

TM/01/00478/MIN Grant With Conditions 23 May 2001

Additional and replacement plant; structures and equipment required for asphalt production and environmental improvements to the existing asphalt unit

TM/01/01862/MIN Grant With Conditions 28 September 2001

Permanent retention of existing asphalt unit incorporating the following environmental improvements; installing site drainage, covering two existing dust storage bays and repainting the asphalt unit

TM/02/00029/MIN Grant With Conditions 22 February 2002

Section 73 application to vary condition (5) of permission TM/01/1862 to allow 60 'outside of normal working hours' periods per calendar year until 31 December 2003

TM/99/01760/MIN Grant With Conditions 13 March 2000

variation of condition vi of planning permission TM/85/0009 to allow 24 hour 7 day a week operation of the asphalt plant for a temporary period to 31 December 2001

TM/06/00013/MIN Grant With Conditions 15 March 2006

Section 73 Application to vary Condition 5 of Permission TM/01/1862 to allow 60 "outside of normal working hours" periods per calendar year

TM/06/00121/MIN Grant With Conditions 20 April 2006

Section 73 application to vary conditions 2 (ii) and 3 of permission TM/01/01862 to allow for the construction of 2 new covered dust storage facilities to proceed

TM/06/00798/MIN Grant With Conditions 20 April 2006

Erection of covered dust storage bays

TM/08/01451/MIN Grant with Conditions 26 June 2008

Section 73 application to vary condition 5 of planning permission TM/01/1862 to allow 60 "outside of normal working hours" periods per year on permanent basis at the asphalt plant.

5. Consultees:

Undertaken by KCC

- 5.1 Snodland TC: Object due to concerns regarding noise, movement of vehicles, smells and dust.
- 5.2 Birling PC: Object due to noise, vehicle movements, dust, light pollution and odour. Have raised a list of questions to be addressed by KCC
- 5.3 Private Reps: A large number of objections (50+) raising a number of concerns:
- Noise and disturbance from the operation of the plant
 - Noise and disturbance from the deliveries.
 - The plant would also create dust to the detriment of the surrounding residents.
 - Inappropriate to have 24 hour use in an area close to residential properties.

Internal Consultees

- 5.3 DHH: The principal Environmental Protection issues generated by this proposal are noise and dust.

Both of the proposed additional operations – crushing/screening of aggregates and concrete batching – require a Permit under Regulation 13 of the Environmental Permitting Regulations 2010 (as amended). Any person operating a Prescribed Process without such a Permit is liable to prosecution. Permits seek to control emissions to atmosphere from the installations themselves, but do not cover noise nor do they cover dust from vehicles accessing/leaving the site. The applicant should contact the Council's Environmental Protection team for further information and advice on this aspect. As such I do not feel it appropriate to comment on the dust emissions from either of these two operations, as they will be addressed via the Environmental Permitting Regulations. This view accords with the guidance provided in paragraph 122 of the National Planning Policy Framework.

I have reviewed the information and data provided in the Applicant's Consultant's (WBM) report (ref 4039, dated 23-Feb-12) and believe that appropriate monitoring locations have been chosen and the correct methodology applied. However, I do have a number of concerns with the content of the report:

- The report indicates that the crusher/screener will not be held at the site, but will be brought to the site on a regular basis as and when needed. No indication is given as to the time that this is proposed to occur. I would suggest limiting this operation to within the hours of 07:00-18:00 Mon-Fri and 07:00-13:00 Sat only. This will assist in protecting the aural amenity of local residents.
- No indication appears to be given as to where the received planings will be unloaded and/or stored. Later in the report it is intimated that this will be some 200m from the Northern boundary of the site, but no specific location appears to be detailed on any submitted plan. I would ask for this information to be specifically cited.
- WBM's report initially recommends a site boundary limit of 50dB $L_{Aeq, 1hr, free field}$ (paragraph 3.2). However, to get down to this level at the chosen monitoring locations, WBM have resorted to their own measured levels for Crushers in general rather than relying upon the manufacturer's own data. This took some 5dB off the noise level for the Crusher – a not inconsiderable amount. I would question this approach.
- With WBM's own data and the noise attenuation barrier (referred to in paragraph 5.4), predicted levels at the monitored receptors would only just comply with the suggested limit of 50dB $L_{Aeq, 1hr, free field}$. This suggests that using the manufacturer's data the predicted levels will be above WBM's own suggested limit.
- Tarmac have said that they do not believe that a noise attenuation barrier is possible on the Eastern boundary of their site (adjacent to Mary Last Close). WBM have said that the predicted noise levels will comply with the current site limit of 55dB $L_{Aeq, 1hr, free field}$. This again assumes the lower levels for the Crusher from WBM's own readings rather than those supplied by the Crusher's manufacturer.
- The above point aside, introducing a second noise source of 55dB $L_{Aeq, 1hr, free field}$ into the environment will raise the overall level by 3dB making the total from the site 58dB $L_{Aeq, 1hr, free field}$; above the current site limit. I would recommend that a site limit for ALL operations taking place at the site be set at the current level of 55dB $L_{Aeq, 1hr, free field}$. The Applicant should be required to submit a further report detailing how this will be achieved, bearing in mind the issues raised above.

- I note that WBM have stated that vehicles delivering plantings late at night/early in the mornings should be equipped with Broadband Reversing Alarms. I would recommend that this be made a Condition, requiring all vehicles making deliveries to the site between the hours of 21:00-07:00 to be fitted with and use only Broadband Reversing Alarms or similar.
- Due to the potential for dust to cause nuisance to residents in the locality, the applicant should be required to produce a Dust Management Plan for minimising dust coming from vehicles accessing/leaving the site. This Plan shall include details of how specific issues will be addressed. As detailed above, this issue of dust being generated by the crusher/screener and concrete batching plant will be addressed by the Environmental Permit issued in respect of each of those activities

6. Determining Issues:

- 6.1 As this planning application is for determination by KCC the Borough Council is only a consultee on the proposal. It is ultimately for KCC to give appropriate weight to any views put forward by TMBC. However as explained above, certain aspects of the overall operation will be subject to regulation/permits by TMBC under other (non-planning) legislation.
- 6.2 The site does have consent for up to 60 “out of normal hours” working periods per year in relation to the tarmac plant. The tipping of material is proposed to be undertaken 24 hours a day but this is on the basis that the use would not be constant. The recycling and batching plant would only be brought on site when required, normally for a fortnight in every month (approximately) when there is adequate material stockpiled, and removed when the processing is finished. The material would be stored on the existing quarry floor until processed and there would be no need for any additional facilities, such as stock bays, hardstanding or staff accommodation.
- 6.3 The restoration works to the quarry include much tree planting and also the provision of an acoustic fence close to the north and north-east side of the site adjacent to Snodland Road. No other acoustic fencing is proposed to protect other houses in the vicinity as the applicants’ noise surveys indicate that there would be no issues at other properties.
- 6.4 DHH has raised a number of concerns regarding the methodology used in the applicants reports. These concerns primarily are regarding the fact that noise data for the machinery has not been fully or correctly addressed. The site has a consented overall noise level that would appear to be exceeded by the proposal, if it was undertaken. DHH is not convinced with the findings of the noise survey and believes that further studies should be undertaken to ensure that the residential amenity of the surrounding properties is not affected by the works.

- 6.5 The issue of dust also does not appear to have been fully addressed. Being in a quarry dust can swirl around and affect neighbouring properties, however no dust management plan has been submitted indicating how this would be dealt with.

Overall whilst there may be no objections to the principle of such a use being sited within the quarry it is considered that there is inadequate information at present to ensure that all issues are addressed. Accordingly it is recommended that TMBC objects to the proposal at the present time.

7. Recommendation:

- 7.1 The Borough Council **objects** to the proposal because it does not appear that the noise issues have been fully or correctly addressed. The Borough Council recommends that a site limit for ALL operations taking place at the site should be set at 55dB LAeq, 1hr, free field. The information currently available suggests that this will not be achievable. The County Council needs to be satisfied that the development would not have an adverse impact on the residential amenity of the surrounding area. The Borough Council considers that no decision should be made on the proposal until the noise issues are resolved and would wish to be reconsulted on any revised details.

If KCC is minded to grant planning permission conditions should be attached in relation to the following:-

- 1 Controls on the hours of operation of the crusher, screening and batching plant, and the times of day when this can be brought onto and removed from the site.
- 2 Controls on noise arising as a result of the operation of the plant and over dust from vehicles accessing/leaving the site.
- 3 Site restoration to be undertaken if the quarrying use ceases before all quarrying activities completed
- 4 Requirement for vehicles on the site to use broadband reversing alarms.

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