



Summons to and
Agenda for a
Meeting on
**Thursday, 14th
December, 2023**
at **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Wednesday, 6 December 2023

To: All Members of the County Council

A meeting of the County Council will be held in the Council Chamber, County Hall, Maidstone, Kent, ME14 1XQ on Thursday, 14th December, 2023 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by Time Not Specified.**

A G E N D A

1. Apologies for Absence
2. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda
3. Minutes of the meeting held on 16 November 2023 and, if in order, **(Pages 1 - 14)** to be approved as a correct record
4. Chairman's Announcements
5. Questions
6. Report by Leader of the Council (Oral)
7. Governance Update **(Pages 15 - 22)**
8. Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 **(Pages 23 - 76)**
9. Motion for Time Limited Debate **(Pages 77 - 78)**

Benjamin Watts
General Counsel
03000 416814

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KENT COUNTY COUNCIL

COUNTY COUNCIL

MINUTES of a meeting of the County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 16 November 2023.

PRESENT: Mr G Cooke (Chairman), Mr B J Sweetland (Vice-Chairman), Mr N Baker, Mr M Baldock, Mr P V Barrington-King, Mr P Bartlett, Mr D Beaney, Mrs C Bell, Mr T Bond, Mr A Booth, Mr A Brady, Mr D L Brazier, Mrs B Bruneau, Mr T Cannon, Miss S J Carey, Sir Paul Carter, CBE, Mrs S Chandler, Mr N J D Chard, Mr I S Chittenden, Mrs P T Cole, Mr P Cole, Mr P C Cooper, Mr M C Dance, Ms M Dawkins, Mrs T Dean, MBE, Mr M Dendor, Mr R W Gough, Ms S Hamilton, Peter Harman, Jenni Hawkins, Mr P M Hill, OBE, Mr A R Hills, Mr S Holden, Mr M A J Hood, Mr A J Hook, Mrs S Hudson, Mr D Jeffrey, Mr A Kennedy, Mr J A Kite, MBE, Rich Lehmann, Mr B H Lewis, Mr R A Marsh, Mr J P McInroy, Ms J Meade, Mr J Meade, Mr D Murphy, Mr P J Oakford, Mrs L Parfitt-Reid, Mr C Passmore, Mr H Rayner, Mr O Richardson, Mr D Ross, Mr A Sandhu, MBE, Mr T L Shonk, Mr C Simkins, Mr M J Sole, Mr P Stepto, Mr R G Streatfeild, MBE, Dr L Sullivan, Mr D Watkins, Mr S Webb, Mr M Whiting, Mr J Wright and Ms L Wright

IN ATTENDANCE: Mr B Watts (General Counsel)

IN VIRTUAL ATTENDANCE: Mrs A Beer (Deputy Chief Executive)

UNRESTRICTED ITEMS

177. Apologies for Absence
(Item 1)

The General Counsel reported apologies from Mrs Ros Binks, Mr Conrad Broadley, Mr Nigel Collor, Ms Karen Constantine, Mr Derek Crow-Brown, Mrs Lesley Game, Ms Kelly Grehan, Mrs Sarah Hohler, Mr Rory Love, Mrs Margot McArthur, Mr Jan Ozog, Mrs Shellina Prendergast, Mr Alan Ridgers, Mr David Robey and Mr Robert Thomas.

Mr Murphy reported apologies from Mr Steve Manion and Mr Stepto reported apologies from Mr Steven Campkin.

178. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda
(Item 2)

There were no declarations of interest.

179. Minutes of the meetings held on 21 September 2023 and, if in order, to be approved as a correct record
(Item 3)

Ms Hamilton advised that Mr Love's attendance at the Freedom of the County meeting on 21 September 2023 had been incorrectly recorded and he was present at the meeting.

RESOLVED, subject to the above amendment, that the minutes of the Freedom of the County and Ordinary County Council meetings held on 21 September 2023 be approved as a correct record.

180. Corporate Parenting Panel - July 2023 Minutes for noting
(Item 4)

RESOLVED that the minutes of the meeting of the Corporate Parenting Panel held on 26 July 2023 be noted.

181. Chairman's Announcements
(Item 5)

Mr Derek Smyth

- (1) The Chairman gave a warm welcome to the meeting to Mrs Norma Smyth.
- (2) With great sadness, the Chairman informed Members of the death of Mr Derek Smyth, former Member for Ashford South from 1998 to 2009 and again from 2013 to 2017. During his time at the Council, Mr Smyth served as Vice Chair of the Cabinet Scrutiny Committee as well as on the Ashford Local Board, Policy Overview Co-ordinating Committee, Corporate Policy Overview Committee, Audit Committee, Governance & Audit Committee, Pension Board, Policy & Resources Cabinet Committee and Property Sub Committee. Mr Smyth was appointed as an Honorary Alderman in 2017 for his service to the Council.
- (3) The Chairman invited Members to speak, and tributes were made by Dr Sullivan, Mr Gough, Mr Baldock, Mrs Dean, Miss Carey, Mr Holden, and Mr Bartlett.

Mr John Martyn Kent Tucker

- (4) With great sadness, the Chairman informed Members of the recent death of Mr John Martyn Kent Tucker, MBE, former Member for Sevenoaks North East from 1989 to 2005. Mr Tucker was Chairman of the Council between 2004 and 2005 and served on the Highways Advisory Board, Regulation Committee, Environment Planning and Transportation Committee, Police and Resources Property Group, Fire and Public Protection Committee and

the Kent and Medway Towns Fire Authority. Mr Tucker was appointed as an Honorary Alderman in 2012 for his service to the Council.

- (5) The Chairman advised that tributes for Mr Tucker would be taken at the Full Council meeting on 14 December.
- (6) The Chairman held a one-minute silence in memory of Mr Derek Smyth and Mr John Martyn Kent Kucker.

HMS Kent

- (7) The Chairman thanked Members for their support in HMS Kent receiving the Freedom of the County at the last meeting. The event was celebrated on Friday 22 September with a Parade through Maidstone followed by an inspection and a reception for the Ship's Company and their families at County Hall. The Parade included the Ship's Company, the Band of the Royal Marines and local Sea Cadets. The Chairman said it was wonderful to have such a celebratory event take place at County Hall and receiving the Freedom meant a great deal to HMS Kent and the Royal Navy.
- (8) The Chairman thanked those who made the day a success including colleagues at Maidstone Borough Council and Kent Police. The Chairman paid particular thanks to teams at the Council including Democratic Services, Security and Reception, and the Press Office. He gave a very special mention to Canon Peter Bruinvels who was an outstanding liaison with the Ship. The Chairman showed a short piece of video footage from the day.

Kent and Medway Civilian Military Partnership Board and Gold Status being Renewed

- (9) The Chairman was pleased to chair the recent Kent and Medway Civilian Military Partnership (K&MCMP) Board meeting and said the Council had been successful in retaining its MoD Employer Recognition Scheme gold status. The Employer Recognition Scheme Gold Award was the highest badge of honour for organisations which had signed the Armed Forces Covenant and demonstrated outstanding support for those who serve and have served.
- (10) The award was valid for five years and the Council was first awarded with the Gold award in 2018. Applications were reviewed by a central Committee chaired by a senior General and the Council was part of a very small cohort of Local Authorities in the UK to be validated.
- (11) The Chairman congratulated and paid tribute to all those concerned.

Democracy Week

- (12) The Chairman said that Democracy Week took place from 14 October to 20 October, during which the Chairman invited local schools into County Hall to learn more about how the Council was run.

Black History Month

- (13) The Chairman was pleased to support Black History Month in October and had attended events across the County to celebrate Black History Month and recognise the theme 'Saluting our Sisters' which celebrated the remarkable contributions from inspirational black women that had not only shaped history but continued to inspire change and future generations.

Corporate Parenting Christmas Appeal

- (14) The Chairman referred to the overwhelming success of the Appeal last year, supported by Local Kent charity, Young Lives Foundation and said the Council would be reaching out again to partners and businesses across Kent to help the Council reach its target of £20,000 to enable each young person to receive a £10 voucher. The Chairman showed a short video which highlighted the Appeal and encouraged Members to donate to this good cause.

Launch of the Poppy Appeal

- (15) The Chairman was delighted that the Launch of the Royal British Legion's Poppy Appeal returned to County Hall this year. The Royal British Legion representatives and veterans attended with Civic guests to formally launch this year's Poppy Appeal which raised much needed funds for the Royal British Legion, supporting the Armed Forces Community.

Launch of the Kent Association of Local Councils Community Awards

- (16) The Chairman was also pleased to launch the Kent Association of Local Councils (KALC) Community Awards with the high sheriff and the Mayor of Medway. The aim of the Community Awards Scheme was to acknowledge and recognise those that have made a significant contribution to their local community.

The King's Awards for Voluntary Service (KAVS)

- (17) The Chairman explained that The King's Awards for Voluntary Service aimed to recognise outstanding work by local volunteer groups to benefit communities. It was created in 2002 to celebrate Queen Elizabeth II's Golden Jubilee and, following his accession, His Majesty the King emphasised his desire to continue the Award.
- (18) The Chairman was delighted to announce that Kent had secured four winners of the first King's Award for Voluntary Service, following the official announcement made on The King's birthday, Tuesday 14 November. These were Academy FM Thanet, Child's Vision, SATEDA and

Sittingbourne Community Radio. He said this was a wonderful achievement and, on behalf of the Council, sent his warmest congratulations and very best wishes for their continued success.

182. Questions
(Item 6)

In accordance with Sections 14.15 to 14.22 of the Constitution, 14 questions were submitted by the deadline and 13 questions were put to the Executive as one questioner had given apologies. 10 questions were asked, and replies given. A record of all questions put and answers given at the meeting is available [online](#) with the papers for this meeting.

Questions 12, 13, 14 were not put in the time allocated but written answers were provided.

183. Report by Leader of the Council (Oral)
(Item 7)

- (1) The Leader opened his report by referring to the financial situation of the Council and said this would be discussed under item 8 - Securing Kent's Future. He highlighted that a recent report from the County Councils Network set out the widespread pressures faced by local authorities and identified Children's services as the biggest factor. The Leader said a letter from Southeastern Leaders had been sent to the Chancellor setting out the case for support and the Council had committed to two pathfinder projects, the Fostering Recruitment and Retention Programme and, if selected, a southeastern regional care cooperative. He said these were important long-term steps towards addressing some of the challenges in children's services.
- (2) Mr Gough turned to the issue of Unaccompanied Asylum Seeking Children (UASC). He said the Council awaited the outcome of judicial review proceedings against the Home Secretary and it remained a top priority of the Council to ensure that the National Transfer Scheme (NTS) was working effectively as soon as possible. In the last three months over 1,200 UASC were brought into or referred to the Council's care, a rate far higher than the NTS currently operated and this left huge pressures on reception, fostering, and accommodation capacity.
- (3) The Leader said asylum and migration issues remained a challenge for local government. Although the use of Afghan bridging hotels (of which there were three in Kent) had come to an end, the reallocation of dispersed asylum seekers along with continuing arrivals added to the pressure. Mr Gough said Kent district, county and unitary Leaders were carefully considering a joint response to the government's consultation on safe and legal routes for refugees.

- (4) The Leader expressed his gratitude for the exceptional work of officers as a result of Storm Ciaran. He explained that over the last year the Council's highways service responded to almost 35,000 pothole enquires, more than three times the level of the previous year. Under the pothole blitz programme, in operation since the summer, four and a half miles of patching works had been completed along with another mile of works programmed to be done by the end of this month. Mr Gough stressed that the Council continued to press government for further funding and was committed to securing the maximum value from its programmes to address the pressures on the Council's roads and assets.
- (5) With winter approaching, Mr Gough said the pressures on residents was increasing. He referred to the Helping Hands Scheme, the Financial Hardship Programme, and the Household Support Fund, and highlighted that in addition to these programmes, areas such as debt advice and better referral between agencies were being developed to support residents.
- (6) Mr Gough said the Council continued to support businesses in the county and was working with local Members of Parliament and partners in Dartford and Ashford to make the case for the return of Eurostar services in Kent. He was delighted to attend the opening of the link road at Panattoni Park in Aylesford and said it was tremendous that a company of Panattoni's scale of operations in the field of development and logistics was making such a significant commitment to Kent. He referred with concern to the proposed job cuts at Pfizer at Discovery Park and said Discovery Park was a site of exceptional strategic importance and potential for Kent. Mr Gough said the Kent and Medway Business Fund (KMBF) was being relaunched and continued to make an important contribution in supporting business in the county.
- (7) Following a long period of hard work and lobbying, the Department for Education had announced a proposed two school solution for secondary provision on the Isle of Sheppey involving the Leigh Academy Trust and EKC Schools Trust. Subject to consultation this should take effect by September 2024. Mr Gough paid tribute to Mr Love, Mrs Prendergast, officers, and local Members who had pushed hard for resolution and championed the needs of the island and Swale as a whole.
- (8) October saw the launch of Making Space for Nature, Kent and Medway's nature recovery strategy which aimed to draw on widespread partner and public participation to help tackle habitat loss, protect ecosystems and to ensure diversity and strength in the county's natural environment. He paid tribute to Miss Carey for her work in this area and elsewhere. Miss Carey had recently stood down as Kent's first dedicated Cabinet Member for Environment.
- (9) The Leader of the Labour Group, Dr Sullivan, thanked officers for their work in response to Storm Ciaran. She commented on the recent cabinet changes within central government and the Council and joined the Leader in

thanking Miss Carey for her dedication in her role as Cabinet Member for Environment.

- (10) Dr Sullivan welcomed the announcement for the proposed new schools on the Isle of Sheppey and congratulated all the staff involved. She commented on the work and time required to build the case with central government and felt there was a shared frustration with the Leader regarding this.
- (11) Dr Sullivan turned to family hubs and highlighted the need to empower officers who were working across services to help residents. Dr Sullivan questioned whether family hubs were appropriate for young people and teenagers and referred to the Family Hubs policy by Rt. Hon Dame Andrea Leadsom and the early years review – ‘The best start for life: a vision for the 1,001 critical days’. She questioned whether young people were being listened to and whether a service was being provided for them.
- (12) Regarding children with special educational needs and disabilities (SEND), Dr Sullivan commented that too many children were excluded from being able to develop in appropriate settings and that there were too few case workers to support a growing number of families.
- (13) Mr Lehmann, Leader of the Green and Independent Group, spoke about climate change. He said the summer saw record breaking heat across the globe and September was nearly one degree Celsius above the 1991-2020 average temperature for that month, and hotter than the average July during the years 2001–2010. He commented on the government’s approach to the climate emergency and referred to the new licence to extract oil from Rosebank which he said when burnt the 500 million barrels of oil extracted from this site would be the equivalent of running 56 coal-fired power stations for a year.
- (14) Mr Lehmann also commented on the changes that had taken place in the Cabinets of central government and the Council and referred to the appointment of the Foreign Secretary in relation to Brexit and Eurostar. He said Brexit and the selling of the UK Treasury’s stake in Eurostar were catastrophic decisions that had led to the county being deprived of its international rail stations for the past three years. Mr Lehmann hoped that the latest push to lobby for the resumption of services from Ashford and Ebbsfleet would be successful.
- (15) Mr Lehmann also welcomed the two new schools on the Isle of Sheppey, recognised the considerable part played by Swale Borough Council in the negotiations and noted the common purpose held across parties. Mr Lehmann highlighted, with concern, that a consultation document suggested that the capacity of the two new schools would be lower than at Oasis Academy. Given that many children on the Isle of Sheppey attend school in Sittingbourne, he asked for reassurance that these figures assumed that demand for the two new schools would be greater than the current demand for places at Oasis Academy.

- (16) Mr Lehmann echoed the Leader's gratitude to the Council's highways teams for their excellent response to Storm Ciaran.
- (17) Finally, Mr Lehmann referred to the situation in Gaza and said a ceasefire was needed for people to receive the sustained help they required.
- (18) Mr Hook, Leader of the Liberal Democrat Group, also expressed sympathy to everyone effected by the events in Gaza.
- (19) Mr Hook also paid tribute to the staff who had worked to minimise the damage caused by Storm Cirian and said it was the right decision to adjourn the Full Council meeting on 2 November. He commented, however, that most organisations in Kent had carried on with business as usual that day through remote working and he condemned the national legislation that did not allow local government to transact its business virtually.
- (20) Turning to UASC and fostering Mr Hook said that his group supported the investigations being made by the Council regarding a new children's home in Kent. He commented on the number of foster carers who were stopping fostering each year and questioned what actions the Council was taking to support them. Mr Hook said he welcomed some information on whether the rates of pay for foster carers had increased in line with inflation.
- (21) Mr Hook joined the Leader in welcoming The Kent & Medway Local Nature Recovery Strategy. He commented that the solution to the environmental problem required a local approach and, in addition to helping nature and wildlife, a resilient nature would provide the residents of Kent with protection against floods and droughts.
- (22) Mr Hook welcomed the announcement regarding the two new schools on the Isle of Sheppey and queried whether there was a lesson to be learnt in relation to the size of the school that was being disbanded, and questioned whether a school of that size could develop a real sense of community. He hoped that the two new smaller schools in Sheppey would have a better sense of community and better-quality outcomes.
- (23) Mr Hook referred to the changes that had recently taken place within the Council's Cabinet and commented that many Members of the Council opposed the potential closures of Household Waste Recycling Centres in Kent. He condemned the closures and said they would add to the cost of living and result in more damage to the environment and more fly tipping.
- (24) The Leader responded to some of the points that were made. Regarding the new schools on the Isle of Sheppey Mr Gough agreed with Mr Lehmann's comments about the Council and Swale Borough Council having a common purpose. He said the Council worked cross party on these matters and highlighted the importance of recognising that all parties sought the best outcomes for the children and young people within the Isle of Sheppey, Sittingbourne and across Swale. Mr Gough said the Council

should be proud, as its role in education was not as directive as it once was, that it was able to lobby and work with partners to contribute towards what he believed was a better outcome.

- (25) In relation to Mr Hook's comments about school size he said there had been a tendency for schools to get larger with most secondary schools having six forms of entry. Mr Gough recognised there were some challenges faced by very large schools and it was a case of finding the right balance. He said that the Council would continue to support new schools and consider the Commissioning Plan for Education Provision but the issue of what the appropriate size was would continue to arise.
- (26) The Leader responded to the points raised about foster carers. He said the Council faced the same pressures as other local authorities and had always ensured that payments to foster carers were in line with recommendations from the Department for Education. The Leader reiterated the Council's commitment to the Fostering Recruitment and Retention Programme to help address the pressures within children's services and highlighted the additional challenge the Council faced in terms of the number of other local authority young people placed in the county and the scale of UASC arrivals.
- (27) Responding to Dr Sullivan's remarks on SEND Mr Gough said extensive recruitment of case workers had been a significant and important focus. He stressed the importance for staff to be able to do their job effectively and, most importantly, that the experience of families going through the SEND process was improved.
- (28) In terms of Family Hubs Mr Gough agreed that 'The best start for life: a vision for the 1,001 critical days' was a good philosophy and an important document. He was pleased that the Council had the opportunity to be one of the Family Hub trailblazers and recognised the importance of support for young people. He reminded Members that the Council still maintained, and was committed to, a scale of support for young people that many other councils had ceased to provide.
- (29) RESOLVED that the Leader's report be noted.

184. Securing Kent's Future
(Item 8)

- (1) Mr Gough proposed, and Mr Oakford seconded the motion that

"Council is asked to:

- a) Note the Cabinet Report on Securing Kent's Future.
- b) Note Cabinet's agreement to all recommendations on 5 October 2023.
- c) Note, in particular, the points raised in the Cabinet report relating to KCC delivering the Best Value statutory duty, and the requirement for

- Best Value considerations to be evidenced in all service, policy, and budgetary decisions at all levels of the council.
- d) Note the four objectives outlined for Securing Kent's Future and the intention to develop Securing Kent's Future as the Strategic Business Plan 2024/25.
 - e) Agree that the Strategic Statement (Framing Kent's Future) is to be managed and interpreted in the context of Securing Kent's Future (Budget Recovery Strategy).
 - f) Agree to formalise the prioritisation of the 'New Models of Care' objective within the strategic statement, Framing Kent's Future as the council's primary objective to meet its Best Value duties."
- (2) The Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council:
- a) Notes the Cabinet Report on Securing Kent's Future.
 - b) Notes Cabinet's agreement to all recommendations on 5 October 2023.
 - c) Notes, in particular, the points raised in the Cabinet report relating to KCC delivering the Best Value statutory duty, and the requirement for Best Value considerations to be evidenced in all service, policy, and budgetary decisions at all levels of the council.
 - d) Notes the four objectives outlined for Securing Kent's Future and the intention to develop Securing Kent's Future as the Strategic Business Plan 2024/25.
 - e) Agrees that the Strategic Statement (Framing Kent's Future) is to be managed and interpreted in the context of Securing Kent's Future (Budget Recovery Strategy).
 - f) Agrees to formalise the prioritisation of the 'New Models of Care' objective within the strategic statement, Framing Kent's Future as the council's primary objective to meet its Best Value duties.

185. Chief Executive Appointment
(Item 9)

- (1) Mr Gough proposed, and Mr Oakford seconded the motion that
- “County Council is asked to:
- 1. Agree the recommendation from Personnel Committee to appoint Amanda Beer to the post of Chief Executive Officer for a period of 18 months to enable the recruitment to the substantive post of Chief Executive Officer and any variance subject to mutual agreement.
 - 2. Instruct the Monitoring Officer to advise on and propose changes to the Constitution to give effect to any changes agreed by this paper at this meeting.”

- (2) The Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council:
 1. Agree the recommendation from Personnel Committee to appoint Amanda Beer to the post of Chief Executive Officer for a period of 18 months to enable the recruitment to the substantive post of Chief Executive Officer and any variance subject to mutual agreement.
 2. Instruct the Monitoring Officer to advise on and propose changes to the Constitution to give effect to any changes agreed by this paper at this meeting.

186. Flood Risk Management Committee - Terms of Reference Amendments
(Item 10)

This Item was taken after Item 8 and before Item 9.

- (1) Mr Hills proposed, and Mr Rayner seconded the motion that
“County Council is asked to agree that the:
 - a) name of the Kent Flood Risk Management Committee be changed to Kent Flood Risk and Water Management Committee; and
 - b) amendments to the Terms of Reference of the Kent Flood Risk Management Committee as set out in this report be made.”
- (2) Following the debate, the Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that County Council agrees the:
 - a) name of the Kent Flood Risk Management Committee be changed to Kent Flood Risk and Water Management Committee; and
 - b) amendments to the Terms of Reference of the Kent Flood Risk Management Committee as set out in this report be made.

187. Motions for Time Limited Debate
(Item 11)

Motion for Time Limited Debate 1 – Shoplifting in Kent

- (1) Mr Passmore proposed, and Mr Streatfeild seconded the following motion for time-limited debate:

- “a. This council acknowledges increasing levels of shoplifting in Kent and the financial, emotional and health impacts this may have on business owners and employees.
 - b. To recommend to the Executive that:
 - i. The Leader writes to the relevant agencies to ascertain the full extent of shoplifting in Kent, and its impact on businesses and employees.
 - ii. They consult with the Kent Community Safety Partnership to determine how best KCC could assist in signposting advice and guidance for business through the authority’s communication channels.
 - c. to recommend that the Kent & Medway Police and Crime Panel seeks further assurance from the Police and Crime Commissioner on the Police response to the issue of shoplifting.”
- (2) Following the debate, the Chairman put the motion set out in paragraph 1 to the vote and it was agreed unanimously.

Motion carried.

- (3) RESOLVED that:
- a. This council acknowledges increasing levels of shoplifting in Kent and the financial, emotional and health impacts this may have on business owners and employees.
 - b. To recommend to the Executive that:
 - i. The Leader writes to the relevant agencies to ascertain the full extent of shoplifting in Kent, and its impact on businesses and employees.
 - ii. They consult with the Kent Community Safety Partnership to determine how best KCC could assist in signposting advice and guidance for business through the authority’s communication channels.
 - c. to recommend that the Kent & Medway Police and Crime Panel seeks further assurance from the Police and Crime Commissioner on the Police response to the issue of shoplifting.

Motion for Time Limited Debate 2 – Member input for allocation of s106 Contributions

- (1) Jenni Hawkins proposed, and Mr Hood seconded the following motion for time-limited debate:

“This council resolves to:

Recommend to the Executive that it should update its initial response to the s106 Short Focused Inquiry and specifically it should:

1. Provide further information and financial data on developer contributions that cover the different forms of infrastructure that KCC is responsible for through regular emails to all Members, and organise additional All Member Briefings to advise of significant updates or developments on s106 or related infrastructure levy arrangements.
 2. Review and update the s106 management arrangements to ensure that Local Members are advised by KCC, at the earliest possible time, of proposals for new housing development in their divisions so that they can have a meaningful input into section 106 or related infrastructure levy agreements and funding allocation.”
- (2) Following the debate, the Chairman put the motion set out in paragraph 1 to the vote.

Motion lost.

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From: Dylan Jeffrey, Cabinet Member for Communications and Democratic Services
Ben Watts, General Counsel

To: County Council, 14 December 2023

Subject: Governance Update

Previous pathway: Selection and Member Services Committee, 30 November 2023

Status: Unrestricted

1. Introduction

- a) On 30 November 2023 a version of this paper was presented to and discussed by the Selection and Member Services Committee. As set out in Part 2, a few immediate amendments to the Constitution are being recommended by the Committee for your consideration.
- b) The Selection and Member Services Committee also agreed to a Members' Governance Working Party being established as set out in Part 3 to develop further proposals for presentation to the March County Council.
- c) Separately, at part 4, this paper considers a small change to the arrangements for the Council's Shareholder Board meetings to reflect best practice pursuant to the identified actions in the Council's Annual Governance Statement.
- d) The governance of the Council contains its system of internal controls aimed at facilitating the effective exercise of its functions. It covers financial and operational management and so whilst the Constitution is the cornerstone of our governance, it is not the whole of it.
- e) The fundamental status of the Constitution is one reason why people refer to making changes to the Constitution when they identify ways to improve our governance. However, it is not necessarily the Constitution where a change needs to be made. A Constitution cannot contain every rule for every occasion if it is to be a practical document.
- f) Reviewing the governance of the Council is therefore an iterative process between revising the written aspects of governance in the context of the prevailing culture/behaviours, and other approaches, like training and technology. Through this approach, several areas of our governance have been revised, including the Financial Regulations and Terms of Reference of the Governance and Audit Committee. Others are underway as set out in the actions from last year's Annual Governance Statement and the draft of the current year's Statement.

- g) In the past year, the Council has added an annual report from the Governance and Audit Committee and an annual report from the External Auditor to the Council's standing business for each municipal year. The Annual Governance Statement has at the same time identified activity that is necessary as part of the continuous improvement of the Council's governance and the next stage of this will be brought forward to Members at the March meeting.

2. Meeting Procedures

- a) A large proportion of the time spent by Members, particularly Non-Executive Members, on formal Council matters is in meetings. It is therefore appropriate to review how the standing orders which steer their operation could be revised to improve the effectiveness of the time given over to the meetings.
- b) Through informal discussions with Members, the following have been suggested as areas where changes could be promptly made:
- i. **Breaks in meetings** – It is recommended that County Council consider the inclusion of breaks as part of changes to the standing orders for meetings. Whilst the Chair of a meeting can currently adjourn a meeting and Committee Members are able to put forward a motion to adjourn, there is felt to be a need for greater clarity on this. It has been suggested that there should be a mandated break after a certain period.
 - i. The proposal to give effect to this suggestion is that a new section will be added to Section 15 of the Constitution, Meetings: Common Procedures. It will therefore apply to full Council, Council Committees, Cabinet and Cabinet Committees. The proposed wording is as follows:
 - 1. "15.8 The Chair will propose an adjournment of the meeting of ten minutes every two hours, or as soon as an item has ended once two hours has passed. The Chair may vary the time of proposing an adjournment to best facilitate the management of the Committee's business."¹
 - ii. **Deadline for County Council Questions** - This is currently set at 5pm on the Friday before County Council. Although some are received prior to this time, this does mean that in many cases the questions are only effectively received by the relevant Officers and Cabinet Members on Monday morning, leaving a shorter preparation time. The reason for setting a deadline after the County Council agenda is published is to reduce the chances of a question being asked that is answered by an agenda paper (which may invalidate the question). This leaves a small window, especially where the County Council agenda is published later in the day on the Wednesday. It has been suggested that the deadline should be set at 5pm on the Thursday before County Council.
 - i. The proposal to give effect to this suggestion is that section 14.15 of the Constitution will be amended. The day of the week is no longer specified as County Council may not fall on a Thursday. The proposed wording is as follows:

¹ Section 15.8 as proposed here will be a new section and sections that follow will be renumbered.

1. "14.15 All Members are entitled to submit one question per meeting, which must be delivered to the Democratic Services Manager by 5:00pm on the working day following the publication of the agenda by an email from that Member or by paper copy signed by that Member. The full list of questions submitted, with the names of the Member submitting them, will be circulated to Members by 5pm the working day before the meeting."²

iii. **Time available for County Council Questions** - Although sometimes extended, the time formally allowed is 30 minutes. Different options are available to endeavour to get through more questions at the meeting including extending the overall time and/or limiting the time available for the responses. A balance needs to be struck between providing a full response to those Members who submit their questions early and enabling more Members to ask their question at the meeting. Where a Member is unable to ask their question at the meeting, they receive a written response; it has been suggested that consideration be given to publishing these and/or circulating them to all Members.

- i. There are several aspects to this which will be discussed by the Governance Working Party (see part 3). As recommended by the Selection and Member Services Committee, two aspects are being taken forward here as proposals – extending the time allowed for County Council Questions and publishing the answers to all questions submitted:

1. Section 14.18 will be amended as follows: "14.18 Forty-five minutes shall be the maximum time allowed for this item of the agenda, with any questions not answered receiving a written answer."³
2. Section 14.21 will be amended to: "14.21 An online link to the submitted questions and the answers given shall be included in the Minutes of the meeting where these have been asked before the end of the 45-minutes allowed."⁴
3. Section 14.22 will be amended to: "14.22 Members whose submitted questions have not been asked before the end of the 45-minutes allowed shall receive an answer directly in writing. These answers will be published online as soon as they are all available."⁵

iv. **Procedural motions** - Questions are occasionally raised about when procedural motions are taken. Section 14.70 of the Constitution states that they may be proposed "at any time". This means that they do not need to be

² Section 14.15 currently reads: "All Members are entitled to submit one question per meeting, which must be delivered to the Democratic Services Manager by 5:00pm on the Friday prior to the meeting by an email from that Member or by paper copy signed by that Member."

³ Section 14.18 currently reads: "Thirty minutes shall be the maximum time allowed for this item of the agenda, with any questions not answered receiving a written answer."

⁴ Section 14.21 currently reads: "An online link to the submitted questions and the answers given shall be included in the Minutes of the meeting where these have been asked before the end of the 30-minutes allowed."

⁵ Section 14.22 currently reads: "Members whose submitted questions have not been asked before the end of the 30-minutes allowed shall receive an answer directly in writing."

taken at a specific point in time. It does not mean that procedural motions take precedence – i.e., when Members are waiting their turn to speak, it does not allow a Member to call out and prevent these Members speaking by posing a procedural motion. It is only when a Member wishes to raise a point of order or make a personal explanation that the Chairman may allow a Member to speak immediately (under 14.78). As a procedural motion under 14.70 could involve shutting down the debate, they could be used to prevent Members speaking. If 14.70 is felt to be ambiguous, it may need to be reworded to make this clear.

- i. To enable this suggestion to be put into effect it is proposed to amend the introductory text to section 14.70 to clarify the wording. There remains discretion on the part of the Chairman as there may be a need to move a specific motion ahead of Members who have indicated a wish to speak without removing their ability to do so – for example, a motion to exclude the public from the meeting where exempt information may be revealed. The proposed wording is as follows:

1. “14.70 Certain procedural motions may be proposed at any time during a Council meeting. A Member who wishes to propose one of the following must wait until called on by the Chairman which may not be until those who have indicated a wish to speak ahead of the proposer have been given the opportunity to speak. These procedural motions are: (a) that the question be put, (b) that consideration of the matter be referred to a later meeting, to the Leader, or to a Committee, (c) that the debate be adjourned for a stated time, (d) that the Council proceeds to the next item of business, (e) that debate continues beyond the times determined under 14.10, (f) that a Procedure Rule or Rules be suspended in whole or in part, (g) to exclude the public from the meeting. This motion may only be made on the grounds of exempt information being revealed in debate, following the categories set out in 15.14 and bearing in mind the requirements of 15.15.”⁶

3. Governance Working Party

- a) The issues in section 2 of this report are the more straightforward of potential changes to the Constitution. In 2019, Members approved a rationalisation of the Constitution which considerably shortened and simplified the document with a view to further substantive changes taking place after discussion with a working party comprised of Members from across the Chamber. Ultimately, the pandemic intervened, and it is felt timely to revisit a working party approach to provide a deep dive into the issues rather than try to conduct this activity in main Committee.

⁶ Section 14.70 currently reads: “The following procedural motions may be proposed at any time during a Council meeting: (a) that the question be put, (b) that consideration of the matter be referred to a later meeting, to the Leader, or to a Committee, (c) that the debate be adjourned for a stated time, (d) that the Council proceeds to the next item of business, (e) that debate continues beyond the times determined under 14.10, (f) that a Procedure Rule or Rules be suspended in whole or in part, (g) to exclude the public from the meeting. This motion may only be made on the grounds of exempt information being revealed in debate, following the categories set out in 15.14 and bearing in mind the requirements of 15.15.”

- b) In recent months since appointment, the Cabinet Member for Communications and Democratic Services has been speaking with Members with a view to understanding the changes that Members would like to see considered.
- c) Over the past year, the Annual Governance Statement and the Governance Review by the External Auditor have brought forward actions and opportunities for change that need to be discussed and considered by Members.
- d) Many of the changes do not have simple or single answers and require careful and considered discussion before recommendations are brought forward in early 2024 for Selection and Member Services to further consider.
- e) It is therefore proposed to establish a Governance Working Party of Members to provide representation from all Members to inform the Cabinet Member and Monitoring Officer of the view of non-executive Members in relation to the operation of the Council's governance.
- f) The working party would be chaired by the Cabinet Member and supported and advised by staff from Governance Law and Democracy (GLD). All and any suggestions would then be worked up into proposals by Officers in GLD that ensure we meet the legal requirements and are consistent with the wider framework and presented as options to Selection and Member Services Committee and/or the Council as appropriate.
- g) Some of the initial areas for discussion identified for discussion by the Working Party include:
- i. **Review of the best ways to effectively scrutinise the Council's role in relation to Education and Skills** – The role of the local authority has changed significantly since the current arrangements were put in place and it is timely to reflect on whether changes could assist. Some local authorities operate a dedicated Education Scrutiny Committee and KCC currently have a SEND Sub-Committee of Scrutiny.
 - ii. **Changes recommended by Governance Review** – A range of suggestions were made by the external auditor which require discussion and contemplation by Members including:
 - The role and effectiveness of Cabinet Committees.
 - The Chairmanship of Scrutiny Committee.
 - Cross-cutting post-decision scrutiny.
 - The role of Member training within formal governance (including the place of mandatory training).
 - Member responsibilities and culture.
 - iii. **Further review of meeting standing orders for all meetings generally and County Council specifically.**
 - iv. **Review of the Scrutiny Call-In criteria.**

- v. **Areas of activity where the Monitoring Officer would like to discuss changes ahead of bringing recommendations to the Committee** – The Monitoring Officer has a defined role and accountability in relation to Governance and he and his officers advise impartially based on their professional expertise. There are activities both within the Annual Governance Statement and in relation to planned transformation where it would be helpful to discuss informally before recommendations are brought forward.
- vi. **Discussion of Role Profiles for Members to provide clarity.**

4. Shareholder Board

- a. The Governance and Audit Committee has been considering the lessons learned from other authorities who have found themselves the subject of government or other intervention. A proportion of those Councils have faced difficulties linked to their wholly owned trading vehicles. Kent County Council has long since implemented and in many cases pioneered some of the governance arrangements that are now being recommended by such reports. Similarly, at a group level the companies provide dividends and financial contribution that support the Council's budget. Many of the investment activities undertaken by other Councils which have failed and then brought revenue budget challenges have also not been part of the Kent County Council commercial strategy.
- b. The above notwithstanding, the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, the Governance and Audit Committee and the General Counsel are recommending the adoption of a change to governance around the companies to reflect best practice. That change is to make the Shareholder Board a formal sub-Committee of Cabinet rather than its current status as an informal group.

5. Next Steps

- a) The above is not an exhaustive list but are those which have been directed to the General Counsel through the Cabinet Member for Communications and Democratic Services and reviewed in the context of the wider governance framework. Members are asked to comment on the above and suggest additional areas for consideration.
- b) At the same time, the Cabinet Member for Communications and Democratic Services has observed that some of the most effective Member groups, whether they be sub-committees, informal working groups or task and finish groups, have been smaller in terms of membership.
- c) The membership, terms of reference and number of Cabinet Committees are determined by the Leader under the Constitution. A reduction in the number of seats (without reducing the number of opposition seats currently allocated) is being considered ahead of some of the further changes identified above for discussion in due course.

6. Recommendation

County Council is asked to:

- a) NOTE and COMMENT on the report.
- b) AGREE to adopt the amendments to the Constitution set out in paragraphs 2.b.i.i.1, 2.b.ii.i.1, 2.b.iii.i.1-3, and 2.b.iv.i.1 as recommended by the Selection and Member Services Committee.
- c) NOTE the establishment of a Member Working Party chaired by the Cabinet Member for Communications and Democratic Services to work on a cross party basis.
- d) AGREE the establishment of the Shareholder Board as a formal sub-Committee of the Cabinet from 1 April 2024.
- e) DELEGATE the responsibility for drafting terms of reference for the Shareholder Board to the General Counsel in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services.

7. Relevant Director and Report Author

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From: Roger Gough, Leader of the Council

Simon Jones, Corporate Director for Growth, Environment and Transport

To: County Council – 14 December 2023

Subject: Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39

Classification: Unrestricted

Past Pathway of Paper: Environment and Transport Cabinet Committee

Future Pathway of Paper: N/A

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.

Regulations require local plans to be reviewed every five years and a review of the Kent Minerals and Waste Local Plan in 2021 concluded a need for updates including to the Vision, Strategic Objectives, Policies and supporting text to reflect changes in national and local policy and guidance since 2016. These include changes to the National Planning Policy Framework, government policy on climate change, protection and enhancement of the natural environment and achievement of a circular economy. The proposed updates to the Kent Minerals and Waste Local Plan have been subject to an initial consultation with key stakeholders followed by three public consultations since 2021 (in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)). Agreement is sought to publish a final 'pre-submission' updated Kent Minerals and Waste Local Plan, that will cover the period 2024 to 2039, for a statutory six-week period for representations on its soundness and legality prior to submission to the Secretary of State for independent examination. During the examination, the Inspector will consider any representations and may convene public hearings.

In light of the proposed new time period to be covered by the updated Kent Minerals and Waste Local Plan, a shortfall in the planned provision of hard rock over this period has been identified and, to address this, work to see if additional mineral reserves can be allocated in an updated Kent Mineral Sites Plan is underway. This Sites Plan work does not form part of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39.

Recommendation:

The County Council is asked to:

- A. (i) Approve, and publish for public consultation, a Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 for representations on soundness and legal compliance;
- (ii) Agree to submit the Pre-Submission Draft of Kent Minerals and Waste Local Plan 2024-39 to Government for Independent Examination into its soundness and legal compliance following the representation period;
- (iii) Agree to request the examination Inspector to recommend changes ('main modifications') needed to ensure the soundness of the Kent Minerals and Waste Local Plan; and
- (iv) Delegate powers to the Corporate Director for Growth, Environment & Transport to, in consultation with the relevant Cabinet Member,
- a. Agree main modifications with the Inspector and to publish them for representations on soundness and legal compliance;
- b. Approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2024-39;
- B. Note the timetable for work related to mineral and waste planning policy in Kent.

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 District and Borough Councils in Kent.
- 1.2 Following its adoption, the Kent Minerals and Waste Local Plan was subject to an 'Early Partial Review' and changes to the Plan resulting from this review were adopted by the Council in September 2020. Also in September 2020, the Council adopted the Kent Mineral Sites Plan.
- 1.3 The National Planning Policy Framework (NPPF) (and legislation¹) 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.
- 1.4 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 NPPF and Planning Practice Guidance. In line with the legislation and

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

guidance updates to the Plan have been proposed and undergone consultation with communities and relevant stakeholders in accordance with the Council's Statement of Community Involvement. The table below outlines the consultation that has taken place. Additional consultation has also taken place with stakeholders on matters of particular concern to them.

- 1.5 The Environment and Transport Cabinet Committee and the Cabinet Member responsible for the Local Plan work considered the draft updates to the Kent Minerals and Waste Local Plan prior to their publication for public consultation. In addition, from time to time an informal members' group meets to oversee the work on updating mineral and waste planning policy.

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 needed 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.
Second '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 a further draft updated KMWLP with changes 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).
Third 'Regulation 18' public consultation on Further Proposed Changes to the Kent Minerals and Waste Local Plan	13 th June - 25 th July 2023 (6 weeks)	Consultation focused on further proposed changes to KMWLP including: Extending the plan period to 2039; changes to aggregate provision (CSM2); removal of the Norwood Quarry strategic waste site (CSW5); and, removal of a commitment to make specific provision for the management of certain waste produced in London.

- 1.6 Comments on the proposed changes to the Kent Minerals and Waste Local Plan were received at each public consultation stage. A table of the comments received on the first draft update was published with the Council's response to the comments. This table set out how certain comments resulted in further changes which were published for consultation.

2 Pre-Submission Draft Kent Minerals and Waste Local Plan

- 2.1 A table summarising comments made at the second and third consultation stages has been prepared that shows how changes have been made to the Kent Minerals and Waste Local Plan in response to those comments. This table is provided as Appendix 1.
- 2.2 The text of the Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 has taken into account all the comments made during the consultation exercises on previous drafts (see above) but no further substantive changes that have not been previously consulted on are proposed in this draft.
- 2.3 The changes to the currently adopted Kent Minerals and Waste Local Plan, which are proposed to form the Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39, are all shown clearly in a tracked change version of the document which is provided as Appendix 2A. All the changes have been reported to, and considered by, Environment and Transport Cabinet Committee and can be summarised as follows:
- Updates to the National Planning Policy Framework 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;
 - policy and legislation concerned with achieving a circular economy where more waste is prevented or reused;
 - adoption by the County Council of the Kent Environment Strategy and Kent and Medway Energy and Low Emissions Strategy;
 - extending the plan period to 2039;
 - updates to aggregate requirements in Policy CSM2 and waste management targets in Policy CSW4;
 - deletion of Policy CSM5 that allocates a strategic site for minerals (as planning permission has been granted);
 - removal of the strategic site allocation at Norwood Quarry, Sheppey for the landfill of hazardous waste specifically incinerator fly ash (Policy CSW5);
 - a recognition within supporting text of the need for the development of additional capacity for the management of household waste identified by the Waste Disposal Authority;
 - removal of a commitment to make specific provision for the management of residual non-hazardous waste by landfill or energy recovery that arises in London;
 - Changes to Policy CSW17 relating to waste management at Dungeness were to ensure that it is consistent with national policy. Changes include those made to ensure that the updated policy would not allow any more vehicle movements (associated with waste management) than the current adopted policy allows. The changes to Policy CSW17 have been made in consultation with the site operators and Natural England. A document relating to Habitats Regulations Assessment (HRA) of this change, in light of the proximity to protected Habitat Sites, is provided as Appendix 3.
 - a change to Policy DM3 is proposed that seeks the achievement of maximum biodiversity net gain on the basis that restoration of quarries can often easily result in much greater than the statutory minimum of 10% and Kent Nature Partnership preferred level of 20%;

- changes to settlement boundaries affecting the extent of areas identified in the Kent Minerals and Waste Local Plan where the presence of economic minerals needs to be taken into account before surface development can take place. These areas are known as ‘Mineral Safeguarding Areas and are set out in Section 9.2 of the Plan;
- changes to the monitoring framework to ensure it properly reflects the updated policies; and,
- further changes intended to improve the clarity of the Plan’s wording and hence the meaning of certain objectives and policies.

2.4 The changes are shown as highlighted in the tracked version of the document at Appendix 2A. **The document provided in Appendix 2A is the version that is proposed be submitted to Government for examination. This version is therefore essentially the final version setting out the changes that the Council wishes to make. An untracked version is provided as Appendix 2B.**

2.5 In considering the Local Plan documents and supporting evidence, the Environment and Transport Cabinet Committee made no recommendations to the Cabinet Member on the pre Submission Draft of the Kent Minerals and Waste Local Plan and the decision to proceed to County Council and onward submission for independent examination.

2.6 Legislation requires that an independent ‘Sustainability Appraisal’ of draft planning policy is undertaken that determines the social, economic, and environmental effects of the polices and makes recommendations for changes. A draft ‘appraisal framework’ that takes account of baseline conditions as well as other relevant plans, programmes, and policies which development should take account of, in the form of a ‘Scoping Report,’ was previously published for consultation. Draft Sustainability Appraisals have been prepared to accompany each consultation exercise and an updated version to accompany the Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 has been prepared. This is included as Appendix 4A. A Non-Technical Summary of the Sustainability Appraisal is available as Appendix 4B. Minor changes to address the recommendations in the Sustainability Appraisal are proposed to the Plan.

3 Timetable

3.1 Updating the Kent Minerals and Waste Local Plan has taken place in accordance with a timetable published in the Kent Minerals and Waste Local Development Scheme which is periodically updated. The latest timetable (see below) was considered by Environment and Transport Cabinet Committee at its meeting on 15 November 2023 and agreed by the Leader. The Kent Minerals and Waste Local Development Scheme also includes the timetable for updating the Kent Mineral Sites Plan (if a site suitable for allocation for hard rock can be identified).

Kent Minerals and Waste Local Plan Timetable

Key Stages	When
Publication of draft updated policy (Regulation 19) for representations on soundness (Pre-Submission Draft)	Jan – Feb 2024

Submission to Secretary of State	May 2024
Independent Examination Hearings	July 2024
Inspector's Report	November 2024
Adoption	February 2025

4 Next Steps

Kent Minerals and Waste Local Plan 2024-39

- 4.1 Prior to its submission to the Secretary of State for independent Examination by a Government-appointed inspector, the Plan will be published for a statutory minimum six-week period for representations on its soundness and legal compliance in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This is programmed to take place during January and February 2024.
- 4.2 During the examination, the Inspector will consider all representations received and may choose to convene public hearings. If requested by the Council, the Inspector can discuss changes needed to ensure soundness (known as 'main modifications'). Ultimately the updated Kent Minerals and Waste Local Plan can only be adopted by the County Council following receipt of an Inspector's report that finds the Plan, and any modifications, sound and legally compliant. The Cabinet Committee and County Council would then consider adoption of the Plan and any modifications.
- 4.3 During the process, minor non-material changes (e.g., changes related to grammar and clarity) may be needed, and it is proposed that the agreement to such changes be delegated to the Corporate Director for Growth, Environment & Transport in consultation with the relevant Cabinet Member.
- 4.4 The Government has signaled its intention to update the National Planning Policy Framework (NPPF) to, amongst other things, take account of its net zero carbon emissions target. It will be necessary to closely monitor any such updates to ensure the Plan remains consistent with national policy.
- 4.5 Furthermore, the Government is proposing changes to the system used to prepare local plans. In a recent consultation on the changes the Government indicated that any Local Plan submitted before 30 June 2025 and adopted by 31 December 2026 would be able progress under the existing system, meaning preparation of the Kent Minerals and Waste Local Plan 2024-39 should be completed under this system. As above, it will be necessary to continue to closely monitor any proposed changes to the Local Plan making system.

Kent Mineral Sites Plan

In terms of updating the Kent Mineral Sites Plan, work on this will progress in accordance with the revised Minerals and Waste Development Scheme. The Sites Plan work and the consideration of the site received in response to the 'call for sites' does not form part of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 and is not a matter before Council today.

5 Financial Implications

- 5.1 The costs of preparing the Kent Minerals and Waste Local Plan 2024-39 and updating the Mineral Sites Plan will need to be met from existing KCC budgets. The majority of the costs of the Local Plan work are met from the Growth and Communities Division Planning Applications budget. The balance, mainly relating to specialist advice and the independent examination may need to be sought from a corporate reserve.
- 5.2 Public consultation on the Kent Mineral Sites Plan attracted objections affecting the financial resource and work required to ensure the plan is robust. This has resulted in an extended timetable for the Minerals Sites Plan which includes a 'decoupling' from the process of updating the Kent Minerals and Waste Local Plan. This decoupling means that there will be a need for separate independent examinations which will likely incur additional costs. There remains a risk that publication of a Minerals Sites Plan for representations in 2024 would result in representations which require additional resources to defend that Plan at the independent examination.
- 5.3 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 clearly states how and where waste can be managed, and minerals supplied in Kent.

6 Policy Framework

- 6.1 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.
- 6.2 Updating minerals and waste planning policies takes 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, Kent's Plan Bee pollinator action plan and Kent Plan Tree.
- 6.3 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.

7 Legal Implications

- 7.1 The County Council has a legal obligation under the Town and Country Planning legislation to prepare a statutory Development Plan. 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 will ensure that minerals and waste development in Kent continues to occur in line with national planning policy.

- 7.2 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.
- 7.3 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.

8 Equalities Implications

- 8.1 An equality impact assessment (EQIA) has been prepared as part of updating the Kent Minerals and Waste Local Plan and no equalities implications have been identified so far. A draft EQIA to accompany the Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 is provided at Appendix 5.

9 Conclusion

- 9.1 This report provides an update on the Council's minerals and waste Local Plan making responsibilities. It includes a version of the updated Kent Minerals and Waste Local Plan that is proposed as the Council's updated vision, objectives, strategic and development policies which will be used to determine planning applications for minerals and waste development in Kent to 2039. The updated Plan has been informed by extensive public consultation on draft text since 2021. It is proposed that this version be submitted for examination by the Secretary of State following publication for representations on soundness and legality. A decision to submit the Draft Plan for examination is a matter for County Council.
- 9.2 The report outlines the next steps and notes that the timetables for updating the Kent Minerals and Waste Local Plan and that for updating the Kent Minerals Sites Plan have decoupled to allow the updating of the Kent Minerals and Waste Local Plan to progress while additional evidence gathering, associated with the Kent Mineral Sites Plan takes place.

10 Recommendation

The County Council is asked to:

- A (i) Approve, and publish for public consultation, a Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 for representations on soundness and legal compliance;
- (ii) Agree to submit the Pre-Submission Draft of Kent Minerals and Waste Local Plan 2024-39 to Government for Independent Examination into its soundness and legal compliance following the representation period;
- (iii) Agree to request the examination Inspector to recommend changes ('main modifications') needed to ensure the soundness of the Kent Minerals and Waste Local Plan; and
- (iv) Delegate powers to the Corporate Director for Growth, Environment & Transport

to, in consultation with the relevant Cabinet Member,

- a. Agree main modifications with the Inspector and to publish them for representations on soundness and legal compliance;
- b. Approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2024-39;

B. Note the timetable for work related to mineral and waste planning policy in Kent.

11 Appendices and Background Documents

Appendices 1 through 4A are collated and accessible in a separate supplement agenda pack due to document size. Appendices 4B, 5 and 6 are included in the main agenda pack with this report.

Appendix 1:

Table of comments and responses:

- Draft Kent Minerals and Waste Local Plan 2023 consultation October-December 2022
- Further Proposed Changes consultation June – July 2023

Appendix 2A:

Kent Minerals and Waste Local Plan 2024-39 – (showing changes tracked). This shows the changes proposed to the adopted Plan in the style expected for future examination by the Planning Inspectorate.

Appendix 2B:

Kent Minerals and Waste Local Plan 2024-39 - Pre-Submission Draft clean (untracked) version of the Plan

Appendix 3:

Kent Minerals and Waste Local Plan 2024-39 Habitat Regulations Assessment

Appendix 4A:

Sustainability Appraisal of the Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39

Appendix 4B:

Sustainability Appraisal of the Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 - Non Technical Summary

Appendix 5:

Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 - Equality Impact Assessment

Appendix 6:

Kent Minerals and Waste Development Scheme – November 2023

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](#)
- [Consultation on Updates to the Kent Minerals and Waste Local Plan 2013-30 – Analysis of Comments received to Regulation 18 consultation December 2021 – February 2022](#)
- [Draft Kent Minerals and Waste Local Plan 2023-38, October 2022](#)
- [Draft Kent Minerals and Waste Local Plan 2024-39 – Further Proposed Changes – Consultation Document, May 2023](#)
- [Kent County Council Statement of Community Involvement, 2021](#)
- [Environment and Transport Cabinet Committee November 2023 – Item 14](#)

12 Contact details

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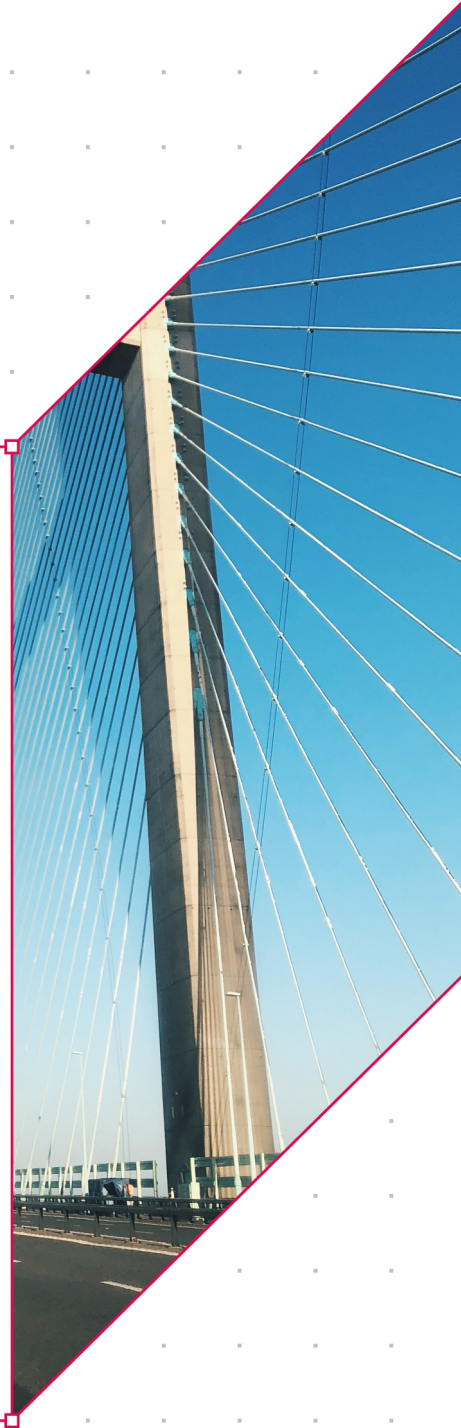
Email: Stephanie.Holt-Castle@kent.gov.uk

**Draft Sustainability
Appraisal Report – Non-
Technical Summary**

Updates to the Kent Minerals and
Waste Local Plan 2013-30 in light
of the Five Year Review


CO04300759

November 2023



Document Control Sheet

Project Name:	Sustainability Appraisal of updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five Year Review
Project Number:	CO04300759
Report Title:	Draft SA Non-Technical Summary of the Draft Kent Minerals and Waste Local Plan 2024-2039 – Regulation 19 Consultation
Report Number:	SR1

Issue Status/Amendment	Prepared	Reviewed	Approved
Rev 0 Final for Consultation	Name: Hilary Livesey Signature:  Date: 3/11/23	Name: Jenefer Taylor Signature:  Date:	Name: Jenefer Taylor Signature:  Date:

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1. Non-Technical Summary

1.1. Background

Amey is commissioned to undertake Sustainability Appraisal (SA) in support of the preparation of updates to the Kent Minerals and Waste Local Plan (KMWLP) following a Five Year Review. This report presents the interim outcomes of this process up to the Regulation 19 stage. SA is a mechanism for considering and communicating the likely effects of a draft plan, and alternatives, with a view to avoiding and mitigating adverse effects and maximising positives.

This is the fourth iteration of the SA of updates to the KMWLP, which is an update of the third draft SA (published in May 2023) and takes account of the following:

- Comments received on the third Regulation 18 KMWLP ('Further Proposed Changes') and third SA Report; and
- Further proposed minor amendments to policies and supporting text in the KMWLP which cover various matters.

1.2. What is the plan seeking to achieve?

The KMWLP was originally adopted in July 2016 and sets out the vision and objectives for Kent's minerals supply and waste management capacity from 2013 to 2030. 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.

The KMWLP as proposed to be amended is a high-level document planning from 2024 to 2039 which:

- sets out the vision and strategy for mineral provision and waste management in Kent;
- contains a number of development management policies for evaluating minerals and waste planning applications;
- considers strategic site provision for all minerals and waste management facilities but does not identify any specific locations where key strategic development should take place.

The National Planning Policy Framework (2023) (NPPF) and legislation require that Local Plans should be reviewed to assess whether they need updating at least once every five years. Having been adopted in 2016, the KMWLP has been reviewed to assess whether updates to it are required. The review needs to consider whether the Vision, Strategic Objectives and policies of the Plan are still consistent with national

policy and local context and whether the policies have been effective in achieving the intended outcomes relating to the use of land for minerals and waste development in Kent.

The updates resulting from the Five Year Review make amendments to certain policies and supporting text of the KMWLP and these were first consulted on between December 2021 and February 2022. A second series of updates were consulted on in December 2022. A third round of focussed amendments ('Further Proposed Changes') represented the third Regulation 18 consultation on the draft updated KMWLP and took place alongside a separate, but related, Regulation 18 consultation on an updated Mineral Sites Plan.

The current piece of work is to undertake SA of the updated KMWLP to inform the Regulation 19 consultation on the updated KMWLP. This version of the KMWLP is the version (Pre-Submission Draft) that the Council intend to submit for independent examination of the updated Plan's soundness and legality.

The review and modification of the Vision, Strategic Objectives, policies and supporting text mentioned above will ensure the development plan for Kent is relevant and effective, reflecting changes in policy and other circumstances.

1.3. What's the situation now and how would it change without the plan (sustainability 'baseline')?

The following is a summary of the sustainability baseline characteristics in Kent.

Environmental baseline

- The amount of residual waste collected per household in Kent has generally fallen in recent years, to 554kg in 2021/22. 44% of household waste was reused, recycled or composted, less than 1.5% is landfilled and most of the remainder is incinerated with energy recovery.
- Some 7 million tonnes of waste of all kinds (the majority being construction and demolition waste) were reported as being managed at Kent waste management facilities in 2021. This compares with around 1.85 million tonnes of Kent waste managed outside the county. However, this export is more than offset by imports so, taking a simple balance, Kent remains net self-sufficient. Of the imports, just over 360,000 tonnes came from London, of which 126,000 tonnes were managed by Energy from Waste and around 500 tonnes to non-inert landfill. 224,000 tonnes were managed at/by inert landfill/permanent deposit to land.
- Construction aggregates (sand, gravel and ragstone (a type of hard rock)) are the main types of economically important minerals extracted in Kent at this time, although brickearth (for stock brick manufacture), clay (for tile manufacture and engineering clay) and chalk (for engineering and agricultural lime applications) is also extracted. This is supplemented with imports and recycled aggregates.

- Kent is considered to be one of the UK's most wildlife-rich counties. This is a result of its varied geology, long coastline, landscape history and southerly location / proximity to mainland Europe.
- Natura 2000 habitat is concentrated around the coast, particularly around the Thames Gateway (much within Medway Unitary Authority), the Isle of Thanet, the Stour Estuary and Dungeness. Sites of Special Scientific Interest (SSSI) cover 8.5% of the county. The county contains c.10% of England's ancient woodland.
- The Thames Gateway is also acknowledged for its national importance due to 'brownfield' biodiversity.
- The last century has seen major losses and declines of species within Kent. Amongst the most important drivers of biodiversity loss in Kent are: the direct loss of land of value to wildlife to built-development or intensive farming, which has reduced and fragmented populations; and the effects of climate change.
- Kent is considered to be the most at risk local flood authority in England. Flooding has a significant impact on residents and the economy, with such effects predicted to worsen due to climate change.
- Since 2006 there has been a steady reduction in carbon dioxide emissions, to 4.1 tonnes per capita in 2021. This is slightly lower than national emission levels.
- In 2017 it is estimated that 922 early deaths occurred as a result of PM2.5 air pollution across Kent & Medway.
- Kent has the highest number of listed buildings in the South East, which is second only to the South West for numbers at regional level.
- The Kent Downs AONB covers nearly a quarter of the County, whilst the High Weald AONB is shared with East Sussex.
- Green Belt comprises the majority of Sevenoaks, Tonbridge and Malling and Gravesham Districts, as well as a proportion of Tunbridge Wells and Dartford Boroughs and a small part of Maidstone Borough.
- There are relatively extensive areas of high quality (grade one) agricultural land in Kent. This land tends to be concentrated in the north of the county, running in a band from Gillingham in the west through to Deal in the east. A pocket of high quality agricultural land can also be found in the area surrounding New Romney.
- Road traffic has grown fairly steadily over the decade from 2011, apart from 2020 when COVID-19 particularly affected car traffic. The effect on LGVs and HGVs was less marked, although still showed a decrease. Kent is a major gateway for the movement of international freight through the Channel

Tunnel, the ports of Dover, Ramsgate and Sheerness. Road haulage is the dominant means of transport in this sector.

- In Kent there are many catchments where there is little or no water available for abstraction during dry periods. Pressures are particularly notable in Kent as it is one of the driest parts of England and Wales, coupled with high population density and household water use. Over the next few decades, there will be increasing pressures from the rising population and associated development. Looking further ahead, climate change could have a major impact on the water that will be available for consumption.

Social baseline

- Kent had an estimated population of 1,589,100 in mid-2020. By 2032, the population of Kent is projected to increase to 1,724,263, an increase of c. 8%.
- Although Kent is ranked within the least deprived 50% of upper-tier local authorities in England for 4 out of 5 summary measures of the IMD2019, significant areas within Kent are amongst England's most deprived 20% and levels of deprivation have increased in nine out of 12 local authorities in Kent.
- Life expectancy is 9 years lower for men and 6 years lower for women in the most deprived populations in Kent compared to the least deprived populations.
- Early death rates from cancer, heart disease and stroke have fallen and are better than the England average. A quarter of children aged 4-5 are classified as being obese, higher than the average for England. However, estimated levels of adult obesity are similar to the England average.
- Climate change projections highlight an increase in risk to people from flooding and hotter, drier summers leading to public health risks.

Economic baseline

- In 2018, the gross disposable household income in Kent was £22,164 per resident, 4.4% above the national average.
- Between 2010 and 2020, the number of active enterprises grew by 26%, to 70,815, which is below the national average of 27.7% growth.
- The overall employment rate in Kent has risen since the KMWLP was adopted, from 73.8% in 2016 to 78.4% in 2021.
- Apart from a slight decline in 2009-2010, GVA per head in Kent and Medway has risen steadily in the 21st century. In 2019 it was £24,877 per head, up from £14,029 in 2000, a rise of 77%. However, per capita GVA is lower than for the South East as a whole and lower than for England.

- The largest sector for employment is wholesale and retail trade at 17.6%, followed by human health and social work at 13.3% and education at 9.6%. The distribution sector generated the highest gross value added in Kent, a fifth of the total.

How would the baseline change without the updated KMWLP?

There is a degree of uncertainty about how the baseline might change without the adoption of the updated KMWLP. Developments will still be required to comply with the development management policies of the KMWLP. This includes policies on the protection and enhancement of: biodiversity value, landscape, Green Belt, heritage assets, the water environment, health and amenity (including air quality) and transportation. Long term trends in environmental quality are likely to continue. However, fewer biodiversity benefits would be secured without the requirement for a net gain in biodiversity and without inclusion of National Nature Reserves in the development management policy on biodiversity. There would also be weaker emphasis on the creation of green and blue infrastructure, with fewer sites likely to be delivered with fewer benefits for biodiversity, wellbeing and landscape. There are likely to be higher emissions of greenhouse gases from waste facilities without the stronger emphasis on carbon reduction in the updated KMWLP from other recovery, landfill and wastewater treatment. Without this, it could increase climate change effects including flooding with risks for communities, wildlife and habitats. Other climate change pressures may be increased with effects on biodiversity and communities, including increased temperatures and more frequent extreme weather events. There may be more adverse impacts on groundwater quality without the stronger protection proposed in the updated KMWLP.

Current trends in waste generation and management are likely to continue, although without the updated KMWLP there will be less strong emphasis on implementing the waste hierarchy and circular economy principles will not be promoted, resulting in less reuse and recycling than with the updated KMWLP. Some radioactive wastes from Dungeness Nuclear Licensed Sites would need to be managed elsewhere other than onsite. Air pollution control residues may be imported from outside Kent for landfill.

Without the updated KMWLP there is likely to be an undersupply of crushed rock, with insufficient reserves currently identified. This would result in minerals being transported from outside the county which will have adverse effects on transport networks, air quality, greenhouse gas emissions and cost. Alternatively, increased quantities may need to be secured from secondary and recycled aggregates and/or marine dredged aggregates. If sufficient minerals of the right type cannot be found, construction and industrial growth may be checked. This could lead to insufficient homes and infrastructure being provided with adverse effects on people and communities. Minerals in Kent would not provide sufficient material to support economic growth and industrial activity, in which case employment levels could reduce and GDP and household incomes may fall. There could be adverse impacts on communities in the vicinity of mineral sites if blasting were to take place without proper assessment of the impacts.

Population and levels of deprivation are unlikely to be significantly different with or without the updated KMWLP.

1.4. Characteristics of areas likely to be significantly affected

The SEA Directive requires that the appraisal describes the characteristics of areas likely to be significantly affected by the updated KMWLP. In deciding which areas are likely to be significantly affected, the SA has considered whether there is a spatial element to the proposed policy changes and therefore whether some parts of the county will be particularly affected. With the proposed deletion of policies CSM 3 and CSW 5, there is now only one policy with a spatial element, CSW 17 relating to the Dungeness Nuclear Estate. The appraisal of this policy has not identified any significant effects arising. It is therefore concluded that there are no areas likely to be significantly affected.

1.5. Areas of Particular Environmental Importance

In the KMWLP, there is one policy which identifies a specific site which is close to two of these internationally important nature conservation sites:

- CSW 17 (Dungeness): adjacent to Dungeness, Romney Marsh and Rye Bay SPA and Ramsar and Dungeness Special Area of Conservation (SAC).

The importance of each of these nature conservation sites is described in Section 3.8.

1.6. SA Framework and Sustainability Objectives

Various environmental, social and economic issues have been identified through reviewing a wide variety of plans and strategies, collecting baseline information and identifying sustainability issues and problems. These issues have informed the development of the sustainability appraisal framework, which consists of a set of sustainable development policy objectives (sustainability objectives) as set out in Table 1. The framework was published for consultation in the SA Scoping Report and the table below also incorporates some additional detailed criteria following comments received on the Scoping Report when it was published for consultation between December 2021 and February 2022. It also incorporates one addition as a result of a comment received in the consultation on the Scoping Report for the SA of the updated MSP published in December 2022. This is highlighted in bold in table 1.

Table 1 SA Framework

Sustainability Objectives		Detail – including addition resulting from consultation on Scoping Report for updated MSP
1	Biodiversity	<p>Ensure that development will not impact on important elements of the biodiversity resource and where possible contributes to the achievement of the Kent Biodiversity Action Plan (BAP) and other strategies.</p> <ul style="list-style-type: none"> – Add to the biodiversity baseline by creating opportunities for targeted habitat creation (which, ideally, contributes to local or landscape scale habitat networks). – Avoid hindering plans for biodiversity conservation or enhancement. – Support increased access to biodiversity. – Provide a net gain in biodiversity value.
2	Climate change	<p>Address the causes of climate change through reducing emissions of greenhouse gases through energy efficiency and energy generated from renewable sources.</p> <ul style="list-style-type: none"> – Promote sustainable design and construction of facilities and support wider efforts to reduce the carbon footprint of minerals and waste operations. – Promote climate change adaptation
3	Community and well-being	<p>Support efforts to create and sustain sustainable communities, particularly the improvement of health and well-being; and support the delivery of housing targets.</p> <ul style="list-style-type: none"> – Help to redress spatial inequalities highlighted by the Index of Multiple deprivation. – Help to tackle more hidden forms of deprivation and exclusion, such as that which is experienced in urban and coastal areas and particular socio-economic groups within communities. – Ensure that the necessary aggregates are available for building, and that the necessary waste infrastructure is in place to support housing and economic growth – Ensure that minerals and waste development does not contribute to poor air quality with particular reference to PM2.5 and NOx – Protect and enhance public rights of way and access – Protect local green space – Avoid loss of tranquillity

4	Sustainable economic growth	<p>Support economic growth and diversification.</p> <ul style="list-style-type: none"> – Support the development of a dynamic, diverse and knowledge-based economy that excels in innovation with higher value, lower impact activities – Stimulate economic revival and targeted employment generation in deprived areas
5	Flood risk	<p>Reduce the risk of flooding and the resulting detriment to public wellbeing, the economy and the environment.</p> <ul style="list-style-type: none"> – Ensure that development does not lead to increased flood risk on or off site – Seek to mitigate or reduce flood risk through developments that are able to slow water flow and promote groundwater recharge
6	Land	<p>Make efficient use of land and avoid sensitive locations.</p> <ul style="list-style-type: none"> – Make best use of previously developed land – Avoid locations with sensitive geomorphology – Seek to safeguard the best and most versatile agricultural land and recognise its economic and other benefits - Prevent inappropriate development in the Green Belt
7	Landscape and the historic environment	<p>Protect and enhance Kent's countryside and historic environment.</p> <ul style="list-style-type: none"> – Protect the integrity of the AONBs and their setting and other particularly valued or sensitive landscapes – Take account of the constraints, opportunities and priorities demonstrated through landscape characterisation assessments and other studies at the landscape scale. – Avoid light pollution – Protect important heritage assets and their settings, as well as take account of the value of the character of the wider historic environment
8	Transport	<p>Reduce and minimise unsustainable transport patterns and facilitate the transport of minerals and waste by the most sustainable modes possible</p> <ul style="list-style-type: none"> – Minimise minerals and waste transport movements and journey lengths; and encourage transport by rail and water. – Ensure that minerals and waste transport does not impact on sensitive locations, including locations already experiencing congestion and locations where planned growth or regeneration is reliant on good transport networks.

9	Water	<p>Maintain and improve the water quality of Kent's rivers, ground waters and coasts, and achieve sustainable water resources management</p> <ul style="list-style-type: none"> – Ensure that minerals and waste development seeks to promote the conservation of water resources wherever possible with particular reference to abstraction. – Avoid pollution of ground or surface waters, particularly in areas identified as being at risk or sensitive
10	Waste	<p>Ensure the sustainable management of waste</p> <ul style="list-style-type: none"> – Manage waste in accordance with the waste hierarchy – Prevent adverse effects from waste on human health and the environment – Ensure waste is managed as near as possible to its place of production

1.7. Likely Significant Effects of the Updated KMWLP

The SA has appraised each of the strategic objectives and policies as amended by the Five Year Review. The methodology and assumptions used in undertaking the appraisal are set out in Section 5.

The detailed findings of the SA of the amended policies are set out in Appendix B and summarised below. The SA of the strategic objectives and recommendations arising are set out in section 6 of this report.

The KMWLP has several policies promoting minimisation of greenhouse gas emissions and energy and water consumption, helping to reduce the likely impacts of climate change, for example by promoting the waste hierarchy and energy recovery, minimising emissions from transport, requiring greenhouse gas capture and promoting use of low carbon energy sources. It also requires developments to build in climate change adaptation measures where these are appropriate. Greenhouse gas emissions may nevertheless still rise as requirements for waste management and minerals production increase above existing levels.

The KMWLP seeks to avoid unacceptable adverse impacts of a development on the community and surrounding land uses, through reducing noise, odour, emissions and light, as well as visual intrusion and traffic. It requires that air quality impacts are mitigated, particularly in areas of poor air quality and makes provision for the preparation of a Health Impact Assessment. Measures to maintain mineral supply will provide materials for construction of housing and infrastructure to sustain communities and support economic/industrial activity.

The KMWLP contains several development management policies that require protection, enhancement, management and creation of biodiversity value. Maximum biodiversity net gain is required where practicable. Other policies contain provisions that would indirectly benefit biodiversity including protection and improvement of water quality and preventing unacceptable adverse impacts from noise, light, dust,

vibration, odour and emissions.

Restricting increases in greenhouse gas emissions and avoiding increased flood risk will benefit communities and biodiversity by avoiding the worst impacts of climate change, while protecting biodiversity, landscape, historic assets and Green Belt and ensuring access to public rights of way will benefit communities.

By promoting climate change adaptation measures, including sustainable drainage systems, and requiring no increase in flood risk in areas prone to flooding, the KMWLP will help to minimise the impact of development on flood risk and is likely to help to alleviate flood risk in the local area. Protection of green spaces may also help to alleviate flood risk.

The KMWLP requires high standards of restoration and aftercare of sites. If restored to agricultural use, the best and most versatile agricultural land should be protected in the long term. Removal of all buildings, plant and structures not necessary for the management of the site will restore long-term openness on Green Belt land, if applicable to the site. Maintaining capacity for secondary and recycled aggregates will help to avoid adverse impacts on land that could occur from primary extraction, although the significance and likelihood of these impacts are unknown.

Likely impacts on landscape and the historic environment are strongly dependent on sensitivities at particular development sites, the locations of which are largely unknown at this stage. However, development policies aim to preserve and enhance landscapes and the historic environment and require developments to mitigate their impacts on assets, therefore significant adverse impacts are unlikely and benefits are possible. The KMWLP requires landscape opportunities and heritage and landscape features to be addressed in site restoration plans. Facilitating development for the extraction of building stone will help to support the sympathetic restoration of older buildings and use of traditional materials.

Likely impacts on transport are uncertain as the location of most development is unknown. However, policy seeks to minimise transport and promote the most sustainable modes possible, although in practice opportunities are likely to be limited. Other measures seek to minimise the impacts of transport, such as safeguarding transport infrastructure, ensuring the network can accommodate the traffic that would be generated and taking particular measures in areas of poor air quality. Nevertheless, waste transport may increase although this is dependent on the degree to which new capacity replaces existing capacity and how well-located they are to the source of arisings.

The KMWLP prevents the deterioration of water bodies and requires improvement in their ecological status. Positive impacts on the water environment are therefore likely. Development management policy requires the minimisation of water consumption and emission of pollutants which will help to safeguard the quantity and quality of water and promote sustainable water resource management.

The updated KMWLP gives strong support to sustainable waste management, promoting the waste hierarchy and the circular economy, avoiding adverse impacts on human health and the environment, and promoting

recovery of energy and carbon capture and minimising waste transport. This will help to ensure the provision of waste infrastructure to support economic activity.

1.8. Recommendations for Mitigating Adverse Effects

The SA has considered whether there is scope for making recommendations for measures to prevent, reduce and, as fully as possible, offset any significant adverse effects of the updated KMWLP. A series of recommendations are made for amendments to strategic objectives, policies and supporting text. These are set out in detail in Section 6 and Appendix B.

1.9. Reasons for Selecting Alternatives Dealt With

The SA is required to appraise reasonable alternatives to the updated KMWLP as proposed. The reasonable alternatives that have been identified largely derive from a 'do nothing' option, in other words, not to make the changes proposed in the updated KMWLP, and from comments received in response to earlier consultations. The following have been identified as reasonable alternatives to the updated KMWLP as proposed, here referred to as 'options'.

Option A

- To allocate land for waste facilities as envisaged in the KMWLP adopted in 2016.

Option A would be to produce a Waste Sites Plan as originally envisaged in the KMWLP. It would be possible for Kent County Council to identify and allocate sites as suitable for waste-related development, even though no capacity gap has been identified, and therefore this has been appraised as a reasonable alternative.

In respect of a 'do nothing' option, each proposed amendment to the policies has been considered in turn to identify whether a 'do nothing' option is reasonable. In the case where an amendment is required to make the KMWLP consistent with policy elsewhere, a 'do nothing' option is not considered reasonable. Where there are other reasons for making the amendment, each has been considered on its merits. The conclusions of this review are set out in Appendix C. Two policies have been identified as having a reasonable 'do nothing' alternative to the policy amendment proposed. These have been identified as option B and option C:

- Option B: Do not strengthen groundwater protection in policy DM 10 Water Environment;
- Option C: Retain policy CSW 5 Strategic Site for Waste;

Each of the alternatives identified above have been appraised against the SA framework and an assessment made of the likely impacts on sustainability objectives. The detailed results are set out in Appendix D and summarised in Section 6.2.

1.10. Methodology

The SA has appraised each of the strategic objectives and policies as proposed to be amended, as well as the alternatives described in the previous section. The appraisal was done by assessing each policy amendment and each alternative against the appraisal objectives in turn and making a largely qualitative assessment, with reference also to the baseline data from the Scoping Report.

In reporting the results of the appraisal, the following symbols have been used to indicate the broad nature of the predicted effect:

Table 2 Effect Symbols

Nature of effect	Symbol
Significant positive effect	++
Some positive effect	+
No effect	0
Some negative effect	-
Significant negative effect	--
Uncertain effect	?

Further details on the methodology, including assumptions made, are given in Section 5 of the main report. Information on the difficulties encountered is provided in Section 4 of the main report. These relate to the lack of available data in some instances, lack of quantification and uncertainties about the scale and nature of some impacts.

1.11. Monitoring Recommendations

The sustainability appraisal has developed a set of recommendations for monitoring the predicted and unforeseen impacts of implementation of the updated KMWLP as proposed. These are set out as a series of indicators related to the sustainability appraisal framework based on the likely and possible impacts of the updated KMWLP. The recommended indicators should be incorporated into the Annual Monitoring Report for the KMWLP and are set out in Section 7.



EQIA Submission – ID Number

Section A

EQIA Title

Full Review Kent Minerals and Waste Local Plan 2024-39 - Timetable and a Mandate for Public Consultation
Pre-submission Test of Soundness Regulation 19 of the Town and Country Planning Regulations 2012

Responsible Officer

Bryan Geake - GT GC

Type of Activity

Service Change

No

Service Redesign

No

Project/Programme

No

Commissioning/Procurement

No

Strategy/Policy

Strategy/Policy

Details of other Service Activity

No

Accountability and Responsibility

Directorate

Growth Environment and Transport

Responsible Service

Growth & Communities

Responsible Head of Service

Sharon Thompson - GT GC

Responsible Director

Stephanie Holt-Castle - GT GC

Aims and Objectives

The County Council is required by planning legislation to produce a development plan (commonly known as a Local Plan) for the sustainable delivery of mineral resources, safeguarding of mineral and waste infrastructure and the sustainable management of waste. The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) (as amended by the Early Partial Review) was adopted in 2020 (and collectively constitutes the Plan) and sets out the vision and strategy to achieve this. The supply of minerals and the management of waste play an important role in sustainable communities and providing the infrastructure that society requires. Their ongoing safeguarding is also an objective of the Plan to ensure this role can be carried out in an efficient and uninterrupted manner as possible.

The County Council as plan making authority is required by the National Planning Policy Framework (NPPF) to assess whether the Plan is requirement to be reviewed, and if necessary updated, at least once every 5 years. To this end, the Council has identified that some of the policies and supporting text are no longer considered as effective or have become out of date.

To address these matters, changes were proposed to the adopted Plan and were subject to public consultation between December 2021 and February 2022. These changes were proposed to address national planning policy changes set out in the NPPF and included new provisions relating to biodiversity net gains targets, carbon neutrality targets, the management of low level and very low-level nuclear waste management, the circular economy and aggregate supply and mineral safeguarding. Further changes were

proposed in response to the comments made in the recent public consultation. These changes have been introduced into the Plan to make it effective and in accordance with national planning and wider environmental policy. Then In June 2023 further changes to the Plan were considered appropriate and were consulted upon. These changes relate to the quantity of aggregate mineral to be planned for, deletion of a strategic waste site allocation to accept hazardous flue ash, and deletion of text which concerns making specific provision for a proportion of London’s non-hazardous waste arisings by landfill or by energy recovery over the period of the Plan to 2039.

As part of the mandatory formal review process, the proposed changes will require further public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This will invite representations on soundness and is anticipated in January to February 2024.

In discharging its plan making responsibilities, the Council must be certain that the outcome of such a plan review does not have inherent adverse impacts on persons or groups with a protected characteristic.

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

Yes

It is possible to get the data in a timely and cost effective way?

Yes

Is there national evidence/data that you can use?

Yes

Have you consulted with stakeholders?

Yes

Who have you involved, consulted and engaged with?

The community has had the opportunity to comment on the further changes to the Plan via a series of public consultation events between 13 June to the 25 July 2023. The Council used a variety of communication methods as set out in the County Council’s Statement of Community Involvement. All relevant groups within the county were engaged without bias to any one definable group within the community as a whole. Accessible documents were available, and material was available in hard copy.

In addition to local communities, all relevant statutory and non-statutory consultees have been consulted; they include:

- Parish Councils
- Borough and District Council
- Environment Agency
- Natural England
- Historic England
- Highways England
- Health and Safety Executive,
- Health Protection Agency (Public Health England)
- Campaign to Protect Rural England
- Civil Aviation Authority ((Head of Aerodromes Standards Department),
- Kent Wildlife Trust
- Gardens Trust
- Ministry of Defence
- Network Rail

- The respective water authority (e.g., South East Water)
- UK Power Networks
- Sports England
- Ramblers Association

No response to the public consultation identified an adverse impact upon those with a protected characteristic.

The proposed Plan soundness public consultation (Regulation 19) will invite comments using the same methodology.

Has there been a previous Equality Analysis (EQIA) in the last 3 years?

Yes

Do you have evidence that can help you understand the potential impact of your activity?

Yes

Section C – Impact

Who may be impacted by the activity?

Service Users/clients

Service users/clients

Staff

Staff/Volunteers

Residents/Communities/Citizens

Residents/communities/citizens

Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?

No

Details of Positive Impacts

Not Applicable

Negative impacts and Mitigating Actions

19. Negative Impacts and Mitigating actions for Age

Are there negative impacts for age?

No

Details of negative impacts for Age

Not Applicable

Mitigating Actions for Age

Not Applicable

Responsible Officer for Mitigating Actions – Age

Not Applicable

20. Negative impacts and Mitigating actions for Disability

Are there negative impacts for Disability?

No

Details of Negative Impacts for Disability

Not Applicable

Mitigating actions for Disability

Not Applicable

Responsible Officer for Disability

Not Applicable

21. Negative Impacts and Mitigating actions for Sex

Are there negative impacts for Sex
No
Details of negative impacts for Sex
Not Applicable
Mitigating actions for Sex
Not Applicable
Responsible Officer for Sex
Not Applicable
22. Negative Impacts and Mitigating actions for Gender identity/transgender
Are there negative impacts for Gender identity/transgender
No
Negative impacts for Gender identity/transgender
Not Applicable
Mitigating actions for Gender identity/transgender
Not Applicable
Responsible Officer for mitigating actions for Gender identity/transgender
Not Applicable
23. Negative impacts and Mitigating actions for Race
Are there negative impacts for Race
No
Negative impacts for Race
Not Applicable
Mitigating actions for Race
Not Applicable
Responsible Officer for mitigating actions for Race
Not Applicable
24. Negative impacts and Mitigating actions for Religion and belief
Are there negative impacts for Religion and belief
No
Negative impacts for Religion and belief
Not Applicable
Mitigating actions for Religion and belief
Not Applicable
Responsible Officer for mitigating actions for Religion and Belief
Not Applicable
25. Negative impacts and Mitigating actions for Sexual Orientation
Are there negative impacts for Sexual Orientation
No
Negative impacts for Sexual Orientation
Not Applicable
Mitigating actions for Sexual Orientation
Not Applicable
Responsible Officer for mitigating actions for Sexual Orientation
Not Applicable
26. Negative impacts and Mitigating actions for Pregnancy and Maternity
Are there negative impacts for Pregnancy and Maternity
No
Negative impacts for Pregnancy and Maternity
Not Applicable
Mitigating actions for Pregnancy and Maternity

Not Applicable
Responsible Officer for mitigating actions for Pregnancy and Maternity
Not Applicable
27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships
Are there negative impacts for Marriage and Civil Partnerships
No
Negative impacts for Marriage and Civil Partnerships
Not Applicable
Mitigating actions for Marriage and Civil Partnerships
Not Applicable
Responsible Officer for Marriage and Civil Partnerships
Not Applicable
28. Negative impacts and Mitigating actions for Carer's responsibilities
Are there negative impacts for Carer's responsibilities
No
Negative impacts for Carer's responsibilities
Not Applicable
Mitigating actions for Carer's responsibilities
Not Applicable
Responsible Officer for Carer's responsibilities
Not Applicable

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Kent Minerals and Waste Local Plan



Kent Minerals and Waste Local Development Scheme

November 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, currently this 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.
Kent Mineral Sites Plan	This adopted plan (September 2020) allocates sites in Kent that are considered suitable for mineral working, subject to planning permission.
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 Councils.

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

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 November 2023 MWLDS covers the period 2023-25 and replaces the previous May 2023 Scheme (agreed in May 2023).

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**
- **Review the Kent Mineral Sites Plan regarding the provision of Hard Rock**
- **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 (as amended) build on the 2004 statutory framework (as amended) for the preparation and

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

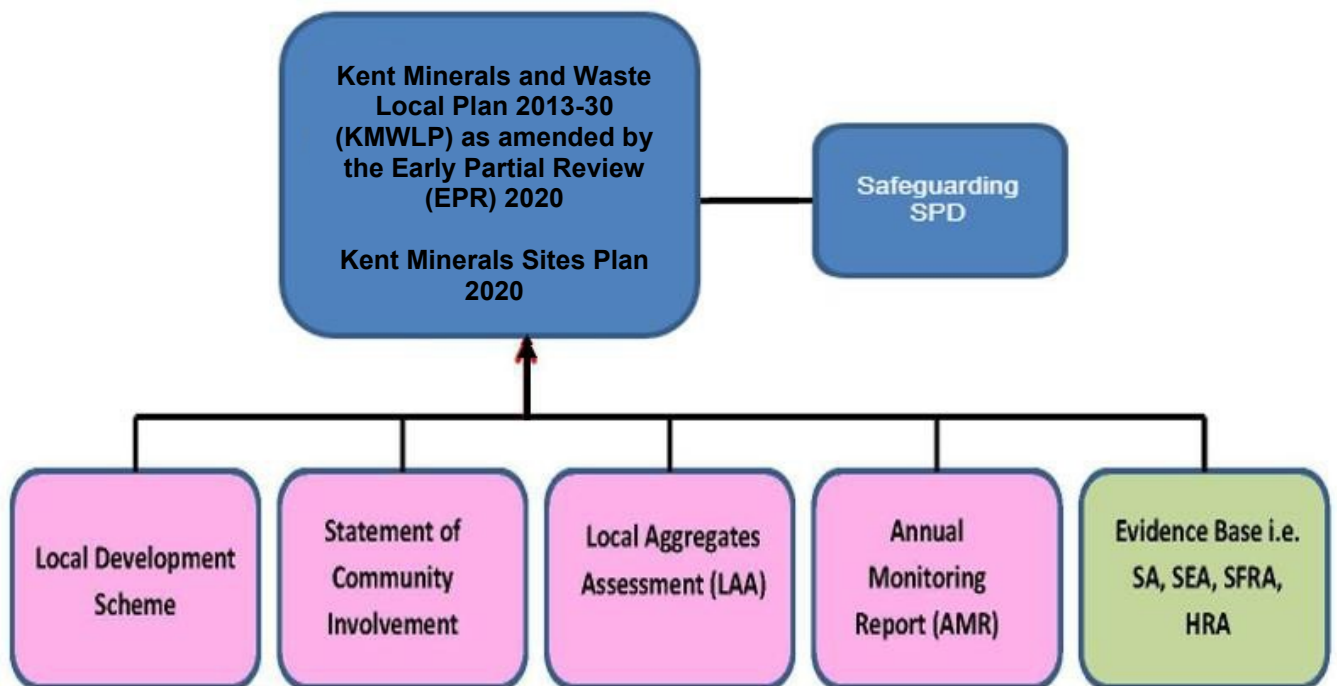
adoption of Development Plan Documents and Supplementary Planning Documents; the Regulations refer to Development Plan Documents as “Local Plans” since this term is believed to be more easily understood.

- 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 may require an update to the scheme for preparing planning policy in Kent though it is currently not anticipated that this will affect the development of the Plans set out 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 (e.g. 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 December 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 in Kent which includes supporting 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 in Kent 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>
<i>Consultation on further proposed changes to the Kent Minerals and Waste Local Plan (Regulation 18)</i>	<i>June – July 2023</i>
Publication of draft updated policy (Regulation 19) for representations on soundness (Pre-Submission Draft)	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 not changed from that published in the previous Minerals and Waste Development Scheme (May 2023). The timetable reflects the consultation that took place in 2023 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 timetable includes a sensible period between receipt of the Inspector's Report and adoption of the new Kent Minerals and Waste Local Plan. 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.

2.1.12 It should be noted that, to a certain extent, the timing of the examination hearings and receipt of the Inspector's Report are dependent on the Planning Inspectorate.

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 the updated Core Strategy policy to cover the period 2024 to 2039, there is now a need to investigate whether the Mineral Sites Plan can be updated 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 work relating to the Mineral Sites Plan is set out below. The changes relate to the need for further evidencing gathering including detailed technical assessment and a further Call for Sites for hard rock which took place between August and October 2023. If a suitable site for hard rock can be found for allocation in the Minerals Sites Plan, it is anticipated that adoption would take place in December 2025.

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

Stages	Dates
<i>Call for Sites</i>	<i>October - November 2022 (completed)</i>
<i>Consultation on a Site Nominated for Hard Rock (Regulation 18)</i>	<i>June - July 2023</i>
<i>Second Call for Sites</i>	<i>August - October 2023</i>
Publication of draft updated Minerals Sites Plan for representations on soundness (Regulation 19 (Pre-Submission Draft))	October - November 2024
Submission to Secretary of State for Examination	February 2025

Independent Examination Hearings	March - April 2025
Inspector's Report	August 2025
Adoption	December 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, relevant 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 are 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: [Monitoring and assessment - Kent County Council](#)

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

⁸ The Statement of Community Involvement can be viewed at: [Statement-of-Community-Involvement.pdf \(kent.gov.uk\)](#)

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, or equivalent guidance⁹, 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

⁹ Proposed reforms to the planning system indicate that Supplementary Planning Documents will no longer exist in their current form.

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 and the further proposed changes published in 2023. 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 was published to support the draft updated Minerals Sites Plan that included details of the nominated site for hard rock 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 publication of the Pre-Submission Draft KMWLP in early 2024.

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'¹⁰ and to ascertain whether they would adversely affect the integrity of that site. There are a number of Habitat Sites in Kent and the County Council will, as necessary, apply Appropriate Assessment to any proposed updates to policy.

3.6.2 A Scoping Report that considers the need for Appropriate Assessment of the updated policies in the KMWLP has been prepared indicating that AA of the policies is not required. This will be published alongside the Pre-Submission Draft KMWLP in early 2024.

¹⁰ 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 bodies¹¹. and requires that they must co-operate with each other to maximise effectiveness in planning for strategic cross-boundary matters in development plans.

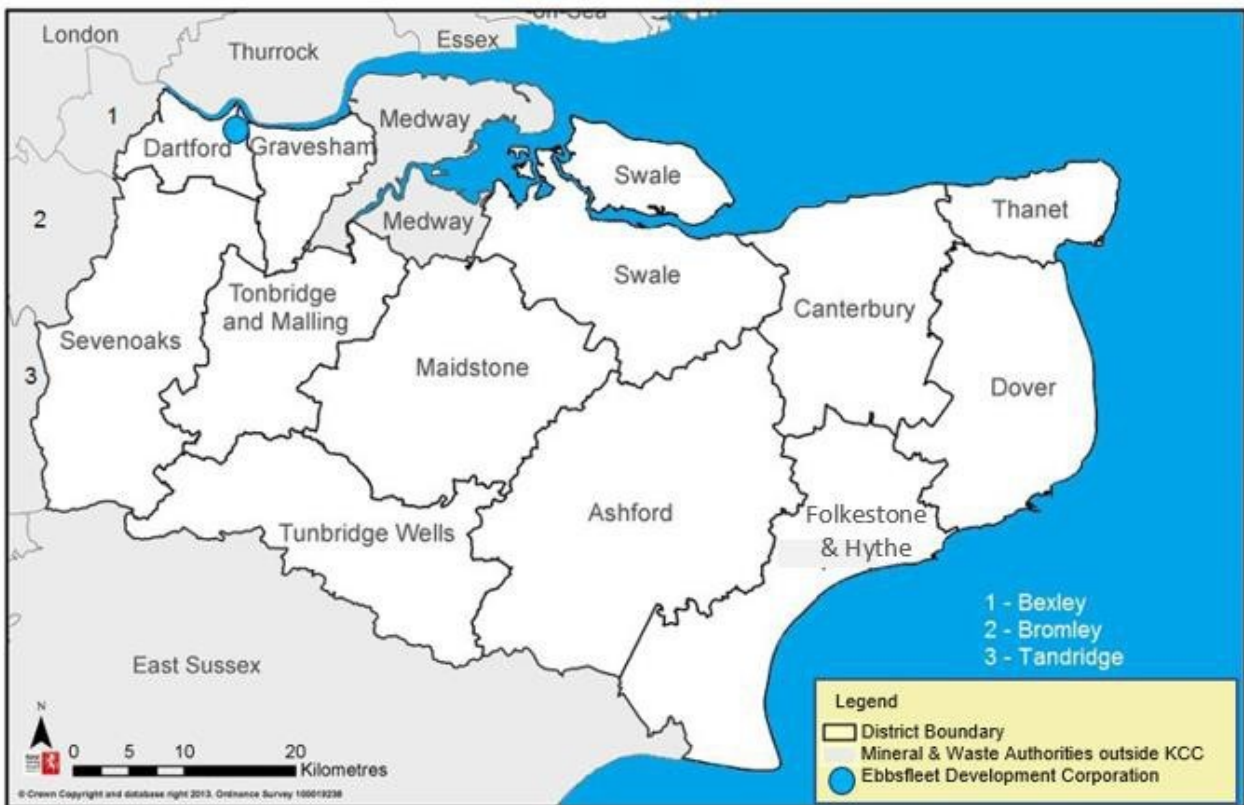
4.3.2 The duty imposed on these bodies requires that engagement should occur constructively, actively and on an on-going basis during the plan making process and that regard must be given to the activities of other authorities where these are relevant to the local planning authority in question.

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.

¹¹ See Regulation 4 (1) The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

- 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 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 Draft legislation¹² 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.

Figure 2 - Geographic area covered by Kent County Council



¹² Levelling Up and Regeneration Bill

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	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	October 2024	November 2024
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								Hearings					
Inspector's Report												IR	
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													
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													

Continued on next page.

Activity	December 2024	January 2025	February 2025	March 2025	April 2025	May 2025	June 2025	July 2025	August 2025	September 2025	October 2025	November 2025	December 2025
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													
Publication of draft updated policy (Regulation 19) for representations on soundness													
<i>Prepare documentation for submission</i>													
Submission to Secretary of State													
Independent Examination Hearings													
<i>Inspector's Report</i>													
Adoption			ADOPTION										
Kent Mineral Sites Plan (Crushed Rock)													
Call for Sites													
<i>Consultation on Site Options (Regulation 18)</i>													
Publication of Preferred Sites (Regulation 19) for representations on soundness													
Submission to Secretary of State			Submission										
Independent Examination Hearings					Hearings								
<i>Inspector's Report (IR)</i>									IR				
Adoption													ADOPTION
Topsoil Diversity 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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Motion for Time Limited Debate – Ecological Emergency

Proposer – Mark Hood
 Secunder – Rich Lehmann

Background – Provided by the Green & Independents Group

While recognising the work already undertaken in acknowledging a catastrophic decline in insects through Plan Bee, as well as the Plan Tree strategy to deliver greater tree cover across Kent, recent reports have underlined the scale of the decline of nature.

We need to ensure that we place the natural environment at the heart of our decision making as a council and landowner to ensure we play the fullest part possible in mitigating the effects of climate change, creating and maintaining habitat for Kent's flora and fauna. Kent is home to a rich array of plant and animal species, unique ecosystems, that contribute to our quality of life, cultural heritage, and economic well-being. Kent's wildlife, habitats and ecosystems are vitally important to us and future generations, enhancing our lives, from the insects that pollinate our food crops to our residents' health and wellbeing.

We need to embrace the potential for our current and future property assets to offer the greatest assistance for endangered species and to work with partner councils and agencies to ensure development across Kent puts wildlife first by promoting ponds, swales, woodland and managed decay of dead wood to ensure we have a healthy food chain for our threatened ecosystem.

The Government's Environment Bill has required a Local Nature Recovery Strategy and Nature Recovery Network, now our council needs to continue playing its part. Adopting a Biodiversity Emergency Declaration will demonstrate our commitment to protecting and enhancing biodiversity within our jurisdiction and setting a precedent for outside partners and businesses.

MOTION:

The Council resolves to:

1. Declare an ecological emergency; and

Recommend that the Executive;

2. Makes arrangements to require explicit consideration of ecological and climate change implications to Council reports as part of decision-making processes.
3. Ensures that addressing the climate and ecological emergencies and nature recovery are considered as strategic priorities for planning and related policies.

4. Sets measurable targets and standards for biodiversity increase, in both species and quantities, seeking also to increase community engagement via specific policies or strategies.
5. Works with our partners and River Catchment Organisations to explore what role the Council can play in improving the ecology of our rivers in keeping with the urgency of this declaration.
6. Seeks to ringfence the funding for the Plan Tree planting strategy and Kent's Plan Bee, to support nature protection and carbon sequestration, within its budget proposals.
7. Ensures that our property policies consider opportunities for biodiversity enhancements and tree planting on Council landholdings.
8. Writes to all Kent's MPs urging them to support the Climate and Ecological Bill, a private member's bill, in keeping with the declarations of this Council.