



# **Draft Kent Minerals and Waste Local Plan 2024-39**

## **Further Proposed Changes - Consultation Document**

### **Regulation 18 Draft**

**May 2023**

## 1.0 Introduction

- 1.1 The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent. To this end, the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Kent County Council's Full Council in July 2016. This adopted Plan was then subjected to an Early Partial Review that resulted in changes to a small number of policies that were adopted in 2020.
- 1.2 Regulations<sup>1</sup> require Local Plans to be reviewed every 5 years to ensure that the policies remain relevant, conform to national policy and guidance and satisfactorily address the needs for waste management and mineral supply. Work on the KMWLP review commenced in 2021 and, in light of this, revisions were proposed to principally reflect changes in national policy and guidance since 2016. These include amongst others, changes to the National Planning Policy Framework, government policy and guidance on the achievement of a circular economy and those concerned with climate change and protection and enhancement of the natural environment. Revised draft policy and supporting text were prepared.
- 1.3 The draft changes to the KMWLP were originally subject to public consultation from December 2021 to February 2022 and, in light of the comments received, a revised draft plan was prepared which was subject to further public consultation from October 2022 to December 2022. This revised draft plan can be accessed via the following website: [www.kent.gov.uk/mineralsandwaste](http://www.kent.gov.uk/mineralsandwaste).
- 1.4 Some additional material changes to the KMWLP are now proposed and the nature of these changes are described within this document. Comments on these changes are now invited during the public consultation taking place from Tuesday 13<sup>th</sup> June 2023 until midnight on Tuesday 25<sup>th</sup> July 2023.
- 1.5 There are three areas of the KMWLP which are proposed for further material changes, which are summarised as follows:**
- 1. Changes to Policy CSM 2, and associated supporting text, relating to the quantity of aggregate mineral to be planned for.**
  - 2. Deletion of Policy CSW 5 that allocates land for an extension to Norwood Quarry for subsequent filling with hazardous flue ash.**
  - 3. Deletion of paragraph 6.3.3 (and associated sub-title) which concerns making specific provision within Kent for the management of residual non-hazardous waste by landfill or energy recovery that arises in London.**
- 1.6 Comments received during the consultation will help Kent County Council decide whether, and if so how, these changes should be included in the final draft version of the KMWLP that is timetabled for consultation in early 2024.

<sup>1</sup> [Regulation 10A of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

## **2.0 Changes to Policy CSM 2, and associated supporting text, relating to the quantity of aggregate mineral to be planned for**

2.1 Policy CSM 2 of the Kent Minerals and Waste Local Plan, in compliance with national policy, commits the County Council to plan for aggregate minerals as follows:

- A 7-year landbank for sharp sand and gravel for as long as resources allow;
- a 7-year landbank for soft sand throughout the Plan period and at its end; and,
- a 10-year landbank for hard rock throughout the Plan period and at its end.

2.2 Policy CSM 2 and associated supporting text set out the amount of aggregates required to meet these landbank requirements and changes are proposed as described below. The proposed changes take account of the proposed change to the Plan period from 2013-30 to 2024-39.

### **Sharp Sand and Gravel**

2.3 Permitted reserves of land-won sharp sand and gravel at the end of 2022 were recorded as 2.230mt. Annual sales from this sector have been reducing for several years and this has had the effect of lengthening the life of the permitted reserves projected over the Plan period which is estimated using the 10-year rolling sales average. However, as has been documented in the past and considered by Independent Examination by the Secretary of State, this sector of aggregate supply continues to deplete without any substantial replenishment and so the Plan requirement continues to exceed available permitted reserves during the Plan period of 2024-2039 (with a 7-year landbank maintained at the end of the Plan period). If they are developed, allocations in the Kent Mineral Sites Plan, will have the potential to address this shortfall, as they represent a total of 2.5mt of potential new reserves. If they are not developed, increased importation is anticipated to occur thereby addressing the market need for this aggregate type. Managed decline is the anticipated pattern of supply of land won resources in Kent in the longer term, as sustainable resources of sharp sand and gravel become depleted.

2.4 The calculation of the proposed revised Sharp Sand and Gravel requirements over the plan period is set out below:

- 10-year sales average is 175,738tpa or 0.176mtpa
- The 7-year landbank is 1.232mt
- Plan period is 15 years plus 7 (for the maintained 7-year landbank at the end of the Plan period) (2024 to 2039+7) giving a total Plan period of 22 years for this aggregate type.
- The sharp sand and gravel requirement is the ten-year sales average multiplied by the Plan period ( $0.176 \times 22 = 3.872\text{mt}$ ). The available reserves at commencement of year 2024 are estimated at 2.054mt giving a 1.818mt shortfall over the Plan period.

- The allocated sites represent a reserve of 2.5 million tonnes. Should these sites be granted planning permission this would provide a total surplus of 0.682mt over the Plan period.

## **Soft Sand**

2.5 Permitted reserves of soft sand (Folkestone Formation) at the end of 2022 were recorded as 5,573,784 or 5.574mt. The current annual requirement for this strategically important construction aggregate based on 10-year rolling sales averages is 0.475mtpa.

2.3 The calculation of the proposed revised Soft Sand requirements is set out below:

- 10-year sales average is 475,038.4tpa or 0.475mtpa
- A 7-year landbank is 3.325mt
- Plan period is 15 years plus 7 for the maintained 7-year landbank at the end of the Plan period (2024 to 2039+7) giving a total time Plan period of 22 years for this aggregate type.
- The soft sand requirement is the ten-year sales average times the Plan period (0.475 x 22=10.45mt).
- The available reserves at commencement of year 2024 are estimated at 5.099mt and with the release of the allocated site of 3.2mt a shortfall of 2.15mt over the Plan period is identified, though no exhaustion of available reserves by 2039 is indicated.

2.4 The extended Plan period of 2024-2039 will require both existing reserves and replenishment from an existing allocation (Chapel Farm, Lenham) to maintain supply over this period. There will be a technical shortfall of this aggregate mineral over the Plan period given that, by 2036, a 7-year maintained landbank will not be available (assuming the 3.2mt of replenishing reserves from Chapel Farm are then permitted). However, at no time over the Plan period will the supply of soft sand be exhausted (based on current sales rolling averages and permitted reserves plus potential reserves from the Chapel Farm allocation). In addition, following the Plan's adoption, there is a subsequent statutory requirement to review the Plan every five years which provides future staged opportunities to assess if further monitored supply requirements justify any allocation of additional sites.

## **Hard Rock**

2.5 It is proposed that the local annual supply requirement be recalculated based on the change to the plan period and a change to the predicted future sales. It is proposed that rather than use the average of the previous rolling 10 years sales averages to predict future annual sales, a six-year sales average should be used instead. This is because a significant change in the sales pattern of land-won hard (crushed) rock in Kent has been observed which is likely to be sustained. The significant change was first observed in 2017 with aggregates sales increasing to over 1.0mtpa and remaining at this level to the end of 2022 (the last year of available monitored data).

2.6 The calculation of the proposed revised hard rock requirements is set out below:

- 6-year sales average is 1,240,913tpa or 1.24mtpa
- A 10-year landbank is 12.4mt
- Plan period is 15 years plus 10 for the maintained 10-year hard (crushed) rock landbank at the end of the Plan period (2024 to 2039+10) giving a total time Plan period of 25 years for this aggregate type.
- The hard (crushed) rock requirement is the six-year sales average times the Plan period ( $1.24 \times 25=31.0\text{mt}$ ).
- The available reserves at commencement of year 2024 are estimated at 13.62mt giving an estimated 17.38mt shortfall over the Plan period.

2.7 If possible, the shortfall is to be addressed by allocation of new hard (crushed) rock reserves (in an updated Mineral Sites Plan) sufficient to ensure an adequate and steady supply of this type of aggregate is maintained over the Plan period 2024-2039.

2.8 The text of the KMWLP in Chapter 5 (paragraphs 5.2.9 to 5.2.25) and Policy CSM 2 will be updated in light of the most recent data above.

### **3.0 Proposal to Delete Policy CSW 5 – Strategic Site for Waste**

3.1 It is proposed to delete Policy CSW 5 – Strategic Site for Waste. Policy CSW 5 allocates land at Norwood Quarry Landfill site, Isle of Sheppey for restoration by landfilling with hazardous (flue) dust ash residues from Energy from Waste plants.

3.2 Development of the land as envisaged by the policy would extend the life of an existing landfill at the location dedicated to accepting this waste stream which is now expected to be exhausted by 2038.

3.3 The KMWLP promotes the management of waste in accordance with the waste hierarchy and, while disposal is not ruled out, retaining a specific allocation may no longer be consistent with the waste hierarchy. This is because an extension to the existing landfill may no longer be needed as more preferred options for managing hazardous (flue) dust ash residues further up the waste hierarchy are now viable and available.

3.4 An assessment of the future need for capacity in Kent capable of managing hazardous (flue) dust ash has been prepared and this demonstrates that significant quantities of this waste are now being managed by means other than landfill.

3.5 It is important to note that deletion of the allocation at Norwood Quarry would not preclude development of additional landfill capacity to manage hazardous (flue) dust ash residues from Energy from Waste plants in future. Such development could come forward if a need was demonstrated and the location for the development was found to be suitable when considered against the policies of the Development Plan (which includes the Kent Minerals and Waste Local Plan) and national planning policy.

3.6 The full text of Policy CSW 5 is included below and a map of the allocation, as it currently appears in the Kent Minerals and Waste Local Plan is shown in Figure 1.

#### **Policy CSW 5**

##### **Strategic Site for Waste**

The proposed extension areas for Norwood Quarry and Landfill Site, Isle of Sheppey are together identified as the Strategic Site for Waste in Kent. The site location is shown on Figure 19. Unless criterion 1 below is satisfied, planning permission will not be granted for any other development other than mineral working with restoration through the landfilling of hazardous (flue) dust ash residues from Energy from Waste plants.

Mineral working and restoration by hazardous landfill and any ancillary treatment plant at the Strategic Site for Waste will be permitted subject to meeting the requirements of the development plan and the following criteria:

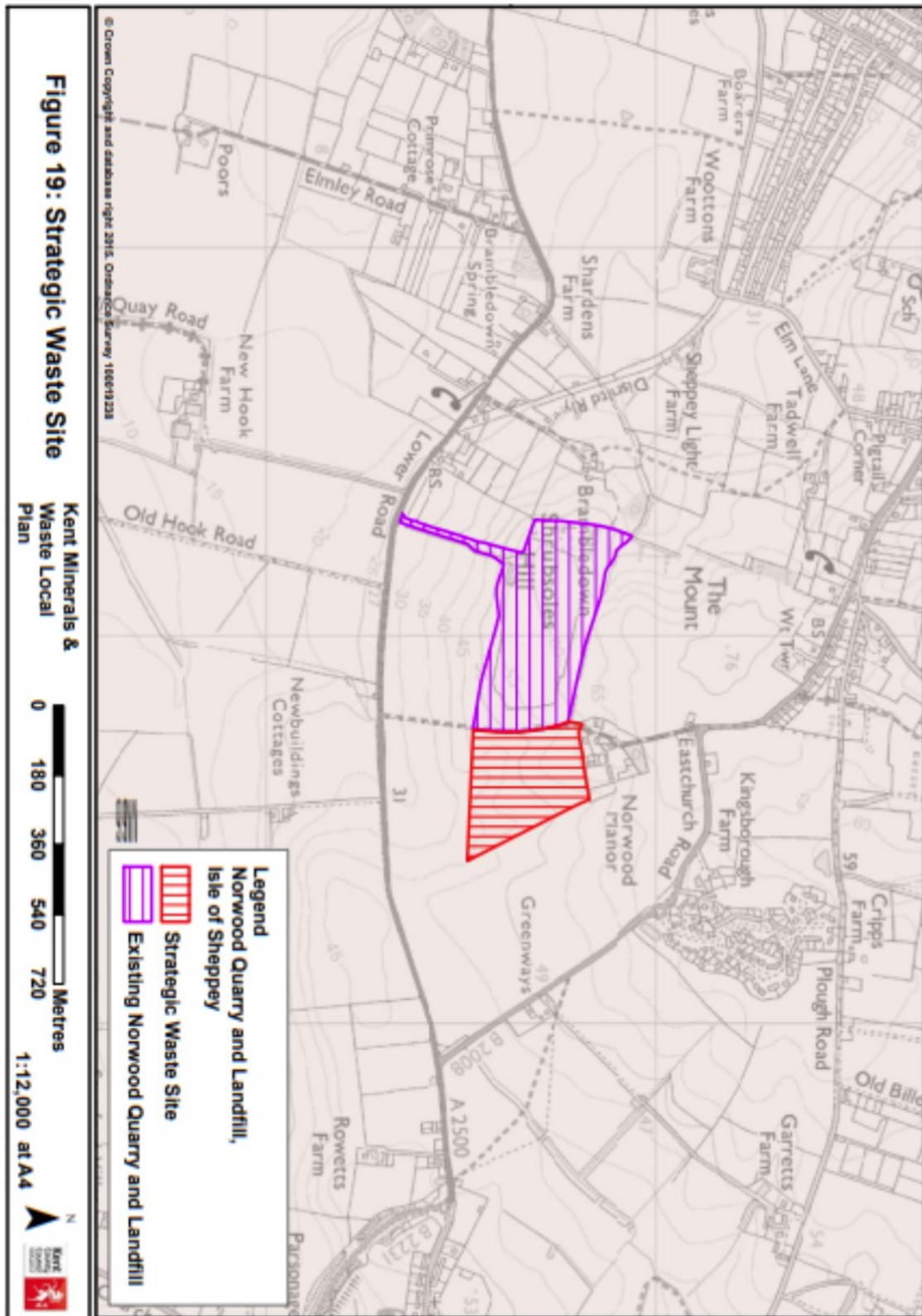
1. Demonstration that the site can be suitably restored in the event that

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landfilling of hazardous (flue) dust ash residues from Energy from Waste plants were to cease before completion of the final landform due to changes in treatment capacity and/or government policy that may result in the diversion of these wastes from landfill

2. an air quality assessment is made of the impact of the proposed development and its associated traffic movements<sup>79</sup> on the Medway Estuary and Marshes Special Protection Area and the Swale Special Protection Area sites and if necessary mitigation measures are required through planning condition and/or planning obligation
3. the site and any associated land being restored to a high-quality standard and appropriate after-use that accords with the local landscape character
4. Any proposal for this site would need to consider the requirements of other relevant policies of this Plan and in particular would need to consider any impacts on the A2500 Lower Road. Depending on the nature of any proposal it may be necessary for the developer to make a contribution to the improvement of this road.

Fig 1 Norwood Quarry Extension Allocation





## 4.0 Proposal to Delete paragraph 6.3.3 concerning provision within Kent for the management of residual non-hazardous waste arising in London

4.1 It is proposed to delete paragraph 6.3.3 in the adopted Plan concerning provision within Kent for the management of residual non-hazardous waste arising in London. Paragraph 6.3.3 of the KMWLP states the following (with earlier proposed changes<sup>2</sup> to the adopted Plan shown):

‘Provision for Waste From London

6.3.37 Specific provision in the calculations for capacity required for non-hazardous waste going to landfill or **Energy from Waste** (EfW) has been made for waste from London. The reason for this is that, due to land constraints, London's residual waste cannot all be managed within London itself and so, as a neighbouring waste planning authority, Kent County Council has ~~some~~**accepted** responsibility to make provision for **a reducing quantity** ~~element~~ of this waste. Historical data indicates the tonnage to be provided for is in the region of 35,000 tonnes per annum. It is also recognised that closure of Rainham Landfill in the London Borough of Havering in 2026 may result in the displacement of waste from Kent currently managed there. Therefore, an additional tonnage of 20,000 tpa has been planned for on a contingency basis.’

4.2 As part of the Waste Needs Assessment Update that was prepared in 2022, as part of the 5 year review of the KMWLP, specific consideration was given to how waste from London is managed in Kent<sup>3</sup>. This concluded the following (with emphasis added):

‘Assessment of current net self-sufficiency balanced for Kent residual Non-Hazardous waste combined with the London Plan commitment for London to achieve net self-sufficiency 2026 means that **specific provision in the Plan for managing London’s residual non-hazardous waste in Kent is no longer appropriate**. The commissioning of the Kemsley K3 EfW plant in 2019 and recent grant of a Development Consent Order (DCO) by the Planning Inspectorate to increase its throughput by up to 107,000 tpa of non-hazardous residual waste makes more than ample provision for non-hazardous waste from London.’

4.3 This conclusion was reached in light of the fact that the London Plan (2021) includes a target of achieving net self-sufficiency for household and commercial waste and cease landfilling of biodegradable/recyclable wastes by 2026 for the capital as a whole. This means that, after 2026, while movement to landfills outside the capital may continue (provided that they are offset by incoming flows), such waste must be non-biodegradable and/or non-recyclable (i.e., residual). This is expected to constrain exports of non-hazardous waste from London to landfill.

4.4 In light of the above it is proposed to delete paragraph 6.3.3.

<sup>2</sup> Subject to consultation December 2021 to February 2022 and October 2022 to December 2022.

<sup>3</sup> Review of Waste Flows between Kent and London, 2022, BPP Consulting  
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