



Minerals Assessment of the Proposed Site
Allocations in the Regulation 19 Local Plan
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Contents

1. Introduction:	2
2. Approach to the assessment of the proposed Regulation 19 Local Plan site allocations:	2
3. Minerals and safeguarded facilities assessment for allocated sites within the Local Plan:	4
4. Conclusion	7

1. Introduction:

This note has been prepared by officers to inform the selection of site allocations in the Regulation 19 Dover District Local Plan and to assess potential impacts on minerals safeguarded areas.

- 1.1 The Kent Minerals and Waste Local Plan (KMWLP) was adopted by Kent County Council in July 2016, with an early partial review undertaken in 2019 to amend several of the policies relating to waste management. After independent examination and consultation on the modifications, the early partial review was adopted in April 2020. The KMWLP contains a number of minerals and waste development management policies (including those associated with exemption from the presumption to safeguard) for use by Local Planning Authorities in evaluating planning applications and the allocation of sites within a Local Plan.
- 1.2 The minerals safeguarding Supplementary Planning Document (SPD) was adopted in 2017 and updated as a result of the early partial review of the KMWLP. The updated SPD was adopted in March 2021. The SPD provides guidance on how the policies on mineral resources and mineral and waste infrastructure safeguarding will be implemented. The SPD also provides guidance to Local Planning Authorities in Kent on the procedures to be followed when development other than mineral or waste management facilities, including local plan allocations, are proposed to be located within safeguarded areas containing economic minerals and on/or within close proximity to safeguarded mineral or waste infrastructure assets.

2. Approach to the assessment of the proposed Regulation 19 Local Plan site allocations:

2.1 The KMWLP SPD at chapter 7 sets out the following system of assessment that should be applied to sites proposed for allocation within a Local Plan.

- Are any of the sites in a Mineral Safeguarding Area/Mineral Consultation Area or on or within 250m of minerals and waste infrastructure?
- If No - further assessment is not required
- If Yes - scope of a Minerals Assessment should be discussed and agreed with the Mineral Planning Authority.

2.2 Paragraph 7.6 of the SPD then goes on to set out the criteria from KMWLP policy DM 7 that should be applied to a site for allocation that is within a land-won Mineral Safeguarding Areas (MSA) however could be considered exempt from safeguarding. The criteria stated are:

- the mineral is not of economic value or does not exist (criterion 1); or

- that extraction of the mineral would not be viable or practicable (criterion 2); or
- the mineral can be extracted satisfactorily, having regard to Policy DM 9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development (criterion 3); or
- material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction (criterion 5).

2.3 For the purposes of this assessment, it is also considered appropriate to apply criterion 6 of policy DM 7. The criterion is suggested in the SPD as part of Planning Application assessments, however, given it considers minor development, that is infill in existing built-up areas, it is also considered to be relevant to the Local Plan, which proposes site allocations in a similar context. Based on the NPPF 2021 definition of major development, minor development is considered to be sites delivering between 1 to 9 dwellings or of an area of less 0.5ha. criterion 6 states:

- it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built-up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, nonmaterial amendments to current planning *permissions*;

2.4 In accordance with KMWLP policy DM 8 both major and minor sites proposed for allocation need to be assessed to determine whether they are within 250m of a safeguarded waste or mineral facility and subsequently would be subject to an Infrastructure Assessment. The KMWLP SPD sets out that for a development site to be exempt from safeguarding one of the policy's exemption criteria need to be successfully invoked. The criteria set out in the SPD are:

- it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions (criterion 1); or
- where an allocated site is carried forward into a new local plan that and has not been previously subject to the safeguarding process, this does not afford an exemption at the planning application stage (criterion 2); or
- replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing (criterion 3); or
- it is for a temporary period and will not compromise its potential in the future for minerals transportation (criterion 4); or
- the facility is not viable or capable of being made viable (criterion 5); or
- material considerations indicate that the need for development overrides the presumption for safeguarding (criterion 6); or

- It has been demonstrated that the capacity of the facility to be lost is not required (criterion 7).

3. Minerals and safeguarded facilities assessment for allocated sites within the Local Plan:

3.1 An assessment of the site allocations proposed in the Regulation 19 Dover District Local Plan has been carried out based on the guidance within the KMWLP SPD. For the purpose of KMWLP policy DM 7 the assessment has identified 12 sites (for housing and employment uses) that are within or partially within minerals safeguarded areas (MSA). Those sites have then been considered against the 5 criteria of KMWLP DM 7, as set out above, and recommendations for exemption or potential exemption are provided. The results of the assessment and recommendations have been set out in the table below.

3.2 A further assessment of the site allocations has also been carried out for the purpose of KMWLP policy DM 8. This assessment has identified two sites within 250m of a safeguarded facility. The first site, reference number WHI008 Whitfield Urban Expansion, is at the furthest most extreme of 250m from the Whitfield recycling centre. Whilst an impact assessment on the Whitfield Recycling centre will be required, it is likely that the impact on the facility will be limited, due to much of the planned extension within a 250m radius of the Whitfield Recycling Centre having existing outline planning permission. The second site, reference DOV017 Dover Waterfront, whilst being an existing allocation has yet to gain planning consent for residential development and is within 250m of the safeguarded wharf (Site M: Dunkirk Jetty) at the Western Docks. As a result, an Infrastructure Assessment will be required.

Site	Mineral deposits	Approx. site coverage by MSA	Proposed number of dwellings/ commercial floor area	Existing built-up area?	Existing allocation	Summary
ALK003 - Land at Short Lane, Alkham	Sub Alluvial River Terrace Deposits	10%	10	N	N	Potential Exemption: <ul style="list-style-type: none"> - Site is adjacent to the urban area of Alkham with residential to the southwest, west and north. - Limited coverage of the MSA - The abundance of and low value of the mineral deposit in the area. - Prior extraction would not be viable. - Land immediately to the south of the site is accessible for minerals extraction.

						- Design of the site could incorporate access to the MSA.
AYL005 – Former Snowdown Colliery, Aylesham	Brickearth other area	None – 250m Brickearth	Mixed use development	N	N	Exemption: - Site is not covered by a MSA. - Site is previously developed having been used as a colliery. - Access to adjacent MSA can be achieved
DOV017 - Dover Waterfront	Storm Beach Gravel	100%	Mixed-use development	Y	Y	Exemption: - Site is an existing allocation - Site comprises both developed and previously developed land. - Site is in major built-up area - Abundance of and low value of the mineral deposit in the area. - Area of development doesn't extend to the beach. - Prior extraction would not be viable. - Poor accessibility to site for purposes of extraction. - Extraction here would not be practical. - Within urban area exemption applies
EYT009 - Land to the east of Terrace Road, Elvington	Brickearth other area	30%	150	N	N	Potential Exemption: - This site forms part of a strategic housing allocation which is adjacent to the urban area of Elvington - Minor coverage of the MSA and the abundance of and low value of the mineral deposit in the area. - Prior extraction would not be viable.
STA004 - Land at Durlock Road, Staple	Brickearth other area	58%	3	N	N	Potential Exemption: - Site adjacent to the built up area of Staple with residential dwellings to the north, west and south - Abundance of and low value of the mineral deposit in the area. - Prior extraction would not be viable.
WIN003 - Land adjacent to Staple Road	Brickearth other area	90%	20	N	N	Potential Exemption: - Site adjacent to the built up area of Wingham with residential dwellings to the west, northwest and east, northeast, industrial buildings to the south and a proposed allocation for residential development to the north. - Abundance of and low value of the mineral deposit in the area.

						- Prior extraction would not be viable.
WIN014 - Footpath Field, Staple Road, Wingham,	Brickearth other area Sub Alluvial River Terrace Deposits	97% 3%	50	N	N	Potential Exemption: - Development adjacent to the built up area of Wingham with residential dwellings to the west, and east and a proposed allocation for residential development to the south. - Abundance of and low value of the mineral deposit in the area. - Prior extraction would not be viable.
WOR006 - Land to the east of Jubilee Road	Brickearth other area	100%	10	N	N	Potential Exemption: - Development adjacent to the built up area of Worth with residential dwellings to the north south and west. - Abundance of and low value of the mineral deposit in the area. - Prior extraction would not be viable.
TC4S008 - Bridleway Riding School, Station Road	Brickearth other area	50%	25	N	N	Potential Exemption: - Development adjacent to the built up area of Deal with residential dwellings to the north and east. - Abundance of and low value of the mineral deposit in the area. - Prior extraction would not be viable.
TC4S023 - Land adjacent to Cross Farm	Brickearth other area	5%	10	N	N	Potential Exemption: - Development adjacent to the built up area of Eastry with residential dwellings to the north, south and southwest. - Very minor area of MSA on the site. - Abundance of and low value of the mineral deposit in the area. - Prior extraction would not be viable.
TC4S074 - Land adjacent Courtlands	Storm Beach Gravel	None – 400m storm beach gravel	5	N	N	Exemption: - Site is not covered by a MSA. - Minor development adjacent to the built up area of Kingsdown with residential dwellings to the southwest, south and east
TC4S076 - Statenborough Farm, Felderland Lane, Worth, Deal	Brickearth other area	30%	1,515sqm	N	N	Exemption: - Site is previously developed - Development is for reuse of existing agricultural buildings to commercial - MSA part of the site is hard surfaced open space, resulting in mineral sterilization and the

						opportunity for safeguarding has already gone.
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4. Conclusion

- 4.1 From the 12 sites identified against KMWLP policy DM 7, 4 sites are considered to be exempt and 8 sites potentially exempt from minerals safeguarding for the reasons set out above. All 12 of the sites are located within, or adjacent to built up residential areas, with 8 sites only impacting on a Brickearth MSA, a low value mineral that is in abundance across Kent, making extraction unlikely to be viable. One site, DOV017 Dover Waterfront has been identified as being within 250m of the safeguarded wharf (Site M: Dunkirk Jetty) and will require an Infrastructure Assessment.
- 4.2 It is important to note that the sites proposed as allocations for development in the Regulation 19 Local Plan have all been identified and assessed through the Councils Housing and Economic Land Availability Assessment work and are therefore considered to be the most suitable and available for allocation in the Local Plan.