



Kent Minerals and Waste Local Plan 2024-39 - Proposed Main Modifications Consultation

Guidance Note - October 2024

Kent County Council has published Main Modifications to the Kent Minerals and Waste Local Plan 2024-39 for consultation from Thursday 17th October 2024 to midnight on Thursday 28th November 2024. This Guidance Note has been provided to assist you in making representations on the proposed Main Modifications. It incorporates the Statement of Representation Procedure and Availability of Documents as required by Town and Country Planning (Local Planning) (England) Regulations 2012 - Regulation 19, 20 and 35.

Introduction

The Kent Minerals and Waste Local Plan 2024-39 will form part of the Development Plan which represents the planning policy framework for minerals and waste development in Kent.

The Kent Minerals and Waste Local Plan 2024-39 (the Plan) was submitted to the Secretary of State for Independent Examination on 17 May 2024. The independent Inspector appointed to examine the Local Plan convened public hearings in September 2024 to consider relevant Matters and Issues.

After considering representations made during the Regulation 19¹ consultation on the Local Plan, and following the public hearings, the Inspector has identified a number of Main Modifications that she considers are required in order to ensure that the Local Plan is 'sound' (i.e. positively prepared, justified, effective and consistent with national policy) and legally compliant.

In accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 and Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Kent County Council has published the proposed Main Modifications that are considered necessary to make the Plan sound and legally compliant. An appraisal of the impacts of the Main Modifications on social, economic and environmental objectives has been undertaken and included in a Sustainability Appraisal (SA).

The purpose of this consultation is to seek views on the soundness and legal compliance of the proposed Main Modifications to the Local Plan, along with the SA. All representations received will be collated and passed on to the Planning Inspector

¹ Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012

who will then consider if any further changes are required to be made to the draft Kent Minerals and Waste Local Plan 2024-39 before it can be adopted.

This statement provides details on how to view and make representations on the Main Modifications to the Local Plan and the associated SA.

Representations on ‘Soundness’

Soundness is explained in paragraph 35 of the National Planning Policy Framework 2023 (NPPF)². The Inspector must be satisfied that the Plan is ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’ as explained below:

- **Positively Prepared:** This means that the Plan should provide a strategy which, as a minimum, seeks to meet objectively assessed development and infrastructure requirements, and is informed by agreements with other authorities, such that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- **Justified:** The Plan should be an appropriate strategy taking account of reasonable alternatives, and based on proportionate evidence.
- **Effective:** The Plan should be deliverable over their period and 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.
- **Consistent with national policy:** The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

When considering the soundness of the proposed Main Modifications you should go through the following steps before making representations:

- a. If you think the Main Modifications do not cover an issue with which you are concerned is it already covered specifically by national planning policy? If so, does it need to be included in this Plan?
- b. Is what you are concerned with covered by any other policies in any other Plan including the adopted Local Plans of the Kent District, City and Borough Councils?
- c. If the issue is not addressed elsewhere, in what way do the Main Modifications make the Plan unsound and what do you think the Main Modifications (and/or related text in the Plan) should say?

Representations on Legal Compliance

Before making a representation on legal compliance, you should consider legal requirements associated with plan making which include the following:

- The process of consultation on the Plan must be in accordance with the Council’s Statement of Community Involvement (SCI). KCC’s SCI sets out the

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

strategy for involving the community in the preparation and revision of its Plans and is available on the County Council website³.

- Preparation of the Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the Regulations). On publication, KCC must publish the documents prescribed in the Regulations, and make them available at its principal office and on its website. The Local Planning Authority must also notify the Local Plan bodies (as set out in the Regulations), and any persons who have requested to be notified, of the Plan's publication.
- KCC is required to provide a Sustainability Appraisal (SA) Report when it publishes a Plan which should be consistent with the Environmental Assessment of Plans and Programmes Regulations 2004. The SA report should identify the process by which the SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. The SA and related Non-Technical Summary is available on the County Council's consultation portal⁴, and at the main County Council office listed below.
- The Plan should be in general conformity with the adopted District and Borough Local Plans.

Further Information

In addition to the Main Modifications, a number of other minor changes and updates are required to be made to the Local Plan before it is adopted. These Additional (minor) Modifications are largely factual updates to improve presentation or to address or correct any typographical or factual errors.

The Additional Modifications are outside the scope of the Main Modifications consultation and are not being put before the Inspector for consideration as they are not required to resolve soundness or legal compliance issues. These Additional Modifications are available to view on the consultation portal for information only and are not subject to consultation.

We have also produced a version of the Kent Minerals and Waste Local Plan 2024-39 which shows the Main Modifications as tracked changes for context. This is available to view on the County Council's consultation portal <https://letstalk.kent.gov.uk/hub-page/mineralsandwaste>.

Document Availability

The proposed Main Modifications to the Kent Minerals and Waste Local Plan 2024-39, Sustainability Appraisal and supporting documents are available for inspection via the County Council's online consultation portal: www.kent.gov.uk/mineralsandwaste.

A hard copy of the proposed Main Modifications to the Kent Minerals and Waste Local Plan 2024-39, Sustainability Appraisal and supporting documents are also

³ [Statement-of-Community-Involvement.pdf \(kent.gov.uk\)](https://www.kent.gov.uk/media/1234567/Statement-of-Community-Involvement.pdf)

⁴ <https://letstalk.kent.gov.uk/hub-page/mineralsandwaste>

available to view at the main County Council office - Sessions House, County Hall, Maidstone, Kent ME14 1XQ between the hours of 9am and 5pm Monday to Friday for the duration of the consultation.

In addition, the County Council has computer access available via its libraries (excluding mobile libraries) where the consultation documents are available to be viewed in an electronic format during their normal opening hours.

If you require any of the documents in an alternative format or language please email alternativeformats@kent.gov.uk or call 03000 42 15 53 (text relay service number: 18001 03000 42 15 53). This number goes to an answering machine, which is monitored during office hours.

Representations Deadline

The consultation is taking place for 6 weeks from **Thursday 17th October 2024 to midnight on Thursday 28th November 2024**.

Representations must be received by midnight on Thursday 28th November 2024. Please note that representations received before the deadline will be shared with the Planning Inspector for consideration and **representations received after this deadline will not be considered**.

How to Submit a Representation

Representations must be made in writing and you are strongly recommended to make representations by completing and uploading the online representation form at the following County Council website: www.kent.gov.uk/mineralsandwaste.

Representations can also be made by downloading the representation form from the County Council's website and submitting the completed representation form as follows:

- By email to: mwlp@kent.gov.uk, or
- By post to: Minerals and Waste Planning Policy, Planning Applications Group, Invicta House, Maidstone, Kent, ME14 1XX

Please note that your representation will be shared with the Planning Inspector in full for consideration and a redacted version will be published on the County Council's website. The County Council's Minerals and Waste Local Plan privacy notice with further information can be found here: <https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notice/environment,-planning-and-enforcement/minerals-and-waste-privacy-statement>.

If you have any queries about the process of submitting representations, please contact the Minerals and Waste Policy team by email at mwlp@kent.gov.uk or telephone via 03000 422370.