

Minerals & Waste Planning Policy Team  
Kent County Council  
Invicta House  
Maidstone  
Kent ME14 1XX  
[mwlp@kent.gov.uk](mailto:mwlp@kent.gov.uk)



Ref M&WLP  
Direct Dial 01303 853438  
Email [planning.policy@folkestone-hythe.gov.uk](mailto:planning.policy@folkestone-hythe.gov.uk)  
Date 29 February 2024

Dear Sir/Madam,

### **Kent Minerals and Waste Local Plan 2024-39 – Regulation 19 Consultation Document**

Thank you for the opportunity to comment on the Regulation 19 Consultation Document Kent Minerals and Waste Local Plan 2024-39.

#### **Introduction**

Folkestone & Hythe District Council wishes to highlight the comments previously made in the district council's letter of 12 December 2022 in relation to the development of the new garden settlement within the Folkestone & Hythe district and the Otterpool Quarry site.

The development of the new garden settlement remains of the highest priority to the district council. Proposals for the new garden settlement were developed through the Core Strategy Review which was drafted and consulted on from 2018 to 2020. The plan was then submitted to the Secretary of State in March 2020 and was subject to an examination in public which lasted almost 24 months and concluded with the issuing of the Inspectors' report in February 2022, which found the plan 'sound'. The district council adopted the plan on 30 March 2022. Policies SS6-SS9 within the Core Strategy Review set out parameters for the development of the new garden settlement, known as Otterpool Park.

On 4 April 2023, the district council's Planning Committee resolved to grant outline planning consent for a residential-led mixed use development of up to 8,500 homes, along with retail, commercial, education, health, community uses and associated infrastructure at Otterpool Park (ref: Y/19/0257/FH). Work is currently progressing to agree the associated Section 106 legal agreement.

#### **Kent Minerals and Waste Local Plan Regulation 19 Consultation Document**

Aspects of the Kent Minerals and Waste Local Plan Regulation 19 Consultation document relating to the Otterpool Quarry, Ashford Road, remain of concern to the district council.

The site at Otterpool Quarry, Ashford Road was granted planning permission in 2011 by Kent County Council (SH/08/124) for a materials recycling facility, anaerobic digestion plant and associated office and parking. While we understand that the application may have been

implemented (some minimal highway works have been undertaken), no further work has been undertaken to instigate the use.

Given that this site has not come forward for waste development in the last twelve years, the district council questions whether it should be considered as contributing towards the future waste requirement and we request that the county council reconsiders this site in its supply assumptions.

We note the county council's response to our previous comments which stated that: *"The capacity as this site is included as the planning consent has been lawfully implemented. To not do so would make the Plan vulnerable to being found unsound given that this capacity could fully be built out, to conclude that it cannot be included at this juncture would be speculative. Therefore, if this position were to be taken the Plan's underlying evidence base could be challenged as being based on a speculative assumption. This would not be a robust evidential approach to plan formulation. The waste permission has been lawfully implemented. Therefore, Policy DM 8 and any argued exemption based on the policies exemption criteria will have to be considered as part of any planning proposal submitted to the determining planning authority, this being Folkestone and Hythe District Council."*

Nevertheless, we consider that relying on capacity from a site which has not come forward for this length of time risks undermining the Minerals and Waste Local Plan's waste management strategy; the district council, for example, would expect to be robustly challenged at examination if it relied on a housing site of similar uncertain status in meeting the housing land requirements of its local plan.

### **Minerals and Waste Local Plan – Proposed Policy Amendments**

Given the above, the district council considers that amendments should be made to policies CSW16 and DM8 to allow the Minerals Planning Authority to consider exceptions for cases where a consented and/or allocated site has not been brought forward.

The district council suggests the following amendments (additional text underlined):

#### **Policy CSW16 – Safeguarding of Existing Waste Management Facilities** (first paragraph)

*"Capacity at sites with permanent planning permission for waste management is safeguarded from being developed for non-waste management uses, where the Waste Planning Authority has evidence of active developer interest in developing the site for the consented waste management use(s) within the plan period."*

#### **Policy DM8 – Safeguarding Minerals Management, Transportation Production and Waste Management Facilities** (first paragraph)

*"Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities where there is evidence of active developer interest in developing the site for the safeguarded use(s) within the plan period and where it is demonstrated that either: ..."*

## **Conclusion**

The district council considers that the emerging Kent Minerals and Waste Local Plan should not protect waste management facilities which cannot reasonably be relied on to come forward during the plan period and requests that the above amendments are agreed through a Statement of Common Ground between the councils, so that the objectives of both the county and district council can be achieved.

Yours faithfully



Adrian Tofts  
Strategy & Policy Manager  
Folkestone & Hythe District Council