

Covers Quarry Planning Application & Inquiry

**Expert Witness Duties
Mike Ashley**

August 2025

Amey

- Overview
- Introduction
- Site Location & History
- Planning Application
- Appeal / Inquiry
- Lessons Learned
- Questions

Michael Ashley

- 10 years Experience in Mineral Exploration
- Joined Amey in 2014 as Geotechnical Engineer
- Design Team Leader for the National Highways SDF South West Contract
- Chartered Geologist

People & Organisations

- Kent County Council Planning Group - Client (KCC)
- Morants Promotions Ltd – Applicant / Appellant
- Counsel – term identifying the barrister representing KCC or the Appellant

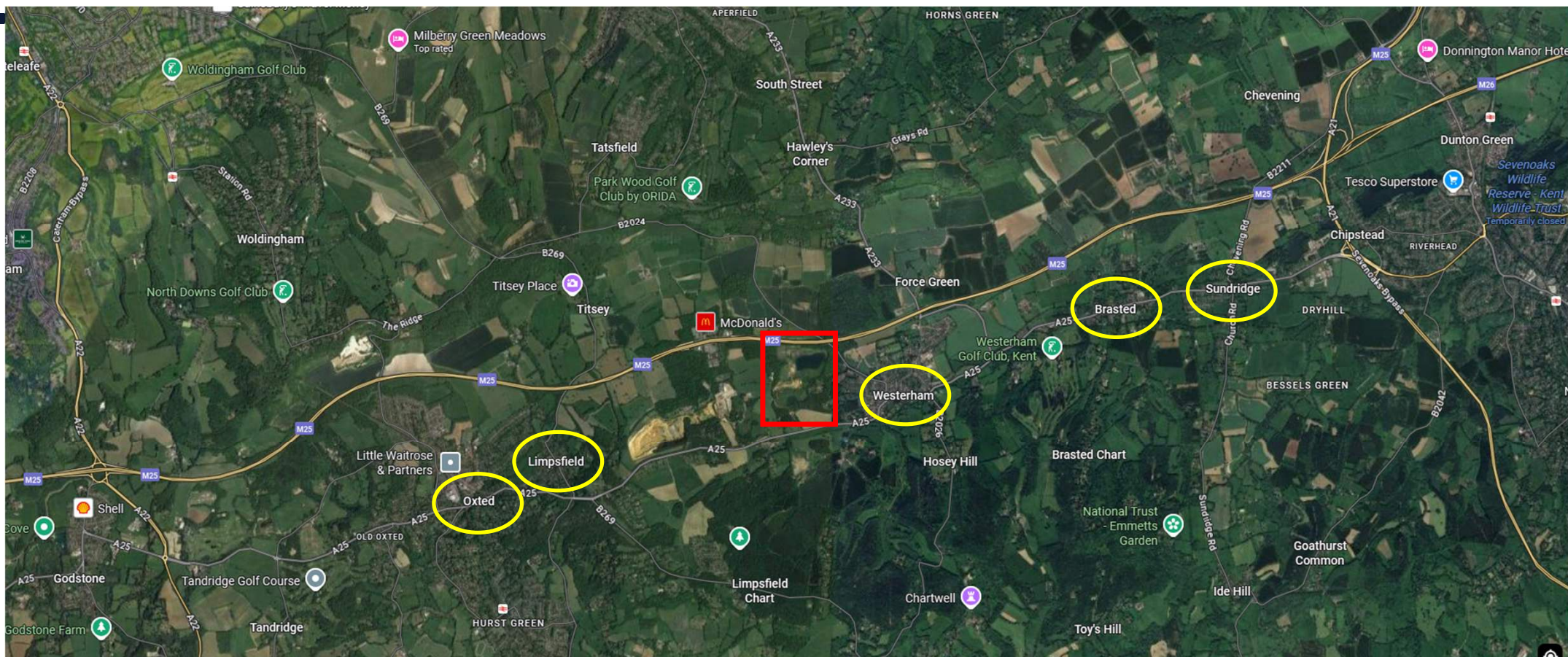


Covers Quarry, Westerham – Location

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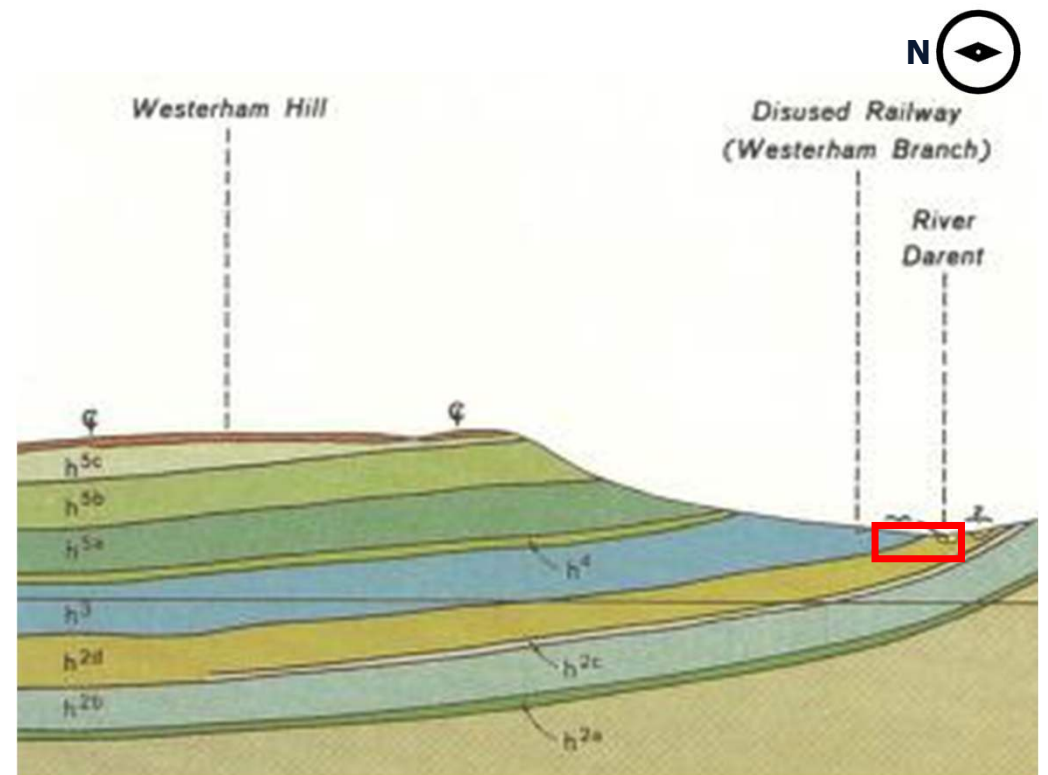
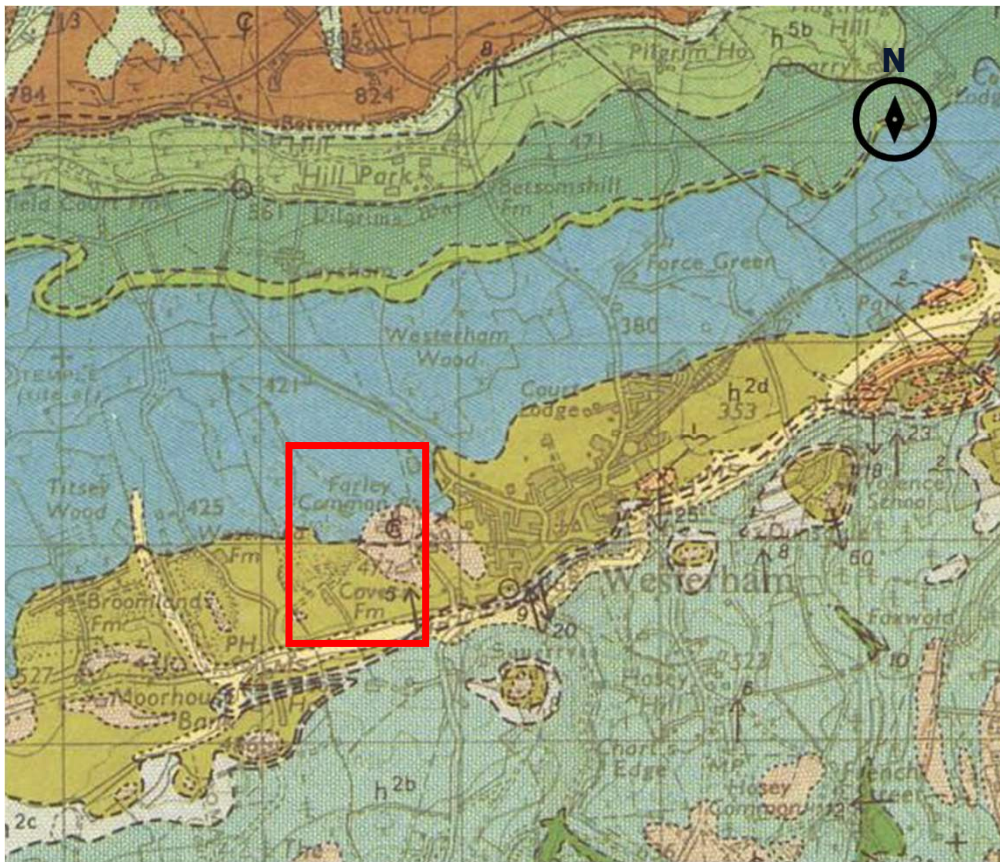
Covers Quarry

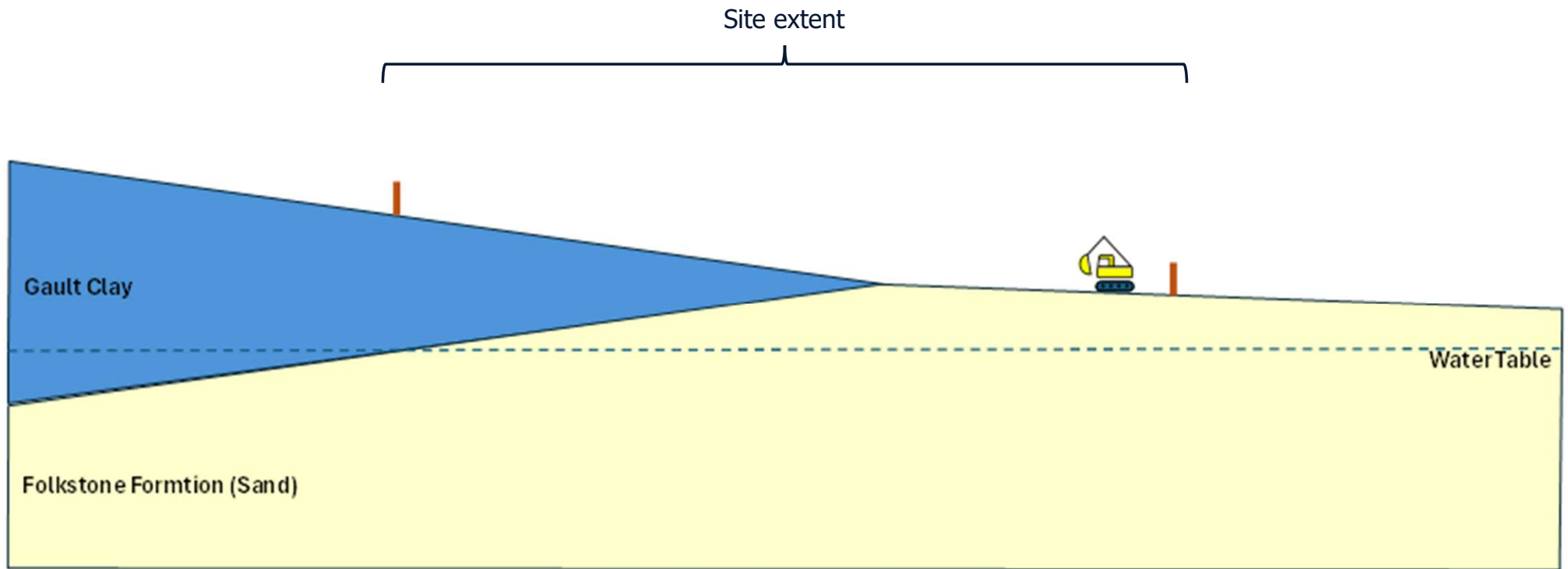


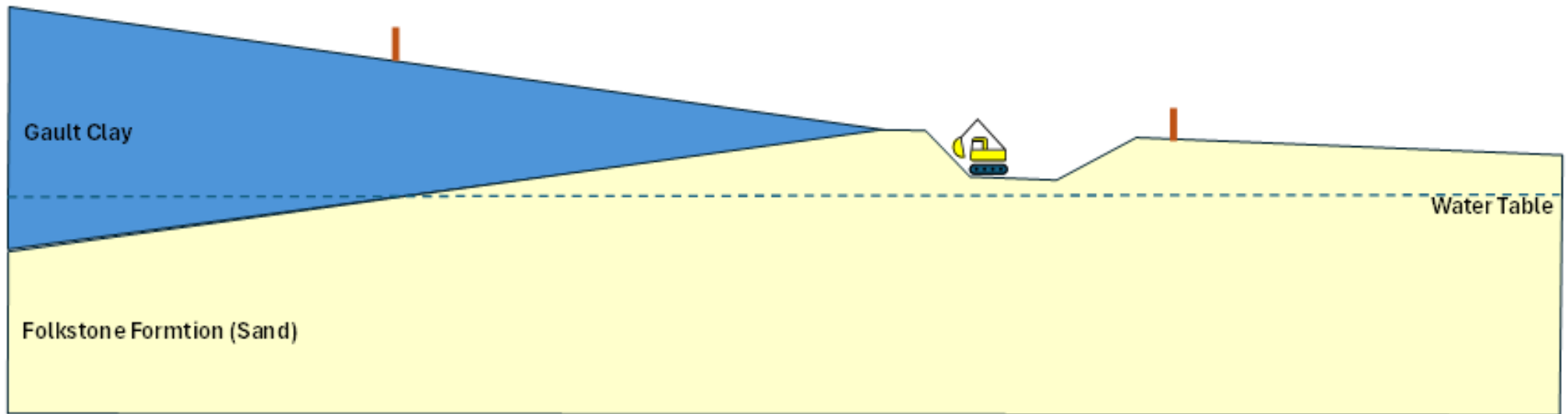
Covers Quarry and Westerham

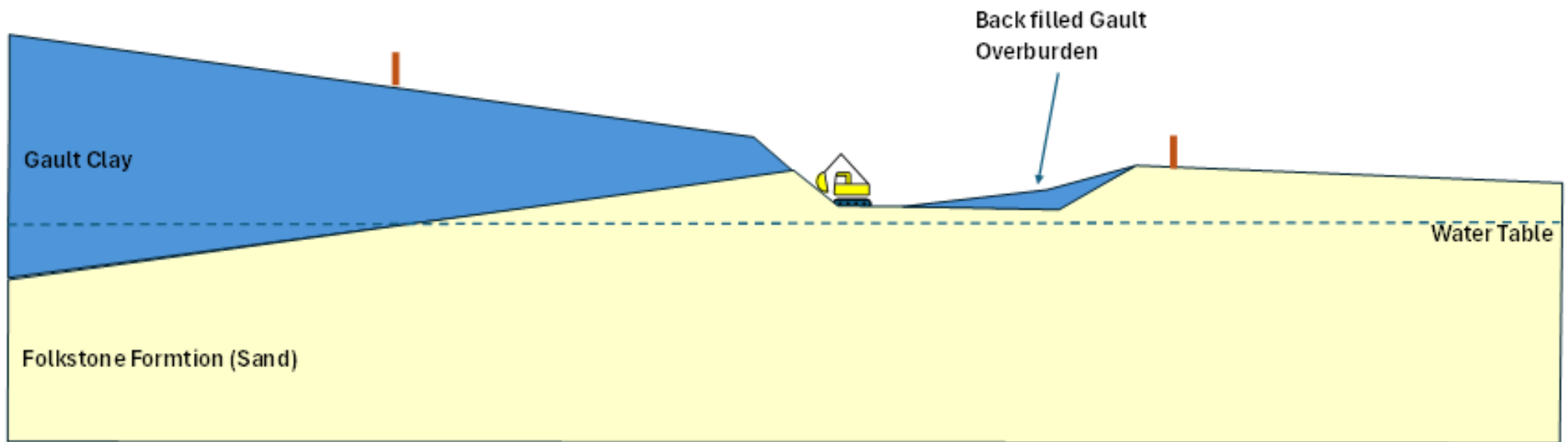
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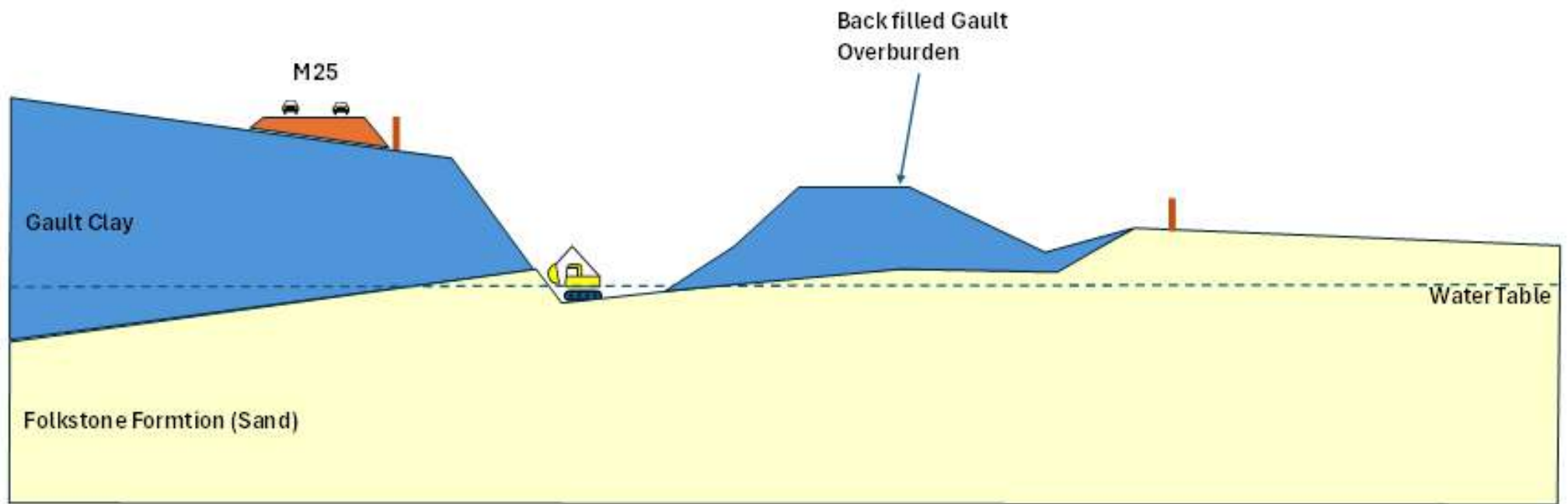


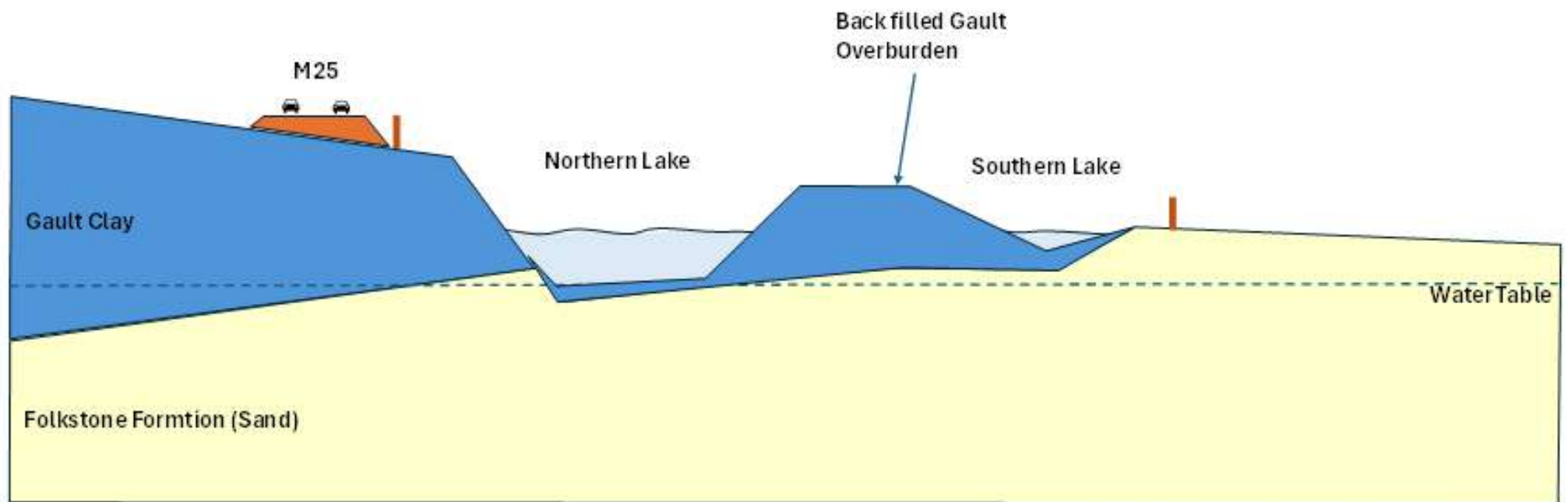






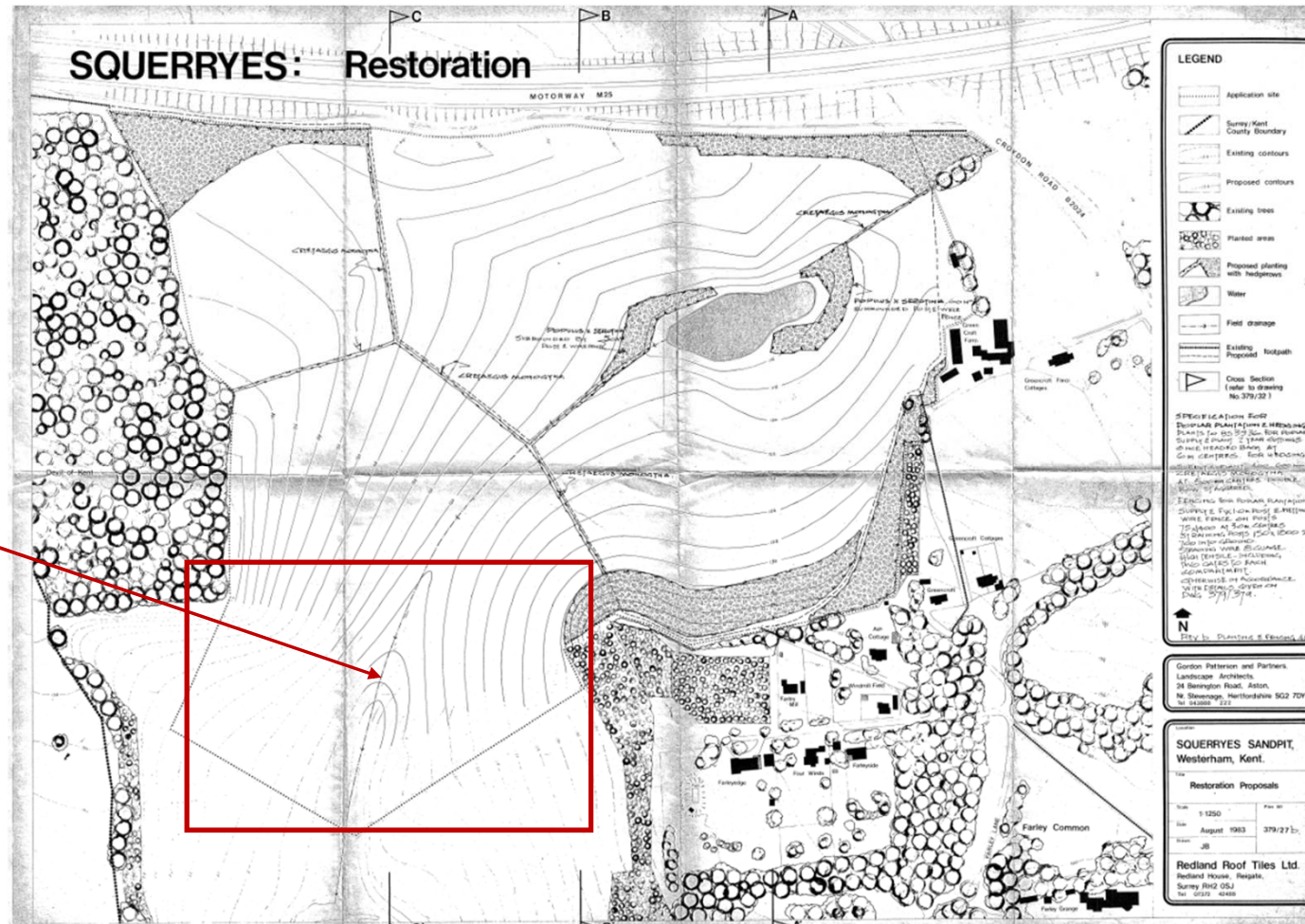




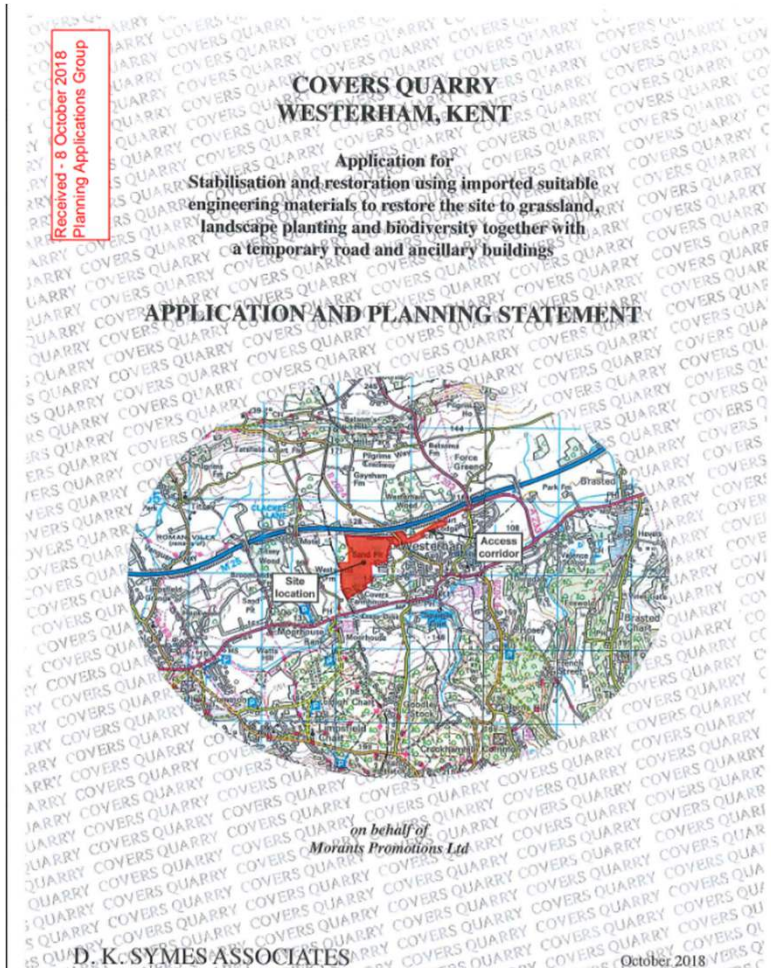


1982 Approved Restoration Plan

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GENERAL



2.2 Objective of the Development

2.2.1 It is clear from the background Technical Studies (see GB Card & Partners Reports in Volume 3) that parts of Covers Quarry are not stable in the medium term, especially the northern face. As a landowner there is a duty to provide support to adjoining land, so should there be a structural failure Morants Promotions Ltd (and subsequently the Estate) would be liable. Therefore the primary objective of the development is to provide an engineering design to stabilise the quarry.

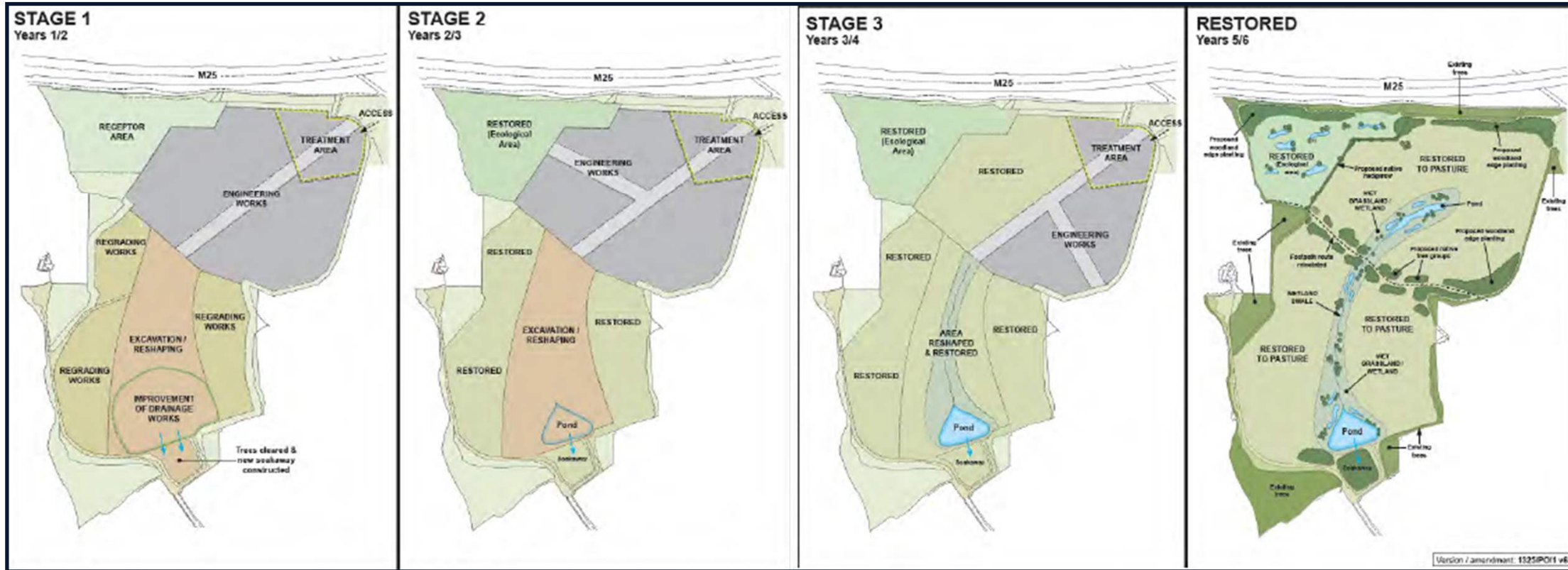
2.2.2 There is also the statutory planning requirement to restore the site to a suitable landform and land use. An extant permission requires this to be done for the northern sector of the quarry, but the permission that covers the southern part has expired. That said, it is clear that the whole of the site needs to be restored to an acceptable standard if it is not to remain in a derelict state.

2.2.3 It is these two principal objectives that have influenced the design. In addition, the northern void is filling with water, which in the absence of intervention could ultimately spill over onto adjoining land. The third objective is therefore to ensure that the restored landform includes a sustainable drainage system.

2.2.4 The fourth objective is temporary. Recognising that any stabilisation / restoration scheme will generate HGV traffic, then the design needs to ensure that the A25 through Westerham is avoided. Equally, the A25 through Limpsfield and Oxted should also not be used.

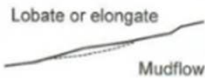
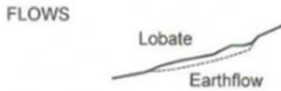
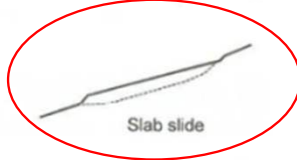
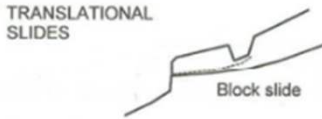
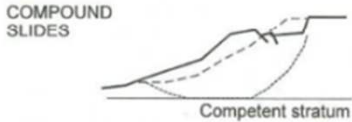
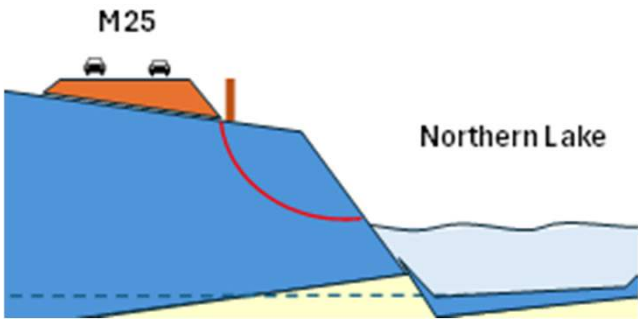
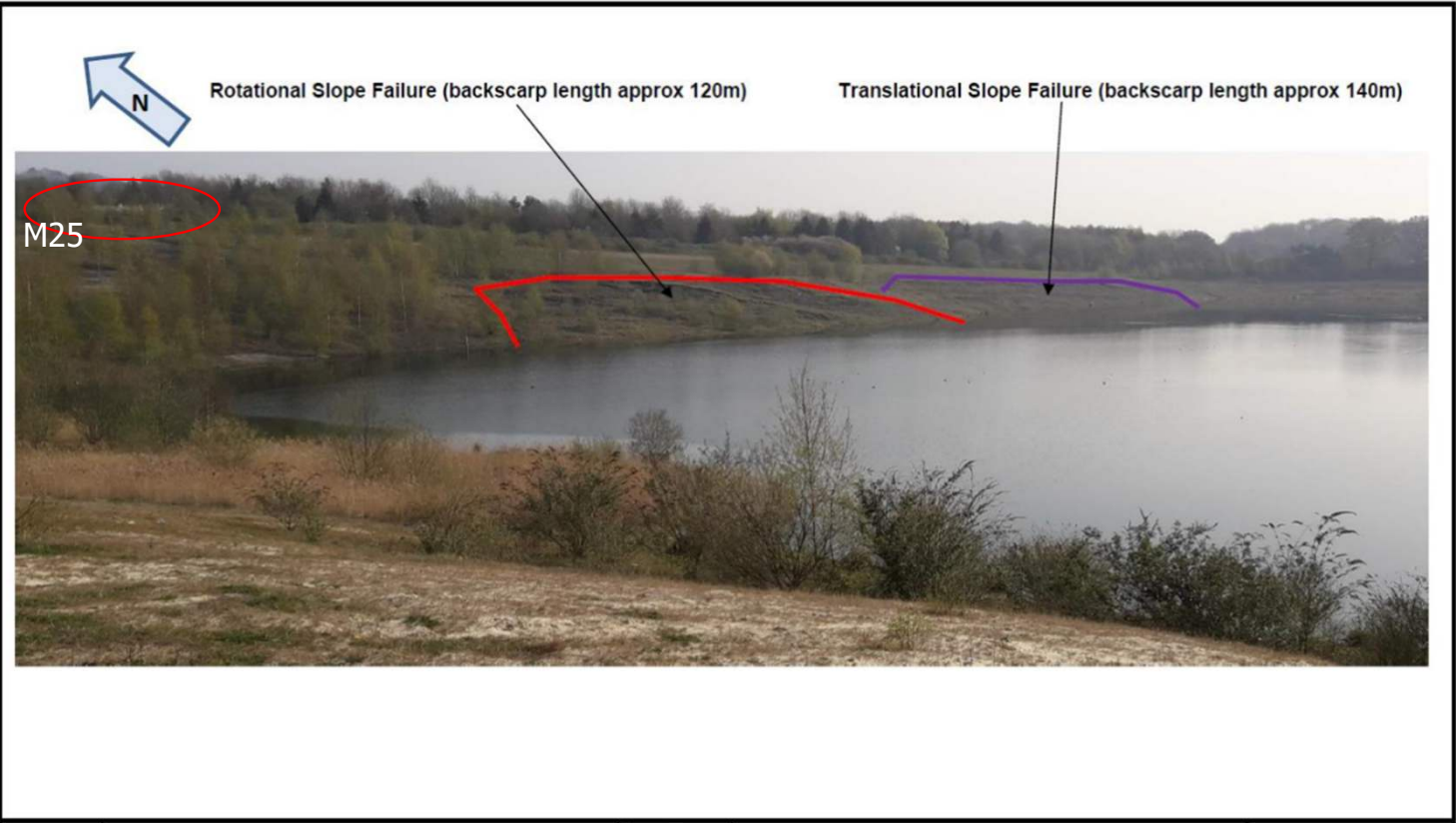
Restoration Plan

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- Restoration requires circa 800,000m³ imported material

Slope Stability Issues



Project:	Kent County Council - Covers Quarry	Report Reference:	CO04300693-1043-GER01
Report:	Planning Application - Geotechnical Review	Figure Reference:	Figure 02
Title:	Location 01: View of Slope 4		



Planning Process

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- October 2018 – Planning Application submitted
- March 2019 – Amey Geotech engaged through Kent Highways contract, review and commentary on submission documents
- August-September 2019 – Ground Investigation undertaken
- 2020-2024 – Review and comment on additional supporting documents
- June 2024 attended Kent County Council Planning Committee to support the Planning Group's recommendation to reject the application
- June 2024 KCC Planning Committee unanimously voted to reject the Application



Covers Pit, Westerham

Phase 1 Desk Study and Preliminary Engineering Assessment

Client:
Morants Promotions Limited
Job Reference:
GB324-P1DS-PEA-SEPT-2018-REV5
Date:
September 2018



Covers Pit, Westerham, Kent

Geotechnical and Geo-environmental Interpretative Report

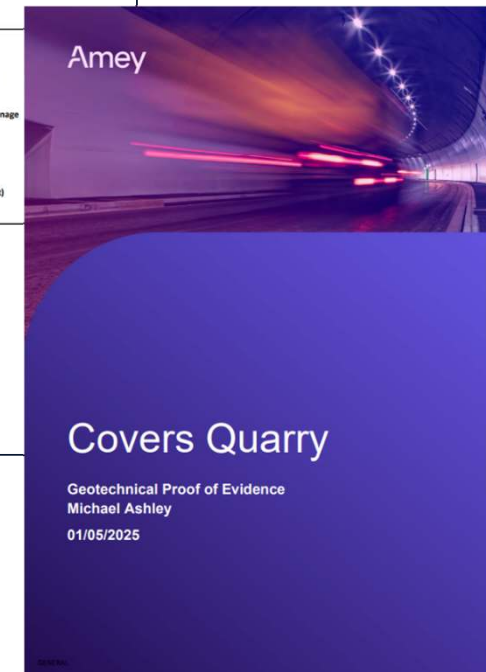
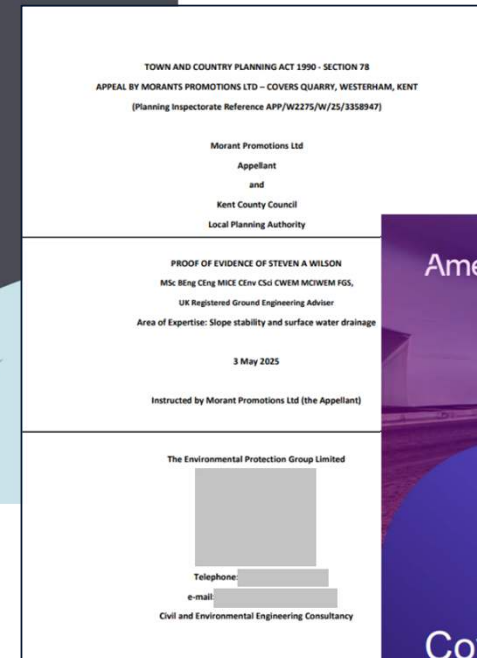

GB Card
& PARTNERS

Client:
Morants Promotions Ltd
Job Reference:
GB324-GGIR-DEC-2019
Date:
December 2019

Appeals Process

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- Q4 2024 Amey informed an appeal had been lodged
- December 2024 further geotechnical reporting received
- January 2025 – Asked to attend a technical mediation hosted at the ICE in London (outside the Appeal process)
- March 2025 – ICE mediation
- March 2025 – outline of appeal requirements received
- April/May 2025 – Amey feed into various appeal documents, including
 - ✓ KCC Statement of Case,
 - ✓ Statement of Common Ground,
 - ✓ Technical Statement of Common Ground,
 - ✓ Geotechnical Proof of Evidence, and
 - ✓ Rebuttals of appellants Proof of Evidence.
- 2nd-16th June 2025 – Planning Appeal Enquiry
- 30th July - Inquiry findings issued

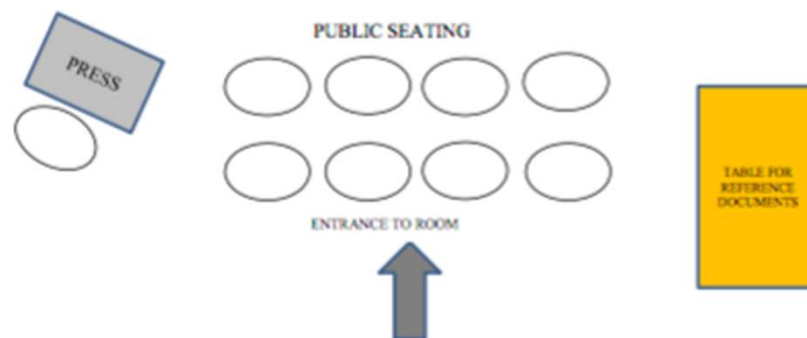
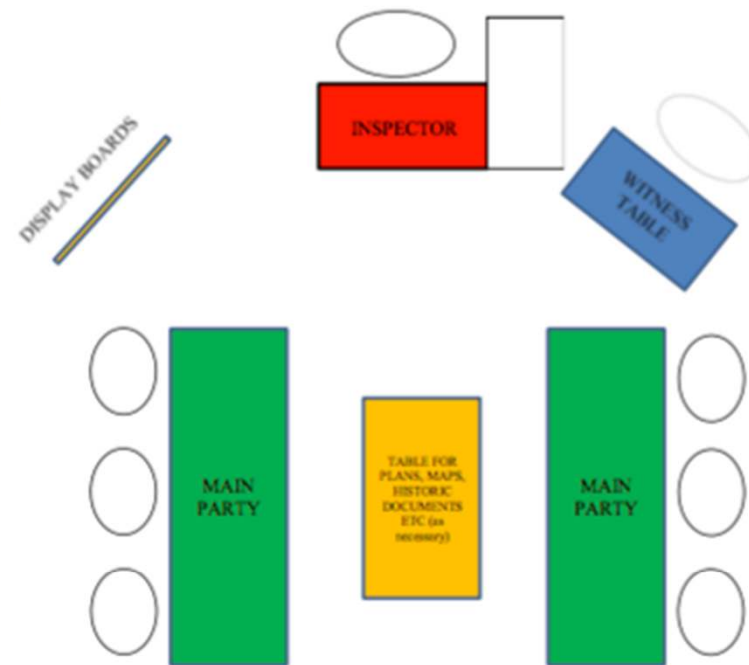


The Inquiry



- Held at Sessions House June 2025
 - ✓ Opening Statements
 - ✓ Expert Witness Evidence
 - ✓ Round table discussions
 - ✓ Closing arguments

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PW - 2016

A portrait of Charles Streeten, a man with brown hair and glasses, wearing a dark blue suit jacket over a white shirt. He is smiling and looking slightly to the right. The background is a light-colored wall with a framed picture.

Charles Streeten

"One of the very best planning juniors at the Bar"

The Legal 500, 2025

Richard Kimblin KC

Head of Planning & Environment

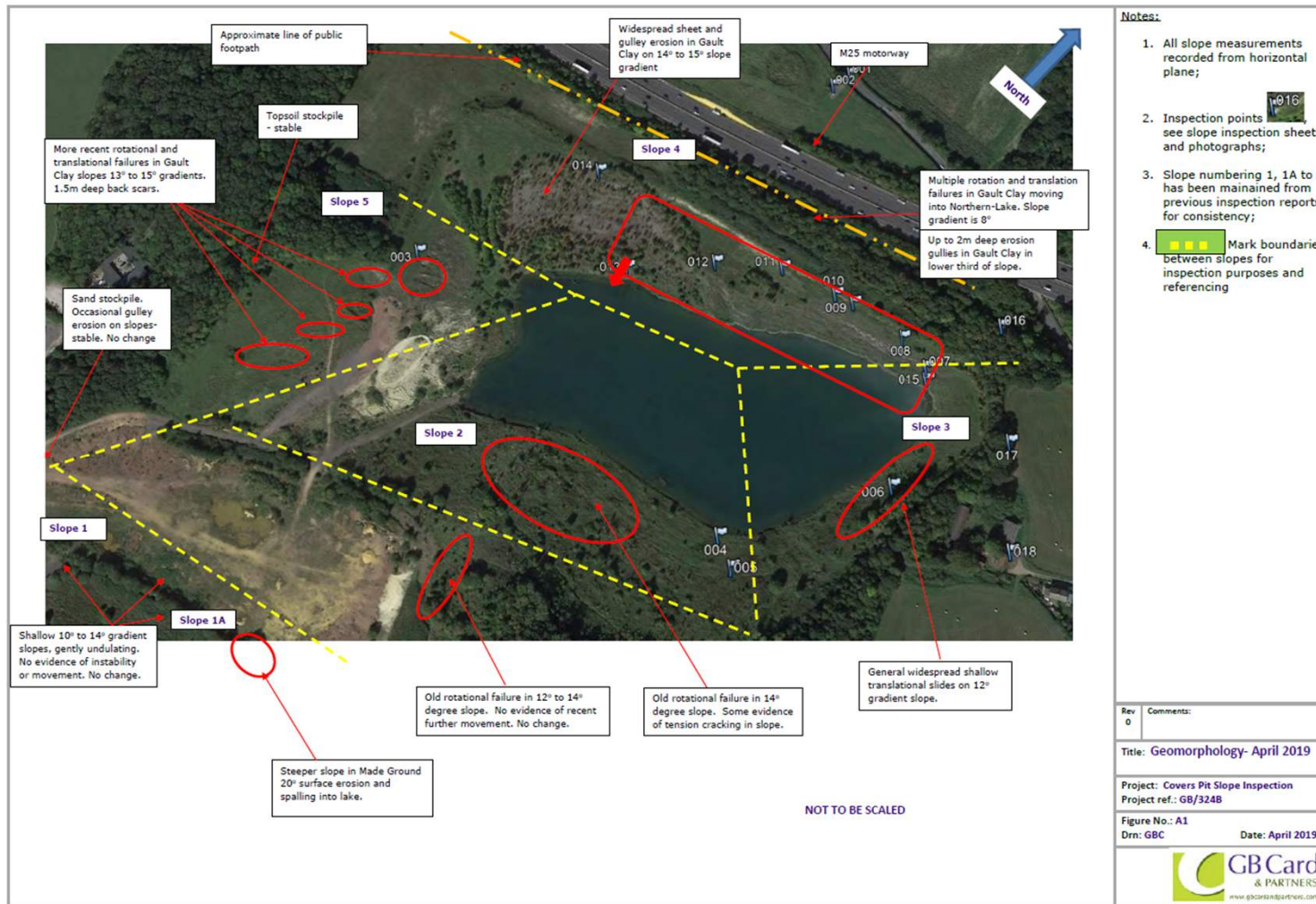
Call: 1998 | Silk: 2016

"Richard is one of the best barristers in a very technical and competitive sector. He is able to take very complex legal and technical matters and distil them for a lay client. His advocacy is brilliant, sharp, concise but all the time being very calm - it can be devastating for an opponent."

LEGAL 500 2025



Cross Examination



- Other witnesses (for one or both sides):
 - ✓ Highway,
 - ✓ Drainage,
 - ✓ Material supply and transport,
 - ✓ Landscape
 - ✓ Policy experts, and
 - ✓ Evidence submitted by the landowner regarding land stewardship
- Round table discussions regarding potential planning conditions

Planning Inspectorate

Appeal Decision

Inquiry held on 3 - 6 June 2025 and 11 - 12 June 2025

Site visit made on 2 June 2025

by **Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ**

an Inspector appointed by the Secretary of State

Decision date: 30/07/2025

Appeal Ref: APP/W2275/W/25/3358947

Covers Quarry, Westerham, Kent TN16 2ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Morants Promotions Ltd against the decision of Kent County Council.
- The application Ref is SE/18/3435 (KCC/SE/0495/2018).
- The development proposed is the 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.

Decision

1. The appeal is allowed and planning permission is granted for the 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 TN16 2ER in accordance with the terms of the application, Ref SE/18/3435 (KCC/SE/0495/2018), subject to the conditions set out in the attached schedule in Annex E.
65. There was also discussion whether there was sufficient investigative data to support the solution proposed by the Appellant involving the importation of the 800,000m³ of inert fill. However, I am satisfied that the evidence provided by the Appellant's geotechnical witness is compelling in that there is enough information in order to construct a reasonably cautious ground model and that engineering options are limited.

Client Feedback:

“Notwithstanding the inspector’s decision, we presented a robust case, and you did particularly well under cross examination. You skilfully avoided Counsel’s traps with your considered responses – not an easy task, so well done.”

Lessons Learned:

- If you / the Client believe that there is a need for expert witness duties to arise in a latter part of a scheme, set the groundwork early
 - ✓ Define the scope of work being undertaken clearly
 - ✓ Clearly record decision making
 - ✓ Record correspondence
- Be proactive in understanding production of deliverables and timelines
- Understand your subject matter
- Take a breath and think for 10 seconds before answering
- Remember: “Yes, but...”, and “No, because...”

