SECTION C
MINERALS AND WASTE MANAGEMENT

Background Documents - the deposited application documents; views and representations received as referred to in the reports and included in the application file for each case; and other documents as might be additionally indicated.

Item C1

Stabilisation and restoration of Covers Farm Quarry using imported engineering materials to restore the site to grassland, including landscape planting and an ecological receptor area together with a temporary road and ancillary buildings at Covers Quarry, Westerham, Kent – SE/18/3435 (KCC/SE/0495/2018)

A report by Head of Planning Applications Group to Planning Applications Committee, July 2024.

Application by Morants Promotions Ltd for stabilisation and restoration of Covers Farm Quarry using imported engineering materials to restore the site to grassland, including landscape planting and an ecological receptor area together with a temporary road and ancillary buildings at Covers Quarry, Westerham, Kent – SE/18/3435 (KCC/SE/0495/2018)

Recommendation: Permission be REFUSED

Local Member: Mr Nick Chard Classification: Unrestricted

Site and surroundings

1. The application site, a former sand quarry, is located adjacent and south of the M25 to the west of Westerham and extends over 28 hectares (although the application site including the proposed haul road extends to approximately 46 hectares).

2. The area of former extraction comprises two pits occupying the northern and southern parts of the main site, the southern area having been restored to some extent. The pits are about 30 metres and 15 metres deep, respectively. It is understood that whilst water levels in the northern pit are rising, levels in the southern pit are stable and are assumed to be in continuity with groundwater in the Folkestone Beds.

3. An elevated area of land between the two pits exists at about 130m AOD, from where the topography rises to approximately 140m AOD at the eastern and western boundaries and falls to around 125m AOD at the southern boundary.

4. The sand pits have developed a mosaic of unmanaged habitats, including broadleaved semi-natural woodland, typically with birch as a pioneer species; scrub and ruderal vegetation; grassland; bare ground and ephemeral vegetation; and standing water. The eastern part of the site, outside the area of former sand extraction, comprises a series of fields under improved grassland, ranging in elevation between 110-120m AOD.

5. Current access to the pit is from the A25 to the south through a gated entrance and along a track which runs north-east towards the pit. Public Right of Way SR338 runs along the northern and eastern boundaries of the northern pit, having been diverted some years ago before sand extraction took place and exits onto Clacket Lane.

6. The site lies within the Metropolitan Green Belt (MGB) and within the Kent Downs National Landscape Area (formerly Area of Outstanding Natural Beauty), which continues over the County border into Surrey where it becomes Surrey Hills National Landscape. The site is located within the National Landscape Character Area 120: Wealden Greensand and the Upper Darent Valley (West) Sevenoaks Landscape Character Area. The eastern part of the site adjoins the Westerham Wood SSSI, which comprises Gault Clay Ancient Woodland. The eastern boundary of the site adjoins the Farley Common Local Wildlife site, which comprises a mosaic of grassland and oak woodland.

7. The Folkestone Sands are a Principal Aquifer, and the southern part of the site lies within the Source Protection Zone associated with the Westwood pumping station, which is located 530m west of the site and provides potable supply. The site lies within the catchment of the River Darent, which is located about 300m to the south.

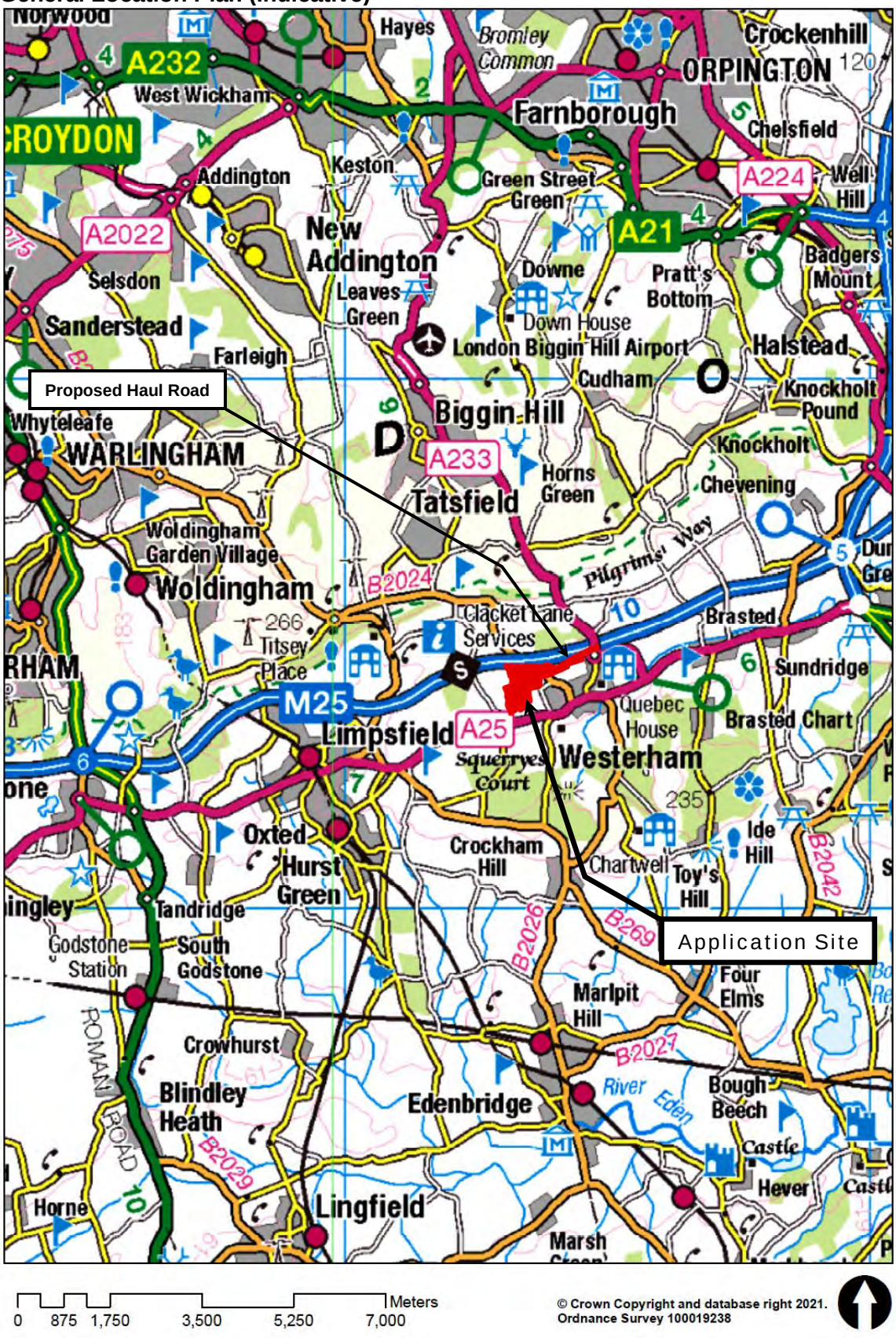
8. An Air Quality Management Area (AQMA) covering Westerham Town Centre runs the entire length of the A25 from the border with Tonbridge and Malling in the east to Tandridge in the west. The M25 corridor is also an AQMA, and the northern extent of the site lies within this AQMA.

Drawings / Plans

9. The pages below include a general site location plan, site location plan and a constraints plan. Further drawings and plans showing the existing site and proposed development are included in Appendix 1; these include:
   - Aerial Photo – September 2021 and Historic Aerial Photo – October 2006;
   - Application Plan;
   - Existing Site Plan (Site Contours);
   - Composite of Approved Restoration Plans for Northern and Southern Quarry Areas;
   - Proposed Restoration Plan;
   - Illustrative Cross Sections (As Existing);
   - Illustrative Cross Sections (Showing Restored Landform);
   - Illustrative Route of Internal Access Road (East) – Including Access Point onto Public Highway;
   - Illustrative Route of Internal Access Road (West);
   - Croydon Road Crossing and Temporary Construction Compound Details;
   - Illustrative Progressive Phased Restoration Plans (proposed areas of excavation, regrading, engineering and infill works across the site); and
   - Potential sources of infill material with proposed access routes to site (Source Zones A-E).

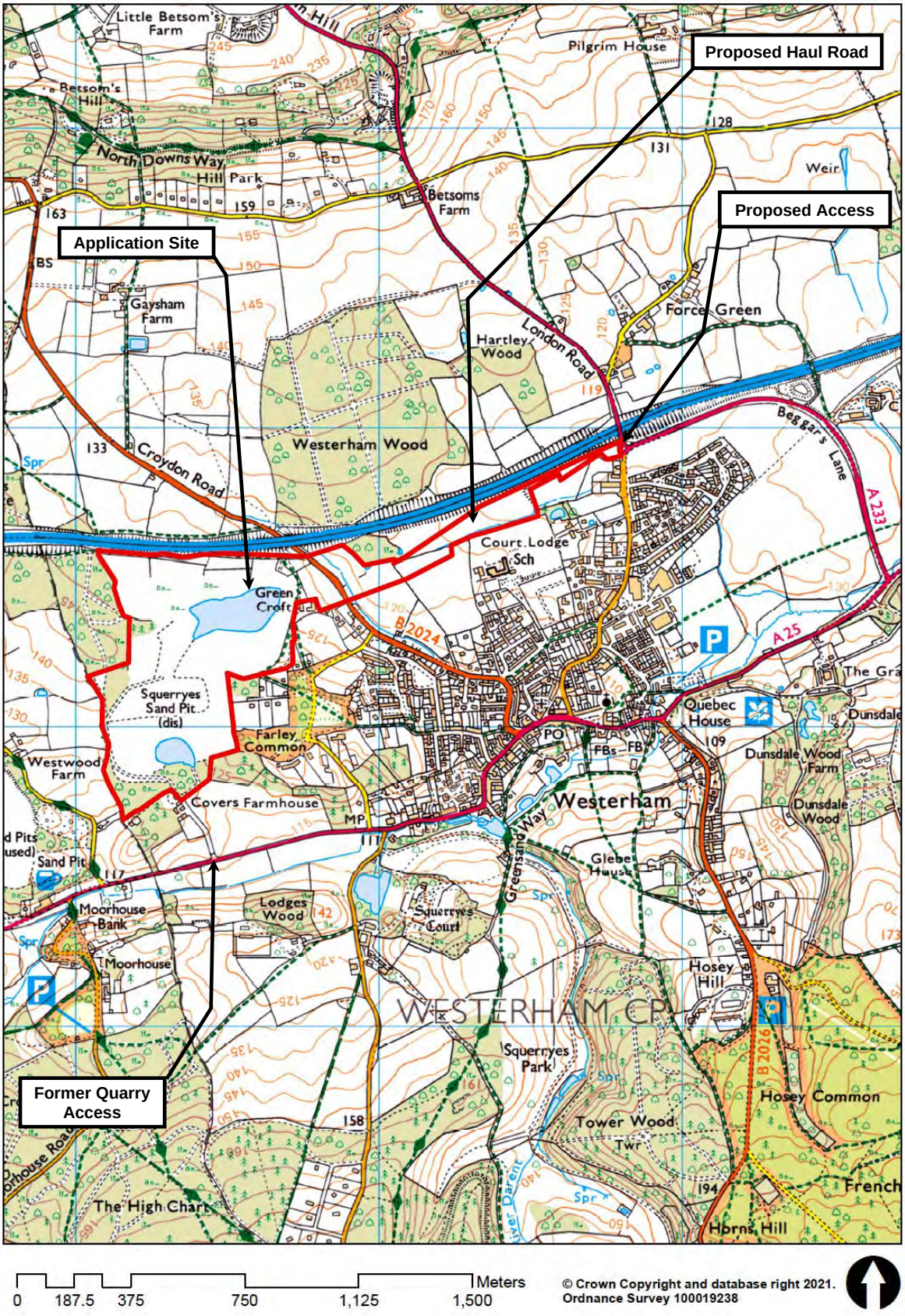
Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

General Location Plan (Indicative)



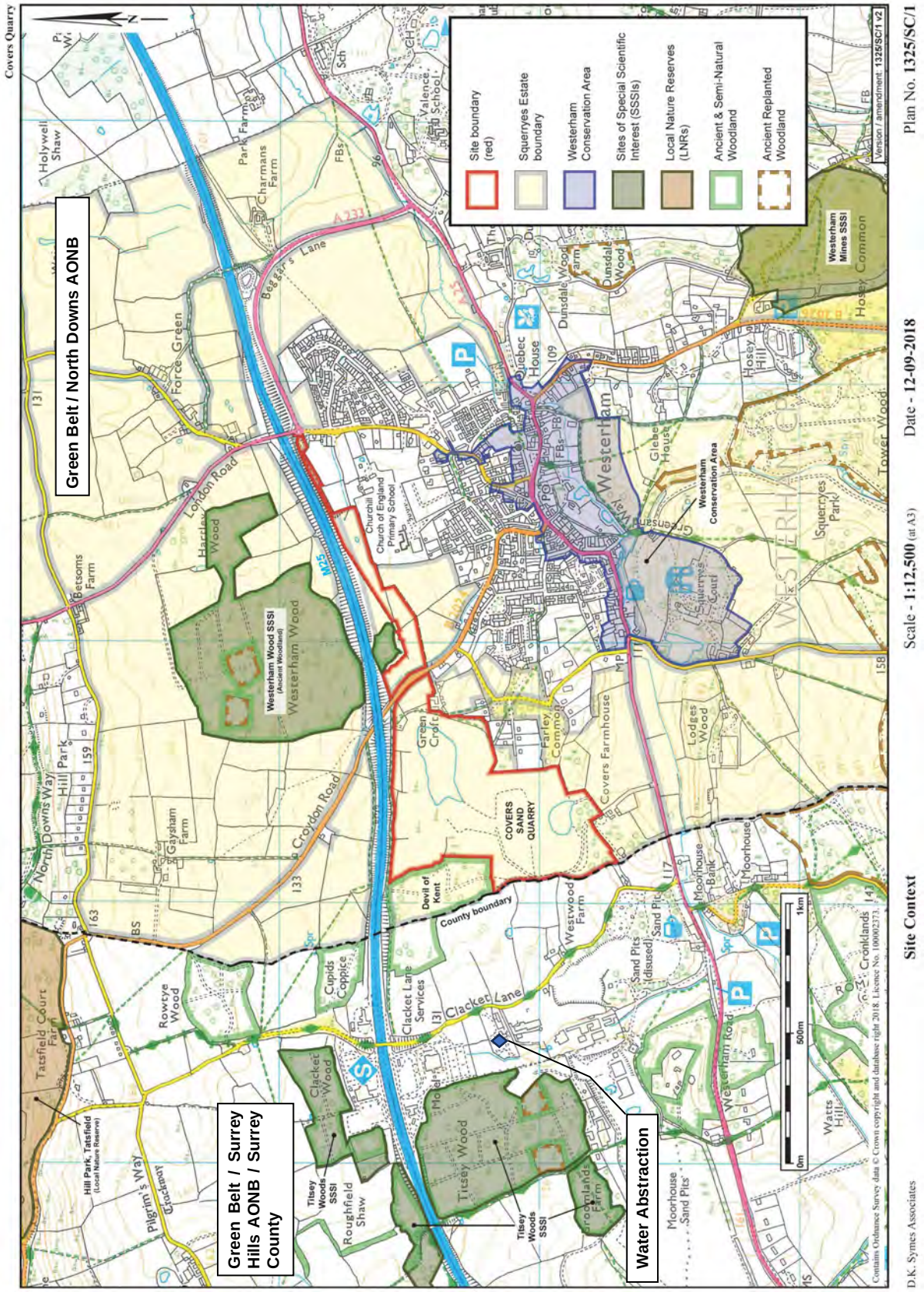
Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

Site Location Plan (Indicative)



Stabilisation and restoration of Covers Farm Quarry using imported engineering materials at Covers Quarry, Westerham, Kent - SE/18/3435 (KCC/SE/0495/2018)

Constraints Plan



Background / Recent Site History

10. There was a brick and tile works at Covers Farm from around the 1870s, with the extraction of sand from the Folkestone beds, progressively expanding into the southern part of the site from the 1890s. The brick and tile works had disappeared by the 1930s, but sand extraction in southern area continued, creating a large oval pit. By the 1950s a tile works had been built at Moorhouse, to the west, and during the 1970s the pit had been partially backfilled with clay overburden and waste from tile making. Some restoration of the southern pit appears to have taken place, although not totally in accordance with the approved restoration plan dated June 1981.

11. Sand extraction on the northern part of the site began in the late 1980s (under consent SE/83/1511) to supply the Moorhouse works, where the Folkestone Bed sands are overlain by Gault Clay. As the geological 'dip' of the strata is to the north, the depth/thickness of the Gault Clay increased as the quarrying activities progressed northwards. This resulted in the removal of extensive Gault Clay overburden (up to 20 metres) to recover the sand beneath. Sand extraction ceased around 2008. A restoration scheme for the northern part of the site was approved (which overlapped with the approved restoration area to the south).

12. Restoration responsibilities – Redland Ltd were granted a lease upon the site to extract minerals in the 1950/60s. Redland was a major quarry operator as well as a manufacturer of concrete roof tiles with a large production factory at Moorhouse, adjacent to Covers Quarry. It is understood that sand from the quarry was almost exclusively used to maintain a supply to the factory. In September 2002, Redland Roofing Systems Limited applied to allow restoration to be completed later than approved. The case put forward stated that whilst the extraction of sand was expected to be completed within the 20-year extraction time period, stockpiles of extracted mineral were left to be taken off-site and so restoration was not expected to commence until 2012. Permission was granted to allow completion of restoration by 30th April 2014.

13. Monier Ltd acquired Redland in 2008 and around the same time quarrying works ceased. As Covers Quarry was closely linked to the Moorhouse works, responsibility for it was also transferred to Monier as part of the acquisition. Monier Redland Ltd applied to further extend restoration until 31st October 2015 when the Applicant cited practical reasons for not being able to complete restoration within the previously approved period.

14. The Applicant explains that Monier (principally a tile manufacturer in many countries) did not have experience in quarrying or restoration although they accepted that they had a responsibility to restore the application site in accordance with their planning permission. The County Council was clear that the leaseholder had a duty to restore the site and encouraged them to do so, but with little progress.

15. In 2015 Monier sought permission again to extend the time period for completion of restoration works, until 31st October 2017 which was approved. Given the lack of progress with restoration and arising from discussions between Monier and the Squerryes Estate was the proposal that the restoration responsibilities be taken back in hand by the Estate, who have a long-term interest to ensure that it is carried out responsibly and to a standard to make the site safe and suitable for agricultural

management. In addition, the Estate remain liable for any structural issues. Following a lengthy period of legal negotiations responsibility for restoration of the quarry was transferred in May 2017 to Morants Promotions Ltd, a company owned/controlled by the Squerryes Estate.

16. Appendix 2 sets out the historical planning applications and some more recent permissions. Restoration requirements were agreed by applications SE/75/01088B and SE/83/01511 and various consents were granted to allow further periods of time for restoration. KCC/SE/0233/2019 seeks a further period to enable an extension of time to restore the quarry until 31 October 2021. The application is being held in abeyance pending the outcome of the current application on the basis that if permission is not granted for the infilling it will be necessary to secure the restoration of the quarry in accordance with a revised solution.

17. Extant scheme - It is understood that the approved restoration plan (for the northern area) is Plan 379/27B dated August 1983 and the original scheme was summarised by the Applicant in a Technical Note (3 June 2016) produced prior to this submission as:

- All material to be sourced from site with no import or export of materials, i.e., it was to be a balanced cut and fill earthworks scheme.
- Material predominantly excavated from the central and southern area of the site and to be placed and compacted in the north.
- The finished ground levels for the restoration to be between 110m and 140m AOD.
- The majority of the fill material to restore the northern area to come from the central area. The restoration specification assumed that it comprised mainly Gault Clay fill with small amounts of superficial head deposits (fill) and reject sand and possibly broken roof tiles.
- Head deposits are predominantly fine to coarse angular flint within a silty clay matrix., to be used in fill in the areas with slope gradient steeper than 1:5.
- No gault clay slopes to be steeper than 1:5.
- No slopes steeper than 1:4 in all other materials
- Gault Clay not to be used in the upper 3m of the restoration on sloping ground.

It should be noted that there was not a significant lake in situ on the site at the time of the design of this scheme. Details of the approved scheme are available in Appendix 1.

Proposal

Principle Objectives

18. The Applicant states the proposed restoration is similar to the existing 1983 scheme but with the following main objectives:

- To create a similar landform and restoration ground surface topography with the aim to create shallow and stable slope gradients of no greater than 1 in 5.5 (approx.10^{o}).
- To avoid dewatering the northern lake and further destabilising the surrounding north and south facing slopes, thus avoiding risks to the M25 and other third-party

infrastructure.
- To provide effective drainage for surface water.
- To ensure the water level in the Southern Lake does not rise above 123mAOD and threaten increasing risk of flooding to the A25 Westerham Road and River Darenth. Similarly, to take advantage of the permeable sand horizons that outcrop on the southern margin of the southern lake, the water level should not fall below 118mAOD to avoid excessive excavation and steepening of slopes.
- To create a wetland habitat between the northern and southern lakes.
- To restore the land to agricultural use with areas for natural flora and fauna.
- Latterly the need to address the health and safety issues regarding trespass onto the site to access the northern lake for leisure purposes is a further driver put forward by the Applicant for the proposed scheme.

Proposal Details

19. The new scheme the subject of this application proposes the importation of 800,000 cubic metres of inert material to achieve final restoration which would be secured from construction and demolition sites in Southeast London and would take 5-6 years to complete. The Applicant submits that the primary objective of the proposed development is to provide an engineering design that would stabilise the quarry at the same time as resulting in restoration to an appropriate landform enabling an acceptable after use. It is also stated that the northern void is filling with water, which in the absence of intervention could spill over onto adjoining land and become a flood risk to adjacent roads and Westerham town itself. A further objective is therefore to ensure that the restored landform includes a sustainable drainage system.

20. The proposed restoration strategy covers the whole site and as set out in the application is to construct a framework of structural embankments within the northern void, dividing it into a series of cells. With the embankments supporting the side-slopes, the cells would be progressively filled and dewatered by pumping to the southern void. The final landform would comprise two gently crowned areas either side of a naturalistic valley that would slope towards the southern void, where surface water run-off would collect and be controlled via series of flood storage areas as it travels southwards and into the Folkestone Beds via an infiltration basin at the southern lake. Most of the site would be restored to grazing land with additional planting whilst an un-disturbed area to the north-west would be retained for ecological mitigation purposes.

21. The proposed operations would re-use some existing material within the site, which mainly comprises clay and tile waste. However, it is argued that much of this material is unlikely to be of the required engineering quality, and therefore a substantial amount of additional material would need to be imported. The scheme proposes the importation of some 0.8 million cubic metres of suitable inert engineering material as well as the internal movement of some mineral waste that is present in the quarry. The importation of the engineering material would involve some 150-200 lorry movements a day. The fill material is expected to be obtained from major construction projects in London and the South-East and would be brought to the site by road. A temporary haul road with grassed bunds is proposed with a new access from Beggars Lane roundabout, and a crossing point across Croydon Road into the quarry. A compound area including load inspection cabin, parking, fuel storage, wheel cleaning facilities and a welfare cabin would be located in the northeastern part of the field

which lies to the west of Croydon Road. The haul road, compound and bunds would be removed, and the land restored upon completion of the restoration works.

22. The application states that the quality of the engineering material would be assessed at source at the construction sites and be constantly monitored; and it would be covered by the Environmental Permit process requiring the following:

- all sources of material to be assessed for suitability before being accepted;
- the material would have an agreed specification;
- it would be visually inspected on arrival at the site;
- further inspected when tipped and spread;
- any 'unacceptable material to be rejected or placed in a quarantine area;
- loads would be randomly quality checked; and
- only account holders would be accepted.

23. It is stated that the need for risk assessments and method statements for the deposition of (a) site-won fill and (b) imported fill would be set out in a Material Management/Waste Recovery Plan that would be prepared and agreed with the EA (as part of the permit) before restoration operations of the site commences. Details of the suitability of materials for placement underwater and their testing would be included in this plan.

24. The Public Right of Way (PROW), which historically crossed the site between Farley Common and Devil of Kent Wood before it was diverted to enable mineral extraction, would be reinstated across the site once restored. It currently lies in the north of the site and runs parallel to the M25.

25. The ecological reception area to the north-western part of the site would be used to translocate protected species prior to works and would be enclosed within new native hedgerow linking to nearby woodland, using species beneficial to dormouse. A District Level License application for Great Crested Newts has been submitted to Natural England, the license focuses on habitat compensation and covers creation or restoration of off-site ponds based upon the predicted impact of the proposed development. Additional woodland planting is proposed to reinforce the perimeter vegetation adjoining the boundary with the PROW and the M25, and around the southwest of the southern lake. Wetland habitat would be created in the central valley proposed as part of the restoration for the site using low-nutrient soils and appropriate seed mix, together with new planting. Long term enhancement of the biodiversity of the site would also be undertaken around the proposed flood storage areas with aquatic planting to minimise silting and soil erosion, as required by ecological specialists. Further ecological assessment has been made in relation to the proposed infiltration system around the southern lake area (see further information below). A formal 5-year aftercare scheme is proposed. The application proposes the submission of an Environmental Management Plan to be secured via a condition.

26. The Applicant proposes the submission of a Construction Environmental Management Plan following any grant of permission to include a groundwater and gas monitoring scheme to monitor potential contamination concentrations and leaching potential.

27. The proposed hours of operation are 0730-1800 Monday to Friday and 0730-1300 on Saturdays with no working on Sundays or Bank/Public Holidays. The application

proposes the submission of a Traffic Management Plan, to be secured via a condition should planning permission be granted.

28. The overall period of works is anticipated to be 5-6 years.

29. The County Planning Authority is also in receipt of a separate application for an extension of the restoration period for the quarry as a whole under the extant planning permission (SE/17/3218, and subsequent amendments SE/83/1511, SE/96/903 and SE/02/1636), this application has been in abeyance pending the outcome of the restoration application.

Further information

30. Following consultation on the initial submission and in response to issues raised, further information in relation to the application and environmental statement have been submitted. As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the additional submissions have been advertised and consultees re-consulted.

31. The further information covered additional geotechnical and geo-environmental assessment (including in relation to the haul road), further ecological information, surface water drainage, and traffic routeing. Some additional historical restoration plans were submitted as well as updates to some plans already forming part of the application.

Addendum to the Environmental Statement (ES)

32. Chapter 5 of the original ES addressed some alternatives. However, an addendum considering a 'do nothing' option (1), different engineering options (2) and differing fill quantities of 300,000 cubic metres (3), 600,000 cubic metres (4), the current proposal of 800,00 cubic metres (5), and 1 million cubic metres (6), was submitted in January 2021. As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the additional submission has been advertised and consultees re-consulted.

33. The addendum concluded that options 1, 2, 3 and 4 do not meet the key objectives to provide sustainable solutions to the land stability and flooding risks (and surface water drainage) to the site and surrounding area. It argues that leaving these risks unresolved is not an option, and these alternatives have therefore been dismissed as failing the test of reasonableness. In addition, it states that significant concerns have been raised about the feasibility and cost-effectiveness of the "no fill" option of using an engineered solution to provide slope stability rather than imported material.

34. It is argued that option 6 (1 million cubic metres) performs better than the proposed scheme subject of this application (800,000 cubic metres) in relation to flood risk and land stability. The addendum states this is essentially because the additional fill material allows a further raising of the site (by approx..1 metre), so as to provide a more nuanced relationship between the two waterbodies, and thereby a more resilient drainage scheme. However, it is acknowledged in the addendum that the additional fill required by option 6 would prolong the duration of site works, use of the haul road and the impact of HGV traffic and amenity impacts, whilst the benefits of the restored site

would not be materially different. The addendum argues that the proposed scheme (option 5) was chosen because it provides a sustainable solution to the land stability and surface water drainage, whilst optimising the benefits from the restored site and reducing the adverse effects during construction to a practicable minimum.

35. A Technical Note was produced in March 2021 by the Applicant to address a request for further information by the Environment Agency and gives more detail of the sourcing and management of the fill material for the proposed scheme as follows:

- The need for risk assessment and method statements for the deposition of (a) site-won fill and (b) imported fill material would be set out in a Material Management/Waste Recovery Plan that would be prepared and agreed with the EA before restoration operation of the site commences.
- Only inert waste would be used for site restoration. It should be noted that sampling and testing of all fill material, including the tile waste, has not identified any contamination of concern to date. The tile waste is classified under EU Waste Code EWC 10 12 28 – Absolute Non-Hazardous material. It is intended that tile waste will be recovered where practical and used to form temporary haul roads.
- All potential imported fill would be tested at source and only suitable inert waste would be transported to site. Should for any reason unsuitable material be discovered on site, whether site won or imported, procedures would be in place to isolate such material and remove it from site.
- Material to be deposited below the water table would comprise suitable inert material. Such inert materials may comprise natural materials and/or construction demolition waste. Details of tests to be undertaken and suitability criteria will be set out in the Materials Management/Waste Recovery Plan;
- A minimum basal layer of natural or re-worked Gault Clay and a minimum thickness of 2m would be left insitu as a hydraulic barrier for groundwater protection in the underlying Folkestone Sand Formation. This hydraulic barrier is currently in place over much of the site and would remain undisturbed during site restoration. The only exception to this is beneath the north and south lakes where there is little or no clay basal layer. The lakes, however, are to be recontoured as part of the restoration and new basins created at which time, they would be lined with clay to retain surface water as part of the surface capping and landscaping of the site.

Further additional Information

36. An updated drainage strategy and transport statement were submitted in August 2022. Following further ground investigation to verify the design capability of the infiltration basin a further drainage assessment was submitted in April 2023 and provides an outline design of the infiltration basin and in-line flood storage areas. Additional earthworks and cut and fill drawings were submitted along with a statement of conformity with the Environmental Statement. At the same time a review of the proposed ecological/landscaping was submitted by the Applicant. The Ecological Impact Assessment considered the removal of woodland and impacts upon habitat/protected species that would be required to accommodate the revised surface water strategy involving a new infiltration basin on the south- eastern corner of the southern lake. These submissions have been publicised and consulted upon.

37. In April 2024 the Applicant submitted further information including a document

presenting the minimum volume of fill required to satisfy the three issues of land stability, site drainage and restoration land use, a Green Belt Statement, an updated Noise chapter of the ES and letter from the applicant's acoustic consultants, and a further Statement of Conformity with the ES. The update noise chapter of the ES was initially omitted from the bundle of documents These submissions have also been publicised and consulted upon.

38. These latter documents identify the need to address the health and safety issues regarding trespass onto the site to access the northern lake for leisure purposes as a further driver for the proposed scheme.

Planning Policy

39. **National Planning Policy Framework (NPPF) (Dec 2023)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.

40. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapter 2 (Achieving sustainable development), Chapter 6 (Building a strong, competitive economy), Chapter 8 (Promoting healthy and safe communities), Chapter 9 (Promoting sustainable transport), Chapter 11 (Making effective use of land), Chapter 12 (Achieving well designed and beautiful places), Chapter 13 (Protecting Green Belt land), Chapter 14 (Meeting the challenge of climate change, flooding and coastal change), Chapter 15 (Conserving and enhancing the natural environment), Chapter 16 (Conserving and enhancing the historic environment), Chapter 17 (Facilitating sustainable use of minerals), are of particular relevance.

41. The NPPF seeks local planning authorities to approach decisions on proposed developments in a positive and creative way and states decision-makers at every level should seek to approve applications for sustainable development where possible.

42. **National Planning Practice Guidance (NPPG) (July 2019 (as updated))** supports the NPPF including guidance on planning for air quality, biodiversity net gain, climate change, flood risk and coastal change, green belt, healthy and safe communities, historic environment, land stability, light pollution, minerals, natural environment, noise, open space, sports and recreational facilities, public rights of way, transport and waste.

43. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF and national waste strategy for England - Our Waste, Our Resource (see below). It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.

44. **Our Waste, Our Resources: A Strategy for England 2018:** This document sets out

how the government wishes to preserve our stock of material resources by minimising waste, promoting resources efficiency and moving toward a circular economy. At the same time, it is intended to minimise the damage caused to our natural environment by reducing and managing waste safely and carefully and tackling waste crime. It seeks to eliminate avoidable plastic waste over the lifetime of the 25 Year Plan, doubling resource productivity, and eliminating avoidable waste of all kinds by 2050.

45. **Waste Management Plan for England (WMPE) 2021:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero-waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a key component of sustainable waste management, the hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill).

46. **The Circular Economy Package Policy Statement, 2020**
The plan sets out targets to recycle 65% of municipal waste by 2035 and to have no more than 10% municipal waste going to landfill by 2035. This is achieved through restricting materials that can be landfilled or incinerated and requires recycled waste to not be incinerated or sent to landfill. The Circular Economy Package ensures we go further and faster to reduce, reuse and recycle.

47. **A Green Future: Our 25 Year Plan to Improve the Environment 2018:** The Government's environment plan sets out goals for improving the environment, within a generation, and leaving it in a better state than we found it. It details how the government will work with communities and businesses to do this. It sets out what will be done over the next 25 years across a number of fronts:

- clean air,
- clean and plentiful water,
- thriving plants and wildlife,
- a reduced risk of harm from environmental hazards,
- using resources from nature more sustainably and efficiently,
- enhanced beauty, heritage, and engagement with the natural environment,
- mitigation and adapting to climate change,
- minimising waste,
- managing exposure to chemicals,
- enhancing biosecurity.

48. Other relevant documents include Clean Air Strategy (2019), Noise Policy Statement for England (2010) (NPSE) and Planning Practice Guidance on Flood Risk and Coastal Change (2022).

Development Plan Policies:

49. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (September 2020):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. It is relevant to consider both minerals and waste policies as the proposal, whilst for the restoration of a former mineral site, proposes restoring the site using imported fill material from

construction and demolition projects. Policies CSM1 and CSW1 state the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy for mineral and waste related development.

50. Policy CSW2 recognises that to deliver sustainable waste management solutions for Kent any proposal should demonstrate how they will help drive waste up the waste hierarchy whenever possible.

51. Policy CSW 6 guides the location of built waste management facilities. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste that assists Kent in continuing to be net self-sufficient. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the waste hierarchy. It seeks that recovery of by-products and residues is maximised and that energy recovery is also maximised (utilising both heat and power).

52. Policy CSW11 states planning permission for the disposal of inert waste will be granted where; it can be demonstrated that the waste cannot be managed in accordance with the objectives of Policy CSW2; it is for the restoration of landfill sites and mineral workings; environmental benefits will result from the development, in particular the creation of priority habitat; sufficient material is available to restore the site.

53. Policy DM1 requires that development proposals are designed to minimise greenhouse gas emissions and other emissions, minimise energy and water consumption and incorporate measures for recycling and renewable energy technology and design in new facilities where possible. It seeks to maximise the re-use or recycling of materials, utilise sustainable drainage systems, protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary, compensate for any predicted loss, as well as minimising the loss of Best and Most Versatile Agricultural Land.

54. Policy DM2 of the KMWLP states that proposals for development must ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Particularly relevant is the protection afforded to AONB's where the presumption is against development except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Significant weight is given to conserving the landscape and scenic beauty of these areas taking account of the relevant AONB Management Plan.

55. Policy DM3 of the KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets and that proposals that are likely to give rise to such impacts will need to demonstrate that an adequate level of ecological assessment has been undertaken, measures have been secured to mitigate any adverse impacts, compensatory measures if necessary and the securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.

56. Policy DM4 – Green Belt, states proposals will be considered in light of their potential impacts and shall comply with national policy and the NPPF.

57. Policy DM5 states minerals and/or waste proposals that would have an impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.

58. Policy DM10 seeks to protect the water environment and embraces issues of flood, groundwater, Source Protection Zones and the protection of ecological status of all waterbodies within the site and/or hydrologically connected to the site. It states hydrogeological assessment may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.

59. Policy DM11 requires mineral and waste developments to demonstrate that they are unlikely to generate unacceptable adverse impacts from noise, dust, odour, vibration, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. An air quality assessment may be required to consider the impact of the proposed development and its associated traffic movements and necessary mitigation measures, particularly where a proposal might adversely affect the air quality in an Air Quality Management Area (AQMA).

60. Policy DM12 establishes the need to take into account the cumulative impacts of individual elements of a proposal to ensure there are no unacceptable adverse impacts on the environment or local communities.

61. Policy DM13 requires waste developments to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Where proposals require road transport proposals should demonstrate the access arrangements are safe and appropriate to the sale and nature of movements and not detrimental to road safety. The highway network should be able to accommodate the traffic flows and such traffic should not have an unacceptable adverse impact on the environment or local community. Proposals should demonstrate measure for emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis should be given to such measures where the development is proposed within an AQMA.

62. Policy DM14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments and opportunities are taken wherever possible to secure appropriate, improved access to the countryside.

63. Policy DM 16 requires submission of relevant information in support of an application.

64. Policy DM17 requires planning obligations be sought where planning conditions could not achieve suitable control of the effects of the development and may include matter such as highways and access improvements, traffic management, biodiversity and landscape enhancement, protection and enhancement of international, nationally and locally important sites and protected species, improvements to PROW network and

long-term management to maintain beneficial after-use. Further, obligations to secure financial guarantees to ensure restoration and long-term maintenance is undertaken, measure for environmental, recreational, economic and community gain in mitigation or compensation for the effects of the development and recruitment of local workforce may be required.

65. Policy DM18 requires land stability to be properly addressed during operational phases.

66. Policy DM19 addresses the issue in so far as it relates to restoration, aftercare and after-use and appropriate long-term management. It requires restoration plans include details of, amongst other matters, a site based landscape strategy, the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats, proposed infilling operations, sources and types of fill material, types, quantities and sources of soils or soil making materials to be used, the arrangements for monitoring and the control and management of landfill gas, consideration of land stability after restoration, proposals for meeting targets or biodiversity gain, planting of new native woodlands, installation of drainage to enable high quality restoration and after-use, and measures to incorporate flood risk mitigation opportunities.

67. Policy DM20 supports development ancillary to minerals or waste development where it is linked to the life of the facility.

68. **Emerging Kent Minerals and Waste Local Plan 2024-39 -** The plan was submitted to the Secretary of State for independent examination on 17 May 2024 and is now a material planning consideration in decision making on planning applications. The NPPF states that Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

69. The emerging Local Plan updates policies in the existing plan. The proposed Spatial Vision for Minerals and Waste in Kent is as follows:

Throughout the Plan period 2024-39, minerals and waste development will:

1. Make a positive and sustainable contribution to the Kent area and beyond and ensure minerals and waste development contributes to the progression towards a low carbon economy.
2. Supports the needs arising from growth in Kent.
3. Deliver sustainable solutions to the minerals and waste needs of Kent and beyond through collaborative working with communities, landowners, the minerals and waste industries, the environmental and voluntary sector and local planning authorities.

4. Embrace the naturally and historically rich and sensitive environment of the plan area, and ensure that it is conserved and enhanced for future generations to enjoy

Planning for Minerals in Kent:

5. Seek to deliver a sustainable, steady and adequate supply of landwon minerals including aggregates, silica sand, crushed rock, brickearth, chalk and clay, building stone and minerals for cement manufacture.
6. Facilitate the processing and use of secondary and recycled aggregates to become less reliant on land-won construction aggregates.
7. Safeguard economic mineral resources for future generations and all existing, planned and potential mineral transportation and processing infrastructure (including wharves and rail depots and production facilities).
8. Restore minerals sites to a high standard that will deliver sustainable benefits to Kent communities

Planning for Waste in Kent:

9. Facilitate the achievement of a more circular economy in all forms of development, ensuring the maximum reuse of materials and goods, minimising waste and ensuring its management is sustainable and takes place as high up the Waste Hierarchy as possible.
10. Extract the maximum amount of renewable energy incorporating both heat and power, from waste that cannot be re-used or recycled (i.e. unavoidable residual waste) and minimise the amount of non-hazardous waste sent to landfill.
11. Ensure waste is managed close to its source of production;
12. Allow for the development of a variety of waste management facilities to ensure that Kent remains at the forefront of waste management with solutions for all major waste streams, while retaining flexibility to adapt to changes in technology and legislation.
13. Ensure sufficient capacity exists to meet the future needs for waste management.
14. Restore waste management sites to a high standard that will deliver sustainable benefits to Kent's environment and its communities.

70. Policies from the existing plan are pulled through and updated in line with the latest national policy and guidance as well as reflecting the priorities of the County Council. All pf the above policies are still relevant. Of significance is the update to Policy CSW11 as follows:

Permanent Deposit of Inert Waste

Planning permission for the permanent deposit disposal of inert waste will be granted where:
a) the inert waste is being deposited for a beneficial use such as it is for the restoration of landfill sites and mineral workings and not as part of a disposal operation;
b) the waste is to be used in an engineering operation, other than the restoration of landfill sites and mineral workings, where it is demonstrated that there is no local Kent demand for its use in such restoration operations; and,
c) The development involves the minimum quantity of waste necessary to achieve the

benefit sought.

71. **Sevenoaks District Council Core Strategy Adopted February 2011 –** Policies DM3 (Commercial Buildings in the rural area), DM12 (Road Hierarchy and Development), DM15 (Protection of the Countryside), DM16 (Landscape Character – including AONB)), DM17 (Groundwater Source Protection) also apply.

Member Site Visit

72. All Members of the Planning Applications Committee were invited to attend a visit on to the site and surrounding area on 12th October 2021. Many of those Members remain on committee. All proposed traffic routes to and from the site were also visited.

Consultations

73. Original consultations were sent in November 2018. All consultees were advised in January 2020 of the receipt of further information and asked for any further comments they may wish to make. They were reconsulted again in January 2021 following receipt of the addendum to the Environmental Statement, in September 2022, in April 2023 and again in April and May 2024 following receipt of additional information. A number of consultees have made multiple representations. The comments can be summarised as:

74. **Sevenoaks District Council** – Final comments are summarised as follows:

Sevenoaks District Council remain concerned that the amenities of the occupiers of properties adjacent to the A25 in Brasted and Sundridge would be seriously impacted by increased traffic flows and associated noise, disturbance, fumes and vibration from passing Heavy Goods Vehicles associated with the restoration of the site.

In the event that permission was to be granted, it is requested that a condition to ensure that the internal road access be removed, and the land restored to its original condition on completion of the restoration works.

It is also requested that Kent County Council be satisfied that the proposals do not represent an over-engineered solution, which goes beyond what is reasonably necessary to secure the satisfactory restoration of the site.

Additional comments were received from the Aboricultural & Landscape Officer at Sevenoaks DC who had been asked by Westerham Town Council to consider protecting trees with a new Tree Preservation Order. He comments that should the haul road be placed further away from the trees at the pinch point on the eastern end and its width reduced as stated then the land to the immediate south of it should be fenced off to protect the remaining rooting area from day one of the construction works.

75. **Westerham Town Council (WTC) – Raises objection.** WTC supports restoration of the former sand pit but has consistently maintained that any restoration must not only be carried out in a way which is sympathetic to a town with an extensive conservation area set in the Kent Downs AONB and Green Belt and must also minimise the effect not only on the town itself, but also on its neighbouring communities.

In its various responses, WTC questions the severity of slope instability and the risks to the M25, and the appropriateness of the construction scheme and fill material proposed to address such risks. They do not consider account has been taken of the number of HGVs required to bring in base material to create the haul road nor those required to take it away, nor do they consider it has been engineered sufficiently to handle the quantities of traffic that might use it. They comment that there are contradictions about the nature of the fill material throughout the application, and a lack of clarity regarding managing the water displaced during fill operations, and insufficient assessment of drainage and flood risk impacts. No account appears to have been taken for the quantities of soils required for final restoration. The transport assessment is limited in its consideration of the extent of the potential impacts though all communities, and it does not consider the safety aspects of the Croydon Road crossing. They consider the timescales for the development are not accurate. WTC are concerned about noise impacts upon Churchill Primary School and residential areas and impacts form dust, vibration and vehicle emissions.

In summary they advise that the application fails to:

i. demonstrate why the 1983 restoration scheme could not be carried out.
ii. establish that the restoration could only be achieved through the import of a minimum of 800,000cu m of infill and the construction of a haul road through the AONB and that there is a need to import 800,000m^3 of infill material;
iii. evidence that the stability issues claimed are severe enough to justify the extensive and disruptive restoration proposed;
iv. demonstrate it has fully evaluated any other options to minimise the environmental and transport impacts of any remedial works.
v. evidence that its transport assessments are soundly based, realistic or enforceable;
vi. demonstrate that it addresses the significant effects of the proposed development on the environment that are likely to arise and that it accurately reflects the cumulative environmental and transport impacts with other major development schemes, nor the emerging local plans in Sevenoaks, Bromly and Tandridge Districts;
vii. demonstrate that effective consultation has taken place with local authorities, the Environment Agency or community prior to its submission.
viii. demonstrate that the proposals will not harm areas of SSSI, Ancient Woodland, landscape character and therefore fails policies in both the National Planning Policy Framework and Local District Local Plans.

In commenting on the Environmental Statement and the ES Addendum (January 2021), the Town Council considers that the Environmental Statement and the Ecology Impact Assessment are seriously flawed. On the Addendum, it maintains that there is no risk of instability affecting the M25 and that the risk of flooding is overstated and alternative drainage solutions for the northern lake have not been considered. It argues that the alternatives assessment takes these risk factors as given and does not consider all environmental effects and none beyond the limits of the site. WTC argue that timescales are not realistic, that cumulative effects have not been identified, and that there is insufficient quality control of materials entering the site.

In commenting on the Surface Water Drainage Strategy it advises that it fails to meet the requirements of the NPPF, is based on incomplete evidence, presents a serious risk to the underlying aquifer and is not aligned with previous submissions.

In its comments in response to the further details submitted by the applicant in April and May 2024, it advises:

Letter from L F Acoustics re: Noise Assessment

WTC recognises that the letter seeks to address the concern that site operations would generate excessive noise levels near residential buildings. The letter suggests imposing a planning condition to ensure adherence to noise levels and periodic monitoring. WTC argues that periodic monitoring is insufficient and continuous noise monitoring should be required, with compliance reports sent to KCC Planning fortnightly and noise level data accessible in real time with, penalties for non-compliance

Green Belt Assessment March 2024

WTC agrees that the end result of the proposal may meet Green Belt criteria, but they argue that the means by which it is achieved are inappropriate. It is considered that the negative impacts of the proposed lorry routes through the Green Belt, the volume of fill, and the temporary haulage road make the proposal as a whole inappropriate. WTC does not believe that the reasons given in the report for there being VSCs hold up to scrutiny and it is argued that the report downplays the impacts of the development and fails to provide valid evidence to support its claims. WTC states that the term Very Special Circumstances sets a high bar and none of the reasons given in the report meet that standard and believe that the proposal is inappropriate development within the Green Belt and should not be granted planning permission as there are other viable options (e.g. other vehicle routing possibilities).

Technical Note TN06 - Response to agreed actions dated 5 February 2024

The report discusses alternative options for restoration and concludes that option 5 is the most optimal solution. WTC argues that the applicant has not met the requirement to present reasonable alternatives and fully review all viable options. They believe that the applicant's analysis of the options is flawed and incorrect.

On revised noise chapter of Environmental Statement as follows:

WTC comment that the throughout this chapter assumptions, minimum and unsubstantiated extrapolations are portrayed as ‘hard facts’ despite in many cases being wholly inaccurate. It considers that ‘anticipated’ noise levels are not definitive, do not account for when the noise is occurring or the environment it occurs in, the types of material brought in and focus on average values. Noise and vibration monitoring should be carried out on a continuous basis, with ad-hoc checks by KCC. The noise, vibration, dust and pollution impact of 80,000 lorry movements along the roads around Westerham for 6 will have a negative cumulative impact upon the Westerham, Biggin Hill, Brasted and Sundridge urban areas, the Green Belt in and around these settlements and the Kent Downs National Landscape.

76. **Sundridge with Ide Hill Parish Council – Raises objection on the following grounds.** Responses were received in November 2018, February 2020 and September 2022.

The site is to be restored as a requirement of the original permission to take minerals from the site. However, the argument regarding the stability risks to the M25 is subjective and unsupported by evidence. The Highways Authority has expressed no concerns about the stability of the motorway and has no plans to consider or require strengthening and therefore the justification for much more fill material is questionable.

The developer's own ecological survey identifies several protected and potentially at-risk species that have successfully populated the site and will be severely affected by the proposed works and eventual landscaping.

A range of transportation objections are raised including:

- The application fails to recognise the serious impact it will have on the northern part of Westerham itself and adjoining villages. The traffic assessment details intended routes from London sites, which are most likely to be convenient for traffic operators but fail to take into account the effect on local residents.
- The transport impact upon the heritage buildings of Sundridge, and Brasted village. The already heavy traffic will massively increase along the A25, between the M25/A21/A25 junction 5 and Westerham, which is already a very busy route particularly at school times.
- Impact upon the effectiveness of the A25 which is the designated relief road for the M25, in case of delays, closure or accident
- Impact upon school routes for 7 local schools which are already impacted by regular delays at the junction of Homedean Road, Amherst Hill, and Sundridge traffic light intersection
- The additional HGVs using the proposed extension to Beggar's Lane will slow down and delay traffic heading toward London (A225) and traffic crossing the Croydon Road (B2024) which, despite its denomination, is a busy road leading toward Croydon and associated areas.
- Air quality in the local communities will be impacted by all the additional lorries.
- Alternative access solutions are proposed using the original quarry site access from the A25 or via Clacket Lane. The use of the original site access and/or Clacket Lane for access and/or egress would permit traffic to access the A25 from Junction 6 and pass along the A25 from a Westerly direction and avoid town and village centres other than the peripheral parts of Oxted.

Amenity Concerns

- The PC remains concerned about noise, vibration, dust and pollution. It is also concerned about the quality of screening for infill material and risk to groundwater.
- The allegations relating to the potential of the lake to increase to a level which will result in flooding are based on information selected to fit the applicant's stance and fails to provide or take into account any unbiased recent or regular records of water levels over recent years. Historic aerial photographs do not evidence the rapid and sudden or alleged continuous increases that the applicant alleges.

- The applicant has failed in any of his submitted documents to provide definite proof that the alleged damage to the M25's stability, the flooding of adjoining roads or the protection of ground water from harmful leaching from the fill are realistic reasons to justify approval of the proposals.
- No consideration is given to the likely natural dispersion of water from the pit sides or increased surface evaporation.

77. **Brasted Parish Council – Raises objection** on the following grounds. Responses were received in January 2020, February 2021, September 2022 and 19 June 2023.

There are other sensible engineering techniques to address the superficial slope failure that do not require a minimum 800,000 cubic metres of material to be hauled to the site over a period of at least five years.

The A25 through Brasted is narrow and unsuited to heavy traffic. At present air pollution is a great concern to residents as it is frequent for tail backs of traffic to occur at rush hours. There are three points on the A25 as it passes through Brasted that are narrow and cannot support two HGV's passing each other. The pavements in Brasted are narrow in many places and HGV's have to drive extremely close to the pavements to progress.

The original 2018 proposals did not recognise any problems with HGVs passing through Brasted and Sundridge and did not even deign to mention the villages in their traffic survey. Now it appears to be recognised that 100 lorry movements a day is the maximum that should pass through Brasted. Brasted Parish Council is strongly against even this number passing through its Conservation Area. Many of the houses along the village have no front gardens with front doors opening onto narrow pavements. This creates a funnelling effect for pollution and explains why air quality in the village is poor. In addition, many of these houses in Brasted along the A25 are listed and situated very close to the road. The Council is concerned about damage to the houses from vibrations of the HGVs.

The Parish Council is also concerned about the ability to monitor the lorry movements and ensure that if the proposal is passed, they do not exceed recommendations. The Council is also concerned that it would be impossible to prevent an extension of the haulage period beyond the five years.

78. **Riverhead Parish Council – Raises objection** on the following grounds. Responses were received in February 2020, June 2023 and April 2024.

i. The proposal of 200 HGVs per day over a 5-6-year period will impact Riverhead in terms of congestion and air quality. Air quality is already poor. Extra HGVs will deteriorate air quality further and as it is only just below the current objective level of 40ug/m3, the direct result will be possibly dangerous levels of nitrous oxides This will have an adverse health effect on all residents, particularly the most vulnerable;
ii. Severe strain on already highly congested network of roads in Riverhead, particularly on Worship Hill area. There would be a danger to children who use these roads to reach local primary schools and nursery. HGVs passing close by will pose a real and serious danger to pedestrians on adjoining footpaths.

iii. HGVs will need to negotiate a low and narrow railway bridge with the risk of becoming struck.
iv. HGVs impact upon the Conservation Area which will cause damage by vibration to already fragile important structures/listed buildings.

79. **Chevening Parish Council – Raises objection** on the grounds of traffic generation & highway safety.

The Parish Council responded to the application as amplified and amended in February 2020, January 2021, August 2022, 9 June 2023 28 April 2024 and May 2024 raising objections on the following grounds:

Chevening Parish Council object on the grounds of traffic generation & highway safety. It draws attention to the potential impact on the Parish of traffic using the A25 (and A25/A21 accident black spot), together with the risk in times of severe traffic congestion of additional heavy lorries through the village as a result of the increased traffic from this development. The cumulative effects of the lorry movements from several schemes now granted on the villages along the A25 must be taken into consideration and this application cannot be considered in isolation. The permitted developments at Fort Halstead, the Chevening House Parkland Scheme will each potentially have devastating impacts on these villages and their air quality on their own and cumulative impacts need to be considered. In addition, that volume of lorries travelling along the A25 will cause even further congestion with the resultant air pollution concerns and traffic delays. .

Responses from authorities outside of Kent

80. **Surrey County Council (SCC)** – **No objection**, subject to KCC being satisfied that: a) there is a demonstrable need to stabilise the land as proposed and that the engineering solution proposed is appropriate to the context of that need; b) the minimum requisite of waste material is used to facilitate the engineering solution and restoration proposed; c) the restoration is otherwise appropriate and acceptable; and d) there is an appropriate Construction Traffic Management Plan and/or HGV routing system or agreement in place to facilitate the development and avoid inconveniencing or otherwise endangering other road users.

In initially commenting on the application, SSC raised concerns regarding the volume of material required to restore the site and asked that KCC be satisfied that the volume involved is the minimum needed to secure the satisfactory restoration of the site. Concern was raised over the safeguarding of the groundwater resources as the line of sandpits to the west of Covers Farm quarry, in Surrey are predominantly no fill restorations, necessitated by the EA's requirement to safeguard such interest. SCC supports the landscaped and ecological benefits of the restoration scheme, although it is noted that the central linking corridor would not benefit Dormice, being a broken tree belt. Initially SCC were satisfied that the application would not have a material impact on the safety and operations of the adjoining public highway. They wished a routeing plan be secured either by condition or S.106 Agreement and that all HGV movements associated with the proposal be contained within roads outside Tandridge so there were no adverse impacts on the highway network within the District, as concerns had been expressed that HGV drivers may take short cuts and use inappropriate roads within the Tandridge District.

In May 2020 SCC raised an objection on the grounds that "*It has not been satisfactorily demonstrated that the existing road network within Surrey between Zone E and the Covers Quarry site as shown on the Source Zones A-E plan 325/SZ/1 is suitable for the anticipated number of HGV's associated with the development*". It drew attention to the characteristics of Clarks Lane and the need to ensure that a robust and enforceable routing plan would be required to ensure that HGVs would not deviate from the agreed routes. SCC would wish to be involved in any monitoring processes put in place.

Following a proposal by the applicant to reduce vehicle movements along Clarks Lane/Croydon Road SCC Transport & Development Planning responded in September 2021 as follows:

Whilst it would have been preferable to have had HGV movements removed from using the B2024/B269, the roads of concern within Surrey, we would be prepared to accept a reduction in movements to 10 two-way trips a day [from 30 movements]. We would therefore be prepared to remove our objection if this limit is formally set out in the approved routing plan, and we could provide wording for a suitable condition to secure this.

Since September 2022, SCC has raised no objection subject to KCC being satisfied on the matters outlined above.

81. **Tandridge District Council** – **No objections** raised subject to an appropriate condition or S106 agreement to require HGV traffic to comply with the routing plan as shown in the application particulars, and appropriate mitigation measures pertaining to wildlife and their habitat.

82. **Warlingham Parish Council** – **Raises objection** on the grounds of traffic generation & highway safety and state that the Croydon Road North (B2069 and B2024 route) should be removed from the routeing plan.

The Parish Council responded in November 2018, January 2020, February 2021, May 2021, October 2021, September 2022, 14 June 2023 and 29 April 2024 raising strong objections on the following ground:

The Parish Council considers the Transport Assessment underestimates the number of HGVs travelling along Croydon Road to access the site; vehicles would have to negotiate the narrow roads through Warlingham Green with the resulting safety risks and disruption for the residents of Warlingham. This route is totally unsuitable for the type and level of traffic and would present a clear danger to other motorists and cyclists as the HGVs negotiate the narrow sections of Clarks Lane as it descends to meet Croydon Road. There is no guarantee of the source of the fill material over such a long construction period and the therefore the number of vehicles using the B2024/B269 could increase substantially if the material were sourced from the south or south-west sectors of Greater London. It requests that similar safeguards given to Westerham, Oxted and Limpsfield are afforded to the residents of Warlingham by conditioning the level of traffic that could pass through the village utilising Croydon Road.

Following the applicant's offer to restrict the number of HGVs using Croydon Road to 10 two-way movements per day, the Parish Council requested that the route through Warlingham (the only B-road proposed) is withdrawn from any approval that may be given. It refers again to the unsuitability of the B269/B2024 route.

83. **Tatsfield Parish Council** – **Raises objection** on highways/amenity grounds and impact on the AONB.

The Parish Council raised strong objections responding in December 2018, January 2020, February 2021, October 2021, June 2023, April 2024 and May 2024 on the following grounds:

The Parish Council object to the proposal on the basis of the detrimental effects of increased traffic movements on the B2024 (Clarks Lane) at its junction with Pilgrims Lane which is known 'pinch point' that falls within the parish of Tatsfield. The B2024 is completely unsuitable for HGVs particularly as it narrows towards the severe bend and pinch point at the junction with Pilgrims Lane. Such vehicles would constitute a severe danger to other road users., and would also cause unacceptable bottlenecks and traffic congestion on the surrounding road network. Pollution from the vehicles, dust and fumes would all negatively affect the air quality within the parish and the AONB beyond. The Parish Council also draws attention the proximity of the Cross-valley Dyke ancient monument and the need to protect this heritage asset.

In considering the offer to reduce HGV traffic on Croydon Road to 10-two-way movements, the Parish Council reiterated its objections at the reduced traffic flows.

84. **Chelsham and Farleigh Parish Council** – **Raises objections** on highway safety grounds with particular reference to impacts during winter months; pedestrian safety; stipulates that their residents should be afforded the same levels of protection as those in Brasted and Westerham by not allowing use of the B2024/B269 to access the site; and impacts on the Green Belt and AONB.

The Parish Council responded in June 2020, March 2021, June 2023, and May 2024 – objecting to the proposals on the following grounds:

Both B2024/B269 run through open Green Belt, an Area of Great Landscape Value (AGLV) and AONB countryside on the North Downs, and then at Botley Hill descend the scarp slope of the downs. These roads are unsuitable for the proposed HGV traffic and are too narrow for HGV traffic to pass in opposite directions, or for HGV traffic to pass safely other large vehicles There are a number of sharp turns, blind corners and road junctions making the roads unsuitable. We suggest that routes along A roads be selected instead and that Warlingham should be protected from such heavy through-traffic in the same way that Westerham has been protected. We also express our deep concern that the Green Belt AGLV/AONB should not be used as a dumping ground for metropolitan London, that this could well lead to contamination of various kinds.

85. **London Borough of Bromley Council (LBB) – Raises objection** on the basis of the potential harmful impact on highway conditions within the Borough.

Whilst initially raising no objection, LBB subsequently amended its response in 2020 to raise an objection to the proposal based on the potential harmful impact on highway conditions within the Borough. The proposed development has the potential to generate 200 daily HGV trips through Biggin Hill, a Local Distributor Road. This is a 50% increase on the current HGV flow or an extra vehicle every 2 minutes (across the proposed 11-hour working day). This would have an unacceptable impact on the highway network. Furthermore, the proposal does not appear to include a robust monitoring system to record/manage the vehicle movements/trips.

In March 2021, LBB continues to raise an objection updating its recommendation that should KCC be minded to grant permission LBB respectfully requests:

- A weekday limit of 100 two-way HGV movements (i.e. 50 trips into the site and 50 trips out of the site) and no weekend HGV movements using London Road (A233), Westerham Hill and Main Road, Biggin Hill route; and
- All HGVs shall be fitted with GPS monitoring equipment and the routing data recorded and monitored and made available to the Local Planning Authority, Kent County Council, upon request.

In September 2022, June 2023, April 2024 and May 2024, LBB reiterate the objections on the basis of the potential harmful impact on highway conditions within the Borough repeating the request set out above should KCC be minded to grant permission.

86. **Croydon Council** – No comments to make.

87. **National Planning Casework Unit (NPCU)** – Confirms receipt of the Environment Statement (and subsequent amendments) advising the NPCU has no comment to make on this application.

88. **Environment Agency (EA) – No objection**, subject to informatives**.** Final comments from the EA confirm no objections subject to informatives in relation to the Environmental Permit, Ecological Management Plan and Flood Risk.

In April 2021 the EA recommended as follows:

Groundwater and Contaminated Land - The issue of deposits of waste materials below the water is sensitive and generally the EA would only permit inert naturally occurring materials deposited into water, followed by a suitable Artificial Geological Barrier and only then the deposit of wastes like construction wastes. Tile wastes would have to be managed so they pose no additional risks to water resources and are not placed in water.

The outline approach would be acceptable from an environmental permitting perspective as the EA would include necessary groundwater protection measures within any permit to ensure water quality is protected and monitored if the scheme was to go ahead as indicated.

Environmental Permit - The EA confirm that the amount of material proposed to be used for restoration of the site is not unacceptable from a groundwater point of view. The EA advise that this does not imply that the deposit of 800,000 m^3 of waste material would be regarded as a recovery activity. Any application for deposit of waste would

need a detailed submission and full review as part of an environmental permit application. The EA would form a view at that stage whether the activity is a recovery or disposal activity. The decision would be bound by waste legislation and legal case law following assessment of a submitted proposal. This review would re-examine the alternative options to restore the site. If a project using waste is to be regarded as a recovery activity, along with the other elements of the recovery test, it must be demonstrated that the minimum amount of waste to achieve what is essential has been used. It is possible that a project could regarded as having elements of both recovery and disposal (landfill). Alternatively non- waste imports might be indicated as required. If waste is used in the proposed scheme, the details of risk assessments and method statements for deposition of waste could be agreed as part of an application for an environmental permit.

The definition of 'inert waste' would need to be agreed with the EA as part of any environmental permit application process, based on waste legislation and site-specific factors. .

The EA noted that imported fill material would be tested at source prior to being transported to site, and a Materials Management Plan/Waste Recovery Plan would detail isolation and removal of unsuitable material (on-site or imported) should any be discovered. Prior to placement under water all material would be subject to testing to confirm suitability for use, details of such testing would be set out in the above plan. The EA point out that waste materials would not be controlled by an environment permit unless they form part of an engineering system required to allow waste deposits to be made.

The EA note that a Gault Clay layer would be left in-situ where it occurs, and the lakes would be re-contoured and new basins created which would be lined with clay as necessary to retain the surface water. The EA acknowledge the Applicant's statement that as well as the basal clay liner and surface clay capping as part of the site landscaping, the site would only be filled with inert material thereby mitigating any risk of creating pollution or deterioration in groundwater quality. The EA advise that detailed risk assessments would need to be agreed as part of any environmental permit application.

In September 2022, June 2023 and May 2024 the EA raised no objection to the application as updated and amended. Reiterating that the development proposed would be assessed under the environmental permitting requirements, including the drainage arrangements. The EA confirm that any discharge to ground would need to be through clean, naturally occurring materials only and downgradient must ensure no instability is created in land to the south. It recommends that the Planning Authority should check that the management plan for the site is robust, and enforceable. The submission of monitoring reports must be sufficient to ensure that the proposed habitat creation on the site (in particular the low-intensity pasture) is appropriately managed to prevent an otherwise net loss of biodiversity.

89. **National Highways England (NH) –** Following the receipt of additional information to satisfy queries raised NH raised **no objection,** subject to conditions securing the prior approval of a detailed design for temporary haul road; a ground stability monitoring strategy with an emergency action plan; and details of proposed flood storage areas. NH propose the above conditions to ensure that the restoration work is undertaken in a

way which protects the integrity of the M25 assets and to satisfy the reasonable requirements of road safety.

In commenting on the stabilisation of the quarry, NH advised that a ground monitoring regime be put in place in order to monitor the northern embankment along the M25, to ensure that the proposal does not cause failure during construction. NH confirm that such measures, if properly designed and installed would provide a good indication of any possible failures during construction and facilitate intervention before failure occurs. NH request that Kent County Council attach a formal condition in relation to this point and comment that it would be useful to have an indication of the monitoring scheme that the applicant would propose to use. In 2020, NH requested further information relating to the sources of fill material, which junctions of the strategic network would be likely to be used and start times for HGVs.

In August 2020, NH confirmed that it would not agree to the use of Clacket Lane Services to access the site because Circular 2/13 The Strategic Road Network and the Delivery of Sustainable Development (para B24) states that access to other developments through a roadside facility is not permitted.

90. **Natural England (NE) –** Following receipt of additional information to satisfy initial concerns relating to the impact upon the SSSI and the Outline Ecological Mitigation and Management Plan NE raised **no objection,** subject to appropriate mitigation being secured. This could be provided through a Construction Environmental Management Plan (CEMP) and an Ecological Management Plan, which could be secured via condition or obligation. NE advise that without appropriate mitigation the application would damage or destroy the interest features for which Westerham Woods Site of Special Scientific Interest has been notified.

In landscape terms, NE confirmed it agreed with the findings of the Landscape and Visual Impact Assessment that the existing site does not significantly contribute to or exhibit key characteristics of the landscape character or special qualities of the AONB. It acknowledges that, whilst there would be some visual impact from the haul road and the restoration operations, including from the PROW, once completed the proposals would likely benefit the overall landscape quality in the AONB. In refence to the impacts on the SSSI, NE considered the development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

91. **Historic England (HE) – No comments**. HE responded in November 2018, January 2020, February 2021, August 2022, May 2023 and May 2024. On each occasion HE confirmed it did not wish to comment and suggested the views of KCC's specialist conservation and archaeological advisers should be sought (as relevant).

92. **UK Health Security Agency (UKHSA)** (formerly Public Health England) – **No comments**. UKHSA responded in January 2020 and February 2021 and April 2024 advising that it is not a statutory consultee and would not normally comment on this type of planning application, unless there are specific chemical & environmental hazard concerns which have the potential to impact on the health of local communities. It advises that impacts on public health from local air quality, noise and contaminated land fall to be considered by the local authority.

93. **Kent County Council Highways and Transportation (KCC H&T)** – **No objection**, subject to following conditions:

1. The number of HGV movements is restricted to a maximum of 200 two-way movements per day, on weekdays only, for an 11-hour day with a maximum of 100 two-way HGV movements along the A25 (east), a maximum of 100 two-way HGV movements along the A233 (north), and a maximum of 10 two-way HGV movements along Croydon Road (north). The HGV traffic movements should be reasonably evenly distributed across an 11-hour day from 08:00 to 19:00 with no excessive peaks and a maximum of 12 HGV movements per hour along the A25 (east) and A233 (north) and a maximum of 5 movements per hour along Croydon Road (north).

2. A lorry routing agreement is entered into between the applicant and KCC, the details of which are to be submitted and approved prior to any works commencing.

3. Details of the signalised junction on Croydon Road are submitted to and approved by KCC and implemented prior to any works commencing. These works will be the subject of a Highways Act 1980 Section 278 Agreement and may incur a commuted sum maintenance charge.

4. Details of the revised roundabout on London Road/Beggars Lane junction are submitted to and approved by KCC and implemented prior to any works commencing. These works will be the subject of a Highways Act 1980 Section 278 Agreement.

5. The junction works on both Croydon Road and London Road are reinstated back to the original layout once the works are complete.

6. A pre-commencement condition survey of Croydon Road in the vicinity of the site access and the London Road/Beggars Lane roundabout are carried out and agreed with KCC prior to any works commencing.

7. Submission of a Construction Management Plan before the commencement of any development on site to include the following:

   (a) Routing of construction and delivery vehicles to / from site
   (b) Parking and turning areas for construction and delivery vehicles and site personnel
   (c) Timing of deliveries
   (d) Provision of wheel washing facilities
   (e) Temporary traffic management / signage

In advising on the application, KCC H&T's officers confirmed that the Transport Assessment was considered robust and covered the information required relevant to the impact of the proposal on the local highway network. It noted National Highways raises no concerns regarding the impact on the Strategic Road Network. KCC H&T noted the proposal is for the importation of 0.8 million cubic metres of fill material which would result in between 150 and 200 two-way HGV movements per 11-hour day for a period of 5/6 years. It is estimated that there would be between 14 and 18 two-

way peak hour movements (i.e. 9 in / 9 out). KCC H&T confirmed these numbers are not significant in comparison with the existing traffic flows on the local highway network proposed to be used. In particularly it notes the A25 to the east of Westerham carries over 10,000 vehicles per day. KCC H&T confirmed that the 5 members of staff proposed on site would have negligible impact in terms of traffic generation.

KCC H&T also noted the proposals included the construction of a new haul road to the north of Westerham between the site access point on Croydon Road and the existing roundabout at the Beggars Lane / London Road Junction (A233). It is proposed to install a traffic signal junction (subject to KCC approval) at the Croydon Road crossroads junction with limited turning movements to the south, and to construct an additional arm on the existing Beggars Lane 3-arm roundabout. Indicative lorry routing (subject to an agreement) would result in most HGV movements entering via Beggars Lane, with small numbers of movements north along Croydon Road toward South London. Given the number of estimated movements and the current traffic flows on the access routes KCC H&T does not consider that any impact would be considered to be significant and would not be "severe" in terms of NPPF. It advises that an analysis of crash records in the locality shows no significant highway safety concerns. Further noting that the benefit of the proposed haul road and routing arrangements would be that there will be no impact on Westerham town centre.

In commenting on a draft Routing Agreement., KCC H&T advise that whilst the overall number of HGV movements has not changed (i.e., 200 two-way movements per day), the distribution of those movements has been amended, limiting the proposals to a maximum of 100 two-way HGV movements to the east along Beggars Lane and A25 east of Westerham. In respect of the revised draft Routing Agreement, KCC H&T indicated concerns relating to the method of recording lorry movements and consider, now that GPS tracking equipment is readily available, that only vehicles equipped with such devices should be used to access the site. KCC H&T confirmed that such details could be addressed when a final Routing Agreement is submitted to the planning authority for approval.

In response to key highway questions raised by representations to the application, the H&T officers advised the following:

- *The impact of additional traffic on A21/A25 junction/suitability of alignment* – KCC H&T advised that the additional HGV traffic at this junction is not significant compared with the existing flows. The proposed HGV movements on the A25 (east) equates to an increase of 7.7% on existing HGV movements, and an increase of 2% over all existing traffic movements, therefore mitigating works would not be justified. The Crash Data for this junction has been assessed and whilst there are a significant number of crashes at the junction, none of them involve either the slip road from the A25 (eastbound) onto the A21 or the slip road off the A21 onto the A25 (westbound). They mainly involve vehicles turning right across the A25, which is not the route the proposed HGVs would follow.
- *The carriageway width through Brasted* – KCC H&T confirm this is an 'A' class road and is already carrying significant HGV traffic without any know issues. The additional proposed traffic is 2% (7.7% HGVs) and this increase would not be likely to have any significant impacts.
- *The design of additional access on to London Road /Beggars Lane roundabout is not in accordance with the relevant standards.* KCC H&T advise a condition has

been recommended requiring a detailed design to be submitted and approved before any works commence, which should be to The Design Manual for Roads and Bridges (DMRB) standards. The work would be subject to a separate Section 278 Agreement to be approved directly by KCC H&T.

- *Are peak flows likely to be higher than suggested in TS due to restrictions on HGV traffic coming from London and subsequent compressed operating hours* – KCC H&T indicated this needs to be addressed by the Transport Consultant but may be an issue resulting in higher hourly flows. A condition is being recommended that would require HGV movements to be reasonably spread throughout the 11-hour day with no excessive peaks. This issue could be fully resolved if the applicant can agree to an hourly restriction on the numbers of HGV movements.
- *Alternative routes have not been adequately assessed in the transport section of the Environmental Statement* – KCC H&T advise that the option of an access to the south onto the A25 to the west of Westerham has been considered. However, since the sources of material are generally in south-east of London this could result in HGV traffic passing through Westerham. The route to the west via Junction 6 of the M25 is a much longer and would mean all HGV movements going through Oxted / Limpsfield. The proposed routing divides traffic via 3 different routes towards London.
- *Routing agreement would not be enforceable and monitoring mechanisms would be inadequate* – KCC H&T recommend a GPS monitoring system should be adequate and could be enforced by the Planning Authority. It is understood that relevant software is available that would assist in the monitoring of HGV numbers and routes.
- *Incidents on A233 and B269 and the proposed increase in HGV traffic would result in severe impacts on these routes* – KCC H&T advise that the TA includes a section on Crash Data which does not reveal any significant crash records.
- *The proposed Croydon Road crossing has insufficient visibility to meet relevant standards and has not been subject to Road Safety Audit* – KCC H&T advise that its recommendation includes a condition requiring a detailed design. This highway work would need to be designed to DMRB standard and would be the subject of a Section 278 Agreement, including a Road Safety Audit.
- *In response to* comments from Warlingham PC and Surrey CC regarding the use of Croydon Road (B2024) heading north. It advises that if WPC / SCC consider this to be excessive because of the issues of the road further north of the KCC boundary then this is their opinion, and it would be difficult for KCC H&T to challenge this not being familiar with the roads. However, it advises that the restricted number of movements is considered reasonable, and it considers there is no justification to require lower numbers or seek to restrict movements.

94. **Kent County Council's Geotechnical Consultants (Amey – Geotech) –** In summary, **concern raised.** While modification of slope gradients using any amount of placed fill would improve the slope stability, without identifying the failure mechanism there is no geotechnical justification that 800,000m^3 of material is the optimum volume required to mitigate instability risk to third party assets. The applicant's most recent report demonstrates that 200,000m^3 of material would result in stable slopes. Slope instability is not considered by Amey to be the driving criteria behind material importation; therefore, it is Amey's assumption that the optimisation of imported fill is determined by drainage and landscaping considerations.

Amey have undertaken a full technical review of the relevant application documents and subsequent additional supporting information received, including responses to Amey's earlier geotechnical comments. In commenting on the application Amey have been made aware of Westerham Town Councils geotechnical report. Amey's full geotechnical report is extensive; the comments below are a summary of the main conclusions, updated in response to the further information submitted by the Applicant.

Covers Quarry is subject to an extant planning permission which provides for an approved restoration scheme, involving the recontouring the quarry using site-won materials and requiring no imported material to complete. The resulting landform would have been a valley with a pond at the north-eastern extent, and drainage flowing to the south of the site. This remedial work was not carried out, and in the years following the cessation of mining operations the quarry pit has progressively filled with water. The current application seeks approval for the importation of material to be placed in water to stabilise the quarry pit slopes, draining of the ponded water, and further material importation along with the use of site-won materials to achieve the final landform. The application requires a total material importation of circa 800,000m^3.

In May 2019 Amey submitted a ground engineering review of the Application and supporting documents. Subsequently a revision of the document was submitted taking into account further information provided by the Applicant. Additional technical notes and email correspondence have been submitted as KCC have progressed the application. The following table summarises reports submitted by Amey (Geotech) to date.

Table 1: Existing Amey Consulting Documentation

Date	**Purpose**	**Report (Reference)**
05/2019	Review of application documents	Ground Engineering Review: Covers Quarry Planning Application [2]
03/2020	Review of further information submitted by Applicant December 2019	Ground Engineering Review: Covers Quarry Planning Application (Revision A) [3]
07/2020	Clarification of groundwater discharge methodology and response to slope stability and remedial design issues	June 2020 Meeting Follow-up Report [4]
03/2021	Response to various items raised by KCC email dated 22nd February 2021	Response to Planning Authority Questions (22nd Feb 2021) [5]
10/2022	Summary position statement commenting on the outstanding geotechnical issues relating to the Application and confirming	Geotechnical Summary Position Statement (10th October 2022) [7]

	whether the Applicant has followed reasonable practice and made reasonable assumptions.	
06/2023	Update of October 2022 Position Statement with additional commentary relating to further information supplied by the Applicant.	Geotechnical Summary Position Statement (16th June 2023) [8]

Amey notes the conclusions within The Phase 1 Desk Study submitted in support of the application, which were reported as:

a) The overlying clay material forming the quarry slopes (Gault Clay) are often unstable following periods of wet weather (shallow failures as observed on site).
b) Dewatering the pits is likely to induce similar failures in soils currently submerged.
c) There is potential for compounding shallow surface failures to migrate upslope and pose a medium- to long-term impact on the M25.
d) Addition of fill at the base of the slopes would provide a long-term benefit to slope stability.

Amey's updated views on the above conclusions are as follows:

a) Stability of Gault Clay - Gault clay forms the material that overlies the quarried sand resource. Reworked Gault Clay was subsequently used to line the pit slopes and base at the cessation of mining activities (as evidenced in photographs from 2003 and 2004 provided by the Applicant in June 2021). Amey agrees with the assessment of the performance of the Gault Clay, and during a site visit in 2019 observed slope failures in the quarry slopes.

b) Dewatering - Amey agrees with the assessment that rapid dewatering of the pond would remove a restraining force on the slopes that may lead to increased instability.

c) Slope Failure Migration and Impact to the M25 - To develop a robust slope stability model the following information is required:

- Topographic data (used to develop the slope profile)
- Soil and rock data (used to develop the ground model and material characteristics)
- Ground water data (used to develop the hydrogeological model)

As with any model, the quality of the data used to build the model will be reflected in the confidence that can be placed in the data that the analysis generates. The slope stability calculations initially submitted in the supporting documents were highly simplified models based on limited historical ground and groundwater data. These are considered fundamentally flawed and therefore not reliable in defining the slope stability risk to the M25.

Further slope stability analysis using current conditions on site (based on 2019 ground investigation work) were reported in the 2019 submission. While the model used in the analysis better matched the conditions reported on site, incorrect data was still being used in the production of the model. This resulted in reporting poorer slope stability

than if correct parameters were used. No slope stability modelling submitted in support of the application has provided sufficient justification of risk posed now or in the future to the M25 or other third-party assets with any degree of confidence.

d) Addition of Fill to Improve Stability - Improvement of slope stability without the use of structural support methods is achieved by modifying the angle of the slope so the angle of repose of the material is greater than the gradient of the slope. For example:

- Cutting the crest (top) of the slope back to reduce the gradient,
- Adding material to the base of the slope to reduce the gradient, or
- A combination of cutting and placing material

Without a reasonable understanding of the drivers behind slope instability it is not possible to define a practical and optimised mitigation measure. While it is accepted that the placement of fill at the toe would improve stability the applicant has failed to define, to a reasonable degree of confidence, the scale the risk poses to third parties, and therefore the magnitude of mitigation measures required. Analysis has not been presented to consider how modification to the crest and upper slopes of the quarry may reduce risk to the M25 or other third-party asset.

In July 2023, Amey provided the Geotechnical Position Statement below:

Amey have reviewed incoming geotechnical submissions and provided technical comment to KCC on the understanding that these comments would be passed to the Applicant.

While slope instability is an issue at the site no documented existing failures or modelled future failures have been submitted that demonstrate a high level of risk to a third-party asset. No slope modelling has been provided that justifies the proposed mitigation measures. While modification of slope gradients using any amount of placed fill would improve the slope stability, without identifying the failure mechanism there is no geotechnical justification that 800,000m^3 of material is the optimum volume to mitigate instability risk to third party assets.

Due to the 1983 application's remediation works not being carried out the quarry voids have filled with water. Removal of the ponded water without placement of a restraining force to replace the weight of the water may result in reduced slope stability. Any slope stabilisation using material placement requires material to be placed in the ponded water. Existing materials on site are not appropriate for placement in water, however they may be used in stabilisation works in specific parts of the site where placement in water is not required.

In April 2024, Amey commented on the application following a meeting held on 5 February 2024 and the submission of further supporting information provided by the Applicant. The additional geotechnical considerations are set out within GB Card's (for the Applicant) Technical Note 06 (GBC/GB/324 - TN06).

TN06 quotes the 2020 Alternative Options for Restoration document identifying the six options for restoration. TN06 notes that these options were developed with consideration for the following interdependent criteria. These criteria have been defined by the applicant as being the objectives of the restoration:

- land stability,
- site drainage, and
- restoration land use and soil erosion.

Option 5 (800,000m^3 imported fill volume) is considered the optimal solution by GB Card. To clarify the volumes of material needed to achieve each individual criteria for Option 5 no interdependency was considered in TN06.

Section 3 of TN06 is concerned with land stability with Appendix B providing selected slope stability models. The models cannot be accurately located within the existing void and material parameters vary between models. The models demonstrate that slope instability does not pose a risk to third party land external to the site, all slope instability is defined as being internal to the site.

Appendix A of TN06 (reproduced below) breaks down imported material volumes according to slope stability, drainage and restoration volumes. TN06 is unclear about phasing of imported material placement, indicating two possible scenarios:

1. Slope stability can be achieved with the importation of 200,000m^3 material alone, or
2. Slope stability can be achieved with 200,000m^3 in addition to drainage and/or restoration importations.

Based on slope stability modelling provided in Appendix B, Amey assumes scenario 1 to be GB Card's findings. Material importation for slope stabilisation therefore constitutes the smallest volume of imported material of the three criteria, making up less than one third of the total material importation volume.

Whilst it falls outside the scope of geotechnical commentary, the scenarios above can be swapped to question whether drainage and restoration landform requirements can be achieved with or without the importation of stabilisation volumes.

Summary: Earthwork volumes

[Negative sign = fill deficit]

Area	Geotech stability, m^3 Cut	Geotech stability, m^3 Fill	Drainage, m^3 Cut	Drainage, m^3 Fill	Restoration, m^3 Cut	Restoration, m^3 Fill
1	0	35000	0	146500	0	46026
2	0	103000	0	320550	0	34172
3	0	23500	64700	21750	0	28536
4	0	45000	0	0	0	16642
5	0	0	145500	30300	0	45560
6	0	0	23750	6500	0	24448
7	0	0	33500	46100	0	12321
Sub totals	0	206500	267450	571700	0	207705
Balance	-206500		-304250		-207705	

Gross Fill import -718455 Required for import for site restoration.

Allow 10% for volume estimations

Total Fill Import Estimate = -790301 m^3

Figure 1: TN06 Appendix A

Summary - Geotech

Amey acknowledge there is some instability in the slopes at the site but have not seen the evidence to demonstrate a high level of risk to a third-party asset. No slope modelling has been provided that justifies the proposed mitigation measures. While modification of slope gradients using any amount of placed fill would improve the slope stability, without identifying the failure mechanism there is no geotechnical justification that 800,000m^3 of material is the optimum volume to mitigate instability risk to third party assets. GB Card's October 2020 Alternative Options Technical Note identified 800,000m^3 or 1,000,000m^3 of material as being required to resolve long-term slope stability issues at the site. TN06 demonstrates that 200,000m^3 of material will result in stable slopes. Slope instability is not considered by Amey to be the driving criteria behind material importation; therefore, it is Amey's assumption that the optimisation of imported fill is determined by drainage and landscaping considerations.

95. **Kent County Council's Drainage Consultants (Amey – Drainage)** – **Concern raised,** recommends that water management scheme proposed would be sound in principle, however from a drainage perspective the applicant has failed to demonstrate the justification for the importation of 800,000m^3 of infill material to achieve a sustainable drainage solution. Amey recommend that the same drainage outcome could likely be provided without importing substantial infill materials, however this has not been presented by the Applicant.

Amey (Drainage) has made several detailed recommendations on the application, including in February 2022, August 2022, January 2023 November 2023 and May 2024.

Amey's earlier recommendations confirmed that:

- In flood risk terms the 'Do Nothing' scenario (i.e., no restoration) is not an option. The northern lake is predicted to continue rising, resulting in the potential for a significant increase in flood risk in the medium to long term. Amey confirms that given the topography of the quarry and the rate of infill predicted the northern lake could exceed its storage capacity in the next 6 to 12 years. This would result in the lake overflowing resulting in flood of adjoining land, including Croydon Road, potentially exacerbating existing flood risk in Westerham.
- Amey ruled out pumping water from the northern to the southern lake as an unsustainable solution for the dewatering of the north lake, advising that there is insufficient information to determine that the southern lake has the infiltration capacity to deal with the pumped flow.
- Amey raised concerns regarding the potential for proposed soakaways to silt up during construction works.
- Amey raised concerns that the level of information submitted did not provide enough comfort on both the short and long-term viability of the drainage scheme. Amey highlighted reservations regarding the soakaway calculations and a potential impact on the size of the soakaway required.
- Timescales for the project could be extended should the applicant experience any problems with the proposed drainage scheme.

In November 2023 Amey provided an updated response to revised application documents received in response to early comments on geotechnical matters. Amey Drainage's latest conclusions read as follows:

The applicant's revised Surface Water Drainage Strategy dated March 2023 (GB324-SWDS-MAR-2023-REV2) was specifically requested to address storage placed upstream and consequences of this with the aim of showing that the Southern Pond would not be overtopped. Amey agrees that approx. 12,400 m^3 of storage would be required upstream of the southern lake and that this would take 5 days to drain through the southern pond and proposed infiltration area, which also must provide another 650m^3 of storage. The dynamics of this are not shown, however the 100-year event would take approximately 5 days to infiltrate a basin of size 1,040 m2. As such the water management proposals provided are in principal sound, however the significant earth movements, specifically to infill the northern pond, seem excessive.

The applicant was therefore requested to confirm the proposed land profiles or landform for the system, to show that hydraulics are optimised and to reduce earth movements where possible. The current estimate of material required to be imported is circa 800,000 m^3.

The justification response received was that the proposed landform restoration is set out in earlier reports GB324-GGIR-DEC-2019 and GB324-AOR-DEC-2020. As stated in the Environmental Statement the land is to be restored to agriculture and arable farming. Slope gradients have been constrained at no greater than approximately 10

degrees to allow agricultural machinery to access the restored land. This requirement and the necessity to (1) maintain slope stability and (2) drain the restored land from north to south resulted in the proposed landform restoration as currently submitted for planning to KCC.

Amey comment that the purpose of this restoration or infilling of the northern lake would not arise from a drainage requirement, as a simple weir system at an appropriate level at the downstream end of the northern pond is all that would be required to allow surface water flows to continue down the proposed 650 m long 1 in 200 gradient channels to the southern pond. It was noted that attenuation could be provided within the upper northern pond which would be beneficial, but this potential option does not seem to have been considered by the applicant.

Amey's Covers Quarry, Geotechnical summary report, dated July 2023 (CO04300759 1039 007), concerning the addition of fill to improve slope stability stated, "Without a reasonable understanding of the drivers behind slope instability it is not possible to define a practical and optimised mitigation measure. While it is accepted that the placement of fill at the toe will improve stability the applicant has failed to define, to a reasonable degree of confidence, the scale the risk poses to third parties, and therefore the magnitude of mitigation measures required. Analysis has not been presented to consider how modification to the crest and upper slopes of the quarry may reduce risk to the M25 or other third-party asset."

Accordingly, Amey do not see a requirement being presented in the provided reports, from a drainage or geotechnical point of view for the additional 800,000m^3 of fill material. There is a requirement to provide a suitable connection between the northern pond along a suitable low gradient channel to the southern pond, which would likely require earth movements within the proposed development site. This option could likely achieve the same outcome without importing any fill but has not been presented by the applicant.

In May 2024, Amey commented on additional information received following a meeting held at the site on 5th February 2024.

Amey note that the objective of the Applicant's Technical Note 06 (GBC/GB/324 prepared by GB Card) (TN06) is to outline its findings regarding site drainage considerations informing the remedial design proposed. TN06 quotes the 2020 Alternative Options for Restoration document identifying the six options for restoration. TN06 notes that these options were developed with consideration for the following interdependent criteria:

- land stability,
- site drainage, and
- restoration land use and soil erosion.

Option 5 (800,000m^3 imported fill volume) is considered the optimal solution by the Applicant. To clarify the volumes of material needed to achieve each individual criteria for Option 5 no interdependency was considered in TN06.

Section 4 of TN06 is concerned with surface water drainage. The technical note comments on why the Applicant considers a satisfactory drainage infiltration scheme

cannot be designed on current topography and hydraulic gradient between the Northern and Southern Lakes.

One of the issues is the requirement to maintain a 1 in 200 general hydraulic gradient for a proposed channel between the northern and southern lakes. The northern lake water level is currently at around 118m AOD, with an estimated overtopping point to the Croydon Road at 122m AOD. The southern lake is currently at around 112 m AOD with a proposed overtopping point of 125 m AOD. The distance between the lakes is 350 m and so a 1-2m difference between the resting water levels and design of a flow path is likely to be a sensible arrangement. The original Microdrainage model (Technical Annex 6, Sept 2018) for this system had spill levels from the north of the site starting at 119 m to 120 m AOD (several scenarios) dropping to 118 m AOD to the southern lake. The latest proposed plan topographic details provided by GB Card (dated 07/03/23) identify the northern area at 119 m AOD and the southern lake area raised to 117 m AOD. The proposal to-date has looked at infilling the Northern Lake to reform the land surface level to around 119 m AOD, however Amey query why this infilling is required, as the Northern Lake water level is now close to this level and with an appropriate channel constructed between the northern lake and the proposed raising of the southern lake, this would provide the required hydraulic gradient. In the below earthworks figure provided from TN06, Area 1, 2 and 3 accounts for 488,800 m^3 of infilling of the northern lake due to drainage grounds, and the necessity of this is queried.

The other issues raised by GB Card are related to existing steep valley sides and slopes and hence a reduced agricultural land use. Amey has no issues with the proposed drainage rearrangement in Area 5 to 7 shown below and in the proposed topographic plan dated 07/03/23 for these areas. The combined cut required for drainage in these areas is around 120,000 m^3 with another 82,000 m^3 of infill material for restoration purposes. Hence these areas only have an overall required cut of 38,000 m^3.

The last issue raised is the health and safety risks associated with a deep lake with potential failures of slopes from steep sides. Amey notes that this is not a surface water drainage issue, so provides no comment on this.

Appendix A of TN06 (reproduced below) breaks down imported material volumes according to slope stability, drainage, and restoration volumes. TN06 is unclear about phasing of imported material placement, but we assume that slope stability can be achieved with the importation of 200,650 m^3 material alone, and the majority of this is associated with the northern lake stability. In addition, a further 125,876 m^3 infill material is associated with restoration, again the majority associated with the northern lake area. The total of infill material is around 800,000 m^3 associated with the northern lake areas.

Table showing summary of earthwork volumes required by area of the quarry (1 – 7) broken down by restoration requirement (stability, drainage, general restoration).

Summary: Earthwork volumes

[Negative sign = fill deficit]

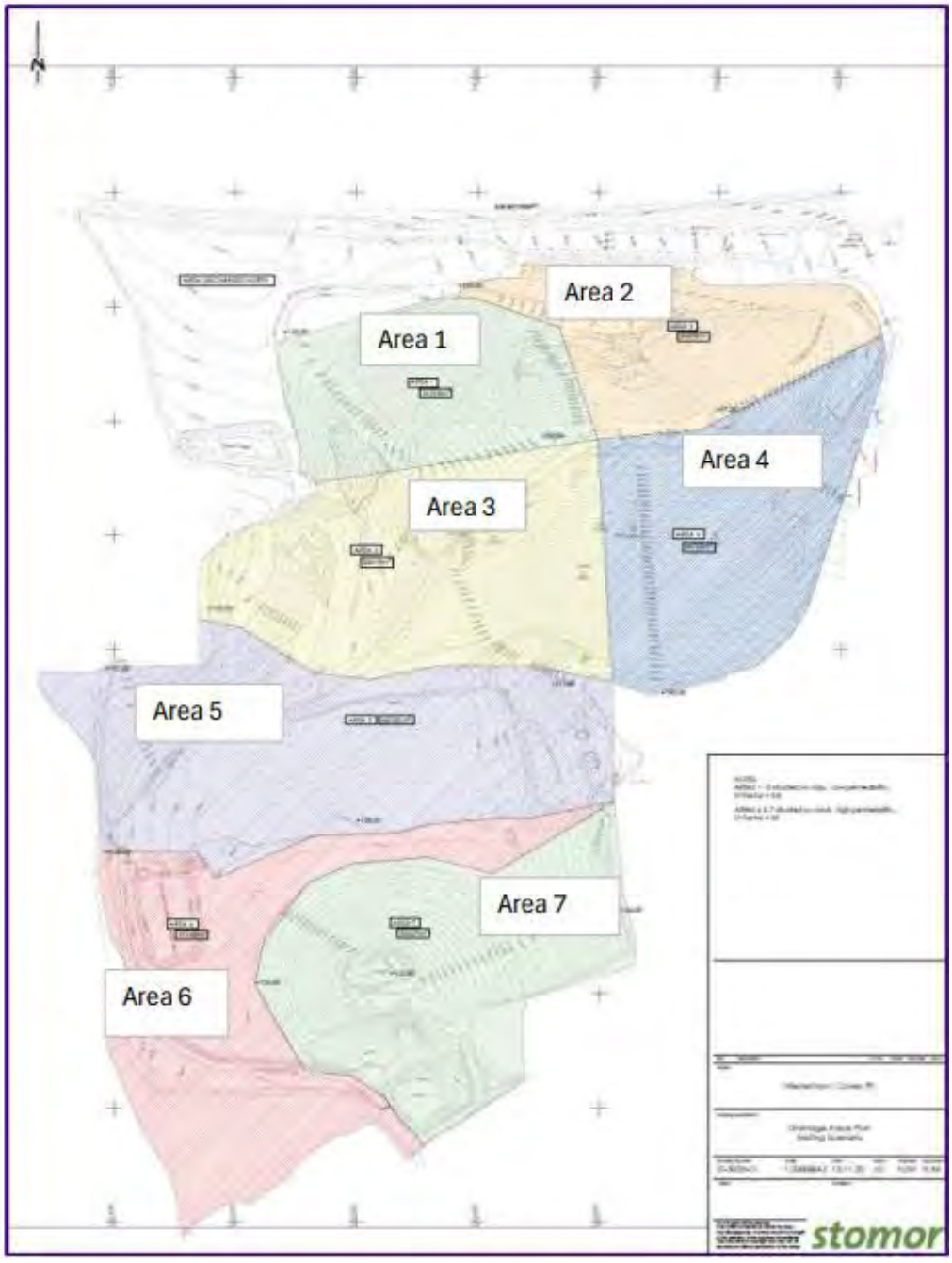
	Geotech stability, m^3		Drainage, m^3		Restoration, m^3	
Area	Cut	Fill	Cut	Fill	Cut	Fill
1	0	35000	0	146500	0	46026
2	0	103000	0	320550	0	34172
3	0	23500	64700	21750	0	28536
4	0	45000	0	0	0	16642
5	0	0	145500	30300	0	45560
6	0	0	23750	6500	0	24448
7	0	0	33500	46100	0	12321
Sub totals	0	206500	267450	571700	0	207705
Balance	-206500		-304250		-207705	
Gross Fill import	-718455		Required for import for site restoration.			

Allow 10% for volume estimations

Total Fill Import Estimate =	-790301 m^3

**See plan below for location of the indicative Areas 1 to 7 (indicated within the first column of the table above).*

Indicative plan showing the areas (1 - 7) described in the table above.



Summary – Drainage

The Applicant's (GB Card) October 2020 Alternative Options Technical Note identified 800,000 m^3 of infill material as being required to resolve long-term slope stability issues at the site. TN06 demonstrates that 206,000 m^3 of material will result in stable slopes in and around the northern lake, 489,000 m^3 is required to infill on drainage grounds and around 126,000 m^3 for restoration. Infill of the northern lake on surface water drainage grounds is not considered by Amey to be a driving criterion behind

material importation, as the water levels and surface water drainage to the southern lake could work if Areas 5 to 7 are developed further as discussed and outlined in GB Cards proposals, although detailed drainage details have still to be provided. It is Amey's assumption that the optimisation of imported fill is still not established.

Amey do not see a requirement being presented in the provided reports, from a drainage point of view for the additional 800,000 m^3 of fill material into the northern lake. There is a requirement to provide a suitable connection between the northern lake along a suitable low gradient channel to the Southern Lake, which will likely require earth movements within the proposed development site leading to around a net cut of 38,000 m^3 as presented in TN06. As such, the same outcome could likely be provided without importing substantial fill amounts, but this has not been presented by the Applicant.

96. **Kent County Council's Air Quality & Odour Consultants (Amey - AQ)** – **No objection.**

Amey AQ commented on the application and Environmental Statement (as amended) a total of seven times between 2018 and 2024 considering air quality, dust and odour.

Amey AQ recommends that the air quality assessment presented in the Environmental Statement (as amended) is sufficiently robust and adequately addresses the impact on local air quality associated with the operational phase of the proposals.

Amey AQ's comments in response to the application (as amended) can be summarised as follows:

In the 2018 ES, a detailed air quality assessment was undertaken based on importation of 800,000m^3 of material following the relevant air quality planning guidance published at the time, which is still in use. The mineral dust assessment considered the effect of dust and fine particulate matter (PM10 and PM2.5) associated with the operation of mineral sites and an ~~a~~assessment of operational phase effects followed Environmental Protection UK (EPUK) and the IAQM's "Land-Use Planning & Development Control: Planning for Air Quality v1.2".

Concentrations of nitrogen dioxide (NO2) and fine particulate matter (PM10 and PM2.5) were modelled for the opening year. The change (i.e., impact, in concentrations of these pollutants) between the Do Minimum (without HGV movements) and Do Something (with HGV movements) scenarios were modelled at five, 'high' sensitivity receptors, made-up of residential properties and the Churchill C of E primary school, representing 'worse case' exposure locations.

Amey recommended that:

- The mineral dust impact assessment presented in the 2018 ES adequately addresses the effects of operational phase dust and PM10 emissions. Through the implementation of best practice mitigation measures, the residual effect was considered to be not significant.
- The modelling presented in the ES showed that changes in annual mean NO2 concentration at two sensitive receptors, situated in the Brasted AQMA, were predicted to experience a moderate adverse impact. The predicted increase in

NO2 was 0.3µg/m3 at both locations. This is based on a 'worse case' assumption that 200 HDVs would use this route. The latest Transport Statement indicates that Route 2 along Beggars Lane to A25 east (through Brasted) would be restricted to 50% of the total HDV movements. Therefore, the potential change in NO2 at these locations will be lower than predicted in the 2018 ES. The proposals themselves are not predicted to lead to an exceedance of the annual mean NO2 AQO as modelled concentrations in Brasted are expected to be 41.4 and 42.6µg/m3 at the two receptors in the Do Minimum scenario.

- The modelled NO2 concentrations at other modelled receptors, including the primary school, were predicted to be negligible, and concentrations well below the annual mean NO2 AQO.
- For PM10 and PM2.5, negligible changes were predicted at all five receptors. Predicted concentrations of these pollutants are well below the relevant AQOs in both the Do Minimum and Do Something scenarios. Overall, the impact of the proposals was considered to be not significant.

Amey concluded that the air quality assessment presented in the 2018 ES provides a robust, conservative 'worse case' assessment of the potential impact on 'high' sensitivity receptors due to HGV emissions associated with the proposed scheme.

In September 2022, Amey AQ responded as follows:

Although a request to provide a review in relation to odour was received, assessment of the impact of odour was scoped out of the 2018 Environmental Statement and therefore was not considered further.

The forecast number of heavy-goods vehicle movements remains unchanged from 200 two-way movements per day used in the 2018 assessment and the number of staff trips are expected to be negligible. The updated baseline traffic data are broadly consistent with that used in the air quality assessment presented in the 2018 Environmental Statement both in terms of the vehicle flows, given as Annual Average Daily Traffic, and the proportion of heavy-goods vehicles on each road; consequently, no material change to the predicted operational phase impacts is anticipated.

Amey is satisfied that the air quality assessment presented in the 2018 Environmental Statement is sufficiently robust and adequately addresses the impact on local air quality associated with the operational phase of the proposals; consequently, has no further comment to make.

In May 2024, Amey confirmed it has no further comments regarding Air Quality.

97. **Kent County Council's Noise Consultants (Amey – Noise) – No objection**, subject to noise limits during normal operations and an increased limit during temporary operations (up to 8 weeks a year) to include essential site preparation and restoration work close to residential properties, no plant to operate within 50m of the boundary with noise sensitive receptors unless during the temporary operations described above, approval of a Construction Environmental Management Plan (CEMP) and Noise Monitoring and Management Plan.

Amey (Noise) has made several detailed responses to the application and amendments, including in December 2018, May 2020, and June 2023.

Amey (Noise) recommend that:

The site is in a semi-rural location to the north-west of Westerham and away from any built-up residential areas close to the M25 motorway. There are a small number of noise sensitive receptors including a school on the southern edge of the site and representative noise monitoring has been carried out at six locations. The monitoring results shows background levels ranging from 39 to 57 dB LA90, heavily influenced by motorway noise. Based on NPPF and PPG noise guidance the appropriate permitted noise limit would be 55 dB LAeq,1hr at all the noise sensitive receptors with the exception of Westwood Farm where it would be 50 dB LAeq.

The restoration operation is proposed to be carried out in four distinct stages with noise predictions provided for each stage, including construction and use of the access road. Mitigation is proposed in the form of bunds predominately adjacent to the access and the site offices/compound area. Amey indicate that this is welcomed in reducing potential noise impacts. The Applicant has also indicated a commitment to construct the bunds near to Churchill Primary School during the school holidays to reduce potential for adverse impact and again this is supported.

The assessment has shown that construction of the access road would generally be within the 55-dB limit although short term higher levels of up to 59 dB could occur. As these works would be nature temporary, Amey agrees that they be considered acceptable. It notes that nearby receptors would benefit from additional control and mitigation through a CEMP/Noise Management Plan approved by the planning authority. Measures should include construction of the access road in a suitable compactable material to provide a smooth surface to avoid 'vehicle body slap', particularly empty vehicles, and a 10-mph site speed limit.

Amey confirms that the impact from the development on the local highway network has been appropriately assessed in accordance with Calculation of Road Traffic Noise Manual with the predicted results shown within the noise report. These show increases in noise of between 0.2 and 0.7 dB along the local network including the A25, A233 and Croydon Road. Increases in noise of this magnitude are considered as being negligible. For context, it is noted from the transport statement that the A25 into Westerham has a daily flow of around 10,000 vehicles. For there to be a 1 dB change in noise due to increased traffic, there would need to be a 25% increase in vehicle numbers (i.e., around 2,500 more vehicles per day). The developer's proposals show a peak hourly flow of between 14 and 18 two-way HGV trips per peak hour, corresponding to 150 to 200 daily lorry movements, hence the increases in noise shown would be below 1dB.

In May 2024 in response to the updated application and ES, Amey confirms that it is comfortable that the revisions to the Noise and Vibration ES chapter have demonstrated that provided the plant is 50m or more from the site boundary – the thresholds of 50/55dB would not normally be exceeded at nearby residential properties. Amey is satisfied that limiting works within 50m of the site boundary to a maximum of 8 weeks per year with a noise threshold of 70dB LAeq,1h (daytime only) would prevent significant noise impacts on residential properties.

Amey recommends that a record of the location of noisy works within the site should be maintained by the site manager to allow the applicant to demonstrate compliance the above requirement. Periodic noise measurement should be undertaken during noisiest works within 50m of the site boundary and the resultant level at the nearest residential façade calculated and provided to the LPA, to demonstrate that the threshold has not been exceeded.

98. **Kent County Council's Landscape Consultants (Amey – Landscape)** – Amey raises a number of questions regarding the additional supporting information recently submitted as se out below. In principle Amey's Landscape comments on the development raise no objection, subject to conditions securing a tree survey and protection plan; tree retention; approval and implementation of a scheme of landscaping (including details of the height and slopes of any mounding; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting); timescales and replacement planting arrangements; tree work in accordance with best practice; management practices for vegetation clearance; and prior approval of exact entry points into and out of the site and compound in the context of the required tree surveys.

In responding Amey summarised the site in landscape terms and made number of detailed recommendations regarding the submitted LVIA, operational plans and cross-sections and proposed restoration plan. In principle, Amey recommended that the landscaping appear to be appropriate on the understanding of the need to address stabilisation issues. It is assumed that the need for stabilisation and the proposed methodology will be assessed by appropriate qualified professionals.

In commenting on updated application documents submitted in 2020/21, it advised that:

- Construction effects on the landscape character during construction are identified as being Moderate adverse but of short duration and therefore not significant. Construction effects of the haul road on landscape character are identified as being Minor adverse and of short duration and therefore not significant. Kent Downs AONB: the site and the temporary haul route are well concealed from the surrounding AONB therefore the construction effects on landscape features are assessed as Minor adverse despite the extent of filling and re-shaping proposed. The construction landscape effect on the AONB is assessed as not significant.

- The restoration of the quarry including reintroduction of landscape features, the proposed ecological enhancements and return of the land to beneficial agricultural use is assessed as beneficial to landscape character. The landscape effect on Covers Farm is assessed as Moderate Beneficial. The haul route would be restored back to its current condition, with vegetation replanted using native species as appropriate. The landscape and visual assessment identified the short-term effect as Minor adverse as the replanted features would be immature, and the long-term effect to be Negligible once the replanted areas have re-established. Moreover, the effect on landscape character would be likely to be moderately beneficial on completion, becoming major beneficial as vegetation matures. A similar level of effect is predicted for the restoration of countryside character within the AONB.

- In addition, Amey made a number of detailed recommendations that seek to improve and clarify specific details within the operational and restoration drawings and sought restoration of the haul road back to its original condition, with native species.

To summarise; visual effects have been considered in relation to 17 assessment views. During the course of the works, the majority of effects would be Negligible or Minor adverse, with Minor/Moderate adverse effects on three views. On completion, the effects would be negligible or minor adverse for 14 views and beneficial for three views. As landscaping becomes established, the effects would be negligible for 14 views, Minor beneficial for one view, Moderate beneficial for one view and Major beneficial for one view.

In September 2021, August 2022 and June 2023, Amey (Landscape) commented on additional information received, which primarily related to geotechnical, drainage and transport considerations. Further consideration was given to the routing of the proposed haul road to seek to minimise its impact on existing tree planting. Whilst changes were not considered practicable the applicant agreed to a tree survey to minimise impact on any trees of importance prior to constructing the exact entry point from the compound to site.

More recently, (May 2024) and in response to addition supporting information Amey draws attention to the consented restoration plan (379/27b) which has a minimum fill of circa 116m (AOD) in the northern bowl, the proposed restoration by the applicant has a minimum height of circa 120m (AOD). Amey consider this is a substantial increase in land level of that previously consented. .

The Greenbelt Assessment makes note of importing inert waste. It is Amey's understanding that the additional fill volume is to ensure slope stability and is required to be of a suitable geotechnical standard. Amey recommend that inert waste would not meet this standard and further information is requested on the type of material to be used and how it would be inspected and graded prior to fill if inert waste is to be used. The use of inert waste could be seen as a landfill operation if it is not to a particular geotechnical standard and thus would likely be considered as inappropriate development within the Greenbelt

In addition, Amey advise that: there is a discrepancy in the maximum slope between the most recent Geotechnical and Greenbelt assessments received and the proposed after use is not clear from the documentation. Clarification should be sought on the correct maximum gradient, and the proposed after use. It is unable to confirm if the proposed capping layer would be suitable until the final use is confirmed. The specification of the topsoil (British standard or otherwise), if it is being made on site, confirmation of topsoil mixing and storage and how the soil would be sampled to ensure conformity with the proposed standard and that no heavy metals or contaminates are present is requested.

99. **Kent County Council's lighting consultants (Amey – Streetlighting)** – **No objection**, subject to a condition securing detailed information on the external lighting proposed at the site compound off Croydon Road.

100. **Kent County Council's Ecological Advice Service (EAS) –** If permission is granted, the EAS recommend a condition securing an Ecological Mitigation and Management Plan including supporting documents and further survey results, and submission of a countersigned Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate.

KCC's EAS has commented on the application, ES and subsequent updates in December 2018, February 2020, February 2021, August 2022, June 2023 and most recently September 2023, providing advice and seeking additional information in support of the proposed development (as amended).

In September 2023 the EAS updated its recommendations as follows:

The EAS are of the opinion that it is likely that updated surveys are required to provide the updated mitigation strategy and management plan. However, it acknowledges that the Applicant does not agree with this view. Notwithstanding, it is satisfied that there is sufficient information to determine the planning application advising that updated surveys to inform the mitigation strategy can be secured by condition.

The EAS confirm an updated ecological impact assessment has been carried out to assess the impact of the development (as amended), including a proposed increase in the size of the infiltration basin. The submitted ecological information has detailed the following about the site:

- Suitable habitat for foraging/commuting bats.
- Trees with low bat roosting potential.
- Suitable habitat for otter.
- Suitable habitat for badger and evidence of a badger sett.
- At least 9 species red/amber listed species of breeding bird within the site
- Common lizard and grass snake present.
- Dormouse present within the site.
- Notable invertebrate species.
- Suitable habitat for water vole.
- Great Crested Newts (GCN) present within the site.
- Suitable habitat for hedgehog and other amphibians.
- Broadleaf and plantation woodland.
- Semi improved grassland.

The ecological survey data is now 4-5 years old, and the EAS has considered if it is still valid. The updated ecological survey has confirmed that the site conditions have not changed significantly and therefore the EAS is satisfied that the survey results are likely still to be valid and no updated species surveys are required as part of the application.

The EAS confirm updated species surveys would be required to inform the detailed mitigation strategies and inform the dormouse European Protected Species Mitigation (EPSM) licence required (see below). It recommends that if the applicant is intending for works to commence within the next 12 months the updated surveys should be carried out this survey season.

Ecological Mitigation

The EAS has reviewed the ecological mitigation proposed for the increased infiltration pond and re-reviewed the ecological mitigation proposed for the wider site. Apart from in relation to Great Crested Newts, it recommends that the principle of the mitigation proposed is acceptable. The proposed mitigation includes a mixture of precautionary mitigation and the implementation of species translocation.

With regards to Great Crested Newts (GCN) the applicant proposes to use District Level Licencing (DLL). An unsigned DLL Impact Assessment and Conservation Payment Certificate has been submitted demonstrating the intention to join the scheme. To enable the applicant to demonstrate it has been accepted on to the DLL scheme a countersigned Impact Assessment and Conservation Payment Certificate must be submitted. The full DLL cannot be issued until planning permission has been granted, however, the signed Impact Assessment and Conservation Payment Certificate demonstrates the project has been accepted on to the scheme. No signed certificate has been received to date.

As indicated above, the EAS advise that the Outline Ecological Mitigation and Management Plan received would need to be updated to cover the current layout out of the proposal and provide the results of updated species surveys. The EAS is satisfied that this could be addressed as a condition of any planning permission – with suggested condition wording provided following receipt of the signed Impact Assessment and Conservation Payment Certificate.

The impacts on dormice would need to be addressed in detail through EPSM licence application or for GCN through the issuing of the District Level Licences issued by Natural England. The Conservation of Habitats and Species Regulations 2017 requires Kent County Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, the County Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".*
2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *"that there is no satisfactory alternative".*
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *"that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."*

The EAS is content that the 'favourable conservation status' test is satisfactorily addressed in the submitted information for dormouse, however for GCN the EAS require a copy of the Impact Assessment and Conservation Payment Certificate to be submitted to enable KCC to be satisfied that a licence(s) will be issued. The EAS note

that the first and second test (above) are planning matters on which it is unable to provide advice.

Enhancing the site and continuing Management

Under section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 and paragraph 174 of the NPPF, biodiversity should be maintained and enhanced through the planning system. Subject to a condition securing approval and implementation of an updated Ecological Mitigation and Management Plan and associated supporting information, the EAS is satisfied that the habitat creation, management, and inclusion of enhancement features would both mitigate the impact of the proposal and enhance the site.

In May 2024 the EAS confirmed it had no additional comments. In responding it notes that the access road is next to the SSSI woodland, and it has been flagged that the road could have a negative impact on the SSSI. The response notes the bunds proposed along the route that would reduce noise levels from the access road. The EAS advise that there is a need to ensure that the construction of the bund is carried out under a methodology to minimise impacts – this would be part of the construction management plan.

In June 2024 the EAS note the concerns raised that the proposal would result in the loss of open mosaic habitat in previously developed land (OMHPDL), which can be a priority habitat. As detailed within paragraph 84 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005[1] which states that "*…The potential effects of a development, on habitats or species listed as priorities… …are capable of being a material consideration in the … making of planning decisions*".

From reviewing the satellite photos the EAS agree that OMHPDL could be present within the site and in particular within the areas of the site which have larger areas of bare ground. The EAS advise that the areas where notable invertebrates were likely to be recorded are within areas where OMHPDL could be present. In response the Applicant detailed the following:

"KCC asked for further details of the impacts associated with invertebrates which could not be adequately compensated. The proposals will result in the permanent loss of suitable habitat for a range of notable invertebrate assemblages including a small number of Nationally Scarce species. The permanent losses will occur in association with species which require bare ground or ephemeral vegetation which do not form part of the restoration scheme. These habitats are difficult to create and maintain away from artificially created habitats such as quarries, or naturally occurring sites, such as cliff faces. The restored area will not include bare ground, and areas of open sand, which will naturally result in the loss of a small number of Nationally Scarce species associated with these habitats. This loss is considered to be off-set by the creation of new diverse habitats such as ponds, a stream, scrub and low input grazing areas with high floral diversity."

[1] odpm-circ-0605.qxd (publishing.service.gov.uk)

The EAS accept the response provided by the Applicant that once the proposed habitats had been established and actively managed habitats would be present within the site to support a diverse invertebrate population. To further enhance the site for invertebrates, if planning permission is granted the site could be enhanced through the creation of areas of bare ground throughout the site.

The EAS highlight that if OMHPDL is present on site it would be lost as part of the proposal and we advise that like for like habitat replacement works cannot be implemented within the current scheme. However as detailed above the proposed habitat creation works are likely to provide opportunities for the species found within the habitat.

101. **Kent County Council Public Rights of Way (PROW)** – **No objection**, subject to a condition securing the prior approval and implementation of safety measures for pedestrians using footpath SR338 at the point where the path would cross the proposed haul road. This road would have an adverse impact on the public enjoyment of the route due to increased noise and possibly mud, which needs to be kept clear. This impact would be mitigated by the proposal to reinstate a footpath along the original route of SR338, across the quarry site when the works are finished.

102. **Kent County Council Flood and Water Management (F&WM)** – **No objection**, subject to conditions securing a detailed sustainable surface water drainage scheme, a report demonstrating that any discharge to ground would not resultant unacceptable risk to controlled waters and/or ground stability, and a verification report on the above on completion.

Concerns were initially raised regarding the infiltration / soakage testing carried out to demonstrate that the designed proposed had capacity to manage the surface water runoff within the site, recommending that further testing would be required to determine the feasibility of infiltration proposed and that any consent be subject to detailed conditions referred to above.

In 2024, F&WM advised that whilst not experts in 'side slope stability' F&WM note the concerns expressed [in the most recent submission] with regards to side slopes of 1 in 4 being required to ensure long term stability – whilst leaving this ultimately to Amey Consulting to accept (given that they requested the alterations) F&WM would advise that side slopes of 1 in 3 are common place throughout Kent. The concerns also appear to relate to the volume of fill and not flood risk although F&WM are aware that this could have implications on surface water management, this would be assessed as part of the detailed design condition. No comment is given as to which approach is most appropriate (i.e. 800,000m^3 or a lesser volume referred to by Amey Drainage) as either would manage surface water flood risk suitably.

103. **County Heritage Conservation Officer (CO)** – **No objection**, subject to conditions securing the updated HGV routing strategy, including limiting HGV movements along the eastern route to the site (the A25 passing through Brasted and Sundridge) to a maximum of 100 movements per day (50 in, 50 out), the retention and protection of existing trees on the boundaries closest to Court Lodge and Covers Farm and the provision of the temporary bunds along the haul road.

The CO commented as follows:

The work to restore the quarry would inevitably have an effect on the surrounding area, however as this would be “temporary” (period of six years), and the outcome should enhance the area in the long term. The CO confirms no adverse comments to make about the restoration aspect of the scheme in the context of local heritage assets.

The use of a new haul road would ensure the Westerham Conservation Area would not be adversely affected by HGV movements. The CO confirms that in considering the setting of Court Lodge (Grade II* Listed) (approximately 130m south-east of the application site at the closest point), the building is in an elevated position and well screened by trees from the M25 and the site of the new haul road. The documents state that the temporary works for this haul road would include bunds that could be sited to give greater sound protection to the listed building. Given the above, the CO confirms no adverse comments to make on this part of the scheme.

The CO notes that the traffic management scheme proposed, would result in up to 200 HGV movements a day passing through the Conservation Areas in Brasted and Sundridge. This would have an adverse effect on these conservation areas sited either side of A25. The central parts of these villages are Conservation Areas and contain high concentrations of historic and listed buildings, many of which flank the A25 road frontage. The construction traffic would be routed through comparatively narrow streets with traffic calming measures at intervals. As such, the negative impacts of a significant increase in the numbers of large and heavy vehicles passing along this route would be felt by those who live and work in these settlements, Negative impacts include the increased personal safety risks associated with HGVs passing through highly populated areas, as well as decreased air quality, increased noise levels, increased traffic congestion and excessive vibration caused by heavy, fully laden lorries. Vibration from road vehicles can be the cause of structural damage to historic buildings. This is due to the type of traditional materials used in the buildings’ construction, which can make them less robust than their modern counterparts.

Regarding the negative impact of increase construction traffic in the area, the CO suggested that mitigation measures should be put in place to reduce the number of vehicle movements along the A25 from the initial proposal of 200 per day (100 in, 100 out). The CO notes that the initial proposal has since been modified with a new traffic routing strategy that proposes a limit of 100 vehicle movements per day (50 in, 50 out) along the eastern route to the site – the A25 passing through Brasted and Sundridge. Recommending that this should be controlled by condition.

In terms of impacts on heritage in the immediate geographical area of the scheme, the CO identifies no negative impacts resulting from the proposed quarry restoration works, provided that the tree screening between the application site and Covers Farm – a Grade II listed farmhouse on the southern edge of the quarry site – remains in place and effective as a visual barrier. The tree screening between the grounds of Court Lodge, a Grade II* listed building and the new haul road should also be maintained to protect its setting, along with the provision of the proposed bunds to help mitigate any noise impacts.

In conclusion, the CO reiterates that, once completed, the quarry restoration work should have no long-term negative impacts on the setting, character or appearance of historic assets within the wider area affected by the proposal. There will, however, be some negative impacts during the construction phase. These would be experienced in the areas surrounding the proposal site as a result of significantly increased numbers of industrial vehicles passing through the conservation areas in Brasted and Sundridge. The CO notes that previous comments relating to vehicle movements have been addressed by reducing the number of proposed HGV movements along the A25 the east from 200 to 100 movements per weekday.

104. **County Archaeological Officer (CAO)** – **No objection**, subject to conditions.

The CAO confirms the Archaeological Desk Based Assessment provides a good assessment of archaeological issues for the main Covers Quarry. Regarding the proposed route of the haul road, the recommendations note that there would some non-designated heritage assets, in the form of a brickworks at the easterly end and historic field boundaries, in close proximity. The CAO notes that the route of the haul road is beside the motorway, and it is likely to have been subject to a level of disturbance as a result.

No significant archaeology would be likely to be affected however the CAO recommends that it would be appropriate for formal archaeological work to take place to record any unknown surviving remains. The CAO recommends the following conditions to secure a phased programme of archaeological work and protection for the *Scheduled Medieval Earthwork including fencing.*

105. **Campaign to Protect Rural England (CPRE) Protect Kent** – **Raises objection.** Supports and endorses Westerham Town Council's reasoned objection and in particular the detailed critique of the Surface Water Drainage Strategy and its criticism of the Transport Statement. The reasons for CPRE's objection are:

The County Council should determine this application on its own merits, however CPRE cannot ignore the fact that the development is linked to a scheme, Which Way Westerham (a masterplan for the future development of Westerham drawn up by Squerryes's Estate involving the provision of housing and a relief road as part of the earlier Sevenoaks Local Plan work.), which would have further and major implications for the Green Belt and the Kent Downs AONB. Therefore, unless good reason has been given, and accepted, that the approved restoration scheme should be replaced as now proposed, CPRE's position is that the original scheme should be retained and implemented.

CPRE key concern is whether the proposals are necessary. It notes the 'Need and alternatives' section of the application documents states: 'The need for stabilization has become evident over time, since the faces of the northern void are beginning to fail. In particular, if the northern slope were to fail, this could pose a risk to the M25, which lies a short distance to the north. Furthermore, the water level within the northern void is rising, and ultimately is likely to overflow across adjoining land, representing a localised flooding risk.' The case of need rests on the Slope Stability Assessment commissioned by the applicant. This requires objective technical appraisal and CPRE ask that this be undertaken for the Council.

If that independent assessment supports, unequivocally, the absolute need to protect the M25 from a catastrophic slippage and other risks, and that there are no workable alternatives to the proposals, then CPRE recommend that the Council judge whether the proposed mitigations to the impacts from the operations are sufficient to justify approval. Commenting further on need, CPRE considers that the proposals rely substantially on the alleged risk of movement in the gault clay and the danger that would cause to the nearby M25. However, expert judgements about this are not consistent; with the Applicant's consultants taking one view and Westerham Town another, based on their own technical advice. It is suggested that KCC take its own professional advice to establish the true position, given the uncertainty and the acknowledged impact.

Environmental Harm –affects such as noise and vibration, dust and visual impacts would essentially be temporary, However, whether they need to be endured at all must depend on the judgement about the need for the works, which CPRE question. More importantly, it is now widely accepted that what we used to call climate change is in fact a climate emergency. This puts a duty on planning authorities to have regard to the effects of any development which would worsen rather than mitigate the present situation. The majority of greenhouse gas emissions come from transport; HGVs are the worst polluters on the road in respect of emissions, noise and vibration. All of these would impact on settlements on and around the A25. Only indisputable evidence that the works were essential would override the conclusion that these harms were unacceptable.

Green Belt - if the restoration proposals exceed what is essential in practical terms, then the harm to the Green Belt from years of disturbance outweigh any case for 'very special circumstances' to apply

106. **Kent Wildlife Trust (KWT)** – supportive of the restoration of Covers Quarry and do not object to the development in principle. However, on reviewing the application (as amended) KWT are **concerned** with the direct loss of priority habitats and impacts to ancient woodland, protected species and designated sites from the works including the impact upon Westerham Woods SSSI and the Devil of Kent Ancient Woodland. It recommends that larger buffer zones (50m) should be provided around both areas of ancient woodland to prevent damage from the indirect impacts of dust, noise, pollution, and possible artificial lighting. KWT are also concerned that the loss of open mosaic habitat would remove important habitat for a diverse invertebrate community, including species of principle importance. The proposed replanted woodland is not an acceptable mitigation for the loss of the invertebrate habitat.

The proposals would also result in the loss of 0.21ha of priority habitat deciduous woodland. Priority habitats are a focus for conservation in England and are protected within the National Planning Policy Framework. Priority habitats are also protected within the Sevenoaks Local Plan (adopted in 2011) under policy SP11 where sites of biodiversity value (such as priority habitats) are "*protected with the highest level of protection*".

KWT are supportive of the restoration of the quarry, however this should not be at the loss and degradation of priority habitats and therefore should be avoided. We understand some works to stabilise steep faces of the quarry are required, however these works should follow the mitigation hierarchy and avoid all unnecessary

works/loss of habitats that are not needed for safety. Currently KWT feel the mitigation hierarchy has not been applied appropriately due to the unacceptable loss of priority habitats. KWT note 0.42ha of woodland is proposed to be planted as compensation for the loss of deciduous woodland, however there is no reference to mitigation for the loss of open mosaic habitat. KWT urge that the loss of priority habitats are avoided through the review and redesign of the proposals. Currently, due to the loss of priority habitats, KWT do not feel the development aligns with NPPF and policy SP11 within the Local Plan.

Overall, KWT are not convinced that the application demonstrates it complies with NPPF (, the NERC Act (2006) or aligns with policy SP11 of the Sevenoaks Local Plan. It requests that Kent County Council's Ecological Advice Service and Natural England are consulted regarding ecology and European designated sites.

107. **Kent Downs Area of Outstanding Natural Beauty (AONB) Unit** – **No objection**, subject to conditions securing the restoration of the site within 6-cyears; the removal of the temporary haul road, site compound and bunds proposed, and the land restored to its former condition on completion of the works.

The site lies entirely within the Kent Downs AONB. (now National Landscape). The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.

The proposed restoration scheme is considered appropriate to local landscape character and would represent a significant improvement to the current condition of the site. The Kent Downs AONB Unit raises concerns regarding the proposed impact of the haul route on the landscape of the Kent Downs AONB. However, it recognises the need to avoid traffic through the town centre and the fact that it is proposed that the route would be removed, and land restored to its former condition on completion of the works.

If KCC are minded to approve the application, the Kent Downs AONB Unit consider it essential that appropriate mechanisms are put in place to ensure the removal of the haul route and compound, including the bunding and the restoration of the land following their removal. If there is any doubt as to the finance being available to secure this a removal/restoration bond should be required. It is also considered important to ensure that a time limit is put on the restoration works to minimise the duration of the operational impact; we note it is anticipated that the restoration will take six years.

108. **Surrey Hills AONB Team** – **No objection**, subject to a condition securing the removal of the haul road on completion of the restoration.

The Surrey Hills AONB Team responded to the application (as amended) in November 2018, February 2020, February 2021, August 2022, May 2023 and April 2024.

Commenting strictly from the point of view of the neighbouring Surrey Hills Area of Outstanding Natural Beauty, it recommends that the proposed landscape restoration of the quarry is supported in the interests of the wider protected landscape. Surrey Hills AONB Team confirms it is not able to comment or advise on the method of restoration

or the haul route as these are unlikely to impact upon the Surrey Hills AONB. It recommends that provision should be made for the removal of the haul road once restoration is complete.

109. **Thames Water** – **No comments** on the application.

110. **Southern Gas Networks** – no response received to consultation letters sent in March 2020, January 2021, August 2022 May 2023, and May 2024.

Local Member

111. The local County Member for Sevenoaks West, Mr Nick Chard was notified of the application on 6 November 2018 and on all subsequent further information submissions. He attended the Committee site visit and circulated a statement signed on behalf of the communities of Westerham Town Council, Keep Westerham Green, Brasted Parish Council, Sundridge and Ide Hill Parish Council, Sevenoaks District Council (Westerham Ward) and Bromley Borough Council (Biggin Hill Ward). A copy of the statement is attached at Appendix 3.

Publicity

112. The application was initially publicised by the posting of several site notices around the site and on public footpaths, an advertisement in a local newspaper, and the individual notification of 193 residential properties. Upon receipt of further information amplifying and amending the proposals, the application was re-advertised and all neighbours, including anyone who made representations were re-notified. Following the submission of further information submissions the application was re-advertised in February 2020, March 2021, September 2022, June 2023, May 2024 and June 2024.

Representations

113. 499 letters of representation were received in response to the application. 497 of the letters raised an objection to the application, 2 letters were received in support.

114. A number of residents' groups; Keep Westerham Green, Westerham Society, Woldingham Association and Oxted & Limpsfield Residents Association have submitted comments on behalf of others.

115. Chair of the Board of Governors at Churchill C of E Primary School (Westerham) has also objected on behalf of the school and Radnor House School (Sundridge) have submitted a transport review which they have commissioned.

116. Comments cover the following areas:

- No proven case of need for stabilisation works by importing fill material.
- Amenity impacts on communities of increased traffic.
- Highways Congestion and Safety.
- Air Quality impacts – for residents/school children on transport routes and near haul road.
- Impact on Listed Buildings and Conservation Area.
- Impact on AONB, Light pollution, Green Belt.

- Visual Impact of Haul Road, which did not form part of the original restoration.
- Noise and vibration from operations and traffic, particularly through Bratsed and Sundridge, Churchill Primary School and residents adjacent to the workings.
- Impact of waste disposal on countryside and nature conservation and established biodiversity.
- Access should be to the West.
- Cumulative impact of traffic associated with Moorhouse Development.
- Application provides income to the landowner from the infilling and then there will proposals to keep the haul road and turn it into bypass.
- There is nothing wrong with the original restoration proposals.
- The claims of the imminent collapse of the motorway into the pit, or now the latest suggestion that the lake will overflow are a sham.
- More material importation than is necessary is being proposed.
- Material volumes required are double counted.
- The sand pit is merely the start of the applicant's broader ambitions regarding reassigning the Town envelope via his trojan horse "relief road" (temporary haul road) in support of incremental housing development.
- Residents continue to be plagued by motorbikes and quadbike users in the winter and then in the summer hordes of rude, aggressive and otherwise disrespectful youths accessing the Pit for "recreational" activities.
- The applicant continually fails to secure the site as he is obligated to do under the Quarries Act 1954 which it is the responsibility of the Planning Authority, in this case KCC, to ensure that he is at all times compliant with their grant of planning and consequently compliant with the Quarries Act; and
- The only acceptable way to make the site compliant would be to fence the entire perimeter first where KCC has the powers to ensure this is done, or to the preference of everyone get on and return the site to agricultural land as called for under the pre-existing and current grant of planning and thereby absolve the applicant and KCC of the expectations of the Quarries Act because it would no longer apply.

117. **Sandra Robinson -** Sevenoaks District Councillor for Brasted, Chevening and Sundridge provided a detailed response on 3 July 2023. In summary the following concerns are raised:

- The proposed Junction 5 HGV route through Brasted and Sundridge would be disastrous to residents' lives – detailed data and analysis provided to support this view;
- The application's proposed route for HGVs to Covers Farm via Sundridge and Brasted is a bewildering choice. The route would take HGVs along the section where the A25 is already narrowest and along which HGVs are already unable to pass each other as two-way traffic;
- The narrowness of the A25 through Sundridge and Brasted, the lack of pavements through the villages, coupled with the density of homes closely to the A25 will damage the health of over 1,000 Kent residents, particularly through diesel particulates and raises serious safety concerns;
- The juxtaposition of narrow road, homes directly on it and the noise from 200 HGV trips a day during working hours, will affect the ability to work and concentrate, for our many residents who now work from home;

- The projected heavy use of HGVs passing so close to 70 Listed homes will put their structures and fabric at risk of damage;
- The projected heavy use of this route will disfigure our local life, and damage the economy of our local shops and businesses;
- The existing congestion along the A25 through Sundridge and Brasted, caused by the narrowness of the road and lack of off-road parking for residents, already has HGVs stopping and engines idling in effective one way traffic. Further exasperating residents and our regular hauliers and bus drivers by adding more HGVs relating to a project that isn't even local, appears incomprehensible;
- There is not one benefit, declared or implicit, from this project for the Brasted and Sundridge residents. They will only suffer for several years, to no purpose;
- The A25 Oxted route from Junction 6 to Westerham is a significantly wider road, where HGVs can pass each other throughout without difficulty as two way traffic. It is far less densely populated, has only a fraction of the listed buildings and minimal parking/delivery problems which cause one-way traffic as seen daily in Brasted and Sundridge. This Oxted route was already the one used for the works that created the Covers Farm sandpit in the first place;
- The Oxted route continues to be the best option for Covers Farm traffic in 2023, just as it was before now: both easier for the HGV drivers themselves, and safer, less polluting and less damaging to residents, businesses and heritage buildings;
- When the M25 is closed or there is a problem, traffic is diverted along A25. Oxted is less impacted and congested by such events;
- I ask Kent County Council and Councillors to consider in balance, the very heavy penalties they would be imposing on Brasted and Sundridge residents, daily and for many years, with this nonsensical Junction 5 route; penalties in corroded health, reduced pedestrian and cyclist safety, damaged quality of life and heritage buildings, and an injured local economy - all for one commercial sandpit located elsewhere.

A further representation was made on 24th May 2024 repeating the above concerns and presenting further analysis, comparison of Sundridge versus Oxted route and maps, detailing road widths and pinch points. It is argued the proposal is contrary to the National Planning Policy Framework (NPPF), KCC Highway's Local Transport Plan LTP4 and the Freight Action Plan for Kent, as well as Sevenoaks Draft Local Plan 2040.

118. **Laura Trott, MP for Sevenoaks and Swanley** in June 2020, commented that the local town council and a number of constituents had contacted her to express major concern in relation to the application. Whilst they support the restoration of the pit, they also wish it to be carried out in a way which is sympathetic to the town and surrounding areas whilst causing minimal disruption. Particular concerns expressed include:
    - Worries about the noise and air pollution which will be caused by both the construction and use of the haul road along the boundaries of the site;
    - Questioning whether the suggested stability issues with the M25 exist;
    - The amount of lorry movements required and the resulting adverse effect on neighbouring villages (in particular Brasted and Sundridge which are within my constituency);
    - Whether there is a need to import a minimum of 800,000m3 infill;
    - Potential drainage and flooding issues resulting from discharge of water from the

lake;
- Concerns whether the length of the project has been underestimated – thereby prolonging further the disruption to the local area;
- The harm to the Green Belt and Area of Outstanding Natural Beauty.

Ms Trott comments that more detailed reasoning will be found in the responses from both Westerham Town Council and the Keep Westerham Green group, and asks that before coming to a decision, the County Council consider most carefully the views of local people who will be affected by the proposal for many years to come.

119. **Claire Coutinho, MP for East Surrey** in May 2021, referred to Surrey Highways Authority concerns about routing HGVs through Surrey to the site, and specifically their comments in a letter to KCC dated 28 May 2020 (set out In Surrey County Council comments above).

Ms Coutinho further states:
"*I have received representations form constituents about the safety of road users, including cyclists as this is a very popular cyclists route, given the width of the road and the gradient, with so many 30/40 tonne 4/5 axle rigid vehicles travelling each day for 5 to 6 years. They believe that the use of the B269 and B2024 seems inappropriate given the fact that all other routes are A road routes and that the A25 routes through Brasted, Sundridge and Westerham are protected, and I ask this Is taken into consideration when making your decision. Should Kent County Council be minded to approve this application KCC/SE/0495/2018 my constituents ask that approval is conditional on the B269 and B2024 route (routes from Zone E) through Warlingham be withdrawn from the routing plan and that access to the site be only via A roads. Additionally, they would request that Warlingham Parish Council are established as part of the monitoring board in order to provide a mechanism for HGVs pertaining to the Covers Quarry planning application can be monitored and reported through an appropriate channel."*

(NOTE: Following a proposed reduction in HGV movements using the B2024/B269 to 10 two-way trips a day Surrey County Council have subsequently removed their objection subject to a condition and routing plan – see comments above dated 6th September 2021.)

Discussion

120. The application is a complex one, attracting significant local objection and raises a range of planning issues that need to be considered against the development plan and other material planning considerations. Having extracted the sand from the site, there is a requirement to restore the land and the County Council would expect the site to be restored to an acceptable scheme that reintegrates the site appropriately into its Kent Downs National Landscape Area and Green Belt setting. In considering this proposal, regard must be had to the Development Plan Policies outlined in the 'Planning Policy' section above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, the NPPF, Government Guidance and other material planning considerations including those arising from consultation and publicity.

121. Given its Green Belt location, whether the need for the proposed development could be carried out such that any amenity and environmental impacts are capable of mitigation sufficient to outweigh any harm or inappropriateness to the Green Belt is central to the determination of this application. Any proposed restoration should also meet the exceptional circumstances test for development within the National Landscape (formerly AONB).

122. This proposal is complex and there are number of matters that are interdependent, and the report follows a narrative of the issues. In my opinion the key material planning considerations can be summarised by the following headings:

- Principle of restoration
  - Technical Feasibility of the approved restoration scheme
  - Green Belt
- Landscape and Visual Impact
- National Landscape (NLA) (Formerly AONB)
- Ecology
- Transport
- Air Quality
- Noise and Vibration
- Heritage
- Stability
- Drainage / Flood Risk
- Harm to the Green Belt
- Alternatives
- Other Issues

Principle of Restoration

123. The site has been subject to a number of planning permissions to extract sand, firstly to the south and subsequently in the northern half of the site. It is understood the last mineral extraction was sometime around 2008 but there remained a stockpile of worked sand that continued to be removed from site and this activity is understood to have ceased around 2012-2013. The southern half of the site has been restored to some extent and the northern area was to be restored in accordance with restoration plan 379/27b (dated April 1987). Initially an extension of time for completion of working and restoration was sought on the basis of remaining reserves in the final phase of working, until 30 April 2014. This deadline has been extended four times since and the existing request to further extend the date for completion of the extant restoration is held in abeyance until determination of this application and would require an Environmental Impact Assessment to be carried out if it is necessary to pursue the submission. Limited restoration has been carried out in the northern area to-date.

124. The approved restoration scheme was to be achieved by cut and fill operations to achieve the final landform. It did not require any importation of material; the land would rise to around 136-140m AOD either side of a valley feature. A number of hedgerows were proposed to be planted to create a series of small fields.

125. The approved scheme is based on the principle that the surface water collecting in the quarry void would drain to a low point (or sump) that would naturally soak away through the underlying sand. The scheme proposed an internal valley feature, with the surrounding land sloping to a central ditch with a small pond in the north (at c. 114mAOD) and an overflow drain to a southern pond (at c. 110mAOD).

Technical Feasibility of the approved restoration scheme

126. The Applicant submits that the approved restoration scheme would no longer work as the key issues of stability and drainage at the site would not be addressed by the approved scheme, see below. None of the geotechnical issues above were known about or present when the 1983 scheme was designed.

127. Parts of the quarry site are unstable, largely as a result of the Gault Clay face being left over-steepened, which has been the case for some time. This current application comments that when Redland were still owners and active on the site, their geotechnical consultants reviewed a range of alternative engineering techniques in 1994. It is assumed these were being considered to make the approved restoration scheme deliverable, and included retaining structures, reinforced gravity walls, lime/cement piles, anchored sheet piles, anchored diaphragm walls, and soils nails. The solution advocated in 1994 was to buttress the face through the importation of some 1.2 million cubic metres of inert fill and reuse 60,000 cubic metres of Gaul Clay to restore the pit. This recommendation was not taken up by Redland, no application was submitted, and the instability remains to be addressed in some way.

128. Following further detailed mass balance modelling work by the Applicant (as requested by our geotechnical consultants) it has also come to light that to achieve the approved restoration scheme now would require the import of 300,000 cubic metres of fill material (which would form part of the proposed import of 800.000 cubic metres). This is based upon comparison of the current topographical survey and the approved restoration scheme and may be either because the original mass balance modelling carried out in the early 1980's was not thorough or accurate or because Redland extracted too much sand 15 or so years ago. It is the Applicant's case that even with the 300,000 cubic metres of fill it, the stability issues would not be addressed. Amey Geotechnical in advising the County Council on this application, advise that the material that was to be used in the original restoration scheme was the reworked overburden (clay) and tile waste located in the centre of the site and this would not meet the specifications for material suitable for placement below water. The engineering material required to meet the original restoration is not available on site and would therefore require importation.

129. It is also argued that the drainage scheme envisioned in the original restoration scheme would not work either as the design is based on the natural balancing of accumulated surface water draining into the underlying sands and that neither lake has a direct link to the underlying sand. The Applicant states that as the sand extraction face progressed northwards, the ever-increasing thickness of the stripped Gault Clay was placed in the base of the northerly working area, thereby effectively sealing the exposed sand preventing any soakaway. Within a short space of time the surface runoff from the large area of exposed Gault Clay in the quarry faces deposited a layer of silt/clay across the final area of exposed sand effectively sealing this area too.

130. It is submitted that this has led to the presence of the large waterbody that has subsequently formed in the north of the site due to the sealing of the exposed sand. In the absence of any intervention this is considered by the Applicant a flood risk that could ultimately spill over onto adjoining land. In turn the presence of the waterbody has impacted on the geotechnical characteristics of the Gault Clay faces, such that any dewatering would increase the risk of slope failure (drainage is discussed further later in the report).

131. The Applicant proposes this restoration scheme as an alternative for consideration. It is appropriate to consider how this proposal sits with Green Belt policy, recognising that the approved scheme was considered acceptable in terms of its impacts upon Green Belt at the time.

Green Belt

132. The whole site lies within the Metropolitan Green Belt, the purpose of which is principally to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 150 of the NPPF states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

133. Paragraph 152 says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is advised that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 155 of the NPPF recognises that certain forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it; this includes mineral extraction and engineering operations. Mineral extraction at the site was granted planning permission in accordance with Green Belt policy, and the expectation that the site would be restored, as supported by national and local planning policies, thus maintaining the openness of the site.

134. Green Belt Assessment (GBA) - The Applicant has latterly submitted a full Green Belt Assessment which refers to the reports by the Applicant's engineers GB Card & Partners (GB Card), submitted with the application, which conclude that parts of Covers Quarry are not stable in the medium term in their existing form, especially the northern face close to the M25. It refers to the GB Card Technical Note TN06 as confirming that the northern half of the site remains largely unrestored with unstable, over-steep slopes that are (1) not suitable for arable or crop farming, (2) unsuitable for re-planting, (3) prone to significant soil erosion, and (4) prone to significant slope instability, which is currently the case. It is this area of the site that is bordered by the M25. The GBA refers to a second objective being the statutory planning requirement to restore the quarry to a suitable landform and beneficial after-use, consistent with its countryside location. It refers to the northern void filling with water (northern lake) and the likelihood of this continuing, thus posing a health and safety risk given the 22

metres depth of water presently within the void. It is submitted that the filling of the water body results in further risk to stability and the potential for overtopping and flooding.

135. The GBA argues that mineral working is by definition not inappropriate development in the Green Belt It states the aim of the development proposed is to achieve a gentle landform more consistent with that of the Green Belt in this location and which, crucially, is stable and supported by an effective drainage scheme that prevents the build-up of water, provides natural infiltration and results in a landform that is stable in the long term. The restoration of the site is to agriculture, with enhanced landscape features and biodiversity. It acknowledges some short-term impacts from the engineering operations and proposed infrastructure but identifies these as being temporary. It is argued that the proposals maintain the long-term openness of the Green Belt and its permanence, having no long-term impacts on the Green Belt or its purpose and is therefore not inappropriate development.

136. Notwithstanding this conclusion the assessment has also considered whether Very Special Circumstances exist. It sets these out as:

a) The absence of any long-term harm to the purposes of including land within the Green Belt;
b) The fact that this is a former quarry with an as yet unfulfilled requirement for the restoration of the quarried areas (under past permission SE/83/1511 (as extended));
c) The fact that this restoration, by necessity, already requires the importation of material to achieve the approved restoration scheme;
d) The visually contained nature of the local landscape which minimises the impact on openness in the short term, during the infilling and profiling operations;
e) The need for intervention to improve the geotechnical stability of the land and tackle the geotechnical instability of the existing site, caused by the depth of historic extraction and presence of Gault Clay;
f) The urgent need to improve drainage conditions to enhance land stability, which if left risks both overtopping within the short term beyond a 25m depth and is already saturating the Gault clay, exacerbating land instability issues and meaning that ‘doing nothing’ is not a viable option;
g) The urgent need to reduce the 22m depth of open water with eroding banks to address public safety concerns, through the risk of unlawful entry to the water body;
h) The resulting need to create a sustainable drainage system that will allow natural infiltration and prevent future instability;
i) The inability of the present condition of the site to support viable after use;
j) The enhanced restoration scheme proposed and viable agricultural after-use which, by definition, is an appropriate use within the Green Belt that maintains its permanence and openness;
k) That the development is temporary and short term, with a limited duration of infilling, restoration and planting of less than 6 years;
l) That there are no built structures other than those that are temporary and support the proposed restoration operations;
m) That the restoration and landscaping scheme proposes long-term enhancement to the character and appearance of the landscape through new tree and hedge

planting that enhance the sense and quality of countryside, its character and appearance as a positive part of the Green Belt;

n) The reinstatement of the public right of way, through a landform that is both stable and safe;
o) The ecological and biodiversity net gain created through increased habitat diversity, tree and hedge planting, wetlands and refugia that are part of the restoration proposals.

137. The GBA concludes that the restoration scheme, would be wholly consistent with Green Belt purposes.

138. Officers do not agree with that conclusion and consider the proposals contrary to Green Belt policy. Planning Policy requires substantial weight to be given to any harm to the Green Belt. To reiterate, Paragraph 153 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The report firstly considers the potential amenity impacts and then will consider whether the development is inappropriate in the Green Belt and the very special circumstances that are advanced in this case.

Landscape and Visual Impact

139. The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. Proposals should protect and enhance valued landscapes and sites of biodiversity, they should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient tot current and future pressures. The NPPF seeks specifically contribution and enhancement by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. As set out above great weight is given to conserving and enhancing the landscape and scenic beauty in National Landscapes (formerly AONBs).

140. The Planning Practice Guidance (PPG) gives guidance on the restoration and afteruse of Minerals Sites and recommends that a landscape strategy is prepared that defines the landscape opportunities and constraints, considers potential directions of working and waste material storage in relation to visual exposure, identifies the need for any additional screening during operations and considers after-uses and options for the restored landscape.

141. The landscape restoration proposals include:

- restoration of the re-profiled quarry area to low input pasture;
- retention and improvement of an area in the north-west for biodiversity including a matrix of ponds, neutral grassland and perennial vegetation enclosed by a new native hedgerow; woodland edge planting against existing woodland;
- Central north-south wetland and ponds as part of the sites restored drainage system including marginal and aquatic species and wet grasslands;
- Wood pasture connecting Devil of Kent Wood and Farley Common along the line of the restored PROW which was diverted when the quarry was operational; and
- the haul road and compound area to be removed at completion of construction including ripping up of all surfacing, removal of any structures, replacement of soil

along the route, which has been stored in bunds, and re-seeding. Hedgerow sections lost to be replanted to match existing.

142. The LVIA comments that the landscape character of the site is derived from its topography, which has been significantly disturbed by mineral extraction, the large pond which has formed in the steep-sided northern excavation, the sparsely vegetated slopes and extensive areas of bare or disturbed ground. It concludes that with the exception of the wooded ridges to the north-west at Devil of Kent Wood, and to the east at Farley Common, the site's character contrasts and detracts from the character of the Upper Darent Valley (West) Landscape Character Area.

143. The LVIA acknowledges that the landscape character would be altered during construction as levels are altered, and movement of large plant and HGVs means the site would be active in contrast to its current state that lies unused and derelict. On the basis that the works would be short-term and carried out in a phased fashion and with only limited lighting as necessary in the compound, landscape impacts are considered by the Applicant as not significant. It is also considered that impacts on landscape character from construction of the haul road would be temporary and being routed predominantly alongside the existing transport corridor of the M25 and mainly through areas of low landscape quality. As such the landscape effect is assessed as not significant.

144. Following removal of the haul road and compound, the restored site is assessed in the application as having a beneficial impact on the landscape and National Landscape (formerly AONB) in the short-term, increasing in the longer-term, with long-term beneficial effects on views and visual amenity from some viewpoints, in particular for users of the public footpaths across and around the site.

145. The current site is not visually prominent in the local environment due to existing topography of the surrounding landscape out with the application boundary. The site is currently considered to be of low sensitivity due to its history of sand extraction and the proximity of the M25.

146. KCC's Landscape Advisor (Amey – Landscape) comments that the proposed scheme has a minimum height of circa 120m compared with 116m in the approved scheme which is a substantial increase in land levels. The fill material is required to be of a geotechnical standard and Amey do not consider inert waste would meet this standard. Amey would require further information on the type of material to be used and how it would be inspected and graded prior to filling. They consider the use of inert waste could be seen as a landfill operation if not of a geotechnical standard and thus would likely be considered inappropriate development in the Green Belt. The Applicant proposes that a Materials Management/Waste Recovery Plan be conditioned for submission following a decision on the planning application. Amey point to a discrepancy in the maximum slope figures between GB Card TN06 and the Green Belt Assessment, 1 in 13 (4.4^{o}) and 1 in 4.3 (13^{o}) respectively. The Green Belt Assessment refers to restoration being a reinstatement of a pasture-based landscape while GB Card TN06 states a return to agricultural usage, and that a 1m thick capping is required which would comprise 600mm of clay material, overlain by 300mm of subsoil and 100mm topsoil and/or growing medium. Amey Landscape are unable to confirm if the proposed capping layer would be suitable until the final use is confirmed. They would require specification of the topsoil if it were being made on site,

confirmation of topsoil mixing and storage and how the soil would be sampled to ensure conformity with the proposed standard and that no heavy metals or contaminates are present. An outline of the material handling has been given in the application; further detail would be required by condition. These details would also need approval by the Environment Agency as part of the permitting process.

147. In considering the proposed haul road, Amey requests a tree survey and tree protection fencing in line with British Standard 5837: 2012 Trees in relation to design, demolition, and construction. The Applicant has suggested a detailed landscaping plan be secured by condition.

148. Following receipt of the further information in March 2024 (TN06 and Green Belt Assessment), Amey Landscape consider the higher finished levels of the proposed scheme (a total of 207,705m^3 of capping soils for agricultural restoration of the infilled and restored landform) to be significant and would wish to see more detail on the proposed fill material. They have concerns regarding the exact nature of the proposed afteruse and they do not feel able to advise on the depth of materials required.

National Landscape (NLA) (Formerly AONB)

149. The site lies within the Kent Downs National Landscape Area. The most westerly boundary of the application site abuts the County boundary with Surrey where the NLA designation continues as part of the Surrey Hills NLA. Local authorities have a legal duty under Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purposes of the NLA in carrying out their planning function. The NPPF confirms that NLAs are equivalent to National Parks in terms of their landscape quality, scenic beauty and planning status, and it requires that great weight be given to conserving and enhancing landscape and scenic beauty of the NLA, the scale and extent of development to be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.

150. Paragraph 183 of the NPPF says that when considering applications for development within a NLA that permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, the development outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. It is considered that the proposed restoration of the site is a major development however the desire to have the site restored appropriately would meet the exceptional circumstances test in this instance.

151. The extraction operation has left the land significantly altered with respect to its topography and denuded vegetation so contrasting and detracting from the character of the surrounding landscape and the NLA, hence the County Council has been pressing for restoration of the site.

152. Planning Guidance requires local plans to include policies to ensure worked land is reclaimed at the earliest opportunity and that high-quality restoration and aftercare of minerals sites takes place, this is supported by Policy DM19 of the adopted KMWLP.

Policy DM 19 of the emerging KMWLP similarly supports restoration and aftercare to the highest possible standards and requires proposals to deliver sustainable afteruse that benefit the Kent community, economically, socially or environmentally; and achieve at least 10% for Biodiversity Net Gain.

153. The Kent Downs AONB Management Plan 2021-2026 contains a number of policies relating to sustainable development. Of particular relevance is Principle SD8 which seeks that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

154. Policy DM2 of the adopted KMWLP and the emerging KMWLP recognises that mineral and waste developments can have adverse impacts on sites of international, national and local importance, this includes AONBs (NLAs). The policy acknowledges that NLAs have the highest status of protection in relation to landscape and scenic beauty. It states that planning permission for major minerals and waste development in a designated NLA will be refused except in exceptional circumstances and where it can be demonstrated that it is in public interest. In relation to other minerals or waste proposals in an NLA, great weight will be given to conserving and enhancing its landscape and scenic beauty. Policy DM2 requires consideration of:

- the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon the local economy;
- the cost of and scope for developing elsewhere outside the designated area, or meeting the need in some other way; and
- any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.

155. Further, in recognising the locational context of existing mineral and waste sites, Principle GNR2 of the AONB Management Plan highlights the importance of careful management and sensitive restoration of such sites within the NLA.

156. There is a clear need to see the site restored and bring about a positive outcome for the landscape and scenic beauty of the area, especially given the current unmanaged poor state of the site. Kent Downs AONB Unit and Surrey Hills AONB Unit have concerns regarding the impact of the haul road but both, on balance, consider the longer-term benefits of restoring the site to outweigh that impact, subject to securing the removal of the haul road upon completion of the restoration.

157. It is argued that the restoration of the quarry including the reintroduction of landscape features, the proposed ecological enhancements and return of the land to agricultural use is considered beneficial to landscape character which would in turn benefit the NLA. The geotechnical assessment of site conditions and assessment of the proposed drainage scheme cast doubt over the necessity for the site to be restored in the manner proposed. However, in light of the lack of objection it would be difficult to sustain a ground of refusal on this basis alone.

Ecology

158. As set out earlier in my report the restoration of this mineral working site is overdue. The site has not been subject to any significant activity for several years and a degree of natural colonisation has occurred. An Ecological Impact Assessment (EcIA) of the site has been carried out (and forms part of the Environmental Statement) to identify, quantify and evaluate potential effects of the proposal on habitats, species and ecosystems. An additional Ecological Impact Assessment was submitted in April 2023 considering the removal of woodland required to facilitate the creation of the new infiltration basin proposed in the revised drainage scheme. It noted no material change in the wider site and therefore assessed that all previously detailed mitigation, compensation and enhancement measure were still applicable to the scheme.

159. The NPPF seeks development to provide enhancement of the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity of geological value and soils. It requires development to minimise impacts on biodiversity and provide net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

160. The NPPF supports remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

161. Paragraph 186 of the NPPF sets out several principles, including that if significant harm cannot be adequately avoided, mitigated, or as a last resort, compensated for, then the proposed development should be refused. Where impacts occur on nationally designated sites, development should normally be refused unless the benefits of the development must clearly outweigh any adverse impact. Specific reference is also made to the protection of irreplaceable habitats and how planning permission should be refused unless there are wholly exceptional reasons and an adequate compensation strategy in place.

162. Policy DM2 of the KMWLP and the emerging KMWLP aims to ensure that there are no unacceptable adverse impacts on designated sites, and again where there is overriding need for the development requires any impacts to be mitigated or compensated for in order to provide a net gain in biodiversity. Policy DM3 of the adopted KMWLP and the emerging KMWLP seeks to ensure that an adequate level of ecological assessment is undertaken to ensure that proposal do not result in unacceptable adverse impacts on important biodiversity assets. Policy SP11 of the Sevenoaks Core Strategy (February 2011) similarly seeks to conserve and enhance biodiversity and where possible enhancement of a green infrastructure network to improve connectivity between habitats.

163. The EcIA accompanying the application determined a 1km Zone of Influence and identified designated sites, habitats and vegetation, and rare, notable and legally protected species within this area. The nearest statutory designated site is a small section of Westerham Woods Site of Scientific Interest (SSSI) located to the south of the M25. This part of Westerham Wood is in close proximity to the proposed temporary internal access road and approximately 125 metres east of the main quarry

workings. Westerham Wood and the woodland located immediately north of the proposed haul road is also designated as Ancient Woodland. Farley Common Local Wildlife Site (LWS) is located 275m east of Covers Quarry and comprises an open field with broadleaved boundary woodland. Farley Common is also designated as Common Land, which extends across a wider area than the LWS of the same name, a section of which is located adjacent to the eastern boundary of Covers Pit.

164. A Phase 1 habitat survey and habitats identified consist of common and widespread species with a matrix of bare ground and ephemera/perennial vegetation, semi-improved grassland, scrub and broadleaved woodland along site boundaries. Nine water bodies were identified within Covers Quarry. The route of the proposed haul road mainly comprises improved grassland with associated boundary features. The nature conservation value of the habitats at the site is of local value.

165. A series of species surveys were also undertaken prior to submission of the application, this included Bats, Badger, Hazel Dormouse, Birds, Reptiles, Great Crested Newt and Invertebrates. The predicted effects of the proposed restoration and haul road on the designated sites, habitats and species are set out in detail in the EcIA.

166. *Mitigation* - It is proposed that avoidance and mitigation of impacts would be managed during construction via the implementation of a Construction Environment Management Plan (CEMP). It is also proposed an Ecological Focus Area (EFA) (or reception area) would be created on the western side of the site to compensate for impacts which are unavoidable or not possible to mitigate. Aftercare of the site would be manged in accordance with an Ecological Mitigation and Management Plan (EEMP). The EEMP would include specific habitat creation and management prescriptions, duration of monitoring and who would be responsible for each action. Mitigation, compensation and management would be secured through planning conditions / legal agreement, and European Protected Species Mitigation licences.

167. Specifically, with regards to designated sites, Westerham Woods would be buffered from the haul road by 25 metres. It is argued that this would reduce potential indirect impacts from traffic associated with the access road. It would also be flanked by bunds to reduce potential indirect impacts associated with noise, dust and heritage assets. It is proposed that Farley Common be buffered from the reprofiling works by at least 15m to avoid noise, dust and vibration impacts. In relation to habitats and invasive species it is proposed that the boundary woodland would be protected by retaining a buffer of at least 15m between the site and the woodland. Habitat loss (from filling works) would be addressed and compensated for via new habitats created in the EFA and as part of the restoration plan, this would include woodland and woodland edge, trees, pasture, wet grassland and ponds. It is proposed that Japanese Knotweed in the central part of the site would be buried, and elsewhere dealt with appropriately via the preparation of a Japanese Knotweed Eradication Strategy to ensure it does not spread on to the site.

168. It is proposed that the EFA would provide long-term foraging suitable for a variety of bat species. Restoration works would be carried out during daylight hours where possible and buffering of boundary vegetation would prevent accidental incursion into suitable bat roosting habitat. A regular check for badger activity would be carried out annually with suitable mitigation secured (following advice from a qualified ecologist) if

impacts are unavoidable. Hazel Dormouse habitat would be created within the restored scheme to be contiguous with existing habitat to avoid habitat fragmentation. Measures are proposed to avoid any habitat suitable for nesting birds to be carried out outside of the main bird breeding season, and where not possible inspections would be carried out prior to removal by a suitably qualified ecologist. It is intended that the EFA would also include suitable breeding habitat for most recorded species and include areas of wetlands.

169. Prior to any filling operations it is suggested that reptile exclusion fencing would be erected on the area to be restored with animals being translocated to the north-west of the site outside of the restoration area. The EFA would include areas of suitable habitat. Great Crested Newts are a protected species it would be necessary to obtain a mitigation licence from Natural England (NE) and the Applicant has submitted an application for a District Level Licence to include reasonable avoidance measures and translocating them, although this has yet to be accepted by NE. A variety of habitats for and features suitable for invertebrates (including a few notable species found on site) would be provided in the EFA.

170. Westerham Woods Site of Special Scientific Interest comprises Gault Clay Ancient Woodland. Paragraph 180 of the NPPF requires planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 180 (b) requires that decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Natural England and Forestry Commission's 'standing advice' for ancient woodland, ancient trees and veteran trees is a material planning consideration for local planning authorities (LPAs). The guidance requires local authorities when making decisions to consider conserving and enhancing biodiversity and avoiding and reducing the level of impact of the proposed development on ancient woodland and ancient veteran trees. Kent Wildlife Trust object to the proposals and do not consider a sufficient buffer zone has been provided to the ancient woodland. However Natural England has no objection to the proposals, subject to appropriate mitigation being secured. It states that in order to mitigate these adverse effects and make the development acceptable measures to protect Westerham Woods SSSI from indirect impacts arising from the proposal should be secured as indicated in the Outline Ecological Mitigation and Management Plan (OEMMP). They advised that an appropriate planning condition or obligation be attached to any planning permission to secure these measures.

171. KCC Ecological Advice Service (EAS) comments that the ecological survey data is now 4-5 years old and therefore have considered if it is still adequate for decision making purposes. The updated ecological survey has confirmed that the site conditions have not changed significantly and therefore they are satisfied that the survey results are likely still to be valid and no specific species surveys are required as part of this current application. However, EAS highlights that updated species surveys would be required to inform the detailed mitigation strategies and inform the dormouse EPS licence. Therefore, it is recommended that if the applicant is intending for works to commence within the next 12 months, then updated surveys be carried out this survey season.

172. With regard to the proposed mitigation, with the exception of Great Crested Newts (GCN) they are satisfied with the principle of the mitigation proposed which is a mixture of precautionary mitigation and the implementation of species translocation. It is proposed that District Level Licensing for GCN be used. The Applicant must demonstrate they have been accepted onto the DLL scheme by submitting a signed Impact Assessment and Conservation Payment Certificate. Whilst the Applicant has submitted the forms and payment to Natural England, they have not yet received a certificate. It is advised that the OEMMP would have to be updated to cover the current layout of the proposal and provide the results of updated species surveys. Whilst EAS are satisfied this could be addressed by condition, they would not be able to provide the wording of such until receipt of the signed Impact Assessment and Conservation Payment Certificate.

173. The impacts to dormice would be addressed in detail through European protected species mitigation licences or for GCN through a District Level Licence issued by Natural England. The Conservation of Habitats and Species Regulations 2017 requires Kent County Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Kent County Council must consider whether it is likely that a European Protected Species Mitigation (EPSM) Licence from Natural England would be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".*

2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *"that there is no satisfactory alternative".*

3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *"that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."*

EAS are satisfied that the 'favourable conservation status' test is satisfactorily addressed in the submitted information for dormouse, but require a copy of the Impact Assessment and Conservation Payment Certificate to be submitted to enable KCC to be satisfied that a licence will be issued. It is considered that Natural England would be likely to support the general principle of restoring the quarry as it offers beneficial consequences to the environment and as with any restoration and would need to provide mitigation for protected species.

174. EAS acknowledge that open mosaic habitat in previously developed land (OMHPDL) which can be a priority habitat, could be present on site, particularly within the large areas of open ground. Such habitats are likely to support notable invertebrates and the proposed scheme these areas would be lost. However, they are satisfied that the proposed habitat creation works are likely to provide opportunities to support a diverse invertebrate population.

175. The EAS note that the proposed haul road is next to the SSSI woodland, and it has been flagged that the road could have a negative impact on the SSSI. It is understood

that the proposed bunding would reduce noise levels from the access road usage. There is a need to ensure that the construction of the bund is carried out under a methodology to minimise impacts, this could be secured by condition within a CEMP.

176. Enhancing the site and on-going Management - Under section 40 of the Natural Environment and Rural Communities Act 2006 and paragraph 180 of the NPPF, biodiversity should be maintained and enhanced through the planning system. EAS are satisfied that the habitat creation, proposed management and inclusion of enhancement features would both mitigate the impact of the proposal and enhance the site. However, EAS advise that there is a need to ensure that the habitat creation and on-going management requirements are fully implemented.

177. It is concluded that with appropriate mitigation, as set out in the application and in the final EEMP, the proposals would enhance biodiversity, although the proposals have yet to be accepted on the DLL scheme.

Transport

178. This application proposes a restoration scheme that would be achieved by importing 800,000m³ of fill material. It is relevant to consider the associated traffic movements that would be required to deliver the material.

179. Paragraph 114 of the NPPF states that in assessing applications it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- any significant impacts from the development on transport networks (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

180. Furthermore, paragraph 115 goes on to say that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

181. The application refers to The Local Transport Plan (LTP4) the vision of which is to deliver safe and effective transport, ensuring that all Kent’s communities and businesses benefit, the environment is enhanced, and economic growth is supported. It also refers to the Kent Freight Action Plan which aims to “*Promote safe and sustainable freight distribution networks into, out of and within Kent, which support local and national economic prosperity and quality of life, whilst working to address any negative impacts on local communities and the environment both now and in the future*”.

182. Policy DM13 of the KMWLP requires mineral and waste development to demonstrate that emissions associated with road transport movements are minimised as far as

practicable and by preference being given to non-road modes of transport. The policy goes on to state that where development proposals require road transport, they will be required to demonstrate that:

- the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety;
- the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, the impact of traffic generated does not have an unacceptable adverse impact on the environment of local community; and
- emission control and reduction measures, such as deployment of low emission vehicles and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA.

183. The Sevenoaks District Council Core Strategy 2011 requires that detailed transport impacts of development are assessed at the planning application stage noting that in some instances, development may be conditional on implementation of specific transport mitigation measures. The Sevenoaks District Strategy for Transport 2010-2016 was prepared in parallel to the Core Strategy, the main aim being to reduce congestion and pollution and tackle problems of accessibility and road safety. Chapter 16 acknowledges the need to signpost heavy transport and HGV routes away from rural, residential and environmentally sensitive areas. Policy T1 of the Sevenoaks Allocations and Development Management Plan 2015 requires new developments to mitigate any adverse travel impacts including impacts on congestion and safety, environmental impact (noise, pollution, tranquillity and impact on amenity and health.

184. The material required to achieve the proposed engineered restoration would primarily come from southeast London and would be delivered to site by road over a period of 5-6 years. To avoid impacts upon Westerham town centre a temporary haul road is proposed running adjacent to the M25. The planning application is accompanied by a transport statement which reviews relevant policy documents, existing traffic conditions, the development proposals and was undertaken in accordance with current guidance for such studies. Consideration of present highway safety was reviewed and then the current proposals were assessed in terms of access arrangements, trip generation, trip distribution their potential impact and proposed mitigation. The transport statement was updated in February 2020 and included changes to the traffic distribution on routes and confirmation of use of GPS tracking on all vehicles accessing the site.

185. The proposed haul road would be built between London Road and Croydon Road and would gain access from the existing A233 Beggars Lane/London Road roundabout junction, (via an additional arm) before traversing land within the ownership of the applicant, parallel to the M25. The final design of that access junction would need to be subject to a Section 278 Highways Agreement. The haul road would connect with Croydon Road via a signalised junction which would be required to facilitate HGV movements from the east needing to cross Croydon Road to access the site.

186. The methodology for calculating travel demand was based upon Transport Assessment work for reclamation projects and assumed between 14 and 18 two-way

HGV trips per peak hour. Assuming an 11-hour working weekday, this would correspond to 150-200 daily HGV movements distributed across the network. For a six-hour Saturday workday this would equate to up to 108 two-way HGV movements. The calculation assumes that deliveries to the site would be evenly spread throughout the day. In addition, it is forecast that five staff would travel to and from the site in the peak hour periods, comprising one site foreman/manager, one ticket office operative, two machine operators and one labourer.

187. The application initially anticipated the HGVs delivering fill material via the strategic road network would be distributed as follows:

- Journeys using the A233 London Road: 33.5% of trips; and
- Journeys using Beggars Lane and the A25 East: 66.5% of trips.

Additionally, a sensitivity test has been undertaken, with 15% of trips using Croydon Road north.

188. Following concerns expressed about the potential impact of traffic upon the environment and communities of villages along the A25, the traffic distribution has been adjusted so that no more than 100 HGV trips (50 in 50 out) per day would occur along this route, this is confirmed in a draft routing plan which has been submitted. It is proposed that use of those routes would be controlled through a Traffic Management Plan and the design of the access, which would prevent large vehicles from accessing the site from the south. It is said this would also ensure that no vehicles would use the A25 to the west of Westerham. Any vehicles travelling from the west would be required to use the M25 to the junction at Sevenoaks and then the A25 via the Chipstead junction. Furthermore, the Applicant has confirmed that only vehicles fitted with GPS tracking equipment would be permitted to access the site.

189. Highways Officers (KCC) have extracted data from the Transport Statement, Table 3.1 shows the current AADT (Annual Average Daily Traffic flow), HGV two-way flows and compared the additional HGV two-way flows generated by the proposal (maximum) on the 3 routes to be used (see below).

	Existing traffic per day (2017)	Existing HGVs per day (2017)	HGVs as % of total traffic	Additional HGVs per day	HGVs as % of total traffic as proposed	% difference in HGVs
A25 East	15,422	1,298	8.4%	100	9.1%	0.7%
A233 North	10,322	804	7.8%	100	8.8%	1.0%
B2024 Croydon Road North	3,199	257	8.0%	10	8.3%	0.3%

190. Highways Officers are satisfied that the data given still offers a robust assessment of traffic flows.

191. The Applicant has subsequently offered to further limit the number of vehicles using to Croydon Road to no more than 10 two-way movements (5 in each direction) per day.

Surrey County Council raise no objection, subject to this lower limit being formally set out in the approved routing plan and being secured by a suitable condition which they wish to agree the wording of. Tatsfield and Warlingham Parsh Council's maintain their objections and wish to see this route not being used at all.

192. The A223 London Road north, passing through Biggin Hill, is within the London Borough of Bromley who raise objection to the proposals but comment that if KCC is minded to grant permission they request the following conditions:

- There shall be a weekday limit of 100 two-way HGV movements (i.e. 50 trips into the site and 50 trips out of the site) and no weekend HGV movements using London Road (A233), Westerham Hill and Main Road, Biggin Hill route; and
- All HGVs shall be fitted with GPS monitoring equipment and the routing data recorded and monitored and made available to the Local Planning Authority, Kent County Council, upon request.

193. KCC Highways Officer considers that the above increases in HGV movements are not so significant as to have a severe effect (as stated in NPPF Paragraph 115) on highway safety and congestion, particularly taking into account that these are classified roads on strategic routes, and which currently have up to 15,000 vehicles per day using them. The Transport Statement identifies that the 3 routes to be used all have a low crash record. It is acknowledged that the proposed haul road and routing agreement are such that there would be no impact on Westerham Town Centre. It is also considered that given the low staff numbers it is not considered necessary or appropriate to require a travel plan for the development.

194. The Highways Officer therefore raises no objection providing the following conditions are applied to any consent granted:

- The number of HGV movements is restricted to a maximum of 200 two-way movements per day, on weekdays and Saturday mornings only, for an 11-hour day with a maximum of 100 two-way HGV movements along the A25 (east), a maximum of 100 two-way HGV movements along the A233 (north), and a maximum of 10 two-way HGV movements along Croydon Road (north). The HGV traffic movements should be reasonably evenly distributed across an 11-hour day from 07:30 to 18:00 on weekdays and 07:30 to 13:00 on Saturdays and with no excessive peaks and a maximum of 12 HGV movements per hour along the A25 (east) and A233 (north) and a maximum of 2 movements per hour along Croydon Road (north);
- A lorry routing agreement is entered into between the Applicant and KCC, the details of which are to be submitted and approved prior to any works commencing.
- Details of the signalised junction on Croydon Road are submitted and approved by KCC and implemented prior to any works commencing. These works will be subject of a Highways Act 1980 Section 278 Agreement;
- Details of the revised roundabout on London Road/Beggars Lane junction are submitted to and approved by KCC and implemented prior to any works commencing. These works will be the subject of a Highways Act 1980 Section 278 Agreement;
- The junction works both on Croydon Road and London Road are reinstated back to the original layout once the works are complete;

- A pre-commencement condition survey of Croydon Road in the vicinity of the site access and the London Road/Beggars Lane roundabout are carried out and agreed with KCC prior to any works commencing;
- Submission of a Construction Management Plan before commencement of any development on site to include the following:
  a) Routing of construction and delivery vehicles to/from the site.
  b) Parking and turning area for construction and delivery vehicles and site; personnel;
  c) Timing of deliveries;
  d) Provision of wheel washing facilities; and
  e) Temporary traffic management/signage;
- All HGVs to be fitted with GPS Tracking. Data regarding timing and routing to be made available to the LPA at any time when requested.

195. Access from the west - A number of third parties have argued that a route to west for vehicle visiting the site has not been explored sufficiently. Specifically, Sevenoaks District Council are concerned that the proposals are also predicated on access from the north and east and do not clearly justify why this is preferable to access from the west, utilising the existing site access. The solution proposed may therefore be more likely to adversely impact on the amenity of residents than an alternative scheme.

196. The Applicant has commented that this would result in a longer haul route, would result in having to use the existing access from the A25 rather than a dedicated route which immediately accesses the works compound, and direct impact on Oxted and Limpsfield with no opportunity for alternative routes to be used i.e. all the HGVs travelling along a single route to Junction 6 of the M25.

197. The Applicant also argues that traffic from the east could not be stopped from passing through Westerham and there would be no haul road to bypass the town centre. Members must consider the proposals in front of them; however, the Highways Officer has considered the Applicant's comments and is satisfied that there is justification in the arguments put forward.

198. Junction safety - Following questions about junction safety at the Members site visit, Highways Officers investigated the crash data for the following junctions and report as follows:

- A25 / A21 Junction, Bessels Green - Existing crash data indicates 21 crashes (5 serious, 16 slight) in the past 5 years to 17/06/24. Crashes generally involve vehicle movements to / from Homedean Road from Westerham Road where a signing and lining scheme was implemented. This location has been investigated subsequently and is reported in the latest Chevening Highway Improvement Plan as follows: ..... "*over the last 3 years there has been 4 personal injury claims. This is not on the current years crash cluster site of junction sites so we will continue to monitor this location for potential improvements next year*." HGV traffic associated with the Covers Pit proposal would only negotiate the slip roads, not the remainder of the junction. There were no crashes on the A25 to A21 slip. There were 2 crashes on the A21 to A25 slip, both resulting in slight injuries, with the vehicles reported as skidding/ loss of control due to wet conditions.

- Junction of Pilgrims Way with London Road, Westerham - Crash record of 7 crashes (1 serious, 6 slight) in the past 5 years, generally involving right-turn movements.
- Warning signs were introduced in 2022 and, whilst the site is still being monitored on the Crash Remedial Measures programme, no further action is currently planned as there is a declining trend.
- Proposed signal crossing on Croydon Road - Will be the subject of a Section 278 Agreement (including the traffic signals) and this will include a requirement for a Road Safety Audit.
- Traffic Signals Team consider that visibility will be adequate provided traffic speeds reduced to 40 mph. Schemes Team agree that 40mph speed limit would be a feasible option, particularly if insufficient visibility for 60mph (current speed limit). Current speed data available indicates vehicles travelling between 40 and 44 mph.

199. With regard to the proposed Croydon Road crossing, the Highway Officer comments that given the restriction on the number of HGV movements (200 two-way movements per day with maximum of 18 per any one hour) that the frequency of crossings will be very low and unlikely to generate any significant queues. Where schemes are proposed, these would pass through the Section 278 approvals process as the designs are progressed to ensure they are satisfactory in respect of technical and safety issues. Additional signage could be placed on the approaches as they are temporary works. The 40-mph speed limit change would require a Traffic Regulation Order to be advertised. This could all be conditioned to ensure approved schemes must be implemented prior to works starting.

200. Reference has been made by third parties to other major developments generating significant traffic at Fort Halstead (mixed use development) and Chevening Parkland scheme (landscape enhancements, bunds and surface water drainage). The Highways Officer comments that they each have routing schemes which do not coincide with the routes proposed for this application, i.e. they are not using the A25 between Westerham and M25.

201. The Highway Officer remains satisfied that the proposals are satisfactory subject to the conditions set out above.

202. National Highways (NH) have commented upon the application in terms of the potential impacts the development might have on the M25 between junctions 5 and 6. Initially concern was expressed regarding the volume of HGV traffic using the proposed haul route and the negative impact it would have on upon the stability on the M25 earthwork cutting. Further geotechnical analysis and information has been provided by the Applicant. NH are satisfied with the information provided and request conditions be attached to any grant of planning permission seeking details as follows:

- Temporary haul road - prior approval of detailed design information including all design calculations, technical reports and construction drawing and specifications;
- Infilling and restoration – no infilling works until submission of a report that includes:
  - An Instrumentation and Monitoring Strategy with agreed trigger levels both during and post completion of the restoration works;
  - Agreement of a reporting procedure; and

- Preparation of an Emergency Action Plan with agreed actions in case of trigger breaches.

The report to provide reassurance that the infilling works will not have an unacceptable impact on the safe operation of the M25 strategic road network. The report will be approved by the Kent County Council following consultation with National Highways.

Air Quality

203. The NPPF seeks planning policies to contribute to and enhance the natural and local environment which includes air quality. Specifically, paragraph 192 states: Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

204. Planning Policy Guidance advises that concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. It says they could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads, or construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more. It acknowledges that air quality may be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.

205. The Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031 (also referred in the transport section) includes an outcome for 'Better Health and Wellbeing', "*Provide and promote active travel choices for all members of the community to encourage good health and wellbeing and implement measures to improve local air quality.*" The Plan also makes specific mention of air quality conditions in Sevenoaks, and states: "*…when there is congestion on the M25 and/or M26 it can lead to inappropriate use of local roads, such as the A25 leading to the villages along the route experiencing congestion with associated air pollution concerns."*

206. Policy SP2 of the Sevenoaks Core Strategy seeks the design and location of new development to take account of the need to improve air quality in accordance with the Districts Air Quality Action Plan. It states that permission will be refused where unacceptable impacts cannot be overcome by mitigation.

207. In the Local Air Quality Action Plan 2009, Sevenoaks District Council declared 13 Air Quality Management Areas (AQMAs), four of which have since been revoked. There are two relevant to this application, AQMA No.2 along the M25 corridor to the north of

the quarry and AQMA No. 13, which encompasses the entire length of the A25 from the border with Tonbridge and Malling in the east and the border with Tandridge on the west.

208. The Government has established a set of air quality standards and objectives to protect human health. The standards are set as concentrations below which effects are unlikely even in sensitive population groups, or below which risks to public health would be exceedingly small, timeline objectives for compliance are given. The objectives for use by local authorities are prescribed within the Air Quality (England) Regulations 2000 (and subsequent amendments).

209. Existing air quality data and potential dust impacts have been considered in a detailed air quality assessment in accordance with an approach developed jointly by Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM). The impacts of increased emissions arising from the additional traffic on local roads, including the A25 through Brasted and Sundridge, and the new haul road, have been assessed. Concentrations have been modelled for five worst-case receptors, representing properties where impacts are expected to be greatest. Concentrations of particulate matter PM_{10} and $PM_{2.5}$ (fine particulate matter) would remain below objectives at all receptors with or without the proposed restoration.

210. However, annual mean concentrations of nitrogen dioxide are predicted to exceed the objective at two receptors in Brasted, with or without the restoration works. These receptors are within the AQMA, and monitoring has already recorded exceedances above the objective (in previous years), although there is understood to be a slight downward trend in concentrations for the past six years. It is commented further that although moderate adverse impacts are found at these locations. Sevenoaks District Council comment that the degree of HGV traffic resulting from the use of Beggars Lane and the proposed access would not only result in significantly increased levels of noise and disturbance but would also exacerbate levels of air pollution within the adjacent M25 Air Quality Management Area, which would be seriously detrimental to the amenities of occupiers of the adjacent primary school and the adjacent residential properties. It is also concerned that the signalled road crossing (Croydon Road) would potentially cause delays and queues along the public highway.

211. The County Council's air quality advisors (Amey) acknowledges that exceedances have already been recorded within the AQMA and that the assessment has been carried out based on all traffic (200AADT) travelling through Brasted which would represent very much a worst-case scenario. In any event it is now proposed that HGV traffic using the A25 through Brasted would be limited to 100 HGV movements per day (through routing agreement). As a result, traffic would be displaced onto the London Road (A233) north of the proposed haul road, but again modelling carried out assumed a worst-case scenario with all restoration traffic using this road to access the site and impact was assessed as negligible. The Applicant confirms that 50% of HGV traffic would use the A233, around 100 HGV movements per day. Given the above Amey agree that the effects of the proposed vehicle movements on air quality are judged to be not significant in terms of the additional impacts.

212. The restoration works have the potential to create dust through site preparation, importation of fill material and materials handling across the site. The operational dust impacts assessment has predicted 'Moderate Adverse' impacts at the receptors

closest to the quarry, such as properties to the north of Farleigh Common. It is submitted that the assessment has been carried out on a worst-case scenario and any impacts would be temporary in nature. If best practice mitigation measures are employed to minimise the potential for off-site dust effects, the overall impacts are judged to be 'not significant'. The County Council's Air Quality advisors concur with that view and suggest that if Members are minded to grant permission the operational dust mitigation measures be subject to a condition to ensure they are employed on site.

213. It is considered that the effects of air quality have been assessed in a robust fashion that follows established and suggested methodologies and on that basis, there are no grounds to raise objections to the proposals in terms of the direct and indirect impacts on the wider area.

Noise and vibration

214. Potential noise impacts attributable to the additional HGV movements upon the surrounding roads have been considered, based upon an assessment of the change in noise levels. Vibration associated with traffic using the proposed access road has also been considered within the assessment in accordance with British Standard BS 5228. It is considered that vibration levels associated with the HGV movements along the access road would be low and considered imperceptible beyond around 20 m. Given that there are no properties in close proximity to the haul road it considered any vibration impacts would be negligible.

215. The NPPF presumes in favour of sustainable development, although the permitted operations should not have an unacceptable adverse impact on the environment and have appropriate noise limits adopted to control noise. The current PPG relating to noise which covers mineral extraction and related processes (including aggregate recycling, disposal of construction waste) provides guidance and advises upon acceptable levels of noise from mineral operations.

216. For normal daytime works the guidance seeks to ensure that the operations do not result in significant adverse effects and advises for normal daytime operations that the following limits should not be exceeded:

- 10 dB above background (LA90); subject to
- a maximum value of 55 dB $L_{Aeq,1hour}$ (free field).

The guidance suggests that in the evening (19.00-22.00) $L_{Aeq,1\ hour}$ noise levels should not exceed the background (L_{A90}) noise level by more than 10dB and during the night-time a limit of 42 dB $L_{Aeq,1\ hour}$ should be adopted.

217. It is recognised that there is the potential for certain noisy short-term activities such as site preparation and restoration work where those activities cannot meet normal operational limits. A more lenient limit is suggested where those activities are short-lived, a level of 70 dB $L_{Aeq,1\ hour}$ for period of up to 8 weeks. Where temporary works may exceed 8 weeks it can be appropriate to apply a lower limit for a longer period. The guidance also recognises that in wholly exceptional cases, where there is no viable alternative, a limit of 70 dB $L_{Aeq,1\ hour}$ may be appropriate in order to obtain other environmental benefits.

218. Policy DM11 of the KMWLP covers health and amenity issues. Mineral and waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment.

219. A noise monitoring exercise was untaken at surrounding noise sensitive properties (NSP) and background noise levels at these properties were established. The potential sources of noise have been considered in terms of their noise output and likely period of operation.

220. Access Road Noise - The assessment concludes that noise levels associated with the initial construction of the access road from the A223 to the quarry are anticipated to remain below the proposed normal working limits at the surrounding properties, with the exception of Brickfield Cottages. It is argued that the construction of the access would be a short-term operation and thus the higher 70 dB $L_{Aeq,1\ hour}$ limit would be applicable. It is concluded that on this basis and providing the residents are informed prior to the works and that measures to ensure noise levels are minimised, noise levels during the construction of the haul road would be acceptable and would not result in any significant adverse impacts.

221. It is noted that whilst noise levels at Churchill Primary School would remain acceptable and unlikely to result in adverse impacts, the applicant is proposing that any operations generating high levels of noise, such as construction of the nearby bund, would be carried out during school holidays or outside of lesson time where practicable. Noise levels associated with the use of the haul road by HGV traffic are anticipated to remain low and below the proposed normal operating limit at nearby properties and would be experienced against existing ambient noise levels associated with traffic noise from the M25.

222. Quarry Operations Noise - With regard to properties close to the quarry itself, noise calculations have been based on plant operating in each area of the quarry simultaneously, which is likely to represent a worst-case scenario. Properties to the south and west of the quarry – Westwood Farm, Covers Farm and Bungalow – would remain below the proposed normal working limits throughout the proposed operations and therefore not result in any adverse noise impacts at these properties. The assessment anticipates higher noise levels at the properties to the east including Farleys Mill and neighbouring properties and Greencroft Farm. It is suggested that works within 50m of the site boundary with these properties noise levels would potentially increase above the normal working limit however this would represent a small portion of the overall engineering works area. On this basis it is considered unlikely that there would be a requirement for plant to operate within the area for more than a few weeks and to minimise any potential disturbance, works within 50m of the boundaries would be restricted to less than 8 weeks per year. The revised noise chapter of the ES and the letter from the Applicants acoustic specialists received in April 2024 provide additional detail on these works and refer to additional noise monitoring during these activities. It would be possible to attach a planning condition to this ensure these measures are secured.

223. The assessment therefore concludes that with appropriate management and controls that noise levels at surrounding properties would be acceptable and not result in any significant adverse noise impact thus complying with the requirements of the NPPF and local planning policy. The County Council's noise consultant (Amey) is satisfied with the revisions to the Noise and Vibration ES Chapter.

224. Off-site Road Traffic Noise – Consideration has been given to the changes in traffic noise based on a change in traffic flows on roads surrounding the site. The calculations indicate that the additional traffic accessing the proposed development would result in very small increases in road traffic noise levels on the surrounding road network. The highest changes are anticipated along Beggars Lane, where increases of 0.7 dB weekday and 0.9 dB Saturday mornings, are predicted. It is concluded that increases in road traffic noise levels would result in at worst a negligible impact upon residents of dwellings alongside the identified roads, with noise levels substantially below those that would result in any significant adverse noise impacts.

225. The noise and vibration assessment indicate that the operations and associated traffic would not result in any significant adverse impacts. It is proposed that mitigation measures would be implemented as part of the site design, including the provision of bunding alongside the access road. Controls would be adopted during construction of the haul road to ensure works did not adversely impact upon the neighbouring school. It is proposed that noise control measures such a maintaining plant, silencers, minimising drop heights, use of non-tonal reversing signals etc., and these could be secured by planning condition. Monitoring and maintaining the good condition of the access road and controlling the speed of vehicles would also minimise noise and vibration impacts. The Applicant also proposes a noise monitoring scheme within a Noise and Vibration Management Plan be submitted and agreed prior to any works commencing on site.

226. With the appropriate noise mitigation measures implemented as part of the overall design and on-going monitoring and control measures implemented, the assessment concludes there would be no residual effects.

227. Amey comment that given that the general area is currently subject to continuous traffic noise from the adjacent motorway and accepting that construction works necessarily give rise to periods of elevated noise and disturbance, they are satisfied that the noise and vibration assessment provided is robust. It applies current best practice guidance appropriately and suitably assesses the scheme's potential effects on nearby noise sensitive properties and therefore has no objection provided suitable mitigation and best practice noise controls are implemented.

Heritage

228. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be given by the planning authority in the exercise of planning functions to the desirability of preserving or enhancing Listed Buildings and their settings, while Section 72 refers to the special regards given to the preservation or enhancement of Conservation Areas. Legislation regarding archaeology, including scheduled ancient monuments, is contained in separate Acts.

229. Chapter 16 of the NPPF provides national policy for conserving and enhancing the historic environment. Paragraph 200 states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and no more than is sufficient to understand the potential impact of the proposal on their significance.

230. Sevenoaks District Council Core Strategy (February 2011) Policy SP1 requires the District's heritage assets and their settings to be protected and enhanced. The Allocations and Development Management Plan (February 2015) Policy SC1 presumes in favour of sustainable development with reference to the conservation and enhancement of the District's cultural heritage. Policy EN4 states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

231. The heritage assessment accompanying the planning application has identified fifty-nine listed buildings, including the Grade I listed Squerryes Court, four Grade II*s and fifty-four Grade IIs, Westerham Conservation Area and the Squerryes Court Registered Park and Garden. A number of non-designated built heritage assets, located within the Conservation Area were also identified. The assessment concluded that given the intervening distance, topography, vegetation and or buildings, there is no potential for the asset's significance to experience any perceptible change as a result of the proposed development.

232. The following heritage assets that have potential to be impacted and have been assessed are:
    - Westerham Conservation Area;
    - Squerryes Estate (incorporating the RPG and all listed buildings within it);
    - Covers Farmhouse; and
    - Court Lodge.

    The assessment concludes that the long-term proposed development will have no impact on the significance of Westerham Conservation Area and the Squerryes Court Estate (incorporating several designated built heritage assets). The proposed restoration of the study site is considered to offer an enhancement to the significance of the Covers Farm.

233. The Scheduled Monument 'Linear earthwork 230m south west of Covers Farm' is located immediately south of the study site and comprises an Anglo-Saxon/Medieval boundary earthwork. It is not considered the proposals would have any impact upon this asset. The majority of the site is previously disturbed by mineral extraction and there is not considered to be any archaeology remains of significance. Historic England have no views and no views have been received from the County Archaeologist.

234. The County Council's Conservation Officer had expressed concerns about the impact of HGV traffic passing through Brasted Conservation Area as have the Parish Council and many local residents. As a result, the Applicant agreed to limit the HGV traffic using the A25 to access the site to 100 movements per day.

235. The Conservation Officer further comments that the quarry restoration works should have no long-term negative impacts on the setting, character or appearance of historic

assets within the wider area affected by the proposal. There would, however, be some negative impacts during the five-year construction phase of the proposal. These would be experienced in the areas surrounding the proposal site as a result of significantly increased numbers of industrial vehicles passing through the Conservation areas of Brasted and Sundridge. Any measures designed to limit the movements of heavy vehicles in these architecturally sensitive centres of population should be adopted if possible. However, previous comments relating to vehicle movements have been addressed by reducing the number of permitted vehicle movements along the A25 east of the proposal site from 200 to 100 movements per weekday.

236. Summary of Amenity Impacts – Each of the amenity impacts set out above do not individually raise any objection from technical consultees and therefore by themselves do not cause harm to the Green Belt. However, given the substantial protection afforded to the Green Belt it is also necessary to consider whether the proposed restoration scheme could be inappropriate development in this Green Belt location. This is considered below.

Stability and Drainage Issues

237. It is the Applicant's case that the current state of the site and stability issues arise out of site conditions left by previous working, the progression of time and the lack of drainage. Figures provided by the Applicant suggest that 206,500m^3 of fill is required for stability, 304,250m^3 for drainage and 207,705m^3 for landscaping/restoration, adding up to 718,455m^3, and allowing for 10% for volume estimations is rounded up to 790,301m^3. There does not appear to be any interdependency of these figures considered by the Applicant.

Stability

238. It is argued that the over-steepened existing Gault Clay slopes have shown signs of instability in the form of shallow, translational type failures[2], although locally along the northern slope nearest to the M25 deeper rotational failures[3] have also been identified.

239. A condition on planning permission SE/83/1511 required slope inspection reports to be carried out on a bi-annual basis, which has been done. Following a 2-year hiatus the last formally submitted report was produced in November 2015. A Slope Monitoring Report submitted with this planning application was commissioned by the Applicant in April 2018, this also was to meet the requirement for slope inspections required by the conditions on the original mineral extraction permission. A further slope stability assessment report was drafted and is also submitted in support of the application. These reports conclude that there is evidence of progressive slope movements since the northern pit was first excavated in the 1990s. It is also argued that rapid dewatering as required to achieve the extant restoration scheme would likely induce similar shallow failures in the soils currently submerged below water level producing a

[2] Translational (planar) slip is down-slope movement where the mass moves parallel to the plane of the slope surface.

[3] Rotational slip is down-slope movement of material where the slip surface is curved as the blocks rotate as they fail and can be seen to tilt backwards towards the slope.

risk of destabilising further a significant land mass forming the northern slope of the pit and adjacent to the M25 embankment. A further Slope Monitoring Report dated December 2018 has also been submitted by the Applicant.

240. The Applicant submits that the slope gradients of the approved restoration scheme (up to around 1 in 3.5 (16º)) if formed in reworked gault clay or imported clay would be prone to surface erosion from surface water run-off of high velocity as well as acting as a trigger for further slope instability. Hence the application proposes importation of fill material to achieve shallower gradients (about 1 in 9.5 (6º)), and calculates this would require some 800,000m^3 of inert material across the site. The extant restoration scheme would require both the northern and southern lakes to be drained before placement of infill material for restoration.

241. An additional Geotechnical and Geo-environmental Interpretative Report reviews the biannual slope condition reports that were submitted to comply with condition 17 of SE/83/1511 and states the biannual reports highlight historical issues of (1) slope instability during continued extraction of sand from the northern pit area, and (2) difficulties in placing reworked clay (generated from the excavated overburden above the sand working faces) for restoration. It is argued that these issues have been exacerbated by:

- poor earthworks practice (i.e. inadequate benching of slopes with pre-existing shear failures);
- surface erosion caused by the lack of adequate site drainage covering slopes;
- a general lack of fill material on site to restore slopes to an adequate shallow gradient for stability; and
- inadequate drainage provisions to prevent accumulation of surface water, particularly in the northern lake.

242. The County Council has sought advice from its Geotechnical Consultants (Amey) on the issues put forward by the Applicant. Amey comment in general terms that they have only sporadic records of visual observations, no long-term measurements of movements (survey points for example) to define the progression and scale of the instability.

243. In respect of ground modelling, Amey reviewed all relevant supporting documents to the application regarding the use of historic mine records, geological, geotechnical and groundwater data and reported the following:

- The Application relied on historic ground investigation data of insufficient quantity, quality, and extent to allow for the characterisation of the groundwater, bedrock, and landfill materials on the site.
- Limited historic quarry records were used as supporting information in the Application.
- The indicative ground model presented in the Application was not considered suitable for slope modelling or geotechnical design.

Additional ground investigation work was conducted in August 2019. The data provided by this work provided greater confidence in the site-wide ground model. The Applicant's engineers recognised that the 2019 investigation was of insufficient scope to fully address the risks and allow an optimised remedial design. Photographic

evidence supplied by the Applicant of the state of the pit in between 2003 and 2004 indicates progressive backfilling of the quarry with material derived from Gault Clay. This supports the supposition that pooled surface water cannot freely drain to underlying strata.

While the practices and assumptions in the initial Application documentation were not to the level expected given the objectives of the Application, the information supplied as follow up submissions is significantly improved. Further submissions identified the requirement for further investigation to facilitate detailed geotechnical design of the planned works. The additional information provided in May 2023 does not provide any further ground investigation information over and above that already considered above. Therefore, Amey's view of the Ground Modelling aspects of the Application (as set out above) have not changed.

244. In respect of Slope Stability, the Phase 1 Desk Study submitted as supporting information to The Application reported: observations of slope instability features in the pit slopes; a literature review; and slope stability back analysis of the northern pit slope along the M25 boundary of the site. The conclusions of the Applicant's assessment were reported as:

- The overlying clay material forming the quarry slopes (Gault Clay) are often unstable following periods of wet weather (shallow failures as observed on site).
- Dewatering the pits is likely to induce similar failures in soils currently submerged.
- There is potential for compounding shallow surface failures to migrate upslope and pose a medium to long-term impact on the M25.
- Addition of fill at the base of the slopes will provide a long-term benefit to slope stability.

245. Amey considered each of the four conclusions.

Gault Clay - Gault clay forms the material that overlies the quarried sand resource. Reworked Gault Clay was subsequently used to line the pit slopes and base at the cessation of mining activities (as evidenced in photographs from 2003 and 2004 provided by the Applicant in June 2021). Amey agrees with the assessment of the performance of the Gault Clay, and during a site visit in 2019 observed slope failures in the quarry slopes.

Dewatering - Amey agrees with the assessment that rapid dewatering of the northern lake will remove a restraining force on the slopes that may lead to increased instability.

Slope Failure Migration and Impact to the M25 – To develop a robust slope stability model the following information is required:

- Topographic data (used to develop the slope profile);
- Soil and rock data (used to develop the ground model and material characteristics); and
- Ground water data (used to develop the hydrogeological model).

Amey comment that, as with any model, the quality of the data used to build the model will be reflected in the confidence that can be placed in the data that the analysis generates. Slope stability using back analysis calculations submitted in the

Application's supporting documents were highly simplified models based on limited historical ground and groundwater data. These are considered fundamentally flawed and therefore not reliable in defining the slope stability risk to the M25. Further slope stability analysis using current conditions on site (based on 2019 ground investigation work) were reported in the 2019 submission of additional information. While the model used in the analysis better matched the conditions reported on site, incorrect data was still being used in the production of the model. This resulted in reporting poorer slope stability than if correct parameters were used. No slope stability modelling submitted in support of the Application has provided sufficient justification of risk posed now or in the future to the M25 or other third-party assets with any degree of confidence.

Addition of Fill to Improve Stability - Improvement of slope stability without the use of structural support methods is achieved by modifying the angle of the slope so the angle of repose of the material is greater than the gradient of the slope. For example by:

- Cutting the crest (top) of the slope back to reduce the gradient;
- Adding material to the base of the slope to reduce the gradient; or
- A combination of cutting and placing material.

Without a reasonable understanding of the drivers behind slope instability it is not possible to define a practical and optimised mitigation measure. While it is accepted that the placement of fill at the toe will improve stability the Applicant has failed to define, to a reasonable degree of confidence, the scale the risk poses to third parties, and therefore the magnitude of mitigation measures required. Analysis has not been presented to consider how modification to the crest and upper slopes of the quarry may reduce risk to the M25 or other third-party asset.

Amey concluded that:

a) While slope instability is an issue at the site, no documented existing failures or modelled future failures have been submitted that demonstrate a high level of risk to a third-party asset.
b) No slope modelling has been provided that justifies the proposed mitigation measures. While modification of slope gradients using any amount of placed fill would improve the slope stability, without identifying the failure mechanism there is no geotechnical justification that 800,000m^3 of material is the optimum volume to mitigate instability risk to third party assets.
c) Due to the 1983 application's remediation works not being carried out the quarry voids have filled with water. Removal of the ponded water without placement of a restraining force to replace the weight of the water may result in reduced slope stability. Any slope stabilisation using material placement requires material to be placed in the ponded water. Existing materials on site are not appropriate for placement in water, however they may be used in stabilisation works in specific parts of the site where placement in water is not required.

246. Subsequently further supporting documentation was provided by the Applicant in March 2024 within the package was GB Card's Technical Note 06 (TN06), the objective of which was to outline GB Card's findings regarding slope stability considerations informing the remedial design under application.

247. Amey have considered TN06 and comment that it quotes the 2020 Alternative Options for Restoration (ES Addendum) document. It identifies the six options for restoration and notes these options were developed with consideration for the following interdependent criteria, being the objectives for restoration:

- land stability;
- site drainage; and
- restoration land use and soil erosion.

248. Option 5 (800,000m^3 imported fill volume) is considered the optimal solution by GB Card. Amey further comment that in putting forward the volumes of material needed to achieve each individual criteria for the chosen option no interdependency was considered in TN06. Section 3 of TN06 is concerned with land stability with Appendix B providing selected slope stability models. The models cannot be accurately located within the existing void and material parameters vary between models. The models demonstrate that slope instability does not pose a risk to third party land external to the site, all slope instability is defined as being internal to the site.

249. Appendix A of TN06 breaks down imported material volumes according to slope stability, drainage and restoration volumes. It concludes that geotechnical stability would require 206,500m^3, drainage 304,250m^3 and restoration 207,705m^3; totalling 718,456m^3. Amey comment that TN06 is unclear about phasing of imported material placement, indicating two possible scenarios:

i) Slope stability can be achieved with the importation of 200,000 cubic metres material alone; or
ii) Slope stability can be achieved with 200,000cubic metres in addition to drainage and/or restoration importations.

Based on slope stability modelling provided in Appendix B, Amey assumes scenario i) to be GB Card's findings. Material importation for slope stabilisation therefore constitutes the smallest volume of imported material of the three criteria, making up less than one third of the total material importation volume. TN06 demonstrates that approximately 200,000m^3 of material will result in stable slopes. Slope instability is not considered by Amey to be the driving criteria behind material importation; therefore, it is Amey's assumption that the optimisation of imported fill is determined by drainage and landscaping considerations.

250. In conclusion Amey have concerns that the ground modelling that has been done, whilst improved from initial submissions is still lacking robustness. The additional submissions themselves identified the requirement for further investigation to facilitate detailed geotechnical design of the planned works. The additional information provided in May 2023 and March 2024 does not provide any further ground investigation information over and above that already considered. Whilst Amey agree that dewatering the northern lake could lead to further instability, they had queried whether the 800,000m^3 was necessary to stabilise the quarry. The last document submitted by the Applicant (TN06) confirms that approximately 200,000m^3 would be sufficient to remediate the instability alone. The slope stability models are not specifically located on the site and consideration of materials used differ between models. However, they demonstrate that slope instability does not pose a risk to third party land external to the site, all slope instability is defined as being internal to the

site. Given the above, Amey conclude that slope stability is not the driving criteria behind the volume of fill material required and must therefore be determined by drainage and landscape considerations. Amey have seen no evidence that the 206,500m^3 is the correct value. This figure is what the Applicant defines as what is necessary to deal with slope stability if no interdependencies are considered.

Drainage and Flood Risk

251. Paragraph 166 of the NPPF requires that strategic policies should be informed by a strategic flood risk assessment, and they should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local area susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

252. Paragraph 167 states that all plans apply a sequential, risk-based approach to the location of development – taking account of the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk by applying the sequential test and then, if necessary, the exception test as set out below; safeguarding land from development that is required, of likely to be required, for current of future flood management; using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long term, seeking opportunities to relocate development, including housing, to more sustainable locations.

253. The site is identified as Flood Zone 1 (low probability of flooding) and the application proposes the restoration of the former mineral working to address what the Applicant sees as an existing flood risk. It is argued that the restored site would not be at risk of flooding other than to the extent it is designed to attenuate surface water runoff, and flood risk to downstream receptors (i.e. River Darent). The Environment Agency (EA) is satisfied with the Flood Risk Assessment that is submitted and comments that as the outline drainage strategy would require new works a flood risk activity permit (FRAP) would be required. Furthermore, discharge of water through the southern lake would need to be regulated by the EA and excavating and re-depositing of historic landfill (as required to create the drainage scheme) would also need their approval.

254. Policy DM10 of the KMWLP indicates planning permission will be granted for mineral or waste development where it does not, affect the physical state, water quality or ecological status, have an unacceptable impact on groundwater Source Protection Zones, or exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future. Policy DM10 of the emerging KMWLP 2024-39 supports minerals or waste development where it does not; result in deterioration of physical state, water quality or ecological status of any water resource and waterbody, including aquifers, rivers, streams , lakes and ponds; or have an unacceptable impact on groundwater Source Protection Zones or threaten the development of future groundwater abstraction and associated source protection zones overlying principal or secondary aquifers; and exacerbate flood risk in areas prone to flooding and elsewhere now and in the future. Measure to reduce flood risk where possible are encouraged. The policy requires no deterioration and improved ecological status not just for the site but those

hydrologically or hydrogeologically connected to the site. Sevenoaks District Council Core Strategy 2011 promotes the use of sustainable drainage systems (SUDS) that reduce the water run-off from development offering the potential to reduce the severity of future flooding.

255. The northern part of the site drains principally into the northern lake, in which the Applicant states the water level is rising. The southern part of the site drains into the southern void, from which water discharges by infiltration into the Folkestone Sands. The application states groundwater flow is likely to be to the north, following the dip of the strata, and infiltration from the site is not anticipated to influence the River Darent which is about 300m to the south. The EA classifies the Folkestone Formation as a Principal Aquifer which forms the youngest formation of the Lower Greensand Aquifer. The southern portion of the site lies within a Source Protection Zone 3 associated with potable abstraction boreholes at Westwood Pumping Station, located approximately 530m west of the site. The application states that groundwater level within the Folkestone Formation is estimated to be around 90m OD to 95mOD based on record and boreholes on site. The EA have commented that whilst the proposed amount of material to be used for restoration is not unacceptable from a groundwater point of view it does not imply that the deposit of 800,000m^3 of waste material would be regarded as a recovery activity. (See further comments on fill materials later in this report).

256. A further revised drainage strategy was submitted in April 2023. The proposed permanent drainage scheme post-restoration comprises a self-contained shallow 'valley', incorporating surface water drainage to an infiltration basin in the south-east corner of the site, an extension to the existing Southern Lake. The drainage scheme comprises a series of in-line flood storage areas (FSAs) connected by flow channels that would impound flood waters during a storm event. Flood waters would then be released after the storm in a controlled manner and discharged down gradient through the FSAs via a connecting flow channel to the Southern Lake. An additional infiltration basin would be constructed alongside the eastern and southern margin of the lake to increase the area of ground infiltration. The FSAs would attenuate flood peak flow events due to surface water run-off from the restored landform and impound flood waters behind a series of berms. In the case of an extreme storm event or series of events the crest height of the berms would be so designed that flood waters could be impounded in the full valley feature before being discharged to the Southern Lake and infiltration basin.

257. The FSAs would delay the timing of the flood at the southern lake and infiltration basin so that the flood volume is discharged over a longer period. Impounded flood water in the FSAs would be released by controlled discharge via weirs, pipes or grassed spillway post a storm event into the connected flow channels and into the Southern Lake and Infiltration Basin. The FSAs and flow channels would operate as wet/dry areas but retain a base volume of water during normal seasonal periods to form wetland areas.

258. The proposed design volume capacity of the FSAs is some 65,000m^3 over an area of about 50,000m^2 to 70,000m^2. The layout and number of FSAs could change depending on ecological and biodiversity requirements but the total flood water requirement of 65,000m^3 storage capacity would not change according to the Applicant. The application documents state that infiltration of surface water run-off is

already occurring from the immediate surrounding area into the Southern Lake as evident by a reduction in water level of approximately 1.5m in the first half 2022.

259. The County Council's drainage consultants (Amey - Drainage) have provided their advice on the proposed scheme. They note that TN06 (submitted March 2024) also comments on drainage in relation to the volumes of fill material required to address the flooding risk. Section 4 of TN06 is concerned with surface water drainage, and comments on why GB Card considers a satisfactory drainage infiltration scheme cannot be designed on current topography and hydraulic gradient between the Northern and Southern Lakes.

260. Amey note one of the issues is the requirement to maintain a 1 in 200 general hydraulic gradient for a proposed channel between the northern and southern lakes. Amey further comment the northern lake water level is currently at around 118m AOD, with an estimated overtopping point to the Croydon Road at 122m AOD. The southern lake is currently at around 112m AOD with a proposed overtopping point of 125 m AOD. The distance between the lakes is 350m and so a 1 to 2 metre difference between the resting water levels and design of a flow path is likely to be a sensible arrangement. The original Microdrainage model (Technical Annex 6 of the Application, September 2018) for this system had spill levels from the north of the site starting at 119m to 120m AOD (several scenarios) dropping to 118m AOD to the southern lake. The latest proposed plan topographic details provided by GB Card (dated 07/03/23) identify the northern area at 119m AOD and the southern lake area raised to 117m AOD. The proposal to date has looked at infilling the northern lake to reform the land surface level to around 119 m AOD, however we query why this infilling is required, as the northern lake water level is now close to this level and with an appropriate channel constructed between the Northern Lake and the proposed raising of the southern lake, this would provide the required hydraulic gradient. The earthworks figure provided from TN06, Area 1, 2 and 3 accounts for 488,800m3 of infilling of the northern lake due to drainage grounds, and the necessity of this is queried.

261. The other issues raised by GB Card are related to existing steep valley sides and slopes and hence a reduced agricultural land use. Amey has no issues with the proposed drainage rearrangement in Areas 5 to 7 provided in the proposed topographic plan dated 07/03/23 for these areas. The combined cut required for drainage in these areas is around 120,000m^3 with another 82,000m^3 of infill material for restoration purposes. Hence these areas only have an overall required cut of 38,000m^3.

262. Appendix A of TN06 breaks down imported material volumes according to slope stability, drainage, and restoration volumes. TN06 is unclear about phasing of imported material placement, but we assume that slope stability can be achieved with the importation of 206,650m^3 material alone, and the majority of this is associated with the northern lake stability. In addition, a further 125,876m3 infill material is associated with restoration, again the majority associated with the northern lake area. The total of infill material is around 800,000m^3 associated with the northern lake areas.

263. GB Card's October 2020 Alternative Options Technical Note identified 800,000m^3 of infill material as being required to resolve long-term slope stability issues at the site. TN06 demonstrates that 206,500 m^3 of material would result in stable slopes in and around the northern lake, 489,000 m^3 is required to infill on drainage grounds and

around 126,000 m³ for restoration. Infill of the northern lake on surface water drainage grounds is not considered by Amey to be a driving criterion behind material importation, as the water levels and surface water drainage to the southern lake could work if Areas 5 to 7 are developed further as discussed and outlined in GB Cards proposals, although detailed drainage details have still to be provided It is Amey's assumption that the optimisation of imported fill is still not determined.

264. Amey do not see a requirement being presented in the provided reports, from a drainage point of view for the additional 800,000m³ of fill material into the northern lake. There is a requirement to provide a suitable connection between the northern lake along a suitable low gradient channel to the southern lake, which will likely require earth movements within the proposed development site leading to around a net cut of 38,000m³ as presented in TN06. The 489,000m³ to fill the northern lake area is not considered necessary to achieve a sustainable drainage scheme and with a net cut of 38,000m³ in the southern area, the same outcome could likely be provided without importing substantial fill amounts, but this has not been presented by the Applicant.

265. KCC's Flood and Water Management (KFWM) team would require submission of a more detailed drainage scheme, a verification report and evidence that there would be no resultant unacceptable risk to controlled water and/or ground stability conditions and suggest this could be secured by condition.

266. The provision of a sustainable drainage scheme for the site is accepted as necessary to the long-term restoration and which addresses any potential for future flood risk. Indeed, the approved restoration scheme proposed drainage from the north of the site to the south. However, KCC's drainage consultants question whether the quantity of fill material proposed is necessary to achieve such a scheme. The Applicant recognises that a fully detailed scheme would still need to be worked up and the level of detail required by KFWM is substantial. It is difficult therefore to conclude with any certainty that that this particular scheme requires the significant volume of fill attributed it in the application documents.

267. Infill of the northern lake on surface water drainage grounds is not considered by Amey to be a driving criterion behind material importation, as the water levels and surface water drainage to the southern lake could work if Areas 5 to 7 are developed further.

268. *Conclusions on slope stability and drainage* -The case for the quantities of material to address slope stability and the proposed drainage scheme is not made. Any quantity of infill material over and above what is necessary for those purposes, involves the importation of waste, goes beyond what is necessary to secure the satisfactory restoration of the site and would be considered inappropriate development in the Green Belt. It is not considered that the proposed restoration scheme as designed offer sufficient very special circumstances to override the harm caused to the Green Belt by way of inappropriate development by the importation of excessive fill.

Harm to the Green Belt

269. As set out above, Planning Policy requires substantial weight to be given to any harm to the Green Belt. To reiterate, Paragraph 153 of the NPPF states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly

outweighed by other considerations. The raising of levels across the site that would result from the additional fill material would be unnecessary if the stated key need for the proposed development namely addressing stability issues and drainage are not supported. Furthermore, it is necessary to consider whether these matters and those considerations set out in the applicant's Green Belt Assessment represent 'Very Special Circumstances' sufficient to override the presumption against inappropriate development in the Green Belt. Critical to that consideration is whether the stability arguments and associated risks are valid, and similarly the need for the proposed drainage scheme and the potential for flooding risk.

270. Planning Practice Guidance on Green Belts was updated in December 2023. It states that assessing the impact of a proposal on openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. It refers to the courts having identified a number of matters to be taken into account in making this judgment, including but not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its ability to be remediated – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

271. The majority of the inert material and thus HGV traffic is anticipated to come from projects in south east London, and whilst traffic though Westerham would be avoided by use of the proposed haul road, it would pass through other communities. The project is expected to take 5-6 years to complete. There would be a period of disturbance from the proposed engineering and restoration activities, as well as from the traffic bringing material to the site; and indeed, the construction of the haul road itself is necessitated by proposals to avoid the traffic passing through Westerham for the period of restoration. Whilst the Applicant is confident that the project would be completed within this timeframe, it is reliant upon securing sufficient quantities of fill material of an appropriate quality across the period to meet the requirements of the engineering project and subsequent final restoration. It is not clear whether such material would be considered for recycling or re-use at its source. It is also dependent on suitable weather conditions to allow placement and compaction of imported materials.

272. The quantities of fill material are not considered justified from a stability or drainage perspective and would result in a lengthier construction project than necessary. The disturbance from HGV traffic, for the longer period, along with the presence of the access road and associated bunding, and engineering works would adversely impact the amenity of the local community and environment by prolonged noise, dust, vibration and general disturbance, cumulatively causing harm to the Green Belt.

273. Policy DM 4 (Green Belt) of the KMWLP supports national policy and the NPPF and requires mineral and waste proposals be considered in light of their potential impacts. It recognises that processing plant often associated with mineral extraction is unlikely to preserve openness owing to its size, height and industrial appearance and would therefore be inappropriate development, it often being in place for the life of the mineral activity. In such cases developers would need to demonstrate very special

circumstances if projects are to proceed. No processing plant is proposed in the application as material would be sorted and assessed for its suitability at the source site. However, there would be a small reception compound with a material inspection cabin (raised), weighbridge if required, welfare cabin and wheel wash facilities, as well as a fuel store and vehicle parking. It is proposed that the compound and sections of the haul road would be screened by 3m high bunds. Furthermore, the scheme provides a vehicle crossing point on Croydon Road into the site. The longevity and permanence of these elements is directly linked to the quantities of material being imported and thus cause unnecessary harm to the Green Belt.

Alternatives

274. Regulation 18(3)(d) states the ES must include: a description of the reasonable alternatives studied by the developer, which are relevant to the proposed developments technical and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment. Further, Regulation 18(3)(f) refers to Schedule 4 (Information for inclusion in Environmental Statement) which goes onto state: - "2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen options, including a comparison of the environmental effects,"

275. A brief exploration of alternatives was set out in the original application documents. An addendum to ES was submitted in January 2021 and considers six different options from do-nothing, an engineered option and then three differing levels of fill as an alternative to the proposed 800,000m^3 of fill.

276. The engineering options considered are set out below:

i. A mass gravity wall comprises a reinforced mass concrete structural element which due to its mass and stiffness can resist the overturning forces exerted by the soil mass retained by the wall. It is argued that the Reworked Gault Clay has low long-term strength and would require excessively large structure to resist overturning forces. Notwithstanding the cost of such a large structure, the Applicant argues there would be significant constraints of access for construction plant over soft and steepened ground. Significant temporary works would be required, such as haul roads and temporary slope stabilising measures to afford access.

ii. A cantilevered wall may comprise sheet piles, secant or contiguous piles or king post wall with cross member elements. As described above due to the generally long-term low strength nature of the Reworked Gault Clay such structures would need to be long in length to mobilise sufficient forces in the soil to resist overturning forces from the retained slopes. The height and/or length of the piles can be shortened with the use of anchors but installing anchors and tie bars or tie beams is impracticable and un-safe in the soil conditions.

iii. Soil reinforcement techniques can be used to stabilise unstable slopes. These techniques include reinforcing columns (concrete or lime columns) and soil nailing (grouted or otherwise). The principal comprises the introduction of a grid of

columns or rods of sufficient length to penetrate any existing slope failure surface. The grid of columns or rods reinforce and strengthen the soil mass such that it is stable at a steepened gradient. This would require numerous very long columns. And access onto the slopes for construction plant and materials would be dangerous. Significant temporary works would be required, such as haul roads and temporary slope stabilising measures to afford access.

277. All alternative engineering options were dismissed by the Applicant.

278. The document considers of all scenarios the current proposed restoration Option 6 (1 million m^3 importation) is the ideal solution that satisfies all criteria for surface water drainage, slope stability and surface soil erosion. Option 5 - 800,000m^3 import fill volume also satisfies all three criteria but with slightly less margin to accommodate changes in surface run-off and slope gradients that might lead to longer term instability. Option 6, however, requires an additional 200,000 m^3 of imported fill compared to Option 5. The additional lorry movements and increase in restoration period is considered undesirable. For this reason, the document considers Option 5 – 800,000 m^3 fill importation is the optimal solution.

279. Amey was asked to consider the alternative options assessment and commented that the variations in maximum run off volumes between all fill options were so small as to have no significance when defining a preferable option. The material parameters used in slope modelling of all the infilling options appeared to be those of Gault Clay. It does not appear that the improved material characteristics of imported engineering fill have been considered. The results are therefore considered conservative, and do not provide suitably robust models to allow comparison of improved slope stability based on levels of imported fill defined for the options put forward. Amey concludes that the alternative options documents conclusion that Option 5 (800,000m^3 material import) is the considered optimum solution is unproven. (Amey have commented that the additional information provided in TN06 does not accurately locate the models within the existing void and material parameters vary between the models).

280. Despite the submission of a number of technical engineering documents over the years, the Council's geotechnical advisors are not confident that the modelling that has been carried out provides robust evidence of the level of slope instability sufficient to affect third-party assets, or that the stabilising properties of the proposed fill materials have been adequately assessed. They remain of the view that the case for quantity of fill material proposed being the optimum solution is not proven. From a drainage perspective the quantity of material is considered unnecessary to provide the long-term solution and that a lesser volume, lower scale scheme would be feasible. Given the uncertainty over the modelling data there is no confidence in the other options and the reasons for dismissing them.

Other Issues

281. Fill material - Paragraph 189 of the NPPF (Ground conditions and pollution) states that planning decisions should ensure that "a site is suitable for its proposed use taking account of the ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation.".

Paragraph 190 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

282. Policy CSW1 of the Kent Minerals and Waste Local Plan (KMWLP) and the emerging KMWLP supports the NPPF presumption in favour of sustainable development and CSW2 requires proposals for waste management must demonstrate how the proposal helps drive waste to ascend the Waste Hierarchy whenever possible. Policy CSW11 of the emerging plan supports the disposal of inert waste where; the inert waste is being deposited for a beneficial use such as the restoration of landfill sites and mineral workings and not as part of a disposal operation, the waste is to be used in an engineering operation, other than the restoration of landfill sites and mineral workings, where it is demonstrated that there is no local Kent demand for its use in such restoration operations, and the development involves the minimum quantity of waste necessary to achieve the benefit sought.. Paragraph 6.11.3 of the supporting text states, "Another important issue is that without the import of inert waste the ability to restore existing permitted mineral workings would take a lot longer. Policy CSW11 seeks to ensure that a high priority is given to using inert waste that cannot be recycled in the restoration of existing permitted mineral workings, in preference to uses where inert waste is deposited on land (e.g., bund formation or raising land to improve drainage etc).''.

283. No evidence has been put forward by the Applicant as to whether the fill material could be recycled for other uses at source or elsewhere, thus moving it up the waste hierarchy.

284. On a further point whether the restoration materials are considered a waste, or 'other recovery' would be determined by the Environment Agency (EA) for the purposes of the permit. They state that any application for deposit of waste would need a detailed submission from the Applicant and full Environment Agency review as part of an environmental permit application. They would form a view at that stage whether the activity is a recovery or disposal activity. Their assessment, undertaken by the national permitting service, would re-examine the alternative options to restore the site. If a project using waste is to be regarded as a recovery activity, along with the other elements of the recovery test, it must be demonstrated that the minimum amount of waste to achieve what is essential has been used. They state it is possible that a project could be regarded as having elements of both recovery and disposal (landfill), details of the risk assessments and method statements would form part of the permit application process.

285. Gas pipeline - A high-pressure gas pipeline crosses the application site in a north-south direction within the vicinity of the proposed crossing at Croydon Road and would be crossed by the temporary haul road. Southern Gas Networks (SGN) have been consulted on the proposals, but no response has been received. However, they have communicated with the Applicant directly. They comment, "*This high-pressure pipeline supplies gas to our Westerham pressure reducing station that supplies Westerham town and will require protection at the crossing point to ensure that the loading and vibration from the crossing lorries will not have any adverse effects. This is normally achieved by the design and installation of a steel reinforced concrete protection slab that will bridge and minimise loadings and any stresses on the pipeline*."

286. Detailed design would need to be agreed with SGN prior to the haul road being used and therefore would need to be subject to an appropriate pre-commencement condition.

287. Bypass - Concern has also been expressed that the proposed haul route is a pre-cursor to developing a bypass which would allow for future development of housing sites around Westerham, some of which were promoted by Which Way Westerham (involving the application site landowner). The allocation of housing sites is a matter for the District Council through their local plan. The proposed Local Plan 2040 has been through initial Regulation 18 consultation and a published Regulation 19 version for further consultation is expected this summer. I am not aware that 'Which Way Westerham' is being pursued at this moment in time.

288. The proposed haul route itself would not be of sufficient standard to accommodate anything other than temporary traffic associated with this proposed restoration development. It is stated in the application that the temporary road would be removed, and land appropriately reinstated upon completion of the restoration of the site. Should Members be minded to support the application this could be secured by an appropriate planning condition.

289. Health and Safety - The Applicant is increasingly concerned about the health and safety risks of the public trespassing onto the site and using the northern lake for leisure purposes. There is a safety benefit from removing the northern lake and it is a matter which has been given some weight in terms of the Very Special Circumstances arguments. However, the responsibility for public safety lies with the landowner as does securing and maintaining site fencing. These are principally private or civil matters.

290. Members will note the representations made regarding KCC's responsibility in relation to the Minerals and Quarries Act 1954. Legal advice on this point was sought, in particular as to whether KCC as the Mineral Planning Authority has any duty under the Minerals and Quarries Act 1954 or any other relevant legislation to enforce security responsibilities against the quarry owner/operator. The legal advice provided has confirmed that is <u>not</u> the case, other public bodies such as the Health and Safety Executive and the District Council, in this case Sevenoaks District Council, do have such enforcement powers, so any complaints in this regard should be referred to those bodies. Furthermore, lack of security at a quarry is not a material consideration for KCC to take into account in determining mineral planning applications so the security issues raised in this case are not factors to prevent KCC from considering the current application.

Conclusion

291. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs (39 – 71) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations including those arising from consultation and publicity.

292. A consented restoration scheme exists but the Applicant argues this is no longer fit for purpose as it would not address the stability issues within the Gault Clay and that the dewatering required to achieve the approved scheme would exacerbate the instability at the site. It is the Applicant's case that the need to avoid dewatering the northern lake necessitates the import of fill (and the movement of mineral waste from within the quarry) to achieve a cellular engineered construction below the water level and subsequently to provide for the long-term sustainable drainage as well as providing long term integrity to the M25 and other third party property.

293. There is significant objection to the scheme from the District Council, Town Council, six adjacent Parish Council's, London Borough of Bromley and the CPRE as well a substantial number of local residents and local MPs and District Councillors. Objections are set out in the Consultations and Representations sections above, but mainly relate to the stated risk to the integrity of the M25, the necessity to import large quantities of fill material to restore the site, amenity considerations and impacts from increased HGV traffic over a long period of time.

294. Consideration of the proposals and the issues raised are complex and finely balanced. Over the course of processing the application substantial technical information has been submitted and advice has been sought.

295. The purpose of the Green Belt is principally to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The application proposes substantial importation resulting in a raising of land levels across the site.

296. Our geotechnical advice questions the veracity of the assessments of ground conditions and risks associated with slope failure (particularly to the M25), and the appropriateness of the drainage scheme is also questioned. The conclusion in the consideration of alternative options is found to be unproven. Material is anticipated to come from major construction projects in London and the South East, but exact information has not been provided on the source and quality of fill material. It is accepted within application documents themselves that further work across most of these areas would still be required before any development could take place. Such information may not be acceptable and could result in the need to further change the proposals.

297. Any quantity of imported material over and above what is the minimum required would be considered a waste disposal activity and inappropriate development in the Green Belt. Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is advised that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Restoration is desired but it should be carried out such that any unnecessary land raising is avoided. The desire to see the site restored should not disregard Green Belt policy.

298. Whilst from a technical perspective the amenity impacts by themselves are not considered to result in harm, the prolonged period of activity introduces unnecessary

development. As set out earlier in my report, Planning Practice Guidance refers to the courts having identified a number of matters to be taken into account in making a judgement of the impacts upon the Green Belt and cites the degree of activity likely to be generated, such as traffic generation being one matter to be considered. The project involving up to 200 HGV movements per day, is estimated to take place over a period of 5-6 years. The length of the construction period is a consequence of the excessive imported fill material. The introduction of traffic for any period longer than is necessary introduces a degree of activity that results in avoidable impacts from noise, dust, vibration and general disturbance to the residents and environment of the surrounding communities where the HGVs pass through. The presence of the haul road and bunds results from the need to mitigate the traffic impacts of the proposals upon the village of Westerham. A lesser scheme would not necessitate such a long construction period or the volume of traffic movements. As such the proposal is considered to cause harm to the Green Belt contrary to the NPPF and Policy DM4 of the Kent Minerals and Waste Local Plan.

299. Given the conclusion that the proposals do not represent the minimum quantity of waste material necessary to restore the site the proposal is also contrary to Policy CSW11 of the Emerging Kent Minerals and Waste Local Plan and does not represent sustainable development required by Policy CSW1 of the Kent Minerals and Waste Local Plan.

300. It is accepted that there are no objections in relation to noise, air quality, heritage and transport from a highway safety and capacity perspective. Kent Wildlife Trust have concerns regarding Westerham Woods SSSI but Natural England and KCC Ecological Advisory Service are satisfied, subject to the proposed mitigation being implemented. Otherwise, there are no objections from an ecology point of view.

301. Amenity impacts by themselves are not considered to cause harm to the Green Belt. However, and on balance, whilst there is a need to restore the site, the application has been unable to satisfactorily demonstrate that the volume of infill material proposed is the minimum required to complete a sustainable restoration. In this instance it is considered that the harm caused to the openness of the Green Belt by virtue of the inappropriate development is not outweighed by the need for the development. The Very Special Circumstances advanced in the application do not outweigh the harm from the restoration scheme proposed.

302. It is recognised that irrespective of the outcome of this decision there remains a need for the planning authority to secure a suitable restoration scheme, which may still involve some importation albeit smaller quantities. Furthermore, as set out earlier KCC/SE/0233/2019 (to enable and extension of time to restore the quarry) is being held in abeyance pending the outcome of the current application on the basis that if permission is not granted for the infilling it will be necessary to secure the restoration of the quarry in accordance with a revised solution.

303. I have had regard to all the policies and guidance referred to in this report and on balance conclude that the development is not sustainable and therefore recommend that planning permission be refused.

Recommendation

304. I RECOMMEND that PERMISSION BE REFUSED on the following grounds:

1. The proposed development would be inappropriate development in the Green Belt which by definition would be harmful to the openness and character of the Green Belt, contrary to the National Planning Policy Framework and Policy DM4 of the Kent Minerals and Waste Local Plan and the Emerging Kent Minerals and Waste Local Plan 2024-39.

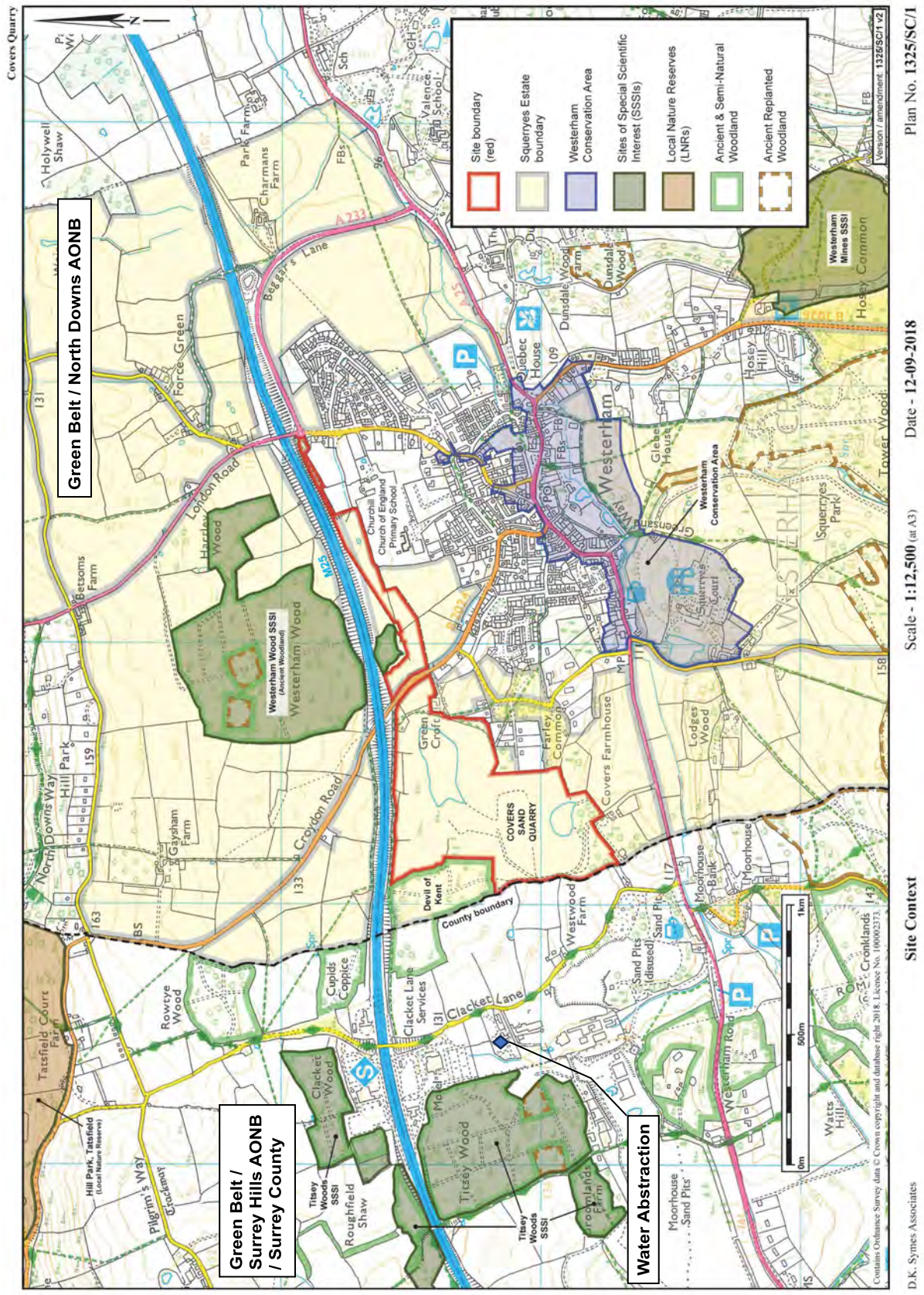
2. The proposed development would be contrary to Emerging Kent Minerals and Waste Local Plan 2024-39 Policy CSW11 as it does not represent the minimum quantity of waste necessary to achieve the benefit sought and therefore does not represent sustainable development contrary to Policy CSW1 of Kent Minerals and Waste Local Plan.

Case Officer: Andrea Hopkins	Tel. no: 03000 413394

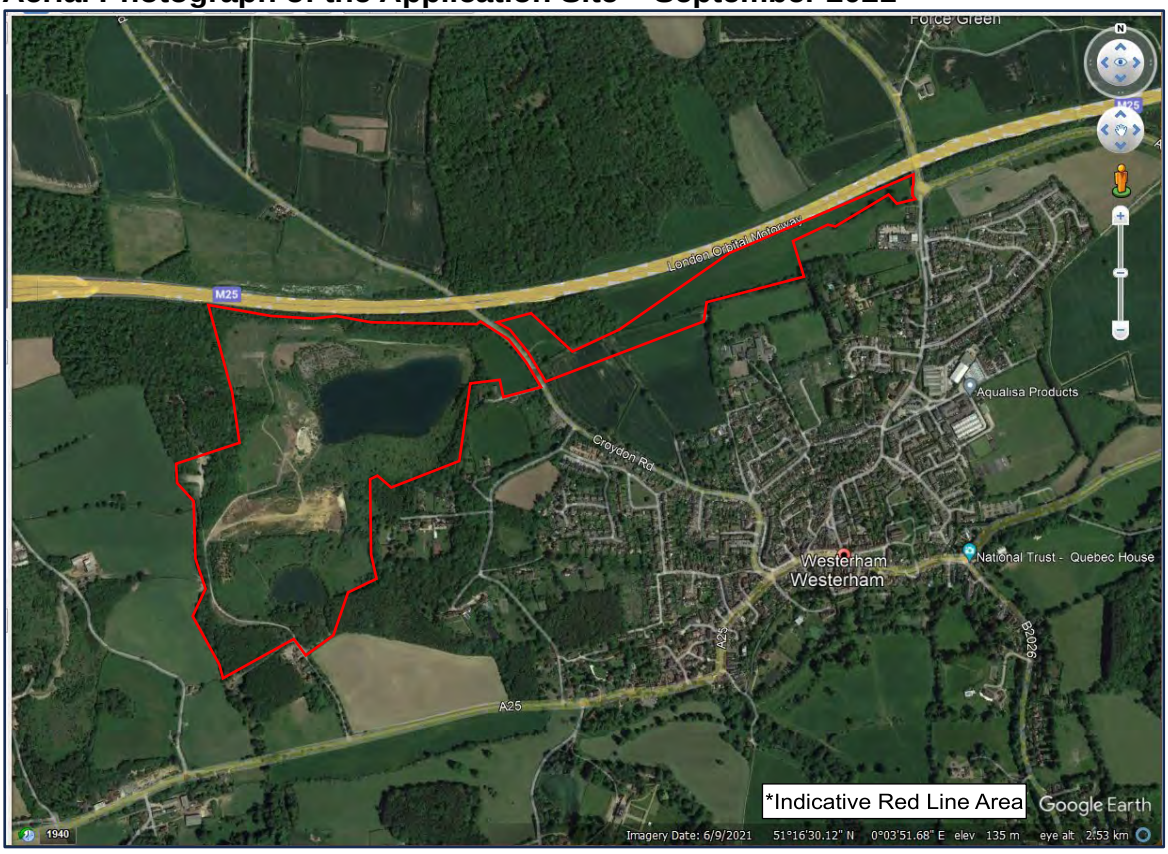
Background Documents: see section heading

APPENDIX 1

Site Contraints Plan

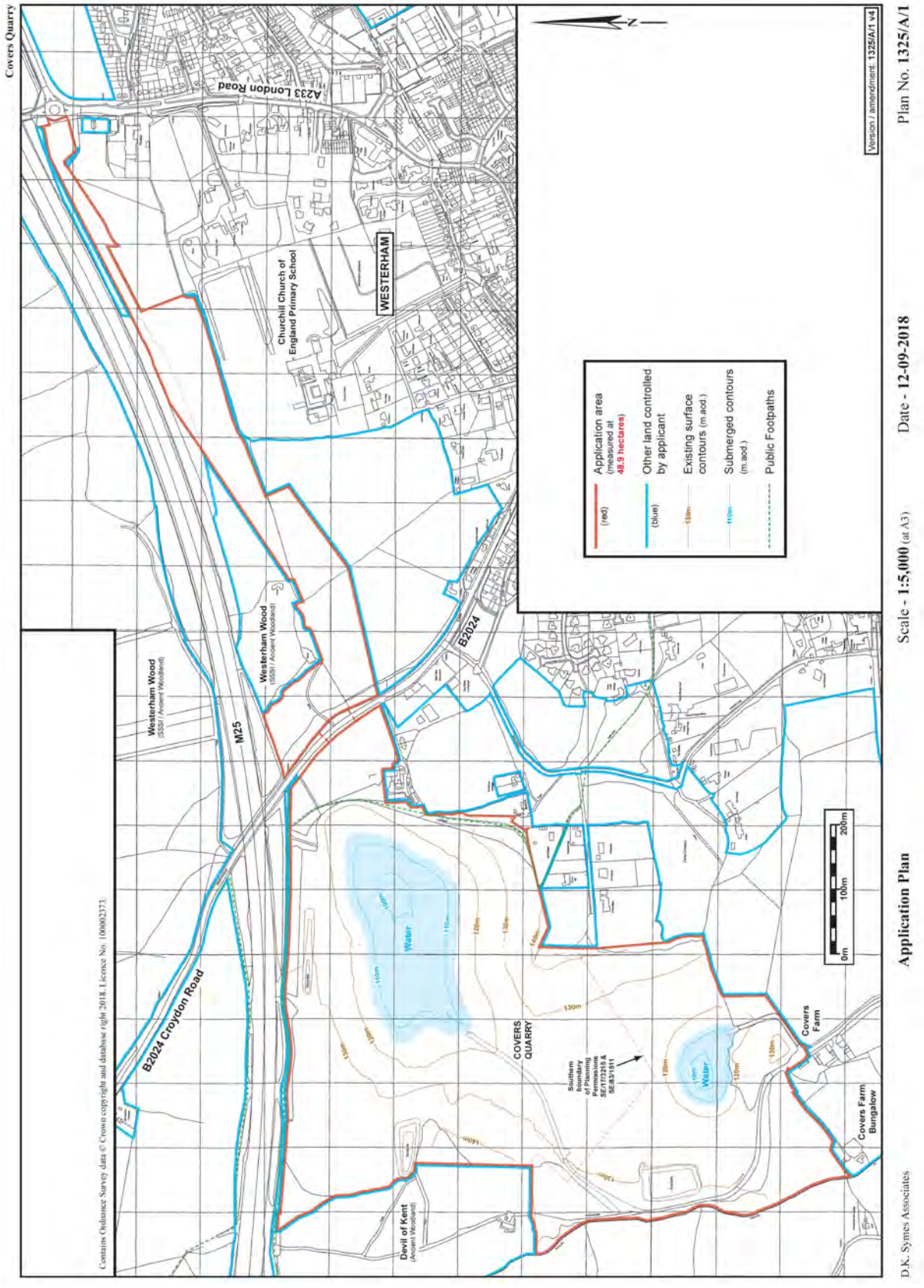


Aerial Photograph of the Application Site – September 2021



Historic Aerial Photograph – October 2006 (Showing changes to Northern Lake)

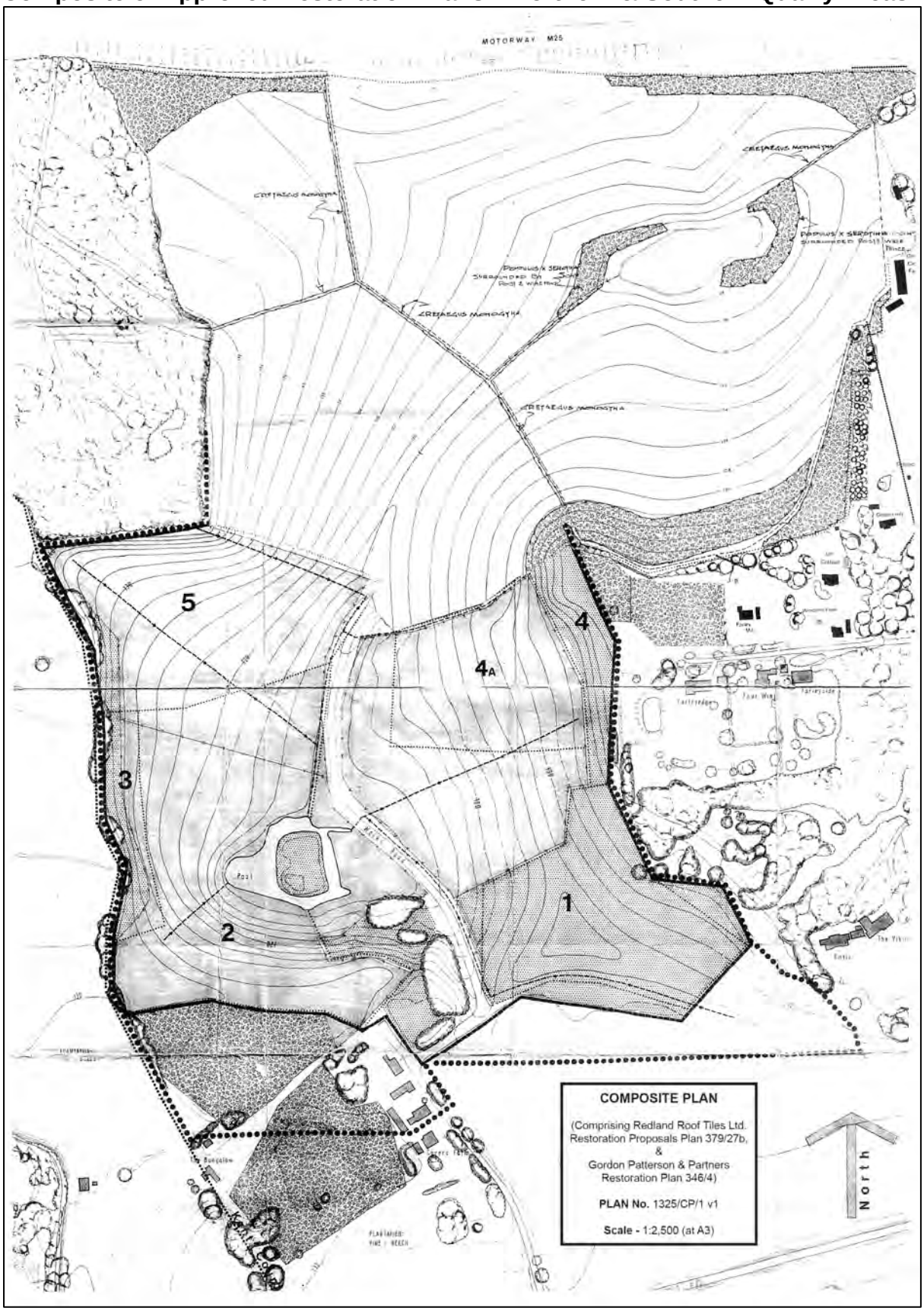
Application Plan



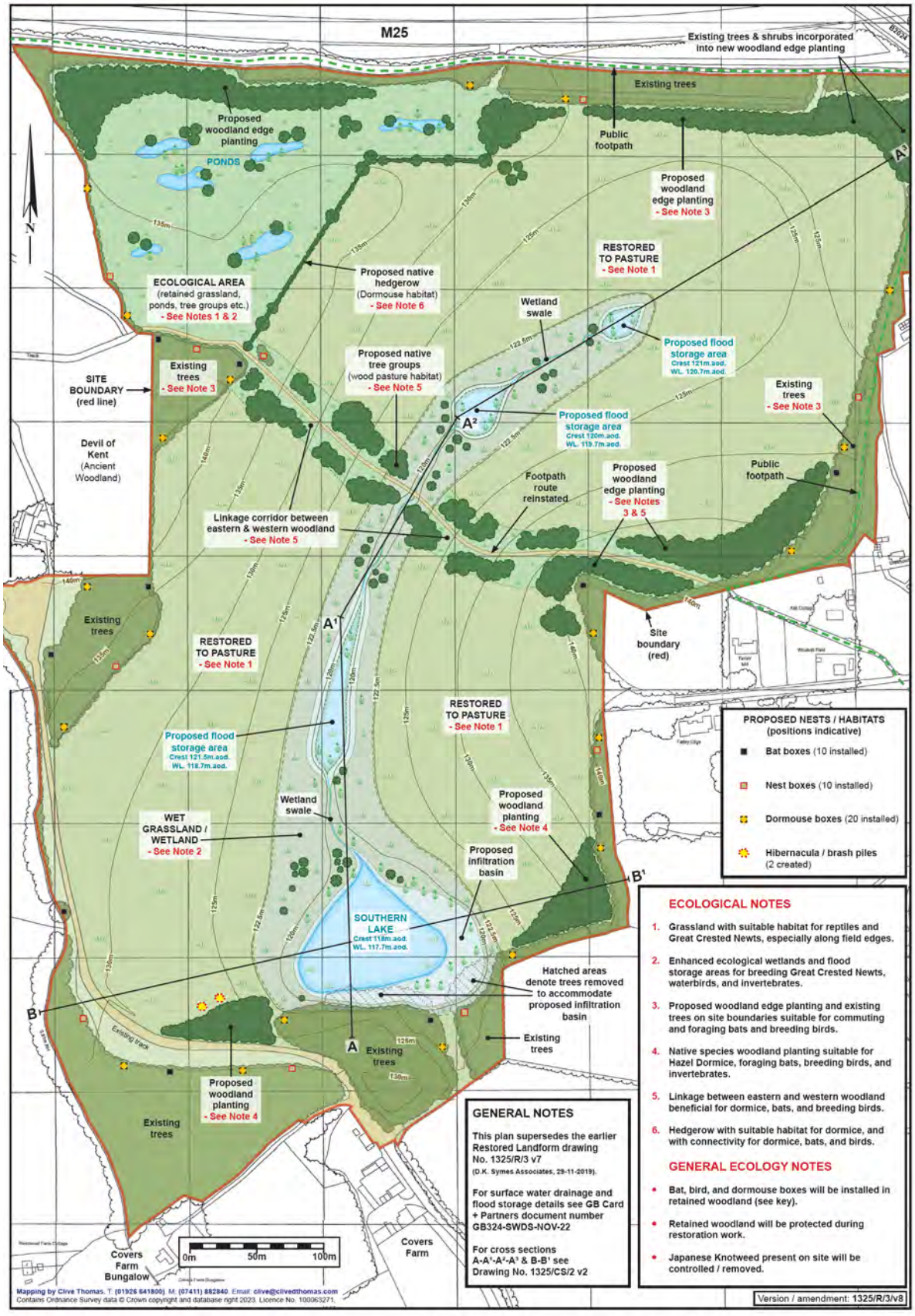
Existing Site Plan (including contours)

D.K. Symes Associates **Covers Quarry - Site Plan (as existing)** Scale - **1:2,500** (at A3) Date - **18-09-2018** Plan No. **1325/S/3**

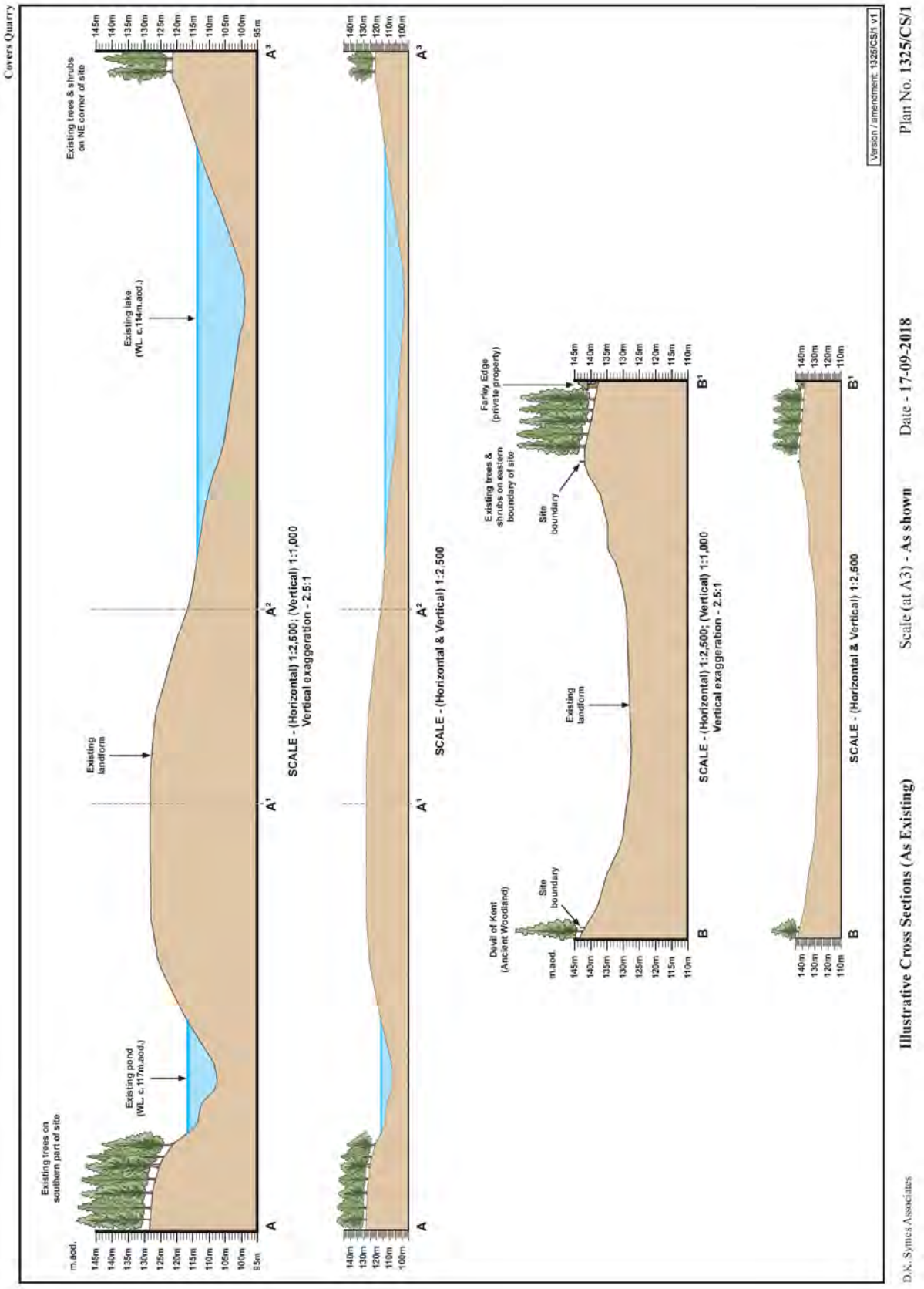
Composite of Approved Restoration Plans – Northern & Southern Quarry Areas



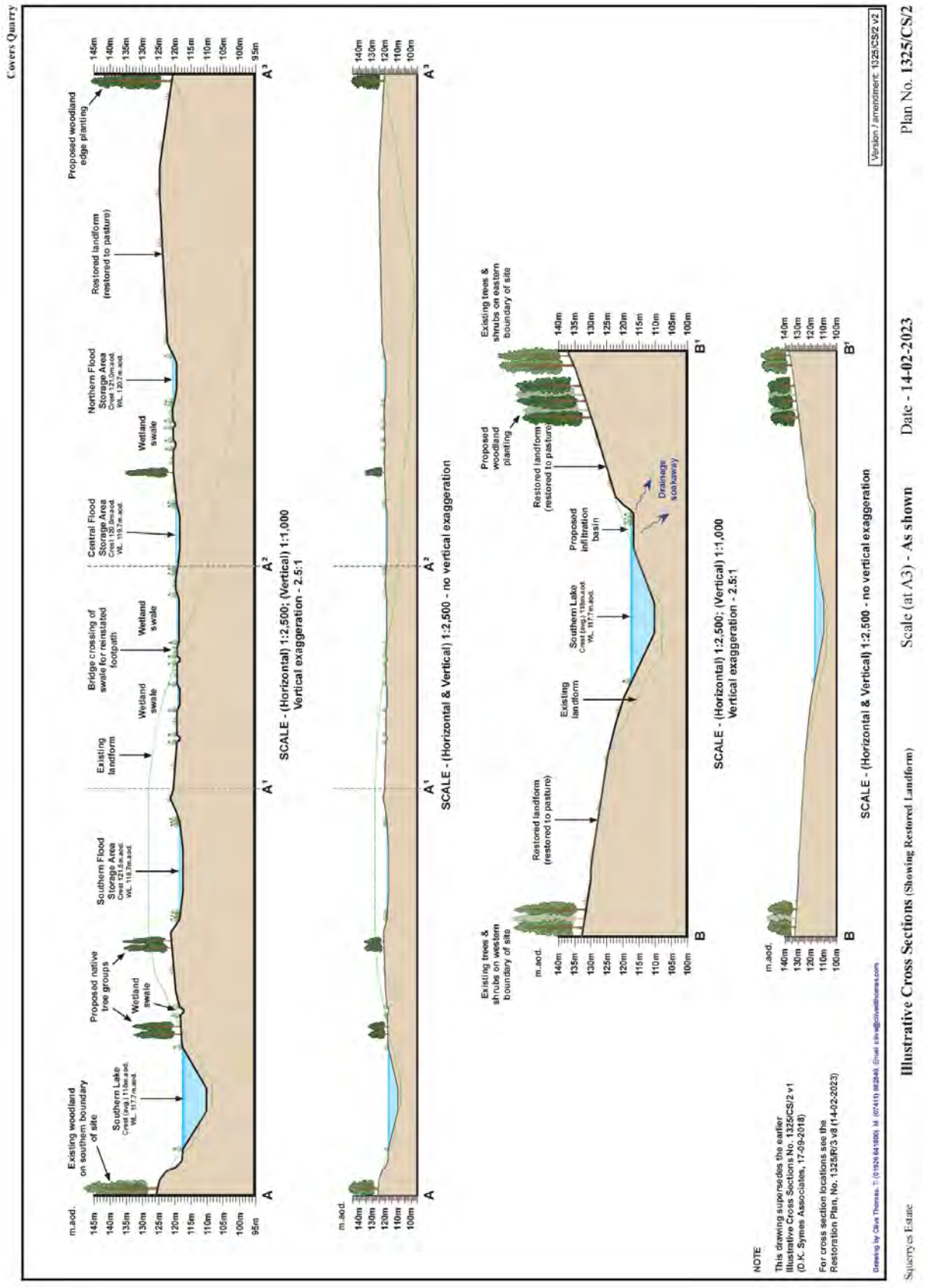
Proposed Restoration Plan



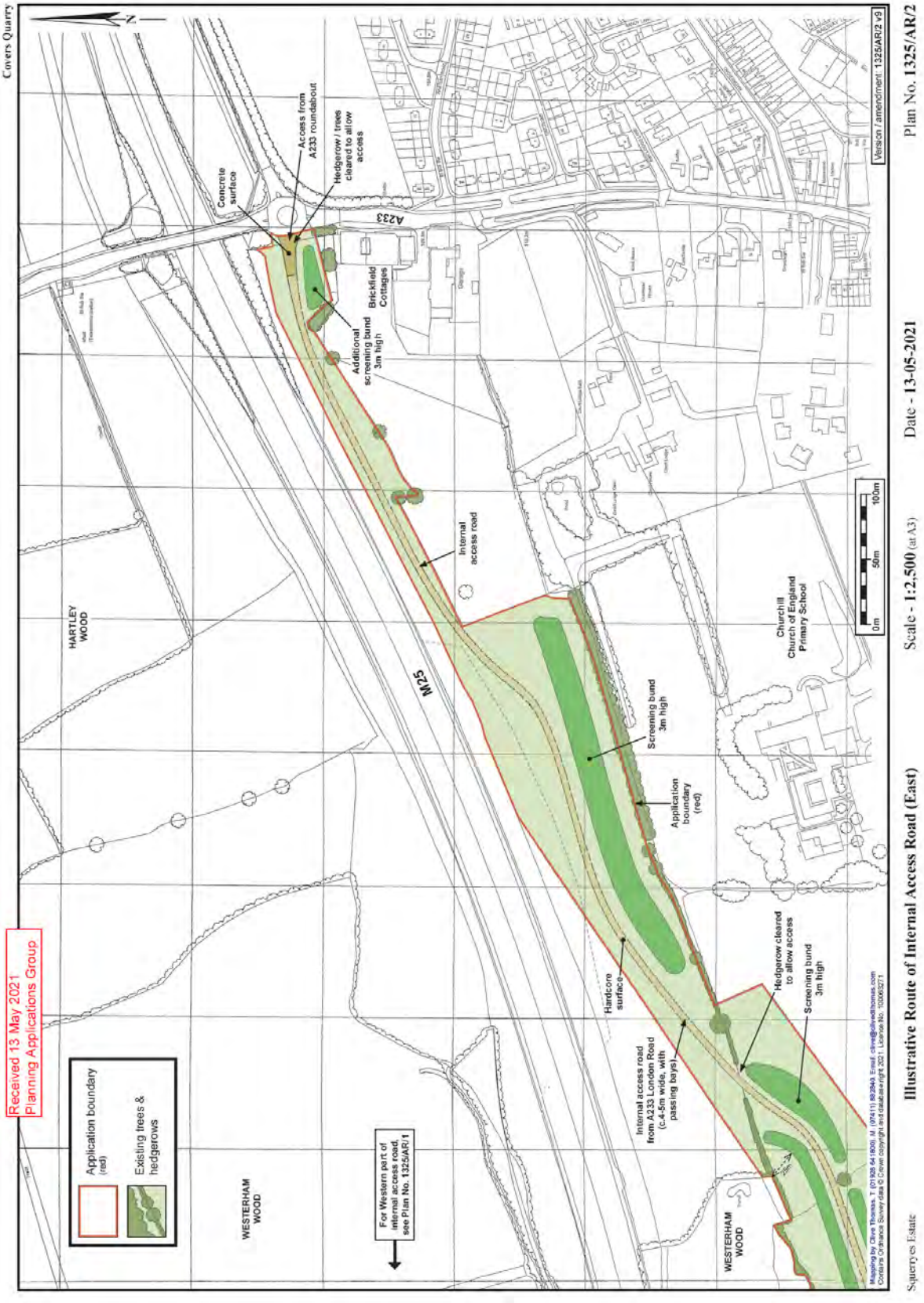
Illustrative Cross Sections (As Existing)



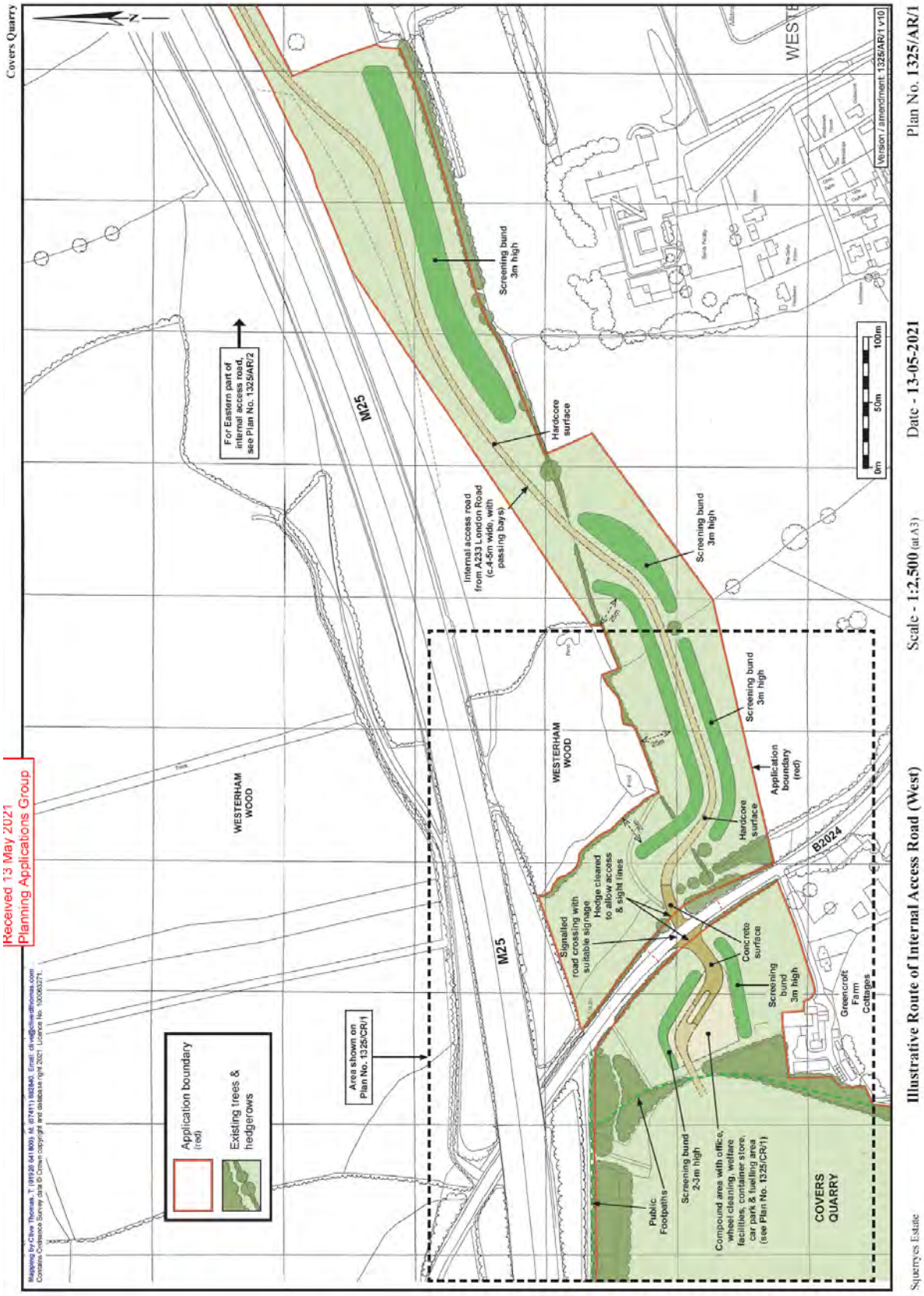
Proposed Cross Sections – Green Line Indicating Existing Landform



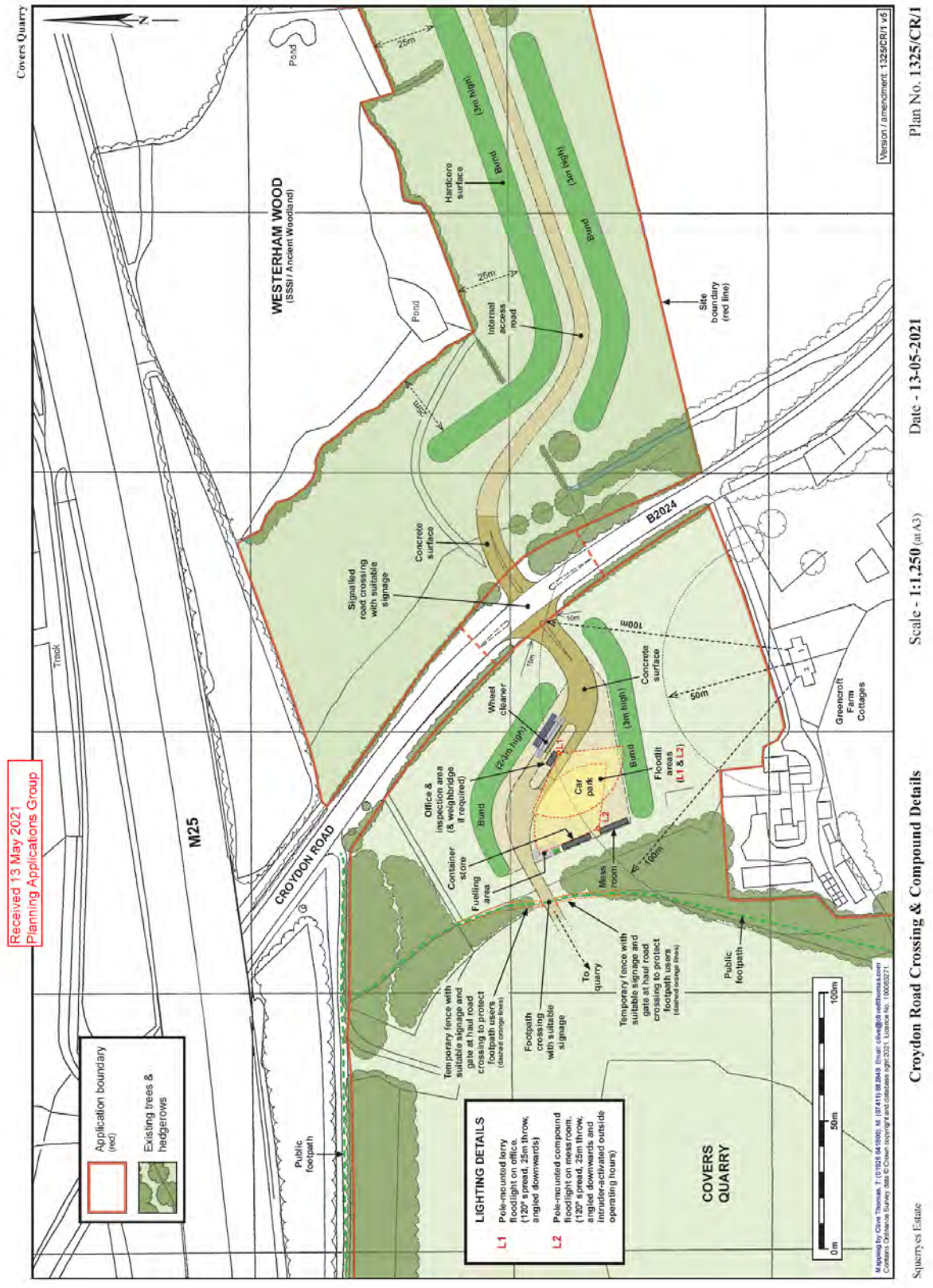
Haul Road – Illustrative Route of Internal Access Road (East) – Including Access Point onto Public Highway and Screening Bunds



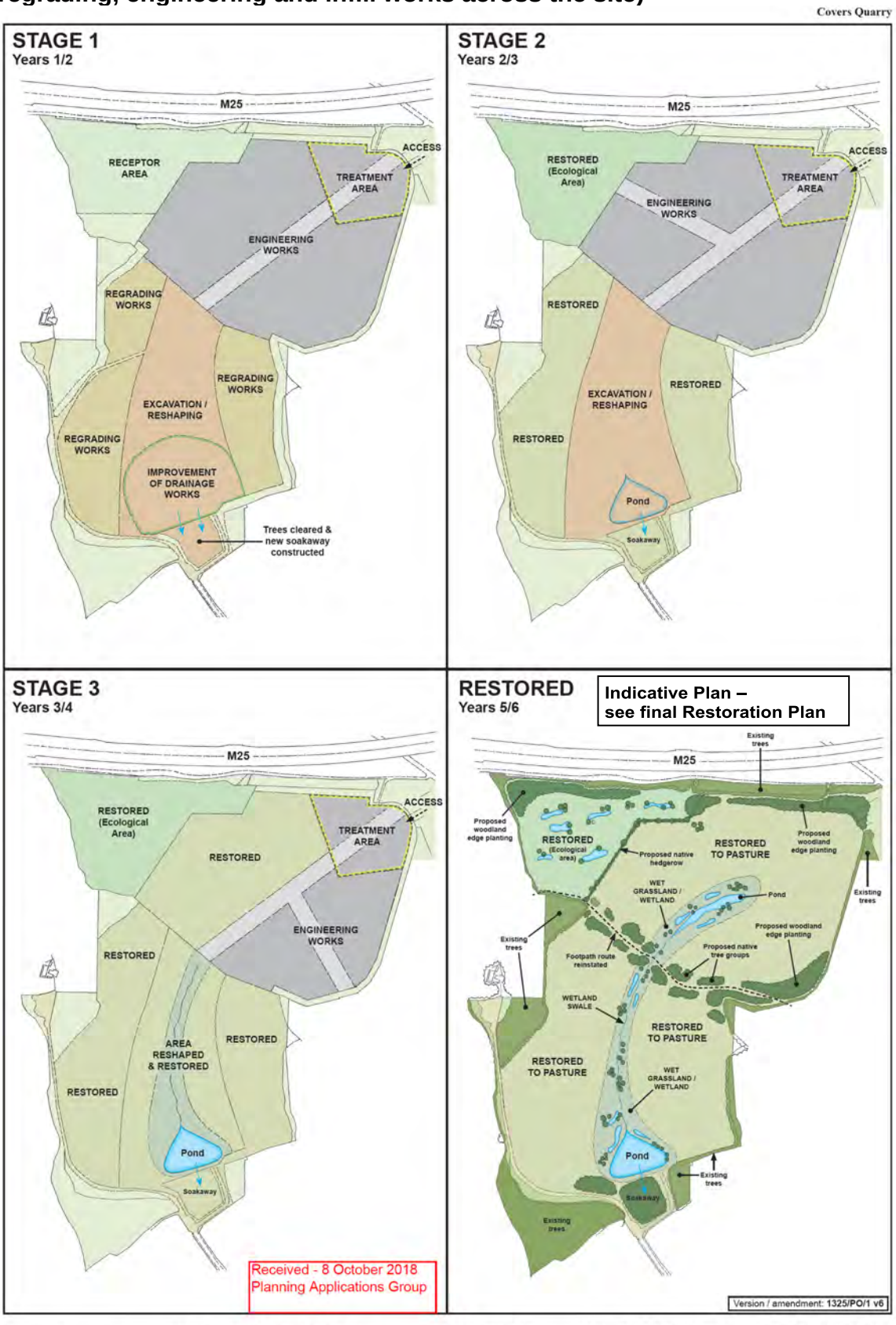
Haul Road – Illustrative Route of Internal Access Road (West) – Including Screening Bunds



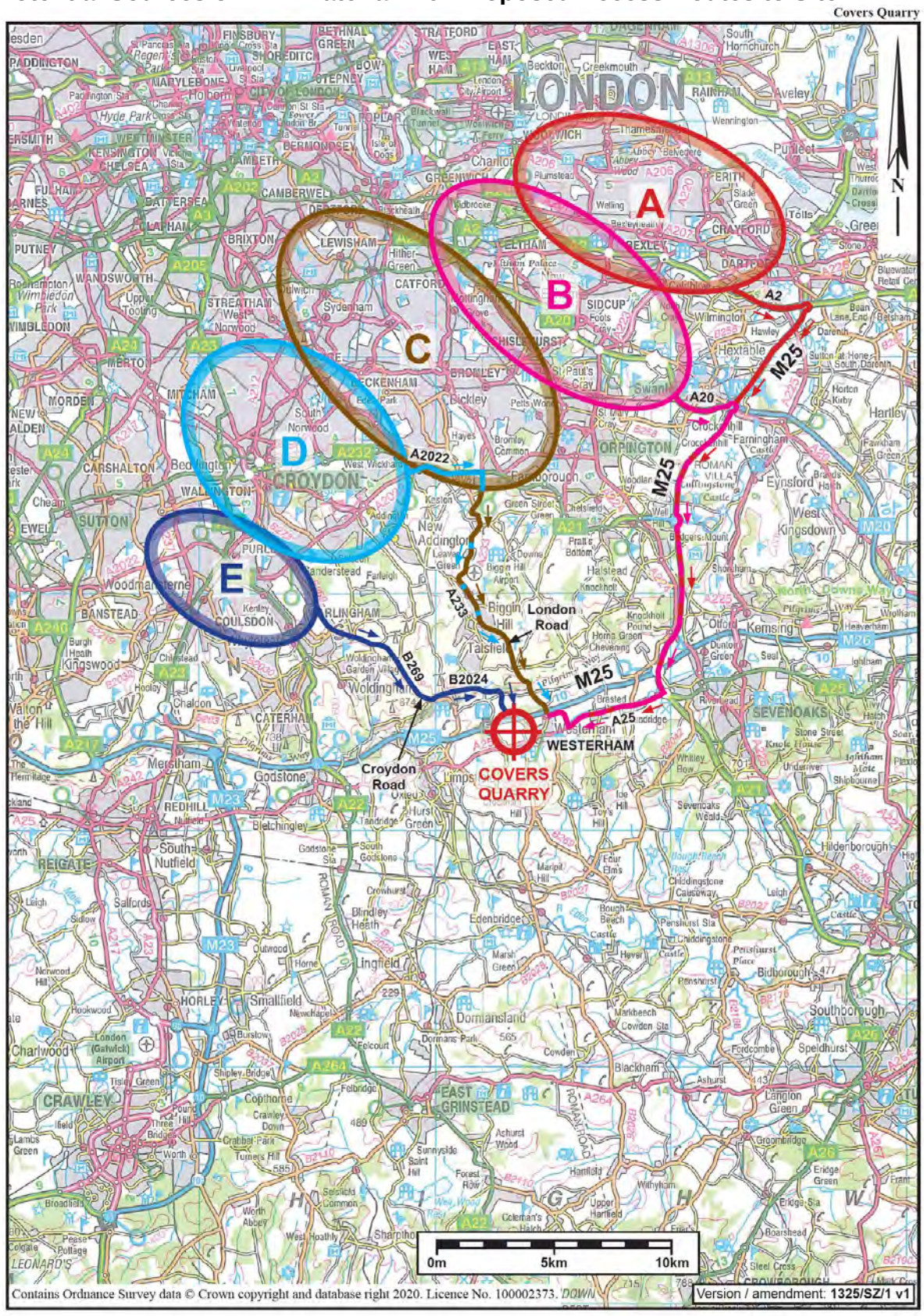
Haul road – Croydon Road Crossing and Temporary Construction Compound



Progressive Phased Restoration Plans (showing proposed areas of excavation, regrading, engineering and infill works across the site)



Potential Sources of Infill Material with Proposed Access Routes to Site



D.K. Symes Associates | **Source Zones A-E** | Scale - **1:200,000** (at A4) | Date - **13-02-2020** | Plan No. **1325/SZ/1**

APPENDIX 2

Planning Application History

Historical planning applications and some more recent permissions:

Southern Pit

- SE/75/01088 – Removal of overburden and deposition of old workings and use of additional land for the extraction of sand – Granted.
- SE/75/01088A – Details of working scheme for area 1 in connection with development previously approved – Granted.
- SE/75/01088B – Details of working and restoration scheme for area in connection with development previously approved- Granted.
- SE/75/01088C – Details of landscaping and tree planting scheme in connection with development previously approved scheme – Granted.
- SE/76/00321 – The use of land for stacking and storage of paint and ornamental tiles – Granted.
- SE/77/00671 – The use of land for the stacking of roof tiles – Granted.
- SE/79/826 – Continued use of land for the stacking and storage of roof tiles (renewal of SE/77/671) – Granted.

Northern Pit

- SE/83/01511 – Removal of overburden and extraction of sand in phased workings with subsequent phased restoration – Granted.
- 96/00072 – Amendment to method of working approved under condition 3 of planning permission SE/83/1511 – Granted.
- SE/96/00903 – Variation of condition 20 of planning permission of SE/83/1511 to allow extended hours of working – Granted.
- SE/99/1912/MR62 – Review of Old Mineral Permission – date for submission of new scheme of conditions agreed as 24 April 2015.
- SE/02/2255 - Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit formerly known as Squerryes Sandpit until 30th April 2014 – Granted.
- SE/14/01680 - Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit formerly known as Squerryes Sandpit until 31st October 2015 – Granted.
- SE/15/3212 - Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit formerly known as Squerryes Sandpit until 31st October 2017 – Granted.

- SE/17/3215 - Application to vary condition (ii) of planning permission SE/83/1511 to enable an extension of time to restore the sandpit formerly known as Squerryes Sandpit until 31st October 2019 – Granted.

Whole site

- KCC/SE/0233/2019 – Application to vary permission SE/17/3215 (and subsequent amendments SE/83/1511, SE/96/903 and SE/02/1636) to enable and extension of time to restore the quarry (formally known as Squerryes Sandpit) until 31 October 2021 – Determination pending.

  This application is being held in abeyance pending the outcome of the current application on the basis that if permission is not granted for the infilling it will be necessary to secure the restoration of the quarry in accordance with a revised solution.

APPENDIX 3

Statement on behalf of Community Stakeholders presented by Local KCC Member Nick Chard to the Planning Applications Committee Site Visit, October 2021

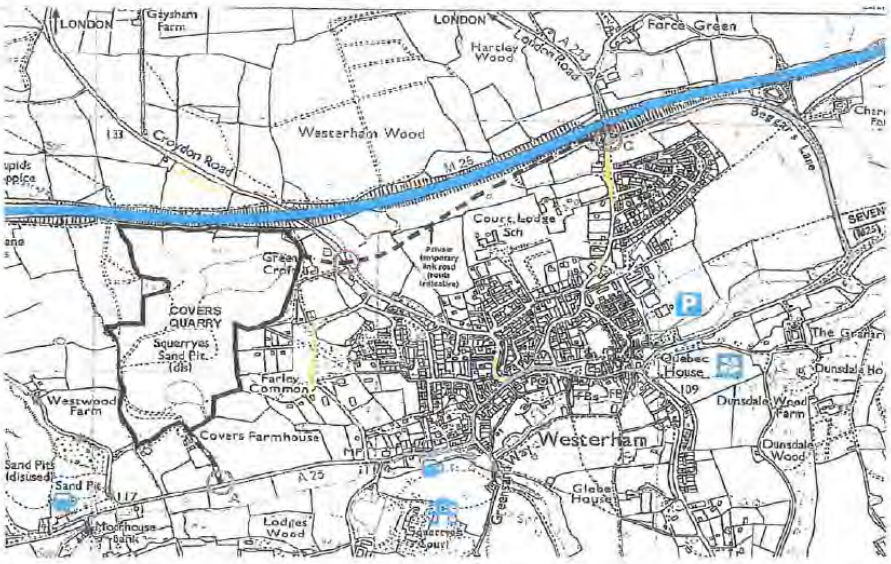
Application for the Restoration of Covers Farm Quarry

- The obligation to restore the former sandpit within 10 years of cessation of extraction (2003) has been extended 6 times without any action.
- The approved proposal requires restoration using **on-site material** with **no** importation of additional fill.
- Applicant **has not demonstrated** the need for this **large scale** infill
    - **Stabilisation to protect the M25 is not necessary**

      Highways England letter to WTC, March 2021: *"Our statement from 2018, saying that the M25 is 60m from the northern slope and it would be unlikely that the slope failures would migrate that far north and reach the M25, has not changed"*
    - **Alleged threat of flooding, not evidenced**

      "If there were a risk of flooding, **alternative solutions** are available: eg by installing a drainage system" - *WTC geotechnical consultant. Jan 2021*
- Granting this application would result in excessive harm which would ***'significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole'*** *(Policy CSM1 of Kent Mineral and Waste Local Plan 2013-30)*. Harm caused by:
    - Addition to existing traffic **of 200 HGV journeys 5 days a week for 6 years** through residential and conservation areas
    - HGV routing along unsuitable roads: risk of severe delays, **road traffic accidents**, compromising road safety
    - Damage to **heritage assets**: Ancient woodland (Westerham Wood) adjacent to proposed haul road; nearly 50 listed buildings bordering route along A25.
    - **Worsening of Air Quality** in already designated AQMAs (Brasted & M25 corridor). Haul road along local primary school's playing field boundary
    - **Increased noise, dust and vibration** 5 days a week
    - **Drainage** issues dealt with superficially; dewatering northern lake will 'infiltrate into the ground'; no explanation of impact of this on the Darent valley - a flood risk area.
    - **Loss of biodiversity** through habitat destruction.

Map of Westerham showing the proposed access roads and route of haul road



We the undersigned, representing the communities affected by this proposal, contend that the weight of the adverse impacts of the planning considerations of the application outweigh any benefits and it should thus be refused.

A = Direct original access, still available B&C = proposed access

B&C will cause delays on existing roads A223 & B2024

[redacted]	Chairman, Westerham Town Council
[redacted]	Chairman Keep Westerham Green
[redacted]	Chairman Brasted Parish Council
[redacted]	Chair, Planning Committee, Sundridge & Ide Hill Parish Council
[redacted]	District Councillor, Sevenoaks D.C. (Westerham ward)
[redacted]	Member Bromley Borough Council (Biggin Hill Ward)