

CC1 (Detailed)

Reference Code  
of Application: TM/88/1002

KENT COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACTS  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Notification of Grant of Permission to Develop Land

To: ARC Limited  
c/o ARC Southern  
Reigate Office  
Reigate Heath  
Reigate  
Surrey RH2 9RG

TAKE NOTICE that the KENT COUNTY COUNCIL, the County Planning Authority under the Town and Country Planning Act, HAS GRANTED PERMISSION for development of land situated at Blaise Farm, Tower Hill, Offham and being the winning and working of ragstone and restoration at a low level to agricultural use and construction of an access road referred to in your application for permission for development dated the nineteenth day of May 1988 with accompanying supporting statement and supplemental geological information, location plans and drawing numbers W109g/3, W109g/4, W109g/5, as revised by letter dated 8 June 1989 with accompanying drawing numbers W109a/13 and W109a/14 and woodland management scheme, as clarified and amended by the documents as set out in the schedule attached hereto, SUBJECT TO THE CONDITIONS SPECIFIED hereunder:

- (1) The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted;
- (2) extraction of minerals from the site shall cease not later than the expiration of 62 years beginning with the date on which commercial mineral extraction starts, and the site shall be restored in accordance with the scheme approved under Condition 7 below with such necessary modifications as the County Planning Authority may approve;
- (3) the development hereby permitted shall be carried out and completed in accordance with the submitted documents and plans contained in the application hereby permitted and with such details which may be subsequently approved by the County Planning Authority and no variations or omissions shall take place without the prior approval in writing of the County Planning Authority;
- (4) before any site preparation or extraction operations are commenced and thereafter at intervals of no more than 5 years, a scheme of progressive working shall be submitted to and approved by the County Planning Authority; no

working shall take place except in accordance with such approved schemes which shall, amongst other matters, incorporate the general principles indicated in the documents submitted with the application and set out the following provisions;

- (a) the order, direction, estimated timing and method of working, the area to be excavated and details of the type of plant and machinery to be used;
  - (b) the phased and separate stripping of all topsoil and subsoil from the area to be excavated, the plant site and access road; such materials to be immediately respread, where possible, on an area at the appropriate stage of restoration, where direct respreading is not possible, topsoil and subsoil shall be stored in stockpiles at identified locations and after the formation of storage mounds the quantities shall be measured and recorded on a suitable plan and submitted to the County Planning Authority, sown down to grass, maintained with appropriate weed control measures and retained on site for use in restoration as soon as a suitable part of the site has been prepared;
  - (c) details of measures to be taken to minimise compaction of soils during stripping, and re-spreading operations and the machinery to be used in the stripping, and re-spreading operations;
  - (d) measures to be taken to ensure that topsoil and subsoil shall be handled or respread on site only when in a suitably dry and friable condition; to this end a 'Speedy Moisture Meter' shall be used to ensure that soil handling takes place under the right conditions, soil operations shall only be undertaken when the topsoil moisture content is 5% or more, and the subsoil moisture content is 3% or more, below the lower plastic limit of the soil;
  - (e) the progressive restoration of the application site during the course of extraction operations in accordance with the restoration schemes approved under Condition 7 below;
  - (f) the location, maximum height and dimensions of any stockpiles of waste haddock prior to use in restoration;
- (5) no topsoil or subsoil shall be removed from the site without the prior approval in writing of the County Planning Authority;
- (6) no vehicle shall run on:
- (a) land from which soils have not been stripped;
  - (b) overburden or soil surfaces in course of restoration;

(c) restored land;

unless that vehicle is undertaking an agricultural or forestry operation on undisturbed land or an operation which is necessary for the stripping of the land, its restoration or aftercare and that operation cannot be carried out from an unrestored or stripped surface;

(7) the site shall be progressively restored in accordance with schemes which shall have been submitted to and approved by the County Planning Authority, such schemes shall have regard to any approved schemes of working submitted in accordance with Condition 4 above, prior to commencement of each phase of working a scheme for the restoration of that phase shall have been submitted to and approved by the County Planning Authority, the schemes shall, following the general principles indicated in the documents submitted with the application, provide for the restoration of the site to a combination of agriculture and broadleaf woodland afteruse and each scheme shall include specific details of and provide for:

(a) the area covered by the scheme;

(b) the proposed future use or uses of the area;

(c) final levels of the land;

(d) the depth of waste hassock to be spread over the excavated surface to ensure a minimum restored profile depth of 1 metre before soil replacement in accordance with (e) and (f) below;

(e) the depth of subsoil to be evenly spread to follow the final contours and such depths shall be a minimum of 20cm where agricultural afteruse, and of 21cm where forestry afteruse is proposed;

(f) the depth of topsoil to be evenly spread on the replaced subsoil to achieve the final contours and such depths shall be a minimum of 30cm where agricultural afteruse, and 15cm where forestry afteruse is proposed;

(g) the phasing and timing of restoration;

(h) drainage provision; and

(i) reinstatement and/or provision of footpaths, fences and hedges as applicable;

(8) prior to the commencement of each phase of working, unless the prior approval of the County Planning Authority has been obtained for an extension of time, a scheme for the agricultural or the forestry aftercare of that phase to be carried out for a period of five years from completion of restoration in accordance with Condition 7 above, shall be submitted to and approved by the County Planning Authority

after consultation with the Ministry of Agriculture, Fisheries and Food or the Forestry Commission such schemes shall amongst other matters, include details of:

- (a) soil analyses to determine nutrient and pH levels after restoration and annually thereafter;
- (b) cultivation and secondary treatments prior to seeding or planting;
- (c) provision for drainage or watering and timing;
- (d) the fertiliser application based on the soil analyses and/or foliar analysis, the timing of the application in the first year and throughout the programme;
- (e) where agricultural afteruse is proposed the type of seed mixture including rate of application and timing of sowing;
- (f) where broadleaf woodland afteruse is proposed details of species, stock type and size, number, timing and position of trees to be planted and details of any ground cover proposed including species composition, density of cover and method of establishment;
- (g) the management of the grassland or woodland in the first year and thereafter;
- (h) a timetable for implementation;
- (i) of who will be responsible for the aftercare of the site;

upon approval such schemes shall be implemented as approved and in accordance with the agreed timetable unless the prior approval of the County Planning Authority has been obtained for the taking of lesser steps or a different timing between steps;

- (9) ~~prior to any operations taking place a scheme of woodland management for the area of St Leonards Wood shown hatched on Drawing No. W109/AB and referred to in report dated 26 May 1989 submitted with letter dated 8 June 1989, shall be submitted to and approved by the County Planning Authority, and shall be implemented as approved until 5 years after completion of restoration of the site unless otherwise approved in writing by the County Planning Authority;~~
- (10) prior to any operations commencing a detailed scheme in respect of the landscaping of the site following on the general principles indicated in the documents and letters submitted with the application and shown on Drawing Nos. W109a/13, W109a/14 and W109a/15 shall be submitted to and approved by the County Planning Authority, the scheme shall amongst other matters include details of the following:

- (a) the species, type, size, spacing and number of trees and shrubs to be planted;
- (b) measures for their protection;
- (c) location and form of earth bunds, fencing or other measures to screen working areas;
- (d) a timetable within which the scheme shall be carried out; which shall include provision for all tree planting on the site periphery to be carried out during the first available planting season following the approval of the scheme; and upon approval shall be implemented as approved;

any landscaping carried out in accordance with the details as approved shall be maintained for the duration of the development, such maintenance to include the replacement of any trees and shrubs that may die;

- (11) landscaping of the haul road in accordance with the provision of the scheme submitted with the application and shown on Drawing Nos. W2L/3b and W2L/4 and with such further details as may be approved shall be carried out in the first available planting season following construction of the haul road, and thereafter maintained to the satisfaction of the County Planning Authority for the duration of the development, such maintenance shall include the replacement of any trees and shrubs that may die;
- (12) notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1988 as amended, no buildings, sanitary facilities or fixed plant or machinery shall be constructed on the site without the prior approval of details of their siting and design by the County Planning Authority;
- (13) details of the areas to be reserved for parking cars and lorries and any area required for the maintenance of plant or vehicles shall be submitted to and approved by the County Planning Authority prior to operations commencing and thereafter these areas shall be retained and kept available for these uses unless otherwise approved in writing by the County Planning Authority;
- (14) all plant, buildings, machinery, sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking shall be removed from the site at such time as the County Planning Authority, after consultation with the operator, shall determine that they are no longer required for the working or restoration of the site, and the site restored in accordance with the restoration scheme approved under Condition 7;
- (15) no operations authorised or required under the terms of this permission, other than with the prior approval of the County Planning Authority, shall be carried out except between 0700 and 1800 hours on Mondays to Fridays and 0700

and 1300 hours on Saturdays; and no operations shall take place on Sundays, Bank Holidays or National Holidays;

- (16) measures shall be taken to minimise noise disturbance to local residents and shall include minimising disturbance caused by vehicle reversing systems fitted to vehicles operating on the site, the insulation of fixed plant and machinery, the silencing of vehicles and mobile machinery to the manufacturer's standards and maintenance of noise suppressors and maintenance of all vehicles, plant and machinery in sound working order;
- (17) prior to any blasting operations being carried out a schedule of blasting shall be submitted to and approved by the County Planning Authority, the scheme shall include measures for minimising nuisance/danger from ground vibrations, air-overpressure, noise, fly rock and dust; and thereafter implemented as approved unless otherwise approved in writing by the County Planning Authority;
- (18) no blasting shall take place except between the hours of 0900-0930 Monday to Saturday, 1200-1400 Monday to Friday and 1200-1300 on Saturday; no explosive charge weight per delay of any one blast in excess of 10kg weight shall be used and there shall be no secondary blasting; unless otherwise approved in writing by the County Planning Authority;
- (19) prior to commencing site preparation or extraction operations, details of dust attenuation measures, to include measures to minimise dust during blasting, appropriate water sprinkling of mineral stockpiles, internal haul roads, during stripping of topsoils and subsoils, and the formation of bunds, washing down facilities, the enclosure of plant, and surfacing of internal haul roads and hardstandings, shall be submitted to and approved by the County Planning Authority, such measures shall be implemented before operations commence and thereafter be maintained until all operations have been completed;
- ~~(20) all loaded lorries leaving the site shall be sheeted;~~
- (21) safeguards, which shall include suitable fencing, to protect persons using public footpaths MR286, FP112 and FP161 which cross the site or approved diversions thereof, and MR260 along the south western boundary of the site shall be made to a timetable to be agreed by the County Planning Authority; and thereafter maintained until all operations hereby permitted have been completed; the routes of the footpaths shall not be obstructed or their surfaces damaged in any way nor shall there be any working along the line of an existing public footpath until an alternative has been provided;
- (22) no excavation shall take place within 3 metres (10 feet) of the line of MR260;

- (23) (i) before any operations involving the clearance of vegetation from the plant site or the stripping of soils on any part of the site are undertaken a working programme and scheme for the archaeological study of the site shall be submitted to and approved by the County Planning Authority; this scheme shall include provision for an archaeological body approved by the County Planning Authority to inspect and if necessary to investigate and record any landscape or other archaeological feature or find of interest within the site either before or during any soil stripping operations and upon approval shall be implemented as approved;
- (ii) in the event of any remains of archaeological interest being unearthed, the County Planning Authority shall be immediately informed and afforded a reasonable opportunity for an examination to be made;
- (24) before any operations are commenced safeguards to protect the Blaise Chapel Site of Archaeological Interest shall be made; these safeguards shall include suitable fencing at a distance of 15 metres from the perimeter of the site and such fencing to be maintained during the life of the site; no operations shall be carried out within the fenced area;
- (25) before any operations are commenced on site constructional details and specifications of the access road shall be submitted to and approved by the County Planning Authority, such details shall include measures to ensure adequate drainage and the provision of a metalled surface;
- (26) before any operations are commenced on site, the proposed site access road and its junction with the A228/West Malling Bypass roundabout shall be constructed in accordance with the details approved under Condition 25 above and shown on Drawing Nos. 9030-4 Rev C, 9030-5, 9030-6 Rev D, 9030-7 Rev A, 9030-8 Rev D, and this access shall be the only one to be used by traffic entering or leaving the site;
- 
- (27) no operations shall take place until the County Planning Authority has approved details of measures to be taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway; such measures shall be provided before operations commence and retained until site restoration is complete and shall be reviewed and subject to the further approval of the County Planning Authority at intervals of no more than three years to ensure that the equipment remains effective;
- (28) the hard standing of the site access road shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times;
- (29) details of facilities required and arrangements to be made for the safe storage and handling of fuel and lubricating oils required on the site together with the siting of

storage tanks on an impervious base and surrounded by a suitable liquid tight bund capable of containing 110% of the volume of the tanks with no drainage outlets and all fill pipes, drawpipes and sight gauges enclosed within its curtilage and drainage from areas around the tanks via 3 stage/chamber interceptors shall be submitted to and approved by the County Planning Authority prior to being introduced to the site or adjoining or nearby land under the control of the operator;

- (30) no dewatering or pumping of water from the sub-strata shall take place without the prior approval in writing of the County Planning Authority;
- (31) before any extraction operations are commenced, details shall be submitted to and approved in writing by the County Planning Authority of measures to be taken to prevent contamination of the aquifer during excavation and restoration, and shall include measures to prevent oil dripping from any plant or machinery and the arrangements for the transfer of oil and fuel from the storage facility referred to in condition 29 above to plant or machinery;
- (32) no excavation shall take place below 3 metres above the highest known rest level of groundwater, except with the prior approval of the County Planning Authority;
- (33) if operations cease and do not recommence to any substantial extent for a period of 2 years, or such longer period as may be agreed by the County Planning Authority, operations shall be deemed to have been abandoned and the site shall be restored and landscaped within a further period of 1 year, in accordance with the schemes approved under conditions 7 and 8 above, with such necessary modifications as may be approved by the County Planning Authority;
- (34) the operators shall give the County Planning Authority one month's notice in writing of their intention to commence operations at the site;
- (35) the terms of this planning permission and any schemes or details approved pursuant thereto shall be displayed at the office on the site, and shall be made known to any person(s) given responsibility for the management or control of operations.

and that the grounds for the imposition of such conditions are:

1. in pursuance of Section 91 of the Town and Country Planning Act 1990.
2. in accordance with Part 1 of Schedule 5 of the Town and Country Planning Act 1990.
3. for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details;



- 3,4,6,7,13&14. to secure an orderly and progressive pattern of working and restoring the site.
- 5,6,7&8. to secure restoration to a high standard.
12. no such details have been provided and are necessary to ensure that the buildings and fixed plant are not conspicuous within the landscape.
13. adequate land for vehicle parking and maintenance of plant or vehicles is necessary within the site on highway safety grounds and in the interests of safeguarding the local environment.
- 25,26,27&28. in the interests of highway safety and safeguarding the local environment and to ensure adequate and safe access for site vehicles.
25. to ensure the access road is constructed with due regard to highway safety and the local environment.
- 9,10&11. to screen the workings and assist in absorbing the site back into its local surroundings.
- 15,16,17,18, 19&20 in the interests of safeguarding the local environment by ensuring minimum disturbance and avoidance of nuisance to the locality consistent with mineral working.
- 29,30,31&32. to safeguard water resources and prevent pollution.
- 23&24. to safeguard any archaeological interest and afford the County Planning Authority a reasonable opportunity to examine any remains of archaeological interest which are unearthed and decide on any action required for the preservation of recording of such remains.
- 21&22. to protect the route of the public footpaths and amenities of users thereof.
33. to ensure satisfactory restoration in the event of abandonment of the site.
- 
34. to enable monitoring of compliance with other conditions.
35. to ensure that the management and staff responsible for the day-to-day operation of the site are fully acquainted with the approved schemes and conditions.

Dated this *twenty eighth* day of *January* 1994.

(Signed) ..... *Robin Thompson* .....  
County Planning Officer CP

Springfield  
Maidstone  
Kent ME14 2LX

CC1-1002.MI9



## TM/88/1002 - SCHEDULE OF PLANS AND DOCUMENTS SUBMITTED

### Documents submitted by ARC Limited

- (i) Letters to the County Planning Officer dated:
- 21 June 1988
  - 22 June 1988
  - 23 June 1988
  - 27 July 1988
  - 2 August 1988
  - 9 August 1988
  - 30 September 1988
  - 18 October 1988
  - 24 February 1989 with accompanying drawing numbers W109a/10 and W109a/11
  - 18 April 1989
  - 8 June 1989 with accompanying drawing numbers W109a/13 and W109a/14, woodland management scheme and compartment plan dated 26 May 1989
  - 4 August 1989 with accompanying drawing number W109a/16
  - 24 August 1989 with accompanying drawing numbers W109g/17 and 9660/BL Rev B
  - 22 January 1990
  - 4 May 1990 with accompanying survey plans and cross sections
  - 31 January 1991 with accompanying drawing number W109/AB
  - 9 July 1991 with accompanying drawing numbers W2L/3b, W2L/4, 9030-4 Rev A, 9030-5 Rev A, 9030-6 Rev A, 9030-7 and 9030-8 Rev A
  - 20 September 1991
  - 5 April 1993 with accompanying drawing numbers W2L/3b, 9030-4 Rev C, 9030-5, 9030-6 Rev D, 9030-7 Rev A and 9030-8 Rev D;

- (ii) additional drawing number W109a/15;
- 
- (iii) letter to Southern Water Authority dated 30 August 1988 with accompanying document containing water level readings;
- (iv) letter to Ministry of Agriculture Fisheries and Food dated 18 August 1989;
- (v) letter dated 7 June 1989 to Director of Highways & Transportation with accompanying drawing numbers 8931-1 and 8931-2;

### Documents submitted by Land and Mineral Resource Consultants

- (i) drawing number W2L/2;
- (ii) letter dated 26 February 1991 with accompanying drawing number W2L/3

**Documents submitted by Malcolm Tree, Chartered Structural Engineer**

- (i) letters to the Director of Highways & Transportation dated
- 18 July 1990 and enclosures
  - 19 April 1991 and enclosures
  - 12 September 1991 and enclosures and accompanying drawing numbers 9030-4 Rev B, 9030-6 Rev B, 9030-7 Rev A and 9030-8 Rev B
  - 24 February 1992 and enclosures
  - 25 August 1992 and enclosures

NOTE: The following plans are superseded and withdrawn:-

- W109/5
- W109a/10
- W109a/11
- W109a/15
- W2L/3
- 8931-1
- 8931-2
- 9660/BL Rev A
- 9030-4
- 9030-4 Revs A and B
- 9030-6
- 9030-6 Revs A, B and C
- 9030-7
- 9030-8
- 9030-8 Revs A, B and C

END OF SCHEDULE

NOTE

- (i) This permission is confined to permission under the Town and Country Planning Act 1990, the Town and Country Planning General Development Order 1988, and the Town and Country Planning (Applications) Regulations 1988 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.

NOTE

- (ii) Section 53 of the County of Kent Act 1981 (access for Fire Fighting Purposes) will apply to this permission and will be considered when plans are deposited with the appropriate authority for approvals under the Buildings Regulations 1976.

#### 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 Section 78(1) of the Town and Country Planning Act 1990. 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.

(3) In certain circumstances, compensation may be claimed from the County Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

