MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET MEMBER FOR PLANNING POLICY AND MANAGEMENT

Decision Made: 12 July 2024

Kent Mineral Sites Plan Regulation 18 Updated Response

Issue for Decision

To seek approval for the updated response to KCC's Kent Mineral Sites Plan Regulation 18 consultation.

Decision Made

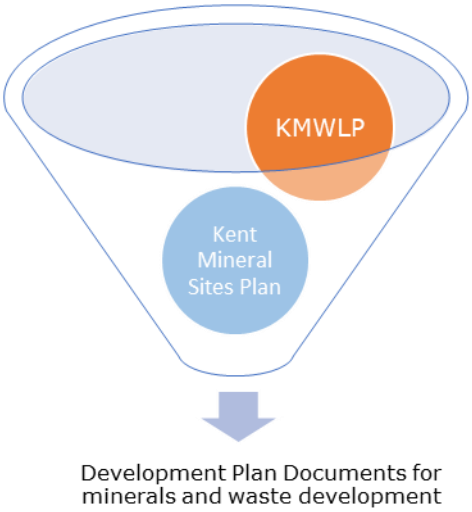
That the draft updated response at Appendix 1 to the report be approved.

Reasons for Decision

A. Background

The Development Plan Documents that govern minerals and waste development in Maidstone are:

- the KMWLP 2013 to 2030 as amended by the Early Partial Review adopted in 2020; and
- Kent Mineral Sites Plan adopted in 2020.



The KMWLP sets out strategic policies for minerals and waste development and development management policies which are used to determine planning applications. A new review of the KMWLP is currently ongoing and is subject to a separate report.

The Kent Mineral Sites Plan on the other hand allocates sites in Kent which are suitable for quarrying essential minerals. This is a daughter document to the KMWLP and should be read in conjunction with it. The sites allocated by this Plan will only be developed if planning applications for their development are made and KCC is satisfied that such applications show that the minerals will be worked in a way that does not cause unacceptable harm to the environment or communities.

The graph below summarises the procedures involved to review the Kent Minerals Sites Plan and where Maidstone Borough Council (MBC) will be able to provide inputs.

MINERAL SITES PLAN REVIEW PROGRESS

PROCEDURES TO REVIEW THE DOCUMENTS AND WHERE MBC CAN INPUT (CHECKED)

- First Call for Sites October to December 2022

- Reg 18 consultation on Site Options June to July 2023
- Second Call for Sites August to October 2023
- Potential further Reg 18 consultation (to be confirmed)

- Reg 19 consultation

- Submission

- Examination

- Adoption

B. Progress on the proposed review of the Kent Mineral Sites Plan

KCC's evidence for the emerging KMWLP Review indicated that only additional capacity is needed for hard rock over the new plan period. Therefore, an update to the Kent Mineral Sites Plan was proposed with the intention to allocate a site or sites for the extraction of hard rock.

Between October to December 2022, KCC launched the first Call for Sites. One site was nominated for the proposed extraction of hard rock. This is the land to the south and west of the existing Hermitage Quarry.

In June 2023, KCC launched a Regulation 18 consultation on the amendments to the Kent Mineral Sites Plan – Nominated Hard Rock site allocation (in addition to the further changes to the KMWLP review).

Between August to October 2023, to exhaust all options, KCC launched another Call for Sites. Results from this Call for Sites are not yet available.

It should be noted that the Mineral Sites Plan review progress is subject to the KMWLP Review being found sound and adoption. In other words, the review process of the Kent Mineral Sites Plan is contingent on the KMWLP Review outcome.

No decision on the suitability of the extension at Hermitage Quarry has been reached yet by KCC. The site is subject to ongoing detailed technical assessment.

At this stage, MBC still has opportunities to comment further on the proposed update to the Kent Mineral Sites Plan. This can be achieved through an updated response to KCC now, reflecting the current administration's position, and via consultation responses when KCC decides to undertake further consultation on the Kent Mineral Sites Plan.

C. Maidstone's previous responses to the Kent Mineral Sites Plan

Maidstone Borough Council provided responses to the aforementioned Regulation 18 consultation, expressing its views at the time.

On 09 August 2023, a draft response was sent to KCC by the Cabinet Member for Planning, Infrastructure and Economic Development to meet the consultation deadline. As part of this letter, MBC noted that that these would be subject to formal ratification and that a full formal response be provided at a later date. The draft response highlighted that the proposed allocation lies within an area designated as Local Wildlife Site and categorised as ancient woodland. It requested that any permission be subject to conditions requiring the reinstatement of habitats following completion of extraction. Additionally, the site also lies within proximity to a Site of Special Scientific Interest (SSSI); MBC therefore requested that mitigations be put in place to prevent adverse impact on

the SSSI.

On 06 September 2023, the draft response was considered by the Planning, Infrastructure and Economic Development Policy Advisory Committee (PIED PAC). At this PIED PAC, Committee members raised a number of concerns with regards to the extension of the quarry, principally these rested on the impact that the development would have on the ancient woodland and environmental impacts. Members additionally expressed concerns that the Kent Mineral Sites Plan and associated evidence base provide insufficient information with respect to the exceptional circumstances to demonstrate that the impact on ancient woodland would be outweighed by the need to identify local sites for the extraction of hard rock.

In light of the PIED PAC feedback, an alternative recommendation was made: That the letter be withdrawn, and a new letter sent in its place using the wording provided by the woodland trust of: 'given unacceptable habitat lost, MBC are unable to support the proposed quarry extension'.

On 07 September 2023, the Cabinet Member for Planning, Infrastructure and Economic Development then signed off a formal letter which was then sent to Kent County Council. This letter raised concerns that the proposed allocation lies within an area designated as a Local Wildlife Site and ancient woodland, but noted that it is for the County Council to demonstrate that there exists exceptional circumstance that would meet policies set out in the NPPF, and should this be demonstrated then maximum mitigation and restoration of the site to prevent the site coming forward for residential development will be expected. It also noted that the extended allocation also lies within close proximity to a SSSI, and MBC requested that should the site be included in the adopted plan then policy should require that mitigations be put in place to prevent adverse impact on this designation.

On 19 September 2023, the decision was then called in to the Overview and Scrutiny Committee. However, the Committee resolved to approve Option 1 of the report, that no further action was required.

On 23 November 2023, a motion to the Full Council was given which reads: "This Council states that Hermitage Quarry should not be further extended into Oaken Wood in Barming, an irreplaceable ancient woodland, and asks that the Cabinet reconsider its support for KCC's plans". It was resolved that the motion be referred directly to the Cabinet for consideration.

On 20 December 2023, at the Cabinet meeting, members highlighted that this issue should be considered in the future to allow for more complete responses. It was also suggested that the existing, additional response and future opportunities to comment throughout the consultation process mitigated the need for the Motion. No action was on the motion.

D. Existing Hermitage Quarry site

This section provides background information on the existing Hermitage Quarry site.

Location: Hermitage Lane, near to Junction 5 of the M20

Operator: Gallagher Aggregates

Products: Over 70 products including ragstone, primary and recycled aggregates, ready mix concrete, soils and dimension stone. Hermitage Quarry is one of only two quarries in Southeast England which produce hard rock quarry products.

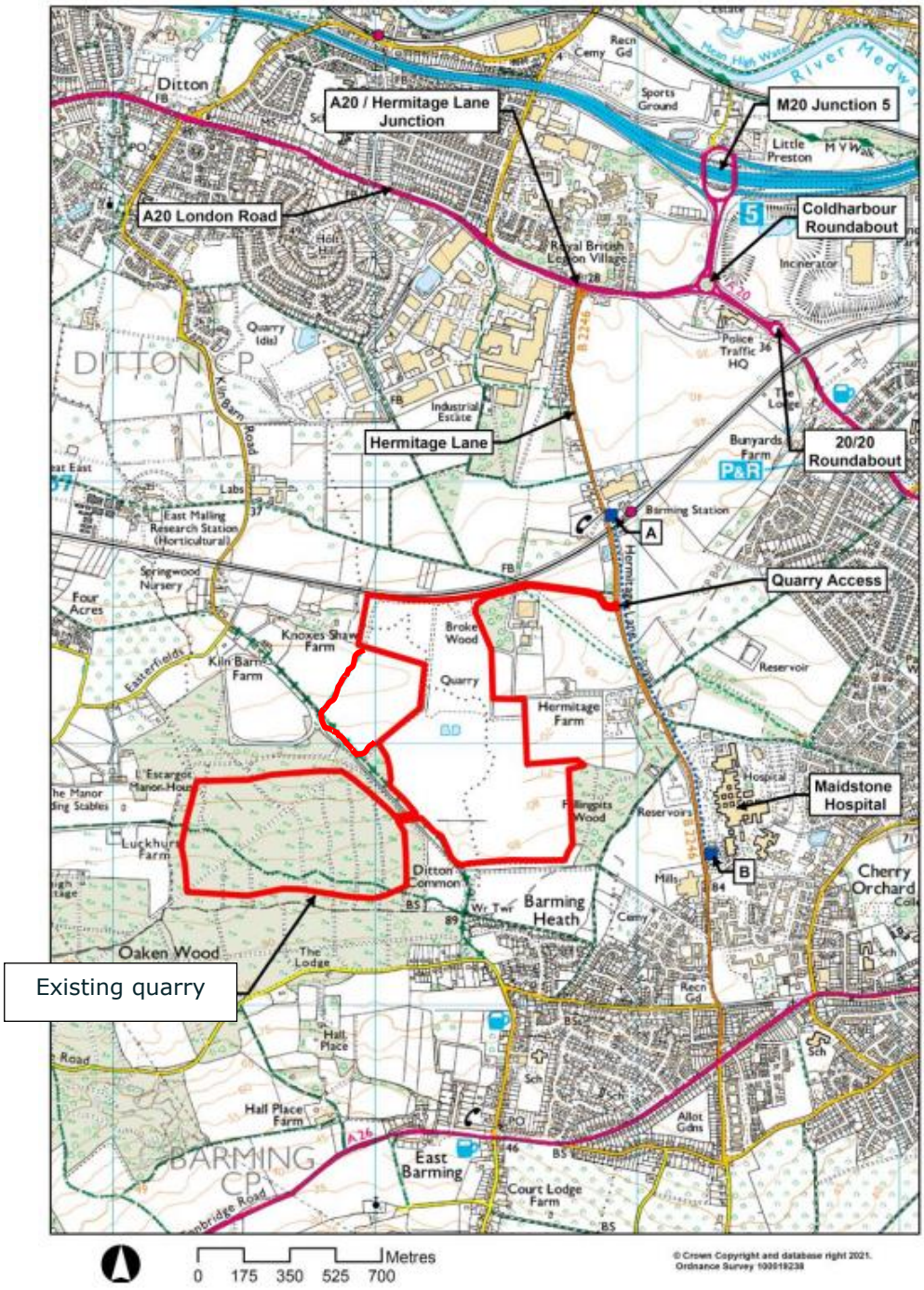


Figure 1: The location of the existing quarry

Text from Kent Minerals and Waste Local Plan 2013 to 2030 as amended by the Early Partial Review reads:

> *5.9.1 Only two ragstone quarries have consented reserves at the time of the preparation of this Plan: Hermitage Quarry and Blaise Farm in mid Kent. Although building stone has been produced from both quarries, only Hermitage Quarry has the ability to produce high-quality cut stone from the full sequence of ragstone beds in the Hythe Formation, and it continues to provide building stone for building conservation uses. […]*

Planning permission for mineral working at Hermitage Quarry was first granted for the "Original Quarry" in 1989 and quarrying began in 1990. Hermitage Quarry has since been subject to a number of extensions:

a. the "Southern Extension" (1996);

b. the "Western Extension" (1999);

c. the "Eastern Extension" (2005); and

d. the "Westerly Extension" (2013).

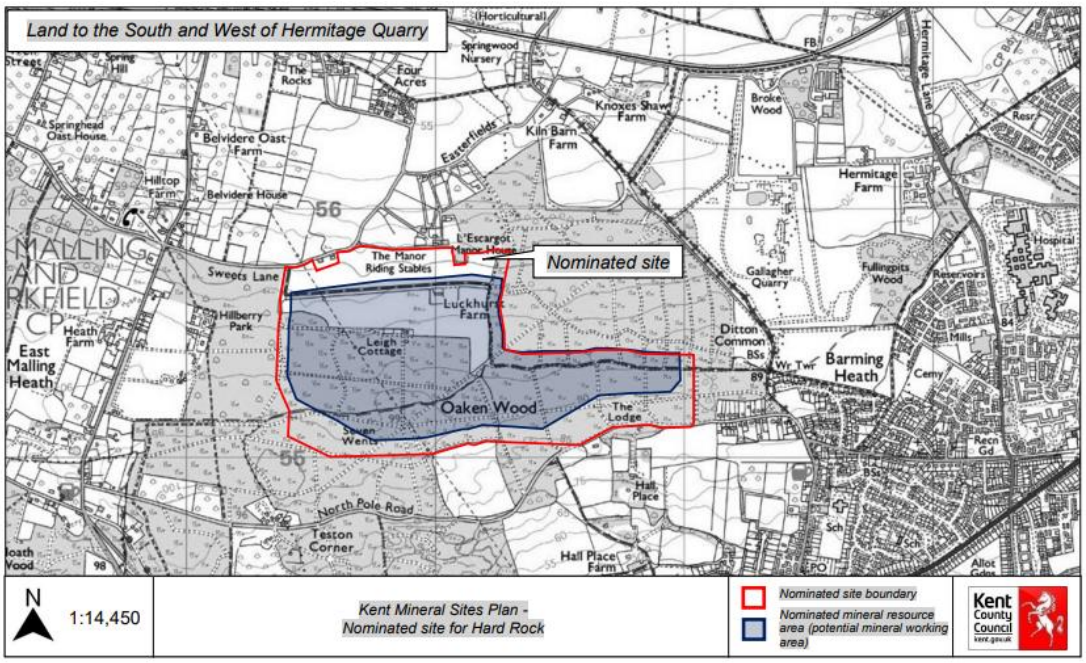
Of these, the Westerly Extension covers some 33 hectares (78 acres) and forms 14% of the overall total of Oaken Wood ancient woodland coverage at the time.

E. The nominated extension site

Hermitage Quarry extension was nominated for around 20 million tonnes of hard rock extraction through the 'Call for Sites' process. This is against the identified shortfall of 17.382 million tonnes of hard rock over the Plan period.

> **Estimated Mineral Reserve:** Promoter suggests circa 20 million tonnes of Ragstone (hard rock)
>
> **Total area:** 96 hectares from within which the promoter suggests an area of up to 64 hectares could be worked, subject to planning constraints
>
> **Existing Land Use:** Meadow and woodland
>
> **Proposed Restoration:** The promoter suggests at the end of its life, the quarry would be restored to original levels with inert restoration materials (circa 500,000 tonnes per annum) and returned to mixed native woodland and meadow, subject to biodiversity net gain requirements.
>
> **Access:** existing access road off Hermitage Lane.

Figure 2: The nominated hard rock site at Hermitage Quarry extension



The red line boundary shows land within the control of the promoter. This area includes indicative stand-offs and buffers between the nominated mineral working area (blue shaded area) and adjacent land uses.

The blue shaded area shows land nominated as known mineral resource which is considered by the promoter as suitable for extraction.

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F. Partial loss of and disturbance on Oaken Wood ancient woodland

The nominated site represents a loss to parts of Oaken Wood ancient woodland. Despite being replanted with non-native trees, Oaken Wood retains its ancient woodland characteristics, summarised below.

Figure 3: Benefits of ancient woodland[1]

The longevity and historical management of ancient woods have given rise to rich, distinctive communities of plants and animals, some of which are of international importance.

Ancient woodland soils are relatively undisturbed, and may preserve distinct species communities and natural ecological processes, such as decomposition and nutrient cycling.

Ancient woods are often high in biodiversity, which can enhance the value of environmental and social wellbeing benefits of woods.

The soils and veteran (ancient) trees in ancient woods are important carbon stores and may help to reduce net carbon emissions.

Ancient woods are a rich historical, cultural and symbolic

[1] https://researchbriefings.files.parliament.uk/documents/POST-PN-465/POST-PN-465.pdf

resource. They often contain archaeological relicts of previous ways of life, such as hearths or kilns. Veteran trees are also archaeological relicts, as their age and structure are often a result of past human use.

Like all green spaces, woods provide a range of social benefits for humans, including improving physical and mental wellbeing.

All woods, including ancient and recently planted woods, can contribute to flood mitigation, fuel production, carbon sequestration and reduction of air and noise pollution.

This partial loss of Oaken Wood may therefore cause significant ecological disturbances, leading to habitat fragmentation. This fragmentation may disrupt wildlife corridors, reduce biodiversity, and affect species that rely on large, continuous habitats. The interconnected network of ancient woodlands in this area (which is important for maintaining ecological balance) could become increasingly vulnerable, endangering the resilience of these ecosystems to environmental changes and human impacts.

Although ancient woodland is a categorisation rather than a designation, as per the NPPF definitions below, ancient woodlands are irreplaceable habitats that take at least 400 years to establish:

> *Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites.*

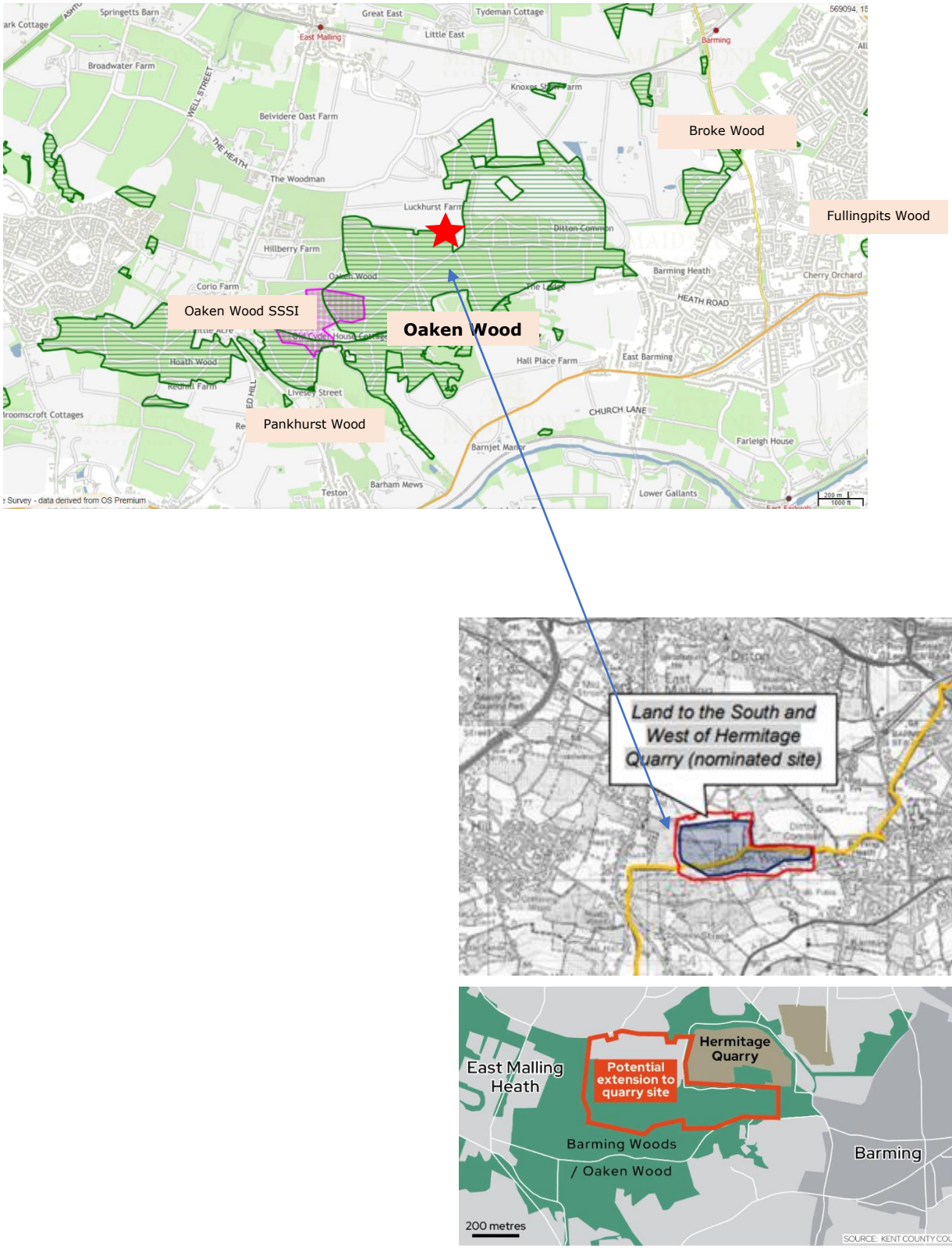
> *Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.*

The Woodland Trust states that ancient woodland now only covers 2.5% of the UK land, raising the need to protect them.

Any development on this nominated extension site will need to demonstrate 'wholly exceptional reasons' as per the NPPF, 186(c):

> *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;*

Figure 4: Location of the nominated site in relation to Oaken Wood ancient woodland



G. Partial loss of and impacts on Oaken Wood Local Wildlife Site

A large part of the nominated extension lies within the Oaken Wood Local Wildlife Site (LWS) designation.

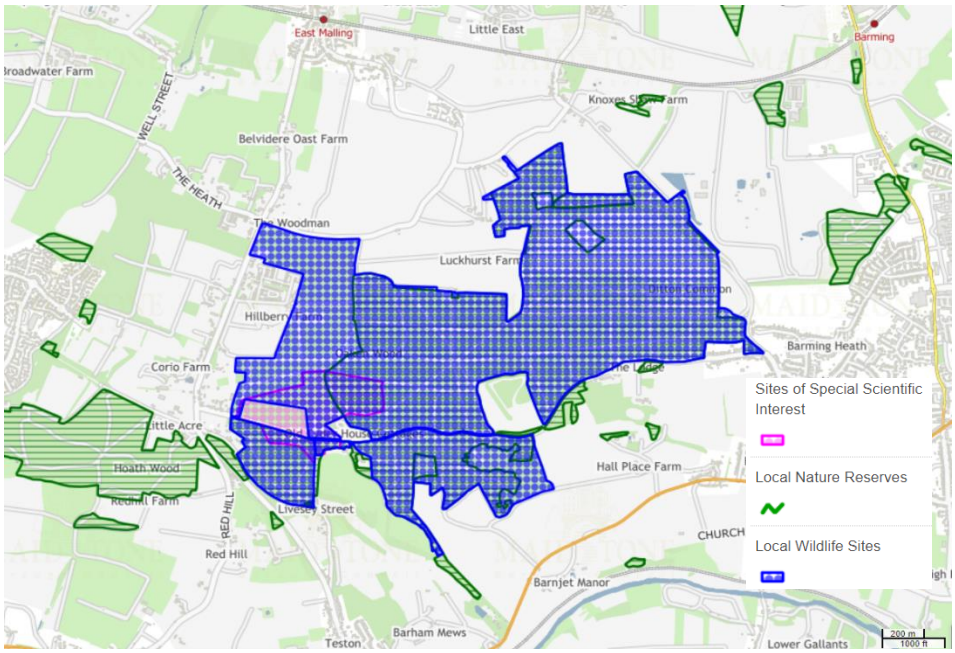
Subsequently, this partial loss of the LWS is likely to cause further ecological disturbances to the remaining area of the LWS as discussed in paragraph 2.25 above.

Policy LPRSP14(A) Natural Environment of the Local Plan Review 2021-38 reads:

> *Development proposals will enhance, extend and connect habitats to enhance the borough's network of sites that incorporates designated sites of importance for biodiversity, priority habitats, Local Wildlife Sites and fragmented Ancient Woodland; […]*

As such, in principle, the allocation and development of the nominated site is in conflict with this policy.

Figure 5: Map of Oaken Wood SSSI and Oaken Wood Local Wildlife Site



G. The risk of deteriorating Oaken Wood SSSI

The nominated extension lies within close proximity to Oaken Wood Site of Special Scientific Interest (SSSI) which is of geomorphological importance. Only 21 out of the 98 SSSIs in Kent were designated for geological interest, highlighting the importance to preserve the condition of Oaken Wood SSSI.

The reasons for its designation in 1985 read:

> *"Oaken Wood is a key geomorphological site. It provides the best example in Britain of ridge and trough topography produced by intense cambering and gulling during the Pleistocene (tilting and cracking of surface rock outcrops by periglacial processes or deformation of underlying weaker strata). The ridge crests rise up to 8 m above the level of the trough floors, which extend for about 0.5 km in an eastwest direction. This unusual type of topography is confined to the Maidstone area and the north Cotswolds and is most spectacularly developed at Oaken Wood."*[2]

Given the potential processes of hard rock extraction, the risk of adverse effects on the geomorphological SSSI site should be robustly considered, should any hard rock extraction activities on the nominated site be allocated/ proposed.

It is worth noting that SSSI is a statutory designation, this offers SSSI sites the strongest legal protection from loss and deterioration.

The NPPF paragraph 186b states that:

> *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

H. Hard rock extraction activities and their environmental risks

Hard rock extraction can include activities such as drilling, blasting, washing, and crushing, among others. Should any hard rock extraction activities on the nominated site be allocated/ proposed then the environmental risks, such as ecology disturbance, landform destabilisation, erosion, sedimentation, hydrological and drainage impact and pollution need to be fully considered.

I. Alternative options to meet hard rock needs as of July 2024

No other site for the extraction of hard rock has been identified or come forward in the first Call for Sites undertaken in 2022; results from the second Call for Sites are not yet available.

An alternative option that KCC will need to consider is not to allocate the site but instead to rely on imports of hard rock from outside of the county, which may come into Kent by sea, rail or road. This was appraised as a reasonable alternative to the nominated site by the Sustainability Appraisal. Part of this

[2] Natural England's website, accessible online here and here

reads:

> *Data from the Aggregate Minerals Survey 2019 indicates that all of the hard rock sourced from Kent is destined for markets in the south east of England, with 40-50% of that within Kent and Medway. Hard rock consumed within Kent and Medway is also imported from elsewhere, with 50-60% of that coming from outside England and Wales. As an alternative to sourcing hard rock from within Kent, clearly importation of hard rock to meet local needs in Kent and Medway and the wider South East of England will increase the need for the transport of mineral and associated emissions to air.*

The matter was considered by the Planning and Healthier Stronger Communities Policy Advisory Committee on Tuesday 9 July 2024 with support expressed for the report recommendations and the amended letter provided as an urgent update by the Cabinet Member.

Alternatives considered and why rejected

1. That further changes be made to the updated response at Appendix 1 to the report. This will be sent to KCC, so that they are informed of MBC's updated position as soon as possible, prior to KCC progressing the proposed Kent Mineral Sites Plan review further.

2. To not agree the updated response. There will still be further opportunities to provide input at the later consultation stages of the proposed Kent Mineral Sites Plan review.

Background Papers

- National Planning Policy Framework
- Maidstone Local Plan Review 2021-38
- Kent Mineral Sites Plan proposed review progress
- Draft Kent Mineral Sites Plan including details of the nominated hard rock site
- Initial (RAG) Assessment of the suitability of the nominated land

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.

Signed:
Councillor Tony Harwood – Cabinet Member for Planning Policy and Management

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the website

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm on Friday 19 July 2024**