

PINS REFERENCE:

APP/G5180/C/22/3312256

LBB REFERENCE:

EN/21/00270/CHANGE

APPEAL BY

BOURNEWOOD SAND AND GRAVEL LIMITED

LOWER HOCKENDEN FARM, HOCKENDEN LANE, SWANLEY, BR8 7QH

**PROOF OF EVIDENCE OF
JOHN RADCLYFFE**

Environment Agency

August 2024

1.0 INTRODUCTION

I am employed by the Environment Agency, within the Southern Region, as an Installations Officer in the Kent South London, and East Sussex Area, Installations 2 Team. My duties as Landfill Sector Lead for the Area include the regulation of waste management facilities which have been issued with an environmental permit by the Environment Agency to ensure permit compliance, as well as investigating any breaches of the environmental permits at these facilities. As part of my role, I undertake the investigations and sampling of waste materials for both regulatory and enforcement purposes. I am the regulatory Officer for the sand quarry, known as Bournemouth Quarry, at A20 Swanley-Bypass, Swanley, Kent, BR8 7DP, which has an environmental permit number, EPR/LP3335UG/V002, dated 26 January 2009, issued to Bournemouth Sand and Gravel Limited.

I understand that this appeal concerns the site known as Lower Hockenden Farm, Hockenden Lane, Swanley, BR8 7QH, which is adjacent to Bournemouth Quarry, and relates to the decision of the London Borough of Bromley, as the Planning Authority, to issue an Enforcement Notice in respect of the unauthorised material change of use of the land from agriculture to the storage of waste.

2.0. Lower Hockenden Farm, Site visit by the Environment Agency 14 July 2021.

A site visit was undertaken on 14 July 2021, to Bournemouth Landfill, by myself and my Team Leader Paul Bennett, the Environment Agency Installations Team for Kent South London, and East Sussex. We also inspected the agricultural land, known as Windmill Hill Wood; land adjacent to the A20 Swanley Bypass, which leads to Hockenden Lane Farm, Swanley.

This agricultural land, leading to Hockenden Lane, was accessible through the rear gate of the landfill site, which was open at the time of our site visit. I observed residual shredded wood on the ground leading from the permitted site and onto the agricultural land. I also observed significant soil and stones stockpiles, indicative of construction

wastes as well as shredded wood and plastics partially buried under the soil stockpiles, around the boundary of the adjoining fields, bordering the A20 Swanley Bypass.

I also noted that the levels of some of the fields, on the opposite site of Windmill Hill Wood, leading to Hockenden Lane had been raised. Significant volumes of soil and stones indicative of construction wastes had been deposited and stockpiled. In some areas I considered that the land level had been raised by at least 2-3 metres, from the surrounding land levels, with additional extensive soil, stone stockpiles noted since our last visit in 2019.

We took several photographs, of the waste deposited. I identified shredded wood stockpiles and residue within Bournemouth landfill, which appeared to have been the source of the shredded wood stockpiles on the land at Hockenden Lane. I completed a Compliance Assessment Report Form, *Reference, 210058-0398613 for the site visit to Bournemouth Quarry*, which referenced observations made during the adjacent visit to Hockenden Lane Farm.

3.0. Bournemouth Quarry, Landfill, Site visit by the Environment Agency and the London Borough of Bromley Planning Officers 28 February 2022.

A joint site inspection of Bournemouth Quarry Landfill was undertaken by me, Paul Bennett and Planning Officers from the London Borough of Bromley on 28 February 2022. During the site visit, I witnessed a stockpile of shredded wood and waste vegetation stored on part of the permitted site. There was also evidence of a potentially polluting liquor, known as leachate, seeping out of the base of the shredded wood. This was flowing into a surface water pond located in a hollow adjacent to the area where the wastes were stored. I completed a Compliance Assessment Report form CAR form Reference 210058/0421543, detailing these observations. In my opinion this shredded wood, was like the stockpiles of shredded wood, that I had witnessed deposited on land at Hockenden Farm, forming bunds along the boundary of the land with the A20 Swanley, during my site visit to Hockenden Lane Farm on 14 July 2021.

4.0 Waste Exemptions registered with the Environment Agency.

Waste exemptions are considered a low-level activity and can be registered with The Environment Agency. Due to the low level activity criteria, they do not require the need

for an Environmental Permit and are incumbent on the applicant to register specific waste exemptions with The Environment Agency and ensure that they comply with the requirements of the exemptions, in relation to the strict limited volumes are adhered to and that the activity does not breach the relevant objectives for which the exemption was registered; The relevant objectives are to ensure that the activity is undertaken (a) without risk to water, air, soil, plants or animals; (b) without causing a nuisance through noise or odours; and (c) without adversely affecting the countryside or places of special interest.

The following waste exemptions were found to have been registered Nationally with The Environment Agency, for land at Hockenden Farm.

Two U1 exemptions, for the use of waste in construction of a farm track, were registered in November and December 2017, and expired in 2020. They were registered with an ordnance survey grid reference located at the Farm track / footpath adjacent to Hockenden Lane, Swanley.

Four other waste exemptions have been registered, all with an ordnance survey grid reference located within the centre of Bournemouth Quarry / landfill.

1. Exemption U1. The use of waste in construction. Registered October 2021 expires in October 2024.
2. Exemption T6. Treating waste wood and waste plant matter by chipping, shredding, cutting pulverising. Registered November 2021, expires in November 2024
3. Exemption U10. Spreading waste to benefit agricultural land. Registered November 2022 expires in November 2025.
4. Exemption U12. Using mulch. Registered November 2022 expires in November 2025.

Having witnessed the volumes of waste deposited during my site inspection of 14 July 2021, I do not consider the either the location of the wastes, the waste types or volumes deposited on the land, meets the low-level waste exemptions registered, with the Environment Agency. Additionally, I noted that the most recent exemptions were

registered after the date of the site visit undertaken on 14 July 2021, when it was observed, that the wastes had already been deposited.

I provided a letter dated 23 January 2023, to the Assistant Director of Planning at London Borough of Bromley, which detailed the site visit on 14 January 2021, and information related to those waste Exemptions, registered with The Environment Agency, as detailed above.

I provided copies of photographs taken during the site inspection of Hockenden Lane Farm on 14 July 2021, on request to London Borough of Bromley, Planning Department.

5.0 Environment Agency Geomatics Team, Light Detection and Ranging (LIDAR) surveys 2018 and 2022.

Following the site visit to the at Lower Hockenden Farm on 14 July 2021, we commissioned our Geomatics team to carry out Aerial surveys of the land between Bournemouth Quarry and Hockenden Lane. The aerial data was obtained on 6 January 2022. The Geomatics team were also asked to estimate volume change on the land between Bournemouth Quarry and Hockenden Lane, Swanley. This was carried out using archived LIDAR data from 22 December 2018 and the January 2022 data, obtained by The Environment Agency Geomatics team.

The Environment Agency Geomatics Team provided a detailed report dated 26 June 2023, compiled by Dr Kyle Brown. The conclusion of the report was that there had been an increase height difference, between the two LIDAR surveys, carried out in December 2018 and January 2022, on various areas of the land between Bournemouth quarry and Hockenden Lane. The January 2022 LIDAR report provided numbered areas on an annotated aerial photograph, on pages 17 and 18, Figures 14 and 15 to identify where it was considered that the land levels had been increased in heights between the two LIDAR surveys. Further explanatory text and figures were provided on pages 19 -21 of the report. Further technical questions related to the LIDAR reports, should be addressed to Dr Kyle Brown, Geomatics team, at the Environment Agency.

LIST OF APPENDICES REFERENCED IN THIS PROOF

- APPENDIX JR1** Lower Hockenden Farm, site visit by the Environment Agency 14 July 2021 Compliance Assessment Report Reference 210058/0398613.
- APPENDIX JR2** Bournewood Quarry, Landfill, Site visit by the Environment Agency and the London Borough of Bromley Planning Officers, 28 February 2022. Compliance Assessment Report form Reference 210058/0421543.
- APPENDIX JR3** Waste Exemptions registered with the Environment Agency. Letter to London Borough of Bromley 23 January 2023.
- APPENDIX JR4** Photographs taken at Hockenden Lane Farm, 14 July 2021.
- APPENDIX JR5** Environment Agency, Geomatics Team, 2018 and 2022 LIDAR reports.