



*surveys and EIA show the habitat value to be low. The selection of the application site and surrounding land as an LWS has also been shown to be questionable. The proposed extension at 33 ha amounts to less than 13% of the LWS. It has been demonstrated that there is a need for the proposed development and that there are no better alternative sites within which to work ragstone to ensure continuity of production.*

- *The requirements of planning policies for the protection of nature conservation interests and ancient woodland have been addressed at national and local levels. The proposal meets the criteria for being treated as an exception to those policies and the required mitigation measures are provided. There is more than necessary mitigation provision within the proposals. There is no overall loss as the land is only borrowed and what is returned we have shown will be significantly better than exists now. The loss and harm is a temporary loss and harm while the ragstone is extracted and the site restored. Thereafter the loss turns to gain and the harm to benefit as the enhanced habitat matures and is managed. Indeed, overall the package of proposals is a significant enhancement and should be supported and encouraged.”*

## **2. Reason for reporting to Committee:**

2.1 In light of public and Member interest.

## **3. The Site:**

3.1 Hermitage Quarry is located approximately 500m north of Barming Heath approximately 1.5km south of the nearest housing in Ditton. The proposed quarry extension is immediately to the south west of the existing quarry and is in the north east corner of Oaken Wood. The area of the proposed quarry is mainly dense sweet chestnut coppice woodland with narrow rides. The proposed quarry would be linked to the existing by a low level access track. The current quarry has reserves for approximately 4 years working at current rates.

## **4. Planning History:**

4.1 There is an extensive history, mostly related to minerals extraction on the nearby quarry site.

## **5. Consultees: (undertaken by KCC)**

5.1 A large number of objections (200+) received from local residents and pressure groups objecting on the grounds of:

- loss of ancient woodland,
- loss of trees generally,
- loss of habitat, and

- general impact of the quarry works on the wider area.

**6. Determining Issues:**

- 6.1 When considering this application any determination should be in accordance with the adopted policy framework. In light of the revocation of the South East Plan the Government has issued guidance on dealing with such applications without Regional Strategy targets. The guidance is that Minerals Planning Authorities in the South East should work from the apportionment set out in the “Proposed Changes” to the revision of Policy M3, (of the previous South East Plan) published on 19 March 2010.
- 6.2 This guidance acknowledges the need for aggregate extraction sites and suggests that in the short term it may be beneficial to extend existing sites. However a detailed assessment of sustainability effects of new minerals sites will need to be undertaken at a local level, effectively County level, during the determination of planning applications. Therefore the County Council will need to consider whether, for this application, it has been shown that the need for extraction at this site outweighs the environmental impacts of the works.
- 6.3 The County Council will also have to consider how and to what extent its own policies are relevant. The County Minerals Plan was adopted as long ago as 1993 and the policies of that Plan have been legally “saved” by the Secretary of State until replaced by a new style Plan. In the 1993 Plan no additional areas of search for Ragstone are identified. The County Council subsequently published a further submission Plan in 2006, aimed at replacing the 1993 Plan, with regard to Construction Aggregates and the current application site did not appear in the area of search. That Plan was itself subsequently withdrawn. KCC has commenced further plan-making and has issued a “call for sites” but at present the 1993 Plan policies are in force.
- 6.4 The County Council will also need to have regard to the Borough Council’s planning policies. In MDEDPD the site is shown as lying within a Local Wildlife site (protected by policy NE1) and is in an area of Ancient Woodland protected by policy NE4).
- 6.5 The development has been designed in such a way as to provide an ecological corridor across the area, with access to the quarry under. The quarry workings are proposed to be phased so that the minimum area of land is taken away at any one time for quarrying, infilling and restoration. The application is supported by detailed phasing plans setting out this process. Worked areas would be infilled and the land returned to mixed native woodland and shrub.
- 6.6 The quarrying works would result in ancient woodland being replaced with newly planted mixed native woodland that, according to the applicants, would be of increased wildlife value. The term Ancient Woodland is used when an area has been wooded continuously since at least 1600. Such woodland can be divided

into two groups, Ancient Semi-natural Woodland and Ancient Replanted Woodland. The applicant contends that the proposed quarry site is the latter and therefore of lesser importance due to the predominantly dense chestnut coppice and the results of survey work. This indicates that the land was previously agricultural prior to being planted as chestnut coppice and that a species study indicates that this particular area of Oaken Wood should not in fact be designated as Ancient Woodland. There has though been no change in the designation from Natural England.

- 6.7 The application is supported by a detailed study of alternative ragstone quarry sites across Kent. The findings of this study are such that although the ragstone is found in the Hythe Beds that run approximately east to west across Kent, the best site for quality and yield would be an extension to Hermitage Quarry. The County Council in its role as Minerals Planning Authority will have to assess if this is truly the best site in terms of the actual resource, if the need for the resource is proven at this stage and whether or not the significant environmental cost of the extraction is overridden by such identified and quantified need.
- 6.8 KCC must also consider whether it would be premature to reach a positive decision on this proposal, given that the site is not an allocated minerals site and was not included in the area of search in the course of previous Development Plan work. Moreover the County Council have commenced work on a new Minerals Development Framework which will take a fresh and comprehensive view of industry needs and supply. Bearing in mind the importance of the site in other terms it is surely the case that any decision on the site should await the outcome of that work.
- 6.9 Unless the County Council is satisfied beyond any reasonable doubt that there is a current and overriding need for this material that cannot be met from an acceptable alternative site and that this need is so urgent that it cannot wait until the current Minerals Development Framework has been advanced then permission should be refused in light of the breach of MDEDPD policies NE1 and NE4. Therefore at this stage the Borough Council should lodge a strong objection to the proposal on the grounds of the loss of ancient woodland and that any decision would be premature.

## **7. Recommendation:**

### **7.1 Raise objection** on the following ground:

- 1 The Borough Council objects to the proposal as it involves the loss of the Ancient Woodland, woodland covered by a tree preservation and part of the Local Wildlife Site which should not be allowed to take place unless and until Kent County Council has established that there is a current, overriding and demonstrable need for this material which cannot be met elsewhere. Any such case of need, if proven, can only be properly established through the comprehensive Minerals Development Framework and until such time the current proposals are premature.

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