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<b>Borough Green</b> Borough Green And Long Mill	<b>560743 157827</b>	<b>29.06.2006</b>	<b>TM/06/02171/WAS</b>
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Proposal:	Recycling of inert waste/crushing and screening to produce secondary aggregate
Location:	Borough Green Quarry Wrotham Road Borough Green Sevenoaks Kent
Applicant:	Cemex UK Materials Limited

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## 1. Description

- 1.1 This is a proposal for introduction of a waste recycling facility to process inert waste (primarily construction materials) to produce recycled aggregates. That element of the imported waste that cannot be recycled or is a by-product of the recycling would be used to restore the quarry. In effect, this scheme would be integral with but potentially delay the rate of the restoration of the whole quarry to former ground levels.
- 1.2 The recycling plant would be mobile, the crusher and screener each being brought onto the site as and when needed. The plant will be located at the base of the quarry on a layer of clay and comprise a hopper, crusher and a power screen. There will be stockpiles of imported waste ready for processing and stockpiles of recycled product ready for despatch. Once established, the applicant envisages a maximum of 300,000 tonnes per annum of material will be imported for recycling of which 100,000 tonnes would be exported as a recycled product leaving 200,000 tonnes per annum for infilling as part of the quarry restoration.
- 1.3 The applicant states that the recycling will be carried out for approx. 25 years or until the restoration of the quarry is complete.
- 1.4 Access by HGVs would be via a haul road comprised of prepared surfaces, compacted and graded.
- 1.5 Currently, the quarry is importing 120,000 tonnes of inert waste per annum. Following an earlier agreement between KCC and the applicant, HGV movements are restricted during school term time by 45 minutes in each of the morning and evening peaks (i.e. no movements out and restricted movements in as far as practicable).
- 1.6 The applicant advises that the anticipated average number of lorry movements per day once the site is established and running at full capacity will be approximately 110 if there is 100% backloading and 146 per day if there is no backloading. For 100% backloading, this equates to around 10 movements per hour based on an 11 hour working day in school holidays and 11.6 movements per hour for a restricted day in term time. If no backloading (ie worse case scenario), movements would be 13.3 per hour and 15.4 per hour during school holidays and term time respectively.

- 1.7 The applicant states that they anticipate a high proportion of backloading but provide no evidence to back up this assertion.
- 1.8 The application is accompanied by a consultant's report on potential noise impacts from the proposal and details of dust mitigation measures. It also includes a policy analysis but excludes any meaningful assessment of the proposal in terms of PPG2 (Green Belts).

## **2. The Site**

- 2.1 This application relates to land at the Borough Green Sand Quarry which has been abandoned as a quarry due to water table problems and is now undergoing restoration by landfilling with inert waste. The proposal relates to the central part of the site.

## **3. Planning History**

- 3.1 TM/04/03203/MIN Approved 19.10.2004  
Installation of basic infrastructure to include a wheelwash material testing bays and a secure compound in addition to the existing weighbridge and office building pursuant to condition 17 of planning permission TM/93/0305MIN.
- 3.2 TM/03/01295/MIN Approved 11.09.2003  
Details pursuant to condition 12, restoration scheme, and condition 16, aftercare, of planning permission ref: TM/93/0305MIN (KCC ref: TM/93/305/R12 and 16).
- 3.3 TM/02/00139/MIN No decision issued  
Revised details of scheme of working submitted pursuant to condition 6 of TM/93/0305MIN.
- 3.4 01/01328/MIN Application not proceeded with 05.06.2001  
Environment Act 1995: Review of mineral planning permissions application for determination of new conditions.
- 3.5 TM/01/01205/MIN Approved 18.04.2002  
Determination of new conditions (initial review) - permission MK/4/71/244 for the excavation of silica sand (KCC ref: TM/01/MIN/C/MR86).
- 3.6 TM/00/01598/MIN Withdrawn 10.09.2001  
Aggregate recycling facilities and inert landfilling (TM/00/MIN/K).
- 3.7 TM/96/01688/MIN Approved 11.09.2003  
Scheme of working pursuant to conditions 6 and 12 of consent TM/93/0305MIN.
- 3.8 TM/95/0582/MIN Approved 07.09.1995  
Deposit of imported clean fill to support adjacent quarry place.
- 3.9 TM/93/0305MIN Approved 17.11.1993  
Application for determination of conditions to which IDO permission TP1893 (Old Mining permission) is to be subject.

3.10 TM/93/0032/MIN: Approved 15.04.1993  
Stock piling excess road construction excavation spoil for use at a later date for restoration purposes within the quarry.

3.11 TM/91/0616 Approved 17.09.1991  
Stock piling of excess motorway excavation spoil for use at a later date for restoration purposes within the quarry.

#### 4. Consultees

By KCC:

4.1 PC: If KCC are minded to approve, the usual constraints on noise, dust, dirt and hours of working should be applied. Necessary provisions should be made to overcome the effects on residents in Borough Green and the wider area including Wrotham School. A responsible authority needs to make regular periodic assessments of the noise, dust and traffic levels. Concerned about the high level of vehicle movements: the level of all vehicle movements should be maintained within those specified for the operation of the site.

4.2 EA: No objection: The site lies over SPZ3 and public water supplies are at risk from activities on the site and all precautions should be taken to avoid discharges and spillages to the ground.

4.3 MKW: This consultee had not been consulted by KCC at the time of writing the report.

4.4 SEERA: No response at the time of writing the report.

By TMBC:

4.5 DHH: The environmental health issues raised by this application are dust and noise.

#### Dust

4.6 The crushing equipment will need to be separately authorized under IPPC legislation, which requires that appropriate dust suppression measures are taken.

4.7 The precautions detailed in the Supporting Statement must be adhered to in order to minimize dust. Complaints of dust emanating from the quarry have been received in the past.

#### Noise

4.8 The applicant's supporting statement incorporates an acoustic appraisal. I have some concerns regarding assumptions made by the consultant in his implied use of BS 4142 1997 "Method for Rating Industrial Noise Affecting Mixed Residential

and Industrial Areas” in deriving a noise limit criterion for the proposed recycling facility that site noise should be no more than 5 dB(A) above average background noise levels.

- 4.9 BS 4142 is based on the relationship of noise attributable to the operation of the noise source under consideration termed the specific noise level (LAeq, T) corrected for any particular tonal or other characteristics, termed the rating level (LAR, T), with the measured background noise level when the noise source is not operating (LA90, T) the assessment being made by subtracting the background noise level from the rating level. A difference of around 10dB or higher indicates that complaints are likely; a difference of around 5dB being of marginal significance. At a difference below 5dB, the lower the value, the less likelihood there is that complaints will occur. For many years it has been my practice to seek to ensure that the noise rating level from new industrial noise sources does not exceed the background noise level by more than 3 dB. This is to reflect the fact that the relevant noise “test” in the context of a planning application is to avoid demonstrable harm to residential amenity and not merely to ensure that noise is no more than marginally likely to give rise to complaint.
- 4.10 Calculations have been made to predict the noise level of the recycling plant at houses in Borough Green, close to the quarry. The calculations do not appear to include a 5dB correction for certain acoustic features such as bangs, clatters or thumps. I believe that such features will be present and therefore 5dB should be added to the specific noise level.
- 4.11 Additionally, the measured background noise levels presented in the report have been “averaged” and these average levels have been used for the noise impact assessment. It is pertinent to note that BS4142 advises that during the day the specific noise level should be evaluated over a reference time interval of 1 hour. At the worst case location, The Dene, the assessment level according to the report is  $45\text{dB} - 45\text{dB} = 0\text{ dB}$  where 45 is the site noise level without acoustic feature correction and 45 is the “average” LA90dB background noise level for that location. However, a 5dB acoustic correction added to the rating level compared to the lowest measured background level of 41dB gives an assessment level of  $49-41 = +9\text{dB}$ ; BS4142 states that a difference of around +10dB indicates that complaints are likely.
- 4.12 I am concerned to protect the aural amenity of local residents and on the basis of the information provided believe that the recycling plant in its proposed position has the potential to cause disturbance to residents of Fairfield Road.
- 4.13 The applicant should be required to justify his use of “average” background noise levels and the assumption that none of the acoustic features described in BS4142 will be present.

**5. Determining Issues:**

- 5.1 The Borough Green Quarry is located in the MGB, in a Green Wedge, in an Area of Local Landscape Importance, and outside the defined settlement confines of Borough Green. TMBLP policies P2/16; P2/19 and P3/7 apply respectively. Policy P4/11 is general policy on all development which should not harm the particular character and quality of the local environment.
- 5.2 The site is also located within an area identified by Policy P3/10(g) of the TMBLP which seeks restoration of the whole site to a use appropriate to the Green Belt.
- 5.3 The main determining issues with this application relate to whether it is acceptable in policy terms and whether it will be acceptable in terms of highways impacts and the impact on the residential amenity of nearby properties by noise, dust and vibrations.
- 5.4 With regard to PPG2 (Green Belts), this type of use comprising of an assortment of large plant and a number of large stockpiles is considered to be an industrial type activity which is inappropriate in the MGB. Any harm to the MGB by inappropriateness or by any other harm would need to be justified by the applicant's submission of "very special circumstances".
- 5.5 In strategic terms, Policy W7 of the KWLP lists designated sites for inert waste recycling which does not include this site. Policy W7 does have criteria by which non-designated sites may come forward, these include the proposal being on a site with existing waste management facilities or industrial areas and in all cases, acceptable in terms of highway and environmental impacts.
- 5.6 The KMSP Policies WM1 and WM2 and MPG6 "*Guidelines For Aggregates Provision In England*" all encourage the provision of this type of recycling facility in principle. However, this is subject to the proposal being acceptable in terms of highway and environmental impacts. These policies do not override PPG2 which determines appropriateness of the development in a Green Belt location.
- 5.7 Policies NR5 and WM2 of the KMSP require that development will be planned and designed so as to minimise pollution impacts. Applicants are required to show that their schemes represent the best balance between the most efficient and most environmentally sustainable method of managing a specific type of waste. Proposals should demonstrate that they meet a demonstrable need that overrides material agricultural, landscape, conservation, traffic and other environmental or land use concerns; and reflect the principles of the Best Practicable Environmental Option (BPEO) and thereby accord with the waste hierarchy, the proximity principle (taking into account the environmental impact of the mode of transport proposed) and the contribution made to self sufficiency.
- 5.8 In my view, where harmful impacts cannot be reduced to an acceptable level, or together with prevailing background circumstance, would result in an unacceptable level, the proposed development should not be permitted.
- 5.9 Dust mitigation measures as suggested will need to be implemented in full and KCC will need to provide resources to ensure continued and on-going compliance.

- 5.10 I have noted the comprehensive comments of DHH. It would appear that the applicant has not included a 5dB correction for certain acoustic features such as bangs, clatters or thumps. These will almost certainly occur within the site as a result of the nature of the operations to be carried out. Taking into account the required correction, DHH has concluded that the recycling plant has the potential to cause disturbance to residents of Fairfield Road.
- 5.11 Moreover, notwithstanding the absolute or average level of noise, PPG24 allows for the character of noise to be taken account of in determining a planning application. In view of the close proximity of the proposed facility to these residential properties, the conclusions reached by DHH and the character of the noise being HGV's using steep haul roads and bangs, clatters and thumps, the proposal does not meet the tests set out in Policies in the Development Plan and, as such, I must recommend an objection on this issue as it stands.
- 5.12 Regarding traffic generation, on the basis that a maximum of 300,000 tonnes of material will be imported into the site per annum with some 100,000 tonnes recycled for sale off site, it is possible that in the absence of significant backloads, the number of vehicle movements generated could be greater than those generated by the quarry during its more productive years. It should be noted that the vehicle movements currently generated by the quarry are relatively low because the recent rate of importation at 120,000 tonnes per annum is only 40% of the maximum currently permitted of 300,000 tonnes per annum. The increase in HGV traffic at worst case scenario will therefore be significant and likely to be harmful to residential amenities and the MGB.
- 5.13 Related to the above is the likely extension in the period of infilling of the quarry. In the 2003 permission for restoration, the period of infilling was estimated to be in the order of 17 years based on importing 300,000 tonnes per annum. The applicant states that the life of the landfill will be elongated to approx. 25 years as a result of the introduction of recycling plant proposed. Of course, this will be even longer if the rates of infilling do not meet anticipated maxima. This will significantly extend the period of time of harm to the MGB and during which the local residents have to experience the amenity impacts of noise, dust, vibration and high levels of HGV traffic.
- 5.14 However, it should be noted that the applicant argues that the current level of infilling is only 40% of the maximum because they are of the opinion that the lack of on-site recycling makes use of this quarry less attractive. That is, they are suggesting that without recycling, the period of restoration will be longer than originally anticipated in any event. The argument may have some merit but there is no actual evidence submitted to backup this assertion, and the County Council will need to satisfy itself on this point.
- 5.15 In light of the above considerations, I am not convinced that the applicant has demonstrated a convincing set of "very special circumstances" to justify the inappropriateness of the development in this location in the Green Belt. Indeed, it is possible that the recycling facility could be provided on an alternative non-quarry site from where the material required for landfilling could then be imported without

the burden of the two way traffic and noise. I do not consider that it has been demonstrated that the use requires this particular Green Belt location or that it can operate without detriment to the locality in terms of noise and disturbance.

5.16 The scale and low level siting of the plant does not harm the ALLI or function of the Green Wedge in my view.

**6. Recommendation:**

6.1 The Borough Council **Objects** to the proposal for the following reasons:

- 1 The proposal is harmful to the Green Belt due to its inappropriateness which has not been justified by a convincing set of “very special circumstances”. This is contrary to PPG2 (Green Belts) and Policies SS2 of the Kent and Medway Structure Plan 2006 and P2/16 of the Tonbridge and Malling Borough Local Plan 1998.
- 2 The acoustic report submitted by the applicant appears to be flawed since it does not include a 5dB correction for certain acoustic occurrences such as bangs, clatters or thumps. These will almost certainly occur within the site as a result of the nature of the operations to be carried out. Moreover, there is an unexplained use of “average” levels of noise and the average levels may not adequately take account of existing restrictions on hours of access by HGV traffic. The recycling plant and the associated HGV traffic have the potential to cause increased disturbance to residential properties and harm to the amenities of the Green Belt. This will be contrary to PPG2 (Green Belts), PPG24 (Planning and Noise); Policies SS2, EN1, QL1, NR5 and WM2 of the Kent and Medway Structure Plan; Policy W7 of the KWLP and Policies P2/16 and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.
- 3 The Borough Council is concerned about the number of vehicles that could potentially be generated by the proposed development. On the basis that a maximum of 300,000 tonnes of material will be imported into the site per annum with some 100,000 tonnes recycled for sale off site, it is possible that in the absence of significant backloads, the number of vehicle movements generated could be greater than those generated by the quarry during its more productive years. This will harm residential amenities and the amenities of the Green Belt and be contrary to PPG2 (Green Belts), Policies SS2, EN1, QL1 and WM2 of the Kent and Medway Structure Plan, Policy W7 of the KWLP and Policies P2/16 and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.

- 4 Inadequate evidence has been submitted from the applicant to confirm that the introduction of recycling will not significantly extend the period of infilling operations at this site with consequent harm to residential amenities and the amenities of the Green Belt, contrary to PPG2 (Green Belts), Policies SS2, EN1, QL1 and WM2 of the Kent and Medway Structure Plan, Policy W7 of the KWLP and Policies P2/16 and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.

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