

15 December 2022 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
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Development Control Committee

Supplementary Agenda

	Pages	Contact
1. Minutes	(Pages 1 - 18)	
To approve the minutes of the meeting of the Committee held on 30 November 2022, as a correct record.		

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 30 November 2022 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Ball, Barnett, Perry Cole, Edwards-Winser, Hogarth, Layland, McGarvey, Purves, Raikes, Reay and Williams

Apologies for absence were received from Cllrs. Brown, Cheeseman, P. Darrington, Hudson and Streatfeild

Cllr Dr Canet was also present.

Cllrs. P. Darrington and Thornton were also present via a virtual media platform that did not constitute attendance as recognised by the Local Government Act 1972.

42. Minutes

Resolved: That the minutes of the meeting held on 20 October 2022, be approved, and signed by the Chairman as a correct record.

43. Declarations of Interest or Predetermination

Cllr Perry Cole declared for Minute 45 - 22/00303/FUL - Upper Hockden Farm, Hockenden Lane, Swanley, Kent BR8 7QH that he was the KCC ward Member.

44. Declarations of Lobbying

There were none.

45. 22/00303/FUL - Upper Hockenden Farm, Hockenden Lane, Swanley Kent BR8 7QH

The proposal sought planning permission for the demolition of existing sheds and small commercial buildings and erection of business units for E(g) B2 and B8 use and associated car parking and yard. The application had been referred to the Committee as the discretion of the Chief Planning Officer, as the development was of a significant nature being major development in the Green Belt.

Members' attention was brought to the main agenda papers and late observation sheet which did not amend the recommendation.

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The Committee was addressed by the following speakers:

- Against the Application: -
- For the Application: -
- Parish Representative: Town Cllr Horwood
- Local Members: -

Members asked questions of clarification from the speakers and officer.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions:

- a) Referral of the application to the Secretary of State as major development in the Green Belt, to decide whether to call the application in; and
- b) The conditions listed below:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be delivered in accordance with the following plans and details: planning application forms; drawing references 4127_L01A (Location Plan), 4127_PL02H (Proposed Site Plan), 4127_PL03A (Proposed Warehouse Roof Plan), 4127_PL03B (Proposed Warehouse Floorplan), 4127_PL05 (Proposed Floor Plans - Small Units), 4127_PL06D (Proposed Elevations), 4127_PL07 (Proposed Elevations - Small Units), 4127_PL11B (Site Sections and Proposed Street Scene), Design and Access Statement Rev C (Dovetail Architects); Planning Statement (January 2022); Arboricultural Report, January 2022; Flood Risk Assessment October 2021; Noise Impact Assessment, 15 November 2021 (as amended 6 April 2022 and in Noise Response to EHO Comments); Transport Statement January 2023 (as amended by Transport Statement Addendum June 2022 and letter from Dovetail

Architects dated 7 September 2022); Landscape and Visual Appraisal and appendices, November 2021 (Revision P2); Phase 1 Geoenvironmental Assessment, October 2021; Ecological Walkover Survey with Daytime Bat Assessment and Public Records Search (issued 4 April 2022).

For the avoidance of doubt and in the interests of proper planning.

- 3) The development hereby approved shall only be used for purposes falling within Classes B2, B8 and E (g) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In order that the implications of an alternative use of the site is the subject of a separate application to be determined on its merits, having regard to the impact on highway conditions as supported by Policy T1 of the Sevenoaks Allocations and Development Management Plan.

- 4) No more than 10% of the total approved floorspace shall be occupied for purposes falling within use Class B2 and no more than 10% of the total approved floorspace shall be occupied for purposes falling within Use Class E(g).

In order to secure the appropriate provision of car parking in line with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to the commencement of development above damp proof course level, and notwithstanding the details shown on the drawings and details identified in Condition 2, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

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- 6) No development shall take place (excluding demolition) until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. This shall include details of mounding along the site boundaries. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the character and visual amenities of the surrounding area, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and LO8 of the Sevenoaks Core Strategy.

- 7) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Tim Moya Associates Arboricultural Statement (January 2022, 210924-PD-11) have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) Prior to commencement of development above slab level, full details of hard and soft landscaping on the site, which shall include details of native, species-rich, tree and hedgerow planting along the site boundaries and within the site, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping details shall be in accordance with the TMA Landscape Mitigation Plan provided within the Landscape and Visual Appraisal by Tim Moya Associates (Document 200120-LVA-01, Revision P2) and shall include: full planting plans and specifications, including species size; details of hard surfacing materials; and a plan for the management and maintenance of the landscaped areas. The approved hard landscaping scheme shall be implemented prior to the occupation of the development hereby approved and the approved soft landscaping scheme shall be implemented not later than the first planting season following the first occupation of the development. If within a period of 5 years from the completion of development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become

seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

To ensure the provision and ongoing maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 9) No development above damp proof course shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 10) No development shall be commenced until details of a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Those details shall include the following: (a) Routing of construction and delivery vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Provision of wheel washing facilities (e) Temporary traffic management / signage. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users adjacent to the site in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

- 11) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, pollution, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800 - 1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays, advance notification to neighbours and other interested parties of proposed works and

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public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

In the interests of the amenities of neighbouring occupiers as supported by policy EN2 of the Councils Allocations and Development Management Plan.

- 12) Development shall not commence until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonable practical then any surface water leaving site shall not exceed the equivalent greenfield runoff rates for the respective rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 13) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and,

the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 14) No development shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components: i. A site investigation scheme, based on the findings of the Gemco Phase 1 Geo-environmental Assessment (October 2021, reference 2008 R01: Issue 1) submitted with the application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. ii. The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

- 15) No occupation of any part of the approved development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off- site

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receptors, in accordance with the National Planning Policy Framework.

- 16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with the National Planning Policy Framework.

- 17) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

- 18) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

- 19) The development hereby approved shall not be occupied until the proposed vehicular access to the site from Maidstone Road has been constructed and provided with visibility splays of 104 metres x 2.4 metres to the west and 90 metres x 2.4 metres to the east with no obstructions over 1.05 metres above carriageway level within the splays. The access shall be permanently maintained thereafter and the visibility zones shall be kept permanently clear of any obstruction.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 20) The development hereby approved shall not be occupied until the new vehicular access from the residential property, Riddings, to Hockenden Lane has been constructed and provided with visibility splays of 43m x 2.0m visibility splays with no obstructions above a height of 1.05m, the splays being maintained at all times thereafter. There should be no gates within six metres of the edge of the highway and any such gates should open away from the highway. The first six metres of the drive should be constructed in a bound material to prevent the spread of loose stones onto the highway, and be maintained as such thereafter.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 21) Prior to commencement of the development, the applicant shall enter into a Section 278 Agreement with Kent County Council to secure (i) footway improvements between the site access and the pedestrian crossing point across Maidstone Road to the west of the entrance comprising the construction of a link footway on the south side of the carriageway and the creation of dropped kerbs and tactile paving; and (ii) the re-painting of the road markings along Maidstone Road between the fork in the B2173 to the north-west of the site entrance and the junction of Maidstone Road with Birchwood Terrace to the south-east. These works shall be completed prior to occupation.

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In the interests of road safety and convenient access as supported by Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan and Policy SP2 of the Sevenoaks Core Strategy.

- 22) The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

To ensure the sustainability of the site in accordance with Policies T1 of the Sevenoaks Allocations and Development Management Plan and Policy SP2 of the Allocations and Development Management Plan.

- 23) Before the first use or occupation of the development hereby permitted, the car and lorry parking and turning areas, cycle stores, motorcycle parking and servicing areas shown on the approved Proposed Site Plan (reference 4127_PL02H) shall be provided and shall thereafter be kept available for the parking of cars and lorries and for servicing at all times.

To ensure the permanent retention of satisfactory parking and cycle facilities to serve the site, and to maintain safe and convenient access, as supported by Policies EN1, T1 and T2 of the Councils Allocations and Development Management Plan.

- 24) Prior to commencement of any work associated with the new car parking/yard areas serving the site a scheme to show the provision of electric vehicle charging points, including their proposed locations, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging points shall be installed in accordance with the approved details prior to first use of the car park.

To ensure the delivery of electrical vehicle charging points, to comply with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

- 25) Noise generated within the warehouse shall not exceed 75 dB LAeq, 15min, and doors to the warehouses must be closed during operation. The assessed noise level should not result in a loss of amenity when assessed to BS 4142:2014 +A1: 2019 (or the latest update of that standard) at the nearest noise sensitive receptor.

To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

- 26) The external noise level emitted from plant, machinery or equipment at the development hereby approved shall ensure that the rating noise level from plant, machinery/equipment assessed at the nearest noise sensitive receptors is no greater than the typical background noise level, as assessed according to BS 4142:2014 +A1: 2019 (or the latest update of that standard). The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

- 27) None of the Units hereby approved shall be occupied until details of the position (including level), material and specification of the 2.4m high acoustic barrier on the eastern boundary of the site, as indicated on the approved Site Plan drawing 4127_PL02H, have been submitted to, and approved in writing by, the Local Planning Authority and the barrier erected in accordance with the approved details. The barrier is to have a minimum mass of 12kg/m².

To ensure that noise emanating from the development site does not have an unacceptable impact on the amenities of neighbouring occupiers.

- 28) Prior to occupation of the development, a scheme specifying the provisions to be made for the control of noise emanating from the external yard spaces, including (but not limited to) those for the control of vehicle reversing alarms, shall be submitted to and approved in writing by the local planning authority. Thereafter, the use hereby approved shall not commence until the approved scheme has been fully implemented and the approved measures shall thereafter be maintained in perpetuity.

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To protect the occupants of nearby properties from noise disturbance in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 29) To demonstrate that all noise mitigation measures have been effective, a verification process shall be undertaken as follows: (i) Prior to occupation of the development, a scheme for assessing the post-occupation noise levels shall be submitted to and approved by the local planning authority. (ii) Following implementation of the recommended noise mitigation measures and within three months of occupation, a verification report demonstrating that the approved noise level has been achieved in accordance with the assessment scheme agreed under (i) shall be submitted to the Local Planning Authority for approval. In the event that the agreed noise levels are not met, further mitigation measures shall be implemented until they have been achieved to the satisfaction of the Local Planning Authority, as demonstrated through the submission of a further verification report.

To protect the occupants of nearby properties from noise disturbance in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan

- 30) Prior to commencement of development, the applicant shall provide in writing for approval by the local planning authority, an Air Quality Impact Assessment and recommendations for mitigation measures as appropriate. The air quality impact assessment should follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017).

To protect the amenity of local residents in line with Policy EN2 of the Sevenoaks Allocations and Development Management Plan and in compliance with the objectives of Policy SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

- 31) No development shall commence (including site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be based on the recommendations listed on page 3 of the Ecological Walkover Survey report by Betts Ecology and Estates (April, 2022) and shall provide detailed mitigation measures and ecological enhancements to be carried out on site, together with a timetable for implementation and details of ecological supervision where

required. The development shall be carried out in accordance with the approved details.

To avoid and mitigate for potential impacts on protected species during construction and provide biodiversity enhancements in accordance with Policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

- 32) Prior to occupation of the development, a lighting design strategy for the protection of biodiversity and amenity shall be submitted to and approved in writing by the local planning authority. The strategy shall: i. Identify those areas and features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; ii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; iii. Otherwise, show details of the position, height, design, measures to control light spillage and intensity of illumination in order to demonstrate that the lighting will safeguard residential amenity. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter. No other external lighting be installed without prior approval of the Local Planning Authority.

In the interests of safeguarding protected species in accordance with Sevenoaks Core Strategy Policy SP11 and the protection of residential amenity as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

- 33) The development shall achieve a BREEAM minimum rating of "Excellent". Evidence shall be provided to the Local Planning Authority as follows: i. Prior to the commencement of the development of each building, other than site clearance/demolition, of how it is intended the development will achieve a BREEAM Design Certificate minimum Excellent or alternative as agreed in writing by the local planning authority; and, ii. Prior to the first occupation of each building, that the development has achieved a BREEAM post construction certificate minimum Excellent or alternative as agreed in writing by the local planning authority.

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In the interests of environmental sustainability and reducing the risk of climate change as supported in Policy SP2 of the Sevenoaks Core Strategy.

- 34) Notwithstanding the approved drawings, a scheme for the delivery of solar panels, or an alternative source(s) of renewable or low carbon energy, shall be submitted to the Local Authority prior to the commencement of development excluding demolition. The solar panels, or scheme as otherwise approved in writing with the local planning authority, shall be installed only in accordance with the approved details and shall be brought into use prior to the occupation of the development.

To ensure the development preserves the character and appearance of the area and contributes to the goal of achieving zero carbon in accordance with policies EN1 of the Sevenoaks Allocation and Development Management Plan and SP2 of the Sevenoaks Core Strategy.

Informatives

- 1) Ecology: The applicant is reminded that Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England.
- 2) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m), Thames Water will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

- 3) Site Drainage: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

- 4) Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

- 5) Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be

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produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

- 6) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
 - some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK
- 7) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

THE MEETING WAS CONCLUDED AT 7.25 PM

CHAIRMAN

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