Date: 15th September 2026
Kent County Council
By email only: mwlp@kent.gov.uk

Kent Wildlife Trust

Dear Madam/Sir,

RE: Consultation on Kent County Council's Pre-Submission Draft Kent Mineral Sites Plan (Regulation 19) 2026

Kent Wildlife Trust (KWT) welcomes the opportunity to provide representation on the pre-submission draft of the Kent Mineral Sites Plan (Regulation 19). We have reviewed the documents online and provided comments below along with our suggested modifications to the plan. To allow us to complete a comprehensive response to your consultation, please accept our representation in letter format.

Land to the South and West of Hermitage Quarry

As part of our representation KWT wish to provide comments on the proposed nomination, under paragraph 3.19 and Appendix 1 of the draft Kent Mineral Sites Plan, of the Land to the South and West of Hermitage Quarry (otherwise known as Oaken Wood) for hard rock quarrying. Comments are also raised on the supporting Hermitage Quarry Suitability for Allocation Assessment Report (HQSAAR) (2026) and other evidence base documents relied upon to justify the proposed nomination of this site.

The consultation is concerned with whether the draft plan is legally compliant and 'sound'. In addressing whether the plan is 'sound' consultation responses must focus on whether the plan is positively prepared, justified, effective and consistent with national policy. It is our view that the draft plan does not meet the soundness tests set out above because it is not consistent with national policy and has not been justified. The central issue preventing the draft Kent Mineral Sites Plan from being considered 'sound' is the proposed allocation of the Land to the South and West of Hermitage Quarry for the quarrying of hard rock.

National Planning Policy Context

The proposed nominated site for hard rock quarrying will result in the direct loss of at least 41 ha of ancient woodland. Paragraph 193 (c) of the National Planning Policy Framework (2024)[1] sets out that:

"*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons[70] and a suitable compensation strategy exists*".

Footnote 70 referenced within Paragraph 193 (c) provides the example of infrastructure projects "*where the public benefit would clearly outweigh the loss or deterioration of habitat*" as being a wholly exceptional reason. The footnote includes nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills within this example.

It is clear from the wording of Paragraph 193 (c) that there are two policy tests that need to be met when it comes to the loss of ancient woodland. Firstly, that there are wholly exceptional reasons for the loss or deterioration of the irreplaceable habitat. Secondly, that a suitable compensation strategy exists.

Wholly Exceptional Reasons Test

Kent County Council (KCC) have made their case for allocating the Land to the South and West of Hermitage Quarry through the HQSAAR which acts as the evidence base document alongside other supporting documents. In assessing

[1] A new version of the NPPF was published in August 2026. However, as directed by the annexes within the 2026 NPPF, the Kent Mineral Sites Plan will be examined under the legacy system and so the 2024 NPPF still applies.

whether wholly exceptional reasons exist the HQSAAR gives significant weight at paragraph 6.16 to the continued supply of Kentish Ragstone for historic building use. The report also states that because no viable alternative sources are currently known to exist the continued extraction of Kentish Ragstone aligns with the limited examples given in Footnote 70 of the NPPF. It is our view that the HQSAAR misapplies the policy test and stretches the examples given within Footnote 70 to fit the proposed allocation.

Paragraph 224 of the NPPF gives great weight to the benefits of mineral extraction. However, part (f) of the Paragraph 224 only requires that mineral planning authorities give consideration to how they meet any demand for the extraction of building stone needed for the repair of heritage assets. In addition, mineral planning authorities are only required to take account of the need to protect designated sites. The wholly exceptional reasons test on the loss or deterioration of the irreplaceable habitat must be passed in the first instance. It is only after this test has been met that other considerations can be taken into account as part of the planning balance. The apportioning of great weight to the benefits of mineral extraction does not meet the wholly exceptional reasons test.

The HQSAAR states at paragraph 2.21 that great weight should be apportioned to the conservation of historic buildings "*…in accordance with the NPPF (para 213), and is a very significant factor weighing in favour of allocating the extension site*". At paragraph 4.16 of the HQSAAR equal weight is given to the protection of ancient woodland and the preservation of built heritage with the report calling it a '*binary issue*'. While the NPPF does contain strong policy protection for designated heritage assets the wording relates to the significance of those assets from alteration or destruction, or from development within their setting. The NPPF does not extend that level of protection to the quarrying and provision of heritage building stone and so it is our view that the NQSAAR misapplies the heritage asset policies in this instance. It should also be noted that the Alternative Ragstone Supplies supporting document (dated June 2026) casts doubt on how much Kentish Ragstone is even needed for restoration purposes (paragraph 5.1.4).

As set out above Footnote 70 of Paragraph 193 (c) includes examples of when developments may meet the wholly exceptional reasons threshold. The examples are for projects that are subject to a separate statutory regime that have impacts at a national level. The footnote is also clear that there must be a public benefit that outweighs the loss or deterioration of the irreplaceable habitat concerned. The proposed allocation of the Land to the South and West of Hermitage Quarry for quarrying does not deal with a project that would have implications at a national level in line with the examples provided under Footnote 70. Even if taking a more liberal approach to the examples within the footnote it has not been demonstrated through the HQSAAR, or the other evidence base documents made available on the KCC consultation webpage, that the need for the quarry is in the public interest at a national level.

In extracting Kentish Ragstone a significant amount of crushed rock is also produced. Paragraphs 6.17 – 6.18 of the HQSAAR apportions weight towards the production of this crushed rock stating that the '*wider benefits*' of its use helps to meet the wholly exceptional reasons test. Part of this reason is that the crushed rock is used in infrastructure projects such as road building. Again, it is considered that this stretches the examples within Footnote 70 to fit the proposed allocation. The examples provided within the footnote do not extend to the provision of materials used within those projects. There is also no supporting information or certainty within the evidence base which demonstrates that the crushed rock produced from quarrying the nominated site would be used within nationally significant infrastructure projects.

No alternative sites within Kent came forward as part of two call for sites processes. The HQSAAR at paragraph 6.15 concludes that because of this, and the reports provided by WSP for KCC and by Gallagher as the site promoter, there would be "*no continuing suitable source of Kentish Ragstone, and there would be no source of crushed rock suitable for the majority of uses for which it is required in Kent*" unless the nominated site is quarried.

In discounting alternative sites as part of the evidence base on this matter the Alternative Sites Study (dated 2024) and Alternative Ragstone Supplies document (dated June 2026) state that larger sites of up to 50 ha are needed in order to meet the shortfall identified within the Kent Mineral and Waste Local Plan, to provide space for processing plant, to deliver onsite BNG and to provide a suitable buffer to protect the amenity of residential properties. In taking this approach the supporting documents give no consideration to the possibility of more than one smaller site being quarried to meet the crushed rock shortfall, the ongoing use of the processing plant within Hermitage Quarry rather than requiring an alternative site to house this equipment, or the use of offsite provision for BNG. In addition, borehole sampling has not been carried out for all alternative sites as part of the study and the existing data that is available

provides no details on scale or whether the sites assessed contained Kentish Ragstone suitable for historic building restoration or only crushed rock. These are considered to be fundamental short comings in the evidence base.

A key point made within the Alternative Ragstone Supplies document (dated June 2026) is that there is a sufficient land bank of crushed rock within the UK to meet the need for this building material within Kent for way beyond the plan period. In addition, the evidence base makes no attempt to provide an accurate understanding of the current and future need for heritage dimension stone.

Another stated benefit from quarrying the site is the estimated volume of carbon sequestration that would take place from replanting the nominated site with native woodland species as part of site restoration work in comparison with importing crushed rock from outside of the County (paragraph 6.22 of the HQSAAR). This stated benefit is also discussed within the Natural Capital Report (dated May 2024), Carbon Assessment for Potential Extension of Hermitage Quarry (dated June 2026) and Theoretical Carbon Footprint Study for Freighting Aggregates (dated 18th January 2024), all of which are available on the KCC consultation page.

Figures put forward within the Theoretical Carbon Footprint Study for Freighting Aggregates are based on four scenarios. Three of the scenarios involve importing 900,000 tonnes of limestone aggregates to locations in Kent with an additional road freight distance of 25 km via HGV from each location. The final scenario looks at transporting the same tonnage of limestone aggregate from Hermitage Quarry for 25 km. The distance is the average distance to a client based on data from the financial year 22/23. Scenarios 1-3, where limestone aggregates have been imported, result in higher emissions of Green House Gases (GHG). The report also identifies that significant areas of land newly planted as broadleaf woodland would be required to absorb the emissions that would be produced under scenarios 1-3.

As part of the presented calculations the report fails to assess the GHG emissions that have been, and will be, released as a result of destroying a total of 71 ha of ancient woodland (westerly extension and nominated site), including through the digging up of ancient woodland soils[2]. There is also no discussion on the emissions from HGV bringing '*inert restoration materials*' to the site (estimated to be circa 500,000 t/annum). This material is needed to fill quarried areas as part of restoration works.

The Natural Capital report makes the same error and estimates that there would be no carbon sequestered if the quarry extension did not take place thereby failing to give proper consideration to the presence of an entire woodland with ancient woodland soils. Soil sampling has not been carried out to accurately measure the existing soil carbon stocks or the sequestration rates over time.

The Carbon Assessment for Potential Extension of Hermitage Quarry states that the carbon storage potential within a plantation on ancient woodland soil is degraded, with '*natural forests*' being significantly higher in carbon storage than in plantations, which is attributed to lower rates of carbon sequestration, litterfall, and soil respiration in plantations compared to natural forests. The report goes on to state that plantations disrupt carbon sequestration processes through management practices like clear-cutting and replanting cycles. The literature relied on for this statement does not look at trees on ancient woodland soils that are subject to coppicing[3]. Instead, the study looks at coniferous plantations which are managed in a significantly different way to the trees and habitats within the Land to the South and West of Hermitage Quarry. As part of the quantitative assessment on carbon impacts within the Carbon Assessment for Potential Extension of Hermitage Quarry an assumption is made that the total stored carbon would reduce (in tC) in the '*do nothing*' scenario. This also fails to take into account that ancient woodlands store significantly higher levels of carbon than afforested woodlands[4,5].

[2] R Gregg, J. L. Elias, I Alonso, I.E. Crosher and P Muto and M.D. Morecroft (2021) Carbon storage and sequestration by habitat: a review of the evidence (second edition) Natural England Research Report NERR094. Natural England, York.

[3] Liao, C., Luo, Y., Fang, C. and Li, B. (2010) Ecosystem Carbon Stock Influenced by Plantation Practice: Implications for Planting Forests as a Measure of Climate Change Mitigation, PLoS ONE, 5(5), https://doi.org/10.1371/journal.pone.0010867

[4] Wilson, B.R., Moffat, A.J. and Nortcliff, S. (1997), The nature of three ancient woodland soils in southern England. Journal of Biogeography, 24: 633-646.

[5] Fediajevaite, J., Pickles, B. J., Tibbett, M., Philips, A., & others. (2026). Temporal insights into afforestation: A 25-year study of woodland expansion. Forest Ecology and Management, 609, 123640. https://doi.org/10.1016/j.foreco.2026.123640

It is clear from the supporting documents that a significant volume of the crushed rock produced at Hermitage Quarry goes towards road infrastructure (e.g. Appendix D - Gallagher Aggregates Markets and Projects). Each of the supporting reports, including the HQSAAR, fail to appropriately consider the downstream GHG emissions resulting from the end use of the crushed rock when assessing the carbon impacts of quarrying the nominated site. Following the Supreme Court ruling with respect to Horse Hill in Surry it is our view that a full assessment of the downstream emissions should have been carried out and given due consideration as part of the site allocation process[6].

It is worth highlighting that the quarrying of the nominated site is only expected to last 25 years after which all the hard rock that can be quarried will have been extracted and site operations will cease. It is reasonable to assume that after this point other sites within Kent will be investigated fully and, if truly unworkable, crushed rock will be imported. By that point 41 ha of ancient woodland, an irreplaceable habitat of national significance, will have been permanently lost.

The HQSAAR relies heavily on a 2013 decision from the Secretary of State which was issued as part of permission for a previous extension to the south of Hermitage Quarry, and which led to the direct loss of approximately 31 ha of ancient woodland. This decision was based on the 2012 version of the NPPF which had a significantly lower policy test that did not require there to be wholly exceptional reasons for the loss of an irreplaceable habitat. The policy position on impacts to irreplaceable habitats has clearly moved on significantly and the 2013 decision should not be relied upon as a precedent. Instead, the proposal to allocate the Land to the South and West of Hermitage Quarry for quarrying should be decided on its own merits with full consideration given to the wholly exceptional reasons test within the 2024 NPPF. It is therefore concerning to read paragraphs 6.44 – 6.45 of the HQSAAR which relies on the 2013 decision to justify its own conclusions with respect to the planning balance giving no regard to the change in policy protection for irreplaceable habitats.

A Suitable Compensation Strategy

Paragraph 033 of the Planning Practice Guidance (PPG) on ancient woodland states that:

"*When assessing whether 'wholly exceptional reasons' exist that may justify a loss or deterioration of ancient woodland, ancient trees or veteran trees, it will not be appropriate to take any compensation measures into account. These should be considered only once the existence of 'wholly exceptional circumstances* [sic]*' has been ascertained*".

The Court of Appeal has made it clear that the legal status of the NPPF and PPG is essentially the same with no legal distinction between them[7].

As set out above it is our view that KCC, through the HQSAAR and other evidence base documents, has not demonstrated that the wholly exceptional reasons test has been met. This issue should be addressed through the modification of the plan prior to any assessment of whether a suitable compensation strategy exists and can reasonably be delivered. This approach has not been taken and so we have provided representation on the compensation measures put forward within the HQSAAR below.

Paragraph 034 of the PPG states that compensation measures need to be "*…appropriate to the scale, nature and impacts of the development*". The direct loss of at least 41 ha of ancient woodland would require one of the largest compensation strategies ever associated with the loss of ancient woodland in England. However, the HQSAAR and supporting documents do not provide any evidence to demonstrate that a suitable compensation strategy can be delivered. Instead, figures are listed on what would be provided by the site promoter with the level of compensation put forward relying on the compensation agreed under the 2013 application at a 2:1 replacement of the area lost. There is no attempt to update the approach taken to establishing a compensation strategy and no recognition of the change to national policy since 2013 or the model set by projects where significant areas of ancient woodland have or will be destroyed such as HS2 or Lower Thames Crossing.

For HS2, a project where a lower area of ancient woodland is being lost to a nationally significant infrastructure project, Natural England supported an area-based ratio of 30:1 of new woodland to ancient woodland lost (report

[6] *R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council* [2024] UKSC 20
[7] *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32

commissioned by the House of Commons HS2 Phase 1 Bill Committee)[8]. It is recognised that this approach was taken specifically in relation to the HS2 project and that each case is decided on its own merits. However, given the significant area of irreplaceable habitat to be lost through the allocation of the Land to the South and West of Hermitage Quarry for quarrying it is considered that this approach to compensation for ancient woodland loss should act as a benchmark of what is 'appropriate'.

When taking into account the 30:1 ratio required by Natural England as part of the HS2 project it is clear that the 2:1 ratio discussed within the HQSAAR is inadequate and cannot be considered a suitable compensation strategy. It is also clear that there is a distinct lack of evidence within the supporting documents to demonstrate that this level of compensation can be delivered when considering the need for any development to also provide a minimum 10% biodiversity net gain alongside compensation habitat to address the loss of habitat for protected species.

It has not been clearly established that the compensation strategy which has been put forward is deliverable. For example, the strategy set out within the HQSAAR relies on an area of at least 57 ha of woodland habitat creation/management which is not in the site promoter's ownership. There are no details to demonstrate that this area of land can be appropriately secured in planning terms and delivered or that the land will be close to the nominated site. Paragraph 034 of the PPG is clear that for compensation measures "…*it is desirable for them to be provided as close to the development site as possible*".

The appropriateness of some of the compensation measures put forward within the supporting documents (as mentioned in paragraph 6.28 of the HQSAAR) are of concern. For example, the provision of a traditional orchard as a compensation measure for the loss of ancient woodland is simply not acceptable.

Paragraph 033 of the PPG states that the existing condition of an ancient woodland is not something that ought to affect the LPA's consideration of a proposal which would result in the loss or deterioration of that woodland. It also states within the NPPF and in standing advice from Natural England and the Foresty Commission that both PAWS and ancient semi-natural woodland have equal protection[9]. However, the HQSAAR focuses on the sweet chestnut coppice within the nominated site when considering the planning balance (paragraphs 6.31 and 6.46 for example) and throughout earlier sections of the report (see paragraph 3.78 for example), promoting the planting of native woodland as a key benefit once the ancient woodland is destroyed. The report also repeatedly uses the term PAWS (plantations on ancient woodland sites) in a clear attempt to undermine the value of the woodland. This approach appears to have been taken to justify the level of compensation proposed and the weighting given to that compensation in the planning balance.

The evidence base documents have put forward the translocation of ancient woodland soils as a key compensation measure in addressing the loss of ancient woodland. While it is recognised that soil translocation is a necessary compensation measure it is considered that the HQSAAR in particular assigns this measure a high level of importance when assessing the impacts of allocating the nominated site for quarrying. The report relies on the conclusions made within the Secretary of State's decision from 2013 and states that the compensation strategy put forward "…*would seek to protect any ancient value in the soils*" (paragraph 6.47). However, there is a distinct lack of published evidence and long-term studies on the effectiveness of translocating ancient woodland soils. There is also a lack of evidence on the impact of soil translocations to fungal communities (an essential feature of ancient woodland soils) in existing or proposed woodland with studies primarily focusing on plant communities.

Existing studies have demonstrated that translocations do not replicate the existing site and that there remains no evidence to suggest that the loss of ancient woodland can be successfully mitigated[10,11]. The timing of the translocation, the way the soil is handled, and the future management of the created woodland are all key when

[8] Natural England, 2016, Review of the High Speed 2 No Net Loss in Biodiversity Metric

[9] Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

[10] Peter Buckley, D. R. Helliwell, Sarah Milne, Ruth Howell, Twenty-five years on – vegetation succession on a translocated ancient woodland soil at Biggins Wood, Kent, UK, Forestry: An International Journal of Forest Research, Volume 90, Issue 4, October 2017, Pages 561–572, https://doi.org/10.1093/forestry/cpx015

[11] Downs, N. C., & Davies, J. (2025). Ancient woodland soil seedbank translocation can assist with new woodland habitat creation. Soil Use and Management, 41, e70058. https://doi.org/10.1111/sum.70058

attempting to maintain as much biodiversity as possible[12,13]. The available evidence is not reflected in the conclusions drawn within the HQSAAR and the report fails to mention that, after more than 10 years, areas within the westerly extension of Hermitage Quarry which have received translocated soil are not showing the same diversity of ground flora that existed within the lost ancient woodland and are heavily reliant on management (see supporting document titled 'Ecology Statement').

Replanted woodland within the westerly extension has been put forward to act as compensatory habitat for protected species, namely hazel dormice (Appendix F - Biodiversity Net Gain Assessment / Hazel Dormice dated 2024). The replanting of this area was required as part of measures to address ancient woodland loss under the 2013 application and so reliance on this habitat as a compensation measure appears to be double counting. If so an additional area of habitat would be required to address impacts protected species.

Taking the points set out above into consideration it is our view that the HQSAAR incorrectly applies policies within the NPPF and misunderstands the requirements of the wholly exceptional test. In addition, it has not been demonstrated through the HQSAAR, or the evidence base made available on the KCC consultation webpage, that a suitable compensation strategy exists and is capable of being delivered. The proposed allocation of the Land to the South and West of Hermitage Quarry is therefore not consistent with national policy and has not been justified. The draft Kent Mineral Sites Plan cannot be considered 'sound'. It is the view of KWT that the plan should be modified in line with the suggestions set out below in order to overcome this issue.

Proposed Modifications

It is recommended that the draft Kent Mineral Sites Plan is modified in the following ways to overcome the issues set out above so that the plan meets the soundness test:

1. The proposed allocation of the Land to the South and West of Hermitage Quarry must be removed from the plan.
2. A more robust and thorough assessment of alternative sites for the supply of hard rock must be carried out and the evidence base amended to reflect this. The assessment should contain a revised category for selection with greater flexibility (site size, use of processing plant already sited within Hermitage Quarry etc.).
3. The evidence base must be reviewed to provide an accurate understanding of the current and future need for heritage dimension stone.
4. The evidence base must be reviewed with up-to-date assessments carried out on the feasibility of meeting the need for heritage dimension stone from alternative sources.

As a minimum the HQSAAR and wider evidence base must be reviewed with regard had to how the 'wholly exceptional reasons' test, including Footnote 70, has been applied. This review must also reassess the way in which weight has been apportioned to the continued supply of Kentish Ragstone for historic building use with the correct approach taken in line with the NPPF. Furthermore, there should be a review of the evidence on the deliverability of a suitable compensation strategy with a focus on up-to-date research and planting ratios accepted where there has been large scale loss of ancient woodland rather than relying on what was agreed in the 2013 Secretary of State decision. Documents provided by the site promoter should be peer reviewed.

Other matters

A Sustainability Appraisal (SA) Report has been prepared on behalf of KCC as required by the Environmental Assessment of Plans and Programmes Regulations 2004 and sections 19(5) and 39 of the Planning and Compulsory Purchase Act 2004 (this document is not found on the supporting evidence webpage but instead on a side tab on the central consultation page). The purpose of the SA is not simply to identify environmental effects, but to also ensure that reasonable alternatives are assessed and that the selected strategy is justified considering the environmental,

[12] Craig, M., Buckley, P. and Howell, R. (2015), Responses of an ancient woodland field layer to soil translocation: methods and timing. Appl Veg Sci, 18: 579-590. https://doi.org/10.1111/avsc.12170

[13] Craig, M., Buckley, G.P. Responses of two woodland geophytes to disturbance caused by soil translocation. Plant Ecol 214, 1091–1103 (2013). https://doi.org/10.1007/s11258-013-0233-7

social and economic evidence. The SA should operate as part of the decision-making process rather than simply providing an environmental commentary on a strategy selected for other reasons. Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires the environmental report to identify, describe and evaluate likely significant effects and reasonable alternatives, and the post-adoption requirements expressly require the authority to explain the reasons for choosing the plan as adopted considering the other reasonable alternatives considered[14].

It is therefore of serious concern that the SA makes no independent assessment of the supporting information presented by the site promoter. Instead, these documents are quoted within the SA and their conclusions taken as being infallible. The SA also relies on the decision made by the Secretary of State in 2013 and applies the conclusions of that decision as part of its assessment.

Caselaw has consistently held that an SA must involve a genuine assessment of reasonable alternatives and provide a clear explanation of why the preferred option has been selected. This principle was confirmed in *Heard v Broadland District Council* [2012][15] and *Save Historic Newmarket Ltd v Forest Heath District Council* [2011][16]. This approach was not carried out within the SA due to other sites not coming forward within the call for sites process. Instead, the SA only focuses on the impacts of importing hard rock from outside of the County. In taking this approach the SA takes evidence put forward by the site promotor as read and fails to consider the carbon implications of quarrying the site as set out above. In addition, the SA does not consider the suitability of alternative sites discarded at an early stage by the site promoter such as those deemed too small for their stated requirements rather than assessing whether several smaller sites would meet demand. In taking the above approach, it is considered that the SA has failed to provide a sufficiently robust evidence base to support its selection of the Land to the South and West of Hermitage Quarry.

A list of development management criteria is set out within the Appendix of the draft Kent Mineral Sites Plan (dated July 2026). The criteria includes the requirement to provide information to enable KCC, as the Mineral Planning Authority, to determine whether the loss of 41 ha of irreplaceable habitat from quarrying within the nominated site is justified and whether the national and development plan policy tests for irreplaceable habitat are met (including evidence of need and alternatives). An ancient woodland impact assessment is also required by the criteria to identify and quantify the full extent of direct and indirect impacts on ancient woodland along with a compensation strategy.

It is unclear why the onus to establish the above matters is being deferred to the application stage. In putting forward the site for allocation within the draft Plan KCC should be certain that, as a minimum, the allocation of the Land to the South and West of Hermitage Quarry is justified and that the national policy tests which cover the loss of irreplaceable habitats have been met. This process should not be pushed back to the planning application stage. If there is uncertainty around whether these matters can be addressed the proposed site allocation should be removed from the plan.

The courts have consistently held that Local Plans must be supported by a sufficient evidence base to demonstrate that proposed development is deliverable. In *St Albans City and District Council v Hunston Properties Ltd* [2013][17], the Court of Appeal emphasised the importance of plans being based on robust and proportionate evidence rather than assumptions that matters can be resolved at a later stage. The development management criteria within the draft Kent Mineral Sites Plan leaves key matters, particularly around the deliverability of the nominated site, to the later stage of a planning application.

There is an insufficient assessment within the HQSAAR on the near total loss of the Oaken Wood Local Wildlife Site (LWS) that would occur due to the allocation of the Land to the South and West of Hermitage Quarry. LWSs are of County importance, and the Oaken Wood LWS is designated, in part, because of the range of taxa that the ancient woodland supports. The supporting evidence base attempts to paint a picture of Oaken Wood LWS as being sub-optimal in the habitat it provides. The documents, namely the Ecological Assessment, repeatedly downplay the value of the ancient woodland and its coppice despite it supporting protected, priority and red or amber listed species including turtle dove, nightjar, tawny owl, hazel dormice, and fringe horned mason bee. This approach deliberately

[14] The Environmental Assessment of Plans and Programmes Regulations 2004
[15] Heard v Broadland [2012] Env. L.R. 23
[16] Save Historic Newmarket Ltd & Ors v Forest Heath District Council & Ors [2011] EWHC 606 (Admin) (25 March 2011)
[17] St Albans v Hunston Properties Ltd, R (On the Application Of) & Anor [2013] EWCA Civ 1610 (12 December 2013)

avoids recognising the fact that Oaken Wood, in its current condition as a result of the rotational coppice management, is providing key habitats for all these species. The nature of coppicing within the woodland is why some areas are more suitable for dormice and bird species like nightjar as well as ground flora that are ancient woodland indicator species.

It is important to note that the species listed above are in significant decline. For example, turtle dove numbers have declined by 99% since the 1960s, nightjar declined by 51% between 1972-1992, tawny owl declined by more than 40% between 1995-2023, and hazel dormice have declined by 55% over the last 25 years). For some of these species Kent is their last stronghold (for example the fringe horned mason bee and turtle dove). Loss of habitat is cited as a key reason for these significant declines. Despite this all of these species are currently supported by the habitats present within the LWS. These species also act as indicator species, particularly hazel dormice, of the animal and plant diversity that can be found within a habitat which further highlights that the biodiversity of the Oaken Wood LWS is significantly more important and healthier than what has been presented within the evidence base.

It is of concern that the evidence base is not supported by an extensive range of survey data. This approach has failed to fully demonstrate the biodiversity importance of the LWS. For example, invertebrate surveys have not been carried out despite the citation for the LWS (revised in 2022) stating that the site is of importance for invertebrates and that several scare or nationally rare species have been recorded there. This approach to the evidence base raises questions about whether robust environmental evidence has informed the site selection process.

The HQSAAR and supporting evidence base do not attempt to fully address the indirect effects that would occur on the retained areas of ancient woodland from quarrying within the Land to the South and West of Hermitage Quarry. The quarrying of this site would create pockets of woodland that are effectively severed from woodland within the wider landscape. Guidance from Natural England and the Foresty Commission[18] is clear that the indirect effects of development can cause the loss or deterioration of ancient woodland. One way this can occur is through the breaking up or destroying of working connections between woodlands which impacts being felt on protected species such as bats. Though limited surveys have been provided it has been demonstrated that the woodland is of importance to bats, including lesser recorded species such as Nathusius' pipistrelle. The supporting evidence has not demonstrated why survey measures such as trapping has not taken place given the extensive area of woodland to be lost and guidance from the Bat Conservation Trust.

Conclusion

The proposed allocation of the Land to the South and West of Hermitage Quarry does not meet the wholly exceptional reasons test set out within Paragraph 193 (c) of the NPPF due to the direct loss of 41 ha of ancient woodland that would occur. In putting forward a case of wholly exceptional reasons the HQSAAR misapplies policy within the NPPF and stretches the examples given within Footnote 70 to fit the proposed allocation.

A narrow approach has been taken to the provision of hard rock from alternative sites within Kent and the evidence base makes no attempt to provide an accurate understanding of the current and future need for heritage dimension stone. In assessing the impacts of importing hard rock from outside of the County the evidence base has overlooked the importance of ancient woodland soils in sequestering carbon and has failed to factor in the carbon emissions from HGVs bringing inert restoration material to the quarry. This paints an inaccurate picture of the GHG emissions that would result from importing hard rock into Kent.

A suitable compensation strategy does not exist, and it has not been demonstrated that one which is suitable, or even the one put forward within the HQSAAR, can be delivered. The HQSAAR and evidence base relies on the compensation strategy accepted by the Secretary of State in 2013 despite the significant national policy changes that have taken place since. The HQSAAR also fails to give consideration to the compensation ratios accepted as part of other projects where significant areas of ancient woodland will or have been lost.

The translocation of ancient woodland soils is heavily relied on as a compensation measure within the HQSAAR despite there being a lack of published evidence and long-term studies on the effectiveness of this process.

[18] Ancient woodland, ancient trees and veteran trees: advice for making planning decisions

The HQSAAR and supporting evidence base do not attempt to fully address the indirect effects that would occur on the retained areas of ancient woodland from quarrying within the Land to the South and West of Hermitage Quarry. The HQSAAR and evidence base also fail to appropriately assess the near total loss of the Oaken Wood LWS that will occur from the nominated site being quarried and the impacts this has on the habitats and species it supports.

The SA makes no independent assessment of the supporting information presented by the site promoter and fails to provide a sufficiently robust evidence base to justify its selection of the Land to the South and West of Hermitage Quarry.

The development management criteria within the draft Kent Mineral Sites Plan leaves key matters, particularly around the deliverability of the nominated site, to the later stage of a planning application. The criteria puts the onus on a future applicant to demonstrate that the quarrying of the nominated site is justified and that such a development would meet the national policy tests for irreplaceable habitat. These matters must be dealt with at this stage of the Local Plan process and should not be deferred.

Taking into account the matters raised in this representation it is considered that the draft Kent Mineral Sites Plan is not consistent with national policy and has not been justified. Therefore the draft Kent Mineral Sites Plan cannot be considered 'sound'. Modifications to the draft plan have been put forward above to address this issue, central to these is the removal of the Land to the South and West of Hermitage Quarry from the plan.

We hope that the comments made within this letter prove useful in the examination of the draft Kent Mineral Sites Plan. We would be more than happy to hold further discussion with you on any of the matters raised.

Yours sincerely,

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