

Kent Minerals and Waste Local Plan



**Minerals and Waste Development Scheme
Draft**

November 2017



1 Glossary of Terms/Abbreviations Used in the Text	1
1 Introduction	2
1.1 The Transitional Period	3
1.2 The Minerals and Waste Development Scheme	5
2 Minerals and Waste Local Plans	6
2.1 Partial Review of Kent Minerals and Waste Local Plan 2013 - 2030	6
2.2 Kent Mineral Sites Plans	8
2.3 Adopted Policies Maps	9
2.4 Arrangements for Production of the Plans	9
3 Key Supporting Documents and Evidence Base	10
3.1 Annual Monitoring Report and Local Aggregates Assessment	10
3.2 Statement of Community Involvement	10
3.3 Minerals and Waste Safeguarding Supplementary Planning Document	11
3.4 Sustainability Appraisal and Strategic Environmental Assessment	11
3.5 Appropriate Assessment under the Habitats Directive	11
4 Supporting Statement	12
4.1 Management and Resources	12
4.2 Evidence Base	12
4.3 Duty to Co-operate	13
4.4 Risk Assessment	14

Contents

1 Glossary of Terms/Abbreviations Used in the Text

Abbreviation	Explanation
Annual Monitoring Report (AMR)	A statutory document submitted to Government which monitors the progress of document preparation against the Development Scheme milestones and progress in meeting the objectives set in the Kent Minerals and Waste Local Plan 2013-30.
Kent Minerals and Waste Local Plan 2013-30	This adopted plan (July 2016) sets out the County Council's vision, objectives & spatial strategy for Minerals and Waste. It contains a statement of strategy and, a set of primary policies and proposals for delivering the Core Strategy and sets the policy framework for the allocation of sites and development management decisions.
Kent Development Plan	The portfolio of documents that together provide the framework for development in Kent. It includes the Kent Minerals and Waste Local Plan and Local Plans produced by the Kent Borough and District Councils.
Minerals and Waste Local Development Scheme (MWLDS)	The project plan setting out the County Council's programme and timetable for the documents it intends to prepare which provide planning policy for waste and minerals development in Kent.
The Planning Inspectorate (PINS)	The Government agency responsible for programming and conducting the Independent Examination of Local Plans.
Statement of Community Involvement (SCI)	Sets out the Council's policy for involving the community and other stakeholders in the preparation and revision of the Minerals and Waste Development Plan and the development management process. The SCI is not a Local Plan.
Strategic Environmental Assessment (SEA) & Sustainability Appraisal (SA)	A formal process that analyses and evaluates the social, economic and environmental effects of a plan or programme.
Supplementary Planning Document (SPD)	A document produced by the County Council that provides guidance on the implementation of policies in the Kent MWLP, for example in relation to minerals and waste safeguarding.

1 Introduction

1.0.1 Kent County Council, as the minerals and waste planning authority for the County Council's administrative area, must prepare and keep under review a Minerals and Waste Development Scheme (MWDS). The MWDS sets out a timetable for the production of the key planning documents of the Kent Minerals and Waste Local Plan 2013-30. This 2017-2019 MWDS replaces the previous 2014-2017 (agreed in November 2016).

The Minerals and Waste Development Scheme sets out the County Council's programme for the preparation of minerals and waste plans during the period 2017-2019. Under this programme the Council will prepare the:

- **Kent Mineral Sites Plan**
- **Partial Review of the adopted Kent Minerals and Waste Local Plan**

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

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

1.0.3 This Development Scheme has two key objectives:

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

Legislative Context and Background

1.0.4 The Planning and Compulsory Purchase Act 2004⁽¹⁾ sets out the system of requirements and procedures for local development planning in England. These requirements are applicable to all Minerals and Waste Planning Authorities and form the basis for the preparation of Kent County Council's suite of minerals and waste plans and supporting documents, as described within this Development Scheme.

¹ As amended by sections 110 -113 of the Localism Act 2011

1.0.5 The Town And Country Planning (Local Planning) (England) Regulations 2012 build on the 2004 statutory framework (as amended) for the preparation and adoption of Development Plan Documents and Supplementary Planning Documents; the Regulations refer to Development Plan Documents as “Local Plans” since this term is believed to be more readily understood.

1.1 The Transitional Period

1.1.1 Prior to the adoption of the Kent Minerals and Waste Local Plan 2013-30 planning policy for waste and minerals development was set out on the following documents:

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

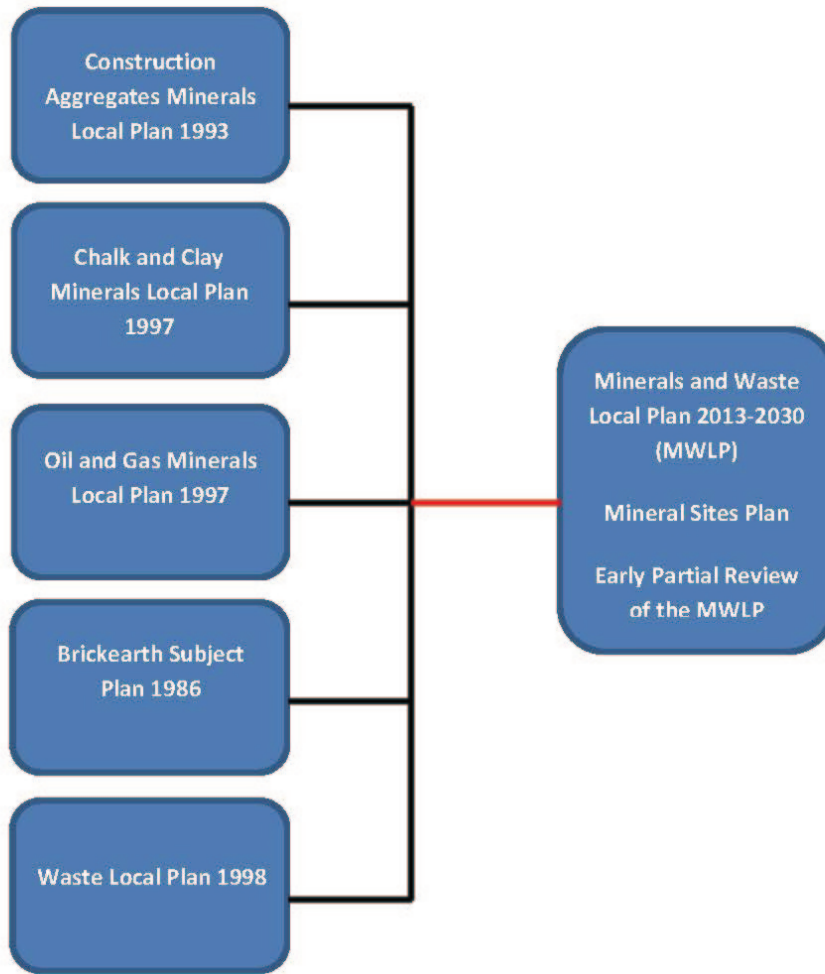
1.1.2 Most of the Kent Minerals and Waste 'saved' policies included in these plans are no longer relevant in decision making on planning applications and appeals as they have been replaced by those in the adopted Minerals and Waste Local Plan 2013-30.

1.1.3 Those saved policies which are still relevant are as follows:

- Kent Minerals Local Plan: Construction Aggregates saved policies (December 1993) - Policy CA6
- Kent Minerals Subject Plan: Brickearth saved policies (May 1986) - Policy B1
- Kent Waste Local Plan saved policies (March 1998) - Policies W7, W9 and W11

1.1.4 The County Council is now preparing a mineral sites plan that will allocate sites needed to meet requirements for mineral as set out in the adopted Kent Minerals and Waste Local Plan (KMWLP). The County Council is also reviewing certain policies concerning waste management in the KMWLP which affect the need for a Waste Sites Plan. These areas of plan making and plan related work is set out in more detail in Chapter 3. The relationship between the old and now superseded plans and the adopted Plan and the future Kent minerals and waste sites plans does not involve a simple one for one replacement. The following diagram shows the changes:

Diagram showing the transition to the new Kent MWLP Documents

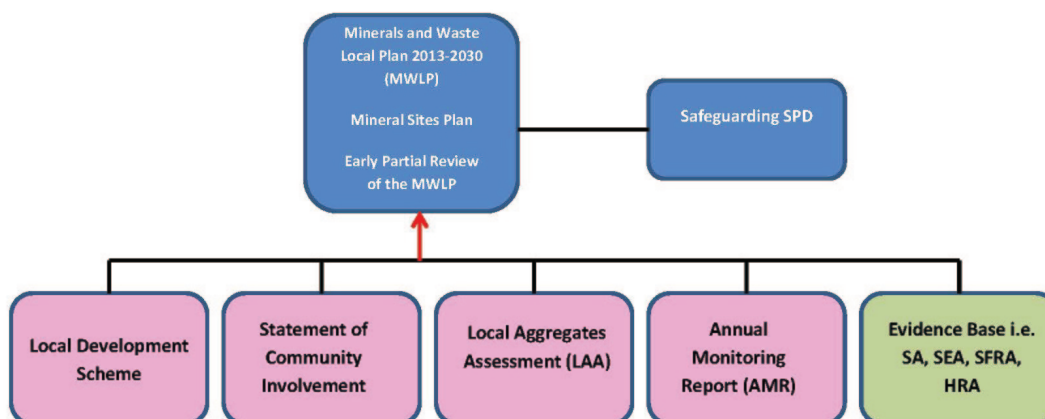


1.2 The Minerals and Waste Development Scheme

1.2.1 The diagram below shows the relationship between the minerals and waste plans and supporting documents that form and underpin the adopted Kent Minerals and Waste Local Plan 2013-30. The Annual Monitoring Report and the Local Aggregates Assessment are prepared on an annual basis and monitor performance (i.e. how development has actually come forward) against Plan objectives. These monitoring documents, as well as other survey work, help identify whether there is a need for a review of the adopted Plan

1.2.2 The Annual Monitoring Report and the Annual Aggregate Assessment requirement will also inform decision makers of changes, such as aggregate landbank levels, that may be material to the determination of planning applications and appeals and would need to be taken into account as well as the policy provisions of the adopted Plan.

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



2 Minerals and Waste Local Plans

2.0.1 The following describes the main Kent Minerals and Waste Local Plan documents to be prepared and the key stages of their development, including public consultation to be undertaken, following the adoption of the Kent Minerals and Waste Local Plan (MWLP) 2013-30. It is important to note that the dates for future stages of plan preparation are notional estimates and therefore could be subject to change.

2.1 Partial Review of Kent Minerals and Waste Local Plan 2013 - 2030

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

2.1.2 A Partial Review of the Plan is to be undertaken that will cover two key aspects of the adopted Kent Minerals and Waste Local Plan 2013-30. These are explained below.

2.1.3 *Need for a Waste Sites Plan*

2.1.4 The adopted KMWLP identified a shortfall in waste management capacity over the Plan period to be met, in part, by development on sites allocated in a Waste Sites Plan. Early work on the Waste Sites Plan included a reassessment of waste management requirements which suggests that the identification of sites within a separate Waste Sites Plan is no longer justified. One of the main reasons for the change in position is that additional significant waste recovery capacity is now under construction that will mean there will no longer be a shortfall in such capacity. To regularise the position, modifications to the KMWLP are now therefore required.

2.1.5 *Minerals and Waste Safeguarding*

2.1.6 Implementation of the KMWLP has revealed a significant ambiguity within policies which is having a detrimental impact on the ability of the KMWLP to safeguard mineral resources and minerals and waste management infrastructure. As part of the Partial Review it is therefore proposed to make modifications to rectify this issue.

2.1.7 The table below sets out the key stages for the Partial Review of the The Kent Minerals and Waste Local Plan 2013-30.

2.1.8 Timetable for Key Stages

Partial Review of Kent Minerals and Waste Local Plan 2013-30

Stages	Dates
Consultation on waste evidence base with key stakeholders (Regulation 18)	June - August 2017
Consultation on Draft KMWLP Partial Review Document and Scope of Sustainability Appraisal (Regulation 18)	December 2017 - March 2018
Pre-submission and Sustainability Appraisal Consultation (Regulation 19)	October - November 2018
Submission	January 2019
Independent Examination Hearings	April - May 2019
Inspector's Report	October 2019
Adoption	December 2019

2.2 Kent Mineral Sites Plans

Mineral Sites Plan

2.2.1 The Mineral Sites Plan will identify mineral sites and locations for mineral extraction, processing and importation that reflect the principles and strategy of the Minerals and Waste Local Plan 2013 - 2030. It is proposed that the minerals covered in the document will include soft sand (building sand) and sharp sand and gravel.

2.2.2 In 2010, the County Council undertook work to prepare a Mineral and Waste Sites Plan. This work was carried out in tandem with the KMWLP 2013-30. While the First Preferred Options Consultation was undertaken between May and July 2012, the Council's focus switched to advancing the now adopted Minerals and Waste Local Plan 2013 - 2030 strategy. Due to the lapse in time between the First Preferred Options Consultation, the Council undertook a further Call for Sites process in late 2016/early 2017 to ensure that any changing circumstances can be properly taken into account. The table below sets out the Key Stages leading up to adoption of the Kent Mineral Sites Plan.

Timetable for Key Stages of the Mineral Sites Plan

Minerals Sites Plan

Stages	Dates
First Call for Sites	May - October 2010
Options Consultation	May - August 2011
Supplementary Options Consultation	October - December 2011
First Preferred Options Consultation	May - July 2012
Second Call for Sites and Consultation on Site Selection Methodology (Regulation 18)	November 2016 - January 2017
Options Consultation (Regulation 18)	December 2017 - March 2018
Pre-Submission Plan Consultation (Regulation 19)	October - November 2018
Submission	January 2019

Stages	Dates
Independent Examination Hearing	April/May 2019
Inspector's Report	October 2019
Adoption	December 2019

2.3 Adopted Policies Maps

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

2.4 Arrangements for Production of the Plans

2.4.1 Arrangements for the production of the KMWLP Partial Review and the Mineral Sites Plan.

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

3 Key Supporting Documents and Evidence Base

3.1 Annual Monitoring Report and Local Aggregates Assessment

3.1.1 Plan preparation progress and the implementation and effectiveness of adopted plan policies is, and will be, reviewed annually through the Annual Monitoring Report (AMR). Monitoring will indicate what, if any, changes, need to be made and these will be incorporated into any subsequent reviews of the adopted policies.

3.1.2 In addition, the National Planning Policy Framework states that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA) based on:

- a rolling average of 10 years sales data and other relevant local information, and
- an assessment of all of the supply options (including marine dredged, secondary and recycled sources).

3.1.3 The AMR and LAA will be published annually on the County Council's website.
(2)

3.2 Statement of Community Involvement

3.2.1 The Government have set minimum standards for consultation during plan preparation prior to its submission for examination.⁽³⁾ It is crucial that all interested parties, including local communities, the minerals and waste industry and environmental groups are involved in the preparation of planning documents.

3.2.2 Kent County Council's Statement of Community Involvement (SCI) sets out how communities are to be involved in the preparation of Local Plan documents. The current version was adopted in January 2011, with an addendum published in April 2013. A second addendum was published in January 2014, and is currently being updated to reflect the increased level of electronic consultations to meet local need. The document sets the standards and opportunities for community involvement in the preparation and review of the Local Plan documents identified in this Development Scheme, as well as involvement in planning applications that the County Council determines.⁽⁴⁾ The County Council is updating the SCI to reflect the latest developments in the preparation of the Minerals and Waste Local Plan and to set out the consultation process to be undertaken in future. The updated SCI will also incorporate, where appropriate, any legislative changes to the planning system within the context of engagement and consultation.

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

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

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

3.3 Minerals and Waste Safeguarding Supplementary Planning Document

3.3.1 The County Council adopted a Minerals and Waste Safeguarding Supplementary Planning Document (SPD) in 2017. The purpose of the SPD is to provide guidance on the implementation of policies in the adopted Kent MWLP in relation to minerals and waste safeguarding matters; it does not introduce new policy. The adopted policies on safeguarding prevent the unnecessary sterilisation of the mineral resources in Kent deemed of economic importance by the British Geological Survey (BGS). The Plan also safeguards minerals and waste importation and processing infrastructure (wharves, railheads and the production of secondary and recycled mineral substitute products and waste management infrastructure).

3.3.2 Similarly, they ensure that the existing minerals and waste management infrastructure in Kent is not lost to, or its use compromised by the inappropriate proximity of non-mineral or waste developments, that by their nature, maybe incompatible with their continued operation. An example could be housing development within close proximity to an existing operationally unrestricted mineral wharf. The timetable for the preparation of the Minerals and Waste Safeguarding SPD is set out below.

3.3.3 Following adoption of the Partial Review of the Kent Minerals and Waste Local Plan 2013-2030 minor changes to SPD will be needed to reflect updates to the mineral and waste safeguarding policies.

3.4 Sustainability Appraisal and Strategic Environmental Assessment

3.4.1 The Partial Review of the Kent Minerals and Waste Local Plan 2013-2030 and preparation of the Mineral Sites Plan is subject to appraisal and testing through Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). SEA is a systematic process of identifying and addressing the environmental consequences of plans and programmes required by EU directive that is currently in force in UK environmental law. The testing will identify any likely significant environmental effects resulting from the implementation of the strategies, policies and proposals brought forward with the objective of promoting sustainable development.

3.5 Appropriate Assessment under the Habitats Directive

3.5.1 The purpose of Appropriate Assessment (AA) is to assess the impacts of spatial plans, such as the proposed plans, against the nature conservation objectives of any 'European site' (Natura 2000 habitat designation) and to ascertain whether they would adversely affect the integrity of that site. There are a number of European sites in Kent and the County Council will, as necessary, apply Appropriate Assessment to the Plans as they are being prepared.

4 Supporting Statement

4.1 Management and Resources

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

4.2 Evidence Base

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

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

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

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

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

4.3 Duty to Co-operate

4.3.1 The 'Duty to Cooperate' arising from the Localism Act 2011, applies to all Local Planning Authorities, County Councils and prescribed bodies.⁽⁶⁾ and requires that they must co-operate with each other to maximise effectiveness in planning for strategic cross-boundary matters in development plans.

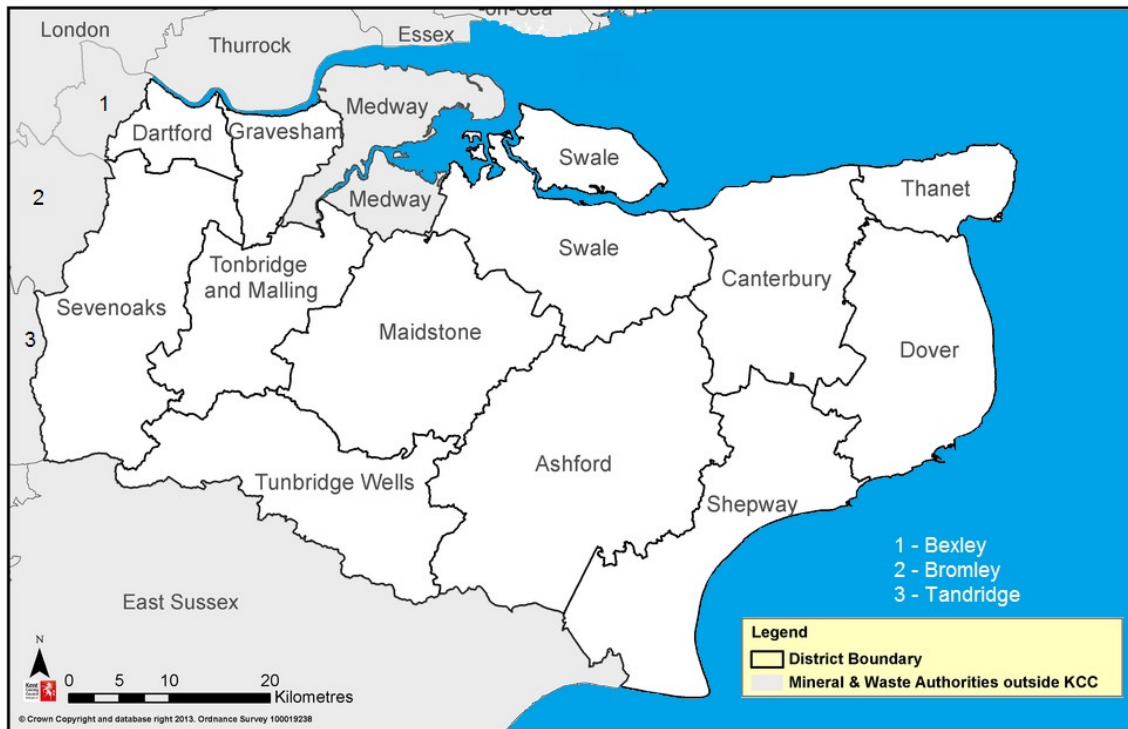
4.3.2 The duty imposed on these bodies requires that engagement should occur constructively, actively and on an on-going basis during the plan making process and that regard must be given to the activities of other authorities where these are relevant to the local planning authority in question.

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

4.3.4 Within the Kent area both Kent County Council and Medway Council are minerals and waste planning authorities. It is recognised that the strategic nature of minerals and waste planning issues may not be confined within the respective areas of each authority. We will continue our commitment to joint working and sharing of evidence with Medway Council in particular to ensure that there is both common understanding and consistency in the development and direction of policy for the individual local plans.

6 See Regulation 4 (1) The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

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



4.4 Risk Assessment

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

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



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