

WROTHAM PARISH COUNCIL

MINUTED COMMENTS OF THE PLANNING COMMITTEE 23rd March 20

Consulted: Cllr's P Gillin (Chairman), H Rayner, D Beach, K Denton, C Mills & Mrs P Parker

Clerk: Lesley Cox

1. **Attendance Register**

The following declarations noted:

All meetings
Cllr's Gillin, Rayner, Beach and Denton members of Keep Borough's Green
Cllr Beach member of the St George's Bell Ringers
Cllr Gillin member of Friends of Wrotham & Wrotham Xmas Lights
Cllr's Rayner & Gillin member of Friends of St George's
Cllr's Rayner & Beach member of Kent Association of Change Ringers
Cllr's Gillin, Rayner, Beach and Denton members of the Campaign for the Protection of Rural England – WPC corporate member
Cllr Rayner member of St George's Church of England Wrotham
Cllr Rayner retired member of the Baltic Exchange Ltd
Cllr Rayner Life member of The National Trust
Cllr Gillin committee members of Tonbridge & Malling branch of the Campaign for the Protection of Rural England.
Cllr Mills chairman of Friends of Wrotham
Cllr Mills Wrotham Parish Magazine Editor
Cllr Rayner assistant Village Magazine Deliverer
Cllr Rayner Life member of the Royal National Lifeboat Institute
Cllr Rayner Conservative Party Member
Cllr Rayner Member of Tonbridge & Malling Conservative Party Executive & Management Committees

2. **Minutes**

Planning Meeting Minutes of 23rd August 19, approved by the Parish Council on the 4th September 19

3. **Public Question Time**

No correspondence received from the public.

4. **Planning Committee to Consider**

1. Applications received

Application Number	Address	Details	Parish Council Recommendation
TM/20/00382/LDE	Borough Green Sand Pit Maidstone Road Platt	Lawful Development Certificate Existing: Use of Borough Green Quarry as haulage operators centre	Attached refers
TM/20/00422/FL	23 West Street	Single storey side and rear extension and new front porch	No Objections

TM/20/00497/TNCA	The Malltings Borough Green Road	Ash tree at entrance to prune and remove branches affection telephone wires	No Objections, subject to officer approval
TM/20/00575/TNCA	Butts Hills Cottage Pilgrims Way	Sycamore tree on unused public footpath between neighbour's property and our property to fell	No Objections, subject to officer approval
TM/20/00467/FL	Wrotham Secondary School Borough Green Road	Section 73 application: Variation of condition 5 (use of sports hall) pursuant to planning permission TM/18/01830/FL (Proposed new sports hall) to allow for hall to be made available for use by the wider community and other organisations	No Objections
TM/20/00462/FL	East Lodge Kemsing Road	Replace existing flat roof (damaged in storm) with pitched roof and replace existing plastic windows with new half bar double glazed windows	No Objections

2. Notification of decisions

Application Number	Address	Details	Decision
TM/20/00182/FL	Palavas Pilgrims Way	Erection of a single detached chalet bungalow	Approved on 20 th March 20.

3. Correspondence

T&MBC Planning List 'B' No's 20/10 & 20/11

.....Chairman

.....Date

Wrotham Parish Council

Lesley Cox
Clerk

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Ref: 100323/001
Date: 23 Mar 2020

Planning Application Ref.	TM/20/00382/LDE
Address	BG Sandpit Maidstone Road Platt
Proposal	LDC Application under Section 191 T & C Planning Acts
Decision	Invalid application under the above referenced Act

1.0 Comments

1.1 Wrotham Parish Council ("WPC") is lead parish in a Parish Alliance that is represented by a legal team headed by Counsel. Having asked Counsel for some initial comments regarding this application, WPC has the following comments and request.

1.2 The application could potentially result in the MPA losing all control over HGVs entering and leaving the site in both terms of numbers of vehicle trips and operational hours. This is because the application has been framed in such a way that it would become impossible to differentiate between vehicles transporting sand for the quarry application and vehicles transporting sand for the logistic companies operations.

1.3 We have been informed that local Parish Councils and the Local KCC Member have received numerous complaints regarding noise, out of hour's use and dirt on the roads as a result of this quarry's previous day and unconsented night operations.

1.4 It is therefore important when judging this matter that all the available evidence is gathered and considered at length, as an unregulated regime could continue to have significant impacts on local residents.

1.5 The evidence base submitted in support of the application, when you consider the wealth of available documentation that could be provided if the alleged uses are true, is extremely restricted.

2.0 The Submitted Application

2.1 The application is made under Section 191 of the Town and Country Planning Act 1990.

2.2 Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 20 specifies the information that must accompany an application made under section 191 of the Town and Country Planning Act 1990

- Section 1 requires the land to be specified for the particular use that is being applied for and Section 2a states that a scaled plan is required for the specified land.
- Section 4 refers to lands that are in multi use and requires that the application plan must indicate which part of the land is required for each use.

2.3 The application states that there is a quarrying use and that has some vehicles that are associated with that use. It also asserts that there are companies that supply logistical services and lists the following:

Lime Logistics
Santander Salt
Sheerness Recycling
Medway Aggregates
TD Express

2.4 The application cover letter states as follows.

"Lime Logistics was granted a Goods Vehicle Operating License (GVOL) in 2002 to operate heavy goods vehicles from Borough Green Quarry. This GVOL has been maintained since 2002 and has allowed HGVs associated with all the Borough Green group of companies to operate from the Borough Green Quarry. The GVOL allows HGVs to park at the specific listed location overnight and for Borough Green Quarry to function as a Haulage Operators Centre. The Borough Green Group Transport Office operates from the Borough Green Quarry and is accommodated in the office buildings on the site."

Ref: Letter from Kate Holland dated 31 Jan 20

The letter states that Lime Logistics was granted a Goods Vehicle Operating License (GVOL) license in 2002 but there is a general lack of clarity regarding currently how many HGVs and how many trailers are associated with each company and where each company is registered to operate; clarification is required.

2.5 The application cover letter goes on to state.

"The haulage uses have occurred at the Site since 2002 continuously and operate alongside but separate from the Quarrying activities. The supporting Affidavits detail how the Haulage Operators Centre use has functioned as a separate entity to the Quarrying activities and that it is these activities that result in HGV movements outside of the lawful operation hours for quarrying activities." **Ref: Letter from Kate Holland dated 31 Jan 20**

Considering the requirements of Article 39 the applicant should have provided scaled maps that differentiate areas of use within the greater area. It would be expected to be able to see the following areas denoted on the scaled map.

1. The Haulage Operators Centre
2. Parking area for quarry vehicles
3. Parking area for logistic company vehicles
4. Quarry areas
5. Recycling Areas

2.6 By what planning application was the Haulage Operators Centre consented and if unconsented then when was it built?

3.0 Additional Evidence

3.1 There is a paucity of evidence to support the alleged extensive uses and one obvious source of factual information is the Mineral Planning Authority ("MPA"). There has been no response to consultation in this regard, which is somewhat perverse as they regularly inspect the quarry with a view to checking all areas of condition compliance. These are recent minutes that shed light on the extensive information accumulated each year by the painstaking work of Officer's of the MPA.

3.2 The following are minutes from KCC's recent Planning Regulation Committee who are tasked with regular monitoring of sand quarries amongst others.

"Monitoring

Monitoring of permitted sites and update on chargeable monitoring

15. In addition to our general visits to sites, we also undertake routine visits on permitted sites, to formally monitor against the statutory monitoring charging scheme. This provides useful compliance checks against each operational activity and an early warning of any alleged and developing planning contraventions.

Resolved or mainly resolved cases requiring monitoring

16. Alongside the above monitoring regime there is a need to maintain a watching brief on resolved or mainly resolved enforcement cases which have the potential to reoccur. This accounts for a significant and long-established pattern of high frequency site monitoring. Cases are routinely reviewed to check for compliance and where necessary are reported back to the Committee."

Reference: KCC Regulation Committee, Tuesday, 28th January, 2020- Agenda Item 7

3.3 The Parish Alliance has today issued an EIR/FOI request for all site reports on Borough Green Sandpit's compliance regimes over the last ten years.

3.4 Once we have received the KCC Site Compliance Reports and the requested information from the applicant, then we will ask our legal team to make further comment regarding this spartan application.

3.5 In the light of all of this additional information the Parish Alliance should be in a better position to comment on these alleged uses by the Borough Green Sandpits Group of companies.

3.6 Currently it is considered that the lack of sufficient mapping detail results in this application being invalid for further consideration.