

APPLICATION: MA/10/1384 Date: 5 August 2010 Received: 9 August 2010  
APPLICANT: Gallagher Aggregates Ltd  
LOCATION: HERMITAGE QUARRY, HERMITAGE LANE, MAIDSTONE, KENT  
PARISH: Not in Borough Area  
PROPOSAL: A consultation with Maidstone Borough Council by Kent County Council for proposed westerly extension to Hermitage Quarry  
AGENDA DATE: 25th November 2010  
CASE OFFICER: Amanda Marks

The recommendation for this application is being reported to Committee for decision because:

- it is an application of public interest

## **1 POLICIES**

Government Policy: PPS1; PPS7; PPS9; MPS1; MPS2; MPG7  
South East Plan: M1, M2, M3, M4, M5, NRM5, NRM7, CC1, CC2  
KCC Minerals Plan 1983 (saved policies): CA7, CA8, CA16, CA18, CA21, CA22, CA23

## **2 HISTORY**

There is an extensive planning history substantially relating to applications for mineral extraction on the existing Hermitage Quarry site. The two most relevant to this application is the original grant of planning permission in 1989; and one refused in 1995 which was for an extension to the quarry on a footprint not dissimilar to the current application. The original area has now been restored to agricultural land at former levels.

In 1996 a southern extension was granted and has largely been extracted. This area now comprises the materials processing area as well as the main infill area. A western extension was granted in 1999 and remains to be worked. A south eastern extension granted in 2005 is currently the main extraction area.

## **3 CONSULTATIONS (undertaken by KCC)**

- 3.1 **Barming Parish Council:** would like to see the application refused for the following reasons "The proposed area is designated as ancient woodland by

various reputable organisations including the Kent Wildlife Trust. There are areas of TPOs within the woodland and some oak trees are reputedly over 100 years in age. The destruction of such an important habitat site is not justified to create a new quarry.

The lives of many existing species of wildlife will be put at risk. The phased working and restoration programme assumes wildlife will exist in newly planted woodland. Given that it takes seven years for trees to be of wildlife value, the first phase will not be sufficiently re-established by the time the next phase is quarried. Neither can it be certain that the wildlife will somehow transfer itself to the relocation site. The destruction of the woodland will unbalance the eco-system of the whole of Oaken Wood and will change the landscape irrevocably. GAL have not demonstrated that the proposed benefits of restoration override the need to safeguard the nature conservation value of the site – enjoyed and appreciated by many local residents – or that adverse impacts of workings can be adequately compensated.

The Council believes this application should be treated as a new application rather than an extension to the existing quarry, because it is the working of a new site.

The Council is very mindful of local residents concerns of noise and dust of operations continuing for a further 25 years, and in particular the accumulative affects of blasting of their homes, as clearly expressed at the public meeting at Barming School in June. This issue has not been addressed within the proposal documents.

For these reasons Barming Parish Council does not support this application.

However, if the County Planning Authority is minded to approve the application, Barming Parish Council would wish to see the following additional conditions imposed:

- a) Satisfactory safety fencing and signage around the perimeter of the site being worked;
- a) Land to be restored to original levels and contours;
- b) Monitoring of pace and return of wildlife on the restored land at regular intervals by an independent body such as Kent Wildlife Trust;
- c) An appropriate and enforceable S106 agreement to secure the completion of site restoration;
- d) Controls over noise and vibrations from the machinery currently 7.00am – 5.30pm;
- e) No maintenance to be carried out at weekends or bank holidays; week day working hours not to be increased;
- f) Strict adherence to week day working hours;

- g) Extension of the bund in the corner nearest North Pole Road to further mitigate noise and dust levels and the effects of blasting
- h) Increase perimeter stand off from 50 to 70 metres to further mitigate noise and dust levels and the effects of blasting;
- i) Controls over blasting times;
- j) Monitor and change direction of blasting to reduce air over pressure
- k) Delay blasting on cloudy days to reduce air over pressure."

3.2 **MBC Landscape Officer:** "The proposed quarry extension will impact upon woodland identified in the Provisional Inventory of Kent's Ancient Woodland, revised 1994, as ancient semi-natural woodland and protected under a Tree Preservation Order designated by Tonbridge and Malling Borough Council in 1993. The woodland comprises mainly Sweet Chestnut coppice with Silver Birch, Oak, Ash, Hornbeam and Hazel. The grounds for the making of the order were the significant amenity value of the woodland, its visual prominence in the landscape and its nature conservation value. It also a Local Wildlife Site, MA12, designated because it is a large block of ancient woodland which is important for a range of Taxa.

As stated in PPS9 ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Planning permission should not be granted for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.

Where granting planning permission would result in significant harm to this resource, planning authorities should be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, before planning permission is granted, there should be evidence that adequate mitigation measures can be put in place. Where a planning decision would result in significant harm, which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

The Council's adopted Landscape Character Assessment and Landscape Guidelines, 2000 confirms that this Council seeks to retain and increase the existing level of woodland cover, whatever its use, to avoid the neglect of established woodland and to achieve effective management throughout the Borough. Development within ancient woodland will be resisted. Any development proposals affecting or including existing woodlands should only be permitted where overriding need can be demonstrated.

If, however, the County is minded to grant consent for this development proposal it should be satisfied that there are sufficient details and agreements put in place to partially mitigate the effects of the development on ancient woodland as stated in Natural England's Ancient Woodland standing advice, issued 23 February 2009, and as outlined below:-

Where the integrity of ancient woodland adjacent to the proposed development site is to be retained, a minimum buffer of at least 15 metres in width should be maintained between the retained ancient woodland and development boundary.

Topsoil should be translocated from ancient woodland areas to preserve existing seedbank.

Approve a long term management plan for the woodland and identified wildlife features (such as hedgerows, etc.) together with the new planting proposals to ensure long term viability.

Approve maintenance schedules to ensure connectivity of woodland (including maintenance and enhancement of hedgerows, copses).

Ensure mechanisms are put in place for the control of pollution/maintenance of hydrology.

I would also add, in response to the applicant's request in paragraph 6.17 of the Planning and Environmental Statement that 'KCC is asked to delete the restrictive requirements of the TPO...'. This is not a County function and it would mean that the TPO would need to be revoked. If consent is granted for this application, appropriate tree protection details and detailed arboricultural method statements should be approved for all tree work at the outset, which would then override the need to obtain separate consent. The TPO could then potentially be revoked and remade at the end of implementation to cover all the remaining woodland together with the new landscaping. Long term management proposals for the whole site could then be applied for, negating the need for multiple future applications."

- 3.3 **EHO Officer:** This department receives occasional calls from residents concerning blasting from the quarry and its alleged effect on their properties. Extensive investigations have been carried out, but no evidence of a statutory nuisance has yet been obtained. As part of their existing permission the quarry is required to telephone certain specified contacts (including myself) to warn that they intend to blast on a particular date and time. This happens a maximum of two occasions per week at either 13.00 or 13.15 hrs. This proposal for a westerly expansion of the quarry will have no effect on the existing permission or on the vibration. The issue of dust nuisance has also been investigated and the quarry operators have

been told about the measures they need to employ to reduce dust emissions. Again, the position of this proposed new quarry will not impact on this issue.

#### **4 REPRESENTATIONS**

I understand that over 200 letters of objection have been received by KCC objecting on the following grounds:

- Loss of ancient woodland, an SSSI and Local Wildlife Site;
- Irrevocable harm to flora and fauna;
- Loss of habitat to protected species;
- Loss of valuable coppiced woodland;
- Noise, dust, light pollution and increase in carbon levels;
- Loss of PRow, historic landscape and character of area;

#### **5 CONSIDERATIONS**

This is an application currently under consideration by Kent County Council as the Minerals Planning Authority for an extension to an existing quarry. Maidstone Borough Council has been consulted for their views as a neighbour of Tonbridge & Malling BC, which is where all of the site is located. None of the red line area is within MBC. The responsibility for the determination of the application therefore falls to KCC who have a duty to assess the strategic implications of the proposal in light of Minerals legislation and guidance, together with all other material planning considerations. A site visit and public meeting is scheduled for the 7 December to be undertaken by KCC, Members of the Planning Applications Committee and members of the public.

##### **5.1 Site Description**

5.1.1 The application site is in the open countryside to the west of the existing Hermitage Quarry, Hermitage Lane. The site boundary is entirely within Tonbridge & Malling Borough – approximately 50m north of the Borough boundary, however, aside from the occasional individual farm or dwelling to the north/north west, the closest residential area is Barming Heath to the south-east which is within Maidstone Borough. These dwellings are in the region of 240m from the existing quarry. The new quarry is further away from the majority of dwellings – the closest being within 280m in North Pole Road. The site falls within the Hermitage Farm Estate which totals 230 hectares around the existing quarry. The estate comprises a mix of cattle grazing, woodland with arable and farm buildings.

5.1.2 The application site lies in the north east corner of Oaken Wood. The proposed quarry area is largely dense sweet chestnut coppice woodland designated by Kent Wildlife Trust as a Local Wildlife Site; it is subject in part to a Tree

Preservation Order served in 1993 by Tonbridge & Malling BC; and includes area defined as Ancient Woodland. The proposed quarry is on land entirely within the ownership of the applicant. A permissive circular footpath has been provided through the woodland which is currently regularly used by walkers, joggers, horse-riders and cyclists. There is also a PRow which crosses the proposed site of the quarry – I understand that an application has already been lodged with KCC to divert this.

## 5.2 **Proposal**

5.2.1 Permission is sought to extend the life of the quarry for a further 23 years. In addition to a Planning Statement, the application includes an Environmental Statement and associated application drawings. The minerals/stone to be quarried are ragstone and hassock from an area 33.14 hectares in size. It is proposed that work would commence in 2012 with an end date of 2035 for extraction and 2037 for completed restoration. As this is an existing quarry there are no new proposals for plant and machinery as it is intended to use the existing processing plant on site.

5.2.2 The following matters are addressed in the Planning Statement:

- The site and location
- The proposed development
- An examination of the national, regional and local planning policies
- The need for the proposed development
- A consideration of alternatives
- Justification for the proposal

5.2.3 To be considered in conjunction with the Planning Statement is the Environmental Statement which covers the following topics:

- The development proposal
- Soils, overburden & geology
- Water & hydrology
- Ecology and nature conservation
- Restoration, aftercare, habitat creation & enhancement
- Landscape & visual impact
- Historic woodland & heritage
- Blasting & vibration
- Noise assessment
- Dust & air quality
- Traffic Impact Statement
- Quarry design, phasing & implementation
- Non technical summary

- 5.2.3 It is proposed to link the existing and proposed quarry by a low level access track or tunnel. The current quarry has approximately 4 years of reserves remaining assuming extraction continues at the current rate. A minimum 50 metre wide strip of woodland will be left in-situ between the circular path and the proposed quarry to protect path users from visual intrusion of the quarry. Where the woodland meets the quarry face there would be a minimum drop of 30 metres.
- 5.2.4 As per the existing quarry operation, it is intended to extract in phases, therefore as each area has been exhausted of materials then restoration would commence. Clearly restoration is a lengthy process in terms of seeing and benefiting from the end result. It is proposed to operate smaller parcels of land at each phase than the existing quarry, in order that the minimum of land is disturbed at any one time for quarrying, infilling and restoration. Full details of the phasing plans are included in the application; in brief when the land is finished with it will be returned to mixed native woodland and shrub. It is also proposed that a wildlife/ecological corridor will be incorporated into the scheme; access to the quarry will be beneath this.
- 5.2.5 The application includes plans for a 'Habitat Creation Field' which would be a site of 22 acres along North Pole Road and within Maidstone Borough Council. It is suggested that given time, this new site could be incorporated within the existing Local Wildlife Site as designated by T&MBC. The species identified within the ES such as reptiles and amphibians, would be relocated to the 'HCF' and in time a new habitat would be formed.

### **5.3 Principle of Development/Case for Need**

- 5.3.1 Development in the countryside is restricted by the terms of Development Plan. The planning statement considers the need for the proposed quarry extension. The South East Plan requires a landbank of locally won crushed rock at a regional apportionment of 2.2 mtpa – 1.2mtpa of which should be sourced from Kent. Difficulty arises in assessing the value/volume of rock sales as such information is confidential.
- 5.3.2 Estimates of a landbank are provided by KCC and it seems that since planning permission was granted in 1994 for Blaize Quarry, Kent has benefited from a large landbank. The applicant has put forward the case that the exceptional quality of material at Hermitage Quarry versus the poor quality of material from Blaize, means that in reality hermitage provides 74% of crushed rock production. Due to the poor output of Blaize i.e. 0.225 mtpa versus 0.62mtpa at Hermitage, it is argued that the landbank reserves cannot be relied upon. In short, Hermitage is the only realistic option to meet the ragstone indicators.
- 5.3.3 It is stated that with Kent being an area of growth and regeneration there will

be 'significant future increases in demand' for construction aggregates. This view is partly based on the KCC document '21<sup>st</sup> Century Kent: A blueprint for the future'. The applicant states that 'The permitted reserves of ragstone are in the two quarries at Hermitage and Blaize. At current production rates Hermitage Quarry will be exhausted within 4 years whilst Blaize could last for 140 years. Hermitage produces almost 3 times the Blaize output.'

- 5.3.4 On a national level in addition to the Planning Policy Statements (PPS'), there are also Mineral Planning Statements (MPS') of which there are a number that should be read in conjunction with this application. It is the role of KCC to analyse the relevant minerals planning policy and guidance in relation to their position with regard to plan making.
- 5.3.5 The Government has advised Minerals Planning Authorities in the region to work to the apportionment set out in the revised Policy M3 of the South East Plan. The most recent revision being that as of 19 March 2010. The supporting text recognises the benefits of extensions to existing sites in the short term, but puts the onus on the County Council to assess the sustainability effects of such proposals. Policy M3 requires the Minerals Planning Authorities to maintain landbanks of between 7 and 10 years depending on the nature of material to be extracted and states that **"The sub-regional apportionments for both sand and gravel, and for crushed rock, will be subject to testing of deliverability in the preparation of minerals development documents, including through sustainability appraisal and Habitats Regulations Assessment."**
- 5.3.6 KCC does also have the 'County Minerals Plan' to fall back on, however this dates back to 1993. Whilst some of the policies in this plan have been 'saved', clearly the document is somewhat dated and of limited assistance. The document does not allocate the application site as a minerals site. A past attempt at replacing this old style plan was in 2006; however the intended document was withdrawn – neither the old plan nor the proposed included the application site in the search area. The County is working on a new Minerals Development Framework which will include a full review of the industry's requirements and supply. Such a document when complete may then provide support for this application; or it may find the need is simply not there.
- 5.3.7 It is apparent from the raft of information presented through the Environmental Statement (ES), that the loss to the environment as a result of this proposal has been given detailed consideration. It is for KCC to balance whether the proposed extension to Hermitage Quarry is in accordance with current guidance on minerals development; is necessary/at this time; and whether the benefits of a further 23 year ragstone and hassock supply outweigh the environmental implications of the scheme.



## 5.4 **Determining Issues**

### **Visual Impact/Ecological and Landscape Loss**

- 5.4.1 One of the key issues in determining this application is the balance between nature conservation interests and minerals interests. Without a doubt, should the proposal succeed then areas of Ancient Woodland will be lost, habitats will be disturbed and the landscape will change. This needs to be balanced against the economic need on a local and regional level, and the decision as to whether through protection, enhancement and mitigation the future ecological value of the area can be secured for generations to come.
- 5.4.2 The ES findings indicate that the woodland is considered Ancient Replanted Woodland which is of lower ecological value than Ancient Semi-Natural Woodland. The study contends that the land was formerly agricultural prior to be planted with the chestnut coppice and questions whether the designation is in fact correct. Natural England will be a consultee on this application and can comment accordingly.
- 5.4.3 The 50m strip of woodland to be maintained between the circular track and the proposed quarry will ensure that current users of the path will not be able to gain access to the quarrying areas or have site of the activities being undertaken. The woodland is as mentioned, dense, which makes it difficult to see very far into the woodland. The comprehensive ES considers the detailed matters of ecology, landscape and mitigation and this will be subject to scrutiny by KCC and the relevant consultees.
- 5.4.4 The views of the MBC landscape officer are set out in full above. I support their comments. In visual terms, despite the scale of the proposal, there is limited impact. Close range views of the quarry extension, as mentioned, are screened by Oaken Wood. The minimum retained 50m tree belt will provide a continuous dense screen – even taking into account the coppicing programme. Medium distance views are also obscured due to the proposed quarry being located on the north facing slope – hence no views from the south. It is also not possible to view the site from the east, west or north due to extensive woodland and shrub. In order to see the proposed site you would need to go to Bluebell Hill, Trosley Country Park and Holly Hill and binoculars would be needed. These views are at a distance of 4.4 miles.

## 5.5 **Residential Amenity**

- 5.5.1 Current operating hours of the quarry are 0700 – 1800 Monday to Friday and Saturday 0700 to 1300. No variation of the planning condition which applies these hours is sought.

5.5.2 Blasts are also restricted by planning condition to no more than 5 in one week. Blasting must take place between 13.00 and 13.10 hrs. The documentation in the application states that generally blasting takes place 3 times a week and that the generated noise level is recorded at well below the limits set by KCC.

5.5.3 I understand that the noise and dust, together with vibration concerns local residents in Barming greatly. The concern is accumulative damage to their properties. I also note that Barming Parish Council have requested the 50m woodland buffer zone between the circular path and the proposed quarry be increased to 70m. MBC's Environmental Health Manager is familiar with the practices of the quarry and has been present in a resident's property at the time of a blast. Whilst I have sympathy with the residents that are affected, and also understand their frustration when the Planning Statement makes reference to 'perceived effects', I am advised by the EHO that the quarry operators often fall well within the statutory noise limits and there is no grounds to object to the current application due to noise or dust issues.

## 5.6 Highways

5.6.1 No changes are proposed to the current access onto Hermitage Lane or to the pattern and number of vehicles entering and leaving the site. It is for KCC to ensure that this is in fact the case and that the relevant planning conditions continue to be applied to this extension of the site should it succeed.

## 5.7 Alternative Sites

5.7.1 The application includes an assessment of other sites and areas which provide ragstone across the region. However, it seems the issue is not simply whether ragstone is present it is the percentage/quality that can be obtained from the ground. One quarry, the obvious competitor, is cited as being unviable that of 'Blaize Quarry' as there is as much hassock as ragstone in the ground; the quarry had to be moth balled for 18mths and has constraints that limit its output.

5.7.2 It is maintained in the supporting information, that an extension to Hermitage Quarry is considered the best site for quality and yield. It is for KCC as the Minerals Planning Authority to consider whether this is the case and that if so, the significant environmental cost of the quarry can be accepted due to this overriding need. At present KCC are out at consultation on their 'Issues & Options' report and possible sites can be kept confidential at this stage. The target for adoption of the MDF is 2012 with a sites DPD following 1 year later.

## 5.8 Conclusion

In my opinion the determination of this application is focused on whether there is sufficient justification and demonstrated need for the quarry extension when balanced against the ecological impact, together with how this fits into current policy and guidance on the determination of Minerals planning applications. At the present time the relevant /up-to-date policy base to assess this application does not appear to be in place. My concern is whether a sufficient case has been put forward to override the environmental impact of the proposal in light of the apparent lack of specific policy support. Kent County Council will need to be satisfied that a sound case has been put forward to justify the proposal together with an acceptable scheme of restoration to ensure the long term ecological and landscape value of the area. The fact that the application site does not fall within MBC or therefore subject to MBC policy designations; and that there are no EHO objections with regard to impact on MBC residents leads me to conclude that the determining issue is justification. The case appears weak in terms of policy framework and economic need. I therefore consider that MBC should raise objection at this time until Kent County Council is satisfied that the application is not premature in policy terms and that the case for further quarrying in this locality overrides the extent of works necessary to the protected flora and fauna.

## **RECOMMENDATION**

Raise Objection on the following grounds:

1. The proposal is considered premature due to the incomplete status of the Minerals Development Framework, the application should be resisted at this time unless the County is satisfied there is a current, overriding and demonstrable need for the material that cannot be met elsewhere.
2. On arboricultural grounds the application for a proposed westerly extension to Hermitage Quarry should be resisted unless the County is satisfied that the application fulfils the criteria set out within PPS9 for granting planning consent within ancient woodland and complies with Natural England's Ancient Woodland Standing Advice.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.