

Kent Minerals and Waste Local Plan 2024-39 Regulation 19 Pre-Submission Draft

Response on behalf of Save Capel (“SC”)



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This representation is made by the Save Capel Executive on behalf of SC’s members and supporters. Our comments relate to the revisions in the Kent Minerals and Waste Local Plan (“the Plan”) and paragraph numbers referenced are to those in the proposed version.

SC welcomes the review of the Plan which seeks to meet the NPPF requirement for a minimum of 15 years. However, it is unclear whether the period being “2039” relates to the calendar or fiscal year, where clearly the adoption of the Plan would be in at least 2024/25, and this should be clarified as to whether a plan period to 2040 is required.

SC is encouraged and pleased to see further policies being added, in particular those that promote sustainability and seek to protect Kent’s important biodiversity assets.

1) Kent Joint Municipal Waste Strategy

SC notes the policies of a recycling rate of 50%, a landfill target of no more than 2% by 2020/21, and a year on year reduction in residual waste per household. However, these were agreed in 2018 and clarification is needed of whether the 2020/21 objectives were met. Para 1.3.14 provides figures for 2016/17 and more recent information is required regarding a year-on-year reduction to ensure the draft Plan is justified and effective.

2) Kent Waste Disposal Strategy

KCC is conducting a five-year review of its Waste Disposal Strategy originally adopted in July 2017. As we are in 2024 that review is overdue.

3) Spatial Vision for Minerals and Waste in Kent

Planning for Minerals

SC strongly supports the intentions of policy (6) “...to become less reliant on land-won construction aggregates” and policy (8) “Restore minerals sites to a high standard that will deliver sustainable benefits to Kent communities”. However, history shows that the restoration of mineral extraction sites has too often been neither to a “high standard” nor has provided “sustainable benefits” to communities.

Developers, all too often, claim that wildlife habitat has benefited from the sites, when they have merely allowed the excavations to fill with silted water and ‘reed beds’ form. This provides no benefits to Kent communities.

Whilst planning consents would determine site specific conditions, SC is concerned that these are not strictly enforced and that the developers are not penalised for shortcomings. Therefore, the policy (8) needs a clearer requirement to make the Plan effective and SC suggests the following points should be considered:

- a) Excavations of farmland should be restored to that use, unless this is demonstrated to not be possible and sustainable benefits for the community are substantiated
- b) If the excavations do result in lagoons and ponds, these should be made available for the enjoyment of the public, for example, for the pursuit of recreational activities such as fishing and water sports.
- c) Creation of nature reserves, where good access can be provided, under public ownership
- d) For larger sites, in particular, restoration must not be left until the cessation of the development, which may be several decades, and restoration measures must be implemented within the sites throughout the period as extraction ceases at each parcel.
- e) The Plan should make absolutely clear that extracted voids should never be used for landfill from household waste or other contaminating sources.
- f) Reference could be made to policy requirements of conservation and bio-diversity gain.
- g) Imposition of clear financial penalties to operators, to prevent sites just being abandoned.

SC acknowledges that some of these points are mentioned in Strategic Objectives (4) and (9) but considers that the policies can be improved by addressing the above points more clearly for the Plan to be effective. These points are also relevant to draft policy DM 19 (see point 16) below).

Planning for Waste

SC is concerned that policy (11) is not clear. The inclusion of "close to its source" is ambiguous and far too vague to be effective.

4) Policy CSM 2 Supply of Land-won Minerals in Kent

SC notes the simplification of policy (1) but considers that the removal of "*Demand will instead be increasingly met from other sources, principally a combination of recycled and secondary aggregates, landings of MDA, blended materials and imports of crushed rock through wharves and railheads*" no longer emphasises the strategy at the heart of the Plan with regard to Aggregates.

Land-won Aggregate Supply

SC notes the following explanatory text regarding the diminishing supply of sandstone gravels in the Medway Valley:

- Para 5.2.4 "*...although their use in the production of high-quality concreting aggregates has not normally been possible*"
- Para 5.2.5 "*Recent (2022) monitoring identifies two active (and three inactive) sharp sand and gravel sites within the County*". SC is uncertain whether this relates to 2022 monitoring and whether Stonecastle Quarry is identified as 'inactive' or not
- Para 5.2.9 "*Land-won sharp sand and gravel is also imported by rail and road from areas beyond Kent*"
- Para 5.2.21 "*Between 2013 and 2022 sales of sharp sand and gravel from quarries in Kent dropped from around 376,250 tonnes in 2013 to around 124,200 tonnes in 2022*"
- Para 5.2.25 "*Therefore, it is anticipated that the diminishing land-won sharp sand and gravel supplies will increasingly be substituted over the plan period by supplies from production of alternative materials. This would include secondary and recycled aggregates supplies gained from*

the blending of materials to generate a material suitable to supply to the construction aggregate market, together with landings of MDA and imports of land-won aggregates from elsewhere. Indeed, there is adequate existing capacity at wharves, railheads and recycling facilities for supplies from these sources to maintain adequate supply of land-won sharp sand and gravel...". [Emphasis added]

The Plan states that there is a requirement for 3.872mt of sharp sand and gravel for projected demand over the plan period together with a 7-year landbank in 2039. The available reserves at commencement of year 2024 are estimated at 2.054mt. The allocation (two sites) of 2.5mt of potentially replenishing resource are identified in the Kent Mineral Sites Plan 2020.

SC considers that the policy CSM 2 (1) is neither effective nor justified because it relies entirely on the delivery of land-won aggregates from only two sites which are identified as the "*potentially replenishing resource*" [para 5.2.22]. These are:

- i) Stonecastle Farm Quarry Extensions, Hadlow (Tonbridge & Malling)
- ii) Land at Moat Farm, Five Oak Green (Tonbridge Wells)

Whilst these sites collectively straddle the borough boundaries, they can be considered as one overall site because they are expected to be accessed from the existing haul road at Stonecastle Quarry and processing would be at a single location. SC is not aware of the submission of any planning applications in relation to these sites.

Stonecastle Quarry

Stonecastle Quarry has a history of extensive landfill and quarrying activities for over 35 years. However, these activities ceased in 2008 seemingly due to the low-grade quality, limited use, high extraction cost, together with the poor financial and economic viability of the minerals - sharp sand and gravel. This has been acknowledged by officers at the Council. Therefore, the Plan's assessment of 'available reserves' is already overstated as there is no reasonable prospect of these being delivered.

The Council will be aware of the widespread objections of the community against the re-opening of the site and for the allocations in the Mineral Plan. Whilst permission was granted by KCC in 2020 for the restarting of operations at the quarry, there has been no activity since.

SC is not aware of any recent surveys that may determine the suitability, or likely otherwise, of the minerals but it is apparent from the several changes of ownership over the past twenty years that this is not a productive site for the industry.

Conclusion on CSM 2

The Plan appears to concede the above points are relevant by saying "*If the allocations do not come forward during the Plan period, increased importation is anticipated to occur, thereby addressing the market need for this aggregate type*" [para 5.2.22]. Therefore, the communities who are particularly concerned about the effects of these potential quarries would welcome certainty from KCC that the proposals are withdrawn. SC questions whether merely keeping the 'options open' is justified or effective.

Consideration of the allocated sites, in particular, raises a number of issues which include:

- a) Traffic concerns
- b) Potential contamination with the historic landfill (which is in breach of its permit)
- c) Flood risk

- d) SPZ at Hartlake, immediately adjacent to the proposed Stonecastle Extension (see DM 10 below)
- e) Pollution to other water courses
- f) Wildlife habitat
- g) Loss of productive farmland
- h) Residential amenity

Whilst this draft Plan does not directly allocate sites, SC recommends that the Plan is reworked to remove these two potential resources and re-calculate the requirement from other sources of aggregates supply to meet the Plan's identified need.

5) Policy CSM 3 Strategic Site for Minerals

SC notes the proposed deletion of this policy but considers that the remaining policies should be re-numbered for the clarity and effectiveness of the Plan.

6) Policy CSM 8 Secondary and Recycled Aggregates

SC welcomes the promotion of more sustainable sources of aggregates but is concerned that the policy should preclude additional 'processing' capacity to be developed at sites in the green belt, even if extraction is/ has taken place at that location(s). SC considers this should be made clear in the policy. Proposals for additional capacity should therefore only be acceptable at existing facilities, wharves, rail depots, and brownfield sites.

7) Policy CSW 1 Sustainable Development

SC is unclear on what this policy is trying to achieve. Compliance with the NPPF is mandatory, so taking a 'positive approach' is meaningless.

8) Policy CSW 4 Strategy for Waste Management Capacity

This policy sets out the trajectory of waste levels through the plan period and slightly beyond. SC has commented on the Waste Strategy in point 1) above which includes the requirement for a year-on-year reduction in household waste. However, this policy includes a flat level of 2% for landfill which appears inconsistent with the strategy.

9) Policy CSW 5 Strategic Site for Waste

SC notes the proposed deletion of this policy but considers that the remaining policies should be re-numbered for the clarity and effectiveness of the Plan, as above for policy CSM 3.

10) Policy CSW 11 Permanent Deposit of Inert Waste

SC is concerned that this policy (a) opens the door for the importation of material to previously worked sites and wishes to see the inclusion of "where access does not impact the highway, traffic congestion, or residential amenity and is consistent with other policies in the Plan".

11) Policy DM 1 Sustainable Design

SC supports this policy but the use of "best practice" is unclear and so the wording could be improved.

12) Policy DM 3 Ecological Impact Assessment

SC welcomes the strengthening of the draft policy in this important area. Recognising that biodiversity net gain should be maximised for all developments, in line with the statutory target of at least 10% biodiversity net gain, SC would like to see this policy improved further in line with the Kent Nature Partnership Strategy of at least 20% to be achieved.

13) Policy DM 4 Green Belt

SC is unclear on what this policy is trying to achieve. Compliance with the NPPF is mandatory, so including 'considered in light of their potential impacts' is meaningless.

14) Policy DM 7 Safeguarding Mineral Resources

SC is aware of the emerging local plan at Tonbridge & Malling and has consulted on the Tunbridge Wells local plan which is undergoing examination. It would be helpful if this policy provided specific mapping as this is an important factor when considering LPA development plans, noting that reference is being made to the policies maps.

15) Policy DM 10 Water Environment

SC welcomes this strengthened draft policy but is concerned that the proposed allocations for aggregate (see point 4) above) would cause additional harm to the aquifer at Hartlake (SPZ) and refers to research carried out by KeepKent.Green:

- i) Water quality testing: Regular water quality testing conducted in the area has revealed the presence of various pollutants. These tests measure parameters such as chemical concentrations, turbidity, pH levels, and the presence of heavy metals and contaminants. The results often show elevated levels of pollutants, indicating pollution risk to the aquifer.
- ii) Contaminant sources: There are known sources of pollution in the vicinity that include industrial facilities, agricultural activities, and urban areas with inadequate wastewater treatment systems. These activities contribute to the release of pollutants such as pesticides, herbicides, fertilizers, heavy metals, and industrial waste into the aquifer.
- iii) Declining groundwater quality: Over time, the quality of groundwater in the area has shown a decline. Studies have indicated an increase in the concentration of pollutants and a decrease in overall water quality.
- iv) Health issues in nearby communities: Communities living near the Hartlake Aquifer catchment have reported health issues that can be linked to polluted water sources. These health problems include gastrointestinal illnesses, skin conditions, and respiratory issues. Such health impacts provide evidence of pollution in the aquifer, as contaminated water can affect human health when consumed or used for daily activities.
- v) Impact on aquatic ecosystems in and around Hartlake.
- vi) Water bodies have shown signs of pollution impacts: Studies have highlighted a decrease in biodiversity, changes in species composition, and reduced overall health of aquatic organisms. These ecological changes are often indicators of pollution, as pollutants can directly harm aquatic life and disrupt the balance of ecosystems.

Overall, the combination of water quality testing, identification of contaminant sources, declining groundwater quality, health issues in nearby communities, and impacts on aquatic ecosystems provide substantial evidence of pollution in this location.

In addition, in 2019 the EA discovered at Hammer Dyke (which is adjacent to the Moat Farm site and proposed processing areas) high levels of Mercury and its compounds as well high levels of Polybrominated Diphenyl (PBDE), and there is evidence linked with land disturbance as well as landfill sites. (**Note:** Stonecastle Landfill is in breach of permit – excess leachate and gas emissions).

SC considers that potential further harm would result from the proposed Stonecastle extensions and at Moat Farm which is further justification of its position set out in the Conclusion on CSM 2 of point 4) above. It therefore follows that the current and proposed extensions to extraction at Stonecastle would not be consistent with draft policy DM 10. SC would expect to provide further evidence on these matters if required by the Inspector.

16) Policy DM 19 Restoration, Aftercare and After-use

SC refers to its comments on 'Planning for Minerals' in point 3) above in relation to "...*deliver sustainable afteruses that benefit the Kent community, economically, socially or environmentally*".

In addition, SC reiterates its comments under point 12) above in relation to biodiversity net gain.

Conclusion

Save Capel considers that the plan can be made sound by deleting the inclusion of 'available reserves' at Stonecastle and the proposed allocation sites at Stonecastle Quarry in the Plan's strategy for aggregates, the re-assessment of other sources (and their policies) to provide the requirements for their supply, and by amending the Plan with the improvements to the wording of policies suggested in this representation.

SC is seeking modifications to the Plan and wishes to participate in any further stages of the draft Plan's examination, including any hearings as directed by the Inspector, and wishes to be kept informed of its progression through to potential adoption.



*Submitted by the Save Capel Executive
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