

From: Derek Murphy - Cabinet Member for Economic Development
Simon Jones, Corporate Director for Growth, Environment and Transport

To: Growth, Economic Development and Communities Cabinet Committee –
11 September 2024

Decision No: 24/00082

Subject: Kent Minerals and Waste Local Development Scheme Update

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 via a Mineral and Waste Local Plan and associated Minerals Sites Plan.

Legislation requires local plan making work to be undertaken in accordance with a published timetable or 'Development Scheme'. The most recent timetable for updating the Kent Minerals and Waste Local Plan (KMWLP) and the Kent Mineral Sites Plan (MSP) is set out in the Council's 'Minerals and Waste Local Development Scheme' (LDS), November 2023. A change to the timetable related to the Kent Mineral Sites Plan work is now proposed for the following reasons:

- (i) The independent examination hearing for the KMWLP commenced in September and this impacts upon potential adoption dates;
- (ii) To meet the examination hearing deadlines for the KMWLP, staff resources have had to be focussed on activities associated with the KMWLP rather than the Mineral Sites Plan (MSP); and
- (iii) Evidence gathering and assessment in relation to the MSP work is currently incomplete. Work is ongoing to test whether the evidence is robust and consistent with national planning policy which will determine whether a new quarry site should be allocated or not.

Recommendations

The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Economic Development who is responsible for the Minerals and Waste Local Plan on the proposed Kent Minerals and Waste Local Development Scheme 2024 (as set out in Appendix 1) that concerns:

- The review of the Kent Minerals and Waste Local Plan 2024-2039
- The review of the Minerals Sites Plan

The proposed record of decision is appended as 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.
- 1.2 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 District and Borough Councils in Kent.
- 1.3 The Plan preparation process needs to follow that set out in the Planning and Compulsory Purchase Act 2004 and associated plan making regulations² as well as the National Planning Policy Framework and Planning Practice Guidance. This includes preparing, including updating, plans in accordance with a published timetable known as a Local Development Scheme. In Kent the timetable updating the Kent Minerals and Waste Local Plan and the Kent Mineral Sites Plan is published in the 'Kent Minerals and Waste Local Development Scheme', the latest version of which was considered by Environment and Transport Cabinet Committee at its meeting on 15 November 2023 and agreed by the Cabinet Member for Environment. The responsibility for the local plan work has since transferred to the Economic Development portfolio.

Updating the Kent Minerals and Waste Local Plan

- 1.4 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.
- 1.5 The National Planning Policy Framework (NPPF) (and legislation¹) 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 updates to the Plan, in response to relevant Government, policy and legislation, as well as local strategies, published since the Plan was adopted in 2016, were necessary. The changes to policy and legislation

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

have included the following:

- Updates to the National Planning Policy Framework in 2018, 2019, 2021 and 2023 and associated Planning Practice Guidance;
- legislation and policy concerning the need to adapt to, and mitigate, climate change and associated low carbon growth; and,
- policy and legislation concerned with achieving a circular economy³ where more waste is prevented or reused.

- 1.6 In line with the legislation and guidance, updates to the Plan have been proposed and undergone consultation with communities and relevant stakeholders. Subsequently the proposed updated Plan was submitted to the Secretary of State for independent examination by a Government-appointed inspector in May 2024.
- 1.7 For the updated Plan to be adopted the Inspector must first find that the Plan is 'sound' and has been prepared in accordance with the statutory plan making process. The examination of the updated KMWLP is now ongoing and the resources of the Planning Policy team are now focused on responding to the Inspector's questions and preparing for, and attending public hearings programmed for 10 to 19 September 2024.
- 1.8 The changes to the currently adopted Plan are all shown clearly in a tracked change version of the document which can be found, with all other documents submitted to the Secretary of State, in the 'examination library' within the dedicated examination website².

Kent Mineral Sites Plan

- 1.9 The current adopted Kent Mineral Sites Plan was adopted by the County Council on 10 September 2020 and 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)
- 1.10 Updating the period of the Kent Minerals and Waste Local Plan from 2013-30 to 2024-39 requires land to be identified, if possible, which could be developed for the extraction of hard rock to ensure the County Council meets its obligation to plan for a steady and adequate supply over the new period. This land would be identified in an update to the Kent Mineral Sites Plan.
- 1.11 The key stages involved in identifying suitable new site(s) for hard rock are follows:
- Call for Sites
 - Initial assessment of nominated sites

² <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy/kent-minerals-and-waste-local-plan-review-2024-39>

- Consultation on Site Options (Regulation 18) which allows a short list of potential sites to be identified
- Detailed technical assessment of site options on the short list, including Sustainability Appraisal. This assessment process identifies suitable sites for potential allocation in the updated Minerals Sites Plan.
- Publication of an updated Plan showing new site(s) for representations on soundness and legality.
- Independent examination

1.12 In response to the first Call for Sites exercise, land south and west of the existing Hermitage Quarry near Maidstone was initially nominated by Gallagher Aggregates (potential site operator) for extraction of hard rock and was subject to an initial (desktop) assessment of its suitability. Public consultation on the nominated site took place June and July 2023 which resulted in approximately 26,200 representations.

1.13 In light of the representations a second call for sites was undertaken but this did not yield any potential alternative sites. Detailed technical assessment on the suitability of the nominated site is now ongoing. It is important that this assessment is undertaken with due rigour in order that any decision on inclusion of the nominated sites is robust such that it would be sound at an independent examination. No decision has yet been made as the detailed technical assessment is ongoing.

2 Update to the Kent Minerals and Waste Development Scheme

2.1 In light of the need to focus resources on the examination of the Kent Minerals and Waste Local Plan, work on the Kent Mineral Sites Plan has effectively been paused. Although some detailed technical assessment continues it will not be possible to progress the work on the Sites Plan to the timetable set out in the current Kent Minerals and Waste Development Scheme and so an update to the scheme (published timetable) is now proposed. An updated Minerals and Waste Development Scheme will also take account of the anticipated Kent Minerals and Waste Local Plan 2024-39 examination hearing dates.

2.2 The proposed revised Scheme is included as Appendix 1 and includes the timetables set out below.

Kent Minerals and Waste Local Plan – Changes to timetable

Stages	Current	Proposed
Independent Examination Hearings	<i>July 2024</i>	September 2024
Inspector's Report	<i>November 2024</i>	December 2024
Adoption	<i>February 2025</i>	March 2025

Kent Mineral Sites Plan – Changes to timetable

Key Stages	Current	Proposed
Evidence gathering including detailed technical assessment	July 2023 – June 2024	
Publication of draft Mineral Sites Plan for representations on soundness (Reg 19)	October – November 2024	June – July 2025
Submission to Secretary of State for examination	February 2025	October 2025
Independent Examination Hearings	March-April 2025	January 2026
Inspector's Report	August 2025	April 2026
Adoption by Council	December 2025	September 2026

- 2.3 The Government is currently consulting on potential changes to the National Planning Policy Framework. Amongst other matters, this proposes possible changes to the plan making process which if implemented could affect the timetable set out above. This matter will therefore need to be kept under review.

3 Next Steps

- 3.1 Subject to the views of GEDCCC and the Cabinet Member agreeing the revised Kent Minerals and Waste Development Scheme, it will be published by the Council on its website. Work on the Kent Minerals and Waste Local Plan 2024-39 and Kent Minerals Sites Plan will proceed in accordance with the revised timetables set out above.
- 3.2 With regard to the Kent Mineral Sites Plan, if the detailed technical assessment concludes that it is appropriate to allocate the Hermitage Quarry extension, County Council would be asked to agree any proposal for its allocation, prior to a draft updated Sites Plan being published for representations on soundness and legality in Summer 2025.
- 3.3 With regard to the Kent Mineral and Waste Local Plan 2024-39, subject to the Plan being found sound by the independent Inspector, County Council would be asked to adopt the Plan in Spring 2025.
- 3.4 The previous Government had proposed changes to the system used to prepare Local Plans. In a consultation on the changes, the previous Government indicated that any Local Plan submitted before 30 June 2025 would be able to progress under the existing system, meaning preparation of the KMWLP 2024-39 should be completed under this system. However, work on the Mineral Sites Plan would be affected by the changes. The new Government is currently undertaking consultation on changes to the local plan making process as part of the public consultation on a revised National Planning Policy Framework (NPPF). It will therefore be important to monitor any changes proposed by the new Government. The implications of any such

changes, including to the Plan timetables will be reported to this Cabinet Committee in due course.

4 Financial Implications

- 4.1 The costs of updating the Kent Minerals and Waste Development Scheme are not significant and will be met from the existing Planning Applications Group budget.
- 4.2 It is not anticipated that the extended timetable for preparing the Kent Mineral Sites Plan will involve additional costs as additional activity is not envisaged, merely that the activity will take place over an extended timeframe. There remains the risk that publication of the Minerals Sites Plan for representations in 2025 may result in representations which require additional resources to defend the plan at the independent examination.
- 4.3 The costs of preparing the Kent Minerals and Waste Local Plan 2024-39 and updating the Mineral Sites Plan will need to be met from existing KCC budgets. The majority of the costs of the Local Plan work are met from the Growth and Communities Division Planning Applications budget. The balance, mainly relating to specialist advice and the independent examination may need to be sought from a corporate reserve.
- 4.4 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. It would also assist in measures to address fly-tipping by providing adequate capacity and facilities to manage Kent's waste.

5 Policy Framework

- 5.1 The Kent Minerals and Waste Development Scheme does not include policy as it is a document that describes the process and timetable associated with the preparation of planning policy in Kent.
- 5.2 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.
- 5.3 Updating minerals and waste planning policies takes account of changes to the County Council's corporate policies since July 2016 which are concerned with the

way in which land is developed in Kent. These include the Kent Environment Strategy, the Kent and Medway Energy and Low Emissions Strategy, Kent's Plan Bee pollinator action plan and Kent Plan Tree.

- 5.4 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. In particular, the KMWLP helps 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 Plans recognise Kent's environment as a core asset and seeks to adapt to, and mitigate, the impacts of climate change and assist in the delivery of net zero objectives. The proposed planning strategy will reflect recent changes to the environmental agenda including mitigation and adaptation to Climate Change and Kent's Climate Change Statement, the Circular Economy, biodiversity and measures to support covid recovery.
- 5.5 The Local Plan work and the associated Local Development Scheme is a statutory requirement as part of the Council's town planning responsibilities. The local plan work has been carried out in accordance with Objective 3 of Securing Kent's Future which seeks to ensure that the Council prioritises its Best Value Statutory obligations.

6 Legal Implications

- 6.1 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.
- 6.2 There is an expectation by Government (Ministry of Housing, Communities and Local Government) 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.
- 6.3 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.

7 Equalities Implications

- 7.1 Equality impact assessments (EQIA) have been prepared as part of updating the Kent Minerals and Waste Local Plan and the Mineral Sites Plan and no equalities implications have been identified so far. An EQIA to accompany the Kent Minerals and Waste Local Plan 2024-39 was submitted to the Inspector as part of the Plan's evidence base.

8 Conclusion

- 8.1 This report provides an update on the progress being made in preparing updated minerals and waste planning policy for Kent in the Kent Minerals and Waste Local Plan 2024-39 and the Kent Minerals Sites Plan. This work is necessary to meet the County Council's statutory obligations to prepare a local plan for mineral and waste management development.
- 8.2 The report outlines the next steps and notes that the timetable for updating the Kent Minerals and Waste Local Plan and that for updating the Kent Minerals Sites Plan needs to be updated in light of progress being made. A revised Local Development Scheme setting out the revised timetable for the work is presented for agreement.

9 Recommendations

- 9.1 The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Economic Development who is responsible for the Minerals and Waste Local Plan on the proposed Kent Minerals and Waste Local Development Scheme 2024 (as set out in Appendix 1) that concerns:
- i. The review of the Kent Minerals and Waste Local Plan 2024-2039
 - ii. The review of the Minerals Sites

The proposed record of decision is appended as Appendix A

10 Contacts

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Appendix 1: Draft Revised Kent Minerals and Waste Local Development Scheme, September 2024

Appendix A: Proposed Record of Decision

Appendix B: Equality Impact Assessments

Background documents:

- [Kent Minerals and Waste Local Development Scheme - November 2023](#)
- [Kent Minerals and Waste Local Plan 2024-39 - \(showing changes tracked\). This shows the changes proposed to the adopted Plan, November 2023](#)
- [Draft Kent Mineral Sites Plan including details of nominated hard rock site, May 2023](#)