

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Thursday, 17th November, 2016

10.00 am

**Darent Room, Sessions House, County Hall,
Maidstone**



AGENDA

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Thursday, 17 November 2016 at 10.00 am
Darent Room, Sessions House, County Hall,
Maidstone

Ask for: Louise Whitaker
Telephone: 03000 416824

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (14)

- Conservative (8): Mr M J Harrison (Chairman), Mr C R Pearman (Vice-Chairman), Mr A H T Bowles, Mr P J Homewood, Mr J M Ozog, Mr C Simkins, Mrs C J Waters and Mr M A Wickham
- UKIP (2) Mr M Baldock and Mr B E MacDowall
- Labour (2) Mr C W Caller and Dr M R Eddy
- Liberal Democrat (1): Mr I S Chittenden
- Independents (1) Mr M E Whybrow

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UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A - Committee Business

A1 Apologies and Substitutes

To receive apologies for absence and notification of any substitutes present

A2 Declarations of Interest by Members in items on the Agenda

To receive any declarations of interest made by Members in relation to any matter on the agenda. Members are reminded to specify the agenda item number to which it refers and the nature of the interest being declared

A3 Minutes of the meetings held on 7 September and 20 October 2016 (Pages 7 - 22)

To consider and approve the minutes as a correct record

A4 Verbal Updates

To receive verbal updates from the relevant Cabinet Members

B - Monitoring of Performance

B1 Performance Dashboard (Pages 23 - 34)

To note a report that progress made against targets set for Key Performance Indicators

C - Key or Significant Cabinet/Cabinet Member Decision(s) for Recommendation or Endorsement

C1 Pothole Blitz - Update and Future Actions (Pages 35 - 40)

To consider and endorse or make recommendations on a proposed decision by the Cabinet Member for Environment and Transport

C2 Shadow Sub-National Transport Body for the South East (Pages 41 - 48)

To consider and endorse or make recommendations on a proposed decision of the Leader

C3 Introduction of a pre-application charging scheme for sustainable urban drainage advice (Pages 49 - 68)

To consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on a proposed decision to introduce a pre-application charging service for sustainable urban drainage advice to developers

C4 Kent Minerals and Waste Local Plan - Minerals and Waste Development Scheme (MWDS) (Pages 69 - 94)

To consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on a proposed decision

C5 Kent Minerals and Waste Planning Policy Sites Plan - Site Identification and Selection Methodology including the 'call for sites' (Pages 95 - 162)

To consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on a proposed decision

C6 Minerals and Waste Safeguarding Supplementary Planning Document (SPD) (Pages 163 - 202)

To consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on the proposed decision to endorse the Kent Minerals and Waste Safeguarding Supplementary Planning Document (SPD) for public consultation

C7 Statement of Community Involvement for Kent Minerals and Waste Plan and Planning Applications determined by the County Council (Pages 203 - 266)

To consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on a proposed decision

- C8 Re-procurement and award of contract/s for Soft Landscape Rural Swathe and Visibility Cutting (Pages 267 - 272)

To receive a report on the proposed decision to re-procure a contract/s for the Soft Landscape Rural Swathe and Visibility Cutting service

D - Other items for comment/recommendation to the Leader/Cabinet Member/Cabinet or officers

- D1 Kent County Council response to Govia Thameslink Railway 2018 Timetable Consultation (Pages 273 - 286)

To consider and make recommendations to the Cabinet Member for Environment and Transport on the proposed response to the Govia Thameslink Railway 2018 timetable consultation

- D2 Volunteer Support Warden Scheme - Review of the Pilot and Plans for a Full Scheme (Pages 287 - 296)

To note the progress of the pilot scheme, and the intention to offer local councils throughout Kent the opportunity to participate in the Volunteer Warden Scheme

- D3 Kent and Medway Growth and Infrastructure Framework (Pages 297 - 306)

To receive an update on the progress and achievements of the GIF to date, together with a summary of the findings of the 2016 interim update, the proposed programme of work for the 2017 GIF update and potential actions that will help unlock key barriers to growth

- D4 Work Programme 2017 (Pages 307 - 314)

To receive a report that gives details of a proposed work programme for the Environment and Transport Cabinet Committee

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

John Lynch,
Head of Democratic Services
03000 410466

Wednesday, 9 November 2016

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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KENT COUNTY COUNCIL

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 7 September 2016.

PRESENT: Mrs P A V Stockell (Chairman), Mr C R Pearman (Vice-Chairman), Mr M Baldock, Mr A H T Bowles, Mr C W Caller, Mr I S Chittenden, Dr M R Eddy, Mr P J Homewood, Mr C Simkins, Mr A Terry (Substitute for Mr B E MacDowall), Mrs C J Waters, Mr J N Wedgbury (Substitute for Mr J M Ozog), Mr M E Whybrow and Mr M A Wickham

ALSO PRESENT: Mr P M Hill, OBE and Mr M A C Balfour

IN ATTENDANCE: Mr R Wilkin (Director of Highways, Transformation and Waste), Mrs K Stewart (Director of Environment Planning and Enforcement), Ms A Agyepong (Corporate Lead - Equalities and Diversity), Mr R Fitzgerald (Performance Manager), Ms S Holt (Head of Culture & Sport Group), M D Beaver (Head of Network Management and Performance), Mr J Farmer (Projects Manager - Major Projects), Mr P Lightowler (Head of Public Transport), Mrs C Valentine (Highway Manager), Ms K Pettitt (Principal Transport Planner - Strategy) and Ms C A Singh (Democratic Services Officer)

UNRESTRICTED ITEMS

198. Apologies and Substitutes

(Item A2)

Apologies were received from Mr MacDowall substituted by Mr Terry and Mr Ozog substituted by Mr Wedgbury.

199. Declarations of Interest by Members in items on the Agenda

(Item A3)

Mr Wedgbury made a declaration regarding Item C3 as this was an area within his electoral division and he had participated in the negation.

200. Minutes of the meeting held on 8 July 2016

(Item A4)

RESOLVED that the Minutes of the meeting held on 8 May were correctly recorded and that they be signed by the Chairman subject to the word county being altered to read "country" in Minute 187 (3) bullet point five and paragraph 188 (3) £475 being altered to read "£475m".

201. Verbal updates

(Item A5)

1. The Cabinet Member for Community Services, Mr Hill, introduced his verbal update advising on three issues:

Emergency Planning

Mr Hill explained the role of the multi-agency response to the 12-hour delays at the Port of Dover on 23 and 24 July 2012 that had been declared a major emergency by Kent Police. The delays were due to heightened security checks at the French borders. KCC had led the delivery of humanitarian welfare to those affected by the delays and issued bottles of water to stranded motorists. The Corporate Management Team would consider lessons learnt from this incident at its next meeting.

Mr Balfour further explained that the UK government had held discussions with the French government who advised that their borders would be properly manned. He said he did not have information about the number of French Border Police/workers on duty but he considered that there were not enough. The UK Border Agency had offered support to deal with the backlog.

Exercise Surge 27 – 29 September

The Exercise Surge was part of the annual Kent Resilience Forum's programme of activities and its aim was to validate key elements of the Kent Resilience Forums plans, processes and training. The exercise would be led by the Kent Resilience Team and would include the following:

- Kent Police
- Met Office
- Kent Fire and Rescue Service
- Southeast Coast Ambulance Service
- Maritime and Coastguard Agency
- National Health Service
- Kent County Council
- Environment Agency
- Borough and district councils
- Medway Council
- Dungeness (EDF) Nuclear Power Station
- Ministry of Defence (local military assets)
- Kent Voluntary Sector Emergency Group Members
- Utility Providers

Mr Hill said a report on the event would be submitted to a future meeting of this Cabinet Committee.

Volunteer Support Wardens (VSW)

This Cabinet Committee had received a report in March 2016, on the transformation of the Community Warden Service including the possibility of using volunteers within the service. A small number of towns and parishes (Swanscombe & Greenhithe, Lower Halstow, Great Chart with Singleton, Tenterden, Bridge, and Kingsnorth) had taken part in a pilot scheme to test how volunteers might work alongside Community Wardens. Data had been collected from the towns and parishes, the Community Warden Service and the VSW's to establish the benefits of the scheme and how it

might be improved. A formal review of the pilot was taking place in September 2016 and a report would be submitted to this Cabinet Committee in November.

2. Mr Balfour gave his verbal update on the following:

Kent Mineral and Waste

The Minerals and Waste Plan had been agreed at the County Council meeting in July. There have been no legal challenges. Mr Balfour thanked the Head of the Planning Applications Group, Mrs Sharon Thompson, her team and the cross party Member Group for all their hard work. Members noted that this Cabinet Committee would receive a further report to a future meeting.

Pothole Blitz

Mr Balfour said that this year KCC had invested a further £3 million undertaking a Pothole Blitz Find and Fix campaign. £1.4m came from a Government grant and the remainder from KCC. Contracts for the work were procured by Commercial Services Kent Ltd and the work was carried out by 6 local contractors with each contractor working in 2 district council areas. Since 1 June 2016, KCC had spent approximately £1.1m and had carried out repairs to 947 potholes and to 32,193 square metres of roads with multiple and larger potholes. He said the scheme would continue until early Autumn. Mr Balfour reminded Members that potholes should be reported via the KCC website and that the website also gave details about repairs completed at district level.

Kent and Medway Smart Card

On 26th September the Connected Kent and Medway Smartcard KCC would be launched for a trial period in West Kent. Bus passengers would be able to purchase a Pay-As-You-Go card by visiting the Connected Kent website or local libraries and the card could be used on services provided by ASD, Autocar, Chalkwell, County Connect, Farleigh, Go-Coach and, Nu-Venture but it was anticipated that this list would expand once the card became more widely used. Agreement by Arriva was awaited. Funds could be added to the card either by paying the bus driver or via an auto-top up where credit for a pre-determined value was automatically added once the balance fell below £8. Members noted that if they required further information on the project, the KCC contact name was Annette Bonner.

A299 Thanet Way

An investigation was due to be undertaken on the ground movement in the A299 Thanet Way. As a result a 50-mile per hour speed limit would be implemented during this time. Remedial works would follow to address the findings.

Mr Balfour and Mr Wilkin responded to questions by Members as follows:

- (a) Mr Balfour said he had not seen the Swale Area Report that referred to defects in Swale highways so could not comment.
- (b) Mr Wilkins commented on the shape of the repairs to potholes explaining that manual cutting had to be square which could lead to problems with the corners of the repairs of the potholes but the feedback from local councils was that the quality of the repairs had been high.
- (c) Mr Balfour read out the substantive [Motion](#) 24 carried at the County Council meeting on 16 July 2016 that set out the County Council's position regarding Manston and assured Members that there had been no change. He said that

officers would prepare a response to a planning application as part of the usual process. Members of the County Council would receive a copy of the response. .

- (d) Mr Wilkin said that 50 mile per hour speed limit would be implemented on parts of the Thanet Way because of problems with the road surface, known as undulations, caused by alternating very wet and very dry weather.
- (e) Thanks were received for the work carried out at Station Road and Court Road, Deal and roads in Maidstone
- (f) In response to traffic delays in Dover this morning, Mr Balfour said delays to traffic in Dover earlier in the morning had been caused by cows on the grass on the A20 towards Dover. Kent Police had been called and they led the cows off the dual carriage way.

3. RESOLVED that:

- (a) the information in the verbal updates and the responses to questions by Members be noted;
- (b) reports on Kent Minerals and Waste; and Volunteer Support Wardens be submitted to future meetings of this Cabinet Committee; and
- (c) Members receive a copy of the response to a planning application at Manston.

202. Performance Dashboard

(Item B1)

1. The Business Intelligence Manager - Performance, Mr Fitzgerald, introduced a report setting out the progress made against targets set for Key Performance Indicators. This was the second report for the 2016/17 financial year with results up to the end of June 2016. He said the report provided an insight into the variances. Performance was good with most targets being achieved. Significant variances from target included street lighting, both for LED rollout and maintenance although performance for maintenance had improved since the last report. Country Parks also had a variance for income generated because of a particularly cold and wet June.

2. Mr Fitzgerald and Mr Wilkin responded to questions by Members as follows:
- Mr Wilkin said delays in the LED conversions were caused by supply problems. A batch of units had to be returned to the manufacturer as they had been delivered in test mode. The contractor had been running with 10 crews but had increased the crews to 18 to catch up against the programme for roll out. He undertook to provide advice on the position in Gravesham within the schedule outside the meeting.
 - Mr Balfour said that there was not enough resource to count the number of people who visited the country parks. He suggested that as the country parks had undergone a major transformation they should be given the time to settle down. He asked Members to contact officers with any concerns regarding individual country parks.
 - Mr Balfour agreed to forward the definition of "Priority faults" referred to in the PROW performance indicator to the Members of this Cabinet Committee.

- Officers and the contractor were praised for the roll out of the LED street lighting conversion.
- Mr Wilkin explained that there were two issues regarding the Central Management system for the LED street lighting. There had been glitches in the system but there was confidence that they could be resolved. Once those glitches were remedied the dimming facility for the LED lighting would be available. Members were reminded that the dimming of the LED street lighting could be achieved on a street by street basis when the Central Management system was fully operational. Mr Wilkins considered that this facility would be available by the winter. Mr Balfour said that requests by residents for LED street lighting to be dimmed would not be brought to this Cabinet Committee. A progress report on the LED street lighting conversion would be submitted to this Cabinet Committee at the end of 2017.
- Members noted that there was a time lag regarding the data provided in the report. Mr Fitzgerald agreed to provide the most up to date data available in future reports and look at improving the labelling of the columns and dating the results within the Dashboard.
- Mr Balfour explained that Kent Scientific Services was undergoing a restructure.
- Mr Fitzgerald said that the number of enquiries for action for highways maintenance was reported as a year to date figure and work in progress as a snapshot. The difference between the figures was therefore roughly the number of enquiries completed.
- Mr Hill thanked Members for their comments regarding Trading Standards and said that Trading Standards had forged a strong relationship with Kent Police. The Chairman said that Trading Standards also kept Members well informed about their activities.
- Mr Wilkin explained that selling compost to individual members was not commercially viable and that he would provide further information outside the meeting.
- Appreciation was given for this standard item being brought forward on the agenda to allow a full debate.

3. RESOLVED that:

- (a) the responses to comments and questions by Members and the report be noted;
- (b) the definition of "Priority faults" be forwarded to Members outside the meeting; and
- (c) a progress report on the LED street lighting conversion would be submitted to this Cabinet Committee at the end of 2017.

203. 2015/16 Growth, Economic Development and Transport Equality and Diversity Review
(Item B2)

1. The Corporate Lead - Equality and Diversity, Mrs Agyepong, and the Head of Culture & Sport Group, Miss Holt, introduced an annual report that set out a position statement for services within the Growth, Environment and Transport

Directorate regarding equality and diversity work and progress in delivering KCC's equality and diversity objectives for 2015/16 in accordance with the requirements of the Equality Act 2010. Mrs Agyepong said the Growth, Environment and Transport Directorate had gone from strength to strength in the past year. The directorate's objectives were currently under review focusing on the following:

- The needs of protected groups within all highways and transport schemes
- Investment in roads, facilities and utilities
- Access to the county's landscape and environment irrespective of age, disability, race or belief
- The Libraries, Registration and Archives Services in Kent continue to understand its local communities needs
- Responsive to communities
- Continue to apply equalities to all decisions made

2. Miss Holt said an overarching Equality and Diversity Group was working to ensure that equality and diversity were embedded in the work of the directorate.

3. Officers were thanked for the detailed report.

4. In response to concerns and questions

(a) Mr Wilkin said the Member Group reviewing the Waste Disposal Strategy would consider the needs of residents unable to get to the waste management facilities through a public consultation which would inform the development of the Strategy.

(b) Miss Holt added that the techniques for profiling and customer insight data were imperfect but a huge step forward and that the Equality and Diversity Group were considering how this could be improved.

(c) Agreement was given to amendments to be highlighted in future annual reports to allow Members to see the changes.

5. RESOLVED that:

(a) the responses to questions by Members be noted;

(b) the current performance outlined in the report be noted; and

(c) future reports be received annually indicating any amendments made to the previous year's report.

204. Decision Number: 16/00074 - Public Service Vehicle Framework
(Item C1)

1. Head of Public Transport, Mr Lightowler, introduced a report that asked the Cabinet Committee to consider and endorsement or make recommendations on a proposed decision to combine the current two approved lists for the procurement of the Council's Public Service Vehicle contracts (which have a 10 year value of £123M) into one list.

2. Mr Lightowler said the procurement of supported services and mainstream home to school transport was currently delivered through two distinct approved

supplier lists. The approved list for supported bus services included 31 operators and the mainstream home to school transport list includes 125 operators. Tenders, based on service type, were directed at the most appropriate list. In addition to combining the lists it was proposed to revise the present "lotting" strategy which would provide an opportunity for KCC to package home to school and local bus work in ways that would reduce costs and make lots more attractive to suppliers. In respect of any potential savings that could be achieved, Mr Lightowler was not able to quantify this.

3. In response to concerns raised and questions by Members, Mr Lightowler, Mr Balfour and Mr Wilkin responded as follows:

- (a) Mr Balfour said this decision did not preclude the current Select Committee on Bus Transport and Public Subsidy considering and/or making recommendations regarding the issues raised in the report. The Select Committee report and its recommendations would be submitted, for consideration and decision, to a future County Council meeting.

Post meeting note

The Terms of reference for the Bus Transport and Public Subsidy Select Committee are:

- 1. To examine the current delivery model of local bus transport in Kent.
 - 2. To assess the extent to which KCC can prioritise support of the current delivery model of local bus transport in Kent, while having due regard to the resource implications and the budget setting processes.
 - 3. To explore whether alternative models of local bus transport delivery are available and, if so, to consider their viability and effectiveness.
 - 4. To consider the implications of the recent Bus Services Bill for bus transport in Kent.
 - 5. For the Bus Transport Select Committee to make recommendations after having gathered evidence and information throughout the review.
- (b) Comments were made on the benefits of putting the two categories together.
 - (c) Mr Wilkin explained that this was a purchasing mechanism and would not determine what was bought or from whom. Having one list would make the contracting system easier and would not tie the County Council into any contracts. This would be no impact of staffing.
 - (d) Mr Balfour said that all the operators on the list would be able to choose what to tender for. This approach would open up more competition/opportunity.

4. The Chairman invited Members to vote on the recommendation in the report. The votes cast were as follows: *8 for, 0 against and 5 abstained*. The recommendations were carried.

5. RESOLVED that:

- (a) the comments and responses to Members questions and the report be noted; and

- (b) the proposed decision to be taken by the Cabinet Member for Environment and Transport to combine the current two Public Service Vehicle supplier list into one list as set out in Appendix A to the report be endorsed.

205. Decision Number: 16/00072 -The award of contract(s) for the disposal of additional local authority collected waste:

(Item C2)

1. The Head of Commercial Management and Waste Services, Mr Beaver, introduced a report which asked the Cabinet Committee to consider and endorse or make recommendations to the Cabinet Member on a proposed decision relating to the disposal of additional local authority collected waste. He said there were two waste streams processed through the Allington incinerator under contract by Kent Enviropower Ltd (KEL). A condition of this contract was Service Commencement which was triggered once KCC delivered the threshold of 325,000 tonnes of waste per annum to the plant. This threshold had been met and KEL had served notice that this minimum tonnage commitment must now be maintained for the duration of the contract. As waste was forecast to grow in line with housing and population growth, Mr Beaver said there was an opportunity to commission alternative contractual arrangements for the additional waste in order to reduce current disposal costs.

2. Mr Beaver responded to questions by Members as follows:

- (a) Mr Beaver advised that there may be different suppliers. There were review periods used to look at providers and any changes would be brought to this Cabinet Committee.
- (b) A comment was made that this was good thinking outside the box.
- (c) Mr Beaver advised that the process was open to all and there was already significant market interest.

3. RESOLVED that:

- (a) the responses to questions by Members be noted; and
- (b) the proposed decision to be taken by the Cabinet Member for Environment and Transport to award a contract for the disposal of additional local authority collected waste as set out in Appendix A to the report be endorsed.

206. Decision Number: 14/00091(a) - A28 Chart Road Improvement, Ashford

(Item C3)

1. The Project Manager, Mr Farmer, introduced the report which as the Cabinet Committee to consider and endorse or make recommendations to the Cabinet Member for Environment and Transport on his proposed decision relating to the delivery the A28 Chart Road Improvement, Ashford Scheme. He said the proposal was to move to a dual carriageway scheme that was first considered by this Cabinet Committee in 2014. Since that initial report public consultation had been held and the preferred scheme to take forward was approved in early 2016. Network Rail was engaged and Local Growth Funding had been approved. Land acquisition discussions had started and a compulsory purchase order was also required to give

programme certainty. There was therefore a requirement to update the original proposed decisions considered by Members to ensure robustness of governance and decision clarity.

2. Mr Farmer received thanks for his work and discussions with Ashford Borough Members and local residents

3. The concerns and questions by Members were responded to by Mr Farmer as follows:

- (a) . A Member asked that the scheme be as close to the commercial side of the A28 as possible and agreed that, along with the improvements to junction 10 proposed by Highways England, the scheme would relieve congestion. He also asked that officers liaise with Highways England to minimise the disruption caused by the road works
- (b) A comment was made that there was already too much development across Kent.
- (c) Mr Farmer thanked Members for their comments and said as much of the scheme as possible was being taken towards the industrial side of the A28 to retain as much land as possible on the Godinton Park side for landscaping and noise mitigation. Construction would commence in spring 2018 and would take approximately 18 months.
- (d) Mr Farmer assured Members that if East Lodge was acquired the asset would be well managed until such time as it was resold.
- (e) A further comment was made that the Chilmington Green development was the worst development in Kent.
- (f) Mr Farmer agreed to discuss negotiations with Network Rail on another scheme with Mr Whybrow outside the meeting.
- (g) Mr Baldock asked that his opposition to the recommendations be noted.

4. RESOLVED that:

- (a) the responses to comments and questions by Members and the report be noted; and
- (b) the Environment and Transport Cabinet Committee endorsed, the proposed decision to be taken by the Cabinet Member for Environment & Transport as shown at Appendix A of the report to give approval to:
 - (i) all acts required to carry out and complete the A28 Chart Road Improvement scheme;
 - (ii) all acts required to acquire the land and rights for the carrying out and completion of the A28 Chart Road Improvement scheme, including by means of a compulsory purchase order and/or blight notices;
 - (iii) the delegation to the Corporate Director of Growth, Environment and Transport, and any further or other decisions as may be appropriate to deliver the A28 Chart Road Improvement scheme.

207. Decision Number: 16/00076 - Winter Service Policy for 2016/17
(Item C4)

1. The Highway Manager (West), Mrs Valentine, introduced the report which asked the Cabinet Committees to consider and endorse or recommendations on the proposed decision to be taken by the Cabinet Member for Environment and Transport to agree proposed changes to the Winter Service Policy for 2016/17 as set out in Appendix B of the report.

2. Mr Valentine gave a short presentation that highlighted data on the winter months over the past six years accompanied by National Guidance that had been used to refine the final proposed decisions.

3. Mr Wilkin advised Members that the mild damp winters had led to an increased highway soft landscaping growth, including grass and weeds and any underspend as a result of the mild winter would be used to deal with the issue of soft landscaping.

4. The Cabinet Committee endorsed the intention to roll forward any underspend for soft landscape maintenance particularly for dealing with grass and weeds. It was also suggested that parish councils could be approached to carry out some of the local soft landscaping.

5. In response to concerns raised and questions by Members, Mrs Valentine, Mr Wilkin and Mr Balfour advised the following:

- (a) the question on the minimum salt run over six days would be answered outside the meeting.
- (b) A comment was made that the coordination of the Winter service had improved and was very good. Praise was given to the officers for their work.
- (c) Mr Wilkin confirmed that a second weed spray would take place from mid-August to October.
- (d) Mr Wilkin agreed to discuss the issues of Maidstone soft landscaping with the local Member outside the meeting
- (e) Comments were made that the Highways budget needed to be safeguarded.
- (f) Mr Balfour and Mr Wilkin reassured Members that there were funding pots for extreme weather events and the resulting pot holes etc provided by government for local authorities to bid against.
- (g) Mr Wilkin advised that the local authority did not provide salt bins in new developments as a matter of course. It was considered that the new developments would negate this need.

6. RESOLVED that:

- (a) the responses to comments and questions by Members be noted; and
- (b) the proposed decision to be taken by the Cabinet Member for Environment and Transport to agree the proposed changes to the Winter Service Policy for 2016/17 be endorsed:
 - (i) (s.3.3.2) Brine trial for selected routes to be implemented, supported by the Transport Research Laboratory (TRL)

- (ii) (s.4.3.2) Kent Road Weather forecast to be sent out via the winter weather forecast provider, Met Desk
- (iii) (s.6.2.1) Additional routes added to snow clearance priorities
- (iv) (s.9.1.2) The proposal for any future winter service budget underspend to be treated as a committed roll forward, so that any additional funding is available in the following financial year for highway soft landscaping maintenance.

208. Proposed Response to Operation Stack Lorry Area Consultation

(Item D1)

1. The Director of Environment, Planning and Enforcement, Mrs Stewart and Miss Pettitt, introduced a report that set out the proposed outline of Kent County Council's response to the Operation Stack Lorry Area consultation before it was finalised by the Cabinet Members for submission to Highways England by the closing date of 23 September.

2. Mr Balfour said Operation Stack Lorry Area was to be debated at Westminster later in the day when he hoped the need for discussions with the Department of Transport would be recognised.

3. Members received comments that were tabled from the Local Member for Elham Valley, Miss Carey, and a resident (Mr Horner) expressing their views on the consultation.

4. Mr Balfour, Mrs Stewart and Miss Pettitt responded to comments and questions by Members as follows:

- (a) A Member asked for the following to be considered, "in order for the lorry park to work effectively TAP lorry parking regulation needed to be in place. This could be in advance of the lorry park. Use this opportunity to reinforce and put in as soon as possible. The regulations on lorry parking needed to be put in as soon as possible". Mr Balfour agreed and advised that Highways England had been positive in certain areas unblocking some of its positions. In terms of fly parking there was a correlation between stopping lorries parking on hard shoulders and having somewhere to redirect them to. He said the market must not be distorted by the provision of such a facility.
- (b) Referring to page 166 of the report, a comment was made that existing lorry parks should be encouraged to expand and it was agreed that Kent's local authorities should be given powers to create solutions for overnight lorry parking. A further comment was made that lorry drivers would not leave their natural route to use the lorry parking. Mr Balfour stated that there was a requirement to persuade lorry drivers to use the lorry parking. KCC was stressing that the need for small lorry parks was critical. A suggestion was made that "KCC and Medway Council" in the second bullet point on page 166 be removed and replaced with "the local authorities" as the district and borough councils would have input too.
- (c) Concerns were raised that Highways England did not have answers regarding air quality and air pollution. A request was made for a full air

quality study to take place to be used as a bench mark. Mr Balfour agreed that air pollution needed to be monitored and well as landscaping etc.

- (d) Mr Balfour considered that this was the time to reflect on whether there would be a problem filtering on the Lower Thames Crossing. A survey was to take place on how many fly parking area there were already in Kent.
- (e) Members said that Miss Carey had been vocal in representing the residents in the Elham Valley regarding this issue.

5. RESOLVED that:

- (a) the responses to questions by Members be noted; and
- (b) the proposed outline response that would be finalised and approved by the Cabinet Member before being submitted to Highways England by the closing date of 23 September be noted, subject to Members' suggestions being considered by the drafting officers.

209. Work Programme 2016/17

(Item D2)

RESOLVED that the Work Programme for 2016/17 as set out in appendix A of the report be agreed.

210. Exclusion of the Press and Public

(Item)

Resolved that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

211. Decision Number: 16/00071 - Variation to Contract with Kent Enviropower Ltd (Allington Contract)

(Item E1)

1. The Environment and Transport Cabinet Committee considered a report that proposed a variation to the contract between Kent County Council and Kent Enviropower Ltd in order to enable significant revenue savings and resisting future cost pressures.
2. Mr Wilkin and Mr Balfour responded to questions from Members.
3. RESOLVED that:
 - (a) the responses to questions by Members be noted; and
 - (b) the Cabinet Committee endorsed the proposed decision to be taken by the Cabinet Member for Environment and Transport to vary the contract between Kent County Council and Kent Enviropower Ltd for the provision of Waste Disposal services ("the Allington Contract") conditional upon the award of a contract(s) in respect of material over and above the minimum tonnage commitment as shown at Appendix A of the report.

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ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 20 October 2016.

PRESENT: Mr M J Harrison (Chairman), Mr C R Pearman (Vice-Chairman), Mr A H T Bowles, Mr C W Caller, Mr I S Chittenden, Dr M R Eddy, Mr P J Homewood, Mr B E MacDowall, Mr J M Ozog, Mr C Simkins, Mrs C J Waters, Mr M E Whybrow and Mr M A Wickham

IN ATTENDANCE: Ms D Fitch (Democratic Services Manager (Council))

UNRESTRICTED ITEMS

212. Apologies and Substitutes

(Item A1)

Apologies for absence were received from Mr Baldock.

213. Membership

(Item A2)

Resolved to note that Mr M Harrison had replaced Mrs P A V Stockell as a Member of this Committee.

214. Election of Chairman

(Item A3)

Resolved that Mr M Harrison be elected as Chairman of this Committee.

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From: Matthew Balfour, Cabinet Member for Transport and Environment,
 Susan Carey, Cabinet Member for Commercial and Traded Services,
 Mike Hill, Cabinet Member for Community Services,
 Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 17 Nov 2016

Subject: Performance Dashboard

Classification: Unrestricted

Summary:

The Environment and Transport Performance Dashboard shows progress made against targets set for Key Performance Indicators. The latest Dashboard is for September 2016.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE the report.

1. Introduction

- 1.1. Part of the role of Cabinet Committees is to review the performance of the functions of the Council that fall within the remit of the Committee.
- 1.2. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the third report for the 2016/17 financial year.

2. Performance Dashboard

- 2.1. The current Environment and Transport Performance Dashboard is attached at Appendix 1.
- 2.2. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) included in this year's Directorate Business Plan.
- 2.3. The current Dashboard provides results up to the end of September.
- 2.4. The Dashboard also includes a range of activity indicators which help give context to the Key Performance Indicators.
- 2.5. Key Performance Indicators are presented with RAG (Red/Amber/Green) alerts to show progress against targets. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.

- 2.6. For Highways & Transportation latest month performance is on or ahead of target for all indicators. Whilst the LED streetlight conversions remains behind target on a year to date basis the contractor (Bouygues) has put more resources into the project (now 18 crews on site) and the conversion rate is now catching up to programme with above target delivery in September. The contractor is confident that the programmed 62,000 conversions will be achieved by the end of the financial year. There has also been an improvement in recent months in both street lighting repairs within 28 days performance and all routine faults within 28 days. The completion of faults in 28 days reported by the public has been mainly impacted by a high overall customer demand and in particular grass and hedge problems.
- 2.7. Performance is ahead of target for all four indicators for Waste Management with less than 4% of waste now going to landfill. Volumes collected remain towards the higher end of expectations.
- 2.8. For Environment, Planning and Enforcement, all indicators are ahead of target for the latest month, with one behind slightly target for the year to date (Income generated by Kent Scientific Services) where income from other local authorities has been reducing, but this should be offset by the launch of a number of new products which are beginning to show promise.

3. Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE this report.

4. Background Documents

The Council's Business Plans:

<http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/business-plans>

5. Contact details

Report Author: Richard Fitzgerald
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Strategic Business Development and Intelligence
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Relevant Director: Barbara Cooper
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Environment and Transport Performance Dashboard

Financial Year 2016/17

Results up to September 2016

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Produced by Strategic Business Development and Intelligence

Publication Date: October 2016



Guidance Notes

Data is provided with monthly frequency except for Waste Management where indicators are reported with quarterly frequency and on the basis of rolling 12 month figures, to remove seasonality.

RAG RATINGS

GREEN	Performance has met or exceeded the current target
AMBER	Performance is below the target but above the floor standard
RED	Performance is below the floor standard

Floor standards are pre-defined minimum standards set in Directorate Business Plans and represent levels of performance where management action should be taken.

DOT (Direction of Travel)

↑	Performance has improved in the latest month/quarter
↓	Performance has fallen in the latest month/quarter
↔	Performance is unchanged this month/quarter

Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating or Direction of Travel alert. Instead they are tracked within an expected range represented by Upper and Lower Thresholds. The Alert provided for Activity Indicators is whether they are in expected range or not. Results can either be in expected range (**Yes**) or they could be **Above** or **Below**.

Key Performance Indicators Summary

Highways and Transportation	Month RAG	YTD RAG
HT01: Potholes repaired in 28 calendar days (routine works not programmed)	GREEN	GREEN
HT02: Faults reported by the public completed in 28 calendar days	GREEN	AMBER
HT03: Streetlights repaired in 28 calendar days	GREEN	AMBER
HT04: Customer satisfaction with service delivery (100 Call Back)	GREEN	GREEN
HT05: Resident satisfaction with Highways schemes	GREEN	GREEN
HT11c: Number of actual LED streetlight conversions	GREEN	RED

Waste Management	RAG
WM01: Municipal waste recycled and composted	GREEN
WM02: Municipal waste converted to energy	GREEN
01+02: Municipal waste diverted from landfill	GREEN
WM03: Waste recycled and composted at HWRCs	GREEN

Environment, Planning and Enforcement	Month RAG	YTD RAG
EPE07: Country Parks - Income generated (£000s)	GREEN	GREEN
EPE16: PROW – median number of days to resolve faults (rolling 12 months)	GREEN	N/A
EPE13: Greenhouse Gas emissions from KCC estate (excl schools) in tonnes	N/A	GREEN
EPE02: Trading Standards - Rogue traders disrupted	N/A	GREEN
EPE03: Trading Standards – Dangerous / hazardous products removed	N/A	GREEN
EPE04: Trading Standards - Businesses assisted for growth and development	N/A	GREEN
EPE06: Kent Scientific Services - External income (£000s)	GREEN	AMBER
EPE15: Income generated by all EPE Services (£000s)	GREEN	GREEN

Service Area	Director	Cabinet Member
Highways & Transportation	Roger Wilkin	Matthew Balfour

Ref	Performance Indicators	Latest Month	Month RAG	DOT	Year to Date	YTD RAG	Target	Floor	Previous Year
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	100%	GREEN	↑	95%	GREEN	90%	80%	92%
HT02	Faults reported by the public completed in 28 calendar days	90%	GREEN	↑	89%	AMBER	90%	80%	93%
HT03	Streetlights repaired in 28 calendar days	91%	GREEN	↓	85%	AMBER	90%	80%	93%
HT04	Customer satisfaction with service delivery (100 Call Back)	93%	GREEN	↑	92%	GREEN	75%	60%	86%
HT05	Resident satisfaction with Highways schemes	85%	GREEN	↓	84%	GREEN	75%	60%	84%
HT11c	Number of actual LED streetlight conversions	6,733	GREEN	↑	23,304	RED	28,000	25,200	n/a

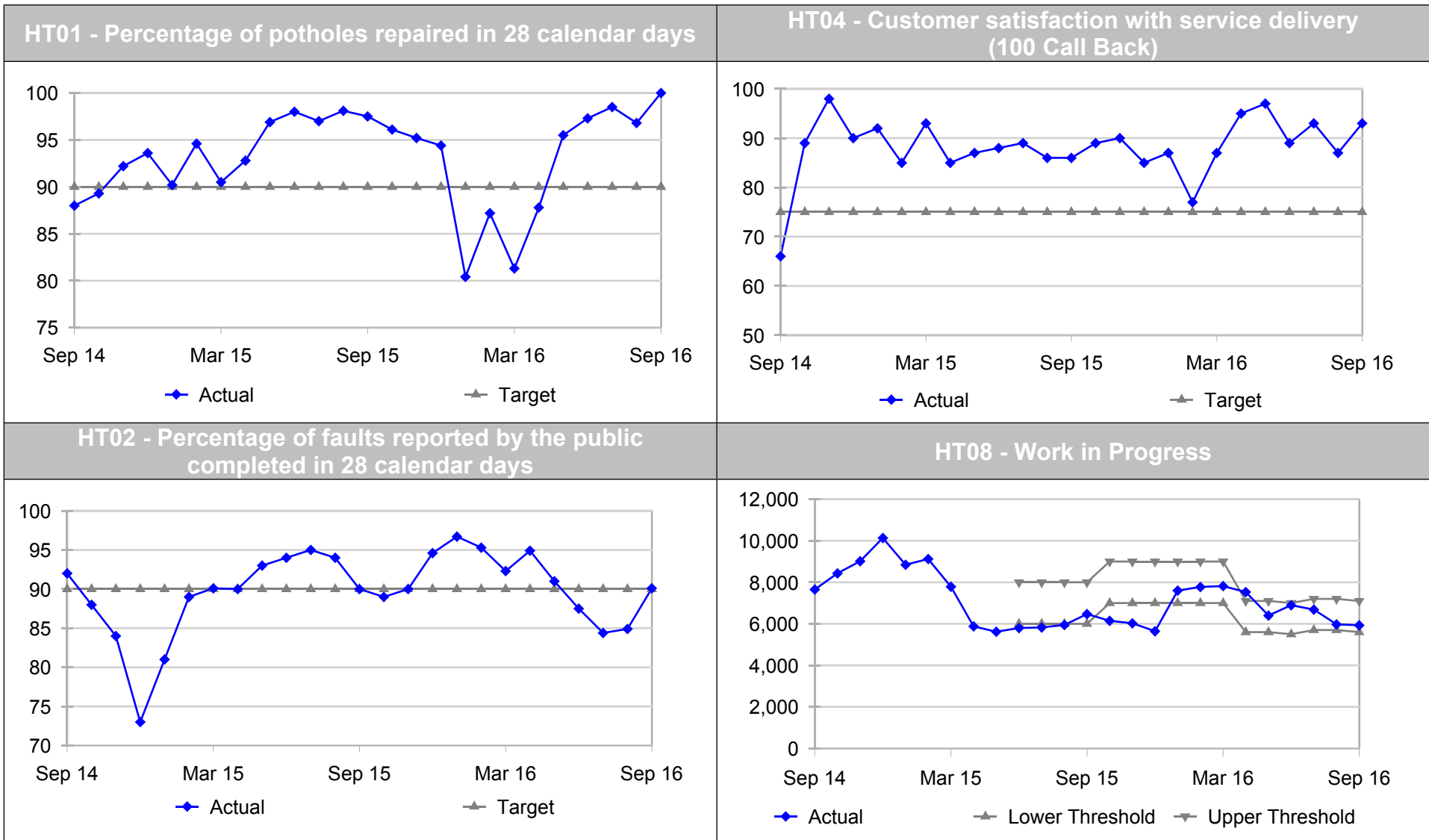
HT02/HT03 – There has been an improvement in recent months in street lighting performance and this continues regarding routine faults. The completion of faults in 28 days reported by the public has been impacted in recent months by a high overall customer demand and in particular grass and hedge problems and staff have been working hard to catch-up.

HT11c – The contractor (Bouygues) has put more resources into the project to catch up against the planned programme for roll out and expectations are that 62,000 conversions will be achieved by the end of the financial year.

Service Area	Director	Cabinet Member
Highways & Transportation	Roger Wilkin	Matthew Balfour

Ref	Activity Indicators	Year to date	In expected range?	Expected Range		Prev. Yr YTD
				Upper	Lower	
HT01d	Potholes repaired (as routine works and not programmed)	5,184	Yes	7,200	5,100	5,262
HT02d	Routine faults reported by the public completed	27,2871	Yes	29,500	23,000	25,143
HT03d	Streetlights repaired	5,164	Below	10,200	7,200	7,133
HT07	Number of new enquiries requiring further action	51,527	Yes	52,000	42,000	46,800
HT08	Work in Progress	5,930	Yes	7,100	5,600	6,470

HT03d – Fewer streetlights are being repaired as conversion to LED progresses across the County.



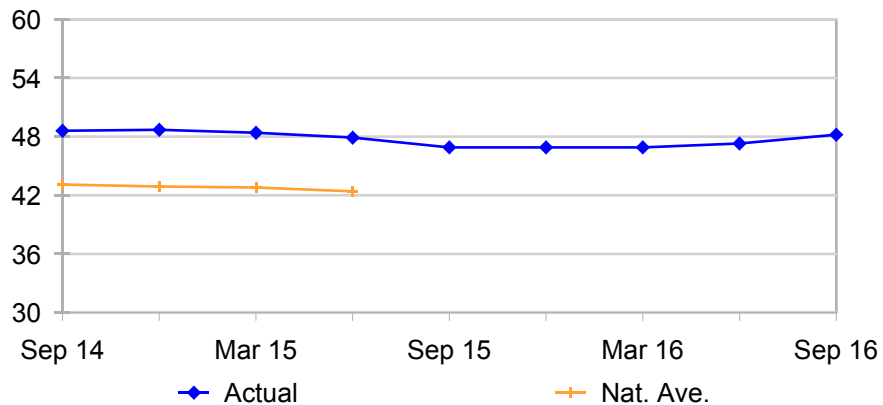
Service Area	Director	Cabinet Member
Waste Management	Roger Wilkin	Matthew Balfour

Results below for the rolling 12 months to September 2016.

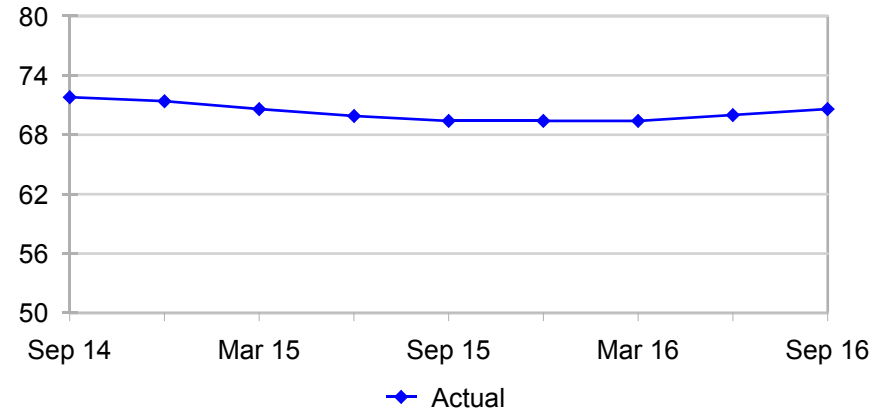
Ref	Performance Indicators	Latest Quarter	RAG	DOT	Previous Quarter	Target	Floor	Previous Year
WM01	Municipal waste recycled and composted	48.2%	GREEN	↑	47.3%	46.8%	41.8%	46.9%
WM02	Municipal waste converted to energy	47.9%	GREEN	↑	47.6%	47.9%	42.9%	47.5%
01+02	Municipal waste diverted from landfill	96.1%	GREEN	↑	94.9%	94.7%	89.7%	94.4%
WM03	Waste recycled and composted at HWRCs	70.6%	GREEN	↑	70.0%	69.3%	67.3%	69.4%

Ref	Activity Indicators	Year to date	In expected range?	Expected Range		Previous Year
				Upper	Lower	
WM05	Waste tonnage collected by District Councils	550,000	Yes	555,000	525,000	539,700
WM06	Waste tonnage collected at HWRCs	184,700	Yes	185,000	165,000	175,300

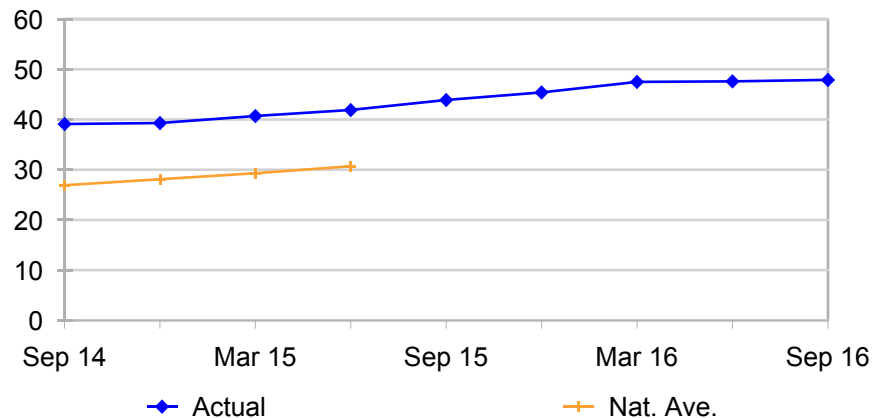
WM01 - Percentage of municipal waste recycled and composted (Rolling 12 months)



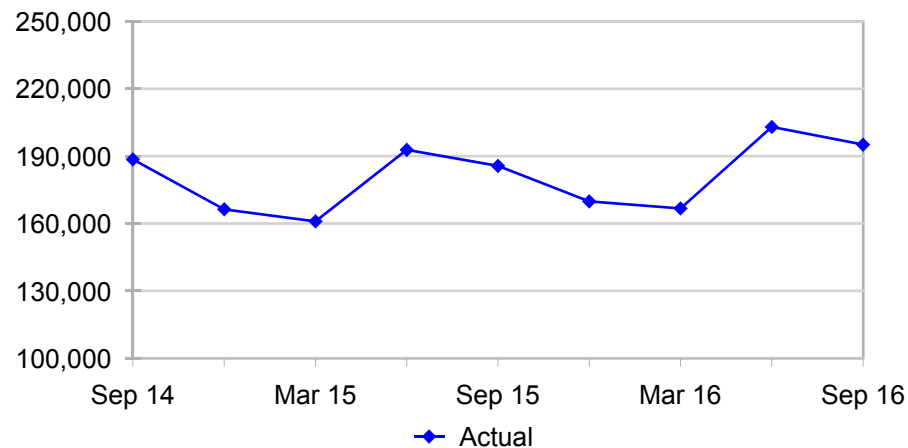
WM03 - Percentage of waste recycled and composted at HWRCs (Rolling 12 months)



WM02 - Percentage of municipal waste converted to energy (Rolling 12 months)



WM05+06 - Total waste tonnage collected (Quarterly totals)



Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Matthew Balfour

Ref	Performance Indicators	Latest Month	Month RAG	DOT	Year to Date	YTD RAG	Target YTD	Floor YTD	Prev. Yr. YTD
EPE07	Country Parks - Income generated (£000s)	99.9	GREEN	↓	705	GREEN	683	649	666

Indicator below is for rolling 12 months

Ref	Performance Indicator	Latest Month	RAG	DOT	Target	Floor	Previous Year
EPE16	PROW – median number of days to resolve priority faults	19	GREEN	↔	25	35	38

Results below are for the rolling 12 months to June 16

Ref	Performance Indicator	Latest Quarter	RAG	DOT	Target	Floor	Previous Year
EPE13	Tonnes greenhouse gas emissions from KCC estate and business mileage	43,858	GREEN	↑	44,950	48,550	N/a

Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Mike Hill

Ref	Performance Indicators	Year to Date	YTD RAG	YTD Target	YTD Floor	Pr. Yr. YTD
EPE02	Trading Standards – Serious or persistent offenders investigated	19	GREEN	15	14	23
EPE03	Trading Standards – Dangerous / hazardous products prevented from entering or removed from the market	69,954	GREEN	49,800	45,000	4,423
EPE04	Trading Standards - Individual Businesses assisted for business growth and development	138	GREEN	102	90	N/a

Division	Interim Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Susan Carey

Ref	Performance Indicators	Latest Month	Month RAG	Year to Date	YTD RAG	Target YTD	Floor YTD	Prev. Yr. YTD
EPE06	Kent Scientific Services - External income (£000s)	55.2	GREEN	268	AMBER	276	246	265

Indicator reported quarterly

Ref	Performance Indicators	Latest Quarter	Month RAG	Year to Date	YTD RAG	Target YTD	Floor YTD	Prev. Yr. YTD
EPE15	Income generated by all EPE Services (£000s)	1,173	GREEN	2,561	GREEN	2,260	2,200	N/a

EPE06 - There are indications that income from other local authorities is reducing but this should be offset by the launch of a number of new products aimed at diversifying our offer, which are beginning to show promise. The Year to Date position remains ahead of where it was at the same time last year, and expectations are that this will be maintained.

From: Matthew Balfour, Cabinet Member for Environment and Transport

Roger Wilkin: Director Highways, Transportation and Waste

To: Environment & Transport cabinet Committee

Subject: **Pothole Blitz – Update and future actions.**

Classification: **Unrestricted**

Key decision 16/00125

Past Pathway of Paper: n/a

Future Pathway of Paper:n/a

Electoral Division: Whole of Kent

Summary:

Following the recent success of the Pothole Blitz campaign, reported to Cabinet in June 2016, the Cabinet Member is proposing to formally agree this approach for future funding should it become available and to delegate to the Director of Highways, Transportation and Waste the power to identify and approve such funding for the same purposes.

Recommendation:

Cabinet Committee is asked to consider and endorse or make recommendations on the proposed decision by the Cabinet Member for Environment and Transport to agree the approach to funding as set out in the report and to delegate authority to the Director to identify and award such funding as it becomes available and to undertake any necessary actions to conclude the first phase undertaken in the summer of 2016.

1. Introduction

1.1 In April 2016, the Department for Transport announced that KCC would be awarded £1.47m from a Pothole Action Fund for the the financial year 2016-17, with a view to enabling the permanent repair or prevention of up to 28,000 potholes that would otherwise not meet the requiremetns for intervention. This sum has since been supplemented by an additional £1.4m revenue commitment from KCC.

1.2 Whereas in previous years, such pothole campaigns have been delivered through the HTMC, in the spirit of strategic commissioning, the Director of Highways Transportation & Waste approached Commercial Services Kent Limited (CSKL) with a view to assessing the potential for providing a more locally responsive service through local suppliers.

1.3 Consequently, a tender process was initiated, and this process resulted in the engagement of six local companies, each to deliver a Pothole Blitz in two districts each. The process resulted in very competitive prices, which were comparable in cost terms to utilising the HTMC. The outcome of the process was reported to Cabinet in June 2016. The resulting “Pothole Blitz” campaign

has been extremely successful, with levels of responsiveness and quality that have exceeded those achieved in previous pothole campaigns.

- 1.4 Following the success of the campaign it is considered that the approach should be agreed by cabinet member decision in order that the exercise can be repeated without delay should further funding become available. If additional funding does become available in the early part of 2017-18 as hoped it is our aspiration that KCC quickly carry out a procurement process amongst our local supply chain, and commence delivery of additional ad hoc works even more rapidly than we were able to achieve in this financial year. In order to achieve this, delegated authority will be given to the Director of Highways, Transportation & Waste to identify and accept such funding and to award the resulting contracts.

2. Financial Implications

- 2.1 The relevant delegated powers will only be utilised where there is confirmed ad hoc funding such as this year's Pothole Blitz; this was funded through the government's Pothole Action Fund (£1.47m of capital), with an additional £1.4m of revenue funding being provided by KCC to date.
- 2.2 All providers of services will be compliantly procured, and the award of contract will be dependant upon tendered rates being at least comparable to those that would be payable were such works being provided through the HTMC.

3 Legal Implications

- 3.1 All procurement carried out will be entirely in line with public sector procurement regulations.

4 Equalities Implications

- 4.1 Equality Impact Assessments (EqIA) will be completed for all projects to ensure consideration is given to the impact of the project. An initial assessment for this proposed delegated authority indicates no equalities impacts that could be reasonably anticipated.

5. Recommendation:

The Cabinet Committee is asked consider and endorse or make recommendations on the proposed decision by the Cabinet Member for Environment and Transport to agree the approach to funding as set out in the report and to delegate authority to the Director of Highways, Transportation and Waste to accept and award such funding as it becomes available and to undertake any necessary arrangements to conclude the first phase undertaken in the summer of 2016.

6. Contact details

Report Author Roger Wilkin Director of Highways, Transportation & Waste 03000 413479 roger.wilkin@kent.gov.uk	Relevant Director: Roger Wilkin Director of Highways, Transportation and Waste 03000 413479 roger.wilkin@kent.gov.uk
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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Matthew Balfour, Cabinet Member for Environment & Transport

DECISION NO:

16/00125

For publication

Key decision: YES

Agreement of approach to adhoc funding for Pothole repair and maintenance
Decision:

As Cabinet Member for Environment & Transport, I agree

1. the approach to ad hoc funding for Pothole repair as set out in the report and
2. to delegate authority to the Director to identify and award such funding as it becomes available and to undertake any necessary actions to conclude the first phase undertaken in the summer of 2016

Governance:

The Executive Scheme of Delegation for Officers set out in Appendix 2 Part 4 of the Constitution (and the directorate schemes of sub-delegation made thereunder) provides the governance pathway for the implementation of this decision by officers as it assumes at 1.9 of the scheme that once a Member-level decision has been taken, the implementation of that decision will normally be delegated to officers, so that multiple Member decisions are not required in respect of the same matter.

In this instance, the **Director of Highways, Transportation & Waste** will be the lead officer seeking to ensure that all such steps as are necessary to implement the decision are undertaken.

Reason(s) for decision:

From time to time KCC, as a local Highways Authority, is able to access ad hoc funding for highways works that fall outside of the scope of our Highways Term Maintenance contract (HTMC). This decision is taken in order that the service can respond quickly to such additional and/or unanticipated funding, it is proposed that delegated authority is given to the Director of Highways, Transportation & Waste to award contracts for ad hoc highways works such as pothole campaigns, refreshing road markings etc.

Cabinet Committee recommendations and other consultation:

The comments of the Environment and Transport Cabinet Committee will be added following its consideration of the matter on 17 November 2016.

Any alternatives considered and rejected:

Not agreeing the approach would require a decision should funding become available in 2017-18 potentially delaying the process.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:
None

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signed

.....
date

From: Paul Carter, Leader of the Council
 Matthew Balfour, Cabinet Member for Environment and Transport
 Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 17 November 2016

Subject: Shadow Sub-National Transport Body for the South East

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: Executive decision of the Leader

Electoral Division: Countywide

Summary:

This paper sets out proposals for the creation of a Sub National Transport Body for the South East, and initial steps in the development of a Shadow Board for the proposed Body.

Recommendations:

The Cabinet Committee is recommended to consider and endorse or make recommendations on the proposed decision of Leader, in accordance with Article 10 (1) & (4) of the council's constitution, to:

1. Agree to establish, and participate in, a shadow Sub National Transport Body (SNTB) for the South East, known as Transport for the South East (TfSE), at the cost, for the purposes, and with the membership, set out in the report
2. Agree to the proposal to establish, and participate in, a formal Sub-National Transport Body for the South East also known as TfSE and with the same purpose and membership.

The cabinet committee will receive a further report following establishment of the shadow SNTB outlining proposals for the full SNTB.

In accordance with the Council's Executive Scheme of Officer Delegation, officers are responsible for the implementation of executive decisions and as such the Corporate Director GET and Director of Environment, Planning and Enforcement will take any administrative actions necessary towards the implementation of 1 & 2 above.

1. Background

- 1.1 The Cities and Local Government Devolution Act makes provision for the establishment and constitution of **Sub-National Transport Bodies (SNTBs)** for any area in England (outside of Greater London).

- 1.2 An SNTB can prepare a Transport Strategy for an area which would set out proposals for the promotion and encouragement of safe, sustainable, integrated, efficient, economic and strategic transport facilities and services to and from the area of the SNTB.
- 1.3 The establishment of an SNTB must cover the whole area of at least two relevant authorities. Each of the following is considered a relevant authority for the purposes of the Act:
- A Combined Authority;
 - An Independent Transport Authority;
 - A County Council; and
 - A Unitary Authority.
- 1.4 Furthermore, the Department for Transport requires that SNTBs be large enough to allow the genuine strategic consideration and planning of transport infrastructure and do not create “white space” where Authorities are excluded from participation in sub-national arrangements. The North of England and the Midlands are also developing SNTB proposals.
- 1.5 An SNTB, if established will take into account the voice of business in developing its proposition. The Local Enterprise Partnerships (LEPs) are the main mechanism to do this. The arrangements in the Midlands and the North have on this basis included some representation from the LEPs.
- 1.6 An SNTB is a body corporate, which will only be established by the Secretary of State if it is considered that:
- its establishment would facilitate the development and implementation of transport strategies for the area, and
 - the objective of economic growth in the area would be furthered by the development and implementation of such strategies.
- 1.7 Development of the SNTB will be undertaken in parallel with any devolution deals that Kent and Medway wish to pursue in future. The SNTB remit will include the strategic network and will focus on those priorities that have a regional impact and/or transcend Kent and Medway boundaries.

2. Proposal for a Sub-National Transport Body for the South East

- 2.1 The South East Seven (SE7) Councils (Kent, East Sussex, West Sussex, Hampshire and Surrey county councils, and Brighton & Hove City and Medway unitary council) and the Local Enterprise Partnerships (LEPs) that represent the area have discussed the establishment of an SNTB for the South East, to be called Transport for the South East (TfSE). A TfSE on this geographic scale would fulfil the DfT’s minimum geographic size requirements set out at para 1.3. Discussions will shortly commence with Portsmouth, Southampton and the Isle of Wight and the Solent LEP about joining TfSE.
- 2.2 The proposed TfSE would enable authorities to influence national and regional infrastructure providers, helping to secure the infrastructure required to support continuing economic growth. A TfSE would see Government, South East

Transport Authorities and/or Combined Authorities and LEPs working together with Highways England, Network Rail and port, airport and bus operators. TfSE would require strategic transport providers to take account of its priorities.

- 2.3 TfSE would provide a mechanism for the area to speak with a strong, common voice on transport infrastructure and provide a single platform for strategic transport and infrastructure issues, giving partners greater, and potentially direct, influence over decisions that are currently made elsewhere. Its key outcome will be the development of a single, strategic transport infrastructure framework which would align the investment programmes from key agencies, such as Highways England, Network Rail and the LEPs.
- 2.4 TfSE presents the opportunity to support and deliver growth plans across the area through the development of a long-term strategic programme which identifies a comprehensive package of transport measures to make the South East more competitive. It would complement the work of the LEPs and their Strategic Economic Plans and support the delivery of Local Plans.

3. Development of a Shadow Sub-National Transport Body for the South East

- 3.1 Prior to the establishment of TfSE it is proposed to establish the Body in shadow form which would serve to demonstrate commitment from the constituent Authorities to work collaboratively and to provide reassurance to Government about the strength of the partnership. It would have two priorities during this period:-
 - Develop an overarching Transport Strategy for the area.
 - Develop responsibilities and accountabilities for the TfSE, including governance and assurance arrangements.
- 3.2 If partners agree to establish TfSE in shadow form, it is proposed to establish an SNTB Leaders' Board to determine and agree the constitutional arrangements ensuring the governance reflects the aspirations of the Local Authorities. The SNTB Leaders' Board would consist of, subject to discussions with partners in Hampshire, the SE7 Councils, Portsmouth City Council, Southampton City Council and the Isle of Wight Council and the LEPs. The Board will agree the terms of reference, including governance and voting arrangements for consultation with wider partners.
- 3.3 The constitution sets out within it the responsibilities of the Leader, one of which is to "represent the Council at national and local level, on outside bodies and in partnership with other agencies". On this occasion the Leader does not intend to delegate that responsibility and as such will join the Shadow SNTB and eventually the full SNTB as the council's representative.
- 3.4 The Leader will represent the Council's interests as the constitutional arrangements for the shadow and full SNTB are created and in relation to the creation of a transport strategy.

4. The Transport Strategy

- 4.1 The cornerstone of TfSE is the Transport Strategy. It will build upon existing Local Transport Plans, including Kent's *Local Transport Plan 4: Delivering Growth without Gridlock*, currently out to consultation, and evidence already available from the constituent Authorities, including the LEP's Strategic Economic Plans and growth and infrastructure frameworks/studies being undertaken by a number of upper-tier Authorities, including the *Kent and Medway Growth and Infrastructure Framework*.
- 4.2 The Transport Strategy would outline the ambition of TfSE and describe the vision for the South East in relation to the transport function of the area, including the effectiveness, efficiency and resilience of the existing network. It would include priorities for freight, ports, airports and other public transport modes.
- 4.3 The Transport Strategy, which will also outline the proposals to establish a full SNTB, would be subject to consultation, including where appropriate, engagement with Borough and District Councils.

5. Membership of the Shadow Sub-National Transport Body

- 5.1 The constituent authorities of the shadow body set out below will form the initial membership (subject to any future establishment of Combined Authorities):
- Kent County Council
 - Medway Council
 - Brighton and Hove City Council
 - East Sussex County Council
 - Hampshire County Council
 - West Sussex County Council
 - Surrey County Council
- 5.2 Whilst these will be the initial member authorities it is intended to broaden the membership to include all Transport/Highway authorities in the area and agreement will be sought from the Isle of Wight, Southampton and Portsmouth Councils to become members. In addition dialogue will be opened with the Berkshire Authorities to consider their involvement, particularly in light of the recent decision regarding Heathrow's expansion.
- 5.3 It will also be essential to ensure that, as with the SNTB proposals elsewhere, business is suitably represented on the Board and we will work with the LEPs to determine how best that can be achieved. It is therefore recommended that authority is delegated to the Leader to determine the other members of the shadow board. This will be agreed through a Leaders Board (see paragraph 3.2). As progress is made towards a more formal body and the necessary governance arrangements are developed consideration will have to be given as to how the voice of District and Borough colleagues are taken on board most effectively.
- 5.4 Additional members of the shadow TfSE SNTB may be considered, as appropriate, on a case by case basis but as a minimum should include:
- Department for Transport

- Highways England
- Network Rail
- Transport for London
- Airport, Sea port, Bus and train operating companies.

5.5 TfL represents the most significant transport hub in the South and has significant economic impact resulting from their investment decisions. It is for that reason they are included as part of the membership of TfSE. However, in return, it is suggested that TfSE will make representation to become a member of the TfL Board.

6. Resource Requirement

6.1 There is a resource requirement to establish TfSE and to develop a Transport Strategy, and to set out and agree its responsibilities and accountabilities.

6.2 A resource will also be required to service the TfSE initially, to develop the governance arrangements and later to support TfSE business.

6.3 It is estimated that appropriate support for developing the shadow SNTB and the overarching draft Transport Strategy would total £200,000 (£20,000 per Council).

7. Stakeholder Engagement

7.1 Before progressing a proposal for an SNTB, the constituent Authorities must consult on the boundary proposals and it is proposed that the shadow SNTB undertakes this consultation.

7.2 Public consultation is also required on the SNTB's Transport Strategy prior to publication.

8. Timetable

8.1 It is anticipated that a SNTB could take up to two years before being confirmed by the Secretary of State. Subject to approval by constituent members, a potential timeline for developing TfSE and the Transport Strategy could be as follows:

2016	<ul style="list-style-type: none"> • Discussions with DfT (ongoing); • Develop and establish a shadow SNTB with partners; and • Publish Terms of Reference, governance arrangements and vision.
2017	<ul style="list-style-type: none"> • Develop the Transport Strategy; • Develop the formal proposal and consult on the Strategy.
2018	<ul style="list-style-type: none"> • Agreement to the proposal by Government; • Preparation of the Order establishing the SNTB; and • Parliamentary process and sign-off of the Order.

8.2 A shadow TfSE SNTB can run in parallel to the formal process of confirming an SNTB and establishment of the final Order.

8.3 Although the process of setting up the full TfSE is expected to take up to two years, it is proposed that the shadow SNTB be set up before the end of this calendar year. Subject to appropriate approvals by the proposed constituent members, the shadow Body will become active before the end of this year.

9. Financial implications

9.1 The financial implication of the recommendation is the £20,000 that KCC is proposing to contribute to the development of the SNTB Shadow Board and the associated Transport Strategy and this will be sourced from existing budgets within the Environment, Planning and Enforcement Division.

10. Legal implications

10.1 There are no direct legal implications of the recommendations in this report, although should an TfSE SNTB be established by the Secretary of the State following the work set out in this report, then there would be legal implications arising from the establishment of the SNTB which itself would be a body corporate.

11. Recommendations

11.1 The Cabinet Committee is recommended to consider and endorse or make recommendations on the proposed decision of Leader, in accordance with Article 10 (1) & (4) of the council's constitution, to:

1. Agree to establish, and participate in, a shadow Sub National Transport Body (SNTB) for the South East, known as Transport for the South East (TfSE), at the cost, for the purposes, and with the membership, set out in the report
2. Agree to the proposal to establish, and participate in, a formal Sub-National Transport Body for the South East also known as TfSE and with the same purpose and membership.

The cabinet committee will receive a further report following establishment of the shadow SNTB outlining proposals for the full SNTB.

In accordance with the Council's Executive Scheme of Officer Delegation, officers are responsible for the implementation of executive decisions and as such the Corporate Director GET and Director of Environment, Planning and Enforcement will take any administrative actions necessary towards the implementation of 1 & 2 above.

Contact details

Report Author and Relevant Director:

Katie Stewart
Director of Environment, Planning and Enforcement
03000 418827
Katie.stewart@kent.gov.uk

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Paul Carter, Leader of the Council

DECISION NO:

16/00120

For publication

Key decision*

Yes

Subject: Shadow Sub-National Transport Body for the South East

As Leader of the Council, in accordance with Article 10 (1) & (4) of the council's constitution, I agree to:

1. establish, and participate in, a shadow Sub National Transport Body (SNTB) for the South East, known as Transport for the South East (TfSE), at the cost, for the purposes, and with the membership, set out in the accompanying report; and
2. the proposal to establish, and participate in, a formal Sub-National Transport Body for the South East also known as TfSE and with the same purpose and membership.:

Reason(s) for decision:

The Cities and Local Government Devolution Act makes provision for the establishment and constitution of Sub-National Transport Bodies (SNTBs) for any area in England (outside of Greater London).

An SNTB can prepare a Transport Strategy for an area which would set out proposals for the promotion and encouragement of safe, sustainable, integrated, efficient, economic and strategic transport facilities and services to and from the area of the SNTB.

The proposed TfSE would enable authorities to influence national and regional infrastructure providers, helping to secure the infrastructure required to support continuing economic growth. A TfSE would see Government, South East Transport Authorities and/or Combined Authorities and LEPs working together with Highways England, Network Rail and port, airport and bus operators. TfSE would require strategic transport providers to take account of its priorities.

Cabinet Committee recommendations and other consultation:

The South East Seven (SE7) Councils (Kent, East Sussex, West Sussex, Hampshire and Surrey county councils, and Brighton & Hove City and Medway unitary council) and the Local Enterprise Partnerships (LEPs) that represent the area have discussed the establishment of an SNTB for the South East, to be called Transport for the South East (TfSE).

The proposal will be considered by Members of the Environment and Transport Cabinet Committee on 17 November. If the decision is taken to establish a shadow SNTB, the cabinet committee will receive a further report outlining proposals for the full SNTB.

Any alternatives considered:

N/A

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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From: **Matthew Balfour – Cabinet Member for Environment & Transport**

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: **Environment and Transport Cabinet Committee - 17 November 2016**

Subject: **Introduction of a pre-application charging scheme for sustainable urban drainage advice**

Key Decision: 16/00130

Past Pathway of Paper: N/A

Future Pathway of Paper: For Cabinet Member Decision

Classification: **Unrestricted**

Electoral Division: Kent wide

Summary: This report seeks the introduction of an interim chargeable pre-application service for sustainable urban drainage advice to developers pending a wider review on charging within the Growth, Environment and Transport Directorate.

Recommendation:

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on a proposed decision to introduce a pre-application charging service for sustainable urban drainage advice to developers as set out at **Appendix A** to this report for engagement with representatives from the development industry via the Kent Developers Group.

1. Introduction

1.1 This report seeks the introduction of a chargeable pre-application advice service for sustainable urban drainage (SuDs) advice to developers promoting applications that are determined by the borough and district planning authorities.

2. Context

2.1 In 2015, the County Council became a statutory consultee to the planning authorities in Kent responsible for providing technical advice on surface water management including sustainable drainage matters. This includes consultation for full and outline applications as well as secondary consultation in relation to reserved matters, discharge of conditions and variations. This advice is considered as part of the determination of planning applications.

- 2.2 As a result of the new consultee role, a number of 'potential developers' are seeking pre-application advice from the County Council on SuDs matters prior to the submission of a planning application to the borough and district councils.
- 2.3 This discretionary engagement provides an opportunity to shape development at an early part of the development process and can lead to quicker decision making and higher quality development. Developments that are unlikely to be successful during the planning process can also be discouraged, resulting in potentially expensive consultancy and survey work being avoided for the developer.
- 2.4 Providing this service will obviously cost the authority in staff time and other resource. Unlike other parts of the GET Directorate and other local authorities, the cost of this pre-application advice is currently not met by the developer. However, with current financial pressures on the public purse, it is proposed that the service seeks to recover its costs.

3. The Service

- 3.1 The Flood and Water Management Team currently receive consultations with respect to:
 - a) enquiries to support preparation of flood risk assessments required for major developments and some minor developments (Flood Risk Assessment enquiries),
 - b) enquiries to inform drainage strategies to support a planning application (pre-application enquiries),
 - c) consultations in relation to the preferred approach to define detailed drainage strategies (after planning permission is granted but prior to any further subsequent planning submissions),
 - d) consultations in relation to discharge to the ground and ordinary watercourses; and
 - e) consultations for minor development which may have a drainage issue.
- 3.2 These consultations are received from consultants, house builders, Local Planning Authorities and the general public. The enquiries may result in a written response, meetings in our offices, at local planning authority offices or site meetings to clarify the issues at hand.
- 3.3 An indication of the demand for the service is provided by an assessment of requests over the last year which records some 100 consultations.
- 3.4 To date, the additional advice provided has not been widely advertised. This additional consultation has been promoted through discussions and presentations with developers and through the Kent Development Managers Group (part of Kent Planning Officers Group).

4. Introducing a charge

- 4.1 Charging for pre-application services is not new, and KCC has had in place charges for a number of services for a number of years, including those for planning, highways and transport, ecology and heritage. These charges vary based on the service provided and the resource required to provide the service.
- 4.2 In recent years, increasing numbers of local authorities are now charging for a pre-application service and a number of SuDs authorities have implemented charging schemes. There are a number of different charging models in place and considerable variation as to the amount charged, the service offered and the exemptions that apply. Local authorities may charge for providing discretionary services under section 93 of the Local Government Act 2003, although there is Government expectation that there is some element of free advice. It is clear from the legislation that where charges are made, they should not exceed the cost of providing the service.
- 4.3 In deciding whether and how much to charge, careful consideration needs to be given to potential unintended consequences. This includes setting a rate that deters engagement, leading to poorer quality developments and delays in planning decisions.
- 4.4 In addition, it is also noted that any charge introduced should be consistent with other services for which KCC charges in a similar capacity. To this end, a wider review of charging is currently being undertaken within the GET Directorate. This work is considering the charging schemes in place, the consistency of existing rates and services for our customers and whether these meet customer needs. The work is expected to report to Environment and Transport Cabinet Committee (E&TCC) in 2017. Should revisions be proposed to existing schemes, these will need to be reported to E&TCC and agreed by the Cabinet Member for Environment and Transport.
- 4.5 In light of the timescale for this wider review, an interim chargeable SuDs pre-application advice service is proposed, which will allow the service to start charging from January 2017 and enable it to begin recovering costs as soon as possible.

5. Proposed Charging Scheme

- 5.1 The proposed interim rate schedule for SuDs is to be based on the service currently offered by the Planning Applications Group. This interim scheme would be reviewed as part of the wider GET review of charging referenced in para 4.4.
- 5.2 Since 2011, the Planning Applications Group has provided a chargeable pre-application service. It charges for bespoke planning advice either given verbally at a meeting or in writing for applications that are to be determined by the County Council. There is an element of free advice and unlike some other charging authorities, the rate is the same irrespective of the complexity of the proposal or the number of officers involved. Where a developer seeks the

views of additional specialist services i.e. ecology, then the scheme enables the recharging of the specialist service cost. In practice, however, the take up of specialist service views to date has been minimal.

- 5.3 The proposed charging schedule is set out in **Appendix A**. A limited range of guidance would be freely available to individual home owners who have specific flood related issues which may impact their own house and to local community groups, parish councils or Flood Forums on works proposed to improve local communities. Standing advice for specific development scenarios and types will also be available on line. Charges would apply for written and verbal advice for all other discretionary flood management requests.
- 5.4 The proposed Charging Scheme is to be reported to Kent Developer's Group in December 2016. This engagement will raise awareness of the scheme and afford an opportunity for representatives of the development industry to comment on the proposal. Any views raised will be considered by the Cabinet Member prior to implementation of the scheme.

6. Corporate Policy Implications

- 6.1 The proposed charging scheme will support and aid delivery of a number of corporate and partnership strategies. In particular, it will underpin policies within the Strategic Statement 'Increasing Opportunities, Improving Outcomes by supporting and facilitating new growth in the Kent economy and the creation of a high quality built environment. In addition, the work has a role to play in the delivery of the Kent Environment Strategy and the Kent and Medway Growth and Infrastructure Framework.

7. Financial Implications

- 7.1 The proposal would recover the costs of providing pre-application advice to developers on sustainable drainage matters.

8. Legal Implications

- 8.1 The Local Government Act 2003, section 93 enables local authorities to charge for discretionary planning services.

9. Equalities Implications

- 9.1 An Equalities Impact Assessment (EQIA) has been undertaken to support the work. It concluded that the introduction of the charging scheme is unlikely to have any specific adverse or positive impacts upon the identified nine characteristics. Further details are set out in Appendix C.

10. Conclusions

- 10.1 This report seeks the introduction of an interim chargeable pre-application service for sustainable urban drainage advice to developers pending a wider review on charging within the Growth, Environment and Transport Directorate. The proposed charging scheme is attached at **Appendix A**. The

proposed scheme is to be discussed at the Kent Developers Group in December 2016. Subject to the views of this Committee and those raised by the Kent Developers Group, the Cabinet Member is asked to agree the interim charging scheme for implemented.

11. Recommendation(s)

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on a proposed decision to introduce a pre-application charging service for sustainable urban drainage advice to developers as set out at **Appendix A** of this report for engagement with representatives from the development industry via the Kent Developers Group.

12. Background and Appended Documents

12.1 Sustainable Urban Drainage – Planning Application Advice – Charging Schedule 2016 - **Appendix A**

Proposed Record of Decision – **Appendix B**

Equality Impact Assessment – **Appendix C**

13. Contact details

Report Author

Sharon Thompson – Head of Planning Applications

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Relevant Director:

Katie Stewart – Director Environment, Planning and Enforcement

Tel – 03000 418827

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SUSTAINABLE URBAN DRAINAGE – PLANNING ADVICE CHARGING SCHEDULE

1	Free Advice	<p>Free advice is available to (1) individual home owners who have specific drainage or flood related issues which may impact their own house for development; (2) Local community groups, Parish councils or Flood Forums on works proposed to improve local communities.</p> <p>Standing advice for specific development scenarios and types will also be available on line from kent.gov.uk</p>	No Charge
2	<p>Site enquiry or Flood risk assessment enquiry Site location is defined but development proposal is not detailed.</p>	<p>Written advice in response to written enquiry Review of a site location to identify geographical, geological and flood risk constraints; provision of bespoke comments and advice on preferred concept; sign-posting of further information sources; support and advice available. With a written response provided within 14 days of fee payment.</p>	£200 + VAT
3	<p>Site enquiry or Flood risk assessment enquiry for residential or commercial development <u>where</u> the development proposal is detailed</p>	<p>Meeting on site or at an office location external to KCC One officer attending one meeting on site or other office to review preliminary drainage strategy, provide bespoke comments and advice, and includes confirmation of agreed principles (does not include minutes of meeting) with a written response provided within 14 days of meeting. Total time including meeting and travel not to exceed 4 hours.</p>	£400 + VAT
4	<p>Site enquiry or Flood risk assessment enquiry for residential or commercial development <u>where</u> the development proposal is detailed</p>	<p>Meeting at County Hall or other KCC office if agreed One officer attending one meeting at an agreed KCC office to review preliminary drainage strategy, provide bespoke comments and advice, and includes confirmation of agreed principles (does not include minutes of meeting) with a written response provided within 14 days of meeting.</p>	£300 + VAT

		Total meeting time not to exceed 2 hours.	
5	Site enquiry or Flood risk assessment enquiry for residential or commercial development <u>where the development proposal is detailed</u>	Written advice after meeting Formal response to details or information submitted in direct response to meeting as follow up to KCC comments. Response provided within 21 days of submission of information.	£150 + VAT
6		Any additional correspondence requested beyond initial meeting; reviews not within our statutory requirements; applications already approved or previously submitted to LPA will be charged at an hourly rate. EIA Screening, scoping or any matters relating to master-planning or where other authorities are taking the lead may need to be charged outside the defined schedule.	Depending upon complexity - price upon application Based upon hourly rate

The type of pre-application advice that is provided will depend upon whether the development proposals are at a generic or detailed stage. Where the site location is defined but the development proposal is not detailed, then a written advice option as set out in (2) above is available. The County Council can provide:

- A review of the site location with respect to ground conditions and National surface water mapping
- A summary of any historic flood incidents that have occurred on the site or within the related locality as held on KCC databases or reports
- A review of drainage assets or natural drainage systems, including ordinary watercourse or known public sewers that are within the locality that require consideration
- A statement of any other flood issues or ground conditions that should be considered within the proposed development
- Advice on the type and nature of surface water drainage that could be designed into the relevant development
- Information about flood risk consenting that may be required for the proposed development
- Listing of other information sources that may be referenced but not sourced by KCC

If a detailed development layout has been developed then the enquirer is advised to arrange a pre-application meeting.

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Matthew Balfour, Cabinet Member for Environment and Transport

DECISION NO:

16/00130

For publication

Key decision*

Yes

Subject: Introduction of a pre-application charging scheme for sustainable urban drainage advice

Decision:

As Cabinet Member for Environment and Transport, I agree to introduce a pre-application charging service for sustainable urban drainage advice to developers as set out in **Appendix A** of the report accompanying this decision for engagement with representatives from the development industry via the Kent Developers Group.

Reason(s) for decision:

In 2015, the County Council became a statutory consultee to the planning authorities in Kent responsible for providing technical advice on surface water management including sustainable drainage matters.

As a result of the new consultee role, a number of 'potential developers' are seeking pre-application advice from the County Council on SuDs matters prior to the submission of a planning application to the borough and district councils.

This discretionary engagement provides an opportunity to shape development at an early part of the development process and can lead to quicker decision making and higher quality development. Developments that are unlikely to be successful during the planning process can also be discouraged, resulting in potentially expensive consultancy and survey work being avoided for the developer.

Providing this service will obviously cost the authority in staff time and other resource. Unlike other parts of the GET Directorate and other local authorities, the cost of this pre-application advice is currently not met by the developer. However, with current financial pressures on the public purse, it is proposed that the service seeks to recover its costs.

Cabinet Committee recommendations and other consultation:

The proposed Charging Scheme is to be reported to Kent Developer's Group in December 2016. This engagement will raise awareness of the scheme and afford an opportunity for representatives of the development industry to comment on the proposal. Any views raised will be considered by the Cabinet Member prior to implementation of the scheme.

The proposal is also being considered by Members of the Environment and Transport Cabinet Committee on 17 November 2016.

Any alternatives considered:

The proposed interim rate schedule for SuDs is to be based on the service currently offered by the Planning Applications Group.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

July 2015

**KENT COUNTY COUNCIL
EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)**

**This document is available in other formats, Please contact
bronwyn.buntine@Kent.gov.uk or telephone on 03000 41 3341**

Directorate:

Growth, Environment and Transport

Name of policy, procedure, project or service

Pre-application charging for sustainable drainage advice

What is being assessed?

Charging scheme for provision of service

Responsible Owner/ Senior Officer

Sharon Thompson, Head of Planning Applications

Date of Initial Screening

31 October 2016

Date of Full EqIA :

N/A

Update each revised version below and in the saved document name.

Version	Author	Date	Comment
V1	B.Buntine	31/10/2016	Initial Screening
V2	A Agyepong	31/10/2016	Review
V3	B.Buntine	31/10/2016	Updated per review.

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
Age	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required.	No
Disability	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required.	No
Gender	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required.	No
Gender identity	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required.	No
Race	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required.	No
Religion or belief	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required.	No
Sexual orientation	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required.	No
Pregnancy and maternity	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required..	No
Marriage and Civil	No	none	none	Any impacts would be no different to impacts on general population. No further assessment	No

July 2015

Partnerships				required.	
Carer's responsibilities	No	none	none	Any impacts would be no different to impacts on general population. No further assessment required.	No

Part 1: INITIAL SCREENING

Proportionality - Based on the answers in the above screening grid what weighting would you ascribe to this function – see Risk Matrix

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

Low relevance as the charging schemes applies to a service which provides information for professionals and does not have implications for any delivery of or access to any services by a group with protected characterisitcs.

Individuals or householders who may qualify within the nine characteristics are able to access information as a free service and would not be impacted by this charging scheme.

Context

Kent County Council as Lead Local Flood Authority was made a statutory consultee within the National Planning Policy Framework on the 15 April 2015. This was passed through as a revision to the Town and Country Planning (Development Management Procedure Order) (England) Order 2015.

This statutory role requires that KCC are consulted by the Local Planning Authorities within Kent for any Major Planning applications (as defined in Town and Country Planning Act 1990) in relation to surface water management.

As a result of the new consultee role, a number of ‘potential developers’ are seeking pre-application advice from the County Council on sustainable drainage matters prior to the submission of a planning application to the borough and district councils. As per other pre-application advice that KCC provides, KCC is able to charge for such advice as stated within The Local Government Act 2003 (section 93).

Aims and Objectives

With the current financial pressures on the public purse, it is proposed that the service seeks to recover its costs in the interests of being a Best Value Authority and to provide an appropriate interim charging scheme until the wider KCC review of charges can be completed in 2017.

Beneficiaries

The interim charging scheme for Sustainable Drainage advice will provide benefit to:

- Development community as it provides a clear process for requesting information on sustainable drainage matters in development;
- Technical professionals involved in developing drainage schemes as it provides a clear template on information which will be provided by and available through Kent County Council; and,
- Kent County Council will benefit as the definition of the charging scheme will reduce costs through re-covering consultations currently being subsidised through the statutory function.

Information and Data used to carry out your assessment

The interim Pre-Application Charging scheme has been based upon on the service currently offered by the Planning Applications Group.

We have assessed the pre-application consultations we undertake against our statutory consultations based upon the applications received from 15 October 2015 to 14 October 2016.

This information has demonstrated the the pre-application service would be utilised by professionals in providing submissions within the planning system as indicated in the section above.

It is unlikely to engage the public or any service users as defined within a relevant protected characteristic.

Involvement and Engagement

We have engaged internally within EPE to assess the basis of the Directorate's charging.

The proposed Charging Scheme is to be reported to Kent Developer's Group in December 2016. This engagement will raise awareness of the scheme and afford an opportunity for representatives of development industry to comment on the proposal. Any views raised will be considered by the Cabinet Member prior to implementation of the scheme.

Potential Impact

The purpose of the proposed Charging Scheme is to ensure that costs currently incurred for pre-application charges are met through cost recovery and are not subsidised by our statutory role.

July 2015

The potential impacts of the draft Charging Scheme will have no more of a significant impact on any particular group than they will on the entire population.

Adverse Impact:

The proposed Charging Scheme is unlikely to have a specific, adverse impact on any of the protected groups to any lesser or greater extent than the general population.

Positive Impact:

The proposed Charging Scheme is unlikely to have a specific, positive impact on any of the protected groups to any lesser or greater extent than the general population.

JUDGEMENT

Our judgement, following the initial screening, is that draft Charging Scheme for Sustainable Drainage Pre-application is unlikely to have any specific adverse or positive impacts upon the identified nine characteristics.

Option 1 – Screening Sufficient **YES/NO**

Following this initial screening our judgement is that no further action is required.

Justification:

The draft Charging Scheme is a service utilised by professionals within the planning system. It does not impact any delivery of service to any group with protected relevant characteristics.

Option 2 – Internal Action Required **YES/NO**

None required.

Option 3 – Full Impact Assessment **YES/NO**

None required.

Monitoring and Review

The Charging Scheme for Sustainable Drainage and the process for undertaking pre-application advice will be made available through Kent County Council's web pages.

July 2015

Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

Senior Officer

Signed:

Name: Sharon Thompson

Job Title:

Date:

DMT Member

Signed:

Name: Barbara Cooper

Job Title: Corporate Director, Growth, Environment and Transport

Date: 31 October 2016

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications

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From: **Matthew Balfour – Cabinet Member for Environment & Transport**

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: **Environment and Transport Cabinet Committee - 17 November 2016**

Subject: **Kent Minerals and Waste Local Plan – Minerals and Waste Development Scheme**

Key Decision: 16/00121

Past Pathway of Paper: N/A

Future Pathway of Paper: Cabinet Member Decision

Classification: **Unrestricted**

Electoral Division: Kent wide

Summary:

As the minerals and waste planning authority for Kent, the County Council must prepare and keep under review a Minerals and Waste Development Scheme (MWDS). The MWDS sets out a timetable for the production of the key planning documents of the Kent Minerals and Waste Local Plan. This report proposes changes to the current MWDS and seeks Environment and Transport Cabinet Committee’s endorsement to these changes.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to:

- (i) endorse an updated MWDS as attached at **Appendix B**; and
- (ii) authorise the Corporate Director for Growth, Environment and Transport to:-
 - bring the updated MWDS into effect; and,
 - publish the updated MWDS on the Council’s website

Introduction

1.1 Under the Planning and Compulsory Purchase Act 2004 (as amended), the County Council must prepare a Minerals and Waste Development Scheme (MWDS), which is a project plan that includes timetables for preparing planning documents relating to minerals and waste over the next three years. The MWDS assists the programming of Public Examinations and allows the public to know when and at what stage they can be involved. The last revision to the MWDS was published in July 2014.

- 1.2 A revision is now required to show an updated timetable for preparing the Kent Minerals and Waste Sites Plans which will allocate land for the future development of waste management and minerals supply facilities.
- 1.3 The update reflects the Council's adoption of the Kent Minerals and Waste Local Plan 2013-2030 in July 2016. The previous MWDS had anticipated adoption by April/May 2015 but the independent examination of the Plan took longer than expected, largely due to the need for two rounds of consultation on modifications recommended by the examination Inspector.
- 1.4 Subsequent delays to the adoption of the Kent Minerals and Waste Local Plan 2013-2030 have resulted in a consequent delay to the commencement of work on the Minerals and Waste Sites Plans and hence the need for a revised timetable. The key stages in the preparation of the Sites Plans are set out below, and the proposed complete revised scheme is included with this report as **Appendix B**:

Stage	When
'Call for Sites'	November 2016 to January 2017
Preferred Options Consultation	September to October 2017
Pre-Submission Plan Consultation	July to September 2018
Submission of Plan to Government	October 2018
Independent Examination Hearings	February to April 2019
Adoption	September 2019

- 1.5 In addition, during the examination of the Kent Minerals and Waste Local Plan 2013-2030, the Inspector recommended that the Council publish separate guidance on its approach to the safeguarding of minerals resources and supply facilities as well as to waste management facilities. It is therefore necessary for the Council to prepare a separate guidance document, known formally as a Supplementary Planning Document (SPD), to cover these matters.
- 1.6 The revised MWDS also notes that the Council is updating its 'Statement of Community Involvement' (SCI). The SCI sets out how communities and stakeholders are to be involved in the preparation of Local Plan documents.
- 1.7 The updated MWDS sets out the timetable for the preparation of the SPD and notes the preparation of the updated Statement of Community Involvement.
- 1.8 Separate reports concerning the preparation of the Kent Minerals and Waste Sites Plans, the SPD and the SCI are being presented to this meeting of Environment & Transport Cabinet Committee. Each are the subject of a separate Forthcoming Executive Decision (FED).

2. Corporate Policy Implications

- 2.1 Once adopted the Kent Minerals and Waste Sites Plans will provide further Council policy on the use of land associated with waste management and minerals supply facilities. The Sites Plans will identify specific areas of land which the Council considers are suitable for the development of waste management and minerals supply facilities. In conjunction with the adopted Kent Minerals and Waste Local Plan 2013-2030, the Sites Plans will be used by the Council to assess the merits of planning applications submitted for

waste and minerals developments. The Sites Plans will be prepared to be consistent with the approach set out in the Kent Minerals and Waste Local Plan 2013-2030.

2.2 The Sites Plans will support and aid delivery of a number of corporate and partnership strategies. In particular they will underpin corporate policies contained within the Strategic Statement 'Increasing Opportunities, Improving Outcomes – Kent County Council's Strategic Statement 2015-2020' by supporting and facilitating new growth in the Kent economy, and the creation of a high quality built environment.

2.3 In addition, the Sites Plans have a role to play in the delivery of the Kent Environment Strategy, the Joint Municipal Waste Strategy and the Kent and Medway Growth and Infrastructure Framework.

3. Financial Implications

3.1 The costs of preparing the Kent MWLP Mineral and Waste Sites Plans are included in the Environment Planning and Enforcement Division's budget. There is an expectation by Government (DCLG) that all planning authorities have an up to date local plan in place. Without an adopted Plan, there is a risk that DCLG will step in as the plan making authority, reducing local accountability.

4. Legal Implications of the Suggested Action

4.1 The County Council has a legal obligation under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Minerals and Waste Development Scheme setting out how planning documents concerning minerals and waste developments will be prepared. The revised Kent MWDS has been prepared to ensure compliance with this legislation.

5. Equalities Implications

5.1 Equalities Impact Screening of each of the documents set out in the Minerals and Waste Development Scheme will be undertaken and Equalities Impacts Assessments of the documents screened as requiring assessment will be carried out.

6. Conclusions

6.1 The County Council is required by legislation to describe and maintain a timetable of the documents it proposes to prepare relating to its plan-making obligations for minerals and waste management developments. The Council's current document, known as the Minerals and Waste Development Scheme (MWDS), requires updating and the endorsement of the Environment & Transport Cabinet Committee is therefore sought to an updated MWDS.

7. Recommendations

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to:

- (i) endorse an updated MWDS as attached at **Appendix B**; and
- (ii) authorise the Corporate Director for Growth, Environment and Transport to:-
 - bring the updated MWDS into effect; and,
 - publish the updated MWDS on the Council's website

8. Background and Appended Documents

8.1 Reports to this meeting of Environment & Transport Cabinet Committee include further information concerning documents covered by the MWDS, namely:

- Proposed Record of Decision – Appendix A
- Kent Minerals and Waste Local Plan – Minerals and Waste Development Scheme - Appendix B
- Draft Minerals and Waste Safeguarding Supplementary Planning Document-
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4863&ID=4863&RPID=11510896>
- Draft Kent Statement of Community Involvement -
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4864&ID=4864&RPID=11510902>
- Mineral and Waste Development Scheme 2014 -
<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4865&ID=4865&RPID=11510904>
- Kent Minerals and Waste Local Plan 2013 -30
<http://consult.kent.gov.uk/file/4073744>

9. Contact details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Matthew Balfour, Cabinet Member for Environment and Transport

DECISION NO:

16/00121

For publication

Key decision*

Yes

Subject: Kent Minerals and Waste Local Plan – Minerals and Waste Development Scheme (MWDS)

Decision:

As Cabinet Member for Environment and Transport, I agree to:

- (i) Endorse an updated MWDS and
- (ii) Authorise the Corporate Director for Growth, Environment and Transport to bring the updated MWDS into effect; and, publish the updated MWDS on the Council's website.

Reason(s) for decision:

Under the Planning and Compulsory Purchase Act 2004, (as amended), the County Council must prepare a Mineral and Waste Development Scheme (MWDS). This is a project plan that includes a timetable for preparing local plan documents for minerals and waste management development over the next three years. The MWDS assists the programming of Public Examinations undertaken by an independent Inspector appointed by the Secretary of State and allows the public to know when and at what stage they can be involved. The last revision to the MWDS was published in July 2014.

A revision is now required to show an updated timetable for preparing the Kent Minerals and Waste Sites Plans which will allocate land for the future development of waste management and minerals supply facilities.

Cabinet Committee recommendations and other consultation:

The draft revised Minerals and Waste Development Scheme has been discussed informally by an informal Members Group for the Kent MWLP appointed by the Cabinet Member

The proposed decision is being discussed at the Environment and Transport Cabinet Committee on 17 November.

Any alternatives considered:

Statutory requirement

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

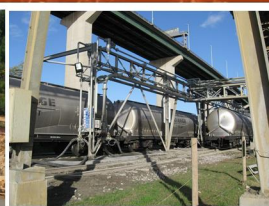
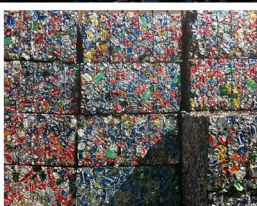
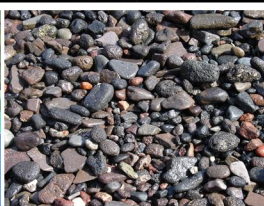
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date

Name:

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Kent Minerals and Waste Local Plan



Minerals and Waste Development Scheme

Draft September 2016



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Contents

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1 Glossary of Terms/Abbreviations Used in the Text

Abbreviation	Explanation
Annual Monitoring Report (AMR)	A statutory document submitted to Government and published at the end of each year which monitors the progress of document preparation against the Development Scheme milestones and progress in meeting the objectives set in the Framework.
Kent Minerals and Waste Local Plan 2013-30	This adopted plan (July 2016) set out the County Council's vision, objectives & spatial strategy for Minerals and Waste. It contains a statement of strategy and, a set of primary policies and proposals for delivering the Core Strategy and sets the policy framework for the Minerals and Waste Sites Plans work and development management decisions.
Kent Development Plan	The portfolio of documents that together provide the framework for delivering the spatial planning strategy for minerals & waste. Along with local plans produced by the Kent borough and District Councils it forms the Development plan for the purposes of planning legislation.
Minerals and Waste Development Scheme (MWDS)	The project plan setting out the County Council's programme and timetable for the documents it intends to prepare for inclusion in the Minerals and Waste Local Plan.
Minerals Local Plan and Waste Local Plan	'Old style' local plans for minerals (MLP) and waste (WLP) being gradually replaced by the 'new style' Minerals and Waste Local Plans.
The Planning Inspectorate (PINS)	The Government agency responsible for programming and conducting the Independent Examination of local plans.
Regional Spatial Strategy (RSS)	This document was produced by the Regional Planning Body (RPB) and approved by Government. It set the context for the Minerals and Waste Plans and formed part of the statutory development plan. It has now been substantially revoked, although policies on the Thames Basin Heaths Special Protection Area and Oxfordshire Structure Plan Policy H2 concerning the Upper Heyford RAF base are both retained. The South East Plan was the RSS for the South East.

Statement of Community Involvement (SCI)	Sets out the Council's policy for involving the community and other stakeholders in the preparation and revision of mineral and waste Development Plan Documents (DPD) and 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 Development Scheme (MWDS). The MWDS sets out a timetable for the production of the key planning documents of the Kent Minerals and Waste Local Plan 2013-30. This 2014-2017 MWDS replaces the previous 2013-16 version (published in July 2014).

The Minerals and Waste Development Scheme sets out the County Council's programme for the preparation of minerals and waste plans during the period 2016-2019. Under this programme the Council will prepare the:

- **Kent Mineral Sites Plan**
- **Kent Waste Sites Plan**

All documents in this Development Scheme will have county wide coverage, excluding the Medway Unitary Council Authority area.

1.0.2 The County Council is committed to the new programme set out in this MWDS and it's progress will be reviewed annually through the Annual Monitoring Report.

1.0.3 This Development Scheme has two key objectives:

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

Legislative Context and Background

1.0.4 The Planning and Compulsory Purchase Act 2004 (as amended) 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.

1.0.5 The Town And Country Planning (Local Planning) (England) Regulations 2012⁽¹⁾ build on the 2004 statutory framework for the preparation and 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 readily understood.

1.1 The Transitional Period

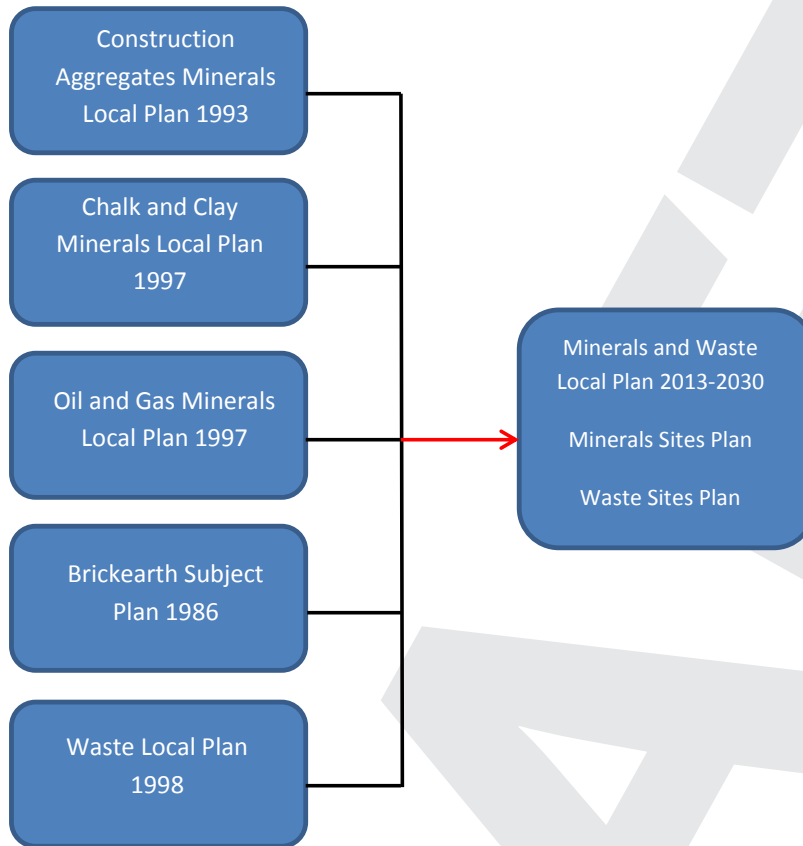
1.1.1 The Development Plan for Kent consisted of the following up to the adoption of the Kent Minerals and Waste Local Plan 2013-30:

- Policies in adopted Local Plan documents produced by the Borough/District Councils in Kent;
- Kent Minerals Subject Plan: Brickearth saved policies (adopted May 1986; covers period to 2001);
- Kent Minerals Local Plan: Construction Aggregates saved policies (adopted December 1993; covers period to 2006);
- Kent Minerals Local Plan: Chalk & Clay/Oil & Gas saved policies (adopted December 1997; covers period to 2011);
- Kent Waste Local Plan saved policies (adopted March 1998); covers period to 2011).

1.1.2 The Kent Minerals and Waste 'saved' policies of these plan are no longer relevant in decision making on planning applications and appeals as they have been replaced by the adopted Minerals and Waste Local Plan 2013-30 (the Plan) policies and proposals as of July 2016.

1.1.3 The County Council is now preparing minerals and waste sites plans to deliver the strategy of the adopted Plan, as well as a Supplementary Planning Document (SPD) on safeguarding (that includes waste management infrastructure) to clarify how this should be addressed when non-minerals and non-waste development is proposed that affects safeguarded minerals and minerals and waste management infrastructure. These areas of plan making and plan related work is set out in more detail in Chapter 3. The relationship between the old and now superseded plans and the adopted Plan and the future Kent minerals and waste sites plans does not involve a simple one for one replacement. The following diagram shows the changes:

Diagram showing the transition to the new Kent MWLP Documents

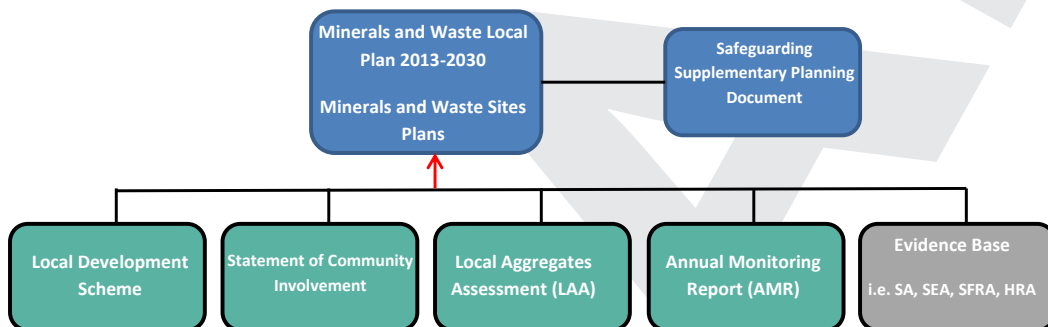


1.2 The Minerals and Waste Development Scheme

1.2.1 The diagram below shows the relationship between the minerals and waste plans and supporting documents that form the adopted Kent Minerals and Waste Local Plan 2013-30. The underlying evidence base has 'fixed' elements, such as the evidenced based topic papers that informed the Independent Examination of the plan in April and May 2015, though this is to be reviewed if monitoring of the Plan indicates that a partial or a full review (this being when it is possible that a new plan is required) of the Plan is undertaken.

1.2.2 The Annual Monitoring Report and the Annual Aggregate Assessment requirement will 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 policy provisions of the adopted Plan.

Diagram to show the relationship between the Minerals and Waste Plan Documents



2 Minerals and Waste Local Plans

2.0.1 The following describes the main Kent Minerals and Waste Local Plan documents to be prepared and the key stages of their development, including public consultation to be undertaken, following the adoption of the Kent Minerals and Waste Local Plan (MWLP) 2013-30.

2.1 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 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 a ready and sustainable supply of minerals to meet construction and industrial requirements and the sustainable management of all wastes arising in Kent which will support the principles of the UK Government's waste hierarchy. The table below sets out the key stages which led up to the adoption of the Plan in July 2016.

2.1.2 Timetable for Key Stages

Minerals and Waste Local Plan 2013-30

Stages	Dates
Scoping of Sustainability Appraisal Consultation	September - October 2009
Issues Consultation	September - November 2010
Strategy & Policy Directions Consultation	May - August 2011
Mineral Safeguarding Consultation	February - March 2013
Pre-submission Consultation	January - March 2014
Submission Document Consultation	July - September 2014
Submission	November 2014
Independent Examination Hearings	April/May 2015
Proposed Modifications Consultation	August - October 2015
Further Proposed Modifications Consultation	January - March 2016
Inspector's Report	March 2016
Adoption	July 2016

2.2 Kent Minerals and Waste Sites Plans

Following the adoption of the Kent Minerals and Waste Local Plan 2013-30, the next steps in the process are developing and adopting a Minerals Sites Plan and a Waste Sites Plan for Kent. These Plans will identify and allocate sites for minerals and waste development in Kent. The recently adopted KMWLP 2013-30 will set the policy framework for the Minerals and waste Sites Plans work.

Mineral Sites Plan

2.2.1 The Mineral Sites Plan will identify mineral sites and locations for mineral extraction, processing and importation including safeguarding provisions that reflect the principles and strategy of the Minerals and Waste Local Plan 2013 - 2030. The minerals covered in the document will include; sand and gravel (including building sand), crushed rock, silica sand, brickearth, chalk, clay, and secondary aggregate minerals.

Waste Sites Plan

2.2.2 The Waste Sites Plan will identify suitable locations and allocate sites for all types of waste management development (e.g preparing for re-use, material recycling, organic composting, processing and treatment for recovery (for both energy/heat and alternative material uses), and final disposal, including landfill) based on the strategy and principles set out in the strategic Minerals and Waste Plan 2013-30. This will encompass all of Kent's waste streams (Municipal Solid Waste, Commercial and Industrial and Construction, Demolition and Excavation Waste) including hazardous wastes. A certain proportion of London's waste will also have to be anticipated and planned for in terms of additional overall capacity.

2.2.3 In 2010, the County Council undertook work to prepare a Mineral and Waste Sites Plan. This work was carried out in tandem with the KMWLP 2013-30. While the First Preferred Options Consultation was undertaken between May and July 2012, the Council's focus switched to advancing the now adopted Minerals and Waste Local Plan 2013 - 2030 strategy. Due to the lapse in time between the First Preferred Options Consultation the Council is intending to redo, given the elapsed time since 2012, the Call for Sites process to ensure that any changing circumstances can be properly taken into account. It is important to note that the dates for future stages of the timetable are notional estimates and therefore could be subject to change. The table below sets out the Key Stages leading up to adoption of the Kent Minerals and Waste Sites Plans.

Timetable for Key Stages of the Minerals and Waste Sites Plans

Minerals and Waste Sites Plans

Stages	Dates
First Call for Sites	May - October 2010

Stages	Dates
Options Consultation	May - August 2011
Supplementary Options Consultation	October - December 2011
First Preferred Options Consultation	May - July 2012
Second Call for Sites	November 2016 - January 2017
Second Preferred Options Consultation	September - October 2017
Pre-Submission Plan Consultation	July - September 2018
Submission	October 2018
Pre-hearing Meeting (if required)	December 2018 - January 2019
Independent Examination Hearing	February - April 2019
Inspector's Report	June - July 2019
Adoption	September 2019

2.3 Adopted Policies Maps

2.3.1 The Adopted Policies Maps illustrate the plan policies in minerals and waste plans on an Ordnance Survey base. Once a plan has been adopted, the County Council policies maps (including safeguarding areas and minerals and waste allocations) contained within it should be included on the Adopted Policies Maps maintained by borough/district planning authorities. The borough/district council maps shall be updated and amended whenever a new or revised Minerals and Waste Plan is adopted.

2.4 Arrangements for Production of the Plans

2.4.1 Arrangements for the production of the Minerals and Waste Sites Plans.

Organisational Lead	Minerals and Waste Planning Policy Team, Environment Planning and Enforcement, Kent County Council
Political Management	Informal Members Group, Environment, Highways and Waste Page 86

Organisational Lead	Minerals and Waste Planning Policy Team, Environment Planning and Enforcement, Kent County Council
	Decision making by Cabinet Member for Environment and Transport, Cabinet Committee and Full Council as appropriate.
Resources Required	Existing staff resources and consultancy
Community & Stakeholder Involvement	In accordance with the Regulations and revised Statement of Community Involvement.

3 Key Supporting Documents and Evidence Base

3.1 Annual Monitoring Report

3.1.1 Plan preparation progress and the implementation and effectiveness of adopted plan policies 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 any subsequent reviews of the MWLP.

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 will be published annually on the County Council's website.⁽²⁾

3.2 Local Aggregates Assessment

3.3 Statement of Community Involvement

3.3.1 The Government have set minimum standards for consultation during plan preparation prior to its submission for examination.⁽³⁾ 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.

3.3.2 The Kent MWLP includes the County Council's Statement of Community Involvement (SCI) which sets out how communities are to be involved in the preparation of Local Plan documents. The current version was adopted in January 2011, with an addendum published in April 2013. A second addendum was published in January 2014, and is currently being updated to reflect the increased level of electronic consultations to meet local need. 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.⁽⁴⁾ The County Council intends to update the SCI during 2016, to reflect the latest developments in the

2 Available from:
www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/annual_monitoring_reports.aspx

3 See The Town and Country Planning (Local Planning) (England) Regulations 2012

4 The Statement of Community Involvement can be viewed at:
http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/community_involvement.aspx

preparation of the Minerals and Waste Local Plan and to set out the consultation process to be undertaken during the preparation of Supplementary Planning Documents (SPDs) and the Waste Sites Plan and the Minerals Sites Plan. The SCI will also incorporate, where appropriate, any legislative changes to the planning system within the context of engagement and consultation.

3.4 Minerals and Waste Safeguarding Supplementary Planning Document

3.4.1 The County Council is preparing a Minerals and Waste Safeguarding Supplementary Planning Document (SPD). 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).

3.4.2 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, maybe incompatible with their continued operation. An example could be housing development within close proximity to an existing operationally unrestricted mineral wharf. The timetable for the preparation of the Minerals and Waste Safeguarding SPD is set out below.

Timetable for Key Stages

Minerals and Waste Safeguarding Supplementary Planning Document

<u>Stages</u>	<u>Dates</u>
1st Draft and stakeholder workshop	January - February 2016
2nd Draft and Member engagement	August - October 2016
Consultation	November - December 2016
Adoption	February- March 2017

3.5 Sustainability Appraisal and Strategic Environmental Assessment

3.5.1 The preparation of Minerals and Waste Sites Plans is subject to appraisal and testing through Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). SEA is a systematic process of identifying and addressing the environmental consequences of plans and programmes required by EU directive

that is currently in force in UK environmental law. The testing will take account of the likely significant environmental effects of implementing the strategies, policies and proposals brought forward with the objective of promoting sustainable development.

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 plans, against the conservation objectives of any European site (Natura 2000 designation) and to ascertain whether they would adversely affect the integrity of that site. There are a number of European sites in Kent and the County Council will, as necessary, apply Appropriate Assessment to the Plans as they are being prepared.

4 Supporting Statement

4.1 Management and Resources

4.1.1 This scheme amends earlier schedules to reflect the revised timetable in the estimated adoption of the Kent Minerals and Waste Local Plan documents.

4.2 Evidence Base

4.2.1 To create a sound evidence base for the Kent Minerals and Waste Sites Plans, relevant surveys and monitoring information is needed to ensure that any site allocations are fully assessed in terms of their environmental sustainability and deliverability and that they will deliver the strategy of the adopted Kent Minerals and Waste Local Plan 2013-30. The evidence base will identify the issues and constraints for site allocation and policy development.

4.2.2 The evidence base consists of a number of data indicators. A comprehensive list is included within the Data Monitoring chapter of the AMR but in summary the indicators consist of:

- 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
- Municipal waste arisings
- Exports and imports of waste

- Exports and imports of minerals
- Capacity for handling waste materials in Kent.

4.2.3 All reports compiled for the Kent Minerals and Waste Local Plan to date are available from the County Council's website. ⁽⁵⁾

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 and requires that they must co-operate with each other to maximise effectiveness in preparing development plans.

4.3.2 The duty imposed on these groups 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.

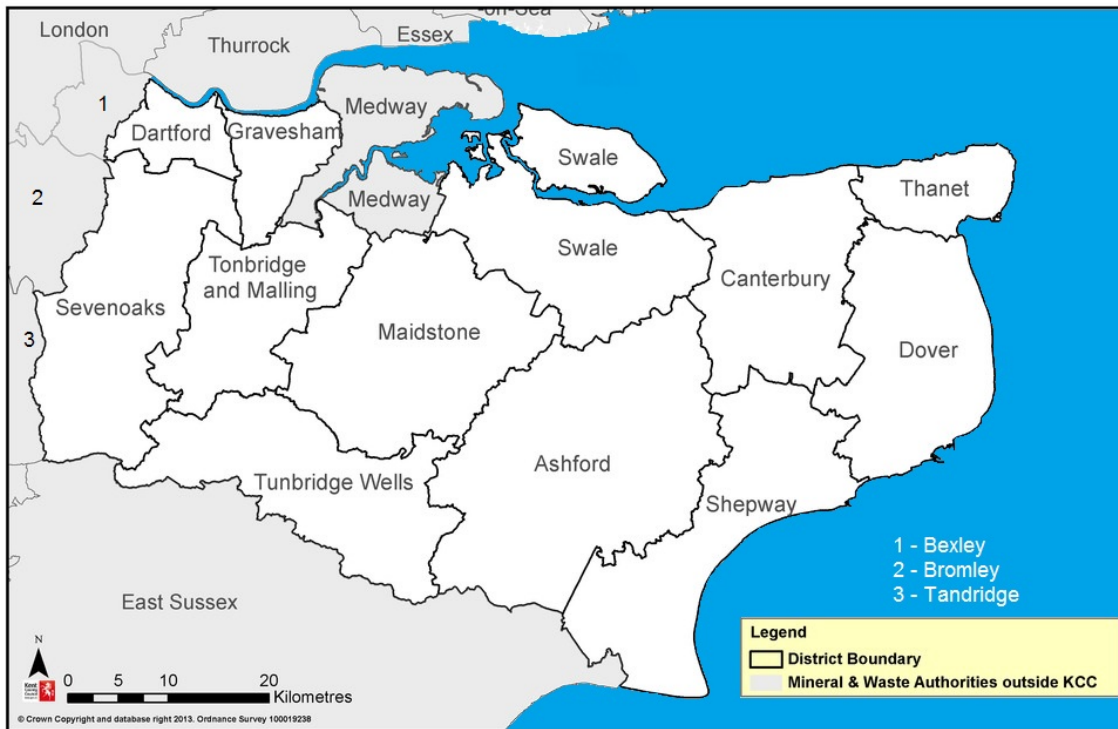
4.3.3 For Kent, this represents the boroughs/districts within the county, as well as those which may border Kent or authorities which import/export a significant amount of minerals or waste to and from Kent. In addition, Regulation 4 (1) of The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the prescribed bodies. ⁽⁶⁾

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 in particular to ensure that there is both common understanding and consistency in the development and direction of policy for the individual local plans.

5 Available from:
http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/evidence_base.aspx

6 See The Town and Country Planning (Local Planning) (England) Regulations 2012.

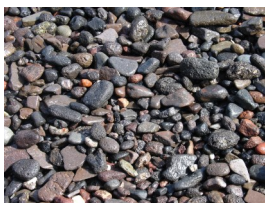
Map to show geographic area covered by Kent County Council and Medway Council



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 framework. These risks include;

- **Personnel** - Availability of experienced personnel.
- **Decision Making** - Political Processes.
- **Soundness** - Working alongside key stakeholders to ensure the MWLP 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.



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From: **Matthew Balfour – Cabinet Member for Environment & Transport**

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: **Environment and Transport Cabinet Committee - 17 November 2016**

Subject: **Kent Minerals and Waste Planning Policy Sites Plan - Site Identification and Selection Methodology including the ‘call for sites’**

Key Decision: 16/00122

Classification: **Unrestricted**

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

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Kent wide

Summary:

The County Council has a statutory responsibility to plan for future minerals supply and waste management. The Council discharges this responsibility via the preparation and adoption of the Kent Minerals and Waste Local Plan (Kent MWLP) and the supporting Minerals and Waste Site Plans. Following the adoption of the Kent MWLP in July 2016, work can now commence on the Sites Plans.

This report seeks the Environment and Transport Cabinet Committee’s endorsement of the Site Identification and Selection Methodology that is proposed to assess the suitability of sites for allocation in the Kent Minerals and Waste Sites Plans and to support the ‘call for sites’ exercise that forms the initial part of the preparation of the Sites Plans work.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on a proposed decision to agree:

- (i) the methodology for site identification and assessment for the Kent Mineral and Waste Site Plans as attached at **Appendix B**:
- (ii) the ‘call for sites’ exercise that forms the initial part of the preparation of the Sites Plans work; and
- (iii) to authorise the Corporate Director for Growth, Environment and Transport to:

(a) publish the draft Site Identification and Selection Methodology, having first made any minor modifications that may be needed, such as formatting changes and typographical errors; and,

(b) undertake the 'call for sites' exercise;

1. Introduction

- 1.1 The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent as set out in the National Planning Policy Framework 2012 (NPPF) and the National Planning Policy for Waste 2014 (NPPW). The Council discharges this responsibility via the preparation and adoption of the Kent Minerals and Waste Local Plan and the supporting Minerals and Waste Site Plans.
- 1.2 The Kent Minerals and Waste Local Plan 2013 – 2030 (Kent MWLP) was adopted in July 2016 and outlines the spatial vision and strategic objectives as well as the mineral supply and waste capacity requirement for the Plan period. It also provides the framework and policy context for the Site Identification and Selection Methodology (the Methodology). With the exception of 2 strategic sites, the Kent MWLP does not allocate sites for development. This is the purpose of the Minerals and Waste Sites Plans. The adopted Kent MWLP expects suitable sites to be allocated in the separate Kent Minerals and Waste Sites Plans.
- 1.3 The Sites Plan work is a key part of the plan-making process and results in sites being allocated for mineral supply or waste management purposes. As planning application decisions are determined in accordance with the development plan (which includes the Sites Plans), the Plans have an important role to play in the management of future development.
- 1.4 The Sites Plan process includes a 'call for sites' from landowners and operators who have sites potentially capable of meeting the Kent MWLP Strategy requirements, along with proactive work to identify further suitable sites. Submitted and identified sites are then considered against an assessment process in order to identify potential site allocations for public consultation and, subsequently, formal examination by an independent planning inspector appointed by the Secretary of State.
- 1.5 An earlier 'call for sites' exercise was undertaken in 2010 with a draft Minerals and Waste Sites 'Preferred Options' document being published in 2012. However, the earlier Sites Plan work (which included emerging Preferred Options) was halted before examination and is no longer a sound basis for plan making.
- 1.6 Following the adoption of the Kent MWLP in July 2016, work on the Sites Plans has recommenced and a new 'call for sites' exercise is therefore required to inform the Sites Plan work and ensure compliance with the recently adopted Strategy. This new 'call for sites' is necessary for a number of reasons:-

1. The passage of time since 2012 may have resulted in changes to landowner and promoter views about whether sites can be developed for mineral and waste uses. Such views are important in determining whether a site can be assessed as deliverable – a key test for the future independent examination;
2. Changes in protected land designations, such as new or revised Sites of Special Scientific Interest (SSSI): These constraints will not have previously been considered, so site suitability will need to be assessed;
3. A number of previously considered sites have received planning permission and/or have been developed; and
4. The Kent MWLP specifies the overall type and quantum of minerals and waste management development that is required.

2. The Proposed Methodology for Site Identification and Selection

2.1 A detailed methodology for site identification and assessment and the information to be sought from landowners and operators has been prepared based upon the Kent MWLP strategy, Government guidance and good practice. The 'call for sites' is therefore supported with a pro-forma setting out the information required from promoters (usually landowners and operators) to enable assessments against the adopted Strategy to be made. The Methodology and the suggested proforma attached as **Appendix B** sets out the process the Council will use to identify and assess sites for their suitability for inclusion in the Sites Plans.

2.2 There are 6 stages to the proposed site identification and selection process:

- i. Call for sites;
- ii. Creation of a long list of sites,
- iii. Alignment with scope of Sites Plan
- iv. Initial screening
- v. Detailed technical assessment, and
- vi. Identification of preferred options

2.3 It is proposed that the 'call for sites' exercise takes place for an eight week period between November 2016 and January 2017. The exercise will be similar to that undertaken in 2010, in that the County Council will invite landowners and operators who have interests in Kent to promote sites that they consider would be suitable to meet the MWLP Strategy. Any interested party would be invited to complete the *Site Allocation Proposals – Criteria Checklist* (see **Appendix B**). This will provide essential information to enable initial screening and where appropriate the more detailed technical assessment to be undertaken. To aid stakeholder's understanding of the site identification and selection process, it is proposed to publish the Methodology at the same time as the 'call for sites'.

2.4 In addition to inviting promoters to put forward sites, a more pro-active approach is recommended to support site identification. This would involve using available data to identify land where developments may be acceptable

and where opportunities exist that are not being actively promoted. This will assist in meeting the strategy and objectives of the Kent MWLP and could raise the potential for a wider pool of sites for consideration and aid in demonstrating to the future examination of the Sites Plans that the most suitable, deliverable sites have been allocated to meet the Kent MWLP strategy and objectives. It is important to note, that sites identified in this pro-active way will have the same status as the other promoted sites and will be subject to the same assessment criteria. There is no presumption that pro-actively identified sites will perform better through the site assessment process.

- 2.5 Following the call for sites and pro-active site identification exercises, a long list of sites will be prepared and an initial check undertaken to confirm alignment of the sites with the scope of the Sites Plan. Initial screening of the sites (stage iv) will involve a variant of a RAG (Red-Amber-Green) assessment against 13 criteria. Those sites that score well and are screened as 'reasonable alternatives' are then considered against a detailed technical assessment phase covering impacts on natural habitats, landscape and visual amenity, transport, flood risk and green belt. This will include assessment against National Planning Policy, and Sustainability Appraisal. The outcome of this detailed phase will be the identification of Preferred Options and Non-Preferred Site Options to take forward as proposed allocations for public consultation.
- 2.6 The types of minerals and waste facility that the KMWLP envisages the need for additional capacity are set out in the Kent MWLP. For waste this includes non-hazardous waste recovery, green and kitchen wastes treatment capacity, dredgings and asbestos disposal to land. In respect of minerals the need relates to soft sand, sharp sand and gravel, brickearth, secondary & recycled aggregates production and chalk (for engineering/agricultural purposes).
- 2.7 When selecting suitable sites the requirements set out in the KMWLP will be taken into account. However, as national policy requires that for the Sites Plans to be sound they must be 'justified', a review of the requirements for sites (set out in the KMWLP) will also be carried out and this will ensure that the number of sites identified is appropriate. This review will take into account the latest information concerning permitted and operational minerals and waste capacity.
- 2.8 Engagement with stakeholders will take place in accordance with the Council's Statement of Community Involvement which is being considered as a separate agenda item to this meeting of Environment and Transport Cabinet Committee.
- 2.9 The various stages and proposed timetable for preparing the Mineral and Waste Sites Plans is set out in the Minerals and Waste Development Scheme. This is also being considered as a separate agenda item to this meeting of the Environment and Transport Cabinet Committee.
- 2.10 The proposed methodology and the call for sites approach has been discussed informally by an 'Informal Members' Group' for the Kent MWLP appointed by the Cabinet Member to oversee the work.

3. Corporate Policy Implications

- 3.1 The Methodology reflects the policies in the Kent MWLP which itself supports the County Council's corporate policies contained within the Council's Strategic Statement 'Increasing Opportunities, Improving Outcomes – Kent County Council's Strategic Statement 2015-2020'. The Methodology will support and facilitate new growth in the Kent economy and support the creation of a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. In addition, the Sites Plans have a role to play in the delivery of the Kent Environment Strategy, the Joint Municipal Waste Strategy, the emerging Kent Waste Disposal Strategy 2017 2035 and the Kent and Medway Growth and Infrastructure Framework and will assist in progressing towards a low carbon economy.
- 3.2 The Methodology will underpin the Kent Minerals Sites Plan and the Kent Waste Sites Plan, both of which are cited as part of the policy framework in the Council's Constitution (Appendix 3: Policy Frameworks).

4 Financial Implications

- 4.1 The costs of preparing the Kent MWLP Mineral and Waste Sites Plans are included in the Environment Planning and Enforcement Division's budget. There is an expectation by Government (DCLG) that all planning authorities have an up to date local plan in place. Without an adopted Plan, there is a risk that DCLG will step in as the plan making authority, reducing local accountability.

5 Legal Implications

- 5.1 The County Council has a legal obligation under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare and adopt a development plan for mineral and waste planning matters. The Minerals and Waste Sites Plans and the supporting Methodology form a key part of this obligation.

6 Equalities implications

- 6.1 The Site Identification and Selection Methodology is in accordance with the adopted Kent MWLP. Equalities implications were considered as part of the Kent MWLP and were subject to a detailed EqIA. There are no new equalities implications arising from the Methodology..

7. Conclusions

- 7.1 Following the adoption of the Kent MWLP, this report seeks the Environment & Transport Cabinet Committee's endorsement of the proposed Site Identification and Selection Methodology and associated 'call for sites' work to enable the preparation and adoption of the Kent Minerals and Waste Site Plans.

8. Recommendation(s)

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on a proposed decision to agree:

(i) the methodology for site identification and assessment for the Kent Mineral and Waste Site Plans as attached at **Appendix B**:

(ii) the 'call for sites' exercise that forms the initial part of the preparation of the Sites Plans work; and

(iii) to authorise the Corporate Director for Growth, Environment and Transport to:

(a) publish the draft Site Identification and Selection Methodology, having first made any minor modifications that may be needed, such as formatting changes and typographical errors; and,

(b) undertake the 'call for sites' exercise;

9. Background and Appended Documents

9.1 The following background documents are relevant:-

- Proposed Record of Decision – Appendix A
- Draft Kent Minerals and Waste Sites Plans Site Identification and Selection Methodology - **Appendix B**
- Kent Minerals and Waste Local Plan 2013 – 2030 - <http://consult.kent.gov.uk/file/4073744>
- Minerals and Waste Local Development Scheme Draft September 2016 – <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4866&ID=4866&RPID=11510906>
- Statement of Community Involvement for Minerals and Waste Local Plan - <https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4864&ID=4864&RPID=11510902>

10. Contact details

Report Author Name: Sharon Thompson Job Title: Head of Planning Applications Tel - 03000 413468 Email – sharon.thompson@kent.gov.uk	Relevant Director: Name: Katie Stewart Job Title Director Environment, Planning and Enforcement Tel – 03000 418827 Email – katie.stewart@kent.gov.uk
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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Matthew Balfour, Cabinet Member for Environment and Transport

DECISION NO:

16/00122

For publication

Key decision*

Yes

Subject: Kent Minerals and Waste Local Plan – Mineral and Waste Site Identification and Selection Methodology including the Call for Sites

Decision:

As Cabinet Member for Environment & Transport, I agree to:

- the methodology for site identification and assessment for the Kent Mineral and Waste Sites Plans;
- the 'call for sites' exercise that forms part of the initial part of the preparation of the Sites Plans Work; and
- authorise the Corporate Director for Growth, Environment and Transport to:
 - publish the draft Site Identification and Selection Methodology, having first made any minor modifications that may be needed, such as formatting changes and typographical errors; and,
 - undertake the 'call for sites'

Reason(s) for decision:

The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent as set out in the National Planning Policy Framework. 2014 (NPPF) and the National Planning Policy for Waste 2014 (NPPW). The County Council discharges this responsibility with the preparation and adoption of the Kent Mineral and Waste Local Plan (July 2016) and the supporting Mineral and Waste Site Plans.

Cabinet Committee recommendations and other consultation:

The draft methodology has been discussed by an Informal Members Group for the Kent Minerals and Waste Local Plan. (KMWLP) It will also be discussed by Members of the Environment and Transport Cabinet Committee on 17 November 2016.

Any alternatives considered:

The methodology has been prepared based on the KMWLP strategy, government guidance and good practice.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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Kent Minerals and Waste Local Plan Site Selection Methodology



Site Selection Methodology

Living draft October 2016



1 Introduction	1
2 Minerals and Waste Sites Plans - Preferred Options 2012	2
3 Refresh Call for Sites Exercise	3
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Contents

1 Introduction

1.1 The adopted Kent Minerals and Waste Local Plan 2013-30 (Kent MWLP) is part of the Development Plan for planning purposes. It sets out the overarching framework for the strategy and planning policies for sustainable minerals extraction, importation and recycling, and the management of all waste streams that are generated in Kent, together with their spatial implications. This includes consideration of the economic, social and environmental aspects of strategic minerals and waste planning within the county.

1.2 The Kent MWLP covers the period to 2030 and identifies and sets out the following:

- The long term Spatial Vision and Strategic Objectives for Kent's minerals supply and waste management;
- The strategic policies for minerals and waste planning which will enable the achievement of the Vision and Strategic Objectives;
- Two areas considered suitable for strategic mineral and waste development;
- The Development Management (DM) policies intended to ensure that local communities and the environment benefit from mineral supply or waste management and are protected from any unacceptable impacts; and
- The framework to enable monitoring implementation of the policies within the Plan

1.3 Whilst the adopted Plan sets the strategy and policy framework for minerals and waste proposals to be considered against, it does not allocate specific sites suitable for development (except for two strategic sites for cement production at Holborough in the Medway Valley and hazardous waste disposal at Norwood Quarry on the Isle of Sheppey). The adopted Kent MWLP expects suitable sites to be allocated in the separate Kent Minerals and Waste Sites Plans. Some work was previously undertaken on earlier versions of the Sites Plans and this is summarised in the next section.

1.4 Following the examination of the Kent MWLP, the County Council received the Independent Inspector's report in April 2016. It stated, subject to both the main and minor modifications, (which are incorporated into the Kent MWLP), -that " *the Kent Minerals and Waste Local Plan provides an appropriate basis for the planning of minerals and waste in the county...*". This allowed the Council to adopt the Plan and, now that this position has been reached work on the two Kent Minerals and Waste Sites Plans can recommence. Once adopted the Sites Plans will become part of the Development Plan for Kent.

1.5 This document sets out the methodology to be used for the identification and selection of sites (as shown in Figure 1) that, subject to consultation and examination, will become allocations in the Sites Plans. As Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise, these future allocations will play a key role in the delivery of mineral supply and waste management development in the county.

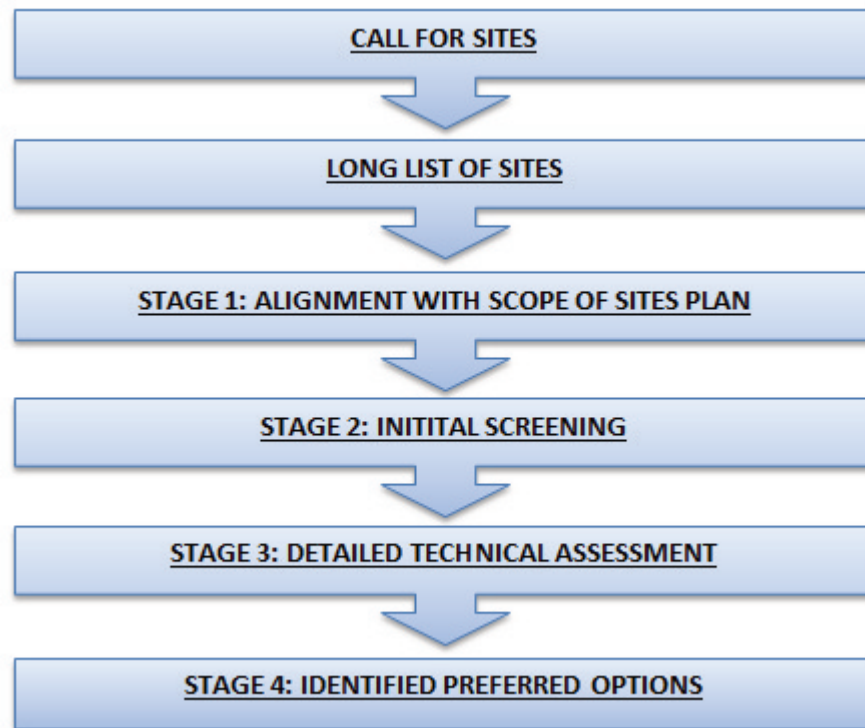


Figure 1: A flowchart showing the site selection process for the Call for Sites Exercise.

2 Minerals and Waste Sites Plans - Preferred Options 2012

2.1 The County Council previously undertook work on Minerals and Waste Sites Plans. This work had involved a ‘Call for Sites’ in 2010 and reached the Preferred Options Consultation Stage in May 2012. The Sites Plans were originally being produced in parallel with the Kent MWLP but in 2012, work ceased to allow focus on the Kent MWLP.

2.2 The 2012 Minerals and Waste Sites Preferred Options Consultation invited views on sites which were seen as acceptable in principle for the extraction, processing and importation (including secondary and recycled aggregates) of minerals, and the management of waste. The consultation set out the Preferred Options for a quantum of mineral and waste sites which were considered necessary to meet demands, as calculated at that time, until 2030.

2.3 The previous Sites Plan documents set out details of potential sites, their proposed use, the main planning issues, Strategic Environmental Assessment (SEA) and the overall conclusion of whether the site in question was acceptable in principle (i.e. reached 'Preferred Option' status) or was assessed as unsuitable for allocation. A summary of the reasons for why a site was considered unsuitable was included in the documentation.

2.4 All comments received on the Preferred Options were published on the County Council's website and can still be accessed at <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-local-plan>. At this stage further work on the Sites Plans was halted to allow focus on the Kent MWLP.

3 Refresh Call for Sites Exercise

3.1 It is considered that preparation of the Sites Plans should involve a new Call for Sites exercise for a number of reasons, including:-

- The passage of time since 2012 may have resulted in changes to landowner and promoter views about whether sites can be developed for minerals and waste uses. Such views are important in determining whether a site can be assessed as deliverable;
- Changes in protected land designations such as new or revised Sites of Special Scientific Interest (SSSI) or Special Protection Areas (SPA). These constraints will not have previously been considered, so site suitability against them will need to be assessed;
- A number of sites allocated in the previous preferred options document have since obtained planning permission and/or been developed;
- The adopted Kent MWLP specifies the overall type and quantum of minerals and waste management development that sites identified in the Sites Plans need to accommodate. This includes the requirement that landbanks for landwon soft sand and sharp sand and gravel be calculated and considered separately.

3.2 The refreshed Call for Sites exercise follows the same approach as before, in that the County Council invites landowners and operators who have interests in Kent to promote any sites that they feel would be suitable for the minerals or waste development outlined above. The Council also welcomes suggestions for the expansion of existing minerals and waste sites, and for waste facilities reconfiguration that would lead to an increase in capacity in addition to those sites not currently occupied by minerals and waste activity. Suitable sites would be those that accord with the Kent MWLP.

3.3 Any interested party should complete a Site Allocation Proposals -Criteria Checklist (Appendix 1). This will enable the County Council to obtain essential information about the site such as: category, exact location, ownership information, methods of transport and status in Borough and District local plans, as well as more detailed information such as:

- Transport mode and volume of movements (annual and daily);
- Location of site access and route to Strategic Road Network (SRN) and Primary Road Network (PRN);
- Location and layout of any plant;
- Location of ancillary development;
- Extent of the development within a building;
- Biodiversity/habitat constraints and opportunities including where appropriate evidence of overriding public need;
- Landscape constraints and opportunities including where appropriate exceptional circumstances;

- flood risk management constraints and opportunities;
- Greenbelt considerations;
- groundwater information including protection zones;
- Proximity to adjacent land uses; and
- Hours of operation.

3.4 For Mineral development we will also consider:

- Geological resource data e.g grading analysis(trial pits and/or borehole logs data showing resource type for viability);
- Geological information (the formation/s within the recognised UK stratigraphy);
- Overburden thickness and type;
- Depth of any proposed working;
- Boundary of extraction area;
- End use of minerals;
- Annual output;
- Restoration and after-use arrangements including final contours; and
- If mineral import/export facility current operational area and indication of future extensions or proposed modification to site operations.

3.5 For waste development we will also consider:

- Annual Output;
- Waste categories (where appropriate);
- Waste sources (where appropriate); and
- Estimates of the amount of energy/heat yields (where appropriate)

3.6 For Landfill options we will also consider:

- Boundary of infill area;
- Landfill capacity;
- Infill rates; and
- Restoration and after-use arrangements including final contours.

3.7 In addition to this process, the County Council proposes to take a more proactive approach to site identification. This involves using available data to identify land where mineral and waste developments may be acceptable, and/or where opportunities exist that are not being actively promoted. This will assist in meeting the Strategy and Objectives of the Plan and could raise the potential for a wider pool of sites for consideration and aid in demonstrating that the most suitable, deliverable sites have been allocated at the future examination of the Sites Plans.

3.8 Following an assessment of site suitability against planning criteria, the relevant landowners can be identified via the Land Registry (if required) and contacted to discuss potential interest and invited to complete the Site Allocation Proposals Criteria Checklist. Sites invited in this pro-active way will have the same status as the other sites promoted and will be subject to the same assessment criteria. There is no presumption that pro-actively sought sites will perform better through the site assessment process.

3.9 The sites brought forward through the Call for Sites exercise will need to be screened. Ultimately, the output of the screening assessment will be the identification of Preferred Option sites to be promoted as emerging allocations in the Sites Plans and sites that will not be taken forward by the County Council, referred to as Non-Preferred Options. The work will be influenced by Sustainability Appraisal (SA) which will assess sites considered to be 'Reasonable Alternatives', that is those which pass the first stage of assessment.

Demand for Minerals and Waste in Kent

3.10 The Kent MWLP (adopted July 2016) sets out the mineral supply needs and waste management capacity provision over the period 2013-2030. Under the Call for Sites exercise the County Council will consider sites that meet the identified requirements as set out in the Kent MWLP. However, it may be that the requirements have changed ⁽¹⁾ ⁽²⁾ and this will need to be considered. National policy requires that for the Sites Plans to be sound they must be 'justified' – this means that the quantum of allocations properly reflects requirements and so a review of the requirements (set out in the Kent MWLP) will also be carried out.

3.11 The types of facility that the Kent MWLP envisages the need for additional capacity are as follows:

3.12 Minerals:

- Soft sand
- Sharp sand and gravel
- Brickearth
- Secondary & Recycled Aggregates production
- Chalk (engineering/agricultural purposes)

3.13 Waste:

- Non-Hazardous Waste Recovery
- Treatment Capacity for Green and Kitchen Wastes

1 Recent planning permissions at Addington Sandpit and Burleigh Farm affects the soft sand requirements detailed in CSM 2.

2 Recent planning permission at Kemsley Mill affects the need for the waste recovery capacity detailed in Policy CSW 7.

- Dredgings disposal to land
- Asbestos disposal to land

4 Site Screening Process

4.1 There are four stages against which sites will be assessed. The activity in these stages are set out below. The flow chart in Figure 2 illustrates the site selection process.

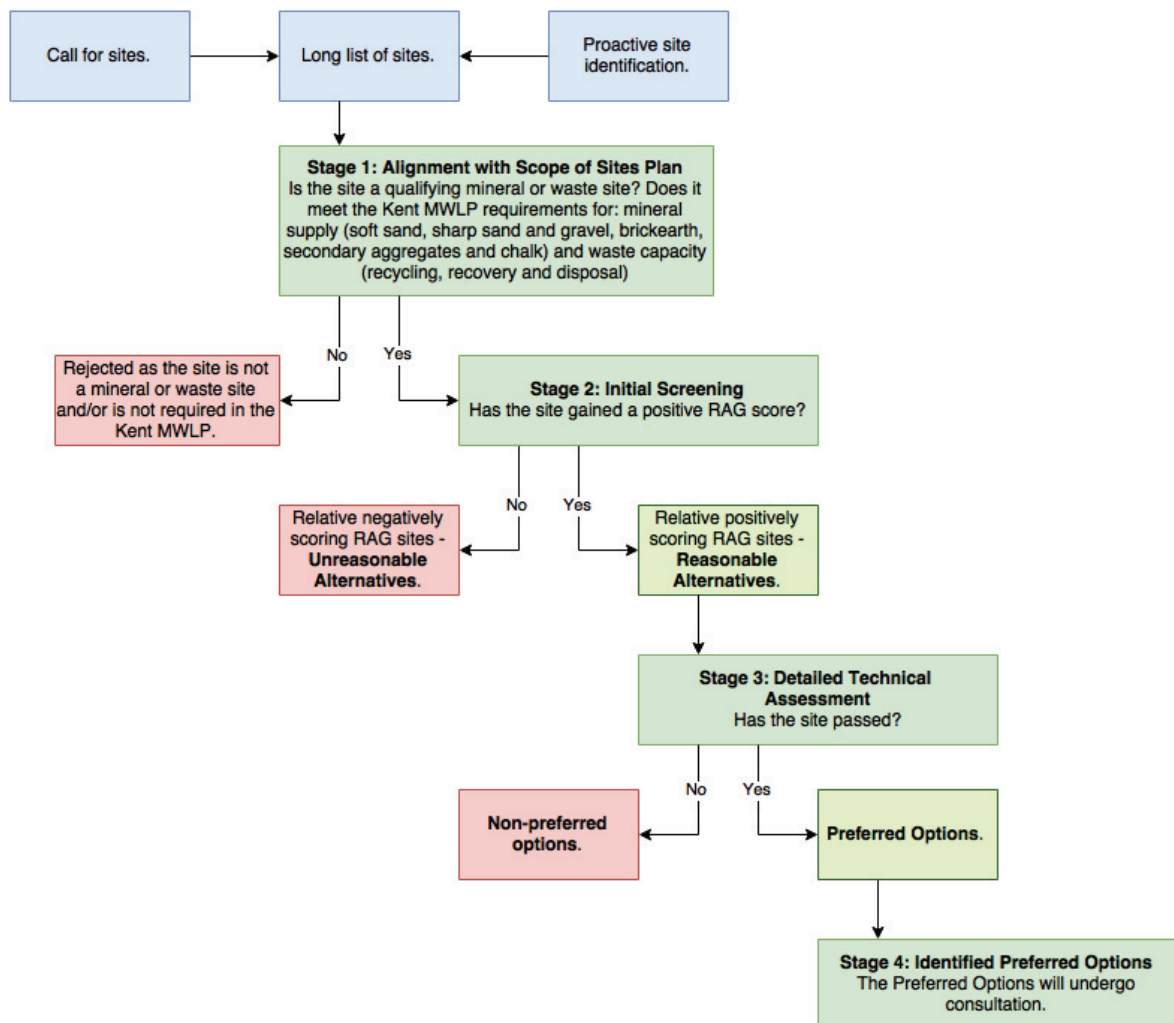


Figure 2: A flowchart showing the site selection process

Stage 1 - Alignment with Scope of Sites Plan

4.2 This stage will assess sites against two matters as follows:

1. whether a promoted site is for a form of mineral and/or waste management relevant to the Mineral or Waste Sites Plans;
2. whether the promoted site can, in principle, accommodate development of the type that should be included in the Sites Plan as set out in the Kent MWLP.

Where the assessment establishes that the site falls within the scope of the Sites Plans work, then it can progress to Stage 2 for initial screening.

Stage 2 - Initial Screening

4.3 This involves initial screening of the sites using a ‘traffic light’ system based on a refined Red, Red-Amber, Amber, Amber-Green and Green (RAG) rating methodology (table 3) to determine which sites will go forward to the Detailed Technical Assessment stage. The RAG stage will act as a scoping stage to highlight sites where there might be a significant effect, alone or in combination which would then require appropriate assessment to be undertaken. It is primarily a desk based procedure, although site visits may be conducted to ensure full and proper screening. The scoring methodology is outlined in Table 3 below and detailed in Appendix 2.

4.4 Table 3 below describes the different RAG scoring factors.

Sensitivity Score	Description	Possible Mitigation
RED	The impact or issue is so severe that it would be unlikely to be adequately mitigated and no evidence has been provided on the potential mitigation or any relevant exceptional circumstances test demonstrating it to be in the public interest. It is considered that the site is unlikely to be able to proceed	Mitigation in order to make the site acceptable is unlikely
RED-AMBER	There is a major impact or issue which may be acceptable subject to mitigation as demonstrated	Likely to require high levels of mitigation in order to make the site acceptable
AMBER	There is a moderate impact or issue which may be acceptable subject to mitigation as demonstrated	Likely to require medium levels of mitigation in order to make the site acceptable
GREEN-AMBER	There is a minor impact or issue which may be acceptable subject to mitigation as demonstrated	Likely to require low levels of mitigation in order to make the site acceptable
GREEN	There are no impacts or issues that require mitigation	Likely to require negligible to no mitigation in order to make the site acceptable

Table 1 : General RAG Assessment Methodology

4.5 A standardised proforma will be used and each site will be RAG assessed against the following criteria:

- Landscape designations and potential visual impacts upon such designations (for sites in the AONB the ‘exceptional circumstances’ test⁽³⁾ will be applied)
- Nature conservation interests and geodiversity (for sites affecting internationally and nationally recognised sites the overriding public interest tests will be applied⁽⁴⁾);
- Historic environment;
- Green Belt (for sites in the Green Belt the ‘very special circumstances’ test⁽⁵⁾ will be applied);
- Water environment including flooding;
- Air quality;
- Soil quality;
- Public Rights of Way (PRoW);
- Transport (including access);
- Services and utilities;
- Health and Amenity i.e. noise, dust, odour, vibration impacts etc.;
- Cumulative impacts; and
- Airport safeguarding.

4.6 The way in which the RAG scoring factors would be applied to each assessment criteria is detailed in Appendix 2. How well a site performs against each criteria will determine whether it progresses to the next assessment stage. In practice, the degree to which individual sites score on the Amber, Amber-Green and Green spectrum will determine the more sustainable solutions likely to progress to the next assessment stages. Sites that receive a Red score in the assessment are likely to be ruled out at Stage 2 on the basis that they raise issue(s) of such severity that they are unlikely to be able to be adequately mitigated. The assessment process does not however automatically exclude sites that are assessed as red-amber from Stage 3 on the basis that mitigation may be an option. However, where a site scores Red-Amber against a number of criteria it is less likely to progress to the next stage as it may be that the overall extent of mitigation required to make the site acceptable is so great that it would make the site undeliverable. The RAG scoring methodology is intended to provide an indication of a sites suitability or unsuitability.

4.7 Once the sites which represent potentially sustainable options for minerals and waste developments have been identified via the RAG initial screening they will go forward to Stage 3 as the ‘Reasonable Alternatives’.

Stage 3 - Detailed Technical Assessment

4.8 This stage involves a detailed technical assessment of those sites identified from Stage 2 as the Reasonable Alternatives for potential site allocations. These are then considered against a more vigorous technical assessment stage including sustainability appraisal to demonstrate their potential as possible ‘Preferred Options’ for allocation in the Minerals and Waste Site Plans. The detailed technical assessments are a statutory requirement in plan making and will include:

3 See KMWLP Policy DM2
 4 See KMWLP Policy DM2
 5 See KMWLP Policy DM4 and NPPF

- Habitat Regulations Assessment;
- Landscape and Visual Impact Assessment;
- Transport Assessment;
- Strategic Flood Assessment;
- National Planning Policy;
- Green Belt Assessment; and
- Sustainability Appraisal.

Stage 4 – Identification of Preferred and Non-Preferred Site Options.

4.9 At this stage, the County Council will be in a position to identify those sites that it considers should be allocated as Preferred Options for site allocation in the Mineral and Waste Sites Plans and those sites that it does not propose to take forward. In the case of the latter, the reasoning behind the non-preferred option status shall be set out.

4.10 Consultation on the Preferred Options will take place in accordance with the Statement of Community Involvement (SCI).

5 Summary and Conclusion

5.1 The recent adoption of the Kent Minerals and Waste Plan 2013-30 means that Kent now has an up to date overarching framework for sustainable mineral and waste development that includes a strategy and planning policies. It provides a sound basis for the recommencement of preparation of the Mineral and Waste Sites Plans. Given the passage of time since the previous Sites Preferred Options Consultation in May 2012, it is considered that a new Call for Sites exercise is now required. The earlier emerging Site Plan allocations were not independently examined and are no longer considered a sound basis for plan making.

5.2 A new call for sites exercise and a proactive search of the county for suitable locations will produce a list of sites being promoted for minerals and waste developments. These will be subject to a cascading 4 staged assessment process. Initially there would be a compiled list of sites being proposed that would be considered against whether or not they are developments of either a minerals and/or waste nature and that meet the identified requirements for mineral supply and new waste management capacity that is defined by the Kent MWLP (Stage 1).

5.3 Those sites that move to Stage 2 will be subject to a system of sensitivity scoring against criteria that test whether the site is sustainable and if it has inherent problems that cannot be adequately mitigated. In the case of sites being promoted in international and national landscape and habitat designated land, the County Council will need to be satisfied that the need for the development is sufficient to outweigh the preservation of the designation. A case will need to be made setting out why the development is in the public interest.

5.4 The criteria also include such matters as the historic environment, water environment, air quality, highways and transportation impacts (see Appendix 2). Colour coding from red (least suitable) to green (most suitable) will be part of the overall sensitivity scoring approach. Once RAG scoring has been completed each site will have an individual Proforma showing how the site scored against the 13 criteria, and an overall assessment as to whether the site should be considered a Reasonable Alternative that can go forward to the next stage.

5.5 The Reasonable Alternatives then progress to Stage 3 for the Detailed Technical Assessment stage. They will undergo more rigorous assessment as to their suitability for allocation in a sites plan. On completion of Stage 3 there will be the ability to divide the sites into a list of Preferred Options and Non-Preferred Options with explanatory reasoning per site. The identified Preferred Options (stage 4) will then be subjected to consultation at Regulation stage 18 of the statutory plan making regulations.

6 Appendices

Appendix 1 - Site Allocation Criteria Checklist

Site Allocation Criteria Checklist 2016 1

1 Site Allocation Criteria Checklist 2016

Section 1 - Basic Site Information

Please provide as much information as possible regarding the site you wish to promote.

Section 1 should be filled out for all site proposals.

Section 2 should be filled out for sites which are being promoted for mineral proposals.

Section 3 should be filled out for sites which are being promoted for waste proposals.

If a site is being promoted for both minerals and waste uses, sections 2 and 3 should both be filled out. Please only complete 1 checklist per site.

S1Q1: Category of site or proposal

(please select all that apply)

- Minerals
- Waste
- Both

S1Q2: Site Name

1 Site Allocation Criteria Checklist 2016

S1Q3: **Address and Postcode**

S1Q4: **Grid Reference**

S1Q5: **Size of Site (ha)**

Site Allocation Criteria Checklist 2016 1

S1Q6: District and Parish (if applicable)

S1Q7: Is the proposal an extension to/or intensification/redevelopment of an existing site? If so, what is the name of the site?

S1Q8: Is the proposed site allocated within a local plan?

(please select one answer)

Yes No

If yes, please provide details:

1 Site Allocation Criteria Checklist 2016

S1Q9: Who is promoting the site?

(please select all that apply)

Agent

Landowner

Operator/Developer

Other (Please Specify)

.....

S1Q10: Operator/Developer Details (name, address and contact details)

.....

S1Q11: Landowner Details

.....

S1Q12: Is the landowner aware/supportive of the proposal? If yes, please provide a separate letter from the landowner that confirms this

(please select one answer)

Yes No

Site Allocation Criteria Checklist 2016 1

S1Q13: Please provide details of who to contact regarding the answers in this form

1 Site Allocation Criteria Checklist 2016

Section 2 - Minerals Sites

Please fill out this section if you are promoting a site for mineral use. For any questions which you consider irrelevant to your proposal please clearly state "N/A"

S2Q1: Type of mineral proposal (extraction, wharves etc.)

S2Q2: Type of mineral (if the proposal relates to mineral extraction then details of the geological formation should be given)

S2Q3: Estimated workable mineral reserves

Site Allocation Criteria Checklist 2016 1

S2Q4: Estimated annual output

S2Q5: Soil thickness, quality and details

S2Q6: Overburden thickness and details

1 Site Allocation Criteria Checklist 2016

S2Q7: Average depth of mineral working

S2Q8: Details of any boreholes/trial pits carried out

S2Q9: Technical Analyses of boreholes/trial pits (provide on separate sheet if necessary)

Site Allocation Criteria Checklist 2016 1

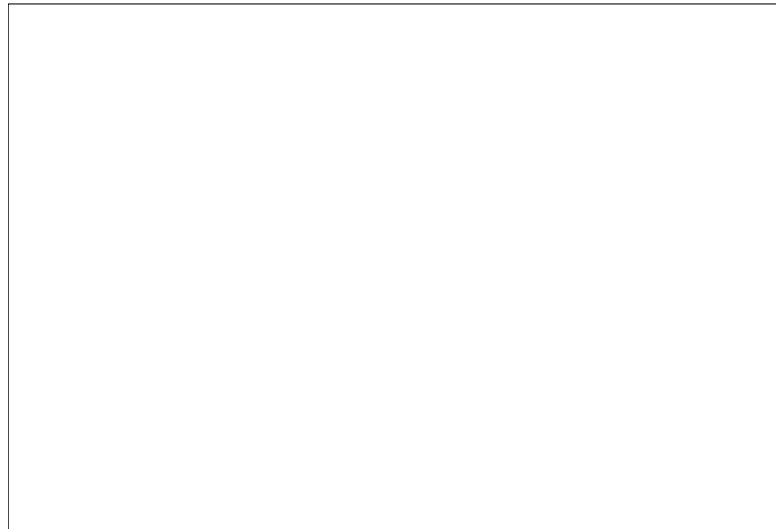
S2Q10: Estimated hours of operation

S2Q11: Estimated duration of site operations (months/years)

S2Q12: Estimated daily vehicle movements including those relating to staff and maintenance of equipment (HGVs and other vehicles to be specified)

1 Site Allocation Criteria Checklist 2016

S2Q13: **Groundwater contour details (heights of the water table)**



Site Allocation Criteria Checklist 2016 1

S2Q14: Any proposed restoration and afteruses

S2Q15: Will the site require importation of inert waste for restoration? If so, how much?

S2Q16: When is the site anticipated to come forward as a planning application

1 Site Allocation Criteria Checklist 2016

S2Q17: When is the site likely to commence operations?

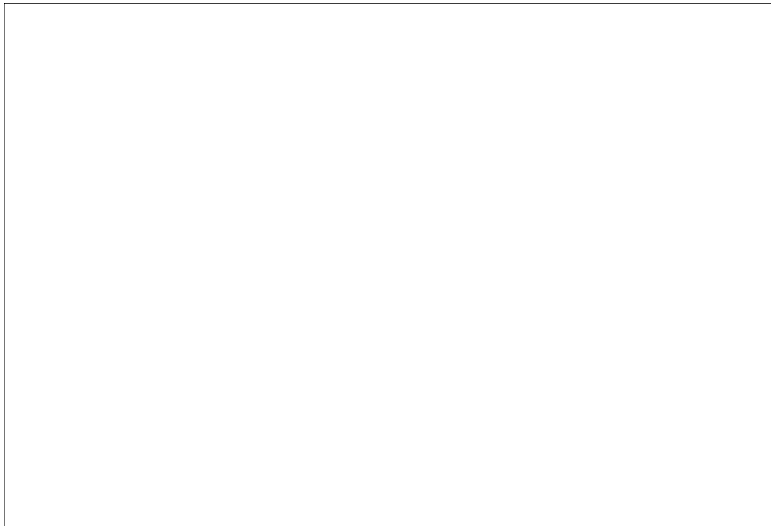
S2Q18: Does the site fall within, or is it adjacent to, an Area of Outstanding Natural Beauty (AONB)? If yes, please provide further details on which AONB and the proximity

S2Q19: Is the site within an area of open countryside?

Site Allocation Criteria Checklist 2016 1

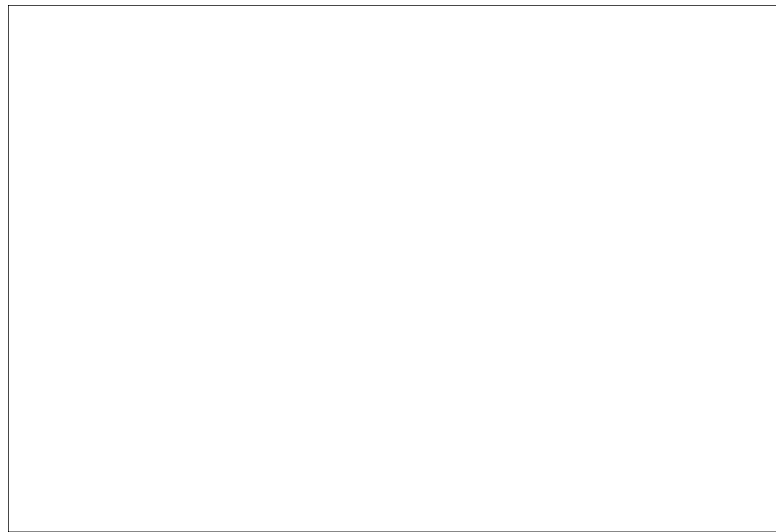
S2Q20: Please provide details on the proximity of the site to any of the following (separate document if necessary):

- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)
- Ramsar sites
- Sites of Special Scientific Interest (SSSI)
- National Nature Reserves
- Regionally Important Geological and Geomorphological Sites (RIGS)
- Local Wildlife Sites
- Sites of Nature Conservation Interest (SNCI)
- Ancient Woodland
- Biodiversity Action Plan (BAP) Habitats under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)



1 Site Allocation Criteria Checklist 2016

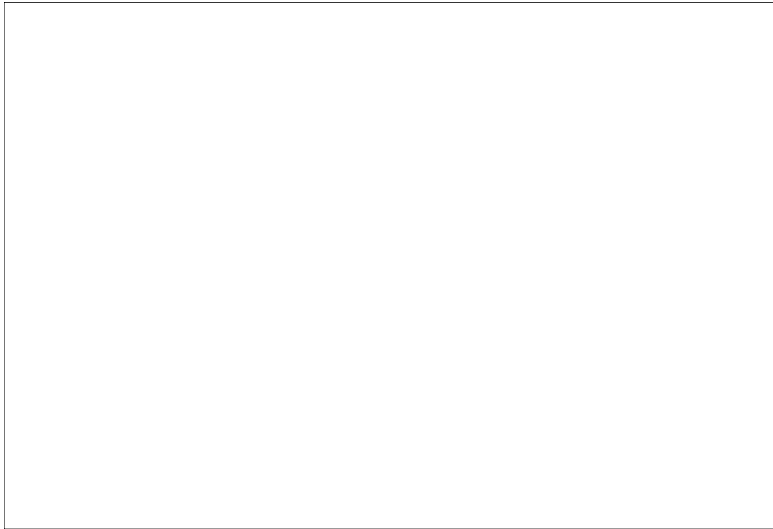
Please detail any enhancement opportunities that the proposal may present to any of the aforementioned designations (separate document if necessary)



Site Allocation Criteria Checklist 2016 1

S2Q21: Please provide details of the proximity of the site to any of the following:

- Listed Buildings
- Conservation areas
- Historic Parks and Gardens
- Any sites within the Ancient Monuments and Archaeological Areas Act 1979



1 Site Allocation Criteria Checklist 2016

S2Q22: Please detail the status and proximity of the site in relation to the following:

- Source Protection Zones (SPZ)
- Minor/major aquifers
- Vulnerable water bodies
- Flood Zones

Do you believe that the proposal may provide an opportunity for flood water storage?

Site Allocation Criteria Checklist 2016 1

S2Q23: Please provide information on the proximity of the site to any Air Quality Management Areas (AQMA)

S2Q24: Please provide details on the proximity and access arrangements to the Strategic and Primary Road Networks

1 Site Allocation Criteria Checklist 2016

S2Q25: Please provide details on the proximity of the site to any Public Rights of Way (PROW)

Site Allocation Criteria Checklist 2016 1

S2Q26: Please detail whether the proposal will have any interference with the following utilities:

- Water mains
- Gas pipelines
- Electricity distribution network (above and below ground)
- Telecommunications
- Oil pipelines
- Aviation fuel pipelines
- Sewage mains

S2Q27: Please provide details on the proximity of the site to any Airport Safeguarding Zones

1 Site Allocation Criteria Checklist 2016

S2Q28: Please provide details on the proximity of the site to any other land uses (commercial, residential, industrial etc.) within the locality

S2Q29: Is the site within the Green Belt?

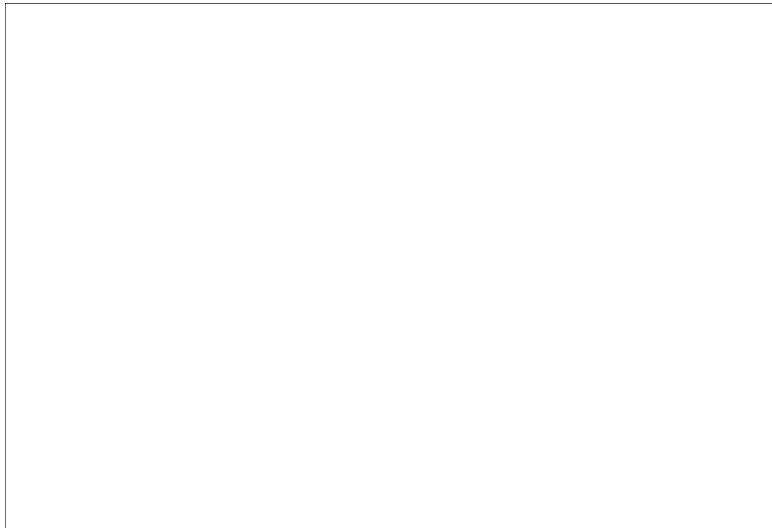
(please select one answer)

Yes No

Site Allocation Criteria Checklist 2016 1

If the answer is yes, please see paragraphs 79 - 92 of the National Planning Policy Framework (NPPF) and consider whether the proposal would constitute inappropriate development within the Green Belt.

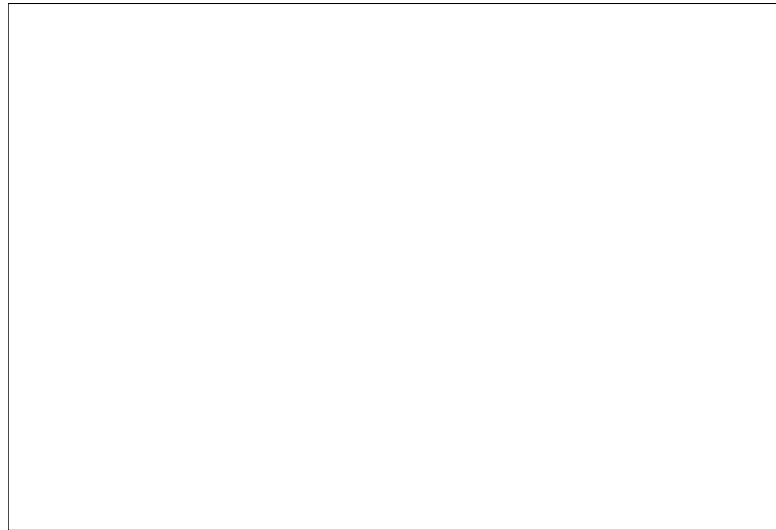
If so, please provide a case for Very Special Circumstances using the space below or attached as a separate document.



1 Site Allocation Criteria Checklist 2016

S2Q30 : **Where possible or relevant, please provide maps illustrating the following information:**

- Site location
- Site layout, including:
 - Location of plant
 - Any ancillary development
 - Access to highway
 - If land-won minerals; boundary of extraction area
 - If minerals import/export facility; current and proposed operational area
- Route and to strategic and primary road networks
- Location of other land uses
- Agricultural land classification
- Flood zones and source protection zones
- Biodiversity or geodiversity designations- any information relating to S2Q20
- Heritage assets on or near site- any information relating to S2Q21
- Protected or notable species on or near site
- If land-won minerals; any restoration proposals including final contours



Site Allocation Criteria Checklist 2016 1

Section 3 - Waste Sites

Please fill this section out if you are promoting a site for waste use. For any questions which you consider irrelevant to your proposal please clearly state "N/A"

S3Q1: Nature of waste use proposed

S3Q2: Categories of waste to be handled

S3Q3: Define the proposal within the recognised waste hierarchy

S3Q4: Waste capacity (million tonnes per annum)

1 Site Allocation Criteria Checklist 2016

S3Q5: Source of waste(s)

S3Q6: Amount of energy/heat to be obtained from the waste management process

S3Q7: Estimated hours of operation

S3Q8: Estimated duration of site operations (months/years)

S3Q9: Estimated daily vehicle movements including those relating to staff and maintenance of equipment (HGVs and other vehicles to be specified)

S3Q10: When is the site anticipated to come forward as a planning application?

Site Allocation Criteria Checklist 2016 1

S3Q11: When is the site likely to commence operations?

S3Q12: Does the site fall within, or is it adjacent to, an Area of Outstanding Natural Beauty (AONB)? If yes, please provide further details on which AONB and the proximity (continue on separate sheet if necessary)

S3Q13: Is the site within an area of open countryside?

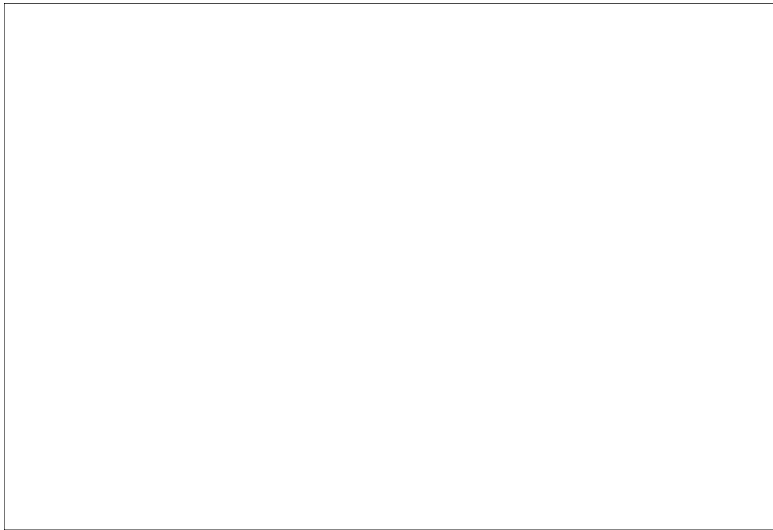
1 Site Allocation Criteria Checklist 2016

S3Q14: Please provide details on the proximity of the site to any of the following (continue on a separate document if necessary):

- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)
- Ramsar sites
- Sites of Special Scientific Interest (SSSI)
- National Nature Reserves
- Regionally Important Geological and Geomorphological Sites (RIGS)
- Local Wildlife Sites
- Sites of Nature Conservation Interest (SNCI)
- Ancient Woodland
- Biodiversity Action Plan (BAP) Habitats under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)

Site Allocation Criteria Checklist 2016 1

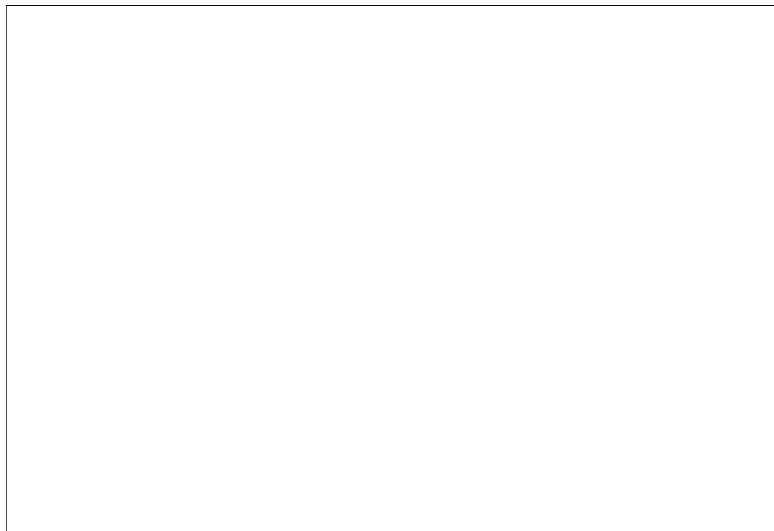
Please detail any enhancement opportunities that the proposal may present to any of the aforementioned designations (continued on a separate document if necessary)



1 Site Allocation Criteria Checklist 2016

S3Q15: Please provide details of the proximity of the site to any of the following (continue on separate sheet if necessary):

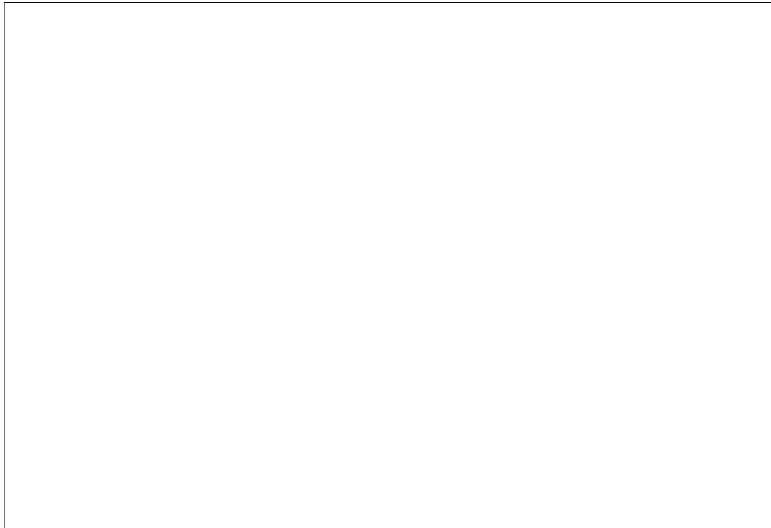
- Listed Buildings
- Conservation Areas
- Historic Parks and Gardens
- Any sites within the Ancient Monuments and Archaeological Areas Act 1979




Site Allocation Criteria Checklist 2016 1

S3Q16: Please detail the status and proximity of the site in relation to the following (continue on separate sheet if necessary):

- Source Protection Zones (SPZ)
- Minor/major aquifers
- Vulnerable water bodies
- Flood zones

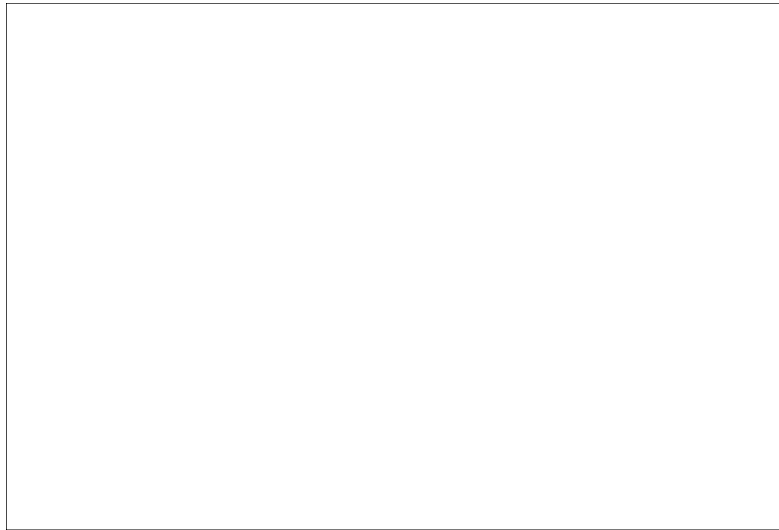


S3Q17: Please provide information on the proximity of the site to any Air Quality Management Areas (AQMA)



1 Site Allocation Criteria Checklist 2016

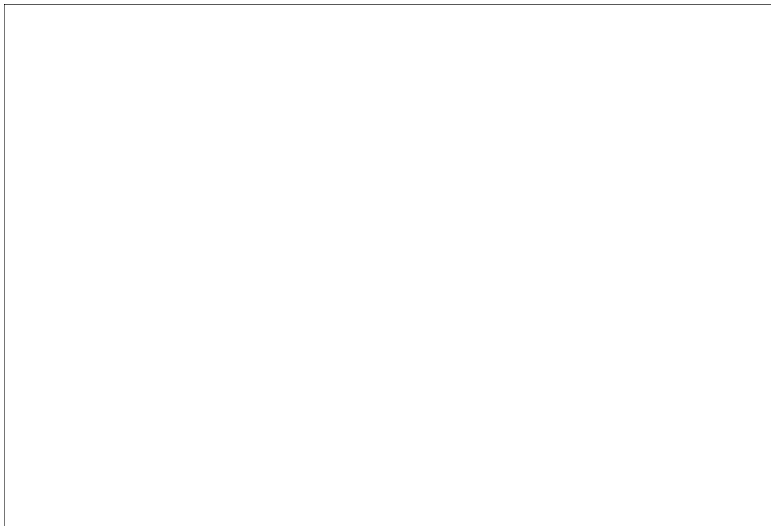
S3Q18: Please provide details on the proximity and access arrangements to the Strategic and Primary Road Networks



Site Allocation Criteria Checklist 2016 1

S3Q19: If your site is a waste disposal to land proposal, please provide the following information (continue on separate sheet if necessary):

- Underlying geological formation
- Overall void calculation
- Estimated annual capacity
- Existing topsoil thickness quality and storage/maintenance details
- Details of any investigative boreholes/trial pits carried out
- Technical analyses of boreholes/trial pits
- Hydrological characteristics of the site
- Any proposed restoration and afteruses
- Will the site require the importation of inert waste for restoration? If so, how much?



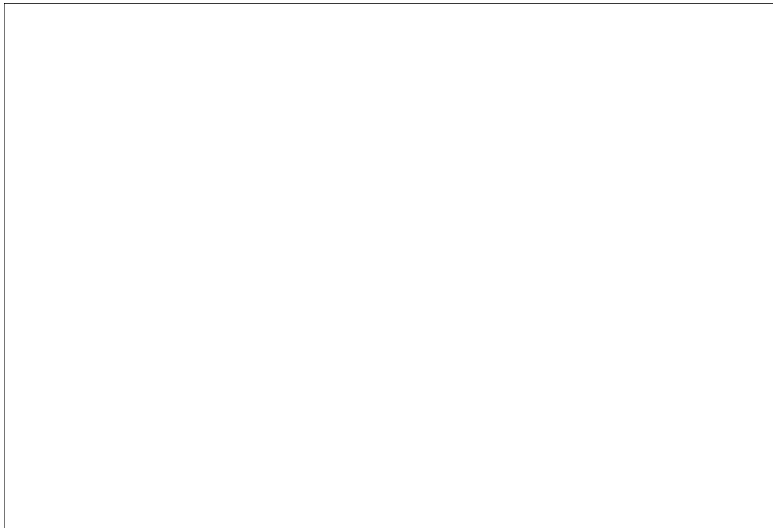
1 Site Allocation Criteria Checklist 2016

S3Q20: Please provide details on the proximity of the site to any Public Rights of Way (PROW)

Site Allocation Criteria Checklist 2016 1

S3Q21: Please detail whether the proposal will have any interference with the following utilities:

- Water mains
- Gas pipelines
- Electricity distribution network
- Telecommunications
- Oil pipelines
- Aviation fuel pipelines
- Sewage mains



1 Site Allocation Criteria Checklist 2016

S3Q22: Please provide details on the proximity of the site to any Airport Safeguarding Zones

[Empty text box for S3Q22]

S3Q23: Please provide details on the proximity of the site to any other surrounding land uses (commercial, residential, industrial etc.)

[Empty text box for S3Q23]

S3Q24: Is the site within the Green Belt?

(please select one answer)

Yes No

Site Allocation Criteria Checklist 2016 1

If the answer is yes, please see paragraphs 79 - 92 of the National Planning Policy Framework (NPPF) and consider whether the proposal would constitute inappropriate development within the Green Belt.

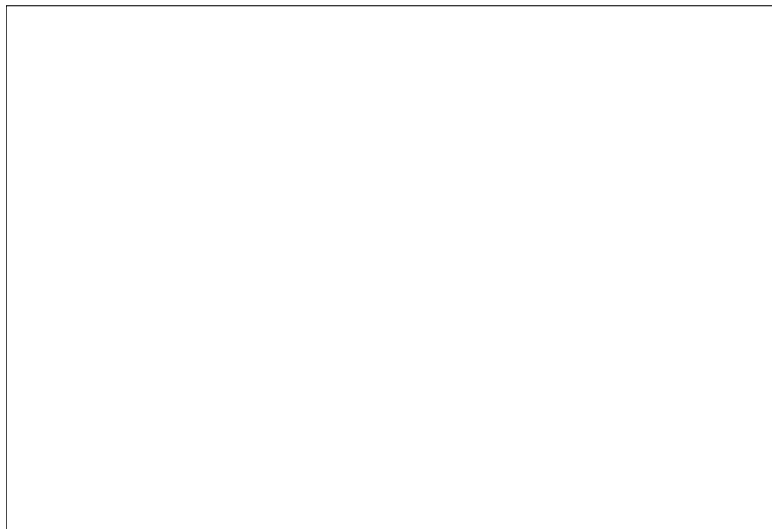
If so, please provide a case for Very Special Circumstances using the space below or attached as a separate document.

S3Q25: Please provide details on the soil quality

1 Site Allocation Criteria Checklist 2016

S3Q26: **Where possible or relevant, please provide maps illustrating the following information:**

- Site location
- Site layout, including:
 - Location of plant
 - Any ancillary development
 - Access to highway
 - If waste disposal to land; boundary of void
- Route to strategic and primary road networks
- Location of other land uses
- Agricultural land classification
- Flood zones and source protection zones
- Biodiversity or geodiversity designations on or near site- any information relating to S3Q14
- Heritage assets on or near site- any information relating to S3Q15
- Protected or notable species on or near site
- If waste disposal to land; restoration proposals including final contours



Appendix 2 - RAG Sensitivity Scoring Criteria

		RAG Sensitivity Score					Information Source (1)
Opportunity/Constraint		RED	RED-AMBER	AMBER	AMBER-GREEN	GREEN	
<p>Landscape Designations/Visual Impact</p> <p>The significance of any landscape and visual impact is dependent on a number of factors, such as the proximity to sensitive viewpoints, presence of screening features, direct effect on landscape fabric, existing landforms and the proximity to Kent's landscape designations of national importance.</p> <p>Kent has two nationally important landscape designations- the Kent Downs and the High Weald Areas of Outstanding Natural Beauty (AONB).</p>	<p>RED</p> <p>The site is in the AONB, there are no exceptional circumstances (6) and the development cannot be demonstrated to be in the public interest.</p>	<p>RED-AMBER</p> <p>The site is in the AONB but there may be exceptional circumstances and it may be in the public interest.</p> <p>The site is adjacent to or within the setting of the AONB and could have a major adverse impact on the landscape designation that could require high level mitigation.</p> <p>The site falls outside the AONB and could have a major adverse impact on the landscape that could be difficult to mitigate.</p> <p>The site is considered to have a major impact upon local sensitivity receptors.</p>	<p>AMBER</p> <p>The site is the AONB, and there are exceptional circumstances and it is in the public interest but it could have an adverse impact on the landscape designation.</p> <p>The site is adjacent or within the setting of an AONB and could have a moderate adverse impact on the landscape designation, that could require medium level mitigation.</p> <p>The site falls outside the AONB and could have a moderate adverse impact on the landscape that could require medium level mitigation.</p> <p>The site is considered to have a moderate impact upon local sensitivity receptors.</p>	<p>AMBER-GREEN</p> <p>The site is adjacent to or within the setting of the AONB and could have a minor adverse impact on the landscape designation, requiring low level mitigation.</p> <p>The site falls outside the AONB and could have a minor adverse impact on the landscape that could require low level mitigation.</p> <p>The site is considered to have a minor adverse impact upon local sensitivity receptors.</p>	<p>GREEN</p> <p>The site is not within the AONB or its setting and would have no impact on the landscape designation.</p> <p>The site falls outside the AONB and could have a very minor impact on the landscape designation that could be addressed with mitigation.</p> <p>The site is considered to have no impact upon local sensitivity receptors.</p>	<p>GIS Data</p> <p>The Kent Landscape Assessment Parts 1 and 2 (2003) Landscape character area design guidance (Kent Downs AONB & High Weald AONB)</p> <p>Consultation with landscape specialists.</p> <p>Promoter of site</p>	

6 NPPF paragraph 118 stipulates that in order for development to be permitted in the AONB, an exceptional circumstances test must be met

Strategy for Minerals and Waste Sites Plans

RAG Sensitivity Score		Strategic Flood Risk Assessment (SFRA)
<p>Proximity to Source Protection Zones (SPZ) or major/minor aquifers</p> <p>Proximity to vulnerable above-ground water bodies. The Water Framework Directive objectives seek no deterioration in current water quality and good status in all water bodies)</p> <p>Proximity to Flood Zones - dependent on type of development (Ref: Planning Practice Guidance*)</p> <p>Mineral extraction can provide opportunities for flood water and general water storage</p> <p><i>Note: The sites will be subject to a separate Sequential Testing exercise in accordance with the NPPF at Stage 3.</i></p>	<p>The site is classified as: 'Exception Test Required', according to the Flood Risk Vulnerability and Flood Zone Compatibility Table in the Planning Practice Guidance and other sources of flooding could have a major impact requiring high levels of mitigation</p> <p>The site may have a major impact on vulnerable water bodies in the absence of high level mitigation.</p> <p>Phase 1 Hydrogeological Risk Assessment would be required prior to allocation.</p>	<p>The site is classified as: 'Exception Test Required', according to the Flood Risk Vulnerability and Flood Zone Compatibility Table in the Planning Practice Guidance and other sources of flooding could have a moderate impact requiring mitigation</p> <p>The site may have a moderate impact on vulnerable water bodies in the absence of medium level mitigation.</p> <p>Phase 1 Hydrogeological Risk Assessment would be required prior to allocation</p>
<p>The site is classified as: 'Exception Test Required', according to the Flood Risk Vulnerability and Flood Zone Compatibility Table in the Planning Practice Guidance and other sources of flooding could have a major impact requiring high levels of mitigation</p> <p>The site may have a major impact on vulnerable water bodies in the absence of high level mitigation.</p> <p>Phase 1 Hydrogeological Risk Assessment would be required prior to allocation.</p>	<p>The site is classified as: 'Development should not be permitted' according to the Flood Risk Vulnerability and Flood Zone Compatibility Table in the Planning Practice Guidance*</p> <p>Phase 1 and Phase 2 Hydrogeological Risk Assessment would be required prior to allocation.</p>	<p>The site is classified as: 'Development is appropriate', according to the Flood Risk Vulnerability and Flood Zone Compatibility Table in the Planning Practice Guidance and other sources of flooding could have no impact.</p> <p>Good opportunities for flood risk mitigation.</p>
<p>The site is within an AQMA, unacceptable adverse impacts cannot be mitigated.</p>	<p>The site is near to an AQMA or may have adverse impacts on air</p>	<p>The site poses low or no risk of adverse impacts to AQMAs or air quality.</p>
<p>Air Quality</p>	<p>N/A</p>	<p>GIS Data</p>

RAG Sensitivity Score		Officer assessment Promoter of site
Emissions to air can be of concern at some facilities- dealt with at planning application stage if necessary through use of conditions and controls Proximity to Air Quality Management Areas- Impacts on AQMA could be mitigated by conditions and controls.	quality that is capable of mitigation.	
Soil Quality Proximity or location of best and most versatile agricultural land. Where significant development of agricultural land is unavoidable, poorer quality land should be used in preference to higher quality. Consider location of sensitive land and soils Potential for enhancement	Small parts of the site contain best and most versatile land which could be moderately impacted by the development Opportunities for mitigation and restoration exist.	GIS data Consultation with landscape officers and Natural England if necessary Officer Assessment Promoter of site
Public Rights of Way (PRoW) Consider the presence of public rights of way (Highways Act 1980 Section 41) Highways Act 1980 Section 130(1), duty of highway authority to assert and protect the rights of the public to the use and enjoyment of any highway	Large parts of the site contain best and most versatile land which could be majorly impacted by the development. The site could cause moderate adverse impact upon the PRoW network and Kent's Long Distance Trails but this could be satisfactorily diverted and/or mitigated.	GIS data Consultation with the County Council's PRoW officers Promoter of site
	The site could cause major adverse impact upon the PRoW network and Kent's Long Distance Trails but this could be satisfactorily diverted extensively mitigated	Site will have no effect on PRoW network and Kent's Long Distance Trails. An opportunity for enhancement has been identified.
	The site could cause severe unacceptable adverse impact upon the PRoW without satisfactory provision for diversion and/or mitigation. Significant adverse impact upon Kent's Long Distance Trails.	Site is in the vicinity of a the PRoW network and Kent's Long Distance Trails and may only cause minor adverse impacts on PRoW network and Kent's Long Distance Trails

Strategy for Minerals and Waste Sites Plans

		RAG Sensitivity Score			
<p>Impact on long distance trails (e.g. North Downs Way and England Coast Path)</p> <p>Potential for enhancement (would be sought at all sites)</p> <p>Transport (Including Access)</p> <p>Proximity to Kent's Trunk Roads, Primary Route Network and Secondary Route Network will be assessed, including the presence of width, height and weight restrictions along these routes</p>	<p>158</p> <p>158</p>	<p>The site could have a severe unacceptable adverse impact on transport and access in the absence of high level mitigation.</p> <p>There are severe issues with access to the Primary Route Network and Secondary Route Network.</p> <p>Mitigation is not practical.</p>	<p>The site could have a major adverse impact on transport and access in the absence of high level mitigation.</p> <p>There are major issues with access to the Primary Route Network and Secondary Route Network.</p> <p>The identified impacts could be mitigated through planning obligations.</p>	<p>The site contains services or utilities which could be severely impacted on - no mitigation measures can be used.</p>	<p>GIS data</p> <p>Officer assessment</p> <p>Promoter of site</p>
		<p>The site could have a moderate adverse impact on transport and access in the absence of medium level mitigation.</p> <p>There are moderate issues with access to the Primary Route Network and Secondary Route Network.</p> <p>The identified impacts could be mitigated through planning obligations.</p>	<p>The site contains services or utilities that could require consideration through re-routing or other medium levels of mitigation</p>		
		<p>The site could have a minor adverse impact on transport and access in the absence of low level mitigation.</p> <p>There are minor issues with access to the Primary Route Network and Secondary Route Network.</p> <p>The identified impacts could be mitigated through planning obligations.</p>	<p>The site is near to services or utilities and any minor adverse impacts will require low-level mitigation.</p>		
		<p>The site will not give rise to any adverse impacts upon transport and access to Primary and Secondary Route Network.</p>	<p>There are no services or utilities near to, or within the site.</p>		
<p>Services and Utilities</p> <p>Sites need sustainable access to utilities.</p> <p>Equally, they should not interfere with any utilities which pass underneath. Mitigation measures will be considered in terms of cost and benefits.</p>					

Strategy for Minerals and Waste Sites Plans

		RAG Sensitivity Score				
	environment and/or communities that cannot be satisfactorily mitigated.	environment and community that will require high level mitigation.	community that will require medium level mitigation.	require low level mitigation.		
<p>Airport Safeguarding Zones</p> <p>Aircraft are vulnerable to birdstrikes, and 80% of all strikes occur on an aircraft's take-off or landing phase of flight, therefore highlighting the necessity for wildlife management on and within proximity of an airfield. Aerodrome administrators are responsible for monitoring bird activity within the relevant radius of the aerodrome. This is to mitigate the birdstrike risk to aircraft and be aware what species are in the local area. Many types of development, including large, flat-roofed structures, landfill sites, gravel pit restoration schemes and nature reserves</p>	<p>The site is within an Airport Safeguarding Zone and the nature of the site is likely to attract birds and increase the risk of bird strike for aircraft.</p> <p>No mitigation is practical or possible.</p>	<p>The site is within an Airport Safeguarding Zone and the nature of the site is likely to attract birds and increase the risk of bird strike for aircraft.</p> <p>High level mitigation is required which may make the site undeliverable.</p>	<p>Site is within an Airport Safeguarding Zone.</p> <p>Either:</p> <p>Nature of the site means that it is unlikely to attract birds and increase the risk of birdstrike for aircraft.</p> <p>The site is likely to be deliverable through employing medium level mitigation measures so it is unlikely to attract birds and increase the risk of birdstrike.</p>	<p>Site is within an Airport Safeguarding Zone.</p> <p>Either:</p> <p>Nature of the site means that it is unlikely to attract birds and increase the risk of birdstrike for aircraft.</p> <p>The site is likely to be deliverable through employing low level mitigation measures so it is unlikely to attract birds and increase the risk of birdstrike.</p>	<p>CAA, NATS</p> <p>Officer assessment</p> <p>Promoter of site</p>	
<p>Green Belt</p> <p>Within the NPPF is a presumption to consider development within the Green Belt as inappropriate.</p>	<p>Site constitutes inappropriate development within the</p>	<p>Site constitutes inappropriate development within the</p>	<p>Site constitutes inappropriate development within the</p>	<p>Site constitutes inappropriate</p>	<p>GIS data</p> <p>Officer assessment</p>	<p>Site is not within the Green Belt.</p>

	RAG Sensitivity Score					Promoter of site
<p>Inappropriate development is by definition, harmful to the openness of the Green Belt and should be refused except in very special circumstances.</p> <p>There are certain types of development which are exceptions to this rule, they do not require Very Special Circumstances.</p>	<p>Green Belt, and no substantive case for very special circumstances has been presented.</p>	<p>Green Belt and a case for very special circumstances has been presented. Major levels of mitigation may be required.</p>	<p>Green Belt, but a substantive persuasive case for very special circumstances has been presented. Medium levels of mitigation may be required.</p>	<p>development within the Green Belt and a substantive persuasive case for very special circumstances has been presented. Low levels of mitigation may be required.</p>	<p>Site is within the Green Belt but it is not considered inappropriate development.</p>	

Table 2 : RAG Sensitivity Scoring of Proforma Criteria

1. the required information will predominantly come from the proposer of the site
 2. It should be noted that assessment under the Habitats Regulations at this stage of site selection process does not avoid the need to assess the site at the planning application stage
3. Ramsar sites, proposed SPAs/SACs and compensatory habitat sites are all treated in the same way as European sites.



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From: **Matthew Balfour – Cabinet Member for Environment and Transport**

**Barbara Cooper, Corporate Director for Growth,
Environment and Transport**

To: **Environment and Transport Cabinet Committee - 17
November**

Subject: **Minerals and Waste Safeguarding Supplementary
Planning Document (SPD)**

Decision Number: 16/00123

Classification: **Unrestricted**

Past Pathway of Paper: N/A

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Kent wide

Summary:

This report is to inform members of the Environment and Transport Cabinet Committee that following the adoption of the Kent Minerals and Waste Local Plan 2013-30 (MWLP), a draft Supplementary Planning Document (SPD) (**Appendix B**) has been produced regarding minerals and waste safeguarding. This reflects the expectation of the Government-appointed Inspector who examined the Kent MWLP. The draft SPD reflects the safeguarding strategy set out in the Kent Minerals and Waste Local Plan. It details the process that should be followed when dealing with planning applications and local plan allocations that have implications for minerals and waste safeguarding.

Recommendation:

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on the proposed decision to endorse the Kent Minerals and Waste Safeguarding Supplementary Planning Document (SPD) for public consultation.

1. Introduction

1.1 National planning policy requires local plans, including those prepared by the Borough and District Councils, to safeguard mineral resources, minerals production and transportation infrastructure, and waste management facilities. This safeguarding plays an important role in sustainable development, supports economic growth and our quality of life, and ensures that there is sufficient waste capacity to manage Kent's waste arisings. It ensures that

mineral and waste management resources are considered when determining planning applications and allocating sites for development within local plans.

1.2 In planning, safeguarding is the term used to describe the process of ensuring that:

- Natural mineral resources are not unnecessarily sterilised by other types of development, remaining available for use by future generations; and
- The capacity and operation of minerals and waste management and transportation infrastructure is not lost to, or compromised by, other types of development except in the special circumstances set out in the Kent MWLP.

1.3 The Kent Minerals and Waste Local Plan 2013-30 (MWLP) was adopted by Full Council in July 2016. Within the Plan are a number of policies concerning minerals and waste safeguarding to ensure that development does not sterilise natural mineral resources, or compromise the capacity and operation of minerals and waste management and transportation infrastructure. Whilst minerals and waste planning falls within the remit of the County Council, safeguarding is the responsibility of all planning authorities within Kent. When considering a planning application or proposing a local plan allocation, borough and district authorities must have due regard to whether it will compromise natural mineral resources or any other existing or planned minerals or waste development. Applicants also need to be aware of safeguarding when compiling a planning application or promoting sites for potential allocation.

1.4 As a result of this responsibility, the Local Plan Examination for the Kent MWLP recognised the need for the County Council to produce a safeguarding supplementary planning document (SPD) following the adoption of the Kent MWLP. The Planning Inspector supported this approach in his report on the MWLP Plan (April 2016). The draft SPD at **Appendix B** sets out in detail the process that should be followed by the County Council, the borough and district councils and applicants when dealing with applications and local plan allocations that have implications for minerals and waste safeguarding. Importantly, the SPD does not create new policy; it simply provides guidance on the implementation of the adopted policies that have already been adopted within the MWLP.

1.5 Safeguarding issues were a key matter at the Kent MWLP Examination with representations from some borough councils, developers, landowners and the mineral industry. In February 2016, a workshop was held to discuss implementation matters regarding the safeguarding policies and how best to address these in a SPD. Those parties who had responded at the Examination Hearing, along with additional borough and district councils, were invited to the workshop and had the opportunity to shape a working draft of the SPD. This version was subject to further informal discussion with an Informal Members Group for the Kent MWLP appointed by the Cabinet Member.

1.6 In order that the SPD can be adopted and be used in the decision-making for planning applications and plan making, public consultation is required. Upon

adoption, the County Council will have a robust and comprehensive set of planning policies on minerals and waste safeguarding.

2. The Draft SPD

2.1 The SPD identifies the policies within the Kent MWLP that relate to safeguarding, and provides guidance to local authorities and/or or developers on how to proceed with planning applications and local plan preparation which have safeguarding implications. The draft SPD sets out:

- the importance of minerals and waste management resources;
- what is safeguarded;
- the approach to safeguarding in Kent, including the information required when non-mineral and waste development is promoted in safeguarded areas;
- the roles of the applicant, borough/district councils and the County Council;
- Mineral Assessments; and
- the consultation procedures to be followed.

It also includes details of monitoring and review arrangements. The safeguarding policies and a summary of the provisions are included as an appendix to the SPD.

2.2 The policies relating to safeguarding in the adopted MWLP are as follows:

- Policy CSM5: Land-won Mineral Safeguarding
- Policy CSM 6: Safeguarded Wharves and Rail Depots
- Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure
- Policy CSW16: Safeguarding of Existing Waste Management Facilities
- Policy DM7: Safeguarding Mineral Resources
- Policy DM8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities.
- Policy DM 9: The Extraction of Minerals in Advance of Surface Development

2.3 The SPD does not amend these policies; rather, the purpose of the SPD is to provide guidance on the implementation of these policies and to aid applicants in making successful applications. The public consultation process will provide an opportunity for those that will use the policies to comment and influence the draft implementation guidance so that it best meets the needs of users.

Land-won minerals

2.4 Land-won minerals can only be worked where they naturally occur, and any non-mineral development occurring on or in close proximity can have the potential to sterilise the resource. The adopted policy recognises that the economic mineral resources as defined by the British Geological Society and

the Kent MWLP should be safeguarded. These minerals are brickearth, sharp sand and gravel, soft sand including silica, ragstone and building stone.

2.5 Policy CSM 5 identifies the areas in Kent containing the above primary land-won mineral resources which are safeguarded; these are known as Mineral Safeguarding Areas (MSA). Policy DM 7 requires that planning permission for non-mineral development within a MSA will only be granted where:

- the applicant can justify that the mineral is not of economic value or does not exist; or
- the extraction of the mineral would not be viable or practicable; or
- the mineral can be extracted prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
- the incompatible development is of a temporary nature; or
- there is a clear overriding need for the non-minerals development.

2.6 Satisfaction of these criteria would need to be evidenced in a minerals assessment. Kent County Council as the Minerals Planning Authority (MPA); must be consulted on any planning application or local plan allocation for non-mineral development within a MSA. It would give a view on whether a minerals assessment is required, and if one has been submitted, provide technical advice on the adequacy of the assessment.

2.7 The SPD sets out in detail, what is expected from applicants in terms of Minerals Assessments. It also explains the consultation process between the district/borough council and the MPA, as well as encouraging pre-application discussions between any applicant and the MPA regarding applications within a MSA.

Minerals Management and Transportation Infrastructure and Waste Management Facilities

2.8 Given that land-won minerals are a finite resource, minerals transportation infrastructure such as wharves and rail-heads are essential to ensure a constant and steady supply of minerals into Kent. Without this infrastructure, greater reliance will be needed on road transport. Whilst wharves may be attractive for other types of development, such as residential uses, once a wharf is lost to another type of development, it is likely to be lost as minerals transportation infrastructure indefinitely.

2.9 Policies CSM 6 and CSM 7 safeguard all existing, planned and potential wharves and rail transport infrastructure, and all other minerals plant infrastructure. Policy DM8 sets out when development can be considered exempt from the safeguarding requirements; this includes scenarios where it can be demonstrated that replacement capacity equal to or greater than that of the existing facility is available at a suitable site elsewhere.

2.10 It is also important that sufficient capacity exists for Kent to manage its waste arisings and future needs sustainably. It is required by national planning

policy to safeguard waste management facilities. Policy CSW16 safeguards all existing waste management facilities, as well as sites allocated in the Waste Sites Plan.

- 2.11 To ensure that amenity impacts are adequately considered when assessing new development in proximity to non-mineral and waste development, a consultation zone of 250m is identified. The County Council would need to be consulted on any application within the consultation zone as part of the determination of a planning application or plan allocation. This should ensure that new development will not inhibit the mineral or waste management facility from operating, nor give rise to unacceptable amenity impacts for occupiers of new development. Whilst the policies within the Plan make provisions for this situation, the SPD further strengthens this requirement.

3. Corporate Policy Implications

- 3.1 The draft SPD supports the objectives and principles within the MWLP and helps ensure that Kent's physical and natural environment is protected, enhanced and enjoyed by residents and visitors.
- 3.2 A steady and adequate supply of minerals helps ensure that well planned housing growth can be supported, so Kent residents can live in the home of their choice.
- 3.3 Sustainable minerals and waste development is essential to giving Kent residents a good quality of life, and enabling economic growth.

4. Financial implications

- 4.1 The costs of preparing the Kent MWLP Mineral and Waste Sites Plans are included in the Environment Planning and Enforcement Division's budget. There is an expectation by Government (DCLG) that all planning authorities have an up to date local plan in place. Without an adopted Plan, there is a risk that DCLG will step in as the plan making authority, reducing local accountability. There are no financial implications associated with this decision.

5. Legal Implications

- 5.1 The County Council is required by national planning policy to ensure that local plans safeguard mineral resources and minerals and waste development. The delivery of a SPD will play an important role in ensuring that development in Kent has proper regard to safeguarding matters and that local planning authorities can deliver their obligation pursuant to the National Planning Policy Framework (para. 143).

6. Equalities Implications

- 6.1 The Kent MWLP was subject to a detailed EqIA which concluded that there were no equality implications. The safeguarding SPD does not create new

policy. It provides further guidance on the implementation of the adopted policy and as such is adequately covered by the Kent MWLP EqIA.

7 Conclusions

7.1 Safeguarding is an important aspect in the delivery of sustainable development. The SPD, once adopted will be a material planning consideration in the determination of all planning applications and plan allocations affecting safeguarded mineral and waste management matters. It does not introduce new policy. It provides guidance on the implementation of the adopted policies within the Kent MWLP. The SPD will act in support of the adopted Kent MWLP and ensure that the capacity for Kent's waste arisings and minerals supply are protected and maintained for Kent's current and future residents. The draft has already been informed by its intended audience, and a public consultation is required to ensure that the County Council has a clear, fit for purpose and comprehensive SPD.

8. Recommendation

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment and Transport on the proposed decision to endorse the Kent Minerals and Waste Safeguarding Supplementary Planning Document (SPD) for public consultation.

9. Background and Appended Documents

- Proposed Record of Decision – Appendix A
- Draft Safeguarding Supplementary Planning Document - **Appendix B**
- Kent Minerals and Waste Local Plan – Inspector's Report – <http://consult.kent.gov.uk/file/3932748>
- Minerals and Waste Local Plan 2013-30 - <http://consult.kent.gov.uk/file/4073744>

10. Contact details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Matthew Balfour, Cabinet Member for Environment and Transport

DECISION NO:

16/00123

For publication

Key decision* - Yes

Subject: Kent Minerals and Waste Safeguarding Supplementary Planning Document

Decision:

As Cabinet Member for Environment and Transport, I agree to endorse the Kent Minerals and Waste Safeguarding Supplementary Planning Document (SPD) for public consultation.

Reason(s) for decision:

National planning policy requires local plans, including those prepared by the Borough and District Councils, to safeguard mineral resources, minerals production and transportation infrastructure and waste management facilities. This safeguarding plays an important role in sustainable development, supports economic growth and our quality of life and ensures that there is sufficient waste capacity to deal with Kent's waste arisings.

The Kent Minerals and Waste Local Plan (KMWLP) was adopted by the County Council in July 2016 and contains a number of policies concerning minerals and waste safeguarding. Whilst minerals and waste planning falls within the remit of the County Council, safeguarding is the responsibility of all planning authorities within Kent.

The Local Plan Examination for the KMWLP recognised the need for the County Council to produce a safeguarding supplementary planning document following the adoption of the KMWLP.

Cabinet Committee recommendations and other consultation:

An informal workshop was held in February 2016 with parties who had responded to the Examination Hearing on safeguarding matters including representatives from the development industry, borough councils and the minerals industry.

The working draft of the SPD was also discussed with an informal Members Group

The SPD will also be discussed by Members of the Environment and Transport Cabinet Committee on 17 November 2016.

Any alternatives considered:

Safeguarding issues were a key matter at the KMWLP Examination.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

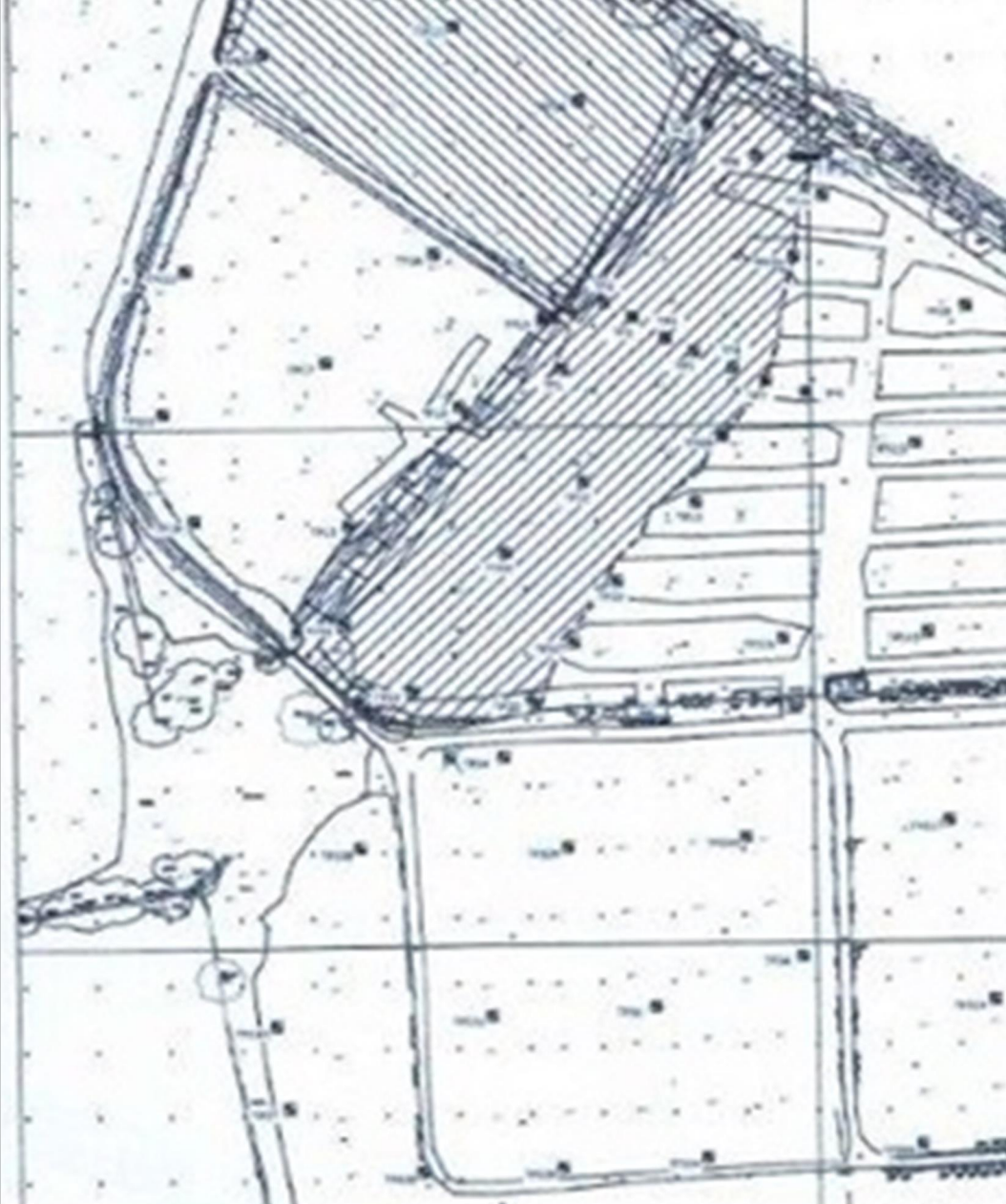
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Kent Minerals and Waste Local Plan



Safeguarding Supplementary Planning Document

Draft September 2016



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1. Introduction

1.1 This document is a 'Supplementary Planning Document' (SPD) that provides guidance on how the policies on mineral and waste infrastructure safeguarding as set out in the adopted Kent Minerals and Waste Local Plan (Kent MWLP) will be implemented in Kent. It provides guidance to local planning authorities and developers/applicants on the procedures to be followed when development other than mineral or waste management facilities, including local plan allocations are proposed to be located within or in close proximity to safeguarded areas or safeguarded mineral or waste infrastructure assets.

The SPD is structured as follows:-

- The importance of Mineral and Waste Management Resources – Section 2
- What is safeguarded – Section 3
- the type and scope of assessment information required by the County Council to be included in proposals for development that may affect safeguarded areas and safeguarded infrastructure – Section 4
- The Safeguarding Procedure – Section 4
- Monitoring – Section 6
- Kent MWLP Safeguarding Policies – Appendix 1
- Kent MWLP Safeguarding Policies – summary of key provisions – Appendix 2

1.2 Safeguarding is the responsibility of all planning authorities, not just those responsible for determining minerals and waste management planning applications and plan making.

1.3 In planning, safeguarding is the term used to describe the process of ensuring that:

- Natural mineral resources are not unnecessarily sterilised by other types of development, remaining available for use by future generations; and
- The capacity and operation of minerals and waste management and transportation infrastructure is not lost to, or compromised by, other types of development, except in the special circumstances set out in the Kent MWLP.

1.4 Safeguarding is about long-term conservation of resources and assets, throughout and *beyond* the period of the Development Plan. It is an important aspect in delivering sustainable development. For the purposes of this document, safeguarding includes Mineral Safeguarding Areas as defined in the Kent MWLP and minerals and waste Safeguarding Infrastructure

- 1.5 The Development Plan for the purposes of determining planning applications and plan making is the Kent MWLP and the relevant District/Borough Local Plan. The Development Plan includes the Kent Minerals and Waste Local Plan including the suite of policies that provide for safeguarding of mineral resources and waste and minerals infrastructure (those relevant to safeguarding are reproduced in Appendix 1 with their key requirements summarised in Appendix 2).
- 1.6 This guidance will apply to development management decisions by both the County Council and the relevant Local Planning Authority (LPA) i.e. Kent's twelve borough and district planning authorities and the Ebbsfleet Development Corporation. The determining authority for the majority of planning applications in Kent will be the LPA¹. This guidance is intended to assist both the determining authority and prospective applicants on the preparation and consideration of non-minerals and waste proposals located within or in close proximity to safeguarded areas and assets.
- 1.7 In accordance with the National Planning Policy Framework (NPPF), this SPD is required in order to help applicants make successful planning applications. It does not add unnecessary financial burdens on development and is an important aspect in the delivery of sustainable development².
- 1.8 The preparation of this draft document has been undertaken in line with the relevant statutory requirements³, national guidance⁴ and the County Council's Statement of Community Involvement (SCI). It does not conflict with the provisions of the adopted Kent MWLP or introduce new policies.
- 1.9 Once adopted, this guidance will be a material consideration in relevant planning decisions. It will act in support of the adopted Kent MWLP, which forms part of the statutory development plan for Kent, together with the adopted Local Plans prepared by the twelve Kent district and borough planning authorities and any relevant Neighbourhood Plans prepared by local communities.

¹ N.B. Proposals for Nationally Significant Infrastructure Projects are determined by the Secretary of State.

² DCLG (March 2012) National Planning Policy Framework, para.153.

³ Regulations 8 & 10-16 of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁴ DCLG (updated March 2015) Planning Practice Guidance on Local Plans, para. 28

2. The Importance of Minerals and Waste Management Resources

2.1 Minerals are essential to support sustainable economic growth and our quality of life. They are the raw materials for our construction industry and play a key role in food, pharmaceutical and manufacturing industries. Infrastructure such as wharves, rail depots and processing plant is essential for the steady and adequate supply of minerals. Primary minerals can only be worked where they naturally occur, and wharves have locational requirements as they need access to water. Figure 1 shows the flows from the raw mineral resources to the areas of the economy that these products are needed.

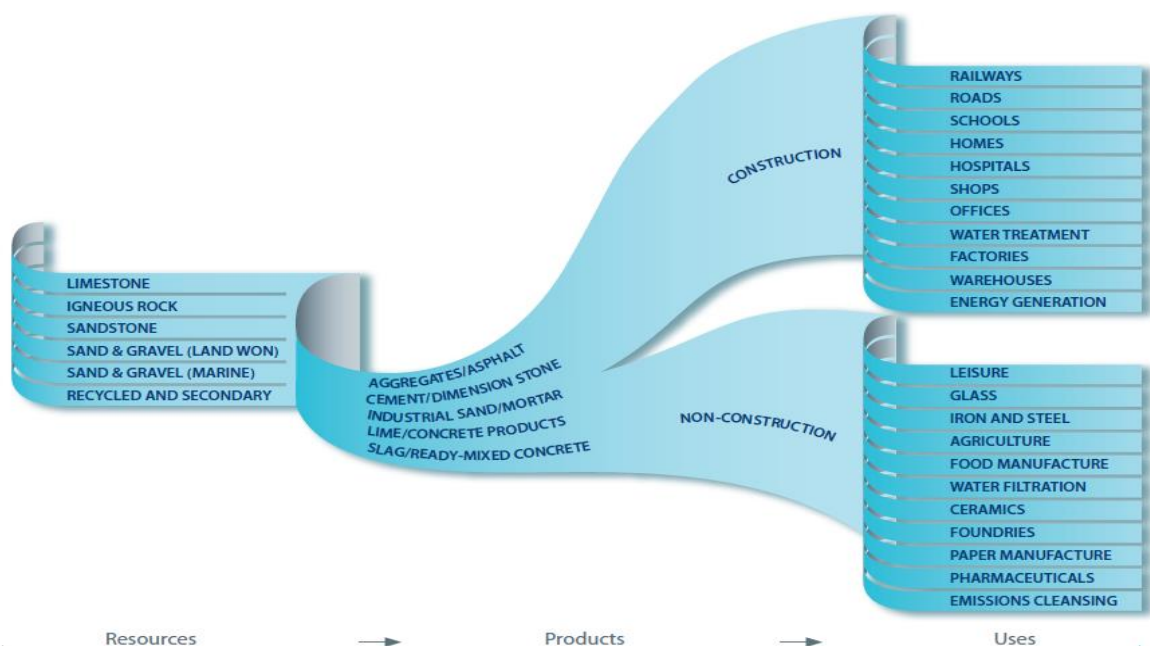


Figure 1 – Extraction to final use flow
http://www.mineralproducts.org/documents/Mineral_Products_Industry_At_A_Glance_2016.pdf

2.2 Figure 2 illustrates the quantities required to be sourced by the minerals industry to meet the requirements of sustainable communities and the economy.

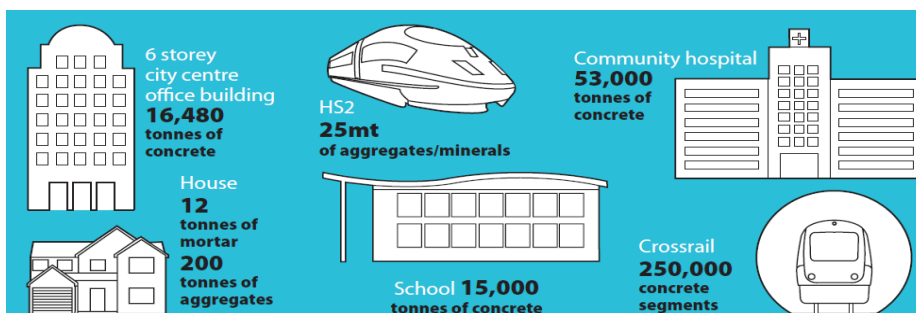


Figure 2 – Amount of mineral resources required per type of construction

2.3 Notwithstanding the importance of minerals supply, waste management infrastructure is essential to enable sustainable management of waste and these facilities are similarly safeguarded by the Kent MWLP

2.4 Despite their obvious importance mineral resources can be (and have been) sterilised through non-mineral development being constructed over them, rendering the minerals beneath or in close proximity to the development unavailable for extraction for future generations. This is diagrammatically illustrated in Figure 3

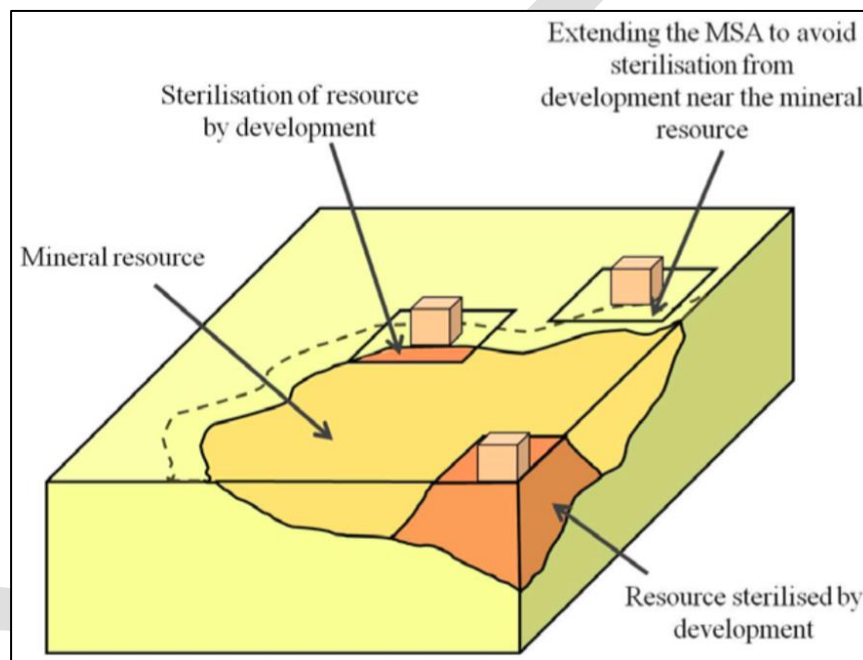


Figure 3 The sterilisation of mineral resource by surface development⁵

2.5 The operation of minerals and waste infrastructure can also be constrained by inappropriate development, such as that sensitive to noise, dust and vibration, being located on or in proximity to a site. Examples of this could include housing or some commercial activities.

3. Minerals and Waste Safeguarding in Kent

What is safeguarded in Kent?

3.1 As set out in the policies of the Kent MWLP, the following are safeguarded from non-minerals and waste development in Kent:

- Economic mineral resources: brickearth, chalk, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone, as shown on the Mineral Safeguarding Area (MSA) adopted policies maps;
- Mineral haul roads;
- Existing, planned and potential wharves and rail transport infrastructure; Existing, planned and potential other mineral plant infrastructure;
- Existing waste management facilities with permanent planning permission; and
- Minerals Sites Plan and Waste Sites Plan allocations.

Mineral Resources

3.2 National policy⁶ requires that LPA's should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. In two-tier authority areas such as Kent, MSAs should be included on the Policies Maps of the Development Plan maintained by the district and borough councils.

Mineral Safeguarding Areas

3.3 Kent MWLP Policy CSM5 identifies the areas in which safeguarding applies to primary land-won mineral resources in Kent. The MSAs cover the known locations of specific mineral resources that are, or may in future, be of sufficient economic value to warrant protection for future generations. The boundaries of the adopted MSAs for each district and borough authority area in Kent are set out in the Policies Maps in Chapter 9 of the Kent MWLP.

3.4 The purpose of the MSA safeguarding designations is to ensure that mineral resources are properly considered in planning decisions for non-mineral development proposals, in order to prevent unnecessary sterilisation of Kent's potentially economic minerals assets. There is no presumption that the mineral present in these areas will be extracted, or that these areas would be considered acceptable for mineral extraction works.

3.5 The Kent MSAs are based on the mapped mineral resource prepared by British Geological Survey (BGS). For practical reasons the Kent MSAs do not include urban settlement areas and land allocated for built development in adopted Local Plans. However, the County Council would be supportive of any viable

⁶ Reproduced from 'Mineral safeguarding in England: good practice advice', BGS, 2011

⁶ DCLG (2012) National Planning Policy Framework, para.144 indent 7.

opportunities for extraction of minerals prior to development in these areas.

3.6 The coverage of the MSA designations will be reviewed by the County Council on an annual basis.

Mineral Consultation Areas

3.7 These cover the same areas as MSAs, plus an additional area around the mineral reserves of the allocated Strategic Site for Minerals (Kent MWLP Policy CSM 3). The Mineral Consultation Area (MCA) designations ensure that consultation takes place between county and district/borough planning authorities and the Ebbsfleet Development Corporation where mineral resources could be compromised by non-minerals development.

Existing and Allocated Mineral Sites

3.8 Policy CSM 5 also applies to mineral resources at:

- existing sites for mineral working in Kent, including those sites which have planning permission but are not yet active, and
- Kent Mineral Sites Plan allocations for mineral working

3.9 The existing sites at the time of Plan preparation are listed in Appendix C of the Kent MWLP; this list is updated each year in Kent Minerals and Waste Annual Monitoring Report (AMR)⁷ produced by the County Council. The safeguarded area applies up to the site boundary, not purely the extraction area. Policy CSM 5 will apply to the areas allocated for mineral extraction in the Kent Mineral Sites Plan when this is adopted. The status of these sites will be monitored annually.

Infrastructure

3.10 Kent MWLP policies CSM 6, CSM 7 and CSW 16 apply safeguarding to all existing, planned and potential minerals and waste infrastructure sites in the county, such sites host various facilities including the following:

- Waste management
- Secondary and recycled aggregate processing
- Minerals processing e.g. concrete batching
- Minerals wharves
- Railheads used to transport waste and minerals

3.11 The policies also apply safeguarding to land **within 250m of these sites**, as non minerals and waste developments which are sensitive to noise, dust, lighting and vibration may be adversely affected by minerals and waste activities which can in turn lead to mitigation causing constraints to be placed on operations.

3.12 Policy DM 8: *Safeguarding Minerals Management, Transportation Production & Waste Management Facilities* sets out the circumstances when non minerals and waste developments development may be permitted that would be

⁷ Kent Minerals and Waste Annual Monitoring Reports are available online from:
<http://www.kent.gov.uk/mwlp>

incompatible with safeguarded infrastructure. This includes ensuring that where existing minerals and waste capacity is lost, a replacement facility is available and suitable that provides at least an equivalent capacity to that which it is replacing.

Minerals Management and Transportation Infrastructure

3.13 National policy requires Local Plans to safeguard existing, planned and potential minerals transport, processing and manufacturing infrastructure⁸. Development proposed on or in proximity to these facilities could result in the loss of, or constraints applied to, current or future operations.

3.14 Minerals infrastructure is essential for the transport of minerals into and out of the County as well as for the recycling and/or processing of minerals into products.

3.15 In particular, Kent's wharves receive a range of construction aggregates from mainland Europe, as well as Marine Dredged Aggregates (MDA) and imported recycled and secondary materials. Minerals can also be imported and exported via Kent's railheads, lessening the impact on the highway network. The production of secondary and recycled aggregates is an important component of overall mineral supply and provides a sustainable replacement for primary land-won sharp sand and gravel.

3.16 Safeguarded Wharves and Rail Depots (Policy CSM 6) are shown in Figure 13: Minerals Key Diagram of the Kent MWLP and their site boundaries are shown in Chapter 9: Adopted Policies Maps of the Kent MWLP.

3.17 Policy CSM 7 safeguards the numerous existing, planned and potential other mineral plant infrastructure facilities in Kent and their capacity. A list of the permitted mineral plant infrastructure sites are updated and published each year in the Annual Monitoring Report.

3.18 Policy DM 8 sets out when development can be considered exempt from the safeguarding requirements.

Waste Management Facilities

3.19 It is important to ensure that sufficient capacity exists for Kent to manage its waste arisings and future needs sustainably, and to maintain overall net self-sufficiency in waste management in accordance with the waste strategy of the Kent MWLP.

3.20 National policy on waste requires existing waste management capacity to be safeguarded; the likely impact of proposed, non-waste related development on existing waste management facilities and on sites allocated for waste management should be acceptable without prejudicing the efficient operation of

⁸ DCLG (2012) National Planning Policy Framework, para.143 indent 4.

such facilities, or the implementation of the waste hierarchy⁹. Nearby non-waste developments can also impact the operation of existing sites or the viability of planned sites.

3.21 Protection for waste management facilities with permanent planning permission is provided by Policy CSW 16: *Safeguarding of Existing Waste Management Facilities*. This policy safeguards sites that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan (once adopted). A list of the waste management sites with permanent planning permission are updated and published each year in the Annual Monitoring Report.

4. Proposals for Non-Minerals and Waste Development in Safeguarded Areas – Information Requirements

4.1 This section sets out the Information Requirements to accompany planning applications or submissions for local plan allocations for Non-Minerals Proposals in Minerals Safeguarding Areas (MSA).

Kent MWLP Policy CSM5 *Land-won Mineral Safeguarding*

4.2 Kent MWLP Policy CSM5 identifies the areas and assets that are safeguarded. Policy DM 7 *Safeguarding Mineral Resources* sets out the circumstances when non-minerals development may be considered acceptable at a location within a MSA.

4.3 A proposal for non-minerals development in a MSA is the trigger for an assessment process of the potential effects of the development on the safeguarded minerals resource.

4.4 For the purposes of this SPD, these circumstances can be divided into two main categories:

- Development Excluded from Mineral Safeguarding
- Development Potentially Incompatible with Mineral Safeguarding

This is considered further below.

Development Excluded from Mineral Safeguarding

4.5 Proposals that consist of developments considered acceptable or exempt within MSAs under Policy DM 7 clauses 4, 6 & 7 are as follows:

4. *the development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or*

⁹ DCLG (2014) National Planning Policy on Waste, para.8 clause 1.

6. *it is exempt from mineral safeguarding policy, namely: householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use and buildings, minor works, non-material amendments to current planning permissions; or*
7. *it constitutes development on a site allocated in the adopted development plan.*

4.6 Proposals for potentially sterilising mineral developments should be accompanied by information demonstrating that they are exempt from the presumption to safeguard. This will indicate to the relevant district/ borough authority that the presence of the safeguarded mineral resources or sites has been acknowledged and that the development is in conformity with Kent MWLP Policy CSM 5 and Policy DM 7.

4.7 The County Council need not be consulted on these types of developments. If there is any uncertainty the district and borough planning authority will discuss and agree the approach to be taken with the County Council.

Development Potentially Incompatible with Mineral Safeguarding

4.8 Planning permission should only be granted for developments that could potentially sterilise resources in MSAs, if the criteria in Policy DM 7 are met, they are as follows:

1. *the mineral is not of economic value or does not exist; or*
2. *that extraction of the mineral would not be viable or practicable; or*
3. *the mineral can be extracted satisfactorily, having regard to Policy DM 9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
5. *material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction;*

4.9 Where an applicant seeks to rely on an exemption from the safeguarding provisions, then it will be necessary for the proposal to be accompanied by a 'Minerals Assessment'.

Minerals Assessments – General elements to be addressed

4.10 While the Kent MSAs are based on the British Geological Society (BGS) information of where minerals may occur, the practicability and economic viability of extraction will need to be determined by a more detailed ‘**Minerals Assessment**’ that demonstrates to the satisfaction of both the County Council and the relevant district/ borough authority that the mineral resource has been adequately considered and Policy DM 7 has been complied with, reflecting the requirement in the NPPF¹⁰ that development proposals in MSAs that might constrain potential future minerals use should not normally be permitted. The roles of various organisations with regard to minerals assessments are set out in Table 1 below:

Table 1: Organistional Roles in Mineral safeguarding

Applicants/developers	<p>When compiling a planning application, the applicant should consult the safeguarding maps within the Kent Minerals and Waste Local Plan, as well as Policy DM 7, to ascertain whether a Minerals Assessment is required.</p> <p>If so, then a Minerals Assessment should be undertaken and submitted as part of the application to the relevant authority</p>
District/Borough Councils within Kent	<p>Any applications which are within a MSA, and do not meet the exemptions listed in Policy DM 7 will need to be accompanied by a minerals assessment.</p> <p>Minerals assessments will also need to be prepared by a local authority when they are producing sites plans. Ideally this should take place between the call for sites and the preferred options stages, on any sites which are within MSA’s and do not meet the exemptions listed in Policy DM 7.</p>
Kent County Council	<p>The County Council will offer comments on a planning application which has minerals or waste safeguarding implications.</p> <p>When determining applications for Regulation 3 proposals the County Council will also need to consider any mineral safeguarding implications.</p>

4.11 It is not considered to be appropriate to apply a size threshold for proposals (other than those of exempt development under Policy DM 7 clause 6) that require a Minerals Assessment, or set out requirements for different levels of assessment in proportion to the proposed development. This is because a small development in a MSA still has the potential to sterilise a large area of mineral resource.

¹⁰ NPPF Paragraph 144, bullet 7. Bullet 1 also stresses that ‘*In determining planning applications local planning authorities should give great weight to the benefits of mineral extraction, including to the economy.*’

4.12 Pre-application discussions between the promoter/applicant of a non-minerals development in an MSA/MCA and the relevant district/ borough authority, in conjunction with the County Council, are strongly encouraged before any survey works are undertaken on the proposed development site.

4.13 Discussions will help inform what level and scope of Mineral Assessment is required, taking into account factors such as:

- the type of mineral resource(s) thought to be present;
- the potential extent of sterilisation which could occur as a result of the development;
- the extent or distribution of survey boreholes / pits;
- site specific considerations;
- potential options for prior extraction; and
- Economic viability of the mineral, i.e. the local market interest.

4.14 It is recommended that a draft trial pit / borehole location plan is agreed with the County Council at the pre-application stage in order to avoid delays and the need for further surveys at a later stage.

4.15 Prior extraction and on-site use of the material should be considered early on during the initial master-planning stages of the proposed development. The presence of the mineral resource could present opportunities to influence the design of the proposal.

4.16 The BGS's best practice guidance on mineral safeguarding¹¹ recommends Minerals Assessments assessing the quality and quantity of mineral resource at a site comprise the following:

Site specific desk-based assessment of the existing surface and solid geological and mineral resource information

4.17 This may comprise existing information on the mining and quarrying history, mineral assessments and market appraisals, boreholes, site investigations, geological memoirs, technical reports, mining plans and the thickness of superficial geological deposits.

More detailed analysis of the site-specific information

4.18 This should be prepared by a suitably qualified and competent professional (geologist or minerals surveyor). This should include:

- An estimate of the economic value, quality and quantity of the mineral;
- Its potential for on-site use and whether it is feasible and viable to extract the mineral resource ahead of development to prevent unnecessary sterilisation;
- Where prior extraction can be undertaken, an assessment of the amount of material that can be extracted and an explanation of how this will be

¹¹ BGS (2/011) Mineral Safeguarding in England: good practice advice

carried out as part of the overall development scheme.

- 4.19 It is likely that in most cases more detailed site-specific information will be required to provide sufficient information to inform the County Council's response to a consultation and to enable the Borough Council to be satisfied on its requirements in respect of the NPPF, paragraph 144.

Minerals Assessment Methods

Figure 4 – Example Trial Pit



4.20 Depending on the nature of the safeguarded resource (e.g. superficial deposits such as sand and gravel or crustal mineral deposits such as Kentish Ragstone), the County Council recommends that trial pits or boreholes typically to a depth of approximately 2.5 - 3.5m would generally be appropriate, although depending upon available geological data this may need to be extended to 5m in some areas. Table 2 below provides further detail.

- 4.21 Ground investigations undertaken as part of a geotechnical study to support a Flood Risk Assessment (FRA) would normally be to a similar depth and so such site surveys could therefore be linked or undertaken at the same time. Investigations on Particle Size Distribution (PSD) of any recovered sand and gravel are also often carried out as part of a FRA. Similarly, there may be synergies with heritage asset investigations and potential cost reductions, i.e. one contractor digging trial trenches for both purposes.



Figure 5 – Example Borehole Rig

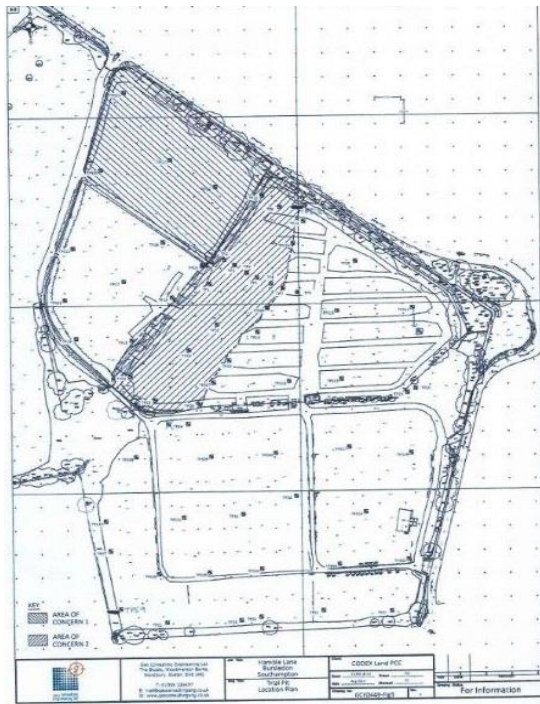


Figure 6 – Offset Grid

4.22 The spacing of trial pits and/or boreholes is important to ensure that a thorough assessment of the mineral resource thought to be present can be made. An initial spacing of approximately 150m center-to-center appears to be the generally accepted practicable approach to be initially considered, although additional densities may also be required to determine the extent of the deposit as appropriate. Table 2 describes the general parameters of site investigation required for different types of mineral.

Table 2: Site investigation methodologies for economic minerals in Kent

Type of Economic Geology Kent ¹²	Site Specific Investigation/Methodology
Superficial deposits such as Brickearth, River Terrace Sands and Gravels , and Alluvial Sands and Gravels	Trial Trenching Surveys: Would normally require trial trenching to a depth of 2-3m. When there is evidence of greater thickness of potentially viable deposits, continuous flight auger bore hole drilling may be required to investigate the full extent of the superficial deposit depth across site.
Non-hard crustal geologies such as the Folkestone Beds (building sands)	Drilling Surveys: To determine deposit depth a continuous flight auger borehole drilling should normally be used to investigate the full extent of the viable deposit across the site.
Hard crustal geologies such as the Hythe Formation (Kentish Ragstone)	Drilling Surveys: Drilling techniques employing diamond and/or tungsten drill bit cutting technologies should normally be employed to investigate the full extent of the viable deposit depth across the site. Regard for practical working (quarrying) depths and standing water table levels would have to be had in determining overall depth of drilling investigations.

¹² The current British Geological Survey data specifically supplied to the County Council excludes the Upper, Middle and Lower Chalk and the London Clay as economically important minerals.

Reserve/ Overburden Ratio Analysis

Recording the specific site overburden depth above mineral resource. This is useful to inform the Minerals Assessment for the site in terms of economic viability and practicality.

Published Information

Desk top survey work should be supported by:

- Any existing site investigation reports that are available
- Mineral Safeguarding Maps (part of the adopted Kent Minerals and Waste Local Plan 2013-30)
- BGS Geological Resources maps and geological memoirs:

<http://www.bgs.ac.uk/downloads/start.cfm?id=2600>

<https://www.bgs.ac.uk/downloads/start.cfm?id=2599>

4.23 The economic viability of mineral resources and the viability of extracting these may change over time as resources become scarcer, technology improves, and markets change.

4.24 The recommended key aspects to consider in a Minerals Assessment of a proposed development in an MSA are set out in Table 3 below, reflecting the requirements of Kent MWLP safeguarding policies. Other factors may be relevant on a case by case basis.

Table 3. Factors to consider in Minerals Assessments

Site Information	Likely requirements
Proposal Site	<ul style="list-style-type: none">• Area – red line and buildings footprint• Description of proposed development• Consideration of alternative location for the development outside the MSA• Timetable for the development
Mineral Reserve	<ul style="list-style-type: none">• Type & extent of the mineral• Depth of the deposit and variability across the site• Depth of overburden and variability across the site• Ratio of overburden to mineral resource• Mineral quality (e.g. BSI) standard or equivalent with or without processing)• Estimated gross mineral resource affected
Mineral Extraction Constraints	<ul style="list-style-type: none">• Site infrastructure/ utilities• Site constraints / designations• Proximity of other development

Prior Extraction:	
Commercial Market and Practical Considerations	<ul style="list-style-type: none"> • Effect on deliverability and viability of proposed non-minerals development • Interested operator/local market for the minerals • Distance from the site to market destination • Method of transport / route to be taken • Does the market destination have permission to accept imported materials / is permission required? • Mineral processing infrastructure requirements, on or off-site • Space for storage of materials and effect on phasing or design • Costs or savings
Practicability and acceptability of extraction in terms of impacts on the environment or communities	<ul style="list-style-type: none"> • Site setting and constraints • Accessibility and transport • Land stability • Hydrology – groundwater and flood risk • Site restoration scheme in the event that the development does not proceed following prior-extraction

Mineral Assessment Conclusions

4.25 In order for the planning application to proceed without an objection from the County Council, the conclusions of the Mineral Assessment would have to satisfactorily demonstrate that Policy DM 7 clauses 1 – 3 or 5 apply to the proposed development i.e.:

1. *the mineral is not of economic value (due to quality and/or quantity), or*
2. *that extraction would not be viable or practicable (for instance site access is constrained, extraction would make the non-mineral development unviable or unreasonably increase costs of development); or*
3. *the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
5. *material considerations indicate that the need for the development overrides the presumption for safeguarding such that the sterilization of the mineral can be permitted following the exploration of opportunities for prior extraction.*

4.26 The 'or' after each of the clauses in Policy DM 7 means that they each need to be considered. However, sequentially it will make sense for consideration of the economic value (clause 1) and viability and practicability of extraction being considered first before considering practicability of prior

extraction (clause 2) and whether the need for the development outweighs the safeguarding of the mineral (clause 5).

- 4.27 The assessment may conclude that the site may be partially viable for extraction. In such circumstances the County Council will encourage prior extraction of as much material as is practicable.
- 4.28 If the County Council is satisfied that the Mineral Assessment information adequately demonstrates the prior extraction would not be viable, the promoter/ applicant is encouraged to utilise any mineral resources excavated through incidental extraction during the construction of any permitted application, in the interests of sustainable development.
- 4.29 It is important to note that any objection made by the County Council on safeguarding grounds will be a statutory objection and a material consideration for the determination of the proposal.
- 4.30 Although the County Council's adopted approach to mineral resource safeguarding is to exclude urban settlement areas from the Kent MSAs designation, mineral resources are present beneath these areas.
- 4.31 Safeguarding issues and the conclusion of a Minerals Assessment should be addressed in the Planning Statement, or where appropriate, in the Environmental Statement if the proposal is to be subject to Environmental Impact Assessment (EIA), that accompanies a planning application.

Prior Extraction

- 4.32 Where prior extraction is proposed, Kent MWLP Policy CSM 4 *Non-Identified land-won Mineral Sites* and Policy DM 9 *Prior Extraction of Minerals in Advance of Surface Development* will apply. The avoidance of sterilising reserves is one of the 'over-riding benefit' criteria that could justify an exception to the Plan's mineral strategy (and so enabling minerals extraction to proceed on a site not allocated in the Minerals Sites Plan under Kent MWLP Policy CSM 4).
- 4.33 Where prior extraction has been proven to be unviable, any mineral resources extracted during construction works and re-used on site are likely to be considered as an ancillary operation of construction works of the proposal under Kent MWLP Policy DM 21: *Incidental Mineral Extraction*. The on-site re-use of the excavated 'waste' mineral resources could be secured as a condition of any grant of planning permission.

Minerals and Waste Management Infrastructure - Information Requirements

- 4.34 Policy DM 8: Safeguarding Minerals Management, Transportation & Waste Management facilities sets out the only circumstances where non-minerals and waste development proposed within or in proximity to (within

250m) safeguarded minerals management, transportation or waste management facilities would be considered acceptable.

Exempt Developments

4.35 Development proposals considered acceptable or exempt from safeguarding are specified in Policy DM 8 clauses 1 & 2:

1. *it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or*
2. *it constitutes development on the site that has been allocated in the adopted development plan;*

4.36 Proposals for exempt developments should be accompanied by a statement with relevant details demonstrating that they are exempt. The County Council will not normally be consulted on these types of developments, but advice may be sought if any queries arise regarding safeguarding and mitigation, for example where sites allocated in a Local Plan are developed.

Development Proposals in the Vicinity of Safeguarded Sites

4.37 Notwithstanding the exemptions to safeguarding provided by clauses 1 to 7 of Policy DM 8, all proposals for non-minerals and waste development (including temporary developments) within 250m of safeguarded facilities would need to be accompanied by information to demonstrate that they are not incompatible in that:

- impacts that may legitimately arise from the activities taking place at the safeguarded facilities (e.g. noise, dust, light and air emissions) would not be experienced to an unacceptable level by occupants of the proposed development (and potentially also lead to constraints being imposed on the operation in the future);
- vehicle access to and from the safeguarded facility would not be constrained by the development proposed.

4.38 Planning applications that do not satisfactorily demonstrate the above would receive an objection from the County Council on the grounds of incompatibility and causing unacceptable encroachment. In the determination of such proposals, the need for the development will need to be weighed against the need to retain the safeguarded facility, the scale of potential impact and the objectives and policies of the development plan as a whole.

Minerals and Waste Infrastructure Assessment

4.39 Potentially incompatible developments proposed on safeguarded sites (those outside of Policy DM 8 clauses 1 & 2) are required to have regard to whether proposals would impair the operation of safeguarded facilities. As with DM 7 the 'or' after each clause indicates that each need to be considered. However, in practice it will make sense for proposals for non-exempt development types to consider clauses 4 and 5 before clause 3 (replacement capacity).

4.40 Proposals applicable under either of Policy DM 8 clauses 4 & 5 below will need to provide assessment information, as appropriate to the nature and scale of the proposed development, in a Minerals and Waste Infrastructure Assessment:

Impacts on Operations:

4. *it is for a temporary period and will not compromise its potential in the future for minerals transportation; or*

Current and Future Viability:

5. *the facility is not viable or capable of being made viable; this should include evidence of the historic use of the site and factors affecting its viability or refurbishment to be made viable.*

Potential for Alternative, Replacement Capacity

4.41 If the proposed development does not fall under clause 4 or demonstrably meet the requirements of clause 5, proposals for incompatible development on safeguarded sites will be required to provide information to demonstrate that:

4. *replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than that offered by the facility that it is replacing;*
5. *replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste and minerals, and.*
 - *in the case of wharves, the size of the berth for dredgers, barges or ships, ensuring the depth and tidal flows meet the requirements.*
 - *in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy*

There must also be no existing, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.

Local Lists

- 4.42 The County Council recommends that all Kent district and borough councils include Minerals Assessments and Minerals and Waste Infrastructure Assessments in the local list of validation information requirements for planning applications within MSAs and MCAs and within 250m of safeguarded minerals and waste facilities.

5. Minerals and Waste Safeguarding Procedure

- 5.1 The key to safeguarding is early and constructive consultation between the local planning authorities and the County Council.
- 5.2 The consultation process between the relevant Kent local district and borough authority and the Ebbsfleet Development Corporation (the LPA) and the County Council (the MPA and/or WPA) will be triggered by proposals for incompatible and non-exempt development within the MSA/MCA and the 250m consultation zones surrounding the safeguarded minerals and waste sites, infrastructure and allocations; this will apply in the case of both development proposals and proposed site allocations in District/Borough Local Plans.
- 5.3 The Local Planning Authority should take the Kent MWLP policies and County Council's comments into account when determining applications for potentially incompatible development, including imposition of appropriate conditions on planning permissions to mitigate the potential effects of development on the safeguarded resource and/or infrastructure.
- 5.4 Any objection made by the County Council on safeguarding grounds will be a statutory objection and a material consideration for the determination of proposals.
- 5.5 As set out in Section 3, applicants will be expected to provide adequate information in the form of a Minerals Assessment (for Policy DM7) or a Minerals and Waste Infrastructure Assessment (for Policy DM8) accompanying a planning application to enable the County Council to assess the application against the safeguarding policies of the Kent MWLP.

Consultation on Planning Applications

Pre-application

- 5.6 Pre-application discussions with the relevant district/ borough authority, in conjunction with the County Council, are strongly encouraged to identify proposals within safeguarded areas and indicate the level and scope of Minerals or Infrastructure Assessment and information that may be required.

Validation of Planning Applications

- 5.7 The inclusion of these Assessments in the Validation Local List ensures that all necessary information required to determine the application is provided at the time of submission. This would avoid unnecessary delays when the application is being considered.

Consultation

- 5.8 Local planning authorities will consult the County Council on applications for development within MSAs and MCAs and within 250m of safeguarded infrastructure, accompanied by the appropriate Minerals or Infrastructure Assessment prepared by the applicant. These should be sent to mwdf@kent.gov.uk
- 5.9 The County Council will provide an initial response to consultation requests within 21 days, which may include a request for further information if the Assessment is considered to be inadequate or unclear.
- 5.10 If no response is received by the end of the consultation period or any agreed extension of time, the determining authority can proceed with the determination of the application without the views of the County Council on a proposal's compatibility with minerals and waste safeguarding policies.
- 5.11 The Port of London Authority should be consulted on all applications which have safeguarding implications for mineral wharves.

Consultation on Local Plan Preparation and Allocations

- 5.12 Kent district and borough councils are required to have regard to the Kent MWLP safeguarding policies when identifying suitable areas for non-mineral and non-waste development in their local plans, as well as showing MSAs and MCAs on their policy maps¹³.
- 5.13 The process of allocating land for non-minerals and non-waste uses in the

¹³ Planning Practice Guidance Paragraph: 005 Reference ID: 27-005-20140306

district/ borough authority Local Plans will therefore need to take account of the presence of safeguarded minerals resources and any existing, planned or potential minerals and waste infrastructure. The relevant factors for consideration are the same as those for a planning application, as set out in Policies DM7, DM8, CSM5, CSM6 and CSM7.

5.14 The County Council can offer advice to support the district and borough authorities during the site allocation process and should be formally consulted on any proposals in safeguarded areas.

5.15 Local planning authorities will consult the County Council when preparing development plans to ensure that safeguarding is properly taken into account when sites are allocated for non-minerals and non-waste development. Development within MSAs and MCAs and within 250m of safeguarded infrastructure should be avoided where possible.

5.16 Where site allocations are proposed in these areas the local planning authority will need to demonstrate the need for the development at the location and consult the County Council to consider what measures may be taken to mitigate the effect of the development on the safeguarded resources or assets, in order to ensure conformity with the Kent MWLP policies.

Adopted Policies Maps and GIS Information

5.17 GIS information files have been provided to all district and borough councils, with the expectation that safeguarded areas will be shown on each authority's own policy maps in line with national planning policy guidance.

5.18 The GIS files include:

- Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs)
- Existing mineral working sites
- Safeguarded Wharves and Rail Transportation Adopted Policies Maps: Sites A - Q
- Existing other (recycling/secondary aggregate production) mineral plant infrastructure sites
- Existing waste management facility sites

5.19 GIS information for all allocated waste and minerals sites will also be provided for inclusion on the Kent district and borough authority's policy maps.

5.20 Sites with planning permission for other mineral plant infrastructure and permanent planning permission for waste management will be reviewed on an annual basis as part of the overall monitoring of the Plan. The updated GIS information will be provided by the County Council to the district/ borough

authorities.

6. Monitoring and Review

- 6.1 The monitoring and implementation framework in Chapter 8 of the Kent MWLP 2013-30 includes a schedule on how the Plan's safeguarding policies and related strategic objectives will be achieved through the monitoring of data indicators. Each indicator has a target against which the performance of the policy can be monitored with a 'trigger point' to indicate when corrective action may be required.
- 6.2 The monitoring of Policy CSM 5: Land-won Mineral Safeguarding includes an indicator on the annual review of the MSA designations.
- 6.3 Monitoring of the implementation of the Kent MWLP safeguarding policies will be carried out as part of the production of the Kent Annual Monitoring Report. Policies may be subject to review if annual monitoring indicates that any significant, adverse trends are likely to continue.

APPENDIX 1 Kent MWLP 2013-30 Safeguarding Policies

Policy CSM 4

Non-identified Land-won Mineral Sites

With the exception of proposals for the extraction of silica sand provided for under Policy CSM 2, proposals for mineral extraction other than the Strategic Site for Minerals and sites identified in the Minerals Sites Plan will be considered having regard to the policies of the development plan as a whole and in the context of the Vision and Objectives of this Plan, in particular the objective to plan for a steady and adequate supply of aggregates and industrial minerals. Where harm to the strategy of the development plan is shown, permission will be granted only where it has been demonstrated that there are overriding benefits that justify extraction at the exception site.

(While not entirely related to safeguarding, Policy CSM4 applies where prior extraction is proposed)

Policy CSM 5

Land-won Mineral Safeguarding

Economic mineral resources are safeguarded from being unnecessarily sterilised by other development by the identification of:

1. Mineral Safeguarding Areas for the areas of brickearth, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone as defined on the Mineral Safeguarding Area Policies Maps in Chapter 9
2. Mineral Consultation Areas which cover the same area as the Minerals Safeguarding Areas and a separate area adjacent to the Strategic Site for Minerals at Medway Works, Holborough as shown in Figure 17
3. Sites for mineral working within the plan period identified in Appendix C and in the Mineral Sites Plan.

Policy CSM 6

Safeguarded Wharves and Rail Depots

Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing, planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.

The following sites, and the allocated sites included in the Minerals Sites Plan, are safeguarded:

1. Allington Rail Sidings
2. Sevington Rail Depot
3. Hothfield Works
4. East Peckham
5. Ridham Dock (both operational sites)
6. Johnson's Wharf, Greenhithe
7. Robins Wharf, Northfleet (both operational sites)
8. Clubbs Marine Terminal, Gravesend
9. East Quay, Whitstable
10. Red Lion Wharf, Gravesend
11. Ramsgate Port
12. Wharf 42, Northfleet (including Northfleet Cement Wharf)
13. Dunkirk Jetty (Dover Western Docks)
14. Sheerness
15. Northfleet Wharf
16. Old Sun Wharf, Gravesend

Their locations are shown in Figure 13: Minerals Key Diagram in Chapter 2 and their site boundaries are shown in Chapter 9: Adopted Policies Maps.

The Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan) for non-mineral related development (other than that of the type listed in policy DM 8 (clause 1) on all development proposed at, or within 250m of, safeguarded minerals transportation facilities.

Policy CSM 7

Safeguarding Other Mineral Plant Infrastructure

Facilities for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material in Kent are safeguarded for their on-going use. Where these facilities are situated within a host quarry, wharf or rail depot facility, they are safeguarded for the life of the host site.

Where other development is proposed at, or within 250m of, safeguarded minerals plant infrastructure, Local Planning Authorities will consult the Minerals planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).

Policy CSW 16

Safeguarding of Existing Waste Management Facilities

Sites that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan are safeguarded from being developed for non-waste management uses.

Where other development is proposed at, or within 250m of, safeguarded waste management facilities Local Planning Authorities will consult the Waste planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan)

Policy DM 7

Safeguarding Mineral Resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated that either:

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction;
or
6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
7. it constitutes development on a site allocated in the adopted development plan

Further guidance on the application of this policy will be included in a Supplementary Planning Document.

Policy DM 8

Safeguarding Minerals Management, Transportation Production & Waste Management Facilities

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

1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or
2. it constitutes development on the site that has been allocated in the adopted development plan; or
3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or
4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or
5. the facility is not viable or capable of being made viable. or
6. material considerations indicate that the need for the development overrides the presumption for safeguarding
7. it has been demonstrated that the capacity of the facility to be lost is not required

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste and minerals, and:

- in the case of wharves, the size of the berth for dredgers, barges or ships
- in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy

There must also be no existing, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.

Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.

Further guidance on the application of this policy will be included in a Supplementary Planning Document

Policy DM 9

Prior Extraction of Minerals in Advance of Surface Development

Planning permission for, or incorporating, mineral extraction in advance of development will be granted where the resources would otherwise be permanently sterilised provided that:

1. the mineral extraction operations are only for a temporary period; and,
2. the proposal will not cause unacceptable adverse impacts to the environment or communities

Where planning permission is granted for the prior extraction of minerals, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented

Policy DM 21

Incidental Mineral Extraction

Planning permission for mineral extraction that forms a subordinate and ancillary element of other development will be granted provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site can be restored to an alternative after-use in accordance with Policy DM 19 should the main development be delayed or not implemented.

(While not entirely related to safeguarding, Policy DM21 applies where prior extraction is not viable but there may be incidental extraction associated with development.)

Appendix 2: Kent MWLP 2013-30 Safeguarding Policies – summary of key provisions

The Kent MWLP 2013-30 safeguarding policies are outlined below and explained in more detail in the following sections (Section 3.7 – 3.17)

Table 2.1 Kent Minerals and Waste Local Plan 2013-30 Safeguarding Policies

Minerals and Waste Safeguarding in Kent	MWLP Policy
What is safeguarded and where are the areas located?	
Economic land-won mineral resources: <ul style="list-style-type: none"> • Mineral Safeguarding Areas (MSAs) Adopted Policies Maps • Mineral Consultation Areas (same coverage as MSAs) plus the area surrounding the mineral reserves of the Strategic Site for Minerals • Existing mineral working sites (a list of sites updated and published each year in the Kent AMR) • Adopted Kent Mineral Site Plan Allocations for mineral working 	CSM 5
Existing, planned or potential mineral infrastructure At and within 250m of: <ul style="list-style-type: none"> • Safeguarded Wharves and Rail Transportation Adopted Policies Maps: Sites A - Q • Other mineral plant infrastructure sites (a list of sites updated and published each year in the Kent AMR) • Adopted Kent Mineral Site Plan Allocations for mineral infrastructure 	CSM6; CSM7; DM8
Permanent waste management facilities At and within 250m of: <ul style="list-style-type: none"> • Existing waste management facility sites (a list of sites updated and published each year in the Kent AMR) • Adopted Kent Waste Site Plan Allocations 	CSW16
What are the relevant safeguarding policies for non-minerals and waste development proposals in safeguarded areas?	
Circumstances when non minerals and waste uses may be acceptable within Mineral Safeguarding Areas	DM 7
Incorporating viable mineral extraction in advance of development of safeguarded mineral resources (prior extraction), that would otherwise be sterilised by non-minerals development	CSM 4; DM 9
Incidental mineral extraction at development sites during construction	DM 21
Circumstances when non minerals and waste uses may be acceptable at or within 250m of safeguarded minerals management and transportation and waste management facilities	DM 8

Minerals and Waste Local Plan



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From: **Matthew Balfour – Cabinet Member for Environment & Transport**

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: **Environment and Transport Cabinet Committee - 17 November 2016**

Subject: **Statement of Community Involvement for Kent Minerals and Waste Local Plan and Planning Applications determined by the County Council**

Key Decision: 16/00124

Classification: **Unrestricted**

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

Future Pathway of Paper: **Cabinet Member Decision**

Electoral Division: Kent wide

Summary: The current Statement of Community Involvement (SCI) requires minor revision following the adoption of the Kent Minerals and Waste Local Plan (Kent MWLP) and the new focus on the Mineral and Waste Sites Plans work, amendments to planning application processes and a shift towards greater electronic engagement.

The revised SCI will continue to provide opportunities for community involvement in planning matters and enable public consultation to be carried out in an efficient and effective manner.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to:

- (i) endorse the revised Statement of Community Involvement (SCI) at **Appendix B** for public consultation; and
- (ii) authorise the Corporate Director for Growth, Environment and Transport to publish the Statement of Community Involvement for public consultation

1. Introduction

- 1.1 Kent County Council is statutorily required to have in place a Statement of Community Involvement (SCI) setting out how the community can inform and shape planning application decisions for mineral and waste management

development and community projects determined by the County Council as well as its work in preparing the Mineral and Waste Sites Plan and any future Plan reviews. The Sites Plans are part of the Kent MWLP which was adopted by the County Council in July 2016.

- 1.2 The work associated with the Minerals and Waste Sites Plans and planning applications has potential implications for residents, businesses and interest groups within Kent. It is therefore important that the SCI is kept up to date and tailored to suit the needs of Kent's communities.
- 1.3 A SCI for the plan making and planning application functions of the County Council was first produced in 2006 and was replaced in 2011. Addendum documents partially refreshed the document in 2013 and 2014 to reflect legislation and Kent MWLP timescale changes. With the adoption of the Kent MWLP and the new focus on the Mineral and Waste Sites Plans work, revisions to planning application processes and a shift towards greater electronic engagement, a further minor refresh of the SCI is required. The revised SCI will continue to provide opportunities for community involvement in planning matters and enable public consultation to be carried out in an efficient and effective manner.
- 1.4 The draft document at **Appendix B** has been informed by an Informal Members Group for the Kent MWLP appointed by the Cabinet Member.

2 **The Revised SCI**

- 2.1 The revised SCI continues to recognise the valuable contribution that local knowledge can bring to the planning application and plan making processes. These principles have long been established in the Council's working practices and the revisions in the emerging SCI build upon these principles and customer expectations. The SCI continues to be guided by a number of key principles underpinned by the Kent Partner's Compact which sets the framework for effective consultation, representation and partnership working within Kent. These principles relate to accessibility, responsiveness, proportionality, timeliness, clarity and relevance. The SCI also reflects the principles of community involvement in plan making and development management as set out in the National Planning Policy Framework.
- 2.2 The revised SCI seeks to ensure that community engagement reflects local need and continues to propose public consultation in excess of statutory requirements on planning matters. For example, the Council undertakes neighbour notification in addition to site and press notices in determining planning applications. It also invites public speaking to its Planning Applications Committee and associated site visits. No changes are proposed to these principles. Section 4 of the proposed SCI sets out how the community can be engaged with the planning application process.
- 2.3 There has however been a technological shift away from traditional paper correspondence towards more email and electronic engagement in recent years and an expectation that more correspondence is undertaken online. The revised SCI recognises this shift and proposes changes to meet this need, whilst acknowledging that different approaches will suit different people.

- 2.4 The revised SCI includes an introduction summarising the role and purpose of community involvement, our principles of community involvement, opportunities for engagement in the Kent Minerals and Waste Local Plan including future reviews and Site Plans work, engagement in planning applications determined by the County Council and sources of advice on planning matters. It also includes a range of useful appendices. These include a list of consultees for the plan making and development management functions and at Appendix D for the SCI, the arrangements for Speaking to the Planning Applications Committee. The latter has been revised to encourage timely representations to the planning officers on planning applications so that they can be considered in the planning officer's reports and to reduce extensive new material being presented to Committee Members on the day of Committee.
- 2.5 As a result of the adoption of the Kent MWLP, the SCI has been revised to reflect the adoption and refers to the next stage of the Plan Making process - the Sites Plans. Section 3 of the SCI outlines the process for the Sites Plans work and how and when the community can become involved. The SCI also makes provision for community engagement for any future reviews of the Kent MWLP.

3. Corporate Policy Implications

- 3.1 The revised SCI will ensure that the County Council engages, involves and consults with its communities to support the evidence base for delivering sound planning decisions, the Kent MWLP Site Plans work and any future reviews of the Kent MWLP.
- 3.2 These activities support the County Council's Strategic Statement across all objectives, but particularly Strategic Outcome 2 – Kent Communities feel the benefits of economic growth by being in work, healthy and enjoying a good quality of life.

4. Financial Implications

- 4.1 The costs of preparing the Kent MWLP Mineral and Waste Sites Plans are included in the Environment Planning and Enforcement Division's budget. There is an expectation by Government (DCLG) that all planning authorities have an up to date local plan in place. Without an adopted Plan, there is a risk that DCLG will step in as the plan making authority, reducing local accountability.

.5. Legal Implications

- 5.1 The Planning and Compulsory Purchase Act 2004 (s18) requires the County Council to produce a SCI.

6. Equalities Implications

- 6.1 The SCI seeks to ensure that all sectors of the community are able to engage with the planning application and plan making processes on mineral and waste management matters undertaken by the County Council. An Equalities

Impact Assessment (EQIA) has been undertaken to support the SCI work. The initial screening concluded that the emerging SCI is unlikely to have any specific adverse or positive impacts upon the identified ten characteristics. This conclusion will be reviewed following the proposed public consultation. Further details are set out in Appendix C

7. Conclusions

7.1 The purpose of this report is to inform the Environment & Transport Cabinet Committee of minor changes to the Statement of Community Involvement which sets out how the community can be involved in planning application and plan making decisions taken by the County Council. The changes are proposed to reflect the adoption of the Kent Mineral and Waste Local Plan, minor changes to planning application processes and a greater customer expectation of electronic engagement. The revised draft attached at **Appendix B** is to be the subject of public consultation.

8. Recommendation(s)

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to:

- (i) endorse the revised Statement of Community Involvement (SCI) at **Appendix B** for public consultation; and
- (ii) authorise the Corporate Director for Growth, Environment and Transport to publish the Statement of Community Involvement for public consultation

9. Background and Appended Documents

9.1 Appendices to this report are:

- Proposed Record of Decision – Appendix A
- Statement of Community Involvement Draft 2016 – **Appendix B**
- Equality Impact Assessment – Appendix C

10 Contact details

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Matthew Balfour, Cabinet Member for Environment and Transport

DECISION NO:

16/00124

For publication

Key decision*

Yes

Subject: Statement of Community Involvement for Kent Minerals and Waste Local Plan and Planning Applications determined by the County Council

Decision:

As Cabinet Member for Environment and Transport, I agree to:

- (i) endorse the revised Statement of Community Involvement (SCI) at for public consultation; and
- (ii) authorise the Corporate Director for Growth, Environment and Transport to publish the Statement of Community Involvement for public consultation

Reason(s) for decision:

Kent County Council is statutorily required to have in place a Statement of Community Involvement (SCI) setting out how the community can inform and shape planning application decisions for mineral and waste management development and community projects determined by the County Council as well as its work in preparing the Mineral and Waste Sites Plan and any future Plan reviews. The Sites Plans are part of the Kent MWLP which was adopted by the County Council in July 2016.

The work associated with the Minerals and Waste Sites Plans and planning applications has potential implications for residents, businesses and interest groups within Kent. It is therefore important that the SCI is kept up to date and tailored to suit the needs of Kent's communities.

Cabinet Committee recommendations and other consultation:

The draft document has been discussed informally by an informal Members Group for the Kent MWLP appointed by the Cabinet Member. The SCI is to be discussed at the 17 November 2016 Environment and Transport Cabinet Committee, and subject to its views and that of the Cabinet Member, public consultation is to be undertaken in the Autumn.

Any alternatives considered:

Statutory requirement

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

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Kent County Council

Minerals and Waste Policy

Minerals and Waste and County Council Development Management



Statement of Community Involvement

Draft August 2016



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Foreword

Development Planning with Kent County Council: Getting Involved



Planning matters have an effect on communities Kent-wide, so we consider it vital that the residents, businesses and community groups of Kent are given the opportunity to have their say. We encourage members of the public to get involved wherever possible so that we can take into account their views, interests and aspirations with regard to how the county is developed over the coming years. Our Statement of Community Involvement (SCI) sets the standards for us to meet in involving the community in the preparation of local plan documents and the processing of planning applications. It sets out what we will do to ensure that the necessary information is available and

accessible, as well as how and when members of the community can get involved.

This SCI replaces the Statement adopted in 2011. Now that the Kent Minerals and Waste Local Plan 2013-30 has been adopted, there are new opportunities for community involvement as we progress with the next stages of the Local Plan. We hope that we can encourage you to get involved with our minerals and waste planning policy matters, as well as the planning applications which we determine.

Matthew Balfour

**Cabinet Member for Environment, Highways and Waste
Kent County Council**

Executive Summary

This Statement of Community Involvement (SCI) sets out how and when communities in Kent can be involved in the development planning and development management activities for which Kent County Council has responsibility. These relate primarily to preparation of the Kent Minerals and Waste Local Plan (MWLP)⁽¹⁾ and the determination of planning applications for minerals working, waste management and development undertaken by the County Council in association with its statutory services.

Community involvement, as recognised through the SCI, is addressed to all those with an interest in the County Council's planning activities - businesses, district and local councils, community groups and individuals and a range of other local and national organisations.

The County Council's first SCI was adopted in 2006 and two separate Addendum documents were published in April 2013 and January 2014. While the two Addendum documents served to update the SCI on certain matters, a full review of the SCI was deemed necessary to reflect recent changes in planning legislation, the Kent Minerals and Waste Local Plan 2013-30 which has now been formally adopted and additional non-statutory documents that the Council intend to publish such as Supplementary Planning Documents.

This document sets out the nature of Kent County Council's planning responsibilities, the principles that should guide our community involvement activities and the opportunities and approaches that should be adopted in the various stages of preparation of the MWLP.

The nature of the County Council's development management responsibilities is described along with the approach taken to publicity and consultation on planning applications during consideration and determination.

Our aim is to ensure that everyone is clear on how they can contribute to, and what they may expect from, our plan making and development management activities. We aim to appropriately inform, consult and involve the Kent community and other relevant interested parties in the development and review of minerals and waste planning policy and in the consideration of planning applications for which we are responsible for formally determining.

1 Consisting of a number of statutory planning documents specific to minerals and waste matters and covering the whole of Kent.

1 Introduction

1.1 Our Statement of Community Involvement: Role and Purpose

1.1.1 The Planning and Compulsory Purchase Act 2004 introduced some fundamental changes to the planning system to improve community involvement throughout the planning process. Every local planning authority (LPA) is required to produce a Statement of Community Involvement (SCI) setting out how communities will be engaged in the preparation and revision of Local Development Documents and the consideration of planning applications.

1.1.2 This Statement of Community Involvement (SCI) sets out how Kent County Council will involve the community in the planning matters for which it has responsibility. The term 'community' embraces all the individuals, groups and organisations that make Kent what it is and extends to local residents, Kent businesses, district, parish and town councils, voluntary and community groups and local and national organisations and individuals with interests in planning matters.

1.1.3 Current arrangements attach more emphasis to community engagement and provision of opportunities to get involved early in the process of preparing plans. This should result in greater community involvement in planning and wider participation across all sections of the community.

1.1.4 The SCI adopted in 2011 required revision due to:

- Changes in the planning regulations and procedures governing plan making.
- The introduction of the Localism Act (2011) and the 'Duty to Cooperate'
- Widening opportunities for engaging with people as a result of new technology.
- A new programme for the Kent Minerals and Waste Local Plan as set out in the Minerals and Waste Development Scheme 2010-16 brought into effect by the County Council in July 2014.⁽²⁾

1.1.5 The County Council already seeks to involve the local community in its planning decisions in many ways. This document shows how we intend to build on these approaches, within the resources available, and work to encourage as many people and organisations as possible to be involved with, and contribute to, our decision making.

1.1.6 Kent County Council believes that engaging with the whole community will lead to:

- A Minerals and Waste Local Plan that reflects local needs and circumstances.

2 Available at: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-local-plan/development-scheme>

- Improved quality and efficiency in decisions by drawing on local knowledge and reducing conflict.
- Greater awareness and understanding for those involved about what is needed and what can be achieved.
- Connections being made both within communities and to others outside them.
- Greater ownership of outcomes for communities, or at least, a better understanding of how they have been reached.

1.1.7 The SCI establishes the standards to be achieved by the County Council in involving the community in our key planning functions.

1.1.8 Our SCI aims to meet legal requirements while addressing, through a clear vision and practical measures, the distinctive circumstances of Kent and the County Council's planning responsibilities. It recognises the importance of early engagement and sets out opportunities for effective involvement at different stages of the planning process. It shows how the results of community involvement will feed into the preparation of Local Plan Documents and Supplementary Planning Documents, and how the community can engage with development proposals. Once adopted⁽³⁾ we will be bound by the approach the SCI establishes.

Our Aim

Our aim is to ensure that everyone is clear on how they can contribute to, and what they may expect from, our plan making and development management activities. We aim to appropriately inform, consult and involve the Kent community and other relevant interested parties in both the development and review of minerals and waste planning policy and in the consideration of planning applications for which we are responsible.

1.2 Kent County Council: Our Planning Role

1.2.1 Kent County Council is committed to improving the economic, environmental and social well being of our county; our Sustainable Community Strategy *A Vision for Kent*⁽⁴⁾ provides a framework for this. Town and country planning has an important role to play in delivering its vision.

3 In accordance with Town & Country Planning (Local Development) (England) Regulations 2008, Regulation 24(2)(b).

4 Available from: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/vision-for-kent>

1.2.2 It is important to involve members of the Kent community in all planning matters and decisions, as the planning system aims to make Kent a better place to live for all of its residents. The planning process often involves the weighing and balancing of different views, so it is important that we engage with the community to gather a variety of opinions.

1.2.3 Kent County Council Planning Applications Group has two key planning functions:

- Preparation of the Minerals and Waste Local Plan
- Development management (planning applications) relating to minerals, waste and the County Council's own development.

Minerals and Waste Local Plan

1.2.4 England takes a plan-led approach to the planning system. Plans are prepared which ultimately set out what types of development can take place and where. Plans take into account what development is needed, as well as other factors such as the environment and the views of the community. Unless there are exceptional circumstances which would justify exemption, the development plan will form the criteria against which planning applications are assessed.

1.2.5 The Planning and Compulsory Purchase Act 2004 (as amended) introduced a new system of requirements and procedures for local development planning in England. These requirements are applicable to Minerals and Waste Planning Authorities and form the basis for Kent County Council's suite of minerals and waste plans and supporting documents.

1.2.6 The Localism Act 2011 made a number of amendments to the 2004 Act, as implemented by The Town and Country Planning (Local Planning) (England) Regulations 2012⁽⁵⁾ Following the interim advice issued by Communities and Local Government⁽⁶⁾ the current development plan consists of:

- **Adopted national policy** in the form of the National Planning Policy Framework (2012), Planning Practice Guidance (2014), National Planning Policy for Waste (2014) and the National Waste Management Plan for England.
- **Local Plans** - each district/borough planning authority is preparing a suite of Local Plan Documents. This is a folder of documents that sets out how your local area will change over the next few years. They cover most aspects of development and environmental protection. For Kent as a whole the County Council has prepared the **Kent Minerals and Waste Local Plan (KMWLP) 2013-30**. This sets out where mineral and waste development is likely to be

5 see sections 110-113 of the Localism Act 2011

6 Communities and Local Government (July 2010) Letter to Chief Planning Officers: Revocation of Regional Strategies.

acceptable in the future and the criteria against which planning proposals will be considered. The KMWLP and the Local Plans adopted by the district/borough councils form the Development Plan in Kent.

1.2.7 This amended system replaces the previous arrangements for Structure and Local Plans although policies and proposals in old style Local Plans, where 'saved', may remain in force until replaced by the new style Local Plans.

1.2.8 Planning for mineral working and waste management has distinctive characteristics; both deal with issues on a county wide basis. Minerals can only be worked where they are found. We all rely on minerals in our everyday lives - for the construction of roads and buildings, to make cement and for a variety of uses in industry and around the home. Kent is rich in minerals containing chalk, clays, brickearth, ragstone and a variety of sands and gravels. The KMWLP sets out where we should obtain the minerals we need over the next 20 years in order to ensure that a steady and adequate supply of aggregates can be maintained throughout this period. It also ensures that enough sites are provided to meet our needs for waste management and that these are in suitable locations. The ways of managing waste are changing rapidly, waste is now seen as a resource rather than something that simply needs to be discarded, and is managed in accordance with the waste hierarchy.⁽⁷⁾

Development Management

1.2.9 All local authorities determine planning applications for their own development needed in connection with the services they provide. In the County Council's case this includes applications for school developments, libraries, some road and transport projects, children's centres, care homes and other social care facilities.

1.2.10 Table 1 shows how planning roles are organised in Kent.

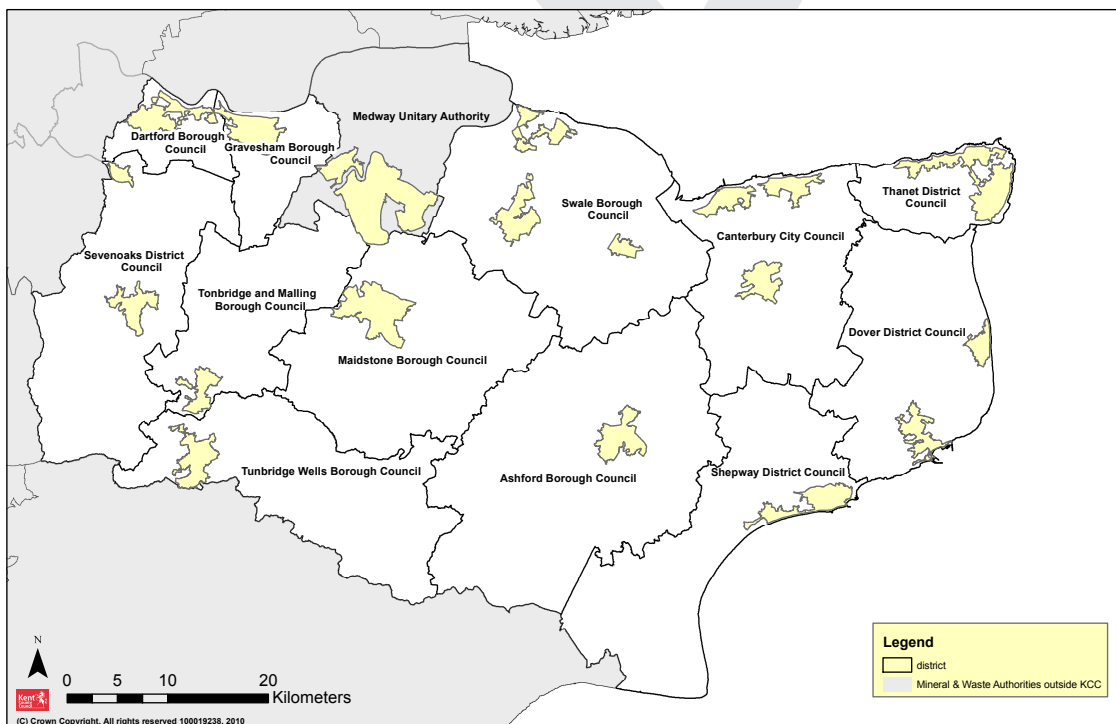
Table 1: Development Plans and Development Management in Kent

Planning authority	Development plan	Development management
Kent County Council	Kent Minerals and Waste Local Plan (KMWLP)	Development related to mineral working, such as the quarrying of sand, clay and chalk. Development related to waste management, for example household waste recycling centres, waste water treatment, waste transfer and composting facilities.

Planning authority	Development plan	Development management
		Development by the County Council, such as for school facilities, children's centres, social care facilities and strategic highway schemes.
District/Borough Councils	Local Plans (LP)	Development management for most other planning application types such as commercial, industrial, residential or household building works.

1.2.11 Kent County Council is the minerals and waste planning authority for Kent. The Local Planning Authorities (LPAs) in Kent are the twelve district/borough councils: Ashford, Canterbury, Dartford, Dover, Gravesham, Maidstone, Sevenoaks, Shepway, Swale, Thanet, Tonbridge and Malling and Tunbridge Wells. Medway, as a unitary authority, is not within the County Council's authority area and is therefore not covered by this SCI.

Kent District and Borough Authorities



Kent District Councils (excluding Medway Unitary Authority)

2 Community Involvement

2.1 Principles of Community Involvement in Plan-Making and Development Management

"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area..."

National Planning Policy Framework (2012), Paragraph 155

2.1.1 Our principles regarding community involvement are based on 'The Kent Partners Compact' (last reviewed in 2012)⁽⁸⁾, which sets the framework for effective consultation, representation and partnership working within Kent. The Compact includes principles such as early engagement, ensuring transparency, accessibility and feedback. In addition, in 2015 the Council adopted a new Voluntary and Community Sector Policy, which sets out our future relationship with the VCS, our future support to the sector and a new grant framework. The policy endorses the principles of the Compact. Its principles have guided the preparation of this SCI

We will be guided by a number of principles in the approach we take to community involvement in our planning activities (KMWLP planning policy and development management):

- **Accessibility.**
- **Responsiveness.**
- **Proportionality.**
- **Timeliness.**
- **Clarity and Relevance.**
- **Efficiency**

Accessibility and Responsiveness

2.1.2 We want to make information easily accessible to everyone, recognising that different approaches suit different people. Some sectors of the community are often under represented in consultation responses. Barriers such as age, culture, language, geographical isolation, lifestyle or a general indifference or scepticism need to be overcome through careful use of methods and approaches. Whilst lack of response

may reflect consultation on issues on which individuals or organisations have little knowledge and/or interest, it may also reflect the conduct of consultation in an inappropriate or inaccessible manner.

2.1.3 We recognise that we need to ensure our approach to community involvement does not unduly constrain the ability of sections of the community that have traditionally been rarely heard to take part. It takes considerably more initiative, imagination and effort to consult effectively and inclusively with certain sections of the community.

Groups or individuals may be rarely heard for a number of reasons, for instance:

- **Lack of spare time within some groups, such as working single parents.**
- **Difficulty understanding written or spoken English.**
- **Difficulty with sight or hearing.**
- **Mobility difficulties.**
- **Feelings of cultural isolation from the mainstream of society's activity.**
- **Geographical isolation.**
- **No permanent address.**
- **Long-term illness.**
- **All day working hours.**
- **Feelings of alienation from, or even suspicion of, the organisation that is consulting them.**
- **Lack of interest in being consulted by public bodies.**

2.1.4 We shall aim to encourage and facilitate broadly based participation by:

- Writing and vetting our documents for plain English.
- Making materials available both online via our website⁽⁹⁾ and/or our consultation portal⁽¹⁰⁾ as well as hard copies.
- Providing access to a free tool to convert website text into speech to provide effective website access to people who find it easier to listen to, rather than read, website or document content.⁽¹¹⁾
- Providing 'signposting' to translation services for people whose first language is not English.

9 <http://www.kent.gov.uk/waste-planning-and-land/planning-applications>

10 <http://consult.kent.gov.uk/>

11 'Browsealoud' can be activated from the home page of the KCC web site

(<http://www.kent.gov.uk/about-the-council/about-the-website/alternative-languages-and-formats>)
and can be run on all documents published on the site.

- Making copies of documents available at local authority offices across Kent via the libraries and 'Gateways' across the county.
- Undertaking 'awareness raising' at appropriate stages of plan preparation. This may be through public meetings, groups sessions, community forums or targeted information sessions.
- Encouraging all parties interested in the Kent Minerals and Waste Local Plan to register with our online consultation portal⁽¹²⁾ allowing automatic notification of new consultations and events.
- Publicising specific events and consultation opportunities through the local media, council newsletters, on our website and through direct contact with those registered on our consultee database.
- Holding events during the day, during the evening and/or at weekends depending upon the circumstances of those whose opinions are sought.
- Ensuring venues are accessible by people with disabilities and held in locations with a good standard of accessibility by public transport.
- Utilising, where appropriate, existing local channels of communication.
- Providing clear points of contact by phone, email or post in all communications.

2.1.5 We will ask those who we engage in our plan making to give us their views on how we can make improvements to our consultation arrangements.

Proportionality

2.1.6 We must be realistic as to what we can do if plans and planning applications are to be prepared/processed in a cost effective and expeditious manner. We need to balance effective involvement with the availability of resources (people, money, skills, time etc.) and share the costs between the County Council and the community. Providing opportunities for involvement must be proportionate to the breadth and depth of the matters subject to consultation.

Timeliness

2.1.7 Consultation will be encouraged at times when it can be constructive to the shaping of a Local Plan Document or a planning decision. The timescale given for response to a consultation will be dependent on the nature and potential impact of the policy or the planning application.⁽¹³⁾

12 <http://consult.kent.gov.uk>

13 This is based on the consultation principles set out by DCLG

<http://www.kent.gov.uk/about-the-council/about-the-website/alternative-languages-and-formats>

Clarity and Relevance

2.1.8 In our communications we will aim to provide relevant and well structured information making clear its purpose (provision of information, consultation, dialogue or any combination of these elements).

Efficiency

2.1.9 Wherever possible the County Council will co-ordinate public involvement in preparation of the Minerals and Waste Local Plan with the preparation of related plans and strategies to help create a better understanding of how issues and policies interrelate, to reach a wider community of interest and to reduce the scope for consultation overload.

2.1.10 We will also aim to undertake consultation involving existing representative or consultative groupings, for example the Kent Association of Local Councils, Local Strategic Partnerships or groupings specific to minerals and/or waste planning interests such as the Kent Waste Partnership and minerals and waste industry trade associations.

3 Community Involvement and the Kent Minerals and Waste Local Plan

3.1 Kent Minerals and Waste Local Plan

3.1.1 The County Council is required⁽¹⁴⁾ to produce the Minerals and Waste Local Plan (MWLP). A MWLP comprises a series of documents that set out future policy and proposals for the development and control of mineral working and waste management in Kent⁽¹⁵⁾ over the next 20 years. Plans in the latest MWLP replace the 'saved' policies and proposals from the existing Minerals and Waste Local Plans.

3.1.2 In order for a Local Plan to be adopted, it must be considered 'sound'. To be 'sound' a Local Plan must be:

- **Positively prepared-** the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities.
- **Justified-** the Plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective-** the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy-** the Plan should enable the delivery of sustainable development in accordance with the NPPF.

3.1.3 The most recent MWLP is the Kent Minerals and Waste Local Plan 2013-30, which was adopted in July 2016 after a being prepared over a period of several years. The previous Statement of Community Involvement (as amended 2014) details the various stages where community engagement was sought throughout the production of the Kent Minerals and Waste Local Plan⁽¹⁶⁾.

Next Steps

3.1.4 The programme for preparing the MWLP is set out in the Kent Minerals and Waste Development Scheme.⁽¹⁷⁾ This provides the starting point for the community and stakeholders to find out about current planning policies on minerals and waste and the programme for the preparation of the Mineral and Waste Local Plan Documents. Progress with the timelines of the Development Scheme and any changes to it will be reported on our website.

14 Under the Planning and Compulsory Purchase Act 2004.

15 Excluding Medway.

16 see: <http://consult.kent.gov.uk/portal/mwcs/mwlp-eip/eip-library/>

17 See: <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-local-plan/development-scheme>

3.1.5 Table 2 shows the current stages involved in producing the new MWLP documents. The greyed cells defines the completed Mineral and Waste Sites Plans work in 2010 which will be superseded by the new Minerals and Waste Sites Plans.

Table 2: The Kent Minerals & Waste Local Plans

Kent Waste Sites Plan Kent Minerals Sites Plan	First Call for Sites
	Options Consultation
	Supplementary Options Consultation
	First Preferred Options Consultation
	Second Call for Sites
	Second Preferred Options Consultation
	Pre-Submission Plan Consultation
	Submission
	Pre-hearing Meeting (if required)
	Independent Examination Hearing
	Inspector's Report
	Adoption

Kent Minerals and Waste Local Plan 2013-30

3.1.6 The Kent Minerals and Waste Local Plan 2013-30, is the main Local Plan document. It describes the overarching strategy and planning policies for mineral extraction importation and recycling, and the waste management of all waste streams that are generated or managed in Kent. The Plan also describes the spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning. The Kent Minerals and Waste Local Plan also incorporates the development management polices against which minerals and waste proposals will be assessed. Monitoring and implementation considerations are an integral part of the Plan.

Following adoption of the Kent Minerals and Waste Local Plan 2013-30, the County Council will commence the next steps of developing both a Minerals Sites Plan and a Waste Sites Plan. These documents will seek to identify sites for future potential mineral operations and waste management facilities in accordance with the strategy and principles adopted in the KMWLP.

Kent Minerals Sites Plan

3.1.7 Taking account of the principles and strategy of the Kent Minerals and Waste Local Plan 2013-30, the document will identify minerals sites and locations for mineral extraction, processing and safeguarding including facilities for importation. It will:

- (i) identify and allocate sufficient sources of land won construction aggregates and secondary aggregates to provide for the needs of Kent, including the provision of a landbank of reserves set out to meet the apportionment to Kent of primary land won construction aggregates in national mineral planning policy
- (ii) safeguard future sources of construction aggregates
- (iii) identify and safeguard sufficient raw materials to maintain supply to existing individual brick and tile works
- (iv) identify sufficient resources of raw material for cement manufacture to meet national policy requirements and consider the supply and use of chalk for non cement making purposes
- (v) identify sufficient silica sand reserves to meet national policy requirements including consideration of safeguarding of high quality silica sand reserves for appropriate end uses; and
- (vi) provide for the necessary safeguarding of existing and proposed mineral importing wharves and rail depots.

Kent Waste Sites Plan

3.1.8 The document will identify suitable locations and allocate sites for all types of waste management development (e.g. recycling, composting, processing, treatment, and landfill) based on the strategy and principles set out in the Kent Minerals and Waste Local Plan 2013-30 encompassing all waste streams (Municipal Waste, Commercial and Industrial Waste and Construction, Demolition and Excavation Waste including hazardous wastes, waste water and biomass). Where possible the Local Plan document will identify specific sites.

Partial Review of the Kent Minerals and Waste Local Plan 2013-30

3.1.9 During in the plan period from 2013 – 2030 it may be necessary to undertake a partial review of specific policies in the MWLP to ensure that the policies continue to provide a sound basis for determining planning applications. A partial review could be necessary for a number of reasons, such as changes to national polices by Central Government which could require amendments to the MWLP in order for the MWLP to adhere to the new polices. Alternatively, monitoring of the Plan may show that is a divergence between the forecasted and actual mineral extraction and waste arising caused by behavioural changes.

3.1.10 In the event of a partial review of the MWLP, the County Council would seek a proportionate approach to community engagement to ensure that local views are considered as part of a Plan Review. The approach to consultation will vary depending on the nature and geographical coverage of the partial review to the MWLP and will as a minimum notify all consultees registered on our plan making consultation portal, including parish and borough/district councils and statutory bodies.

3.2 When and how can the community get involved?

3.2.1 It is important that members of the community are given an opportunity to engage with the preparation of any plan.

3.2.2 Engagement includes:

- informing and updating the community regarding the progress and content of the Minerals and Waste Local Plan
- maintaining dialogue and providing feedback so those involved know they are being listened to; and
- being open and responsive to comments and proposals whilst emphasising the mutual benefits of early engagement and acknowledging that formal stages of consultation are subject to statutory time scales.

3.2.3 We will continue to engage with the community throughout the preparation of the Minerals and Waste Sites Plans. The key stages are set out below.

Second Call for sites

3.2.4 This initial stage encompasses gaining as much information as possible about potential mineral and waste sites within Kent. Anyone can submit a site for consideration. We will advertise this on our website and in the local press, as well as holding workshops with interested parties and stakeholders.

Second Preferred Options Consultation

3.2.5 The 'Preferred Options' consultation will set out which site proposals are preferred and which have not been allocated, and the reasons why. This document will undergo public consultation.

Pre-Submission Plan Consultation

3.2.6 The Preferred Options consultation will shape the document that we intend to submit to the Secretary of State for consideration. We will host a consultation on this final version.

Submission

3.2.7 At this stage we will submit the Sites Plans to the Secretary of State. Whilst a formal public consultation may not be carried out at this stage, we will publicise our intentions to submit, as well as a summary of the issues raised so far and how they have been addressed.

Pre-Hearing Meeting (if required)

3.2.8 Following submission, the Secretary of State will appoint a Planning Inspector to carry out a public enquiry on the plans. Prior to the independent examination the appointed Planning Inspector may wish to meet with the County Council to clarify the procedures and any critical issues that are to be discussed at the examination hearing if a written note is not sufficient.

Independent Examination Hearing

3.2.9 Once a Planning Inspector has been appointed, we will publicise the date, time and place of the public enquiry. We will also write to all those who have made representations on the plans so far, instructing them how to make representations or speak at the enquiry.

Inspector's Report

3.2.10 We will publicise the Inspector's Report once in receipt of it, as well as writing to all interested parties informing them of the outcome.

Adoption

3.2.11 Once the plans have been adopted, we will notify all interested parties, and publish the news on our website along with a formal adoption statement. A hard copy of the adopted plans will be made available for public inspection.

Monitoring

3.2.12 The council is required to monitor progress with plan preparation and the implementation and effectiveness of policies through its Annual Monitoring Report (AMR). The AMR reports on:

- How the council is performing against the programme and timescales set out within the Minerals and Waste Development Scheme.
- Whether it is meeting, or is on track to meet, the targets set out in the Minerals and Waste Local Plan and, if not, the reasons why.
- What impact the minerals and waste policies are having on other targets set at national, regional or county level.

- Whether any policies need to be replaced to meet sustainable development objectives.
- What action needs to be taken if policies need to be replaced.

3.2.13 The AMR will be published on our website.

Sustainability Appraisal

3.2.14 Delivery of sustainable development is a central objective of the planning system. **Sustainability Appraisal (SA)** is a systematic and iterative process to appraise, record and consult on the sustainability of a strategy, plan or programme. It forms an integral part of plan preparation.⁽¹⁸⁾ The Minerals and Waste Sites Plans will be subject to a Sustainability Appraisal to examine the economic, social and environmental impacts of the plan. This will incorporate the legal requirements of the European Union's **Strategic Environmental Assessment (SEA)** Directive.⁽¹⁹⁾ Development of the SA provides a number of opportunities for consultation, in particular:

- **SA Scoping:** At the early, evidence gathering, stage of plan-making consultation will be carried out on the appropriate scope and framework of the SA.
- **SA of emerging objectives, options and preferred options** during the formative stages of Local Plan production.
- **SA Report:** documenting the appraisal and its findings in conjunction with each Local Plan Document at the publication (Pre Submission) stage.

3.2.15 All SA documents produced at each stage in the development of the Local Plan Documents will be available for comment alongside the emerging plan documents themselves.

3.2.16 Additionally **Appropriate Assessment (AA)**, required under the European Union's Habitats Directive, must inform all stages of plan preparation as well as the determination of relevant planning applications. It is required to ascertain that a plan or development proposal will not have an adverse effect on the integrity of any Natura 2000 or European sites⁽²⁰⁾ which are designated for the protection of specific habitats and species.

3.2.17 Although AA should be undertaken in conjunction with SA (see above) they are separate processes and will be addressed in separate reports. AA is a legal requirement to demonstrate no adverse effect upon the integrity of sites, whereas SA is a means of comparing the sustainability of options. Both will inform the objectives and policy options of the Local Plan.

18 Article 19 (5) of the Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal to be carried out on Development Plan Documents.

19 Directive 2001/42/EC.

20 Special Areas of Conservation and Special Protection Areas.

Duty to Co-operate

3.2.18 All submissions of Local Plan documents will be accompanied by a Duty to Co-operate Report. This report outlines the variety of engagement approaches that have been undertaken during the preparation of the documents.

Engaging with the Community: Accessing Our Documents

3.2.19 All MWLP documents and supporting evidence will be available from our website⁽²¹⁾ with all documents subject to public consultation also published on our consultation portal⁽²²⁾.

3.2.20 Consultation on earlier versions of the SCI indicated that many people welcome the opportunity to communicate electronically. This is facilitated through our consultation portal. However more traditional methods remain the preference for some. Paper copies of others MWLP consultation documents will be available for public inspection at Kent County Council's main office (County Hall, Maidstone), electronic copies will be available to view at Kent Gateways⁽²³⁾.

Engaging with the Community: Keeping in Touch

3.2.21 We will ensure that all interested people and organisations are updated on progress throughout preparation of the MWLP documents. Stakeholders and members of the public will be able to access regularly updated information about the MWLP through our website. We will encourage use of our online consultation portal as the principal means by which all interested individuals, groups and organisations comment on our plan documents at all stages in their preparation.

3.2.22 We will communicate directly with all consultees registered on our consultation portal. The portal provides users with openness and transparency for consultation - anyone can comment, view the comments of others and see how all comments have been managed. We may also use local newspapers, council newsletters and other media (including social media) to raise awareness at key stages in preparing the Minerals and Waste Local Plan documents.

Engaging with the Community: Stakeholder Workshops & Meetings

3.2.23 These provide an opportunity for more in depth discussion and dialogue with individual sectors of the community or a cross section of interests such as the minerals and waste industry, local planning authorities, authorities within the Kent

21 <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies>

22 <http://consult.kent.gov.uk>

23 Gateways provide a wide range of public and voluntary services in one location, conveniently situated on the high-street or in a town centre. Kent Gateways have opened in Ashford, Dover, Tenterden, Thanet, Tonbridge and Tunbridge Wells.

Waste Partnership,⁽²⁴⁾ Local Enterprise Partnerships (LEPs), statutory environmental agencies, statutory undertakers (water, gas, electricity and telecommunications companies) and other environmental groups to collectively discuss a range of issues or options being considered within the MWLP. We will liaise with and arrange groupings that embrace this range of interests throughout the preparation of the MWLP.

Engaging with the Wider Community

3.2.24 In formulating our plans it will be important for us to reach as wide an audience as possible. It would be beneficial to both our plans and the public interest to have comments and views from individuals and groups from the wider community, those unfamiliar with the planning process generally and more specifically in relation to minerals and waste matters. Where possible we will utilise existing consultative arrangements to achieve this, taking into account that our plans are county-wide in nature.

Supplementary Planning Documents

3.2.25 In addition to Local Plans the County Council will occasionally produce Supplementary Planning Documents (SPDs). Their purpose is to expand on policy issues or provide further detail on the implementation of policies in the Local Plan. SPD preparation involves a more simpler and straight forward process as they are not subject to independent Examination by a Planning Inspector. However, it is important for SPDs to be subject to full community involvement and, where appropriate, Sustainability Appraisal. There would be three stages leading up to the adoption of a SPD:

1. Public consultation on draft SPD;
2. Public consultation on any significant amendments to draft SPD; and
3. Adoption of SPD by the County Council.

3.2.26 The approach to consultation will vary depending on the nature and geographical coverage of the proposed SPD.

Supplementary Guidance

3.2.27 The County Council may also produce Supplementary Guidance (SG) on matters relating to the delivery of development of scale applicable to areas greater than single districts. Although this would not be a SPD it can be given similar weight in decision making if it has been subject to the same consultation procedures and, where necessary, Sustainability Appraisal, as a SPD. The County Council will apply the same approach to consultation on SGs as that envisaged for SPDs.

24 The Kent Waste Partnership (KWP) is made up of Kent's district and borough councils, which are responsible for waste collection in Kent, and Kent County Council as the waste disposal authority.

MWLP Engagement Opportunities: Summary

3.2.28 Table 3 overleaf summarises the steps we will take to engage with the community throughout the development of the Sites Plans, as well as other necessary documentation that we are preparing.

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Table 3: Engagement opportunities within the preparation of the Minerals and Waste Local Plan documents

Consultation Event	Notification to all consultees	Online publicity & documents published online	Paper copy of documents available for inspection	Evidence base published online	Stakeholder workshops	Meetings with interested parties	News release	Informal Members Group
Draft Statement of Community Involvement	✓	✓	✓					✓
Adopted Statement of Community Involvement	✓	✓	✓					✓
Draft Safeguarding SPD	✓	✓	✓					✓
Adopted Safeguarding SPD	✓	✓	✓					✓
Call for Sites Exercise Regulation 18	✓	✓		✓	✓	✓	✓	✓
Options Regulation 18	✓	✓	✓	✓				✓
Supplementary Options Regulation 18	✓	✓	✓	✓				✓
Preferred Options Regulation 18	✓	✓	✓	✓		✓		✓
Pre-Submission Regulation 18	✓	✓	✓	✓		✓		✓
Submission Regulation 19	✓	✓	✓	✓				✓
Independent Examination Regulation 20	✓	✓	✓	✓			✓	✓
Publication of Inspector's Report Regulation 25	✓	✓	✓				✓	
Notification of Adoption Regulation 26	✓	✓	✓				✓	
Sustainability Appraisal, Habitats Risk Assessment, Strategic Flood Risk Assessment	✓	✓	✓				✓	

3.3 How shall we judge the effectiveness of involvement?

3.3.1 Community involvement will be considered successful if all interested parties have been given an opportunity to express their views and it can be demonstrated that these views have been considered during the preparation of Minerals and Waste Site Plans. We recognise that it will not be possible for plans to incorporate all views received but the decision-making process should be transparent.

We will aim to:

- Acknowledge receipt of your comments received as a result of a consultation.
- Provide timely feedback to those involved with specific consultation events.
- Provide a summary of key information received and our response.
- Provide regularly updated progress reports on our website on how preparation of the Minerals and Waste Site Plans are proceeding.
- Seek views from those who have participated in consultation events and workshops to guide any necessary improvements for the future.

3.3.2 The approaches to community involvement set out in this SCI will be kept under review. If necessary we will undertake a formal review of the SCI.

4 Community Involvement and Planning Applications

4.0.1 Planning applications have to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications that come forward, in accordance with established policy, should benefit from community support. However, applications may be in conflict with the development plan and/or be of such a scale as to attract wider public and community interest. The County Council actively encourages involvement in the development management process and welcomes comments from all interested parties.

Kent County Council's Role in Development Management

The County Council deals with and determines applications for three types of development:

- The winning and working of minerals found in Kent, such as sand, clay and chalk.
- The management and disposal of waste including landfill sites, household waste recycling centres, waste transfer, composting and waste water treatment facilities.
- Development proposed by the County Council as part of its statutory services such as schools, care homes, and certain roads.

4.0.2 We deal with approximately 250 planning applications and submissions each year: some 80% of these relate to the County Council's own development, and 20% to minerals and waste proposals⁽²⁵⁾. Proposals can range from modest school building extensions and replacement and new school premises to large scale proposals for mineral working, waste management facilities and the replacement of and provision of new roads on the county highway network.

4.0.3 The vast majority of planning applications in the county are dealt with by the 12 district councils in Kent. The district council arrangements for community involvement in the consideration of planning applications are set out in their own individual Statements of Community Involvement.

4.0.4 The National Planning Practice Guidance sets out the statutory time limits for determining planning applications, these being 13 weeks for major developments and eight weeks for all other types of development. A 16 week time limit applies to applications that are subject to Environmental Impact Assessment. In addition to the statutory time limits, the Government introduced the Planning Guarantee in March 2011. The Planning Guarantee is a Government policy to streamline the planning

application process with the ultimate objective of ensuring that no planning application spends more than a year in the planning system. This is on the basis that a planning application should take no more than 26 weeks to be determined, therefore leaving 26 weeks for an appeal decision to be issued if necessary.

4.0.5 While we remain committed to improving timescales for reaching planning decisions this needs to be balanced against the need for all stakeholders to fully engage in consultations, and the quality of the outcome.

4.0.6 We aim to improve both the time taken to determine applications and the quality of decisions in terms of consistency and in reflecting the interests of the community. There are opportunities for involvement at various stages of dealing with an application. However, the resources available to the planning service are limited. The more that we add to the service in terms of community involvement the more likely the costs are to be shared between the County Council and the community.

Nationally Significant Infrastructure Projects

4.0.7 In April 2012, under the Localism Act 2011, the Planning Inspectorate became the agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs). Previously NSIPs were dealt with under the Infrastructure Planning Commission (IPC). There are six key stages to the development consent process for NSIPs.

1. Pre-application- to include extensive consultation on the proposals.
2. Acceptance- following submission of a formal application for development consent, the Planning Inspectorate has a 28 day period to decide whether or not the application meets the standards required to be formally accepted for examination.
3. Pre-examination- everyone who has registered and made relevant representations will be invited to attend a preliminary meeting run and chaired by the Inspector.
4. Examination- the Planning Inspectorate has six months to carry out the examination, people who have registered at previous stages are invited to provide more details of their views in writing.
5. Decision- the Planning Inspectorate must prepare a report on the application to the relevant Secretary of State, including a recommendation, within three months of the six month examination period. The Secretary of State then has a further three months to make the decision on whether to grant or refuse development consent.
6. Post-decision- once the Secretary of State has issued the decision, there is a six week period in which the decision may be challenged in the High Court.

4.1 When and how you can get involved with planning applications

4.1.1 We consider that our arrangements represent an appropriate balance between the breadth and extent of opportunity for community involvement, the time spent, costs incurred and efficient decision making.

Online Planning Facilities for Development Management

The online planning application system allows greater accessibility to our decision making process through the following:

- Submission and publication of planning applications online.
- Access to supporting documentation for planning applications.
- Acceptance of online responses to consultation on planning applications from key stakeholders and the community.

4.1.2 Most planning applications, with the exception of mineral proposals, are made on the standard application form (1APP) which is available online and to print in hard copy.

4.1.3 While online planning initiatives are widely welcomed there will be those unable or unwilling to take advantage of the technology. Consultation responses submitted electronically are preferred and strongly encouraged as the running of duplicate paper and electronic arrangements has considerable resource implications in terms of both finance and the environment. For those without personal access, information and electronic documents on our website will be available through public libraries, Gateways, main County Council offices and other publicly accessible internet facilities. Opportunities to access applications at our offices may be arranged by appointment. For those applications within parishes, an electronic copy of the application documents may also be made available to the Parish or Town Council.

4.2 Pre-application stage

4.2.1 Involving people and communities before an application is submitted allows them the opportunity to influence developments as they are being formulated. It can help to deal with matters that could otherwise develop into unnecessary objections at an early stage. We recognise that by working together on a project from the early stages, both developers and local planning authorities can achieve better outcomes for the community and stakeholders.⁽²⁶⁾ Open and constructive pre-application negotiation can not only save time, but produce a scheme that balances constraints with finding a planning solution for proposed development.

4.2.2 Pre-application discussions with the County Council are strongly encouraged as they can help improve the quality and efficiency of the application process. We also suggest the statutory authorities and other stakeholders are approached for

guidance and advice on mitigation measures and good practice for different types of development (see Appendix C for a list of relevant bodies). Timely involvement of local people in the pre-application stage can achieve development that takes better account of local interests and needs. This might just mean talking to neighbours, but for large applications we may advise developers to undertake pre-submission consultation with interested stakeholders.

Pre Application Discussion and Consultation

At the pre-application stage we will:

- encourage developers to contact us as early as possible when formulating their proposals; and
- if appropriate, encourage potential applicants with large and/or potentially controversial proposals to engage with the local community and other stakeholders as early as possible and subsequently demonstrate how they have responded to the issues raised.

4.3 Submitting an application

4.3.1 Most planning applications are submitted via a standard application form (1APP) (except mineral proposals). The forms can be obtained from the Planning Portal⁽²⁷⁾ via our website. Most applications can be submitted online via the Planning Portal or by email or in hard copy form to the County Council.

4.3.2 The application form for mineral, oil and gas development can be downloaded directly from our website.

4.4 Publicity and consultation

4.4.1 Once an application has been received and validated it will be publicised. There are current legal requirements for publicity associated with planning applications where an application:

- is accompanied by an Environmental Statement
- is a departure from the Development Plan
- would affect a public right of way, or
- would affect a listed building or conservation area.

Or:

- is a major development, i.e.:
 - The winning and working of minerals or the use of the land for mineral-working deposits
 - Waste development
 - The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - Development carried out on a site having an area of 1 hectare or more.

It must be publicised by:

- a site notice displayed for at least 21 days – at least one notice on or near to the application site, **and**
- a local advertisement – with notice of particulars published in local newspaper(s).

4.4.2 If the application does not fall within any of the above criteria it must be publicised by:

- a site notice displayed for at least 21 days – at least one notice on or near to the application site.

4.4.3 In either case the County Council may also choose to formerly notify adjoining owners or occupiers at its discretion.

4.4.4 In addition to the above requirements, local authorities must publish the following information online:⁽²⁸⁾

- the address or location of the proposed development
- a description of the proposed development
- a date for comments to be made (at least 14 days from publication)
- where and when the application may be inspected, and
- how representations may be made.

4.4.5 The above information will be published on our website, in accordance with the regulations.

Publicity for planning applications through advertisements and via our website

We will continue to advertise planning applications in the press in accordance with statutory requirements and will also continue to publish a list of applications received to be determined by the County Council on our website. In addition, the online system provides details of application progress and enables application documents and final decisions to be viewed.

4.4.6 A Case Officer will be allocated for each application and will be the main point of contact for all related enquires. We notify the county councillor in whose area the application has been made so that he/she is aware of the nature of the development proposed and can provide a focal point should, for example, local residents wish to make representations.

4.4.7 We will continue to meet the current statutory requirements for publicity through site notices and a local advertisement where necessary. The extent of neighbourhood notification will depend on the type and scale of the proposal and the proximity of neighbouring property to the proposed development. Neighbourhood notification involves sending a letter which normally allows for at least 21 days for comments to be made.

Statutory consultees for planning applications

4.4.8 Specific consultees are required to be consulted on planning applications according to the type, location and scale of development.⁽²⁹⁾ A list of consultees for development management are detailed in appendix C.

Viewing applications and making comments

4.4.9 Copies of applications can be viewed by arrangement at the County Council's offices at Invicta House in Maidstone. In addition, application documents are also available to view electronically via our own website, on district council websites, Gateways and public libraries, and in some cases at parish/town council offices.

4.4.10 Responses to consultation need to be in written form - a telephone conversation does not constitute a formal response as this carries a risk of misinterpretation. Our preferred method of response to consultation is through the online system. Representations are also accepted by email⁽³⁰⁾ and letter.

29 See Schedule 4 of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

30 planning.representations@kent.gov.uk

4.4.11 Where an application is amended, prior to a decision being taken, provision for further consultation depends upon the nature of the revised details and their connection with the terms of the objection(s) previously submitted. A minimum of seven days to respond will be provided when further consultation is undertaken.

4.4.12 Any material planning considerations ⁽³¹⁾ raised by stakeholders and the community will be taken into account in the determination of the application. Points made through representations will be considered on the strength of the planning arguments put forward for each application rather than on the numbers of people expressing a view. We aim to make a clear link between your responses and our decision or action.

4.5 Determining an application

4.5.1 The application of guidelines, decisions on procedures and good practice outlined in this section will be responsive to the circumstances of individual cases.

4.5.2 Many applications are not contentious and are determined by Planning Officers under powers delegated to them by the County Council's Planning Applications Committee. Objections can often be resolved through negotiation.

Site Meetings and Public Meetings

4.5.3 An **informal site meeting** between an applicant and Planning Officer(s) can sometimes help to clarify issues and are arranged as needs arise. Very occasionally it may be appropriate to involve residents in the vicinity of the application site and other officers.

4.5.4 A **formal site meeting** may be held for more controversial cases. This can be attended by district and parish/town council members and officers as well as the applicant and County Council representatives. Such meetings enable members of the Planning Applications Committee to view the proposed site and gain a better understanding of the proposal. The need to convene a site meeting depends on the nature of the proposal and the planning issues raised. The decision as to whether a site meeting should be held rests with the Chairman of the Planning Applications Committee. It is not possible to convene a site meeting every time one is requested because of the substantial costs and time delays to progressing the application. Normally a site meeting would be held as close as possible to the Committee meeting at which the application is to be decided.

4.5.5 For major planning applications which are very controversial or those where there is a high level of interest from the local community, a **public meeting** may be arranged. These meetings offer the chance for members of the public to directly

31 While there is no legal definition of what constitutes a material planning consideration, it can potentially be any consideration that relates to the use and development of land. For planning applications, common material considerations include environmental impacts, local or residential amenity impacts, highways issues and opportunities for lessening the impact of the proposal. Impact on property value, for example, is not a material planning consideration.

address their concerns to the Committee. The need for a public meeting is at the discretion of the Chairman of the Planning Applications Committee. For practical reasons (such as capacity of the venue) invitations are restricted to those who have already corresponded on the application. In instances when public meetings are arranged, members often hold a separate site visit to inspect the site beforehand. Officers and the applicant also attend the public meeting and key stakeholders are invited.

The Planning Application Committee

4.5.6 In instances where applications attract unresolved planning objections that are material to the application, (i.e. where there are substantive planning objections that cannot be resolved by negotiation) applications may be determined by the **Planning Applications Committee (PAC)**.

4.5.7 Applicants and objectors are able to address members at the Committee in accordance with our public speaking guidelines. These provide for a limited number of parties, who have previously expressed an interest in an application, to speak directly to the Committee for up to five minutes before the Member debate on the proposal. The Speaking to the Planning Applications Committee Protocol is set out in Appendix D of this document and is available from our website. Most Committee meetings are open to the public.

Planning Conditions

4.5.8 Conditions may be attached to planning consents to address matters that might otherwise make a proposed development unacceptable. These should not seek to duplicate controls that are more appropriately imposed by other regulators such as the Environment Agency.

Planning Obligations

4.5.9 There are powers available to the County Council⁽³²⁾ to grant planning permission subject to the completion of a planning obligation; this is a legal agreement between the applicant and the planning authority. Planning obligations are used to make development acceptable which would otherwise be unacceptable in planning terms and cannot be addressed by planning conditions. The agreement must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.⁽³³⁾ Where a planning obligation is envisaged its proposed 'heads of terms'⁽³⁴⁾ will normally be included in the report to the Planning Applications Committee on a planning application.

4.6 Post-decision stage

4.6.1 Following determination of an application, whether by delegation or by the Planning Applications Committee, a copy of the decision notice is published on our website and sent to the relevant district/borough council.

Site Liaison Groups

4.6.2 In granting planning consent for major mineral working, waste management or other significant community development we will continue to consider whether the establishment of a Liaison Group is appropriate. Such groups bring together the site operator, representatives of the local community and County Council officers (as required) to discuss site related issues. The frequency of liaison meetings can vary according to need.

32 Under S.106 of the Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1991 and as amended by the Community Infrastructure Levy Regulations 2010.

33 NPPF Para 204

34 'Heads of terms' is a document setting out the terms of a S.106 agreement as agreed in principle between the parties during the course of negotiations.

5 Sources of Advice on Planning Matters

5.0.1 We would strongly encourage all potential applicants and interested parties to contact us for advice in the first instance.

5.0.2 However, there are other sources of advice and support to help local communities engage with planning matters affecting their area. Planning Aid provides free, independent professional help on planning issues for local communities who cannot afford to hire a planning consultant. Planning Aid is run by the Royal Town Planning Institute. It complements the work of local authorities but is wholly independent of them. Planning Aid can help people to:

- Understand and use the planning system.
- Participate in the preparation of plans.
- Prepare their own plans for the future of their community.
- Comment on planning applications.
- Apply for planning permission or appeal against the refusal of planning permission.
- Represent themselves at public inquiries.

If you think Planning Aid could help you they can be contacted at:

Planning Aid

Planning Aid England

Tel 020 7929 9494

Email: contact@rtpi.org.uk

Web address: <http://www.rtpi.org.uk/planning-aid/>

Appendix A Definitions

Term or Word	What We Mean by it in this Document
Community	Refers to 'the people of Kent' in the widest sense. It incorporates communities of interest (e.g. societies, associations, businesses, etc.) and communities of place (e.g. village, neighbourhood, town etc).
Development Plan	A statutory development plan for the county is formed of the Minerals and Waste Local Plan together with the adopted local plans prepared by the Kent district planning authorities. The development plan has statutory status as the starting point for decision making. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the TCPA 1990 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
Development Plan Document	A statutory document forming part of the Local Plan which sets out planning policy proposals against which planning applications will be considered. Subject to rigorous procedures of community involvement, consultation and independent examination. Can take the form of a Local Plan, Core Strategy, site specific allocations of land, Area Action Plans and Proposals Maps.
Development Scheme	Provides a programme and timetable for all the Development Plan Documents to be prepared.
Development Management	A proactive and positive approach to delivering sustainable development through the planning application process, including the statutory requirements relating to publicising, consulting on and determining applications for planning permission and taking into account the opinions of local people and others.
Involvement, participation, engagement	These terms are used interchangeably to describe processes which enable people to inform, influence and understand issues, policies and plans. Where possible we use 'involvement' as the main generic term.
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004.
National Planning Policy Framework	A document which sets out the Government's planning policies for England and how these are expected to be applied. The Framework acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications.
Public	The population at large, especially those people who will not necessarily be engaged through working with existing stakeholder organisations.

Appendix A Definitions

Term or Word	What We Mean by it in this Document
'Seldom Heard' Groups	'Seldom heard' groups include those who may suffer social, health or economic disadvantage, religious and cultural minorities or other traditionally excluded individuals and communities. It may also include those who are, for example, "time poor", such as commuters and those who, for one reason or another, are not represented in traditional social networks, such as interest-based clubs and societies. Sometimes referred to as 'hard to reach' groups although this implies that the problem lies within these communities.
Spatial planning	Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies which can impact on land use by influencing the demands on, or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means. ⁽³⁵⁾
Stakeholder	Individuals or organisations who have a strong interest in the issue, or may be affected directly by any decisions or plans. Includes statutory groups or agencies that the council has to consult.
Statutory requirements	Actions required by the County Council as a result of legislation.
Transparent	Open to public scrutiny.

Appendix B Involving Our Community: Consultees for Policy Development

We are developing a database of contacts for the Minerals and Waste Local Plan. Registration on the database is open throughout the development of the Local Plan to enable new contacts and interested members of the public to become involved. All consultees will be registered with an account on our planning policy consultation portal. This ensures notification about new consultation events and the option to submit comments on policy documents online.

You can register yourself as a consultee on our consultation portal at <http://consult.kent.gov.uk/>. Alternatively, you can contact us using the details below and request to be added.

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

email: mwdf@kent.gov.uk

tel: 03000 422370

We will aim to continually extend our database in a number of ways:

- by inviting a wide range of organisations to take part at the outset (an extended, open invitation)
- by asking existing contacts and networks to promote awareness of the process so that their contacts may become involved if they so wish, and
- by encouraging any person or group involved in any part of the process to suggest others who may be interested.

The following provides a list of consultation bodies that will be involved in the Minerals and Waste Development Framework. The lists relates to successor bodies where re-organisations occur.

Government requires that planning authorities **must** consult with a number of **Specific Consultation Bodies**⁽³⁶⁾ when preparing development plan documents in which they may have an interest. For the Kent Minerals and Waste Development Framework this list is as follows:

- All District and Borough Councils in Kent.
- Adjoining Local Authorities.
- All Town and Parish Councils in Kent and those neighbouring Kent.
- Kent Police.
- Environment Agency.
- Highways England.
- Network Rail.
- Union Railways - High Speed 1 (HS1).
- Historic England.
- Natural England.
- Homes and Communities Agency.
- Coal Authority.
- Telecommunications companies.
- South East Coast Strategic Health Authority.
- Eastern & Coastal Kent Primary Care Trust.
- West Kent Primary Care Trust.
- Relevant electricity companies.
- Relevant gas companies.
- Relevant sewerage undertakers.
- Relevant water undertakers.

36 Under the 2004 Local Development (England) Regulations (as amended by the 2008 and 2009 Regulations).

The Regulations also specify that we consult a number of **General Consultation Bodies** where relevant to the specific planning activity. Such organisations can encompass:

- voluntary organisations some or all of whose activities benefit any part of the authority's area
- organisations which represent the interests of different racial, ethnic, national or religious or disability groups in the authority's area, or
- organisations which represent the interests of persons carrying on business in the authority's area.

The list of these general consultation bodies below is not exhaustive but indicative of the types of organisation who may be consulted in the preparation of policy documents:

- Airport operators in Kent.
- Areas of Outstanding Natural Beauty Management Units (Kent Downs and High Weald).
- British Aggregates Association.
- British Geological Survey.
- British Marine Aggregates Producers Association.
- Campaign to Protect Rural England - Kent Branch.
- Civil Aviation Authority.
- Confederation of British Industry.
- Country Land and Business Association.
- The Crown Estate.
- Defence Infrastructure Organisation.
- Ebbsfleet Development Corporation
- Environmental Services Association.
- Federation of Small Businesses
- Freight Transport Association.
- Home Builders Federation.
- Kent and Medway Citizens Panel.
- Kent Association of Local Councils.
- Kent Chamber of Commerce.
- Kent Federation of Amenity Societies.
- Kent Resource Partnership.
- Kent Wildlife Trust.
- Local Strategic Partnerships.
- London Green Belt Council.
- Mineral operators.
- Mineral Products Association.
- National Trust.

Appendix B Involving Our Community: Consultees for Policy Development

- National Farmers Union.
- Port and wharf operators in Kent.
- Rural Kent.
- Royal Society for the Protection of Birds.
- Sport England.
- Waste management operators.

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Appendix C Involving Our Community: Consultees for Development Management

For planning applications there are a range of statutory and non statutory bodies who should be consulted according to the nature and location of the proposed development and its potential impacts.⁽³⁷⁾ However, consultation is not necessary where a relevant body has issued standing advice for particular types of development, or they do not wish to be consulted.⁽³⁸⁾

The relevant district/borough council and parish/town council (if applicable) must be consulted on every application for planning permission.

Neighbouring occupiers of a proposed development may be consulted if the Case Officer considers it appropriate. Those consulted will **usually** be within an 90 metre radius for County Council developments and 250 metres for minerals and waste developments. The scope of this consultation is discretionary and will depend on the scale and the nature of the proposal.

On a case by case basis, the following organisations are consulted:

- Airport Operators.
- British Pipeline Agency.
- Civil Aviation Authority.
- Coal Authority.
- County Fire Officer.
- Campaign for the Protection of Rural England.
- Department for Environment, Food and Rural Affairs.
- Historic England.
- Environment Agency.
- Internal County Council departments (Highways, Biodiversity, Public Rights of Way, Heritage, Local Level Flood Authority (SUDS)).
- Public Health England.
- The Health and Safety Executive
- Highways England.
- The Historic Buildings and Monuments Commission for England.
- Kent Police.
- Kent Wildlife Trust.
- Local Members.
- Ministry of Defence.
- National Grid.
- Natural England.
- Network Rail.

37 For full details on types of development and the required consultee see Schedule 5 of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

38 According to article 18 (1) of The Town & Country Planning (Development Management Procedure) (England) Order 2015.

- The Ramblers.
- Sport England.
- The County Council's technical consultants.
- The Theatres Trust
- Union Railways - High Speed 1.
- Utility companies.

The Local Council Member will also be notified of any planning application.

To ensure that that all consultees, including the borough/district and parish/town councils, can comment on an application they will receive an electronic link to a copy of the planning application documents on our website.

Appendix D Speaking to the Planning Applications Committee

Speaking to the Planning Applications Committee Leaflet

Speaking to the Planning Applications Committee

Members of the public can speak to KCC's Planning Applications Committee as part of the process for determining a planning application. This leaflet explains this process.



Who can speak to the Committee?

If you wish to speak to the Committee you must already have sent in a written comment about the application prior to the committee report being published.

If that condition has been met, then residents, parish and town councils, residents' associations, local businesses and other people who live in the county can ask Democratic Services for the opportunity to speak to the Committee. Contact them as soon as possible to let them know that you may wish to speak. You will not normally be allowed to be represented by solicitors or other professional agents.

How will I know when the committee is meeting?

The Committee meets once a month, usually on a Wednesday at 10am.

If you have told Democratic Services that you may wish to speak about a particular planning application, they will write to you or contact you by email when they publish the report. This normally happens six working days before the Committee meeting. A copy of the planning officer's report will be on the website www.kent.gov.uk and will also be sent to you by Democratic Services.

Please read the report carefully before deciding whether or not you want to speak. The Committee Members will have read the report. What you can add is information that may be missing from the report or a particular emphasis you feel is not being made.

If after reading the report, you decide you do want to speak to the meeting, then contact Democratic Services by noon on the Monday before the meeting.

How many people can speak?

Normally up to four people can speak on each application.

They are:

- two individuals or group representatives
- a representative from the Parish or Town Council and
- the applicant, who has the right of reply to any points made

Where there are speakers both for and against the development, priority will be given to ensure both viewpoints are represented.

If more than two individuals or representatives wish to raise similar points, Democratic Services will ask them to agree amongst themselves who should speak for them. If necessary, the Chairman of the Committee will decide which members of the public may speak.

What happens on the day?

If you are invited to speak to the Committee then you should aim to arrive at County Hall, Maidstone, at least a quarter of an hour before the meeting begins (i.e. normally by 9.45am). A member of staff will meet you and explain the procedures and answer any questions you may have.



What will happen in the meeting?

The Chairman will ask the planning officer to introduce the report and explain the reason for the recommendations.

Each speaker will be allowed up to five minutes to address the Committee about the application. It is, of course, up to you what you decide to say, but it might be useful to bear in mind the following:

- The committee will listen to what you say but will not debate the merit of your opinions with you.
- Concentrate on explaining the points that you originally made in writing. You should not attempt to surprise the Committee by raising issues you have not raised before with the planning officer.
- It is not an opportunity to circulate additional pages of written material to the Committee. However, if you wish to provide a single page summary of the main points of your presentation, then this should be submitted to Democratic Services by noon of the Monday before the meeting.
- The Committee must consider the application *on planning grounds*. You should not discuss the applicant's past behaviour nor speculate about what you think their possible future intentions may be. *The Committee can only consider the application that is before them.*
- The Chairman will let you know when you have half a minute left to speak and will also tell you when your five minutes is finished.

What happens after I have spoken?

After the speeches by the public and the applicant, the Committee will consider the application. Although this will be done in public, there will be no further opportunities for the public to speak.

Useful telephone numbers and addresses**To get in touch with the Democratic Services Unit:**

Democratic Services
Kent County Council
Room 1.99, Sessions House
County Hall, Maidstone ME14 1XQ
Tel: 03000 416749
Email: andrew.tait@kent.gov.uk

To get in touch with the Planning Applications Group:

Head of the Planning Applications Group
Kent County Council, First Floor
Invicta House, County Hall
Maidstone, ME14 1XX
Tel: 03000 411200
Email: planning.applications@kent.gov.uk

Website

www.kent.gov.uk

Directions to County Hall HQ**By bus and coach:**

- The line 150 and line 7 buses' from Walderslade, Tonbridge and Tunbridge Wells, and the 101 bus from the Medway Towns all stop at County Hall.

By rail:

- To Maidstone East from London Victoria or Ashford, Canterbury West and the Kent Coast
- To Maidstone Barracks station on the Strood to Tonbridge line (for services from Chatham, Gravesend, Dartford, London Bridge and Charing Cross, change at Strood)
- To Maidstone West Station from Gatwick, Redhill and Tonbridge

By car:

County Hall is located on the A229 Maidstone to Chatham Road opposite Maidstone East Railway Station. (Sat Nav code is ME14 1XQ) Follow signs to the town centre and County Hall. There is no visitor parking at County Hall. Pay and Display car parks are sign-posted from major roads. The closest Pay and Display Car Park is the Maidstone East Station Car Park. Alternatively, there is a Park and Ride facility which runs from the Sittingbourne Road site, ME14 3EN to Maidstone. The Park and Ride site is off Junction 7 of the M20.



This leaflet is available in alternative formats and can be explained in a range of languages. Please call 03000 414141.

October 2016

Appendix E Further Information and Assistance

Kent Partnership: A Vision for Kent (revised April 2006) (www.kentpartnership.org.uk).

Town and Country Planning (Local Development) (England) Regulations 2004 (www.opsi.gov.uk).

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (www.opsi.gov.uk).

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 (www.opsi.gov.uk).

CLG (2008): White Paper: Communities in control: Real people, real power (www.communities.gov.uk).

Habitats Directive (92/43/EEC), European Union (http://ec.europa.eu/environment/index_en.htm)

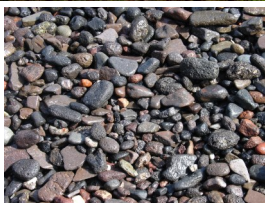
CLG (2008) The Killian Pretty Review - Planning applications: A faster and more responsive system (Final Report) (Available from: www.planningportal.gov.uk).

The National Planning Policy Framework (2012) (available from: <http://planningguidance.planningportal.gov.uk/>).

The National Planning Practice Guidance (available from: <http://planningguidance.planningportal.gov.uk/>).

This document can be made available in large copy print, audio and Braille versions. If you require the document in one of these formats or require a copy of the document to be translated please contact the MWDF Project Team on 03000 422370 or email mwdf@kent.gov.uk.

For alternative language services also please see our website (<http://www.kent.gov.uk/about-the-council/about-the-website/alternative-languages-and-formats>) or call 03000 421553.



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

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www.kent.gov.uk/mwlp



**KENT COUNTY COUNCIL
EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)**

**This document is available in other formats, Please contact
alice.short@kent.gov.uk or telephone on 03000 413328 or 03000 422370**

Name of policy, procedure, project or service:
Kent Minerals and Waste Local Plan

What is being assessed?
Statement of Community Involvement

Responsible Owner/ Senior Officer
Sharon Thompson, Head of Planning Applications

Date of Initial Screening
17/10/2016

Date of Full EqIA:

Version	Author	Date	Comment
1	A.Short	17/10/2016	Original
2	A Agyepong	26/10/2016	Comments
3	B Geake	31/10/2016	Amendment
4	S Thompson	3/11/16	Revisions

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
Age	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No
Disability	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No
Gender	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No
Gender identity	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No
Race	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No
Religion or belief	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No
Sexual orientation	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No
Pregnancy and maternity	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No

Marriage and Civil Partnerships	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No
Carer's responsibilities for both client and parent relationships	No	UNKNOWN	UNKNOWN	Any impacts would be no different to impacts on general population. No further assessment required.	No

Part 1: INITIAL SCREENING

Proportionality - Based on the answers in the above screening grid what RISK weighting would you ascribe to this function – see Risk Matrix

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

State rating & reasons:

Low: Initial screening indicated that impacts on the ten characteristics are unlikely, or no different to impacts on the general population

Context

Kent County Council has a statutory requirement under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) to adopt an up to date Statement of Community Involvement (SCI). An SCI sets the standards for community involvement with regards to the County Council's plan making and planning application functions. These incorporate the County Council's responsibilities on equality and diversity.

Kent County Council has two key planning functions. The Minerals and Waste Planning Policy team are responsible for producing a suite of local plans which set out how and where any minerals and waste development will take place in Kent over the coming years. The key goals are ensuring that there is a steady and adequate supply of minerals to meet the needs of Kent, and the amount of waste sent to landfill is reduced. The County Council is also the determining authority for all planning applications relating to minerals or waste development, as well as any County Council community development such as new schools. This SCI covers both of these planning functions.

The first SCI was adopted in 2006; this was then updated in 2011. Two addendums were made in 2013 and 2014 to ensure consistency with national planning policy. The County Council now considers that there is a need to update the document as a whole to reflect current community aspiration on engagement and legislative requirements.

Aims and Objectives

The Statement of Community Involvement covers:

- The importance of community involvement with the preparation of local plans
- The challenges to community involvement unique to Kent
- How the County Council will engage with the public over the next set of local plan projects
- How the County Council will engage with the public throughout the development management (planning application) process.

Other than general streamlining and improving clarity, there are very few changes between this SCI and the one which was adopted in 2011.

The main reason for updating the SCI is the change within the Local Development Scheme which sets out the timescale for Local Plan production; the previous SCI was heavily focused on the preparation of the Kent Minerals and Waste Local Plan 2013-30. As this Plan is now adopted (July 2016), we will begin to undertake work on the minerals and waste sites plans which offer a suite of different community engagement opportunities. The adopted plan consultation process complied with the SCI and was also subject to an equality impact assessment to determine whether it was compliant with quality and diversity legislation. The plans policies were screened and it was concluded that they are unlikely to have a specific, adverse impact on any of the protected groups identified (there were ten in total and are the same as shown above) to any lesser or greater extent than the general population.

Since the last SCI was produced there have also been advances in information technology, its ease of use, customer expectation and its dissemination within the general population. This means that we can consider more efficient and cost effective methods of community involvement. Previously, for example, we would send paper copies of all local plan documents to district council offices and main libraries in Kent for public inspection. This was done with the intention of helping individuals who do not have internet access at home. This exercise proves costly in terms of printing and postage and its environmental impact, as well as officer time. We now know that all district offices and libraries offer a web based service, so customers who do not have access to the internet at home can now view copies online at the relevant office. Paper copies will be held at the main County Council offices at Invicta House in Maidstone. Local plan documents are an important tool setting out where new development can and cannot take place. Their preparation follows a legally prescribed process which is often criticised for the amount of time it takes local plan documents to be produced; in some cases it is a period of many years. One of the reasons for such long gestation periods is the time required for public consultations and the lack of a discretionary approach to tailor periods to the significance of the matter under consideration. The previous SCI set out a standard consultation period of 12 weeks, this being 4 weeks greater than the statutorily required minimum of 8. Whilst it is important to give members of the community ample opportunity to voice their opinions, in the experience of the County Council a period of 8 weeks is usually sufficient. In light of this, it is now proposed to remove the commitment for a set time period for public consultation. The County Council will assess the amount of time needed based on the complexity and the nature of the documentation involved on a case by case basis and ensure that there is a proportionate approach to engagement.

Currently, as well as the statutory requirement to display a site notice allowing comments on a planning application, we undertake discretionary engagement with neighbours in the vicinity of a proposal. The current arrangements are prescriptive of 90m and 250m for proposed community developments and for minerals and waste management respectively. However in practice from the responses that we receive it is often found that distances less than this are justified. It is now proposed that there should be a higher level of officer discretion (with protocols in place to review these consultations to ensure a consistent approach is maintained) regarding neighbour consultation. This has been reflected in the current draft SCI.

The leaflet (Appendix D of the Statement of Community Involvement 2016) which advises residents of the steps involved should they wish to speak at the Planning Applications Committee has been revised. The revised leaflet still provides generous opportunities for the community to speak direct to the committee. The proposed revisions address changes in contact details and clarifies that potential speakers should not provide extensive new material at the Committee stage. This ensures that proper and due consideration can be given to all representations prior to the committee

meeting.

Beneficiaries

Kent communities benefit from having an up-to-date SCI. The communities of Kent will have a better understanding of the consultation processes involved in the next set of local plan projects. The changes between this SCI and the previous one will also make the plan preparation process more efficient without the loss of opportunity for communities to comment and influence planning matters. Efficient plan making and decision making has wider community benefits in that planning is undertaken in the public interest and sets the context for the delivery of sustainable development that is the foundation of sustainable communities.

The County Council will benefit as the changes will reduce costs; both monetarily and in terms of officer time and resources, without losing the opportunity for local community engagement in the planning process.

Information and Data used to carry out your assessment

The SCI revisions have been shaped by views received during the recent determination of planning applications and plan making, government advice and good practice. Since the 2011 SCI, a significant shift towards on-line engagement has occurred and is now the preferred form of communication sought by the community.

Who have you involved and engaged with

Since the last SCI, the County Council has produced and had examined the Kent Minerals and Waste Local Plan 2013-30. This plan has now been adopted. The process involved significant engagement with Kent's communities and businesses. This has greatly informed how the County Council considers how the SCI should be adapted to present day circumstances of enhanced information technology and its greater take up by Kent's communities and groups.

Consultation exercises were carried out for the earlier version of the SCI. All parties in the planning database were given the opportunity to help shape the SCIs. In total, 119 comments were received and their contributions shaped the changes to the original SCI.

This 2016 version of the SCI is essentially an updated and streamlined version of its predecessors. The draft document has been shared internally with all KCC officers, and an IMG approved by the Cabinet Member for Environment and Transport and their comments have been included.

The revised SCI is to be the subject of public consultation. This engagement will raise awareness of the revised SCI and afford an opportunity for the community to comment on the document. Any views raised will be considered prior to adoption of the SCI.

November 2016
Potential Impact

The purpose of the SCI is to ensure that all members of the community are given the opportunity to influence planning applications and local plan documents. The SCI considers the potential challenges to aid full engagement. It sets out any appropriate steps to mitigate any potentially limiting engagement issues.

The potential impacts of the changes to the SCI will have no more of a significant impact on any particular group than they will on the entire population.

Adverse Impact

The updated SCI is unlikely to have a specific, adverse impact on any of the protected groups to any lesser or greater extent than the general population.

Positive Impact:

The updated SCI is unlikely to have a specific, positive impact on any of the protected groups to any lesser or greater extent than the general population.

JUDGEMENT

Our judgement, following the initial screening, is that the Statement of Community Involvement 2016 is unlikely to have any specific adverse or positive impacts upon the identified ten characteristics.

Option 3 – Full Impact Assessment

Prior to the adoption of the SCI, a full impact assessment will be undertaken for the following reasons:

- The SCI is subject to public consultation and will provide an opportunity to review the SCI equality and diversity impacts.

Monitoring and Review

In order to capture and assess any unexpected equality issues arising during public consultation, a further impact assessment will be undertaken post consultation. This will identify the following:

- How the representations were received
- What, if any, equalities impacts arose

November 2016

Sign Off

I have noted the content of the equality impact assessment and agree the actions to mitigate the adverse impact(s) that have been identified.

Senior Officer:

Signed: Katie Stewart

Job Title: Director for Environment, Planning & Enforcement

Date: 4th November 2016

DMT Member:

Signed: Barbara Cooper

Job Title: Corporate Director Growth, Environment and Transport

Date: 4th November 2016

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
ALL	Screening suggests specific impacts are unlikely. Assumption to be tested during planned public consultation.	A full EqIA to be undertaken after the public consultation	A summary of participating consultees and any unexpected impacts on the nine proposed characteristics.	Sharon Thompson	Three months following the close of the public consultation.	Officer time.

July 2015

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
ALL	Screening suggests specific impacts are unlikely. Assumption to be tested during planned public consultation.	A full EqIA to be undertaken after the public consultation	A summary of participating consultees and any unexpected impacts on the nine proposed characteristics.	Sharon Thompson	Three months following the close of the public consultation.	Officer time.

Updated 17/10/2016

7

From: Roger Wilkin, Director of Highways, Transportation & Waste

To: Environment & Transport Cabinet Committee Meeting - 17 November 2016

Subject: Re-procurement and award of contract/s for Soft Landscape Rural Swathe and Visibility Cutting

Key decision 16/00115

Classification: **Unrestricted**

Past Pathway of Paper: Environment & Transport Cabinet Committee – 11 March 2016

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Countywide service - All electoral divisions

Summary:

The Soft Landscape Rural Swathe and Visibility Contract ends on 31 March 2017. The contract value is £300k - £310k per year. A Key Decision is required to award a contract/s for this essential service as the value of the contract exceeds £5m over five years

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to re-procure and delegate authority to the Director of Highways, Transportation and Waste to award a contract/s for the Soft Landscape Rural Swathe and Visibility Cutting service as attached at Appendix A.

1. Introduction

- 1.1 During the last 12 months the Environment & Transport Cabinet Committee (ETCC), a Member Task & Finish Group (T&FG), Strategic Commissioning Board and Corporate Board have considered the service needs, commissioning options and the future funding of Soft Landscape services.
- 1.2 The re-procurement of the Rural Swathe and Visibility Cutting contract follows the recommendations and decisions of the above bodies.

2. Report

- 2.1 The majority of the Soft Landscaping service is discretionary. The T&FG recommended devolution of discretionary soft landscape services to local councils.
- 2.2 The rural swathe and visibility cutting services are considered 'safety critical' and part of the statutory requirement to maintain a safe highway not generally considered appropriate for devolution. Currently the service is delivered through publically procured contracts and through agreements with two Districts (Dover

and Shepway) and five parishes in Sevenoaks. No other local councils have expressed an interest in delivering this service.

- 2.3 In the Commissioning Plan Report dated 21 July 2016 to the Strategic Commissioning Board several options were considered for discretionary and safety critical services. The Board approved the continued procurement of safety critical services such as the Swathe and Visibility Cutting service.
- 2.4 The procurement of a new Rural Swathe and Visibility Contract will ensure that the existing service remains in place and in time for the growing season in 2017. A market of interested SMEs already exists for this work and there are sufficient suppliers in Kent to expect continuing value for money.
- 2.5 The timetable for the re-procurement and award of contract is:

Swathe & Vis Contract 2017 Activity	Potential Timetable
Publish ITT	29/11/2017
Tender Period	29/11/2017 to 13/01/17
Tender evaluation and QA process	16/01/2017 to 01/02/2017
Internal Approval & Sign Off	17/02/2017
Contract Award	01/04/2017

3. Financial Implications

- 3.1 The Soft Landscaping service is required to make £380k MTPS savings. Corporate Board on 4th July 2016, considered the MTFP savings required and decided that safety critical services such as rural swathe and visibility cutting should continue to be provided at the current basic safety level and that the proposed MTFP savings be achieved through reduction of discretionary services such as urban grass cutting or through devolution of the urban services to local councils.
- 3.2 The cost of the publicly procured service is estimated at £300k - £310k per annum and is made up of swathe cutting, visibility cutting and rural hedge cutting. Currently Dover and Shepway District Councils and four parishes in Sevenoaks carry out this service on behalf of KCC at a cost of £70k making the total annual cost of the service £370 - £380k. The budget for these services is £378k.

4. Legal implications

- 4.1 Continuation of the rural swathe and visibility service at current levels has no legal implications.

5. Equalities implications

- 5.1 A preliminary equalities assessment for the Soft Landscape service was carried out in the last 12 months as part of the commissioning process. No impacts were found in the continuation of the current rural swathe and visibility service.

6. Other corporate implications

6.1 The decision to award contracts for the rural swathe and visibility has no impact in other areas of the council's work.

7. Governance

7.1 The Soft Landscape service is reviewed monthly by the Growth, Environment & Transport (GET) Portfolio Board.

8. Conclusions

8.1 The Rural Swathe and Visibility contract which ends 31 March 2017 needs to be re-procured to continue provision of this safety critical service.

8.2 The level of service will not change and hence the estimated costs are likely to remain within the current budget expenditure.

8.3 Procurement of this service was approved by the Strategic Commissioning Board in July 2016.

9. Recommendation:

9.1 The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment & Transport on the proposed decision to re-procure and delegate authority to the Director of Highways, Transportation and Waste to award a contract(s) for the Soft Landscape Rural Swathe and Visibility Cutting service as attached at Appendix A.

10. Background Documents

None

11. Contact details

Report Author:
Richard Diplock, Soft Landscape
Manager
03000 413603
richard.diplock@kent.gov.uk

Relevant Director:
Roger Wilkin
Director of Highways, Transportation &
Waste
03000 413479
roger.wilkin@kent.gov.uk

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BETAKEN BY:

Matthew Balfour, Cabinet Member for Environment & Transport

DECISION NO:

16/00115

For publication
Key decision: YES
Title

Approval to re-procure and delegate to the Director of Highways, Transport and Waste to award a contract/s for Soft Landscape Rural Swathe and Visibility Cutting

Decision:

As Cabinet Member for Environment & Transport, I agree to the re-procurement and delegation to the Director of Highways, Transport and Waste the award of contracts for Rural Swathe and Visibility Cutting services.

Governance:

The Executive Scheme of Delegation for Officers set out in Appendix 2 Part 4 of the Constitution (and the directorate schemes of sub-delegation made thereunder) provides the governance pathway for the implementation of this decision by officers as it assumes at 1.9 of the scheme that once a Member-level decision has been taken, the implementation of that decision will normally be delegated to officers, so that multiple Member decisions are not required in respect of the same matter.

In this instance, the Director of Highways, Transport and Waste will be the lead officer seeking to ensure that all such steps as are necessary to implement the decision are undertaken.

Reason(s) for decision:

Continuation of existing safety critical services – rural swathe and visibility cutting

Cabinet Committee recommendations and other consultation:

In December 2015, a Member Task & Finish Group was set up to consider and make recommendations for the future commissioning options and funding for the Soft Landscaping Service. A progress report was taken to the Environment & Transport Cabinet Committee in March 2016 outlining the options being considered. These discussions shaped a Commissioning Plan for the Swathe and Visibility Contract which was reported to Strategic Commissioning Board in July.

This proposed decision will be considered by the Environment and Transport Cabinet Committee at its meeting on 17 November 2016

Any alternatives considered and rejected:

KCC has a statutory requirement to maintain safe highways. The Swathe and Visibility Contract is considered to fall within this requirement.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
Signed

.....
date

Name: Matthew Balfour

From: Matthew Balfour, Cabinet Member for Environment and Transport

Barbara Cooper, Corporate Director for Growth, Enterprise and Transport

To: Environment and Transport Cabinet Committee -17 November

Subject: Kent County Council response to Govia Thameslink Railway 2018 Timetable Consultation

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: N/A

Electoral Division: All

Summary:

This report sets out the proposed KCC response to the consultation on proposed changes to the 2018 timetable for Govia Thameslink Railway (GTR).

The proposed response to the timetable consultation is set out in **Appendix A** to this report, and is based on the extensive questionnaire prepared by GTR for this purpose. The response reflects the Council's primary concerns for the existing and proposed rail services operated in Kent by Southern and Thameslink, and also for the retention of good connectivity between Kent and Gatwick Airport.

Recommendation:

The Cabinet Committee is asked to consider and make recommendations to the Cabinet Member for Environment and Transport on the proposed decision to approve the response to the Govia Thameslink Railway 2018 timetable consultation.

1. Introduction

- 1.1 Govia Thameslink Railway (GTR) operates rail services under the brand names of Gatwick Express, Great Northern, Southern and Thameslink. GTR have recently launched a public consultation on the timetable for 2018.
- 1.2 This report sets out the key points for KCC, and a proposed draft response to the consultation.

2. The Proposed Response

- 2.1 Kent County Council welcomes the opportunity to respond to the Govia Thameslink Railway (GTR) consultation on the changes proposed for the 2018 timetable.

- 2.2 The changes proposed in the consultation will represent the most significant step-change in the railway network in south-east England for a generation, with the introduction of new through services between destinations north and south of the River Thames.
- 2.3 The Council recognises that the principal driver of these changes is the wider Thameslink Programme, which will deliver greatly improved connectivity across south-east England and which will especially benefit the county town of Maidstone. The Council's primary concerns are therefore with the new Thameslink services proposed for Kent, and also with the cross-border Southern services which link Kent with destinations in Surrey and East Sussex.
- 2.4 The Council also highlights the importance of maintaining good connectivity between Kent and Gatwick Airport. These issues have all been set out in detail in our response to the consultation.
- 2.5 The detailed proposed response to GTR, based on their public consultation questionnaire, is set out at **Appendix A**.
- 2.6 The questions relating to GTR rail services operating in Kent have all been answered in detail. The questions relating to rail services operating entirely outside Kent have been omitted.

3. Policy Framework

- 3.1 The Council approved the 'Rail Action Plan for Kent' in April 2011. This plan set out the Council's rail policy, and was designed to inform the new Southeastern and Thameslink franchises which were then due to be awarded. Since 2011, the timetable for franchise renewal has been delayed, and in particular the GTR franchise has been re-designed to reflect the infrastructure benefits arising from the Thameslink Programme, most notably the re-building of London Bridge Station.
- 3.2 The Rail Action Plan for Kent acknowledged the important role of the GTR services in Kent:

“...The scope of this Plan encompasses all the national passenger rail services in Kent, including those operated by Southern and First Capital Connect (Thameslink)... “.

[Source: Rail Action Plan for Kent, Executive Summary, KCC, April 2011]

4. Financial Implications

- 4.1 There are no financial implications arising from this report.

5. Legal Implications

- 5.1 There are no legal implications arising from this report.

6. Equalities Implications

6.1 There are no equalities implications arising from this report.

7. Conclusions

7.1 GTR welcomes a broad and detailed response from stakeholders, which will inform the final decision-making process for the 2018 timetable change.

7.2 The attached Appendix A is the proposed response by Kent County Council to the GTR 2018 timetable consultation. The response highlights the importance of the existing and proposed Thameslink services which are planned for Kent from 2018, as well as the existing Southern services on the three routes which serve the county.

7.3 The proposed GTR timetable represents a significant enhancement to the county's rail network, and members are asked to agree the recommendation to approve the response to the consultation.

8. Recommendation

Recommendation:

The Cabinet Committee is asked to consider and make recommendations to the Cabinet Member for Environment and Transport on the proposed decision to approve the response to the GTR Thameslink Railway 2018 timetable consultation.

9. Background Documents

9.1 The GTR timetable consultation is available at:
www.thameslinkrailway.com/2018consultation

10. Appendix A

10.1 Kent County Council response to the consultation on proposals by GTR Thameslink Railway for the December 2018 timetable.

11. Contact details

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APPENDIX A

Kent County Council response to the consultation on proposals by Govia Thameslink Railway for the December 2018 timetable



INTRODUCTION

Kent County Council (KCC) welcomes the opportunity to respond to the Govia Thameslink Railway (GTR) consultation on the changes proposed for the 2018 timetable.

KCC recognises that the principal driver of these changes is the wider Thameslink Programme, which will deliver greatly improved connectivity across south-east England and which will especially benefit our county town of Maidstone. Our Council's primary concerns are therefore with the new Thameslink services proposed for Kent, and also with the cross-border Southern services which link Kent with destinations in Surrey and East Sussex.

The Council also highlights the importance of maintaining good connectivity between Kent and Gatwick Airport. These issues have all been set out in detail in our response to the consultation.

The responses relate to the numbered questions asked in the GTR consultation document. We note that the consultation refers to the changes planned for the whole of 2018, of which the majority will commence with the timetable change on Sunday 13 May 2018, with the remainder due with the timetable change on Sunday 9 December 2018.

GTR APPROACH TO 2018

Q14

Do you support proposals to approach engineering works differently? Please select all options you support.

KCC supports the following options to facilitate access to the rail network for engineering works:

- Reduced frequency on some routes after 2300 on Weekdays and Saturdays

- Earlier last trains on Mondays, Tuesdays and Wednesdays on some routes, but balanced by later last trains on Thursdays, Fridays and Saturdays
- Later first trains on Sunday mornings on some routes.

THAMESLINK SERVICES

Q15

N/A to Kent

Q16

Do you support the proposal for Thameslink services on the North Kent line serving Greenwich, Abbey Wood, Dartford and Medway Towns?

Yes. This new service, which will replace the existing 2 trains per hour (tph) Southeastern semi-fast service between Charing Cross and Gillingham, will deliver a wider range of connectivity between stations in North Kent and those in the central Thameslink core (Blackfriars, City Thameslink, Farringdon, St Pancras) and further north to/from Luton.

KCC is however concerned that the present proposal would involve the loss of the existing semi-fast stopping pattern, to be replaced with effectively an all stations service between Gravesend and London that omits only Belvedere and Erith. Given the importance of good connectivity between North Kent and Abbey Wood (for Crossrail) from December 2018, and the importance of a direct and fast link between Gravesend, Dartford, Abbey Wood, London Bridge and the central Thameslink core stations, KCC's preference would be for the following stopping pattern for this new Thameslink service:

Rainham – Gillingham – Chatham – Rochester – Strood – Higham – Gravesend - Greenhithe (for Bluewater) – Dartford - Abbey Wood - Woolwich Arsenal – Charlton - Greenwich (for DLR) – London Bridge – Blackfriars - City Thameslink – Farringdon - St Pancras and north to Luton.

Q17

Do you support the proposed increase in frequency of Thameslink services on the Catford Loop line?

Yes. The Catford Loop line, serving stations between Elephant & Castle and Bromley South via Denmark Hill and Catford, is currently served only by a 2tph service. The addition of this new service will increase the overall level of service on this route to 4tph which it requires. In doing so, the need for some of Kent's Mainline services to additionally call at stations such as Denmark Hill and Peckham Rye will be removed.

Q18

Do you support the proposal for Thameslink Maidstone East services to operate via London Bridge instead of Elephant & Castle restoring train services previously withdrawn in 2009?

Yes. KCC strongly supports the new Thameslink service to Maidstone East. The county town has long suffered from poor rail links, and while the addition of High Speed services at Maidstone West in the peaks by Southeastern are a welcome relief, there remains a significant gap in service provision between Maidstone and the City.

The question correctly identifies the loss of the former service, which operated to London Bridge and Cannon Street, in December 2009. Since then, the principal route via Tonbridge and Sevenoaks has suffered from increased demand from rail-heading by passengers from the Maidstone East route, whose preference is to drive to a station with a Cannon Street service rather than use the slow route from Maidstone East to Victoria.

The new proposal to route the Thameslink service via London Bridge rather than Elephant & Castle is therefore especially welcome, as this not only restores the lost link to this station but also adds the four central Thameslink core stations for Maidstone East line passengers. Also welcome is the new proposal to operate this service all day on Mondays to Saturdays, with additional journeys in the peak periods and during the evening to and from Bearsted and Ashford International.

As well as Maidstone East, the new Thameslink service will call at West Malling (for Kings Hill), Borough Green & Wrotham, Otford and Swanley before running non-stop to London Bridge, thus providing a valuable new rail service to the City and beyond for a wide area of mid-Kent.

The routing of the service to and from Cambridge rather than Luton is also welcome, providing as it does a direct connection to East Anglia as well as to many other destinations north of London by a single change at any of the four central Thameslink core stations.

Also, from December 2019 a single change of train at Farringdon will provide direct access to the new Crossrail service, offering for example Maidstone to Bond Street or Heathrow with just a single change of train.

Thameslink to Maidstone East therefore represents a dramatic and much needed enhancement in the provision of rail services for mid-Kent. It will deliver a wider range of destinations for commuters and leisure travellers alike, and will be complimented by a re-build of the main station building and frontage at the centre of Kent's county town.

As such, the new Thameslink service to Maidstone East has the strongest unqualified support from KCC.

Q19

On balance do you support the retention of Caterham and Tattenham Corner services as part of Southern South London Metro?

Yes. The transfer of capacity for new Thameslink services from the South Central sector (which was to have included these services) to the South Eastern sector of the rail network enables the provision of the new proposed Thameslink services to North Kent via Woolwich, and to Orpington via the Catford Loop, both of which will be beneficial for Kent.

Q20

Any other comments in relation to the expanded Thameslink network from 2018?

The new proposed Thameslink network appears to be well balanced, offering a range of routes north and south of the Thames which have been designed to make best use of available resources to deliver the required capacity to meet the differing demands for each route. KCC welcomes especially the two new routes proposed for the county, to Maidstone and Rainham, along with retention of the existing route via Bat & Ball to Sevenoaks.

The challenge will be to ensure that delays incurred by one operator, Thameslink, are not imported to services of another, Southeastern, or vice versa. This will be critical at the interface of both operators' services at London Bridge, where Thameslink services from the North Kent line will need to change between the Cannon Street lines approaching platforms 1, 2 and 3, and the Thameslink lines approaching platforms 4 and 5. Good operational management and control will be essential to maintaining reliability on both networks.

PROPOSED SERVICE FREQUENCIES (tph / minutes)

Thameslink Mainline Route TL7

Cambridge (stopping) – Stevenage – Central Thameslink Core – London Bridge – Swanley – Maidstone East – (Ashford International)

	Mon-Fri Peak	Mon-Fri High Peak	Mon-Sat Daytimes	Mon-Sat Evenings	Sundays
Cambridge to/from Maidstone East	2tph 30 mins	2tph 30 mins	2tph 30 mins	1tph 60 mins	1tph 60 mins
Cambridge to/from Ashford Int	2 trains AM peak 1 train PM peak	2 trains AM peak 1 train PM peak		3 trains (not Sat evenings)	

Q28

The proposed Thameslink service between Cambridge and Maidstone East is only able to serve either St Mary Cray or Swanley due to insufficient time to enable the train to arrive in time to start its return journey from Maidstone East. Please select [at] which station you would prefer the train to call.

Swanley. This station serves a significant population in West Kent, and also provides interchange with services to and from stations on the route via the Medway Towns. The new Thameslink service would also strengthen the link between Swanley and Maidstone.

St Mary Cray is a relatively minor station in Greater London and is more suitably served by the existing 2tph Thameslink service to and from Sevenoaks via Bat & Ball.

Thameslink Metro Route TL8

(Welwyn Garden City) – Central London (via Elephant & Castle) – Catford – Bromley South – Swanley – Otford - Sevenoaks

	Mon-Fri Peak	Mon-Fri High Peak	Mon-Sat Daytimes	Mon-Sat Evenings	Sundays
Welwyn GC to/from Sevenoaks	2tph 30 mins	2tph 30 mins			
London Blackfriars to/from Sevenoaks			2tph 30 mins	2tph 30 mins	2tph 30 mins

Thameslink Metro Route TL10

Luton – Central London (via London Bridge) – Greenwich – Abbey Wood – Dartford – Rochester - Rainham

	Mon-Fri Peak	Mon-Fri High Peak	Mon-Sat Daytimes	Mon-Sat Evenings	Sundays
Luton to/from Rainham	2tph 30 mins	2tph 30 mins	2tph 30 mins	2tph 30 mins	2tph 30 mins

SOUTHERN SERVICES

Q34 to Q38 - N/A to Kent

Q39 and Q40

REDHILL – EDENBRIDGE – TONBRIDGE SERVICES

PROPOSED SERVICE FREQUENCIES (tph / minutes)

Southern Mainline Route SN5.2

London Victoria – East Croydon – Purley – Coulsdon South – Redhill - Tonbridge

	Mon-Fri Peak	Mon-Fri High Peak	Mon-Sat Daytimes	Mon-Sat Evenings	Sundays
London Victoria to/from Tonbridge via Redhill	2tph 30 mins	2tph 30 mins	1tph 60 mins	1tph 60 mins	1tph 60 mins

A 2tph service would continue to be provided to London Victoria originating from Reigate and Tonbridge (during off-peak periods). It is proposed that these trains would call at Merstham, Coulsdon South, Purley, East Croydon, Clapham Junction and London Victoria. Under these proposals passengers travelling from [Tonbridge and] Redhill to London Victoria will see the journey time increased from 30 to 39 minutes during off-peak periods when compared with a similar journey today due to the additional stops.

Do you support this proposal?

Yes. The most important attribute of the Tonbridge – Edenbridge – Redhill – London service is that it provides a through service on every day of the week between the stations on the Tonbridge – Redhill route and London Victoria. The additional running time is a marginal disbenefit, as this is a convenient, rather than a fast, route to London.

The additional stops which extend the running time are necessary to serve these stations, as this permits the Thameslink services to provide a fast and direct service between Redhill, London Bridge and the central core Thameslink stations.

Q41 and Q42 - N/A to Kent

Q43

There are no significant changes proposed to the frequency of trains on the route [between London and Tonbridge via Redhill] throughout the week.

In future, it is proposed that most trains on this route will serve Clapham Junction and London Victoria on all days of the week. Monday to Friday peak trains will continue to be provided as either through London trains or shuttle trains between Redhill and Tonbridge as currently.

Do you have any specific comments in relation to services between Redhill and Tonbridge?

KCC welcomes the proposal to retain the through service on the majority of journeys between Tonbridge and London Victoria via Redhill. This route provides an essential link between Kent and Surrey, as well as a through service from Tonbridge, Leigh, Penshurst and Edenbridge to London. It is also used extensively

by entitled school pupils who travel from Edenbridge and other stations to schools in either Tonbridge or Oxted.

SPECIAL NOTE CONCERNING KENT – GATWICK RAIL SERVICES

Connections at both Tonbridge and Redhill are important for rail passengers from Kent, especially those needing to travel to/from Gatwick Airport. KCC welcomes the proposed timetable for the standard off-peak hour, and requests that the greatly improved connections at Tonbridge which were introduced with the December 2015 timetable are continued.

The following tables demonstrate this improved connectivity during the standard off-peak hour between some of the principal towns in Kent and Gatwick Airport by changing at Tonbridge and Redhill:

**KENT – GATWICK AIRPORT:
EXISTING RAIL CONNECTIONS TO BE RETAINED**

STANDARD OFF-PEAK HOUR

Ashford Int			10:32	
Maidstone West	10:28			
Tunbridge Wells		10:51		
Tonbridge	10:55	11:00	11:08	
Tonbridge				11:19
Redhill				11:50
Redhill				11:54
Gatwick Airport				12:01

Gatwick Airport	09:52			
Redhill	10:06			
Redhill	10:09			
Tonbridge	10:39			
Tonbridge		10:47	10:53	11:04
Tunbridge Wells		10:58		
Maidstone West				11:32
Ashford Int			11:30	

KCC would want to keep open the option of a through rail service between Kent and Gatwick Airport in the future. This would however be dependent on a satisfactory revised business case which demonstrated a positive benefit : cost ratio for a through service.

Q44 to Q46 – N/A to Kent

Q47

Which option do you support [for evening and Sunday services between Tonbridge and Redhill]?

KCC supports the proposal for revised evening and Sunday services which are consistent with the daytime frequency, and which would include direct trains between London Victoria, Redhill and Tonbridge.

This will be especially welcome by users of this route on Sundays, whose service currently terminates at London Bridge rather than Victoria. There has been a consistent view among members of the Tonbridge – Redhill Community Rail Partnership that Victoria should be the London terminus on every day of the week, with the London Bridge service retained only for Monday to Friday peak periods.

For these reasons the main proposals for this route are supported by KCC.

Q48 to Q51 – N/A to Kent

BRIGHTON – EASTBOURNE – HASTINGS – RYE – ASHFORD SERVICES

Q52

Which option [to address overcrowding issues on trains between Brighton and Ashford International] do you support?

PROPOSED SERVICE FREQUENCIES (tph / minutes)

Southern Mainline Route SN9.4 (Coastway East)

Brighton – Lewes – Eastbourne – Hastings – Rye – Ashford International

	Mon-Fri Peak	Mon-Fri High Peak	Mon-Sat Daytimes	Mon-Sat Evenings	Sundays
Brighton to and from Eastbourne (4-carriage electric)	1tph 60 mins	1tph 60 mins	1tph 60 mins	1tph 60 mins	1tph 60 mins
Eastbourne to and from Ashford International (2-carriage diesel)	1tph 60 mins	1tph 60 mins	1tph 60 mins	1tph 60 mins	1tph 60 mins

Rye to and from Ashford International (2-carriage diesel)	2tph 30 mins	2tph 30 mins	Included in above	Included in above	Included in above
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Trains between Brighton and Ashford International were introduced in 2005 and are operated by 2-carriage diesel trains, taking into account the line is not electrified between Ore and Ashford International. These trains form a fast inter-urban service between Brighton and Ashford International serving principal stations.

Research undertaken by GTR Southern indicates that the majority of passengers boarding at Ashford or Brighton travel only as far as Eastbourne. By operating a revised service between Ashford, Rye, Hastings and Eastbourne, GTR Southern would be able to provide the additional electric 4-carriage capacity trains required between Brighton, Eastbourne and Hastings to address the very high levels of overcrowding on that section of the route.

Furthermore, the timings of the Marshlink service between Ashford and Eastbourne would no longer be constrained by the requirements of terminating at Brighton. For example, the whole service could, if required, operate a few minutes later throughout in both directions (passing at Rye at the same times) which would enhance connectivity between High Speed, Mainline and Marshlink services at Ashford International.

For these reasons, and given the ease of interchange at Eastbourne into the 4-carriage electric services for passengers travelling to/from Brighton, KCC supports the following option, which would retain all of the existing level of service between Ashford, Rye, Hastings and Eastbourne including the additional 'Rye shuttles' in the peak periods:

Operate longer electric trains between Brighton and Eastbourne with connections to and from a 2-carriage diesel train between Eastbourne and Ashford International.

Q53

OXTED – EDENBRIDGE TOWN – UCKFIELD SERVICES

PROPOSED SERVICE FREQUENCIES (tph / minutes)

Southern Mainline Route SN4.2

London Bridge – East Croydon – Oxted – Edenbridge Town – Uckfield

	Mon-Fri Peak	Mon-Fri High Peak	Mon-Sat Daytimes	Mon-Sat Evenings	Sundays
London Bridge to/from Uckfield	2tph 30 mins	2tph 30 mins	1tph 60 mins	1tph 60 mins	1tph* 60 mins

**On Sundays the service connects at Oxted with the London Victoria service*

Do you have any specific comments in relation to services on Oxted routes?

The GTR Southern service which operates between London Bridge and Uckfield via Oxted serves three stations in Kent (Edenbridge Town, Hever and Cowden): Stations on this route have recently benefitted from the extension of most of their platforms to accommodate 10-carriage trains, and the subsequent delivery of additional diesel trains has provided a welcome increase in passenger capacity, especially in the peak periods.

KCC welcomes this improvement to the service level on this route, which is also used by a considerable number of commuters from locations in West Kent who prefer to railhead to one of the Uckfield line stations. The Council would expect GTR Southern to continue to monitor passenger demand on this route, to ensure that the maximum level of service within the available resources continues to be provided.

Q54 to Q64 – N/A to Kent

Q65 to Q73 – Proposed Service Patterns

KCC's preferences for the proposed service patterns on each of the GTR routes operating in Kent have been included in the relevant sections of the consultation response.

GATWICK EXPRESS

Q74

Do you have any other specific comments in relation to the Gatwick Express services?

KCC welcomes the new Class 387 rolling-stock which now operates the Gatwick Express service between London Victoria and Gatwick Airport. This service is frequently used by Kent residents who prefer to travel via London to access Gatwick using this service, rather than by changing trains at Tonbridge and Redhill.

The proposed retention of the existing frequency of 4tph throughout is welcome, as this service will continue to provide the primary rail link between Gatwick and the capital.

Q75 to Q86 – N/A to Kent

Contact Officer

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From: **Mike Hill, Cabinet Member for Community Services**
Barbara Cooper – Corporate Director Growth, Environment & Transport

To: **Environment and Transport Cabinet Committee – 17 November 2016**

Subject: **Volunteer Support Warden Scheme – Review of the Pilot and Plans for a Full Scheme**

Classification: **Unrestricted**

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: Countywide

Summary: This report sets out the result of piloting a Volunteer Support Warden Scheme as part of the Kent Community Warden Service, in seven areas across Kent. It describes the background to the pilot, the methodology of the review as well as the successes and lessons learnt. It also asks the Cabinet Committee to note the intention to offer a full Scheme to all local councils from April 2017, with costs shared between participating local councils and KCC.

Recommendation(s): The Cabinet Committee is asked to note the progress of the pilot scheme, and the intention to offer local councils throughout Kent the opportunity to participate in the Volunteer Warden Scheme.

1. Introduction

1.1 The Kent Community Warden Service (KCWS) has, since 2002, been a recognised and valued service to the community, with the overall aim to assist the people of Kent to live safely and independently in their neighbourhoods and communities.

1.2 Its core objectives are to:

- Promote community confidence and cohesion.
- Identify and assist in problem resolution.
- Act as “eyes and ears” for other agencies.
- Improve access to local authority services.
- Be a trusted friend for the community.

1.3 As part of Kent County Council’s Medium Term Financial Plan (MTFP), proposals to significantly change the KCWS were subject to a public consultation in November 2014. The results of the public consultation demonstrated significant public and Parish Council support for the service and a number of respondents to the consultation, notably from parish

councils, suggested that the KCWS could be enhanced by the addition of volunteers.

- 1.4 To this end, **a pilot project was set up to explore the feasibility of a Volunteer Support Warden service** and to assess the benefits and costs of such a scheme, before exploring a fuller roll out of such a scheme.
- 1.5 A Steering Group was set up, chaired by the Cabinet Member for Community Services and involving KCC officers and representatives from the Kent Association of Local Councils (KALC). Kent Police were also invited to participate in view of the close working relationship between the Community Wardens and Kent Police.

2. Volunteer Support Warden Pilot Scheme

- 2.1 Developed in partnership with KALC, the pilot involved 11 parishes and one Town Council, reflecting a wide range of area characteristics. The pilot has been funded jointly by KCC and the Kent Community Safety Partnership using the grant provided to the partnership by the Police and Crime Commissioner.
- 2.2 Following a comprehensive advertising and recruitment campaign throughout January and February 2016 involving the production of volunteer posters, leaflets, social media advertising, promotion on Parish Council websites and at parish meetings in the chosen pilot areas, 18 applications for volunteer wardens were received.
- 2.3 From this initial pool of candidates, eight individuals were selected and on completion of their training, deployed across five parish and two town council areas. Unfortunately following deployment, two of the candidates experienced a change in their personal circumstances meaning that they were no longer able to volunteer.

The role of the Volunteer Support Warden (VSW)

- 2.4 As defined by the Steering Group, **the role of the Volunteer Support Warden (VSW) is to work alongside Community Wardens and supplement their work** by getting to know their local community, and thereby enhancing the service to residents and creating more resilient neighbourhoods.
- 2.5 As such, in the pilot, VSWs were asked to identify issues and talk to residents feeding back and liaising with organisations including, Trading Standards, the Police, Neighbourhood Watch, Victim Support and Kent Fire and Rescue Service (KFRS). Additionally, a key part of their role was to engage with local groups, providing advice on topical issues and provide local residents with crime prevention materials and advice. Each volunteer was expected to give at least five hours per week, but there was no formal requirement or commitment.

3. Review of the Pilot

- 3.1 During the “analyse” phase of the project’s commissioning cycle, a logic model was developed to ensure that appropriate review criteria were set and that information was collected against those criteria. This model involved

determining the objectives of the VSW scheme, its inputs, activities, outputs, outcomes and expected impact on KCC's strategic priority "*Kent communities feel the benefits of economic growth by being in-work, healthy and enjoying a good quality of life*". The detailed model used is at Appendix A.

- 3.2 The success criteria for the scheme are that each VSW has added value to the KCWS in the area they serve and is considered by their local council to be providing a valuable service. Details of the evidence collected are in Appendix B.
- 3.3 During the pilot, the remaining six VSWs have made a significant number of local contacts and have contributed to local events in their communities. They have taken a number of initiatives; examples include:-
- Signposting to relevant agencies relating to boundary dispute,
 - Advising on issues relating to anti-social behaviour and graffiti;
 - Supporting a project to remove overgrown foliage in a local cemetery;
 - Highlighting problem of dog fouling within the community and working with the parish council to educate local residents;
 - Assisting Speedwatch volunteers in a variety of contexts, including demonstrations at a village fete and a car rally.
 - Attending to support local events including beacon lighting, Queen's birthday celebrations and picnic in the park; and
 - Making links for residents and local groups with Trading Standards, parenting support group, and local Neighbourhood Watch schemes.
- 3.4 The evidence collected suggests that the scheme has achieved the expected benefits of both enhancing the KCWS, helping people to enjoy a good quality of life and assisting Kent's communities to be resilient and provide a safe and strong environment.
- 3.5 A risk register was maintained throughout the project as there were perceived risks that the lack of powers could affect their effectiveness and that the public would expect VSWs to be able to deal with the full range of issues. These risks have not materialised, as the communication of the VSW role was clear and understood by the target communities.

4. Lessons learnt

- 4.1 The first lesson learnt was that it is necessary to allow a longer lead in time and wider publicity to attract volunteers than it is for recruiting paid staff. Additionally, in order to successfully recruit volunteers, more targeted promotion with the public was needed particularly with the support of the local councils in the area.
- 4.2 The pilot identified that **management and support of the VSWs requires dedicated resources**. During the pilot, this was undertaken by existing KCWS Team Leaders and administrative staff. However, following reductions to the supervisory and business support functions necessitated by current financial pressures, there is insufficient capacity to undertake this for a full

scheme. This burden can be reduced through the use of an IT based booking on and off facility and built-in escalation process. At £50 per VSW, the cost of this is more cost effective than a dedicated resource. The existing out of hours supervision support could then provide any further support needed.

- 4.3 The review also showed that **supporting volunteers whilst resource intensive is essential if morale, enthusiasm and commitment are to be maintained**. In part this can be done through normal supervision but other volunteer schemes have shown that there is a particular need to provide access to support over and above normal supervision. The successful Countryside Access Wardens scheme is a good example of how this can be implemented and discussions have taken place to share this resource across Public Protection.
- 4.4 Even when recruited, it is not certain that volunteers will be capable and willing to take up the role. The lesson learnt from this is that it **may be prudent to stage the training and the investment in equipment** for each VSW, allowing them a period of time to undertake the role before providing them with the full uniform and training. This approach will be used when the Scheme is fully rolled out.
- 4.5 Finally, during the pilot, VSWs were recruited and deployed in the area in which they lived – an arrangement which worked well for some but for others, had its challenges. For instance, VSW's who worked in their community could potentially be drawn into issues beyond their remit. It is therefore important that **the location of each VSW deployment is considered on a case by case basis** moving forward.

5. Financial Implications

- 5.1 For the period of the pilot, the total direct costs for all the VSWs amounted to £5,000. Of this, £3,768 of the expenditure was grant funded by the KCSP, with the remaining amount absorbed by the existing Community Warden budget. Supervision, administration and training have been provided by existing staff and partners.
- 5.2 Whilst such support has been possible for the purpose of a short term pilot, if the pilot is to be rolled out, a more sustainable funding arrangement is required. Extensive discussions have been held with KALC in order to achieve a formula for funding a full Scheme that also offers a value for money proposition to local councils.
- 5.3 The **principles of the proposed finance arrangements** are as follows:-
 - Participating local councils will bear the costs directly linked to the recruitment and deployment of a VSW in their parish (the “running costs”).
 - KCC will bear the management and other overhead costs of operating the scheme (the “fixed costs”).
 - Costs to local councils will be set annually and will not be altered in year.
 - KCC will bear any reasonable, unforeseen costs relating to uniform, equipment or training and will manage the risks associated with this

commitment by managing both the size of the Scheme and the timing of recruitment.

- Local Councils must agree to participate in the Scheme for a minimum of two years.

5.4 To ensure financial viability of the scheme, it is proposed that a minimum number of 12 participating parishes and a maximum number of 24 will be set for 2017/18. If less than 12 parishes agree to participate the Scheme will not be cost effective or financially viable and therefore will come to an end in 2017/18.

5.5 Some of the costs will recur annually (e.g. expenses) while others will only occur at the time of recruitment (e.g. uniform). This mixture of fixed and recurring cost means that the cost in the first year will be higher than the following years. The costs will be as follows:-

- Direct costs to be borne by each participating local council (or cooperating local councils who are seeking to share a VSW and associated costs) - £1,075 per VSW in year 1 and £585 per continuing VSW in year 2.
- Fixed costs associated with the scheme – approximately £15,000 per annum to be borne by KCC.

6. Legal implications

6.1 There are no legal implications for this proposal.

7. Equalities implications

7.1 There are no equalities implications in this proposal.

8. Conclusions

8.1 The pilot VSW Scheme has demonstrated enthusiasm and support from the participating local councils. Furthermore, the VSW's have worked effectively with the KCWS to enhance the benefits it provides. The addition of VSW's supports KCC's strategic priorities. It is therefore intended to explore a full Scheme in conjunction with Local Councils and, subject to the appropriate level of interest and commitment by Local Councils, to implement a full Scheme.

9. Recommendation(s)

Recommendations:

The Cabinet Committee is asked to note the progress of the pilot scheme, and the intention to offer local councils throughout Kent the opportunity to participate in and contribute to the cost of the Volunteer Warden Scheme.

9. Background Documents

Appendix A: Logic Model

Appendix B: VSW Pilot Review

10. Contact details

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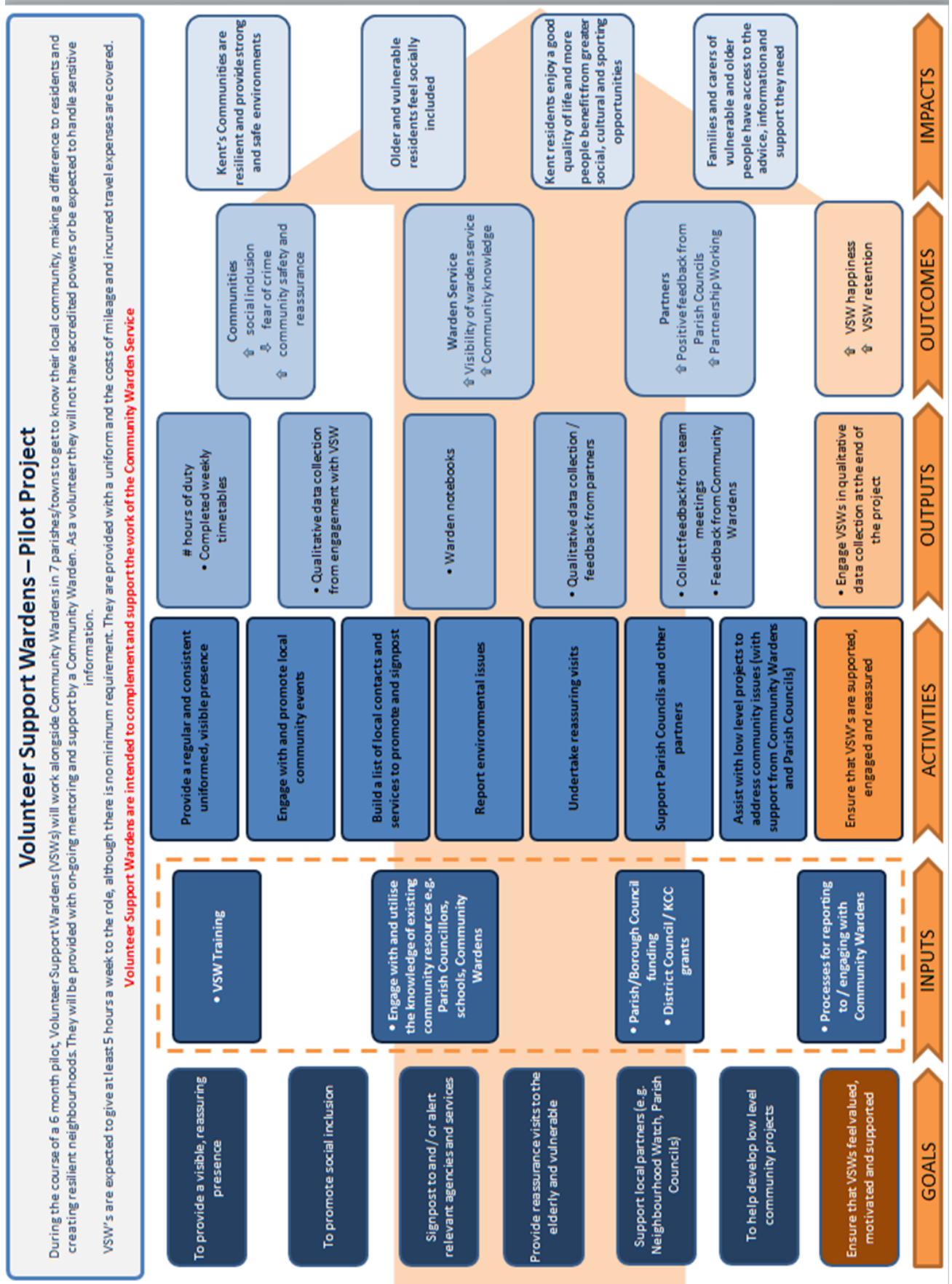
Relevant Director

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Appendix B

VSW Pilot review

The logic model was used to identify the desired outputs from the VSW Scheme that would impact positively on the Community Warden service as a whole and would support KCC's strategic outcome "Kent communities feel the benefits of economic growth by being in-work, healthy and enjoying a good quality of life". The model was also used to identify whether the benefits to parishes were such that they were likely to see value for money in contributing to the ongoing cost of the Scheme.

Desired outputs	Evidence
<ul style="list-style-type: none"> • Regular and consistent uniformed visible presence • Visits to local people • Engagement with local community • Promoting and signposting, using list of local contacts • Report issue of concern • project involvement 	<ul style="list-style-type: none"> • Most, but not all, VSW's have provided an average minimum of 5 hours uniformed presence each week • Networking with local residential home & youth club • Strong links with Parish Clerks • Signposting to relevant agencies relating to boundary dispute • Advising on ASB • Advising on graffiti • Involved in project to remove overgrown foliage in cemetery • Highlighting problem of dog poo and educating local residents (spraying with coloured chalk) • Designing leaflet for families dissuading them from feeding bread to wildlife • Early plans to install skate park; part of a multi-agency team on issues around ASB • Attended local primary School • Assisting with Speedwatch volunteers including demonstrations at village fete and car rally • School road safety presentations • Attended local events including beacon lighting, Queen's birthday celebrations and picnic in the park • Attended Residents Association AGM • Visited dementia café • Made links with Trading standards, Speedwatch, Breastfeeding support group, NHW

<ul style="list-style-type: none"> • VSW concerns are being raised and addressed • Each VSW is happy in role and wants to remain 	<ul style="list-style-type: none"> • All VSWs have had regular contact with supervisors • 1 VSW wanted more independence in the role • 6 current VSWs happy to remain (although 1 has applied to be a Community Warden)
<ul style="list-style-type: none"> • Evidence that VSW visits have provided reassurance • Evidence that Parishes feel supported by VSWs 	<ul style="list-style-type: none"> • Parish councils all report contact with VSW • Most VSW's have built constructive relationships with Parish Clerks • Parish councils are aware of the community links and activities listed above
<ul style="list-style-type: none"> • Sound working relationships with Community Wardens 	<p>All 7 worked well with CWs There was some initial concern by some CWs as the pilot followed a period of CW service re-alignment but these concerns have passed. All VSWs attend Community Warden team meetings</p>

Lessons learned

- It is necessary to allow a much longer lead time and much wider publicity to attract volunteers than it is for recruiting paid staff.
- Even when recruited it is not certain that volunteers will actually be able and willing to take up the role. It may be better not to fully invest at the outset by buying all necessary uniform and giving all the training before their initial deployment. Instead it may be better to provide them with basic uniform and initial basic training, and then to allow them a period of time to undertake the role (rather like probation for a paid member of staff) before providing them with full uniform and training.
- Management and support was undertaken by existing Community Warden Service supervisors and administrative staff. VSWs (who will often work outside “office hours”) must inform supervisors when and where they are working and have access to supervision when required. There is a need for a log on and off facility and then the existing out of hours supervision support will then provide any further support needed.
- Supporting volunteers is a resource intensive activity but is essential if their morale and commitment is to be maintained. In part this can be done through normal supervision but other volunteer schemes have shown that there is a particular need to provide access to support over and above normal supervision.

- It is important to explain fully during the recruitment and training period the nature of the commitment. Volunteers cannot be directed to the same degree as paid staff but volunteers must understand fully that they must give a certain level of commitment.
- Deploying VSWs in the area they live in sometimes led to VSWs using their role to pursue personal agendas. However, the attraction of the role for some was being able to work locally. This point must be carefully considered in the recruitment and training process.

From: Matthew Balfour, Cabinet Member for Environment and Transport

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 17 November 2016

Subject: **Kent and Medway Growth and Infrastructure Framework**

Classification: Unrestricted

Past Pathway of Paper: Scrutiny Committee - 9 November 2016

Future Pathway of Paper: Environment & Transport Cabinet Committee Summer 2017

Electoral Division: All

Summary:

The Kent and Medway Growth and Infrastructure Framework (GIF) was published in 2015; a first of its kind –a strategic framework that assesses housing and economic growth and the associated infrastructure funding needs for the county up to 2031. This paper provides the Cabinet Committee with an update on the progress and achievements of the GIF to date, together with a summary of the findings of the 2016 interim update that has recently been completed (in draft). The paper also sets out the proposed programme of work for the 2017 GIF update and potential actions that will help to unlock key barriers to growth.

Recommendations:

The Environment and Transport Cabinet Committee is asked to:

- note and comment on the work undertaken in relation to the 2015 GIF and the 2016 draft update;
- comment on and endorse the proposed next steps in progressing the full 2017 GIF update; and
- comment on and agree to a further GIF update being reported back to the Committee in Summer 2017.

1. Introduction

1.1. In 2015, KCC published the Kent and Medway Growth and Infrastructure Framework (GIF), a first of its kind in assessing the predicted levels of housing and economic growth for the county and the infrastructure needed to support this. The analysis showed a significant gap between the funding required and that anticipated/secured from central government, development contributions and other investment. Of the £6.74 billion investment needed, a third (£2.01

billion or £118 million pa) was still required to support the predicted 158,500 new homes, 293,300 new people and 135,800 new jobs within the county between 2011 and 2031.

- 1.2. The GIF gives us a tool and a platform from which to engage with Government and other partners, in how we meet that funding gap. An action plan was developed, which centred on working with partners and Government to find ways of making the most of the resources we have; finding innovative ways to secure funding and investment; and unlocking the value we can create from development, present and future, to invest in the infrastructure that is so critical to making growth happen.
- 1.3. This report sets out progress against this action plan, introduces the draft interim refresh data and summarises the onward work programme.

2. Achievements of the last year

- 2.1. The GIF action plan (see background document) provides the starting point to measure progress over the past year. A summary of progress is set out below:

- 1) *Using the GIF to attract investment*

- a) Use of the GIF to prioritise and provide robust evidence to support the £69.8m bid to the Local Growth Fund (LGF) Round 3 that has been put forward to Government as part of the overall South East Local Enterprise Partnership submission in July; and
- b) Use of the GIF to underpin the emerging Local Transport Plan 4, which sets out the county's strategic transport priorities and the progress of several key transport projects for Kent and Medway that were identified in the GIF.

- 2) *Using the GIF to engage with London and the Southeast*

- a) Working with South East Strategic Leaders, South East Planning Officers' Society, the Wider South East Officer Working Group and South East England Councils to raise awareness and join up efforts on the infrastructure challenges across the South East region;
- b) Working with Greater London Authority (GLA) to consider London demographics and the population forecasts. A model has been developed by the GLA, which looks at migration in and out of London. This modelling work has been produced in-house by the GLA and has not yet been officially released or externally validated. However, we will examine the model and evaluate the results in due course, and use it to provide a starting point to assess some of the impacts of London's growth to inform future iterations of the GIF; and
- c) Progress on the development of a shared programme of work for KCC that is delivering the GIF, a Single Forecasting System (SFS), Single Monitoring System (SMS) and Single Communications Channel (SCC). These systems will enable KCC to forecast, monitor

and communicate Kent's infrastructure needs more clearly and effectively to developers and districts, and ultimately, enable KCC to robustly and effectively monitor the securing and deployment of developer contributions to deliver infrastructure to support growth.

3) *Engaging with key infrastructure providers*

- a) Establishment of the Kent Utilities Engagement Sub-Committee (covering water, gas, power and telecommunications) to engage with the relevant bodies to ensure that in the delivery of new development, utility companies understand the growth ambitions across the county and plan accordingly;
- b) Regular liaison (officer and member attended) with Kent's three largest water companies continues and the development of similar engagement with both UK Power Networks and OFGEM; and
- c) Work with Health and Wellbeing Boards to identify how the GIF can assist with better joint working and ultimately with Kent's Sustainable Transformation Plan.

4) *Using GIF as a platform for engagement*

- a) Engagement with Kent districts around the GIF refresh, LTP4 and LGF;
- b) Regular liaison with Kent Developers Group, with GIF a standing item on the group's agenda as a platform for identifying shared issues in delivery of growth and infrastructure; and
- c) Development of a Growth and Infrastructure Communications Strategy, which closely aligns communication work to that also being undertaken for the LGF so that efforts are coordinated and messages are consistent.

5) *Winner of RTPI award*

In addition, the GIF was chosen as the Winner of the 'Excellence in the Planning to Deliver Infrastructure' category of the Royal Town Planning Institute (RTPI) Southeast Planning Awards 2016, where it was recognised for the innovative approach being taken by Kent in not only creating the evidence base but in how it is now being used to shape the infrastructure agenda.

3. GIF interim refresh: 2016

3.1. Following revised housing figures from a number of the districts, it was agreed that an interim refresh would be commissioned to reflect new housing and population forecasts. This refresh would also address:

- a) Revised education needs;
- b) Further district input to ensuring that the GIF accurately reflects district priorities;
- c) A more accurate picture of utilities, broadband and waste;
- d) A perspective on ongoing maintenance costs, as well as capital costs;

- e) A fuller understanding of the “impact” of London – migration and housing; and
 - f) General amendments to address some concerns raised by stakeholders.
- 3.2. A period of informal consultation with districts was undertaken to ensure that they concurred with the revised housing and population figures. Likewise, KCC service providers were given the opportunity to review and revise the infrastructure chapters. This was a useful precursor to the work that will be required for a full update to follow in 2017.
- 3.3. The revised figures have shown a marked increase in population forecasts, owing to changes in the assumptions used to predict growth. Unsurprisingly, this increase in population has an associated rise in predicted housing and infrastructure requirements and costs.

Calculation	2015	2016
New homes	158,500	188,200
New people	293,300	413,900
New jobs	135,800	135,800
Total infrastructure costs	£6,740,580,000	£7,113,740,000
Total secured funding	£704,140,000	£723,820,000
Total expected funding	£4,028,910,000	£4,142,280,000
Total funding gap	£2,007,520,000	£2,247,650,000
% of infrastructure funded	70%	68%

3.4 Implications of the new findings include:

- a) An annual population growth of c.17,300 per year;
- b) An annual target for housing delivery in Kent and Medway of 9,410 per annum (almost twice the average rate of completions when looking at the period 2011-2015). Although there are district variations across the county there are notable differences between actual housing delivery rates and the aggregated housing requirement over the next twenty years;
- c) Delivering the expected increased rate of housing will rely on more than just planning and will require other levers, such as infrastructure, to enable growth to be accelerated;
- d) There has been an increase in the estimated cost of infrastructure needed, without a subsequent increase in either secured or expected funding to match that increased need. The gap has gone from just over £2bn to £2.25bn. As such, the infrastructure challenge, if anything, has grown in significance;
- e) There will be continued pressure from internal migration on Kent's population figures, with particular focus of pressure from London; and
- f) Maintenance of infrastructure is a growing issue that needs consideration alongside the delivery of new infrastructure. For the first time, the GIF starts to refer to the maintenance costs for highways and Public Rights of Way and the theme identified is relevant to all types of infrastructure identified in the GIF. The delivery of such infrastructure must be made with

a full understanding of the long-term maintenance obligations it will place on KCC.

4. Proposed next steps

4.1 With the draft refresh work now complete in draft, further work will be undertaken to ensure that KCC is proactively positioned to use the GIF to unlock some of the key barriers standing in the way of progress in this agenda:

a) **Pro-active engagement with the new Government**, including the Department for Communities and Local Government and Department for Transport to introduce the GIF, our key messages and infrastructure priorities. This will also include developing and then taking to Government the following policy priorities:

- Forward-funding for complex but critical infrastructure;
- Review of the five-year land supply policy and its application;
- Review of the “Redbridge issue¹” and the impact this has on infrastructure provision. This is a high-level issue that will need to be taken up with the Local Government Association, London councils and Government. It is proposed that KCC undertake to engage with London Councils to try to establish a MoU or concordat between Kent and London, which sets out some basic principles for how we expect to be engaged when such moves are taking place;
- Kent’s strategic infrastructure priorities and the importance of this infrastructure to support an increasingly significant international gateway;
- Issues arising from the implementation of CIL and the impact on funding necessary strategic infrastructure.

b) **Engagement with the new London Mayor’s office** to explore a more robust collaboration in the development of the London Plan;

c) **Continued engagement of the utilities** through the Utilities Engagement Sub-Committee and development of recommendations for improvements to the way in which utilities are delivered in line with growth;

d) **A fuller picture of the county’s commercial forecast in the GIF**, developing a strategic understanding of both existing and forecast development, together with an assessment of the quality of that accommodation against growth sectors and their needs;

e) **Collaboration with the Housing Finance Institute (HFI)** on utilities dependency mapping, to identify infrastructure constraints geographically

¹ The purchase of a lease of ex-military housing at Howe Barracks in Canterbury by Redbridge Council highlighted a potential growing issue for Kent, as well as other counties surrounding London. The move, which placed Redbridge families into Canterbury, came with little notice or subsequent communication with KCC or the City Council and without any compensation for the additional burden on infrastructure that would be incurred as a result.

in order to target further the county's efforts to overcome barriers to sustainable growth;

- f) **Prepare a prospectus on Accelerating Housing Solutions**, with Kent Developers Group, Kent Housing Group and the Homes and Communities Agency, to put forward several game-changer solutions to unlock potential for accelerated housing growth; and
- g) **Strengthen emphasis on place-making:** championing high quality design through the development and support of robust policies in Local Plans and exploring the levers KCC has to promote high quality design in the delivery of both housing and resilient infrastructure.

Full GIF update for 2017

- 4.2 Moving forward, a full 2017 update of the GIF will be undertaken in-house.
- 4.3 The full refresh will incorporate a re-examination of the methodological approach, which will look to refine the process to give the most accurate picture throughout. With such a refinement, there could potentially be some variations in the data, compared to 2015 and 2016 outputs.
- 4.4 The revised set of housing and population figures will be available from late November/early December 2016, for KCC service providers to begin updating their infrastructure requirements, which will then be used to inform the 2017 GIF update. An Engagement Plan is being prepared which, together with a Communication Strategy, will set out how we engage with stakeholders including districts, local partners (such as Kent and Medway Economic Partnership (KMEP), Kent Developers Group (KDG) and Kent Housing Group (KHG)), central Government and business, to refine the brief for the full GIF update.
- 4.5 Work has commenced to develop an online platform for the Framework that will enable the user to navigate and interrogate the data. This will be developed throughout 2017, with the aim of having some GIF data available on the online platform by the start of the 2017 financial year.
- 4.6 In the context of the proposed timetable, it is recommended that a further GIF update is reported back to the Committee in Summer 2017.

5. Financial Implications

- 5.1 The GIF 2016 interim refresh was delivered via a commission with Aecom for £22,000.
- 5.2 The work set out in Proposed next steps (section 4) will be delivered using existing staff resource. The full 2017 update will be undertaken in-house, although some work may need to be commissioned in respect of the design for 2017 report, the online platform for the GIF and supporting data; this will be covered by existing budgets.

6. Legal Implications

6.1 There are no legal implications.

7. Equalities implications

7.1 An EQIA is being prepared.

8. Conclusions

8.1 The GIF has a crucial part to play in delivering KCC's strategic vision to ensure that expenditure in Kent is delivering better outcomes for residents, communities and businesses. It will have wide-ranging influence and support in the delivery of all three of the KCC strategic outcomes; playing a key role in supporting the economy and the health and wellbeing of Kent's residents.

8.2 The recognition that the GIF has already received from the RTPI as the winner of the 'Excellence in the Planning to Deliver Infrastructure' category emphasises its potential as an innovative mechanism that can deliver infrastructure to meet the projected growth in Kent.

9. Recommendation

The Environment and Transport Cabinet Committee is asked to:

- Note and comment on the work undertaken in relation to the 2015 GIF and the 2016 draft update;
- Comment on and endorse the proposed next steps in progressing the full 2017 GIF update
- Comment on and agree to a further GIF update being reported back to the Committee in Summer 2017.

10. Appendices and Background Documents

- Appendix 1: GIF Action Plan
- Draft GIF interim refresh 2016 -

<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=SD4862&ID=4862&R PID=11510920>

11. Contact details

Report Author Sarah Platts, Strategic Planning and Infrastructure Manager Tel: 03000 419225	Relevant Director Katie Stewart, Director of Environment, Planning and Enforcement Tel: 03000 418827
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APPENDIX 1: GIF Action Plan

Action 1: Innovation in financing

Discussions with Government on the shortfall in capital funding growth and work collaboratively to find 'new innovative ways' of closing the funding gap (e.g. Tax Increment Funding (TI F), Institutional Investment, better application of CIL etc).

Action 2: A single Infrastructure Delivery Plan for Kent

Explore the feasibility of producing a single Infrastructure Delivery Plan for Kent and Medway reflecting the robust partnership working with the district authorities and Medway.

Action 3: A stronger relationship with London and the Southeast

Engage with South East Strategic Leaders and the County Councils in the South East on strategic issues and priorities, in particular transport, including linkages to London and radial routes to better connect the wider South East.

Action 4: Reform of CIL and developer contributions

Engage Government, using existing networks such as the County Councils Network where appropriate, to explore means of refining the current CIL and developer contribution mechanisms to better take account of varying viability in different areas of the country, to maximise the potential of CIL .

Action 5: The potential for private sector investment

Open discussions with the private sector including the development, pension and insurance sectors, and other investment sectors to explore the feasibility of establishing an 'Institutional Investment' pot for infrastructure and other mechanisms that may help fund infrastructure.

Action 6: A stronger relationship with the utilities

We will collaborate with the utilities sector to seek improved medium to long term planning aligned to the County's growth plans. A key role for the public sector will be to hold utilities companies to account to make the necessary capital investment. Through establishing County Council scrutiny arrangements for utility provision (which have the opportunity to feed into OFWAT, OFGEN, etc) matching utility companies' capital investment plans to the growth plan.

Action 7: Maximise the public estate

We will use the One Public Estate pilot commencing across Kent to seek to ensure we are maximising opportunities to lever in investment opportunities to fund and support growth.

Action 8: Ensuring the GIF is a "go-to" reference for infrastructure priorities

The GIF will be regularly refreshed to reflect the ongoing development of the Kent and Medway Local Plans and to enable refinement of many of the areas of evidence within the framework including costs and future funding assumptions.

Action 9: An integrated approach to planning and delivering growth

Monitor annually on a district-by-district basis:

- Progress of Local Plans;
- Delivery of housing and employment space;
- Receipts from developer contributions and CIL;
- Public and private sector investment in the county, including into the health and social care sectors and;
- Utility company capital investment.

Action 10: A robust design agenda for Kent and Medway

Consider how we can build on and refine current activity in the county aimed at ensuring high quality design, including working with Kent Planning Officers Group and Design South East and updating the Kent Design Guide where required.

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From: John Lynch, Head of Democratic Services

To: Environment and Transport Cabinet Committee – 17 November 2016

Subject: Work Programme 2017

Classification: Unrestricted

Pathway: Standard Item

Summary: This report gives details of the proposed Work Programme for the Environment & Transport Cabinet Committee.

Recommendation: The Environment & Transport Cabinet Committee is asked to consider and agree its Work Programme for 2017 as set out in Appendix 1 of this report.

1. Introduction

(1) The proposed Work Programme has been compiled from items on the Forthcoming Executive Decision List; from actions arising from previous meetings, and from topics identified at agenda setting meetings, held 6 weeks before each Cabinet Committee meeting in accordance with the Constitution by the Chairman, Mr Harrison, and the Vice-Chairman, Mr Pearman as well as the 3 Group Spokesman; Mr Baldock, Mr Caller and Mr Chittenden.

(2) Whilst the Chairman, in consultation with the Cabinet Members, is responsible for the final selection of items for the agenda, this item gives all Members of the Cabinet Committee the opportunity to suggest amendments and additional agenda items where appropriate.

2. Terms of Reference

(1) At its meeting held on 27 March 2014, the County Council agreed the following terms of reference for the Environment and Transport Cabinet Committee *'To be responsible for the majority of the functions that fall within the responsibilities of the Director of Highways, Transportation and Waste and Director of Environment Planning and Enforcement and which sit within the Growth, Environment and Transport Directorate'*. The functions within the remit of this Cabinet Committee are:

Highways Transportation & Waste

- Highway Operations
- Programmed Works
- Transportation
- Public Transport
- Future Service Improvement
- Contract Management
- Waste Resource Management
- Road Safety including Road Crossing Patrols

Environment, Planning & Enforcement

- Sustainability and Climate Change
- Heritage Conservation
- Country Parks
- Strategic Transport Planning
- Regulatory Services-Including Public Rights of Way & Access
- Kent Scientific Services & Countryside Management Partnerships
- Flood Risk and Natural Environment
- Environment programmes
- Gypsy and Traveller Unit
- Local Development Plans
- Trading Standards
- Coroners
- Community Safety & Emergency Planning, including Community Wardens

3. Work Programme 2017

(1) An agenda setting meeting was held on 4 October 2016 and items for this meeting's agenda were agreed. The Cabinet Committee is requested to consider and note the items within the proposed Work Programme, set out in Appendix 1 to this report, and to suggest any additional topics that they wish to be considered for inclusion to the agenda of future meetings.

(2) When selecting future items the Cabinet Committee should give consideration to the contents of performance monitoring reports. Any 'for information' or briefing items will be sent to Members of the Cabinet Committee separately to the agenda or separate member briefings will be arranged where appropriate.

(3) The schedule of commissioning activity 2015-16 to 2017-18 that falls within the remit of this Cabinet Committee will be included in the Work Programme and considered at future agenda setting meetings to support more effective forward agenda planning and allows Members to have oversight of significant services delivery decisions in advance. The next agenda setting meeting is scheduled to be held on Monday, 14 March 2016.

4. Conclusion

It is vital for the Cabinet Committee process that the Committee takes ownership of its Work Programme to help the Cabinet Member to deliver informed and considered decisions. A regular report will be submitted to each meeting of the Cabinet Committee to give updates of requested topics and to seek suggestions for future items to be considered. This does not preclude Members making requests to the Chairman or the Democratic Services Officer between meetings for consideration.

5. Recommendation

The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme for 2016 as set out in Appendix A to this report.

6. Background Documents

None

7. Appendix

Work Programme – Appendix A

8. Contact details

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**Environment and Transport Cabinet Committee
WORK PROGRAMME 2017**

Agenda Section	Items
Thursday, 12 January 2017	
A – Committee Business	<ul style="list-style-type: none"> • Declarations of interest • Minutes • Verbal Updates
B - Performance Monitoring	<ul style="list-style-type: none"> • Performance Dashboard
C - Key or Significant Decisions for Recommendation or Endorsement	<ul style="list-style-type: none"> • LTP4 – post consultation draft • KCC's response to DfT on new Southeastern Franchise • Adoption of and Asset Management Approach in Highways Maintenance, in order to maximise Capital Funding issued by the Department of Transport • Approval of Waste Strategy • Kent Environment Strategy • Dimming of Street lights
D – Other Items for comment / recommendation	<ul style="list-style-type: none"> • Revised KCC Environmental Strategy • Ash Die Back • LGF Individual Project Scheme Update (subject to government announcement) • Sub-National Transport Board for the South East (provisional) • Work Programme 2017
E- FOR INFORMATION ONLY	<ul style="list-style-type: none"> •
13 March 2017	
A – Committee Business	<ul style="list-style-type: none"> • Declarations of interest • Minutes • Verbal Updates
B - Performance Monitoring	<ul style="list-style-type: none"> • Performance Dashboard
C - Key or Significant Decisions for Recommendation or Endorsement	<ul style="list-style-type: none"> • Fees and Charges for Highway Activity 17/18
D – Other Items for comment / recommendation	<ul style="list-style-type: none"> • GET Business Planning • GET Risk Register and Management • Work Programme 2017
E- FOR INFORMATION ONLY	<ul style="list-style-type: none"> •
May 2017	

A – Committee Business	<ul style="list-style-type: none"> • Declarations of interest • Minutes • Verbal Updates
B - Performance Monitoring	<ul style="list-style-type: none"> • Performance Dashboard
C - Key or Significant Decisions for Recommendation or Endorsement	<ul style="list-style-type: none"> •
D – Other Items for comment / recommendation	<ul style="list-style-type: none"> • Work Programme 2017
E- FOR INFORMATION ONLY	<ul style="list-style-type: none"> •
July 2017	
A – Committee Business	<ul style="list-style-type: none"> • Declarations of interest • Minutes • Verbal Updates
B - Performance Monitoring	<ul style="list-style-type: none"> • Performance Dashboard
C - Key or Significant Decisions for Recommendation or Endorsement	<ul style="list-style-type: none"> •
D – Other Items for comment / recommendation	<ul style="list-style-type: none"> • Work Programme 2017
E- FOR INFORMATION ONLY	<ul style="list-style-type: none"> •
September 2017	
A – Committee Business	<ul style="list-style-type: none"> • Declarations of interest • Minutes • Verbal Updates
B - Performance Monitoring	<ul style="list-style-type: none"> • Performance Dashboard
C - Key or Significant Decisions for Recommendation or Endorsement	<ul style="list-style-type: none"> •
D – Other Items for comment / recommendation	<ul style="list-style-type: none"> • • Annual Equalities and Diversity Report • Work Programme 2017
E- FOR INFORMATION ONLY	<ul style="list-style-type: none"> •
October 2017	
A – Committee Business	<ul style="list-style-type: none"> • Declarations of interest • Minutes • Verbal Updates
B - Performance Monitoring	<ul style="list-style-type: none"> • Performance Dashboard

C - Key or Significant Decisions for Recommendation or Endorsement	•
D – Other Items for comment / recommendation	• Work Programme 2017/18
E- FOR INFORMATION ONLY	•
November 2017	
A – Committee Business	• Declarations of interest • Minutes • Verbal Updates
B - Performance Monitoring	• Performance Dashboard
C - Key or Significant Decisions for Recommendation or Endorsement	•
D – Other Items for comment / recommendation	• Work Programme 2017/18
E- FOR INFORMATION ONLY	•
	•

Items for Consideration that have not yet been allocated to a meeting	
B - Performance Monitoring	•
C - Key or Significant Decisions for Recommendation or Endorsement	• Local Transport Strategies – Approval- Various • Flood and Drainage Policy • Country Parks
D – Other Items for comment / recommendation	• Aviation/Gatwick report • SLGF2 Dover Western Docks • SLGF2 Folkestone Seafront • Lower Thames Crossing • Tunbridge Wells – Local Transport Plan Principles • Planning Application Fees and Charges
E- FOR INFORMATION ONLY	•

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