

CC1 (Detailed)

Reference Code
of Application:

TM/94/155

KENT COUNTY COUNCIL

PLANNING AND COMPENSATION ACT 1991
(Section 22 and 2, 4 and 10 of Schedule 2)

**Notification of Determination of Application for Determination of Conditions on
Interim Development Order Permission**

To: ARC Limited
c/o Greenways Waste Management
The Ridge
Chipping Sodbury
Bristol
BS17 6AY

TAKE NOTICE that the KENT COUNTY COUNCIL, the Mineral Planning Authority under the Town and Country Planning Acts HEREBY DETERMINES that Interim Development Order Permission TP 2052 relating to land at Borough Green Quarries, Quarry Hill Road, Borough Green, referred to in your application for determination of conditions dated 29 September 1993 with accompanying statement and drawing numbers B24 and B10.L/4B and letter dated 19 January 1994 with accompanying notice and certificate and letters dated 2 August 1995 and 11 December 1996, as revised by letter dated 2 May 1997 from M J Carter Associates with accompanying supplementary statement (report reference AR/ST/NS/859/01) and Drawing References AR/ST/1-97/6645, AR/ST/3-97/6842, AR/ST/3-97/6836 and AR/ST/3-97/6837, and amplified and amended by M J Carter Associates letter dated 30 June 1997, is to be SUBJECT TO THE CONDITIONS AND INFORMATIVE SPECIFIED hereunder:

- (1) No further mineral extraction or processing shall take place at the site after the date of this approval and all plant, machinery, and equipment connected with mineral extraction or processing shall be removed from the site within a period of two months from the date of this approval.
- (2) Reclamation, restoration and landscaping of the site shall be carried out strictly in accordance with the submitted details hereby approved and shown on Drawing reference AR/ST/3-97/6837 and in accordance with the details to be approved under Condition 4 below, unless the prior approval of the County Planning Authority has been obtained in writing to depart from the details.
- (3) No topsoil, subsoil or imported materials shall be removed from the site without the prior approval in writing of the County Planning Authority.

(4) During the period April to August 1997 a woodland survey over the area of the site within the Bourne Valley Woods SNCI shall be carried out in accordance with details which have been previously agreed in writing with the County Planning Authority, and by 31 December 1997 or such longer period as may be agreed in writing by the County Planning Authority a scheme for the restoration of the hassock recovery area north of Mill Lane based on the results of the woodland survey, shall be submitted to the County Planning Authority for approval.

(5) Not later than six months from the date of this approval or such longer period as may be agreed in writing by the County Planning Authority, an aftercare scheme requiring that such steps as may be necessary to bring each phase of the land restored under Conditions 2 and 4 above to the required standard for use for agriculture, forestry, amenity or nature conservation as specified on Drawing reference AR/ST/3-97/6837 shall be submitted to the County Planning Authority for approval and upon approval shall be implemented as approved on completion of restoration of each phase.

(6) Unless otherwise approved in writing by the County Planning Authority, the areas of the site restored to amenity or nature conservation after use as shown on approved Drawing reference AR/ST/3-97/6837, shall be maintained for a further period of five years or such other period as may be agreed with the County Planning Authority, starting at the end of the aftercare period required under Condition 5 above, and as specified in a programme of measures which shall be submitted to the County Planning Authority for approval no later than 12 months prior to the end of the aftercare period.

(7) Unless otherwise approved in writing by the County Planning Authority no operations authorised or required under this permission shall be carried out on the site except between the following times:

0700 to 1800 hours Mondays to Fridays; and
0700 and 1300 hours Saturdays;

and within these times no operations or activities other than the delivery and unloading of imported materials shall take place between 0700 and 0800 hours, there shall be no working on Sundays, Bank Holidays or other National Holidays.

(8) Access to the site for vehicles connected with the development hereby approved shall be via the access road across Dark Hill Farm constructed under permission reference TM/82/1138 only.

(9) Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway and such measures shall include the provision, prior to the commencement of reclamation, of a wheel cleaning facility in a location to be agreed by the County Planning Authority and thereafter such facility shall be maintained and employed until completion of restoration.

(10) The private haul road across Dark Hill Farm, the internal haul roads within Isles Quarry West and the single track haul road constructed under permission ref TM/82/1138 Annex A, shall be maintained in a good state of repair and free of mud and other debris at all times until completion of restoration.

- (11) Measures shall be taken to ensure that operations on site do not cause a noise nuisance to nearby residential properties and the measures shall include maintenance of noise suppressors on all plant and machinery operating within the site to the designer's standard specification; the erection of noise attenuation bunds around the screening and stockpiling areas shown on Drawing reference AR/ST/3-97/6837 prior to commencement of any screening operations and the retention and maintenance of the bunds until completion of screening operations.
- (12) Measures, including the damping down of unsurfaced and surfaced haul roads using mobile water bowsers to prevent the build up of particulate matter and for the suppression of dust caused by the screening, moving, placement, and storage of soils, overburden and other materials within the site, shall be taken to ensure that operations on site do not cause a dust nuisance.
- (13) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 or any Order amending, replacing or re-enacting that Order no fixed buildings, plant or machinery shall be erected on the site without the prior approval in writing of the County Planning Authority.
- (14) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- (15) At such time as they are no longer needed in connection with the recovery of hassock and the reclamation, restoration and landscaping works hereby approved all plant, machinery, equipment, hardstandings, structures, buildings and associated foundations placed or constructed on the site shall be removed from the site and the site restored in accordance with the details shown on Drawing reference AR/ST/3-97/6837.

and that the ground of the imposition of the above conditions is in pursuance of Section 22 of the Planning and Compensation Act 1991.

Informative

1. The applicant's attention is drawn to the comments of the Environment Agency as detailed in their letter dated 27 June 1997 and attached to this document.

Dated this sixteenth day of July 1997

(Signed) 
County Planning Officer *SW*

Note

The following Drawings submitted with the application dated 29 September 1993 are superseded:

B24
B10.L/4B

SPRINGFIELD
MAIDSTONE
KENT
ME14 2LX

PCA155 (pc)

NOTE: This permission is confined to permission under the Planning and Compensation Act 1991 and does not obviate the necessity of compliance with any other enactment, bye-law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.

NOTIFICATION TO APPLICANT

- (1) If the applicant is aggrieved by the decision of the County Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with paragraph 5 in Schedule 2 of the Planning and Compensation Act 1991. If he wants to appeal then he must do so within six months of receipt of this notice using a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that permission for the proposed development could not have been granted by the County Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order, and to any directions given under the Order. In practice the Secretary of State does not refuse to consider appeals solely because the decision of the County Planning Authority was based on a direction given by him.
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the County Planning Authority or by the Secretary of State for the Environment, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

CC7&CC8.PC2