



HOUSE OF COMMONS

LONDON SW1A 0AA

4 March 2019

Minerals and Waste Planning Policy
Kent County Council
1st Floor, Invicta House
Maidstone
Kent
ME14 1XX

Dear Sir/Madam,

Please take this letter as my official response to the Kent County Council (KCC) consultation on its Minerals Sites Plan as part of the Kent Minerals and Waste Local Plan 2013-30 consultation. As my interest in the Minerals Sites Plan relates to multiple sites across Tonbridge and Malling, it would be easier for me to write to make reference to both rather than complete the online form.

As you are aware I made a very detailed representation to the consultation held last year on sites for inclusion in the Plan. I am very pleased that KCC were able to thoroughly investigate the issues and bring back and adopt a draft plan based on very significant evidence which was presented. This is testament to the work planning policy team in thoroughly assessing the issues and I have no doubt that the Minerals Sites plan can be considered sound in most of its assessments.

As the Minerals Planning Authority, KCC has an obligation to produce a plan and I appreciate that the process behind this is very concerning for many communities. I have therefore ensured that any issues which have been raised with me in my capacity as a Member of Parliament have been passed on to KCC to thoroughly assess. Consequently, as the next stage of the process is for the plan to be independently judged by the Planning Inspectorate, I am including in this response details of the matters which have been highlighted to me about areas in which some residents would consider that the Plan isn't sound. I would happy to go into greater detail with the Planning Inspector when the plan is assessed later this year.

As you will be aware the allocation of site M8 off Roughetts Road in Ryarsh was particularly controversial, and thousands of people objected to the inclusion of this site in the draft Plan for many different reasons. I made clear the arguments for this in my very length contribution to the Regulation 18 consultation last year and I am pleased that the points raised in this have been assessed in full by Kent County Council. It is also clear that as demand for soft sand has decreased, it only strengthens the necessity not to allocate any soft sand extraction on greenbelt land. On this site I have no doubt that KCC have assessed this site fully and reached a conclusion based on sound evidence.

Member of Parliament for Tonbridge and Malling

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Sadly though, unlike residents in Ryarsh, residents in and near Golden Green are disappointed and do not consider the plan sound. They have raised many material planning considerations to demonstrate this, and these factors must be overcome before the plan as a whole can be considered to be sound.

First, the impact of the allocation of sites M13 (Stonecastle Farm Quarry extension) and M10 (Moat Farm) have to be looked at jointly. Their proximity to one another means that the impact will be cumulative on villages such as Golden Green and East Peckham. In total their allocations exceed 70ha of what is productive arable land. Though I only represent the area covered by the Stonecastle Farm Quarry, the cumulative impact is one which has been raised consistently by residents throughout this process.

I will start by understanding the reasons for their allocation. Page 121 and 161, paragraph 2 of the Kent Minerals Site Assessment Plan December 2018 makes clear that issues of 'transport, water resources, amenity, biodiversity, heritage, health and amenity' can be considered at development management stage. However, the overwhelming policy support for allocated sites at the planning application stage means that having detail included in the allocation on these aspects is preferable. Otherwise you would have a situation where allocated sites may not be developed because there remains material planning issues which would enable any detailed application to be refused, thus meaning that KCC cannot deliver its minerals requirements.

It is also worth considering the historical context at which these sites are allocated. Within site M10 there are several listed buildings, and also many to the north of M13. This is because the crossing at Hartlake Bridge, which has existed since at least 1451 has enabled the development of communities on all sides of the River Medway to grow as one. There remains a plaque present locally which commemorates the time where 37 hop pickers who lost their lives crossing Hartlake Bridge on 20 October of that year which shows just how dangerous crossing the River Medway has been in Hartlake for many centuries. The existing flooding problems, prevalent even this winter, show the importance of the bridge to this day too.

This is relevant because of the National Planning Policy Framework's (NPPF) commitment to defining the setting of a heritage asset as the surroundings in which it is experienced. Historic England support this view by stating that the setting may be more extensive than the immediate curtilage, and views are particularly important too. As such the impact on heritage assets is a material planning consideration and one in which local planning authorities must acknowledge.

Historic England's work also touches specifically on the impact of quarrying. They state that this can lead to the significant loss and appreciation of archaeological sites and ancient monuments. Indeed, the guidance states 'noise, dust and regular passage of HGVs have the potential to damage the fabric of historic buildings, monuments and areas'. As Mineral

extraction will cause irreversible damage to the significance of heritage assets surrounding the site, by Historic England's analysis it will have adverse impacts on the setting of the listed properties.

The impact upon local heritage assets is of particular importance in the area, and I appreciate this was assessed as part of KCC's RAG assessment for the site. Indeed, it recognises that individual listed buildings within 250m of the proposed allocation may cause a 'minor adverse impact to the listed buildings' that would require mitigation. The key issue here is the scale and type of mitigation proposed. Without further parameters as part of the allocation, it will be unclear as to what mitigation will be acceptable. The sheer proximity of these buildings to the sites means that without descriptive detail they might not be afforded the protection which is required to preserve their local importance if these sites were to be developed. Of course, if this cannot be guaranteed then it threatens the deliverability of the allocation.

Furthermore, as part of a site's allocation there should be great detail about the plans to restore it afterwards, and I am concerned that the proposal specifically references reedbeds and lakes rather than agricultural use. Earlier permissions which have been granted to the existing Stonecastle Farm Quarry show an inferred deposit of 2.5m depth of sand and gravel lying beneath a 2.5m alluvial layer with clay below it. This means that 50% of any excavation at site M13 could be backfilled and restored to its original state. Indeed, provision is already made for the retention of top soil, so land could be very easily returned to agriculture. I would recommend that there is great public involvement about this to ensure that the community benefits from any proposed restoration. However, in order to make the draft Minerals Sites Plan comply closely with planning policy I would suggest that there is a strong case to look again at the proposed restoration, particularly due to the proximity of the River Medway and need for further water storage in the area.

Since the Leigh Flood Storage Area (LFSA) was constructed it has had a fundamental impact on the way in which the River Medway and its tributaries deal with flooding. Indeed, at the latest major flood event over the winter of 2013/14 there was an argument made by many local residents locally that the decisions made at the LFSA resulted in greater flooding downstream, particularly in the Golden Green and East Peckham area. So much so that Hartlake Road, the nearest access to site M13, was flooded for three whole weeks in 2013 when trying to recover after flooding.

It is no surprise that the site lies in flood zone 3 and this flooding problem needs addressing as part of the allocation. In addition, the planned works to upgrade the LFSA and local embankments have seen a significant scheme being designed by the Environment Agency, which need to be tested against the impact of further quarrying at Stonecastle Farm. The site is also in an area where insufficient drainage mitigation from previous developments has resulted in additional surface water flooding and water volatility, meaning that flooding impacts are harder to predict and potentially more volatile, notwithstanding any future works upstream of the Medway. My concern is therefore that this could result in further flooding across a large area of land in Golden Green and East Peckham, above our current

expectations. I see no assurance of this in the Minerals Site Plan and as a consequence I would be grateful if the Inspector could look more closely into this specific issue and ensure that this is addressed fully if the site is to be allocated.

But, it's not just the River Medway and its tributaries which are close to the site. This area has more ponds and lakes per square kilometre than anywhere else in the county, which makes the proposed restoration to reedbeds or lakes even more concerning. In 2002, planning permission was refused on the existing Stonecastle Farm Quarry because there was a lack of information on the impact of the extraction on water supply. As aggregate has to be washed before it leaves a site, there will remain the problem of where washed water goes. Unless things have changed materially since this planning application was refused 17 years ago, this problem will continue to go unaddressed.

Of course, the potential for increased flood events is caused by a changing climate which is recognised worldwide. It's also well established in domestic planning law at paragraph 149 of the NPPF. Having looked at the documents available, I am struck that this potential allocation has not been assessed directly against this particular paragraph and would recommend that the Inspector looks carefully at this. It would encompass many of the aspects which I have referenced above and, should it be deemed not to have met this test, it would almost certainly mean that a Minerals Sites Plan including M13 could not be considered sound.

However, the final and arguably most important area which I would like to bring to the Inspectors attention is the impact on the greenbelt. Earlier in this letter I referred to site M8 as being excluded from the Minerals Sites Plan by virtue of it being greenbelt land. However, exactly the same assessment should apply to site M13 which also lies in the greenbelt. In fact, like M8 it is close to an Area of Outstanding Natural Beauty (AONB), and both M13 and M10 are within 3kilometres of the High Weald AONB. In addition, while not lying within it, policy protection from development along the River Medway and its tributaries has gone beyond statutory support in the NPPF. Further downstream there are Landscapes of Local Value specifically covering the River Medway and further upstream is all greenbelt land, some included within the AONB as well.

So there can be no doubt about the classification of the site. Which makes me concerned about how this complies with policy DM4 of the Kent Minerals and Waste Local Plan, which states that development within the greenbelt will only be considered in light of its potential impacts, and shall also comply with national policy, including that in the NPPF related to the greenbelt. This has been used as the most important factor for the rejection of site M8, and I see a very good case for this policy to be applied to site M13 as well. Indeed, residents in Golden Green would fully expect this to happen.

The parallels with site M8 are clear. Both have a number of Public Rights of Way crossing and running adjacent to the sites allocated. Both villages have concerns about the cumulative impact of quarrying on their communities. And both contain high quality soil, in

the case of Stonecastle Farm Quarry grade 3 agricultural soil. It is therefore absolutely essential that the Inspector addresses the reasons why this policy regarding the greenbelt isn't enforced in Golden Green as it is in Ryarsh, as many people would take the view that the Kent Minerals Sites Plan cannot be considered sound unless there is consistent use of policy across all sites assessed.

Finally, I want to touch on the biodiversity aspect of this potential allocation. While I have been critical of the lack of detail in the draft Plan, the biodiversity section is more detailed than most others. Indeed it is excellent to see the presence of Ancient Woodland acknowledged in the allocation, though I am sure that it would be preferable if further detail could be provided on what should be a suitable buffer to extraction.

But it's not just ancient woodland which features prominently on the site. Ancient hedgerows in Golden Green have high species rich value and nesting birds, which are protected under the Wildlife and Countryside Act 1991. This is crucial to the allocation because, like ancient woodland, it is featured in the Kent Biodiversity Action Plan which is an important document for the site to be assessed against. It also recognises the importance for turtle dove breeding habits, which are present on both M13 and M10 and need to be assessed accordingly. If it is seen as not having done so, then due to the policy protection in national law above and beyond the NPPF I can understand the reasons for removing this allocation from the Minerals Sites Plan.

Finally on the biodiversity assessment, I should touch on an inconsistency with regards to the testing of waterbodies. Local analysis has concluded that there are 19 waterbodies within site M13, but only 13 of those have been tested for great crested newts which are believed to be present on site. Great crested newts have the ability to migrate more than 500 metres from breeding ponds in areas of suitable terrestrial habitat and I am concerned that a full assessment has not yet been completed to establish their number on site. Policy protection in this area is substantial and the development of a quarry doesn't lend itself to easy mitigation for wildlife or specific niches, so it is important their number is quickly established otherwise it could harm the overall allocation.

Finally, I want to touch on the transport impact. In some respects, for residents living further away from the site, it will have the greatest impact. There will clearly be an issue here because of the location of the site in a rural area, especially with work being proposed to happen concurrently with its neighbouring sites. Indeed it is almost impossible to get to and from the site without passing through an Air Quality Management Area or a road with restrictions on HGV access, demonstrating they are often country lanes incapable of coping with large volumes of traffic. Neighbouring communities such as Tonbridge will be affected as well so it is crucial that a defined Travel Plan is proposed as part of any detailed planning application, taking into account the wider detail such as the traffic assessments across the area. I look forward to hearing how this could be achieved because, without it, safe access without damaging the local area may not be possible and it wouldn't be worthy of being included in the final plan.

Consequently, while I take the view that site M8 at Ryarsh has been adequately assessed, there are clearly key aspects to site M13 at Stonecastle Farm Quarry in Golden Green which could do with greater assessment as highlighted above. I would be grateful if you could pass this letter on to the Inspector so they can understand the issues local residents feel affected by.

Best wishes,

Tom Tugendhat

TOM TUGENDHAT