



Department for
Communities and
Local Government

11 July 2013

Mr M Hare
Civitas Planning
4 Moncktons Avenue
Maidstone
Kent
ME14 2PZ

Our Ref: APP/W2275/V/11/2158341

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTIONS 73 & 77)
APPLICATION BY GALLAGHER AGGREGATES LTD
HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD
APPLICATION REF. TM/10/2158341**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, J I McPherson JP BSc CEng CEnv CWEM MICE MCIWEM MCMI, who held a public local inquiry which sat on 27-30 November, 4-6, 13-14 and 18 December 2012, into your client's application in respect of application Ref.TM/10/2158341 dated 21 June 2010 for the Westerly Extension of Hermitage Quarry; and the variation of conditions relating to the original quarry and its previous extensions.
2. On 27 July 2011, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the Mineral Planning Authority, Kent County Council ('KCC'). The reason for making the direction was that the proposal may conflict with national policies on important matters.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application for the Westerly Extension be approved with recommended conditions, and that new permissions be approved for the Original Quarry, the Southern Extension and the Eastern Extension with recommended conditions. For the reasons given below, the Secretary of State agrees with the Inspector's recommendations. A copy of the Inspector's report (IR)

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is enclosed. All references to paragraph numbers, unless otherwise stated, are to the IR.

4. In addition to the application for the Westerly Extension of Hermitage Quarry and the variation of the conditions applying to the existing quarry workings, the Inquiry also considered two Highway Orders sought by your client for: a) the temporary diversion of Byway MR496 for a period of 9 months while a cut and cover tunnel is constructed into the Westerly Extension site; and b) the temporary diversion of Bridleway MR108 for a period of 25 years whilst the Westerly Extension is worked and restored. The decision on these Orders is the subject of two separate letters which will be issued separately by the Secretaries of State for Transport and Environment, Food and Rural Affairs.

Procedural Matters

5. The Secretary of State notes that the application is to extract some 16 million tonnes of ragstone and hassock from within the land enclosed by the permissive path, whilst still retaining a minimum of 50m of woodland between the path and the mineral operations; and that some of the ragstone would be supplied as high quality building/dimension stone (IR4.4). He also notes that the phased working of the Westerly Extension would involve progressive stripping, extraction, filling with inert waste and topsoiling to the original ground levels, followed by restoration to native woodland and rides that would be open to the public (IR4.5); and that all materials entering and leaving the quarry itself would continue to use the existing weighbridge and access onto Hermitage Lane (IR4.7).
6. The Secretary of State notes that the application also proposes the formation of a 9 ha 'Habitat Creation Field' to the south-west of the site which, at the original application stage, was intended to receive the soil resources from quarrying Phases 8 – 11; that a revision has been made to the proposed phasing such that this soil would now be used in the restoration of the existing quarry instead; and that, in accordance with the revised working scheme, the Habitat Creation Field would be formed at a very early stage and used principally as the site for the translocation of reptiles from the Application Site (IR4.9).
7. The Secretary of State agrees with the Inspector that although there have been revisions to the phases of working since KCC considered the application, they simply affect the internal working of the site and would not prejudice anyone else, and should therefore be accepted as part of the application proposals (IR4.14).
8. In reaching his decision, the Secretary of State has taken into account the Environmental Statement and the Addendum submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. He considers that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

Policy considerations

9. In determining the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, following the partial revocation of the Regional Strategy for the South East (RS) on 25 March 2013, the development

plan comprises the saved policies of the Kent Minerals Local Plan: Construction Aggregates (December 1993); the Tonbridge and Malling Borough Council (TMBC) Core Strategy (2007); the TMBC Managing Development and the Environment Development Plan Document (2010); and the saved policies in the TMBC Local Plan (1998). The Secretary of State gives no weight to the revoked policies in the RS. He considers that the partial revocation of the RS has had little effect on the policy considerations in this case, and that it was not necessary for him to refer back to parties on this issue before reaching his decision. He considers that the development plan policies most relevant to this case are those set out at IR5.5-5.7.

10. Material considerations which the Secretary of State has taken into account include: The National Planning Policy Framework (“the Framework”); The Planning System: *General Principles*; Circular 11/95: *The Use of Conditions in Planning Permission*; the Community Infrastructure Levy (CIL) Regulations (2010 and 2011); the Ministerial Statement “Planning for Growth” (2011); Keepers of Time Statement of Policy for England’s Ancient & Native Woodland (2005); and the letter to Planning Authorities from Steve Quartermain, the Governments Chief Planner concerning the Revocation of Regional Strategies (6 July 2010).
11. For the reasons set out in IR16.212-16.215, the Secretary of State agrees with the Inspector that the emerging Kent Minerals and Waste Local Plan and the Kent Minerals Sites Plan carry only limited weight in the determination of this application (IR16.212 and 16.215).

Main issues

12. The Secretary of State agrees with the Inspector that the main considerations are those set out in IR16.2.

Need for, and Supply of, the Minerals

13. The Secretary of State agrees with the Inspector’s reasoning and conclusions on the need for, and supply of minerals as set out in IR16.3 and 16.6-16.39. He agrees that there is a 0.78 million tonnes per annum (mtpa) sub-regional apportionment of crushed rock for aggregates to be produced in Kent (IR16.35 and 16.179), and that with the limited remaining supplies at Hermitage Quarry as the only regular source of crushed rock in Kent, there is a strong need for the proposed extension which would also provide a source of high quality dimension stone for which there is also a very considerable need (IR16.40). He does not consider that the partial revocation of the RS changes his conclusion on this matter.

Ancient Woodland

14. The Secretary of State agrees with the Inspector that 31 ha of the 33 ha application site is a ‘plantation on ancient woodland site’ (PAWS) (IR16.41). He also agrees with the Inspector that paragraph 118 of the Framework, whilst seeking to protect ancient woodland, does allow for circumstances where the loss can be outweighed by other considerations (IR16.42). He notes that Natural England did not consider the loss of ancient woodland to be sufficiently important to seek call-in of the application (IR8.49 and 16.42).
15. The Secretary of State agrees with the Inspector that in order to properly balance the harm against the benefits, the characteristics of the ancient woodland in

question must be assessed (IR16.43). He notes that the Framework advice does not differentiate between Ancient Semi-Natural Woodland (ASNW) and PAWS but that the Keepers of Time Statement by Defra seems to draw a distinction by saying that ASNWs are generally the most valuable ancient woodland sites (IR16.44). He notes also that the Woodland Trust's Position Statement on the subject also draws a distinction between PAWS and ASNW in the context of habitat translocation which, in the latter case, is said to be particularly inappropriate (16.44). He agrees with the Inspector that, for the purposes of this assessment, there is no particular need to identify the cause of the relatively poor quality of this ancient woodland (IR16.47).

16. The Secretary of State agrees with the Inspector that, with the loss of a viable sweet chestnut coppicing industry in the area and limited woodland management grants, there is no reason to suppose there would be a return to a regular coppicing cycle if the proposed extension was refused (IR16.48).
17. The Secretary of State agrees with the Inspector that, regardless of the relatively poor quality PAWS and the results achievable through translocation, this would not be the restoration of the PAWS lost to the scheme (IR16.49).

Biodiversity

18. The Secretary of State agrees with the Inspector's reasoning and conclusions on biodiversity as set out in IR16.50-16.61. For these reasons, he agrees with the Inspector that, overall, despite designation as a Local Wildlife Site, the relatively poor biodiversity interest in the current woodland would, in the longer term, be considerably increased by the restoration to native woodland and the conservation management of other off-site woodlands; and that in due course the site could re-qualify for Local Wildlife Site designation (IR16.62).

Landscape and Visual Impact

19. For the reasons in IR16.63-16.83, the Secretary of State agrees with the Inspector that: the surrounding woodland and the lack of public vantage points would result in very little visual impact from the proposed scheme and the effect on the landscape character would also be quite limited; there would however be a loss of recreational tranquillity during the operating life of the extension and the final restoration to native woodland would not be strictly in accordance with the present sweet chestnut dominated landscape character of the area (IR16.84).

Archaeology and Heritage Impacts

20. The Secretary of State agrees with the Inspector that although the site is mostly covered by ancient woodland, there are no veteran trees, and he notes that it was accepted by the Kent Archaeological Officer that there were also no features of surface archaeological interest, although there is the potential for some palaeolithic interest, which can be the subject of a suitable planning condition (IR16.85).

Landfill and Waste Permitting

21. For the reasons in IR16.87 and 16.88, the Secretary of State agrees with the Inspector that there is no reason to suppose that an adequate supply of fill material would not be forthcoming (IR16.87), or that the landfilling operations would not be properly controlled (IR16.88).

Groundwater

22. The Secretary of State agrees with the Inspector that there is no reason to anticipate any detrimental effects on the groundwater in the area (IR16.89).

Residential Amenity

23. The Secretary of State agrees with the Inspector's reasoning and conclusions on residential amenity as set out in IR16.90-16.112. He agrees with the Inspector that, whilst there would be little harm to the amenities of the local residents from dust or traffic, there would be some residual impacts from blasting, noise and the effects on the quiet recreational use of Oaken Wood for a significant number of years, and the development would therefore prolong the effects of the existing quarry for the local residents. He agrees that this should be considered in the planning balance (IR16.113).

Socio-Economics

24. The Secretary of State agrees with the Inspector that, in the absence of permission for the Westerly Extension, the currently permitted reserves would be exhausted in late 2014 or early 2015, after which time the core of the workforce would no longer be required and there would be a phased downsizing of the remainder (IR16.115). He agrees with the Inspector that it is unlikely that many of these employees would be re-deployed within the associated Gallagher businesses, and that these other businesses could also be affected by the closure of the quarry. He also agrees with the Inspector that not only would the loss of these jobs be a personal blow to the employees, but that these skilled workers currently make a beneficial contribution to the diversity of the workforce in Kent (IR16.115).
25. The Secretary of State also agrees with the Inspector that, in the event that permission for the proposed extension was refused and the existing quarry closed by early 2015, crushed rock would have to be imported into Kent by other suppliers, who would not necessarily be subject to the competition currently provided by the appellant, and that this could well increase prices, to the detriment of the local economy (IR16.116).

Sustainability

26. The Secretary of State agrees with the Inspector's reasoning and conclusions on sustainability in IR16.117-16.122. He agrees with the Inspector that, whilst there are a number of other considerations to be weighed in the balance, there is no reason why the scheme should be considered unsustainable (IR16.122).

Compliance with the Development Plan

27. In terms of consistency with the Framework (not including the policies in the RS which have now been revoked), the Secretary of State agrees with the Inspector that the remaining relevant pre- and post-2004 Development Plan policies are generally consistent with those of the Framework and should therefore carry considerable weight in reaching the planning decision (IR16.208).
28. The Secretary of State agrees with the Inspector's reasoning and conclusions on the Development Plan as set out in IR16.173-16.207, not including the policies in the RS which have now been revoked. The Secretary of State agrees with the Inspector that, leaving aside the loss of ancient woodland, which he will consider further below, the proposed extension would comply with the Development Plan in all respects, except for a limited effect on the landscape character and the

recreational tranquillity of the area, as well as prolonging the current limited impacts on residential amenity (IR16.210). He also agrees that the benefits of the proposals include a sustainable steady and adequate supply of crushed rock, improved biodiversity in the longer term which, with the ongoing socio-economic benefits, would clearly outweigh the loss of the ancient woodland and the other adverse effects of the development; and therefore that the loss of ancient woodland would not be contrary to Development Plan policy in this case (IR16.211).

Other Material Considerations

29. For the reasons in IR16.216, the Secretary of State agrees with the Inspector that prematurity would not be a sound reason to refuse the application, particularly in the light of the need for a steady and adequate supply of aggregates and the limited reserves left at Hermitage Quarry (IR16.216).
30. The Secretary of State agrees with the Inspector that, as concluded above, the relevant Development Plan policies are generally consistent with the Framework (paragraph 118 for instance similarly seeks to protect ancient woodland, unless the benefits would outweigh the loss) (IR16.218). He notes that paragraph 144 of the Framework places great weight on the benefits of mineral extraction, including those to the economy; that paragraph 19 also says that significant weight should be placed on the need to support economic growth through the planning system; and he agrees with the Inspector that in both cases, this adds considerable weight to counter the scheme's limited non-compliance with the Development Plan (IR16.219).
31. The Secretary of State agrees with the Inspector that the reinstatement in due course of the sweet chestnut coppice on the application site with native woodland would help to achieve one of the objectives of the Kent Biodiversity Action Plan and the relevant Biodiversity Opportunity Area Statement, and that this would be a benefit of the proposals that further outweighs the limited harm to the dominant landscape characteristics of the site (IR16.221).

Planning Obligation

32. The Secretary of State agrees with the Inspector's reasoning and conclusions on the planning obligation in IR13.1-13.6 and 16.126-16.127. He is satisfied that it is directly related to the development and fairly and reasonably related to it in scale and kind, and is CIL-compliant. He notes that the Woodland Management Plan has the vision of providing high quality native woodland cover to replace the current non-native monoculture on the application site, as well as the establishment of new native woodland to promote connectivity with, and between, the existing woodlands at Fullingpits Wood and Broke Wood; and that it also seeks management that would maximise opportunities for wildlife and the provision of public access (IR13.5).

Planning Conditions

33. The Secretary of State has had regard to the proposed conditions set out at Annexes C1-C4 of the Inspector's Report. He has also taken account of the Inspector's comments in IR14.1-15.5 and 16.128-16.172, and Circular 11/95. For the reasons in IR14.1-14.6 and 16.154 the Secretary of State agrees with the Inspector that the conditions attached to the permissions for the original quarry and the Southern and Eastern Extensions would need appropriate variation (IR14.7)

and he agrees that those conditions which no longer serve a purpose should be removed (IR16.154). He agrees with the Inspector that new permissions would be created and the descriptions of the developments should also be updated as follows (IR14.8 and 16.155-16.156):

Original Quarry

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone, Kent for the extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration in part to native woodland and in part to agriculture, continued use of existing quarry plant, buildings and access road and the recycling of construction aggregates.'

Southern Extension

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone, Kent and being a southern extension of the existing quarry for extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration in part to native woodland and in part to agriculture, continued use of existing quarry plant, buildings and access road, recycling of construction aggregates.'

Eastern Extension

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone Kent and being an eastern extension of the existing quarry for extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration to native woodland, continued use of existing quarry plant, buildings and access road.'

34. The Secretary of State agrees with the Inspector that there is no need to vary the permission for the Western Extension because it is compatible with the proposals for the currently proposed Westerly Extension (IR14.7 and 16.224).
35. The Secretary of State is satisfied that the conditions are reasonable and necessary, and meet the tests of Circular 11/95.

Overall Conclusions

36. The Secretary of State concludes that the proposed Westerly Extension would comply with the Development Plan, except to a limited extent in terms of landscape and tranquillity considerations. He considers that it would also prolong the limited effects on nearby residents' amenities. However, he considers that the very considerable need for both crushed rock aggregates and dimension stone, together with the eventual biodiversity improvements, and the ongoing socio-economic benefits, would clearly outweigh the loss of the ancient woodland and the other adverse effects of the development in this case; and therefore that the loss of ancient woodland would not be contrary to Development Plan policy.

Formal Decision

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission in respect of application Ref.TM/10/2158341 dated 21 June 2010:

- for the Westerly Extension of Hermitage Quarry, subject to the conditions set out in Annex A1 to this letter; and
- for new permissions for the Original Quarry, the Southern Extension and the Eastern Extension, subject to the updated descriptions set out in paragraph 33 above, and the conditions set out in Annexes A2-A4 to this letter.

38. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

39. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

40. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

41. A copy of this letter has been sent to KCC. A notification letter has been sent to other parties who asked to be informed of the decision.

Yours faithfully

Richard Watson

Authorised by the Secretary of State
to sign in that behalf

Conditions

Westerly Extension

Implementation

1. The development to which this permission relates shall be commenced not later than three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.

Development Scheme

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans contained in the application as referred to in the attached Schedule and as stipulated in the conditions set out below, together with those further details required to be submitted for approval.
3. The working and restoration of the site shall be carried out in accordance with the following:-
 - a) working and restoration in the Application Site shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on Plans:-
 - 0257/10/3/rev L 'Hermitage Quarry Phasing and Working Plan', and
 - 0257/10/2. rev. F 'Quarry Working Plan', and
 - b) within 3 months of the date of the decision, the phased restoration Plans 0257/10/211 to 0257/10/225 inclusive which were originally submitted showing the progressive restoration of the individual phases of the site, shall be updated for consistency with the plans referred to in a) above, and shall be submitted to the Mineral Planning Authority for written approval. The restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place without the prior written approval of the Mineral Planning Authority.
4. In implementing the development scheme illustrated on plans 0257/10/3/rev L entitled 'Hermitage Quarry phasing and working plan' and 0257/10/2 rev F entitled 'Quarry Working Plan', no more than three individual phases shall be in operational use at any one time, comprising quarrying, filling and restoration. Advance woodland clearance works shall only take place in one further phase at any one time.
5. Prior to the commencement of the development hereby permitted, the boundary of the permission shall be marked out by the installation of robust ground markers around the extension site boundary and these shall remain in place for the duration of the development.

Coppicing Regime

6. Notwithstanding the details of the coppicing sequence for the perimeter woodland area around the Westerly Extension site shown on plans ref 0257/10/1/L and 0257/10/14, a woodland management scheme for the coppicing of the westerly extension site perimeter woodland area shall be submitted for the written approval of the Mineral Planning Authority prior to the commencement of the development. The scheme shall be consistent with the principles for ensuring visual screening set out in Section 4, paragraphs 4.21 – 4.23 of the Woodland Management Plan attached to the Section 106 Agreement. The scheme shall thereafter be implemented as approved.

Drainage

7. Prior to the commencement of the development hereby permitted, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Handling of Soils

8. Within 3 months of the date of this decision, a scheme shall be submitted for the written approval of the Mineral Planning Authority setting out details of the management, handling and re-use of the topsoil and overburden stripped from the phased application site development. This scheme shall accord with the sequence of soil movements illustrated on drawing number 0257/10/12 rev B entitled Management of Overburden and Ancient Woodland Topsoil dated July 2012 and shall include the maximum acceptable moisture contents for handling the soils. The development hereby permitted shall be carried out in compliance with that scheme and no variations to, or omissions from the approved scheme shall take place without the prior written approval of the Mineral Planning Authority.

Infilling and restoration

9. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
10. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
11. On completion of each phase of infilling, as detailed on drawing number 0257/10/12 Rev B entitled Management of Overburden and Ancient Woodland, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum 0.95 metres of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
12. The pre-settlement and final restoration levels shall be those identified on drawing number 0257/10/15 entitled 'Final restoration and pre-settlement levels'.
13. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms

as set out under Condition 3. The site shall thereafter be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access & Traffic

14. Prior to the commencement of the development hereby permitted, details of the construction of the access into the application site from the existing Hermitage Quarry shall be submitted for written approval by the Mineral Planning Authority and shall be implemented as approved. Once formed, this access shall be the only access into and out of the extension site with all vehicles accessing the highway via the existing plant area and weighbridge.
15. The details of the new cut and cover tunnel access shall include provision for landscaping and screening within the area disturbed by the construction works designed to minimize potential views from Byway MR496 into the existing quarry to the east and the extension area to the west.
16. All vehicles, plant and machinery operating solely within the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with, and shall use, effective silencers. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Plant

17. No buildings shall be erected, or fixed materials processing plant shall operate, within the area of the Application Site.

Hours of working

18. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays.
19. There shall be no operation of plant associated with the construction and removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Dust

20. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down using water bowsers,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority ,

- (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
- (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
- (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm, and
- (ix) A minimum width of 50 metres of tree cover shall be maintained between the permissive path and the perimeter of the extraction area.

Blasting

- 21. Blasting shall not take place other than between the hours of 10.00 and 12.00 and 13.00 to 15.00 on Mondays to Fridays. No blasting shall take place on Saturdays, Sundays or Bank Holidays
- 22. No more than one blast shall take place in any one day.
- 23. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts when measured over any period of 1 month, and no individual blast shall exceed a peak particle velocity of 10mm/sec as measured at any vibration sensitive property, and at no time shall vibration exceed 0.3mm/sec as measured at an agreed location at Maidstone Hospital; the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
- 24. Prior to the commencement of blasting operations, details of the methods to be employed to minimise air overpressure with a maximum of 120 dB shall have been submitted to and approved in writing by the MPA. Blasting shall only be carried out in accordance with the approved scheme.

Noise

- 25. Except for those temporary operations described in Condition 26, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations in the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Table 1

| Location | Criterion dB $L_{Aeq, 1hr}$ free field |
|-----------------|--|
| Luckhurst Farm | 48 |
| Kiln Barn Farm | 48 |
| Hermitage Farm | 55 |
| Water Tower | 55 |
| Merrybrow | 55 |

- 26. For temporary operations, which are defined as site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$, expressed in the same manner as for Condition 25 above. Temporary operations shall not exceed a total of

eight weeks in any calendar year for work within 300m of any noise sensitive property.

27. Phase 20 of the development hereby permitted shall not commence unless the noise screen bund shown on plan ref 0257/10/21 entitled 'Noise Screen Bunds' as submitted under TM/10/2029 between the working area and the North Pole Road dwellings has been provided as detailed on the drawing and no variations or omissions shall take place.

Groundwater

28. Within 3 months of the date of this decision notice, a scheme shall be submitted for the written approval of the Mineral Planning Authority setting out proposals for groundwater monitoring. The scheme shall be consistent with the principles set out in sections 4.2 and 4.3 of Appendix 20 to the ES (ref Hydrogeological Risk Assessment (Voelcker, May 2010)), and shall confirm the locations for additional groundwater observation boreholes; the frequency of monitoring during an initial one year monitoring period; the reporting and interpretation of results and, following a one year period of monitoring, proposals for a monitoring regime for the remaining duration of the development. The approved scheme shall thereafter be implemented as approved.
29. The quarry floor shall not be excavated below 43m AOD or at least 2m above the highest recorded ground water levels, whichever is the higher. The depth of the quarry floor shall be subject to annual topographic surveys, and the results of such surveys shall be made available to the Mineral Planning Authority upon request.
30. Prior to the commencement of the development hereby permitted, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Archaeology

31. No groundworks shall take place within the area of the Application Site until a programme of archaeological work has been approved in writing by the Mineral Planning Authority and that programme shall thereafter be implemented as approved.

Ecology

32. No removal of trees within the site of the development hereby permitted shall take place between 1st March and 31st July inclusive in any year.

Building Stone

33. The operator of the hereby permitted Westerly Extension to Hermitage Quarry shall make available for sale a minimum of 25,000 tonnes of building stone per annum throughout the operational life of the quarry. A stockpile of half this quantity shall be maintained on the site after the first year of operation for the duration of extraction operations. Records shall be submitted annually to the Mineral Planning Authority to confirm the sales of building stone in the preceding year and the amounts held on site.

34. The operation of the Westerly Extension development shall cease in the event that the stone cutting saw approved by KCC on 8th August 2012 (ref TM/88/295R) is not available (save for essential maintenance) at the Hermitage Quarry processing plant site for the processing of sawn six-sided stone.

Display of Permissions

35. The terms of this planning permission, and any schemes or details approved pursuant there to, shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of Approved Plans

| Plan ref | Title |
|-------------------|---|
| 0257/10/9/C | Oaken Wood application area, existing quarry and access |
| 0257/10/3/L | Hermitage Quarry Phasing & Working Plan |
| 0257/10/2/F | Quarry Working Plan |
| 0257/10/6/B | Access between existing quarry and Oaken Wood |
| 0257/10/12/B | Management of overburden and ancient woodland topsoil |
| 0257/10/1/L | Woodland Management * |
| 0257/10/14 | Conversion of Chestnut Coppice Around Quarry to Scrub with Standards* |
| 0257/09/1C | Final Restoration and Habitat Management |
| 0257/10/4D | Final restoration of quarry, Habitat Creation Field & woodland management around quarry (proposals for Habitat creation field are for illustrative purposes only) |
| 0257/10/10/F | Hermitage Quarry and Oaken Wood - Final Restoration Plan |
| 0257/10/15 | Final Restoration and Pre-Settlement Levels |
| 0257/10/211 – 225 | Phases 11- 25 restoration (subject to update required by condition 3b) |
| 0257/11/5/A | Land under proposed woodland management agreement |
| 0257/12/4 | Woodland areas in KCC Committee report |

* Subject to the provisions of Condition 6

Conditions

Original Quarry

Working Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. working and restoration shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of this decision, the phased restoration plans 0257/10/202 to 205 and 0257/10/226 to 0257/10/230 inclusive shall be updated for consistency with the plans referred to in a. above, and shall be submitted to the MPA for written approval: the restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place without the prior approval in writing of the MPA.
3. The site shall be worked and restored in accordance with the Quarry Working Plans numbers 0257/10/02 Rev F and 0257/10/03 Rev L and with the Restoration Drawings numbers 0257/10/202 to 0257/10/204 and 0257/10/226 to 0257/10/230 (subject to Condition 2b above), together with the final restoration plan number 0257/10/10 Rev F, and woodland management plans 0257/11/5/A and 0257/12/4.
4. The pre-settlement levels of the restored site and their merging with the adjoining ground levels, including those approved for the existing quarry permitted under reference TM/88/295 and TM/03/2785 (Western Extension), shall be in accordance with the details set out in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
5. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
6. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).

7. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
8. On completion of each phase of infilling, as detailed on drawing number 0257/10/12 Rev B entitled Management of Overburden and Ancient Woodland, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum 0.95 metres of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.

Traffic and Access

9. The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 300 movements per day and the number of movements on any single day shall not exceed 600 movements.
10. During the morning and evening peak periods of 0730 hours to 0930 hours and 1600 hours to 1800hours, the maximum number of HGVs entering and leaving the site shall not exceed 30 movements.
11. With effect from the date of the permission hereby granted, the operators shall submit to the Mineral Planning Authority six-monthly returns of all HGV movements to and from the site showing daily and peak hour movements.
12. Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials onto the public highway and such measures shall include the continued provision of wheel and chassis cleaning equipment at Hermitage Quarry.
13. The present visibility splays of 9 metres by 160 metres at the site entrance shall be maintained free of all obstruction to a height of 0.9 metres clear of the carriageway on Hermitage Lane throughout the life of the quarry, including that period of time during which final restoration works are being completed.
14. Upon cessation of all operations that are subject to this decision, the highway access shall be restored in accordance with the details approved under Condition 2.

Cessation and Aftercare

15. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.
16. Notwithstanding the approval on 18th December 1990 of the details of aftercare management of the restored area, an updated aftercare management scheme shall be submitted for the written approval of the MPA prior to the commencement of restoration of infilling Phase 30. The scheme shall be implemented as approved.

Hours of Working

17. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
18. There shall be no operation of plant associated with the construction and removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

19. Except for those temporary operations described in Condition 20, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations in the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Table 1

| Location | Criterion dB $L_{Aeq, (1 \text{ hour})}$, freefield |
|-----------------|---|
| Luckhurst Farm | 48 |
| Kiln Barn Farm | 48 |
| Hermitage Farm | 55 |
| Water Tower | 55 |
| Merrybrow | 55 |

20. For temporary operations, which are defined as bund removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$, expressed in the same manner as for Condition 19 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.
21. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers' specification. All vehicles solely operating on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

22. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsters,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,

- (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority
- (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
- (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
- (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Drainage

- 23. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Groundwater

- 24. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in 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 inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage.
- 25. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

- 26. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority;
- 27. All plant, buildings, machinery and 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 they are no longer required for the working or restoration of the site, and the site shall be restored in accordance with the restoration scheme approved pursuant to Condition 2.

Display of Permissions

28. The terms of this planning permission, and any schemes or details approved pursuant there to, shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of the Approved Plans relating to the Section 73 Application to vary conditions on permission TM/03/2782 (Original Quarry).

| Plan ref | Title |
|-------------------|--|
| 0257/10/9/C | Oaken Wood application area, existing quarry and access |
| 0257/10/3/L | Hermitage Quarry Phasing & Working Plan |
| 0257/10/21 | Noise Screen Bunds |
| 0257/10/10/F | Hermitage Quarry and Oaken Wood - Final Restoration Plan |
| 0257/10/101 | Quarry Working Plan phase 1 |
| 0257/10/102 | Quarry Working Plan phase 2 |
| 0257/10/103 | Quarry Working Plan phase 3 |
| 0257/10/125 - 130 | Quarry Working Plan phases 25 – 30 |
| 0257/10/202 | Phase 2 Restoration |
| 0257/10/203 | Phase 3 Restoration |
| 0257/10/204 | Phase 4 Restoration |
| 0257/10/226 - 230 | Phases 26 - 30 Restoration |
| 0257/11/5/A | Land under proposed woodland management agreement |
| 0257/12/4 | Woodland areas in KCC Committee report |

Conditions

Southern Extension

Working, Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. the details hereby approved, and the phasing as identified on Plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of the decision notice, the phased restoration plans 0257/10/202 to 205 0257/10/226 to 0257/10/230 inclusive shall have been updated for consistency with the plan referred to in a. above, and they shall have been submitted to the MPA for written approval. The restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place.
3. The pre-settlement levels of the restored site shall be in accordance with the details set out in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
4. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
5. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
6. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
7. On completion of each phase of infilling, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum of 0.95m of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
8. All plant, buildings, machinery and 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 they are no longer required for the working or restoration of the site, and the site shall be restored in

accordance with the restoration scheme approved pursuant to Condition 2.

Cessation

9. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access

10. All vehicles shall enter and leave the site via the existing access onto Hermitage Lane.

Hours of Working

11. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
12. There shall be no operation of plant associated with the removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

13. Except for those temporary operations described in Condition 14, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations on the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall be undertaken in accordance with the monitoring scheme approved by the Mineral Planning Authority on 12th March 1997.

Table 1

| Location | Criterion dB $L_{Aeq, (1 \text{ hour}), \text{ freefield}}$ |
|-----------------|---|
| Luckhurst Farm | 48 |
| Kiln Barn Farm | 48 |
| Hermitage Farm | 55 |
| Water Tower | 55 |
| Merrybrow | 55 |

14. For temporary operations, which are defined as bund removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$, expressed in the same manner as for Condition 13 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.
15. No mineral extraction shall take place in Phase 5 of the quarry unless the noise screen bunds shown to the south and the east of the processing

area have been erected as shown on plan ref 0257/10/21 entitled 'Noise Screen Bunds' as submitted under TM/10/2029. They shall thereafter be retained until the processing plant is no longer in use.

16. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers' specification. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

17. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following :-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsters,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority
 - (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
 - (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
 - (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Blasting

18. Blasting shall not take place other than between the hours of 1000 and 1200 and 1300 to 1500 on Mondays to Fridays. No blasting shall take place on Saturdays, Sundays or Bank Holidays
19. No more than one blast shall take place in any one day.
20. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts when measured over any period of 1 month, and no individual blast shall exceed a peak particle velocity of 10mm/sec as measured at any vibration sensitive property, and at no time shall vibration exceed 0.3mm/sec as measured at an agreed location at Maidstone Hospital; the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
21. Prior to the commencement of blasting operations, details of the methods to be employed to minimise air overpressure to at least 120 dB shall have been approved in writing by the MPA, and the approved scheme shall be implemented.

Drainage

22. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Groundwater

23. The level of the quarry floor shall not be excavated below 47m AOD at grid reference northing 155 965 (along an east west line) and below 55m AOD at grid reference northing 155 575 (along an east west line) and the gradient of the quarry floor between these two lines shall not be steeper than 1:51 with the gradient measured between the above grid reference points.
24. Arrangements for the monitoring of groundwater levels at the site shall be implemented in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
25. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in 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 inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe-work shall be located above ground and protected from accidental damage.
26. The recycling operation shall be undertaken in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
27. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

28. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority.

Display of Permissions

29. The terms of this planning permission and any schemes or details approved pursuant there to shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of the Approved Plans relating to the Section 73 Application to vary conditions on permission TM/03/2787 (Southern Extension)

| Plan ref | Title |
|-------------------|--|
| 0257/10/9/C | Oaken Wood application area, existing quarry and access |
| 0257/10/3/L | Hermitage Quarry Phasing & Working Plan |
| 0257/10/21 | Noise Screen Bunds |
| 0257/10/10F | Hermitage Quarry and Oaken Wood - Final Restoration Plan |
| 0257/10/101 | Quarry Working Plan phase 1 |
| 0257/10/102 | Quarry Working Plan phase 2 |
| 0257/10/103 | Quarry Working Plan phase 3 |
| 0257/10/125 - 130 | Quarry Working Plan phases 25 – 30 |
| 0257/10/202 | Phase 2 Restoration |
| 0257/10/203 | Phase 3 Restoration |
| 0257/10/204 | Phase 4 Restoration |
| 0257/10/226 - 230 | Phases 26 - 30 Restoration |
| 0257/11/5/A | Land under proposed woodland management agreement |
| 0257/12/4 | Woodland areas in KCC Committee report |

Conditions

Eastern Extension

Working, Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. working and restoration shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of this decision, the phased restoration plans 0257/10/202 to 205 and 0257/10/226 to 0257/10/230 inclusive shall be updated for consistency with the plans referred to in a. above, and shall be submitted to the MPA for written approval: the restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place.
3. The pre-settlement levels of the restored site shall be in accordance with the details for the existing quarry permitted under reference TM/88/295 and TM/03/2785 (Western Extension) in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
4. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
5. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
6. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
7. On completion of each phase of infilling, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum of 0.95m of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
8. All plant, buildings, machinery and 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 they are no longer required

for the working or restoration of the site, and the site shall be restored in accordance with the restoration scheme approved pursuant to Condition 2.

9. In any part of the site to be restored to an agricultural after use where differential settlement occurs during the restoration and aftercare period, where required by the Mineral Planning Authority, the Applicant shall fill the depression to the approved final specified settlement levels with suitable imported soils, to a specification previously approved by the Mineral Planning Authority.

Drainage

10. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Cessation

11. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access

12. No vehicles shall enter and leave the site other than via the existing access onto Hermitage Lane.

Hours of Working

13. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
14. There shall be no operation of plant associated with the removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

15. Except for those temporary operations described in Condition 16, the free-field Equivalent Continuous Noise Level $L_{Aeq\ 1\ hour}$ due to operations on the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall be undertaken in accordance with the monitoring scheme approved by the Mineral Planning Authority on 12th March 1997.

Table 1

| Location | Criterion dB L_{Aeq}, (1 hour), freefield |
|-----------------|--|
| Luckhurst Farm | 48 |
| Kiln Barn Farm | 48 |
| Hermitage Farm | 55 |
| Water Tower | 55 |
| Merrybrow | 55 |

16. For temporary operations, which are defined as bund formation and removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB L_{Aeq} 1 hour, expressed in the same manner as for Condition 15 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.
17. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers' specification. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

18. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsters,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority,
 - (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
 - (ix) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
 - (x) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Groundwater

19. The level of the quarry floor shall not be excavated below 47m AOD or at least 2m above the highest recorded groundwater levels, whichever is the higher.

20. Arrangements for the monitoring of groundwater levels at the site shall be implemented in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
21. The recycling operation shall be undertaken in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
22. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

23. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority.

Display of Permissions

24. The terms of this planning permission and any schemes or details approved pursuant there to shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of Approved Plans relating to Section 73 Application to vary conditions on permission TM/03/2784 (Eastern Extension)

| Plan ref | Title |
|-------------------|--|
| 0257/10/9/C | Oaken Wood application area, existing quarry and access |
| 0257/10/3/L | Hermitage Quarry Phasing & Working Plan |
| 0257/10/21 | Noise Screen Bunds |
| 0257/10/10F | Hermitage Quarry and Oaken Wood - Final Restoration Plan |
| 0257/10/101 | Quarry Working Plan phase 1 |
| 0257/10/102 | Quarry Working Plan phase 2 |
| 0257/10/103 | Quarry Working Plan phase 3 |
| 0257/10/125 - 130 | Quarry Working Plan phases 25 – 30 |
| 0257/10/202 | Phase 2 Restoration |
| 0257/10/203 | Phase 3 Restoration |
| 0257/10/204 | Phase 4 Restoration |
| 0257/10/226 - 230 | Phases 26 - 30 Restoration |
| 0257/11/5/A | Land under proposed woodland management agreement |
| 0257/12/4 | Woodland areas in KCC Committee report |