

From: **Matthew Balfour – Cabinet Member for Environment & Transport**

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: **Environment and Transport Cabinet Committee - 17 November 2016**

Subject: **Kent Minerals and Waste Planning Policy Sites Plan - Site Identification and Selection Methodology including the 'call for sites'**

Key Decision: 16/00122

Classification: **Unrestricted**

Past Pathway of Paper: **N/A**

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Kent wide

Summary:

The County Council has a statutory responsibility to plan for future minerals supply and waste management. The Council discharges this responsibility via the preparation and adoption of the Kent Minerals and Waste Local Plan (Kent MWLP) and the supporting Minerals and Waste Site Plans. Following the adoption of the Kent MWLP in July 2016, work can now commence on the Sites Plans.

This report seeks the Environment and Transport Cabinet Committee's endorsement of the Site Identification and Selection Methodology that is proposed to assess the suitability of sites for allocation in the Kent Minerals and Waste Sites Plans and to support the 'call for sites' exercise that forms the initial part of the preparation of the Sites Plans work.

Recommendation(s):

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

(i) the methodology for site identification and assessment for the Kent Mineral and Waste Site Plans as attached at **Appendix B**:

(ii) the 'call for sites' exercise that forms the initial part of the preparation of the Sites Plans work; and

(iii) to authorise the Corporate Director for Growth, Environment and Transport to:

(a) publish the draft Site Identification and Selection Methodology, having first made any minor modifications that may be needed, such as formatting changes and typographical errors; and,

(b) undertake the 'call for sites' exercise;

1. Introduction

- 1.1 The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent as set out in the National Planning Policy Framework 2012 (NPPF) and the National Planning Policy for Waste 2014 (NPPW). The Council discharges this responsibility via the preparation and adoption of the Kent Minerals and Waste Local Plan and the supporting Minerals and Waste Site Plans.
- 1.2 The Kent Minerals and Waste Local Plan 2013 – 2030 (Kent MWLP) was adopted in July 2016 and outlines the spatial vision and strategic objectives as well as the mineral supply and waste capacity requirement for the Plan period. It also provides the framework and policy context for the Site Identification and Selection Methodology (the Methodology). With the exception of 2 strategic sites, the Kent MWLP does not allocate sites for development. This is the purpose of the Minerals and Waste Sites Plans. The adopted Kent MWLP expects suitable sites to be allocated in the separate Kent Minerals and Waste Sites Plans.
- 1.3 The Sites Plan work is a key part of the plan-making process and results in sites being allocated for mineral supply or waste management purposes. As planning application decisions are determined in accordance with the development plan (which includes the Sites Plans), the Plans have an important role to play in the management of future development.
- 1.4 The Sites Plan process includes a 'call for sites' from landowners and operators who have sites potentially capable of meeting the Kent MWLP Strategy requirements, along with proactive work to identify further suitable sites. Submitted and identified sites are then considered against an assessment process in order to identify potential site allocations for public consultation and, subsequently, formal examination by an independent planning inspector appointed by the Secretary of State.
- 1.5 An earlier 'call for sites' exercise was undertaken in 2010 with a draft Minerals and Waste Sites 'Preferred Options' document being published in 2012. However, the earlier Sites Plan work (which included emerging Preferred Options) was halted before examination and is no longer a sound basis for plan making.
- 1.6 Following the adoption of the Kent MWLP in July 2016, work on the Sites Plans has recommenced and a new 'call for sites' exercise is therefore required to inform the Sites Plan work and ensure compliance with the recently adopted Strategy. This new 'call for sites' is necessary for a number of reasons:-

1. The passage of time since 2012 may have resulted in changes to landowner and promoter views about whether sites can be developed for mineral and waste uses. Such views are important in determining whether a site can be assessed as deliverable – a key test for the future independent examination;
2. Changes in protected land designations, such as new or revised Sites of Special Scientific Interest (SSSI): These constraints will not have previously been considered, so site suitability will need to be assessed;
3. A number of previously considered sites have received planning permission and/or have been developed; and
4. The Kent MWLP specifies the overall type and quantum of minerals and waste management development that is required.

2. The Proposed Methodology for Site Identification and Selection

2.1 A detailed methodology for site identification and assessment and the information to be sought from landowners and operators has been prepared based upon the Kent MWLP strategy, Government guidance and good practice. The 'call for sites' is therefore supported with a pro-forma setting out the information required from promoters (usually landowners and operators) to enable assessments against the adopted Strategy to be made. The Methodology and the suggested proforma attached as **Appendix B** sets out the process the Council will use to identify and assess sites for their suitability for inclusion in the Sites Plans.

2.2 There are 6 stages to the proposed site identification and selection process:

- i. Call for sites;
- ii. Creation of a long list of sites,
- iii. Alignment with scope of Sites Plan
- iv. Initial screening
- v. Detailed technical assessment, and
- vi. Identification of preferred options

2.3 It is proposed that the 'call for sites' exercise takes place for an eight week period between November 2016 and January 2017. The exercise will be similar to that undertaken in 2010, in that the County Council will invite landowners and operators who have interests in Kent to promote sites that they consider would be suitable to meet the MWLP Strategy. Any interested party would be invited to complete the *Site Allocation Proposals – Criteria Checklist* (see **Appendix B**). This will provide essential information to enable initial screening and where appropriate the more detailed technical assessment to be undertaken. To aid stakeholder's understanding of the site identification and selection process, it is proposed to publish the Methodology at the same time as the 'call for sites'.

2.4 In addition to inviting promoters to put forward sites, a more pro-active approach is recommended to support site identification. This would involve using available data to identify land where developments may be acceptable

and where opportunities exist that are not being actively promoted. This will assist in meeting the strategy and objectives of the Kent MWLP and could raise the potential for a wider pool of sites for consideration and aid in demonstrating to the future examination of the Sites Plans that the most suitable, deliverable sites have been allocated to meet the Kent MWLP strategy and objectives. It is important to note, that sites identified in this pro-active way will have the same status as the other promoted sites and will be subject to the same assessment criteria. There is no presumption that pro-actively identified sites will perform better through the site assessment process.

- 2.5 Following the call for sites and pro-active site identification exercises, a long list of sites will be prepared and an initial check undertaken to confirm alignment of the sites with the scope of the Sites Plan. Initial screening of the sites (stage iv) will involve a variant of a RAG (Red-Amber-Green) assessment against 13 criteria. Those sites that score well and are screened as 'reasonable alternatives' are then considered against a detailed technical assessment phase covering impacts on natural habitats, landscape and visual amenity, transport, flood risk and green belt. This will include assessment against National Planning Policy, and Sustainability Appraisal. The outcome of this detailed phase will be the identification of Preferred Options and Non-Preferred Site Options to take forward as proposed allocations for public consultation.
- 2.6 The types of minerals and waste facility that the KMWLP envisages the need for additional capacity are set out in the Kent MWLP. For waste this includes non-hazardous waste recovery, green and kitchen wastes treatment capacity, dredgings and asbestos disposal to land. In respect of minerals the need relates to soft sand, sharp sand and gravel, brickearth, secondary & recycled aggregates production and chalk (for engineering/agricultural purposes).
- 2.7 When selecting suitable sites the requirements set out in the KMWLP will be taken into account. However, as national policy requires that for the Sites Plans to be sound they must be 'justified', a review of the requirements for sites (set out in the KMWLP) will also be carried out and this will ensure that the number of sites identified is appropriate. This review will take into account the latest information concerning permitted and operational minerals and waste capacity.
- 2.8 Engagement with stakeholders will take place in accordance with the Council's Statement of Community Involvement which is being considered as a separate agenda item to this meeting of Environment and Transport Cabinet Committee.
- 2.9 The various stages and proposed timetable for preparing the Mineral and Waste Sites Plans is set out in the Minerals and Waste Development Scheme. This is also being considered as a separate agenda item to this meeting of the Environment and Transport Cabinet Committee.
- 2.10 The proposed methodology and the call for sites approach has been discussed informally by an 'Informal Members' Group' for the Kent MWLP appointed by the Cabinet Member to oversee the work.

3. Corporate Policy Implications

- 3.1 The Methodology reflects the policies in the Kent MWLP which itself supports the County Council's corporate policies contained within the Council's Strategic Statement 'Increasing Opportunities, Improving Outcomes – Kent County Council's Strategic Statement 2015-2020'. The Methodology will support and facilitate new growth in the Kent economy and support the creation of a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. In addition, the Sites Plans have a role to play in the delivery of the Kent Environment Strategy, the Joint Municipal Waste Strategy, the emerging Kent Waste Disposal Strategy 2017 2035 and the Kent and Medway Growth and Infrastructure Framework and will assist in progressing towards a low carbon economy.
- 3.2 The Methodology will underpin the Kent Minerals Sites Plan and the Kent Waste Sites Plan, both of which are cited as part of the policy framework in the Council's Constitution (Appendix 3: Policy Frameworks).

4 Financial Implications

- 4.1 The costs of preparing the Kent MWLP Mineral and Waste Sites Plans are included in the Environment Planning and Enforcement Division's budget. There is an expectation by Government (DCLG) that all planning authorities have an up to date local plan in place. Without an adopted Plan, there is a risk that DCLG will step in as the plan making authority, reducing local accountability.

5 Legal Implications

- 5.1 The County Council has a legal obligation under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare and adopt a development plan for mineral and waste planning matters. The Minerals and Waste Sites Plans and the supporting Methodology form a key part of this obligation.

6 Equalities implications

- 6.1 The Site Identification and Selection Methodology is in accordance with the adopted Kent MWLP. Equalities implications were considered as part of the Kent MWLP and were subject to a detailed EqIA. There are no new equalities implications arising from the Methodology..

7. Conclusions

- 7.1 Following the adoption of the Kent MWLP, this report seeks the Environment & Transport Cabinet Committee's endorsement of the proposed Site Identification and Selection Methodology and associated 'call for sites' work to enable the preparation and adoption of the Kent Minerals and Waste Site Plans.

8. Recommendation(s)

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

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(iii) to authorise the Corporate Director for Growth, Environment and Transport to:

(a) publish the draft Site Identification and Selection Methodology, having first made any minor modifications that may be needed, such as formatting changes and typographical errors; and,

(b) undertake the 'call for sites' exercise;

9. Background and Appended Documents

9.1 The following background documents are relevant:-

- Proposed Record of Decision – Appendix A
- Draft Kent Minerals and Waste Sites Plans Site Identification and Selection Methodology - **Appendix B**
- Kent Minerals and Waste Local Plan 2013 – 2030 - <http://consult.kent.gov.uk/file/4073744>
- Minerals and Waste Local Development Scheme Draft September 2016 – <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4866&ID=4866&RPID=11510906>
- Statement of Community Involvement for Minerals and Waste Local Plan - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4864&ID=4864&RPID=11510902>

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