

Statement of Common Ground Between Kent County Council and Sevenoaks District Council (the Parties) Concerning Minerals and Waste Safeguarding and Allocation of Mineral Sites

July 2024

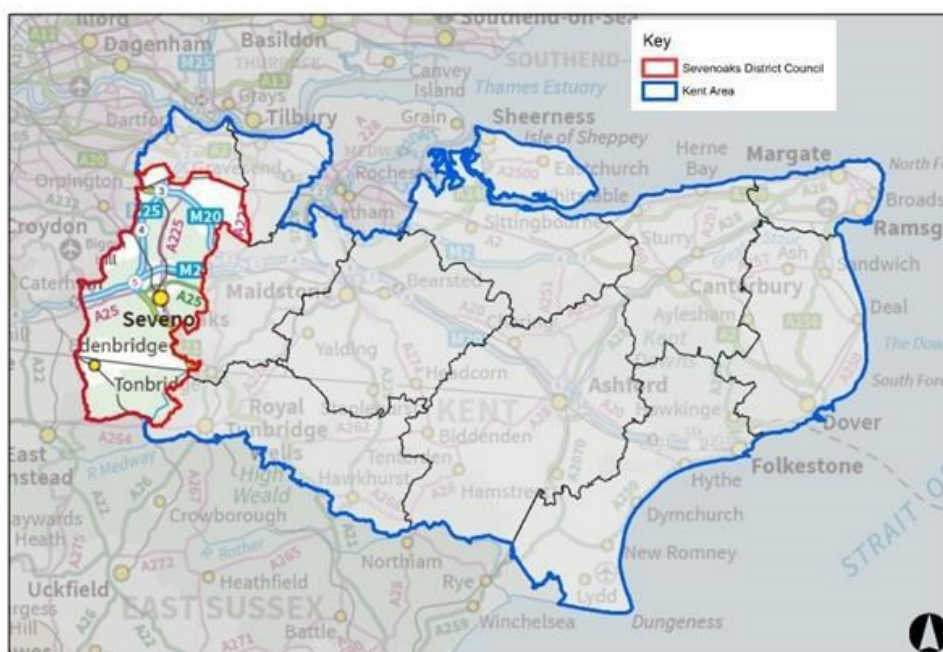
1. Introduction

1.1 This document represents a Statement of Common Ground (SoCG) between Kent County Council (KCC) and Sevenoaks District Council (SDC) (**the Parties**) that will help ensure that waste is managed, and minerals are supplied in Sevenoaks District in accordance with relevant local and national policy.

1.2 Specifically, this SoCG covers the following strategic matters:

- Proposed Allocation of Sevenoaks Quarry and other sites in Mineral Safeguarding Areas (MSA) in the New Sevenoaks Plan 2040
- 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.

1.3 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. Sevenoaks District is located within West Kent and SDC has responsibility for planning other development such as housing and employment within the District of Sevenoaks (See Figure 1).



- 1.4 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 a number of its adopted planning policies, essentially those 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.
- 1.5 SDC's existing Local Plan consists of the adopted Core Strategy (2011) and the Allocations and Development Management Plan (2015). SDC is in the process of consulting on a new Local Plan (Sevenoaks Plan 2040) for the district. Regulation 19 consultation will take place in 2024 prior to submission to the planning inspectorate in 2025. The Local Plan proposes an allocation for mixed-use development on a mineral safeguarded site (Sevenoaks Quarry) which is discussed in further detail at 3.1 to 3.7 and a number of allocations in Minerals Safeguarding Areas, which are discussed in further detail at 4.1 and 4.2.

2. Safeguarding of Landwon Mineral Resources - Policy DM 7 of the KMWLP

- 2.1 The main economic minerals found within the district are aggregates in the form of soft sand (located within the Folkestone Formation to the north of the district) and sharp sand and gravel (associated with river terrace deposits adjacent to the River Medway). The economic safeguarded minerals found within the district are detailed on the Kent Minerals and Waste Local Plan Mineral Safeguarding Areas proposals maps which can be seen at the following link: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-1>.
- 2.2 The County Council proposed changes to Policy DM 7 as part of an the Early Partial Review of the KMWLP, as adopted in 2020. The policy should not be read in such a way that indicates sites allocated in a local plan are exempt

from mineral safeguarding in all cases. The now adopted changes to Policy DM 7 exemption criterion (7) clarifies that such sites are only to be considered as exempt from the presumption to safeguard where mineral safeguarding has been addressed at the local plan preparation stage.

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

3. Proposed Allocation of Sevenoaks Quarry in the new Sevenoaks Plan 2040

- 3.1 Sevenoaks Quarry, (also known as Tarmac Quarry (site MX4)) is proposed for the allocation of a mixed-use development site in the Reg. 18 Sevenoaks District Local Plan. The site is proposed to include residential, leisure, local centre and open space development, including 950 housing units. The site has been promoted by Tarmac. Its intention is to deliver an early phase of housing whilst quarrying activity takes place elsewhere within the quarry site. Phase 1 development, if allocated, would take place on land not currently subject to sand extraction (hard standing, car parking, site offices, storage buildings existing cottages, operational plant and some separate businesses). It should also be noted that planning permission has been granted on the site (planning permission (22/00512/OUT) by the planning committee on 1 June 2023, subject to completion of Section 106 legal agreement. The need to ensure full extraction of the permitted reserves prior to phased development of the site being part of the application's determination by SDC.
- 3.2 Sevenoaks Quarry is a safeguarded site in the 2016 KMWLP (as amended by the Early Partial Review 2020) and is currently an active soft sand extraction site. It is an important site serving cross county needs for this aggregate mineral.
- 3.3 KCC's Local Aggregate Assessments (LAA2023) and Annual Monitoring Reports (AMR 2022/23) outline KCC's position regarding soft sand supply. Soft sand is a depleting resource in the south east of the UK. KCC's Minerals Sites Plan that was adopted in 2020 ensures that supply in Kent is planned for until 2030. The Review of the KMWLP will have a plan period to 2039. Sevenoaks Quarry remains important and is an integral part of KCC's local plan strategy to ensure soft sand supply to Kent and the wider region and is protected by planning policies which seek to ensure that no needless sterilisation of this landwon mineral occurs.
- 3.4 The **Parties agree** that soft sand is a vital material for the construction industry and its supply underpins the delivery of housing within the Sevenoaks District and wider south east.
- 3.5 In responding to the SDC's emerging Local Plan, KCC and a number of other mineral planning authorities made comment on the proposed housing allocation

and drew attention to the importance of the mineral resource and the need to ensure that the mineral was not sterilised by any development. KCC also drew attention to the need to ensure that any housing development was implemented in such a way that the permitted mineral and adjacent landfill site at Greatness Quarry would not be undermined. It is agreed that this will require careful design and layout consideration and appropriate mitigation if the mineral is not to be sterilised and to ensure an acceptable mixed-use development. The **Parties agree** that that this should be reflected in the SDC allocation policy.

- 3.6 To address the concerns raised by the Mineral Planning Authority, Tarmac commissioned a minerals statement dated September 2019 (included in Appendix 1) The Statement was prepared to summarise the planning context and non-mineral proposals for Sevenoaks Quarry, an explanation of the proposed first phase of development proposed to take place concurrently with sand extraction and the timing of subsequent development in relation to permitted economic reserves and likely extraction timescales. A fundamental principle is to ensure that the permitted and safeguarded reserves are not sterilised and that the residential and supporting mixed use development are proposed as alternative after-uses. It is recognised that careful consideration will need to be given to the temporary relocation of mineral and associated activities during the lifetime of the quarry working and restoration to ensure the mineral and housing development can take place concurrently.
- 3.7 Tarmac's intention is to work the economic mineral by 2030 and seek to accelerate the rate of extraction. This will require a variation to its existing mineral planning permission. In the absence of certainty regarding the operational life of the quarry, the authorities agree that no development can begin on the site until phasing of the development is agreed with KCC and SDC through the mineral planning permission.

4. Proposed Allocation of sites in the Sevenoaks Plan 2040 in Mineral Safeguarding Areas (MSA)

- 4.1 The Plan 2040 includes twelve sites which partially coincide with MSAs.
- 4.2 SDC will incorporate, as requested by KCC, that wording be included in the Development Criteria of the 12 baseline sites and 5 Option sites in MSAs, as set out below:

“Due to the minerals safeguarding area, a Minerals Assessment will be required as part of any subsequent planning application.”

5. Safeguarding of Minerals Management, Transportation & Waste Management Facilities - Policy DM 8 of the KMWLP

- 5.1 Waste produced in the District of Sevenoaks is managed at various facilities both within and outside of the District, these facilities also serve areas outside of the

District. The sites associated with waste management within the district are included in the Monitoring and assessment part of the County Council's web page at the following link:<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-4>.

5.2 Policy DM 8 exemption criterion 2 states:

it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation, production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable; or

[the other Policy DM 8 exemption criteria 1, 3-7 referred to above in criterion 2 are as follows:

1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or

3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or

4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or

5. the facility is not viable or capable of being made viable; or


6. material considerations indicate that the need for development overrides the presumption for safeguarding; or

7. It has been demonstrated that the capacity of the facility to be lost is not required]

5.3 Both **Parties** agree that allocations in the Sevenoaks Local Plan 2040 that have been assessed against exemption criterion 2 of Policy DM 8, and therefore exemption criteria 1,3-7 as appropriate, and therefore development in those locations would be acceptable.

6. Signatories/Declaration


Signed on behalf of Kent County Council



Position: Head of Planning Applications

Date: 11th July 2024

Signed on behalf of Sevenoaks District Council



Name: Richard Morris

Position: Chief Planning Officer

Date: 16th July 2024

Sites that fall into the Sevenoaks District Mineral Safeguarding Area

Baseline Sites:

Seven Acres Farm, Hever Road, Edenbridge
Abacus Furniture Farm Road Garages Greatness Lane Flats Mill Lane
Pounsley House, Pounsley Road, Dunton Green, Sevenoaks District Council
Ryecroft, Ryecroft Road, Otford
Land at Lullingstone Avenue, Swanley
Land north of Skinners Lane, Edenbridge
Land adjacent to Seal Hollow Road and north of Blackhall Lane, Sevenoaks
42-44 Bullfinch Lane, Riverhead
Land North-East of Bloomfield Terrace, Westerham
Sevenoaks Station and Car Park, Morewood Close, Sevenoaks
Land east of High Street, Sevenoaks
Sevenoaks Quarry, Bat and Ball Road, Sevenoaks, Kent

Option Sites:

Land East of Croydon Road (Southern Parcel), Westerham
Land East of Croydon Road (Northern Parcel), Westerham
Land between Back Lane and the A21, Bessels Green
Britains Lane, Kippington, Sevenoaks
Land at Moat Farm, Off Homedean Road, Chipstead, Kent