

Statement of Common Ground Between Kent County Council and the Ebbsfleet Development Corporation (the Parties) Concerning Minerals and Waste Safeguarding and Allocation of Mineral Sites.

Updated April 2024

1.0 Introduction and Parties Involved

1.1 The National Planning Policy Framework ¹(NPPF) states that: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.”* and *“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans.”*

1.2 It also states²: *“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.”*

1.3 This document represents a Statement of Common Ground (SoCG) between Kent County Council (KCC) and the Ebbsfleet Development Corporation (EDC) that will help ensure that waste is managed, and minerals are supplied in the Ebbsfleet Development Corporation area and where appropriate other parts of Kent in accordance with relevant local and national policy.

1.4 Specifically, this SoCG covers the following strategic matters:

- Safeguarding of mineral resources (Policy CSM5)
- Safeguarding Minerals Management, Transportation & Waste Management Facilities
- Minerals and Waste Safeguarding procedures to enable non-minerals and waste development to be determined while ensuring their safeguarding is secured.
- Other allocations / relevant issues in Gravesham Borough Council (GBC) and Dartford Borough Council (DBC) local plans

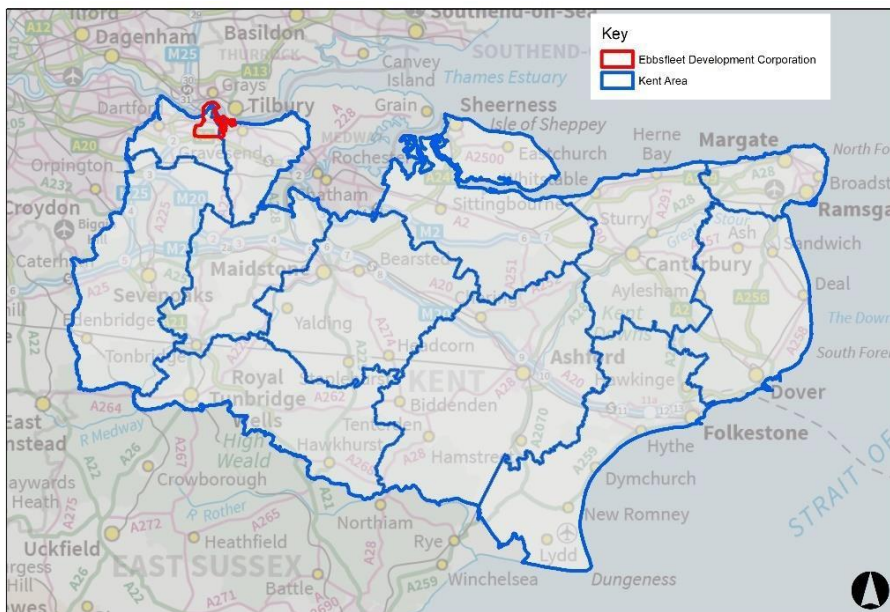
1.5 KCC is the waste and minerals planning authority for the two-tier area of Kent with responsibility for planning for the future management of waste and supply of minerals in the county by preparing relevant strategic policies. Ebbsfleet Garden City is located within north-west Kent and the EDC is the determining body for County Minerals and Waste applications within its development area. A service

¹ Paragraph 24 and 25 of the revised National Planning Policy Framework (2023)

² Paragraph 27 of the National Planning Policy Framework (2023)

level agreement is in place between KCC and EDC under which KCC processes such applications on behalf of EDC. EDC has responsibility for development management functions within the Ebbsfleet Development Corporation Urban Development Area (See Figure 1) but both DBC and GBC are responsible for producing Local Plans to cover their geographical areas.

Figure 1: Location of Kent and Ebbsfleet Development Corporation



1.6 In accordance with paragraph 8 of National Planning Policy for Waste (2014), the EDC also has responsibility for helping ensure that waste is managed in accordance with the Waste Hierarchy³, this includes the following:

“When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;”

1.7 Insofar as safeguarding mineral resources and waste management and mineral supply infrastructure is concerned, the following paragraphs of the NPPF apply:

Paragraph 215: It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

³See Appendix A of National Planning Policy for Waste. The waste hierarchy expects waste to be managed in the following order of preference: Prepared for reuse; Recycled and/or composted; Recovered in ways other than recycling/composting; and, finally, Disposed.

Paragraph 216: Planning policies should:

(c): safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);

(d): Planning policies should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;

(e): Planning policies should safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;

Paragraphs 217: When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

Paragraph 218: Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

1.8 KCC is in the process of reviewing the adopted Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) (KMWLP), and further considering the possible review of the adopted Mineral Sites Plan 2020 (MSP). The KMWLP review has resulted in modifying its adopted planning policies concerning the supply of aggregate minerals, biodiversity net gain, low level and very low-level nuclear waste management at the Dungeness Nuclear Estate, deletion of both strategic minerals and waste site allocations, changes to the supporting text regarding the expectation of receiving a declining amount of non-hazardous waste from London and minor changes to the Mineral Safeguarding Area proposals maps. With regards the MSP, depending on further consideration of any promoted sites, the plan may require review and modification to enable an allocation to be secured to maintain hard rock landbanks until 2039. In 2017 KCC adopted a Supplementary Planning Document on Safeguarding (Safeguarding SPD), this was reviewed in March 2021. Modifications to the KMWLP safeguarding policies (DM 7 (7) and DM 8 (2)) were proposed as part of the Early Partial Review of the KMWLP, the emerging Full Review of the KMWLP does not propose to make any additional changes to these policies or their explanatory text.

2.0 Strategic Geography

2.1 Ebbsfleet Garden City is located in north-west Kent and straddles the boundary between the local authorities of Dartford Borough Council and Gravesham Borough Council (see Figure 1). The area is undergoing transformation and development split across a number of strategic development sites. Currently within the EDC area, there is consent for residential, employment, core and community uses, with plans for up to 15,000

new homes. The A2 trunk road runs along the southern boundary, the A226 crosses through the area with Ebbsfleet International Railway Station within the central area.

2.2 The main economic minerals found within the Ebbsfleet Development Corporation Urban Development Area are aggregates in the form of sub-alluvial river terrace deposits (found along the bank of the Thames and along the Ebbsfleet Valley) and river terrace deposit (found in deposits to the south of the bank of the Thames). There are several mineral wharf sites and other mineral processing infrastructure sites in the in the Ebbsfleet Development Corporation Urban Development Area at:

- Red Lion Wharf
- Wharf 42
- Northfleet Wharf (area within the safeguarded 250m buffer zone identified in Policy DM 8)
- Old Sun Wharf
- Robins Wharf (portion of the mineral stockpile area)

2.3 Key Safeguarded Mineral features in the Ebbsfleet Development Corporation Area are shown in Appendix 1. There are imports and exports of mineral into and out of the EDC area.

2.4 Waste produced in the EDC area is managed at various facilities both within and outside of the borough/district. The waste facilities within the EDC area also serve areas outside of the area and are as follows:

- Plot 15 Manor Way, Secondary and Recycled Aggregate Site
- Land South of Manor Way, Secondary and Recycled Aggregate Site
- Temp. Wood Storage & Shredding Red Lion Wharf, Recycling Site, Construction and Demolition Waste
- Manor Way, Swanscombe, Treatment Site
- Manor Way Business Park, Transfer Station
- Plot 16 Manorway Business Park, Manor Way, Swanscombe, Metal/End of life Vehicle (ELV) Facility
- Oakdene, Watling Street, Bean, Metal/ELV Facility
- South Pit, Manor Way Wastewater Treatment Works

3.0 Strategic Matters

Safeguarding of Mineral Resources Policy Considerations

3.1 Protecting mineral resources from unnecessary sterilisation is central to supporting sustainable development and so is a very important part of national planning policy. Minerals are a finite natural resource which need to be used prudently. The purpose of safeguarding minerals is to ensure that sufficient economic minerals are available for future generations to use (see NPPF Part 17 - Facilitating the sustainable use of minerals).

3.2 The Parties agree that safeguarding of minerals resources in Ebbsfleet Development Corporation Urban Development Area shall take place in accordance with relevant safeguarding policies and the Safeguarding SPD. Key aspects of the approach are described below.

Minerals Safeguarding Areas (MSAs)

3.3 MSAs cover areas of known mineral resources that are, or may in the future be, of sufficient value to warrant protection for future generations. MSAs ensure that such resources are adequately and effectively considered in land-use planning decisions so that they are not needlessly sterilised.

3.4 The MSAs carry no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction. The Parties agree that boundaries of the adopted MSAs for the Ebbsfleet Development Corporation Urban Development Area are set out in the Policies Maps in Chapter 9 of the Kent MWLP. In the Ebbsfleet Development Corporation Urban Development Area the MSA is also part of the policies of the Development Plan applicable to Gravesham and Dartford Borough Councils.

3.5 Minerals Consultation Areas (MCAs) cover the same area as MSAs. The Parties agree that if an application for non-minerals development is received by the EDC within the MCA then it will consult KCC on the implications for safeguarding the resource in that area. The Parties agree that KCC will provide its views within 21 days of being consulted and if no response is provided the EDC may take that to mean that KCC has no concerns.

3.6 The Parties agree that applications for development within MSAs will need to be accompanied by related information to allow an assessment of the impact on the resource to be undertaken. The information required is set out in the Safeguarding SPD.

3.7 The Parties agree that to support the EDC in consideration of minerals safeguarding, on request, KCC will provide advice on the importance of the safeguarded resource at the time an application is made.

3.8 The Parties agree that existing and allocated mineral sites are also protected by the safeguarding policies and KCC and the EDC will apply these policies when considering any applications which might impact upon the extraction of minerals from these sites.

3.9 The Parties agree that KCC and the EDC will apply Policy DM 7 when determining if proposed development that might otherwise be incompatible with safeguarding a mineral resource would be acceptable. Exemptions to the presumption to safeguard are set out in Policy DM 7 include where a proposal is on land allocated in a local plan and/or where prior extraction of the mineral has taken place.

3.10 The validity of applying safeguarding considerations to sites allocated pre-

adoption of the KWMLP in July 2016 is a matter not agreed between the parties.

Prior extraction

3.11 The Parties agree that KCC and the EDC will consider applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non- minerals development, against adopted KMWLP Policies CSM 4 and DM 9.

Review

3.12 The Parties agree that KCC will review the extent of the MSAs at least every five years. The current MSAs were adopted in 2016, reviewed in 2020 and are now being reviewed again.

Safeguarding Minerals Management, Transportation & Waste Management Facilities

3.13 Mineral transportation infrastructure is important because imported minerals make a major contribution to Kent's requirements and production facilities convert materials into useable products. Transportation infrastructure also allows for export of minerals to other areas.

3.14 The purpose of safeguarding sites hosting existing waste and minerals infrastructure, as well as those with planning permission and/or allocated for such uses, is to ensure that the need for existing or planned waste management and minerals supply infrastructure is taken into account when decisions are made on all new development in Kent.

3.15 The Parties agree that they will work together to ensure that the relevant safeguarding policy is implemented effectively.

3.16 The Parties agree that in protecting the ongoing operation of such infrastructure KCC and the EDC will apply Policy CSM 6 (Safeguarded Wharves and Rail Depots) and Policy CSM 7 (Safeguarding Other Mineral Plant Infrastructure), as appropriate.

3.17 The loss of existing waste management capacity could have an adverse effect upon delivering the waste strategy, including net self-sufficiency in waste management, in Kent and so its protection is also important. The Parties agree that KCC and the EDC will protect existing permitted sites with permanent permission for waste management by applying Policy CSW 16 (Safeguarding of Existing Waste Management Facilities).

3.18 The Parties agree that application of the policies mentioned above means that planning applications for development which replaces or jeopardises the minerals and waste infrastructure capacity provided by these policies should generally be refused, save where excepted by the relevant policies terms or other material considerations.

3.19 The Parties agree that where other development is proposed at, or within 250 metres of, safeguarded minerals and waste management facilities the EDC will consult KCC and take account of its views before making a planning decision.

3.20 The Parties agree that KCC and the EDC will apply Policy DM 8 (Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities) when establishing if proposed development that might otherwise be incompatible with safeguarding minerals and/or waste infrastructure would be acceptable.

3.21 The validity of applying safeguarding considerations to sites allocated in a local plan pre-adoption of the KWMLP in July 2016 is a matter not agreed between the Parties.

3.22 Each year KCC will publish an updated list of existing minerals management, transportation and waste sites requiring safeguarding in the KCC Annual Monitoring Report.

4.0 Governance and Future Arrangements

4.1 KCC and the EDC will cooperate and work together in a meaningful way and on an ongoing basis to ensure the effective strategic planning of waste management. This statement is agreed by the KCC's Head of Planning Applications Group and the Ebbsfleet Development Corporations Director of Planning & Place.

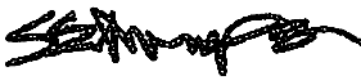

4.2 The ability of EDC to contribute to waste management and minerals supply in Kent will be monitored by KCC and reported each year in the Kent Annual Monitoring Report. As necessary this monitoring will trigger a review of this Statement of Common Ground, for example in light of changes to waste management and minerals supply capacity within the EDC area. The results of any review will be reported in each Authorities' Annual Monitoring Reports.

4.3 Specific matters likely to prompt a review of this SoCG are as follows:

- Any future update to the Kent Minerals and Waste Safeguarding SPD
- Review of Minerals Safeguarding Areas
- Adoption of and any revisions to Gravesham and Dartford Borough Councils' Local Plans
- Any key changes to relevant national policy

4.4 The Parties will work together to update the Kent Minerals and Waste Safeguarding SPD and when reviewing the Minerals Safeguarding Areas.

5.0 Signatories

	
<p>Sharon Thompson</p>	<p>Ian Piper</p>
<p>Signed on behalf of Kent County Council</p>	<p>Signed on behalf of Ebbsfleet Development Corporation</p>
<p>Position: Head of Planning Applications Group, Growth Environment and Transport Directorate</p>	<p>Position: Chief Executive Officer</p>
<p>Date: 25 April 2024</p>	<p>Date: 29 April 2024</p>

Appendix 1

