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HEARING STATEMENT MATTER 3 KENT MINERALS AND WASTE LOCAL PLAN EIP

On Behalf of
Borough Green Sand Pits Ltd

August 2024

1.0 This Hearing Statement should be read in companion to the extensive Representations made to the Kent Minerals and Waste Local Plan as through it has progressed through its various stages.

2.0 Question 27- Is the basis for the calculation of the future demand for aggregates, sand (soft and silica) and gravel, clear and robust enough in order to provide an appropriate basis for determining future demand?

2.1 Previous Representations made on behalf of Borough Green Sandpits have made extensive comment in relation to the method of calculating mineral supply in Kent, the fact that the demand for soft sand is increasing and the inadequacy of solely relying on the 10-year sales average to calculate future needs.

2.2 There is an emerging approach across the other south east authorities including West Sussex and the South Downs National Park Authority, Hampshire County Council and Surrey County Council to consider 'other relevant local information' reflective of the requirements of NPPF para 219(a) in the forecasting of future demand.

2.3 As evidence of work undertaken by neighbouring authorities:

(1) Surrey County Council have reviewed 5no. different scenarios for considering potential sand and gravel demand in their most recent LAA. These scenarios include varied rates of housebuilding and infrastructure delivery. Whilst ultimately it was concluded that using the 10-year sales average was the most robust method for calculating future supply, this followed a consideration of alternative scenarios.

(2) West Sussex and the South Downs National Park Authority have also sought to forecast different demand scenarios relating to housing growth and construction of residential development in its LAA 2022 (published January 2024). The LAA finds that the maximum landbank is between 3.7- 4.8 years depending on the potential growth in construction.

2.4 The Soft Sand Position Statement (2023) which is included as an Appendix to the Duty to Co-Operate Statement also considers other indicators that can be used to review demand. One potential indicator which is considered in detail is the production of dry silo mortar (DSM). The Position Statement highlights that there is potentially a link between DSM production and housebuilding, with the highest point in DSM production linked to the highest point in housebuilding (para 3.48). DSM is primarily produced using land won soft sand which provides a close connection between soft sand sales and DSM production. The concluding statement of the Soft Sand Position Statement (para 4.4) is that DSM sales are increasing and therefore the production of DSM should be monitored as it may influence soft sand supplies more significantly in the future.

2.5 Previous Representations to the Local Plan process have highlighted 'other local information' that Kent County Council is aware of which indicate that soft sand sales and demand for soft sand is increasing. This includes:

- An increase in the 3-year sales average above the 10-year sales average;
- Planning permission being granted for increased vehicle movements because of an increase in soft sand sales at Charing Quarry (Burleigh Farm);

- Evidence to the Maidstone Local Plan preparation stating that Chapel Farm will be fully extracted by 2034;
 - Evidence to demand for soft sand from customers of Borough Green Sand Pits; and
 - Decrease in reserves of neighbouring authorities and forecast increase in demand
- 2.6 This has not been taken into account in determining soft sand requirements over the Plan Period. Kent County Council has also not sought to understand demand over a range of forecast scenarios and taking account of potential demand scenarios of neighbouring authorities which are also reliant on supply from Kent. Without considering these scenarios, Kent County Council cannot be certain that its landbank is sufficient for the Plan Period.
- 2.7 As such, it is not considered that Kent County Council's approach to forecasting soft sand demand is robust to provide an appropriate measure for forecasting future demand.
- 3.0 Question 30- Is the approach taken within this policy (Policy CSM2) suitably robust to allow sites to come forward in order to meet any shortfalls? Does this approach provide sufficient certainty to developers and the community?**
- 3.1 Policy CSM2 does not specifically allow for soft sand sites to be brought forwards to meet shortfalls in demand, only that the Minerals Sites Plan will provide sufficient allocations if possible.
- 3.2 The review of the Minerals Sites Plan is delayed and there are no new soft sand allocations proposed. The next Minerals Sites Plan Review is intended to be undertaken in 2030. Without CSM2 being updated to allow for unallocated sites to be brought forwards, and providing details of the circumstances that the development of unallocated sites might be acceptable, there is no certainty or clarity for developers or the community in relation to how such sites might be assessed.
- 4.0 Will the adopted Minerals Sites Plan 2013-2030 deliver the demonstrated future demand for aggregates as set out in the Minerals and Waste Plan? Where specific sites have been identified, how does the evidence demonstrate that the allocations are appropriate to meet identified requirements?**
- 4.1 The Minerals Sites Plan currently covers the period 2013-2030 and therefore does not reflect the Plan Period for the Kent Minerals and Waste Local Plan which extends to 2039. At the time of adoption of the Minerals Sites Plan, the Inspector found that there was sufficient allocation to meet identified soft sand needs to 2030. The Kent Minerals and Waste Local Plan acknowledges that there would be insufficient soft sand to maintain a 7-year land bank at the end of the Plan Period albeit it contends that supply would not be completely exhausted.
- 4.2 The full 15 year requirement, plus 7-year landbank should be planned for as part of the Local Plan process. Whilst Kent County Council has stated that further allocations can be made in a review of the Minerals Sites Plan in 2030 (if it is necessary), the purpose of the 5-year review is only to address changes to national policy and changing

circumstances affecting the local area. Kent County Council is already aware that it will need to review its Plan before the end of the 15 year period and make additional allocations. Not doing so now would mean the MWLP would not meet the requirements of NPPF Para 22 and would fail to be 'Positively Prepared', 'Effective' or 'Consistent with National Policy' in accordance with NPPF para 35.

- 4.3 Finally, previous Representations have set out the deficiencies in the site allocation at Chapel Farm in determining future supply. As acknowledged in para 5.2.23 of the Local Plan Review there can be a lack of clarity in geology between soft sand and silica sand as they occur in the ground. In light of this, it is necessary, in consultation with the operators, to determine the degree to which sites identified as supplying soft sand and/or silica sand may supply both materials. This review process may have an effect on the overall recorded landbank for soft sand in Kent. This has not been accounted for in the overall provision of land-won aggregates calculations, especially in regard to the new allocated site at Chapel Farm, Lenham.

