

**ENVIRONMENT & TRANSPORT CABINET COMMITTEE**

**Thursday, 18th March, 2021**

**10.00 am**

**Online**







## AGENDA

### ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Thursday, 18 March 2021 at 10.00 am  
Online

Ask for: **Ann Hunter**  
Telephone: **03000 416287**

#### Membership (16)

Conservative (12):	Mr S Holden (Chairman), Mr R C Love, OBE (Vice-Chairman), Mr M A C Balfour, Mr A Booth, Mr T Bond, Mr A H T Bowles, Mr D L Brazier, Mr A Cook, Mr N J Collor, Mr A R Hills, Mr J M Ozog and Mr H Rayner
Liberal Democrat (2):	Mr I S Chittenden and Mr A J Hook
Labour (1)	Mr B H Lewis
Independents Green Party) (1)	Mr M E Whybrow

#### **UNRESTRICTED ITEMS**

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

- 1 Introduction
- 2 Apologies and Substitutes  
To receive apologies for absence and notification of any substitutes present
- 3 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.
- 4 Minutes of the meeting held on 19 January 2020 (Pages 1 - 14)
- 5 Verbal Updates by Cabinet Members and Corporate Director
- 6 EU Transition Update (Presentation)
- 7 21/00026 - Update of the Kent Minerals and Waste Safeguarding Supplementary Planning Document - Outcome of Consultation and Adoption (Pages 15 - 132)

- 8 21/00029 -Outcome of Consultation and Adoption of Statement of Community Involvement: Minerals and Waste Planning Policy and Planning Applications - Minerals and Waste and County Council Development (Pages 133 - 202)
- 9 Maidstone Heat Network Project (Pages 203 - 208)
- 10 Nature Based Solutions to Climate Change (Pages 209 - 220)
- 11 21/00027 - Kent County Council Adoption of the third revision of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2020-2025 (Pages 221 - 228)
- 12 21/00036 Department for Environment, Food and Rural Affairs (Defra) Grant Funding - Farming in Protected Landscapes (Pages 229 - 234)
- 13 21/00037 Low Carbon across the South and East (LoCASE) (Pages 235 - 244)
- 14 HGV Parking and Enforcement Update (Pages 245 - 248)
- 15 Department for Transport (DfT) Consultation: Night Flight Restrictions (Pages 249 - 264)
- 16 Shared Outcomes Fund - Trees Outside Woodland - Progress Update (Pages 265 - 278)
- 17 21/00030 - Proposed Inland Border Facility at White Cliffs, Dover (Pages 279 - 284)
- 18 Decisions taken between Cabinet Committee Meetings (21/00034) (Pages 285 - 292)
- 19 Performance Dashboard (Pages 293 - 304)
- 20 Work Programme 2021-22 (Pages 305 - 308)
- 21 Dates of Environment and Transport Cabinet Committee Meetings in 2021//22  
To note that meetings of the Environment and Transport Cabinet Committee will take place at 10.00 am on the following dates:

25 June 2021  
19 January 2022

10 September 2021  
17 March 2022

11 November 2021  
24 June 2022

### **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)*

Benjamin Watts  
General Counsel  
03000 416814

**Wednesday, 10 March 2021**

**KENT COUNTY COUNCIL**

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**ENVIRONMENT & TRANSPORT CABINET COMMITTEE**

MINUTES of a meeting of the Environment & Transport Cabinet Committee held online on Tuesday, 19 January 2021.

PRESENT: Mr S Holden (Chairman), Mr R C Love, OBE (Vice-Chairman), Mr M A C Balfour, Mr A Booth, Mr T Bond, Mr A H T Bowles, Mr D L Brazier, Mr I S Chittenden, Mr A Cook, Mr N J Collor, Mr A R Hills, Mr A J Hook, Mr B H Lewis, Mr J M Ozog, Mr H Rayner and Mr M E Whybrow

ALSO PRESENT: Miss S J Carey, Mr P J Oakford and Mr M D Payne

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mrs S Holt-Castle (Interim Director of Environment, Planning and Enforcement) and Mr S Jones (Director of Highways, Transportation and Waste)

**UNRESTRICTED ITEMS****308. Introduction**

*(Item 1)*

The chairman said he proposed to introduce an additional urgent item on neonicotinoids which would be discussed immediately before the verbal updates from Cabinet Members. He had included it in today's agenda as its consideration could not reasonably be delayed to the next meeting of the cabinet committee in March. In addition, the chairman said he intended to amend the order of the agenda so that item 5 – Impact of Brexit Transition followed item 6 – Verbal Updates by Cabinet Members and Corporate Director and item 20 - Department for Transport (DfT) 48 tonne Intermodal Freight Trial Consultation would be considered after item 8 - Covid-19 and Recovery - Service Impact update.

**309. Apologies and Substitutes**

*(Item 2)*

There were no apologies or substitutes.

**310. Declarations of Interest by Members in items on the Agenda**

*(Item 3)*

1. Mr Collor declared non-pecuniary interests in relation to items 13 and 19, as he is Dover District Council's Portfolio Holder for Transport, Licensing and Community and a member of the Market Square project board.
2. Mr Bond declared a non-pecuniary interest in relation to item 19, as he is a director of the Dover town team.

**311. Minutes of the meeting held on 12 November 2020**

*(Item 4)*

RESOLVED that the minutes of the meeting held on 12 November 2020 be approved as a correct record and that they be signed by the Chairman.

### **312. Impact of Brexit Transition (Traffic Management) - Presentation** (Item 5)

1. Mrs Cooper gave a presentation, a copy of which is at an appendix to these minutes. Mrs Cooper outlined the timeline of the Brexit transition plan and key developments which had occurred since the 20 December 2020 Channel border closure. She detailed the implementation of Operation Brock on the M20, explained the Covid-19 testing requirements and thanked the many community organisations that had provided food and supplies for the drivers of heavy goods vehicles (HGVs) affected by the disruptions.
2. Mrs Cooper said that Covid-19 testing for drivers of HGVs and lorries had been delivered at the Manston Lorry Park, Lydden Hill Race Circuit and on the M20. She expressed her gratitude to the Armed Forces for their logistical support. She said a negative Covid-19 test was required from hauliers to permit their entrance into Kent and that this requirement had relieved traffic pressures in the county. The key lessons learnt were being addressed and included communications, driver welfare, clearing traffic in Dover and focusing to a greater extent on light goods vehicles (LGVs). The enforcement measures related to Operation Brock, the Kent Access Permit and anti-social HGV parking were highlighted.
3. Mrs Cooper provided an overview of logistical developments and trends in Kent since 1 January 2021. She informed members that the consultation on the Department for Transport's Strategic Development Order for the White Cliffs Inland Border Facility ran until 2 February 2021. In response to a question, Mrs Cooper said that the Department for Transport (DfT) had led the site search and that Kent County Council's role was to complete the construction. She said any views from members about the proposed facility could be included in the consultation response.
4. In response to members' concerns regarding the negative impact of transition developments on fresh fish haulage, Mrs Cooper said fresh fish was considered to be priority freight and that the Department for Environment, Food and Rural Affairs (DEFRA) and HM Revenue & Customs (HMRC) were working to reduce the time delays and logistical burden on the sector.
5. The difficulty of removing LGV congestion in Dover and the negative impact of the gridlock were highlighted. Concerns were raised over the great extent that emergency services and public transport access had been limited.
6. A member asked whether there was sufficient signage, camera surveillance and support to assist vehicles which had broken down on the M20 during Operation Brock. Mrs Cooper confirmed that Highways England did have sufficient cameras and recovery trucks were placed to support broken down vehicles in the highlighted area.

7. In response to a question, Mr Jones said that food that was not required at the Manston Lorry Park had been distributed to local communities in Thanet.
8. RESOLVED that the update be noted.

### **313. Urgent item - Neonicotinoids**

1. The chairman introduced the item by saying that the Department for Environment, Food and Rural Affairs had, on 8 January 2021, published a statement about its decision to issue, with strict conditions, emergency authorisation to use a product containing a neonicotinoid to treat sugar beet seed. He provided a brief description of neonicotinoids, their agricultural use and possible impact on pollinators.
2. Members noted that an independent scientific judgement on the impact of neonicotinoids on pollinators would have better informed their analysis. It was also acknowledged that the policy was primarily targeted at East Anglia's sugar beet industry and that no initial use of neonicotinoids had been planned in Kent. Concerns were, however, raised that the policy could lead to a nationwide adoption of neonicotinoids and that it was important to protect Kent's pollinators, as had been highlighted by Kent's Plan Bee.
3. Miss Carey said that Kent County Council was committed to reducing the use of pesticides in agriculture wherever possible and understood the important role pollinators played in Kent's biodiversity.
4. RESOLVED to ask the Cabinet Member for Environment in consultation with the chairman, to write to the Secretary of State for Environment, Food and Rural Affairs raising Kent County Council's concerns regarding the future use of neonicotinoids.

### **314. Verbal Updates by the Cabinet Members and Corporate Director** *(Item 6)*

1. Mr Payne paid tribute to the continued dedication and commitment of Highways and Transport staff and noted that projects had progressed significantly, as was evidenced by the agenda, despite social distancing requirements and remote working arrangements in many services. Mr Payne added that due to continued restrictions member site visits could not be organised in the near future.
2. Miss Carey provided a verbal update on recent Environment and Waste developments. She reminded members that newsletters had been released detailing environment and waste developments in Kent. Miss Carey said that Allington Quarry Waste Management Facility had been temporarily shut to allow maintenance work to take place. She thanked members of staff across the Environment, Planning and Waste divisions, as well as all contractors for their work throughout the pandemic.

3. Miss Carey said that Kent Youth County Council had launched an 'Unplug It' campaign, to encourage young people to unplug non-essential electrical goods which would otherwise be on standby, in order to reduce energy consumption.
4. RESOLVED that the verbal updates be noted.

### **315. ADEPT Kent Live Labs Project - Vivacity Labs Sensor System Trial** (Item 7)

*Mrs C Valentine (Highway Manager), Andrew Loosemore, Head of Highways Asset Management and Joe Kimberley Project Manager – Amey PLC) were in attendance for this item.*

1. Mr Payne gave an overview of the Kent Vivacity Labs Sensor System trial. He said the objective of the trials was to provide enhanced survey and project monitoring capabilities, and reassured members that all system data was anonymised. Mr Jones confirmed that the cameras used in the trial were used exclusively to monitor traffic and that no cameras had been deployed for enforcement purposes.
2. Mrs Valentine provided a technical summary of the Vivacity camera operations. A confirmation was made that the cameras had been deployed in all recent safety schemes to monitor pedestrian and vehicle movements. She reiterated the fact that no personal data was used or stored by the system. Mrs Valentine added that the trial had allowed Kent to trial innovative project solutions.
3. The commitment to protect personal privacy was commended by members. Improvements to productivity were also highlighted and in particular the potential for staff hour savings that might be enabled by the technology .
4. A Member acknowledged the benefits that the Live Labs programme had on the accuracy and depth of information Highways had at its disposal, when considering future projects.
5. RESOLVED that the report be noted.

### **316. Covid-19 and Recovery - Service Impact update - Presentation** (Item 8)

1. Mrs Holt-Castle gave a short presentation about the impact of Covid-19 on the delivery of services, a copy of which is at an appendix to the minutes. She said that, despite national and local restrictions, Environment, Planning and Enforcement teams had continued to operate services, however a reduction in income was projected. She outlined the impact of Covid-19 on staff which included longer periods of sickness and the pressures arising from additional



caring responsibilities. She said that communities and residents had high expectations of swift service responses and resolutions despite Covid-19 restrictions.

2. Mr Jones informed the cabinet committee that the Highways team had continued to operate an effective emergency response service throughout the pandemic. He addressed winter services, confirming that despite social restrictions operations had continued to the fullest extent. Mr Jones said that members of the public and staff had not conducted public meetings or visits during the restrictions. He stated that flexible staff working arrangements were encouraged wherever possible.
3. Mr Jones confirmed that school crossing patrol services has been halted and that Kent Travel Saver direct debits had been ceased for January and February 2021 following the nationwide closure of schools.
4. In response to a question about reductions in bus services not considered socially necessary, Mr Jones said that bus operators had suffered high staff Covid-19 illness rates, which affected their capacity to provide services which considered not to be socially necessary, however, the Public Transport team continued to cooperate with service providers to increase service capacity.
5. Mr Jones and Mr Lightowler were thanked for work in supporting public transport on the Romney Marsh during the pandemic.
6. RESOLVED that the update be noted.

### **317. Draft Capital Programme 2021-24 and Revenue Budget 2021-22** (Item 9)

*Mr P Oakford (Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services); Zena Cooke (Corporate Director of Finance) and Dave Shipton (Head of Finance Policy, Planning and Strategy) were in attendance for this item.*

1. Mr Oakford introduced the report on the proposed draft capital and revenue budgets. The future challenges and uncertainties which had impacted corporate finances were highlighted and included future central government financial settlements, ongoing Covid-19 response costs and a decrease in Kent's Council Tax base.
2. Mr Oakford confirmed that the recommended Council Tax increase for 2021-2022 was 5%. He added that the significant increase resulted from substantial Covid-19 induced financial burdens and added risks. It was said a 5% increase had been recommended by central government and that future government grant support could be negatively impacted without the implementation of the recommendation. He also said that costs incurred during the third national lockdown were not addressed in the draft budgets.

3. Mr Shipton drew attention to the proposed changes in revenue expenditure and said that strategic and service considerations had been the key drivers of financial adjustments. He provided a detailed overview of the impact tax base uncertainties had on the County Council's finances, a -1% decline in the overall tax base had been predicted, this was compared to a previous annual average growth of 2%, it was noted that Council Tax had previously encompassed ~70% of funding which was predicted to fall proportionally due to increased central government grant funding.
4. In response to a concern raised about the financial risk of uncertain tax yields, Mrs Cooke said that Kent's local authority trading company dividends had been removed from supporting the base budget to strengthen County Council finances in the event of lower than expected returns.
5. In response to a question Mrs Cooke said that the Thanet Parkway capital programme included £28m external funding plus KCC funding of £6m and that a detailed breakdown of individual schemes had not been shown in the capital budget for several years.
6. RESOLVED that the draft capital and revenue budgets including the responses to the budget consultation be noted .

**318. 21/00007 Urban Traffic Management and Control (UTMC) Project**  
*(Item 10)*

*Lee Burchill (Major Capital Programme Manager) and Toby Butler (Traffic & Network Solutions Asset Manager) were in attendance for this item.*

1. Mr Payne gave a verbal overview of the Urban Traffic Management and Control project and confirmed that the Ebbsfleet Development Corporation (EDC) were providing all project funding. The cooperation between local authorities and stakeholders was commended, as was the overall positive impact infrastructure improvements were predicted to have on the wider Dartford and Gravesham districts.
2. RESOLVED to endorse the proposed decision of the Cabinet Member for Highways and Transport to accept the capital grant from Ebbsfleet Development Company, to take the UTMC project through the stages of development and delivery and specifically for approval:
  - (a) for KCC to enter into a funding agreement with EDC subject to the approval of the Corporate Director of Finance, Corporate and Strategic Services;
  - (b) to undertake the design and surveys for the UTMC project. The design work will be undertaken by the KCC Traffic and Network Solutions team;
  - (c) to progress all statutory approvals or consents required for the schemes, including transfer of land and rights;

- (d) to carry out any additional consultation required for the scheme;
- (e) to enter into construction contracts as necessary for the delivery and future maintenance of the scheme;
- (f) for any further decisions required to allow the scheme to proceed through to delivery to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.

**319. Department for Transport (DfT) 48 tonne Intermodal Freight Trial Consultation**  
*(Item 20)*

*Joe Ratcliffe (Transport Strategy Manage) was in attendance for this item.*

1. Mr Payne outlined the timeframe of the consultation, confirmed that a draft officer holding response had been submitted. He also said that the Department for Transport had proposed a four-year trial however the draft response had recommended a two-year trial.
2. Mr Ratcliffe explained the proposed changes to haulage usage and limits, to encourage a greater adoption of rail and water freight. He confirmed that the trial had proposed using a limited number of specially selected routes and that operators would need to apply to the Department for Transport in order to participate.
3. Members said that heavy goods vehicles (HGVs) had a disproportionately negative impact on Kent's highway infrastructure and that future tonnage increases could have adverse cost implications for the County Council. Concerns were raised regarding the possible impact of larger HGVs on country and residential roads, in the event of traffic diversions away from the specified routes.
4. A member noted that sufficient breakdown support for the proposed freight classification had not been addressed in the consultation document and that a failure to do so could negatively impact traffic and logistics. Members suggested that participating vehicles be required to display visual markers to distinguish them from ordinary freight.
5. Mr Payne said he had yet to be convinced that an increase in intermodal freight tonnage to 48 tonnes would lead to greater rail freight use. He said he was opposed to the trial in Kent and suggested that local trials in areas of the country with greater container-focused transport infrastructure could be beneficial.
6. Mr Ratcliffe noted the committee's responses and confirmed that future trial routes would involve further consultation.

7. RESOLVED to recommend that the Cabinet Member for Highways and Transport includes the committee's opposition to the trial in his response to the DfT consultation on a 48 Tonne Intermodal Freight trial

### **320. 21/00002 Active Travel Funding Tranche 2**

*(Item 11)*

*Nikola Floodgate, Schemes Planning & Delivery Manager was in attendance for this item.*

1. The Cabinet Member for Highways and Transport introduced the report which asked the cabinet committee to consider and endorse or make recommendations on a proposed decision to proceed to the next stages of the project by commissioning consultants to progress to detailed design and further consultation. Members said that the proposed reduction in parking spaces might have a negative impact on secondary high streets which did not have a critical mass to draw significant numbers of Saturday shoppers. Mrs Floodgate answered members' questions about proposals to improve cycle and pedestrian routes in Kent.
2. RESOLVED that the proposed decision to proceed to the next stages of commissioning consultants to progress to detailed design and further consultation be endorsed.

### **321. 21/00008 Kent Minerals and Waste Local Development Scheme - Revision 2021**

*(Item 12)*

*Sharon Thompson, (Head of Planning Applications Group) was in attendance for this item.*

1. Miss Carey introduced the report which asked the cabinet committee to consider and endorse or make recommendations on a proposed Kent Minerals and Waste Local Development Scheme 2021 which included a review of the Kent Minerals and Waste Local Plan 2013-2030, updates to the Kent Minerals and Waste Safeguarding Supplementary Planning Document and an update of the Council's Statement of Community Involvement.
2. Mrs Thompson provided greater detail about the report and issues related to the documents to be updated.
3. RESOLVED to endorse the proposed decision of the Cabinet Member for Environment that concerns:
  - (a) the review of the Kent Minerals and Waste Local Plan 2013-30
  - (b) updates to the Kent Minerals and Waste Safeguarding Supplementary Planning Document
  - (c) the review and update of the Council's Statement of Community Involvement.

### **322. 20/00118 Dover Fastrack - ANPR Enforcement of Bus Gates**

*(Item 13)*

*Phil Lightowler (Head of Public Transport) and Shane Hymers (Fastrack Development Manager) were in attendance for this item.*

1. Mr Payne introduced the report which asked the cabinet committee to consider and endorse or make recommendations on a proposed decision to approve the use of Automatic Number Plate Recognition (ANPR) to enforce bus priority measures, specifically bus gates. Mr Payne said the policy was initially intended for Dover and Kent Thameside Fastrack services, but consideration would also be given to extending such methods of enforcement across the county.
2. In response to members questions and concerns Mr Lightowler said that the design of schemes was such that it was impossible for other motorists to accidentally stray into routes designed specifically for buses and, like all other enforcement, there was an appeals process.
3. RESOLVED to endorse the proposed decision of the Cabinet Member for Highways and Transport to approve:
  - (a) the use of ANPR enforcement of bus gates for Dover and Kent Thameside Fastrack services
  - (b) and support the wider use of ANPR enforcement of bus priority measures county wide, allowing officers to approve enforcement of new schemes.

### **323. Heritage Conservation Service: Development of a Strategy and medium-term plan**

*(Item 14)*

*Lis Dyson (Heritage Conservation Manager) was in attendance for this item.*

1. Miss Carey introduced the report which provided an update on the development of a draft strategy and medium-term plan for the County Council's Heritage Conservation Service. She said that the cabinet committee had requested sight of the strategy at its meeting in October 2019. The development of the strategy had been supported by a cross-party member working group and that it was intended to present the final draft strategy and medium-term plan to the Environment and Transport Committee in March 2021, ahead of public consultation.
2. Ms Dyson gave an overview of the proposed strategy and the report. She also answered members' questions relating to the recovering costs, charging for advice, the future of historic windmills in Kent, the storage of artefacts which could not be displayed, the benefits and future of community archaeological digs.
3. RESOLVED that the draft vision, strategic aims and objectives for the Heritage Conservation Strategy and associated medium-term plan be endorsed.

### **324. Vision Zero The Road Safety Strategy for Kent 2021 - 2026**

*(Item 15)*

*Rory McMullan (Casualty Reduction Manager) was in attendance for this item.*

1. Mr Payne introduced the report which asked the cabinet committee to consider, and endorse, or make recommendations on his proposed decision to approve the draft Road Casualty Reduction Strategy 2021 - 2026 and to proceed to full public consultation. Mr Payne said that the strategy was proposing a different approach to highway safety and had the support of Kent Police and the Kent Fire and Rescue Service.
2. Mr McMullan responded to members' questions and comments which included comments about the cost to Kent's industry and commerce of traffic jams following highways incidents; the likelihood of ever reaching a point where there were no fatalities on Kent's roads, the potential of making 20 miles per hour the default speed limit in residential areas; the need to target fleet operators, the process for having speed cameras repaired and the operation of the Speedwatch scheme.
3. RESOLVED to endorse the proposed decision to be made by the Cabinet Member for Highways and Transport to approve the draft Road Casualty Reduction Strategy 2021 - 2026 and to proceed to full public consultation.

### **325. Waste Processing Contracts**

*(Item 16)*

*David Beaver (Head of Waste & Business Services) and Kay Groves (Waste Services Manager) were in attendance for this item.*

1. The chairman said that items 16a to 16e inclusive would be considered together. Miss Carey introduced the reports on the proposed decisions relating to the letting of contracts for the receipt and processing of dry mixed recyclables (21/00006); highways mechanical arisings (20/00121), waste metal (20/00129), paper and card (20/00128) and wood waste (20/00122).
2. In response to members' questions, Miss Carey said the contracts being proposed supported the ambition of recycling Kent's waste in Kent, most of Kent's waste was recycled and that which went to landfill was mostly asbestos waste. She also said that the feasibility of developing recycling sites which could be accessed by ships and boats costs could be discussed at a later date.

### **325. 21/00006 Approval to commission and award a new contractual arrangement for the receipt and processing of Dry Mixed Recyclable Waste for Mid and West Kent**

*(Item 16a)*

RESOLVED to endorse the proposed decision of the Cabinet Member for Environment to commission and award a contract for the receipt and processing of dry mixed recyclables for Mid and West Kent for up to 39 months.

**325. 20/00121 - Approval to commission and award a new contractual arrangement for the receipt and processing of Highway Mechanical Arisings - (SC20026)**

*(Item 16b)*

RESOLVED to endorse the proposed decision of the Cabinet Member for Environment to commission and award a contract for the receipt and processing of highway mechanical arisings for up to five years.

**325. 20/00129 - Approval to commission and award a new contractual arrangement for the receipt and processing of waste metal**

*(Item 16c)*

RESOLVED to endorse the proposed decision of the Cabinet Member for Environment to commission and award a contract for the receipt and processing of metal waste for up to five years.

**325. 20/00128 - Approval to commission and award a new contractual arrangement for the receipt and processing of Paper and Card - (SC20048)**

*(Item 16d)*

RESOLVED to endorse the proposed decision of the Cabinet Member for Environment to commission and award a contract for the receipt and processing of paper and card for up to 5 years.

**325. 20/00122 - Approval to commission and award a new contractual arrangement for the receipt and processing of wood waste**

*(Item 16e)*

RESOLVED to endorse the proposed decision of the Cabinet Member for Environment to commission and award a new contractual arrangement for the receipt and processing of wood waste.

**326. 20/00120 - Waste performance payments for Canterbury City Council & Thanet District Council**

*(Item 17)*

*David Beaver – Head of Waste & Business Services was in attendance for this item.*

1. Miss Carey introduced the report which sought approval to provide continued financial support for the kerbside collection systems, through Inter Authority Agreements which detail a performance-based payment scheme. Miss Carey said that Canterbury City Council and Thanet District Council had arranged renewed kerbside model of waste collection to sustain increased recycling and composting levels and that this report and proposed decision followed from principles previously endorsed by the cabinet committee.

2. Mr Cook abstained from voting on this matter as he was the portfolio holder with responsibility for waste and recycling at Canterbury City Council.
3. Resolved to endorse the proposed decision of the Cabinet Member for Environment to enter into an Inter Authority Agreement) with Canterbury City Council and Thanet District Council in full to make performance payments to increase levels of recycling and reduce disposal costs for KCC.

**327. 21/00004 Maidstone Integrated Transport - A229 Loose Road Corridor Junction Improvements**  
(Item 18)

*Lee Burchill (Major Capital Programme Manager) and Russell Boorman (Senior Major Capital Programme Project Manager) were in attendance for this item.*

1. Mr Payne introduced the report which provided an update on the A229 Loose Corridor Junction Improvement schemes that were part of the Maidstone Integrated Transport Programme. He said that KCC had secured funding from the Local Growth Fund for their delivery and that the report sought the cabinet committee's endorsement to proceed through the next stages of development and delivery including authority to progress statutory approvals and to enter into funding, land and construction contracts.
2. RESOLVED to endorse the proposed decision of the Cabinet Member for Highways and Transport to give approval:
  - (a) to undertake the design and surveys for the schemes, including development control and land charge disclosures
  - (b) to progress all statutory approvals or consents required for the schemes
  - (c) to enter into land agreements with third parties as necessary
  - (d) to enter into construction contracts as necessary for the delivery of the scheme subject to the approval of the recommended procurement strategy
  - (e) to undertake engagement with all relevant stakeholders as identified in the communication plan
  - (f) for any further decisions required to allow the schemes to proceed through to delivery to be taken by the Corporate Director of Growth, Environment and Transport under the Officer Scheme of Delegations following prior consultation with the cabinet member.

**328. 21/00003 Market Square, Dover - Infrastructure delivery partner with Dover District Council**  
(Item 19)

*Lee Burchill – Major Capital Programme Manager and Barry Stiff, Project Manager, Major Capital Programme Team were in attendance for this item.*



1. Mr Payne introduced the report which asked the cabinet committee to consider and endorse or make recommendations on a proposed decision to enter into a legal agreement with Dover District Council to act as an infrastructure delivery partner at no cost or risk to the County Council and to take the project through detailed design, statutory approvals and to enter into a construction contract.
2. RESOLVED to endorse the proposed decision of the Cabinet Member for Highways and Transport to give approval:
  - (a) to enter into legal agreements with Dover District Council to undertake the delivery of the Infrastructure Works at no cost or risk to the County Council.
  - (b) for KCC officers to project manage, input into the delivery and supervision of the project, with the cost of all staff and consultant time being recoverable against the project funding.
  - (c) to complete the detailed design for the project. This work will be undertaken by a design consultant appointed through the Medway Professional Services Framework Contract.
  - (d) to progress all consents required for the scheme including Traffic Regulation Orders.
  - (e) to enter into a construction contract through an external competitive tender.
  - (f) for any further decisions required to allow the scheme to proceed through to delivery to be taken by the Corporate Director of Growth, Environment and Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.

### **329. 21/00009 Highway Civils Framework**

*(Item 21)*

*Robert Clark (Contract and Commissioning Support Manager) was in attendance for this item.*

1. Mr Payne introduced the report which asked the cabinet committee to consider and endorse, or make recommendations on a proposed decision to procure, and delegate authority to the Corporate Director for Growth, Environment and Transport to award and commission the Highway Civils Framework.
2. In response to a question, Mr Jones said he would like to see some secondary competition within the framework when work was being awarded but on some occasions it might depend on capacity and capability of contractors.
3. RESOLVED to endorse the proposed decision of the Cabinet Member for Highways and Transport to procure and delegate authority to the Corporate Director for Growth, Environment and Transport to award and commission the Highway Civils Framework.

### **330. Performance Dashboard**

*(Item 22)*

*Rachel Kennard (Chief Analyst) was in attendance for this item.*

1. Ms Kennard introduced the report by saying that twelve of the eighteen KPIs in the Growth Environment and Transport directorate had achieved target and were RAG rated green, four KPIs were below target, but had achieved the floor standard, and were RAG rated amber and the two KPIs which had not achieved the floor standard were RAG rated red.
2. RESOLVED that the report be noted.

### **331. Work Programme 2021/22**

*(Item 23)*

RESOLVED to note:

- (a) the work programme subject to the inclusion of updates on neonicotinoids and on KCC's response to the Department for Transport's consultation on its 48 tonne Intermodal Freight Trial on the agenda for the meeting of the cabinet committee in March 2021; and
- (b) that Mr Rayner and the chairman would discuss the inclusion of an item, on using water transport to move waste to recycling centres, on an agenda for a future meeting of the cabinet committee.

### **332. 20/00130 -New leasing arrangement to develop a new Waste Transfer Station for KCC's use at Dunbrik, Sundridge**

*(Item 24)*

*David Beaver – Head of Waste & Business Services was in attendance for this item.*

1. Miss Carey introduced the report which report asked the cabinet committee to consider and endorse or make recommendations on a proposed decision to enter into a lease for the provision of a new waste transfer station. She said the site mentioned in the report was a good one and would enable KCC to recycle more of the waste collected in the Sevenoaks area. Mr Beaver said that moving to the larger site would enable the authority to move waste up through the hierarchy which would result in commercial savings, enable the processing of trade waste, and have benefits for Sevenoaks District Council who wished to part their fleet of waste collection lorries on the site.
2. RESOLVED to endorse the proposed decision of the Cabinet Member for Environment to enter into a lease for the provision of a new Waste Transfer Station at Dunbrik, Sundridge for up to 30 years, to provide bulking facilities for household waste collected by Sevenoaks District Council.

**From:** Susan Carey – Cabinet Member for Environment  
Barbara Cooper, Corporate Director for Growth, Environment and Transport

**To:** Environment and Transport Cabinet Committee – 18 March 2021

**Decision No:** 21/00026

**Subject:** Update of the Kent Minerals and Waste Safeguarding Supplementary Planning Document – Outcome of Consultation and Adoption

**Classification:** Unrestricted

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

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

**Electoral Division:** Countywide

**Summary:** The purpose of mineral and waste safeguarding is to ensure that existing and planned arrangements for mineral supply and waste management in Kent are not unduly hindered by other development. The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) includes planning policy which requires developers to consider how proposals might impact on existing mineral resources and mineral supply and waste management infrastructure in Kent.

In April 2017 the Council adopted a Minerals and Waste Safeguarding Supplementary Planning Document (SPD) that set 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.

Following the Council's adoption of the Early Partial Review (EPR) of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) in 2020, work has been undertaken to update the Supplementary Planning Document. The updated Document provides further clarification on the safeguarding process and in particular reflects changes to Kent Minerals and Waste Local Plan 2013-30 policies DM7 and DM8 which were updated as part of the Early Partial Review to ensure minerals and waste safeguarding is taken into account when allocations for development are proposed in District and Borough Local Plans.

This report sets out the results of a public consultation on a draft of the updated Supplementary Planning Document. It provides a summary of the responses received during the consultation and sets out the revisions proposed to take account of the comments received and to ensure that it best meets the needs of proposed users of the document.

**Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to:

- (i) note the summary of the comments received on the consultation draft of the updated Supplementary Planning Document and the Council's proposed response to them (see Appendix 1)
- (ii) note the content of the updated Supplementary Planning Document proposed for adoption (see Appendix 2); and,
- (iii) to consider and endorse, or make recommendations to the Cabinet Member for Environment on the proposed decision, attached at Appendix A to:
  - adopt the updated Supplementary Planning Document as guidance for the county on mineral and waste safeguarding; and,
  - delegate powers to the Corporate Director for Growth, Environment & Transport to approve any minor modifications to the text of the Supplementary Planning Document, in consultation with the Cabinet Member for Environment, which may be needed (such as formatting changes and typographical errors), in order to publish the Document.

## 1. Introduction and Background

- 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 delivering sustainable development, and it supports economic growth and our quality of life. It ensures that there is sufficient waste capacity to manage Kent's waste arisings such that the drive to net self-sufficiency is not compromised. It ensures that economic mineral resources are considered when determining planning applications and allocating sites for development within local plans.
- 1.2 In mineral and waste planning, 'safeguarding' is the term used to describe the process of ensuring that:
  - Natural economic 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 Minerals and Waste Local Plan 2013-30 (KMWLP)
- 1.3 The Kent Minerals and Waste Local Plan 2013-30 was adopted by Full Council in July 2016. As part of the adopted development plan for Kent, the Kent Minerals and Waste Local Plan 2013-30 also forms planning policy for the Borough and District Councils to be taken into account in their planning application and plan making functions.
- 1.4 Within the Plan, there are a number of policies concerning minerals and waste safeguarding intended to ensure that development does not needlessly sterilise natural mineral resources, or compromise the capacity and operation of minerals and waste management and transportation infrastructure. These policies are set out below:

- Policy CSM5: Land-won Mineral Safeguarding
- Policy CSM6: Safeguarded Wharves and Rail Depots
- Policy CSM7: 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 DM9: The Extraction of Minerals in advance of Surface Development

- 1.5 Whilst minerals and waste planning falls within the remit of the County Council, the safeguarding of mineral and waste resources 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 preparing a planning application or promoting sites for potential allocation in a borough/district local plan. The original Supplementary Planning Document was adopted to provide guidance about the process of safeguarding and implementation of the safeguarding policies. It is important to note that the Supplementary Planning Document does not create new policy.
- 1.6 Unfortunately, experience of implementing the Kent Minerals and Waste Local Plan 2013-30 policies regarding mineral and waste safeguarding revealed ambiguity in the wording of certain of their exempting criteria which was hindering their effectiveness. In particular it was found that the wording allowed development to come forward within Local Plan allocations without consideration of safeguarding which was contrary to the intention of the policy. The Council agreed that modifications were necessary to address this ambiguity and it adopted the modifications in September 2020 as part of those arising from the 'Early Partial Review' of the Kent Minerals and Waste Local Plan 2013-30.
- 1.7 During the examination into the Kent Minerals and Waste Local Plan modifications, the Inspector considered representations from District and Borough Councils concerned that the changes would hinder their ability to plan for, and consent, sufficient housing in their areas. While the Inspector agreed with the County Council's modifications, to assist the District and Borough Councils, the County Council committed to update the 2017 Supplementary Planning Document to ensure that the guidance provided took account of the modifications and responded to representations to assist in the interpretation of the policies.

## **2. The Updated Minerals and Waste Safeguarding Supplementary Planning Document**

2.1 The main updates to the Supplementary Planning Document are summarised as follows:

- Addition of separate sections which clearly distinguish between the safeguarding process to be applied when Local Plans are prepared and when decisions are taken on planning applications;
- addition of flow charts to help explain how the safeguarding process works;

- addition of explanation of how areas of mineral resources which are subject to safeguarding (known as Mineral Safeguarding Areas) will be reviewed and updated;
- addition of a reference to guidance prepared by the Planning Officers' Society and the Mineral Products Association concerning mineral safeguarding that was published after the original Supplementary Planning Document had been adopted;
- additional emphasis of the need for early consideration of safeguarding matters and consultation with Kent County Council as the Minerals Planning Authority for the area;
- inclusion of economic geology information notes for each District and Borough;
- addition of photographs to illustrate mitigation associated with the safeguarding of mineral wharves;
- updates to the text of the safeguarding policies included in an Appendix to reflect the modifications resulting from the Early Partial Review; and,
- clarifications to the text to ensure the guidance is as clear as possible.

2.2 The updated Supplementary Planning Document is included in Appendix 2.

### **3. Consultation**

- 3.1 Prior to the drafting of the updated Supplementary Planning Document the Council prepared a note setting out the areas of the Supplementary Planning Document that it considered required updating and invited comments from the District and Borough Councils on this note. This note had taken into account comments made by the District and Borough Councils during the examination of the Early Partial Review. The Council also held a separate workshop for the District and Borough Councils which helped inform the nature of the draft updates.
- 3.2 A draft of the updated Supplementary Planning Document was originally published for a six week consultation period from 20 November 2020 to 4 January 2021. Following a request from certain District and Borough Councils, the consultation period was extended by four weeks and ultimately closed on 29 January 2021. The draft updated Document was made available via the Council's Consultation Portal and the Kent Minerals and Waste Local Plan webpage. As well as Borough and District Councils across Kent, mineral and waste operators, parish councils, statutory consultees, Members, and planning consultants were directly notified of the consultation.
- 3.3 A total of 23 representations were received from a range of interested parties including Borough and District Councils, mineral and waste operators/interests, Environment Agency, Historic England, planning consultants and the Port of London Authority. As well as support for the approach to safeguarding and the updates in the Supplementary Planning Document, the following, summarised, points were made by respondents:
- A need for additional information to provide further clarification of how the safeguarding policies would apply including checking that the guidance is consistent with policy requirements e.g. additional information on the extent of information that needs to be submitted at plan making stage vs planning application stage;

- KCC should clarify exactly where mineral development is likely to be acceptable (taking account of viability and environmental acceptability) within Minerals Safeguarding Areas;
- the need for early consultation with operators of safeguarded minerals and waste infrastructure in safeguarded areas should be emphasised;
- infrastructure assessments which take account of the impact of the existing safeguarded minerals and waste infrastructure on proposed development should take into account 'worst case' operating scenarios e.g. 24-hour operation where permitted;
- requests for confirmation that certain allocated sites included in Local Plans, and a specific site proposed for allocation, are exempt from safeguarding requirements;
- concern that the need for mineral extraction might outweigh the need for protection of natural habitat;
- concern with suggestion that Minerals Safeguarding Areas have equal protection from development to areas designated as Areas of Outstanding Natural Beauty and High Flood Risk areas; and,
- suggestion that the system of assessment outlined in Policy DM7 should be considered at the decision-taking stage not at the plan making stage.

3.4 A summary of all the comments received and the Council's proposed response to them is presented in Appendix 1. This indicates where it is considered appropriate for the text of the Supplementary Planning Document to be modified to accommodate comments. The proposed resulting changes are not major, but will improve the clarity and presentation of the document.

3.5 During, and since, the original development of the minerals and waste safeguarding policies in the Kent Minerals and Waste Local Plan 2013-30, many District and Borough Councils have raised concerns about how safeguarding would impact on their ability to plan to meet needs for housing. The concerns have included those related to a lack of available resources and expertise within the Councils to ensure the policies are correctly implemented. The updated Supplementary Planning Document is intended to help address some of these concerns but it should also be recognised that, in some instances, ultimately the need to safeguard minerals resources and management and supply infrastructure will outweigh the need for additional housing, or development will need to come forward in a way which mitigates impacts. This is especially so with mineral wharves as more and more sand and gravel is likely to be won from marine sources in future. This approach fully reflects national planning policy.

#### **4. Next Steps**

4.1 Following consideration by Environment and Transport Cabinet Committee, the Cabinet Member for Environment will be asked to adopt the Supplementary Planning Document. Following adoption, stakeholders, including all those who commented on the draft update, will be notified.

4.2 The updated Supplementary Planning Document will be used by the County Council when determining planning applications related to its responsibilities (including proposals for waste management and minerals supply) and by District and Borough Councils when determining applications for non-waste and mineral development. It

will also be useful to those preparing planning applications and promoting allocations in local plans.

- 4.3 Prior to final publication of the Supplementary Planning Document, minor changes may be needed, and it is proposed that the agreement to such changes be delegated to the Corporate Director for Growth, Environment & Transport in consultation with the Cabinet Member for Environment.

## **5. Financial Implications**

- 5.1 The preparation of this updated Supplementary Planning Document fulfils a commitment made by the Council during the independent examination of the modifications to the Kent Minerals and Waste Local Plan 2013-30 which arose from the Early Partial Review. The costs of preparing the Kent Mineral and Waste Safeguarding Supplementary Planning Document and the implementation of the Local Plan's safeguarding policies with Borough and District Councils are met from the Environment, Planning and Enforcement Division's budget.

## **6. Policy Framework**

- 6.1 The updated Supplementary Planning Document, and related policies within the Kent Minerals and Waste Local Plan itself, support 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' and the recently approved Setting the Course - Kent County Council's Interim Strategic Plan 2020, which sets the Council's priorities for the next 2 years. The Supplementary Planning Document will support and facilitate sustainable growth in Kent's 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. The updated Supplementary Planning Document helps ensure that policies on minerals supply and waste management in national planning policy and guidance will be implemented.

## **7. Legal Implications**

- 7.1 The County Council is required by national planning policy to ensure that local plans safeguard mineral resources and minerals and waste development. The adoption of an updated minerals and waste safeguarding Supplementary Planning Document 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. 204).
- 7.2 There is a risk that, if the Supplementary Planning Document were not updated, the Council's recently modified policy on mineral and waste safeguarding would not be properly implemented.

## **8. Equalities implications**

- 8.1 An equality impact assessment (EQIA) has been completed and no equality implications have been identified. A copy of the assessment is attached at Appendix 3. The earlier work undertaken to modify the related safeguarding policies within the



Kent Minerals and Waste Local Plan 2013-30 was accompanied by a separate equality impact assessment.

## 9. Conclusion

- 9.1 The Kent Minerals and Waste Local Plan includes planning policies intended to ensure that the economic mineral resources and mineral supply and waste management infrastructure in Kent are not needlessly sterilised or adversely impacted by other development. This is necessary to ensure that the mineral supply and waste management needs in Kent can be met in future. As part of the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 certain of these policies were updated to ensure they could be implemented effectively.
- 9.2 Guidance on the implementation of the safeguarding policies, set out in the Kent Minerals and Waste Safeguarding Supplementary Planning Document, was adopted in 2017 and needs to be updated to take account of the recent policy changes. Following consultation on a draft updated Document and a workshop with District and Borough Councils, final updated text of the Document has been prepared and is proposed for adoption by the Cabinet Member for the Environment on behalf of the Council.

## 10. Recommendation(s):

### Recommendation(s):

The Environment and Transport Cabinet Committee is asked to:

- (i) Note the summary of the comments received on the consultation draft of the updated Supplementary Planning Document and the Council's proposed response to them (see Appendix 1)
- (ii) note the content of the updated Supplementary Planning Document proposed for adoption (see Appendix 2); and,
- (iii) to consider and endorse, or make recommendations to the Cabinet Member for Environment on the proposed decision, attached at Appendix A to:
  - adopt the updated Supplementary Planning Document as guidance for the county on mineral and waste safeguarding; and,
  - delegate powers to the Corporate Director for Growth, Environment & Transport to approve any minor modifications to the text of the Supplementary Planning Document, in consultation with the Cabinet Member for Environment, which may be needed (such as formatting changes and typographical errors), in order to publish the Document.

## 11. Appendices and background documents

- **Appendix A:** Proposed Record of Decision
- **Appendix 1:** Summary of Comments on the Draft Updated Supplementary Planning Document and the Council's Proposed Response
- **Appendix 2:** Updated Kent Mineral and Waste Safeguarding Supplementary Planning Document for adoption

- **Appendix 3:** Updated Kent Mineral and Waste Safeguarding Supplementary Planning document – Equality Impact Assessment: <https://democracy.kent.gov.uk/ecCatDisplay.aspx?sch=doc&cat=14891>
- Kent Minerals and Waste Local Plan 2013-30 (as updated by the Early Partial Review 2020): [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0004/112585/Kent-Minerals-and-Waste-Local-Plan-2013-2030.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0004/112585/Kent-Minerals-and-Waste-Local-Plan-2013-2030.pdf)
- Updated Kent Mineral and Waste Safeguarding Supplementary Planning Document – Consultation Draft, October 2020: <https://democracy.kent.gov.uk/ecCatDisplay.aspx?sch=doc&cat=14891>
- The report to Environment and Transport Cabinet Committee meeting that considered adoption of the original Supplementary Planning Document is available via this link: [Report to Environment and Transport Cabinet Committee 13 March 2017](#)

## 12. Contact details

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Susan Carey, Cabinet Member for Environment

**DECISION NO:**

21/00026

**For publication** Yes

**Key decision:** YES

**Subject Matter / Title of Decision**

Kent Minerals and Waste Safeguarding Supplementary Planning Document – Adoption

**Decision:**

As Cabinet Member for Environment, I agree to

- adopt the updated Supplementary Planning Document as guidance for the County on mineral and waste safeguarding; and,
- delegate powers to the Corporate Director for Growth, Environment & Transport to approve any minor modifications to the text of the Supplementary Planning Document, in consultation with the Cabinet Member for Environment, which may be needed (such as formatting changes and typographical errors), in order to publish the Document.

**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 delivering sustainable development, and it supports economic growth and our quality of life. It ensures that there is sufficient waste capacity to manage Kent's waste arisings such that the drive to net self-sufficiency is not compromised. It ensures that economic mineral resources are considered when determining planning applications and allocating sites for development within local plans.

**Cabinet Committee recommendations and other consultation:**

A public consultation was held, initially from 20 November 2020 to 4 January 2021, then extended to 29 January 2021 following requests from District and Borough Councils. The consultation document was made available online on the Council's Consultation Portal and the Kent Minerals and Waste Local Plan webpage. As well as Borough and District Councils across Kent, mineral and waste operators, parish councils, statutory consultees, Members, and planning consultants were directly notified of the consultation.

The proposed decision will be discussed by Members of the Environment and Transport Cabinet Committee at their meeting on 18 March 2021.

**Any alternatives considered and rejected:**

The County Council is required by national planning policy to ensure that local plans safeguard mineral resources and minerals and waste development.

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

.....  
signed

.....  
date

## Revised Mineral and Waste Safeguarding Supplementary Planning Document – summary of representations received to 2020 Consultation Draft

Unique ID	Organisation	Summary of Representation	Implications for Document-suggested amendments/additions
SPD-01	Transport for London	No comments	N/A
SPD-02	Gloucestershire County Council	<b>General Comments</b>	
		Broadly supportive of Safeguarding Supplementary Planning Document (SPD).	Noted.
		- Provides clear instructions as to what the expectations are from developers; District Councils and Kent County Council (KCC) in relation to minerals and waste safeguarding.	Noted.
		- Flow diagrams are particularly helpful.	Noted.
SPD-03	New Romney Town Council	No comments and request to be kept informed.	Noted.
SPD-04	KCC Heritage Conservation	<b>General Comments</b>	
		- Note as an internal consultee, Kent County Council Heritage not listed among consultees & ask that Heritage Conservation team is consulted on all draft strategy, Development Management or site allocation documents.	Noted.
SPD-05	Gravesham Borough Council	<b>General Comments</b>	
		<p>- The Supplementary Planning Document revision stems from the Early Partial Review (EPR) of Policies DM 7 and DM 8 of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP); in doing so it fails to:</p> <ul style="list-style-type: none"> <li>o Provide guidance on those Mineral Safeguarding Areas (MSAs) where minerals are economically viable and environmentally acceptable for extraction and that are readily identified and can come forward.</li> <li>o Climate Emergency declaration of May 2019 by Kent County Council is not discussed, nor is the Kent and Medway Energy and Low Emissions Strategy, a missed opportunity for the document to contribute to this drive to reduce carbon emissions.</li> <li>o Insufficient clarity to interpret the implementation of Kent Minerals and Waste Local Plan safeguarding policy by the introduction of additional and unreasonable requirements instead of clarity and detailing what evidence is required for an applicant to demonstrate any mineral deposit is not economically viable or does not exist and that any extraction would not be viable or practicable, the process as outlined by Devon County Council is superior.</li> </ul>	<p>This is the reason for specific Mineral Assessments (MA). A comprehensive assessment of all Kent's Mineral Safeguarding Areas for precise economic viability assessment would not be realistic nor meaningful as market conditions change through time.</p> <p>Sustainable development includes finite economic mineral resource conservation through safeguarding; the Climate Emergency recognised by the County Council in May 2019 and the Kent and Medway Energy and Low Emissions Strategy are relevant in an overarching way; the Supplementary Planning Document does not need to discuss this any great detail and to do so would be a diversion from the main subject of minerals and waste safeguarding. Both the Climate Emergency and the Kent and Medway Energy and Low Emissions Strategy will be taken into account during the 5-yearly review of the Kent Minerals and Waste Local Plan.</p> <p>It is not the intention of the Supplementary Planning Document to determine what evidence is required for every safeguarded mineral at all locations in the Mineral Safeguarding Area coverage. It sets out the process, the way that the requirements can be met while not being overly prescriptive of how the evidence should be gathered and argued; to do so would suggest the Supplementary Planning Document should be a Mineral Assessment or Infrastructure Assessment (IA) for Kent in its entirety. Clearly this is beyond what the role of a Supplementary Planning Document should be.</p>

		Specific Comments	
		<ul style="list-style-type: none"> <li>- <b>Para. 1.3</b> refers to Section 110 of the Localism Act, this simply inserts Section 33(A) into the Planning and Compulsory Purchase Act 2004, therefore it would be more appropriate to refer to the latter as the primary legislation.</li> </ul>	<p>Agreed. A footnote to explain the legislative relationship of the Duty to Cooperate and the primary legislation added to text for para.1.3</p>
Page 26		<ul style="list-style-type: none"> <li>- <b>Para. 3.2</b> states that Mineral Safeguarding Area should be shown on district/borough Local Plan Policies Maps. <ul style="list-style-type: none"> <li>o Regulation 9 of the relevant 2012 local planning regulations<sup>1</sup> addresses what content this plan should have, which is to set out the spatial and geographical extent of policy coverage, the map thus needs to be consistent with the policies of the Local Plan, based on OS data and thus is part of any plan's 'soundness' at examination. However, it is not prescribed that this plan should take any particular form. To introduce Mineral Safeguarding Areas/Mineral Consultation Areas (MCA) details would potentially over complicate this plan and make interpretation problematic.</li> <li>o Interactive digitisation of the policies maps may not be sufficient to overcome confusing colour overlap.</li> <li>o Different plan review cycles of the Kent Minerals and Waste Local Plan and local plans could also complicate a local plan policy map coverage.</li> <li>o Kent County Council should ensure the most up to date and definitive Mineral Safeguarding Area/Mineral Consultation Area policies maps should be both available in printed and as online interactive formats, address 2018 accessibility regulations, allowing district/borough authorities to adequately reference their source in local plans.</li> </ul> </li> </ul>	<p>Para. 3.2 states "Policies Maps" in the plural not the singular; the relevant Gravesham Mineral Safeguarding Areas proposal map can be reproduced and inserted as a separate map and/or layers to reduce visual confusion with the local plan's other Policies Maps for Gravesham.</p> <p>Noted. Separate policies maps for the Mineral Safeguarding Area/Mineral Consultation Area would reduce such difficulties.</p> <p>The geological data of the Mineral Safeguarding Area is unlikely to markedly alter with Kent Minerals and Waste Local Plan reviews.</p> <p>Noted. GIS layer giving Mineral Safeguarding Area data was provided to Gravesham in a GIS compatible format in 2016.</p>
		<p><b>Para. 3.5</b> states urban areas are exempt from safeguarding, but support for prior extraction if proposals come forward, Kent Minerals and Waste Local Plan at para. 5.5.9 states urban areas are exempt, the wording of Policies CSM 5 and DM 7 are silent on this issue. The Supplementary Planning Document has to be consistent with adopted policy, clarification of this exemption is required.</p>	<p>Agreed. An addition of the following text in para. 3.5 reads:</p> <p><i>'where these local plan allocations had considered mineral and waste management facility safeguarding at the time of their adoption'</i></p> <p>This follows <i>'...in adopted Local Plans...'</i> in the second sentence of the para. this addition will aid clarification on this important distinction.</p>
		<ul style="list-style-type: none"> <li>- The effect of changes to policies DM 7 and DM 8 and existing local plan allocations is that if an allocation is not assessed against Mineral Safeguarding Area policy when they were adopted, they will now require this at the planning application stage, the local authority wish to understand what will be required for the following allocations: <ul style="list-style-type: none"> <li>o <b>Ebbsfleet Valley</b>- A strategic allocation (and HS1 station) spanning both Gravesham and Dartford that has been allocated since the 1990s with an extant but soon to expire planning permission, would a Minerals Assessment (MA) be required?</li> </ul> </li> </ul>	<p>These are matters beyond the scope of the Supplementary Planning Document. These matters will be picked up separately with Gravesham Borough Council.</p>

<sup>1</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

		<ul style="list-style-type: none"> <li>○ <b>Swanscombe Peninsula</b>-Nationally Significant Infrastructure Project (NSIP) major leisure development planned in this location spanning both Gravesham and Dartford. Contamination from past cement industry is extensive, important for biodiversity, previous investigative work does not identify the need for a Minerals Assessment, is this required?</li> <li>○ <b>North East Gravesend</b>- Mineral Safeguarding Area out of date, allocations being developed or have been completed, wastewater treatment plant in existence, waste sites have already sterilised minerals, is any Mineral Assessment/Infrastructure Assessment required?</li> <li>○ <b>Lower Thames Crossing</b>- tunnelling under Mineral Safeguarding Area is assumed to sterilise minerals, therefore would Nationally Significant Infrastructure Project require Minerals Assessment?</li> </ul>	
		<ul style="list-style-type: none"> <li>- <b>Para. 3.6</b>- review extent of Mineral Safeguarding Area annually, this cannot change the Mineral Safeguarding Area on Policies Maps as they are set by policy, identification of additional sites/land should be part of a formal Kent Minerals and Waste Local Plan review.</li> </ul>	The annual monitoring process check on the Mineral Safeguarding Area, as discussed by para.3.6, is intended to address the exempting effect of any changes of urban and settlement built up area boundaries; any changes to the boundaries of the Mineral Safeguarding Areas are a matter for formal reviews of the Kent Minerals and Waste Local Plan.
		<ul style="list-style-type: none"> <li>- <b>Para. 3.7</b>-typological error remove 'are' in penultimate line.</li> </ul>	Agreed. Typological error of inclusion of 'are' corrected by deletion.
Page 27		<ul style="list-style-type: none"> <li>- <b>Para. 4.7</b>- local authority has safeguarding as part of the planning application validation process, the Ebbsfleet Development Corporation is separate, and Kent County Council should discuss this direct with the Ebbsfleet Development Corporation.</li> </ul>	Noted.
		<ul style="list-style-type: none"> <li>- <b>Para. 4.12</b>- Port of London Authority (PLA) consultation; other similar authorities exist; Supplementary Planning Document should consider these, and the Marine Management Organisation (MMO) and the relevant Marine Management Organisation plans and how determinations in accordance with the Marine and Coastal Act 2009 (Section 58).</li> </ul>	Agreed. Other port authorities exist and will be referenced in para. 4.12. The Marine Management Organisation has responsibilities for considering new development impacts on the marine system and coastlines. They are required to be consulted with regard to on-land mineral handling facilities, for which safeguarding is supported in the relevant Marine Management Organisation plans. However, the Marine Management Organisation does not have direct responsibility for safeguarding these facilities. The text of the Supplementary Planning Document is to be amended to clarify the relationship and lines of responsibility between the County Council, port authorities and the Marine Management Organisation.
		<ul style="list-style-type: none"> <li>- <b>Para. 4.12</b>- Full geological information safeguarding notes for all areas are not part of the Supplementary Planning Document; assumed that they will be supplied separately. To give weight to the Supplementary Planning Document they should have been comprehensively included in the consultation. The approach adopted by Warwickshire County Council is of note.</li> </ul>	<p>The detailed analysis of the economic geology contained in the paper prepared by the British Geological Survey (BGS) for Warwickshire County Council is a type of document that should be seen as an evidence document for the preparation of a mineral local plan or a review of such a plan.</p> <p>Full geological information covering each district and borough is contained in Appendix 3 of the revised Supplementary Planning Document and is intended to be read in conjunction with the Safeguarding Proposals Maps for the Kent borough and district areas, as shown in the adopted Kent Minerals and Waste Local Plan 2013-30. It is intended that they are relatively 'high level' in that they are descriptive of the identified economic superficial and crustal geologic units. It was not the intention to detail the parts of any given geological resource that is very specifically more 'viable' than any other part, as this may vary in time with changes with markets and other economic considerations. Therefore, it would be inappropriate for the descriptive information in Appendix 3 to conclude that an identified safeguarded geology does not apply in the area of the Mineral Safeguarding Area.</p> <p>The detailed analysis of the viability of any deposit threatened with sterilisation can only be done at the Minerals Assessment stage. This provides the evidence that prior extraction is justified to ensure conservation of the economic geological resource is secured, alternatively it may demonstrate that</p>

		<p>economic viability is absent. A detailed analysis of the economic geology of the County of Kent, as such prepared by the British Geological Survey for Warwickshire County Council is beyond the scope of the Supplementary Planning Document.</p> <p>With regard to Minerals Assessment, it is the appropriate tool to assess if the minerals affected are of economic important on a site-by-site basis. This is also the position taken by the Mineral Products Association (MPA). Who, in collaboration with the British Geological Survey and the Coal Authority, have produced guidance for mineral safeguarding, that advocates detained mineral economic analysis for prior extraction of minerals. Page 41, Para 7.0.4 of <b>Mineral safeguarding in England: good practice advice (2011)</b> states:</p> <p><i>“Where an applicant proposes development within a Mineral Safeguarding Area, the planning authority should ensure that the applicant has considered all options to avoid the unnecessary sterilisation of minerals. This will include the consideration of other locations for development in areas that are outside the MSA. If this has been considered by the applicant, there is a need for the development and the Mineral Assessment (see section 6) has identified that the mineral is economic to extract in terms of quantity and quality the planning authority should ensure that the applicant has considered the possibility of prior extraction of the mineral ahead of the proposed development.”</i></p> <p>And par 7.0.5 page 41 states:</p> <p><i>“An assessment of all viability of prior extraction will need to take account of whether the environmental conditions are suitable to support extraction operations and whether extraction is achievable within an acceptable timescale. Additional considerations may include the availability of a market to deal with the increase in supply and the financial outlay required to develop the subsequent excavation. Certain minerals, such as coal, can be economically extracted from very small sites and over a very short time so development is not unduly delayed by prior extraction.”</i></p> <p>Therefore, it is considered that the revised Supplementary Planning Document is in accordance with this guidance and the level of economic geological understanding is to be applied at the Minerals Assessment stage and not prepared universally for the entire Mineral Safeguarding Area coverage of Kent.</p>	
		<p>- <b>Para. 5.6-</b> for short term and minor developments the policy exemption applies and the need to consult the County Council need not be necessary; it is considered that any local authority should consult to establish that the exemption applies or not.</p>	<p>Noted. The local authority would be able to consult the County Council on the interpretation of ‘temporary’ to clarify the position if it was deemed appropriate.</p>
		<p>- <b>Para. 5.10-</b> Mineral Assessments (MA) text implies that intrusive investigation always required when a ‘lighter’ approach may be all that is required, appropriate desktop or pre-application discussions may also only be required, this should be reflected in the text.</p>	<p>If the evidence is available that negates a more ‘intrusive’ form of site investigation that clearly demonstrates that the mineral is present, though identified as economic and safeguarded by the Mineral Safeguarding Area, is not economic in type (e.g., Geological Memoirs as prepared by the British Geological Survey demonstrating its presence in detailed academic form but clearly lacking economic potential) or is indeed absent due to past extraction then an exemption from the presumption to safeguard may indeed be justified. The Supplementary Planning Document text has been amended to reflect the above.</p>
		<p>- <b>Table 3 (page 23)-</b> transparent economic analysis in Minerals Assessment where criterion 1 or 2 are being invoked; this to include when mineral would not be viable or practicable to extract. That detail could affect the viability of the development proposed also commercially sensitive/confidential matters could arise in this process. Text should address these concerns.</p>	<p>It is understood that commercial sensitivities are important to the efficient practice of private industry. The intention of having ‘transparent economic analysis’ in Minerals Assessments is to ensure that where an exemption to safeguarding is being invoked in accordance with criteria 1,2 or 3 of Policy DM 7, that the relationship between mineral extraction and processing is demonstrated to be at least ‘cost neutral’. That meaning the extraction, transportation, and processing of a mineral would generally not result in a</p>



			<p>commercial loss rendering prior extraction unviable. Thus any 'cost loadings' to push prior extraction into a loss scenario are transparent, such as the imposition of royalties per tonne that would, it is reasonable to assume, significantly reduce the possibility of reaching a position where extraction on the basis of at least 'cost neutrality' can be effected. Thus, ensuring that the finite mineral resource is not lost to needless sterilisation.</p> <p>Moreover, a transparent economic analysis of the potential prior extraction of a mineral deposit threatened with sterilization in a Minerals Assessment is in accordance with the advice of the Mineral Products Association (see comments above to Para. 4.12.)</p>
		<ul style="list-style-type: none"> <li>- <b>Para. 6.9-</b> the text addresses safeguarded sites assessment (IA) required by Policy DM 8. There appears to be a dual approach of the policy that is not explained. Policy DM 8 criteria are applicable to assessing if loss of a facility (paras. 7.6.4 -7.6.5) is justified and the policy also has a 250m boundary consideration for safeguarded sites where the determinant of acceptability is not concerned with the site directly, but the future occupants of the other development proposed within 250m of the safeguarded site. The Supplementary Planning Document text should clarify how the policy is intended to be interpreted more clearly.</li> </ul>	<p>It is correct that the policy should be seen as having two distinct parts. The first, where exemption criteria 1-7 may apply, is related to a consideration of direct loss of a safeguarded facility by new development (e.g., a safeguarded mineral importation wharf to housing). Here an IA would have to be prepared and an exemption argued as justified against the exemption criteria of Policy DM 8. The 'within 250m' test of acceptability part of the policy is to ensure that potentially incompatible development, proposed within 250m, will not result in the safeguarded facility's lawful operation being inhibited by the proposed development not considering the impact of its continued lawful operation (including highways accessibility) on the future occupants of the non-mineral/waste related development (housing being essentially the potentially most sensitive form of incompatible development) via Environment Act action to abate any defined statutory nuisances, that may include necessary highway accessibility. The text of para. 6.9 to be amended to make this distinction of the application of Policy DM 8 clear.</p>
Page 29		<ul style="list-style-type: none"> <li>- <b>Section 7-Information Requirements for Plan Making</b> The authority would wish to pursue statements of common ground (SoCG) in relation to strategic sites mentioned above in relation to section 4 of the Supplementary Planning Document. Site allocations impacting safeguarded infrastructure the above comments on the interpretation of Policy DM 8 are relevant, including elaboration of the recognition at para. 7.20 that the matter may be addressed at the planning application stage; the development management policies of the plan would then need to have specific requirements to address safeguarding via design considerations at the planning application stage.</li> </ul>	<p>Noted. Statement of Common Ground in relation to the strategic sites (Ebbsfleet Valley, Swanscombe Peninsula, North East Gravesend and Lower Thames Crossing) are beyond the scope of the Supplementary Planning Document, as are changes to any development management policies of the Kent Minerals and Waste Local Plan. These matters are best addressed directly to the County Council as an expression to discuss and agree SoCG and for policy changes at a formal review of the Kent Minerals and Waste Local Plan.</p>
		<ul style="list-style-type: none"> <li>- The Supplementary Planning Document should also clarify how the County Council understands the way safeguarding is to be addressed by the Nationally Significant Infrastructure Project decision making process, of which the document is silent on.</li> </ul>	<p>Agreed. Text of the Supplementary Planning Document amended to clarify this procedural matter. The applicant and examining authority will have information regarding all minerals and waste safeguarding matters brought to their attention at the relevant consultation stages and potentially during examination.</p>
SPD-06	<b>Maidstone Borough Council</b>	No comments	N/A
SPD-07	<b>Bedfordshire Borough Council</b>	<b>General Comments</b>	
		<ul style="list-style-type: none"> <li>- Supports in principle protection of mineral resources from unnecessary development.</li> </ul>	Noted.
		<ul style="list-style-type: none"> <li>- Supplementary Planning Document does not pose any strategic issues which may affect Central Bedfordshire or Bedford Borough &amp; therefore not necessary to consult the Bedford Borough Planning Team or the Minerals &amp; Waste Shared Service on future iterations of document.</li> </ul>	Noted.
SPD-08	<b>KCC Biodiversity</b>	No comments	N/A
SPD-09	<b>Tonbridge and Malling Borough</b>	<b>General Comments</b>	

	Council		
		- Tonbridge and Malling Borough Council supports the Supplementary Planning Document and has the following comments to make on the relevant parts of the Supplementary Planning Document.	Noted.
		<b>Specific Comments</b>	
		<b>Minerals Safeguarding in Kent</b> <ul style="list-style-type: none"> <li>- <b>Para 3.4-</b> Mineral Safeguarding Areas are compared to Areas of Outstanding Natural Beauty, Mineral Safeguarding Areas do not have the same status and are not equivalent to national designations created through law. Para. 3.4 rewording is advised.</li> </ul>	Noted. The Supplementary Planning Document text amended to clarify the status of Mineral Safeguarding Areas.
		<b>Planning applications-Information requirements for development affecting land-won minerals safeguarding</b> <ul style="list-style-type: none"> <li>- <b>Para. 5.30-</b> conditional requirement to use incidental mineral extraction if prior extraction of sterilised mineral in total is not viable on assessment, is not possible. The condition would be unreasonable (see para 55 National Planning Policy Framework) Tonbridge and Malling Borough Council does not support this element of the Supplementary Planning Document.</li> </ul>	Noted. The text of the Supplementary Planning Document to be amended to change the text to reflect that a condition of planning consent is unreasonable and that an 'informative' as part of the planning consent would be more appropriate.
Page 30		<b>Planning applications-Information requirements for development affecting minerals waste safeguarding infrastructure</b> <ul style="list-style-type: none"> <li>- <b>Para. 6.9-</b> The need to refuse development affecting the operation of safeguarded infrastructure as required by Policy DM 8 is too absolute. Given that all development has impacts to some degree, permission should be refused only when the impacts cannot be mitigated through conditions of planning permission. Par 6.9 should be re-worded to reflect this potential outcome.</li> </ul>	The need to ensure an effective safeguarding of mineral infrastructure from loss is considered by the County Council as salient to its function as the minerals planning authority. As required by Section 17 Para. 203 e) of the National Planning Policy Framework 2019. However, the exemption criteria of Policy DM 8 are sufficient to ensure that other material planning considerations are taken into account when considering development applications that may result in the loss of facilities or their inhibition to lawfully and viably operate.
		<b>Information Requirements for safeguarding: Plan Making</b> <ul style="list-style-type: none"> <li>- Tonbridge and Malling Borough Council supports this new section on plan making as it provides further clarification.</li> </ul>	Noted
		<b>Appendix 3</b> <ul style="list-style-type: none"> <li>- Tonbridge and Malling Borough Council regards the individual geological notes as a helpful addition to the Supplementary Planning Document.</li> </ul>	Noted.
SPD-10	Seal Parish Council	<b>Specific Comments</b>	
		- The lack of any discussion of Neighbourhood Plans is an omission of the Supplementary Planning Document. The Parish Council comments that the Sevenoaks Local Plan Review identified housing at Greatness Quarry (Tarmac) and though the plan was found unsound it is understood that the Sevenoaks	Noted. The Supplementary Planning Document is a material consideration in the formulation of local plans and neighbourhood plans. The text has been amended to clarify this point.

		Neighbourhood Development Plan identifies the site for housing and water sports.	
		- The Parish Council wishes the site allocation in this plan to be assessed against the need to safeguard the current permitted reserves of the site and to maintain the undeveloped eastern part of the site as Green Belt.	Noted. The issues relating to the planning and/or mineral safeguarding of specific sites are not matters that the revised Supplementary Planning Document can address. This is to be achieved through the process of consideration of any required Minerals Assessment that is submitted as part of the process required by the safeguarding policies of the adopted and partially reviewed Kent Minerals and Waste Local Plan 2013-30.
SPD-11	Canterbury City Council	<b>General Comments</b>	
Page 31		- Canterbury City Council does not consider the revised Supplementary Planning Document provides sufficient clarity on how the safeguarding process is addressed at local plan formulation stages; within Section 7 there is scope to reference the potential use of economic geological information as provided in Appendix 3. There should be information in these notes that override British Geological Survey data to clarify that Minerals Assessment will not be required for all mineral types. Clarification is sought to have a more proportionate and tailored approach to land-won mineral safeguarding through the development of local plans.	The geological information contained in Appendix 3 of the revised Supplementary Planning Document is intended to be read in conjunction with the Safeguarding Proposals Maps for the Kent borough and district areas, as shown in the adopted Kent Minerals and Waste Local Plan 2013-30. It is intended that they are relatively 'high level' in that they are descriptive of the identified economic superficial and crustal geologic units. It was not the intention to detail the parts of any given geological resource that is very specifically more 'viable' than any other part as this may vary in time with changes with markets and other economic considerations. Therefore, it would be inappropriate for the descriptive information in Appendix 3 to conclude that an identified safeguarded geology does not apply in the area of the MAS.  The detailed analysis of the viability of any deposit threatened with sterilisation can only be done at the Minerals Assessment stage. This provides the evidence that prior extraction is justified to ensure conservation of the economic geological resource is secured, alternatively it may demonstrate that economic viability is absent. Also, any greater detailed analysis of the economic geology of the County is beyond the scope of the Supplementary Planning Document and would be an evidence base exercise to support a mineral local plan, or a review of an adopted plan of this type.
		<b>Specific Comments</b>	
		- <b>Para. 3.4-</b> Mineral Safeguarding Area is not a constraint, but a factor to be considered, not comparable to Area of Outstanding Natural Beauty where development is restricted by national policy.	Mineral Safeguarding Areas are not an absolute constraint, the text of the Supplementary Planning Document has been altered accordingly to correctly identify the difference between the status of Area of Outstanding Natural Beauty and Mineral Safeguarding Areas.
		- <b>Para. 3.6-</b> Support an annual review process.	Noted.
		- <b>Para. 4.2-4.3-</b> the use of the term 'incompatible' is misinterpretation of scope of the policy; there maybe 'conflict' but Minerals Assessment process and consideration of exemption criteria of policy (DM 7) determines whether the conflict is surmountable or not.	Agreed. The text of the Supplementary Planning Document has been altered accordingly to use the term 'conflict' in place of 'incompatible'.
		- <b>Para. 4.14-</b> suggested change of text from "safeguarded mineral resources" to minerals within "mineral safeguarding areas" where the policies apply.	Agreed. The text of the Supplementary Planning Document has been altered accordingly to use the phrase 'minerals within mineral safeguarding areas' in place of 'safeguarded mineral resources'.
		- <b>Para. 4.17-</b> it is considered that there needs to be a more proportionate approach to the level of detail required for local plan allocation stages; the Mineral Safeguarding Area would be weighed against other strategic scaled objectives such as housing supply, climate change, etc is advocated.	The need to conserve finite economic minerals, including through planning policies of the Development Plan is required by the National Planning Policy Framework (Section 17, Para. 203, Para 204 c) – d)) 2019. Therefore, the assessment of the relative economic viability and importance against other planning material considerations is done via a Minerals Assessment process. Policy DM 7 has sufficient exemption criteria to enable all relevant planning matters to be considered when deciding upon invoking an exemption from the presumption to safeguard.

		- <b>Table 1-</b> District Council Box-should be updated to exempt the allocations identified at para. 4.18.	Table 1 defines the roles of the relevant authorities in Kent, not the outcomes of discharging those roles.
		- <b>Para. 5.7-</b> query use of ‘incompatible’.	Concern addressed by amending the title to ‘ <u>Acceptability of Development within Mineral Safeguarding Areas</u> ’
		- <b>Para. 5.9-</b> Again, a more proportionate approach to local plan allocation formulation is advocated (see comments for para. 4.17).	The need to conserve finite economic minerals, including through planning policies of the Development Plan is required by the Nation Planning Policy Framework (Section 17, Para. 203, Para 204 c) – d)) 2019. Therefore, the assessment of the relative economic viability and importance against other planning material considerations is done via a Minerals Assessment process. Policy DM 7 has sufficient exemption criteria to enable all relevant planning matters to be considered when deciding upon invoking an exemption from the presumption to safeguard, for planning applications and local plan allocation formulation.
SPD-12	<b>Port of London Authority</b>	<b>Specific Comments</b>	
		- <b>Specific Comments</b> Broadly supportive of the revised Supplementary Planning Document.	Broad support noted
		- <b>Para 1.4</b> and Chapter 6 (information requirements). Early engagement mentioned in para 1.4 should include with minerals and waste site operators to ensure adequate assessment of potential impacts which should made taking account of ‘worst case’ scenario.	Agreed. Para 1.4 and Chapter 6 (paras 6.9 and 6.19) amended accordingly.
		- Various potential impacts, such as noise, vibration, odour, dust, lighting should be specifically referenced in the Supplementary Planning Document.	This matter is addressed by paras 6.19, 2.8, 2.10, 3.12, 7.21. of the document.
		- Supplementary Planning Document should reference 24-hour operation of wharves according to tidal movements.	Agreed. Reference added in para. 6.14.
		- <b>Para 4.12.</b> Not all safeguarded wharves within Kent are within Port of London Authority’s area of jurisdiction	Agreed. Para 4.12 amended to reflect this point to accurately address the other port authorities in the Kent area.
		- <b>Para 6.16.</b> Viability criteria for Safeguarded wharves in London are set out at 9.15.8 of the new London Plan and would be appropriate for wharves in Kent and should be considered for inclusion in the Supplementary Planning Document.	Agreed. Following viability considerations criteria added to paragraph 6.16 in line with suggestion to include: <i>“ Factors to be considered in assessing the viability of a safeguarded wharf include:</i> <ul style="list-style-type: none"> <li>• <i>its size, shape, navigational access, road access, rail access (where possible), planning history, environmental impact and surrounding land use context</i></li> <li>• <i>its geographical location, in terms of proximity and connections to existing and potential market areas.</i></li> <li>• <i>the existing and potential contribution it can make towards reducing road-based freight movements.</i></li> <li>• <i>existing and potential relationships between the wharf and other freight-handling sites or land uses.</i></li> <li>• <i>the location and availability of capacity at comparable alternative wharves, having regard to current and projected wharf capacity and market demands.”</i></li> </ul>
		<b>Para 6.19.</b> The Supplementary Planning Document must highlight that criteria in para 6.19 applies to vacant and/or underutilised safeguarded sites to ensure that the required	Agreed. Para 6.16 amended accordingly.

		assessments review an appropriate 'worst case scenario' to ensure that proposed developments are robustly designed in the event of the future reactivation and maximisation of use of the areas safeguarded sites.	
SPD-13	Ashford Borough Council	<b>Specific Comments</b>	
		- Greater clarity needed to provide certainty in relation to the extent of information that needs to be submitted at the plan making stage vs the planning application stage. Would early consultation with County Council facilitate a more flexible approach to the extent of information required at plan-making stage. Would expect less detail to be required at plan making stage. If similar level of detail, then may not be necessary to distinguish between plan-making and planning application stages.	The Supplementary Planning Document is clear that a similar level of detail is needed at plan making and planning application stages. This is the case regardless of whether early consultation takes place with the Mineral Planning Authority. Once a site is allocated in a Local Plan, proposals for development are exempt from safeguarding and so the assessments at plan-making stage must be rigorous.
		- Requiring similar level of detail to be applied at planning application stage to plan making stage would be disproportionate.	Separate sections on plan making and planning applications have been provided to make it clear that assessments are needed at both stages – it had been suggested previously that the need to undertake assessments at plan-making stage was unclear, hence the revised layout.
Page 33		- Do not accept that Mineral Safeguarding Areas should be considered in a manner consistent with the weight to be attached to the preservation and enhancement of constraints such as an Area of Outstanding Natural Beauty designation and or high flood risk areas. Due to the extent of the Mineral Safeguarding Area, application of such a stringent constraint will make allocation of housing difficult in Ashford.	<p>As stated in para 5.10 there is a requirement in the National Planning Policy Framework that development proposals in Mineral Safeguarding Areas that might constrain potential future minerals use should not normally be permitted.</p> <p>Planning Officers' Society guidance includes the following:  <i>'Safeguarding of mineral resources, minerals transport, processing and supply infrastructure is, therefore, essential to help ensure that resources and infrastructure are not un-necessarily sterilised or constrained, and are available for use now and, importantly, for future generations.'</i>  And  <i>'Allocation of sites for non-minerals development within MSAs and proximate to safeguarded minerals infrastructure sites should be avoided where possible.'</i></p> <p>Suitable caveats are included in the application of the safeguarding policy which mean that the need to provide for housing/infrastructure is included in the balance when the policy is applied. This is similar to approach taken to constraints such as an Area of Outstanding Natural Beauty designation and or high flood risk areas. However, the text is amended to note that a similar level of consideration (rather than weight) is required. Proposed amended text to Para 3.4.to state:</p> <p><i><u>"They will also play an important role in forward planning as a high-level <b>consideration</b> constraint, to be taken into account when conducting assessments of the main areas of potential for future development and where to avoid, similar to the consideration given to approach taken consideration of the restrictive effects of other land designations such as AONB designation and areas identified as high flood risk"</u></i></p> <p>Underlined text is the proposed new content and struck out text is the existing text to be deleted.</p>
		- There is a lack of clarity about whether previously allocated sites can come forward without needing further Minerals Assessment. A Statement of Common Ground (SCG) between Ashford Borough Council and Kent County Council exempts all but one of the allocations from mineral safeguarding but this isn't addressed in the Supplementary Planning Document.	The policy and the Supplementary Planning Document are clear that where assessments of the need to safeguard mineral have not been undertaken when allocating sites then such assessments will be needed when a development proposal comes forward in that allocation. Policy DM7 criterion 7 states that safeguarding of mineral resources is not required where the proposed development is <i>'on a site allocated in the adopted development plan, where consideration of the criteria 1-6 of the policy concluded that mineral resources will not be needlessly sterilised.'</i>

			<p>Para 3.7 of the Supplementary Planning Document states that where allocations are considered by Kent County Council as not requiring safeguarding this will be reported in the Annual Monitoring Report. The latest Annual Monitoring Report is currently being prepared and this will clarify the position in Ashford Borough by reflecting that in the Statement of Common Ground.</p>
		<ul style="list-style-type: none"> <li>- Periodic review and refinement of Mineral Safeguarding Areas is welcome however, clarity is needed on the approach to reviews.</li> </ul>	<p>The confusion is perhaps related to conflation of the terms 'review' and 'update'. A 'review' of Mineral Safeguarding Areas establishes whether an 'update' is needed and does not necessarily lead to a change ('update') of the Mineral Safeguarding Area.</p> <p>Para 3.6 has been amended to clarify the position. Para 3.6 states:</p> <p><i><u>'The coverage of the MSA designations will be reviewed by the County Council on an annual basis. The reviews will be to ensure that the urban and settlement boundaries are correct (given that they have an exemption effect on land-won safeguarded minerals within them) and also that the safeguarded minerals are still of economic importance and whether additional mineral resources require to become safeguarded given changes in the economics of minerals. <b>A review will not necessarily lead to an update of the MSA – this will occur when the review identifies that substantive changes to the MSA are required and will invoke a formal policy update process.</b>'</u></i></p> <p>Underlined text is the proposed new content.</p>
SPD-14	Sevenoaks District Council	General Comments	
Page 34		<ul style="list-style-type: none"> <li>- Agree with principles of Supplementary Planning Document.</li> </ul>	Noted.
		<ul style="list-style-type: none"> <li>- Comments made on 24 July 2019 on the Early Partial Review remain. Position on Minerals and Waste is set out in Statement of Common Ground (SCG) with Kent County Council (19th September 2019) which recognises the revised approach to safeguarding, need to avoid sterilisation of soft sand at Sevenoaks Quarry and the needs to Mineral Resource Assessments to be submitted with proposals at allocations within Mineral Safeguarding Areas.</li> </ul>	The Statement of Common Ground addresses specific safeguarding considerations and it is noted that it is consistent with the approach set out in the draft Supplementary Planning Document.
SPD-15	Ebbsfleet Development Corporation (EDC)	General Comments	
		The Ebbsfleet Development Corporation is not a plan making authority, that is the responsibility of Dartford and Gravesham authorities in the Ebbsfleet Development Corporation area. The Ebbsfleet Development Corporation wishes to be given the GIS data for the area's safeguarded minerals and waste features.	Noted.
		Specific Comments	
		<ul style="list-style-type: none"> <li>- <b>Mineral Safeguarding Area coverage</b>- the maps show the administrative boundaries but not the MAS assumed that this the colour wash on the map, clarification required in the Supplementary Planning Document.</li> </ul>	The Minerals Safeguarding Areas are defined by the colour and key information on the Kent Minerals and Waste Local Plan Safeguarding Proposals Maps for the entire Kent borough and district administrative areas. Para 4.2 amended to include a reference to this point.
		<ul style="list-style-type: none"> <li>- <b>Para. 3.5</b>- The wording of the text is explicit in saying that the local plan allocated areas are not included on the MSP, yet the Supplementary Planning Document discusses how adopted local plan allocations will need Minerals Assessment. There</li> </ul>	<p>Agreed. An addition of the following text in para. 3.5 is inserted:</p> <p><i>'where these local plan allocations had considered mineral and waste management facility</i></p>

		is a contradiction that requires clarification.	<i>safeguarding at the time of their adoption'</i> after '...in adopted Local Plans...' in the second sentence of the para. to aid clarification on this important distinction.
		- <b>Para. 4.2-</b> This part of the Supplementary Planning Document does not correctly identify the Ebbsfleet Development Corporation as the determining authority for minerals and waste development in the Ebbsfleet Development Corporation area, though the processing function of applications is being carried out by the County Council for the Ebbsfleet Development Corporation on a Service Level Agreement. Supplementary Planning Document needs to be amended to accurately reflect this.	Agreed. Additional text added to clarify the current arrangements between the authorities will be added.
		- <b>Para. 4.4-</b> Text states that any objection to an application on safeguarding grounds by the County Council has weight as a statutory objection. This is questioned, the weight given to such an objection may not be statutory; clarification to support this is required.	The County Council has a statutory duty as the Minerals Planning Authority for the County of Kent, pursuant to the Town and Country Planning (Minerals) Act 1981. Therefore, any objection on the safeguarding of minerals is of statutory weight.
		- <b>Para. 4.9</b> – Comments on applications should be full/formal within 21 days, not only restricted to 'initial' in type. Complex application consideration requiring longer are to be negotiated with case officer, 'initial' should be deleted from para.	There may be need for further information on consideration of an application with safeguarding implications, thus an 'initial response' that would detail this need for further information is a provision that should be retained as this would address this possibility.
Page 35		- <b>Para. 4.9-</b> the text states that in the event that on consultation with the County Council on an application no response within 21 days would indicate that the information (on safeguarding) was adequate. This is potentially problematic as it could arise that the information has not been seen and thus a definitive response is required, text should be amended to express this.	Agreed. Text to para. 4.9. amended to include:  <i>'.....it can reasonably be assumed that the information provided is adequate, this can be subject to any request for confirmation of this conclusion'.</i>  In the last sentence.
		- <b>Para. 5.5-</b> Typological error 'or' between resource and has, requires deletion.	Agreed. 'or' deleted.
		- <b>Table 1 page 16-</b> What does 'KCC community development' refer to, clarification required.	The phrase 'KCC community development' includes such development as education establishments, highways and country parks.
		- <b>Para. 5.30-</b> condition controlling 'incidental' extraction is 'encouraged' this type of condition may be inappropriate and unable to be enforced, deletion of last sentence is required.	Agreed. Word 'condition' changed to ' <i>informative</i> '.
		- <b>Para. 6.7 and 6.8</b> – The Supplementary Planning Document addresses how an exemption to safeguarding can be invoked for development proposals when the relevant allocation has been the subject of safeguarding considerations prior to adoption. The Ebbsfleet Development Corporation wishes to have it confirmed that what the County Council's position is on the safeguarding status of allocations in the relevant parts of the local plan coverage for the Ebbsfleet Development Corporation area.	These are matters beyond the scope of the Supplementary Planning Document. They will be picked up separately with the Ebbsfleet Development Corporation.  Para 3.7 of the Supplementary Planning Document states that where allocations are considered by Kent County Council as not requiring further safeguarding consideration these will be reported in the Annual Monitoring Report. The latest Annual Monitoring Report is currently being prepared and this will clarify the position in Ebbsfleet Development Corporation in this regard.
SPD-16	Dartford Borough Council	<b>Specific Comments</b>	
		- Request for up-to-date GIS layers which show permitted mineral plant infrastructure	GIS shape file layers can be provided.

		and waste management sites to ensure that Dartford Borough Council can consult Kent County Council on relevant applications Requirement for assessments for Local Plan allocations within 250m of safeguarded Minerals and Waste Infrastructure and Facilities is unreasonable and should be removed.	
		- Para 1.1 Reference to 'or in close proximity to' does not reflect the wording in policy DM7 and should be deleted.	Agreed. Text amended to ensure consistency with Policy.
		- Para 3.4 delete reference to Area of Outstanding Natural Beauty and high flood risk areas. As the Mineral Safeguarding Areas are based on British Geological Survey maps, and given the info in para 3.5, it would be misleading to consider them as restrictive as Area of Outstanding Natural Beauty/high flood risk areas.	Agreed. Text amended to note that a similar level of consideration (rather than weight) is required. Proposed amended text to Para 3.4  <i>"They <del>will also</del> play an important role in forward planning as a high level <b>consideration constraint</b>, to be taken into account when conducting assessments of the main areas of potential for future development and where to avoid, <b>similar to the consideration given to</b> <del>approach taken consideration of the restrictive effects of</del> other land designations such as AONB designation and areas identified as high flood risk".</i>  Underlined text is the proposed new content and struck out text is the existing text to be deleted.
		- Para 3.6 How will the reviews of Mineral Safeguarding Areas be done given that they are based on British Geological Survey maps? Is there a more accurate way of defining Mineral Safeguarding Areas?	Reviews will take account of revisions to the extent of the urban area, site investigation which provides further details of the geology and whether the geology remains economically important.
Page 36		- Para 4.14 Is it correct to say that "the adopted Policies Maps display the Mineral Safeguarding Areas in all the administrative areas of Kent, detail the location of all the economic safeguarded minerals, in conjunction with the information provided in Appendix 3" when earlier parts of the document state that the Mineral Safeguarding Areas are based on British Geological Survey maps?	The adopted Policies Maps include the Mineral Safeguarding Areas as they are a spatial expression of policy. The British Geological Survey data provides the basis for the Mineral Safeguarding Areas as recommended in guidance.
		- Further guidance is needed on prior extraction and how that works in practice at DM stage.	Agreed. Text added to at para. 5.15 to clarify the overall approach to prior extraction in the delivery of development.
		- Para 5.38 and the flowchart does not seem to flow naturally from the 'Prior Extraction' sub-heading as the flow chart does not refer to prior extraction. The flow chart is more generally about planning applications and local plan allocations within a Mineral Safeguarding Area or Mineral Consultation Area and would perhaps be more logically located after para 5.32.	Agreed. Para 5.38 and flow chart moved to follow para 5.16 of the Supplementary Planning Document.
		- Clarification is needed in para 6.11 on what 'minor works' are under policy DM8. Does this include section 73 minor material amendment applications?	Criterion 1 of policy DM 8 exempts development of a minor nature as follows: Advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions. Clarification added to para 6.11 of the Supplementary Planning Document to the effect that this includes Section 73 minor material amendment applications. applications.
		- Should the flowchart on page 33 refer to potential conditions? The application process does not end after Kent County Council provide their comments, but the flowchart seems to imply that it does.	Flowchart has been amended to show that application process does not end after Kent County Council provide their comments and related conditions may be applied.
SPD-17	Historic England	Specific Comments	



		Historic England does not wish to comment on the Supplementary Planning Document in detail, though makes the following comments:	
		<ul style="list-style-type: none"> <li>- Mineral safeguarding should take account of the historic environment as it is an irreplaceable asset (para 184 National Planning Policy Framework 2019), therefore any Minerals Assessments should take account of any significant or special interest historic assets to be identified. This may be part of the allocation of development in local plan stage or during site selection.</li> </ul>	If a Minerals Assessment (pursuant to Policy DM 7 as reviewed) any historic assets that are potentially affected by either prior extraction of a mineral deposit would be material to the consideration of the acceptability of any prior extraction. Policy DM 9 requires any prior extraction to be acceptable in its impacts on the environment or communities. The interpretation of the 'environment' would include any historic assets at the site.
		<ul style="list-style-type: none"> <li>- Historic England recommends that the advice contained in the publication 'Mineral Extraction and Archaeology' be consulted to ensure safeguarding methodology take account of the requirements of the historic environment.</li> </ul>	Noted.
		<ul style="list-style-type: none"> <li>- Historic England wishes to be consulted in the future to ensure that there is no doubt of the obligations Historic England has to protect the historic environment and this will not affect Historic England obligation to provide further advice and potentially to object to specific proposals which may arise that affects the historic environment.</li> </ul>	Noted.
SPD-18	<b>David Lock Associates/Tarmac</b>	<b>General Comments</b>	
Page 37		Tarmac welcomes the revision of the Supplementary Planning Document and the changes to the document offer further clarity to how the relevant policies (DM 7 and DM 8) are to be applied. The need to have transparent economic analysis in Minerals Assessment is not objected to, but commercial sensitivities will need to be respected, and the County Council should confirm this. The avoiding of any future 'fettering' of lawful operations at permitted sites through the safeguarding process is strongly supported.	Commercial sensitivities are important to the efficient practice of private industry. The intention of having 'transparent economic analysis' in Minerals Assessments is to ensure that where an exemption to safeguarding is being invoked (in accordance with criteria 1,2 or 3 of Policy DM 7), the relationship between mineral extraction and processing is demonstrated to be at least 'cost neutral'. This means the extraction, transportation, and processing of a mineral would not result in a commercial loss, making prior extraction unviable and that any 'cost loadings' that may 'push' extraction into loss are made clear.
		<b>Specific comments</b> Specific support is afforded to:	
		<ul style="list-style-type: none"> <li>- The editorial changes to make the Supplementary Planning Document clarified, e.g., para. 2.10;</li> </ul>	Noted.
		<ul style="list-style-type: none"> <li>- Inclusion of Mineral Safeguarding Area designations within Annual Monitoring Report framework, offering the opportunity to review operational circumstances of safeguarded sites and make adjustments to protected areas as sites are progressively restored and does the County Council have any thoughts how that would work from a practical standpoint?</li> </ul>	It is intended that where mineral sites are worked out the Mineral Safeguarding Area economic mineral boundaries are adjusted accordingly.
		<ul style="list-style-type: none"> <li>- The additional clarity and explanation given (para. 6.9 to 6.22) to the assessing the potential impact on Mineral Safeguarding Areas;</li> </ul>	Noted.
		<ul style="list-style-type: none"> <li>- The additional clarity and explanation given (Section 7) to the approach to local plan preparation and mineral safeguarding;</li> </ul>	Noted.
		<ul style="list-style-type: none"> <li>• The provision at para. 6.17 to 7.19 are welcomed as they require demonstration of</li> </ul>	Noted.

		<ul style="list-style-type: none"> <li>How new development will not be impacted to an 'unacceptable level' by established lawful permitted operational facilities that are safeguarded. However, the term 'unacceptable' lacks any metric of analysis and is open to interpretation. Further clarity is required.</li> </ul>	Noted.
SPD-19	Dover District Council	<b>Specific comments</b>	
		- Clarification requested on information provided on mineral assessments and is concerned the level of detail and proposed timings of mineral assessment in the Supplementary Planning Document are disproportionate for the local plan stage.	The Supplementary Planning Document is clear that a similar level of detail is needed at plan making and planning application stages. This is the case regardless of whether early consultation takes place with the Mineral Planning Authority. Once a site is allocated in a Local Plan, proposals for development are exempt from safeguarding and so the assessments at plan-making stage must be rigorous.
		- Need for information for each District.	<p>Separate sections on plan making and planning applications have been provided to make it clear that assessments are needed at both stages – it had been suggested previously that the need to undertake assessments at plan-making stage was not unclear, hence the revised layout.</p> <p>Geological information for each District has now been included in the Supplementary Planning Document and GIS layers can be provided which show the location of infrastructure.</p>
Page 38		- Concerned about Supplementary Planning Document appears to give equal weight to Mineral Safeguarding Areas and Area of Outstanding Natural Beauty	<p>As stated in para 5.10 there is a requirement in the National Planning Policy Framework that development proposals in Mineral Safeguarding Areas that might constrain potential future minerals use should not normally be permitted. Planning Officers' Society guidance includes the following:</p> <p><i>'Safeguarding of mineral resources, minerals transport, processing and supply infrastructure is, therefore, essential to help ensure that resources and infrastructure are not un-necessarily sterilised or constrained, and are available for use now and, importantly, for future generations.'</i></p> <p>And</p> <p><i>'Allocation of sites for non-minerals development within Mineral Safeguarding Areas and proximate to safeguarded minerals infrastructure sites should be avoided where possible.'</i></p> <p>Suitable caveat (see criterion 5 in policy DM7) is included in the application of the safeguarding policy which mean that the need to provide for housing/infrastructure is included in the balance when the policy is applied. This is similar to approach taken to constraints such as an Area of Outstanding Natural Beauty designation and or high flood risk areas however the text is amended to note that a similar level of consideration (rather than weight) is required. Proposed amended text to Para 3.4:</p> <p><i>"They <del>will also</del> play an important role in forward planning as a high level <u>consideration</u> <del>constraint</del>, to be taken into account when conducting assessments of the main areas of potential for future development and where to avoid, <u>similar to the consideration given to approach taken</u> <del>consideration of the restrictive effects of other land designations such as AONB designation and areas identified as high flood risk.</del>"</i></p> <p>Underlined text is the proposed new content and struck out text is the existing text to be deleted.</p>
SPD-20	Environment Agency	<b>Specific comments</b>	

		<ul style="list-style-type: none"> <li>- Further information needed on priority given to accessing mineral resources compared to other factors. Concerned that economics of a site may be given more weight than ecology/ biodiversity when considering a site location.</li> </ul>	<p>The principle of the need for mineral development is accepted in the National Planning Policy Framework that states (at para 203):</p> <p><i>'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.'</i></p> <p>This is recognised in the Kent Minerals and Waste Local Plan which allows mineral development to come forward subject to the need to avoid unacceptable impacts on ecology/biodiversity. The Supplementary Planning Document does not revisit these principles and instead is focussed on the implementation of specific policies on safeguarding mineral resources and mineral and waste infrastructure.</p>
SPD-21	<b>Barton Willmore for Borough Green Gardens Consortium and Countryside Properties</b>	<b>General Comments</b>	
		<ul style="list-style-type: none"> <li>- Updated guidance is broadly welcomed.</li> </ul>	Noted
		<b>Specific Comments</b>	
Page 39		<ul style="list-style-type: none"> <li>- Consider issues of viability and whether other material considerations should override safeguarding should be addressed at the decision-taking stage rather than at plan-making because the situation on these matters may not be fully known until an advanced stage in the development/design process.</li> </ul>	It is true to say that these matters may not be fully understood, however it is possible that they are and so it is possible that they could be adequately considered, and appropriate conclusions reached at the plan making stage. It is important to note that the change sought by this comment relates to the adopted policy which has recently been found sound by the Planning Inspectorate at examination in 2020.
		<ul style="list-style-type: none"> <li>- Support for explanation of the implementation of Policy DM 8.</li> </ul>	Noted
		<ul style="list-style-type: none"> <li>- Supplementary Planning Document is considered to provide a sufficient level of information on local geology.</li> </ul>	Noted
SPD-22	<b>Matthews &amp; Sons for J Clubb</b>	<b>Specific Comments</b>	
		<p><b>Consultation Q 1</b></p> <p>It is considered that the revision of the Supplementary Planning Document places a welcome emphasis on that minerals/waste infrastructure safeguarding at the local plan formulation stage, the additional narrative at para. 1.3 and new Section 7 is supported. As it identifies that in the process of local plan formulation minerals/waste safeguarding is a material consideration to the process like other planning matters.</p>	Noted.
		<p>Para. 3.14 narrative is reassuring, in that adopted local plan allocations not mineral safeguarding assessed should not be exempt from policy requirements DM 7 criterion (7). Allocations that have been assessed as compliant and reported in the Annual Monitoring Report (para. 4.18) is supported as a positive measure.</p>	Noted.
		<p><b>Consultation Q 2</b></p> <p>The process of validation of planning applications to include a consideration of Mineral Safeguarding Areas/Mineral Consultation Areas and within 250m of a safeguarded facility is supported. Table 3 additional text that requires 'transparent economic analysis' to invoke criteria 1 or 2 of policy DM 7 is helpful. Minerals Assessment at the local plan stage is not considered a duplication of that required at the planning application stage given variations of geology, viability, working conditions from site to site. The Supplementary Planning Document encourages discussion on the outline parameters for inclusion in a Mineral</p>	Noted.

		Assessment.	
		<p><b>Consultation Q 3</b>  British Geological Survey data is an essential resource for high level assessment, the details given in Appendix 3 provides descriptive local geological information. It provides information for those without direct background knowledge, though it is somewhat generic and not site specific. This limits usefulness to highlighting the existing minerals in the administrative area, it does not identify specific areas to be protected nor does it consider possible new resources. Though trial trenching/bore hole analysis (required for planning applications) would be impractical across the whole county.</p> <p>Use of high-level geological data reduces the understanding of precise extent and scope of mineral resources, local variation will greatly affect both quality and quantity of a resource. The Supplementary Planning Document encourages both desk-based and detailed site analysis, it is this detail that ensures viable resources are not lost to sterilisation.</p>	<p>The geological information contained in Appendix 3 of the revised Supplementary Planning Document is intended to be read in conjunction with the Safeguarding Proposals Maps for the Kent borough and district areas, as shown in the adopted Kent Minerals and Waste Local Plan 2013-30. It is intended that they are relatively 'high level' in that they are descriptive of the identified economic superficial and crustal geologic units. It was not the intention to detail the parts of any given geological resource that is very specifically more 'viable' than any other part. As this may not only vary in time with changes with markets and other economic considerations.</p> <p>This 'high level' assessment is to be done when a Minerals Assessment is triggered by safeguarding policy. Then a fully detailed analysis of quantity and quantity of the deposit threatened with sterilisation is to be done. This may then provide evidence that prior extraction is justified to ensure conservation of the economic geological resource is secured, alternatively it may demonstrate that economic viability is absent. Also, any greater detailed analysis of the economic geology of the County is beyond the scope of the Supplementary Planning Document and would be an evidence base exercise to support a mineral local plan, or a review of an adopted plan of this type.</p>
Page 40		<p><b>Consultation Q 4</b>  The Supplementary Planning Document includes prior extraction (para 5.35-5.37) which is supported, the acknowledgment that an experienced mineral operator is of value in the safeguarding process, in these circumstances, is supported/commended. The revised Supplementary Planning Document's heightened emphasis and reinforcement of the importance to safeguard mineral and waste management infrastructure is commended.</p>	Noted.
SPD-23	<b>Barton Willmore for Maidstone Borough Council and Homes England</b>	<b>General Comments</b>	
		Mineral safeguarding has been fully taken into account throughout the planning of the Heathland Garden Settlement proposals as promoted in the Maidstone Local Plan Review Preferred Approach, December 2020 and it will continue to be a key consideration.	The representation is concerned with ensuring that a particular proposal for an allocation in a Local Plan has addressed safeguarding requirements rather than providing a comment on the explanation of the safeguarding process as set in the draft Supplementary Planning Document. The comments made should be directed to the Council at the appropriate stage of plan-making with a specific request for the Council's view on the consistency of the proposal with the adopted policy on mineral safeguarding.



Kent County Council  
Updated Mineral and Waste Safeguarding  
Supplementary Planning Document

Draft Amended Post Consultation  
December 2020 to January 2021

March 2021

For the purpose of consideration by Environment and Transport Cabinet Committee and the Cabinet Member for Environment, this version of the Mineral and Waste Safeguarding Supplementary Planning Document shows the main proposed changes from the 2017 Supplementary Planning Document highlighted in yellow, and the further amending changes pursuant to the 2020/21 consultation, in green.

Once adopted these highlights will be removed.

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## **Adoption Draft 2021 - Preface**

The Kent Minerals and Waste Local Plan (KMWLP) Safeguarding Supplementary Planning Document (SPD) was adopted in 2017. As part of the Early Partial Review (EPR) of the Kent Minerals and Waste Local Plan, changes were made to the mineral and waste safeguarding policies DM7 and DM8. The Early Partial Review of the Plan was adopted in September 2020. During the examination of the Plan, the County Council committed to review its Safeguarding Supplementary Planning Document to provide greater clarity and guidance as to how safeguarding policies should be implemented. This document has been produced to meet this commitment.

# 1. Introduction

- 1.1 This document is a 'Supplementary Planning Document' (SPD) that provides guidance on how the policies on mineral resources and mineral and waste infrastructure safeguarding as set out in the adopted Early Partial Review of Kent Minerals and Waste Local Plan (KMWLP) 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 containing economic minerals (these are the Mineral Safeguarding Areas (MSAs), and on or within close proximity to safeguarded mineral or waste infrastructure assets (e.g. wharves, rail depots, mineral processing facilities and waste management facilities).
- 1.2 The Supplementary Planning Document is structured as follows:
- The importance of Minerals Supply 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 economic mineral bearing safeguarded areas and safeguarded minerals and waste infrastructure – Section 4
  - The Safeguarding Procedure, information required for safeguarding assessments for planning applications – Section 5
  - The Safeguarding Procedure, information required for safeguarding assessments for local plan allocations- Section 6
  - Summary- Section 7
  - Monitoring – Section 8
  - Kent Minerals and Waste Local Plan Safeguarding Policies – Appendix 1
  - Kent Minerals and Waste Local Plan Safeguarding Policies – summary of key provisions – Appendix 2
  - Economic Geology Information Notes - Appendix 3
- 1.3 Safeguarding is the responsibility of all planning authorities, not just those responsible for determining minerals and waste management planning applications and plan making. Taking safeguarding into account when preparing local plans forms part of the Duty to Cooperate requirements under the Localism Act (2011). The County Council understands the need for local plans to be effective in their delivery of sustainable development and wishes to be engaged in this process as early as practicable to ensure that minerals and waste safeguarding is addressed in a timely fashion thereby reducing delay and uncertainty.
- 1.4 Developers and landowners promoting development are advised to consider safeguarding matters as early as possible in the development process, ideally at option stage when constraints pertinent to a site are being considered and factored into land values and development potential. This should also include consultation with any potentially important mineral operators who would understand more readily the

economic and technical issues relevant to any prior extraction operations that may be necessary to secure mineral resource conservation. In the case of development affecting infrastructure, the operator of the affected facility(ies) should be consulted.

- 1.5 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, so 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 Minerals and Waste Local Plan.
- 1.6 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 Minerals and Waste Local Plan and safeguarded minerals and waste Infrastructure.
- 1.7 The Development Plan for the purposes of determining planning applications and plan making is the Kent Minerals and Waste Local Plan and the relevant District/Borough Local Plan, along with any neighbourhood plan. This includes 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).
- 1.8 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 Local Planning Authority<sup>2</sup>. 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.
- 1.9 The adopted Policies Maps of the Kent Minerals and Waste Local Plan show the Mineral Safeguarding Areas (MSA) of Kent that are safeguarded in each borough and district in the County. These are derived from the British Geological Survey (BGS) data on the UK's stratigraphy, the extent of urban settlement areas and land allocated for built development in adopted Local Plans. Mineral Safeguarding Areas will be updated to take account of British Geological Survey revisions and/or changes to urban settlement areas and allocations in Local Plans. The Mineral Safeguarding Areas should be read alongside the Geological Information Notes in Appendix 3.
- 1.10 Kent is particularly rich in minerals with a variety of materials. They play a key role in providing construction and non-construction materials needed by society. These include brickearth, river terraces sand and gravels, building sand, silica sand, chalk and ragstone

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<sup>2</sup> N.B. Proposals for Nationally Significant Infrastructure Projects are determined by the Secretary of State

- 1.11 In accordance with the National Planning Policy Framework (NPPF), this Supplementary Planning Document is intended to add further detail to the policies in the development plan. It is capable of being a material consideration in planning decisions but is not part of the development plan.
- 1.12 The preparation of this document, as a revision of the original Supplementary Planning Document, has been undertaken in line with the relevant statutory requirements<sup>3</sup>, national guidance<sup>4</sup> and the County Council's Statement of Community Involvement (SCI). It does not conflict with the provisions of the adopted Kent Minerals and Waste Local Plan or introduce new policies.
- 1.13 Once adopted, this Supplementary Planning Document guidance will be a material consideration in relevant planning decisions. It will act in support of the adopted Kent Minerals and Waste Local Plan.

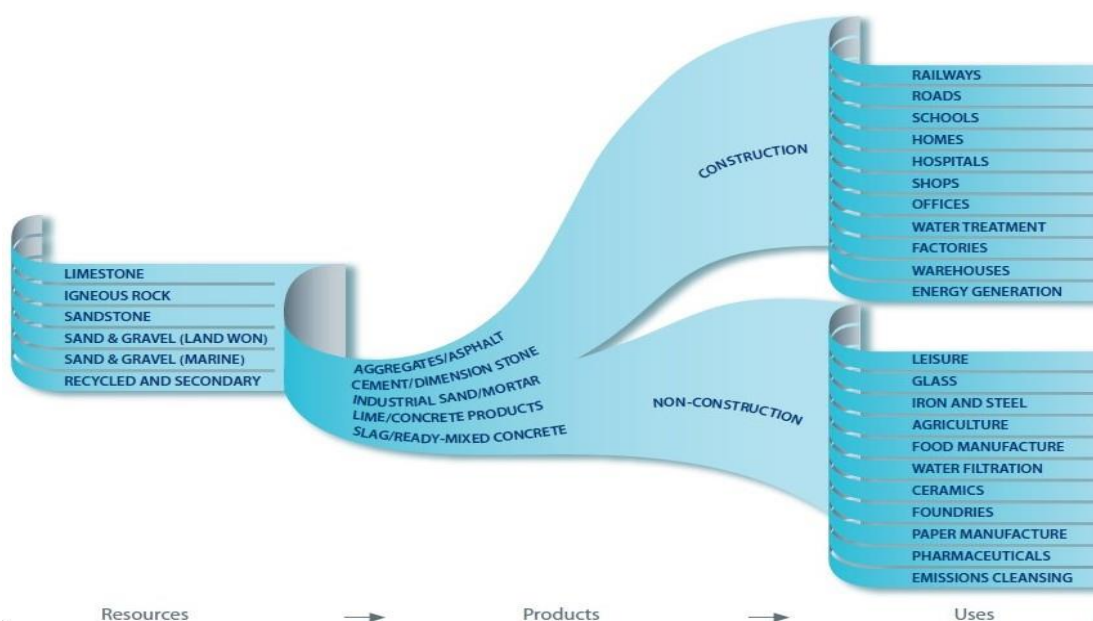
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<sup>3</sup> Regulations 8 & 10-16 of the Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>4</sup> MHCLG (updated March 2019) Planning Practice Guidance on Plan Making <https://www.gov.uk/guidance/plan-making>

## 2. The Importance of Minerals Supply and Waste Management Resources

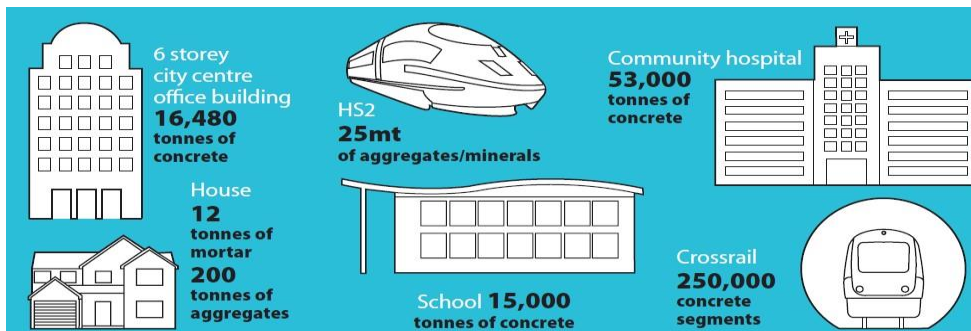
- 2.1 Minerals are essential to support sustainable economic growth and our quality of life. They are the raw materials for our construction industry and play a key role in food, pharmaceutical and manufacturing industries. Infrastructure such as wharves, rail depots and processing plant is essential for the steady and adequate supply of minerals and minerals related products.
- 2.2 The National Planning and Policy Framework (NPPF) advises that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
- 2.3 Primary minerals can only be worked where they naturally occur, and important mineral infrastructure such as wharves have locational requirements, as they need access to water of sufficient depth.
- 2.4 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

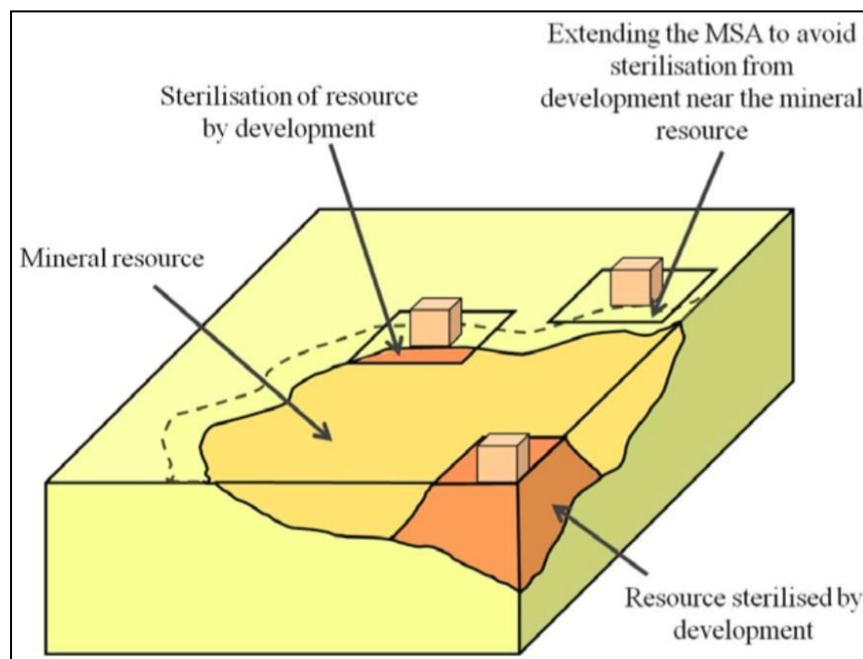
[http://www.mineralproducts.org/documents/Mineral\\_Products\\_Industry\\_At\\_A\\_Glance\\_2016.pdf](http://www.mineralproducts.org/documents/Mineral_Products_Industry_At_A_Glance_2016.pdf)

2.5 Figure 2 below illustrates the quantities required to be sourced by the minerals industry to meet the requirements of certain types of construction.



**Figure 2** - Amount of mineral resources required per type of construction [http://www.mineralproducts.org/documents/Mineral Products Industry At A Glance 2016.pdf](http://www.mineralproducts.org/documents/Mineral_Products_Industry_At_A_Glance_2016.pdf)

2.6 Despite their obvious importance mineral resources can be (and have been) sterilised through non-mineral development 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 development. Reproduced from 'Mineral safeguarding in England: good practice advice', British Geological Survey, 2011

2.7 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 Minerals and Waste Local Plan.

- 2.8 The operation of minerals and waste infrastructure can also be constrained by inappropriate development, such as that sensitive to noise, dust and vibration, and also visual impact, being located on or in proximity to a site. This will include residential and some commercial activities.
- 2.9 These potential conflicts can be avoided through ensuring allocations or planning applications for sensitive development consider the need for safeguarding and avoidance of conflict between uses at an early stage. The potential sensitivities and conflicts are recognised in the National Planning Policy Framework (para 182) and the need to apply the 'agent of change' principle:

***“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”***

- 2.10 Development in proximity to safeguarded infrastructure should be avoided where possible. However, where this is unavoidable, or the need for the development is demonstrated, appropriate mitigation must be incorporated into the design of the development (fabric, layout/orientation, openings etc.) that will reduce and avoid potential conflicts. This will require appropriate assessments of noise and demonstration of measures that will ensure noise levels experienced by the new occupants will be acceptable. Such assessment should be based on 'worst case' operating scenarios and in the case of wharves this may involve 24-hour operations. Clearly the earlier this is considered, the better in terms of delivering suitable solutions and avoiding cost and delay later on in the design and planning process.



**Figure 4** - Examples of new development adjacent to an existing mineral processing facility in Greenwich.



**Figure 5** - Noise barrier between buildings installed as part of a new development to mitigate noise from a nearby existing mineral processing facility.



### 3. Minerals and Waste Safeguarding in Kent

#### What is safeguarded in Kent?

- 3.1 As set out in the policies of the Kent Minerals and Waste Local Plan (KMWLP), the following are safeguarded from non-minerals and waste development in Kent:
- Economic mineral resources: brickearth, sharp sand and gravel, soft sand, silica sand, ragstone and building stone, as shown on the Mineral Safeguarding Area 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;
  - Minerals Sites Plan allocations in the Mineral Sites Plan and strategic allocations (Holborough Cement Works, Holborough and Norwood Farm, Sheppey) in the adopted Kent Minerals and Waste Local Plan; and
  - Sites with active planning permissions for minerals (including those not identified above, such as chalk for agricultural lime production) are lawful and are by that fact safeguarded for the duration of the active planning permission.

#### Mineral Resources

- 3.2 National policy and guidance<sup>5</sup> require that Local Planning Authorities 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, Mineral Safeguarding Areas should be included on the Policies Maps of the Development Plan maintained by the district and borough councils.

#### Mineral Safeguarding Areas (MSA)

- 3.3 Kent Minerals and Waste Local Plan Policy CSM5 identifies the areas in which safeguarding applies to primary land-won mineral resources in Kent. The Mineral Safeguarding Areas 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 Mineral Safeguarding Areas for each district and borough authority area in Kent are set out in the Policies Maps in Chapter 9 of the Kent Minerals and Waste Local Plan.
- 3.4 The purpose of the Mineral Safeguarding Areas 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. They play an important role in forward planning as a high-level consideration, to be taken into account when conducting assessments of the main areas of potential for future development and where to avoid, similar to consideration given other land designations such as Area of Outstanding Natural Beauty (AONB) designation and areas identified as high flood risk.

<sup>5</sup> MHCLG (2019) National Planning Policy Framework, para.204 c) and Planning Policy Guidance Paragraph: 003 reference ID:27-003-20140306

- 3.5 There is no presumption that the mineral present in the **Mineral Safeguarding Areas** will be extracted, or that these areas would be considered acceptable for mineral extraction works. The Kent Mineral Safeguarding Areas are based on the mapped mineral resource prepared by British Geological Survey (BGS). For practical reasons, urban settlement areas and land allocated for built development in adopted Local Plans, **where these local plan allocations had considered mineral and waste management facility safeguarding at the time of their adoption**, are excluded from the Kent Mineral Safeguarding Areas. However, **in principle**, the County Council would be supportive of any viable opportunities for extraction of minerals being pursued prior to development in these areas.
- 3.6 The coverage of the Mineral Safeguarding Area designations will be reviewed by the County Council on an annual basis. **The reviews will be to ensure that the urban and settlement boundaries are correct (given that they have an exemption effect on land-won safeguarded minerals within them) and also that the safeguarded minerals are still of economic importance and whether additional mineral resources require to become safeguarded given changes in the economics of minerals. A review will not necessarily lead to an update of the Mineral Safeguarding Area – this will occur when the review identifies that substantive changes to the Mineral Safeguarding Area are required and will invoke a formal policy update process as set out in plan making legislation and guidance which will involve public consultation.**
- 3.7 **Allocations for non-mineral (or waste) development in adopted local plans that have been assessed for mineral (and waste) safeguarding and been found to be appropriate and exempt from further safeguarding requirements will be reported in the County Council's Annual Monitoring Report (AMR). This will enable monitoring against Kent Minerals and Waste Local Plan policies and provide clarity over areas of land identified for development in Kent's local plans which have satisfied safeguarding requirements and to which safeguarding no longer applies.**

### **Mineral Consultation Areas (MCA)**

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

### **Existing and Allocated Mineral Sites**

- 3.9 Policy CSM 5 **of the Kent Minerals and Waste Local Plan** 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

- 3.10 The existing sites at the time of the Kent Minerals and Waste Local Plan preparation are listed in Appendix C of the Kent Minerals and Waste Local Plan; this list was

updated each year in the Kent Minerals and Waste Annual Monitoring Report (AMR)<sup>6</sup> produced by the County Council. It is now published alongside the Annual Monitoring Report and this allows this element of monitoring to be updated when necessary. The safeguarded area of these sites applies up to the site boundary and surrounding Mineral Consultation Area, not purely the extraction area. Policy CSM 5 applies to the areas allocated for mineral extraction in the adopted Kent Mineral Sites Plan. The status of these sites will be monitored annually.

### **Infrastructure**

3.11 The Kent Minerals and Waste Local Plan (KMWLP) 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 and product manufacture e.g. concrete batching and asphalt plants
- Minerals wharves
- Railheads used to transport waste and minerals

3.12 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.

3.13 **Development management** 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 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.

3.14 This policy was subject to review as part of the Kent Minerals and Waste Local Plan's Early Partial Review (EPR) in 2019. The changes to this policy were adopted in 2020. These clarify that an exemption to safeguarding can be applied where the non-minerals/waste development is identified as an allocation in an adopted local plan, and in that local plan's formulation and examination it was demonstrated that safeguarding issues were fully considered, and the development would be acceptable. Otherwise, an exemption does not apply.

### **Minerals Management and Transportation Infrastructure**

3.15 National policy requires Local Plans to safeguard existing, planned and potential minerals transport, processing and manufacturing infrastructure<sup>7</sup>. Development proposed on or in proximity to these facilities could result in the loss of, or constraints

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<sup>6</sup> Kent Minerals and Waste Annual Monitoring Reports are available online from: <http://www.kent.gov.uk/mwlp>

<sup>7</sup> MHCLG (2019) National Planning Policy Framework, para. 204 (e).

applied to, current or future operations.

- 3.16 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.
- 3.17 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.
- 3.18 Safeguarded Wharves and Rail Depots (Policy CSM 6) are shown in Figure 13: Minerals Key Diagram of the Kent Minerals and Waste Local Plan and their site boundaries are shown in Chapter 9: Adopted Policies Maps of the Kent Minerals and Waste Local Plan.
- 3.19 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 is published alongside the Annual Monitoring Report (AMR) on the County Council's website. It is updated periodically outside the Annual Monitoring Report process.
- 3.20 Policy DM 8 sets out when development can be considered exempt from the safeguarding requirements. As stated in para. 3.14 above, the early Partial Review of the Kent Minerals and Waste Local Plan has clarified the circumstances when an exemption can be applied in relation to an allocation in an adopted local plan. Such an exemption will only apply if all relevant infrastructure safeguarding issues had been considered during the local plan formulation and examination process and was subsequently adopted afterwards.

### **Waste Management Facilities**

- 3.21 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 Minerals and Waste Local Plan.
- 3.22 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 such facilities, or the implementation of the waste hierarchy<sup>8</sup>. Nearby non-waste developments can also impact the operation of existing sites or the viability of planned sites.
- 3.23 Protection for waste management facilities with permanent planning permission is

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<sup>8</sup> DCLG (2014) National Planning Policy on Waste, para.8 clause 1

provided by Policy CSW 16: *Safeguarding of Existing Waste Management Facilities*. This policy safeguards sites that have permanent planning permission for waste management. A list of the waste management sites with permanent planning permission are periodically updated and published alongside the Annual Monitoring Report. Development management Policy DM 8 sets out the criteria that may be used to apply an exemption from the presumption to safeguard, provided the evidence justifies this. The early Partial review of the Kent Minerals and Waste Local Plan, as referred to above in para. 3.14 and 3.20, has further clarified when an allocation in an adopted local plan may be used as a justification to apply an exemption to safeguarding.

## 4. Minerals and Waste Safeguarding Procedure- Main Considerations – Planning Applications and Plan Making

- 4.1 The key to ensuring safeguarding is properly taken into account in decision making is the early and constructive consultation between the local planning authorities and the County Council, and with prospective developers. Further guidance is provided in the Mineral Products Association/Planning Officers' Society guide on safeguarding<sup>9</sup>.
- 4.2 The consultation process between the relevant Kent local district and borough authority (the LPAs) and the County Council (the Minerals Planning Authority and/or Waste Planning Authority) will be triggered by proposals for conflicting and non-exempt development within the Mineral Safeguarding Area/Mineral Consultation Area areas and the 250m consultation zones surrounding the safeguarded minerals (the safeguarded minerals are denoted as the varying colour washes on the Mineral Safeguarding Area policy maps) 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. The Ebbsfleet Development Corporation (EDC) is the determining authority for minerals and waste development in the EDC area, the processing function of such applications is being carried out by the County Council for the EDC on a Service Level Agreement at this time.
- 4.3 The Local Planning Authority must take the Kent Minerals and Waste Local Plan policies (as part of the development plan) and County Council's comments into account when determining applications for potentially conflicting development, including imposition of appropriate conditions on planning permissions to mitigate the potential effects of development on the safeguarded resource and/or infrastructure.
- 4.4 Any objection made by the County Council on safeguarding grounds will be a statutory objection and a material consideration for the determination of proposals.
- 4.5 As set out in Section 3, applicants will be expected to provide adequate information in the form of a Minerals Assessment (for Policy DM 7) or a Minerals and Waste Infrastructure Assessment (for Policy DM 8) accompanying a planning application to enable the County Council to assess the application against the safeguarding policies of the Kent Minerals and Waste Local Plan.

### Consultation on Planning Applications- Main Principles

#### *Pre-application*

- 4.6 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. Discussions with the operators of any existing facilities are also strongly encouraged, to get an idea of the scope of any mitigation measures that may be required.

<sup>9</sup> [https://mineralproducts.org/documents/MPA\\_POS\\_Minerals\\_Safeguarding\\_Guidance\\_Document.pdf](https://mineralproducts.org/documents/MPA_POS_Minerals_Safeguarding_Guidance_Document.pdf)

### **Validation of Planning Applications**

- 4.7 The inclusion of these Assessments in the local Validation Local List would ensure 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. 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 Mineral Safeguarding Areas and Mineral Consultation Areas and within 250m of safeguarded minerals and waste facilities.

### **Consultation**

- 4.8 Local planning authorities will consult the County Council on applications for development within Mineral Safeguarding Areas and Mineral Consultation Areas and within 250m of safeguarded infrastructure, accompanied by the appropriate Minerals or Infrastructure Assessment prepared by the applicant. These should be sent to [mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk).
- 4.9 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. If no response is received within this timescale it can be assumed that information provided is adequate, this can be subject to any request for confirmation of this conclusion.
- 4.10 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.
- 4.11 The relevant port authority (such as the Port of London) should be consulted on all applications which have safeguarding implications for mineral wharves and any mineral related infrastructure at the operational wharf site. The Marine Management Organisation (MMO) supports the safeguarding of mineral importation facilities on coastal locations in its relevant area plan policies. The Marine Management Organisation should also be consulted in accordance with the Marine and Coastal Act 2009 (Section 58) on applications that threaten loss of such facilities, or their continued operation.

### **Consultation on Local Plan Preparation and Allocations**

- 4.12 Kent district and borough councils are required to have regard to the Kent Minerals and Waste Local Plan safeguarding policies when identifying suitable areas for non-mineral and non-waste development in their local plans, as well as showing Mineral Safeguarding Areas and Mineral Consultation Areas on their policy maps<sup>10</sup>. This is necessary to satisfy the Duty to Cooperate.
- 4.13 The process of allocating land for non-minerals and non-waste uses in the district/ borough authority Local Plans will therefore need to take account of the presence of

<sup>10</sup> Planning Practice Guidance Paragraph: 005 Reference ID: 27-005-20140306

minerals within Mineral Safeguarding Areas 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 DM 7, DM 8, CSM 5, CSM 6, CSM 7 and CSW 16. The adopted Policies Maps display the Mineral Safeguarding Areas in all the administrative areas of Kent, detail the location of all the economic safeguarded minerals, in conjunction with the information provided in Appendix 3.

- 4.14 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 the safeguarded areas. Any prior extraction of mineral resources will flow from the process of assessment. Investigation of the feasibility of prior extraction should be a central part of any Minerals Assessment before an exemption to the presumption to safeguard is invoked.
- 4.15 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 Mineral Safeguarding Areas and Mineral Consultation Areas and within 250m of safeguarded infrastructure should be avoided where possible.
- 4.16 In preparing local plans and identifying allocations, local planning authorities should fully consider the presence of Mineral Safeguarding Areas and safeguarded infrastructure. Where 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 how the requirements of the Kent Minerals and Waste Local Plan policies will be satisfied. Where it is determined that the need for development outweighs safeguarding, measures to mitigate the effect of the development on the safeguarded resources or assets, should be identified and required. This will need to be done through Minerals Assessments and Minerals/Waste Infrastructure Assessments. The detail required for these assessments is the same as would be required for a planning application but is subjective to the scope of the development.
- 4.17 A list of allocations in District and Borough Local Plans that the County Council consider have adequately taken waste and mineral safeguarding into account at the plan making stage will be included and updated in the County Council's Annual Monitoring Report. Development which comes forward within these allocations will be exempt from safeguarding provisions.

### **Adopted Policies Maps and Geographic Information System (GIS) Information**

- 4.18 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.
- 4.19 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

4.20 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.

4.21 Sites with planning permission for other mineral plant infrastructure and permanent planning permission for waste management are reviewed as part of the overall monitoring of the Plan. The updated GIS information, **as developed**, will be provided by the County Council to the district/ borough authorities.

4.22 The following table summarises the various organisations' roles involved in minerals and waste safeguarding.

**Table 1: Organisational Roles in Mineral safeguarding**

Applicants/developers	When compiling a planning application <b>or a local plan submission</b> , the applicant should consult the safeguarding maps and policies within the Kent Minerals and Waste Local Plan Minerals <b>to identify safeguarding requirements and whether an</b> Assessment is required.
	If so, then the relevant Assessment should be undertaken and submitted as part of the <b>application or plan submission to</b> the relevant authority
	<b>It is recommended that mineral safeguarding matters are considered at the earliest stage of the development process, ideally at option stage. This will help to ensure that safeguarding matters are factored into land assembly considerations.</b>
District/Borough Councils within Kent	Any applications which are within a Mineral Safeguarding Area or the proximity of a safeguarded facility, and do not meet the exemptions listed in Policies DM 7 and DM 8 will need to be accompanied by the appropriate assessment.  The 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.  The local planning authority should consult the County Council on any planning application or potential site allocation which may have safeguarding implications and does not meet the exemptions.

Kent County Council	<p>The County Council will offer comments on a planning application <b>or local plan submission</b> which has minerals or waste safeguarding implications.</p> <p>When determining applications for Regulation 3 proposals <b>(KCC community development)</b>, the County Council will also need to consider any mineral safeguarding implications.</p>
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## 5. Planning Applications - Information Requirements for Development Affecting Land-Won Mineral Safeguarding

- 5.1 This section sets out the Information Requirements to accompany planning applications for Non-Minerals Proposals in Minerals Safeguarding Areas (MSA). The process for considering submissions for local plan allocations is essentially the same and is addressed in section 7.0. In the case of Nationally Significant Infrastructure Projects (NSIP) applications the County Council would be a consultee to any pre-application, pre-examination consultations. At any resultant Examination of an NSIP the County Council may be an expert witness in relation to any minerals or waste safeguarding matters that have come to light as a consequence of the preceding stages in the NSIP process. The bulk of the advice in this document is aimed at local authorities and applicants so that the requirements and application of the mineral and waste safeguarding process as set out in the relevant policies of the Kent Minerals and Waste Local Plan (KMWLP) 2013-30 are better understood.
- 5.2 Kent Minerals and Waste Local Plan Policy CSM5 Land-won Mineral Safeguarding identifies and protects the Minerals Safeguarding Areas. A proposal for non-minerals development in a Mineral Safeguarding Area is the trigger for an assessment process of the potential effects of the development on the safeguarded minerals resource.
- 5.3 For the purposes of this Supplementary Planning Document, 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 Exempt from Mineral Safeguarding**

- 5.4 The reviewed and adopted<sup>11</sup> Policy DM 7: Safeguarding Mineral Resources sets out the circumstances when non-minerals development may be considered acceptable at a location within a Mineral Safeguarding Area. The policy's exemption criteria 4, 6 and 7 describe the types of proposals for development that are excluded from mineral safeguarding consideration:
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*
  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*

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<sup>11</sup> Reviewed and adopted as part of the Early Partial Review of the KMWLP, adopted September 2020.

7. *it constitutes development on a site allocated in the adopted development plan, where consideration of the criteria 1-6 of the policy concluded that mineral resources will not be needlessly sterilised.*

- 5.5 Proposals covered by these exemption criteria should be accompanied by information demonstrating that they are exempt from mineral safeguarding. This will indicate to the relevant local planning authority that the presence of the safeguarded mineral resources has been acknowledged and that the development is in conformity with Kent Minerals and Waste Local Plan Policy CSM 5 and Policy DM 7.
- 5.6 The County Council need not necessarily be consulted on the types of developments falling under paragraph 5.4 above. If there is any uncertainty, the district and borough planning authority will discuss and agree the approach to be taken with the County Council.

### **Acceptability of Development within Mineral Safeguarding Areas**

5.7 Exemption criteria 1,2,3 and 5 of Policy DM 7 describe the circumstances where planning permission can be granted for development that is not excluded from mineral safeguarding but could potentially sterilise mineral resources. It should be noted that only one of the policy's exemption criteria need to be successfully invoked to gain an exemption:

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;*
- 5.8 However, where criterion 5 is met, developers should be encouraged to mitigate the sterilising effects of the development, such as investigating and delivering prior extraction of as much material as possible.
- 5.9 Where an applicant seeks to satisfy any one of the criteria in paragraph 5.7 and for an exemption to be applied to the presumption to safeguard the mineral, it is necessary for the proposal to be accompanied by a 'Minerals Assessment'. Further advice on the content and form of the Mineral Assessment is set out below.

### **Minerals Assessments – General elements to be addressed**

5.10 While the Kent Minerals Safeguarding Areas (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' (MA) 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. This reflects the requirement in the National Planning Policy Framework<sup>12</sup> that development proposals in Mineral Safeguarding Areas that might constrain potential future minerals use should not normally be permitted. The evidence that is required in a more detailed Minerals Assessment can range from verifiable documentation that demonstrates that the deposit is uneconomic (or potentially absent because of incorrect mapping or from past extraction) to fully invasive explorations using trial trenching/borehole surveys and laboratory analysis of the materials to demonstrate viability or the lack of viability of the relevant safeguarded mineral in the Mineral Safeguarding Area.

- 5.11 It is not considered appropriate to apply a size threshold for proposals (other than those of exempt development under Policy DM 7 criterion 6) that require a Minerals Assessment (MA) or set out requirements for different levels of assessment in proportion to the proposed development. This is because a small development in a Mineral Safeguarding Area still has the potential to sterilise a large area of mineral resource.
- 5.12 Pre-application discussions between the promoter/applicant of a non-minerals development in a Mineral Safeguarding Area/Mineral Consultation Area 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. Discussions with the operator of any existing site are also encouraged.
- 5.13 Discussions will help inform what level and scope of Mineral Assessment is required, and that these are proportionate, 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.
- 5.14 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.
- 5.15 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. The consideration of prior extraction is a necessary step in the investigation of how to safeguard any economic minerals found present at the site. If the deposit is extensive it may be possible to use a program of phasing extraction with development, thus reducing delays. However, it is emphasised that the presence of safeguarded minerals at a development site should be part of the early stages of planning for how development may come forward on the site. The presence of safeguarded minerals should be factored into both the viability and timing of delivery of the development and

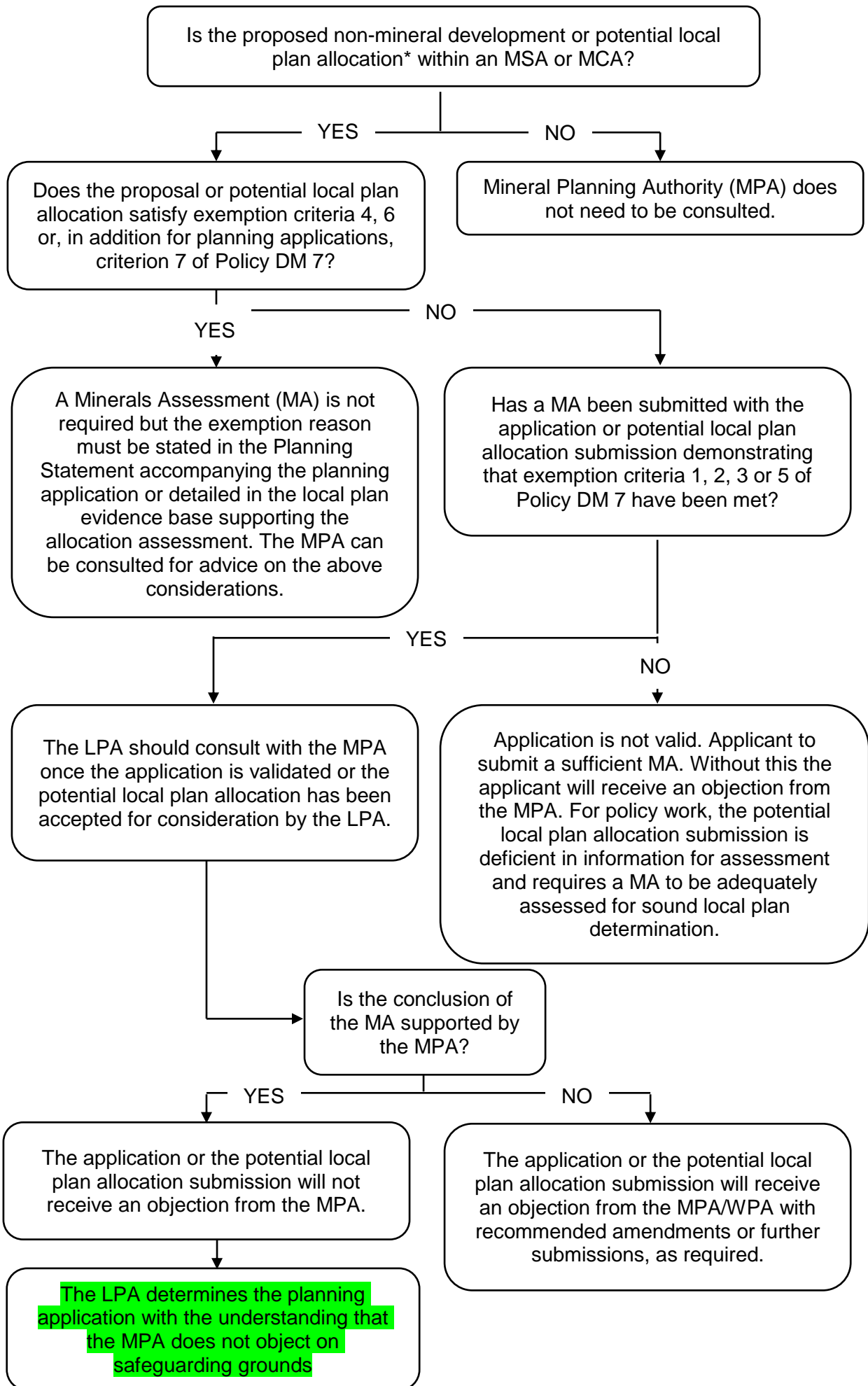
<sup>12</sup> National Planning Policy Framework 2019 Paragraph 205 also stresses that 'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.'

should be part of any site's initial development appraisal.

5.16 The British Geological Survey has prepared good practice advice for mineral safeguarding<sup>13</sup> and this has informed the guidance in this Supplementary Planning Document. In preparing Minerals Assessments necessary to accompany planning applications, applicants promoting development should assess the quality and quantity of mineral resource at a site with the following information which includes site specific desk-based assessment and detailed analysis. The flowchart overleaf suggests a logical process that a Local Planning Authority should follow when processing applications with land-won mineral safeguarding implications:

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<sup>13</sup> British Geological Survey (2/011) Mineral Safeguarding in England: good practice advice



\*Potential local plan allocation is in the broadest sense and includes site assessment work leading to allocation.

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

5.17 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.

5.18 Desk-based 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)
- British Geological Survey Geological maps and resources:  
<https://www.bgs.ac.uk/discovering-geology/maps-and-resources/maps/>

### **Mineral Assessment - Detailed analysis of the site-specific information**

5.19 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;

5.20 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 carried out as part of the overall development scheme.

5.21 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 on the planning application and to enable the Borough/District Council to be satisfied of its requirements in respect of the National Planning Policy Framework (NPPF), paragraph 205.

### **Minerals Assessment Methods**

5.22 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 provides further detail.





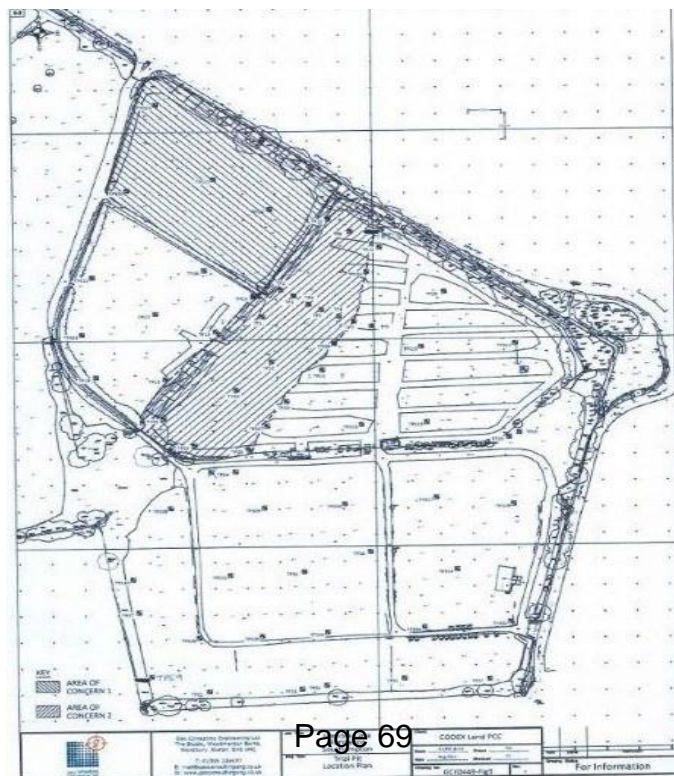
**Figure 5** – Example Trial Pit

5.23 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 an 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 6** – Example Borehole Rig

5.24 The spacing of boreholes is that a thorough mineral be present can spacing of 150m centre-to-centre to be the approach to be although may also be determine the deposit as



**Figure 7** – Offset Grid

trial pits and/or important to ensure assessment of the resource thought to be made. An initial approximately to-centre appears generally accepted initially considered, additional densities required to extent of the appropriate.

5.25 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 <sup>14</sup>	Site Specific Investigation/Methodology
Superficial deposits such as <b>Brickearth, River Terrace Sands and Gravels</b> , and <b>Alluvial Sands and Gravels</b>	<b>Trial Trenching Surveys:</b> 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 <b>Folkestone Beds</b> (building sands)	<b>Drilling Surveys:</b> 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.

<sup>14</sup> 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

Hard crustal geologies such as the <b>Hythe Formation</b> (Kentish Ragstone)	<p><b>Drilling Surveys:</b> Drilling techniques employing diamond and/or tungsten drill bit coring 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.</p>
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**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.

- 5.26 The economic viability of mineral resources and the viability of prior extracting these may change over time as resources become scarcer, technology improves, and markets change.
- 5.27 The recommended key aspects to consider in a Minerals Assessment of a proposed development in a Minerals Safeguarding Area (MSA) are set out in Table 3 overleaf, reflecting the requirements of Kent Minerals and Waste Local Plan safeguarding policies. Other factors may be relevant on a case-by-case basis.

<b>Table 3. Factors to consider in Minerals Assessments Site Information</b>	<b>Likely requirements</b>
Proposal Site	<ul style="list-style-type: none"> <li>• Area – red line and buildings footprint</li> <li>• Description of proposed development</li> <li>• Consideration of alternative location for the development outside the Mineral Safeguarding Area</li> <li>• Timetable for the development</li> </ul>
Mineral Reserve	<ul style="list-style-type: none"> <li>• Type &amp; extent of the mineral</li> <li>• Depth of the deposit and variability across the site</li> <li>• Depth of overburden and variability across the site</li> <li>• Ratio of overburden to mineral resource</li> <li>• Mineral quality (e.g., BSI) standard or equivalent with or without processing)</li> <li>• Estimated gross mineral resource affected</li> </ul>
Mineral Extraction Constraints	<ul style="list-style-type: none"> <li>• Site infrastructure/ utilities</li> <li>• Site constraints / designations</li> <li>• Proximity of other development</li> </ul>
<b>Prior Extraction:</b>	

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

The County Council will expect transparent economic analysis in Minerals Assessments if it is argued that criteria 1 or 2 of Policy DM 7 can be invoked to gain an exemption from the presumption to safeguard land-won mineral resources.

**Mineral Assessment Conclusions**

5.28 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 criteria 1 – 3 or 5 apply to the proposed development.

5.29 The ‘or’ after each of the criteria in Policy DM 7 means that only one criterion needs to be satisfied. However, sequentially it will make sense for consideration of the economic value (criteria 1) and viability and practicability of extraction being considered first before considering practicability of prior extraction (criteria 2) and whether the need for the development outweighs the safeguarding of the mineral (criteria 5).

5.30 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.

5.31 If the County Council is satisfied that the Mineral Assessment information adequately demonstrates the prior extraction would not be viable, the 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.

This should be addressed through an appropriately worded planning informative.

- 5.32 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.
- 5.33 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**

- 5.34 Where prior extraction is proposed, Kent Minerals and Waste Local Plan (KMWLP) 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 Minerals and Waste Local Plan Policy CSM 4).
- 5.35 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 Minerals and Waste Local Plan Policy DM 21: *Incidental Mineral Extraction*.
- 5.36 The economics of prior extraction depend on the mineral quantity and quality, and if not used on-site, the proximity to processing plant and access to market. It will also depend on the changes to the topography of a site and associated issues of developability, and overall costs of extraction and effects on the timescale for the planned development.
- 5.37 The prior extraction operations are normally anticipated to be done by a mineral operator, who would have the requisite experience, knowledge, specialist equipment and market access, to undertake the operation with co-management of the non-mineral developer to co-ordinate the extraction.
- 5.38 The County Council will expect transparent economic analysis in Minerals Assessments if criteria 1 and 2 of Policy DM 7 are being invoked to gain an exemption from the presumption to safeguard land-won mineral resources.

## 6. Planning Applications - Information Requirements for Development Affecting Safeguarded Mineral and Waste Management Infrastructure

- 6.1 The section below relates to development proposals that affect safeguarded minerals and waste management infrastructure either directly or within 250 metres of a safeguarded facility.
- 6.2 Kent Minerals and Waste Local Plan Policy CSM 6: *Safeguarded Wharves and Rail Depots* safeguards a number of minerals transportation facilities in Kent. The policy applies to all existing, planned or potential sites for minerals transportation. The safeguarding applies to the facility itself, as well as a 250m buffer zone surrounding the site.
- 6.3 Kent Minerals and Waste Local Plan Policy CSM 7: *Safeguarding Other Mineral Plant Infrastructure* safeguards facilities associated with minerals operations, such as those related to concrete batching or secondary aggregate production. The safeguarding also applies to a 250m buffer zone surrounding the site.
- 6.4 Kent Minerals and Waste Local Plan Policy CSW 16: *Safeguarding of Existing Waste Management Facilities*, safeguards sites which have permanent planning permission for waste management. The safeguarding also applies to a 250m buffer zone surrounding the site.

### **Developments Exempt from Safeguarding of Infrastructure**

- 6.5 Kent Minerals and Waste Local Plan Policy DM 8: Safeguarding Minerals Management, Transportation & Waste Management facilities sets out the only circumstances where non-minerals and waste development proposed **within a safeguarded site that would involve total or partial loss of the safeguarded facility**, or in proximity to (within 250m), safeguarded minerals management, transportation or waste management facilities, would be considered acceptable.
- 6.6 Development proposals considered acceptable or exempt from safeguarding are specified in Policy DM 8 criteria 1 & 2 namely:
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 where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully considered and it was concluded that certain types of non-mineral and waste development in those locations would be acceptable;*

It should be noted that only one of the policy's exemption criteria need to be successfully invoked to gain an exemption

- 6.7 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 proposals are made in relation to sites allocated in a Local Plan and it is unclear whether safeguarding was addressed at the plan making stage.
- 6.8 Proposals that come forward on allocated sites in an adopted local plan can only apply an exemption if it can be demonstrated that safeguarding assessment(s) had been undertaken when the local plan was being formulated and subsequently adopted and criterion 2, as above, can be demonstrated.

### **Development Proposals in the Vicinity of Safeguarded Sites**

6.9 A summary of the process for considering proposals for non-minerals or non-waste development within 250m of safeguarded waste and minerals infrastructure is as follows:

- Assess whether the proposal is exempt from safeguarding considerations due to the application of criteria 1 to 7 in Kent Minerals and Waste Local Plan Policy DM 8.
- If it is then the development cannot be said to threaten the capacity of existing infrastructure and so further safeguarding considerations are not required.
- If criteria 1 to 7 do not apply, then it must be shown how the development will not hinder the operation of the existing infrastructure in line with the 'Agent of Change' principle.
- If it cannot be demonstrated that the development will not impact on the operation of the infrastructure, then permission for the proposed development should be refused as contrary to Policy DM 8.

Input from the operator of the site would further establish the nature of the lawful operation to be taken into account in the above matters. The above process is explained further below.

### **Assessment against Policy DM 8 criteria**

6.10 As with Policy DM 7 the 'or' after each criterion in Policy DM 8 indicates that only one criterion needs to be satisfied. It should be noted that when applying these exemption criteria, the main consideration is that the justification to invoke an exemption is based on whether the potentially non-compatible development will not result in the loss or impairment of the operation of the safeguarded facility or, alternatively loss of the safeguarded facility is justified according to the relevant criteria test.

6.11 **Criterion (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;”

This criterion is intended to cover planning applications for relatively minor development, such as Section 73 minor material amendment applications, that will not hinder the operations of mineral and waste infrastructure. Essentially proposals for such development can be permitted without the need to consider such operations.

**6.12 Criterion (2):** *“it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully considered and it was concluded that certain types of non-mineral and waste development in those locations would be acceptable;”*

This criterion covers proposals which come forward on land allocated in the Local Plan where an assessment of the need to safeguard the nearby infrastructure has already been assessed. In these cases, the policy in Local Plan that allows development in this location will have been developed in a way which means that it already includes clauses to protect the safeguarded infrastructure or an assessment has shown that the capacity provided for by that infrastructure can reduce or is not needed. Section 7.0 below shows how local plans should be prepared in a manner which ensures any allocations within them take account of existing waste and minerals infrastructure.

### **Need for a Minerals and Waste Infrastructure Assessment**

**6.13** When a potentially incompatible development, or developments, could result in adversely affecting safeguarded sites (those outside of Policy DM 8 criteria 1 & 2), assessments are required to have regard to whether proposals would impair the operation of safeguarded facilities according to criteria 3 to 7 which are considered below. Any one of these criteria may apply but it may make sense for proposals for non-exempt development types to consider criteria 4, 5 and 7 before criteria 3 and 6. Proposals applicable under either criterion 4, 5 or 7 need to provide assessment information, as appropriate to the nature and scale of the proposed development, in a Minerals and Waste Infrastructure Assessment:

**6.14 Criterion (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;”*

This criterion allows for proposals to come forward where it is demonstrated that the nearby infrastructure is to be replaced. It is possible that where this criterion is invoked as a reason to allow the development to be permitted, a condition will be placed on the planning permission which does not allow the development to proceed until the replacement capacity has been secured and the existing infrastructure has reduced or ceased its operations.



The following must be demonstrated to justify the exemption:

- 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;
- in the case of wharves, the size of the berth for dredgers, barges or ships, ensuring the depth and tidal flows (including any potential for 24-hour operation according to tidal movements) meet the requirements; and,
- in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy (to meet the 'better' requirement) and capacity may be less if the development is at a higher level of the hierarchy.

**6.15 Criterion (4):** *"it is for a temporary period and will not compromise its potential in the future for minerals transportation,"*

This criterion allows for development which is temporary to the extent that any transportation of minerals supported by the existing infrastructure (e.g., a minerals wharf) will not be compromised on a permanent basis. The extent to which this criterion can be invoked will depend on the length of time that the development is in place and the extent to which it hinders (or might hinder) the existing infrastructure's operations. This criteria links to Policy CSM6 that concerns the safeguarding on potential minerals transportation sites. 'Potential' minerals transportation sites include wharves and railheads which are not currently used to transport minerals but could in future. Such sites are of great strategic importance and their capacity should not be lost without careful consideration of whether it might be needed in future.

**6.16 Criterion (5):** *"the facility is not viable or capable of being made viable."*

This criterion allows for development in the vicinity of infrastructure which has ceased operating and will not be brought back into operations because current and future market conditions mean that it is no longer economic for waste or mineral infrastructure (of the type permitted) to operate in that location. To invoke this criterion, it will be necessary for applicants to demonstrate that it would not be possible to make operations economic by reconfiguring the operations which might for example result in an increase in throughput. Examples of this might be where a mineral wharf has been closed for some time and its cranes have fallen into disrepair and are now too expensive to bring back into use. The assessment demonstrating this should include evidence of the historic use of the site and the factors affecting its current lack of viability or possible refurbishment or adaptation for it to be made viable. Moreover, vacant and/or underutilised safeguarded sites should undergo the same degree of assessment rigour to ensure that reactivation and future maximisation of use of the safeguarded facility is not compromised.

Factors to be considered in assessing the viability of a safeguarded wharf should include:

- Its size, shape, navigational access, road access, rail access (where possible), planning history, environmental impact and surrounding land use context;
- its geographical location, in terms of proximity and connections to existing and potential market areas;

- the existing and potential contribution it can make towards reducing road-based freight movements;
- existing and potential relationships between the wharf and other freight-handling sites or land uses; and,
- the location and availability of capacity at comparable alternative wharves, having regard to current and projected wharf capacity and market demands.

**6.17 Criterion (6):** “material considerations indicate that the need for development overrides the presumption for safeguarding”

This criterion allows for development where it can be shown that the development is of such importance that the need for it to take place outweighs any impact that might result on the operation of the adjacent minerals and waste facility. 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.

**6.18 Criterion (7):** “it has been demonstrated that the capacity of the facility to be lost is not required”

This criterion allows for development where the capacity of existing infrastructure is not required to meet current and future mineral supply and/or waste management requirements in the area.

The Assessment demonstrating this should evidence how the capacity, if lost, is insignificant in both terms of quantities and geographical positioning in the area, such that no negative impacts would ensue in minerals supply, mineral product production, waste management and transportation.

**Assessing Impacts on Existing Infrastructure (proposals within 250m)**

6.19 Following on from the above, proposals which do not fall under criteria 1 and 2 of Policy DM 8 or where it cannot be shown that the capacity of existing infrastructure is less important, as covered by criteria 3 to 7, will need to be accompanied by information, including incorporation of appropriate mitigation measures, to demonstrate that the proposed development is not incompatible with the safeguarded site. The applicant should demonstrate, with any necessary clarifying input from the site operator, that:

- impacts that may legitimately arise from the activities taking place at the safeguarded facilities (e.g., noise, dust, light air emissions and odour) would not be experienced to an unacceptable level by occupants of the proposed development (and potentially also lead to constraints being imposed on the safeguarded facility in the future); and
- Mitigation measures have been considered where necessary, for example through the design (e.g., noise insulation) and orientation of the proposed buildings, to minimise disruption to the users of the development;
- and vehicle access to and from the safeguarded facility would not be

constrained by the development proposed.

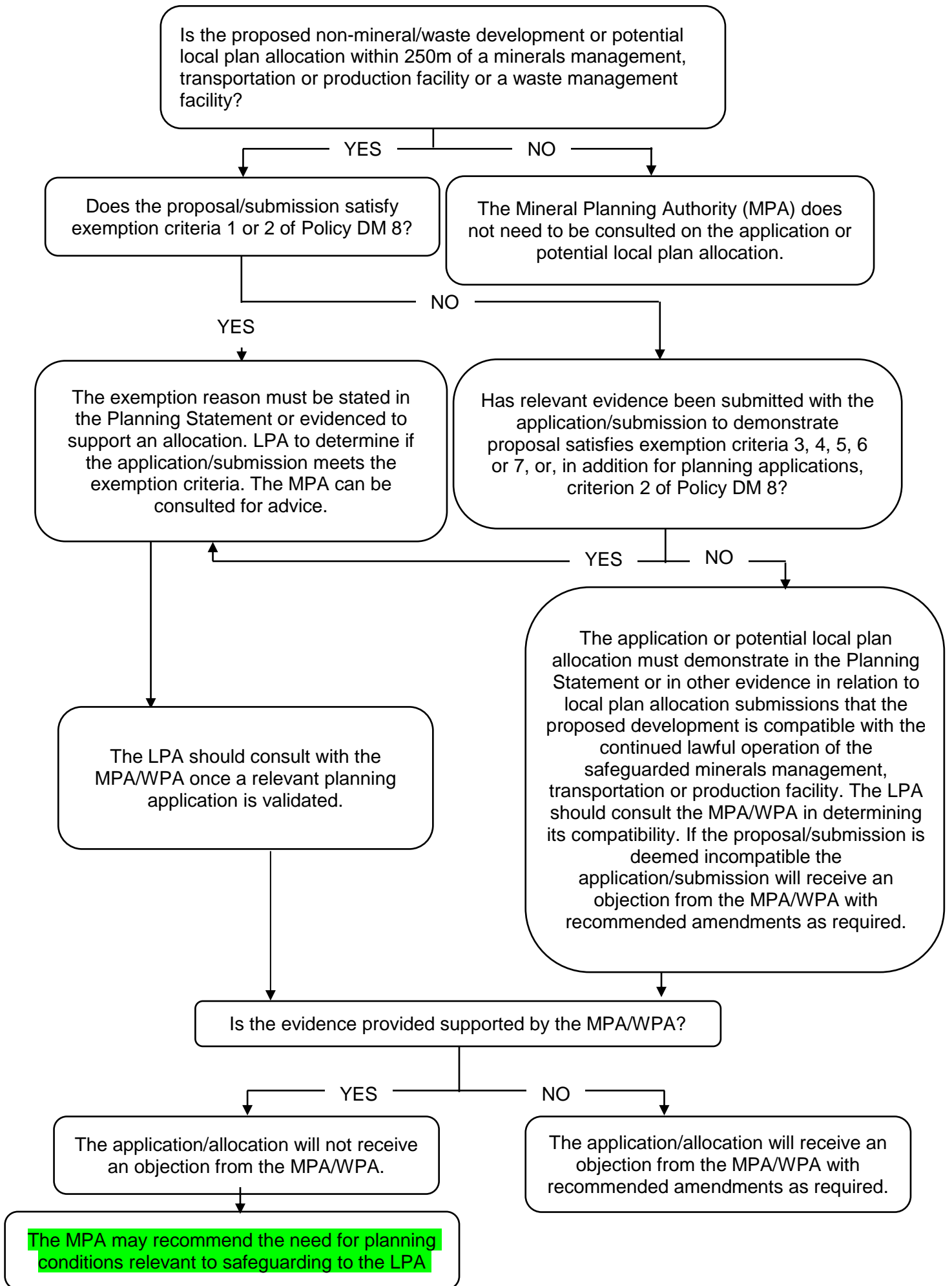
6.20 Planning applications that do not satisfactorily demonstrate the above will attract an objection from the County Council on safeguarding grounds of incompatibility and/or causing unacceptable encroachment.

6.21 An example of the consequences of not considering the compatibility of the development is the case between the Port of London Authority (PLA) and a collection of mineral wharf operators in Greenwich vs. London Borough of Greenwich and the Greenwich Millennium village<sup>15</sup>. The PLA and interested parties commenced Judicial Review of the London Borough of Greenwich decision to permit residential development in the proximity of safeguarded wharves. The LPA recognised that they had not considered the incompatibility issue in their decision making appropriately. This has resulted in the development having to be retrofitted with noise abatement measures to mitigate the impact that was not recognised and assessed when the application was first submitted.

6.22 Each 'standalone' element of Policy DM 8 (as discussed above) can be applied independently, nevertheless the flowchart overleaf suggests a logical decision-making process that developers and the Local Planning Authority (LPA) should follow when addressing applications which have implications for safeguarded minerals and waste facilities and infrastructure.

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15 THE QUEEN On the application of PORT OF LONDON AUTHORITY LIMITED (1) AGGREGATE INDUSTRIES UK LIMITED (2) CEMEX UK OPERATIONS LIMITED (3) DAY GROUP LIMITED (4) TARMAC LIMITED (5) Claimants v. LONDON BOROUGH OF GREENWICH Defendant and GREENWICH MILLENIUM VILLAGE LIMITED Interested Party



## 7. Information Requirements for Safeguarding: Plan Making

- 7.1 This section sets out the Information Requirements to accompany submissions for local plan allocations for Non-Minerals Proposals in Minerals Safeguarding Areas (MSA).
- 7.2 The process of local plan formulation and minerals and waste safeguarding is no different to a consideration of any other planning constraint. The purpose of this section is to illustrate how this can be achieved without unduly compromising the timely formulation of local plans in Kent as produced by the County's borough and district planning authorities. It covers both safeguarded land-won minerals and mineral and waste management infrastructure.
- 7.3 In the first instance, when a local plan is being considered by a planning authority and there is a need to consider constraints to development, mineral and waste safeguarding matters must be considered. It is recommended by the County Council that the adopted Policies Map for the relevant area in the Kent Minerals and Waste Local Plan (KMWLP) is used in this process.
- 7.4 The following system of assessment will essentially apply.
- Are any of the sites in a Mineral Safeguarding Area/Mineral Consultation Area or on or within 250m of minerals and waste infrastructure?
  - If No - further assessment is not required
  - If Yes - scope of a Minerals Assessment should be discussed and agreed with the Mineral Planning Authority.
- 7.5 As the Mineral Planning Authority, the County Council is available to provide guidance at the earliest stages of the plan making process e.g., evidence gathering, to support the Borough and District Councils in formulating their local plans.

### **Minerals Assessment-Land-won Minerals**

- 7.6 The Detailed Minerals Assessment at the plan making stage essentially follows the same process as set out in see section 5 above and must address the requirements of Policy DM 7, namely.
- *the mineral is not of economic value or does not exist (criterion 1); or*
  - *that extraction of the mineral would not be viable or practicable (criterion 2); or*
  - *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 (criterion 3); or*
  - *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 (criterion 5);*

7.7 If any of the above criteria can be met, and with consultation with the Minerals and Waste Planning Authority, an exemption from the presumption to safeguard can be justified, a proposed local plan allocation(s) can be determined as having satisfied the policy requirements of the Kent Minerals and Waste Local Plan. A planning application on the allocation would then be in compliance with the Kent Minerals and Waste Local Plan policy – DM 7 criterion 7 which states:

- *It constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised*

7.8 The assessment process can be undertaken by either the promoter of a site, as part of the Detailed Technical Assessment of the site following a 'Call for Sites' exercise, or by the local planning authority for sites that are not being actively promoted but are considered as potential sites that the local authority wishes to explore. The County Council should be consulted at an early stage to agree the scope of the assessment and consider the safeguarding issues.

7.9 Undeveloped allocations in adopted local plans affecting land won mineral resources that are proposed to be carried forward into a new local plan would need to satisfy the same requirements - being allocated previously and not subject to the safeguarding process would not be exempting in itself.

7.10 At the conclusion of the Regulation 18 public consultation the local authority may consider entering into Statements of Common Ground (SoCG) with the Minerals and Waste Planning Authority to attempt to address safeguarding issues. If agreement is not possible the County Council, as the Minerals and Waste Planning Authority may make representation(s) that may then form part of the Matters for the Inspector(s) to consider as part of the local Plan's Independent Examination.

### **Assessment - Minerals and Waste Management Infrastructure**

7.11 The process and steps in considering the safeguarding of minerals and waste management infrastructure is broadly similar to that described above for dealing with development affecting infrastructure the at planning application stage. Guidance on the detail and form of the information to include in the Mineral and Waste Infrastructure Assessment is as set out in section 6.0 above. Assessments are required for:

- Allocations for development that potentially have a direct impact on a safeguarded facility, in terms of incurring the partial or total loss of the facility and its operational area, and.
- Allocations for development that are within 250m of safeguarded facility

7.12 The operational areas and 250m consultation areas, required in conducting any assessment, can be sourced from the County Council as digital map information.

7.13 Again, the assessment process can be undertaken by either the promoter of a site, as part of the Detailed Technical Assessment of the site following a 'Call for Sites' exercise, or by the local planning authority for sites that are not being actively promoted but are considered as potential sites that the local authority wishes to explore. The County Council should be consulted at an early stage to agree the scope of the assessment and consider the safeguarding issues.

## **Infrastructure Assessments for Local Plan Allocations that directly or partially involve the loss of the Safeguarded Minerals and Waste Infrastructure**

7.14 Policy DM 8: Safeguarding Minerals Management, Transportation & Waste Management facilities sets out the only circumstances where non-minerals and waste development proposed on or within safeguarded minerals management, transportation or waste management facilities would be considered acceptable.

7.15 For an allocation to be considered acceptable for exemption from safeguarding, Policy DM 8 criteria should be addressed. It should be noted that only one of the policy's exemption criteria need to be successfully invoked to gain an exemption<sup>16</sup>:

*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*

*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 development overrides the presumption for safeguarding; or*

*7. It has been demonstrated that the capacity of the facility to be lost is not required.*

7.16 The policy outlines the need to demonstrate how any safeguarded site's capacity that is lost will be replaced in relation to criterion 3. It states:

*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 materials/residues resulting from waste management processes) and minerals, and:*

*in the case of wharves, the size of the berth for dredgers, barges or ships; and*

*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.*

7.17 The local authority may consider entering into Statements of Common Ground (SoCG) with the minerals and waste planning authority to attempt to address any safeguarding issues. If agreement is not possible the minerals and waste planning authority may make representation(s) that may then form part of the Matters for the Inspector(s) to

<sup>16</sup> Please note that criterion 2 is addressed in paragraph 7.18 of the revised Supplementary Planning Document

consider as part of the local Plan's Independent Examination.

- 7.18 Ultimately where an allocated site is carried forward into a new local plan that and has not been previously subject to the safeguarding process, this does not afford an exemption at the planning application stage (under criteria 2 of Policy DM8).

### **Infrastructure Assessments for Local Plan Allocations that are within 250m of Safeguarded Infrastructure**

- 7.19 An assessment is also required for sites identified as potential allocations within 250m of a safeguarded minerals or waste management facility. This would be essentially similar to that which would be applicable for an application for development within 250m, as is detailed above in section 6.0.
- 7.20 An allocation may come forward on the understanding that Policy DM8 will apply at the planning application stage, however there is a risk that if safeguarding considerations are not applied at the plan making stage then the development envisaged within the allocation won't be possible and so the Plan may not be deliverable.
- 7.21 If it can be shown that application of the DM8 criteria at the application stage would not make the development unviable then the allocation can be made with the caveat that the DM8 criteria must be taken into account at that stage. In particular the following considerations set out in Policy DM 8 may need to be taken into account when suitable land for allocation is identified:

*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.*

- 7.22 An example of where tensions between development and minerals and waste safeguarding occurs is in areas of regeneration in the lower reaches of the River Thames in North Kent. Here, previously industrially used land has been identified for residential and commercial development without necessarily detailed assessment of the potential effects on the operation of safeguarded mineral wharf activities. Applications have come forward on land allocated for the development that then have to satisfy Policy DM 8 and have experienced difficulties in doing so. It is the County Council's intention to reduce the risk of similar occurrences across the county in the future. This will be achieved via early communication with local authorities to ensure any required assessments are carried out from the early stages of local plan preparation.
- 7.23 Once the relevant assessment(s) have been carried out it is anticipated that the local planning authority will be able to demonstrate to the County Council's satisfaction that safeguarding is maintained consistent with the Kent Minerals and Waste Local Plan policies and ultimately there would be no objection. If there are still safeguarding issues that are not fully resolved a Statement of Common Ground (SoCG) may be a vehicle to address outstanding matters.

- 7.24 In the event that substantive safeguarding issues remain the County Council would



make representation(s) that may then form part of the Matters for the Inspector(s) to consider as part of the Local Plan's Independent Examination.

## 8. Monitoring and Review

- 8.1 The monitoring and implementation framework in Chapter 8 of the Kent Minerals and Waste Local Plan 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.
- 8.2 The monitoring of Policy CSM 5: Land-won Mineral Safeguarding includes an indicator on the annual review of the Minerals Safeguarding Area (MSA) designations.
- 8.3 Monitoring of the implementation of the Kent Minerals and Waste Local Plan 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.
- 8.4 The Annual Monitoring Report (AMR) will provide specific examples of how safeguarding has been applied and may therefore provide a reference for examples of previous practice.

## 9. Appendices

Appendix 1 - Kent Minerals and Waste Local Plan Safeguarding Policies

Appendix 2 - Kent Minerals and Waste Local Plan Safeguarding Policies – summary of key provisions

Appendix 3 - Economic Geology Information Notes

## **Appendix 1: Kent Minerals and Waste Local Plan 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<sup>17</sup> 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

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<sup>17</sup> In this context 'mineral safeguarding' should be taken to mean safeguarding certain minerals identified within a Mineral Safeguarding Area shown in the policies maps in Chapter 9 and allocations in the Minerals Sites Plan.

where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.

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

*N.B. Text highlighted above is that which was adopted as part of the Early Partial Review of the Kent Minerals and Waste Local Plan in September 2020*

## **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 where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation, production and waste management facilities has been fully considered and it was concluded that certain types of non-mineral and waste development in those locations would be acceptable; 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

*N.B. Text highlighted above is that which was adopted as part of the Early Partial Review of the Kent Minerals and Waste Local Plan in September 2020*

## **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 Minerals and Waste Local Plan 2013-30 Safeguarding Policies – summary of key provisions**

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

<b>Minerals and Waste Safeguarding in Kent</b>	<b>MWLP Policy</b>
<b>What is safeguarded and where are the areas located?</b>	
<b>Economic land-won mineral resources:</b> <ul style="list-style-type: none"> <li>• Mineral Safeguarding Areas (MSAs) Adopted Policies Maps</li> <li>• Mineral Consultation Areas (same coverage as MSAs) plus the area surrounding the mineral reserves of the Strategic Site for Minerals</li> <li>• Existing mineral working sites (a list of sites updated and published each year in the Kent Annual Monitoring Report)</li> <li>• Adopted Kent Mineral Site Plan Allocations for mineral working</li> </ul>	CSM 5
<b>Existing, planned or potential mineral infrastructure</b> At and within 250m of: <ul style="list-style-type: none"> <li>• Safeguarded Wharves and Rail Transportation Adopted Policies Maps: Sites A - Q</li> <li>• Other mineral plant infrastructure sites (a list of sites updated and published each year in the Kent Annual Monitoring Report)</li> <li>• Adopted Kent Mineral Site Plan Allocations for mineral infrastructure</li> </ul>	CSM6; CSM7; DM8
<b>Permanent waste management facilities</b> At and within 250m of: <ul style="list-style-type: none"> <li>• Existing waste management facility sites (a list of sites updated and published each year in the Kent Annual Monitoring Report)</li> <li>• Adopted Kent Waste Site Plan Allocations</li> </ul>	CSW16
<b>What are the relevant safeguarding policies for non-minerals and waste development proposals in safeguarded areas?</b>	
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



## **Appendix 3: Economic Geology Information Notes**

Appendix 3 is intended to set out the geological descriptive information for each Borough and District Council area. These notes are based upon British Geological Survey (BGS) data and generally available information on each of the main economic geologies of the Kent boroughs and districts. They should be read alongside the Mineral Safeguarding Areas (MASs) Policies Maps for the following authority's areas in Kent as shown in the adopted Kent Minerals and Waste Local Plan:

- Ashford Borough Council
- Canterbury City Council
- Dartford Borough Council
- Dover District Council
- Folkestone and Hythe District Council
- Gravesham Borough Council
- Maidstone Borough Council
- Sevenoaks District Council
- Swale Borough Council
- Thanet District Council
- Tonbridge & Malling Borough Council
- Tunbridge Wells Borough Council

## **Minerals Supply and Safeguarding – Relevant Economic Geologies**

### **Information note prepared by Kent County Council for the Ashford Borough Council Area**

This note provides information regarding the geology of the mineral located within the Ashford Borough Council area. The information provided is intended to support the preparation of Mineral Assessments (MA) which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas (MSAs).

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas in the Ashford Borough Council area. The safeguarded land-won mineral bearing area is shown on the Ashford Mineral Safeguarding Areas map in the Plan. The relevant safeguarded geologies in the area are highlighted with various colours representing both the superficial deposits as well as crustal units that make up the economic geological stratigraphy of the area.

#### **Main Crustal Geological Units of Economic Importance**

##### **Limestone Hythe Formation (Kentish Ragstone)**

Ragstone occurs in a geological formation known as the Hythe Beds of the Lower Greensand, a layer of limestones running from Kent into Surrey which was laid down in the Cretaceous period. It outcrops in various places in Kent, notably at the cliffs of Hythe, and along the Greensand Ridge above the Weald of Kent. In the Ashford Borough area, the ragstone occurs as a belt trending in an east west orientation across the borough, which extends from the foot of the North Downs Scarp in the Egerton area to the Stonestreet Green/Aldington area close to the boundary with the Folkestone and Hythe District .

In succession, ragstone occurs in bands between 15 cm and 60 cm thick, alternating with bands of a loose material called hassock (a soft calcareous sandstone deposit). These bands are of similar thickness and the difference in colour between them gives quarry faces a striped appearance. Overall thickness of the unit ranges between 18-100 metres. When the stone is extracted, it appears to be of a grey green or blue grey colour but later weathers (through oxidation of iron bearing constituent minerals) to an autumnal hue which, together with its hard-wearing properties, traditionally made it an attractive material. This can be seen in local construction of houses, public works (e.g. Sessions House, Kent County Council and HMP Maidstone and the Archbishop's Palace, Maidstone) and infrastructure in and around the area of Kent and further away e.g. the Tower of London.

Modern demand for this material is intensive and diverse, with different products being required for use as an aggregate in the ready-mix concrete, road building and civil engineering applications for the maintenance of infrastructure. Larger blocks of ragstone are also used in the construction of sea barriers against coastal erosion. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA) monitoring document. The current permitted landbank for hard rock to form aggregate is discussed in the LAA document. Ragstone remains important for repairing historic buildings. Currently the Hermitage Quarry at the end of Maidstone, is the only supplier of building stone in Kent. While Blaise Farm (in the Tonbridge and Malling Borough) is excavated mainly for aggregate and is not regarded as being a realistic source of building stone. The Ashford area does not have any active workings for the extraction of this material at this time.

## Sandgate Formation

The Sandgate Formation is part of the Lower Greensand Group. A geological unit forming part of the underlying structure of southeast England (laid down 100 million years ago, during the Upper Cretaceous epoch). Distributed to the south of London in the counties of West Sussex, East Sussex and Kent, which together form the wider Weald, the Lower Greensand Group can usually be subdivided to what can be referred to as the units or formational levels. These formations have varying properties and are composed of the following defined units according to their differing characteristics:

- **Atherfield Clay Formation** *[not an important economic mineral]*
- **Hythe Formation** *[this includes the important Ragstone described above]*
- **Sandgate Formation** *[this material has certain industrial applications]*
- **Bargate Formation** *[not an important economic geology]*
- **Folkestone Formation** *[this an important aggregate forming unit]*

In the Ashford area the formation outcrops just north of the Ragstone belt and has the same north-west to south-east trend. Overall the Sandgate Formation is characterised as a rarely fossiliferous and loosely consolidated mixture of silts, sands and silty clays and some sandstones. The British Geological Survey describes the formation as follows: “*The formation has no single stratotype. Readers should refer to entries for the component members in the western Weald, namely: Bargate Sandstone Member, Rogate Member, Easebourne Member (where present), Selham Ironshot Sands Member, Fittleworth Member, Pulborough Sandrock Member (where present) and Marehill Clay Member (at top). Elsewhere the Formation is undivided. The formation takes its name from Sandgate on the coast near Folkestone, both here, around the town itself, and in the West Cliff at Folkestone the formation is extensively affected by landslides. The base of the formation was seen in the Goldwell Quarry south of Hothfield in the Maidstone district but this was not designated as a type site.*”

The material (where represented as a friable sandstone) is of a reasonably consistent nature such that it is potentially important for industrial applications. It was formerly dug near Marehill (West Sussex where the unit is between 50-100 metres in thickness, in Kent the thicknesses have not been recorded) for use as moulding sand in iron casting, thus being analogous in use terms to a foundry type silica sand. The County Council has no records of the quarrying of this material in the Ashford Borough area in recent times; the Goldwell Quarry (worked in the 1940s) was categorised as a ragstone quarry. There may have been some Sandgate Formation sands extracted in association with this activity, but this is not recorded.

In addition to the responsibility to safeguard finite economically important minerals the National Planning Policy Framework 2019 requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of industrial minerals (Section 17, para. 208). With regard to industrial foundry sand, that *may* be applicable to the uses the Sandgate Formation Sandstone can be put to. The Mineral Planning Authority should provide a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and equipment for at least 10 years for individual silica (or industrial) sand sites. Though there is a lack of any current specific extraction of this mineral for industrial purposes in Kent, the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) has policy provision to address need for this mineral if demand were to change. Policy CSM 2: Supply of Land-won Minerals in Kent identifies industrial silica sands as a mineral for which supply should be planned for to meet a specific technical specification at a level of permitted reserves to maintain production for 10 years at individual sites and 15 years at sites requiring significant investment.

## **Folkestone Formation (Folkestone Beds-Building Sands/Soft sands)**

The Folkestone Beds are a significant component of the Lower Greensand Group. They were laid down in a shallow marine environment during the early Cretaceous age (140 to 100 million years ago). It consists mostly of poorly lithified (cemented) sands, the material is at the classification transitional boundary of a loose sand to a sandstone; in that it has properties neither consistent with the concept of an engineering medium or being of sufficient tensile strength to be considered a rock.

In Sussex, Kent and Surrey the formation comprises medium and coarse-grained, well-sorted cross-bedded sands and weakly cemented sandstones. The thickness of the unit has a wide range from as little as 0.5 metres up to 80 metres. In Kent, thickness tends towards the higher order of several metres (at about 46 metres near Maidstone and even thicker towards the Surrey border) and has given rise to significant quarrying operations in Maidstone, Tonbridge and Malling and Sevenoaks and into Ashford in the area of Charing. The formation forms a significant component of the North Kent Downs Scarp landscape feature that trends east-west as an undulating ridge that runs through the Folkestone and Hythe District and wider Kent countryside.

Occasionally the sand matrix is cemented and has a binding clay fraction, though usually occurs as the characteristic clean loose sands that typify the formation. The economic quality of the deposit is variable both vertically and horizontally. The important loose sand beds are characterised as poorly consolidated, fine, quartzose (a nomenclature used for a sand low in impurities and high in silica) sands and are capable of providing sands suitable for a wide range of building uses including, notably, mortar production and are often called 'soft sand' due to the flowing characteristics of the highly spherical grains. This characteristic makes these sands favoured for mortar mixes that greatly aid in their application in construction; silica tile and brick manufacture has also occurred in the past. Parts of the formation yield deposits suited to industrial use as silica sand, for such uses as foundry sand and thus are industrial rather than aggregate application materials. However, the material is generally recognised as economically important as a source of building (mortar) and asphalt (coated stone) sands in its application as an aggregate and is widely used across the South East. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the LAA. The current permitted landbank for soft sand to form aggregate is discussed in this monitoring document. It is generally accepted that this mineral cannot be substituted by any artificial aggregate materials.

## **Wealden Group Sandstones and Limestone (Building Stone)**

The National Planning Policy Framework 2019 does not require MPAs to plan for the maintenance of landbanks of building stone. Though paragraph 142 makes it clear that mineral resources are essential to support economic growth and our quality of life; and that a sufficient supply of material should be available to provide for the infrastructure, buildings, energy and goods that the country needs. It is emphasised that these materials are finite in nature and their long-term conservation is required, necessitating that this geology is a safeguarded geology. The Kent Minerals and Waste Local Plan has policy provision to allow small-scale extraction of materials to enable the important vernacular of historic restoration projects to be recognised and for new build projects in conservation areas. Policy CSM 9: Building Stone in Kent sets out the parameters to be met to allow this type of mineral extraction to be permitted. In the Ashford Borough area, the building stone geologies are comprised of the following:

### **Wealden Group (sandstones)**

- **Sandstone - Wadhurst Clay Formation**
- **Sandstone - Ashdown Formation**
- **Sandstone - Upper Tunbridge Wells Sand Formation and Tunbridge Wells Sand Formation**

The Wealden Group is a complex group of geological units that make up the core of the Weald predominantly stretching across East Sussex and Kent, and are colloquially referred to as forming the Hastings Beds, as they can be viewed as outcrop at the cliffs along the coastal area just east of Hastings town.

They include, in the Ashford area, the Ashdown Formation, Wadhurst Clay Formation and the Tunbridge Wells Sand Formation (that also is split into the Upper Tunbridge Wells Sand Formation as well as the Tunbridge Wells Sand Formation). The Hastings Beds in turn forms part of the Wealden Supergroup which underlies much of southeast England. The sediments of the Weald of East Sussex were deposited during the Early Cretaceous period.

*Wadhurst Clay Formation*-The Ashdown Formation is overlain by a predominantly argillaceous (clay/mudstone) sequence the Wadhurst Clay. This unit also contains beds of siltstone/sandstone, limestone and ironstone, which have provided building stone in the past. A number of thin calcareous sandstone beds were used as local building stone in the Tenterden area. The ironstone beds which formed the basis of the famed Wealden iron industry were largely worked from the basal part of this formation, but there is no evidence that they were used to any great extent as building stones. In the Tunbridge Wells Borough this material is found at Sandhurst. It is a safeguarded geology given that it has been quarried in the past to provide building materials, though not widely used.

*The Ashdown Formation*-The Ashdown Formation, which takes its name from the Ashdown Forest in the High Weald of Sussex, typically comprises sandstones, siltstones and mudstones. In the east of the county, the formation tends to be more argillaceous (clay mineral bearing) in its lowermost part and fines up to arenaceous (silica or sand bearing) division in the uppermost 30 to 50m. The clays are identified by their characteristic purple and brick-red mottled nature. In early references, these variations give rise to the division of the formation into the 'Fairlight Clays' and the 'Ashdown Sands'. However, it is now considered as a single overall sandstone formation due to the impersistence of the clays across the Weald, thus the clays are considered as extensive 'lenses' within the formation. Despite this, the variations of clays and sands in the formation are usually marked separately on the maps and records of the British Geological Survey. In its entirety the formation is usually found to be between 180 and 215m thick. In the Ashford area the deposit can be found in the south of the borough around the Isle of Oxney as far north as the outskirts of Tenterden, in the west almost at Rolvenden Layne. The economic material is in the sandstone fraction of the formation that can be used as a quarried building stone.

*The Tunbridge Wells Sand Formations*-The Tunbridge Wells Sand Formation comprises complex cyclic sequences of siltstones with sandstones and clays, typically fining upwards, and is lithologically similar to the older Ashdown Formation. It has a total thickness typically in the region of about 75m. However, near Haywards Heath borehole data has proven the formation to be up to 150m thick. In the western parts of the High Weald the Tunbridge Wells Sands can be divided into three separate members; the Lower Tunbridge Wells Sand Member (a non-economic geology that is not safeguarded), the Grinstead Clay Member (not an economic geology that is safeguarded), and the Upper Tunbridge Wells Sand Member (that has within it the Tunbridge Wells Sand Formation).

The Upper Tunbridge Wells Sand is similar to the Lower Tunbridge Wells Sand. It comprises soft red and grey mottled silts and clays in its lower part, and alternating silts and silty clays with thin beds of sandstones. In the Ashford Borough area, the material is to be found in the south, and exists as a substantial belt stretching from the border with Tunbridge Wells Borough Council in the west to south of Woodchurch in the east. The formation lacks the degree of outcrop that is attractive to climbers further to the west in Tunbridge Wells. The sandstone fraction of the formation is the economic element of the unit, as it can provide a quarried building stone. The Wadhurst Clay comprises predominantly medium to dark bluish grey over-consolidated clays, silts, mudstones, and shales. These lithologies often occur with subordinate amounts of pale grey silty mudstones,

laminated siltstones, sandstones, conglomerate, shelly limestones and clay-ironstones. When they become exposed to the elements at the surface, the mudstones often degrade over a short period of time and weather to yellowish brown and greenish grey clays. In Kent, the Wadhurst Clay has been proven to over 70m thick near Tunbridge Wells. In the Ashford Borough area, it is found in discrete areas south of Tenterden and at the Isle of Oxney where it is often in close association with the Ashdown Formation. The sandstone fraction of the formation is the economic element of the unit, as it can provide a quarried building stone.

The Ashford Borough area may have been historically important as a source of sandstone for local construction purposes, the County Council has no records of quarrying of these Wealden Formation sandstones in the Ashford Borough Council area. However, British Geological Survey consider this material an important deposit for its application as a hard rock building stone. This probably relates more to the 18th and 19th centuries, today there are historic buildings and structures in this area (and in Borough of Tunbridge Wells close by) that require restoration materials. Limited supplies of sandstones for this purpose come from a select quarry operating in East Sussex. Kent apparently no longer has any active quarries that can supply this material. Though given the extensive nature of the outcrop in the Borough, this may occur again at some point in the future. As it is a very specific sandstone type potentially required for historic building restoration purposes. However, volume housebuilding and other development appear not to want to source this material in any substantial quantities.

### **Limestone-Paludina Limestone, Weald Clay Formation**

The uppermost formation within the Wealden Group succession of Kent, the Weald Clay Formation, contains several discontinuous beds of fossiliferous freshwater limestone. These are collectively referred to as the Wealden Limestones and are characterised with the presence of numerous fossils of a large freshwater gastropod, 'Paludina' – *Viviparus flaviorum*. These limestones have been given a variety of local names including the 'Large and Small Paludina limestones' and occur in beds up to 30cm thick. In Kent, one of these fossiliferous limestones is widely known as the 'Bethersden Marble' (the term 'marble' being used as the stone is capable of taking a polish), and has been used extensively for decorative work, paving and building stone in Kent. Although this building stone is named after the village of Bethersden, the limestone has been dug from various locations across the county. Some Wealden limestones have also been called 'Winkle Stone' because the small gastropods present are similar in character to the modern 'periwinkle' shell.

Wealden limestones have been used as external paving, kerbstones and channel blocks in the village of Biddenden, but their texture can best be seen in the flooring and internal decorative work in Canterbury Cathedral, and in churches such as St Margaret's in Bethersden.

Other examples of the external use of Wealden Limestone, showing it to be a durable building stone, are provided by the 15th Century church towers at Tenterden and Biddenden, where it has been successfully used for quoins as well as for coursed walling stone. The Norman Herring Bone stonework at Staplehurst church was constructed using slabs of Small Paludina limestone. Extraction has no doubt been historically highly localised and directly related to specific, now historically important, developments generally of an ecclesiastical nature.

### **Superficial Geological Units of Economic Importance**

#### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent

particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Leybourne in the Medway river valley were among the best in the County and are now entirely worked out. Those on the Great Stour gave a lower yield of quality and have also been extensively worked. However, it should be recognised that the deposits within each river valley are highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted.

The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

### **Brickearth (Superficial Deposits)**

#### **Brickearth (Other Areas) - Ashford, Canterbury, Dover, Shepway**

Brickearth is a superficial deposit of homogeneous loam or silt deposited during the Pleistocene geological period (up to 10,000 years ago at the end of that glacial event) as a windblown material. Brickearth typically occurs in discontinuous spreads, across southern England and South Wales, south of a line from Pembroke in the west to Essex in the east in depths of up to a metre. Commercially useful deposits of about 2m to 4m thick are recorded as being present in Kent, Hertfordshire and Hampshire; they overlie the chalk deposits, Thanet Beds or London Clay geological units. The original deposition of the sediments occurred under cold climates (peri-glacial) where fluvial out-wash sediments from glaciers (at the end of the Pleistocene epoch) were subject to dry and windy periods. The exposed finer-grained sediments were picked up and transported by the wind and were laid down wherever the wind decreased in strength to allow deposition.

In the Ashford Borough area deposits of the material are essentially limited to the area north of Ashford in the Stour Valley, both as isolated deposits and as 'spreads' closely associated with the Sub-Alluvial River Terrace deposits in this area. There are no records of recent extraction of this mineral for modern brick making. It may have occurred in the past as isolated and temporary localised extraction and kilning for use in close proximity to the point of production. It would appear that the material is currently economically marginal or that any economic status is now historic and unrelated to present day industrial minerals requirements. However, this does not mean that their use in historic restoration will not be needed at some juncture, or that the brickearth using brick manufacturing industry will not consider their use with the depletion of 'Stock Brick' brickearth supplies in other areas of Kent, and for that reason are considered important to be safeguarded at this time.

## **Information note prepared by Kent County Council for the Canterbury City Council Area**

This note provides information regarding the geology of the mineral located within the Canterbury area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Canterbury City Council area. The safeguarded land-won mineral bearing area is shown on the Canterbury Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Canterbury City Council area are highlighted with various colours representing the superficial deposits that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

The Canterbury City Council area has no economically important main crustal geological units.

### **Superficial Geological Units of Economic Importance**

#### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Laybourne in the Medway valley were among the best in the County and are now entirely worked out.

Those deposits on the Great Stour through the Canterbury City Council area gave a lower yield of quality and have also been extensively worked. However, it should be recognised that the deposits within each river valley can be highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

#### **Brickearth (Superficial Deposits)**

##### **Brickearth (Other Areas) - Ashford, Canterbury, Dover, Shepway**

Brickearth is a superficial deposit of homogeneous loam or silt deposited during the Pleistocene geological period (up to 10,000 years ago at the end of that glacial event) as a windblown material. Brickearth typically occurs in discontinuous spreads, across southern England and South Wales, south of a line from Pembroke in the west to Essex in the east in depths of up to a metre. Commercially useful deposits of about 2m to 4m thick are recorded as being present in Kent, Hertfordshire and Hampshire; they overly the chalk deposits, Thanet Beds or London Clay geological units. The original deposition of the sediments occurred under cold climates (peri-glacial) where fluvial out-wash sediments from glaciers (at the end of the Pleistocene epoch) were subject to dry and windy periods. The exposed finer-grained sediments were picked up and transported by the



wind and were laid down wherever the wind decreased in strength to allow deposition.

In the Canterbury City Council area deposits of the material are essentially limited to the area north of Ashford in the Stour Valley, both as isolated deposits and as extensive 'spreads' closely associated with the Sub-Alluvial River Terrace deposits in this area. There are no records of recent extraction of this mineral for modern brick making. It may have occurred in the past as isolated and temporary localised extraction and kilning for use in close proximity to the point of production. It would appear that the material is currently economically marginal or that any economic status is now historic and unrelated to present day industrial minerals requirements. However, this does not mean that their use in historic restoration will not be needed at some juncture, or that the brickearth using brick manufacturing industry will not consider their use with the depletion of 'Stock Brick' brickearth supplies in other areas of Kent, and for that reason are considered important to be safeguarded at this time.

## **Information note prepared by Kent County Council for the Dartford Borough Council Area**

This note provides information regarding the geology of the mineral located within the Dartford area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Dartford Borough Council area. The safeguarded land-won mineral bearing area is shown on the Dartford Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Dartford Borough area are highlighted with various colours representing the superficial deposits that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

The Dartford Borough Council area has no economically important main crustal geological units.

### **Superficial Geological Units of Economic Importance**

#### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Laybourne were among the best in the County and are now entirely worked out.

The deposits that form those occurring in the Dartford Borough area are of some note. The British Geological Survey states that the geology of the site is as follows:

*“River terrace deposits of the middle and lower Thames contain gravel clasts mainly composed of flint, vein quartz and local bedrock lithologies including chert. Modern British Geological Survey maps also show the terrace deposits as named units which are here interpreted as members of the Maidenhead Formation. The main terrace deposit members are the Black Park Gravel, Boyn Hill Gravel, Lynch Hill Gravel, Hackney Gravel, Taplow Gravel, Kempton Park Gravel, Shepperton Gravel and Staines Alluvium. Brickearth silt beds include the Enfield Silt, Roding Silt, Langley Silt, Dartford Silt, Crayford Silt and Ilford Silt.”*

The deposits that are part of the of the lower Thames Taplow Formation are a main terrace of flint gravel that represents a relatively thick layer of predominantly ‘flint’ sands and gravels. These are considered as being of high quality for such applications as structural concrete manufacture. However, it should be appreciated that the deposits of sand and gravel within each river valley can be highly variable from place to place. High quality deposits may well yet remain in the Dartford area. However, it is generally recognised that overall, the superficial sands and gravel land-won resource in the County are becoming exhausted. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

## **Information note prepared by Kent County Council for the Dover District Council Area**

This note provides information regarding the geology of the mineral located within the Dover area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Dover District Council area. The safeguarded land-won mineral bearing area is shown on the Dover Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Dover Borough area are highlighted with various colours representing the superficial deposits that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

The Dover District Council area has no economically important main crustal geological units.

### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Laybourne were among the best in the County and are now entirely worked out.

Those deposits in the Dover District Council area appear to be associated with minor river valleys. However, it should be recognised that the deposits within each river valley can be highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

## **Information note prepared by Kent County Council for the Folkestone and Hythe District Council Area**

This note provides information regarding the geology of the mineral located within the Folkestone and Hythe area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Folkestone and Hythe District Council area. The safeguarded land-won mineral bearing area is shown on the Folkestone and Hythe Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Folkestone and Hythe area are highlighted with various colours representing both the superficial deposits as well as main crustal units that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

#### **Limestone Hythe Formation (Kentish Ragstone)**

Ragstone occurs in a geological formation known in the Hythe Beds of the Lower Greensand, a layer of limestones running from Kent into Surrey which was laid down in the Cretaceous period. It outcrops in various places in Kent, notably at the cliffs of Hythe, and along the Greensand Ridge above the Weald of Kent. In the Folkestone and Hythe District area, the Kentish Ragstone occurs as a widening belt trending in an east west orientation across the district from Folkestone to the Sellindge and Court-at-Street areas and then into the Ashford District area. This geology is part of the foot of the North Downs Scarp feature.

In succession, Kentish Ragstone occurs in bands between 15 cm and 60 cm thick, alternating with bands of a loose material called hassock (a soft calcareous sandstone deposit). These bands are of similar thickness and the difference in colour between them gives quarry faces a striped appearance. Overall thickness of the unit ranges between 18-100 metres. When the stone fraction is extracted from the quarry, it appears to be of a grey green or blue grey colour but later weathers (oxidation of iron bearing constituent minerals) to an 'autumnal' hue which, together with its hard-wearing properties, traditionally made it an attractive material. This can be seen in local construction of houses, public works (e.g. Sessions House, Kent County Council and HMP Maidstone and the Archbishop's Palace) and infrastructure in and around the area of Kent and further away e.g. the construction of the Tower of London.

Modern demand for this material is intensive and diverse, with different products being required for use as an aggregate in the ready-mix concrete, road building and civil engineering applications for the maintenance of the area's infrastructure. Larger blocks of Kentish Ragstone are also used in the construction of sea barriers against coastal erosion. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for hard rock to form aggregate is discussed in this document. Kentish Ragstone remains important for repairing historic buildings. Currently the Hermitage Quarry in Maidstone is the only supplier of building stone in Kent. Blaise Farm, in the Tonbridge and Malling area is excavated mainly for aggregate and is not regarded as being a realistic source of building stone. The Folkestone and Hythe area does not have any active workings for the extraction of this material, though it was extracted at Otterpool in the past.

## Sandgate Formation

The Sandgate Formation is part of the Lower Greensand Group. A geological unit forming part of the underlying structure of southeast England (laid down 100 million years ago, during the Upper Cretaceous epoch). Distributed to the south of London in the counties of West Sussex, East Sussex and Kent, which together form the wider Weald, the Lower Greensand Group can usually be subdivided to what can be referred to as the units or formational levels. These formations have varying properties and are composed of the following defined units according to their differing characteristics:

- **Atherfield Clay Formation** *[not an important economic mineral]*
- **Hythe Formation** *[this includes the important Ragstone described above]*
- **Sandgate Formation** *[this material has certain industrial applications]*
- **Bargate Formation** *[not an important economic geology]*
- **Folkestone Formation** *[this an important aggregate forming unit]*

In the Folkestone and Hythe District area the formation outcrops just north of the Kentish Ragstone belt and has the same north-west to south-east trend. Overall, the Sandgate Formation is characterised as a rarely fossiliferous and loosely consolidated mixture of silts, sands and silty clays and some sandstones. The British Geological Survey describes the formation as follows: “*The formation has no single stratotype. Readers should refer to entries for the component members in the western Weald, namely: Bargate Sandstone Member, Rogate Member, Easebourne Member (where present), Selham Ironshot Sands Member, Fittleworth Member, Pulborough Sandrock Member (where present) and Marehill Clay Member (at top). Elsewhere the Formation is undivided. The formation takes its name from Sandgate on the coast near Folkestone, both here, around the town itself, and in the West Cliff at Folkestone the formation is extensively affected by landslides. The base of the formation was seen in the Goldwell Quarry south of Hothfield in the Maidstone district but this was not designated as a type site.*”

The material (where represented as a friable sandstone) is of a reasonably consistent nature such that it is potentially important for industrial applications. It was formerly dug near Marehill (West Sussex where the unit is between 50-100 metres in thickness, in Kent the thicknesses have not been recorded) for use as moulding sand in iron casting, thus being analogous in use terms to a foundry type silica sand. The County Council has no records of the quarrying of this material in the Ashford Borough area in recent times; the Goldwell Quarry (worked in the 1940s) was categorised as a Kentish Ragstone quarry. There may have been some Sandgate Formation sands extracted in association with this activity, but this is not recorded.

In addition to the responsibility to safeguard finite economically important minerals the National Planning Policy Framework (2019) requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of industrial minerals (Section 17, para. 208). With regard to industrial foundry sand, that *may* be applicable to the uses the Sandgate Formation Sandstone can be put to. The Mineral Planning Authority should provide a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and equipment for at least 10 years for individual silica (or industrial) sand sites. Though there is a lack of any current specific extraction of this mineral for industrial purposes in Kent the adopted Kent Minerals and waste Local Plan 2013-30 (KMWLP) has policy provision to address need for this mineral if demand were to change. Policy CSM 2: Supply of Land-won Minerals in Kent identifies industrial silica sands as a mineral for which supply should be planned for to meet a specific technical specification at a level of permitted reserves to maintain production for 10 years at individual sites and 15 years at sites requiring significant investment.

## **Folkestone Formation (Folkestone Beds-Building Sands/Soft sands)**

The Folkestone Beds are a significant component of the Lower Greensand Group. They were laid down in a shallow marine environment during the early Cretaceous age (140 to 100 million years ago). It consists mostly of poorly lithified (cemented) sands, the material is at the classification transitional boundary of a loose sand to a sandstone; in that it has properties neither consistent with the concept of an engineering medium or being of sufficient tensile strength to be considered a rock.

In Sussex, Kent and Surrey the formation comprises medium and coarse-grained, well-sorted cross-bedded sands and weakly cemented sandstones. The thickness of the unit has a wide range from as little as 0.5 metres up to 80 metres. In Kent, thickness tends towards the higher order of several metres (at about 46 metres near Maidstone and even thicker towards the Surrey border) and has given rise to significant quarrying operations in Maidstone, Tonbridge and Malling and Sevenoaks and into Ashford in the area of Charing. The formation forms a significant component of the North Kent Downs Scarp landscape feature that trends east-west as an undulating ridge that runs through the Folkestone and Hythe District and wider Kent countryside.

Occasionally the sand matrix is cemented and has a binding clay fraction, though usually occurs as the characteristic clean loose sands that typify the formation. The economic quality of the deposit is variable both vertically and horizontally. The important loose sand beds are characterised as poorly consolidated, fine, quartzose (a nomenclature used for a sand low in impurities and high in silica) sands and are capable of providing sands suitable for a wide range of building uses including, notably, mortar production and are often called 'soft sand' due to the flowing characteristics of the highly spherical grains. This characteristic makes these sands favoured for motor mixes that greatly aid in their application in construction ; silica tile and brick manufacture has also occurred in the past. Parts of the formation yield deposits suited to industrial use as silica sand, for such uses as foundry sand and thus are industrial rather than aggregate application materials. However, the material is generally recognised as economically important as a source of building (mortar) and asphalt (coated stone) sands in its application as an aggregate and is widely used across the South East. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for soft sand to form aggregate is discussed in this monitoring document. The material is generally considered as not substitutable with any artificial aggregate material.

## **Superficial Geological Units of Economic Importance**

### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Leybourne in the Medway valley were among the best in the County and are now entirely worked out. Those on the Great Stour gave a lower yield of quality and have also been extensively worked.

However, it should be recognised that the deposits within each river valley can be highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted. In the Folkestone and Hythe District areas there are some deposits of this material following the general routes of the drainage systems that were once active,

forming both lenses of isolated deposits and 'ribbons' of material in the drainage systems of the district. There are no recent records available to County Council of any extraction of these sands and gravels in recent times. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the LAA. The current permitted landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

### **Storm Beach Gravel (regarded as a form of 'flint' sand and gravel)**

Storm beach deposits comprise a low rounded ridge of coarse (as opposed to being of a higher proportion of smaller particulates, such as sand) materials (gravels, cobbles and boulders) piled up by very powerful storm waves at the inland margin of a beach, above the level reached by normal spring tides. The material is considered by the industry to be a source of high quality 'flint' sand and gravel suitable for structural concrete applications. There are deposits of this material on the coast at West Hythe (Hythe Ranges) and then along the beach to Folkestone Harbour. However, the most significant deposit in the area is at Lydd and Dungeness. Lydd being built on what is thought to be an original barrier beach type formation (possibly analogous to Chesil Beach at Weymouth) potentially represents the first phase of the shingle ridge accretional process that formed the cusped foreland that is Dungeness. The beach and Hythe Ranges deposits are thought to be of unlikely economic importance given their apparent limited occurrence. It is the case that the area around Lydd and Dungeness has had an extensive history of sand and gravel extraction.

However, increased coverage of significant environmental constraint designations (Special Protection Area designation) the future probability for any significant expansion appears unlikely. Moreover, the need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

### **Brickearth (Superficial Deposits)**

#### **Brickearth (Other Areas) - Ashford, Canterbury, Dover, Folkestone and Hythe**

Brickearth is a superficial deposit of homogeneous loam or silt deposited during the Pleistocene geological period (up to 10,000 years ago at the end of that glacial event) as a windblown material. Brickearth typically occurs in discontinuous spreads, across southern England and South Wales, south of a line from Pembroke in the west to Essex in the east in depths of up to a metre. Commercially useful deposits of about 2m to 4m thick are present in Kent, Hertfordshire and Hampshire, overlying chalk, Thanet Beds or London Clay geological units. The original deposition of the sediments occurred under cold climates (peri-glacial) where fluvial out-wash sediments from glaciers were subject to dry and windy periods. The exposed finer-grained sediments were picked up and transported by the wind and were deposited wherever the wind velocity decreased sufficiently to allow deposition.

In the Folkestone and Hythe District Council area deposits of the material are significantly found on Chalk dip slopes to the north of Folkestone, both as isolated deposits and as 'spreads'. Some show down slope slumping by the process of solifluction that occurred when the Chalk was still frozen, as a permafrost at the end of the last glaciation (Pleistocene epoch), forming a low friction plain for the windblown brickearth deposits to move under gravity down slope. There are no records of recent extraction of this mineral for modern brick making. It may have occurred in the past as isolated and temporary localised extraction and kilning for use in close proximity to the point of production. It would appear that the material is currently economically marginal or that any economic status is now historic and unrelated to present day industrial minerals requirements. However, this does not mean

that their use in historic restoration will not be needed at some juncture, or that the brickearth using brick manufacturing industry will not consider their use with the depletion of 'Stock Brick' brickearth supplies in other areas of Kent, and for that reason are considered important to be safeguarded at this time.



## **Information note prepared by Kent County Council for the Gravesham Borough Council Area**

This note provides information regarding the geology of the mineral located within the Gravesham area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Gravesham Borough Council area. The safeguarded land-won mineral bearing area is shown on the Gravesham Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Dartford Borough area are highlighted with various colours representing the superficial deposits that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

The Gravesham Borough Council area has no economically important main crustal geological units.

### **Superficial Geological Units of Economic Importance**

#### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Leybourne were among the best in the County and are now entirely worked out.

The terrace deposits occurring in the Gravesham Borough area are of some note. The British Geological Survey states that the geology of the site is as follows:

*“River terrace deposits of the middle and lower Thames contain gravel clasts mainly composed of flint, vein quartz and local bedrock lithologies including chert. Modern British Geological Survey maps also show the terrace deposits as named units which are here interpreted as members of the Maidenhead Formation. The main terrace deposit members are the Black Park Gravel, Boyn Hill Gravel, Lynch Hill Gravel, Hackney Gravel, Taplow Gravel, Kempton Park Gravel, Shepperton Gravel and Staines Alluvium. Brickearth silt beds include the Enfield Silt, Roding Silt, Langley Silt, Dartford Silt, Crayford Silt and Ilford Silt.”*

The deposits in Gravesham are part of the of the lower Thames Taplow Formation, and are a main terrace of flint gravel that represents a relatively thick layer of predominantly ‘flint’ sands and gravels. These are considered as being of high quality for such applications as structural concrete manufacture. However, it should be recognised that the deposits within each river valley are highly variable from place to place. However, it should be appreciated that the deposits of sand and gravel within each river valley can be highly variable from place to place. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

## **Information note prepared by Kent County Council for the Maidstone Borough Council Area**

This note provides information regarding the geology of the mineral located within the Maidstone area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Maidstone Borough Council area. The safeguarded land-won mineral bearing area is shown on the Maidstone Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Maidstone Borough area are highlighted with various colours representing both superficial deposits as well as crustal units that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

#### **Limestone Hythe Formation (Kentish Ragstone)**

Kentish Ragstone occurs in a geological formation known in the Hythe Beds of the Lower Greensand, a layer of limestones running from Kent into Surrey which was laid down in the Cretaceous period. It outcrops in various places in Kent, notably at the cliffs of Hythe, and along the Greensand Ridge above the Weald of Kent. In the Maidstone Borough area, the ragstone occurs as a belt trending in an east west orientation across the borough and is coincident with the main urban area of Maidstone. The Kentish Ragstone belt is wide where it meets the administrative area of Tonbridge and Malling in the west and winnows down as it approaches the Ashford Borough administrative boundary in the east. The active quarrying of this important material has historically mainly occurred in the Maidstone area of the borough.

In succession, Kentish Ragstone occurs in bands between 15 cm and 60 cm thick, alternating with bands of a loose material called hassock (a soft calcareous sandstone deposit). These bands are of similar thickness and the difference in colour between them gives quarry faces a striped appearance. Overall thickness of the unit ranges between 18-100 metres. When the stone is extracted from the quarry, it appears to be of a grey green or blue grey colour but later weathers (oxidation of iron bearing constituent minerals) to an 'autumnal' hue which, together with its hard-wearing properties, traditionally made it an attractive material. This can be seen in local construction of houses, public works (e.g. Sessions House, Kent County Council and HMP Maidstone and the Archbishop's Palace) and infrastructure in and around the area of Kent and further away e.g. the construction of the Tower of London.

Modern demand for this material is intensive and diverse, with different products being required for use as an aggregate in the ready-mix concrete, road building and civil engineering applications for the maintenance of the area's infrastructure. Larger blocks of Kentish Ragstone are also used in the construction of sea barriers against coastal erosion. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA) monitoring document. The current permitted landbank for hard rock to form aggregate is discussed in this document. Ragstone remains important for repairing historic buildings. Currently the Hermitage Quarry in the Maidstone area is the only supplier of building stone in Kent. Blaise Farm (in Tonbridge and Malling) is excavated mainly for aggregate and is not regarded as being a realistic source of building stone.

#### **Sandgate Formation**

The Sandgate Formation is part of the Lower Greensand Group. A geological unit forming part of the underlying structure of southeast England (laid down 100 million years ago, during the Upper Cretaceous epoch). Distributed to the south of London in the counties of West Sussex, East Sussex and Kent, which together form the wider Weald, the Lower Greensand Group can usually be subdivided to what can be referred to as the units or formational levels. These formations have varying properties and are composed of the following defined units according to their differing characteristics:

- **Atherfield Clay Formation** *[not an important economic mineral]*
- **Hythe Formation** *[this includes the important Ragstone described above]*
- **Sandgate Formation** *[this material has certain industrial applications]*
- **Bargate Formation** *[not an important economic geology]*
- **Folkestone Formation** *[this an important aggregate forming unit]*

In the Maidstone area the formation outcrops just north of the Ragstone belt and has the same north-west to south-east trend. Overall, the Sandgate Formation is characterised as a rarely fossiliferous and loosely consolidated mixture of silts, sands and silty clays and some sandstones. The British Geological Survey describes the formation as follows:

*“The formation has no single stratotype. Readers should refer to entries for the component members in the western Weald, namely: Bargate Sandstone Member, Rogate Member, Easebourne Member (where present), Selham Ironshot Sands Member, Fittleworth Member, Pulborough Sandrock Member (where present) and Marehill Clay Member (at top). Elsewhere the Formation is undivided. The formation takes its name from Sandgate on the coast near Folkestone, both here, around the town itself, and in the West Cliff at Folkestone the formation is extensively affected by landslides. The base of the formation was seen in the Goldwell Quarry south of Hothfield in the Maidstone district but this was not designated as a type site.”*

The material (where represented as a friable sandstone) is of a reasonably consistent nature such that it is potentially important for industrial applications. It was formerly dug near Marehill (West Sussex where the unit is between 50-100 metres in thickness, in Kent the thicknesses have not been recorded) for use as moulding sand in iron casting, thus being analogous in use terms to a foundry type silica sand. The County Council has no records of the quarrying of this material in the Maidstone Borough area in recent times.

In addition to the responsibility to safeguard finite economically important minerals the National Planning Policy Framework (2019) requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of industrial minerals (Section 17, para. 208). With regard to industrial foundry sand, that *may* be applicable to the uses the Sandgate Formation Sandstone can be put to. The Mineral Planning Authority should provide a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and equipment for at least 10 years for individual silica (or industrial) sand sites. Though there is a lack of any current specific extraction of this mineral for industrial purposes in Kent, the adopted Kent Minerals and waste Local Plan 2013-30 (KMWLP) has policy provision to address need for this mineral if demand were to change. Policy CSM 2: Supply of Land-won Minerals in Kent identifies industrial silica sands as a mineral for which supply should be planned for to meet a specific technical specification at a level of permitted reserves to maintain production for 10 years at individual sites and 15 years at sites requiring significant investment.

## **Folkestone Formation (Folkestone Beds-Building Sands/Soft sands)**

The Folkestone Beds are a significant component of the Lower Greensand Group. They were laid down in a shallow marine environment during the early Cretaceous age (140 to 100 million years ago). It consists mostly of poorly lithified (cemented) sands, the material is at the classification transitional boundary of a loose sand to a sandstone; in that it has properties neither consistent with the concept of an engineering medium or being of sufficient tensile strength to be considered a rock.

In Sussex, Kent and Surrey the formation comprises medium and coarse-grained, well-sorted cross-bedded sands and weakly cemented sandstones. The thickness of the unit has a wide range from as little as 0.5 metres up to 80 metres. In Kent, thickness tends towards the higher order of several metres (at about 46 metres near Maidstone and even thicker towards the Surrey border) and has given rise to significant quarrying operations in Maidstone, Tonbridge and Malling and Sevenoaks and into Ashford in the area of Charing. The formation forms a significant component of the North Kent Downs Scarp landscape feature that trends east-west as an undulating ridge that runs through the Folkestone and Hythe District and wider Kent countryside.

Occasionally the sand matrix is cemented and has a binding clay fraction, though usually occurs as the characteristic clean loose sands that typify the formation. The economic quality of the deposit is variable both vertically and horizontally. The important loose sand beds are characterised as poorly consolidated, fine, quartzose (a nomenclature used for a sand low in impurities and high in silica) sands and are capable of providing sands suitable for a wide range of building uses including, notably, mortar production and are often called 'soft sand' due to the flowing characteristics of the highly spherical grains. This characteristic makes these sands favoured for motor mixes that greatly aid in their application in construction; silica tile and brick manufacture has also occurred in the past. Parts of the formation yield deposits suited to industrial use as silica sand, for such uses as foundry sand and thus are industrial rather than aggregate application materials. However, the material is generally recognised as economically important as a source of building (mortar) and asphalt (coated stone) sands in its application as an aggregate and is widely used across the South East. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the LAA. The current permitted landbank for soft sand to form aggregate is discussed in this monitoring document. It is generally accepted that this mineral is not substitutable with any artificial aggregates.

## **Limestone-Paulina Limestone, Weald Clay Formation (Building Stone)**

The uppermost formation within the Wealden Group succession of Kent, the Weald Clay Formation, contains several discontinuous beds of fossiliferous freshwater limestone. These are collectively referred to as the Wealden Limestones and are characterised with the presence of numerous fossils of a large freshwater gastropod, 'Paludina' – *Viviparus flaviorum*. These limestones have been given a variety of local names including the 'Large and Small Paludina limestones' and occur in beds up to 30cm thick. In Kent, one of these fossiliferous limestones is widely known as the 'Bethersden Marble' (the term 'marble' being used as the stone is capable of taking a polish), and has been used extensively for decorative work, paving and building stone in Kent. Although this building stone is named after the village of Bethersden, the limestone has been dug from various locations across the county. Some Wealden limestones have also been called 'Winkle Stone' because the small gastropods present are similar in character to the modern 'periwinkle' shell.

Wealden limestones have been used as external paving, kerbstones and channel blocks in the village of Biddenden, but their texture can best be seen in the flooring and internal decorative work in Canterbury Cathedral, and in churches such as St Margaret's in Bethersden.

Other examples of the external use of Wealden Limestone, showing it to be a durable building stone, are provided by the 15th Century church towers at Tenterden and Biddenden, where it has

been successfully used for quoins as well as for coursed walling stone. The Norman Herring Bone stonework at Staplehurst church was constructed using slabs of Small Paludina limestone. Extraction has no doubt been historically highly localised and directly related to specific, now historically important, developments generally of an ecclesiastical nature.

## **Superficial Geological Units of Economic Importance**

### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry.

The deposits quarried at Leybourne in the Medway valley were among the best in the County and are now entirely worked out. Those on the Great Stour gave a lower yield of quality and have also been extensively worked. In the Maidstone area these deposits can be mainly found in the southern part of the Borough, along the Rivers Beult and Teise valleys. Though there are some minor deposits following the river valleys of the River Medway.

However, it should be recognised that the deposits within each river valley are highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sharp sands and gravel to form aggregate is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

## **Information note prepared by Kent County Council for the Sevenoaks District Council Area**

This note provides information regarding the geology of the mineral located within the Sevenoaks area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Sevenoaks Borough Council area. The safeguarded land-won mineral bearing area is shown on the Sevenoaks Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Sevenoaks Borough area are highlighted with various colours representing both the superficial deposits as well as crustal units that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

#### **Limestone Hythe Formation (Kentish Ragstone)**

Kentish Ragstone occurs in a geological formation known in the Hythe Beds of the Lower Greensand, a layer of limestones running from Kent into Surrey which was laid down in the Cretaceous period. It outcrops in various places in Kent, notably at the cliffs of Hythe, and along the Greensand Ridge above the Weald of Kent. In the Sevenoaks Borough area, the Kentish Ragstone occurs as a belt trending in an east west orientation approximately midway across the borough and is coincident with the main urban area of Sevenoaks.

In succession, Kentish Ragstone occurs in bands between 15 cm and 60 cm thick, alternating with bands of a loose material called hassock (a soft calcareous sandstone deposit). These bands are of similar thickness and the difference in colour between them gives quarry faces a striped appearance. Overall thickness of the unit ranges between 18-100 metres. When the stone is extracted from the quarry, it appears to be of a grey green or blue grey colour but later weathers (oxidation of iron bearing constituent minerals) to an 'autumnal' hue which, together with its hard-wearing properties, traditionally made it an attractive material. This can be seen in local construction of houses, public works (e.g. Sessions House, Kent County Council and HMP Maidstone and the Archbishop's Palace) and infrastructure in and around the area of Kent and further away e.g. the construction of the Tower of London.

Modern demand for this material is intensive and diverse, with different products being required for use as an aggregate in the ready-mix concrete, road building and civil engineering applications for the maintenance of the area's infrastructure. Larger blocks of ragstone are also used in the construction of sea barriers against coastal erosion. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for hard rock to form aggregate is discussed in this document. Ragstone remains important for repairing historic buildings. Currently the Hermitage Quarry to the south west of Maidstone is the only supplier of building stone in Kent. Blaise Farm, (in Tonbridge and Malling) is excavated mainly for aggregate and is not regarded as being a realistic source of building stone. The Sevenoaks area does not have any active workings for the extraction of this material.

#### **Sandgate Formation**

The Sandgate Formation is part of the Lower Greensand Group. A geological unit forming part of the underlying structure of southeast England (laid down 100 million years ago, during the Upper Cretaceous epoch). Distributed to the south of London in the counties of West Sussex, East Sussex

and Kent, which together form the wider Weald, the Lower Greensand Group can usually be subdivided to what can be referred to as the units or formational levels. These formations have varying properties and are composed of the following defined units according to their differing characteristics:

- Atherfield Clay Formation** [*not an important economic mineral*]
- Hythe Formation** [*this includes the important Ragstone described above*]
- Sandgate Formation** [*this material has certain industrial applications*]
- Bargate Formation** [*not an important economic geology*]
- Folkestone Formation** [*this an important aggregate forming unit*]

In the Sevenoaks area the formation outcrops north of the Ragstone belt in isolated pockets and has the same north-west to south-east trend, though its occurrence is more limited in the borough than in other Ragstone bearing areas. Overall the Sandgate Formation is characterised as a rarely fossiliferous and loosely consolidated mixture of silts, sands and silty clays and some sandstones. The British Geological Survey describes the formation as follows: “*The formation has no single stratotype. Readers should refer to entries for the component members in the western Weald, namely: Bargate Sandstone Member, Rogate Member, Easebourne Member (where present), Selham Ironshot Sands Member, Fittleworth Member, Pulborough Sandrock Member (where present) and Marehill Clay Member (at top). Elsewhere the Formation is undivided. The formation takes its name from Sandgate on the coast near Folkestone, both here, around the town itself, and in the West Cliff at Folkestone the formation is extensively affected by landslides. The base of the formation was seen in the Goldwell Quarry south of Hothfield in the Maidstone district but this was not designated as a type site.*”

The material (where represented as a friable sandstone) is of a reasonably consistent nature such that it is potentially important for industrial applications. It was formerly dug near Marehill (West Sussex where the unit is between 50-100 metres in thickness, in Kent the thicknesses have not been recorded) for use as moulding sand in iron casting, thus being analogous in use terms to a foundry type silica sand. The County Council has no records of the quarrying of this material in the Sevenoaks Borough area in recent times.

In addition to the responsibility to safeguard finite economically important minerals the National Planning Policy Framework (2019) requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of industrial minerals (Section 17, para. 208). With regard to industrial foundry sand, that *may* be applicable to the uses the Sandgate Formation Sandstone can be put to. The Mineral Planning Authority should provide a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and equipment for at least 10 years for individual silica (or industrial) sand sites. Though there is a lack of any current specific extraction of this mineral for industrial purposes in Kent the adopted Kent Minerals and waste Local Plan 2013-30 (KMWLP) has policy provision to address need for this mineral if demand were to change. Policy CSM 2: Supply of Land-won Minerals in Kent identifies industrial silica sands as a mineral for which supply should be planned for to meet a specific technical specification at a level of permitted reserves to maintain production for 10 years at individual sites and 15 years at sites requiring significant investment.

### **Folkestone Formation (Folkestone Beds-Building Sands/Soft sands)**

The Folkestone Beds are a significant component of the Lower Greensand Group. They were laid down in a shallow marine environment during the early Cretaceous age (140 to 100 million years ago). It consists mostly of poorly lithified (cemented) sands, the material is at the classification

transitional boundary of a loose sand to a sandstone; in that it has properties neither consistent with the concept of an engineering medium or being of sufficient tensile strength to be considered a rock. In Sussex, Kent and Surrey the formation comprises medium and coarse-grained, well-sorted cross-bedded sands and weakly cemented sandstones. The thickness of the unit has a wide range from as little as 0.5 metres up to 80 metres. In Kent, thickness tends towards the higher order of several metres (at about 46 metres near Maidstone and even thicker towards the Surrey border) and has given rise to significant quarrying operations in Maidstone, Tonbridge and Malling and Sevenoaks and into Ashford in the area of Charing. The formation forms a significant component of the North Kent Downs Scarp landscape feature that trends east-west as an undulating ridge that runs through the Folkestone and Hythe District and wider Kent countryside.

Occasionally the sand matrix is cemented and has a binding clay fraction, though usually occurs as the characteristic clean loose sands that typify the formation. The economic quality of the deposit is variable both vertically and horizontally. The important loose sand beds are characterised as poorly consolidated, fine, quartzose (a nomenclature used for a sand low in impurities and high in silica) sands and are capable of providing sands suitable for a wide range of building uses including, notably, mortar production and are often called 'soft sand' due to the flowing characteristics of the highly spherical grains. This characteristic makes these sands favoured for motor mixes that greatly aid in their application in construction ; silica tile and brick manufacture has also occurred in the past. Parts of the formation yield deposits suited to industrial use as silica sand, for such uses as foundry sand and thus are industrial rather than aggregate application materials. However, the material is generally recognised as economically important as a source of building (mortar) and asphalt (coated stone) sands in its application as an aggregate and is widely used across the South East. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the LAA. The current permitted landbank for soft sand to form aggregate is discussed in this monitoring document. It is generally accepted that this mineral cannot be substituted by any artificial aggregate materials.

### **Wealden Group Sandstones and Limestone (Building Stone)**

The National Planning Policy Framework (2019) does not require the Mineral Planning Authority to plan for the maintenance of landbanks of building stone. Though paragraph 142 makes it clear that mineral resources are essential to support economic growth and our quality of life; and that a sufficient supply of material should be available to provide for the infrastructure, buildings, energy and goods that the country needs. It is emphasised that these materials are finite in nature and their long-term conservation is required, necessitating that this geology is a safeguarded geology. The Kent Minerals and Waste Local Plan has policy provision to allow small-scale extraction of materials to enable the important vernacular of historic restoration projects to be recognised and for new build projects in conservation areas. Policy CSM 9: Building Stone in Kent sets out the parameters to be met to allow this type of mineral extraction to be permitted. In the Ashford Borough the building stone geologies are comprised of the following:

#### **Wealden Group (sandstones)**

- **Sandstone - Ashdown Formation**
- **Sandstone - Upper Tunbridge Wells Sand Formation**
- **Sandstone - Ardingly Sandstone**

The Wealden Group is a complex group of geological units that make up the core of the Weald predominantly stretching across East Sussex and Kent, and are colloquially referred to as forming the Hastings Beds, as they can be viewed as outcrop at the cliffs along the coastal area just east of Hastings town.



They include the Ashdown Formation, Wadhurst Clay Formation and the Tunbridge Wells Sand Formation. The Hastings Beds in turn forms part of the Wealden Supergroup which underlies much of southeast England. The sediments of the Weald of East Sussex were deposited during the Early Cretaceous period.

*The Ashdown Formation*-The Ashdown Formation, that can be found to south of Leigh, takes its name from the Ashdown Forest in the High Weald of Sussex, typically comprises sandstones, siltstones and mudstones. In the east of the county, the formation tends to be more argillaceous (clay mineral bearing) in its lowermost part and fines up to arenaceous (silica or sand bearing) division in the uppermost 30 to 50m. The clays are identified by their characteristic purple and brick-red mottled nature. In early references, these variations give rise to the division of the formation into the 'Fairlight Clays' and the 'Ashdown Sands'. However, it is now considered as a single overall sandstone formation due to the impersistence of the clays across the Weald, thus the clays are considered as extensive 'lenses' within the formation. Despite this, the variations of clays and sands in the formation are usually marked separately on the maps and records of the British Geological Survey. In its entirety the formation is usually found to be between 180 and 215m thick. In the Ashford area the deposit can be found in the south of the borough around the Isle of Oxney as far north as the outskirts of Tenterden, in the west almost at Rolvenden Layne. The economic material is in the sandstone fraction of the formation that can be used as a quarried building stone.

*The Tunbridge Wells Sand Formations*-The Tunbridge Wells Sand Formation comprises complex cyclic sequences of siltstones with sandstones and clays, typically fining upwards, and is lithologically similar to the older Ashdown Formation. It has a total thickness typically in the region of about 75m. However, near Haywards Heath borehole data has proven the formation to be up to 150m thick. In the western parts of the High Weald the Tunbridge Wells Sands can be divided into three main members; the Lower Tunbridge Wells Sand Member (a non-economic geology that is not safeguarded), the Grinstead Clay Member (not an economic geology that is safeguarded), and the Upper Tunbridge Wells Sand Member (that has within it the Tunbridge Wells Sand Formation).

The Upper Tunbridge Wells Sand is similar to the Lower Tunbridge Wells Sand. It comprises soft red and grey mottled silts and clays in its lower part, and alternating silts and silty clays with thin beds of sandstones. In the Tunbridge Wells Borough area, the material is to be found strongly associated with the *Ardingly Sandstones* in Tunbridge Wells. The formation lacks the degree of outcrop that is attractive to climbers further to the west in Tunbridge Wells. The sandstone fraction of the formation is the economic element of the unit, as it can provide a quarried building stone. In the Sevenoaks district it can be found as a series of outcrops stretching from Leigh in the west across the district to south of Edenbridge. Deposits of the *Ardingly Sandstone* in the Sevenoaks district are to be found around Leigh, though more dominantly to the south east of the district, around Chiddingstone, Smart's Hill and towards Fordcombe.

Extraction of sandstone in the Weald, however, is of an historic nature and wide-ranging in the Wealden area. Thus, the British Geological Survey consider this material an important deposit for its application as a hard rock building stone. Today there are historic buildings and structures in this borough that may require restoration materials. Limited supplies of sandstones for this purpose come from a select quarry operating in East Sussex. Kent no longer has any active quarries that can supply this material. Though due to the extensive nature of the outcrop in the Borough, this may occur again at some point in the future and given that it is a very specific sandstone type potentially required for historic building restoration purposes. However, volume housebuilding and other development appear not to want to source this material in any substantial quantities.

### **Limestone-Paludina Limestone, Weald Clay Formation**

The uppermost formation within the Wealden Group succession of Kent, the Weald Clay Formation, contains several discontinuous beds of fossiliferous freshwater limestone. These are collectively referred to as the Wealden Limestones and are characterised with the presence of numerous fossils

of a large freshwater gastropod, 'Paludina' – *Viviparus flaviorum*. These limestones have been given a variety of local names including the 'Large and Small Paludina limestones' and occur in beds up to 30cm thick. In Kent, one of these fossiliferous limestones is widely known as the 'Bethersden Marble' (the term 'marble' being used as the stone is capable of taking a polish), and has been used extensively for decorative work, paving and building stone in Kent. Although this building stone is named after the village of Bethersden, the limestone has been dug from various locations across the county. Some Wealden limestones have also been called 'Winkle Stone' because the small gastropods present are similar in character to the modern 'periwinkle' shell.

Wealden limestones have been used as external paving, kerbstones and channel blocks in the village of Biddenden, but their texture can best be seen in the flooring and internal decorative work in Canterbury Cathedral, and in churches such as St Margaret's in Bethersden. Other examples of the external use of Wealden Limestone, showing it to be a durable building stone, are provided by the 15th Century church towers at Tenterden and Biddenden, where it has been successfully used for quoins as well as for coursed walling stone. The Norman Herring Bone stonework at Staplehurst church was constructed using slabs of Small Paludina limestone. Extraction has no doubt been historically highly localised and directly related to specific, now historically important, developments generally of an ecclesiastical nature. In the Sevenoaks area this material is only present as an intermittent 'ribbon' outcrop along an east west trend from west of Sevenoaks Weald into the Tonbridge and Malling Borough Council administrative area. There are no records available to the County Council for any extraction of this material in the Sevenoaks Borough area. It is reasonable to suppose that any extraction would be for very localised restoration projects.

### **Superficial Geological Units of Economic Importance**

#### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Leybourne in the Medway valley were among the best in the County and are now entirely worked out. Those deposits on the Great Stour river valley gave a lower yield of quality and have also been extensively worked. In the Sevenoaks Borough they can be found along the river valleys of the River Darent through to Sevenoaks town area where extraction of this material does occur. Also, the River Eden river valley and tributaries in the south of the borough have river terrace deposits.

However, it should be recognised that the deposits within each river valley can be highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the LAA. The current permitted landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

#### **Calcareous Tufa**

Tufa is a freshwater carbonate deposit formed around springs. During the Pleistocene (2.58 million to 11,700BC), the development of these tufa deposits appears to have been extensive. There are a number of locations in Kent, commonly associated with springs at the margin of the Hythe Formation or Chalk Group outcrops, where tufa deposits are still forming. Many older deposits have been

quarried away, however, having served as sources of lime or occasionally building stone. They are characterised by their hard and durable nature when lithified, and their highly porous structure and therefore low density, makes them ideal for use as wallstones and for vaulting in churches. It is believed that supplies of tufa for building were exhausted by late Norman times.

Blocks of pale-coloured, porous tufaceous limestone can be seen forming the quoins and dressings of the walls in the 12C tower of St Leonard's at West Malling. Locally derived tufa blocks were also used extensively in the construction of the Roman Lighthouse (Pharos) at Dover. A number of churches in the Romney Marsh area have some tufa blocks in their fabric (e.g. at Lympne, West Hythe, Appledore and New Romney, some having been reused from the Roman Fort at Lympne), as have several Norman churches in the Maidstone area. In Sevenoaks the tuffa deposits are to be found in the south of the borough, in the Fordcombe, and more extensively, in the White Post areas. The County Council has no records of any extraction of this material in recent periods. Like the Paludina Limestone, it is reasonable to suppose that any potential extraction would be small scale for localised restoration projects.

## **Information note prepared by Kent County Council for the Swale Borough Council Area**

This note provides information regarding the geology of the mineral located within the Swale area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Swale Borough Council area. The safeguarded land-won mineral bearing area is shown on the Swale Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Swale Borough area are highlighted with various colours representing the superficial deposits that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

The Swale Borough Council area has no economically important main crustal geological units.

### **Superficial Geological Units of Economic Importance**

#### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Leybourne were among the best in the County and are now entirely worked out. Those on the Great Stour river valley gave a lower yield of quality and have also been extensively worked. However, it should be understood that deposits within each river valley are highly variable from place to place and isolated deposits with high quality deposits may yet remain though it is generally recognised that this mineral resource in the County is becoming exhausted.

The deposits that form those occurring in the Swale Borough area are of from the lower Thames terrace, and are of some note. The British Geological Survey states that the geology of the site is as follows: *“River terrace deposits of the middle and lower Thames contain gravel clasts mainly composed of flint, vein quartz and local bedrock lithologies including chert. Modern British Geological Survey maps also show the terrace deposits as named units which are here interpreted as members of the Maidenhead Formation. The main terrace deposit members are the Black Park Gravel, Boyn Hill Gravel, Lynch Hill Gravel, Hackney Gravel, Taplow Gravel, Kempton Park Gravel, Shepperton Gravel and Staines Alluvium. Brickearth silt beds include the Enfield Silt, Roding Silt, Langley Silt, Dartford Silt, Crayford Silt and Ilford Silt.”*

These deposits are up to 7m in thickness and contain materials suitable for structural concrete manufacture. The Swale Borough extraction has historically occurred in the Faversham area, north of the settlement towards the Swale. Significant areas of the Isle of Sheppey have deposits of this material, though there are no records of recent extraction. It should be recognised that the deposits within each river valley (the lower Thames terrace is a deposit in a major river valley, the Thames) can be highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted

landbank for sharp sands and gravel to form aggregate supply is discussed in this monitoring document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

### **Storm Beach Gravel (regarded as a form of 'flint' sand and gravel)**

Storm beach deposits comprise a low rounded ridge of coarse (as opposed to being composed of a high proportion of smaller particulates, such as a sand fraction) materials (gravels, cobbles and boulders) piled up by very powerful storm waves at the inland margin of a beach, above the level reached by normal spring tides. The material is considered by the industry to be a source of high quality 'flint' sand and gravel suitable for structural concrete applications.

There are isolated deposits of this material in the area between Shell Ness, past Leysdown-on-Sea to warden on the Isle of Sheppey. The possibility that these deposits are of particular economic importance is considered to be of a low order of probability given their apparent limited occurrence and those that are within an area of significant environmental constraint (applicable to the deposits at Shell Ness that are coincident with Special Area of Conservation and Ramsar sites designations). However, the need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sand and gravel to form aggregate is discussed in this document.

### **Brickearth (Superficial Deposits) Brickearth (Faversham-Sittingbourne Area)**

Brickearth is a superficial deposit of homogeneous loam or silt deposited during the Pleistocene geological period (up to 10,000 years ago at the end of that glacial event) as a windblown material. Brickearth typically occurs in discontinuous spreads, across southern England and South Wales, south of a line from Pembroke in the west to Essex in the east in depths of up to a metre. Commercially useful deposits of about 2m to 4m thick are present in Kent, Hertfordshire and Hampshire, found overlying chalk, Thanet Beds or London Clay geologies. The original deposition of the sediments occurred under cold climates (peri-glacial) where fluvial out-wash sediments from glaciers were subject to dry and windy periods. The exposed finer-grained sediments were picked up and transported by the wind and were deposited wherever the wind strength decreased sufficiently to allow deposition.

In the Swale Borough Council area deposits of the material are both found as isolated deposits and as more extensive 'spreads'. The latter being, to some degree, associated with the Sub-Alluvial River Terrace deposits in the north of the main land area towards the Swale.

There is a long history of extraction of this mineral for brick making in the Swale area. The manufacture of 'Stock Bricks' or 'London Stocks' from the brickearth supplies in this area of Kent, is well documented. The characteristic yellow brickearth bricks were extensively used locally and in London hence their name 'London Stocks'. Extraction of brickearth occurs in the borough area and manufacture of this construction brick occurs today at Smeed Deen near Sittingbourne.

In addition to the responsibility to safeguard finite economically important minerals the National Planning Policy Framework (2019) requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of industrial minerals (Section 17, para. 208). With regard to brickearth, the term 'brick clay' as used in para. 208 d) is effectively synonymous with brickearth. Therefore, the County Council has to plan for a supply of this mineral, and potentially from more than one source area to enable appropriate blending to maintain the brick product type(s) into the future. Moreover, the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) has policy provision to address need for this mineral. Policy CSM 2: Supply of Land-won Minerals in Kent identifies brickearth as a mineral for which supply should be planned for to meet a specific technical specification, at a level of

permitted reserves to maintain production for 10 years at individual sites and 15 years at sites requiring significant investment.

## **Information note prepared by Kent County Council for the Thanet District Council Area**

This note provides information regarding the geology of the mineral located within the Thanet area. The information provided is intended to support the preparation of Mineral Resource Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Thanet District Council area. The safeguarded land-won mineral bearing area is shown on the Thanet Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Thanet District area are highlighted with various colours representing the superficial deposits that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

The Thanet District Council area has no economically important main crustal geological units.

### **Superficial Geological Units of Economic Importance**

The Thanet District Council area has two insignificant areas of economic land-won mineral occurrence. They are:

- **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposit** within the built-up urban area of Birchington, and
- **Storm Beach Gravel (regarded as a form of 'flint' sand and gravel)** parallel to the Sandwich Road north of Port Richborough.

These deposits are of little potential significance and for all intents and purposes the Thanet District Council area can be considered as free of economic mineral potential.

## **Information note prepared by Kent County Council for the Tonbridge and Malling Borough Council Area**

This note provides information regarding the geology of the mineral located within the Tonbridge and Malling area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Tonbridge and Malling Borough Council area. The safeguarded land-won mineral bearing area is shown on the Ashford Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Tonbridge and Malling Borough area are highlighted with various colours representing both the superficial deposits as well as crustal units that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

#### **Limestone Hythe Formation (Kentish Ragstone)**

Kentish Ragstone occurs in a geological formation known in the Hythe Beds of the Lower Greensand, a layer of limestones running from Kent into Surrey which was laid down in the Cretaceous period. It outcrops in various places in Kent, notably at the cliffs of Hythe, and along the Greensand Ridge above the Weald of Kent. In the Tonbridge and Malling Borough area, the ragstone occurs as a belt trending in an east west orientation across the borough, which extends from the foot of the North Downs Scarp from the Ditton area in the west, through East Malling, West Malling to the Ightham area in the east.

In succession, Kentish Ragstone occurs in bands between 15 cm and 60 cm thick, alternating with bands of a loose material called hassock (a soft calcareous sandstone deposit). These bands are of similar thickness and the difference in colour between them gives quarry faces a striped appearance. Overall thickness of the unit ranges between 18-100 metres. When the stone is extracted from the quarry, it appears to be of a grey green or blue grey colour but later weathers (oxidation of iron bearing constituent minerals) to an 'autumnal' hue which, together with its hard-wearing properties, traditionally made it an attractive material. This can be seen in local construction of houses (Ightham Court), public works (e.g. Sessions House, Kent County Council and HMP Maidstone and the Archbishop's Palace) and infrastructure in and around the area of Kent and further away e.g. the construction of the Tower of London.

Modern demand for this material is intensive and diverse, with different products being required for use as an aggregate in the ready-mix concrete, road building and civil engineering applications for the maintenance of the area's infrastructure. Larger blocks of ragstone are also used in the construction of sea barriers against coastal erosion. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for hard rock to form aggregate is discussed in this document. Ragstone remains important for repairing historic buildings. Currently the Hermitage Quarry in Maidstone, is the only supplier of building stone in Kent. While Blaise Farm (in the Tonbridge and Malling Borough) is excavated mainly for aggregate and is not regarded as being a realistic source of building stone.

However, the occurrence of this unit in the area is extensive. Forming a wide belt on an east west trend stretching from Barming in the east to Ightham in the west and as far south on a line with Watringbury, Mereworth, Roughway and Plaxtol. There remains a possibility that sites may come forward in the future if the need arises. The need for aggregates, in terms of the required land-bank to meet any objectively assessed quantity over a plan period is assessed each year by the County



Council in the Local Aggregate Assessment (LAA). The current permitted landbank for soft sand to form aggregate is discussed in this document.

## **Sandgate Formation**

The Sandgate Formation is part of the Lower Greensand Group. A geological unit forming part of the underlying structure of southeast England (laid down 100 million years ago, during the Upper Cretaceous epoch). Distributed to the south of London in the counties of West Sussex, East Sussex and Kent, which together form the wider Weald, the Lower Greensand Group can usually be subdivided to what can be referred to as the units or formational levels. These formations have varying properties and are composed of the following defined units according to their differing characteristics:

- Atherfield Clay Formation** [*not an important economic mineral*]
- Hythe Formation** [*this includes the important Ragstone described above*]
- Sandgate Formation** [*this material has certain industrial applications*]
- Bargate Formation** [*not an important economic geology*]
- Folkestone Formation** [*this an important aggregate forming unit*]

In the Ashford area the formation outcrops just north of the Ragstone belt and has the same north-west to south-east trend. Overall, the Sandgate Formation is characterised as a rarely fossiliferous and loosely consolidated mixture of silts, sands and silty clays and some sandstones. The British Geological Survey describes the formation as follows: “*The formation has no single stratotype. Readers should refer to entries for the component members in the western Weald, namely: Bargate Sandstone Member, Rogate Member, Easebourne Member (where present), Selham Ironshot Sands Member, Fittleworth Member, Pulborough Sandrock Member (where present) and Marehill Clay Member (at top). Elsewhere the Formation is undivided. The formation takes its name from Sandgate on the coast near Folkestone, both here, around the town itself, and in the West Cliff at Folkestone the formation is extensively affected by landslides. The base of the formation was seen in the Goldwell Quarry south of Hothfield in the Maidstone district but this was not designated as a type site.*”

The material (where represented as a friable sandstone) is of a reasonably consistent nature such that it is potentially important for industrial applications. It was formerly dug near Marehill (West Sussex where the unit is between 50-100 metres in thickness, in Kent the thicknesses have not been recorded) for use as moulding sand in iron casting, thus being analogous in use terms to a foundry type silica sand. The County Council has no records of the quarrying of this material in the Tonbridge and Malling Borough area. It is to be found associated with the Hythe Formation (into which it succeeds) in the easterly area of the borough.

In addition to the responsibility to safeguard finite economically important minerals the National Planning Policy Framework (2019) requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of industrial minerals (Section 17, para. 208). With regard to industrial foundry sand, that *may* be applicable to the uses the Sandgate Formation Sandstone can be put to. The Mineral Planning Authority should provide a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and equipment for at least 10 years for individual silica (or industrial) sand sites. Though there is a lack of any current specific extraction of this mineral for industrial purposes in Kent the adopted Kent Minerals and waste Local Plan 2013-30 (KMWLP) has policy provision to address need for this mineral if demand were to change. Policy CSM 2: Supply of Land-won Minerals in Kent identifies industrial silica sands as a mineral for which supply should be planned for to meet a specific technical specification at a level of permitted

reserves to maintain production for 10 years at individual sites and 15 years at sites requiring significant investment.

### **Folkestone Formation (Folkestone Beds-Building Sands/Soft sands)**

The Folkestone Beds are a significant component of the Lower Greensand Group. They were laid down in a shallow marine environment during the early Cretaceous age (140 to 100 million years ago). It consists mostly of poorly lithified (cemented) sands, the material is at the classification transitional boundary of a loose sand to a sandstone; in that it has properties neither consistent with the concept of an engineering medium or being of sufficient tensile strength to be considered a rock.

In Sussex, Kent and Surrey the formation comprises medium and coarse-grained, well-sorted cross-bedded sands and weakly cemented sandstones. The thickness of the unit has a wide range from as little as 0.5 metres up to 80 metres. In Kent, thickness tends towards the higher order of several metres (at about 46 metres near Maidstone and even thicker towards the Surrey border) and has given rise to significant quarrying operations in Maidstone, Tonbridge and Malling (significantly around Ightham) and Sevenoaks and into Ashford in the area of Charing and Lenham. The formation forms a significant component of the North Kent Downs Scarp landscape feature that trends east-west as an undulating ridge that runs through the Tonbridge and Malling Borough and wider Kent countryside.

Occasionally the sand matrix is cemented and has a binding clay fraction, though usually occurs as the characteristic clean loose sands that typify the formation. The economic quality of the deposit is variable both vertically and horizontally. The important loose sand beds are characterised as poorly consolidated, fine, quartzose (a nomenclature used for a sand low in impurities and high in silica) sands and are capable of providing sands suitable for a wide range of building uses including, notably, mortar production and are often called 'soft sand' due to the flowing characteristics of the highly spherical grains. This characteristic makes these sands favoured for motor mixes that greatly aid in their application in construction ; silica tile and brick manufacture has also occurred in the past. Parts of the formation yield deposits suited to industrial use as silica sand, for such uses as foundry sand and thus are industrial rather than aggregate application materials. However, the material is generally recognised as economically important as a source of building (mortar) and asphalt (coated stone) sands in its application as an aggregate and is widely used across the South East. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the LAA monitoring document. The current permitted landbank for soft sand to form aggregate is discussed in this document. It is generally recognised that this material is not substitutable by artificial aggregates.

### **Limestone-Paludina Limestone, Weald Clay Formation**

The uppermost formation within the Wealden Group succession of Kent, the Weald Clay Formation, contains several discontinuous beds of fossiliferous freshwater limestone. These are collectively referred to as the Wealden Limestones and are characterised with the presence of numerous fossils of a large freshwater gastropod, 'Paludina' – *Viviparus flaviorum*. These limestones have been given a variety of local names including the 'Large and Small Paludina limestones' and occur in beds up to 30cm thick. In Kent, one of these fossiliferous limestones is widely known as the 'Bethersden Marble' (the term 'marble' being used as the stone is capable of taking a polish), and has been used extensively for decorative work, paving and building stone in Kent. Although this building stone is named after the village of Bethersden, the limestone has been dug from various locations across the county. Some Wealden limestones have also been called 'Winkle Stone' because the small gastropods present are similar in character to the modern 'periwinkle' shell.

Wealden limestones have been used as external paving, kerbstones and channel blocks in the village of Biddenden, but their texture can best be seen in the flooring and internal decorative work

in Canterbury Cathedral, and in churches such as St Margaret's in Bethersden. Other examples of the external use of Wealden Limestone, showing it to be a durable building stone, are provided by the 15th Century church towers at Tenterden and Biddenden, where it has been successfully used for quoins as well as for coursed walling stone. The Norman Herring Bone stonework at Staplehurst church was constructed using slabs of Small Paludina limestone.

Any extraction has no doubt been historically highly localised and directly related to specific, now historically important, developments generally of an ecclesiastical nature. In the Tonbridge and Malling Borough area there are very minor occurrences of this limestone to the west of Sackville, and further to the north just to the south west of Budds. Here it forms the easterly extremity of a 'ribbon' that goes west into the Sevenoaks District area.

## **Superficial Geological Units of Economic Importance**

### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silt deposits) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Leybourne were among the best in the County and are now entirely worked out. Those on the Great Stour river valley gave a lower yield of quality and have also been extensively worked. The deposits in Tonbridge and Malling Borough Council are to be found in two main areas of the River Medway valley.

The first are those deposits in the Snodland and Leybourne area, now essentially worked out, though the deposits do follow the valley to Wouldham in the north and beyond. The second area of interest is the Upper Medway deposits east and west of Tonbridge. Here the mineralogical make up is different than those materials found lower down the river valley. These sands and gravels are often called 'sandstone gravels' or 'siltstone gravels' on account of the brown colouration, rather than the darker 'flint' gravels found elsewhere. The presence of a polymorph of quartz (moganite) forms what is called Chalcedony a cryptocrystalline form of silica. This material is not considered to be a high-quality aggregate source. Though it has been actively extracted and used for buried concrete and construction block making applications in the past. The Mineral Sites Plan identified two allocations for potential future sand and gravel extraction, Stonecastle farm (Site M13) in the Tonbridge and Malling Borough area, and Moat Farm (Site M10) just over the administrative border in the Tunbridge Wells Borough area.

Outside main areas of occurrence, there are both isolated river terrace deposits around Hadlow, Tonbridge and Hildenborough and in the surrounding countryside and those that follow the courses of no longer active tributaries to the River Medway. However, it should be recognised that the deposits within each river valley can be highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although, it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted. The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the LAA. The current permitted landbank for sharp sands and gravel to form aggregate is discussed in this document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

## **Information note prepared by Kent County Council for the Tunbridge Wells Borough Council Area**

This note provides information regarding the geology of the mineral located within the Tunbridge Wells Borough Council area. The information provided is intended to support the preparation of Mineral Assessments which may be needed to accompany planning applications for development proposed within the Mineral Safeguarding Areas.

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas (MSAs) in Kent in the Tunbridge Wells Borough Council area. The safeguarded land-won mineral bearing area is shown on the Tunbridge Wells Borough Council Mineral Safeguarding Areas proposals map in the Plan. The relevant safeguarded geologies in the Tunbridge Wells Borough Council area are highlighted with various colours representing both the superficial deposits as well as crustal units that make up the economic geological stratigraphy of the area.

### **Main Crustal Geological Units of Economic Importance**

#### **Wealden Group Sandstones and Limestone (Building Stone)**

The National Planning Policy Framework (2019) does not require the Mineral Planning Authority to plan for the maintenance of landbanks of building stone. Though paragraph 142 makes it clear that mineral resources are essential to support economic growth and our quality of life; and that a sufficient supply of material should be available to provide for the infrastructure, buildings, energy and goods that the country needs. It is emphasised that these materials are finite in nature and their long-term conservation is required, necessitating that this geology is a safeguarded geology. The Kent Minerals and Waste Local Plan has policy provision to allow small-scale extraction of materials to enable the important vernacular of historic restoration projects to be recognised and for new build projects in conservation areas. Policy CSM 9: Building Stone in Kent sets out the parameters to be met to allow this type of mineral extraction to be permitted. In the Tunbridge Wells Borough Council, the building stone geologies are comprised of the following:

#### **Wealden Group (sandstones)**

- **Sandstone - Wadhurst Clay Formation**
- **Sandstone - Ashdown Formation**
- **Sandstone - Upper Tunbridge Wells Sand Formation and Tunbridge Wells Sand Formation**

The Wealden Group is a complex group of geological units that make up the core of the Weald predominantly stretching across East Sussex and Kent, and are colloquially referred to as forming the Hastings Beds, as they can be viewed as outcrop at the cliffs along the coastal area just east of Hastings town.

They include the Ardingly Sandstone, Wadhurst Clay Formation, Ashdown Formation and the Tunbridge Wells Sand Formation (that also is split into the Upper Tunbridge Wells Sand Formation as well as the Tunbridge Wells Sand Formation). The Hastings Beds in turn forms part of the Wealden Supergroup which underlies much of southeast England. The sediments of the Weald of East Sussex were deposited during the Early Cretaceous period.

**Ardingly Sandstone**-This unit is a massive thick cross bedded fine to medium grained quartz (low in impurities and high in silica) sandstone that separates the Tunbridge Wells Sands from the overlying Grinstead Clay. This horizon occurs in thicknesses of up to 18m. It is particularly well exposed throughout the region between East Grinstead, West Sussex, and Tunbridge Wells, Kent,

at localities such as; Stone Farm south of East Grinstead; Chiddinglye Rocks near West Hoathly; Toad Rock, Bull's Hollow and Happy Valley west of Tunbridge Wells; and Harrison's Rocks, Bowles Rocks and High Rocks near Crowborough. At all of these places the Ardingly Sandstone forms a weathering-resistant layer, relative to the rest of the formation, which has become very popular with rock climbers and is known locally as Southern Sandstone. These are the closest rock climbing crags to London and as a result are the most heavily used in the county. Specifically, to the Tunbridge Well Borough area this part of the overall Wealden succession is to be found in the locals of Tunbridge Wells. It is a safeguarded geology given that it has been quarried in the past to provide building materials widely used in the centre of Tunbridge Wells.

**Wadhurst Clay Formation**-The Ashdown Formation is overlain by a predominantly argillaceous (clay/mudstone) sequence the Wadhurst Clay. This unit also contains beds of siltstone/sandstone, limestone and ironstone, which have provided building stone in the past. A number of thin calcareous sandstone beds were used as local building stone in the Tenterden area. The ironstone beds which formed the basis of the famed Wealden iron industry were largely worked from the basal part of this formation, but there is no evidence that they were used to any great extent as building stones. In the Tunbridge Wells Borough this material is found at Sandhurst. It is a safeguarded geology given that it has been quarried in the past to provide building materials, though not widely used.

**The Ashdown Formation**-In the borough area this sandstone mainly is found around Tunbridge Wells, as far west as Ashurst, and to Pembury in the west, and Speldhurst to the north west of Tunbridge Wells. It is found succeeding into the Tunbridge Wells Sand Formation. The Ashdown Formation, which takes its name from the Ashdown Forest in the High Weald of Sussex, typically comprises sandstones, siltstones and mudstones. In the east of the county, the formation tends to be more argillaceous (clay mineral bearing) in its lowermost part and fines up to arenaceous (silica or sand bearing) division in the uppermost 30 to 50m. The clays are identified by their characteristic purple and brick-red mottled nature. In early references, these variations give rise to the division of the formation into the 'Fairlight Clays' and the 'Ashdown Sands'. However, it is now considered as a single overall sandstone formation due to the impersistence of the clays across the Weald, thus the clays are considered as extensive 'lenses' within the formation. Despite this, the variations of clays and sands in the formation are usually marked separately on the maps and records of the British Geological Survey. In its entirety the formation is usually found to be between 180 and 215m thick. This sandstone has a rhythmic, parallel laminated structure in the stone. Buildings in Tunbridge wells constructed by this material show this feature. In colouration there are variations from off-white to light orange-brown can occur within each ashlar (finely dressed or cut/worked) block. Some of the off-white sandstone is notably fine-grained.

**The Tunbridge Wells Sand Formations**-The Tunbridge Wells Sand Formation comprises complex cyclic sequences of siltstones with sandstones and clays, typically fining upwards, and is lithologically similar to the older Ashdown Formation. It has a total thickness typically in the region of about 75m. However, near Haywards Heath borehole data has proven the formation to be up to 150m thick. In the western parts of the High Weald the Tunbridge Wells Sands can be divided into three main members; the Lower Tunbridge Wells Sand Member (a non-economic geology that is not safeguarded), the Grinstead Clay Member (not an economic geology that is safeguarded), and the Upper Tunbridge Wells Sand Member (that has within it the Tunbridge Wells Sand Formation).

The Upper Tunbridge Wells Sand is similar to the Lower Tunbridge Wells Sand. It comprises soft red and grey mottled silts and clays in its lower part, and alternating silts and silty clays with thin beds of sandstones. In the Tunbridge Wells Borough area, the material is to be found strongly associated with the Ardingly Sandstones in Tunbridge Wells. The formation lacks the degree of outcrop that is attractive to climbers further to the west in Tunbridge Wells. The sandstone fraction of the formation is the economic element of the unit, as it can provide a quarried building stone. The Wadhurst Clay comprises predominantly medium to dark bluish grey over-consolidated clays, silts, mudstones, and shales. These lithologies often occur with subordinate amounts of pale grey silty mudstones,

laminated siltstones, sandstones, conglomerate, shelly limestones and clay-ironstones. When they become exposed to the elements at the surface, the mudstones often degrade over a short period of time and weather to yellowish brown and greenish grey clays. In Kent, the Wadhurst Clay has been proven to over 70m thick near Tunbridge Wells. The sandstone faction of the formation is the economic element of the unit, as it can provide a quarried building stone. The Tunbridge Wells Sand Formation was the primary source of Wealden sandstone in Kent, with many lithological characteristics similar to the sandstones of the Ashdown Formation. The sandstones are generally fine to medium-grained, often cross-bedded and flaggy in places.

To the west of Tunbridge Wells, the formation is divided into two sandstone units separated by a clay layer known as the Grinstead Clay. This clay layer is divided informally into upper and lower parts by the development of a thin cross-bedded, fine-grained sandstone, known as the Cuckfield Stone (named after a village in West Sussex). Numerous small building stone quarries, producing Wealden sandstone for local use, operated near Goudhurst. The variety of colours and textures can be seen in individual buildings from different phases of construction, for example in the medieval St Mary's Church in Goudhurst, where the colour variations and laminations in some of the beds provide distinctive features. The 19th-century construction of Scotney House in the grounds of Scotney Castle used sandstone from quarries within the estate. The colour, texture and weathering patterns within the ashlar blocks are widely evident in the building's fabric. Staplehurst church makes extensive use of Tunbridge Wells Sandstone in parts of its external fabric (St George's Chapel, the Tower). The occurrence of this sandstone is extensive in the Tunbridge Wells Borough Council area. It can be stated that it covers most of the borough area.

Extraction was, however, of a historic nature and wide-ranging in the Wealden area. Thus, the British Geological Survey consider this material an important deposit for its application as a hard rock building stone. Today there are historic buildings and structures in this borough that may require restoration materials. Limited supplies of sandstones for this purpose come from a select quarry operating in East Sussex. Kent no longer has any active quarries that can supply this material. Though due to the extensive nature of the outcrop in the Borough, this may occur again at some point in the future and given that it is a very specific sandstone type potentially required for historic building restoration purposes. However, volume housebuilding and other development appear not to want to source this material in any substantial quantities.

### **Limestone-Paludina Limestone, Weald Clay Formation**

The uppermost formation within the Wealden Group succession of Kent, the Weald Clay Formation, contains several discontinuous beds of fossiliferous freshwater limestone. These are collectively referred to as the Wealden Limestones and are characterised with the presence of numerous fossils of a large freshwater gastropod, 'Paludina' – *Viviparus flaviorum*. These limestones have been given a variety of local names including the 'Large and Small Paludina limestones' and occur in beds up to 30cm thick. In Kent, one of these fossiliferous limestones is widely known as the 'Bethersden Marble' (the term 'marble' being used as the stone is capable of taking a polish), and has been used extensively for decorative work, paving and building stone in Kent. Although this building stone is named after the village of Bethersden, the limestone has been dug from various locations across the county. Some Wealden limestones have also been called 'Winkle Stone' because the small gastropods present are similar in character to the modern 'periwinkle' shell.

Wealden limestones have been used as external paving, kerbstones and channel blocks in the village of Biddenden, but their texture can best be seen in the flooring and internal decorative work in Canterbury Cathedral, and in churches such as St Margaret's in Bethersden. Other examples of the external use of Wealden Limestone, showing it to be a durable building stone, are provided by the 15th Century church towers at Tenterden and Biddenden, where it has been successfully used for quoins as well as for coursed walling stone. The Norman Herring Bone stonework at Staplehurst church was constructed using slabs of Small Paludina limestone. Extraction has no doubt been

historically highly localised and directly related to specific, now historically important, developments generally of an ecclesiastical nature.

In the Tunbridge Wells Borough area this limestone is to be found predominantly in the Frittenden settlement area, with a smaller 'ribbon' type outcrop to the south at Whitsunden.

## **Superficial Geological Units of Economic Importance**

### **Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits**

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Leybourne were among the best in the County and are now entirely worked out. Those on the Great Stour gave a lower yield of quality and have also been extensively worked.

In the Tunbridge Wells area these deposits are to be found in both the active river valleys of the upper River Medway and the River Teise. Extraction has centred in the upper Medway valley, and has occurred within the Tunbridge Wells Borough, around the Whetsted and Postern areas. Although the main focus of extraction in the general area historically was over the border in the Tonbridge and Malling Borough area. Other, no longer active, river valleys (to be found in the general areas south of Sandhurst, north of Hawkhurst, north of Cranbrook) in the borough also have these deposits, little is known of their potential to give rise to a viable economic extraction at this time. The Mineral Sites Plan identifies allocations for further sand and gravel extraction in both administrative areas, Moat Farm (Site M10) in Tunbridge Wells Borough and Stonecastle Farm (site M13) in Tonbridge and Malling Borough.

The sand and gravel materials in the upper Medway valley are considered mineralogically less suitable than the 'flint' sand and gravels in meeting a wider array of construction applications, given that they are a weaker polymorph of silica called Chalcedony. Colloquially known as 'Silt Stone' or 'sandstone sand and gravels'. The 'flint' sand and gravels that occur elsewhere (such as at Lydd and Dungeness and in the Darent river valley and historically around Leybourne in the Medway river valley lower down) are more suited to higher specification concrete products. However, it should be recognised that the deposits within each river valley can be highly variable from place to place and isolated deposits with high quality sand and gravel deposits may yet remain. Although it is generally recognised that overall, the superficial sands and gravel land-won resource in the County is becoming exhausted.

The need for aggregates, in terms of the required land-bank to meet an objectively assessed quantity over a plan period is assessed each year by the County Council in the Local Aggregate Assessment (LAA). The current permitted landbank for sharp sands and gravel to form aggregate is discussed in this document. It details what degree of shortfall in the landbank that may exist, and other aggregate types are available to compensate for this.

### **Calcareous Tufa**

Tufa is a freshwater carbonate deposit formed around springs. During the Pleistocene (2.58million to 11,700BC), the development of these tufa deposits appears to have been extensive. There are a number of locations in Kent, commonly associated with springs at the margin of the Hythe Formation or Chalk Group outcrops, where tufa deposits are still forming. Many older deposits have been quarried away, however, having served as sources of lime or occasionally building stone. They are

characterised by their hard and durable nature when lithified, and their highly porous structure and therefore low density, makes them ideal for use as wallstones and for vaulting in churches. It is believed that supplies of tufa for building were exhausted by late Norman times.

Blocks of pale-coloured, porous tufaceous limestone can be seen forming the quoins and dressings of the walls in the 12<sup>th</sup> Century tower of St Leonard's at West Malling. Locally derived tufa blocks were also used extensively in the construction of the Roman Lighthouse (Pharos) at Dover. A number of churches in the Romney Marsh area have some tufa blocks in their fabric (e.g., at Lympne, West Hythe, Appledore and New Romney, some having been reused from the Roman Fort at Lympne), as have several Norman churches in the Maidstone area. In the Tunbridge Wells Borough area, the tuffa deposits are to be found in the south of the borough, in the Ashurst area, deposits of this material also outcrop in the close by Sevenoaks area also. The County Council has no records of any extraction of this material in recent periods. Like the Paludina Limestone, it is reasonable to suppose that any potential extraction would be small scale and for localised restoration projects.



**From:** Susan Carey – Cabinet Member for Environment

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

**To:** Environment and Transport Cabinet Committee – 18 March 2021

**Decision No:** 21/00029

**Subject:** Outcome of Consultation and Adoption of Statement of Community Involvement: Minerals and Waste Planning Policy and Planning Applications – Minerals and Waste and County Council Development

**Classification:** Unrestricted

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

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

**Electoral Division:** Countywide

**Summary:** The Statement of Community Involvement is a legal requirement arising from the Council's town and country planning responsibilities. It sets out the Council's approach to involving the community in plan making and its consideration of planning applications within Kent. The County Council's first Statement of Community Involvement was adopted in 2006 and two separate Addendum documents were published in April 2013 and January 2014. As the Town and Country Planning Regulations require a council's Statement of Community Involvement to be reviewed every five years, the current Statement requires review.

Following a review, revisions are proposed to the adopted Statement of Community Involvement document, mainly to take into account changes in legislation and national planning policies and some minor factual updates. Key proposed changes will result in a streamlining of the plan making process and a shift towards increasing engagement via digital means. The document is formatted in a new way that is intended to make its contents clearer and includes a new section on how the County Council will support neighbourhood planning.

A draft Statement of Community Involvement document was considered by the Environment and Transport Cabinet Committee in November 2020, where Members endorsed the document for public consultation in line with best practice.

The public consultation was undertaken from December 2020 – January 2021. As a result of the consultation, several minor amendments have been made to improve clarity throughout the document. The document however remains materially unchanged in terms of its policies and objectives from the public consultation version.

Following public consultation and the consideration of responses, it is proposed that the revised Statement should be adopted by the County Council as the basis for engagement on planning applications and the Council's plan making responsibilities.

**Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to:

(i) Note the summary of the comments received on the consultation draft of the updated Statement of Community Involvement (SCI) and the Council's proposed response to them (see Appendix 1)

(ii) note the content of the updated Statement of Community Involvement proposed for adoption (see Appendix 2); and,

(iii) to consider and endorse, or make recommendations to the Cabinet Member for Environment on the proposed decision, attached at Appendix A to:

(a) adopt the updated Statement of Community Involvement as the basis for engagement on the Council's planning applications and plan making responsibilities;

(b) delegate powers to the Corporate Director for Growth, Environment & Transport to approve any minor modifications to the text of the Statement of Community Involvement, in consultation with the Cabinet Member for Environment, which may be needed (such as formatting changes and typographical errors), in order to publish the Statement of Community Involvement.

## **1. Introduction and Background**

1.1 As the county planning authority for Kent, the County Council is required to prepare planning policy and determine planning applications concerning waste management and minerals supply in the County. The Council is also required to determine planning applications relating to its own development, for example new school accommodation.

1.2 National planning policy and legislation recognises the importance of engaging with local communities to shape the places where they want to live, work and play and under the Planning and Compulsory Purchase Act 2004 the Council is required to produce a Statement of Community Involvement (SCI) which sets out how it will involve communities in its planning activities. The Council is expected to tailor its Statement of Community Involvement to the specific needs and characteristics of the county's communities and allow the involvement of all interested parties.

1.3 The Council adopted its first Statement of Community Involvement in 2006 and, following changes to the planning process, two separate Addendum documents were published in April 2013 and January 2014. The Town and Country Planning (Local Planning) Regulations were amended to require that the Statement of Community Involvement is reviewed at least every five years and as a result the Statement has now been reviewed and text of a revised document is proposed. The timing of the Statement of Community Involvement work has been influenced by the recent adoption of the Early Partial Review of the Kent Minerals and Waste Local Plan in 2020.

### **Revised Statement of Community Involvement**

1.4 A revised Statement of Community Involvement was considered by the Environment and Transport Cabinet Committee in November 2020, where Members endorsed the document for public consultation in line with best practice.

1.5. The consultation draft clearly sets out principles and approaches for involving the

community in its widest sense, including local people – those who live in, work in or visit Kent, the Borough, District, Parish and Town councils and for other organisations which represent key community interests in:

- The plan making process such as Development Plan Documents (local plans), Supplementary Planning Documents and Neighbourhood Plans, and;
- the consideration of planning applications determined by the County Council.

1.6 Key changes proposed to the current adopted Statement of Community Involvement were as follows:

- Changes to the way information is presented in the document through the inclusion of tables describing the different consultation methods the Council will employ in different circumstances;
- an explanation of how the Council will support District and Borough Councils in the preparation of Neighbourhood Plans in their areas (inclusion of such information in Statements of Community Involvement is now a statutory requirement );
- increased emphasis on consultation by digital means;
- changes to neighbour notification as part of the determination of planning applications; and,
- changes to minimum consultation periods to streamline plan-making.

### **Public Consultation**

- 1.7 Public consultation was undertaken from December 2020 – January 2021. Approximately 5000 individuals were invited to take part in the consultation, including members of the public, Members of the County Council, the Parish, Town, District and Borough Councils, as well as other relevant statutory bodies and stakeholders. The consultation was advertised on Kent County Council's consultation portal.
- 1.8 A total of 16 representations were received from 15 consultees consisting of statutory bodies, District, Borough and Parish/Town Councils in Kent and members of the public. Three representations indicated they had no comments to make. Details of the comments received, how they were considered and any subsequent changes made to the Statement of Community Involvement are available in the Consultation Summary at Appendix 1.
- 1.9 From those that responded to the public consultation, there was support for the engagement approach set out in the revised Statement. As a result of the consultation, several minor amendments have been made to improve clarity throughout the document and respond to comments made. In particular changes have been made to include the Marine Management Organisation, the South East Local Enterprise Partnership, Mayor of London and Transport for London to the list of Statutory Consultation Bodies identified in Appendix 2 of the Statement of Community Involvement for plan making purposes, specific reference to the Data Protection Act 2018 and additional text to reflect and encourage the benefits of pre-application engagement. The revised Statement of Community Involvement also includes Neighbourhood Planning Groups and Coastal Community Teams to the list of general consultees in Appendix 3 of the Statement.

- 1.10 The document however remains materially unchanged in terms of its policies and objectives from the public consultation version. A copy of the revised Statement following public consultation is at Appendix 2.
- 1.11 A number of representations refer to more general comments relating to mineral and waste management development which are relevant when considering a planning application or development of local plan policy. These concerns are not appropriate to address in the Statement of Community Involvement, but have been noted.

## **2. Next Steps**

- 2.1 Following consideration by Environment and Transport Cabinet Committee, the Cabinet Member for Environment will be asked to adopt the Statement of Community Involvement. Following adoption, stakeholders, including all those who commented on the consultation draft of the Statement will be notified and the adopted document will be available on the Council's website.
- 2.2 The updated Statement of Community Involvement will be used by the County Council when determining planning applications related to its responsibilities and its plan making responsibilities.
- 2.3 Prior to final publication of the Statement of Community Involvement, minor changes may be needed, and it is proposed that the agreement to such changes be delegated to the Corporate Director for Growth, Environment & Transport in consultation with the Cabinet Member for Environment.

## **3. Financial Implications**

- 3.1 The costs of implementing the Statement are met from the Environment, Planning and Enforcement Division - Planning Applications' budget.

## **4. Policy Framework**

- 4.1 The Statement of Community Involvement supports the County Council's corporate practice on engagement with residents and its engagement principles reflect those of The Kent Partners Compact (2012) and the Department for Communities and Local Government's Revised Best Value Statutory Guidance, 2015.
- 4.2 The revised Statement will be used to deliver the Council's adopted Mineral and Waste Local Plan strategy and policies in Borough and District Council's local plans. These are in accordance with national planning policies and support 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 and the recently approved Setting the Course – Kent County Council's Interim Strategic Plan 2020, which sets the Council's priorities for 2021 and the first half of 2022.

4.3 Kent's mineral and waste planning policies and the Council's infrastructure projects support and facilitate sustainable growth in Kent's economy. In addition, they 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.

## **5. Legal Implications**

5.1 The County Council is required by the Planning and Compulsory Purchase Act 2004 to prepare and maintain a Statement of Community Involvement (SCI) that sets out how the Council will engage with communities and other stakeholders when preparing, and updating, planning policy and processing planning applications. Legislation also requires the County Council to set out in its Statement of Community Involvement how it will support the preparation of neighbourhood plans.

5.2 The current Statement was adopted in 2012 and needs updating to reflect updates to consultation practice and how it supports neighbourhood plan preparation. The County is also required by the Regulation 10A of the Town and Country (Local Plan) (England) Regulations 2012 to review its SCI every five years.

## **6. Equalities implications**

6.1 An equality impact assessment (EQIA) has been completed and limited equality implications have been identified relating to how increasing use of digital communications might impact on older age groups and those with certain disabilities. These impacts will be ameliorated by material being available in alternative accessible formats upon request. A copy of the assessment is attached at Appendix 3.

## **7. Conclusion**

7.1 The County Council is statutorily required to prepare a Statement of Community Involvement (SCI) setting out how it will engage communities and other stakeholders on its preparation of planning policy and determination of planning applications. The current Statement was amended in 2014 and the Council is obliged to review the Statement every five years. The Statement of Community Involvement has been reviewed and a revised draft Statement has been prepared which has been subject to public consultation. The consultation has illustrated support for the engagement approach set out in the revised Statement and as a result of the responses, several minor amendments have been made. A clean version of the Statement of Community Involvement incorporating the changes informed by the public consultation is set out in Appendix 2. It is proposed that the Council adopt this updated Statement of Community Involvement and that it provides the basis for engagement on the Council's planning application and plan making responsibilities.

## **8. Recommendations:**

The Environment and Transport Cabinet Committee is asked to:

- (i) Note the summary of the comments received on the consultation draft of the updated Statement of Community Involvement (SCI) and the Council's proposed response to them (see Appendix 1)

(ii) note the content of the updated Statement of Community Involvement proposed for adoption (see Appendix 2); and,

(iii) to consider and endorse, or make recommendations to the Cabinet Member for Environment on the proposed decision, attached at Appendix A to:

(a) adopt the updated Statement of Community Involvement as the basis for engagement on the Council's planning applications and plan making responsibilities;

(b) delegate powers to the Corporate Director for Growth, Environment & Transport to approve any minor modifications to the text of the Statement of Community Involvement, in consultation with the Cabinet Member for Environment, which may be needed (such as formatting changes and typographical errors), in order to publish the Statement of Community Involvement.

## 9. Appendices

- **Appendix A:** Proposed Record of Decision
- **Appendix 1:** Statement of Community Involvement Draft October 2020 – Minerals and Waste Planning Policy and Planning Applications - Minerals and Waste and County Council Development : Summary of Consultation Responses – 2021
- **Appendix 2:** Statement of Community Involvement 2021 – Minerals and Waste Planning Policy and Planning Applications - Minerals and Waste and County Council Development (post consultation version)
- **Appendix 3:** Statement of Community Involvement 2021 – Minerals and Waste Planning Policy and Planning Applications - Minerals and Waste and County Council Development: Equality Impact Assessment:  
<https://democracy.kent.gov.uk/ecCatDisplay.aspx?sch=doc&cat=14891>

## 10. Contact details

### Lead Officer:

Sharon Thompson – Head of Planning Applications Group

Phone number: 03000 413468 E-mail: [sharon.thompson@kent.gov.uk](mailto:sharon.thompson@kent.gov.uk)

### Lead Director:

Stephanie Holt-Castle – Interim Director for Environment, Planning and Enforcement

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Susan Carey, Cabinet Member for Environment

**DECISION NO:**

21/00029

**For publication** Yes

**Key decision:** YES

**Subject Matter / Title of Decision**

Adoption of Statement of Community Involvement: Minerals and Waste Planning Policy and Planning Applications – Minerals and Waste and County Council Development

**Decision:**

As Cabinet Member for Environment, I agree to

- (a) adopt the updated Statement of Community Involvement as the basis for engagement on the Council's planning applications and plan making responsibilities;
- (b) delegate powers to the Corporate Director for Growth, Environment & Transport to approve any minor modifications to the text of the Statement of Community Involvement, in consultation with the Cabinet Member for Environment, which may be needed (such as formatting changes and typographical errors), in order to publish the Statement of Community Involvement

**Reason(s) for decision:**

As the Town and Country Planning Regulations require a council's Statement of Community Involvement to be reviewed every five years, the current Statement requires review.

**Cabinet Committee recommendations and other consultation:**

A revised Statement of Community Involvement was considered by the Environment and Transport Cabinet Committee in November 2020, where Members endorsed the document for public consultation in line with best practice.

Public consultation was undertaken from December 2020 – January 2021.

The proposed decision will be discussed by Members of the Environment and Transport Cabinet Committee at their meeting on 18 March 2021.

**Any alternatives considered and rejected:**

The Statement of Community Involvement is a legal requirement arising from the Council's town and country planning responsibilities

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

.....  
signed

.....  
date

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Summary of responses to the consultation on  
the Draft Statement of Community  
Involvement: Minerals and Waste Planning  
Policy and Planning Applications – Minerals  
and Waste and County Council Development  
2020

February 2021

The consultation ran from Friday 20<sup>th</sup> November 2020 to Friday 15<sup>th</sup> January 2021. Approximately 5000 individuals were invited to comment on the consultation draft. This included members of the public, District, Borough and Parish Councils, statutory consultees, all members of the County Council and other relevant stakeholders.

A total of 16 representations were received from 15 consultees consisting of statutory bodies, district, borough and parish councils in Kent and members of the public. Three representations indicated they had no comments to make. The comments received are summarised in the table overleaf.

<u>Consultee</u>	<u>Response (section headings/numbers relate to consultation Statement of Community Involvement Document)</u>	<u>KCC Response to matters raised by representation</u>	<u>Change to text (if necessary, section headings/numbers relate to amended post consultation Statement of Community Involvement Document)</u>
<b>Executive Summary</b>			
SPD-01	<u>Paragraph 4</u> Suggestion to identify key changes from previous Statement of Community Involvement, in this section	<i>The Statement is to be read as a new document in line with the statute which requires it is to be updated every five years. To aid clarity, it is not considered necessary to highlight the changes from the previous version. The changes were explained during the consultation on the document to aid individuals when making comments.</i>	<i>None required</i>
<b>1. Introduction</b>			
	No comment		
<b>2. Consultation and Engagement</b>			
SPD-01	<u>Section 2.1 Engagement Principles</u> No mention of Government Consultation Principles or the Gunning Principles and questions if these are standard for Statements of Community Involvement	<i>Public engagement on planning applications and local plan projects is dictated by statute. The relevant legislation is underpinned by the Gunning principles.</i>	<i>None required</i>
SPD-01	<u>Paragraph 2.1.6</u> Mention Data Protection Act 2018 that needs to be complied with	<i>Agree</i>	<i>Reference included in Statement of Community Involvement 2021.</i>
SPD-01	<u>Paragraph 2.4.1</u> Perhaps split in to two paragraphs as first part is on what the consultee must do and the second is what KCC will do with responses	<i>Agree – this aids clarity.</i>	<i>Text been split into two paragraphs in Statement of Community Involvement 2021.</i>

SCI-15	<p>Welcome engagement with groups by electronic means. Concerns that existing electronic tools used by the County Council do not readily assist groups in obtaining a rounded view from all members of certain interest groups. Suggestion that more up to date tools could be acquired to allow a registered user from a group (such as Secretary, Clerk, Chair) to then redistribute materials to own group members and receive responses electronically which can then be consolidated to a representative group response.</p>	<p><i>Such arrangements are already in place and we accept collaborative responses. We always attempt to engage local interest groups where necessary and parish councils are a statutory consultee throughout the planning process.</i></p>	<p><i>None required</i></p>
<b>3. Community Involvement and Plan Making</b>			
SCI-07	<p><u>Paragraph 3.2 onwards</u> Should include reference to s.33A of Planning and Compulsory Purchase Act 2004, along with its link to Part 2 of the 2012 Regulations in terms of the definition of 'prescribed bodies'. (Marine Management Organisation &amp; SE Local Enterprise Partnership under s.33(A)(9))</p>	<p>Agree</p>	<p>To be included in Statement of Community Involvement 2021.</p>
SCI-9/11	<p><u>Paragraphs 3.2 and 3.3</u> Support engagement proposals set out in Statement of Community Involvement , including Duty to cooperate (DtC) and Statements of Common Ground (SOCG)</p>	<p>Noted</p>	<p>None required</p>
SCI-12	<p>Need to ensure contact details updated when notified of a change by consultees to</p>	<p>Noted</p>	<p>None required</p>

	ensure consultations are sent to correct email addresses and providing early notification of upcoming consultation would assist in meeting consultation timescale particularly where comments need board approval. Responses to how comments taken into account welcomed.		
<b>4. Community Involvement and Planning Applications</b>			
SCI-12	<p><u>Table 3 – Stage 1 Pre-Application</u> Pre-app approach should be more proactive, emphasising benefits of engagement between KCC/Applicant at early stage. Engagement should be more encouraging and suggest rather than ‘if appropriate’ state ‘particularly for large and/or potentially controversial proposals to engage...’</p>	Whether pre-application advice is sought on a scheme or not is ultimately at the discretion of the applicant. It is however a valuable part of the development process, potentially resulting in higher quality developments. Text could usefully be included to reflect this in the revised Statement of Community Involvement.	Text included to emphasise benefits of pre-application advice.
SCI-07	<p><u>Table 3 – Stage 3 Application is Publicised</u> Concern that KCC should consult neighbours within 250 metre buffer zone of a development on the basis that Policy DM8 identifies this zone of influence for a minerals or waste facility.</p>	There is no statutory requirement to consult neighbours on a development proposal and the revised Statement of Community Involvement reflects this. There are however, some cases where it may be considered particularly beneficial to consult neighbours. The revised Statement makes provision for case officers to include neighbour notification on a bespoke arrangement; this could be in excess of 250m in some cases. Planning applications for minerals and waste development are	None required

		<p>also advertised in the local press and through the posting of at least one site notice to reflect statutory requirements.</p> <p>The relevant District, Borough and Parish Council is consulted on every application.</p> <p>Policy DM8 requires a 250m buffer as this reflects the impacts of the site as a whole on new residential development, as opposed to a planning application which could only represent a small-scale addition to an existing site.</p> <p>On this basis, no further changes are considered necessary.</p>	
<b>5. Further Information and Contact Details</b>			
	No comment		
<b>Appendix 1 – Glossary</b>			
	No comment		
<b>Appendix 2 - Statutory Consultation Bodies</b>			
SPD-02	Mayor of London and Transport for London are listed as prescribed bodies in connection with Duty to Cooperate and would be helpful to be added to list of consultation bodies	Agreed - the Statement will be amended to include the Mayor of London and Transport for London in the list of Statutory Consultees	'Mayor of London' and 'Transport for London' added to list of Statutory Consultation Bodies in Appendix 2.
SPD-07	List omits Marine Management Organisation which should be included	Agreed - the Statement will be amended to include the Marine Management Organisation in the list of Statutory	'Marine Management Organisation' added to list of Statutory Consultation Bodies in Appendix 2.

		Consultees	
SCI-13	Suggest adding Parish Councils, Neighbourhood Planning Groups and Coastal Community Teams to list of consultees	Parish Councils are already a statutory consultee. Neighbourhood Planning Groups and Coastal Community Teams to be added to Appendix 3.	Update text to include Neighbourhood Planning Groups and Coastal Community Teams to list of general consultees in Appendix 3.
SPD-12/14	Welcome inclusion of Ebbsfleet Development Corporation	Noted	None proposed
<b>Appendix 3 - General Consultation Bodies</b>			
	No comment		
<b>Appendix 4 - EqIA Requirements</b>			
	No comment		
<b>Appendix 5 – Monitoring Plan</b>			
	No comment		
<b>Appendix 6 – List of Main KCC Libraries, Gateways and Council Offices</b>			
SCI-13	Reassurance that consultation documents will be made available in local libraries in areas affected by consultation would be helpful – without access to car not necessarily easy to reach libraries included, particularly for residents with restricted mobility	The revised Statement identifies the main KCC libraries, gateways and offices where policy documents may be made available for inspection depending on the nature and scale of the consultation. However, all engagement will include web access and a copy therefore accessible via all libraries which have a computer for public use or personal computers/devices. Hard copies will be made available as appropriate.	None proposed.
<b>Miscellaneous</b>			
SCI-03	Should be an assumption that production of material has a local market & recycled material should always be used in	Noted - not related to the current consultation	None proposed

	preference to newly extracted material. Does not appear to be great enthusiasm to re-purpose materials that have gone through the waste recycling process.		
SCI-04	Policies fail to take note of changes taking place in response to waste avoidance and climate change issues.	Noted - not related to the current consultation	None proposed
SCI-07	No mention of Ebbsfleet Development Corporation within draft Statement of Community Involvement – should refer to KCC relationship with EDC as the determining authority for minerals and waste applications within its area of jurisdiction.	The Ebbsfleet Development Corporation is listed as one of the Statutory Consultation Bodies for planning policy matters in Appendix 2 of the draft Statement	None proposed
SCI-08	Supportive of principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.	Noted and support welcomed.	None proposed
SCI-10	Concerns that applications are looked at as individuals rather than considering all in an area as well as the impact of routes from quarries to markets on adjacent areas transportation and road suitability.	Noted - not related to the current consultation	None proposed
SCI-14	Note no reference to Nationally Significant Infrastructure Projects (NSIPs) (such as London Resort, Manston Airport) in	Noted – the NSIPs are not a consultee.  Noted – not related to the current	None proposed



	<p>Statement of Community Involvement .</p> <p>Resident Association comments about waste capacity are not always appropriately considered, for example within the Dartford area.</p>	<p>consultation. Any comments raised at planning applications stage are considered as part of the determination of an application.</p>	
SCI-16	<p>Consider than KCC should consult widely and concerns that changes to household waste recycling centres through lockdown included no consultation and has been counterproductive.</p>	<p>Noted - not related to the current consultation</p>	<p>None proposed</p>

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# Kent County Council

## Minerals and Waste Planning Policy

### Planning Applications - Minerals and Waste and County Council Development



## Statement of Community Involvement 2021



This document can be made available in an accessible format, including large copy print and audio. If you require the document in one of these formats please contact the Minerals and Waste Planning Policy Team on 03000 422370 or email

[mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk).

DRAFT

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## Abbreviations

DM	Development Management
DtC	Duty to Co-operate
KCC	Kent County Council
KMWLP	Kent Minerals and Waste Local Plan
LDS	Local Development Scheme
MWLP	Minerals and Waste Local Plan
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
NSIP	Nationally Significant Infrastructure Projects
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SOCG	Statement of Common Ground
SPD	Supplementary Planning Documents

## Executive Summary

National planning policy and legislation recognises the importance of engaging with local communities to shape the places where they want to live, work and play. Under the Planning and Compulsory Purchase Act 2004, Kent County Council (KCC) is required to produce a Statement of Community Involvement (SCI) which sets out how it intends to involve communities in its planning activities.

This SCI sets out how and when communities can be involved in the development planning and development management activities for which KCC has responsibility. These include KCC's planning policies for the supply of minerals (sand, clay, chalk, ragstone, gravel etc.), the management of waste<sup>1</sup> and KCC's own services such as school buildings.

'Community involvement' includes all those with an interest in the County Council's planning activities – businesses (including the waste and minerals industries), local councils (including districts and parishes), community groups and individuals and a range of other local and national organisations.

The SCI sets out KCC's planning responsibilities and the principles, opportunities and approaches that guide our community involvement activities at various stages of planning policy preparation.

KCC's development management responsibilities are described along with the approach taken to publicity and consultation on planning applications at each stage of the process through to a decision.

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 review of minerals and waste planning policy and in the consideration of planning applications that are our responsibility.

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<sup>1</sup> At the time of publication, existing waste and minerals planning policy for Kent was set out in the Kent Minerals and Waste Local Plan (KMWLP) (modified version adopted 2020) and the Kent Mineral Sites Plan (adopted 2020).

# 1. Introduction

## 1.1 What is the Statement of Community Involvement (SCI)?

- 1.1.1 This Statement of Community Involvement (SCI) sets out how Kent County Council (KCC) will engage and consult its residents and other stakeholders when reviewing its waste and minerals planning policy and when and how the public will be involved in the determination of planning applications for which the County Council is responsible.
- 1.1.2 The requirement to produce an SCI is set out in the Planning and Compulsory Purchase Act 2004 which seeks to improve community involvement throughout the planning process. This requirement is also supported by the Localism Act 2011 which outlines the importance of engaging with local communities to shape the places where they want to live, work and play as part of the planning system. The National Planning Policy Framework 2019 (NPPF) also recognises the need for early, proportionate and effective engagement with communities, local organisations, businesses, infrastructure providers and operators, and statutory consultees.
- 1.1.3 Since the Council's SCI was adopted in 2006, there have been significant changes to the planning system and ways in which the County Council engages with local communities. This SCI has been produced to ensure that the County Council is able to involve the community effectively in planning processes and reflects the most up to date legislation and practices. The County Council aims to ensure opportunities for engagement and strengthen community and stakeholder involvement in planning and development processes.
- 1.1.4 As outlined in the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Plans and decisions should apply a presumption in favour of sustainable development, with plan-making positively seeking opportunities to meet the development needs of their area. Plans should provide certainty and a mechanism for efficient, timely decision-taking and for approving development proposals that accord with an up-to-date development plan.

## 1.2 Monitoring and Review of the SCI

- 1.2.1 The County Council is committed to monitoring, reviewing and amending the methods and level of engagement with the community in response to ongoing feedback on the success and effectiveness of the community engagement undertaken. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) require SCI's to be reviewed every 5 years. Therefore, indicators (as set out in Appendix 5) will be used to inform such reviews, for example changes will be considered where an unsatisfactory level of community involvement has been identified. The County Council is continuously seeking new and innovative ways to communicate and engage with communities and the methods set out in this SCI reflect recent experience over what has, and has not been effective.



## 2. Consultation and Engagement

### 2.1 Engagement Principles

- 2.1.1 Consultation and engagement are an important part of the plan making and development management processes. The different parties involved have various rights and responsibilities, which are defined in legislation and guidance. The County Council is committed to providing communities and stakeholders with the opportunity to engage with the planning process and to help more people get involved in the future planning of the county. By presenting all of the relevant information and options at all stages of plan making and planning application determination, the County Council recognises the importance of:
- timely and early engagement;
  - clear and informative communication; and,
  - the need to maintain transparency.
- 2.1.2 Consultation and engagement methods that are relevant to the community and stakeholders being consulted, as well as being appropriate in scale, will be chosen to ensure that they are as effective as possible based on the different stages of the planning process. The importance of keeping interested parties up to date is recognised by the County Council and therefore emphasis is placed on ensuring that its website is updated on a regular basis.
- 2.1.3 Whilst proposals may not always please everyone, engagement will be inclusive, easily accessible, transparent and meaningful, addressing tensions in good faith and finding the right balance. In considering representations, it is of note that planning matters are determined against material planning considerations that are relevant to a particular application or policy. Decisions are not determined on the basis of sheer numbers objecting to or supporting a proposal, rather they are based upon the content and merit of the response.
- 2.1.4 The engagement principles of the SCI echo those of The Kent Partners Compact (2012)<sup>2</sup> which include effective consultation, representation and partnership working within Kent through:
- early engagement;
  - transparency;
  - accessibility; and,
  - feedback.
- 2.1.5 The County Council focuses on engagement through informing and updating the local community, maintaining dialogue, providing feedback and being open and responsive to comments.

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<sup>2</sup> [www.kent.gov.uk/ data/assets/pdf file/0019/5536/Kent-Partners-Compact.pdf](http://www.kent.gov.uk/data/assets/pdf_file/0019/5536/Kent-Partners-Compact.pdf)

2.1.6 All comments submitted in response to the County Council’s consultations on planning policy documents and planning applications will be processed in accordance with the General Data Protection Act (GDPR) and the Data Protection Act 2018, as set out in the Planning Applications Group Privacy Notice available on the County Council’s website<sup>3</sup>. To ensure that involvement is effective, all comments received will be recorded, read and taken into consideration. A report setting out how comments have been considered will be provided following plan making consultations.

## 2.2 ‘Who’ will the Council Involve?

2.2.1 The County Council is legally required to consult statutory consultees as outlined in the 2012 Local Plan making regulations<sup>4</sup>. These include *specific consultation bodies* that are knowledgeable in specific subjects such as the Environment Agency and Historic England, a full list is provided in Appendix 2.

2.2.2 The Regulations also require the County Council to consult a number of *general consultation bodies* where relevant to the specific planning activity. These include voluntary organisations, those representing the interests of different groups in the authority’s area and organisations which represent the interests of a person carrying on business in the authority’s area. A non-exhaustive list of such bodies in Kent provided in Appendix 3.

2.2.3 As part of the local plan work the Minerals and Waste Planning Policy team will create a consultation database consisting of community groups, key stakeholders and statutory consultees who will be contacted when planning policy documents are published. The database will be updated throughout the development of the Local Plan to ensure new contacts and interested members of the public are involved. It will be managed in accordance with GDPR and our privacy notice. Please contact the Minerals and Waste Planning Policy team via [mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk) or 03000 422370 if you would like your details added to the consultation database.

## 2.3 ‘How’ will the Council Involve?

2.3.1 The County Council is continuously developing and building upon the ways in which it consults and engages with local communities and stakeholders, with a general shift towards the increased use of electronic communication, including engagement through email, the internet and social media. These methods are more cost effective and time efficient and have the potential to reach a wider audience than previously. They also appear to be the preferred method of engagement by those making representations on planning matters.

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<sup>3</sup> Planning Applications Group privacy notice - <https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notice/environment,-planning-and-enforcement/planning-applications> Minerals and Waste Local Plan privacy notice - <https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notice/environment,-planning-and-enforcement/minerals-and-waste-privacy-statement>

<sup>4</sup> Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

2.3.2 The County Council is keen to hear community and stakeholder views on planning applications and plan making and will continue to engage with the community throughout the preparation of policy documents and assessment of planning applications. The County Council aims to encourage and facilitate broadly based participation and the way in which views are sought will vary depending upon the information which is being consulted upon. A variety of engagement tools will be used including, but not limited to, the following:

- County Council website
- Site notices
- Press notices
- Posters (E.g. Libraries<sup>5</sup>/Gateways/Parish notice boards)
- Public meetings
- Stakeholder/representative group workshops/drop-ins
- Meetings with key stakeholders
- Virtual/physical exhibitions (manned/unmanned)
- Letters/emails to interested parties
- Responding to queries via email and/or telephone
- Social media
- Hard copy documentation available for inspection at Council Offices (a full list of KCCs offices is available in Appendix 6)and libraries<sup>6</sup> - plan making documents only

2.3.3 It is unlikely that the County Council would use all of the above tools at the same time and, for example, some planning applications may just use the County Council website and a site notice as a means of engagement.

## 2.4 Effectiveness of Public Involvement

2.4.1 To ensure that involvement is effective, all comments should be relevant to the planning process being consulted on and be clear and concise. All comments should be submitted within the consultation timeframe and it should be noted that all comments submitted on planning policy documents will be made publicly available.

2.4.2 Comments on planning applications may be drawn to the attention of County Members, the applicant/agent and other interested persons. The County Council does not currently publish consultation or neighbour comments on a planning application on the County Council website, however these are shared with the District/Borough Council who may then publish these comments on their website in accordance with their own policies. All comments will be managed in accordance with our Privacy Notice.

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<sup>5</sup> It should be noted that there is public access to the internet from all libraries and gateways within Kent where documentation can be viewed by members of the public. A list of KCC's libraries and gateways are included in Appendix 6

<sup>6</sup> There may be times where, due to operational reasons, the County Council offices and/or libraries may not be accessible. In those unlikely circumstances, documents will be published in accordance with government advice.

## 3. Community Involvement and Plan Making

### 3.1 The Kent Minerals and Waste Local Plan and Sites Plans

- 3.1.1 KCC is the minerals and waste planning authority for Kent and, under the Planning and Compulsory Purchase Act 2004, is responsible for the production, monitoring and review of minerals and waste planning policy for Kent. Minerals and waste planning policy is set out in a series of documents that include policy and proposals for the future development and control of mineral working and waste management in Kent.
- 3.1.2 In order for a Local Plan to be adopted, it must be considered 'sound'. As set out in the NPPF, to be 'sound', a Local Plan must be:
- **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - **Justified** - the Plan should be an appropriate strategy taking into account the reasonable alternatives, and based on proportionate evidence.
  - **Effective** - the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
  - **Consistent with national policy** - the Plan should enable the delivery of sustainable development in accordance with the NPPF.
- 3.1.3 Minerals and waste planning policy for Kent is currently set out in the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) which was adopted in July 2016, and modified in September 2020 (in the Early Partial Review), and in the Kent Mineral Sites Plan that was adopted in September 2020. The KMWLP 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. In particular, the KMWLP incorporates the development management policies against which minerals and waste proposals are assessed. Together with the Kent Minerals Sites Plan, it also sets out appropriate locations for working the minerals needed over the next 10 years in order to ensure that a steady and adequate supply of aggregates can be maintained throughout this period. The KMWLP also sets out the need for waste management and ensures that such development occurs 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. The Waste Hierarchy ranks waste management options according to what is best for the environment. It gives top priority to preventing waste in the first place. When waste is created, it

gives priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).

- 3.1.4 The programme for reviewing the KMWLP is set out in the Kent Minerals and Waste Development Scheme which is available on the County Council's website. This provides a timeline for the community and stakeholders to find out about current planning policies on minerals and waste and the programme for their review. Progress against the Development Scheme, and any changes to it, are reported on the County Council's website.
- 3.1.5 During the preparation of minerals and waste planning policy, the County Council must ensure that all of the statutory consultation requirements as set out in the 2012 Town and County Planning Regulations (and any future revisions) are met. The current key stages in the preparation of a Local Plan are set out below. The County Council will engage with the community throughout the preparation of planning policy, and in addition to the statutory requirements, will carefully consider options for additional community involvement to ensure that all key stakeholders and local residents are made aware of planning proposals and are given the opportunity to comment on them.

## 3.2 Duty to Co-operate

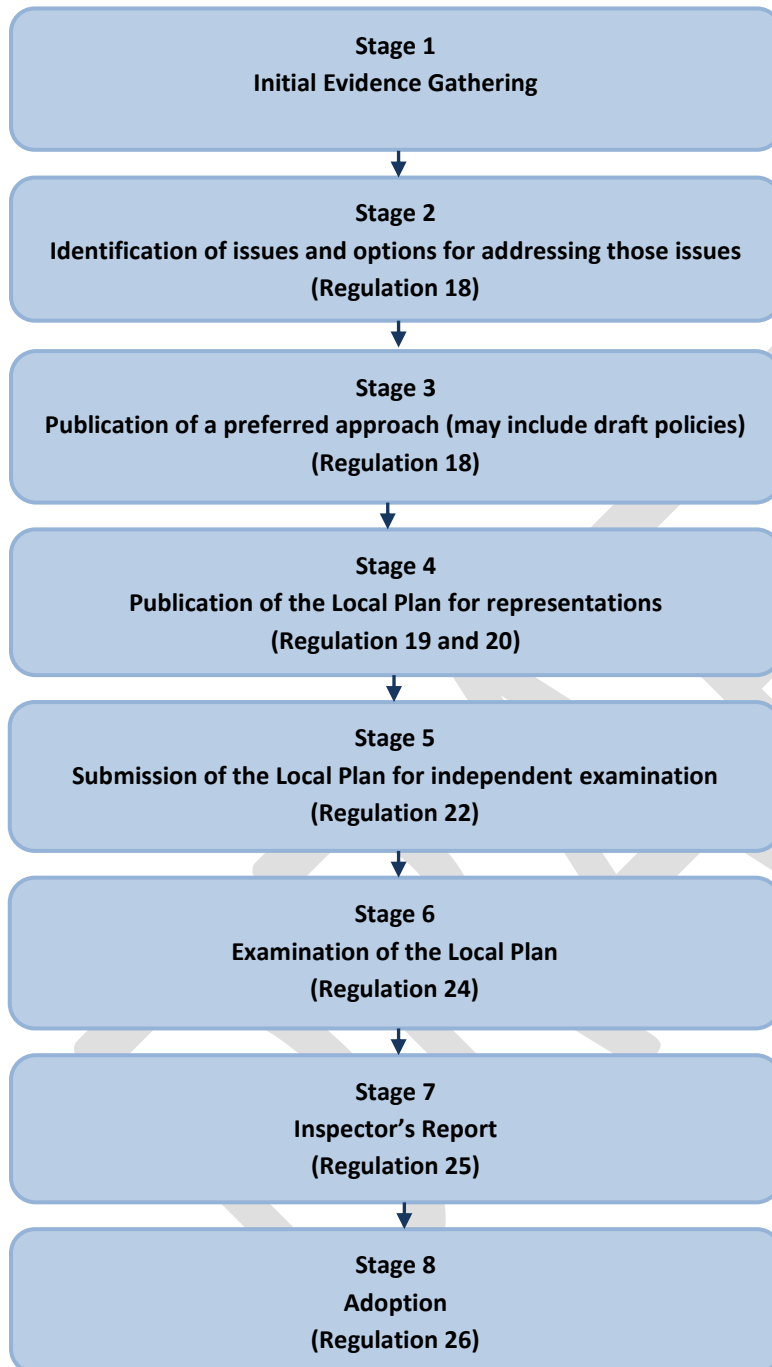
- 3.2.1 The County Council has a legal duty to engage with other local planning authorities and prescribed bodies (specific and general consultation bodies – as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012) on an ongoing basis throughout the preparation of Local Plans and other planning policy documents relating to development that covers strategic matters – known as the 'Duty to Co-operate' (DtC).
- 3.2.2 Section 110 of the Localism Act 2011 and Section 33A of Planning and Compulsory Purchase Act 2004 set out the Duty to Co-operate. This applies to all local planning authorities, including County Councils, plus a number of other public bodies. The duty relates to sustainable development or the use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a County Council and requires that councils set out planning policies to address such issues. The duty also requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies and requires councils to consider joint approaches to plan making.
- 3.2.3 The NPPF also outlines the requirements associated with the Duty to Co-operate and notes that effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy.
- 3.2.4 Throughout the production of planning policy documents, the County Council will report on how it is complying with the Duty to Co-operate.

### 3.3 Statements of Common Ground (SoCG)

- 3.3.1. Paragraph 27 of the NPPF outlines that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground (SoCG), documenting the cross boundary matters being addressed and progress in cooperating to address these. In accordance with the NPPF, the County Council will produce SoCGs and, to ensure transparency, make them publicly available throughout the plan making process.
- 3.3.2. The diagram and table below set out the key stages in preparing planning policy documents and details the County Council's methods of engagement.

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### 3.4 Key Stages in Preparing Planning Policy<sup>7</sup>



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<sup>7</sup> Note that the Regulations relate to The Town and Country Planning (Local Planning) (England) Regulations 2012

**Table 1 - Local Plan Preparation Methods of Engagement**

Stage of Local Plan Preparation	Methods of Engagement		
	We will...	We may...	You can...
<p><b>Stage 1</b></p> <p><b>Initial evidence gathering</b></p> <p>Gathering evidence and information regarding the Plan area in order to:</p> <ul style="list-style-type: none"> <li>Identify the issues the Plan area faces and what potential options there may be available to address these matters to meet national and local targets, strategies and policies, while defining the Plan's strategy and vision</li> <li>Identify environmental, economic and social objectives to inform the Sustainability Appraisal (SA) and produce a Sustainability Appraisal (SA)</li> </ul>	<ul style="list-style-type: none"> <li>Publish the Sustainability Appraisal (SA) Scoping Report on the County Council website<sup>8</sup></li> <li>Publish technical papers (evidence Topic Reports) on the County Council website<sup>8</sup></li> <li>Invite comments from communities and stakeholders including the statutory consultation bodies (e.g. Natural England, Environment Agency, and Historic England etc) on the scope of the Sustainability Appraisal (SA) Report for a minimum of 6 weeks</li> <li>Respond to emails about the plan making process within 10 working days</li> </ul>	<ul style="list-style-type: none"> <li>Request information from third parties relevant to the development of the Plan's evidence base</li> <li>Invite comment on technical documents</li> <li>Set up workshops and meetings with statutory bodies, groups and/or individuals relevant to the Plan's objectives and evidence needs.</li> <li>Extend the consultation period to allow additional time e.g. where consultation takes place over holiday periods</li> </ul>	<ul style="list-style-type: none"> <li>View copies of the relevant documents on the County Council's website<sup>9</sup></li> <li>Submit information and attend meetings when invited. NB: Comments must be received within the consultation timeframe and in writing</li> <li>Inform the County Council that you wish to be involved in the preparation of the Plan</li> <li>Make requests for information</li> <li>Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the</li> </ul>

<sup>8</sup> <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy>

<sup>9</sup> It should be noted that there is public access to the internet from all libraries and gateways within Kent where documentation can be viewed. A list of KCC's libraries and gateways are included in Appendix 6



Scoping Report	<ul style="list-style-type: none"> <li>• Provide policy documentation prepared by the County Council in an accessible format</li> <li>• Take into account any written representations received at this stage</li> </ul>		process
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>
<p style="text-align: center;"><b>Stage 2</b></p> <p style="text-align: center;"><b>Identification of issues and options for addressing those issues (Regulation 18)</b></p> <p>This stage usually involves the formulation of a consultative Plan document, based on the evidence gathered and is often referred to as an 'Issues and Options' document which will identify the main issues and different reasonable alternatives, from which the options that could be taken forward in the Plan are identified. On some less complex matters the Council may miss out this stage and go straight to Stage 3.</p> <p>Initiate Duty to Co-operate engagement</p>	<ul style="list-style-type: none"> <li>• Notify specific statutory and general consultees that the County Council is preparing a Plan and invite comments on the 'Issues and Options' for a minimum period of 6 weeks</li> <li>• Take into account any written representations received at this stage</li> <li>• Publish the 'Issues and Options' on the County Council website</li> <li>• Provide a hard copy of key documents at the main County Council office</li> <li>• Provide policy documentation prepared by the County Council in an accessible format</li> </ul>	<ul style="list-style-type: none"> <li>• Publish a notice in local newspaper(s) which outlines details of the 'Issues and Options' document and Sustainability Appraisal (SA) and where they can be viewed</li> <li>• Organise and attend meetings/workshops with local communities and key stakeholders</li> <li>• Set up virtual/physical manned and unmanned displays and exhibitions at locations within the County</li> <li>• Produce posters to display at KCC libraries, gateways and parish notice boards</li> </ul>	<ul style="list-style-type: none"> <li>• View copies of the relevant documents on the County Council's website<sup>9</sup></li> <li>• Submit comments to the County Council online using the user friendly web portal, or via email to <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> or by post on the 'Issues and Options' (having assessed the evidence base, and the issues identified); including suggestions for any other options. NB: comments must be received within the consultation timeframe and in writing</li> <li>• Submit comments to the County Council about the Sustainability Appraisal (SA)</li> </ul>

	<ul style="list-style-type: none"> <li>Respond to emails about the plan making process within 10 working days</li> <li>Use social media to promote and raise awareness of the consultation</li> <li>Initiate Duty to Co-operate discussions with neighbouring authorities on matters of potential cross border significance</li> </ul>	<ul style="list-style-type: none"> <li>Extend the consultation period to allow additional time e.g. where consultation takes place over holiday periods</li> </ul>	<p>Report on the 'Issues and Options' document. NB: comments must be received within the consultation timeframe and in writing</p> <ul style="list-style-type: none"> <li>Attend meetings when invited</li> <li>Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the process</li> </ul>
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>
<p style="text-align: center;"><b>Stage 3</b></p> <p style="text-align: center;"><b>Publication of a preferred approach (may include draft policies set out in a Draft Plan)</b></p> <p style="text-align: center;"><b>(Regulation 18)</b></p> <p>The County Council will review the comments received at Stage 2 and take them into account when preparing a Draft Plan.</p> <p>The County Council will undertake a full Sustainability Appraisal (SA) to assess the environmental,</p>	<ul style="list-style-type: none"> <li>Carry out a public consultation on the Draft Plan. Typically, the public consultation will be held for a minimum of 6 weeks</li> <li>Notify general consultation bodies (Appendix 3) and specific consultation bodies (Appendix 2) of the consultation details</li> <li>Engage with individuals/groups that have advised the County Council that they would like to be kept informed/involved in plan consultations</li> </ul>	<ul style="list-style-type: none"> <li>Publish a notice in local newspaper(s) which outlines the details of the Draft Plan and Sustainability Appraisal (SA) and where they can be viewed</li> <li>Organise and attend meetings/workshops with local communities and key stakeholders</li> <li>Set up virtual/physical manned and unmanned displays and exhibitions at locations within the County</li> </ul>	<ul style="list-style-type: none"> <li>View copies of the relevant documents on the County Council's website<sup>9</sup></li> <li>Submit comments to the County Council online using the user-friendly web portal, or via email to <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> or via post on what you think the Draft Plan should contain, having assessed the evidence base, and the issues identified, including any others that you think should be included within it. If the Plan has</li> </ul>

<p>economic and social impacts of the Draft Plan and its reasonable alternatives.</p>	<ul style="list-style-type: none"> <li>• Take into account any written representations received as a result of preparing the plan</li> <li>• Publish the Draft Plan, the full Sustainability Appraisal (SA) Report and related documentation on the County Council's website</li> <li>• Provide a hard copy of the Draft Plan, and Sustainability Appraisal (SA) at the main County Council office</li> <li>• Publish a notice on the County Council website which identifies the locations and times that hard copies of the Draft Plan and Sustainability Appraisal (SA) Report can be viewed</li> <li>• Respond to emails about the plan making process within 10 working days</li> <li>• Provide policy documentation prepared by the County Council in an accessible format</li> <li>• Use social media to promote and raise awareness of the</li> </ul>	<ul style="list-style-type: none"> <li>• Produce posters to display at KCC libraries, gateways and parish notice boards</li> <li>• Extend the consultation period to allow additional time e.g. where consultation takes place over holiday periods</li> <li>• Make other documentation available in hard copy to view at the main County Council office</li> </ul>	<p>allocations (that came from the Options identified at Stage 2) you can submit comments on how appropriate these allocations are in order to achieve the Plan's objectives. NB: Comments must be received within the consultation timeframe and in writing</p> <ul style="list-style-type: none"> <li>• Submit comments to the County Council about the Sustainability Appraisal (SA) Report. NB: comments must be received within the consultation timeframe and in writing</li> <li>• Attend meetings when invited</li> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the process</li> </ul>
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	consultation		
	We will...	We may...	You can...
<p><b>Stage 4</b></p> <p><b>Publication of the Local Plan</b></p> <p><b>(Regulation 19 and 20)</b></p> <p>The County Council will review comments we receive at Stage 3 and consider them when preparing the Local Plan that the County Council intends to submit to the Secretary of State for examination.</p> <p>The County Council will provide a Sustainability Appraisal of the Proposed Submission Plan; taking into consideration the comments received relating to the Sustainability Appraisal of the Draft Plan at Stage 3.</p>	<ul style="list-style-type: none"> <li>• Publish on the County Council’s website the following: <ul style="list-style-type: none"> <li>○ A copy of the process by which representations can be made</li> <li>○ A statement identifying places and times where all the relevant documents can be viewed in hard copy</li> <li>○ The Submission Plan and the relevant evidence base of documentation the ‘Examination Library’</li> <li>○ The Sustainability Appraisal (SA) Report of the Submission Plan</li> <li>○ Statement of the Representations Procedure<sup>10</sup></li> </ul> </li> <li>• Provide a hard copy of the published Plan and the Sustainability Appraisal (SA) at the main County Council office</li> </ul>	<ul style="list-style-type: none"> <li>• Place advertisements in the local newspaper(s)</li> <li>• Organise and attend meetings/workshops with local communities and key stakeholders</li> <li>• Set up virtual/physical manned and unmanned displays and exhibitions at locations within the County</li> <li>• Produce posters to display at KCC libraries, gateways and parish notice boards</li> <li>• Extend the consultation period to allow additional time e.g. where consultation takes place over holiday periods</li> <li>• Make other documentation available in hard copy to</li> </ul>	<ul style="list-style-type: none"> <li>• View copies of the relevant documents on the County Council’s website<sup>9</sup></li> <li>• Submit comments to the County Council online using the user-friendly web portal, or via email to <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> or by post the Sustainability Appraisal report and the proposed Submission Plan and its evidence base. NB: Comments must be received within the consultation timeframe and in writing</li> <li>• Request to be notified when the County Council submits the Plan to the Secretary of State</li> <li>• Request to be heard at the Independent Examination (the decision of who is heard is</li> </ul>

<sup>10</sup> The Statement of Representations Procedure is a regulatory requirement sets out details of the consultation, including the duration, documents consulted on, how representations can be made and where the documents can be viewed.

	<ul style="list-style-type: none"> <li>• Send a copy of the Statement of the Representations Procedure and a statement of the fact that the proposed submission documents are available for inspection and the places and times they can be inspected to the general consultation bodies and specific consultation bodies invited to make representations at Regulation 18</li> <li>• Provide policy documentation prepared by the County Council in an accessible format</li> <li>• Publish a notice on the County Council website which identifies the locations and times that hard copies of the Draft Plan and SA Report can be viewed</li> <li>• Respond to emails about the plan making process within 10 working days</li> <li>• Use social media to promote and raise awareness of the consultation</li> </ul>	<p>view at the main County Council office</p>	<p>made by the Inspector appointed to examine the Plan)</p> <ul style="list-style-type: none"> <li>• Request to be notified when the recommendations by the Inspector are published</li> <li>• Attend meetings when invited</li> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the process</li> </ul>
	<p><b>We will...</b></p>	<p><b>We may...</b></p>	<p><b>You can...</b></p>

<p style="text-align: center;"><b>Stage 5</b></p> <p style="text-align: center;"><b>Submission of the Local Plan</b></p> <p style="text-align: center;"><b>(Regulation 22)</b></p> <p>The County Council will submit the Local Plan (as published at stage 4), accompanying documentation, Sustainability Appraisal Report and representations to the Secretary of State for Independent Examination.</p>	<ul style="list-style-type: none"> <li>• Submit the Plan and accompanying documents including the Sustainability Appraisal to the Secretary of State</li> <li>• Notify those people who requested to be notified that the Plan has been submitted to the Secretary of State</li> <li>• Notify statutory and general consultees that the Plan and accompanying documents including the Sustainability Appraisal, are available to view and the times and places where they can be viewed</li> <li>• Publish on the County Council's website the Submission Plan, accompanying documents including copies of the representations that we received to the proposed Submission Plan</li> <li>• Provide a hard copy of the published Plan, and the Sustainability Appraisal (SA) at the main County Council office</li> <li>• As soon as reasonably</li> </ul>	<ul style="list-style-type: none"> <li>• Publish a notice in local newspaper(s) informing Kent's communities that the Plan has been submitted to the Secretary of State, where the Plan and relevant documents can be viewed online and in the main County Council office with public access</li> </ul>	<ul style="list-style-type: none"> <li>• View the Plan and documents that have been submitted to the Planning Inspectorate on the County Council website<sup>9</sup></li> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the process</li> </ul>
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	<p>practicable after submitting the Local Plan to the Secretary of State, the County Council will make the following documents available for inspection along with a statement outlining the places and times at which they can be inspected:</p> <ul style="list-style-type: none"> <li>○ A copy of the Local Plan</li> <li>○ The Sustainability Appraisal report</li> <li>○ A Statement of the Representation Procedure</li> <li>○ A notice stating the times and places where the documents can be viewed</li> </ul> <ul style="list-style-type: none"> <li>● Respond to emails about the plan making process within 10 working days</li> <li>● Use social media to promote and raise awareness of the consultation</li> </ul>		
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>

<p style="text-align: center;"><b>Stage 6</b></p> <p style="text-align: center;"><b>Examination of the Local Plan and Publication of the Recommendations of the Appointed Person (main and minor modifications)</b></p> <p style="text-align: center;"><b>(Regulation 24 and Regulation 25)</b></p> <p>The submitted Plan is independently examined by a Planning Inspector(s) who will assess whether the Plan has been prepared in accordance with the Duty to Co-operate, the legal and procedural requirements and whether it is sound; in that it is positively prepared, justified, effective and consistent with national planning policy.</p> <p>Throughout the Independent Examination the Planning Inspector(s) may recommend minor and major modifications to the Plan. The County Council will subsequently publish these and they will be subject to a further consultation.</p>	<ul style="list-style-type: none"> <li>• Notify anyone who made representation in accordance with Regulation 20 and has not withdrawn that representation at least 6 weeks prior to the opening of the Independent Examination hearings details of the following:             <ul style="list-style-type: none"> <li>○ the name of the appointed Inspector(s) carrying out the independent examination;</li> <li>○ the date, time and place at which the hearing is to be held</li> </ul> </li> <li>• Publish the date, time and place at which the hearing is to be held on the County Council’s website via social media and at the main County Council office at least 6 weeks before the hearing is held</li> <li>• Provide an accessible venue for the hearings which will allow all interested parties to attend and participate – this includes equal access and hearing loops</li> <li>• Maintain an Examination Library setting out in hard copy all the</li> </ul>	<ul style="list-style-type: none"> <li>• Publish in local newspaper(s) information to inform the communities of Kent the date, time and place the submitted Plan’s Independent Examination will be held, and the name of the appointed Inspector(s) who will carry out the Independent Examination</li> <li>• Publish the hearings as a webcast</li> <li>• Notify anyone who made representation at Regulation 18 and 19 of the hearing details</li> <li>• Carry out an additional consultation if there are modifications recommended by the appointed Inspector(s) – this includes making the recommendations of the person appointed and the reasons given for those recommendations available and give notice to those persons who requested to</li> </ul>	<ul style="list-style-type: none"> <li>• Attend the Independent Examination hearing(s) (NB: only those who have been invited to speak by the Inspector(s) can do so)</li> <li>• Keep up to date on the Local Plan process by checking the County Council website</li> <li>• View documentation related to the examination on the Council’s website (the ‘Examination Library’)</li> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the process</li> </ul>
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	<p>documentation relating to the examination</p> <ul style="list-style-type: none"> <li>Respond to emails about the plan making process within 10 working days</li> </ul>	<p>be notified of the publication of those recommendations, that the recommendations are available</p>	
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>
<p style="text-align: center;"><b>Stage 7</b> <b>Inspector's Report</b> <b>(Regulation 25)</b></p> <p>Following the conclusion of the Independent Examination hearings into the Plan, the Inspector(s) who examined the submitted Plan will send a report to the County Council which identifies any recommended changes (modification) to the Plan, which together with the unmodified elements would form a sound Plan.</p>	<ul style="list-style-type: none"> <li>Publish on the County Council's website a copy of the Inspector(s)'s Report</li> <li>Provide a hard copy of the Inspector(s)'s Report at the main County Council's office location that has public access</li> <li>Notify those who requested to be so notified that the County Council have published the Inspector(s)'s Report</li> <li>Respond to emails about the Inspector (s)'s Report within 10 working days</li> </ul>	<ul style="list-style-type: none"> <li>Provide a hard copy of the Inspector(s)'s Report for inspection at various locations within the County</li> </ul>	<ul style="list-style-type: none"> <li>View the Inspector(s)'s report into the Plan's Independent Examination and the modifications the Inspector(s) considers necessary for the Plan to be sound such that it may be adopted by the County Council</li> <li>Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the process</li> </ul>
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>

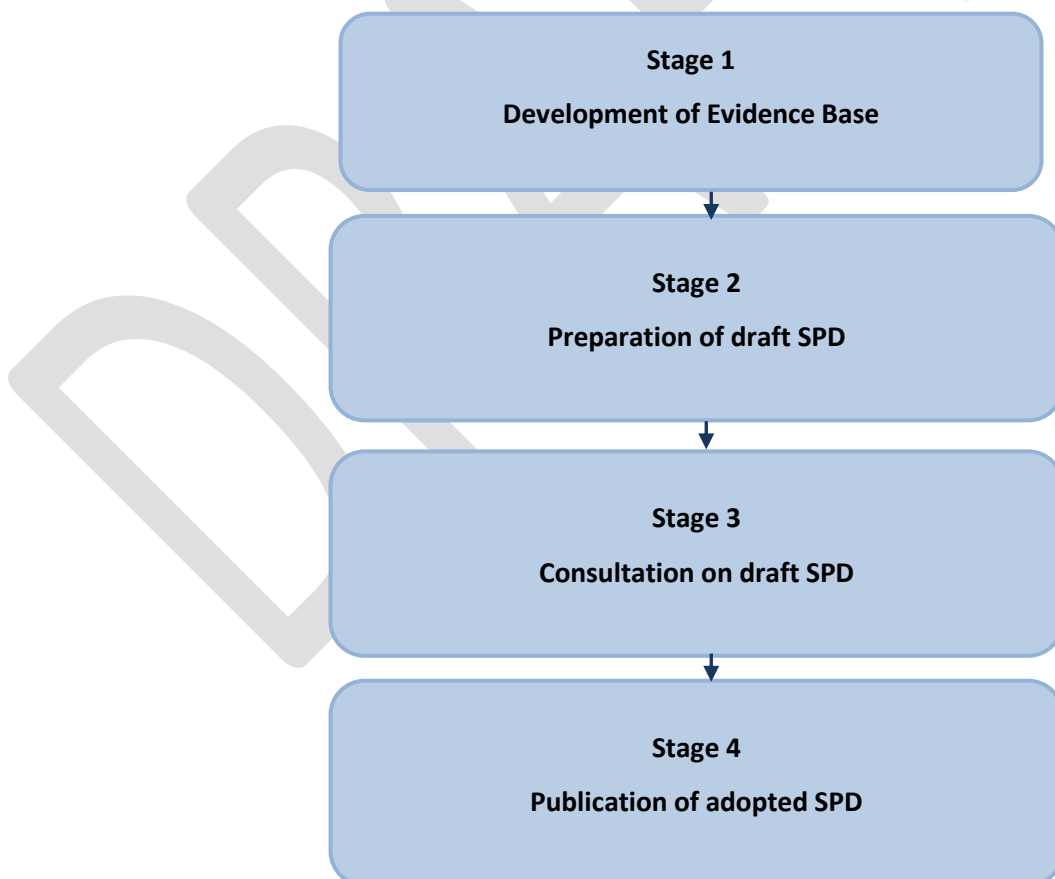
<p style="text-align: center;"><b>Stage 8 Adoption (Regulation 26)</b></p> <p>Any recommendation modifications from the Inspector(s) will be made to the Plan and the Sustainability Appraisal of the Plan updated to ensure that the modified Plan meets the legal requirements in this regard. The Plan will then be reported to the County Council’s planning policy portfolio responsible Cabinet Member, the Cabinet and then the Full Council for adoption.</p>	<ul style="list-style-type: none"> <li>• Publish on the County Council website relevant documents including the adopted plans and Adoption Statement</li> <li>• Notify District/Borough Councils of the adoption of the Local Plan</li> <li>• Notify anyone who requested to be notified that the Plan has been adopted by the County Council</li> <li>• Send a copy of the Adoption Statement to any person who asked to be notified of the adoption of the Local Plan</li> <li>• As soon as reasonably practicable after the adoption of the Local Plan, the County Council will make a hard copy of the following documents available for inspection at the main County Council office:             <ul style="list-style-type: none"> <li>○ The Local Plan</li> <li>○ An Adoption Statement</li> <li>○ The final Sustainability Appraisal (SA) Report of the modified Plan</li> <li>○ Details of the times and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Provide a hard copy of related documentation for inspection at various locations within the County</li> </ul>	<ul style="list-style-type: none"> <li>• View the Plan and the modifications, and the Inspector(s) report and the final Sustainability Appraisal for the Plan and the reports setting out the issues for the Plan’s formal adoption on the County Council website</li> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the process</li> </ul>
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	locations at which the documents of the Independent Examination can be viewed		
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### 3.5 Supplementary Planning Documents (SPDs)

- 3.3.1. In addition to Local Plans the County Council will also occasionally produce Supplementary Planning Documents (SPDs). Their purpose is to expand on policy issues or provide further detail and guidance on the implementation of policies in the Local Plan. Whilst SPDs are not considered policy documents and are not subject to Independent Examination by a Planning Inspector, once adopted they form a material consideration that is taken into account in the determination of planning applications.
- 3.3.2. Public consultation and engagement throughout the formulation of an SPD is undertaken to ensure their effectiveness and relevance to policy implementation. Consultation methods are similar to those used in the preparation of a Local Plan.
- 3.3.3. Whilst the statutory requirements set out in the 2012 Town and Country Planning Regulations must be met throughout the production of an SPD, the requirements are more limited and the County Council has greater discretion as to the nature and extent of consultation.
- 3.3.4. The key stages in SPD preparation are set out below:



3.3.5. From time to time it may be necessary to update SPDs as planning policy and advice from Government changes. The table below outlines the methods of engagement that the County Council will take to engage with the community and stakeholders at each stage of the preparation of an SPD.

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**Table 2 – Supplementary Planning Document Preparation Methods of Engagement**

Stage of SPD Preparation	Methods of Engagement		
	We will...	We may...	You can...
<p><b>Stage 1</b></p> <p><b>Development of Evidence Base</b></p> <p>SPDs are material considerations in the planning process. An SPD has the value of further elaborating how a Plan’s policies are to be interpreted and implemented. Where information is needed to satisfy a certain policy requirement, it can illustrate how this is to be done. It can also provide additional information that is specific to the area but is in a less detailed form in the adopted Plan.</p>	<ul style="list-style-type: none"> <li>• Gather up to date information on a range of social, economic and environmental matters (as they relate to minerals and waste planning) and produce the scope of the SPD</li> <li>• Identify whether a Sustainability Appraisal (SA) is required</li> <li>• Respond to emails about the plan making process within 10 working days</li> <li>• Take into account any written representations received as a result of preparing the SPD</li> </ul>	<ul style="list-style-type: none"> <li>• Arrange meetings/workshops with relevant District/Borough Councils and other interested parties/key stakeholders</li> <li>• Publish evidence base and relevant documents on the County Council’s website</li> </ul>	<ul style="list-style-type: none"> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the SPD process</li> <li>• View any evidence base and relevant documents published on the County Council’s website</li> <li>• Attend meetings when the SPD is published for consultation</li> </ul>
<p><b>Stage 2</b></p> <p><b>Preparation of draft SPD</b></p> <p>The document production process.</p>	<ul style="list-style-type: none"> <li>• Draft the SPD using information gathered in Stage 1</li> <li>• Undertake Sustainability Appraisal (SA), if required</li> <li>• Engage with key stakeholders on the SPD matter</li> </ul>		<ul style="list-style-type: none"> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the SPD process</li> <li>• View any evidence base and relevant documents on the</li> </ul>

			County Council's website
	We will...	We may...	You can...
<p><b>Stage 3</b></p> <p><b>Consultation on draft SPD</b></p> <p><b>(Regulation 12)</b></p>	<ul style="list-style-type: none"> <li>• Consult on a draft SPD for at least 4 weeks</li> <li>• Notify key stakeholders informing them about the consultation</li> <li>• Publish all relevant documents on the County Council's website along with details of the date by which representations must be made and the address to which they must be sent</li> <li>• After consultation, prepare a statement setting out the persons the Local Planning Authority consulted when preparing the SPD, a summary of the main issues raised how those issues have been addressed in the SPD</li> <li>• Make a hard copy of the draft SPD and consultation statement available at the main County Council office</li> <li>• Provide policy documentation</li> </ul>	<ul style="list-style-type: none"> <li>• Extend the consultation period to allow additional time e.g. where consultation takes place over holiday periods</li> <li>• Consult Parish/Town Councils and wider if specific local issue demonstrates this would be appropriate</li> <li>• Arrange meetings/workshops with relevant District/Borough Councils and other interested parties/key stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• View copies of the relevant documents on the County Council's website</li> <li>• Provide written comments to the County Council via post, online using the user-friendly web portal or via email to <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> about the draft SPD during the specified time period. NB: Comments must be received within the consultation timeframe and in writing</li> <li>• Request to be notified when the SPD is adopted</li> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the SPD process</li> </ul>

	<p>produced by the County Council in an accessible format</p> <ul style="list-style-type: none"> <li>• Respond to emails about the SPD process within 10 working days</li> <li>• Use social media to promote and raise awareness of the consultation</li> </ul>		
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>
<p style="text-align: center;"><b>Stage 4</b> <b>Adoption of SPD</b> <b>(Regulation 14)</b></p> <p>All SPDs have to go through a formal adoption process by the County Council.</p>	<ul style="list-style-type: none"> <li>• Consider comments received on the draft SPD and amend the document if necessary</li> <li>• SPD is considered and adopted by Cabinet Member for Environment and Waste (SPDs are not subject to independent examination)</li> <li>• Once the SPD is adopted, the County Council will publish it on its website and make it available at the main County Council office with public access as soon as reasonably practicable, along with an Adoption Statement</li> <li>• Send a copy of the Adoption Statement to anyone who</li> </ul>		<ul style="list-style-type: none"> <li>• View copies of the relevant documents on the County Council's website</li> <li>• Contact the Minerals and Waste Planning Policy team via 03000 422370 or <a href="mailto:mwlp@kent.gov.uk">mwlp@kent.gov.uk</a> if you have any queries about the SPD process</li> </ul>



	<p>requested to be notified of the adoption of the SPD</p> <ul style="list-style-type: none"><li>• Provide policy documentation produced by the County Council in an accessible format</li></ul>		
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## 3.6 Neighbourhood Plans

- 3.6.1 Neighbourhood planning was introduced by the Localism Act 2011 and gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. As outlined in the Neighbourhood Planning (General) Regulations 2012 and subsequent Neighbourhood Planning Act 2017, neighbourhood planning enables Parish/Town Councils or Neighbourhood Forums to prepare statutory Neighbourhood Development Plans that sit alongside the Local Plan prepared by the Local Planning Authority, and are used as a basis when assessing planning applications, alongside any other material planning considerations.
- 3.6.2 Whilst the County Council does not have a specific responsibility in relation to the process and production of Neighbourhood Plans, it is expected that Neighbourhood Plans will adhere to the requirements set out in legislation and have due regard to the Kent Minerals and Waste Local Plan 2013-30 and the Kent Mineral Sites Plan. Where resources allow, we will provide advice to groups preparing Neighbourhood Plans that are located in proximity to existing, proposed and safeguarded minerals and waste sites when such advice is requested.

## 4. Community Involvement and Planning Applications

4.1 The County Council is responsible for the determination of planning applications for three types of development:

- The extraction of minerals found in Kent, such as sand, clay, chalk, gravel and ragstone;
- The management and disposal of waste including energy from waste facilities, household waste recycling centres, waste transfer, recycling, composting, landfill sites and wastewater treatment facilities; and
- Development proposed by the County Council as part of its statutory services such as schools, country parks and certain roads.

All other types of planning applications are determined by the relevant District/Borough Council. Details on submitting a planning application are available on the County Council's website<sup>11</sup>.

4.2 Planning applications have to be determined in accordance with the Development Plan unless material considerations indicate otherwise. As part of the determination of an application, local authorities are required to publicise the application and all comments received are taken into account before reaching a decision. There are opportunities for involvement at various stages of an application and the County Council actively encourages involvement in the development management process and welcomes comments from all interested parties.

4.3 The National Planning Practice Guidance (PPG) sets out the statutory time limits for determining planning applications, these being 13 weeks for major developments and 8 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' process in March 2011. The Planning Guarantee is intended 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. With the agreement of the applicant, the period for determining an application can be extended beyond these timescales.

4.4 While the County Council remains committed to improving timescales for reaching planning decisions, this needs to be balanced against its other aim to improve the quality of decisions in terms of consistency and in reflecting the interests of the community by ensuring all stakeholders are fully engaged in consultations.

4.5 The table below sets out the methods of engagement that the County Council will use to engage with the public, local communities and other stakeholders throughout each stage of the planning application process.

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<sup>11</sup> <https://www.kent.gov.uk/waste-planning-and-land/planning-applications>

**Table 3 - Planning Application Methods of Engagement**

Stage of Planning Application Process	Methods of Engagement		
	We will...	We may...	You can...
<b>Stage 1</b> <b>Pre-Application</b>	<ul style="list-style-type: none"> <li>Where resources allow the County Council will provide pre-application advice for County Council developments</li> <li>Where resources allow the County Council will provide chargeable pre-application advice on mineral, waste and major County Council developments<sup>12</sup></li> </ul>	<ul style="list-style-type: none"> <li>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. The County Council acknowledges the value of pre-application discussions with applicants in ensuring that high quality, sustainable development is brought forward.</li> </ul>	<ul style="list-style-type: none"> <li>The agent or applicant can request pre-application advice<sup>13</sup> by phoning 03000 411200 or emailing <a href="mailto:planning.applications@kent.gov.uk">planning.applications@kent.gov.uk</a></li> <li>If the applicant engages with the local community and other stakeholders at the pre-application stage, the community or stakeholder can make representations to the applicant in advance of an application being made</li> </ul>
<b>Stage 2</b> <b>Application is Validated</b>	<ul style="list-style-type: none"> <li>Send a letter or email of acknowledgement to the applicant or agent</li> <li>Allocate a Case Officer for each</li> </ul>	<ul style="list-style-type: none"> <li>Contact the applicant or agent if the application is considered to be invalid and further information is required</li> </ul>	<ul style="list-style-type: none"> <li>View checklists and validation documents on the County Council website</li> </ul>

<sup>12</sup> KCC Charging Guide is available here [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0007/5200/planning-advice-charging-guide-and-form.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0007/5200/planning-advice-charging-guide-and-form.pdf)

<sup>13</sup> <https://www.kent.gov.uk/waste-planning-and-land/planning-applications/planning-advice>

	<p>application who will be the main point of contact for all related enquiries</p> <ul style="list-style-type: none"> <li>• Make validation requirements clear and transparent</li> </ul>		
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>
<b>Stage 3 Application is Publicised</b>	<ul style="list-style-type: none"> <li>• Publish the application on the County Council's website and invite comments</li> <li>• Add the application to the weekly planning list which is available to view on the County Council's website</li> <li>• Publicise the application with at least one site notice in the vicinity of the site displayed for the statutory period and invite comments</li> <li>• Publicise the application in the local newspaper(s) and invite comments where an application: <ul style="list-style-type: none"> <li>○ Is accompanied by an</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Further to the legal requirements for publicising an application, at the Case Officer's discretion, notify neighbouring occupiers/landowners.</li> <li>• For major planning applications which are particularly controversial or those where there is a significant level of interest from the local community, the Planning Applications Committee may arrange a site visit and in exceptional circumstances a public meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Inspect the application on the County Council website</li> <li>• Comment, support or object, via email, online or post<sup>15</sup>, to any planning application N.B. Comments must be received within the consultation period and in writing</li> <li>• Note that anyone can comment on an application irrespective of whether/how they have been notified or made aware of the proposed development</li> <li>• Follow the progress of any current application via the County Council's website</li> </ul>

<sup>15</sup> Comments can be made online at <https://www.kentplanningapplications.co.uk/>, by email at [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk) or post to Planning Applications Group, 1st Floor Invicta House, Maidstone, Kent ME14 1XX

	<p>Environmental Statement</p> <ul style="list-style-type: none"> <li>○ Is a departure from the Development Plan</li> <li>○ Would affect a Public Right of Way, or</li> <li>○ Would affect a listed building or conservation area</li> <li>○ Is defined as a major development<sup>14</sup></li> </ul> <ul style="list-style-type: none"> <li>● Send an acknowledgement to all comments submitted by residents/members of the community online or via email or post confirming receipt</li> <li>● Take all written comments relating to planning matters into consideration</li> <li>● Carry out a site visit for the application</li> <li>● For details pursuant to condition and or non-material amendment submissions, notify the relevant Borough/District Council and where officers consider it</li> </ul>		<ul style="list-style-type: none"> <li>● Contact the Planning Applications Group if you have any questions about the application<sup>16</sup></li> </ul>
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<sup>14</sup> 'Major development' means any development involving the winning and working of minerals or the use of land for mineral-working deposits, waste development, the provision of a building or buildings where the floorspace 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. (The Town and Country Planning (Development Management Procedure) (England) Order 2015)

<sup>16</sup> Contact the Planning Applications Group by emailing [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk) or phoning 03000 411200

	necessary to the decision process consult with relevant consultees		
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>
<b>Stage 4</b> <b>Views of Relevant Bodies</b>	<ul style="list-style-type: none"> <li>• In accordance with national policy and legal requirements, seek the views of relevant consultees such as Highways England, Natural England, English Heritage, and the Environment Agency regarding their views on the application</li> <li>• Consult the relevant District/Borough Council for their views</li> <li>• Consult the relevant Parish/Town Council on all full or outline planning applications</li> <li>• Notify the elected County Member in whose area the application falls, advising them of all full or outline applications and offering the opportunity to express a view on the application</li> <li>• Take all written material comments relating to planning matters into consideration</li> </ul>	<ul style="list-style-type: none"> <li>• Seek the views of additional relevant consultees where appropriate</li> <li>• Request further information from the applicant or agent following receipt of comments from consultees and other interested parties</li> <li>• Where time and resources allow, attend meetings with stakeholders if required</li> <li>• Extend consultation period if, for example, it falls over a bank holiday</li> <li>• Where time and resources allow, attend meetings if invited</li> </ul>	<ul style="list-style-type: none"> <li>• Comment, support or object, via email, online or post<sup>15</sup>, to any planning application N.B. Comments must be received within the consultation period and in writing</li> <li>• Contact the Planning Applications Group if you have any questions about the application<sup>166</sup></li> </ul>

	<ul style="list-style-type: none"> <li>For details pursuant to conditions or non-material amendment submissions, notify District/Borough Council and may consult other consultees given the nature of the submission</li> </ul>		
	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>
<p style="text-align: center;"><b>Stage 5</b></p> <p style="text-align: center;"><b>Application/Submission is Assessed</b></p> <p>Assess the proposal against all relevant material planning considerations.</p>	<ul style="list-style-type: none"> <li>Assess the proposal against national policies, government guidance and local planning policies and any other material considerations including but not limited to; <ul style="list-style-type: none"> <li>National planning policies, and Government guidance;</li> <li>Local planning policies</li> <li>Comments received from statutory consultees including District/Borough Councils and Parish/Town Councils</li> <li>Comments received by organisation and groups</li> <li>Consider comments made by neighbours, relevant bodies and interested parties</li> </ul> </li> <li>Take all written comments relating to planning matters into consideration</li> </ul>	<ul style="list-style-type: none"> <li>Request further information from the applicant or agent following receipt of comments from consultees and other parties</li> <li>Carry out a further discretionary consultation if additional information is provided</li> </ul>	<ul style="list-style-type: none"> <li>In response to any further consultation, comment, support or object, via email, online or post<sup>155</sup>, to any planning application. N.B. Comments must be received within the consultation period and in writing</li> <li>Follow the progress of the application via the County Council's website</li> <li>Contact the Planning Applications Group if you have any questions about the application<sup>16</sup></li> </ul>



	<b>We will...</b>	<b>We may...</b>	<b>You can...</b>
<p><b>Stage 6</b></p> <p><b>Negotiation of any amendments to application/submission</b></p>		<ul style="list-style-type: none"> <li>Where appropriate negotiate revisions to the application/submission to address concerns raised. NB: This can be done at an earlier stage if it is apparent that amendment of the application is required from initial assessments made at Stages 3 and 4</li> </ul>	<ul style="list-style-type: none"> <li>Follow the progress of the application via the County Council's website</li> </ul>
<p><b>Stage 7</b></p> <p><b>Decision is Reached</b></p>	<ul style="list-style-type: none"> <li>Aim to determine minor planning applications in 8 weeks, major applications in 13 weeks and for applications accompanied by an Environmental Statement 16 weeks. NB: The time period can be extended with the agreement of the applicant and planning authority.</li> <li>Aim to determine details pursuant to condition within 8 weeks</li> </ul>		<ul style="list-style-type: none"> <li>View the decision on the County Council's website</li> <li>Attend Planning Applications</li> </ul>

	<ul style="list-style-type: none"> <li>• Determine applications that have attracted material objections from statutory consultees or other bodies or groups or local authorities or members of the community in accordance with a protocol agreed by Members of the Planning Applications Committee, which at present requires applications to be referred to the Council’s Planning Applications Committee for determination if material objections are received. The above requirement is subject to change at the Planning Application Committee’s discretion</li> <li>• Inform anyone who has submitted written comments of the outcome of the decision. In the case of petition, correspondence will be with the lead petitioner</li> <li>• Publish the decision notice on the County Council website</li> <li>• Provide documentation</li> </ul>		<p>Committee – usually held every 4 weeks. NB: This is currently held virtually due to government guidelines and the Covid-19 pandemic. A link for access and a copy of the papers are available via the County Council website<sup>17</sup></p> <ul style="list-style-type: none"> <li>• Representatives on behalf of objectors and supporters may be invited to address Members at the Committee in accordance with the County Council’s public speaking arrangements. In which instance the applicants will be offered the opportunity to address Members of the Committee in reply. NB: These are currently modified due to the Covid-19 pandemic and are replaced with a written script that is read by the committee clerk</li> <li>• Applicants for minerals and waste management development may appeal against the Councils refusal of planning permission, any conditions imposed or against non-determination. By law, no other party has the right of appeal</li> </ul>
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<sup>17</sup> <https://democracy.kent.gov.uk/ieListMeetings.aspx?Cid=138&Year=0>

	prepared by the planning authority in an accessible format		
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## 5. Contact Details and Further Information

### 5.1 Contact Details

For planning policy enquiries please contact the Minerals and Waste Planning Policy Team via the following details:

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

**Address:** Minerals and Waste Planning Policy Team  
Kent County Council  
1<sup>st</sup> Floor, Invicta House  
County Hall  
Maidstone  
Kent  
ME14 1XX

**Telephone:** 03000 422370

**Website:** [www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy](http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy)

For planning application enquiries please contact the Planning Applications Groups via the following details:

**Email:** [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)

**Address:** Planning Applications Group  
Kent County Council  
1<sup>st</sup> Floor, Invicta House  
County Hall  
Maidstone  
Kent  
ME14 1XX

**Telephone:** 03000 411200

**Website:** <https://www.kent.gov.uk/waste-planning-and-land/planning-applications>

## 5.2 Accessibility

- 5.2.1 In line with the Equality Act (2010) the Council aims to ensure that all residents and communities have the ability to respond to consultations and have their voices heard.
- 5.2.2 All documents produced by the County Council will be produced in line with accessibility guidelines<sup>18</sup>. It is also the Council's intention for all planning policy documents produced by the County Council as part of its local plan work over 10 sides of A4 to have an executive summary or non-technical summary.
- 5.2.3 The information in this document and all other documents produced by the County Council can be made available in an accessible format, including large copy print and audio. If you require a planning policy document produced by the County Council in one of these formats please contact the Minerals and Waste Planning Policy Team on 03000 422370 or email [mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk). If you require a planning application document produced by the County Council in one of these formats please contact the Planning Applications Group on 03000 411200 or email [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk).

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<sup>18</sup> <https://www.kent.gov.uk/about-the-council/about-the-website/accessibility-statement>

## Appendix 1 - Glossary

Term or Word	Definition
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	The statutory development plan for Kent is formed of the Minerals and Waste Local Plan, the Mineral Sites 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.
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 sets national policy for local planning authorities and decision-takers, to work within both in drawing up plans and making decisions about planning applications.
Residents	The population at large, especially those people who will not necessarily be engaged through working with existing stakeholder organisations.
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 <sup>19</sup> .
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 is required to consult.
Statutory Requirements	Actions required by the County Council as a result of legislation.
Transparent	Open to scrutiny by all.

## Appendix 2 – Statutory Consultation Bodies

<sup>19</sup> Source: Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)).

## Planning Policy -

The statutory consultees (specific consultation bodies) the regulations require the County Council to consult on plan making matter are as follows:

- All District and Borough Councils in Kent (including Ebbsfleet Development Corporation)
- 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
- Mayor of London
- Transport for London
- Marine Management Organisation
- Relevant electricity companies
- Relevant gas companies
- Relevant sewerage undertakers
- Relevant water undertakers

## Planning Applications –

Consultations on planning applications are dependent upon the nature of the proposed development and type of application.



## Appendix 3 – General Consultation Bodies

### Planning Policy –

The general consultation bodies listed below is indicative of the types of organisations 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
- Environmental Services Association
- Federation of Small Businesses
- Freight Transport Association
- Home Builders Federation
- 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
- National Farmers Union
- Port and wharf operators in Kent
- Rural Kent
- Royal Society for the Protection of Birds
- Sport England
- Neighbourhood Planning Groups
- Coastal Community Teams
- Waste management operators

### Planning Applications –

Consultations on planning applications are dependent upon the nature of the proposed development.

## Appendix 4 – EqIA Requirements

The County Council is committed to promoting equality, and where appropriate, an Equality Impact Assessment (EqIA) will be undertaken to accompany planning policy documents to ensure that there is no discrimination against disadvantaged or vulnerable people, and to ensure that there is equal opportunity for all members of the community to be involved at various stages of plan production and the planning application process.

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## Appendix 5 – Monitoring Plan

The SCI is updated in accordance with government legislation and at least every 5 years the County Council may also update or review the SCI in accordance with technological changes or forthcoming development plan consultations. Any necessary changes will be incorporated into a revised SCI and the County Council will apply the process and principle of continuous monitoring and review to all material consideration planning documents.

The County Council will use indicators and triggers for corrective action to be made to the SCI, these include:

	<b>Indicator</b>	<b>Trigger for Review</b>
<b>Early Engagement and Review</b>		
Review of primary legislation  Review of planning guidance  Continuous Duty to Co-operate with neighbouring authorities	Changes to legislation and/or government policy and guidance on how communities should be involved in the planning system  Engagement with neighbouring authorities	Any changes to legislation and/or government policy and guidance on how communities should be involved in the planning system  Objections from neighbouring authorities about how the County Council has engaged with them; neighbouring authorities refuse to agree SOCGs
<b>Clear and Informative Communication</b>		
Best practice across the county	Existence of other best practice  Level of community involvement  Feedback from community on clarity of communications and documentation	Particularly low level of community involvement  Complaints from community on clarity of communications and documentation
<b>Need to Maintain Transparency</b>		
Accordance with GDPR  Put into practice all of community involvement approaches as set out in the SCI	Feedback on availability and accessibility of documentation  Cases where County Council is considered not to have complied with GDPR	Complaints from community on availability and accessibility of documentation  Successful cases against the County Council for non-compliance with GDPR

## Appendix 6 – List of Main KCC Libraries, Gateways and Council Offices

### Planning Policy –

There are occasions where planning policy documents must be made available for inspection as part of the plan making process. Below is a list of locations where documents may be made available for inspection – these may vary depending on the scale and nature of consultation taking place:

#### Main Kent County Council Libraries:

- Canterbury Library, 18 High Street, Canterbury CT1 2RA
- Dartford Library, Central Park, Market Street, Dartford DA1 1EU
- Dover Library, Dover Discovery Centre, Market Square, Dover CT16 1PH
- Folkestone Library, 2 Grace Hill, Folkestone, CT20 1HD
- Gravesend Library, Windmill Street, Gravesend DA12 1BE
- Maidstone Library, History & Library Centre, James Whatman Way, Maidstone ME14 1LQ
- Sevenoaks Library, Buckhurst Lane, Sevenoaks TN13 1LQ
- Sittingbourne Library, Central Avenue, Sittingbourne ME10 4AH
- Tonbridge Library, 1 Avebury Avenue, Tonbridge TN9 1TG
- Tunbridge Wells Library, Mount Pleasant Road, Tunbridge Wells TN1 1NS

#### Gateways:

- Ashford Gateway Plus, Church Road, Ashford TN23 1AS
- Dover Gateway, 69-71 Castle Street, Dover CT16 1PD
- Eden Centre Gateway, Four Elms Road, Edenbridge TN8 6BY
- Gravesham Gateway, Civic Centre, Windmill Street, Gravesend DA12 1AU
- Maidstone Link, King Street, Maidstone ME15 6JQ
- Sheppey Gateway, 38-42 High Street, Sheerness ME12 1NL
- Tenterden Gateway, 2 Manor Row, High Street, Tenterden TN30 6HP
- Thanet Gateway Plus, Cecil Street, Margate, Kent, CT9 1RE
- Tonbridge Gateway, Tonbridge Castle, Castle Street, Tonbridge TN9 1BG
- Tunbridge Wells Gateway, 8 Grosvenor Road, Tunbridge Wells, TN1 2AB

#### Kent County Council Offices:

- Sessions House, County Hall, Maidstone ME14 1XQ
- Joynes House, New Road, Gravesend DA11 0AT
- Kroner House, Eurogate Business Park, Ashford TN24 8XU
- Montague House, Tunbridge Wells TN1 1EZ
- St. Peter's House, Dane Valley Road, Broadstairs CT10 3JJ
- Worrall House, 30 Kings Hill Avenue, West Malling ME19 4AE

### Planning Applications -

Please note that there is public access to computers at KCC libraries and gateways which will enable viewing of planning applications.



## Planning Applications and Minerals and Waste Planning Policy

Kent County Council

1<sup>st</sup> Floor, Invicta House

County Hall

Maidstone

Kent

ME14 1XX

### Minerals and Waste Planning Policy

Tel: 03000 422370

Email: [mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk)

### Planning Applications

Tel: 03000 411200

Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk)

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From: Susan Carey, Cabinet Member for the Environment.  
Barbara Cooper, Corporate Director, Growth, Environment and Transport

To: Environment and Transport Committee 18<sup>th</sup> March 2021

Subject: Maidstone Heat Network Project

Classification: Unrestricted

Past Pathway: NA

Future Pathway: NA

Electoral Division: Maidstone Central

**Summary:** This paper presents a background to the Maidstone Heat Project and provides further information on the development of the project.

**Recommendation(s):** Environment and Transport Committee is asked to:

1. Note the progress of the Maidstone Heat Network;
2. Note the initial steps being undertaken to secure funding for the project via two large capital grants.

## 1. Introduction

- 1.1 Kent County Council has committed to being Net Zero in its own estate and activities by 2030. To meet KCC's emissions target, it is necessary to replace fossil fuel heating like gas and oil with heat pumps or by connecting them to a heat network. Kent County Council (KCC) is developing a heat network in the centre of Maidstone adjacent to the Kent History and Library Centre. The project will see heat extracted from the River Medway and used to heat Sessions House, Kent History and Library Centre, Invicta House, HMP Maidstone and Maidstone East (development site) in the first instance.
- 1.2 The Maidstone Heat Network (MHN) has been in development since 2016. Phases of development have included master planning, feasibility and more recently, detailed project development. Early feasibility studies suggest the capital costs with fees will give a project cost of around £5.5M. The project has been funded through the initial stages using £135,000 from the Heat Networks Development Unit, which is part of the Department of Business, Energy and Industrial Strategy (BEIS).

- 1.3 Since August 2020, the funding for the project has come from the Heat Networks Investment Programme (HNIP) managed Triple Point on behalf of the Department of Business, Energy and Industrial Strategy, and KCC was successful in being awarded a £2.5m grant towards the project. Of these funds, £400k must be used for the commercialisation of the project to prove the business case and this work is currently underway. The remaining £2.1m can be released for the construction phase of the project, subject to the commercialisation phase and being successful.
- 1.4 Kent County Council has also been successful in securing a further grant of up to £1.3M from the Public Sector Decarbonisation Scheme administered by Salix Finance on behalf of the Department of Business, Energy and Industrial Strategy. The final value of this grant will be known after further work is undertaken on the project to ensure full terms and conditions can be met.
- 1.5 In tandem with the commercialisation phase, the project team continues to seek other opportunities for grant funding with the aim of minimising any call on Kent County Council's Climate Change Fund. Until these opportunities have been fully exhausted, the project cannot be delivered without some call on KCC to underwrite any potential shortfall. The project involves considerable engineering works in the ground where the risks to capital projects are always at their highest and this will be mitigated in part by a significant contingency for which grant funding is being sought, but the risk to KCC remains. Governance is in place to ensure KCC can appropriately manage this risk, see 7.1 below.
- 1.6 The driving principle is for the project to be as low carbon as feasibly possible and financially viable, and which also provides economic opportunities to KCC. This includes selling heat to HMP Maidstone, laying the utility connections up to Maidstone East to ensure a fully serviced site that boosts land value for any future development; and allows for future expansion to serve any new housing developments which are anticipated in the area. There is also potential interest from third parties and the project is also allowing for future growth given that all new housing from 2025 will be required to be Net Zero.
- 1.7 The project has the potential to significantly reduce carbon emissions against the current business-as-usual gas use across all the buildings within scope of the current project. It will also reduce partner emissions and it is also important to note that as the scheme expands across more buildings, the total carbon saving will increase.
- 1.8 There are a range of technologies that currently make up the onsite energy generation proposal including a water source heat pump using heat extracted from the River Medway in Maidstone and solar thermal, with the potential for further technologies to be added. The network when established as a core scheme will also generate an income from third parties.
- 1.9 It is envisaged that the project will be procured through a Two Stage Design, Build, Manage and Maintain (DBOM) contract for the procurement of the works. This is to ensure early input from the contractor that will refine the designs and provide the best commercial approach bearing in mind both the capital costs of



the scheme and the ongoing revenue demand. KCC will initially enter into a Pre-Contract Service Agreement (PCSA) to appoint a contractor after planning has been submitted and the main contract will then be awarded following completion of the Technical Design (RIBA stage 4) subject to all costs being in line with the business case from both a capital and revenue perspective, and subject to planning permission.

## **2. Scheme Description**

- 2.1 The proposed scheme involves the provision of heating to a number of Kent County Council buildings in Maidstone, HMP Maidstone and a spur off towards the proposed new-build development beside Maidstone East railway station, known as “Maidstone East”. The proposals comprise a low temperature ‘Heating Network’ providing hot water to buildings to serve heating needs and domestic hot water demands:
- 2.2 The investment in the Heat Network Scheme will bring several financial, economic, environmental and social benefits. The current way of heating and cooling buildings is unsustainable from a carbon emissions and increasingly rising cost perspective, and policy changes will mean that we will no longer be able to use fossil fuels for heating in the near future. Heat networks will also significantly help in reaching net-zero targets.
- 2.3 From 2025, the Future Homes Standard has set out that no new developments will be able to use fossil fuels which will have a big impact on the way developments take place. There is also likely to be further carbon reduction legislation coming forward for existing buildings and this, and other similar projects, will help mitigate these changes. The benefits of the renewable heat source in Maidstone will allow us to supply new developments and also serve existing developments as policies change. Investing in the Maidstone Heat Network now not only enables KCC to achieve significant reductions in our carbon emissions within the 2030 timeframe, but it also pre-empts some of these future requirements.
- 2.4 Centralisation of plant also brings benefits in terms of the cost efficiencies and could mitigate some costs to KCC in terms of not having to renew old and inefficient conventional boilers in existing buildings. Heat pumps have been shown to be more cost efficient and carbon efficient than alternative fuels such as electricity. The market for heat networks has been growing at a rapid rate across the UK in the past few years.
- 2.5 The scheme is currently due to be at RIBA Stage 3 (submission to planning) by March 2021 with the commercialisation process complete. Subject to the commercialisation being acceptable to KCC and securing the necessary funds from either grant funding or KCC, the project can then complete RIBA stage 4 (detailed design) in tandem with planning and be in a position to start procurement that would then allow KCC to be on site prior to the end of March 2022.

- 2.6 It is currently being considered that the new LASER Energy framework within Commercial Services will be used to select a Design, Build, Operate and Manage (DBOM) company. It is anticipated that the construction would start by or before the end of March 2022 and the project is anticipated to operational be in 2023.
- 2.7 In order to meet some of the grant funding terms and conditions, early conversations are taking place with HOLDCo/Commercial Services, Finance, Infrastructure and LASER Energy (a trading arm of Commercial Services for energy procurement and energy solutions) with regards to setting up a business to deliver the project. This would require a Special Purpose Vehicle to be setup. Such a model may offer commercial options in terms of expanding or even selling the business in the future, should KCC wish to do so.

### **3.0 Financial Implications**

- 3.1 The initial feasibility and master-planning was funded by a grant of £135,000 from the Heat Networks Development Unit, which is part of the Department of Business, Energy, and Industrial Strategy (BEIS).
- 3.2 In 2020 further grant funding totalling £2.5m was secured from Heat Networks Investment Programme. This funding provides £400k of grant to develop the commercialisation phase, to achieve RIBA Stage 3 (submission to planning). If the project is deemed viable at that point, the grant provides an additional £2.1m funding towards delivery of the capital works. In addition to this, work is also progressing on a further grant of £1.3M from the Public Sector Decarbonisation Fund.
- 3.3 At the feasibility stage the projected cost of construction with fees is currently estimated at £5.5m with anticipated revenue to be confirmed but could be of the order of £75k per annum. There is still a capital gap in funding that needs to be closed at this time and the project is seeking additional grant funding to do so. The project is likely to call on part of the KCC Climate Change Fund and may ultimately require KCC to underwrite any final capital shortfall. In return, KCC would make progress toward net-zero and benefit from ongoing income from HMP Maidstone; potential appreciation in land value of Maidstone East thanks to direct access for future developers to a low cost/low carbon supply of heat; potential further income opportunities currently being explored with third parties around other sites both in existence and potential future ones; and lastly potential mitigation of costs against existing boiler repairs and renewals.

### **4. Legal Implications**

- 4.1 Legal support has been provided by external legal firm - Burgess Salmon - as specialists in this area. Further legal work may be required around developing a separate business to deliver and run the project. There will also be some legal assistance required to review the commercial energy contracts with customers as the scheme progresses.

### **5. Equalities implications**

5.1 An Equality Impact Assessment is underway and will be completed shortly but is likely to be very limited given that this is an infrastructure project delivering heat.

## **6. Policy implications**

6.1 The project will support the following priority actions identified in Setting the Course – Kent County Council’s Interim Strategic Plan

- Deliver Net Zero for Kent by 2050 and promote climate resilience.
- Deliver net Zero for KCC’s estate and operations by 2030 and influence others.
- Build sustainable, liveable homes and communities.

## **7. Governance**

7.1 An officer project team has been set up involving GET, Infrastructure, Finance, Legal and procurement. The project team reports to The Major Energy Projects Board on progress. Members have also been briefed on this project through the Kent Environment Strategy Cross-Party Member with the most recent update at its meeting on 26 January 2021.

## **8. Conclusions**

8.1 The Maidstone Heat Network is a key part of Kent County Council’s ambitions to be Net Zero by 2030 and provide key renewable heat infrastructure in Maidstone to meet the wider target of the Kent and Medway Low Emissions Strategy. The project would also lay the basis for a wider network across Maidstone. The project will provide for a steady income stream back to KCC over 40 years of the network’s life should it choose to keep it. This is currently estimated to be of the order of £75,000 a year. As the network expands this has the potential to rise.

8.2 The current estimated total cost of the project is £5.5m. Moving forward the project team has received funding from HNIP of £2.5m as well potentially a further £1.3M from BEIS subject to terms and conditions. The project is now looking to work up RIBA stage 3 (submission to planning) and refine the costs so that funds including grant funding can be identified. Subject to funding being secured, start on site is anticipated in March 2022 with operations anticipated to commence in 2023.

## **9. Recommendation(s)**

### **Recommendation(s):**

Environment and Transport Committee is asked to:

1. Note the progress of the Maidstone Heat Network;

2. Note the initial steps being undertaken to secure funding for the project via two large capital grants.

## **10. Background Documents**

Not Applicable

## **11. Contact details**

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Energy Programmes Manager

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Relevant Director:

Stephanie Holt Castle

Interim Director of Environment,  
Planning and Enforcement.

Tel: 03000 412064

**From:** Susan Carey, Cabinet Member for Environment  
Barbara Cooper, Corporate Director, Growth, Environment and Transport

**To:** Environment and Transport Cabinet Committee - 18 March 2021

**Subject:** Nature-based Solutions to Climate Change

**Classification:** Unrestricted

**Past Pathway of report:** Draft report presented to Kent Environment Strategy Cross Party Members Group on 26<sup>th</sup> January 2021

**Future Pathway of report:** n/a

**Electoral Division:** All – countywide

**Summary:** This report summarises the findings of an overarching assessment of opportunities for nature-based solutions in Kent and the potential benefits these present the county. It also notes the next steps in developing a countywide approach for nature-based solutions to climate change in Kent.

**Recommendation(s):**

The Cabinet Committee is asked to note the report.

## 1. Background to nature-based solutions

1.1 Nature-based solutions are actions that work with and enhance nature to address societal challenges, such as climate change, water security, air quality and human health. The concept has been formed in the knowledge that healthy and natural ecosystems, under appropriate management, produce a diverse range of functions including those focused on mitigating and adapting to climate change. Examples of such nature-based solutions include:

- Expanding woodlands and hedgerows to sequester carbon dioxide and improve soil quality and stability.
- Restoring and protecting wetlands to secure and regulate water supplies and protect communities and infrastructure from floods.
- Bringing nature into cities with green roofs and walls and urban trees and parks, to moderate impacts of heatwaves, capture rainfall and abate pollution; and also deliver positive impacts for mental and physical health.
- Protecting and restoring coastal habitats to protect communities and infrastructure from storm surges and erosion.

1.2 Nature-based solutions not only enable increased carbon sequestration<sup>1</sup> but can contribute to reducing flood and drought risk, enabling urban area cooling and improving water, air and soil quality; all whilst improving the quality, extent and quantity of our biodiversity. With human health and wellbeing so intrinsically

<sup>1</sup> Carbon sequestration is the process of capturing and storing atmospheric carbon dioxide. It is one method of reducing the amount of carbon dioxide in the atmosphere to mitigate or reduce global climate change.

linked to the natural environment, societal benefits can also be realised by increasing multifunctional and quality green space and wild areas. In addition, economic benefits can be attained, through associated exploitation and management activities such as the production of timber products or increased land productivity.

- 1.3 In short, adopting a multi-benefit approach of nature-based solutions in Kent could provide the county with a response to some of the challenges of climate change and simultaneously provide an opportunity to recover the health of our biodiversity too. If appropriately planned, nature-based solutions could also underpin health and wellbeing improvements and support communities living in areas of deprivation within the county, through better access to nature; and could provide new and additional economic opportunities, including employment and skills development.
- 1.4 The County Council has a stated aim of planting 1.5 million new trees in Kent. However, with a wealth of varied habitats offering nature-based solutions within the county, greater potential and quicker gains may be at our disposal if we choose to widen our work beyond woodland restoration and enhancement.
- 1.5 In 2020, Kent County Council started work to inform a strategic approach for how we invest in our natural capital<sup>2</sup> to deliver nature-based solutions to climate change and to achieve the wider ecological and societal benefits. To understand what opportunities may be presented by Kent's landscape, work was commissioned in the latter part of the year to provide a strategic, high level overview of the nature-based solutions that are available to Kent, based on our most extensive broad habitat types.
- 1.6 This work assessed what nature-based solutions these specific habitats may provide and the associated challenges and socio-economic benefits. Based on this, the study considered the opportunities for the short, medium and long term and made recommendations for next steps.
- 1.7 This report summarises the main findings of that commission and outlines how work will be progressed towards developing a framework for nature-based solutions to climate change in Kent.

## **2. Opportunities for nature-based solutions in Kent**

- 2.1 The following section details the potential opportunities for nature-based solutions for each of the broad habitat types, identified by the commission. Reference is made to the fact there are challenges to realising these opportunities – these challenges are discussed in section 3 of the report.
- 2.2 **Woodland** is the most abundant semi-natural habitat identified within Kent, with broadleaved, mixed and yew woodland covering 11% of the county. Woodland's greatest potential function, unsurprisingly, is carbon sequestration with broadleaved woodlands appearing to offer the best potential. Further to this, woodland also offers improvements to soil quality, air quality and biodiversity and

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<sup>2</sup> The sum of our ecosystems, providing us with food, clean air and water, wildlife, energy, wood, recreation and protection from hazards.

a reduction in surface water flooding. **Hedgerows** offer the same potential services.

- 2.3 Active woodland management<sup>3</sup> presents the best quick win opportunity for this habitat, with woodland expansion, corridor creation and natural regeneration<sup>4</sup> also presenting opportunities but with greater challenges to realising these. Woodland expansion and corridor creation present the greatest socio-economic benefits within this habitat group.
- 2.4 Grasslands are often overlooked as an option for carbon sequestration despite the fact that **species-rich grasslands** are reliable stores, provided they are correctly managed for diversity to provide optimum soil conditions. Although Kent has a large grassland resource, actual biodiverse grass habitats are not quite so abundant in the county but still present a notable opportunity. In addition to carbon capture, biodiverse grassland offers soil quality improvements, flood risk reduction and increased biodiversity. In respect of the latter, biodiverse grassland is a particularly important habitat for pollinators.
- 2.5 Grassland restoration, grassland protection and road verge naturalisation present the best quick win opportunities. Delivering biodiverse grasslands through rewilding presents opportunities, too, but there are greater challenges to realising these. Grassland restoration and protection present the greatest socio-economic benefits.
- 2.6 Although research is lacking on the carbon storage of **inland wetlands and waterways**, work by the Kent Wildlife Trust suggests that our wet grassland may have the potential to store more carbon than neutral grassland<sup>5</sup>, indicating a carbon storage benefit of allowing these habitats to return in floodplains along rivers. These habitats also provide important flood water management and water resource management benefits. With much wetland lost, any improvements or increases to this habitat also present biodiversity benefits to the many species that rely on them.
- 2.7 Retention and protection of wetlands and waterways present the best quick win opportunities for this type of habitat. Restoration presents medium term opportunities and re-creation the long-term opportunities, but there are greater challenges to realising both of these. Re-creation of wetlands and retaining/protecting inland wetlands present the greatest socio-economic benefits.
- 2.8 **Coastal wetlands and marine** habitats can provide important carbon sequestering properties. Estimates suggest that globally the rate of carbon sequestration in coastal wetlands is greater than in all of the terrestrial forests combined. Coastal habitats also provide an important natural sea defence mechanism, creating 'soft' defences against sea storm events.

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<sup>3</sup> Without some form of management woodlands can become dark, over-shaded and dominated by big mature trees without any variation in structure, age or cover; this reduces their function and the breadth of biodiversity they can support. Woodlands are actively managed for a number of reasons – it can be to maximise the yield of economically important products such as timber, for conservation and biodiversity and/or for recreational access.

<sup>4</sup> Allowing trees to grow from the natural seed bank in the ground, as opposed to planting; this approach encourage trees that are native to the local area, re-establishes and extends ancient and existing woodland and forests and promotes resilience.

<sup>5</sup> Typically enclosed and usually more intensively managed grassland occurring on neutral soils; hay meadows will typically fall within this category.

- 2.9 Saltmarshes appear to offer the greatest known coastal carbon sequestration potential in Kent, however there may be further opportunities within the marine and estuary environments. Marine vegetation, such as kelp forests, play an important role in the carbon cycle but kelp is not sufficiently found off the Kent coast to present a feasible option; and currently too little is known about Kent's marine vegetation to fully understand what other potential may exist. Estuaries are highly productive habitats that accumulate both marine and terrestrial organic carbon through both their subtidal and intertidal sediments; therefore, estuarine expansion could provide additional carbon storing opportunities.
- 2.10 Retention and protection present the best quick win opportunities for coastal wetland and marine habitats; there are good socio-economic benefits across the breadth of coastal habitat opportunities.
- 2.11 Employing nature-based solutions in the **built environment** presents a number of opportunities to address some of the environmental issues in urban areas alongside carbon sequestration, in particular air quality, temperature, flood risk and depleted biodiversity.
- 2.12 The built environment presents the greatest number of short-term gains, including green walls and roofs, urban green space, road verges and street trees. Urban green space and sustainable drainage systems (SUDS) have greater challenges. Urban green space and green roofs present the greatest socio-economic benefits.
- 2.13 A summary of the nature-based solutions, against timescales and opportunity assessments (benefits and challenges) is presented in the table in Appendix 1 (taken from the draft report *Natural Solutions to Climate Change in Kent, draft V02, January 2021*).

### 3. Challenges to nature-based solutions

- 3.1 Many of the challenges to nature-based solutions are common across all the different habitats types, albeit to different degrees.
- 3.2 A consistently common challenge is that of land availability, often coupled with the need to secure the buy-in of the agricultural or landowner/management sector. Many of the interventions to deliver nature-based solutions also require intensive, and often costly, management and this can be difficult to justify when it is not easy to quantify the benefits of the natural functions provided. However, when delivering multiple benefits, it can be easier to demonstrate a return for the investment. Further, the Government's future Environment Land Management scheme approach of 'public money for public goods', may provide an opportunity for landowners and land managers to secure that investment and address land availability issues.
- 3.3 Introducing nature-based solutions is also not necessarily a win-win, with the potential for habitat trading – that being the loss of one habitat to enable the creation of another. In addition, one solution may exacerbate an impact – for instance woodlands can reduce the amount of water infiltration into the ground and therefore reduce the amount of water recharged to the water table. Coupled



with an increase in evapotranspiration<sup>6</sup>, drought effects could be increased. Such unintended consequences illustrate the importance of the right nature-based intervention in the right place. Nature-based solutions may also be threatened themselves by climate change – coastal squeeze<sup>7</sup>, drought conditions, storms and diseases may all negatively impact the habitats established to provide mitigation and adaptation.

- 3.4 Nature-based solutions is an emerging approach – there are still many research and knowledge gaps, in particular on the carbon storage potential of specific habitats. Further to this, whilst we have a good understanding of our terrestrial habitats, in Kent there is a lack of knowledge in respect of the extent of our marine habitats and submerged vegetation.
- 3.5 Within the urban environment, making space for these nature-based solutions might, in certain locations, be in competition with the need for housing and other infrastructure and therefore strong and creative urban planning is required. Further there is the financial burden of management of any installed green infrastructure.
- 3.6 Finally there is the time required for the establishment of the habitat and for it to become “fully functioning”. It is because of this that retention, protection and enhancement of our existing habitats offer the best immediate (and in some case medium-term) opportunities.

#### **4. Taking forward the development of a framework for nature-based solutions to climate change**

- 4.1 Nature-based solutions present an opportunity for us to tackle some of the county’s climate change and ecological challenges, whilst delivering wider socio-economic benefits. The following outlines how we might begin to develop a framework for this in Kent.

##### ***Delivery through partnership***

- 4.2 As a result of the commission, we now have a better understanding of the potential for nature-based solutions in the county but Kent County Council cannot develop this agenda in isolation. Whilst the Council’s estate presents opportunities, wider joined up thinking and partnership working will enable bigger and better gains for the county.
- 4.3 Existing partnership approaches, such as the Kent Nature Partnership, Kent Climate Change Network and the Kent and Medway Environment Group (which supports delivery of the Kent Environment Strategy) will be used to take forward a number of work streams to further nature-based solutions in Kent. All of the below work will require continual stakeholder engagement.

##### ***Use of existing and emerging policy and other instruments to support nature-based solutions in Kent***

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<sup>6</sup> The sum of water evaporation and transpiration from a surface area to the atmosphere. Evaporation accounts for the movement of water to the air from sources such as the soil, tree and plant canopy and water bodies.

<sup>7</sup> The loss of natural habitats or deterioration of their quality arising from man-made structures or actions, preventing the landward transgression of those habitats that would otherwise naturally occur in response to sea level rise in conjunction with other coastal processes. Coastal squeeze affects habitat on the seaward side of existing structures.

- 4.4 One of the first actions required is to protect and restore the natural resources we already have and ensure that priority areas are protected from other interventions that may prevent the realisation of opportunities in the future.
- 4.5 The Environment Bill introduces a requirement for a county-scale Local Nature Recovery Strategy (LNRS). It is not yet confirmed who will be responsible for the delivery of these strategies, nor the timetable for their development, but it is understood it will likely fall to upper tier authorities and development will commence this year. Development will be done in partnership with a broad range of stakeholders, including government agencies, local planning authorities, nature conservation bodies and landowners.
- 4.6 This strategy will map not only national conservation sites but also other areas which are, or could become, of particular importance for biodiversity. The county strategy will also be expected to state biodiversity priorities, including opportunities for recovering or enhancing biodiversity. It is expected that local planning authorities will use Kent's Local Nature Recovery Strategy to inform planning decisions and direct the mandatory biodiversity net gain investments. Therefore, in the first instance, the Local Nature Recovery Strategy will be used to protect and restore our key sites for biodiversity and the ecosystem services (including nature-based solutions) that they provide.
- 4.7 However the Local Nature Recovery Strategy will not only identify areas of importance for biodiversity but also for other environmental benefits in order to better align efforts and as such will be expected to consider opportunities for, for example, carbon sequestration, flood management and water quality improvements. Therefore, the Kent Local Nature Recovery Strategy should ideally identify where:
- Habitats already providing nature-based solutions should be retained and protected.
  - Improvements will enhance the nature-based solutions delivered.
- 4.8 As such, the Local Nature Recovery Strategy, as it emerges over the coming year, could begin to provide the strategic framework for nature-based solutions for Kent.
- 4.9 We also need to consider how not only the Local Nature Recovery Strategy might support nature-based solutions in Kent but also how the forthcoming requirement for Biodiversity Net Gain<sup>8</sup> in developments and the Environment Land Management scheme<sup>9</sup> can be used to enable the investment required to deliver such benefits.

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<sup>8</sup> Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before; the Environment Bill will introduce a mandatory requirement (expected in 2021/2022) for development to demonstrate a minimum of 10% increase of biodiversity. Where this gain is not possible on site or cannot be delivered locally, there will be the option to pay a "cash tariff" to offset the net gain requirement (the mechanism for securing this to be determined but likely through S016/CIL).

<sup>9</sup> The Environment Land Management (ELM) scheme (due to be fully rolled out by the end of 2024) will replace the funding schemes currently available under the Common Agricultural Policy (CAP). Founded on the principle of 'public money for public goods', the Environment Land Management (ELM) scheme will see farmers and other land managers paid for work that enhances the environment and delivers public goods, such as clean air and water, thriving plants and wildlife, protection from environmental hazards and reduction of or adaptation to climate change.

### ***Better understanding of where existing and additional opportunities exist in county***

- 4.10 The initial nature-based solutions assessment provides a strategic, high level overview of the opportunities for the county but does not map these spatially. Therefore, an early task will be to undertake stakeholder engagement with organisations such as Kent Wildlife Trust, Woodland Trust, RSPB and the environmental agencies to identify the immediate nature-based solution opportunities and priorities within the county. Using the challenges and socio-economic frameworks provided by the report, these opportunities can potentially be assessed in terms of short, medium and long term deliverability.
- 4.11 We should also assess our own estate and consider its efficiency in terms of delivering nature-based solutions; and what interventions may be required to increase the productivity in this regard.
- 4.12 Once we know where nature-based solutions already exist and have identified how to enhance and better manage these, attention should then be turned to where new opportunities could be realised. This could include:
- Engagement with landowners to determine opportunities for provision of land to support nature-based solutions; and to identify where agricultural land is considered “unproductive” but which may be appropriate for nature-based solutions as an alternative land use.
  - Better understanding of topographical elements to identify where nature-based solutions may best be directed to deliver certain benefits.
  - Identification of areas of historic habitat loss where reinstatement would enable the associated nature-based solutions to be realised again.
- 4.13 This information will feed into the development of the aforementioned Local Nature Recovery Strategy for Kent.

### ***Address knowledge gaps***

- 4.14 The report identifies a number of research gaps for nature-based solutions, including:
- Knowledge on how trees and woodland will respond to climate change impacts.
  - Understanding of the role, if any, of non-native tree species and plants in response to a changing climate.
  - Available research on the carbon storage abilities of different grassland habitats.
  - Knowledge of the state/quality of grassland habitats in Kent and therefore the areas with highest carbon storage potential.
  - Understanding of the carbon storage and sequestration potential of inland wetlands.
  - Security of knowledge that confirms there is not sufficient kelp off the coastline of Kent to make this a viable “blue” carbon store.
  - Better understanding of the diversity and extent of Kent’s marine vegetation and its potential role as a “blue” carbon store.
  - Knowledge on the quality of soils across Kent.

- 4.15 To address all the research gaps is not within the gift nor resources of Kent County Council. In consultation with partners, we will consider what research is critical to us developing the framework for nature-based solutions to climate change and we will work with Kent's academic institutions and other partners to address these knowledge gaps. Likely, in the first instance, this will be prioritised in enhancing knowledge specific to Kent and focussed on the nature-based solutions determined to offer the greatest potential and/or the quickest wins.

## **5. Policy framework**

- 5.1 This work will help to provide the strategic direction required to deliver Kent County Council's Interim Strategic Plan priority action of "*Deliver on our commitment to plant a tree for every person in Kent, which totals just over 1.5 million, and enhance other natural assets which increase the storage of carbon, support the recovery of the county's wildlife and benefit residents*".
- 5.2 The Plan also supports the Kent Environment Strategy's priority to tackle climate change and conserve and enhance the quality and supply of the county of Kent's natural resources and assets.

## **6. Financial implications**

- 6.1 At this stage no financial implications of a framework for nature-based solutions have been identified, save the resources required to develop it. These largely relate to staff time and these are already identified within existing revenue budgets.
- 6.2 In respect of the Local Nature Recovery Strategy, Defra have stated that new burdens as a result of the Environment Bill will be funded and therefore should responsibility fall to Kent County Council as the upper tier authority, we would anticipate there to be resources to support its development.
- 6.3 As noted in section 5, the framework development will consider how Biodiversity Net Gain and the Environment Land Management scheme can be used to enable the investment required to nature-based solutions in the future. This will also consider other grants that may be available, including those to support tree planting commitments.

## **7. Legal implications**

- 7.1 No legal implications relating to this work programme have been identified.

## **8. Equalities implications**

- 8.1 An Equality Impact Assessment (EqIA) is not required at this stage of the work. An assessment will be undertaken in respect of the Local Nature Recovery Strategy, when drafted; and likewise of any other strategy/frameworks/action plan developed in due course.

## **9. Other corporate implications**

- 9.1 No other corporate implications have been identified.

**10. Recommendation(s):**

The Cabinet Committee is asked to note the report.

**11. Background Documents**

Natural Solutions to Climate Change in Kent, February 2021 (Buro Happold). This report will be made available on the Kent County Council website in due course; in the meantime, should a copy be required please contact Elizabeth Milne (contact details below).

Appendix 1: Summary of nature-based solutions for Kent

**12. Contact details**

Report Author: Elizabeth Milne  
Natural Environment & Coast Manager

Relevant Director: Stephanie Holt-Castle  
Interim Director for Environment,  
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## Appendix 1 – Summary of nature-based solutions for Kent

(taken from the draft report *Natural Solutions to Climate Change in Kent, draft V02, January 2021*)

**Table 1 - quick win nature-based solutions (1-5 years)**

Nature-based solution	Timescale	Opportunity Assessment	
		Benefits	Challenges
Active Woodland Management	Short Term (1-5 years)	Dark Green	Light Green
Grassland restoration	Short Term (1-5 years)	Light Green	Dark Green
Grassland protection	Short Term (1-5 years)	Dark Green	Light Green
Road verge naturalisation	Short Term (1-5 years)	Light Green	Light Green
Promotion of sustainable agriculture	Short Term (1-5 years)	Light Green	Dark Green
Retaining and protecting existing inland wetlands	Short Term (1-5 years)	Dark Green	Light Green
Restoration of natural floodplains (e.g. through blocking drains, lowering river walls)	Short Term (1-5 years)	Light Green	Dark Green
Green walls	Short Term (1-5 years)	Light Green	Light Green
Green roofs	Short Term (1-5 years)	Light Green	Light Green
Urban green space	Short Term (1-5 years)	Light Green	Dark Green
Naturalising road verges	Short Term (1-5 years)	Dark Green	Light Green
Street trees	Short Term (1-5 years)	Dark Green	Light Green
Retention and protection of existing coastal habitats	Short Term (1-5 years)	Dark Green	Light Green

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KEY		
	Benefits	Challenges
Dark Green	Minimal benefits	Medium/long timeframe with many challenges
Medium Green	Some benefits	Medium timeframe with some challenges
Light Green	Plenty of benefits	Short timeframe with minimal challenges

**Table 2 – medium to long term nature-based solutions (5-10 years)**

Nature-based solution	Timescale	Opportunity Assessment	
		Benefits	Challenges
Restoration of natural flood plains through species reintroduction	Medium Term (1-5 years)		
Woodland Corridors	Medium Term (5-10 years)		
Woodland Expansion	Medium Term (5-10 years)		
Natural Regeneration	Medium Term (5-10 years)		
Restoration of natural river channels	Medium Term (5-10 years)		
Rewilding	Medium Term (5-10 years)		
Restoration of coastal habitats	Medium Term (5-10 years)		
Managed realignment of coastal defences	Medium Term (5-10 years)		
Natural coastal management	Medium Term (5-10 years)		
Sustainable drainage systems (SuDS)	Medium Term (5-10 years)		
Recreation of wetlands (such as fens)	Long Term (10+ years)		

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KEY		
	Benefits	Challenges
Dark Green	Minimal benefits	Medium/long timeframe with many challenges
Medium Green	Some benefits	Medium timeframe with some challenges
Light Green	Plenty of benefits	Short timeframe with minimal challenges



From: Susan Carey, Cabinet Member for Environment  
Barbara Cooper, Corporate Director, Growth, Environment and Transport

To: **Environment and Transport Cabinet Committee – 18 March 2021**

Decision No: **21/00027**

Subject: **Kent County Council Adoption of the third revision of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2020-2025**

Classification: **Unrestricted**

**Past Pathway of Paper:**

Environment and Transport Cabinet Committee (23 January 2020)

Environment and Transport Cabinet Committee (15 September 2020)

**Future Pathway of Paper: For decision by Cabinet Member.**

**Electoral Division:** Countywide, with the exception of all electoral divisions within Dartford Borough, Tunbridge Wells Borough and Thanet District administrative areas.

**Summary:** This report provides an overview of the revised Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2020-25 in order to seek its adoption by Kent County Council.

**Recommendations:** The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment on the proposed decision to adopt the revised Kent Downs Area of Outstanding Natural Beauty Management Plan 2020-2025 as shown at Appendix A.

**1. Background**

1.1. The Countryside and Rights of Way (CRoW) Act 2000 requires local authorities within an Area of Outstanding Natural Beauty (AONB) to act collaboratively to prepare and publish an up-to-date plan, which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'. The Kent Downs AONB Management Plan 2020-2025 has been prepared by the Kent Downs AONB Unit and the Kent Downs AONB Joint Advisory Committee for, and on behalf of, the twelve local authorities that have land within the Kent Downs AONB.

- 1.2. The Kent Downs AONB Management Plan 2020-2025 is now with all the relevant authorities for adoption. This paper provides an outline of the revised Management Plan and seeks endorsement from the KCC Cabinet Committee for Environment and Transport for its adoption by the Cabinet Member for Environment.

## **2. Financial Implications**

- 2.1. Kent County Council makes an annual revenue contribution of £26,200 towards the core funding of the Kent Downs AONB Unit. The County Council and Kent Downs AONB Unit also work collaboratively to secure and leverage external funding to maximise outcomes and opportunities.
- 2.2. It is not anticipated that the revised Management Plan will place any additional financial obligations on the County Council.
- 2.3. Relevant units within the County Council will need to consider the revised Management Plan in relation to their operations (as they are already bound to do). The plans are of particular relevance to services concerned with commissioning, climate change, planning, heritage and natural environment, economic development, highways and public rights of way. Any change to these services resulting from the Management Plan would be required to be within the existing funding envelope - unless part of a wider plan for supporting the Net Zero agenda, which will be considered on an invest-to-save and case-by-case basis. There will undoubtedly be burdens and obligations on KCC as such initiatives are progressed, but the Management Plan itself will not impose such burdens.

## **3. Policy Framework**

- 3.1. The Management Plan supports the following priority actions as set out in Setting the Course: Kent County Council's Interim Strategic Plan (December 2020)
  - Priority actions to help address the economic challenge – Champion the rural and green economy.
  - Priority actions to help address the environmental challenge – build sustainable, liveable homes and communities.
- 3.2. The Management Plan supports these priority actions by supporting the economic and social wellbeing of local communities in ways which contribute to the conservation and enhancement of natural beauty. The Management Plan also promotes the enjoyment of the AONB landscapes and the health and wellbeing opportunities it offers.
- 3.3. The Climate Change Risk Assessment and Adaptation Programme / Implementation Plan also features similar themes of land reclamation, soil erosions and protecting and replenishing woodland.

#### **4. Legal implications**

- 4.1. The Kent Downs AONB is recognised and protected nationally and internationally for its natural beauty. A statutory requirement in the CRoW Act is placed on the council to act jointly with the other local authorities to prepare and review a management plan for the landscape.
- 4.2. The Kent Downs AONB Management Plan review is being taken forward by the Kent Downs AONB Unit and overseen by the Kent Downs AONB Joint Advisory Committee. The County Council is represented at a senior level on the Joint Advisory Committee by an elected Member and Officer.

#### **5. Overview of the Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2020-2025**

- 5.1. The Countryside and Rights of Way Act 2000 requires local authorities within an Area of Outstanding Natural Beauty (AONB) to act jointly to prepare and publish an up-to-date plan which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'. The Kent Downs AONB Unit leads the development of this plan on behalf of the relevant local authorities, overseen by the Joint Advisory Committee (JAC). Council member Matthew Balfour and Stephanie Holt-Castle, Interim Director for Environment, Planning and Enforcement, represent KCC on the Kent Downs AONB Joint Advisory Committee.
- 5.2. The Kent Downs AONB Management Plan was originally adopted by the County Council in April 2004 and set out a 20 year vision for the AONB. Revisions to the Management Plan were adopted in 2009 and 2014. This is the third revision.
- 5.3. The overall vision for the AONB remains unchanged. This revision seeks to respond to the changing context in which the 20 year vision operates – including the level of housing growth expected in Kent and climate, agriculture and biodiversity challenges and opportunities. Additional principles in this revision include the promotion of an arts and cultural strategy, sustainable management of visitors, conservation of soil, benefits the Kent Downs landscape offers for clean air and the link between landscape and health and well-being. The Government's 25-year Environment Plan and emerging Environment Bill are also captured.
- 5.4. The document is supported by an Environment Report, a Sustainability Appraisal and an Equality Impact Assessment.
- 5.5. The Kent Downs AONB Unit has overseen the consultation process for the Plan. This has included:
  - Meetings with officers and elected members from the AONB Local Authorities (through the Joint Advisory Committee) with discussion and debate about the key issues and opportunities they wish to see addressed in this Plan, and the way that policies need to be presented.

- An extensive engagement process linked to the celebration of the Kent Downs AONB 50th Anniversary.
  - A series of ‘expert opinion debate’ meetings, presentations and discussion with a wide range of other key stakeholders including public bodies and voluntary organisations, parish councils, farmers and land managers, to examine what is important and what are key issues to them, and solutions that the Management Plan can take forward.
- 5.6. Cabinet Committee views were sought on the key areas for revision at the Environment and Transport Cabinet Committee meeting on 23 January 2020, in advance of the draft Management Plan public consultation which was carried out between 14 July 2020 and 7 September 2020.
- 5.7. The Environment and Transport Cabinet Committee was then asked to consider and make recommendations to the Cabinet Member for Environment on the proposed KCC response on 15 September 2020. The County Council responded to the consultation on 22 September 2020.
- 5.8. A final draft plan was then circulated for comment to the Joint Advisory Committee in December 2020 and reviewed by the Committee on the 26 January 2021. All local authorities were then afforded a final opportunity to comment on the plan and this final adoption version reflects these comments. Key changes and additions to the Management Plan include:
- The plan policies have been re-defined as “principles” to be more consistent with the NPPF and Government guidance.
  - The plan has been reframed to respond positively to the rapid growth trajectory identified for Kent.
  - There is greater focus on biodiversity recovery, wilding and nature-based solutions to climate change impacts.
  - A revised Landscape Character Assessment has been produced.
  - It reflects changes in legislation, such as the Agriculture Act.
  - It reflects the findings of the Government’s Independent [Protected] Landscape Review (the Glover Review).
  - It reflects changes resulting from the UKs exit from the EU.
  - The plan is more clearly positive on issues of diversity and inclusion.
  - It identifies how the AONB landscape and partnership can take an active part in the recovery from the impact of Covid-19.
- 5.9. Officers are satisfied that the County Council response has been adequately addressed and the proposed actions of the Management Plan do not place any new or unnecessary obligations on the County Council.

## **6. Equality Impact Assessment**

- 6.1. Equality Impact Assessment screening was carried out by the Kent Downs AONB Unit, using the Kent County Council standard template. The screening

concluded that the Kent Downs AONB Management Plan Review 2020-2025 complies with the Equality Duty 2010. It is available through the link below at 9.(iv)

## 7. Conclusion

- 7.1. It is considered that the Kent Downs AONB Management Plan 2020-25 as amended can be adopted by KCC. It is not anticipated that the new Management Plan will place any additional obligations or burdens on the County Council in terms of resources - relevant units within the County Council must continue to consider the Management Plan in relation to their operations and services and will need to familiarise themselves with the Plan as revised.

## 8. Recommendation

- 8.1 The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Environment on the proposed decision to adopt the revised Kent Downs Area of Outstanding Natural Beauty Management Plan 2020-2025 as shown at Appendix A.

## 9. Appendices and Background Documents

- (i) Appendix A – Proposed Record of Decision
- (ii) Kent Downs AONB Management Plan:  
<https://www.kentdowns.org.uk/management-plan-2021-2026/>
- (iii) Environment Report and Sustainability Appraisal: [Environmental Report for the Strategic Environmental Assessment and Sustainability Appraisal of the Kent Downs Area of Outstanding Natural Beauty Management Plan](#)
- (iv) Equality Impact Assessment: [Equality Analysis/ Impact Assessment \(EqIA\) for the statutory review of the Kent Downs Area of Outstanding Natural Beauty Management Plan.](#)

## 10. Contact details

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Susan Carey, Cabinet Member for Environment

**DECISION NO:**

21/00027

**For publication** Yes

**Key decision:** YES

**Subject Matter / Title of Decision**

Kent County Council Adoption of the third revision of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2020-2025

**Decision:**

As Cabinet Member for Environment, I agree to adopt the revised Kent Downs Area of Outstanding Natural Beauty Management Plan 2020-2025

**Reason(s) for decision:**

The Countryside and Rights of Way (CRoW) Act 2000 requires local authorities within an Area of Outstanding Natural Beauty (AONB) to act collaboratively to prepare and publish an up-to-date plan, which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'.

**Cabinet Committee recommendations and other consultation:**

Cabinet Committee views were sought on the key areas for revision at the Environment and Transport Cabinet Committee meeting on 23 January 2020, in advance of the draft Management Plan public consultation which was carried out between 14 July 2020 and 7 September 2020.

Consultation also included a series of 'expert opinion debate' meetings, presentations, and discussion with a wide range of other key stakeholders including public bodies and voluntary organisations, parish councils, farmers, and land managers.

The Environment and Transport Cabinet Committee was then asked to consider and make recommendations to the Cabinet Member for Environment on the proposed KCC response on 15 September 2020. The County Council responded to the consultation on 22 September 2020.

A final draft plan was then circulated for comment to the Joint Advisory Committee in December 2020 and reviewed by the Committee on the 26 January 2021.

The proposed decision will be discussed by Members of the Environment and Transport Cabinet Committee at their meeting on 18 March 2021.

**Any alternatives considered and rejected:**

A statutory requirement in the CRoW Act is placed on the council to act jointly with the other local authorities to prepare and review a management plan for the landscape

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

.....  
signed

.....  
date

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**From:** Susan Carey – Cabinet Member for Environment

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

**To:** Environment and Transport Cabinet Committee – 18 March 2021

**Decision No:** 21/000036

**Subject:** **Department for Environment, Food and Rural Affairs (Defra) Grant Funding - Farming in Protected Landscapes**

**Classification:** Unrestricted

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

**Future Pathway of Paper:** For Cabinet Member decision

**Electoral Division:** Countywide

**Summary:** This report seeks approval to accept grant funding from Defra to support rural businesses and communities within the Kent Downs AONB by creating new jobs and also for environmental improvements.

**Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Environment on the proposed decision attached at Appendix A to

- Accept a Grant from the Department for Environment, Food and Rural Affairs (Defra) 'Farming in Protected Landscapes' funding and
- Delegate authority to Corporate Director of Growth, Environment and Transport to take relevant actions, including but not limited to, entering into contracts and other legal agreements, as necessary to implement decisions to spend the grant.

**1. Introduction and Background**

1.1 In the [Agricultural Transition Plan](#) the Government announced a new scheme for Protected Landscapes (AONBs and National Parks) to manage a grant programme to support farm diversification, landscape enhancement, wider environmental enhancements and community engagement in the landscape.

1.2 Details of this grant are still emerging but it became clear recently that the scale of the grant requires a key decision.

1.3 Authority is needed to receive funding from Defra and for the Kent Downs Area of Outstanding Natural Beauty (AONB) Unit, under the KCC Scheme of Delegations to disperse it to farmers and land managers in the Kent Downs AONB in accordance with Defra guidelines.

## **2. Financial Implications**

- 2.1 This is entirely new funding coming from Defra, there is no call on KCC funds.
- 2.2 It has recently become clear that the total new funding is expected to exceed £1m over 3 years and this necessitated a request for a key decision.
- 2.3 There will be new revenue funding available to support the management of this programme of grants as well as to provide new grants.
- 2.4 The AONB Unit will work with (and pay for) the KCC External Funding Team in the management of this new grant scheme and to ensure the grant conditions are met.
- 2.5 The AONB Unit has successfully managed similar grants in the past (the Sustainable Development Fund).
- 2.6 Defra's intention is that this is a 'light touch' fund but they will provide guidance to assist the AONB Unit in managing this fund correctly. The Kent Downs AONB Unit has a long and successful working relationship with the Defra Protected Landscapes team who will manage this project.

## **3. Policy Framework**

- 3.1 The decision supports KCC's priorities to deliver against the economic challenge and environmental challenges set out in the Interim Strategic Plan by attracting investment to support growth and tackling the climate emergency and protecting the natural environment.
- 3.2 This decision would release important new government funding for enhancing the Kent Downs AONB in line with the AONB management plan which is anticipated to be adopted by KCC. The funding provides support for environmental enhancement, public engagement, climate, and biodiversity enhancement and creating new jobs and apprenticeships, it also supports business resilience.

## **4. The report.**

- 4.1 Since the UK left the EU new funding structures are being put in place to support farmers and land managers to enhance the rural environment . Rather than having a centrally managed farm subsidy based primarily on area payments the basis for future farm payments will be providing 'public money for public good'. Public goods include carbon management and climate mitigation, public access to land, enhancement of biodiversity, heritage and beauty, enhancement of the water environment and provision of clean air. Funding can also be provided to support farm business diversification and green jobs.
- 4.2 The new funding arrangements will be provided under the banner of Environmental Land Management (E.L.M.).
- 4.3 An early component of E.L.M. is the 'Farming in Protected Landscapes' Scheme. This was announced in the [Agricultural Transition Plan](#) (ATP - pp 44-45).

- 4.4 There was very little detail provided in the ATP about the working arrangements or funding levels for the Farming in Protected Landscapes scheme saying only that details would be provided in 'early 2021'. National level negotiations between Defra and National Parks, AONBs started towards the end of 2020 and have been ongoing. It was expected that there would be an announcement in mid-February but unfortunately nothing further has yet emerged.
- 4.5 Conscious that there may need to be a Key Decision the Kent Downs AONB Unit has sought as much information as possible and is confident that because AONBs and National Parks have been working collaboratively with Defra the scheme that will emerge will be deliverable and effective. It will draw on the very successful experience of the previous Sustainable Development Fund (also funded by Defra) and AONB team's extensive experience of delivering grant schemes.
- 4.6 It has recently become clear that the funding available to the Kent Downs AONB is likely to exceed £1m over 3 years and so a key decision is required to proceed.
- 4.7 The scheme is set to start in April 2021 when the AONB Unit will be able to increase its capacity to deliver the scheme and set up working arrangements with the External Funding Team . An element of the grant will be required to pay for these mobilisation costs. Grants will start to be distributed from June 2021 and will be available over a 3-year period.
- 4.8 This is a very positive opportunity for Kent and the Kent Downs AONB, especially in the context of Covid recovery. It will provide new funding that will support environmental enhancement, communities, and the local economy.

## **5. Legal Implications**

- 5.1 The management arrangements of the grant scheme will be prescribed by Defra following detailed negotiations with National Park and AONB national teams. The Kent Downs AONB Unit is experienced in successfully delivering grant schemes. The Kent Downs AONB Unit will work closely with the KCC external funding team to ensure that all the due diligence is taken in the management of this grant scheme and that the grant conditions and criteria are met.

## **6. Equalities and data protection implications**

- 6.1 The management of the grant scheme will be taken forward in the context of the Kent Downs AONB Management Plan for which there is a full and approved Equalities Impact Assessment. (EQiA)
- 6.2 Defra has undertaken an EQiA for the grant award as a whole.
- 6.3. Some company data will be collected by Kent County Council as part of the application process. Applicants will be asked to provide consent as part of the application process for KCC to hold their data for the purposes of administering the grant scheme.

## 7. Conclusion

- 7.1 This is an entirely positive step for the Kent and the Kent Downs AONB, a fully funded grant scheme which will help implement the principles of the AONB Management Plan and contribute to social, economic, and environmental recovery in Kent helping to deliver the objectives of the Interim Strategic Plan and the Covid Recovery Plan.
- 7.2 The 'Farming in Protected Landscape' scheme is an early part of the very substantial changes which are coming for farm support in England, the delivery of a successful scheme in the Kent Downs could be the pre-cursor of more funding in the future.

## 8. Recommendations:

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

- Accept a Grant from the Department for Environment, Food and Rural Affairs (Defra) 'Farming in Protected Landscapes' funding and
- Delegate authority to Corporate Director of Growth, Environment and Transport to take relevant actions, including but not limited to, entering into contracts and other legal agreements, as necessary to implement decisions to spend the grant

## 9. Appendices

- **Appendix A:** Proposed Record of Decision
- **Appendix 1:** <https://www.kentdowns.org.uk/management-plan-2021-2026/>

## 10. Contact details

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### Lead Director:

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Susan Carey, Cabinet Member for Environment

**DECISION NO:**

21/00036

**For publication** Yes

**Key decision:** YES

**Subject Matter** / Department for Environment, Food and Rural Affairs (Defra) Grant Funding - Farming in Protected Landscapes

**Decision:**

As Cabinet Member for Environment, I agree to:

- Accept a Grant from the Department for Environment, Food and Rural Affairs (Defra) 'Farming in Protected Landscapes' funding and
- Delegate authority to Corporate Director of Growth, Environment and Transport to take relevant actions, including but not limited to, entering into contracts and other legal agreements, as necessary to implement decisions to spend the grant

**Reason(s) for decision:**

Since the UK left the EU a new series of funding structures are being put in place to support farmers and land managers. Rather than having a centrally managed farm subsidy based primarily on area payments the basis for future farm payments will be providing 'public money for public good'. Public goods include carbon management and climate mitigation, public access to land, enhancement of biodiversity, enhancement of the water environment and provision of clean air. Funding can also be provided to support farm business diversification and green jobs.

Authority is needed to receive funding from Defra and for the Kent Downs AONB Unit, under the KCC Scheme of Delegations to disperse it to farmers and land managers in the Kent Downs AONB in accordance with Defra guidelines.

**Cabinet Committee recommendations and other consultation:**

The scheme will be managed in the context of the Kent Downs AONB Management Plan which has undergone substantial public engagement and consultation.

The proposed decision will be discussed by Members of the Environment and Transport Cabinet Committee at their meeting on 18 March 2021.

**Any alternatives considered and rejected:**

To not pursue the funding and forego the opportunity for over 31m grant funding to assist Kent's small rural businesses and rural communities.

Farming in Protected Landscapes funding will only be provided through AONB Units and National Park Authorities, there is no other option for Kent to benefit from this new funding

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

.....  
signed

.....  
date



From: Susan Carey, Cabinet Member for Environment  
Barbara Cooper, Corporate Director of Growth,  
Environment and Transport

To: Environment & Transport Cabinet Committee

Subject: 21/00037 Low Carbon Across the South and East  
Programme

Key decision Affects more than 2 Electoral Divisions  
Expenditure of more than £1m

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: For decision by Cabinet Member

Electoral Division: All

**Summary:**

A decision is being sought to approve the continuation and expansion of the delivery of Low Carbon Across the South and East (LoCASE), which is a programme of integrated measures, consisting of financial assistance and business support, to: increase demand for clean technology, increase energy efficiency of businesses, and increase growth of the low carbon environmental goods and services sector. This is an extension and expansion of the successfully established LoCASE project, led by Kent County Council, which has been in operation from 2016.

**Recommendation(s):**

**The Environment and Transport Cabinet Committee** is asked to consider and make recommendations to the Cabinet Member for Environment on the proposed decision to approve the delivery of the 'Low Carbon across the South and East Programme' as attached at Appendix A.

Specifically, for the Cabinet Member to:

- i) Accept £14,748,886 of European Structural Investment Funding administered by the Ministry of Housing, Communities and Local Government.
- ii) Give approval that Kent County Council act as the Lead Partner (Accountable Body) for the partnership delivering across multiple Local Enterprise Partnership areas.

- iii) Delegate authority to the Corporate Director of Growth, Environment and Transport to take relevant actions, including but not limited to, entering into contracts and other legal agreements, as necessary to implement decisions to spend the grant.

## **1. Introduction**

- 1.1 Low Carbon Across the South and East (LoCASE) is a programme of integrated measures, consisting of financial assistance and business support, to: increase demand for clean technology; increase energy efficiency of businesses; and increase growth of the low carbon environmental goods and services sector.
- 1.2 The Low Carbon Across the South and East programme is a continuation and expansion of the successfully established Low Carbon Across the South East project, which ran from February 2016 and supported 1,278 Small and Medium Enterprises, through £5,014,939 of grant funding, to support overall investment of £12,537,348
- 1.3 The programme has a budget that totals £30,937,771, and is part funded by the European Structural Investment Fund (£14,748,886), private sector investments (£13,950,000), Kent County Council (£107,827), and public sector contribution from 16 programme partners (£2,131,058).
- 1.4 Encouraged by the Ministry for Housing, Communities and Local Government following interest across the region after the demonstrated success of the LoCASE project, the additional funding is to continue and grow LoCASE to deliver a multi-Local Enterprise Partnership business support programme through a partnership made up of 16 public and private sector organisations across four Local Enterprise Partnerships (South East, Coast2Capital, Enterprise M3 and the Solent).

## **2. LoCASE as a Programme**

- 2.1 Low Carbon Across the South and East programme will provide a consistent, accessible business support programme across the South and East, using European Structural Investment Funds, that helps businesses optimise the use of resources and adopt innovative products and processes, as well as low carbon solutions, in ways that improve business performance in terms of resilience, profitability and competitiveness, at the same time contributing to the protection and preservation of the environment.
- 2.2 The programme will provide business support to 2060 SMEs, cut CO<sup>2</sup>equivalent emissions by 11,232 tonnes, support 140 new businesses, introduce 159 new products, enable knowledge transfer with 91 businesses, create 270 new jobs in the low carbon environmental



goods and services (LCEGS) sector, invest £23,250,000 in business, and raise awareness of the LCEGS sector to over 500,000 people.

- 2.3 The programme, with Kent County Council as the Accountable Body (see 3.1), will provide business support across four Local Enterprise Partnerships (South East, Coast2Capital, Enterprise M3, and the Solent) and be delivered by an experienced and strong partnership consisting of County Councils, Unitary Authorities and University partners.
- 2.4 Low Carbon Across the South and East will be delivered through a tried and tested model, established during the initial project, which delivers support to Small and Medium Enterprises (SMEs) at a local level by working through existing and extensive networks operated by each of the partners. As such, SMEs will be able to seamlessly access support through multiple routes including Local Authority and Growth Hub referral, engagement at events, and through peer-to-peer referral.
- 2.5 At its core, the programme will focus on a well-developed, efficient grants offer to Small and Medium Enterprises which will provide support for energy efficiency and low carbon product and service development. Additional support will be provided through specialist guidance, technical workshops and mentoring. An innovation scheme, provided by two university partners, will provide a knowledge transfer service, key sector cluster growth and supply chain development.
- 2.6 Programme success will be measured against anticipated growth of the businesses in terms of their ability to increase their capacity for innovation and business growth (turnover), as well as additional jobs created, and where relevant, tonnes of CO<sup>2</sup> equivalent reduced.
- 2.7 Approval for the additional European Structural and Investment Funds required to continue and expand the programme was received by Kent County Council after an application and assessment process with Ministry for Housing, Communities and Local Government in late 2020.
- 2.8 It is planned, upon formal agreement of the programme in March 2021, to circulate a paper to Kent Environment Board, the Kent and Medway Environment Group, Kent County Council Members, and Kent Leaders to provide an overview of what Low Carbon Across the South and East will deliver for Kent and the wider region. Further briefings can be provided as required.

### **3. Governance**

- 3.1 Kent County Council, following on from being the Accountable Body in the initial Low Carbon Across the South and East project, will be Accountable Body and Grant recipient for the continuation and extension of the project into a programme. In acting as the Accountable Body for the programme, Kent County Council will have overall responsibility for all expenditure, recovery from third parties where appropriate and

monitoring, supported by the Low Carbon Across the South and East programme partners. Kent County Council has built a good reputation with central government and partners in developing appropriate systems and processes in order to successfully lead on large business support programmes like these and has the skills and knowledge already within the team to continue successful delivery.

- 3.2 Delegated authority will be given to Corporate Director of Growth, Environment and Transport to take relevant actions, including but not limited to, entering into contracts and other legal agreements, as necessary to implement decisions to spend the grant. The Sustainable Business and Communities team will provide strategic leadership and oversee day-to-day delivery teams, as well as manage the partnership. The delivery team will support business engagement and administration of the grants. Internal oversight will be maintained as part of the Strategic Delivery Plan and via the Kent County Council Environment Board, with support from the Revenue Finance Team.
- 3.3 A delivery team will be responsible for the coordination of the Programme and take day-to-day responsibility for working with each of the partners. Finance, monitoring and customer records management systems that are currently in place to support European funded programmes will be used to manage the drawdown and requirements of the funding.
- 3.6 Kent County Council maintain and chair the Low Carbon Across the South and East Steering Group, made up of senior officers from partner organisations to oversee strategic delivery. The group will continue to meet quarterly and have oversight of the programme and its delivery, providing strategic direction and monitoring performance and impact of the programme against the work plan. Beneath this structure will be the Operational Delivery Group, made up of officers from partner delivery teams, which will continue to meet monthly, and whose role is to oversee the delivery and mobilisation of the day-to-day delivery of the programme and associated work plans.

#### **4. Financial Implications**

- 4.1 The programme has a budget that totals £30,937,771 and is part funded by the European Structural Investment Fund (£14,748,886), private sector investments (£13,950,000), Kent County Council (£107,827), and public sector contribution from 16 programme partners (£2,131,058)., Kent County Council's contribution will be found from the existing Sustainable Business and Communities budget as staff time and contributions from partners direct to KCC through shared Accountable Body costs.

#### **5. Legal Implications**

- 5.1 To deliver the programme and receive the European Structural Investment Funds (ESIF), the Council must sign a Funding Agreement with MHCLG that sets out standard terms and conditions for the Council as Grant Recipient and Accountable Body and MHCLG as Managing Authority. KCC has entered into many similar legal obligations in the past for other ESIF funded projects.
- 5.2 A formal Partnership Agreement, which has been in use on the initial LoCASE project, will be drawn up and issued by Invicta Law to ensure compliance at all levels across the partnership. In doing this, the risk that is taken on by Kent County Council acting as the Accountable Body will be passed on to the partnership, therefore making the risk a shared burden, and one that is much more manageable. The rationale being that KCC has a proven track record of successful delivery of these types of projects with processes and mechanisms to meet the compliance requirements and deliver funding of this nature.
- 5.3 Legal and financial advice will be sought before signing the final Funding Agreement and partnership agreements, anticipated by end of March 2021. Drafts of these agreements have already been assessed by Invicta Law and successfully adhered to through clear governance and processes established under the initial Low Carbon Across the South East project.

## **6. Policy Framework**

- 6.1 Low Carbon Across the South and East directly supports elements of Themes 1 and 2 of the Kent Environment Strategy. Specifically, it is the key delivery mechanism in the implementation plan for Priority 10: Supporting growth in the economy with a focus on low carbon, environmental services and rural sectors. It also is the key delivery mechanism of Priority 9 – Supporting Low Carbon Business of the Kent and Medway Energy and Low Emissions Strategy. As such, the programme is integral to helping achieve net-zero emissions by 2050 for the country.
- 6.2 Low Carbon Across the South and East supports the greener futures focus of the COVID-19 Kent and Medway Economic Renewal and Resilience Plan and is also relevant to the Kent and Medway Growth and Infrastructure Framework, Local Transport Plan 4 (and will inform Local Transport Plan 5) and the emerging Health and Wellbeing Strategy and Kent's Public Health Outcomes.
- 6.3 Low Carbon Across the South and East supports the following priority actions of Setting the Course – Kent County Council's Interim Strategic Plan: Work with our partners to deliver essential support for local businesses; Champion the rural and green economy; and deliver Net zero for Kent by 2050 and promote climate resilience.

## **7. Equalities implications**

7.1 An Equalities Impact Assessment has been undertaken for the Low Carbon Across the South and East programme as part of the application process. No significant negative impacts were identified. The assessments attached to this paper.

## **8. General Data Protection Regulation Considerations**

8.1 A Data Protection Impact Assessment is currently being developed by the delivery team with support from colleagues in Strategic and Corporate Services and the Data Protection team.

## **9. Conclusions**

9.1 Low Carbon Across the South and East will play an important role in the implementation of the Kent Environment Strategy, Energy and Low Emission Strategy and Economic Recovery and Resilience Plan and in turn deliver considerable benefits for both local businesses and for the environment.

9.2 While the COVID-19 pandemic has resulted in significant economic challenges and uncertainty, it is essential that action is taken to support jobs and businesses, with the aim of building a greener, more productive, fairer economy that will emerge stronger and more resilient than before.

9.3 The objective of the Low Carbon Across the South and East programme is to support businesses to become more sustainable, have less impact on the environment and deliver clean growth across the region. While the Covid-19 pandemic has undoubtedly had a negative impact on the SME community, this programme of work will undoubtedly form a key driver in assisting those SMEs to recover, pivot and scale up as the economy is rebuilt.

## **10. Recommendations**

**The Environment and Transport Cabinet Committee** is asked to consider and make recommendations to the Cabinet Member for Environment on the proposed decision to approve the delivery of the 'Low Carbon across the South and East Programme' as attached at Appendix A.

Specifically, for the Cabinet Member to:

- i) Accept £14,748,886 European Structural Investment Funding administered by the Ministry of Housing, Communities and Local Government.
- ii) Give approval that KCC act as the Lead Partner (Accountable Body) for the partnership delivering across multiple Local Enterprise Partnership areas.

- iii) Delegate authority to Corporate Director of Growth, Environment and Transport to take relevant actions, including but not limited to, entering into contracts and other legal agreements, as necessary to implement decisions to spend the grant.

## 11. Appendices and Background Documents

- Appendix A – Proposed record of Decision
- Kent Environment Strategy – [www.kent.gov.uk/environmentstrategy](http://www.kent.gov.uk/environmentstrategy)
- Kent and Medway Energy and Low Emissions Strategy – [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0009/112401/Kent-and-Medway-Energy-and-Low-Emissions-Strategy.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0009/112401/Kent-and-Medway-Energy-and-Low-Emissions-Strategy.pdf)
- Kent and Medway Renewal and Resilience Plan— [http://kmep.org.uk/documents/Renewal\\_and\\_Resilience\\_Plan\\_-\\_August\\_2020.pdf](http://kmep.org.uk/documents/Renewal_and_Resilience_Plan_-_August_2020.pdf)
- LoCASE full applications – upon request
- Equalities Impact Assessment: <https://democracy.kent.gov.uk/ecCatDisplay.aspx?sch=doc&cat=14891>

### Contact details

Christine Wissink  
03000 413482

**Relevant Director:** Stephanie Holt-Castle, Interim Director Environment, Planning and Enforcement 03000 412064

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## Appendix A

### Kent County Council – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

**Miss Susan Carey, Cabinet Member for the Environment**

DECISION NO:

**21/00037**

For publication

Key decision: YES

- *Decision requires expenditure in excess of £1million*

Subject Matter / Title of Decision

**Low Carbon across the South and East (LoCASE)**

Decision:

As Cabinet Member for the Environment, I agree to:

Give approval for Kent County Council to deliver the Low Carbon Across the South and East (LoCASE) programme by accepting to act as the accountable body for the European Structural Investment Funding (ESIF) administered by the Ministry of Housing, Communities and Local Government (MHCLG). Specifically, I

- Accept £14,748,886 European Structural Investment Funding administered by the Ministry of Housing, Communities and Local Government.
- Give approval that KCC act as the Lead Partner (Accountable Body) for the partnership delivering across multiple Local Enterprise Partnership areas.
- Delegate authority to Corporate Director of Growth, Environment and Transport to take relevant actions, including but not limited to, entering into contracts and other legal agreements, as necessary to implement decisions to spend the grant.

Reason(s) for decision:

The decision is being sought to approve the continued delivery of Low Carbon Across the South and East (LoCASE), which is an integrated programme of financial assistance and business support to increase demand for low carbon technology, increase efficiency and grow business in the low carbon environmental goods and services sector.

This decision supports the continuation and expansion of the successfully established LoCASE project which ran from 29/2/2016 to 31/12/2020, and supported 1,278 small and

medium sized enterprises, through £5,014,939 of grant funding, totalling investments of £12,537,348. The programme has a budget that totals (£30,937,771) is part funded by the European Structural Investment Fund (£14,748,886), Private Sector (£13,950,000), Kent County Council (£107,827) and public sector contribution from 16 programme partners (£2,131,058).

Encouraged by MHCLG after the demonstrated success of the LoCASE project, the additional funding is to continue and grow LoCASE to deliver a multi-LEP business support programme through a partnership made up of 16 public and private sector organisations across four Local Enterprise Partnerships (South East, Coast2Capital, Enterprise M3, and the Solent).

The programme activities will be undertaken by partners, and outputs delivered through a range of Partnership Agreements and contracts administered by Kent County Council in its role as Accountable Body.

**Cabinet Committee recommendations and other consultation:**

Any alternatives considered and rejected:

Option (a): Do nothing – no ESIF investment, business support for energy efficiency and low carbon sector development ends, and no mechanism to achieve green recovery outcomes. This would limit the region’s capacity for growth and competitiveness.

Option (b): Reduce the business support programme by limiting it to Steps to Environmental Management (STEM) only – no ESIF investment, limited support for business improvements in environmental management, development of the energy efficiency and low carbon sectors and achieving green recovery outcomes

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

.....  
**signed**

.....  
**date**



**From:** Michael Payne, Cabinet Member for Highways and Transport

Barbara Cooper, Corporate Director for Growth, Environment and Transport

**To:** Environment and Transport Cabinet Committee – 18 March 2021

**Subject:** HGV Parking Enforcement Update

**Classification:** Unrestricted

Past Pathway of Paper: **n/a**

Future Pathway of Paper: **n/a**

Electoral Division: **County-wide**

**Summary:** This report provides an update on the Council's HGV parking enforcement activity, implemented 1<sup>st</sup> January 2021, in support of the wider Kent Resilience Forum and national government Traffic Management Plans post EU-exit transition period.

**Recommendation:** The Cabinet Committee is asked to note the update on the operation of the Kent County Council HGV enforcement operation.

## **1. Background**

- 1.1 As the UK's gateway to Europe, Kent residents suffer a variety of issues arising from lorry traffic. The Council raised its concerns with the Department for Transport (DfT) in 2020 that the proposed traffic management plans to cope with the end of transition could exacerbate existing issues with inappropriate lorry parking and have a direct impact upon the lives of our residents.
- 1.2 As part of the wider post EU exit transition period plans, DfT granted Kent County Council (KCC) powers to introduce an Experimental Traffic Regulation Order (ETRO) prohibiting any heavy goods or large goods vehicle which has a gross vehicle weight in excess of 5,000kg (5 tonnes) from parking anywhere within 7 districts and boroughs, likely to be most impacted by the traffic management plans. The areas included are Ashford, Canterbury, Dover, Folkestone & Hythe, Maidstone, Swale and Thanet. The restriction covers all the areas within these districts and boroughs with the exception of lay-bys located along the A249, A299 and A256. Also exempted from enforcement are drivers who take their short statutory break (45 minutes), anywhere within the zone, in safe roadside locations.

1.3 The intent of this scheme has 2 primary objectives:

- Support the EU-Exit post transition period traffic management plans.
- Protect our residents and businesses by ensuring HGVs do not park in unsuitable locations and therefore, avoid some of the negative impacts these can cause, for example, noise, pollution, litter and anti-social behaviour.

1.4 The Parliamentary under Secretary of State for Transport has permitted first time clamping of vehicles that contravene the restriction and a £150 clamp release fee, in addition to a Penalty Charge Notice (PCN), for a period of 6 months from 1<sup>st</sup> January 2021. This permission is specific to the County Council, in the 7 named districts and boroughs. KCC appointed an agent, to carry out enforcement of this restriction, with resource providing 24 hour a day, 7 day a week coverage.

1.5 Hundreds of signs have been deployed around the 7 named districts and boroughs to define the zonal parking restriction, using entry and exit signage to inform drivers when they are entering and leaving the areas to which the restriction applies. Where HGV 'no parking' signs are in place for existing restrictions, these have been greyed out and a small repeater sign placed next to existing sign to ensure it is clear to the driver that they are in a restricted zone.

## 2. Enforcement Update

2.1 Whilst the restriction came into force early January, KCC's enforcement agent carried out a period of "soft enforcement" by speaking to drivers and handing out over 500 multi-language warning leaflets. Enforcement by the application of a PCN and Clamp commenced 11<sup>th</sup> January 2021.

2.2 The advert for the Experimental Traffic Regulation Order was placed on 25 December 2020. As this is an Experimental Traffic Regulation Order (ETRO), the consultation period lasts for a period of 6 months whilst the restriction is in force. The consultation for the ETRO is live on KCC's consultation webpage, with a closing date for comments of 3<sup>rd</sup> July 2021. Engagement also took place with Road Haulage Association and Logistics UK in December 2020, prior to the ETRO coming into force in January 2021.

2.3 147 responses to the Traffic Regulation Order consultation have been received to date and are summarised as follows:

Support	77	52.38%
Object	70	47.62%

2.4 Most of the responses have included comments, by both those supporting the proposal and objecting to it. These will continue to be reviewed as part of the on-going consultation process.

2.5 For the first 6 weeks of the scheme (11<sup>th</sup> January – 21<sup>st</sup> February 2021), KCC have issued a total of 1098 PCNs and clamps, with weekly distribution as follows:

Week Ending	No of clamps issued in week	Running total
17 <sup>th</sup> January	162	162
24 <sup>th</sup> January	186	348
31 <sup>st</sup> January	172	520
7 <sup>th</sup> February	172	692
14 <sup>th</sup> February	218	910
21 <sup>st</sup> February	188	1098

2.6 In addition to above, Ashford Borough Council continued with their existing clamping enforcement operation between 11<sup>th</sup> and 20<sup>th</sup> January 2021 and issued a total of 66 PCN and clamps during this time.

2.7 Of the total PCN and clamps issued by KCC to date, the majority have been along the M20 corridor from Maidstone towards Eurotunnel and the Port of Dover. Dover (31%), Ashford (30%), Maidstone (17%) and Folkestone & Hythe (13%) account for over 90% of the total volume of clamps issued. Canterbury (7%), Thanet (2%) and Swale (less than 1%) account for the remaining clamps.

2.8 Of the total PCN and clamps issued by KCC to date, 17% have been applied to UK registered vehicles found in contravention of the parking restriction with 83% made up of EU and International registered vehicles. Bulgarian, Romanian, Latvian, Polish and Spanish registered vehicles account of 50% of those EU/International registered vehicles.

2.9 Of the total PCN and clamps issued by KCC to date, the following table clearly shows the majority of clamps have been issued overnight:

Hours of Operation	% clamps applied
0600 – 1400	6%
1400 – 2200	26%
2200 – 0600	68%

2.10 During the first 6 weeks of the scheme, 70 appeals have been made to KCC against penalty charge notices issued to HGVs in contravention. These appeals have been processed with 55 rejected (79%), whilst 15 have been cancelled (21%).

2.11 With enforcement data collected over the 6 week period, there is currently not enough information to identify trends, especially, as up until early February, HGV cross-channel traffic levels were far below levels recorded in 2020. However, it is clear that contraventions of the restriction occur greater mid-week than they do at weekends. For example, the busiest day of the week are Thursdays with an average 38 clamps issued, compared to the quietest day of the week, Sundays, with an average 14 clamps issued. Also, the level of repeat contraventions by the same registered vehicle is very low (less than 1%).

### **3. Financial Implications**

As part of operating the HGV Clamping Scheme, the County Council are permitted to use the revenue collected from the Penalty Charge Notice and clamp release fee to offset the operational costs of running the scheme. The current financial forecast for the operation of the clamping scheme for the 6 month period, will be at a net cost of between £200-300k.

### **4. Conclusion**

The HGV Clamping scheme has been a successful operational tool over the initial 6 week period in supporting the EU Exit post transition traffic management plans, as well as protecting our local communities, and will continue to operate until 30<sup>th</sup> June 2021. The success of the scheme so far is demonstrated by the low level of repeat contraventions of the parking restriction.

### **5. Recommendation**

The Cabinet Committee is asked to note the update on the operation of the Kent County Council HGV enforcement operation.

### **6. Contact Details**

#### **Report Author**

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#### **Relevant Director**

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**From:** Michael Payne, Cabinet Member for Highways and Transport  
Barbara Cooper, Corporate Director for Growth, Environment and Transport

**To:** Environment and Transport Cabinet Committee

**Subject:** Department for Transport (DfT) Consultation: Night Flight Restrictions

**Classification:** Unrestricted

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

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

**Electoral Divisions:** All

**Summary:**

On the 2<sup>nd</sup> of December 2020, the Department for Transport (DfT) launched a consultation on the night flight restrictions at Heathrow, Gatwick and Stansted airports between 2022 and 2024, plus future night flight policy. Kent County Council's (KCC) response focuses on Gatwick Airport only and is based on the *Policy on Gatwick Airport*, adopted by Cabinet in December 2014.

The DfT consultation seeks views on their proposal to maintain the existing night flight regime at designated airports (Heathrow, Gatwick and Stansted) for a further two years, from October 2022 to October 2024, and placing an operational ban on QC4 rated aircraft movements (for example a Boeing 747-400 on departure). The consultation also seeks early views on policy options for the government's future night flight policy at the designated airports beyond 2024, and nationally.

KCC's response makes the case for a reduction in the number of night flights allowed at Gatwick in accordance with our *Policy on Gatwick Airport*. The current number of permitted night flights is unacceptable and the DfT should reduce the night movement limit at Gatwick to at least a level that is comparable with Heathrow.

**Recommendation:**

Members are asked to consider and make recommendations to the Cabinet Member for Highways and Transport on the draft KCC response to the DfT Night Flight Restrictions Consultation.

## **1. Background**

1.1 The Department for Transport (DfT) has recently consulted on Stage 1 of a two-stage consultation process which seeks views on the night flight regime at the designated airports (Heathrow, Gatwick and Stansted) beyond 2022, and night flights in the national context.

1.1.1. Stage 1 of this consultation has two purposes. Firstly, the Department for Transport is formally consulting on their proposal to maintain the existing night flight restrictions for the designated airports from 2022 to 2024, and to ban QC4 rated aircraft movements during the night quota period (23:30 to 06:00). Responses to this section of the consultation will allow the DfT to make a final policy decision in summer 2021 on the regime for the designated airport beyond 2022.

1.1.2. Stage 2 of the consultation involves seeking early views and evidence on policy options for the government's future night flight policy at the designated airports beyond 2024, and nationally. This includes whether the Department for Transport should amend the national noise policy to include specific policy for night noise, revising their night flight dispensation guidance, whether they should set criteria for airport designation, and what any future night flight regime at the designated airports should look like. The Department for Transport would aim to publish stage 2 of this consultation in 2022 which will set out firm proposals for the designated airports beyond 2024.

1.2. Stage 1 of the consultation was open from 2nd December 2020 until 3rd March 2021; however, the Department for Transport agreed to give Kent County Council (KCC) an extension until 24<sup>th</sup> March so that the response could be considered by this Committee and recommendations made to the Cabinet Member before submission to the Department for Transport.

1.3. This report provides a summary of the Department for Transport's night flight restriction proposals in Sections 2 and 3, and summarises the draft (KCC response in Section 4 which is attached in full as Appendix A.

## **2. The current regime**

2.1. The night period in which restrictions apply is 23:00 to 07:00, being subdivided into the shoulder periods of 23:00 to 23:30 and 06:00 to 07:00 and the "night quota period" defined as 23:30 to 06:00.

2.2. All aircraft arriving and departing during the night period (23:00 to 07:00) are classified into one of seven bands based on how noisy they are ("Quota Count (QC) Classifications" – QC/16 (the noisiest), 8, 4, 2, 1, 0.5 and 0.25 (the quietest)) or as 'exempt' (QC/0).

2.3. During the night quota period (23:30 to 06:00) flights are restricted by two measures:

- 1) the total number of aircraft movements and;
- 2) amount of noise emitted (the cumulative quota count of all aircraft movements, i.e. a noise quota)

In addition, during the whole night period (23:00 to 07:00) the noisiest aircraft (QC/16 and 8) are banned entirely and in the night quota period (23:30 to 06:00) QC/4 aircraft cannot be scheduled, but can fly if they are delayed.

- 2.4 The existing movement and noise quota limits that are in place at the designated airports and the actual usage (in 2019) for Heathrow and Gatwick is set out below (note: due to the COVID-19 pandemic, the equivalent usage figures for 2020 would be significantly lower. For this reason and due to the timing of the consultation (December 2020 to March 2021) these have not been included by the Department for Transport):

		Movement limit	Actual usage (2019)	Proportion (%)	Noise quota limit	Actual usage (2019)	Proportion (%)
Heathrow	Winter	2,550	2,524	99%	2,415	2,076.00	86%
	Summer	3,250	2,766	85%	2,735	2,122.75	78%
Gatwick	Winter	3,250	1,783	55%	1,785	822	46%
	Summer	11,200	10,796	96%	5,150	3,992	78%
Stansted	Winter	5,600	-	-	3,310	-	-
	Summer	8,100	-	-	4,650	-	-

\*actual usage data for Stansted Airport is not currently accessible.

### 3. Summary of the Department for Transport's Night Flight Restrictions Consultation

- 3.1 The Department for Transport currently set night-time operating restrictions at Heathrow, Gatwick and Stansted as these airports are designated for the purposes of noise regulation under the Civil Aviation Act 1982. The Department for Transport last consulted on these controls in February 2017. The decision, which was published in July 2017, put in place the current regime covering the period from October 2017 to October 2022.
- 3.2. The Department for Transport is now seeking views on their proposal to maintain the existing regime at designated airports for two years, from October 2022 to October 2024, and placing an operational ban on QC4 rated aircraft movements. This would mean that the limits in place at Heathrow, Gatwick, and Stansted airports would remain unchanged between October 2022 and October 2024. Alongside this, the Department for Transport propose to take advantage of the withdrawal of QC4 rated aircraft (for example a Boeing 747-

400 on departure) from most scheduled services as a result of COVID-19, by proposing to ban such aircraft movements between 23:30 and 06:00. The Department for Transport believes the impacts to the industry of this ban will be minimal, but it will have a benefit to communities that are overflowed by ensuring these noisiest aircraft movements are prevented from operating in the night quota period in future.

- 3.3. The Department for Transport believe that maintaining the existing restrictions for an interim period will provide time for complete consideration of the longer-term options for managing aviation noise at night at the designated airports. It will also provide time for the impacts of the pandemic on the aviation industry to be better understood and for evidence to emerge that can support longer-term policy changes.
- 3.4. The consultation also asks for early views on the government's night flights dispensation policy, which allows airport operators and the Secretary of State for Transport to disregard movements from the existing restrictions in certain circumstances.
- 3.5. Views are also being sought on the potential options for a future regime in the longer term. This includes but is not limited to the structure of the government's night noise quota count system, the length of the future regime, and future movement and noise quota allowances.
- 3.6. The Department for Transport is also seeking views on the health impacts of aviation noise at night and the economic value of night flights, as well as on the advantages or disadvantages of the emergence that new technology will have in the future in relation to night noise from aircraft. Views on whether the government's aviation noise objective should include a night noise specific element are also sought.
- 3.7. Furthermore, the consultation also asks for views on whether the government should set criteria for airport designation. Airport designation allows for the Secretary of State for Transport (SofS) to publish notices for the purpose of limiting or mitigating the effect of noise and vibration connected with the taking off or landing of aircraft at the aerodrome. This could, for example, allow the Secretary of State to set operating restrictions at airports other than Heathrow, Gatwick, and Stansted. This could also allow for the Secretary of State to de-designate airports that are currently designated, with decisions on noise controls instead being made by the airport operators.

#### **4. Summary of the Draft Kent County Council (KCC) Response**

- 4.1 The full draft response is provided as Appendix A.
- 4.2. The consultation response has been formulated in line with the adopted *Policy on Gatwick Airport* (Cabinet, December 2014, also appended).
- 4.3. The consultation response disagrees with the proposal to maintain the existing general objective to reduce the number of people significantly affected by aircraft noise. We strongly urge the Department for Transport to go further in



imposing greater restrictions on the number of night flights so that a true reduction is felt by the affected communities rather than a continuation of the intolerable situation at present (pre-pandemic).

- 4.4. Additionally, the response disagrees that the existing night flight restrictions should be maintained for a further two years from October 2022 to October 2024. Our response argues for a reduction in the number of night flights allowed at Gatwick in accordance with our *Policy on Gatwick Airport*, which states that the current number of permitted night flights is unacceptable and that the Department for Transport should reduce the night movement limit at Gatwick to at least a level that is comparable with Heathrow.
- 4.5. Furthermore, residents have recently benefitted from much quieter skies during the pandemic and therefore any return to previous levels will be more noticeable and the noise generated from night flights will be much more disturbing.
- 4.5. KCC agrees with the proposal to ban QC4 rated aircraft movements from operating between 23:30 and 06:00. However, we would ask the Department for Transport to go further and extend the ban to include the entire night time period (23:00 – 07:00).
- 4.6. Additionally, KCC's response states that the next night flight regime beyond 2024 should be set for a three year period to allow the aviation industry to fully recover from the COVID-19 pandemic and for work to be progressed on Heathrow's third runway and Gatwick's northern runway proposals.
- 4.7. The consultation response also outlines KCC's views on future national policy on night flight restrictions which includes that night flights should be limited by both quota count and movements; airports should not be allowed to carry over a proportion of unused noise quota and movement quota; and that the Department for Transport should utilise the unique opportunity that it currently has to adopt a more sustainable and fair approach to aviation throughout the COVID-19 recovery of the industry.
- 4.8. KCC's draft response urges the Department for Transport to consider the impact of aircraft emissions and include the decarbonisation of aircraft within its long term policies and objectives.

## 5. Conclusions

- 5.1. The Department for Transport is consulting on their proposal to maintain the existing night flight regime at designated airports (Heathrow, Gatwick, and Stansted) for a further two years, from October 2022 to October 2024, and placing an operational ban on QC4 rated aircraft movements (for example a Boeing 747-400 on departure). The consultation also seeks early views on policy options for the government's future night flight policy at the designated airports beyond 2024, and nationally.
- 5.2. KCC's proposed response makes the case for a reduction in the number of night flights allowed at Gatwick in accordance with our *Policy on Gatwick Airport*. The current number of permitted night flights is unacceptable and the

Department for Transport should reduce the night movement limit at Gatwick to at least a level that is comparable with Heathrow.

## **6. Financial Implications**

6.1 There are no financial implications to KCC in responding to this consultation.

## **7. Legal Implications**

7.1 There are no legal implications to KCC in responding to this consultation.

## **8. Equalities Implications**

8.1 There is no Equality Impact Assessment (EqIA) provided by the Government as part of this consultation. However, an EqIA was produced by Government when they consulted on the current regime for 2017 – 2022.

8.2. An Equalities Impact Assessment was completed for the KCC *Policy on Gatwick Airport*.

## **9. General Data Protection Regulations (GDPR) Considerations**

9.1 A Data Protection Impact Assessment is not required as this consultation response does not require the processing of personal data.

## **10. Other Corporate Implications**

10.1 There are no other corporate implications to KCC in responding to this consultation. The draft response is in line with existing policy such as KCC's *Policy on Gatwick Airport and Local Transport Plan 4*.

## **11. Governance**

11.1 The consultation response will be submitted by the Cabinet Member for Highways and Transport.

## **12. Recommendation:**

12.1 Members are asked to consider and make recommendations to the Cabinet Member for Highways and Transport on the draft KCC response to the DfT Night Flight Restrictions Consultation.

## **13. Background Documents**

- Department for Transport Night Flight Restrictions Consultation Document: <https://www.gov.uk/government/consultations/night-flight-restrictions-at-heathrow-gatwick-and-stansted-airports-between-2022-and-2024-plus-future-night-flight-policy/night-flight-restrictions#about-this-consultation>
- Appendix A: Draft KCC Officer Response to DfT Night Flight Restrictions Consultation

- KCC Policy on Gatwick Airport:  
<https://democracy.kent.gov.uk/documents/s49937/1400145%20Policy%20on%20Gatwick%20Airport.pdf>

#### 14. Contact details

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Sessions House  
County Hall  
Maidstone  
ME14 1XQ

24<sup>th</sup> March 2021

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Dear Sir/Madam,

**Department for Transport Consultation: Night Flight Restrictions**

This is Kent County Council's (KCC) response to the consultation by the Department for Transport (DfT) on proposals for the continuation of existing night flight restrictions at Heathrow, Gatwick and Stansted airports between 2022 and 2024, plus future night flight policy. This response has been discussed by Members of KCC's Environment and Transport Cabinet Committee on 18th March 2021. We appreciate that the Department has allowed us additional time to respond given how important aviation noise issues are in Kent.

KCC has 81 elected Members representing approximately 1.6 million residents in Kent, and has substantial experience with aviation issues affecting our communities. In this regard, KCC regularly attends the Gatwick Airport Consultative Committee (GATCOM), and also responds to consultations from London Gatwick, London Heathrow, London City, London Southend and Manston Airport, as well as the Civil Aviation Authority.

KCC fully recognises the role the aviation industry plays in the local, regional and national economies, and the positives airports bring in terms of employment and vital transport connections for both business and leisure purposes. I would encourage DfT to work with the aviation industry to use every opportunity the recovery from the pandemic presents to adopt a more sustainable approach to aviation.

As per our response to the 2017 night flights consultation, **if a complete ban on night flights was to be introduced at Heathrow as part of their third runway proposals then** I see no reason why a ban on night flights should not be applied to all London airports so that all are treated equally, and so that communities across the South East can benefit from future additional capacity.

The consultation questions are set out and answered below with a focus on Gatwick as this airport has the greatest noise impact on Kent's residents. We have also chosen to respond to those questions most relevant to us as a local authority.

Yours faithfully,

Michael Payne  
Cabinet Member for Highways and Transport  
Kent County Council

## Consultation Document Questions

The 'About You' questions (Q1-6) are answered within the attached covering letter.

**Q7. Do you agree with our October 2022 to 2024 night noise objective for the designated airports?**

**No**

Provide evidence to support your view.

It is understood that for the purpose of the October 2022 to October 2024 regime, the Department for Transport (DfT) intends on maintaining the existing night noise objective. As per our response to the 2017 night flights consultation, the objective to “*encourage the use of quieter aircraft to limit or reduce the number of people significantly affected by aircraft noise at night, while maintaining the existing benefits of night flights*” only targets the average noise levels from incidents, and not the frequency of individual incidents. Research shows that noise events leading to sleep disturbance causes health issues such as fatigue in adults and can affect children’s educational attainment. Whilst we support the aim to encourage the use of quieter aircraft, we would also argue most strongly that there should be greater restrictions on the number of night flights.

**Q8. Do you agree with how our October 2022 to 2024 draft noise objective for the designated airports will be measured?**

**No**

Provide evidence to support your view.

We welcome the use of the 48dB LAeq 6.5hr night contour instead of 55dB as this recognises the impact of noise on sleep disturbance and health at a level below which was previously considered detrimental.

However, it is vital that the Department for Transport recognises that measuring noise contours only assesses the average impact, which disguises the true variance of noise from Gatwick Airport. It only takes one event to disturb someone’s sleep. Consideration should be given to this fact when maintaining the existing regime and setting new ones in the future.

**Q9. Do you agree that we should maintain the existing restrictions for two years from October 2022 to October 2024?**

**No**

Provide evidence to support your view.

KCC’s *Policy on Gatwick Airport* strongly opposes the current movement limits. In the summer months Heathrow is permitted 3,250 movements whereas Gatwick is permitted 11,200. In other words, more than three times as many. Whilst we accept that the reasons for this are due to the different operating models of the airport and the needs of low cost carriers to have late night arrivals, it is still unreasonable to expect the communities surrounding Gatwick to have an unfair burden from night flights compared to the remainder of the London airports system. This is particularly true in West Kent where the disadvantages of the proximity of the airport are felt but the direct economic benefits are unproven when compared to other local authority areas closer to the airport.

We note that the inclusion of QC/0 aircraft in the movement limit has achieved in effect a small reduction in the total allowance (in summer 2016 there were 53 movements by exempt

aircraft) but also that the number of people affected by night noise (pre-pandemic) has in fact increased since the last regime. Residents have more recently (during COVID) been able to benefit from quieter skies and returning to pre-pandemic levels of night flights will have a significant impact on local communities. **Where it is not feasible to ban night flights except for emergencies,** there is at least a strong case for lowering the movement limit and our policy states that numbers of night flights at Gatwick should be at least a level that is comparable with Heathrow. We believe that the ability to carry over unused movements between seasons should also be removed.

**Q12. Do you agree we should ban QC4 rated aircraft movements from operating at the designated airports between 23:30 and 06:00 from October 2022?**

**Yes**

**Q13. Provide evidence to support your view.**

KCC strongly agrees with the proposal to ban QC/4 aircraft from the night period entirely, as is currently the case for QC/8 and QC/16 aircraft. Although at Gatwick there have been very few QC/4 aircraft used in recent years, those that are used generate a lot of unrest in the communities affected. In line with this approach, consideration should be given to a scheduling ban on QC/2 aircraft during the night quota period. These measures would encourage the use of quieter aircraft.

The impact of one noisy aircraft at night can have knock-on effects on sleep disruption and deprivation, even if subsequent aircraft movements are made by quieter aircraft. Therefore, the noisiest aircraft should be banned, and the ban extended to include the entire night time period (23:00 – 07:00) and not just the night time quota period (23:30 – 06:00). This is so that people are not prevented from getting to sleep in the 'shoulder' period between 23:00 and 23:30, or awoken early between 06:00 and 07:00.

**Q30. Supply any further views of evidence on the guidance allowing airport operators to grant dispensations you may have?**

Given the disturbance that dispensation flights cause to local communities during the night period, it is imperative that allowances are made only in the case of emergencies and that the government, airports and airlines do everything within their power to reduce the number of avoidable night flight dispensations.

**Q32. What length should the night flight regime beyond 2024 be?**

**3 years**

Provide evidence to support your view

We consider it appropriate to set the next night flight regime to cover a three year period beyond 2024. At this point it will be possible to determine whether or when the aviation industry has fully recovered from the impacts of COVID-19. Work towards Heathrow's third runway and Gatwick's northern runway proposals would also by then have been substantially progressed.

Furthermore, in the future if the Development Consent Order for Heathrow's third runway is approved, then the proposed ban on night flights at Heathrow will put additional pressure on Gatwick and other London airports to accommodate those that can no longer use Heathrow. Therefore, it is important the next night flight regime does not allow for the impact of a

proposed ban on night flights at Heathrow to have an adverse effect on other designated airports.

**34. Do you think that QC is the best system for limiting noise at the designated airports?**

**Yes**

Provide evidence to support your view.

KCC agrees that the Quota Count (QC) system is currently the most appropriate way to manage night noise at the designated airports. The system also encourages airlines to introduce quieter and more technological advanced aircraft into their fleet. However, the QC system must regularly be reviewed to ensure it remains the most appropriate system for limiting noise and incentivise airlines to utilise the quietest aircraft within their fleet for the night period.

**Q56. Should we remove the movement limit and manage night flights through a QC limit only?**

**No**

**Q57. Provide evidence to support your view.**

Even the quietest aircraft, including those that are exempt from the QC limit, will still disturb people so it is sensible to capture them within the movement limit.

With regards to Gatwick Airport, airlines have seen the roll out of new aircraft (such as the Airbus A320neo) that are quieter than the current QC/0.25 category. If these were to be exempt from the movement limits as well as the noise quota limit then theoretically they could operate throughout the night period without restriction. Counting them towards the movement limit but not the noise quota (in combination with lowering the noise quota limit) will incentivise the use of quieter aircraft but not increase the overall number of flights in the night period beyond what is currently permissible. This will improve transparency for communities affected.

Further consideration should be given to other new categories as research and technology improve, and we would argue that the movement limit at Gatwick Airport should be substantially lower than current restrictions.

**Q64. What changes, if any, would you like to see to the carry-over process and how would this impact you?**

KCC believes that the ability to carry over a proportion of unused noise quota and movement quota should be removed in the next regime. The current system results in uncertainty for communities and, because of the seasonality at Gatwick, effectively amounts to a higher summer limit.

**Q65. How fair a balance between health and economic objectives do you think our current night flight approach is?**

**Unfair**

Provide evidence to support your view



KCC recognises the economic arguments for allowing limited night flights, particularly long haul flights from emerging economies, which bring economic benefits to the UK.

However, KCC does not agree that the existing movement and noise quota limits should be maintained, but rather that night movements and noise quota limits at Gatwick should be reduced in order to give residents under the flight paths, who are over-flown all day long as well as at night, are at the very least, allowed a decent night's sleep.

Gatwick's business aspirations are to compete with Heathrow, therefore it is only fair that it should be subjected to the same night flight restrictions. This is particularly important in West Kent where the disadvantages of the proximity of the airport are felt but limited direct economic benefits are experienced.

**Q66. What are your views on the health impacts of aviation noise at night, including potential impacts on different groups in society (provide evidence to support your view)?**

There is continually emerging evidence on the impacts of aviation noise that strongly demonstrates the real health costs felt by individuals, including evidence that people are becoming more sensitive to noise than they have been before. Additionally, research is now being carried out on areas of air quality that have previously had limited research in an aviation context, such as ultrafine particulate matter. Ultimately the financial burden of health impacts due to the aviation sector are picked up by the Public Health England (PHE) and National Health Service (NHS), and there are additional economic costs in terms of reduced productivity. However, unsustainable growth in the industry including more intensive use of the existing runways will lead to more intensive noise impacts. KCC cannot support growth at all costs and would therefore encourage a review to be undertaken following new evidence on health impacts for local communities affected by airport operations.

**Q67. What are your views on the economic value of night flights, including the potential value on different businesses and aviation sectors (provide evidence to support your view)?**

KCC fully recognises the vital economic role the UK aviation sector plays, however, the Council is keen to ensure both recovery of the sector and future growth are sustainably managed. It is imperative that the aviation industry uses the COVID-19 pandemic to rebuild itself in a sustainable way and maximise the opportunities it presents to adopt technological advances and reduce aircraft noise.

**Q68. What are your views on changes to aircraft noise at night as a result of the COVID-19 pandemic (provide evidence to support your view)?**

The COVID-19 pandemic has presented residents with a prolonged period of respite from aircraft movements, in particular those within the night period. Therefore, a return to pre-pandemic levels of night flights will be more recognisable and have a significant impact on local communities both in terms of increased noise and associated health impacts. Kent County Council would strongly encourage the DfT to utilise the unique opportunity that it currently has to adopt a more sustainable and fair approach to aviation throughout the recovery of the industry.

**Q69. In your opinion, what are the advantages or disadvantages that the emergence of new technology will have in relation to night noise from aircraft within the next 10 years (provide evidence to support your view)?**

Emerging and future technological advances will enable quieter aircraft and the design of more fuel-efficient routes, faster climbs, quieter descents, and accurate navigation around populated areas; however, in some areas such as the South East the adverse impact will remain significant.

Satellite-based routes can be much more precisely flown, but this can lead to a concentration of noise. KCC is aware that this has been well-received at airports in more rural locations where routes that affect very few people can be successfully flown. However, in the South East there is a conflict between population centres and the tranquillity of our rural and protected landscapes, such as Areas of Outstanding Natural Beauty, where ambient noise levels are low and therefore aircraft noise is more noticeable than in urban areas.

Despite the emergence of new technologies which will assist in the reduction of aircraft noise, it is imperative the DfT also limit the number of aircraft movements or impose a complete ban on night flights at designated airports. Even the quietest aircraft with the most enhanced capabilities will emit noise and will still be heard, especially in the night period when background noise tends to be quieter. Affected communities deserve a period of decent respite at night and relying upon the emergence of new technologies to mitigate the impact of night flights will not be enough.

Future night flight restrictions should also consider the impact of aircraft emissions and KCC would strongly urge to Department for Transport to include the decarbonisation of aircraft within its long term policies and objectives.

**Q70. Should we include a reference to night noise when we publish a revised aviation noise objective?**

**Yes**

**Q71. What factors relating to night noise should we include if we do introduce a night noise reference in our revised aviation noise objective?**

The aviation noise objective should not only target the average night noise levels but also the frequency of individual incidents. Research shows that noise events leading to sleep disturbance causes health issues such as cardiovascular disease and fatigue in adults. Levels of productivity in adults and children's educational attainment are also proven to be negatively affected. Whilst we would support an objective to encourage the use of quieter aircraft, we would also argue most strongly that there should be greater restrictions on the number of night flights.

It is vital that the Department for Transport recognises that measuring noise contours only assesses the average impact, which disguises the true variance of noise from Gatwick Airport. It only takes one event to disturb someone's sleep. Consideration should be given to this fact when setting a new regime.

As research into noise is furthered then the night flight restrictions should be reviewed, for example taking into account contours of annoyance or effects on educational attainment. Further research is particularly needed into the effect of individual noise events.

**Q72. Should the government set criteria for airport designation?**

**Yes**

**Q73. What do you think are the:**

Advantages to the government setting criteria for airport designation?

Setting a criteria for airport designation would ensure that all airports are treated fairly in terms of night flight restrictions. Currently it remains unfair that Gatwick is not required to observe the same level of night flight restrictions as Heathrow, and if there was a set criteria for an airport to meet then this would ensure all communities are treated fairly.

**Q74. What factors, if any, do you think we should consider when setting criteria for designation?**

When considering airport designation the most important factor for consideration is the size of airport and the total number of aircraft movements. Furthermore, the type of aircraft flown at the airport should also be considered within the criteria. For example, an airport may have fewer overall movements but those movements may be from larger and noisier aircraft.

Any airport criteria would also need to provide some flexibility to ensure it is not so rigid that some airports are allowed to have more lenient restrictions due to its operating model or geographical location. For example, stricter night flight restrictions are imposed at Heathrow Airport due to the dense urban population which surrounds the airport, whereas Gatwick Airport currently does not have the same level of restrictions due to it being deemed to be in a more rural location. However, aircraft from Gatwick fly over a range of urban and rural areas. Additionally, the impact of noise events on those residents in rural locations will be more intense due to the tranquil nature of the surrounding area.

**Q75. How should any criteria for designation be agreed?**

Any criteria for the designation of an airport should always involve agreement from all appropriate bodies including local authorities to ensure where appropriate, the criteria best suits the needs of each individual airport and the local communities that will be and/or are already affected.

**Q76. What impact, if any, do you think the designation of an airport have on:**

Local communities:

The designation of an airport should ensure the impact of night flights are appropriately monitored and mitigated to prevent local communities from being adversely affected. The designation should ensure the correct level of restrictions are in place to ensure a decent level of respite for residents across the night period and airports are held accountable for when these restrictions are not adhered to.

**Q77. What impact, if any, do you think the de-designation of an already designated airport (Heathrow, Gatwick, Stansted) will have on:**

Local communities:

The de-designation of an already designated airport such as Gatwick would have a disastrous impact on local communities. Existing night flight restrictions at the airport are already unsatisfactory for those residents living under or adjacent to the flight paths and de-designating the airport would remove any controls of mitigating the effects of noise and ensuring local communities receive some element of respite during the night period.

**Q78. Any other comments?**

No other comments.

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**From:** Michael Payne Cabinet Member, Highways and Transport  
Simon Jones, Director of Highways, Transportation & Waste

**To:** Environment & Transport Cabinet Committee Meeting – 18<sup>th</sup> March 2021

**Subject:** Shared Outcomes Fund – Trees Outside Woodland – Progress Update

**Key decision:** No

**Classification:** Unrestricted

**Electoral Division:** All

**Summary:** This report provides an update on the Council's participation in the Defra Shared Outcomes Fund – Trees Outside Woodland project and describes the future workstreams and deliverables up to the end of the project's lifetime (31<sup>st</sup> March 2023).

**Recommendation(s):**

The Cabinet Committee is asked to endorse or make recommendations to the Cabinet Member for Highways and Transport on project approach and deliverables the County Council will undertake as part of the Shared Outcomes Fund – Trees Outside of Woodland project.

## 1. Background

- 1.1 The Trees Outside Woodlands (TOW) project, led by Defra, Natural England, and the Tree Council, is a £2.52 million investment over the next two and a half years with up to £500k being allocated to Kent County Council. It is aimed at supporting schemes that establish new ways of expanding tree cover in our cities, towns, and countryside. These new trees should seek to maximise benefits for local quality of life, mitigate climate change impacts and create habitats for wildlife. The project, running from October 2020 to March 2023, is part of HM Treasury's broader £200 million Shared Outcomes Fund package. KCC was instrumental in framing the successful funding bid, through its active participation in the national Defra Ash Dieback Health and Safety Task Group.
- 1.2 The project will use pilot studies delivered on the ground by participating Local Authorities to develop cost-effective and innovative approaches to planting trees outside woodlands and will seek to increase the supply of locally grown, bio-secure tree stock through a series of innovative studies.
- 1.3 Tree planting outside of woodlands is often complex and expensive in its execution, urban environments pose many challenges to establishing trees and the costs of implementation are high. There has been an associated decline in

TOWs because of this which the Shared Outcome Funds seeks to address to deliver on an increasingly high-profile, national policy issue.

- 1.4 There is a clear need to promote large-scale expansion of tree cover outside of woodlands if optimal benefits for the global environment and local communities are to be realised. Simultaneously, strengthening local availability and biosecurity of tree stock is vital, if tree planting ambitions are to be achieved and the risk from importation of tree pests and pathogens, such as Ash Dieback are to be minimised. These, aspirations are driven both by government ambition and a commitment to ‘build back better’.
- 1.5 The Shared Outcomes Fund - TOW (Trees Outside Woodlands) is based on the following identified needs:
  - The cost [to government] of establishing and maintaining TOWs must be reduced.
  - Biosecurity outcomes for newly established TOWs must be improved, to reduce the risk of importing invasive tree pests and diseases.
- 1.6 It is intended that the findings of the various pilot studies will be used to inform long-term national policy, allowing a more strategic approach to increasing non-woodland tree cover to be taken across government. If the innovations being tested are successful, they can be rapidly applied to existing and future grant schemes and guidance.
- 1.7 The pilots will be jointly delivered by Defra, The Tree Council, Ministry of Housing, Communities and Local Government, Forestry Commission, Natural England, Highways England, Network Rail, Chichester District Council, Cornwall Council, Kent County Council, Norfolk County Council and Shropshire Council.

## 2. Kent County Council’s Participation

2.1 Kent County Council has been identified as the lead Local Authority to deliver the ‘**Urban Tree Establishment Funding**’ pilot study and the ‘**Alternative Management of Roadside Corridors**’ scoping study. KCC will also be supporting our project partners’ pilot studies for greater robustness, as shown in Table 1.

2.2 **Table 1: Activities Matrix for Pilot and Scoping Studies.** Dark green indicates the study lead, pale green indicates study support.

Pilot study:	Kent CC	Chichester DC	Cornwall Council	Norfolk CC	Shropshire Council	Natural England	Highways England
<b>Urban Tree Establishment</b>							
<b>Subsidised New Tree Scheme</b>							
Agroforestry/ Orchards							
Management of Hedgerow Trees							

<b>Boosting Community Tree Nurseries</b>							
Scoping study:							
<b>Alternative Management of Roadsides</b>							
Natural Regeneration Potential							
Minimising Perverse Outcomes from Net Gain							

2.3 The ‘**Urban Tree Establishment Funding**’ pilot scheme looks to establish novel ways to increase tree cover within the urban environment. This pilot will focus on three areas:

2.3.1 **Planned New Developments** – analysis of optimal tree planting approaches, including species, setting, configuration and maintenance through formulation of a Trees Outside Woodlands Design Guide.

2.3.2 **Major Retrofit Planting** – investigating solutions to improve hard landscaping, utility routing and tree pit design in the same space.

2.3.3 **Small-scale Planting** - identifying land for tree planting to enable delivery of optimal benefits for people, wildlife, biosecurity, and ecosystem services.

2.4 The ‘**Alternative Management of Roadside Corridors**’ scoping study looks to investigate whether natural regeneration, seed sowing and other techniques can be used to establish or improve tree populations on land adjacent to the highway. This pilot will focus on four areas:

2.4.1 **Linking Existing Woods Using Opportunities Afforded by Transport** - investigating the expansion and linkage of existing tree cover using the linear corridors afforded by HS1, the M2, M20, M25, M26 and other major trunk roads.

2.4.2 **Improved Management Techniques** - researching optimal maintenance interventions and the most effective and robust strimmer guards, mulch mats or fencing and methods to reduce avoidable damage.

2.4.3 **Sylvan Transport Corridors** - investigating policy and provision of funding support towards landowners who have roads bisecting their land for new and expanded linear tree cover.

2.4.4 **Green Bridges** - investigating the costs and implementation of green bridges as a component of major highway infrastructure retrofits, new projects, and the wider planning process.

- 2.5 Kent County Council will provide support to Chichester District Council as part of the '**Subsidised New Tree Scheme**' pilot. This will involve working with the Kent Countryside Partnership Network to provide advice only (Year 1), subsidised trees (Year 2) and free trees (Year 3), to third parties within Kent, funded through SOF. This project will follow the 'right tree, right place', approach, by supplying locally appropriate and/or rare bio-secure native species for planting in specific locations, with the purpose of restoring biodiversity and reconnecting the landscape.
- 2.6 Kent County Council will also provide support to Norfolk County Council as part of the '**Boosting Community Tree Nurseries**' pilot, which involves an investigation into the development of community nurseries to support provision of free trees schemes, in collaboration with the Prison Industries Team within the Ministry of Justice, as a part of their ongoing work on establishing tree nurseries and fostering associated skills, as a component of inmate rehabilitation in prisons.
- 2.7 Several experimental trial plots will therefore be delivered monitored, and assessed for the various workstreams, in collaboration with partners, to gather data on the various methodologies.
- 2.8 This project also provides the opportunity to begin the restoration of now rare and uncommon native tree species, including black poplar, alder buckthorn, juniper, box, wild service, and small-leaved lime which once made-up Kent's natural tree cover, to the landscape. Pollen cores and Neolithic charcoal deposits from archaeological excavations suggest that prior to wide-scale human modification of the landscape, from the late Neolithic around 4,000 BC, woodland cover in Kent was much more diverse in terms of species composition than is the case today. This data will inform species selection for any trial planting sites.

### 3. Progress to Date

- 3.1 A dedicated project officer was in place in time for the project's initiation on 1<sup>st</sup> October 2020, working within the Highway Soft Landscapes Team, and a Local Officer Task Group established, comprising KCC Highways, Resilience and Emergency Planning Service and Portfolio Management Office.

#### 3.2 Urban Tree Establishment -

3.2.1 **Small-scale Planting:** KCC are ideally placed to plant a number of experimental native woodlands across the county to boost urban tree cover. Site selection has focused on areas of the county with low tree cover and/or exhibiting multiple indices of deprivation. The experiment design involves trialling a range of planting methodologies including: Miyawaki method (i.e., high density native planting), bio-secure natural regeneration, local provenance seeding and traditional tree planting plots (as controls), across different soil types and utilising a range of organic soil enhancing additives.

3.2.2 The rate of growth, cost-effectiveness, carbon sequestration abilities, biodiversity and additional wider benefits for each plot will be



monitored, in collaboration with Natural England, throughout the duration of the project, comparing each experimental plot with an adjacent control plot.

- 3.2.3 These various methodologies will be trialled at: Allington Open Space, Hudson's Quarry and Park Wood Recreation Ground in Maidstone, Willowmead Open Space in Leybourne and Seager Road open space and Festival Field in Sheerness, working in partnership with District partners.
- 3.2.4 Plots will be protected by chestnut spile fencing products, sourced from local coppice woodlands and biodegradable tree guards will be utilised where they are required.
- 3.2.5 A consultant from Wild Urban Spaces has been contracted to advise on the Miyawaki planting methodology.
- 3.2.6 Site preparation and planting commenced in February 2021 (see Appendix 1).
- 3.2.7 **Major Retrofit Planting:** Funding was provided through the Shared Outcomes Fund TOW budget for 34 trees to be planted in February 2021 in linear SuDS pits at George V Avenue, Margate as part of the Flood and Water Management 'Cool Towns' project (EU Interreg 2Seas). Data on temperature monitoring and flow control (undertaken by GreenBlue Urban) will be generated by this project.
- 3.2.8 Total number of trees planted in Year 1: **2,846** (2,814 in experimental urban planting plots + 32 for 'Cool Towns' project).

### 3.3 **Alternative Management of Roadside Corridors –**

- 3.3.1 The development of a large trial plot to test variations on the theme of natural regeneration (including bird-sown trees and scrub) and broadcast sowing has been agreed with Forestry England and TOW national project partners at Forestry England's new Pleasant Farm woodland site near Lenham (see Appendix 2).
- 3.3.2 This pilot project site area has now been agreed with Highways England, as an appropriate highway corridor suitable for accommodating planting trials, in line with relevant highway guidelines.
- 3.3.3 The tree cover development, tree height, density, diversity/richness, biodiversity, soil data and survivability of the plots will be monitored throughout the duration of the project, through quarterly and annual reporting on all data collected. This will contribute towards answering specific Defra/Natural England research questions.
- 3.3.4 Planting and seed sowing will commence in autumn/winter 2021.

## 4. Looking Forward

### 4.1 Urban Tree Establishment –

- 4.1.1 **Small-scale Planting:** An additional trial planting site at Sevington Border Facility is currently under discussion.
- 4.1.2 A Miyawaki-method Handbook will be developed, informed by learning from these small-scale urban planting trials.
- 4.1.3 **Planned New Developments:** Development of an Urban Tree Cover Design Guide for Kent is already underway.
- 4.1.4 Implementation monitoring and evaluation of Design Guide trial plots will inform this workstream.
- 4.1.5 **Major Retrofit Planting:** Analysis of utility provider behaviours, utility routing enforcement opportunities, funding streams from utility providers to restore tree cover and to produce a report of legislative recommendations to key stakeholders.

### 4.2 Alternative Management of Roadside Corridors –

- 4.2.1 Identify relevant locations within defined transport corridors as part of key scoping studies.
- 4.2.2 Expand on the existing work by A-one+ who identified potential green bridge sites on the Highways England network in Kent.

## 5. Financial Implications

All capital and revenue costs are fully financed through the Shared Outcome Fund.

## 6. Legal Implications

- 6.1 The legal implications of KCC's participation in the Shared Outcomes Fund – TOW project is addressed within a Memorandum of Agreement, which has been agreed with Defra and all other participating parties.

## 7. Policy Framework

- 7.1 The Council's involvement in the Shared Outcomes Fund - TOW project supports KCC's Strategic Vision through the Strategic Outcomes:
  - 'Kent communities feel the benefits of economic growth by being in-work, healthy and enjoying a good quality of life.'
  - 'Kent's physical and natural environment is protected, enhanced and enjoyed by residents and visitors.'
- 7.2 The project is in line with Corporate Strategic Outcome 4: A cleaner and greener Kent and supports the corporate commitment to plant 1.5 million trees within the county, as part of the wider strategy for the protection, restoration,

and creation of natural solutions to mitigate and adapt to climate change, support biodiversity, and promote multiple benefits.

## **8. Equalities Implications**

8.1 An equalities impact assessment for the overall project has been carried out by Defra, it states: *“This proposal has strong links to a number of government targets and national, local and departmental strategies tree planting, biodiversity, resilience of natural systems and human health and wellbeing, including the 25 Year Environment Plan. By providing the tools needed to enhance and accelerate the planting and establishment of TOWs, it will feed into efforts to improve the state of nature, mitigate, and adapt to climate change, and provide society with access to green spaces and the benefits that these bring.”* Therefore, no negative impacts have been found.

## **9. Other Corporate Implications**

9.1 The County Council’s involvement with the Shared Outcomes Fund – TOW project supports KCC’s tree health and biosecurity duties as outlined in the [KRF Animal and Plant Health Emergency Plan](#).

## **10. Conclusion**

10.1 The Shared Outcomes Fund – TOW project represents and opportunity for Kent County Council to support and influence tree planting strategies and policies at a national level.

10.2 Its overall ambition is to unlock new approaches to tree planting which will support and directly contribute to the UK’s and Kent’s ability to achieve its aspirations for increased tree cover in the years to come whilst improving our overall understanding of non-woodland trees.

10.3 Findings of these pilot studies will work towards improving the national approach to enhancing non-woodland tree stocks. Any successful approaches (such as those which can deliver greater tree cover for the same cost as current approaches) can be incorporated into current and future tree planting schemes, including Environmental Land Management and the Urban Tree Challenge Fund and could be rolled out across the country.

## **11. Recommendation:**

The Cabinet Committee is asked to endorse or make recommendations to the Cabinet Member for Highways and Transport on project approach and deliverables the County Council will undertake as part of the Shared Outcomes Fund – Trees Outside of Woodland project.

## **12. Background Documents**

- Appendices 1 & 2 – Site Plans and Photos

### 13. Contact Details

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**Relevant Director:**

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**Appendix 1. Urban Tree Establishment – Small-scale Planting Plans & Images**

1. Hudson’s Quarry, Tovil – Maidstone Borough Council



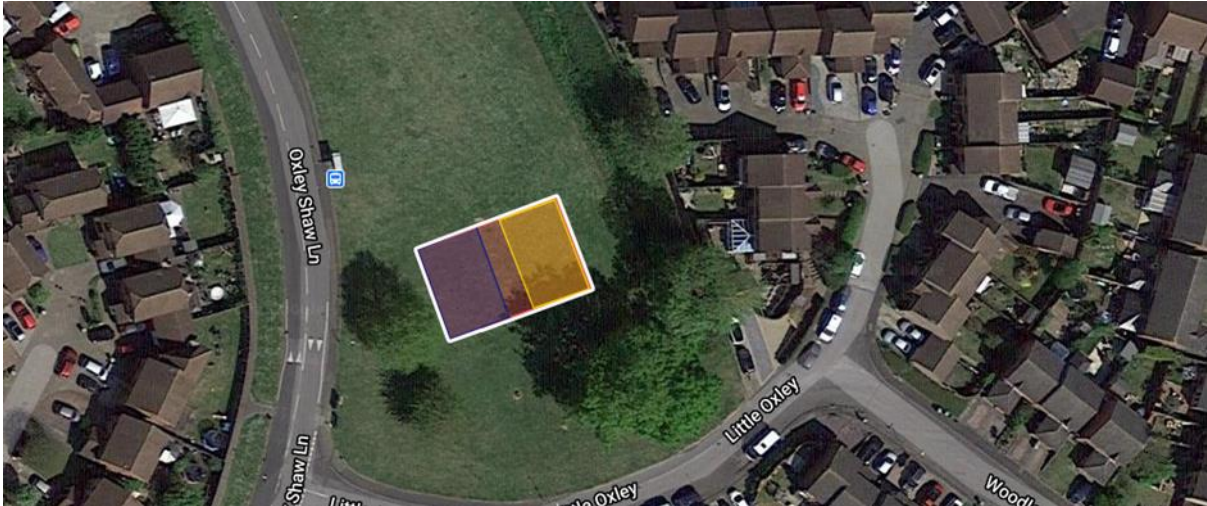
2. Allington Open Space - Maidstone Borough Council



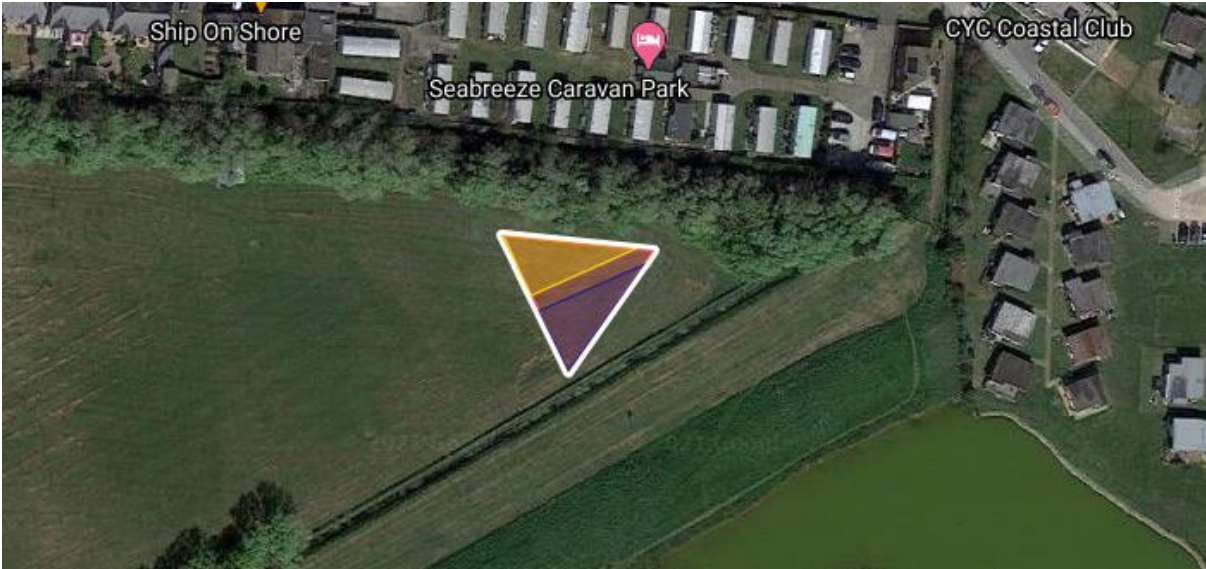
3. Park Wood Recreation Ground – Maidstone Borough Council



4. Willowmead Open Space, Leybourne – Tonbridge & Malling Borough Council



5. Seager Road, Sheerness – Swale Borough Council



6. Festival Field, Sheerness – Swale Borough Council



7. Soil preparation and tree planting at Park Wood for Miyawaki-style experimental plot



8. Soil preparation and planted trees with guards at Allington for natural regeneration and control plot



9. Tree planting at Willowmead Open Space, Leybourne

10. Tree planting at Festival Field, Sheerness



11. Tree planting at Seager Road Open Space, Sheerness



11. Tree planting with guards at Hudson's Quarry, Tovil





**Appendix 2. Alternative Management of Roadside Corridors – Pleasant Farm TOW Plot Site Plan**



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From: Michael Payne, Cabinet Member for Highways and Transport  
 Simon Jones, Director of Highways, Transportation and Waste

To: Environment and Transport Cabinet Committee – 18 March 2021

Subject: **Proposed Inland Border Facility at White Cliffs, Dover**

Decision No 21/00030

Classification: Unrestricted

Past pathway of paper: - N/A

Future pathway of paper – For Cabinet Member Decision

**Summary:**

This report provides details of a proposed central government funded Inland Border Facility at White Cliffs in Dover.

**Recommendation:**

The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision to approve the acceptance of the Section 31 Grant award from the Department for Transport (DfT) to procure and manage the Inland Border Facility and Border Control Post works at White Cliffs, Dover.

This approval includes agreement to:

- a) AGREE to accept the Grants under the terms and conditions required by Government;
- b) APPROVE the management and delivery of the necessary site works, including on site facilities as detailed in this report;
- c) CONFIRM that the projects will be delivered via KCC contractual arrangements that allow for the delivery of Highway Improvement Schemes in support of traffic management plans; and
- d) DELEGATE authority to the Corporate Director for Growth, Environment and Transport to, in consultation with the Cabinet Member for Highways and Transport and the Leader, take any necessary actions to implement this decision, including but not limited to entering into relevant legal agreements and authorising spend from Grant monies.

The decision is shown at Appendix A.

**1. Background**

- 1.1 KCC has been working closely with the Department for Transport (DfT), Kent Police and Highways England, amongst others, to implement plans to manage freight in Kent.
- 1.2 Since 2019, KCC has been supporting DfT with its search for sites to implement additional customs checking and freight holding areas. This support has included providing advice and information about various locations identified by DfT, construction methods, traffic management and local road impact, costs and timescales required.
- 1.3 Decision number 20/00074 details the work that is taking place at the Sevington site. A site at White Cliffs, Dover has been identified by DfT to construct a further Inland Border Facility (IBF) and associated Border Control Post (BCP).
- 1.4 DfT has asked KCC to procure and manage the works on their behalf in a manner similar to that previously undertaken at Sevington. DfT will fully fund the costs arising by means of Section 31 Grants
- 1.5 The overall anticipated cost is being collated and will be confirmed with DfT once suitable design, schedule and budgets have been established and agreed.

## **2. Content**

- 2.1 DfT has identified White Cliffs as a potential site for an IBF to help facilitate the flow of trade to assist with freight movements across the Short Straits. The proposal includes the provision of security measures and facilities to enable the checking of vehicles and goods entering and exiting the site along with local road mitigations arising from the project.
- 2.2 The site will be used by both DEFRA and HMRC for a range of import checks.
- 2.2 The grants will allow KCC:
  - to commence works for the construction of an enclosed site
  - to prepare the site in readiness for construction
  - to undertake work to protect or relocate existing utilities
  - to create site entrance(s) and junction on the link road and associated highway works.

## **3. Finance**

- 3.1 The overall cost of the project is being established but it is expected to be of similar magnitude to the Sevington facility.
- 3.2 DfT has confirmed that the grant can be used for both capital and revenue activities and that all costs incurred will be met.

## **4. Organisation**

- 4.1 KCC will commission the scheme through the HTMC, the Technical and Professional Services Framework and/or the Highway Civils Framework.
- 4.2 KCC will provide a dedicated project organisation which will be fully funded by DfT and shall comprise:
- Senior Project Manager(s)
  - Consultancy Project Managers responsible for consultancy, civils and building construction
  - Site Supervision Officer(s)
  - Administration, Contract and Finance support

## 5. Governance

- 5.1 The grant requires:
- that the planned work should be delivered by early 2022; and
  - regular progress reports are to be provided to DfT.
- 5.2 Approval is sought for the Corporate Director Growth, Environment and Transport to receive full delegated authority to spend the grant monies defined within this report, subject always to prior consultation with the Leader and Cabinet Member for Highways and Transport.

## 6. Progress to Date and Next Steps (correct as at date of this report)

- 6.1 A Special Development Order (SDO) is to be submitted to MHCLG for approval in April 2021. Construction on site is dependent on this approval.
- 6.2 Enabling works are planned prior to the construction works. This includes the site entrance and site compound ready for the construction.
- 6.4 WSP has been appointed the Principal Designer; commissioned by KCC through its Professional and Technical Services framework.

## 7. Recommendation

7.1 The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed decision to approve the acceptance of the Section 31 Grant award from the Department for Transport (DfT) to procure and manage the Inland Border Facility and Border Control Post works at White Cliffs, Dover.

This approval includes agreement to:

- a) AGREE to accept the Grants under the terms and conditions required by Government;
- b) APPROVE the management and delivery of the necessary site works, including on site facilities as detailed in this report;

c) CONFIRM that the projects will be delivered via KCC contractual arrangements that allow for the delivery of Highway Improvement Schemes in support of traffic management plans; and

d) DELEGATE authority to the Corporate Director for Growth, Environment and Transport to, in consultation with the Cabinet Member for Highways and Transport and the Leader, take any necessary actions to implement this decision, including but not limited to entering into relevant legal agreements and authorising spend from Grant monies.

The decision is shown at Appendix A.

## 8. Appendices

- Proposed Record of Decision
- Equalities Impact Assessment -  
<https://democracy.kent.gov.uk/ecCatDisplay.aspx?sch=doc&cat=14891>

## 9. Report Author

Simon Jones, Director of Highways, Transportation and Waste

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03000 411 683

### **Relevant Corporate Director**

Barbara Cooper, Corporate Director, Growth, Environment and Transport

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03000 415981

**KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION**

**DECISION TO BE TAKEN BY**  
  
Michael Payne  
  
Cabinet Member for Highways & Transport

**DECISION NO:**  
  
21/00030

**For publication**

**Key decision\***  
Yes

**Subject:**

**Decision:**  
As Cabinet Member for Highways & Transport, I agree to approve the acceptance of the Section 31 Grant award from the Department for Transport (DfT) to procure and manage the Inland Border Facility and Border Control Post works at White Cliffs, Dover.

This approval includes agreement to:

- a) AGREE to accept the Grants under the terms and conditions required by Government;
- b) APPROVE the management and delivery of the necessary site works, including on site facilities as detailed in this report;
- c) CONFIRM that the projects will be delivered via KCC contractual arrangements that allow for the delivery of Highway Improvement Schemes in support of traffic management plans; and
- d) DELEGATE authority to the Corporate Director for Growth, Environment and Transport to, in consultation with the Cabinet Member for Highways and Transport and the Leader, take any necessary actions to implement this decision, including but not limited to entering into relevant legal agreements and authorising spend from Grant monies.

**Reason(s) for decision:**  
KCC has been working closely with the Department for Transport (DfT), Kent Police and Highways England, amongst others, to implement plans to manage freight in Kent. DfT has identified White Cliffs as a potential site for an IBF to help facilitate the flow of trade to assist with freight movements across the Short Straits.

**Cabinet Committee recommendations and other consultation:**  
The proposed decision is being considered by Members of the Environment and Transport Cabinet Committee at their meeting on 18 March.

**Any alternatives considered:**  
The sites and infrastructure required have been identified by the DfT and HMRC

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

.....  
signed .....

.....  
date ..

Name:

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From: Susan Carey, Cabinet Member for Environment  
Barbara Cooper- Corporate Director - Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 18 March 2021

Decision No: N/A – For information only

Subject: **Decisions taken between Cabinet Committee Meetings (21/00034)**

Classification: **Unrestricted**

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

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

**Electoral Division:** County-wide

**Summary:** The attached decision was taken between meetings of the Environment and Transport Cabinet Committee as it could not be reasonably deferred to the next programmed meeting of the Cabinet Committee for the reasons set out in paragraphs 2.2 to 2.6 below.

**Recommendation:**

The Environment and Transport Cabinet Committee is asked to note that the following decision has been taken between meetings of the Cabinet Committee in accordance with the process set out in the Council's constitution:

**1. Introduction**

- 1.1 The following decision has been taken between meetings of the Environment and Transport Cabinet Committee, as it could not reasonably be deferred.

21/00034 – Public Decarbonisation Fund -Section 31 Award.

**2. Report**

- 2.1 In July 2020, Kent County Council set an accelerated target of net-zero emissions by 2030 for its own estate and operations (excluding schools) and those of its traded companies'. The report to County Council identified that, depending on the specifics of schemes taken forward, investment in the region of £27m will be required and this would be identified from several sources

**Chronology:**

- 2.2 In Autumn 2020, the Department for Business, Energy, and Industrial Strategy (BEIS) and Salix announced £1bn of grant funding to support projects tackling climate change.

- 2.3 On 4 December 2020, KCC submitted a bid for £20.6m of projects, plus up to £5m for schools-based projects. Although the bid was submitted within the application window, after submitting the bid, KCC was informed that the fund had been fully committed to earlier applicants on a **‘first come first served’ basis.**
- 2.4 Subsequently, on 4 February 2021, BEIS invited the relevant local authorities to a seminar at which BEIS advised that the completion timeline had been extended until 30 September 2021, and that the grant would be awarded to councils as a Section 31 grant.
- 2.5 Salix then sent a Grant Offer Letter to KCC on Monday 15 February 2021 for up to £21m for several proposed energy projects and up to a further £1.2m for school site energy projects, stating for the first time that if KCC wanted to receive the grant, it must accept the binding terms within ten days of receipt of the Grant Offer Letter. This meant that in order to secure the funding the decision to accept the grant funding had to be taken by 1 March 2021
- 2.6 Due to the timetable set by BEIS and Salix, an urgent decision was needed to secure the Grant funding which represents a significant level of investment against the estimate £27m investment needed.
- 2.8 In accordance with urgency procedures the decision was therefore taken without consideration by Members of the Environment and Transport Cabinet Committee. As part of this process the Chair of the Scrutiny Committee, Group Spokespeople of the Scrutiny Committee and the Chair and Group Spokespeople of the Environment & Transport Cabinet were asked to comment. All comments received have been included on the formal Record of Decision.

### **3. Recommendation**

The Environment and Transport Cabinet Committee is asked to note that the following decision has been taken between meetings of the Cabinet Committee in accordance with the process set out in the Council’s constitution:

21/0034 Public Decarbonisation Fund -Section 31 Award.

### **4. Background Documents**

21/00034 – Record of Decision

### **5. Contact details**

Report Author  
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Relevant Director  
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## KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

**DECISION TAKEN BY:**

Susan Carey

Cabinet Member for Environment

**DECISION NO:**

21/00034

**For Publication**

**Key decision: YES**

**Subject Matter / Title of Decision:** Public Decarbonisation Fund -Section 31 Award.

**As Cabinet Member for Environment, I agree to:**

- Accept a Grant from the Public Sector Decarbonisation Fund from Salix Finance on behalf of the Department of Business, Energy, and Industrial Strategy (BEIS), subject to s151 Officer consideration.
- Confirm that the grant funding will be for up to £21m for several proposed energy projects (subject to separate decision-making where appropriate), and up to a further £1.2m for school site energy projects; and
- Delegate authority to Corporate Director of Growth, Environment and Transport to take relevant actions, including but not limited to, entering into contracts and other legal agreements, as necessary to implement decisions to spend the grant.

**Reason(s) for decision:**

Responding to the climate change emergency, KCC has set a target of net-zero carbon emissions from its own estate by 2030. Working with LASER, KCC has estimated to achieve this target will require an investment of £27m in energy projects. The bid to the Public Decarbonisation Fund represents a substantial funding contribution to the investment level required.

A Section 31 grant is proposed.

**Financial Implications:**

£21m for several proposed energy projects, and up to a further £1.2m for school site energy projects.

Individual projects will need to be developed and proposed to be added to the capital programme. Normally new or additional projects that are 100% grant funded are included for approval in the routine budget monitoring reports. Due to the tight timescale for Public Sector Decarbonisation Fund individual decisions to proceed with projects and inclusion in the capital programme may be needed in accordance with the Scheme of Delegation and Financial Regulations.

**Reason for Urgency:**

The Grant Offer Letter requires KCC to sign and return binding documents accepting the grant by 1 March 2021.

**Member and other consultation:**

No Cabinet Committee consultation possible due to urgency process.

The Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred, provided the following comments:

**Mr Booth stated:**

*I would like to support the continuing work of the Cabinet Member and her supporting staff during these challenging times.*

The Group Spokespeople of the Scrutiny Committee provided the following comments:

**Mr Bird stated:**

*I welcome the opportunity for KCC to receive this valuable funding which will help make the KCC estate carbon neutral. However, I am concerned about the extremely tight timeframes proposed by Government. These should not prevent proper consultation with members and other key stakeholders on the projects, before they are commenced. Accordingly, I request that a full report setting out the proposed work programme be considered at the next meeting of the Environment and Transport Cabinet Committee on 18th March. This should set out the proposals for consultation with other stakeholders where appropriate.*

The Chair and Group Spokespeople of the Environment & Transport Cabinet Committee provided no comments.

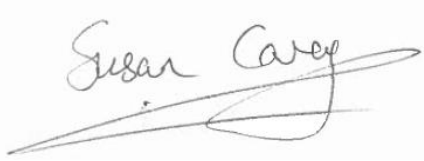
**Any alternatives considered and rejected:**

This is a substantial funding opportunity. Whilst other funding sources and opportunities may become available, these are unlikely to match the levels of funding secured.

The focus of this decision is on the acceptance of the funding to support proposed projects in the future. Options analysis and further consideration of alternatives will be at the project level.

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

None

A handwritten signature in cursive script that reads "Susan Carey". The signature is written in black ink on a light-colored background.

.....  
signed

Susan Carey

1/3/2021

.....  
date

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From: Michael Payne, Cabinet Member for Highways and Transportation  
Susan Carey, Cabinet Member for Environment  
Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 18 March 2021

Subject: Performance Dashboard

Classification: Unrestricted

**Summary:**

The Environment and Transport Cabinet Committee Performance Dashboard shows progress made against targets set for Key Performance Indicators (KPIs). The latest Dashboard includes data up to January 2021.

Twelve of the eighteen KPIs achieved target and are RAG rated Green. Five KPIs were below target but did achieve the floor standard and are RAG rated Amber. One KPI did not achieve floor standard and is RAG rated Red.

**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. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the fourth report for the 2020/21 financial year.

**2. Performance Dashboard**

- 2.1. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) for 2020/21. These KPIs, activity indicators and targets came before the Cabinet Committee for comment in July 2020. The current Environment and Transport Cabinet Committee Performance Dashboard is attached at Appendix 1.
- 2.2. The current Dashboard provides results up to the end of January 2021.
- 2.3. KPIs 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.
- 2.4. Two out of the five KPIs in Highways & Transportation achieved or exceeded target and were RAG rated Green. Faults reported by the public completed in 28 days missed target by 1 percentage point, due to increased demands during winter, and impact from Covid-19. Emergency incidents attended to within 2 hours missed target

in December also by one percentage point but is on target for year to date. Those incidents that missed the 2-hour target were dealt with soon after the target time. Performance for streetlights, illuminated signs and bollards repaired in 28 calendar days dropped back below target in December due to impacts from Covid-19.

- 2.5. Two of the five Waste Management indicators have exceeded target. Municipal waste recycled and composted remains below the floor standard largely due to less waste being taken to Household Waste Recycling Centres (HWRCs), the indicator for which remains below target. Waste diverted from landfill continues to be 98% which is 1 percentage point below target. This is partly due to capacity reduction at the Allington Energy from Waste Facility due to maintenance work in September and October, where some of the waste which could not be treated there at the time went to landfill. The plant still took over 75% of its usual volume of waste during those two months.
- 2.6. For digital take-up, all seven indicators met or exceeded target and were RAG rated Green.
- 2.7. For Environment, Planning and Enforcement, there is no update since the last report for KCC's Greenhouse Gas emissions. As stated previously, these continue to decrease and are ahead of target, partly due to the impact of Coronavirus on staff travel and building use.

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

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

### **4. Contact details**

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# **Environment and Transport Performance Dashboard**

## **Financial Year 2020/21**

### **Results up to January 2021**

Page 295

**Produced by Strategic Commissioning – Performance & Analytics**

**Publication Date: February 2021**



## Guidance Notes

Data is provided with monthly frequency except for Waste Management and Greenhouse Gases where indicators are reported with quarterly frequency and as rolling 12-month figures to remove seasonality.

### RAG RATINGS

GREEN	Target has been achieved
AMBER	Floor Standard* achieved but Target has not been met
RED	Floor Standard* has not been achieved

\*Floor Standards are the minimum performance expected and if not achieved must result in management action

### Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating. 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	Monthly 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	AMBER	GREEN
HT04 : Customer satisfaction with service delivery (100 Call Back)	GREEN	GREEN
HT08 : Emergency incidents attended to within 2 hours	AMBER	GREEN
HT12 : Streetlights, illuminated signs and bollards repaired in 28 calendar days	AMBER	AMBER

Waste Management (Rolling 12 months)	RAG
WM01 : Municipal waste recycled and composted	RED
WM02 : Municipal waste converted to energy	GREEN
WM01 + WM02 : Municipal waste diverted from landfill	AMBER
WM03 : Waste recycled and composted at HWRCs	AMBER
WM04 : Percentage of customers satisfied with HWRC services	GREEN

Digital Take up	YTD RAG
DT01 : Percentage of public enquiries for Highways Maintenance completed online	GREEN
DT03 : Percentage of concessionary bus pass applications completed online	GREEN
DT04 : Percentage of speed awareness courses booking completed online	GREEN
DT05 : Percentage of HWRC voucher applications completed online	GREEN
DT06 : Percentage of Highway Licence applications completed online	GREEN
DT15 : Percentage of KCC travel Saver applications completed online	GREEN
DT16 : Percentage of 16+ Travel Saver applications completed online	GREEN

Environment, Planning and Enforcement	RAG
EPE14 : Greenhouse Gas emissions from KCC estate (excluding schools)	GREEN

Service Area	Director	Cabinet Member
Highways & Transportation	Simon Jones	Michael Payne

### Key Performance Indicators

Ref	Indicator description	Sep	Oct	Nov	Dec	Jan	Month RAG	YTD	YTD RAG	Target	Floor
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	97%	94%	90%	92%	95%	GREEN	95%	GREEN	90%	80%
HT02	Faults reported by the public completed in 28 calendar days	92%	90%	89%	89%	89%	AMBER	92%	GREEN	90%	80%
HT04	Customer satisfaction with service delivery (100 Call Back)	*	97%	*	88%	95%	GREEN	95%	GREEN	85%	70%
HT08	Emergency incidents attended to within 2 hours	99%	94%	99%	97%	**	AMBER	98%	GREEN	98%	95%
HT12	Streetlights, illuminated signs and bollards repaired in 28 calendar days	81%	89%	94%	84%	**	AMBER	84%	AMBER	90%	80%

\* No surveys due to prioritisation of other work by the contact centre

\*\* Not yet available

HT02 – The winter period has created increased demand on routine faults reported by customers. Due to poor weather, resources have been focused on overnight gritting which has put pressure on fault response times. The 90% target was missed by 1 percentage point, with a few routine faults across the county not completed to time. The contractor, Amey, is working hard to get performance back on track. KCC web site pages were updated to indicate that delays may occur to routine enquiries due to the impact of demand and Covid-19. Despite the challenges, a full highways service continues to be delivered.

HT08 – Again the bad winter weather has led to a large increase in emergency response events. This has led to some failures to attend within 2 hours across the County for both drainage and highway defects during the working day (rather than out of hours). In all cases sites were attended shortly after the targeted time of 2 hours.

HT12 – Demand increased in December and unfortunately Bouygues were impacted by Covid-19 both in terms of their own resources and the delivery of materials from suppliers. With the addition of reduced working hours due to the Christmas break this has led to under target performance. However, work is ongoing to ensure emergency and priority sites are repaired on time and performance appears to have improved in January.

Service Area	Director	Cabinet Member
Highways & Transportation	Simon Jones	Michael Payne

### Activity Indicators

Ref	Indicator description	Sep	Oct	Nov	Dec	Jan	YTD	In expected range?	Expected Range	
									Upper	Lower
HT01b	Potholes repaired (as routine works and not programmed)	774	759	929	1,130	249	<b>9,118</b>	Yes	10,650	6,650
HT02b	Routine faults reported by the public completed	3,533	4,278	4,057	4,097	2,979	<b>35,988</b>	<b>Below</b>	47,700	37,700
HT06	Number of new enquiries requiring further action (total new faults)	6,818	7,016	6,392	5,678	8,447	<b>59,681</b>	<b>Below</b>	89,900	73,900
HT07	Work in Progress (enquiries waiting for action) - end of month snapshot	5,618	5,796	5,512	5,869	<b>6,448</b>	N/a	<b>Below</b>	8,200	7,200

HT01b – This shows those repairs due in month, so January figures would have mostly been those raised in December. The January figure is low due to less reporting over Christmas period combined with Kent entering Tier 4 and reduced traffic volumes.

HT02b – There was a reduction in customer reporting of routine faults during the early stage of Covid-19, but this has picked up as more residents are using the network. The lower number in January reflects lower reporting over the Christmas period and Tier 4 restrictions resulting in less road use and lower reporting.

HT06 – The total number of enquiries raised for action saw a reduction during the early stage of Coronavirus, at around 3,000 per month but this is again picking up to normal levels in the winter months with latest figure close to 8,500.

HT07 – The winter weather and increase in demand has impacted on open work in progress and this has increased steadily in recent months. It however remains below normal season levels.

Service Area	Director	Cabinet Members
Waste Management	Simon Jones	Susan Carey

### Key Performance Indicators (Rolling 12 months)

Ref	Indicator description	Dec 19	Mar 20	Jun 20	Sep 20	Dec 20	RAG	Target	Floor
WM01	Municipal waste* recycled and composted	47%	46%	44%	44%	<b>44%</b>	RED	50%	45%
WM02	Municipal waste* converted to energy	51%	52%	54%	54%	<b>54%</b>	GREEN	49%	44%
01+02	Municipal waste diverted from landfill	98%	99%	99%	98%	<b>98%</b>	AMBER	99%	95%
WM03	Waste recycled and composted at Household Waste Recycling Centres (HWRCs)	65.6%	64.8%	61.2%	60.3%	<b>60.6%</b>	AMBER	65%	60%
WM04	Percentage of customers satisfied with HWRC services (Annual Indicator)	n/a	<b>98%</b>	n/a	n/a	n/a	GREEN	96%	85%

\* This is waste collected by Districts, and by KCC via HWRCs.

WM01 – Recycling and composting continue to be impacted by a reduction in volumes taken to HWRC sites since the start of the pandemic. The volume of kerbside collections of recyclable materials has increased, but the increase in non-recyclable materials has been slightly greater.

WM01+02 – The Allington Waste from Energy facility was impacted by maintenance work in September and October, but still processed over 75% of its usual volume of waste. The remainder was diverted to a number of alternative processing destinations, but some additional waste also went to landfill resulting in the target being missed by 1 percentage point.

WM03 – The decline in the percentage of waste recycled and composted at HWRCs is for the reasons given in WM01 above, but the decline has now halted, and the latest quarter saw a slight rise.



Service Area	Director	Cabinet Members
Waste Management	Simon Jones	Susan Carey

### Activity Indicators (Rolling 12 months)

Ref	Indicator description	Dec 19	Mar 20	Jun 20	Sep 20	Dec 20	In expected range?	Expected Range	
								Upper	Lower
WM05	Waste tonnage collected by District Councils	538,758	541,645	557,835	579,921	586,266	<b>Above</b>	550,000	530,000
WM06	Waste tonnage collected at HWRCs	151,409	142,931	101,163	86,232	79,767	<b>Below</b>	160,000	140,000
05+06	Total waste tonnage collected	690,167	684,576	658,998	658,146	666,033	<b>Below</b>	710,000	670,000
WM07	Waste tonnage converted to energy at Allington Waste to Energy Plant	315,838	324,625	327,954	323,622	323,123	Yes	340,000	280,000

WM05 – Volumes of all kerbside waste have increased as people continue to spend more time at home and will include some diverted from HWRCs.

WM06 – Reductions in the volume of non-household waste collected at HWRCs is partly due to the shutdown of sites between April and mid-May due to Coronavirus. Volumes have returned to around 60% of expected levels.

Service Area	Director	Cabinet Member
Highways, Transportation and Waste	Simon Jones	Michael Payne

## Digital Take-up indicators

Ref	Indicator description	Aug	Sep	Oct	Nov	Dec	Year to Date	YTD RAG	Target	Floor
DT01	Percentage of public enquiries for Highways Maintenance completed online	52%	52%	57%	58%	58%	55%	GREEN	55%	45%
DT03	Percentage of concessionary bus pass applications completed online	91%	72%	66%	64%	65%	70%	GREEN	45%	30%
DT04	Percentage of speed awareness courses bookings completed online	84%	88%	82%	82%	74%	84%	GREEN	80%	65%
DT05	Percentage of HWRC voucher applications completed online	97%	99%	99%	98%	99%	99%	GREEN	95%	85%
DT06	Percentage of Highway Licence applications completed online	98%	98%	99%	97%	96%	94%	GREEN	90%	75%
DT15	Percentage of KCC Travel Saver applications completed online (Rolling 12 months)	92%	95%	96%	97%	98%	N/a	GREEN	80%	60%
DT16	Percentage of 16+ Travel Saver applications completed online (Rolling 12 months)	92%	98%	99%	99%	100%	N/a	GREEN	80%	60%

Division	Director	Cabinet Member
Environment, Planning and Enforcement	Stephanie Holt-Castle	Susan Carey

**Key Performance Indicator** (reported quarterly in arrears)

Ref	Indicator description	Sep 19	Dec 19	Mar 20	Jun 20	Sep 20	RAG	Target	Floor
EPE14	Greenhouse Gas emissions from KCC estate (excluding schools) in tonnes	30,658	30,267	29,926	28,152	26,908	GREEN	28,700	30,100

The second quarter of 2020-21 has seen a more significant reduction in emissions due to the impact of Coronavirus, achieving a 40% reduction in emissions compared to the 2015 baseline. This exceeds the stretch target of 38% reduction to be achieved by March 2021 and is largely attributed to the reduction in business travel equating to 500 tonnes of GHG emissions compared to Quarter 1, although there is confidence that the modelled BAU (Business As Usual) data showed that the target would have been met even without the impact of Coronavirus.

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**From:** Benjamin Watts, General Counsel

**To:** Environment and Transport Cabinet Committee on 18 March 2021  
2021

**Subject:** Work Programme 2021-2022

**Classification:** Unrestricted

**Past and Future Pathway of Paper:** Standard agenda item

**Summary:** This report gives details of the proposed work programme for the Environment and Transport Cabinet Committee.

**Recommendation:** The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme for 2021/22.

## **1. Introduction**

- 1.1 The proposed work programme, appended to the report, has been compiled from items in the Future Executive Decision List and from actions identified during the meetings and at agenda setting meetings, in accordance with the Constitution.
- 1.2 Whilst the chairman, in consultation with the cabinet members, is responsible for the programme's fine tuning, this item gives all members of this cabinet committee the opportunity to suggest amendments and additional agenda items where appropriate.

## **2. Work Programme 2021/22**

- 2.1 The proposed work programme has been compiled from items in the Future Executive Decision List and from actions arising and from topics, within the remit of the functions of this cabinet committee, identified at the agenda setting meetings [Agenda setting meetings are held 6 weeks before a cabinet committee meeting, in accordance with the constitution].
- 2.2 The cabinet committee is requested to consider and note the items within the proposed Work Programme, set out in appendix A to this report, and to suggest any additional topics to be considered at future meetings, where appropriate.
- 2.3 The schedule of commissioning activity which 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 allow members to have oversight of significant services delivery decisions in advance.
- 2.4 When selecting future items, the cabinet committee should consider the contents of performance monitoring reports. Any 'for information' items will be

sent to members of the cabinet committee separately to the agenda and will not be discussed at the cabinet committee meetings.

### **3. Conclusion**

- 3.1 It is vital for the cabinet committee process that the committee takes ownership of its work programme 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 2021/22.

**6. Background Documents:** None

### **7. Contact details**

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## Environment and Transport Cabinet Committee - WORK PROGRAMME 2021/22

Item	Cabinet Committee to receive item
Performance Dashboard	At each meeting
Work Programme	At each meeting
Budget Consultation	Annually (November/December)
Final Draft Budget	Annually (January)
Risk Register – Strategic Risk Register	Annually (March)
Annual Equality and Diversity Report	Annually (June/July)
Winter Service Policy	Annually (September)
Bus Feedback Portal update	Quarterly (every six months)
Strategic Delivery Plan Monitoring	Bi-Annual (every six months – November & May)

### 25 June 2021

No	Item	Key Decision	Date added to WP	Additional Comments
1	Intro/ Web announcement (Standing Item)	NO		
2	Apologies and Subs (Standing Item)	NO		
3	Declaration of Interest (Standing Item)	NO		
4	Minutes (Standing Item)	NO		
5	Verbal Update (Standing Item)	NO		
6	Performance Dashboard (Standing Item)	NO		
7	Work Programme (Standing Item)	NO		
8	Risk Management	No		Email from J Catterall – Feb 2021
9	Local Transport Plan 5	YES		Deferred from January 2021 with agreement of Mr Holden on 18 Jan
10	21/00002 – Active Travel Funding Tranche 2 update	NO		Report to E&TCC – meeting of 19 January 2021
11	Heritage Strategy	Tbc		Deferred from meeting in March
12	Highways Asset Management Plan email to	YES		Deferred from meeting in March
	<b>EXEMPT</b>			
12	Contract Management (Standing Item)	NO		

### 10 September 2021

No	Item	Key	Date added to	Additional Comments
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		Decision	WP	
<b>11 November 2021</b>				
No	Item	Key Decision	Date added to WP	Additional Comments
<b>19 January 2022</b>				
No	Item	Key Decision	Date added to WP	Additional Comments
<b>17 March 2022</b>				
No	Item	Key Decision	Date added to WP	Additional Comments
<b>24 June 2022</b>				
No	Item	Key Decision	Date added to WP	Additional Comments

<b>Items for Consideration that have not yet been allocated to a meeting</b>	
18/00037 - M2 Junction 5	Date TBC
North West Maidstone Transfer Station	Requested at E&T Cabinet Committee on 16 July 2019.
Road Crossing Patrol Policy (Decision)	Date TBC
Update report on the North West Maidstone Transfer Station	Date TBC - Requested at E&TCC on 16 July 2019
Update report on Serious Organised Crime	Date TBC - Requested at E&TCC on 16 July 2019