and the 20/20 roundabout on the A20. In the absence of mitigation within the GAL application itself, KCC Highways and Transportation advised that the maximum number of HGV movements in any one hour period between 06:30 and 09:30 hours should be capped at 75. As an alternative, it advised that if 100 HGV movements was to be permitted in any of the one hour periods, it would be necessary to secure a £50,000 contribution towards an unfunded footway / cycleway linking Barming Rail Station to Maidstone Hospital. Although not directly benefitting the quarry, it advised that this would provide a sustainable solution more generally by helping to provide another option to car travel in the area. It further stated the need for any increase in daily HGV movements and those in the PM peak period to be conditioned. Discussions between KCC Highways and Transportation, National Highways, the applicant and myself, resulted in agreement being reached on the proposed restrictions and the amendments to the proposed conditions set out in paragraph 20 above which KCC Highways and Transportation consider to be appropriate.

37. **National Highways** – No objection subject to the conditions being amended and monitored as proposed. It is satisfied that the proposed development would not impact on the safe and efficient operation of the Strategic Road Network (SRN), particularly M20 Junction 5. It is content that the latest proposed amended conditions and monitoring framework are clearer than previously in terms of their intent and limits and that this would make monitoring and compliance easier for all concerned.

National Highways had initially raised concerns about the application given that the only limitation originally proposed by the applicant in condition 10 during the weekday morning peak period was a total of 250 HGV movements between 06:30 and 09:30 hours (i.e. with no restrictions during any single one hour period). It was particularly concerned about HGV movements between 08:00 and 09:00 hours. Other than that the existing conditions were being breached and that a robust monitoring system was required, it had no specific concerns about the proposed amendments to condition 9. Following discussions between National Highways, KCC Highways and Transportation, the applicant and myself, National Highways suggested that no more than 75 HGV movements be permitted between 08:00 and 09:00 hours within the overall limit of 250 HGV movements during the entire three hour period and that no more than 90 HGV movements be permitted in any single hour. It also suggested a tightening of the detailed wording of condition 9 to provide greater clarity in respect of how the 800 HGV movement average was calculated. Further discussions led to the amendments to the proposed conditions set out in paragraph 20 above which National Highways is content with.

38. **KCC Public Rights of Way** – No objection subject to the current arrangements to slow drivers using the private access road into Hermitage Quarry from Hermitage Lane and warn them that pedestrians may be crossing the access road on Footpath MR488 are maintained.
39. **Environment Agency** – No comments to make.

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40. **Natural England** – No comments to make.
41. **KCC Ecological Advice Service** – No objection. It is satisfied that the proposed development would not have a detrimental impact on any sensitive designated sites in the area, including the North Downs Woodlands Special Area of Conservation (SAC) (which lies to the north of Detling adjacent to the A249 and is over 6km away) in the unlikely event that all 200 extra HGV movements were to travel along the A249.
42. **KCC Air Quality Consultant** – No objection. It advises that:
- the applicant's air quality assessment recognises the requirement for the assessment as the proposals exceed the indicative criteria given in the joint Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) planning guidance;
  - the assessment has been undertaken using industry standard modelling software, with model verification undertaken using the 3 representative roadside air quality monitoring locations within the study area;
  - representative worst-case sensitive receptors were modelled to determine relevant predicted pollutant concentrations without and with the proposed additional HGV movements;
  - the modelling predicted one slight adverse / medium impact (determined using the impact descriptors given in the EPUK / IAQM and Kent and Medway Air Quality Partnership (KMAQP) guidance, respectively) at one of the 15 sensitive receptors considered (i.e. the housing to the east of Preston Hall entranceway);
  - the assessment includes a damage cost assessment, in line with the KMAQP guidance, totalling £284,065; and
  - the assessment also includes mitigation measures to limit emissions to air, which the applicant is in the process of implementing both onsite and offsite to limit the potential impacts of the operation of the quarry on local air quality (i.e. measures to reduce vehicle emissions and reliance on diesel generators).

It is satisfied that the assessment adequately addresses the air quality issues in respect of the proposed changes and sees no reason to refuse the application on air quality grounds.

43. **KCC Noise Consultant** – No objection. It is satisfied that the proposed development is acceptable in terms of noise impact subject to HGV movements being limited to no more than 100 between 06:30 and 07:30 hours.

In commenting on the application as initially submitted (January 2021) it advised that the applicant's noise assessment was based on the Government's technical document known as Calculation of Road Traffic Noise Manual (CRTN) and had demonstrated that the proposed development would give rise to a noise increase of less than 1dB. However, it also advised that the proposed HGV movements were focused on the early morning period and that the potential effects of this had not been assessed, leading to some concerns (particularly in respect of the period between 06:30 and 07:30 hours). It suggested that the applicant be asked to provide further detail on the

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potential impact during the early morning period (particularly from 06:30 to 07:30 hours) or alternatively to consider retaining condition 10. On receipt of the clarification provided by the applicant in February 2021 (which included only pre-loaded HGVs being permitted to leave the site between 06:30 and 07:00 hours, a limit of 100 HGV movements in any one hour between 06:30 and 09:30 hours and a limit of 50 HGV movements between 16:00 and 18:00 hours Monday to Friday), it advised that its concerns had been overcome.

**Representations**

44. The application was publicised by site notice and newspaper advertisement in January 2021.
45. Three representations (all objections) were received in response to the initial publicity including one from the New Allington Action Group (NAAG). The objections can be summarised as follows:
  - Congestion – Hermitage Lane is already at gridlock almost throughout the day creating problems for all (including the hospital), HGVs make this worse;
  - Air quality – Poor air quality in Hermitage Lane as a result of diesel fumes is unpleasant and dangerous to health (particularly for pedestrians and cyclists);
  - Noise impact of traffic;
  - The volume of loaded HGV's in and out of the quarry all day is unsustainable for those that live nearby;
  - Since 2017 (when the current HGV monitoring scheme was introduced) over 2,000 new homes built have been built all along Hermitage Lane and the level of traffic has increased;
  - More housing is proposed (including 330 immediately opposite the quarry entrance);
  - Too much traffic and insufficient infrastructure; and
  - Increased HGV movements will mean more disturbance from the quarry (e.g. noise and blasting).
46. Those who initially made representations were informed of the further information / clarification provided by the applicant in February 2021. This resulted in two (including NAAG) providing further representations. The further representations largely reiterated the earlier objections but also expressed concerns about blasting and noise from the quarry (including in the early morning).
47. Those who had made representations were also notified of the amendments made by the applicant in October 2021. This resulted in six further representations. No new issues were raised although specific reference was made to lorries spilling water, dust and other materials on the highway and driver behaviour and it was alleged that operations at the quarry were starting well before 06:00 hours causing noise nuisance. Reference was also made to monitoring and climate change in the context of the COP 26 meeting. One respondent also considered the proposed £50,000 contribution

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towards the footway / cycleway to represent bribery, suggesting that local councils already had sufficient funding for such routes.

**Local Members**

48. Prior to County Council elections on 6 May 2021: County Council Member Peter Homewood (Malling North East) and adjoining County Council Members Rob Bird and Dan Daley (Maidstone Central), Paulina Stockell (Maidstone Rural West) and Trudy Dean (Malling Central) were notified of the application in January 2021 and again in respect of clarification provided by the applicant in February 2021.
49. The only comments received from KCC Members prior to 6 May 2021 were from Mr Bird who objected to the proposed development on 8 February 2021. He stated: *“I would like you to register my objection to this application. I appreciate that there is already significant demand for ragstone and aggregates. This is likely to increase as the country comes out of lockdown. I therefore understand the applicant's desire for a relaxation of the current conditions applied to lorry movements, particularly during the early morning peak period. However, I do not believe this would be appropriate at the current time. There is already heavy congestion at the northern end of Hermitage Lane and on the A20 London Road, particularly during the peak periods. This is expected to worsen as more houses, for many of which planning permission has already been granted, are built and occupied in the local area. The increase in traffic volumes arising from recent new dwellings is likely to be masked currently by the impact of the lockdown and school closures. Kent Highways are aware of the problems and are planning to start construction on two significant schemes to mitigate the congestion at the intersection of the A20 with Hall Road and the South Aylesford Retail Park and at the Coldharbour Roundabout leading from the A20 to Junction 5 on the M20. It is inevitable that these works will add to the local congestion in the area during the construction phase. Although the design of these two schemes has been based on extensive modelling, it is clear that their effectiveness can only be properly judged when the works have been completed and the performance can be properly measured. At that time Kent Highways would be better placed to assess whether the new junctions have adequate capacity to accommodate additional quarry traffic. Accordingly, I believe it would be premature to grant this permission at the present time.”*
50. After County Council elections on 6 May 2021: County Council Member Andrew Kennedy (Malling North East) and adjoining County Council Members Tom Cannon (Maidstone Central) and Simon Webb (Maidstone Rural West) were notified of the application in May 2021. Adjoining County Council Members Dan Daley (Maidstone Central) and Trudy Dean (Malling Central) were already aware of the application. All of the current County Council Members were notified again following receipt of the additional information submitted in October 2021.
51. No further responses have been received from KCC Members at the time of writing this report.

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**Discussion**

52. The application is being reported to KCC's Planning Applications Committee for determination as planning objections have been received from a former KCC Member (Rob Bird) and local residents (one stated to be on behalf of the New Allington Action Group).
53. 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 27 to 29 above are of most relevance. Material planning considerations include the national planning policies and strategies referred to in paragraph 26.
54. The key implications of the proposed amendments are as follows:

Condition 9:

- The existing daily average number of HGV movements per month would be increased from 600 to 800 (i.e. up to 200 extra HGV movements each day). However, the average would be based only on weekdays excluding Bank / Public Holidays rather than including Saturdays as currently when HGV movements are significantly lower.
- The existing absolute limit of 900 HGV movements in any one day would be retained for weekdays.
- The introduction of a 500 HGV movement limit on Saturdays (where no specific limit currently exists).
- Explicit recognition that no HGV movements may take place on Saturdays after 13:00 hours nor at any time on Sundays or Bank / Public Holidays.

Condition 10:

- The existing limit of 150 HGV movements between 06:30 and 09:30 hours Monday to Friday would be increased to 250 HGV movements (i.e. up to an extra 100 during the entire 3 hour period).
- There would be a new / specific limit of 75 HGV movements between 08:00 and 09:00 hours (the key morning peak hour) Monday to Friday.
- The existing limits of 50, 45 and 55 HGV movements respectively between 06:30 and 07:30, between 07:30 and 08:30 and between 08:30 and 09:30 would each be replaced by a limit of no more than 100 HGV movements (to prevent the theoretical scenario in which all 250 HGV movements could take place over a very short period of time, including in the earliest part of the morning).
- HGVs leaving the site between 06:30 and 07:00 hours would continue to have to be pre-loaded at the site the previous working day (to minimise noise impact).

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- The existing limit of 50 HGV movements between 16:00 and 18:00 hours (Monday to Friday) would be increased to 75 HGV movements (i.e. up to 25 extra).
- There would be a new limit of no more than 100 HGV movements in any one hour between 06:30 and 09:30 hours on Saturdays (to provide control where none currently exists).

Condition 11:

- There would be a new HGV Monitoring Scheme to record HGV movements against each of the proposed restrictions together with proposals to manage HGV movements during busy periods to ensure that the limits are not exceeded.

55. The main issues that require consideration are as follows:

- Principle / Need;
- Traffic and transportation;
- Air quality; and
- Noise.

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

Principle / Need

56. Paragraphs 7 to 14 of the National Planning Policy Framework (NPPF) set out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. Paragraph 8 sets out the importance of building a strong, responsive and competitive economy and supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
57. Paragraphs 209 to 217 of the NPPF set out national policy on facilitating the sustainable use of minerals. Paragraph 209 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. It also acknowledges that minerals can only be worked where they are found. Paragraph 210 states that planning policies should safeguard existing, planned and potential sites for the bulk transport, handling and processing of minerals,

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the manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. Paragraph 211 states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy whilst ensuring that there are no unacceptable adverse impacts on the natural and historic environment or human health. Paragraph 213 requires minerals planning authorities (MPAs) to plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 10 years for crushed rock.

58. The latest resources strategy for England (“Our Waste, Our Resources: A Strategy for England” (2018)) sets out how the stock of material resources should be preserved by minimising waste, promoting resource efficiency and moving towards a circular economy. It aspires for waste to be managed to ensure that environmental impacts are minimised and the resource value extracted is maximised. The strategy promotes waste infrastructure that can be used to extract value from items considered worthless by others and limits the burden on the environment. The Waste Management Plan for England (2021) seeks to divert waste suitable for recycling or other recovery (e.g. construction and demolition waste) from landfill to enable these to be used instead of virgin materials.
59. The Kent Minerals and Waste Local Plan’s (Kent MWLP) spatial vision for minerals and waste in Kent are for minerals and waste development to make a positive and sustainable contribution to the Kent area, assist with progression towards a low carbon economy and support the needs arising from growth within Kent. Amongst other things, the Plan seeks to deliver a sustainable, steady and adequate supply of land-won minerals (e.g. aggregates and crushed rock), facilitate the processing and use of secondary and recycled aggregates and become less reliant on land-won construction aggregates, safeguard economic mineral resources for future generations, move waste up the Waste Hierarchy and reduce the amount of non-hazardous waste sent to landfill.
60. Policies CSM1 and CSW1 of the Kent MWLP state that KCC will take a positive approach that reflects the presumption in favour of sustainable development when considering minerals and waste development proposals and that proposals that accord with the development plan will be approved without delay unless material considerations indicate otherwise. Policy CSM2 seeks to ensure the supply of land-won minerals in Kent (including aggregates such as crushed rock) by maintaining landbanks of permitted sources. Policy CSM5 seeks to ensure that economic mineral resources (including permitted sites) are not unnecessarily sterilised. Policy CSM7 seeks to ensure that facilities for concrete batching, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material are safeguarded for their on-going use (where appropriate for the life of the host quarry). Policy CSM8 supports the provision of additional capacity for secondary and recycled aggregate production. Policy CSM9 provides support for proposals to supply suitable local building stone necessary for restoration work associated with the maintenance of Kent’s historic buildings and structures and new build projects within conservation areas. Policies CSW2 and CSW11 support the waste hierarchy and

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where necessary the use of inert waste to restore landfill sites and mineral workings.

61. As noted earlier in this report, planning permission already exists for a variety of minerals and waste operations and Hermitage Quarry plays an important role in the supply of primary (crushed rock) and recycled aggregates, ready mix concrete, hydraulically bound materials, flowing screeds, soils and top-quality dimension stone and in receiving and handling inert waste capable of being recycled or used for restoration. Enabling these operations to continue as they have during the last few years would accord with the above planning policies and should be supported subject to being acceptable in terms of the impact of the associated HGV movements. If GAL were to be required to operate strictly in accordance with the permitted HGV restrictions, this would have consequences for the supply of materials in the County and the local economy and serious implications for GAL and the Gallagher Group. Such consequences are likely to include the need for alternative materials to be imported to Kent for distribution, increased costs for developers as a result of materials needing to be sourced from further afield, the need for alternative sites in Kent or elsewhere to accept inert waste for recycling and / or disposal and delays to the working and restoration of Hermitage Quarry. It could also result in the loss of jobs at the quarry and in related operations.
62. The key issue when considering this application is whether the proposed development (i.e. the amendments to the conditions relating to HGV movements) is acceptable having regard to highway safety and capacity and any impacts on the environment and amenity. In this context it must be remembered that the proposed HGV movements broadly reflect those experienced during the busiest periods during the last few years and have been accounted for in the various highway modelling associated with development planning more generally in the area (including that associated with residential development).

Traffic and transportation

63. Paragraph 110 of the NPPF states that in assessing applications, it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity or congestion) or any highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. Paragraph 7 of the National Planning Policy for Waste (NPPW) states that when determining waste planning applications waste planning authorities (WPAs) should consider the likely impact on the local environment and on amenity against various locational criteria. These include the suitability of the road network and the extent to which access would require reliance on local roads.

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64. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from traffic. Policy DM12 states that planning permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the environment or communities. Policy DM13 states that minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. Where development requires road transport, it states that proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; and (3) emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA. Policy DM15 states that development will be granted planning permission where it would not give rise to unacceptable impacts on road transport or where these impacts are mitigated. Policy DM17 states that planning obligations will be sought where appropriate to achieve suitable control over, and to mitigate and / or compensate for, the effects of minerals and waste development where such objectives cannot be achieved by planning conditions. Matters to be covered by such planning obligations may include highways and access improvements and traffic management measures.
65. Policy CP2 of the TMBC Local Development Framework (LDF) Core Strategy states that new development that is likely to generate a significant number of trips should be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated. Policy SQ8 of the TMBC LDF Managing Development and the Environment (MDE) Development Plan Document (DPD) states that: (1) proposals will need to demonstrate that any necessary transport infrastructure (the need for which arises wholly or substantially from the development) is in place or is certain to be provided; (2) proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; and (5) where significant traffic effects on the highway network and / or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.
66. Objections have been received from local residents and from the former adjoining County Council Member Rob Bird (Maidstone Central) relating to traffic and transportation. Ditton Parish Council has also raised a number of concerns and

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questions which it has asked the County Council to consider when determining the application.

67. Local residents state that Hermitage Lane is already gridlocked for much of the day (creating problems for all, including the hospital) and that permitting additional HGVs would make this worse. They consider that there is too much traffic, insufficient infrastructure, that the volume of loaded HGV's in and out of the quarry all day is unsustainable for those that live nearby and that increasing HGV movements would mean more disturbance from the quarry (e.g. noise and blasting). They also refer to the significant number of houses that have been built or are proposed along Hermitage Lane and the traffic associated with this development. They also express concerns about lorries spilling water, dust and other materials on the highway, driver behaviour, monitoring and climate change. It has also been suggested that the proposed £50,000 contribution towards the footway / cycleway represents bribery and that local councils already had sufficient funding for such routes.
68. Whilst appreciating that there is already significant demand for ragstone and aggregates and understanding the applicant's desire for a relaxation of the current conditions relating to HGV movements (particularly during the early morning peak period), Mr Bird does not believe it would be appropriate at the current time. He states that there is already heavy congestion at the northern end of Hermitage Lane and on the A20 London Road (particularly during the peak periods) and that this is expected to worsen as more houses (many already with which planning permission) are built and occupied in the local area. Mr Bird is also concerned that works implementing the schemes to mitigate congestion at the intersection of the A20 with Hall Road and the South Aylesford Retail Park and at the Coldharbour Roundabout leading from the A20 to Junction 5 on the M20 will add to local congestion in the area during the construction phase. He states that although the design of the two schemes has been based on extensive modelling, their effectiveness can only be properly judged when the works have been completed and the performance can be properly measured. He therefore believes it would be premature to grant permission. It should be noted that Mr Bird's comments were made on 8 February 2021 before the end of the lockdown associated with the Covid-19 pandemic, such that his other comment about traffic volumes being masked may no longer be applicable.
69. Ditton Parish Council does not accept that it is clear enough that the proposed development would cause no material harm and that it could be delivered in accordance with national and local planning policies and would welcome more evidence to the contrary. It questions the acceptability of any increase in road miles or greenhouse gas emissions on the basis that these would be detrimental to the environment and community and suggests that the proposed development would increase mineral working at the site. It also questions what is meant by "demand profile" and the extent to which GAL can influence its customer base to change established behaviour. It considers that the proposed development would have an unacceptable impact on the environment and local communities in the Aylesford area and that emissions, noise and traffic would be considerably increased causing disruption along Hermitage Lane and the A20 towards the Coldharbour roundabout

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during peak travel times. It also considers that GAL is seeking too much flexibility without keeping peak movements to acceptable levels, suggesting that the cap on 250 HGV movements between 06:30 and 09:30 hours should be further controlled (note this is proposed). It also questions whether noise levels will be monitored.

70. KCC Highways and Transportation has no objection subject to the conditions being amended and monitored as proposed and a contribution of £50,000 towards the footway / cycleway between the entrance to Barming Station and Maidstone Hospital which it states would help to offset traffic from Hermitage Quarry. Whilst it acknowledges that queuing and delays do occur at the Hermitage Lane / A20 junction, it notes that a new road link between Hermitage Lane and the 20/20 roundabout on the A20 is being implemented in 2031 and that this will provide an alternative route to M20 Junction 5.
71. National Highways has no objection subject to the conditions being amended and monitored as proposed. It is satisfied that the proposed development would not impact on the safe and efficient operation of the Strategic Road Network (SRN), particularly M20 Junction 5. It is content that the latest proposed amended conditions and monitoring framework are clearer than previously in terms of their intent and limits and that this would make monitoring and compliance easier for all concerned.
72. No objections have been received from Tonbridge and Malling Borough Council (BC), Maidstone BC, Aylesford Parish Council (PC) or Barming PC about traffic and transportation. However, Tonbridge and Malling BC has asked that careful consideration be given to highways and amenity impacts and future compliance with imposed conditions. Barming PC would like to be reassured that the vehicle movements will be monitored carefully.
73. It is clear from HGV monitoring results provided by GAL since January 2018 and from the information submitted in support of the current application that the existing HGV movement restrictions imposed by conditions 9 and 10 of Annex A2 of planning permission TM/10/2029 (as amended) are not being complied with and that the permitted limits have been regularly exceeded. This has occurred most noticeably in respect of the morning peak periods (which have been, and continue to be, regularly exceeded in all months). The results / information also show the occasional exceedance during the afternoon peak period (throughout this period) and exceedances of the daily average limit of 600 HGV movements and the absolute daily maximum of 900 HGV movements (particularly in 2018 and 2019 and to a lesser extent in 2020 and 2021).
74. In terms of the morning peak period, GAL's own assessment (based on HGV movement records at the quarry between January 2018 and February 2020) is that: exceedances of the 50 HGV movement limit between 06:30 and 07:30 hours occurred in every month from January 2018 to February 2020 apart from in December 2019 (with the number of days with such exceedances being between 5 and 21 in any month); exceedances of the 45 HGV movement limit between 07:30 and 08:30 hours occurred in every month from January 2018 to February 2020 (with the number of

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days with such exceedances being between 6 and 21 in any month); and exceedances of the 55 HGV movement limit between 08:30 and 09:30 hours occurred in every month from January 2018 to February 2020 (with the number of days with such exceedances being between 5 and 20 in any month). Its assessment also shows that in 2018, on average, 55 HGV movements (28%) occurred between 06:30 and 07:30 hours, 68 HGV movements (34%) occurred between 07:30 and 08:30 hours and 78 HGV movements (39%) occurred between 08:30 and 09:30 hours. In terms overall HGV numbers, GAL's assessment is that the 600 HGV movements per day average was exceeded in 5 of the 12 months during 2018 (i.e. February, March, April, October and November 2018) and in each of the following 14 months to February 2020. It also shows that the 900 HGV movements in any one day was exceeded on between 1 and 8 occasions during 7 of the months between February 2019 and February 2020 (i.e. in February, March, April, May, June, August and November 2019). However, it is confident that the proposed increase from 600 to 800 HGV movements per day as an average over a month would enable it to operate without breaching this new limit and that the exceedances of the absolute daily maximum of 900 HGV movements were only experienced during periods of extreme demand such that it will have to manage future contracts to ensure it is not exceeded moving forward.

75. My own assessment of the HGV monitoring returns received during 2021 (i.e. since the current application has been submitted) show that the proposed limit of 100 HGV movements in any of the one hour periods 0630 to 0730 hours, 0730 to 0830 hours and 0830 to 0930 hours was only exceeded on two days (on 18 January and 2 June 2021). On 18 January there were respectively 105 and 106 HGV movements between 0630 and 0730 and between 0730 and 0830 hours and on 2 June there were 111 HGV movements between 0630 and 0730 hours. Only on each of these days was the proposed limit of 250 HGV movements between 0630 and 0930 hours exceeded. The HGV monitoring returns also show that the absolute number of 900 movements in any single day was only exceeded on 18 January (989 movements) and that the proposed limit of 75 HGV movements between 1600 and 1800 hours was only exceeded on 13 January (90 movements). Given the way the approved HGV Monitoring Scheme records HGV movements, it is not possible to determine which (if any days) the proposed limit of 75 HGV movements between 0800 and 0900 hours were exceeded (although it seems likely that there have been some). HGV monitoring returns prior to 2021 also include some exceedances of the proposed limit of 100 HGV movements in any of the one hour periods 0630 to 0730 hours, 0730 to 0830 hours and 0830 to 0930 hours (by up to 12 movements) and the proposed limit of 250 HGV movements between 0630 and 0930 hours (by up to 20 movements).
76. Whilst GAL's failure to comply with the existing planning conditions is very regrettable, it has not sought to disguise or deny this and is seeking to regularise the position based on the number and timing of HGV movements it now believes is reasonably necessary to continue operating effectively having regard to likely future demand, the measures it can implement to comply with any restrictions and highway conditions moving forward. As well as updating the HGV Monitoring Scheme to ensure that HGV movements are properly recorded and reported, GAL also intends implementing a number of management measures to ensure that the proposed restrictions are not

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breached again. These include proactively seeking to change customer behaviour by encouraging those HGV movements which can take place outside peak periods do so (e.g. by creating a price differential, instructing / negotiating with suppliers so they arrive at specific times of the day and prioritising sales which lend themselves to greater control in terms of HGV arrival and departure times) and implementing measures at the site designed to actively control HGV movements (e.g. staff training, constantly monitoring the flow of HGVs so it can step in if limits are in danger of being exceeded and hold back HGVs that are ready to leave the site as necessary, dispatch the first deliveries of the day to the sites farther afield so the HGVs will be returning to the quarry outside of peak hours, include a contingency “buffer” to account for HGVs that can turn up “on spec”, adopt a continual review of performance (KPIs) and require the Distribution Supervisor to report data to the Managing Director on a weekly basis).

77. Although the HGV monitoring returns that have been submitted since the current planning application was submitted have included a small number of exceedances of the restrictions that are proposed and are incapable of demonstrating whether or not the proposed limit of 75 HGV movements between 0800 and 0900 hours were complied with, I am satisfied that the proposed limits are capable of being adhered to with the proposed measures in place. It is worth noting that all of the exceedances of the proposed limits during 2021 occurred prior to the more recent discussions with KCC Highways and Transportation and Highways England which led to agreement on the precise distribution of maximum HGV movements during the peak periods and before GAL proposed the additional management measures referred to in paragraph 76 above. The requirement for HGV monitoring returns to be submitted to the County Council each month would demonstrate whether this is the case. If the monitoring returns continue to demonstrate non-compliance, the County Council would be able to take enforcement action against GAL.
78. Notwithstanding the proximity of the main Maidstone to London railway line just to the north of the quarry access road, weighbridges and offices, GAL is not proposing any alternatives to road use. Whilst reasonable alternatives to road use are possible for operations at some sites (e.g. where materials are exported in bulk to rail depots for further distribution or materials derived from a single source are imported for processing or use) I am satisfied that this is not the case at Hermitage Quarry. Even if a new rail link were possible at Hermitage Quarry, the nature of GAL’s business requires it to transport a range of different materials and products to constantly changing locations throughout Kent and surrounding areas. Some of the materials and products (e.g. ready mixed concrete and flowing screeds) are also time sensitive in that they need to be delivered and used relatively quickly once prepared, thereby reinforcing the need to use direct road transport.
79. Planning permission TM/10/2029 includes conditions which require HGVs leaving the quarry to use the wheel wash and, unless transporting stone greater than 75mm in size, to be sheeted. These controls would be reimposed if permission is granted.
80. Although any increase in HGV movements is likely to result in an increase in the intensity of working, there is a finite amount of mineral permitted to be worked and void

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space created for infilling at the quarry. On that basis, any increase in the intensity of working would result in mineral working and resultant restoration being completed more quickly than would otherwise be the case.

81. KCC Highways and Transportation has advised that a £50,000 contribution towards a new (but currently unfunded) footway / cycleway on Hermitage Lane is necessary in order for the proposed 100 HGV movements in each of the one hour periods between 06:30 and 09:30 hours to be acceptable. The proposed footway / cycleway was discussed at the Maidstone Joint Transportation Board meeting on 14 October 2020. The Minutes of the meeting indicate that it was partially funded through Section 106 Agreements to a total of £81,500, with an approximate overall cost of £227,000, and that alternative sources of funding were being examined by the County Council. I am satisfied that the proposed £50,000 contribution meets the tests set out in paragraph 57 of the NPPF and would accord with Policy DM17 of the Kent MWLP.
82. Whilst the concerns expressed by Ditton Parish Council (PC) those who have made representations relating to traffic and transportation are understandable given the queuing and delays that occur at the Hermitage Lane / A20 junction (and more widely in the area) at peak times, the technical advice received from KCC Highways and Transportation and National Highways is that the proposed amendments to conditions 9 and 10 (and consequential amendment to condition 11) are acceptable subject to the conditions being included as proposed (and monitored to ensure compliance) and a contribution of £50,000 towards a new footway / cycleway between the entrance to Barming Station and Maidstone Hospital. Since the proposed HGV monitoring scheme would provide the necessary information to demonstrate whether the proposed HGV restrictions are being complied with and GAL has agreed to the proposed financial contribution, I must conclude that the proposed development is consistent with the above policies in terms of highway safety and capacity and that there is no reason to refuse the application on these grounds. Similarly, there is no reason to delay granting planning permission on the grounds of prematurity. It therefore falls to consider whether potential impacts in terms of the environment and amenity are acceptable and whether there are any other reasons why permission should not be granted.

Air quality

83. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air pollution and that development should wherever possible help to improve local environmental conditions such as air quality. Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of the presence of Air Quality Management Areas (AQMAs).

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Paragraph 188 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Paragraph 211 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health and that any avoidable dust and particle emissions are controlled, mitigated or removed at source. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include the proximity of sensitive ecological and human receptors and the extent to which adverse emissions can be controlled using appropriate and well-maintained and managed equipment and vehicles.

84. Policy CSW6 of the Kent MWLP requires waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site and does not give rise to significant adverse impacts on AQMAs. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from dust, emissions or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It also states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and / or planning obligation. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. Policy DM12 states that permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community. Policy DM13 states that development should demonstrate that emissions associated with road transport movements are minimised as far as practicable, including by emission controls and reduction measures (e.g. the use of low emission vehicles and vehicle scheduling to avoid movements in peak hours), and that particular emphasis will be given to such measures where development is proposed within an AQMA.
85. Policy CP1 of the TMBC LDF Core Strategy states that in determining planning applications, the quality of residential amenity will be preserved and wherever possible enhanced. Policy SQ4 of the TMBC LDF MDE DPD states that development will only be permitted where: (a) the proposed use would not result in a significant deterioration of the air quality of the area (either individually or cumulatively with other proposals or existing uses in the vicinity); (b) proposals would not result in the circumstances that would lead to the creation of a new Air Quality Management Area; and (c) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.

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86. Although not formally adopted as a Supplementary Planning Document (SPD), TMBC's Environmental Health Officers encourage developers to refer to and use the Kent & Medway Air Quality Partnership's "Air Quality Planning Guidance (Mitigation Option B)" (December 2015). The Guidance aims to improve air quality across Kent and Medway, encourage emission reductions through the planning process and provide a consistent approach across the Kent and Medway area as far as is practicable. It also provides developers with clarification on what is expected and the approach towards planning applications in relation to air quality, information on how air quality and emissions mitigation assessments should be undertaken and details of standard mitigation measures for all developments.
87. Objections have been received from local residents relating to air quality. They state that poor air quality in Hermitage Lane as a result of diesel fumes is unpleasant and dangerous to health (particularly for pedestrians and cyclists).
88. Ditton Parish Council has also expressed concerns about air quality and does not accept that the proposed development would cause no material harm to the environment or local community (particularly during peak travel times) and that it could be delivered in accordance with national and local planning policies.
89. KCC's Air Quality Consultant has no objection and sees no reason to refuse the application on air quality grounds. It is satisfied that the applicant's air quality assessment adequately addresses the air quality issues in respect of the proposed changes.
90. No objections have been received from Tonbridge and Malling Borough Council (BC), Maidstone BC, Aylesford Parish Council (PC) or Barming PC about air quality impact. However, Tonbridge and Malling BC has asked that careful consideration be given to amenity impacts.
91. A detailed air quality assessment was undertaken and submitted in support of the application as the proposed development would exceed the indicative criteria given in the joint Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) planning guidance (i.e. it would result in an increase of more than 100 Annual Average Daily Traffic (AADT) movements along several roads which are within Air Quality Management Areas (AQMAs)). The assessment modelled the impact of the proposed development in terms of Nitrogen Dioxide (NO<sub>2</sub>) and small airborne particles less than 10 and 2.5 microns (µm) in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>) on 15 representative sensitive human receptors on or near Hermitage Lane, the A20 / London Road (east and west of the Hermitage Lane junction), Coldharbour Lane and the M20.
92. The assessment concluded that the predicted annual average NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are below the relevant National Air Quality Objectives (NAQOs) at all existing receptors, both with and without the Development Proposal in place. Although the model predicted an annual average increase in NO<sub>2</sub> as a percentage of NAQO of 2% at one of the 15 sensitive receptors (i.e. the housing to the east of Preston Hall entranceway), giving rise to a "slight adverse" categorisation in terms of IAQM criteria

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and a “medium” categorisation in terms of the Kent and Medway Air Quality Partnership (KMAQP) guidance, all other receptors were predicted to have a change of between 0% and 1% (i.e. “negligible” in terms of IAQM criteria and “low / imperceptible” in terms of KMAQP criteria). The model predicted changes in the annual mean PM<sub>10</sub> and PM<sub>2.5</sub> concentrations to be 0% at all locations (when rounded to the nearest whole number) such that the impacts are described as “negligible” in terms of IAQM criteria and “low / imperceptible” in terms of KMAQP criteria. On the basis that the predicted annual mean NO<sub>2</sub> concentrations are below 60µg/m<sup>3</sup> at all receptors (indicating that exceedances of the 1-hour mean NO<sub>2</sub> NAQO are not likely) and the predicted annual mean PM<sub>10</sub> concentrations are below 32µg/m<sup>3</sup> at all receptors, the assessment also states that exceedances of the 24-hour mean PM<sub>10</sub> NAQO are not likely.

93. Given these results, the report concludes that the operational air quality effects of the proposed development are “not significant”. As a result, no specific mitigation is required in respect of air quality associated with the direct effects of traffic movements. Notwithstanding this, the applicant has determined the “damage costs” in accordance with the KMAQP guidance. This resulted in an estimated damage cost of £284,065 (comprising £166,977 for 4,719 kg/year of NO<sub>x</sub> and £117,088 for 370 kg/year of PM<sub>2.5</sub>). It states that this damage cost is greatly exceeded by the fact that 92% of its HGV fleet is Euro VI compliant (with the rest being Euro V and due to be upgraded on replacement) and the planned replacement of its diesel generators on site with electrical power at a cost of approximately £2M (which would reduce diesel consumption by about 1.5 million litres per year). It is understood that the new power supply is expected to come on stream in the first quarter of 2022.
94. Planning permission TM/10/2029 includes conditions which require HGVs leaving the quarry to use the wheel wash and, unless transporting stone greater than 75mm in size, to be sheeted. These controls would be reimposed if permission is granted and serve to minimise dust impacts associated with the transportation of materials.
95. Notwithstanding the concerns expressed by Ditton Parish Council (PC) and those who have made representations relating to air quality, the technical advice received from KCC’s Air Quality Consultant is that the proposed amendments to conditions 9 and 10 (and consequential amendment to condition 11) are acceptable. I must therefore conclude that the proposed development is consistent with the above policies in terms of air quality and that there is no reason to refuse the application on air quality grounds.

Noise

96. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and that in doing so they should mitigate and reduce to a minimum potential adverse impacts

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resulting from noise, avoid noise giving rise to significant adverse impacts on health and the quality of life and protect tranquil areas. Paragraph 211 of the NPPF states that when considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health and that any avoidable noise emissions are controlled, mitigated or removed at source. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include potential noise pollution and impact on sensitive receptors. The NPPW states the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings (including noise and vibration from goods vehicle traffic movements to and from a site) and that intermittent and sustained operating noise may be a problem if not properly managed (particularly if night-time working is involved).

97. Policy CSW6 of the Kent MWLP requires minerals and waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site. Policy DM11 states that minerals and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. Policy DM13 states that where development requires road transport, proposals will be required to demonstrate that the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community.
98. Policy CP1 of the TMBC LDF Core Strategy states that in determining planning applications, the quality of residential amenity will be preserved and wherever possible enhanced.
99. Objections have been received from local residents relating to noise associated with HGV movements. They are also concerned that increased HGV movements will lead to more noise from operations and blasting at the quarry. It was also alleged that quarry operations were starting well before 06:00 hours causing noise nuisance.
100. Ditton Parish Council has also expressed concerns about noise impact and does not accept that the proposed development would cause no material harm to the environment or local community (particularly during peak travel times) and that it could be delivered in accordance with national and local planning policies. It also questions whether noise levels will be monitored.
101. KCC's Noise Consultant has no objection. It is satisfied that the proposed development is acceptable in terms of noise impact subject to HGV movements being limited to no more than 100 between 06:30 and 07:30 hours.

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102. No objections have been received from Tonbridge and Malling Borough Council (BC), Maidstone BC, Aylesford Parish Council (PC) or Barming PC about noise impact. However, Tonbridge and Malling BC has asked that careful consideration be given to amenity impacts.
103. A detailed noise impact assessment was undertaken and submitted in support of the application. This concludes that the proposals would comply with noise level limits defined in the Noise Policy Statement for England (i.e. less than a 1dB change on all routes or “No Observed Adverse Effect Level”) and that the regularisation of HGV movements would not give rise to unacceptable levels of noise pollution.
104. Planning permission TM/10/2029 includes conditions which require noise from operations on site to be maintained below specified levels when measured at noise sensitive properties. It also includes conditions relating to blasting (which is monitored by GAL and the results provided to the County Council). The results of the blast monitoring provided by GAL and independent blast monitoring undertaken on behalf of the County Council demonstrate compliance. These controls would continue to be imposed.
105. GAL has refuted the allegation that quarry operations are starting well before 06:00 hours. It states that with the exception of site security staff (who attend site outside working hours), the quarry manager is usually the first person to arrive on site at about 06.20 hours and that most quarry operatives arrive for work between 06.30 and 07.30 hours (depending on their roles and responsibilities). Whilst the operatives change into their personal protective equipment and make their way to their machines or plant to carry out any essential or routine maintenance such as prestart inspections, measuring lubricant levels and general safety checks, operations do not commence until 07:00 hours (as permitted). Whilst GAL is confident that noise limits are being complied with, it is aware that the main quarry trommel does create a metallic noise that can be noticeable outside the site as rock is tumbled within it. It states that a replacement trommel is planned next year and that an acoustic building is being considered to further reduce noise from this source. It has also taken steps to reduce the noise from the audible intercom used on the ready mixed concrete plant to communicate with drivers and has indicated its willingness to explore other alert systems to eradicate this should it be necessary.
106. Notwithstanding the concerns expressed by Ditton Parish Council (PC) and those who have made representations relating to noise impact, the technical advice received from KCC’s Noise Consultant is that the proposed amendments to conditions 9 and 10 (and consequential amendment to condition 11) are acceptable. I must therefore conclude that the proposed development is consistent with the above policies in terms of noise and that there is no reason to refuse the application on noise grounds.

Other issues

107. Ecology: Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing sites of

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biodiversity value (in a manner commensurate with their statutory status or identified quality) and minimising impacts on and providing net gains for biodiversity. Paragraph 180 states that when determining planning applications, local planning authorities should refuse development which that would result in significant harm to biodiversity if this cannot (as a last resort) be compensated for. Paragraph 211 states that when considering proposals for mineral extraction, MPAs should ensure that there are no unacceptable adverse impacts on the natural environment. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment against various locational criteria. These include protecting ecological networks and protected species.

108. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that do not give rise to significant adverse impacts upon designated sites (including Special Areas of Conservation (SACs) and Ancient Woodland). Policies DM1, DM2 and DM3 seek to protect and enhance biodiversity interests or mitigate and if necessary compensate for any predicted loss. Policy CP1 of the TMBC LDF Core Strategy states that in determining planning applications, the quality of the natural environment will be preserved and, wherever possible, enhanced. Policy SQ4 of the TMBC LDF MDE DPD states that development will only be permitted where there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.
109. Given that there are no designated ecological sites within 200m of the affected roads, an impact assessment was not required. KCC Ecological Advice Service has no objection and is satisfied that the proposed development would not have a detrimental impact on any sensitive designated sites and Natural England has no comments to make. I am therefore satisfied that the proposed development accords with the above planning policies and should not be refused on ecological grounds.
110. Public Rights of Way: Paragraph 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access, taking opportunities to provide better facilities for users. Policy DM14 of the Kent MWLP seeks to protect public rights of way.
111. The proposed development would result in increased numbers of HGV movements crossing Footpath MR488 as they enter and leave the quarry on the private access road than provided for by the existing planning permission. However, KCC Public Rights of Way (PROW) has no objection subject to the current arrangements to slow drivers and warn them that pedestrians may be crossing the access road on Footpath MR488 being maintained. This could reasonably be addressed by an informative. I am therefore satisfied that the proposed development accords with the above planning policies and should not be refused on public rights of way grounds.

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**Conclusion**

112. Objections have been received from local residents and from the former adjoining County Council Member Rob Bird (Maidstone Central). Concerns have also been expressed by Ditton PC.
113. No objections have been received from Tonbridge and Malling BC, Maidstone BC, Aylesford Parish Council (PC) or Barming PC. However, Tonbridge and Malling BC has asked that careful consideration be given to highways and amenity impacts and future compliance with imposed conditions. Barming PC would like to be reassured that the vehicle movements will be monitored carefully. These issues have been addressed in the report.
114. No objections have been received from KCC Highways and Transportation (subject to the proposed conditions being implemented / monitored and a £50,000 contribution to a new footway / cycleway on Hermitage Lane between the entrance to Barming Station and Maidstone Hospital), National Highways (subject to the proposed conditions being implemented / monitored), KCC's Air Quality Consultant, KCC's Noise Consultant, KCC Ecological Advice Service or KCC Public Rights of Way. Natural England and the Environment Agency have advised that they have no comments to make.
115. Hermitage Quarry plays an important role in the supply of primary (crushed rock) and recycled aggregates, ready mix concrete, hydraulically bound materials, flowing screeds, soils and top-quality dimension stone and in receiving and handling inert waste capable of being recycled or used for restoration. This is demonstrated by the quantity and range of materials it has supplied to development projects within the County in the last few years of both local and national significance. Enabling these operations to continue as they have would accord with the planning policies set out in this report and should be supported subject to being acceptable in terms of the impact of the associated HGV movements in terms of highway safety and capacity, air quality, noise and other impacts. If the applicant (GAL) were to be required to operate strictly in accordance with the permitted HGV restrictions (something which HGV monitoring returns have demonstrated it has been unable to do since January 2018), this would have consequences for the supply of materials in the County and to the local economy and serious implications for the Company. Such consequences are likely to include the need for alternative materials to be imported to Kent for distribution, increased costs for developers as a result of materials needing to be sourced from further afield, the need for alternative sites in Kent or elsewhere to accept inert waste for recycling and / or disposal and delays to the working and restoration of Hermitage Quarry. It could also result in the loss of jobs at the quarry and in related operations.
116. In view of the responses of technical consultees, I am satisfied that the proposed amendments to conditions 9 and 10 (with the consequential amendment to condition 11) of Annex A2 of planning permission TM/10/2029 (as amended) are acceptable, that there is strong case for permitting what is proposed and that granting planning permission would be consistent with relevant planning policies subject to the

**Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)**

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imposition of the conditions referred to in this report. I therefore recommend accordingly.

**Recommendation**

117. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO the prior satisfactory completion of a legal agreement to secure the Heads of Terms set out in Appendix 1 and the following conditions / informatives:

- (i) conditions 9, 10 and 11 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) being worded as follows:
  - (9) Within any single calendar month the average number of HGVs entering or leaving the site on weekdays (excluding Bank / Public Holidays) shall not exceed a combined total of 800 movements. No more than a combined total of 900 HGV movements in the form of entering or leaving the site shall take place on any single weekday. No more than a combined total of 500 HGV movements in the form of entering or leaving the site shall take place on any Saturday. No HGV movements shall take place on Saturdays after 13:00 hours nor at any time on Sundays or Bank / Public Holidays.
  - (10) During the morning peak period of 06:30 to 09:30 hours (Monday to Friday), the maximum number of HGVs entering and leaving the site shall not exceed a combined total of 250 movements of which:
    - (a) No more than 75 movements shall take place between 08:00 and 09:00 hours; and
    - (b) No more than 100 movements shall take place between 06:30 and 07:30 hours, between 07:30 and 08:30 hours and between 08:30 and 09:30 hours.

In addition to these restrictions:

- (c) Only HGVs pre-loaded at the site the previous working day shall leave the site between 06:30 and 07:00 hours and no other operations shall take place until 07:00 hours Monday to Saturday;
  - (d) No more than a combined total of 75 HGV movements shall take place between 16:00 and 18:00 hours (Monday to Friday); and
  - (e) No more than more than 100 movements shall take place between 06:30 and 07:30 hours, between 07:30 and 08:30 hours and between 08:30 and 09:30 hours on Saturdays.
- (11) Unless otherwise approved beforehand in writing by the Mineral Planning Authority, HGV movement monitoring shall be undertaken in accordance with the report titled “HGV Monitoring Scheme for Hermitage Quarry” (Ref: GAL-HQ-0617-R04 Rev A) dated October 2021 and the results provided to the Mineral Planning Authority each month in the format shown in Figure 8

**Item C1**

**Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)**

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titled "Hermitage Quarry Monthly HGV Movements Report".

- (ii) all other conditions in Annexes A1, A2, A3 and A4 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) being replicated or updated as necessary to reflect the amendments or details approved pursuant to the permission(s) since planning permission TM/10/2029 was granted by the Secretary of State on 11 July 2013; and
- (iii) informatives relating to the following:
  - The applicant being advised of the need to maintain the existing arrangements to slow drivers using the private access road into Hermitage Quarry from Hermitage Lane and warn them that pedestrians may be crossing the access road on Footpath MR488.

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| Case Officer: Jim Wooldridge |
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| Tel. no. 03000 413484 |
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| Background Documents: see section heading. |
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**Appendix 1 to Item C1**

**Section 73 application to vary conditions 9 & 10 of Annex A2 of planning permission TM/10/2029 (as amended by planning permission TM/17/131) to amend the number and timing of HGV movements associated with ongoing operations at Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX – TM/21/42 (KCC/TM/0289/2020)**

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**Heads of Terms for Section 106 Agreement**

1. The applicant to pay Kent County Council upon execution of the Agreement all of the County Council's reasonable costs and disbursements incurred in connection with negotiation, drafting and completion of the Agreement and arranging for it to be placed on the relevant Local Land Charges Register.
2. The applicant to pay Kent County Council a contribution of £50,000 towards a footpath / cycleway on Hermitage Lane between the entrance to Barming Station and Maidstone Hospital.