Development Control Committee – 29th April 2008
08/00675/KCCRG3 Item No. 6.04

6.04 - 08/00675/KCCRG3

Date expired 2 April 2008

APPLICANT: Kent County Council

PROPOSAL: Extension of extraction area and continued operation of existing processing and associated manufacturing plant and buildings and other operational areas.

LOCATION: Greatness Quarry, Bat & Ball Road, Sevenoaks Kent

WARD(S): Sevenoaks Northern

ITEM FOR DECISION

RECOMMENDATION: That planning permission be Objection Lodged

Development Plan

1 Kent and Medway Structure Plan – EN4, QL7

2 Sevenoaks District Local Plan – EN1, EN6, EN7, GB1, NR10

3 Mineral Policy Statements - MPS1, MPS2

Other Material Considerations

Relevant Planning History

4 87/01468/HIST - Extraction of sand construction of a mortar plant with associated trade wastes. Construction of an alternative access into the quarry stopping up the existing entrance into the quarry to vehicular traffic. Construction of a new office and weighbridge infilling of Western lake landscaping works. Erection of acoustic fencing (granted)

5 94/02038/HIST - Erection of mortar plant at above site (granted 23.01.95)

6 98/00505/HIST - Erection of plant, building, hopper, stock bays and the construction of stockyard to extend aggregate bagging facilities (granted 09.04.98)
Development Control Committee – 29th April 2008
08/00675/KCCRG3 Item No. 6.04

7 99/00668/COUNTY - Variation of hours of working conditions (V111) of SE/87/01468 to allow operation of the bagging plant (County Council Consultation) (no objection 25.05.99)

8 02/01883/KCCRG3 - Landscape materials storage & processing facility (no objection 14.02.03)

9 03/01300/KCCRG3 - Application to extend operating hours for bagging plant by varying condition viii of permission SE/87/1468 (no objection)

10 04/02441/COUNTY - Temporary manufacture of top soil (no objection 12.10.04)

11 06/02415/KCCRG3 - Application to extend operating hours for bagging plant by varying condition 8, permission No. SE/87/01468, Tarmac Ltd (no objection 12.10.06)

Consultations

Sevenoaks Town Council

12 Sevenoaks Town Council unanimously recommends refusal on the following grounds:

‘This part of Sevenoaks is built on underground aquifers and the Environment Agency has assessed an ORANGE ‘most negative’ coding on the extension. This application would have a negative effect on water resources and ground water.

The proposal would result in a loss of agricultural land.

13 The site is situated within the Green Belt and is especially important owing to its visibility from the North Downs Area of Outstanding Natural Beauty. The permission for the existing quarry, even though it was on Green Belt, was because it was behind the ridge line and would have very little impact on the views from the North Downs AONB. However, the proposed mounds for this extension would not screen the workings from viewpoints high up on the North Downs AONB. This conflicts with PPG2 Annex B.

14 The general loss of amenity to a large number of residential properties, not only form increased vehicular traffic but also large increase in bagging and associated facilities resulting in increased noise, dust and vibration contrary to EN1 and NR10 of the Sevenoaks District Local Plan.

15 The proposal would have a deleterious effect on the 4 Air Quality Management Areas in the vicinity of the site’.
Seal Parish Council

16 The Parish Council objects to the proposal for the following reasons:

a) The existing quarrying applications are subject to planning approval SE/87/1468, which remains the overriding permission, with only minor ancillary permissions in the intervening period since the original grant of permission in January 1990. Condition (iii) of the permission time limited the extraction of aggregates to 30 years from the date of the permission. The people of Seal would therefore have reasonably expected a cessation of quarrying activities with the extant associated noise, dust and traffic movements in 2020, with a suitable restoration scheme carried out by 2022. Indeed the cessation under the current permission would have been earlier than 2020 as the applicant has indicated that current reserves of aggregate would expire within a few years. The current proposal would extend the site activities to 2030, which is unacceptable. The people of Seal can have no confidence that this extended date would not be altered by subsequent applications.

b) The applications documents recognise a number of dwellings that are at risk from dust attributable to the quarrying operations, particularly site vehicle movement. There have been failures in controlling dust in the existing operations. The proposed operations are significantly closer to Seal village. Furthermore the identified risk receptors include elderly persons accommodation, the village school is in close proximity.

c) The proposed quarry extension would have a serious impact upon the open countryside, which is part of the Metropolitan Green Belt. The most significant impact will be the effect of the views from the high ground of the North Downs Area of Outstanding Natural Beauty beyond Kemsing. We note that the existing planning permission confines the extraction to the area south of an east-west ridge which means that it cannot be seen from the North Downs.

d) Parts of Seal are subject to Air Quality Management Assessment and have been identified as risk areas. The extension of quarrying operations beyond the granted permission will exacerbate the production of pollutants which will have an adverse impact upon the residents of Seal village’.

Weald Parish Council

17 The Parish Council supports the application.

KCC Archaeology

Comments that:

(Item No 6.04) 3
The site has been subject to archaeological desk-based assessment, geophysical survey and trial trenching. The work has suggested that archaeological remains from different periods are likely to be present on site.

In view of the potential for archaeological remains to be affected by the proposals, [it is] advised that the following condition be added to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority’.

Kemsing Parish Council

The Parish state that they are not adversely affected by many of the items addressed, except those noted below:

a) Landscape - Any northward extension of the worked area would adversely affect householders in Kemsing Parish. The creation of a “screen bank” is essential and should be planted as seeded as soon as possible after formation. Before formation would be better. The visual impact of the operations would be considerable (as noted by the EIA) and not necessarily “intermittent”. The effect, as viewed from the Kemsing AONB would be considerable and unsightly.

b) Highways and Transportation - Kemsing Parish is not affected by transport movements along the A25, but it is noted that the application mentions that access would be via the existing road near Bat & Ball railway station. The Council does not agree that an extension would “not generate additional traffic on the highway network”. The Bat & Ball junction of the A25 is well known to Sevenoaks District Council as an Air Quality blackspot. A limitation of vehicle movements within the overall number for the adjacent Cory Landfill Site would be necessary.

c) Noise - The Council notes that there is no legislation concerning an acceptable level of noise and believes that were the application to be accepted then operations generating noise would be confined to certain hours.

d) Air Quality - The “proximity of assessed locations to the emission sources” does not include any parts of Kemsing in the five “receptors” listed for risk of dust impact. It ought to because the prevailing wind comes from the South West.

e) Flood Risk Assessment - The Council is satisfied with the Flood Risk Assessment.
SDC Environmental Health

21 SDC Environmental Health recommends that the proposal be rejected. The following comments have been made:

Regarding Noise

22 The Environmental Statement says that compliance with the noise limits set in MPS 2 will be achieved but it is perceived that complaints about noise from the site may be received and a loss of amenity caused to some residents. MPS 2 sets absolute levels - for example 70dBA Leq 1hr for 'Temporary works' e.g. stripping overburden, and the limit is not based on the existing background noise levels in an area. Noisy operations can occur that meet MPS2 criteria. Temporary works can for example take place for up to 6 weeks and if producing noise near or at the limit allowed would in a quiet area be potentially very disturbing.

23 A short, and in the opinion of SDC Environmental Health, inadequate noise survey has been carried out at only four 'receptors' (residential property) for just 4 x 15minute periods each and starting late morning - not when site activity starts at 0700 in the early morning when background levels can be very quiet.

24 The noise assessment (Chapter 10) also reports on the noise impact of the processing plant. However the 4 receptors considered are not the closest property to the processing plant so this aspect of the assessment is misleading. Is any traffic growth restricted?

25 No assessment of vehicle movement on, or vehicles arriving/leaving, the site is made based on the argument that there will be no change in numbers. It is considered that an assessment should have been carried out to establish if the continued operation is acceptable and/or if improved mitigation is required.

26 It is considered that the noise assessment in the EA is inadequate.

Regarding Air Pollution

27 The Environmental Assessment on air quality only really addresses the 'nuisance impact' of 'Dust'. Whilst PM10 is mentioned no assessment of likely emissions is made or the impact on existing background levels quantified. Reference to our measurements at the Greatness air quality monitoring station are briefly made but comparisons are then made with levels at sites in Rochester and Thurrock, and with national emission estimates from DEFRA. Meteorological data has been used from distant sites but not our Greatness air quality monitoring site which measures wind speed and direction, temperature and pressure. A comparison with local data just a few hundred meters from the site would surely been helpful?
28. No assessment of any other emissions to air i.e. vehicle exhaust and from plant, machinery has been made.

29. No assessment of the impact of any emissions from site, and in particular vehicles arriving and departing, on our near by Air Quality Management Areas (AQMAs) at Bat & Ball, and at Seal, are made. This is a serious omission from the assessment and the issue is either being ignored, without explanation why, or the AQMAs are unknown to the assessors which indicates inadequate investigation / consultation and places a question over the adequacy of the whole Environmental Statement. It is suspected that the latter reason is the case as no pre-application consultation with Environmental Health occurred. The Sites are on our Website and known to the KCC.

30. On the subject of dust please note Environmental Health has received complaints about nuisance from dust from the site including from vehicle movements on surfaced roads despite a system of sweeping and water laying from bowsers.

Recommendation of SDC Environmental Health

31. Recommend the application be rejected as the Environmental Statement is inadequate.

32. Full, suitable and adequate Noise and Air Quality assessments should be required, including longer noise monitoring, using appropriate and agreed receptors, quantifying emissions and any affect on background/existing noise and air pollution levels. In particular a full assessment quantifying the air pollution impacts on our AQMAs at Bat & Ball, Seal and Riverhead.

33. It is an aim of our developing Air Quality Action Plan to reduce vehicle use, reduce HGV traffic, and reduce congestion. Vehicles, particularly HGVs impact severely on congestion at the Bat & Ball junction due to the position of the access road to this site joining the Otford Road so close to the junction, and in Seal due to the narrow section of the A25. Anything i.e. the traffic from this site, which could affect an AQMA is now capable of being a material planning consideration as is anything that may interfere with progressing an Action Plan i.e. reducing HGVs, reducing congestion - Planning Policy Statement PPS 23 and DEFRA Air Quality guidance.

34. If despite the serious reservations about this application KCC are minded to approve it, it is requested that the following conditions be imposed:

1) Regular dust monitoring ( collection of deposits ) around the site. Scheme to be agreed with SDC Environmental Health. Records to be kept and available on request for examination by the LPA and SDC Environmental Health Officers.
Development Control Committee – 29th April 2008

08/00675/KCCRG3 Item No. 6.04

2) If dust emissions exceed an agreed criteria, or may do so due to for example high winds, work that generates dust must stop until problem resolved to satisfaction of SDC Environmental Health, or the risk (high winds) abates. Records of incidents and actions taken to be kept and available on request for examination by the LPA and SDC Environmental Health Officers.

3) A scheme to monitor PM10 emissions from the site to be agreed with SDC Environmental Health. Records to be kept and available on request for examination by the LPA and SDC Environmental Health Officers.

4) All vehicles using the site under the control of the applicant must be compliant with the latest Euro Standards for exhaust emissions. (Changing as standards change).

5) A contribution to the cost of local air quality monitoring by SDC and to the cost of measures within SDC’s Air Quality Action Plan be required under Section 106. (£30,000 suggested).

6) Noise from operations on site (vehicles, plant, machinery) not to exceed existing background levels (LAeq 1hr over LA90 for same hour) by 3dBA. (Type 1 meters and fast response). To be monitored by the applicant at least every 6 months to show compliance and during any 'temporary operations e.g. soil stripping' monthly. Monitoring data to be submitted within 1 month (or 1 week for temporary works) to the LPA and to SDC Environmental Health.

7) All plant, machinery and vehicles to be adequately silenced, or suitably enclosed, to minimise noise emissions, and such noise control measures to be maintained in good working order.

8) No burning on site (e.g. trees/shrubs cleared during soil stripping).

9) Any fixed or temporary lighting (e.g. external flood lighting of a working area) must not cause annoyance by level, direction, glare or similar to local residents.

SDC Tree Officer

35 The SDC Tree Officer viewed the site on 09.04.08 from the public footpath ROW/FP/SU0004 and had the following comments to make:

‘The footpath ROW/FP/SU0004 runs from Childsbridge Lane, Seal through to Seal to Seal Road. Several groups of trees can be seen situated on the quarry site when viewed from this footpath and from Childsbridge Lane. Unfortunately, these trees are not shown on the plans provided. These groups of trees appear to be sizeable copses of trees consisting of predominantly
broadleaved species. I have studied the aerial survey which was carried out in 2003, this indicates that four copses of trees are currently situated on the site.

36 I have studied the plans provided (drawing number SO 2-2 & SO 3-1) which indicates the extent of extraction from this site. Should consent be granted for this application to proceed, this would result in these copses being removed. Their removal would be detrimental to the amenity of the local area as they are conspicuous when viewed from the public footpath and Childsbridge Lane. I can also inform you that SDC has received several requests for these trees to be protected by a preservation order. This would be unnecessary should consent for this application be granted. These trees would be worthy of protection with a preservation order had this application not been submitted’.

Thames Water Waste Comment

37 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

National Grid

38 Have determined that the risk is negligible in relation to the proximity and sensitivity of the proposals to the affected networks.

Representations

39 41 letters of objection received from local residents on the grounds of noise generation, dust, air quality, traffic, pollution, aesthetic value, impact upon the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty.

Head of Development Services Appraisal

Description of site

40 The site resides due South of Otford and Kemsing, and to the North of Sevenoaks Town. The land on which the site resides is bordered by three Parishes, those being Sevenoaks, Seal and Otford with the quarry itself within the Parish of Seal.

41 The site has many planning constraints upon it, those of which include that the site is an Area of Archaeological Potential, an Area of Special Control of Advertisements, an Airfield Safeguarding Zone, an Aquifer Protection Zone, and Area of Local Landscape Importance and a Site of Special Scientific Interest.
The site resides within the Metropolitan Green Belt and although the site is not exclusively within an Area of Outstanding Natural Beauty, the site can be viewed from the North Downs Area of Outstanding Natural Beauty.

The site is subject to five Tree Preservation Orders and there are three Public Rights of Way within the site confines.

Description of proposal

This proposal details the extension of the current extraction area and the continued operation of the existing processing and associated manufacturing plant and buildings and other operational areas. The type of mineral to be extracted is sand and the total quantity of this saleable mineral to be extracted is 6.6 million tonnes; of which a maximum of 300,000 tonnes will be processed on the site per annum. The start date for the process is ongoing (from the previous permission) and the expected end date, which is subject to output levels, will be 2030. The date that restoration is expected to be complete, which will be subject to the end date, is 2032.

The proposed days and hours of working will remain as existing which are Mon-Fri 0700-1800, Sat 0700-13-00 and No Sundays or Bank Holidays.

The proposed after use for the site is proposed to be Nature Conservation, Public Amenity and Agriculture.

Determining issues

Noise

Based on the information that has been provided by the SDC Environmental Health Team, it is considered that the noise assessment that has been submitted as part of the application is inadequate. The noise survey that was carried out only occurred at four ‘receptor’ sites (receptor sites are residential properties), for merely 4 x 15 minute periods each. Given that the noise surveys carried out began late morning, and not the 0700 in which site activity begins, a true reflection of the noise levels that are experienced may not have been reported. This in turn means that the findings are not representative of those noise levels that are actually experienced.

The SDC Environmental Health team have noted that there has been no assessment within the noise assessment report that relates to vehicle movement onto site or off of site.

So, in conclusion, we are left with a disparity over the perception of noise levels, from an inadequate noise assessment, to those levels of noise that are actually experienced. It is the recommendation of SDC Environmental Health that an assessment should have been carried out in order to establish if the
continued operation at the quarry is acceptable and whether improved mitigation is required.

Transport

50 It should be noted that within Minerals Policy Statement 1, it is detailed that with regard to environmental protection, that the establishment of mineral site transport plans should be encouraged ‘in consultation with the local community, dealing with matters including routing, off-site parking, considerate driving and complaints procedures’. It should be noted that, no such consultation has been made with neither the local community, nor the District Council. Had consultation have been made, issues could have been raised and debated prior to the submission of this application. Indeed, more detail should have been included within the Environmental Assessment with regard to AQMAs, noise, dust and the impact upon the locality and surrounding area.

Air Pollution and Air Quality Management Areas

51 With regards to the Air Quality Management Areas, reference has been made to measurements taken at the Greatness Air Quality Management Station. However, comparisons have been made with levels that were obtained at sites in Rochester and Thurrock, and with National estimates from DEFRA. No assessment has actually been made of likely emissions or the impact on the existing background levels quantified.

52 No assessments have been made within the report regarding the impact of any emissions from the site (with particular regard to vehicles arriving and departing) on the nearby Air Quality Management Areas (those at Bat & Ball and Seal). Importantly, SDC Environmental Health have observed that ‘[t]his is a serious omission from the assessment and the issue is either being ignored, without explanation why, or the AQMAs are unknown to the assessors which indicates [an] inadequate investigation/ consultation and places a question over the adequacy of the whole Environmental Statement’.

53 SDC Environmental Health have noted that meteorological data has been employed from distant sites but not from the Greatness Air Quality Management Site which measures both wind speed and direction, temperature and pressure. No comparison has been made with the local data that’s available.

54 No assessment has been made of any other emissions to the air i.e. vehicle exhaust entering and exiting the plant or the machinery used within the plant.

55 SDC Environmental Health would like it noted that complaints have been received with regards to dust from the quarry site including dust from vehicle movements on surfaced roads despite a system of sweeping and water laying bowsers.
Impact upon the Metropolitan Green Belt

56 The Greatness Quarry site resides exclusively within the Metropolitan Green Belt. Generally, there is the presumption against inappropriate development within the Green Belt (PPG2), but it too is recognised that many of the areas in which mineral reserves occur are within landscapes that are highly cherished e.g. AONB and designated Green Belt land. This often leads to a conflict between the need for minerals to be mined as a requirement of necessity (e.g. for economic reasons) and the need to preserve areas of designated special landscape.

57 One of the fundamental concerns that this application poses is the impact that it will have upon the Metropolitan Green Belt (within the extension and the greater time frame over which extraction will occur). Whilst not ‘built’ development, it is impossible to say that mineral extraction does not constitute development. The area that the proposal will cover in the extension is vast, and undoubtedly will have an impact upon the scene, character and setting of the Metropolitan Green Belt within this area of Greatness, Sevenoaks.

58 Another defining issue relates to whether the extraction of minerals is ‘inappropriate’ development. As stated within MPS1, ‘minerals are essential for development and through that for that our quality of life and creation of sustainable communities’. Regarding the extraction of minerals and their relation to 'inappropriate development', it is stated within MPS1 ‘that while there is a general presumption against inappropriate development in the Green Belt, which should not be approved except in very special circumstances, mineral extraction need not be inappropriate development, nor conflict with the purposes of designating Green Belts’. But, MPS1 does go on to state that ‘in permitting mineral developments in Green Belts, authorities should ensure that high environmental standards are maintained during operation, and that sites are well restored to after-uses [which are] consistent with Green Belt objectives’. Given that there are currently complaints being dealt with by the SDC Environmental Health Team and the objections that have been received with regard to this application, it would appear that ‘high’ environmental standards are not currently being achieved.

Impact upon the Kent Downs Area of Outstanding Natural Beauty

59 It is reported that from the heights of the North Downs, the quarry is visible. This visibility is proposed to become more prominent as the proposal seeks to extend the quarry further towards the North and the North Downs Area of Outstanding Natural Beauty. An Area of Outstanding Natural Beauty is designated as such due to the quality of the landscape in which it encompasses. However, one must be mindful that the proposal is not actually sited within an Area of Outstanding Natural Beauty, but rather that it can be viewed from one.
Another important point that should be considered is that the mineral (sand) that is proposed to be extracted from the quarry, would have existed in its position prior to any AONB designation of the surrounding area. But, this does not outweigh the consideration that needs to be made to the Kent Downs Area of Outstanding Natural Beauty. MPS1 does state that 'great weight' should be given to decisions regarding mineral extraction and any given impact of an area of natural beauty, whether it be by landscape or countryside, 'the conservation of wildlife and the cultural heritage and need to avoid adverse impacts on recreational opportunities'. 'Recreational opportunities' can cover the views that are experienced from the Kent Downs Area of Outstanding Natural Beauty and the impact that the proposed extension of the quarry will have upon the character of the local landscape. Many objections have been received with regard to this afore detailed impact upon the views experienced from the Kent Downs Area of Outstanding Natural Beauty.

Conclusion

Given the views received from SDC Environmental Health, it is clear that the information provided within the Environmental Statement is insufficient. Given its insufficiency, it is impossible to determine a true reflection of the impact that the proposal will have upon residents within the surrounding localities. Of the objections that have been received, it is clear that there are current issues that surround the existing use of the quarry whether it be by noise disturbance, dust, air quality, traffic, pollution or aesthetic value. It is considered that these problems may well become exacerbated with the extension of the existing quarry site.

It is perceived that the proposed extension of the quarry will have an impact upon the character of the area, the Green Belt and the Kent Downs Area of Outstanding Natural Beauty. Whilst the proposal may not be viewed as 'inappropriate development' within Green Belt land, the 'high environmental standards that should be maintained during operation' can be questioned as there are currently complaints being dealt with by SDC Environmental Health with regards to the site and its existing use. If, under the current permission SE/87/01468, complaints are being dealt with, then these may increase should the proposed extension be granted. This is supported by the comments of the SDC Environmental Health Team and by the lack of information that is provided within the Environmental Statement.

The recommendation is that an objection be raised on behalf of Sevenoaks District Council to Kent County Council in relation to this application SE/08/00675/KCCRG3. In the event that Kent County Council grants planning permission for the afore detailed proposal, then the conditions suggested by the SDC Environmental Health team shall be recommended to be imposed upon any given planning permission.
Background Papers

- Site Plan

Contact Officer(s): Helen Tribe  Extension: 7136

GILIAN MACINNES
HEAD OF DEVELOPMENT SERVICES