

SECTION '2' – Applications meriting special consideration

Application No : 10/00657/VAR

Ward:
Cray Valley East

Address : Bournemouth Sand and Gravel Swanley
Bypass Swanley BR8 7QH

OS Grid Ref: E: 550231 N: 168274

Applicant : Bournemouth Sand and Gravel Ltd

Objections : YES

Description of Development:

Variation of conditions 1,12 and 13 of 00/02071 and condition 1 of 08/03444 to allow extraction of Thanet Sand, restoration and recontouring with inert waste and associated access, buildings and structure to continue/ remain until 14th Jan 2018

Proposal

This application in simple terms seeks an extension of time within which to complete the permitted extraction and filling at this site, which is currently required to end and the land be restored by 14th January 2011.

In procedural terms this involves the variation of three conditions from a permission granted in 2000 for the works, and one condition from a permission granted in 2008 for buildings at the site in connection with the works all of which impose a time limit on aspects of the development:

Condition 01 of 00/02071 requires that "The use hereby permitted shall cease on or before the 14th January 2011. The repair shed, security compound comprising 3m high palisade fence around perimeter of the compound, caravan for overnight accommodation for security guard, storage container, mess hut, two storey office/inspection and 3 metre high palisade fence along the northern boundary of the site facility and any associated structures or materials shall be removed from the site on or before the 14th January 2011.";

Condition 12 of 00/02071 requires that "The use of the means of access to the A20(T) included in the development hereby permitted shall be discontinued, the works and structures removed and the site restored on or before the 14th January 2011.";

Condition 13 of 00/02071 requires that "The signs approved under reference 99/02071, and more specifically shown on drawing No. 98023/4 shall be maintained as such to the satisfaction of the Traffic Director for London for the

duration of the development and removed on or before the 14th January 2011.”; and

Condition 01 of 08/03444 requires that “All of the buildings and structures hereby permitted shall be completely removed from the land on or before 14th January 2011.”

- The period requested for the extension of time is 7 years – to 14th January 2018.
- The application supporting documents explain that it is submitted on the basis that it is now not possible to adhere to the original timescale for the excavation and restoration of the land due to progress on site, in particular in order to restore the land within the current timescale would involve sourcing material from a wide area and excessive vehicle trips.
- It is stated that the current economic conditions mean that the amount of material available for infilling has been much reduced.
- It is further stated that delays in achieving the required licence from the Environment Agency effectively meant that the infilling was delayed by approximately 7 years, only commencing in December 2007.

The application has been the subject of lengthy and detailed negotiations since first submission, and the views of a specialist minerals consultant have been sought to inform this report and the recommendation. He has visited the site. Since the commencement of discussions further information has been submitted. This information informs the headed sections below regarding the primary issues for consideration.

Location

The site is located to the eastern edge of the Borough, between the A20 and railway line on the east and south sides and open land to the north and west. The site is already a working quarry with vehicular access directly onto the A20.

Comments from Local Residents

A number of concerns have been raised by local residents including Crockenhill Parish Council and Swanley Town Council regarding the site and proposal, and additionally activities on land adjacent to the site. Comments have been summarised only insofar as they relate to this application:

- the extension of time is unreasonably long
- the site is unsightly and works cause noise and pollution to nearby residents
- services offered from the site go beyond the terms of the planning permission
- skips are stored at the site
- the only vehicular access to the site should be from the A20
- access from the A20 is unsafe and mud is often brought onto the road
- the site is over intensively used

- an extension of time would be unacceptable and will delay the restoration of the land
- a more restrictive timescale should be imposed
- dust pollution is not effectively controlled
- insufficient evidence has been submitted to support the demand and supply claims
- backfilling only should be allowed and no further extraction is necessary
- the applicant ignores obligations to minimise impact of the works on the Green Belt which means the proposal is inappropriate development
- it is accepted that an outright refusal would not solve the problem but no further extraction would be the most appropriate way to resolve the situation

The Sevenoaks Committee of Protect Kent CPRE does not support the extension of time application and asks that the site be restored to Green Belt without further delay.

Comments from Consultees

The Highways Engineer comments that with regard to the public footpath 170 which originally ran through the site, this was subject of a Public Path Temporary Diversion Order made in 1998 under Section 261 of the Town and Country Planning Act effective from 14/01/2000 for 11 years, and a Public Path Creation Agreement under Section 25 of the Highways Act 1980 which dedicates the diversion created by the Section 261 Order until the same date. A completely new order would be required for the period of the extension and the application may be premature in advance of such an order being agreed. It is suggested that a condition could be imposed to require an order to be in place by 14/01/2011 which would safeguard this. Given the current timescales achieved for reporting this application and update has been sought on this matter and will be reported verbally.

Network Rail has no comments on the proposal.

The Environment Agency (EA) has responded that they have no objection to the application on the basis that all aspects of the permit they issued for the site are adhered to. They are aware that there was a large diesel spill at this site in late 2009 and the contaminant migrated beneath the site offices and it was agreed that the area would be fully investigated once the offices were moved as part of the proposed future working at the site. The applicant must be aware that if the proposed time extension inhibits the remediation from being undertaken within a reasonable time frame, then the EA will expect the remedial work to be commenced regardless.

Any comments from the Council's Environmental Health Officer will be reported verbally.

The Highways Agency (responsible for the A20) have no objection to the scheme.

Kent County Council comment that the use is appropriate in the Green Belt and that the infilling with inert waste offers an effective means of achieving the

restoration of the land. It is further noted that the site offers a rare resource for the disposal of inert waste and makes a potentially significant contribution to reducing the export of construction, demolition and excavation waste from London for landfill into Kent and the south east. The sand quarry is also considered to be a rare resource.

Sevenoaks DC comment that insufficient evidence has been presented to demonstrate that the continued operations will have no greater harm upon air quality within the adjacent A20(T) Air Quality Management Area (AQMA) and no greater harm to amenity of residents from poor air quality than the existing permission.

Response from Independent Minerals Consultant

The Council has sought an external specialist consultant's view on the proposal, and this advice has subsequently been updated following negotiations. The consultant has examined all of the relevant documentation and his correspondence is available on file.

The original comments can be summarised as follows: The report states that there is little demand for Thanet Sand, particularly since 2003 when the aggregates tax was introduced by the government, low grade minerals such as Thanet sand have become significantly less competitive in relation to other recycled products. The advice continues: "the applicant refers to an estimated 170 lorry loads per week of saleable sand anticipated at the quarry and this equates to a tonnage per annum of approximately 160,000 tonnes which would suggest that the life of the mineral on this site would be less than two years. This seems most unlikely and does not fit with other details within the Supporting Statement suggesting that Area C alone has another twelve months of excavation and Area B a further 36 months, although a difference of two years is not great given the uncertainties prevailing and the quarry. Nevertheless my own view of the annual output currently of about 25-50,000 tonnes would give a much longer life for the quarry, say something between 6 and 12 years. However this is based purely on estimates and assuming that the applicant can provide evidence that recent mineral sales are in the region of in excess of 150,000 tonnes, I would have no reason to disbelieve him."

With regard to the infilling, the other major aspect of the site's operations, his views are as follows: "The applicant admits that to fully restore all the site he will require sufficient waste to backfill some 1.5m cubic metres in Area C. Thereafter it is unclear how much remaining void space will be available but assuming a further 300,000 tonnes is extracted in Area B and C and assuming some additional void space is made available due to the merging of the two cells it might be assumed that approximately 2 million cubic metres of void space (say 4 million tonnes) might well be available at present. The applicant indicates in his Supporting Statement that approximately 200 lorries a week will enter the site and this would translate to a tonnage of approximately 170,000 tonnes per annum. On the basis that there is approximately two tonnes to one cubic metre of compacted fill, that would provide for an input life of well over twenty years. Clearly this is inconsistent with the application for restoration in a further seven years." and continues "Furthermore of course the current state of the construction industry is such that with demand for

both mineral and inert waste disposal in a depressed state the chances of reducing the timescales above are even less.”

Further advice is provided regarding the potential control of operations into the future should permission be granted, and additionally points out that should permission be refused, the applicant may walk away from the site leaving it in its current state. It is pointed out that the application is an opportunity to reduce the harm which is being caused in the locality, and in particular to what the consultant describes as excessive numbers of machinery and plant held on site apparently for uses outside of quarrying and backfilling operations.

The Council's consultant suggests several options to take matters forward. It is considered that a refusal of planning permission might cause considerable doubts regarding the future of the site and would probably not be beneficial to either party. The relevant suggestions which Members should consider are:

1. To grant permission up to 2018 and allow the continuation of the quarrying and infilling for the requested period, subject to suitable safeguarding conditions
2. To grant permission to only allow backfilling of the existing void and no further quarrying, subject to suitable safeguarding conditions

Subsequent negotiations and a site visit have lead to further correspondence and information being submitted. This has included a revised phasing plan, a list of plant and machinery to remain on site, and an up to date topographical survey and the consultant has subsequently provided further comments which are taken into account in the conclusions section below.

Planning Considerations

The site lies within the Green Belt and it is necessary to consider relevant policies in relation to this, and additionally highway and footpath matters, residential amenities, environmental impact, footpath diversion, mineral planning, waste and recycling and the impact on the Site for Nature Conservation which is to the west of the site, slightly overlapping the application area, in Bourne Wood. All of these are issues which have been previously considered and for this application, the impact resulting from an increased time period for mineral working and infilling must be considered with regard to current policy.

Policies from the 2006 Bromley Unitary Development plan of relevance are:

T2	Assessment of Transport Effects
T18	Road Safety
NE2 & NE3	Development and Nature Conservation Sites
NE12	Landscape Quality and Character
G1	The Green Belt
G14 & G15	Mineral Workings and Associated Development

Policies from the London Plan (as amended 2008) of relevance include:

- 3D.9 Green Belt
- 4A.19 Improving Air Quality
- 4A.20 Reducing Noise and Enhancing Soundscapes
- 4A.21 Waste Strategic Policy and Targets
- 4A.22 Special Policies for Waste Management
- 4A.24 Existing Provision – Capacity, Intensification, Re-use and Protection
- 4A.28 Construction, Excavation and Demolition Waste
- 4A.30 Better Use of Aggregates
- 4A.32 Land Won Aggregates

National Planning Policies of relevance include:

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- PPS10 Planning for Sustainable Waste Management

In particular, mineral extraction need not be inappropriate development within the Green Belt (as set out in PPG2 paragraph 3.11) provided that high environmental standards are maintained and the site is well restored.

Planning History

Planning permission was initially granted at appeal under reference 96/00962 in 1997 for the “Extraction of Thanet sand and restoration and re-contouring by disposal of inert waste and creation of new vehicular access.” at this site.

“Details of dust suppression noise control and protection of the water course, signing changes on the A20(T) restoration and aftercare of the site, retention and protection of trees and hedgerows, trespass proof fence pursuant to conditions 06, 14, 17, and 18 of application 96/00962 granted on appeal for extraction of Thanet Sand and restoration and re-contouring by disposal of inert waste; creation of new vehicular access” were approved under reference 99/02071.

In 2000 permission was granted by the Council for some changes to the permitted scheme under reference 00/02071 for “Variation of condition 20 of application 96/00962 granted on appeal for extraction of Thanet Sand regarding restoration and re-contouring by disposal of inert waste, creation of vehicular access, the reduction in the width of the surface berm running along the eastern boundary of the site. Erection of repair shed. Erection of security compound comprising 3m high steel palisade fence around perimeter of compound, caravan for overnight accommodation for security guard, storage container, mess hut and 2 storey office/inspection facility. Erection of 3 metre high steel palisade fence along northern boundary of the site.” This remains the primary extant permission for the site.

Replacement workshop, weighbridge, offices and parking area were permitted in 2008 under reference 08/03444, as the area within which the original site offices were located is intended to be excavated.

Application 09/02818 for an identical proposal was withdrawn by the applicant in order that further discussions could take place.

Conclusions

It is necessary in this case to balance the benefits of allowing additional time to achieve the extraction and infilling at this site with any harm caused for an extended period of 7 years. In particular it is pertinent to examine whether the background justification for the original appeal decision still exists, and whether the extension of the timescale for the proposal can be supported by current planning policies. In light of the consultant's report it would seem permission ought to be granted for an extension in order to have any certainty that the land will be suitably restored, given the current stage of the extraction and infilling and the likely timescale to complete works.

The need for Thanet Sand

The justification for the original permission relied upon a number of factors, including the need for Thanet Sand and a general increase in construction activity in London and the South East. The Inspector concluded that there was an established need for the material which outweighed harm to amenity, provided that the site can be operated and restored to a high standard and within a realistic timescale. With regard to current need for Thanet Sand mixed views exist. The applicant has confirmed in this submission that in their view the demand for Thanet Sand has held up well despite the downturn and the applicants have currently provided quotes to the Olympic Delivery Authority for the supply of quantities ranging from 36,000 – 120,000 tonnes over the next 15 months (from March 2010 to June 2011). As set out above the Council's consultant does not view the demand in the same way, stating that "there is little demand for Thanet Sand, particularly since 2003 when the aggregates tax was introduced by the government, low grade minerals such as Thanet sand have become significantly less competitive in relation to other recycled products."

UDP Policies G14 and G15 address mineral workings. In particular G14 requires that the quality and quantity of the mineral concerned is such that any workings would be economically viable, and associated development on the site is essential to the viability of the proposal and that the land will be restored to appropriate Green Belt use when extraction is complete. Policy G15 requires that the effects of mineral extraction are minimised. The supporting statement considers that these policies are complied with as the proposal is an extension of time and the original proposal met the tests.

The need for void space for inert waste

In 1997 there was an identified need for void space for inert waste which was considered by the Inspector to partly justify allowing the appeal. Since that time the current London Plan has been published and this includes policies specifically relating waste. Bournemouth Sand and Gravel can be regarded as an existing landfill site, however no substantive evidence has been provided that it meets any specific need. At the time of the original decision, the Inspector stated that the site

would “need to attract a relatively small proportion of [the significant amounts of inert waste exported into Kent for disposal] in order to keep pace with extraction.” Despite the positive economic conditions prevailing through the early 2000s, the pace of works at the site appears to have been slow. However, information submitted with the application confirms that during 2009, a total of 315,836 tonnes of inert waste was delivered to the site and this equates to 143,562 cubic metres of fill at a rate of 2.2 tonnes per cubic metre. The applicant is confident that demand will rise further as the economy picks up.

The supporting text to London Plan Policy 4A.28 states that “Construction, excavation and demolition waste facilities do not form part of the overall forecast provision for new facilities. It is estimated that London reuses/recycles some 90% of this waste stream already. However it is the intention in the future to encourage more beneficial and higher order uses of this inert waste. There is no additional permanent new site provision identified up to 2020. However, it is anticipated that a combination of effective use of existing sites and the provision of recycling facilities at aggregate extraction sites and, where appropriate, safeguarded wharves, together with on-site mobile facilities, is capable of meeting the anticipated future requirement within London to achieve a more beneficial re-use of this material.”

Waste sorting, processing and storage in the Green Belt is not recognised in UDP Policy or national policy in PPG2 as being an exception to the general presumption against inappropriate development. Such a use is inappropriate in the Green Belt and there must be ‘very special circumstances’ to warrant overriding the general presumption against it. In this instance the infilling of the site following extraction of the valued Thanet Sand was considered to be a suitable very special circumstance which justified such inappropriate activity. It is necessary to consider whether this is still the case.

With regard to the increased timescale, the Council raised concerns about this at the first public inquiry, stating that a marginally viable operation might be drawn out over many years with continuing impact upon the character and appearance of the wider locality. The Inspector recognised that there are uncertainties concerning the timescale of extraction and restoration, however he was satisfied that on the balance of probabilities that the Bournemouth operation could be carried through in the envisaged 10-11 year timescale. The Inspector placed considerable weight upon the limited period over which the activity would take place. Policy G14 of the UDP requires that mineral extraction should be economically viable. Some limited evidence of the ongoing viability of this site has been submitted.

There have been concerns that vehicular access to the site has been gained via a widened public footpath from Hockenden Lane, and this appears to be an ongoing matter, with the applicant having not yet taken any action to close the access formed to the rear of the site. Should this application be approved a condition specifically prohibiting this and requiring reinstatement of suitable boundary enclosures could be imposed.

The current permission for the site (and any revised permission issued as a result of this application) is for the extraction of sand and infilling with inert materials. Processing of materials does not form part of the permission. There have been

concerns that recycling of materials has been ongoing at the site in breach of a previously issued enforcement notice, and indeed an Environment Agency permit has been issued to allow such activity. The applicant considered that this could be carried out under the current planning permission, but the Council does not agree with this view. The agent has confirmed subsequently that the applicant is prepared to accept that the permission does not include recycling and a tightened condition is proposed to ensure that this can be suitably controlled should permission be granted.

The proposal now includes a revised phasing plan which indicates that an area underneath the existing offices will now be the subject of extraction (Area D). This area was not previously shown on the phasing plan with the original application as being extracted. Clearly this will extend the period of extraction and infilling to some degree.

It is clear that the activity subject of this application is harmful to the character and appearance of the area and the Green Belt given its scale and the nature of the activity. It also gives rise to concerns from local residents in terms of noise, dust, highway safety and other impacts, which is apparent from the correspondence received in response to local consultation. Whilst it is accepted that these concerns can be reduced through the imposition and enforcement of planning conditions, it is necessary to consider this impact in considering the extension of time requested, alongside the other pertinent issues such as the future for the quarry and how the land will be returned to open Green Belt.

In determining this application Members need to consider primarily whether the current situation regarding the demand for Thanet Sand and the supply of inert waste justifies the requested 7 year extension to activities at the site, and in particular whether the mineral extraction upon which the justification for all activity and development at the site rests in Green Belt terms remains appropriate as considered by the Inspector in 1997 with regard to PPG2, and UDP Policies G14 and G15.

Works commenced in January 2000 at the site and have therefore been ongoing for almost ten years. Given the time period originally envisaged, and the good economic conditions prevailing for the majority of the ten years the site has operated, it is questionable whether best endeavours have been made to comply with the proposed timescale, and it is clear that careful consideration must be given to all the issues discussed above. However, given the consultant's observations and the current state of the site, Members may consider it would be appropriate to grant an extension of time and accept that the very special circumstances originally considered remain relevant to justify such a decision in the Green Belt.

Background papers referred to during production of this report comprise all correspondence on files refs. 96/00962, 99/02071, 00/02071, 08/03444, 09/02818, and 10/00657, excluding exempt information.

as amended by documents received on 25.11.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The use hereby permitted shall cease on or before 14th January 2018. All associated buildings, structures, plant and machinery, including the bund formed at the site boundary with the A20(T), shall all be removed from the site on or before 14th January 2018.

Reason: In the interests of the openness and character of the Green Belt and to accord with Policies G1, G14 and G15 of the Unitary Development Plan.

- 2 The use shall not operate, no machinery shall be operated, no process carried out and no deliveries taken at or dispatched from the site outside the following hours: 07:00 to 19:00 Mondays to Fridays inclusive and 07:00 to 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

- 3 The works shall be carried out only in accordance with the approved phasing drawing no 1749/4A rev11/10 received 25.11.10 unless otherwise agreed in writing by the Local Planning Authority. A revised written phasing plan shall be submitted to the Local Planning Authority within 1 month of the date of this permission and works shall only proceed in accordance with the approved details.

Reason: In the interests of the openness and character of the Green Belt and to accord with Policies G1, G14 and G15 of the Unitary Development Plan.

- 4 The depth of working shall not at any point be below 52m AOD in Area A and 55m AOD in Areas B and C as shown in drawing number 1749/2 received 7th October 2009.

Reason: To prevent pollution to the water environment and to comply with Policies G15 of the Unitary Development Plan, 4A.17 of the London Plan and PPS25.

- 5 An updated scheme for dust suppression, noise control and the protection of the water course shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The approved scheme shall be implemented for the full duration of the permission hereby granted unless otherwise agreed in writing by the Local Planning Authority or if operations cease.

Reason: To protect the amenities of nearby residential properties and to prevent pollution to the water environment and to comply with Policies BE1 and G15 of the Unitary Development Plan, 4A.17, 4A.19 and 4A.20 of the London Plan and PPS25.

- 6 No topsoil, subsoil or overburden shall be removed from the site.

Reason: To ensure that adequate material is left for the restoration of the site and to comply with Policy G15 of the Unitary Development Plan.

- 7 There shall be no floodlighting or other external lighting at the site without the approval in writing of the Local Planning Authority. Any approved lighting shall be retained in accordance with the approved details.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

- 8 Stockpiling of Thanet Sand if necessary shall only take place in the phase being worked and only be sufficient to provide material for a days operation.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amending, revoking and re-enacting this Order, no operation permitted by Part 19 Class A and B shall be carried out.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

10 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with washdown facilities for the cleaning of all vehicles of an accumulation of mud or other material prior to the vehicle leaving the site and any mud or material deposited by vehicles on the site access road shall be removed without delay and in no circumstances be left beyond the end of the working day.

Reason: In the interests of highway safety on the A20(T) and to accord with Policy T18 of the Unitary Development Plan.

11 The implemented highway works to provide access to the A20(T) as shown on drawing No. 0796/WD/6A submitted for application 00/02071 shall be maintained as such to the satisfaction of the Highways Authority.

Reason: In the interests of highway safety on the A20(T) and to accord with Policy T18 of the Unitary Development Plan.

12 The use of the means of access to the A20(T) included in the development hereby permitted shall be discontinued, the works and structures removed and the site restored on or before the 14th January 2018.

Reason: In the interests of the openness and character of the Green Belt and to accord with Policies G1, G14 and G15 of the Unitary Development Plan.

13 The signs approved under reference 99/02071, and more specifically shown on drawing No. 98023/4 shall be maintained as such to the satisfaction of the Highways Agency for the duration of the development and removed on or before the 14th January 2018.

Reason: In the interests of highway safety on the A20(T) and to accord with Policy T18 of the Unitary Development Plan.

14 All loaded lorries shall have their cargo area sheeted over prior to the departure from the site.

Reason: In the interests of highway safety on the A20(T) and to accord with Policy T18 of the Unitary Development Plan.

15 No access other than the approved access to the A20(T) shall be used by any vehicle for the purpose of entering or leaving the site during the operation period of the development hereby approved. Details of measures to prevent access into and out of the site around the remainder of its boundary shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission and the approved measures shall be implemented within 2 months of the date of approval. This restriction does not apply to access for the purpose of restoration and aftercare following removal of the temporary access to the A20(T) for which a suitable access route shall be approved in writing by the Local Planning Authority as part of the restoration scheme as required by condition 16 of this permission.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and highway safety and to accord with Policies T18, BE1, G1, G14 and G15 of the Unitary Development Plan.

- 16 An updated scheme for the restoration and aftercare of the site, retention and protection of trees and hedgerows and trespass proof fence shall be submitted to and approved in writing within 3 months of the date of this permission. Restoration shall be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority. Restoration of completed Area A shall be completed within one year of this permission unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and the area in general and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

- 17 No excavations are to be carried out, overburden tipped or building erected within an undisturbed 20 metre surface berm from the southern boundary of Railtracks Land until an independent geotechnical engineers report detailing the working method, parameters to be used in slope calculation and giving a safety factor against failure of the excavation slope is submitted to and approved by the Local Planning Authority. These works shall be carried out as approved.

Reason: To ensure the structural integrity of the railway embankment.

- 18 Only inert waste conforming to the categories as set out in the submitted Schedule 3 extract List of "Permitted Wastes for Landfill Activities" from the current site permit shall be imported to the site for restoration purposes and no other material shall be imported to the site for any other reason unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties and the Green Belt, and to prevent pollution to the water environment and to comply with Policies BE1 and G15 of the Unitary Development Plan, 4A.17, 4A.19 and 4A.20 of the London Plan and PPS25.

- 19 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall 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.

Reason: To prevent pollution to the water environment and to comply with Policies G15 of the Unitary Development Plan, 4A.17 of the London Plan and PPS25.

20 Except with the prior written agreement of the Local Planning Authority, no vehicle brought onto the site for aftercare following the cessation of the use in accordance with condition 1 of this permission shall exceed 5 tonnes GVW. For the purpose of this condition aftercare shall be defined as the maintenance of the completed landscaping scheme after cessation of all other works on the site.

Reason: To protect the amenities of nearby residential properties and to accord with Policy BE1 of the Unitary Development Plan.

21 The re-seeding of each restored phase shall take place within the first planting season following completion of tipping within that phase.

Reason: To ensure adequate restoration of each phase, and to protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and to accord with Policies BE1, G1, G14 and G15 of the Unitary Development Plan.

22 The buildings and structures permitted under reference 08/03444 shall be used only for purposes in connection with the permitted use of the land for the extraction of Thanet Sand and infilling with inert waste and for no other purpose.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and highway safety and to accord with Policies T18, BE1, G1, G14 and G15 of the Unitary Development Plan.

23 The existing repair shed, security compound, caravan, storage containers, mess hut, inspection facility, offices and all other structures and buildings within Area D shall be completely removed from the site within 3 months of the siting / erection of the buildings / structures permitted under reference 08/03444.

Reason: To accord with the planning permission for the use of the site and in the interests of the openness and visual amenities of the Green Belt and in order to comply with Policies G1, G15 and BE1 of the Unitary Development Plan.

24 Details of the extent and material to be used for the hardstanding approved under permission 08/03444 shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the buildings / structures hereby permitted. The approved hardstanding shall not be altered without the prior approval in writing of the Local Planning Authority. The hardstanding shall be completely removed from the site by 14th January 2018 or before.

Reason: To accord with the planning permission for the use of the site and in the interests of the openness and visual amenities of the Green Belt and in order to comply with Policies G1, G15 and BE1 of the Unitary Development Plan.

25 No hire or sale of plant or other equipment or machinery including skips shall take place from the site at any time including the storage of any such plant. No equipment, plant, machinery, or vehicles shall be kept or stored at the site other than that required for the mineral extraction and infilling operations hereby permitted and as set out in the list received 25.11.2010.

No more than one skip required for any non-conforming waste shall be kept at the site at any time.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and highway safety and to accord with Policies T18, BE1, G1, G14 and G15 of the Unitary Development Plan.

26 There shall be no import of soil or material for recycling, and no recycling of material shall take place at the site without the prior written approval of the Local Planning Authority.

Reason: To accord with the planning permission for the use of the site and in the interests of the openness and visual amenities of the Green Belt and in order to comply with Policies G1, G15 and BE1 of the Unitary Development Plan.

27 An annual monitoring report setting out a programme for extraction, remediation and restoration shall be submitted to the Local Planning Authority annually within one month of the anniversary of the date of this decision for approval by the Local Planning Authority. The report must set out the works proposed over the following 12 month period to enable the Local Planning Authority to monitor the works required for the future completion of the restoration of the site and ensure that these are being carried out in a satisfactory manner.

Reason: To protect the amenities of nearby residential properties and in the interests of the openness and character of the Green Belt and highway safety and to accord with Policies T18, BE1, G1, G14 and G15 of the Unitary Development Plan.

The proposal is considered to be a case where very special circumstances justify the setting aside of normal Green Belt policies due to the mineral extraction and infilling benefits with regard to UDP Policies G1, G14 and G15 and advice in PPG2, PPS10 and the London Plan, and subject to suitable conditions.

Reference: 10/00657/VAR

Address: Bournemouth Sand And Gravel Swanley Bypass Swanley BR8 7QH

Proposal: Variation of conditions 1,12 and 13 of 00/02071 and condition 1 of 08/03444 to allow extraction of Thanet Sand, restoration and recontouring with inert waste and associated access, buildings and structure to continue/ remain until 14th Jan 2018



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Bromley. Lic. No: 100017661