

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

**To:** Cabinet – 4 March 2025

**Subject:** Adoption of the Kent Minerals and Waste Local Plan 2024-2039

**Classification:** Unrestricted

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

**Future Pathway of Paper:** County Council

**Electoral Division:** Countywide

**Summary:** The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent. As a result, the Kent Minerals and Waste Local Plan 2013-30 was adopted by County 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 (KMSP) (adopted in September 2020) identifies three sites suitable for the quarrying of sand and gravel.

Regulations require local plans to be reviewed every five years and a review of the adopted Kent Mineral and Waste Local Plan in 2021 concluded a need for updates including to its Vision, Strategic Objectives, policies and supporting text to reflect changes in national and local policy and guidance since 2016. These include changes to the National Planning Policy Framework, government policy on climate change, protection and enhancement of the natural environment and achievement of a circular economy.

In December 2023, following three rounds of public consultation between 2021 and 2023, and consideration by Environment and Transport Cabinet Committee (ETCC), County Council agreed that the 'Pre-Submission' Draft of the Kent Minerals and Waste Local Plan 2024 to 2039 should be published for representations on soundness and legality and submitted to the Secretary of State for independent examination. The Plan, its evidence base and the 58 representations received were submitted in May 2024. The examination was required to ensure that the Plan is sound and prepared in accordance with statutory requirements relating to plan-making. On 10 September 2024, Planning Inspector Joanne Burston BSc MA MRTPI AIPROW commenced hearings associated with the examination which ran for four days. During the examination the Inspector identified the need for certain modifications, and these were subject to public consultation.

On 6<sup>th</sup> February 2025, the Council received the Inspector's Report (see Appendix A) which concludes that, subject to modifications, the Plan is sound and legally compliant. Following receipt of the Inspector's Report, Council is now able to adopt the Plan (see Appendix B) subject to the modifications being made. The modifications clarify the wording of certain policies which includes confirming safeguards to the environment and communities associated with waste and minerals development. Following adoption, policies of the updated KMWLP will be monitored to assess whether they are being effective in meeting the local plan objectives on waste management and minerals supply.

**Recommendation(s):**

Cabinet is asked to

- (i) NOTE the Inspector's Report (see Appendix A) on the examination of the Kent Minerals and Waste Local Plan 2024-2039 (KWMLP);
- (ii) NOTE the recommendations of the Sustainability Appraisal of the KMWLP (Appendix D); and,
- (iii) ENDORSE the Cabinet Member's proposal to recommend the KMWLP (Appendix B), as modified, to County Council for Approval and Adoption.

## **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 District and Borough Councils in Kent.
- 1.2 Following its adoption, the Kent Minerals and Waste Local Plan 2016 was subject to an 'Early Partial Review' and changes to the Plan resulting from this review were adopted by the Council in September 2020. Also in September 2020, the Council adopted the Kent Mineral Sites Plan.
- 1.3 The National Planning Policy Framework (NPPF) and associated legislation 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.

- 1.4 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 NPPF and Planning Practice Guidance. In line with the legislation and guidance, updates to the Plan were proposed which communities and relevant stakeholders were consulted upon in accordance with the Council's Statement of Community Involvement. The table below outlines the consultation that took place. Additional consultation also took place with stakeholders on matters of particular concern to them e.g. Natural England.
- 1.5 The Environment and Transport Cabinet Committee and related Cabinet Members considered the draft updates to the Kent Minerals and Waste Local Plan prior to their publication for public consultation. In addition, from time to time an informal members' group met to oversee the work on updating the Plan.

<b>Consultation</b>	<b>Dates</b>	<b>Summary</b>
Initial consultation with key stakeholders	26 <sup>th</sup> March 2021 - 9 <sup>th</sup> April 2021 (14 days)	Initial evidence gathering to determine which parts of the Plan needed updating
'Regulation 18'' public consultation on Kent Minerals and Waste Local Plan Refresh	16 <sup>th</sup> December 2021 - 9 <sup>th</sup> 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.
Second 'Regulation 18' public consultation on draft Kent Minerals and Waste Local Plan 2023-38	24 <sup>th</sup> October 2022 - 5 <sup>th</sup> December 2022  (6 weeks)	Consultation on a further draft updated KMWLP with changes 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).
Third 'Regulation 18' public consultation on Further Proposed Changes to the	13 <sup>th</sup> June - 25 <sup>th</sup> July 2023  (6 weeks)	Consultation focused on further proposed changes to KMWLP including: Extending the plan period to 2039; changes to aggregate provision (CSM2);

Kent Minerals and Waste Local Plan		removal of the Norwood Quarry strategic waste site (CSW5); and, removal of a commitment to make specific provision for the management of certain waste produced in London.
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1.6 Comments on the proposed changes to the Kent Minerals and Waste Local Plan were received at each public consultation stage and taken into account during the preparation of the updated Plan.

1.7 A final draft version of the updated Plan, known as the 'Pre-Submission Draft Kent Minerals and Waste Local Plan' was considered by the Environment and Transport Cabinet Committee, the Cabinet Members with responsibility for the Local Plan and subsequently County Council in December 2023. This Plan included changes to the adopted Plan which can be summarised as follows:

- Updates to the National Planning Policy Framework 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;
- policy and legislation concerned with achieving a circular economy where more waste is prevented or reused;
- adoption by the County Council of the Kent Environment Strategy and Kent and Medway Energy and Low Emissions Strategy;
- extending the plan period to 2039;
- updates to aggregate requirements in Policy CSM2 and waste management targets in Policy CSW4;
- deletion of Policy CSM5 that allocates a strategic site for minerals (as planning permission has been granted);
- removal of a strategic site allocation at Norwood Quarry, Sheppey for the landfill of hazardous waste specifically incinerator fly ash (Policy CSW5);
- a recognition within supporting text of the need for the development of additional capacity for the management of household waste identified by the Waste Disposal Authority;
- removal of a commitment to make specific provision for the management of residual non-hazardous waste by landfill or energy recovery that arises in London;
- Changes to Policy CSW17 relating to waste management at Dungeness were made to ensure that it is consistent with national policy.
- a change to Policy DM3 seeking the achievement of

maximum biodiversity net gain on the basis that restoration of quarries can often easily result in much greater than the statutory minimum of 10% and Kent Nature Partnership preferred level of 20%;

- changes to settlement boundaries affecting the extent of areas identified in the Kent Minerals and Waste Local Plan where the presence of economic minerals needs to be taken into account before surface development can take place. These areas are known as 'Mineral Safeguarding Areas';
- changes to the monitoring framework to ensure it properly reflects the updated policies; and,
- further changes intended to improve the clarity of the Plan's wording and hence the meaning of certain objectives and policies.

### **Independent Examination**

1.8 Before the updated Plan can be adopted by the Council, it must be submitted to the Secretary of State for independent Examination by a Government-appointed inspector. The examination is to determine whether the Plan is sound and has been prepared in accordance with statutory plan making requirements. The National Planning Policy Framework (NPPF) defines a 'sound' local plan as one that is:

a) Positively prepared – provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and,

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

1.9 Prior to its submission to the Secretary of State, the Plan was published for a statutory minimum six-week period<sup>1</sup> providing an opportunity for communities and other stakeholders to provide views on whether they thought the Plan

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<sup>1</sup> Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

was sound and legally compliant. In response to this consultation 58 representations were received.

- 1.10 The updated Plan, evidence base documents and the representations were submitted in May 2024 and the Secretary of State appointed Planning Inspector Joanne Burston BSc MA MRTPI AIPROW to examine the Plan. The Inspector convened public hearings for four days in September 2024.
- 1.11 During the examination, the Inspector considered all the representations received. At the request of the Council, the Inspector considered a small number of changes needed to ensure soundness of the Plan (known as 'main modifications'). In addition, a number of minor modifications (known as additional modifications) were also proposed. These latter seek to improve the clarity of the plan and addressed presentation and typographical or factual changes such as revised government department names. These additional modifications were not necessary to address soundness and legal compliance matters. The modifications were discussed with the Council and representors during the hearings as well as the KCC Cabinet Member for Economic Development.
- 1.12 Following the hearings, the proposed main modifications were published for representations over a six-week period from 17 October 2024 to 28 November 2024. 25. Representations were received from 25 parties during the consultation which were considered by the Inspector, but these did not result in any further main modifications. A number of minor (additional) modifications were however proposed to address comments raised. A copy of the Plan showing the modifications arising from the inspector's examination as tracked changes is included at Appendix C.
- 1.13 The Council received the report of the Inspector on 6<sup>th</sup> February 2025 and this Cabinet report provides a summary and details of next steps.

## **2. The Inspector's Report**

- 2.1 The Inspector's Report is included in Appendix A and this confirms that, subject to modifications, the submitted Kent Minerals and Waste Local Plan 2024-39 is 'sound' and has been prepared in accordance with statutory plan making requirements.
- 2.2. The modifications are set out in Appendix 1 of the Inspector's Report with justification included in the body of her report. The main modifications concerned tightening up the wording of the Plan in a number of areas as follows:
  - Changes to ensure consistency with current terminology, legislation, policies, and guidance (e.g., replacing "Areas of Outstanding Natural Beauty (AONB)" with "National Landscapes"; reference to the latest Kent Joint Municipal

Waste Management Strategy);

- updates to references to organisations which have an interest in the Plan e.g. addition of reference to Ebbsfleet Development Corporation and Kent and Medway Economic Partnership (KMEP);
- update to footnotes to clarify references to relevant documents;
- changes to supporting text and policies to ensure the Plan's intentions are clear e.g. deletion of reference to 'Mineral Consultation Areas' as these are the same as 'Mineral Safeguarding Areas' and use of a separate term may cause confusion;
- Amendments to supporting text and Policies: CSW 3; CSW 4; CSW 6; CSW 15; DM 2; DM 3; DM 4; DM 7; DM 10; DM 13; DM 14; DM 17; DM19; DM 20; and DM 22 to ensure that they are effective and/or consistent with national policy.
- Specific changes to policy included:
  - A change to Policy CSW15 to reflect potential need for upgrades to wastewater treatment works to control releases of nitrates and phosphates to watercourses;
  - Updates to Policy DM2 to ensure consistency with statutory requirements in relation to protection of landscapes; internationally and nationally designated habitats;
  - Updates to Policy DM10 to ensure consistency with Environment Agency requirements concerning the protection of the water environment;

2.3 The modifications are taken into account in the text of the Plan provided in Appendix B to this report. Importantly, the modifications do not alter the objectives or intentions of policy. The Plan in Appendix B will upon adoption become the published Kent Minerals and Waste Local Plan Strategy upon which planning decisions in the County will be determined.

2.4 The additional modifications referred to above were also published for information alongside the main modifications.

### **3. Strategic environmental assessment and sustainability appraisal**

3.1 During its preparation, the Kent Minerals and Waste Local Plan 2024-39 was subject to sustainability appraisal (SA) (incorporating strategic environmental assessment (SEA)). The SA report provides an assessments of impacts (both beneficial and detrimental) on environmental, social and economic objectives which are expected to arise from development consistent with the Kent Minerals and Waste Local Plan 2024-39. The SA also considered reasonable alternatives to the proposals in the Kent Minerals and Waste

Local Plan 2024-39. The recommendations from the SA were taken into account as the Plan was prepared.

- 3.2 A non-technical summary of the SA of the Kent Minerals and Waste Local Plan 2024-39 (with modifications recommended by the Inspector) is included in Appendix D. The full SA report is available on the Council's website [here](#) . The inspector concluded that the SA was in line with the legal requirements

#### **4. Adoption**

- 4.1 In accordance with Section 23 (3) of the Planning and Compulsory Purchase Act 2004, having received a report confirming the soundness and legality of the Kent Minerals and Waste Local Plan 2024-39, provided the Council makes the modifications recommended by the Inspector, it may now adopt the Kent Minerals and Waste Local Plan 2024-39 as updated planning policy for minerals supply and waste management in Kent.
- 4.2 The new and revised policy will be used by the County Council when determining planning applications related to proposals for waste management and minerals supply. It will ensure that planning decisions in Kent will be made in accordance with national policy and have regard to local policy considerations, such as the Kent Environment Strategy and the Kent and Medway Energy and Low Emissions Strategy. The updated policies concerning mineral and waste safeguarding and the circular economy will also be used by District and Borough Councils when determining applications for non-waste and mineral development. It should be noted that the adopted Kent Mineral Sites Plan remains in place and information concerning a related potential change to that Plan is included below (see paragraphs 4.3 and 6.2-6.4).
- 4.3 Members may recall that there is considerable objection to the Mineral Sites Plan work and in particular the merits of the nominated hard rock site at Oaken Wood, Aylesford, that has been submitted in response to the Council's 'call for sites' as part of the Sites Plan work. For the avoidance of doubt, the Kent Mineral and Waste Local Plan 2024-39 before Cabinet makes no decision in relation to the Oaken Wood site. This is a matter for the separate Mineral Sites Plan work. Work on the review of this Plan is ongoing and currently subject to detailed technical assessment of the submitted hard rock site. Until that assessment is complete, no decision can be taken on whether the site should be allocated or not. Once the assessment is complete, a report will be considered by a future Growth, Economic Development and Communities Cabinet Committee. The KMWLP before Cabinet for adoption provides the strategy for minerals supply including the quantity of minerals required, not where sites to meet this need are to be allocated.



## **5. Kent Minerals and Waste Local Plan 2024-39 - Next Steps**

- 5.1 Following consideration by Growth, Economic Development and Communities Cabinet Committee (6<sup>th</sup> March 2025) and Cabinet, County Council will be asked to agree that the Kent Minerals and Waste Local Plan 2024-39 be adopted as updated waste and minerals planning policy for Kent. In accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) stakeholders will be notified of the Council's adoption of the updated planning policy.
- 5.2 Prior to final publication of the Plan, minor non-material changes (e.g. changes related to format and grammar) may be needed, and it is proposed if required that the agreement to such changes be delegated to the Corporate Director for Growth, Environment and Transport, in consultation with the Cabinet Member for Economic Development.
- 5.3 Following adoption there is a six-week period for legal challenges. To be successful any such challenge would need to demonstrate that the Kent Minerals and Waste Local Plan 2024-39 has not been prepared in accordance with the relevant legislation.
- 5.4 Once adopted, policies in the Plan will be implemented and monitoring will be undertaken to assess the effect of the policies. Legislation requires a review of planning policy every five years and so the outcome of a review of Kent Minerals and Waste Local Plan 2024-39 policies will be required by 2030.

## **6. Financial Implications**

- 6.1 The costs of preparing and adopting the Kent Minerals and Waste Local Plan 2024-39 has been met from the existing Planning Applications Group budget.
- 6.2 Implementation of the Plan will ensure the wider Kent economy continues to benefit from the sustainable 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.

## **7. Policy Framework**

- 7.1 Updating minerals and waste planning policies takes account of changes since 2016 to national planning policy and guidance and the County Council's corporate policies 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 the Kent's Plan Bee Pollinator Action Plan. In light of the timing, there is no requirement for this

Plan to take account of changes made to the National Planning Policy Framework in December 2024 and in any event these changes were focussed mainly on the provision of housing.

- 7.2 The adoption of the Kent Minerals and Waste Local 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 Plan recognises Kent's environment as a core asset and seeks to adapt to, and mitigate, the impacts of climate change and assist in the delivery of net zero objectives. The proposed planning strategy reflects recent changes to the environmental agenda including mitigation and adaptation to Climate Change and Kent's Climate Change Statement, the circular economy and biodiversity.
- 7.3 The Local Plan work 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.

## **8. Legal Implications**

- 8.1 The County Council has a legal obligation under the Town and Country Planning Acts to prepare a statutory Development Plan for planning purposes (commonly known as the Local Plan).
- 8.2 The County Council is also required by national planning policy to ensure that local plans promote sustainable minerals and waste development. The Kent Minerals and Waste Local Plan 2024-39 plays an important role in ensuring that minerals and waste development in Kent is in line with national planning policy.
- 8.3 There is an expectation by the Secretary of State for 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 central government will step in as the plan making authority, reducing local accountability.
- 8.4 During its preparation, the Kent Minerals and Waste Local Plan 2024-39 has been the subject of Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programme Regulations 2004, and an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017.
- 8.5 The resulting Sustainability Appraisal and the Habitats Regulations Assessment were published for consultation and taken into consideration when making decisions with regard to the Kent Minerals and Waste Local Plan 2024-39. These reports are available as background papers.

## **9. Equalities implications**

9.1 An equality impact assessment (EQIA) has been completed, and no equality implications have been identified. A copy of the assessment is attached at Appendix E. The earlier Local Plan work was accompanied by a separate EQIA.

## **10. Conclusion**

10.1 The Town and Country Planning Acts requires the County Council to prepare a Development Plan (local plan) setting out how mineral and waste planning matters will be considered in Kent. The Kent Mineral and Waste Plan adopted in July 2016 and partially updated in 2020 set out the overarching strategy and vision until 2030.

10.2 In accordance with statutory requirements, a full review of the Kent Mineral and Waste Local Plan was undertaken in 2021 which revealed the need for updates to the Plan to bring it into line with Government and local policy, legislation, and to reflect changes to other factors affecting future waste management and mineral supply in Kent. Changes to the Plan were proposed, consulted upon and ultimately examined by a Planning Inspector.

10.3 Before the updated Kent Mineral and Waste Local Plan can be adopted, the Council must receive a report from the Planning Inspectorate (on behalf of the Secretary of State) which states that the Plan is sound and has been prepared in accordance with relevant legislation. On 6th February 2025, the Council received the report of the Inspector who examined the updated KMWLP and this states that the legislation was followed and that, subject to modifications that were promoted and considered during the examination, the Kent Minerals and Waste Local Plan 2024-39 is sound. Having received the Inspector's report, subject to the Council accepting the recommended modifications it can now adopt the Plan.

## **11. Recommendation(s):**

Cabinet is asked to:

- (i) NOTE the Inspector's Report (see Appendix A) on the examination of the Kent Minerals and Waste Local Plan 2024-2039 (KWMLP);
- (ii) NOTE the recommendations of the Sustainability Appraisal of the KMWLP (Appendix D); and,
- (iii) ENDORSE the Cabinet Member's proposal to recommend the KMWLP (Appendix B), as modified, to County Council for Approval and Adoption.

## 12. Contact details

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### Appendix A:

Planning Inspector's Report on the Examination of the Kent Minerals and Waste Local Plan 2024-39 (including appendix 1 Schedule of Main Modifications)

### Appendix B:

Kent Minerals and Waste Local Plan 2024-39 (as modified by the Inspector's recommendations) – the Plan for adoption

### Appendix C:

[KMWLP 2024-39 showing modifications as tracked - March 2025](#)

### Appendix D:

[KMWLP 2024-39 Sustainability Appraisal Non-Technical Summary](#)

The main document is available via this hyperlink. [KMWLP 2024-39 Sustainability Appraisal](#)

### Appendix E:

Kent Minerals and Waste Local Plan 2024-39 (as modified by the Inspector's recommendations) – Equality Impact Assessment [Equality Impact Assessment](#)

## Background Documents

The supporting documents to the Mineral and Waste Local Plan work are available on the Council's website as part of the Examination library via this link [here](#).