



# Kent Minerals and Waste Local Plan



## Kent Minerals and Waste Local Development Scheme

November 2023



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## Glossary of Terms/Abbreviations Used in the Text

Abbreviation	Explanation
Annual Monitoring Report (AMR)	A statutory document (referred to in legislation <sup>1</sup> as the 'Authority Monitoring Report') which monitors the progress of preparation of planning documentation against the Development Scheme milestones as well as progress in meeting the objectives and implementing the policies set out in the Kent Minerals and Waste Local Plan 2013-30.
Biodiversity net gain (BNG)	Biodiversity net gain is an approach to development which means that habitats for wildlife must be left in a measurably better state than they were in before development took place.
Kent Minerals and Waste Development Plan	The Kent Minerals and Waste Development Plan comprises the development plan documents that provide planning policy for minerals and waste development in Kent, currently this the Kent Minerals and Waste Local Plan 2013- 30 and the Kent Mineral Sites Plan 2020.
Kent Minerals and Waste Local Plan 2013-30 (KMWLP)	This adopted plan (July 2016) sets out the County Council's vision, objectives & spatial strategy for Minerals and Waste planning matters. It contains a statement of strategy and a set of primary policies and proposals for delivering the Core Strategy. The KMWLP was modified via an Early Partial Review (EPR) in 2020 to update the waste strategy and clarify the approach to mineral and waste safeguarding. The modified KMWLP adopted September 2020 sets the policy framework for the allocation of mineral sites and development management decisions.
Kent Minerals and Waste Local Plan 2024-39	The plan currently being prepared to replace the Kent Minerals and Waste Local Plan 2013-30.
Kent Mineral Sites Plan	This adopted plan (September 2020) allocates sites in Kent that are considered suitable for mineral working, subject to planning permission.
Kent Development Plan	The portfolio of documents that together provide the policy framework for all forms of development in Kent. It currently includes the Kent Minerals and Waste Local Plan 2013-30, the Kent Mineral Sites Plan, as well as Local Plans produced by the Kent Borough and District Councils.

<sup>1</sup> Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended)

Kent Minerals and Waste Local Development Scheme (MWLDS)	The Kent Minerals and Waste Local Development Scheme is this document. The MWLDS includes a project plan setting out the County Council's programme and timetable for updating planning policy for waste and minerals development in Kent as well as associated Supplementary Planning Documents.
The Planning Inspectorate (PINS)	The Government agency responsible for programming and conducting the Independent Examination of Local Plans and for managing appeals on planning applications.
Statement of Community Involvement (SCI)	The SCI sets out the Council's policy for involving the community and other stakeholders in the preparation and revision of the Kent Minerals and Waste Development Plan and in the development management process. The SCI is not a Local Plan.
Strategic Environmental Assessment (SEA) & Sustainability Appraisal (SA)	A formal process that analyses and evaluates the social, economic and environmental effects of a plan or programme.
Supplementary Planning Document (SPD)	A document produced by the County Council that provides guidance on the implementation of policies in the Kent MWLP, for example in relation to minerals and waste safeguarding.

## 1. Introduction

**1.0.1** Kent County Council, as the minerals and waste planning authority for the County Council's administrative area, must prepare and keep under review a Minerals and Waste Local Development Scheme (MWLDS). The MWLDS sets out a timetable for the production of the key planning documents related to minerals and waste planning policy in Kent. This November 2023 MWLDS covers the period 2023-25 and replaces the previous May 2023 Scheme (agreed in May 2023).

The Minerals and Waste Local Development Scheme sets out the County Council's programme for the update of key planning documents related to minerals and waste planning policy in Kent during the period 2023-2025. Under this programme the Council will:

- **Prepare the Kent Minerals and Waste Local Plan 2024-39**
- **Review the Kent Mineral Sites Plan regarding the provision of Hard Rock**
- **Commence preparation of a Supplementary Planning Document related to Biodiversity Net Gain and waste and minerals development**

**1.0.2** The County Council is committed to the new programme set out in this MWLDS. Its progress will be reviewed annually and reported through the Annual Monitoring Report. Depending on progress this scheme will be updated to reflect changes to timetables.

**1.0.3** This Development Scheme has two key objectives:

- To inform the public and stakeholders of the documents that make up the planning policy framework for minerals and waste in Kent and the programme anticipated for their updating.
- To reflect the County Council's priorities and to enable work programmes to be set for preparation of the documents.

### 1.1 Legislative Context and Background

**1.1.1** The Planning and Compulsory Purchase Act 2004<sup>2</sup> sets out the system of requirements and procedures for local development planning in England. These requirements are applicable to all Minerals and Waste Planning Authorities and form the basis for the preparation of Kent County Council's suite of minerals and waste plans and supporting documents, as described within this Development Scheme.

**1.1.2** The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) build on the 2004 statutory framework (as amended) for the preparation and

<sup>2</sup> As amended by sections 110 -113 of the Localism Act 2011

adoption of Development Plan Documents and Supplementary Planning Documents; the Regulations refer to Development Plan Documents as “Local Plans” since this term is believed to be more easily understood.

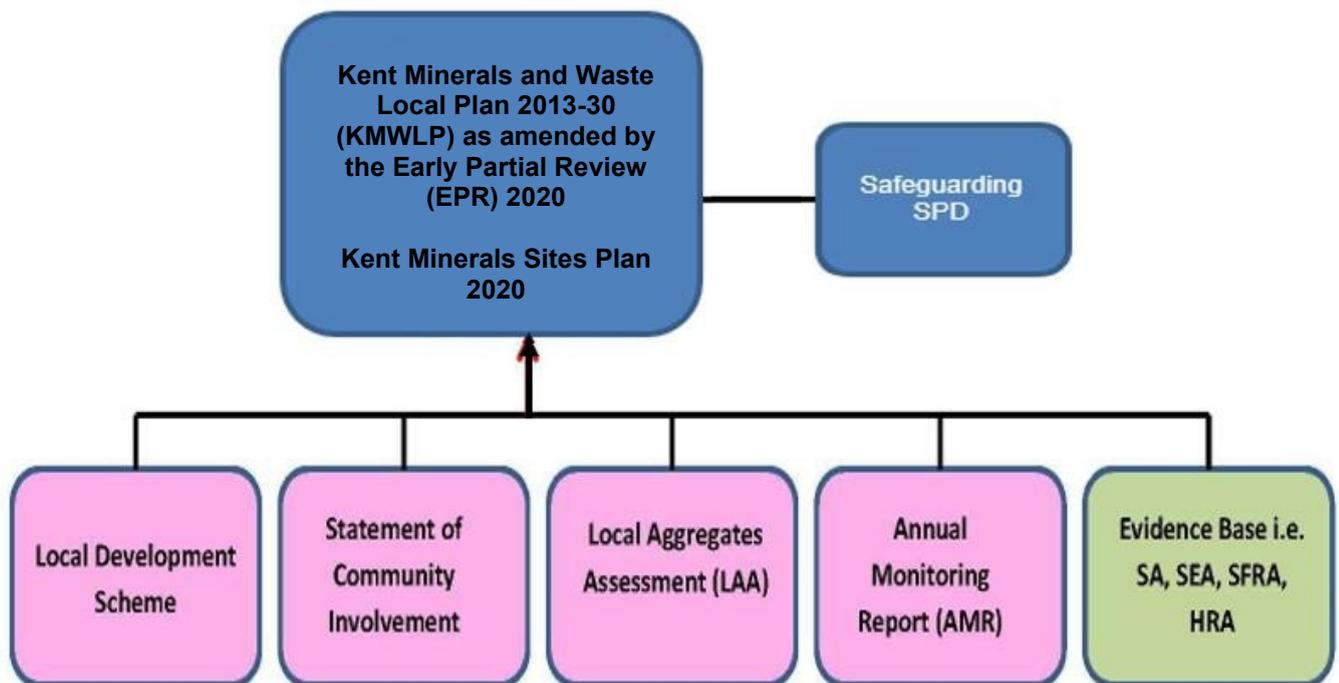
- 1.1.3** The Government is currently proposing reforms to planning legislation and these reforms will need to be addressed by Kent County Council as and when they are passed by parliament. These reforms may require an update to the scheme for preparing planning policy in Kent though it is currently not anticipated that this will affect the development of the Plans set out in this MWLDS.

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## 1.2 The Minerals and Waste Local Development Scheme

- 1.2.1 The diagram below shows the relationship between the minerals and waste plans and supporting documents that currently form and underpin the adopted minerals and waste planning policy in Kent.
- 1.2.2 The Annual Monitoring Report<sup>3</sup> and the Local Aggregates Assessment are prepared on an annual basis and monitor performance (e.g. how development has actually come forward) against Plan objectives. These monitoring documents, as well as other survey work, help inform reviews of the adopted Plans and indicate whether changes might be required.
- 1.2.3 The Annual Monitoring Report and the annual Local Aggregate Assessment also inform decision makers of changes, such as aggregate landbank levels, that may be material to the determination of planning applications and appeals and would need to be taken into account as well as the policies of the adopted Plans.
- 1.2.4 Appendix A includes an outline of all the planning policy activity covered by this Scheme to December 2025.

**Figure 1 - Relationship between current adopted Minerals and Waste Local Plan Documents**



<sup>3</sup> The Annual Monitoring Report is produced to meet the Council’s statutory requirement to produce an ‘Authority Monitoring Report’ at least every 12 months.

## 2. Minerals and Waste Local Plans

**2.0.1** The following describes the main Kent Minerals and Waste Local Plan documents.

### 2.1 Kent Minerals and Waste Local Plan 2013 - 2030

**2.1.1** The Kent Minerals and Waste Local Plan 2013-30 is the strategic document which sets out the vision and delivery strategy for mineral provision and waste management in Kent. The Plan is formed of core strategic policies and a monitoring implementation framework, as well as development management policies against which any proposals for minerals and waste development will be assessed. The Plan makes provision for the ensuring of a ready and sustainable supply of minerals to meet construction and industrial requirements as well as the sustainable management of all wastes in Kent which includes supporting the principles of the UK Government's waste hierarchy.

**2.1.2** An Early Partial Review of the Plan was undertaken that covered two key aspects of the adopted Kent Minerals and Waste Local Plan 2013-30. This review resulted in changes to the Plan which were adopted in September 2020 and are explained below.

#### *Need for a Waste Sites Plan*

**2.1.3** The adopted 2016 KMWLP identified a shortfall in waste management capacity over the Plan period to be met, in part, by development on sites allocated in a Waste Sites Plan. Early work on a Waste Sites Plan included a reassessment of waste management requirements which showed that the identification of sites within a separate Waste Sites Plan was no longer justified. One of the main reasons for the change in position was that additional significant waste other recovery<sup>4</sup> capacity had been constructed in Kent that meant there was no longer a shortfall in such capacity. To regularise the position, modifications to the KMWLP were made.

#### *Minerals and Waste Safeguarding Matters*

**2.1.4** Following its adoption in 2016, implementation of the KMWLP revealed a significant ambiguity within policies DM 7 and DM 8 which was having a detrimental impact on the ability of the KMWLP to safeguard mineral resources and minerals and waste management infrastructure. Modifications to rectify this issue were made as part of the Early Partial Review in 2020.

**2.1.5** The modifications to the Kent Minerals and Waste Local Plan 2013-30 meant that the remaining saved policies in the Kent Waste Local Plan (1998) were replaced.

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<sup>4</sup> 'Other recovery' is the recovery of waste by means other than recycling and composting often includes 'energy from waste' involving incineration.

*Review of the Kent Minerals and Waste Local Plan 2021*

- 2.1.6** The National Planning Policy Framework (and legislation<sup>5</sup>) states policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.
- 2.1.7** Although the implementation of policies is monitored on an ongoing basis, the five yearly review is intended to establish whether any work is needed to update the policies. An update to a policy may be needed for the following reasons:
- The policy is no longer in conformity with national planning policy;
  - changes to local circumstances; such as a change in the quantum of development requirements or development of a Nationally Significant Infrastructure Project within the area (or nearby);
  - whether issues have arisen that may impact on the deliverability of key site allocations;
  - their appeals performance;
  - success of policies against indicators in the Development Plan as set out in the Annual Monitoring Report;
  - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their development needs;
  - significant economic changes that may impact on viability; and,
  - whether any new social, environmental or economic priorities have arisen.
- 2.1.8** As the Kent Minerals and Waste Local Plan was adopted in July 2016 all its policies were reviewed in 2021 (including those which were updated by the Early Partial Review).
- 2.1.9** The review concluded that updates were needed to the Plan to address updates to the National Planning Policy Framework (NPPF) in 2018, 2019 and 2021 and associated planning practice guidance; legislation and policy concerning the need to adapt to, and mitigate climate change and associated low carbon growth; new policy relating to the management of low-level radioactive waste and policy and legislation concerned with achieving a circular economy where more waste is prevented or reused. Updates are also needed to reflect local context including the need for additional household waste management capacity, the Kent Environment Strategy and the Kent and Medway Energy and Low Emissions Strategy.
- 2.1.10** The table below sets out the key stages for the five-yearly review of the Kent Minerals and Waste Local Plan 2013-30 and preparation of an updated Plan that will cover the period 2024-39.

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<sup>5</sup> [Regulation 10A of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

**Review and Update of Kent Minerals and Waste Local Plan 2013-30 - Timetable for Key Stages**

<b>Stages</b>	<b>Dates</b>
<i>Evidence gathering to inform review</i>	<i>June 2020 – March 2021 (completed)</i>
<i>Consultation with key stakeholders on need for review of policies</i>	<i>January 2021 – May 2021 (completed)</i>
<i>Report outcome of review to Members including recommendations on the need to update policies</i>	<i>September - November 2021 (completed)</i>
<i>Consultation on draft updated policy (Regulation 18)</i>	<i>December 2021 – February 2022 (completed)</i>
<i>Consultation on draft Kent Minerals and Waste Local Plan 2023-38 (Regulation 18)</i>	<i>October 2022 – November 2022 (completed)</i>
<i>Consultation on further proposed changes to the Kent Minerals and Waste Local Plan (Regulation 18)</i>	<i>June – July 2023</i>
Publication of draft updated policy (Regulation 19) for representations on soundness (Pre-Submission Draft)	Jan – Feb 2024
Submission to Secretary of State	May 2024
Independent Examination Hearings	July 2024
Inspector's Report	November 2024
Adoption	February 2025

**2.1.11** The table above has not changed from that published in the previous Minerals and Waste Development Scheme (May 2023). The timetable reflects the consultation that took place in 2023 on a small number of further material changes to the Kent Minerals and Waste Local 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 timetable includes a sensible period between receipt of the Inspector's Report and adoption of the new Kent Minerals and Waste Local Plan. In accordance with the Council's Constitution, the Kent Minerals and Waste Local Plan 2024-2039 proposed for adoption will be presented to Full Council for agreement.

**2.1.12** It should be noted that, to a certain extent, the timing of the examination hearings and receipt of the Inspector's Report are dependent on the Planning Inspectorate.

## 2.2 Kent Mineral Sites Plan

### Mineral Sites Plan

**2.2.1** The current adopted Kent Mineral Sites Plan identifies mineral sites and locations for mineral extraction, processing and importation that reflect the principles and strategy of the Minerals and Waste Local Plan 2013 - 2030. The minerals covered in the document are soft sand (building sand) and sharp sand and gravels. The sites allocated are:

- Chapel Farm, Lenham (soft sand)
- Extension to Stonecastle Farm, Hadlow/Whetsted (sharp sand and gravels)
- Moat Farm, Capel (sharp sand and gravels)

**2.2.2** The Kent Mineral Sites Plan was adopted by the County Council on 10 September 2020. The 2020 Mineral Sites Plan replaces any sites allocated in the following previously adopted Plans:

- Kent Minerals Local Plan: Brickearth (1986)
- Kent Minerals Local Plan Construction Aggregates (1993)
- Kent Minerals Local Plan Chalk and Clay (1997)
- Kent Minerals Local Plan Oil and Gas (1997)

**2.2.3** As mentioned above, in light of the preparation of the updated Core Strategy policy to cover the period 2024 to 2039, there is now a need to investigate whether the Mineral Sites Plan can be updated to ensure sufficient sites are allocated to meet requirements for land won hard rock over this extended period.

**2.2.4** The revised timetable for work relating to the Mineral Sites Plan is set out below. The changes relate to the need for further evidencing gathering including detailed technical assessment and a further Call for Sites for hard rock which took place between August and October 2023. If a suitable site for hard rock can be found for allocation in the Minerals Sites Plan, it is anticipated that adoption would take place in December 2025.

#### **Update of the Kent Mineral Sites Plan - Timetable for Key Stages**

<b>Stages</b>	<b>Dates</b>
<i>Call for Sites</i>	<i>October - November 2022 (completed)</i>
<i>Consultation on a Site Nominated for Hard Rock (Regulation 18)</i>	<i>June - July 2023</i>
<i>Second Call for Sites</i>	<i>August - October 2023</i>
Publication of draft updated Minerals Sites Plan for representations on soundness (Regulation 19 (Pre-Submission Draft))	October - November 2024
Submission to Secretary of State for Examination	February 2025

Independent Examination Hearings	March - April 2025
Inspector's Report	August 2025
Adoption	December 2025

## 2.3 Adopted Policies Maps

**2.3.1** The Adopted Policies Maps illustrate the mineral and waste policies on an Ordnance Survey base. Once a Local Plan has been adopted, the County Council's policies maps including the mineral safeguarding areas and allocations should be included as part of the Local Plans maintained and adopted by borough/district planning authorities. The borough/district council maps should be updated and amended whenever a new or revised Minerals and Waste Plan is adopted.

## 2.4 Arrangements for the preparation of the Kent Minerals and Waste Local Plan 2024-39 and updates to the Kent Mineral Sites Plan

**2.4.1** Arrangements for the preparation of the Kent Minerals and Waste Local Plan 2024-39 and updates to the Kent Mineral Sites Plan are set out in the table below.

<b>Organisational Lead</b>	Minerals and Waste Planning Policy Team, Growth and Communities, Kent County Council
<b>Political Management</b>	Informal Members Group
	Decision making by Cabinet Member responsible for Minerals and Waste Local Plan matters, relevant Cabinet Committee, Cabinet and Full Council as appropriate.
<b>Resources Required</b>	Existing staff resources and consultancy support
<b>Community &amp; Stakeholder Involvement</b>	In accordance with the Regulations and Statement of Community Involvement.

## 3 Key Supporting Documents and Evidence Base

### 3.1 Annual Monitoring Report and Local Aggregates Assessment

- 3.1.1** Plan preparation progress and the implementation and effectiveness of adopted plan policies is, and will be, reviewed annually through the Annual Monitoring Report (AMR). Monitoring will indicate what, if any changes, need to be made and these will be incorporated into subsequent reviews of the adopted policies.
- 3.1.2** In addition, the National Planning Policy Framework states that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA) based on:
- A rolling average of 10 years sales data and other relevant local information; and,
  - an assessment of all of the supply options (including marine dredged, secondary and recycled sources).
- 3.1.3** The AMR and LAA are published annually on the County Council's website<sup>6</sup>.

### 3.2 Statement of Community Involvement

- 3.2.1** The Government has set minimum standards for consultation during plan preparation prior to its submission for examination<sup>7</sup>. It is crucial that all interested parties, including local communities, the minerals and waste industry and environmental groups are involved in the preparation of planning documents.
- 3.2.2** Kent County Council's Statement of Community Involvement (SCI) sets out how communities are to be involved in the preparation of Local Plan documents. The document sets the standards and opportunities for community involvement in the preparation and review of the Local Plan documents identified in this Development Scheme, as well as involvement in planning applications that the County Council determines<sup>8</sup>.
- 3.2.3** The current version of the SCI was adopted in August 2021. The latest SCI reflects the increased ability to consult by electronic means and includes how the County Council engages with the process of neighbourhood planning. The County Council is required to review the SCI at least every five years and so the next review will take place in 2026 unless relevant circumstances change requiring an earlier review.

<sup>6</sup> Available from: [Monitoring and assessment - Kent County Council](#)

<sup>7</sup> See The Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>8</sup> The Statement of Community Involvement can be viewed at: [Statement-of-Community-Involvement.pdf \(kent.gov.uk\)](#)

### 3.3 Minerals and Waste Safeguarding Supplementary Planning Document

- 3.3.1** The County Council adopted an updated Minerals and Waste Safeguarding Supplementary Planning Document (SPD) in March 2021.
- 3.3.2** The purpose of the SPD is to provide guidance on the implementation of policies in the adopted Kent MWLP in relation to minerals and waste safeguarding matters; it does not introduce new policy. The adopted policies on safeguarding prevent the unnecessary sterilisation of the mineral resources in Kent deemed of economic importance by the British Geological Survey (BGS). The Plan also safeguards minerals and waste importation and processing infrastructure (wharves, railheads and the production of secondary and recycled mineral substitute products and waste management infrastructure).
- 3.3.3** Similarly, they ensure that the existing minerals and waste management infrastructure in Kent is not lost to, or its use compromised by, the inappropriate proximity of non-mineral or waste developments, that by their nature may be incompatible with their continued operation. An example could be housing development within close proximity to an existing operationally unrestricted mineral wharf.
- 3.3.4** The SPD was updated to reflect updates to the mineral and waste safeguarding policies made by the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-2030, and to provide further guidance on their application.

### 3.4 Supplementary Planning Document related to Biodiversity Net Gain

- 3.4.1** The Environment Act 2021 introduces a statutory requirement for new development to achieve 'biodiversity net gain'. This new requirement is being reflected in the updated Kent Minerals and Waste Local Plan 2024-39. As this is such a complex area, especially when applied to the restoration of mineral workings, it is considered that a Supplementary Planning Document, or equivalent guidance<sup>9</sup>, should be prepared that will set out how policy requirements for BNG associated with waste and minerals development will be implemented.
- 3.4.2** Work on the Biodiversity Net Gain SPD will commence following adoption of the Kent Minerals and Waste Local Plan 2024-39 and a timetable for its preparation will be included in a future version of this document.

### 3.5 Sustainability Appraisal and Strategic Environmental Assessment

- 3.5.1** The preparation of the Kent Minerals and Waste Local Plan 2024-2039 and updates to the Kent Mineral Sites Plan are subject to appraisal and testing through Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). SEA is a

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<sup>9</sup> Proposed reforms to the planning system indicate that Supplementary Planning Documents will no longer exist in their current form.

systematic process of identifying and addressing the environmental consequences of plans and programmes originally required by European Union directive that is in force in UK environmental law. The testing will identify any likely significant environmental effects resulting from the implementation of updated strategies, policies and proposals brought forward with the objective of promoting sustainable development.

**3.5.2** A Sustainability Appraisal Scoping Report was published alongside the draft updated Kent Minerals and Waste Local Plan policies between December 2021 and February 2022, and a draft Sustainability Appraisal accompanied the draft Minerals and Waste Local Plan that was published between October and December 2022 and the further proposed changes published in 2023. The Scoping Report sets out the scope of the SA process and is used to consult the views of the three statutory consultees on that scope, namely the Environment Agency, Natural England and Historic England. An SA Scoping Report for the Mineral Sites Plan work was published alongside the Call for Sites and a further SA was published to support the draft updated Minerals Sites Plan that included details of the nominated site for hard rock in June/July 2023. An updated SA of the KMWLP, which considers the proposed further changes to the KMWLP and takes account of comments received on the draft SA published in 2022, will also be published to accompany the publication of the Pre-Submission Draft KMWLP in early 2024.

### **3.6 Appropriate Assessment under the Habitats Directive**

**3.6.1** The purpose of Appropriate Assessment (AA) is to assess the impacts of spatial plans, such as the proposed Local Plans, against the nature conservation objectives of any 'Habitat site'<sup>10</sup> and to ascertain whether they would adversely affect the integrity of that site. There are a number of Habitat Sites in Kent and the County Council will, as necessary, apply Appropriate Assessment to any proposed updates to policy.

**3.6.2** A Scoping Report that considers the need for Appropriate Assessment of the updated policies in the KMWLP has been prepared indicating that AA of the policies is not required. This will be published alongside the Pre-Submission Draft KMWLP in early 2024.

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<sup>10</sup> European Sites are sites which are designated under The Conservation of Habitat and Species Regulations 2017 which in turn was amended under the Conservation of Habitat and Species (Amendment) (EU Exit) Regulations 2019).

## 4 Supporting Statement

### 4.1 Management and Resources

**4.1.1** This scheme amends earlier schedules to reflect the current programme for the preparation of minerals and waste planning policy in Kent.

### 4.2 Evidence Base

**4.2.1** To create a sound evidence base for the preparation the KMWLP 2024-39 and the Kent Mineral Sites Plan, relevant surveys and monitoring information are needed.

**4.2.2** The evidence base consists of indicators set out in the monitoring schedule of the current adopted KMWLP. Indicators are also included within the Data Monitoring chapter of the AMR which, in summary, includes the following:

- The production of aggregates
- New mineral reserves
- Landbanks
- Safeguarding
- Sales of construction aggregates at wharves and rail depots
- Capacity of any new waste management facilities
- Waste arisings including municipal waste
- Exports and imports of waste
- Exports and imports of minerals
- Capacity for handling waste materials in Kent.

**4.2.3** Other evidence base reports will be compiled to support the Kent Minerals and Waste Local 2024-39 and the updated Mineral Sites Plan.

### 4.3 Duty to Co-operate

**4.3.1** The 'Duty to Cooperate' arising from the Localism Act 2011, applies to all Local Planning Authorities, County Councils and prescribed bodies<sup>11</sup>. and requires that they must co-operate with each other to maximise effectiveness in planning for strategic cross-boundary matters in development plans.

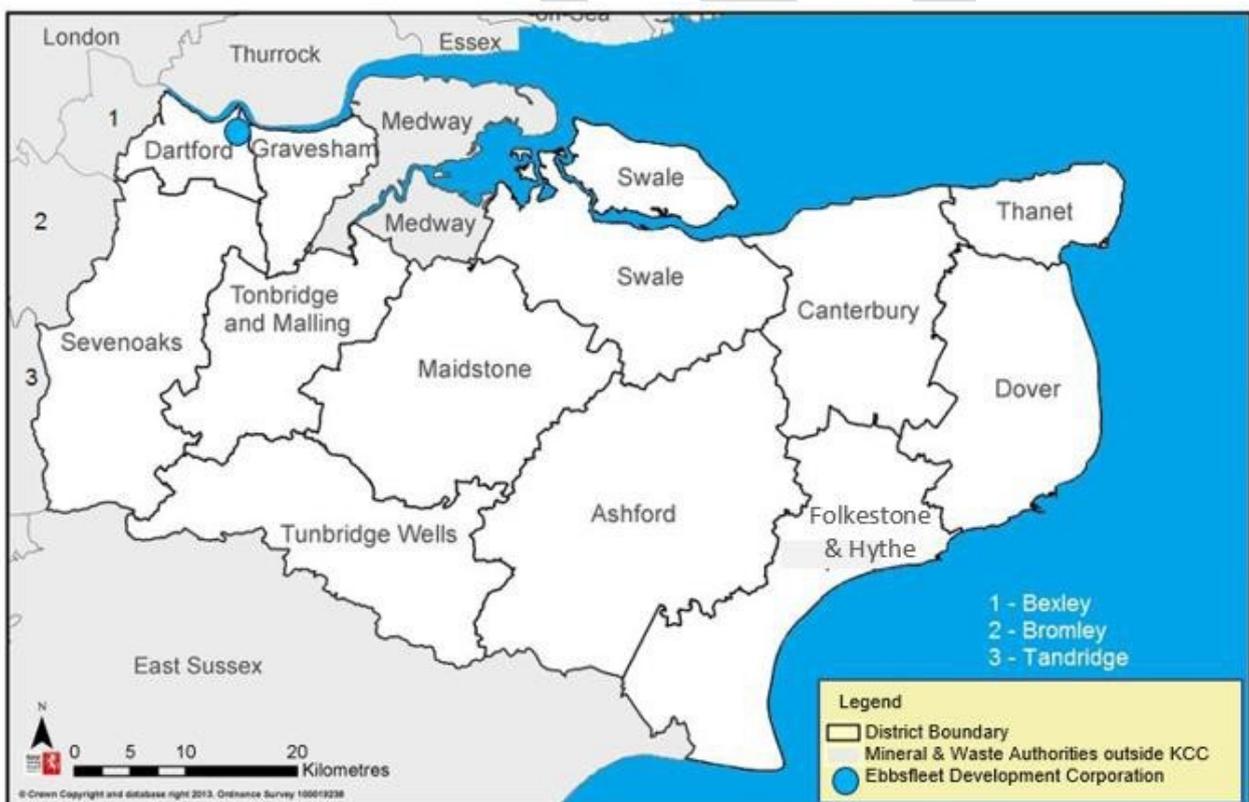
**4.3.2** The duty imposed on these bodies requires that engagement should occur constructively, actively and on an on-going basis during the plan making process and that regard must be given to the activities of other authorities where these are relevant to the local planning authority in question.

**4.3.3** For Kent, this represents the boroughs/districts within the county, as well as those which may border Kent or authorities which import/export a significant amount of minerals or waste to and from Kent.

<sup>11</sup> See Regulation 4 (1) The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

- 4.3.4** Within the Kent area both Kent County Council and Medway Council are minerals and waste planning authorities. It is recognised that the strategic nature of minerals and waste planning issues may not be confined within the respective areas of each authority. We will continue our commitment to joint working and sharing of evidence with Medway Council to ensure that there is both common understanding and consistency in the development and direction of policy for the individual local plans. To this end a Statement of Common Ground between Kent County Council and Medway Council that addresses these issues has been prepared and will be updated as necessary. Statements of Common Ground on mineral and waste planning matters have also been agreed with a number of neighbouring mineral and waste planning authorities and Kent Borough and District Councils.
- 4.3.5** The Annual Monitoring Report includes information on activity undertaken by the Council as part of its Duty to Cooperate.
- 4.3.6** Draft legislation<sup>12</sup> published in May 2022 proposes that the statutory Duty to Cooperate be abolished. The County Council will monitor implementation of this legislation but in the meantime will prepare planning policy in accordance with the existing statutory requirements.

**Figure 2 - Geographic area covered by Kent County Council**



<sup>12</sup> Levelling Up and Regeneration Bill

## 4.4 Risk Assessment

4.4.1 In preparing this Development Scheme, consideration has been given to potential risks that might impact on preparation of the Local Plan. These risks include:

- **Personnel** - Availability of experienced personnel.
- **Decision Making** - Political Processes.
- **Soundness** - Working alongside key stakeholders to ensure the KMWLP is delivered in accordance with the appropriate regulations.
- **External Bodies** - The length of time it takes to receive responses from stakeholders and the quality of these responses.
- **Community Engagement** - Issues of concern and the scale of response may influence the programme.

## Appendix A: Summary Programme of Planning Policy Activity

Activity	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	October 2024	November 2024
<b>Updated Minerals and Waste Development Scheme</b>													
Review													
Publish update if required													
<b>Kent Minerals and Waste Local Plan 2023-38</b>													
<i>Consultation on draft updated policy with extended plan period (Regulation 18)</i>													
<b>NEW: Further Reg 18 on focussed updates</b>													
Publication of draft updated policy (Regulation 19) for representations on soundness			Reg 19	Reg 19									
<i>Prepare documentation for submission</i>													
Submission to Secretary of State							Submission						
Independent Examination Hearings								Hearings					
<i>Inspector's Report</i>													IR
Adoption													
<b>Kent Mineral Sites Plan (Crushed Rock)</b>													
Call for Sites													
<i>Consultation on Site Options (Regulation 18)</i>													
<b>Publication of Preferred Sites (Regulation 19) for representations on soundness</b>												Reg 19	Reg 19
<b>Submission to Secretary of State</b>													
Independent Examination Hearings													
<i>Inspector's Report (IR)</i>													
<b>Adoption</b>													
<b>Biodiversity Net Gain SPD</b>													
Text of Draft Revised SPD													
Consultation and engagement on draft SPD (allow 3 months)													
Analysis of consultation feedback with recommendations for changes to SPD													
Update SPD to prepare final for adoption													
Adoption (inc. report writing)													
<b>Annual Monitoring Report</b>													
Monitoring of all policies													
Draft in light of annual waste data and LAA													
Finalise taking account of monitoring of policies													
<b>Local Aggregates Assessment</b>													
Survey of operators inc. recycled aggregate producers													
Update data (10yr av.; landbanks etc.) in light of survey													
Update commentary in previous LAA based on revised data													
Draft for SEEAWP													
Consultation with SEEAWP													
Prepare final draft in light of SEEAWP comments													
Publish Final Draft													

Continued on next page.

Activity	December 2024	January 2025	February 2025	March 2025	April 2025	May 2025	June 2025	July 2025	August 2025	September 2025	October 2025	November 2025	December 2025
<b>Updated Minerals and Waste Development Scheme</b>													
Review													
Publish update if required													
<b>Kent Minerals and Waste Local Plan 2023-38</b>													
<i>Consultation on draft updated policy with extended plan period (Regulation 18)</i>													
<b>NEW: Further Reg 18 on focussed updates</b>													
Publication of draft updated policy (Regulation 19) for representations on soundness													
<i>Prepare documentation for submission</i>													
Submission to Secretary of State													
Independent Examination Hearings													
<i>Inspector's Report</i>													
Adoption			<b>ADOPTION</b>										
<b>Kent Mineral Sites Plan (Crushed Rock)</b>													
Call for Sites													
<i>Consultation on Site Options (Regulation 18)</i>													
<b>Publication of Preferred Sites (Regulation 19) for representations on soundness</b>													
Submission to Secretary of State			<b>Submission</b>										
Independent Examination Hearings					<b>Hearings</b>								
<i>Inspector's Report (IR)</i>									<b>IR</b>				
Adoption													<b>ADOPTION</b>
<b>Biodiversity Net Gain SPD</b>													
Text of Draft Revised SPD													
Consultation and engagement on draft SPD (allow 3 months)													
Analysis of consultation feedback with recommendations for changes to SPD													
Update SPD to prepare final for adoption													
Adoption (inc. report writing)													
<b>Annual Monitoring Report</b>													
Monitoring of all policies													
Draft in light of annual waste data and LAA													
Finalise taking account of monitoring of policies													
<b>Local Aggregates Assessment</b>													
Survey of operators inc. recycled aggregate producers													
Update data (10yr av.; landbanks etc.) in light of survey													
Update commentary in previous LAA based on revised data													
Draft for SEEAWP													
Consultation with SEEAWP													
Prepare final draft in light of SEEAWP comments													
Publish Final Draft													



**Minerals and Waste Planning Policy Team  
Kent County Council  
Invicta House  
County Hall  
Maidstone  
Kent  
ME14 1XX**

**Tel: 03000 422370  
Email: [mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk)**

