



Broadstairs & St. Peter's Town Council

31 January 2024

To the Members of the Planning Committee:
Cllrs J Bayford, J Bright, R Farooki, M Garner, P Moore, E Orhan, K Pressland, S Roberts

Committee Members are summoned to a meeting of the
Planning Committee in the Council Chamber at Pierremont Hall
on **Monday 5th February 2024 at 7pm.**

Julie Belsey
Deputy Town Clerk

AGENDA

In accordance Standing Orders 3e, 3f and 3g

The Chairman may allow up to three members of the parish to address the meeting, for a maximum of three minutes each.

Agenda items marked * require a resolution from the Town Council.

1 CHAIRS WELCOME/OPENNESS AND TRANSPARENCY

To remind those present of the following:

The right to record, film or broadcast any meetings of the Council, committees and subcommittees is established following the Local Government Audit and Accountability Act 2014.

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

To receive from committee members and the presiding clerk declarations of interest in accordance with the Code of Conduct adopted by the Council on 16th July 2012.

4 MINUTES

To RECEIVE and APPROVE by signing the minutes as a true record of the meeting held on Monday 8th January 2024.

5 MATTERS ARISING FROM THESE MINUTES NOT COVERED ELSEWHERE IN THE AGENDA

6 CORRESPONDENCE

i) To RECEIVE and NOTE the KALC response to the Kent Minerals and Waste Local Plan Pre-Submission draft.

ii) To consider any further correspondence and to make decisions as required.

7 CHAIR'S REPORT

To RECEIVE any reports from the Chair.

8 NEIGHBOURHOOD PLAN BUSINESS

i) To discuss and arrange Community Engagement Meetings.

ii) To RECEIVE and NOTE any further Neighbourhood Plan business.

9 PLANNING APPLICATIONS

To consider and make decisions in relation to the applications reserved by members of the Committee from:

Thanet District Council's weekly lists:

- 2/24

- 3/24
- 4/24 (No list, TDC IT issues)
- 5/24

And in relation to any:

- Thanet District Council applications not yet appearing on a weekly list but requiring an early decision.
- Kent County Council Planning applications;
- Planning appeals;
- Planning amendments/variations of conditions;
- Certificate of lawful use applications;
- Hedgerow removal applications; or
- Highways – Stopping Up Orders.

(Notice of all the above is sent by email.)

To make a decision in respect of all applications not individually reserved.

10 WORKS TO TREES IN CONSERVATION AREAS/TREE PRESERVATION ORDERS/ HEDGEROW REMOVAL APPLICATIONS

To receive the report from the Volunteer Tree Warden.

To consider and to make decisions in relation to any applications for tree or hedge works reserved by members for individual consideration. (Applications are sent by email.)

The Town Council's standard response letter will be sent in respect of any tree works applications not reserved for individual consideration.

11 PROPOSED FORWARD AGENDA ITEMS & DATE OF NEXT MEETING

Monday 4th March 2024



Broadstairs & St. Peter's Town Council

PLANNING COMMITTEE MINUTES

MONDAY 8TH JANUARY 2024

Present: Cllrs J Bayford, J Bright (Chair), R Farooki (arrived 19.01), M Garner, P Moore, K Pressland, S Roberts.

In attendance: Cllr A Munns, Cllr J Nicholls
Deputy Town Clerk – Julie Belsey
10 Members of public

Minutes marked * require a resolution from the Town Council

228 OPENNESS AND TRANSPARENCY

Cllr Bright reminded those present of the right to record, film or broadcast any meetings of the Council, committees and sub-committees is established following the Local Government Audit and Accountability Act 2014

229 APOLOGIES FOR ABSENCE

Apologies were received and approved from Councillor E Orhan. Apologies were also received from Karen Mckenzie, the Volunteer Tree Warden.

230 DECLARATIONS OF INTEREST

There were no declarations of interest.

231 MINUTES OF THE LAST MEETING

RESOLVED to RECEIVE and APPROVE the minutes of the meeting held on Monday 4th December 2023. Proposed Cllr M Garner, seconded Cllr R Farooki. Agreed.

232 MATTERS ARISING FROM THESE MINUTES NOT COVERED ELSEWHERE IN THE AGENDA

There were no matters arising.

233 CORRESPONDENCE

The Deputy Town Clerk has emailed members with details of the Government Consultation on Street Vote Development Orders which was sent through by the SLCC. The SLCC will be responding to the Consultation and we can contribute to their response. Comments are required to be with the SLCC by Monday 29th January 2024.

It was AGREED that Planning Committee Members would read through the consultation document and email comments to the Deputy Town Clerk, who would put together the combined response to be sent to the Planning Committee prior to sending to SLCC by 29th January 2024.

234 CHAIR'S REPORT

None

235 NEIGHBOURHOOD PLAN BUSINESS

The Deputy Town Clerk confirmed that the 2nd Edition of the Neighbourhood Development Plan has now been 'Made' and holds full legal weight.

If any of the following planning applications are placed before Thanet District Council's planning committee then 'dual-hatted' members will not be bound by the views of the Town Council and will re-consider the applications afresh taking into account all relevant planning considerations and representations.

At the District Council's planning meetings 'dual-hatted' members will declare a 'significant interest' in the applications made by the Broadstairs and St Peter's Town Council and will leave the room and not participate in the consideration of those matter.

236 PLANNING APPLICATIONS

RESOLVED that the applications be dealt with as detailed below:

- i) The Committee recommends **REFUSAL** to the applications listed below:

In accordance with Standing Orders 3e, 3f and 3g, Dr Joseph Murtinho-Braga addressed the Committee speaking 'against' application 23/1600/GD – Land rear of 67 Stone Road, Broadstairs

23/1600/GD Land Rear of 67 Stone Road, Broadstairs
The Committee unanimously recommends REFUSAL on the grounds of overdevelopment and cramming. The proposed development is not compatible with neighbouring developments as per Broadstairs & St Peter's Neighbourhood Development Plan Policy BSP9.

Dr Joseph Murtini-Braga and four members of the public left the meeting.

In accordance with Standing Orders 3e, 3f and 3g, Karen Shepherdson addressed the Committee speaking 'against' application 23/1534/VKB – 74 Stone Road, Broadstairs CT10 1EB

23/1534/VKB 74 Stone Road, Broadstairs CT10 1EB
The Committee unanimously recommends REFUSAL on the grounds of the rooftop terrace being overbearing with a lack of privacy due to the proposed terrace overlooking into the neighbouring property's living space, and the close proximity of the terrace and windows to the neighbouring property's boundary.

The Committee have concerns regarding the swimming pool as 74 Stone Road is geographically higher than neighbouring properties and the swimming pool's location could cause significant damage should it leak.

Karen Shepherdson left the meeting.

In accordance with Standing Orders 3e, 3f and 3g, Gary Mead addressed the Committee speaking 'against' application 23/1503/RB – 28 Waldron Road, Broadstairs CT10 1TB, with Cllr John Nicholls representing the Ward.

23/1503/RB 28 Waldron Road, Broadstairs CT10 1TB
The Committee unanimously recommends REFUSAL on the grounds of the proposed development being overbearing, out of character with the street scene and overshadowing of neighbouring properties. The application goes against Broadstairs & St Peter's Neighbourhood Plan policy BSP9 – Design in Broadstairs & St Peter's and the Local Plan policy QD02 – General Design Principles.

The Committee also have safety concerns over the proposed development's location in respect of the neighbouring property's chimney.

Gary Mead, Cllr J Nicholls and two members of the public left the meeting.

In accordance with Standing Orders 3e, 3f and 3g, Amanda Taylor addressed the Committee speaking 'against' application 23/1578 – 99 Botany Road, Broadstairs CT10 3SB, with Cllr Alan Munns representing the Ward.

23/1578/DF 99 Botany Road, Broadstairs CT10 3SB
The Committee unanimously recommends REFUSAL on the grounds of the proposed development being overbearing, out of keeping and of detrimental effect to the street scene, with loss of privacy and overshadowing of the neighbouring properties. The proposed development goes against the Broadstairs & St Peter's Neighbourhood Development Plan Policy BSP9 – Design in Broadstairs & St Peter's.

Amanda Taylor and Cllr Alan Munns left the meeting.

23/1496/GD 16 Sowell Street, Broadstairs, CT10 2AT
The Committee unanimously recommends REFUSAL. There is a requirement for the EIA to be updated. Permission for tree T16 to be removed has not been sought or granted. Tree T16 is also not shown on any plans uploaded to the Planning Portal.

23/1499/GD Land rear of 4 Chestnut Drive, Broadstairs
The Committee unanimously recommended REFUSAL on the grounds that this area is a designated Local Green Space, listed with the Neighbourhood Plan under Policy BSP5: Development proposals in designated Local Green Space will be managed in accordance with national policy for Green Belts. All trees sited on this land are all protected by individual TPO's.

ii) The Committee recommends **SUPPORT** to the applications listed below:

23/1545/EF Former Thanet Fire Station, 477 Margate Road, Broadstairs CT10 2QD
The Committee unanimously SUPPORTS this proposed development. It is good use of a brownfield site. This is on the understanding that existing trees will be kept and additional trees planted as per the submitted plans.

iii) The Committee recommends **NO COMMENT** to the applications listed below:

OL/23/1552/EF Former British Gas Site, Northdown Road, Broadstairs CT10 2UW
The Committee unanimously recommends NO COMMENT.

(iv) **No Comment** was made on all other applications on the weekly lists: (All Unanimous)

23/1538/DR 3 Ranelagh Grove, Broadstairs CT10 2TE
23/1467/DR 36 Upton Road, Broadstairs CT10 2AS
23/1549/ZD 63 Rumfields Road, Broadstairs CT10 2PG
23/1555/DF 66 Dumpton Park Drive, Broadstairs CT10 1RJ
23/1584/DF 8 Mayville Road, Broadstairs CT10 3ET
23/1518/GD Yorkstones, Cliff Promenade, Broadstairs CT10 3QY
23/1622/DR 5 Dumpton Gap Road, Broadstairs CT10 1TA
23/1610/ZD 2 Princess Anne Road, Broadstairs CT10 3HL
23/1640/DR 2 Cumberland Avenue, Broadstairs CT10 1HU
23/1560/RB HSBC, 26 Westwood Cross, Margate Road, Broadstairs CT10 2BF
23/1561/RB HSBC, 26 Westwood Cross, Margate Road, Broadstairs CT10 2BF
23/1650/DF 30 Oaklands Avenue, Broadstairs CT10 2SQ
23/1599/TC 23 Seven Stones Drive, Broadstairs CT10 1TW
23/1644/DF 16 Harrow Dene, Broadstairs CT10 2XF

237 WORKS TO TREES IN CONSERVATION AREAS/TREE PRESERVATION ORDERS/ HEDGEROW REMOVAL APPLICATIONS

RECEIVED the emailed report from the Volunteer Tree Warden.

RESOLVED that the applications be dealt with as detailed below:

(i) The Committee recommends **REFUSAL** to the applications listed below:

Unconfirmed Planning Minutes 8 January 2024
Subject to Confirmation

TPO/23/1602/MM 35 Lanthorne Road, Broadstairs CT10 3NH
 The Committee unanimously recommends REFUSAL on the grounds that these trees do provide amenity value and also high level environmental benefit. The application does not give sufficient reasons to undertake the work or to fell.

(ii) The Committee recommends **NO OBJECTION WITH CONCERNS** to the applications listed below:

TPO/23/1530/MM Fairfield Lodge, Fairfield Park, Broadstairs CT10 2JT
 The Committee unanimously recommends NO OBJECTION WITH CONCERNS. The work carried out should be as per the Broadstairs & St Peter's Tree Policy - Remedial tree works i.e. Crown lift / Crown thin / Height reduction etc., to be kept to a maximum of 20%. (BSP3 of the Broadstairs & St Peter's Neighbourhood Plan).

TPO/23/1537/MM April Cottage, Woodland Way, Broadstairs CT10 3QD
 The Committee unanimously recommends NO OBJECTION WITH CONCERNS. The Work carried out should be as per BSP3 of the Broadstairs & St Peter's Neighbourhood Plan Tree Policy - Only diseased or dying trees to be felled and only subject to a suitable replacement being planted.

The Committee requests that TDC require at least one new tree is planted to compensate for this felling.

(iii) **RESOLVED** unanimously that the standard response should be sent into all other tree applications on the weekly lists (standard response and applications set out below):

The Planning Committee of the Town Council has considered the applications below and resolved unanimously that the application be subject to inspection by the TDC Biodiversity and Horticulture Officer (Tree Officer).

The Planning Committee request that the stance and recommendations in the TDC Biodiversity and Horticulture Officer report are taken into consideration when deciding applications for tree works and any suggested conditions are clearly stated to the applicant in the consent letter.

The Town Council policy for work on trees is as follows and we would respectfully ask that our recommendations are provided to the tree owner with any permission granted:

- Healthy trees are retained wherever possible.
- Only diseased or dying trees to be felled and only subject to a suitable replacement being planted. Where trees are being felled because of overcrowding, thinning rather than removal of all trees should be considered wherever possible.
- Remedial tree works i.e. Crown lift / Crown thin / Height reduction etc., to be kept to a maximum of 20% and expressed as such in the application.
- Works required for structural reasons i.e. impact of root damage to foundations and drains must be supported by recognized structural engineering evidence as well as a report from the TDC Biodiversity and Horticulture Officer.
- It is a criminal offence under the Wildlife and Countryside Act to disturb nesting birds. However, birds can roost in any month of the year. We require the applicant to check for nesting or roosting birds before undertaking works to trees and if birds are found to be nesting, for works to be postponed until nesting is complete. If birds present on the site are of high conservation concern ('red list*' or 'amber list' birds**), permission for the works should be refused unless there are overwhelming reasons for it to be given.
- No tree works should be permitted to take place during the main nesting period from mid-March until the end of August. Birds can nest or roost in any month of the year.

* House Sparrow, Starling, Song Thrush

** Hedge Sparrow (Dunnock)

There were no further tree applications.

238 **PROPOSED FORWARD AGENDA ITEMS & DATE OF NEXT MEETING**

Next meeting: Monday 5th February 2024 at 7pm

Meeting closed at 20.18hrs
Deputy Town Clerk

Draft



Kent Minerals and Waste Local Plan 2024-39

Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 19

Pre-Submission Draft

Guidance Notes on Making a Representation

January 2024

The Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39 (the Plan) has been published in order for representations to be made before submission to the Secretary of State for Levelling Up, Housing and Communities for Independent Examination. The following notes are to guide you in making a representation, which should be made on the representation form. See the end of this document for details of how to obtain the representation form.

Introduction

In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations)¹, Kent County Council has published the version of the Kent Minerals and Waste Local Plan 2024-39 that it intends to submit to the Secretary of State for Independent Examination. The Planning and Compulsory Purchase Act 2004² (PCPA) states that the purpose of the Examination is to consider whether the Plan has been prepared in accordance with legal requirements, including the 'Duty to Co-operate', and is sound. The Plan will be examined by an independent Planning Inspector who will take into account the representations received when reaching a decision on the soundness and legality of the Plan. The purpose of the public consultation is to invite comments on the Plan's 'legal compliance' and 'soundness' prior to submission to the Secretary of State.

Legal Compliance and Duty to Co-operate

The Inspector will first check that the Plan meets the legal requirements associated with plan making under s20 (5) (a), and the Duty to Co-operate under s20 (5) (c) of the PCPA, before moving on to the tests of soundness.

¹ <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

² <http://www.legislation.gov.uk/ukpga/2004/5/contents>

You should consider the following before making a representation on compliance with the Duty to Co-operate:

- Any plan submitted will be examined for compliance with the Duty to Cooperate. Local Planning Authorities are expected to provide evidence of how they have complied with any requirements arising from the Duty.
- The PCPA 2004 establishes that non-compliance with the Duty to Co-operate cannot be rectified after the submission of the Plan and so if the Duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

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

- A description of the Plan and key stages in its preparation should be included in a Local Development Scheme (LDS). If the Plan is not detailed in the current LDS it should not have been published for representations. Publication of the Plan should also be in accordance with the LDS timetable. The latest Kent County Council (KCC) LDS is available on the County Council website³.
- 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 strategy for involving the community in the preparation and revision of its Plans and is available on the County Council website⁴.
- 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. SA is a tool for appraising policies to ensure they reflect social, environmental, and economic factors. 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 portal⁵, and at the main County Council office listed below.
- The Plan should be in general conformity with the adopted District and Borough Local Plans.

³ https://www.kent.gov.uk/_data/assets/pdf_file/0014/130541/Kent-Minerals-and-Waste-Local-Development-Scheme-November-2023-accessible.pdf

⁴ https://www.kent.gov.uk/_data/assets/pdf_file/0017/120491/Statement-of-Community-Involvement.pdf

⁵ <https://letstalk.kent.gov.uk/hub-page/mineralsandwaste>

Soundness

Soundness is explained in paragraph 35 of the National Planning Policy Framework 2023 (NPPF)⁶. 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 be prepared based on 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 the most appropriate strategy when considered against reasonable alternatives, 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.

If you think the content of the Plan is not sound you should go through the following steps before making representations:

- a. Is the issue with which you are concerned 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 policy is not covered elsewhere, in what way is the Plan unsound without the policy (or particular text)?
- d. If the Plan is unsound without the policy (or particular text), what should the policy or text say?

General Advice

If you wish to make a representation seeking a modification to the Plan you should make it clear how the Plan is not sound or not legally compliant having regard to the legal compliance, Duty to Cooperate and the four soundness requirements set out above. You should try to support your representation with evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made

⁶ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

at publication. Bear in mind that the Inspector will read the representations and will need to understand the reasoning behind them. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised. Note that the Inspector will be more concerned with the quality of a representation on a particular matter than the quantity of representations made on that matter.

Viewing the Plans and supporting information

The Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 and supporting information are available for inspection via the County Council's online consultation portal: www.kent.gov.uk/mineralsandwaste.

A hard copy of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 and supporting documents are also 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

Representations must be received by KCC by **midnight on Thursday 29th February 2024**. **Late representations will not be accepted.**

You are strongly recommended to make representations by completing and uploading the online representation form at: www.kent.gov.uk/mineralsandwaste.

Representations can also be made by completing the representation form⁷ and submitting the form to:

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

⁷ Download from: www.kent.gov.uk/mineralsandwaste

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.

Mineral Sites Plan

Work on a potential review of the Kent Minerals Sites Plan is ongoing and subject to detailed technical assessment of the submitted hard rock site. Until that assessment is complete, no decision can be taken on whether the site will be allocated or not in a revised Kent Mineral Sites Plan. For the avoidance of doubt, the Mineral Sites Plan work does not form part of the current consultation for the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39.



Kent Minerals and Waste Local Plan 2024-39

**Town and Country Planning (Local Planning) (England) Regulations 2012,
Regulation 19 (b)**

Pre-Submission Draft

Statement of Representation Procedure and Availability of Documents

January 2024

Publication of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39

The Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 has been published for a six-week period from **Wednesday 17th January 2024 to Thursday 29th February 2024** to allow representations ahead of the submission of these documents to the Secretary of State for Independent Examination. The purpose of the representations period is to allow local communities and other interested parties the opportunity to submit representations about whether the Pre-Submission Draft Plan is 'sound' (that is, whether it has been positively prepared, is justified, is effective, and is consistent with national policy), and legally compliant (prepared in accordance with legislation governing plan making). Written representations received before the end of the six-week period will be sent by Kent County Council to the appointed Planning Inspector for consideration alongside the submitted Plan.

Subject Matter and Area Covered:

The **Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39** sets out proposed updates to the adopted Kent Minerals and Waste Local Plan 2013-30 as amended by the Early Partial Review (2020) resulting from the statutory 5-year review. The Plan sets out the strategy for the sustainable management of Kent's waste and supply of minerals and is the primary element of the development plan for Kent against which planning applications and appeals for minerals and waste development in Kent will be determined. The changes to the currently adopted Kent Minerals and Waste Local Plan, which are proposed to form the Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39, are all shown clearly in a tracked change version of the document. The updates reflect and include the following matters:

- Updates to the National Planning Policy Framework in 2018, 2019, 2021 and 2023 and associated Planning Practice Guidance;
- legislation and policy concerning: The need to adapt to, and mitigate, climate change and, associated low carbon growth;
- policy and legislation concerned with achieving a circular economy where more waste is prevented or reused;
- adoption by the County Council of the Kent Environment Strategy and Kent and Medway Energy and Low Emissions Strategy;
- extending the plan period to 2039;
- updates to aggregate requirements in Policy CSM2 and waste management targets in Policy CSW4;
- deletion of Policy CSM5 that allocates a strategic site for minerals (as planning permission has been granted);
- deletion of Policy CSW5 that allocates a strategic site at Norwood Quarry, Isle of Sheppey for the landfill of hazardous waste specifically incinerator fly ash;
- a recognition within supporting text of the need for the development of additional capacity for the management of household waste identified by the Waste Disposal Authority;
- removal of a commitment to make specific provision for the management of residual non-hazardous waste by landfill or energy recovery that arises in London;
- changes to Policy CSW17 relating to waste management at Dungeness to ensure consistency with national policy;
- a change to Policy DM3 that seeks the achievement of maximum practicable biodiversity net gain;
- changes to settlement boundaries affecting the extent of areas identified where the presence of economic minerals needs to be taken into account before surface development can take place ('Mineral Safeguarding Areas');
- changes to the monitoring framework to ensure it properly reflects the updated policies; and,
- further changes intended to improve the clarity of the Plan's wording and hence the meaning of certain objectives and policies.

The area covered by the document is the administrative area of Kent County Council.

Representation period: Wednesday 17th January 2024 to midnight on Thursday 29th February 2024.

Representations must be made in writing and submitted in one of the following ways:

- Online Consultation Portal: www.kent.gov.uk/mineralsandwaste

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

Representation forms are available and can be completed and uploaded online on the County Council's consultation portal (www.kent.gov.uk/mineralsandwaste). Alternatively, the form can be downloaded from the County Council's website (www.kent.gov.uk/mineralsandwaste) or may be requested by contacting the team by telephone via 03000 422370, email to mwlp@kent.gov.uk or letter.

The Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39, along with all evidence base documents, are available to view on the County Council's online consultation portal (www.kent.gov.uk/mineralsandwaste):

- Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 (Regulation 19 Consultation Document) - showing changes tracked
- Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 (Regulation 19 Consultation Document) - untracked (clean copy)
- Habitats Regulations Assessment (HRA) Kent Minerals and Waste Local Plan Update 2024-39
- Draft Sustainability Appraisal Report of the Draft Kent Minerals and Waste Local Plan 2024-39 Regulation 19 Consultation - Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (November 2023)
- Draft Sustainability Appraisal Report - Non-Technical Summary - Updates to the Kent Minerals and Waste Local Plan 2013-30 in light of the Five-Year Review (November 2023)
- Duty to Cooperate Report
- Consultation Statement
- Statement of Representations Procedure
- Strategic Flood Risk Assessment (SFRA) - Position Statement
- Biodiversity Topic Paper
- Circular Economy Topic Paper
- Radioactive Waste Topic Paper
- Waste Needs Assessments
- Guidance note and representation form

A hard copy of the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 and the above documents are also 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 may be accompanied by a request to be notified at a specified address of any of the following:

- i. The submission of the Kent Minerals and Waste Local Plan 2024-39 for Independent Examination;
- ii. the publication of the recommendations of the Planning Inspector; and,
- iii. the adoption of the Kent Minerals and Waste Local Plan 2024-39.

Attach 2c

Representation Form

We welcome your comments on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39.

We have provided this form to help you tell us your views on soundness and legal compliance of the draft Plan. Your responses will form part of the submission of the draft Kent Minerals and Waste Local Plan 2024-39 to the Secretary of State for Independent Examination. Once completed this form can be uploaded online at www.kent.gov.uk/mineralsandwaste

If you are unable to upload the form online, please complete this Word/paper form and return it to:

Email: mwlp@kent.gov.uk

Address: Minerals and Waste Planning Policy Team, Planning Applications Group, Invicta House, Maidstone, Kent, ME14 1XX

Please ensure your response reaches us by midnight on Thursday 29 February 2024.

Please note that responses received after this deadline will not be considered.

What information do you need before completing the questionnaire?

Before commenting on the Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39, we would strongly recommend that you read the [Guidance on making a Representation](#), the [Statement of Representations Procedure](#) and consultation documents.

This consultation specifically invites comments on soundness and legal compliance and the guidance note explains the soundness tests and statutory plan making requirements relevant to this consultation.

Please note: There will not be any other opportunities to make further representations or provide evidence following this consultation. Please include all the information, evidence and supporting information necessary to support or justify your response and any suggested change(s) to the Plan. After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

Full responses will be submitted to the Planning Inspector appointed by the Secretary of State for Independent Examination. A summary of the responses will be made publicly available on our website with all personal data removed. Please read our privacy statement below for further details.

You may also find it helpful to read our [Frequently Asked Questions](#).

Attach 2c

Privacy: Kent County Council (KCC) collects and processes personal information in order to provide a range of public services. KCC respects the privacy of individuals and endeavours to ensure personal information is collected fairly, lawfully, and in compliance with the General Data Protection Regulation and Data Protection Act 2018. Read the full Privacy Notice at the end of this document.

Alternative formats: If you require any of the consultation material 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.

Attach 2c

Section A - Personal Information

Q1. Please tell us in what capacity you are completing this form:

Please select one option.

- As an individual
- On behalf of someone else
- On behalf of an organisation / affiliation

Q1a. Please tell us your name or the person you are responding on behalf of:

Please provide a first and last name. Please write in below.

Q1b. Please tell us the name of your organisation / affiliation (if relevant):

Please write in below.

Q1c. Please provide details of who should be contacted regarding this response:

Please include an address, phone number and email address in the box below.

Attach 2c

Section B - Representation

You will need to complete questions 2 and 3 for each part of the plan that you wish to comment on. Please duplicate these questions as many times as required to cover each part of the plan you wish to comment on.

If you would rather not provide feedback on a specific part, please state 'no comment' and move on to the next question.

Q2. Which part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation does this representation relate to? Please be specific in terms of paragraph numbers and document title. Please tell us in the box below.

Q2a. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be legally compliant? Select one option.

| | |
|--------------------------|------------|
| <input type="checkbox"/> | Yes |
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Don't know |

Q2b. Do you consider this part of the draft Kent Minerals and Waste Local Plan 2024-39 or element of its preparation to be sound? Select one option.

| | |
|--------------------------|------------|
| <input type="checkbox"/> | Yes |
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Don't know |

Attach 2c

The Inspector must be satisfied that the Local Plan meets four soundness requirements: is 'positively prepared', is 'justified', 'effective' and 'consistent with national policy'. In the [Guidance on making a Representation](#) document you will find explanations on each of these four requirements and how they need to be met.

Q2c. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound, please select the reason for this: Please select all that apply.

- Positively prepared
- Justified
- Effective
- Consistent with national policy

On the following pages, please explain why you think this part of the Plan is unsound or not legally compliant, and set out any changes you feel should be made to this part of the Plan to make the Plan sound and legally compliant.

Q2d. If you consider the draft Kent Minerals and Waste Local Plan 2024-39 to be unsound and/or not legally compliant, please explain why in the box below. Please be precise and give as much detail as possible.

Attach 2c

Q3. Please explain in the box below what change(s) you consider necessary to make the draft Kent Minerals and Waste Local Plan 2024-39 legally compliant and/or sound.

Please be precise as possible and explain why this change(s) would make the draft Local Plan legally compliant and sound. Please also include in your response any suggested revised wording you feel is necessary.

Q4. If you support the draft Kent Minerals and Waste Local Plan 2024-39, and wish to make any comments to that affect, please use the box below.

Attach 2c

The Planning Inspector will determine whether hearing sessions are required. If they are, he/she will also decide the most appropriate procedure to hear from those who have indicated that they wish to participate at the hearing sessions during the examination.

Q5. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination? Select one option.

| |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

Yes, I wish to speak to the Inspector at any hearing sessions

No, I wish to communicate through written representations

Don't know

Q5a. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary in the box below:

Thank you for taking the time to complete this form.

Full responses will be submitted to the Planning Inspector appointed by the Secretary of State for Independent Examination. A summary of the responses will be made publicly available on our website with all personal data removed. Please read our privacy statement below for further details.

Closing date for responses: midnight on Thursday 29 February 2024

Minerals and Waste Local Plan privacy statement

We keep this privacy notice under regular review and was last updated on 4 January 2024.

Kent County Council (KCC) respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

Who we are

KCC collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation (GDPR) which applies across the European Union (including in the United Kingdom) and the Data Protection Act 2018. We are responsible as 'controller' of that personal information. The Planning Applications Group, as the minerals and waste planning authority for Kent, has a statutory duty to prepare a plan for waste management capacity and mineral provision in accordance with the Planning and Compulsory Purchase Act 2004 ('the Act') and the Town and Country Planning (Local Planning) (England) Regulation 2012 ('the Regulations'). Our Data Protection Officer is Benjamin Watts.

The personal information we collect and use

Information collected by us

In the course of providing a minerals and waste planning service, we collect the following personal information when you provide it to us:

- name
- address
- signature
- email
- telephone number
- full address of the development
- landowner and land occupier information
- any other information that you may provide to us within your correspondence.

We also collect 'special category data' (personal data which is more sensitive and is treated with extra care and protection, for example race and ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about health, and genetic and biometric data) if it is provided to us.

We also obtain personal information, including special category data if it is provided, from other sources as follows:

- name, address, signature, email, telephone number, full address of the development and comments submitted via agents and interested parties via KCC's consultation portal.
- name, address, email, telephone number shared with us from other third parties such as from the district councils, other enforcement agencies, other KCC departments, cabinet members, county councillors, central government.

How we use your personal information

We use your personal information to comply with our statutory duties and any legal obligations and where it is necessary to perform a public task in the public interest as the mineral and waste planning authority.

We store and use personal information submitted to us in relation to the Minerals and Waste Plan making processes in order to:

- make decisions about the use of land in the public interest
- to develop and review the Minerals and Waste Local Plans (MWLP)
- to produce and maintain a Statement of Community Involvement
- to undertake consultation events (such as in relation to a call for sites, site plans)
- to produce a Local Aggregate Assessment (LAA) and Annual Monitoring Review (AMR).

We have a statutory obligation to provide these services in accordance with planning legislation including:

- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Development) Regulations 2004 as amended
- The Town and Country Planning Act (Local Planning) (England) Regulations 2012
- Planning Act 2004
- Town and Country Planning Development Management Procedure England Order 2015
- Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Local Government Act 1972
- Local Government Act 1974
- Local Government (Access to Information) Act 1985

- any Regulations made pursuant to the above legislation.

Reasons we collect and use your personal information

We rely on public task or legal obligation as the lawful basis on which we collect and use your personal data.

We rely on substantial public interest as the lawful basis on which we collect and use your special categories of personal data.

We rely on the statutory or government purposes condition in the Data Protection Act 2018 to process your special category data.

We take the following appropriate safeguards in respect of your special category data when relying on the conditions above:

- We have a Special Category and Criminal Records Appropriate Policy Document in place when using your special category data. This policy is retained throughout the time we use your data and for 6 months after we cease to use it.
- We have a retention schedule which explains how long data is retained.
- We maintain a record of our processing in our 'Record of Processing Activities' and record in it any reasons for deviating from the periods in our retention schedule.

The provision of contact details and your correspondence or representation (including where you choose to provide special category data) enables us to provide a minerals and waste plan making service.

Anyone can make a representation in relation to a current consultation event (for example, in relation to the MWLP work and review of the Statement of Community Involvement), but comments must be made in writing and should not be anonymous.

Representations can be submitted via the consultation portal or directly to the MWLP Team. Any views or comments received as part of a MWLP consultation event will be taken into account and [at Regulation 19 stage] will be sent in unredacted form to the Secretary of State and the Planning Inspectorate as part of the plan making process.

As we have a statutory basis for collecting your personal data, if you do not provide your name and contact details, we may not be able to acknowledge your response or communicate with you and this may affect the service that we provide.

If you are submitting supporting information, which you would like to be treated confidentially or is special category data, please let us know as soon as you can, ideally in advance of submitting your representation or correspondence. You can do this by contacting the MWLP Team.

How long your personal information will be kept

All information submitted within a response to a consultation event (such as the MWLP, Statement of Community Involvement) including names, addresses, signatures and contact details, will be retained by the council for 6 years after the end of the relevant plan making cycle.

All information submitted within a response to the Aggregate Assessment Survey and Annual Monitoring Review including names, addresses, signatures and contact details, will be retained by the council on a permanent basis.

Personal information including your name and contact details which is retained on our database during the plan making process for the purpose of keeping you informed about the plan making process will be deleted 6 years after the end of the relevant plan making cycle.

Personal information including your name and contact details retained on our consultation database will be retained for the purpose of keeping you informed unless you opt out of this via your registration within the consultation database.

Who we share your personal information with

All information (including personal data and special category data for which we have a legal basis to process) stored on our databases and in our case files may be shared with a contracted external provider who is carrying out planning or IT work on behalf of the planning authority.

All information submitted in response to a MWLP consultation event will be shared in redacted form on our website and on our consultation database. We usually publish the full text of consultation responses you provide on our website. We will redact your address, signature and email address and any special category data from your comment however, you should be careful not to provide any personal data or special category data (previously called sensitive personal data) about yourself in these comments which is capable of identifying you or anyone else. If you do so, you must be aware that these may be seen by the public at large and may be shared as detailed in this privacy notice.

All information submitted in response to a MWLP consultation [at Regulation 19 stage] (including personal data and special category data for which we have a legal basis to process) will be shared with the planning inspector appointed by the Secretary of State to conduct the minerals and waste plan examination, and during examination in public, will be subject to the current Planning Inspectorate privacy guidance.

All information submitted in response to a Statement of Community Involvement consultation will be shared only in redacted form.

All information submitted in response to a local aggregates assessment request will only be shared on our website in an aggregated format and this will not include personal data.

Where relevant, information may be shared in the event of a request made under the Freedom of Information Act 2000 or Environmental Information Regulations 2004. In such cases personal data will be redacted and any information that has been provided on a confidential basis will be withheld, if an exemption under the relevant regulations apply.

We will share personal information (including unredacted information if required) with law enforcement or other authorities if required by applicable law or in connection with legal proceedings.

In the event of a legal challenge, unredacted correspondence (including personal data and special category data for which we have a legal basis to process) will be sent to the courts and may be disclosed to third parties.

Where relevant, unredacted correspondence (including personal data and special category data for which we have a legal basis to process) received will be sent to the Local Government and Social Care Ombudsman regarding alleged complaints about maladministration by a public authority.

We will share personal information with our legal and professional advisers in the event of a dispute, complaint or claim. We rely on Article 9(2)(f) where the processing of special category data is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

We will sometimes need to share the unredacted information we have with other departments in KCC and other external statutory bodies.

Your rights

Under the GDPR you have a number of rights which you can access free of charge which allow you to:

- know what we are doing with your information and why we are doing it
- ask to see what information we hold about you
- ask us to correct any mistakes in the information we hold about you
- object to direct marketing
- make a complaint to the Information Commissioner's Office.

Depending on our reason for using your information you may also be entitled to:

- object to how we are using your information

- ask us to delete information we hold about you
- have your information transferred electronically to yourself or to another organisation
- object to decisions being made that significantly affect you
- stop us using your information in certain ways.

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us from delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the [UK Information Commissioner's Office](#) on individuals' rights under GDPR.

If you would like to exercise a right, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Contact

Please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, Benjamin Watts, at dpo@kent.gov.uk, or write to: Data Protection Officer, Sessions House, Maidstone, Kent ME14 1XQ.

GDPR also gives you right to lodge a complaint with the [Information Commissioner](#) who may be contacted on 03031 231113.