

## Northfleet Harbourside Outline Planning Application Ref: 20221064

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above outline planning application. I have considered the application details, with particular emphasis on the submitted Mineral Infrastructure Assessment (MIA) prepared by Wardell Armstrong dated as September 2022 and the Planning Statement.

The development proposed by the application would involve the loss of an operational minerals wharf and associated minerals processing facilities (Robin's Wharf). The submitted Minerals Infrastructure Assessment (MIA) seeks to argue a policy exemption from the presumption to safeguard the operational wharf (Site G: Robins Wharf, Northfleet), and the associated mineral plant infrastructure (mortar and mixed concrete and asphalt coated stone product plants). An exemption against criterion 6 or 7 of Policy DM 8: Safeguarding Minerals Management, Transportation Production & Waste Management Facilities of the Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) (KMWLP) is sought. I have the following comments to make on the MIA in relation to the KMWLP and the relevant national and local plan policy.

In summary, the County Council, as the relevant mineral planning authority **strongly objects** to the proposal on the grounds that it is contrary to national and local development plan policies on safeguarding and would undermine the adopted Mineral Strategy for Kent which relies heavily upon wharves and importation facilities as land won resources are depleted. The proposal is also contrary to the adopted Local Plan Policy as set out in the Gravesham Local Plan Core Strategy Adopted 2014. Details are set out below.

### National Planning Policy Framework (NPPF) (2021)

As a matter of national planning policy, it is important to note that the NPPF, in the context of Section 17, 'Facilitating the sustainable use of minerals', paragraph 209, states that:

*"It is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs."*

Supply comes from a variety of sources – landwon and importation. Kent County Council (KCC) as the Mineral Planning Authority (MPA) for Kent is mandated to maintain landbanks of aggregate minerals, however, importation to meet overall needs is increasingly important as landbanks start to become depleted and cannot be sufficiently replenished. This may be due to geological scarcity and /or environmental constraints on remaining resources. As a result, importation for an increasingly constrained aggregate mineral supply becomes ever more important. This is the case with the landwon sharp sands and gravels that have become depleted in Kent. To meet national policy for aggregate mineral supply it is imperative to maintain importation capacity in the county's wharves and rail depots.

Furthermore, paragraph 210 (e) of the NPPF states that planning policies should:

*"safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material."*

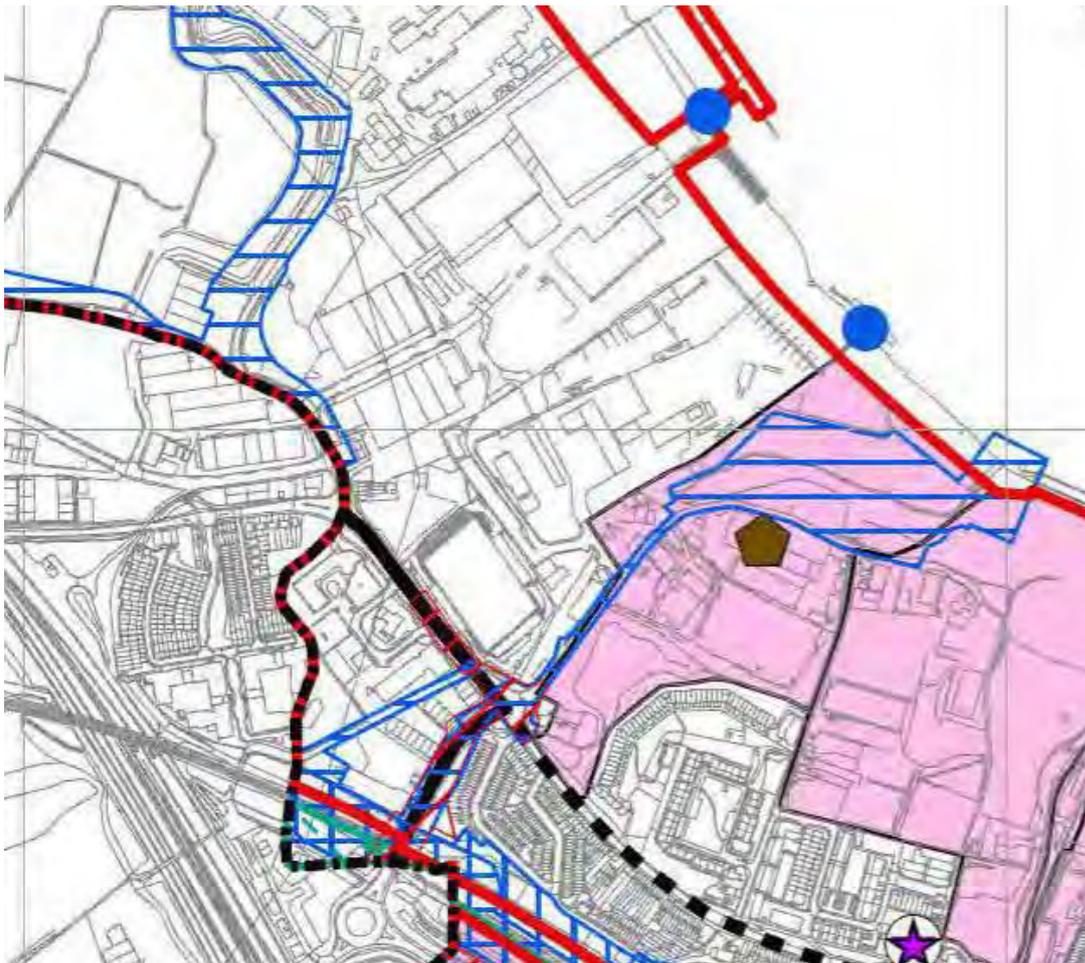
This policy support highlights the vital need for the safeguarding of wharves such as Robins Wharf, as well as the mineral related operations (mortar and concrete manufacture and asphalt coated stone production within the safeguarded wharf operational area) which

Robins Wharf supports. Not to do so would be for both County and Borough Councils to act in a manner that is contrary to national planning policy.

### Local Plan Policy

### Gravesham Local Plan Core Strategy Adopted 2014 and Gravesham Local Plan Core Strategy- Policies Maps Adopted 2014

The application area falls within one of the Opportunity Areas as defined by the Local Plan, subject to policies CS03-CS06.



**GRAVESHAM LOCAL PLAN POLICIES MAP**

-  Plan Area: Borough Boundary (CS01)
-  Opportunity Areas (CS03-CS06)
-  Key Sites (CS03-CS06, CS21)
-  High Speed 1 Safeguarding (CS11)

Extract from Gravesham Local Plan Core Strategy- Policies Maps Adopted 2014

FIGURE 2.1: EXTRACT FROM APPLICATION SITE PLAN (NOT TO SCALE)



Extract from the applicants submitted Planning Statement showing the application site (in red outline).

Of the Policies CS03-CS06, Policy CS03: Northfleet Embankment and Swanscombe Peninsula East Opportunity Area is of particular relevance. It relates to the majority of the area of the application site, this being within the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area (sub-area 1.3). What is important to note is the application site is not one of the Plan's 'Key Sites' for riverside regeneration. It is caveated with the understanding that there are existing uses within the Opportunity Area that require to be taken into account when submitting any proposals for development in this area, despite the policy's objective for local regeneration. Para. 4.4.6 makes this point clearly, as seen in the extract from the plan below (emphasis added):

***'4.4.6 Grove Road and Lower Ebbsfleet Area (sub-area 1.3) consists of a number of separate sites that have regeneration potential. These may be realised during or beyond the plan period depending on the aspirations of the landowners and the viability of development. Viability is likely to be influenced by the relative success of the Ebbsfleet development to the south. The development potential of this area is likely to be further constrained by:***

- *Ground conditions - the area has been actively used for industrial purposes for over 200 years and is likely to be subject to contamination;*
- *Heritage and archaeology - the area around Robin's Creek (outflow of the Ebbsfleet into the Thames) was the site of a medieval watermill later converted to grind cement in the 1790s, Portland cement was later invented here and Aspdin's Kiln (Scheduled Monument) and other features of heritage interest are likely to remain; and*

- ***Existing uses - development of sites on a piecemeal basis is likely to be constrained by the proximity of existing poor neighbours (including the importation and processing of minerals at Robin's Wharf) or the need to retain/decant existing uses (including the local football ground).***

The policy is not identifying the entirety of the sub-area as one where a comprehensive re-development of the sub-area is part of the Plan's regenerative objectives. The component 'separate sites' are not defined and where they exist it is not anticipated that they will necessarily come forward in the adopted Plan's period. Moreover, development in this area will be potentially affected (including in terms of viability) by the existing uses, specifically mentioning mineral importation and mineral product processing. Therefore, the Plan anticipates that any regenerative re-development proposals that were to be submitted would be constrained by existing facilities and the policy clearly does not anticipate their loss. While it is clear that re-development proposals in sub-area 1.3 would be seen as in general accordance with the overall aims of the Plan for regeneration, they would be limited by the potential proximity of the continued existence of the established uses, including mineral importation and mineral product processing.

The applicant's Planning Statement Section 5.0 Planning Policy Statement is in fundamental error in this regard. As it concludes (emphasis added):

*5.22 It is clear from policy at the national and local level that the priority is to bring forward residential-led development in sustainable locations on brownfield land. At the local level there is specific emphasis on delivering development of scale within the Northfleet area and moving away from the space-inefficient industrial uses of the past.*

*5.23 The Proposed Development adheres to these planning policy priorities. It involves the reuse and redevelopment of a large tract of previously developed brownfield land within a highly accessible location, benefiting from excellent local, regional, and international transport links.*

*5.24 Indicative of this, **the entirety of the Site is allocated within an Opportunity Area for growth and regeneration, and the majority of the application boundary is within a sub-area where residential led development has also been identified on one of the key sites. In line with policy priorities, and in order to deliver growth and sustainable development, it is imperative that opportunities for development are capitalised upon on sites such as this, particularly where **such Sites are free from significant constraints** such as Green Belt designation or nutrient neutrality considerations***

The applicant's analysis ignores Policy CS03's explanatory memoranda that makes clear that any development within the sub-area (1.3) would be *constrained* by the continuance of existing uses in terms of the available area and viability (due to the proximity of these other 'poor neighbour' uses), and it ignores the constraint of mineral infrastructure safeguarding policy (though this is dealt with separately) when it states ".....*particularly where **such Sites are free from significant constraints**....*" The entire re-development of Sub-area 1.3, as proposed, goes beyond the local plan's policy parameters for the area and should therefore be seen as a departure from this part of the area's adopted Development Plan.

Moreover, Robins Wharf is also safeguarded by the Gravesham Local Plan (2014) under Policy CS11, subject to the provisions of Policy CS07 (Economy, Employment and Skills)

specifically states that the loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost. It states at para. 5.136 of the policy (emphasis added):

***'5.1.36 The loss of existing commercial wharves shown on the Policies Map and other land-side supporting infrastructure will not be supported unless a study and supporting evidence shows that they are no longer viable for marine related employment purposes or are incapable of being made so at reasonable cost, and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5), or appropriate alternative provision is available or will be provided as part of the rationalisation of facilities that, as a minimum, maintains capacity and provides equivalent or better facilities.'***

Such a study, to demonstrate that existing commercial wharves are no longer viable and cannot be made viable, has not been provided as part of the application. Moreover, the assertion that 'appropriate provision' is available is not accepted by the County Council for reasons that will be enlarged upon below when discussing wharf capacity in relation to the exemption from the presumption to safeguard policies of the Kent Minerals and Waste Local Plan 2013-2030. The proposal is therefore contrary to Local Plan Policies CS03 and CS07.

Furthermore para. 2.6.3 of the Local Plan confirms that the River Thames is an important resource for passenger and freight transport and states that:

*'There are a number of commercial wharves, the majority of which are in operational use, that are important to facilitate the sustainable transport of minerals and other goods by water.'*

The following Local Plan para. 2.6.4 confirms that there will be a need to ensure, amongst other things, that:

*• commercial wharves and other sites needed to support the River Thames as a working waterway are retained or appropriate alternative provision is available or will be provided where rationalisation is proposed to allow regeneration to take place;*

The Spatial Vision of the Local Plan at para. 3.1.3 envisages, amongst other things, that:

*"As a minimum, the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway will have been retained."*

In similar terms Strategic Objective 18, which applies across the Borough, seeks to:

*"As a minimum, safeguard the capacity of commercial wharves and other sites needed to support the River Thames as a working waterway".*

The adopted Local Plan recognises the importance of the River Thames and its associated importation and exportation infrastructure for sustainable transport of goods, this includes

mineral wharves as they remain a commercial activity, as recognised by Local Plan Policy CS11: Transport that states at para. 5.5.43 that (emphasis added):

*“The council will support proposals which improve the efficiency freight transport and provide opportunities for alternative road transport where possible. The **Council will safeguard wharves**, as shown on the Policies Map, subject to the provisions of paragraph 5.1.36 of Policy CS07 (Economy, Employment and Skills)”.*

The proposal is contrary to Local Plan Policy CS11 as, in the absence of a study that demonstrates objectively that the affected wharves are no longer viable for their marine related employment purposes and cannot be made so at reasonable cost, or appropriate alternative provision (at a new comparable location that maintains the facilities capacity or enhances it) the loss of Robins Wharf would adversely affect the ability of the area’s sustainable transport infrastructure to operate at the current and safeguarded capacity. Thus, reducing the ability of the River Thames to be utilised as a sustainable alternative to road transportation.

### **Kent Minerals and Waste Local Plan 2013-30 (KMWLP) (Early Partial Review 2020) and the Submitted Minerals Infrastructure Assessment (MIA)**

Policy CSM 2: Supply of Land-won Minerals in Kent of the KMWLP ensures that the Plan meets the NPPF requirement of maintaining the minimum required land-bank of reserves to meet identified needs. However, as discussed above in relation to this NPPF requirement, this is no longer possible in regard to the sharp sands and gravels. Policy CSM 2 recognises this with the caveat ‘*while resources allow*’. The demand will, the policy goes on to state (emphasis added):

*‘..... instead be **met from other sources**, principally a combination of recycled and secondary aggregates, **landings of Marine Dredged Aggregate (MDA)**, blended materials and imports of crushed rock through wharves and railheads. The actual proportions will be decided by the market.’*

MDA and thus continuation of landings at wharves is central to the KMWLP’s strategy for maintaining supply of sharp sands and gravels as the land-won sector depletes. This is now occurring as land-won reserves are (as of end of 2021) just 2.56 million tonnes (mt) for the remainder of the Plan period. This is well below the Plan requirements of 3.03mt. As these land won reserves are not being replenished, an increase in wharf use to import the aggregate will have to occur, even if demand for this aggregate remains constant, as land-won supply diminishes. The submitted MIA does not recognise this fact, and does not therefore fully understand the current and increasing importance of wharf-based importation to maintain a steady and adequate supply in the county and how the adopted development plan strategy in the KMWLP for aggregate minerals is fundamentally reliant on safeguarding and maintaining wharf capacity.

The MIA quotes from the Local Aggregate Assessment (LAA) 2021 (2020 data). This has been superseded by LAA 2022 (2021 data). In relation to the importance of wharves and their current capacity (40% headroom remaining of a total of 6.24mtpa), paragraph 7.27 states the following:

*‘It is recognised that capacity information will become increasingly important in future years, particularly in relation to wharves and rail depots. The 2017 study by the Minerals Products Association into future aggregate requirements suggests that*

*nationally there could be a decrease in the demand for landwon aggregates over time. However, as the landwon resources depletes (as is currently occurring for sharp sand and gravels within Kent) and is substituted by marine-won aggregates, productive capacity of importation facilities both individually and in total will be increasingly important indicators of the resilience of supply, analogous to landbanks within the landwon sector. **Kent still has significantly unused capacity in its wharfage, as it is operating at approximately 60% capacity at the end of 2021 (leaving 40% headroom). However, loss of any wharf site will be, largely, irreplaceable and others will need to increase their throughputs. Ignoring this issue as an unimportant matter neglects the consideration of the difficulties in operating facilities at a higher level of throughputs in a consistent manner. Difficulties such as shipping availability, navigation maintenance, facility repair and renewal considerations all could combine to exert stress on a wharf importation system trying to operate at a higher rate. Safeguarding of the existing wharf infrastructure will therefore remain a central requirement to maintain supply as the landwon sand and gravel sector eventually becomes irrelevant.***

It is noted that the MIA used the 2020 statistic of the available wharf capacity headroom capacity of 46%. This has been reassessed in LAA 2022 as 40%. The MIA is not therefore based on up-to-date data. Moreover, it appears that the intensity of wharf use for MDA is increasing again towards the levels seen a decade ago after the reductions in sales in 2019 and 2020 related to Brexit uncertainty and the Covid pandemic shutdown impacts. The table below demonstrates this (data taken from LAA 2022).

| Year  | 2012    | 2013    | 2014    | 2015    | 2016    | 2017    | 2018    | 2019    | 2020    | 2021    | 3-year average | 10-year average |
|-------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------------|-----------------|
| Sales | 2.014mt | 1.743mt | 1.938mt | 1.874mt | 1.788mt | 1.773mt | 1.809mt | 0.608mt | 1.440mt | 1.644mt | 1.230mt        | 1.663mt         |

The MIA, in regard to the operational capacity of Kent's wharves states:

*'However, it is clear from the County Council's Local Aggregate Assessment that the wharves within Kent are operating at a level far from total productive capacity. Based upon the available records which identifies that there is circa 46% capacity within the wharfs in Kent, it is expected that the loss of the individual site capacity of Robins Wharf can be accommodated by the other safeguarded facilities within close proximity.'*

The MIA's contention that there is sufficient headroom to meet future aggregate needs does not take account of the documented trend towards a need for significant increased throughputs at wharves as the land-won sharp sand and gravels deplete, even if overall demand does not change. Therefore, landwon depletion, that is occurring together with any increase in aggregate demand requires all importation capacity to be safeguarded. This strategy is fundamental to the adopted KMWLP's aggregate mineral supply approach, found sound at Independent Examination in 2016 and again in 2018.

The activity at the wharf includes the importation of marine dredged and crushed rock aggregates by two operators and a specialist highway services contractor operating a river-fed asphalt plant 'Northfleet Asphalt Plant'. This is supplied with material by the jetty located to the north-east on the safeguarded wharf. This jetty is used together for both the supply of materials for the coated material plant and as an aggregate unloading facility for both crushed rock aggregates and marine sand and gravel.

Importation of material by river is permitted on a 24 hr and a 7 day a week basis; and production of asphalt and exportation by road is similarly undertaken on a 24 hour and 7 day a week basis. On the north-western part of the Robins Wharf there is an aggregates processing facility and a ready mixed concrete batching plant. The aggregates processing facility and the ready mixed concrete batching plant operate on a 24 hour and 7 days a week basis. Heavy good vehicles (HGVs) distributing ready mixed concrete may leave the site any time during these hours, whilst HGVs carrying aggregates from the site are limited to 0700 – 1800 Mondays to Fridays and 0700 – 1300 on Saturdays.

I now turn to the MIA's argued case for overriding the presumption to safeguard, as set out in Policy CSM 6: Safeguarded Wharves and Rail Depots and Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure. Policy CSM 6 states, amongst other matters, that non-minerals development adversely affecting the operation of existing, planned or potential (wharf or rail depot) such that their capacity or viability may be compromised will not be permitted. The policy lists Robins Wharf as one of the sites the policy is applicable to. Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure states that, amongst other matters, facilities for concrete batching, the manufacture of coated materials or other concrete products are safeguarded.

The applicants have correctly had recourse to Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities in order to argue an exemption from these policies presumption to safeguard. The MIA cites exemption criteria 6 and 7 of policy DM 8 as both being applicable to justify a departure from the presumption to safeguard both the wharf site and the mineral related facilities present on the wharf site.

Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities states:

*'Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:....'*

The exemption criterion 6 states:

*6. material considerations indicate that the need for development overrides the presumption for safeguarding;...*

The applicant regards the regenerative aspects of the proposal as being of such a magnitude that criterion 6 can be invoked. It states at para. 5.12:

*'The socio-economic assessment of the proposed scheme has identified a number of benefits arising from the scheme, which are in addition to the much needed supply of housing given the Council's undersupply and pressures within north-Kent arising from nitrate neutrality matters. The benefits of the proposed development are discussed further within the planning statement accompanying the application, but are in summary:*

- *During construction, the Proposed Development is expected to generate at least:*

- o *6,755 person years of employment;*
- o *...which is equivalent to an average of 846 Full Time Equivalent jobs sustained for the entire duration of the build (estimated at 8 years);*

- o *An additional 820 indirect and induced jobs (FTE) – created / supported within the construction supply chain and in the wider economy for the duration;*
  - o *Approx. 120 apprenticeship starts and other on-the-job training opportunities;*
  - o *£429m in Gross Value Added for the regional economy*
- *On completion, it is expected to generate a minimum of:*
    - o *2,250 direct jobs across a wide range of sectors – a net increase of around 1,750 on the estimated number of jobs currently based on site;*
    - o *925 net additional jobs for local (Gravesham) residents, taking into account leakage, displacement and multiplier effects;*
    - o *£69m per annum in additional local (Gravesham) GVA;*
    - o *£20m per annum in resident retail and leisure expenditure;*
    - o *£5.6m per annum in additional council tax receipts, plus an uplift of c. £1.1m per annum in business rates compared with existing uses;*

*5.13 It is anticipated that the proposed development would provide significant benefits to the area and local communities, including funding for school places, Health Service, the regeneration and improvement of public spaces and access affordable and family housing. Consequently, the benefits of the proposed development should be carefully weighed against Policy DM 8: Criterion 6.*

Regardless of whether the socio-economic benefits stated in the application are realised, it can also be said that the application site in the sub-area 1.3, as delineated by the Local Plan, is not part of Key Site sub-area 1.3 and is, therefore, not appropriate for this scale of development. This is recognised by the Local Plan, as Policy CS07 Economy, Employment and Skills, (para. 5.1.37) seeks to safeguard the importation facilities that exist in this area, thus recognising that the focus for regenerative development proposals in the plan area are in the other Key Site areas not within the application site as proposed. These potential benefits will need to be verified and considered against the Borough Council's economic policies in its adopted Local Plan, alongside the adopted Kent Minerals and Waste Local Plan policies. Consideration should also be given to the consequential loss of importation facilities which may well lead to an increase of minerals being imported into the County less sustainably by road, as discussed above in relation to Local Plan Policy CS11.

The Opportunity Area as covered by CS03 delineates four Key Sites (1.3 Grove Road & Lower Ebbsfleet Area, 1.4 Old Northfleet Residential Extensions, 1.5 Northfleet Cement Works Regeneration Area and 1.8 Northfleet Embankment East Regeneration Area). Therefore, the loss of an irreplaceable wharf should be seen in this context. The annual aggregate monitoring work (LAA 2022) that the County Council is required to undertake each year, recognises the need to retain Kent's wharfs and the critical role they play in being able, to maintain a steady and adequate supply of aggregate minerals to '*provide the infrastructure, buildings, energy and goods that the country needs*' as required by national and local planning policy.

The applicant has also used out of date data to conclude that the loss of the safeguarded wharf would not incur a fundamental problem in constraining future importation of aggregate minerals. This assertion is based on old capacity headroom assessments and ignores the 'in built' need to increase importation throughputs even if overall demand for this type of aggregate mineral remains constant, as the landwon fraction of overall supply is depleting. If overall aggregate mineral demand increases, in conjunction with landwon supply depletion, then further demands on importation and thus any available capacity headroom, will occur. The irreplaceable loss of the safeguarded Robins Wharf facility will have the potential of

significantly impeding the ability of Kent to return to the 2.0mtpa or above rate of aggregate mineral importation unnecessarily. Moreover, other land, as identified and allocated as 'key sites' in the Northfleet Area of Opportunity of the adopted Gravesham Local Plan remain largely available for the type of development proposed. It is considered by the County Council that these areas should be where regenerative development should be focused, to be in accordance with the objectives of the Local Plan.

The County Council does not, therefore, agree that the applicant has demonstrated that the loss of the importation facility and the associated mineral processing and product facilities can be justified by invoking exemption criterion 6 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities of the KMWLP.

The applicant goes on to assert that exemption criterion 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities can also be invoked, it states:

*7. It has been demonstrated that the capacity of the facility to be lost is not required.*

In that they regard the available importation 'headroom' capacity sufficient to offset any loss of importation as a consequence of the proposed development, they state:

*5.15 There are a number of wharves in close proximity to Robins Wharf, listed in Table 1 of this document. In the absence of published importation and sales figures for this facility, it is not possible to determine the exact proportion of aggregate imported and its importance and individual contribution to the overall tonnage of aggregate imported via Kent's safeguarded wharves. However, it is clear from the County Council's Local Aggregate Assessment that the wharves within Kent are operating at a level far from total productive capacity. Based upon the available records which identifies that there is circa 46% capacity within the wharfs in Kent, it is expected that the loss of the individual site capacity of Robins Wharf can be accommodated by the other safeguarded facilities within close proximity.*

Again, this assertion is based on out-of-date monitoring data (available 'headroom' importation capacity is regarded as 40% of current throughputs as detailed in the monitoring report LAA 2022, November 2022) and ignores the KMWLP central strategy in maintaining a 'steady and adequate supply of aggregates' (NFFP para. 213 a)) by the increased reliance of importation as the landwon sector for sharp sand and gravel depletes through time. This is clearly set out in Policy CSM 2: Supply of Land-won Minerals (see above) and in the LAA 2022. Therefore, for the reasons expressed in relation to rejecting the applicant's arguments in attempting to invoke exemption criterion 6 above, the County Council regards the safeguarded importation capacity at Robins Wharf as integral to the KMWLP strategy to meet the NPPF's requirements. Loss of the facility not only would be, in all probability, irreplaceable, but would incur significant and needless adverse impacts on maintaining and increasing the required level of importation of aggregate minerals currently and into the future.

The County Council does not agree that the applicant has demonstrated that the loss of the importation facility and the associated mineral processing and product facilities can be justified by invoking exemption criterion 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities of the KMWLP. Moreover, the wharf is located in an area where high development pressure is being experienced, both in Kent and in London that is close by. The mineral importation wharf, like others in the locality, and further upstream in Greater London administrative area, make a significant contribution to both the material needs of this development and its sustainable

transport to those end uses. Loss of the facility could both impede the supply of important materials and reduce their sustainable transportation. This point is further illustrated by the recognition of the importance of wharf importation in the Annual Monitoring Report for London<sup>1</sup>.

The London Annual Monitoring Report 2019 states that sales of primary aggregates amounted to 4.782mt, and in 2014 this was higher at 5.054mt. London consumed 9.573mt in 2019 and it is reasonable to assume that the pattern of sales and consumption remains similar in 2019-21. London is consuming far more aggregate materials than it generates by sales. Importation via wharves has been consistently increasing between 2010 to 2018 with sales in 2010 of 3.521mt and in 2018 this had risen to 5.153mt. Only marginally falling back in 2019 to 4.920mt. The importance of wharf capacity in maintaining overall supply is demonstrated in para. 4.10 which states (emphasis added):

*4.10 Regarding wharves' capacity the GLA undertook a review of those designated in London for safeguarding. The review forecast freight traffic on the Thames and estimated wharves' capacity and concluded there is overall sufficient to meet demand until 2041. The review covered aggregates (construction materials) wharves and the picture however, for these facilities is somewhat different. Table 5 illustrates the relevant information, which suggests the capacity margin varies between different parts of the Thames and over the forecast period **the overall capacity margin is finely balanced. Indeed by 2031 there is a shortfall, but it does improve by 2041.** However, the latter figure is predicated on a fall in demand for construction materials. It also should be **noted the 2021 forecast tonnage is 75% above the AM average (10 year) sales figures**, which provides some flexibility. Moreover, there are some other wharves that might be readily adapted to handling construction materials. **Nevertheless, as wharves are so important to London's aggregates supply, sales and capacities need to be closely monitored by the LAWP.***

Clearly London's importation capacity is of paramount importance to meet London's needs and there is little, if any, realistic ability to increase importation if this is required. Loss of nearby wharf capacity in Northfleet could compound the fragility of this situation if need, as expressed by sales and consumption, increases again as has been seen between 2010-18.

## Conclusion

The County Council, as the relevant mineral planning authority strongly objects to the proposal on the grounds that it is contrary to national and local development plan policies on safeguarding and would undermine the adopted Mineral Strategy for Kent which relies heavily upon wharves and importation facilities as land won resources are depleted. Robins Wharf is an important facility as it provides a sustainable means of importing the aggregate building materials needed to support economic growth and is well placed to serve Kent and London. The latter has a reported finely balanced aggregate mineral importation capacity (wharfage) and may well require imports from other areas (including Kent) to ensure the capital's growth is sustainably supported if it returns to the sales and consumption ratio seen in 2010 to 2018 (see para 4.10 of the London Annual Monitoring Report 2019). It also provides facilities for concrete manufacture and coated asphalt products.

The wharf and its associated mineral based product facilities can operate in a largely unconstrained manner in the locality given the planning permissions it operates to, therefore taking full advantage of the River Thames as a means of achieving sustainable transportation of the bulk raw materials with great flexibility. This in turn enhances the

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<sup>1</sup> London Aggregates Working Party Annual Report 2019

safeguarded wharf to then provide aggregates and mineral based construction products to the immediate market efficiently. Loss of this importation facility would undermine both aggregate supply that is becoming more reliant on importation and adversely affect sustainable transport of such materials if greater reliance, through time, is placed on increased road transportation. Therefore, the proposal is contrary to the NPPF 2021 as it does not accord with the need to safeguard existing sites for the bulk transport, handling and processing of minerals, the manufacture of concrete and associated products such as coated asphalt materials.

The adopted KMWLP 2020 in turn identifies Robins Wharf as such a site with its associated facilities that require to be safeguarded to allow a steady and adequate supply of aggregate materials to support sustainable development in Kent. In light of the economic importance of wharves to the county and the delivery of a sustainable minerals strategy, there is a presumption in planning policy that these sites are safeguarded. Any development that proposes the loss of such facilities needs to robustly demonstrate that it satisfies the exemption criteria of the safeguarding policies in the KMWLP. The application asserts a number of arguments to justify an exemption, but these are not considered sufficient to set aside the presumption to safeguard.

The applicant asserts that the regenerative advantages of the proposal are of such a scale and importance in meeting the Local Plan's objectives that they override the presumption to safeguard the importation facility. The adopted Local Plan not only has policies to safeguard the sustainable transport commercial importation sites (Robins Wharf is one such facility, see Policy CS07: Economy, Employment and Skills, para. 5.1.37 and Policy CS11: Transport). Moreover, the Northfleet Embankment and Swanscombe Peninsula East Opportunity Area delineates key sites where the focus of regenerative development of this scale would be more appropriately located. Therefore, to deliver this regenerative development would needlessly incur the loss of the safeguarded wharf and compromise sustainable transport objectives of the Local Plan. The applicant's proposal does not accord with the adopted Local Plan policies and is a departure from its spatial objectives.

With regard to the applicant's assertion that the loss of the mineral importation wharf is justified and that its capacity is not needed, it is the County Council's view that the applicant has failed to satisfy either exemption criteria 6 or 7 of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities as the area of the proposal is outside the main areas identified for regeneration in the local plan. The need therefore to deliver it at the application site is not overriding (exemption criterion 6). Furthermore, the applicant has used out of date monitoring data and failed to understand the importance of maintaining all mineral importation capacity, as this underpins the whole strategy of the adopted KMWLP in providing for a steady and adequate supply of aggregate minerals, as required by the NPPF.

The applicant's assertion that sufficient available capacity to import aggregate minerals will continue to exist, even with the loss of Robins Wharf, as this will not be needed (exemption criterion 7) as sufficient unused 'headroom' importation capacity exists, is a fundamentally misguided argument. Indications are that the available capacity 'head room' will increasingly be utilised even if overall aggregate mineral demand remains static, as the Kent landwon sector for the sharp sands and gravels is rapidly depleting. Moreover, any increase in overall demand will inevitably place additional strain on all available importation capacity, both in Kent and the proximate London area, where there is little if any mineral importation capacity headroom. Wharf sites are considered generally irreplaceable once lost, therefore it remains imperative to retain all importation capacity into the future. Neither exemption criterion (6) or (7) of the relevant safeguarding policy can be said to have been satisfied by the applicant's submitted Mineral Infrastructure Assessment.

The County Council, as the relevant mineral planning authority, is willing to maintain a dialogue with Gravesham Borough Council on the matter of mineral supply and importation and the safeguarding of importation and associated mineral products facilities in order to assist the Borough Council if this would be helpful.