STATEMENT OF COMMON GROUND

between Ashford Borough Council and Kent County Council (as Minerals and Waste Planning Authority)

Introduction

In the Inspectors' letter dated 14th May 2018 (ID/06), paragraph 2 raised the issue of Minerals Safeguarding Areas (MSAs) and the application of the respective policies in the adopted Kent Minerals & Waste Local Plan (KMWLP) to the process of allocating sites for non-minerals development in the Submission Local Plan to 2030.

Consequently, the Borough Council and County Council (in its role as the local Minerals & Waste Planning Authority) have discussed the proposed site allocations included within the Submission Local Plan where the County Council has made formal representations to the Borough Council to advise that the site lies within a Mineral Safeguarding Area (MSA).

This Statement of Common Ground indicates whether a Minerals Assessment would be required under the terms of policies CSM5 and DM7 of the KMWLP).

Context

In reaching the position set out below, the County Council has been cognisant of the current context of the potential demand for and landbanks of the various minerals reserves referenced in the MSAs.

The National Planning Policy Framework (NPPF) requires the County Council, as the Mineral Planning Authority (MPA) to plan for a steady and adequate supply of aggregates and industrial minerals. It is also required to define Mineral Safeguarding Areas (MSA) for the known minerals of local and national importance to ensure, through policies in local plans that such minerals are not needlessly sterilised. The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) adopted in 2016 incorporates proposals maps that define the safeguarded economic minerals (local and potentially national in importance) and sets out the level of aggregate provision that will need to come forward over the adopted plan period. Work is ongoing with the Kent Mineral Sites Plan that will allocate sufficient sites to meet the identified minerals need by ensuring the respective aggregate landbanks for the soft sands and sands and gravels are delivered between 2019 to 2030. In the case of the sharp sands and gravels the adopted policy recognises that this will only be possible where resources allow.

As stated in the NPPF, minerals are essential to support sustainable economic growth and our quality of life. They are crucial to the supply of the necessary raw materials to enable the delivery of the Government's growth agenda. In the case of Ashford there are a number of economic minerals present in the Borough. They comprise of both superficial deposits of Sub-Alluvial River Terrace Deposits and River Terrace Deposits (yielding aggregates) and windblown Brickearth deposits (historic brick manufacture) and the main crustal geologies of the Folkestone Beds that provide aggregate sands (soft and some industrial silica sands) and crushed rock (Hythe Formation, Kentish Ragstone), sandstones and limestone forming historic building materials (such as the Wadhurst Clay, Tunbridge Wells Sand Formation, Pauldina Limestone and the Ashdown Formation) and industrial

sand in the Sandgate Formation. See Appendix A for further information on the Borough's economic geology.

In the formulation of this SoCG, the following positions have been arrived at which reflects the requirements of the adopted KMWLP policy requirements in terms of mineral safeguarding and the need to maintain aggregate landbank requirements over the plan period. Policy DM 7 of the adopted Kent MWLP states:

Policy DM 7

Safeguarding Mineral Resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding,[(112)] where it is demonstrated that either:

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. 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; or
6. 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, non-material amendments to current planning permissions; or
7. it constitutes development on a site allocated in the adopted development plan

Further guidance on the application of this policy will be included in a Supplementary Planning Document.

It should however be noted that the County Council is currently undertaking a partial review of the policy in respect of criterion 7 to ensure that the safeguarding requirements are appropriately considered when determining non-mineral development. It seeks to address those non-mineral developments that are allocated in a Borough Council local plan but have not previously considered safeguarding requirements.

However, for the purposes of this SoCG, it is agreed that any proposed amendments to policy DM7 would not affect the application of the current policy's exempting criteria to existing Development Plan allocations.

Exemptions from Minerals Assessment

The planning authorities agree that exemptions to the presumption to safeguard mineral resources as set out in policy DM 7 are applicable to a number of the Borough Council allocations. The following is agreed:

1. Submission Local Plan sites exempted from Minerals Safeguarding by virtue of being in an existing built up location and / or Policy DM7 criterion 7

The parties agree that the following table represents the proposed Local Plan site allocations that lie either within an existing built-up area or are existing allocations in the Development Plan and therefore exempt from safeguarding by virtue of criterion 7 of policy DM7 of the KMWLP.

SITE	Reg 19 / MC reps	MINERAL DEPOSITS	BUILT UP AREA?	EXISTING ALLOCATION ?	PP ?
S1	ALP/2556	River terrace deposits	Y	Y (TCAAP)	
S7	ALP/2579	Sub-alluvial river terrace deposits	Y	Y (Urban Sites DPD)	
S8	ALP/2583	Sandstone (Sandgate Formation)	Y	Y (Urban Sites DPD))	
S9	ALP/2589	Sandstone (Sandgate Formation)	Y		
S10	ALP/2596	Sub-alluvial river terrace deposits	Y	Y(TCAAP)	
S11	ALP/2597	Sub-alluvial river terrace deposits	Y	Y(Urban Sites DPD)	
S11a	MCLP/810	River terrace gravels	Y		
S15	ALP/2600	Sub-alluvial river terrace deposits		Y (Core Strategy)	
S16	ALP/2601	Sub-alluvial river terrace deposits and Limestone (Hythe Formation – Kentish Ragstone)		Y (Core Strategy)	Y
S17	ALP/2602	Sub-alluvial river terrace deposits and Sandstone (Sandgate Formation and Folkestone Formation)		Y(Urban Sites DPD)	Y
S19	ALP/2603	Sandstone (Folkestone Formation)		Y (Urban Sites DPD)	
S20	ALP/2604	Sub-alluvial river terrace deposits and Sandstone (Sandgate Formation and Folkestone Formation)		Y (majority of site in Urban Sites DPD)	
S21	ALP/2605	Sub-alluvial river terrace deposits and Limestone		Y (Urban Sites DPD)	

		(Hythe Formation – Kentish Ragstone)			
S22	ALP/2606	Sub-alluvial river terrace deposits	Y	Y(Urban Sites DPD)	
S23	ALP/2608	Sub-alluvial river terrace deposits and Sandstone (Sandgate Formation and Folkestone Formation)	Y	Y(Urban Sites DPD)	
S24	ALP/2609	Sandstone (Wadhurst Clay Formation)		Y (TRSDPD)	
S26	ALP/2611	Sandstone (Wadhurst Clay Formation)	Y		
S29	ALP/2613	Sub-alluvial river terrace deposits		Y (TRSDPD)	Y
S32	ALP/2615	Sub-alluvial river terrace deposits		Y (TRSDPD)	
S37	ALP/2618	River terrace deposits			Y
S38	ALP/2619	Sandstone (Folkestone Formation)	Y		

In the case of site S37 (Smarden), whilst this site is neither in the built-up area of Smarden or an existing Development Plan allocation, this site has an extant planning permission for residential development and hence is, by extension, exempt.

Site S57 (Land at Warehorne Road, Hamstreet) was also identified as being within an MSA for sub-alluvial river deposits in KCC's Local Plan representations (MCLP/824). However, it is now agreed that the site allocation only adjoins this safeguarded area and does not lie within it and so would not be subject to a consideration of the need to invoke any exemptions to mineral safeguarding as set out in policy DM7.

2. <u>The nature of the potential mineral deposit</u>

In the following cases, the parties agree that, due to the nature of the particular mineral being safeguarded and the availability / demand for these resources, the sites may be allocated without the need for a prior Minerals Assessment based on exemption clauses 1, 2 or 5 of policy DM7 of the KWMLP.

SITE	Reg 19 / MC Rep	MINERAL DEPOSITS
S4	ALP/2568	Limestone (Wealden Clay Formation)
S25	ALP/2610	Sandstone (Wadhurst Clay Formation)
S30	ALP/2614	Limestone Hythe Formation (Kentish Ragstone)
S43	ALP/2620	Sandstone (Tunbridge Wells Sand Formation)
S51	MCLP/818	Limestone Hythe Formation (Kentish Ragstone)
S59	MCLP/826	Limestone Hythe Formation (Kentish Ragstone)
S60	MCLP/827	Tunbridge Wells Sandstone Formation

3. <u>The size of the proposed allocation and/or the proportion of the proposed allocation covered by an MSA</u>

In the following cases, the parties agree that, due to the small size of the allocation itself and/or the proportion of the allocation covered by the MSA, then the sites may be allocated without the need for a prior Minerals Assessment based on exemption criteria 1 or 2 of policy DM7 of the KMWLP, the presumption to safeguard the mineral resources could be set aside given the low probability of economic viability or practicality of any prior extraction of any mineral resources.

Site	Reg 19 / MC rep	MINERAL DEPOSITS	Approx. extent of site covered by MSA	Proposed scale of allocation (dwellings)
S5	ALP/2573	Sub-alluvial river terrace deposits	5%	150
S14*	ALP/2598	Sub-alluvial river terrace deposits	25%	325
S28	ALP/2612	Sub-alluvial river terrace deposits	30%	20
S35	ALP/2617	Sub-alluvial river terrace deposits	<20%	10
S44	ALP/2621	Sandstone (Folkestone Formation)	100%	5 pitches (G&T site)
S56	MCLP/823	Sub-alluvial river terrace deposits	60%	10
S61**	MCLP/828	Sandstone Ashdown Formation	<1%	40

**In proposed allocation S14 (Park Farm South East), the MSA covers the area of the allocation that lies within the 100 year floodplain and therefore would lie outside the developable footprint of the proposed dwellings there.*

***Proposed allocation S61 just clips the MSA, the boundary of which is coterminous which the Ancient Woodland that bounds S61 to the north.*

Given the exemptions agreed above, this leaves the remaining sites where KCC has made Local Plan representations relating to a presence within a minerals safeguarding area.

Site	Reg 19 / MC reps	Mineral deposit	Approx. extent of site covered	Proposed scale of allocation (dwellings)
S2	ALP/2559	Sandstone (Folkestone Formation)	90%	700
S34	ALP/2616	Sandstone (Folkestone Formation)	100%	40
S45	MCLP/811	Sub-alluvial river terrace deposits	50%	100
S47	MCLP/813	Sandstone (Folkestone formation)	100%	75
S48	MCLP/814	Sandstone (Folkestone Formation) plus small part as sub-alluvial river terrace deposits	100%	150
S49	MCLP/815	Sandstone (Folkestone Formation)	100%	75
S55	MCLP/822	Sub-alluvial river terrace deposits	30%	180

a) Site S2 – Land north-east of Willesborough Road, Kennington

See Appendix B to this Statement.

b) Site S34 – land east of Coach Drive, Hothfield

This is a relatively small (40 dwellings) allocation on the eastern edge of Hothfield village. It is agreed that this is not a strategically important residential allocation in the context of the wider delivery of the Local Plan and as such, it would be appropriate for minerals safeguarding to be applied.

However, given the small scale of the site, the parties agree that this may be adequately addressed by inserting an additional clause into policy S34 as follows:-

'Prior to the grant of planning permission for non-minerals development at the site, the applicant shall prepare and submit a Minerals Assessment to establish whether any prior extraction of Minerals should take place in advance of residential development'

(Appropriate supporting text would also be added to refer to the need to comply with the guidance in the Safeguarding SPD)

c) Site S45 – Land south of Brockman's Lane, Bridgefield

This is a residential allocation of 100 dwellings on the southern edge of Ashford. The southern and eastern parts of the site are safeguarded for sub-alluvial river terrace deposits associated with the watercourses that adjoin the allocation. These parts of the site are unlikely to be suitable for residential development as they fall within Flood Zone 2 or 3.

However, given the site is not expected to come forward for housing development until the adjoining site S14 is developed out, it is reasonable to expect a Minerals Assessment in advance of a grant of planning permission for the residential development to be undertaken here to satisfy policy DM7 of the KMWLP.

Therefore, the parties agree that this may be adequately addressed by inserting an additional clause into policy S45 as follows:-

'Prior to the grant of planning permission for non-minerals development at the site, the applicant shall prepare and submit a Minerals Assessment to establish whether any prior extraction of Minerals should take place in advance of residential development'

(Appropriate supporting text would also be added to refer to the need to comply with the guidance in the Safeguarding SPD).

d) Site S47 – Land east of Hothfield Mill

This is a residential allocation of 75 dwellings on the western side of Ashford, alongside the A20. The site falls entirely within a MSA for Sandstone (Folkestone Formation) although only around 50% of the allocated area is expected to be built upon.

In common with sites S48, S49 and S55, the site lies in a groundwater source protection zone above a principal aquifer. This is relevant if relatively deep excavation would be required to extract the sandstone deposit and site restoration may not be acceptable given the potential for an adverse impact on potable water supplies. Moreover, a lack of restoration of the original levels could have an adverse effect on the deliverability of the non-mineral development. (*Extraction itself need not have an adverse impact on ground water resources or water quality, restoration with backfilling may be something that the EA would not wish to see happen, when applying the precautionary principle to a source protection zone, this in turn may reduce the site's deliverability for the non-mineral development, being a potentially deep hole type feature in the landscape!)*

Consequently, the parties agree that, on balance, the weight of material considerations including the potential impact on housing land supply and the potential impact from excavation activities, the parties agree that the presumption to safeguard the landwon mineral resources from sterilisation could be set aside by exemption criteria 3 or 5 of policy DM7 of the KMWLP.

e) Site S48 – Land rear of the Holiday Inn, Hothfield

This site lies to the west of the A20 and is allocated for 150 dwellings. A narrow band of sub-alluvial river terrace deposits runs through the site (associated with the watercourse there) and the site lies wholly within a MSA for sandstone (Folkestone Formation).

This is one of the larger rural site allocations and involves the relocation of some existing horticultural operations. In common with sites S47, S49 and S55, the site lies in a groundwater source protection zone above a principal aquifer. This is relevant if relatively deep excavation would be required to extract the sandstone deposit and site restoration to enable residential development could have an adverse impact on potable water supplies. In common with other sites, a lack of restoration of the original levels could have an adverse effect on the deliverability of the non-mineral development.

Consequently, the parties agree that, on balance, the weight of material considerations including the potential impact on housing land supply, the presumption to safeguard the landwon mineral from sterilisation could be set aside by exemption criteria 3 or 5 of policy DM7 of the KMWLP.

f) Site S49 – Land at Tutt Hill, Westwell

This site lies to the east of the A20 and adjacent to the M20 and the HS1 railway. It is allocated for 75 dwellings. It lies wholly within a MSA for sandstone (Folkestone Formation). The allocation also adjoins the property known as the Banyan Retreat which is a meditation centre.

In common with sites S47, S48 and S55, the site lies in a groundwater source protection zone above a principal aquifer. This is relevant if relatively deep excavation would be required to extract the sandstone deposit and site restoration to enable residential development could have an adverse impact on potable water supplies. In common with other sites, a lack of restoration of the original levels could have an adverse effect on the deliverability of the non-mineral development.

Consequently, the parties agree that, on balance, the weight of material considerations including the potential impact on housing land supply and the potential impact from excavation activities on the commercial operations at the Banyan Retreat premises, the presumption to safeguard the landwon mineral from sterilisation could be set aside by invoking an exemption of the presumption to safeguard by virtue of criteria 3 or 5 of policy DM7 of the KMWLP.

g) Site S55 – Land adjacent to Poppyfields, Charing

This site lies on the western edge of Charing village between the A20 and the Ashford – Maidstone railway line. It is allocated for 180 dwellings in the Submission Local Plan and is the largest new rural allocation in the Plan.

Approximately 30% of the allocation lies within a MSA for sub-alluvial river terrace deposits associated with the watercourse that passes through the site. In common with sites S47, 48 and 49, the site lies in a groundwater source protection zone above a principal aquifer.

The size of the residential allocation makes this an important, strategic allocation for the rural part of the borough. The relatively small scale of the potential mineral deposit and its location adjacent to existing residential properties means that, on balance, the parties agree the weight of material considerations including the potential impact on housing land supply and the potential impact from excavation activities on the residential amenity of neighbouring residential occupiers, the presumption to safeguard the landwon mineral from sterilisation could be set aside by an exemption of the presumption to safeguard as set out in the exemption criteria 3 or 5 of policy DM7 of the KMWLP.

The parties agree that the Local Plan should contain a more explicit reference to the adopted Minerals and Waste Local Plan in general and Minerals Safeguarding Areas (and the associated SPD) in particular. This should include a weblink to the Minerals and Waste Local Plan contained within the Introduction to Local Plan and the County Council Minerals Safeguarding Supplementary Planning Guidance.

Signed	on behalf of	Date
[redacted]	Kent County Council	6th June 2108
Head of Planning Applications		
[redacted]	Ashford Borough Council	6th June 2018

Appendix A

Minerals Supply and Safeguarding–Relevant Economic Geologies

Information note prepared by Kent County Council

Ashford Borough Council Area

The adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan) defines the Mineral Safeguarding Areas in Kent on the relevant Proposal Map. For the Ashford Borough council area the Safeguarded area is shown on the Kent Minerals and Waste Local Plan Ashford Borough Council-Mineral Safeguarding Areas. The relevant safeguarded geologies in the Ashford Borough area are highlighted with various colours representing both superficial deposits as well as crustal units that make up the geological stratigraphy of the Borough area.

Main Crustal Geological Units of Economic Importance

Limestone Hythe Formation (Kentish Ragstone)

Ragstone occurs in a geological formation known in the Hythe Beds of the Lower Greensand, a layer of limestones running from Kent into Surrey which was laid down in the Cretaceous period. It outcrops in various places in Kent, notably at the cliffs of Hythe, and along the Greensand Ridge above the Weald of Kent. In the Ashford Borough area, the ragstone occurs as a belt trending in an east west orientation across the borough, which extends from foot of the North Downs Scarp in the Egerton area to Stonestreet Green/Aldington area close to the boundary with Shepway in the Ashford area.

In succession ragstone occurs in bands between 15 cm and 60 cm thick, alternating with bands of a loose material called hassock (a soft calcareous sandstone deposit). These bands are of similar thickness and the difference in colour between them gives quarry faces a striped appearance. Overall thickness of the unit ranges between 18-100 metres. When the stone is extracted from the quarry, it appears to be of a grey green or blue grey colour but later weathers (oxidation of iron bearing constituent minerals) to an autumnal hue which, together with its hard-wearing properties, traditionally made it an attractive material. This can be seen

in local construction of houses, public works (e.g. Sessions House, Kent County Council and HMP Maidstone and the Archbishop's Palace) and infrastructure in and around the area of Kent and further away e.g. the construction of the Tower of London.

Modern demand for this material is intensive and diverse, with different products being required for use as an aggregate in the ready-mix concrete, road building and civil engineering applications for the maintenance of the area's infrastructure. Larger blocks of ragstone are also used in the construction of sea barriers against coastal erosion. Ragstone remains important for repairing historic buildings. Currently the Hermitage Quarry is the only supplier of building stone in Kent. Blaise Farm is excavated mainly for aggregate and is not regarded as being a realistic source of building stone. The Ashford area does not have any active workings for the extraction of this material.

Sandgate Formation

The Sandgate Formation is part of the Lower Greensand Group. A geological unit forming part of the underlying structure of southeast England (laid down 100 million years ago, during the Upper Cretaceous Epoch). Distributed to the south of London in the counties of West Sussex, East Sussex and Kent, which together form the wider Weald, the Lower Greensand Group can usually be subdivided to what can be referred to as the units or formational levels. These formations have varying properties and are composed of the following defined units according to their differing characteristics:

- **Atherfield Clay Formation** *[not an important economic mineral]*
- **Hythe Formation** *[this includes the important Ragstone described above]*
- **Sandgate Formation** *[this material has certain industrial applications]*
- **Bargate Formation** *[not an important economic geology]*
- **Folkestone Formation** *[this an important aggregate forming unit]*

In the Ashford area the formation outcrops just north of the Ragstone belt and has the same north-west to south-east trend. Overall the Sandgate Formation is characterised as a rarely fossiliferous and loosely consolidated mixture of silts, sands and silty clays and some sandstones. The British Geological Survey describes the formation as follows:

"*The formation has no single stratotype. Readers should refer to entries for the component members in the western Weald, namely: Bargate Sandstone Member, Rogate Member, Easebourne Member (where present), Selham Ironshot Sands Member, Fittleworth Member, Pulborough Sandrock Member (where present) and Marehill Clay Member (at top). Elsewhere the Formation is undivided. The formation takes its name from Sandgate on the coast near Folkestone, both here, around the town itself, and in the West Cliff at Folkestone the formation is extensively affected by landslides. The base of the formation was seen in the Goldwell Quarry south of Hothfield in the Maidstone district but this was not designated as a type site."*

The material (where represented as a friable sandstone) is of a reasonably consistent nature such that it is potentially important for industrial applications. It was formerly dug near Marehill (West Sussex where the unit is between 50-100 metres in thickness, in Kent the thickness have not been recorded) for use as moulding sand in iron casting, thus being analogous in use terms to a foundry type silica sand. The County Council has no records of the quarrying of this material in the Ashford Borough area in recent times; the Goldwell Quarry (worked in the 1940s) was categorised as a ragstone quarry. There may have been some Sandgate Formation sands extracted in association with this activity, but this is not recorded.

In addition to the responsibility to safeguard finite economically important minerals the NPPF requires mineral planning authorities (MPAs) to plan for a steady and adequate supply of industrial minerals (para.146). With regard to industrial foundry sand, that *may* be applicable to the uses the Sandgate Formation Sandstone can be put to. The MPA should provide a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and equipment for at least 10 years for individual silica (or industrial) sand sites. Though there is a lack of any current specific extraction of this mineral for industrial purposes in Kent.

Folkestone Formation (Folkestone Beds-Building Sands)

The Folkestone Beds are a significant component of the the Lower Greensand Group. They were laid down in a shallow marine environment during the early Cretaceous age (140 to 100 million years ago). It consists mostly of poorly lithified (cemented) sands, the material is at

the classification transitional boundary of a loose sand to a sandstone; in that it has properties neither consistent with the concept of an engineering medium or being of sufficient tensile strength to be considered a rock.

In Sussex, Kent and Surrey the formation comprises medium- and coarse-grained, well-sorted cross-bedded sands and weakly cemented sandstones. The thickness of the unit has a wide range from as little as 0.5 metres up to 80 metres. In Kent, thickness tends towards the higher order of several metres (at about 46 metres near Maidstone and even thicker towards the Surrey border) and has given rise to significant quarrying operations in the Maidstone area and into Ashford in the area of Charing. The formation forms a significant component of the North Kent Downs Scarp landscape feature that trends east-west as an undulating ridge that runs through Ashford and wider Kent countryside.

Occasionally the sand matrix is cemented and has a binding clay fraction, though usually occurs as the characteristic clean loose sands that typify the formation. The economic quality of the deposit is variable both vertically and horizontally. The important loose sand beds are characterised as poorly consolidated, fine, quartoze (low in impurities and high in silica) sands and are capable of providing sands suitable for a wide range of building uses including, notably, mortar production; silica tile and brick manufacture has also occurred in the past. Parts of the formation yield deposits suited to industrial use as silica sand, for such uses as foundry sand and thus are industrial rather than aggregate application materials. However, the material is generally recognised as economically important as a source of building (mortar) and asphalt (coated stone) sands in its application as an aggregate.

Limestone-Paulina Limestone, Weald Clay Formation

The uppermost formation within the Wealden Group succession of Kent, the Weald Clay Formation, contains several discontinuous beds of fossiliferous freshwater limestone. These are collectively referred to as the Wealden Limestones and are characterised with the presence of numerous fossils of a large freshwater gastropod, ‘Paludina’ – Viviparus flaviorum. These limestones have been given a variety of local names including the ‘Large and Small Paludina limestones’ and occur in beds up to 30cm thick. In Kent, one of these

fossiliferous limestones is widely known as the 'Bethersden Marble' (the term 'marble' being used as the stone is capable of taking a polish), and has been used extensively for decorative work, paving and building stone in Kent. Although this building stone is named after the village of Bethersden, the limestone has been dug from various locations across the county. Some Wealden limestones have also been called 'Winkle Stone' because the small gastropods present are similar in character to the modern 'periwinkle' shell.

Wealden limestones have been used as external paving, kerbstones and channel blocks in the village of Biddenden, but their texture can best be seen in the flooring and internal decorative work in Canterbury Cathedral, and in churches such as St Margaret's in Bethersden.

Other examples of the external use of Wealden Limestone, showing it to be a durable building stone, are provided by the 15th Century church towers at Tenterden and Biddenden, where it has been successfully used for quoins as well as for coursed walling stone. The Norman Herring Bone stonework at Staplehurst church was constructed using slabs of Small Paludina limestone. Extraction has no doubt been historically highly localised and directly related to specific, now historically important, developments generally of an ecclesiastical nature.

Building Stone - Sandstone

The NPPF does not require MPA to plan for the maintenance of landbanks of building stone. Though paragraph 142 makes it clear that mineral resources are essential to support economic growth and our quality of life; and that a sufficient supply of material should be available to provide for the infrastructure, buildings, energy and goods that the country needs. It is emphasised that these materials are finite in nature and their long-term conservation is required, necessitating that this geology is a safeguarded geology, they comprise:

Wealden Group (sandstones)

- **Sandstone- Ashdown Formation**
- **Sandstone- Tunbridge Wells Sand Formation**
- **Sandstone- Wadhurst Clay Formation**

The Wealden Group is a complex group of geological units that make up the core of the Weald predominantly stretching across East Sussex and Kent, and are colloquially referred to as forming the Hastings Beds, as they can be viewed as outcrop at the cliffs along the coastal area just east of Hastings town.

They include the Ashdown Formation, Wadhurst Clay Formation and the Tunbridge Wells Sand Formation. The Hastings Beds in turn forms part of the Wealden Supergroup which underlies much of southeast England. The sediments of the Weald of East Sussex, were deposited during the Early Cretaceous Period.

The Ashdown Formation takes its name from the Ashdown Forest in the High Weald of Sussex typically comprises sandstones, siltstones and mudstones. In the east of the county, the formation tends to be more argillaceous (clay mineral bearing) in its lowermost part and fines up to arenaceous (silica or sand bearing) division in the uppermost 30 to 50m. The clays are identified by their characteristic purple and brick-red mottled nature. In early references, these variations give rise to the division of the formation into the 'Fairlight Clays' and the 'Ashdown Sands'. However, it is now considered as one due to the impersistence of the clays across the Weald. Despite this the variations of clays and sands in the formation are usually marked separately on the maps and records of the British Geological Survey. In its entirety the formation is usually found to be between 180 and 215m thick. In the Ashford area the deposit can be found in the south of the borough around the Isle of Oxney as far north as the outskirts of Tenterden, in the west almost at Rolvenden Layne. The economic material is in the sandstone fraction of the formation that can be used as a quarried building stone.

The Tunbridge Wells Sand Formation comprises complex cyclic sequences of siltstones with sandstones and clays, typically fining upwards, and is lithologically similar to the older Ashdown Formation. It has a total thickness typically in the region of about 75m. However, near Haywards Heath borehole data has proven the formation to be up to 150m thick. In the western parts of the High Weald the Tunbridge Wells Sands can be divided into three separate members; the Lower Tunbridge Wells Sand Member (a non-economic geology that is not safeguarded), the Grinstead Clay Member (not an economic geology that is safeguarded), and the Upper Tunbridge Wells Sand Member.

The Upper Tunbridge Wells Sand is similar to the Lower Tunbridge Wells Sand. It comprises soft red and grey mottled silts and clays in its lower part, and alternating silts and silty clays with thin beds of sandstones. In the Ashford Borough Council area, the material is to be found in the south, and exists as a substantial belt stretching from the border with Tunbridge well Borough Council in the west to south of Woodchurch in the east. The formation lacks the degree of outcrop that is attractive to climbers further to the west in Tunbridge Wells. The sandstone faction of the formation is the economic element of the unit, as it can provide a quarried building stone. The Wadhurst Clay comprises predominantly medium to dark bluish grey over-consolidated clays, silts, mudstones, and shales. These lithologies often occur with subordinate amounts of pale grey silty mudstones, laminated siltstones, sandstones, conglomerate, shelly limestones and clay-ironstones. When they become exposed to the elements at the surface, the mudstones often degrade over a short period of time and weather to yellowish brown and greenish grey clays. In Kent, the Wadhurst Clay has been proven to over 70m thick near Tunbridge Wells. In the Ashford Borough Council area, it is found in discrete areas south of Tenterden and at the Isle of Oxney where it is often in close association with the Ashdown Formation. The sandstone faction of the formation is the economic element of the unit, as it can provide a quarried building stone.

The Ashford area may have been historically important as a source of sandstone for local construction purposes, the County Council has no records of quarrying of these Wealden Formation sandstones in the Ashford Borough Council area. However, BGS consider this material an important deposit for its application as a hard rock building stone. This probably relates more to the 18th and 19th centuries, today there are historic buildings and structures in this area (and in Borough of Tunbridge Wells close by) that require restoration materials. Limited supplies of sandstones for this purpose come from a select quarries operating in East Sussex. Kent apparently no longer has any active quarries that can supply this material. Though given the extensive nature of the outcrop in the Borough this may occur again at some point in the future is a very specific sandstone type was required for historic building restoration purposes. Volume housebuilding and other development appear not to source this material in any substantial quantities.

Superficial Geological Units of Economic Importance

Sharp Sand and Gravel Aggregates-Sub-Alluvial River Terrace Deposits and River Terrace Deposits

These superficial sands and gravels have been deposited by river action essentially since the end of the last glaciation (the Pleistocene glaciation that ended some 10,000 years ago). This generally means that they are clean (free of clays and silts) and well sorted (meaning a reasonably consistent particle size distribution) and have a sand content that is important in concrete manufacture. They have, therefore, been highly valued by the industry. The deposits quarried at Laybourne were among the best in the County and are now entirely worked out. Those on the Great Stour gave a lower yield of quality and have also been extensively worked. The deposits within each river valley are highly variable from place to place and isolated deposits with high quality deposits may yet remain though it is generally recognised that this mineral resource in the County is becoming exhausted.

Brickearth (Other Areas) - Ashford, Canterbury, Dover, Shepway

Brickearth (Superficial Deposits)

Brickearth is a superficial deposit of homogeneous loam or silt deposited during the Pleistocene geological period (up to 10,000 years ago at the end of that glacial event) as a windblown material. Brickearth typically occurs in discontinuous spreads, across southern England and South Wales, south of a line from Pembroke in the west to Essex in the east in depths of up to a metre. Commercially useful deposits of about 2m to 4m thick are present in Kent, Hertfordshire and Hampshire, overlying chalk, Thanet Beds or London Clay. The original deposition of the sediments occurred under cold climates (peri-glacial) where fluvial out-wash sediments from glaciers were subject to windy dry periods. The exposed finer-grained sediments were picked up and transported by the wind and were deposited wherever the wind strength decreased.

In the Ashford Borough Council area deposits of the material are essentially limited to the area north of Ashford in the Stour Valley, both as isolated deposits and as ‘spreads’ closely

associated with the Sub-Alluvial River Terrace deposits in this area. There are no records of recent extraction of this mineral for modern brick making. It may have occurred in the past as isolated and temporary localised extraction and kilning for use in close proximity to the point of production. It would appear that the material is currently economically marginal or that any economic status is now historic and unrelated to present day industrial minerals requirements.

Appendix B

Minerals safeguarding – Site S2 (Land north-east of Willesborough Road, Kennington)

The following sets out the case for the exemption of the site from prior extraction for minerals having reference to clauses 3 and 5 of policy DM7 of the Kent Minerals & Waste Local Plan 2016.

Strategic housing need

Site allocation S2 is allocated with an indicative residential development capacity of 700 dwellings. This makes it the second largest residential site allocation in the Submission Local Plan to 2030 and a major contributor to meeting the identified housing needs of the borough over the course of the Local Plan period.

The housing trajectory that forms part of the Local Plan (Appendix 5) shows that the Council expects development to start delivering housing completions on the main body of the site in 2020/21 with the site expected to be fully built out in 2028/29. This trajectory allows for relatively little slippage in delivery before the end of the Plan period (April 2030) and, as such, any requirement for prior extraction of mineral resources here will be highly likely in principle to have an effect on the ability of the site to contribute its full housing capacity during the Plan period.

However, noting the nature of the mineral resource here (Sandstone – Folkestone Formation), the deep extraction required here (up to 40 metres) will exacerbate the potential for delay in bringing forward housing development here. It is not considered practicable for residential development to be developed within extracted areas (i.e. within a deep hole) and so the site would need to be backfilled in order for the site to be developable for non-minerals development.

Realistically, this is likely to cause a significant delay in the ability to bring the site forward for residential development thus frustrating its strategic housing delivery role and undermining the Council's ability to demonstrate how the overall housing needs of the Plan can be met and, in the short term, reducing the Council's ability to demonstrate a deliverable 5 year housing land supply. Both matters are fundamental to the Local Plan's soundness.

Proximity to existing residential properties

Site S2 lies to the east of the A28 in Kennington and adjoins existing residential properties all along it western boundary. This includes the residential properties on the eastern side of the A2070 Willesborough Road and the A28 Canterbury Road as well as the properties in Canon Woods Way that back on to the site. At the southern end, only the A2070 itself separates the site from the properties on the Little Burton Farm estate. In addition, the new housing development of 300 dwellings to the east of the site at Conningbrook is now under construction and is expected to be built out over the next 5 years.

Therefore, in practical terms, even if the impacts of major extraction activities are considered in principle to be acceptable on the residential amenities of these occupiers, it would be likely that substantial mitigation will be required which would reduce the scope of extraction activities at the

site including a buffer of between 35 - 100 metres from the boundaries of any neighbouring residential properties – thus reducing the potential economic benefits of the minerals resource.

Education provision

Site S2 is also proposed for the delivery of a new 2FE primary school to serve the Kennington / Willesborough catchment area. This is one of only two new primary school sites identified in the Local Plan and so has considerable strategic importance for meeting education needs over the Local Plan period.

Importantly, as the supporting text to policy S2 identifies, due to current pressures on primary school places in the catchment, it is envisaged that the primary school will be delivered in the initial stages of the S2 development. This demonstrates that the need for the new school is not based solely on meeting the needs from residential development at this site but from other existing and proposed commitments as well as from the existing residential population.

As demonstrated above, prior mineral extraction here is likely to have a significant delaying effect on the ability to bring forward non-mineral development here and therefore would inevitably frustrate the Education Authority's objective to deliver the new school in the short term. Consequently, there could be adverse impacts on the ability to meet primary school place requirements in a satisfactory manner.

Other considerations

In considering the impacts of mineral extraction activities on this site, there are other material considerations which would need to be taken into account in assessing the overall weight to be attached to the benefits of prior extraction.

- There are two Public Rights of Way that pass across the site providing access from west to east. These PRoWs would need to be diverted or closed during any extraction work.

- The site lies in the setting of the Kent Downs AoNB with long views of the site available from the Wye Downs to the north. Whilst this will be impacted to some degree by non-mineral development, there is the potential to provide mitigation through additional planting and landscaping, potentially at an early stage of delivery. With relatively deep mineral extraction activities, this will result in some landscape and visual impact on the AoNB which may be more significant if only in the short to medium term.

- The site lies immediately adjacent to the Conningbrook Hotel. The presence of mineral extraction activities in close proximity to the hotel may prejudice its commercial attractiveness to tourists and / or for one-off events such as weddings. The same may also apply to the smaller Croft Hotel which also lies immediately adjacent to the site.

Conclusion

Despite the potential economic mineral resources at this site, on the basis of the significant and important material considerations outlined above, it is agreed that there are exceptional circumstances that would justify KCC (as Minerals Planning Authority) in setting aside the presumption to safeguard the mineral resources present at the site by invoking an exemption to so safeguard in accordance with criteria 3 and/or 5 of policy DM7 of the Kent Minerals and Waste Local Plan in this particular case.