

From: Susan Carey – Cabinet Member for Environment
Simon Jones, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 23 May 2023

Decision No: 23/00042

Subject: Kent Minerals and Waste Local Plan 2024-39, Kent Minerals Sites Plan Update, including Local Development Scheme (Timetable) and a Mandate for Public Consultation

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: For Cabinet Member Decision

Electoral Division: Countywide

Summary: The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent. To this end, the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Full Council in July 2016 with some limited changes adopted in September 2020. The Kent Minerals and Waste Local Plan contains planning policies relating to minerals supply and waste management against which the Council assesses planning applications for these types of development. In addition, the Kent Mineral Sites Plan (adopted in September 2020) identifies three sites suitable for the quarrying of sand and gravel.

Plan making is a cyclical process and consistent with national policy requirements, an update to the adopted KMWLP is now required that will plan to 2039. During the new plan period existing permitted reserves of hard (or crushed) rock in Kent are predicted to run out and so an update to the Kent Mineral Sites Plan is being prepared with a view to identifying land suitable for new reserves. A 'Call for Sites' inviting nominations of land that offer opportunities for extraction of hard rock was undertaken last year and this resulted in a single nomination of land to the south and west of the existing Hermitage Quarry near Maidstone. In accordance with the site selection methodology that was published at the time of the Call for Sites, an initial (desktop) assessment of the suitability of the nominated site has been undertaken. Detailed technical assessment will follow a proposed public consultation during which comments on the suitability of the nominated site will be invited. A document that includes details of the nominated site is set out in Appendix 4, the Initial Site Assessment is set out in Appendix 5 and an associated draft Mineral Sites Plan Sustainability Appraisal is included in Appendix 6

As part of updating the KMWLP, two draft plans have previously been published for consultation. A summary of comments received during the most recent consultation between October and December 2022 has been prepared. The need for a small number of additional material changes has been identified and it is proposed that these be consulted upon at the same time as the site nominated for potential allocation in the Kent Mineral Sites Plan. These changes relate to updates to aggregate requirements in Policy CSM2; removal of a commitment to make provision for the management of waste produced in London; and removal of the strategic site allocation at Norwood Quarry, Sheppey for the landfill of hazardous waste specifically incinerator fly ash (Policy CSW5). The draft consultation document relating to the further proposed changes is provided in Appendix 2.

Updated timetables relating to the preparation of these Plans have been prepared and are set out in a proposed revision to the Council's Minerals and Waste Local Development Scheme included in Appendix 7.

Recommendation(s):

The 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 evidence relating to an update of the Kent Minerals Sites Plan, 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 (the Regulations);
- (ii) Approve and publish for public consultation further proposed changes to the Kent Minerals and Waste Local Plan 2024-39 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Regulations;
- (iii) Agree revised timetables for preparation of the Kent Minerals and Waste Local Plan 2024-39 and updated Kent Minerals Sites Plan to be published in an updated Minerals and Waste Local Development Scheme; and
- (iv) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the consultation documents 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, together with the Kent Mineral Sites Plan, forms part of the Development Plan for Kent which is key both for the determination of planning applications for minerals and waste development by the County Council, and applications relating to other development that may affect minerals and waste development or other aspects determined by the 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 In accordance with national policy, planning policies should provide for the extraction of mineral resources of local and national importance¹ and the Kent Mineral Sites Plan allocates land considered suitable for the quarrying of aggregate minerals. Land allocations in the Minerals Sites Plan help guide the industry to make applications within locations which have been assessed as suitable in principle. The Kent Minerals Sites Plan therefore helps provide certainty that a steady and adequate supply of aggregate minerals can be maintained in Kent in accordance with national policy. The Mineral Sites Plan does not replace the statutory need for Environmental Impact Assessment of proposals, nor does it remove the need for developers to apply for detailed planning permission.
- 1.4 The National Planning Policy Framework (NPPF) (and legislation²) states policies in Local Plans should be reviewed at least once every five years to assess whether they need updating and should then be updated as necessary. A review of the Vision, Strategic Objectives and policies in the Kent Minerals and Waste Local Plan was undertaken in 2021 that concluded a need for updates to the Plan in response to relevant Government policy and legislation published since the Plan was adopted in 2016. The review also identified changes to the local context requiring further updates to be made.
- 1.5 The process of updating the Plan needs to follow that set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the plan making regulations') as well as the 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 revised timetable for updating the Kent Minerals and Waste Local Plan was considered by the Environment and Transport Cabinet Committee at its meeting on 8 September 2022 and agreed by the Cabinet Member for Environment. The revised timetable was published in a revised

¹ Paragraph 210, National Planning Policy Framework, 2021

² Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Minerals and Waste Local Development Scheme.

1.6 The September 2022 Cabinet Committee also resolved to endorse the decision of the Cabinet Member to undertake public consultation on an updated Kent Minerals and Waste Local Plan with a revised plan period of 2023-38. This took account of an earlier consultation of proposed changes to the existing adopted Kent Minerals and Waste Local Plan between December 2021 and February 2022. These further proposed changes related mainly to:

- A change to the plan period from 2013-2030 to 2023-38.
- Recognition of the need to identify additional reserves, to ensure crushed rock supply is maintained (in light of the new plan period), in an update to the Minerals Sites Plan.
- new waste management targets for 2035/36 and 2040/41.
- Policy CSW17 relating to management of waste at the Dungeness Nuclear Estate taking account of an assessment (Habitats Regulations Assessment) of potential impact on nearby designated habitats.
- Policy DM3 proposes achievement of maximum biodiversity net gain rather than a minimum 10% net gain.

1.7 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 Sustainability Appraisal of the draft Kent Minerals and Waste Local Plan 2023-38 was also published for consultation.

1.8 Public consultation is an important part of the plan making process and is required at key stages. The table below sets out the consultations that have taken place as part of the 5-year review of the adopted plan.

Consultation	Dates	Summary
Initial consultation with key stakeholders	26 th March 2021 - 9 th April 2021 14 days	Initial evidence gathering to determine which parts of the Plan may need updating
Regulation 18 public consultation on Kent Minerals and Waste Local Plan Refresh	16 th December 2021 - 9 th February 2022 8 weeks (over Christmas period)	Consultation on proposed changes to the KMWLP’s vision, objectives, policies and supporting text in light of government policy and legislation published since 2016. Amongst other matters, this included changes to the National Planning Policy Framework, policy and legislation concerned with achieving a circular

		economy and more ambitious targets concerning biodiversity net gain.
Regulation 18 public consultation on draft Kent Minerals and Waste Local Plan 2023-38	24 th October 2022 - 5 th December 2022 6 weeks	Consultation on further proposed changes to KMWLP following previous consultation, including amongst other matters, extending the plan period to 2038 and changes to policies CSW 8, 12 and 17 and the removal of the strategic mineral site at Holborough (CSM 3).

- 1.9 The consultations 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 other changes were needed. The outcome of the consultation and actions needed in light of the comments received are discussed in the outline below.
- 1.10 The current Kent Mineral Sites Plan was adopted in 2020 and includes two allocations for working sharp sand and gravel and one for soft sand. In light of the change to the period of the Kent Minerals and Waste Local Plan, a need to allocate a site for the extraction of hard rock in the Kent Mineral Sites Plan was identified. As set out in Kent Minerals and Waste Local Development Scheme, preparation of the update to the Kent Mineral Sites Plan involves the following key stages:
- 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.
- 1.11 The 'Call for Sites' involves inviting landowners, operators, and other interested parties to nominate sites which they consider suitable for mineral extraction. A Call for Sites relating to land suitable for the extraction of hard rock was undertaken at the same time as the public consultation on the draft Kent Minerals and Waste Local Plan 2023-38 (during October to December 2022). The outcome of the Call for Sites is discussed below. A draft Site Selection Methodology was also published for consultation. The draft Site Selection Methodology proposes the way in which nominated sites would be assessed and selected for allocation in an updated Minerals Sites Plan. The method proposed follows that used to identify sites in the adopted Kent Mineral Sites Plan which involves assessment for suitability against criteria relating to the likely impacts that would arise from development in a particular location.

2 Outcome of Consultation on Kent Minerals and Waste Local Plan

- 2.1 The Regulation 18 public consultation utilised 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 and interested stakeholders and minerals and waste organisations were also consulted.
- 2.2 Nearly 300 comments were received on the updates set out in the draft Kent Minerals and Waste Local Plan 2023-38 from 54 different stakeholders which included:
- Individuals.
 - district and borough councils.
 - parish councils.
 - statutory bodies e.g., Environment Agency.
 - the waste and minerals industry; and,
 - other stakeholder groups and organisations.
- 2.3 The comments received were generally supportive and the details are set out in Appendix 1. The main areas of comment were as follows:

General

- Extension to Plan horizon to cover 15 years supported but this means it should be to at least 2039.
- Measurable targets concerning carbon are required.
- requirement for 'Circular Economy Statements' supported but unclear how implementation will be managed, and guidance needed on requirements.
- mixed views on requiring Biodiversity Net Gain above statutory minimum target of 10%.
- changes suggested to several objectives and policies to strengthen the Plan's ability to protect and enhance biodiversity and the environment including Marine Conservation Zones.
- further suggestions for tightening up development management policies.

Minerals

- Support for deletion of strategic site for minerals (Policy CSM3 - Medway Cement Works, Holborough).
- support for update to Mineral Sites Plan to include an allocation for land won hard rock supply in light of extended plan period.
- landbanks for crushed rock should be calculated on the basis of the different qualities and uses of crushed rock quarried in Kent.
- additional emphasis on importance of safeguarding existing wharf and rail depot capacity for the long-term supply of aggregates is required.
- future demand for soft sand has been underestimated.
- Recognition of strategic significance of soft sand resources and reserves in Kent is needed as well as allocation of additional soft sand reserves.

Waste

- The 'Spatial Vision' does not adequately address the need for infrastructure to meet growth and demands in waste and resource management.
- Partnership working needed to develop new waste facilities should be included in the objectives.
- land suitable for additional waste management sites should be allocated.
- Allocating a site for management of waste from households would allow 'Section 106' agreements with new housing proposals to help fund new waste facilities.
- support for new recycling and composting targets.
- concern that assessment of future waste management requirements does not adequately identify future need for new capacity as it is not based solely on operational capacity but also includes theoretical consented capacity. Safeguarding of consented capacity which is not operational compounds this issue.
- support for proposal for 'Waste Hierarchy Statements' to be submitted with proposals for landfill and energy from waste.
- support for changes to amended policy CSW17 on radioactive waste management at Dungeness but further changes needed to be consistent with national policy/guidance.
- changes needed to the Habitats Regulation Assessment relating to changes to policy CSW17 to ensure potential impacts are properly understood and assessed.

2.4 Some minor comments were also received on the related Draft Sustainability Appraisal.

2.5 The final text of the Kent Minerals and Waste Local Plan will take into the comments made, however, apart from a few matters (set out below), it is considered that the nature of the majority of further changes means that further engagement with stakeholders is not required.

2.6 The matters on which public consultation is proposed concern the following:

- Changes to the amount of aggregate that Policy CSM2 specifies should be planned for

More recent data has been received on the sales and reserves of aggregate in Kent which affect the calculation of the amount of aggregate that will need to be supplied in Kent in future which is specified in Policy CSM2.

- Removal of the strategic site allocation at Norwood Quarry, Sheppey for the landfill of hazardous waste specifically incinerator fly ash.

This is considered appropriate as allocation of land for landfill is fundamentally contrary to the Vision and Objectives in the Plan which is for waste to be managed in accordance with the waste hierarchy which prescribes disposal as the least preferred method of managing waste. Options for managing this waste stream by means other than landfill are now available. Deletion of the

allocation would not preclude development of additional landfill capacity to manage incinerator fly ash in future. Such development could come forward if a need was demonstrated and the location for the development was found to be suitable when considered against the policies of the Development Plan (which includes the Kent Minerals and Waste Local Plan) and national planning policy.

- Removal of a commitment to make provision for the management of non-hazardous residual waste produced in London.

This commitment, which is set out in the Plan's supporting text rather than policy, is out of date in light of the fact that the 2021 London Plan expects London to be net self-sufficient in the management of such waste by 2026.

- 2.7 The details of the above proposed changes are set out in a draft consultation document included as Appendix 2.
- 2.8 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, as necessary, makes recommendations for changes. A draft Sustainability Appraisal of these proposed updates has also been prepared and this can be found as Appendix 3. A Non-Technical Summary of the Sustainability Appraisal is available as Appendix 3A.
- 2.9 It is also proposed to extend the plan period by one year from 2038 to 2039 to ensure that the updated Plan will cover a 15-year period as required by national policy.
- 2.10 Dialogue with key stakeholders, including Natural England, concerned with changes to Policy CSW17 (management of radioactive waste at Dungeness) is ongoing. In particular, this follows the Council's publication of a 'Habitats Regulations Assessment' that assessed impacts of the policy on nationally, and internationally, important habitats proximate to the Dungeness nuclear estate.

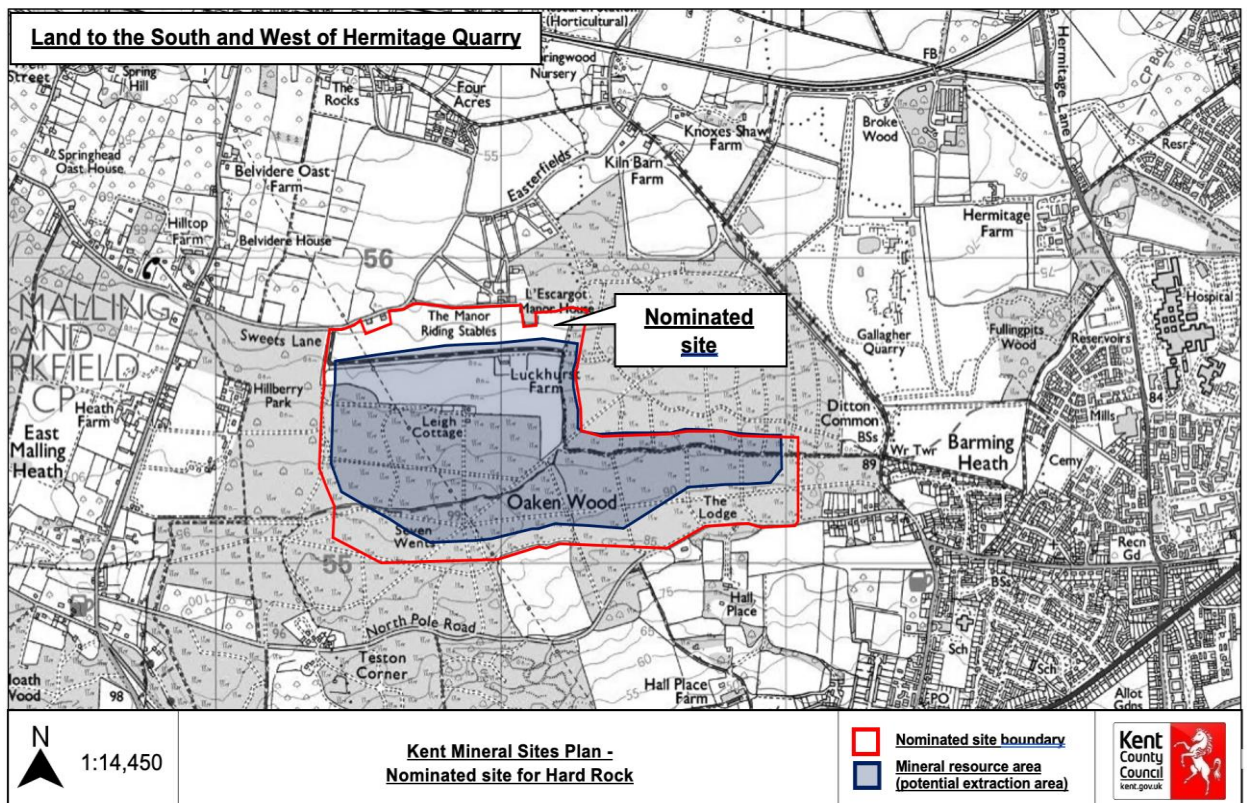
3 Update to the Kent Mineral Sites Plan

- 3.1 With regard to hard rock, the Kent Minerals and Waste Local Plan expects a 'landbank' of ten years to be maintained throughout, including at the end of, the plan period. This is consistent with national policy requirements and means a ten-year supply, in the form of permitted reserves and/or allocated reserves, needs to be demonstrated during and at the end of the plan period in 2039. Essentially this means that by 2039 there would still be ten years supply of material readily available. Current reserves are only forecast to last until 2030 and so new reserves now need to be identified in the form of an allocation(s) in the Minerals Sites Plan. Most recent data indicates that 17.4 million tonnes of hard rock need to be identified.

- 3.2 For minerals other than crushed rock (hard rock), the latest available data (as set out in Appendix 2) indicates that there is currently no need to allocate additional sites to ensure supply.
- 3.3 The key stages involved in identifying suitable new site(s) for hard rock are as follows:
- 'Call for Sites'.
 - initial assessment of nominated sites.
 - consultation (Regulation 18) on a short list of potential sites.
 - detailed technical assessment of potential sites on the short list, including Sustainability Appraisal. This assessment process identifies suitable sites for potential allocation in an updated Minerals Sites Plan.
 - period for representations (Regulation 19) on final draft Minerals Sites Plan; and,
 - independent examination of soundness and legality.
- 3.4 The Call for Sites undertaken in 2022 resulted in the nomination of a single site on land to the south and west of the existing Hermitage Quarry near Maidstone. The land has been nominated by Gallagher Aggregates Limited (GAL), the existing operators of Hermitage Quarry, and would allow for an extension of the existing quarry. Figure 1 shows the location of the site.
- 3.5 Key features of the promoted site which would need to be considered as part of the detailed technical assessment are as follows:
- The nominated land covers an area of 96 hectares within which the promoter (GAL) considers extraction of 20 million tonnes of hard rock is possible which would meet the identified forecast requirement for the plan period. The potential yield would be influenced by planning constraints and appropriate stand-offs from sensitive land uses.
 - annual output is anticipated to be around 900,000 tonnes per annum, which is the same as the current average output.
 - the site would be restored to original levels with inert restoration materials (circa 500,000 tonnes per annum) and returned to mixed native woodland and meadow, subject to biodiversity net gain requirements.
 - The promoter envisages access to the site being obtained via the existing quarry access road off Hermitage Lane and does not envisage that any increase in vehicle movements will result in working of the mineral at the site.
 - the nominated area includes the following designations within it:
 - Public Right of Way
 - Grade 2 Agricultural Land
 - Ancient Replanted Woodland with the status of 'PAWS' (Plantations on Ancient Woodland Sites)'
 - Local Wildlife Site (Oaken Wood)
 - Oaken Wood SSSI is close to the south west corner of the site;

- a National Grid Overhead High Voltage Power Line is located within the western limit of the potential site.
- there are three Air Quality Management Areas near to the site;
- there are a number of residential dwellings proximate to the site and several listed buildings;
- there may be below-ground palaeolithic interest.
- The site is within the parishes of East Malling and Larkfield and Ditton Parish within the Borough of Tonbridge and Malling and Barming Parish within the Borough of Maidstone.

Figure 1: Land to the South and West of Hermitage Quarry



- 3.6 Details of the nominated site are included in a document that shows how the site would appear in a Minerals Sites Plan were the site found to be suitable and acceptable for allocation. This document is included in Appendix 4.
- 3.7 In accordance with the Site Selection Methodology, an initial, primarily desktop, assessment of the nominated site's suitability for mineral working has been undertaken. This 'RAG Assessment' involves the scoring of the site, using a Red-Amber-Green (RAG) scale, against certain assessment criteria which include the following:
- Landscape and Visual Impacts
 - Nature Conservation and Geodiversity
 - Historic Environment
 - Water Environment (including Flooding)

- Air Quality
- Soil Quality
- Public Rights of Way
- Transport (including access)
- Services and Utilities
- Health and Amenity
- Cumulative Impacts
- Airport Safeguarding Zones
- Green Belt

3.8 The full RAG Assessment is included in Appendix 5, and this will be published to accompany the proposed consultation. The RAG Assessment identifies the following issues which will require particular further attention at the Detailed Technical Assessment stage:

- Public Rights of Way (PRoW). Currently there is a PRoW running through the area proposed for excavation and further assessment of the impact and the potential for diversion of this PRoW is required.
- Health and Amenity. The working of hard rock involves blasting which results in noise and dust. While the proposed working area is further away from main residential areas than the existing site, further assessment of the likely impact is necessary.
- Services and Utilities. An electricity power cable currently passes over the proposed extraction area. Further assessment of the impact of this on the working of the mineral, including whether the power cable can be diverted is necessary.
- Nature Conservation and Geodiversity. The extraction area includes an area that is protected from development due to the presence of Ancient Replanted Woodland classed as PAWS' (Plantations on Ancient Woodland Sites). Further assessment of the acceptability of the impact on this feature is required. This feature also exists within the current Westerly Extension at Hermitage Quarry that was granted planning permission in 2013 with a requirement to translocate the associated soils.

3.9 As with the update to the Kent Minerals and Waste Local Plan, a Sustainability Appraisal (SA) of the updated Kent Mineral Sites Plan is also required. A draft SA appraisal framework, in the form of a 'Scoping Report', that takes account of baseline conditions as well as other relevant plans, programmes, and policies which development should take account of, was published for consultation alongside the Call for Sites in 2022. Using the appraisal framework, a draft SA has now been undertaken and this is included as Appendix 6. A Non-Technical Summary of the SA is available as Appendix 6A.

3.10 The draft SA identifies potential impacts of working the land to the south and west of Hermitage Quarry which reflect those identified by the RAG Assessment. The SA also recommends ways in which impacts can be mitigated and notes the beneficial impact on the economy of working the

mineral. The impacts of a 'reasonable alternative' to working the site has also been considered in the SA. This alternative relates to not working the proposed site but instead importing hard rock from beyond Kent to meet requirements. The appraisal of the reasonable alternative notes that increased transport would mean a greater likelihood of negative impacts on air quality and climate change, and negative impacts may be caused on congestion, noise, and disturbance. The alternative was also assessed as likely to have adverse economic impacts from increased transport costs and loss of jobs within Kent. Kentish ragstone would not be available for use in heritage restoration projects, therefore adverse impacts on the built historic environment are likely. The draft SA will be made available for comments during the proposed public consultation on the nominated site.

4. Update to the Minerals and Waste Local Development Scheme

- 4.1 The Council is required to maintain a timetable showing how its planning policy will be prepared in a Local Development Scheme. The latest timetable for updating the Kent Minerals and Waste Local Plan and Minerals Sites Plan was agreed by the Cabinet Member in September 2022 but some minor updates are now required to reflect recent plan making progress. The table below shows the new proposed timetables alongside the version agreed last year.

Key Stages	Updated KMWLP		Updated Mineral Sites Plan	
	Current	Proposed	Current	Proposed
Consultation on Draft Updated Sites Plan (Reg 18)/Further changes to KMWLP	N/A	June-July 2023	April – June 2023	June-July 2023
Detailed technical assessment of options and identification of suitable sites for publication (see below)	N/A	N/A	June – November 2023	July – October 2023
Publication of draft KMWLP 2024-38 / Mineral Sites Plan (Reg 19) for representations on soundness	December 2023 – February 2024	No change	December 2023 – February 2024	No change
Submission to Secretary of State for examination	May 2024	No change	May 2024	No change
Independent Examination Hearings	July 2024	No change	July 2024	No change
Inspector's Report	November 2024	No change	November 2024	No change
Adoption by Council	December 2024	February 2025	December 2024	February 2025

4.2 The draft updated Minerals and Waste Development Scheme is included as Appendix 7.

5. Next Steps

5.1 Public consultation is required on the further updates to the emerging new draft Kent Minerals and Waste Local Plan 2024-39, and this is proposed to take place during June and July. It is anticipated that during the public consultation a public meeting will be held locally to explain the process. To support the public consultation, a document setting out the further updates, with reasoned justification for the proposed changes, has been prepared (Appendix 2). The draft Sustainability Appraisal (Appendices 3 and 3A) of the further updates will also be published for comment.

5.2 Comments received will be taken into account in the preparation of the Kent Minerals and Waste Local Plan 2024-39 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 2024-39 being published for representations on its soundness and legality. In accordance with the Council's Constitution, the Kent Minerals and Waste Local Plan 2024-39 proposed for submission will be presented to Full Council for agreement following consideration by Environment and Transport Cabinet Committee and Cabinet.

5.3 In terms of the updated Kent Mineral Sites Plan, detailed technical assessment of the suitability of the site nominated for mineral working at land south and west of Hermitage Quarry will be undertaken by specialist in-house officers and consultants involving considerations such as impact on highways, landscape, amenity, water resources and biodiversity. Prior to the detailed technical assessment, it is proposed that details of the nominated site be published for consultation (Appendix 4). The consultation will provide an opportunity for stakeholders, including the local community, to comment on the suitability of the nominated land for mineral working, for matters raised to be considered in the detailed technical assessment and inform whether the site should be allocated or not.

5.4 The detailed technical assessment will allow recommendations to be made regarding the allocation of the nominated site in an updated Mineral Sites Plan. If, following consultation and detailed technical assessment, it is considered that the nominated site is suitable for mineral working then it will be included in a draft updated Kent Mineral Sites Plan that will be published for representations on its soundness and legality in accordance with Regulation 19 of the Regulations. Full Council will be asked to agree publication of any site proposed for allocation.

5.5 The proposed consultation on the updates to the Kent Minerals and Waste

Local Plan and the nominated site must take place in accordance with the Council's 'Statement of Community Involvement' (SCI). The SCI expects consultation in accordance with Regulation 18 to involve publication of draft documents with a period of at least six weeks allowed for comments.

- 5.6 While all stakeholders will have an opportunity to comment, specific dialogue may be sought with key stakeholder groups including Parish, 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, Historic England, and National Highways.
- 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 signaled its intention to review the National Planning Policy Framework (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 2024-39 and the updated Mineral Sites Plan. The IMG will continue to meet at key stages of the plan making process.

6. Financial Implications

- 6.1 Most costs in monitoring and preparing the Council's minerals and waste planning strategy are met from the Growth and Communities Divisional budget (Planning Applications). The total cost associated with the statutory 5-year review of the adopted Local Plans is however no longer fully funded and it is anticipated that some specialist advice and the costs of the independent examination will need to be met from a corporate reserve. An estimate at this time indicates a figure of £100K, although this will be influenced by the length and complexity of the examination.
- 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 when published for public consultation. The extent and nature of these objections will affect the financial resource required for the local plan work as these will need to be considered during the plan making process and may require additional defence of the plans at the independent examination.
- 6.3 Implementation of the Plans will ensure the wider Kent economy continues to benefit from the management of waste and supply of minerals within its area. For example, costs of waste management and mineral supply to businesses in Kent would be higher if a Plan was not in place which does not clearly state how and where waste can be managed, and minerals supplied in Kent.

7. Policy Framework

- 7.1 The Kent Minerals and Waste Local Plan and Kent Mineral Sites Plan deliver the Council's adopted Mineral and Waste planning strategy and are important in the determination of planning applications in Kent. A Local Plan is prepared in accordance with national planning policy and guidance, whilst providing a local perspective. Mineral and waste planning policies support and facilitate sustainable growth in Kent's economy. They also support the protection and creation of a high-quality environment, with accessible local services that reflect the community's needs.
- 7.2 The proposed draft Kent Minerals and Waste Local Plan 2024-39 will take 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 Updating the Kent Minerals and Waste Local Plan and the Kent Mineral Sites Plan supports the County Council's strategy, Framing Kent's Future 2022-2026, which sets the Council's priorities for the next three years. 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 updated 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, and biodiversity.

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 and the Kent Mineral Sites Plan will ensure that minerals and waste development in Kent continues to occur 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 and the timetable in the Local Development Scheme.

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 8.

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 last year on a new Kent Minerals and Waste Local Plan 2023-38 which was prepared following a statutory five-year review of the current adopted Plan's effectiveness and consistency with national and local policy and local context. Some further updates to the Kent Minerals and Waste Local Plan are proposed in light of evidence and comments received during the public consultation.
- 10.2 An updated Kent Mineral Sites Plan that, if possible, will identify land suitable for extraction of hard rock, is also being prepared to ensure that a steady and adequate supply of minerals is being planned for in Kent. Consultation on land south and west of Hermitage Quarry, which was nominated for allocation in the Mineral Sites Plan, is now proposed. This consultation will help inform detailed technical assessment of the suitability of the site and whether the site should be allocated or not in the Kent Minerals Site Plan.
- 10.3 The updated Plans 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.
- 10.4 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 planning policy and its supporting evidence. Comments will be invited on the proposed further changes to the Kent Minerals and Waste Local Plan and supporting evidence as set out in the appendices to this report. Interested parties will also be invited to comment on the suitability of land nominated for the extraction of hard rock.

11. Recommendation

The 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 evidence relating to an update of the Kent Minerals Sites Plan, 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 (the Regulations).
- (ii) Approve and publish for public consultation further proposed changes to the Kent Minerals and Waste Local Plan 2024-39 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Regulations.
 - (iii) Agree revised timetables for preparation of the Kent Minerals and Waste Local Plan 2024-39 and updated Kent Minerals Sites Plan to be published in an updated Minerals and Waste Local Development Scheme; and
 - (iv) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the draft Kent Minerals Sites Plan and further proposed changes to the Kent Minerals and Waste Local Plan 2024-39 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
Draft Kent Minerals and Waste Local Plan 2023-38
Kent Minerals and Waste Development Scheme, September 2022
Kent County Council Statement of Community Involvement, 2021
Environment and Transport Cabinet Committee September 2022 – item 14
Kent Waste Needs Assessment 2022 Update - Hazardous Waste Management Requirements in Kent to 2039, May 2023

- Appendix A: Proposed Record of Decision
- Appendix 1 - Consultation on draft KMWLP 2023-38 - Comments received Oct 2022 to Dec 2022:
<https://democracy.kent.gov.uk/documents/s118198/Appendix1ConsultationondraftKMWLP202338CommentsreceivedOct2022toDec2022.docx.pdf>
- Appendix 2: Draft Kent Minerals and Waste Local Plan 2024-39 – Further Proposed Changes – Consultation Document
- Appendix 3 - Draft SA of updates to the KMWLP May 2023:
<https://democracy.kent.gov.uk/documents/s118199/Appendix3DraftSAofupdat>

[estotheKMWLPMay2023.pdf](#)

- Appendix 3A - Non-Tech Summary of the Draft SA of updates to the KMWLP May 2023:
<https://democracy.kent.gov.uk/documents/s118200/Appendix3ANonTechSummaryoftheDraftSAofupdatestotheKMWLPMay2023.pdf>
- Appendix 4: Draft Kent Mineral Sites Plan including details of nominated Hard Rock Site, May 2023
- Appendix 5: Initial (RAG) Assessment of the Suitability of Nominated Land to South and West of Hermitage Quarry for Hard Rock, May 2023
- Appendix 6 - Draft SA of updates to the Kent Mineral Sites Plan May 2023:
<https://democracy.kent.gov.uk/documents/s118201/Appendix6DraftSAofupdatestotheKentMineralSitesPlanMay2023.pdf>
- Appendix 6A - Non-Technical Summary of the Draft SA of Update to the Kent Mineral Sites Plan May 2023:
<https://democracy.kent.gov.uk/documents/s118202/Appendix6ANonTechnicalSummaryoftheDraftSAofUpdatetotheKentMineralSitesPlanMay2023.pdf>
- Appendix 7: Draft Minerals and Waste Local Development Scheme (proposed revision), May 2023
- Appendix 8 EqIA - Preparation of Kent Minerals and Waste Local Plan 2024-39 and associated Kent Mineral Sites Plan:
<https://democracy.kent.gov.uk/documents/s118203/DRAFTEQIAPreparationofKentMineralsandWasteLocalPlan202439andassociatedKentMineralSitesPlanPublicCons.pdf>