

Responding to a Regulation 19 Consultation

What is a Regulation 19?

Regulation 19 is a stage of the Local Plan preparation process that the Local Planning Authority (LPA) must go through before they can submit their draft local plan to the Secretary of State for independent examination.

At this stage, the LPA must publish the draft Local Plan and its supporting evidence for six weeks, so that people can comment on it.

What can I comment on at the Regulation 19 stage?

By this point, earlier rounds of consultation should already have shaped the plan. Because of this, national planning rules say that Regulation 19 responses should focus on just two questions:

- **Is the plan legally compliant?**
- **Is the plan "sound"?**

You can still object to a site being included or excluded – but only if you can show that doing so makes the plan fail one of these tests. It's worth noting that only the Planning Inspector can actually add or remove a site from the plan, and only after hearing evidence at the Examination (see "What happens next?" below).

What are the ways in which I can respond?

There are several ways that you can take part in the Kent Mineral Sites Plan Regulation 19 consultation.

You can visit the consultation website and complete the online representations form, or you can submit a word version of the form or provide your own full written response through:

- The KCC website
- Email to mwlp@kent.gov.uk
- Sending a physical version to Minerals and Waste Planning Policy Team, Planning Applications Group, Sessions House, Maidstone, Kent, ME14 1XQ

**The Consultation has been extended and will now close on
Monday 5 October 2026.**

**Keep reading for guidance on how to respond to the online
consultation, question by question:**



How do I specifically respond to the Draft Minerals Sites Plan to share my opposition to the inclusion of Oaken Wood?

Below, we have provided some guidance on the questions included in Kent County Council's Draft Minerals Sites Plan Online Consultation Form. We highlight what the question is asking and prompts you should consider in your answer. It's important that you write your response in your own words as this will carry much more weight with the Planning Inspector.

Step 1

Head to **kwtg.uk/oaken-respond-consultation**

This takes you to KCC's website. You can also view their Guidance Documents on how to complete a Representations Form if needed.

Step 2

Sign in or create an account.

Step 3 - Section A - Personal Information

This is the section about your personal information. Fill this in as normal.

Step 4 - Section B - Representation

This is the most important section of the consultation response. We have outlined what each question is asking you below.

5. Which part of the draft Kent Mineral Sites Plan, supporting evidence or element of their preparation does this representation relate to? Please be specific in terms of document title and paragraph/section number.

This question is asking which part(s) of the plan you are concerned about. Land to the South and West of Hermitage Quarry (Oaken Wood) is discussed as being allocated for the quarrying of hard rock at paragraph 3.19 of the draft Kent Mineral Sites Plan and under Appendix 1.

6, 7 & 8. Do you consider this part of the draft Kent Mineral Sites Plan, supporting evidence or element of its preparation to be legally compliant?

This question is asking whether the plan has followed legal requirements when allocating Oaken Wood for future quarrying. For a Local Plan submission to be considered legally compliant, it must be able to demonstrate that it was:

- Prepared in line with the council's Local Development Scheme
- Consulted on in line with the council's Statement of Community Involvement
- Backed by a Sustainability Appraisal and Habitats Regulations Assessment
- Compliant with other legal requirements under national planning legislation

If you are unsure select 'Don't know' and move on to the next question. If you select 'No' you will need to set out your reasons why and provide any evidence.

9. Do you consider this part of the draft Kent Mineral Sites Plan, supporting evidence or element of its preparation to be sound?

This question is asking whether the plan is 'sound' as required by national planning policy. To be considered 'sound' the plan must be:

- Positively prepared – it should aim to meet the area's needs, working with neighbouring councils to accommodate any needs that can't be met locally.
- Justified – it should be a sensible approach, based on solid evidence and a fair look at reasonable alternatives.
- Effective – it should be deliverable, with cross-boundary issues properly worked through rather than left unresolved.
- Consistent with national policy – it should align with the National Planning Policy Framework and other national guidance.

If you are concerned about the loss of ancient woodland from quarrying within Oaken Wood we would suggest selecting 'No'.

10. Please select the reason(s) why you consider the draft Kent Mineral Sites Plan to be unsound: Positively prepared, Justified, Effective, Consistent with national policy

This question is looking to narrow down the reasons why you have selected 'No'.

We feel that the decision to allocate Oaken Wood (referred to as Land to the South and West of Hermitage Quarry) for quarrying does not align with the National Planning Policy Framework and other national guidance. In addition, we feel that the selection of Oaken Wood is not a sensible approach and that there has not been a fair look at reasonable alternatives. We would therefore select 'Justified' and 'Consistent with national policy' from the list of options.

11. Please explain why you have selected the reasons above and why you consider this part of the Plan to be unsound. Please be precise and give as much detail as possible. You will be able to suggest changes to make this part of the Plan sound in the next question.

This section is an important space where you can set out all the reasons why you feel the plan is 'unsound' in your own words.

The central issue is that national planning policy states that "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

Wholly exceptional reasons for the loss of ancient woodland within Oaken Wood and a suitable compensation strategy to address this loss have not been put forward as part of the draft Kent Mineral Sites Plan.

Here are our top 5 concerns, which you can adapt into your own words:

Our top 5 concerns:

a) Ancient woodland can't be replaced – so the bar for destroying it is deliberately high.

The National Planning Policy Framework says that development that destroys irreplaceable habitats like ancient woodland should be refused unless there's a wholly exceptional reason and a credible plan to compensate for the loss. Oaken Wood's allocation as a quarry site hasn't met either test.

Needing stone for construction and historic building repair isn't "wholly exceptional." We recognise the importance of Kentish Ragstone in conserving many of our nation's historic buildings and monuments; however, we should not preserve one aspect of our historic heritage by sacrificing another.

And there's no credible compensation plan. Losing at least 41 hectares of ancient woodland would be one of the biggest losses of its kind ever seen in England and would require one of the largest compensation strategies ever associated with the loss of ancient woodland in England. Recognised guidance from the Woodland Trust and Natural England recommends replacing ancient woodland at a ratio of 30 new hectares for every 1 lost – meaning Oaken Wood alone would require roughly 1,230 hectares of new planting, in addition to other mitigation measures (see below). No such plan exists or has been shown to be deliverable.

b) The numbers don't add up – there isn't enough compensation to go round.

Alongside compensating for the loss of ancient woodland, any quarrying within Oaken Wood would also need to deliver suitable mitigation/compensation for the deterioration of the ancient woodland left behind, any legal mitigation requirements for protected species, and the delivery of a Biodiversity Net Gain. No one has shown how all of this can be delivered alongside the massive tree-planting needed to offset the initial loss.

c) Ancient woodland is a vital carbon store – and most of it is hidden underground.

Ancient woodland holds 37% of all the carbon stored in our woods and trees. And that's just the trees – it doesn't include the soil. Up to 75% of the carbon stored in UK forests is actually in the soil, not the trees.

No assessment has shown the true climate cost of losing this centuries-old carbon store, or that new planting could ever make up for it.

d) This isn't a one-off loss – it's the latest in a growing pattern.

Quarrying Oaken Wood would destroy 41 hectares of ancient woodland, on top of 31 hectares already lost to previous quarry extensions nearby. That's 72 hectares gone in total – and the combined loss of carbon, wildlife habitat and landscape has never been properly measured.

e) Other options haven't been properly explored.

The one study into alternative sites ruled several out simply for being "too small." But it's unclear whether anyone seriously considered quarrying several smaller sites to match the ragstone output of Oaken Wood – rather than treating it as an all-or-nothing choice.

12. Please explain what change(s) you think should be made to the draft Kent Mineral Sites Plan, supporting evidence or element of its preparation to make it sound. *Please be as precise as possible and explain why this change(s) would make the draft Plan sound. Please also include in your response any suggested revised wording you feel is necessary.*

This question is asking what changes need to be made to the plan. It is helpful to provide as much information to support your answer as possible. However, a response could simply refer to the need to remove Land to the South and West of Hermitage Quarry (Oaken Wood) from the plan as an allocated site.

13. If you consider this part of the Plan, supporting evidence or elements of its preparation to be legally compliant and/or sound, please tell us why.

If this part of the form is not relevant to you just put N/A to move on to the next question.

14. Would you like to comment on another part of the Plan or supporting evidence?

If you do not have any further comments to make on other aspects of the draft plan select 'No' to move on to the next section.

15. Do you consider it necessary to attend and give evidence at any hearing sessions during the examination?

Following the Regulation 19 consultation there will be an independent examination where the Planning Inspectorate will assess whether the plan is legally compliant and sound. If you wish to speak and give evidence at this examination, you can select 'Yes'. This does not bind you to appearing at the examination.

How can I respond effectively?

Simply stating that you disagree with a site's inclusion isn't enough on its own – the Planning Inspector needs to be persuaded that the plan fails a specific legal or soundness test, and why. A representation is far more likely to carry weight at Examination if it:

- **Identifies which test is failed, and how.** Don't just say a site "shouldn't be included" – explain whether the issue is that by allocating a site the plan isn't positively prepared, justified, effective, consistent with national policy (or which legal test hasn't been met). The Inspector is testing the plan against these criteria, so your response should use the same language.
- **Is backed by evidence.** If you're arguing that a site allocation isn't justified, for example, you'll need to show why the Council's evidence base is flawed, out of date, or has failed to consider a reasonable alternative – do not simply assert that allocating another site would be better. Where possible, point to specific evidence documents, technical reports, or data.

- **Proposes a solution.** If you believe the inclusion of a site would make the plan unsound, it strengthens your case to explain what change would resolve the issue – for example, an alternative site, a reduced capacity, or additional mitigation – rather than only arguing for removal.
- **Is specific and precise.** Reference the exact policy, paragraph, or site allocation you're responding to. General comments about the plan as a whole are harder for the Inspector to act on than clearly targeted representations tied to a particular policy or site.

Remember: the Inspector cannot simply take a site out of the plan because people don't want it there. They can only do so if convinced the plan fails one of the legal or soundness tests as a result of that site's inclusion – so framing your response around those tests, with clear supporting evidence, gives it the best chance of making a difference.

If your representation raises a substantive soundness or legal compliance issue you can request to participate in the Examination hearing. This will give you the opportunity to expand on your written representation in person.

What happens next?

Once the consultation closes, the council submits the plan, its evidence, and all responses to the Government. A Planning Inspector is appointed to examine whether the plan is legally compliant and sound.

The Inspector will then decide whether the council can adopt the plan. If changes are needed – such as adding or removing sites – there will be a further round of consultation before a final decision is made.

