

**From:** Susan Carey – Cabinet Member for Environment

Simon Jones, Corporate Director for Growth, Environment and Transport

**To:** Environment and Transport Cabinet Committee – 8 September 2022

**Decision No:** 22/00087

**Subject:** Kent Minerals and Waste Local Plan 2023-38 and Kent Minerals Sites Plan Update: Timetable and a Mandate for Public Consultation

**Classification:** Unrestricted

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

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

**Electoral Division:** Countywide

**Summary:** The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent. To this end, the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Full Council in July 2016 with some limited changes adopted in 2020. The Kent Minerals and Waste Local Plan contains planning policies relating to minerals supply and waste management against which planning applications for these types of development are assessed.

Plan making is a cyclical process. A statutory five-year review of the Kent Minerals and Waste Local Plan was completed in 2021 and consultation on changes to the Local Plan arising from the review took place between December 2021 and February 2022. In light of these comments, it is proposed that the updated Kent Minerals and Waste Local Plan now plans for a 15-year period between 2023 and 2038. This is consistent with national policy requirements. Proposed changes to the Kent Minerals and Waste Local Plan policy and its explanatory text have been prepared for consideration by Environment and Transport Cabinet Committee, prior to public consultation, which take account of the new plan period and other comments received during the consultation earlier this year.

Monitoring data shows that additional crushed rock reserves need to be identified to ensure the Kent Minerals and Waste Local Plan facilitates a steady and adequate supply of aggregates over the proposed extended period to 2038. An update to the Minerals Sites Plan, that includes allocations of land suitable for aggregate extraction, is now therefore required. A draft methodology for the selection of suitable sites is proposed as well as a 'Call for Sites' inviting nominations of land that offer opportunities for extraction of crushed rock.

The updated Kent Minerals and Waste Local Plan 2023-38 is set out in Appendix 2 and the Site Selection Methodology is set out in Appendix 5. A Sustainability Appraisal for the changes to the Kent Minerals and Waste Local Plan is included in Appendix 4. Updated timetables relating to the Kent Minerals and Waste Local Plan 2023-38 and the Minerals Site Plan have been prepared and are set in a proposed revision to the Council's Minerals and Waste Local Development Scheme included in Appendix 3.

**Recommendation(s):**

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

- (i) Approve and publish for public consultation a draft updated Kent Minerals and Waste Local Plan covering the period 2023 – 2038 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (ii) prepare an update of the Mineral Sites Plan for Kent in respect of (hard) rock;
- (iii) undertake a 'Call for Sites' to support the Minerals Sites Plan work;
- (iv) agree timetables for preparation of the Kent Minerals and Waste Local Plan 2023-38 and updated Kent Minerals Sites Plan to be published in a revised Minerals and Waste Local Development Scheme;
- (v) agree the draft Site Selection Methodology to be used in assessing the suitability of sites for publication for consultation; and
- (vi) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2023-2038 and the Site Selection Methodology in consultation with the Cabinet Member for Environment prior to their publication for consultation

The proposed Record of Decision is appended at Appendix A.

## **1 Introduction and Background**

- 1.1 As the minerals and waste planning authority for Kent, the County Council is required to prepare and maintain planning policy concerning waste management and minerals supply in the County. The Kent Minerals and Waste Local Plan 2013-30 was adopted by the Council in July 2016 and sets out the strategy and policy framework for minerals and waste development in Kent which includes future capacity and supply requirements. The Kent Minerals and Waste Local Plan forms part of the Development Plan for Kent and is a key policy document both for the determination of planning applications for minerals and waste development by the County Council, and applications relating to other development that may affect minerals and waste

development or other aspects determined by the Kent District and Borough Councils.

- 1.2 Following its adoption, the Kent Minerals and Waste Local Plan was subject to an 'Early Partial Review' and changes resulting from this review were adopted by the Council in September 2020. Also in September 2020, the Council adopted a Minerals Sites Plan which allocates three areas of land suitable for development associated with the extraction of sand and gravel.
- 1.3 The National Planning Policy Framework (NPPF) (and legislation<sup>1</sup>) states policies in Local Plans should be reviewed at least once every five years to assess whether they need updating and should then be updated as necessary.
- 1.4 A review of the Vision, Strategic Objectives and policies in the Kent Minerals and Waste Local Plan was undertaken in 2021 that concluded a need for updates to the Plan in response to relevant Government policy and legislation published since the Plan was adopted in 2016. The review also identified changes to the local context requiring further updates to be made.
- 1.5 The process of updating the Plan needs to follow that set out in the Planning and Compulsory Purchase Act 2004 and associated plan making regulations<sup>2</sup> as well as the National Planning Policy Framework and Planning Practice Guidance. This includes updating the Kent Minerals and Waste Local Plan in accordance with a timetable published in the Minerals and Waste Local Development Scheme. A timetable for updating the Kent Minerals and Waste Local Plan was considered by Environment and Transport Cabinet Committee at its meeting on 3 November 2021 and agreed by the Cabinet Member for Environment. The revised timetable was published in a revised Minerals and Waste Local Development Scheme.
- 1.6 The Cabinet Committee also resolved to endorse the decision of the Cabinet Member to undertake public consultation on proposed changes to the Kent Minerals and Waste Local Plan. The public consultation, which took place in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, occurred for a period of eight weeks between 16 December 2021 and 9 February 2022. The consultation provided an opportunity for stakeholders and communities to comment on the Council's draft proposals for updates to the Kent Minerals and Waste Local Plan. At the same time consultees were able to comment on whether changes to other parts of the Plan, not identified by the review, were needed. The outcome of the consultation and actions proposed in light of the comments received are discussed in outline below.

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

<sup>2</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

## **2 Outcome of Consultation on Updates to Kent Minerals and Waste Local Plan**

- 2.1 The Regulation 18 public consultation was launched using the County Council's consultation hub which notified over 5,000 members of the public who have registered an interest in environmental and planning consultations undertaken by the Council. Statutory consultees interested stakeholders and minerals and waste organisations were also notified of the consultation directly. The responses received were generally supportive of the proposed approach, particularly in relation to the proposed changes to the Objectives and Vision, the measures to mitigate and adapt to climate change and greater measures to support biodiversity net gain.
- 2.2 183 comments were received on the proposed updates to the Kent Minerals and Waste Local Plan 2013-30 from a wide range of stakeholders including:
- Individuals;
  - district and borough councils;
  - parish councils;
  - statutory environment bodies;
  - the waste and minerals industry; and,
  - other stakeholder groups and organisations.
- 2.3 A detailed analysis of the comments received is set out in Appendix 1 but the main areas of comment were as follows:

### *General*

- The draft refreshed Kent Minerals and Waste Local Plan does not plan for a fifteen-year period as required by the National Planning Policy Framework;

### *Minerals*

- the existing policy allocating a strategic minerals site in the form of a cement works and associated chalk reserve at Holborough should be deleted as this is not justified, due to a lack of need for the facility, and is inconsistent with national policy including on Green Belt;
- planning permission for the allocated strategic minerals site (see above) has been implemented and so the site should be safeguarded;
- calculation of future requirements for soft sand is flawed resulting in under provision because:
  - o Planned housing growth not taken into account;
  - o abnormal low sales years due to Brexit and Covid and demand from areas beyond Kent were not taken into account; and,

- the site allocated in the Minerals Sites Plan for soft sand will not be developed during the Plan period.
- additional provision for crushed rock should be made as future requirements for crushed rock are higher than forecast and cannot be met from existing sites. The plan should consider that the extracted crushed rock is of differing quality and cannot all be used for 'premium' uses;
- extraction of hydrocarbons should not be allowed as it is inconsistent with the climate change agenda;

### *Waste*

- Changes to policy encouraging development to be consistent with achieving a 'circular economy'<sup>3</sup> place onerous burdens on developers which will make new development unviable;
- changes should be consistent with emerging revised Kent Waste Disposal Strategy;
- new sites to manage household waste should be allocated in a Waste Local Plan
- there is uncertainty over new regulations affecting recycling;
- clarity required regarding management of waste at Dungeness;
- management of radioactive waste at Dungeness risks impacts on human health and the environment. This policy change requires a Habitats Regulations Assessment;

### *Development Management*

- Updated policy concerning Biodiversity Net Gain should be more ambitious (require at least 20% instead of 10%) and guidance should be provided setting out how requirements will be met;

2.4 The schedule of comments in Appendix 1 also sets out a proposed response to the comments received including where changes to the Kent Minerals and Waste Local Plan are proposed. The details of the proposed changes to the Kent Minerals and Waste Local Plan are shown in an updated draft Kent Minerals and Waste Local Plan document that is included as Appendix 2. A clean copy of the draft Kent Minerals and Waste Local Plan document showing the impact of the proposed changes is included as Appendix 2A.

2.5 Following comments received about how the draft refreshed Kent Minerals and Waste Local Plan is not consistent with national policy because it does not cover a 15-year period, legal advice was obtained that confirmed the need to extend the period of the Local Plan. It is proposed that the updated Kent Minerals and Waste Local Plan will now in effect be a replacement plan, rather than a refreshed plan, with a period covering 2023 to 2038. As this is a

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<sup>3</sup> A circular economy is an alternative to a traditional linear economy (make, use, dispose) in which resources are kept in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life.

significant change to the Local Plan, it is not considered possible to make robust recommendations regarding the final text of the Kent Minerals and Waste Local Plan before undertaking further public consultation in accordance with Regulation 18 of the plan making Regulations. This additional consultation step will allow comments on whether updates to other parts of the Kent Minerals and Waste Local Plan are needed to ensure it remains relevant to 2038. In light of this, a revision to the timetable, included in an update to the Kent Minerals and Waste Local Development Scheme, as set out in Appendix 3, is proposed. This is considered further below.

- 2.6 To ensure the Kent Minerals and Waste Local Plan makes adequate provision for the management of waste and supply of minerals between 2023 and 2038, assessment of the need for new facilities has been completed which concludes:
- Although new waste management targets are proposed for 2035/36 and 2040/41, these targets could be met by existing facilities including extensions to such facilities; and,
  - for minerals other than crushed rock (hard rock), there is no need to allocate additional sites to ensure supply at this time. These minerals will be subject to ongoing monitoring as part of the plan making process.
- 2.7 With regard to crushed (hard) rock, the Kent Minerals and Waste Local Plan expects a 'landbank' of ten years to be maintained throughout the plan period. This means a ten years supply to be provided in 2038 at the end of the plan period to be consistent with national policy requirements<sup>4</sup>. Current reserves are only forecast to last until 2030 and so new reserves of approximately 6.182mt (million tonnes) now need to be identified in the form of an allocation(s) in the Minerals Sites Plan. The process of preparing an updated Minerals Sites Plan to include this allocation(s) is considered below.
- 2.8 With regard to the proposal in the draft refreshed Kent Minerals and Waste Local Plan to require a minimum 10% biodiversity net gain (BNG) from new development (Policy DM3), the Kent Nature Partnership commented that it is seeking inclusion of a minimum 20% target in all Local Plans in Kent. In response, a change to Policy DM3 is proposed that instead seeks the achievement of maximum biodiversity net gain on the basis that restoration of quarries can often easily result in much greater biodiversity net gain than 20% and including such a target of 20% may mean the full potential is not realised. Guidance, in the form of a Supplementary Planning Document, on how the requirement for biodiversity net gain will be implemented is also proposed in response to comments.
- 2.9 Changes to Policy CSW17 relating to management of waste at the Dungeness Nuclear Estate have been proposed to ensure that the policy is consistent with relevant national policy and guidance for the management of waste and the

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<sup>4</sup> Paragraph 213 of the National Planning Policy Framework

protection of the environment. As the Dungeness Nuclear Estate is located in an area of statutorily protected internationally and nationally important habitats, in accordance with the Habitats Regulations 2017 (as amended), it has been necessary to assess how the proposed change to Policy CSW17 (concerning management and deposition of waste at the estate) might impact on these habitats due to development allowed for by the updated policy.

- 2.10 The related 'Habitats Regulations Assessment' has concluded that there would be a risk of an adverse effect on the integrity of the Dungeness SAC, SPA (and Ramsar site) and their qualifying features, if as a result of the additional opportunities for the importation of wastes for treatment and disposal, allowed under Policy CSW17, either alone or in combination with other de-commissioning operations taking place at the same time, was to result in an increase of 1% or more of the critical loads or critical levels for air pollutants. In addition, the 'Assessment' concluded that the emerging policy was unlikely to have an adverse effect on the integrity of the Special Protection Area (SPA) and the populations of its qualifying bird species as a result of noise or visual disturbance. However, it noted that birds are mobile species and also that habitats can change over time and the current distribution cannot be relied upon throughout the whole plan period. It was therefore recommended that to satisfy the Council's legal duties under the Habitats Regulations, that further evidence is provided at planning application stage. This requires that up-to-date data should be provided on the number and distribution of qualifying bird species and that a current baseline at the start of the period covered by the Kent Mineral and Waste Local Plan be established and updated with regular monitoring programmes of both vehicle movements to and from the Dungeness nuclear sites and of air quality (including monitoring for ammonia NH<sub>3</sub>, nitrous oxide NO<sub>x</sub> and sulphur dioxide SO<sub>2</sub>).
- 2.11 The emerging Policy CSW17 and its explanatory text has therefore been further revised to address these risks.
- 2.12 Legislation requires that an independent 'Sustainability Appraisal' of draft planning policy is undertaken that determines the likely social, economic, and environmental effects of the policies and makes recommendations for changes. A draft 'appraisal framework' that takes account of baseline conditions as well as other relevant plans, programmes, and policies which development should take account of, in the form of a 'Scoping Report', was also published for consultation. In light of comments received changes to the framework were made and a draft Sustainability Appraisal of the draft Kent Minerals and Waste Local Plan 2023-38 has been prepared. This is included as Appendix 4. A Non-Technical Summary of the Sustainability Appraisal is available as Appendix 4A.

### **3 Update to the Kent Mineral Sites Plan**

- 3.1 The current Kent Minerals Sites Plan was adopted in 2020 and includes two allocations for working sharp sand and gravel and one for soft sand. For the reason set out above (paragraphs 2.2 and 2.6-2.7) an update is proposed to include allocation(s) for the working of hard rock.
- 3.2 Preparation of the update to the Kent Mineral Sites Plan is proposed to take place in accordance with the timetable set out in the proposed update to the Kent Minerals and Waste Local Development Scheme (see below and Appendix 3). The key stages involved in identifying suitable new site(s) are follows:
- Call for Sites
  - Initial assessment of nominated sites
  - Consultation on Site Options (Regulation 18) which allows a short list of potential sites to be identified
  - Detailed technical assessment of site options on the short list, including Sustainability Appraisal. This assessment process identifies suitable sites for potential allocation in the updated Minerals Sites Plan.
- 3.3 This process follows that used to identify sites in the adopted Kent Mineral Sites Plan and is set out in more detail in a draft Site Selection Methodology that is included as Appendix 5. A Scoping Report for the Mineral Site Plan's Sustainability Appraisal is included at Appendix 7 and will form part of the documents for public consultation.
- 3.4 The 'Call for Sites' will involve inviting landowners, operators, and other interested parties to nominate sites which they consider suitable for mineral (in this case hard rock) extraction. Nominated sites would then be assessed for their suitability against criteria relating to the likely impacts that would arise from development in that location.

#### **4. Update to the Minerals and Waste Local Development Scheme**

- 4.1 In order to reduce the resource implications of updating the Mineral Sites Plan, it is proposed that the later stages of preparing the Mineral Sites Plan and the Kent Minerals and Waste Local Plan 2023-38 take place in parallel with each other. The table below shows the new proposed timetables alongside the original timetable for making changes to the Kent Minerals and Waste Plan.
- 4.2 The timetable is proposed to be extended to take account of the additional public consultation associated with extending the Plan period and the need for a call for sites for potential allocation and their consequential appraisal for the Mineral Sites Plan. The prescriptive stages in the plan making process and the necessary governance steps which require Full Council approval to submit the plan for independent examination and for adoption need to be reflective in the updated Local Development Scheme.

<b>Stages</b>	<b><i>Current KMWLP 2013-30 Update, Local Development Scheme, November 2021</i></b>	<b>Proposed Dates for KMWLP 2023-38</b>	<b>Proposed Mineral Sites Plan Update</b>
<b>Consultation on draft updated policy (Reg 18)</b>	<i>November 2021-January 2022 (completed)</i>	-	-
<b>Consultation on draft (Regulation 18) KMWLP 2023-38 / Call for Sites</b>	-	October 2022 – November 2022	October 2022 – November 2022
<b>Initial assessment of nominated sites</b>	<i>N/A</i>	<i>N/A</i>	December 2022 – February 2023
<b>Consultation on Site Options (Reg 18)</b>	<i>N/A</i>	<i>N/A</i>	April – June 2023
<b>Detailed technical assessment of options and identification of suitable sites for publication (see below)</b>	<i>N/A</i>	<i>N/A</i>	June – November 2023
<b>Publication of draft KMWLP 2023-38 / Mineral Sites Plan (Reg 19) for representations on soundness</b>	<i>June-July 2022</i>	December 2023 – February 2024	December 2023 – February 2024
<b>Submission to Secretary of State for examination</b>	<i>September 2022</i>	May 2024	May 2024
<b>Independent Examination Hearings</b>	<i>December 2022</i>	July 2024	July 2024
<b>Inspector's Report</b>	<i>February 2023</i>	November 2024	November 2024
<b>Adoption by Council</b>	<i>May 2023</i>	December 2024	December 2024

## 5. Next Steps

- 5.1 Public consultation is required on the further updates to the emerging Local Plan set out in the new draft Kent Minerals and Waste Local Plan 2023-38. To support the public consultation, a version of the draft Kent Minerals and Waste Local Plan 2023-38 has been prepared showing all the proposed changes to the current adopted Kent Minerals and Waste Local Plan as tracked (as set out in Appendix 2). A draft Sustainability Appraisal of the Kent Minerals and Waste Local Plan 2023-38 (as set out in Appendix 4) which determines its likely social, economic, and environmental effects, and makes recommendations for changes will also be published for comment.
- 5.2 As with the update to the Kent Minerals and Waste Local Plan, a 'Sustainability Appraisal' of the Kent Mineral Sites Plan is also required. A draft appraisal framework, in the form of a 'Scoping Report', to be used to support the preparation of the Mineral Sites Plan will be published for consultation alongside the Call for Sites.

- 5.3 Consultation must take place in accordance with the Council's 'Statement of Community Involvement' (SCI). The latest SCI was adopted by the Cabinet Member for Environment on 19 March 2021, following a recommendation from Environment and Transport Cabinet Committee. The SCI expects consultation in accordance with Regulation 18 to involve publication of draft documents with at least a six-week period for comments.
- 5.4 While all stakeholders will have an opportunity to comment, specific dialogue may be sought with key stakeholder groups including District and Borough Councils in Kent, neighbouring Minerals and Waste Planning Authorities, representatives from the minerals and waste operators in Kent and interested parties such as the Environment Agency, Natural England, and Historic England.
- 5.5 Comments received will be taken into account in the preparation of the Kent Minerals and Waste Local Plan 2023-38 that will be submitted to Government for independent examination into its soundness and legal compliance. Prior to its submission to Government, there will be a further opportunity for public engagement, with the Kent Minerals and Waste Local Plan 2023-38 being published for representations on its soundness and legality. The Kent Minerals and Waste Local Plan 2023-38 proposed for submission will be presented to Full Council for agreement following consideration by Environment and Transport Cabinet Committee and Cabinet.
- 5.6 In terms of the Mineral Sites Plan, all sites nominated through the Call for Sites will be initially assessed for their suitability and the details will be published for consultation with the draft Sustainability Appraisal. Following receipt of comments on the sites, detailed technical assessment will take place involving considerations such as impact on highways, landscape, and biodiversity. The detailed technical assessment will allow recommendations to be made regarding the site(s) to be allocated in the Mineral Sites Plan which will then be published for representations on its soundness and legality. Full Council will be asked to agree publication of the site(s) proposed for allocation.
- 5.7 As the process of plan making takes place, it will be necessary to monitor the Government's publication of any further updates to national planning policy. In particular the Government has signalled its intention to review the NPPF to take account of its net zero carbon emissions target and to make updates to the National Planning Policy for Waste.
- 5.8 A cross party 'Informal Members Group' (IMG) is overseeing the preparation of the Kent Minerals and Waste Local Plan 2023-38 and the updated Mineral Sites Plan. The IMG will continue to meet at key stages of the plan making process. Most recently, the IMG met to consider the proposed changes and the need to update the Mineral Sites Plan on 1 August 2022.

## **6. Financial Implications**

- 6.1 The costs of preparing the Kent Minerals and Waste Local Plan 2023-38 and updating the Mineral Sites Plan will need to be met from existing KCC budgets. The majority of the costs of the local plan work are met from the Growth and Communities Division Planning Applications budget. The balance, mainly relating to specialist advice and the independent examination will be sought from a corporate reserve.
- 6.2 There is an ongoing risk and likelihood that changes proposed to the Local Plan and preparation of the Kent Mineral Sites Plan will attract objection in response to the public consultation. The extent and nature of these will affect the financial resource required for the local plan work. These will be considered as part of the plan making process and where appropriate defended at the independent examination.

## **7. Policy Framework**

- 7.1 The Kent Minerals and Waste Local Plan delivers the Council's adopted Mineral and Waste planning strategy and is important in the determination of planning applications in Kent. A Local Plan is prepared in accordance with national planning policy and guidance, whilst providing a local perspective. Mineral and waste planning policies support and facilitate sustainable growth in Kent's economy. They also support the protection and creation of a high-quality environment, with accessible local services that reflect the community's needs.
- 7.2 The proposed draft Kent Minerals and Waste Local Plan 2023-38 takes account of changes to the County Council's corporate policies since July 2016 which are concerned with the way in which land is developed in Kent. These include the Kent Environment Strategy, the Kent and Medway Energy and Low Emissions Strategy and Kent's Plan Bee pollinator action plan.
- 7.3 It supports the County Council's strategic strategy, Framing Kent's Future 2022-2026, which sets the Council's priorities for the next 4 years. In particular, the mineral and waste Vision, Strategic Objectives and planning policies help facilitate the key strategic priorities of an Environmental Step Change and Infrastructure for Communities by supporting the delivery of sustainable growth in Kent's economy. The Kent Minerals and Waste Local Plan recognises Kent's environment as a core asset and seeks to adapt to and mitigate the impacts of climate change and assist in the delivery of net zero objectives. The proposed revised Kent Minerals and Waste Local Plan will reflect recent changes to the environmental agenda including mitigation and adaptation to Climate Change and Kent's Climate Change Statement, the Circular Economy, biodiversity, and measures to support covid recovery.

## **8. Legal Implications**

- 8.1 The County Council has a legal obligation under the Town and Country Planning legislation to prepare a statutory Development Plan. The County

Council is also required by national planning policy to ensure that local plans promote sustainable minerals and waste development. Updating the Kent Minerals and Waste Local Plan will ensure that minerals and waste development in Kent occurs in line with national planning policy.

- 8.2 There is an expectation by Government (Department for Levelling Up, Housing and Communities) that all planning authorities have an up-to-date local plan in place. Without an up to date adopted plan, there is a risk that the Secretary of State will step in as the plan making authority, reducing local accountability.
- 8.3 The process of updating planning policy must take place in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which include the requirement that public consultation takes place in accordance with Local Planning Authority's Statement of Community involvement.

## **9. Equalities implications**

- 9.1 An equality impact assessment (EQIA) has been completed and no equalities implications have been identified which arise from the updating of the Kent Minerals and Waste Local Plan or the Mineral Sites Plan. A copy of the assessment is included at Appendix 6.

## **10. Conclusion**

- 10.1 This report provides an update on the Council's minerals and waste local plan making responsibilities. It reports back on the public consultation undertaken earlier this year on a number of proposed changes to the Kent Minerals and Waste Local Plan which were drafted in light of a statutory five-year review of the current adopted Plan's effectiveness and consistency with national and local policy and local context. A new Kent Minerals and Waste Local Plan 2023-38 is proposed in light of comments received during the public consultation. This emerging Plan takes account of the requirement for planning policy to be adopted that covers a period of at least 15 years and, in light of this, an updated Minerals Sites Plan, that will identify land suitable for extraction of hard rock will also be prepared. This will ensure that a steady and adequate supply of minerals is being planned for in Kent. The updated Plans also take account of changes to Government policy and legislation and changes to the local context in Kent including adoption of local strategies relating to climate change and the environment. A revised Local Development Scheme setting out the timetable for the work is also proposed.
- 10.2 Local plan preparation needs to be carried out in accordance with the statutory plan making process which includes public consultation and engagement on the proposed updated Local Plan and its supporting evidence. Comments will be invited on the proposed changes to the Local Plan and supporting evidence as set out in the appendices to this report. As part of the preparation

of the update to the Mineral Sites Plan, interested parties will also be invited to nominate land for the extraction of hard rock which will be considered against the Kent Minerals Sites Plan Update – Draft Site Selection Methodology.

## **11. Recommendation**

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

- (i) Approve and publish for public consultation a draft updated Kent Minerals and Waste Local Plan covering the period 2023 – 2038 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (ii) prepare an update of the Mineral Sites Plan for Kent in respect of (hard) rock;
- (iii) undertake a 'Call for Sites' to support the Minerals Sites Plan work;
- (iv) agree timetables for preparation of the Kent Minerals and Waste Local Plan 2023-38 and updated Kent Minerals Sites Plan to be published in a revised Minerals and Waste Local Development Scheme;
- (v) agree the draft Site Selection Methodology to be used in assessing the suitability of sites for publication for consultation; and
- (vi) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2023-2038 and the Site Selection Methodology in consultation with the Cabinet Member for Environment prior to their publication for consultation

The proposed Record of Decision is appended at Appendix A.

## **12. Contact details**

### **Lead Officer:**

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### **Lead Director:**

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### **Background documents:**

Kent Minerals and Waste Local Plan 2013-30 as amended by the Early Partial Review 2020  
Report of the 5 Year Review of the Kent Minerals Waste Local Plan, 2021

Proposed Draft Changes to the Kent Minerals Waste Local Plan, December 2021  
Kent Minerals and Waste Development Scheme, November 2021  
Kent County Council Statement of Community Involvement, 2021  
Kent Minerals and Waste Local Plan 2023-38 Habitat Regulations Assessment

- Habitats Regulations Assessment Appendix 1 - Dungeness Designated Sites Summary Information -  
<https://democracy.kent.gov.uk/documents/s113393/HabitatsRegulationsAssessmentAppendix1DungenessDesignatedSitesSummaryInformation.pdf>
- Habitats Regulations Assessment MWLP Review -  
<https://democracy.kent.gov.uk/documents/s113394/HabitatsRegulationsAssessmentMWLPReview.pdf>

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### **Appendix A:** Proposed Record of Decision

#### **Appendix 1:**

Consultation on Updates to the Kent Minerals and Waste Local Plan 2013-30 – Analysis of Comments received to Regulation 18 consultation December 2021 – February 2022

#### **Appendix 2:**

Draft Kent Minerals and Waste Local Plan 2023-38 (showing changes tracked). This shows the changes proposed to the adopted Plan in the style expected for future examination by the Planning Inspectorate.

#### **Appendix 2A**

Draft Kent Minerals and Waste Local Plan 2023-38 clean (untracked) version of the Plan is available via this link:

<https://democracy.kent.gov.uk/documents/s113388/APPENDIX2aDraftKentMineralsandWasteLocalPlan202338.pdf>. This shows the impact of the proposed changes.

#### **Appendix 3:**

Draft Minerals and Waste Local Development Scheme (proposed revision), September 2022

#### **Appendix 4:**

Draft Sustainability Appraisal of the Draft Kent Minerals and Waste Local Plan 2023-38, August 2022:

<https://democracy.kent.gov.uk/documents/s113414/APPENDIX4DraftSustainabilityAppraisaloftheDraftKentMineralsandWasteLocalPlan202338.pdf>

#### **Appendix 4A.**

Non-Technical Draft Sustainability Appraisal of the Draft Kent Minerals and Waste Local Plan 2023-38, August 2022

<https://democracy.kent.gov.uk/documents/s113389/APPENDIX4aNonTechnicalSummaryoftheDraftSAoftheDraftKMWLP202338.pdf>

#### **Appendix 5:**

Kent Minerals Sites Plan Update – Draft Site Selection Methodology:  
<https://democracy.kent.gov.uk/documents/s113390/APPENDIX5KentMineralsSitesPlanUpdateDraftSiteSelectionMethodology.docx.pdf>

**Appendix 6:**

Kent Minerals and Waste Local Plan 2013-30: Proposed Changes Resulting from the 2021 Review – Equality Impact Assessment:

<https://democracy.kent.gov.uk/documents/s113391/APPENDIX6ProposedChangesResultingfromthe2021ReviewEqualityImpactAssessment.pdf>

**Appendix 7:**

Kent Minerals Site Plan - Scoping Report for Sustainability Appraisal:

<https://democracy.kent.gov.uk/documents/s113392/APPENDIX7KentMineralsSitesPlanSustainabilityAppraisalScopingReport.pdf>