Ditton 572190 156090 5 August 2010 TM/10/02029/MIN

Ditton

Proposal: Proposed westerly extension to Hermitage Quarry (KCC ref:

TM/10/TEMP/0025)

Location: Hermitage Quarry Hermitage Lane Aylesford Kent

Applicant: Gallagher Aggregates Limited

## 1. Introduction:

1.1 Members will recall that this application was deferred from the meeting of Area 3 Planning Committee on 30 September 2010 to enable Members to take up the applicant's invitation to visit the site and to also enable Officers to provide further information regarding the Ancient Woodland designation and a list of suggested conditions to be used, should KCC decide to grant planning permission.

1.2 Members were to visit the site on 6 November 2010 and any issues arising from this visit will be reported in a supplementary report. For information a copy of the original report is attached as an annex.

## 2. Determining Issues:

- 2.1 Since the previous report was drafted Kent County Council has published its Issues Consultation Paper on the new Minerals and Waste Core Strategy which, when adopted, would form the basis for Minerals and Waste planning until 2030. With regard to crushed rock (ragstone) this document states that "theoretically, Kent needs to plan for 15 million tonnes (mt) for the 19 year plan period, based upon the apportionment of 0.78 million tonnes per annum. Given that the permitted reserves are well in excess of 30mt (on 31st December 2008), held in two sites, and a draw down equivalent to the annual apportionment, Kent has sufficient ragstone reserves to last throughout the length of the plan and beyond". (para. 4.1.19 Minerals and Waste Core Strategy Issues Consultation September 2010). On this basis there does not appear to be a need for the quarry extension until at least 2030.
- 2.2 Ancient Woodland within Tonbridge and Malling has recently been reviewed with the results published in March 2010 and reported to the Rural Affairs Advisory Board on 29 June 2010. This very recent survey reaffirmed the status of Oaken Wood as Ancient Woodland. The implication of this is that the survey is now a material consideration in applying Policy NE4.3 of the MDEDPD. Given these published findings it is considered that the applicant's view that the site is not an Ancient Woodland is incorrect.
- 2.3 With regard to the grade of ancient woodland, Natural England no longer makes a distinction between semi-natural (irreplaceable) and replanted (important) ancient woodland. Given the strong desire that this demonstrates to protect these

Part 1 Public 11 November 2010

important habitats and the lack of a need for the ragstone, it is not considered that the applicant's submission establishes exceptional circumstances such as to warrant the loss of the Ancient Woodland.

2.4 Overall it is considered appropriate to continue to object to the proposal but, in case KCC, as determining Authority, adopts a contrary position, it is considered appropriate that a number of conditions should be suggested in an effort to mitigate the impact of the works.

## 3. Recommendation:

- 3.1 That the County Council be advised that the Borough Council Strongly Objects to the proposed development for the following reason:
- 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. In the absence of such a demonstrated need, the proposed development would be contrary to policy CP1 of the Tonbridge and Malling Core Strategy (adopted 2007) and policies NE1, NE3 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document (adopted 2010), both of which form part of the Local Development Framework. The Borough Council recognises that it is for the County Council to reach a decision as to the need, or otherwise, for the extraction of ragstone. However, in the light of the conclusions reached in the recently published Minerals and Waste Core Strategy Issues Consultation (particularly paragraph 4.1.19) the Borough Council considers it extremely unlikely that a convincing case of need can be established. Any such case of need, if proven, can only be properly established through the comprehensive Minerals Development Framework and, until such time as this Framework has been adopted, the current proposals are premature.
- 3.2 If KCC is minded to grant planning permission, the Borough Council recommends that conditions should be attached in relation to the following:
- 1 Ecological measures to be carried out as detailed in the reports attached to the application
- Works and restoration to be carried out in accordance with the approved plans.
- 3 Controls over times of blasting, limits on the daily number of blasts, requirements for monitoring of blasts and ground vibrations
- 4 Controls over the hours of operation of the quarry
- 5 Controls to regulate and monitor dust and noise arising as a result of the operation

Part 1 Public 11 November 2010

- 6 Controls over the routeing of HGV movements
- 7 Site restoration to be undertaken if the quarrying use ceases before all quarrying activities completed.
- 8 The submission of an archaeological watching brief.

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Part 1 Public 11 November 2010