

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Tuesday, 23rd May, 2023

10.00 am

Council Chamber



AGENDA

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Tuesday, 23 May 2023 at 10.00 am
Council Chamber, Sessions House,
County Hall, Maidstone.

Ask for: **Matt Dentten**
Telephone: **03000 418381**

Membership (16)

Conservative (12):	Mr S Holden (Chairman), Mr N J Collor (Vice-Chairman), Mr N Baker, Mr T Bond, Mr D Crow-Brown, Mr M Dendor, Mr A R Hills, Mrs S Hudson, Mr H Rayner, Mr A Sandhu, MBE, Mr D Watkins and Mr M Whiting
Labour (2):	Ms M Dawkins and Mr B H Lewis
Liberal Democrat (1):	Mr I S Chittenden
Green and Independent (1):	Mr M Baldock

UNRESTRICTED ITEMS

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

- 1 Introduction/Webcast announcement
- 2 Membership
To note that Mr Mike Whiting has joined the committee.
- 3 Apologies and Substitutes
- 4 Declarations of Interest by Members in items on the Agenda
- 5 Minutes of the meeting held on 7 March 2023 (Pages 1 - 6)
- 6 Verbal Updates by Cabinet Members and Corporate Director
- 7 Decisions taken between Cabinet Committee meetings (Pages 7 - 8)
- 8 Performance Dashboard (Pages 9 - 24)
- 9 23/00048 - Waste Treatment and Final Disposal Contracts (Pages 25 - 32)
- 10 23/00052 - Works Asset Management System Contract Award - To follow

- 11 23/00038 - Fastrack Electrification - Land matters (Pages 33 - 38)
- 12 23/00053 - Maintain Kent Travel Saver Price in 2023/24 and Revised Price Uplift Cap in Future Years (Pages 39 - 46)
- 13 23/00054 - Capital Drainage Framework (Pages 47 - 54)
- 14 23/00042 - Kent Minerals and Waste Local Plan 2024-39 and Updated Kent Mineral Sites Plan (Pages 55 - 148)
- 15 Household Waste Recycling Centre Review (Pages 149 - 158)
- 16 Highway Term Maintenance Service Commissioning Programme Update (Pages 159 - 162)
- 17 Temporary Road Closures Update Report (Pages 163 - 170)
- 18 Work Programme (Pages 171 - 174)

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)

Benjamin Watts
General Counsel
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Monday, 15 May 2023

KENT COUNTY COUNCIL

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 7 March 2023.

PRESENT: Mr S Holden (Chairman), Mr N J Collor (Vice-Chairman), Mr T Bond, Mr I S Chittenden, Mr D Crow-Brown, Ms M Dawkins, Mr A R Hills, Mrs S Hudson, Mr B H Lewis, Mr H Rayner, Mr A Sandhu, MBE and Mr D Watkins

ALSO PRESENT: Mr D L Brazier (Cabinet Member for Highways and Transport) and Miss S J Carey (Cabinet Member for Environment)

IN ATTENDANCE: Mr S Jones (Corporate Director of Growth, Environment and Transport), Ms H Chughtai (Director of Highways and Transportation), Mr M Smyth (Director of Environment and Waste) and Mr M Dentten (Democratic Services Officer)

UNRESTRICTED ITEMS**137. Declarations of Interest by Members in items on the Agenda**
(Item 3)

No declarations were made.

138. Minutes of the meeting held on 19 January 2023
(Item 4)

RESOLVED that the minutes of the meeting held on 19 January 2023 were an accurate record and that they be signed by the chairman.

139. Verbal Updates by Cabinet Members and Corporate Director
(Item 5)

1. Miss Carey and Mr Brazier reminded the committee that their quarterly portfolio briefings, on Environment and Waste and Highways and Transport respectively, had been circulated to members ahead of the meeting and provided an overview of recent developments.
2. Mr Brazier provided a verbal update. Concerning the severe weather in December and January which had deteriorated the highway network, he noted that almost four times as many potholes had been reported in winter 2022/23, when compared to winter 2021/22, and assured the committee that all available resources had been deployed to repair the damage. He informed the committee that he had attended an event in Westminster along with members of parliament and members of East Sussex County Council who were keen to take forward plans to construct a high-speed rail route from Manston to Bournemouth, along the south coast, using in part the Marsh link to Brighton, it was noted that the plans were in their infancy and that no sense of how it would be funded had been

established. Concerning the Buses in Kent member working group, he told members that the group was now established, with Mr Chard as its chairman. Regarding Bus Service Improvement Plan (BSIP) funding, he confirmed that the Department for Transport had begun payment of £19m of funding to KCC for delivery of agreed initiatives in 2023/24, members were reminded that the remaining £16m of KCC's full allocation of £35m was still to be secured and was in part subject to the delivery of the 2023/24 initiatives. Regarding the formal governance for accepting the funding, he explained that the proposed decision to accept the £19m funding had not come to the cabinet committee meeting as there was not time to accord with the constitution and an urgent key decision was required to accept the funding by the Department for Transport's deadline. He committed to keep members informed on the issue and had an all-member briefing scheduled for 17 March. Addressing community bus services, he confirmed that £425,000 had been made available for initiatives, with 25 bids received of which 19 were eligible and 13 were selected for awards. The committee were told that KCC had made it clear to the Mayor of London that the authority did not support his plan to extend the Ultra Low Emissions Zone (ULEZ) to the border with Kent and joined other home counties in refusing to enter an agreement to permit signage in Kent unless the Mayor agreed to a scrappage scheme for residents with non-compliant vehicles. He added that the Leader had subsequently received a response from the Mayor, which largely denied the requirements which KCC had set out. He concluded his update by noting that the local cycling and walking infrastructure group continued to meet and would soon be examining the final sift of schemes, to be submitted to the Active Travel England for approval and funding.

3. Mr Jones gave a verbal update. He provided a comprehensive overview of recent operational developments. Winter service was addressed, with it noted that 525 precautionary salt routes had been completed in February and that salt bins and jumble bags had been replenished, with 11,000 tonnes of KCC's 23,000 tonne salt stock having been used over the winter. Further information was provided on the measures in place to repair the high volume of surface defects on KCC's highway network, it was also explained that access to resources and the cost of materials was putting pressure on the service. He noted that work was also underway with the County Councils Network (CCN) to lobby government for additional funding. Concerning correspondence with members of the public, he explained that there had been a number of delays, with some of the expected times to reply not meeting the expected standards and apologised for the recent performance. Members were given assurances that additional resources had been allocated to improve performance. Regarding major projects, he confirmed that construction of the Bath Street contraflow bus scheme in Gravesend was due to start on 13 March, with Jackson Civil Engineering appointed as the contractor. He confirmed that KCC had submitted representations relating to the proposed Lower Thames Crossing, noting the Council's support and need for the local highway network to be upgraded should the scheme be approved. It was explained that the Planning Inspectorate was expected to start the examination stage later in the year, which would last for approximately six months before making a recommendation to the Secretary of State for Transport. He concluded by informing the committee that recent Household Waste Recycling Centre customer feedback had been overwhelming positive, with: 96% of respondents either satisfied or extremely satisfied with their visit; 95% of respondents finding it

extremely easy or easy to use the booking system; and 99% of people getting a booking either on the exact day they wanted or an acceptable alternative date.

RESOLVED to note the updates.

140. Performance Dashboard

(Item 6)

Rachel Kennard (Chief Analyst) was in attendance for this item.

1. Ms Kennard gave a verbal summary of the fifth performance dashboard for 2022/23, up to December 2022. She confirmed that of the 17 key performance indicators within the remit of environment and transport, 9 had been RAG rated green, 6 amber and 2 red. She addressed the two red indicators, WM01 (Municipal waste recycled and composted) and WM03 (Waste recycled and composted at Household Waste Recycling Centres), reminding the committee that the indicators had been impacted by in-year regulatory changes and lower volumes of organic waste that resulted from dry summer weather. She verified that overall performance was strong.
2. Mr Bond asked why pothole blitz statistics weren't contained in indicator HT01b (potholes repaired (as routine works and not programmed)) and whether, taking the completion rate into account, outstanding potholes would be repaired on time. Mr Jones clarified that the pothole blitz programme predominately involved large pre-planned patching works which targeted multiple surface defects in a single activity. He agreed to consider how best to present the performance of both areas. He reminded the committee that a significant quantity of street works were the result of utility, telecom or developer works, which KCC had no power to prevent. He gave reassurance that enforcement was taken seriously and that fixed penalties, from £250 for local roads, up to £10,000 for strategic routes, were issued for delayed or poor-quality works.
3. Following a question from Mr Rayner, Mr Smyth confirmed that indicator WM01 had been impacted by the Environment Agency's Regulatory Position Statement 249 published in July 2022, which allowed potentially hazardous waste wood received at Household Waste Recycling Centres to move as un-assessed, non-hazardous material as long as it was destined for biomass or the manufacture of panel board. He further explained that the Statement would be in effect until the end of March 2024.

RESOLVED to note the Performance Dashboard.

141. Corporate Risk Register

(Item 7)

Mark Scrivener (Corporate Risk and Assurance Manager) was in attendance for this item.

1. Mr Scrivener introduced the Corporate Risk Register and addressed the three corporate risks which related to environment and transport: border fluidity, infrastructure, and regulatory arrangements; impact of Climate Change on

KCC services; and Home to School Transport. An additional overview of the Growth, Environment and Transport Directorate risk profile was provided and contained eight risks: skills shortage and capacity issues; Health and Safety, and wellbeing considerations; funding sufficiency for Net Zero ambitions; identification, planning and delivery of Medium-Term Financial Plan targets; Capital Investment and Asset Management; failure of ICT systems; delivery of in-year budget targets; and services provided to the Directorate that do not meet an acceptable standard. He welcomed the committee's comments and suggestions.

2. Concerning risk CRR0042 (Border fluidity, infrastructure, and regulatory arrangements) members commented that greater pressure needed to be put on government to reduce the impact of border control on the local highway network, residents, businesses and the movement of goods and services throughout the county. Mr Jones addressed government's new Entry/Exit System (EES) protocol which would take effect in November 2023. He provided additional detail on the Kent Resilience Forum's (KRF) involvement and noted that the February half term had been a watershed moment, with Operation Brock not being deployed, improvements to data and better collaboration with French authorities. He reminded the committee of the anticipated impact the recently approved £45m Levelling Up Fund supported scheme, to improve infrastructure and traffic flow to the EU through the Port of Dover, would have in improving the local road network.
3. In relation to risk GT0026 (Funding sufficiency for Net Zero ambitions), Miss Carey provided members with assurance that additional internal and external funding continued to be sought, with examples of successful bids provided. The impact of recent investment on the Council's carbon reduction and increases to revenue through Public Sector Decarbonisation Scheme funded projects were detailed. She reminded members that there was limited opportunity for the Council to borrow and that there were many competing statutory needs.
4. Mr Smyth confirmed, following a question from Ms Dawkins, that risk CRR0052 (impact of Climate Change on KCC services) addressed the anticipated impact of climate change on services delivered by KCC, with the risk considering the extent that KCC would need to adapt.

RESOLVED to consider and comment on the risks presented.

142. Southern Water - Presentation

(Item 8)

Nick Mills (Head of Clean Rivers and Seas Task Force, Southern Water) and John Mealey (Stakeholder Engagement Manager (Kent) Southern Water) were in virtual attendance for this item.

1. Mr Mills gave a presentation. The contents of the presentation included: Beachbuoy scheme modelling; water quality testing; storm overflows; delivery of the Deal, Margate and Swalecliffe Pathfinder schemes; collaboration with partners; and capital investment in Kent, including £89m on enhancement

works at wastewater treatment works in Kent between 2020-2025 and planned increases in the flow passed forward for full treatment at 13 sites.

2. Following a series of questions from the committee, Mr Mills confirmed that:
 - a. information would be released in May 2023 explaining how Southern Water would deliver against its commitments to reduce overflows and pollution over the next five years, with a long-term plan to be published in 2024;
 - b. the rollout of future Pathfinder schemes elsewhere in Kent depended on the Environment Agency and Ofwat's regulation regime as well as local supply chains, with a specialist high skilled workforce required to deliver schemes effectively;
 - c. that Southern Water's £90m fine sentenced by the Environment Agency had been paid from shareholder contributions; and
 - d. that details of the company's programme of wastewater treatment in Edenbridge and its use of the River Eden would be given to members.
3. Members were invited to provide the presenters with written questions for answering following the meeting.

RESOVLED to note the contents of the presentation.

143. Work Programme

(Item 9)

The following items were added to the work programme:

- A report on road closures (including communication, compliance and enforcement)
- A report reviewing the highway aspects of planning applications

RESOLVED to approve the work programme.

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From: David Brazier, Cabinet Member for Highways & Transport
 Simon Jones, Corporate Director of Growth, Environment & Transport

To: Environment and Transport Cabinet Committee – 23 May 2023

Subject: Decisions taken between Cabinet Committee meetings

Classification: Unrestricted

Past Pathway of Paper: Cabinet Member Decision

Future Pathway of Paper: N/A

Electoral Division: County-wide

Summary: The attached decisions were taken between meetings of this Cabinet Committee as they could not be reasonably deferred to the next programmed meeting of the Cabinet Committee for the reasons set out in paragraphs 2.1 and 2.2 below.

Recommendation:

The Cabinet Committee is asked to note that decisions 23/00027 (Bus Service Improvement Plan (BSIP) Grant Funding) and 23/00033 (Acceptance of Additional Government Pothole Funding) were taken between meetings of the Cabinet Committee in accordance with the process set out in the Council's constitution.

1. Introduction

1.1 The Cabinet Member for Highways and Transport has taken decisions 23/00027 Bus Service Improvement Plan (BSIP) – Grant Funding and 23/00033 Acceptance of Additional Government Pothole Funding respectively as they could not reasonably be deferred due to the reasons set out in paragraphs 2.1 and 2.2 below.

2. Background to decisions

Decision 23/00027: Bus Service Improvement Plan (BSIP) – Grant Funding

2.1 Following detailed negotiations with Department for Transport, KCC received a confirmed funding offer of £18,985,735 for its Bus Service Improvement Plan, which is split as £12,454,840 capital and £6,530,895 revenue. The offer was made on the proviso that KCC had to formally accept the funding by 31 March 2023. As the notification letter was not received until 3 March, there was insufficient time to bring the issue to this Cabinet Committee for discussion.

Decision 23/00033: Acceptance of Additional Government Pothole Funding

2.2 As announced in the Chancellor's Spring Budget of 2023, additional funding from Department for Transport has been secured for pothole repair activity. Kent's allocation is £6,054,800. By accepting and deploying the funding urgently officers have been able to utilise the Highways Term Maintenance contract to move quickly to help address the increased high demand levels for repairs and patching following severe weather extremes that have in turn increased the backlog of maintenance repairs.

3. Recommendation(s)

The Cabinet Committee is asked to note that decisions 23/00027 (Bus Service Improvement Plan (BSIP) Grant Funding) and 23/00033 (Acceptance of Additional Government Pothole Funding) were taken between meetings of the Cabinet Committee in accordance with the process set out in the Council's constitution.

4. Background Documents

[Decision - 23/00027 - Bus Service Improvement Plan \(BSIP\) - Grant Funding \(kent.gov.uk\)](#)

[Decision - 23/00033 - Acceptance of Additional Government Pothole Funding \(kent.gov.uk\)](#)

Contact details	Relevant Director
Report Author Theresa Warford, Staff Officer Theresa.warford@kent.gov.uk 03000 417192	Simon Jones Corporate Director, Growth, Environment and Transport Simon.jones@kent.gov.uk 03000 41163

From: David Brazier, Cabinet Member for Highways and Transportation
 Susan Carey, Cabinet Member for Environment
 Simon Jones, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 23 May 2023

Subject: Performance Dashboard

Classification: Unrestricted

Summary:

The Environment and Transport Cabinet Committee Performance Dashboard shows progress made against targets set for Key Performance Indicators (KPIs). The latest Dashboard includes data up to February/March 2023.

Eight of the seventeen KPIs achieved target for latest performance and are RAG rated Green. Six KPIs were below target but did achieve the floor standard and are RAG rated Amber. Three KPIs were below floor standard and are RAG rated Red.

KPIs and targets proposed for reporting 2023/24 performance are included in this report.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE the Performance Dashboard and COMMENT on the KPIs and targets proposed for 2023/24.

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. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the sixth report for the 2022/23 financial year.

2. Performance Dashboard

- 2.1. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) for 2022/23. These KPIs, activity indicators and targets came before the Cabinet Committee for comment in May 2022. The current Environment and Transport Cabinet Committee Performance Dashboard is attached at Appendix 1.
- 2.2. The current Dashboard provides results up to the end of February/March 2023.
- 2.3. KPIs 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.

- 2.4. One of the five KPIs in Highways & Transportation achieved target for latest month performance and was RAG rated Green. Potholes repaired in 28 calendar days is below floor standard, and is RAG rated Red. Faults reported by the public completed in 28 days, Customer satisfaction (100 call back survey), and Emergency incidents attended to within 2 hours, are all below target but above floor standard, and so are RAG rated Amber.
 - 2.5. Two of the three digital take-up indicators in Highways and Transportation were RAG rated Green, with speed awareness course bookings, performing above the floor standard but not achieving the higher target set this year, and so RAG rated Amber.
 - 2.6. Five of the nine indicators for Environment and Waste were above target. Municipal waste recycled and composted, and Household Waste recycled and composted remain below their floor standards and are RAG rated Red. The other two Household Waste Recycling Centre (HWRC) indicators, namely Waste recycled or composted and wood converted to energy, and Customers satisfied with HWRC services, remain below target but above floor standard, and so are RAG rated Amber.
3. KPIs proposed for reporting performance in 2023/24 are detailed in Appendix 2.

4. Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE the Performance Dashboard and COMMENT on the KPIs and targets proposed for 2023/24.

5. Contact details

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Environment and Transport Performance Dashboard

Financial Year 2022/23

Results up to February/March 2023

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Produced by Kent Analytics

Guidance Notes

Data is provided with monthly frequency except for Waste Management and Greenhouse Gases where indicators are reported with quarterly frequency and as 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 the minimum performance expected and if not achieved must result in management action

Activity Indicators

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

Key Performance Indicators Summary

Highways & Transportation	Monthly RAG	YTD RAG
HT01 : Potholes repaired in 28 calendar days (routine works not programmed)	RED	RED
HT02 : Faults reported by the public completed in 28 calendar days	AMBER	AMBER
HT04 : Customer satisfaction with service delivery (100 Call Back)	AMBER	AMBER
HT08 : Emergency incidents attended to within 2 hours	AMBER	AMBER
HT12 : Streetlights, illuminated signs and bollards repaired in 28 calendar days	GREEN	GREEN

Digital Take up	RAG
DT01 : Percentage of public enquiries for Highways Maintenance completed online	GREEN
DT03 : Percentage of concessionary bus pass applications completed online	GREEN
DT04 : Percentage of speed awareness courses booking completed online	AMBER

Environment & Waste	RAG
WM01 : Municipal waste recycled and composted	RED
WM02 : Municipal waste converted to energy	GREEN
WM01 + WM02 : Municipal waste diverted from landfill	GREEN
WM03 : Waste recycled and composted at HWRCs	RED
WM04 : Percentage of HWRC waste recycled and wood converted to energy at biomass facility	AMBER
WM08 : Percentage of customers satisfied with HWRC services	AMBER
EPE14 : Greenhouse Gas emissions from KCC estate (excluding schools)	GREEN
EW1: Percentage of statutory planning consultee responses submitted within 21 days	GREEN
DT05 : Percentage of HWRC voucher applications completed online	GREEN

Division	Corporate Director	Cabinet Member
Highways & Transportation	Simon Jones	David Brazier

Key Performance Indicators

Ref	Indicator description	Nov-22	Dec-22	Jan-23	Feb-23	Month RAG	Year to Date	YTD RAG	Target	Floor	Prev. Yr
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	93%	84%	77%	79%	RED	77%	RED	90%	80%	95%
HT02	Faults reported by the public completed in 28 calendar days	88%	88%	88%	84%	AMBER	87%	AMBER	90%	80%	90%
HT04	Customer satisfaction with service delivery (100 Call Back)	96%	89%	91%	94%	AMBER	94%	AMBER	95%	85%	96%
HT08	Emergency incidents attended to within 2 hours	86%	99%	92%	95%	AMBER	95%	AMBER	98%	95%	98%
HT12	Streetlights, illuminated signs and bollards repaired in 28 calendar days	96%	94%	93%	*	GREEN	94%	GREEN	90%	80%	89%

* Not available at time of reporting.

HT01 – Although performance improved in November, December to February saw a drop due to the adverse weather, including periods of snow, prolonged ice and heavy rain, which resulted in a higher demand for repairs. The term maintenance contractor continues to arrange additional resources but market price increases and difficulties in recruiting experienced staff continues to hamper works. The Highways Management team continues to work with the term maintenance contractor to ensure performance gets back to the target level

HT02 – Similar issues outlined above affected performance for this KPI. In addition to the snow in December, January and February saw heavy rainfall which led to an increase in service demand. The wet weather continued to impact on road conditions into the new year with exceptionally high demand on highway services.

HT04 – Despite the increase in demand and bad weather in Jan and Feb, the 100 call back survey results steadily improved but remained just under target. The majority of unsatisfied customers were concerned about delays to repairs, and this has been fed back to the relevant service managers to investigate. Work continues on the My Kent Highways pilot which involves a new fault reporting tool for customers to improve the customer experience.

Activity Indicators

Ref	Indicator description	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Year to Date	In expected range?	Expected Range Upper Lower	
HT01b	Potholes repaired (arising from routine faults reported)	335	398	801	806	2,622	9,618	Yes	12,700	8,300
HT02b	Routine faults reported by the public completed	3,500	3,661	5,251	8,181	12,110	55,306	Above	53,800	42,800
HT06	Number of new enquiries requiring further action (total new faults)	5,793	9,323	9,220	16,067	7,584	82,905	Below	101,200	83,600
HT07	Work in Progress (active enquiries/jobs) - end of month snapshot	5,676	6,727	7,318	10,536	8,571	N/a	Above	8,500	7,500
HT13	Streetwork permits issued	12,273	13,483	10,599	11,231	14,466	137,057	Above	136,500	111,800

HT02b – February saw a large number of pothole jobs completed following the sharp increase in numbers of potholes being reported following the cold and then wet weather over the winter.

HT06 – Earlier in the year demand was below previous years across all key service areas (potholes, street lighting, insurance enquiries, drainage, trees, soft landscapes) mainly due to the warmer weather, but heavy rain in November followed by snow and ice in December resulted in an increase in new enquiries which peaked in January.

HT07 – As a result of adverse weather in November and December, work in progress was affected by higher demand from drainage, pothole and Winter service enquiries which again peaked in January and remained higher than usual in February.

HT13 - The high demand from utility companies to access their infrastructure under Kent roads and the roll out of Broadband continues to increase permit volumes and February saw the highest demand of the year so far. Permits are now being restricted on some roads in order to reduce disruption and congestion.

Division	Corporate Director	Cabinet Member
Highways and Transportation	Simon Jones	David Brazier

Digital Take-up indicators

Ref	Indicator description	Nov-22	Dec-22	Jan-23	Feb-23	Year to Date	YTD RAG	Target	Floor	Prev. Year
DT01	Percentage of public enquiries for Highways Maintenance completed online	64%	69%	76%	67%	64%	GREEN	60%	50%	59%
DT03	Percentage of concessionary bus pass applications completed online	73%	83%	88%	75%	75%	GREEN	70%	60%	70%
DT04	Percentage of speed awareness courses bookings completed online	82%	89%	88%	88%	86%	AMBER	90%	80%	87%

DT04 – Since November, performance has been getting close to achieving target. However, some clients choose to call because they do not have online access or prefer to make the booking with the help of a call adviser. Whilst there is a free text space and various options that a client can select when making a booking online for special requirements, many prefer calling to discuss their medical conditions, mobility issues, breast feeding requirements etc. to assist them in attending and completing a course in Kent.

The demand for both classroom and online courses has increased significantly with clients living outside the authority now able to attend courses; this has resulted in an increase in client queries for last minute bookings so they meet their given timeframe.

Division	Corporate Director	Cabinet Members
Environment & Waste	Simon Jones	Susan Carey

Key Performance Indicators - Rolling 12 months except WM04 (YTD from 1st April 2022) and WM08 (Quarterly)

Ref	Indicator description	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	RAG	Target	Floor
WM01	Municipal waste* recycled and composted	45%	44%	43%	42%	42%	RED	50%	45%
WM02	Municipal waste* converted to energy	54%	55%	56%	57%	57%	GREEN	49%	44%
01+02	Municipal waste* diverted from landfill	99.2%	99.2%	99.2%	99.2%	99.2%	GREEN	99%	95%
WM03	Waste recycled and composted at Household Waste Recycling Centres (HWRCs)	61%	55%	48%	43%	42%	RED	50%	45%
WM04	Percentage HWRC waste recycled/composted & wood converted to energy at biomass facility	New indicator	67%	66%	66%	65%	AMBER	70%	65%
WM08	Overall score for mystery shopper assessment of Household Waste Recycling Centres	97%	93%	96%	95%	96%	AMBER	97%	90%

* This is waste collected by Districts, and by KCC via HWRCs.

WM01 – Recycling and composting is being negatively affected by the loss of wood recycling at HWRCs which, due to Environmental Regulation, must now be processed as waste to energy. There have also been lower volumes of organic waste than expected this year, following dry summer weather, with 15% less garden waste collected between May and August 2022 compared to 2021. The 50% target for this KPI is within the Kent Joint Municipal Waste Strategy agreed by the Kent Resource Partnership and those Collection Authorities with Inter Authority Agreements with KCC do achieve better rates of recycling.

WM03 – Lower volumes of garden waste due to dry summer weather and the regulatory position, whereby HWRC wood can no longer be recycled, continue to impact this measure.

WM04 – Although wood waste volumes have been within expectations, the lower-than-expected volume of organic waste has also impacted on this KPI.

WM08 – This assessment creates insight to appraise the levels of customer service offered by Contractors. Latest performance is 1 percentage point below target. There have been lower than expected scores in the 'Entering The Facility' and 'Facility Standards' sections. The two key areas for focus and improvement are ensuring there is a consistent 'meet and greet' operative at the entrance to sites and making sure sites are clean and well maintained.

Division	Corporate Director	Cabinet Members
Environment & Waste	Simon Jones	Susan Carey

Activity Indicators (Rolling 12 months, except WM09)

Ref	Indicator description	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	In expected range?	Expected Range Upper Lower	
WM05	Waste tonnage collected by District Councils	584,371	575,765	562,301	557,149	559,289	Yes	570,000	550,000
WM06	Waste tonnage collected at HWRCs	95,616	97,326	93,128	93,778	95,900	Below	120,000	100,000
05+06	Total waste tonnage collected	679,987	673,091	655,428	650,927	655,189	Yes	690,000	650,000
WM07	Waste tonnage converted to energy at Allington Waste to Energy Plant	334,601	330,283	320,213	318,090	317,151	Below	347,250	327,250
WM09	Wood Tonnage converted to energy at Biomass Facility (Year to date from April 2022)	New indicator	5,973	11,446	16,470	22,070	Yes	23,250	20,250

WM06 – The volume of waste taken to HWRCs is around two-thirds of pre-pandemic levels¹. Cross border usage is at its lowest with less than 2% of visitors to HWRCs now living outside of Kent, compared with 6% in 2018. This is largely due to a new policy to charge non-Kent residents for using these services. Good levels of booking capacity exist which is spread evenly through the day, with higher demand at weekends. On-the-day bookings remain available at all sites.

WM07 – Volumes at Allington are lower than expected, but reflect the decline in waste volumes overall, and are now at a similar level to pre-pandemic.

¹ This excludes hardcore volumes which have been affected more by the introduction of price charging since 2019 than the pandemic.

Division	Corporate Director	Cabinet Member
Environment & Waste	Simon Jones	Susan Carey

Key Performance Indicator (reported quarterly in arrears, rolling 12-month total)

Ref	Indicator description	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	RAG	Target	Floor
EW2	Greenhouse Gas emissions from KCC estate (excluding schools) in tonnes	16,601	16,774	17,353	15,611	15,224	14,726	GREEN	17,362	19,098

EW2 – Greenhouse gas emissions were lower than the previous quarter. KCC continues to see substantial electricity generation from Bowerhouse II solar farm which is substantially offsetting our estates emissions to the value of 2,064 tCO₂e. Emissions reductions remain ahead of the target, mainly down to Bowerhouse II offset, placing KCC in a strong position to deliver KCCs 2022/23 emissions savings.

Key Performance Indicators (monthly)

Ref	Indicator description	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Year to Date	YTD RAG	Target	Floor
EW1	Percentage of statutory planning consultee responses submitted within 21 days	97%	98%	97%	96%	96%	95%	GREEN	85%	76%
DT05	Percentage of HWRC voucher applications completed online	100%	100%	99%	99%	99%	99%	GREEN	98%	90%

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Proposed KPIs and Activity indicators for 2023/24

Highways and Transportation

Key Performance Indicators

Ref	Indicator description	2022/23 YTD (Feb)	2023/24 Target	2023/24 Floor
HT01	Potholes repaired in 28 calendar days	77%	90%	80%
HT02	Routine faults/enquiries reported by the public completed in 28 calendar days	87%	90%	80%
HT04	Customer satisfaction with routine Highways' service delivery (100 Call back survey)	94%	95%	85%
HT08	Emergency incidents attended to within 2 hours	95%	98%	95%
HT12	Streetlights/illuminated signs/bollards repaired in 28 calendar days	94%	90%	80%
HT13	Priority Enquiries completed within 20 working days	New Indicator	85%	75%

Activity indicators

Ref	Indicator description	Threshold	Q1	Q2	Q3	Q4
HT01b	Potholes repaired (as routine works and not programmed)	Upper	4,300	2,650	3,050	4,100
		Lower	3,100	1,450	1,850	2,900
HT02b	Routine faults reported by the public completed	Upper	13,800	14,100	14,800	18,400
		Lower	10,800	11,100	11,800	15,400
HT06	Number of new enquiries requiring further action (faults)	Upper	23,000	24,000	25,000	32,000
		Lower	19,000	20,000	21,000	28,000
HT07	Work in Progress (outstanding enquiries waiting action)	Upper	6,800	6,400	7,600	8,300
		Lower	5,800	5,400	6,600	7,300
HT13	Number of Street Work permits	Upper	43,000	41,000	41,000	45,000
		Lower	35,000	33,000	33,000	37,000

Digital Take-up

Ref	Indicator description	2022/23 YTD (Feb)	2023/24 Target	2023/24 Floor
DT01	Percentage of public enquiries for Highways' maintenance reported online	64%	60%	50%

Ref	Indicator description	2022/23 YTD (Feb)	2023/24 Target	2023/24 Floor
DT03	Percentage of concessionary bus pass applications completed online	75%	75%	65%
DT04	Percentage of speed awareness courses bookings completed online	86%	85%	75%

Environment and Waste

Key Performance Indicators – rolling 12 months

Ref	Indicator Description	2022/23 Latest	2023/24 Target	2023/24 Floor
WM01	Municipal waste recycled and composted	42%	50%	42%
WM02	Municipal waste converted to energy (including conversion to refuse derived fuel)	57%	49%	44%
WM01+2	Diversion from landfill	99.2%	99%	95%
WM03	Percentage of waste recycled and composted at HWRCs	42%	50%	42%
WM04	Percentage HWRC waste recycled & wood converted to energy at biomass facility	65%	70%	65%
WM08	Overall score for mystery shopper assessment of Household Waste Recycling Centres	96%	97%	90%
WM10	Customer satisfaction with HWRCs	New indicator	95%	90%

Other Key Performance Indicators

Ref	Indicator description	2022/23 Latest	2023/24 Target	2023/24 Floor
EPE14	GHG emissions (KCC estate/services and Traded Companies) in tonnes, to measure progress towards Net Zero by 2030	14,726	11,907	13,100
EW1	Percentage of statutory planning consultee responses submitted to the local planning authority within 21 days	95%	95%	85%
DT05	Percentage of HWRC voucher applications completed online	99%	98%	95%

Activity indicators (rolling 12 months)

Ref	Indicator description	Threshold	Annual
WM05	Waste tonnage collected by district councils	Upper	570,000
		Lower	550,000
WM06	Tonnage managed through HWRC	Upper	120,000
		Lower	100,000
WM05+ 06	Total Waste Tonnage	Upper	690,000
		Lower	650,000
WM07	Waste tonnage converted to energy at Allington Waste to Energy Plant	Upper	340,000
		Lower	320,000
WM09	Wood Tonnage converted to energy at Biomass Facility	Upper	23,000
		Lower	20,000

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From: Susan Carey, Cabinet Member for Environment
Simon Jones, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 23 May 2023

Subject: Waste Treatment and Final Disposal Contracts

Decision Number: 23/00048

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: For Cabinet Member Decision

Electoral Division: All divisions

Summary: KCC currently has in place contracts which are due to expire 30th June 2023, and is seeking new contractual arrangements for the processing and disposal of bulky waste deposited at the Household Waste Recycling Centres (HWRCs), as well as the bulky waste collected by the Waste Collection Authorities (WCAs) which include fly tips, marine carcasses, street cleansing and beach arisings. The new contracts will also include some contingency for the processing of residual waste.

Recommendation(s): The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Environment on the proposed decision:

- (i) to tender and award a new contract for an initial 3-year period with an option to extend for up to 2 years, for the receipt and processing of bulky waste and other waste types related to the scope of these contracts and
- (ii) delegate authority to the Director Environment and Waste to award and enter appropriate contractual arrangements as necessary to implement the decision as shown at Appendix A.

1. Introduction

- 1.1 This report provides information concerning the commission and award of a new Waste Treatment and/or Final Disposal Contract/s (WTFD), for the processing of bulky waste deposited at the HWRCs as well as waste collected by the Waste Collection Authorities from households or via ad hoc disposals including fly tips, beach cleansing, street sweepings and marine carcasses.
- 1.2 KCC has made a short-term extension from 4th April to 30th June 2023 with the provider for Lots 1 & 2, to align all contracts to complete on the 30th June 2023. This will allow the Authority to undertake a commissioning process for an overarching contractual arrangement for this waste stream.

- 1.3 This commission will enable the Authority to meet its statutory duty as the Waste Disposal Authority under the Environmental Act 1990, to provide facilities for the disposal of municipal waste.
- 1.4 KCC is seeking to award a new contract for the treatment and disposal of circa 30,000 tonnes of waste, for an initial 3-year period with an option to extend for up to 2 years, based on satisfactory performance.
- 1.5 There is also an option to utilise a call-off service of this contract for contingency waste (at present in the region of 5,000 tonnes) where there is a need to divert from Final Disposal Outlets in the event of planned outages, plant breakdowns such as food waste compactor, contaminated load rejections or where short-term diversions are required due to unforeseen circumstances.
- 1.6 Currently this waste is shredded, dried, and baled and used as a Refuse Derived Fuel (RDF) for energy use either in Europe or in the UK where capacity allows.
- 1.7 The key aspects of this commission will be to award to a provider that will manage the waste as a resource and treat the waste using industry compliant means and technological processes, avoiding landfill as a disposal route.

2. Relevant history

- 2.1 The current WTFD contracts were procured with the intention to manage the waste that typically went to landfill (other than residual waste). The desired outcome has been achieved by avoiding waste to landfill. Over the term of the contracts, KCC working with the provider has successfully reduced the input to less than 1% – with only asbestos and large/decayed marine carcasses sent to landfill for deep burial.
- 2.2 The waste identified within the primary scope of the contracts is known as 'Bulky waste' and includes items that are too large to be disposed of at the Energy from Waste Plant at Allington, or cannot be taken elsewhere to be disposed of and includes items such as mattresses, furniture, children's large plastic toys, marine carcasses, beach and street sweepings and waste items collected by the Waste Collection Authorities from households such as large pieces of furniture, and miscellaneous items from fly tips.
- 2.3 Within the new contract, KCC is seeking a provider that uses the materials as a resource, where legislation allows. There may be opportunities for some elements to be further segregated and recycled such as carpets, mattresses, hard plastics, and paint, with the remainder used as RDF (Refuse Derived Fuel) producing energy.
- 2.4 Managing and disposing of materials such as furniture, has recently undergone a change in legislation with regard to Waste Upholstered Domestic Seating (WUDS). This followed an investigation by the Environment Agency that found large quantities of the existence of toxins known as Persistent Organic Pollutants (POPS) within these items.
- 2.5 POPs are chemical substances that do not easily break down and are a danger to human health and the environment. They can be found in sofas, sofa beds,

armchairs, kitchen and dining room chairs, stools and foot stools, home office chairs, futons, bean bags, floor, and sofa cushions, all of which are disposed of within bulky waste. The POPs waste must be sent to a suitable authorised disposal or recovery site which can either destroy the POPS (such as waste to energy) or irreversibly transform the POPS (to use as a fuel); POPs material cannot be landfilled or mixed with other non-POPS containing waste. There is strict legislation around the disposal of POPS waste and as a result, the cost of processing these items has resulted in a new cost burden that has been imposed on the industry due to its hazardous nature and the stringent requirements around disposal.

- 2.6 The processing of bulky waste must now include the disposal of POPS waste. This cannot be shredded together with non-POPS waste as the process must minimise the release of particulates when shredding. The remaining non-POPS waste will require a separate shredding process, as well as mechanical sorting and baling. Due to the current economic situation this has meant increased costs in respect of the added fuel and energy utilised for these stand-alone operations. The results from the PIN (Prior Information Notice) indicates an increase in gate fee due to the legislative changes noted in paragraph 2.4 added to the current economic and energy price pressures.
- 2.7 As a result of the new legislation, potential providers are required to invest capital into their processing facilities. The market appetite for this material is limited in respect of this commission.

3. Financial Implications

- 3.1 A supplementary gate fee in respect of POPs waste is most likely to be added, due to the legislative change requirements which is expected to be a burden because of the complex disposal and treatment now required.

Value of Core Waste

- i. **Non-POPs attributed waste** – estimated 83% of the total tonnages (30,000t) = 24,900t x £140 (current gate fee) = £3,486,000 per annum.
- ii. **POPs attributed waste** – estimated 17% of the total tonnage (30,000t) = 5100t x £200* = £1,020,000 per annum.

*£200 is an indicative figure due to a legislative change resulting in an increased gate fee.

- 3.2 The annual cost for the **Core Waste** (POPs and Non-POPs) will be circa £4,506,000, and over the whole term of the Contract: 3 + 2-year extension equates to £22,530,000.
- 3.3 The call-off service for **Contingency Waste** is valued at 5,000 tonnes x £140 = £700,000, although a spot price mechanism is included within the contract to ensure best value for the Authority when ad-hoc disposal requests are made, this will be funded from existing budgets.
- 3.4 Haulage costs are already accounted for within the Waste Transfer Station and HWRC Contracts.

- 3.5 The cost will be met by existing revenue budgets, with (once known) the anticipated pressure accounted for in the MTFP with price adjustments for inflation and re-alignment of prices.
- 3.6 The risk mitigation of compliance is that the POPs disposal will follow contractual terms and be linked to infrastructure investment by the providers.

4. Legal implications

- 4.1 A key function of the Waste Disposal Authority operating under the Environmental Protection Act 1990, is to provide outlets for the disposal of Household municipal waste.
- 4.2 The Government's Resources and Waste Strategy sets out a vision and several policies to move to a more circular economy, such as waste prevention, and supports reuse, repair and remanufacture activities; there is also an ambition to reduce greenhouse gas emissions from landfill, which adheres with KCC's aim of zero waste to landfill, which this commission seeks to support.
- 4.3 Restrictions on POPs are based on the European regulation on persistent organic pollutants, which is implemented in the UK by the Persistent Organic Pollutants Regulations 2007.

5. Equalities implications

- 5.1 This contract will operate with a service that is non-public facing; as such, no protected characteristics are impacted.

6. Other corporate implications

N/A

7. Governance

- 7.1 The Service Director will inherit the main delegations via the Officer Scheme of Delegation due to the potential financial value of this contract.

8. Conclusions

- 8.1 This commission is a necessary route due to the expiry of the Authority's current contracts, to safeguard a disposal route for this waste type and to offer KCC best value within the available market through competition, enabling the Authority to discharge its statutory duty as a Waste Disposal Authority under the Environmental Protection Act 1990.

9. Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Environment on the proposed decision:

- (i) to tender and award a new contract for an initial 3-year period with an option to extend for up to 2 years, for the receipt and processing of bulky waste and other waste types related to the scope of these contracts and
- (ii) delegate authority to the Director Environment and Waste to award and enter appropriate contractual arrangements as necessary to implement the decision as shown at Appendix A.

10. Appendices

Appendix A – Proposed Record of Decision

Waste Treatment and Final Disposal Contracts EqIA

<https://democracy.kent.gov.uk/documents/s118154/EqIAWasteTreatmentandFinalDisposalContracts.docx.pdf>

11. Contact details.

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Susan Carey, Cabinet Member for Environment

DECISION NO:

23/00048

For publication

Key decision

Subject Matter / Title of Decision: Waste Treatment and Final Disposal Contracts

Decision:

As Cabinet Member for the Environment, I agree:

- (i) to tender and award a new contract for an initial 3-year period with an option to extend for up to 2 years, for the receipt and processing of bulky waste and other waste types related to the scope of these contracts and
- (ii) delegate authority to the Director Environment and Waste to award and enter appropriate contractual arrangements as necessary to implement the decision.

Reason(s) for decision:

KCC currently has in place contracts which are due to expire 30th June 2023, and is seeking new contractual arrangements for the processing and disposal of bulky waste deposited at the Household Waste Recycling Centres (HWRCs), as well as the bulky waste collected by the Waste Collection Authorities (WCAs) which include fly tips, marine carcasses, street cleansing and beach arisings. The new contracts will also include some contingency for the processing of residual waste.

Cabinet Committee recommendations and other consultation:

The proposed decision is being considered by Members of the Environment and Transport Cabinet Committee at their meeting on 23 May.

Any alternatives considered and rejected:

1. **Do nothing** – the current contracts will elapse. This is not an option as KCC as the Waste Disposal Authority has a statutory obligation to provide a waste disposal service as per the Environmental Act 1990.
2. **Discontinue accepting the bulky waste at the HWRCs and from Collection Authorities** – this is not an option due to KCC's obligation to take this material under waste legislation – Environmental Protection Act 1990.

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

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signed

.....
date

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From: David Brazier, Cabinet Member for Highways & Transport
Simon Jones, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee - 23 May 2023

Subject: Fastrack electrification – land matters

Decision Number: 23/00038

Classification: Unrestricted

Future Pathway of report: Cabinet Member Decision

Electoral Division: Dartford East, Dartford North East, Dartford Rural, Dartford West, Dover North, Dover Town, Dover West, Gravesham East, Northfleet & Gravesend West and Swanscombe & Greenhithe

Summary: Under decision 22/00086 the Cabinet Member for Highways and Transport agreed the delivery of three Fastrack Electrification Sites, two for Fastrack Thameside and one site for Fastrack Dover.

It has become apparent that several of the property and land related decisions may fall outside of the usual delegations outlined in KCC's Constitution, specifically its Property Management Protocol.

As a precaution, and to ensure that the project can progress to time, a further decision is required, delegated to the Director of Infrastructure, whose team will conduct negotiations as necessary on behalf of KCC's public transport team, to ensure that all property related decisions can be made efficiently.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision to authorise the Director of Infrastructure in consultation with the Corporate Director of Growth Environment and Transportation to agree all necessary contractual arrangements relating to land and property matters to facilitate the Fastrack Electrification schemes at Thameside and Dover as shown at Appendix A.

1. Introduction

- 1.1 The decision to progress with the procurement process to implement the electrification of Fastrack Bus Services in Kent, using ZEBRA funding was taken by David Brazier, Cabinet Member for Highways and Transport on 30 September 2022.
- 1.2 This further decision is requested to allow KCC Fastrack team and the KCC property/ infrastructure team to progress and finalise land matters and enter into

legal agreements with relevant District Councils, Network Rail, and other parties to allow the Fastrack electric bus charging solution to be installed as per the proposed timeline.

2. Body of the report

2.1 Fastrack is Kent County Council's Bus Rapid Transit (BRT) flagship operation at Thameside, and a new Fastrack Dover BRT service is due to begin during 2024.

2.2 The new Fastrack Thameside electric operator service is due to start operating with a new electric bus fleet from November 2024 and is currently in a procurement process for a new Fastrack electric operator with contract award due June 2023.

2.3 The electric charging infrastructure to support Fastrack needs to be installed and tested with the new zero emission buses at least one month before the start of the electric operations at both Thameside and Dover. A Fastrack Electric Charging Infrastructure Solution Contractor is currently in procurement with contract award due during October 2023.

2.4 The Fastrack Electric Bus charging infrastructure is proposed to be installed during 2024 at:

1. Acacia Hall car park, Dartford
2. Gravesend Bus Hub, Gravesend
3. Dover Priory Station, Dover

2.5 Fastrack electrification land matters include but is not limited to:

- Land leases
- Land Agreements for the duration of the Fastrack EV charging solution contract
- Easements/wayleaves
- Various license arrangements
- Other legal land matters documentation as required.

2.6 The property management protocol already delegates authority for certain transactions types however some of the required transactions fall outside of this protocol. Whilst it is possible to consider a Member decision for each matter not covered by the Property Protocol, this option was rejected as it is important that the land matters contractual agreements are concluded in a timely manner to not affect the Fastrack electrification mobilisation and construction on site or the energisation of the electrical system to allow Fastrack electric operations to commence when planned.

2.7 Fastrack supports several environment and net zero commitments in Framing Kent's Future:

- The electrification contracts will create a new generation of a 'zero emission' Fastrack and is expected to be the first fully electric bus fleet in Kent when it goes live during 2024 leading the way for future electric buses across Kent.

- Fastrack intends to source its electricity from renewable energy sources and aims to supplement the electricity by solar panels at strategic locations on the Fastrack Thameside bus shelter network and work towards sourcing locally generated solar or wind power when possible, during the contract.
- Use of Zero emission buses means reduced transport CO2 emissions and reduced air pollution in the Thameside area. Dartford Home Gardens bus corridor is the third worst for severity of air pollution in Kent and Medway, therefore Fastrack electric bus fleet will help tackle air pollution where it is most needed.
- Fastrack Thameside is now exceeding pre-covid levels of bus patronage leading the Covid bus recovery in the UK. Fastrack's ambition for electrification is to further increase modal shift to electric public transport from private car use.
- Fastrack wildflower verge planting with Phase 2 is due to be rolled out during 2023. The Fastrack team is procuring a Living Roof bus shelter contractor during 2023 to supply and install Living Roof bus shelters on the Fastrack Thameside BRT network.
- The Fastrack team work with Kent's Plan bee team and wildflowers used on the Fastrack network including on the land we require for the Electric bus chargers will attract the rare shrill carder bee and increase biodiversity of pollinators in the local areas of the three electric charging sites.

3. Financial Implications

- 3.1 The land matter costs are expected to be low value and will be met from ZEBRA funding, existing Fastrack budget and future Fastrack electric operation income for the duration of the Fastrack operator and Fastrack Electric bus charging contracts (15 years +5).
- 3.2 The key decision relating to the Fastrack electrification funding and procurement, using ZEBRA funding was taken in September 2022. This included the acceptance of the £9.5 Million DfT ZEBRA funding, which funds the Fastrack Thameside electric operator with new electric bus fleet as well as the Fastrack Opportunity Charging Infrastructure for Fastrack Thameside and Fastrack Dover. These electrification procurements are currently progressing well during 2023.

4. Legal implications

- 4.1 KCC Fastrack team and KCC Property team will utilise legal support via Invicta Law to ensure all necessary consents relating to land matters for the new Fastrack Electric bus charging infrastructure are obtained as appropriate.
- 4.2 KCC Property team will negotiate all required Heads of Terms for land transaction arrangements.

5. Equalities implications

- 5.1 A Fastrack electrification EQIA accompanied KCC's ZEBRA bid to the DfT and remains a live document. The schemes proposed are shown to have either a positive or no impact on the protected characteristics.

6. Other corporate implications

6.1 There are no other corporate implications to include in this report.

7. Governance

7.1 The Director of Infrastructure after consultation with the Corporate Director of Growth, Environment and Transport will inherit the main delegations via the Officer Scheme of Delegation to implement this decision.

8. Conclusions

- 8.1 Under **decision 22/00086** the Cabinet Member for Highways and Transport agreed the delivery of three Fastrack Electrification Sites, two for Fastrack Thameside and one site for Fastrack Dover
- 8.2 It has become apparent that several of the property and land related decisions may fall outside of the usual delegations outlined in KCC's Constitution, specifically its Property Management Protocol
- 8.3 As a precaution, and to ensure that the project can progress to time, this further decision is required, delegated to the Director of Infrastructure, whose property team will conduct negotiations as necessary on behalf of KCC's public transport team, to ensure that all land/ property related decisions can be made efficiently and do not delay the installation and energisation of the Fastrack electric charging solution which in turn delay the commencement of the new Fastrack electric operator service.

9. Recommendation

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision to authorise the Director of Infrastructure in consultation with the Corporate Director of Growth Environment and Transportation to agree all necessary contractual arrangements relating to land and property matters to facilitate the Fastrack Electrification schemes at Thameside and Dover as shown at Appendix A.

10. Appendices and Background Documents

- [Decision - 22/00086 - Fastrack Electrification and ZEBRA Commission \(kent.gov.uk\)](#)
- Appendix A: Proposed Record of Decision

11. Contact details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

David Brazier, Cabinet Member for Highways & Transport

DECISION NO:

23/00038

For publication

Key decision

Subject Matter / Title of Decision: Fastrack Electrification – land matters

Decision:

As Cabinet Member for Highways & Transport, I agree to:

To authorise the Director of Infrastructure in consultation with the Corporate Director of Growth Environment and Transportation to agree all necessary contractual arrangements relating to land and property matters to facilitate the Fastrack Electrification schemes at Thameside & Dover

Reason(s) for decision:

Under decision 22/000086 The Cabinet Member for Highways and Transport agreed the delivery of 3 Fastrack Electrification Sites, 2 for Fastrack Thameside & 1 site for Fastrack Dover.

It has become apparent that several of the property and land related decisions may fall outside of the usual delegations outlined in KCC's Constitution, specifically its Property Management Protocol.

As a precaution, and to ensure that the Fastrack electrification project can progress to time, a further decision is required, delegated to the Director of Infrastructure, whose team will conduct negotiations as necessary on behalf of KCC's public transport team, to ensure that all property related decisions can be made efficiently.

Fastrack electrification Land matters include and is not limited to :

- Land leases
- Land Agreements for the duration of the Fastrack EV Charging solution Contract
- Easements/wayleaves
- Various license arrangements
- Other legal land matters documentation as required

Cabinet Committee recommendations and other consultation:

The proposed decision is being considered by Members of the Environment and Transport Cabinet Committee at their meeting on 23 May.

Any alternatives considered and rejected:

1. The property management protocol already delegates authority for certain transaction types - this delegation would not be required for these. Returning for a Member Decision for each matter not covered by the property management protocol would introduce delay and additional unnecessary administration.

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

.....
signed

.....
date

From: David Brazier, Cabinet Member for Highways and Transport
Simon Jones, Corporate Director of Growth, Environment & Transport

To: Environment and Transport Cabinet Committee – 23 May 2023

Subject: Maintain Kent Travel Saver Price in 2023/24 and Revised Price Uplift Cap in Future Years

Key decision: 23/00053

Classification: Unrestricted

Past Pathway of report: None

Future Pathway of report: For Cabinet Member Decision

Electoral Division: All

Summary: At the county council budget setting, on the 19th of February 2023, members voted as part of the budget to increase the cost of the Kent Travel Saver (KTS), to cover both anticipated operator inflation in 2023/24 of £1.488M, but also the inflation shortfall of £1.018M for 2022/23. A sum of £2.606M, which based on the current number of standard passes, 14,500, would require the cost of the pass to be increased by £180. This is a substantial increase, at a time when users are facing a significant cost of living crisis.

The recent award of BSIP funding, provides an opportunity to maintain the cost of the KTS in 2023/24, at a time of challenge for users and at no cost to KCC. However, it is only one year of funding relief and unless other internal/external funding is found in 2024/25, then potentially a significant cost increase to KTS will be required.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision, to agree:

For financial/academic year 2023/24, to maintain the cost of the standard travel pass at £450 and the low-income pass at £120, through the use of funding provided by the Government's National Bus Strategy.

- To maintain the current instalments process.
- To maintain the current £10 administration fee for those paying via instalments on a standard pass,
- To maintain the current sibling offer, where family who have more than two children eligible for the KTS, will pay no charge for any additional pass beyond two.
- To maintain the current free pass arrangement for those in care, carers, and care leavers.

- For future years, increases in the cost of the standard and/or the low-income pass to match forecasted operator cost inflation. Whereas in previous years, increase in pass cost was capped at 5% of the gross costs of the scheme.

The Proposed Record of Decision is shown at Appendix A.

1. Introduction

- 1.1 In June 2015, Cabinet resolved to cap price increases to what was then the Young Persons Travel Pass (YPTP) and the Kent Travel Saver (KTS), at a maximum of 5% of the gross costs of the scheme.
- 1.2 This key decision also established the key service offering, with instalments added as part of the scheme later, in 2017.
- 1.3 This paper is seeking a new decision, to maintain the current 2022/23 price into 2023/24 using National Bus Strategy Funding, to maintain the current service offering, but for future years to enable price increases to cover operator inflation, with no cap based on scheme costs.

2. Body of the report

- 2.1 At the County Council budget setting meeting on the 19 February 2023, members voted to increase the cost of the KTS, so that it covered anticipated operator inflation for 2023/24 and inflation for 2022/23. This equates raising the cost of the pass by £180 to £630 based on 14,500 standard passes, with no other changes to the scheme.
- 2.2 This would be significant increase in the cost of the pass, at a time of a significant cost of living crisis and family budgets are being stretched. Under the recently approved Bus Service Improvement Plan (BSIP) allocation, granted under the National Bus Strategy, there is an opportunity to not proceed with this price increase in 2023/24.
- 2.3 The National Bus Strategy was launched in March 2021 with the aim of improving England's bus networks, through significant investment by national government. All Local Transport Authorities (LTA) were required to submit a BSIP to the Department for Transport (DfT), to seek funding for their bus service improvements and in addition they were required to establish Enhanced Bus Partnerships (EP), covering their networks. Kent submitted its BSIP in October 2021 and established its EP in April 22.
- 2.4 The Kent BSIP sought significant funding, over a three-year period, amounting to £122m. However, it became clear that available national funding would not cover all BSIPs submitted, and Kent was given an indicative allocation of £35m. This should be set against a backdrop, that nearly 50% of all who submitted a BSIP did not receive funding. Negotiations on the indicative allocation took place over 2022; delayed by the Autumn review of government spending. DfT confirmed in February 2023, that they could no longer provide the indicative funding, however, could confirm two years funding, based on Kent priorities, but to be spent in 2023/24.

- 2.5 The revised BSIP funding is £19.9M, split £12.5M capital and £6.4M revenue and this was received on the 31st of March 2023. Its acceptance is covered by key decision 23/00027.
- 2.6 Within the revenue allocation, is a £3M element for fares/promotions and DfT has approved this can be used to support retaining the KTS, at the 2022/23 price, alongside a campaign to promote more use of the KTS.
- 2.7 It does mean that in 2024/25 the cost of the pass would need to increase to reflect operator inflation in 2022/23, 2023/24 and 2024/25. Hence the cap on price is no longer affordable and the new decision reflects this.

3. Financial Implications

- 3.1 For 2023/24 to maintain the price of the KTS at 2022/23 levels, could require £2.606M based on current expectations, which is £1,018M inflation shortfall from 2022/23 and £1,488M inflation for 23/24.
- 3.2 In 2024/25, unless other external national or internal funding is available, then the cost of the KTS pass will need to rise to cover operator inflation for 2024/25, 2023/24 and 2022/23.
- 3.3 At this stage it is not possible to determine the level of increase.
- 3.4 As set out in the section 2, the benefit available from the BSIP funding is a one-year benefit.

4. Legal implications

- 4.1 There are no identified legal implications.

5. Equalities implications

- 5.1 No equalities implications identified.

6. Other corporate implications

- 6.1 Use of the BSIP funding requires that alongside KCC branding promoting the KTS, we will be required to add National Bus Strategy funding branding and will need to accommodate wording in any press/info releases.

7. Governance

- 7.1 Not applicable

8. Conclusions

- 8.1 At the county council budget setting, on the 19th of February 2023, members voted as part of the budget to increase the cost of the Kent Travel Saver, to cover both anticipated operator inflation in 2023/24 of £1.488M, but also the inflation shortfall of £1.018M for 2022/23. A sum of £2.606M, which based on

the current number of standard passes, 14,500, would require the cost of the pass to be increased by £180. This is a substantial increase, at a time when users are facing a significant cost of living crisis.

- 8.2 The recent award of BSIP funding, provided under the NBS, includes an element for the promotion of ticketing. Due to the shortened nature of the BSIP funding, there is an opportunity to now use some of this funding to retain the cost of the KTS at the 2022/23 level, as part of a promotion of using the bus to travel to school. This is one off funding, which could provide a boost to the scheme and support users during 2023/24.
- 8.3 Unless other internal/external funding is found in 2024/25, then potentially a significant cost increase to KTS will be required and hence the need for future increases not to be constrained by a cap, linked to scheme costs.

9. Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision, to agree:

For financial/academic year 2023/24, to maintain the cost of the standard travel pass at £450 and the low-income pass at £120, through the use of funding provided by the Government's National Bus Strategy.

- To maintain the current instalments process.
- To maintain the current £10 administration fee for those paying via instalments on a standard pass
- To maintain the current sibling offer, where family who have more than two children eligible for the KTS, will pay no charge for any additional pass beyond two.
- To maintain the current free pass arrangement for those in care, carers and care leavers.
- For future years, increases in the cost of the standard and/or the low-income pass to match forecasted operator cost inflation. Whereas in previous years, increase in pass cost was capped at 5% of the gross costs of the scheme.

The Proposed Record of Decision is shown at Appendix A.

10. Background Documents

Appendix A: Proposed Record of Decision
KTS EqIA

<https://democracy.kent.gov.uk/documents/s118179/EqIAMaintainKTSPricein2324andRevisedPriceUpliftCapinFutureYears.docx.pdf>

11. Contact details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

David Brazier, Cabinet Member for Highways & Transport

DECISION NO:

23/00053

For publication**Key decision: YES**

Subject Matter / Title of Decision: Maintain KTS Price in 23/24 and Revised Price Uplift Cap in Future Years.

Decision:

As Cabinet Member for Highways & Transport, I agree to;

- For financial/academic year 2023/24, to maintain the cost of the standard travel pass at £450 and the low-income pass at £120, through the use of funding provided by the Government's National Bus Strategy.
- To maintain the current instalments process.
- To maintain the current £10 administration fee for those paying via instalments on a standard pass,
- To maintain the current sibling offer, where family who have more than two children eligible for the KTS, will pay no charge for any additional pass beyond two.
- To maintain the current free pass arrangement for those in care, carers, and care leavers.
- For future years, increases in the cost of the standard and/or the low-income pass to match forecasted operator cost inflation. Whereas in previous years, increase in pass cost was capped at 5% of the gross costs of the scheme.

Reason(s) for decision:

In June 2015, Cabinet resolved to cap price increases to what was then the Young Persons Travel Pass (YPTP) and the Kent Travel Saver (KTS), at a maximum of 5% of the gross costs of the scheme. This key decision also established the key service offering, with instalments added as part of the scheme later, in 2017.

The recent award of BSIP funding, provides an opportunity to maintain the cost of the KTS in 2023/24, at a time of challenge for users and at no cost to KCC. However, it is only one year of funding relief and unless other internal/external funding is found in 2024/25, then potentially a significant cost increase to KTS will be required.

Cabinet Committee recommendations and other consultation:

The proposed decision is being considered by Members of the Environment and Transport Cabinet Committee at their meeting on 23 May.

Any alternatives considered and rejected:

To increase the cost of the Kent Travel Saver to cover anticipated operator inflation for 2023/24 and inflation for 2022/23. This equates raising the cost of the pass by £180 to £630 based on 14,500

standard passes, with no other changes to the scheme. This would be in-line with the with County Council budget approved on 19 February 2023. However, this would be significant increase in the cost of the pass, at a time of a significant cost of living crisis and family budgets are being stretched. Under the recently approved Bus Service Improvement Plan (BSIP) allocation, granted under the National Bus Strategy, there is an opportunity to not proceed with this price increase in 2023/24.

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

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signed

.....
date

From: David Brazier, Cabinet Member, Highways and Transport
Simon Jones, Corporate Director, Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 23 May 2023

Subject: Capital Drainage Framework

Key decision: 23/00054

Past pathway of paper: N/A

Future pathway of paper: For Cabinet Member Decision

Electoral Division: All Divisions

Summary: The Capital Drainage Framework expired at the end of December 2022. Commissioned contracts through this framework are nearing their end. Due to the capital budget allocation for drainage works, there is still a requirement to procure a replacement framework to deliver this programme.

This framework will commence in the summer of 2023 and will continue for a maximum of four years. There is no workload guarantee in the framework agreement. A Key Decision is required to award the contract/s for this service as the value exceeds £1m.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision to:

- a) agree the Capital Drainage Framework for a maximum of four years; and
- b) provide the Corporate Director of Growth, Environment and Transport delegated authority to procure and enter into appropriate contractual arrangements for the provision of capital drainage works or other legal agreements, as necessary to implement the decision.

1. Introduction

1.1 Commencing in the financial year of 2020/21, KCC Highways drainage team were allocated additional capital funding to start to address the prevailing backlog of drainage schemes. To ensure the programme was delivered, KCC procured a multi-contractor framework to supplement its Highway Term Maintenance Contract during this period.

1.2 This framework expired in December 2022 with the outstanding call off contracts,

which were commissioned before this date, soon due to expire. The future works programme requires a replacement framework.

1.3 The works undertaken under this framework are deemed to be low risk and include but are not limited to the following activities:

- Scheme works which may include new surface water drainage systems, including drains, pipe work, culverts, pumping stations, and/or new SUDS retro fit features, manholes/Catchpits, soakaways, gullies, improvement works to ponds and lagoons, etc.
- Routine maintenance, such as ironworks, ditching and siding, etc.
- Replace or repair damaged assets which may include broken pipes, deep bore of existing soakaways, broken covers, manholes, gullies, brickwork including headwalls, damaged culverts, etc.
- General Reinstatement works including carriageway repairs.

1.4 The new framework is required to be operational by the summer of 2023 to meet the planned schedule of forthcoming drainage work.

2. Delivery Models

2.1 Four options have been considered:

Option 1 – Do Nothing

Allow for the outstanding contracts to lapse. The Authority would not be able to deliver the planned programme of work. This presents unacceptable operational, financial, and reputational risk. **Discounted.**

Option 2 – Extension of current framework

There are no available contract extensions permissible in accordance with the Public Contracts Regulations 2015. **Discounted.**

Option 3 – Procure a replacement framework appointing three suppliers.

Set up a new framework following a PCR 2015-compliant tender exercise and recognising the anticipated volume and scale of drainage improvements. **Preferred Option.**

Option 4 – Deliver in house.

The Authority does not have the internal resources (people, plant, and facilities) to deliver this type of work in-house. The implementation cost and schedule would not be economically advantageous to meet the planned programme of work. **Discounted.**

3. Procurement Strategy (Preferred Option)

3.1 Initial market engagement was undertaken in early 2023.

3.2 This exercise identified areas of commercial and operational risk as far as:

- The framework structure.

- Supplier productivity.
 - Performance management.
 - Supply chain capacity and availability.
- 3.3 The construction market in Kent is facing continued inflation pressures and challenges due to the prevailing local and national economic climate.
- 3.4 The previous Schedule of Rates (SOR) was fixed for the initial period (18 months) of the framework.
- 3.5 When the previous framework was extended beyond the initial period the SOR was subject to an inflation adjustment which ranged from 6-8% depending on the timing of the relevant work.
- 3.6 Under the new framework, routine maintenance works below £25k will be awarded directly to the appointed framework suppliers on a rotation basis. This work will be commissioned using the SOR secured during procurement.
- 3.7 Work will be planned and allocated to framework suppliers such that it can be delivered as efficiently and effectively as possible. Suppliers, however, will not be formally allocated a geographical area with the rates secured based upon the contractors working in any location in Kent.
- 3.8 Schemes or packages of schemes over £25k will undergo a mini competition procedure. Contractors will be asked to utilise the published rates but will be asked to submit a consolidated package price for each scheme. It is anticipated that discounts for economies of scale and other operational efficiencies will be achieved for the larger schemes/packages.
- 3.9 Based on an indicative 24-month budget pipeline of £3m per annum this framework will appoint three suppliers. This will ensure sufficient continuity for the suppliers involved and will promote sustainable competition and forward delivery.
- 3.10 Regular supplier performance monitoring and reviews of package delivery and quality will be undertaken during the duration of the framework.
- 3.11 The framework value will be capped at £15m.
- 3.12 The Selection Questionnaire stage has been completed and all the companies that passed the minimum threshold have been invited to tender.
- 3.13 The tenders will be evaluated in June 2023.
- 3.14 The framework is planned to commence in summer 2023 and will continue for a period of 24 months. Extension periods totaling no more than 24 months may be offered to successful suppliers.

4. Financial Implications

- 4.1 There is no workload guarantee in the framework agreement. All work awarded to contractors will incorporate a discrete contract (from the NEC 4 suite) and will be commissioned in accordance with the appropriate governance routes.
- 4.2 The current budget for Capital Drainage works is £4.5m for this financial year (23/24). This will be split between the Highway Term Maintenance Contract and this Framework.
- 4.3 The Highway Asset Management budget which includes drainage is part funded by the Department for Transport and Kent County Council through borrowing. The budget for these works will vary each financial year due to the asset management and risk approach across the highway network. This will determine the amount of works that will be commissioned through this framework. Other services will be able to utilise this framework should the scope meet their needs.
- 4.4 It is expected that the replacement procurement will incur a price increase. This is due to the inflationary increases incurred over the last 15 months with the last increase set in early 2022.
- 4.5 A competitive procurement process will appoint the three best value suppliers from the SOR submitted which will demonstrate value for money. While the SOR will increase in line with inflation, the allocated funding is not uplifted annually, therefore it is imperative to find a solution that maximises cost efficiency and continuity.

5. Legal implications

- 5.1 Under section 41 of the Highways Act 1980, as the local Highway Authority, the Council has a legal duty to maintain its respective sections of the highway network.
- 5.2 This duty includes responsibility for maintaining, managing and, where necessary, improving sections of the network. These services need to be commissioned to ensure the Council meets its statutory obligations and that service continuity is ensured.
- 5.3 The award of any contracts will be in full compliance with all relevant procurement and governance regulations. Legal advice in consultation with the Office of General Counsel has been commissioned to review the framework procedures and the terms and conditions that will govern future schemes.

6. Equalities and Data Protection Implications

- 6.1 An Equalities Impact Assessment has been carried out and no implications have been identified at this early stage. This will be continually reviewed as the programme continues.
- 6.2 The initial screening identified that a Data Projection Impact Assessment will not

be necessary as no personal data is collected for this commission.

7. Policy Framework

- 7.1 This commission supports Framing Kent's Future 2022-2026 under Priority 2 (Infrastructure for Communities). This framework will support the delivery of maintaining, repairing, and installing drainage assets on the Kent highway network to a safe standard which supports Kent residents' accessibility to employment, education, health provision and leisure opportunities.

8. Other corporate implications

- 8.1 The decision to award contracts for these services has no significant impact on other areas of the Council's work.

9. Conclusions

- 9.1 The Capital Drainage Framework expired at the end of December 2022 and needs to be renewed.
- 9.2 A replacement framework appointing three suppliers will be awarded in the summer of 2023.

10. Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision to:

- a) agree the Capital Drainage Framework for a maximum of four years; and
- b) provide the Corporate Director of Growth, Environment and Transport delegated authority to procure and enter into appropriate contractual arrangements for the provision of capital drainage works or other legal agreements, as necessary to implement the decision.

11. Background Documents

Appendix A – Proposed Record of Decision

EqIA:

<https://democracy.kent.gov.uk/documents/s118180/EqIACapitalDrainageFramework.docx.pdf>

12. Contact details

<p>Report Author: Earl Bournier Drainage Asset Manager 03000 410095 earl.bournier@kent.gov.uk</p> <p>Robert Clark Procurement and Commercial Manager 03000 415951 Robert.Clark@kent.gov.uk</p>	<p>Relevant Director: Haroon Chughtai Director of Highways, Transportation & Waste 03000 412479 Haroon.chughtai@kent.gov.uk</p>
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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

David Brazier, Cabinet Member for Highways & Transport

DECISION NO:

23/00054

For publication

Key decision

Subject Matter / Title of Decision: Capital Drainage Framework

Decision:

As Cabinet Member for Highways & Transport, I agree:

- a) the Capital Drainage Framework for a maximum of four years; and
- b) provide the Corporate Director of Growth, Environment and Transport delegated authority to procure and enter into appropriate contractual arrangements for the provision of capital drainage works or other legal agreements, as necessary to implement the decision.

Reason(s) for decision:

The Capital Drainage Framework expired at the end of December 2022. Commissioned contracts through this framework are nearing their end. Due to the capital budget allocation for drainage works, there is still a requirement to procure a replacement framework to deliver this programme.

This framework will commence in the summer of 2023 and will continue for a maximum of four years. There is no workload guarantee in the framework agreement.

Cabinet Committee recommendations and other consultation:

The proposed decision is being considered by Members of the Environment and Transport Cabinet Committee at their meeting on 23 May.

Any alternatives considered and rejected:

Option 1 – Do Nothing: Allow for the outstanding contracts to lapse. The Authority would not be able to deliver the planned programme of work. This presents unacceptable operational, financial, and reputational risk.

Option 2 – Extension of current framework: There are no available contract extensions permissible in accordance with the Public Contracts Regulations 2015.

Option 3 – Deliver in house - The Authority does not have the internal resources (people, plant, and facilities) to deliver this type of work in-house. The implementation cost and schedule would not be economically advantageous to meet the planned programme of work.

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

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signed

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date

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From: Susan Carey – Cabinet Member for Environment
Simon Jones, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 23 May 2023

Decision No: 23/00042

Subject: Kent Minerals and Waste Local Plan 2024-39, Kent Minerals Sites Plan Update, including Local Development Scheme (Timetable) and a Mandate for Public Consultation

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: For Cabinet Member Decision

Electoral Division: Countywide

Summary: The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent. To this end, the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Full Council in July 2016 with some limited changes adopted in September 2020. The Kent Minerals and Waste Local Plan contains planning policies relating to minerals supply and waste management against which the Council assesses planning applications for these types of development. In addition, the Kent Mineral Sites Plan (adopted in September 2020) identifies three sites suitable for the quarrying of sand and gravel.

Plan making is a cyclical process and consistent with national policy requirements, an update to the adopted KMWLP is now required that will plan to 2039. During the new plan period existing permitted reserves of hard (or crushed) rock in Kent are predicted to run out and so an update to the Kent Mineral Sites Plan is being prepared with a view to identifying land suitable for new reserves. A 'Call for Sites' inviting nominations of land that offer opportunities for extraction of hard rock was undertaken last year and this resulted in a single nomination of land to the south and west of the existing Hermitage Quarry near Maidstone. In accordance with the site selection methodology that was published at the time of the Call for Sites, an initial (desktop) assessment of the suitability of the nominated site has been undertaken. Detailed technical assessment will follow a proposed public consultation during which comments on the suitability of the nominated site will be invited. A document that includes details of the nominated site is set out in Appendix 4, the Initial Site Assessment is set out in Appendix 5 and an associated draft Mineral Sites Plan Sustainability Appraisal is included in Appendix 6

As part of updating the KMWLP, two draft plans have previously been published for consultation. A summary of comments received during the most recent consultation between October and December 2022 has been prepared. The need for a small number of additional material changes has been identified and it is proposed that these be consulted upon at the same time as the site nominated for potential allocation in the Kent Mineral Sites Plan. These changes relate to updates to aggregate requirements in Policy CSM2; removal of a commitment to make provision for the management of waste produced in London; and removal of the strategic site allocation at Norwood Quarry, Sheppey for the landfill of hazardous waste specifically incinerator fly ash (Policy CSW5). The draft consultation document relating to the further proposed changes is provided in Appendix 2.

Updated timetables relating to the preparation of these Plans have been prepared and are set out in a proposed revision to the Council's Minerals and Waste Local Development Scheme included in Appendix 7.

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 in respect of her decision to:

- (i) Approve and publish for public consultation evidence relating to an update of the Kent Minerals Sites Plan, for a minimum six-week period of public consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations);
- (ii) Approve and publish for public consultation further proposed changes to the Kent Minerals and Waste Local Plan 2024-39 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Regulations;
- (iii) Agree revised timetables for preparation of the Kent Minerals and Waste Local Plan 2024-39 and updated Kent Minerals Sites Plan to be published in an updated Minerals and Waste Local Development Scheme; and
- (iv) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the consultation documents in consultation with the Cabinet Member for Environment prior to their publication for consultation.

The proposed Record of Decision is appended at Appendix A.

1 Introduction and Background

- 1.1 As the minerals and waste planning authority for Kent, the County Council is required to prepare and maintain planning policy concerning waste management and minerals supply in the County. The Kent Minerals and Waste Local Plan 2013-30 was adopted by the Council in July 2016 and sets out the strategy and policy framework for minerals and waste development in Kent

which includes future capacity and supply requirements. The Kent Minerals and Waste Local Plan, together with the Kent Mineral Sites Plan, forms part of the Development Plan for Kent which is key both for the determination of planning applications for minerals and waste development by the County Council, and applications relating to other development that may affect minerals and waste development or other aspects determined by the Kent District and Borough Councils.

- 1.2 Following its adoption, the Kent Minerals and Waste Local Plan was subject to an 'Early Partial Review' and changes resulting from this review were adopted by the Council in September 2020. Also in September 2020, the Council adopted a Minerals Sites Plan which allocates three areas of land suitable for development associated with the extraction of sand and gravel.
- 1.3 In accordance with national policy, planning policies should provide for the extraction of mineral resources of local and national importance¹ and the Kent Mineral Sites Plan allocates land considered suitable for the quarrying of aggregate minerals. Land allocations in the Minerals Sites Plan help guide the industry to make applications within locations which have been assessed as suitable in principle. The Kent Minerals Sites Plan therefore helps provide certainty that a steady and adequate supply of aggregate minerals can be maintained in Kent in accordance with national policy. The Mineral Sites Plan does not replace the statutory need for Environmental Impact Assessment of proposals, nor does it remove the need for developers to apply for detailed planning permission.
- 1.4 The National Planning Policy Framework (NPPF) (and legislation²) states policies in Local Plans should be reviewed at least once every five years to assess whether they need updating and should then be updated as necessary. A review of the Vision, Strategic Objectives and policies in the Kent Minerals and Waste Local Plan was undertaken in 2021 that concluded a need for updates to the Plan in response to relevant Government policy and legislation published since the Plan was adopted in 2016. The review also identified changes to the local context requiring further updates to be made.
- 1.5 The process of updating the Plan needs to follow that set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the plan making regulations') as well as the National Planning Policy Framework and Planning Practice Guidance. This includes updating the Kent Minerals and Waste Local Plan in accordance with a timetable published in the Minerals and Waste Local Development Scheme. A revised timetable for updating the Kent Minerals and Waste Local Plan was considered by the Environment and Transport Cabinet Committee at its meeting on 8 September 2022 and agreed by the Cabinet Member for Environment. The revised timetable was published in a revised

¹ Paragraph 210, National Planning Policy Framework, 2021

² Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Minerals and Waste Local Development Scheme.

1.6 The September 2022 Cabinet Committee also resolved to endorse the decision of the Cabinet Member to undertake public consultation on an updated Kent Minerals and Waste Local Plan with a revised plan period of 2023-38. This took account of an earlier consultation of proposed changes to the existing adopted Kent Minerals and Waste Local Plan between December 2021 and February 2022. These further proposed changes related mainly to:

- A change to the plan period from 2013-2030 to 2023-38.
- Recognition of the need to identify additional reserves, to ensure crushed rock supply is maintained (in light of the new plan period), in an update to the Minerals Sites Plan.
- new waste management targets for 2035/36 and 2040/41.
- Policy CSW17 relating to management of waste at the Dungeness Nuclear Estate taking account of an assessment (Habitats Regulations Assessment) of potential impact on nearby designated habitats.
- Policy DM3 proposes achievement of maximum biodiversity net gain rather than a minimum 10% net gain.

1.7 Legislation requires that an independent ‘Sustainability Appraisal’ of draft planning policy is undertaken that determines the likely social, economic, and environmental effects of the policies and makes recommendations for changes. A draft Sustainability Appraisal of the draft Kent Minerals and Waste Local Plan 2023-38 was also published for consultation.

1.8 Public consultation is an important part of the plan making process and is required at key stages. The table below sets out the consultations that have taken place as part of the 5-year review of the adopted plan.

Consultation	Dates	Summary
Initial consultation with key stakeholders	26 th March 2021 - 9 th April 2021 14 days	Initial evidence gathering to determine which parts of the Plan may need updating
Regulation 18 public consultation on Kent Minerals and Waste Local Plan Refresh	16 th December 2021 - 9 th February 2022 8 weeks (over Christmas period)	Consultation on proposed changes to the KMWLP’s vision, objectives, policies and supporting text in light of government policy and legislation published since 2016. Amongst other matters, this included changes to the National Planning Policy Framework, policy and legislation concerned with achieving a circular

		economy and more ambitious targets concerning biodiversity net gain.
Regulation 18 public consultation on draft Kent Minerals and Waste Local Plan 2023-38	24 th October 2022 - 5 th December 2022 6 weeks	Consultation on further proposed changes to KMWLP following previous consultation, including amongst other matters, extending the plan period to 2038 and changes to policies CSW 8, 12 and 17 and the removal of the strategic mineral site at Holborough (CSM 3).

1.9 The consultations provided an opportunity for stakeholders and communities to comment on the Council’s draft proposals for updates to the Kent Minerals and Waste Local Plan. At the same time consultees were able to comment on whether other changes were needed. The outcome of the consultation and actions needed in light of the comments received are discussed in the outline below.

1.10 The current Kent Mineral Sites Plan was adopted in 2020 and includes two allocations for working sharp sand and gravel and one for soft sand. In light of the change to the period of the Kent Minerals and Waste Local Plan, a need to allocate a site for the extraction of hard rock in the Kent Mineral Sites Plan was identified. As set out in Kent Minerals and Waste Local Development Scheme, preparation of the update to the Kent Mineral Sites Plan involves the following key stages:

- Call for Sites.
- Initial assessment of nominated sites
- Consultation on Site Options (Regulation 18) which allows a short list of potential sites to be identified.
- Detailed technical assessment of site options on the short list, including Sustainability Appraisal.

1.11 The ‘Call for Sites’ involves inviting landowners, operators, and other interested parties to nominate sites which they consider suitable for mineral extraction. A Call for Sites relating to land suitable for the extraction of hard rock was undertaken at the same time as the public consultation on the draft Kent Minerals and Waste Local Plan 2023-38 (during October to December 2022). The outcome of the Call for Sites is discussed below. A draft Site Selection Methodology was also published for consultation. The draft Site Selection Methodology proposes the way in which nominated sites would be assessed and selected for allocation in an updated Minerals Sites Plan. The method proposed follows that used to identify sites in the adopted Kent Mineral Sites Plan which involves assessment for suitability against criteria relating to the likely impacts that would arise from development in a particular location.

2 Outcome of Consultation on Kent Minerals and Waste Local Plan

- 2.1 The Regulation 18 public consultation utilised the County Council's consultation hub which notified over 5,000 members of the public who have registered an interest in environmental and planning consultations undertaken by the Council. Statutory consultees and interested stakeholders and minerals and waste organisations were also consulted.
- 2.2 Nearly 300 comments were received on the updates set out in the draft Kent Minerals and Waste Local Plan 2023-38 from 54 different stakeholders which included:
- Individuals.
 - district and borough councils.
 - parish councils.
 - statutory bodies e.g., Environment Agency.
 - the waste and minerals industry; and,
 - other stakeholder groups and organisations.
- 2.3 The comments received were generally supportive and the details are set out in Appendix 1. The main areas of comment were as follows:

General

- Extension to Plan horizon to cover 15 years supported but this means it should be to at least 2039.
- Measurable targets concerning carbon are required.
- requirement for 'Circular Economy Statements' supported but unclear how implementation will be managed, and guidance needed on requirements.
- mixed views on requiring Biodiversity Net Gain above statutory minimum target of 10%.
- changes suggested to several objectives and policies to strengthen the Plan's ability to protect and enhance biodiversity and the environment including Marine Conservation Zones.
- further suggestions for tightening up development management policies.

Minerals

- Support for deletion of strategic site for minerals (Policy CSM3 - Medway Cement Works, Holborough).
- support for update to Mineral Sites Plan to include an allocation for land won hard rock supply in light of extended plan period.
- landbanks for crushed rock should be calculated on the basis of the different qualities and uses of crushed rock quarried in Kent.
- additional emphasis on importance of safeguarding existing wharf and rail depot capacity for the long-term supply of aggregates is required.
- future demand for soft sand has been underestimated.
- Recognition of strategic significance of soft sand resources and reserves in Kent is needed as well as allocation of additional soft sand reserves.

Waste

- The 'Spatial Vision' does not adequately address the need for infrastructure to meet growth and demands in waste and resource management.
- Partnership working needed to develop new waste facilities should be included in the objectives.
- land suitable for additional waste management sites should be allocated.
- Allocating a site for management of waste from households would allow 'Section 106' agreements with new housing proposals to help fund new waste facilities.
- support for new recycling and composting targets.
- concern that assessment of future waste management requirements does not adequately identify future need for new capacity as it is not based solely on operational capacity but also includes theoretical consented capacity. Safeguarding of consented capacity which is not operational compounds this issue.
- support for proposal for 'Waste Hierarchy Statements' to be submitted with proposals for landfill and energy from waste.
- support for changes to amended policy CSW17 on radioactive waste management at Dungeness but further changes needed to be consistent with national policy/guidance.
- changes needed to the Habitats Regulation Assessment relating to changes to policy CSW17 to ensure potential impacts are properly understood and assessed.

2.4 Some minor comments were also received on the related Draft Sustainability Appraisal.

2.5 The final text of the Kent Minerals and Waste Local Plan will take into the comments made, however, apart from a few matters (set out below), it is considered that the nature of the majority of further changes means that further engagement with stakeholders is not required.

2.6 The matters on which public consultation is proposed concern the following:

- Changes to the amount of aggregate that Policy CSM2 specifies should be planned for

More recent data has been received on the sales and reserves of aggregate in Kent which affect the calculation of the amount of aggregate that will need to be supplied in Kent in future which is specified in Policy CSM2.

- Removal of the strategic site allocation at Norwood Quarry, Sheppey for the landfill of hazardous waste specifically incinerator fly ash.

This is considered appropriate as allocation of land for landfill is fundamentally contrary to the Vision and Objectives in the Plan which is for waste to be managed in accordance with the waste hierarchy which prescribes disposal as the least preferred method of managing waste. Options for managing this waste stream by means other than landfill are now available. Deletion of the

allocation would not preclude development of additional landfill capacity to manage incinerator fly ash in future. Such development could come forward if a need was demonstrated and the location for the development was found to be suitable when considered against the policies of the Development Plan (which includes the Kent Minerals and Waste Local Plan) and national planning policy.

- Removal of a commitment to make provision for the management of non-hazardous residual waste produced in London.

This commitment, which is set out in the Plan's supporting text rather than policy, is out of date in light of the fact that the 2021 London Plan expects London to be net self-sufficient in the management of such waste by 2026.

- 2.7 The details of the above proposed changes are set out in a draft consultation document included as Appendix 2.
- 2.8 Legislation requires that an independent 'Sustainability Appraisal' of draft planning policy is undertaken that determines the likely social, economic, and environmental effects of the policies and, as necessary, makes recommendations for changes. A draft Sustainability Appraisal of these proposed updates has also been prepared and this can be found as Appendix 3. A Non-Technical Summary of the Sustainability Appraisal is available as Appendix 3A.
- 2.9 It is also proposed to extend the plan period by one year from 2038 to 2039 to ensure that the updated Plan will cover a 15-year period as required by national policy.
- 2.10 Dialogue with key stakeholders, including Natural England, concerned with changes to Policy CSW17 (management of radioactive waste at Dungeness) is ongoing. In particular, this follows the Council's publication of a 'Habitats Regulations Assessment' that assessed impacts of the policy on nationally, and internationally, important habitats proximate to the Dungeness nuclear estate.

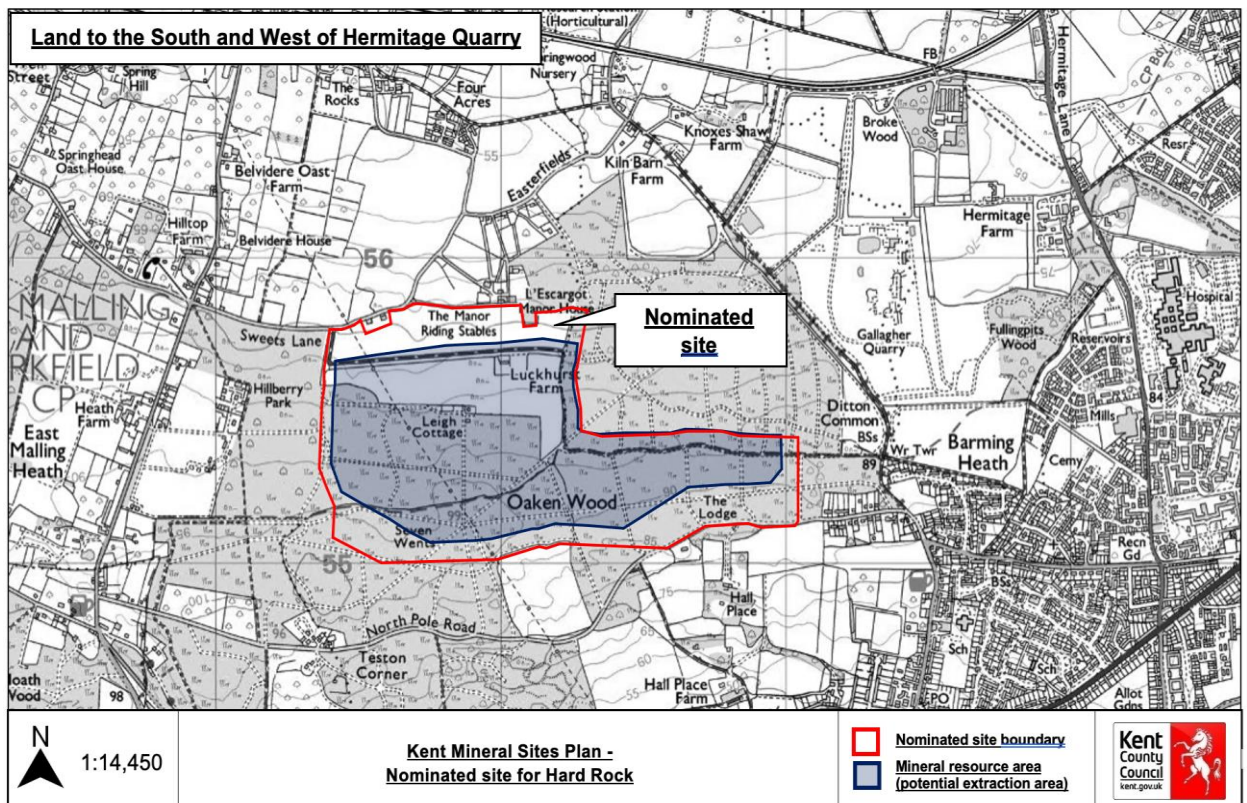
3 Update to the Kent Mineral Sites Plan

- 3.1 With regard to hard rock, the Kent Minerals and Waste Local Plan expects a 'landbank' of ten years to be maintained throughout, including at the end of, the plan period. This is consistent with national policy requirements and means a ten-year supply, in the form of permitted reserves and/or allocated reserves, needs to be demonstrated during and at the end of the plan period in 2039. Essentially this means that by 2039 there would still be ten years supply of material readily available. Current reserves are only forecast to last until 2030 and so new reserves now need to be identified in the form of an allocation(s) in the Minerals Sites Plan. Most recent data indicates that 17.4 million tonnes of hard rock need to be identified.

- 3.2 For minerals other than crushed rock (hard rock), the latest available data (as set out in Appendix 2) indicates that there is currently no need to allocate additional sites to ensure supply.
- 3.3 The key stages involved in identifying suitable new site(s) for hard rock are as follows:
- 'Call for Sites'.
 - initial assessment of nominated sites.
 - consultation (Regulation 18) on a short list of potential sites.
 - detailed technical assessment of potential sites on the short list, including Sustainability Appraisal. This assessment process identifies suitable sites for potential allocation in an updated Minerals Sites Plan.
 - period for representations (Regulation 19) on final draft Minerals Sites Plan; and,
 - independent examination of soundness and legality.
- 3.4 The Call for Sites undertaken in 2022 resulted in the nomination of a single site on land to the south and west of the existing Hermitage Quarry near Maidstone. The land has been nominated by Gallagher Aggregates Limited (GAL), the existing operators of Hermitage Quarry, and would allow for an extension of the existing quarry. Figure 1 shows the location of the site.
- 3.5 Key features of the promoted site which would need to be considered as part of the detailed technical assessment are as follows:
- The nominated land covers an area of 96 hectares within which the promoter (GAL) considers extraction of 20 million tonnes of hard rock is possible which would meet the identified forecast requirement for the plan period. The potential yield would be influenced by planning constraints and appropriate stand-offs from sensitive land uses.
 - annual output is anticipated to be around 900,000 tonnes per annum, which is the same as the current average output.
 - the site would be restored to original levels with inert restoration materials (circa 500,000 tonnes per annum) and returned to mixed native woodland and meadow, subject to biodiversity net gain requirements.
 - The promoter envisages access to the site being obtained via the existing quarry access road off Hermitage Lane and does not envisage that any increase in vehicle movements will result in working of the mineral at the site.
 - the nominated area includes the following designations within it:
 - Public Right of Way
 - Grade 2 Agricultural Land
 - Ancient Replanted Woodland with the status of 'PAWS' (Plantations on Ancient Woodland Sites)'
 - Local Wildlife Site (Oaken Wood)
 - Oaken Wood SSSI is close to the south west corner of the site;

- a National Grid Overhead High Voltage Power Line is located within the western limit of the potential site.
- there are three Air Quality Management Areas near to the site;
- there are a number of residential dwellings proximate to the site and several listed buildings;
- there may be below-ground palaeolithic interest.
- The site is within the parishes of East Malling and Larkfield and Ditton Parish within the Borough of Tonbridge and Malling and Barming Parish within the Borough of Maidstone.

Figure 1: Land to the South and West of Hermitage Quarry



- 3.6 Details of the nominated site are included in a document that shows how the site would appear in a Minerals Sites Plan were the site found to be suitable and acceptable for allocation. This document is included in Appendix 4.
- 3.7 In accordance with the Site Selection Methodology, an initial, primarily desktop, assessment of the nominated site's suitability for mineral working has been undertaken. This 'RAG Assessment' involves the scoring of the site, using a Red-Amber-Green (RAG) scale, against certain assessment criteria which include the following:
- Landscape and Visual Impacts
 - Nature Conservation and Geodiversity
 - Historic Environment
 - Water Environment (including Flooding)

- Air Quality
- Soil Quality
- Public Rights of Way
- Transport (including access)
- Services and Utilities
- Health and Amenity
- Cumulative Impacts
- Airport Safeguarding Zones
- Green Belt

3.8 The full RAG Assessment is included in Appendix 5, and this will be published to accompany the proposed consultation. The RAG Assessment identifies the following issues which will require particular further attention at the Detailed Technical Assessment stage:

- Public Rights of Way (PRoW). Currently there is a PRoW running through the area proposed for excavation and further assessment of the impact and the potential for diversion of this PRoW is required.
- Health and Amenity. The working of hard rock involves blasting which results in noise and dust. While the proposed working area is further away from main residential areas than the existing site, further assessment of the likely impact is necessary.
- Services and Utilities. An electricity power cable currently passes over the proposed extraction area. Further assessment of the impact of this on the working of the mineral, including whether the power cable can be diverted is necessary.
- Nature Conservation and Geodiversity. The extraction area includes an area that is protected from development due to the presence of Ancient Replanted Woodland classed as PAWS' (Plantations on Ancient Woodland Sites). Further assessment of the acceptability of the impact on this feature is required. This feature also exists within the current Westerly Extension at Hermitage Quarry that was granted planning permission in 2013 with a requirement to translocate the associated soils.

3.9 As with the update to the Kent Minerals and Waste Local Plan, a Sustainability Appraisal (SA) of the updated Kent Mineral Sites Plan is also required. A draft SA appraisal framework, in the form of a 'Scoping Report', that takes account of baseline conditions as well as other relevant plans, programmes, and policies which development should take account of, was published for consultation alongside the Call for Sites in 2022. Using the appraisal framework, a draft SA has now been undertaken and this is included as Appendix 6. A Non-Technical Summary of the SA is available as Appendix 6A.

3.10 The draft SA identifies potential impacts of working the land to the south and west of Hermitage Quarry which reflect those identified by the RAG Assessment. The SA also recommends ways in which impacts can be mitigated and notes the beneficial impact on the economy of working the

mineral. The impacts of a 'reasonable alternative' to working the site has also been considered in the SA. This alternative relates to not working the proposed site but instead importing hard rock from beyond Kent to meet requirements. The appraisal of the reasonable alternative notes that increased transport would mean a greater likelihood of negative impacts on air quality and climate change, and negative impacts may be caused on congestion, noise, and disturbance. The alternative was also assessed as likely to have adverse economic impacts from increased transport costs and loss of jobs within Kent. Kentish ragstone would not be available for use in heritage restoration projects, therefore adverse impacts on the built historic environment are likely. The draft SA will be made available for comments during the proposed public consultation on the nominated site.

4. Update to the Minerals and Waste Local Development Scheme

4.1 The Council is required to maintain a timetable showing how its planning policy will be prepared in a Local Development Scheme. The latest timetable for updating the Kent Minerals and Waste Local Plan and Minerals Sites Plan was agreed by the Cabinet Member in September 2022 but some minor updates are now required to reflect recent plan making progress. The table below shows the new proposed timetables alongside the version agreed last year.

Key Stages	Updated KMWLP		Updated Mineral Sites Plan	
	Current	Proposed	Current	Proposed
Consultation on Draft Updated Sites Plan (Reg 18)/Further changes to KMWLP	N/A	June-July 2023	April – June 2023	June-July 2023
Detailed technical assessment of options and identification of suitable sites for publication (see below)	N/A	N/A	June – November 2023	July – October 2023
Publication of draft KMWLP 2024-38 / Mineral Sites Plan (Reg 19) for representations on soundness	December 2023 – February 2024	No change	December 2023 – February 2024	No change
Submission to Secretary of State for examination	May 2024	No change	May 2024	No change
Independent Examination Hearings	July 2024	No change	July 2024	No change
Inspector's Report	November 2024	No change	November 2024	No change
Adoption by Council	December 2024	February 2025	December 2024	February 2025

4.2 The draft updated Minerals and Waste Development Scheme is included as Appendix 7.

5. Next Steps

- 5.1 Public consultation is required on the further updates to the emerging new draft Kent Minerals and Waste Local Plan 2024-39, and this is proposed to take place during June and July. It is anticipated that during the public consultation a public meeting will be held locally to explain the process. To support the public consultation, a document setting out the further updates, with reasoned justification for the proposed changes, has been prepared (Appendix 2). The draft Sustainability Appraisal (Appendices 3 and 3A) of the further updates will also be published for comment.
- 5.2 Comments received will be taken into account in the preparation of the Kent Minerals and Waste Local Plan 2024-39 that will be submitted to Government for independent examination into its soundness and legal compliance. Prior to its submission to Government, there will be a further opportunity for public engagement, with the Kent Minerals and Waste Local Plan 2024-39 being published for representations on its soundness and legality. In accordance with the Council's Constitution, the Kent Minerals and Waste Local Plan 2024-39 proposed for submission will be presented to Full Council for agreement following consideration by Environment and Transport Cabinet Committee and Cabinet.
- 5.3 In terms of the updated Kent Mineral Sites Plan, detailed technical assessment of the suitability of the site nominated for mineral working at land south and west of Hermitage Quarry will be undertaken by specialist in-house officers and consultants involving considerations such as impact on highways, landscape, amenity, water resources and biodiversity. Prior to the detailed technical assessment, it is proposed that details of the nominated site be published for consultation (Appendix 4). The consultation will provide an opportunity for stakeholders, including the local community, to comment on the suitability of the nominated land for mineral working, for matters raised to be considered in the detailed technical assessment and inform whether the site should be allocated or not.
- 5.4 The detailed technical assessment will allow recommendations to be made regarding the allocation of the nominated site in an updated Mineral Sites Plan. If, following consultation and detailed technical assessment, it is considered that the nominated site is suitable for mineral working then it will be included in a draft updated Kent Mineral Sites Plan that will be published for representations on its soundness and legality in accordance with Regulation 19 of the Regulations. Full Council will be asked to agree publication of any site proposed for allocation.
- 5.5 The proposed consultation on the updates to the Kent Minerals and Waste

Local Plan and the nominated site must take place in accordance with the Council's 'Statement of Community Involvement' (SCI). The SCI expects consultation in accordance with Regulation 18 to involve publication of draft documents with a period of at least six weeks allowed for comments.

- 5.6 While all stakeholders will have an opportunity to comment, specific dialogue may be sought with key stakeholder groups including Parish, District and Borough Councils in Kent, neighbouring Minerals and Waste Planning Authorities, representatives from the minerals and waste operators in Kent and interested parties such as the Environment Agency, Natural England, Historic England, and National Highways.
- 5.7 As the process of plan making takes place, it will be necessary to monitor the Government's publication of any further updates to national planning policy. In particular the Government has signaled its intention to review the National Planning Policy Framework (NPPF) to take account of its net zero carbon emissions target and to make updates to the National Planning Policy for Waste.
- 5.8 A cross party 'Informal Members Group' (IMG) is overseeing the preparation of the Kent Minerals and Waste Local Plan 2024-39 and the updated Mineral Sites Plan. The IMG will continue to meet at key stages of the plan making process.

6. Financial Implications

- 6.1 Most costs in monitoring and preparing the Council's minerals and waste planning strategy are met from the Growth and Communities Divisional budget (Planning Applications). The total cost associated with the statutory 5-year review of the adopted Local Plans is however no longer fully funded and it is anticipated that some specialist advice and the costs of the independent examination will need to be met from a corporate reserve. An estimate at this time indicates a figure of £100K, although this will be influenced by the length and complexity of the examination.
- 6.2 There is an ongoing risk and likelihood that changes proposed to the Local Plan and preparation of the Kent Mineral Sites Plan will attract objection when published for public consultation. The extent and nature of these objections will affect the financial resource required for the local plan work as these will need to be considered during the plan making process and may require additional defence of the plans at the independent examination.
- 6.3 Implementation of the Plans will ensure the wider Kent economy continues to benefit from the management of waste and supply of minerals within its area. For example, costs of waste management and mineral supply to businesses in Kent would be higher if a Plan was not in place which does not clearly state how and where waste can be managed, and minerals supplied in Kent.

7. Policy Framework

- 7.1 The Kent Minerals and Waste Local Plan and Kent Mineral Sites Plan deliver the Council's adopted Mineral and Waste planning strategy and are important in the determination of planning applications in Kent. A Local Plan is prepared in accordance with national planning policy and guidance, whilst providing a local perspective. Mineral and waste planning policies support and facilitate sustainable growth in Kent's economy. They also support the protection and creation of a high-quality environment, with accessible local services that reflect the community's needs.
- 7.2 The proposed draft Kent Minerals and Waste Local Plan 2024-39 will take account of changes to the County Council's corporate policies since July 2016 which are concerned with the way in which land is developed in Kent. These include the Kent Environment Strategy, the Kent and Medway Energy and Low Emissions Strategy and Kent's Plan Bee pollinator action plan.
- 7.3 Updating the Kent Minerals and Waste Local Plan and the Kent Mineral Sites Plan supports the County Council's strategy, Framing Kent's Future 2022-2026, which sets the Council's priorities for the next three years. In particular, the mineral and waste Vision, Strategic Objectives and planning policies help facilitate the key strategic priorities of an Environmental Step Change and Infrastructure for Communities by supporting the delivery of sustainable growth in Kent's economy. The Kent Minerals and Waste Local Plan recognises Kent's environment as a core asset and seeks to adapt to and mitigate the impacts of climate change and assist in the delivery of net zero objectives. The updated Kent Minerals and Waste Local Plan will reflect recent changes to the environmental agenda including mitigation and adaptation to Climate Change and Kent's Climate Change Statement, the Circular Economy, and biodiversity.

8. Legal Implications

- 8.1 The County Council has a legal obligation under the Town and Country Planning legislation to prepare a statutory Development Plan. The County Council is also required by national planning policy to ensure that local plans promote sustainable minerals and waste development. Updating the Kent Minerals and Waste Local Plan and the Kent Mineral Sites Plan will ensure that minerals and waste development in Kent continues to occur in line with national planning policy.
- 8.2 There is an expectation by Government (Department for Levelling Up, Housing and Communities) 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 the Secretary of State will step in as the plan making authority, reducing local accountability.
- 8.3 The process of updating planning policy must take place in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which include the requirement that public consultation takes place in

accordance with Local Planning Authority's Statement of Community involvement and the timetable in the Local Development Scheme.

9. Equalities implications

- 9.1 An equality impact assessment (EQIA) has been completed and no equalities implications have been identified which arise from the updating of the Kent Minerals and Waste Local Plan or the Mineral Sites Plan. A copy of the assessment is included at Appendix 8.

10. Conclusion

- 10.1 This report provides an update on the Council's minerals and waste local plan-making responsibilities. It reports back on the public consultation undertaken last year on a new Kent Minerals and Waste Local Plan 2023-38 which was prepared following a statutory five-year review of the current adopted Plan's effectiveness and consistency with national and local policy and local context. Some further updates to the Kent Minerals and Waste Local Plan are proposed in light of evidence and comments received during the public consultation.
- 10.2 An updated Kent Mineral Sites Plan that, if possible, will identify land suitable for extraction of hard rock, is also being prepared to ensure that a steady and adequate supply of minerals is being planned for in Kent. Consultation on land south and west of Hermitage Quarry, which was nominated for allocation in the Mineral Sites Plan, is now proposed. This consultation will help inform detailed technical assessment of the suitability of the site and whether the site should be allocated or not in the Kent Minerals Site Plan.
- 10.3 The updated Plans take account of changes to Government policy and legislation and changes to the local context in Kent including adoption of local strategies relating to climate change and the environment. A revised Local Development Scheme setting out the timetable for the work is also proposed.
- 10.4 Local plan preparation needs to be carried out in accordance with the statutory plan making process which includes public consultation and engagement on the proposed planning policy and its supporting evidence. Comments will be invited on the proposed further changes to the Kent Minerals and Waste Local Plan and supporting evidence as set out in the appendices to this report. Interested parties will also be invited to comment on the suitability of land nominated for the extraction of hard rock.

11. Recommendation

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member responsible for the Minerals and Waste Local Plan in respect of her decision to:

- (i) Approve and publish for public consultation evidence relating to an update of the Kent Minerals Sites Plan, for a minimum six-week period of public

- consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations).
- (ii) Approve and publish for public consultation further proposed changes to the Kent Minerals and Waste Local Plan 2024-39 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Regulations.
 - (iii) Agree revised timetables for preparation of the Kent Minerals and Waste Local Plan 2024-39 and updated Kent Minerals Sites Plan to be published in an updated Minerals and Waste Local Development Scheme; and
 - (iv) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the draft Kent Minerals Sites Plan and further proposed changes to the Kent Minerals and Waste Local Plan 2024-39 in consultation with the Cabinet Member for Environment prior to their publication for consultation.

The proposed Record of Decision is appended at Appendix A.

12. Contact details Lead Officer:

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Lead Director:

Stephanie Holt-Castle – Director for Growth and Communities Phone number:
03000 412064
Email: Stephanie.Holt-Castle@kent.gov.uk

Background documents:

Kent Minerals and Waste Local Plan 2013-30 as amended by the Early Partial Review 2020
Report of the 5 Year Review of the Kent Minerals Waste Local Plan, 2021
Proposed Draft Changes to the Kent Minerals Waste Local Plan, December 2021
Draft Kent Minerals and Waste Local Plan 2023-38
Kent Minerals and Waste Development Scheme, September 2022
Kent County Council Statement of Community Involvement, 2021
Environment and Transport Cabinet Committee September 2022 – item 14
Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039, May 2023

- Appendix A: Proposed Record of Decision
- Appendix 1 - Consultation on draft KMWLP 2023-38 - Comments received Oct 2022 to Dec 2022:
<https://democracy.kent.gov.uk/documents/s118198/Appendix1ConsultationondraftKMWLP202338CommentsreceivedOct2022toDec2022.docx.pdf>
- Appendix 2: Draft Kent Minerals and Waste Local Plan 2024-39 – Further Proposed Changes – Consultation Document
- Appendix 3 - Draft SA of updates to the KMWLP May 2023:
<https://democracy.kent.gov.uk/documents/s118199/Appendix3DraftSAofupdat>

- [estotheKMWLPMay2023.pdf](#)
- Appendix 3A - Non-Tech Summary of the Draft SA of updates to the KMWLP May 2023:
<https://democracy.kent.gov.uk/documents/s118200/Appendix3ANonTechSummaryoftheDraftSAofupdatestotheKMWLPMay2023.pdf>
 - Appendix 4: Draft Kent Mineral Sites Plan including details of nominated Hard Rock Site, May 2023
 - Appendix 5: Initial (RAG) Assessment of the Suitability of Nominated Land to South and West of Hermitage Quarry for Hard Rock, May 2023
 - Appendix 6 - Draft SA of updates to the Kent Mineral Sites Plan May 2023:
<https://democracy.kent.gov.uk/documents/s118201/Appendix6DraftSAofupdatestotheKentMineralSitesPlanMay2023.pdf>
 - Appendix 6A - Non-Technical Summary of the Draft SA of Update to the Kent Mineral Sites Plan May 2023:
<https://democracy.kent.gov.uk/documents/s118202/Appendix6ANonTechnicalSummaryoftheDraftSAofUpdatetotheKentMineralSitesPlanMay2023.pdf>
 - Appendix 7: Draft Minerals and Waste Local Development Scheme (proposed revision), May 2023
 - Appendix 8 EqIA - Preparation of Kent Minerals and Waste Local Plan 2024-39 and associated Kent Mineral Sites Plan:
<https://democracy.kent.gov.uk/documents/s118203/DRAFTEQIAPreparationofKentMineralsandWasteLocalPlan202439andassociatedKentMineralSitesPlanPublicCons.pdf>

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Susan Carey, Cabinet Member for Environment

DECISION NO:

23/00042

For publication**Key decision: YES**

Subject Matter / Title of Decision: Kent Minerals and Waste Local Plan 2024-39, Kent Minerals Sites Plan Update, including Local Development Scheme (Timetable) and a Mandate for Public Consultation

Decision:

As Cabinet Member for Environment, I agree to:

- (i) Approve and publish for public consultation evidence relating to an update of the Kent Minerals Sites Plan, for a minimum six-week period of public consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations);
- (ii) Approve and publish for public consultation further proposed changes to the Kent Minerals and Waste Local Plan 2024-39 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Regulations;
- (iii) Agree revised timetables for preparation of the Kent Minerals and Waste Local Plan 2024-39 and updated Kent Minerals Sites Plan to be published in an updated Minerals and Waste Local Development Scheme; and
- (iv) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the consultation documents in consultation with the Cabinet Member for Environment prior to their publication for consultation.

Reason(s) for decision:

The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent. To this end, the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Full Council in July 2016 with some limited changes adopted in September 2020.

Plan making is a cyclical process and consistent with national policy requirements, an update to the adopted KMWLP is now required that will plan to 2039. During the new plan period existing permitted reserves of hard (or crushed) rock in Kent are predicted to run out and so an update to the Kent Mineral Sites Plan is being prepared with a view to identifying land suitable for new reserves. A 'Call for Sites' inviting nominations of land that offer opportunities for extraction of hard rock was undertaken last year and this resulted in a single nomination of land to the south and west of the existing Hermitage Quarry near Maidstone.

Updated timetables relating to the preparation of these Plans have been prepared and are set out in a proposed revision to the Council's Minerals and Waste Local Development Scheme .

Cabinet Committee recommendations and other consultation:

The proposed decision is being considered by Members of the Environment and Transport at their meeting on 23 May 2023.

Any alternatives considered and rejected:

This is a statutory and regulated requirement.

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

.....
signed

.....
date



Draft Kent Minerals and Waste Local Plan 2024-39

Further Proposed Changes – Consultation Document

Regulation 18 Draft

May 2023

1.0 Introduction

- 1.1 The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent. To this end, the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Kent County Council's Full Council in July 2016. This adopted Plan was then subjected to an Early Partial Review that resulted in changes to a small number of policies that were adopted in 2020.
- 1.2 Regulations¹ require Local Plans to be reviewed every 5 years to ensure that the policies remain relevant, conform to national policy and guidance and satisfactorily address the needs for waste management and mineral supply. Work on the KMWLP review commenced in 2021 and, in light of this, revisions were proposed to principally reflect changes in national policy and guidance since 2016. These include amongst others, changes to the National Planning Policy Framework, government policy and guidance on the achievement of a circular economy and those concerned with climate change and protection and enhancement of the natural environment. Revised draft policy and supporting text were prepared.
- 1.3 The draft changes to the KMWLP were originally subject to public consultation from December 2021 to February 2022 and, in light of the comments received, a revised draft plan was prepared which was subject to further public consultation from October 2022 to December 2022. This revised draft plan can be accessed via the following website: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/housing,-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy/kent-minerals-and-waste-local-plan-kmwlp#tab-3>
- 1.4 Some additional material changes to the KMWLP are now proposed and the nature of these changes are described within this document. Comments on these changes are now invited during the public consultation taking place from XX June to XX July 2023.
- 1.5 There are three areas of the KMWLP which are proposed for further material changes, which are summarised as follows:**
- 1. Changes to Policy CSM2, and associated supporting text, relating to the quantity of aggregate mineral to be planned for.**
 - 2. Deletion of Policy CSW5 that allocates land for an extension to Norwood Quarry for subsequent filling with hazardous flue ash.**
 - 3. Deletion of paragraph 6.3.3 (and associated sub-title) which concerns making specific provision within Kent for the management of residual non-hazardous waste by landfill or energy recovery that arises in London.**

1. _____

¹ [Regulation 10A of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

1.6 Comments received during the consultation will help Kent County Council decide whether, and if so how, these changes should be included in the final draft version of the KMWLP that is timetabled for consultation in early 2024.

2.0 Changes to Policy CSM2, and associated supporting text, relating to the quantity of aggregate mineral to be planned for

2.1 Policy CSM 2 of the Kent Minerals and Waste Local Plan, in compliance with national policy, commits the County Council to plan for aggregate minerals as follows:

- A 7-year landbank for sharp sand and gravel for as long as resources allow;
- a 7-year landbank for soft sand throughout the Plan period and at its end; and,
- a 10-year landbank for hard rock throughout the Plan period and at its end.

2.2 Policy CSM2 and associated supporting text set out the amount of aggregates required to meet these landbank requirements and changes are proposed as described below. The proposed changes take account of the proposed change to the Plan period from 2013-30 to 2024-39.

Sharp Sand and Gravel

2.3 Permitted reserves of land-won sharp sand and gravel at the end of 2022 were recorded as 2.230mt. Annual sales from this sector have been reducing for several years and this has had the effect of lengthening the life of the permitted reserves projected over the Plan period which is estimated using the 10-year rolling sales average. However, as has been documented in the past and considered by Independent Examination by the Secretary of State, this sector of aggregate supply continues to deplete without any substantial replenishment and so the Plan requirement continues to exceed available permitted reserves during the Plan period of 2024-2039 (with a 7-year landbank maintained at the end of the Plan period). If they are developed, allocations in the Kent Mineral Sites Plan, will have the potential to address this shortfall, as they represent a total of 2.5mt of potential new reserves. If they are not developed, increased importation is anticipated to occur thereby addressing the market need for this aggregate type. Managed decline is the anticipated pattern of supply of land won resources in Kent in the longer term, as sustainable resources of sharp sand and gravel become depleted.

2.4 The calculation of the proposed revised Sharp Sand and Gravel requirements over the plan period is set out below:

- 10-year sales average is 175,738tpa or 0.176mtpa
- The 7-year landbank is 1.232mt
- Plan period is 15 years plus 7 (for the maintained 7-year landbank at the end of the Plan period) (2024 to 2039+7) giving a total Plan period of 22 years for this aggregate type.
- The sharp sand and gravel requirement is the ten-year sales average multiplied by the Plan period ($0.176 \times 22 = 3.872\text{mt}$). The available reserves at commencement of year 2024 are estimated at 2.054mt giving a 1.818mt shortfall over the Plan period.

- The allocated sites represent a reserve of 2.5 million tonnes. Should these sites be granted planning permission this would provide a total of 0.682mt over the Plan period

Soft Sand

2.5 Permitted reserves of soft sand (Folkestone Formation) at the end of 2022 were recorded as 5,573,784 or 5.574mt. The current annual requirement for this strategically important construction aggregate based on 10-year rolling sales averages is 0.475mtpa.

2.3 The calculation of the proposed revised Soft Sand requirements is set out below:

- 10-year sales average is 475,038.4tpa or 0.475mtpa
- A 7-year landbank is 3.325mt
- Plan period is 15 years plus 7 for the maintained 7-year landbank at the end of the Plan period (2024 to 2039+7) giving a total time Plan period of 22 years for this aggregate type.
- The soft sand requirement is the ten-year sales average times the Plan period (0.475 x 22=10.45mt).
- The available reserves at commencement of year 2024 are estimated at 5.099mt and with the release of the allocated site of 3.2mt a shortfall of 2.15mt over the Plan period is identified, though no exhaustion of available reserves by 2039 is indicated.

2.4 The extended Plan period of 2024-2039 will require both existing reserves and replenishment from an existing allocation (Chapel Farm, Lenham) to maintain supply over this period. There will be a technical shortfall of this aggregate mineral over the Plan period given that, by 2036, a 7-year maintained landbank will not be available (assuming the 3.2mt of replenishing reserves from Chapel Farm are then permitted). However, at no time over the Plan period will the supply of soft sand be exhausted (based on current sales rolling averages and permitted reserves plus potential reserves from the Chapel Farm allocation). In addition, following the Plan's adoption, there is a subsequent statutory requirement to review the Plan every five years which provides future staged opportunities to assess if further monitored supply requirements justify any allocation of additional sites.

Hard Rock

2.5 It is proposed that the local annual supply requirement be recalculated based on the change to the plan period and a change to the predicted future sales. It is proposed that rather than use the average of the previous rolling 10 years sales averages to predict future annual sales, a six-year sales average should be used instead. This is because a significant change in the sales pattern of land-won hard (crushed) rock in Kent has been observed which is likely to be sustained. The significant change was first observed in 2017 with aggregates sales increasing to over 1.0mtpa and remaining at this level to the end of 2022 (the last year of available monitored data).

2.6 The calculation of the proposed revised hard rock requirements is set out below:

- 6-year sales average is 1,240,913tpa or 1.24mtpa
- A 10-year landbank is 12.4mt
- Plan period is 15 years plus 10 for the maintained 10-year hard (crushed) rock landbank at the end of the Plan period (2024 to 2039+10) giving a total time Plan period of 25 years for this aggregate type.
- The hard (crushed) rock requirement is the six-year sales average times the Plan period (1.24 x 25=31.0mt).
- The available reserves at commencement of year 2024 are estimated at 13.62mt giving an estimated 17.38mt shortfall over the Plan period.

2.7 If possible, the shortfall is to be addressed by allocation of new hard (crushed) rock reserves (in an updated Mineral Sites Plan) sufficient to ensure an adequate and steady supply of this type of aggregate is maintained over the Plan period 2024-2039.

2.8 The text of the KMWLP in Chapter 5 (paragraphs 5.2.9 to 5.2.25) and Policy CSM2 will be updated in light of the most recent data above.

3.0 Proposal to Delete Policy CSW 5 – Strategic Site for Waste

3.1 It is proposed to delete Policy CSW 5 – Strategic Site for Waste. Policy CSW5 allocates land at Norwood Quarry Landfill site, Isle of Sheppey for restoration by landfilling with hazardous (flue) dust ash residues from Energy from Waste plants.

3.2 Development of the land as envisaged by the policy would extend the life of an existing landfill at the location dedicated to accepting this waste stream which is now expected to be exhausted by 2038.

3.3 The KMWLP promotes the management of waste in accordance with the waste hierarchy and, while disposal is not ruled out, retaining a specific allocation may no longer be consistent with the waste hierarchy. This is because an extension to the existing landfill may no longer be needed as more preferred options for managing hazardous (flue) dust ash residues further up the waste hierarchy are now viable and available.

3.4 An assessment of the future need for capacity in Kent capable of managing hazardous (flue) dust ash has been prepared and this demonstrates that significant quantities of this waste are now being managed by means other than landfill.

3.5 It is important to note that deletion of the allocation at Norwood Quarry would not preclude development of additional landfill capacity to manage hazardous (flue) dust ash residues from Energy from Waste plants in future. Such development could come forward if a need was demonstrated and the location for the development was found to be suitable when considered against the policies of the Development Plan (which includes the Kent Minerals and Waste Local Plan) and national planning policy.

3.6 The full text of Policy CSW5 is included below and a map of the allocation, as it currently appears in the Kent Minerals and Waste Local Plan is shown in Figure 1.

Policy CSW 5

Strategic Site for Waste

The proposed extension areas for Norwood Quarry and Landfill Site, Isle of Sheppey are together identified as the Strategic Site for Waste in Kent. The site location is shown on Figure 19. Unless criterion 1 below is satisfied, planning permission will not be granted for any other development other than mineral working with restoration through the landfilling of hazardous (flue) dust ash residues from Energy from Waste plants.

Mineral working and restoration by hazardous landfill and any ancillary treatment plant at the Strategic Site for Waste will be permitted subject to meeting the requirements of the development plan and the following criteria:

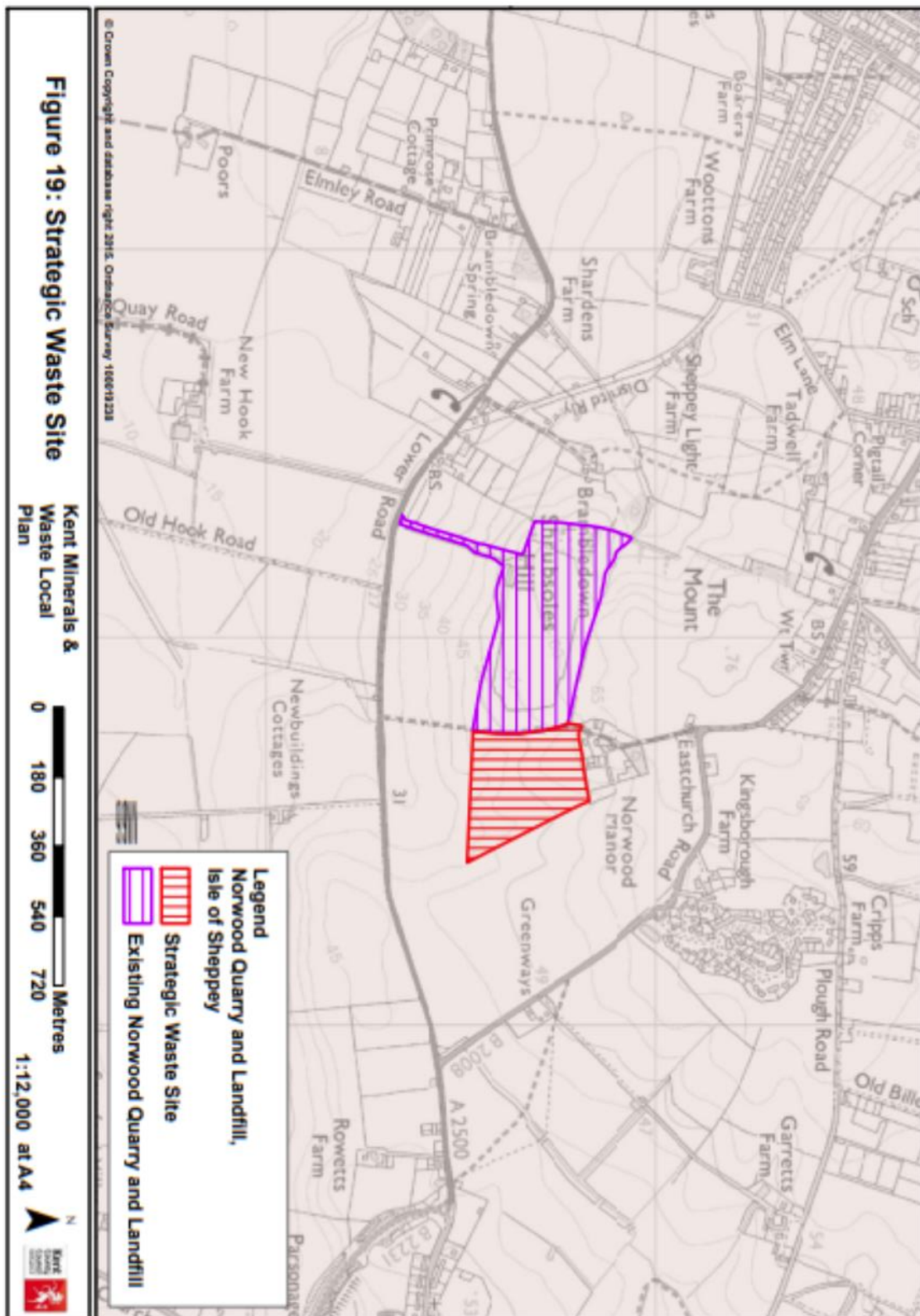
1. Demonstration that the site can be suitably restored in the event that

Continued..

landfilling of hazardous (flue) dust ash residues from Energy from Waste plants were to cease before completion of the final landform due to changes in treatment capacity and/or government policy that may result in the diversion of these wastes from landfill

2. an air quality assessment is made of the impact of the proposed development and its associated traffic movements⁷⁹ on the Medway Estuary and Marshes Special Protection Area and the Swale Special Protection Area sites and if necessary mitigation measures are required through planning condition and/or planning obligation
3. the site and any associated land being restored to a high-quality standard and appropriate after-use that accords with the local landscape character
4. Any proposal for this site would need to consider the requirements of other relevant policies of this Plan and in particular would need to consider any impacts on the A2500 Lower Road. Depending on the nature of any proposal it may be necessary for the developer to make a contribution to the improvement of this road.

Fig 1 Norwood Quarry Extension Allocation



4.0 Proposal to Delete paragraph 6.3.3 concerning provision within Kent for the management of residual non-hazardous waste arising in London

4.1 It is proposed to delete paragraph 6.3.3 in the adopted Plan concerning provision within Kent for the management of residual non-hazardous waste arising in London. Paragraph 6.3.3 of the KMWLP states the following (with earlier proposed changes² to the adopted Plan shown):

‘Provision for Waste From London

6.3.37 Specific provision in the calculations for capacity required for non-hazardous waste going to landfill or **Energy from Waste** (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~~**accepted** responsibility to make provision for **a reducing quantity** ~~element~~ of this waste. 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 planned for on a contingency basis.’

4.2 As part of the Waste Needs Assessment Update that was prepared in 2022, as part of the 5 year review of the KMWLP, specific consideration was given to how waste from London is managed in Kent³. This concluded the following (with emphasis added):

‘Assessment of current net self-sufficiency balanced for Kent residual Non-Hazardous waste combined with the London Plan commitment for London to achieve net self-sufficiency 2026 means that **specific provision in the Plan for managing London’s residual non-hazardous waste in Kent is no longer appropriate**. The commissioning of the Kemsley K3 EfW plant in 2019 and recent grant of a Development Consent Order (DCO) by the Planning Inspectorate to increase its throughput by up to 107,000 tpa of non-hazardous residual waste makes more than ample provision for non-hazardous waste from London.’

4.3 This conclusion was reached in light of the fact that the London Plan (2021) includes a target of achieving net self-sufficiency for household and commercial waste and cease landfilling of biodegradable/recyclable wastes by 2026 for the capital as a whole. This means that, after 2026, while movement to landfills outside the capital may continue (provided that they are offset by incoming flows), such waste must be non-biodegradable and/or non-recyclable (i.e., residual). This is expected to constrain exports of non-hazardous waste from London to landfill.

1. _____

² Subject to consultation December 2021 to February 2022 and October 2022 to December 2022.

³ Review of Waste Flows between Kent and London, 2022, BPP Consulting

4.4 In light of the above it is proposed to delete paragraph 6.3.3.

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Draft Kent Minerals and Waste Local Plan 2024-39

Draft Kent Mineral Sites Plan including details of nominated hard rock site

May 2023

Regulation 18 draft

This document has been published in order that Kent County Council can obtain views on the suitability of a site nominated for allocation in the Kent Minerals Sites Plan for the quarrying of hard rock.

Consultation on this document is part of an evidence gathering process and no decisions have been made on whether the site is suitable for allocation.

Detailed technical assessment of the suitability of the site will follow this consultation and responses to the consultation will inform that assessment.

Have Your Say

Public Consultation on the Draft Kent Mineral Sites Plan including details of nominated hard rock site - May 2023

The County Council is inviting comments on the draft Kent Mineral Sites Plan including details of the nominated hard rock site - May 2023

The consultation period runs from XXX June 2023 to midnight on XXX July 2023 (TBC).

The views of stakeholders, interested parties and the local community are invited on the content of the draft Kent Mineral Sites Plan including details of the nominated hard rock site - May 2023.

Comments received as a result of the consultation on this document will help to inform the detailed technical assessment work. The comments will assist in the determination as to whether or not to allocate land for the development of a hard rock quarry in an updated Kent Minerals Sites Plan.

It should be noted that there are no changes proposed to the sites allocated in the current Kent Mineral Sites Plan which was adopted in September 2020. The current Kent Mineral Sites Plan allocates land at Chapel Farm West, Lenham for a soft sand quarry and land at Moat Farm, Capel and an extension to Stonecastle Farm Quarry, Hadlow for two sharp sand and gravel quarries to be worked sequentially.

This draft Kent Mineral Sites Plan includes details of a hard rock site which has been nominated following a 'Call for Sites' process. The nominated site, on land to the south and west of Hermitage Lane Aylesford, has been subject to an initial desktop assessment and is an option at this stage. The results of the initial desktop assessment have also been published. Following the consultation the nominated site will be subject to detailed technical assessment involving considerations such as impact on highways, landscape, public amenity, water resources and biodiversity. The public consultation on this document seeks to gather evidence on the suitability of the nominated site and inform the detailed technical assessment.

It is also of note that the allocation of a site does not equate to the grant of planning permission. Any proposal for the development of an allocated site would need to secure planning consent and satisfy the requirements of the development plan and planning policy considerations at that time.

Regulation 18 - Draft Kent Mineral Sites Plan including details of nominated Hard Rock site - May 2023

As well as showing details of the nominated site, this document shows proposed changes to the text of the Kent Mineral Sites Plan which was adopted in 2020. These changes update text relating to the quantity of sharp sand and gravel and soft sand required.

Text which is proposed to be added in is shown as **bold and underlined**.

Text which is proposed to be removed is shown with a ~~striketrough~~.

Text relating to the nominated hard rock site upon which views are sought to inform detailed technical assessment is shown in *italics with grey highlight*.

You can comment on the draft Kent Mineral Sites Plan including details of the nominated Hard Rock site and the associated Sustainability Appraisal as well as other supporting evidence in writing through the following options:

- Complete our online comments form via our website at XXX (preferred method)
- Upload your completed comments form or written submission to our online consultation portal at XXX
- Email your completed comments form or written submission to mwlp@kent.gov.uk
- Post your completed comments form or written submission to Minerals and Waste Planning Policy, 1st 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 comments form on our online consultation portal.

Once the consultation has closed, the Minerals and Waste Planning Policy Team will collate all of the comments received in response to the consultation 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 nominated hard rock site.

Should you wish to view a hard copy of the main consultation documents, a copy is available at the main County Council office - Sessions House, County Hall, Maidstone, Kent ME14 1XQ between the hours of 9am and 5pm Monday to Friday for the duration of the consultation.

Should you have any queries, please contact a member of the Minerals and Waste Planning Policy team via 03000 422370 or mwlp@kent.gov.uk.

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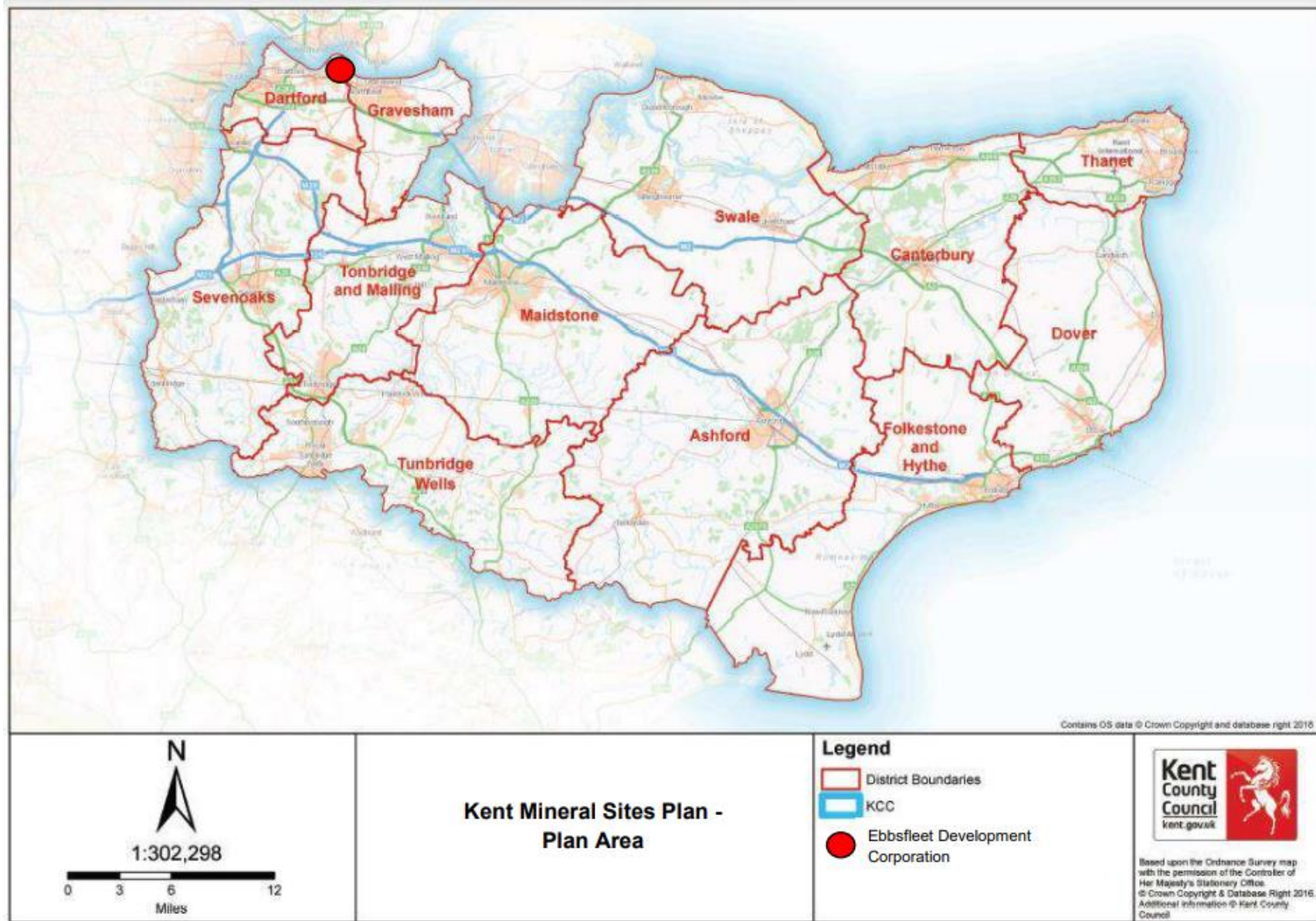
Abbreviations

<u>AQMA</u>	<u>Air Quality Management Area</u>
<u>BMV</u>	<u>Best and Most Versatile Soil</u>
<u>EPR</u>	<u>Early Partial Review</u>
<u>HER</u>	<u>Historic Environment Record</u>
<u>HRA</u>	<u>Habitats Regulation Assessment</u>
<u>KCC</u>	<u>Kent County Council</u>
<u>KMWLP</u>	<u>Kent Minerals and Waste Local Plan</u>
<u>LAA</u>	<u>Local Aggregate Assessment</u>
<u>LWS</u>	<u>Local Wildlife Site</u>
<u>m</u>	<u>Metre</u>
<u>mtpa</u>	<u>Million tonnes per annum</u>
<u>MPA</u>	<u>Mineral Planning Authority</u>
<u>MWLP</u>	<u>Minerals and Waste Local Plan</u>
<u>NPPF</u>	<u>National Planning Policy Framework</u>
<u>PPG</u>	<u>Planning Practice Guidance</u>
<u>PROW</u>	<u>Public Right of Way</u>
<u>SA</u>	<u>Sustainability Appraisal</u>
<u>SCI</u>	<u>Statement of Community Involvement</u>
<u>SFRA</u>	<u>Strategic Flood Risk Assessment</u>
<u>SPZ</u>	<u>Source Protection Zone</u>
<u>SSSI</u>	<u>Site of Special Scientific Interest</u>
<u>tpa</u>	<u>Tonnes per annum</u>

1. Introduction

- 1.1 Kent County Council has responsibility for the planning of future mineral supply for the county. **This is met by** Following the **preparation and** adoption of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP), ~~this responsibility has now been fulfilled by~~ **and** the preparation of a Kent Mineral Sites Plan (the Sites Plan). The plan area for this document is the administrative area of Kent, excluding Medway.
- 1.2 Kent contains a wide variety of mineral resources. Minerals are extracted for aggregate and non-aggregate markets. Aggregates are materials derived from sand and gravel deposits, soft (building) sands from the Folkestone Formation and crushed hard rock (Kentish Ragstone (a limestone)). They are used in the construction industry for building and maintenance purposes, including asphalt production in road building, concrete and mortar production for construction. Some aggregate minerals are also used for non-aggregate purposes, for example for beach feeding for flood defence purposes on parts of the coastline. Kent also has non-aggregate minerals, they include clay, brickearth, chalk (for construction/engineering and agricultural lime applications) and building stones (Kentish Ragstone, and extensive deposits of various sandstones that have been historically extracted). There also are reserves of industrial silica sand and brick clay within the county. However, the most significant minerals produced in the county are sharp sand and gravel, soft sand (building) and hard crushed rock (Kentish Ragstone).
- 1.3 The Sites Plan provides the spatial detail for meeting requirements for sharp sand and gravel, and for soft sand, **and hard rock** in accordance with Policy CSM 2 of the Kent Minerals and Waste Local Plan 2013-30 which the authority adopted in July 2016, following an Independent Examination in 2015. The **draft update to the** Kent Mineral Sites Plan identifies potential locations for extraction of sharp sand and gravel, and of soft sand, **and hard rock**, providing communities and the minerals industry with greater certainty about where minerals development may take place within Kent and the criteria that will need to be met.
- 1.4 The Kent Mineral Sites Plan replaces Policy CA 6 of the Kent Minerals and Waste Local Plan: Construction Aggregates 1993, as well as Policy B1 of the Kent Minerals Subject Plan: Brickearth 1986. **This draft Kent Mineral Sites Plan forms part of the Development Plan and should be read alongside the emerging draft Kent Minerals and Waste Local Plan 2024-39.**

Regulation 18 - Draft Kent Mineral Sites Plan including details of nominated Hard Rock site - May 2023



2. The Policy Context

Kent Minerals and Waste Local Plan

- 2.1 The adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) is part of the Development Plan for planning purposes. It sets out the overarching framework for the strategy and planning policies for sustainable minerals extraction, importation and recycling, and the management of all waste streams that are generated in Kent, together with their spatial implications. This includes consideration of the economic, social and environmental aspects of strategic minerals and waste planning within the county.
- 2.2 Chapter 3 of the KMWLP sets out the vision for mineral development in Kent and chapter 4 sets out 6 objectives to support this vision. Chapter 5 sets out the spatial strategy for meeting the need for minerals, identifying in general terms how much mineral will be provided over the Plan period and includes policies related to the delivery strategy for minerals (CSM policies) and Chapter 7 includes the development management policies (DM policies) which seeks to ensure that minerals development does not have unacceptable impacts.
- 2.3 Chapter 5 expects that the Mineral Sites Plan will develop the delivery strategy by allocating specific sites for mineral development in order to provide a level of certainty to local residents, the minerals industry, landowners and other interested stakeholders as to where minerals development is likely to take place.
- ~~2.4 Some work was previously undertaken on preparation of the Sites Plans that led to a Preferred Options Consultation (for waste and minerals) in May 2012. This work was not taken forward and to enable a more up-to-date appraisal of site suitability and deliverability it was considered necessary to undertake a second 'Call for Sites' exercise. This commenced in late 2016, continuing into 2017.~~
- 2.5 Policy CSM 2 of the KMWLP sets out the policy context for the Supply of Land-won Minerals in Kent. It states that "Mineral working will be granted planning permission at sites identified in a Sites Plan, subject to meeting the requirements set out in the relevant site schedule in the Mineral Sites Plan and the Development Plan".

Preparation of the Mineral Sites Plan - Matters Considered

- 2.6 For a site to be allocated in the Sites Plan, Policy CSM 2 requires site allocations to meet the following criteria:
- There has to be a requirement for the mineral;
 - consistency with relevant development management criteria;

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- consistency with relevant policies in district local and neighbourhood plans;
 - assessment based on strategic environmental information and Habitat Regulation Assessment;
 - deliverability; and
 - consistency with other relevant national planning policy and guidance.
- 2.7 In addition, the policy states that sites will generally be where viable mineral resources are known to exist, where landowners are supportive of mineral development taking place and where the Mineral Planning Authority considers that planning applications are likely to be acceptable in principle in planning terms. Discussion of some of the matters to be taken into account when preparing the Mineral Sites Plan is set out below.
- 2.8 District and Borough Councils in Kent are preparing their own Local Plans. Care has been taken to avoid any material conflict between the Mineral Sites Plan and adopted Local Plans through consultation and engagement during the Local Plan formulation process. Local Plans produced by the County Council and the District and Borough Councils, along with any Neighbourhood Plans form the Development Plan.
- 2.9 Local District and Borough Council input has been sought on the site selection process. **For the adopted sharp sand and gravel and soft sand allocations,** the outcomes of meetings held with each local council fed into the overall site screening process, and their comments were again sought prior to detailed technical assessments being undertaken on the Site Options. **Input from the local District and Borough Councils will be requested throughout the detailed technical assessment of the site nominated for hard rock.**
- 2.10 Minerals and Waste Local Plans have been adopted and are also being prepared by the minerals and waste planning authorities bordering the Sites Plan area and these have been taken into account. In accordance with the Duty to Cooperate, there has been ongoing discussion and consultation with neighbouring mineral planning authorities, especially those within the South East Region in respect of need considerations **for sharp sand and gravel, and soft sand**. The County Council is a member of the South East Aggregate Working Party, which represents the Mineral Planning Authorities in the South East and industry representatives. The work of this Group has also informed the Sites Plan work. The County Council will continue to work closely with adjoining authorities on strategic cross boundary matters.
- 2.11 In accordance with the requirements of the Habitats Directive 1992, the Site Plan **2020** has been subject to Habitats Regulations Assessment (HRA). This work has helped to inform which sites should be included for allocation within the Sites Plan. Related consultation has taken place with Natural England regarding the impact on international designations. Full details of the HRA

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assessment are available on the Council's website. *The nominated site for hard rock does not impact on international designations and therefore HRA is not required.*

- 2.12 **The Kent Mineral Sites Plan adopted in September 2020 made provisions for sharp sand and gravel and soft sand until 2030. The Kent Mineral Sites Plan adopted in 2020 allocated a soft sand quarry (Chapel Farm West, Lenham) and two sharp sand and gravel quarries to be worked sequentially (Moat Farm, Capel and an extension to Stonecastle Farm Quarry, Hadlow). Prior to these sites being allocated in the Kent Mineral Sites Plan 2020, Post publication of the Site Options were subject to a for consultation at Regulation 18 public consultation stage, and the County Council attended a number of public meeting hosted by Parish and Town Councils to explain the Sites Plan work and seek views on the proposals. The views received have informed the Site Plan work for sharp sand and gravel, and soft sand.**
- 2.13 The Planning and Compulsory Purchase Act 2004 sets out the legislative framework for the preparation of Local Plans whilst European and National policies and strategies provide guidance on their content. The Mineral Sites Plan must be consistent with European and National policies. This Plan has therefore been produced within the context of relevant Plans, Programmes and Directives which were also instrumental in shaping the Minerals Strategy 2014. The Mineral Sites Plan has also been prepared in accordance with the National Planning Policy Framework (NPPF) 2019²¹ and National Planning Practice Guidance (NPPG) 2014 for Minerals.
- 2.14 **The Town and Country Planning (Local Planning) (England) Regulations 2012 require local planning authorities to review their local plans every 5 years to ensure that the policies remain relevant, conform to national policy and guidance and satisfactorily address the needs of the local community. Work on the review of the Kent Minerals and Waste Local Plan commenced in 2021 and due to extending the plan period, along with a review of recent data on permitted mineral reserves and sales across the county, a need has arisen to identify an additional site(s) for the working of hard rock. This is to ensure the required steady and adequate supply of mineral provision over the extended plan period (2024-39). The draft Kent Mineral Sites Plan proposes to make provision for hard rock until 2039. The nominated site is an option at this stage, and if progressed, would be subject to detailed technical assessment prior to a decision on whether to allocate.**
- 2.15 **In light of the review of the Kent Minerals and Waste Local Plan and extending the Plan period until 2039, an assessment of the need for soft sand and sharp sand and gravels has been undertaken. This has identified that no further allocations for these minerals are required at this**

time. This will be subject to ongoing monitoring in future Local Plan reviews.

2.16 It should be noted that the site allocations do not equate to the grant of planning permission. Any proposal for the development of an allocated site will need to secure planning consent and satisfy the requirements of the development plan and planning policy considerations at that time.

2.17 Development of the allocations of the Mineral Sites Plan, and any other mineral developments, are subject to all the relevant policies, particularly the development management policies of the Kent Minerals and Waste Local Plan 2013-30, along with other local plans and relevant national policies.

3. Provision of Mineral Sites

3.1 The Mineral Sites Plan proposes sites for the extraction of soft sand, and sharp sand and gravel. It is considered that these allocations, in conjunction with current permitted reserves and the criteria based approach to the provision of aggregates established in Policy CSM 2 of the adopted KMWLP, will provide sufficient minerals during the Mineral Sites Plan period for the identified soft sand requirements and make an effective contribution to the supply of land-won sharp sand and gravel.

Sharp Sand and Gravel

3.2 Policy CSM 2 of the adopted **draft** Kent Minerals and Waste Local Plan **2024-39** ~~2013-30~~, in compliance with national policy, commits the County Council to make provision for at least a 7-year landbank for land-won sharp sands and gravel based on the current agreed local annual supply requirement for Kent while resources allow.

3.3 The local annual supply requirement is established annually through the Local Aggregates Assessment (LAA) process, and has been taken as the average of the previous 10 years of sales and projected over the anticipated Mineral Sites Plan Period (~~2019~~**2024**-~~2030~~**2039**) including provision for an at least 7-year landbank to be available at the end of this Plan period.

3.4 The supply of locally extracted sand and gravel will be sourced from:

- Existing permitted sites
- New sites, including extensions, as identified in the Mineral Sites Plan, and
- Other new sites not identified in the Mineral Sites Plan, deemed as acceptable sustainable mineral development in accordance with local planning policy and all material planning considerations including national planning policy.

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3.5 Based on 2014 data, the KMWLP identified a required provision over the life of the plan period of 10.08mt of sharp sands and gravel and at least 7 years supply (5.46mt). Since this time, permitted reserves have increased (due to current reserves being re-estimated), and the 10-year sales average has decreased. Therefore, a new requirement¹ has been calculated as shown in Figure 1. **The allocations in the 2020 Mineral Sites Plan were based on these calculations.**

Figure 1: Revised Sharp Sand and Gravel Site Plan Requirements 2019-2030

10-year average figure x Years covered by the Plan (18 years, 2019 to 2030 plus 7-year landbank) - Existing Permitted Reserves (estimated when Plan starts in our case 2019) = Requirement tonnage to be provided over the Plan period

Estimated permitted reserves have been calculated as follows: Reserves as of end of 2017 = 3.69

Current 10-year sales average=0.472mt

Available reserves by the end 2019 would be reduced by 2 years equivalent extraction (during 2018 and 2019 at the current 10-year sales average rate)

Available reserves at end 2019 = 3.69mt minus (2 x 0.472mt) = 2.746 mt

Therefore:

(0.472 x 18) – 2.746 = 5.75mt overall Plan requirement

3.6 Having assessed the sharp sand and gravel sites that were promoted through the 'call for sites' in accordance with planning policy, two sites are allocated to contribute to the steady and adequate supply of sharp sands and gravel, subject to demonstrating at planning application stage compliance with the development management criteria set out below and national and local planning policy:

- Stonecastle Farm Quarry Extensions, Hadlow (M13) - an extension to the existing quarry (total yield of 1,000,000 tonnes), and
- Land at Moat Farm, Five Oak Green (M10) - a proposed new quarry (total yield of 1,500,000 tonnes)

3.7 Details of the sites and the development criteria are shown on the map Kent Mineral Sites Plan - Sharp Sand and Gravels and in Appendix 1.

¹ These revised requirements are based on the Sharp Sand and Gravel Topic Paper 2018 that used data reported for sales and capacity in 2017 - the latest estimate of requirements can be found in the most recent LAA.

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- 3.8 The total yield of the sites suitable for allocation is 2.5mt. This results in a deficit of 3.25mt over the Plan period. Therefore, Kent will continue to be increasingly dependent on alternative sources to meet the demand for sharp sand and gravel. This will likely entail increased importation of sand and gravel via wharves and railheads, mainly from marine dredged materials from the East English Channel and North Sea (see LAA2018). Railheads may further distribute this material and may also have some potential to introduce land-won supply from other areas. Recycled and secondary aggregates will also contribute to overall aggregate needs but cannot be used as a substitute for all applications and is seen as making a contribution to overall supply compared to primary aggregates.
- 3.9 Any proposal for the development of either of the above allocations must address the development management considerations set out for each site in Appendix 1, in addition to any other matters relevant to the development of each proposed allocation demonstrating that any unacceptable impacts will be mitigated to the satisfaction of the Mineral Planning Authority.
- 3.10 **The need for sharp sand and gravels has been re-assessed in light of the proposed extended Plan period to 2039. This identifies a shortfall of 1.818mt (see Figure 1A below) prior to the 2020 plan allocations coming forward. In light of this, it is not proposed to allocate any further sharp sand and gravels sites. Importation continues to be an important consideration to meet sharp sand and gravel needs in the County.**

Figure 1A: Sharp Sand and Gravel Plan Requirements 2024-2039

10-year average figure x Years covered by the Plan (15 years plus 7-year landbank = 22 years) – Existing Permitted Reserves = Requirement tonnage to be provided over the Plan period

Estimated permitted reserves at the beginning of 2024 (year of Plan commencement) have been calculated as: 2.054mt

Current 10-year sales average = 0.176mt

Aggregate need: 22 years x 0.176 (10-year sales average) = 3.872mt

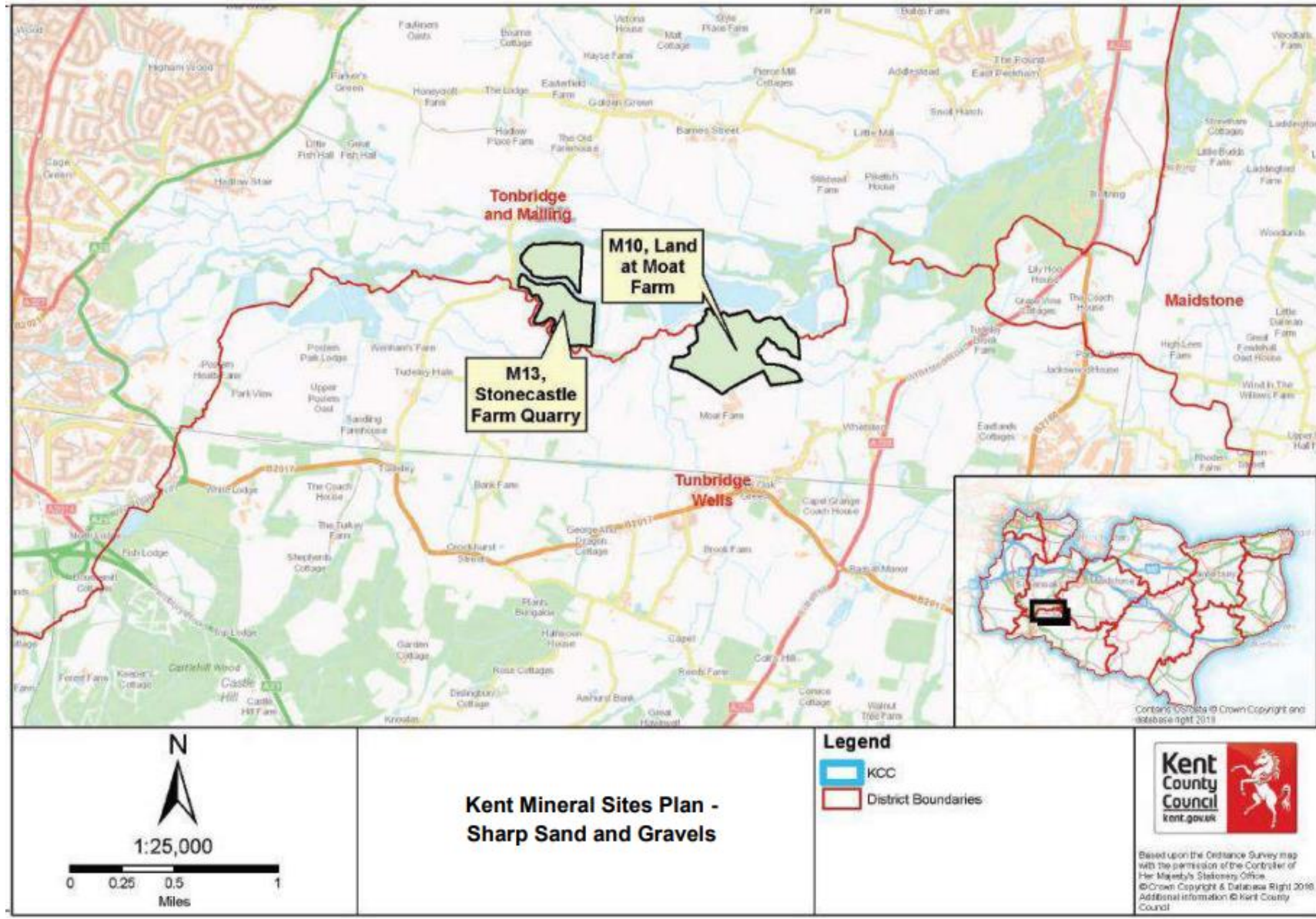
Therefore:

Plan requirement of 3.872mt – 2.054mt = 1.818mt overall estimated shortfall

The shortfall of 1.818mt to be addressed by release of site allocations and/or increased importation over Plan period 2024-2039

The allocated sites represent a reserve of 2.5 million tonnes. Should these sites be granted planning permission this would provide a total of 0.682mt over the Plan period.

Regulation 18 - Draft Kent Mineral Sites Plan including details of nominated Hard Rock site - May 2023



No changes are proposed to these adopted allocations.

Soft Sand

- 3.10 Policy CSM 2 of the ~~adopted Kent Minerals and Waste Local Plan 2013-30~~, in compliance with national policy, commits the County Council to make the provision of at least a 7-year landbank for soft sand based on the current agreed local annual supply requirement for Kent.
- 3.11 The local annual supply requirement is established annually through the Local Aggregates Assessment (LAA) process, and has been taken as the average of the previous 10 years of sales and projected over the anticipated Mineral Sites Plan Period (2019~~24~~-2030~~9~~) including provision for an at least 7-year landbank to be available at the end of this Plan period.
- 3.12 The supply of locally extracted soft sand will be sourced from:
- Existing permitted sites
 - A new site, as identified in the Mineral Sites Plan; and
 - Other new sites not identified in the Mineral Sites Plan, deemed as acceptable sustainable mineral development in accordance with local planning policy and all material planning considerations including national planning policy
- 3.13 Requirements in the ~~adopted Kent Minerals and Waste Local Plan 2013-30~~ (KMWLP) ~~suggested~~ a 5 million tonne shortfall to be met from sites identified in the Kent Mineral Sites Plan. This shortfall was based on 2014 data and assumed the need to plan for a 24-year land bank, however, the Mineral Sites Plan period is shorter (the Plan period of 11 years (2019 to 30) plus 7 years at the end of the Plan period giving 18 years in total to plan for). More recent calculations based on data in the LAA2018 regarding supply in the form of sales and available reserves to meet that demand over the Plan period, taken together with an 18-year landbank suggest the shortfall is now 2.5mt². See Figure 2. **The allocations in the 2020 Mineral Sites Plan were based on these calculations.**

² These revised requirements are based on the Soft Sand Topic Paper 2018 that used data reported for sales and capacity in 2017- the latest estimate of requirements can be found in the most recent LAA.

Figure 2 - Revised Soft Sand Site Plan Requirements 2019-2030

10-year average figure x Years covered by the plan (18 years, 2019 to 2030 plus 7-year landbank) - Existing Permitted Reserves (estimated when the plan period commences in our case 2019) = Requirement tonnage to be provided over the Sites Plan period

Estimated permitted reserves have been calculated as follows:

Reserves as of end of 2017 = 8.85

Available reserves by the end of 2019 would be reduced by 2 years equivalent extraction (using the 10-year sales average of 0.568mt for 2018 and 2019 extraction)

Available reserves at end of 2019 = 8.85 - (2 x 0.568mt) = 7.714mt

Therefore:

(0.568 x 18) - 7.714 = Overall Plan of 2.51mt requirement (rounded 2.5mt)

3.14 Having assessed the soft sand sites that were promoted through the 'call for sites' in accordance with planning policy, one site is allocated to contribute to the steady and adequate supply of soft sand, subject to demonstrating at planning application stage compliance with the development management criteria set out below and national and local planning policy:

- Chapel Farm (West), Lenham (M3³) - a proposed new quarry (total yield 3,200,000 tonnes)

3.15 Details of the site and the development criteria are shown on the map Kent Mineral Sites Plan - Soft Sand and in Appendix 1.

3.16 Any proposal for the development of the above allocation must address the development management considerations set out for the site in Appendix 1, in addition to any other planning considerations relevant to the development and that any adverse impacts will be mitigated to the satisfaction of the Mineral Planning Authority.

3.17 The yield of the Chapel Farm West site is 3.2mt. This amount can adequately meet the objectively assessed need for soft sand over the life of the Plan and will meet the requirement for a steady and adequate supply of soft sand in accordance with Policy CSM 2 of the KMWLP.

3.18 There will also be a surplus of 0.7mt of soft sand available to contribute to the wider regional need for this material.

³ As amended to exclude the eastern parcel 2018

3.19 The need for soft sand has been re-assessed in light of the proposed extended Plan period to 2039. See Figure 2A below.

Figure 2A: Soft Sand Plan Requirements 2024-2039

10-year average figure x Years covered by the Plan (15 years plus 7-year landbank = 22 years) – Existing Permitted Reserves = Requirement tonnage to be provided over the Plan period

Estimated permitted reserves at the beginning of 2024 (year of Plan commencement) have been calculated as: 5.099mt

Current 10-year sales average = 0.475mt

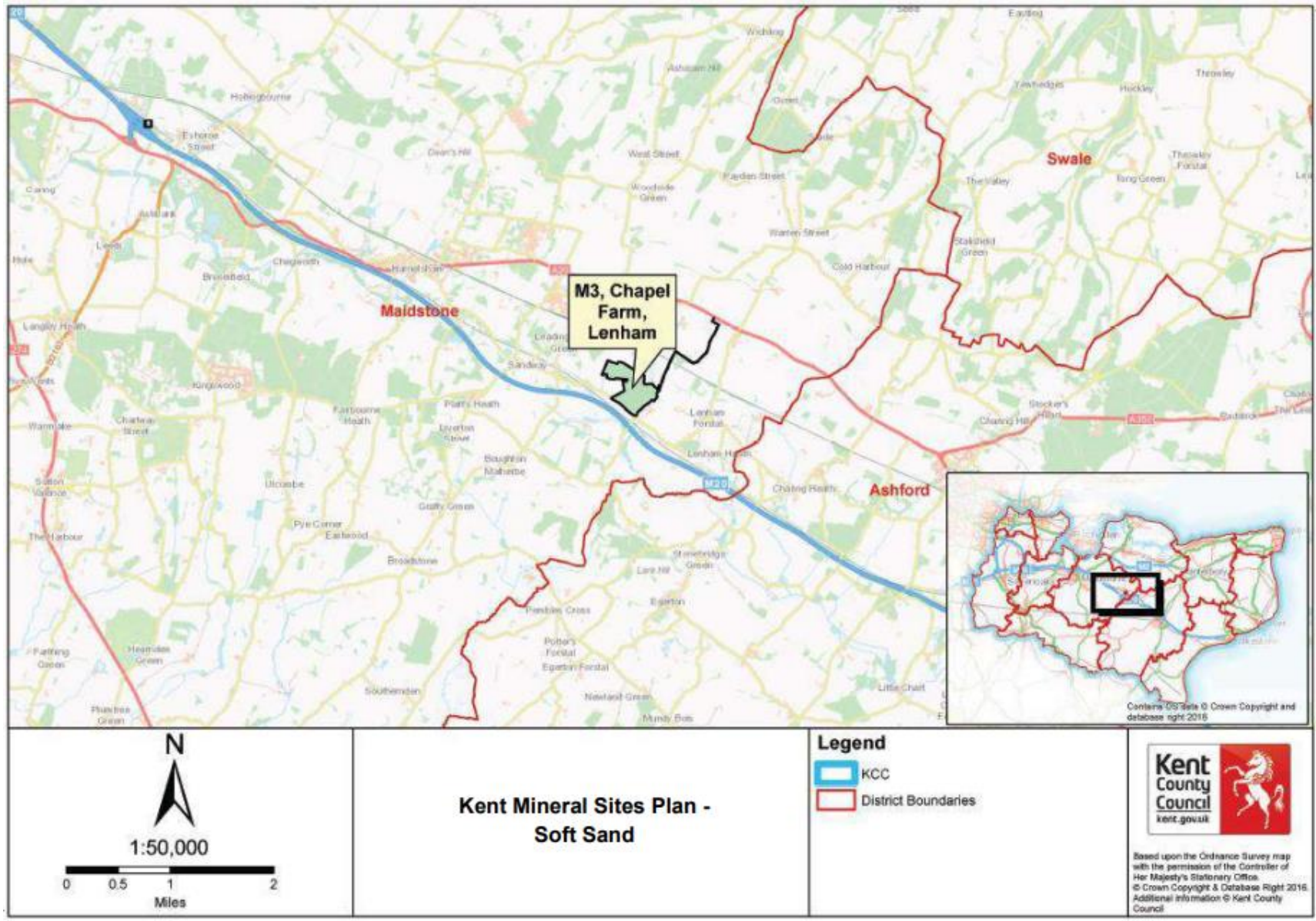
Aggregate need: 22 years x 0.475mt (10-year sales average) = 10.45mt

Therefore:

Plan requirement of 10.45mt – 5.099mt = 5.351mt

The allocated site represents a reserve of 3.2mt. Should this site be granted planning permission there would be a shortfall of 2.151mt over the Plan period but no exhaustion of available reserves by 2039 is indicated.

The extended Plan period of 2024-2039 will require both existing reserves and replenishment from an existing allocation (Chapel Farm, Lenham) to maintain supply over this period. There will be a technical shortfall of this aggregate mineral over the Plan period given that, by 2036, a 7-year maintained landbank will not be available (assuming the 3.2mt of replenishing reserves from Chapel Farm are then permitted). However, at no time over the Plan period will the supply of soft sand be exhausted (based on current sales rolling averages and permitted reserves plus potential reserves from the Chapel Farm allocation). In addition, following the Plan's adoption, there is a subsequent statutory requirement to review the Plan every five years which provides future staged opportunities to assess if further monitored supply requirements justify any allocation of additional sites.



No changes are proposed to this adopted allocation.

4. Details relating to nomination of site for hard rock

4.1 Policy CSM 2 of the Kent Minerals and Waste Local Plan, in compliance with national policy, commits the County Council to make provision for at least a 10-year landbank for hard rock throughout the Plan period and at its end, based on the current monitored local annual supply requirement for Kent.

4.2 The local annual supply requirement is established annually through the Local Aggregates Assessment (LAA) process.

4.3 The local annual supply requirement have been recalculated based on the change to the plan period and a change to the predicted future sales. It is proposed that rather than use the average of the previous rolling 10 years' sales averages to predict future annual sales, a six-year sales average should be used instead. This is because a significant change in the sales pattern of land-won hard (crushed) rock in Kent has been observed which is likely to be sustained. The significant change was first observed in 2017 with aggregates sales increasing to over 1.0mtpa and remaining at this level to the end of 2022 (the last year of available monitored data). The average of the previous 6 years of sales has therefore been projected over the anticipated Mineral Sites Plan Period (2024-39) including provision for an at least 10-year landbank to be available at the end of this Plan period.

4.4 The supply of locally extracted hard rock will be sourced from:

- Existing permitted sites
- New site(s), including potential allocations, in an updated Kent Mineral Sites Plan
- Other new sites not identified in the Mineral Sites Plan, deemed as acceptable sustainable mineral development in accordance with local planning policy and all material planning considerations including national planning policy and guidance.

4.5 Construction aggregates in Kent are formed by extraction and processing of both superficial deposits (sands and gravels) and main crustal units of the Hythe Formation (Kentish Ragstone). This ragstone material is a hard limestone rock that when processed (crushed and size selective screened) gives rise to a crushed hard rock aggregate. This material supplies a wide range of products including primary aggregates, recycling aggregates, and can be used for a variety of functions including drainage, landscaping, paving and general fill. Furthermore, the material can be used for ready mix concrete, structural concrete purposes, soils and block stone for new build and heritage projects, and large sized rock units such as gabion stone can be used for armour stone such as sea defence works.

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4.6 *The Kent Minerals and Waste Local Plan 2013-30 and the associated Kent Mineral Sites Plan 2020 did not identify a need for a hard rock allocation based on need calculations at that time.*

4.7 *The need for hard rock has been re-assessed in light of the proposed extended Plan period. See figure 3 below.*

Figure 3 : Hard Rock Plan Requirements 2024-2039

Plan Period 2024-2039 (15 years plus 10 years) = 25 years

Estimated permitted reserves at the beginning of 2024 (year of Plan commencement) have been calculated as: 13.618mt

Current 6-year sales average = 1.24mt

Aggregate Need: 25 years x 1.24mt (6-years sales average) = 31.0mt

Therefore:

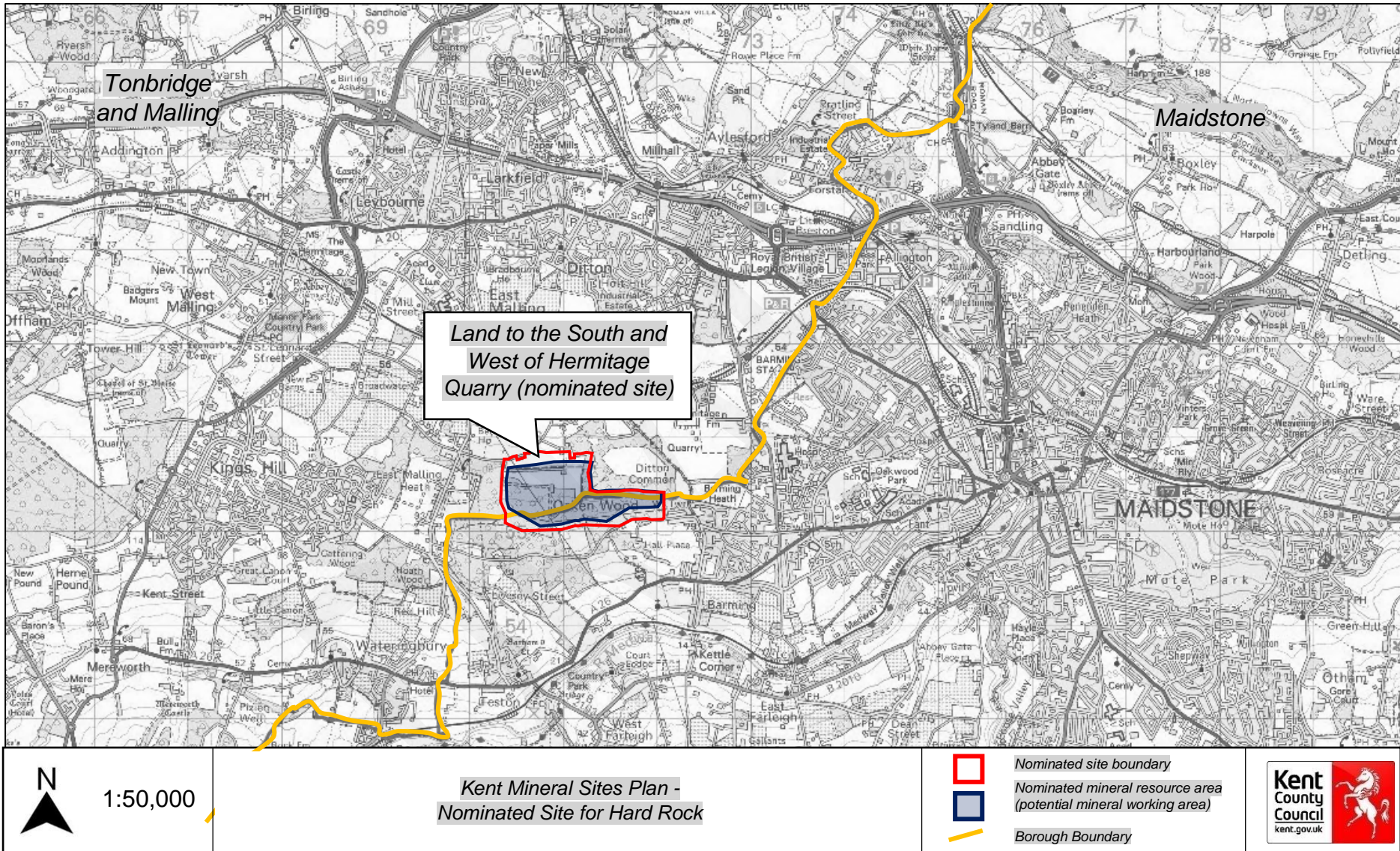
Plan requirement of 31.0mt – 13.618mt (reserves) = 17.382mt

Shortfall to be planned for = 17.382mt

4.8 *Land to the South and West of Hermitage Quarry (a proposed extension to the existing Hermitage Quarry) has been nominated for around 20 million tonnes of hard rock extraction through the 'Call for Sites' process. The nominated site will be subject to detailed technical assessment following consultation on this document.*

4.9 *Details of the nominated site and possible development management criteria that would be applied if the site was to be allocated are set out below and in Appendix 2.*

4.10 *Development management considerations are matters which any proposal for the development would have to address at planning application stage, in addition to any other matters relevant to the development that would demonstrate that any unacceptable impacts would be mitigated to the satisfaction of the Mineral Planning Authority.*



The red line boundary shows land within the control of Gallagher Aggregates Limited. This area includes indicative stand-offs and buffers between the nominated mineral working area (blue shaded area) and adjacent land uses.

The blue shaded area shows land nominated as known mineral resource which is considered by the promoter as suitable for extraction.

Appendix 1

Background

This appendix contains the Development Management Criteria for each of the allocated mineral sites. These set out the key, site specific information relating to potential constraints, opportunities and issues to be addressed at the planning application stage.

The Kent Mineral Sites Plan is an integral part of the KMWLP. The two documents should be read together, and the policies of the KMWLP, particularly the development management policies (Chapter 7) will be applied to proposals for development on sites allocated in the Kent Mineral Site Plan.

Development Management Criteria

The Development Management criteria are specific matters to be taken into account in relation to the development of each site. They also include guidance on restoration objectives. The information set out in criteria should not be considered as exhaustive. These criteria are based on an assessment of the sites at the time this Plan was prepared and if circumstances change or new information becomes available prior to sites coming forward through a planning application, this will also need to be taken into account in decision making.

As a result of the issues set out in the Development Management Criteria and depending on the precise nature of the development proposed, mitigation measures are likely to be required in order to prevent adverse impacts occurring. If adverse impacts are unavoidable and it is considered that they are an acceptable part of the development proposed, compensation measures may be required.

Extensions to Stonecastle Farm

Extensions to Stonecastle Farm Quarry, Hadlow/Whetsted

Proposed Development: Extraction of sharp sands and gravel (Sub-Alluvial River Terrace Deposits)

Site Location: Hadlow, Tonbridge

Grid Reference: E 146908, N 146908

District/Borough Council: Tonbridge and Malling (Access is within Tunbridge Wells)

Parish: Hadlow

Site Area: 28 hectares

Estimated Mineral Reserve: 1,000,000 tonnes

Existing Land Use: Agriculture

Proposed Restoration: Reedbeds and lakes

Development Management Criteria

The Stonecastle Farm Quarry Extension site is acceptable in principle for mineral development, subject to compliance with the development management considerations, with particular reference to:

Transport

- A detailed transport assessment to demonstrate compliance with KMWLP Policy DM13.
- All quarry traffic to utilise the existing Stonecastle Quarry access onto Whetsted Road, and only turn left when exiting the site.
- The site shall only be worked sequentially to the permitted phases at Stonecastle Farm Quarry or the Moat Farm Quarry (should planning permission be granted for this latter site). To avoid unacceptable impacts on the local highway network, the Stonecastle Farm Extension (M13), the Moat Farm Site (M10) and the permitted Stonecastle Farm Quarry shall not be worked concurrently.

Water Resources

- A minimum 16 metre buffer will need to be provided between extraction and nearby watercourses.
- Demonstration that the site will have no adverse impacts on hydrology or hydrogeology. This should be undertaken in liaison with South East Water

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and the Environment Agency and will need to include (amongst other matters) the following:

- The risk of pollutants entering the restored open lakes
- A Hydrometric Monitoring Strategy; the results of this should be regularly reviewed and the conceptual model of the site updated as required
- Risk to derogation of the activities subject to Abstraction Licences in the vicinity of the site.
- Compliance with the Environment Agency's approach to the management and protection of groundwater as outlined within their Groundwater Protection Position Statements and take all measures and precautions necessary to avoid deterioration in the quality of groundwater below the site.
- The restoration plan will need to have reference to the proposed lakes and their interface with the nearby watercourses in accordance with Environment Agency advice. It must also include evidence to demonstrate how the integrity of nearby watercourses will be retained.
- The two abstraction licences within the vicinity of the site will need to be taken into account.
- Dewatering techniques must not be used that would impact local water resources.
- Any application will need to be accompanied by a detailed flood risk assessment.

Amenity

- A lighting, noise, dust and vibration management plan should be completed, setting out how unacceptable impacts will be avoided. A detailed dust assessment and management plan should be submitted which follows best practice and any national Government guidance (e.g. Planning Practice Guidance).
- Compliance with policy DM11 of the Kent Minerals and Waste Local Plan in respect of health and amenity.

Biodiversity

- A detailed ecological appraisal setting out any mitigation measures needed to ensure there are no unacceptable impacts on Kent's biodiversity assets, and measures to be taken to provide a net gain in biodiversity.
- Detailed restoration proposals will need to demonstrate that the potential loss of the BAP habitat deciduous woodland is offset by replacement woodland provision within the proposed restoration plan. This should include a range of trees and shrub sizes to create a vertical design element to the planting.
- Any operations should exclude the Ancient Woodland and a suitable buffer should be employed as to not impact on the designation directly or indirectly
- Restoration scheme should incorporate additional woodland planting where possible, including native evergreen species along the western and southern boundaries of the proposed quarry extension site.

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- Suitable buffer zones and mitigation to be proposed to mitigate impacts to Local Wildlife Site TM20.
- The developer to appropriately manage the Nuttall's pondweed and Crassula in the area.
- The need for compensatory replacement habitat should be considered.

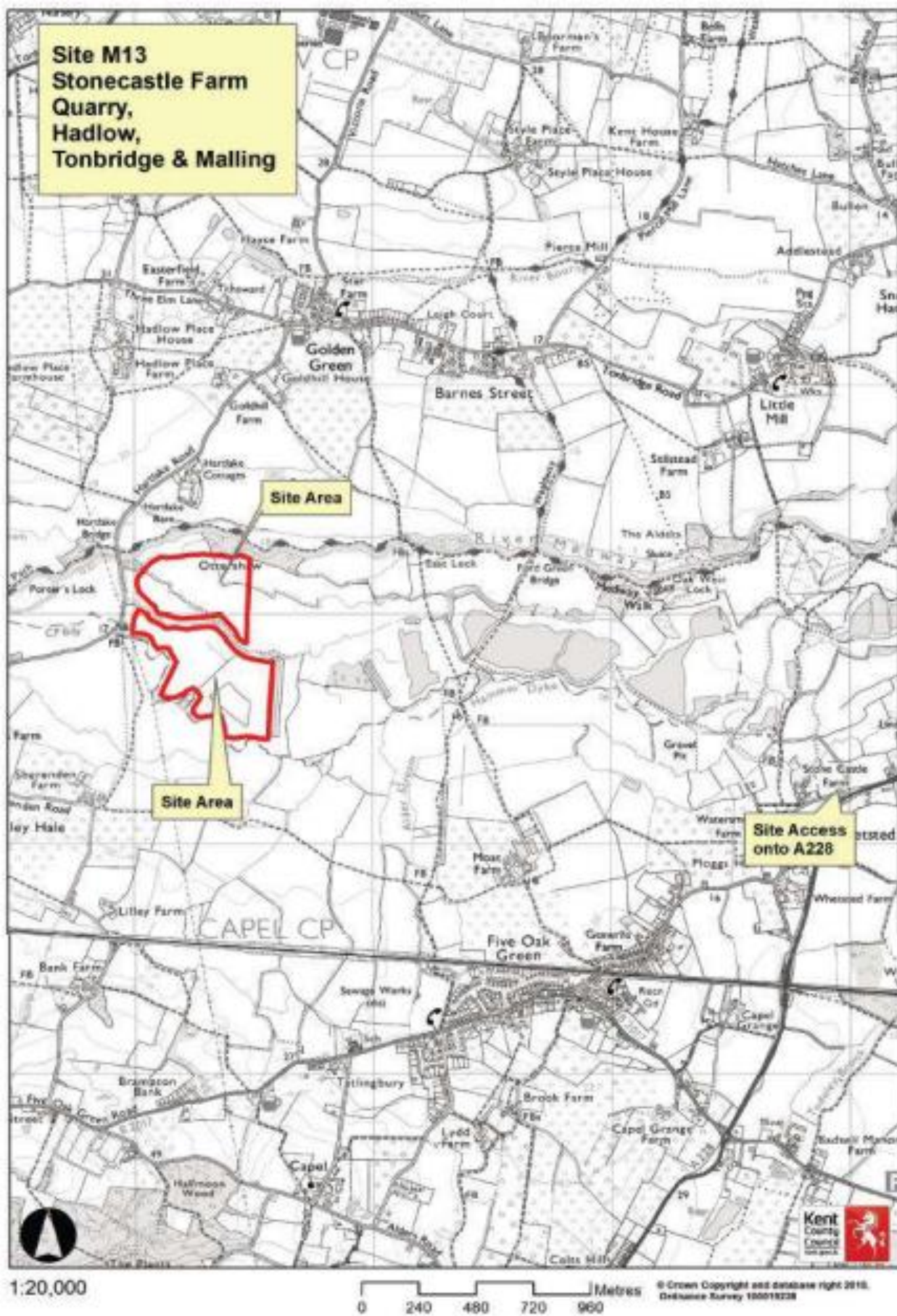
Heritage

- Further assessment of the potential impact of proposals on the historic landscape and surviving features is necessary and should account of the historic landscape should be taken during works and in later site landscaping and restoration programme.
- The impact of proposals upon nearby Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.
- Any planning application should be accompanied by a full archaeological impact assessment to ascertain the extent of any remains.

Green Belt

- The site is located within the Metropolitan Green Belt and any proposal for development of the site must demonstrate how it is consistent with national and local policy on development within the Green Belt.

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Moat Farm

Moat Farm, Capel, Tonbridge

Proposed Development: Extraction of sharp sands and gravel (Sub-Alluvial River Terrace Deposits)

Site Location: Five Oak Green, Capel, Tonbridge Grid Reference: E 564578, N 146400 District/Borough Council: Tunbridge Wells Parish: Capel

Site Area: 38.2 hectares

Estimated Mineral Reserve: 1,500,000 tonnes

Existing Land Use: Agriculture

Proposed Restoration: Phased wetland restoration

Development Management Criteria

The Moat Farm site is acceptable in principle for mineral development, subject to compliance with the development management considerations, with particular reference to:

Transport

- A detailed transport assessment to demonstrate compliance with KMWLP Policy DM 13.
- Mineral must be removed from the site via the Stonecastle Farm site to the north such that access onto the highway network is achieved using the existing and approved access for the Stonecastle Farm Quarry, and HGVs only turn left when exiting the site.
- The site shall only be worked sequentially to the permitted phases at Stonecastle Farm Quarry or the Moat Farm Quarry (should planning permission be granted for this latter site).
- To avoid unacceptable impacts on the local highway network, the Stonecastle Farm Extension, the Moat Farm Site and the permitted Stonecastle Farm Quarry shall not be worked concurrently.
- Proposals for the diversion for PROW will be required which show how connectivity of the surrounding PROW network will not be lost.

Water Resources

- A 16 metre buffer should be provided between extraction areas (and areas that have been extracted) and nearby watercourses (including ditches) to alleviate flood risk in the area. Furthermore, should the Alder Stream require diversion, this should be subject to EA approval and hydraulic modelling must be undertaken to inform the diversion route and the potential impact on flood risk elsewhere.

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- Any restoration works should not include raising the ground levels over existing levels as this will have an adverse impact on flood risk. Wetland restoration is preferable.
- Any application will need to be accompanied by a detailed flood risk assessment with measures identified to minimise and/or mitigate flood risk.
- The site overlies the gravel aquifer and near the edge of an SPZ3 for a public water abstraction borehole. Wet working, that being the extraction of materials from below the water table level, should be employed to negate the need to de-water the active quarried areas.
- A regime of local water quality monitoring is required to be agreed with the Environment Agency and South East Water.

Biodiversity

- Any proposal would need to be accompanied by a detailed ecological appraisal setting out any mitigation measures needed to ensure there are no unacceptable impacts on Kent's biodiversity assets, and measures to be taken to provide a net gain in biodiversity.
- Any operations should exclude the Ancient Woodland and a suitable buffer should be employed as to not impact on the designation directly or indirectly.

Health and Amenity

- Compliance with policy DM 11 of the Kent Minerals and Waste Local Plan in respect of health and amenity.
- A lighting, noise, dust, and vibration management plan should be completed, setting out how unacceptable impacts will be avoided. A detailed dust assessment and management plan should be submitted which follows best practice and any national Government guidance (e.g. Planning Practice Guidance).

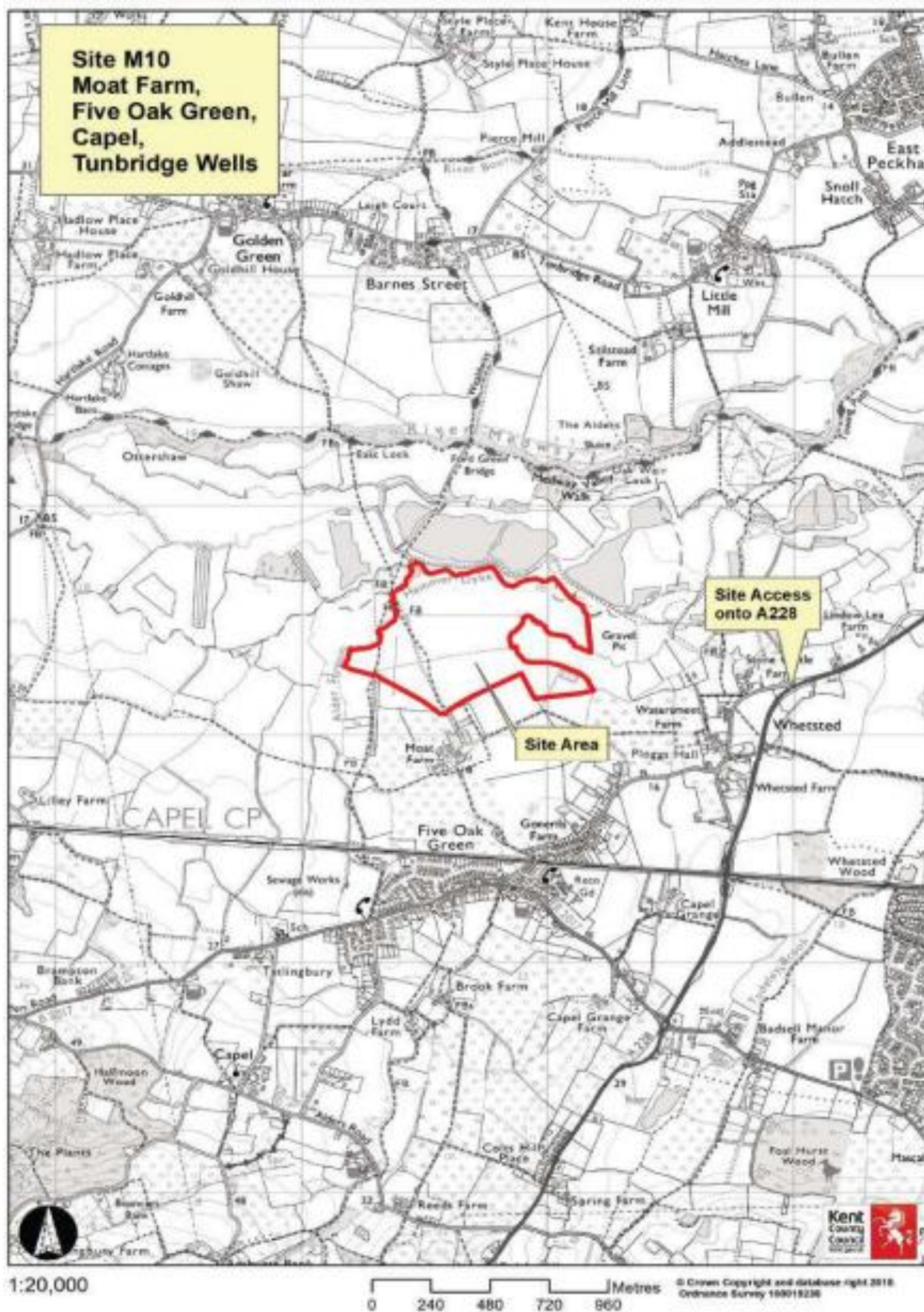
Heritage

- There is potential for Palaeolithic remains within the site. Therefore, any planning application should be accompanied by a full archaeological impact assessment to ascertain the extent of such remains.
- The impact of proposals upon nearby Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.

Green Belt

- The site is located within the Metropolitan Green Belt and any proposal for development of the site must demonstrate how it is consistent with national and local policy on development within the Green Belt.

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Chapel Farm

Chapel Farm, Lenham (Western Site)

Proposed Development: Extraction of soft sand (Sandstone: Folkestone Formation)

Site Location: Lenham, Maidstone Grid Reference: E 590223, N 150704
District/Borough: Maidstone

Parish: Lenham

Site Area: 35.4 hectares

Estimated Mineral Reserve: 3,200,000 tonnes

Existing Land Use: Agriculture

Proposed Restoration: Low level restoration to agriculture using existing soils

Development Management Criteria

The Chapel Farm, Lenham (Western Site) (M10) is acceptable in principle for mineral development, subject to compliance with the development management considerations, with particular reference to:

Biodiversity

- At least a 15 metre buffer to be maintained around the Ancient Woodland and protected trees at all times.
- Lenham Quarry SSSI is approximately 800m from the site and Hart Hill SSSI is 2.5km away; both are designated for their geological interest. Lenham Heath & Chilston Park and Bull Heath Pit Local Wildlife Sites (LWS) are adjacent to the proposed site. Evidence to be submitted with any planning application to confirm that the LWS and SSSIs will not be adversely impacted.
- Woodland copse to the north-west corner of the site must be maintained. A detailed ecological appraisal is required (including all recommended species/habitat surveys) setting out any mitigation measures needed to ensure there are no unacceptable adverse impacts on Kent's important biodiversity assets.
- Detailed restoration proposals should set out measures to be taken to provide a net gain in biodiversity.

Landscape

- Detailed information setting out proposed mitigation of landscape and visual impacts demonstrating that the setting of, and views into and out of, the Kent Downs AONB will not be adversely impacted.

Heritage

- Nearby listed buildings include Royton Manor (Grade II*) and Chapel Mill (II), Vine House (II) and Mount Castle Farm Cottage (II). Consideration and mitigation of impacts on heritage assets including listed buildings is required. The impact of proposals upon the Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.
- Any planning application should be accompanied by a full archaeological impact assessment to ascertain the extent of any remains.

Water Resources

- Any application will need to be accompanied by an EIA with particular emphasis on the site's relationship and impact on the Great Stour.
- Appropriate mitigation measures and monitoring will need to be implemented as per the request of the Environment Agency, to demonstrate the following:
 - Hydraulic continuity between those reaches of the Great Stour and associated tributaries, if proven to be in part dependent on groundwater baseflow originating from the adjoining aquifer (Folkestone Formation).
 - The hydraulic integrity of the river is not compromised. In particular, the proposed plans will need to recognise the function of the foremost transient reaches of the Great Stour, which are dependent on both chalk escarpment seepage and surface runoff contributions, where underlain by Gault Clay to the immediate north of Chapel Farm. Any submission will need to account for this 'contribution', and the plans cannot allow the Great Stour to become hydraulically 'isolated' from its headwaters, irrespective of whether those watercourses are quantified as ephemeral.
 - The underlining Sandgate Formation is not compromised, especially if the Formation is shown to be acting as an aquiclude at Chapel Farm, and within the immediate vicinity. Such a response is required to protect the Hythe Formation, which is classified as a major water resources aquifer unit.

Transport and Access

- A detailed transport assessment to demonstrate compliance with KMWLP Policy DM 13.
- The Transport Assessment should consider ability to access the site via rail, impacts on the A20 and the Maidstone AQMA and show how any potential adverse impacts on this AQMA will be mitigated.
- Public Rights of Way (PROWs) that run adjacent and within the site will require appropriate diversions and screening to mitigate any impact on the PROW network as necessary.
- The site will only be worked sequentially to the permitted site at Burleigh Farm, Charing.

Utilities

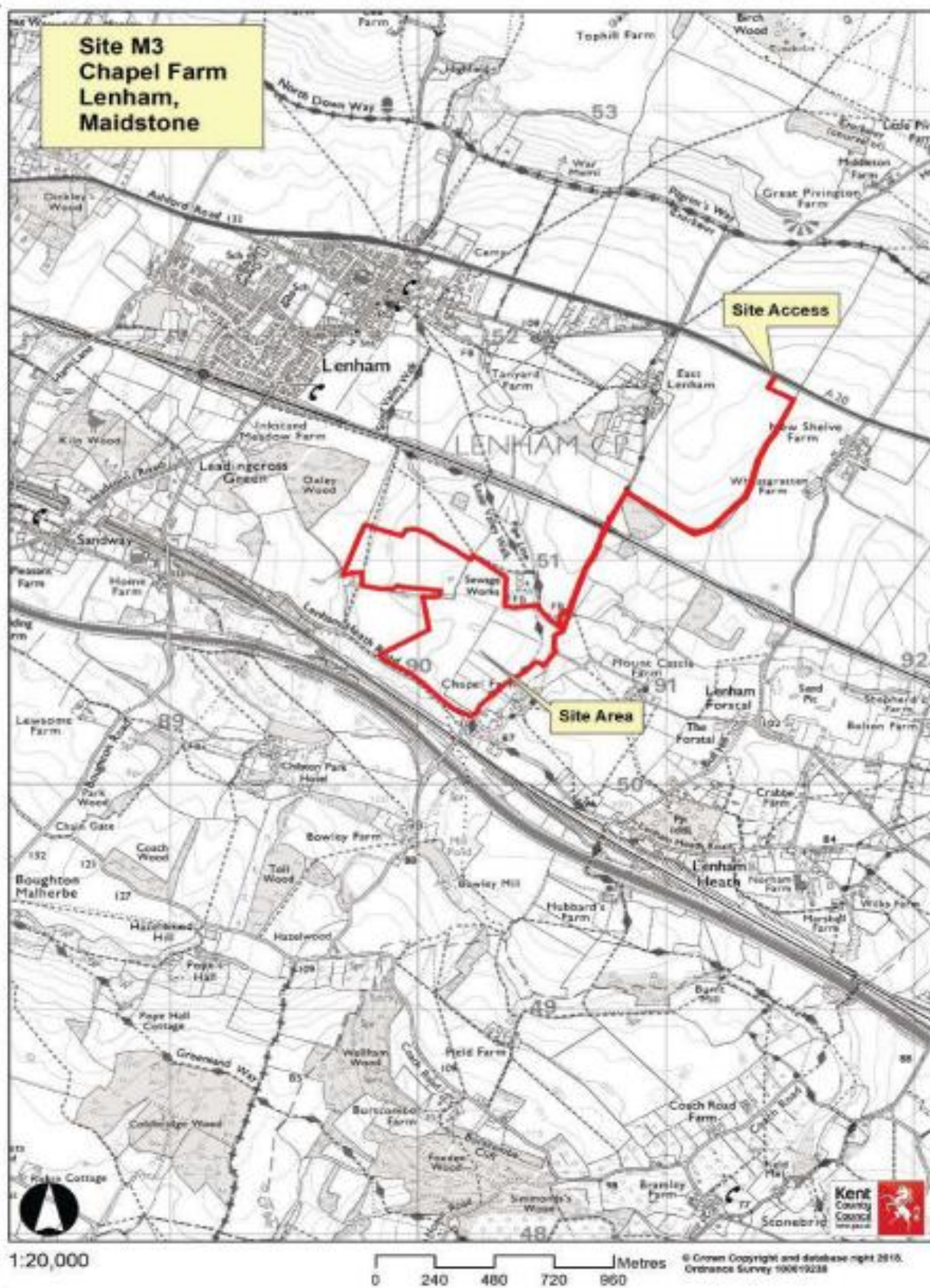
- Demonstration that sensitive receptors such as sewage lines, electricity pylons and the railway lines will not be affected by land instability caused by the development.
- The functioning of the Lenham WWTW and other sewerage infrastructure must not be adversely impacted

Health and Amenity

- Compliance with policy DM 11 of the Kent Minerals and Waste Local Plan in respect of health and amenity.
- A lighting, noise, dust, and vibration management plan should be completed, setting out how unacceptable impacts will be avoided. A detailed dust assessment and management plan should be submitted which follows best practice and any national Government guidance (e.g. Planning Practice Guidance).

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Appendix 2 - Indicative Development Management Criteria for the nominated site at Land to the South and West of Hermitage Quarry, Aylesford

This appendix contains indicative Development Management Criteria for the nominated site for hard rock at Land to the South and West of Hermitage Quarry, Aylesford. The development management criteria are indicative only and illustrate the types of criteria that might be applied if the site were to be allocated. These have been included to inform the consultation on the nominated site. Comments are invited on development management criteria which would need to be applied to this site.

Nature of Nomination: *Extraction of hard rock of the Limestone Hythe Formation (Kentish Ragstone)*

Site Location: *Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME16 9NT*

Grid Reference: *Approximately centred on TQ 70745 55403*

District/Borough Council: *Tonbridge and Malling Borough (northern part of site) and Maidstone Borough (southern part)*

Parish: *East Malling and Larkfield Parish (TMBC), Ditton Parish (TMBC) and Barming Parish (MBC)*

Site Area: *The site covers an area of 96 hectares from within which the promoter suggests an area of up to 64 hectares could be worked subject to planning constraints*

Estimated Mineral Reserve: *Promoter suggests circa 20 million tonnes of Ragstone Hard Rock*

Yield: *Promoter suggests potential maximum 20 million tonnes - this would depend on planning constraints which would require appropriate stand-offs from sensitive land uses*

Existing Land Use: *Meadow and woodland*

Proposed Restoration: *The promoter suggests the land would be restored to original levels with inert restoration materials (circa 500,000 tonnes per annum) and returned to mixed native woodland and meadow, subject to biodiversity net gain requirements.*

Note: *The boundary of the site shown below is land within the control of the promoter, within which there is a known hard rock mineral resource. The potential extraction area would depend on planning constraints which would require appropriate stand-offs from sensitive land uses.*

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If the site were allocated this would allow a continuation of the established Hermitage Quarry. A decision on whether to allocate is dependent on detailed technical assessment and Independent Examination.

Indicative Development Management Criteria

N.B. These indicative development management criteria have been based on the planning conditions which apply to the existing site at Hermitage Quarry and have been informed by the initial assessment of the site and draft Sustainability Appraisal.

Transport and Access

- *A detailed transport assessment to demonstrate compliance with KMWLP Policy DM13.*
- *All quarry traffic to utilise the existing and approved access for Hermitage Quarry onto Hermitage Lane (B2246). Levels of HGV movements should not exceed those at the existing site.*
- *The site shall only be worked sequentially to the permitted phases at Hermitage Quarry*
- *The Transport Assessment should consider impacts on the Aylesford Air Quality Management Area (AQMA) and the M20 AQMA and show how any potential adverse impacts on these AQMAs would be mitigated.*
- *Public Rights of Way (PROWs) that run adjacent and within the site would require appropriate diversions and screening to mitigate any impact on the PROW network as necessary. Proposals for the diversion for PROW would also be required to show how connectivity of the surrounding PROW network would not be lost.*

Water Resources

- *Any application would need to be accompanied by a detailed strategic flood risk assessment (SFRA) with measures identified to minimise and/or mitigate flood risk.*
- *Demonstration that the site will have no adverse impacts on hydrology or hydrogeology.*
- *Compliance with the Environment Agency's approach to the management and protection of groundwater.*
- *Limits to protect ground water levels.*

Health and Amenity

- *Compliance with policy DM11 of the Kent Minerals and Waste Local Plan in respect of health and amenity.*
- *Any application shall be accompanied by a lighting, noise, air quality, vibration and blasting assessments and appropriate mitigation. Any assessment should follow best practice and any national Government guidance (e.g. Planning Practice Guidance)*

Biodiversity

- *Detailed restoration proposals would need to demonstrate that the potential loss of the Priority Habitat deciduous woodland is offset by replacement woodland provision within the proposed restoration plan. This should include a range of trees and shrub sizes to create a vertical design element to the planting.*
- *Any proposal would need to be accompanied by a detailed ecological appraisal, and detailed restoration proposals should set out measures to be taken to provide a net gain in biodiversity.*
- *The sequence of working the site should preserve connectivity within the woodland.*
- *The need for compensatory replacement habitat should be considered.*
- *Restoration scheme should incorporate additional woodland planting where possible, including native evergreen species.*
- *Appropriate mitigation and buffers zones to minimise impacts on SSSI and LWS.*
- *A scheme for the effective translocation of replanted ancient woodland soils, an appropriate mitigation scheme and ongoing monitoring regime.*

Heritage

- *There are several Listed Buildings within 500m of the potential site. There are Historic Environment Records (HER) within and in close proximity to the potential site as well as potential for significant remains.*
- *Consideration and mitigation of impacts on heritage assets including listed buildings. The impact of proposals upon nearby Listed Buildings and their settings should be fully assessed and mitigation measures undertaken to avoid unacceptable adverse impacts.*
- *Any planning application should be accompanied by a full archaeological impact assessment to ascertain the extent of geo-archaeological and Palaeolithic remains, along with specialist assessments.*
- *Further assessment of the potential impact of proposals on the historic landscape and surviving features is necessary and should account of the historic landscape should be taken during works and in later site landscaping and restoration programme.*

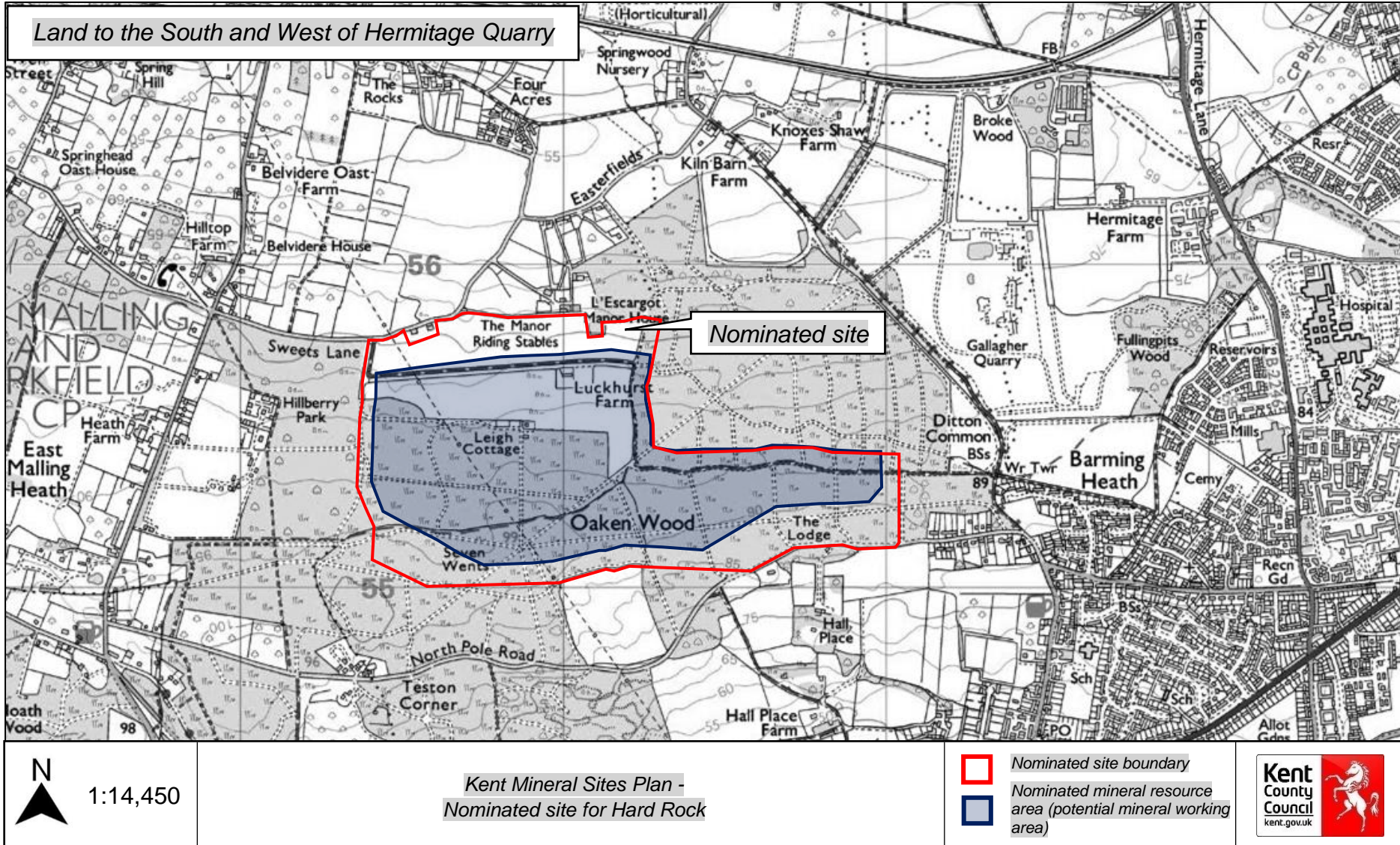
Utilities

- *Impact on the high voltage overhead power line located within the western limit of the potential site, including full assessment, potential diversion and appropriate stand-offs.*
- *Demonstration that sensitive receptors such as sewage lines, electricity pylons and the railway lines will not be affected by land instability caused by the development.*

Agricultural land

- *The agricultural land in the northern part of the site is grade 2 (very good). The soil from this area should be stripped, stockpiled and used for agricultural restoration.*

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The red line boundary shows land within the control of Gallagher Aggregates Limited. This area includes indicative stand-offs and buffers between the nominated mineral working area (blue shaded area) and adjacent land uses.

The blue shaded area shows land nominated as known mineral resource which is considered by the promoter as suitable for extraction.



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Kent Minerals and Waste Local Plan



Kent Minerals and Waste Local Development Scheme

May 2023



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Glossary of Terms/Abbreviations Used in the Text

Abbreviation	Explanation
Annual Monitoring Report (AMR)	A statutory document (referred to in legislation ¹ as the 'Authority Monitoring Report') which monitors the progress of preparation of planning documentation against the Development Scheme milestones as well as progress in meeting the objectives and implementing the policies set out in the Kent Minerals and Waste Local Plan 2013-30.
Biodiversity net gain (BNG)	Biodiversity net gain is an approach to development which means that habitats for wildlife must be left in a measurably better state than they were in before development took place.
Kent Minerals and Waste Development Plan	The Kent Minerals and Waste Development Plan comprises the development plan documents that provide planning policy for minerals and waste development in Kent i.e. the Kent Minerals and Waste Local Plan 2013- 30 and the Kent Mineral Sites Plan 2020.
Kent Minerals and Waste Local Plan 2013-30 (KMWLP)	This adopted plan (July 2016) sets out the County Council's vision, objectives & spatial strategy for Minerals and Waste planning matters. It contains a statement of strategy and a set of primary policies and proposals for delivering the Core Strategy. The KMWLP was modified via an Early Partial Review (EPR) in 2020 to update the waste strategy and clarify the approach to mineral and waste safeguarding. The modified KMWLP adopted September 2020 sets the policy framework for the allocation of mineral sites and development management decisions.
Kent Minerals and Waste Local Plan 2024-39	The plan currently being prepared to replace the Kent Minerals and Waste Local Plan 2013-30. This Plan, which was originally adopted in 2016, was subject to an Early Partial Review which was adopted in 2020.
Kent Mineral Sites Plan	This adopted plan (September 2020) allocates sites in Kent that are considered suitable for mineral working, subject to planning permission. This Plan is to be updated.
Kent Development Plan	The portfolio of documents that together provide the policy framework for all forms of development in Kent. It currently includes the Kent Minerals and Waste Local Plan 2013-30, the Kent Mineral Sites Plan, as well as Local Plans produced by the Kent Borough and District

¹ Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended)

	Councils.
Kent Minerals and Waste Local Development Scheme (MWLDS)	The Kent Minerals and Waste Local Development Scheme is this document. The MWLDS includes a project plan setting out the County Council's programme and timetable for updating planning policy for waste and minerals development in Kent as well as associated Supplementary Planning Documents.
The Planning Inspectorate (PINS)	The Government agency responsible for programming and conducting the Independent Examination of Local Plans and for managing appeals on planning applications.
Statement of Community Involvement (SCI)	The SCI sets out the Council's policy for involving the community and other stakeholders in the preparation and revision of the Kent Minerals and Waste Development Plan and in 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 Local Development Scheme (MWLDS). The MWLDS sets out a timetable for the production of the key planning documents related to minerals and waste planning policy in Kent. This 2023-25 MWLDS replaces the previous 2022-24 Scheme (agreed in September 2022).

The Minerals and Waste Local Development Scheme sets out the County Council's programme for the update of key planning documents related to minerals and waste planning policy in Kent during the period 2023-2025. Under this programme the Council will:

- **Prepare the Kent Minerals and Waste Local Plan 2024-39**
- **Update the Kent Mineral Sites Plan**
- **Commence preparation of a Supplementary Planning Document related to Biodiversity Net Gain and waste and minerals development**

1.0.2 The County Council is committed to the new programme set out in this MWLDS. Its progress will be reviewed annually and reported through the Annual Monitoring Report. Depending on progress this scheme will be updated to reflect changes to timetables.

1.0.3 This Development Scheme has two key objectives:

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

1.1 Legislative Context and Background

1.1.1 The Planning and Compulsory Purchase Act 2004² 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.

1.1.2 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

² As amended by sections 110 -113 of the Localism Act 2011

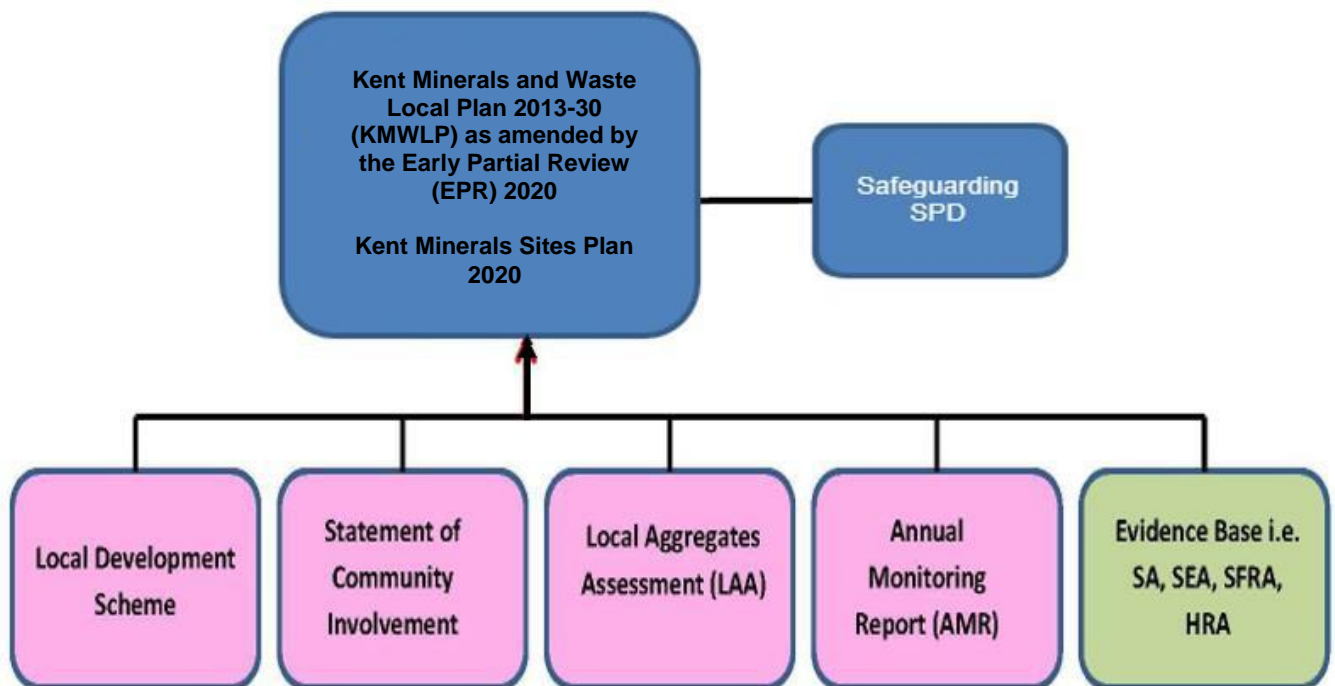
Regulations refer to Development Plan Documents as “Local Plans” since this term is believed to be more easily understood.

- 1.1.3** The Government is currently proposing reforms to planning legislation and these reforms will need to be addressed by Kent County Council as and when they are passed by parliament. These reforms will require an update to the scheme for preparing planning policy in Kent though it is not anticipated that this will affect the development of Plans in this MWLDS.

1.2 The Minerals and Waste Local Development Scheme

- 1.2.1 The diagram below shows the relationship between the minerals and waste plans and supporting documents that currently form and underpin the adopted minerals and waste planning policy in Kent.
- 1.2.2 The Annual Monitoring Report³ 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 inform reviews of the adopted Plans and indicate whether changes might be required.
- 1.2.3 The Annual Monitoring Report and the annual Local Aggregate Assessment 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 policies of the adopted Plans.
- 1.2.4 Appendix A includes an outline of all the planning policy activity covered by this Scheme to February 2025.

Figure 1 - Relationship between current adopted Minerals and Waste Local Plan Documents



³ The Annual Monitoring Report is produced to meet the Council’s statutory requirement to produce an ‘Authority Monitoring Report’ at least every 12 months.

2. Minerals and Waste Local Plans

2.0.1 The following describes the main Kent Minerals and Waste Local Plan documents.

2.1 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 a 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 of a ready and sustainable supply of minerals to meet construction and industrial requirements as well as the sustainable management of all wastes arising in Kent which supports the principles of the UK Government's waste hierarchy.

2.1.2 An Early Partial Review of the Plan was undertaken that covered two key aspects of the adopted Kent Minerals and Waste Local Plan 2013-30. This review resulted in changes to the Plan which were adopted in September 2020 and are explained below.

Need for a Waste Sites Plan

2.1.3 The adopted 2016 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 a Waste Sites Plan included a reassessment of waste management requirements which showed that the identification of sites within a separate Waste Sites Plan was no longer justified. One of the main reasons for the change in position was that additional significant waste other recovery⁴ capacity had been constructed that meant there was no longer a shortfall in such capacity. To regularise the position, modifications to the KMWLP were made.

Minerals and Waste Safeguarding Matters

2.1.4 Following its adoption in 2016, implementation of the KMWLP revealed a significant ambiguity within policies DM 7 and DM 8 which was having a detrimental impact on the ability of the KMWLP to safeguard mineral resources and minerals and waste management infrastructure. Modifications to rectify this issue were made as part of the Early Partial Review in 2020.

2.1.5 The modifications to the Kent Minerals and Waste Local Plan 2013-30 meant that the remaining saved policies in the Kent Waste Local Plan (1998) were replaced.

⁴ 'Other recovery' is the recovery of waste by means other than recycling and composting often includes 'energy from waste' involving incineration.

Review of the Kent Minerals and Waste Local Plan 2021

2.1.6 The National Planning Policy Framework (and legislation⁵) states policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.

2.1.7 Although the implementation of policies is monitored on an ongoing basis, the five yearly review is intended to establish whether any work is needed to update the policies. An update to a policy may be needed for the following reasons:

- The policy is no longer in conformity with national planning policy;
- changes to local circumstances; such as a change in the quantum of development requirements or development of a Nationally Significant Infrastructure Project within the area (or nearby);
- whether issues have arisen that may impact on the deliverability of key site allocations;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in the Annual Monitoring Report;
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their development needs;
- significant economic changes that may impact on viability; and,
- whether any new social, environmental or economic priorities have arisen.

2.1.8 As the Kent Minerals and Waste Local Plan was adopted in July 2016 all its policies were reviewed in 2021 (including those which were updated by the Early Partial Review).

2.1.9 The review concluded that updates were needed to the Plan to address updates to the National Planning Policy Framework (NPPF) in 2018, 2019 and 2021 and associated planning practice guidance; legislation and policy concerning the need to adapt to, and mitigate climate change and associated low carbon growth; new policy relating to the management of low-level radioactive waste and policy and legislation concerned with achieving a circular economy where more waste is prevented or reused. Updates are also needed to reflect local context including the need for additional household waste management capacity, the Kent Environment Strategy and the Kent and Medway Energy and Low Emissions Strategy.

2.1.10 The table below sets out the key stages for the five-yearly review of the Kent Minerals and Waste Local Plan 2013-30 and preparation of an updated Plan that will cover the period 2024-39.

⁵ [Regulation 10A of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

Review and Update of Kent Minerals and Waste Local Plan 2013-30 - Timetable for Key Stages

Stages	Dates
<i>Evidence gathering to inform review</i>	<i>June 2020 – March 2021 (completed)</i>
<i>Consultation with key stakeholders on need for review of policies</i>	<i>January 2021 – May 2021 (completed)</i>
<i>Report outcome of review to Members including recommendations on the need to update policies</i>	<i>September - November 2021 (completed)</i>
<i>Consultation on draft updated policy (Regulation 18)</i>	<i>December 2021 – February 2022 (completed)</i>
<i>Consultation on draft Kent Minerals and Waste Local Plan 2023-38 (Regulation 18)</i>	<i>October 2022 – November 2022 (completed)</i>
Consultation on further proposed changes to the Kent Minerals and Waste Local Plan (Regulation 18)	June – July 2023
Publication of draft updated policy (Regulation 19) for representations on soundness	Jan – Feb 2024
Submission to Secretary of State	May 2024
Independent Examination Hearings	July 2024
Inspector's Report	November 2024
Adoption	February 2025

2.1.11 The table above has changed from that published in the previous Minerals and Waste Development Scheme (September 2022). The changes reflect the need for consultation on a small number of further material changes to the Kent Minerals and Waste Local Plan. These changes relate to: Updates to aggregate requirements in Policy CSM2; removal of a commitment to make provision for the management of waste produced in London; and removal of the strategic site allocation at Norwood Quarry, Sheppey for the landfill of hazardous waste specifically incinerator fly ash (Policy CSW5). The changes to the timetable also recognise that it is unlikely that adoption of the new Kent Minerals and Waste Local Plan within one month of receipt of the Inspector's Report is possible. In accordance with the Council's Constitution, the Kent Minerals and Waste Local Plan 2024-2039 proposed for adoption will be presented to Full Council for agreement following consideration by Environment and Transport Cabinet Committee and Cabinet. Adoption of an updated Mineral Sites Plan would take place in parallel with the adoption of a new Kent Minerals and Waste Local Plan.

2.2 Kent Mineral Sites Plan

Mineral Sites Plan

2.2.1 The current adopted Kent Mineral Sites Plan identifies 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. The minerals covered in the document are soft sand (building sand) and sharp sand and gravels. The sites allocated are:

- Chapel Farm, Lenham (soft sand)
- Extension to Stonecastle Farm, Hadlow/Whetsted (sharp sand and gravels)
- Moat Farm, Capel (sharp sand and gravels)

2.2.2 The Kent Mineral Sites Plan was adopted by the County Council on 10 September 2020. The 2020 Mineral Sites Plan replaces any sites allocated in the following previously adopted Plans:

- 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)

2.2.3 As mentioned above, in light of the preparation of updated Core Strategy policy to cover the period 2024 to 2039, there is now a need to update the Mineral Sites Plan to ensure sufficient sites are allocated to meet requirements for land won hard rock over this extended period.

2.2.4 The revised timetable for the update of the Mineral Sites Plan is set out below. The changes relate to the Regulation 18 consultation, which will now take place between June and July 2023, and anticipated adoption which will take place in February 2025.

Update of the Kent Mineral Sites Plan - Timetable for Key Stages

Stages	Dates
<i>Call for Sites</i>	<i>October 2022 – November 2022 (completed)</i>
Consultation on Site Options (Regulation 18)	June - July 2023
Publication of draft updated Minerals Sites Plan (Regulation 19) for representations on soundness	December 2023 – February 2024
Submission to Secretary of State	May 2024
Independent Examination Hearings	July 2024
Inspector's Report	November 2024
Adoption	February 2025

2.3 Adopted Policies Maps

2.3.1 The Adopted Policies Maps illustrate the mineral and waste policies on an Ordnance Survey base. Once a Local Plan has been adopted, the County Council's policies maps including the mineral safeguarding areas and allocations should be included as part of the Local Plans maintained and adopted by borough/district planning authorities. The borough/district council maps should be updated and amended whenever a new or revised Minerals and Waste Plan is adopted.

2.4 Arrangements for the preparation of the Kent Minerals and Waste Local Plan 2024-39 and updates to the Kent Mineral Sites Plan

2.4.1 Arrangements for the preparation of the Kent Minerals and Waste Local Plan 2024-39 and updates to the Kent Mineral Sites Plan are set out in the table below.

Organisational Lead	Minerals and Waste Planning Policy Team, Growth and Communities, 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 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 website⁶.

3.2 Statement of Community Involvement

- 3.2.1** The Government has set minimum standards for consultation during plan preparation prior to its submission for examination⁷. 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 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 determines⁸.
- 3.2.3** The current version of the SCI was adopted in August 2021. The latest SCI reflects the increased ability to consult by electronic means and includes how the County Council engages with the process of neighbourhood planning. The County Council is required to review the SCI at least every five years and so the next review will take place in 2026 unless relevant circumstances change requiring an earlier review.

⁶ Available from:

www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/annual_monitoring_reports.aspx

⁷ See The Town and Country Planning (Local Planning) (England) Regulations 2012

⁸ 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 an updated Minerals and Waste Safeguarding Supplementary Planning Document (SPD) in March 2021.
- 3.3.2** 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).
- 3.3.3** 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 may be incompatible with their continued operation. An example could be housing development within close proximity to an existing operationally unrestricted mineral wharf.
- 3.3.4** The SPD was updated to reflect updates to the mineral and waste safeguarding policies made by the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-2030, and to provide further guidance on their application.

3.4 Supplementary Planning Document related to Biodiversity Net Gain

- 3.4.1** The Environment Act 2021 introduces a statutory requirement for new development to achieve 'biodiversity net gain'. This new requirement is being reflected in the updated Kent Minerals and Waste Local Plan 2024-39. As this is such a complex area, especially when applied to the restoration of mineral workings, it is considered that a Supplementary Planning Document should be prepared that will set out how policy requirements for BNG associated with waste and minerals development will be implemented.
- 3.4.2** Work on the Biodiversity Net Gain SPD will commence following adoption of the Kent Minerals and Waste Local Plan 2024-39 and a timetable for its preparation will be included in a future version of this document.

3.5 Sustainability Appraisal and Strategic Environmental Assessment

- 3.5.1** The preparation of the Kent Minerals and Waste Local Plan 2024-2039 and updates to the Kent Mineral Sites Plan are 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 originally required by European Union directive that is in force in UK environmental law. The testing will identify any likely significant

environmental effects resulting from the implementation of updated strategies, policies and proposals brought forward with the objective of promoting sustainable development.

3.5.2 A Sustainability Appraisal Scoping Report was published alongside the draft updated Kent Minerals and Waste Local Plan policies between December 2021 and February 2022, and a draft Sustainability Appraisal accompanied the draft Minerals and Waste Local Plan that was published between October and December 2022. The Scoping Report sets out the scope of the SA process and is used to consult the views of the three statutory consultees on that scope, namely the Environment Agency, Natural England and Historic England. An SA Scoping Report for the Mineral Sites Plan work was published alongside the Call for Sites and a further SA to support the Minerals Sites Plan work will be published alongside the Regulation 18 consultation in June/July 2023. An updated SA of the KMWLP, which considers the proposed further changes to the KMWLP and takes account of comments received on the draft SA published in 2022, will also be published to accompany the consultation.

3.6 Appropriate Assessment under the Habitats Directive

- 3.6.1** The purpose of Appropriate Assessment (AA) is to assess the impacts of spatial plans, such as the proposed Local Plans, against the nature conservation objectives of any 'Habitat site'⁹ 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 any proposed updates to policy.
- 3.6.2** An Appropriate Assessment relating to changes to Policy CSW17 regarding the management of waste at the Dungeness Nuclear Estate has been undertaken which considers potential impacts on nearby designated habitats. This was published for consultation alongside the amended policy in 2022.

⁹ European Sites are sites which are designated under The Conservation of Habitat and Species Regulations 2017 which in turn was amended under the Conservation of Habitat and Species (Amendment) (EU Exit) Regulations 2019).

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 preparation the KMWLP 2024-39 and the Kent Mineral Sites Plan, relevant surveys and monitoring information are needed.

4.2.2 The evidence base consists of indicators set out in the monitoring schedule of the current adopted KMWLP. Indicators are also included within the Data Monitoring chapter of the AMR which, in summary, includes the following:

- 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
- Waste arisings including municipal waste
- Exports and imports of waste
- Exports and imports of minerals
- Capacity for handling waste materials in Kent.

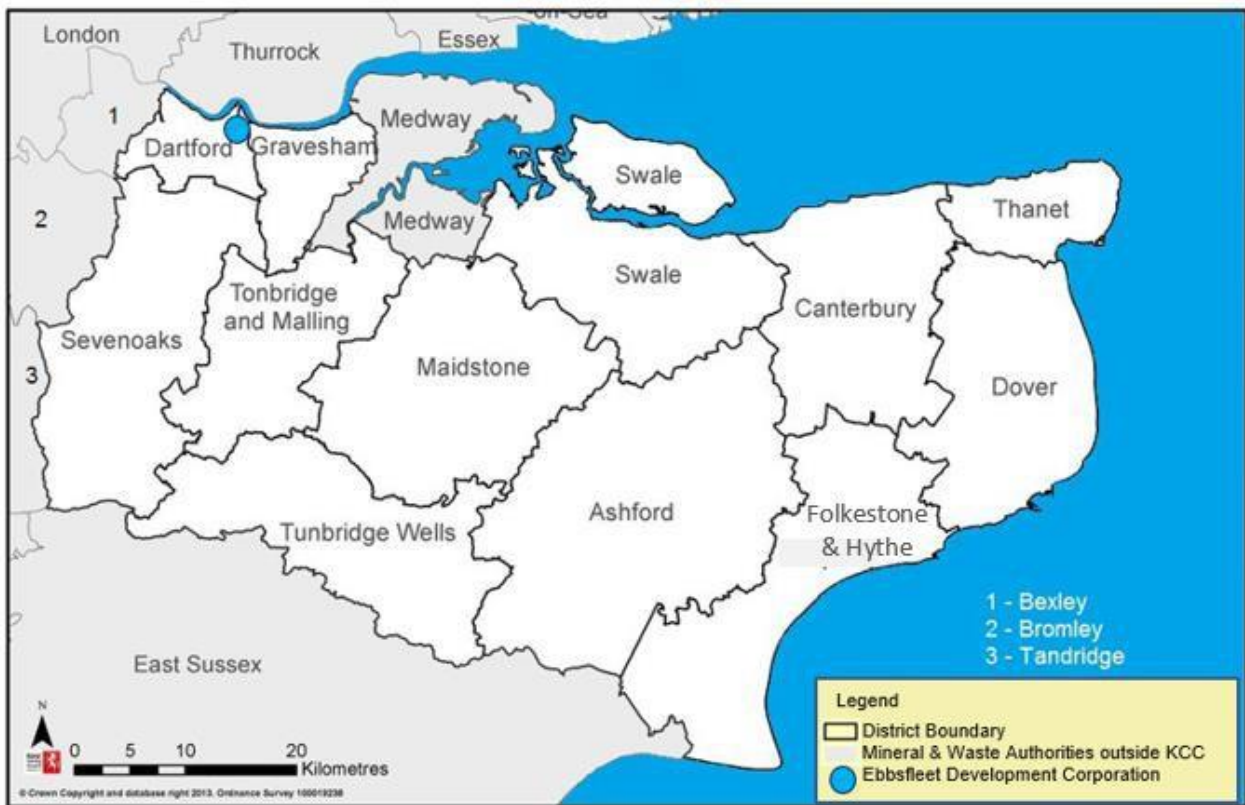
4.2.3 Other evidence base reports will be compiled to support the Kent Minerals and Waste Local 2024-39 and the updated Mineral Sites Plan.

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 bodies¹⁰. 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. To this end a Statement of Common Ground between Kent County Council and Medway Council that addresses these issues has been prepared and will be updated as necessary. Statements of Common Ground on mineral and waste planning matters have also been agreed with a number of neighbouring mineral and waste planning authorities and Kent Borough and District Councils.
- 4.3.5** The Annual Monitoring Report includes information on activity undertaken by the Council as part of its Duty to Cooperate.
- 4.3.6** New draft legislation¹¹ published in May 2022 proposes that the statutory Duty to Cooperate be abolished. The County Council will monitor implementation of this legislation but in the meantime will prepare planning policy in accordance with the existing statutory requirements.

¹⁰ See Regulation 4 (1) The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

¹¹ Levelling Up and Regeneration Bill

Figure 2 - Geographic area covered by Kent County 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 KMWLP 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.

Appendix A: Summary Programme of Planning Policy Activity

Activity	April 2023	May 2023	June 2023	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023
Updated Minerals and Waste Development Scheme									
Review									
Publish update if required									
Kent Minerals and Waste Local Plan 2023-38									
<i>Consultation on draft updated policy with extended plan period (Regulation 18)</i>									
NEW: Further Reg 18 on focussed updates			Reg 18	Reg 18					
Publication of draft updated policy (Regulation 19) for representations on soundness									
Prepare documentation for submission									
Submission to Secretary of State									
Independent Examination Hearings									
Inspector's Report									
Adoption									
Kent Mineral Sites Plan (Crushed Rock)									
Call for Sites									
<i>Consultation on Site Options (Regulation 18)</i>			Reg 18	Reg 18					
Publication of Preferred Sites (Regulation 19) for representations on soundness									
Submission to Secretary of State									
Independent Examination Hearings									
Inspector's Report (IR)									
Adoption									
Biodiversity Net Gain SPD									
Text of Draft Revised SPD									
Consultation and engagement on draft SPD (allow 3 months)									
Analysis of consultation feedback with recommendations for changes to SPD									
Update SPD to prepare final for adoption									
Adoption (inc. report writing)									
Annual Monitoring Report									
Monitoring of all policies									
Draft in light of annual waste data and LAA									
Finalise taking account of monitoring of policies									
Local Aggregates Assessment									
Survey of operators inc. recycled aggregate producers									
Update data (10yr av.; landbanks etc.) in light of survey									
Update commentary in previous LAA based on revised data									
Draft for SEEAWP									
Consultation with SEEAWP									
Prepare final draft in light of SEEAWP comments									
Publish Final Draft									

Activity	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	October 2024	November 2024	December 2024	January 2025	February 2025
Updated Minerals and Waste Development Scheme														
Review														
Publish update if required														
Kent Minerals and Waste Local Plan 2023-38														
Consultation on draft updated policy with extended plan period (Regulation 18)														
NEW: Further Reg 18 on focussed updates														
Publication of draft updated policy (Regulation 19) for representations on soundness	Reg 19	Reg 19												
Prepare documentation for submission														
Submission to Secretary of State					Submission									
Independent Examination Hearings														
Inspector's Report											IR			
Adoption														ADOPTION
Kent Mineral Sites Plan (Crushed Rock)														
Call for Sites														
Consultation on Site Options (Regulation 18)														
Publication of Preferred Sites (Regulation 19) for representations on soundness	Reg 19	Reg 19												
Submission to Secretary of State					submission									
Independent Examination Hearings														
Inspector's Report (IR)											IR			
Adoption														ADOPTION
Biodiversity Net Gain SPD														
Text of Draft Revised SPD														
Consultation and engagement on draft SPD (allow 3 months)														
Analysis of consultation feedback with recommendations for changes to SPD														
Update SPD to prepare final for adoption														
Adoption (inc. report writing)														
Annual Monitoring Report														
Monitoring of all policies														
Draft in light of annual waste data and LAA														
Finalise taking account of monitoring of policies														
Local Aggregates Assessment														
Survey of operators inc. recycled aggregate producers														
Update data (10yr av.; landbanks etc.) in light of survey														
Update commentary in previous LAA based on revised data														
Draft for SEEAWP														
Consultation with SEEAWP														
Prepare final draft in light of SEEAWP comments														
Publish Final Draft														



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From: Susan Carey, Cabinet Member for Environment
Simon Jones, Corporate Director of Growth Environment Transport

To: Environment & Transport Cabinet Committee – 23 May 2023

Subject: Household Waste Recycling Centre Review

Classification: Unrestricted

Past Pathway of report: First report

Electoral Division: All Divisions

Summary: Over the past decade, KCC has implemented a range of policy and service changes at Household Waste and Recycling Centres (HWRCs) that have resulted in annual revenue savings of over £5m.

The delivery of KCC's medium term financial plan requires additional savings of £2.2m at HWRCs over the next two years. Around £700,000 of this is allocated to the delivery of greater materials segregation for recycling, increased reuse, black bag splitting to prevent materials going into residual waste and increasing trade waste recycling. The remaining £1.5m is allocated to a review of the number and operation of the sites.

Of this £1.5m saving, the aim is to reduce the cost of the service by £500,000 in 2023/24, with a further £1m saving in 2024/25.

An initial review of how this saving could be achieved has been carried out and three options have been identified. All three options would lead to the closure of some sites, with two options closing fewer sites but reducing the opening hours on a number of the remaining sites.

It is proposed that a 12-week consultation with the public and with other stakeholders takes place on these options, with the results of this consultation and recommended next steps then returning to this Committee for discussion.

Recommendation(s):

The Cabinet Committee is asked to consider and/or make recommendations to the Cabinet Member on the proposed options for delivering the budgetary savings required in 2023/24 and 2024/25 and agree to consult with the public and other stakeholders on these options.

1. Background

- 1.1 KCC currently operates a network of 19 Household Waste and Recycling Centres (HWRCs) spread across the county. These sites receive approximately 1.7m visits per year, with around 96,000 tonnes of material being managed through the network.

- 1.2 Over the past decade, a range of policy and service changes have taken place across the network, which have resulted in annual revenue savings of over £5m. These include charging for non-household waste materials such as soil, rubble, hardcore, plasterboard and tyres, restricting access to the site for certain vehicles, from April 2023, charging non-Kent residents £10 to visit the sites and operating a booking system that enables residents to book a slot that allows access to a site without queuing.
- 1.3 Use of the sites has reduced significantly over the past five years. In 2017/18, 175,172 tonnes of material were managed through the sites, which reduced to 94,250 tonnes in 2022/23. Over the same period, the amount of fly tipped waste collected by district and borough councils reduced from 3,794 tonnes to 2,175 tonnes.
- 1.4 There are currently just over 4 million slots available per year, which equates to around 77,000 slots per week. In 2022/23, just over 32,000 slots were booked per week.
- 1.5 The delivery of KCC's medium term financial plan requires savings to be made at the sites. Over the next two years, around £700,000 of savings are allocated to the delivery of greater materials segregation for recycling, increased reuse, black bag splitting to prevent materials going into residual waste and increasing trade waste recycling.
- 1.6 Over the same time period, an additional £1.5m is allocated to a review of the number and operation of the sites.
- 1.7 Of this total saving requirement of £2.2m, £1.1m needs to be saved in 2023/24.

2. Reviewing the number and operation of sites

- 2.1 A review has been carried out to identify service reduction options that could save £1.5m over the next two years, whilst limiting the impact on Kent residents as far as possible.
- 2.2 The options considered were closing the sites on certain days of the week, full site closures or a combination of the two.
- 2.3 Part week closures
 - 2.3.1 Savings from closing sites for part of the week come from a reduction in management fees and staffing costs.
 - 2.3.2 For sites that are co-located with waste transfer stations, the majority of these savings would not be realised as staff work across both operations. These sites were therefore not considered for part week closures.
 - 2.3.3 The table below shows the average number of visitors per week for each of the remaining sites and the reduction in capacity that would occur from a two-day closure:

HWRC	Average visits per week 2022/23	Number of slots lost through closure on 2 quietest days
Sheerness	784	680
Faversham	881	850
Swanley	902	1,020
New Romney	1,128	1,190
Richborough	1,214	680
Dartford	1,309	1,190
Deal	1,392	1,020
Folkestone	2,029	830
Canterbury	2,012	1,360
Herne Bay	2,105	1,190
Dover	2,140	1,190
Maidstone	2,492	1,360
Margate	3,175	1,870
<i>Total for 7 least busy sites</i>	<i>7,610</i>	<i>6,630</i>
<i>Total for 6 busiest sites</i>	<i>13,953</i>	<i>7,800</i>
Total	21,563	14,430

Table 1: Average weekly visitors to HWRCs not co-located with transfer stations

2.3.4 If all of these sites closed for two days per week, the approximate cost saving to KCC would be £740,000 and capacity would be reduced by 14,430 slots per week.

2.3.5 If the seven sites where customer demand is lower were closed for two days per week, the saving to KCC would be approximately £360,000 and capacity would be reduced by 6,630 slots per week.

2.4 Full site closures

2.4.1 Savings from closing sites will be realised through no longer paying business rates, utility costs, contractor charges, reduced haulage charges and where appropriate, lease costs. There is not expected to be any further reduction of waste volumes.

2.4.2 Sites that are proposed for closure were determined by consideration of geography and where there is capacity at an alternative site(s). Modelling and analysis were focused on keeping drive times to a minimum.

2.4.3 A 20-minute drive time for households to their nearest sites is recommended by the Waste and Resources Action Programme (WRAP) in their advice to DEFRA when considering the appropriate network of HWRCs that a waste disposal authority should maintain.

2.4.4 Figure 1 below shows the current drive time catchment area for the network. 96% of households are currently within a 20 minute off peak drive to a HWRC.

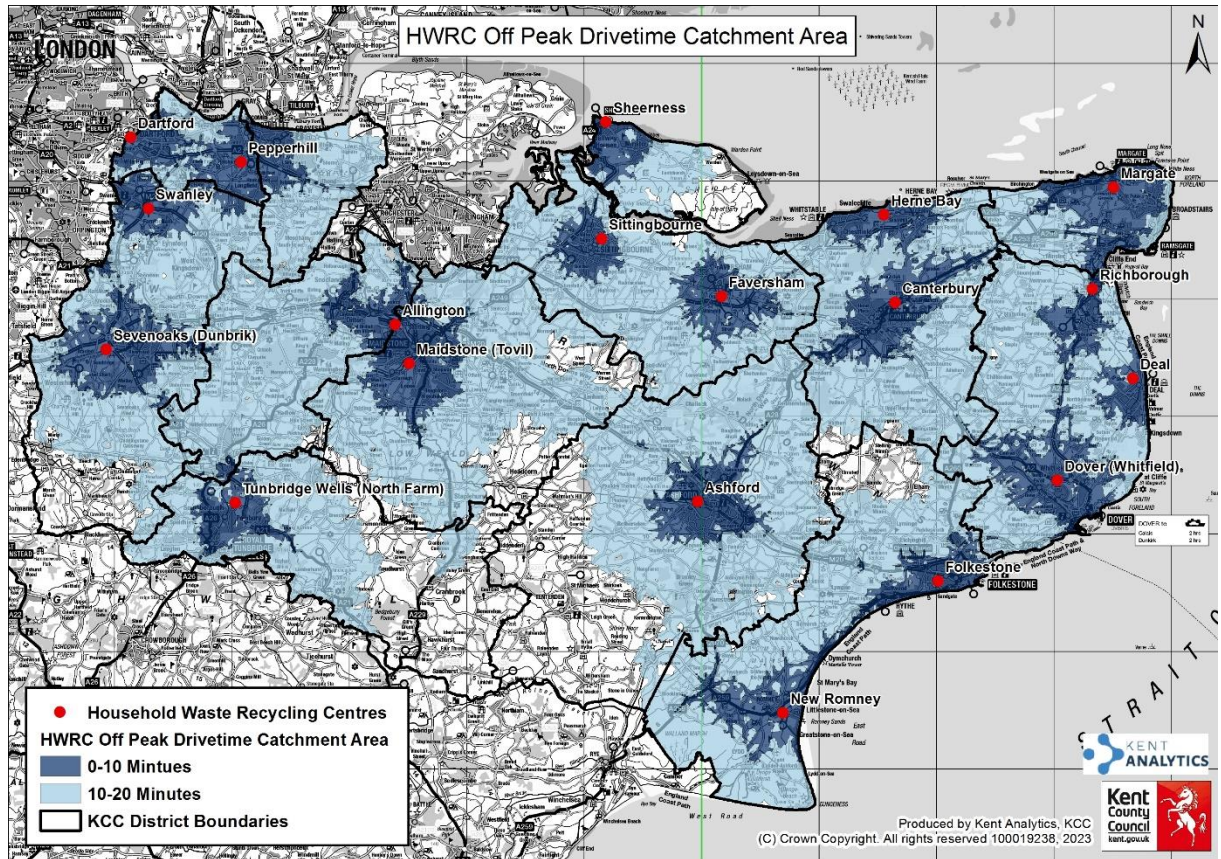


Figure 1: Drive time catchment area for current HWRC network

2.4.5 Analysis shows that it would be possible to meet the £1.5m savings target through the closure of sites at Dartford, Richborough, Maidstone and Faversham. This would reduce the number of households within a 20 minute off peak drive of a HWRC by 11,953, which equates to a reduction from 96% to 94.2% of all Kent households. The capacity of the network would also be reduced by 13,920 slots per week, which equates to a reduction in capacity of 18.1%.

2.4.6 Table 2 below shows how this breaks down by site:

Scenario	Total KCC households	Households within a 20 min off peak drive time of a HWRC	Number of additional households outside 20 min off peak drive time compared to existing network	% of households within 20 min off peak drive time of a HWRC	Slots available for booking per week
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Existing Household Waste Recycling Centre Network	693,351	665,434		96.0%	76,945
Existing Household Waste Recycling Centre Network Excluding Dartford	693,351	665,434	0	96.0%	72,885
Existing Household Waste Recycling Centre Network Excluding Richborough	693,351	664,691	743	95.9%	74,625
Existing Household Waste Recycling Centre Network Excluding Maidstone (Tovil)	693,351	661,162	4,272	95.4%	72,305
Existing Household Waste Recycling Centre Network Excluding Faversham	693,351	658,496	6,938	95.0%	74,045
Existing Household Waste Recycling Centre Network Excluding Dartford, Faversham, Maidstone (Tovil) & Richborough	693,351	653,481	11,953	94.2%	63,025

Table 2: Impact of site closures on off peak drive times and capacity of the remaining network

2.4.7 Further analysis has been carried out to understand the impact on neighbouring sites from the increased demand that would result from these closures.

2.4.8 This analysis indicates that overall, there is sufficient capacity to manage this change in demand, although Sundays would be nearing capacity across a number of sites. There are, however, opportunities to further extend opening hours at weekends if required, in accordance with current planning conditions.

2.5 Combination of part and full site closures

2.5.1 It would be possible to combine part week and full week closures and still meet the £1.5m savings requirement. However, three sites would still need to be closed under any option and owing to the differences in operating costs, the sites at Faversham and Richborough would need to close under all options.

2.6 Considerations and options

2.6.1 Closing sites for two days per week does not deliver the savings required from the service.

2.6.2 Option 1 is to close the four sites set out in section 2.4 above, given that this delivers the required savings target. The consequences of this are an

increase of 1.8% of households who are not within a 20-minute drive of a HWRC and a reduction in network capacity of 18.1%. As discussed in section 1, there is currently significant spare capacity across the network to deal with this reduction. In this option, there are no changes to opening times at the other HWRCs.

2.6.3 Option 2 would require the sites at Faversham, Maidstone and Richborough to close and for the remaining 10 sites not co-located with a transfer station to close for two days per week. The consequences of this are an increase of 1.8% of households who are not within a 20-minute drive of a HWRC and a reduction in network capacity of 27.8%.

2.6.4 Option 3 would require the sites at Dartford, Faversham and Richborough to close and for the remaining 10 sites not co-located with a transfer station to close for two days per week. The consequences of this are an increase of 1.1% of households who are not within a 20-minute drive of a HWRC and a reduction in network capacity of 27.3%.

2.6.5 The impact on drive times and capacity of each of these options is set out in table 3 below.

Scenario	Households within a 20 min off peak drive time of a HWRC	Number of additional households outside 20 min off peak drive time compared to existing network	% of households within 20 min off peak drive time of a HWRC	Reduction in slots available per week	% reduction in slots per week
Existing	665,434	-	96.0%	-	-
Option 1	653,481	11,953	94.2%	13,920	18.1%
Option 2	653,481	11,953	94.2%	21,400	27.8%
Option 3	657,753	7,681	94.9%	20,990	27.3%

Table 3: Impact on off peak drive times and network capacity of different site closure options

3. Approach to consultation

3.1 The consultation with residents and other stakeholders will ask for views on the above three options and provide an opportunity for alternative proposals to be put forward.

3.2 It will also seek views on the potential to replace unsustainable small sites with larger, multifunctional sites that will enable more materials to be segregated for recycling and provide an improved service to residents.

3.3 The consultation is scheduled for 12 weeks from mid-July, subject to discussions at the Committee meeting today.

3.4 Findings from the consultation will then be analysed and a final proposal developed. Given the need to make savings in 23/24, this proposal will come back to the Committee as soon as practicable later in the financial year.

4. Financial implications

- 4.1 Indicative full year effect savings of around £1.5m have been developed for each of the scenarios from high-level savings of related overheads, utility and contractor costs. These will be subject to more detailed refinement to account for the contractual change control process with service suppliers, notice to leaseholders and cessation of sub-contractor arrangements.
- 4.2 In consideration of the sites for potential closure, the business considers that most are not suitable for further investment and development to meet new burdens of environmental regulations.
- 4.3 For context, there is an existing capital and development programme in place to meet the waste growth of materials collected at the kerbside by district and borough councils in Kent. This is a programme to deliver new Waste Transfer Station infrastructure in Sevenoaks and Folkestone & Hythe, further details of this continued programme will be discussed at future Cabinet Committees.
- 4.4 There are likely to be views asking whether there can be additional trade waste services at the HWRCs. These services are already provided where permitting allows, resulting in annual royalties of £226,000. There is a target to increase trade waste income by £190,000 in 2023/24, which was reported to the Environment and Transport Cabinet Committee in January 2023. Trade waste is already collected at KCC's waste transfer stations; however, the margins are not substantial enough to realistically meet this savings target of £1.5m. Increasing margins would result in uncompetitive gates fees and a reduction in income.

5. Legal implications

- 5.1 The Environmental Protection Act (1990) states that Authorities should provide a place for recycling. This is not to say that such a facility must be provided within a designated District or Borough.
- 5.2 Under Common Law the need to consult arises:
 - Where there is a withdrawal of a benefit with significant impacts to be considered and/or an interest which is held to be sufficient to warrant such an expectation.
 - From some promise to consult or where official guidance or policies imply a promise to act in a particular way.
 - Where there is well established practice of consultation.
 - Where in exceptional cases, a failure to consult would lead to conspicuous unfairness.

6. Equalities implications

- 6.1 An Equality Impact Assessment (EqIA) has been completed to ensure consideration has been given to the impact of potential HWRC closures and the approach to consultation. The initial assessment has found that the following

protected characteristics may be negatively impacted as a result of the proposed closures:

- Age
- Disability
- Race
- Pregnancy and maternity
- Carer's responsibilities.

6.2 The requirement to travel further to an alternative HWRC, because of closures, could impact those within the age, disability, pregnancy & maternity, and carer's responsibility groups. However, as described above, many customers will be within a 20-minute drivetime of an alternative site.

6.3 Customers can request additional assistance at the time of booking to visit an HWRC because of age, disability and pregnancy & maternity. This function may be useful if customers are required to use alternative sites, where perhaps individuals may be unfamiliar or encounter different challenges with disposal, because of different layouts / containers etc. Site staff will be available to help all customers with advice and support, as required.

6.4 A number of consultation communication considerations have also been identified to encourage participation.

6.5 The assessment will be developed further based on feedback from the public consultation, as this is an important means by which we can test our current understanding.

7. Other corporate implications

7.1 The consultation shall be developed in conjunction with Engagement and Consultation Officers. As the detailed business case is further developed, colleagues in Infrastructure will further advise the service of the existing lease arrangements. The Data Analytics team have already supported the business in providing appropriate levels of analysis included in the supporting appendices.

8. Recommendation

Recommendation

The Cabinet Committee is asked to consider and/or make recommendations to the Cabinet Member on the proposed options for delivering the budgetary savings required in 2023/24 and 2024/25 and agree to consult with the public and other stakeholders on these options.

9. Contact details

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From: David Brazier, Cabinet Member for Highways & Transport
Simon Jones, Corporate Director, Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 23 May 2023

Subject: Highway Term Maintenance Service Commissioning Programme

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: Environment and Transport Cabinet Committee; Cabinet Member Decision

Electoral Division: All

Summary: Kent County Council 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). The prevailing contract will expire on 31 August 2023. A new commissioning programme to replace this contract is expected to take 27-months.

This paper identifies market risks and outlines the commissioning programme required to deliver a replacement contract.

Recommendation:

The Cabinet Committee is asked to note and comment on the report.

1. Introduction

1.1 Kent County Council (KCC) 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 delivered by Amey Highways Ltd and the contract is managed by Highways and Transportation (H&T).

1.2 The current arrangement commenced on 1 September 2011 and has been worth between £40m and £50m per annum split across revenue and capital budgets and has relied upon both grant and KCC funding. Several 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. pothole and surface defect repairs.

- **Surface Treatments** – i.e. road and footway surface preservation and life extension.
 - **Emergency Response** – i.e. supporting emergency services in response to incidents across the network including weather events and structural failure.
 - **Highway Schemes Delivery** – i.e. construction of highway improvement schemes, including those for crash remedial measures and s106 requirements.
- 1.3 Whilst the current contract is due to expire on 31 August 2023 work is nearing completion to secure a final extension to this contract which will see the expiry of the contract be revised to 30 April 2026.
- 1.4 This paper outlines the pathway to recommission this contract to ensure continuity of operational service from May 2026.

2. Current Market Capacity

- 2.1 The industry is experiencing significant volatility due to the impact and aftermath of COVID-19 and the war in Ukraine. The consequence of these and other market challenges has seen widescale problems in the supply of materials, skilled and unskilled labour and increasing fuel and financing costs. This has led to large uplifts in inflation with many indices (e.g. RPI, CPI and BCIS) forecasting be between 10% and 30% over the past 12-18 months.
- 2.2 It is expected that this market uncertainty will remain for the short/medium term with some forecasting that it may take many years to normalise.
- 2.3 Local authorities that are procuring new contracts are seeing highly volatile pricing, reduced supplier availability and tenderers seeking to transfer several critical risks back to the client.
- 2.4 Initial conversations have identified that there remains congestion in the tendering programmes of many industries (including highways and construction). In this climate there remains little confidence that letting a contract at this time would deliver a contract that would be affordable or that it would represent best value over the longer-term.
- 2.5 Market intelligence suggests that delaying procurement for a period of somewhere between 3-5 years should allow the market to stabilise.
- 2.6 In summary the prevailing primary procurement risks include amongst others:
- **Market Uncertainty** – Volatility throughout the market is affecting both pricing and risk provisioning. Tendering at this time for a long-term (10 year plus) could incorporate unnecessary cost and risk. Passage of time (3-5 years) should allow market to stabilise and contractors to regain operational confidence.

- **Supply Chain Capacity** – Some organisations may not survive the challenging operational environment. Whilst this may allow new market entrants it will curtail competition.
- **Manufacturing capability** – Scarcity and competition for raw materials and skilled operatives is extending times and increasing unit prices for plant and manufactured equipment/components very high. Over time is expected that the demand for these items will be satisfied and this market will normalise.

3. Procurement Timeline

- 3.1 To procure a replacement term maintenance contract is both complex and time consuming. Under normal circumstances, this process would be expected to take circa 27 months.
- 3.2 Whilst the below provides some detail on the expected stages and duration of the programme, there remains the need to align this schedule to the democratic decision and governance processes which could affect some of the durations stated:
- Formal Market Engagement – 6 Months
 - Selection Qualification (SQ) Process – 1 Month
 - SQ Evaluation and Approval – 2 Months
 - Initial Tender Period – 3 Months
 - Initial Tender Evaluation and Shortlist – 3 Months
 - Negotiation Period – 2 Months
 - Final Tender Period – 2 Month
 - Award Process – 2 Months
 - Mobilisation Period – 6 Months
- 3.3 KCC has a legal duty to maintain its respective sections of the highway network under section 41 of the Highways Act 1980 and this demands continuity of operational service.
- 3.4 Whilst the current contract is due to expire on 31 August 2023 work is nearing completion to secure a final extension to this contract which will see the expiry of the contract be revised to 30 April 2026.
- 3.5 This final extension to the HTMC will facilitate the above commissioning timeline and is in line with KCC MTFP budget ambition. The extension will also help to address the commissioning risks highlighted.
- 3.6 Whilst the contract is due to expire in August, due to activities required to prepare for Winter Service operations (vehicle maintenance, salt stocking, driver and route training and the like) the extension will allow the new term maintenance contract to commence in May. This provides a sufficient duration to mobilise for the formal start of Winter Service in October.

3.7 The final 32-month contract extension to the existing HTMC will be presented to the Environment and Transport Cabinet Committee in July 2023.

4. Next Steps

4.1 The programme team is being mobilised and this will continue over the summer of 2023 prior to the formal commencement of the HTMC commissioning programme.

4.2 A steering board to routinely measure and monitor progress will be set up and will regularly provide an update to this committee.

5. Recommendation:

The Cabinet Committee is asked to note and comment on the report.

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From: David Brazier, Cabinet Member for Highways and Transport
Haroon Chughtai, Director of Highways and Transportation

To: Environment & Transport Cabinet Committee – 23 May 2023

Subject: Temporary Road Closures – Update Report

Key decision: No

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All Divisions

Summary: This report updates Members on the position regarding Temporary Road Closure applications and actions since report to this Cabinet Committee on 8th November 2022.

Recommendation:

The Cabinet Committee is asked to note the revised details and follow up actions regarding Temporary Road Closure Applications.

1. Introduction

- 1.1 A report detailing the Temporary Road Closure Application process and the statutory and associated regulatory process was presented to ETCC on 8th November 2022.
- 1.2 A number of recommended actions were resolved at the committee namely:
 - a) note the 225% increase, from approximately 4833 to nearly 16,000 per year, in road closure permits issued between 2018 and 2022;
 - b) recommend that the Cabinet Member tasks highways officers with seeking to reduce the number of road closure permits issued in the county to levels of the year ending 2018, namely fewer than 5,000;
 - c) recommend that the Cabinet Member ensures that every road closure should carry conditions of extended hours and weekend working to shorten the disruption suffered by road users;
 - d) recommend that the Cabinet Member ensures there is a programme of rigorous enforcement of conditions and organisation of diversions; and
 - e) requests that Scrutiny Committee undertake a Short-Focused Inquiry into reducing the numbers of road closures in the county.

2. Update on Actions

2.1 Action a) and action b). These relate to the volume of temporary road closures and a request to reduce.

2.2 During the investigation into the volume of temporary closures an error in the reporting was discovered. The system had double counted several road closure applications where a closure had either been re-applied for and / or the date had changed. The closure would have only taken place once and not multiple times.

2.3 The table below details the revised numbers for 20/21 and 21/22.

Year	Number of applications received: Yearly total
2017/18	4,833
2018/19	6,224
2019/20	7,284
2020/21	9,991
2021/22	9,455
2022/23	10,736

Year	Previously reported as:	Actual volume
2020/21	12,027	9991
2021/22	15,751	9455

2.3 The temporary road closure applications for 2022/23 have been interrogated to consider both the works promoter and the relationship between planned and emergency road closures.

Works Promoter	Planned Road Closure	Emergency Road Closure
Kent County Council	1073	2858
South East Water	352	1391
Southern Water	450	530
Southern Gas Networks	848	150
Openreach	1112	546
Thames Water	104	151

UK Power Networks	333	287
Other	426	125
Totals	4698	6038

- 2.4 The increase in temporary road closures from 2018/19 has almost doubled over the past few years. This reflects the increasing number of organisations now seeking to access the highway to undertake critical work (e.g., utility companies, telecommunications, and developers – all with increasing numbers of sub-contractors of differing capability and experience of highway working).
- 2.5 The permit process is bound by legislation and regulatory procedure. This protects both the works promoter and the highway authority but does place obligations and conditions on both parties.
- 2.6 As the Highways Authority, KCC, through its Streetworks Team, administers the process (for a fee) whilst also seeking to mitigate the impact of the proposed works and coordinate it with other prevailing/competing works.
- 2.7 It is important to note that when a works promoter meets the conditions of the scheme, *KCC has no ability to refuse or reject the application and **as such the opportunity to reduce permits remains limited especially during programmes of significant infrastructure modernisation which are stipulated by national regulators.***
- 2.8 Procedurally, when a road closure application is received the Streetworks team will assess the application taking into consideration amongst some others:
- Nature and method of the works required.
 - Conflict with any other works
 - Section of road affected.
 - Diversion route – is it suitable of an equal road quality and classification?
 - Check the Traffic Management plan and request amendments if not suitable.
 - Review duration of closure and whether this is reasonable (compared with other similar or equivalent activity). Where it is not is will be challenged, and this also applies to emergency works.
 - Timings and extent of the closure. Seek extended/reduced working hours prevent impact on School buses and the like.
- 2.9 *Actions c) and d) relate to the conditions of the closure and enforcement.*
- 2.10 Any number of conditions can be applied to a permit regarding the timing and working practices related to the closure. Below are examples of sample permit conditions that have been applied previously.

1. NCT02b: Activities to take place 1900 - 0500.

NCT05a: Works restricted to area agreed in KCC TM Plan

NCT06a: Traffic to follow KCC Diversion route.

NCT11b: Advance signs to be erected 4 weeks prior displaying permit numbers also letter drops to effected properties, KCC will consult with stakeholders, emergency services, residents, and bus companies. Environmental have been informed.

2. *NCT01a: Mandatory*

NCT02a: 09.30-15.30, highway to be clear at all other times.

NCT07a: ROAD CLOSURE AS PER ATTACHED PLAN

NCT08b: MANNED AT ALL TIMES

NCT09c: Removal within 1 hour of works completion

NCT11b: Advance warning boards to go out 14 days in advance of road closure start date. Letter drop to residents & businesses in local area to be done 14 days in advance of road closure start date.

- 2.11 Where planned closures are to be implemented as part of the permit application, advanced warning signs will be requested, as will formal and continued consultation and community engagement and this will include public meetings (on larger schemes) and letter drops to affected residents and businesses. A liaison with bus operators and other transport providers is required and any impact on local schools and businesses will also need notification and engagement. In some instances, we will request that additional signage is made up advising that "Business is Open as usual." All this is to be undertaken by the works promoter.
- 2.12 Whilst KCC have no control on whether a road needs to be closed, utility companies are bound by the Safety Code when deciding to close a road.
- 2.13 In order to scrutinise emergency closures and the performance and practice on site the Street Works team have undertaken a rapid review to assess emergency utility road closures.
- 2.14 This was to ascertain whether roads were closed for no reason or were unnecessarily closed to carry out works when other less disrupting Traffic Management (TM) could have been deployed. It also sought to determine whether incorrect or unsuitable diversions were being used and checked how these sites were being managed, following the work commencing.
- 2.15 During the Period 24th November 2022 through 2nd December 2022 the team endeavoured to attend all emergency utility closures in the Maidstone and Ashford area. These locations have historically had the highest level of activity. Within the short review period 44 visits were made which accounted for 18 individual sites.
- 2.16 Each visit objectively considered:
- Is the road closed when other forms of TM could have been utilised? And were the team on site? and was the closure required whilst the contractor was on site?
 - Are the works complete but road still closed?
 - Is road closed but works not started?
 - Are the works complete awaiting reinstatement?
 - Is the site safe?
 - Is the diversion suitable?

- Is the signage suitable/correct?

2.17 The rapid review determined:

1. *Is the road closed when other forms of TM could have been utilised?*

Of the 18 sites visited 16 were determined to have needed a road closure to comply with the Safety Code of Practice

2. *Are the works Complete but the road still closed?*

Of the 18 sites visit, 2 sites were completed and still had the road closed. All others were awaiting reinstatement or had open excavations.

3. *Is the road closed but works not started?*

Of the 18 sites, 1 site had been closed before the operatives were on site.

4. *Are the works complete awaiting reinstatement?*

Of the 18 sites, 7 had the repair completed and were awaiting reinstatement. The remainder either had open excavations or the closure had been removed.

5. *Is the site safe?*

2 of the 18 sites were deemed to be unsafe with high-risk defect notices issued.

6. *Is the diversion suitable?*

10 sites were found to have unsuitable diversions.

7. *Is the road closure signage correct?*

12 sites were found to have insufficient, inadequate, or incorrect signage.

2.18 In this small sample it was generally found that roads were not closed unnecessarily and most complied with the safety Code of Practice. Furthermore, the roads assessed did need to be closed whilst the works were in progress.

2.19 Significant issues were found with diversion routing and signage. These issues have been presented to work promoters and parent utility companies and form part of formal improvement plans. These are being monitored and measured during routine performance meetings and will form part of any future enforcement/penalty charge conversation in the future.

2.20 This review also identified that there was a high probability that emergency closures clashed with other closures. This caused significant confusion and disruption to the traveling public arising from contradictory or competing signage and diversion routes.

2.21 It was determined that in many cases, this was a result of South East Water (SEW) attending to high quantity of water leaks. Bi-weekly meetings are in place to address these performance issues. SEW are seeking to rectify using new ways of working and to work more closely with the Streetworks team.

2.22 From April 2023, a new, performance-based inspections regime has commenced which will further assess, monitor and, where necessary, improve a work promoters' performance and reduce levels of non-compliance. It is hoped that this will improving the experience for Kent residents and businesses. Clear signage, quickly deployed and removed with simple and easily followed diversion routes.

2.23 Performance-based inspections mean that poor performers are inspected more often than those who have high levels of compliance with the safety code and the Specification for Reinstatement.

2.24 Action e) Attendance at Scrutiny Committee

2.25 There has been no request to attend Scrutiny Committee to date. This will be followed up with Democratic Services.

3. Financial Implications

3.1 The charge for processing a TTRO to external organisations is £710 for 2023/24 and this includes all legal administrative and advertising costs.

4. Legal implications

4.1 Temporary road closures require a legal notice to be published and this is done in accordance with the Road Traffic Regulation Act 1984 and The Road Traffic (Temporary Restrictions) Procedure Regulations 1992.

4.2 Statutory guidance on safety is published in the Safety at Street Works and Road Works Code of practice.

5. Equalities implications

5.1 Not applicable as this report is for information and has no effect on policy or service standards.

6. Background Documents

6.1 Link to KCC web site for a Road Closure Application [Apply to close a road - Kent County Council](#)

7. Recommendation:

The Cabinet Committee is asked to note the revised details and follow up actions regarding Temporary Road Closure Applications.

8. Contact details

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From: Benjamin Watts, General Counsel

To: Environment and Transport Cabinet Committee – 23 May 2023

Subject: Work Programme

Classification: Unrestricted

Past and Future Pathway of Paper: Standard agenda item

Summary: This report gives details of the proposed work programme for the Environment and Transport Cabinet Committee.

Recommendation: The Cabinet Committee is asked to consider and agree its Work Programme.

1. Introduction

- 1.1 The proposed work programme, appended to the report, has been compiled from items in the Future Executive Decision List and from actions identified during the meetings and at agenda setting meetings, in accordance with the Constitution.
- 1.2 Whilst the chairman, in consultation with the cabinet members, is responsible for the programme's fine tuning, this item gives all members of this cabinet committee the opportunity to suggest amendments and additional agenda items where appropriate.

2. Work Programme

- 2.1 The proposed work programme has been compiled from items in the Future Executive Decision List and from actions arising and from topics, within the remit of the functions of this cabinet committee, identified at the agenda setting meetings [Agenda setting meetings are held 6 weeks before a cabinet committee meeting, in accordance with the constitution].
- 2.2 The cabinet committee is requested to consider and note the items within the proposed Work Programme, set out in appendix A to this report, and to suggest any additional topics to be considered at future meetings, where appropriate.
- 2.3 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 to support more effective forward agenda planning and allow members to have oversight of significant services delivery decisions in advance.
- 2.4 When selecting future items, the cabinet committee should consider the contents of performance monitoring reports. Any 'for information' items will be sent to members of the cabinet committee separately to the agenda and will not be discussed at the cabinet committee meetings.

3. Conclusion

- 3.1 It is vital for the cabinet committee process that the committee takes ownership of its work programme 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 for 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 Cabinet Committee is asked to consider and agree its Work Programme.

5. Background Documents: None

6. Contact details

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Environment and Transport Cabinet Committee – Work Programme

Item	Cabinet Committee to receive item
Verbal Updates by Cabinet Members and Corporate Director	At each meeting
Performance Dashboard	At each meeting
Work Programme	At each meeting
Draft Budget	Annual (January)
Biosecurity and Tree Health Report	Annual (January)
Corporate Risk Register	Annual (March)
Winter Service Policy	Annual (September)
Southern Water - Presentation	Bi-Annual

5 July 2023

No.	Item	Additional Comments
	Sturry Link Road - Key Decision	
Page 173	Mobility as a Service (as part of National Highways Designated funds project) - Key Decision	
	Ultra Low Emissions Zone - Report	For information
	Highways Asset Management Plan - Update	Requested at ETCC on 19 May 2022
	Kent and Medway Energy and Low Emissions Strategy - Update	
	Environment Agency guidance on managing Polyfluoroalkyl Substances - Report	Recommended by County Council on 23 March 2023

14 September 2023

No.	Item	Additional Comments
	Winter Service Policy	Annual
	Southern Water - Presentation	Bi-Annual
	Climate Change Adaptation Plan	

15 November 2023

No.	Item	Additional Comments

Items for Consideration that have not yet been allocated to a meeting	
Drainage Infrastructure Maintenance - Report	Requested at ETCC on 19 January 2023
Highways and Transportation fault reporting and enquiry form - Update	Requested at ETCC on 19 January 2023
A review of highway aspects of planning applications - Report	Requested at ETCC on 7 March 2023 For information
Electric vehicle charging infrastructure - Report	Requested at ETCC agenda setting on 29 March 2023