

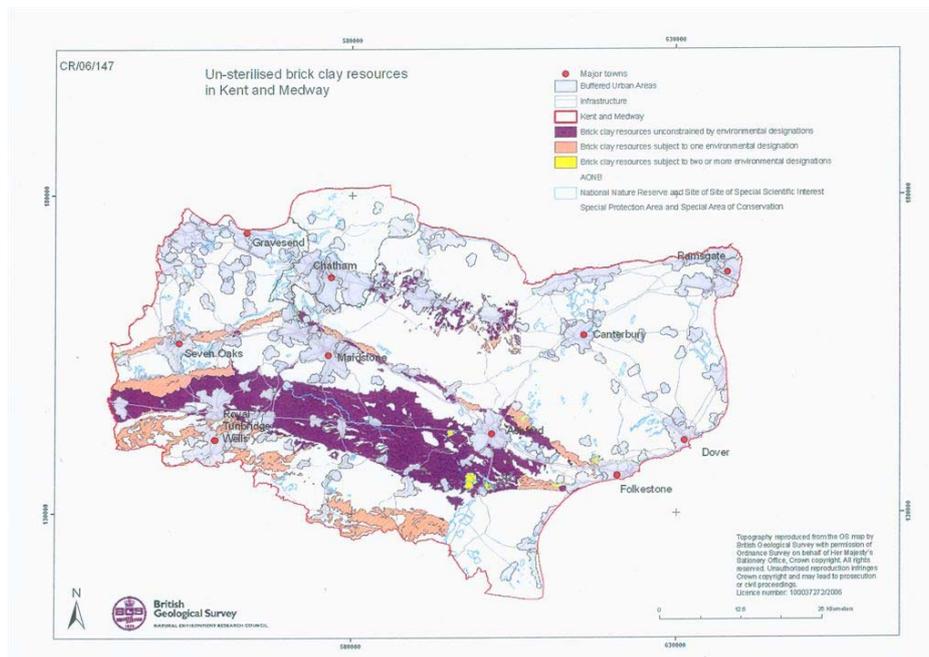
# Kent Minerals and Waste Local Plan

*Planning for the future of minerals and waste in Kent*

## Evidence Base for the Draft Minerals and Waste Plan

### Mineral Safeguarding Consultation Commentary Report

On the public consultation held between  
11<sup>th</sup> February – 4<sup>th</sup> March 2013



September 2013





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## Abbreviations

AONB	Area of Outstanding Natural Beauty
BGS	British Geological Survey
HCA	Homes and Communities Agency
KCC	Kent County Council
LPA	Local Planning Authority
MCA	Mineral Consultation Area
MPS	Marine Policy Statement
MSA	Mineral Safeguarding Area
mtpa	Million tonnes per annum
MWDF	Minerals and Waste Development Framework
MWLP	Minerals and Waste Local Plan
NPPF	National Planning Policy Framework
SPA	Special Protection Area
SSSI	Sites of Specific Scientific Interest

## 1 Introduction

**1.0.1** The Mineral Safeguarding Commentary Report is a summary document of the responses received during the Mineral Safeguarding consultation which ran from the 8th February to the 4th March 2013. Consultees and stakeholders were invited to provide their views on the Evidence Base for the Draft Minerals and Waste Plan, Minerals Topic Report 4: Mineral Safeguarding (TRM4)<sup>(1)</sup>

**1.0.2** In particular comments were welcomed on four questions:

1. Do you agree with the approach being taken to exemptions from the mineral safeguarding process in paragraph 1.1.7?<sup>(2)</sup>
2. Do you agree that we should safeguard the sub alluvial river terrace deposits on Figure 2?
3. Do you agree that we should safeguard all of the building stone types shown as on Figure 3?
4. Do you agree that we should safeguard all of the brickearth deposits on Figure 4?

**1.0.3** Paragraph 1.1.7 from the consultation document can be found in Appendix C of this document. Figures 2-4 can be found in Appendix D.

**1.0.4** The purpose of safeguarding designations is to ensure that mineral resources are adequately and effectively considered in land-use planning decisions for non-mineral development. There is no presumption that any safeguarded areas within Mineral Safeguarded Area's (MSA's) and Mineral Consultation Area (MCA's) will be suitable for extraction. Similarly there is no presumption that non-mineral development within an MSA is automatically prohibited.

**1.0.5** This document provides a summary of the responses received from members of the public, industry stakeholders and statutory consultees<sup>(3)</sup> to highlight the main issues raised in supporting, objecting or commenting on the safeguarded minerals shown on the six British Geological Society (BGS) maps within the Mineral Safeguarding Topic Paper. Consultees were invite to submit their views via the Kent County Council (KCC) online consultation website, by email or by post. To view the full responses submitted, visit our online Consultation Portal at <http://consult.kent.gov.uk/portal>.

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1 Available online from [http://www.kent.gov.uk/environment\\_and\\_planning/planning\\_in\\_kent/minerals\\_and\\_waste/evidence\\_base/mineral\\_safeguarding.aspx](http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/evidence_base/mineral_safeguarding.aspx).

2 Kent County Council (2013) TRM4 Mineral Safeguarding, para.17

3 As required under the 2004 Local Development (England) Regulations (as amended by the 2008 and 2009 Regulations) and the duty-to-cooperate contained in the Localism Act.

**1.0.6** The comments received will be used to shape mineral safeguarding policies and maps and to finalise the evidence base for the Minerals and Waste Local Plan. The Draft Minerals and Waste Plan 2013-2030 is likely to be published for consultation in early 2014.

## 1.1 Responses Summary

**1.1.1** The consultation for the Mineral Safeguarding Topic Report (TRM4) received a total of 76 responses. Table 1 details how these responses were conveyed and the nature of their submission. Where consultees have simply stated that certain questions were not relevant to their local area, these comments have not been included in the count of total responses.

**1.1.2** General comments on the document are conveyed in Table 2. There was one objection to the whole Mineral Safeguarding document from a Town Council in Tonbridge and Malling Borough Council area.

**Table 1 Breakdown of total responses received**

<b>Total Number of Responses (excluding no comments to make): 76</b>			
<b>Type of Communication</b>		<b>Responses to the Questions and whole TRM4</b>	
<b>Email</b>	<b>56</b>	<b>Support</b>	<b>40</b>
<b>Letter</b>	<b>4</b>	<b>Object</b>	<b>1</b>
<b>Portal</b>	<b>16</b>	<b>Comment</b>	<b>35</b>
		<b>No comments to make</b>	<b>7</b>

**Table 1 General Responses on the Mineral Safeguarding Document**

<b>Consultee</b>	<b>Response</b>
Addington Parish Council	Comment - Members of Addington Parish Council agree with all the approaches being taken on the various aspects of 'mineral safeguarding' in Kent with the proviso that the communities affected can benefit in some way from this activity.
General Public	Support - (Hartlip, Sittingbourne)- In general, the paper produces a clear approach to mineral safeguarding and should provide a good basis upon which to proceed.
Snodland Town Council	Object - The proposal is superfluous and if implemented would result in unwelcome extra costs to the Council tax payers.

## 2 Mineral Safeguarding Exemptions

2.0.1 The tables below outline the consultees responses to Question 1:

- Do you agree with the approach being taken to exemptions from the mineral safeguarding process in paragraph 1.1.17?

<b>Support</b>	<b>13</b>	<b>Total Number of Responses: 31</b>
<b>Object</b>	<b>0</b>	
<b>Comment</b>	<b>18</b>	

<b>Consultee</b>	<b>Comments (18)</b>
<b>Protect Kent</b>	Comment - Protect Kent supports the exemptions but suggests that 'prior extraction' could be a consideration applied to any subsequent planning application.
<b>J. Clubb Ltd</b>	Comment - The safeguarding area exemptions will work with quarry sites where only part of a mineral reserve may be affected but wharves and railheads are likely to be more sensitive to any development within the Mineral Safeguarding Area (MSA) due to the nature and locations of these sites. Distances are not comparable in rural as opposed to built up areas.
<b>Lafarge Cement</b>	Comment - We <b>agree</b> to the exemptions from the mineral safeguarding process however, we are concerned that 'temporary development' may become permanent over time. Therefore this exemption should be removed from the list and each development considered independently.
<b>Wienerberger Ltd.</b>	<p>Comment - In contrast Wienerberger Ltd. agree with the temporary development exemption, but think agricultural buildings should be included. The majority of the other exemptions depend on the scale of the development.</p> <p>There has to be a reasonable amount of resource available to warrant the upfront costs of getting a quarry ready for extraction for example, it would not be worth applying for a planning permission for mineral extraction on a 2 acre site with a brickearth depth of 1.3m as this would only release approximately 13,000 tonnes.</p> <p>Wienerberger Ltd. believes 'in-filling in villages and towns' should be allowed, but mineral extraction prior to development formed part of any permission; for example if a housing</p>

Consultee	Comments (18)
	development were to take place on a 4 acres site as part of the application process, the developer should demonstrate that they have consulted with the identified end users of the mineral resource within the county and if the mineral is required or can be utilised by the end user it should be made available to them as part of the permission.
<b>Edenbridge Town Council (ETC)</b>	Comment - ETC only comment is whether Tree Preservation Orders should be added to the list of exemptions.
<b>Swale Borough Council (SBC)</b>	Comment - SBC <b>supports</b> this approach subject to the recommended changes to policy (paragraph 6.1) <sup>(4)</sup> and are pleased to see that the exempted sites would include allocated sites. However, the Council feel that the exemption sites should be extended to include sites within European and nationally designated areas (SPA's/SSSI's). Regulation 6 (61) of The Conservation of Habitats and Species Regulations 2010, requires Kent County Council as the local plan-making authority to assess the potential impacts of land use plans on the Natura 2000 network of European protected sites. This does not appear yet to have been carried out, and to safeguard areas which include SPA's may not comply with this.
<b>Tonbridge and Malling Borough Council (TMBC)</b>	Comment - TMBC believes Mineral Safeguarding should not result in a strategy that may be prejudicial to growth and other aspirations of local communities. In this respect it is considered that the exemptions from safeguarding that have featured in previous iterations of the Minerals and Waste Local Plan (MWLP) are too narrowly drawn. Therefore in addition to defined urban areas, they should reflect the comprehensive list of exemptions that feature in the British Geological Survey (BGS) guide to mineral safeguarding <sup>(5)</sup> (paragraph 5.2.7 <sup>(6)</sup> ) unless a sound reason is given for excluding certain criteria. Furthermore, the districts should be fully involved in determining the extent of urban areas that should be excluded from safeguarding areas, being best placed to define the outer extents as local planning authorities.
<b>Tunbridge Wells Borough Council (TWBC)</b>	Comment - TWBC consider the exemptions listed to be a <b>good starting point</b> , however 'infilling within towns and villages', any significant or major development would presumably need

4 Kent County Council (2013) Mineral Safeguarding Commentary Report

5 British Geological Survey/The Coal Authority Mineral Safeguarding in England: Good Practice Advice (2011)

6 Kent County Council (2013) TRM4 Mineral Safeguarding

## 2 Mineral Safeguarding Exemptions

Consultee	Comments (18)
	<p>to consider the MSA. It is not very clear what sort of process this would involve and the extent to which the existence of an MSA would be a constraint on other development (ie how it should influence the determination of planning applications). For example, the Local Planning Authority (LPA) would presumably be required to notify any significant application to KCC, and KCC would in turn have to respond within the specified timescales and to provide some useful and easily comprehensible response that could be used in deciding the application. If applicants are asked to supply additional information on how their proposals affect the MSAs, it would obviously need to be proportionate to the development and, for larger developments, could involve pre-application discussions that KCC might need to attend and provide advice at. If applications are refused on the basis of impacts upon MSAs, then there could be a need for KCC to assist with any appeal. There may be a case to include development on previously developed land within urban areas in the list of exemptions.</p> <p>However, paragraph 3.1.13<sup>(7)</sup> states "The defined urban areas have been removed from the geological data in the resource maps to define the geological outcrop that is to be safeguarded" and although the meaning of this is not clear, it does seem to indicate that mineral safeguarding areas are, by definition, outside of the urban areas. If this is the case, it's not clear why 'infilling in towns and villages' has been included in the list of exemptions. If the intention is to exclude urban areas from the safeguarding process, this would significantly reduce the number of applications across the borough likely to be affected. In either case, it would be helpful if this discrepancy could be clarified.</p>
<b>Ibstock Brick Ltd.</b>	<p>Comment- Ibstock Brick Ltd. <b>agree</b> in principle with the approach for certain exemptions, with the exception of 'infilling' which should be carefully defined in relation to the size of infill. Brickearth is unlike most deposits in that the shallow nature of working mean deposits can be recovered from comparatively small areas of land. The test of size would need careful consideration i.e. up to say 20 residential units would probably be unrealistic to try and advance dig, especially if this were in a fringe urban setting in which bulk excavation and export may</p>

Consultee	Comments (18)
	be inappropriate. Compared however to say 30 plus units which, depending on density of construction, would occupy perhaps 1 hectare. This is a significant area of land which could be sufficiently planned in relation to post brick earth extraction contours to ensure the development is still in keeping with the surrounding.
<b>Lympne Parish Council</b>	Comment- would like a fuller definition of "Infilling in towns and villages", particularly in how large the proposed development would need to be before mineral safeguarding would need to be considered.
<b>Faversham Society</b>	Comment - These relatively minor applications should not require consultation with the Kent County Council (KCC) as they mainly affect areas in towns and other settlements where taking of mineral resources is not practical.
<b>Bidwells</b>	Comment -Our client, the owner of an the Sandling Estate, objects to a policy whereby there is a blanket Minerals Safeguarding over all mineral deposits. The Estate views such a generalised policy as constraining development and adding to the planning costs. A Minerals Safeguarding Policy should be more focused to identify specific mineral deposits and locations which may be required in the longer term. Our client believes the exclusions to the Policy should encompass the following: (a) Small developments adjacent to Towns and Villages;(b) All farm buildings, irrespective of whether they have to be adjacent to farmsteads;(c) Any development which does not affect the viability of mineral extraction; (d) Development in areas where extraction of minerals is not viable; (e) Development in areas where, due to other policy constraints, mineral workings would not normally be permitted.

## 2 Mineral Safeguarding Exemptions

Consultee	Comments (18)
<p><b>David L. Walker Associates</b></p>	<p>In terms of the other elements of the Government's approach to minerals safeguarding, we do not support the full breadth of mineral exemptions as identified at paragraphs 3.1.15 and 3.1.16 <sup>(8)</sup>. The reasoning for this is that it is not possible to determine with certainty which minerals will and will not be economical to work in the future. In this regard, we recommend that where a mineral has historically been economical to work in or outside the Authorities administrative boundary, it is safeguarded whether it is ubiquitous or not.</p> <p>We appreciate that not all types of development need to be included as part of mineral safeguarding consultations. However in respect of the examples listed at paragraph 1.1.7 <sup>(9)</sup>, we consider that any development exemption is very much dependent on scale and would suggest that this is made clear within the Kent MWLP.</p>
<p><b>Paul Sharpe Associates</b> acting on behalf of their client (the owner of land south of Whitstable Road, Faversham, ie an area of historic brickearth extraction)</p>	<p>Other exemptions from safeguarding – the concept of safeguarding is a requirement of the National Planning Policy Framework (NPPF) and is therefore accepted. However, it is clear from paragraph 3.1.15 <sup>(10)</sup> that not all economic minerals are to be safeguarded in Kent. Circumstances where this may occur are cited as a combination of the ubiquitous nature of deposits and relative low economic value. In the Sittingbourne-Faversham area the anecdotal evidence of land owners and brick manufacturers suggest that these circumstances may well apply to brickearth in this area. Consequently, on the assumption that KCC's overall approach to safeguarding is acceptable (ie. exclusion of ubiquitous and low value deposits) then, rather than a blanket approach to safeguarding of brickearth, KCC should perhaps adopt a more selective approach, for example, safeguarding only brickearth deposits that are of commercial quality land where there is a willing landowner and willing brick manufacturer.</p>
<p><b>Upchurch Parish Council</b></p>	<p>Comment- Potential future extraction processes of these minerals from Upchurch should be sensitive to the harm that may be caused if they are undertaken within environmentally designated areas and if the mainly rural infrastructure is not able to cope.</p>

8 Kent County Council (2013) TRM4 Mineral Safeguarding

9 Kent County Council (2013) TRM4 Mineral Safeguarding

10 Kent County Council (2013) TRM4 Mineral Safeguarding

Consultee	Comments (18)
General Public	<p>Summary of 3 general public comments with their locations:</p> <ul style="list-style-type: none"> <li data-bbox="450 461 1321 1104">• (Lydd, Romney Marsh)- With regards to the extraction of minerals from the Romney and associated marshes. Due to the location of the area and favourable government subsidies a number applications are being submitted for various green energy schemes notably Wind Turbines and Solar Arrays. Currently these applications are generally for installations that would be situated on prime fertile alluvial farmland. An example being 75,000 solar panels being constructed on 49 hectares in fields at old Romney. In my view given the relatively small amount of electricity produced this is not a good use of good farmland. Adding solar arrays to the list of exceptions from mineral safeguarding might alleviate the pressure to install these on prime farmland. My understanding is that solar arrays would only be in place for 25 to 30 years . The minerals would still be there when the arrays are dismantled.</li> <li data-bbox="450 1144 1321 1944">• (Charing Heath, Ashford) - Mineral safeguarding exemptions <b>do not offer any benefit</b> to people in the immediate vicinity of any proposed site. Whilst there may be no presumption that "any safeguarded mineral resources will be suitable for extraction in the future" the fact remains that an area designated as having safeguarded status will inevitably end up being quarried. Therefore concerns include: loss of significant farmland which will decrease UK food security; residents suffer noise, pollution and blight unjustifiable as requirement for sand is not well understood and mitigation methods of planting are ineffective. The belief is a MWDF should explore UK wide solution not carve up Kent's countryside. The blight is long term, more damaging than a site being identified as suitable for extraction. It is almost inevitable that such sites will end up being quarried, merely by virtue of being safeguarded. Planning is constantly being changed to suit the politics of the day, and Kent has suffered from a deluge of major infrastructures carving through the countryside, with the loss of significant areas of farmland.</li> <li data-bbox="450 1984 1321 2134">• (Unknown location) - Firstly consideration should be taken into account on the estimated total amount of material found on each site that could be excavated or quarried to see if it is viable and warrants the setting up costs that</li> </ul>

## 2 Mineral Safeguarding Exemptions

Consultee	Comments (18)
	<p>would be involved in any quarrying operation etc. Disturbance noise and vehicle movement would also be a big factor if site is close to a residential area. A sensible approach to this is safe guards be put into place for a period agreed, perhaps 10/15 years for any current viable usable mineral found, then reviewed again after the agreed period expires. If minerals being excavated or quarries are still in demand an extension to the agreed period should be put in place, this process should be ongoing. All excavated used areas should then be landscaped and planted as it was before or even improved if possible. Obviously there is pressure for development and accommodation in our area, and if found suitable (although this would be long term), perhaps used sites could be used for this purpose. You will always get some objection to the proposals (not in my back yard mate), but you must, and should not stop progress if the proposals are sensible and the environment is protected in the best possible way.</p>

### 3 Sub Alluvial River Terrace Deposits (Superficial Sand & Gravel)

3.0.1 The tables below outline the consultees responses to Question 2:

- **Do you agree that we should safeguard the sub alluvial river terrace deposits?** (See Appendix C, Figure 2).

<b>Support</b>	<b>10</b>	<b>Total Number of Responses: 16</b>
<b>Object</b>	<b>0</b>	
<b>Comment</b>	<b>6</b>	

**Table 2**

<b>Consultee</b>	<b>Comments (6)</b>
<b>J Clubb Ltd</b>	Comment - Many of these deposits are already in built up areas that will be zoned for employment, residential and commercial development and these uses could be unnecessarily blighted by being included in a MSA. The mineral value would be low compared to other uses within society in some of these areas. Imported aggregates via wharves and railheads could be better relied upon to meet the demand rather than difficult extraction from marginal deposits in unsuitable areas. The areas should be more closely considered against other competing land uses.
<b>Swale Borough Council</b>	Comment - The council do not consider it would be reasonable or logical to safeguard all of the sub-alluvial river terrace deposits within the Swale Borough, for similar reasons stated in Question1. This is particularly important with respect to sub-alluvial river deposits as large areas of these Regulation Assessment is carried out, this issue cannot be fully considered and then the County should be guided by its Habitat Regulations Assessment in whether or not to safeguard these areas. With regards to the existing active extraction site at Oare, as highlighted on figure 2 <sup>(11)</sup> , the Council do not have information regarding whether there are large mineral stocks remaining at this site. As such the Council suggest that the County enter into dialogue with the owners of the site to ascertain whether it would be logical to safeguard the site, as if remaining stocks are low, it may be unreasonable and illogical to safeguard the land. In particular, the county should also be aware that it is possible that

## 3 Sub Alluvial River Terrace Deposits (Superficial Sand &amp; Gravel)

Consultee	Comments (6)
	Faversham Quarry will be identified as a site for regeneration and environmental improvements within the Borough Local Plan, which would involve almost certainly the closure of this site.
<b>New Romney Town Council</b>	Comment - In response to this question, on Romney Marsh the sub-alluvial river terrace deposits are limited and scattered. It is unlikely that extraction would be economic or warranted given the environmental damage that would result from such activity. They should be deleted from Fig.2 in Appendix E <sup>(12)</sup> as regards Romney Marsh.
<b>Staplehurst Parish Council</b>	Comment - A small deposit of river terrace gravel is shown just south of the Staplehurst parish boundary. We request this be excluded from the safeguarded areas.
<b>Faversham Society</b>	Comment -The area shown with sub-alluvial river terrace gravels around Faversham includes the land east of Faversham Creek towards Seasalter, the area to the west including the former guncotton works at Uplees, which is of significant historic importance as a relic of the explosives industry, and Ham Marshes between Faversham and Oare Creeks. The South Swale is designated under European law as a Ramsar site. The South Swale is a national nature reserve and the marshes at Oare west of Oare Creek are a local nature reserve. Much of this area is also designated as a Site of Special Scientific Interest. The map shows that the whole area has resources of sand and gravel but the environmental designations are not included. Under the provisions of part 144 of the NPPF, LPAs are advised that they should provide for land banks for minerals from outside Area's Outstanding Natural Beauty (AONB's) and should not have adverse impacts on the natural and historic environment. The main concerns include: loss of wildlife habitat and loss of footpaths.
<b>Dartford Borough Council (DBC)</b>	<p>Comment - DBC comments on the sub-alluvial river terrace deposits that have been worked out. The map shows deposits along the course of the River Darent. Much of this has been extracted, for example:</p> <p>Much of the deposit south of Princes Road has been extracted. For example land at Brooklands Lakes, Parsonage Lane and Devon Road, Sutton-at-Hone.</p>

Consultee	Comments (6)
	<p>I understand that J Clubb was responsible for extracting sand and gravel at the Old Mill Farm north of Parsonage Lane, Darenth, and has/is extracting S&amp;G from land west of Darenth Road north of A2.</p> <p>Some of the deposit north of Bob Dunn Way has been extracted. Hansons have been extracting S&amp;G from land west of Joyce Green Lane.</p> <p>Elsewhere some of the reserve has been developed over:</p> <p>Crossways. I am of the understanding that some of the sand and gravel there was extracted prior to development as Crossways. The site was surcharged prior to the development of Crossways Business Park and it almost fully built out.</p> <p>Land west of Central Road, Dartford has been developed. The Riverside Industrial Estate was built in the 1960/70s, and GSK North site which was built in the 1990s and the site surcharged prior to development.</p> <p>With regard to Swanscombe Peninsula the northern part of the site has been surcharged with flu ash.</p>

## 4 Building Stone

4.0.1 The tables below outline the consultees responses to Question 3:

- **Do you agree that we should safeguard all of the building stone types?**  
(See Appendix C, Figure 3).

<b>Support</b>	<b>8</b>	<b>Total Number of Responses: 11</b>
<b>Object</b>	<b>0</b>	
<b>Comment</b>	<b>3</b>	

<b>Consultee</b>	<b>Comments (3)</b>
<b>J Clubb</b>	Comment -Probably the most valuable reserves that could be worked economically are the Kent Ragstone deposits. Significant areas in rural locations could be safeguarded but areas very close to built up areas should be free from MSA "blighting" Some of the rare stone types can be protected in rural areas with little or no impact on other forms of development. Areas that are rural and can be worked without conflict should be protected and those others released from MSA zoning.
<b>Tunbridge Wells Borough Council</b>	Comment -Tunbridge Wells sandstone is amongst the building stone types proposed to be safeguarded. As the document notes, this contributes to distinctive buildings and features, and plays an important role in the restoration of historic buildings, so we would want to support its safeguarding.
<b>Protect Kent</b>	Comment - Paragraph 3.2.5 <sup>(13)</sup> states "is being considered for safeguarding", this is indeterminate. Given that this report is part of the evidence base, the safeguarding of building stone needs a definitive statement, yes or no; (or at least an explanation for the delay in making one). The wording following in the grey box suggests that such stone will be safeguarded.

## 5 Brickearth Deposits

5.0.1 The tables below outline the consultees responses to Question 4:

- **Do you agree that we should safeguard all of the brickearth deposit?** (See Appendix C, Figure 4)

<b>Support</b>	<b>8</b>	<b>Total Number of Responses: 15</b>
<b>Object</b>	<b>0</b>	
<b>Comment</b>	<b>7</b>	

<b>Consultee</b>	<b>Comments (7)</b>
<b>Ibstock Brick Works</b>	<p>Comment - It is somewhat difficult to decipher specific areas on the Brickearth map due to the scale, though we do acknowledge the annotation of Hempstead House Quarry, Ibstocks current brick earth site, as beneficial in assisting spatial awareness. The Brickearth in the Faversham and Sittingbourne areas are most familiar to us in the manufacture of bricks, with Ibstock and Eastwoods before it using brickearth from this area and continuing to do so with exportation to East Sussex. We consider it wholly appropriate that all brickearth in this area is subject to safeguarding with relevant exceptions (see question 1) in order to preserve these potential areas for the present and future generations. The Head deposits further east of Sittingbourne have historically not been used by Ibstock or its predecessors, though this does not preclude those areas of land from offering a potentially viable brick earth opportunity in the future. Brick earth and our geological heritage are a finite resource and so we believe that all such deposits should be retained, if not for existing commercial activities, for those which may become viable in the future. We would welcome dissemination of policy through the respective district plans to include initial ground investigation testing for non exempt development within MSA's to prove the underlying geology as part of their development consent. If it is identified through site specific investigation that a site has a viable resource, developers should then be required to try and achieve commercial terms with interested parties for the prior extraction of the resource. Ibstock would be agreeable to receive such enquiries as they arise.</p>
<b>Paul Sharp Associates</b> acting on behalf of their client (the	<p>Comment - <b>Mapping</b> - it is assumed that the consultation process regarding brickearth extraction is intended to illicit views and comments from landowners, from brick makers and, to a lesser extent developers, these being the main protagonists in the development of land which may contain brickearth deposits.</p>

## 5 Brickearth Deposits

Consultee	Comments (7)
owner of land south of Whitstable Road, Faversham, ie an area of historic brickearth extraction)	<p>However, in order to make meaningful representations it is necessary first to identify the land which the County Council believes contains brickearth deposits relative to ownership and appropriate representations can then be made.</p> <p>However, neither the hard copy of Figure 5 in Appendix F (regarding brickearth) nor the digital version is capable, even by enlargement, of providing the necessary information to identify the extent of ownership. It is questionable therefore whether these plans generally and Figure 5 in particular is fit for purpose in facilitating consultation. I would caution KCC that this criticism of the Plan appears to be widely held and may well undermine the efficacy of its consultation process on this Topic Paper.</p> <p><b>Impact of safeguarding</b> – KCC should be aware of the impact of the safeguarding of brickearth on the development potential of land. In Swale, as previously described, generally brickearth appears on the very edge of the urban area and, inevitably, will be required for development for “urban extensions”. Whilst, in theory, it may be a neat symbiotic relationship between the recovery of brickearth to make bricks and then to build houses on the land from which the brickearth has been extracted, in practice, safeguarding of brickearth will (other things remaining equal) constrain the development potential of land. Situated on the periphery of urban areas, that land is normally in the most environmentally sustainable of locations.</p> <p>Whilst it may be argued that a simple planning condition requiring the extraction of brickearth prior to development would be a way forward, in practice, this leaves the landowner or developer at the mercy of the brick manufacturer and his production management objectives. Experience suggests that brick manufacturers are reluctant to stock pile this raw material and reluctant to accept obligations setting a time limit by which material is to be extracted.</p> <p>In the Faversham/Sittingbourne area, the situation is constrained further by the fact that there are only two brick manufacturers and only one with a local brick works. Furthermore, the type of brickearth varies, producing different colours of brick and whilst most manufacturers make a variety of shades and colour, the need for extraction may not coincide with the manufacturer’s production requirements.</p> <p>The blanket safeguarding of brickearth deposits therefore constitutes a material constraint to development on that land, particularly land located on the edge of urban areas, ie in urban extension locations.</p>

Consultee	Comments (7)
	<p>KCC will be aware of the Government's pressure to boost significantly the supply of housing and, to that end, the provision of a 5 year supply of available, deliverable and viable housing land is a major issue for Swale BC.</p> <p>Unless there is a sufficiently flexible approach to safeguarding of brickearth there could be unintended consequences whereby land not containing deposits and situated in less sustainable locations, could be developed instead because of the constraints imposed by safeguarding of brickearth in better urban extension locations.</p> <p>The blanket safeguarding of brickearth in the manner proposed could lead to a fundamental distortion of the brickearth market. For landowners with land with development potential, brickearth is likely to be perceived as a liability and, conceivably, they may have to incentivise the very few brickmakers to literally "take it away".</p> <p>This scenario militates in favour of the argument set out above, ie that the ubiquitous nature of the deposits in the North Kent area lends support to the case for exempting brickearth from the safeguarding process.</p> <p>As an alternative, KCC is asked to consider whether, if the brickearth were to be offered by a landowner to a brick manufacturer at a reasonable price, for extraction within an agreed period then - on the expiry of that period - safeguarding would fall away. A "certificate of immunity from safeguarding" (or similar) might be considered.</p> <p><b>Reasoned justification</b> – in part, the reasoned justification for and the description of safeguarding of brickearth set out in para 3.2.6, in my view, does not provide sufficient justification for that safeguarding. The rehearsal of and response to some of the issues raised here might assist in arriving at a more pragmatic approach to the safeguarding of brickearth.</p> <p>At the meeting with a KCC employee it was suggested that if the quality of a brickearth deposit could be tested and a brick company were to confirm that recovery of that deposit is not economically viable then, the land could be excluded from safeguarding in the first instance.</p> <p>On this basis, F D Attwood &amp; Partners may explore this approach with respect to the Faversham land.</p>

## 5 Brickearth Deposits

Consultee	Comments (7)
	<p>Furthermore, an additional device (for inclusion perhaps in policy rather than the safeguarding Topic Paper) would be an acknowledgement that notwithstanding the blanket safeguarding of brickearth deposits, if (following adoption of the MWDF) a landowner comes forward with an assessment of the quality of a deposit confirmed by a brick manufacturer as being uneconomic for recovery then, the landowner would be able to obtain a “certificate of immunity from safeguarding” (or similar), ie without the need for formal amendment of the adopted Plan.</p> <p>Bearing in mind the extreme contrast between the highly selective approach to the identification of brickearth supply set out in the Brickearth Subject Plan 1986 and the blanket safeguarding now suggested, the above approach is commended to the County Council as a practical way forward.</p>
<b>Wienerberger Ltd.</b>	<p>Comment -We agree that all the areas shown on the brickearth plan, should be safeguarded and that it is the responsibility of the developers / applicants to demonstrate no long term sterilisation of brickearth as part of any development within these areas.</p>
<b>David Lock Associates</b>	<p>Comment- David Lock Associates support the concept of Mineral Safeguarding but are concerned that a blanket approach to safeguarding all of the brickearth deposits could result in conflict between need to protect existing amenities and communities and the desire to extract mineral resources. This is particularly pertinent in light of Figure 5 within Appendix F illustrating that Iwade village, Sittingbourne, Faversham and numerous other villages are shown to be overlain with Brickearth clay with deposits directly abutting these existing settlements. The boundaries of minerals safeguarding areas need to take account of existing settlements and provide an appropriate stand-off between any presumptive mineral working and sensitive users, thus ensuring that the Minerals Safeguarding policy is clear about how it is intended to interact with the protection of residential amenities and what measures would be expected to mitigate any detrimental impacts.</p>
<b>Faversham Society</b>	<p>Comment -The brickearth deposits shown around Faversham extend southwards along the A251 towards Badlesmere and around the A2 east of the town towards Boughton and Selling; there are also areas shown to the east of the town towards Graveney and Goodnestone. The map should show the national designations such as the extent of the North Downs Area of Outstanding Natural</p>

Consultee	Comments (7)
	<p>Beauty which lies to the south of the town and its boundary crosses the A251. The NPPF specifically identifies AONBs as areas which should not be exploited for minerals. The brickearth areas towards Goodnestone are within the Goodnestone Grasslands as set out in the Swale Landscape Character and Biodiversity Appraisal and are identified as being in good condition and of important ecological value. They provide a highly sensitive and locally distinctive landscape which is undisturbed and excavation of brickearth would have a significant impact on the landscape and ecological value. Some of the areas of brickearth south of the town are within the area identified in the Swale Landscape Character and Biodiversity Appraisal as within the Faversham and Ospringe fruit belt. This is also identified as being in good condition with orchards, some of which are non intensive. It has mature hedgerows and areas of trees. It provides good wildlife habitat. The area is a moderately sensitive landscape and is identified as one that should be conserved. Although in some parts of the area, brickearth extraction has taken place in the past, further excavation is likely to have a detrimental impact on the landscape. Parts of this area are covered by the Kent Downs AONB Management Plan 2009-14 and the guideline for the areas between Faversham and the AONB boundary is to conserve the rural setting of the AONB. Part of the area shown as holding brickearth reserves are also in that the Swale Landscape Character and Biodiversity Appraisal area identified as the Hernhill and Boughton fruit farms. This fruit belt area is in very good condition and contains small areas of woodland and mature hedgerows. These provide good ecological networks in an otherwise intensely farmed landscape. It is a very distinct landscape of high sensitivity which it is considered important to conserve. Excavation of brickearth in such locations is likely to be detrimental to both the natural environment and on the historic character of the well established and locally distinctive landscape type.</p>
<p><b>Swale Borough Council</b></p>	<p>Comment -As with question 2, the Council do not consider it would be reasonable or logical to safeguard all of the brickearth locations within the Swale Borough. It would appear sensible to safeguard the existing active brickearth extraction sites, although the Council does not possess information regarding whether there are large mineral stocks remaining at these sites. If these stocks are low, it may be unreasonable to safeguard the land. Also please could you check the Claxfield East Quarry is shown in the correct place on figure 5 and also confirm what the difference is between brickearth and other brickearth sites as identified on the map.</p>

## 5 Brickearth Deposits

Consultee	Comments (7)
Protect Kent	Comment - Paragraph 3.2.6 <sup>(14)</sup> can you confirm that all of the brickearth deposits shown on Resource Map Figure 5 are to be safeguarded. These appear to be quite extensive, particularly in the east of Kent.

## 6 Comments from Previous Consultation

**6.0.1** The following are relevant representations from the Draft Minerals and Waste Plan - Strategy and Policy Directions consultation, which was open for comments between 31st May and 9th August 2011.

### 6.1 Policy and Guidance Considerations

Consultee	Comments
Marine Management	We note that the document mentions the NPPF as an example of national mineral policy. The Marine Policy Statement (MPS) also contains national mineral policy and we would recommend reference to the MPS be included alongside reference to the NPPF. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the UK Marine Policy Statement unless relevant considerations indicate otherwise. The MPS will also guide the development of Marine Plans across the UK. More information can be found at <a href="http://www.defra.gov.uk/news/2011/03/18/marine-policy-statement/">http://www.defra.gov.uk/news/2011/03/18/marine-policy-statement/</a>
Tonbridge and Malling borough Council	The topic paper does not set into context the role of winning minerals in the minerals strategy for Kent - where in the hierarchy does it feature? Reducing the need for winning additional minerals should be a priority through policies requiring the reuse and recycling of building materials, especially involving redevelopment projects. This is a more sustainable approach given the potential environmental harm caused by opening new quarries to habitats, biodiversity and disturbances to local communities through noise of operations and traffic movements.
Swale Borough Council	<p>The Council consider the method for safeguarding particular sites or areas needs to be more sophisticated to ensure that unnecessary burdens and uncertainties are not placed upon applications, developers or local residents where there is no reasonable expectation of a site being suitable for extraction, whether that be for environmental reasons (such as being within a European or nationally designated area) or the sites proximity to heritage assets or housing. Whilst the issue of minerals is an important one, it should not be considered in isolation without paying consideration to other material planning issues.</p> <p>Whilst the NPPF particularly encourages mineral safeguarding and the extraction of minerals, underlying this is also the need to ensure sustainable development; an economical role, a social role and an environment role. The Council therefore consider it is crucial that the</p>

## 6 Comments from Previous Consultation

Consultee	Comments
	<p>County do not simply designate large areas of the Swale Borough as safeguarded areas without having fully considered the implications of whether safeguarding, and in effect giving support to mineral extraction on those sites, would be sustainable. The Council have particular concerns regarding whether designating large areas of land as safeguarded for the extraction of brickearth would be sustainable. This is because there is only one active brickmaking site within the Borough, meaning that it is likely that a majority of all brickearth extracted from sites within the Borough would have to be exported from the Borough to other brickmaking sites. Not only does this have implications for sustainability in terms of the environment, requiring potentially many long distance traffic movements, but also in terms of economic sustainability, as safeguarding sites could have implications/ delays for development proposals, yet the financial benefits of extracting brickearth would be lost outside of the Borough.</p> <p>In addition, the Council consider that a wider consultation on the matter should be carried out with the aim of gaining views from the development and building industry, who do not appear to have been widely consulted to date. Their views could have quite an impact upon how Mineral Safeguarding Areas evolve.</p> <p>In respect of the draft policy DM5 – safeguarding Mineral Resources and Important Infrastructure, I have concerns that the current wording could potentially have significant implications for both the development industry and for the individual local authorities in trying timely fashion. As I am sure you are aware, many local authorities within Kent are currently facing pressure to increase housing numbers within their local plans. This could mean that Swale and other local authorities within Kent are put under a great pressure to identify additional sites for housing, and the draft safeguarding policy would make this process even more challenging. As such, I am proposing that the policy be redrafted to include the following changes;</p> <p>“Safeguarding Mineral Resources and Importation Infrastructure</p> <p>Planning permission will only be granted for <u>alternative</u> non-mineral developments within a Mineral Safeguarding Area or in a Safeguarded Wharf or Railhead as identified on the Key Proposals map, which are incompatible with safeguarding the mineral and / or importation infrastructure where: (suggested sections to be erased are underlined)</p> <ul style="list-style-type: none"> <li>• The applicant can demonstrate to the satisfaction of the Mineral Planning Authority that the mineral or infrastructure concerned is no longer of <u>any</u> sufficient value or potential value; or</li> </ul>

Consultee	Comments
	<ul style="list-style-type: none"> <li>• The incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or</li> <li>• The applicant can provide expert advice to demonstrate that extraction of the mineral or the maintenance of the infrastructure concerned would be economically unfeasible either in respect of future development on the land or the extraction itself, or that there is insufficient demand for its extraction or retention; or</li> <li>• The applicant can demonstrate that the extraction of the mineral would not be sustainable</li> <li>• It constitutes 'exempt development', namely householder applications, development <u>already</u> allocated in a statutory plan or infill development of a minor nature in existing built up areas."</li> </ul>

## 6.2 Safeguarded Resources and Infrastructure in Kent

Consultee	Comments
The Coal Authority	<p>The Coal Authority is pleased to note that you have applied the methodology of the BGS/Coal Authority publication "Mineral Safeguarding in England: Good Practice Advice" (2011) in identifying appropriate Mineral Safeguarding Areas and Mineral Consultation Areas within Kent. As is identified within the document, coal resources are present in the East of Kent. However, these resources are at depth and thus there is no necessity for this area to be identified as a Mineral Safeguarding Area or Mineral Consultation Area. In coalfield areas where underground coal mining is active, we request that the licence area is illustrated rather than safeguarded in order that developers of any sensitive surface development are made aware of this underground activity. However, as there are no active licences for underground coal mining in Kent this is not necessary in the Kent Minerals Local Plan. As you are aware, The Coal Authority has issued a conditional underground coal exploration licence to Dysart Coal Mine Management Ltd for the Kent Coalfield. It is unlikely the coal resources will be worked during the plan period. My colleague confirms that we would not disagree with this view; although he also commented that a reference to "East Kent Coalfield" would be more appropriate than "East Kent Limestone Mine", as he had not heard the coal resource called this before.</p>

## 6 Comments from Previous Consultation

Consultee	Comments
Gallagher Aggregates Ltd.	<p>Paragraph 3.2.5 <sup>(15)</sup> states that crushed rock is treated as an adjunct to building stone and that within that section there is only reference to building stone. That would appear to belittle the significance of the long term availability of Kentish Ragstone as a crushed rock aggregate. I would have expected a separate section as to the safeguarding of crushed rock. It would sit well with the separate figure 4.2 Despite paragraph 3.2.5, crushed rock (figure 4) is mapped separately from building stone (figure 3). This strengthens the need for separate consideration for crushed rock<sup>3</sup> The text in paragraph 3.2.5 indicates that the extensive Hythe Beds resources are to be safeguarded for building stone and the 'boxed text' indicates that the building stone is "only ever likely to be extracted on a small scale". Neither of these statements is supported by the detailed and comprehensive analysis as to Kentish Ragstone as a building stone conducted in the called-in enquiry into the Hermitage Quarry westerly extension. The unchallenged evidence from that enquiry, provided by two independent geologists together with noted bodies such as English Heritage, the Kent Conservation Group and local stone masons is that Kentish Ragstone as a building stone is unlikely to be available other than when operated in parallel with a crushed rock operation. That evidence was supported at enquiry by the County Council. I would refer you to the evidence set out on the KCC Planning web-site under application reference TM/10/2029. In the light of that considered and considerable evidence I would suggest that Topic Report 4 be redrafted to take account of the County Councils formal position on Kentish Ragstone as a building stone. It may be that this would lend itself to a re-write with Kentish Ragstone separated from other possible building stone resources<sup>4</sup> Following from 3 above and since Kentish Ragstone as a building stone is unlikely to be worked other than in association with a crushed rock operation then the only safeguarding area would be as shown on figure 4. I have assumed that outcrop outlined in blue does in fact match that agreed by the County Council as an appropriate 'search area' at the called-in enquiry.<sup>6</sup> In general, the sheer size of the areas proposed to be safeguarded is staggeringly large. I would suggest that the great majority of the area has no worthwhile mineral resource and other areas are unlikely to be economically viable and/or subject to other significant planning constraints such as Sites of Specific Scientific Interest (SSSI), AONB, etc. In that respect the safeguarding of such large areas has to be seriously questioned.</p>

Consultee	Comments
Lafarge Cement	<p>Paragraph 3.1.17 - We welcome the exception status granted to Medway Cement Works (paragraph 3.1.17, box and Appendix D) in terms of MSA and MCA. Because the administrative boundary between Kent and Medway Council causes safeguarding to be split between the two authorities, we would request that Kent (which contains the great majority of the protection), when consulted on development plan documents by Medway Council as a neighbouring authority, will promote equivalent protection in Medway such that the entire circumference of the site is protected equally. Lafarge Tarmac will also, of course, promote this.</p> <p>3.1.20 - we note that safeguarded Kent wharves and railheads will be named in the Minerals &amp; Waste Plan. We trust that protection will be afforded to our Johnsons/Greenhithe, Northfleet Cement, Ridham Dock and 42 (Bulk Aggregates) wharves, and to Hothfield rail terminal. 3.2 Section 3.2.2 should be expanded to better describe 'Building Sand' and recognise the contribution this product makes to the building &amp; construction industry. The section seems to concentrate solely on 'silica sand'. 3.3.10 - aggregates recycling facilities are proposed to be safeguarded through a general policy rather than a mapped safeguarding policy. Without seeking a further tier of safeguarding, Lafarge Tarmac would wish to see explicit text safeguarding coating plants at all types of site, as is proposed (3.3.17) for concrete plants not already on safeguarded sites or industrial estates. 3.3.13 - the coating plant at 'Hothfield Works' should be described as a 'Lafarge Tarmac' operation, not Hanson. 3.3.14 - although this states that the majority of coating plants are safeguarded by their locations in permanent safeguarded wharf or rail depot sites, this is not the case at Ham Hill, Snodland, where the plant does not lie within either of these but is a stand alone site. Again without seeking a further tier of safeguarding, Lafarge Tarmac would wish to see explicit text safeguarding coating plants at all types of site, as is proposed (3.3.17) for concrete plants not already on safeguarded sites and not in industrial estates.</p>
Gravesham Borough Council	<p>Conditional support- Whilst it is noted that KCC has made some changes to the names that it uses, we feel that it would be helpful if a consistent approach is taken and the names used should be the same as used by ourselves and the PLA. We have had to check back to the site extents used in your May 2011 document, to determine where some of the wharfs were as a number use the name of a different wharf to that shown - for example Denton Wharf is the wharf owned and used by the PLA, the wharf you are referring to is Clubb's Marine Terminal. Subject to the following name changes, Gravesham</p>

## 6 Comments from Previous Consultation

Consultee	Comments
	<p>BC supports the safeguarding of the following wharves within Gravesham for aggregate importation: Northfleet Wharf (KCC name - Botany Marshes)Robins Wharf (KCC name - Robins Wharf)42 Wharf (KCC name - Wharf 42 (Northfleet))Northfleet Terminal (KCC name - Northfleet Cement Wharf)Clubb's Marine Terminal (KCC name - Denton Wharf)The safeguarding of Red Lion Wharf for aggregate importation is not supported.</p> <p>Safeguarding of Wharves: Gravesham Borough Council objects to the safeguarding of Red Lion Wharf under the proposed policy. Whilst paragraph 143 of the NPPF states that LPAs should safeguard existing, planned or potential wharfage and associated storage, this requirement must be taken in the context of the document as a whole (NPPF paragraph 6) whereby a balance must be struck between the achievement of range of social, economic and environmental objectives in the interest of delivering sustainable forms of development. In this instance, Red Lion Wharf comprises an important part of the Northfleet Embankment East regeneration area where the Homes Communities Agency (HCA) has identified and invested in a unique opportunity to deliver a multi-modal freight facility based on road, rail and river access that can only be delivered on this site. Whilst there may be an opportunity to integrate aggregates importation within the final masterplan, the Gravesham Borough Council, as the LPA, is of the opinion that the wider regeneration of the area and the employment benefits it could bring should be prioritised through the HCA led project. SEEDA, now HCA, has acquired a significant landholding at Northfleet Embankment East through the purchase of the TT Electronics site (17.9 hectares). The objective of the purchase was in pursuit of the Government's objective to accelerate delivery of sustainable regeneration in this part of Thames Gateway. We and the HCA believe the site and land adjoining presents a unique opportunity to create a high quality development based on the locational characteristics of the area that will make better use of resources, secure environmental improvement, and deliver new jobs and housing. The HCA has now cleared the redundant TT Electronic factory buildings and are in the process of accelerating the delivery of land raising works on this site to create a development platform by the end of 2014 that which will maintain flexibility for future residential and employment uses. STEMA's current working practices of open storage of aggregates with potential noise and air quality impacts could prejudice the regeneration of this area, and, as a minimum would curtail what could be delivered on site. We understand that HCA has been in discussion with STEMA, since their acquisition of the site, regarding STEMA's possible relocation. This would remove the constraint without reducing overall capacity and</p>

Consultee	Comments
	<p>whilst options have been proposed, negotiations on alternative locations have always failed. Following this minerals-led approach would result in the majority of our riverside development locations being sterilised by potential bad neighbour uses, making on-going protection of the Green Belt difficult as we must have somewhere to develop for housing, employment, etc. This would therefore seem at odds with KCC's strong support for preserving the Green Belt from intrusion. The importance of this area was clearly recognised for its regeneration importance when KCC responded to application ref no GR/2011/0558, relating to proposals to increase the height of aggregate stockpiles here, stating that the KCC was supportive of the principle of the continued use of the land to the south of the main aggregate wharf for the open storage of aggregates, subject to, inter alia, any permission granted not prejudicing the redevelopment of Northfleet Embankment East for commercial or residential development, etc. In addition, the Borough Council also has concerns regarding the safeguarding of Red Lion Wharf because it already benefits from a planning permission for full port operations use (GR/2001/0288). The description of this permission is for 'Change of use to full port operational use including the unloading and loading, storage, transshipment and distribution of aggregates together with the erection of ancillary offices, associated parking spaces, cargo handling equipment and a boundary wall and construction of access to the property'. Whilst condition 19 attached to the planning permission limits that use to aggregates, it is clear that the permission itself is wider because the description refers to full port operational use including aggregates. The Borough Council would argue therefore that the principle of full port operational use has therefore already been agreed for this site and that it would be difficult to resist an alternative port operational use that did not involve aggregates should an application be made. The Borough Council would contend therefore that whilst any safeguarding policy may be a material consideration in the determination of any such application, it is unlikely to outweigh the fact that a planning permission already exists that provides in principle agreement for full port operational use. Under these circumstances, the Borough Council would argue that any such safeguarding policy is unsound because it is likely to be ineffective. Should KCC disagree with the above, it is requested that it provide under the Duty to Cooperate the necessary evidence to show that the safeguarding of Red Lion Wharf is necessary to deliver its minerals strategy and that this requirement outweighs the regeneration benefits that would otherwise accrue. In addition, it is requested that KCC provide details and evidence of the reasonable alternatives it has considered in relation to the safeguarding of Red Lion Wharf and the SA/SEA of those alternative options. We note</p>

## 6 Comments from Previous Consultation

Consultee	Comments
	<p>that in July 2012 the GLA published its "SAFEGUARDED WHARVES REVIEW 2011/2012 Further Consultation Draft - July 2012" (which was published post NPPF), capacity is considered in some detail and KCC should follow a similar approach. As we have previously highlighted, the permitted Bulk Aggregates Import Terminal, adjacent to 42 Wharf, has permission to handle up to 3 mtpa - this is a similar scale of imports that that recently achieved in Kent &amp; Medway as a whole.</p>
David Lock Associates	<p>A Minerals Safeguarding policy as part of the MWLP should set out a 500m buffer to be applied to safeguarded areas that adjoin existing residential areas in order to offset MSA's from residential properties within settlements and minimise any detrimental impacts in terms of noise and air pollution. This buffer could be employed either as a worded policy within the MWLP for illustratively through the production of a more detailed map showing the boundaries of the MSA's that trimmed the areas appropriately to respond to existing settlements. This would provide the protection of amenity, creating a more justified approach to the matter of safeguarding.</p> <p>The prior extraction of a safeguarded mineral resource to development introduces a number of practical difficulties in terms of the delivery of development alongside the stockpiling of over-burden, the worked mineral and the subsequent back-filling. While these matters may not be insurmountable they will have implications for the timely delivery of development and may not impact on the amenities of new and existing residents.</p>
Port of London Authority (PLA)	<p>The PLA is supportive of the approach that the Council is taking towards the safeguarding of existing wharfage. As recognised in the Local Plan the NPPF requires LPAs when they are preparing Local Plans to safeguard existing wharfage and associated storage, handling and processing facilities for the bulk transport by sea or inland waterways of minerals, including recycled, secondary and marine dredged aggregates. The Local Plan makes it clear that mineral handling wharves need to be safeguarded and advises at paragraph 3.3.7 that " all existing wharves will be safeguarded in accordance with national policy." The Local Plan also advises that safeguarded wharves will be named in Minerals and Waste Plan and a map is provided in the appendix of existing wharves. The PLA believes that the approach taken by the Council to safeguarding existing wharfage for the transport of minerals is entirely consistent with National Policy and it is therefore supported. Care should however be taken with the map that has been produced at appendix</p>

Consultee	Comments
	<p>e which shows: Johnsons Wharf - Sea Dredged Botany Marshes - Sea Dredged Robins Wharf - Crushed Rock Wharf 42 (Northfleet) - Crushed Rock Northfleet Cement Wharf - Cement Red Lion Wharf - Crushed Rock Denton Wharf - Sea dredged Cliffe Terminal - Medway Dredged Aggregates. It is recommended that: Botany Marshes is changed to Northfleet Wharf (to give it the name that it is more commonly know as) Robins Wharf handles both crushed rock and sea dredged - could the key be updated to reflect this? Wharf 42 and Northfleet Cement Wharf are amalgamated into one site and the key updated accordingly Denton Wharf is changed to Clubb's Marine Terminal or if you do not wish to have the site owner's name included then perhaps Denton Marine Terminal. This will then differentiate their activities from Denton Wharf which is the name for the PLA's wharf in Denton. The NPPF also requires LPAs when they are preparing Local Plans to safeguard potential wharfage and associated storage, handling and processing facilities for the bulk transport by sea or inland waterways of minerals, including recycled, secondary and marine dredged aggregates. The Local Plan advises on page 19 that two other wharves, Imperial Wharf and Old Sun Wharf have been suggested for consideration for mineral safeguarding. It is stated "it is understood that Imperial Wharf is to be used for the importation of materials other than minerals and Old Sun Wharf, which is a relatively small site has a concrete plant upon it. It is not know whether the operator at Old Sun Wharf will be constructing the aggregate jetty for the importation of sand and stone by river that was granted planning permission by Gravesham Council in February 2012. It is not currently proposed to safeguard these wharves for aggregate use." The PLA recommends that further consideration is given to whether to safeguard Imperial and Old Sun Wharf. The PLA is currently unaware of any formal proposals that have been advanced for the use of Imperial Wharf and as highlighted above, Old Sun Wharf has planning consent to construct a jetty for the importation of minerals by river. Both of these wharves are viable wharves for the importation of materials, which include minerals and as such it is considered that a precautionary approach should be taken. Whilst the PLA can understand why the Council may not wish to formally safeguard them, it needs to be ensured that these wharves are not lost un-necessarily to non wharf uses. Perhaps the addition of some text could be explored which seeks to safeguard the wharves for minerals should they become available during the life time of the plan period in accordance with the NPPF's requirement to safeguard potential wharfage.</p>

Consultee	Comments
KCC Heritage	Some of the proposed areas for safeguarding such as those in the Darenth Valley or near Lydd lie in areas of known high archaeological potential. It is quite possible therefore that there may be significant environmental constraints on the extraction of the safeguarded mineral. Paragraph 2.2.3 states that there is no presumption that safeguarded resources will actually be worked for minerals but wonder whether it is worth explaining that in some cases there may be environmental constraints which would make the working of the mineral inappropriate.
Kent Down AONB	The implications on the potential loss of this wharf on the overall deliverability of the Kent Minerals and Waste Local Plan is of grave concern to the Kent Downs AONB. There could be consequences on the Kent Downs AONB and its setting if the loss of importation facilities were to lead to pressures on release of mineral bearing land within or in the setting of the AONB. We would also suggest that the inclusion of the loss of Red Lion Wharf as a facility for the importation of aggregates as part of the Gravesham Core Strategy would make it unsound.

### 6.3 British Geological Survey Maps

Consultee	Responses
Tonbridge and Malling Borough Council	How MSAs are represented on the Proposals Maps needs to be given careful consideration. The MWLP will form part of Tonbridge Council and Malling Borough Council's Development Plan, once adopted. The policies and proposals in the suite of minerals and waste plans will therefore have to be illustrated on the Proposals Map for the Borough Council's Development Plan. Due to the large geographical spread of MSAs and the fact that there is no presumption that non-mineral development within a MSA is automatically precluded, it is reasonable to suggest that MSAs are shown discretely on the Proposals Map. This is so that they do not overwhelm the local development strategy, which is the principle function of the Proposals Map from the perspective of the LPA.
Protect Kent	Paragraph 3.2.2 <sup>(16)</sup> references Aylesford Sand Pit, yet it is not shown on the relevant map - Figure 1 in Appendix F.

Consultee	Responses
Lenham Parish Council	As the report accepts, mineral reserves in Kent tend to dip under overlying strata, so that for example, building sand can often be won north of the outcrop, by removing the overlying clay"overburden". This can be seen at Lenham quarry, which as the map shows is north of and outside the consultation area. The consultation areas should perhaps be extended to take this into account.
Natural England	Based on a brief review of the document, my only concern relates to the key on the plans included in Appendix B, which indicate that some resources are "unconstrained by environmental designations". I assume this means the boundaries of safeguarded areas and those of national or international landscape and habitat designations do not overlap. In this case, the wording may suggest, to some users of the plan, that there are no environmental issues to consider in bringing forward proposal for "unconstrained" sites. This would be unhelpful, insofar as indirect impacts on national or international designations need to be considered, as well as impacts on local sites and habitats, particularly where they are important to delivering the government's aim of halting the decline in biodiversity. Our comments on the previous components of the Minerals and Waste Plans provide an indication of the range of our concerns in respect of development in Kent, and we would welcome early conversations around:-any new allocations that may be required,-detailed proposals for allocated sites and-any windfall proposals.
Gravesham Borough Council	Support the BGS figure 6 map <sup>(17)</sup> although needs to be acknowledged that the area identified to the east of the Gravesend urban area is covered by a RAMSAR designation and therefore the implications of such a designation need to be made explicit.

## Appendix A: Glossary

<b>A</b>	
Aggregate	Inert particulate matter which is suitable for use (on its own or with the addition of cement or bituminous material) in construction as concrete, mortar, finishes, road stone, asphalt, or drainage course, or for use as constructional fill or railway ballast.
Aggregates / Soils Recycling	Rubble, hardcore and soil from construction and demolition projects can often be re-used on-site. Alternatively, it can be taken to purpose built facilities for crushing, screening and re-sale. There are also temporary facilities at some quarries landfill sites where material can be recovered for re-sale or use on site.
Annual Monitoring Report (AMR)	Records progress implementing the Local Development Scheme and the performance of adopted plan policies.
<b>B</b>	
Building Sand/ Soft sand	A naturally occurring type of construction aggregate found in Kent. It is mainly used for mortar production and in asphalt.
Buffer Zone	A zone or area that separates minerals and/ or waste management facilities from other land uses to safeguard local amenity.
<b>M</b>	
Mineral Consultation Area (MCA)	MCAs are a part of the statutory mechanism which have their origin in the Town and Country Planning Act 1990. The objective behind the establishment of these areas is to ensure that consultation takes place between the county and district planning authorities in two-tier authority areas when mineral resources could be compromised by proposed non-mineral development.
Mineral Resource	A concentration or occurrence of material of intrinsic economic interest in or on the Earth's crust in such a form, quality and quantity that they are reasonable prospects for eventual economic extraction.
Mineral Safeguarding Area (MSA)	A MSA is an area designated by Mineral Planning Authorities which is an area of land overlying or in the immediate vicinity of a mineral resource, as defined on a map, recognised through policy as an area that needs consideration if a non-mineral development is submitted for determination.

<b>P</b>	
Permitted Reserves	Saleable minerals in the ground with planning permission for winning and working. Usually expressed in million tonnes.
Planning Conditions	Conditions attached to a planning permission for the purpose of regulating and controlling the development.
<b>R</b>	
Recycled aggregates	Aggregates produced from recycled construction waste such as crushed concrete and planings from road surfacing.
Reserve	The remaining concentration or occurrence of workable material of intrinsic economic interest. Generally used for those economic mineral deposits that have the benefit of planning permission.
Resource	A concentration or occurrence of material of intrinsic economic interest in or on the Earth's crust in such a form, quality and quantity that they are reasonable prospects for eventual economic extraction.
River Terrace Gravels	River Terrace Gravels are split geographically in Kent due to the nature of their derivation. Consequently they are alternatively termed Flint Gravels and Sandstone Gravels due to the nature of the coarse aggregate that makes up these deposits.
<b>S</b>	
Sandstone Gravels	Sandstone gravels contain a high proportion of friable and degradable sandstone pebbles, which are unsuitable for high strength concrete unlike the fine aggregate element. In Kent sandstone gravels occur in the upper reaches of the Medway Valley south of the Hythe Beds (Ragstone) Ridge. Also referred to as the Upper Medway River Gravels.
Sharp Sand and Gravel	Naturally occurring mineral deposit in Kent. Once extracted it is mainly used in the production of concrete products.
Secondary Aggregates	Construction Materials that are produced as by-products of other processes and used instead of primary aggregates. Secondary aggregates include boiler ashes, colliery shale, burned clay, pulverised fuel ash, chalk and shale.
Silica Sand (Industrial Sand)	Material exacted and used in industrial processes including glass manufacture and the production of foundry castings. It is also used in horticulture and for sports surfaces including horse menages and golf course bunker sand. It is also known as 'industrial sand'.

## Appendix A: Glossary

Site Allocations	Sites which are generally well defined and where there is an implied presumption in favour of their being developed during the plan period
Strategic Site	A key site of importance for minerals or waste uses, potentially of county-wide significance.
Sustainability	A widely quoted definition of sustainable development is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. Sustainability seeks to balance social, economic and environment issues including the efficient use of natural resources.

## Appendix B: Copy of the letter sent to consultees

Dear Consultee,

### **Kent Minerals and Waste Local Plan: Proposed Mineral Safeguarding Areas**

We are producing a series of topic papers to inform the production of the new Kent Minerals and Waste Plan. These topic papers will provide detailed information on key mineral and waste topics for sustainable mineral and waste management issues in Kent over the 2013-2030 plan period. The enclosed draft paper focuses on the important subject of mineral safeguarding in Kent.

The purpose of the safeguarding designations is to ensure that economic mineral resources are adequately and effectively considered in land-use planning decisions for non-mineral development; there is no presumption that any safeguarded mineral resources will be suitable for extraction in the future.

This revised draft topic paper builds on the responses to our earlier Minerals and Waste Plan consultations, associated evidence base consultations and organised consultee workshop events. We now welcome your views on our approach to mineral safeguarding in Kent and the extent of the proposed safeguarding areas for individual mineral types, in order to help us shape the mineral safeguarding policies and mineral safeguarding maps in our Minerals and Waste Local Plan.

In particular we would welcome your comments on the following aspects of 'mineral safeguarding':-

1. Do you agree with the approach being taken to exemptions from the mineral safeguarding process (paragraph 1.1.7)?
2. Do you agree that we should safeguard the sub alluvial river terrace deposits on Figure 2 in Appendix E?
3. Do you agree that we should safeguard all of the building stone types shown on Figure 3 in Appendix E?
4. Do you agree that we should safeguard all of the brickearth deposits shown on Figure 5 in Appendix E?

The document will be open for comment from 11<sup>th</sup> February to 4<sup>th</sup> March 2013 and will be publicly available on our website<sup>(18)</sup> and consultation portal<sup>(19)</sup> for comment.

We recommend you submit your views through our online consultation portal (<http://consult.kent.gov.uk/portal>). Alternatively, you can also email your comments to [mwdf@kent.gov.uk](mailto:mwdf@kent.gov.uk) or write to us at MWLP Project Team, Planning and Environment, Kent County Council, Invicta House, Maidstone, Kent ME14 1XX.

18 [http://www.kent.gov.uk/environment\\_and\\_planning/planning\\_in\\_kent/minerals\\_and\\_waste/evidence\\_base.aspx](http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/evidence_base.aspx)

19 [http://consult.kent.gov.uk/portal/evidence-base/min\\_safegdg](http://consult.kent.gov.uk/portal/evidence-base/min_safegdg)

The next formal stage of our plan making will be the consultation on our draft Minerals and Waste Plan (formerly known as the Pre-submission edition of the Core Strategy) which is scheduled to start in June 2013. We will inform all stakeholders who are registered on our database about this later in the year. In the mean-time, you can download our timetable and other plan making information from our website: [www.kent.gov.uk/mwdf](http://www.kent.gov.uk/mwdf) or contact us at the address above.

We look forward to hearing from you.

Yours faithfully,

Rachel Cutler  
**Planning Officer**

## Appendix C: Proposed Exemptions from the Mineral Safeguarding Process

### Exemptions from Safeguarding (paragraph 1.1.7 in the Minerals Safeguarding Topic Paper)

The BGS guide to mineral safeguarding<sup>(20)</sup> advises MPAs to give due regard and consideration to whether any types of planning applications should be exempt from the consultation arrangements established alongside MCAs. Some examples of possible exemptions from mineral safeguarding consultation requirements could be proposals involving:

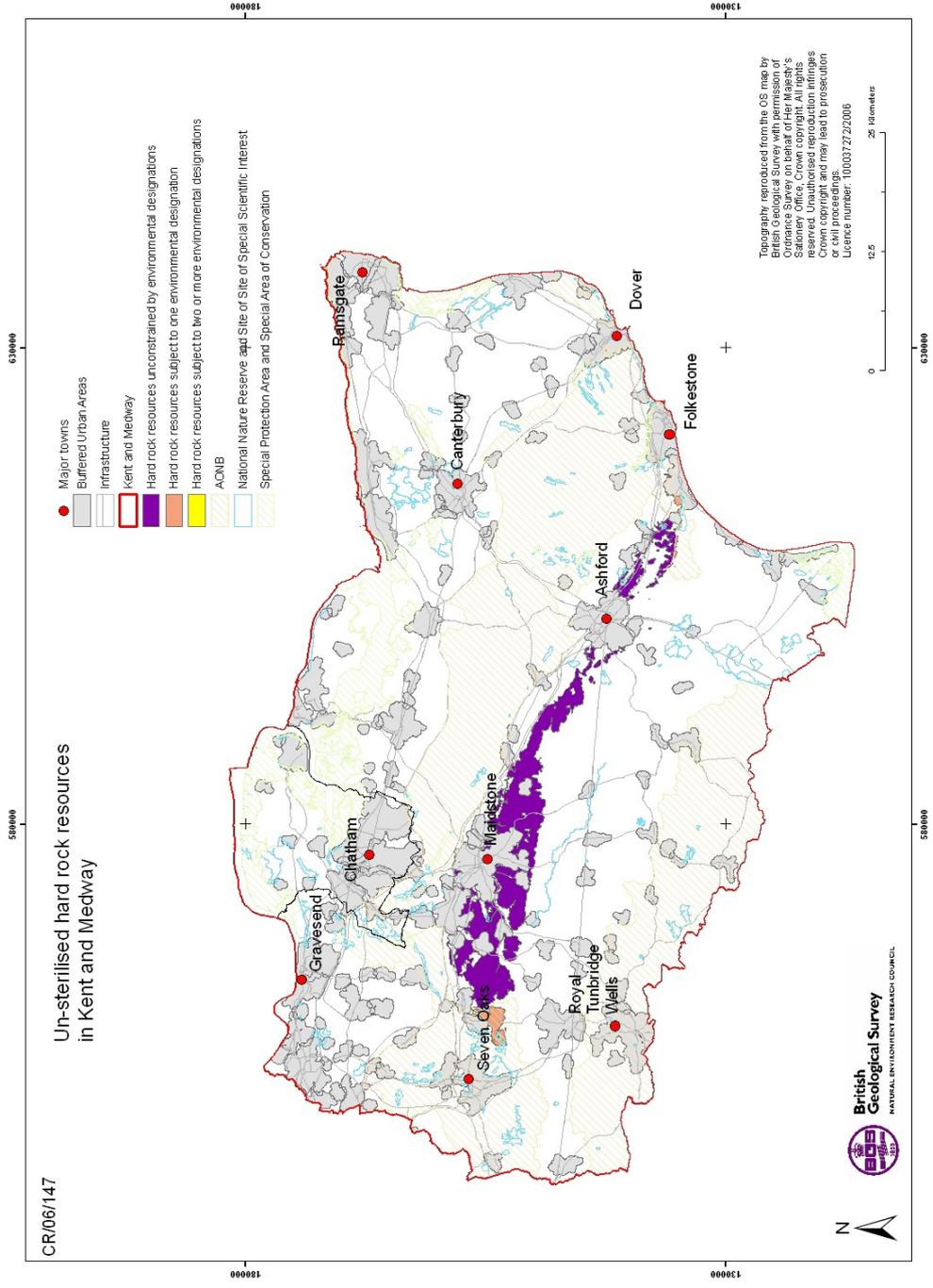
- Infilling in towns and villages.
- Householder applications.
- Advertisement applications.
- Reserved matters applications.
- Applications for new or improved accesses.
- 'Minor' extensions/alterations to existing uses/buildings.
- 'Temporary' development (for up to five years).
- Agricultural buildings adjacent to existing farmsteads.
- 'Minor' works such as fences and bus shelters.
- Amendments to current permissions (with no additional land take involved).

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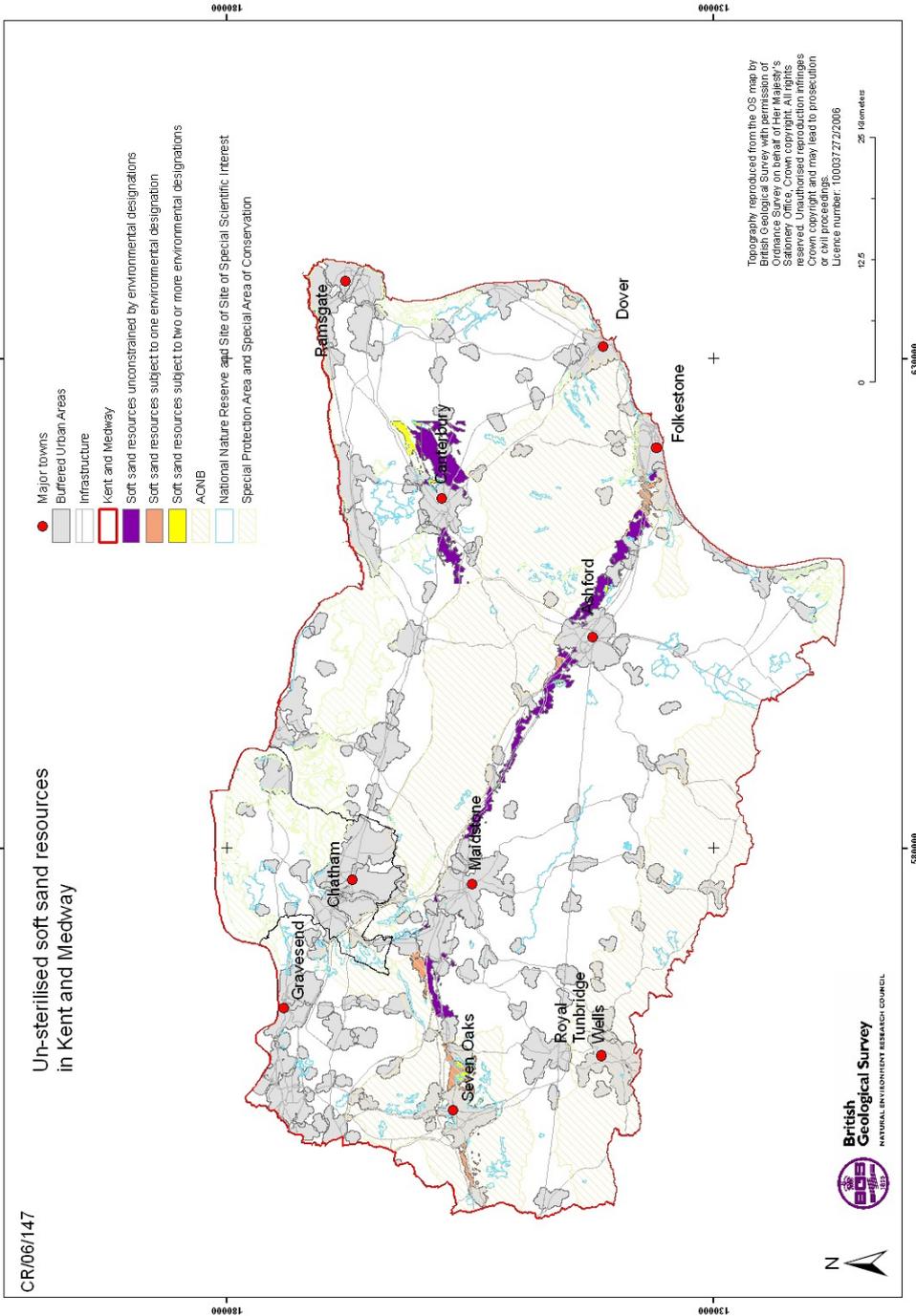
20 British Geological Survey (BGS)/The Coal Authority Mineral Safeguarding in England: Good Practice Advice (2011) Minerals and Waste Programme Open Report OR/11/046. Keyworth, Nottingham, British Geological Survey

# Appendix D: British Geological Survey Maps

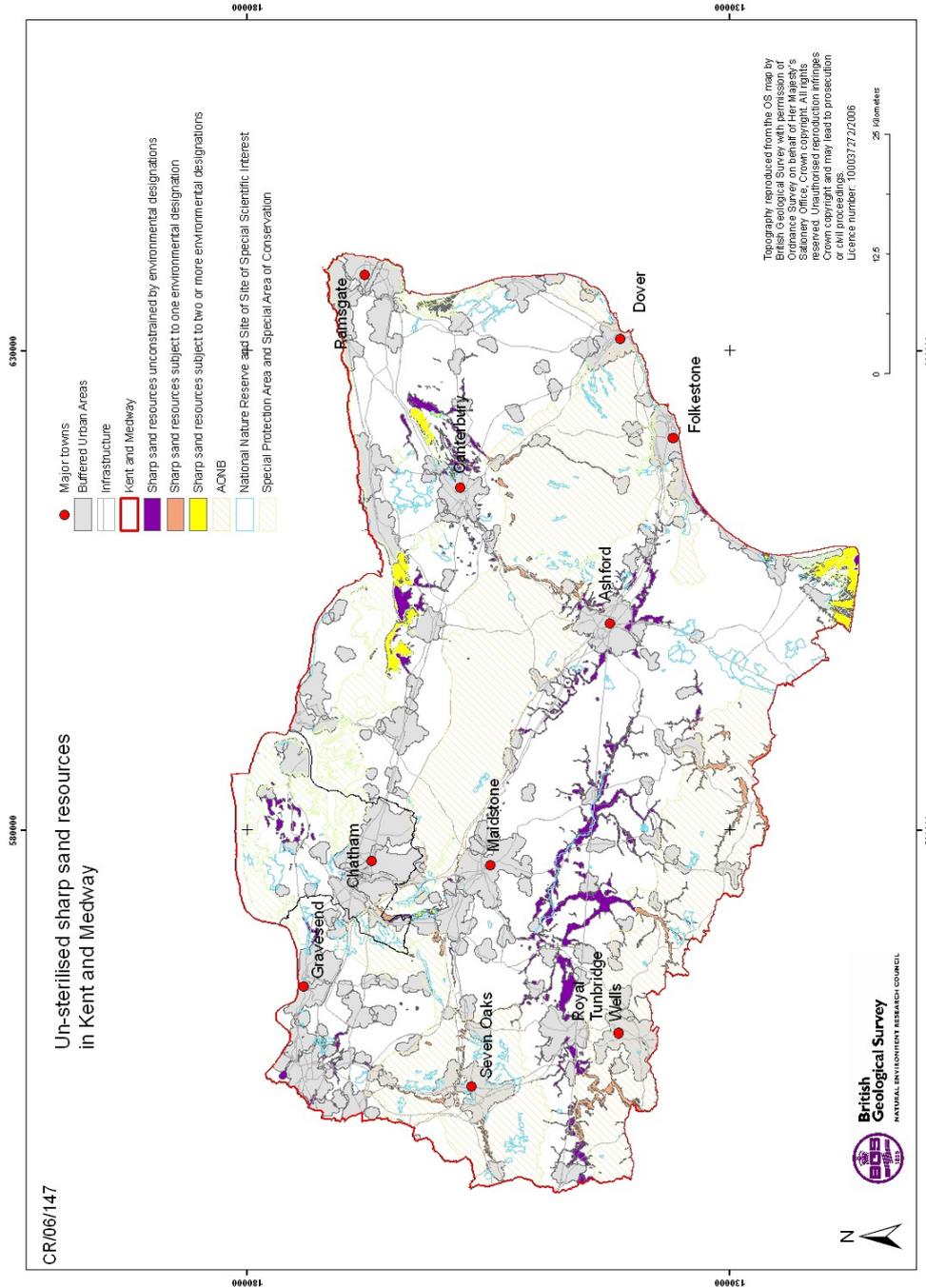
## Map 1: Un-Sterilised Hard Rock Resources in Kent and Medway



**Map 2: Un-Sterilised Soft Sand Resources in Kent and Medway**



Map 3: Un-Sterilised Sharp Sand Resources in Kent and Medway



**Map 4: Un-Sterilised Brick Clay Resources in Kent and Medway**

