

Kent Minerals Site Plan Examination

Matter 3 Hearing Statement: Tarmac

1.0 INTRODUCTION

- 1.01 Tarmac operate the Stonecastle Farm Quarry at Whetsted. Early phases of the quarry (at its eastern end) commenced in 1982 and have been worked and restored. Subsequent permissions secured westerly extensions to the original permitted operations. Following a period of abeyance caused by the global recession of 2008 onwards, detailed planning permissions are currently being sought to allow operations to recommence in response to increased demand.
- 1.02 The proposed allocation represents a further western extension to the site. The land was included within an application submitted in 2000 for the western extension of the quarry but was refused¹ in September 2002 due to concerns regarding hydrogeological impacts on groundwater. We note that South East Water have raised no objection to the proposed allocation following submission of technical evidence to support the Council's technical assessment of the site².

2.0 RESPONSE TO THE INSPECTOR'S ISSUES AND QUESTIONS: MATTER 3

Issue 1

- 1.03 We believe that the policies have been positively prepared with respect to the provision for minerals.

Issue 2

- 1.04 We believe that the policies are consistent with relevant national policies with regard to protection of the environment. Specifically, paragraph 204 of the NPPF (February 2019) provides the context for plan making in relation to minerals, whilst paragraph 205 provides the context for decision-making in relation to minerals applications.
- 1.05 In relation to the specific allocations proposed at Stonecastle Farm and Moat Farm, the detailed development management criteria set out in Appendix 1 of the Minerals Sites Plan respond positively to paragraph 204(f) of the NPPF and Paragraph 013³ of Planning Practice Guidance by identifying specific matters which would benefit from early consideration, or which require control at planning application stage.
- 1.06 Any subsequent planning applications would be governed by planning and environmental legislation, not least the Environmental Impact Assessment Regulations, which would determine the need for and content of any assessment. It is reasonable that those matters will be managed at that time, based on technical information available at that time, and controlled by relevant procedures. The extent of detail and controls sought by the plan are therefore reasonable and proportionate, and are effective.

Issue 3

- 1.07 Whilst the plan clearly sets out to allocate sites for mineral extraction, it does not formally allocate sites under a specific policy reference. In order to provide certainty and effectiveness, we believe that the proposed allocations should be subject to clear (albeit brief) policy wording. As specific policies within an adopted Development Plan, this would provide clarity and certainty in determining future planning applications for those sites.

General issues: Q67

- 1.08 Early phases of extraction at Stonecastle Farm Quarry have been worked meaning that the quality of the aggregate is proven and well understood. As part of the planning application for the western extension of the quarry, the site of the proposed allocation was subject to survey

¹ A split decision granted permission for the main part of the site, but refused permission for the land now proposed to be allocated.

² A Hydrological and Hydrogeological Assessment undertaken by Tarmac in relation to Stonecastle Farm was shared cooperatively with Kent County Council as part of the Council's Detailed Technical Assessment process.

³ Paragraph: 013 Reference ID: 27-013-20140306, Revision date: 06 03 2014

and investigation including site investigations comprising soil pits and auger boring. The site demonstrates a consistent geological character to those already worked and is predominantly overlain by clayey alluvium. The character of the aggregate is therefore well understood and the uses to which it can be put also well understood.

- 1.09 The aggregate, although of a sandstone rather than flint derivation, meets relevant British Standards allowing it to be used in a range of construction applications, including but not limited to use in concrete, for bituminous surfaces, for unbound and hydraulically bound materials in civil engineering, for mortar and in drainage and earthworks for highway works. The aggregate represents one product offer in a multi-product market. The material at Stonecastle is used as a constituent in cement block manufacture, as well as being sold into local markets as an aggregate. The anticipated output on resumption of processing operations is some 120,000 tonnes per annum.
- 1.10 In making the commercial decision to restart operations at Stonecastle, including investing in new plant, Tarmac is confident that a commercial market exists for the aggregate sourced from the site, and supports the proposed allocation of a further western extension to the site.

General issues: Q68

- 1.11 Parts of the site which have either already been worked, or which are permitted to be worked, have been or will be restored to wetland. The Environment Agency has not raised objection to the Council's stated preference for wetland restoration.
- 1.12 Previous technical investigations, including assessment and classification of agricultural land quality, demonstrates the wider Stonecastle Farm site to be predominately Grade 3b with pockets of Grade 3a or Grade 2. The proposed allocation site is predominantly Grade 3b with a limited pocket of Grade 3a land. Thus, any restoration to agricultural land (where an improved land classification would be desirable) would require grading and separating of soils and subsoils to allow restoration, with no certainty that sufficient graded materials would be available for effective restoration for agricultural use.

General issues: Q69

- 1.13 In any event, there is a need to secure planning permission before either site could be worked, and thus control is vested in the local minerals planning authority to refuse or control the grant of planning permission (by way of planning condition(s) or planning obligations) to prevent concurrent working of sites, should that be necessary on the balance of impacts. It is reasonable, however, to provide certainty in relation to anticipated sequencing. On the basis of land control and the potential working/restoration method described below, it is recommended that the Stonecastle Farm site be identified as the first site anticipated to be brought forward.

General issues: Q70

- 1.14 The timing of restoration proposals (whether phasing under a given permission or relative to adjacent working) is best resolved as part of the detailed technical assessment of proposals, consideration of their potential impacts, and the prevailing circumstances.
- 1.15 Previous and permitted operations at Stonecastle Farm have been phased such that the overburden from one phase is used in the restoration of previous phases. This method reduces multiple operations and material handling and provides for effective working of the site.
- 1.16 Depending on the nature of restoration works, it is possible that the impacts/effects of restoration may be contained and not have effects beyond the site (for example in relation to highways, noise or dust). In such cases, concurrent working and restoration across the site or sites may be acceptable in planning and environmental terms. Detailed technical consideration (including the assessment of cumulative potential impacts) undertaken as part of the planning application (and in light of the prevailing circumstances at the time), coupled with development management processes provide the most appropriate means of determining the extent to which concurrent activities may or may not be acceptable, and the extent and form of controls necessary. It would therefore be unreasonable and obstructive to prevent concurrent working and restoration within a given site in advance of that technical

assessment, although it would be reasonable to express the view that sequential working is anticipated, with Stonecastle Farm expected to be brought forward first.

General issues: Q71

- 1.17 The Stonecastle Farm site has been worked on the basis of overburden from one phase being used in the restoration of previous phases of working. Such flexibility may (or may not) be appropriate between permitted phases. Such considerations, which are less likely to give rise to cumulative effects or to adverse impacts beyond the site, can be tested through development management procedures. The potential for external cumulative effects – for example in relation to transport or amenity considerations – is recognised as requiring technical and environmental appraisal. Tarmac have no objection, in principle, to controls over working and phasing which may require sequential working of phases within and across sites, but consider such controls to be best assessed via the planning application process and with appropriate and detailed technical and environmental information available to inform decision-making.

General issues: Q72

- 1.18 Tarmac agree that the potential effects upon the East Tonbridge Copses and Dykes, and River Medway Local Wildlife site should be subject to assessment. Tarmac's own technical assessments⁴ already include consideration and assessment of those sites, concluding that site management measures (such as control of lighting, dust and noise) and appropriate stand-off provisions would minimise adverse impacts.
- 1.19 Notwithstanding Tarmac's own approach, we would expect statutory consultees to seek such assessment whether submitted as technical reports or EIA undertaken in support of any future planning application. For that reason, Tarmac would accept inclusion of a suitable reference in the appropriate criterion in Appendix 1.

General issues: Q73

- 1.20 Notwithstanding legislative and policy requirements, Tarmac agree that appropriate assessment of the potential impacts of mineral working on nearby heritage assets is appropriate and necessary. Tarmac's own technical assessments⁵ already include consideration and assessment of such sites, concluding that none of the nearby buildings are anticipated to be affected by minerals development due to distance, topography, screening vegetation and intervening built development.
- 1.21 Notwithstanding Tarmac's own approach, we would expect statutory consultees to seek such assessment whether submitted as technical reports or EIA undertaken in support of any future planning application. For that reason, Tarmac would accept inclusion of a suitable reference in the appropriate criterion in Appendix 1.

General issues: Q74

- 1.22 Tarmac have already undertaken landscape appraisal⁶ to support the Council's own assessments. The assessment concluded that extraction of sand and gravel on the site could be accommodated in the landscape with modest effects typically expected upon landscape character and visual amenity during the Operational Phase.
- 1.23 We would anticipate that a Landscape and Visual Impact Assessment would be required to support any future planning application. Such a document may form part of an Environmental Impact Assessment process or be a standalone document. Tarmac would accept inclusion of a suitable reference in the appropriate criterion in Appendix 1, recognising that the scope of any

⁴ A Preliminary Ecological Appraisal undertaken on behalf of Tarmac was shared cooperatively with Kent County Council as part of the Council's Detailed Technical Assessment process.

⁵ An Archaeological desk-based and Heritage Assessment undertaken on behalf of Tarmac was shared cooperatively with Kent County Council as part of the Council's Detailed Technical Assessment process.

⁶ A Landscape and Visual Feasibility Appraisal undertaken on behalf of Tarmac was shared cooperatively with Kent County Council as part of the Council's Detailed Technical Assessment process.

such assessment would typically be discussed and where possible agreed between the applicant and planning authorities prior to submission of any planning application.

General issues: Q75

- 1.24 National policy, specifically paragraph 146 of the NPPF (2019) recognises that mineral extraction is not inappropriate development in the Green Belt, provided that it preserves its openness and does not conflict with the purposes of including land within it. An assessment of whether the specific proposal for minerals extraction at Stonecastle Farm extension accords with national policy will be undertaken as part of the determination of any future planning application. Tarmac would accept inclusion of a suitable reference if considered necessary.

General issues: Q76

- 1.25 Tarmac are not aware of any complaints in relation to minerals operations at Stonecastle Farm. We understand that a complaint was made in relation to the height of asphalt planings stockpiles which were previously permitted on site. Those operations have ceased (and the stockpiles removed), and the temporary planning permission under which the operations were undertaken has elapsed.

General issues: Q77

- 1.26 National policy, supported by Practice Guidance, requires assessment of the potential risk of flooding to the proposed development and elsewhere⁷. Such assessments will consider the potential for minimising or mitigating flood risk. Tarmac do not consider that additional criterion are necessary.

General issues: Q78

- 1.27 Any subsequent planning application for mineral extraction at Stonecastle Farm will need to be supported by a flood risk assessment under the terms of paragraph 163 and footnote 50 of the NPPF. The criterion in Appendix 1 reflect this requirement.
- 1.28 Guidance on the approach and content of FRA is also set out in paragraph 068 of the Practice Guidance⁸. It is typical that an applicant will seek to discuss and agree the scope and detailed methodology for an FRA with the relevant planning authority prior to preparation and submission of any such report. We do not consider that the absence of specific requirements for flood risk assessment in any way undermines the effectiveness of the plan.

General issues: Q79

- 1.29 The Moat Farm site shares its underlying geological character with land to the north at Stonecastle Farm, where the quality and viability of the aggregate resource is already proven, and for which market demand is proven. In advance of any planning application, site investigations would be undertaken to prove the depth and extent of mineral resource, to then inform the proposals for mineral extraction.

General issues: Q80

- 1.30 Tarmac have not been engaged in specific discussions regarding potential restoration of this site. We note, however, that the Environment Agency does not object to the Council's preferred approach. A detailed scheme for restoration would be prepared in consultation with the minerals planning authority and other relevant stakeholders, to be reflected in any proposals submitted for planning permission.

General issues: Q81

- 1.31 Tarmac's view in relation to concurrent working of phases within and across sites is set out in response to question 69.

⁷ See, for example, criteria for requiring preparation of a flood risk assessment as per paragraph 163 and footnote 50 of the NPPF.

⁸ Paragraph: 068 Reference ID: 7-068-20140306 Revision date: 16 11 2016

General issues: Q82

- 1.32 Tarmac's view in relation to concurrent working of phases within and across sites is set out in response to question 70.

General issues: Q83

- 1.33 Tarmac's operations at Stonecastle provide for all traffic to turn left out of the site entrance, turning towards the A228. The highways effects of potential future operations at Stonecastle Farm and Moat Farm have also been assessed by Tarmac⁹, demonstrating that with a controlled left turn, highways operations are satisfactory. This routing protects the amenity and safety of the residents of Whetsted. We would anticipate that any approval for mineral extraction at Moat Farm would continue this arrangement.

General issues: Q84

- 1.34 Tarmac's view in relation to criterion relating to flood risk assessment is set out in answer to questions 77 and 78.

General issues: Q85

- 1.35 Concerns regarding protection of groundwater and water resources have been raised by South West Water and the Environment Agency and would fall to be addressed in any subsequent planning application. As a known issue, we would anticipate than appropriate monitoring and/or investigation¹⁰ would be undertaken to inform discussions with stakeholders in advance of any planning submission, with detailed measures to be presented and considered within any such submission.

General issues: Q86

- 1.36 Tarmac's operations at Stonecastle Farm were initially undertaken using de-watering processes. Wet working is now to be utilised¹¹, giving rise to a reduced risk of changes to groundwater levels. We would anticipate that any mineral extraction at Moat Farm would similarly be worked wet. Any such proposal would be subject to detailed hydrological and hydrogeological assessment as part of any planning application.

General issues: Q87

- 1.37 Measures to protect the integrity of the Alder Stream and ditches would be identified following detailed technical appraisal and would be proposed and consulted upon as part of any subsequent planning application.

General issues: Q88

- 1.38 Tarmac's view in relation to Landscape and Visual Impact Assessment is set out in answer to question 74.

General issues: Q89

- 1.39 Tarmac's view in relation to Green Belt matters is set out in answer to question 75.

General issues: Q90

- 1.40 We note that the Environment Agency have not objected to the principle of wetland restoration, beyond which we have no further comments.

General issues: Q91

- 1.41 The relationship of wetlands with the Alder Stream is a matter of detailed design which would be subject to hydrological assessment. It is expected that detailed engagement with the

⁹ A Transport Statement undertaken on behalf of Tarmac was shared cooperatively with Kent County Council as part of the Council's Detailed Technical Assessment process.

¹⁰ Such as the Hydrological and Hydrogeological Assessment already undertaken by Tarmac in relation to Stonecastle Farm.

¹¹ An amendment of the working scheme to work the sand and gravel wet, without dewatering the site, was approved decision notice dated 19th October 2018 (reference TM/00/1599/R3).

Environment Agency would be necessary to inform proposals and in advance of the submission and determination of any planning application. Tarmac would not wish to predetermine any particular approach in advance of undertaking detailed technical investigations.

General issues: Q92

- 1.42 This has been addressed in answer to question 76.

General issues: Q93

- 1.43 Tarmac's view in relation to heritage assessment is set out in answer to question 73.