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HEARING STATEMENT MATTER 1 KENT MINERALS AND WASTE LOCAL PLAN EIP

On Behalf of
Borough Green Sand Pits Ltd

August 2024

1.0 This Hearing Statement should be read in companion to the extensive Representations made to the Kent Minerals and Waste Local Plan as through it has progressed through its various stages.

2.0 Question 2- Is there a need to update any Statement of Common Ground (SoCG), given the time elapsed between their completion and the submission of the Plan for Examination?

2.1 The NPPF 2023 Para 27 states 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.

2.2 Para 35 states Plans are 'sound' if they are (c).... Based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the Statement of Common Ground.

2.3 The National Planning Practice Guidance (NPPG) confirms that SoCGs need to be prepared and maintained on an on-going basis throughout the plan making process. Once published, Authorities responsible for the Statement will need to ensure it reflects the most up to date position in terms of joint working across the area (para 020 Ref ID: 61-020-20190315).

2.4 The SoCG between KCC, West Sussex County Council, East Sussex County Council, Brighton & Hove City Council, the South Downs National Park Authority and Maidstone Borough Council was agreed in July 2022 (hereafter referred to as the 2022 SoCG). It is therefore over 2-years old.

2.5 The Duty to Co-operate Report (May 2024) includes Appendix 8 which is the South East Mineral Planning Authorities Soft Sand Position Statement. This was produced in late 2023 (i.e. over a year after the 2022 SoCG was produced by the Authorities). The Soft Sand Position Statement explicitly states that it will be used as a basis for any relevant Statements of Common Ground. This therefore implies that the 2022 SoCG needs to be updated to reflect the more up to date Position Statement.

2.6 Para 4.2 of the Soft Sand Position Statement highlights that the spatial distribution of soft sand is varied and that some of the areas where extraction has historically taken place, or currently takes place, are constrained by landscape and environmental designations. In the case of Surrey, the landscape designations are becoming more extensive though the expansion of the South Downs National Landscape area.

2.7 Para 4.3 continues that additional sites need to be allocated in minerals plans and permitted by Mineral Planning Authorities to ensure that a steady and adequate supply of soft sand can be maintained in the South East by the process of local plan formulation, adoption and periodic review over any respective plan period.

2.8 The Soft Sand Position Statement therefore appears to be more up to date than the 2022 SoCG. It is endorsed by many of the same authorities and expressly states that additional sites need to be allocated in minerals plans.

2.9 The data and information included in 2022 SoCG is also out of date. For example, there is no reference to the fact that KCC will not longer be able to provide a 7-year land bank at the end of

the Plan Period or the fact that there is no longer a surplus of soft sand which can be used for the wider south east region. Further, the data contained within Table 1 is incorrect.

- 2.10 On review of the more recent LAA data produced by the MPAs signatory to the 2022 SoCG the following discrepancies are noted (as examples):

Authority	Commentary
Kent County Council	10-year sales average now 0.475mtpa not 0.4mtpa
West Sussex and South Downs National Park Authority LAA 2022 (Published January 2024)	Presents a range of scenarios to forecast its landbank. It sets a landbank at 4.5 years but contends it may be as low as 3.7 years.
Surrey County Council LAA (published December 2023)	<p>LAA 10-year sales average 0.46mtpa and 3-year sales average 0.45mtpa. However, for robustness Surrey County Council is using an LAA rate of 0.5mtpa (reported in SoCG as 0.4mtpa).</p> <p>It states it has supply until at least 2032; however, by 2027 additional supply will be required to maintain a 7-year landbank.</p> <p>The LAA states ‘soft sand supply is likely to become a regional issue, and it is important to ensure there is not undue reliance on Surrey’s reserves given the lack of identified additional sites and significant constraints on extraction’ (much of the reserve is in the AONB).</p>

- 2.11 It is therefore questioned whether all Authorities do still agree to the position that was taken in 2022 and whether a revised agreed position could not be reached. The SoCG therefore needs to be updated to reflect the Soft Sand Position Statement, the updated LAA rates and the more recent statements made by the various MPAs.

- 2.12 As a final note, the NPPG states for minerals plans, aggregate working parties are also expected to be treated as additional signatories in SoCGs (Paragraph: 025 Reference ID: 61-025-20190315). The minutes to the South East England Aggregate Working Party (SEEAWP) are included as an appendix to the 2022 joint SoCG. The minutes state that as there was not a consensus for the SEEAWP to sign the SoCG they could not be an additional signatory. The issue is recorded as being a disagreement between industry representatives and the Mineral Planning Authorities in relation to the contents of the SoCG. It is understood that the Minerals Products Association and industry members did not agree with commentary around the importation of marine dredged soft sands and the need to take account of other local considerations rather than relying solely on 10-year average sales to calculate soft sand need.

- 2.13 The SoCG should be presented as agreed matters and matters in dispute as is common practice. This would provide clarity to those parties wanting to engage with the plan making process. The

alternative option would have been to work to reach a point where SEEAWP could be a signatory. Instead, KCC decided to progress without the SEEAWP signature to the SoCG. This is contrary to the requirements of the NPPG and fails to show constructive and active engagement with all relevant organisations.

- 2.14 The lack of a published up to date SoCG is a matter which was previously raised in our Representations as part of the consultation process.

