

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Thursday, 30th November, 2017

10.00 am

**Darent Room, Sessions House, County Hall,
Maidstone**



AGENDA

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Thursday, 30 November 2017 at 10.00 am
Darent Room, Sessions House, County Hall,
Maidstone

Ask for: **Georgina Little**
Telephone: **03000 414043**

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (16)

Conservative (12): Mr P J Homewood (Chairman), Mr M D Payne (Vice-Chairman), Mrs C Bell, Mr A Booth, Mr T Bond, Mr A Cook, Mr N J Collor, Mr S Holden, Mr A R Hills, Mr R C Love, Mr P J Messenger and Mr J M Ozog

Liberal Democrat (2): Mr I S Chittenden and Mr A J Hook

Labour (1) Mr B H Lewis

Independents (1) Mr M E Whybrow

Webcasting Notice

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UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1 Introduction/Webcast Announcement

2 Apologies and Substitutes

To receive apologies for absence and notification of any substitutes present

3 Declarations of Interest by Members in items on the Agenda

To receive any declarations of interest made by Members in relation to any matter on the agenda. Members are reminded to specify the agenda item number to which it refers and the nature of the interest being declared.

- 4 Minutes of the meeting held on 21 September 2017 (Pages 7 - 18)
To consider and approve the minutes as a correct record
- 5 Verbal updates (Pages 19 - 24)
To note the verbal update from the Cabinet Member for Community and Regulatory Services and the written update from the Cabinet Member for Planning, Highways, Transport and Waste.
- 6 Performance Dashboard (Pages 25 - 34)
To receive and note a report that shows progress made against targets for Key Performance Indicators.
- 7 17/00111 - Kent Minerals and Waste Local Plan 2013 - 30 - Partial Review, Minerals Sites Plan and revised Local Development Scheme (Pages 35 - 156)
To consider and endorse, or to make recommendations to the Cabinet Member responsible for the Minerals and Waste Local Plan on the proposed decision to undertake public consultation on the 'Minerals Sites Plan – Options 2017' document and associated 'Sustainability Appraisal Scoping Report.'
- 8 Task & Finish Group Review of Future Commissioning of Soft Landscape Service (Pages 157 - 170)
To consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision for Highways, Transportation and Waste to continue supporting local councils and ensure that opportunities remain available for the delivery of soft landscape services at a local level.
- 9 Draft Thanet Transport Strategy (Pages 171 - 176)
To consider and endorse the principles of the draft Thanet Transport Strategy and confirm support for the initial public consultation exercise to be progressed as part of the Thanet Local Plan process.
- 10 17/00124 - Highway Maintenance Contract Commissioning Project (Pages 177 - 184)
To consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision as attached at Appendix A to; give approval for awarding a two year extension with Amey until 31 August 2020; approve the procurement of the Road Asset Renewal Contract and delegate authority to the Corporate Director for Growth, Environment and Transport to approve the award of the subsequent contract to the preferred bidder; and, delegate authority to the Corporate Director for Growth, Environment and Transport to award extensions of the Road Asset Renewal Contract in accordance with the possible extension clauses within the contract.
- 11 Ash Dieback Impacts - Update (Pages 185 - 188)
To note and comment on the serious threat *Ash Dieback* poses to the environment and economy of Kent; and endorse the KCC approach outlined within the report.

- 12 Kent County Council Bus Funding Review - Public Consultation (Pages 189 - 202)
To consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposals to use the current Socially Necessary Bus Service (SNBS) funding criteria to assess the future delivery of services and the timetable to go out to public consultation.
- 13 Proposed B2163 Leeds & Langley Relief Road (Pages 203 - 208)
To endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport & Waste on the proposal for the Director of Highways to progress feasibility work on B2163 Leeds & Langley Relief Road utilising section 106 developer contributions.
- 14 17/00118 - Local Flood Risk Management Strategy (Pages 209 - 280)
To consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport & Waste on the proposed decision to adopt the Local Flood Risk Management Strategy and to delegate to the Director of Environment, Planning and Enforcement the authority to make any further modifications which may be necessary.
- 15 17/00123 - Decision to approve fees and charges for discretionary planning and environmental advice and the principles for establishing fees and charges (Pages 281 - 296)
To consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the decision to; publish revised fees and charges for discretionary planning and environmental advice, Development Consent Order (DCO) activity, and delegate authority to the Director of Environment, Planning and Enforcement to review and publish revised fees and charges.
- 16 Financial Monitoring 2017- 2018 (Pages 297 - 298)
To note the revenue and capital forecast variances from the budget for 2017-18 that are within the remit of this Cabinet Committee, based on the August monitoring reported to Cabinet on 30 October 2017.
- 17 Work Programme 2018 (Pages 299 - 302)
To consider and agree a work programme for 2018.

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

John Lynch,
Head of Democratic Services
03000 410466

Wednesday, 22 November 2017

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL**ENVIRONMENT & TRANSPORT CABINET COMMITTEE**

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 21 September 2017.

PRESENT: Mr P J Homewood (Chairman), Mrs C Bell, Mr A Cook, Mr N J Collor, Mr S Holden, Mr A R Hills, Mr P J Messenger, Mr J M Ozog, Mr I S Chittenden, Mr A J Hook, Mr B H Lewis, Mr M E Whybrow, Mrs P A V Stockell (Substitute for Mr T Bond), Ms S Hamilton (Substitute for Mr R C Love) and Mr H Rayner (Substitute for Mr M D Payne)

ALSO PRESENT: Mr P M Hill, OBE and Mr M A C Balfour

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr R Wilkin (Director of Highways, Transformation and Waste), Mrs L Whitaker (Democratic Services Manager (Executive)) and Miss G Little (Democratic Services Officer)

UNRESTRICTED ITEMS**23. Apologies and Substitutes**

(Item 2)

Apologies for absence were received from Mr R C Love, Mr M Payne, Mr T Bond, and Mr A Booth.

Mrs S Hamilton, Mr H Rayner and Mrs P A V Stockell attended as substitutes for Mr R C Love, Mr M Payne and Mr T Bond respectively.

24. Declarations of Interest by Members in items on the Agenda

(Item 3)

None declared

25. Minutes of the meeting held on 15 June 2017

(Item 4)

Resolved that the minutes of the meeting held on 15 June are a correct record and that they be signed by the Chairman

26. Verbal Updates

(Item 5)

- (1) Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) advised the Cabinet that the Informal Members Group was in the process of developing a number of proposals. Mr Balfour said that all updates would be brought back to this committee.

- (2) He also said that he hoped all Members would attend the open day at the Aylesford Highway Depot on Wednesday 27 September 2017. The morning session would run from 9.00am until 12.00 noon with the afternoon session running from 13.00 until 16.00.

27. Directorate Dashboard

(Item 6)

Richard Fitzgerald (Business Intelligence Manager – Performance), Roger Wilkin (Director of Highways, Transportation and Waste), Katie Stewart (Director of Environment, Planning and Enforcement) were in attendance for this item.

- (1) Mr Fitzgerald introduced the report which showed progress made against targets for Key Performance Indicators. The latest Dashboard was for July 2017. He outlined his role in producing the report and referred in particular, to the guidance notes and Key Performance Indicator Summary at page 28 and 29 of the agenda pack.
- (2) He informed Members that performance for July was ahead of target with only one indicator showing as red in relation to the Resident Satisfaction with Highways Schemes. The Cabinet Committee was advised that lessons had been learned and it was expected that the indicator would in future be rated as green. Attention was also brought to the improvement around Waste Management and municipal waste diverted from landfill with KCC now leading the country as the top performing authority.
- (3) In response to the questions officers provided further information.
- (4) Mr Wilkin said that all figures mentioned within the report and, in particular, those in relation to potholes and street lighting repairs were currently above target and recorded as one of the most successful years. Mr Wilkin said the pothole blitz had been running successfully for the past few months and had received positive feedback about the high quality of work being carried out. Of the 1700 potholes that had been fixed to date, only 2 had failed the quality check.
- (5) Mr Wilkin said that Street-lighting repairs were above target; this was in large part due to the LED conversion that had been carried out within residential areas. A capital bid had been submitted for funding to replace the concrete columns across Kent.
- (6) Mr Wilkin said that the targets shown on page 30 of the report related to the measurements of quality and those shown on page 31 were a measure of quantity.
- (7) Ms Stewart said that whilst the LED Street Lighting Programme had an impact on Greenhouse Gas Emissions (EPE13), performance was just behind target. She said that further actions included reducing business mileage and increasing staff awareness through the Green Guardians Programme. An ISO 14001 audit had identified a decrease in emissions across a range of services; the next audit would focus on Social Care.

- (8) Mr Wilkin said the HT01 figures reflected the potholes reported and the response time for these. The potholes repaired as part of the pothole blitz consisted of those reported by highway stewards and inspectors.
- (9) Mr Wilkin said that in relation to the number of potholes, KCC were unable to provide exact figures however a large scale operation was being carried out across the whole of Kent to resolve all reported work by the end of October / early November.
- (10) Mr Wilkin encouraged all Members to attend the Area Member Briefings when district managers would report on the progression of work within the district areas.
- (11) Mr Balfour said the Local Authority already provided strategic routing on the internet for Heavy Goods Vehicles (HGV) to reduce the cost of highway maintenance on rural roads; however, most HGV vehicles were inclined to use satellite navigation equipment rather than KCC's suggested routing.
- (12) Mr Balfour said there was a backlog of repairs on highways including roads, footways and footpaths.
- (13) In relation to maintenance of highways, Mr Wilkin assured Members that the Highways, Transportation and Waste Team worked closely with Members in the Districts to attract additional funding. A capital bid had been submitted in respect of the unfunded highway work.
- (14) Mr Wilkin said that due to the complexity of work involved with potholes it was not possible to put signage up giving a completion date. The Pothole Blitz Programme was, however, advertised on the KCC website and other areas for the public to view.
- (15) Resolved that the report be noted.

28. 17/00081 - Asset Maintenance and Vegetation Clearance for PRow Contract Awards

(Item 7)

Graham Rusling (Public Rights of Way and Access Service Manager) was in attendance for this item.

- (1) Mr Hill (Cabinet Member for Community and Regulatory Services) introduced the report which asked the Cabinet Committee to consider and endorse or make recommendations on a proposed decision to delegate authority to the Public Rights of Way and Access Service Manager to award contracts for the delivery of PRow asset maintenance and vegetation clearance work.
- (2) In response to the report, particular attention was brought to the following:
 - (i) The Public Right of Way (PRow) network extends to 7,000km and a large majority of it is publically maintained highway.

- (ii) The PRow and Access Service required a wide variety of suppliers and had established contracts with Small & Medium Enterprises (SME) of Kent and East Sussex to carry out the work.
 - (iii) In relation to financial implications the annual spend on PRow asset maintenance and vegetation clearance was around £1.02m. This figure varied depending on income from grants, external funding and budget fluctuations. Work was prioritised in terms of risk and public benefit.
 - (iv) The benefit of the proposed arrangement was that it managed risk. The framework contracts were of a scale that provided opportunities for SME contractors to tender for work.
 - (v) In relation to vegetation clearance, the contract duration was 5 years with opportunity to extend for a further 2 years allowing the service providers sufficient certainty to invest in specialist equipment and possibly training.
- (3) Resolved that the proposed decision of the Cabinet Member to delegate authority to the Public Rights of Way and Access Service Manager, to award contracts for the delivery of PRow asset maintenance and vegetation clearance work be endorsed.

29. 17/00080 - Decision to approve fees and charges for rechargeable Public Rights of Way and Access Service Activity and the principles for establishing fees and charges

(Item 8)

Graham Rusling (Public Rights of Way and Access Service Manager) was in attendance for this item.

- (1) Mr Hill (Cabinet Member for Community and Regulatory Services) introduced the report which asked the Cabinet Committee to consider and endorse or make recommendations on the decision to publish fees and charges for the PRow and Access activity and to delegate authority to the Public Rights of Way and Access Service Manager to review and publish revised fees and charges subject to the application of a number of key principles.
- (2) Mr Rusling said that the primary purpose of the report was to highlight the fees and charges for rechargeable Public Rights of Way (PRow) and Access Service activity as well as the key principles on which these charges are established.
- (3) In response to questions Mr Rusling provided further information.
- (4) Mr Rusling said that whilst paperless transmission of documentation had been sought current national regulations required that PRow documents or files for information be in paper form.
- (5) In relation to maintenance of existing furniture, Mr Rusling said that within Section 146 of the Highways Act, KCC was legally obliged to contribute 25%.
- (6) He also said that filming on the highway was governed by an amendment to the Road Traffic Regulation Act. The fees shown on Appendix B of the report related

to the administrative burden of the orders and there was no further charge for the inconvenience caused to residents.

- (7) Resolved that the Cabinet Committee endorsed the proposed decision of the Cabinet Member for Regulatory and Community Services to:
 - (i) publish the fees and charges for PRow and Access Service activity, and
 - (ii) delegate authority to the Public Rights of Way and Access Service Manager to annually review and publish revised fees and charges subject to the application of a number of key principles.

30. 17/00083 - Paper and Card Recycling from Waste Kent Household Waste Recycling Centres

(Item 9)

David Beaver (Head of Waste Management and Business Services) was in attendance for this item.

- (1) Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report which asked the Cabinet Committee to consider and endorse or make recommendations to award and issue the Paper and Card processing contract with a delegation for officers to offer extensions of up to two years if this was in Kent County Council's commercial interest.
- (2) Mr Beaver said that the current contract for the Disposal of Paper and Card ended at the end of October 2017. The current value of the contract was £980,000 with a proposal for the new contract to be for an initial 1 year fixed period, with 2 single year extensions beyond that initial 1 year period. KCC was seeking a fixed price for the first year and beyond this the price would fluctuate and be linked to independently through the Lets Recycle Price Guide where the price would be varied equally between the successful tenderer and KCC.
- (3) In response to questions the officers provided further information.
- (4) Mr Beaver said that this particular material stream was within West Kent. East Kent and Mid-Kent were part of wider contractual agreements with other suppliers and when they came to an end in 2021 and 2023, the specification would be brought back to the Cabinet Committee.
- (5) Mr Beaver advised Members that paper and card recycling operated in two distinct markets, one was a domestic market and the other was international. The international was more rigorous around the specification of waste going over-seas and with the potential of Brexit there could be many duties to pass. KCC had considered its investment via market engagement and found that local providers were more willing to share the risk.
- (6) Mr Beaver said that transportation of waste from Ramsgate Port, was not within the contract.
- (7) Mr Balfour said that KCC always tried to contract the waste streams in the most effective and efficient way and used the market to accomplish this. If the market

decided to send all waste to Ramsgate, KCC would support this, however, KCC was not prepared to add to costs by demanding that a certain route be used by a particular contractor.

- (8) Mr Wilkin said that material produced by a political party for publicity purposes was commercial waste. Mr Wilkin said that all providers taking on a contract with KCC had to sign a commitment to comply with the law in all respects.
- (9) Resolved that Cabinet Committee endorsed the proposed decision of the Cabinet Member for Planning, Highways, Transport and Waste to award and issue the Paper and Card Processing Contract with a delegation to officers to offer extensions of up to two years if this was in Kent County Council's commercial interest.

31. 17/00082 - Definition of our Resilient Highway Network

(Item 10)

Andrew Loosemore (Head of Highways Asset Management, Growth, Environment and Transport) and Alan Casson (Senior Asset Manager for Highways Transportation and Waste) were in attendance for this item.

- (1) Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report which set out the proposed criteria to be used in adopting a definition for Kent's Resilient Highway Network, as part of Kent County Council's wider approach to Highway Asset Management and to maximise the Incentive Fund resource.
- (2) Mr Loosemore said that the primary purpose of the report was to provide an update on the County Council's progress towards achieving a Band 3 Incentive Fund rating in order to avoid further reduction in capital funding from the Department of Transport for highway maintenance.
- (3) Members welcomed the report and supported the need for the Council to adopt a definition for Kent's Resilient Highway Network in order to improve the county's resilience against extreme weather and other emergencies.
- (4) Resolved that the proposed criteria to be used in adopting a definition for Kent's Resilient Highway Network, as part of the wider approach to Highways Asset Management, and to maximise incentive fund resource be endorsed.

32. 17/00085 - Winter Service Policy 2017/18

(Item 11)

Mr Loosemore (Head of Highways Asset Management) and Carol Valentine (Highway Manager for the West) were in attendance for this item.

- (1) Mr Loosemore introduced the report which provided an update on the Council's Winter Service Policy and operational plan that supports it in light of changes within the national guidance and lessons learnt from the previous winter.
- (2) In response to the report, Ms Valentine provided the following information:

- (i) The allocated budget for the winter service for 2017/18 was £3,328,600.
 - (ii) During the summer of 2017, work was carried out to further refine and improve the winter service, this work primarily focused on:
 - (a) Procurement of the Bureau Maintenance (ice prediction service)
 - (b) Evaluation of the Brine only treatment
 - (c) Formalising arrangements with Medway Council
 - (i) Information from weather stations was used to produce the daily road weather forecasts throughout the winter service season. The contract expired in April 2017 and went out to tender. The new contract would be in place with Vaisala for 5 years with an option to extend for an additional 3.
 - (ii) A planned trial of using a brine solution to treat designated routes was not carried out fully as temperatures were too high during the trial period of January to April 2017. The trial would continue for the 2017/18 winter in order to collect sufficient data for evaluation by the Transport Research Laboratories.
 - (iii) Medway officers were working with KCC to put in place a formal contractual agreement to ensure both authorities recognised the obligations and service commitments regarding the winter service.
 - (iv) In the winter of 2017 radio, television and the press were provided with media briefs in advance of the winter season detailing plans for the year.
 - (v) Any money not used within the winter service would go towards removing weeds on the highway.
- (3) Resolved that the proposed decision of the Cabinet Member for Planning, Highways, Transport and Waste to agree the proposed changes to the Winter Service Policy 2017/18 as listed below be endorsed:
- (s.1.3.2) – Medway Council Winter Service on behalf of KCC to be formalised;
 - (s.3.3.2) – Brine only trial to be extended;
 - (S.4.4.1) – Bureau Maintenance service for weather stations contract to be procured; and
 - (s.5.5.1) Instruction for precautionary slating of primary routes to be carried out in line with KCC winter treatment instruction matrix contained in the winter service plan 2017/18

33. 17/00087 - DfT Safer Roads Fund
(Item 12)

Nikola Floodgate (Schemes Planning and Delivery Manager) was in attendance for this item.

- (1) Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report that sought approval to submit a bid to the Department for Transport (DfT) under the Safer Road Fund Application process. It also sought approval to proceed to the next stages of implementing the associated interventions should the submitted bid be successful.
- (2) In response to questions and comments, Ms Floodgate explained the following:
- (3) The DfT invited proposals from local highway authorities to improve the safety of specific sections of local "A" roads. The bid would seek funding for approximately £3.5m of capital funding for the two eligible roads within Kent; the A252 and the A290. The general aim of the programme was to reduce the severity of casualties on the highway. The DfT offered a number of proposals and officers were involved in reviewing the intervention schemes.
- (4) The bid was submitted on 29 September 2017 and a decision was expected in the Autumn.
- (5) Ms Floodgate acknowledged that the current data set supplied by the DfT only showed statistics for 2012-2014, however, assurance was given to Members that the Transport Intelligence Team had identified the A252 and the A290 as being amongst the top four hazardous roads.
- (6) Resolved that the Cabinet Committee endorsed the proposed decision of the Cabinet Member for Planning, Highways, Transport and Waste to give:
 - (a) approval to the principle of the bid submission for the two routes Identified by the DfT and the Road safety Foundation; and
 - (b) delegated authority to the Director of Highways, Transportation and Waste to spend the funding should the bid be successful.

34. Proposed amendments to the Joint Transportation Board agreement between Maidstone Borough Council and KCC
(Item 13)

Louise Whitaker (Democratic Service Manager) was in attendance for the item.

- (1) Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report on the proposed decision to adopt the amended Joint Transportation Board (JTB) agreement between Maidstone Borough Council and Kent County Council.
- (2) Members welcomed recommendations.
- (3) Resolved that the proposed decision of the Cabinet Member to adopt the amended JTB agreement between Maidstone Borough Council and Kent County Council be endorsed.

35. Road Casualties in Kent; 2016
(Item 14)

Tim Read (Growth, Environment and Transport) and Steve Horton (Casualty Reduction Manager) was in attendance for this item.

- (1) Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report that set out the initial data analysis for road casualties in Kent 2016. It also provided context related to a change in the Police reporting process that might have affected data, provided insight into current KCC casualty reduction activity and identified an emerging risk to future funding.
- (2) Mr Read paid tribute to the team that had prepared and collated the data for the report and asked the Cabinet Committee to recognise the work undertaken. He also wished to place on record his thanks to the team.
- (3) Mr Horton advised that the road casualty data in Kent for 2016 had been finalised and was reported to the Department for Transport (DfT) in May for release to the public in July. Overall in Kent, casualties of all severity (fatal, serious and slight) had increased by 6%. National data would be released in late September 2017.
- (4) In 2016, Kent Police started to use a new reporting system called Collision Recording and Sharing (CRASH). Half the Police authorities in England already used CRASH and it had been identified that it might be recording a higher percentage of injuries than the previous process. Therefore comparisons with previous data might not be accurate. Further research was being carried out and findings were expected in October.
- (5) Mr Balfour said that 96% of collisions in 2016 could be attributed to behavioural factors. The Casualty Reduction Partnership (CRP), led by Kent Fire and Rescue Service, had initiated a review of the way in which partners collaborated and coordinated county wide activity. A campaign called "Licence to Kill" was being used to influence young people. The County Council had invited every school within Kent to participate in the activities. Members were advised that the next Kent Fire and Rescue Service presentation was on 8 November 2017 at Mote Park.
- (6) In relation to drink driving and drug driving statistics, the Police could only test for two drug types, which made it very difficult to measure the extent of drink/drug driving collisions.
- (7) Mr Horton said that the data captured by the Police identified both UK and non-UK vehicles. The proportion of collisions caused by non-UK vehicles was lower than the population as a whole residing within Kent.
- (8) Mr Balfour said that there was no policy that required a certain number of deaths for a fixed safety camera to be installed. The County Council worked in conjunction with the Safety Camera Partnership and the Police who liaised with Speed-watch groups to gather statistics.
- (9) Mr Balfour said a national funding model covered the cost of the speed awareness courses and costs associated with fixture and maintenance of the safety cameras.

- (10) Mr Horton undertook to examine data relating to the number of Serious Injuries received in collisions that resulted in death over 30 days from the incident and to include this information in future reports if it offered any new intelligence.
- (11) Resolved that the information on road casualties in Kent; 2016, the context of data reporting and ongoing work of the Highways, Transportation and Waste education and engineering teams be noted.

36. Waste Collection Partnerships - a Proposed Approach to Performance Payments

(Item 15)

David Beaver (Head of Waste Management Services) was in attendance for this item.

- (1) Mr Balfour (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report that set out Kent County Councils' proposed funding arrangements for recognising, rewarding and incentivising improved recycling performance.
- (2) Mr Beaver said Dartford Borough Council, Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council were tendering for renewed kerbside waste collection services in 2019 with the aim of optimising kerbside recycling. He said the proposed approach was different from the agreements already in place within East and West Kent where; the current agreements were based upon the County Council paying a fixed price irrespective of performance. The proposed new agreement incentivised improved waste performance.
- (3) Resolved that the Cabinet Committee endorsed the proposed approach to funding arrangements to incentivise improved recycling performance.

37. 2016/17 Growth, Economic Development and Transport Equality and Diversity Review

(Item 16)

Ms Agyepong (Corporate Lead for Equality & Diversity, Strategic and Corporate Services) and Stephanie Holt (Chair of GET's Equality and Diversity Group) were in attendance for the item.

- (1) Ms Agyepong (Corporate Lead for Equality & Diversity, Strategic and Corporate Services) introduced the report that set out a position statement for services within Growth, Environment and Transport (GET) Directorate regarding equality and diversity work and subsequent progress on Kent County Council's equality and diversity objectives for 2016/17.
- (2) Ms Holt said that the Directorate had five key objectives in the Kent County Council Equality and Human Rights Policy 2016-2019 that had been agreed in December 2016. GET routinely captured protected characteristic data that

was used to influence the delivery of customer service and had reviewed the way in which KCC attracted and retained a diversity of staff.

- (3) Resolved that the current performance be noted and that the report be reviewed annually in order to comply with the Public Sector Equality Duty 2010.

38. Work Programme 2017/18

(Item 17)

Resolved that the work programme for 2017/18 be agreed.

39. Motion to Exclude the Press and Public

Resolved that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business in the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of schedule 12A of the Act.

EXEMPT ITEMS (OPEN ACCESS TO MINUTES)

40. 17/00079 - Contract for Post Mortem Facilities for the North West Kent and North East Kent and Central and South East Kent coroner areas.

(Item 18)

Katie Stewart (Director for Environment, Planning and Enforcement) was in attendance for the item.

- (1) Mr Hill (Cabinet Member for Community and Regulatory Services) introduced the report that set out the recommendations for KCC to renew its contracts with the following:
 - (i) Dartford and Gravesham NHS Trust to carry out Post Mortems at Darent Valley Hospital for the North West Kent coroner area and;
 - (ii) East Kent NHS Trust to carry out Post Mortems at QEQM Hospital Margate and William Harvey Hospital Ashford for the North East Kent and Central & South East coroner areas.
- (2) Single sourcing through a negotiated procedure provided the lowest risk option and the solution was most likely to deliver the best commercial and sustainable outcome for KCC.
- (3) Ms Stewart said that the previous contract was based on a fixed fee regardless of activity levels whereas the new proposed contract was based on a cost per post mortem.
- (4) Resolved that the Cabinet Committee endorsed the proposed decision of the Cabinet member for Community and Regulatory Services to award a four year contract for post mortems for the North East Kent, North West Kent and Central and South East Kent coroner areas for the period 1 October 2017 to 30 September 2021.

From: Matthew Balfour, Cabinet Member for Planning, Highways, Transport and Waste

To: Environment & Transport Cabinet Committee – 30 November 2017

Decision No: N/A

Subject: Cabinet Member – Written Updates

Classification: For Information

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: Countywide

Summary: This paper provides an update to Members of the Environment and Transport Cabinet Committee on the major roads programme, KCC's response to Highways England's consultation on its proposed improvement to Junction 5 of the M2, lorry parking and the South East rail franchise.

Recommendation(s):
The Cabinet Committee is asked to note the report.

1. Introduction

1.1 This paper provides an update to Members of the Environment and Transport Cabinet Committee on the major roads programme, KCC's response to Highways England's consultation on its proposed improvement to Junction 5 of the M2, lorry parking and the South East rail franchise.

2. Road Improvement Schemes Update

Current KCC Major Capital Programme

2.1 Good progress has been made on the Major Capital Programme. Highlights include:

- Rathmore Road, Gravesend is on track to finish on site in November 2017;
- Hermitage Lane improvement scheme, Maidstone, is on track to finish in November 2017;
- Jackson Civil Engineering has been awarded the contract to construct the A226 London Road/St. Clements Way scheme, Dartford, with work due to start in January 2018;
- The design of the A28 Chart Rd, Ashford, widening scheme is also well underway and Jackson Civil Engineering is on target to construct the scheme,

commencing January 2018, subject to the Public Inquiry, which is due to start on 21 November (as a result of the CPO);

- The preparation of Planning Application for the Sturry Link Road scheme is well underway and it is intended to submit an Application to KCC in December 2017; and
- Design of A2500 Lower Road/Barton Hill roundabout, Swale is well underway. With the very good news that our bid to the DfT was successful for the Lower Road widening, it is intended to construct both schemes under the same contract. Details of the delivery programme are being finalised, with construction due to start in 2018/19.

Bids for new Transport Schemes

2.2 Both bids to the DfT's National Productivity Investment Fund, NPIF, were successful:

- Upgrade of 2 roundabouts on A249 at Kent Medical Campus, Maidstone
- A2500 Lower Road widening, Swale

2.3 The M20 J7 signalisation bid to the **Highways England's Growth and Housing Fund**, will be recommended by HE to pass through to the next stage of the bidding process.

2.4 Two Expressions of Interest (see below) have been made by KCC to the **DCLG's Housing Infrastructure Fund (Forward Funding Schemes)** with an announcement of those passing to the next stage anticipated on or around the Autumn Statement:

- Physical Infrastructure for Otterpool Park, Shepway e.g. roads and rail improvements
- Highway infrastructure, Swale

2.5 KCC has endorsed a number of district bids to **DCLG's Housing Infrastructure Fund (Marginal Viability Schemes)** including new highway infrastructure in Thanet and Dover. Announcement of successful bids is anticipated on or around the Autumn Statement:

Other Transport Schemes

2.6 Highways England are due to start construction of the new junction M20 J10a early 2018.

3. Junction 5 (M2) Consultation

3.1 Kent County Council responded to Highways England's consultation on its proposed improvement to Junction 5 of the M2. The consultation was open between 6 September and 17 October.

- 3.2 While we welcome improvements to this junction being included in the Road Investment Strategy (RIS) as part of Government's investment of £15 billion for major A-roads and motorways, Highways England's current preferred option, Option 12A, is a missed opportunity to address and mitigate existing congestion and is wholly inadequate to accommodate future planned growth. Our response to the consultation did not support the proposed Option 12A scheme as it does not provide a free-flow link for movements north and south along the A249. The proposed introduction of a signalised 'Hamburger' roundabout will cause unnecessary conflicts and will fail to increase capacity or improve safety.
- 3.3 Improvements to this junction are a key transport priority for Kent, as set out in our newly adopted *Local Transport Plan 4: Delivering Growth without Gridlock (2016-2031)* as the A249 is a strategically important link between the M2 and M20 corridors. In the peak period there are often high levels of congestion and delay on approaches to the junction, especially from the A249 both southbound and northbound. This congestion is expected to worsen in the future due to planned development and population growth. The volumes using the route will also increase with the opening of the new Lower Thames Crossing in 2026 creating a new strategic route along the M2/A2 corridor from the Channel ports to the Midlands and the North. In addition, the ports are forecasting significant growth, and as such, the need for resilience between these corridors linking the Channel ports to the rest of the UK will be further increased. The A249 is also part of the Strategic Road Network linking the Port of Sheerness, which is also forecasting significant growth, as well as a key inter-urban corridor between Maidstone and Sittingbourne, each with substantial housing and employment growth strategies.
- 3.4 In our response to the consultation we argued that the previously discarded Option 4 is the only feasible option that will increase capacity, improve journey times, journey time reliability and safety through the junction as it would provide a grade separated free-flow north-south link for the A249. Kent County Council has therefore urged Highways England to reconsider its options appraisal and bring forward the previously discarded Option 4 as the scheme that will deliver sufficient capacity improvements to enable growth.

4. Lorry parking

- 4.1 The pilot A20 lorry enforcement scheme that covers the A20 from Charing to Ashford has started. The enforcement commenced on the 30 October and on the first night 10 lorries were clamped. Over the first week of the scheme, 120 lorries have been clamped.
- 4.2 There has been no dispersal reported into residential or rural areas as yet and counts in Henwood and Cobbs Wood industrial estates (estates without overnight lorry parking bans) have not indicated a displacement into these areas.

5. South East rail franchise

- 5.1 The Department for Transport (DfT) is expected to publish the Invitation to Tender (ITT) and service specification very soon. This will set out the minimum requirements for service start and finish times and frequencies for each route in the new franchise, for Monday-Friday, Saturday and Sunday.
- 5.2 Each of the short-listed bidders for the new franchise – Abellio, Govia and Stagecoach – will then return their tender submissions to the DfT, most probably by January 2018 demonstrating how they would meet the minimum service requirements set out in the specification and how they could exceed these with their own innovative ideas.
- 5.3 The DfT will then consider each of the tender bids during 2018, with the announcement of the new franchise award due in August, although realistically this could now slip to September. The start date for the new franchise is Sunday 9 December 2018, with any significant changes in service levels or operating practices likely to follow later.
- 5.4 Kent County Council has played a full and detailed role in the franchise process, and is due to meet each of the bidders separately during November for a second time. KCC's principal rail officer also represents the Council at the monthly meetings of the DfT's franchise team, ensuring that the needs of our passengers are heard in the process of determining the franchise specification.
- 5.5 Once the franchise operator is announced, KCC will engage with the successful company to ensure that they are fully apprised of our expectations for the new franchise.

6. Recommendation(s)

Recommendation(s):

- 6.1 The Cabinet Committee is asked to note the report.

7. Contact details

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From: Matthew Balfour, Cabinet Member for Planning, Highways,
Transport and Waste

Mike Hill, Cabinet Member for Community & Regulatory Services,
Barbara Cooper, Corporate Director for Growth, Environment
and Transport

To: Environment & Transport Cabinet Committee – 30 November
2017

Subject: Performance Dashboard

Classification: Unrestricted

Summary:

The Environment and Transport Performance Dashboard shows progress made against targets set for Key Performance Indicators. The latest Dashboard is for September 2017.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE the report.

1. Introduction

- 1.1. Part of the role of Cabinet Committees is to review the performance of the functions of the Council that fall within the remit of the Committee.
- 1.2. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the second report for the 2017/18 financial year.

2. Performance Dashboard

- 2.1. The current Environment and Transport Performance Dashboard is attached at Appendix 1.
- 2.2. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) included in this year's Directorate Business Plan.
- 2.3. The current Dashboard provides results up to the end of September.
- 2.4. The Dashboard also includes a range of activity indicators which help give context to the Key Performance Indicators.
- 2.5. Key Performance Indicators are presented with RAG (Red/Amber/Green) alerts to show progress against targets. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.

- 2.6. Latest performance was ahead of target for five key performance indicators in Highways & Transportation, with only LED conversions behind target. For digital take-up, six indicators were on or ahead of target, and two behind. It is expected that the GET digital transformation project will further improve digital take-up performance.
- 2.7. Performance is ahead of target for all indicators for Waste Management, with the exception of waste recycled and composted at household waste recycling centres.
- 2.8. For Environment, Planning and Enforcement, the three planning indicators were all exceeding or meeting target. Income generated, and investment secured were both behind target as was Greenhouse Gas emissions.

3. Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE this report.

4. Background Documents

The Council's Business Plans:

<http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/business-plans>

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Environment and Transport Performance Dashboard

Financial Year 2017/18

Results up to September 2017

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Produced by Strategic Business Development and Intelligence

Publication Date: November 2017



Guidance Notes




Data is provided with monthly frequency except for Waste Management where indicators are reported with quarterly frequency and on the basis of rolling 12 month figures, to remove seasonality.

RAG RATINGS

GREEN	Target has been achieved
AMBER	Floor Standard achieved but Target has not been met
RED	Floor Standard has not been achieved

Floor standards are set in Directorate Business Plans and if not achieved must result in management action.

DOT (Direction of Travel)

	Performance has improved in the latest month/quarter
	Performance has worsened in the latest month/quarter
	Performance is unchanged this month/quarter

Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating or Direction of Travel alert. Instead they are tracked within an expected range represented by Upper and Lower Thresholds. The Alert provided for Activity Indicators is whether they are in expected range or not. Results can either be in expected range (**Yes**) or they could be **Above** or **Below**.

Key Performance Indicators Summary

Highways and Transportation	Month RAG	YTD RAG
HT01 : Potholes repaired in 28 calendar days (routine works not programmed)	GREEN	GREEN
HT02 : Faults reported by the public completed in 28 calendar days	GREEN	GREEN
HT03 : Streetlights repaired in 28 calendar days	GREEN	GREEN
HT04 : Customer satisfaction with service delivery (100 Call Back)	GREEN	GREEN
HT05 : Resident satisfaction with resurfacing and improvement projects	GREEN	AMBER
HT11c : Number of LED streetlight conversions (since start of programme)	AMBER	N/a

Waste Management	RAG
WM01 : Municipal waste recycled and composted	GREEN
WM02 : Municipal waste converted to energy	GREEN
WM01 + WM02 : Municipal waste diverted from landfill	GREEN
WM03 : Waste recycled and composted at HWRCs	AMBER

Digital Take up	RAG
DT01 : Percentage of public enquiries for Highways Maintenance completed online	AMBER
DT02 : Percentage of Young Persons Travel Pass applications successfully completed online	GREEN
DT03 : Percentage of concessionary buss pass applications successfully completed online	GREEN
DT04 : Percentage of speed awareness courses successfully completed online	GREEN
DT05 : Percentage of HWRC voucher applications successfully completed online	GREEN
DT06 : Percentage of Highway Licence applications successfully completed online	AMBER
DT07 : Percentage of blue badge applications successfully completed online	GREEN
DT13 : Percentage of 16+ Travel Cards applied for online	GREEN

Environment, Planning and Enforcement	RAG
EPE15 : Income generated by EPE charged for services (£000s)	AMBER
EPE18 : Investment secured by EPE services (Grants / EU funding) (£000s)	AMBER
EPE17 : Customer satisfaction with planning application service	GREEN
EPE20 : Percentage of planning applications which meet DCLG standards and requirements	GREEN
EPE21a : Percentage of planning decisions challenged	GREEN
EPE13 : Greenhouse Gas emissions from KCC estate (excl schools) in tonnes	AMBER

Service Area	Director	Cabinet Member
Highways & Transportation	Roger Wilkin	Matthew Balfour

Key Performance Indicators

Ref	Indicator description	Latest Month	Month RAG	DOT	Year to Date	YTD RAG	Target	Floor
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	98%	GREEN	↓	98%	GREEN	90%	80%
HT02	Faults reported by the public completed in 28 calendar days	92%	GREEN	↓	94%	GREEN	90%	80%
HT03	Streetlights repaired in 28 calendar days	91%	GREEN	↓	94%	GREEN	90%	80%
HT04	Customer satisfaction with service delivery (100 Call Back)	80%	GREEN	↓	84%	GREEN	75%	60%
HT05	Resident satisfaction with Highways resurfacing and improvement projects	92%	GREEN	↑	64%	AMBER	75%	60%
HT11c	Number of actual LED streetlight conversions (since start of programme)	75,006	AMBER	N/a			81,570	73,410

HT05 - The percentage of residents satisfied with our completed improvement projects has improved from earlier in the year. The Year to date result is behind target due to one project earlier in the year receiving lower satisfaction. A wider range of projects have been surveyed recently and whilst residents are mostly content with maintenance work like resurfacing we still need to do more to explain to residents the benefits of schemes that 'change' the highway layout. We continue to work hard on our community consultation and governance processes to ensure public views are taken account of when developing new schemes.

HT11c - We continue to work on the more challenging main road network but are still on track to complete a total of 100,000 conversions by March 2018 with the total 118,000 conversion programme across the County by May 2019, this will save Kent taxpayers up to £5.2 million each year.

Service Area	Director	Cabinet Member
Highways & Transportation	Roger Wilkin	Matthew Balfour

Activity Indicators

Ref	Indicator description	Year to date	In expected range?	Expected Range		Prev. Yr YTD
				Upper	Lower	
HT01d	Potholes repaired (as routine works and not programmed)	4,513	Below	7,200	5,100	5,184
HT02d	Routine faults reported by the public completed	24,411	Yes	29,500	23,500	27,287
HT03d	Streetlights repaired	5,913	Below	10,200	7,200	5,164
HT06	Number of new enquiries requiring further action	44,615	Below	55,900	46,000	51,527
HT07	Work in Progress	5,688	Yes	6,900	5,400	5,930

HT01d – The fair spring and summer weather has helped reduce the pothole demand, and customer enquiries are the lowest on record. Our £3 million Pothole Blitz delivered through a network of local suppliers has also helped reduce demand.

HT03d – Fewer streetlights are being repaired as conversion to LED progresses across the County.

HT06 – The reduction in pothole and streetlighting faults reported by customers continues to help keep the customer demand below expected range.

Service Area	Director	Cabinet Member
Waste Management	Roger Wilkin	Matthew Balfour

Key Performance Indicators (Figures are provided as rolling 12 month totals to remove seasonality)

Ref	Indicator description	Latest Quarter	RAG	DOT	Previous Quarter	Target	Floor
WM01	Municipal waste recycled and composted	49.5%	GREEN	↑	49.4%	46.8%	41.8%
WM02	Municipal waste converted to energy	49.4%	GREEN	↓	49.9%	47.9%	42.9%
01+02	Municipal waste diverted from landfill	98.9%	GREEN	↓	99.3%	94.7%	89.7%
WM03	Waste recycled and composted at HWRCs	68.7%	AMBER	↓	69.4%	69.3%	67.3%

WM03 - In the last quarter there were issues with cross contamination of waste stocks at some HWRC, leading to more tonnage going to the Energy from Waste Plant. This has been addressed and resolved through Contract Management and performance is expected to improve in the next quarter.

Activity Indicators

Ref	Indicator description	Year to date	In expected range?	Expected Range		Previous Year
				Upper	Lower	
WM05	Waste tonnage collected by District Councils	541,292	Yes	560,000	540,000	544,700
WM06	Waste tonnage collected at HWRCs	181,099	Yes	190,000	170,000	184,800
05+06	Total waste tonnage collected	722,391	Yes	750,000	710,000	729,500

Service Area	Director	Cabinet Member
Highways,Transportation and Waste	Roger Wilkin	Matthew Balfour

Digital Take-up indicators

Ref	Indicator description	Year to Date	YTD RAG	Target	Floor	Previous Year
DT01	Public enquiries (new requests) for Highways Maintenance completed online	36%	AMBER	40%	25%	37%
DT02	Young Persons Travel Pass (YPTP) applications completed online	79%	GREEN	75%	60%	76%
DT03	Concessionary bus pass applications completed online	15%	GREEN	15%	5%	9%
DT04	Speed awareness courses completed online	82%	GREEN	75%	65%	80%
DT05	Household Waste Recycling Centre (HWRC) voucher applications successfully completed online	97%	GREEN	90%	80%	96%
DT06	Highway Licence applications completed online	57%	AMBER	60%	50%	56%
DT07	Blue badge applications completed online	46%	GREEN	40%	35%	39%
DT13	16+ Travel Cards applied for online	59%	GREEN	50%	40%	47%

DT01 – There has been a lower number of enquiries logged for pothole and streetlight faults, around 70% of which are normally made on the online form. This has resulted in a lower overall percentage for all new requests made online. We are working with Agilisys and the Communications Team to continue to raise awareness of the web-form as the best way to report all routine faults.

DT06 – We are currently implementing a new process that will better support businesses who wish to apply for Highway Licenses such as skips and scaffolds.

Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Matthew Balfour

Key Performance Indicators

Ref	Indicator description	Year to Date	RAG	Target YTD	Floor YTD	Prev. Yr. YTD
EPE15	Income generated by EPE charged for services (£000s)	1,641	AMBER	1,770	1,595	2,561
EPE18	Investment secured by EPE services (Grants / EU funding) (£000s)	1,164	AMBER	1,264	1,136	N/a
EPE17	Customer satisfaction with planning application service	100%	GREEN	60%	50%	N/a
EPE20	Percentage of planning applications which meet DCLG standards and requirements	100%	GREEN	100%	80%	N/a
EPE21a	Percentage of planning decisions challenged	0%	GREEN	10%	20%	N/a

EPE15 - Income generated can fluctuate throughout the year, however services are confident that the year-end target will be met.

EPE18 - The target for this year is not now expected to be met as approximately £0.5m of EU funding previously secured has been rephased.

Ref	Indicator description	Latest Quarter	RAG	DOT	Target	Floor	Previous Year
EPE13	Greenhouse Gas emissions from KCC estate (excluding schools) in tonnes	41,113	AMBER	↑	40,300	43,500	44,851

KCC's performance on reducing Greenhouse Gas emissions remains slightly behind target. This is due to street lighting LED programme being behind target coupled with an increase in emissions data collected for fleet transport as a result of improving data quality, and business mileage reducing at a slower rate than expected mainly due to demands in Adult Social Care. However, good progress continues to be made in reducing emissions from the corporate estate buildings and this trend is expected to continue.

From: Peter Oakford – Deputy Leader with delegated authority for Minerals and Waste Local Plan Matters

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 30 November 2017

Decision No: 17/00111

Subject: Kent Minerals and Waste Local Plan 2013 – 30 Partial Review, Kent Minerals Sites Plan and revised Local Development Scheme

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Countywide

Summary:

This report provides an update and presents additional material to deliver the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP). The KMWLP commits the Council to preparing a Minerals Sites Plan and a Waste Sites Plan, which allocate land considered suitable for minerals and waste development.

As part of the work to develop these Sites Plans, a review has been undertaken to confirm the requirements for minerals and waste in Kent. The reassessment of future waste capacity requirements in Kent suggests that a Waste Sites Plan is no longer required; as a result, a Partial Review of the KMWLP is required. In addition, implementation of KMWLP policies concerning mineral and waste safeguarding over the last year has revealed that modifications are necessary to improve their effectiveness. Work on the Minerals Sites Plan has resulted in the identification of sites potentially suitable for allocation. In addition, the report proposes modifications to improve the effectiveness of the adopted minerals and waste safeguarding policies. In order to proceed, public consultation on these matters is now required.

An updated Local Development Scheme is proposed to reflect the Partial Review, as well as changes to the programme and timetable concerning preparation of the Sites Plans.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member responsible for the Minerals and Waste Local Plan on the proposed decision:

- (i) to undertake public consultation on the 'Minerals Sites Plan – Options 2017' document and associated Sustainability Appraisal Scoping Report in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

- (ii) to undertake a Partial Review of the Kent Minerals and Waste Local Plan 2013-30 concerning future requirements for waste management and mineral and waste safeguarding;
- (iii) to undertake associated public consultation on the Partial Review document and the associated Sustainability Appraisal Scoping Report; and
- (iv) to note the contents of an updated Local Development Scheme (including revised timetable) to reflect the Partial Review and changes to the programme and timetable concerning preparation of the Sites Plan.

1. Introduction

- 1.1 The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by the County Council in July 2016 as part of the Council's statutory responsibility to plan for future minerals supply and waste management within Kent. Preparation of such a plan is also consistent with the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW).
- 1.2 The adopted KMWLP includes the County Council's strategy and policy framework for minerals and waste development in Kent which includes future capacity and supply requirements. The KMWLP commits the Council to identifying and allocating land considered suitable for minerals and waste development in a subsequent Waste Sites Plan and Minerals Sites Plan.

2. Mineral Sites Plan

- 2.1 Following the adoption of the KMWLP, the County Council commenced work on the accompanying Mineral Sites Plan which will allocate sites in Kent for the types of minerals development needed to fulfil the vision and objectives of the KMWLP. This work included a review as to whether the adopted policies remain robust for the Mineral Sites Plan work.
- 2.2 Work began with a "Call for Sites" in late 2016, which invited nominations (e.g. from landowners and potential minerals operators) for sites to be considered for allocation to meet the KMWLP mineral supply requirements. All those parties that had previously had an interest in the Minerals and Waste Local Plan work were notified of the Call for Sites and invited to nominate sites as well as comment on the Site Selection Methodology. This included residents who have previously expressed an interest in minerals and waste plans in Kent, landowners, minerals and waste operators, local businesses, statutory organisations, local interest groups, parish, borough and district councils, councillors and others.
- 2.3 The Call for Sites, along with a draft methodology for site selection and assessment, had previously been agreed by the Cabinet Member for Planning, Highways, Transport and Waste in December 2016 following consideration of the matter at Environment and Transport Cabinet Committee in November 2016. The site selection methodology has been updated and a separate Site Evaluation Document sets out how the sites were initially assessed and shows the results of the assessment.

For a site to be considered a Mineral Site Option it had to:

- (i) **Align with the objectives of the KMWLP:** The site must be able to provide minerals in accordance with the future needs for minerals identified in the KMWLP.
- (ii) **Be justified:** The site must represent a suitable development opportunity based on the opportunities and constraints associated with its location.
- (iii) **Be deliverable:** Any potential environmental and amenity impacts resulting from operations at the site can be practically mitigated and the landowner is content for minerals development to take place.

2.4 As well as generally inviting nominations for sites, the Council also took a targeted, proactive approach whereby landowners with land identified in previous Minerals Local Plans with potentially economic mineral deposits were contacted and invited to participate in the process. This included inviting those parties that had responded to the previous 'Call for Sites' in 2010, mineral and waste operators, the trade bodies and agents known to represent minerals and waste interests in the County. This exercise generated interest and several sites were nominated as a result.

2.5 In total, some 3000 parties were contacted to contribute to the Call for Sites exercise which was also advertised on the County Council's website, and copies of all relevant documents were sent to Kent's main library network.

2.6 In response to the Call for Sites, 19 sites were nominated for consideration, nine of which have been assessed as 'Options,' i.e. sites that are considered potentially suitable for allocation in the Kent Minerals Sites Plan. In summary, these sites relate to two sites for soft sand extraction and seven sites for the extraction of sharp sands and gravel. Full details of these sites can be found in the supporting document 'Kent Minerals Sites Plan – Options' (see Appendix 1).

2.7 As well as being the subject of public consultation, the site options will be subject to detailed technical assessment (including a Sustainability Appraisal) which will confirm their suitability for allocation.

2.8 Public consultation is to be undertaken on the Kent Minerals Sites Plan Options 2017 consultation document in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and the County Council's Statement of Community Involvement. This will inform the final selection of sites for inclusion in the emerging Minerals Sites Plan that the County Council will be asked to agree in 2018.

3. Early Partial Review of the KMWLP including Need for a Waste Sites Plan

3.1 The adopted KMWLP identified a shortfall in waste management capacity over the Plan period for the following types of waste management: waste recovery (energy from waste and organic waste treatment), hazardous waste, and the disposal of dredgings. To improve certainty concerning the provision of the required capacity, policies CSW7, CSW8, CSW12 and CSW14 commit the County Council to allocating sites suitable for accommodating waste facilities in a Waste Sites Plan. Policy CSW4 sets the strategy context for waste management capacity.

3.2 In preparation for the Waste Sites Plan, it was necessary to consider whether the requirements for additional waste management capacity, as identified in the KMWLP were still robust, in order to ensure that the appropriate amount of new capacity is

planned for. A review of the future needs for waste management facilities in Kent was therefore undertaken.

- 3.3 A key driver for the review of waste requirements was the implementation of a planning permission for a significant new waste facility at Kemsley which meant that the amount of existing waste management capacity used to inform the approach in the KMWLP was no longer robust. Planning permission was granted in 2012 for the Kemsley Sustainable Energy facility, which would provide capacity for around 500,000tpa of non-hazardous waste recovery. During the preparation of the KMWLP, there was considerable uncertainty over whether the facility would be built and so it was considered prudent not to factor this into the assessment of future capacity requirements. In August 2016, shortly after the adoption of the KMWLP, work commenced on the construction of the Kemsley facility, clearly indicating that the capacity would in fact be realised, substantially eliminating the capacity shortfall identified in the KMWLP of 562,500tpa.
- 3.4 The adopted KMWLP also identified that sites would be identified in a Waste Sites Plan for hazardous waste (policy CSW12) and for the disposal of dredgings (policy CSW14). Notwithstanding this policy support, the 'Call for Sites' did not reveal any need or support from industry including the Port of London Authority for the allocation of specific sites.
- 3.5 In terms of additional organic waste treatment capacity, the review of waste requirements concluded that there is a continued need for some additional capacity but it is considered that the Plan's policy is sufficiently supportive, such that the identification of specific sites to provide any additional certainty that development will come forward is not justified.
- 3.6 The review of waste requirements therefore indicates that there is insufficient justification for a Waste Sites Plan and therefore changes to a number of the adopted KMWLP waste policies and explanatory text are required to remove the commitment to identify sites within a separate Waste Sites Plan. This will ensure that there is no over-supply of capacity. A change to adopted policies can only be realised via a Partial Review of the KMWLP which will be subject to public consultation and independent examination.
- 3.7 In reviewing the need for a Waste Sites Plan, a number of other considerations have also been identified that support changes being proposed to the adopted waste policies. The review work identified that the recycling and composting capacity requirement presented in adopted policy CSW7 are based upon targets that are now considered low and unambitious when compared with those adopted in recent times for other authorities in the South East. As part of the Partial Review of the Plan, it is therefore considered more appropriate to apply higher diversion targets and incorporate these into a revised waste policy CSW4.
- 3.8 The supporting document 'Kent Minerals and Waste Local Plan 2013-2030 Partial Review 2017' consultation document (see Appendix 2) explains and sets out the proposed revised wording of the waste policies CSW4, CSW7, CSW8, CSW12, and CSW14, as well as supporting text

Minerals and Waste Safeguarding

- 3.9 Given the need for an early Partial Review (as described above), the opportunity has also been taken to consider whether there are other elements of the KMWLP

which may benefit from amendment in light of 12 months' experience of implementing its policies. Generally, is it considered that the KMLP is performing as intended; however, one matter has arisen in relation to the safeguarding of mineral resources and minerals and waste management infrastructure. Implementation of the safeguarding policies DM 7 and DM 8 has revealed a significant ambiguity that means the policies are not being implemented as intended.

- 3.10 Amongst other aims, the intention of these safeguarding policies was to ensure that development on sites for non-mineral development (i.e. housing) allocated in a Borough or District Local Plan would be exempt from the KMWLP's safeguarding provisions *if* the need to safeguard any mineral resource underlying the site, and/or proximate minerals and waste infrastructure, had been assessed and factored into the decision to allocate the sites. In practice, however, there have been occasions where the policies are being interpreted to exclude *any* site allocations in adopted development plans from the safeguarding process, *regardless* of whether minerals and waste safeguarding was considered during the site allocation process. This is not the intention of the policies, nor national policy guidance, and it has the potential to undermine the effectiveness of these policies. The Partial Review which is proposed in this report provides the opportunity to address this matter.
- 3.11 The supporting document 'Kent Mineral and Waste Local Plan 2013-2030 Partial Review 2017' consultation document (see Appendix 2) sets out the proposed revised wording of the policies DM7 and DM8, as well as supporting text to ensure that the safeguarding intention of the KMWLP is effective.

4. Revised Local Development Scheme

- 4.1 The Local Development Scheme sets out the County Council's programme for preparing minerals and waste planning documents. The current Local Development Scheme, which was adopted in December 2016, needs to be updated to reflect the position above. The revised timetable for the preparation of the Minerals Sites Plan and KMWLP Partial Review, to be included in the Scheme, is set out in the table below.

Stage	Dates
Second Call for Sites	November 2016 - January 2017
Minerals Sites Options and KMWLP Partial Review Consultation (Reg 18)	December 2017 – March 2018
Pre-Submission Plan Consultation (Reg 19)	October - November 2018
Submission	January 2019
Independent Examination Hearing	April - May 2019
Inspector's Report	October 2019
Adoption	December 2019

- 4.2 The draft updated Local Development Scheme is included as Appendix 3.

5. Financial Implications

- 5.1 The costs of preparing the Kent Mineral Sites Plan Options and the early Partial Review of the MWLP are included in the Environment, Planning and Enforcement Division's budget.

6. Policy Framework

- 6.1 The Kent Mineral Sites Plan and the policies within the KMWLP itself support the County Council's corporate policies contained within the Council's Strategic Statement 'Increasing Opportunities, Improving Outcomes – Kent County Council's Strategic Statement 2015-2020'. The Minerals Sites Plan will support and facilitate sustainable growth in the Kent economy and support the creation of a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

7. Legal Implications

- 7.1 The County Council has a legal obligation under the Town and Country Planning legislation to prepare a statutory Development Plan.
- 7.2 The County Council is also required by national planning policy to ensure that local plans promote sustainable minerals and waste development. The early partial review will play an important role in ensuring that minerals and waste development in Kent is in line with national planning policy.
- 7.3 There is an expectation by Government (DCLG) that all planning authorities have an up to date local plan in place. Without an up to date adopted plan, there is a risk that DCLG will step in as the plan making authority, reducing local accountability.

8. Equalities implications

- 8.1 An equality impact assessment has been completed and no equality implications have been identified. A copy of the assessment is attached at Appendix 4.

9. Conclusions

- 9.1 The Town and Country Planning legislation requires the County Council to prepare a development plan setting out how mineral and waste planning matters will be considered in Kent. The KMWLP adopted in July 2016 sets out the overarching strategy and vision until 2030 and commits the County Council to preparing Mineral and Waste Sites Plans that allocate individual sites for development that align with the KMWLP strategy.

- 9.2 To progress this work, the following activities have been undertaken:

- (i) A 'Call for Sites' which has resulted in the identification of nine potentially suitable sites for mineral extraction for a Minerals Sites Plan;
- (ii) A review of the evidence base to support the Kent Waste Sites Plan that suggests that a separate Waste Sites Plan is no longer justified and a Partial Review of the KMWLP is required to reflect this;
- (iii) A review of the implementation of the KMWLP policies has revealed the need for modification of policies concerning minerals and waste safeguarding in order to ensure their effectiveness; and

- (iv) A revised Local Development Scheme has been drafted reflecting the activity outlined above, including a revised timetable for preparing planning documents.

9.3 Public consultation is now proposed to seek the views of the community and interested parties on the potential mineral sites and the proposed modifications in the Partial Review of the KMWLP, so as to aid the next stages of the plan making process. It is proposed that subject to Cabinet Member agreement, this would take place over a 12-week period between December 2017 and March 2018.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member responsible for the Minerals and Waste Local Plan on the proposed decision:

- (i) to undertake public consultation on the 'Minerals Sites Plan – Options 2017' document and associated Sustainability Appraisal Scoping Report in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (ii) to undertake a Partial Review of the Kent Minerals and Waste Local Plan 2013-30 concerning future requirements for waste management and mineral and waste safeguarding;
- (iii) to undertake associated public consultation on the Partial Review document and the associated Sustainability Appraisal Scoping Report; and
- (iv) to note the contents of an updated Local Development Scheme (including revised timetable) to reflect the Partial Review and changes to the programme and timetable concerning preparation of the Sites Plan.

11. Background Documents

Appendix 1:

[Kent Minerals Sites Plan Options 2017 consultation document](#)

Appendix 2:

Kent Mineral and Waste Local Plan 2013-2030
[Partial Review 2017' consultation document](#)

Appendix 3:

Kent Minerals and Waste Local Plan 2013-30
[Updated Local Development Scheme](#)

Appendix 4:

Kent Minerals and Waste Local Plan 2013-30
[Equality Impact Assessment](#)

[Topic Papers – Waste Assessment – BPP 2017](#)

[Kent Minerals Sites Plan – Mineral Site Selection – Initial Assessment November 2017](#)

[Scoping Report – Sustainability Appraisal of the Kent MWLP Partial Review](#)

[Scoping Report – Sustainability Appraisal of the Kent Minerals Sites Plan- Making Process](#)

[Site Identification and Selection Methodology \(Living Draft November 2017\)](#)

[Kent Minerals and Waste Local Plan 2013-30](#)

[Statement of Community Involvement](#)

12. Contact details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

**Peter Oakford – Deputy Leader with delegated authority
for Minerals and Waste Local Plan Matters**

DECISION NO:

17/00111

For publication

Key decision*

Yes –

Subject: Kent Minerals and Waste Local Plan 2013 – 30, Partial Review, Kent Minerals Sites Plan and revised Local Development Scheme

Decision:

As Deputy Leader with delegated authority for Minerals and Waste Local Plan Matters, I agree:

- (i) to undertake public consultation on the 'Minerals Sites Plan – Options 2017' document and associated Sustainability Appraisal Scoping Report in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (ii) to undertake a Partial Review of the Kent Minerals and Waste Local Plan 2013-30 concerning future requirements for waste management and mineral and waste safeguarding;
- (iii) to undertake associated public consultation on the Partial Review document and the associated Sustainability Appraisal Scoping Report; and
- (iv) to note the contents of an updated Local Development Scheme (including revised timetable) to reflect the Partial Review and changes to the programme and timetable concerning preparation of the Sites Plan

Reason(s) for decision:

The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by the County Council in July 2016. The adopted KMWLP includes the strategy and policy framework for minerals and waste development in Kent and sets out future capacity and supply requirements. The KMWLP commits the Council to preparing 'Sites Plans' which allocate land suitable for minerals and waste development.

Mineral Sites Plan

The Mineral Sites Plan will allocate sites in Kent for the types of minerals development needed to fulfil the vision and objectives of the KMWLP

Early Partial Review of the KMWLP

The adopted KMWLP identified a shortfall in waste management capacity over the Plan period to be met, in part, by development on sites allocated in a Waste Sites Plan. Work on the Waste Sites Plan included a reassessment of waste management requirements which suggests that the identification of sites within a separate Waste Sites Plan is no longer justified. One of the main reasons for the change in position is that additional significant waste recovery capacity is now under construction at Kemsley Sustainable Energy Plant which was previously discounted from the original assessment of capacity requirements. To regularise the position, modifications to the KMWLP are now required.

Minerals and Waste Safeguarding

Implementation of the KMWLP has revealed a significant ambiguity within policies which is having a detrimental impact on the ability of the KMWLP to safeguard mineral resources and minerals and waste management infrastructure. As part of the Partial Review it is therefore proposed to seek modifications to rectify this issue.

Revised Local Development Scheme

The Local Development Scheme sets out the Council’s programme for preparing minerals and waste planning documents and the most recent version was adopted in December 2016. The current scheme expects a Waste Sites Plan to be prepared and did not anticipate the Partial Review mentioned above and so needs to be revised.

Cabinet Committee recommendations and other consultation:

All mineral site options and the content of the early partial review have been discussed with the Informal Members Group for the KMWLP appointed by the Cabinet Member.

Consultation was undertaken with the waste industry active within Kent, as well as neighbouring waste planning authorities on the need to review the waste management capacity requirements. All parties were invited to consider the County Council’s revised waste evidence and to make representations. All responses were considered and no representation justified the need for the County Council to reconsider the conclusions of the review of the waste management capacity requirements.

A minimum 12 week public consultation period is to take place on the Mineral Sites Plan Options and the Partial Review of the KMWLP post consideration by the Environment and Transport Cabinet Committee and the Cabinet Member. This will include members of the public and communities in the vicinity of the sites, parish and district councils, statutory bodies, local interest groups, in addition to mineral operators and those having previously made representations on the KMWLP. This will aid work on the next phase of the plan making process, including work on the detailed technical assessments of the mineral sites.

Any alternatives considered:

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

Kent Minerals and Waste Local Plan 2013-30

Mineral Sites Plan

Options Consultation Document

November 2017



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3	Option Sites	Page 13
4	Sites not being taken forward	Page 32

Abbreviations

AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
BAP	Biodiversity Action Plans
GIS	Geographic Information Systems
HGV	Heavy Goods Vehicles
HRA	Habitats Regulation Assessment
KCC	Kent County Council
Km	Kilometre
KMWLP	Kent Minerals and Waste Local Plan
LAA	Local Aggregate Assessment
LNR	Local Nature Reserve
LWS	Local Wildlife Site
mtpa	Million tonnes per annum
MPA	Minerals Planning Authority
MWLP	Minerals and Waste Local Plan
NPPF	National Planning Policy Framework
PRN	Primary Route Network
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
SPZ	Source Protection Zone
SSSI	Site of Special Scientific Interest
tpa	Tonnes per annum

Minerals Sites Plan and the Options Consultation

- 1.1 The Kent Minerals and Waste Local Plan (KMWLP) was adopted in July 2016. It sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. It does not allocate specific sites for minerals and waste development except for two strategic sites - one for cement production (and related mineral reserves) at Holborough in the Medway Valley and one for hazardous waste disposal at Norwood Quarry on the Isle of Sheppey.
- 1.2 The Waste and Minerals Sites Plans were originally being produced in parallel with the KMWLP. These Plans were intended to identify allocations of land considered suitable for minerals and waste development. Stakeholders were initially invited to nominate potential sites for allocation in the Mineral Sites Plan (and the Waste Sites Plan) (known as a 'Call for Sites') in 2010, and consultation on preferred sites ('Preferred Options') took place in May 2012. However, in 2012 site identification work ceased to allow work to focus on the KMWLP. Following adoption of the KMWLP in July 2016 work on the Minerals and Waste Sites Plans recommenced.
- 1.3 A review of existing capacity and requirements to support the Sites Plan work has identified that the need for additional waste management capacity to 2030 does not justify the identification of land allocations in a separate Waste Sites Plan. To reflect this, a partial review of the KMWLP is now being undertaken. The Minerals Sites Plan is being progressed and once adopted will form part of the Development Plan for Kent, along with the KMWLP and District and Borough Local Plans.
- 1.4 The mineral site identification and assessment process is now considering sites that have emerged from a more recent 'Call for Sites' exercise that was carried out from December 2016 to March 2017. This new 'Call for Sites' was considered necessary due to:
 - Potential changes in landowner and promoter views about whether sites can be developed for minerals and waste uses. Such views are important in determining whether a site can be assessed as deliverable;
 - Changes in protected land designations, such as new or revised Sites of Special Scientific Interest (SSSI) or other constraints and opportunities which may not have previously been considered, so site suitability against them will need to be assessed;
 - A number of sites identified as potentially suitable in the 2012 Preferred Options document have since obtained planning permission and/or been developed;
 - The adopted KMWLP specifies the overall type and amount of minerals that sites identified in the Sites Plans need to accommodate. This includes separate consideration of supplies for land won soft sand and sharp sand and gravel.
- 1.5 Following the call for sites exercise and initial assessment, 9 sites have been identified as potential site options for future mineral development that will be subject to detailed technical assessment and Sustainability Appraisal. This report sets out the sites, the site assessment process and planning policy requirement. Prior to progressing to the detailed technical assessment stage views are now invited on the Site Options, so that local knowledge and expertise can be taken into account.

1.6 The potential options for allocation in the Minerals Sites Plan are for the:

- Extraction of soft sand (2 sites)
- Extraction of sharp sand and gravel (7 sites)

Details of these sites are set out in Section 3 of this document.

1.7 The 'call for sites' work involved inviting nominations for sites from parties with interests in mineral matters within the County. This included the mineral operators, trade bodies and their planning agents and those that had responded to previous 'calls for sites'. In addition, landowners of sites previously shown to have economic minerals in earlier Mineral Local Plans were identified and invited to nominate sites for consideration. In total, some 3000 parties were invited to respond to the 'call for sites'.

1.8 In summary, for a site to be considered to be a Mineral Site Option it had to:

-
- **Align with the objectives of the adopted KMWLP and scope of the Sites Plan:** The KWMLP sets out the minerals supply needs and waste management capacity provision over the period 2013-2030 and the Sites Plan needs to identify sufficient sites to contribute to this requirement.
 - **Be justified:** The site should represent an appropriate option based on a desktop assessment of the opportunities and constraints associated with its location.
 - **Be deliverable:** Development of the site should not result in severe adverse effects that would affect its deliverability, and its development should also be supported by the landowner
-

1.9 Further details of the Assessment methodology is set out in Section 2 below. The Mineral Site Assessment Methodology details the nature of the desktop sensitivity scoring applied. This methodology was published as a 'living draft' for consultation during the call for sites mentioned above and was subsequently updated.

Timetable and How Can I Get involved?

1.10 The views of stakeholders and interested parties provide an important opportunity to influence the final Mineral Sites Plan and the detailed Technical Assessment phase. In addition, the plan making process requires various consultation stages which are undertaken in accordance with the Council's Statement of Community Involvement. Comments received as a result of the consultation on this document will be taken into account in the final selection of sites.

1.11 The stages in the development of the Mineral Sites Plan and target dates are set out in the following table.

Stage	Completed/Anticipated Date
Second Call for Sites	November 2016 - March 2017
Mineral Site Options Consultation and KMWLP Partial Review Consultation	December 2017 – March 2018
Pre-Submission Consultation	October -November 2018
Submission	January 2019
Inspector's Report	October 2019
Adoption	December 2019

1.12 Views are invited on the Mineral Sites Plan Options. **The consultation will run for twelve weeks from 19 December 2017 to 5pm 13 March 2018.**

You can comment on the mineral sites options in this consultation document and the associated Sustainability Appraisal Scoping Report as well as other supporting evidence in writing through the following options:

- comment online through our consultation portal at [xxxxxxxxxxx](#) (preferred method)
- email your comments to mwlp@kent.gov.uk, or
- post your comments to

KCC Minerals and Waste Planning Policy
 First Floor, Invicta House
 County Hall
 Maidstone
 Kent
 ME14 1XX

Please note it will help us process comments more efficiently if they are received via our consultation portal

What is the next stage?

- 1.13 Once the consultation has closed, the Minerals and Waste Policy Team will collate all the comments and prepare a commentary report summarising the representations and how these have been taken into account as part of the on-going site assessment process. The views received will be taken into account in the detailed Technical Assessment of the sites. The Mineral Sites Plan Pre-submission consultation will then be prepared. Consultation on the Pre-submission Mineral Site Plan is currently scheduled for late 2018.

The Mineral Site Assessment Process

2.1 Sites are assessed in several stages. The assessment methodology is detailed in the Site Selection Methodology⁽²⁾. In brief, there are four stages to the assessment following the collation of a long list of sites:

1. **Alignment with KMWLP and scope of the Mineral Sites Plan** - This stage determines if the site is being promoted for the supply of a mineral that meets the requirements stipulated by the Kent MWLP.
2. **Initial Screening** – Sites are scored using a refined 'traffic light' approach based on a Red, Red-Amber, Amber, Amber-Green and Green (RAG) methodology (see Table 1 below) which provides an initial assessment of the potential effects of development at each site against a range of criteria. This process screens out the sites which are assessed as being likely to have unacceptable adverse impacts. **This document summarises the outcomes of this part of the assessment process and the Minerals Sites Options.**
3. **Consultation on Options** - Sites screened in as potentially suitable from the Initial Screening and RAG assessment are published for comments from stakeholders. Early views are sought as this provides an opportunity for local knowledge and specialist information held by stakeholders to be considered as the plan emerges. As such the views of stakeholders will benefit the subsequent detailed technical assessment stage. **These sites will then be subject to further-technical assessment which will also inform the ongoing sustainability appraisal/SEA.**
4. **Detailed Technical Assessment to Identify the Preferred Options** – Sites identified as potentially suitable from the Initial Screening and RAG assessment (which may be considered as reasonable alternatives) will then be subject to more rigorous Detailed Technical Assessment including, where appropriate:
 - Habitat Regulations Assessment;
 - Landscape and Visual Impact Assessment;
 - Transport Assessment;
 - Strategic Flood Risk Assessment;
 - Green Belt Assessment;

They will also be considered against the requirements of National Planning Policy. The Detailed Technical Assessments will inform the ongoing Sustainability Appraisal (SA). At the conclusion of Stage 4 those sites that are demonstrably acceptable against the selection criteria of the whole process will be identifiable as Preferred Options for allocation in the Mineral Sites Plan.

Table 1 – Initial (RAG) Screening

Sensitivity Score	Description	Possible Mitigation
Red	The impact or issue is so severe that it would be unlikely to be adequately mitigated and no evidence has been provided on the potential mitigation or any relevant exceptional circumstances test demonstrating it to be in the public interest. It is considered that the site is unlikely to be able to proceed.	Mitigation in order to make the site acceptable is unlikely
Red -amber	There is a major impact or issue which may be acceptable to mitigation as demonstrated.	Likely to require high levels of mitigation in order to make the site acceptable
Amber	There is moderate impact or issues which may be acceptable subject to mitigation as demonstrated	Likely to require medium levels of mitigation in order to make the site acceptable
Amber-green	There is a moderate impact or issue which may be acceptable subject to mitigation as demonstrated	Likely to require low levels of mitigation in order to make the site acceptable
Green	There are no impacts or issues that require Mitigation	Likely to require negligible to no mitigation in order to make the site acceptable

2.2 It should be noted that a site allocation does not guarantee development in that location, but together with the KMWLP policies provides the context for consideration of planning applications for future minerals development.

Site Visits and GIS Mapping

2.3 As part of the initial assessment, each proposed site was visited and information collected on the site conditions and documented with photographs. This included access consideration, the proximity to and type of adjoining land uses and potential views of the site, along with GIS mapping to identify potential site constraints. The GIS mapping considered potential impact upon:

- National and international designated sites - AONB, SSSIs, SACs, SPAs, Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens.
- Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland and groundwater resources and flood risk.
- Location in relation to Kent's major road network, considering how sites might result in lorry movements through villages or on unsuitable minor roads.
- Green Belt – noting that temporary mineral extraction operations are not necessarily considered incompatible with the Green Belt designation.
- the site geology; and
- the proximity of any possible sensitive receptors such as residential areas and schools

Sustainability Appraisal and Habitats Regulation Assessment

2.4 The Mineral Sites Plan will be subject to a Sustainability Appraisal. This will include an assessment of how each site performs against a set of social, environmental and economic objectives informed by the technical assessment of each site option. These objectives can be found in the Sustainability Appraisal Scoping Report which is being published for consultation alongside this document.

2.5 Potential sites within or close to Ramsar sites, Special Protection Areas (SPA) or Special Areas of Conservation (SAC) will also be subject to a Habitats Regulation Assessment (HRA). These sites will be assessed based upon the HRA requirements as set out in the EU Habitats Directive¹.

Strategic Flood Risk Assessment (SFRA) Information

2.6 The Mineral Sites Plan will be subject to a detailed Strategic Flood Risk Assessment. The initial screening process has considered potential flooding and water resource issues. This includes the identification of the relevant Flood Zone and Groundwater Source Protection Zone for each mineral site. At the Options Consultation stage, an initial desktop assessment has been undertaken of all sites at the strategic level. Sites taken forward for allocation in the Mineral Sites Plan may be require site specific flood risk assessment (in accordance with the requirements of NPPF).

Planning Policy

2.7 Minerals make an important contribution to the national economy and the NPPF makes it clear that minerals are essential to support sustainable economic growth and our

¹ Information on the EU Habitats Directive is available from:
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

quality of life. It requires minerals planning authorities (MPAs) to plan for a steady and adequate supply of aggregates by making provision for land-won aggregates through specific sites, preferred areas and/or areas of search and locational criteria. These sites will serve the building industry and enable construction, maintenance and repair of infrastructure. They play an important role in the growth agenda for sustainable development. Planning Practice Guidance makes it clear that the priority should be to allocate sites, in order to provide certainty as to where minerals development may be expected.

2.8 MPAs are required to maintain landbanks of reserves equivalent at least 7 years supply of sand and gravel, and 10 years supply of rock, reflecting data on reserves and sales in annual Local Aggregates Assessments (LAA), ensuring that large landbanks are not bound up in very few sites². MPAs should maintain separate landbanks for aggregates of a specific type and quality. In Kent this applies to soft sand that is predominantly used for mortar and sharp sand and gravel that is principally used for concrete.

2.9 The allocation of mineral sites needs to meet the requirements set out in the adopted KMWLP and reflect the prevailing LAA. The types of aggregates for which site allocations are proposed is summarised in the table below:

Mineral Supply Requirements of the Adopted Plan Policy CSM 2 and those Not Required or Not Promoted

New Allocations Required	No Allocations Required / Not Promoted
Soft Sand for construction (primary land won Aggregate) principally used in mortar	Secondary and Recycled Aggregates (primary aggregate substitution-no new capacity promoted)
Sharp Sand and Gravel (primary land won Aggregate) principally used for concrete	Brickearth The level of the permitted reserves are considered sufficient for Plan purposes
	Crushed Rock (primary land won aggregate-landbank sufficient for Plan purposes)
	Chalk for Agricultural and Engineering Use (current landbank sufficient for Plan purposes)
	Materials for Cement Manufacture (industrial minerals Chalk and Clay-site no allocation - not required by Policy CSM 2, Strategic Site allocated in adopted Plan)
	Silica Sand (industrial sand-further site allocations not required by Policy CSM 2, supply to meet need is to be addressed by planning applications being determined on the material planning considerations, over the Plan period)

² See NPPF paragraph 145

Land-won Soft Sand for Construction Aggregates

2.10 Soft sand is predominantly supplied from the Folkestone Beds in Kent and is a distinct aggregate material (used in mortar) for which separate landbanks are required to be maintained. Based on the 10 year average sales data, MPAs should make provision for landbanks of at least 7 years³. Requirements in the adopted KMWLP suggest a 5 million tonne shortfall to be met from sites identified in the Mineral Sites Plan. This shortfall was based on 2014 data and assumed the need to plan for a 24 year land bank (Plan period of 17 years plus 7 years at the end of the Plan period). More recent calculations⁴ regarding supply and demand, taken together with an 18 year landbank (Sites Plan period of 11 years plus 7 years at the end of the Plan period) suggest the shortfall is now 1.922mt.

2.11 Two sites are identified as suitable for allocation for soft sand in the Options Consultation:

Site	Estimated Workable Reserve
Chapel Farm, Lenham	4mt
West Malling Sandpit, Ryarsh	3.1mt

2.12 These sites would provide a surplus of around 5mt over the Plan period. This 'surplus' is necessary as it would give flexibility to account for: sites not coming forward as anticipated; yields being lower than anticipated, or demand increasing over the Plan period. Furthermore, the adopted KMWLP recognises that soft sand supplies in Kent are relatively abundant, whereas they are scarce in other parts of the south east of England⁵ and so additional reserves may help meet increasing demand in other areas and potential for export of materials to serve wider soft sand markets. This may become increasingly the case in the South East as soft sand resources are limited in distribution and potentially constrained by protective designations, such as National Parks.

Sharp Sand and Gravel

2.13 Resources for sharp sand and gravel are rapidly depleting in Kent and the wider South East. The gravel reserves in Kent's traditional extraction areas of the Stour Valley between Ashford and Canterbury are close to being worked out and the Dungeness peninsula reserves are heavily constrained with internationally designated wildlife sites. Increasingly, supply is being provided from marine won sources landed at wharves in Kent.

2.14 This is recognised by the adopted KMWLP that expects at least 10.08mt to be supplied over the Plan period (to 2030) and a landbank of at least 7 years (approximately 5.46mt) to be maintained while resources allow. Maintaining a landbank of at least 7 years over the remainder of the Plan period suggests a total requirement of 10.98mt (18 years

³ Paragraph 145 National Planning Policy Framework

⁴ 10 year average sales = 0.594 mtpa; consented reserves in Kent amount to 8.77mt (as per AM 2015 data published in the LAA for 2016)

⁵ The issue concerning soft sand supply in the south east is recognised by the South East Aggregate Working Party in its latest annual report <https://www.gov.uk/government/collections/aggregates-working-parties-annual-reports>.

(assuming adoption in 2019 until 2030 and for an additional 7 years beyond) taken together with the latest (LAA November 2016) published 10 year average sales data of 0.61mtpa). The current permitted reserves of this material are 3.79mt (2015 data published in the November 2016 LAA) giving a shortfall of 7.19mt to be identified in the Mineral Sites Plan.

2.15 The sites identified as suitable for allocation (set out in the Mineral Sites Plan Options Consultation) are as follows:-

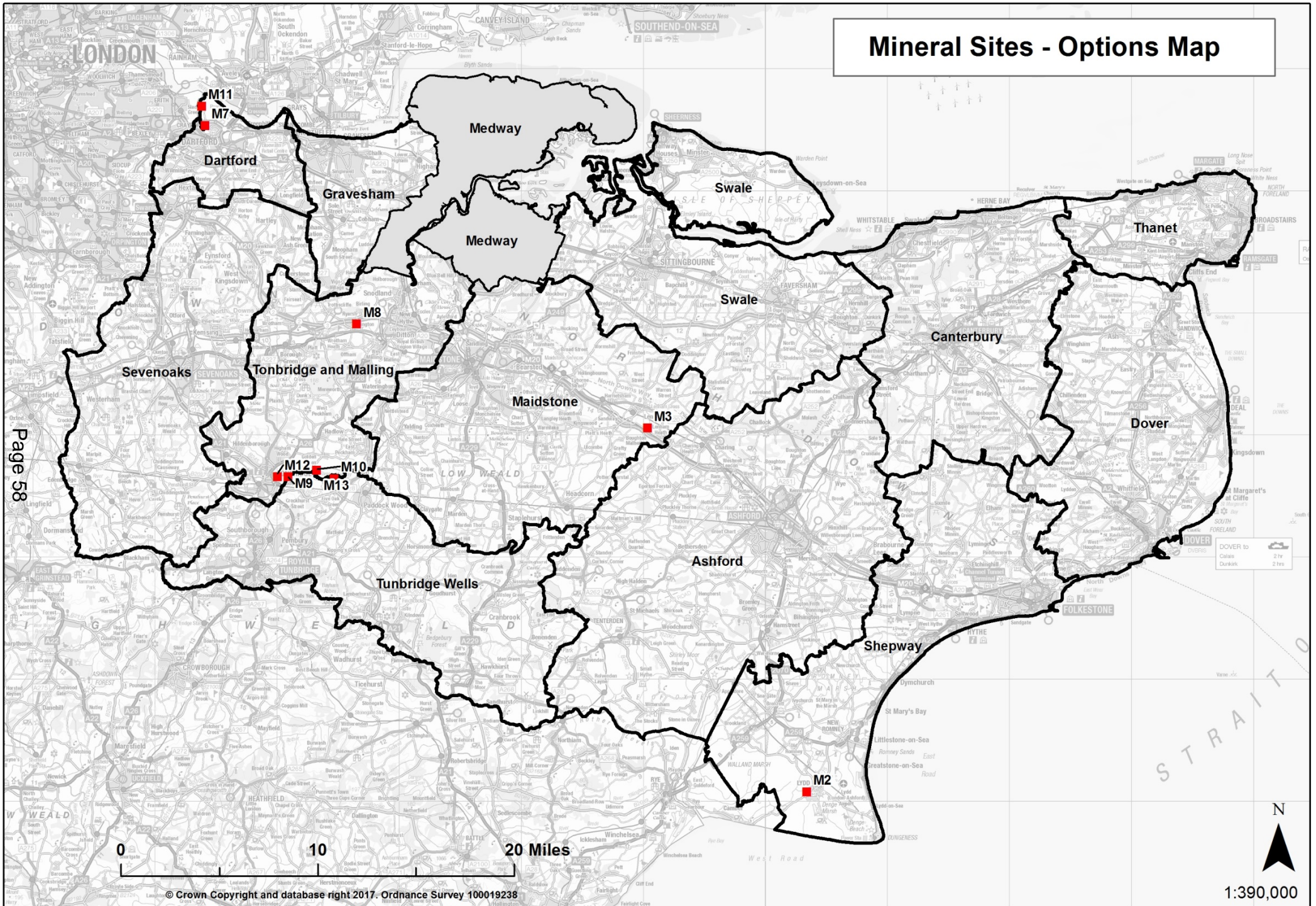
Site	Estimated Workable Reserve
Central Road, Dartford	0.9 mt;
Joyce Green Quarry, Dartford	1.5mt
Lydd Quarry/Allen's Bank Extension, Lydd -	3.1mt
Stone Castle Farm Quarry Extension, Hadlow/Whetsed	1mt
The Postern, Capel	0.6mt
Postern Meadows, Tonbridge	0.23mt
Moat Farm, Five Oak Green, Capel -	1.5mt

2.16 These sites would provide 8.83mt overall and a potential surplus of 1.64mt beyond the identified requirements to replenish currently limited landbanks. This would help provide necessary flexibility should sites and reserves not come forward as anticipated or demand increases over the Plan period. The sand and gravel options are concentrated in west Kent, plus extension areas at Lydd Quarry which will assist in providing construction materials to the south and east of the county.

2.17 Further details of the Site Options are set out in Section 3.

2.18 A number of other sites promoted through the 'call for sites' are not considered to be in alignment with the KMWLP and are not being progressed at this time. The reasons for this are set out in the Minerals Sites Selection Initial Assessment document. The sites are listed in Section 4.

Mineral Sites - Options Map



Site M3

Chapel Farm, Lenham

Maidstone

3.0 This proposed site for soft sand extraction (4mt) is located 1km to the west of the existing Lenham Quarry. The site area is currently arable and grazing farmland. It is located to the south of the Kent Downs AONB. Adjoining uses include residential properties, farmland, sewage works and nearby woodland. There is an area of Ancient Woodland adjacent to the proposed route of the suggested haul road.

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of soft sand.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

- The site is within the setting of the Kent Downs AONB and appropriate mitigation measures would be required.

- SSSI is located within 1km of the site, Ancient Woodland is situated on the site and a number of BAP Priority Habitats and LWS are located adjacent to the site; mitigation measures would be required to prevent unacceptable adverse impacts on these designations.
- There are a number of listed buildings within 250m of the site; mitigation would be required to protect these heritage assets and their setting.
- A number of archaeological sites have been identified within the site and a full investigation would be required to prevent unacceptable adverse impacts and to preserve Kent's heritage assets.
- The site contains Grade 3 quality soil (Good to Moderate). Appropriate consideration would be required to reduce the impact on this interest.
- A number of public footpaths are located within the site or in close proximity. Impacts on these footpaths would require mitigation which would include diversion.
- Overhead electrical power lines and sewer lines located within or adjacent to the site would require appropriate consideration of rerouting and mitigation.
- There are a number of residential properties within 250m of the site. Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.
- The surrounding area has been subject to extensive quarrying activity for a number of years. The cumulative impacts on the environment and local community, along with the impact on the highway network would need to be appropriately considered.
- An appropriate transport and access arrangement to prevent unacceptable adverse impacts on local amenity.

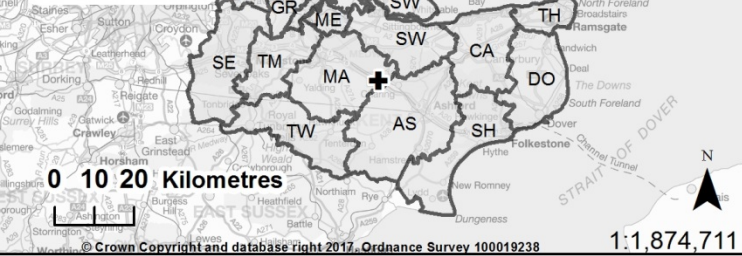
**Site M3
Chapel Farm,
Lenham,
Maidstone**

Minerals Site

Eastings 590355
Northings 150562

Site Area (Hectares)
60,8

Site Location



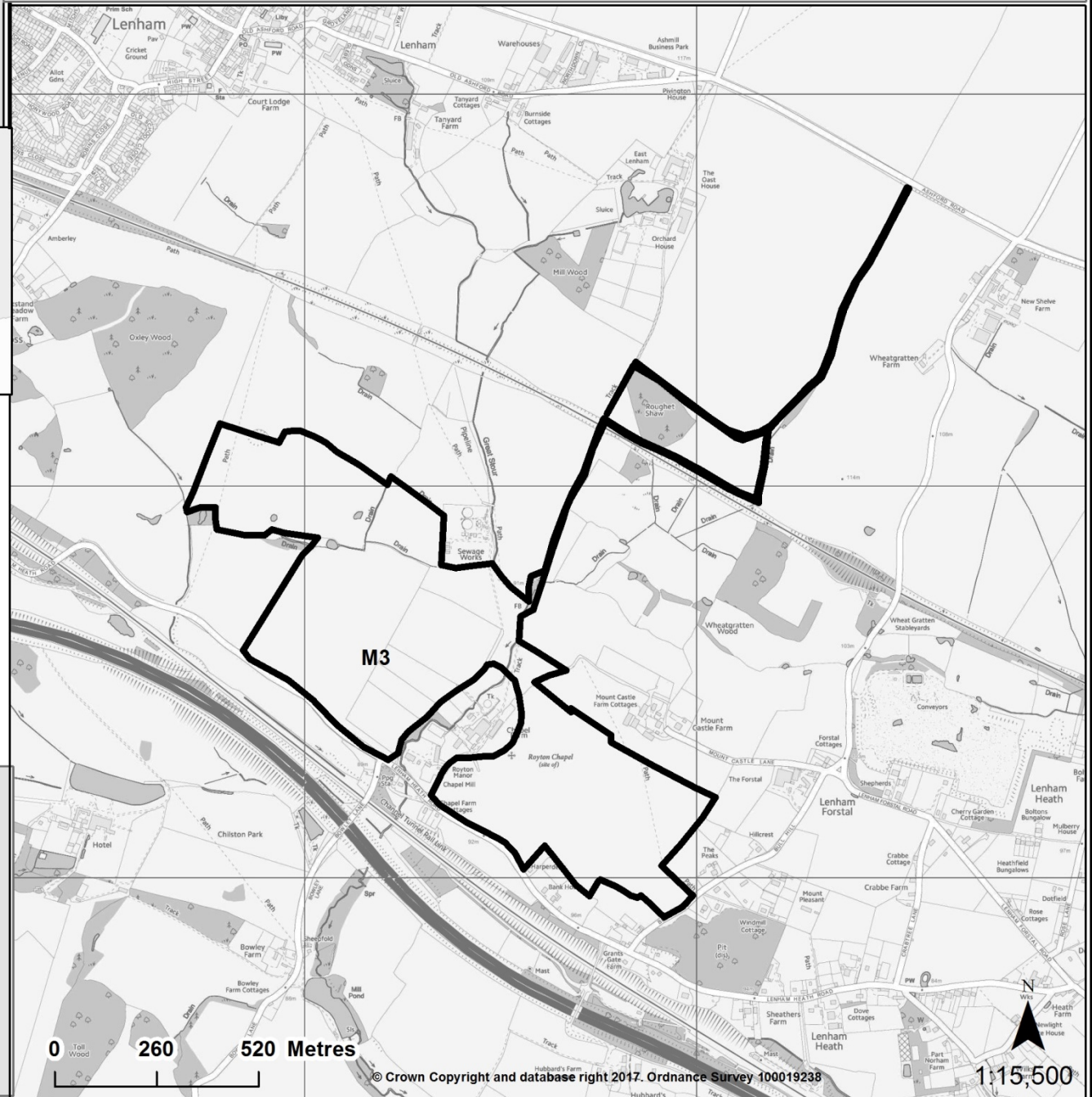
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1:1,874,711

Site Information

District/Borough	Maidstone
Parish	Lenham
Operator	Brett Aggregates Ltd
Estimated Output	150,000 tonnes per annum
Estimated Reserve	4 million tonnes
Life of Operation	26 years
Proposed Restoration	Lower level agriculture use
Access	Direct access onto the A20 Ashford Road north of site
Current Use	Arable and grazing farmland

Option - Site Plan



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1:15,500

Site M8

West Malling Sandpit, Ryarsh

Tonbridge and Malling

3.1 This soft sand site is currently grazing farmland. It is located to the south of the Kent Downs AONB, and can be argued to be within the setting of this landscape designation. Adjoining uses include residential properties, farmland and a golf course. There are areas of woodland within the site that are classified as Ancient Woodland. The site has 3.6mt of soft sand that includes 0.5mt of silica sand.

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of soft sand.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

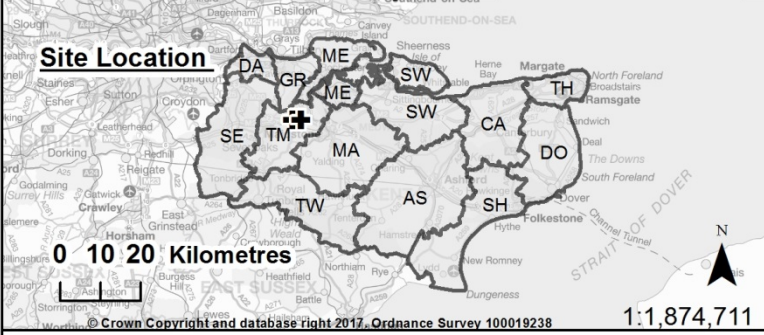
- The site is within the setting of the Kent Downs AONB and appropriate mitigation measures would be required.
- SSSI is located within 1.8km of the site, Ancient Woodland and BAP Deciduous Woodland are located within the site and the surrounding area; mitigation measures would be required to prevent unacceptable adverse impacts on these designations.
- There are a number of listed buildings within 500m of the site; mitigation would be required to protect these heritage assets and their setting.
- A number of Scheduled Monuments and Conservation Areas are within 1km of the site and a full investigation would be required to prevent unacceptable adverse impacts and to preserve Kent's heritage assets.
- Mitigation would be required to prevent unacceptable adverse impacts on the aquifers located within the site.
- The site contains Grade 3 quality soil (Good to Moderate). Appropriate consideration would be required to reduce the impact on this interest.
- Two public footpaths are located within the site. Impacts on these footpaths would require mitigation which would include diversion.
- There are a number of residential properties within 500m of the site (including the village of Addington). Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.
- The surrounding area has been subject to extensive quarrying activity for a number of years. The cumulative impacts on the environment and local community, along with the impact on the highway network would need to be appropriately considered.
- An appropriate transport and access arrangement to prevent unacceptable adverse impacts on local amenity.

Site M8
West Malling Sandpit
Roughetts Road,
Ryarsh,
Tonbridge & Malling

Minerals Site

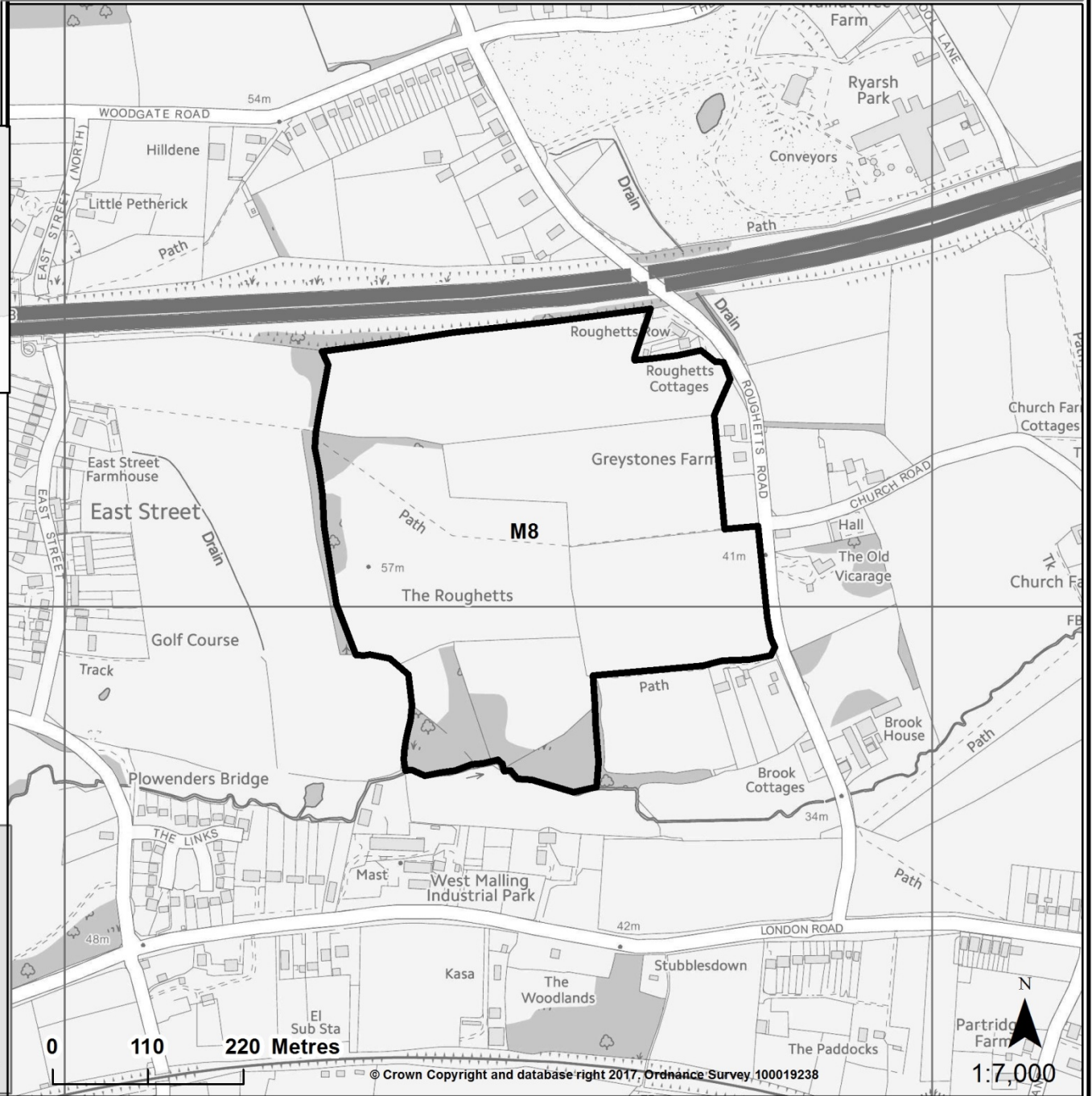
Eastings 566537
 Northings 159087

Site Area (Hectares)
 20.8



Site Information	
District/Borough	Tonbridge and Malling
Parish	Ryarsh
Operator	Borough Green Sandpits Ltd.
Estimated Output	150,000 tonnes per annum
Estimated Reserve	3.6 million tonnes (inc. 0.5 million tonnes of silica sand)
Life of Operation	24 years extraction plus 5 years Restoration
Proposed Restoration	Restore to Agriculture land
Access	Leaving site onto Roughetts Road then A20. Vehicles attending site to arrive from A20 to the south.
Current Use	Agriculture land

Option - Site Plan



Site M2

Lydd Quarry and Allens Bank Extension, Lydd

Shepway

3.3 Seven parcels of land are proposed as extensions to the existing Lydd Quarry. All of the proposed phases are within Kent, although the existing site spans across the county border into East Sussex. All seven parcels of land constitute the preferred option (shown on the map overleaf) at this site. The adjoining uses include residential properties (to the east of the settlement of Lydd), grazing land, the existing quarry and a caravan park.

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of sharp sand and gravel.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

- The quarry extension areas are located within SSSI, adjacent to Ramsar/SPA and within 1km of SAC. BAP Priority Habitat is located within the site as well as the surrounding area.

Mitigation measures would be required to prevent unacceptable adverse impacts on these designations.

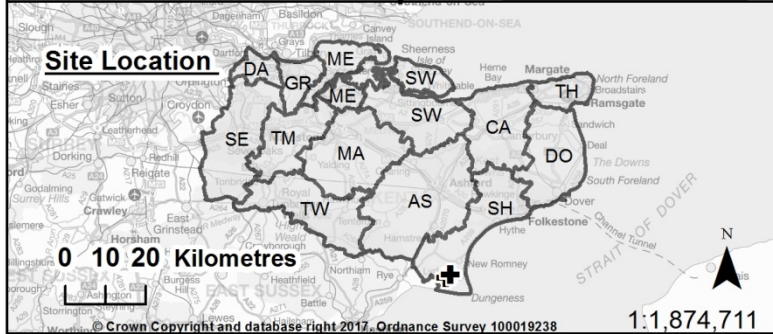
- Subject to a study of the geological and geomorphological interests of the site, restored quarry water habitat areas could contribute to the value of the designated areas.
- There are a number of listed buildings within 250m of the site; mitigation would be required to protect these heritage assets and their setting.
- The site is located within an area of Archaeological Potential and a full investigation would be required to prevent unacceptable adverse impacts and to preserve Kent's heritage assets.
- A number of public footpaths are located within the site or in close proximity. Impacts on these footpaths would require mitigation which would include diversion.
- Given the sites' distance from the Primary Route Network PRN (approximately 5km) mitigation would be required to ensure that the local road infrastructure (in particular the town of Lydd) is not adversely impacted.
- Overhead electrical power lines and sewer lines located within or adjacent to the site would require appropriate consideration of rerouting and mitigation.
- The town of Lydd lies adjacent to the site boundary. Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.
- The surrounding area has been subject to extensive quarrying activity for a number of years. The cumulative impacts on the environment and local community, along with the impact on the highway network would need to be appropriately considered.

**Site M2
Lydd Quarry Extns
& Allen Bank Quarry
Extension,
Lydd, Shepway**

Minerals Site

Eastings 603665
Northings 120984

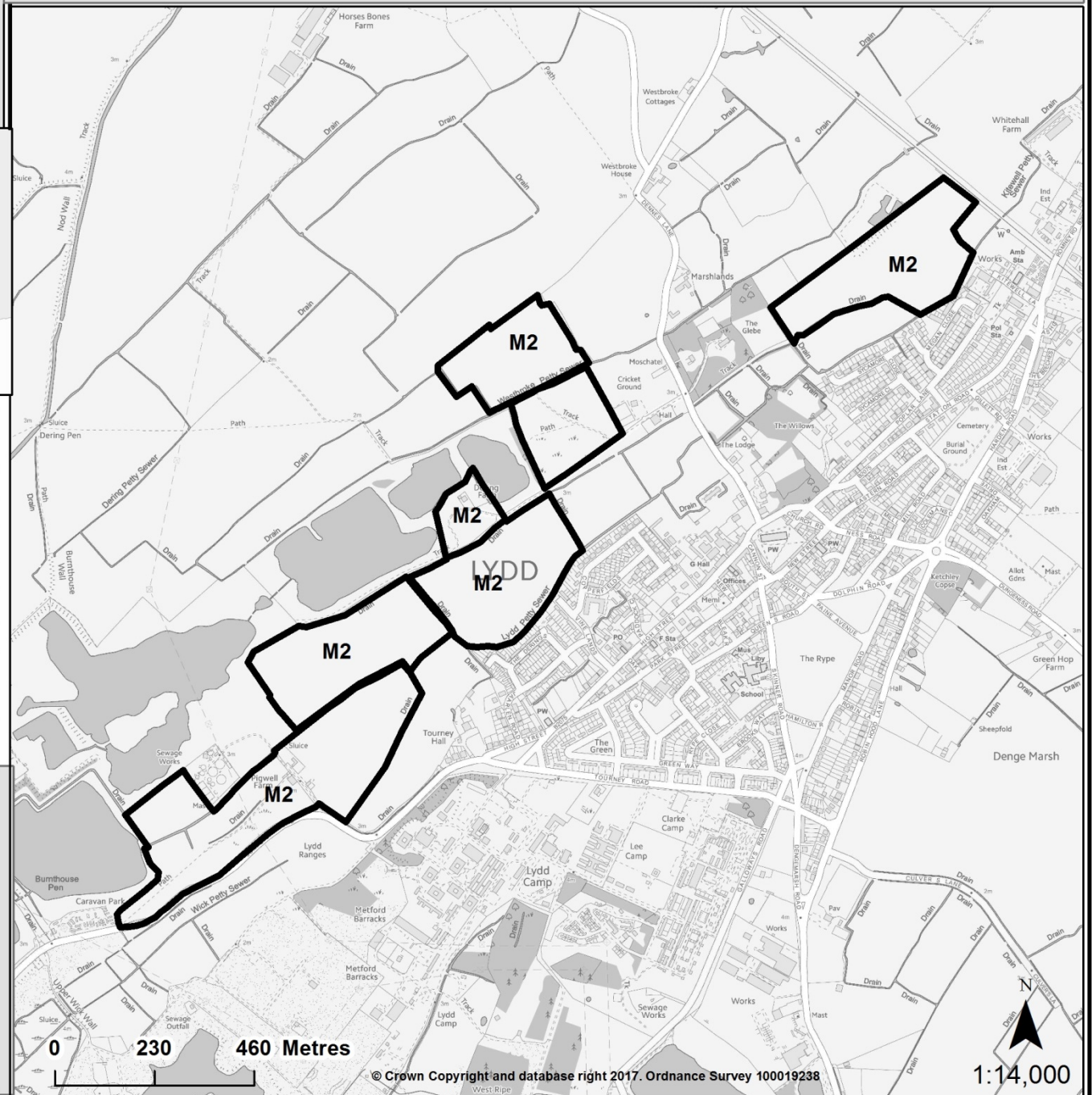
Site Area (Hectares)
46.4



Site Information

District/Borough	Shepway
Parish	Lydd
Operator	Brett Aggregates Ltd
Estimated Output	250,000 tonnes per annum
Estimated Reserve	3.1 million tonnes
Life of Operation	12.4 years
Proposed Restoration	Open water bodies
Access	Existing Entrance on Jury's Gap Road
Current Use	Agriculture land

Option - Site Plan



Site M7

Central Road, Dartford

Dartford

3.4 This site is an area of marshland at a level generally lower than the surrounding land and forms part of the Dartford Marshes. The land falls towards the River Darent that bounds the site in the east. The site is approximately 23.2 ha, is un-used and is currently subject to an ecological management plan. Dartford town centre is to the south of the site and there is residential development in close proximity to the east with B8 industrial uses immediately to the south. This site can be described as a low lying marshland area in close association with the urban area of Dartford. The land to the north is more open as this is part of the Dartford Marshes area and forms part of the functional flood plain of the River Thames. The potential reserves of sand and gravel may be in the order of 0.9mt. This site would be accessible from Central Road.

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of sharp sand and gravel.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

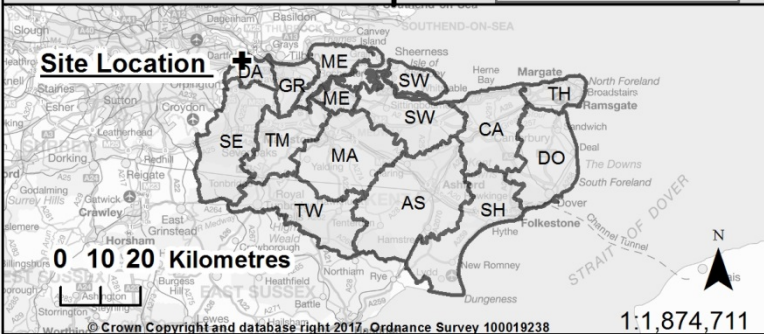
- The site is situated within the LWS Dartford Marshes, and is likely to have a significant impact on the designation. Mitigation measures would be required to prevent unacceptable adverse impacts on this designation.
- The site is located within an area of Archaeological Potential and a full investigation would be required to prevent unacceptable adverse impacts and to preserve Kent's heritage assets.
- Mitigation would be required to prevent unacceptable adverse impacts on the aquifers located within the site.
- The site is in close proximity to three AQMA's. Mitigation would be required to prevent an unacceptable adverse impact on the local air quality.
- The site contains Grade 2 (Very Good) and Grade 3 (Good to Moderate) quality soil. Appropriate consideration would be required to reduce the impact on this interest.
- The site borders a public footpath and bridleway. Impacts on these would require mitigation which could include diversion.
- An appropriate transport and access arrangement to prevent adverse impacts on local amenity.
- Overhead electrical power lines located within the site would require appropriate consideration of rerouting and mitigation.
- There are a number of residential properties to the east and west of the site. Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.
- Substantial residential development is taking place in the nearby vicinity. Significant traffic movements need to be considered and appropriately mitigated, including the impact on the AQMA.

Site M7
Land at Central Road
Dartford Fresh Marshes,
Dartford

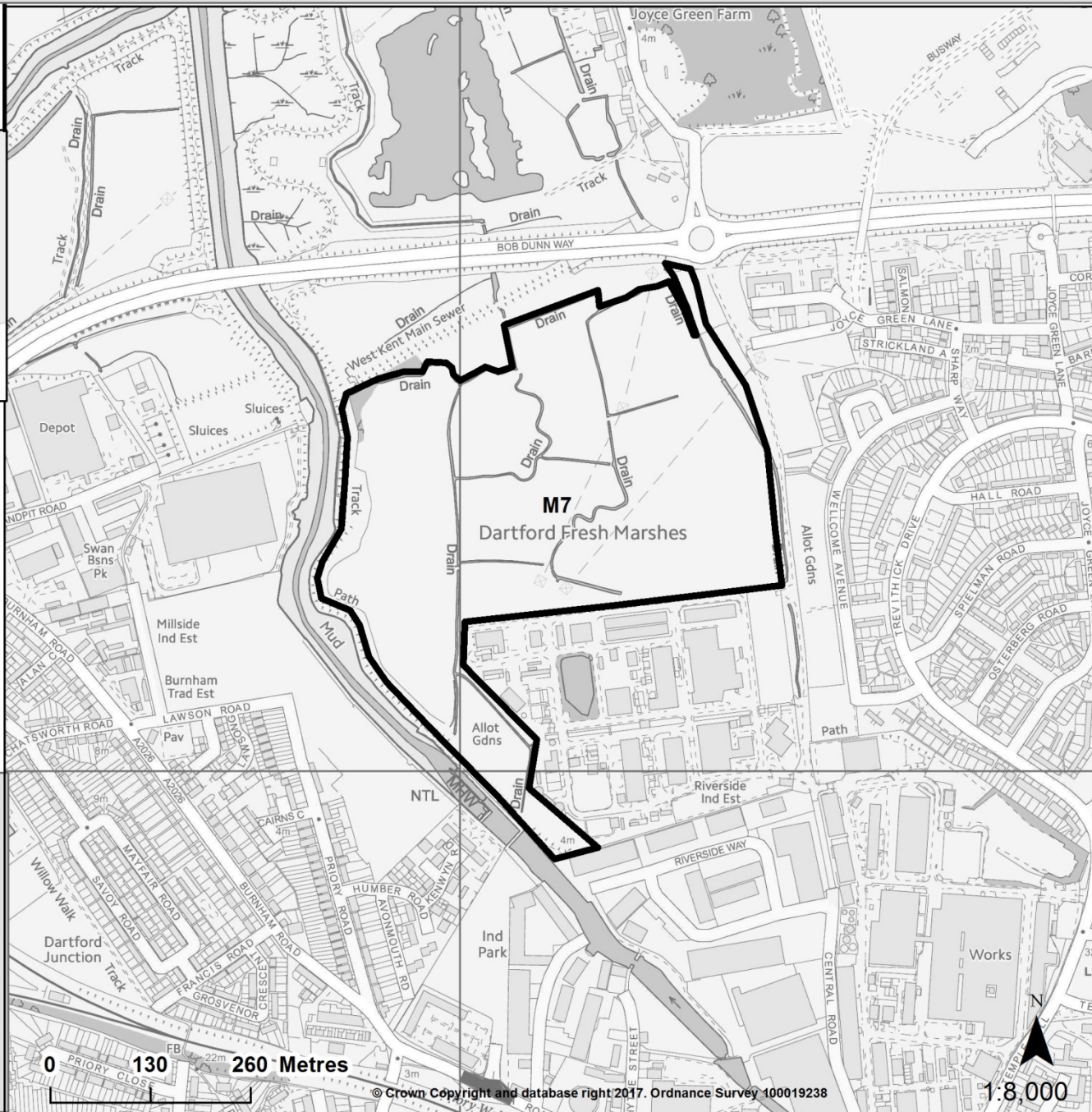
Minerals Site

Eastings 554111
 Northings 175346

Site Area (Hectares)
 22.7



Option - Site Plan



Site Information

District/Borough	Dartford
Ward	Joyce Green
Operator	Exton Estates Ltd
Estimated Output	90,000 tonnes per annum
Estimated Reserve	900,000 tonnes
Life of Operation	10 years
Proposed Restoration	Restoration to marshland
Access	Undetermined
Current Use	Marshland

Site M9

The Postern, Capel

Tunbridge Wells

3.5 This site is part of the wider rural area to the east of the town of Tonbridge, in the functional floodplain of the River Medway. Several significant listed buildings are in close proximity to the site and the local highway network is characterised by minor rural lanes and roads. This site is in active agricultural (horticulture and arable cropping) use and mineral reserve is approximately 0.6mt.

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of sharp sand and gravel.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

- The site is within 1km of the High Weald AONB and appropriate mitigation measures would be required.
- BAP Traditional Orchards occupy a small part of the site and Ancient Woodland is within 500m of the site; mitigation

measures would be required to prevent unacceptable adverse impacts on these designations.

- There are a number of listed buildings within 250m of the site; mitigation would be required to protect these heritage assets and their setting.
- A number of archaeological sites have been identified within 250m of the site and a full investigation would be required to prevent unacceptable adverse impacts and to preserve Kent's heritage assets.
- Mitigation would be required to prevent unacceptable adverse impacts on the aquifers located within the site.
- The site contains Grade 3 quality soil (Good to Moderate). Appropriate consideration would be required to reduce the impact on this interest.
- Nearby road networks are unlikely to be capable of accommodating HGVs; mitigation would be required to ensure that the impact upon the local road infrastructure is reasonable.
- High Pressure Gas Pipelines which cross the site would require appropriate consideration of rerouting and mitigation.
- There are a number of residential properties within 250m of the site. Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.

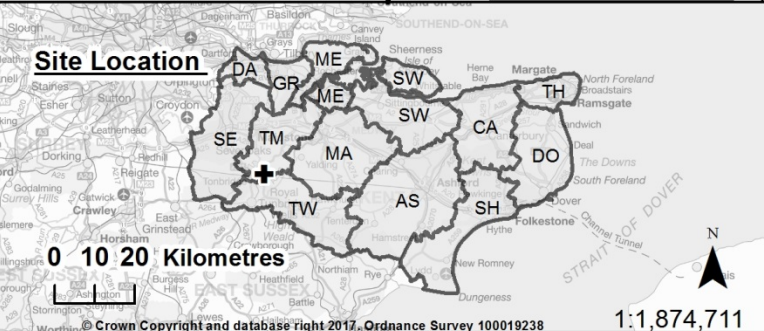
Site M9
The Postern,
Postern Lane,
Capel,
Tunbridge Wells

Minerals Site

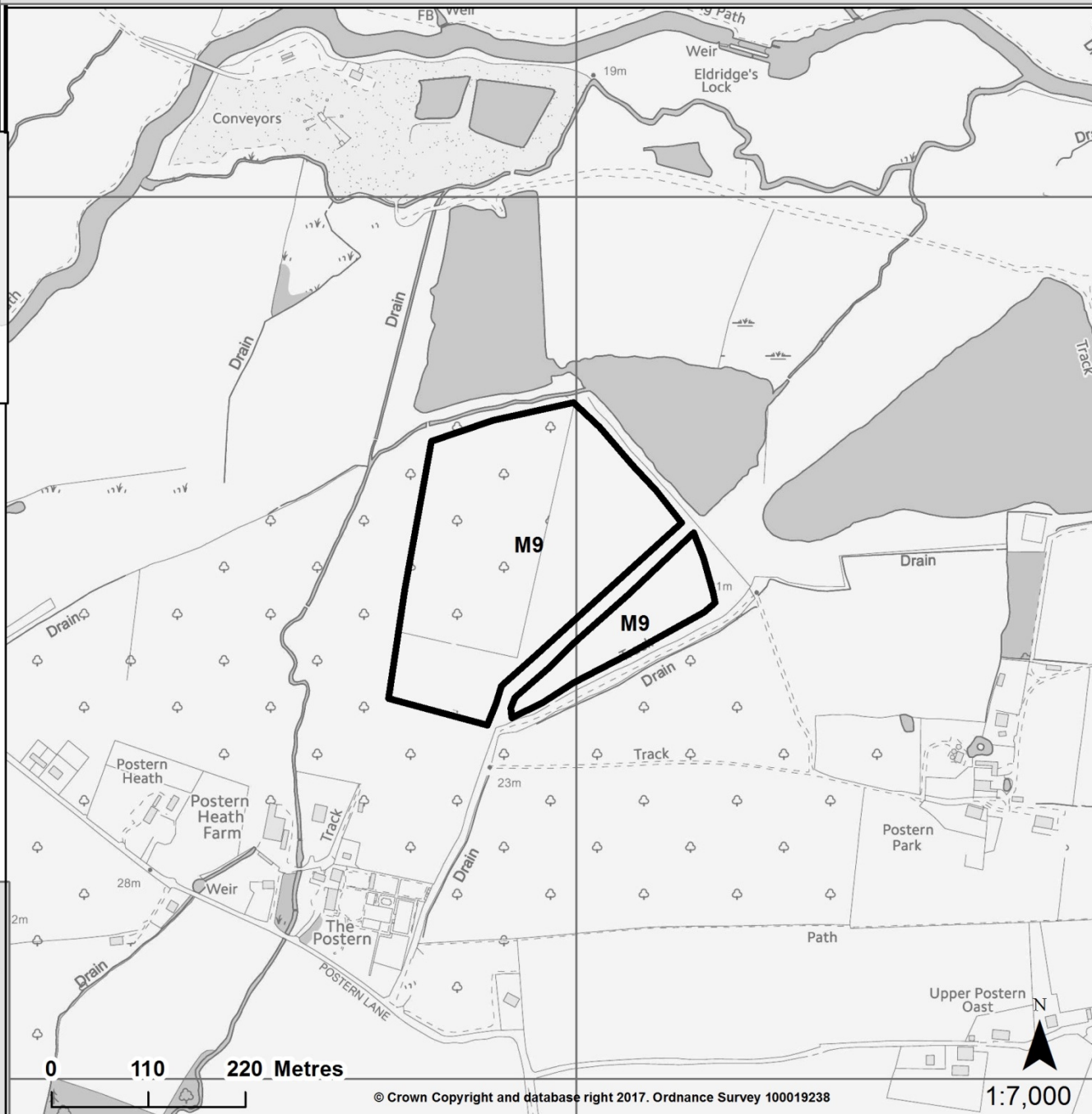
Eastings 560988
Northings 146569

Site Area (Hectares)
8.5

Option - Site Plan



Site Information	
District/Borough	Tunbridge Wells
Parish	Capel
Operator	Not yet known
Estimated Output	annual output not known
Estimated Reserve	Estimated at 600,000 tonnes (unconfirmed)
Life of Operation	Approximately 5 years
Proposed Restoration	Not yet known
Access	Access is via Postern Lane
Current Use	Agriculture



Site M10

Moat Farm, Five Oak Green, Capel

Tunbridge Wells

3.6 This site is proposed for 1.5 million tonnes of sand and gravel extraction. It is currently a flat expanse of agricultural/pastoral land. Adjoining uses include Moat Farm buildings (including 10 to 12 residential caravans for agricultural workers) an existing quarry (Stonecastle Farm Quarry) access is proposed. The minerals extracted would be conveyed to the adjoining Stonecastle Farm Quarry for processing and onward transportation. This site is effectively an extension to this previous quarry operation.

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of sharp sand and gravel.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

- The site is within 1.8km of the High Weald AONB and appropriate mitigation measures would be required.

- Ancient Woodland borders the site; mitigation measures would be required to prevent unacceptable adverse impacts on this designation.
- A listed building borders the site and a number of others are within 1km of the site; mitigation would be required to protect these heritage assets and their setting.
- Mitigation would be required to prevent unacceptable adverse impacts on the aquifers located within the site.
- The site contains Grade 3 quality soil (Good to Moderate). Appropriate consideration would be required to reduce the impact on this interest.
- A number of public footpaths are located within the site or in close proximity. Impacts on these footpaths would require mitigation which would include diversion.
- There are a number of residential properties within 1km of the site. Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.
- The surrounding area has been subject to extensive quarrying activity for a number of years. The cumulative impacts on the environment and local community, along with the impact on the highway network would need to be appropriately considered.
- An appropriate transport and access arrangement to prevent unacceptable adverse impacts on local amenity.

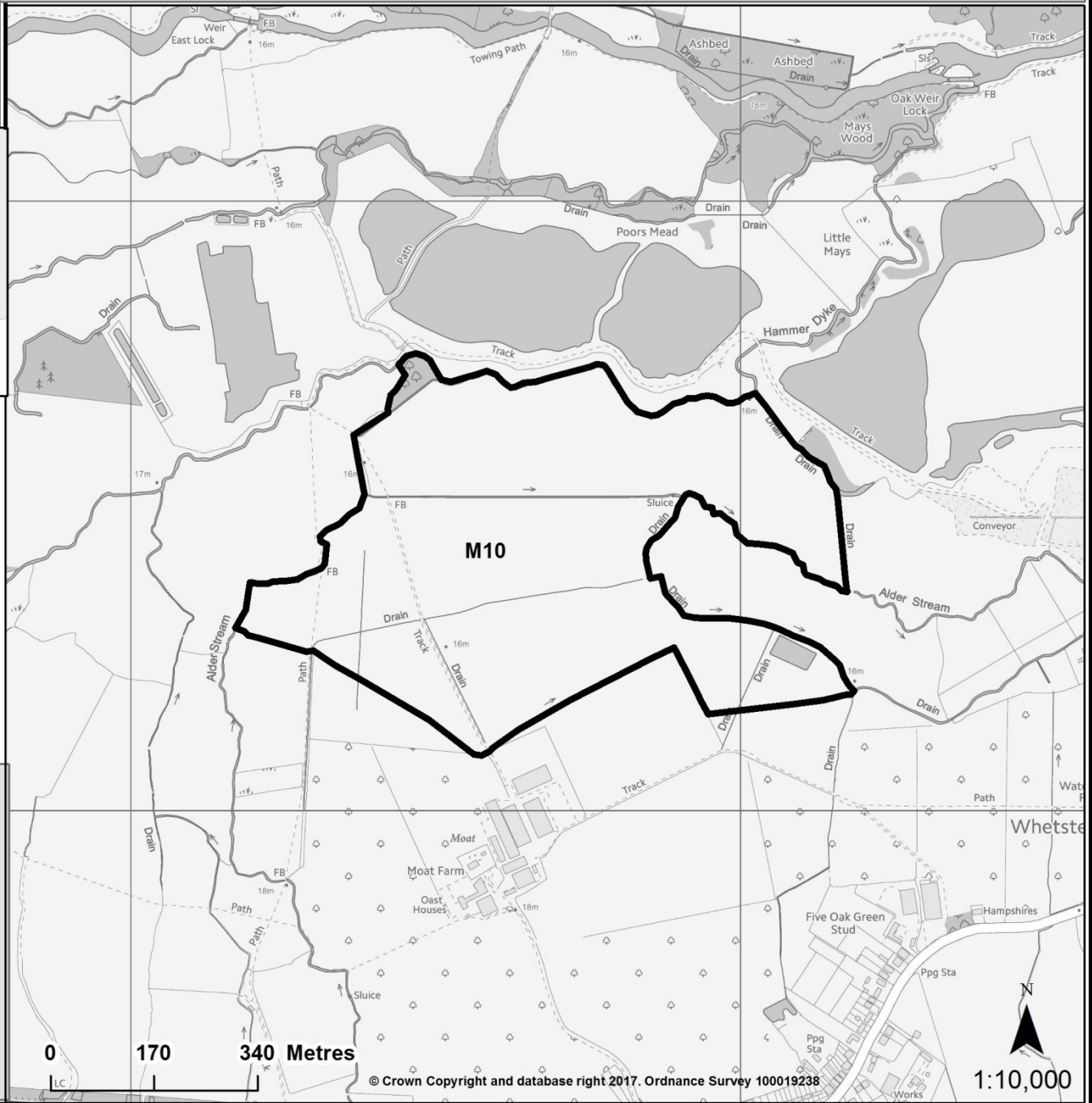
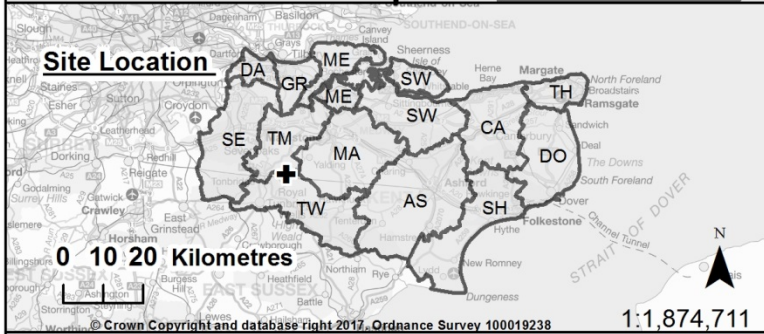
Site M10
Moat Farm,
Five Oak Green,
Capel,
Tunbridge Wells

Minerals Site

Eastings 564689
Northings 146426

Site Area (Hectares)
38.2

Option - Site Plan



Site Information

District/Borough	Tunbridge Wells
Parish	Capel
Operator	None yet identified
Estimated Output	100,000 tonnes per annum
Estimated Reserve	1.5 million tonnes
Life of Operation	15 years
Proposed Restoration	Phased wetland restoration
Access	Stonecastle Farm Quarry entrance on Whetsted Road(A228)
Current Use	Agriculture/pastoral land

Site M12

Postern Meadows, Tonbridge

Tonbridge and Malling

3.7 This site is immediately east of the town of Tonbridge, in the functional floodplain of the River Medway. The site is under active agricultural use as pasture and mineral reserve is approximately 0.23mt. Access would be onto Postern Lane, with close proximity to the A26. There is proposed wet land restoration of the site.

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of sharp sand and gravel.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

- The site is within the setting of the High Weald AONB and is bounded by industrial development; appropriate mitigation measures would be required.
- Ancient Woodland is located within 300m of the site, deciduous woodland within 500m and BAP Habitat within

600m; mitigation measures would be required to prevent unacceptable adverse impacts on these designations.

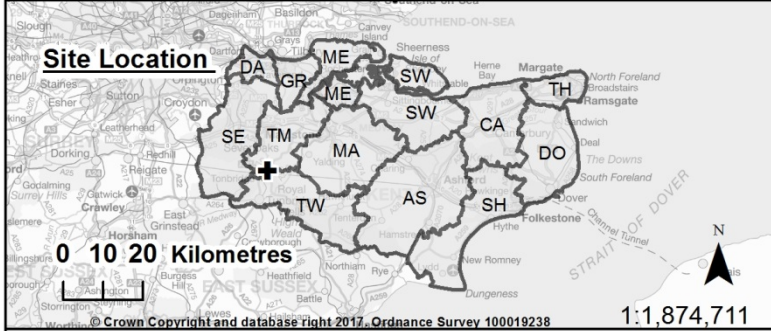
- There are a number of listed buildings within 500m of the site; mitigation would be required to protect these heritage assets and their setting.
- The site is located within an area of Archaeological Potential and a full investigation would be required to prevent unacceptable adverse impacts and to preserve Kent's heritage assets.
- Mitigation would be required to prevent unacceptable adverse impacts on the aquifers located within the site.
- The site contains Grade 3 quality soil (Good to Moderate). Appropriate consideration would be required to reduce the impact on this interest.
- A number of public footpaths are located in close proximity to the site. Impacts on these footpaths would require mitigation which would include diversion.
- Increase in vehicular movements on nearby road networks would require mitigation to ensure that the local road infrastructure is not adversely impacted.
- There are a number of properties within 250m of the site. Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.
- Cumulative impacts in terms of increased traffic movements would need to be considered and appropriately mitigated.

Site M12
Postern Meadows,
Tonbridge,
Tonbridge & Malling

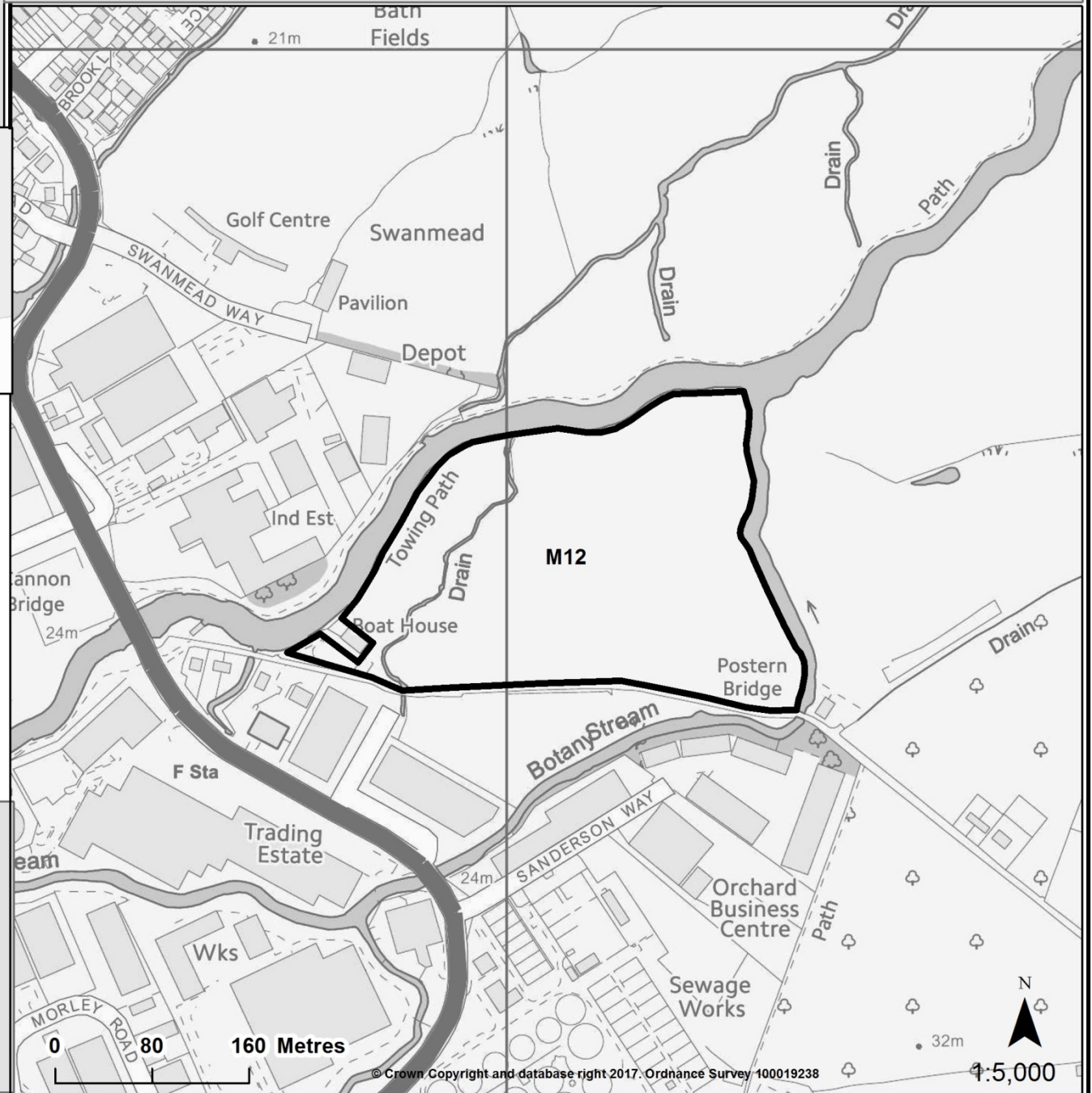
Minerals Site

Eastings 560063
Northings 146573

Site Area (Hectares)
7.0



Option - Site Plan



Site Information

District/Borough	Tonbridge and Malling
Ward	Medway
Operator	No operator involved at present
Estimated Output	75,000 tonnes per annum
Estimated Reserve	230,000 tonnes
Life of Operation	3 years
Proposed Restoration	Restoration to landscaped lake without any infilling and to amenity, nature conservation and recreational use
Access	The A26(Vale Rd.) via an existing road to an industrial estate
Current Use	Farmland

Site M13

Stonecastle Farm, Hadlow/Whetsted

Tonbridge and Malling

(Note access is within Whetsted, Tunbridge Wells)

3.8 This site is within the functional flood plain of the River Medway, almost equidistant between the settlements of Tonbridge in the west and Paddock Wood in the east. The site is thought to have the potential to yield between 0.1 and 0.2mt of mineral resources. The land is currently in agricultural use, with Ancient Woodland and other woodland areas present on site.

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of sharp sand and gravel.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

- The site is within 3km of the High Weald AONB and appropriate mitigation measures would be required.

- The site contains BAP Habitat Deciduous Woodland with Ancient Woodland adjacent to the site; mitigation measures would be required to prevent unacceptable adverse impacts on these designations.
- There are a number of listed buildings within 250m of the site; mitigation would be required to protect these heritage assets and their setting.
- Mitigation would be required to prevent unacceptable adverse impacts on the aquifers located within the site.
- The site contains Grade 3 quality soil (Good to Moderate). Appropriate consideration would be required to reduce the impact on this interest.
- A number of public footpaths are located in close proximity to the site. Impacts on these footpaths would require mitigation which would include diversion.
- Overhead electrical power lines located within the site would require appropriate consideration of rerouting and mitigation.
- There are a number of residential properties within 1km of the site. Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.
- The surrounding area has been subject to extensive quarrying activity for a number of years. The cumulative impacts on the environment and local community would need to be appropriately considered.
- An appropriate transport and access arrangement to prevent unacceptable adverse impacts on local amenity.

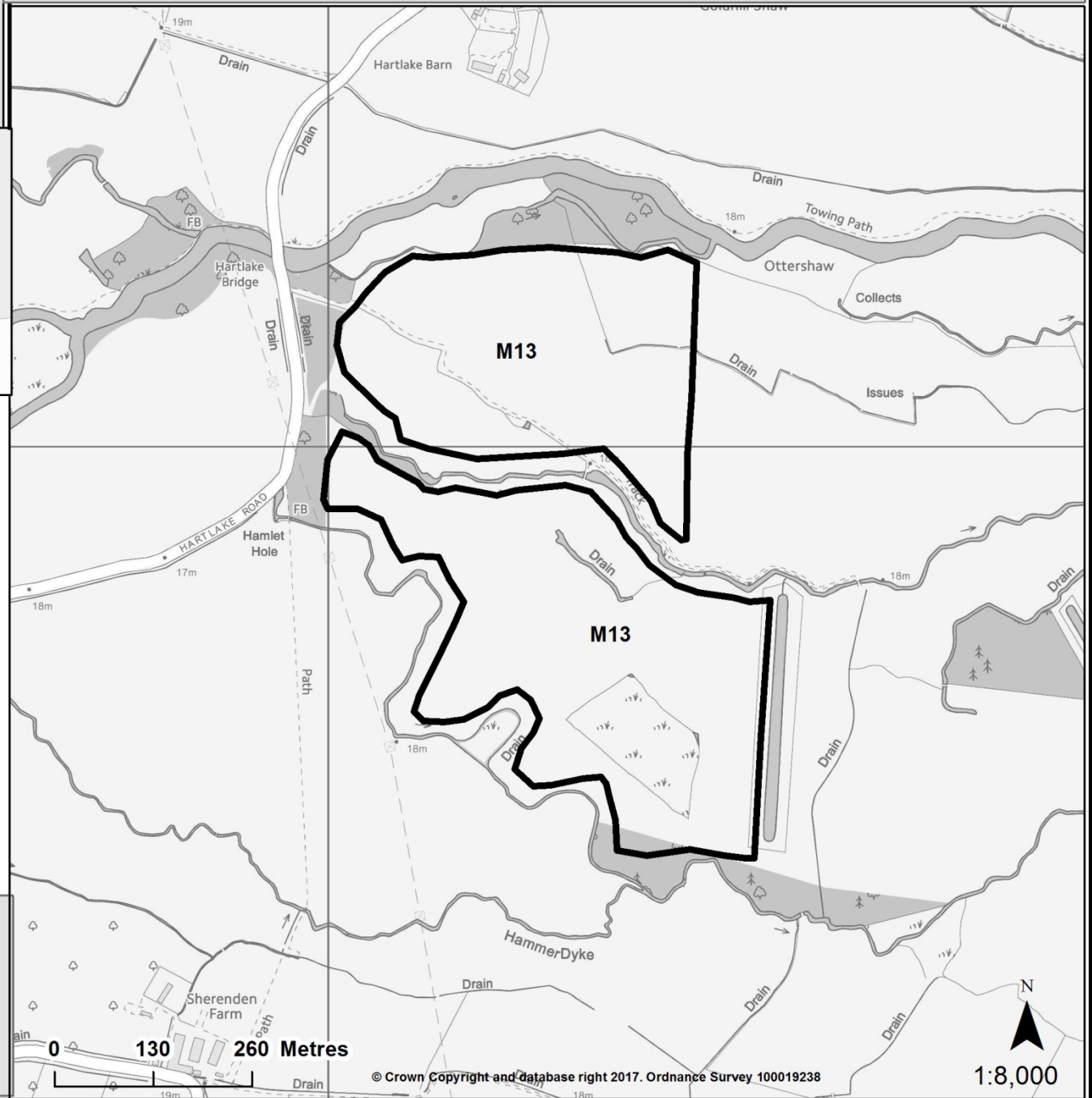
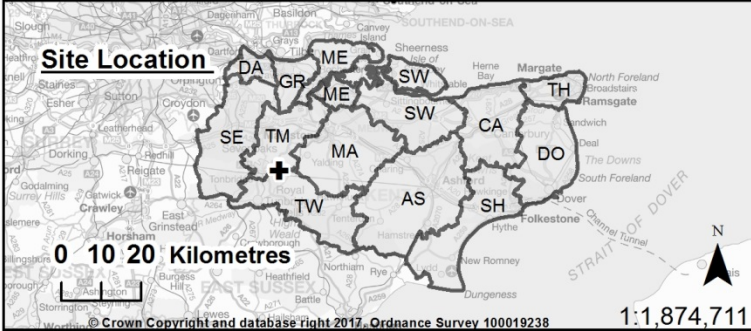
Site M13
Stonecastle Farm
Quarry,
Hadlow,
Tonbridge & Malling

Minerals Site

Eastings 563278
 Northings 146963

Site Area (Hectares)
 28.0

Option - Site Plan



Site Information

District/Borough	Tonbridge and Malling
Parish	Hadlow
Operator	Tarmac Ltd
Estimated Output	Between 100,000 to 200,000 per annum
Estimated Reserve	1 million tonnes
Life of Operation	7 years
Proposed Restoration	Reedbeds and lakes
Access	Existing quarry entrance on Whetsted Road (A228)
Current Use	Farmland

The site is located in the Hadlow area of Tonbridge and Malling while access would use the existing quarry access in Capel area of Tunbridge Wells.

Site M11**Joyce Green Quarry, Dartford****Dartford**

3.9 This site is an area of marshland adjacent to the Dartford Creek forms part of the wider Dartford Marshes. The site is approximately 48 ha, is largely un-used and is currently subject to an ecological management plan as it is part of the Coastal and Floodplain Grazing Marsh Priority Habitat Inventory. Dartford town centre is situated to the south beyond the A206 (Bob Dunn Way) The site can be described as a low lying marshland area in close association with the built up urban mass of Dartford (to the south and to the west past the adjacent Dartford Creek and associated marshland) and is part of the functional flood plain of the River Thames. The potential reserves of sand and gravel may be in the order of 1.5mt of high value flint river terrace sand and gravels. Extraction rate may be some 150,000 tpa giving an estimated life of 10 years. The site would be accessible from Joyce Green Lane (an unclassified road) that has a junction with Bob Dunn Way (A206).

Summary of Stage 2 RAG Assessment

This site could make a significant contribution to the KMWLP requirements in the supply of sharp sand and gravel.

Overall, the assessment suggests that there are no constraints which cannot be overcome by appropriate mitigation. This site should therefore be subject to consultation as an option as well as further detailed technical assessment and Sustainability Appraisal.

Key findings of the assessment which need further attention at the detailed assessment stage are as follows:

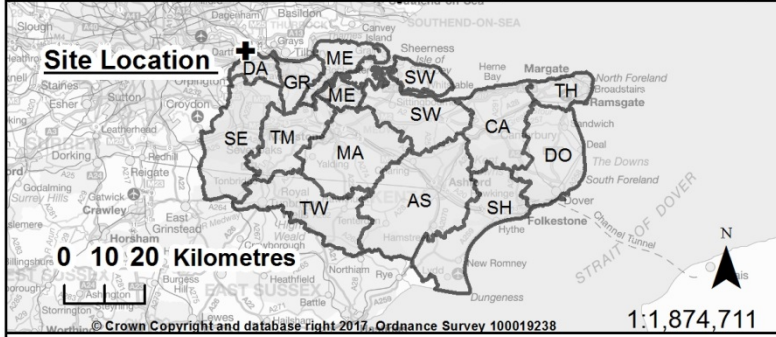
- The site covers an area of marsh grazing land and appropriate mitigation measures would be required.
- The entirety of the site is covered by LWS, SSSI is located within 2km of the site and BAP Habitats are located adjacent to the site; mitigation measures would be required to prevent unacceptable adverse impacts on these designations.
- The site is located within an area of Archaeological Potential and a full investigation would be required to prevent unacceptable adverse impacts and to preserve Kent's heritage assets.
- Mitigation would be required to prevent unacceptable adverse impacts on the aquifers located within the site.
- The site is in close proximity to several AQMA's. Mitigation would be required to prevent an unacceptable adverse impact on the local air quality.
- The site contains Grade 3 quality soil (Good to Moderate). Appropriate consideration would be required to reduce the impact on this interest.
- A number of public footpaths are located within the site or in close proximity. Impacts on these footpaths would require mitigation which would include diversion.
- Nearby road networks may be incapable of accommodating HGVs; mitigation would be required to ensure that the impact upon the local road infrastructure is reasonable.
- There are a couple of residential properties in close proximity to the site. Given the close proximity, mitigation would be required to ensure there are no unacceptable adverse impacts on health and amenity.
- The surrounding area has been subject to extensive quarrying activity for a number of years. The cumulative impacts on the environment and local community would need to be appropriately considered.

**Site M11
Joyce Green Quarry,
Dartford**

Minerals Site

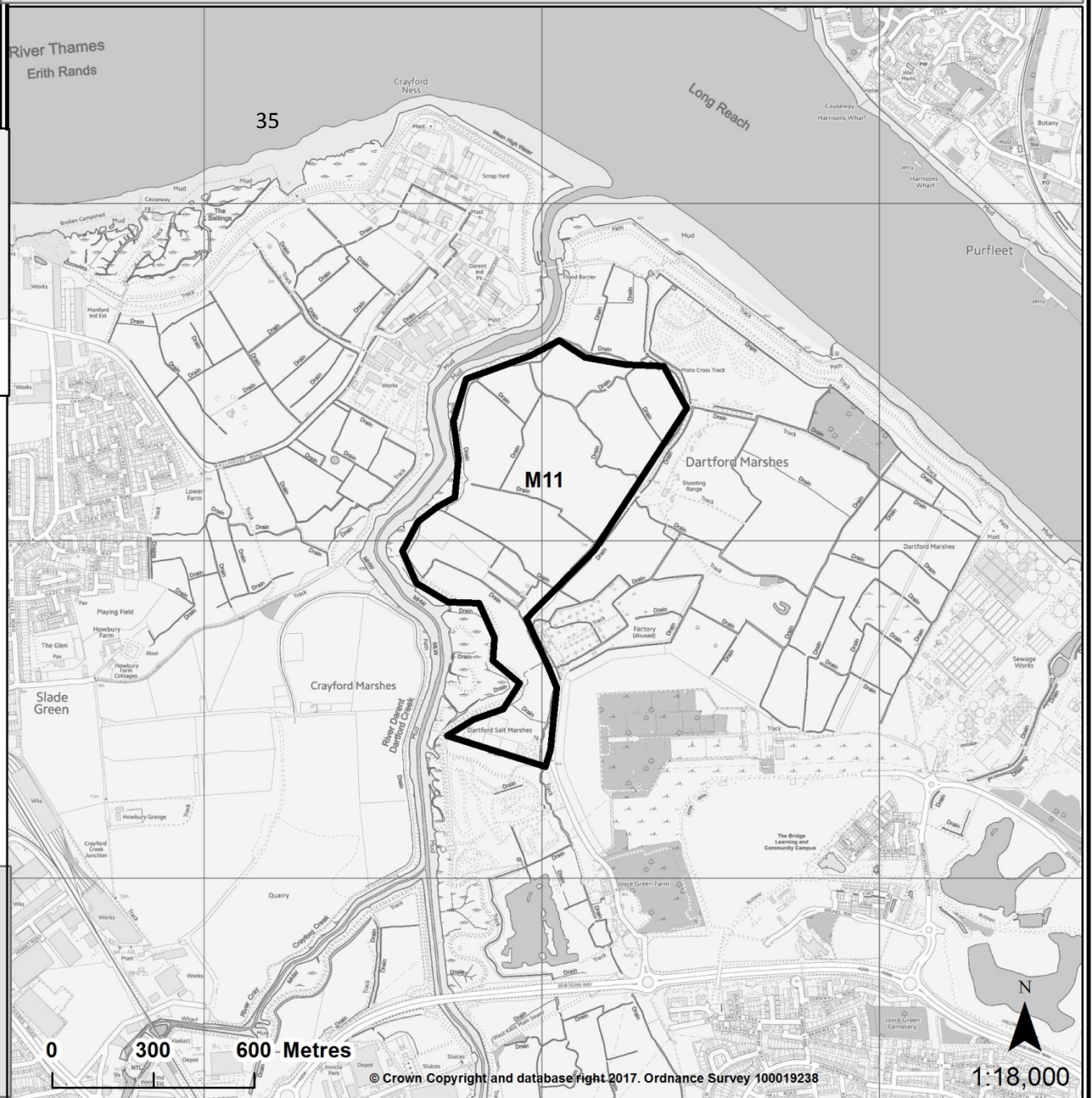
**Eastings 553984
Northings 177099**

**Site Area (Hectares)
48.0**



District/Borough	Dartford
Ward	Joyce Green
Operator	Ingrebourne Valley Ltd
Estimated Output	150,000 tonnes per annum
Estimated Reserve	1.5 million tonnes
Life of Operation	10 years for sand and gravel extraction for extrn area
Proposed Restoration	Restore to water bodies with wetland edges to provide additional biodiversity and recreational use of parts of the site
Access	access via Joyce Green Lane to junction onto Bob Dunn Way (A206)
Current Use	Marsh grazing land and Agricultural Land Grade 3

Option - Site Plan



Sites Not Being Progressed

4.1 A number of other mineral sites promoted through the 'call for sites' are not considered to be in alignment with the KMWLP and are not being progressed at this time. The specific reasons for this are set out in the Minerals Sites Selection Initial Assessment document.

4.2 The sites are:

Paradise Farm, Hartlip;

Extension to Norwood Quarry, Isle of Sheppey,

Richborough Hall, Sandwich,

Richborough Park, Ramsgate

Hegdale Quarry, Challock

Wey Street Farm, Hernhill

Collarmakers Quarry, Ash

Extension to Wrotham Quarry, Addington/Trottiscliffe

Richborough Road, Sandwich

Double Quick Farm, Charing

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Partial Review of the Kent Minerals and Waste Local Plan 2013-30

- Proposed modifications to certain policies relating to waste management:
 - Policies CSW4, CSW 7, CSW8 (Non-hazardous waste)
 - Policy CSW 12 (Hazardous waste)
 - Policy CSW 14 (Disposal of Dredgings)

- Proposed modifications to certain policies relating to landwon minerals and minerals and waste management infrastructure safeguarding:
 - Policy DM 7 (Safeguarding Mineral Resources)
 - Policy DM 8 (Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities)

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1.0 Introduction

The County Council is partially reviewing the adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan). The Plan sets out the strategy for the sustainable waste management of Kent's waste, the delivery of minerals where a need exists and the primary element of the development plan against which planning applications and appeals for minerals and waste development in Kent will be determined.

Modifications are proposed in the following areas:

- Waste management:
 - o The strategy for provision of future waste management capacity
 - o The identification of site allocations for waste management facilities
- The approach to safeguarding mineral resources and waste management and minerals supply infrastructure.

The background to the proposed modifications is explained below and the proposed changes to the text of the Plan are also included.

2.0 Proposed modifications to certain policies relating to waste management

2.1 Background

The adopted Plan identifies a shortfall in capacity of the following types over the Plan period (to 2030):

- Waste recovery capacity - energy from waste and organic waste treatment;
- Hazardous waste (due to the identified need for additional capacity to allow for the continued landfilling of asbestos)
- Disposal of Dredgings.

As a consequence, policies CSW7, CSW8, CSW 12 and CSW 14 state that a Waste Sites Plan will be prepared that will identify sites suitable for accommodating facilities needed to address the identified capacity shortfalls.

A review¹ of the future needs for waste management facilities in Kent has recently been undertaken and this has concluded that there is now no need for the development of this additional capacity. This is for the following reasons:

- Energy recovery capacity: the additional capacity at Kemsley SEP now confirmed.
- Hazardous waste: Due to the lack of need for additional capacity to allow for the continued landfilling of projected arisings of asbestos from Kent.
- Disposal of Dredgings: No sites coming forward in the Call for Sites and no clear need identified by Port of London Authority (PLA).

In addition, while there remains an identified need for organic waste treatment capacity, it is considered that adopted policy in the MWLP is sufficiently permissive and positive enough for applications to be encouraged to come forward without the need for allocation of specific sites.

Modification of the policies mentioned above will ensure the development plan for Kent, insofar as policies relating to provision for waste management are concerned, is relevant and effective, reflecting changes in circumstances. This is consistent with paragraph 153 of the National Planning Policy Framework which states that:

“Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances.”

An explanation of the proposed modifications is set out below.

2.1.1 Policy CSW 4: Strategy for Waste Management Capacity; Policy CSW 7: Waste Management for Non-hazardous Waste; and, Policy CSW 8 Other Recovery Facilities for Non-hazardous Waste

Policy CSW 7 sets out the requirements for the provision of new waste management capacity for non-hazardous waste. The policy is intended to increase the provision of waste management capacity for recovery while recognising the need to drive waste up the hierarchy².

¹ BPP Consulting Kent Waste Needs Assessment 2016-17

² The ‘waste hierarchy’ is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top

The Needs Assessment for waste management facilities (originally prepared in 2011 and partially updated in January 2012: *Addendum to the Needs Assessment Modelling Technical Report*) showed that there was, at the time, no lack of capacity for the preparation of non-hazardous waste for reuse or recycling during the whole of the plan period. However, the Needs Assessment showed a capacity gap emerging in 2024 for treating green and kitchen wastes and in order to rectify a perceived imbalance of capacity between recycling and composting Policy CSW 7 seeks to address that particular gap in provision. The policy identified (as a minimum) 64,000 tonnes per annum (tpa) requirement by 2031.

In addition the Needs Assessment identified a projected shortfall in "other" recovery capacity of 562,000tpa by the end of the Plan period.

Policy CSW 7 includes the following future capacity requirements based on the Needs Assessment mentioned above:

Year	Maximum Additional Capacity Required (tpa)	Indication of Number of New facilities for Recovery Needed	Minimum Additional Treatment Capacity for Green and Kitchen Wastes (tpa)	Indication of Number of New Facilities needed for Treating Green and Kitchen Waste
2011	0	0	0	0
2016	375,000	1-2	20,000	1
2021	125,000	1	0	0
2026	62,500	1	20,000	1
2031	0	0	24,000	1
Total	562,000	3-4	64,000	3

The value for recovery capacity was expressed as a maximum, whereas the organic treatment capacity is a minimum; this reflects the relative positions of these methods of waste management in the Waste Hierarchy i.e. it is considered preferable to process organic waste to produce compost than to burning it to produce heat/power.

priority to waste prevention, followed by preparing for re- use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).

The use of organic waste to produce a gas via anaerobic digestion that may be used as a fuel is also considered preferable to its direct combustion.

In light of its position further up the Waste Hierarchy, the Plan does not restrict the amount of additional capacity for waste management for recycling or preparation of waste for reuse or recycling, nor does it suggest provision of the additional capacity of green and/or kitchen waste treatment facilities should occur in the later part of the Plan period since the sooner it is delivered, the greater the impact will be on reducing organic waste going to landfill, the most significant source of methane production.

The implementation of Policy CSW7 was intended to result in reducing the amount of Kent non-hazardous waste going for disposal to landfill to less than 76,000 tpa by the end of the Plan period, and to also assist in husbanding existing non-hazardous landfill capacity in Kent to the end of the Plan period, thus ensuring management capacity for any non-hazardous waste that cannot be reused, recycled, composted or recovered.

On adoption of the Plan (in July 2016) the Policy CSW7 capacity requirements for additional recovery capacity were considered to be robust. Calculation of the requirements had not taken into account the planning permission (granted in 2015) for a Sustainable Energy Plant taking waste as a fuel to produce energy including heat at Kemsley Fields Business Park due to the lack of certainty concerning its implementation. However, it can now (in late 2017) be stated that the project will be fully implemented as construction has commenced. Therefore, it is now appropriate for the capacity of the site (some 525,000 tpa) to be accepted as part of the available waste recovery capacity of the Plan area. An update of the Needs Assessment using 2015 data and updated assessment methods (See separate BPP Consulting waste needs assessment reports and summary of key conclusions in Appendix 1) indicates that the shortfall of 562,500 tpa of non-hazardous waste management capacity included in Policy CSW7 is now highly unlikely to arise. In order to avoid overprovision of waste recovery capacity, which is further down the waste hierarchy and may discourage the development of recycling and composting capacity further up the hierarchy, it is proposed that policies CSW 7 and CSW 8 be modified to eliminate the stated waste recovery requirement.

While it has been determined that the shortfall in capacity for Other Recovery is not now predicted to emerge, there remains a predicted shortfall in organic waste treatment capacity.

In addition, the calculation of recycling and composting capacity requirements presented in Policy CSW 7 is considered to have been based on targets that are low compared with those included in Plans adopted in recent times for other authorities in the South East as follows;

- East Sussex & Brighton & Hove Waste & Minerals Plan Adopted February 2013
- Oxfordshire Minerals & Waste Local Plan Core Strategy Adopted Sept 2017

Tables 1 & 2 display the targets for LACW and C&I Waste respectively.

Table 1: Comparison of Targets applied to total LACW Arisings

		Yr 0	Yr 5	Yr10	Yr15
Recycling/composting	Kent MWLP	42%	47%	47%	47%
	East Sussex W&MP	45%	50%	55%	55%
	Oxon MWLP	52%	65%	70%	70%
Other Recovery	Kent MWLP	48%	48%	46%	43%
	East Sussex W&MP	53%	48%	43%	43%
	Oxon MWLP	30%	30%	25%	25%
Remainder to Landfill	Kent MWLP	9%	5%	7%	10%
	East Sussex W&MP	2%	2%	2%	2%
	Oxon MWLP	8%	5%	5%	5%

The targets are compared graphically in Figure 1.

Figure 1: Comparison of Targets applied to total LACW Arisings

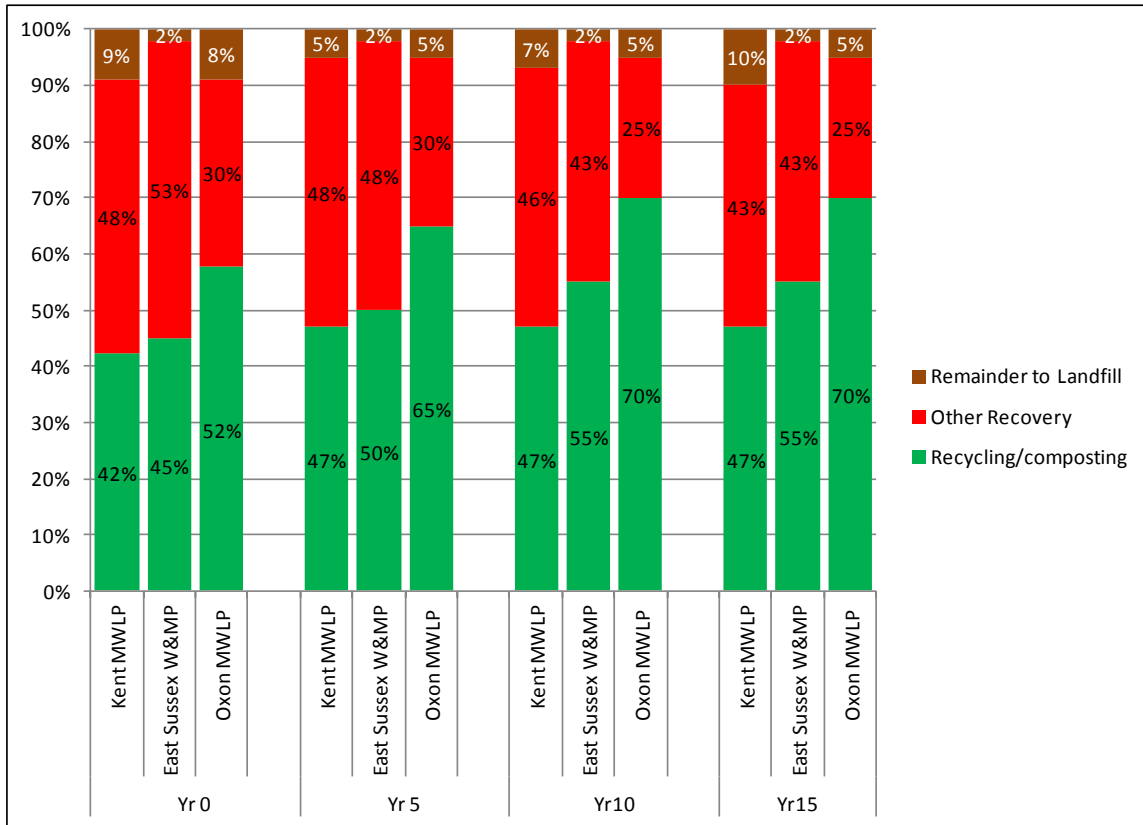
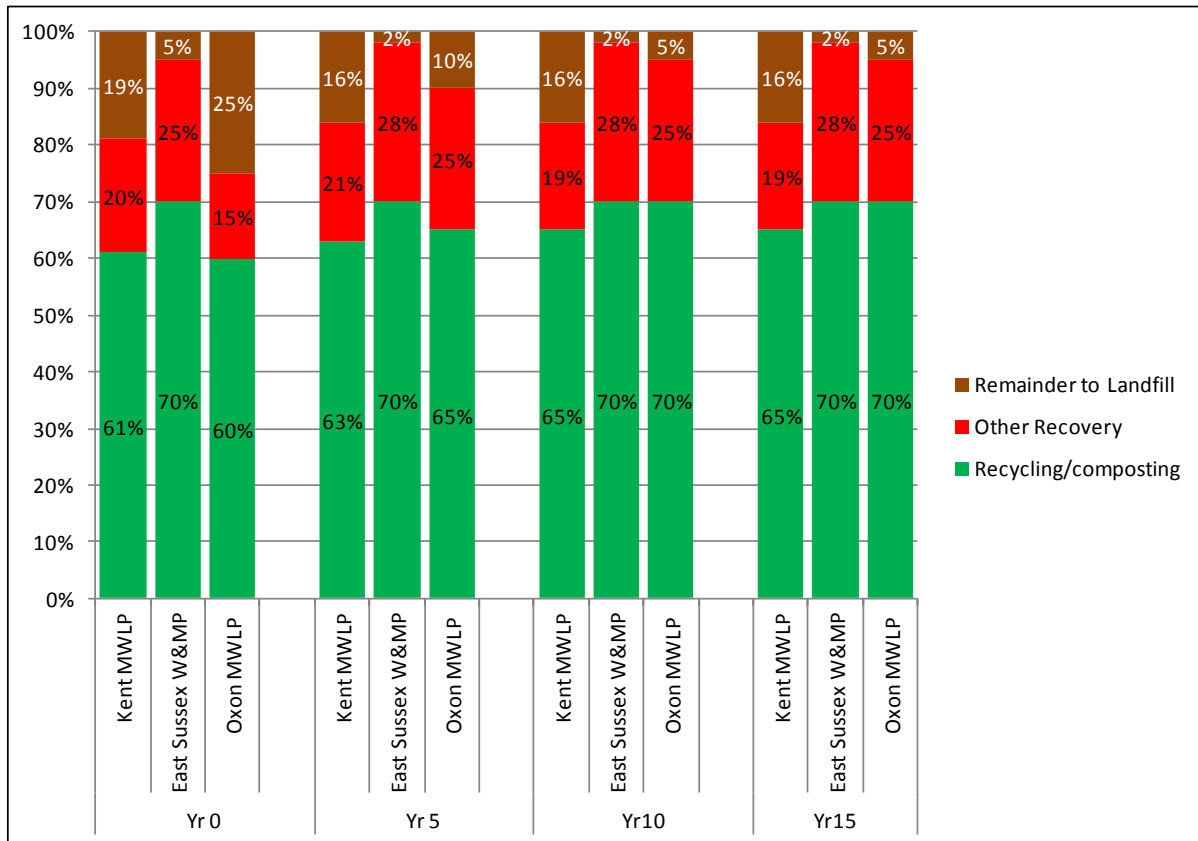


Table 2: Comparison of Targets applied to total C&I Arisings

		Yr 0	Yr 5	Yr10	Yr15
Recycling/composting	Kent MWLP	61%	63%	65%	65%
	East Sussex W&MP	70%	70%	70%	70%
	Oxon MWLP	60%	65%	70%	70%
Other Recovery	Kent MWLP	20%	21%	19%	19%
	East Sussex W&MP	25%	28%	28%	28%
	Oxon MWLP	15%	25%	25%	25%
Remainder to Landfill	Kent MWLP	19%	16%	16%	16%
	East Sussex W&MP	5%	2%	2%	2%
	Oxon MWLP	25%	10%	5%	5%

The C&I waste management targets are compared graphically in Figure 2 below.

Figure 2: Comparison of Targets applied to total C&I Arisings



Therefore, it is been considered appropriate to apply higher targets, and incorporate these into Policy CSW4. The inclusion of targets will aid annual monitoring of the Plan (through the Annual Monitoring Report (AMR) and identify whether shortfalls exist and provide clear guidance to developers and the decision maker on the need for proposals for additional capacity where it involves management through energy recovery rather than recycling, composting or reuse.

2.1.2 Policy CSW 12: Identifying Sites for Hazardous Waste; Policy CSW 14 Disposal of Dredgings

Policies CSW 12 and CSW 14 are also to be modified since the need identified in the original Needs Assessment has not been manifested in the response from industry to the Call for Site exercise conducted in 2016. In addition the identified need for asbestos landfill capacity was predicated on the continued pursuit of net self

sufficiency for this waste stream alone as a standalone aspiration. This goes further than national policy expectation and given that landfill capacity has been provided for the most significant single hazardous waste stream by virtue of the Strategic allocation of Norwood Farm to continue to receive residues from the Allington EfW plant, it is now considered that this aspiration will be met without further allocations.

2.2 Proposed Modifications to Text of the Kent Minerals and Waste Local Plan Concerning Waste Management

In light of the changes to the assessment of waste capacity requirements as set out in the previous section, it is proposed that the text of the Kent Minerals and Waste Local Plan be modified as set out below.

Note that new text is shown in italics, bold, and underlined (***like this***) and deleted text is shown struck through (~~like this~~).

A clean copy of the proposed modifications is set out for information in appendix 2

1.1.3 The specific sites for minerals ~~and waste~~ developments will be set out in the separate Kent Minerals ~~and Waste~~ Sites Plans. The site selection process for the final sites included in the ***Minerals*** Sites Plans will be based on the policies in the Kent MWLP.

1.2.2 The policies in this Plan replace the earlier versions of the saved Kent Minerals and Waste Local Plan policies. Appendix B lists the schedules of saved Kent Local Plan policies replaced, deleted or retained. ~~Site specific policies from the saved Kent Minerals and Waste Local Plan policies will be retained until the Kent Minerals Sites Plan and the Kent Waste Sites Plan are adopted.~~

6 Delivery Strategy for Waste

[Policy CSW1 and para 6.1.1- 6.1.2 remain unchanged]

6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction

6.2.1 It is Government policy to break the link between economic growth and the environmental impact of waste by moving the management of waste up the Waste Hierarchy, as shown in Figure 18.(75)

Figure 18 Waste Hierarchy

6.2.2 The Kent MWLP mainly implements this policy through influence over waste and minerals developments. However, the Plan also includes a policy (Policy CSW 3) seeking to influence/reduce waste arising from all forms of development. The Kent MWLP forms part of the development plan, along with the district local plans, and is therefore relevant to the determination of planning applications for all forms of development in Kent.

6.2.3 In accordance with the Waste Hierarchy, the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling. ***The***

most recent assessment³ ~~Needs Assessment for waste (76)~~ shows that Kent's current recycling and processing facilities have sufficient capacity for the anticipated rate of usage with the exception of facilities for green and kitchen wastes. It should be appreciated that these calculations are based upon a rate of use that should only be regarded as a minimum, as the aspiration is to encourage more waste to be managed through this method of waste management.

6.2.4 Encouraging more waste to be managed via re-use or recycling will be achieved by enabling policies for the development of waste management facilities for recycling and processing **including** ~~through the following measures:~~

- ~~the identification in the Waste Sites Plan of all of the deliverable, sustainable sites for these forms of waste management that have been promoted for inclusion by landowners or the waste industry~~
- a policy to grant planning permission for redevelopment or extensions to existing waste **management** facilities to enable more waste to be recycled or processed for re-use **providing** if the facility's **overall throughput** capacity ~~for the maximum annual tonnage of waste is not increased.~~

6.2.5 The application of the Waste Hierarchy is most appropriate to producers of waste when assessing how to manage waste. The Kent MWLP has to plan for all forms of waste management in the Waste Hierarchy to make this possible. While it is anticipated that there will be a transition over time to forms of waste management at the higher end of the Waste Hierarchy, **it is anticipated that** there will still be a need for disposal at the end of the plan period for **a limited number of waste types e.g. bonded asbestos**. ~~difficult to treat wastes, or wastes such as asbestos for which there is no present alternative.~~ The Kent MWLP addresses this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by **applying ambitious recycling, composting and processing for re-use targets presented in Policy CSW 4** ~~identifying sites for energy recovery.~~ ~~Due to other recovery being at the lower end of the Waste Hierarchy, the total amount of new energy recovery capacity to be permitted will be capped. It is envisaged that this method of waste management will become displaced as recycling and waste processing become more economically viable.~~

[Policies CSW 2 and CSW 3 remain unchanged]

6.3 Policy CSW 4: Strategy for Waste Management Capacity

Net Self-sufficiency and Waste Movements

6.3.1 Kent currently achieves net self-sufficiency in waste management facilities for all waste streams. I.e. the annual capacity of the waste management facilities (excluding transfer) in Kent is sufficient to manage the **quantity of** waste arising in

³BPP Consulting Waste Needs Assessment 2016-17

Kent. The continued achievement of the principle of net self-sufficiency and **the management of** ing waste close to its source is a **are** key Strategic Objectives of the Kent MWLP, because it shows that Kent is not placing any unnecessary burden on other WPAs to manage its waste. Net self-sufficiency can be monitored on an annual basis and will provide an indicator as to whether the policies in the Plan need to be reviewed.

~~6.3.2 In reality, different types of waste are managed at different types of facilities. To assess the future needs for waste facilities in Kent, net self-sufficiency has been studied for the individual waste streams of inert, non-inert (also called non-hazardous) and hazardous wastes. While Kent currently achieves net self-sufficiency for each of these wastes separately, new facilities will need to be developed for each of these waste streams if it is to remain net self-sufficient throughout the plan period.~~
~~6.3.3 The Kent AMR 11/12 (77) shows that there was a considerable movement of waste both into and out of Kent for management. In 2010, just over 1,000,000 tonnes of waste originating in Kent was managed outside Kent and facilities in Kent managed approximately 750,000 tonnes of waste that did not originate in Kent. The purpose in adopting the principle of net self-sufficiency is not to restrict the movement of waste as such restriction of waste catchment areas could have an adverse effect upon the viability of the development of new waste management facilities needed to provide additional capacity for Kent's waste arisings.~~

Provision for Waste From London

~~6.3.42 Specific provision in the calculations for new capacity required for non-hazardous waste going to landfill or EfW has been made for waste from London. The reason for this is twofold:~~

~~1. The evidence base prepared for the partially revoked SEP (the SEP and its evidence base are still relevant to the Plan and form part of its evidence base) shows a continuing need for the disposal of residual non-hazardous waste arising from London in the South East. The SEP quantified the amounts arising and apportioned the provision of capacity to be provided by each of the WPAs. In the absence of any more recent quantification of the amount of residual non-hazardous waste arising in London that might come into Kent for management, the Plan uses a provision allowance based on the partially revoked SEP apportionment.~~

~~2. The major non-hazardous landfill site in Havering, east London, (78) which includes in its catchment area waste arising from the parts of London closest to Kent, is set to close by 2018 and could cause a potential influx of additional waste into Kent. If this is not taken into account, the increase in management of non-hazardous waste originating in London within waste facilities in Kent could have an adverse effect on the capacity of Kent's facilities to manage its own waste originating in the county.~~

that due to land constraints London's residual waste cannot all be managed within London itself and so, as a neighbouring waste planning authority, Kent County Council has some responsibility to make provision for an element of this waste requiring final management. Historical data indicates the tonnage to

be provided for is in the region of 35,000 tonnes per annum. It is also recognised that closure of Rainham Landfill in the London Borough of Havering in 2026 may result in the displacement of waste from Kent currently managed there. Therefore an additional tonnage of 20,000 tpa has been provided for on a contingency basis.

~~6.3.5~~ The Plan's approach to non-hazardous waste originating in London differs from the approach set out in the partially revoked SEP as follows:

~~The SEP's apportionment of London's waste was to be provided by the provision of non-hazardous landfill. The Plan is instead making provision for London's non-hazardous waste through EfW capacity. (79)~~

~~The SEP required provision to be made in Kent for landfilling 158,880 tpa of London's non-hazardous waste for the period for 2006 to 2015. There is no evidence of this rate of London's waste being landfilled in Kent. The maximum quantity of London waste that has been deposited in Kent's landfills in recent years is 21,259 tpa. The Plan makes provision for 21,259 tpa to be disposed in either non-hazardous landfill or EfW in Kent.~~

~~The SEP anticipated a dramatic decrease in the amount of London non-hazardous waste being exported into the South East by 2016, due to the expectation that the only non-hazardous waste exported would be EfW residues. The Plan anticipates an increase in the amount of waste coming into Kent for disposal in 2018 since the non-hazardous landfill in Havering is expected to close by the end of 2017.~~

~~For the period of 2017 to 2030, the Plan makes provision for 87,000 tpa of London non-hazardous waste being disposed in Kent at non-hazardous landfill and EfW facilities. This is the SEP figure for the period of 2016 to 2025 and is used in the Plan as there is no other up-to-date assessment of the amount of London's non-hazardous waste that might be exported to Kent for disposal.~~

~~78 The Veolia Rainham landfill in the Borough of Havering.~~

~~79 It is anticipated that London's non-hazardous waste might go to either Kent non-hazardous landfill or EfW, or both. No specific, additional provision is being made for new non-hazardous landfill as the provision of new EfW is expected to free up some capacity at existing landfill sites given that EfW is expected to be a more cost effective option.~~

~~6.3.63~~ For the plan period, An assessment has been made of the **current profile of management of the principal waste streams. The targets applied reflect ambitious (but realistic) goals for moving waste up the hierarchy and seek to ensure that the maximum quantity of non hazardous waste will be diverted from landfill.**

~~new types of facilities that will be required in terms of broad categories of waste management facilities, such as landfill, recycling and composting, and other recovery, which roughly correspond to stages in the Waste Hierarchy. In this Needs Assessment for different categories of facilities has been based on the targets for recycling and recovery (and by deduction for landfill) as set out in the Kent JMWMS (80) and its Refreshed Objectives and Policies, (81) and the revised WFD. (82)~~

Policy CSW 4

Strategy for Waste Management Capacity

The strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. As a minimum it is to achieve the targets **set out below** for recycling and composting **and other forms of recovery**, reuse and landfill diversion identified in the Kent Joint Municipal Waste Management Strategy (as amended).

	<u>Milestone Year</u>			
	<u>2015/16</u>	<u>2020/21</u>	<u>2025/26</u>	<u>2030/31</u>
<u>Local Authority Collected Waste</u>				
<u>Recycling/composting</u>	<u>45%</u>	<u>50%</u>	<u>55%</u>	<u>55%</u>
<u>Other Recovery</u>	<u>53%</u>	<u>48%</u>	<u>43%</u>	<u>43%</u>
<u>Remainder to Landfill</u>	<u>2%</u>	<u>2%</u>	<u>2%</u>	<u>2%</u>
<u>Commercial & Industrial Waste</u>				
<u>Recycling/composting</u>	<u>70%</u>	<u>70%</u>	<u>70%</u>	<u>70%</u>
<u>Other Recovery</u>	<u>25%</u>	<u>28%</u>	<u>28%</u>	<u>28%</u>
<u>Remainder to Landfill</u>	<u>5%</u>	<u>2%</u>	<u>2%</u>	<u>2%</u>
<u>Construction & Demolition Waste (Non Inert Only)</u>				
<u>Recycling</u>	<u>11%</u>	<u>12%</u>	<u>13%</u>	<u>14%</u>
<u>Composting</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>	<u>1%</u>
<u>Other Recovery</u>	<u>3%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>Remainder to Landfill</u>	<u>5%</u>	<u>2%</u>	<u>1%</u>	<u>0.5%</u>

It should be noted that the values shown for 'Remainder to Landfill' are not targets but are included to show the predicted requirement for landfill in light of the achievement of the targets to move waste up the hierarchy.

6.4 Policy CSW 5: Strategic Site for Waste

6.4.1 To meet the Kent MWLP objective of reducing the amount of waste being landfilled, the Plan is using policies to drive a major change in the way that waste is managed in Kent. To do this will require **additional capacity** increasing numbers of

facilities for recycling, **for treatment of organic waste as a minimum via** composting and Anaerobic Digestion (AD) ~~as well as additional facilities for EfW.~~ Enabling the change in perception of waste from being something that has to be disposed to **something that can be** waste being used as a resource **will be helped by the development of such additional capacity.** This will need sufficient local capacity for the treatment or disposal of the residues arising from the existing and future EfW plants.

~~6.4.2 Kent has the benefit of a major EfW plant at Allington that features heavily in the Waste Management Unit (WMU) contracts for residual MSW. While this plant currently has spare capacity, additional EfW facilities will be required during the plan period to deal primarily with the volumes of C&I waste arising in Kent that are currently sent to landfill.~~

~~6.4.3 The landfill at Norwood Quarry on the Isle of Sheppey accommodates the hazardous flue ash residues from the Allington EfW facility **that features heavily in the Waste Management Unit (WMU) contracts for residual MSW, but it has limited consented void space remaining.** To make provision for this waste for the duration of the Plan, it is considered essential that Kent has the capacity to deal with these residues. Enabling the continued management of hazardous flue ash within Kent has the added benefit of contributing to achieving the continued net self-sufficiency in hazardous waste management capacity.~~(83)

~~6.4.4 Therefore, a matter fundamental to the central achievement of the Plan is the identification of a suitable location for the treatment or disposal of the hazardous waste residues within Kent. No site for the treatment of this waste was submitted to the County Council in response to the call for sites in 2010 and only one site was put forward for its disposal. The submission for hazardous waste disposal was for an extension to the existing facility at Norwood Quarry, which benefits from suitable geology for engineering a hazardous landfill. Norwood Quarry is also the only site put forward in the 2010 call for sites for clay extraction for engineering purposes, that would enable a continuation of supply in Kent and, thereby, the need to restore the land with waste.~~

~~6.4.5 There are no realistic alternatives to the disposal of the Allington EfW flue ash in landfill for the foreseeable future. While there is a risk that identifying the extension area at Norwood Quarry as a Strategic Site for Waste could hinder the development of alternative treatment solutions for the flue ash, there is a need to make provision for this waste stream.~~

~~6.4.6 The proposed extension areas to Norwood Landfill are identified as the Strategic Site for Waste. The location of these extension areas is shown on Figure 19.~~

[Policy CSW5 remains unchanged]

6.5 Policy CSW 6: Location of Built Waste Management Facilities

6.5.1 The preference identified in response to earlier consultations during the formulation of the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings while enabling developers of large facilities to exploit economies of scale. National policy recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant and this is particularly relevant when considering the possible sizing and location of facilities required to satisfy the strategic need identified in Policy CSW 7 **any emerging need indicated by monitoring e.g. in the relevant AMR.**

6.5.2 The location of waste sites in appropriate industrial estates was also the preference identified from the consultation. This has the benefit of using previously developed land and enabling waste uses to be located proximate to waste arisings. ~~There is vacant Employment land throughout Kent and its availability is monitored annually by KCC and the district and borough councils. (85) While vacancy rates of premises in industrial estates generally preclude identification of any particular unit, unless it is being promoted by an operator/landowner, whole industrial estates may be identified as suitable locations.~~ It should be appreciated that all industrial estate locations may not be suitable for some types of waste uses, because of their limited size or close proximity to sensitive receptors or high land and rent costs.

6.5.3 ~~There will still be a need for other locations for~~ Certain types of waste or waste management facilities, such as Construction, Demolition and Excavation (CDE) recycling facilities that are often co-located on mineral sites for aggregates or landfills, which are usually found in rural areas. Also, in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with compost and anaerobic digestion), the most proximate location for the waste management facility will likely be within the rural area.

6.5.4 ~~Specific identification of sites for EfW plants will be made regardless of whether the sites are within an appropriate industrial estate because large sites are needed. The protection afforded through policy will prevent these sites from either being developed or partially developed by other uses.~~

6.5.5 The development of waste management facilities on previously developed land will be given preference over the development of greenfield sites. In particular, the redevelopment of derelict or contaminated land may involve treatment of soil to facilitate the redevelopment. Also redundant agricultural or forestry buildings may be suitable for waste uses where such uses are to be located within the rural areas of the county. Waste management facilities located in the Green Belt are generally regarded as inappropriate development. Developers proposing a waste management facility within the Green Belt shall demonstrate the proposed use complies with Green Belt policy (See Policy DM4).

6.5.6 The development of built waste management facilities on greenfield sites is not precluded. This is because the goal of achieving sustainable development will lead to new development which may incorporate facilities to recycle or process the waste produced on the site, or to generate energy for use on the site.

6.5.7 Existing mineral and waste management sites may offer good locations for siting certain waste management facilities because of their infrastructure and location. In such cases, the developer will need to demonstrate the benefits of co-location such as connectivity with the existing use of the site. For example, the co-location of CDE recycling (i.e. aggregate recycling) at an aggregate quarry that can enable the blending of recycled and virgin aggregates to increase the marketability of the product.

~~**6.5.8** In order to reinforce and maintain a network of facilities across the county (See Figure 16), the Waste Sites Plan will identify suitable development locations and give clear guidance on the type of facility that may be developed in such locations, based on this Plan's vision, strategic objectives and policies. The criteria in Policy CSW 6 will be taken into account when selecting and screening the suitability of sites for identification in the Waste Sites Plan.~~

~~**6.5.9** Policy CSW 6 applies to all proposals for built waste management facilities. Sites identified for allocation in the Waste Sites Plan will be assessed for their suitability to accommodate certain types of waste management facility and therefore certain sites may only accommodate certain types of facility deemed appropriate to that location.~~

Policy CSW 6

Location of Built Waste Management Facilities

Planning permission will be granted for ***proposals that*** ~~uses identified as appropriate to the sites allocated in the Waste Sites Plan to meet the need identified in Policy CSW 7 providing that such proposals:~~

- a) do not give rise to significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens. (See Figures 4, 5 & 6).
- b) do not give rise to significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 & 15)
- c) are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.

- d) do not represent inappropriate development in the Green Belt.
- e) avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b.
- f) avoid sites on or in proximity to land where alternative development exists/ has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.
- g) for energy producing facilities - sites are in proximity to potential heat users.
- h) for facilities that may involve prominent structures (including chimney stacks) - the ability of the landscape to accommodate the structure (including any associated emission plume) after mitigation.
- i) for facilities involving operations that may give rise to bioaerosols (e.g. composting) to locate at least 250m away from any potentially sensitive receptors.

Where it is demonstrated that ~~provision of capacity additional to that required by Policy CSW 7, or that~~ waste will be dealt with further up the hierarchy, or it is replacing capacity lost at existing sites, facilities that satisfy the relevant criteria above on land in the following locations will be granted consent, providing there is no adverse impact on the environment and communities and where such uses are compatible with the development plan:

1. within or adjacent to an existing mineral development or waste management use
2. forming part of a new major development for B8 employment or mixed uses
3. within existing industrial estates
4. other previously developed, contaminated or derelict land not allocated for another use
5. redundant agricultural and forestry buildings and their curtilages

Proposals on ~~a~~ greenfield land other than in the circumstances of category 2 above will only be permitted if either:

- A. it can be demonstrated that there are no suitable locations identifiable from categories 1 to 5 above within the intended catchment area of waste arisings, or
- B. Particular regard will be given to whether ~~if~~ the nature of the proposed waste management activity requires an isolated location.

[Paragraph 6.6 remains unchanged]

6.7 Policy CSW 7: Waste Management for Non-hazardous Waste

6.7.1 Policy CSW 7 provides a strategy for the provision of new waste management

capacity for non-hazardous waste. The policy will **allow** increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the hierarchy.

6.7.2 The term *non-hazardous waste* is regarded, for purposes of the Plan, as being synonymous with MSW(86) and C&I(87) waste **and the non inert, non-hazardous, component of CDEW.**

6.7.3 The most recent data⁴ *Needs Assessment* for waste facilities(88) **indicates** shows that there is no lack of capacity preparation of non-hazardous waste for reuse or recycling during the whole of the plan period. However, the *Needs Assessment* shows **there is** a capacity gap emerging in 2024 for treating green and kitchen wastes and Policy CSW 7 therefore seeks to address that gap in provision **by encouraging proposals for such capacity to come forward at the earliest opportunity.** The additional capacity required for composting is a minimum but the figure for EfW capacity is a maximum; this reflects the relative positions of these methods of waste management in the Waste Hierarchy. i.e. that it is preferable to process organic waste to produce compost to burning it to produce heat/power. The use of organic waste to produce a gas that may be used as a fuel via anaerobic digestion is also considered preferable to its direct combustion.

6.7.4 There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling. Furthermore, there is also no intention to restrict provision of the additional capacity of green and/or kitchen waste treatment facilities to the later part of the plan period since the sooner it is delivered, the greater the impact will be on reducing organic waste going to landfill, the most significant source of methane production.

6.7.5 Implementing Policy CSW 7 will result in reducing the amount of Kent non-hazardous waste going for disposal to landfill to less than 76,000 tpa by the end of the plan period. It will also assist in retaining **and by doing so conserve existing non-hazardous landfill capacity in Kent** at the end of the plan period for any non-hazardous waste that cannot be reused, recycled, composted or recovered. The reliance being placed upon a major increase in additional future capacity through the recovery of waste is regarded as being deliverable due to the responses received to the call for sites for the Waste Sites Plan, which include sufficient EfW proposals to meet the required additional capacity.

Policy CSW 7

Waste Management for Non-hazardous Waste

In seeking to be as self-sufficient as possible in managing non-hazardous waste arisings in Kent, and for providing for limited amounts of non-hazardous waste from London, sufficient sites for waste management facilities will be identified in the

⁴ **See BPP Consulting Updated Waste Needs Assessment reports**

Waste Sites Plan to meet identified needs as a minimum, including the following capacity:

1. Calculation of capacity at any proposed sites may include recycling and composting in an integrated waste management facility providing the total capacity calculated results in no significant amount of residue having to go to non-hazardous landfill. These figures are based on the high growth forecasts.
2. The actual number of facilities required will depend on the throughput capacity of proposed facilities brought forward to meet the identified need. Facilities with a smaller capacity will result in more facilities than indicated being required.
3. Additional capacity required to achieve composting rates of 65% C&I waste and 60% MSW by 2025.

Waste management capacity for non-hazardous waste will be provided through sites for managing waste, including Energy from Waste, recycling, in-vessel (enclosed) composting facilities and anaerobic digestion plants. Sites for anaerobic digestion, composting, Energy from Waste, mechanical biological treatment and other energy and value recovery technologies that assist Kent in meeting the capacity gap identified in this policy **continuing to be net self sufficient while providing for a reducing quantity of London's waste**, will be granted planning permission provided that:

1. **it moves waste up the hierarchy**, pre-sorting of the waste is carried out unless proven not to be technically practicable for that particular waste stream
2. recovery of by-products and residues is maximised
3. energy recovery is maximised (utilising both heat and power)
- 4-3. any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2
- 5 4. sites for the management of green waste and/or kitchen waste in excess of 100 tonnes per week are Animal By Product Regulation compliant (such as in-vessel composting or anaerobic digestion)
- 6 5. sites for small-scale open composting of green waste (facilities of less than 100 tonnes per week) that are located within a farm unit and the compost is used within that unit.

6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste

6.8.1 One of the fundamental aims of the Plan is to reduce the amount of MSW and C&I waste being sent to non-hazardous landfill. There will need to be a substantial increase in waste recovery capacity during the plan period if a rapid shift away from landfill is to occur.

6.8.2 To give sufficient flexibility for waste management in Kent up to 2030, high growth forecasts used to estimate the amount of additional recovery capacity indicate that 562,000 tpa will be required (as shown in the table in Policy CSW 7). **Proposals for** additional recovery capacity will need to be designed to operate as Waste Directive Framework compliant recovery processes harnessing the energy produced.

~~6.8.31~~ Such capacity might be developed in conjunction with waste processing facilities on the same site, or as standalone plants where the waste is processed to produce a fuel off-site. In order to avoid the risk of under provision by double counting both fuel preparation capacity and fuel use capacity, only one of the two facility contributions will be counted towards **meeting any emerging need identified by annual monitoring** the requirement set out in Policy CSW 7. Where fuel preparation takes place as a stand-alone activity, e.g. Mechanical Biological Treatment, the recovery contribution will only be counted as the difference between the input quantity and the output quantity unless the output fuel has a proven market. Where that is the case, if the output fuel is to be used in a combustion plant beyond Kent, then this contribution will also be counted.~~(89)~~

~~89 For example, of 100 tonnes is fed into the plant: 20 tonnes are lost as moisture; 30 tonnes are diverted as recyclate; 50 tonnes of waste is converted into material that may be suited for use as a fuel. Unless that fuel has a proven market then the contribution counted will be 50 tonnes as the remaining material may end up going to landfill. If the 50 tonnes of fuel goes to a plant built within Kent the recovery contribution will be counted at the combustion plant rather than the fuel preparation plant. If the 50 tonnes of fuel is exported beyond the county then the recovery contribution will be counted at the fuel preparation plant.~~

Policy CSW 8

Other Recovery Facilities for Non-hazardous Waste

~~Sites for additional recovery facilities will be identified in the Waste Sites Plan to treat a capacity of 562,500 tonnes per annum.~~

~~Permission will be granted for a maximum of 437,500 tonnes in total capacity until such time that the results of annual monitoring indicate that this restriction would result in the loss of all non-hazardous landfill capacity in the county before the end of the plan period.~~

Facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive⁵.

When an application for a combined heat and power facility has no proposals for use of the heat when electricity production is commenced, the development will only be granted planning permission if 4. the applicant and landowner enter into a planning agreement to market the heat and to produce an annual public report on the progress being made toward finding users for the heat.

6.9 Policy CSW 9: Non Inert Waste Landfill in Kent

6.9.1 The lack of response to the call for sites for non-hazardous landfill is indicative of a lack of demand by the waste industry to develop non-hazardous landfill.

Nevertheless, a proposed development might come forward during the plan period and if so it will be granted permission providing it complies with both Policy CSW 9

⁵ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

and the DM policies in this Plan. In addition proposed additional capacity for hazardous waste landfill identified in CSW 12 will be assessed against this policy.

6.9.2 Following the completion of a non inert waste landfill site, the site will need to be restored and there will be a considerable period of aftercare during which such sites need to be managed in order to prevent unacceptable adverse impacts to the environment. Aftercare management can require new development in order to either prepare the site for re-use or to manage the landfill gas or leachate production. Policy DM 19 sets out the Plan's provisions with regard to restoration, aftercare and after-use.

[Policy CSW 9 remains unchanged]

[Policy CSW 10: Development at Closed Landfill Sites inc para 6.10.1 preamble remain unchanged]

6.11 Policy CSW 11: Permanent Deposit of Inert Waste

6.11.1 The most recent capacity assessment ~~Needs Assessment~~ for waste facilities ~~(92)~~ shows that there is currently permitted capacity at permanent CD recycling sites of over 2 mtpa which already exceeds the partially revoked SEP recycling target for the later part of the plan period of 1.56 mtpa. However, the target is only a minimum requirement because ~~it~~ is considered more sustainable to use recycled aggregates than to extract primary aggregates. The term *CD recycling* is synonymous with the term *aggregate recycling* and the criteria for assessing further site proposals for such sites can be read in Policy CSM 8: Secondary and Recycled Aggregates in Chapter 5.

6.11.2 The most recent capacity assessment ~~Needs Assessment~~ shows that Kent has existing permitted **consented** inert waste landfill capacity that is more than sufficient to meet Kent's need for the plan period. It is known that Kent receives a lot of waste originating out of the county, particularly from London, which goes into inert waste landfill in Kent. **It has been concluded that** ~~The Needs Assessment~~ tested the effects of this import continuing **continuation of this waste import** throughout the plan period at a rate of 300,000 tpa and concluded that this would still result in a surplus of inert waste landfill capacity of over 10 mt at the end of the plan period **can be accommodated by the existing consented capacity.**

6.11.3 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 CSW 11: Permanent Deposit of Inert Waste 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).

[Policy CSW11 remains unchanged]

6.12 Policy CSW 12: Identifying Sites for Hazardous Waste

~~6.12.1 Hazardous waste arising in Kent is one of the smaller streams of waste; in 2008 it only accounted for 3.1% of the total waste arising in the county. The management of hazardous waste is typically characterised by the following: Hazardous waste is often produced in small quantities **and** hazardous waste management facilities are often highly specialised with regional or even national catchment areas **involving** considerable movement of hazardous waste occurs with both waste originating in Kent going outside the county for management and hazardous waste coming into the county for management.~~

~~6.12.2 When hazardous waste management in Kent is viewed as a whole, net self-sufficiency in hazardous waste management is achieved. However, the *Hazardous Waste Topic Paper (03)* identified that Kent could cease to be net self-sufficient in hazardous waste capacity if changes in the production profile and management **profile** of hazardous waste occur as follows:~~

- ~~• the continued demand for disposal capacity for flue residues from Allington EfW facility~~
- ~~• the likely increase in hazardous residues from air pollution control from additional EfW capacity requiring management~~
- ~~• if the existing asbestos landfill closes then Kent will cease to import a significant amount of asbestos based hazardous waste **will cease to be imported** into the county.~~

~~6.12.3 The former issue is partly dealt with through the identification of a Strategic Site for Waste in Policy CSW 5. The need for management capacity of additional EfW APC residues can be addressed through Policy CSW 12 should it be required. **Proposals for future provision for asbestos landfill capacity will be addressed by Policy CSW9** through identification of a site in the Waste Sites Plan.~~

Policy CSW 12

~~Identifying Sites for Hazardous Waste **Management**~~

~~To maintain net self-sufficiency in the management of hazardous waste throughout the plan period, developments proposals for built hazardous waste management facilities will be granted planning permission in locations specified in Policy CSW 6, regardless of whether their catchment areas for waste extend outside **beyond** Kent.~~

~~A site will also be identified in the Waste Sites Plan for the landfilling of asbestos waste that is consistent with the criteria in Policy CSW 11: Permanent Deposit of Inert Waste to enable the continuation of asbestos disposal within the county.~~

[Policy CSW 13 remains unchanged]

6.14 Policy CSW 14: Disposal of Dredgings

6.14.1 Retaining the navigable channels within the estuaries within Kent is the statutory duty of the Port of London Authority (PLA) and the Medway Ports Authority. When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available. ~~A landfill site with river access is needed. A site for the disposal of dredgings will be safeguarded through identification in the Waste Sites Plan.~~

Policy CSW 14

Disposal of Dredgings

~~A site for the disposal of dredgings will be identified in the Waste Sites Plan and the site will be safeguarded from other development.~~ Planning permission will be granted for new sites for the disposal of dredging materials where it can be demonstrated that:

1. the re-use of the material to be disposed of is not practicable
2. there are no opportunities to use the material to enhance the biodiversity of the Kent estuaries

8 Managing and Monitoring the Delivery of the Strategy

[Changes to be made to the monitoring framework to reflect changes to the policies as set out above. This affects monitoring of policies CSW4, CSW6, CSW7, CSW8 and CSW12]

Appendix A: Glossary

Local Plan ~~The Kent MWLP comprises all adopted local plans that will include the Kent MWLP, the Minerals Sites Plan, the Waste Sites Plan and the district local plan.~~ **A Local Plan is a Development Plan Document that includes planning policies for a local area. A Local Plan forms part of the Development Plan for an Area.**

Appendix B: List of Replaced, Deleted and Retained Policies

~~It is KCC's intention to replace a~~ **All** the previously adopted minerals and waste **policies are replaced by** plans with the Kent MWLP 2013-30 and the Minerals and Waste Sites Plans. The Kent Minerals

and Waste Plans previously in force are listed below:

Kent Minerals Local Plan: Brickearth (1986)

Kent Minerals Local Plan Construction Aggregates (1993)

Kent Minerals Local Plan Chalk and Clay (1997)

Kent Minerals Local Plan Oil and Gas (1997)

Kent Waste Local Plan (1998)

All of these plans were prepared before Medway Council was formed and these plans therefore covered areas which are now within Medway.

The Secretary of State for the Government Office for the South East wrote separately to both KCC and Medway Council on 21 September 2007 providing a direction on the policies in the previously adopted minerals and waste plans. Any policies not listed by the Secretary of State expired and those listed in the Direction are known as the 'saved policies'. It is the saved policies that are deleted by the Minerals and Waste Plan, and the Minerals and Waste Sites Plans once adopted. KCC and Medway Council have separate letters of direction from the Secretary of State and therefore the deletion of saved policies by KCC has no effect on Medway Council's saved policies.

~~There are five saved policies which will not be deleted until the Minerals and Waste Sites Plans are adopted. These saved policies identify land where it would be considered acceptable in principle for developments as mineral or waste sites.~~

In Appendix B add following text beneath the table entitled 'Saved Policies being Deleted':

Saved Policy CA6 – 'Areas of Search within which the Extraction of minerals is Acceptable in Principle' is deleted and replaced by the Kent Mineral Sites Plan

Saved Policy B1 – 'Locations Suitable in Principle for the Extraction of Brickearth' is deleted.

Insert table in Appendix B under section 'Saved Policies being Deleted':

<u>Kent Waste Local Plan 1998 Saved Policies</u>		
<u>W7</u>	<u>Locations Suitable in Principle for Inert Waste to be Prepared for Recycling or Re-use</u>	<u>Policy deleted</u>
<u>W9</u>	<u>Locations Suitable in Principle for Waste Separation and Transfer Proposals</u>	<u>Policy deleted</u>
<u>W11</u>	<u>Locations with Potential for EfW Proposals</u>	<u>Policy deleted</u>

Modify the table in Appendix B under section 'Saved Policies being Retained' as follows:

<u>Kent Minerals Local Plan: Construction Aggregates 1993 Saved Policy</u>	
<u>CA6</u>	<u>Areas of Search within which the Extraction of minerals is Acceptable in Principle</u>
<u>Kent Waste Local Plan 1998 Saved Policies</u>	
<u>W7</u>	<u>Locations Suitable in Principle for Inert Waste to be Prepared for Recycling or Re-use</u>

W9	Locations Suitable in Principle for Waste Separation and Transfer Proposals
W11	Locations with Potential for EfW Proposals
Kent Minerals Subject Plan: Brickearth 1986 Saved Policy	
B1	Locations Suitable in Principle for the Extraction of Brickearth

[Note that the proposed deletion of saved policies CA6 and B1 is a result of the preparation of the Mineral Sites Plan that will provide updated policy on the allocation of land for minerals extraction]

3.0 Proposed modification to relating to minerals and waste safeguarding: Policies DM 7 and DM 8

3.1 Background

Sections 5.5, 5.6, and 5.7 of the adopted Kent Minerals and Waste Local Plan (KMWLP) set out policies (CSM5, CSM6 and CSM7), with reasoned justification, for the safeguarding of:

1. Land-won minerals (as defined in the Minerals Safeguarding Areas (MSAs)) from needless sterilisation from other development; and,
2. Minerals supply and waste management and transport infrastructure from direct, and potential, loss due to incompatible development being sited nearby such that it has the potential to prejudice their future lawful operation.

Further policies, DM 7 and DM 8, are included to ensure that the safeguarding is not unduly rigid in its application. Policies DM7 and DM8 set out criteria to allow development that may affect safeguarded sites to proceed in certain prescribed circumstances.

Since adoption of the KMWLP, experience in the implementation of the Policies DM7 and DM8 has revealed that ambiguity in the wording of certain of their exempting criteria hinders their effectiveness. Revisions to both policies (as set out below) are therefore proposed to ensure they can be applied effectively in future.

3.1.2 Policy DM 7 – Safeguarding Mineral Resources

Policy DM 7 sets out the circumstances in which surface non-minerals development may be acceptable at a location within a MSA. This policy recognises that the aim of safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs. The policy in its adopted form reads as below:

Policy DM 7

Safeguarding Mineral Resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated that either:

- 1. the mineral is not of economic value or does not exist; or**
- 2. that extraction of the mineral would not be viable or practicable; or**
- 3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or**
- 4. the incompatible development is of a temporary nature that can be**

completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or

5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or

6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or

7. it constitutes development on a site allocated in the adopted development plan

Further guidance on the application of this policy will be included in a Supplementary Planning Document.

The particular criterion of concern is criterion 7. The purpose of criterion 7 is to recognise that the normal process of local plan formulation, consultation, independent examination and subsequent adoption would normally take account of, and address, land won mineral safeguarding matters. In other words, it is assumed that where land is allocated in a Local Plan for surface development, such as housing, the presence of a mineral resource, and the need for its safeguarding, will have been factored into the consideration of whether allocation of that land for development is appropriate. This means that proposals for development on land allocated in Local Plans for a given type of development do not need to consider criteria 1 to 6.

Where economic minerals are identified in a MSA whose extent coincide with allocations for non-mineral development that would have a potentially sterilising effect on these mineral resources, then a full assessment that meets the other criteria 1 to 6 (where appropriate) of the policy should be done, to the satisfaction of the Mineral Planning Authority (MPA).

However, application of the policy has revealed that sterilising development is being proposed on land allocated in a Local Plan, that is also within an MSA, where the original allocation did not take into account mineral safeguarding. In this regard it has been suggested that the criterion '**it constitutes development on a site allocated in the adopted development plan**' should be read literally, such that provided there is an adopted development plan with allocations, regardless of whether the development is incompatible with the mineral safeguarding principles, development in those areas is, in all cases, exempt from the need to consider safeguarding.

In order to improve the effectiveness of criterion 7 the following revised wording is proposed:

7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised

3.2.2 Policy DM 8 - Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

Permitted waste management and minerals supply infrastructure plays a crucial role in ensuring the effective management of waste and supply of minerals in the county and is safeguarded from development which may adversely impact on its effective operation. Certain types of non-waste and minerals development which may be sensitive to noise, dust and visual impacts associated with infrastructure (e.g. housing) may not always be compatible. Policies CSM6 and CSM7 therefore expect the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non-waste and minerals development made in the vicinity of such infrastructure.

Policy DM 8 recognises that in certain circumstances redevelopment or nearby non minerals and waste development may be acceptable. Policy DM8 allows such development when a replacement facility is identified that is at least equivalent to that which it is replacing and it specifies how this should be assessed. The policy in its adopted form reads as below:

Policy DM 8 - Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:

- 1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or**
- 2. it constitutes development on the site that has been allocated in the adopted development plan; or**
- 3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or**
- 4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or**
- 5. the facility is not viable or capable of being made viable; or**
- 6. material considerations indicate that the need for development overrides the presumption for safeguarding; or**

7. It has been demonstrated that the capacity of the facility to be lost is not required.

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste and minerals, and: in the case of wharves, the size of the berth for dredgers, barges or ships in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy

Criterion 2 of the policy has the same wording as criterion 7 of Policy DM 7 and the issue regarding the effectiveness of Policy DM7 (as set out above) also apply to Policy DM8. Therefore in order to ensure that Policy DM8 is effective in its consideration of non-minerals and waste development proposed on sites allocated in adopted local plans the following wording is proposed:

2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the above factors (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable.

In light of the above it is proposed that related explanatory text of the KMWLP be modified as set out below.

5.5.2 Policy CSM 5 describes how land-won minerals will be safeguarded and Policies CSM 6 and CSM 7 describe how mineral infrastructure will be safeguarded. Policy **Policies DM7 and DM 8** describes the circumstances in which non-mineral developments that are incompatible with safeguarding a resource or a safeguarded wharf or rail depot would be acceptable. Policies CSM 4 and DM 9 set out how applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non-minerals development, would be considered. Policy DM 8 describes the circumstances in which non-mineral developments that might be incompatible with safeguarding minerals and/or waste infrastructure would be acceptable.

7.5 Policy DM 7: Safeguarding Mineral Resources

7.5.1 As set out in section 5.5, it is important that certain mineral resources in Kent are safeguarded for potential use by future generations. However, from time to time, proposals to develop areas overlying safeguarded minerals resources for non-minerals purposes will come forward. The need for such development will be weighed against the need to avoid sterilisation of the underlying mineral and the

objectives and policies of the development plans as a whole will need to be considered when determining proposals.

7.5.2 Policy DM 7 sets out the circumstances when non-minerals development may be acceptable at a location within a Minerals Safeguarding Area. This policy recognises that the aim of safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs.

7.5.3 Proposals located in MSAs will usually need to be accompanied by a 'Minerals Assessment', prepared by the promoter, which will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the BGS Good Practice Advice on Safeguarding. Further guidance is will be provided through a Supplementary Planning Document.(111)

7.5.4 Where proposals are determined by a district/borough planning authority, the Mineral Planning Authority will work with the relevant authority and/or the promoter to assess the viability and practicability of prior extraction of the minerals resource.

7.5.5 Criterion 7 of Policy DM7 recognises that the allocation of land in adopted Local Plans for non-mineral development, such as housing, should have considered the presence of an economic mineral resource and the need for its safeguarding at this time, and, where that is shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit mineral safeguarding considerations at planning application stage.

7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities

7.6.1 It is essential to the delivery of this Plan's minerals and waste strategy that existing facilities(113) used for the management of minerals (including wharves and rail depots) and waste are safeguarded for the future, in order to enable them to continue to be used to produce and transport the minerals needed by society and manage its waste.

7.6.2 Policy DM 8 sets out the circumstances when safeguarded minerals and waste development may be replaced by non waste and minerals uses. This includes ensuring that any replacement facility is at least equivalent to that which it is replacing and it specifies how this should be assessed.

7.6.3 In the case of mineral wharves the factors to be considered include the depths of water at the berth, accessibility of the wharf at various states of the tide, length of the berth, the size and suitability of adjacent land for processing plant, weighbridges

and stockpiles, and existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.

7.6.4 There also are circumstances when development proposals in the vicinity of safeguarded facilities will come forward. The need for such development will be weighed against the need to retain the facility and the objectives and policies of the development plan as a whole will need to be considered when determining proposals. Policy DM 8 sets out the circumstances when development may be acceptable in a location proximate to such facilities. The policy recognises that the aim of safeguarding is to avoid development which may impair the effectiveness and acceptability of the infrastructure.

7.6.5 Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production or waste management activities which are industrial in nature. Policy DM 8 therefore expects the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non waste and minerals development made in the vicinity of such infrastructure.

7.6.6 Criterion 2 of Policy DM8 recognises that the allocation of land in adopted Local Plans for development, such as housing, should have considered the presence of waste management and minerals supply infrastructure and the need for its safeguarding at that time, and, where this has been shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit the safeguarding considerations at planning application stage .

Appendix 1 - Waste Needs Assessment – Summary of Key Conclusions

A recent review⁶ of the future needs for waste management facilities in Kent has concluded that the development of the additional capacity is not required to the extent that a separate Waste Sites Plan would be justified. This is for the following reasons:

1. Energy recovery capacity: Additional capacity at Kemsley SEP now confirmed.
2. Hazardous waste: Due to the lack of need for additional capacity to allow for the continued landfilling of projected arisings of asbestos from Kent.
3. Disposal of Dredgings: No sites coming forward in the Call for Sites and no clear need identified by Port of London Authority (PLA).

These identified needs i.e. projected capacity deficits, are discussed further below. In addition, while there remains an identified need for organic waste treatment capacity, it is considered that adopted policy in the MWLP is sufficiently permissive and positive enough for applications to be encouraged to come forward without the need for allocation of specific sites.

1. Energy Recovery Capacity.

Table A1 presents the findings of the review in relation to the predicted need for additional Non Hazardous Residual Waste Energy Recovery capacity. Essentially the delivery of the Kemsley SEP now more than fulfils the predicted need.

⁶ BPP Consulting Kent Waste Needs Assessment 2016-17

Table A2: Projected Overall Non Hazardous Residual Waste Management Needs (tonnes)

	2016	2021	2026	2031
<i>Other Recovery Requirement</i>	677,593	704,663	689,644	712,105
minus Allington capacity	500,000	500,000	500,000	500,000
<i>Remainder</i>	177,593	204,663	189,644	212,105
minus Kemsley capacity at 2020	0	525,000	525,000	525,000
<i>Other Recovery capacity gap shortfall (+ve) / surplus (-ve)</i>	177,593	-320,337	-335,356	-312,895
Residual Waste from London combining projected exports and Kent waste to Rainham LF⁷	34,337	54,371	54,492	54,708
<i>Remaining Other Recovery Capacity Gap shortfall (+ve) / surplus (-ve)</i>	211,930	-265,966	-280,864	-258,187

2. Hazardous waste

The approach taken in the adopted KMWLP includes a commitment to maintaining net self-sufficiency for hazardous waste management as stated in Policy CSW12. In reality, application of the principle of net self-sufficiency does not require capacity to be provided to manage every waste stream within the Plan Area, rather than an equivalent tonnage be managed. This is particularly the case when considering hazardous waste management capacity as hazardous waste is a heterogeneous waste stream within which waste types may have very specific management needs. This 'special case' is recognised by national policy.

In the case of Kent, the Needs Assessment review found that there is currently a reasonably good match between types of hazardous waste produced and management capacity, there being some capacity to manage every principal hazardous waste type. However, provision of capacity to manage asbestos and air pollution control (APC) residues requires particular attention given that current

⁷ The closure date of Rainham Landfill has been extended to 2026 by planning permission granted in September 2016. It should also be noted that a further permission has been granted to operate a "soil repair centre" to the end of 2031. This facility might accept the principal type of Kent waste deposited at the landfill, sewage screenings, and hence continue to provide for that Kent waste for the full plan period. This indicates that the additional provision for Kent waste predicted to be displaced from Rainham might be dispensed with entirely.

capacity for both is in the form of landfill void which by definition is a finite and diminishing resource.

Since the implementation of the Landfill Directive, hazardous waste can only be disposed either to a dedicated hazardous waste landfill site or into a special cell within a non-hazardous waste landfill site. The only two operational landfill sites in Kent accepting hazardous waste are as follows:

1. Norwood Quarry: Restricted input receiving Allington EfW residues to restore clay working.
2. Pinden Quarry: Merchant site accepting asbestos based waste mixed with inert material to restore chalk quarry working.

Provision has already been made in the KMWLP for the continued disposal of Allington EfW APC residues to Norwood Farm landfill, by identifying an extension as a strategic site in Policy CSW 5.

Data obtained for remaining void at Pinden Quarry Landfill suggests that, if inputs of asbestos waste were limited to an amount equivalent to the arisings in Kent over the plan period then there is likely to be sufficient capacity.

It should be noted that the approach taken in the adopted KMWLP was informed by the fact that a proposal to include an extension to Pinden Quarry Landfill as an allocation was put forward by the operator during the first call for sites in 2012. However, no such proposal was put forward in response to the second call for sites in 2016-2017. Nor has an application been forthcoming. It is therefore considered that the identification of a specific additional landfill for hazardous waste (asbestos CDEW) to manage Kent arisings alone (c 7,000tpa) is not justified.

3. Disposal of Dredgings

As dredgings are a specialist waste being generated solely from the dredging of navigable waterways undertaken by the Port of London Authority (PLA) that has responsibility for maintaining the Thames. The PLA was therefore approached to confirm its need for additional landfill capacity. The PLA has not confirmed this to be the case, nor has it responded to the call for sites with suggested locations. On the basis of this it is now considered that the need for landfill initially identified no longer exists and dredging are now being managed through other more sustainable means.

Appendix 2 – Clean Copy of Proposed Modifications

Assuming the proposed modifications are adopted, the Kent Minerals and Waste Local Plan 2013-30 would read:

Proposed Modifications to Text of the Kent Minerals and Waste Local Plan Concerning Waste Management

1 Introduction

1.1.3 The specific sites for mineral developments will be set out in the separate Kent Minerals Sites Plan. The site selection process for the final sites included in the Minerals Sites Plan will be based on the policies in the Kent MWLP.

1.2.2 The policies in this Plan replace the earlier versions of the saved Kent Minerals and Waste Local Plan policies. Appendix B lists the schedules of saved Kent Local Plan policies replaced, deleted or retained.

6 Delivery Strategy for Waste

[Policy CSW1 and para 6.1.1- 6.1.2 remain unchanged]

6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction

6.2.1 It is Government policy to break the link between economic growth and the environmental impact of waste by moving the management of waste up the Waste Hierarchy, as shown in Figure 18. (75)

[Figure 18 Waste Hierarchy remains unchanged]

6.2.2 The Kent MWLP mainly implements this policy through influence over waste and minerals developments. However, the Plan also includes a policy (Policy CSW 3) seeking to influence/reduce waste arising from all forms of development. The Kent MWLP forms part of the development plan, along with the district local plans, and is therefore relevant to the determination of planning applications for all forms of development in Kent.

6.2.3 In accordance with the Waste Hierarchy, the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling. The most recent assessment⁸ shows that Kent's current recycling and processing facilities have sufficient capacity for the anticipated rate of usage with the exception

⁸BPP Consulting Waste Needs Assessment 2016-17

of facilities for green and kitchen wastes. It should be appreciated that these calculations are based upon a rate of use that should only be regarded as a minimum, as the aspiration is to encourage more waste to be managed through this method of waste management.

6.2.4 Encouraging more waste to be managed via re-use or recycling will be achieved by enabling policies for the development of waste management facilities for recycling and processing including a policy to grant planning permission for redevelopment or extensions to existing waste management facilities to enable more waste to be recycled or processed for re-use providing the facility's overall throughput is not increased.

6.2.5 The application of the Waste Hierarchy is most appropriate to producers of waste when assessing how to manage waste. The Kent MWLP has to plan for all forms of waste management in the Waste Hierarchy to make this possible. While it is anticipated that there will be a transition over time to forms of waste management at the higher end of the Waste Hierarchy, it is anticipated that there will still be a need for disposal at the end of the plan period for a limited number of waste types e.g. bonded asbestos. The Kent MWLP addresses this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by applying ambitious recycling, composting and processing for re-use targets presented in Policy CSW 4.

[Policies CSW 2 and CSW 3 remain unchanged]

6.3 Policy CSW 4: Strategy for Waste Management Capacity

Net Self-sufficiency and Waste Movements

6.3.1 Kent currently achieves net self-sufficiency in waste management facilities for all waste streams. I.e. the annual capacity of the waste management facilities (excluding transfer) in Kent is sufficient to manage the quantity of waste arising in Kent. The continued achievement of net self-sufficiency and the management of waste close to its source are key Strategic Objectives of the Kent MWLP, because it shows that Kent is not placing any unnecessary burden on other WPAs to manage its waste. Net self-sufficiency can be monitored on an annual basis and will provide an indicator as to whether the policies in the Plan need to be reviewed. The purpose in adopting the principle of net self-sufficiency is not to restrict the movement of waste as such restriction of waste catchment areas could have an adverse effect upon the viability of the development of new waste management facilities needed to provide additional capacity for Kent's waste arisings.

Provision for Waste From London

6.3.2 Specific provision in the calculations for capacity required for non-hazardous waste going to landfill or EfW has been made for waste from London. The reason for

this is that due to land constraints London's residual waste cannot all be managed within London itself and so, as a neighbouring waste planning authority, Kent County Council has some responsibility to make provision for an element of this waste requiring final management. Historical data indicates the tonnage to be provided for is in the region of 35,000 tonnes per annum. It is also recognised that closure of Rainham Landfill in the London Borough of Havering in 2026 may result in the displacement of waste from Kent currently managed there. Therefore an additional tonnage of 20,000 tpa has been provided for on a contingency basis.

6.3.3 An assessment has been made of the current profile of management of the principal waste streams. The targets applied reflect ambitious (but realistic) goals for moving waste up the hierarchy and seek to ensure that the maximum quantity of non-hazardous waste will be diverted from landfill.

Policy CSW 4

Strategy for Waste Management Capacity

The strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. As a minimum it is to achieve the targets set out below for recycling and composting and other forms of recovery.

	Milestone Year			
	2015/16	2020/21	2025/26	2030/31
Local Authority Collected Waste				
Recycling/composting	45%	50%	55%	55%
Other Recovery	53%	48%	43%	43%
Remainder to Landfill	2%	2%	2%	2%
Commercial & Industrial Waste				
Recycling/composting	70%	70%	70%	70%
Other Recovery	25%	28%	28%	28%
Remainder to Landfill	5%	2%	2%	2%
Construction & Demolition Waste (Non Inert Only)				
Recycling	11%	12%	13%	14%

Composting	1%	1%	1%	1%
Other Recovery	3%	5%	5%	5%
Remainder to Landfill	5%	2%	1%	0.5%

It should be noted that the values shown for 'Remainder to Landfill' are not targets but are included to show the predicted requirement for landfill in light of the achievement of the targets to move waste up the waste hierarchy.

6.4 Policy CSW 5: Strategic Site for Waste

6.4.1 To meet the Kent MWLP objective of reducing the amount of waste being landfilled, the Plan is using policies to drive a major change in the way that waste is managed in Kent. To do this will require additional capacity for treatment of organic waste as a minimum via composting and Anaerobic Digestion (AD). Enabling the change in perception of waste from being something that has to be disposed to something that can be used as a resource will be helped by the development of such additional capacity.

6.4.2 The landfill at Norwood Quarry on the Isle of Sheppey accommodates the hazardous flue ash residues from the Allington EfW facility that features heavily in the Waste Management Unit (WMU) contracts for residual MSW, but it has limited consented void space remaining. To make provision for this waste for the duration of the Plan, it is considered essential that Kent has the capacity to deal with these residues. Enabling the continued management of hazardous flue ash within Kent has the added benefit of contributing to achieving the continued net self-sufficiency in hazardous waste management capacity. (83)

6.4.3 Therefore, a matter fundamental to the central achievement of the Plan is the identification of a suitable location for the treatment or disposal of the hazardous waste residues within Kent. No site for the treatment of this waste was submitted to the County Council in response to the call for sites in 2010 and only one site was put forward for its disposal. The submission for hazardous waste disposal was for an extension to the existing facility at Norwood Quarry, which benefits from suitable geology for engineering a hazardous landfill. Norwood Quarry is also the only site put forward in the 2010 call for sites for clay extraction for engineering purposes, that would enable a continuation of supply in Kent and, thereby, the need to restore the land with waste.

6.4.4 There are no realistic alternatives to the disposal of the Allington EfW flue ash in landfill for the foreseeable future. While there is a risk that identifying the extension area at Norwood Quarry as a Strategic Site for Waste could hinder the development of alternative treatment solutions for the flue ash, there is a need to make provision for this waste stream.

6.4.5 The proposed extension areas to Norwood Landfill are identified as the Strategic Site for Waste. The location of these extension areas is shown on Figure 19.

[Policy CSW5 remains unchanged]

6.5 Policy CSW 6: Location of Built Waste Management Facilities

6.5.1 The preference identified in response to earlier consultations during the formulation of the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings while enabling developers of large facilities to exploit economies of scale. National policy recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant and this is particularly relevant when considering the possible sizing and location of facilities required to satisfy any emerging need indicated by monitoring e.g. in the relevant AMR.

6.5.2 The location of waste sites in appropriate industrial estates was also the preference identified from the consultation. This has the benefit of using previously developed land and enabling waste uses to be located proximate to waste arisings. Employment land availability is monitored annually by KCC and the district and borough councils. (85) It should be appreciated that all industrial estate locations may not be suitable for some types of waste uses, because of their limited size or close proximity to sensitive receptors or high land and rent costs.

6.5.3 Certain types of waste or waste management facilities, such as Construction, Demolition and Excavation (CDE) recycling facilities are often co-located on mineral sites for aggregates or landfills, which are usually found in rural areas. Also, in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with compost and anaerobic digestion), the most proximate location for the waste management facility will likely be within the rural area.

6.5.4 The development of waste management facilities on previously developed land will be given preference over the development of greenfield sites. In particular, the redevelopment of derelict or contaminated land may involve treatment of soil to facilitate the redevelopment. Also redundant agricultural or forestry buildings may be suitable for waste uses where such uses are to be located within the rural areas of the county. Waste management facilities located in the Green Belt are generally regarded as inappropriate development. Developers proposing a waste management facility within the Green Belt shall demonstrate the proposed use complies with Green Belt policy (See Policy DM4).

6.5.5 The development of built waste management facilities on greenfield sites is not precluded. This is because the goal of achieving sustainable development will lead to new development which may incorporate facilities to recycle or process the waste produced on the site, or to generate energy for use on the site.

6.5.6 Existing mineral and waste management sites may offer good locations for siting certain waste management facilities because of their infrastructure and location. In such cases, the developer will need to demonstrate the benefits of co-location such as connectivity with the existing use of the site. For example, the co-location of CDE recycling (i.e. aggregate recycling) at an aggregate quarry that can enable the blending of recycled and virgin aggregates to increase the marketability of the product.

6.5.7 Policy CSW 6 applies to all proposals for built waste management facilities.

Policy CSW 6

Location of Built Waste Management Facilities

Planning permission will be granted for proposals that:

- a) do not give rise to significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, Ancient Monuments and registered Historic Parks and Gardens. (See Figures 4, 5 & 6).
- b) do not give rise to significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 & 15)
- c) are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.
- d) do not represent inappropriate development in the Green Belt.
- e) avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b.
- f) avoid sites on or in proximity to land where alternative development exists/ has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.
- g) for energy producing facilities - sites are in proximity to potential heat users.
- h) for facilities that may involve prominent structures (including chimney stacks)

- the ability of the landscape to accommodate the structure (including any associated emission plume) after mitigation.

- i) for facilities involving operations that may give rise to bioaerosols (e.g. composting) to locate at least 250m away from any potentially sensitive receptors.

Where it is demonstrated that waste will be dealt with further up the hierarchy, or it is replacing capacity lost at existing sites, facilities that satisfy the relevant criteria above on land in the following locations will be granted consent, providing there is no adverse impact on the environment and communities and where such uses are compatible with the development plan:

1. within or adjacent to an existing mineral development or waste management use
2. forming part of a new major development for B8 employment or mixed uses
3. within existing industrial estates
4. other previously developed, contaminated or derelict land not allocated for another use
5. redundant agricultural and forestry buildings and their curtilages

Proposals on greenfield land other than in the circumstances of category 2 above will only be permitted if either:

- A) it can be demonstrated that there are no suitable locations identifiable from categories 1 to 5 above within the intended catchment area of waste arisings, or
- B) Particular regard will be given to whether the nature of the proposed waste management activity requires an isolated location.

[Paragraph 6.6 remains unchanged]

6.7 Policy CSW 7: Waste Management for Non-hazardous Waste

6.7.1 Policy CSW 7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will allow the provision of new waste management capacity recognising the need to drive waste up the hierarchy.

6.7.2 The term non-hazardous waste is regarded, for purposes of the Plan, as being synonymous with MSW⁽⁸⁶⁾ and C&I⁽⁸⁷⁾ waste and the non inert, non-hazardous, component of CDEW.

6.7.3 The most recent data⁹ indicates that there is a capacity gap for treating green and kitchen wastes and Policy CSW 7 therefore seeks to address that gap by encouraging proposals for such capacity to come forward at the earliest opportunity.

6.7.4 There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling. Furthermore, there is also no intention to restrict provision of the additional capacity of green and/or kitchen waste treatment facilities to the later part of the plan period since the sooner it is delivered, the greater the impact will be on reducing organic waste going to landfill, the most significant source of methane production.

6.7.5 Implementing Policy CSW 7 will result in reducing the amount of Kent non-hazardous waste going for disposal to landfill and by doing so conserve existing non-hazardous landfill capacity in Kent for any non-hazardous waste that cannot be reused, recycled, composted or recovered.

Policy CSW 7

Waste Management for Non-hazardous Waste

Waste management capacity for non-hazardous waste that assists Kent in continuing to be net self-sufficient while providing for a reducing quantity of London's waste, will be granted planning permission provided that:

1. it moves waste up the hierarchy
2. recovery of by-products and residues is maximised
3. any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2
4. sites for the management of green waste and/or kitchen waste in excess of 100 tonnes per week are Animal By Product Regulation compliant (such as in-vessel composting or anaerobic digestion)
5. sites for small-scale open composting of green waste (facilities of less than 100 tonnes per week) are located within a farm unit and the compost is used within that unit.

⁹ See BPP Consulting Updated Waste Needs Assessment reports

6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste

Proposals for additional recovery capacity will need to be designed to harness the energy produced.

6.8.1 Such capacity might be developed in conjunction with waste processing facilities on the same site, or as standalone plants where the waste is processed to produce a fuel off-site. In order to avoid the risk of under provision by double counting both fuel preparation capacity and fuel use capacity, only one of the two facility contributions will be counted towards meeting any emerging need identified by annual monitoring.

Policy CSW 8

Other Recovery Facilities for Non-hazardous Waste

Facilities using waste as a fuel will only be permitted if they qualify as recovery operations as defined by the Revised Waste Framework Directive¹⁰.

When an application for a combined heat and power facility has no proposals for use of the heat when electricity production is commenced, the development will only be granted planning permission if the applicant and landowner enter into a planning agreement to market the heat and to produce an annual public report on the progress being made toward finding users for the heat.

6.9 Policy CSW 9: Non Inert Waste Landfill in Kent

6.9.1 The lack of response to the call for sites for non-hazardous landfill is indicative of a lack of demand by the waste industry to develop non-hazardous landfill. Nevertheless, a proposed development might come forward during the plan period and if so it will be granted permission providing it complies with both Policy CSW 9 and the DM policies in this Plan. In addition proposed additional capacity for hazardous waste landfill will be assessed against this policy.

6.9.2 Following the completion of a non inert waste landfill site, the site will need to be restored and there will be a considerable period of aftercare during which such sites need to be managed in order to prevent unacceptable adverse impacts to the environment. Aftercare management can require new development in order to either prepare the site for re-use or to manage the landfill gas or leachate production. Policy DM 19 sets out the Plan's provisions with regard to restoration, aftercare and after-use.

[Policy CSW 9 remains unchanged]

¹⁰ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

[Policy CSW 10: Development at Closed Landfill Sites inc para 6.10.1 preamble remain unchanged.]

6.11 Policy CSW 11: Permanent Deposit of Inert Waste

6.11.1 The most recent capacity assessment shows that there is currently permitted capacity at permanent CD recycling sites of over 2 mtpa. It is considered more sustainable to use recycled aggregates than to extract primary aggregates. The term CD recycling is synonymous with the term aggregate recycling and the criteria for assessing further site proposals for such sites can be read in Policy CSM 8: Secondary and Recycled Aggregates in Chapter 5.

6.11.2 The most recent capacity assessment shows that Kent has existing consented inert waste landfill capacity that is more than sufficient to meet Kent's need for the plan period. It is known that Kent receives a lot of waste originating out of the county, particularly from London, which goes into inert waste landfill in Kent. It has been concluded that continuation of this waste import throughout the plan period at a rate of 300,000 tpa can be accommodated by the existing consented capacity.

6.11.3 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 CSW 11: Permanent Deposit of Inert Waste 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).

[Policy CSW11 remains unchanged]

6.12 Policy CSW 12: Identifying Sites for Hazardous Waste

6.12.1 Hazardous waste arising in Kent is one of the smaller streams of waste. The management of hazardous waste is typically characterised by the following: Hazardous waste is often produced in small quantities and hazardous waste management facilities are often highly specialised with regional or even national catchment areas involving movement of hazardous waste with both waste originating in Kent going outside the county for management and hazardous waste coming into the county for management.

6.12.2 When hazardous waste management in Kent is viewed as a whole, net self-sufficiency in hazardous waste management is achieved. However, Kent could cease to be net self-sufficient in hazardous waste capacity if changes in the production and management profile of hazardous waste occur as follows:

- the continued demand for disposal capacity for flue residues from Allington EfW facility

- the likely increase in hazardous residues from air pollution control from additional EfW capacity requiring management
- if the existing asbestos landfill closes then a significant amount of asbestos based hazardous waste will cease to be imported into the county.

6.12.3 The former issue is partly dealt with through the identification of a Strategic Site for Waste in Policy CSW 5. The need for management capacity of additional EfW APC residues can be addressed through Policy CSW 12 should it be required and proposals for future provision for asbestos landfill capacity will be addressed by Policy CSW9.

Policy CSW 12

Hazardous Waste Management

To maintain net self-sufficiency in the management of hazardous waste throughout the plan period, developments proposals for built hazardous waste management facilities will be granted planning permission in locations specified in Policy CSW 6, regardless of whether their catchment areas for waste extend beyond Kent.

[Policy CSW 13 remains unchanged]

6.14 Policy CSW 14: Disposal of Dredgings

6.14.1 Retaining the navigable channels within the estuaries within Kent is the statutory duty of the Port of London Authority (PLA) and the Medway Ports Authority. When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available.

Policy CSW 14

Disposal of Dredgings

Planning permission will be granted for new sites for the disposal of dredging materials where it can be demonstrated that:

1. the re-use of the material to be disposed of is not practicable
2. there are no opportunities to use the material to enhance the biodiversity of the Kent estuaries

8 Managing and Monitoring the Delivery of the Strategy

[Changes to be made to the monitoring framework to reflect changes to the policies as set out above. This affects monitoring of policies CSW4, CSW6, CSW7, CSW8 and, CSW12]

Appendix A: Glossary

Local Plan A Local Plan is a Development Plan Document that includes planning policies for a local area. A Local Plan forms part of the Development Plan for an Area.

Appendix B: List of Replaced, Deleted and Retained Policies

All the previously adopted minerals and waste policies are replaced by the Kent MWLP 2013-30 and the Minerals Sites Plan. The Kent Minerals and Waste Plans previously in force are listed below:

- Kent Minerals Local Plan: Brickearth (1986)
- Kent Minerals Local Plan Construction Aggregates (1993)
- Kent Minerals Local Plan Chalk and Clay (1997)
- Kent Minerals Local Plan Oil and Gas (1997)
- Kent Waste Local Plan (1998)

All of these plans were prepared before Medway Council was formed and these plans therefore covered areas which are now within Medway.

The Secretary of State for the Government Office for the South East wrote separately to both KCC and Medway Council on 21 September 2007 providing a direction on the policies in the previously adopted minerals and waste plans. Any policies not listed by the Secretary of State expired and those listed in the Direction are known as the 'saved policies'. It is the saved policies that are deleted by the Minerals and Waste Plan, and the Minerals Sites Plan once adopted. KCC and Medway Council have separate letters of direction from the Secretary of State and therefore the deletion of saved policies by KCC has no effect on Medway Council's saved policies.

[In Appendix B add following text beneath the table entitled 'Saved Policies being Deleted':]

Saved Policy CA6 – 'Areas of Search within which the Extraction of minerals is Acceptable in Principle' is deleted and replaced by the Kent Mineral Sites Plan

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Saved Policy B1 – ‘Locations Suitable in Principle for the Extraction of Brickearth’ is deleted

[Insert table in Appendix B under section ‘Saved Policies being Deleted’:]

Kent Waste Local Plan 1998 Saved Policies		
W7	Locations Suitable in Principle for Inert Waste to be Prepared for Recycling or Re-use	Policy deleted
W9	Locations Suitable in Principle for Waste Separation and Transfer Proposals	Policy deleted
W11	Locations with Potential for EfW Proposals	Policy deleted

[The table in Appendix B under section ‘Saved Policies being Retained’ is deleted]

Proposed modification to relating to minerals and waste safeguarding: Policies DM 7 and DM 8

5.5.2 Policy CSM 5 describes how land-won minerals will be safeguarded and Policies CSM 6 and CSM 7 describe how mineral infrastructure will be safeguarded. Policies DM7 and DM 8 describes the circumstances in which non-mineral developments that are incompatible with safeguarding a resource or a safeguarded wharf or rail depot would be acceptable. Policies CSM 4 and DM 9 set out how applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non-minerals development, would be considered. Policy DM 8 describes the circumstances in which non-mineral developments that might be incompatible with safeguarding minerals and/or waste infrastructure would be acceptable.

[Policies in between remain unchanged]

7.5 Policy DM 7: Safeguarding Mineral Resources

7.5.1 As set out in section 5.5, it is important that certain mineral resources in Kent are safeguarded for potential use by future generations. However, from time to time, proposals to develop areas overlying safeguarded minerals resources for non-minerals purposes will come forward. The need for such development will be weighed against the need to avoid sterilisation of the underlying mineral and the objectives and policies of the development plans as a whole will need to be considered when determining proposals.

7.5.2 Policy DM 7 sets out the circumstances when non-minerals development may be acceptable at a location within a Minerals Safeguarding Area. This policy recognises that the aim of safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs.

7.5.3 Proposals located in MSAs will usually need to be accompanied by a 'Minerals Assessment', prepared by the promoter, which will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the BGS Good Practice Advice on Safeguarding. Further guidance is provided through a Supplementary Planning Document. (111)

7.5.4 Where proposals are determined by a district/borough planning authority, the Mineral Planning Authority will work with the relevant authority and/or the promoter to assess the viability and practicability of prior extraction of the minerals resource.

7.5.5 Criterion 7 of Policy DM7 recognises that the allocation of land in adopted Local Plans for non-mineral development, such as housing, should have considered the presence of an economic mineral resource and the need for its safeguarding at this time, and, where that is shown to be the case to the satisfaction of the Mineral

Planning Authority, there is no need to revisit mineral safeguarding considerations at planning application stage.

Policy DM 7

Safeguarding Mineral Resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, **(112)** where it is demonstrated that either:

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised

7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities

7.6.1 It is essential to the delivery of this Plan's minerals and waste strategy that existing facilities **(113)** used for the management of minerals (including wharves and rail depots) and waste are safeguarded for the future, in order to enable them to continue to be used to produce and transport the minerals needed by society and manage its waste.

7.6.2 Policy DM 8 sets out the circumstances when safeguarded minerals and waste development may be replaced by non-waste and minerals uses. This includes ensuring that any replacement facility is at least equivalent to that which it is replacing and it specifies how this should be assessed.

7.6.3 In the case of mineral wharves the factors to be considered include the depths of water at the berth, accessibility of the wharf at various states of the tide, length of the berth, the size and suitability of adjacent land for processing plant, weighbridges and stockpiles, and existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.

7.6.4 There also are circumstances when development proposals in the vicinity of safeguarded facilities will come forward. The need for such development will be weighed against the need to retain the facility and the objectives and policies of the development plan as a whole will need to be considered when determining proposals. Policy DM 8 sets out the circumstances when development may be acceptable in a location proximate to such facilities. The policy recognises that the aim of safeguarding is to avoid development which may impair the effectiveness and acceptability of the infrastructure.

7.6.5 Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production or waste management activities which are industrial in nature. Policy DM 8 therefore expects the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non-waste and minerals development made in the vicinity of such infrastructure.

7.6.6 Criterion 2 of Policy DM8 recognises that the allocation of land in adopted Local Plans for development, such as housing, should have considered the presence of waste management and minerals supply infrastructure and the need for its safeguarding at that time, and, where this has been shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit the safeguarding considerations at planning application stage.

Policy DM 8

Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:

1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or

2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the above factors (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable.
3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or
4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or
5. the facility is not viable or capable of being made viable; or
6. material considerations indicate that the need for development overrides the presumption for safeguarding; or
7. It has been demonstrated that the capacity of the facility to be lost is not required.

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste and minerals, and:

- in the case of wharves, the size of the berth for dredgers, barges or ships
- in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy

There must also be no existing, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.

Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.

Further guidance on the application of this policy will be included in a Supplementary Planning Document.

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Kent Minerals and Waste Local Plan



Minerals and Waste Development Scheme
Draft
November 2017



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Contents

1 Glossary of Terms/Abbreviations Used in the Text

Abbreviation	Explanation
Annual Monitoring Report (AMR)	A statutory document submitted to Government which monitors the progress of document preparation against the Development Scheme milestones and progress in meeting the objectives set in the Kent Minerals and Waste Local Plan 2013-30.
Kent Minerals and Waste Local Plan 2013-30	This adopted plan (July 2016) sets out the County Council's vision, objectives & spatial strategy for Minerals and Waste. It contains a statement of strategy and, a set of primary policies and proposals for delivering the Core Strategy and sets the policy framework for the allocation of sites and development management decisions.
Kent Development Plan	The portfolio of documents that together provide the framework for development in Kent. It includes the Kent Minerals and Waste Local Plan and Local Plans produced by the Kent Borough and District Councils.
Minerals and Waste Local Development Scheme (MWLDS)	The project plan setting out the County Council's programme and timetable for the documents it intends to prepare which provide planning policy for waste and minerals development in Kent.
The Planning Inspectorate (PINS)	The Government agency responsible for programming and conducting the Independent Examination of Local Plans.
Statement of Community Involvement (SCI)	Sets out the Council's policy for involving the community and other stakeholders in the preparation and revision of the Minerals and Waste Development Plan and the development management process. The SCI is not a Local Plan.
Strategic Environmental Assessment (SEA) & Sustainability Appraisal (SA)	A formal process that analyses and evaluates the social, economic and environmental effects of a plan or programme.
Supplementary Planning Document (SPD)	A document produced by the County Council that provides guidance on the implementation of policies in the Kent MWLP, for example in relation to minerals and waste safeguarding.

1 Introduction

1.0.1 Kent County Council, as the minerals and waste planning authority for the County Council's administrative area, must prepare and keep under review a Minerals and Waste Development Scheme (MWDS). The MWDS sets out a timetable for the production of the key planning documents of the Kent Minerals and Waste Local Plan 2013-30. This 2017-2019 MWDS replaces the previous 2014-2017 (agreed in November 2016).

The Minerals and Waste Development Scheme sets out the County Council's programme for the preparation of minerals and waste plans during the period 2017-2019. Under this programme the Council will prepare the:

- **Kent Mineral Sites Plan**
- **Partial Review of the adopted Kent Minerals and Waste Local Plan**

All documents in this Development Scheme will have county wide coverage, excluding the Medway Unitary Council Authority area.

1.0.2 The County Council is committed to the new programme set out in this MWDS and its progress will be reviewed annually through the Annual Monitoring Report.

1.0.3 This Development Scheme has two key objectives:

- To inform the public and stakeholders of the documents that will make up the new planning policy framework for minerals and waste in Kent and the programmes anticipated for their preparation.
- To reflect the County Council's priorities and to enable work programmes to be set for preparation of the documents.

Legislative Context and Background

1.0.4 The Planning and Compulsory Purchase Act 2004⁽¹⁾ sets out the system of requirements and procedures for local development planning in England. These requirements are applicable to all Minerals and Waste Planning Authorities and form the basis for the preparation of Kent County Council's suite of minerals and waste plans and supporting documents, as described within this Development Scheme.

1.0.5 The Town And Country Planning (Local Planning) (England) Regulations 2012 build on the 2004 statutory framework (as amended) for the preparation and adoption of Development Plan Documents and Supplementary Planning Documents; the Regulations refer to Development Plan Documents as “Local Plans” since this term is believed to be more readily understood.

1.1 The Transitional Period

1.1.1 Prior to the adoption of the Kent Minerals and Waste Local Plan 2013-30 planning policy for waste and minerals development was set out on the following documents:

- Kent Minerals Subject Plan: Brickearth saved policies (adopted May 1986; covers period to 2001);
- Kent Minerals Local Plan: Construction Aggregates saved policies (adopted December 1993; covers period to 2006);
- Kent Minerals Local Plan: Chalk & Clay/Oil & Gas saved policies (adopted December 1997; covers period to 2011);
- Kent Waste Local Plan saved policies (adopted March 1998); covers period to 2011).

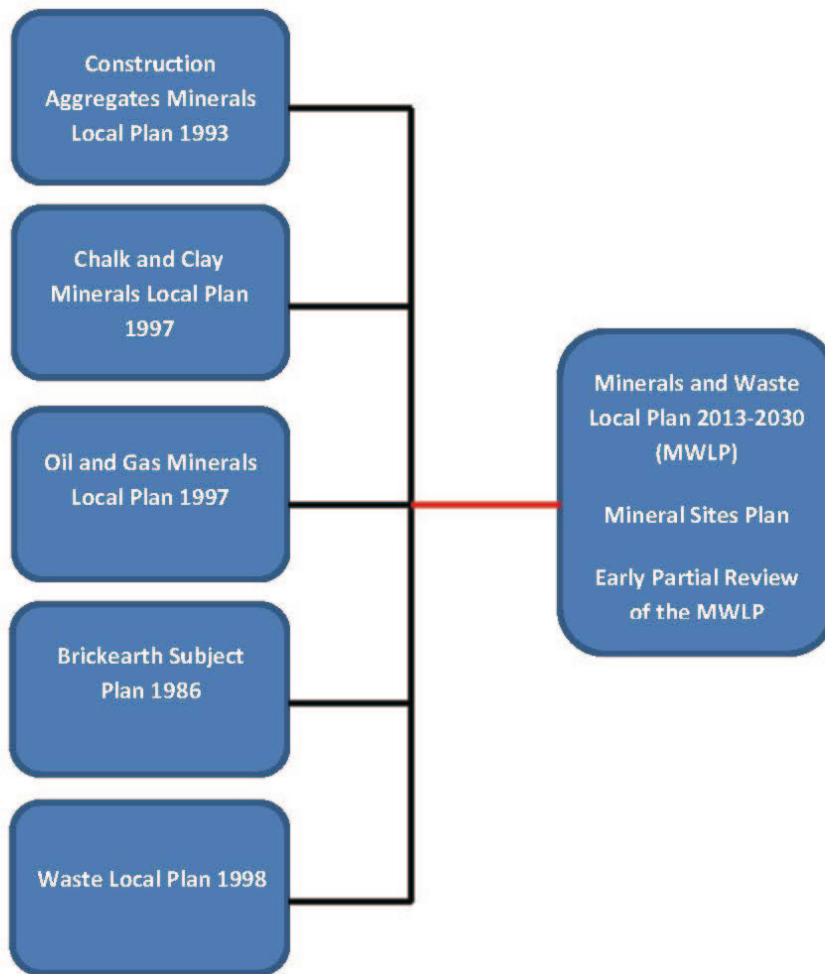
1.1.2 Most of the Kent Minerals and Waste 'saved' policies included in these plans are no longer relevant in decision making on planning applications and appeals as they have been replaced by those in the adopted Minerals and Waste Local Plan 2013-30.

1.1.3 Those saved policies which are still relevant are as follows:

- Kent Minerals Local Plan: Construction Aggregates saved policies (December 1993) - Policy CA6
- Kent Minerals Subject Plan: Brickearth saved policies (May 1986) - Policy B1
- Kent Waste Local Plan saved policies (March 1998) - Policies W7, W9 and W11

1.1.4 The County Council is now preparing a mineral sites plan that will allocate sites needed to meet requirements for mineral as set out in the adopted Kent Minerals and Waste Local Plan (KMWLP). The County Council is also reviewing certain policies concerning waste management in the KMWLP which affect the need for a Waste Sites Plan. These areas of plan making and plan related work is set out in more detail in Chapter 3. The relationship between the old and now superseded plans and the adopted Plan and the future Kent minerals and waste sites plans does not involve a simple one for one replacement. The following diagram shows the changes:

Diagram showing the transition to the new Kent MWLP Documents

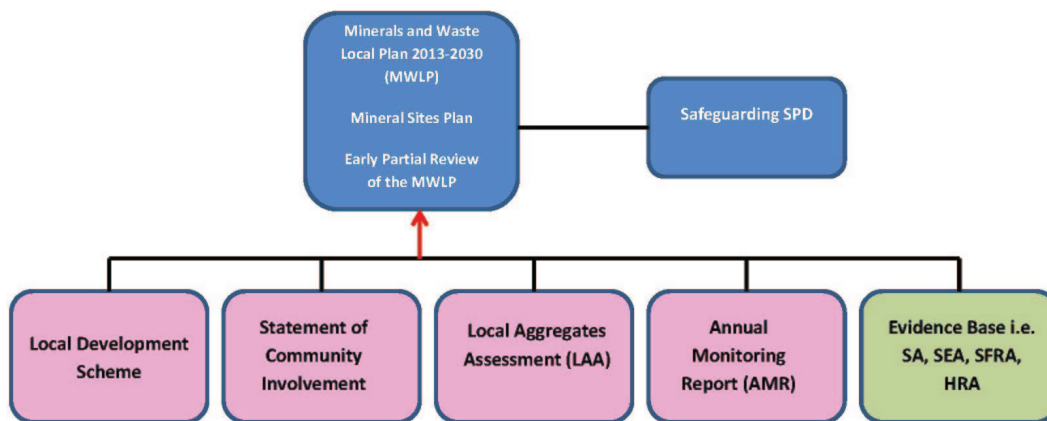


1.2 The Minerals and Waste Development Scheme

1.2.1 The diagram below shows the relationship between the minerals and waste plans and supporting documents that form and underpin the adopted Kent Minerals and Waste Local Plan 2013-30. The Annual Monitoring Report and the Local Aggregates Assessment are prepared on an annual basis and monitor performance (i.e. how development has actually come forward) against Plan objectives. These monitoring documents, as well as other survey work, help identify whether there is a need for a review of the adopted Plan

1.2.2 The Annual Monitoring Report and the Annual Aggregate Assessment requirement will also inform decision makers of changes, such as aggregate landbank levels, that may be material to the determination of planning applications and appeals and would need to be taken into account as well as the policy provisions of the adopted Plan.

Diagram to show the relationship between the Minerals and Waste Local Plan Documents



2 Minerals and Waste Local Plans

2.0.1 The following describes the main Kent Minerals and Waste Local Plan documents to be prepared and the key stages of their development, including public consultation to be undertaken, following the adoption of the Kent Minerals and Waste Local Plan (MWLP) 2013-30. It is important to note that the dates for future stages of plan preparation are notional estimates and therefore could be subject to change.

2.1 Partial Review of Kent Minerals and Waste Local Plan 2013 - 2030

2.1.1 The Kent Minerals and Waste Local Plan 2013-30 is the strategic document which sets out the vision and delivery strategy for mineral provision and waste management in Kent. The Plan is formed of core strategic policies and monitoring implementation framework, as well as development management policies against which any proposals for minerals and waste development will be assessed. The Plan makes provision for the ensuring a ready and sustainable supply of minerals to meet construction and industrial requirements and the sustainable management of all wastes arising in Kent which will support the principles of the UK Government's waste hierarchy.

2.1.2 A Partial Review of the Plan is to be undertaken that will cover two key aspects of the adopted Kent Minerals and Waste Local Plan 2013-30. These are explained below.

2.1.3 *Need for a Waste Sites Plan*

2.1.4 The adopted KMWLP identified a shortfall in waste management capacity over the Plan period to be met, in part, by development on sites allocated in a Waste Sites Plan. Early work on the Waste Sites Plan included a reassessment of waste management requirements which suggests that the identification of sites within a separate Waste Sites Plan is no longer justified. One of the main reasons for the change in position is that additional significant waste recovery capacity is now under construction that will mean there will no longer be a shortfall in such capacity. To regularise the position, modifications to the KMWLP are now therefore required.

2.1.5 *Minerals and Waste Safeguarding*

2.1.6 Implementation of the KMWLP has revealed a significant ambiguity within policies which is having a detrimental impact on the ability of the KMWLP to safeguard mineral resources and minerals and waste management infrastructure. As part of the Partial Review it is therefore proposed to make modifications to rectify this issue.

2.1.7 The table below sets out the key stages for the Partial Review of the The Kent Minerals and Waste Local Plan 2013-30.

2.1.8 Timetable for Key Stages

Partial Review of Kent Minerals and Waste Local Plan 2013-30

Stages	Dates
Consultation on waste evidence base with key stakeholders (Regulation 18)	June - August 2017
Consultation on Draft KMWLP Partial Review Document and Scope of Sustainability Appraisal (Regulation 18)	December 2017 - March 2018
Pre-submission and Sustainability Appraisal Consultation (Regulation 19)	October - November 2018
Submission	January 2019
Independent Examination Hearings	April - May 2019
Inspector's Report	October 2019
Adoption	December 2019

2.2 Kent Mineral Sites Plans

Mineral Sites Plan

2.2.1 The Mineral Sites Plan will identify mineral sites and locations for mineral extraction, processing and importation -that reflect the principles and strategy of the Minerals and Waste Local Plan 2013 - 2030. It is proposed that the minerals covered in the document will include soft sand (building sand) and sharp sand and gravel.

2.2.2 In 2010, the County Council undertook work to prepare a Mineral and Waste Sites Plan. This work was carried out in tandem with the KMWLP 2013-30. While the First Preferred Options Consultation was undertaken between May and July 2012, the Council's focus switched to advancing the now adopted Minerals and Waste Local Plan 2013 - 2030 strategy. Due to the lapse in time between the First Preferred Options Consultation, the Council undertook a further Call for Sites process in late 2016/early 2017 to ensure that any changing circumstances can be properly taken into account. The table below sets out the Key Stages leading up to adoption of the Kent Mineral Sites Plan.

Timetable for Key Stages of the Mineral Sites Plan

Minerals Sites Plan

Stages	Dates
First Call for Sites	May - October 2010
Options Consultation	May - August 2011
Supplementary Options Consultation	October - December 2011
First Preferred Options Consultation	May - July 2012
Second Call for Sites and Consultation on Site Selection Methodology (Regulation 18)	November 2016 - January 2017
Options Consultation (Regulation 18)	December 2017 - March 2018
Pre-Submission Plan Consultation (Regulation 19)	October - November 2018
Submission	January 2019

Stages	Dates
Independent Examination Hearing	April/May 2019
Inspector's Report	October 2019
Adoption	December 2019

2.3 Adopted Policies Maps

2.3.1 The Adopted Policies Maps illustrate the plan policies in minerals and waste plans on an Ordnance Survey base. Once a plan has been adopted, the County Council policies maps (including safeguarding areas and minerals and waste allocations) contained within it should be included on the Adopted Policies Maps maintained by borough/district planning authorities. The borough/district council maps shall be updated and amended whenever a new or revised Minerals and Waste Plan is adopted.

2.4 Arrangements for Production of the Plans

2.4.1 Arrangements for the production of the KMWLP Partial Review and the Mineral Sites Plan.

Organisational Lead	Minerals and Waste Planning Policy Team, Environment Planning and Enforcement, Kent County Council
Political Management	Informal Members Group
	Decision making by Cabinet Member responsible for Minerals and Waste Local Plan matters, Environment and Transport Cabinet Committee, Cabinet and Full Council as appropriate.
Resources Required	Existing staff resources and consultancy support
Community & Stakeholder Involvement	In accordance with the Regulations and Statement of Community Involvement.

3 Key Supporting Documents and Evidence Base

3.1 Annual Monitoring Report and Local Aggregates Assessment

3.1.1 Plan preparation progress and the implementation and effectiveness of adopted plan policies is, and will be, reviewed annually through the Annual Monitoring Report (AMR). Monitoring will indicate what, if any, changes, need to be made and these will be incorporated into any subsequent reviews of the adopted policies.

3.1.2 In addition, the National Planning Policy Framework states that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA) based on:

- a rolling average of 10 years sales data and other relevant local information, and
- an assessment of all of the supply options (including marine dredged, secondary and recycled sources).

3.1.3 The AMR and LAA will be published annually on the County Council's website.
(2)

3.2 Statement of Community Involvement

3.2.1 The Government have set minimum standards for consultation during plan preparation prior to its submission for examination.⁽³⁾ It is crucial that all interested parties, including local communities, the minerals and waste industry and environmental groups are involved in the preparation of planning documents.

3.2.2 Kent County Council's Statement of Community Involvement (SCI) sets out how communities are to be involved in the preparation of Local Plan documents. The current version was adopted in January 2011, with an addendum published in April 2013. A second addendum was published in January 2014, and is currently being updated to reflect the increased level of electronic consultations to meet local need. The document sets the standards and opportunities for community involvement in the preparation and review of the Local Plan documents identified in this Development Scheme, as well as involvement in planning applications that the County Council determines.⁽⁴⁾ The County Council is updating the SCI to reflect the latest developments in the preparation of the Minerals and Waste Local Plan and to set out the consultation process to be undertaken in future. The updated SCI will also incorporate, where appropriate, any legislative changes to the planning system within the context of engagement and consultation.

2 Available from:
www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/annual_monitoring_reports.aspx

3 See The Town and Country Planning (Local Planning) (England) Regulations 2012

4 The Statement of Community Involvement can be viewed at:
http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/community_involvement.aspx

3.3 Minerals and Waste Safeguarding Supplementary Planning Document

3.3.1 The County Council adopted a Minerals and Waste Safeguarding Supplementary Planning Document (SPD) in 2017. The purpose of the SPD is to provide guidance on the implementation of policies in the adopted Kent MWLP in relation to minerals and waste safeguarding matters; it does not introduce new policy. The adopted policies on safeguarding prevent the unnecessary sterilisation of the mineral resources in Kent deemed of economic importance by the British Geological Survey (BGS). The Plan also safeguards minerals and waste importation and processing infrastructure (wharves, railheads and the production of secondary and recycled mineral substitute products and waste management infrastructure).

3.3.2 Similarly, they ensure that the existing minerals and waste management infrastructure in Kent is not lost to, or its use compromised by the inappropriate proximity of non-mineral or waste developments, that by their nature, maybe incompatible with their continued operation. An example could be housing development within close proximity to an existing operationally unrestricted mineral wharf. The timetable for the preparation of the Minerals and Waste Safeguarding SPD is set out below.

3.3.3 Following adoption of the Partial Review of the Kent Minerals and Waste Local Plan 2013-2030 minor changes to SPD will be needed to reflect updates to the mineral and waste safeguarding policies.

3.4 Sustainability Appraisal and Strategic Environmental Assessment

3.4.1 The Partial Review of the Kent Minerals and Waste Local Plan 2013-2030 and preparation of the Mineral Sites Plan is subject to appraisal and testing through Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). SEA is a systematic process of identifying and addressing the environmental consequences of plans and programmes required by EU directive that is currently in force in UK environmental law. The testing will identify any likely significant environmental effects resulting from the implementation of the strategies, policies and proposals brought forward with the objective of promoting sustainable development.

3.5 Appropriate Assessment under the Habitats Directive

3.5.1 The purpose of Appropriate Assessment (AA) is to assess the impacts of spatial plans, such as the proposed plans, against the nature conservation objectives of any 'European site' (Natura 2000 habitat designation) and to ascertain whether they would adversely affect the integrity of that site. There are a number of European sites in Kent and the County Council will, as necessary, apply Appropriate Assessment to the Plans as they are being prepared.

4 Supporting Statement

4.1 Management and Resources

4.1.1 This scheme amends earlier schedules to reflect the current programme for the preparation of minerals and waste planning policy in Kent.

4.2 Evidence Base

4.2.1 To create a sound evidence base for the KMWLP Partial Review and Kent Mineral Sites Plan, relevant surveys and monitoring information is needed. This includes information to ensure that any site allocations are fully assessed in terms of their environmental sustainability and deliverability and that they will deliver the strategy of the adopted Kent Minerals and Waste Local Plan 2013-30 (with proposed modifications). The evidence base will identify the issues and constraints for site allocation and policy development.

4.2.2 The evidence base consists of a number of data indicators. A comprehensive list is included within the Data Monitoring chapter of the AMR but in summary the indicators consist of:

- The production of aggregates
- New mineral reserves
- Landbanks
- Safeguarding
- Sales of construction aggregates at wharves and rail depots
- Capacity of any new waste management facilities
- Municipal waste arisings
- Exports and imports of waste
- Exports and imports of minerals
- Capacity for handling waste materials in Kent.

4.2.3 All reports compiled for the Kent Minerals and Waste Local Plan to date are available from the County Council's website. ⁽⁵⁾

5 Available from:

http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/evidence_base.aspx

4.3 Duty to Co-operate

4.3.1 The 'Duty to Cooperate' arising from the Localism Act 2011, applies to all Local Planning Authorities, County Councils and prescribed bodies.⁽⁶⁾ and requires that they must co-operate with each other to maximise effectiveness in planning for strategic cross-boundary matters in development plans.

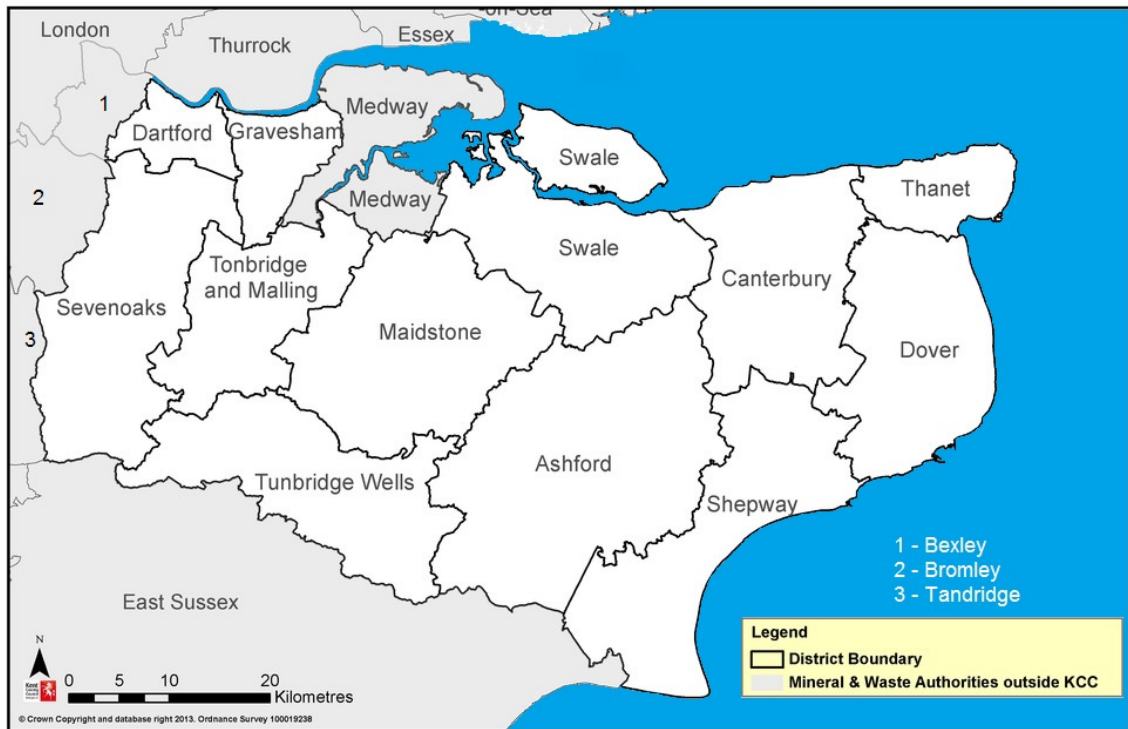
4.3.2 The duty imposed on these bodies requires that engagement should occur constructively, actively and on an on-going basis during the plan making process and that regard must be given to the activities of other authorities where these are relevant to the local planning authority in question.

4.3.3 For Kent, this represents the boroughs/districts within the county, as well as those which may border Kent or authorities which import/export a significant amount of minerals or waste to and from Kent.

4.3.4 Within the Kent area both Kent County Council and Medway Council are minerals and waste planning authorities. It is recognised that the strategic nature of minerals and waste planning issues may not be confined within the respective areas of each authority. We will continue our commitment to joint working and sharing of evidence with Medway Council in particular to ensure that there is both common understanding and consistency in the development and direction of policy for the individual local plans.

6 See Regulation 4 (1) The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Map to show geographic area covered by Kent County Council and Medway Council



4.4 Risk Assessment

4.4.1 In preparing this Development Scheme, consideration has been given to potential risks that might impact on preparation of the Local Plan. These risks include;

- **Personnel** - Availability of experienced personnel.
- **Decision Making** - Political Processes.
- **Soundness** - Working alongside key stakeholders to ensure the MWLP is delivered in accordance with the appropriate regulations.
- **External Bodies** - The length of time it takes to receive responses from stakeholders and the quality of these responses.
- **Community Engagement** - Issues of concern and the scale of response may influence the programme.



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Appendix 4

Kent Minerals and Waste Local Plan 2013-30 Partial Review and Mineral Sites Plan Options Consultation - Equality Analysis/ Impact Assessment (EqIA Environment and Transport Cabinet Committee 30th November 2017

Directorate/ Service: Growth, Environment and Transport, Environment, Planning & Enforcement, Minerals and Waste Planning Policy

Name of decision, policy, procedure, project or service:

Kent Minerals and Waste Local Plan 2013-30 Partial Review and Mineral Sites Plan Options Consultation

Responsible Owner/ Senior Officer:

Sharon Thompson, Head of Planning Applications

Version:

Version	Author	Date	Comment
1	B Geake	September 2017	Initial Screening
2	S Thompson	September 2017	Revision of first draft
3	A Agyepong	11 October 2017	No comments to add

Author: Bryan Geake, Principal Planning Officer Minerals and Waste Policy Team

Pathway of Equality Analysis: The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) sets the overarching core strategy for minerals and waste management development and was subject to detailed EQUIA. It was the subject of a report to Environment & Transport Cabinet Committee 8th July 2016, Cabinet Committee 27th June 2016 and Full Council 12th December 2013 and 14th July 2016. It is intended that the Mineral Sites Plan and the Partial Review will be reported to Environment & Transport Committee on 30th November 2017. Each Plan making stage was the subject of a key decision and supported by a FED.

Summary and Recommendations of Equality Analysis/Impact Assessment:

Context

The production of a Minerals and Waste Local Plan is a statutory requirement for the County Council as a Local Planning Authority. It forms the policy basis for decision making by the County Council in determining planning applications for proposed minerals and waste management development and mineral safeguarding for the District/Borough Councils.

The KMWLP was adopted by the County Council in July 2016 following external examination by a Government appointed Planning Inspector. The Plan sets out the strategy for sustainable mineral supply and waste management in the County of Kent in accordance with Government advice and planning law and guidance. It requires sites to be identified and brought forward in a Sites Plan to realise the adopted KMWLP's

objectives, together with monitoring of the effectiveness of its policies. The KMWLP was accompanied by an agreed EQUIA. In adopting the assessment it was recognised that further assessment would be required for the Sites Plans and that this work would be subject to wider consultation and independent examination appointment by the Secretary of State.

Aims and Objectives

This next stage of the Plan Making process has identified the following work streams: - partial policy review of waste needs and safeguarding and the preparation of a Mineral Sites Plan. This will ensure that mineral and waste management development within the County is sustainable and meets legislative requirements. It will also ensure that planning decisions have a robust policy base and that they are taken in the wider public interest.

Partial Policy Review

Monitoring of the KMWLP has identified significant changes in circumstances post adoption in respect of waste supply and mineral and waste safeguarding that indicate policies CSW 4 (Strategy for Waste Management Capacity), CSW 7 (Waste Management for Non-hazardous Waste), CSW 8 (Recovery Facilities for Non-hazardous Waste), CSW 12 (Hazardous waste), CSW 14 (Disposal of Dredgings), DM 7 and DM 8 (Minerals and Waste Safeguarding) are no longer robust for planning decisions. As a result these policies and explanatory text require review.

The adopted Plan identified a shortfall in capacity over the Plan period in waste recovery energy from waste and organic waste treatment, hazardous waste and the disposal of dredgings. As a consequence, the following policies will need to be changed:

Waste Policy CSW 4: states that the waste management strategy for Kent is to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. This is to achieve the targets set out in the Kent Joint Municipal Waste Strategy (as amended) on recycling and composting, reuse and landfill diversion.

Waste Policy CSW 7: identifies the amount of new waste recovery capacity that is needed in the county until 2030; this has changed significantly with the implementation of a major waste to energy plant in the county which is now under construction. To avoid over supply and continue to meet the agreed net self-sufficiency requirements, a review of this policy is necessary. This work will also inform the need for a Waste Sites Plan.

Waste Policy CSW 8: states that a waste recovery facility will be identified in the Waste Sites Plan to treat a capacity of 562,500 tonnes per annum. Furthermore, planning permission will be granted for facilities managing a maximum of 437,500 tonnes in total capacity until the results of annual monitoring indicate that this restriction would result in the loss of all non-hazardous landfill capacity in the county before the end of the plan period.

Waste Policy CSW 12: states that a site will be identified within the Waste Sites Plan for the landfilling of asbestos.

Waste Policy CSW 14: states that a site will be identified within the Waste Sites Plan for the disposal of dredgings.

Safeguarding Policies DM 7 and DM 8 detail the circumstances where an exemption from the presumption to safeguard minerals and mineral and waste permitted infrastructure is justified. Criteria detailing these circumstances are set out in the policies. Both policies identify that when a non-minerals and a non-waste development allocation exists in an adopted development plan, safeguarding presumptions can be set aside as an exemption can be invoked. The intention of the policies exemption criteria in this regard is to ensure that the development allocations of Borough Council local plans are formulated with due regard to the overarching need to safeguard minerals and minerals and waste infrastructure. This ensures that 'safeguarding considerations' are taken into account prior to the allocation of non-minerals development (i.e. housing) prior to the adoption of the Borough Council's Local Plans.

Post adoption of the KMWLP, differing interpretations of the safeguarding DM7 and DM8 policy exemptions have emerged with the suggestion that non mineral development allocations in a post 2016 adopted Borough Local Plan that have not considered mineral safeguarding matters can benefit from an exemption. This is not the County Council's view and has the potential to undermine the KMWLP's safeguarding strategy.

As a result, the potential ambiguity in the wording of criterion (7) in Policy DM 7 and criterion (2) of Policy DM 8 requires review so as to clarify their intended meaning as to what constitutes an exemption in an 'adopted development plan'. This will ensure the Plan is effective in the interests of all groups within Kent's communities.

Minerals Sites Plan Options Consultation

The identification of potentially economically important mineral sites to meet the requirements of the KMWLP is highly dependent on the geographical distribution of the economic geology of Kent; along with the promotion and deliverability of potential mineral sites by landowners and operators to meet the requirements. Site allocation is undertaken in accordance with an agreed site methodology and recognised best practice.

Public Consultation

The options document identifying potential sites for future development and the partial review of the KMWLP will be subject to public consultation in accordance with the Council's Statement of Community Involvement (SCI) and statutory planning requirements (Regulation 18) later this year. Community engagement is an important part of the plan making and planning application process with opportunities for engagement and consideration against the protected characteristics, amongst other planning matters. A variety of different methods has and will be used to disseminate information and to encourage participation.

Summary of Impact Assessment

The policy review work and the emerging Mineral Sites Plan are neutral in the equality impact assessment on any one protected group. The purpose of the Plan is to provide a framework for determining planning applications, which are required to be determined in the public interest. The policy review work and the emerging Mineral Sites Plan are unlikely to have a specific impact, either positive or negative, on any of the protected groups identified below to any lesser or greater extent than the general population. The Plans will have no direct physical effect until such time as proposed development is granted permission and development commences. As part of the planning application process, there is a further requirement to conduct public consultation and have regard to responses made. Monitoring of the KMWLP is undertaken annually and provides contextual data on Kent's population. This work is used to monitor the effectiveness of the Plan's policy, including its impact upon the equality protected characteristics.

Summary of Equality Impact

It is reasonable to conclude that as any exercise in Plan making and Plan review leads ultimately to a certain amount of new development. Therefore there is arguably a degree of low overall negative impact in the outcome of this assessment, as all development has some negative impact on the wider environment and communities within it. There will also be balancing competing planning interests such as increased sustainability in waste management and mineral supply. Overall, the partial review of the Plan's safeguarding and waste policies and the preparation of the Mineral Sites Plan Options document are unlikely to have a specific impact, either positive or negative on any of the protected groups identified below to any lesser or greater extent than the general population. On this basis a Part 2 full equality impact assessment is not required.

Adverse Equality Impact Rating **Low** - See table below

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment for the Minerals Sites Plan Options Consultation. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: Sharon Thompson

Job Title: Head of Planning applications

Date: 6th November 2017

DMT Member

Signed: Katie Stewart

Job Title: Director of Growth, Environment and Transport

Date: 6th November 2017

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

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Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Disability			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Gender			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Gender identity/ Transgender			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Race			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further	

			assessment is required.	
Religion and Belief			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Sexual Orientation			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Pregnancy and Maternity			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Marriage and Civil Partnerships			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Carer's Responsibilities			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	

Part 2 is not required.

From: Roger Wilkin, Director of Highways, Transportation & Waste

To: Environment & Transport Cabinet Committee – 30 November 2017

Subject: Task & Finish Group Review of Future Commissioning of Soft Landscape Service

Key Decision: Non Key Decision

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Countywide service - All electoral divisions

Summary:

At the meeting on 4 December 2015, this Cabinet Committee agreed to set up a Task & Finish Group to review options for the future commissioning of the soft landscape works service. The Task & Finish Group's preferred approach was to explore devolution of discretionary services to local councils. On 11 March 2016 the Cabinet Committee decided that Highways Transportation & Waste were to lead or assist with a series of workshops addressing the devolution of the soft landscape service to local councils. Ten workshops were held across Kent. Of the 49 parish councils which initially expressed an interest in devolution; 7 have subsequently taken on the service however, in the same period two districts councils have handed the service back.

Recommendation:

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision for Highways Transportation & Waste to continue supporting individual local councils who express an interest and to ensure that opportunities continue to remain available for the delivery of soft landscape services at a local level.

1. Introduction

- 1.1 At the 4 December 2015 Environment and Transport Cabinet Committee (ETCC) meeting Members agreed to set up a Task & Finish Group (T&FG) to review and make recommendations for the future commissioning of the soft landscape works service. The T&FG met on four occasions to consider the draft Diagnostic Report and the five proposed service options. (See Appendix A.)
- 1.2 The T&FG's preferred approach was to explore devolution of soft landscape services (mainly the discretionary services of urban grass, shrubs and hedges) to parishes and town councils while recognising the need to meet the MTFP savings target of £380k for 2017/18 and 2018/19. Subsequently HT&W lead on a series of workshops addressing devolution of the soft landscape service to

local councils. This paper provides an update on the workshops held and the interest expressed so far.

2. The report

- 2.1 The concept of local councils undertaking soft landscape works on behalf of KCC is not new and a number of councils had already taken up this option in the past (see Appendix B).
- 2.2 However, it was felt that the devolution opportunity required wider dissemination to stimulate interest and HT&W worked with the Kent Association of Local Councils (KALC) to deliver six presentations. This was supplemented by four additional KCC countywide parish seminars and a further meeting with seven Swale parish councils (See Appendix C).
- 2.3 Approximately 15 - 20 people attended each of the KALC area committee presentations and 124 parish representatives attended the four additional KCC parish seminars. Representatives from seven parishes attended the special Swale meeting. A number of representatives attended both the KALC and KCC seminars.
- 2.4 Since the workshops took place 30 parishes and town councils in the west of the county and 19 parishes and town councils in the east have expressed specific interest in a devolved service. Interested local councils received detailed maps and schedules identifying KCC grass, shrubs and hedges within their boundaries with the measurements for each. The combined costs for this service in the 49 councils totals £94,613.38 out of a budget of £908,600 (this is the revised countywide budget allocation after meeting the 2017/18 MTFP savings). See Appendix D for a summary of interested parishes.
- 2.5 A further four councils expressed an interest in carrying out rural swathe and visibility cutting representing £2,360.46 out of a budget of £295,000.
- 2.6 The feedback from the parish seminars and KALC-led meetings expressed concerns over security of funding, a lack of local expertise to manage the service, a failure by KCC to prioritise soft landscape services and differing standards across the county. See summary of comments in Appendix E. All concerns were addressed either at the meetings or directly with the parishes concerned.
- 2.7 It has now been a year since the opportunity was highlighted. To date 7 of the local councils have confirmed they wish to proceed and are currently carrying out the service on behalf of KCC. The total annual value for this work is £11,701.46 (Appendix D). During this period the soft landscape team have been in discussions with the remaining 42 parishes to obtain updates on their intentions and assist with any questions.
- 2.8 The soft landscape commissioning plan accepts the need to procure services. Current contracts allow for take-up by local councils and future contracts will also provide this opportunity, in proportion to the contract values and procurement rules. This ensures the required flexibility remains in place to support both approaches.

- 2.9 As a result of implementing the MTFP savings for 2017/18 onwards Gravesham and Swale councils unfortunately handed back the soft landscape service from 1st April 2017 on the basis that the monies available from KCC were insufficient. The annual value of these works is approximately £160k. The impact on devolution at the district/borough level is shown on the maps in Appendices F and G.
- 2.10 At this point in time KCC have gained seven local councils and lost two District Councils. A net gain of five local councils. However, from a financial perspective KCC have devolved £11.7k but have had £160k worth of work handed back. This has resulted in a net reduction of £148,300 pa of work delivered at a local level.

3. Financial Implications

- 3.1 The required MTFP savings target of £380,000 will be phased in over two years. The £250k earmarked for 2017/18 was reduced to £132k. The remaining £248k will be taken from the revenue budget in 2018/19.
- 3.2 The MTFP savings require a reduction in urban grass cutting from 8 to 6 cuts per annum which commenced in 2017/18 across the county. Any funding provided to local councils take the required savings into account. As a result there is no financial impact in 2017/18 for delivery at a local level.
- 3.3 Urban grass cutting, shrubs and hedges will be re-tendered in four districts (Dartford, Maidstone, Canterbury and Thanet) for 2018/19 and in a further five districts for 2020/21. It is anticipated that any further budget savings required above the £248k will require further reductions in the frequency of the grass cutting service to achieve this.
- 3.4 If grass cuts have to be further reduced to meet ongoing and future budget savings, local councils who have taken up the service will have their funding reduced. This may impact on the number of interested councils and may lead to a number of existing local council providers handing the service back.
- 3.5 Currently the delivery of the service at a local level remains cost neutral to KCC and as such is not impacted by the number of local councils who wish to provide the service on KCC's behalf. The benefits of local delivery are greater local decision making and associated customer satisfaction. It allows local councils to top up the service to improve visual amenity to meet local priorities and has the potential to achieve more for less via subsidisation from the local council providers.

4 Legal implications

- 4.1 There are no legal implications.
- 4.2 Current and new contracts are able to facilitate local delivery at current levels of interest. A significant increase in parish interest would require phasing over a number of years to avoid the potential for contract frustration and potential

claims existing contract suppliers.

5 Equalities implications

- 5.1 No equality implications apply to the service at the 2017/18 revised maintenance levels. Any further reductions beyond those proposed for 2017/18 may have equality impacts. Any associated significant change in service may require a public consultation exercise.

6 Conclusions

- 6.1 Arrangements have been put in place to realise the required £380k MTFP savings at the same time as pursuing devolution of the soft landscape service to local councils.
- 6.2 Initially, 15% of local councils in Kent expressed an interest in local delivery but only 2% (seven number) have confirmed they will proceed at this point in time. It is appreciated that any proposal to take on the service is very much a local decision with separate governance timeframes to KCC. Therefore the opportunities should remain open for the foreseeable future. Current contract arrangements support this and future procurement will also facilitate this opportunity.
- 6.3 It is possible that the service reductions from 2017/18 and funding on offer to local councils from KCC to undertake devolved service provision will not generate significant interest from local councils. As such increased local delivery may not increase in popularity in the short term.
- 6.4 The local delivery option of the soft landscape service should continue to be supported where interest becomes apparent. However, due to the impact on current staff resource proactive marketing of the concept will need to be re-directed to focus on supporting specific councils. This will ensure that the full range of benefits: local employment; greater local ownership; accountability for the service and improved customer satisfaction remain viable future opportunities for all parties moving forward, with minimal impact on KCC's ability to manage front line services.

7. Recommendation:

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision for Highways Transportation & Waste to continue supporting individual local councils who express an interest and to ensure that opportunities continue to remain available for the delivery of soft landscape services at a local level.

8. Appendices and Background Documents

- 8.1 Appendix A: Council Members – Task and Finish Group Members
Appendix B: Soft Landscape District & Parish Providers 2016/17 and 2018/19
Appendix C: Local Council Workshops
Appendix D: Parish Interest West Kent and East Kent

Appendix E: Parish Seminar Feedback – Common Themes
Appendix F: District Devolution of Urban Soft Landscape Services 2016/17
Appendix G: District Devolution of Urban Soft Landscape Services 2017/18

9. Contact details

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Appendix A

Council Members, Task & Finish Group

Clive Pearman, Chairman
David Brazier
Mike Baldock
Ian Chittenden
Martin Whybrow
Colin Caller

Officers:

Andrew Loosemore
Richard Diplock
Lynn Leigh
Robin Hadley

Appendix B

Soft Landscape District & Parish Providers 2016/17 and 2017/18

Urban Services

Local Authority	Service	2016/17 Costs	2017/18 Costs
Ashford	Urban grass, shrubs and hedges	£131,328	£108,492
Dover	Urban grass, shrubs and hedges	£26,913	£21,438
Gravesham	Urban grass, shrubs and hedges	£73,718	£0
Shepway	Urban grass, shrubs and hedges	£84,237	£59,506
Swale	Urban grass, shrubs and hedges	£133,678	£0
Hadlow	Shrubs	£623	£623
Hextable	Urban grass, shrubs and hedges	£2224	£1486
Horsmonden	Urban grass	£179	£133
Minster	Urban grass, shrubs and hedges	£2236	£1909
Shepherdswell & Coldred	Urban grass, shrubs and hedges	£290	£290
Tenterden	Urban grass, shrubs and hedges	£0	£6315
Watringbury	Urban grass, shrubs and hedges	£355	£61
Total		£455,781	£200,253

Rural Services (Service no change proposed)

Local Authority	Service	2016/17 Costs	2017/18 Value
Dover	Rural swathe & visibility cutting	£39,631	£39,631
Shepway	Rural swathe & visibility cutting	£23,439	£23,439
Boughton under Blean	Rural swathe	£245	£245
Chiddingstone, Hever, Leigh, Penshurst	Rural swathe & visibility cutting	£3,831	£3,831
Total		£67,146	£67,146*

*Benchmark rates could change with new 17/18 tender

Appendix C

Local Council Workshops

Date	Meeting	Venue	Attendees
23-Jul-16	KALC AREA COMMITTEE PRESENTATIONS	Ditton Community Centre, Aylesford	1520
09-Sep-16	KALC AREA COMMITTEE PRESENTATIONS	Sevenoaks TC Offices	15-20
18-Oct-16	KALC AREA COMMITTEE PRESENTATIONS	Tyler Memorial Hall, Canterbury	15-20
20-Oct-16	KALC AREA COMMITTEE PRESENTATIONS	Civic Centre Folkestone	15-20
21-Oct-16	KCC Parish Seminar*	Cricket Ground, Canterbury	29
25-Oct-16	KALC AREA COMMITTEE PRESENTATIONS	Phoenix Centre Sandwich	15-20
27-Oct-16	KCC Parish Seminar*	Oakwood House, Maidstone	35
03-Nov-16	KCC Parish Seminar*	Holiday Inn, Ashford	31
03-Nov-16	Soft Landscape Team and 7 Swale Parishes		7
07-Nov-16	KALC AREA COMMITTEE PRESENTATIONS	Swale House Sittingbourne	15-20
10-Nov-16	KCC Parish Seminar*	Mercure Hotel, Tunbridge Wells	29
Total			221 - 251

* KALC also attended

Appendix D – Parish Interest West Kent

No	Parish/town Council	Date Contacted Kcc	Value PA	Confirmed
1.	Crockenhill	20 th Jan 2016	£785.34	No
2.	Seal	22 nd Oct 2015	£1,041.39	No
3.	Horton Kirby	12 th Sept 2015	£1,350.20	Yes
4.	Badgers Mount	11 th Oct 2016	£4,230.69	No
5.	Farningham	11 th Oct 2016	£1,553.21	No
6.	Chiddingstone	6 th Oct 2016	£69.21	No
7.	Leigh	6 th Oct 2016	£442.50	No
8.	Penshurst	14 th Oct 2016	£17.83	No
9.	Westerham	18 th Oct 2016	£1,729.39	No
10.	Sevenoaks Town Council	26 th Oct 2016	£11,405.07	No
11.	Dunton Green	28 th Oct 2016	£519.59	No
12.	Otford	10 th Nov 2016	£2,593.12	No
13.	Shoreham	10 th Nov 2016	£4,230.69	No
14.	Riverhead	10 th Nov 2016	£1,323.74	No
15.	Hever	10 th Nov 2016	£37.69	No
16.	Hartley	5 th oct 2016	£1,598.64	No
17.	Eynsford	22 nd Nov 2016	£217.11	Yes
18.	Edenbridge	30 th Nov 2016	£4,116.95	No
19.	Kingshill	28 th Jan 2016	££4,692.54	No
20.	Wouldham	28 th Jan 2016	£672.10	Yes
21.	Burham	Nov 2016	£401.05	No
22.	Birling	11 th nov 2016	£45.07	No
23.	Aylesford	31 st Oct 2016	£17,154.04	No
24.	Platt	31 st oct 2016	£344.66	No
25.	Speldhurst	10 th Nov 2016	£2,143.10	No
26.	Frittenden	10 th Nov 2016	£0	No
27.	Paddock Wood	11 th Nov 2016	£5,551.38	No
28	Higham	27 th oct 2016	£3,057.28	No
29.	East Sutton	27 th oct 2016	£0	No
30.	Yalding	2 nd Nov 2016	£48.43	No

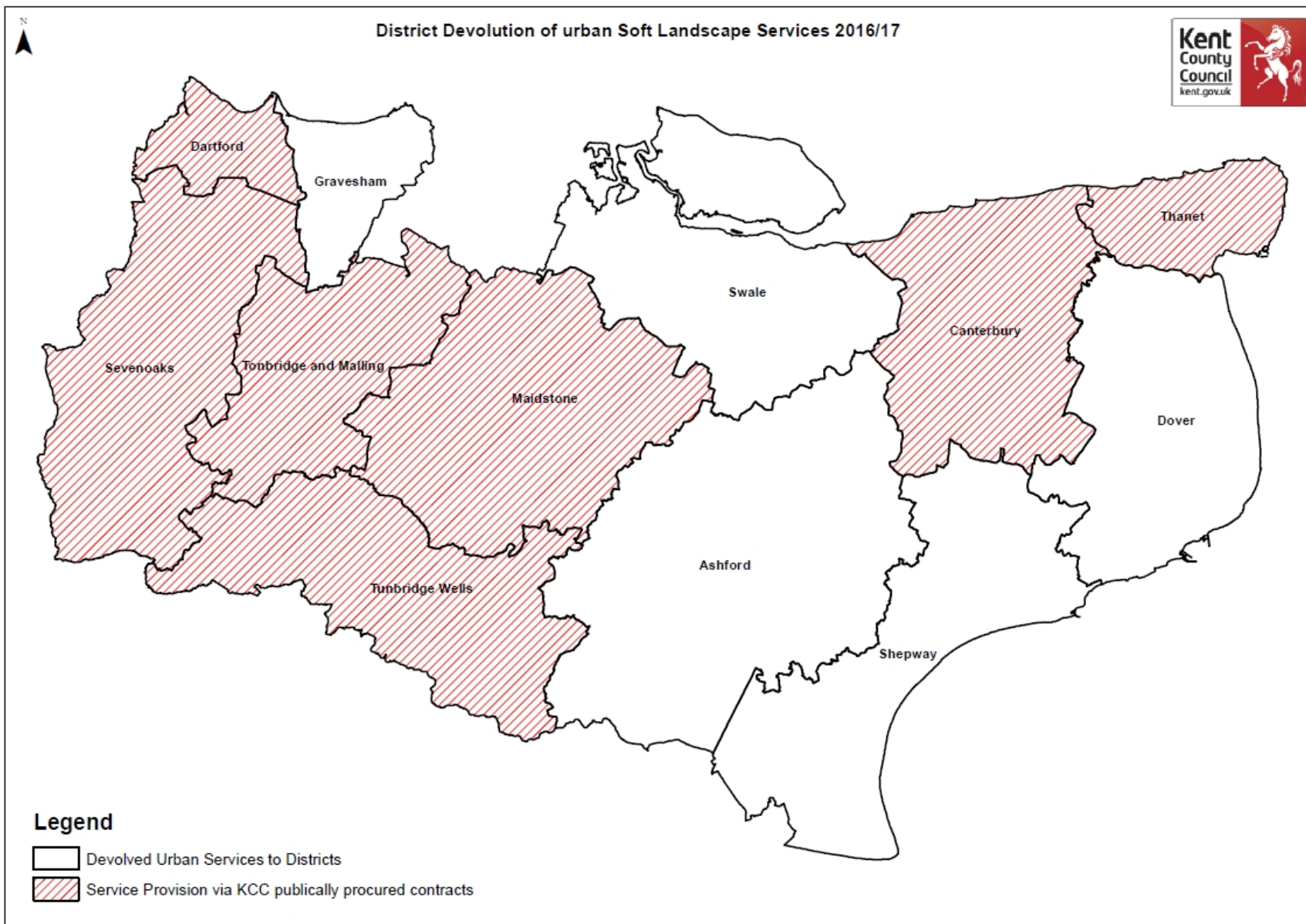
Appendix D - Parish interest East Kent

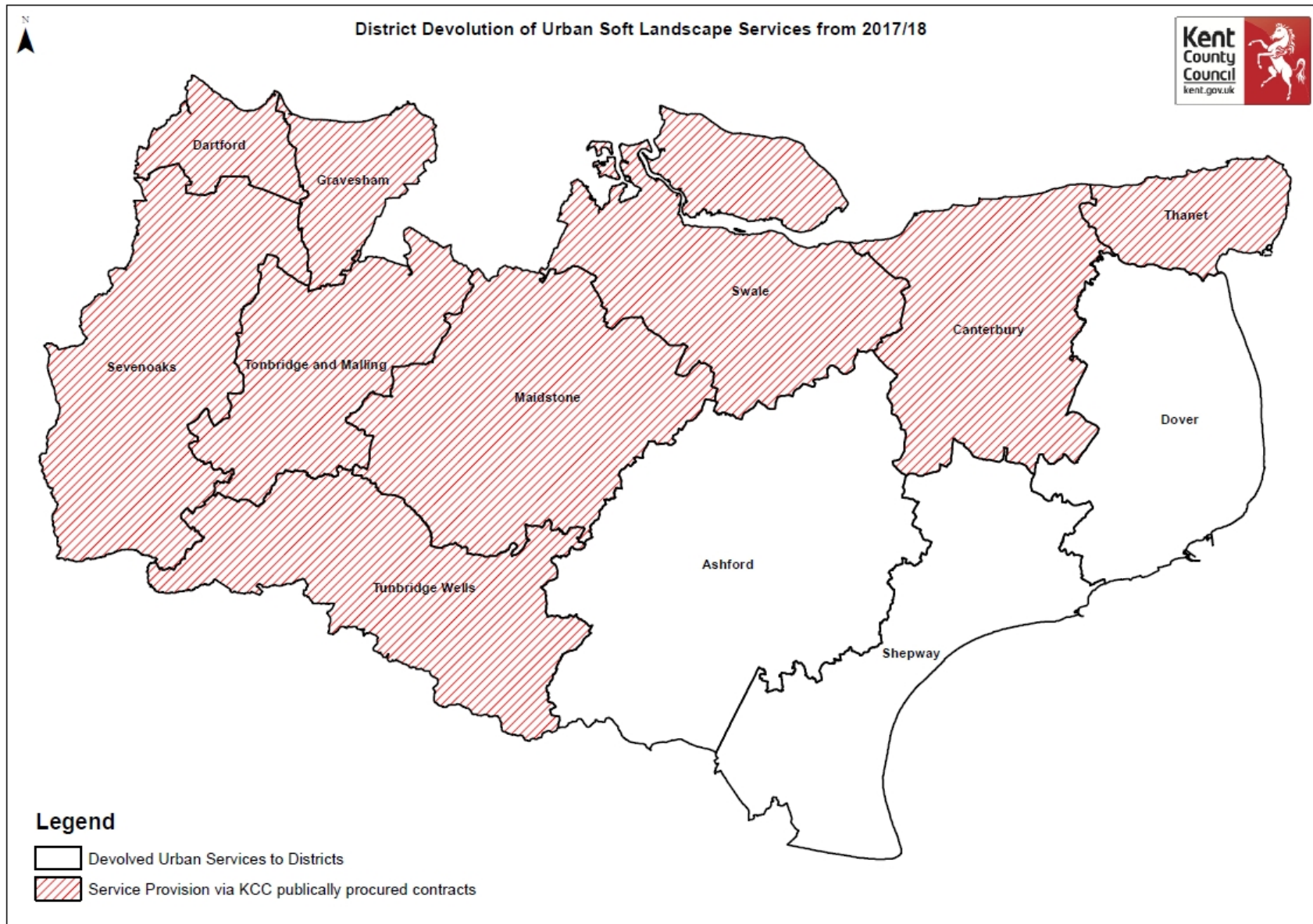
No	Parish/town Council	Date Contacted Kcc	Value PA	Confirmed
1.	Barham	17th nov 2016	£1,687.82	No
2.	Littlebourne	21st Oct 2016	£304.13	No
3.	Hackington, St Cosmus & st Damien in the Blean	7th Nov 2016	£688.08	No
4.	Wickhambreaux	14th Nov 2016	£7.32	No
5.	Ramsgate	3 rd Nov 2016	£11,019.98	No
6.	Iwade	22 nd June 2016	£2,433.01	Yes
7.	Graveney & Goodenstone	1 st Oct 2016	£0	No
8.	Borden	1 st Dec 2016	£1,305.74	No
9.	Milstead	22 nd Mar 2016	£0	No
10.	Bapchild	22 nd Mar 2016	£472.03	Yes
11.	Bredger	22 nd Mar 2016	£242.01	Yes
12.	Rodmersham	22 nd Mar 2016	£54.75	No
13.	Newington	22 nd Mar 2016	£831.79	No
14.	Bobbing	22 nd Mar 2016	£2,952.50	No
15.	Upchurch	22 nd Mar 2016	£1,078.98	No
16.	Hartlip	22 nd Mar 2016	£110.37	No
17.	Lower Halstow	22 nd Mar 2016	£51.13	No
18.	Tenterden	March 2016	£6,315	Yes

Appendix E

PARISH SEMINAR FEED BACK - COMMON THEMES

1. Can we (The Parishes) pay you (KCC) to provide the service on our behalf
2. What is the time frame
3. Can the service be provided through direct employees or contractors
4. Will KCC provide or cover the insurance
5. Will technical advice be available to help us get started
6. Can we give the service back if the devolved arrangements don't work
7. Annual agreements with minimum specification requirement
8. Asset & cost confirmation required to inform income potential
9. Security of funding over the longer term. Will new arrangements be sustainable
10. Will KCC save any more money if you pay parishes the same amount
11. Concern that parishes are not resourced or have the expertise to take on this type of work
12. Concern that KCC are not adequately prioritising and funding Soft Landscape services
13. Clustering an option but in reality would be problematic to implement, many different models available
14. Ability to top up services welcomed in terms of quality however, would lead to differing standards across the county
15. KCC should not be asking parishes to subsidise the service
16. Concerns around service levels going below safety minimum levels going forward
17. Concern that parishes were being forced to take this on despite clearly being offered by KCC as an option





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From: Matthew Balfour, Cabinet Member for Planning, Highways, Transport and Waste
Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 30 November 2017

Subject: Draft Thanet Transport Strategy

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: Thanet Joint Transportation Board

Electoral Division: All Thanet District Divisions

Summary: The report sets out an overview of the draft Thanet District Transportation Strategy and its progress to date, including the future consultation and democratic process in relation to the emerging Thanet Local Plan.

Recommendation(s):

Members are asked to consider and endorse the principles of the draft Thanet Transport Strategy and confirm their support for the initial public consultation exercise to be progressed as part of the Thanet Local Plan process.

1. Introduction

- 1.1 The proposed consultation draft of the Thanet Transport Strategy (TS) summarised in the plan at **Appendix 1**, has been jointly developed with Thanet District Council (TDC).
- 1.2 It is intended to replace the former Thanet Transport Plan (2005) and provides a framework of transport policy to the year 2031, to support planned growth within the Thanet District
- 1.3 The proposed TS earmarks considerable investment in highway infrastructure. It provides potential highway solutions to facilitate the proposed growth of 17,140 new dwellings and 5,000 new jobs, between 2015–2031.
- 1.4 This paper is being presented to Members in pre consultation form due to Thanet District Council recently amending its governance pathway to meet more recent requirements for local plans to be submitted to DCLG by end of March 2018. This submission deadline must be met to avoid a subsequent uplift in objectively assessed housing targets using a pre determined DCLG methodology.

2. Financial Implications

- 2.1 The majority of the measures detailed in the Draft TS, and in particular the significant elements of road infrastructure estimated to circa £70m, are linked to the larger developments and therefore have potential sources of developer funding.
- 2.2 Further viability appraisal work is currently being completed by TDC to assess the financial headway available within the emerging site allocations. This in turn will inform a subsequent Infrastructure Delivery Plan (IDP) which will be submitted as evidence to the local plan examination.
- 2.3 It is anticipated that necessary highway infrastructure will be funded by development with no financial commitment being placed on KCC. Further viability appraisal work by TDC will inform the specification and delivery of final infrastructure proposals, as will consideration of future consultation processes. It is possible that TDC will seek to impose a CIL on certain elements of infrastructure to ensure that the strategy is funded in a financially equitable way across the district.
- 2.4 It is expected that an element of external funding will be sought to encourage rapid delivery of housing. TDC have recently bid for £10million through the recently announced Housing Infrastructure Fund for highway infrastructure contained within emerging TS, other sources of external funding will be subject to competitive bidding process as and when they are announced.

3. Policy Framework

- 3.1 The draft TS seeks to meet the objectives of 'Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement (2015-2020)' by assisting in the delivery of the following outcomes.
 - Supporting business growth by enabling access to jobs through improved transport links;
 - Assisting in the delivery of well-planned housing growth by maximising the delivery of onsite infrastructure and appropriate off site highway improvements;
 - Protecting and enhancing Kent's physical and natural environment, by managing air quality concerns through the delivery of managed growth and improved access to local rural communities;
 - Helping children and young people have better physical and mental health and giving young people access to work, education and training opportunities through a package of new walking and cycling routes, including links to areas of public open space;
 - Helping older and vulnerable residents feel socially included, by providing scope for improved public transport coverage and appropriate highway connections between new and existing communities.
- 3.2 The Thanet TS is commensurate with the high level strategic outcomes that were identified within the recently adopted Transport Plan 4: Delivering Growth without Gridlock (2016-31).

4. The Report

- 4.1 The existing Thanet Transport Plan was adopted in 2005. The majority of measures that were identified 12 years ago have been implemented successfully. The growth proposed within the emerging Thanet District Local Plan has however instigated a review of the existing transport challenges and a new TS is now required to meet the future needs of the local highway network.
- 4.2 The headline aim of the TS is that Thanet will have a safe, accessible, affordable, sustainable, reliable and integrated transport network incorporating improved road, public transport, cycle and pedestrian routes.
- 4.3 There are a number of individual interventions identified within the TS, however the major focus is the creation of an Inner Circuit Route Improvement Strategy (ICRIS), encompassing new and improved inner highway routes to complement the existing Primary Road Network. These improvements will enhance route choice and also provide the opportunity to deliver public transport access to new and existing residents within the district in a more commercially practical way. Positive engagement with a number of developers related to the potential delivery of on-site sections of highway infrastructure has already taken place.
- 4.4 To inform land use option testing, a Strategic Highway Model has been developed to test the impact of the local plan allocations and any identified road interventions. Early outputs from this modelling exercise suggest that travel demand will inevitably increase as more houses are delivered, however the incorporation of new highway routes will spread the impact across a wider area subsequently managing impacts on key links within the district.
- 4.5 In line with National Planning Policy, it is important to deliver development in a sustainable way, and as such in addition to the ICRIS, there are a number of other interventions which seek to improve walking and cycling facilities.
- 4.6 There are four key themes that underpin the Transport Strategy these are :

Encourage Sustainable Travel Habits

- Introduction of new cycle and pedestrian routes.
- Improvements to existing cycle and pedestrian routes.
- Extend and improve access to bus travel through increased frequency and network coverage.
- Implement improvements to the highway network to improve bus journey time reliability.
- Provision of a new Parkway Rail Station at Cliffsend.
- Ensure that new and existing bus infrastructure is delivered or renewed with easy access in mind.
- Ensure that developments provide appropriate walking and cycling facilities.
- Car Parking Strategy

Manage Journey Times

- Provision of new and improved inner highway routes to complement existing primary road network.
- Localised junction improvements to improve traffic flow and levels of service.
- Reduction in the need to travel

Improve Network Resilience

- Provision of new and improved inner highway routes to complement existing primary road network.
- Improve journey time reliability within the local road network by providing new link roads and junction improvements to avoid congestion.
- Improved directional signage

Reduce the Requirement to Travel

- Promotion of mixed use development where appropriate.
- Robust Travel Planning Measures to be implemented for new developments.
- Encourage car sharing.
- Improved communication infrastructure (High Speed Broadband).

5. Equalities Implications

- 5.1 The final Draft TS document will be subject to an Equalities Impact Assessment (EqIA), following consultation with necessary stakeholders and any potential impacts on fully considered.

6. Governance

- 6.1 Subject to the recommendations of this committee, the draft TS will be presented to Thanet Joint Transportation Board on 12th December 2017, for their initial consideration and feedback.
- 6.2 In tandem with this process, TDC will be referring the draft TS to their Overview & Scrutiny Panel meeting on the 21st November, closely followed by their Cabinet Committee on the 14th December. A comprehensive report in relation to pre submission draft of the Local Plan will be referred to their Council on the 18th January at which point TDC officers will seek formal approval to undertake pre submission consultation.
- 6.5 Subject to the outcome of the Council meeting, a six week public consultation process will be undertaken for the local plan (referred to as Regulation 19). This will commence following the Council meeting on 18th January 2018, and will include the draft TS document.
- 6.6 Once public consultation has been completed (March 2018), the feedback from this process will inform any necessary amendments to the draft TS. The final draft of the document will then be reported to this Committee for consideration and endorsement as appropriate along with details of highway interventions contained within the draft Infrastructure Delivery Plan (IDP).

6.7 It is anticipated that the Examination in Public (EiP) for the Thanet Local Plan will take place in Quarter 4 of 2018 (subject to Planning Inspectorate availability).

7. Conclusions

7.1 The Draft Transport Strategy for Thanet balances the needs of all road users and proposes a significant investment in highway infrastructure. It is anticipated that this will be funded by developer contributions, however it may also include a level of external funding (from sources such as Housing Infrastructure Fund and National Productivity Investment Fund). There will be no financial commitment placed on KCC.

7.2 The pending viability appraisal work by TDC and the outcome of subsequent stakeholder consultation will inform the specification and delivery of final infrastructure proposals. The final Draft TS will be subject to further governance processes and consideration through the Local Plan EiP.

8. Recommendation

Recommendation(s):

Members are asked to consider and endorse the principles of the draft Thanet Transport Strategy and confirm their support for the initial public consultation exercise to be progressed as part of the Thanet Local Plan process.

9. Background Documents

- Appendix 1: Thanet District Transport Strategy Draft Infrastructure Plan:
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5275&ID=5275&RPID=18574054>
- Thanet District Transport Strategy 2015-2031 - Consultation Draft 30/10/2017 -
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5276&ID=5276&RPID=18574088>

10. Contact details

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From: Matthew Balfour, Cabinet Member for Planning, Highways, Transport and Waste

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 30 November 2017

Subject: **Highway Maintenance Contract Commissioning Project**

Decision No: 17/00124

Past Pathway of Paper: N/A

Future Pathway of Paper: For Cabinet Member decision

Electoral Division: Countywide

Summary:

KCC is the statutory Authority responsible for the delivery of highways services to Kent residents. Many of these services are delivered through a Highways Term Maintenance Contract (HTMC) with AMEY. The current contract expires in August 2018. Alongside this, the Machine Resurfacing Contract¹ provided by Eurovia is also due to end in June 2018. Following a commissioning review of these services this report sets out a proposal to extend the HTMC for a period of two years and to re-procure the Machine Resurfacing Contract.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision as attached at Appendix A to:

- give approval for awarding a two year extension with Amey until 31 August 2020;
- in consultation with the Cabinet Member for Planning, Highways, Transport and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to award the final available year extension with Amey up to 31 August 2021;
- approve the procurement of the Road Asset Renewal Contract and in consultation with the Cabinet Member for Planning, Highways, Transport and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to approve the award of the subsequent contract to the preferred bidder; and
- in consultation with the Cabinet Member for Planning, Highways, Transport and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to award extensions of the Road Asset Renewal Contract in accordance with the possible extension clauses within the contract.

¹ Now renamed Road Asset Renewal Contract

1. Introduction

1.1 Kent County Council is the statutory Authority responsible for the delivery of highway services for the residents of Kent (excluding Medway). The Highway Term Maintenance Contract (HTMC) is currently provided by Amey and the contract is managed by Highways, Transportation and Waste (HTW). The current arrangement commenced on 1 September 2011, is due to terminate on the 31 August 2018 (following a two year extension) and has been worth approximately £40m per annum. A number of key services are delivered through this contract including:

- **Winter Service Provision** – i.e. gritting of our major routes during freezing conditions
- **Drainage Maintenance and Capital Projects** – i.e. gully cleansing and drainage repairs
- **Structures Maintenance** – i.e. bridge repairs and construction
- **Patching and Small Resurfacing Services** – i.e. potholing and patching of the highway
- **Surface Treatments** – i.e. small highway and footway resurfacing
- **Emergency Response** – i.e. response to emergencies across the network due to weather, crashes or structure failure
- **Highway Schemes Delivery** – i.e. construction of smaller schemes for crash remedial measures and s106 requirements.

1.2 In addition to the above contract, the Authority's Machine Resurfacing Contract delivers a number of specialist major resurfacing works which is provided by Eurovia. This contract is worth approximately £8m per annum and is due to terminate on the 30 June 2018. This involves the renewal of the Authority's road assets as part of a capital investment programme which replaces sections of road surface/structure that have reached the end of their service life. In line with the business asset management approach the delivery of these services has been renamed as the Road Asset Renewal Contract (RARC).

1.3 In September 2016 HTW started the Highways Maintenance Contract Commissioning Project (HMCCP) which focused on reviewing the current contractual arrangements as set out above and determining how these should be delivered post 2018 whilst ensuring that every pound spent by the Authority delivers better outcomes for Kent's residents, communities and businesses.

2. The Commissioning Project

2.1 A multi-disciplinary officer group involving representatives from Highways Asset Management and Transportation service areas within HTW have progressed a major piece of work in reviewing the current contracts, their performance and analysing the spend levels across the different services. Recommendations were presented to a Project Board that comprised of the following people across the business as well as Strategic and Corporate Services.

- **Strategic Commissioner (ST SC)**
- **Head of Highways Asset Management (GET HTW)**

- **Head of Waste Management and Business Services (GET HTW)**
- **Strategic Contract & Commissioning Support Manager (GET HTW)**
- **Business Manager (GET HTW)**
- **Principal Accountant (ST F)**
- **GET Portfolio Delivery Manager (GET CDO)**
- **HMCCP Project Manager (GET HTW)**

2.2 This evidence collation and analysis enabled officers to understand how the Authority can best package its requirements and make service improvements. The work included holding feedback workshops with colleagues, investigating best practice with other local authorities, engaging with the market and evaluating potential options. Three options were identified. :

- Option 1 – Extend the current arrangement with the incumbent contractor for up to a maximum three year period and commission a new machine resurfacing contract.
- Option 2 – Commission a large scale contract that incorporates all services as detailed in this report.
- Option 3 – Commission a number of contracts that includes a core highway maintenance contract (supports winter service) and a number of separate arrangements for specialist services.

2.3 The three options were then evaluated by the HMCCP Asset Manager group which included Head of Highways Asset Management, individual Asset Managers from within the business service areas including the Senior Highway Manager, Senior Asset Manager and the Strategic Contract & Commissioning Support Manager across four key criteria:

- Financial Impact
- Management Influence and Flexibility
- Impact of Change
- Delivering our Outcomes

2.4 Based on the initial evaluation, Option 3 was deemed to be the preferred delivery model. However the differences between all options were minimal and the evaluation team confirmed that all could deliver the Authority's requirements. Full details on the evaluation can be found in the attached HMCCP Commissioning Plan

2.5 Options were presented and discussed with the Strategic Commissioning and Commissioning Advisory Boards. Following these discussions and, in light of improved performance by the current provider and advice of the Section 151 Officer that it would be high risk to commence a procurement of a new HTMC where costs are likely to increase, the recommendation is to proceed with option 1 to extend the current arrangement with the incumbent contractor as set out above in paragraph 2.2.

3. Financial Implications

- 3.1 The recommended option is within the projected budgets set out in the Medium Term Financial Plan (MTFP).
- 3.2 In relation to Option 1, the financial impact of the Amey extension is favourable, as it has been agreed that the prices within the contract will remain the same and only rise in line with inflation indices in accordance with the contract. The financial impact of RARC is less clear, however it is anticipated that a competitive procurement process will drive a commercially favourable contract.

4. Policy Framework

- 4.1 The commission accords with the County Council's Strategic Statement "Increasing Opportunities – Improving Outcomes" that communities benefit from economic growth by being in work, healthy and enjoying a good quality of life.

5. Legal Implications

- 5.1 Both contracts went through an appropriate procurement process in 2010 and 2014 respectively. The HTMC allows for extensions up to 31 August 2021 however the RARC will expire in 2018 as the available extension periods have previously been granted.

6. Equality Implications

- 6.1 An Equalities Impact Assessment has been carried out and no implications for extending the HTMC and procuring the RARC have been identified. .

7. Conclusions

- 7.1 The current annual turnover of the HTMC will be at least £30.5m pending budget confirmation as the street lighting services will fully transfer to Bouygues from 1 September 2018. The current costs will only rise in accordance with the inflation indices detailed in the contract.
- 7.2 Due to the expiry of the RARC in June 2018 (there is no extension available), a procurement process will need to commence over the next few months with a contract due to be awarded in April 2018. The indicative timetable is as follows:

- Commencement of procurement – December 2018
- Contract award – May 2018
- Contract commencement – 1 July 2018

8. Recommendations

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision as attached at Appendix A to:

- give approval for awarding a two year extension with Amey until 31 August 2020;
- in consultation with the Cabinet Member for Planning, Highways, Transport and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to award the final available year extension with Amey up to 31 August 2021;
- approve the procurement of the Road Asset Renewal Contract and in consultation with the Cabinet Member for Planning, Highways, Transport and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to approve the award of the subsequent contract to the preferred bidder; and
- in consultation with the Cabinet Member for Planning, Highways, Transport and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to award extensions of the Road Asset Renewal Contract in accordance with the possible extension clauses within the contract.

9. Background Documents

- Appendix A – Proposed Record of Decision
- HMCCP Commissioning Plan -
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5272&ID=5272&RPID=18573851>
- EqlA for Customers:
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5270&ID=5270&RPID=18573861>
- EqlA for Staff:
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5271&ID=5271&RPID=18573924>

10. Contact details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Matthew Balfour,

Cabinet Member for Planning, Highways, Transport and Waste

DECISION NO:

17/00124

For publication

Key decision*

Yes –

Subject: Highway Term Maintenance Contract and Machine Resurfacing Contract

Decision:

As Cabinet Member for Planning, Highways, Transport and Waste, I agree to:

- give approval for awarding a two year extension with Amey until 31 August 2020;
- in consultation with the Cabinet Member for Planning, Highways, Transportation and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to award the final available year extension with Amey up to 31 August 2021;
- approve the procurement of the Road Asset Renewal Contract and in consultation with the Cabinet Member for Planning, Highways, Transportation and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to approve the award of the subsequent contract to the preferred bidder; and
- in consultation with the Cabinet Member for Planning, Highways, Transportation and Waste delegate authority to the Corporate Director for Growth, Environment and Transport to award extensions of the Road Asset Renewal Contract in accordance with the possible extension clauses within the contract.

Reason(s) for decision:

KCC is the statutory Authority responsible for the delivery of highways services to Kent residents. Many of these services are delivered through a Highways Term Maintenance Contract (HTMC) with AMEY. The current contract expires in August 2018. Alongside this, the Machine Resurfacing Contract (MRC) provided by Eurovia is also due to end in June 2018. Following a commissioning review of these services, it is proposed to extend the HTMC for a period of two years and to re-procure the MRC.

Cabinet Committee recommendations and other consultation:

In progressing options, workshops have been held with colleagues, investigations carried out in to best practice with other local authorities and engagement with the market.

Any alternatives considered:

Option 1 – Extend the current arrangement with the incumbent contractor for up to a maximum three year period and commission a new machine resurfacing contract. This is the recommended option.

Option 2 – Commission a large scale contract that incorporates all services as detailed in the report.

Option 3 – Commission a number a contracts that includes a core highway maintenance contract (supports winter service) and a number of separate arrangements for specialist services.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

By: Matthew Balfour, Cabinet Member for Planning, Highways, Transport and Waste
Barbara Cooper, Corporate Director for Growth Environment and Transport

To: Environment and Transport Cabinet Committee – 30 November 2017

Subject: Ash Dieback Impacts – Update

Classification: Unrestricted

Past pathway of paper: N/A

Future pathway of paper: N/A

Summary: To provide an update for Environment and Transport Cabinet Committee on Ash Dieback impacts in Kent and the local response to manage the outbreak.

Recommendation(s):

Cabinet Committee is recommended to:

- Note and comment on the serious threat *Ash Dieback* poses to the environment and economy of Kent and;
- Endorse the KCC approach outlined within this report.

1. Purpose

- 1.1 It was agreed by Environment, Highways and Waste Cabinet Committee at their meeting on 10th January 2012 that the Committee should receive periodic updates on the local response to ongoing Ash Dieback outbreak. The last update was reported to the Environment & Transport Cabinet Committee at their meeting on 12 January 2017. This report reports on actions undertaken since that report.

2. Background

- 2.1 Since the first Kent cases of Ash Dieback were confirmed in 2012, KCC has provided a direct link between the national response, led by Defra, the Forestry Commission, and local partners. This approach has ensured a co-ordinated and consistent approach across the county and has enabled KCC to influence national policy direction.
- 2.2 KCC has also set up a Strategic Coordinating Group (SCG) to develop a Local Action Plan designed to contain the outbreak, limit its spread and mitigate against potential consequences.
- 2.3 Actions previously reported to this Cabinet Committee include:

- Printing and distribution of Ash Dieback public information signs to relevant teams and partners;
- Production of biosecurity guidance which has informed a unified approach by Kent Fire & Rescue Service, Environment Agency, Highways England and utilities companies working within infected areas;
- Production of guidance for residents and businesses;
- Production of Ash Dieback guidance for schools - cited as best practice by DCLG; and
- Distribution of a 'Trading Standards Alert' warning the public and businesses of the 'rogue traders' seeking to profit from the outbreak, and generating useful local media coverage.

3. Additional Actions

- 3.1 Annual monitoring of the health of our Ash populations within randomly selected 2km squares was undertaken in July by the KCC Resilience and Emergency Planning Service. [Analysis](#)¹ indicates that the outbreak remains most severe in east Kent and that trees growing on free draining sand or chalk are more prone to infection than those growing in more hospitable environments. This suggests that drought, amongst other stressors, is a key factor in susceptibility to the infection. The data reaffirms the observation that Ash growing in urban locations is significantly less vulnerable to infection than trees growing in more natural situations, which favour development of the spore-producing fungal fruiting bodies.
- 3.2 As a component of the Kent Environment Strategy, the Ash Dieback SCG has been tasked with drafting a Kent Tree Strategy, to ensure a sustainable future for Kent's trees and woodland. The Strategy could then be adopted as a Supplementary Planning Document by districts and boroughs and there are indications that our approach could inform a national template.
- 3.3 Enhanced corporate awareness of Ash Dieback and other animal and plant health threats has been achieved through the recent launch of a '[Biosecurity: Animal and Plant Health](#)'² e-Learning course. More than three hundred KCC staff have already completed the course. The package is now being marketed externally to raise awareness amongst partners and to help recoup research and development costs.
- 3.4 The wider landscape, biodiversity and cultural impacts of Ash Dieback in Kent are the focus of the Ash Project, managed by Kent Downs AONB Unit and funded by the Arts Council England, the Heritage Lottery Fund and KCC. The Project has recently launched a [website](#)³ addressing the scientific and cultural significance of Ash and is

¹ https://www.kent.gov.uk/_data/assets/pdf_file/0003/75801/Ash-Dieback-survey-data.pdf

² https://cpd4-secure.webbased.co.uk/cpd4-kentelearning/courses/admin/default.asp?pagefrom=elearning/learning_journeys.asp&subdomain=e-learning.kent.gov.uk&gServiceId=14&sitePortNumber

³ <http://www.theashproject.org.uk/>

progressing parallel public art, educational outreach and literary initiatives.

- 3.5 KCC and the Kent Downs AONB Unit have further identified a need to co-ordinate activity and knowledge on Ash Dieback at a national level. As such, an Ash Dieback conference or 'ChalaraCon' is currently being planned for 26th and 27th March 2018 at Imperial College in partnership with the Woodland Trust and other key stakeholders. The Tree Council is working with Defra to produce an Ash Dieback response toolkit which will be launched at the conference.
- 3.6 The Kent Downs AONB unit is also participating in a national HLF scheme led by the Woodland Trust which is seeking to promote, conserve and enhance Trees Outside Woodlands. The Unit hopes to secure a proportion of the £10m funding available for Kent.
- 3.7 Finally, the Kent Downs AONB Unit and KCC Resilience and Emergency Planning Team have hosted visits from the South East Forestry and Woodland Advisory Committee (a Defra appointed committee). The Committee is in the process of providing advice to the Forestry Commission as to the national response to Ash Dieback.

4. Financial Implications

- 4.1 There is an upward trajectory of KCC Highways costs for Ash Dieback. In 2015/16 £6,339.50 was spent on safety critical works; associated with Ash Dieback. The figure for 2016/17 was £20,718.18 and the 2017/18 spend so far is already £3,121.00. However, this level of spend must be viewed in the context of an overall annual safety critical tree works budget of £500k. Indeed, KCC and partners across Kent operate a policy whereby minimum required interventions are undertaken to address any identified safety concerns. This approach is encapsulated within the Kent Tree Officers Group Ash Dieback Toolkit⁴, adopted by KCC and Kent Districts. KCC Highways does not currently have a tree replacement budget, and felled street trees are therefore not routinely replaced.
- 4.2 As previously reported, in recognition of the potentially significant costs which may arise from the Ash Dieback in the future, KCC submitted an 'expression of interest' for a claim against the DCLG-administered Bellwin scheme of emergency financial assistance. Where the criteria of the scheme are met, the grant is normally payable to authorities at 85% of eligible costs incurred above a threshold set for each authority (for KCC this is £1,829,114).

5. Conclusions

- 5.1 It remains the case that the susceptibility of young trees to Ash Dieback is preventing recruitment of new generations of Ash, and that

⁴https://www.kent.gov.uk/_data/assets/pdf_file/0010/65935/Kent-Tree-Officer-Group-KTOG-Ash-Dieback-Toolkit.pdf

Kent is currently undergoing an **Ash decline** which will result in changes to our landscape and wildlife as profound as those experienced during the historic Elm and Lime declines.

- 5.2 For KCC, a further key issue is the rising cost of tree safety works and associated administration.
- 5.3 However, monitoring indicates that effective local multi-agency outbreak management and tough biosecurity measures have reduced the spread of Ash Dieback in Kent, making the local response both more manageable and affordable.

6. Recommendation(s)

- 6.1 Cabinet Committee is recommended to:
- Note and comment on the serious threat *Ash Dieback* poses to the environment and economy of Kent and;
 - Endorse the KCC approach outlined within this report.

7. Background documents

- Report to Environment and Transport Cabinet Committee – 12 January 2017
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD5273&ID=5273&RPID=18574138>

8. Contact details

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From: Matthew Balfour, Cabinet Member for Planning, Highways, Transport and Waste

Phil Lightowler, Head of Public Transport

To: Environment and Transport Cabinet Committee – 30 November 2017

Subject: Kent County Council Bus Funding Review - Public Consultation

Key decision:

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: Environment and Transport Cabinet Committee, Key Decision by Cabinet Member

Electoral Division: Countywide

Summary:

Within the Medium Term Financial Plan there is a proposed reduction to the budget for Socially Necessary Bus Services (SNBS) of £4m over the coming two year period; 2018-2020. The reduction is split evenly over the two year period. This is a 70% reduction in the current budget and will require significant contract withdrawals.

This paper outlines a proposal that the current criteria for the funding of SNBS is utilised to identify how it is intended to deliver the reduction and the services which will be affected.

Final outcomes will need to be delivered as one package of contract withdrawals, as the need for governance and consultation will not allow implementation until September 2018.

Recommendation:

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposals to use the current SNBS funding criteria to assess the future delivery of services and the timetable to go out to public consultation starting on 17 January 2018 on the proposed withdrawal of services.

1. Introduction

- 1.1 Within the Medium Term Financial Plan (MTFP) for the period 2018/19 to 2019/20 is a reduction in the base budget for socially necessary bus services (SNBS) from £5.69m per annum to £1.7m.
- 1.2 This reduction in base budget is spread over the two year period with a £2m reduction in 2018/19 and a further £2m reduction in 2019/20.

1.3 This paper outlines how it is intended to deliver the reduction in the base budget; the criteria to be used, the socially necessary bus services affected and seeks support to go to public consultation.

2. SNBS and the MTFP Initiative

2.1 The supporting of socially necessary bus services (SNBS) is a discretionary activity in that there is a statutory requirement on a local authority to consider the provision of funding for socially necessary bus services, but no statutory requirement to provide the funds.

2.2 KCC has historically and currently provides funding for SNBS. Since 2012 there has been a criterion in force which sets down the framework for supporting such services. The funding covers whole services, School day only services, Evenings, Saturdays, Sundays, route diversions, Kent Karrier services and a ferry service.

2.3 SNBS, as supported by KCC, represent only 3% of the total local bus mileage in Kent, the remaining 97% is commercially operated. In 2016/17 there were 3.8m journeys made on the SNBS.

2.4 Within the KCC MTFP for the period 2018/19-2019/20 there is an allocated saving of £4m against the budget for socially necessary bus services. The saving is allocated on the basis of the saving being split, with £2m to be saved from the base budget in 2018/19 and a further £2m in 2019/20. The current budget for SNBS is £5.69m.

2.5 Of the £5.69m presently allocated to SNBS, £0.4m is allocated to the Kent Karrier services. The Kent Karrier services are pre-booked, with users being members and deliver a dial a ride type service to key destinations. They are focused on those people who through age, disability or location could not access conventional public transport. Therefore, given their function, Kent Karriers are not a conventional SNBS. Whilst not carrying significant numbers of passengers, Kent Karriers serve a valuable need for some of the most vulnerable and socially isolated residents of the County.

2.6 Excluding Kent Karriers from the budget for socially necessary bus services, reduces net spend to £5.29m.

2.7 In addition, for historical reasons, the funding for the Gravesend to Tilbury ferry is included in the SNBS budget. The net cost of Kent's contribution to the ferry is £75k per annum. On the basis that this service has recently been re-awarded, in conjunction with our joint partner Thurrock Council, it is assumed that this will not form part of the MTFP initiative and hence the net budget for SNBS reduces to £5.2m.

2.8 A saving initiative of £4m against this budget would be a 70% reduction in spend.

2.9 The level of MTFP saving in 2018/19 and the governance/consultation process, determines the date of implementation and the number of contracts to be withdrawn. Assuming the necessary governance/consultation process it

is our belief that the earliest the MTFP initiative can be delivered is from September 2018. On this basis to deliver a £2m annual saving will require full implementation of the £4m reduction in one package from September 2018.

- 2.10 To deliver a package of this scale, it is proposed to utilise the current criteria for the funding of SNBS which was agreed in February 2012 and is shown at Appendix A. The criteria sets out the circumstances in which the authority will consider the funding of bus services, the criteria for prioritisation and the mechanism to withdraw funding when the budget has been reduced. This criterion has previously been used to deliver reductions in SNBS and to work with operators on taking subsidised services into commercial operation.
- 2.11 Based on the current criteria, all of the contracts (except Kent Karrier, Gravesend to Tilbury Ferry and those funded by external source) have been prioritised as per the criteria and the pound per passenger subsidy calculated. The contracts to be withdrawn to achieve the necessary MTFP reduction are shown in Appendix B. This contract listing is subject to variation, as the impact of recent tender rounds is incorporated at a future date.
- 2.12 It is proposed that public consultation will be carried out into the use of the current criteria for the achievement of the MTFP saving and its impact on SNBS.
- 2.13 To deliver a £4m reduction in budget will require the withdrawal of 74 SNBS contracts. These contracts currently provide 1.6m journeys per annum. The proposed contracts to be withdrawn comprise of;
- 28 full services (incl peak/schools)
 - 22 full services (off peak, no schools)
 - 5 evenings only
 - 5 Sunday only
 - 14 School days only (for schools travel)
- 2.14 The withdrawn contracts are spread across the following districts;
- Ashford 11
 - Canterbury 7
 - Dartford 1
 - Gravesham 1
 - Dover 5
 - Maidstone 5
 - Swale 6
 - Shepway 3
 - Tonbridge & Malling 9
 - Tunbridge Wells 15
 - Sevenoaks 10
 - Thanet 1
- 2.15 If the MTFP saving is delivered in full, then there will be 34 contracts remaining.

- 2.16 There is a risk that the scale of contract terminations may see a number of Kent SME bus operators close down. The potential number of closures is low but could affect the competitive landscape in parts of Kent, particularly West Kent.
- 2.17 It is not anticipated that a significant number of contracts withdrawn will be replaced by community transport services. The Public Transport team is working on developing community transport services in the county but this is expected to be a medium to long term effort, as the current level of services is low and such services require significant community support. The Public Transport Team held information days on the 2nd and 9th of November for parishes and community groups, to inform them on how such services are set up, to outline potential funding streams and to launch the community transport toolkit. They are hoping to establish further schemes in Kent in 2018, some of which may cover rural links lost, however there is not the capacity to provide total mitigation for the withdrawals planned and licensing laws prevent this sort of operation from providing the “big bus” services needed if truly mitigating the impact of these proposals.
- 2.18 The Public Transport team continue to work on the Total Transport project. This was an initiative initially started by the Department for Transport (DfT), which looks at combining a number of existing paid services such as education transport with non-emergency NHS transport, to deliver improved transport for communities and to deliver savings. A report on the potential for Kent was submitted to DfT and a pilot area has been identified in West Kent. The Total Transport Project Officer continues to work with partners to identify the funding to drive the pilot forward and we are awaiting the outcome of our bid to the DfT.
- 2.19 There is the potential that the commercial bus network may see revisions in routings/frequency to align it with the reduction of SNBS network. This would particularly occur where funding has been used to redirect services off a main road to serve a particular community. It is anticipated that during the consultation process and into the serving of contract termination that some operators will come forward with service proposals. These proposals are anticipated to pick up those elements of journeys/services which see the maximum use and which could be potentially commercial. We do not expect that the contracts, as they are tendered in their current form will be taken up commercially on any major scale, any mitigation is expected to be journeys/part journeys. Operators may also put forward proposals which would see a KCC contract not affected by this proposal taken commercial, in return for a contract to be withdrawn to be retained by KCC. From experience in the UK, where local authorities have been forced to reduce support to SNBS counties such as Lancashire and Oxfordshire, have seen operators come forward with proposals to offset some of the lost links. This was often specific journeys, serving communities a different way or combining services.
- 2.20 However even accounting for any operator proposals/community transport it is still anticipated that there will be a significant impact for those presently using those SNBS that could be withdrawn.

3. Financial Implications

- 3.1 From April 2018, the budget for socially necessary bus budget will reduce by £2m. And will further reduce by £2m from April 2019.

4. Legal implications

- 4.1 The Transport Act 1985 requires that Local Transport Authorities are required to consider the support of socially necessary bus services. However, expenditure in this area is a discretionary activity with LTA's being under no obligation to provide subsidy for this purpose.
- 4.2 A failure to manage the process of change robustly in terms of demonstrating a consideration of the implications carries a possible risk of decisions being subject to judicial review.
- 4.3 Public Transport Team, based on previous consultation experience is satisfied that the proposed consultation and related EqlA processes, developed with KCC Equalities Team ensure that the authority is not exposed in this respect.

5. Equalities implications

- 5.1 An EqlA has been developed for the overall package, based on guidance provided by the Equalities Team.
- 5.2 The EqlA process has identified that there is a greater impact on the elderly, disabled persons and disabled carers who are all identified groups within EqlA legislation.

6. Other corporate implications

None.

7. Timetable

- 7.1 The proposed timetable for the consultation process is;
- Agree contracts proposed for withdrawal to be included in the consultation – 1 December 2017
 - Consultation Go Live – 17 January 2018
 - Budget approval – February 2018
 - Consultation Ends – 27 March 2018
 - Consultation review and proposal amendments as appropriate - April 2018
 - Recommendation to Environment & Transport Cabinet Committee – 25 May 2018
 - Contract notice to bus operators – 1 June 2018
 - Contract Withdrawals – September 2018
- 7.2 The consultation response will be included in the report to this Cabinet Committee in May.

8. Conclusions

- 8.1 There is a proposed MTFP saving to reduce the budget for SNBS by £4m over the period 2018/19 and 2019/20. The delivery is split evenly over a two year period. However to enable the 2018/19 element to be delivered and accounting for the necessary consultation and decision-making processes, it requires the package to be delivered as one £4m budget reduction from September 2018.
- 8.2 To deliver this budget reduction, it is proposed that the contracts to be withdrawn are identified using the current criteria for funding SNBS.
- 8.3 It is proposed that public consultation be undertaken on both the criteria to be used for the delivery of the MTFP saving and the impact in respect of the contracts to be withdrawn.

9. Recommendation(s):

9.1 Recommendation: The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposals to use the current SNBS funding criteria to assess the future delivery of services and the timetable to go out to public consultation starting on 17 January 2018 on the proposed withdrawal of services.

10. Background Documents

- Appendix A – Criteria for funding socially necessary bus services
- Appendix B - Table of affected services

11. Contact details

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KENT COUNTY COUNCIL DECISION REPORT FORM

This first page is simply a check list and is for internal use only

To:	Environment, Highways and Waste Policy Overview and Scrutiny Committee	
REPORT AUTHOR:	Head of Transportation, KCC Highways	
SUBJECT:	Proposed Criteria for Support/prioritisation of socially necessary Bus Services	
KEY DECISION: (Tick as appropriate. See Guidance Note below)		NO
IMPLICATIONS:	Budget/Financial - The prioritisation of support for bus services within agreed budgets. Equality And Diversity Providing accessibility to key services Consultation	Sustainability (i.e. environmental, social, economic and climate change) Corporate Governance Best Value Legal
REASONS FOR THE DECISION:	Members asked to endorse updated criteria/prioritisation for bus support	
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	None	
PROPOSED RECOMMENDATION:	Members asked to endorse updated criteria for bus support	
BACKGROUND INFORMATION:	Included in the report	

By: Bryan Sweetland – Cabinet Member for Environment, Highways and waste
John Burr Director of Highways and Transportation

To: Environment, Highways & Waste Policy Overview & Scrutiny Committee

Date: 22 November 2011

Subject: Proposed Criteria/prioritisation for Support of Socially Necessary Bus Services

Classification: Unrestricted

Summary: This report makes recommendations to update the existing criteria for prioritising support for Socially Necessary Bus Services. It has been considered by and has the support of the Finance Working Group to this Committee. There is also a proposal to form an Informal Member Group to consider policies, integration and delivery across public transport.

1. Introduction

Kent County Council (KCC) currently commits around £6.4m annually to supporting local bus services. The budget is fully committed in the current financial year and is likely to come under increasing pressure over the coming years for the following reasons:

- Commercial service withdrawals - when a commercial bus service is withdrawn KCC has a duty to assess whether it should intervene and support the service;
- Operator gives Contractual Notice to cease operation of a subsidised bus service – KCC could procure a replacement service but the cost may increase;

In addition, KCC could decide to vary the supported bus budget. If and when any of these circumstances arise, it is essential that there is a method through which bus services are prioritised for support. This paper sets out the proposed prioritisation approach that would be used for adding/removing services.

Given the inter-relationship with other public transport budgets including the English National Concessionary Travel Scheme and the Kent Freedom Pass there is also a proposal to form an

Informal Member Group to consider policy development, integration and delivery.

2. **Proposed new criteria for support of bus services**

(1) Support will be considered for a bus service that is not commercially viable if its main purpose meets one or more of the following journey activities:

- Access to work
- Access to learning
- Access to healthcare
- Access to food shopping

(2) In order to consider these criteria, services are ranked in the following order of priority (1 being the highest):

Priority	DAYS OF OPERATION	£ Per Passenger Journey
1	Any day of the week	Less than £3
2	Monday to Friday	Over £3
3	Monday to Friday	Over £5
4	Saturday	Over £3
5	Sunday and evening	Over £3
6	Saturday, Sunday & evening	Over £5
7	Any day	Over £7
8	Poorly performing contracts with very limited implications	Regardless of cost

3. **Procedure to be followed in the event of commercial bus service being deregistered or Contractual Notice being given on a subsidised bus service;**

(1) In either circumstance, KCC will undertake a costing exercise to assess the service according to the criteria set out above. If the service is likely to perform better than an existing supported service then KCC will intervene and fund the continued operation of the service following a procurement process. In such a circumstance, it is likely to be necessary to withdraw subsidy from other supported services to stay within budget.

(2) This will be achieved by giving contractual notice on a sufficient number of the lowest priority supported bus services to remain within budget (prioritised as detailed above).

(3) Operators and local members affected by the subsequent service withdrawals would then be given at least 90 days' notice of the intended withdrawals, and wherever possible arrangements will be made to amend either Kent Karrier or

other community transport provision to meet the basic access needs of those passengers affected by the proposed withdrawal. Such withdrawals will be programmed to take effect on a quarterly basis, on 1st April, July, October and January.

- (4) In order to structure withdrawals in this way, it will be necessary to include a contingency of £100k per annum. This will cover the periods when KCC is supporting both the newly acquired services which have been deregistered and the subsidised services on which contractual notice would be given but which would still continue to operate until the next programmed date for withdrawals.

4. Procedure to be followed in the event of bus service withdrawals due to budget reductions;

- (1) If KCC withdraws funding from supported services due to a reduction in funding, a full consultation would be undertaken. This would consist of a media plan using the KCC website, District Council websites, on bus notices and direct contact with local Members, District and Parish Councils. There would also be an Equality Impact assessment (EIA) so as to ensure that any adversely affected groups (e.g. bus passengers with disabilities) were provided wherever reasonably practicable with a reasonable alternative. Once such a consultation was completed, a report would be compiled and brought to the Cabinet Member for a final decision.
 - (2) Any decision to cease support for bus services, even those which were considered relatively straightforward, should not be taken lightly, but once made the decision should be maintained. Whilst passenger numbers are not substantial, services supported by KCC carry a large proportion of elderly and disabled people as well as those who do not have alternative access to key services.
 - (3) Wherever possible arrangements should be made to amend either Kent Karrier or other community transport provision to meet the basic access needs of those passengers affected by the proposed withdrawal.
 - (4) Withdrawal of subsidised services should, wherever possible, be phased in accordance with the dates detailed above. However, such phasing of withdrawals of subsidised services might incur additional costs due to the extended time of operation of such contracts beyond the current expiry date of 31 March in any given year, and the contingency fund referred to above would accommodate these costs.
-

5. Recommendations

It is proposed that the following recommendations be made to the Cabinet Member for Environment, Highways & Waste:

- (1) The processes outlined above to prioritise the support of bus services in the event of a commercial withdrawal by an operator or reduction in funding availability is approved
 - (2) A contingency of £100k is created from the existing budget to cover interim periods when KCC is supporting additional services.
 - (3) To form an Informal Member Group to assist with implementing policies and to consider integration across public transport.
-

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Service No.	Route	Days of Operation	2016/17 Annual Pax	2016/17 Average Subsidy per passenger	Priority	2016/17 Criteria
332	Sittingbourne-Yelstead Stockbury-Sittingbourne	SDO	2,644	£13.64	7	L
634	Greenhill - Reculver / Bishopstone	Th	1,025	£12.20	7	S
292, 299	Hawkhurst - Tenterden	F	976	£9.73	7	S
541/542/544	Deal - Dover - Sandwich & Canterbury	M-S	7,545	£9.34	7	W, L, H, S
232, 234, 238, 632	Chiddingstone, Edenbridge, Hever & Penshurst	M-S	9,742	£7.55	7	W, L, S
255	Benenden - Tunbridge Wells	W/F/S	2,275	£7.48	7	S
10X	Maidstone - Ashford - William Harvey Hospital	Su	4,946	£6.01	6	L
5 (Evenings)	Maidstone - Hawkhurst/Sandhurst	M-S	10,283	£4.05	5	W
423, 489 (Evenings)	New Ash Green - Dartford / Gravesend	M-S	20,045	£3.38	5	W, H, S
401	Westerham - Tonbridge	Su	5,369	£3.81	5	W, S
13, 59	Maidstone, Grafty Green, Hollingbourne/Leeds, Stile Bridge, Hunton, Marden	S	5,412	£4.67	4	S
59	Maidstone - Grafty Green	M-F	2,616	£6.02	3	S
293	Tunbridge Wells - Tenterden - Rye	Th	1,541	£5.87	3	U
662, 664, 666	Norton-Lynsted-Faversham-Sheldwich	SDO	9,479	£5.74	3	L
203	Paddock Wood - Benover	W	1,719	£5.68	3	S
266	Kilndown - Maidstone	Tu	901	£5.59	3	S
367	Sheerness - Warden Point	M-S	14,803	£5.32	3	W, L, H, S
234	Edenbridge Ridgeway - Cross Key Schools	M-F	7,714	£5.28	3	W, L, H, S
82, 82A	Deal - Kingsdown	M-S	1,506	£4.94	2	S
24	Sandhurst - Maidstone	Tu	1,253	£4.56	2	S
222	Wrotham -Tonbridge	M-S	9,697	£4.56	2	L, S
11	Lydd - Ashford - William Harvey Hospital	M-S	6,591	£4.16	2	W, S
292	Jury's Gap - Tenterden	SDO	16,897	£4.15	2	W, L, H, S
70	Borough Green - Lunsford Park	M-F	11,626	£4.10	2	L, S
404, 405	Edenbridge - Shipbourne, Plaxtol, Sevenoaks & West Kingsdown	M-F	31,343	£4.00	2	W, L, H, S
296	Tunbridge Wells - Paddock Wood	M/Th/S	5,421	£3.97	2	S
88	Maidstone - Kings Hill	M-F	6,754	£3.63	2	W, S
235	Penshurst - Hildenborough Station	M-F	6,876	£3.45	2	L
58	Addington - Trottiscliffe - Ryarsh - West Malling - Maidstone	M-S	29,722	£3.24	2	W
151	Chatham Maritime-Kings Hill/Lunsford Park	Su	3,503	£2.97	1	S
60, 61, 61A	Aycliffe - Whitfield - Dover - Whitfield	M-S	15,341	£2.76	1	W, L
666	Ashford - Faversham	M-S	11,931	£2.71	1	W, L
4 / 645	Reculver - Greenhill	SDO	5,082	£2.65	1	S
38, 38A	Palm Bay - Ramsgate - Manston - Birchington	M-S	2,598	£2.63	1	S
13	Maidstone - Langley -Leeds - Hollingbourne - Bearsted	M-F	19,524	£2.60	1	W, L, H, S
433	New Ash Green - Dartford/Gravesend	Su	6,613	£2.51	1	W, S
638	Faversham - Whitstable	M-S	37,720	£2.46	1	W, L, H, S
326, 327	Sittingbourne - Medway Hospital	M-S	25,115	£2.39	1	W, L, H, S
286	Hartfield - Speldhurst - Tunbridge Wells	SDO	13,883	£2.38	1	L

Service No.	Route	Days of Operation	2016/17 Annual Pax	2016/17 Average Subsidy per passenger	Priority	2016/17 Criteria
237	Chiddingstone - Tunbridge Wells War Memorial	SDO	10,492	£2.34	1	L
123	Ashford - Biddenden	M-F	26,190	£2.28	1	W, L, H, S
12	Maidstone - Tenterden	M-S	23,469	£2.28	1	W, S
18A	Ashford - Canterbury	SDO	15,788	£2.24	1	L
474, 475	Bluewater - Hartley	M-S	38,099	£2.22	1	W, L, H, S
5	Canterbury - Seasalter	Su	4,474	£2.21	1	S
667	Canterbury - Charing	M-S	21,383	£2.20	1	W, L, H, S
111	Ashford - Dover	Th	29,759	£2.15	1	W, L, S
8, 9, 9A, 343, 344, 345	The Meads-Rodmersham /Bredgar - Newnham	M-S	100,772	£2.15	1	W, L, H, S
293/294	Tenterden - Rolvenden Layne, Tenterden - Appledore	M, F	7,030	£2.13	1	H, S
267/268	Hawkhurst - Tunbridge Wells/Tonbridge	SDO	42,965	£2.07	1	L
200	Hildenborough - Hildenborough Station	M-F	11,609	£1.92	1	W, L
61, 63	Whitfield - Aydliffe	M-S	46,430	£1.92	1	W, L, H, S
360	Rushenden - Leysdown	Su	8,283	£1.88	1	S
60, 61, 61A	Aycliffe - Whitfield - Dover - Whitfield	Su	22,609	£1.87	1	L
150	Maidstone - Walderslade	M-S	30,146	£1.83	1	W, L, S
553	Brookland - Rye	SDO	13,420	£1.79	1	S
649	Wincheap - Canterbury Laws Courts	M-F	27,157	£1.74	1	W, L, H, S
297	Tenterden - Tunbridge Wells	M-S	104,046	£1.68	1	W, L, H
202, 211	Tonbridge - Barden Park/Hildenborough & Station	M-S	35,008	£1.68	1	W, L, H, S
311	Lower Higham - Meopham School	SDO	22,584	£1.66	1	L
421	Sevenoaks-Swanley	M-S	36,313	£1.65	1	H, S
216, 219, 277	T.Wells/T'bridge/Willow Lea - Pembury	Su	15,423	£1.63	1	W, S
306, 308	Northfleet, Borough Green, Bluewater & Wrotham	M-S	70,908	£1.62	1	W, L, H, S
149, 151	Chatham Maritime-Kings Hill/Lunsford Park	M-S	87,088	£1.62	1	W, L, H, S
280, 283	Tunbridge Wells Circular	M-S	28,020	£1.57	1	S
36	Herne Bay - Margate / QEQM Hospital	M-S	24,086	£1.56	1	S
620	Canterbury - Hastingleigh	M-S	42,728	£1.56	1	W, L, H, S
42, 42A	Monkton - Ramsgate	M-S	29,656	£1.53	1	W, L
204, 210	Tonbridge - Underriver/Leigh/Charcott	M, Tu, Th, F, S	34,981	£1.52	1	S
18	Canterbury - Hythe	M-S	15,128	£1.51	1	L
207	Horsmonden - Bennett Memorial School	SDO	25,524	£1.50	1	L
125	Ashford - Aldington	M-F	38,679	£1.49	1	W, L, H, S
660	Stalisfield Green - Tankerton	M-S	39,287	£1.46	1	W, L, H, S
B-Line	Ashford - Park Farm	M-S	91,618	£1.45	1	W, L, H, S

From: Matthew Balfour, Cabinet Member for Planning, Highways, Transport & Waste.

Barbara Cooper, Corporate Director, Growth, Environment & Transport

To: Environment & Transport Cabinet Committee – 30 November 2017

Decision No: N/A

Subject: Proposed B2163 Leeds & Langley Relief Road

Key decision Major Scheme with costs over £1m

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: Maidstone Rural East
Maidstone South East
Maidstone Rural South

Summary: This paper gives an overview of the current situation with the proposed Leeds and Langley Relief Road, identifies a programme for taking forward the preparatory work and proposes the use of section 106 developer contributions to progress traffic survey and modelling work to develop a draft business case to support future funding opportunities.

Recommendation(s):

The Cabinet Committee is asked to endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport & Waste on the proposal for the Director of Highways to progress feasibility work on B2163 Leeds & Langley Relief Road utilising section 106 developer contributions.

1. Introduction

1.1 The Maidstone Borough Council, Local Plan (MLBP), Infrastructure Delivery Plan (IDP), May 2016 includes the following:

“3.18 For the longer term the MBLP and ITS [Integrated Transport Strategy] confirm the intention to investigate and assess the justification for a Leeds - Langley Relief Road at the first review of the MBLP. KCC have advised that strategic traffic modelling indicates that a link between the A20 and A274 could have a significant beneficial impact upon traffic levels in the south and south east sectors of the urban area. A significant amount of work is required however to develop the detailed case, including full traffic and environmental

impact studies, strategic alternatives, a preferred route and funding methods, and progress will be taken into account as the IDP is reviewed in the future.”

1.2 The Inspector, at the Examination in Public stage of the Local Plan, recognised that, *“The Borough Council is generally supportive but funding the road would be a significant challenge unless it were to support further major development”*. He formed a view that its delivery is unlikely until very late in the plan period at the earliest.

1.3 Maidstone's Local Plan was adopted in October 2017 and includes the following:

“4.157 Some of the VISUM modelling options tested included a proposed Leeds-Langley Relief Road (LLRR) that would relieve traffic on the current B2163 towards junction 8 of the M20 motorway. The results indicate that construction of such infrastructure may have a beneficial impact on some traffic movement patterns in the south east sector of Maidstone. This is however seen against the context of traffic movements generally in which Maidstone town centre itself and intra-urban movements (from one part of Maidstone urban area to another) are the key drivers behind trips on the network.

“4.158 The case for the justification of the construction and the delivery of a LLRR lies with the County Council as the highway authority. To date, the detailed costings (estimates vary between £50 and £80 million), environmental and route appraisals and also an assessment of whether future housing requirements would necessitate and also support construction of a LLRR which will be required to progress the proposals, have not yet been undertaken. It is therefore considered appropriate to give detailed consideration to the potential construction of the LLRR post 2031 at the review of the local plan (which will be completed by 2021)”.

1.4 The implication is that at the start of the formal review, sufficient work would have been done to establish a preferred route for the Relief Road and to have prepared a business case and identified potential sources of funding.

1.5 Although the Inspector dismissed the Relief Road as an early contributor to delivery of the Local Plan housing needs, poor traffic conditions in south east Maidstone have led to increasing public interest in a Relief Road and regular requests for updates on progress.

2. Policy Framework

2.1 The scheme supports the Strategic Statement objectives of supporting existing businesses and encouraging economic activity with housing growth and job creation by reducing congestion and improving infrastructure and accessibility.

3. Scheme Background

Route Standard

- 3.1 The Relief Road has over recent years been contemplated as a 50mph single carriageway - where the design standards would be more sympathetic to the topography, land use and local hamlets - providing environmental benefits by removing through traffic from both villages. This followed the very first consultation in the early 1990's where the severe impact of a high standard dual carriageway on the varied topography was considered unacceptable by the local community.

Route Options

- 3.2 Various routes are theoretically available within an area that is attractive, near to Leeds Castle, in sight of the North Downs AONB, of varied topography and geology and with a range of physical and natural environmental aspects.
- 3.3 A Relief Road has an estimated cost of at least £55m at today's prices, and this would be more like £75m in cash terms, allowing for inflation.

Assessment Status

- 3.4 Initial feasibility work carried out in 2015 included:
- Option drawings showing routes, variations and junction options.
 - Environmental constraints desktop assessment.
 - Geotechnical desktop study.
 - Surface water drainage strategy.
 - VISSUM and forecast traffic assessment for Local Plan.
 - Land referencing and acquisition cost estimates.
 - Overall scheme options estimates.

4. Further Assessment Work

- 4.1 For any proposed scheme with such a long history it is necessary to take a 'step back' and challenge previous assumptions. Any future funding Business Case will need to consider the strategic, economic, financial, commercial and management case for a scheme. It will need to consider all options including doing nothing and other transport alternatives, and to consider sustainability issues and the human rights aspects of those who would be affected by a proposed scheme.
- 4.2 An important element of such an assessment is to carry out scheme specific traffic modelling and this will require traffic surveys. The VISSUM modelling for the Local Plan provided a helpful high level view but more detailed work is required to fully assess the need and the relief road options. Such aspects would need inter alia to consider and identify:
- the problem in terms of congestion and journey times;
 - traffic that would use the Relief Road;

- changes to the wider network such as the A274, Willington Street and B2163 westwards towards Linton;
 - impact on the A274 between Five Wents and Horseshoes Lane;
 - what interventions would be required on B2163 to maximise use of the Relief Road and relief to both villages; and
 - whether the scheme should include an intermediate junction on the B2163 between the villages.
- 4.3 Such modelling is vital to fully understand the potential traffic benefits and to calculate the 'benefits to cost ratio' (BCR). Achieving a high BCR is a fundamental pre-cursor to any chance of attracting external funding support.
- 4.4 The traffic modelling would also inform the development of the route and junction options. Some of the current outline design work would also need to be reviewed to ensure that route and junction options are feasible and the environmental impacts are fully understood, so that there is confidence in options that might be offered for future public consultation.

5. Commentary

- 5.1 Traffic modelling and feasibility work are essential steps in the next stage of scheme development, but there are wider aspects to be considered that would be required to contribute to the successful delivery of a Relief Road.
- 5.2 All major schemes are a balance of advantage over disadvantage. It is important that the feasibility work is thorough so that it can be fully explained to the local community as strong local support is also a vital factor in influencing government funding support.
- 5.3 There is currently no source of government funding available. The South East Local Enterprise Partnership (SELEP) receives significant funding but that tends to be for smaller lower cost schemes. However, Kent is not alone in requiring larger major infrastructure improvements and such schemes do feature in other LEP programmes around the country. There are obvious hurdles but a scheme with significant benefits and widespread public and political support has the potential to attract funding.
- 5.4 Government funding bids require a significant level of third party match funding contributions. As planning authority, the Borough Council has a major role in securing and maximising Section 106 contributions towards a Relief Road.

6. Financial Implications

- 6.1 The County Council is under severe financial pressure and has no revenue to fund this development work. However, there are three existing unilateral undertakings from developments currently under construction on the A274 Sutton Road from which up to £200,000 can be used.

7. Programme

7.1 Subject to the views of this Cabinet Committee, officers will use the available unilateral undertakings funding to support the traffic surveys, traffic modelling and further feasibility work. Consultants will be commissioned. Traffic surveys are most sensibly undertaken in neutral months and these will be planned for spring 2018. Traffic data assessment, building and validating a traffic model and option testing will take a year to complete.

8. Conclusions

8.1 A Relief Road has been an aspiration for many years and there is understandable local interest. Scheme specific traffic modelling will identify the need and quantify the transport and economic benefits. This will clarify if there is likely to be a strong business case that could form the basis for taking advantage of any future funding opportunities. Securing funding will always remain the biggest obstacle.

9. Recommendation(s):

The Cabinet Committee is asked to endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport & Waste on the proposal for the Director of Highways to progress feasibility work on B2163 Leeds & Langley Relief Road utilising section 106 developer contributions.

10. Background Documents

None

11. Contact details

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From: Matthew Balfour, Cabinet Member for Planning, Highways, Transport and Waste
Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment & Transportation Cabinet Committee – 30 November 2017

Subject: Local Flood Risk Management Strategy

Decision Number: 17/00118

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Divisions Affected: Countywide

Summary: The Local Flood Risk Management Strategy sets out how local flooding (flooding from surface water, groundwater and ordinary watercourses) will be managed in the county over the next six years. It presents the progress since the previous Local Strategy and identifies challenges that remain to the effective delivery of local flood risk management. These inform the objectives and actions for local flood risk management that are set out in the Local Strategy along with a list of specific projects.

The Local Strategy has been open for public consultation. 68 comments were received. This draft reflects the comments received.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport & Waste on the proposed decision to adopt the Local Flood Risk Management Strategy and to delegate to the Director of Environment, Planning and Enforcement the authority to make any further modifications which may be necessary such as formatting changes and typographical errors in order to publish the Local Flood Risk Management Strategy document as attached at Appendix A.

1. Introduction

1.1 The Flood and Water Management Act 2010 makes Kent County Council (KCC) the Lead Local Flood Authority for Kent. As Lead Local Flood Authority KCC is required to prepare a Local Flood Risk Management Strategy (Local Strategy) that sets out how local flood risks will be managed in the county, who will deliver them and how they will be funded.

1.2 Local flooding is flooding that is caused by surface runoff, ordinary watercourses and groundwater.

1.3 KCC adopted a Local Flood Risk Management Strategy in 2013, which can be found here:
http://www.kent.gov.uk/_data/assets/pdf_file/0016/12076/Kent-Local-Flood-Risk-Management-Strategy-Report.pdf. This strategy was intended to last three years and it now needs to be updated.

1.4 A new 6 year Local Strategy has been prepared and has been consulted on. The Local Strategy and the consultation report are attached.

2. Approach

2.1 The 2010 Act sets out the minimum that a local strategy must contain, specifically:

- 1 The risk management authorities in the relevant area.
- 2 The flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area.
- 3 The objectives for managing local flood risk and the measures proposed to achieve those objectives.
- 4 How and when the measures are expected to be implemented.
- 5 The costs and benefits of those measures, and how they are to be paid for.
- 6 The assessment of local flood risk for the purpose of the strategy.
- 7 How and when the strategy is to be reviewed.
- 8 How the strategy contributes to the achievement of wider environmental objectives.

2.2 The previous Local Strategy was relatively long, at over 50 pages, excluding appendices. It also focussed heavily on KCC's role as Lead Local Flood Authority, which was new at the time and set out a number of policies for us to deliver that role.

2.3 The intention with the next Local Strategy is for it to be a shorter, simpler document that focusses more on the strategic approach to local flood risk management.

2.4 The Local Strategy will be supported by the Flood Risk to Communities Document that set out the flood risks in each district council in Kent. These documents provide information on the risk management authorities and their roles, they will also set out the flood risk in each area and local contact details and can be found here:
<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/flood-risk-to-communities/>

2.5 By using the Flood Risk to Communities documents in this way, the Local Strategy can focus on local issues.

2.6 Several links to the Flood Risk to Communities documents are provided in the Local Strategy.

3. Challenges and objectives

- 3.1 The first Local Strategy set out the work we would do to understand the risk of local flooding in the county and was largely focussed on fact finding. This Local Strategy will build on this work and be more balanced between understanding the risks, delivering measures to reduce risks, communicating about the risks and supporting communities at risk.
- 3.2 The work we have done over the previous three years has led to progress and improvements in local flood risk management. These include the improvement in partnership working across all risk management authorities; in fact, many of the larger risk management authorities have restructured or recruited to reflect the need to work in partnership with other bodies and this approach is helping to deliver results.
- 3.3 KCC has also developed a suite of surface water management plans (SWMPs), which can be found here: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/surface-water-management-plans>. These are a key source of information about local flood risks and provide evidence for the where measures are best delivered.
- 3.4 Further, since the flooding in 2013/14, there is now a pool of flood wardens in many of the high risk communities that will help to improve the resilience of local communities for future events.
- 3.5 Despite these and other successes, there remain challenges in flood risk management in Kent. The challenges have been identified over the course of delivering the previous Local Strategy and are set out in the new Local Strategy and inform the aims and actions of the Local Strategy.
- 3.6 The Local Strategy has four draft objectives, which are:
- **Improve understanding of flood risks**
Ensure that Risk Management Authorities in Kent have a clear understanding of local flood risk mechanisms, risks and management opportunities, and this understanding is shared with partners to create a comprehensive picture of flood risk and how it can be managed.
 - **Reduce the risk of flooding:**
Reduce the risk of flooding on people and businesses in Kent through the delivery of flood risk management projects and programmes.
 - **Resilient planning:**
Ensure that development and spatial planning in Kent takes account of flood risk issues and plans to effectively manage any impacts and emergency flood plans have a clear understanding of local flood risks and responsibilities.

- **Support resilient communities**

Ensure that residents and businesses of Kent have access to appropriate data and information to understand flood risk in their area, how it is managed and by whom. Empower communities and individuals to act to protect themselves from flooding through individual efforts, partnerships and joint working.

- 3.7 These objectives are then broken down into actions for the flood risk management community to focus on over the period of the Local Strategy.

4. Risk assessment and Preliminary Flood Risk Assessment

- 4.1 The Local Strategy includes a risk assessment of the areas of focus for managing local flood risks in Kent..
- 4.2 Under the Flood Risk Regulations, which transpose the EU Floods Directive into English Law, KCC has to undertake a Preliminary Flood Risk Assessment (PFRA) every six years to assess the risks for local flooding and identify areas of significant flood risk.
- 4.3 The next PFRA is due this year. KCC has undertaken the PFRA at the same time as the Local Strategy to ensure they were based on the same assessment of risk.
- 4.4 If an area of significant risk is identified it will then have to go through the two further stages of the Flood Risk Regulations, which are mapping of the risks and hazards and developing a Flood Risk Management Plan.
- 4.5 The Environment Agency undertook a preliminary assessment of the areas that met the criteria in England using national surface water mapping data and identified six in Kent - Dartford, Gravesend, Maidstone, Sittingbourne, Canterbury and Ramsgate.
- 4.6 We have reviewed this assessment using our local data and knowledge and do not consider these areas to be significant risk areas, from a national perspective. The national mapping that the EA has does not include drainage networks or watercourses; as a consequence it overemphasises the surface water flood risk in many of these areas. Our assessment is based on the Surface Water Management Plans (SWMPs) that we have undertaken. The SWMPs can be found here: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/surface-water-management-plans>
- 4.7 There are local flood risks in most of these areas and we are already planning to manage these risks, but we do not consider that the next stages of the Flood Risk Regulations are the appropriate way to do this. We will feed our plans into the next Flood Risk Management Plans for Kent, as we did last time, even though we did not have any areas of significant risk in Kent.
- 4.8 The PFRA is included in the Local Strategy, along with details about the assessment method and KCC's submission to the Environment Agency.

4.9 In addition to the PFRA, the Local Strategy sets out areas that we will focus on to assess and manage local flooding. These are based on the evidence we have gathered since the previous Local Strategy, including the Surface Water Management Plans we have prepared and the work we have undertaken with partners. The areas we are proposing to focus on are:

- **Medway Catchment** - The Environment Agency has formed a Strategic Flood Partnership for the Medway Valley, which KCC is an active partner in. KCC is also a partner in the Natural Flood Management (NFM) Project for the Medway Valley. As part of these projects and this Local Strategy, KCC will investigate the opportunities through NFM and other means to reduce the risk of flooding in the towns and villages in the Medway Valley .
- **Northeast Kent** (Deal, Margate, Ramsgate and Broadstairs) - Southern Water has undertaken a drainage strategy for Northeast Kent (Deal, Margate, Ramsgate and Broadstairs) that identifies sewer capacity as a potential obstacle to growth. KCC will work with Southern Water to identify opportunities where it can reduce the discharge of surface water to the sewers.
- **Nailbourne Valley** - KCC will work with multi-agency partners and local representatives to identify and deliver options to manage the groundwater and main river flood risks in this Valley.
- **Folkestone and Hythe** - KCC will work with partners to investigate opportunities to reduce the risk of flooding from the steep hills and highly responsive watercourses in this area.
- **Tunbridge Wells** – KCC will work with partners to understand the causes of these floods and identify opportunities to reduce the risk.
- **Sittingbourne** - KCC will investigate the causes of flooding and identify opportunities to reduce the risks.

4.10 We will also investigate and deliver works in other areas, which are set out in the action plan in the Local Strategy. The reason these are not listed as areas to focus on is that they are relatively small pieces of work or we are at an early stage of understanding the risks and do not yet know if they will become an area of focus.

4.11 We will also continue to monitor flooding and flood risk in the county to continue to prioritise and assess the local flood risks. This may lead to works in the future and will inform the assessment of risk in the next Local Strategy review.

5. Consultation

- 5.1 The Local Strategy was consulted on from 16 August to 8 October 2017. 68 responses were received. A consultation report has been prepared and is attached.
- 5.2 Generally the consultation showed approval for the Local Strategy and the objectives. There were a large number of comments that fall outside the remit of the Local Strategy, most notably comments about highway drainage maintenance. The Local Strategy has been adapted to strengthen the link between local flood risk management and highway drainage management. There were also a substantial number of comments about developments and flood risk. KCC's role in this area is covered in our Drainage and Planning Policy document, which has been sign-posted to in the strategy.
- 5.3 Other comments included the lack of contact details for risk management authorities, the links with the Flood Risk to Communities documents and lack of broader context with other environmental objectives. These have been improved in the final draft of the local strategy.

6. Publication

- 6.1 Once the Local Strategy has been adopted by the Cabinet Member, it will be passed to the Communications Team to be prepared for publication

7 Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport & Waste on the proposed decision to adopt the Local Flood Risk Management Strategy and to delegate to the Director of Environment, Planning and Enforcement the authority to make any further modifications which may be necessary such as formatting changes and typographical errors in order to publish the Local Flood Risk Management Strategy document as attached at appendix A.

8. Appendices:

Appendix A: Proposed Record of Decision
Appendix B: Kent Local Flood Risk Management Strategy 2017 – 2023
Appendix C: Kent Local Flood Risk Management Strategy Consultation Report

9. Report Officer:

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Matthew Balfour

**Cabinet Member for Planning, Highways, Transport &
Waste**

DECISION NO:

17/00118

For publication

Key decision*

Yes –

Subject: Local Flood Risk Management Strategy

Decision:

As Cabinet Member for Planning, Highway, Transport & Waste, I agree to adopt the Local Flood Risk Management Strategy and to delegate to the Director of Environment, Planning and Enforcement the authority to make any further modifications which may be necessary such as formatting changes and typographical errors in order to publish the Local Flood Risk Management Strategy document.

Reason(s) for decision:

The Local Flood Risk Management Strategy is a statutory requirement for KCC. It sets out a framework for the management of local flood risk (flooding from surface water groundwater and ordinary watercourses) in Kent.

Cabinet Committee recommendations and other consultation:

Public consultation on the Local Strategy was undertaken from 16 August to 8 October. The feedback was used to prepare the final draft.

Any alternatives considered:

N/A – Statutory Requirement

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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Kent Local Flood Risk Management Strategy 2017-2023

Final draft

Autumn 2017



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Kent Local Flood Risk Management Strategy

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1 Introduction

Kent County Council (KCC) is the Lead Local Flood Authority (LLFA) for Kent. As the LLFA we have an overview role for local flooding. Local flooding is flooding that arises from these sources:

- Surface runoff
- Ordinary Watercourses
- Groundwater

The flooding from these sources is generally more localised than flooding from rivers and the sea. Managing these forms of flooding often relies on several systems working effectively, especially drainage networks, sewers and ordinary watercourses, which may be managed by different authorities. Cooperation and integrated planning is required from these authorities to manage local flooding effectively.

There are many authorities involved in the management of local flooding in Kent, including Kent County Council (KCC), the Environment Agency, District and Borough Councils, Internal Drainage Boards and Water Companies.

As the LLFA, KCC must produce a Local Flood Risk Management Strategy (local strategy) that sets out how local flood risks will be managed in the county by the authorities involved.

1.1 Background

The Flood and Water Management Act 2010 (the Act) makes county and unitary authorities lead local flood authorities with a strategic overview role for local flooding in their area. A Local Flood Risk Management Strategy is a requirement for all lead local flood authorities to set out how local flood risks will be managed in the county, who will deliver them and how they will be funded.

The Act also gives the Environment Agency a national strategic overview role for flood risk management. The Environment Agency has produced a National Strategy for Flooding and Coastal Erosion Risk Management (the National Strategy) as part of their national strategic role. The National Strategy can be found [here](#).

KCC produced a local strategy in 2013 that set out the objectives for local flood risk management for 2013-16, it can be found [here](#). The main purpose of that local strategy was to improve our understanding of local flood risks in Kent as there was a lack of good evidence as the role was new. We can now build upon the knowledge and understand that we have gained in delivering that local strategy.

1.2 Aims

Kent has a large population and a dynamic economy. Due to the historic development of the county, around waterways and along the coastline, and its

geography, steep hills and areas of impermeable soils, there is a significant risk of flooding from many sources. This includes local flooding sources, which are significant in Kent and threaten the safety and well-being of Kent's residents and the sustainability of our economy.

The aims of the local strategy are:

- To support and improve the safety and wellbeing of Kent's residents and the economy of Kent through appropriate flood risk management;
- To ensure that we all work together effectively to understand and deliver appropriate flood risk management in Kent
- To contribute to sustainable development, regeneration and land management in Kent through the promotion of sustainable flood risk management practices that utilise natural processes where appropriate.

This local strategy will build upon the lessons we have learned from the first one to reduce flood risk in the areas we have identified as at risk and to continue to develop our understanding of flood risk and improve how we work together.

Through the delivery of the Local Strategy:

- Kent will be more resilient to flooding by delivering appropriate, sustainable flood risk management measures.
- Our residents will be safer from flooding and have a better understanding of flood risks and who is responsible for managing them and they will be empowered to support themselves to manage their own risks, if they feel it is appropriate.
- Our economy will be better protected from the impacts of flooding.
- Our catchments and drainage systems will be managed to account for all flood risks, employing sustainable techniques to manage runoff.
- Our residents will enjoy new developments that are planned to take account of flooding and manage it sustainably.

1.3 Context

1.3.1 Flood risk management

The Local Strategy is one of several documents, plans, strategies and policies that influence how flood risk is managed in the county, from national policy and guidance, through local strategies and plans that set out how this will be applied local, to local policy for delivery that set out specific policies for the delivery of services.

Table 1 provides an overview of the interrelationship between various documents that deliver flood risk management objectives and an overview of the hierarchy of the national policy and guidance that influences them.

The Local Strategy is a strategic document, this means it sets out a broad set of objectives for local flood risk management in Kent (Section 7) and actions to deliver

these (Section 7), it also includes areas of focus for local flood risk management measures (Section 8) and an action plan of works that are currently planned (Appendix 1).

Specific details of how duties and powers are exercised by risk management authorities are not included in the Local Strategy, for instance how drainage assets are maintained or the local policy for flood risk management. These are set out by each risk management authority separately, links to these policies can be found in Table 1, where they are available. The delivery of the Local Strategy objectives and associated actions may influence how specific management policies are delivered and adapted as they are reviewed, but it is not the purpose of the Local Strategy to specify these.

Details of flood risks in the county, the local bodies responsible for managing it, who to contact in an emergency and details of plans and strategies that are relevant to the management of flood risk in the area are set out in more detail in our Flood Risk to Communities Documents. There is a Flood Risk to Communities document for each district in Kent. The Flood Risk to Communities documents can be found here: www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/flood-risk-to-communities/

1.3.2 Development planning

Housing and other new developments represent a potential increase in flood risk either from being in areas that are prone to flooding or by increasing the amount of water discharged from the site. This is managed through the planning application process, which is set out in the [National Planning Policy Framework](#) and other policy documents.

The Local Strategy does not set out the specific details of these policies or how they are managed. More details on this can be found in the Planning and Flood Risk Section of the [Flood Risk to Communities](#) documents and in Section 6.1 of this Local Strategy. The Local Strategy will include actions to monitor the implementation of these policies that affect local flood risk management and, if appropriate, identify new policies or implementation mechanisms that improve local flood risk management.

Table 1 Flood Risk Management documents

	Coastal flooding	Fluvial (river) flooding	Local flooding	Sewer and Highway flooding
National Policy	National Planning Policy Framework National Strategy for Flood and Coastal Erosion Risk Management			
National Guidance	National Planning Policy Guidance			Sewers for Adoption Design Manual for Roads and Bridges
Regional Strategy	Shoreline Management Plans	Catchment Flood Management Plans	Local Flood Risk Management Strategy	Water Company Business Plans (Thames , Southern)
Regional Plans	Shoreline Management Strategies	Catchment Management Strategies Flood Risk Management Plans		Drainage Strategies Drainage Area Plans
Local Policy	Local Planning Policy (see planning authority websites)		Drainage and Planning Policy	Highway drainage policy

2 Flood risk management

Flooding is a natural phenomenon where water inundates normally dry areas, it has the potential to cause risk to life, damage property and harm the environment.

The consequences of flooding can include:

- Damage to properties, land, infrastructure and services;
- Risk to life and health impacts (physical and mental);
- Loss of confidence or a sense of security in a community, including residential and business communities; and
- Damage to the environment, including pollution and impacts on habitats

Flooding can also be beneficial. If it is in areas where the impacts are low or acceptable it can prevent worse flooding elsewhere and provide nutrients for farmland and benefit some habitats.

2.1 Meaning of flood risk

Flood risk is a way of expressing the damage flooding can cause by combining the impact of the flooding (the damage it causes) and the likelihood of it happening (how frequently it will occur).

$$\text{risk} = \text{impact} \times \text{likelihood}$$

The impacts of flooding can be expressed in terms of the number of properties flooded or the cost of the damage of the flood.

The likelihood of flooding is generally expressed as a probability of the flood occurring in a given year (annual exceedance probability) or the average number of years between floods (annual return period).

In order to understand the risk we must therefore understand where the flooding might occur, what will be affected by the flooding and how frequently it is likely to happen. This is often very complicated, especially if it is important to be accurate. Understanding these issues is important for justifying expenditure on flood risk management measures, as it is how we demonstrate the measures will be cost-effective.

2.2 Flood risk management

Managing flood risk includes a range of activities to understand the risk, including where it is, assess measures that may be available to manage it and building and maintaining measures to manage it.

The storms that cause local flooding are often very small (in spatial extent) and therefore they are not always recorded by rain gauges and small streams usually do not have flow gauges. As a consequence, storms that cause local flooding are difficult to assess as the data needed to assess them is not available. Similarly they cannot be forecast accurately, so local flood risk management must often rely on adaptation and preparedness in preparation for an event rather than mobilisation prior to an event.

Reducing the risk of flooding can be achieved either reducing the likelihood of the flood occurring or reducing the damage the flood will cause.

Examples of the features that can be used to reduce the likelihood of local floods include:

- landscaped features that hold or direct water away from properties, which can be green infrastructure or more conventional engineering features;
- natural features and restoring natural processes that reduce runoff and slows the flow of water;
- improved drainage including sustainable drainage systems (SuDS); and
- transferring risk to other areas where the consequences are low, for example by allowing land to flood and containing floodwater to prevent flooding elsewhere.

Examples of the steps that may be taken to reduce the damage and disruption when floods do happen include:

- controlling inappropriate development to avoid increasing risk;
- adapting buildings and infrastructure to minimise damage and disruption; and,
- making sure that a proper emergency response plan is in place.

A number of features may be used together to manage the risk in a particular area, working in combination within a risk management system.

It is important to understand that no organisation or body has a duty to prevent flooding or reduce the risk. Risk management authorities exercise permissive powers to undertake flood risk management works and they have access to funding to investigate and deliver flood risk management activities. However, in spending public money they have a duty to get value for money, that is the financial benefit of the works must be more than the cost of delivering and maintaining them (some funds require the benefit cost ratio to be greater than one), there are more details on the funding available in Chapter 8. In many cases flood risk cannot be managed in a cost effective way.

2.3 Climate Change

Climate Change has the potential to increase current and future risk from flooding. Climate change is likely to affect flood risk through sea level rise, more frequent and

higher storm surges, increased winter rainfall, drier summers with periods of more intense summer rainfall. These effects are likely to result in increased frequency and magnitude of flooding in Kent. As such, there is clear need and demand to take proactive action to reduce current and future impacts of flooding.

Local flood risk in particular is likely to be affected by climate change from:

- increasing rainfall intensities in the summer, leading to more intense rain storms and flash flooding of surface water and small ordinary watercourse. and
- increased rainfall volumes in the winter leading to more fluvial flooding, including ordinary watercourses and high levels on rivers can reduce the ability of ordinary watercourses and drainage networks to discharge
- increased rainfall can lead to significant groundwater recharge, which can cause groundwater flooding
- sea-level rise will affect the ability of coastal rivers and drainage networks to discharge

These factors, as well as other consequences of climate change, need to be included in the delivery of flood risk management works.

2.4 Wider benefits

Flood risk management is part of a wider environmental management and community support framework. Activities to manage the environment and support communities and can have flood risk management benefits and flood risk management activities can have other environmental and societal benefits.

Identifying opportunities to deliver other environmental and societal benefits is important in delivering any works as it helps to provide multiple benefits. It can also provide an opportunity for additional funding and support for the measures.

Examples of areas that flood risk management work can provide other benefits include:

- Providing habitat to enhance the environment – planting trees, creating ponds and wetland features, and providing blue/green infrastructure to create habitat also reduces and manages runoff and contributes to flood risk management.
- Supporting communities to improve their resilience – many communities are at risk of flooding, which is a significant cause of disruption, supporting them to manage this as a community can help to improve their resilience to flooding and climate change and lead to wider community actions.
- Improving local landscape character – many landscape features, such as trees, ponds, ditches, hedgerows, contribute to flood risk management, by supporting the maintenance and enhancement of landscape character flood risk can also be managed.

The Local Strategy will seek to identify opportunities to deliver multiple benefits.

3 Flood risk in Kent

3.1 Overview

There are approximately 64,000 properties estimated to be at risk of flooding from coastal and fluvial flooding in Kent. The coastal areas of Kent are at significant risk of flooding, in particular the Romney Marshes, Dartford and Gravesend are at high risk of coastal and tidal flooding. Flood defences are in place in many of these areas to reduce the risk. The floodplains of the Rivers Medway, Beult, Stour and Darent present a significant risk of fluvial flooding in Kent, there are some flood defences for these areas.

There are also approximately 24,000 properties estimated to be at risk of flooding from surface runoff. This is one of the highest risks of any Lead Local Flood Authority in England. All areas are at some risk of surface water flooding, but the risk is generally concentrated in urban areas. Section 7 presents more details on the areas where this risk is significant.

Ordinary watercourses are a significant source of flood risk in Kent, unfortunately there is no national estimate of the risk from this source. Ordinary watercourses can vary in size from small ditches or field drains to large streams or small rivers. There are many areas with a large number of ordinary watercourses in a concentrated area in Kent, for instance the Low Weald, North Kent Marshes or Romney Marshes, where they perform a vital role in land drainage and flood risk management in flat impermeable areas. There are also towns and villages in Kent with steeper topography, where ordinary watercourses present a significant flood risk.

Groundwater presents a significant source of flooding in parts of Kent as there are large areas of permeable aquifers, particularly the chalk aquifers of the North Downs. Groundwater flooding occurs in a number of areas across the North Downs, most notably along the Nailbourne Valley.

The specific flood risks in Kent are set out in more detail in the Flood Risks to Communities documents, which can be found here: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/flood-risk-to-communities/>

3.2 Sources of flood risk

The diagram on the next page gives a general overview of the main sources of flooding and the authorities with responsibility for managing the various flood risks, if you have a query or concern about one of these risks please contact them.

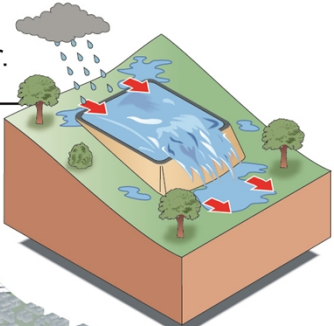
- Authorities responsible**
- KCC: Kent County Council
 - EA: Environment Agency
 - SW: Southern Water
 - TW: Thames Water
 - IDB: Internal Drainage Boards
 - o Lower Medway Internal Drainage Board
 - o Upper Medway Internal Drainage Board
 - o Romney Marshes Area Internal Drainage Board
 - o River Stour (Kent) Internal Drainage Board
 - o North Kent Marshes Internal Drainage Board
 - DB: District and Borough Councils
 - KRT: Kent Resilience Team
 - RO: Reservoir Operators

Groundwater
Occurs when water stored in the ground rises to the surface. This is most likely in areas with porous underlying rocks (like chalk).



Reservoirs
Reservoir flooding is extremely unlikely to occur. When the amount of water entering the reservoir is greater than the amount the reservoir is designed to discharge, floodwaters may overtop the crest of the reservoir and flow downstream (some reservoirs are designed to manage excess flows in this way). Occasionally, where a reservoir has been poorly designed, the structure can fail, releasing water.

- Risk Management Authority
- EA - regulator.
 - Reservoir owner - managing on-site risks.
 - KCC/KRT - off-site emergency plan.



Surface water
Occurs when the rate of rainfall is higher than the rate a water can drain into the ground or enter a drainage system creating runoff, running down hill and pooling in low points.

- Risk Management Authority
- KCC as the Lead Local Flood Authority and Highway Authority.



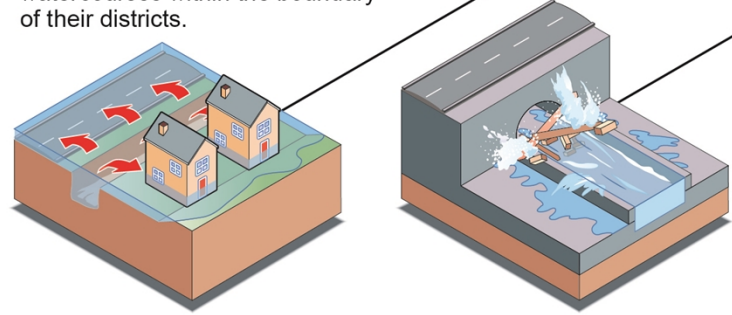
Coastal Erosion
Occurs when the coastline is eroded in the action of the sea, leading to loss of coast protection works are not replaced, they can contribute to the effectiveness of flood defences along a shoreline.

- Risk Management Authority
- DB



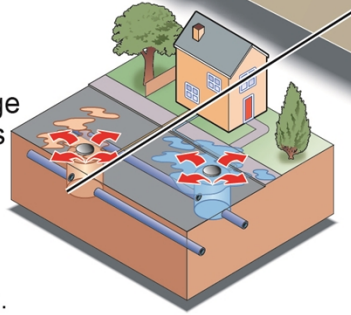
Main river and ordinary watercourses
Occurs when the water flowing in a watercourse (which may be in a culvert), exceeds the capacity of the channel and goes over its banks. The capacity of the watercourse may be reduced by blockages and debris in the channel. There are two categories of watercourse: main rivers (those which present the greatest risk to life and property), and ordinary watercourses, which cover all other watercourses, including streams, drains and ditches.

- Risk Management Authority
- EA - main rivers.
 - KCC - ordinary watercourses, outside the boundaries of Internal Drainage Districts.
 - Internal Drainage Boards – ordinary watercourses within the boundary of their districts.



Sewer flooding (including foul sewers)
May occur when the sewerage system fails due to blockages or it is overwhelmed by surface water.

- Risk Management Authority
- SW and TW for public sewers
 - Sewer owner for a private system.



Coastal Flooding
Occurs when the coastline and/or coastal flood defences are either overwhelmed or breached by high tides or a storm surge.

- Risk Management Authority
- EA



Diagram: Ian Moores Graphics

3.3 Risk Management Authorities

Kent County Council works with a number of risk management authorities in Kent manage flood risk.



Kent County Council is the **lead local flood authority** for Kent, with a strategic overview of flooding from surface water, groundwater and ordinary watercourses.

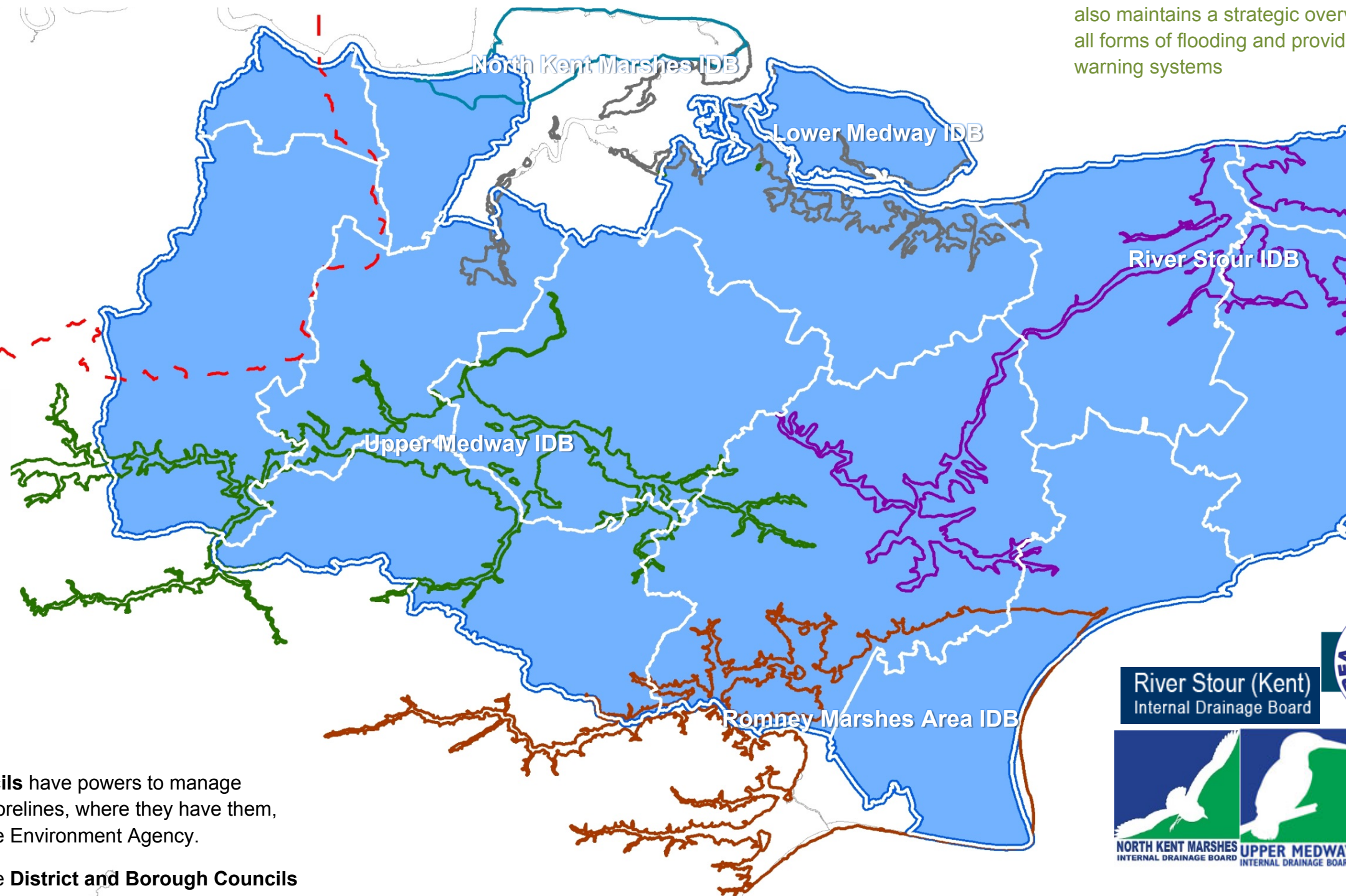
The County Council is the **highway authority** for Kent, with a responsibility for managing flooding and drainage on the local highway network.



The **Environment Agency** is responsible for managing floodi main rivers, the sea and reserv also maintains a strategic overv all forms of flooding and provide warning systems



Water and Sewerage Companies are responsible for managing the risks of flooding from water and foul or combined sewer systems providing drainage from buildings and yards. The dashed red line shows



District and Borough Councils have powers to manage coastal erosion along their shorelines, where they have them, working in partnership with the Environment Agency.

Kent County Council and the **District and Borough Councils** work collectively on emergency planning.

Internal Drainage Boards are independent public bodies responsible for wa management in low lying areas. They play an important role in the areas they working in partnership with other authorities to actively manage and reduce t flooding.

3.4 Emergency responders

Emergency responses to flooding incidents are undertaken by a slightly different set of bodies to the management of flood risk. The Civil Contingencies Act 2004 designates emergency response agencies as either Category 1 or 2 responders, and sets out their roles and responsibilities.

Category 1 responders are known as 'core responders', and they include the emergency services and local authorities who are responsible for coordinating the response, saving lives and organising rest centres.

Category 2 responders are 'key co-operating responders' acting in support of Category 1 responders; they include utility companies and transport organisations.

More details of emergency responders and their contact details are provided in the Emergency Planning Section of Flood Risks to Communities, which can be found here: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/flood-risk-to-communities/>.

4 Progress and developments since the previous Local Strategy

Below is a summary of some of the progress that has been made and developments that have occurred since the last Local Strategy was published.

4.1 Flooding

There has been some significant flooding since the first local strategy was published, most notably the flooding of 2013/14 as well as other more localised flood events.

The flooding of 2013/14 started in December 2013 with the high tides and storm surge that caused flooding in Sandwich and Faversham amongst other areas. Further flooding occurred on 23 December with heavy rainfall in the Medway Valley which led to widespread flooding of over 700 properties. The wet weather continued into 2014 causing high groundwater levels in the aquifers of Kent that led to groundwater flooding and winterbournes to flow, including the Nailbourne in Canterbury, where the flood alert remained in place for 101 days. In total over 950 properties were flooded in the flooding of 2013/14, the most extensive flooding in Kent since 2000/01.

During and after this flooding the risk management authorities involved undertook reviews of how they had responded and identified areas for improvement. The review that KCC undertook can be found here:

democracy.kent.gov.uk/documents/s47250/Item%20-%20-%20Flooding.pdf

Other floods have also occurred across Kent. Tunbridge Wells flooded in August 2015 causing flooding to properties in the Pantiles and London Road areas. KCC undertook an investigation into this flood, the report of this investigation can be found here, along with reports into other flood investigations we have undertaken:

www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/section-19-flood-investigations

4.2 Partnership working

Since the Flood and Water Management Act 2010 was published there has been an improvement in the cooperation and partnership working of the various risk management authorities. The Environment Agency and Southern Water have officers specifically tasked with working with local authorities and other risk management partners. This has greatly improved the relationships between the authorities and the understanding of the different objectives and funding requirements of each of the bodies. There are a number of regular meetings between the risk management authorities to discuss flood risk in the county and to identify and monitor joint working opportunities.

The Kent Resilience Forum, which is a forum of local emergency responders created by the Civil Contingencies Act 2004, has established the Kent Resilience Team. The

Kent Resilience Team is single team of emergency planning professionals that include officers from the Kent Police , Kent Fire and Rescue Service and Kent County Council. The Kent Resilience Forum coordinates the emergency planning services to transform the delivery of Integrated Emergency Planning, Business Continuity and Resilience Services to achieve better outcomes for the people of Kent by improving the effectiveness of the planning, response and recovery from emergencies.

There are also a number of flood risk management programmes that are being delivered by a partnership of risk management authorities, including the Pan Kent Flood Group, the Medway Flood Partnership and the Nailbourne and Little Stour Flood Risk Management Group. There is still work to be done in this area to make cooperation and partnership working more common-place.

4.3 Surface Water Management Plans

As part of delivering the previous local strategy KCC has undertaken a number of Surface Water Management Plans (SWMP) in Kent. These documents set out the local flood risks (not just the surface water risks) in an area. They range from strategic level documents that cover a wide area, for example a borough, or they can be a more focussed and more detailed study of a town. The strategic type of SWMP have helped us to understand where more detailed investigations may be required. The detailed SWMPs usually involve computer modelling of the drainage and water networks to improve understanding of the flood risks and identify potential solutions.

KCC has produced 24 SWMPs or similar studies in Kent, most of the county is covered by at least one SWMP. This provides an overview of the main local flood risks in the county. The SWMPs can be found here:

www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/surface-water-management-plans

4.4 Communicating flood risk

KCC has also produced Flood Risk to Communities documents for each of the districts in Kent. These documents provide a summary of all the flood risks in the district. The documents provide a summary of all the flood risks in the district, how is responsible for flood risk management and for emergency response, they include contact details for relevant parties and some further detail about the flood risks in each ward in the district.

The Flood Risk to Communities documents can be found here:

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/flood-risk-to-communities/>

4.5 Flood Wardens

Following the flooding in 2013/14 the Environment Agency, Kent County Council, the Kent Resilience Team and the districts and boroughs of Kent encouraged Flood Wardens in flood vulnerable communities in Kent. Flood Wardens help to coordinate activities in their communities during a flood, helping the emergency responders and ensuring everyone is aware of the risks and how to respond themselves. There are now over 200 Flood Wardens in Kent, though there are flood vulnerable areas that are not covered yet.

4.6 SuDS guidance

In preparation for our role as the drainage approving body, KCC worked with partners to develop guidance to promote the use of Sustainable Drainage Systems (SuDS) in new developments. The guidance Water.People.Places was developed in partnership with East Sussex County Council, West Sussex County Council, Hampshire County Council, Surrey County Council, and Portsmouth, Southampton, Brighton and Medway Councils.

Water.People.Places promotes the inclusion of SuDS in new developments at the Masterplanning stage and includes several different developments typologies as examples. Water.People.Places can be found [here](#).

4.7 Statutory consultee roles

The roles of statutory consultees for flood risk in planning applications have changed. The Environment Agency is no longer consulted on the drainage requirements of planning applications. They maintain their role for planning applications in areas of flood risk but are no longer required to comment on surface water management. LLFAs are now statutory consultees for surface water in major planning applications.

As such we provide consultations responses on the drainage proposals in major planning applications (developments of 10 homes or more, greater than 0.5 ha or more than 1000 sq m of commercial flood space), which covers more planning applications than the Environment Agency was consulted on for surface water alone. This role means that KCC can identify where drainage proposals will increase flood risk and make appropriate recommendations to the planning authority to include in the planning application decision.

Our role as a statutory consultee is instead of the role of the drainage approving body that was set out in Schedule 3 of the Flood and Water Management Act 2010. The government was not able to implement this part of the Act and does not have any plans to.

5 Challenges

Despite the progress there are many areas for further improvements. The SWMPs and Flood Risks to Communities documents provide an evidence base for the risks and issues in Kent. From these it is easy to identify a number of flood risk challenges that affect a number of areas in Kent. These challenges are outlined below and these are areas that will be addressed through the delivery of this local flood risk management strategy.

5.1 Catchment-based approach to flood risk management

There are many bodies responsible for managing many parts of a drainage or river catchment. Each body has a different way of assessing risk and prioritising work according to the corporate objectives or specific mandate that they have. This can mean that other opportunities are missed or that there may be impacts on other parts of the network in the catchment.

There have been improvements in the cooperation between bodies during the last local strategy period, especially through Public Service Cooperation Agreements (PSCAs), where authorities agree to share services. However, there remains a need for greater cooperation in the planning of flood risk management works, both capital investment and routine maintenance in order to deliver a genuinely catchment-based approach that is sympathetic to all the risks. Improving the understanding of the all of the flood risks in a catchment so that decisions can be made that incorporate all of them is a challenge.

5.2 Joint delivery of schemes

Risk management authorities are responsible for specific sources of flooding, however, flood risk to a community is often caused by a combination of sources and hence the solution involves more than one risk management authority. Each of these bodies has different funding criteria and corporate objectives, these differences can lead to complications in delivering joint solutions. There has been an improved understanding of the differences and requirements of the different bodies, however, there is still progress to be made in turning this improved understanding into integrated solutions that are co-delivered by partners.

5.3 Delivering local flood risk management works

To date only a small number of works to reduce local flood risk have been implemented in Kent. We have delivered measures to reduce flood risk, where this can be achieved by improving the understanding of asset owners or undertaking maintenance. But we have not delivered a significant number of works to reduce the local flood risk.

This is partly due to our role being new and a consequent need to understand where the risks are and what measures can be used to manage them. It is also due to the complexity of delivering works to reduce local flood risks. Local flood risk

management works often only provide small benefits and are often in urban or dense suburban areas where there are constraints on the space available to deliver a scheme. As a consequence the costs of schemes are high or there is no feasible scheme due to the lack of available, appropriate land on which to deliver it, which means that local flood risk management schemes are often not technically feasible or economically viable.

We would like this strategy to develop more feasible opportunities to deliver local flood risk reduction works, building on the risk identification work we have already undertaken and to develop our understanding of the techniques and measures available to deliver low cost local flood risk management works. We would also like to deliver more works to reduce local flood risk.

5.4 Combined sewer networks

Many areas of Kent are drained by combined sewers (as are many areas of the UK and Europe), these are sewers that carry both foul water (from toilets, bathrooms, sinks etc) and rainwater (from roads, gutters, areas of hardstanding etc) to sewage treatment works. One of the consequences of this is that if the rain fall exceeds the capacity of the sewer it will cause an overflow, where this mixture of foul water and rainwater flows out of the sewer. Overflows may be permitted discharges into watercourses or the sea (and as such are a common way manage combined sewers) or they may be unexpected and unplanned and lead to flooding.

Replacing combined sewers with separate systems is not economically feasible everywhere and in many areas combined sewers work well. However, with the pressures of climate change, housing growth and increasing density of urban areas, combined sewers in some areas are likely to face increasing constraints. How combined sewers are managed is beyond the scope of this local strategy, but we would like to work with the Water Companies to develop strategies to manage the increasing pressures on combined sewers where they are significant, ensuring new development, climate change and urbanisation do not increase the risk of combined sewer overflows and that these they can be reduced where possible.

5.5 Natural flood management techniques

Natural flood management uses land management techniques to mimic natural processes in river catchments to reduce the runoff and river flows leading to lower risk of flooding downstream. Natural flood management techniques include storing water in small landscape features, slowing river and stream flows with natural dams and encouraging the infiltration of rainwater over the catchment. There have been recent developments in the use of natural land management techniques to reduce flood risk, in particular the [Belford scheme, Northumberland](#) and the [Slowing the Flow scheme in Pickering](#).

Natural flood management techniques are unlikely to be able to prevent large-scale flooding to the large watercourses in Kent on their own, but they may have benefits for smaller watercourses where the risks of flooding cannot be managed by a

conventional flood defence scheme. Through this strategy we would like to work with communities and land managers to identify opportunities to deliver natural flood management techniques and to progress with their delivery.

5.6 SuDS adoption and maintenance

Sustainable Drainage Systems (SuDS) are a way of managing runoff from developments that mimic natural drainage processes so that there is no increase in flood risk downstream. SuDS can be designed to offer other benefits, such as amenity space and habitat and can enhance the local environment by using open features on the surface to manage runoff such as swales and ponds instead of underground pipes and tanks.

Unfortunately, these open, surface features, the most beneficial forms of SuDS, cannot be adopted by Water Companies (who adopt conventional drainage) and there is no other authority who has the powers necessary to adopt them and a funding mechanism to cover the costs of maintenance. This means that there is often not uptake of these types of SuDS in developments.

Through this local strategy we will work with partners, including the planning authorities and water companies, to identify any opportunities to improve the uptake of open SuDS and promote the wider benefits.

5.7 Community resilience

Communities are at the forefront of flood risk, they are the ones that experience the flooding directly and often are the first to respond to it. Since the flooding in winter 2013/14 KCC, the EA and the districts and boroughs have trained flood wardens in many areas at risk of flooding to improve the local response to flooding. However, there is still a lack of widespread understanding in flood risk communities about how they can help themselves and how they can take action to feel more secure.

Improving the understanding of the causes of flood risk in the community, the assets that they have that serve a flood risk function, the triggers for flooding and how they can respond to them proactively can help communities to be more resilient. Through this strategy we will support communities to become more resilient to local flooding.

5.8 Local flood risk emergencies are properly planned for

Multi-agency flood plans set out the roles and actions for Category 1 responders, under the Civil Contingencies Act 2004, in a flooding emergency. Flooding emergencies in Kent are generally from coastal and fluvial flooding events, they do not often include local flood risks. This is appropriate in most cases, however there may be locations where local flood risk is significant and should be included in flood plans. Through this strategy we will review our understanding of local flood risks and identify any areas where they should be incorporated into flood plans.

5.9 Funding for local flood risk management

Funding of activities to manage local flooding is scarce at the moment, this affects the delivery of capital works to reduce the risk of flooding and maintenance to maintain existing assets that provide local flood risk management benefits.

Government contributions to the capital costs of flood defence works often do not provide the full funding needed to deliver a flood defence scheme. The government will provide funds for a portion of the costs, but only if any remaining funding required can be secured from another source, this is known as partnership funding (more details are given in Section 7). The government's contribution is largely calculated according to number of residential properties that will benefit from improved flood protection. Other economic benefits are often not fully considered nor are all of the non-residential properties at risk of flooding, for instance businesses premises are not considered in the same way as homes. The expectation of the government is that other non-residential beneficiaries will contribute partnership funding to flood defence schemes that protect them. However, to date, partnership funding largely comes from other public sector bodies.

The government does not offer any new funding to local authorities for the maintenance of flood risk management assets, even ones constructed with government grants for the capital costs. These have to be funded from regular revenue budgets. Revenue funding for local authorities is increasing stretched and maintenance for flood risk management assets is under pressure.

Changing the way that flood defences are funded is beyond the scope of this Local Strategy, as it is a matter for the government. However, there remains a challenge to get a better understanding of the full range of economic impacts of flooding, which can help to identify other opportunities for partnership funding contributions and impacts from flooding on other parts of the economy that might not ordinarily be recognised. And, to better use the resources we have to ensure we are using it efficiently.

5.10 Flood risk management by design

Many schemes and developments are constructed that have a flood risk management impact, which is why the Environment Agency and KCC are statutory consultees for planning applications, so we can identify any issues and discuss any concerns with the developers and planning authorities. There are often opportunities in developments to reduce flood risk in the surrounding area, however there is no requirement for developers to reduce off-site risks and our interventions are often too late to modify designs to build them in at reasonable costs.

Ideally all developments and schemes would be built with the local flood risk management conditions in mind, so that they would not only be neutral from a flood risk perspective, they would actively reduce the risk. This would provide an opportunity to deliver flood risk management benefits more cost effectively and efficiently.

Through this local strategy we hope to identify some schemes and developments that can be designed to include flood risk management benefits at reasonable costs. We also hope to work with planning authorities to identify areas where proactive flood risk management policies would be of benefit and help them to build them into local planning policy.

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6 Objectives and actions

6.1 Objectives

The objectives for this Local Strategy reflect the need to progress with the improvements achieved to date and to address the challenges that we face. The objectives are set out below.

Understanding flood risks

Risk Management Authorities in Kent have a clear understanding of local flood risk mechanisms, risks and management opportunities and this understanding is shared with partners to create an evidence base for flood risk and how it can be managed to ensure we target resources where they are most effective.

Monitoring, recording and investigating flooding and flood risk helps us to identify opportunities to reduce flood risk and provide information to improve the general understanding of flood risk. Our understanding of local flood risk has improved through the delivery of the first Local Strategy. However we must continue to monitor and record flooding and there remain opportunities to improve our understanding across our partners, to broaden the range of techniques available to manage flooding and identify opportunities for more parties to be involved in flood risk management.

This includes identifying the economic benefits of flood risk management so that potential new partners can be identified for flood risk management works. It will also include developing an evidence base for the use of natural flood management techniques.

Reduce the risk of flooding

Work in partnership to reduce the risk of flooding on people and businesses in Kent through the delivery of cost-effective flood risk management projects and programmes.

The delivery of flood risk management schemes for coastal and main river flooding is well supported and promoted by the Environment Agency. However the delivery of local flood risk management schemes has not enjoyed the same success. To deliver this objective we will develop a programme of local flood risk opportunities to progress through investigation, design and delivery, this is set out in Appendix 1. We will also work with partners to fund these opportunities.

We will also identify areas where surface water in combined sewers is a risk to their long-term effectiveness and potential to growth. From this we will develop a strategy to manage these sewer networks over the medium to long-term.

We will also promote the use of property level protection for areas where conventional flood risk management schemes are not viable.

Resilient planning

Ensure that development and spatial planning in Kent takes account of flood risk issues and plans to effectively manage any impacts.

The need for more housing puts pressure on infrastructure, including flood risk management infrastructure, and the natural systems that receive water and runoff. Unless new developments are managed well it can lead to an increase in flood risk. This objective will ensure that new developments do not increase the risk of flooding and where possible contribute to the reduction of flood risk.

The government sets out how planning policy should take account of flood risk, this is set out in the [National Planning Policy Framework](#), guidance on this can be found in the [Planning Practice Guidance](#). Planning decisions are made by the planning authorities, district and borough councils.

The Environment Agency is a statutory consultee for developments in the flood plain and for Local Plans prepared by planning authorities. They provide advice to planning authorities and developers about the risks of development in the flood plain and how this should be managed according to government policy, set out in National Planning Policy Framework and specific flood risk management guidance set out in [Planning Policy Guidance on Flood Risk and Coastal Change](#).

The National Planning Policy Framework and [non-statutory technical standards for sustainable drainage systems](#) sets out requirements for surface water management to, as a minimum, maintain the pre-development run-off regime. KCC is a statutory consultee for surface water management in major developments, the policy for this role is set out in KCC's Drainage and Planning

KCC provides advice to the planning authorities about the impacts of developments on surface water runoff and the risks from local flooding. Specific policy on how KCC assesses this risk and guidance on accounting for it in new developments can be found in the [Drainage and Planning Policy Statement](#).

Actions under this objective will focus on promoting sustainable drainage in new developments, educating developers and planning authorities about the benefits of sustainable drainage and improving our understanding of how it can be delivered, managed and maintained.

Resilient communities

Resident and businesses of Kent have access to appropriate data and information to understand flood risk in their area, how it is managed and by whom. Emergency plans are in place for flood vulnerable communities. Communities and individuals are empowered to act to protect themselves from flooding through individual efforts, partnerships and joint working.

Communities are the hardest hit by flooding, they must be supported to understand their risks and to engage in managing it. Communities at risk of flooding need

emergency flood plans as a minimum, but many communities are interested in being involved in managing the risks. There has already been a significant increase in the number of flood wardens in the county and we are keen to build upon this and empower communities to proactively engage with flood risk management in area. Through this objective we will ensure that residents and local communities are supported to understand their own flood risks and help them to identify how they can play a part in managing it.

6.2 Action plan

To deliver the objectives of this Local Strategy we have identified aims and actions these that break the objective down into discrete packages which continue to deliver flood risk management or address the challenges that we have identified in this Local Strategy. The aims and actions are set out below.

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Objective 1: Understanding risk

Risk Management Authorities have a clear understand of flood risk

Our ambition

Risk Management Authorities in Kent have a clear understanding of local flood risk mechanisms, risks and management opportunities and this understanding is shared with partners to create an evidence base for flood risk and how it can be managed to ensure we target resources where they are most effective.

Our aims

- Flood events in Kent are recorded and investigated as necessary
- Improve the evidence base for the wider economic impacts of flooding to identify other funding opportunities
- Improve the understanding and joint working opportunities between risk management authorities of the flood risks that others manage
- Natural flood management techniques are better understood
- Impact of climate change on flood risk assessed

Key outcomes

- Better understanding of joint flood risks and climate change across risk management authorities
- Local flood risk management works are easier to plan, fund and deliver
- More natural flood management techniques employed to reduce flood risk

Actions

- Record flood events and share data with partners to develop a picture of flood risks in Kent
- Identify opportunities for investigations or studies into flood risks
- Develop Drainage Strategies for priority wastewater catchments in Kent
- Explore opportunities to understand the national and local economic benefits of flood risk management schemes and identify opportunities and incentives for partners to invest in proposed schemes
- Raise awareness of flood defence benefits with key partners who may not ordinarily be involved in funding flood defences
- Develop an integrated asset record that can hold significant RMA assets to improve our understanding of flood risk management systems

- Identify flood risks that have multiple risk management authorities involved and align strategic investment programmes to improve the coordinated delivery of risk management activities
- Undertake joint assessments of the options for flood risk management where there are shared risks, to improve efficiency of the assessment and proposed intervention
- Improve our understanding of the potential of natural processes to manage flood risk
- Identify opportunities to use natural processes to manage flood risk
- Investigate the economic benefits of natural processes
- Assess the areas where climate change will most increase the risk of flooding
- Ensure partners are aware of areas at risk of climate change and how this increased risk can affect them and the services they manage

Objective 2: Reducing the risk of flooding

People and businesses in Kent are protected from flooding

Our ambition	Our aims	Key outcomes
<p>To protect the people and businesses of Kent from flooding through the delivery of flood risk management projects and programmes using new or innovative techniques where appropriate</p>	<ul style="list-style-type: none"> • Develop, maintain and deliver cost-effective capital investment projects to reduce local flood risk, including partnership projects • Reduce the surface water discharged to combined sewers • Promote the use of natural flood management techniques and property level resilience measures 	<ul style="list-style-type: none"> • Fewer properties and businesses in Kent at risk of flooding • Increased capacity in combined sewers • More jointly delivered flood risk management projects
<h3>Actions</h3>		
<ul style="list-style-type: none"> • Deliver the actions in the action plan (Appendix 1) and continue to develop a rolling programme of local flood risk management projects • Use the most up-to-date information to identify where best to target highway maintenance • Identify funding routes and partners for the local flooding capital programme • Identify opportunities to jointly deliver works between partners • Identify within Drainage Strategies, catchments where combined sewers present a risk to growth or the environment from surface water inflows • Develop and deliver pilot schemes for surface water removal from combined sewers • Develop a general business case for surface water separation from combined sewers • Identify misconnections of surface water to foul sewers and ways to mitigate them • Develop and deliver projects using natural processes to reduce flood risk 		

- Develop our understanding of the opportunities for and economics of using natural processes to manage flood risk
 - Identify areas and/or properties that cannot benefit from conventional flood defences where property resilience measures would be a benefit
 - Promote property flood resilience products to appropriate communities
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Objective 3: Resilient planning

Development planning in Kent contributes to effective flood risk management

Our ambition	Our aims	Key outcomes
<p>Development and spatial planning in Kent takes account of flood risk issues and plans to effectively manage any impacts.</p>	<ul style="list-style-type: none"> • Planning authorities understand the role of development in managing flood risk and promote appropriate sustainable development • Improve the uptake of SuDS as a drainage concept in new developments • Developments adopt flood risk management measures that contribute to offsite risk reduction 	<ul style="list-style-type: none"> • Developments in Kent incorporate SuDS • More developments in Kent actively contribute to flood risk management
<h4>Actions</h4>		
<ul style="list-style-type: none"> • Continue to provide training and support to local planning authorities regarding flood risk and drainage • Support local planning authorities to adopt robust SuDS policies (including SPDs where appropriate) • Promote the benefits of SuDS through the planning consultee role • Support local planning authorities to adopt proactive SuDS policies • Investigate the opportunities for SuDS to be adopted by a risk management authority • Review new guidance for SuDS and flood risk management in new development as is becomes available and adapt policy accordingly • Develop design guidance for SuDS in new development • Work with local planning authorities and Southern Water to identify areas where minor development may cause a flooding issue • Develop a protocol for providing advice to these local planning authorities for minor development in high risk areas • Work with developers of sites in flood risk areas to identify flood risk reduction opportunities 		

- Support local planning authorities to develop planning policies to promote flood risk management measures that have off-site benefits in new developments
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Objective 4: Resilient communities

Communities are supported to be resilient and empowered to take a proactive role in their flood risk management

Our ambition	Our aims	Key outcomes
<p>Residents and businesses of Kent have access to appropriate data and information to understand flood risk in their area, how it is managed and by whom. Emergency plans are in place for flood vulnerable communities. Communities and individuals are empowered to act to protect themselves from flooding through individual efforts, partnerships and joint working.</p>	<ul style="list-style-type: none"> • Improve the understanding of flood risk by residents and businesses of Kent • Local communities engage in developing local flood plans • Community flood wardens are supported and the benefits of flood wardens are promoted • Local communities are supported to identify and manage, if appropriate, flood risks themselves 	<ul style="list-style-type: none"> • The residents of Kent understand their flood risk • More communities in Kent benefit from flood wardens and directly engage with flood risk management authorities to manage their flood risk
<h3>Actions</h3>		
<ul style="list-style-type: none"> • Identify high risk flood communities to promote the benefits of local community flood plans • Provide support to communities who want to develop community flood plans (include ones that aren't high risk) • Review local flood risks and identify any that should be referenced in Multi-Agency Flood Plans • Provide guidance to communities about local flooding so that local flood risks can be included in community flood plans • Prepare and maintain the Flood Risk to Communities documents • Provide guidance, information and support to local flood groups/forums etc • Provide information and guidance on how SuDS systems work to promote their use with local communities • Make the register of structures and features accessible to the public to promote the identification of local flood risk significant assets • Identify new communities that can benefit from flood wardens and work with them to promote the benefits 		

- Continue to hold flood warden training to support existing food wardens and train new ones
- Identify if reliable and affordable flood warning and informing can be provided for local flooding events and identify pilot opportunities
- Identify communities that can and are willing to manage flood risks locally
- Provide training and support to these communities

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6.3 Delivery and oversight of the action plan

The objectives and actions for this Local Strategy have been compiled by a strategic flood management group for Kent, where each of the risk management authorities is represented. The strategic flood management group for Kent will monitor the delivery of the Local Strategy and these actions.

These actions represent key themes that the risk management authorities see as important steps to be taken in flood risk management over the next five years. However, they also represent aspirations of the group to improve and develop the way flood risk management is assessed, understood, communicated and managed, as such we cannot guarantee that all of these actions can be delivered in this plan period. There are no specific resources allocated to the delivery of these actions, some fall within the direct function of some of the risk management authorities, though some do not and these can only be delivered if the resources are available to provide the staff and/or costs of the work. The strategic flood risk management group will work together to identify opportunities to deliver these actions through the resources the members have access to.

7 Local flood risk assessment

There are many areas in Kent that are at risk of local flooding. This section sets out the areas we have identified as needing further investigation or intervention to assess the risk, which have been identified from the Surface Water Management Plans and flooding investigations we have undertaken.

In some areas we have a good understanding and we are aware of measures that are available to manage the risks. In other areas we may only be aware that there is a risk and further investigations are required to understand what, if any, measures can be delivered to manage these risks.

7.1 Preliminary Flood Risk Assessment

Under the Flood Risk Regulations, each LLFA has to undertake a flood risk assessment in their area called a Preliminary Flood Risk Assessment (PFRA) every six years. Kent prepared a PFRA in 2011 and the next one is due in 2017.

The purpose of the PFRA is to identify Flood Risk Areas where there is a significant risk of flooding. LLFAs have to identify Flood Risk Areas where the risks are from surface water, groundwater and ordinary watercourses. The Environment Agency are responsible for preparing the PFRA for other sources. The government sets the criteria for determining significant risk, which can be found in Appendix 2.

The government has used these criteria, based on nationally available data, to propose Flood Risk Areas. Each LLFA considers the proposed flood risk areas along with local flooding information and data they have on local flooding to determine the final Flood Risk Areas, in consultation with the Environment Agency.

In the previous round there were no Flood Risk Areas in Kent. The criteria in this review of the PFRA are different from the previous round, as a consequence, six have been proposed in this round. KCC and our partners in the county agree that none of the proposed areas presents a significant risk of local flooding and therefore warrants the level of detail and expenditure required to further assess these risk from the next round of the Flood Risk Regulations. More details about the PFRA can be found in Appendix 2, KCC's submission for the PFRA can be found in Appendix 3.

Areas that have been highlighted by the PFRA process will be included in our work as we deliver this Local Strategy and some of them will be focus areas for this Local Strategy (please see Section 7.2), as we accept that there are risks in this areas. We consider that our approach through the Local Strategy to be a more appropriate response to the risks in these areas than the requirements of the Flood Risk Regulations.

7.2 Flood risk management focus areas

Through the Surface Water Management Plans and Flood Investigations that we have undertaken, we have identified areas where there is a significant risk of local

flooding or where the local flood risks need to be carefully managed in order to prevent pollution and ensure development is not hindered.

The areas we have identified to focus our flood risk management work are set out in Table 5. These areas represent areas of Kent where we are planning to deliver more than single projects or where we expect there to be more than one measure that will result from strategic investigations.

Table 2 Focus areas for local flood risk management

Priority area	Flood risk management issues	Actions	Partners
Medway Catchment (under the Medway Flood Partnership)	The Medway Valley contains many local flood risks, especially from ordinary watercourses and poor drainage	The Environment Agency has formed a Strategic Flood Partnership for the Medway Valley, which KCC is an active partner in. KCC is also a partner in the Natural Flood Management Project for the Medway Valley. As part of these projects and this Local Strategy, KCC will investigate the opportunities through NFM and other means to reduce the risk of flooding in the Medway Valley to the towns and villages there.	Environment Agency, Upper Medway Internal Drainage Board, Southern Water, Southeast Rivers Trust, Natural England
Northeast Kent (Deal, Margate, Ramsgate and Broadstairs)	Southern Water has undertaken a drainage strategy for Northeast Kent (Deal, Margate, Ramsgate and Broadstairs) that identifies sewer capacity as a potential obstacle to growth.	KCC will work with Southern Water to identify opportunities where it can reduce the discharge of surface water to the sewers	Southern Water, Thanet Council, Dover District Council

Priority area	Flood risk management issues	Actions	Partners
Nailbourne Valley	Groundwater and main river flooding cause long-standing disruption	KCC will work with multi-agency partners and local representatives to identify and deliver options to manage the flood risks in this Valley	Environment Agency, Southern Water, Canterbury City Council, Nailbourne and Little Stour River Group
Folkestone and Hythe	Steep hills in Folkestone and Hythe lead to rapid runoff which causes flooding issues from surface water, ordinary watercourses and main rivers	KCC will work with partners to investigate opportunities to reduce the risk of flooding	Southern Water, Environment Agency, Shepway District Council
Tunbridge Wells	Two flood events in 2015 and 2017 have caused flooding to the town centre and other areas of Tunbridge Wells	KCC will work with partners to understand the causes of these floods and identify opportunities to reduce the risk	Southern Water, Tunbridge Wells Borough Council
Sittingbourne	Poor drainage leads to hotspots of flooding	KCC will investigate the causes of flooding and identify opportunities to reduce the risks	Southern Water, Swale Borough Council

In these areas we will need to understand the nature of the flood risks and where appropriate identify feasible, achievable opportunities to reduce the risk. The delivery of these opportunities will be dependent on funding being available (see Chapter 8). We are also likely to be working in multi-agency partnerships and will need to align our programmes across a number of organisations, which can affect the timeframes for delivery as different organisations need longer to approve and plan works.

We will also be delivering works in other areas, some of these we are aware of already (which can be seen in our action plan in Appendix 1) and others will be identified through further investigations and studies we undertake (some areas we

are planning to investigate further can also be seen in). These areas and works do not

7.3 Local flood risk management in other areas

There are many other areas that experience local flooding where we are planning to undertake works to manage flood risk. However, with the information available at present we have only identified single or small projects to deliver, they do not currently require a focus over the timeframe of this Local Strategy. Where we are already aware of opportunities to reduce flooding we have built them into our programme (shown in Appendix 1). We are also aware of some areas that require further investigation (these are shown in Appendix 1, listed as scoping projects).

We will continue to monitor the information we receive and the flood investigations we undertake to identify further projects and opportunities to undertake local flood risk management in all areas of Kent. When the local strategy is reviewed in six years' time any new information we have gathered will be used to assess the local flood risk management focus areas.

7.4 Local flood risk management projects

The projects we are preparing to undertake in first year of this strategy are presented in Appendix 1. This includes works in areas not linked to the priority areas identified in Table 5. The programme will develop and be updated over the period of this Local Strategy.

Flood risk cannot always be reduced and it can never be eliminated entirely. In delivering works to manage flood risk we have to take a pragmatic approach to ensure that the resources we have available are targeted where they can be most effective. Many flood risks are too complicated to effectively reduce or the management measures available are too expensive to be justifiable, in these cases we will have to make difficult decisions about what works to deliver. The deliverability of measures is part of the assessment we undertake before deciding to proceed to the next stage of a project or scheme.

The projects that we deliver are split into five different stages explained in Table 2:

Table 3 Project stages

Stage	Description
Scoping	Assessing whether there is a significant flood risk that needs to be further assessed for flood risk management works
Feasibility	Undertaking and assessment of whether flood risk management works could be delivered that will reduce the flood risk, this includes financial and technical considerations
Design	Detailed design of a scheme to reduce flood risk (this stage may be combined with construction)

Stage	Description
Delivery	Construction or delivery of a scheme to reduce flood risk
Partnership Project	A project where a partner will be the primary lead and we will contribute resources as necessary

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8 Funding for flood risk management projects

8.1 Flood defence grants

The government has a fund for flood risk management projects called Flood and Coastal Erosion Risk Management Grant in Aid (FCERMGiA). This fund can provide funding for flood risk management schemes based on the benefits the scheme provides, primarily measured in the number of homes that are protected. Details about this fund can be found [here](#).

This fund provides grants for schemes based on the number of properties that the scheme will protect from flooding. The contribution from this fund to flood schemes is often not sufficient to deliver the scheme on its own, in these cases partnership funding contributions are required. Partnership funding can come from any source.

In order to qualify for funding from FCERMGiA, a scheme must demonstrate that it meets a minimum funding ratio compared with the cost (this level changes each year depending on the competition for FCERMGiA funding). This ratio is calculated by adding the FCERMGiA contribution to any partnership funding and dividing by the cost of the scheme. The qualifying ratio is often above 100%.

FCERMGiA can be used to fund the assessment of schemes, their design and construction. Once a stage is complete more information is available to apply for the next stage, if it is appropriate (development of the scheme may have identified that the scheme is not feasible for some reason). Each stage of application requires more evidence to demonstrate that the funding that is allocated is being put to effective use.

There is no specific benefit-cost ratio that has to be achieved to qualify for FCERMGiA, but due to way the funding is allocated according to properties that benefit there is a high level of cost effectiveness achieved by FCERMGiA, typically 1:8 or more.

8.1.1 Partnership funding

Most flood risk management schemes require partnership funding either to support schemes that have FCERMGiA or to deliver ones that do not have FCERMGiA. Partnership funding sources could include other funds, for instance Local Enterprise Partnership funds, Lottery funds, or it could be other beneficiaries of the scheme choosing to make a contribution, for instance land or property owners and infrastructure operators. The contribution can also be in kind donations of time, land or materials needed to deliver the project.

Finding partnership contributions is a challenge. Through this local strategy we hope to develop a better understanding of how to identify other funding opportunities and beneficiaries and what is needed in order for them to be able to contribute to local flood risk management works.

8.1.2 Medium term plan

The Environment Agency administers FCERMGiA on behalf of Defra. The fund is allocated over a rolling six year period with new bids submitted annually to be included in the following year's plan. The plan is known as the Medium Term Plan (MTP). The MTP contains the allocation made to each project in each year.

When a project is identified it can make an outline application to be included on the MTP. This can include the expected costs for each stage up to the construction. This can be allocated on a provisional basis on the MTP. At each stage evidence will have to be provided that the project still qualifies for the subsequent allocation and that the benefits it will deliver are the same.

Often schemes change as they develop from investigations to construction and they cannot deliver the same benefits that were originally identified or, in some cases, they are not feasible at all. As a consequence they are not entitled to the FCERMGiA that was originally allocated to the project. This means that FCERMGiA can become available in a year even though the MTP covers six years.

8.2 Other funding

Flood risk management schemes may be eligible for other sources of funding if they deliver other benefits that are supported by another fund. For instance, schemes that deliver habitat enhancement or creation can already get some funding through FCERMGiA and there are other funds that also support this.

Flood defence schemes that support growth may be eligible for funding from the South East Local Enterprise Partnership (SELEP). KCC has already been successful in applying for SELEP funding for the Leigh and Hildenborough and the East Peckham Flood Alleviation Schemes. However, these are large schemes that will deliver large scale growth in Kent and there was a lot of competition for this funding. It is unlikely that local flood risk management schemes would be eligible for this fund because they are generally small and unlikely to unlock significant growth.

We will look for other funds that do not directly support flood risk management projects, which we may be able to use if our projects if we are able to deliver these benefits as well as the flood risk management benefits. We will also look for opportunities to build in flood risk management benefits to other projects and schemes.

Appendix 1 Local flood risk management works programme

This is a list of projects currently planned for delivery in this financial year. Some of these projects will take more than one year to complete. This programme will be updated annually.

Number	Project name	Strategy or plan	Description	Project phase
1	Folkestone flood strategy	Folkestone and Hythe	Develop a combined flood strategy for all sources of flooding and drainage to accommodate climate change and growth	Scoping
2	Tunbridge Wells flood risk scoping	Medway Catchment	Investigation of local flood risks in Tunbridge Wells	Scoping
3	Ightham	Medway Catchment	Assessment of options for conventional and NFM measures on the Busty Stream to protect Ightham village.	Scoping
4	Marden Road tank, Staplehurst	Medway Catchment	Survey of attenuation tank to understand the connectivity and discharge of the system	Scoping
5	Snipeshill, Sittingbourne	Sittingbourne	Survey of existing tanks/soakaways to understand drainage connectivity.	Scoping
6	Canterbury City local flood risk scoping	Misc	Investigation of local flood risks in Canterbury City	Scoping
7	Steeds Close	Misc	Investigation of the ditch system and land management practices and potential for natural flood management	Scoping
8	East Studdal/Ashley	Misc	Investigation of options for soakaways and NFM features which can reduce flood risk within East Studdal.	Scoping
9	Stour Wetland Project	Misc	Supporting design work for wetland creation on the River Stour.	Partnership project

Number	Project name	Strategy or plan	Description	Project phase
10	All Saints Avenue, Margate	Northeast Kent Drainage Strategy	Investigate solution for highway flooding on All Saints in coordination with Highways.	Feasibility and design
11	Dane Park, Margate	Northeast Kent Drainage Strategy	Investigate opportunities to utilise Dane Park to manage highway runoff.	Feasibility
12	Neville Street, Tunbridge Wells	Medway Catchment	Detailed design to reduce highway runoff to combined sewer	Design and delivery
13	Church Street, Deal	Northeast Kent Drainage Strategy	Neville Gardens soakaway	Design and delivery
14	Bell Road, Sittingbourne	Sittingbourne	Detailed design and construction of soakaway in Glovers Crescent	Design
15	Whitenbrook Wood culvert, Hythe	Folkestone and Hythe	Replacing the Whitenbrook Wood watercourse culvert	Design and delivery
16	Northdown Park, Margate	Northeast Kent Drainage Strategy	Detailed design of attenuation system and highway drain in Queen Elizabeth Avenue, Margate	Design
17	Pocket Park, High Street, Sittingbourne	Sittingbourne	Rain garden and pocket park in Sittingbourne High Street to attenuate rainfall runoff	Design
18	Mill Farm Wetland	Medway Catchment	Completion of the Mill Farm Wetland project. Engagement with landowners within the Medway catchment using Mill Farm as a demonstration site.	Delivery

Number	Project name	Strategy or plan	Description	Project phase
19	Ayleswade Farm, Hammer Stream	Medway Catchment	Continuation of the Hammer Stream river restoration project. Work will improve the quality of the river and re-meander the channel will help to slow the flow of flood events.	Delivery
20	Hawden Stream, Hildenborough	Medway Catchment	Creation of NFM features upstream of Hildenborough. Project will reduce the risk of flood risk to properties and infrastructure. Hildenborough suffers from flooding from the River Medway which prevents the Hawden from discharging. NFM will capture the runoff from the upper parts of catchment and slow/store water.	Delivery
21	Paddock Wood	Medway Catchment	Natural flood management on Tudely Brook to reduce the risk of flooding to the western side of Paddock Wood.	Delivery
22	Rodmell Road, Tunbridge Wells	Medway Catchment	Replacement of existing culvert trash screen which is difficult to maintain safely to prevent flooding from blocked screen to Warwick Park area.	Delivery
23	Downs Road, Folkestone	Folkestone and Hythe	Completion of construction of raingardens on Dolphins Road to reduce flood risk to Downs Road.	Delivery
24	Westerham	Misc	Improvement to runoff management in Westerham to prevent flooding to Goodley Stock Road properties.	Delivery
25	Cheveney	Misc	Creation of a swale to channel surface water flooding off the main High Street and into Cheveney lake. Reducing flood risk to properties on the High Street	Delivery

Scoping – assessing whether there is a significant flood risk that needs to be further assessed

Feasibility – undertaking and assessment of whether a scheme could be delivered that will reduce the flood risk, this includes financial and technical considerations

Design – this the design of a scheme to reduce flood risk

Delivery – the delivery of a scheme to reduce flood risk

Partnership Project – this is a project where a partner will be the primary delivery body and we will contribute resources as necessary

Appendix 2 Preliminary Flood Risk Assessment

A2.1 Flood Risk Regulations

The Flood Risk Regulations (the regulations) are a transposition into English and Welsh law of the EU Floods Directive 2009. Under the Flood Risk Regulation 2010, England and Wales must make a preliminary assessment of flood risk from all sources, except sewers, and then to identify areas at significant potential risk of flooding. For these 'significant risk' areas maps must be plotted to show the potential flood extent and the adverse consequences arising from such a flood. Objectives and measures must then be developed to reduce this flood risk in flood risk management plans.

In England, the Environment Agency is responsible for assessing the risks from rivers, the sea and reservoirs, whilst LLFAs are responsible for assessing the risks from surface water, groundwater and ordinary watercourses. This assessment is known as the Preliminary Flood Risk Assessment (PFRA). The PFRA forms the basis for determining areas of potential significant flood risk which will subsequently be mapped and for which flood risk management plans will be then prepared.

The regulations set in train a six yearly assessment, mapping and planning cycle that began with the first preliminary flood risk assessment in December 2011. The assessment, mapping and planning cycle continues on a six-yearly basis with the first review of the preliminary flood risk assessment due by 22 December 2017. Flood maps must be reviewed by 22 December 2019 and flood risk management plans by 22 December 2021.

LLFA contributions to this process must be assessed by the Environment Agency prior to being submitted to the EU. Therefore the deadlines for completing these stages are prior to these dates.

KCC's submission for the PFRA can be found in Appendix 3.

A2.2 Preliminary Flood Risk Assessment criteria

LLFAs must assess the risk of flooding from surface water, groundwater and ordinary watercourses. The government sets out guidelines to determine if an area is at significant risk of surface water flooding. Ordinary watercourses pose a form of risk from rivers, but rivers with significant flood risks are main rivers, so these are regarded as low risk for the purposes of the regulations. Groundwater does pose a potential significant risk, but the government allows for local determination based on historic events, as groundwater is unlikely to pose a significant risk in areas which have not experienced groundwater flooding previously.

The criteria set by the government for significant risk from surface water is based on the concentration of properties at risk of surface water flooding in an area. There are two criteria used to assess this concentration of properties, set out in Table 3.

Table A2.1 PFRA flood risk area criteria

Method for determining indicative Flood Risk Areas	Definition	Indicator	Criteria
Cluster method	A cluster is formed where, within a 3x3 km square grid, at least 5 of the 1km squares meet the criteria for one or more of the indicators. Where multiple overlapping grids meet the requirement, these are unified to form a larger cluster. All of the clusters (both small and large) have been identified as indicative flood risk areas.	Number of people at risk of surface water flooding*	200 people or more per 1km grid square Number of people taken as 2.34 times the number of residential properties at risk.
		Number of key services at risk of surface water risk* eg utilities, emergency services, hospitals, schools	More than one per 1km grid square
		Number of non-residential properties at risk*	20 or more per 1km grid square
Communities at risk method	Community areas, as defined by the Office for National Statistics built-up areas (BUAs) and built-up areas subdivisions (BUASDs), where there is a large number of properties at risk within the BUA/BUASD.	Number of reportable properties (residential and non-residential) properties at risk*	3000 or more reportable properties (residential and non-residential) within a BUA/BUASD.

The Environment Agency has undertaken an initial assessment of Flood Risk Areas for surface water using national surface water flood risk maps. These maps use national topographical and rainfall data, to determine flood risk from surface water. These maps are then used to identify the number of properties are risk using the above criteria. This assessment does not include local information or flood history.

This methodology gives indicative areas for flood risk. This assessment is used by KCC along with other information about local flood risk to determine the Flood Risk Areas. In many of the indicative flood risk areas, more local information is available, which has not been used in the national assessment. Once flood risk areas are defined they will be subject to further rounds of planning in the six-year period defined by the Flood Risk Regulations.

Once the Flood Risk Areas have been determined in the Preliminary Flood Risk Assessment stage, there are two further stages to the Flood Risk Regulations, mapping and flood risk management plans. Given the additional work it is important that we identify the appropriate flood risk areas.

A2.3 Flood Risk Areas in Kent

The indicative Flood Risk Areas in Kent given by this initial assessment are set out in Table 4 along with a summary of the decision on whether to accept these as Flood Risk Areas in Kent.

Table A2.2 PFRA flood risk areas

Proposed Flood Risk Area	Local evidence available	Confirmed Flood Risk Area	Comments
Dartford	Dartford SWMP, Dartford and Gravesham SWMP	No	The Dartford SWMP identifies local flood risk in Dartford, but this are largely confined to highways risk. Where properties are identified as at risk the likelihood is low. KCC does not consider the surface water flood risks in Dartford to constitute a nationally significant flood risk
Gravesend	Dartford and Gravesham SWMP	No	The Dartford and Gravesham SWMP identified a small number of flood risks to properties in Gravesend predominately associated with sewers. KCC does not consider the surface water flood risks in Gravesend to constitute a nationally significant flood risk
Sittingbourne	Swale SWMP	No	There are areas of risk in Sittingbourne where we are already planning works or investigate further to scope the opportunities. However, KCC does not consider the surface water flood risks in Sittingbourne to constitute a nationally significant flood risk
Maidstone	Maidstone and Malling SWMP	No	The Maidstone and Malling SWMP identified a small number of flood risks to properties in Maidstone predominately associated with the highway. KCC does not consider the surface water flood risks in Maidstone to constitute a nationally significant flood risk

Proposed Flood Risk Area	Local evidence available	Confirmed Flood Risk Area	Comments
Canterbury	Canterbury SWMP	No	The Canterbury SWMP has shown some areas of risk that we will investigate further to scope the options for further work. However, KCC does not consider the surface water flood risks in Canterbury to constitute a nationally significant flood risk
Ramsgate	Ramsgate SWMP	No	The Ramsgate SWMP has shown some areas of risk that we are intending to investigate further to scope the options for further work. However, KCC does not consider the surface water flood risks in Ramsgate to constitute a nationally significant flood risk

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Appendix 3 Preliminary Flood Risk Assessment submission

DRAFT

Kent Local Flood Risk Management Strategy Consultation Report

November 2017

Alternative formats: For any alternative formats of the consultation material, please email alternativeformats@kent.gov.uk or call 03000 421553 (text relay service number 18001 03000 421553). This number goes to an answering machine, which is monitored during office hours.

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1. Introduction

Kent County Council (KCC) is the Lead Local Flood Authority (LLFA) for Kent with a role to oversee local flooding, which is flooding from surface water, groundwater and ordinary watercourses. As LLFA, KCC must prepare a Local Flood Risk Management Strategy (Local Strategy) as a requirement of the Flood and Water Management Act 2010 (the Act). The Local Strategy that sets out how local flood risks will be managed in the county, who will deliver them and how they will be funded.

KCC adopted a Local Flood Risk Management Strategy in 2013, which can be found here: http://www.kent.gov.uk/_data/assets/pdf_file/0016/12076/Kent-Local-Flood-Risk-Management-Strategy-Report.pdf. This Local Strategy now needs to be replaced and KCC has drafted a new version, which it has consulted on.

The new Local Strategy will be adopted by KCC after the appearing before the Environment and Transportation Cabinet Committee. This consultation will inform the final draft of the Local Strategy. .

2. Consultation process

The consultation on the new Local Strategy started on 16 August and ran until 8 October 2017.

6,445 members of the public who have registered on the Consultation Directory and requested to be kept informed of consultation relating to General interest and Environment and countryside were invited to take part in the consultation.

The Flood and Water Management team works closely with community groups and parish councils. The consultation was sent to Kent Association of Local Councils (KALC) and directly to stakeholders such as communities and parishes, the districts and boroughs of Kent, the water companies, the Environment Agency and the Internal Drainage Boards.

The consultation was also tweeted three times from the Kent County Council Twitter account during the consultation period:

Date	Content
17/08/2017	Have your say on our Local Flood Risk Management Strategy public consultation running until 8th October: http://bit.ly/2x3RRQ9
20/09/2017	Take part in our Local Flood Risk Management Strategy consultation by 8th October: http://bit.ly/2x3RRQ9
02/10/2017	Last chance - tell us your views on the Local Flood Risk Management Strategy consultation before 8th October: http://bit.ly/2i5sSsV

A [Press Release](#) was issued on September 26 2017.

The consultation was also promoted to KCC staff via newsletters and building information screens.

The consultation asked eight questions about the draft Local Strategy, each with an option to provide more details about the response. There were also questions about whether the Equality Impact Assessment (EqIA) was appropriate and questions that gathered the respondents' equalities information.

All consultation documents were available online at www.kent.gov.uk/localfloodrisk and hard copies were available upon request.

The following table summarises the frequency that documents were downloaded from the consultation directory: www.kent.gov.uk/localfloodrisk

Documents	Downloads
Kent Local Strategy 2017-23 draft (PDF version)	479 downloads
Kent Local Strategy 2017-23 draft (Word)	66 downloads

version)	
Local Flood Risk Management Strategy 2017-2023 draft EqIA	69 downloads
Local Flood Risk Management Strategy questionnaire (Word version)	79 downloads
Kent County Council Preliminary Flood Risk Assessment	78 downloads

3. Respondents

We received 68 responses to the consultation questionnaire. A breakdown of the responders is shown in Figure 1.

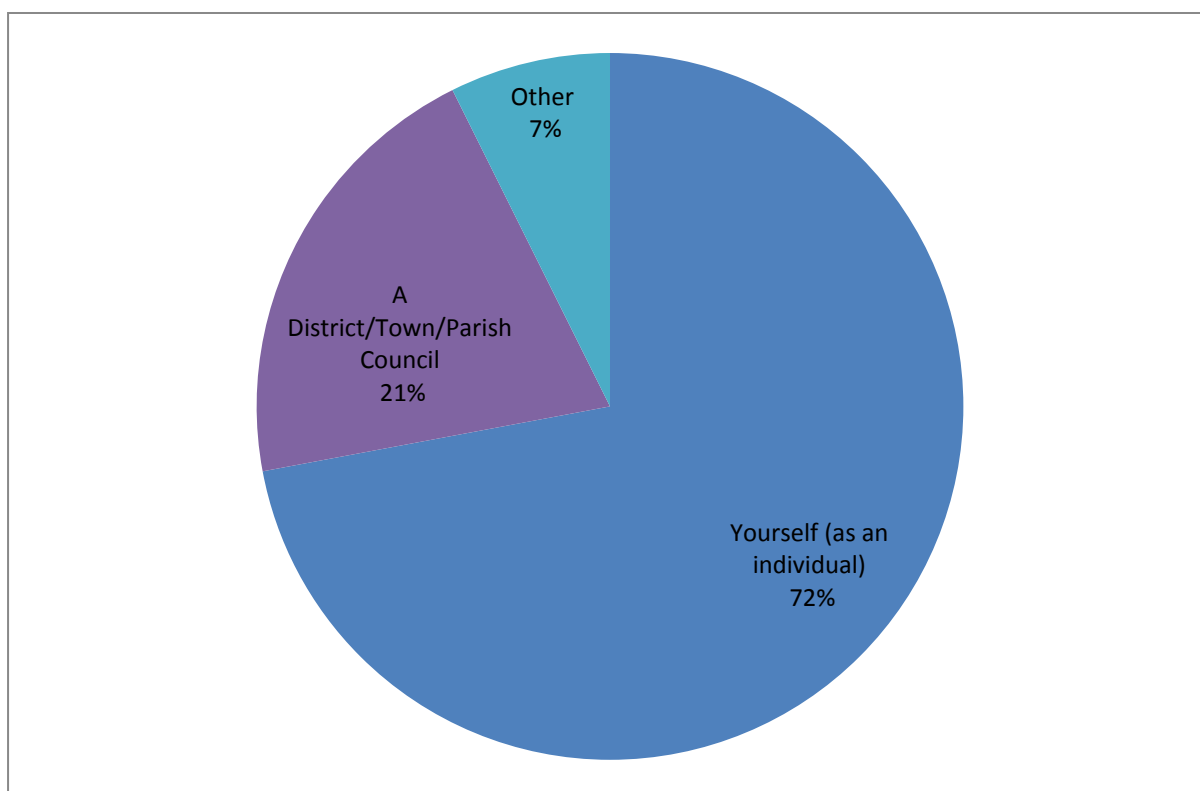


Figure 1 Breakdown of responders

Of these, 49 were from individuals, 14 were from parish councils and five were other bodies, representing professional partners and non-governmental organisations.

4. Consultation responses

Below is an analysis of the questions on the Local Strategy and a summary of the free text responses we received.

Question 1 asked the respondents what capacity they were responding in, which is addressed in Section 3.

Question 2. To what extent do you agree or disagree that the Kent Local Flood Risk Management Strategy 2017-2023 (Local Strategy) clearly sets out a strategy for Local Flood Risk Management in Kent?

This question was responded to by every respondent, 68 in total. A breakdown of their responses is given in Figure 2.

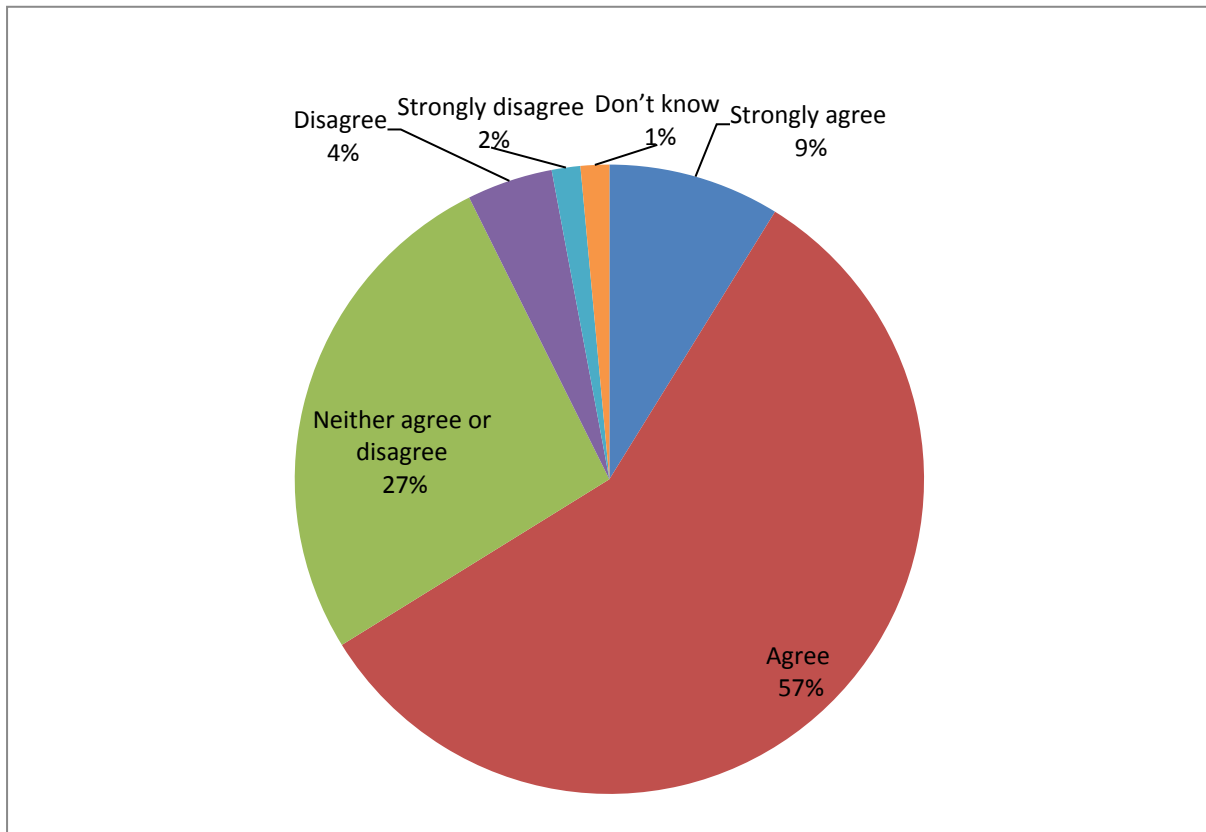


Figure 2 Breakdown of question 2 responses

Respondents generally agreed that the Local Strategy clearly sets out a strategy for Local Flood Risk Management in Kent, with 66% agreeing or strongly agreeing with this statement. 26% of respondents answered that they neither agree or disagree and 2% that they don't know. 6% selected disagree or strongly disagree.

Generally there is support for the Local Strategy, however there are a number of comments that provide more insight to the respondents thoughts. The quotes below are examples of the responses:

A well presented and detailed document. The graphics are particularly good and useful.

I don't think it is sufficiently focused.

Looking at the text responses to this question, where they have been provided, there are generally two themes to the responses that disagree. These are concerns about the impacts of planning and development on local flood risk and factors outside the specific remit of the Local Strategy, for instance the frequency of highway gully cleansing or fluvial flooding issues. The quotes below are examples of ones that suggest other areas are included in the Local Strategy:

Tighter controls regarding building on areas prone to flooding or flood plains.

KCC do not provide a programmed street gully cleansing rota, they seem to just chase complaints. In 1974, the schedule for gully cleansing was monthly on the main routes in Thanet and twice annually on all other roads and every two years in alleyways. KCC fail to even cleanse the gullies in my road once per annum.

You said, we did:

There is a need to provide more information on the scope of this Local Strategy and how it links to other strategies and policies on the management of flood risk in Kent. We will add an extra section to the final strategy to provide more contextual information on this line.

There is also a need highlight how flood risk is accounted for in new development applications and how the Local Strategy supports the management of local flooding through developments and planning. The actions and objectives that relate to flood risk and development will be enhanced and emphasised.

Question 3. The Local Strategy sits alongside the Flood Risk to Communities documents. To what extent do you agree or disagree with presenting the information about flood risk in Kent in separate documents to the strategy for local flood risk management?

This question was responded to by every respondent, 68 in total. A breakdown of their responses is given in Figure 3.

There is a mixed response to this question with 54% of respondents selecting that they agree or strongly agree with the approach of having the flood risk information presented separately. 15% of respondents disagreed or strongly disagreed. A further 24% responded that they neither agreed nor disagreed and 7% that they don't know.

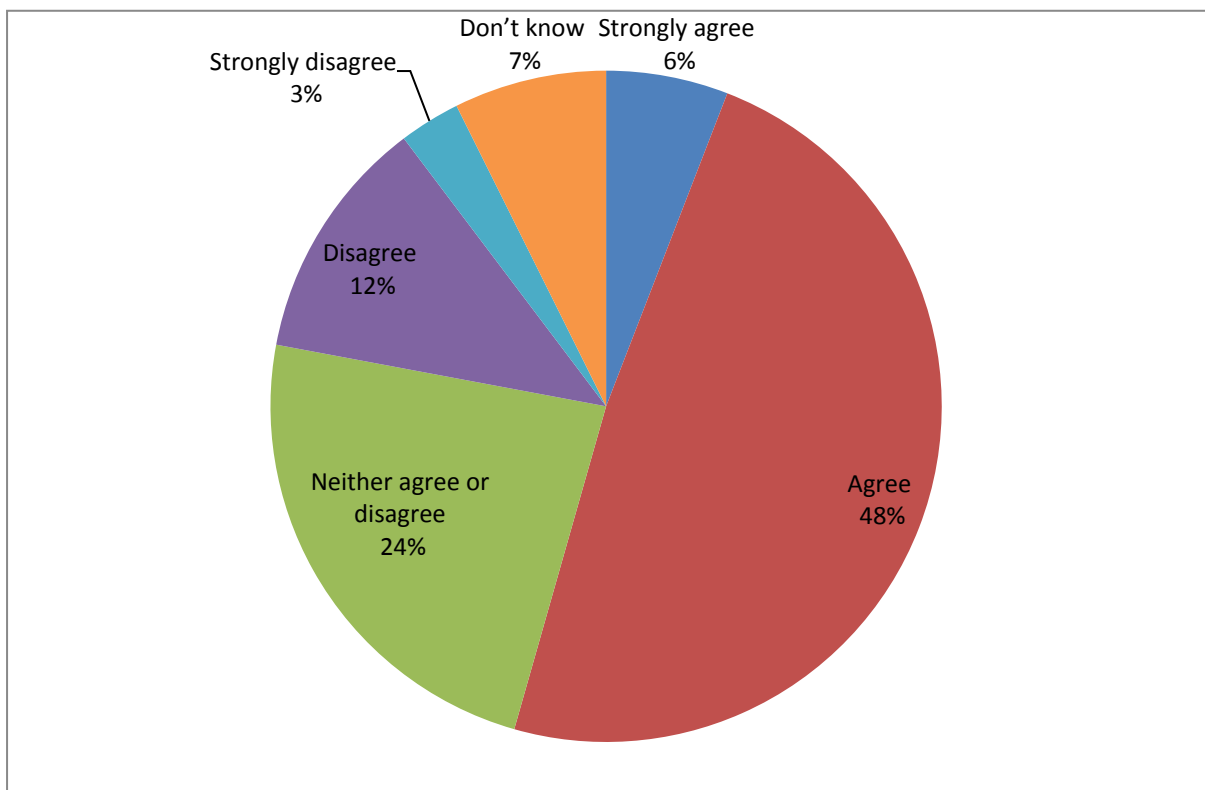


Figure 3 Breakdown of question 3 responses

Below are some comments from respondents:

Makes sense otherwise there is simply too much to read. Easy enough to cross reference.

You need both documents to consider whether the strategy is correct and so they should be in the same document.

There is clearly a more mixed response to this method of presentation and we appreciate that it is not ideal. However, the large volume of information on flood risk management and the highly variable nature of flood risk in the county make it very hard to concisely present the information in one document.

You said, we did:

We have noted the comments on this style of presentation and will revise both sets of documents to ensure they are easier to read side by side and cross-reference. We will also improve the links to the Surface Water Management Plans as these provide a lot of the context for this Local Strategy.

Question 4. Is there any other information, details or links that you feel should be included in the Local Strategy itself? Please give details:

27 respondents out of 68 provided substantive responses to this question. They generally follow the same pattern as the responses to Question 2, focussing on the impacts of development on local flood risk or specific details of beyond the remit of the Local Strategy.

Other comments relate to information that is presented in the Flood Risk to Communities documents. There are other points that have been raised in this section, for instance the provision of a description and contact details for risk management authorities in Kent.

You said, we did:

We will address the points raised by Questions 2 and 3 and provide a description for risk management authorities in the Local Strategy and pointers to local contact details in the Flood Risk to Communities documents.

Question 5. To what extent do you agree or disagree that the Local Strategy has identified the right challenges for delivering local flood risk management in Kent?

This question was responded to by 65 of the 68 responders. A breakdown of their responses is given in Figure 4.

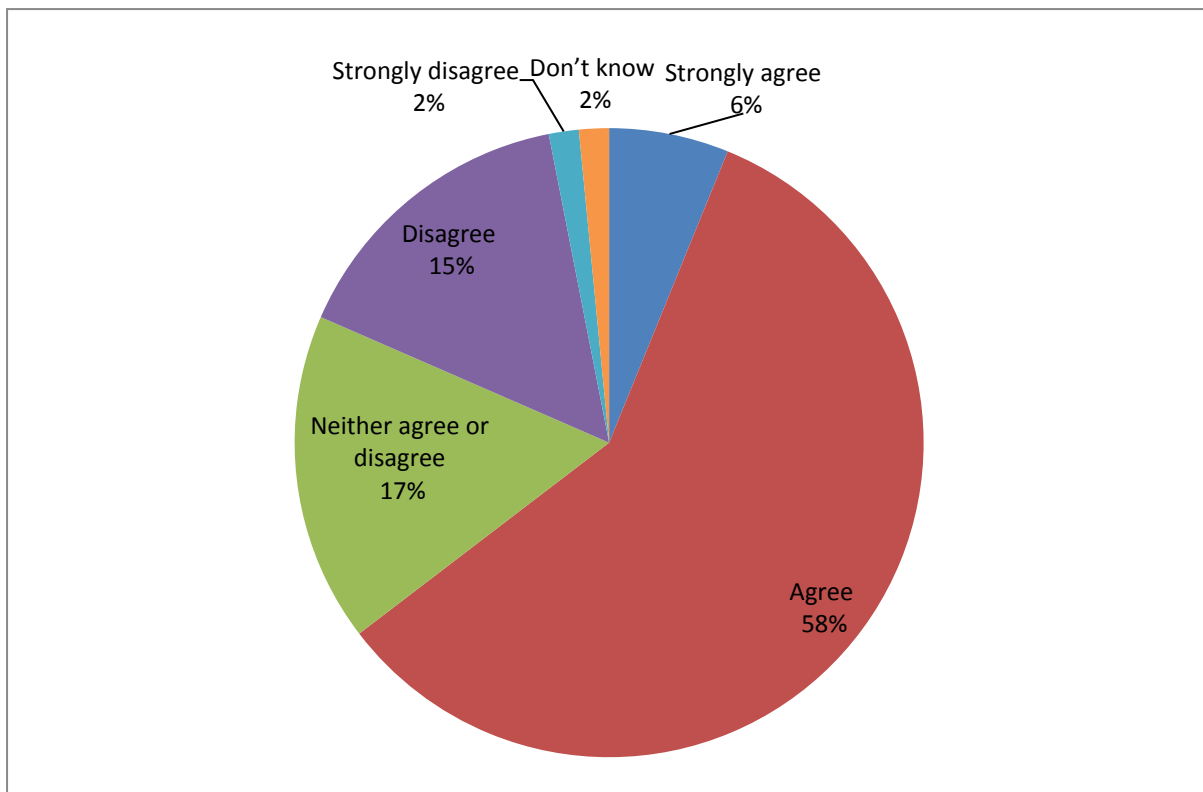


Figure 4 Breakdown of question 5 responses

64% of responders agree or strongly agree with this statement. 17% selected disagree or strongly disagree. 17% neither agree or disagree and 2% don't know.

The suggestions provided often presented objectives or actions rather than specific challenges and many of the comments focussed on highway drainage and the impact of new developments. Where challenges were presented by the responders they often overlapped with the existing challenges presented in the report, for instance a lack of funding was presented by one responder, which is included in challenge 9: Understanding the full economic benefits of flood risk management. Below are examples of comments from the responders:

Huge housing developments are surely going to exacerbate any flooding problems that exist now, and interfere with flood risk management.

Poor maintenance of drains (streets) - clearing and cleaning.

However, the challenges do not identify or specifically mention the issue of funding for maintenance, they generally focus on capital investment.

You said, we did:

The funding for maintenance of drains and other local flood risk management assets will be included in the funding challenge in Section 6 of the Local Strategy as this does represent a significant challenge to the management of local flood risk.

Question 6. To what extent do you agree or disagree with the objectives for local flood risk management as set out in the Local Strategy?

This question was responded to by 67 responders. A breakdown of their responses is given in Figure 5.

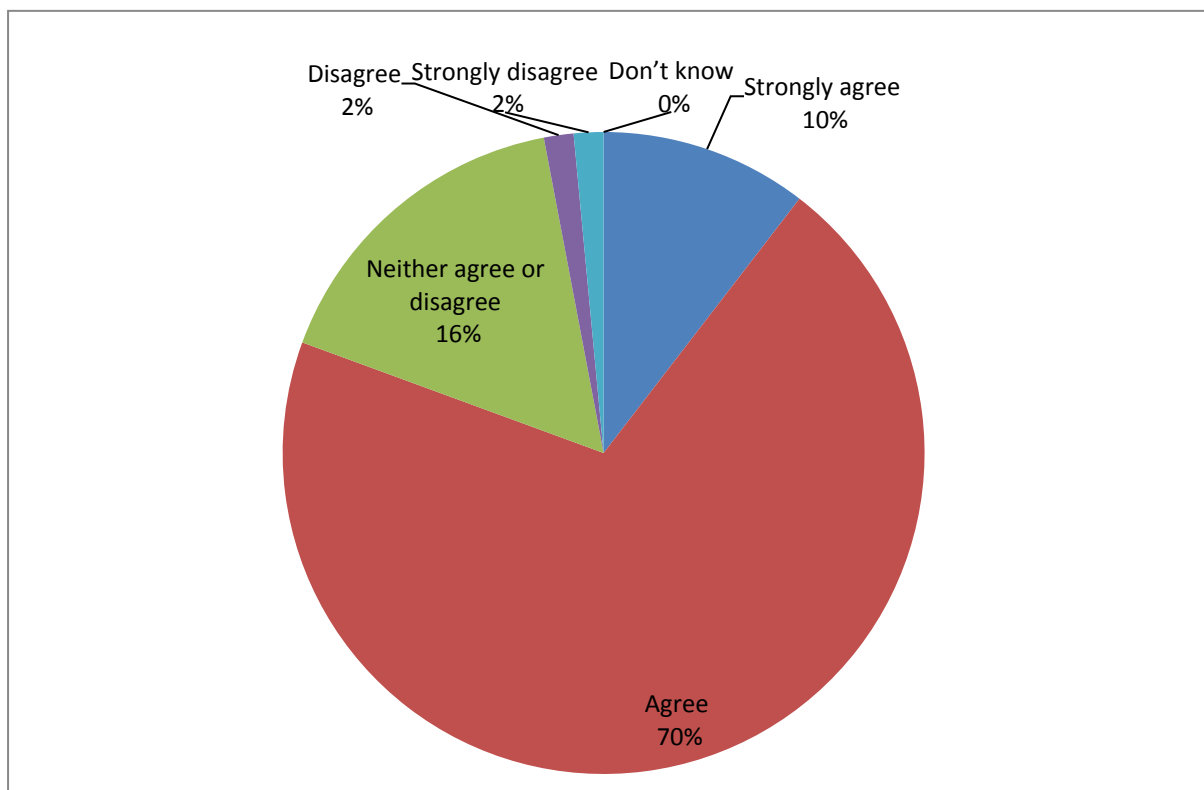


Figure 5 Breakdown of question 6 responses

80% of responders either agreed or strongly agreed. 4% disagreed or strongly disagreed, 16% neither agreed or disagreed and no one said they don't know. Generally there was strong agreement that these objectives are appropriate.

Suggestions for further objectives focussed on the flood risk from new developments and maintenance of highway drains. Below are examples of comments from the responders:

The objectives are sound but there is a necessity to fulfil them, action is the most important part of this.

Regular maintenance and checks of current drainage systems

You said, we did:

Generally the responders said they agreed with objectives and we will keep them as they are in the draft Local Strategy.

Question 7. To what extent do you agree or disagree with the actions identified to deliver the objectives for local flood risk management as set out in the Local Strategy?

This question was responded to by 65 of the 68 respondents. A breakdown of their responses is given in Figure 6.

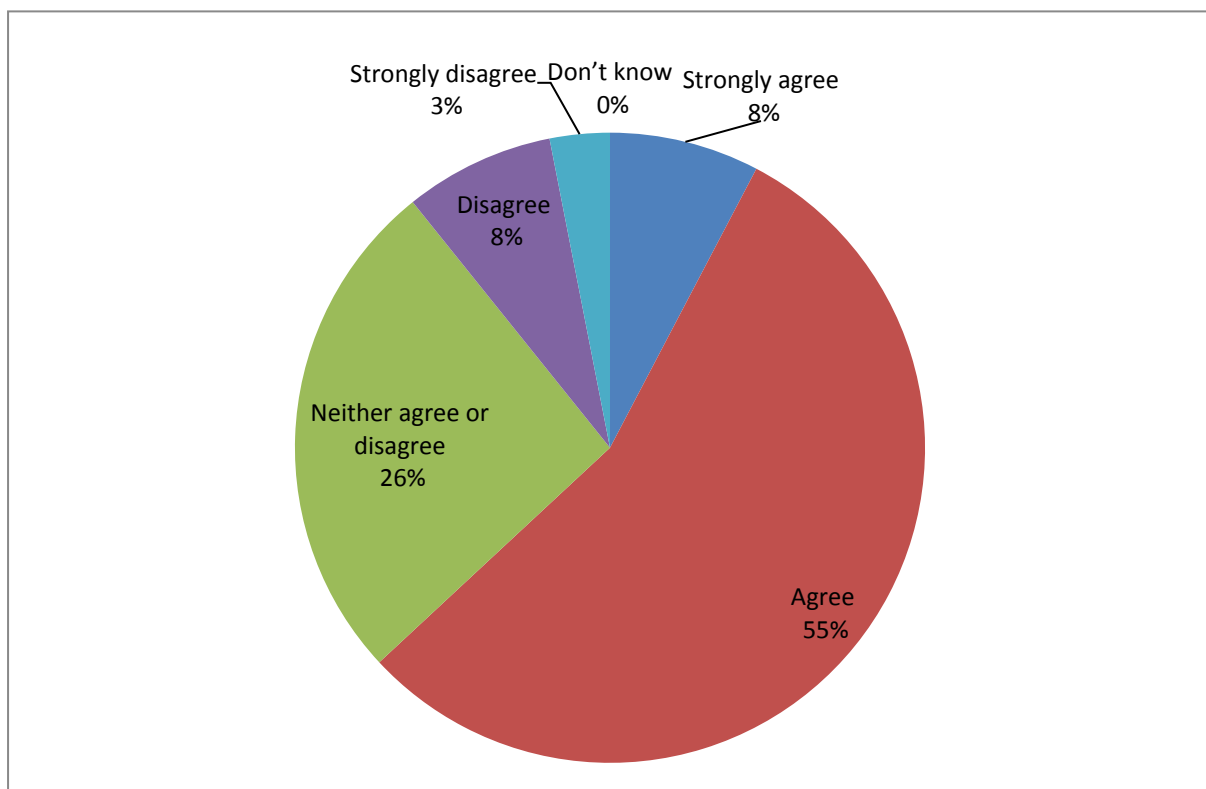


Figure 6 Breakdown of question 7 responses

63% agreed or strongly agreed with the proposed actions. 11% disagreed or strongly disagreed. 26% responded that they neither agree or disagree and no one responded that they don't know.

Suggestions for further actions included the same themes as the responses to previous questions; reducing the impact of new developments and improved highway drainage maintenance. There were also comments that there were not enough specific actions or delivery of measures to reduce flood risk. Comments in response to this question and other questions in this consultation also highlight that there need to be more links with environmental objectives and climate change.

Below are examples of comments from the respondents:

I think that maintenance of existing street/road drains needs to be improved

Interface and liaison with Local Authorities Local Development Plans to ensure the two agree and flood risk is included

needs additional actions in respect of preventing flooding from impacting on beach pollution levels for our seaside towns

Actions just seem to be more talking - not actually doing anything.

You said, we did:

Highway drainage maintenance policy is outside the scope of the Local Strategy. However, there is a need for better coordination between local flood risk management and highway drainage maintenance and this will be added to the Local Strategy.

There is an action plan of specific local flood risk management projects in the Local Strategy, however, it is clear that this is not well enough emphasised. More emphasis will be placed on delivering and maintaining the action plan. We will also improve the wording of other actions to make it clear that we will deliver measures to reduce the risks.

We will add actions that better integrate the delivery of the Local Strategy with other environmental strategies, plans and initiatives to better achieve multiple benefits across flooding and environmental sectors.

Question 8. Do you have any other comments about the Local Strategy?

35 responses were provided to this question. Some were on the recurring themes of highway drainage maintenance and housing developments and other issues raised in the previous questions. Many commented that they generally find that the Local Strategy was well produced but urging action on delivering measures or that there was not enough information. Some examples of the responses we received are shown below:

You said, we did:

This question did not raise any new issues from the previous comments. From the responses to the questionnaire in general, we will improve the links to the Flood Risk to Communities Documents and the Surface Water Management Plans to ensure the evidence base is accessible. We will also emphasise where we will deliver measures that manage local flood risk.

5. Equality Analysis

Respondents were given the opportunity to comment on the initial Equality Impact Assessment:

Question 9. We have completed an initial Equality Impact Assessment (EqIA) for the draft Local Strategy. We welcome your views on our equality analysis and if you think there is anything we should consider relating to equality and diversity.

There were eight responses and most of these expressed surprise at the use of an EqIA for this document. There were no substantive comments and nothing to change the EqIA.

6. Next steps

The revised Local Strategy, this consultation report and the EqIA will be presented to the Environment and Transportation Cabinet Committee on 30 November 2017. Following this the Local Strategy will be adopted by the Cabinet Member for Planning, Highways, Transport and Waste.

This consultation report will be made available on the consultation webpage and an email alert sent to those who registered with consultation.

Once the final Local Strategy has been adopted it will be available on our website.

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From: Matthew Balfour, Cabinet Member for Planning, Highways Transport and Waste
Barbara Cooper , Corporate Director for Growth Environment and Transport

To: Environment and Transport Cabinet Committee - 30 November 2017

Decision No: 17/00123

Subject: Decision to approve fees and charges for discretionary planning and environmental advice and the principles for establishing fees and charges.

Classification: Unrestricted

Future Pathway of Paper: For Cabinet Member Decision

Electoral Division: Countywide

Summary: This paper proposes revised fees and charges for discretionary planning and environmental advice to developers and for those promoting nationally significant infrastructure projects via the Development Consent Order (DCO) process. The paper also sets out a number of key principles applied when establishing the fees and charges.

Recommendation:

The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on

- (i) the decision to publish revised fees and charges for discretionary planning and environmental advice and DCO activity; and
- (ii) to delegate authority to the Director of Environment, Planning and Enforcement to review and publish revised fees and charges subject to the application of a number of key principles as set out in paragraph 3.4 .

1. Introduction

- 1.1 This paper proposes revised fees and charges for discretionary planning and environmental advice and for advice given to those promoting nationally significant infrastructure projects via the Development Consent Order process (DCO). It also proposes charges in respect of heritage and ecological advice to developers to inform planning applications

- 1.2 The Council currently provides professional and technical advice across a range of disciplines that support the planning process.
- 1.3 Over recent years, with the rise of constraints on local authority budgets, councils at both county and district level have had to consider how they recover costs from providing such advice in order to ensure that they can continue to provide such advice on a sustainable basis.
- 1.4 The legal authority to set a charge for discretionary services is provided for in the Local Government Act 2003. The Act allows authorities to set the level of the charge for each discretionary service as they think fit within the restriction, and that the income from charges for each kind of service must not exceed the costs of its provision (i.e. cost recovery). If a profit is to be made, then a separate trading function is required.

2. Scope

- 2.1 The scope of this report covers charging for pre-application advice from KCC's environmental and planning services, including Minerals and Waste Planning, Heritage and Natural Environment , as well as the setting of a charge for Planning Performance Agreements (PPA) for KCC's input to Development Consent Orders (DCOs).
- 2.2 The County Council as Mineral and Waste Planning Authority has had a discretionary charging scheme for planning application advice since 2007. The fees associated with the submission of a planning application are set by legislation and vary depending upon the nature of the development being sought.
- 2.3 Charging for work in relation to DCO applications is more recent. A Development Consent Order (DCO) is the means of obtaining permission for developments categorised as a Nationally Significant Infrastructure Project (NSIP) and is determined by the Secretary of State following a public inquiry. Recent examples include the Richborough Connection project, London Resort (Entertainment Park), Lower Thames Crossing and the Cleve Hill Solar Park. The planning process for these types of development is prescriptive and front loaded to ensure that the relevant information is available to the Secretary of State for the examination part of the DCO process.
- 2.4 Whilst the County Council is not determining these applications, there is an expectation that the services within the Growth, Environment and Transport Directorate will play a key part in influencing the development through specialist advice and engagement in the decision making process. This includes advising on potential environmental, economic and social impacts including strategic planning, heritage, ecology, economic, transport, landscape, flood and water management and mineral and waste management matters. It also has a role to play in preparing a number of documents to support the DCO process including those relating to the adequacy of the consultation process and the Local Impact Report.

2.5 The DCO work undertaken by local authorities is usually undertaken within the terms of an agreed Planning Performance Agreement (PPA). A PPA is a flexible mechanism where the issues to be addressed are identified and a timescale and activities are agreed between the parties. These agreements can be relatively straightforward or complex, involve a number of parties and often are staged over a long period. There is no standard PPA and given the complexities involved, a coordinator role is required, in addition to specialist advice. Charging currently takes place on an *ad hoc* basis for PPA work with various charging mechanisms in place.

3 Principles

3.1 In setting a proposed charge, a number of key principles have been applied. These are designed to ensure that the costs of service provision to the County Council are recovered, that the fees and charges are reasonable and comply with the applicable legislation and regulation.

3.2 Determining the appropriate charging level is critical to delivering high quality development and minimising the use of costly resources later in the planning process. In setting the chargeable rates for environmental advice to support the planning application process, it needs to be recognised that whilst there are considerable benefits to a developer in seeking pre application advice, it is not compulsory. Where a developer chooses not to use the service, then poorer quality development proposals may follow. This leads to greater resource being spent at the formal planning application stages or at costly planning appeals and brings potential delays to development.

3.3 Equally important in the current financial climate is to ensure that income is maximised and that GET services and the public purse are not subsidising development promoted by the private sector.

3.4 The proposed charging scheme accords with the following key principles:

- It is incumbent on the Service to charge for activities that are discretionary, or where permitted by regulation, given the pressures on the County Council finances;
- Charges will be costed, reasonable and comply with all applicable legislation, regulation and guidance;
- Charges will be reviewed annually and on the enactment of any amending legislation, regulation or the issuing of guidance;
- Charges will reflect the direct and indirect cost of service provision. The calculation of indirect costs will include Corporate, Directorate, Divisional and Service overheads;

- Where the County Council is required to source external support, i.e. highway modelling advice to respond to DCO and pre-application

advice, then the costs incurred by the County Council will be recharged;

- Charges will be transparent and provide a consistent rate that represents good value and supports the delivery of high quality development; and
- Charges will be easy to administer and simple to understand.

3.5 The proposed charges for specific activities have been established in line with the principles above and our best assessment of the time required completing tasks and the likely profile of the staff required. A two- tier charging rate is proposed to reflect the varying costs and expertise available to provide the range of planning and environmental advice.

4. Proposed Scheme

Environmental and Minerals and Waste Planning Advice

4.1 In respect of charges for application advice for minerals and waste planning applications that fall to the County Council to determine, it is proposed to revise the scheme that has been in place since 2007. The Service will continue to provide verbal planning advice on site and at a meeting in County Hall, written advice post a meeting, undertake planning histories and respond to solicitor enquiries, in addition to work associated with a legal agreement. The service will be extended to include mineral and waste safeguarding matters and where there is capacity and the Planning Applications Group can provide without compromising its statutory responsibilities, it will also respond on the detail of a draft planning application, and provide a written assessment of proposals based upon a desk top assessment.

4.2 There is also the potential, subject to resource capacity to extend the service to provide heritage and ecological advice to those promoting development either as pre-application advice or in preparing material to discharge planning conditions.

4.3 Based upon the above principles, experience and the charging review work, the charges set out in Table 1 are proposed.

Table 1 - Charges for Environmental and Minerals and Waste Planning Advice

Service	Costs (excl. VAT)	Time to provide service (estimated)
For Mineral and Waste Planning Matters - Meeting at County Hall (Verbal Advice)	£410	0.5 days prep + 0.5 day meeting
For Mineral and Waste Planning Matters - Meeting on site (Verbal Advice)	£410 + mileage	0.5 days prep + 0.5 day meeting + travel
For Mineral and Waste Planning Matters - Written advice following a meeting either on site or at County Hall ¹	£205	0.5 day
For Mineral and Waste Planning Matters - Written Assessment based upon Desk Top Assessment ²	Quote on request Depending upon complexity of proposal Minimum of £820	Quote upon request Minimum 2 day
For Mineral and Waste Planning Matters - Comment on detail of a draft application ³	Quote on request Depending upon complexity of proposal Minimum of £820	Quote upon request Minimum 2 day
Planning histories and response to Solicitor enquiries	First 20 minutes free. Thereafter hourly rate of £25	Quote on request
For Mineral and Waste Planning Matters – Other bespoke planning advice	£55/hr	Quote on request
For Mineral and Waste Planning Matters – Legal agreement	£55/hr	Quote on request
Heritage and ecological pre- application advice	Quote on request Depending upon complexity of proposal Minimum of £355	Quote upon request Minimum 1 day
Heritage and ecological Discharge of condition advice	Quote on request Depending upon complexity of proposal Minimum of £355	Quote upon request Minimum 1 day
<p>1. Experience has shown that this typically takes half a working day. The County Council however reserves the right to increase this figure if the complexity of a case justifies an increase. The developer will be advised in advance of the work being undertaken.</p> <p>2. Subject to capacity and where the Service can provide without compromising its statutory responsibilities</p> <p>3. This proposed charge reflects the varied nature of planning history requests and the complexity of the site records. In terms of cost recovery an hourly rate may not be justified in some instances, whereas on other occasions a detailed history can take in excess of 8 hours.</p>		

Advice to Support the Development Consent Order Process

- 4.4 As nationally significant infrastructure projects (NSIP), proposals that are determined via the DCO process raise a variety of environmental, social and economic issues. In responding to developer request for engagement, the County Council requires the input of a wide range of its professional expertise. This includes strategic planning, heritage, ecology and biodiversity, economic development, highway and transportation, landscape, flood and water management and mineral and waste management. This expertise runs across the Growth Environment and Transport (GET) Directorate and unlike the pre-application advice referred to above for mineral and waste planning application matters, is undertaken by officers at varying pay grades.
- 4.5 It is therefore proposed that DCO work shall be undertaken in accordance with an agreed Planning Performance Agreement (PPA). In setting the rate, a two-tier day rate is proposed based upon the officers providing the advice. The rate proposed factors in the costs of all parts of GET engaged in DCO work. The following charges are proposed:

Costs (excl. VAT)		
Tier 1 Day Rate*	£410	Principal Officer
Tier 2 Day Rate*	£300	Senior Officer and coordinator role
Disbursements Including any highway modelling costs or other third party costs necessary to respond to the DCO process; mileage	Recharged at cost to the County Council	

* Note that the County Council will determine which day rate to charge based upon the nature of the proposal and the specialist advisors required to undertake the work.

Future Review

- 4.6 In order to limit the need to seek further Executive-side decisions in respect of the charges proposed in section 4.3 and 4.5 above, authority is sought to enable adjustments to be made to the published fees and charges accounting for changes to staff salaries and indirect costs and legislative/regulatory change. Adjustments will be made following a calculation of costs based on the principles set out in paragraph 3.4 above and any other information required in order that the Board / Committee / Cabinet Member / Cabinet is well-informed and has all the information necessary to consider / take the decision.

5. Financial Implications

- 5.1 The fees and charges set out in paragraphs 4.3 and 4.5 above ensure that the County Council continues to recover its reasonable costs where these are incurred in providing services for which the Council may charge. By charging for these services, where permitted, the GET Directorate is better able to meet the demand for some of its services while not impacting on otherwise pressured revenue budgets. Whilst it is difficult to predict income from this workstream given the uncertainty of projects that may come forward, the PPA work has the potential to realise a new income stream. The recovery of discretionary services costs will enable the Council to maintain budgets for providing services in a more sustainable way.

6 Policy Framework

- 6.1 The proposal ensures, as far as is possible, that the recovery costs of service provision are reflected in fees and charges for discretionary planning work. This enables the existing revenue budget to be used in ways that support “Increasing opportunities and Improving Outcomes” rather than in subsidising discretionary services.

7 Equalities Impact Assessment

- 7.1 An Equalities Impact Assessment (EqIA) initial screening has been completed. No equalities implications have been identified. Further details are attached as Appendix 1

8. Conclusion

- 8.1 The County Council may charge for the provision of discretionary pre-application planning advice and for the provision of professional and advisory services to support the Development Consent Order process. It is, given the financial climate, essential that where the Service may recover its costs it does so. The true costs of service provision will be reflected in establishing fees and charges and the Service has set out a number of principles that are applied in calculating its costs.

9. Recommendation

Recommendation:

The Environment and Transport Cabinet Committee is asked to **consider and endorse, or make recommendations** to the Cabinet Member for Planning, Highways, Transport and Waste on

- (i) the decision to publish revised fees and charges for discretionary planning and environmental advice and DCO activity; and
- (ii) to delegate authority to the Director of Environment, Planning and Enforcement to review and publish revised fees and charges subject to the application of a number of key principles as set out in paragraph 3.4

10. Contact details

Report Author:

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Relevant Director:

Katie Stewart - Director, Environment, Planning and Enforcement

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY Matthew Balfour Cabinet Member for Planning, Highways, Transport & Waste

DECISION NO: 17/00123

For publication

Key decision* Yes –

Subject: To approve fees and charges for discretionary planning and environmental advice and the principles for establishing fees and charges.

Decision: As Cabinet Member for Planning, Highways, Transport & Waste. I agree to: <ul style="list-style-type: none">• publish revised fees and charges for discretionary planning and environmental advice and DCO activity; and• delegate authority to the Director of Environment, Planning and Enforcement to review and publish revised fees and charges subject to the application of a number of key principles as set out in paragraph 3.4.
--

Reason(s) for decision: The Council currently provides professional and technical advice across a range of disciplines that support the planning process. Over recent years, with the rise of constraints on local authority budgets, councils at both county and district level have had to consider how they recover costs from providing such advice in order to ensure that they can continue to provide such advice on a sustainable basis.
--

Cabinet Committee recommendations and other consultation:
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Any alternatives considered:

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:
--

.....
signed

.....
date

Name:

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Kent County Council**Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Growth, Environment and Transport (GET) Directorate;
Environment, Planning & Enforcement Division

Name of decision, policy, procedure, project or service: Charging for Planning and Environmental Advice – GET Directorate

Responsible Owner/ Senior Officer: Sharon Thompson - Head of Planning Applications

Version:

Version	Author	Date	Comment
1	S Thompson	November 2017	Initial Screening
2			
3			

Author: Sharon Thompson - Head of Planning Applications

Pathway of Equality Analysis: A decision to approve fees and charges for discretionary planning and environmental advice and the principles for establishing fees and charges is to be reported to Environment & Transport Committee on 30th November 2017 prior to a Cabinet Member decision

Summary and Recommendations of Equality Analysis/Impact Assessment:**Context**

The Council currently provides professional and technical advice across a range of disciplines that support the planning process. Over recent years, with the rise of constraints on local authority budgets, councils at both county and district level have had to consider how they recover costs from providing such advice in order to ensure that they can continue to provide such advice on a sustainable basis.

The legal authority to set a charge for discretionary services is provided for in the Local Government Act 2003. The Act allows authorities to set the level of the charge for each discretionary service as they think fit within the restriction, and that the income from charges for each kind of service must not exceed the costs of its provision (i.e. cost recovery). If a profit is to be made, then a separate trading function is required.

As the Mineral and Waste Planning Authority and the upper tier authority for local government in Kent, there is an expectation on the County Council that it will provide discretionary planning advice to those promoting planning applications for mineral and
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waste development and for those promoting applications for nationally significant infrastructure projects. The latter are determined by the Secretary of State following examination at a public inquiry via the Development Consent Order process (DCO). The County Council is expected to provide a range of specialist planning, environmental and economic advice to support the DCO process. There is also the potential to provide other environmental advice to support the delivery of sustainable development.

A charging review has therefore been undertaken and revised charging rates are proposed. The scope of the review covers charging for pre-application advice from KCC's environmental and planning services, as well as the setting of a charge for Planning Performance Agreements (PPA) for KCC's input to Development Consent Orders (DCOs).

Aims and Objectives

The outcome of the charging review work is to maximise recovery of costs associated with the provision of discretionary planning and environmental advice and ensure that the County Council can continue to provide such advice on a sustainable basis. The work also recognises the value that pre-application advice plays in the delivery of high quality developments and the need for a charge that does not deter users from accessing the service.

Summary of Impact Assessment

The proposals are neutral in an equality impact assessment with regard to any one protected group. The purpose of the charge is encourage good quality developments that are then determined under planning legislation against the development plan (the Local Plan) and in the public interest. The proposals for revised charges are unlikely to have a specific impact, either positive or negative, on any of the protected groups identified below to any lesser or greater extent than the general population. The actual impact of developments that receive advice through these charged services would be considered as part of a planning application which requires public consultation and the decision making process has to have regard to responses received.

Summary of Equality Impact

It is reasonable to conclude that the provision of planning advice, chargeable or otherwise contributes to the bringing forward of new development. However, this advice should enable better quality planning applications and therefore enhance the quality of the final development. As such, there is low overall on any one protected characteristic. In addition, the determination of a planning application is determined in accordance with the Development Plan and other planning legislation and guidance that have been the subject of equality impact assessments.

Furthermore, the recovery of costs from discretionary work streams should enable a potential benefit by sustaining funds for other work streams that support 'Increasing Opportunities and Improving Outcomes'.

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Overall, the charging review and the introduction of new charges for planning and environmental advice and for advice to support the Development Consent Order process within the County are unlikely to have a specific impact, either positive or negative on any of the protected groups identified below to any lesser or greater extent than the general population. On this basis a Part 2 full equality impact assessment is not required.

Adverse Equality Impact Rating Low - See table below

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning the review of charging for discretionary planning and environmental advice for mineral and waste development and for projects promoted pursuant to the Development Consent Order process. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: Sharon Thompson

Job Title: Head of Planning applications Date: 14th November 2017

DMT Member

Signed: Katie Stewart

Job Title: Director of Growth, Environment and Transport Date: 14th November 2017

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Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/ Low Positive Impact Evidence
Age			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required	
Disability			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Gender			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Gender identity/ Transgender			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Race			Any impacts would unlikely to be different to the impacts (positive or negative) experienced	

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			by the general population. No further assessment is required.	
Religion and Belief			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Sexual Orientation			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Pregnancy and Maternity			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Marriage and Civil Partnerships			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	
Carer's Responsibilities			Any impacts would unlikely to be different to the impacts (positive or negative) experienced by the general population. No further assessment is required.	

Part 2 is not required.

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From: Matthew Balfour, Cabinet Member for Planning, Highways, Transport & Waste,
Mike Hill, Cabinet Member for Community & Regulatory Services,
Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 30 November 2017

Subject: Financial Monitoring 2017-18

Classification: Unrestricted

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to note the revenue and capital forecast variances from budget for 2017-18 that are within the remit of this Cabinet Committee, based on the August monitoring reported to Cabinet on 30 October 2017.

1. Introduction:

1.1 This will be a regular report to this Committee on the forecast outturn of the Growth, Environment and Transport (GET) directorate.

2. Background:

2.1 A high level financial monitoring report is regularly presented to Cabinet, usually on a monthly basis, outlining the financial position for each directorate together with key activity indicators. This will be reported to Cabinet Committees following consideration by Cabinet. A link to the August monitoring report for 2017-18 has been provided.

2.2 Although a link to the full report is provided, this Cabinet Committee only needs to consider the items that are within its remit, e.g. certain services within the GET directorate. These are contained within the following sections of the Cabinet report: Table 1 (revenue position by Directorate), section 3.3.7 (headline revenue movements since the last report), section 3.4.8 (revenue budget monitoring headlines), and section 5 (capital); and Appendix 1 (Breakdown of Directorate Monitoring Position).

3. Recommendation(s):

The Environment and Transport Cabinet Committee is asked to note the revenue and capital forecast variances from budget for 2017-18 that are within the remit of this Cabinet Committee based on the August monitoring reported to Cabinet on 30 October 2017.

4. Background Documents

4.1 August monitoring report for 2017-18:

<http://kcc-app610:9070/documents/s81187/CAB30Oct2017AugustMonitoringFINAL.docx.pdf>

5. Contact details

Report Author

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Relevant Director

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From: John Lynch, Head of Democratic Services
To: Environment & Transport Cabinet Committee – 30 November 2017
Subject: **Work Programme 2018**

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: Standard item

Summary: This report gives details of the proposed work programme for the Environment & Transport Cabinet Committee.

Recommendation: The Environment & Transport Cabinet Committee is asked to consider and agree its work programme for 2018.

1.1 The proposed Work Programme has been compiled from items on the Forthcoming Executive Decisions List, from actions arising from previous meetings and from topics identified at agenda setting meetings, held six weeks before each Cabinet Committee meeting, in accordance with the Constitution, and attended by the Chairman, Vice-Chairman and the Group Spokesmen. Whilst the Chairman, in consultation with the Cabinet Members, is responsible for the final selection of items for the agenda, this report gives all Members of the Cabinet Committee the opportunity to suggest amendments and additional agenda items where appropriate.

2. Work Programme 2018

2.1 An agenda setting meeting was held on 12 October 2017, at which items for this meeting were agreed and future agenda items planned. The Cabinet Committee is requested to consider and note the items within the proposed Work Programme, set out in the appendix to this report, and to suggest any additional topics that they wish to be considered for inclusion to the agenda of future meetings.

2.2 The schedule of commissioning activity which falls within the remit of this Cabinet Committee will be included in the Work Programme and considered at future agenda setting meetings. This will support more effective forward agenda planning and allow Members to have oversight of significant service delivery decisions in advance.

2.3 When selecting future items, the Cabinet Committee should give consideration to the contents of performance monitoring reports. Any 'for information' or briefing items will be sent to Members of the Cabinet Committee separately to the agenda, or separate Member briefings will be arranged, where appropriate.

3. Conclusion

- 3.1 It is vital for the Cabinet Committee process that the Committee takes ownership of its work programme, to help the Cabinet Members to deliver informed and considered decisions. A regular report will be submitted to each meeting of the Cabinet Committee to give updates of requested topics and to seek suggestions of future items to be considered. This does not preclude Members making requests to the Chairman or the Democratic Services Officer between meetings, for consideration.

4. **Recommendation:** The Environment & Transport Cabinet Committee is asked to consider and agree its work programme for 2018.

5. Background Documents

None.

6. Contact details

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**Environment and Transport Cabinet Committee
WORK PROGRAMME 2017/18**

Wednesday 31 January 2018
<ul style="list-style-type: none"> • Declarations of interest • Minutes • Verbal Updates • Performance Dashboard • Country Parks <i>(deferred from Nov to Jan following Agenda setting meeting – 12/10/17)</i> • Public Rights of Way Improvement Plan <i>(deferred from Nov to Jan following Agenda setting meeting – 12/10/17)</i> • Growth and Infrastructure Framework <i>(deferred from GED on 21/11/2017 to E&TCC for a Key Decision in January 2018)</i> • Maidstone Integrated Transport – Sutton Road/ Willington Street <i>(deferred from Nov to Jan)</i> • Kent Environment Strategy' <i>(deferred from Nov to Jan)</i> • 2018/19 and Medium Term Financial Plan • Work Programme 2018
Tuesday 20 March 2018
<ul style="list-style-type: none"> • Declarations of interest • Minutes • Verbal Updates • Performance Dashboard • Work Programme 2018
Items for Consideration that have not yet been allocated to a meeting
<ul style="list-style-type: none"> • Community Safety Framework • Highways Term Maintenance Contract • Low Emissions Strategy (added at agenda setting meeting on 25 July 2017) • Winter Service Policy 2017/18 to the ETCC meeting on 21 September 2017. The policy is renewed annually (September 2018) • Thanet Parkway (Deferred from September 2017 to enable development of further funding options)

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