

Kent Minerals and Waste Local Plan



Kent Minerals and Waste Local Development Scheme - 2021



Contents

Glossary of Terms/Abbreviations Used in the Text.....	3
1. Introduction.....	5
Legislative Context and Background	5
1.1 The Transitional Period	6
1.2 The Minerals and Waste Local Development Scheme	8
2. Minerals and Waste Local Plans.....	9
2.1 Kent Minerals and Waste Local Plan 2013 – 2030	9
2.2 Kent Mineral Sites Plan	12
2.3 Adopted Policies Maps	13
2.4 Arrangements for the review of the Kent Minerals and Waste Local Plan.....	13
3. Key Supporting Documents and Evidence Base	14
3.1 Annual Monitoring Report and Local Aggregates Assessment.....	14
3.2 Statement of Community Involvement.....	14
3.3 Minerals and Waste Safeguarding Supplementary Planning Document	15
3.4 Sustainability Appraisal and Strategic Environmental Assessment	15
3.5 Appropriate Assessment under the Habitats Directive	15
4. Supporting Statement	16
4.1 Management and Resources	16
4.2 Evidence Base	16
4.3 Duty to Co-operate	17
4.4 Risk Assessment.....	18
Appendix A: Summary Programme of Planning Policy Activity.....	19

Glossary of Terms/Abbreviations Used in the Text

Abbreviation	Explanation
Annual Monitoring Report (AMR)	A statutory document (referred to in legislation ¹ as the 'Authority Monitoring Report') which monitors the progress of document preparation against the Development Scheme milestones as well as progress in meeting the objectives and implementing the policies set out in the Kent Minerals and Waste Local Plan 2013-30.
Kent Minerals and Waste Development Plan	The Kent Minerals and Waste Development Plan comprises the development plan documents that provide planning policy for minerals and waste development in Kent i.e. the Kent Minerals and Waste Local Plan 2013-30 and the Kent Mineral Sites Plan 2020.
Kent Minerals and Waste Local Plan 2013-30 (KMWLP)	This adopted plan (July 2016) sets out the County Council's vision, objectives & spatial strategy for Minerals and Waste planning matters. It contains a statement of strategy and a set of primary policies and proposals for delivering the Core Strategy. The KMWLP was modified via an Early Partial Review (EPR) in 2020 to update the waste strategy and clarify the approach to mineral and waste safeguarding. The modified KMWLP adopted September 2020 sets the policy framework for the allocation of mineral sites and development management decisions.
Kent Mineral Sites Plan	This adopted plan (September 2020) allocates sites in Kent that are considered suitable for mineral working, subject to planning permission.
Kent Development Plan	The portfolio of documents that together provide the policy framework for all development in Kent. It includes the Kent Minerals and Waste Local Plan, the Kent Mineral Sites Plan, as well as Local Plans produced by the Kent Borough and District Councils.
Minerals and Waste Local Development Scheme (MWLDS)	The Minerals and Waste Development Scheme includes a project plan setting out the County Council's programme and timetable for updating planning policy for waste and minerals development in Kent as well as associated Supplementary Planning Documents.
The Planning Inspectorate (PINS)	The Government agency responsible for programming and conducting the Independent Examination of Local Plans and for managing appeals on planning applications.

¹ Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended)

Statement of Community Involvement (SCI)	The SCI sets out the Council's policy for involving the community and other stakeholders in the preparation and revision of the Kent Minerals and Waste Development Plan and in 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 Local Development Scheme (MWLDS). The MWLDS sets out a timetable for the production of the key planning documents related to minerals and waste planning policy in Kent. This 2021-22 MWLDS replaces the previous 2017-2019 Scheme (agreed in 2018).

The Minerals and Waste Local Development Scheme sets out the County Council's programme for the update of key planning documents related to minerals and waste planning policy in Kent during the period 2021-2022. Under this programme the Council will:

- **Update the Statement of Community Involvement**
- **Update the Kent Safeguarding Supplementary Planning Document**
- **Review the adopted Kent Minerals and Waste Local Plan**

- 1.0.2** The County Council is committed to the new programme set out in this MWLDS. Its progress will be reviewed annually and reported through the Annual Monitoring Report. Depending on progress this scheme will be updated to reflect changes to timetables.

- 1.0.3** This Development Scheme has two key objectives:

- To inform the public and stakeholders of the documents that make up the new planning policy framework for minerals and waste in Kent and the programme anticipated for their updating.
- 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 2004² 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.

² 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.

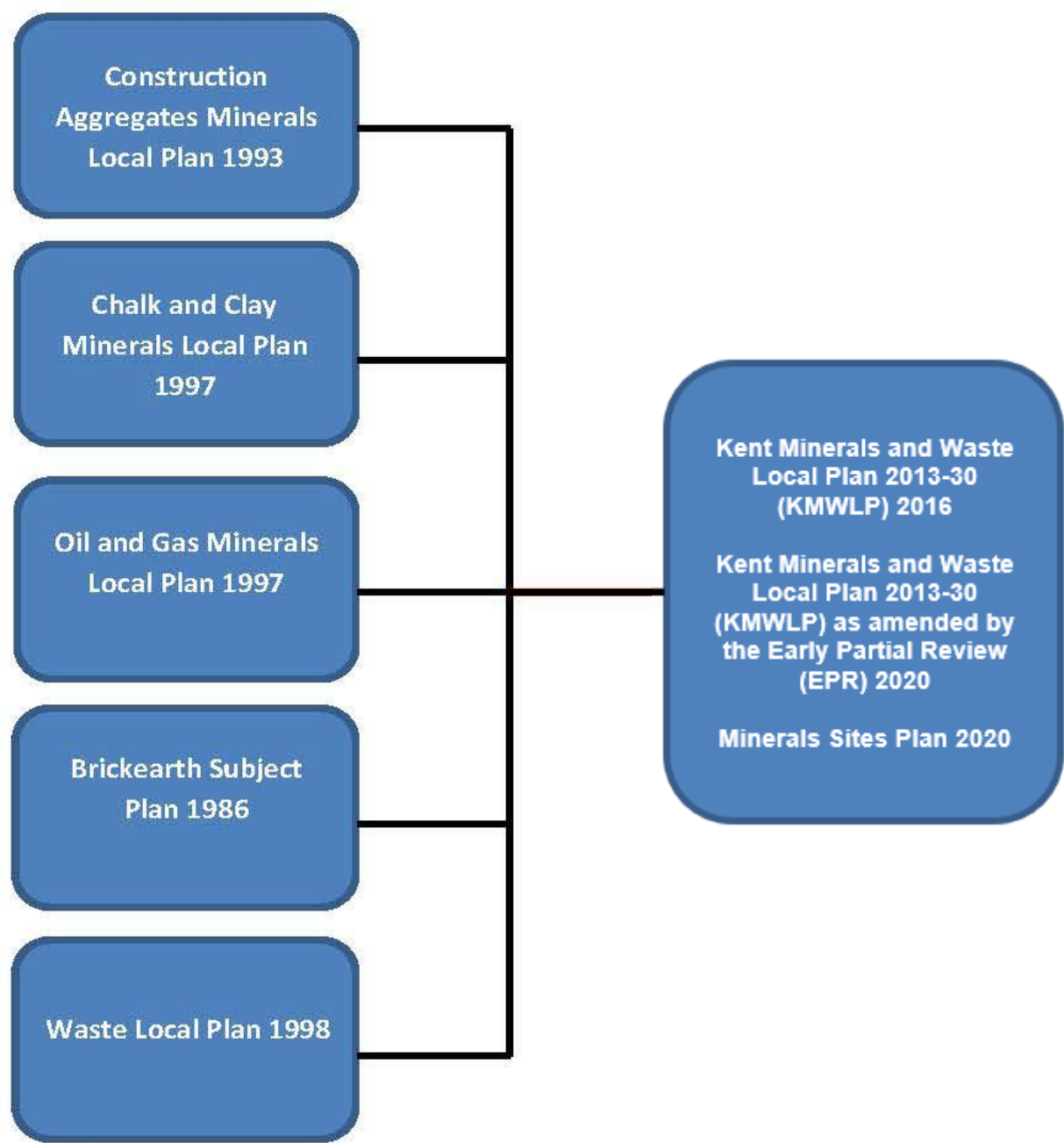
1.1 The Transitional Period

- 1.1.1** Prior to the adoption of the Kent Minerals and Waste Local Plan 2013-30, its Early Partial Review in 2020 and the Kent Mineral Sites Plan, 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).
- 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

- 1.1.2** The relationship between the old, and now superseded, plans and the adopted Kent Minerals and Waste Local Plan 2013-30 and Kent Mineral Sites Plan does not involve a simple one for one replacement. The following diagram shows the changes:

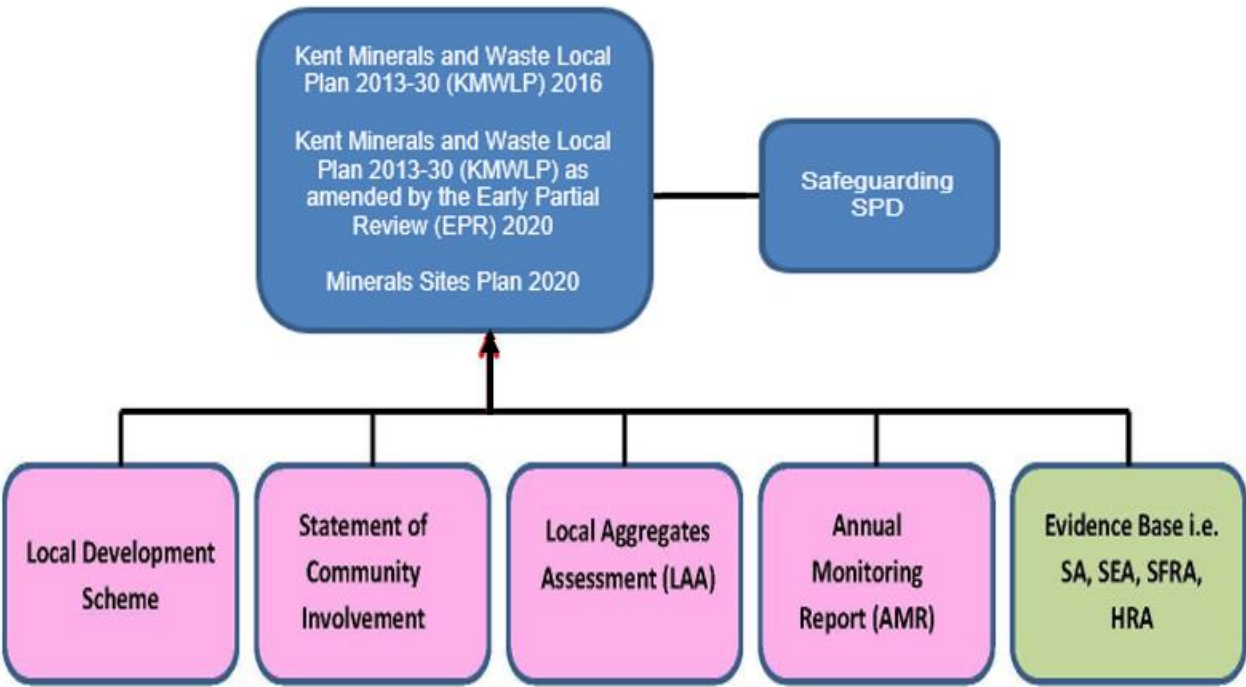
Diagram showing the transition to the new Kent Minerals and Waste Local Plan Documents



1.2 The Minerals and Waste Local 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 minerals and waste planning policy in Kent.
- 1.2.2 The Annual Monitoring Report³ 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 inform reviews of the adopted Plans and indicate whether changes might be required.
- 1.2.3 The Annual Monitoring Report and the annual Local Aggregate Assessment 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 policies of the adopted Plans.
- 1.2.4 Appendix A includes an outline of all the planning policy activity covered by this Scheme to December 2022.

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



³ The Annual Monitoring Report is produced to meet the Council’s statutory requirement to produce an ‘Authority Monitoring Report’ at least every 12 months

2. Minerals and Waste Local Plans

2.0.1 The following describes the main Kent Minerals and Waste Local Plan documents.

2.1 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 of a ready and sustainable supply of minerals to meet construction and industrial requirements as well as the sustainable management of all wastes arising in Kent which will support the principles of the UK Government's waste hierarchy.

2.1.2 An Early Partial Review of the Plan was undertaken that covered two key aspects of the adopted Kent Minerals and Waste Local Plan 2013-30. This review resulted in changes to the Plan which were adopted in September 2020 and are explained below.

Need for a Waste Sites Plan

2.1.3 The adopted 2016 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 showed that the identification of sites within a separate Waste Sites Plan was no longer justified. One of the main reasons for the change in position is that additional significant waste other recovery⁴ capacity has now been constructed that means there is no longer a shortfall in such capacity. To regularise the position, modifications to the KMWLP were made.

Minerals and Waste Safeguarding Matters

2.1.4 Following its adoption in 2016, implementation of the KMWLP revealed a significant ambiguity within policies DM 7 and DM 8 which was having a detrimental impact on the ability of the KMWLP to safeguard mineral resources and minerals and waste management infrastructure. Modifications to rectify this issue were made as part of the Early Partial Review in 2020.

The modified Kent Minerals and Waste Local Plan 2013-30 means that the remaining saved policies in the Kent Waste Local Plan (1998) have now been replaced.

⁴ 'Other recovery' is the recovery of waste by means other than recycling and composting often includes 'energy from waste' involving incineration.

Review of the Kent Minerals and Waste Local Plan

- 2.1.5** The National Planning Policy Framework (and legislation⁵) states policies in local plans and should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.
- 2.1.6** Although the implementation of policies is monitored on an ongoing basis, the five yearly review is intended to establish whether any work is needed to update the policies. An update to a policy may be needed for the following reasons:
- The policy is no longer in conformity with national planning policy;
 - changes to local circumstances; such as a change in the quantum of development requirements or development of a Nationally Significant Infrastructure Project within the area (or nearby);
 - whether issues have arisen that may impact on the deliverability of key site allocations;
 - their appeals performance;
 - success of policies against indicators in the Development Plan as set out in the Annual Monitoring Report;
 - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their development needs;
 - significant economic changes that may impact on viability; and,
 - whether any new social, environmental or economic priorities have arisen.
- 2.1.7** As the Kent Minerals and Waste Local Plan was adopted in July 2016 all its policies must be reviewed by July 2021 (except those which were updated by the Early Partial Review).
- 2.1.8** In the context of the review, it should be noted that the National Planning Policy Framework has undergone revision since the adoption of the KMWLP and an update to National Planning Policy for Waste is also expected in the near future. Policies in the KMWLP will therefore be reviewed to check whether they are still in conformity with updated national planning policy.

⁵ [Regulation 10A of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

2.1.9 The table below sets out the key stages for the five-yearly review of the Kent Minerals and Waste Local Plan 2013-30.

Timetable for Key Stages

Review of Kent Minerals and Waste Local Plan 2013-30

Stages	Dates
Evidence gathering to inform review	June 2020 – March 2021
Consultation with key stakeholders on need for review of policies	January 2021 – May 2021
Report outcome of review to Members including recommendations on the need to update policies	June – July 2021
<i>If policy update required:</i>	
Consultation on draft updated policy (Regulation 18)	October-November 2021
Publication of draft updated policy (Regulation 19) for representations on soundness	March-April 2022
Submission to Secretary of State	July 2022
Independent Examination Hearings	October 2022
Inspector's Report	December 2022
Adoption	January 2023

2.2 Kent Mineral Sites Plan

Mineral Sites Plan

- 2.2.1** The Kent Mineral Sites Plan identifies 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. The minerals covered in the document are soft sand (building sand) and sharp sand and gravels. The sites allocated are:
- Chapel Farm, Lenham (soft sand)
 - Extension to Stonecastle Farm, Hadlow/Whetsted (sharp sand and gravels)
 - Moat Farm, Capel (sharp sand and gravels)
- 2.2.2** The Kent Mineral Sites Plan was adopted by the County Council on 10 September 2020. The 2020 Mineral Sites Plan replaces any sites allocated in the following previously adopted Plans:
- Kent Minerals Local Plan: Brickearth (1986)
 - Kent Minerals Local Plan Construction Aggregates (1993)
 - Kent Minerals Local Plan Chalk and Clay (1997)
 - Kent Minerals Local Plan Oil and Gas (1997)
- 2.2.3** Unless monitoring indicates an earlier review is needed, a review of the Mineral Sites Plan will take place by 10 September 2025. The timetable for this review will be set out in a later version of this document.

2.3 Adopted Policies Maps

- 2.3.1** The Adopted Policies Maps illustrate the mineral and waste policies on an Ordnance Survey base. Once a Local Plan has been adopted, the County Council's policies maps including the safeguarding areas and allocations should be included as part of the Local Plans maintained and adopted by borough/district planning authorities. The borough/district council maps should be updated and amended whenever a new or revised Minerals and Waste Plan is adopted.

2.4 Arrangements for the review of the Kent Minerals and Waste Local Plan

- 2.4.1** Arrangements for the review of the KMWLP are set out in the table below.

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 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 website⁶.

3.2 Statement of Community Involvement

- 3.2.1** The Government has set minimum standards for consultation during plan preparation prior to its submission for examination⁷. 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 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 determines⁸.
- 3.2.3** The current version of the SCI was adopted in January 2011, with an addendum published in April 2013. A second addendum was published in January 2014. The County Council is required to review the SCI every five years and is updating the SCI to reflect the increased ability to consult by electronic means. The updated SCI will set out the consultation process to be undertaken in future taking account of any legislative changes to the planning system within the context of engagement and consultation. This includes how the County Council will engage with the process of neighbourhood planning.

⁶ Available from: www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/annual_monitoring_reports.aspx

⁷ See The Town and Country Planning (Local Planning) (England) Regulations 2012

⁸ 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 may be 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 Early Partial Review of the Kent Minerals and Waste Local Plan 2013-2030, changes to the SPD are needed to reflect updates to the mineral and waste safeguarding policies and to provide further guidance on their application.

3.4 Sustainability Appraisal and Strategic Environmental Assessment

- 3.4.1** If the review of the Kent Minerals and Waste Local Plan 2013-2030 identifies a need for updates to policy then these will be 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 originally required by EU directive that is in force in UK environmental law. The testing will identify any likely significant environmental effects resulting from the implementation of updated 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'⁹ 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 any proposed updates to policy.

⁹ European Sites are sites which are designated under The Conservation of Habitat and Species Regulations 2017 which in turn was amended under the Conservation of Habitat and Species (Amendment) (EU Exit) Regulations 2019).

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 review of the KMWLP, relevant surveys and monitoring information is needed. This includes information to assess how effective existing policy is at ensuring that the strategic objectives of the adopted Kent Minerals and Waste Local Plan 2013-30 (with modifications) are being met. The evidence base will identify any issues which can be addressed by updates to policy.
- 4.2.2** The evidence base consists of indicators set out in the monitoring schedule of the KMWLP. Indicators are also included within the Data Monitoring chapter of the AMR which, in summary, includes the following:
- 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 and Early Partial Review are available from the County Council's website¹⁰.

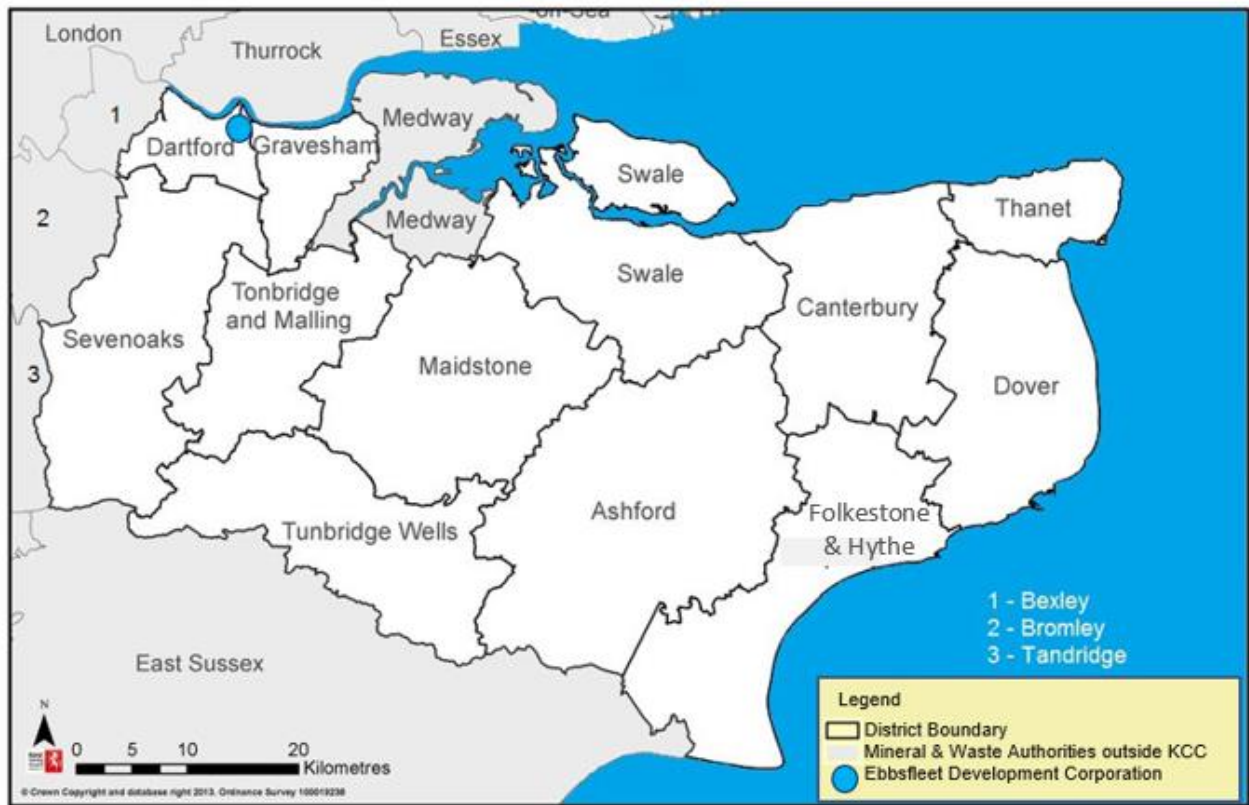
¹⁰ Available from: http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/evidence_base.aspx and https://consult.kent.gov.uk/portal/second_call_for_sites_2016/document_library

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 bodies¹¹. 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. To this end a Statement of Common Ground between Kent County Council and Medway Council that addresses these issues will be prepared in 2021.
- 4.3.5** The Annual Monitoring Report includes information on activity undertaken by the Council as part of its Duty to Cooperate.

¹¹ 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

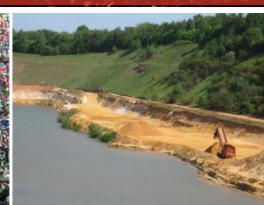
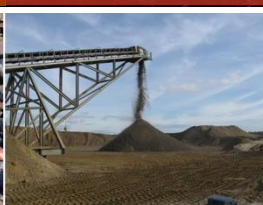
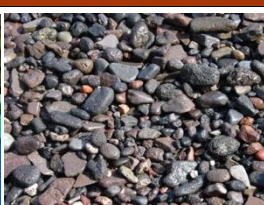
4.4.1 In preparing this Development Scheme, consideration has been given to potential risks that might impact on preparation of the Local Plan. These risks include;

- **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.

Appendix A: Summary Programme of Planning Policy Activity

Kent Minerals and Waste Planning Policy - Outline Project Plan 2020-2021												
Activity	September 2020	October 2020	November 2020	December 2020	January 2021	February 2021	March 2021	April 2021	May 2021	June 2021	July 2021	August 2021
Minerals Sites Plan and Early Partial Review												
Adoption (inc. report writing)												
Six week legal challenge period												
Updated Minerals and Waste Development Scheme												
Review												
Publish update if required												
Revised Statement of Community Involvement (SCI)												
Text of Revised draft SCI												
Report to Environment Transport Cabinet Committee												
Consultation on draft SCI (8wks)												
Process comments and update text												
Adoption (inc. report writing)												
Revised Safeguarding SPD												
Text of Draft Revised SPD												
Consultation and engagement on draft SPD (allow 3 months)												
Analysis of consultation feedback with recommendations for changes to												
Update SPD to prepare final for adoption												
Adoption (inc. report writing) (assume March)												
Annual Monitoring Report												
Monitoring of all policies												
Draft in light of annual waste data and LAA												
Finalise taking account of monitoring of policies												
Local Aggregates Assessment												
Survey of operators inc. recycled aggregate producers												
Update data (10yr av.; landbanks etc.) in light of survey												
Update commentary in previous LAA based on revised data												
Draft for SEEAWP November meeting												
Consultation with SEEAWP												
Prepare final draft in light of SEEAWP comments												
Publish Final Draft					TBC	TBC						
Review of Kent Minerals and Waste Local Plan												
Evidence base to underpin review:												
Final AMR 2019/20												
Waste Needs Assessment update												
Final LAA 2020					TBC	TBC						
Other Evidence and engagement with stakeholders												
Report to Members on need for Review of KWMLP by 16 July												
Consultation on draft updated policy (Regulation 18)												
Publication of draft updated policy (Regulation 19) for representations on soundness												
Submission to Secretary of State												
Independent Examination Hearings												
Inspector's Report												
Adoption												

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**Minerals and Waste Planning Policy Team
Kent County Council
Invicta House
County Hall
Maidstone
Kent
ME14 1XX**

**Tel: 03000 422370
Email: mwlp@kent.gov.uk**

