

**ENVIRONMENT & TRANSPORT CABINET COMMITTEE**

**Thursday, 8th September, 2022**

**10.00 am**

**Council Chamber**







## AGENDA

### ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Thursday, 8 September 2022 at 10.00 am  
Council Chamber, Sessions House,  
County Hall, Maidstone

Ask for: **Matt Dentten**  
Telephone: **03000 414534**

#### Membership (16)

- Conservative (12): Mr S Holden (Chairman), Mr N J Collor (Vice-Chairman), Mr N Baker, Mr T Bond, Mr D Crow-Brown, Mr M Dendor, Mr A R Hills, Mrs S Hudson, Mr A Sandhu, MBE, Mr H Rayner, Mr D Watkins and Mr A Weatherhead
- Labour (2): Ms M Dawkins and Mr B H Lewis
- Liberal Democrat (1): Mr I S Chittenden
- Green and Independent (1): Mr M Baldock

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

- 1 Introduction/Webcast announcement
- 2 Apologies and Substitutes  
To receive apologies for absence and notification of any substitutes present.
- 3 Declarations of Interest by Members in items on the Agenda  
To receive any declarations of interest made by Members in relation to any matter on the agenda. Members are reminded to specify the agenda item number to which it refers and the nature of the interest being declared.
- 4 Minutes of the meeting held on 6 July 2022 (Pages 1 - 6)  
To consider and approve the minutes as a correct record.
- 5 Verbal Updates by Cabinet Members and Corporate Director
- 6 Performance Dashboard (Pages 7 - 18)

- 7 Winter Service Policy for 2022/23 (Pages 19 - 24)
- 8 Levelling Up Fund - Update (Pages 25 - 30)
- 9 Transport for the South East Strategic Investment Plan Consultation (Pages 31 - 54)
- 10 National Bus Strategy - Update (Pages 55 - 62)
- 11 22/00086 - Fastrack Electrification and ZEBRA Commission (Pages 63 - 70)
- 12 Presentation from Southern Water  
To receive a presentation from Dr Toby Willison, Director of Quality and Environment, Southern Water, on the company's work since their last presentation to the committee in January 2022.
- 13 22/00085 - Moving Traffic Enforcement Contract (Traffic Management Act 2004: Part 6) (Pages 71 - 82)
- 14 22/00087 - Kent Minerals and Waste Local Plan 2023-2038 (Pages 83 - 384)
- 15 Plan Tree - To follow
- 16 Work Programme (Pages 385 - 388)  
To consider and agree the work programme.

### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Benjamin Watts  
General Counsel  
03000 416814

**Wednesday, 31 August 2022**

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**KENT COUNTY COUNCIL**

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**ENVIRONMENT & TRANSPORT CABINET COMMITTEE**

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 6 July 2022.

PRESENT: Mr S Holden (Chairman), Mr N J Collor (Vice-Chairman), Mr N Baker, Mr M Baldock, Mr T Bond, Mr I S Chittenden, Mr D Crow-Brown, Ms M Dawkins, Mr M Dendor, Mr A R Hills, Mrs S Hudson, Mr B H Lewis, Mr H Rayner, Mr A Sandhu, MBE, Mr D Watkins and Mr A Weatherhead

ALSO PRESENT: Mr D L Brazier (Cabinet Member for Highways and Transport)

IN ATTENDANCE: Mr M Smyth (Director of Environment and Waste), Mr P Lightowler (Interim Director of Transportation) and Mr M Dentten (Democratic Services Officer)

**UNRESTRICTED ITEMS****89. Declarations of Interest by Members in items on the Agenda**

*(Item 4)*

No declarations were made.

**90. Minutes of the meeting held on 19 May 2022**

*(Item 5)*

RESOLVED that the minutes of the meeting held on 19 May 2022 were an accurate record and that they be signed by the Chairman.

**91. Verbal Updates by Cabinet Members and Corporate Director**

*(Item 6)*

*Susan Carey (Cabinet Member for Environment) and Simon Jones (Corporate Director for Growth, Environment and Transport) were absent due to illness.*

1. Mr Brazier gave a verbal update. He confirmed that KCC's allocation of Bus Service Improvement Plan (BSIP) funding had been approved by the Department for Transport. The funding requirements were summarised, with it noted that emphasis was placed on highways schemes to improve bus infrastructure, priority ticketing and fares initiatives to encourage bus use. He explained that the Council could not use any of the money to subsidise existing services. He informed the committee that National Highways had begun a new round of consultation on the Lower Thames Crossing, members were directed to KCC's position statement, which could be viewed on the Council's website at [www.kent.gov.uk/about-the-council/strategies-and-policies/transport-and-highways-policies/lower-thames-crossing-position-statement](http://www.kent.gov.uk/about-the-council/strategies-and-policies/transport-and-highways-policies/lower-thames-crossing-position-statement). An update was given on Local Cycling and Walking Infrastructure Plans (LCWIPS), which had since 2017 formed part of government's cycling

policy, he noted that several districts had created Plans and that these would be incorporated into future Local Transport Plans in order to include cycling within the wider transport system. Members were notified that the Council had been successful in its application for powers under Part 6 of the Traffic Management Act 2004, with the Transport Minister signing a designation order which will allow KCC to enforce moving traffic offences, levying fines against those who stop in yellow boxes, make prohibited right turns or commit one of a range of offences prescribed by the legislation.

RESOLVED to note the update.

**92. 22/00052 - KCC Supported Bus Funding Review**  
(Item 8)

1. At the chairman's request, the committee were provided with a copy of a document which detailed the services impacted by the proposed decision on a cost per passenger journey basis.
2. Mr Brazier gave an overview of the proposed decision to withdraw funding support from 39 supported bus services. He summarised national bus operations, including subsidisation and explained that KCC had no obligation to subsidise or operate bus services. He addressed the wider budget context which the proposed decision was set within, which included a requirement to make savings from non-statutory services. Bus usage following the end of the pandemic was raised, it was noted that usage stood at around 70% of the pre-pandemic level, which coupled with rising fuel and staffing cost pressures had made services uneconomic. Members were reminded of the public consultation undertaken in connection to the proposed decision. He highlighted that the Kent Karrier service would not be affected by the proposal. An explanation of Bus Service Improvement Plan funding requirements was given with it explained that existing bus subsidies could not be funded. He addressed and acknowledged the negative impact the proposed decision would have on residents, including increased journeys and air quality.
3. Mr Rayner moved and Mrs Hudson seconded an amendment to the motion to add the wording "subject to the correction of information relating to the S4 bus service."
4. Members voted on the amendment. The amendment passed.
5. Mr Lewis moved and Ms Dawkins seconded a motion "that the Cabinet Committee recommend that the Cabinet Member for Highways and Transport seek further legal advice and delay the decision until it is advised that the decision would not be liable to a judicial review."
6. Mr Brazier confirmed that legal advice had been received in relation to the proposed decision and related public consultation, with assurance given that the proposal was legal.
7. Members voted on the motion. The motion was lost.

8. Mrs Hudson spoke on the public benefit of bus services, the role they played in tackling social isolation in rural communities and the possible carbon impact of the proposal.
9. Mrs Hudson moved and Mr Rayner seconded a motion “that the Cabinet Committee recommend that the 502 bus service be removed from the proposed decision.”
10. Mr Rayner stated that traffic outside schools would increase to the extent that road safety would worsen, due to an increase in car journeys necessitated by a withdrawal of the 502 service.
11. Mr Baldock moved and Mr Lewis seconded an amendment to the motion to add the 332, 662, 664, 666 and 954 bus services.
12. Mr Brazier replied, noting that it would not be possible to fund the suggested arrangements within the budget.
13. Members voted on the amendment. The amendment was lost.
14. Members voted on the motion. The motion was lost.
15. Mr Baldock asked that the decision be reconsidered subject to further analysis of the anticipated impact on the Children, Young People and Education directorate budget. Mr Lightowler noted that the assessment of services had been shared with Children, Young People and Education.
16. In response to a question from Mr Chittenden on whether the withdrawal of unsubsidised services by commercial operators had been factored into the proposed decision, Mr Lightowler confirmed that Public Transport were aware of the withdrawals.
17. Ms Dawkins asked that the Cabinet Member lobby government to expand the Bus Service Improvement Plan funding criteria, to include service subsidisation.
18. Mr Brazier confirmed, following a further question from Ms Dawkins, that alternative government funding streams had been explored with none allowing the funding of bus subsidisation within their criteria.
19. Mr Hills commented that savings from non-statutory services were essential to help safeguard the Council’s statutory services, which were experiencing rising costs.
20. Mr Baker asked that the committee be consulted on future proposals of a similar nature as part of the budget consultation process.

21. The chairman moved the substantive motion “that the Cabinet Committee endorse the Cabinet Member for Highways and Transport on the proposed decision to withdraw funding support from 39 supported bus services as shown at Appendix C, subject to the correction of information relating to the S4 bus service.”

22. Members voted on the motion. The motion passed. The votes cast were as follows:

For:

Mr N Baker, Mr T Bond, Mr N Collor, Mr D Crow-Brown, Mr M Dendor, Mr T Hills, Mr S Holden, Mr A Sandhu MBE, Mr D Watkins and Mr A Weatherhead

Against:

Mr M Baldock, Mr I Chittenden, Ms M Dawkins and Mr B Lewis

Abstain:

Mrs S Hudson

RESOLVED to endorse the Cabinet Member for Highways and Transport on the proposed decision to withdraw funding support from 39 supported bus services as shown at Appendix C, subject to the correction of information relating to the S4 bus service.

### **93. Performance Dashboard**

*(Item 7)*

*Rachel Kennard (Chief Analyst) was in attendance for this item.*

1. Ms Kennard gave a verbal summary of the performance dashboard to April 2022. She confirmed that of the 17 key performance indicators within the remit of environment and transport, 11 had been RAG rated green, 4 amber and 1 red, with 1 yet to be reported. She stated that this reflected good overall performance.
2. In relation to WM03 (Waste recycled and composted at HWRCs) Mr Smyth confirmed, following the Environment Agency directive which prevented the recycling of wood at household waste recycling centres, that in excess of 20,000 tonnes of wood had been used at a biomass facility in Kent. He noted that the directive had come in-year and that the target in the updated indicator would include a biomass element.

RESOLVED to note the Performance Dashboard.

### **94. Annual update on the Energy and Low Emissions Strategy**

*(Item 9)*

*Bethany Pepper (Environment Strategy Programme Manager) was in virtual attendance for this item.*



1. Ms Pepper gave an overview of the report which provided the first annual update on the implementation of the Kent and Medway Energy and Low Emissions Strategy. She emphasised the role partnership working had played in meeting the Strategy's objectives and explained that a district officers climate change network had been established. She addressed the next steps and ongoing monitoring of implementation, noting that, though the review had highlighted successes, the pace of change would be dictated by the sustainability of long-term funding.
2. Mr Hood asked how much of the public sector decarbonisation fund was allocated to the Maidstone district heat network and whether that money could be reallocated, if it was not fully used. Ms Pepper agreed to share the requested information following meeting.
3. In response to a further question from Mr Hood, Mr Smyth assured Members that whilst the outcomes in Kent were unprecedentedly positive with the existing resources, that further funding would enhance the Council's ability to meet its net zero ambitions. He committed to working on the development of a pathway to county-wide net zero by 2050, which would be discussed with members. He added that investigations were underway into how private finance could contribute to achieving the 2050 target.
4. Ms Dawkins asked what had been done to encourage and facilitate community energy projects. Ms Pepper confirmed that a domestic retrofit strategy was being developed in partnership with districts.
5. The chairman asked whether there was any possibility that heat pumps could be installed in older properties. Whilst noting that heat pumps were an established technology, and therefore were a key technology moving forward, Ms Pepper also noted that there were other heating solutions available, for example the potential to scale up hydrogen heating systems. Ms Pepper highlighted the challenges that could be faced with older properties and explained that further research was required on the best solution for older or less common property archetypes.

RESOLVED to note the first year of progress on delivery of the Energy and Low Emissions Strategy for Kent and Medway and endorse the progression of the proposed areas for future delivery of the strategy.

#### **95. Transport for London Consultation on Extension of the Ultra-Low Emission Zone and Road User Charging**

*(Item 10)*

*Mark Welch (Principal Transport Planner) was in attendance for this item.*

1. Mr Brazier provided a verbal overview of his proposed response to the Transport for London consultation on their proposed extension of the Ultra-Low Emission Zone.

2. Members discussed the impact of the Ultra-Low Emission Zone on residents who would have to travel through it in order to visit other parts of Kent. They noted that the proposal would disproportionately affect small and medium sized businesses. Concerns were raised that Zone charges would lead to businesses passing costs onto consumers through service price increases. Mr Welch confirmed that the boundary did cut physically through communities. He explained that the Ultra-Low Emission Zone used the same footprint as the existing Low Emission Zone, with cameras already in place.
3. Mr Welch confirmed that Ultra-Low Emission Zone revenue collected by Transport for London would go into its general revenue, following a series of questions from Members on whether any monies would be ringfenced for environmental improvements.

RESOLVED to endorse the Cabinet Member for Highways and Transportation on the proposed response by Kent County Council, to the Transport for London consultation on their proposed extension of the Ultra-Low Emission Zone.

## **96. Work Programme**

*(Item 11)*

RESOLVED that the work programme be noted.

From: David Brazier, Cabinet Member for Highways and Transportation  
Susan Carey, Cabinet Member for Environment  
Simon Jones, Corporate Director for Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 8 September 2022

Subject: Performance Dashboard

Classification: Unrestricted

**Summary:**

The Environment and Transport Cabinet Committee Performance Dashboard shows progress made against targets set for Key Performance Indicators (KPIs). The latest Dashboard includes data up to June 2022.

Ten of the seventeen KPIs achieved target and are RAG rated Green. Five KPIs were below target but did achieve the floor standard and are RAG rated Amber. Two KPIs were below floor standard and are RAG rated Red.

**Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to NOTE the Performance Dashboard.

**1. Introduction**

- 1.1. Part of the role of Cabinet Committees is to review the performance of the functions of the Council that fall within the remit of the Committee. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the second report for the 2022/23 financial year.

**2. Performance Dashboard**

- 2.1. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) for 2022/23. These KPIs, activity indicators and targets came before the Cabinet Committee for comment in May 2022. The current Environment and Transport Cabinet Committee Performance Dashboard is attached at Appendix 1.
- 2.2. The current Dashboard provides results up to the end of June 2022.
- 2.3. KPIs are presented with RAG (Red/Amber/Green) alerts to show progress against targets. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.
- 2.4. Three out of the five KPIs in Highways & Transportation achieved or exceeded target for latest month performance and were RAG rated Green. Potholes repaired in 28

calendar days dropped below floor standard, and faults reported by the public completed in 28 days dropped below target, but remained above the floor standard.

- 2.5. One of the three digital take-up indicators in Highways and Transportation was RAG rated Green, with online completion of public enquires for Highways Maintenance, and speed awareness course bookings, performing above the floor standard but not achieving their new higher targets, and so RAG rated Amber.
- 2.6. Six of the nine indicators for Environment and Waste were above target. Municipal waste recycled and composted dropped below its floor standard and is RAG rated Red. The new indicator for waste recycled and wood converted to energy at Household Waste Recycling Centres was below target but above floor standard, and so RAG rated Amber.

### **3. Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to NOTE the Performance Dashboard.

### **4. Contact details**

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Strategic and Corporate Services - Analytics  
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Relevant Director: Simon Jones  
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# **Environment and Transport Performance Dashboard**

## **Financial Year 2022/22**

### **Results up to June 2022**

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**Produced by Kent Analytics**

**Publication Date: August 2022**



## Guidance Notes

Data is provided with monthly frequency except for Waste Management and Greenhouse Gases where indicators are reported with quarterly frequency and as rolling 12-month figures to remove seasonality.

### RAG RATINGS

<b>GREEN</b>	Target has been achieved
<b>AMBER</b>	Floor Standard* achieved but Target has not been met
<b>RED</b>	Floor Standard* has not been achieved

\*Floor Standards are the minimum performance expected and if not achieved must result in management action

### Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating. Instead, they are tracked within an expected range represented by Upper and Lower Thresholds. The Alert provided for Activity Indicators is whether they are within their expected range or not. Results can either be within their expected range (**Yes**), or **Above** or **Below** their expected range

## Key Performance Indicators Summary

Highways & Transportation	Monthly RAG	YTD RAG
HT01 : Potholes repaired in 28 calendar days (routine works not programmed)	RED	RED
HT02 : Faults reported by the public completed in 28 calendar days	AMBER	AMBER
HT04 : Customer satisfaction with service delivery (100 Call Back)	GREEN	GREEN
HT08 : Emergency incidents attended to within 2 hours	GREEN	GREEN
HT12 : Streetlights, illuminated signs and bollards repaired in 28 calendar days	GREEN	GREEN

Digital Take up	RAG
DT01 : Percentage of public enquiries for Highways Maintenance completed online	AMBER
DT03 : Percentage of concessionary bus pass applications completed online	GREEN
DT04 : Percentage of speed awareness courses booking completed online	AMBER

Environment & Waste	RAG
WM01 : Municipal waste recycled and composted	RED
WM02 : Municipal waste converted to energy	GREEN
WM01 + WM02 : Municipal waste diverted from landfill	GREEN
WM03 : Waste recycled and composted at HWRCs	GREEN
WM04 : Percentage of HWRC waste recycled and wood converted to energy at biomass facility	AMBER
WM08 : Percentage of customers satisfied with HWRC services	AMBER
EPE14 : Greenhouse Gas emissions from KCC estate (excluding schools)	GREEN
EW1: Percentage of statutory planning consultee responses submitted within 21 days	GREEN
DT05 : Percentage of HWRC voucher applications completed online	GREEN

<b>Division</b>	<b>Corporate Director</b>	<b>Cabinet Member</b>
<b>Highways &amp; Transportation</b>	<b>Simon Jones</b>	<b>David Brazier</b>

### Key Performance Indicators

Ref	Indicator description	Mar-22	Apr-22	May-22	Jun-22	Month RAG	Year to Date	YTD RAG	Target	Floor	Prev. Yr
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	90%	80%	67%	59%	RED	70%	RED	90%	80%	95%
HT02	Faults reported by the public completed in 28 calendar days	89%	90%	86%	85%	AMBER	87%	AMBER	90%	80%	90%
HT04	Customer satisfaction with service delivery (100 Call Back)	97%	96%	93%	99%	GREEN	96%	GREEN	95%	85%	96%
HT08	Emergency incidents attended to within 2 hours	99%	98%	98%	98%	GREEN	98%	GREEN	98%	95%	98%
HT12	Streetlights, illuminated signs and bollards repaired in 28 calendar days	93%	94%	93%	91%	GREEN	93%	GREEN	90%	80%	89%

HT01 – The below target performance has been challenged at our Contract Board meetings which Amey have put down to resourcing issues due to the economic climate and supply chain constraints. Amey continue to put in measures aimed at clearing the backlog and improving performance. We are also using some of our local Pothole Blitz contractors to ensure timely completion of works.

HT02 – We continue to work closely with Amey to resolve faults and get this measure back on track, which has also been affected by staff shortages and rising supply chain costs.



<b>Division</b>	<b>Corporate Director</b>	<b>Cabinet Member</b>
<b>Highways &amp; Transportation</b>	<b>Simon Jones</b>	<b>David Brazier</b>

### Activity Indicators

Ref	Indicator description	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Year to Date	In expected range?	Expected Range	
									Upper	Lower
HT01b	Potholes repaired (as routine works and not programmed)	949	1,187	1,495	1,191	882	<b>3,568</b>	Yes	4,600	3,400
HT02b	Routine faults reported by the public completed	4,299	4,864	4,127	3,589	3,638	<b>11,354</b>	Yes	13,900	10,900
HT06	Number of new enquiries requiring further action (total new faults)	7,456	6,727	5,493	5,878	6,058	<b>17,429</b>	<b>Below</b>	26,000	21,000
HT07	Work in Progress (active enquiries/jobs) - end of month snapshot	5,699	5,330	5,417	5,221	<b>5,592</b>	N/a	<b>Below</b>	7,100	6,100
HT13	Streetwork permits issued	13,151	14,430	12,432	13,685	11,963	<b>38,080</b>	<b>Above</b>	37,700	30,900

HT06 – Demand is below previous years across all our key service areas (potholes, street lighting, insurance enquiries, drainage, trees, soft landscapes, and winter service), again mainly due to drier and hotter weather.

HT07 – As a result of lower demand over the last few months, owing to the drier hotter weather, staff have been able to focus on active enquiries and have managed to reduce current open enquiries to lower than the expected level.

HT13 - The high demand from utility companies to access their infrastructure under Kent roads, increased permit volumes due to extensive roll out of Broadband as well as requests from developers and for KCC's own works continues, with 38,080 Streetwork permits issued this Quarter. This continues to place pressure on the team and additional resources are being sourced.

<b>Division</b>	<b>Corporate Director</b>	<b>Cabinet Member</b>
<b>Highways and Transportation</b>	<b>Simon Jones</b>	<b>David Brazier</b>

### Digital Take-up indicators

Ref	Indicator description	Mar-22	Apr-22	May-22	Jun-22	Year to Date	YTD RAG	Target	Floor	Prev. Year
DT01	Percentage of public enquiries for Highways Maintenance completed online	61%	55%	59%	58%	57%	AMBER	60%	50%	59%
DT03	Percentage of concessionary bus pass applications completed online	66%	72%	71%	72%	72%	GREEN	70%	60%	70%
DT04	Percentage of speed awareness courses bookings completed online	87%	88%	89%	84%	87%	AMBER	90%	80%	87%

DT01 – The target for this indicator was increased (from 55% last year to 60%) following above target performance during 2021/22 and performance remains slightly below the new higher target. Online reporting of faults tends to reduce slightly after the winter as less complex defects such as potholes and streetlights reduce and more complex defects such as vegetation (which can be harder to plot on the online map) begin to increase. Work has begun to improve the fault reporting tool and a pilot called My Kent Highways is being scoped which aims to encourage more online reporting.

DT04 – The target for this indicator was increased (from 85% last year to 90%) following above target performance during 2021/22, and performance remains slightly below the new higher target. During the height of the pandemic the only option available to customers was to attend courses online which may have also increased numbers booking online. Since the Government's removal of all social distancing requirements, our service offers a blended approach of both virtual and physical courses to ensure we are inclusive to all our customers, and demand has therefore increased for attending courses physically.

<b>Division</b>	<b>Corporate Director</b>	<b>Cabinet Members</b>
<b>Environment &amp; Waste</b>	<b>Simon Jones</b>	<b>Susan Carey</b>

**Key Performance Indicators** (Rolling 12 months except WM04 and WM08 which are Quarterly)

Ref	Indicator description	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	RAG	Target	Floor
WM01	Municipal waste* recycled and composted	47%	46%	46%	45%	44%	RED	50%	45%
WM02	Municipal waste* converted to energy	51%	53%	54%	54%	55%	GREEN	49%	44%
01+02	Municipal waste diverted from landfill	98.1%	99.0%	99.8%	99.2%	99.2%	GREEN	99%	95%
WM03	Waste recycled and composted at Household Waste Recycling Centres (HWRCs)	69%	68%	66%	61%	54%	GREEN	50%	45%
WM04	Percentage HWRC waste recycled & wood converted to energy at biomass facility	New indicator from Jun 22				67%	AMBER	70%	65%
WM08	Overall score for mystery shopper assessment of Household Waste Recycling Centres	97%	96%	96%	97%	93%	AMBER	97%	90%

\* This is waste collected by Districts, and by KCC via HWRCs.

WM01 – Recycling and composting is being negatively affected by the loss of wood recycling which is now being used as waste to energy. The regulatory position, whereby HWRC wood can no longer be recycled, will affect this measure throughout the year. The 50% target is within the Kent Joint Municipal Waste Strategy agreed by the Kent Resource Partnership and those Collection Authorities with Inter Authority Agreements with KCC tend to achieve better rates of recycling.

WM04 – Being a new indicator, the target has been set above current performance with the aim of achieving this by year end.

WM08 – Since April, a new contractor has been in place to conduct the mystery shopper exercise. Whilst the questions are substantially the same, a lower score was achieved in Quarter 1 due to name badges not being consistently worn at some sites. KCC Waste Services do highlight examples of excellent service as well as where improvements can be made.

<b>Division</b>	<b>Corporate Director</b>	<b>Cabinet Members</b>
<b>Environment &amp; Waste</b>	<b>Simon Jones</b>	<b>Susan Carey</b>

### Activity Indicators (Rolling 12 months)

Ref	Indicator description	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	In expected range?	Expected Range Upper   Lower	
WM05	Waste tonnage collected by District Councils	601,274	599,294	592,614	587,096	580,788	<b>Above</b>	570,000	550,000
WM06	Waste tonnage collected at HWRCs	89,405	96,438	95,721	95,616	97,446	<b>Below</b>	120,000	100,000
05+06	Total waste tonnage collected	690,680	695,731	687,522	679,987	667,124	Yes	690,000	650,000
WM07	Waste tonnage converted to energy at Allington Waste to Energy Plant	329,380	341,831	343,989	334,601	335,547	Yes	347,250	327,250
WM09	Wood Tonnage converted to energy at Biomass Facility	New indicator from Jun 22				6,346	Yes	6,743	5,873

WM05 – Volumes of kerbside waste remain slightly above expected levels but are on a reducing trend. Most collection authorities are no longer collecting side waste, which is waste presented by residents next to their containers. All Collection Authorities are providing full and consistent levels of service, with contamination levels of recycling improving though targeted performance data.

WM06 – The volume of waste taken to HWRCs increased slightly in the last Quarter, to its highest since the pandemic. Cross border usage is at its lowest with less than 2% of visitors to HWRCs now living outside of Kent, compared with 6% in 2018. Good levels of booking capacity exist which is spread evenly through the day, with higher demand at weekends. On-the-day bookings remain popular.

Division	Corporate Director	Cabinet Member
Environment & Waste	Simon Jones	Susan Carey

**Key Performance Indicator** (reported quarterly in arrears, rolling 12-month total)

Ref	Indicator description	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	RAG	Target	Floor
EW2	Greenhouse Gas emissions from KCC estate (excluding schools) in tonnes	16,940	16,251	16,519	16,601	16,774	17,353	GREEN	19,724	21,696

EW2 - Since March 2022, we have seen the final easing of Covid restrictions and return of staff to our buildings. Our greenhouse gas emission reductions are ahead of where we expected to be and confirms good progress towards the KCC Net Zero by 2030 target.

**Key Performance Indicators** (monthly)

Ref	Indicator description	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Year to Date	YTD RAG	Target	Floor
EW1	Percentage of statutory planning consultee responses submitted within 21 days	80%	74%	97%	94%	93%	95%	GREEN	85%	76%
DT05	Percentage of HWRC voucher applications completed online	99%	99%	100%	99%	99%	99%	GREEN	98%	90%

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**From:** David Brazier, Cabinet Member Highways and Transport  
Simon Jones, Corporate Director, Growth, Environment and Transport.

**To:** Environment and Transport Cabinet Committee – 8<sup>th</sup> September 2022

**Subject:** Winter Service Policy for 2022/23

**Classification:** Unrestricted

Past pathway of paper: N/A

Future pathway of paper: N/A

Divisions Affected: County-wide

**Summary:** Each year officers review the Council’s Winter Service Policy and the operational plan that supports it considering changes in national guidance and lessons learnt from the previous winter. This report sets out revisions to this year’s policy.

**Recommendation:** The Cabinet Committee is asked to note and endorse, or make recommendations to the Cabinet Member for Highways and Transport on the proposed revisions to the Winter Service Policy for 2022/23 as set out in para 9.1.

## 1. Introduction

- 1.1 The 2021/22 winter was a slightly milder than average winter season, with 60 primary salting routes completed compared with the budgeted 66 runs and 9160 tonnes of salt was used.
- 1.2 Additionally, dedicated gritters continued to be assigned to treat sites associated with the EU exit / inland border facility at Ashford.

## 2. Financial implications

- 2.1 The allocated budget for winter service for 2022/23 is £3,641,000  
The budget is broken down as follows:

Pre-salting gritting operation	1,394,000
Plant & equipment	2,040,000
Maintenance of farmers ploughs	50,000
Weather forecasting	26,000
Ice prediction	35,000
Supply & maintain salt bins	81,000
Supply of salt to districts	10,000

Publicity campaign	5,000
<b>TOTAL</b>	<b>£3,641,000</b>

### **3. Winter planning**

3.1 Over the 2022 summer period work has been undertaken to further refine and improve the winter service; this focused on:

- Reviewing of snow routes
- Smart winter route optimisation
- Salt bin replacement and filling
- Salt storage at depots
- Analysing of Route based forecasting results
- Review of District plans and existing routes

#### **3.2 Smart Winter route optimisation**

3.2.1 During phase 2 of the Smart Winter Programme, Amey Strategic Consulting developed a machine learning model to predict road surface temperatures using sensor and contextual data. This model was used to define new gritting domains with more consistent temperature profiles, improving the effectiveness of gritting decisions made on domains during the past winter season. Work will be done in the next year to further optimise the existing winter routes within the new domains.

### **4.0 Salt bins**

4.1 There are just over 3,000 salt bins in the county and this stock is considered sufficient to meet the needs of local communities. No new salt bins will be placed this winter. County Members can still use their Combined Member Fund to purchase salt bins.

4.2 Following on from last season, all reports received regarding empty and damaged salt bins were actioned. For this coming winter season, we will continue utilising individual reports from the highways team and customer enquiries, to ensure salt bins are full.

4.3 Salt bins will be filled once during the season, however in the event of a snow event they may be refilled, subject to available resources. We will continue to monitor salt bin usage over the coming winter season, to ensure bins are located where needed on the network.

4.4 To enable good record keeping over the last few years we have given all our salt bins unique references. This should help both our residents in reporting issues and for us to respond / monitoring usage of individual assets.



## **5. Snow routes**

- 5.1 The winter service is focused on keeping open the network of primary routes comprising 1597 miles, (2571 km) which are the main A and B roads and locally important roads in the county. During snow events these remain the focus of our activity. However, it is recognised that other parts of the highway in the county are adversely affected by snow, and this can have a detrimental impact on communities relying on these roads to get to the main roads. Whilst policy, service levels and resources enable us to meet our statutory duty we are mindful that other parts of the road network do experience difficulties. These include hilly areas, exposed roads subject to drifting and other factors. These have been designated snow routes and will be treated, as resources allow, when there is a snow event. These routes have been digitised and loaded into the in-cab Navtrak system. Additionally, we will continue to have the support of our contracted farmers who clear snow from pre-approved areas of the rural network.

## **6. Winter resilience**

- 6.1 We have identified an Operational Winter Period which is October to April and a Core Winter Period which is December to February and the stocks of salt needed during those periods to effectively treat the network in line with recommended resilience levels. The minimum levels of salt needed to maintain the resilient network (as defined in the Quarmby review 2012) is 16,800 tonnes. We maintain a salt stock of 23,000 tonnes (including 2,000 tonnes of a salt/grit mix which is held in a strategic stockpile at Faversham Highway depot) ensuring the recommended minimum levels are achieved. Arrangements are in place for salt deliveries during the winter to ensure we have the recommended resilience stock levels.
- 6.1.1 In addition, we also hold 5000t as an operational contingency, in the event of an emergency being declared or if supplies nationally become frustrated.
- 6.2 Our service provider Amey continues to indicate the national issue of a shortage of HGV drivers, which may impact on their ability to maintain driver levels for the coming winter season. There is no measurable impact at this stage. Amey senior management are in communications with their supply chain sub-contractors and support drivers to understand if there will be a resource issue. The issue of some UK companies offering cash incentives for drivers to join their organisations does cause concern for this type of local resource and has the potential to increase costs for the service moving forward.

## **7. Collaboration with neighbouring authorities**

- 7.1 Mutual aid arrangements are in place with Highways England Area 4 and Medway Council. The annual winter meeting with all southeast

highway authorities to finalise arrangements is scheduled for late September 2022.

## **8. Media and communication**

- 8.1 As in previous years a media campaign will be used during the winter season. A series of infographics have been prepared which gives information about the winter service in an engaging manner. These will feature in a range of media, including social media.
- 8.2 The campaign will increase awareness of the service and encourage everyone to be prepared and undertake self-help when possible. This year radio, television and press will be provided with media briefs in advance of the winter season detailing the essentials of the winter service.
- 8.3 Key staff in Highways are working with the press office to prepare statements and press releases for rapid issue at the onset of winter conditions. These will be pre-approved for use during periods of severe conditions when the winter service delivery team will be busy.

## **9. Winter Service Policy and Plan 2022/23**

- 9.1 The Winter Service Policy is presented at Appendix A. The following addition have been made to this year's policy:
  - (3.4.1) In addition, KCC also hold 5000 tonnes of rock salt as an operational contingency, in the event of an emergency being declared or if supplies nationally become frustrated.
  - (8.1.4) To enable good record keeping over the last few years we have given all our salt bins unique references. This should help both our residents in reporting issues and for us to respond / monitoring usage of individual assets
- 9.2 The Winter Service Policy is supported by an Operational Plan which has been updated in line with the Policy and discussions have taken place with our Highway Maintenance Service Provider to ensure that plans are aligned.
- 9.3 The Plan is available for Members to view on request. In addition, district plans have been developed in conjunction with district and borough councils across the county and these will be used together with this revised Policy to deliver the winter service. Local district plans will be reported to the next round of Joint Transportation Boards.

## 10. Strategic Statement: Framing Kent's Future

- 10.1 The Winter Policy supports Priority 2: Infrastructure for communities by exploring innovation to enhance our highways maintenance and responsiveness.

## 11. Equality Impact Assessment

- 11.1 An equality impact assessment (EQIA) has been carried out on the Policy and is still current.

## 12. Conclusion

- 12.1 The Winter Service Policy sets out the Council's arrangements to deliver a winter service across Kent. There are limited revisions that have been made to this year's policy, due to the excellent progress made over the last few years, to ensure our winter service policy is robust and deliverable. Please note the revisions made, as set out above and detailed in the recommendations below.

## 13. Recommendation

- 13.1 The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Highways and Transport on the proposed revisions to the Winter Service Policy for 2022/23 as set out in para 9.1

## 14. Background documents

- 14.1 Well Managed Highways 2016; NWSRG Best Practice Guidance - Planning Section:  
[Practical Guidance Documents – NWSRG](#)
- 14.2 Appendix A Winter Service Policy:  
<https://democracy.kent.gov.uk/documents/s113354/202223WinterServicePolicy.docx.pdf>

## 15 Contact details

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From: **David Brazier – Cabinet Member for Highways & Transport**  
**Philip Lightowler – Interim Director of Highways & Transportation**

To: **Environment & Transport Cabinet Committee – 8<sup>th</sup> September 2022**

Subject: **Levelling Up Fund progress update**

Classification: **Unrestricted**

**Past Pathway of Paper:** None

**Future Pathway of Paper:** None

**Electoral Division:** **Kent wide**

**Summary:** This paper provides an update on progress with submitting bids to Round 2 of the Levelling Up Fund.

**Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to comment on and note the contents of this report

**1. Introduction**

1.1 This report gives an overview of the bids which KCC has submitted to round 2 of the Levelling Up Fund (LUF) and outlines the next steps in the process.

**2. Background and Levelling Up Fund Round 1**

2.1 The Levelling Up Fund (LUF) is investing £4.8 billion to tackle the economic differences that remain between different parts of the UK. These economic differences have real implications: they affect people’s lives through their pay, work opportunities, health, and life chances. LUF is jointly managed by HM Treasury, Department for Transport (DfT) and The Department for Levelling up, Housing and Communities and Local Government (formerly the Ministry for Housing, Communities and Local Government).

2.2 The fund is open to every local area but is especially intended to support investment in places where it can make the biggest difference to everyday life. Places have therefore been placed into priority categories 1-3 with priority 1 representing those places with the highest need.

2.3 LUF focusses on the following three themes:

- **Transport Investments** - high-impact small, medium and, by exception, large local transport schemes to reduce carbon emissions, improve air quality, cut

congestion, support economic growth, and improve the safety, security, and overall experience of transport users.

- **Regeneration and town centre investment** - building on the Towns Fund framework to upgrade eyesore buildings and dated infrastructure; acquire and regenerate brownfield sites; invest in secure community infrastructure and crime reduction; and bring public services and safe, accessible community spaces into town and city centres.
- **Cultural investment** - maintaining, regenerating, or creatively repurposing existing cultural, creative, heritage and sporting assets, or creating new assets that serve those purposes including theatres, museums, galleries, production facilities, libraries, visitor attractions (and associated green spaces), sports and athletics facilities, heritage buildings and sites, and assets that support the visitor economy.

- 2.4 The first round of the Levelling Up Fund was announced at the 2020 Spending Review. It focussed on capital investment in local infrastructure, building on and consolidating prior programmes such as the Local Growth Fund and the Towns Fund. The projects put forward needed to be able to demonstrate deliverability by 31 March 2024 (exception of 31 March 2025 for very large transport schemes).
- 2.5 District Councils were eligible to submit one bid up to £20 million for every MP whose constituency lies wholly in their boundary. County Councils could submit one transport bid up to £50 million.
- 2.6 LUF Round 1 bids were submitted via email in June 2021. KCC submitted a transport bid requesting £44.5m to deliver the Dollands Moor scheme, to enhance rail connectivity between London and the coastal communities of Dover, Folkestone and Thanet which are all Level 1 priority areas.
- 2.7 This was a bold transport bid, which unfortunately was unsuccessful; largely due to the level of the scheme development, which is not as advanced as DfT want to see given the emphasis on delivering quickly. Feedback from DfT suggested it would not be suitable to be considered for a Round 2 bid.
- 2.8 KCC also submitted a joint bid with Maidstone Borough Council for £6.3m to deliver the M20 Junction 7 Capacity Improvements. The scheme will provide journey time savings for traffic between Swale and Maidstone which are Priority 1 and 2 areas, respectively. It will also connect the existing walking and cycling routes to the north and south of the junction.
- 2.9 The feedback from DfT highlighted the bid as very strong, and one that should be submitted again for Round 2 if it remained a local priority.
- 2.10 £1.7 billion of LUF was allocated in round 1 to projects in over 100 local areas in the UK. There were three successful Round 1 bids within Kent which all focussed on regeneration:

Ashford – Ashford International Studios - £14.8m

Thanet – Margate Digital - £6.3m

Thanet – Ramsgate Future - £19.8m

2.11 DfT feedback suggests that due to the amount of regeneration bids from Priority 1 areas that were awarded funding in Round 1, it is likely that more transport bids will be successful in Round 2.

### **3. LUF Round 2**

3.1 LUF Round 2 was confirmed by Government through the Spring statement on 23<sup>rd</sup> March 2022. It was confirmed that the deadline for bids to be submitted was 6<sup>th</sup> July 2022, and a new portal would be available rather than the traditional use of email for submissions.

3.2 The level of LUF available for local authorities to bid for outlined in 2.5 and themes in 2.3 remained the same. The delivery timescales outlined in 2.4 were extended by 1 year, so delivery is required by 31 March 2025 with the exception of very large transport schemes which have a deadline of 31 March 2026.

3.3 The assessment criteria were also unchanged from Round 1, and the four key criteria are equally weighted:

- Strategic Fit
- Characteristics of Place
- Value for Money
- Deliverability

3.4 There were extremely tight timescales to review the DfT feedback on Round 1 and prioritise potential bids to put forwards to Round 2, whilst ensuring sufficient time to complete the extensive application form and value for money assessment on the KCC transport bid. Officers also offered support to the District Councils in their bids.

3.5 Government is still looking for schemes that can spend their allocation quickly with only a year extension of delivery timescales to the end of March 2025. It was therefore advised that only schemes that have been sufficiently developed or previously submitted to an alternative funding stream be submitted in the second round.

3.6 The following table overleaf shows the schemes that were considered for submission as the KCC Transport Bid:

Scheme	Description	Rationale for decision
A299 Thanet Way Structural Renew	To reconstruct the full length of the A299 rather than the worst sections only which is all that can be delivered with the £4m of DfT Challenge Fund awarded.	This would need to go in as a very large transport scheme (£50m) to deliver the full improvements. Bids over £20m are subject to a more rigorous business case requirement and further information was required on the structural integrity of the road and the benefit and disbenefit of delivering this scheme.
Electric Vehicle Charging Infrastructure	Provision of ultra-rapid charging infrastructure throughout Kent to promote the uptake in electric vehicles.	Land agents have been appointed to review potential sites, but the stage of development was not considered to be progressed enough for a Round 2 bid, it is a low value proposition at only £5m.
Folkestone Tram Road	Creation of a new walking, cycling and public transport connection using the disused rail link alongside Tram Road from the main line to the former ferry terminal. This would allow visitors to park away from the town centre and walk into Folkestone and the Harbour via a segregated space.	Folkestone and Hythe District Council had carried out public engagement and garnered support for the scheme. Further due diligence was required on land, planning, and required surveys which reduced the confidence in the scheme. The proposals were not as well advanced as DfT had suggested would be required.
Dover Port Access Improvements	Provision of new infrastructure to support new customs controls on goods moving between the UK and the EU and new passport controls on the drivers of the HGVs carrying those goods as well as tourist passengers.	The traffic issues being experienced throughout Kent, caused by congestion at the Port, and the significant development work that had already been carried out on the proposal, meant that this was the preferred scheme to submit for Round 2 LUF funding.
Public Rights of Way (PRoW)	A package of improvements to promote increased walking and cycling, with the possibility to tie into regeneration through repurposing old railways and increased visitor numbers to cultural sites.	This is in the early stages of development with consultants having completed the first stage of their commission to enable feasibility to commence. It was not developed enough to enable a Round 2 bid.
Bus Service Improvement Plan (BSIP)	To fund the elements of the BSIP not funded by DfT, as KCC were not awarded the full ask from the submission.	Concerns that this would be dismissed by DfT as revenue rather than capital expenditure, and thus would not be a valid bid.



- 3.7 Given the current traffic issues being experienced throughout Kent; caused by congestion at Dover Port and the fact that significant development work had already been carried out on the proposal, KCC submitted a bid for “Dover Access Improvements”.
- 3.8 The improvements will provide new infrastructure to support new customs controls on goods moving between the UK and the EU and new passport controls on the drivers of the HGVs carrying those goods and tourist passengers. Delivery of the project does not provide any new business opportunities for the Port. It is designed to maximise the flow of existing traffic through the Port and remove potential bottlenecks which in turn can lead to the implementation of Traffic Access Protocol (TAP) and Operation Brock on the Kent road network.
- 3.9 Maidstone Borough Council (MBC) also confirmed they wanted to re-submit the M20 Junction 7 Capacity Improvements Scheme as a joint bid with KCC. The Round 1 bid was expanded and further information in line with the DfT feedback was provided.
- 3.10 On 30<sup>th</sup> June 2022, Government confirmed that the portal for bid submissions was not ready and as such the deadline would be extended. At this stage it was unknown when the portal would become live, but Government confirmed there would be 2 weeks to submit bids from when the portal became available.
- 3.11 The portal went live on 15<sup>th</sup> July, and the new deadline for submissions was set as 2<sup>nd</sup> August 2022. Bids for both the Dover Access Improvements and M20 Junction 7 Capacity Improvements were submitted within the deadline using the new portal.

#### **4. Financial Implications**

- 4.1 There are no capital cost implications for KCC in the submission of the Round 2 LUF bids.
- 4.2 There are no revenue cost implications for KCC in the submission of the LUF bids, other than the officer time spent developing and submitting the bids; which has been covered within existing revenue budgets.
- 4.3 Should one or both LUF Round 2 bids be successful; there will be no further capital or revenue implications for KCC. All staff time spent on delivering the projects would be capitalised and paid from the project costs covered by LUF and other external match funding sources only.

#### **5. Policy Framework**

- 5.1 M20 Junction 7 capacity improvements is included as a Transport Priority for Maidstone in LTP4 ‘Delivering Growth without Gridlock 2016 -2031’.
- 5.2 The expansion of Dover Port is included as a National Priority in LTP4 ‘Delivering Growth without Gridlock 2016-2031’.

## 6. Equalities Impact Assessment

- 6.1 Equalities Impact Assessments for both schemes are being progressed and will be submitted with the individual project reports which will come to the November meeting of this Cabinet Committee for recommendations to proceed with delivery should the LUF funding bids be successful.

## 7. Local Members

- 7.1 Local Members will continue to be consulted on the proposals prior to the individual project reports which will come to the November meeting of this Cabinet Committee for recommendations to proceed with delivery should the LUF funding bids be successful.
- 7.2 Helen Whately MP gave her support for the M20 Junction 7 Capacity Improvements bid.
- 7.3 Natalie Elphicke OBE MP gave her support for the Dover Access Improvements bid.

## 8. Conclusion

- 8.1 Two bids have successfully been submitted by KCC to Round 2 of Government's LUF fund. Announcements of successful bids are expected in Autumn 2022.
- 8.2 Should the bid(s) be successful, further reports will be brought to the November meeting of this Cabinet Committee for recommendation to accept the LUF funding and proceed with scheme delivery for each successful scheme.

## 9. Recommendation(s)

### **Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to comment on and note the contents of this report.

## 10. Background Documents

[Appendix A – Dover Access Improvements Bid 1<sup>st</sup> August 2022](#)  
[Appendix B – M20 Junction 7 bid 2<sup>nd</sup> August 2022](#)

## 11. Contact details

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**From: David Brazier, Cabinet Member for Highways and Transport**  
**Phil Lightowler, Director Highways and Transportation**

**To: Environment and Transport Cabinet Committee, 8<sup>th</sup> September 2022**

**Subject: Transport for the South East consultation on its Strategic Investment Plan**

Decision: n/a

Classification: Unrestricted

Past pathway of paper: n/a

Electoral division: All divisions

**Summary:** Transport for the South East (TfSE) is the non-statutory sub-national transport body covering 16 local authorities from Kent round to Berkshire, five local enterprise partnerships plus representatives of district & borough authorities, protected landscapes and national delivery agencies.

TfSE are consulting on a draft Strategic Investment Plan (SIP). The SIP provides a framework for investment in strategic transport infrastructure, services, and regulatory interventions in the coming three decades. TfSE, lacking in any powers to deliver the SIP, intends it to act as a blueprint for investment. Constituent members of TfSE, such as KCC, will be asked by TfSE to adopt the SIP for delivery. It is important the TfSE SIP represents fully KCC's own ambitions for the county.

KCC's consultation response makes clear that we are broadly supportive of the long-term investment programme for the region as the proposed level of investment would deliver a sustained improvement in transport. The investment TfSE seeks must be additional to that funding KCC already requires for highways and transport.

KCC is supportive of several the proposals in the SIP as they are reflected in KCC's Local Transport Plan. Some proposals will need substantial further development before KCC can support proposals. Given the constraints of the powers and funding of TfSE, and KCC's wider priorities concerning local transport provision e.g., maintenance, road safety etc., some elements of the draft SIP are unlikely to be delivered and that should investment be forthcoming from government, we are likely to have other priorities before those detailed in the draft SIP.

Our consultation response encourages TfSE to focus on securing funding for development of the SIP and work with KCC and government to ensure funding is available and passed to the most appropriate delivery organisation. Until this happens and feasibility, costs estimates, and business cases can be developed, it will remain challenging for KCC and TfSE to deliver the SIP's planned outcomes.

**Recommendation:**

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed response by Kent County Council, attached in Appendix 3, to the Transport for The South East consultation on its draft Strategic Investment Plan.

**1. Introduction**

- 1.1 Transport for the South East (TfSE) is a sub-national transport body bringing together leaders from across the local government, business, and transport sectors to speak with one voice on the region's strategic transport needs. Kent County Council (KCC) has been a constituent member of TfSE since taking part in its founding in 2017. The area covered by TfSE is included in Appendix 1.
- 1.2 TfSE is governed by a Partnership Board, which brings together representatives from the sixteen constituent local transport authorities, five Local Enterprise Partnerships (LEPs), district and borough authorities, protected landscapes, National Highways, Network Rail and Transport for London (TfL). KCC is represented on the board by Deputy Cabinet Member for Highways and Transport, Dan Watkins.
- 1.3 TfSE established a transport strategy which was agreed by the Partnership Board in July 2020, following adoption also by constituent members including KCC – section 10 concerning Background documents provides links to this and other related decisions. The TfSE transport strategy sets out a 2050 vision for the development of the South East transport system, which includes a commitment to reach net zero carbon emissions by 2050, at the latest.
- 1.4 TfSE led preparation of the draft SIP, with input from constituent members and its transport forum which captures views from a far wider set of transport stakeholders such as lower tiers of government, bus and rail user groups, environmental groups, businesses and so on (the full membership of the TfSE forum is included in appendix 1). As TfSE has developed its SIP, the feedback KCC has provided has been taken on board in some instances, however in the recent lead up to the draft SIP's publication, not all KCC's feedback was reflected due to time constraints. As such the consultation response reiterates some feedback KCC has already passed to TfSE to ensure it is addressed prior to the final SIP TfSE composes.
- 1.5 The draft SIP covers the whole region but also focuses on in discrete areas where there are common travel corridors and challenges. More detailed evidence bases were established in Area Studies considering orbital and radial movement corridors and thematic studies (covering the future of mobility and freight). As such, KCC's consultation response is focused on the detail within the Kent, Medway, and East Sussex portfolio of investment proposals. The KCC consultation response also addresses broad policy interventions (known as "global interventions") in the draft SIP. These interventions are effectively policies needing delivery by national government that TfSE have explored to address challenges that apply across the whole region.

- 1.6 TfSE embarked on the preparation of the draft SIP with funding support from Government and in a context of Government's decision not to progress with the establishment of TfSE as a statutory sub national transport body. TfSE had formerly been rejected in an application in autumn 2020. KCC took a decision to continue to support TfSE in the activity to prepare the draft SIP earlier this year (Decision 22/00023 – see section 10 for link to the related published documents).
- 1.7 KCC's Local Transport Plan remains the key statutory plan for local transport within the county and our view is that the focus of TfSE should be on supporting KCC with delivery of that and in leading on agreed cross-boundary programmes and proposals.

## **2. Consultation response concerning the investment priorities of the SIP**

- 2.1 The SIP sets out eight investment priorities against which a highly ambitious portfolio of transport infrastructure improvements is set. The priorities (included in appendix 2) are supported by KCC and reflect a range of key challenges for the transport system in the county as it does for the region and nationally.
- 2.2 The SIP is, however, relatively silent on the substantial transport challenges facing Kent and KCC as a Local Transport and Highways authority, and which we understand face TfSE's other constituent members. The SIP must be updated to reflect these pressing challenges and draw attention to the criticality of addressing those before the proposals in the SIP can become priorities. Indeed, without addressing these challenges to strengthen the foundations of local and strategic transport in the county and wider region, we do not believe the SIP can achieve its aims and the value delivered by the sought investment would be lower than currently forecast by TfSE.
- 2.3 To address this the SIP must be amended to reflect, if not recite, the following key point – that a ninth investment priority is needed worded to the effect of "Reversing decline" or "Steadying our networks". This investment priority would call for funding for programmes that are not reflected in the TfSE SIP but reflected in existing constituent member strategies and plans such as KCC's Highways Asset Management Plan, the Bus Service Improvement Plan etc., as these are pre-requisite for achieving the TfSE transport strategy.
- 2.4 Without this as an investment priority, it should be clear to TfSE that achieving the outcomes intended from the other investment priorities will be undermined. The TfSE estimate of investment needed, at £48bn over the period to 2050, must clearly be presented as *additional to* and not instead of the funding its constituent members including KCC have already estimated as necessary to deliver Highways Asset Management Plans and Bus Service Improvement Plans. We understand through our work with TfSE that this perspective is understood and appreciated; however, it must be more strongly reflected in the final SIP before KCC can adopt it.

### **3. Consultation response concerning the packages of intervention for the Kent, Medway, and East Sussex area**

3.1 The draft SIP sets out packages of interventions across highways, rail, mass transit and active travel – the full list of which is included in Appendix 2. The draft SIP also divides the whole region into areas with common challenges. As such, Kent has a unique package of proposed infrastructure improvements that are distinct from areas such as the Solent and Sussex coast, or West Thames (covering Berkshire, Hampshire and Surrey). Due to their proximity and shared, cross-boundary transport networks and corridors (e.g., the Southeastern train network, A21 Hastings to Sevenoaks, M2 etc.) the Kent package is presented with Medway and East Sussex. Nonetheless, the specifics within the KCC boundary are clearly set out and our consultation response limits itself to comment on those, with proposals in Medway and East Sussex left to those authorities except where clear impacts or synergies exist for KCC.

3.2 Detailed below in each section are the critical points reflected in the draft KCC consultation response. Further detailed comments are included in the full KCC consultation response which is in Appendix 3.

#### **3.3 Highways package**

3.4 The content of the SIP reflects the priority schemes we are progressing for our managed road network and those we are supporting development of by National Highways for the strategic trunk road network. Those proposals collectively form the most expensive package of works within the Kent boundary (the rail enhancements package has a higher total cost but includes high-cost proposals associated with the High Speed network in the Medway unitary area).

3.5 We also welcome the recognition of the need for investment into finding alternatives for management of the Port traffic, including better management of flows from across the country into Kent based on Port capacity and lorry parking capacity. We look forward to enjoying the continued support of TfSE in our own efforts on these matters.

3.6 The presentation of the highways package in the SIP must be improved and corrected before submission to Government in 2023. Whilst the package correctly carries as priorities improvements to both the A20/M20 corridor and the A2/M2 corridor, in line with KCC's promoted bifurcation strategy for port traffic, the schematic mapping of the package misses out the Brenley Corner to Dover A2 corridor and the M20/A20 corridor from Maidstone to Dover. This must be added to ensure the spatial depiction of the SIP proposals in the Kent area is correct.

#### **3.7 Railways package**

3.8 Recognising the long-term nature of the SIP, we concur with the broad range of rail network proposals within the 30-year horizon, with many aligned to the current Kent Rail Strategy and schemes KCC continues to work in partnership on making the case for, such as extending Crossrail to Kent. There are a range of station interchange proposals which would entail entirely new stations, and which are in challenging locations to deliver based on the initial assessments

conducted. Nonetheless, they may warrant having their feasibility further investigated and KCC encourages TfSE to make use of its further funding settlements to progress those studies with the input of KCC, the District and Borough Councils and the rail industry such as Network Rail, Southeastern and the DfT.

- 3.9 There are a small number of proposals which KCC does not regard as priorities and would not support investment in at the expense of other interventions or particularly the funding of existing local transport priorities. For example, the proposed Ebbsfleet southern rail access, Bakerloo line extension (for the purpose of releasing train paths from London metro routes to and from Hayes to destinations further afield into Kent), or the High Speed proposals within the 'enhanced rail package' given all are dependent on an expanded High Speed train fleet as a pre-requisite.
- 3.10 Given the above and the significant economic benefits the High Speed services have brought to mid and east Kent, KCC's consultation response calls for the expansion of the High Speed train fleet, as it has lobbied for since 2020.
- 3.11 Mass transit
- 3.12 The Mass transit package addresses primarily bus networks: however, it also includes ferry-based travel. Each is addressed in turn as follows.
- 3.13 We support the bus enhancement proposals within the SIP; however, as with the active travel package as detailed further below, the SIP is too selective in respect of where bus enhancements should occur. Most major towns of Kent are listed, however there are other town locations missing such as Paddock Wood, Tonbridge, Swanley etc. We recommend that the SIP promote bus enhancements across the whole county, and in doing so would capture the scope for improving coverage and availability of rural bus services. We also view that the SIP must include a proposal for the full delivery and funding necessary for the KCC BSIP and this be reflected in the investment calculations. This is a pre-requisite for KCC adopting the final SIP.
- 3.14 TfSE should also note that the viability and feasibility of long-term expansion of the Fastrack network in north Kent into areas such as Medway will need to be developed. We recommend that TfSE work with KCC to identify those priority elements of the unfunded parts of the current BSIP and utilise remaining funding to support KCC and other constituent members in the development of proposals.
- 3.15 Concerning ferries, we wish to highlight that we have no plans as KCC to introduce ferry services as detailed in the SIP. We are unclear the intended delivery body and operating model for the proposed ferry services and remain unconvinced that these proposals are priorities for achieving the outcomes of the TfSE transport strategy or the policy goals across all tiers of government.

3.16 Active Travel

- 3.17 We welcome the recognition of the importance of active travel within the SIP; however, the package as presented lacks development to accurately represent

the requirements, the costs and the benefits likely associated with delivering active travel improvements county-wide. Some specific locations are listed in the packages such as Dover, Maidstone, and Canterbury and some intra-urban routes are similarly listed taken from Sustran's long term strategy for the National Cycle Network. There are proposals within towns across Kent – for example within Thanet, Dartford, Gravesend and Ebbsfleet, Sevenoaks and so on.

3.18 We therefore recommend that the focus of the TfSE SIP remain on the strategic cross-boundary network improvements for active travel, whilst active travel improvements within the county is kept to the detail of proposals W3 and W4 concerning 'Kent urban cycleways' and 'Kent inter-urban cycleways' respectively and expanded to include pedestrian improvements. KCC and the District and Borough Councils will be developing comprehensive proposals for urban areas and inter-urban corridors across the whole county through Local Cycling and Walking Improvement Plans (LCWIPs). That work will be the best articulation of what is required and where and should be the basis on which funding for the county's active travel plans be derived from.

3.19 The current forecast of £400m across the TfSE Kent Medway and East Sussex area is likely to be insufficient over the 30 years of the SIP horizon to achieve the extent of improvements desired or necessary to meet the objectives and policy goals held across all tiers of government. It equates to £13.3m per annum, which split shared across the three authorities brings the value for Kent close to the level of funding recently received per annum through the Active Travel Funding (ATF) tranche 1 to 3.

3.20 As we look to the future, the number and extent of proposed active travel schemes will likely increase across the county as will KCC's ability to deliver. The estimate of £400m should either be front loaded to the first 15 years of the SIP, or the volume of funding estimate will likely need to double to at least around £800m over the 30-year period, likely substantially more to achieve government targets on active travel in urban areas and carbon budget and net zero targets.

#### **4. Consultation response concerning the “global” or national packages of intervention promoted by TfSE**

4.1 The TfSE SIP proposes 6 interventions applied on a region wide basis but likely requiring national Government led action including through new legislation. TfSE have proposed these interventions in the SIP as they are not unique to the TfSE region but are challenges faced nation-wide. Nonetheless, TfSE recognises that without also addressing these further 6 interventions, the outcomes of its transport strategy are unlikely to be fulfilled. The interventions are:

- 4.1.1 Decarbonisation
- 4.1.2 Public transport fares
- 4.1.3 New mobility
- 4.1.4 Road User Charging
- 4.1.5 Virtual access
- 4.1.6 Integration



- 4.2 Only brief descriptions are given for each in the SIP, with no detail of proposals provided. TfSE are seeking our views on the interventions and whether we feel any, or all, are important for the SIP to support.
- 4.3 In respect of road user charging, KCC recognises the forecast decline in tax receipts from fuel duty as vehicle use shifts to battery electric and hydrogen vehicles. We also recognise demands on the road network and the challenge of finding sufficient funds to maintain it whilst also decarbonising transport to combat climate change. Road user charging, depending on its design, could aid addressing those challenges and optimise use of the finite road network. No details are provided about the form of road user charging within the TfSE proposals and as such it is not possible to pass further comment at this stage. Ultimately it will depend upon the form and function of any future tax or charges regime for using vehicles or roads. How receipts are hypothecated (e.g. whether dedicated to local highways and public transport or consolidated centrally in Treasury budgets for cross-departmental spending) will also be an important factor in KCC's considerations of any proposals by TfSE or Government.
- 4.4 As with much of the content of the draft SIP, KCC will also be aided further in its considerations once it completes development of its new Local Transport Plan, which is underway.

## **5. Financial Implications**

- 5.1 There are no additional financial implications associated with our consultation response or arising from the TfSE SIP development. KCC contributes £58,000 per year to be a member of TfSE which is funded by the constituent authorities' contributions and annual grant from the DfT.

## **6. Equalities implications**

- 6.1 The TfSE SIP is accompanied by an Integrated Impact Assessment which includes some consideration of equalities impacts. The assessment is relatively high level reflecting the lack of development and detail of the specific proposals held in the SIP. Nonetheless the balance of positive and potential negative impacts is recognised. Given the TfSE SIP is a non-statutory document and TfSE has no power to implement the SIP, we are satisfied that the equalities implications at this stage are understood.
- 6.2 Should we adopt and progress a specific proposal in the SIP, we will apply KCC's rigorous equalities impact assessment processes before making any necessary decisions to implement the proposal.

## **7. Governance**

- 7.1 KCC is a member of the TfSE Partnership Board, its Senior Officer Group and its working groups, and will continue to feedback and make the case for the proposals in our consultation response to be adopted by TfSE.
- 7.2 A decision will be taken by the Leader of KCC in early 2023 for potential adoption of the SIP if we are satisfied with its content once we have received

the final SIP from TfSE following their consideration of all responses to this consultation on its draft.

- 7.3 The KCC draft response to the TfSE consultation on its draft SIP (Appendix 3) will be submitted by the Cabinet Member for Highways and Transport following consideration and endorsement or recommendations by the Environment and Transport Cabinet Committee.

## 8. Conclusions

- 8.1 The draft SIP sets out a highly ambitious series of interventions and proposals for the region, including within Kent. This ambition needs to be set upon a firm foundation of a well-funded and effective local transport network, reflected in KCC's existing strategies such as its Highways Asset Management Plan and Bus Service Improvement Plan. The SIP must be updated to reflect the need for this and call for it as part of its call for investment from Government.
- 8.2 The draft SIP needs to focus the efforts of TfSE on strategic, cross-boundary transport improvements and acknowledge and refer to the work underway by KCC to establish priorities at the local transport level across the county.
- 8.3 Once TfSE has addressed KCC's consultation response, a decision will be made by the Leader of KCC in early 2023 concerning adopting the TfSE SIP and endorsing its submission to Government.

## 9. Recommendation

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways and Transport on the proposed response by Kent County Council, attached in Appendix 3, to the Transport for The South East consultation on its draft Strategic Investment Plan.

## 10. Background Documents

- The TfSE consultation documents are available to view here:  
<https://transportforthesoutheast.org.uk/useful-documents/draft-strategic-investment-plan-for-the-south-east/>
- Kent County Council's response to Transport for the South East's draft Proposal to Government:  
<https://democracy.kent.gov.uk/documents/s91339/Item%2015%20-%20Report%20-%20KCC%20Response%20to%20Transport%20for%20the%20South%20East%20Proposal%20Consultation.pdf>
- Kent County Council's response to Transport for the South East's draft Transport Strategy for the South East:  
<https://democracy.kent.gov.uk/documents/s95532/Item%209%20-%20Report%20-%20Transport%20for%20the%20South%20East.pdf>
- Past decision relating to KCC adoption of TfSE Transport Strategy and bid for statutory status available to view here: ROD 20/00100:  
<https://democracy.kent.gov.uk/documents/s97556/20-00010%20-%20ROD.pdf>

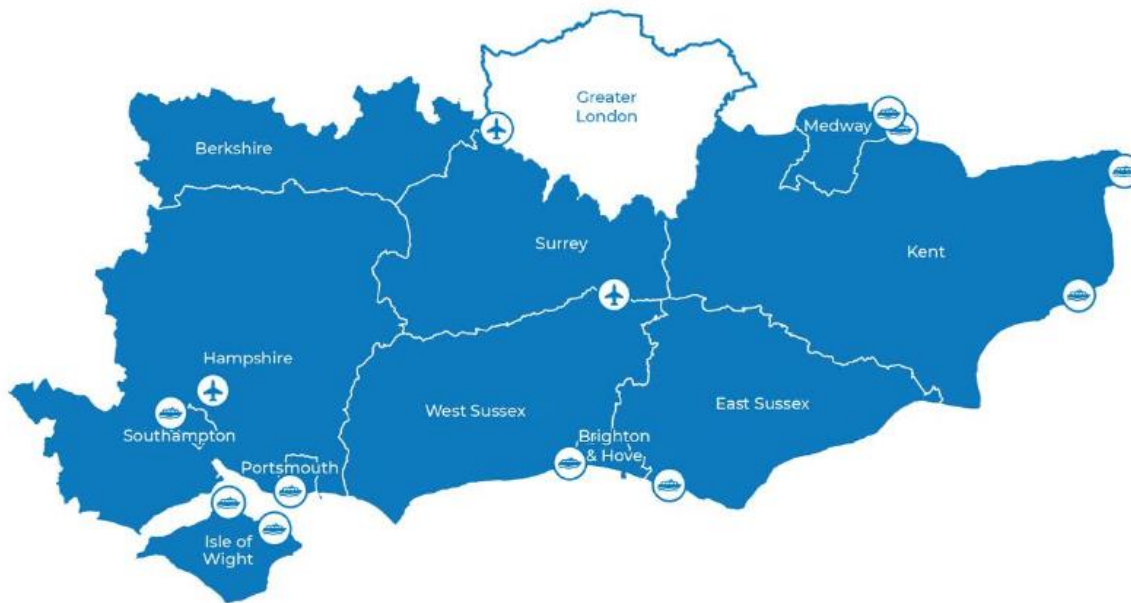
- Past decision relating to KCC continued support of TfSE to establish the draft SIP available to view here: [Decision - 22/00023 - Transport for the South East - KCC Participation \(kent.gov.uk\)](#)

## 11. Contact details

Report Author(s): Joseph Ratcliffe, Transport Strategy Manager joseph.ratcliffe@kent.gov.uk	Relevant Director: Phil Lightowler, Interim Director of Highways and Transportation philip.lightowler@kent.gov.uk
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# Appendix 1

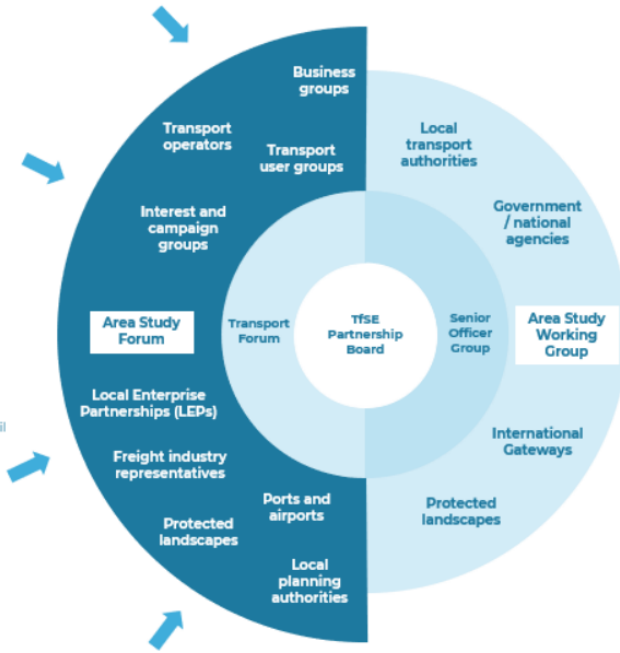


## Area Study Forum

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|---|--|
| <p><b>Interest groups</b><br/>         Friends of the Earth<br/>         Motorcycle Action Group<br/>         Railfuture<br/>         Sustrans<br/>         Thames Gateway Tramlink<br/>         Transport Action Network</p> <p><b>Environmental groups</b><br/>         Campaign to Protect Rural England<br/>         South Downs Society/SCATE</p> <p><b>Protected landscapes</b><br/>         Kent Downs AONB</p> <p><b>Public transport user groups</b><br/>         Buses in Fleet<br/>         South East Community Rail Partnership<br/>         Transport Focus</p> <p><b>Rail operators</b><br/>         Goya, Thameslink Railway<br/>         High Speed 1 Ltd<br/>         Rail Delivery Group<br/>         Southeastern</p> <p><b>Bus and coach operators</b><br/>         Arriva<br/>         Brighton and Hove Buses<br/>         Confederation of Passenger Transport<br/>         Go South Coast<br/>         Stagecoach</p> <p><b>Government / national agencies</b><br/>         Homes England<br/>         Transport for London<br/>         Transport East STB</p> <p><b>Local enterprise partnerships</b><br/>         Coast to Capital LEP<br/>         Enterprise M3 LEP<br/>         Solent LEP<br/>         South East LEP</p> | <p><b>Business groups</b><br/>         Confederation of British Industry (CBI)<br/>         Greater North Kent Partnership<br/>         Kent and Medway Economic Partnership<br/>         Sussex Chamber of Commerce</p> <p><b>Freight</b><br/>         Chartered Institute of Freight and Logistics<br/>         DPD<br/>         Logistics UK<br/>         Rail Freight Group<br/>         Road Haulage Association<br/>         University of Kent</p> <p><b>International gateways</b><br/>         Eurotunnel<br/>         Port of Dover</p> <p><b>Local government</b><br/>         South East England Councils</p> <p><b>Local planning authorities</b><br/>         Ashford Borough Council<br/>         Bromley Council<br/>         Canterbury City Council<br/>         Dartford Borough Council<br/>         Dover District Council<br/>         Gravesham Borough Council<br/>         Hastings Borough Council<br/>         London Borough of Bexley<br/>         Maidstone Borough Council<br/>         Rother District Council<br/>         Sevenoaks District Council<br/>         Swale Borough Council<br/>         Thanet District Council<br/>         Tonbridge and Malling Borough Council<br/>         Tunbridge Wells Borough Council</p> |
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The role of the Area Study Forum is to provide stakeholder expertise, intelligence and advice to the Working Group and project team. The forum will add to the knowledge base of both TfSE and the consultants commissioned to develop the study.

Members will offer local and strategic insight to key themes, helping to develop strategic outputs that are of benefit the entire area study geography.



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## Appendix 2

TfSE draft SIP – Eight proposed investment priorities

### ***Decarbonisation and environment***

Accelerate decarbonisation of the South East, enabling the UK to achieve net zero by 2050 or sooner, and delivering a transport network better able to protect and enhance our natural, built, and historic environments.

### ***Adapting to a new normal***

Enable the South East's economy and transport systems to adapt sustainably to changing travel patterns and new ways of working and living as we learn to live with Covid and from changing trading relationships between the UK and EU.

### ***Levelling up left behind communities***

Deliver a more affordable and accessible transport network for the South East that promotes social inclusion, improves health and wellbeing, and reduces barriers to employment, learning, social, leisure, physical and cultural activity for all communities.

### ***Regeneration and growth***

Attract investment to grow our economy, better compete in the global marketplace, and unlock regeneration and growth opportunities where this has been held back by inadequate infrastructure or poor integration between land use and transport planning.

### ***World class urban transport systems***

Deliver world class and seamlessly integrated, sustainable urban transport systems (rail, bus, tram, ferry, cycling, and walking) for the South East's largest conurbations, to enable residents, businesses, and visitors to travel easily and sustainably within and between built up areas.

### ***Transforming east – west connectivity***

Enhance our east – west corridors to same level as radial links to and from London to boost connectivity between our major economic hubs, the international gateways (ports, airports, and rail terminals) and their markets.

### ***Resilient radial corridors***

Deliver an increasingly reliable transport network that is smarter at managing transport demand, and more resilient to incidents, extreme weather, and the impacts of a changing climate.

### ***Global gateways and freight***

Enhance the capacity and contribution of the freight and logistics sector to the South East's economy through improved connectivity to Global Gateways and adapt to changing patterns of freight demand and trade.

TfSE SIP proposed packages of schemes in the Kent-Medway-East Sussex area

#### ***Core Rail package***

S1 St Pancras International Domestic High Speed Platform Capacity

S2 London Victoria Capacity Enhancements - Signalling and Digital Rail

S3 Bakerloo Line Extension

S4 South Eastern Main Line - Chislehurst to Tonbridge Capacity Enhancements

S5 London Victoria to Shortlands Capacity Enhancements

S6 Hundred of Hoo Railway – Hoo Peninsula Passenger Rail Services  
S7 North Kent Line / Hundred of Hoo Railway - Rail Chord  
S8 Thameslink - Extension to Maidstone and Ashford  
S9 North Kent Line – Service Enhancements  
S10 North Kent Line / Chatham Main Line - Line Speed Enhancements  
S11 Otterpool Park/Westenhanger Station Additional Platform  
S12 Integrated Maidstone Stations  
S13 Dartford Station Remodelling/ Relocation  
S14 Canterbury Interchange Rail Chord  
S15 New Station – Canterbury Interchange  
S16 New Strood Rail Interchange  
S17 Rail Freight Gauge Clearance Enhancements  
S18 Crossrail - Extension from Abbey Wood to Dartford  
S19 High Speed 1 / Waterloo Connection Chord – Ebbsfleet Southern Rail Access  
S20 Ebbsfleet International (Northfleet Connection)  
S21 Ebbsfleet International (Swanscombe Connection)  
S22 Gatwick - Kent Service Enhancements

#### *Enhanced rail package*

T1 High Speed East - Dollands Moor Connection  
T2 High Speed 1 / Marsh Link - Hastings, Bexhill and Eastbourne Upgrade  
U1 High Speed 1 - Link to Medway (Chatham)  
U2 High Speed 1 - Additional Services to West Coast Main Line

#### *Mass Transit*

V1 Fastrack Expansion - Swanscombe Peninsula  
V2 Fastrack Expansion – Northfleet to Gravesend  
V3 Fastrack Expansion - Medway  
V4 Medway Mass Transit  
V5 Medway Mass Transit – Extension to Hoo Peninsula  
V6 Medway Mass Transit – Extension to Maidstone  
V7 Medway Mass Transit – Chatham to Medway City Estate New Bridge  
V8 Medway Mass Transit – Chatham to Medway City Estate Water Taxi  
V9 Maidstone Bus Enhancements  
V10 Dover Bus Rapid Transit  
V11 Sittingbourne Bus Enhancements  
V12 Sevenoaks Bus Enhancements  
V13 Thanet Bus Enhancements  
V14 Folkestone Bus Enhancements  
V15 Ashford Bus Enhancements  
V16 Royal Tunbridge Wells/Tonbridge Bus Enhancements  
V17 Thames Gateway/Gravesham Bus Enhancements  
V18 Canterbury/Whitstable/Herne Bay Bus Enhancements  
V19 Ferry Crossings - New Sheerness to Hoo Peninsula Service  
V20 Ferry Crossings - Sheerness to Chatham/Medway City Estate/ Strood Enhancements  
V21 Ferry Crossings - Harty to Whitstable Enhancements  
V22 Ferry Crossings - Harty to Oare Enhancements  
V23 Ferry Crossings - Ebbsfleet - Tilbury Enhancements  
V24 Inland Waterway Freight Enhancements

#### *Active Travel*

W1 Medway Active Travel Enhancements  
W2 Medway Active Travel – Chatham to Medway City Estate River Crossing  
W3 Kent Urban Cycleways  
W4 Kent Inter-urban Cycleways



W5 Faversham - Canterbury - Ashford - Hastings National Cycle Network Enhancements  
W6 Tonbridge - Maidstone National Cycle Network Enhancements  
W7 Sevenoaks - Maidstone - Sittingbourne National Cycle Network Enhancements  
W8 Bromley - Sevenoaks – Royal Tunbridge Wells National Cycle Network Enhancements  
W9 East Sussex Local Cycleways  
W10 East Sussex Inter-urban Cycleways  
W11 Royal Tunbridge Wells – Hastings National Cycle Network Enhancements  
W12 Canterbury Placemaking and Demand Management Measures  
W13 Medway Placemaking and Demand Management Measures  
W14 Dover Placemaking and Demand Management Measures

### *Highways*

X1 M2 Junction 5 (RIS2)  
X2 A2 Brenley Corner Enhancements (RIS3 Pipeline)  
X3 A2 Dover Access (Lydden – Whitfield Dualling) (RIS3 Pipeline)  
X4 A21 Safety Enhancements (RIS3 Pipeline, brought forward to RP2)  
X5 A229 Bluebell Hill Junction Upgrades (LLM)  
X6 A28 Birchington, Acol and Westgateon- Sea Relief Road (MRN)  
X7 A228 Colts Hill Strategic Link (MRN Pipeline)  
X8 Digital Operations Stack and Brock  
X9 A20 Enhancements for Operations Stack & Brock  
X10 Kent Lorry Parks (Long Term Solution)  
X11 Dover Freight Diversification  
X12 Kent Freight Consolidation Centres  
X13 M2 Junction 4 - Junction 7 Smart Motorway (RIS3 Pipeline / SMP)  
X14 A2 Canterbury Junctions Enhancements  
X15 M20 Junction 3 - Junction 5 Smart Motorway  
X16 M20 Junction 6 Sandling Interchange Enhancements  
X17 M25 Junction 1a Enhancements  
X18 M25 Junction 5 Enhancements  
X19 Herne Relief Road  
X20 Canterbury East Relief Road  
X21 New Maidstone South East Relief Road  
X22 A228 Medway Valley Enhancements  
X23 A228 Hoo Peninsula Enhancements  
X24 Strood Riverside Highway Enhancement and Bus Lane  
X25 A259 Level Crossing Removals  
X26 A21 Kippings Cross to Lamberhurst Dualling and Flimwell and Hurst Green Bypasses  
X27 Hastings and Bexhill Distributor Roads  
Y1 Lower Thames Crossing

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## Appendix 3

To be emailed to [tfse@eastsussex.gov.uk](mailto:tfse@eastsussex.gov.uk)

Dear TfSE,

Thank you the opportunity to respond to your consultation on the Strategic Investment Plan (SIP). We welcome the effort you have put into understanding the challenges of the region and in providing a space for KCC to work together with its neighbours and other statutory transport organisations. Ensuring the SIP is the best it can be prior to submission to Government is critical for making the case for transport investment and hence we trust you will take the necessary action in response to our comments detailed below and we look forward to working with you in doing that through the autumn period.

### Comments concerning the eight proposed investment priorities

We support those investment priorities set out in the draft SIP as they reflect a range of key challenges for the transport system in the county, as they also do for the region and nationally. We draw your attention to Kent's strategic statement *framing Kent's Future*, within which levelling up Kent and infrastructure for communities comprise two of four key priorities. We therefore understand the extent of the ambition encapsulated in the priorities in the SIP which includes establishing world class urban transit systems, resilient radial corridors, and adaptation to a new normal arising from living with Covid-19 and the post-Brexit trading arrangements. Whilst this ambition should be retained in the draft SIP, we propose that these can only be achieved if based on a solid foundation of the county and region's transport system.

In respect of this, we feel that the draft SIP is relatively silent on the substantial transport challenges facing Kent and KCC as a Local Transport and Highways authority, and which we understand face TfSE's other constituent members. The draft SIP must be updated to reflect these pressing challenges and draw attention to the criticality of addressing those before the proposals in the draft SIP can become priorities. Indeed, without addressing these challenges to strengthen the foundations of local and strategic transport in the county and wider region, we do not believe the draft SIP can achieve its aims and the value delivered by the sought investment would be lower than currently forecast by TfSE. With Government as an intended audience for the final SIP, it is essential TfSE take the opportunity on behalf of its members including KCC to emphasis the challenges with funding, operating and maintaining the existing transport networks.

To address this the draft SIP must be amended to reflect, if not recite, the following key point – that a ninth investment priority is needed worded to the effect of “Reversing decline” or “Steadying our networks”. This investment priority would call for funding for programmes that are not reflected in the draft SIP but reflected in existing constituent member strategies and plans, as these are pre-requisite for achieving the TfSE transport strategy.

Notable elements addressed by this investment priority would include local road maintenance to enable TfSE constituent members to move away from an enforced investment approach of “managed decline”, owing to the underfunding of highways maintenance, to an approach of at least steady-state asset conditions with the longer term aim of improving them.

Further funding for Bus Service Implementation Plans (BSIP) which set out a comprehensive plan for Kent and other authorities and which are currently significantly underfunded (and in some instances of the region not funded at all). This has left substantial challenges around bus service provision that BSIPs were prepared to address up to 2025. They are therefore integral to initial delivery of the outcomes of the TfSE transport strategy, and well positioned for fast delivery. The draft SIP should make the case for their complete funding in the strongest possible terms.

The need to ensure funding so that National Rail services remain affordable, convenient to use, with frequencies and journey times that attract patronage to the network in the medium-term. The draft SIP contains proposals for substantial investment in the network infrastructure – this should be secondary to establishing attractive service levels following the decline in services arising from the pandemic.

Without these as a collective investment priority, we believe it will not be possible for TfSE to achieve the outcomes intended from the other investment priorities – rather, will be undermined. The estimate of investment needed in the draft SIP, at £48bn over the period to 2050, must clearly be presented as additional to and not instead of the funding its constituent members including KCC have already estimated as necessary to deliver Highways Asset Management Plans and Bus Service Improvement Plans. We know from our participation in TfSE that this perspective is understood and acknowledged; however, it must be strongly reflected in the final SIP before KCC can adopt it.

### Comments on the Funding and Financing of the SIP and the Delivery Plan

The estimates for the cost of implementing the draft SIP are included in the Delivery Plan and their broad calculation totals £48bn. However we are concerned that whilst the Delivery Plan clearly highlights that operating costs of proposals are not covered in the draft SIP's financial estimations – the risk of this to delivery of the draft SIP is underestimated.

On page 86 of the Delivery Plan, the risk concerning the relevance of Operator's financial considerations in the viability of the provision of services is rated at 9, out of a maximum score of 25. We regard this as an underestimation, especially at the time that service provision in rail and bus is being cut back on the basis of commercial decisions driven by operating costs as much as demand side factors. The risk needs a higher rating given the extent to which the draft SIP is reliant on the provision of rail, bus and new transport services arising from the changes in mobility.

We note that the funding and financing section of the draft SIP details appropriate case studies. However on the whole we consider that the majority of the draft SIP will not be fundable through alternative sources other than local and central government budgets, with the emphasis on the latter given the financial constraints already experienced in local government and the funding cuts affecting public transport that are already in progress. To aid with demonstrating this, we recommend adding a table into this section of the document or into section 6 of the Delivery Plan which has a Red-Amber-Green rating against each proposal in the draft SIP to indicate the likelihood of a majority of funding being secured from non-public funding sources. We are happy to support TfSE in evaluating the schemes on that basis for those in the Kent area.

We also wish to advise TfSE that forthcoming Levelling Up Fund round 2 bid decisions by government will likely be complete prior to finalising the SIP. As such TfSE should work with its constituent members to understand any proposals funded and for which investment is no longer required as part of the £48bn estimate. The final submitted SIP could illustrate the proportion of the original drafted SIPs proposals and cost have been secured by the date of its submission to DfT as part of demonstrating how progress within 2022 compares to the rate of progress needed over the life of the SIP and whether that has been on track or not.

### Comments on the packages of interventions

#### The highways package

The content of the draft SIP reflects the priority schemes we are progressing for our managed road network and those we are supporting development of by National Highways for the strategic trunk road network.

We particularly welcome the recognition of the need for investment into finding alternatives for management of the Port traffic, including better management of flows from across the country into Kent based on Port capacity and lorry parking capacity. We look forward to enjoying the continued support of TfSE in our own efforts on these matters.

The presentation of the highways package in the draft SIP must be improved and corrected before submission to Government in 2023. Whilst the package correctly carries as priorities improvements to both the A20/M20 corridor and the A2/M2 corridor, in line with KCC's promoted bifurcation strategy for port traffic, the schematic mapping of the package misses out the Brenley Corner to Dover A2 corridor and the M20/A20 corridor from Maidstone to Dover. This must be added to ensure the spatial depiction of the draft SIP proposals in the Kent area is correct.

The Highways package also includes a proposal for a new Maidstone southern relief road. Please note that KCC recognises that there may be a business case that can be developed for this scheme but that the scheme will be dependent on funding from government or significant funding from unlocked development. We continue to liaise with the Local Planning Authority concerning their Local Plan development and the implications of this for the road proposal's prospects.

Concerning the Highways package intervention 'Kent Freight Consolidation centres', please note there are no plans at KCC to implement consolidation centres. The complexity and private-sector-lead nature of the freight industry means we are not in a position to confidently plan or provide consolidation centres; however, we are happy to support TfSE or the Freight industry in exploring whether such interventions could lead to a reduction in road-based freight traffic and could be funded by the freight sector. If TfSE have further specifics for this proposal we would welcome understanding of those, along with how has it been assessed in determining the cost and benefits case of the draft SIP.

There are some projects that are substantially under way and therefore the benefits of them will be largely secured before TfSE finalises the SIP for submission and for which funding is not required. Specifically, Herne relief road and Dover Fastrack are in construction, and M20 junction 3 to 5 smart motorway and M2 junction 5 are also in delivery.

### *Railways and enhanced railways package*

Recognising the long-term nature of the draft SIP, we concur with the broad range of rail network proposals within the 30-year horizon, with many aligned to the current Kent Rail Strategy and schemes KCC continues to work in partnership on making the case for, such as extending Crossrail to Kent. There are a range of station interchange proposals which would entail entirely new stations, and which are in challenging locations to deliver based on the initial assessments conducted. Nonetheless, they may warrant having their feasibility further investigated and KCC encourages TfSE to make use of its further funding settlements to progress those studies with the input of KCC, the District and Borough Councils and of course the rail industry such as Network Rail, Southeastern and the DfT.

There are a small number of proposals which KCC does not regard as priorities and would not support investment in at the expense of other interventions in either rail, other SIP packages for Kent, or more importantly in the funding of local transport. For example, the proposed Ebbsfleet southern rail access, Bakerloo line extension (for the purpose of releasing train paths from London metro routes to and from Hayes to destinations further afield into Kent), or the High Speed proposals within the 'enhanced rail package' given all are dependent on an expanded High Speed train fleet as a pre-requisite.

Given the above and the significant economic benefits the High Speed services have brought to mid and east Kent, KCC's consultation response calls for the expansion of the High Speed train fleet, as it has lobbied for since 2020. An expanded fleet sets the Kent rail network up for long

term growth and success. Fleet expansion enables the advantages of High Speed to serve the maximum number of destinations in Kent, service frequency increases on the existing network and finally the draft SIP's further proposed network extensions (such as to Hastings via the Marshlink line).

Currently in Kent there are no Eurostar services available at our two International stations whilst the draft SIP carries an emphasis on international gateways as a key benefit of the region. We therefore require that the draft SIP include a proposal for securing any necessary upgrades or changes at International Stations to support the international rail market with resuming stopping services. This will help support KCC in delivery of its Strategic Statement which contains a priority to secure resumption of Eurostar services to Ashford International and Ebbsfleet International stations.

### Mass transit

The Mass transit package addresses primarily bus networks: however, it also includes ferry-based travel. Each is addressed in turn as follows.

We support the bus enhancement proposals within the draft SIP; however, as with the active travel package as detailed further below, the draft SIP is too selective in respect of where bus enhancements should occur. Most major towns of Kent are listed, however there are other town locations missing such as Paddock Wood, Tonbridge, Swanley etc. We recommend that the draft SIP promote bus enhancements across the whole county, and in doing so would capture the scope for improving coverage and availability of rural bus services. We also view that the draft SIP must include a proposal for the full delivery and funding necessary for the KCC BSIP and this be reflected in the investment calculations. This links back to our earlier comments responding on the investment priorities. This is a pre-requisite for KCC adopting the final SIP.

TfSE should also note that the viability and feasibility of long-term expansion of the Fastrack network in north Kent into areas such as Medway will need to be developed.

The Mass Transit package includes a proposal for expansion of Fastrack in north Kent into the Swanscombe Peninsula area. Plans were in development for extending the network in this way to mitigate the effects of and serve the proposed leisure resort on the Peninsula. TfSE should note that the Development Consent Order was withdrawn which will have a bearing on Fastrack network extension into the peninsula.

Concerning ferries, we wish to highlight that we have no plans to introduce ferry services as detailed in the SIP. We are unclear the intended delivery body and operating model for the proposed ferry services and remain unconvinced that these proposals are priorities for achieving the outcomes of the TfSE transport strategy or the policy goals across all tiers of government. We also wish to highlight the potential for enhanced ferry services from north Kent along the Thames into east and central London.

We note the inclusion of the 'Inland waterway freight enhancements'. We are not clear the basis this is classed as mass transit and would welcome further detail or any specifics concerning it. We also welcome further clarity on what TfSE's proposed delivery approach for this would be, including the role of the planned relaunched Freight Forum. Our own understanding is there is limited opportunity in Kent, with the main waterway of the River Medway available within Medway Unitary Authority's area, but having the constraint of Allington Lock as the river shortly works its way into KCC's area. The potential for sea-borne freight is a potentially more promising alternative and could be explored further by TfSE.

Whilst we acknowledge that the KCC proposal for a Mobility as a Service platform in the north Kent Fastrack network area is not modally specific, we recommend inclusion of it as a specific

intervention in the Mass transit package. We recall its inclusion in the area studies and consider it should similarly included for presentation within the SIP given it is a proposal for a discrete area and not necessarily covered entirely under the global interventions.

### Active travel package

We welcome the recognition of the importance of active travel within the SIP; however, the package as presented lacks development to accurately represent the requirements, the costs and the benefits likely associated with delivering active travel improvements county-wide. Some specific locations are listed in the packages such as Dover, Maidstone, and Canterbury and some intra-urban routes are similarly listed taken from Sustran's long term strategy for the National Cycle Network. There are proposals within towns across Kent – for example within Thanet, Dartford, Gravesend and Ebbsfleet, Sevenoaks and so on.

We therefore recommend that the focus of the draft SIP remain on the strategic cross-boundary network improvements for active travel, whilst active travel improvements within the county is kept to the detail of proposals W3 and W4 concerning 'Kent urban cycleways' and 'Kent inter-urban cycleways' respectively and expanded to include reference to also "pedestrian improvements". KCC and the District and Borough Councils will be continuing development of comprehensive proposals for urban areas and inter-urban corridors across the whole county through Local Cycling and Walking Improvement Plans (LCWIPs). That work will be the better articulation of what is required and where in Kent and will be the basis from which KCC and its local government partners work from in determining necessary investment and delivery priorities.

The current forecast of £400m across the TfSE Kent Medway and East Sussex area is likely to be insufficient over the 30 years of the SIP horizon to achieve the extent of improvements desired or necessary to meet the objectives and policy goals held across all tiers of government. It equates to £13.3m per annum, which split shared across the three authorities brings the value for Kent close to the level of funding recently received per annum through the Active Travel Funding (ATF) tranche 1 to 3.

As we look to the future, the number and extent of proposed active travel schemes will likely increase across the county as will KCC's ability to deliver. The estimate of £400m should either be front loaded to the first 15 years of the SIP, or the volume of funding estimate will likely need to double to around £800m over the 30-year period.

Furthermore, the suitability of the SIP for setting out and making the case for local active travel schemes is weakened by the broadness and lack of depth of the appraisal. The SIP reports a forecast of the per annum additional Gross Value Added (GVA) from active travel. Over the period to 2050 a forecast of £15m per annum is reported which brings the reported benefits to £450m – only slightly above the £400m investment called for.

Government's own work, included in its policy paper 'Gear Change' most recently, sets out that active travel schemes typically have a high Benefit-Cost ratio (BCR) due to the substantial public health benefits both directly from increased activity levels on physical and mental health, as well as on air quality, reducing transport's contribution to climate change, increasing footfall in commercial areas, and increasing resilience of neighbourhoods by enabling local living without reliance on public or private vehicles. As such, we are concerned that the SIP reported benefits from active travel undersells the benefits.

### Comments on the global interventions

Transport remains the biggest contributor to national carbon emissions and there has been slow progress in reducing it. Given that for the Kent Medway and East Sussex package the draft SIP forecasts an increase rather than decrease in carbon emissions from the interventions proposed

(mainly due to the addition of the new Lower Thames Crossing to the strategic highway network), we regard the decarbonisation intervention as important and that it is deeply coupled with achieving many of the other interventions it is set alongside.

TfSE should take the opportunity of the SIP to emphasise the important foundation of a decarbonised energy generation and grid to enable not just zero-emissions at tail pipe but true decarbonisation of transport within the region and wider nation. We encourage TfSE to work with Government, the National Grid and UK Power Networks, following the SIP publication, to estimating the impact of its proposals on electrical energy consumption. The aim should be to understand whether the supply of that is secured in existing investment on generation in the region and wider country. This is a critical strategic issue for supporting electrification of transport and movement that TfSE can play a strong role in furthering understanding. Relatedly, the potential demand and production of hydrogen fuel should also be given due consideration.

For example, integrating transport better across modes both through increased service frequencies; scheduling to enable convenient interchange for onward travel rather than missed connections; providing secure cycle and scooter parking at bus and rail stations; and digital integration of ticketing and roll out of platforms around the Mobility as a Service (MaaS) model, would all increase attractiveness of public transport and aid in reducing carbon emissions through mode shift from more polluting forms.

This goes further for lowering public transport fares and catering for easier and new forms of transport such as E-scooters and E-bikes and so on. It is clear from work within the transport industry that the transport sector cannot reduce its emissions quickly enough by focusing decarbonisation on the shift to electric vehicles. TfSE's own work demonstrates this for the region. Decarbonisation is the most important outcome but as an intervention it is insufficient on its own. To achieve decarbonisation the interventions TfSE has proposed that would impact positively on where, how and when travel is undertaken are all equally important.

In respect of road user charging, KCC recognises the forecast decline in tax receipts from fuel duty as vehicle use shifts to battery electric and potentially hydrogen vehicles. No details are provided about the form of road user charging within the TfSE proposals and as such it is not possible to pass further comment at this stage. Ultimately it will depend upon the form and function of any future tax or charges regime for using vehicles or roads. How receipts are hypothecated (e.g. whether dedicated to local highways and public transport or consolidated centrally in Treasury budgets for cross-departmental spending) will also be an important factor in KCC's considerations of any proposals by TfSE or Government.

As with much of the content of the draft SIP, KCC will also be aided further in its considerations once it completes development of its new Local Transport Plan, which is underway.

#### *Comments concerning the carbon and jobs appraisals in the draft SIP*

The SIP reports CO<sub>2</sub>e emissions forecasts arising from surface transport. We are unable to ascertain what the precise carbon impact is however as the reported units need checking and appear erroneous. Specifically, the Executive Summary reports kilo tonnes in the packages table. The rest of the document reports the same numbers in tonnes. We assume the rest of the document is correct as if the carbon savings were achieved in kilo-tonnes they appear disproportionately (potentially even unfeasibly) high relative to our own understanding of the volume of surface transport emissions in the county. It is welcome that TfSE has included assessment of this important aspect and hence we welcome TfSE correcting its accuracy prior to submission so that there is confidence in this part of the analysis.

We welcome the estimate of jobs generated by the investment in transport, given transport's close link to the economy and enabling businesses to grow and prosper by accessing suppliers and



clients. The figures generated by the SIP proposals appear low relative to the Gross Value Added (GVA) benefits and when benchmarked against historic jobs trends in Kent and Medway. We would welcome a review of this element of the economic case and the headline message that can be made to Government within the SIP prior to its submission. We recommend liaising further with the Local Enterprise Partnerships who have been focused on achieving business and jobs growth through infrastructure investment through the former Local Growth Fund deals they have managed.

### Conclusion

We hope you find our comprehensive comments helpful and we look forward to your efforts in updating the draft SIP and clarifying any queries we have raised. We will further consider your proposed final SIP for submission to Government in early 2023 as per your current schedule for its completion.

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From: David Brazier, Cabinet Member for Highways and Transport  
Phil Lightowler, Interim Director – Highways and Transport

To: Environment and Transport Cabinet Committee – 8th September 2022

Subject: **National Bus Strategy: Status Update**

Key decision: **N/A**

Classification: **Unrestricted**

**Past Pathway of Paper: N/A**

**Future Pathway of Paper: N/A**

**Electoral Division:** Countywide

**Summary:** This report provides an update on the National Bus Strategy and KCC's response. It advises on progress to date, Kent's indicative funding allocation received in response to its Bus Service Improvement Plan (BSIP), the status of Kent's Enhanced Partnership and next steps.

**Recommendation:** The Cabinet Committee is asked to note the contents of the report.

## 1. Introduction and Background

- 1.1 In March 2021 Government published a new National Bus Strategy (NBS) which set out a blueprint for the improvement of all aspects of bus service provision inclusive of both service levels themselves but also extending to infrastructure, ticketing, innovation, information, vehicle, accessibility and environmental considerations.
- 1.2 At the time of publication, Government stated that £3bn would be made available to support the strategy, although this figure was subsequently adjusted to £1.2bn, reflecting its use for existing commitments and expenditure linked to the Covid-19 pandemic.
- 1.3 In order to be able to access this funding and to protect existing funding streams, the NBS placed a number of requirements on LTAs and operators. By the end of October 2021, LTAs had to publish a Bus Service Improvement Plan (BSIP) and by April 2022, LTAs and bus operators were required to form Enhanced Partnership Agreements (EPs) governing all bus services in the LTA area. Government made it clear at the time of publication that existing and future funding streams linked to BSOG could be jeopardised if LTAs and operators did not engage with the NBS process.

- 1.4 A BSIP is essentially a local bus strategy document but in this context, it is also in part a bidding document designed to support accompanying funding requests to the Department for Transport. In response to the strategy and to align with its ambitions KCC, in conjunction with operators, submitted its BSIP at the end of October 2021, with a total funding ask of £213m over a three-year period. KCC subsequently worked with operators to introduce an EP for the County which came into effect from 1<sup>st</sup> April 2022 following an Executive Decision and the completion of all required statutory processes. The EP as it stands today contains only initiatives from the BSIP which are deliverable with no or little funding, but with a bespoke variation method included to allow changes to be made taking into account future funding availability (such as BSIP funding) or other local changes.
- 1.5 Whilst, the focus of the NBS and therefore, by necessity, the resulting BSIP is positive and ambitious in its intention to make improvements to the network, it is important to note that the strategy has been rolled out at a time of significant turmoil for the bus industry. The industry continues to face a very serious challenge in its efforts to recover from the pandemic with Covid support funding ending in Autumn 2022. As is the case across the country, a number of commercial bus services are facing withdrawal or reduction as a result of this and KCC is also having to reduce the number of services it subsidises due to budget pressures. The National Bus Strategy agenda, and in response Kent's BSIP and EP, is seeking to build back from this situation in a sustainable way.
- 1.6 On 4<sup>th</sup> April 2022, shortly after introducing its EP in line with Government guidance, KCC learnt that it had received an indicative allocation of £35.1m in response to its BSIP. The indicative allocation comprised of approximately £24.2m capital and £10.9m revenue funding. KCC was subsequently required to provide information on its planned use for the funding by 30<sup>th</sup> April 2022 and more detailed explanations of how the funding would be reflected in its established EP by 30<sup>th</sup> June 2022.
- 1.7 Whilst the allocation is significantly less than the £213m requested and will not deliver the level of ambition contained within Kent's BSIP, wider context is important which shows that:
- Of 79 LTAs which submitted a BSIP, only 31 received any funding from the allocations announced by Government on 4<sup>th</sup> April 2022.
  - Of those receiving funding, KCC's indicative allocation is the 9<sup>th</sup> highest in England with many of the areas receiving a higher level of funding being city areas or locations proposing to be or who already are mayoral authorities.
- 1.8 The indicative funding allocation came with a number of restrictions and spending limitations including, most importantly in the current climate, a condition that the revenue element of the allocation could not be used to support existing services, even though continuing to deliver certain public transport services may be unaffordable in the years ahead with the continuing impact of the pandemic and increasing inflation rates. KCC has therefore

been required to work within these specified conditions when proposing how the funding will be used. It is also necessary for KCC to commit expenditure on bus services at current funding levels for the period covered by BSIP funding meaning that no further reductions in respect of Supported Bus Services, Kent Travel Saver and other associated budget could be considered before the end of 2024/25.

- 1.9 At the time of submitting this report, KCC is awaiting firm confirmation of funding following the submissions of April and June 2022 (see 1.6). The indications are that this will be forthcoming subject to a clarification process which the Public Transport department are positively engaged with.

## 2. Use of indicative Funding Allocation

- 2.1 On 4<sup>th</sup> April 2022, Kent learnt formally of its funding allocation through the BSIP process. Kent received an indicative allocation of £35,070,139 (of which £24,159,744 is capital and £10,910,395 is revenue). This is total funding from 2022/23 to 2024/25.
- 2.2 The indicative funding allocation came pre-determined as a mixture of capital and revenue and was apportioned by the 3 years covered by the BSIP period and identified below. Clarity will be sought from DfT on year one profiling.

	<u>2022/23</u>	<u>2023/24</u>	<u>2024/25</u>
<i>Capital</i>	25%	37.5%	37.5%
<i>Revenue</i>	33%	33%	33%

- 2.3 In addition, associated guidance from the DfT highlighted a clear expectation that funding proposals delivered schemes aligning with their own priorities which were stated as:
- Revenue: Ambitious initiatives that reduce or simplify fares at pace / increased service frequencies and new / expanded routes (funding cannot be used to sustain existing services).
  - Capital: Bus priority measures, which enable operating cost savings and as such reciprocal investment.
- 2.4 In order to secure this funding, all successful LTAs were required to submit a further pro-forma identifying how they intended to use the indicative allocation taking account of the nature of the funding available and the associated guidance.
- 2.5 Unfortunately, the timescales involved did not allow for this submission to be taken through usual Governance and it was therefore agreed that the return to this part of the process be informed using the newly established Enhanced Partnership Board (EPB), which used a prioritisation method taking account of a range of considerations with different weightings including; alignment with

DfT guidance, support of other KCC policies, deliverability, value for money, sustainability and impact to agree an appropriate proposal.

2.6 A copy of the submission detailing proposed use of all of the indicative allocation is included as appendix A but can more quickly be summarised as;

- Fares Initiatives, Ticketing and Promotions - £3.6m
- Bus Priority Schemes (three corridors) - £16.5m
- Bus Focused Highways Interventions - £1.5m
- New / Enhanced Bus Services - £7.5m
- Pengester Rd Scheme – Dover Fastrack - £2m
- Back Office Systems for MaaS and DRT - £1.5m
- Other Bus Support (see appendix)- £2.4m

2.7 Following agreement at EPB, Kent's proposed use of BSIP funding was submitted to DfT on 30<sup>th</sup> April 2022, with further detail provided on 30<sup>th</sup> June 2022.

2.8 On confirmation of funding and subject to the timescales applicable, it is intended to bring a further report forward, identifying its proposed use in more detail.

### **3. Enhanced Partnership Agreements (EPs)**

3.1 EPs are a statutory provision made available to all LTAs through the 2017 Buses Act. EPs provide a formal and binding framework which enables LTAs to introduce realistic requirements on bus operators providing services in the area covered by any EP relating to standards across the whole bus offering including service levels, customer service, vehicle standards, levels of customer care, fares, ticketing and information.

3.2 Whilst this is so, the relationship between service provision, infrastructure and other support provided by the LTA particularly in its role as the local highway network manager deem that EPs are shared between the LTA and the operator and targets that have to be set within them are similarly shared.

3.3 An EP consists of two distinct parts. The EP Plan is akin to the BSIP in being the vision for the EP in setting out the intentions of LTAs and operators, the areas identified for improvement and identifying how the plan will be delivered.

3.4 The EP scheme is the detailed and binding part of the EP. Through the EP scheme, LTAs and Operators commit themselves to deliver the Scheme through a series of obligations on what will be sustained or delivered during the period of the plan.

3.5 The Scheme obligations are binding and are required to be detailed in what they will deliver.

3.6 In order to reflect differences in geography, demography, local conditions and the respective operating territories of Arriva and Stagecoach, Kent proposed three EP Schemes covering; East Kent, West Kent and Kent Thameside.

- 3.7 Following a full statutory consultation process, Kent’s EP was established on 1<sup>st</sup> April 2022. The EP, which was developed in full conjunction with bus companies, currently only includes commitments which can be delivered at little or no cost to KCC or operators. Despite this, collectively we have sought to make the agreements as meaningful and impactful as possible.
- 3.8 If a final BSIP allocation is offered and formalised, its use will be reflected in the EP appropriately through use of the bespoke variation process.
- 3.9 To support Kent’s EP, an Enhanced Partnership Board (EPB) comprising of KCC, operator and other representatives was formed and will be used to oversee EP performance and consider any changes required to EP schemes. The EPB was utilised to inform the submission to DfT for the proposed use of Kent’s £35.1m funding allocation.
- 3.10 Meetings to support the EPB continue to be established including Enhanced Partnership Scheme Monitoring Groups (one for each Scheme area, with representation from each District), District Focus Groups and Passenger Charter Groups

#### 4. Summary

- Kent is hopeful of receiving £35.1m to support enhancements to the Bus Network in the next three years.
- This is considered to be a very positive outcome reflecting the quality of the BSIP submitted to Government.
- The funding is not yet confirmed but we have identified a range of initiatives taking account of the level and nature of funding available and guidance provided by the DfT.
- Once secured and timescales permitting, a further report for discussion regarding the detailed use of funding will be brought forward.
- This funding cannot be used to sustain existing services.

5. **Recommendation:** Cabinet Committee is asked to note the contents of the report.

#### 6. Background Documents

- The Kent Bus Service Improvement Plan
- Kent Enhanced Partnership Agreements (<https://letstalk.kent.gov.uk/busfuture>)

#### 7. Lead Officers

Report Author: Dan Bruce, Public Transport Policy, Infrastructure and Community Officer	Relevant Director: Phil Lightowler, Interim Director of Highways and Transport.
Telephone number : 03000 413549 Email : dan.bruce@kent.gov.uk	Telephone number : 03000 414073 Email : philip.lightowler@kent.gov.uk

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<b>Appendix A</b>			
<b>Revised Initiative</b>	<b>Proposed Allocation</b>	<b>Capital</b>	<b>Revenue</b>
Special fares and promotions to support the network and identified groups	2,000,000		2,000,000
Development of a Superbus scheme – i.e bus priority with reciprocal benefits	5,500,000	5,500,000	
Highway Interventions to aid bus punctuality and to support PIPs	1,500,000	1,500,000	
Support operators in enhancing ETMs in order to develop more innovative ticketing solutions	1,393,245	1,177,840	215,405
Feasibility studies and delivery of bus priority measures (two schemes)	11,000,000	11,000,000	
Infrastructure schemes to support BRT – i.e. Pencester Road infrastructure	2,000,000	2,000,000	
Provision of multi operator ticketing	289,500		289,500
Drive a data led approach for network planning	240,000	100,000	140,000
Delivery of a MaaS back office system	1,450,000	1,450,000	
Introduction of new or improved services to build on a base network level in Oct 2022	7,500,000		7,500,000
Delivery of a DRT back office system	80,000	80,000	
Bus Gate Enforcement – capital equipment costs	450,000	450,000	
Appointment of a dedicated Roadworks / Parking Enforcement Officer	250,000		250,000
Continued support of Community Transport sector through facilitation role	100,000	100,000	
Development of Kent Connected journey planner	200,000	140,000	60,000
Review of link between parking facilities and charges vs bus use	150,000		150,000
Key technological advancements (off bus) i.e. RTI displays	700,000	700,000	
Develop use of QR codes at bus stops to report issues and link to information	325,000		325,000

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From: David Brazier, Cabinet Member for Highways and Transport  
 Phil Lightowler, Interim Director – Highways and Transport

To: Environment and Transport Cabinet Committee – 8th September 2022

Subject: **Fastrack Electrification and ZEBRA Commision: Status Update**

Key decision: **22/00086**

Classification: **Unrestricted**

**Past Pathway of Paper: N/A**

**Future Pathway of Paper: N/A**

**Electoral Division:** Dartford, Dover, Gravesham

**Summary**

The purpose of this paper is to update on the development of Kents Fastrack bus networks.

Kent Fastrack is seeking to enhance its services with electric buses supporting charging infrastructure and new ‘enviromentally focused bus stop infrastructure, including new Real Time Information, whilst reprocuring expiring network agreements.

**Recommendation**

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways & Transport on the following proposed decisions in connection to Kent Fastrack services:

(a) grant permission to procure contracts required to implement the electrification of Fastrack Bus Services in Kent, including the roll-out of environmentally friendly infrastructure across the Fastrack bus networks; and

(b) grant permission for contract award decisions (including the award of any future contract extension(s)) relating to these contracts to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member insofar as:

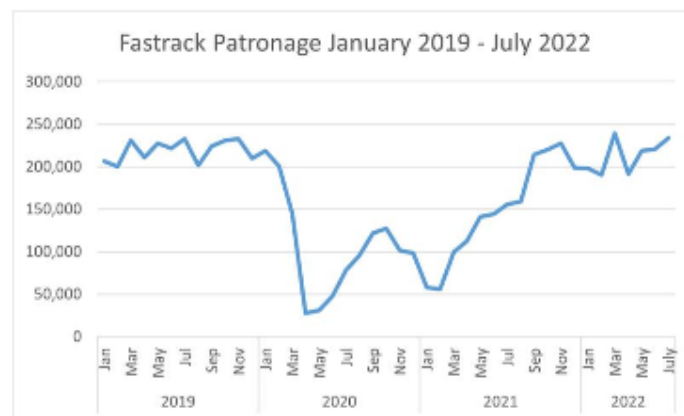
1. Electric Fastrack Bus Services to operate the future electric Fastrack bus networks:
  - a. Fastrack Kent Thameside network effective from 2024.
  - b. Dover Fastrack network (pending completion of infrastructure works).
2. Electric Bus Charging Solutions to power the new zero emission electric bus fleet(s) including:

- a. Electric Vehicle Charging Systems.
  - b. Electricity Supply.
3. Environmentally focused Bus Shelter Services for the repair and maintenance of bus shelters including the phased replacement of existing bus shelters with pollinator-friendly living roof bus shelters.
  4. Real Time Information (RTI) Display Services providing real time passenger information and media advertising at bus shelters.

The Proposed Record of Decision is appended at Appendix A.

## 1. Introduction and Background

- 1.1 Fastrack is Kent County Council’s Bus Rapid Transit (BRT) brand. The service provides fast, reliable, and affordable transport across Kent Thameside for over 3 million annual passenger journeys. The service model will be emulated in Dover from 2023.
- 1.2 Launched in 2006, Kent Thameside comprises of several new and existing housing developments and business units around Dartford, Ebbsfleet and Gravesend. From 2022, the Fastrack service in Kent Thameside will run at least every 12 minutes, 24/7, 365 days a year. The current Fastrack Kent Thameside contract with Arriva expires in 2023.



- 1.3 A new service contract is proposed to commence in January 2024.
- 1.4 The new Fastrack network in Dover will connect the town centre, with its High Speed 1 rail link, the Port of Dover (via interchange), and new housing developments around the suburb of Whitfield. Fastrack Dover is expected to Launch in Autumn 2023.
- 1.5 In 2021, Kent County Council submitted a successful bid to Department for Transport (DfT) funding towards electrifying our Fastrack networks. Comprising of 33 buses and the supporting infrastructure, ZEBRA (Zero Emission Bus Regional Areas) cover 75% of the cost difference between an

electric bus and the equivalent diesel bus. The fund also covers 75% of the capital infrastructure costs.

- 1.6 As part of the next generation of Electric Fastrack and zero emission operation, our ambition is to procure a preferred supplier for future bus shelters. Seeking a 'living roof design'.

## **2. Electric Bus Solutions (ZEBRA Vehicles)**

- 2.1 The £9.5m DfT ZEBRA funding KCC received in August 2021 covers 75 per cent of the difference between a conventional equivalent diesel bus and the electric alternative. KCC are obligated to commit this funding by August 2023.
- 2.2 It is proposed for Dover that this funding contribute to the 5 buses required for Dover Fastrack, with the operator(s) finding the remaining monies.
- 2.3 It is proposed that the successful tenderer for Kent Thameside Fastrack purchase KCC specified vehicles, with the ZEBRA funding being made available to them.
- 2.4 The current fleet of Fastrack vehicles are nearing the end of their useful life and even without ZEBRA funding to electrify, new vehicles would have been sought for the new contract.

## **3. Electric Charging Solutions (ZEBRA Infrastructure)**

- 3.1 The DfT ZEBRA funding KCC received in 2021 covers 75 per cent of the cost of the supporting infrastructure required to support the electrification of the two Fastrack networks. This is in the form of roadside pantograph charging infrastructure and overnight depot chargers as well as the required sub stations and civil works.
- 3.2 Fastrack are currently working with Strategic Commissioning to understand the best route to market. The options are to use the existing KCS framework to procure this equipment on a commercial let basis or an outright capital purchase by KCC using ZEBRA and existing Fastrack monies. The charging infrastructure will be for the 15 year life expectancy of the vehicles.
- 3.3 There is potential additional benefits to the installation of the required sub stations. The energy suppliers or KCC would be able to roll out further infrastructure nearby, such as taxi and private car charging points.
- 3.4 The planned locations are:
  - Dartford - Acacia Hall Car Park (to be 'The Fastrack Hub')
  - Dover – Priory Station
  - Gravesend – Gravesham Bus Hub
- 3.5 Note, the Dartford site will require land acquisition from Dartford Borough Council.

#### **4. Fastrack Environmental Bus Shelters & RTI**

- 4.1 As part of the next generation of Electric Fastrack and zero emission operation, there will be a need to procure a preferred supplier for future bus shelters. The plan is to provide a 'living roof design', which the preferred supplier would design and build within new development areas where there is a requirement for new bus shelters.
- 4.2 The supplier will undertake a replacement programme of existing sites and will be required to clean and maintain both the new and the existing shelters across the network.
- 4.3 The new generation of shelters will seek to be more vandal resistant, yet more attractive within its urban fabric.
- 4.4 This programme will seek to dovetail with the work Fastrack is currently doing to support Kent's 'Plan Bee' by planting our busway verges with wildflowers.
- 4.5 The current shelter maintenance programme currently costs c.£50,000 per annum.
- 4.6 Fastrack is currently piloting a new generation of Real Time Passenger Information (RTPI) at Gravesham bus Hub which was funded by the KCC Lane Rental Scheme. These new screens combine live bus and rail information with (appropriate) commercial advertising. If successful, this RTPI would be rolled out more widely across Fastrack, using the advertising revenue to offset the maintenance cost.

#### **5. Legal, Equality and Data Protection Implications**

- 5.1 KCC will utilise legal support to ensure all necessary consents relating to new bus infrastructure (including, but not limited to, planning permissions, and District Network Operator (DNO) connections) are in obtained as appropriate, and the required service contracts are procured in compliance with public and utilities contracts regulations as appropriate.
- 5.2 A "live" Equalities Impact Assessment exists for the new fleet specifications and electrification elements of Fastrack as part of the DfT ZEBRA scheme. (Appendix b).
- 5.4 The EqIA did not identify any impacts on Protected Characteristics.
- 5.5 A separate assessment will be carried out for the proposed provision of the new shelters.
- 5.6 There are no data protection implications arising from this decision.

#### **6. Financial Implications**

- 6.1 For electrifying Dover Fastrack, there are no direct financial implications for KCC as the project relies solely on external funding. Maintenance and operation costs will form part of the commission provided by the selected Fastrack service provider or supplier.

## 7. Recommendation

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways & Transport on the following proposed decisions in connection to Kent Fastrack services:

(a) grant permission to procure contracts required to implement the electrification of Fastrack Bus Services in Kent, including the roll-out of environmentally friendly infrastructure across the Fastrack bus networks; and

(b) grant permission for contract award decisions (including the award of any future contract extension(s)) relating to these contracts to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member insofar as:

1. Electric Fastrack Bus Services to operate the future electric Fastrack bus networks:
  - a. Fastrack Kent Thameside network effective from 2024.
  - b. Dover Fastrack network (pending completion of infrastructure works).
2. Electric Bus Charging Solutions to power the new zero emission electric bus fleet(s) including:
  - a. Electric Vehicle Charging Systems.
  - b. Electricity Supply.
3. Environmentally focused Bus Shelter Services for the repair and maintenance of bus shelters including the phased replacement of existing bus shelters with pollinator-friendly living roof bus shelters.
4. Real Time Information (RTI) Display Services providing real time passenger information and media advertising at bus shelters.

The Proposed Record of Decision is appended at Appendix A.

## 8. Appendices

- Appendix A – Proposed Record of Decision
- Appendix B - KCC Fastrack Electrification programme EQIA v2.8:  
<https://democracy.kent.gov.uk/documents/s113387/ElectrificationoftheFastrackBusServices.docx.pdf>

## 9. Contact details

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

David Brazier, Cabinet Member for Highways & Transport

**DECISION NO:**

22/000086

**For publication**

**Key decision: YES**

**Subject Matter / Title of Decision:** Fastrack Electrification and ZEBRA Commission

**Decision:** As Cabinet Member for Highways & Transport I agree to:

(a) grant permission to procure contracts required to implement the electrification of Fastrack Bus Services in Kent, including the roll-out of environmentally friendly infrastructure across the Fastrack bus networks; and

(b) grant permission for contract award decisions (including the award of any future contract extension(s)) relating to these contracts to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member insofar as:

1. Electric Fastrack Bus Services to operate the future electric Fastrack bus networks:
  - a. Fastrack Kent Thameside network effective from 2024.
  - b. Dover Fastrack network (pending completion of infrastructure works).
2. Electric Bus Charging Solutions to power the new zero emission electric bus fleet(s) including:
  - a. Electric Vehicle Charging Systems.
  - b. Electricity Supply.
3. Environmentally focused Bus Shelter Services for the repair and maintenance of bus shelters including the phased replacement of existing bus shelters with pollinator-friendly living roof bus shelters.
4. Real Time Information (RTI) Display Services providing real time passenger information and media advertising at bus shelters.

**Reason(s) for decision:**

Fastrack is Kent County Council's Bus Rapid Transit (BRT). The service provides fast, reliable, and affordable transport across Kent Thameside. The service model will be emulated in Dover from 2023. In 2021, Kent County Council submitted a successful bid to Department for Transport (DfT) funding towards electrifying our Fastrack networks. Comprising of 33 buses and the supporting infrastructure, ZEBRA (Zero Emission Bus Regional Areas) cover 75% of the cost difference between an electric bus and the equivalent diesel bus. The fund also covers 75% of the capital infrastructure costs. As part of the next generation of Electric Fastrack and zero emission operation, KCC's ambition is to also procure a preferred supplier for future bus shelters. Seeking a 'living roof design and next generation Real Time Passenger Information (RTPI).

**Cabinet Committee recommendations and other consultation:**

The proposed decision is being discussed by Members of the Environment and Transport Cabinet Committee at their meeting on 8 September.

**Any alternatives considered and rejected:**

1. Continued use of diesel buses with existing operator for Kent Thameside Fastrack. Considered

operationally more expensive and contradicts KCC strategic plan. This would be anti-competitive and not test best value.

2. Excluding Dover Fastrack from DfT ZEBRA. Without ZEBRA this new service would move forward with diesel buses and not meet the ambitions for Fastrack to become a net zero operation.

3. Let the bus operators resolve the charging infrastructure. Due to the implementation costs and timescales involved. As contracted services, it is vital that the transference of charging equipment is possible in the future. The infrastructure also represents future revenue opportunities for KCC.

4. Retain the existing bus shelter. The shelters are the 'shop window' of Fastrack and must be a continuation of the premium brand. The existing infrastructure is reaching the end of its useful life and furthermore, a preferred supplier needs to be identified for new shelters as the network expands, particularly in new developments where KCC commonly receives the funding directly to implement new shelters.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

.....  
signed

.....  
date

**From: David Brazier, Cabinet Member for Highways & Transport**

**Simon Jones, Corporate Director Growth, Environment & Transport**

**To: Environment & Transport Cabinet Committee - 8<sup>th</sup> September 2022**

**Subject: Moving Traffic Enforcement**

**Key decision: 22/00085**

**Classification: Unrestricted**

**Past Pathway of report:** Previously reported to ETCC 7<sup>th</sup> July 2022 (verbal update by Cabinet Member for Highways & Transport)

**Future Pathway of report:** For Cabinet Member Decision

**Electoral Division:** Kent wide

**Summary:** This report provides:

- An update on the progress made to date in securing the powers to enable KCC to enforce against moving traffic offences.
- A review of the review of public feedback and the actions taken.
- A summary of the work undertaken in the lead up to commissioning the new Moving Traffic Enforcement contract and options considered.
- Financial and legal implications of setting up and procuring this service.

**Recommendation(s):**

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways & Transport to provide the Corporate Director of Growth, Environment and Transport with the delegated authority to enter into appropriate contractual arrangements for the provision of the Traffic Management Act 2004 Part 6 - Moving Traffic Enforcement contract, including any possible future extensions as shown at Appendix A.

**1. Introduction**

- 1.1 As the Local Transport & Highway Authority, Kent County Council has a statutory duty to ensure the effective discharge of the 2004 Traffic Management Act (TMA), which entails a duty of care to help ensure safe passage for all road users and secure the provision of public passenger transport services within the county which would not be met without financial input from KCC.
- 1.2 Part 6 of the Traffic Management Act allows the highway network to be more effectively managed by the Highway Authority, allowing the civil enforcement of a variety of moving traffic contraventions in line with national standards. Enforcing

these regulations aims to improve road safety, pollution levels, journey time reliability and public realms in locations with low compliance.

- 1.3 Despite the 2004 Act now being 18 years old, the legislation has never been introduced to Parliament and until recently these moving traffic contraventions could only be enforced by the police under criminal law. In September 2020, the Department for Transport (DfT) announced that they would be fully enacting the remaining elements of the Traffic Management Act, which grants enforcement powers to Local Highway Authorities under civil law.
- 1.4 On 20<sup>th</sup> May 2022 KCC formally applied to the Secretary of State for these powers. The DfT has confirmed that KCC will be in the first tranche of Local Authorities to be granted these powers. The application confirmed the support of Kent Police and the undertaking of an 8-week public engagement exercise to inform the public of KCC's intention and publicise the first sites being considered for civil enforcement.
- 1.5 The Designation Order was granted by parliament on 15<sup>th</sup> July 2022. KCC are now legally able to enforce moving traffic contraventions such as:
  - Driving through a 'No Entry' sign
  - Turning left or right when instructed not to do so
  - Entering yellow box junctions when your exit is not clear
  - Driving where motor vehicles are prohibited
  - Driving on routes for buses only
- 1.6 This will be achieved using the latest Automatic Number Plate Recognition (ANPR) camera technology, approved by the Vehicle Certification Agency. When the contract is in place, KCC will be able to manage and improve the road network to deliver the key objectives of:
  - Improving road safety
  - Reducing network congestion
  - Increasing public transport reliability
  - Improving Air Quality
  - Increasing the lifespan of highway assets

## **2. Public Engagement**

- 2.1 KCC has undertaken public engagement through the Let's Talk Kent consultation website over an 8-week period between 15<sup>th</sup> March and 9<sup>th</sup> May 2022. The public engagement included the following:
  - An introduction to the proposal and background information, setting out the rationale for, and benefits of, moving traffic enforcement
  - Site specific details for each of the 7 sites that KCC is proposing to take forward in the 1<sup>st</sup> tranche, including a location plan, photos of the current layout, and an explanation of why further enforcement is required and what it will achieve
  - The list of signs the DfT has approved for civil enforcement
  - Frequently asked questions
  - A timeline showing indicative key dates and deadlines
  - A questionnaire to allow the public to express general concerns or comments in relation to any of the 1<sup>st</sup> tranche sites

- 2.2 In order to reach as wide an audience as possible adverts were placed in the local press, posters were put up in libraries and Kent Gateways, and social media messages were posted.
- 2.3 Over 23,000 people visited the website, and 682 people completed the questionnaire resulting in over 1,600 separate comments. The public engagement has shown that 65% of respondents agreed that using ANPR cameras for enforcement at these sites will be beneficial. This gives a clear message to KCC to take on enforcement powers to reduce traffic congestion in towns and cities and manage the road network.
- 2.4 The comments raised through the public engagement period have proved vital in taking appropriate steps to resolve any concerns and objections to the proposals. All seven of the 1<sup>st</sup> tranche sites have been altered in response to comments made.

**3 Timescale**

- 3.1 KCC are currently in an excellent position as the designation order has been granted. However, because the service has not yet been mobilised, we are unable to deliver to the full extent. It is therefore critical to procure the service at the earliest opportunity.
- 3.2 The following table outlines the steps required to enable enforcement of moving traffic offences from 1<sup>st</sup> April 2023:

<b>Activity</b>	<b>Date</b>
<b>Delegated Authority granted</b>	8 <sup>th</sup> September 2022
<b>Procurement commences (Issue of Selection Questionnaire - SQ)</b>	September 2022
<b>SQ evaluation, moderation, and reporting</b>	October 2022
<b>Issue tender documents</b>	October 2022
<b>Tender document return</b>	December 2022
<b>Complete tender evaluation/moderation</b>	December 2022
<b>Negotiation period</b>	January 2023
<b>Evaluation</b>	February 2023
<b>Award Report signed</b>	February 2023
<b>Issue Award Letter</b>	March 2023
<b>Standstill period</b>	March 2023
<b>Contract mobilisation</b>	March 2023
<b>Service Commencement Date</b>	April 2023

- 3.3 By following this timeline KCC will be one of the first Local Authorities in England to enforce moving traffic offences: vital in fulfilling the statutory obligations of the Traffic Management Act and keeping KCC at the forefront of national transport innovation.

## **4 Path to Procurement**

- 4.1 KCC have no existing contracts in place that give access to the necessary hardware (certified enforcement cameras) and processing infrastructure (back-office software) for Moving Traffic Enforcement and any resultant Penalty Charge Notices (PCN). A new service provision is therefore needed to deliver the statutory requirements of the Traffic Management Act 2004.
- 4.2 The required enforcement system can be broadly divided into three component parts:
- Hardware - Vehicle ANPR camera system
  - Back-office software for processing contraventions and issuing PCNs
  - Debt recovery (UK and Foreign registered vehicles)
- 4.3 KCC has undertaken a thorough market engagement exercise which confirmed the feasibility of two approaches to the infrastructure's procurement:
1. The end-to-end solution from a single provider.
  2. Segmenting the system components into three separate delivery packages.

The market leaders claim that the component parts are capable of interacting directly with other suppliers' equipment and systems. While this is accepted at face value, there is a considerable degree of risk related to system failures or linking issues. The boundaries of responsibility would be unclear and unmanageable for a total service, no matter how it was constructed. The procurement of the component parts of a system can be made separately, but KCC do not have the appropriately trained and technically experienced officers to link and operate these components. Once a Supplier is on board, engagement with ICT would take place to discuss the implications of a new system e.g., hosting a payment portal on kent.gov.uk, and the relevant security certificates required to ensure this can happen securely.

- 4.4 The market leaders have stated that an end-to-end service solution would be well within their capability, negating any risk to KCC of system failures. The tender process will be undertaken to commission a single service provider.
- 4.5 The anticipated value for this contract over a 5-year initial term is £4m. This exceeds the PCR threshold for Services, and it is therefore intended to use a Competitive Procedure with Negotiation. This process will enable KCC to down-select candidates based on the suitability, capacity, and capability to deliver the required Works, as well as give KCC the opportunity to negotiate tenders if required.
- 4.6 Following authorisation from the ETCC, the chosen supplier will be ready to begin enforcement on site in April 2023.

## **5 Financial Implications**

- 5.1 An initial outlay is required to cover the purchase of the enforcement system for the 1<sup>st</sup> tranche of sites, and £200k has been secured for this from the Kent Lane Rental scheme. Any future operation of enforcement is proposed to run at no cost

to KCC: the DfT have dictated that the income generated by the issuing of PCNs should cover the operational costs of the business in the first instance.

5.2 In line with strict government guidance, should there be any surplus once the operational costs have been met this will be used for highway improvement projects. This funding will only be granted to projects that that help achieve one of the following objectives:

- improve road safety
- tackle network congestion
- increase public transport reliability
- improve air quality
- increase lifespan of highway assets

5.3 A potential financial risk to KCC is if the system is subject to a failure. It is within the Supplier's interest to resolve the issue as soon as possible as any down time of the system directly impacts the supplier's revenue. There will be Key Performance Indicators (KPIs) in place with repercussions for noncompliance. If there was a back-office system failure, the system would 'hold' the capture of possible contraventions which would then appear in a queue once the system was live again. Potential power supply loss or communications issues would be dealt with by working with the relevant companies to ensure they restore any loss of service within the regulatory timescales.

5.4 The table in confideappendix 1 illustrates the costs, income and overheads associated with the service delivery. As the legislation and service is new, there has been minimal actual comparative figures to base this on, and therefore we have taken a conservative approach to ensure minimal financial risk.

## **6 Legal implications**

6.1 As the legislative powers are being transferred from criminal law to civil law KCC has sought legal counsel.

6.2 The award of any contracts will be in full compliance with all relevant procurement and governance regulations. Legal advice in consultation with the Office of General Counsel has been commissioned to review the framework procedures and the terms and conditions that will govern future schemes.

## **7 Equalities implications**

7.1 An EqIA has been undertaken and has highlighted some negative impacts, resulting in subsequent mitigation action being taken around IT during the public engagement exercise by providing information in a wide range of formats, and with an option to request text in other languages. Issues around paying online and suitable alternatives will be addressed with the Supplier. Positive impacts have also been noted, such as more reliable journey times for vulnerable groups – particularly by public transport.

## **8 Data Protection implications**

- 8.1 Ongoing detailed dialogue is in progress regarding the safeguarding of personal data under the GDPR tailored by the Data Protection Act 2018. CCTV technology is used to gather the required evidence to issue a Penalty Charge Notice to a Driver: this process is strictly regulated and specified by the DfT.

The specific CCTV image capturing technology permitted for this enforcement is also a strictly regulated market by the Driver and Vehicle Standards Agency (DVSA). While the CCTV is always on, it does not record general daily activities at each site. A recording is only started (for the purposes of PCN evidence packs) when the technology is pre-programmed to detect a vehicle performing an illegal manoeuvre.

## **9 Other corporate implications**

- 9.1 There are no implications from this project on other areas of the Council's work.

## **10 Governance**

- 10.1 The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways & Transport to provide the Corporate Director of Growth, Environment and Transport with the delegated authority to enter into appropriate contractual arrangements for the provision of the Traffic Management Act 2004 Part 6 - Moving Traffic Enforcement contract, including any possible future extensions.

## **11 Conclusions**

- 11.1 KCC has been designated the powers to enforce moving traffic contraventions under civil law. Market engagement has shown that an end-to-end package minimises the risk to KCC and fully delivers the required service on street. Procurement of the service is now required, and the Cabinet Member is asked to delegate authority to the Corporate Director of Growth, Environment and Transport to enter into the necessary legal documents to establish a contract.

## **12 Recommendation(s)**

### **Recommendation(s):**

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Highways & Transport to provide the Corporate Director of Growth, Environment and Transport the delegated authority to enter into appropriate contractual arrangements for the provision of the Moving Traffic Enforcement contract, including any possible future extensions as shown at Appendix A.

## **13. Appendices**

- 13.1 Appendix A – Proposed Record of Decision

- 13.2 Appendix B – Equality Impact Assessment:

<https://democracy.kent.gov.uk/documents/s113353/TrafficManagementAct2004Part6EqlA.docx.pdf>



## Contact details

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

David Brazier, Cabinet Member for Highways & Transport

**DECISION NO:**

22/00085

**For publication**

**Key decision: YES**

**Subject Matter / Title of Decision: Moving Traffic Enforcement**

**Decision:**

As Cabinet Member for Highways and Transportation, I agree to provide the Corporate Director of Growth, Environment and Transport with the delegated authority to enter into appropriate contractual arrangements for the provision of the Traffic Management Act 2004 Part 6 - Moving Traffic Enforcement contract, including any possible future extensions.

**Reason(s) for decision:**

As the Local Transport & Highway Authority, Kent County Council has a statutory duty to ensure the effective discharge of the 2004 Traffic Management Act (TMA), which entails a duty of care to help ensure safe passage for all road users and secure the provision of public passenger transport services within the county which would not be met without financial input from KCC. Part 6 of the Traffic Management Act allows the highway network to be more effectively managed by the Highway Authority, allowing the civil enforcement of a variety of moving traffic contraventions in line with national standards. Enforcing these regulations aims to improve road safety, pollution levels, journey time reliability and public realms in locations with low compliance.

**Cabinet Committee recommendations and other consultation:**

Previously reported to ETCC 7<sup>th</sup> July 2022 (verbal update by Cabinet Member for Highways & Transport)

KCC has undertaken public engagement through the Let's Talk Kent consultation website over an 8-week period between 15<sup>th</sup> March and 9<sup>th</sup> May 2022.

The proposed decision is being discussed by members of the Environment and Transport Cabinet Committee on 8<sup>th</sup> September 2022.

**Any alternatives considered and rejected:**

o Do nothing

If KCC do not undertake the procurement exercise to enter a contractual arrangement with a CCTV supplier and enforcement partner, it will not be fulfilling the statutory obligations of the 2004 Traffic Management Act to better manage vehicles on its road network. Doing nothing would vastly reduce the tools available to KCC to improve safety, tackle congestion, improve public transport etc.

o Do minimum

This scenario would mean KCC undertaking a procurement exercise to enter into a contractual arrangement with a CCTV supplier and enforcement partner for only the 7 sites submitted in the DfT application process, and not expanding the number of sites enforced beyond that. It is felt that this option does not conform with the DfT's rationale for the implementation of Part 6 of the TMA. It would not meet KCC's strategic aims to drive improvements across the whole of the Kent road network. KCC would not be making good use of all available tools to manage the network effectively. The impact of this would be an ongoing back-office system which may not be financially sustainable.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

.....  
signed

.....  
date

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**From:** Susan Carey – Cabinet Member for Environment  
Simon Jones, Corporate Director for Growth, Environment and Transport

**To:** Environment and Transport Cabinet Committee – 8 September 2022

**Decision No:** 22/00087

**Subject:** Kent Minerals and Waste Local Plan 2023-38 and Kent Minerals Sites Plan Update: Timetable and a Mandate for Public Consultation

**Classification:** Unrestricted

**Past Pathway of Paper:** N/A

**Future Pathway of Paper:** N/A

**Electoral Division:** Countywide

**Summary:** The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent. To this end, the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Full Council in July 2016 with some limited changes adopted in 2020. The Kent Minerals and Waste Local Plan contains planning policies relating to minerals supply and waste management against which planning applications for these types of development are assessed.

Plan making is a cyclical process. A statutory five-year review of the Kent Minerals and Waste Local Plan was completed in 2021 and consultation on changes to the Local Plan arising from the review took place between December 2021 and February 2022. In light of these comments, it is proposed that the updated Kent Minerals and Waste Local Plan now plans for a 15-year period between 2023 and 2038. This is consistent with national policy requirements. Proposed changes to the Kent Minerals and Waste Local Plan policy and its explanatory text have been prepared for consideration by Environment and Transport Cabinet Committee, prior to public consultation, which take account of the new plan period and other comments received during the consultation earlier this year.

Monitoring data shows that additional crushed rock reserves need to be identified to ensure the Kent Minerals and Waste Local Plan facilitates a steady and adequate supply of aggregates over the proposed extended period to 2038. An update to the Minerals Sites Plan, that includes allocations of land suitable for aggregate extraction, is now therefore required. A draft methodology for the selection of suitable sites is proposed as well as a 'Call for Sites' inviting nominations of land that offer opportunities for extraction of crushed rock.

The updated Kent Minerals and Waste Local Plan 2023-38 is set out in Appendix 2 and the Site Selection Methodology is set out in Appendix 5. A Sustainability Appraisal for the changes to the Kent Minerals and Waste Local Plan is included in Appendix 4. Updated timetables relating to the Kent Minerals and Waste Local Plan 2023-38 and the Minerals Site Plan have been prepared and are set in a proposed revision to the Council's Minerals and Waste Local Development Scheme included in Appendix 3.

**Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member responsible for the Minerals and Waste Local Plan in respect of her decision to:

- (i) Approve and publish for public consultation a draft updated Kent Minerals and Waste Local Plan covering the period 2023 – 2038 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (ii) prepare an update of the Mineral Sites Plan for Kent in respect of (hard) rock;
- (iii) undertake a 'Call for Sites' to support the Minerals Sites Plan work;
- (iv) agree timetables for preparation of the Kent Minerals and Waste Local Plan 2023-38 and updated Kent Minerals Sites Plan to be published in a revised Minerals and Waste Local Development Scheme;
- (v) agree the draft Site Selection Methodology to be used in assessing the suitability of sites for publication for consultation; and
- (vi) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2023-2038 and the Site Selection Methodology in consultation with the Cabinet Member for Environment prior to their publication for consultation

The proposed Record of Decision is appended at Appendix A.

## **1 Introduction and Background**

- 1.1 As the minerals and waste planning authority for Kent, the County Council is required to prepare and maintain planning policy concerning waste management and minerals supply in the County. The Kent Minerals and Waste Local Plan 2013-30 was adopted by the Council in July 2016 and sets out the strategy and policy framework for minerals and waste development in Kent which includes future capacity and supply requirements. The Kent Minerals and Waste Local Plan forms part of the Development Plan for Kent and is a key policy document both for the determination of planning applications for minerals and waste development by the County Council, and applications relating to other development that may affect minerals and waste



development or other aspects determined by the Kent District and Borough Councils.

- 1.2 Following its adoption, the Kent Minerals and Waste Local Plan was subject to an 'Early Partial Review' and changes resulting from this review were adopted by the Council in September 2020. Also in September 2020, the Council adopted a Minerals Sites Plan which allocates three areas of land suitable for development associated with the extraction of sand and gravel.
- 1.3 The National Planning Policy Framework (NPPF) (and legislation<sup>1</sup>) states policies in Local Plans should be reviewed at least once every five years to assess whether they need updating and should then be updated as necessary.
- 1.4 A review of the Vision, Strategic Objectives and policies in the Kent Minerals and Waste Local Plan was undertaken in 2021 that concluded a need for updates to the Plan in response to relevant Government policy and legislation published since the Plan was adopted in 2016. The review also identified changes to the local context requiring further updates to be made.
- 1.5 The process of updating the Plan needs to follow that set out in the Planning and Compulsory Purchase Act 2004 and associated plan making regulations<sup>2</sup> as well as the National Planning Policy Framework and Planning Practice Guidance. This includes updating the Kent Minerals and Waste Local Plan in accordance with a timetable published in the Minerals and Waste Local Development Scheme. A timetable for updating the Kent Minerals and Waste Local Plan was considered by Environment and Transport Cabinet Committee at its meeting on 3 November 2021 and agreed by the Cabinet Member for Environment. The revised timetable was published in a revised Minerals and Waste Local Development Scheme.
- 1.6 The Cabinet Committee also resolved to endorse the decision of the Cabinet Member to undertake public consultation on proposed changes to the Kent Minerals and Waste Local Plan. The public consultation, which took place in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, occurred for a period of eight weeks between 16 December 2021 and 9 February 2022. The consultation provided an opportunity for stakeholders and communities to comment on the Council's draft proposals for updates to the Kent Minerals and Waste Local Plan. At the same time consultees were able to comment on whether changes to other parts of the Plan, not identified by the review, were needed. The outcome of the consultation and actions proposed in light of the comments received are discussed in outline below.

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<sup>1</sup> Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

<sup>2</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

## 2 Outcome of Consultation on Updates to Kent Minerals and Waste Local Plan

- 2.1 The Regulation 18 public consultation was launched using the County Council's consultation hub which notified over 5,000 members of the public who have registered an interest in environmental and planning consultations undertaken by the Council. Statutory consultees interested stakeholders and minerals and waste organisations were also notified of the consultation directly. The responses received were generally supportive of the proposed approach, particularly in relation to the proposed changes to the Objectives and Vision, the measures to mitigate and adapt to climate change and greater measures to support biodiversity net gain.
- 2.2 183 comments were received on the proposed updates to the Kent Minerals and Waste Local Plan 2013-30 from a wide range of stakeholders including:
- Individuals;
  - district and borough councils;
  - parish councils;
  - statutory environment bodies;
  - the waste and minerals industry; and,
  - other stakeholder groups and organisations.
- 2.3 A detailed analysis of the comments received is set out in Appendix 1 but the main areas of comment were as follows:

### *General*

- The draft refreshed Kent Minerals and Waste Local Plan does not plan for a fifteen-year period as required by the National Planning Policy Framework;

### *Minerals*

- the existing policy allocating a strategic minerals site in the form of a cement works and associated chalk reserve at Holborough should be deleted as this is not justified, due to a lack of need for the facility, and is inconsistent with national policy including on Green Belt;
- planning permission for the allocated strategic minerals site (see above) has been implemented and so the site should be safeguarded;
- calculation of future requirements for soft sand is flawed resulting in under provision because:
  - o Planned housing growth not taken into account;
  - o abnormal low sales years due to Brexit and Covid and demand from areas beyond Kent were not taken into account; and,

- the site allocated in the Minerals Sites Plan for soft sand will not be developed during the Plan period.
- additional provision for crushed rock should be made as future requirements for crushed rock are higher than forecast and cannot be met from existing sites. The plan should consider that the extracted crushed rock is of differing quality and cannot all be used for 'premium' uses;
- extraction of hydrocarbons should not be allowed as it is inconsistent with the climate change agenda;

### *Waste*

- Changes to policy encouraging development to be consistent with achieving a 'circular economy'<sup>3</sup> place onerous burdens on developers which will make new development unviable;
- changes should be consistent with emerging revised Kent Waste Disposal Strategy;
- new sites to manage household waste should be allocated in a Waste Local Plan
- there is uncertainty over new regulations affecting recycling;
- clarity required regarding management of waste at Dungeness;
- management of radioactive waste at Dungeness risks impacts on human health and the environment. This policy change requires a Habitats Regulations Assessment;

### *Development Management*

- Updated policy concerning Biodiversity Net Gain should be more ambitious (require at least 20% instead of 10%) and guidance should be provided setting out how requirements will be met;

2.4 The schedule of comments in Appendix 1 also sets out a proposed response to the comments received including where changes to the Kent Minerals and Waste Local Plan are proposed. The details of the proposed changes to the Kent Minerals and Waste Local Plan are shown in an updated draft Kent Minerals and Waste Local Plan document that is included as Appendix 2. A clean copy of the draft Kent Minerals and Waste Local Plan document showing the impact of the proposed changes is included as Appendix 2A.

2.5 Following comments received about how the draft refreshed Kent Minerals and Waste Local Plan is not consistent with national policy because it does not cover a 15-year period, legal advice was obtained that confirmed the need to extend the period of the Local Plan. It is proposed that the updated Kent Minerals and Waste Local Plan will now in effect be a replacement plan, rather than a refreshed plan, with a period covering 2023 to 2038. As this is a

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<sup>3</sup> A circular economy is an alternative to a traditional linear economy (make, use, dispose) in which resources are kept in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life.

significant change to the Local Plan, it is not considered possible to make robust recommendations regarding the final text of the Kent Minerals and Waste Local Plan before undertaking further public consultation in accordance with Regulation 18 of the plan making Regulations. This additional consultation step will allow comments on whether updates to other parts of the Kent Minerals and Waste Local Plan are needed to ensure it remains relevant to 2038. In light of this, a revision to the timetable, included in an update to the Kent Minerals and Waste Local Development Scheme, as set out in Appendix 3, is proposed. This is considered further below.

- 2.6 To ensure the Kent Minerals and Waste Local Plan makes adequate provision for the management of waste and supply of minerals between 2023 and 2038, assessment of the need for new facilities has been completed which concludes:
- Although new waste management targets are proposed for 2035/36 and 2040/41, these targets could be met by existing facilities including extensions to such facilities; and,
  - for minerals other than crushed rock (hard rock), there is no need to allocate additional sites to ensure supply at this time. These minerals will be subject to ongoing monitoring as part of the plan making process.
- 2.7 With regard to crushed (hard) rock, the Kent Minerals and Waste Local Plan expects a 'landbank' of ten years to be maintained throughout the plan period. This means a ten years supply to be provided in 2038 at the end of the plan period to be consistent with national policy requirements<sup>4</sup>. Current reserves are only forecast to last until 2030 and so new reserves of approximately 6.182mt (million tonnes) now need to be identified in the form of an allocation(s) in the Minerals Sites Plan. The process of preparing an updated Minerals Sites Plan to include this allocation(s) is considered below.
- 2.8 With regard to the proposal in the draft refreshed Kent Minerals and Waste Local Plan to require a minimum 10% biodiversity net gain (BNG) from new development (Policy DM3), the Kent Nature Partnership commented that it is seeking inclusion of a minimum 20% target in all Local Plans in Kent. In response, a change to Policy DM3 is proposed that instead seeks the achievement of maximum biodiversity net gain on the basis that restoration of quarries can often easily result in much greater biodiversity net gain than 20% and including such a target of 20% may mean the full potential is not realised. Guidance, in the form of a Supplementary Planning Document, on how the requirement for biodiversity net gain will be implemented is also proposed in response to comments.
- 2.9 Changes to Policy CSW17 relating to management of waste at the Dungeness Nuclear Estate have been proposed to ensure that the policy is consistent with relevant national policy and guidance for the management of waste and the

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<sup>4</sup> Paragraph 213 of the National Planning Policy Framework

protection of the environment. As the Dungeness Nuclear Estate is located in an area of statutorily protected internationally and nationally important habitats, in accordance with the Habitats Regulations 2017 (as amended), it has been necessary to assess how the proposed change to Policy CSW17 (concerning management and deposition of waste at the estate) might impact on these habitats due to development allowed for by the updated policy.

- 2.10 The related 'Habitats Regulations Assessment' has concluded that there would be a risk of an adverse effect on the integrity of the Dungeness SAC, SPA (and Ramsar site) and their qualifying features, if as a result of the additional opportunities for the importation of wastes for treatment and disposal, allowed under Policy CSW17, either alone or in combination with other de-commissioning operations taking place at the same time, was to result in an increase of 1% or more of the critical loads or critical levels for air pollutants. In addition, the 'Assessment' concluded that the emerging policy was unlikely to have an adverse effect on the integrity of the Special Protection Area (SPA) and the populations of its qualifying bird species as a result of noise or visual disturbance. However, it noted that birds are mobile species and also that habitats can change over time and the current distribution cannot be relied upon throughout the whole plan period. It was therefore recommended that to satisfy the Council's legal duties under the Habitats Regulations, that further evidence is provided at planning application stage. This requires that up-to-date data should be provided on the number and distribution of qualifying bird species and that a current baseline at the start of the period covered by the Kent Mineral and Waste Local Plan be established and updated with regular monitoring programmes of both vehicle movements to and from the Dungeness nuclear sites and of air quality (including monitoring for ammonia NH<sub>3</sub>, nitrous oxide NO<sub>x</sub> and sulphur dioxide SO<sub>2</sub>).
- 2.11 The emerging Policy CSW17 and its explanatory text has therefore been further revised to address these risks.
- 2.12 Legislation requires that an independent 'Sustainability Appraisal' of draft planning policy is undertaken that determines the likely social, economic, and environmental effects of the policies and makes recommendations for changes. A draft 'appraisal framework' that takes account of baseline conditions as well as other relevant plans, programmes, and policies which development should take account of, in the form of a 'Scoping Report', was also published for consultation. In light of comments received changes to the framework were made and a draft Sustainability Appraisal of the draft Kent Minerals and Waste Local Plan 2023-38 has been prepared. This is included as Appendix 4. A Non-Technical Summary of the Sustainability Appraisal is available as Appendix 4A.

### **3 Update to the Kent Mineral Sites Plan**

- 3.1 The current Kent Minerals Sites Plan was adopted in 2020 and includes two allocations for working sharp sand and gravel and one for soft sand. For the reason set out above (paragraphs 2.2 and 2.6-2.7) an update is proposed to include allocation(s) for the working of hard rock.
- 3.2 Preparation of the update to the Kent Mineral Sites Plan is proposed to take place in accordance with the timetable set out in the proposed update to the Kent Minerals and Waste Local Development Scheme (see below and Appendix 3). The key stages involved in identifying suitable new site(s) are follows:
- Call for Sites
  - Initial assessment of nominated sites
  - Consultation on Site Options (Regulation 18) which allows a short list of potential sites to be identified
  - Detailed technical assessment of site options on the short list, including Sustainability Appraisal. This assessment process identifies suitable sites for potential allocation in the updated Minerals Sites Plan.
- 3.3 This process follows that used to identify sites in the adopted Kent Mineral Sites Plan and is set out in more detail in a draft Site Selection Methodology that is included as Appendix 5. A Scoping Report for the Mineral Site Plan's Sustainability Appraisal is included at Appendix 7 and will form part of the documents for public consultation.
- 3.4 The 'Call for Sites' will involve inviting landowners, operators, and other interested parties to nominate sites which they consider suitable for mineral (in this case hard rock) extraction. Nominated sites would then be assessed for their suitability against criteria relating to the likely impacts that would arise from development in that location.

#### **4. Update to the Minerals and Waste Local Development Scheme**

- 4.1 In order to reduce the resource implications of updating the Mineral Sites Plan, it is proposed that the later stages of preparing the Mineral Sites Plan and the Kent Minerals and Waste Local Plan 2023-38 take place in parallel with each other. The table below shows the new proposed timetables alongside the original timetable for making changes to the Kent Minerals and Waste Plan.
- 4.2 The timetable is proposed to be extended to take account of the additional public consultation associated with extending the Plan period and the need for a call for sites for potential allocation and their consequential appraisal for the Mineral Sites Plan. The prescriptive stages in the plan making process and the necessary governance steps which require Full Council approval to submit the plan for independent examination and for adoption need to be reflective in the updated Local Development Scheme.

<b>Stages</b>	<b>Current KMWLP 2013-30 Update, Local Development Scheme, November 2021</b>	<b>Proposed Dates for KMWLP 2023-38</b>	<b>Proposed Mineral Sites Plan Update</b>
<b>Consultation on draft updated policy (Reg 18)</b>	<i>November 2021-January 2022 (completed)</i>	-	-
<b>Consultation on draft (Regulation 18) KMWLP 2023-38 / Call for Sites</b>	-	October 2022 – November 2022	October 2022 – November 2022
<b>Initial assessment of nominated sites</b>	<i>N/A</i>	<i>N/A</i>	December 2022 – February 2023
<b>Consultation on Site Options (Reg 18)</b>	<i>N/A</i>	<i>N/A</i>	April – June 2023
<b>Detailed technical assessment of options and identification of suitable sites for publication (see below)</b>	<i>N/A</i>	<i>N/A</i>	June – November 2023
<b>Publication of draft KMWLP 2023-38 / Mineral Sites Plan (Reg 19) for representations on soundness</b>	<i>June-July 2022</i>	December 2023 – February 2024	December 2023 – February 2024
<b>Submission to Secretary of State for examination</b>	<i>September 2022</i>	May 2024	May 2024
<b>Independent Examination Hearings</b>	<i>December 2022</i>	July 2024	July 2024
<b>Inspector's Report</b>	<i>February 2023</i>	November 2024	November 2024
<b>Adoption by Council</b>	<i>May 2023</i>	December 2024	December 2024

## 5. Next Steps

- 5.1 Public consultation is required on the further updates to the emerging Local Plan set out in the new draft Kent Minerals and Waste Local Plan 2023-38. To support the public consultation, a version of the draft Kent Minerals and Waste Local Plan 2023-38 has been prepared showing all the proposed changes to the current adopted Kent Minerals and Waste Local Plan as tracked (as set out in Appendix 2). A draft Sustainability Appraisal of the Kent Minerals and Waste Local Plan 2023-38 (as set out in Appendix 4) which determines its likely social, economic, and environmental effects, and makes recommendations for changes will also be published for comment.
- 5.2 As with the update to the Kent Minerals and Waste Local Plan, a 'Sustainability Appraisal' of the Kent Mineral Sites Plan is also required. A draft appraisal framework, in the form of a 'Scoping Report', to be used to support the preparation of the Mineral Sites Plan will be published for consultation alongside the Call for Sites.

- 5.3 Consultation must take place in accordance with the Council's 'Statement of Community Involvement' (SCI). The latest SCI was adopted by the Cabinet Member for Environment on 19 March 2021, following a recommendation from Environment and Transport Cabinet Committee. The SCI expects consultation in accordance with Regulation 18 to involve publication of draft documents with at least a six-week period for comments.
- 5.4 While all stakeholders will have an opportunity to comment, specific dialogue may be sought with key stakeholder groups including District and Borough Councils in Kent, neighbouring Minerals and Waste Planning Authorities, representatives from the minerals and waste operators in Kent and interested parties such as the Environment Agency, Natural England, and Historic England.
- 5.5 Comments received will be taken into account in the preparation of the Kent Minerals and Waste Local Plan 2023-38 that will be submitted to Government for independent examination into its soundness and legal compliance. Prior to its submission to Government, there will be a further opportunity for public engagement, with the Kent Minerals and Waste Local Plan 2023-38 being published for representations on its soundness and legality. The Kent Minerals and Waste Local Plan 2023-38 proposed for submission will be presented to Full Council for agreement following consideration by Environment and Transport Cabinet Committee and Cabinet.
- 5.6 In terms of the Mineral Sites Plan, all sites nominated through the Call for Sites will be initially assessed for their suitability and the details will be published for consultation with the draft Sustainability Appraisal. Following receipt of comments on the sites, detailed technical assessment will take place involving considerations such as impact on highways, landscape, and biodiversity. The detailed technical assessment will allow recommendations to be made regarding the site(s) to be allocated in the Mineral Sites Plan which will then be published for representations on its soundness and legality. Full Council will be asked to agree publication of the site(s) proposed for allocation.
- 5.7 As the process of plan making takes place, it will be necessary to monitor the Government's publication of any further updates to national planning policy. In particular the Government has signalled its intention to review the NPPF to take account of its net zero carbon emissions target and to make updates to the National Planning Policy for Waste.
- 5.8 A cross party 'Informal Members Group' (IMG) is overseeing the preparation of the Kent Minerals and Waste Local Plan 2023-38 and the updated Mineral Sites Plan. The IMG will continue to meet at key stages of the plan making process. Most recently, the IMG met to consider the proposed changes and the need to update the Mineral Sites Plan on 1 August 2022.



## **6. Financial Implications**

- 6.1 The costs of preparing the Kent Minerals and Waste Local Plan 2023-38 and updating the Mineral Sites Plan will need to be met from existing KCC budgets. The majority of the costs of the local plan work are met from the Growth and Communities Division Planning Applications budget. The balance, mainly relating to specialist advice and the independent examination will be sought from a corporate reserve.
- 6.2 There is an ongoing risk and likelihood that changes proposed to the Local Plan and preparation of the Kent Mineral Sites Plan will attract objection in response to the public consultation. The extent and nature of these will affect the financial resource required for the local plan work. These will be considered as part of the plan making process and where appropriate defended at the independent examination.

## **7. Policy Framework**

- 7.1 The Kent Minerals and Waste Local Plan delivers the Council's adopted Mineral and Waste planning strategy and is important in the determination of planning applications in Kent. A Local Plan is prepared in accordance with national planning policy and guidance, whilst providing a local perspective. Mineral and waste planning policies support and facilitate sustainable growth in Kent's economy. They also support the protection and creation of a high-quality environment, with accessible local services that reflect the community's needs.
- 7.2 The proposed draft Kent Minerals and Waste Local Plan 2023-38 takes account of changes to the County Council's corporate policies since July 2016 which are concerned with the way in which land is developed in Kent. These include the Kent Environment Strategy, the Kent and Medway Energy and Low Emissions Strategy and Kent's Plan Bee pollinator action plan.
- 7.3 It supports the County Council's strategic strategy, Framing Kent's Future 2022-2026, which sets the Council's priorities for the next 4 years. In particular, the mineral and waste Vision, Strategic Objectives and planning policies help facilitate the key strategic priorities of an Environmental Step Change and Infrastructure for Communities by supporting the delivery of sustainable growth in Kent's economy. The Kent Minerals and Waste Local Plan recognises Kent's environment as a core asset and seeks to adapt to and mitigate the impacts of climate change and assist in the delivery of net zero objectives. The proposed revised Kent Minerals and Waste Local Plan will reflect recent changes to the environmental agenda including mitigation and adaptation to Climate Change and Kent's Climate Change Statement, the Circular Economy, biodiversity, and measures to support covid recovery.

## **8. Legal Implications**

- 8.1 The County Council has a legal obligation under the Town and Country Planning legislation to prepare a statutory Development Plan. The County

Council is also required by national planning policy to ensure that local plans promote sustainable minerals and waste development. Updating the Kent Minerals and Waste Local Plan will ensure that minerals and waste development in Kent occurs in line with national planning policy.

- 8.2 There is an expectation by Government (Department for Levelling Up, Housing and Communities) that all planning authorities have an up-to-date local plan in place. Without an up to date adopted plan, there is a risk that the Secretary of State will step in as the plan making authority, reducing local accountability.
- 8.3 The process of updating planning policy must take place in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which include the requirement that public consultation takes place in accordance with Local Planning Authority's Statement of Community involvement.

## **9. Equalities implications**

- 9.1 An equality impact assessment (EQIA) has been completed and no equalities implications have been identified which arise from the updating of the Kent Minerals and Waste Local Plan or the Mineral Sites Plan. A copy of the assessment is included at Appendix 6.

## **10. Conclusion**

- 10.1 This report provides an update on the Council's minerals and waste local plan making responsibilities. It reports back on the public consultation undertaken earlier this year on a number of proposed changes to the Kent Minerals and Waste Local Plan which were drafted in light of a statutory five-year review of the current adopted Plan's effectiveness and consistency with national and local policy and local context. A new Kent Minerals and Waste Local Plan 2023-38 is proposed in light of comments received during the public consultation. This emerging Plan takes account of the requirement for planning policy to be adopted that covers a period of at least 15 years and, in light of this, an updated Minerals Sites Plan, that will identify land suitable for extraction of hard rock will also be prepared. This will ensure that a steady and adequate supply of minerals is being planned for in Kent. The updated Plans also take account of changes to Government policy and legislation and changes to the local context in Kent including adoption of local strategies relating to climate change and the environment. A revised Local Development Scheme setting out the timetable for the work is also proposed.
- 10.2 Local plan preparation needs to be carried out in accordance with the statutory plan making process which includes public consultation and engagement on the proposed updated Local Plan and its supporting evidence. Comments will be invited on the proposed changes to the Local Plan and supporting evidence as set out in the appendices to this report. As part of the preparation

of the update to the Mineral Sites Plan, interested parties will also be invited to nominate land for the extraction of hard rock which will be considered against the Kent Minerals Sites Plan Update – Draft Site Selection Methodology.

## **11. Recommendation**

The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member responsible for the Minerals and Waste Local Plan in respect of her decision to:

- (i) Approve and publish for public consultation a draft updated Kent Minerals and Waste Local Plan covering the period 2023 – 2038 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (ii) prepare an update of the Mineral Sites Plan for Kent in respect of (hard) rock;
- (iii) undertake a ‘Call for Sites’ to support the Minerals Sites Plan work;
- (iv) agree timetables for preparation of the Kent Minerals and Waste Local Plan 2023-38 and updated Kent Minerals Sites Plan to be published in a revised Minerals and Waste Local Development Scheme;
- (v) agree the draft Site Selection Methodology to be used in assessing the suitability of sites for publication for consultation; and
- (vi) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2023-2038 and the Site Selection Methodology in consultation with the Cabinet Member for Environment prior to their publication for consultation

The proposed Record of Decision is appended at Appendix A.

## **12. Contact details**

### **Lead Officer:**

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### **Lead Director:**

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### **Background documents:**

Kent Minerals and Waste Local Plan 2013-30 as amended by the Early Partial Review 2020  
Report of the 5 Year Review of the Kent Minerals Waste Local Plan, 2021

Proposed Draft Changes to the Kent Minerals Waste Local Plan, December 2021  
Kent Minerals and Waste Development Scheme, November 2021  
Kent County Council Statement of Community Involvement, 2021  
Kent Minerals and Waste Local Plan 2023-38 Habitat Regulations Assessment

- Habitats Regulations Assessment Appendix 1 - Dungeness Designated Sites Summary Information -  
<https://democracy.kent.gov.uk/documents/s113393/HabitatsRegulationsAssessmentAppendix1DungenessDesignatedSitesSummaryInformation.pdf>
- Habitats Regulations Assessment MWLP Review -  
<https://democracy.kent.gov.uk/documents/s113394/HabitatsRegulationsAssessmentMWLPReview.pdf>

Environment and Transport Cabinet Committee November 2021 – item 13

### **Appendix A:** Proposed Record of Decision

#### **Appendix 1:**

Consultation on Updates to the Kent Minerals and Waste Local Plan 2013-30 – Analysis of Comments received to Regulation 18 consultation December 2021 – February 2022

#### **Appendix 2:**

Draft Kent Minerals and Waste Local Plan 2023-38 (showing changes tracked). This shows the changes proposed to the adopted Plan in the style expected for future examination by the Planning Inspectorate.

#### **Appendix 2A**

Draft Kent Minerals and Waste Local Plan 2023-38 clean (untracked) version of the Plan is available via this link:  
<https://democracy.kent.gov.uk/documents/s113388/APPENDIX2aDraftKentMineralsandWasteLocalPlan202338.pdf>. This shows the impact of the proposed changes.

#### **Appendix 3:**

Draft Minerals and Waste Local Development Scheme (proposed revision), September 2022

#### **Appendix 4:**

Draft Sustainability Appraisal of the Draft Kent Minerals and Waste Local Plan 2023-38, August 2022:  
<https://democracy.kent.gov.uk/documents/s113414/APPENDIX4DraftSustainabilityAppraisaloftheDraftKentMineralsandWasteLocalPlan202338.pdf>

#### **Appendix 4A.**

Non-Technical Draft Sustainability Appraisal of the Draft Kent Minerals and Waste Local Plan 2023-38, August 2022  
<https://democracy.kent.gov.uk/documents/s113389/APPENDIX4aNonTechnicalSummaryoftheDraftSAoftheDraftKMWLP202338.pdf>

#### **Appendix 5:**

Kent Minerals Sites Plan Update – Draft Site Selection Methodology:  
<https://democracy.kent.gov.uk/documents/s113390/APPENDIX5KentMineralsSitesPlanUpdateDraftSiteSelectionMethodology.docx.pdf>

**Appendix 6:**

Kent Minerals and Waste Local Plan 2013-30: Proposed Changes Resulting from the 2021 Review – Equality Impact Assessment:

<https://democracy.kent.gov.uk/documents/s113391/APPENDIX6ProposedChangesResultingfromthe2021ReviewEqualityImpactAssessment.pdf>

**Appendix 7:**

Kent Minerals Site Plan - Scoping Report for Sustainability Appraisal:

<https://democracy.kent.gov.uk/documents/s113392/APPENDIX7KentMineralsSitesPlanSustainabilityAppraisalScopingReport.pdf>

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**

Susan Carey, Cabinet Member for Environment

**DECISION NO:**

22/00087

**For publication**

**Key decision: YES**

**Subject Matter / Title of Decision:** Kent Minerals and Waste Local Plan 2023-38 and Kent Minerals Sites Plan Update: Timetable and a Mandate for Public Consultation

**Decision:** As Cabinet Member for Environment, I agree to:

- (i) Approve and publish for public consultation a draft updated Kent Minerals and Waste Local Plan covering the period 2023 – 2038 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (ii) prepare an update of the Mineral Sites Plan for Kent in respect of (hard) rock;
- (iii) undertake a 'Call for Sites' to support the Minerals Sites Plan work;
- (iv) agree timetables for preparation of the Kent Minerals and Waste Local Plan 2023-38 and updated Kent Minerals Sites Plan to be published in a revised Minerals and Waste Local Development Scheme;
- (v) agree the draft Site Selection Methodology to be used in assessing the suitability of sites for publication for consultation; and
- (vi) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2023-2038 and the Site Selection Methodology in consultation with the Cabinet Member for Environment prior to their publication for consultation

**Reason(s) for decision:**

The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent as set out in the National Planning Policy Framework 2021 (NPPF) and the National Planning Policy for Waste 2014 (NPPW). This responsibility is realised through the preparation of a Local Plan, in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (The Regulations).

**Cabinet Committee recommendations and other consultation:**

The proposed decision is being discussed by Members of the Environment and Transport Cabinet Committee at their meeting on 8 September.

**Any alternatives considered and rejected:** Statutory obligation

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

.....  
signed

.....  
date





Appendix 1: Environment and Transport Cabinet Committee - 8<sup>th</sup> September 2022

Consultation on Review of the Kent Minerals and Waste Local Plan 2013-30 - Analysis of Comments received to Regulation 18 consultation December 2021 - February 2022

Ref No.	Section	Consultee	Summary of Representation	KCC Response
<b>Contents</b>				
ID18	Contents	Ebbsfleet Development Corporation	Policy CSW3 is missing from the policy list in the index.	Noted - amended accordingly.
<b>1. Introduction</b>				
ID22	1.3 The Links with Legislation, Other Policies and Strategies  Paragraph 1.3.4	Swale Borough Council	Although Environment Act 2021 identifies separate waste collections for certain waste streams if practicable, detail is yet to be agreed as the regulations have not yet been published. Co-mingled collections are likely to continue for some years to come (especially for those areas like Mid Kent who are planning new 8-year waste collection contracts in the absence of guidance from government). Carbon and financial implications of all household collected waste will need to be considered and factored in at the earliest opportunity when reviewing MRF considerations and end recycling destinations.  Support the main changes to the document that take into account the latest updates to the NPPF, legislation around the need to adapt to, and mitigate climate change and associated low carbon growth.	Through Extended Producer Responsibility (EPR) a Scheme Administrator (SA) is proposed to act on behalf of the packaging producers, this SA will pay the Collection Authorities to collect these materials, a fully co-mingled recyclable collection would likely require more processing at the Material Recycling Facility, so it may be the case that Swale BC do not get remunerated by the SA in the way those that collect a cleaner twin stream mix will. Until the Government's intentions of the consultations following up on the Resources and Waste Strategy i.e. EPR, Deposit Return Schemes (DRS) and consistency in collection are known, this won't be fully understood.
ID52	1.3 The Links with Legislation, Other Policies and Strategies  Paragraph 1.3.9	Marine Management Organisation	It could be mentioned that working with the MMO would aid with the success of the Plan. The marine and terrestrial overlap with plan boundaries could also be mentioned as well as ensuring that policies do not conflict with the marine plan.	Agree - change made
ID22	1.3 The Links with Legislation, Other Policies and Strategies  Paragraph 1.3.11	Swale Borough Council	Final sentence relating to the Kent Resource Partnership (KRP) - These issues may be discussed at this group but ultimately it is the responsibility of KCC not KRP. The two roles and the associated finances are clearly defined into the district and borough functions as the waste collection authorities and KCC as the waste disposal authority.	This is correct, the Kent Resource Partnership is intended as forum for Waste Collection Authority & Waste Disposal Authority co-operation. Change to text proposed.
ID18	1.3 The Links with Legislation, Other Policies and Strategies  Paragraph 1.3.11	Ebbsfleet Development Corporation	Welcome proposed references to Ebbsfleet Development Corporation (EDC) - diagrams need to be clear that parts of the EDC area fall within Dartford Borough's boundaries and the status of the EDC should be explained further in a footnote. For example, the EDC is not listed in the authorities list relating to safeguarding areas and there is confusion in Paragraph 1.3.11. This discusses the original Joint Municipal Waste Strategy, which was adopted by the Kent Resource Partnership (KRP). The partnership comprises 12 district/borough Councils and but does not include the EDC. If the EDC is shown on the maps and figures, its relationship between the KRP and housing delivery in the EDC area should be clarified.	Map updated to show Ebbsfleet Development Corporation (EDC) area.  The Ebbsfleet Development Corporation are not part of the Kent Resource Partnership as they are not a Waste Collection Authority.
ID14	1.3 The Links	Ashford	Incorrect to say that ' <i>Kent Resource Partnership (KRP) plans and budgets for Kent's household</i>	Agree – Kent Resource Partnership (KRP) is intended as

	with Legislation, Other Policies and Strategies  Paragraph 1.3.11	Borough Council	<i>waste so that new facilities can be built where and when they are needed.</i> This misrepresents what is conducted through KRP. The Kent authorities make a small financial contribution to run communication projects together, this in no way enables budgeting or planning for waste facilities in Kent. Therefore, this statement is fundamentally misleading and the Council consider that it should be removed.	forum for Waste Collection Authority (WCA) and Waste Disposal Authority (WDA) co-operation. Change to text proposed.
ID60	1.3 The Links with Legislation, Other Policies and Strategies  Paragraph 1.3.15	XXXXXX	The proposed year on year reduction on the percentage of landfill is a good intention but is not something that KCC or householders can influence. Householders are broadly stuck with the packaging that comes with the goods they have to purchase. To change this would require changes to national legislation.	The Plan allows for development of facilities which will divert waste from landfill. Agree national legislation has a role to play.
ID16	1.3 The Links with Legislation, Other Policies and Strategies  Paragraph 1.3.16	Dartford Borough Council	Noted that KCC, as Waste Disposal Authority, is conducting a five-year review of its Waste Disposal Strategy which is the guiding assessment of current and future infrastructure operational requirements for the ongoing management of local authority collected waste across Kent. Noted that there is a need for Household Waste Recycling Centres and other household waste management infrastructure to be reviewed by the WDA (paras 1.3.16 and 6.61).  Dartford BC is aware that KCC had considered that there was a need for a site in the Ebbsfleet area for this purpose and Dartford BC assumes that the need for this will be fully addressed as appropriate through KCC's work on reviewing its Waste Disposal Strategy and that the process of bringing forward a potential site would be taken forward via a future Waste Sites Local Plan.	Subject to the design and location of Household Waste Recycling Centres (HWRC) being consistent with the policies of the Plan, the Plan would allow such a facility to be developed.  The requirement for a Transfer Station in the Ebbsfleet Development Corporation / Dartford Borough Council area was a finding from the original Waste Disposal Strategy and pursuing this, does not rely on a review of the strategy.
ID18	1.4 The Evidence Base  Paragraph 1.4.3	Ebbsfleet Development Corporation	Newly designated Swanscombe Peninsula Site of Special Scientific Interest should now be included & the National Nature Reserve at Swanscombe.	Agree - change made to Figure 5.
ID57	1.4 The Evidence Base  Paragraph 1.4.5	XXXXXX	The words 'it was' are repeated in the first sentence – cross through the 'no-bold' words.	Noted - text amended accordingly.
ID57	1.5 Planning and Permitting Interface  Paragraph 1.5.1	XXXXXX	Change 'it's' to 'its'.	Noted - text amended accordingly.
ID57	1.5 Planning and Permitting Interface  Paragraph 1.5.2	XXXXXX	Missing space between 'the control' and 'of processes or emissions'. Missing space between 'these regimes' and 'will operate effectively'. Missing space between 'on a particular' and 'development,'.	Noted - text amended accordingly.

ID57	1.5 Planning and Permitting Interface  Paragraph 1.5.3	XXXXXX	Missing space between 'planning' and 'authorities' Missing space between 'assumption that the' and 'relevant pollution' – recommend running spellchecker/formatting following conversion of documents	Noted - text amended accordingly.
ID13	1.5 Planning and Permitting Interface  Paragraph 1.5.3	XXXXXX	<p>Paragraph 1.5.3 particularly confusing - focus seems to be on planning without consideration of whether existing methodology achieves strong action on real failures of the present system. Need to consider 'does the present system deliver acceptable results?'</p> <p>No partner organisation seems to have the right to raise issues about:</p> <ul style="list-style-type: none"> <li>- Pollution of coastal resorts caused by failure of Southern Water to clean up raw sewage disposals in times of river flood conditions. Cause concern from river users.</li> <li>- Failure to control pollution entering Stodmarsh RAMSAR and knock-on implications for district authorities that are unable to authorise the building of property on sites for which planning permission has already been granted. Has been an application (not yet granted) to develop a system that would extract pollution from the Stour at Godmersham to mitigate pollution that would be generated at a site at Blean. Such pollution control mechanism shouldn't be under control of a developer and its mitigation impact should be allocated primarily to developments on brownfield sites rather than to developments on agricultural land.</li> <li>- Failure to mitigate all types of pollution. Points above focus on water pollution &amp; worth noting that sewage, composting and landfill activities also cause significant atmospheric pollution. In April 2021, The Economist stated that 'over the course of 20 years 1 tonne of methane will warm the atmosphere about 86 times more than a tonne of CO2'. KCC should be more open about what it could achieve &amp; does achieve, with any form of methane reduction programme. Should inspire other organisations to address this problem too.</li> </ul> <p>KCC should ensure all aspects of waste are treated in a way that all forms of pollution are minimised, including working with central government, Kent universities &amp; environmental businesses to find Kent based solutions to pollution problems. E.g. producing a list of main wastes that are processed with clear and full descriptions of current processes. Should also include commodities that cannot even be treated in the UK. Market opportunity to develop a series of waste processing businesses that could expand to provide high quality waste processing businesses across the country - all waste collected in Kent should be processed in Kent and everyone should be able to find out what items are/aren't recycled.</p> <p>Kent based Trading Standards personnel could focus attention on companies that can currently state legally that their products 'are not yet recyclable'. Need for an incentive for companies to find solutions to elements of their products for which there is no ready means of recycling to reduce environmental harm. Recommend providing opportunity to work with Kent universities/businesses referred to above to find solutions &amp; naming and shaming companies that sell such products &amp; encourage a greater focus on alternative methods of production and presentation.</p> <p>Understand that at present KCC is unable to recycle products such as plastic covered paper coffee cups which are often littered, or Tetra Pak containers. Processes exist to recycle these products but are not used by KCC. If this recycling work is not to be done by KCC, why is the opportunity not made available to local businesses?</p>	<p>Matters raised are dealt with under the pollution control regime implemented by the Environment Agency.</p> <p>The Plan allows for the development of waste management facilities, and it is technology neutral to allow innovation. Wastewater management facilities are covered specifically by Policy CSW15.</p> <p>Objectives for the management of household waste in Kent, as well as achievements, are set out in paragraphs 1.3.11 to 1.3.16.</p>

			Part of the processing issue may be that the local district authorities operate such varied waste collection regimes that the waste recycling process cannot cope with the variability of delivered waste. If appropriate, KCC should take over the waste collection services provided by the individual districts, thus imposing some form of standardisation. Certainly, something needs to be done to improve the current low level of waste recycling in the county.	
			<b>2. Minerals and Waste Development in Kent - A Spatial Portrait</b>	
ID57	2.1 Introduction Paragraph 2.1.2	XXXXXX	Footnote 24 not correctly set.	Noted - text amended accordingly.
ID57	2.2 Kent's Environmental and Landscape Assets Paragraph 2.2.1	XXXXXXX	Bullet point after 'Green Belt' and before 'Ancient Woodland' – should there be a spilt and/or an extra bullet point in the italicised part of the point that starts 'species and habitats listed as ...'?	Noted - text amended accordingly.
ID13	2.2 Kent's Environmental and Landscape Assets Figure 4 - International Designations	XXXXXXX	The hatching on the Stodmarsh RAMSAR site shown in Figure 4 does not appear to match the Key.	Noted - It does, but where the site is also subject to SAC and SPA designations there are other layers of hatching which make it appear slightly different.
ID16	2.2 Kent's Environmental and Landscape Assets Figure 5 - Nationally Important Designations: Landscape	Dartford Borough Council	The newly designated Swanscombe Peninsula Site of Special Scientific Interest should now also be included, and the National Nature Reserve at Swanscombe does not seem to appear clearly on the figure.	Agree - change made
ID18	2.2 Kent's Environmental and Landscape Assets Figure 5 - Nationally Important Designations: Landscape	Ebbsfleet Development Corporation	The newly designated Swanscombe Peninsula Site of Special Scientific Interest should now also be included, and the National Nature Reserve at Swanscombe does not seem to appear clearly on the figure.	Agree - change made
ID16	2.2 Kent's Environmental	Dartford Borough	The RIGS site at Bluewater does not seem to appear clearly on the figure.	This is correctly shown on the plan.

	and Landscape Assets  Figure 7 - Local Geological Sites and Local Wildlife Sites	Council		
ID16	2.2 Kent's Environmental and Landscape Assets  Figure 11 – Biodiversity Improvement Areas	Dartford Borough Council	Greater Thames Marshes NIA – We don't think that this exists anymore, and think that the references in Figure 11, Paras 2.2.2-2.2.6, Strategic Objectives 9 and 14, and Policy DM19 should be deleted.	Noted - text amended accordingly
ID18	2.2 Kent's Environmental and Landscape Assets  Figure 11 – Biodiversity Improvement Areas	Ebbsfleet Development Corporation	Greater Thames Marshes NIA – We don't think that this exists anymore, and think that the references in Figure 11, Paras 2.2.2-2.2.6, Strategic Objectives 9 and 14, and Policy DM19 should be deleted.	Noted - text amended accordingly
ID57	2.3 Kent's Economic Mineral Resources  Paragraph 2.3.2	XXXXXX	Should 'brickearth' be 'brick earth' or 'brick-earth' or left as it is?	The term 'brickearth' is correct and has been applied correctly in the Plan.
ID18	2.4 Kent's Waste Infrastructure  Paragraph 2.4.1	Ebbsfleet Development Corporation	This paragraph say the population of Kent has fallen from 1,480,200 to 589,100 - should this say 1,589,100?	Agree - text amended accordingly
ID14	2.4 Kent's Waste Infrastructure  Paragraph 2.4.5	Ashford Borough Council	It is unclear how long facilities mentioned paragraph 2.4.5 are planned to last. Districts need to understand this including whether renewals and replacements are planned and how the County could work across the wider South East network to support need. This needs addressing within the plan.	Given these facilities have permanent planning permission they are expected to continue to contribute capacity over the life of the Plan. In any event, the policies of the Plan allow for renewal and replacement of such waste capacity subject to proposals being consistent with the policies and objectives of the Plan.  The adopted Kent Joint Municipal Waste Management

				<p>Strategy seeks to ensure that all Local Authority Collected Waste (LACW) collected in the County be managed within the County – this supports the Council's environmental ambitions to reduce its carbon footprint.</p> <p>All waste infrastructure utilised in the management of LACW is either within County and/or very close to its borders. This has been intentionally delivered by KCC's commissioning strategies to reduce haulage and to encourage investment in the Kent economy.</p>
ID57	2.4 Kent's Waste Infrastructure  Paragraph 2.4.2	XXXXXXX	Lost track of what the MWLP was - has it changed?	Noted - Propose to change the acronym of 'MWLP' in this paragraph to long hand of 'Minerals and Waste Local Plan' as there are lots of acronyms close together and this will assist in the reading of the paragraph.
ID07	2.4 Kent's Waste Infrastructure  Para 2.4.6	West Sussex County Council	Paragraph could be read as only waste arising in bordering authority areas travel in to/out of the Kent Plan area. It could be clarified to include reference to waste traveling beyond those authorities bordering Kent.	Agree - change made
ID57	2.4 Kent's Waste Infrastructure  Para 2.4.7	XXXXXXX	Missing space between 'Kent's new' and 'waste treatment'.	Noted - text amended accordingly
<b>3. Spatial Vision for Minerals and Waste in Kent</b>				
ID14	Vision	Ashford Borough Council	The proposed amendments to the 'Spatial Vision' for the Plan do not cover the vision of managing increasing levels of service infrastructure to meet growth and demands in waste and resource management. Furthermore, the plan period 2013 – 2030 (8 years) is not considered sufficient a period for such a strategic vision. It is considered that the plan should have a longer horizon and that both disposal capacity and transfer capacity should be dealt with as one function of the Waste Disposal Authority (WDA).	<p>Final disposal and transfer capacity are two distinct items serving wholly different purposes. Much of the final disposal infrastructure serves areas across and beyond Kent's borders.</p> <p>The Plan period is to be extended to cover the period to 2038.</p>
ID57	Planning for Minerals in Kent will: (6)	XXXXXXX	Replace 'and' by 'to'.	Noted - text amended accordingly
ID20	Planning for Waste in Kent will: (9)	Gravesham Borough Council	Should this refer to the maximum re-use of materials and goods rather than the maximum use of materials and goods?	Yes - text amended accordingly
ID23	Vision	Tonbridge and Malling Borough	Tonbridge and Malling Borough Council (TMBC) acknowledge the changes to the spatial vision for minerals and waste and raise no objection to them.	Noted

		Council	In relation to Duty to Cooperate (DtC), TMBC endorses changes to points 1 & 3 and supports the management of minerals and waste extending beyond Kent. It is considered that a more regional collaborative approach within the South East can only be beneficial to the sustainable management of minerals and waste.	
ID44	Spatial Vision	CPRE	Spatial Vision 6 reads: 'Facilitate the processing and use of secondary and recycled aggregates and become less reliant on land-won construction aggregates; and 11 reads: Ensure waste is managed close to its source of production.'  The processing facilities on Swanscombe Peninsula are at risk of being lost to other uses and there may be no locally suitable alternative sites. This will impact on the deliverability of the vision.	Safeguarding policy would be considered as part of any application.  It is understood the proposed London Resort development includes proposals for facilities to manage waste arising at the site. Development of the Swanscombe Peninsula is not certain.
ID07	Vision	West Sussex County Council	The amendments proposed to the Vision are supported.	Noted
ID22	Vision	Swale Borough Council.	Supports the updated environmental policies and their preamble and the proposed vision and objectives.	Noted
<b>4. Objectives for the Minerals and Waste Local Plan</b>				
ID14	Objectives	Ashford Borough Council	The objectives are not currently aligned with the spatial vision of circular economy. The objectives should be updated to address this.  With regard to the objective to minimise the production of waste, minimising waste relies on a change of culture from members of the public as well as Deposit Return Schemes (DRS) and Extended Producer Responsibility (EPR). Notwithstanding policies seeking to manage waste in a sustainable way, the reality is that due to population growth and growing housing need, waste will continue to increase and consequently must be planned for through the Local Plan process by the Waste Disposal Authority and Kent Authorities.	A general objective covering both waste and minerals has been added as follows: '4b Ensure that waste is managed and minerals are supplied in a manner which is consistent with the achievement of a more circular economy.  The Annual Monitoring Report (AMR) updates the assessment of need and this demonstrates that there is sufficient capacity for the management of waste in Kent to 2040.
ID22	Objectives	Swale Borough Council	Supports the updated environmental policies and their preamble and the proposed vision and objectives.	Noted.
ID20	Strategic Objectives for the Minerals and Waste Local Plan (4)	Gravesham Borough Council	Whilst working minerals sites may provide opportunities for education and training, Gravesham Borough Council (GBC) would question whether such sites can in the majority of cases provide safe opportunities for recreation. Is the objective actually referring to the contribution such sites may make when restored to a beneficial after-use?	Restoration of quarries may lead to recreational opportunities. Text amended to say 'and educational and recreational opportunities <b>where possible</b> '.
ID20	Strategic Objectives for the Minerals and Waste Local Plan (9)	Gravesham Borough Council	GBC questions the status of some of the documents cited above in terms of determining planning applications. GBC's understanding of the current scheme proposed under the Environment Act 2021 and currently being consulted on is that the minimum ratio of biodiversity net gain will be set at a national level through secondary legislation, with any uplift in this locally being evidence-led through the Local Plan process.  Whilst the documents referred to in Objective 9 may be material considerations within the plan-led	Objectives are intended to be broad aims and so do not set out the detail sought by this comment. The achievement of net gain will be via the implementation of Policy DM3 and Policy DM19 rather than this objective. Policy DM3 contains detail on how biodiversity net gain should be identified and evidenced and includes a new reference to guidance that will be prepared by KCC that will set out how biodiversity

			<p>process and provide the framework through which Biodiversity Net Gain and nature recovery are achieved, they will not in themselves be determinative – national policy is likely to require a minimum 10% net gain whilst any enhanced uplift locally will be subject to scrutiny through the Local Plan process.</p> <p>Objective 9 is unclear as to how an ‘overall net gain’ would be measured and against what baseline – is this baseline prior to or after mineral extraction has taken place and should it not refer to Natural England Biodiversity Metric 3.0 or its successor as the consistent means of measuring net gain?</p>	net gain will be measured and monitored. The text of the Objective has been amended to improve its meaning. The proposed guidance will reflect the awaited secondary legislation.
ID14	Objective 10	Ashford Borough Council	Objective 10 looks to industry for solutions to minimise waste and increase its re-use. This is considered contrary to objectives seeking to treat waste and recycle in Kent. There is a need to plan for required infrastructure, and partner with industry to provide solutions. All the while the objective fails to reflect this approach, there will not be adequate facilities in Kent, and materials will need to be transported further afield when current infrastructure reaches end of life.	The objective does not necessarily expect industry to provide solutions to minimise waste and increase reuse. Waste management facilities are developed by the waste management industry. The Plan provides a decision-making framework which determines which facilities are needed and where. The current wording of the objective will allow adequate facilities to come forward.
ID44	Strategic Objectives for the Minerals and Waste Local Plan (11)	CPRE	Proposed Waste Strategic Objective 11 reads: ‘Promote the management of waste close to the source of production in a sustainable manner using appropriate technology and, where applicable, innovative technology, such that net self-sufficiency is maintained throughout the plan period.’ The processing facilities on Swanscombe Peninsula are at risk of being lost to other uses and there may be no locally suitable alternative sites. This will impact on the deliverability of this strategic objective.	Safeguarding policy would be considered as part of any application to ensure that any loss in capacity is provided for elsewhere in Kent.
ID57	Strategic Objectives for the Minerals and Waste Local Plan (9)	XXXXXX	Insert hyphen between ‘after’ and ‘uses’, to match use of the phrase later in the same paragraph.	Noted - text amended accordingly
ID46	Strategic Objectives for the Minerals and Waste Local Plan (9) and (14)	High Weald AONB Unit	Supports these objectives but was not able to find them reflected in policy. It is recommended that policy DM19 utilises the wording in the objectives to give it full weight in planning decisions. It is also recommended that the Kent Nature Partnership’s recommended minimum of 20% biodiversity net gain be referenced in the policy.	Text amended to ensure that the maximum practicable biodiversity net gain is sought. Whilst the policy does not prescribe 20%, given the nature of mineral development, their restoration may deliver in excess of this.  Policies DM3 and DM19 has been amended to seek maximum biodiversity net gain and guidance will be prepared setting out how this will be implemented.
ID14	Objective 14	Ashford Borough Council	Objective 14 is supported but in reality reflects the need only to restore old sites for a different future use. What is urgently needed is an objective to deliver a new Materials Recycling Facility, preferably delivered by a Private Finance Initiative in Kent, developing sustainable transfer stations capable of household and commercial waste and potential facilities aligned with rail networks to reduce on road freight would all be more pressing than remediating current / closed sites. This needs a more holistic approach.	Subject to the design and location of a Materials Recycling Facility (MRF) being consistent with the policies of the Plan, the Plan would allow such a facility to be developed should a proposal for such a facility come forward. The plan would encourage this if it were demonstrated that such a development resulted in decreased impacts e.g. transport



				and was consistent with driving waste up the waste hierarchy.  New proposed text in paragraph 6.3.6 specifically recognises the need for a new waste transfer facility for Local Authority Collected Waste, especially to serve the Folkestone and Hythe district and the Ebbsfleet Garden City area.
ID20	Strategic Objectives for the Minerals and Waste Local Plan (14)	Gravesham Borough Council	The same points made by Gravesham BC in relation to Objective 9 apply to objective 14.	Objectives are intended to be broad aims and so do not set out the detail sought by this comment. The achievement of net gain will be via the implementation of Policy DM3 and Policy DM19 rather than this objective. Policy DM3 contains detail on how biodiversity net gain should be identified and evidenced and includes a new reference to guidance that will be prepared by KCC that will set out how biodiversity net gain will be measured and monitored. At the time of writing, regulations and further advice is awaited from Defra regarding implementation of this aspect of the Environment Act. These will inform the County Council's guidance to support the local plan policy. The text of the Objective has been amended to improve its meaning.
ID23	Objectives	Tonbridge and Malling Borough Council	Tonbridge and Malling (TMBC) note the changes to the strategic objectives and raise no objection to them.  TMBC supports insertion of low carbon modes of transport into objective 1 as well as the introduction of biodiversity net gain into objectives 4 and 9 through Nature Recovery Strategies (NRS). However, <b><u>Nature Recovery Strategies are a relatively new concept, and it is unclear how and when these will be established and managed.</u></b>  TMBC also supports the requirement to restore waste and minerals sites at the earliest opportunity in the interests of visual amenity, as set out in objectives 9 and 14.	Support noted  The Local Nature Recovery Strategy (LNRS) will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Whilst the LNRS is not expected to be a constraint to development, they will be an important source of evidence for local planning and public authorities will have a duty to "have regard" to the LNRS. At the time of writing, the secondary legislation and statutory guidance relating to LNRS that will provide the detail and instruct the commencement of their development is awaited. Additional text has been added to the Plan to reflect this.
<b>5. Delivery Strategy for Minerals</b>				
	Policy CSM2	GAL	The Hythe Formation (Limestone) is an important and distinctive aggregate forming safeguarded mineral deposit in Kent. The provision of aggregates in Kent over the plan period should be sufficient to meet the distinctive aggregate markets that exist, as required by the National Planning Policy Framework (NPPF) (2021). The available data demonstrates that there are two types of hard crushed rock that is found at Hermitage Quarry and Blaise Farm, the combined permitted reserves constitute the Kent landbank for hard crushed rock (Ragstone -Hythe Formation) in Kent.  The material available at Hermitage Quarry has a range of characteristics that enables it to meet aggregate specifications that include structural concrete products, Kentish Ragstone cut stone	Aggregate supply to ensure a steady and adequate level of provision is informed by the monitoring process as reported in the Council's Local Aggregate Assessment (LAA). Interpretation of the most current data has indicated that there will be an insufficient hard rock landbank to meet the policy requirements of the proposed new plan period (to 2023-2038). As a result, additional provision is required and a call for sites is proposed to seek possible sites for allocation. Policy CSM2 is proposed to be amended to

			masonry, rip rap armour stone, processed into single-sized aggregate for concrete specifications, and gabion stone materials, as well as lower grade materials that can be applied to more general civil engineering applications such as a Type 1 Sub-base material. The deposits available at Blaise Farm are unable to meet the higher specified aggregate (crushed rock) uses. Therefore, it is considered that the hard (crushed) rock aggregate landbank in Kent should be split into two separate landbanks to reflect the distinction between the materials which are suitable for higher specification products and uses and those which are not. Therefore, the County Council should review the hard (crushed) rock aggregate landbank objectively assessed needs in the County and make adequate provision to enable a steady and adequate provision of both distinctive markets that this important hard (crushed) rock serves into the future.	reflect this.  Discussions are ongoing to determine if there is justification to split the hard (crushed) rock landbank as suggested.
ID57	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent  Paragraph 5.2.7	XXXXXX	Missing space between 'Sharp Sand' and the '& Gravels'.	Noted - text amended accordingly.
ID57	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent  Paragraph 5.2.10	XXXXXX	Missing space between 'the additional' and 'provision that needs'. Missing space between 'supply' and 'options (including'	Noted - text amended accordingly.
ID57	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent  Paragraph 5.2.31	XXXXXXX	Suggest replacing comma by a semi-colon.	Noted - text amended accordingly.
ID57	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent  Paragraph 5.2.33	XXXXXX	Missing space between 'is located' and 'in the Weald'.	Noted - text amended accordingly.

ID07	Policy CSM 2 - Supply of Land-won Minerals in Kent	West Sussex County Council	The supporting text for the policy has been updated to provide new provision figures (summary at para 5.2.26), however the data is not then included in the policy itself, meaning the policy data is out of date and not consistent.	In the emerging plan policy, there is no longer the intention for the policy to set out the details of the landbank life and the data for specific aggregate requirements. This is because these are reviewed and changed on an annual basis via the Local Aggregate Assessment and monitoring process. Given the data in the Local Aggregate Assessment (LAA) changes annually, fixed data in policy would only be correct for the year that the Plan was prepared. The suggested approach, which requires aggregate demand to be informed by the annual Local Aggregate Assessment data, is considered more robust and informative for those using the policy.
ID10	Policy CSM 2 - Supply of Land-won Minerals in Kent	XXXXXX	<p>Referring specifically to the reported shortage of soft sand reserves, and that the current safeguarding boundary skirts south of Park Farm Quarry, which has an extant application for soft sand extraction, until 2042, and also to the south of the fields to the North of Borough Green Sandpits to the M26, which also contain extensive sand reserves, would it not make sense to extend the Mineral Safeguarding boundary North to the line of the M26.</p> <p>Makes more sense to extract sand by extending existing workings of Borough Green Sand Pit, Park Farm, and Nepicar, than to open new areas for extraction in untouched countryside elsewhere. Whilst Borough Green, Wrotham, Platt and Ightham have suffered decades of noise, dust, and traffic from mineral extraction, it is effectively only temporary with the requirements for reinstatement afterwards.</p> <p>Suggest that local residents would prefer "temporary" extraction sites for these sites than the permanent loss of Greenbelt and AONB land.</p>	<p>The Folkestone Formation that produces soft and silica (high purity) sand is already safeguarded by the adopted Kent Minerals and Waste Local Plan Policy CSM 5: Land-won Mineral Safeguarding and no changes are proposed to this safeguarding policy.</p> <p>In terms of future soft sand supply, the existing permitted reserves in the Kent quarries and the Minerals Sites Plan allocation at Chapel Farm, Lenham will ensure that a maintained landbank can be provided for the Plan period. If annual monitoring were to demonstrate that this cannot be maintained, further resources in the form of additional allocations in a reviewed Mineral Sites Plan would be considered. If planning applications were proposed on unallocated sites, these would be considered in accordance with the development plan i.e. local planning policy.</p>
ID25	Policy CSM 2 – Supply of Land won Minerals in Kent	Brett Aggregates	The 7-year landbank figure for sharp sand and gravel should be 1.89mt and not 1.83mt in paragraph 5.2.26.	The annual position on sharp sand and gravel in the County is reported in the Council's Local Aggregate Assessment. The latest calculation shows permitted reserves at the end of 2021 as 1.384mt and so this value is used in the draft updated Plan.
ID44	Policy CSM 2 – Supply of Land won Minerals in Kent	CPRE	It is unclear if any sites for clay for engineering purposes are to be brought forward.	No sites for engineering clay are being identified in the review of the Kent Minerals and Waste Local Plan 2013-30 or the update to the Minerals Sites Plan. The amount of clay reserves for engineering purposes is not subject to local or national planning policy requirements to maintain a landbank. Any sites that come forward via a planning application would be considered against national and local plan policy including Policy CSM 4: Non-identified Land-won Mineral Sites.
ID24	Policy CSM 2 – Supply of Land-	Borough Green	Policy CSM2 fails to make adequate provision for soft sand supply as it does not take into account future demand for housing and infrastructure. Without considering future demand, the plan	Provision for soft sand supply has been calculated in accordance with national policy and guidance.

	won Minerals in Kent	Sandpits Ltd	<p>becomes a monitoring tool which looks back on past trends.</p> <p>The Annual Mineral Planning Survey (December 2021) produced by the Mineral Products Association (MPA), estimates that some 3.2 – 3.8 billion tonnes of construction aggregates will be required to support growth across the UK up to 2030. There is also significant investment to be made in infrastructure projects over the coming years which will require a significant volume of construction aggregates.</p> <p>The calculation of the 3-year and ten-year averages is flawed in that the years 2019 and 2020 saw a downturn in sales due to Brexit and then the Covid-19 pandemic; this is acknowledged in the MPA's Annual Mineral Planning Survey. The survey also found an 8% increase in sales of land-won sand and gravel in the south-east between 2014 and 2019, contrary to the findings of the KMWLP review consultation. The unreliability of the 3- and 10-year averages, as well as the forecasted demand for housing and infrastructure projects means that the policy does not make adequate provision for soft sand supply. The site allocated within the Mineral Sites Plan is not expected to deliver any soft sand during the Plan period and cannot be relied upon.</p> <p>Furthermore, other mineral planning authorities (some of which are heavily constrained by landscape designations) rely on imports of land-won aggregates from Kent, this has not been taken into account.</p>	<p>The nationally applied Managed Aggregate Supply System (MASS) requires mineral planning authorities to maintain landbanks of aggregate minerals based on monitoring of sales and reserves data. This is achieved via Local Aggregate Assessment (LAA) monitoring reports that use past sales as required by the National Planning Policy Framework (NPPF). The sales returns are provided to the County Council from the mineral industry and the LAA is considered annually by the South East Aggregate Working Party (SEEAWP) - a representative group of the mineral planning authorities, the mineral industry and the Mineral Products Association.</p> <p>It is recognised that the NPPF requires consideration of “...<i>other relevant local information</i>”. This has been considered. However, any predicted future changes in demand, as in arising from high growth development projections are considered to be unreliable at this time, particularly in light of the current economic circumstances and the uncertainty of future growth patterns. Therefore, the emerging strategy is based upon the annual monitoring process to inform need. As required by the NPPF, “...<i>relevant information will be used to assess landbank requirements on an ongoing basis, and this will be kept under review through the annual production of a Local Aggregate Assessment.</i>”</p> <p>The growth scenario as predicted by the Minerals Products Association and potential aggregate need is noted. However, in terms of the amount and type of these materials, it is speculative. The Mineral Products Association's estimation of sustained UK growth in its ‘<i>Regional overview and forecasts of construction and mineral products markets in Great Britain</i>’ Spring 2022 states that the construction output forecast is +3.0% increase per annum in the South East between 2022-25.</p> <p>The Office for Budgetary Responsibility however states in their Economic and fiscal outlook in March 2022 that over the medium term:  “<i>1.15 Real GDP growth slows further to 1.8 per cent in 2023 as the rebound from pandemic related restrictions fades, the cost of living squeeze continues, some fiscal support is withdrawn, and monetary policy tightens further. Growth then recovers in 2024 to 2.1 per cent as lower energy prices drag inflation below the 2 per cent target,</i></p>
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				<p><i>supporting real incomes. Growth then settles around its potential rate of 1¾ per cent a year from 2025 onwards, while per-capita GDP growth averages just over 1½ per cent a year. The level of real GDP from 2025 is unchanged from our October forecast as we have maintained our assumption that the pandemic has led to economic scarring of 2 percent of GDP (Chart 1.4). But we have revised up the contribution to scarring of lower labour supply (due to a smaller population and lower labour force participation) from 0.8 to 1.2 percentage points and made an offsetting downward revision to the hit to productivity (see Annex C).”</i></p> <p>This forecast shows continued uncertainty of any return to higher national economic growth and casts doubt on the Mineral Planning Association’s regional growth scenario, supporting the Council’s approach to rely upon average sales data and reserve levels to plan for future mineral supply.</p>
ID44	Policy CSM 3 Strategic Site for Minerals	CPRE	<p>There is a SSSI near the northern border of the strategic site (Holborough) and a couple within the Mineral Consultation Area.</p> <p>There is no requirement for an assessment of the impact of mineral workings and associated development on these SSSI and this should be included.</p> <p>Figure 17 has a number of coloured designations not all of which are identified in the key and this is needed.</p>	<p>Planning permission for the Holborough site has been implemented and so its further development is safeguarded by policies CSM5 and DM7. Policy CSM3 has therefore been deleted although supporting text to explain the position has been retained.</p> <p>Covered by Policy DM2</p> <p>Policy CSM 3: Strategic Mineral Site is proposed to be deleted from the Plan, along with the accompanying Figure 17.</p>
ID20	Policy CSM 3: Strategic Site for Minerals	Gravesham Borough Council	<p>This site (Medway Works, Holborough) lies within the Tonbridge and Malling BC area. However, Gravesham BC has an interest in that the original planning permission was intended to facilitate the release of the Northfleet Cement Works site and other strategic development sites within the Ebbsfleet Garden City. The site is also close to the Gravesham rural area around Cobham and Luddesdown and has the potential to impact upon local people, especially in respect of traffic generation and air quality.</p> <p>Paragraph 5.2.36 states that there is no policy requirement imposed on KCC to make provision for chalk supply in Kent as there are no active plants. Paragraph 5.2.37 then goes on to say that to help future development of cement manufacture at the Medway Works, Holborough, specific reserves are ‘safeguarded’ under policy CSM3.</p> <p>However, policy CSM3 goes further than ‘safeguarding’ in that it effectively puts in place a presumption in favour of permission subject to compliance with the development plan and a limited range of criteria.</p>	<p>Comments noted and are relevant considerations had the planning permission for the site not been implemented. However, planning permission for this site has been implemented and so its further development is safeguarded by policies CSM5, DM7 and DM8. Policy CSM3 has therefore been deleted and supporting text has been included in section 5.0 to explain the position with regard to the provision of chalk for cement and the safeguarded extant implemented permission at Medway Works, Holborough.</p>

		<p>Whilst the site benefits from an extant planning permission granted by the Secretary of State in 2001, this is not in itself sufficient justification for such a policy. On this, it is noted that the site lies within the Green Belt and planning permission was only granted on the basis of the demonstration of Very Special Circumstances, which to a large extent no longer apply.</p> <p>The Very Special Circumstances relied on at the time included:</p> <ul style="list-style-type: none"> <li>• The (then) identified need for cement production capacity in the South East to offset the need for imports;</li> <li>• The need to identify a replacement for Northfleet Works with a production capacity of around 1.4 mtpa;</li> <li>• That continued chalk extraction at Eastern Quarry would undermine the delivery of the Thames Gateway planning strategy (RPG9a); and</li> <li>• The lack of reasonable alternative sites.</li> </ul> <p>The planning permission granted by the Secretary of State was time limited on the basis that the anticipated life of the works would only be 35 years. Conditions also applied an 'end date' whereby the site should have been fully restored by 2041, with cement production and chalk extraction ceasing by 2041.</p> <p>In relation to the Very Special Circumstances set out above, Northfleet Works has since ceased production and has been demolished. This has been replaced with a cement import facility with a capacity of 1 mtpa and planning permission has been granted on the remainder of the land for a Bulk Aggregates Import Terminal (BAIT) alongside extensive mixed use development. Eastern Quarry has also been released and development is on-going in terms of the creation of Ebbsfleet Garden City.</p> <p>It is difficult to see therefore how these factors could still constitute Very Special Circumstances should a fresh planning application be submitted even if the extant planning permission could be deployed as a 'fall-back' position subject to the considerations set out at paragraph 17 to the Tonbridge and Malling 2016 judgement at [2016] EWHC 2832 (Admin).</p> <p>In relation to the above, it is also worth looking at the position adopted by Blue Circle Industries (the applicant) set out in the Inspector's report on the re-opened Public Inquiry dated 16 October 2001 – see <a href="https://www.kentplanningapplications.co.uk/Planning/Display/TM/98/785">https://www.kentplanningapplications.co.uk/Planning/Display/TM/98/785</a></p> <p>Given the above and the fact that import facilities have been put in place at Northfleet, Gravesham BC would suggest that Kent CC review the strategic need for the minerals safeguarding at Holborough. Should such a review find that such a policy remains justified, thought should still be given to making it more robust by stating that any such proposal is likely to be considered inappropriate development in the Green Belt requiring the demonstration of Very Special Circumstances in line with national policy.</p> <p>Reference should also be made to changes in national policy that have occurred since permission was originally granted in 2001 and the higher environmental standards that are likely to apply.</p> <p>On this, proposed changes to air quality standards; Water Framework Directive requirements; and the introduction of Biodiversity Net Gain are likely to be relevant. Any emissions from the plant and associated traffic would also need to have regard to impacts on assets of nature conservation</p>	
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			<p>importance, including the North Downs Woodland SAC adjoining.</p> <p>It should also be noted that CSM3(1) does not reflect national policy in relation to the Kent Downs AONB in that impact of development on its setting is now material rather than just views from the AONB. Any changes to national policy in relation to AONB purposes and the weight to be accorded such landscapes as a result of the Government's response to the Glover review are also likely to be relevant – see <a href="https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response">https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response</a></p> <p>National policy on decarbonisation and the road to net zero by 2050 in terms of the Government's industrial strategy is also likely to be of relevance given the dispersed nature of the cement industry raises significant challenges in this respect – see <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/</a></p>	
ID23	Policy CSM 3: Strategic Site for Minerals	Tonbridge and Malling Borough Council	The strategic mineral site at the Medway Cement works falls within Tonbridge and Malling borough. TMBC recognise that there are no changes to the policy or supporting text. For avoidance of doubt, consider that as a strategic site, the area of the chalk mineral reserve (specific to this site) should feature on the minerals safeguarding map/proposals map.	Planning permission for this site has been implemented and so its further development is safeguarded by policies CSM5, DM7 and DM8. Policy CSM3 has therefore been deleted and supporting text has been included in section 5.0 to explain the position with regard to the provision of chalk for cement and the safeguarded extant implemented permission at Medway Works, Holborough.
ID57	5.4 Policy CSM 4: Non-identified Land-won Mineral Sites Paragraph 5.4.2	XXXXXX	Should the bold typing and the closing bracket be crossed through?	Noted - text amended accordingly
ID57	5.5 Policy CSM 5: Land-won Mineral Safeguarding Paragraph 5.5.3	XXXXXX	Missing space between 'exception' and 'is provided'.	Noted - text amended accordingly
ID44	Policy CSM 5 – Land Won Mineral Safeguarding	CPRE	<p>Paragraph 5.5.11 sets out that 'Coal, oil, and deep pennant sandstone resources are also not being safeguarded, as they are located at considerable depth underground and may potentially form extensive resources. The safeguarding of these deep underground minerals would dilute the focus of safeguarding mineral resources, access to which is more likely to be lost to built development.'</p> <p>There is a need to encourage and support the development and growth of renewable sources of energy. Resisting the extraction of fossil fuels is one means of doing this.</p>	Noted. The Plan is consistent with national policy on extraction of fossil fuels.
ID15	5.5 Policy CSM 5: Land-won Mineral	Canterbury City Council	Noted that section 5.5.12 states that Mineral Safeguarding Areas (MSAs) will be reviewed once every 5 years. From the changes shown, this is not apparent, however we have been made aware that some of the Mineral Safeguarding Areas within Canterbury District cover mineral types which	The Mineral safeguarding Areas have been updated.

	Safeguarding Paragraph 5.5.12		have been shown not to be of economic value. Ask that MSA geographies are reviewed again to ensure that only minerals which have any potential economic value are safeguarded under this policy.	
ID27	Policy CSM 5 – Land-won Mineral Safeguarding	Tarmac Cement and Lime Limited	Bullet point 2 could be amended to read “2. Mineral Consultation Areas which cover the same area as the Minerals Safeguarding Areas and a separate area adjacent to the Strategic Site for Minerals at Medway Works, Holborough as shown in Figure 17 (to which the provisions of Policy DM7 also apply).”  This would enable a stronger linking of Policy CSM 3 (Strategic Site for Minerals) with Policy DM 7 (Safeguarding Mineral Resources)	Planning permission for this site has been implemented and so its further development is safeguarded by policies CSM5 and DM7. Policy CSM3 has therefore been deleted, although supporting text to explain the position has been retained.
ID17	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots	Dover District Council	Note and support updated text relating to the Dunkirk Jetty safeguarded wharf.	Noted.
ID15	Policy CSM 6 - Safeguarded Wharves and Rail Depots	Canterbury City Council	Noted that the East Quay at Whitstable Harbour is identified as a safeguarded site under Policy CSM 6. This part of the Canterbury District is covered by policies EMP11, TCL6, TCL10 and TV5 within the adopted Canterbury District Local Plan which are currently under review as part of the development of the new Local Plan for the district.	Noted.
ID12	Policy CSM 6 - Safeguarded Wharves and Rail Depots	XXXXX	Plans are afoot at Thanet District Council to replace the berths at the port used by Brett Aggregates with a more extensive berth, which Bretts have not asked for, but which Council tax-payers have been obliged to pay for - unable to obtain clear information for the reasons of this. Local rumours, suggest that there are plans to use the facility for transport of bulk waste. Consider Ramsgate Port an unsuitable site for the management of bulk waste: it is open, windy, vulnerable to flooding, very close to housing, next to a national site of scientific interest.	The review of the Kent Minerals and Waste Local Plan does not propose any change to this site in respect of managing waste. In the event that this were to be proposed, it would be considered on its merits against planning policy and legislation. Mineral wharves in the Port are safeguarded in accordance with planning policy that is part of the adopted Kent Minerals and Waste Local Plan. There have been no national policy amendments to justify change to the safeguarding of the site.
ID54	Policy CSM 6 - Safeguarded Wharves and Rail Depots	Port of London Authority	No significant amendments are made to this policy which is supported.	Noted
ID57	5.8 Policy CSM 8: Secondary and Recycled Aggregates  Paragraph 5.8.3	XXXXX	Missing space between 'While sites with' and 'permanent consent'.	Noted - text amended accordingly
ID07	Policy CSM 9 - Building Stone in Kent	West Sussex County Council	Reference to “small scale” is being proposed to be deleted from the policy, however FN68 is not marked for deletion, which may cause confusion.	Agree - change made
ID57	Policy CSM 9 -	XXXXX	Cross through '3'.	Noted - text amended accordingly



	Building Stone in Kent			
ID45	Policy CSM 9 – Building Stone in Kent	Environment Agency	Query why restoration of minerals working sites for small scale proposals (used to maintain Kent's historic buildings) has been removed, would recommend it be retained.	Change made to ensure plan continues to be consistent with the National Planning Policy Framework. Working of stone for heritage purposes would still be permitted under the amended policy.
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.2	XXXXX	Missing space between 'quantities' and 'of unconventional'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.3	XXXXXX	Missing space between 'for' and 'a subsequent'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.5	XXXXX	Missing space between 'need' and 'to be satisfied'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.8	XXXXXX	Add in a comma or semi-colon after East Sussex.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.9	XXXXXX	Technologies is plural, so associated verb should be 'enable', not 'enables'.	Noted - text amended accordingly
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional	XXXXXX	Missing space between 'combustible' and 'is a potential'. Missed space between 'spaces of coal' and 'in coal seams'.	Noted - text amended accordingly

	Hydrocarbons Paragraph 5.10.10			
ID57	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.12	XXXXXX	Missing space between 'gas' and 'or oil'. Space missing between 'under pressure' and 'into oil from shale'.	Noted - text amended accordingly
ID57	Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons	XXXXXX	Item 3 - missing space between 'wetlands' and 'habitats'. Item 6 - missing space between 'standard' and 'and appropriate'.	Noted - text amended accordingly
ID09	Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons	XXXXXXX	Policy CSM 10 is considered incompatible with the climate emergency that has been declared by the council. Fail to see how the county can hope to reach net zero by 2050 if the policy still has a presumption in favour of granting permission for the exploration for and production of oil and gas and unconventional hydrocarbons.	The Plan is consistent with national policy on extraction of fossil fuels and fracking. National policy currently does not rule out the use of Oil, Gas and Unconventional Hydrocarbons.
ID11	Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons	XXXXXXX	Reservations about Policy CSM 10 - Planning permission should not be granted as any production of oil, gas and unconventional hydrocarbons will exacerbate climate change. There is a climate emergency which is a priority consideration.	The Plan is consistent with national policy on extraction of fossil fuels and fracking. National policy currently does not rule out the use of Oil, Gas and Unconventional Hydrocarbons.
ID19	Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons	Folkestone & Hythe District Council	Note supporting text has been updated to reflect changes to the National Planning Policy Framework on unconventional hydrocarbons. However, the policy itself remains unchanged.	Noted. The Plan is consistent with national policy on extraction of fossil fuels and fracking. National policy currently does not rule out the use of Oil, Gas and Unconventional Hydrocarbons.
ID44	Policy CSM 10 – Oil, Gas and Unconventional Hydrocarbons	CPRE	The policy and plan should reflect the government guidance which no longer supports fracking in the UK energy market. The policy should also support the encouragement of a Green Industrial Revolution by resisting the extraction of fossil fuels.	The Plan is consistent with national policy on extraction of fossil fuels and fracking. National policy currently does not rule out the use of Oil, Gas and Unconventional Hydrocarbons.
ID44	Policy CSM 11 – Prospecting for Carboniferous Limestone	CPRE	There is no specific policy approach to guide determination of an application if a prospecting consent confirms it would be financially viable to extract the underground mineral. Mining in this environmentally sensitive area would need to be very carefully undertaken to ensure minimum impact on issues such as views, landscape character, environment, tranquillity, dark skies, biodiversity and net biodiversity gain, nearby communities, traffic on roads, water supply and quality.  The British Geological Survey indicates that Carboniferous Limestone is an aquifer - a massive, well-fissured karstic limestone that gives large water supplies. With regard water supply the Environment Agency acknowledges that Kent is severely stressed. Significant development is planned for the East Kent districts which is likely to worsen the situation.	Noted. In the event that a planning application is made, development management policies would address potential impacts on views, landscape character, environment, tranquillity, dark skies, biodiversity and net biodiversity gain, nearby communities, traffic on roads, water supply and quality and any other material considerations.  Policy DM10 addresses water supply concerns. The effect of any major deep Carboniferous Limestone mine on water resources would be central to any consideration of either a local plan allocation or a planning application. The Plan does not identify such a proposal as needed to maintain

			It is unclear if the geography of the possible mining area, and surface aggregates processing facility and mine entrance remain unchanged from the 1993 plan. Clarification would be helpful.	aggregate supply at the required levels over the remaining Plan period.  The Construction Aggregates Local Plan 1993 has been superseded by the Kent Minerals and Waste Local Plan 2013-30 (as partially reviewed 2020) and the Kent Mineral Sites plan 2020. The area identified in the 1993 Plan is now of historic interest only. Whilst the geology of the Carboniferous Limestone in east Kent has not altered, the area identified as a potential deep mine and surface aggregate processing facility in the 1993 Plan would carry very little weight if a planning application were to be submitted. Any application would be assessed and determined on its merits against current national and local development plan policies.
ID54	CSM12 – Sustainable Transport of Minerals	Port of London Authority	Welcome the amendment to section 5.12.1 that provision of rail/water facilities for the transport of minerals would reduce reliance on road transport and encourage sustainable development.	Noted
<b>6. Delivery Strategy for Waste</b>				
ID45	Policy CSW1 – Sustainable Development	Environment Agency	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
ID45	Policy CSW2 – Waste Hierarchy	Environment Agency	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
ID30	Policy CSW2 – Waste Hierarchy	Persimmon Homes	No objection to this policy which strives to push waste up the hierarchy.	Noted
ID17	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction	Dover District Council	Acknowledge reference to need for new Household Waste Recycling Centres (HWRC) and household waste management infrastructure and note need for financial contributions towards such facilities from new development. This will be included with the emerging Dover District Local Plan and supporting Infrastructure Delivery Plan, where relevant to Dover District.	Noted
ID22	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction  Paragraph 6.2.4	Swale Borough Council	See comments above relating to paragraph 1.3.4.  Although Environment Act 2021 identifies separate waste collections for certain waste streams if practicable, detail is yet to be agreed as the regulations have not yet been published. Co-mingled collections are likely to continue for some years to come (especially for those areas like Mid Kent who are planning new 8 year waste collection contracts in the absence of guidance from government). Carbon and financial implications of all household collected waste will need to be considered and factored in at the earliest opportunity when reviewing MRF considerations and end recycling destinations.	Through Extended Producer Responsibility (EPR) a Scheme Administrator (SA) is proposed to act on behalf of the packaging producers, this SA will pay the Collection Authorities to collect these materials, a fully co-mingled recyclable collection would likely require more processing at the Material Recycling Facility, so it may be the case that Swale BC do not get remunerated by the SA in the way those that collect a cleaner twin stream mix will. Until the Government's intentions of the consultations following up on the Resources and Waste Strategy i.e. Extended Producer Responsibility, Deposit Return Schemes (DRS)

				and Consistency in collection are known, this won't be fully understood.
ID14	6.2 Policy CSW 2: Waste Hierarchy  Para 6.2.3	Ashford Borough Council	The aspirations of Policy CSW2 are supported, however, it is considered that the word ' <i>support</i> ' should be replaced with the word 'ensure'. As the plan making authority for waste, it is considered this would demonstrate a greater level of commitment towards ensuring that development reflects the principles underpinning the Waste Hierarchy.  With regard to draft paragraph 6.2.3 this states that ' <i>recent assessment of waste management capacity is sufficient</i> ' however, this is considered misleading as it fails to recognise the need for transfer and disposal facilities identified elsewhere in the plan.	It is considered that the term 'support' is appropriate as the Plan can only do that, it is for the market to respond. It is noted that the stated intention is to 'ensure' waste is managed in accordance with the waste hierarchy in the wording that follows the initial statement of support.  Paragraph 6.2.3 is concerned with the overall availability of capacity to achieve recycling and landfill diversion targets rather than whether this capacity is located in the optimum location for logistical purposes. Paragraph 6.3.6 has been inserted specifically to address concerns about the adequacy of the spatial distribution of facilities managing Local Authority Collected Waste (LACW).  It is unclear what the reference to "disposal facilities" relates to as the Plan does not identify a need for such facilities (other than Norwood Farm landfill for disposal of incinerator residues).
ID20	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6	Gravesham Borough Council	The proposition that development should seek to reduce waste based on the 'circular economy' principle set out in paragraph 6.2.6 and have regard to adaptability; the ability to deconstruct and re-use; and embodied carbon versus energy efficiency from new build in considering the acceptability of proposals is welcomed.	Noted
ID18	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Ebbsfleet Development Corporation	Paragraph 6.2.7 sets out that "financial contributions might be required for new residential development to assist with further waste infrastructure". This should be looked at further as part of the review of the Waste Disposal Strategy and this should be made clear in the Local Plan. Although it is supported that businesses should self-sort their own waste (Dry Mixed Recyclables) into different recycling categories by 2026, noted that this may require additional processing facilities (paragraph 6.3.3). Therefore, proposal should form part of the review of the Waste Disposal Strategy, so that a thorough assessment of the proposals can be made and an informed response provided.	"Financial contributions might be required for new residential development to assist with further waste infrastructure" may be looked at as part of the review of the Waste Disposal Strategy, however this is not a matter for the KMWLP but instead is for agreement between Districts and KCC as Waste Disposal Authority on a case by case basis following the, to be adopted, Developer Contributions Guide.
ID20	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Gravesham Borough Council	The principle that new development should make a proportionate contribution toward the delivery of waste infrastructure at paragraph 6.2.7 is accepted subject to the application of the normal policy and legal tests; the financial viability of the scheme in question; and judgements to be made by the LPA on a case by case basis as to prioritisation of resources.  KCC should be prepared to accept that not all developments may be capable of making a contribution towards waste infrastructure and/or that any contribution towards waste infrastructure may result in reductions in funding for other services provided by the County Council.	Noted  KCC accepts that not all developments may be capable of making a contribution towards waste infrastructure – the paragraph includes 'may' which is intended to recognise that seeking financial contributions may not be appropriate in all circumstances.

ID45	Policy CSW3: Waste Reduction	Environment Agency	Agree with the proposed changes regarding achieving a circular economy where more waste is prevented or reused.	Noted
ID30	Policy CSW3 – Waste Reduction	Persimmon Homes	<p>The principles established in both the Policy wording and its pre -amble intend to influence development proposals by supporting the retention of existing buildings and advocating modern methods of construction. This has significant implications for development of sites and construction of buildings and is likely to have a considerable impact upon the deliverability and overall viability of development.</p> <p>Policy CSW3 relates to the assessment of planning applications and does not appear to be applicable at the Plan making stage. As such, costs associated with the measures identified in the policy would not have been assessed as part of site allocations or setting of other strategic policies by District and Borough Authorities as required by NPPF para 34. The application of the Policy could therefore undermine the deliverability of specific sites or even individual Local Plans.</p> <p>Policy CSW3 requires full details of the nature and quantity of any construction, demolition and excavation waste arising from the development together with its management and a waste management strategy. Such extensive information on construction methodology may not available at that stage.</p>	<p>The Policy is entirely consistent with Government strategy and policy on the need to move towards a more circular economy. The need for action is more urgent in light of the climate emergency that is reflected in the adopted Kent and Medway Low Emissions and Energy Strategy. The provision of such information with applications has already been made a requirement in the adopted London Plan. Supporting text to the Policy has been amended to clarify that the requirement for a Circular Economy Statement will only apply to major development which is the same size as that requiring the preparation of a Design and Access Statement. Furthermore, text relating to a commitment to provide guidance on how such information should be provided has also been inserted.</p>
ID20	Policy CSW3: Waste Reduction	Gravesham Borough Council	<p>Concerns regarding detailed wording of policy CSW3 given it would appear to apply to the design of all new development above the level of 'householder' development irrespective of scale.</p> <p>Given the policy effectively also appears to require the production of a Site Waste Management Plan (SWMP) for development of any scale, attention is drawn to the Government's revocation of the Site Waste Management Plans Regulations 2008 in 2013 under the 'Red Tape Challenge'.</p> <p>These only applied to building contracts above a certain value and not all development. Even so, the conclusion reached was that these requirements were ineffective and largely ignored when it came to smaller scale developments. Larger developments tended to have SWMPs because it was in the interests of the developer to secure economies anyway. It is suggested therefore that consideration be given to redrafting the policy so that the requirements only apply to developments above a certain size.</p> <p>Logically this could be linked to the requirement to produce Design and Access Statements under Article 9 to the Town and Country Planning (Development Management Procedure) (England) Order 2015, which require information to be provided on 'the design principles and concepts that have been applied to the development'.</p> <p>The reference to applications made by or on behalf of a 'householder' is also ambiguous because it could relate to an application for any scale made by or on behalf of any person who is a 'householder'. A 'householder application' has a different meaning as defined by secondary legislation.</p>	<p>Noted that Government revoked the Site Waste Management Plans Regulations 2008 in 2013, however since then the Government published its Resources and Waste Strategy with ambitious aims for waste management. The Government published a Draft Waste Prevention Programme for England that anticipates such information being submitted with new development. Agree that this could be linked to the requirement to produce Design and Access Statements under Article 9 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the text has been amended accordingly such that Circular Economy Statements only need to be provided for development of 10 or more dwellings or provision of a building(s) where the floor space to be created is over 1,000 square metres or where the site is 1 hectare or more.</p> <p>The term 'householder applications' has been reinserted to avoid confusion.</p>
ID21	Policy CSW3: Waste Reduction	Maidstone Borough Council	Supportive of the plan as a whole and the overall aims of the policy refresh, however MBC of the view that Policy CSW 3 (Waste Reduction) requires further consideration. The proposed new wording of the policy requires that for applications submitted to MBC additional information be supplied at application stage. This will likely mean that MBC is required to add to their Local List a	Supporting text to Policy CSW3 has been amended to clarify that the requirement for a Circular Economy Statement will only apply to major development which is the same size as that requiring the preparation of a Design and

			requirement for a Waste Management Supplement to accompany Design and Access Statements. Additionally, the Head of Service considers that a planning condition to this effect is unlikely to meet the legal tests.	Access Statement. Furthermore, text relating to a commitment to provide guidance on how such information should be provided has also been inserted.  If updated Policy CSW3 is adopted, then conditions can be added to a permission to ensure the policy is implemented.
ID22	Policy CSW3: Waste Reduction	Swale Borough Council	Waste collection accessibility needs to be a bigger consideration now that more people are working from home. This has resulted in more cars parked outside homes during the day. This can make vehicular access to collect household waste more challenging.	This is addressed by Policy CSW3 where it states (with emphasis added): “New development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed.”
ID22	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.3	Swale Borough Council	See comments above relating to paragraph 1.3.4.  It would be useful to know the data sets used by KCC to arrive at the comment in paragraph 6.3.3 that the preferred option for businesses was to separate glass collections from the rest of their dry recyclables. It is not clear if this is KCC’s preferred option or that of businesses. Recent Swale householder survey results showed a clear preference for co-mingling all dry recyclables (including glass) so it would be useful to understand the data sets used by KCC to help explain and understand the different preferences. It would help demonstrate that the statement is evidenced based.	Noted - Related text has been updated to address this comment. Text to refer to businesses preference for separate glass collections has been deleted.
ID22	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.5	Swale Borough Council	See comments above relating to paragraph 1.3.  Although Environment Act 2021 identifies separate waste collections for certain waste streams if practicable, detail is yet to be agreed as the regulations have not yet been published. Co-mingled collections are likely to continue for some years to come (especially for those areas like Mid Kent who are planning new 8-year waste collection contracts in the absence of guidance from government). Carbon and financial implications of all household collected waste will need to be considered and factored in at the earliest opportunity when reviewing MRF considerations and end recycling destinations.	Noted - Related text has been updated to address comment. Text has been amended to remove reference to ‘ <i>This has generated the need to provide additional management capacity for the separation of DMR into its constituent recyclates, plus bulking capacity for glass and food waste</i> ’.
ID14	Para 6.3.6	Ashford Borough Council	The issue of waste disposal and transfer must be dealt with holistically and delivered through a plan led approach rather than relying on the “market” to deliver a solution, as currently suggested in the plan. The KMWLP Review must ensure that suitable sites/areas for the provision of waste transfer facilities are identified in appropriate locations in order to meet the identified shortfall, and to ensure that the necessary infrastructure is provided.  As it stands, the KMWLP Review does not secure how waste transfer and disposal will be delivered, either through any of its proposed policy criteria or the site allocation strategy. Put simply, the location, nature of the facility, phasing plan and the total cost of any facility is not set out by KCC at this point. Consequently, it is hard to see how any future Local Plan that Ashford Borough Council produce can take this issue into account, or how it might seek to secure S106 payments for any future waste facility (assuming that funding towards waste infrastructure is justified, in principle).	Waste management facilities are developed by the waste management industry. The Plan provides a decision-making framework for the market to bring forward proposals for needed facilities in appropriate locations.  It is recognised that to improve transportation logistics a new facility is needed for the transfer of Local Authority Collected Waste (LACW) but latest assessments show that there is sufficient capacity within the County overall to meet recycling targets beyond those relating solely to LACW and for this reason a specific location has not been identified.  Paragraph 6.2.7 has been added specifically to confirm that

				S106 contributions may be needed in relation to the provision of waste infrastructure. The detail of these is a matter for discussion between the Waste Disposal Authority and the District and Borough Council determining the planning application.
ID14	Para 6.3.6	Ashford Borough Council	Draft paragraph 6.3.3 of the plan, which discusses the preferred method for the collection of different waste streams, is considered to be factually incorrect and misrepresents the legislation requirements. Defra are yet to confirm the preferred collection methodology. This section mistakenly pulls Deposit Return Schemes (the method of encouraging recycling by requiring and returning a deposit payment) into kerbside collection which are separate methodologies of collection and not likely to be managed by the WDA. This section needs to be updated to accurately reflect the legislative requirements. The need to work holistically on the outcomes required under the Environment Act gives KCC the opportunity to be open and transparent with the district partners in looking towards delivering “joined up” collection and disposal methodologies for the benefit of all and the environment.	Noted - Related text has been updated to address this comment.
ID18	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements  Paragraph 6.3.6	Ebbsfleet Development Corporation	Paragraph 6.3.6 notes that “there are excessive travelling distances for waste transfer from the Ebbsfleet Garden City and Folkestone. In light of this the Waste Development Authority (WDA) has identified a specific need for waste transfer stations in these areas”. It is noted that KCC, in its role as WDA, is conducting a five-year review of its Waste Disposal Strategy which is the guiding assessment of current and future infrastructure operational requirements for the ongoing management of local authority collected waste across Kent. It is also noted that there is a need for HWRCs and other household waste management infrastructure to be reviewed by the WDA (paras 1.3.16 and 6.61). EDC is aware that KCC has considered that there is a need for a site in the Ebbsfleet area for this purpose and EDC assumes that the need for this will be fully addressed as appropriate through KCC’s work on reviewing its Waste Disposal Strategy and that the process of bringing forward a potential site would be taken forward via a future Waste Sites Local Plan which include a full call for sites exercise. There are neighbouring authority areas to the EDC which also lack these facilities and could also benefit from any new proposed facilities.	At this stage there is no intention to identify specific sites in the Minerals and Waste Local Plan to accommodate Household Waste Recycling Centres and other household waste management infrastructure as overall the Plan has not identified a quantitative need for such capacity – rather the issue relates to one of logistics and the spatial distribution of facilities.  The Plan is suitably flexible to allow proposals for facilities to come forward to meet Kent requirements in locations which would be most appropriate for accommodating waste management facilities.
ID19	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Folkestone & Hythe District Council	Recognise the statement in paragraph 6.3.6 regarding the need for additional waste transfer facilities to serve Folkestone and Hythe. The District Council is working closely with the County Council in order to identify a suitable solution and requests that this joint working is recognised in the text of the plan.	Text updated to acknowledge work between Waste Disposal Authorities (WDA) and Waste Collection Authority (WCA).
ID20	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency	Gravesham Borough Council	Whilst there have been discussions in the past regarding future strategy and the need for additional waste facilities, the Regulation 18 consultation document does not appear to be accompanied by supporting evidence setting out how this position has been reached and options appraised. GBC would expect this to be provided at Regulation 19 to ensure transparency and so the appointed Inspector can properly evaluate policy against the tests of soundness. Any site/area of search identified for such a facility should also be properly evidenced.	While the Plan recognises the Waste Disposal Authorities (WDA) particular desire for a new transfer station to manage Local Authority Collected Waste, no site/area of search has been identified for such a facility in the Plan and existing policy would be applied to any application were it to be received. Information supporting the need for such a

	and Waste Movements Paragraph 6.3.6			transfer station will be provided at Regulation 19 stage.
ID22	Policy CSW5: Strategic Site for Waste	Swale Borough Council	Supports the plans continued proposals to extend Norwood Quarry on Sheppey for waste disposal as previously adopted.	Noted.
ID20	Policy CSW 6: Location of Built Waste Management Facilities	Gravesham Borough Council	<p>Policy CSW 6(c) refers to planning permission for waste management facilities being granted in locations well located in relation to railheads or wharves. However, the policy does not make clear that such locations are only likely to be acceptable where transportation of waste by rail or by water is a primary means of intended transport and there are no unacceptable adverse impacts on communities or the highway network. It is also worth recognising that such locations may be within highly populated areas where there might not be capacity for additional road movements.</p> <p>In addition, whilst the wording of the policy at CSW6 (a) and (b) is right to highlight potential adverse impacts on designated sites or those with particular sensitivities, it should also highlight that other sites may be unacceptable in general on the grounds of unacceptable impacts (NPPF paragraph 185).</p> <p>As per paragraph 6.5.4, policy CSW 6 should also cross-refer to DM4: Green Belt.</p> <p>For the sake of completeness, there is also a typo in the first line of 6.5.7 where 9 appears instead of ( .</p>	<p>Movement of waste by means other than road is preferred by the Plan (which is consistent with national policy) and the impact on roads used to access such a facility would be considered by applying policy DM13 Transportation of Minerals and Waste.</p> <p>This policy is setting out the main criteria used to assess the suitability of land for locating waste management facilities. Other matters which might make the development unacceptable in a particular location would be identified through the application of the Development Management policies.</p> <p>The policy mentions Green Belt, but it is not considered necessary to make such a specific reference in the Policy, especially as this is included in the supporting text.</p> <p>Typo noted and amended accordingly.</p>
ID23	Policy CSW 6: Location of Built Waste Management Facilities	Tonbridge and Malling Borough Council	The additional wording to protect heritage assets (a) as well as granting planning permission for proposals that are well located in respect of railheads and wharves (c) are supported.	Noted
ID45	Policy CSW 6: Location of Built Waste Management Facilities	Environment Agency	Support the changes that separate Source Protection Zone and Flood Zone 3b as separate priorities.	Noted
ID54	Policy CSW 6: Location of Built Waste Management Facilities	Port of London Authority	Support the amendment to part C of the policy to specifically refer to granting planning permission for proposals that are well located in relation to Kent's Key Arterial Routes, and/or railheads and wharves.	Noted
ID45	Policy CSW 8: Recovery Facilities for Non-hazardous Waste	Environment Agency	Pleased to note the inclusion of Carbon Capture Utilisation and Storage from 2025 onwards	Noted



ID45	Policy CSW 9: Non inert Waste Landfill in Kent	Environment Agency	Pleased that 85% of landfill gas produced will be captured and utilised using best practice techniques.	Noted
ID45	Policy CSW 10: Development at Closed Landfill Sites	Environment Agency	Support the maximum use of gases being emitted and reducing the emission of gases to the environment.	Noted
ID24	Policy CSW11: Permanent Deposit of Inert Waste	Sheerness Recycling Ltd	<p>Policy CSW11 identifies that the capacity for the permanent deposit for inert waste may only be sufficient to meet Kent's needs. However, the county receives a lot of this waste stream from outside of Kent which would require additional capacity.</p> <p>The Policy states that the use for other engineering operations would only be acceptable if it is demonstrated that there is no local demand for its use in restoration operations. The term "local" is considered ambiguous and further definition should be provided. The use of inert material for engineering purposes has proven to be very beneficial in the delivery of major housing schemes across the county. Therefore, the policy should be amended to more readily enable the use of this material for engineering operations and reduce the reliance on primary and secondary aggregates for this purpose.</p>	<p>While current capacity is sufficient to meet Kent's arisings of inert waste, the Plan does not inhibit the development of new capacity to manage additional arisings of inert waste be deposit on land subject to proposals being in a suitable location and designed to protect the local environment and communities.</p> <p>The text has been amended to provide definition of term 'local' with regard to restoration opportunities.</p> <p>The policy is considered suitably permissive in allowing for the use of inert material in engineering operations.</p>
ID54	Policy CSW14 – Disposal of Dredgings	Port of London Authority	<p>Reference to the PLA's Thames Vision is welcomed however the year the Vision is being reviewed should be amended to 2021 rather than 2022. The Vision may also be better referenced in the 'links with legislation, other policies and strategies section' of the Kent Mineral and Waste Local Plan and the current Vision for the Tidal Thames document (2016) should also be referred to in addition to the revised vision.</p> <p>The need to keep this policy under review should be referenced in the justification wording in case a specific need is identified for a landfill with river access.</p>	Noted. Text amended.
ID32	Policy CSW 15 – Wastewater Development	Southern Water	The addition of criterion 2 is supported however the "best practice techniques" referred to could be specified in a footnote of the supporting text.	Supporting text added to explain and justify new criterion 2.
ID33	Policy CSW 15 – Wastewater Development	Thames Water	Support the amended policy.	Noted
ID19	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Folkestone & Hythe District Council	Note the update to Policy CSW 17, which proposes facilities for the storage and management of radioactive waste at Dungeness. It understands that the existing policy is not aligned to the Government's 2019 strategy for radioactive and nuclear industry integrated waste management for radiological waste as it does not allow for any radioactive waste disposal at the Dungeness Estate and so the policy and explanatory text require modification to ensure consistency with national policy.	Noted
ID09	Policy CSW 17: Nuclear Waste Treatment and	XXXXX	Policy CSW17 would allow the storage of nuclear waste at Dungeness. Accept that the policy does say subject to the outcome of environmental assessments but fail to see how the storage of nuclear waste could ever be safe given the flood risk on Romney Marsh.	The Dungeness Nuclear Licensed Sites are within Flood Risk Zones 2 and 3 and are protected from flooding by the sea and from coastal erosion by a bank of shingle that is

	Storage at Dungeness			<p>maintained for this purpose under the approved Shoreline Management Plan. In any event proposals for development would be subject to a Flood Risk Assessment at the planning application stage in accordance with Policy DM10. Such an assessment would ensure that the proposals are not at risk of flooding or would not increase flood risk to the surrounding area.</p> <p>An Appropriate Assessment has been carried out to establish how the disposal of low level radioactive waste at the site might impact on the protected habitat and species designations which apply to this area. This took account of the measures in place to protect the site from flooding including drainage of the site. This concluded that there would be a low risk to the designated habitat as a result of changes to hydrology caused by any development.</p>
ID45	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Environment Agency	<p>The policy is not specific as to where the infilling material can come from.</p> <p>The supporting note on CSW 17 states that voids will be back filled with demolition rubble. This may be subject to a waste for recovery permit where an assessment of the environmental impact of placing waste in such a void will need to be assessed.</p>	<p>Noted. Section 1.5 of the KMWLP discusses the need for Environmental Permits but relevant supporting text has been added.</p> <p>Text has been included in the supporting text of CSW 17 that refers to the need for an Environmental Permit.</p>
ID22	Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Swale Borough Council	<p>Note and support the inclusion of the new policy relating to the management of low-level radioactive waste and updates to reflect policy and legislative changes around achieving a circular economy where more waste is prevented or reused.</p>	Noted
ID44	Policy CSW 17 – Nuclear Waste Treatment and Storage at Dungeness	CPRE	<p>Would welcome confirmation that the Dungeness site is no longer being considered for a geological disposal facility, this isn't entirely clear within the policy.</p> <p>Object to the proposed relaxations on permitted filling operations. The revised policy would permit low-level waste from other sites to be imported and disposed of at Dungeness, thus potentially increasing the emissions above existing levels. The policy now permits development of a low-level radioactive landfill anywhere within the Nuclear Estate, albeit subject to planning permission. This is very worrying. The soils on the site are highly permeable. Climate change will increase tidal levels and consequently ground water levels much higher than was contemplated when these two stations were designed, and the site will be subject to more severe storm events than it has experienced in the past.</p> <p>The policy implies that planning permission would not be required for the back filling of voids, is this the case?</p> <p>Request that the terms used for each type of filling operation are defined more precisely. A clear distinction should be made between the conditions applying to waste arising within the site and those applying to imported waste. We suggest 'demonstrated that there is an overriding need' be</p>	<p>The supporting text has been updated to clarify the position with regard to the development of a Geological Disposal Facility in this location.</p> <p>An Appropriate Assessment has been carried out to establish how the disposal of low-level radioactive waste at the site might impact on the protected habitat and species designations which apply to this area. This concluded that no adverse effects on the designations are anticipated, although baseline monitoring would be needed to inform a decision on any planning application for the management of waste at the Dungeness Nuclear Sites which would also likely require Appropriate Assessment. This would be needed to ensure cumulative impacts were adequately assessed. Comments on the Habitats Regulation Assessment are invited.</p> <p>Planning permission would be required for the backfilling of</p>

			replaced by 'demonstrated that there are no more suitable alternative sites', and this applies to all imported waste, however stored.	voids. The text of the policy has been updated.  The text of the policy and the explanatory preamble to the policy has also been updated to provide further clarification.
ID59	Policy CSW 17 – Nuclear Waste Treatment and Storage at Dungeness	Natural England	Note that the change in wording would potentially allow landfill or land raise activities to take place proximate to the Dungeness, Romney Marsh and Rye Bay Ramsar site, Dungeness Special Area of Conservation (SAC), and Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), which are protected by the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations require a 'competent authority' to carry out an assessment to test if a plan or project could significantly harm the designated features of the Habitat site.	Noted. A Habitats Regulation Assessment has now been undertaken and published alongside the updated Kent Minerals and Waste Local Plan for consultation. The Habitats Regulation Assessment concludes that no adverse effects on the designations are anticipated, although baseline monitoring would be needed to inform a decision on any planning application for the management of waste at the Dungeness Nuclear Sites which would also likely require Appropriate Assessment. This would be needed to ensure cumulative impacts were adequately assessed. Comments on the Habitats Regulation Assessment are invited.
ID53	Policy CSW 17 – Nuclear Waste Treatment and Storage at Dungeness	NDA and Magnox	Welcome the progress made on the policy to bring it in line with new government policy and guidance however request further amendments to the policy.	Further amendments to the policy and its supporting text have been made that are intended to address these concerns. Updates to the policy also take account of an Appropriate Assessment of the impact of the policy on designated habitats and species in the area.
<b>7. Development Management Policies</b>				
ID49	Whole chapter	KCC Biodiversity	Reference has been removed to 'European' when referring to SPA and SAC. The amended legislation confirms that SPA and SAC are still referred to as European sites.	The glossary of the National Planning Policy Framework (NPPF) uses the term 'Habitat Sites' as follows: <i>Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.</i>  The term 'Habitat Site' has therefore been used to ensure consistency with the NPPF.
ID50	Policy DM 1 – Sustainable Design	KCC PROW	PROW is widely recognised as Green Infrastructure and the PROW network should be recognised as such given its ability to contribute to social, environmental, and economic benefit as stated above. Future development proposals to enhance the local PROW network.	Noted. Text updated.
ID20	Policy DM 1: Sustainable Design	Gravesham Borough Council	It is suggested this policy should cross-refer to CSW3.	Agree. Add the following new paragraph: 7.1.3 Policy CSW3 sets out in detail how proposals should consider the production and management of waste arising from development.

ID33	Policy DM 1 – Sustainable Design	Thames Water	Concern that the requirement for BREEAM ratings of very good or similar for waste developments may not be appropriate depending on the nature of the scheme being delivered. It is considered that additional supporting text should be added to clarify that BREEAM ratings of very good or similar will be sought on new development where appropriate in order to avoid onerous requirements being applied to developments for which the BREEAM assessment process is not suited. Potentially a threshold for the scale of development could also be provided. For example, it could be clarified that the requirement will not apply to minor or temporary buildings or infrastructure on a waste sites.	Policy doesn't expect BREEAM process necessarily. A change to the supporting text and policy has been made to indicate that this requirement only applies to major development.
ID32	Policy DM 1: sustainable Development	Southern Water	Supports part 3 of this policy, specifically the draft updates requiring water consumption to be minimised during construction and operation, and the removal of 'where possible'.	Noted
ID54	Policy DM 1 – Sustainable Design	Port of London Authority	Support the addition of the need for proposals to maximise opportunities to contribute to green and blue infrastructure.	Noted
ID45	Policy DM 1 – Sustainable Development	Environment Agency	Support the addition of the need for proposals to maximise opportunities to contribute to green and blue infrastructure.	Noted
ID18	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	Ebbsfleet Development Corporation	The newly designated Swanscombe Peninsula Site of Special Scientific Interest should now also be included, and the National Nature Reserve at Swanscombe.	Noted. Policy DM2 provides protection for Sites of Special Scientific Interest (SSSI) and Local Nature Reserves. Reference to 'National Nature Reserves' has been added to paragraph 2.2 of Policy DM 2.
ID20	Policy DM2: Environmental and Landscape Sites of International, National and Local Importance	Gravesham Borough Council	This policy does not appear to be entirely consistent with NPPF paragraph 180 which also refers to ancient or veteran trees as irreplaceable habitat; a need to demonstrate exceptional circumstances; and where the latter is demonstrated, a suitable compensation strategy to mitigate such loss.	Agree - paragraph 2.3 of Policy DM2 has been amended to include updated reference to ancient and veteran trees as irreplaceable habitat, to ensure consistency with paragraph 180 of the NPPF.
ID23	Policy DM2: Environmental and Landscape Sites of International, National and Local	Tonbridge and Malling Borough Council	Tonbridge and Malling BC supports the additional wording relating to developments enhancing the Area of Outstanding Natural Beauty (AONB) and that these should be sensitively located and designed. It is recommended that further thought be given to including the consideration of the setting of AONB's in this policy wording.	Noted. Text included in Policy.

	Importance			
ID46	Policy DM2 – Environmental and Landscape Sites of International, National and Local Importance	High Weald AONB Unit	<p>Recommends the addition of a policy and/or supporting text which emphasises the biodiversity and carbon sequestration properties of soil, for example:</p> <p>“7.7 The importance placed on the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Both waste and minerals development can result in a large amount of soil disturbance. The Environmental Statement accompanying such proposals should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’”.</p>	Agree – supporting text added to Policy DM1.
ID51	Policy DM 2 – Environmental and Landscape Sites of International, National and Local Importance	Kent Downs AONB Unit	<p>Supports the inclusion of the additional wording in respect of AONBs, which reflects the updates to the NPPF.</p> <p>Paragraph 7.2.4 requires a biodiversity net gain of at least 10%, but Kent Nature Partnership is seeking a 20% net gain, this should be reflected in the Plan.</p> <p>Recommends the addition of a policy and/or supporting text which emphasises the biodiversity and carbon sequestration properties of soil, for example:</p> <p>“7.7 The importance placed on the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Both waste and minerals development can result in a large amount of soil disturbance. The Environmental Statement accompanying such proposals should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’”.</p>	<p>Text amended to ensure that maximum practicable biodiversity net gain is sought rather than setting a minimum 20% target as this may be seen as a ceiling which would result in reduced biodiversity net gain, especially from the restoration of mineral workings. In addition, with regard to minerals and waste development there is no evidence to support a specific 20% minimum target.</p> <p>Related change also made to Policy DM19 on restoration.</p> <p>Supporting text to Policy DM1 concerning the importance of soils has been added.</p> <p>Agree comment regarding importance of soils - text amended.</p>
ID59	Policy DM 2 – Environmental and Landscape Sites of International, National and Local Importance	Natural England	<p>Welcome the continued presence of Policy DM 2 and note the updated wording to reflect changes to the national policy and legislation, and the inclusion of the Mitigation Hierarchy within the policy wording. Welcome in particular the addition of the word ‘and’ which makes it clear that all three steps of the hierarchy must be addressed.</p>	Noted
ID20	Policy DM 3: Ecological Impact Assessment	Gravesham Borough Council	<p>Policy DM 3(5) requires that proposals should demonstrate that a minimum 10% biodiversity net gain will be achieved. However, the policy does not refer to how this would be measured or provide guidance on how it should be delivered to meet wider strategic objectives. It is suggested that reference should be made to the Natural England’s Biodiversity Metric 3.0 calculator (or any subsequent update) and that net gain should contribute to strategic Local Nature Recovery objectives within the locality of the development. Reference should also be made to the long-term maintenance of any net gain package and its monitoring over the maintenance period.</p> <p>To avoid possible conflict with Local Plan policies that may set a requirement above the 10% net gain minimum, it is also suggested that the policy be amended to read ‘where it has been demonstrated that at least 10% of biodiversity net gain will be achieved or such higher level justified</p>	<p>Text amended to ensure that maximum practicable biodiversity net gain is sought.</p> <p>The text of a commitment to prepare guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document has been inserted.</p>

			through the Local Plan process'. This would then avoid a situation whereby mineral or waste proposals are subject to one BNG requirement compared to other forms of development.	
ID23	Policy DM 3: Ecological Impact Assessment	Tonbridge and Malling Borough Council	Tonbridge and Malling BC supports the addition of a 10% biodiversity net gain in this policy.	Text amended to ensure that maximum practicable biodiversity net gain is sought notwithstanding the statutory 10% minimum requirement.
ID51	Policy DM 3 – Ecological Impact Assessment	Kent Downs AONB Unit	Paragraph 7.2.4 requires a biodiversity net gain of at least 10%, but Kent Nature Partnership is seeking a 20% net gain, this should be reflected in the Plan.	Text amended to ensure that maximum practicable biodiversity net gain is sought rather than setting a minimum 20% target as this may be seen as a ceiling resulting in reduced biodiversity net gain, especially from the restoration of mineral workings. In addition, with regard to minerals and waste development there is no evidence to support a specific 20% minimum target. Related change also made to Policy DM19 on restoration.  Guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document.
ID45	Policy DM 3 – Ecological Impact Assessment	Environment Agency	Support reference to the Kent Biodiversity Action Plan and biodiversity net gain mentioned throughout the Plan. Strengthening of wording in policy DM3 to “provide a positive contribution to the protection, enhancement, creation and management of biodiversity” is welcomed, as well as the inclusion for minerals and waste sites to demonstrate a 10% biodiversity net gain.	Text amended to ensure that maximum practicable biodiversity net gain is sought rather than setting a minimum 20% target as this may be seen as a ceiling resulting in reduced biodiversity net gain especially from the restoration of mineral workings. In addition, with regard to minerals and waste development there is no evidence to support a specific 20% minimum target. Related change also made to Policy DM19 on restoration.  Guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document.
ID20	Policy DM 5: Heritage Assets	Gravesham Borough Council	The wording of this policy is not entirely consistent with national policy as set out in NPPF paragraphs 189 – 2008. <ul style="list-style-type: none"> <li>• The term ‘locally listed’ should refer to ‘non-designated heritage assets’;</li> <li>• Paragraph one in terms of the approach to the conservation of heritage assets does not correctly reflect national policy. This section should refer to the conservation of significance of heritage assets and the contribution made to that significance by their setting;</li> <li>• Paragraph two to the policy does not reflect the approach set out in national policy whereby the level of protection accorded to heritage assets varies according to their level of significance and the potential degree of harm to that significance (i.e. substantial or less than substantial harm);</li> <li>• In line with the point made above, paragraph two should refer to an ‘unacceptable adverse impact on the significance a heritage asset’; and</li> <li>• Given the potential for mineral proposals to adversely affect archaeological deposits, it is also suggested that the policy include reference to the approach set out in footnote 68 to the NPPF – i.e. non-designated heritage assets of archaeological interest, which are demonstrably of</li> </ul>	Historic England have commented that the changes reflect updates in national policy and guidance.

			equivalent significance to scheduled monuments, will be considered subject to national policy for designated heritage assets.	
ID47	Policy DM 5 – Heritage Assets	Historic England	Notes that the policy has been revised to reflect updates in national policy and guidance.	Noted
ID47	Policy DM 6 – Historic Environment Assessment	Historic England	Notes that the policy has been revised to reflect updates in national policy and guidance.	Noted
ID15	7.5 Policy DM 7: Safeguarding Mineral Resources	Canterbury City Council	CCC has previously made clear our position that there should be a proportionate approach to a minerals assessment at the Local Plan development stage. This is necessary to enable proposed site allocations to address mineral safeguarding issues proportionately and provide certainty on the development trajectories which are tested at examination. We would like to take the opportunity to reiterate this statement and ask that further consideration is given to the revision of policies and/or guidance to support this objective.	Detail of the approach to mineral assessment is set out in the Safeguarding Supplementary Planning Document (SPD) that was adopted by KCC in 2021. It is not considered that the recommended approach is overly onerous, and it reflects NPPF requirements and other guidance. Developers nominating sites for allocation in Local Plans should be asked to provide information concerning mineral safeguarding if the allocation is within a Mineral Safeguarding Area (MSA). KCC provide support in assessing such nominations.
ID23	Policy DM 7: Safeguarding Mineral Resources	Tonbridge and Malling Borough Council	Tonbridge and Malling BC commented on these policies previously as part of the KCC Early Partial Review. It is noted that there are no significant changes to these policies and TMBC has no further comments.	Noted
ID28	Policy DM 7 – Safeguarding Mineral Resources	XXXXXX	Consideration of mineral safeguarding should be undertaken at the planning application stage as opposed to the plan making stage. At plan making stage, it is not always possible to consider the full financial implications and viability of a proposal as these are sometimes not known until the advanced design phase.	It is important for mineral safeguarding to be considered at the plan making stage to ensure that Local Plans do not rely on allocations for development which may not be deliverable to the need to safeguard underlying mineral resources and minerals and waste infrastructure. This approach was considered during the Early Partial Review of the Kent Minerals and Waste Local Plan and found sound and legally compliant.
ID14	Policy DM 7 – Safeguarding Mineral Resources	Ashford Borough Council	<p>The Minerals Safeguarding Supplementary Planning Document (SPD) states '<i>A list of allocations in District and Borough Local Plans that the County Council consider have adequately taken waste and mineral safeguarding into account at the plan making stage will be included and updated in the County Council's Annual Monitoring Report (AMR). Development which comes forward within these allocations will be exempt from safeguarding provisions</i>'. But KCC's latest AMR dated December 2021 does not report any exemptions, although verbally we have been given assurances that the sites allocated in our Local Plan 2030 are exempt, apart from a few exceptions which we are aware of, and were aware of when the Ashford Local Plan 2030 was being produced.</p> <p>Whilst the Council accept that this is outside the scope of what is being consulted on by KCC, the Council wish to raise this as a suggestion. The Council consider that a Review of the Plan could be used to clarify this position once and for all and that this would help all those concerned particularly Plan Makers.</p>	This will be included in an addendum to the current Annual Monitoring Report (AMR) and in future Annual Monitoring Reports.

ID23	Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Tonbridge and Malling Borough Council	Tonbridge and Malling Borough Council commented on these policies previously as part of the KCC Kent Minerals and Waste Local Plan Early Partial Review. It is noted that there are no significant changes to these policies and Tonbridge and Malling Borough Council has no further comments.	Noted
ID54	Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Port of London Authority	<p>Criterion 6 is considered too broad and not compliant with paragraph 210 of the NPPF. It could usefully be reworded to “it constitutes a strategic development of essential benefit to the region, which cannot be planned for and delivered on any other site in Kent”.</p> <p>Reference to the Agent of Change principle is welcomed, however specific reference to paragraph 187 of the NPPF could be included to strengthen the policy.</p>	<p>This policy was updated as part of the Kent Minerals and Waste Local Plan Early Partial Review and revised text adopted in 2020. The policy has therefore been recently examined and found to be legally compliant and sound.</p> <p>A more detailed explanation of the term ‘Agent of Change’ has been included in the Glossary.</p>
ID29	Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Otterpool Park LLP	The policy is too restrictive and does not make provision for a scenario where a safeguarded facility would likely never be delivered. For instance, permitted facilities which are extant or yet to be implemented. The landowner of the Permitted Waste Facility site at Otterpool Park has no aspiration to complete the consented development and build out the facility, this is needlessly preventing the delivery of the proposed Garden City in the area.	Policy DM8 allows for development to come forward in a number of circumstances and one or more of those may apply in this case.
ID45	Policy DM 10: Water Environment	Environment Agency	Support the proposed changes to section 7.8.5 specifying that applications in Source Protection Zones (SPZ) and Groundwater Vulnerability and Aquifer Designation areas should be accompanied by hydrogeological and/or hydrological Impact assessments.	Noted
ID48	Policy DM 10 – Water Environment	KCC Sustainable Drainage	Reference should be made to KCC’s Drainage and Planning Policy and the requirement for developments to comply with it.	Agree - text added to paragraph 7.8.6.
ID20	Policy DM 11: Health and Amenity	Gravesham Borough Council	Suggest that supporting text and/or policy refer to a possible requirement that applications may need to be supported by a Health Impact Assessment (HIA) in certain cases, with reference to guidance issued by Public Health England in October 2020 at <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929230/HIA_in_Planning_Guide_Sept2020.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929230/HIA_in_Planning_Guide_Sept2020.pdf</a>	Agree - text added
ID22	7.11 Policy DM 13: Transportation of Minerals and Waste Paragraph	Swale Borough Council	Pleased to see reference to electric vehicles made in paragraph 7.11.2 and DM 13 but would like to see mention of alternative options such as hydrogen or LNG which could be preferable for larger vehicle haulage. We think it is important to consider options to support flexibility as technological advances are made.	Agree - text amended.



	7.11.2			
ID54	Policy DM12 – Safeguarding of Transportation Infrastructure	Port of London Authority	Support the continued reference to the PLA’s network of navigational equipment.	Noted
ID23	Policy DM 13: Transportation of Minerals and Waste	Tonbridge and Malling Borough Council	The insertion of wording for electric vehicle charging points into the policy is noted and supported in principle. However, it is questioned how affective this change would be bearing in mind minerals/waste transportation vehicles are likely to be HGV’s that are predominantly diesel powered.	Noted. This concern has been addressed by the wording “where appropriate” when referring to vehicle charging points.
ID01	DM14 - Public Rights of Way	British Horse Society	There appears to be no changes in this respect. Currently the only site that has a major impact on PROW is the proposed site expansion at East Lenham Farm, Maidstone. There is a good opportunity here to improve access for non-motorised vehicles, providing a through route from the A20 to Lenham Heath Road.	Noted. The allocation of the mineral site at Chapel Farm, Lenham in the adopted Kent Minerals Site Plan 2020 includes Development Criteria which addresses transport considerations and site access. No changes are proposed to the Chapel Farm allocation.
ID50	Policy DM 14 – Public Rights of Way	KCC PROW	The KCC Rights of Way Improvement Plan 2018-2028 should be recognised within para. 7.12.1.  Policy DM14, bullet 1 should be amended to ‘... its diversion or stopping up are made ...’;  Policy DM14, bullet 2 should be amended to ‘... an acceptable alternative route during operations’ - reference to an alternative route following restoration is not needed as the path will either revert to its previous route to an agreed specification or will have been permanently diverted or stopped up.  Policy DM14, bullet 3 should be amended to ‘... improved access into and within the countryside’. This should be further enhanced in acknowledging the KCC Rights of Way Improvement Plan 2018-2028 as per point 2 above	Noted – text amended.
ID48	DM19 – Restoration, aftercare and afteruse	KCC Sustainable Drainage	The effects on ground water as part of the restoration process needs to be carefully considered not just in terms of contamination but with regards to increasing flood risk. For example, the importation of considerable quantities of fill material can alter both ground water levels and flow paths, increasing the risk of flooding to and from the site.	Noted – text amended.
ID46	DM19 – Restoration, aftercare and afteruse	High Weald AONB Unit	It is recommended that this policy utilises the wording in strategic objectives 9 and 14 to give it full weight in planning decisions.  It is also recommended that the Kent Nature Partnership’s recommended minimum of 20% biodiversity net gain be referenced in the policy.	Text amended to ensure that maximum practicable biodiversity net gain is sought rather than setting a minimum 20% target as this may be seen as a ceiling resulting in reduced biodiversity net gain, especially from the restoration of mineral workings. In addition, with regard to minerals and waste development there is no evidence to support a specific 20% minimum target. Related change also made to Policy DM19 on restoration.  Guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document.

ID51	DM19 – Restoration, aftercare and afteruse	Kent Downs AONB Unit	<p>It is recommended that this policy utilises the wording in strategic objectives 9 and 14 to give it full weight in planning decisions.</p> <p>It is also recommended that the Kent Nature Partnership's recommended minimum of 20% biodiversity net gain be referenced in the policy.</p>	<p>Text amended to ensure that maximum practicable biodiversity net gain is sought rather than setting a minimum 20% target as this may be seen as a ceiling resulting in reduced biodiversity net gain, especially from the restoration of mineral workings. In addition, with regard to minerals and waste development there is no evidence to support a specific 20% minimum target. Related change also made to Policy DM19 on restoration.</p> <p>Guidance on how biodiversity net gain will be measured and delivered will be included in a Supplementary Planning Document.</p>
<b>8. Managing and Monitoring the Delivery of the Strategy</b>				
No comments received				
<b>9. Adopted Policies Maps</b>				
ID26	9.1 Safeguarded Wharves and Transportation Depots	Tarmac	Section should be updated to correctly refer to Tarmac as opposed to Lafarge.	Noted - text amended accordingly
ID16	9.2 Mineral Safeguarding Areas	Dartford Borough Council	Note intention to review and adjust these for changes to the defined urban areas and any uneconomic mineral deposits. We consider that the defined urban area should align with that shown in Diagram 1 (Key Diagram) of the Pre-Submission Dartford Local Plan September 2021 (see page 25 of the document here) and that the revised MSA map should be included as part of the refreshed Minerals and Waste Local Plan (in section 9.2).	Noted - Mineral Safeguarding Area (MSA) maps updated
ID17	9.2 Mineral Safeguarding Areas	Dover District Council	With regards to the Dover District Mineral Safeguarding Areas Map, please note that the settlement boundaries for some of the settlements in the district are being revised as part of the emerging Dover District Local Plan. We would be happy to share the latest GIS shapefile with you in order for your mapping to be up to date in this regard. Please contact us for this information.	Noted – MSA maps updated
ID18	9.2 Mineral Safeguarding Areas	Ebbsfleet Development Corporation	Note intention to review and adjust these for changes to the defined urban areas and any uneconomic mineral deposits. We consider that the defined urban area should align with that shown in Diagram 1 (Key Diagram) of the Pre-Submission Dartford Local Plan September 2021 (see page 25 of the document here) and that the revised MSA map should be included as part of the refreshed Minerals and Waste Local Plan (in section 9.2).	Noted – MSA maps updated
ID20	9.2 Mineral Safeguarding Areas	Gravesham Borough Council	Gravesham BC wishes to discuss the changes made to the safeguarding plan for to understand the justification for these. These changes have not been agreed with Gravesham BC in advance and clearly do not reflect what is on the ground. As such, the Borough Council could not support the changes as they currently stand. A discussion therefore needs to take place to resolve these issues.	<p>The MSA maps had not been revised at the time of the publication of the Reg 18 draft KMWLP Refresh.</p> <p>The MSA maps have now been updated and include the latest data from 2022 for the main town of Gravesend.</p>
<b>Other</b>				
ID16	Safeguarding Supplementary Planning	Dartford Borough Council	Dartford BC understood that KCC were in the process of revising the Safeguarding SPD and there was a consultation on this in late 2020/ early 2021. Dartford BC provided detailed comments on this on 21 January 2021 but have not heard anything further in relation to this. The proposed	The revised Safeguarding Supplementary Planning Document (SPD) was adopted in 2021 following engagement with the borough and district councils and

	Document		amendments to the wording of the sections on Policies DM7 and DM8 give the impression that the SPD is no longer being revised. DBC consider that there remains a need to revise it and the text in this section should reflect this.	other interested parties.
ID44	Appendix C List of Mineral Sites that are included in Landbank Calculations	CPRE	The consultation document indicates that the present version of Appendix C is to be deleted. However, there are a number of references in the consultation document to Appendix C such as Policy CSM5 (point 3), proposed paragraphs 5.2.18 and 5.2.34, and the Monitoring Schedule.	Noted. Text has been updated to address this inconsistency.
ID16	GIS Safeguarding Data	Dartford Borough Council	Dartford BC have some GIS shapefiles provided by KCC showing safeguarded facilities. Request confirmation that these include all known sites safeguarded under policies CSM6 (Safeguarded Wharves and Rail Depots), CSM7 (Safeguarding other Mineral Plant Infrastructure) and CSW16 (Safeguarding of Existing Waste Management Facilities) of the adopted Minerals and Waste Local Plan please? Also, would be helpful if KCC would also provide GIS shapefiles of the mineral safeguarding/consultation areas under policy CSM5.	Noted - Mineral Safeguarding Area (MSA) maps have been updated and KCC will arrange the sharing of the relevant shapefiles.
ID16	Figures/maps	Dartford Borough Council	Welcome the proposed new references to Ebbsfleet Development Corporation but the diagrams need to be clear that parts of the EDC area fall within Dartford Borough's boundaries.  Several of these show the major urban areas. Consider that the major urban areas should include Northfleet Green, Eastern Quarry and Ebbsfleet Central as development is taking place or will soon come forward in these locations.	Noted - maps updated accordingly
ID18	Figures/maps	Ebbsfleet Development Corporation	Several of the maps and figures show the major urban areas. Consider that the major urban areas should include Ebbsfleet Green, Eastern Quarry and Ebbsfleet Central as development is taking place or will soon come forward in these locations.	Noted - Mineral Safeguarding Area maps updated
ID07	Biodiversity Net Gain reference	West Sussex County Council	Inconsistency across the refreshed plan regarding Biodiversity Net-Gain, whereby some policies refer to net gain generally (CSM8, CSW17, DM19) and other policies and the supporting text (7.2.4) refer to at least 10% (DM3).	Text updated and amended to ensure that maximum practicable biodiversity net gain is sought rather than setting a minimum 20% target as this may be seen as a ceiling resulting in reduced biodiversity net gain, especially from the restoration of mineral workings. In addition, with regard to minerals and waste development there is no evidence to support a specific 20% minimum target. Related change also made to Policy DM19 on restoration.
ID09	Circular Economy	XXXXX	Pleased to see emphasis on a circular economy and reducing waste. Sceptical that you will be able to reduce waste all the time KCC is obliged to deliver a minimum level to Allington. If Allington's requirements were to be met from outside the county that would significantly increase emissions from the extra lorry journeys. Burning waste isn't ideal from a climate change point of view anyway.	Noted. The Plan seeks to ensure waste is managed in accordance with the waste hierarchy.
ID12	Circular Economy	XXXXX	Waste management and the circular economy: Question why HRWCs in Kent do not separate out reusable items. Previous experience elsewhere in the UK of established systems of HRWCs working with local charities who retrieved useable items for sale, for use by former homeless people setting up home etc. Simple separation of working/useable items into a clearly marked container is	The question concerning the operation of Household Waste Recycling Centres is a matter for the Waste Disposal Authority.

			the simple solution as opposed to burning items. Request to reconsider this policy, which is quite incompatible with KCC's climate emergency commitments and wasteful of money and resources.	Policies seeking to support the achievement of a circular economy are entirely consistent with KCC's climate emergency commitments. The circular economy seeks to ensure more goods and materials are kept in use for as long as possible which avoids energy expended to extract new resources.
ID09	Economic Growth	XXXXXXX	Document refers to economic growth. If we continue to aim for growth - even so called "clean" growth - then it is highly unlikely that we will be able to tackle climate change.	The Council and national government support economic growth as a means to ensure improvement to our quality of life and the environment. The Plan seeks to ensure sustainable development takes place in a manner that will benefit communities and the environment.
ID09	Waste Sites Restoration	XXXXXX	Support the restoration of old waste management sites but interpret the policy that the building of housing on those sites has not been excluded. It is not acceptable to build houses on such contaminated land.	Under certain circumstances it may be possible to develop housing on old landfill sites and so this should not be ruled out. Appropriateness would be assessed against policies in Local Plans.
ID12	Sustainability Appraisal Scoping Report	XXXXX	<p>Note that Sustainability Appraisal (SA) states that our Plan should "set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality". Strongly support and would advocate that we vigorously enforce this policy.</p> <p>Understanding is that Ramsgate Port is a protected wharf for the landing and storage of sand and aggregates. I believe that Bretts Aggregates run several sites in Kent, in which various safety precautions are undertaken - wheel washing of vehicles leaving the site, storage of aggregates in closed berms etc. Yet at Bretts' site at Ramsgate Port, which is directly adjacent to the Pegwell SSSI, piles of sand and aggregate are kept out in the open, wheel washing is a rarity and other precautions do not appear to be being undertaken. Please could you comment on why this disparity exists at what must surely be Kent's most environmentally sensitive mineral storage &amp; transport site?</p>	<p>Noted. The approach to the enforcement of planning policy is set out in Policy DM22.</p> <p>This is noted. Material is stored in accordance with current regulations at the site. The review of the Minerals and Waste Local Plan is unable to revisit how existing materials are stored at this site</p>
ID20	Sustainability Appraisal Scoping Report	Gravesham Borough Council	<p>The SA/SEA Scoping Report might usefully consider whether the KMWLP should be subject to scoping in relation to the need or otherwise of a Health Impact Assessment of policies etc.</p> <p>Doesn't appear to be reference in the SA to light pollution and/or dark skies etc. Thought might also be given to the wording of policies in the KMWLP itself to cover this aspect in more detail given potential impacts.</p>	<p>The Sustainability Appraisal (SA) framework includes an appraisal criteria on 'Community and Wellbeing' that requires protection of health, so impacts on health are addressed within the Sustainability Appraisal.</p> <p>The issue of light pollution has been added to the Sustainability Appraisal framework.</p>
ID47	Sustainability Appraisal Scoping Report	Historic England	The document adequately covers issues that may arise in respect of the potential impacts of proposed development on heritage impacts.	Noted
ID44	Sustainability Appraisal	CPRE	<p>Table 1 soft sand 3-year average is wrongly given as 541,907 when it should be 506,419.</p> <p>Secondary and recycled aggregates 3-year figure has been rounded up from 896,667 to 900,000</p>	The issue of light pollution has been added to the

	Scoping Report	<p>when the other averages given in the table have not been rounded. It would be helpful to have a consistent approach.</p> <p>At 3.8 Noise the Baseline helpfully refers to CPRE Tranquillity Map in line with NPPF 185 b). NPPF 185 c) refers to intrinsically dark skies and the CPRE England's Light Pollution and Dark Skies mapping should be included in the baseline section.</p> <p>3.10 refers to Green Belt and omits to mention that a small part of Maidstone Borough and Medway lie within the Green Belt.</p> <p>3.11 Land: The county has a high proportion of Best and Most Versatile land (Grades 1 – 3a). This needs to be reflected in the baseline assessment and not limited to Grade 1 land.</p> <p>3.13 Water does not mention Natural England's Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites - For Local Planning Authorities November 2020 and this should be included.</p> <p>3.15 Economy. It is unclear why the age group 16-64 is used when retirement age has risen to 65 for men and women and will rise to 67 by 2028.</p> <p><b>5. The SA Framework:</b> Landscape and the historic environment should also include light pollution and dark skies. Transport: There is reference to 'Plans are in place to improve the transport infrastructure within and to the Thames Gateway, East Kent and Ashford.' Without specifically mentioning them. Are these consented and funded schemes or ones, such as the Lower Thames Crossing that have still to reach examination?</p> <p>Transport: there is reference on page 48 to 'Plans are in place to improve the transport infrastructure within and to the Thames Gateway, East Kent and Ashford. The KMLP should recognise and support the aims of regional transport hubs'. There is no explanation of these plans: what they entail and how this will help the KMLP 'promote minerals and waste transport that maximises the use of alternatives to road transport, does not add to congestion on the road network and does not adversely affect air quality'. and other than Ashford where they are. There is no reference to them in the Appendix A summary of the Local Transport Plan 4: Delivering Growth without Gridlock 2016–2031. This needs clarification so that the implications can be understood.</p> <p>Water: this should include the implications of nutrient neutrality</p> <p><b>5.2 The SA Framework</b></p> <p>6 Land should seek to safeguard Best and Most Versatile Agricultural land</p> <p>7 Landscape and the historic environment should include protecting tranquil areas and areas of intrinsically dark skies.</p> <p>Appendix A: Review of Policies, Plans and Programmes does not consider Natural England's Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to</p>	<p>Sustainability Appraisal framework as well as map showing the baseline.</p> <p>Mention of Maidstone Borough in the Green Belt will be included. Medway is no longer in Kent.</p> <p>Reference to Best and Most Versatile (BMV) agricultural land being grades 1-3a and that Kent has a relatively high proportion of this compared to rest of SE region has been added including the need to safeguard this Best and Most Versatile land.</p> <p>Natural England advice on nutrient neutrality relates to new housing developments which would have an additional burden on the sewage network.</p> <p>Economically active people aged 16-64: Age grouping is as used in KCC Labour Force Bulletin</p> <p>Information has been edited to be clearer about what the transport plans are and where they relate to.</p> <p>Tranquil areas have been added to the Sustainability Appraisal framework.</p>
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			Stodmarsh Designated Sites - For Local Planning Authorities November 2020.	
ID23	Sustainability Appraisal Scoping Report	Tonbridge and Malling Borough Council	Objective 1 - Recommended that there is a stronger emphasis on biodiversity net gain within the Framework objectives to link with the Plan objectives.  Objective 7 - Recommended that the framework objectives include the setting of AONB landscapes.	Biodiversity net gain and the setting of Area of Outstanding Natural Beauty has been added to the Sustainability Appraisal framework.
ID45	Strategic Flood Risk Assessment (SFRA) Position Statement	Environment Agency	Raise no objection to the approach with regard to the SFRA on the basis that there are no new allocations or revisions to the SFRA.	Noted
ID44	Strategic Flood Risk Assessment (SFRA) Position Statement	CPRE	Given the proposed relaxation of Policy CSW17 it is not clear why it wasn't considered necessary to update the SFRA.	The Environment Agency has confirmed that an update to the Strategic Flood Risk Assessment is not required. Any development at Dungeness would need to be consistent with Policy DM10.
ID20	Habitat Regulations Assessment	Gravesham Borough Council	The Habitat Regulations Assessment (HRA) position statement says that HRA is only required in relation to the proposals for Dungeness. However, policy CSM 3 relates to the safeguarding of a strategic site for a new cement works and quarry at Holborough immediately adjacent to the North Downs Woodland Special Area of Conservation (SAC). Potential impacts on the SAC should also form part of the HRA of the emerging KMWLP.	CSM3 is proposed to be deleted as the planning permission has been implemented and so has been screened out from the need for Habitat Regulation Assessment (see HRA document). Not raised as an issue by Natural England.  Habitats Regulation Assessment Screening has been completed and this identified that only changes to Policy CSW17 required Habitats Regulation Assessment.
ID59	Habitat Regulations Assessment Position Statement	Natural England	Agree that revision of policy CSW 17 seems the most likely to have potential effects that require consideration under the Habitats Regulations, however would advise that any future HRA sets out clearly and transparently why other Habitat sites / policies have been screened out. Also point out that while the SPA may have recently been extended prior to the KMWLP being adopted Natural England would expect to see any new HRA also considering the potential for impacts on the Dungeness SAC and Ramsar site given the updated policy wording.	A Habitat Regulation Assessment (HRA) has now been undertaken and published alongside the updated Kent Minerals and Waste Local Plan for consultation. The Habitats Regulation Assessment concludes that no adverse effects on the designations are anticipated, although baseline monitoring would be needed to inform a decision on any planning application for the management of waste at the Dungeness Nuclear Sites which would also likely require Appropriate Assessment. Comments on the Habitats Regulation Assessment are invited.
ID23	Habitat Regulations Assessment and Strategic Flood Risk	Tonbridge and Malling Borough Council	KCC's position on the Strategic Flood Risk Assessment and Habitat Regulations Assessment are noted. TMBC have no comments to make on these pieces of evidence.	Noted

	Assessment			
ID49	Deleted Policy DM 17 (information to be retained elsewhere)	KCC Biodiversity	Point 9 refers to internationally, Nationally and locally notable and protected species. This only needs to refer to notable and protected species.	Noted - text amended.
ID50	Deleted Policy DM 17 (information to be retained elsewhere)	KCC PROW	Policy DM17, bullet 15 should be amended to '... improvement to the PROW network in accordance with Actions included within the KCC Rights of Way improvement Plan 2018-2028'.	Noted – text amended but taking account of the fact that the KCC Rights of Way improvement Plan applies to the period 2018-2028 whereas this plan applies to the period to 2030.
			<b>Miscellaneous</b>	
ID50	Miscellaneous	KCC PROW	Page 160 states DM14 is linked to Strategic Objectives SO3, SO9, SO15; should the latter be SO14?  Page 202 states CA21 is replaced by DM13; should this be DM14?	Agree - text has been amended.
ID45	Miscellaneous	Environment Agency	Highlight the importance of early engagement with regard to applications in tidal areas or high-risk flood zones. Would be useful if a link to the page on .gov.uk could be added to the 'Advice on your planning application' page of the KCC website.	Noted and relevant link will be added.
ID21	Miscellaneous	Maidstone Borough Council	Like to emphasise that it welcomes proposed expansion of the Tovil facility and development of a new household waste recycling facility in the east of the borough.	Noted
ID22	Miscellaneous	Swale Borough Council	The document would benefit from including detail on waste prevention for residents, setting out the role of KCC in supporting community re-use and repair workshops/ classes to repair and restore items rather than for them to be discarded, e.g., furniture upcycling, food waste reduction, home composting etc.  Would support an early and holistic approach of engagement between Waste Disposal Authority and Waste Collection Authority, could be mutually beneficial for both parties, especially at the time of planning new waste collection contracts.	Detail on waste prevention for residents, setting out the role of KCC in supporting community re-use and repair workshops/ classes to repair and restore items rather than for them to be discarded, e.g. furniture upcycling, food waste reduction, home composting etc. is better provided for by the Waste Disposal Authority. Some information already exists - see <a href="https://www.kent.gov.uk/environment-waste-and-planning/rubbish-and-recycling/reduce-waste-and-recycle-more">https://www.kent.gov.uk/environment-waste-and-planning/rubbish-and-recycling/reduce-waste-and-recycle-more</a> .
ID04	Miscellaneous	East Sussex County Council	The Plan has been reviewed & content and the approaches being proposed in respect of minerals and waste management provision have been noted. At this time, no specific comments on the proposed refresh.  Look forward to continued cooperation & engagement as the Plan develops. Hoped that should any issues arise, these can be addressed through a Statement of Common Ground (SoCG).	Noted
ID05	Miscellaneous	Medway Council	Understood that the proposed revisions will not change Kent's waste management and minerals supply in future. The proposed revisions respond to government legislation and policy since the plan was adopted in 2016.  A SoCG between Medway Council and KCC concerning strategic waste management and minerals	The need to update the Statement of Common Ground (SoCG) is noted. KCC will work constructively with Medway Council to prepare an appropriately updated Statement of Common Ground.

			supply was agreed in October 2020. Medway Council is preparing planning policies on waste management and minerals supply to be included in the new Local Plan. The SoCG will need to be updated as part of our ongoing engagement through the DtC.	
ID06	Miscellaneous	Surrey County Council	No comments to make.	Noted.
ID02	Miscellaneous	Cardiff Council	I can confirm the Council has no comments to make on the proposed changes to the plan.	Noted.
ID03	Miscellaneous	Doncaster Council	We have no wish to comment on your local plan.	Noted.
ID08	Miscellaneous	XXXXX	Must stop building on/digging up Grade 1 food producing farmland. UK now at about 70 million mouths to feed & 70 million amounts of waste & water needed to flush, drinking, cleaning and bathing. Kent was known as the Garden of England and has fed and needs to feed a huge number of UK people. Southern Water admitted it cannot cope with illegal sewerage discharges, aquifers are poor and KCC needs to consider future impacts. Evidence around the world of looming problems.	Policy DM10 is included in the Plan to ensure that development will not come forward which jeopardises water supplies.
ID24	Miscellaneous	Borough Green Sandpits Ltd and Sheerness Recycling Ltd	The plan is not consistent with national policy which requires that local plans make provision for a 15-year period as it does not extend beyond 2030.	Noted. The Plan period is now proposed to be extended to 2038.  Policy CSM2 has been updated to take account of estimated mineral requirements to 2040. This takes account of the latest Local Aggregates data.
ID31	Miscellaneous	Romney Marsh Internal Drainage Board	Have no comments to make.	Noted.
ID41	Miscellaneous	Plaxtol Parish Council	No objection to the proposed changes.	Noted.
ID42	Miscellaneous	Shipbourne Parish Council	Have no comments to make.	Noted.
ID34	Miscellaneous	Bidborough Parish Council	Have no comments to make.	Noted.
ID37	Miscellaneous	Ightham Parish Council	Have no comments to make.	Noted.
ID39	Miscellaneous	Lydd Town Council	Have no comments to make.	Noted.
ID55	Miscellaneous	Transport for London	Have no comments to make.	Noted.



ID36	Miscellaneous	Dunkirk Parish Council	Have no comments to make.	Noted.
ID35	Miscellaneous	Bobbing Parish Council	KCC should take a hard-line approach in ensuring that mineral development takes place in advance of housing development.	Noted - the current policies of the Plan ensure that mineral resources are not needlessly sterilised.
ID38	Miscellaneous	Iwade Parish Council	KCC should take a hard-line approach in ensuring that mineral development takes place in advance of housing development.	Noted - the current policies of the Plan ensure that mineral resources are not needlessly sterilised.
ID40	Miscellaneous	Oare Parish Council	Endorse comments made by Swale Borough Council	Noted.
ID43	Miscellaneous	Coal Authority	Have no comments to make.	Noted.

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# Draft Kent Minerals and Waste Local Plan 2023-38

## September 2022

This version of the Kent Minerals and Waste Local Plan shows where changes have been made to the document as a result of the review.

Text which has been added in is shown as **bold and underlined**

Text which has been removed is shown with a ~~strikethrough~~

Text which has been amended following the public consultation in December 2021 – February 2022 follows the same format as above but is also shown as ***italic and highlighted.***

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## Abbreviations

AD	Anaerobic Digestion
AQMA	Air Quality Management Area
AoS	Area of Search
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
AWP	Aggregate Working Party
BAP	Biodiversity Action Plan
BAT	Best Available Techniques (Assessment)
BERR	Department for Business, Enterprise and Regulatory Reform
BGS	British Geological Society
BIS	Department for Business, Innovation and Skills
<b>BNG</b>	<b><u>Biodiversity Net Gain</u></b>
BOA	Biodiversity Opportunity Area
CD	Construction and Demolition Waste
CDE	Construction, Demolition and Excavation Waste
CSM	Core Strategy Minerals
CSW	Core Strategy Waste
C&I	Commercial and Industrial Waste
DCLG	Department for Communities and Local Government
DECC	Department of Energy and Climate Change
DEFRA	Department for Environment Food and Rural Affairs
<b><u>DLUHC</u></b>	<b><u>Department for Levelling Up, Housing and Communities</u></b>
DM	Development Management
<b><u>DMR</u></b>	<b><u>Dry Mixed Recyclate</u></b>
DOE	Department of the Environment
EA	Environment Agency

EC	European Commission
EfW	Energy from Waste
EIA	Environmental Impact Assessment
<b><u>EPR</u></b>	<b><u>Early Partial Review</u></b>
ES	Environmental Statement
<b><u>ESC</u></b>	<b><u>Environmental safety case</u></b>
EU	European Union
GDF	Geological Disposal Facility
GPDO	Town and Country (General Permitted Development) Order
GVA	Gross Value Added
HDV	Heavy Duty Vehicle
HLW	High Level Waste (Radioactive Waste Classification)
HRA	Habitat Regulations Assessment
HWRC	Household Waste Recycling Centre
ILW	Intermediate Level Waste (Radioactive Waste Classification)
JMWMS	Joint Municipal Waste Management Strategy
KCC	Kent County Council
km	Kilometres
KRP	Kent Resource Partnership
LAA	Local Aggregate Assessment
LCE	Low-Carbon Economy
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LLW	Low Level Waste (Radioactive Waste Classification)
LLWR	Low Level Waste Repository
LNR	Local Nature Reserve
LWS	Local Wildlife Site
m	Metres



MCA	Mineral Consultation Area
MDA	Marine Dredged Aggregates
MPA	Mineral Planning Authority
MPS	Marine Policy Statement
MSA	Mineral Safeguarding Area
MSW	Municipal Solid Waste
mt	Million tonnes
mtpa	Million tonnes per annum
MWLP	Minerals and Waste Local Plan
NDA	Nuclear Decommissioning Authority
NERC	Natural Environment and Rural Communities
<b>NIA</b>	<b>Nature Improvement Area</b>
NIEA	Northern Ireland Environment Agency
NNR	National Nature Reserve
NPPF	National Planning Policy Framework 2012
NPPW	National Planning Policy for Waste 2014
ODPM	Office of the Deputy Prime Minister
PEDL	Petroleum Exploration and Development Licence
PLA	Port of London Authority
PROW	Public Rights of Way
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Site of Community Importance
SEEAWP	South East England Aggregate Working Party
<b>SELEP</b>	<b>South East Local Enterprise Partnership</b>
SEP	South East Plan
SEPA	Scottish Environment Protection Agency

SFRA	Strategic Flood Risk Assessment
SPA	Special Protection Area
SPZ	Source Protection Zone
SSSI	Site of Special Scientific Interest
<b>SWESC</b>	<b>Site wide environmental safety case</b>
TCPA	Town and Country Planning Act
tpa	Tonnes per annum
TRW	Topic Report on Waste
UNESCO	United Nations Educational, Scientific and Cultural Organisation
VLLW	Very Low Level Waste (Radioactive Waste Classification)
Water FD	Water Framework Directive
WCA	Waste Collection Authority
WFD	Waste Framework Directive
<b>WMP</b>	<b>Waste Management Plan</b>
WMU	Waste Management Unit
WPA	Waste Planning Authority

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## 1. Introduction

**1.0.1** The County Council has a statutory responsibility to plan for future minerals supply and waste management in Kent. This is being fulfilled through the preparation of the *Kent Minerals and Waste Local Plan* (MWLP).

### 1.1 The Kent Minerals and Waste Local Plan 2013-2023-38

**1.1.1** This document, the *Kent Minerals and Waste Local Plan 2013-2023-38*, is the main Local Plan document **pertaining to minerals supply and waste management in Kent.** It describes:

- the overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management of all waste streams that are generated or managed in Kent, and
- the spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.

**1.1.2** This Plan identifies and sets out the following subjects for the period up to, and including, the year 2030:

- the long term Spatial Vision and Strategic Objectives for Kent's minerals and waste
- the delivery strategy for minerals and waste planning that identifies how the objectives will be achieved in the plan period
- the areas where strategic mineral and waste development is likely to occur
- the Development Management (DM) policies that will be used when the County Council makes decisions on planning applications
- the framework to enable annual monitoring of the policies within the Plan

**1.1.3** The specific sites for mineral developments are set out in the separate Kent Mineral Sites Plan. The site selection process for the final sites included in the Mineral Sites Plan was based on the policies in the Kent MWLP.

**1.1.4** Preparing the Plan has involved engagement and collaboration with communities, local organisations and businesses. Public consultation was held for each stage of the plan-making process. It has also been prepared in cooperation with Kent's districts, neighbouring authorities and other minerals and waste planning authorities that may be affected by the strategies and policies in the Plan. This has ensured that effective cooperation has been undertaken where there are cross-boundary impacts.

**1.1.5** This Plan is accompanied by the following:

- *Sustainability Appraisal (SA)*
- *Habitat Regulations Assessment (HRA)*
- *Strategic Flood Risk Assessment (SFRA)*
- *Strategic Landscape Assessment*
- *Strategic Transport Assessment*
- *Equalities Impact Assessment (EqIA)*<sup>1</sup>

## 1.2 The Status of the Kent Minerals and Waste Local Plan 2013-30~~23-38~~

1.2.1 The Plan is part of the statutory development plan for Kent together with the adopted Local Plans prepared by the twelve Kent district and borough planning authorities and relevant Neighbourhood Plans prepared by local communities. Proposals for waste and mineral developments will be considered against the policies contained in the development plan as whole, not just those included in this Plan.

1.2.2 The policies in this Plan **update policies in the Kent Minerals and Waste Local Plan 2013-30** replace the earlier versions of the saved Kent Minerals and Waste Local Plan policies. Appendix B lists the schedules of saved Kent Local Plan policies replaced **by this Plan and the Kent Mineral Sites Plan**, deleted or retained.

1.2.3 This Plan will be mainly used by the County Council **and the Ebbsfleet Development Corporation** when determining applications for minerals and waste facilities. The Plan is also relevant to the determination of non-minerals and waste applications which may be determined by the District and Borough Councils and the County Council (in terms of other County matters such as schools). It is envisaged that the main policies that will be implemented when non-minerals and waste applications are being determined are as follows:

- Policy CSM 6: Safeguarded Wharves and Rail Depots
- Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure
- Policy CSM 8: Secondary and Recycled Aggregates
- Policy CSW 3: Waste Reduction
- Policy CSW 16: Safeguarding of Existing Waste Management Facilities
- Policy DM 7: Safeguarding Mineral Resources
- Policy DM 8: Safeguarding Minerals Management, Transportation Production & Waste Management Facilities
- Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development
- Policy DM 20: Ancillary Development
- Policy DM 21: Incidental Minerals Extraction

1.2.4 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* and Section 70(2) of the *Town and Country Planning Act (TCPA) 1990* requires that planning applications "must be made in accordance with the [development] plan unless material considerations indicate otherwise."

<sup>1</sup> These documents form part of our evidence base and are available online from [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp).

1.2.5 This document was prepared in accordance with national legislation<sup>2</sup>. It has also been prepared to be in general conformity with the *National Planning Policy Framework (NPPF)*<sup>3</sup>, *National Planning Policy for Waste (NPPW)*<sup>4</sup> and the *Waste Management Plan for England*<sup>5</sup>.

1.2.6 The Kent MWLP only applies to the administrative county of Kent. Medway Council are writing **maintain** their own local plan. **The replacement of earlier position regarding saved minerals and waste planning policies by this plan in Medway is set out in Appendix B.**

1.2.7 Annual monitoring will determine when it is necessary to trigger a review of the adopted plans and their policies. The monitoring schedule in Chapter 8 identifies when, where and by whom, actions will be taken to implement the Plan. The timetable for the preparation and review of Kent's minerals and waste plans is set out in the Kent MWLP Scheme<sup>6</sup>.

1.2.8 A list of the abbreviations used can be found on page **v5** and Appendix A lists a glossary of terms.

### 1.3 The Links with Legislation, Other Policies and Strategies

1.3.1 When preparing plans, minerals and waste planning authorities must take account of international and national legislation and national planning policy. Until 2013, regional planning policy formed part of the development plan and was required to be taken into account in the preparation of local plans. The *Regional Spatial Strategy (RSS)* for the South East of England was **substantially** partially revoked<sup>7</sup>. The remaining part of the RSS relates to a policy about new residential development near the Thames Basin Heaths Special Protection Area (SPA), which is not in Kent. However, the RSS has been tested for soundness through an Examination in Public (EiP), and where relevant, it can still form part of the evidence base for the Kent MWLP.

<sup>2</sup> The Town and Country Planning (Local Development) (England) Regulations 2004, The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act (2011), Environmental Assessment of Plans and Programmes Regulations 2004.

<sup>3</sup> Department of **Ministry of Housing**, Communities and Local Government (DHCLG) (March 2012 **July, 2021**) National Planning Policy Framework.

<sup>4</sup> DCLG (October 2014) National Planning Policy for Waste

<sup>5</sup> DEFRA (December 2013 **January 2021**) Waste Management Plan for England.

<sup>6</sup> Available online from: [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp).

<sup>7</sup> Statutory Instruments 2013 No. 427: The Regional Strategy for the South East (Partial Revocation) Order 2013.

## **European National Legislation**

**1.3.2 Following the departure of the UK from the European Union (EU), the text of EU Directives currently still provides much of the international-legislative context for minerals and waste plan-making.**

**1.3.3 The Waste (Circular Economy) (Amendment) Regulations 2020 (SI 2020/904), transpose the European Union's 2020 Circular Economy Package (2020 CEP) in England and Wales, and were made on 25 August 2020. These Regulations implement six amending EU Directives in the field of waste concerning:**

- **The Waste Framework Directive;**
- **packaging and packaging waste;**
- **landfill of waste;**
- **end-of life vehicles;**
- **batteries and accumulators and waste batteries and accumulators; and,**
- **waste electrical and electronic equipment.**

**1.3.4 The changes are intended to increase the prevention, reuse and recycling of waste in accordance with the Waste Hierarchy<sup>8</sup> e.g. by strengthening requirements for the separate collection of paper, metal, plastic or glass. The Regulations also put the Government commitments in the 2018 Resources and Waste Strategy to recycle 65% of municipal waste and to have no more than 10% of municipal waste going to landfill by 2035 into law.**

**1.3.5 Other important EU Directives which are currently retained as UK legislation These include:**

- ~~Waste Framework Directive (WFD) (2008/98/EC) which aims to move the management of waste up the Waste Hierarchy<sup>(8)</sup> and to encourage the use of waste as a resource. EU member states are required to achieve recycling and composting rates of 50% by 2020 for household waste streams including paper, metal, plastic, glass, and for other waste streams that are similar to household waste. Also by 2020, the preparation for re-use, recycling and recovery of non-hazardous construction and demolition waste (CDE) (excluding naturally occurring materials) must be increased to a minimum of 70% by weight.~~
- ***Landfill Directive (1999/31/EC)*** which requires reductions in the quantity of biodegradable waste that is landfilled, and encourages diversion of non-recyclable and non-usable waste to other methods of treatment.
- ***Water Framework Directive (Water FD) (2000/60/EC)*** which aims to improve the local water environment for people and wildlife, and promote the sustainable use of water. It applies to all surface water bodies, including lakes, streams and rivers as well as groundwater. The aim of the Water FD is for all water bodies to reach good status by 2027. This means improving their

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<sup>8</sup> The Waste Hierarchy is defined in the Glossary in Appendix A and is shown diagrammatically in the text supporting Policy CSW 2.

physical state, and preventing deterioration in water quality and ecology. The Water FD introduced the concept of integrated river basin management planning. Kent lies within the Thames River Basin District and South East River Basin District<sup>9</sup>.

## National Planning Policy and Guidance

**1.3.36** The Government **originally** published the NPPF in March 2012. **The NPPF has been amended several times and most recently in July 2021.** The NPPF describes the Government's planning policies for England and how to apply them. It provides a framework for people and their councils to produce distinctive local and neighbourhood plans that reflect local needs and priorities. It includes policies on plan-making and planning for minerals.

**1.3.47** Specific policies on waste are described in the *National Waste Management Plan for England*<sup>10</sup> and the *National Planning Policy for Waste 2014*<sup>11</sup>. Local authorities preparing waste plans are also advised to consider relevant NPPF policies. **The National Waste Management Plan for England (2021) notes that National Planning Policy for Waste will be updated to align with the changes to the National Planning Policy Framework and the Resources and Waste Strategy.**

**1.3.58** Since the publication of the NPPF, DCLG **Government** has published the following additional guidance notes which are relevant to minerals and waste plan-making:

- *Guidance for Local Planning Authorities on Implementing Planning Requirements of the EU WFD (2008/98/EC)*<sup>12</sup>
- updated Planning Practice Guidance on Minerals to accompany the NPPF, including updated guidance on the Managed Aggregate Supply System **and Planning Practice Guidance on Waste**<sup>13</sup>

**1.3.69** The *Marine and Coastal Access Act 2009* introduced measures to enable the sustainable management and use of marine resources, including the requirement for a Marine Policy Statement (MPS). The UK MPS contains minerals policy relating to offshore mineral interests. All public authorities taking authorisation or enforcement decisions that affect, or might affect, the UK marine area must do so in accordance with the UK MPS, unless relevant considerations indicate otherwise. The MPS will also guide the development of Marine Plans across the UK. **The South East Inshore Marine Plan provides guidance for sustainable development from Felixstowe in Suffolk to near Folkestone. The South Marine**

<sup>9</sup> Environment Agency (December 2015) Thames River Basin Management Plan (RBMP) and the South East RBMP.

<sup>10</sup> DEFRA (December 2013 **January 2021**) Waste Management Plan for England.

<sup>11</sup> DCLG (October 2014) National Planning Policy for Waste.

<sup>12</sup> DCLG (December 2012) Guidance for local planning authorities on implementing planning requirements of the EU Waste Framework Directive (2008/98/EC).

<sup>13</sup> DCLG (Revised March 2014) Planning Practice Guidance: Minerals Web-based resource available from: <http://planningguidance.planningportal.gov.uk/>



Plan covers an area of around 20,000 square kilometres of inshore and offshore waters across 1,000 kilometres of coast line from Folkestone to the river Dart. **The County Council continues to work with the Marine Management Organisation (MMO) to aid the implementation of policies and ensure there is no conflict with the KMWLP and the Marine Plan.**

## Local Plans and Strategies

**1.3.710** The Plan is also informed by the County Council's Strategic Statement, which sets out the priorities for the Council and considers other relevant local policies and strategies.

## Kent Joint Municipal Waste Strategy

**1.3.811** As Waste Disposal Authority **(WDA)**, in 2007 the County Council prepared a the original Joint Municipal Waste Management Strategy (JMWMS) with the districts in Kent, which was adopted by the Kent Resource Partnership (KRP). The partnership, which comprises 12 district/borough councils and KCC, is a forum for WDA and Waste Collection Authorities (WCA) co-operation. The KRP plans and budgets for Kent's household waste so that new facilities can be built where and when they are needed. The key objectives of the KRP are as follows:

**1.3.12 Maximising the 'value' of resources that we manage from households, in terms of realising the social, environmental and economic opportunities;**

- Providing the best possible value for money service to the Kent taxpayer, taking into account whole service costs;
- Realising opportunities to improve services now and in the future through engagement, collaboration and working in partnership with the supply chain; and
- Supporting future thinking through ongoing research and evidence that will facilitate the transition to a circular economy for Kent.

The aims of the KRP are to:

- increase recycling rates all over Kent
- reduce the amount of waste produced by each household
- reduce the amount of Kent's waste that is put into landfill

**1.3.913** Since 2007 the KRP have achieved the following targets have been achieved:

- 40% recycling and composting across Kent County Council
- KCC's Household Waste Recycling Centres (HWRCs) to achieve a 60% recycling and composting rate

**1.3.104** These targets were achieved in 2011/12. Also In addition, the amount of waste sent to landfill has been reduced from around 72% in 2005/06 to 22.8% in 2016/17 and 2017/18.

**1.3.145** A refreshed review of the Kent JMWMS was agreed by the KRP in 2018 began in 2011. The KRP prepared which sets out new objectives and policies which are being implemented across Kent. These include a recycling rate of 50% and a landfill target of no more than 2% by 2020/21 and a year on year reduction in residual waste per household reducing household waste arisings by at least 10% by 2020/21 (based on 2010/11 levels), recycling and composting rates of at least 50%, and sending no more than 5% of the household waste stream to landfill. The aim is to get as close as possible to 0% for untreated household waste being sent to landfill.

### Kent Waste Disposal Strategy

**1.3.16** The County Council as Waste Disposal Authority (WDA) is conducting a five year review of its Waste Disposal Strategy originally adopted in July 2017. This strategy is the guiding document for the WDA's assessment of current and future infrastructure operational requirements in Kent for the ongoing management of local authority collected waste arising in across Kent.

### Kent County Council Climate Emergency Statement

**1.3.17** In 2019 the County Council adopted a Climate Emergency Statement which states:

*“Through the framework of the Energy and Low Emissions Strategy, we will facilitate the setting and agreement of a target of net zero emissions by 2050 for Kent and Medway.”*

### The Kent and Medway Energy and Low Emissions Strategy

**1.3.18** The Kent and Medway Energy and Low Emissions Strategy sets out how Kent County Council, in Partnership with Medway Council, and Kent district and borough councils, will respond to the UK climate emergency and drive clean, resilient economic recovery across the county. Priorities set out in the document include ensuring that climate change and circular economy principles are integrated into Local Plans, including environmental considerations, reducing carbon emissions, and ensuring management of resource sustainably. The Strategy includes the following statement:

*‘Principles of Clean Growth (growing our economy whilst reducing greenhouse gas emissions), must be factored into all planning and development polices and decisions, whilst not becoming a barrier to new development.’*

The Strategy also expects a clean growth and climate change strategic planning framework for Local Plans and development to be prepared in the short term (by 2023) and clean growth and climate change to be fully integrated into Local Plans in the long term (by 2030).

## Strategic Transport Plans

1.3.1219 The County Council has a statutory duty to prepare and update its Strategic Transport Plan. The Local Transport Plan for Kent ~~2014-2016~~**2016-2031** was adopted in ~~2014~~**2017**. This Plan explains how the council will work towards its transport vision over **the coming years** ~~a five-year period~~ using the funding that it receives from Government, **bringing together KCC transport policies, looking at local schemes and issues as well as those at a countywide and national significance**. KCC also prepared a 20-year transport delivery plan, Growth Without Gridlock, which focuses on the key strategic transport improvement areas required in Kent, including the Thames Gateway. This aims to relieve the pressure on the Channel Corridor, cut congestion in West Kent along the A21, find a solution in East Kent for Operation Stack<sup>14</sup> and provide **an** integrated public transport network.

1.3.1320 The Kent Freight **Action Plan for Kent** was adopted in 201**27**. It contains KCC's objectives to tackle key issues and find solutions to the following problems related to lorry movements in Kent:

- overnight lorry parking
- Operation Stack
- managing the routing of Heavy Goods Vehicles to ensure that they remain on the Strategic Road Network for as much of their journey as possible
- impacts of freight traffic on communities and the environment
- encouraging sustainable distribution

## District Local Plans

1.3.1421 The Kent district local plans form part of the development plan **and these** - ~~While they do not address minerals and waste matters, their Sustainable Community Strategies have been considered in the preparation of the Kent MWLP.~~

## 1.4 The Evidence Base

1.4.1 The evidence base required for plan-making must be: *proportionate*<sup>15</sup>, kept up-to-date and address all of the relevant legislative and policy requirements.

1.4.2 An adequate and relevant evidence base on the economic, social and environmental characteristics and prospects of the area has been available to inform the preparation of the Plan.

1.4.3 **The Sustainability Appraisal (SA)** identifies and evaluates the impacts that are expected to arise from the Plan's policies regarding social, environmental and economic factors. The SA process is *iterative*<sup>16</sup> and prepared in parallel with the Kent MWLP. The SA influences the production of the Plan and ensures that plan-making is carried out in accordance with the principles of sustainable development. The SA

<sup>14</sup> Operation Stack is the name given to the process used to stack lorries on the M20 when cross channel services from the Port of Dover or through the Channel Tunnel are disrupted.

<sup>15</sup> Proportionate means being in due proportion, so that there is sufficient evidence (facts and figures) to justify the decisions made in the Plan.

<sup>16</sup> Iterative means that there is repetitive on-going discussion and resolution of issues.

report for the Plan was prepared independently by URS **Amey** Consultants. Each stage of plan-making has been accompanied by an SA.

1.4.4 Kent contains sites of international importance for wildlife including Special Areas of Conservation (SACs), **Special Protection Areas (SPAs)** and Ramsar sites<sup>17</sup>. The Plan is accompanied by a **Habitats Regulation Assessment (HRA)** which considers the impacts of the plan policies on the international sites and assesses whether the policies will have a significant impact. The Plan must comply with the requirements of the Habitat Regulations<sup>18</sup> to minimise the possibility of impacts on internationally designated sites.

1.4.5 **When** the Plan ~~is also~~ **was adopted in 2016 it was** ~~it was~~ accompanied by the following assessments:

- **Strategic Flood Risk Assessment (SFRA)** describing the impacts of the plan policies on flooding and identifying where mitigation measures could be needed
- *Strategic Landscape Assessment* describing the landscape impact of the Strategic Site for Minerals and the Strategic Site for Waste identified in the Plan
- *Strategic Transport Assessment* describing the potential effects on Kent's transport network (see Figure 2) as a result of the Plan's policies

**These assessments remain relevant to the updated Plan. Additional assessments accompanied the Mineral Sites Plan that was adopted in 2020.**

1.4.6 Parts of the Kent MWLP evidence base ~~were~~ ~~have been~~ developed in conjunction with other adjoining local authorities, including:

- the KCC and Medway Council collaboration on a study of mineral imports into the county **in 2010**<sup>19</sup>
- the Kent and Surrey County Council collaboration on an evidence base for their plans for silica sand<sup>20</sup>

1.4.7 The evidence base topic reports and other documents that have been prepared to inform and support the preparation of ~~the~~ Plan **adopted in 2016 and its review** and information on public consultation undertaken are available online<sup>21</sup>.

<sup>17</sup> Ramsar sites are sites designated under The Ramsar Convention as Wetlands of international importance Sites.

<sup>18</sup> The Conservation of Habitats & Species Regulations 2010.

<sup>19</sup> KCC and Medway Council (May 2011) MTR7: Kent and Medway Mineral Imports Study.

<sup>20</sup> GWP Consultants Ltd (2010) Silica Sand Report for KCC and Surrey County Council.

<sup>21</sup> See [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp).

## 1.5 Planning and Permitting Interface

**1.5.1** When determining planning applications, local planning authorities establish whether a development should go ahead in the particular location proposed. In arriving at its decision, the County Council and **its** partner planning authorities will:

- seek to establish the development is an appropriate use of the particular land, and, in doing so, that the development will not result in unacceptable risks from pollution.
- respect the fact that the primary role of controlling pollution falls to the respective pollution regimes.
- pay due cognisance to the fact that certain activities may be subject to non-planning consenting regimes and securing such consents may be critical in delivering the particular development.
- seek advice from other relevant consenting bodies, such as the Environment Agency, around issues that might affect whether a development is acceptable.
- Where any significant issues are identified, we recommend that other consents needed, such as environmental permits, be sought in parallel to submission of the planning application so that any issues can be resolved as early as possible.

**1.5.2** The NPPF states that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than **the control** of **processes or emissions** themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that **these regimes will operate effectively**. Equally, where a planning decision has been made on a **particular development**, the planning issues should not be revisited through the permitting **regimes operated** by pollution control authorities<sup>22</sup>.

**1.5.3** The NPPW states that when determining waste planning applications, waste **planning authorities** should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste Planning Authorities should work on the assumption that the **relevant pollution** control regime will be properly applied and enforced<sup>23</sup>.

<sup>22</sup> ~~DCLG (2012)~~ **MHCLG (2021)** National Planning Policy Framework, para. 122**88**.

<sup>23</sup> DCLG (2014) National Planning Policy for Waste, para. 7.

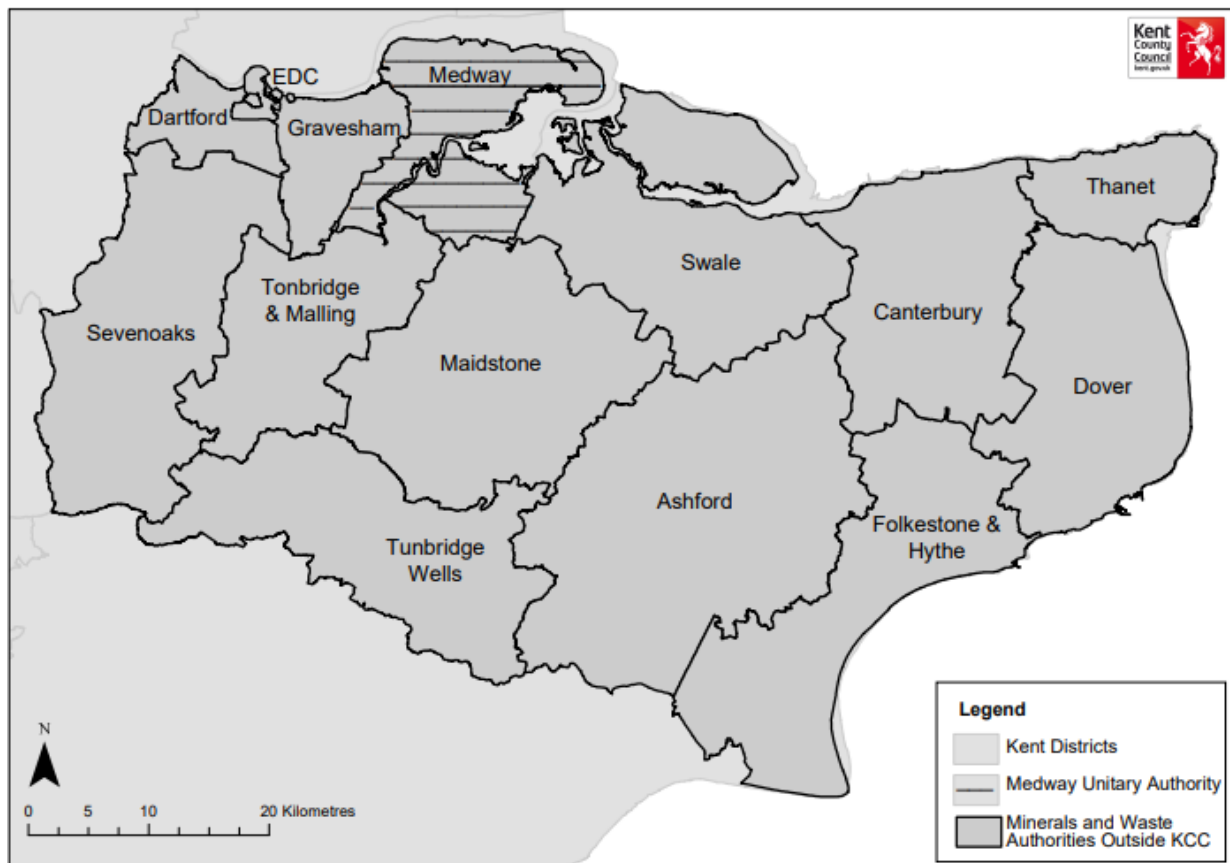
## 2. Minerals and Waste Development in Kent: A Spatial Portrait

### 2.1 Introduction

**2.1.1** Kent is located in the south east corner of the United Kingdom (UK). The county consists of 12 districts, as shown in Figure 1. It is surrounded on two sides by water: the River Thames to the north and the English Channel to the south-east. It also neighbours London on its north-west perimeter. It has excellent transportation links by road, rail and water with northern France, London, Essex and the South East of England (see Figure 2). 85% of Kent is defined as rural.

**2.1.2** With an estimated population of 1,480,200 **1,589,100** people<sup>24</sup>, **(24 – In September 2021, Office for National Statistics)** Kent is the largest non-metropolitan local authority area in England. Projected population growth for Kent is a **40.57.5%** increase between 2011~~8~~ and 2024~~8~~, with the total population of the county expected to be **over 1.627** million people by 2026~~8~~<sup>25</sup>.

**Figure 1: Kent Districts**



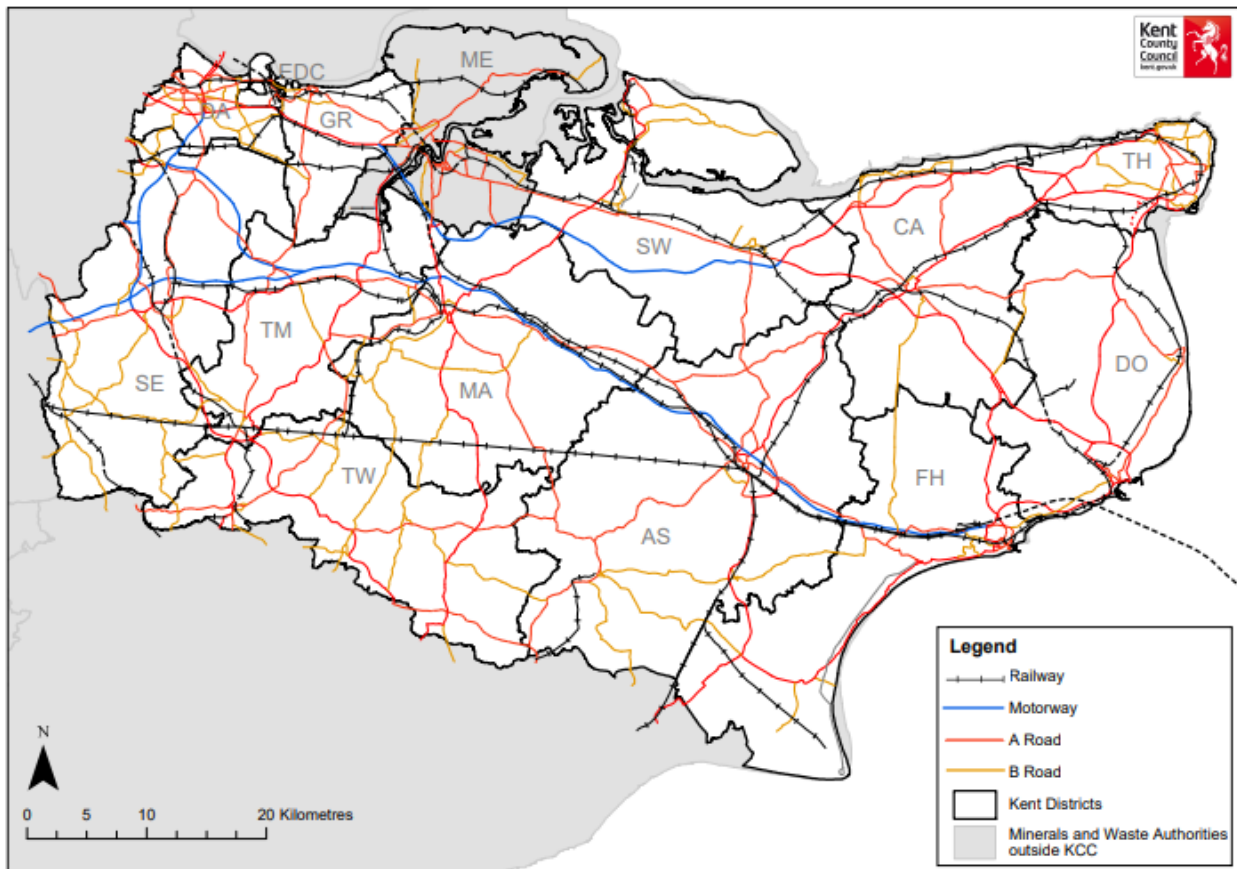
**2.1.3** The population of Kent is spread unevenly throughout the county. North-west Kent is the main urban area as part of the Thames Gateway area. The Thames Gateway stretches along the River Thames from Stratford and Lewisham in London

<sup>24</sup> In September 2021, Office for National Statistics.

<sup>25</sup> ~~KCC (2020) Strategic Commissioning Statistical Bulletin 2018 – Based Subnational Population Projections~~ **KCC (2020) Strategic Commissioning Statistical Bulletin 2018 – Based Subnational Population Projections.**

out to Sittingbourne, Kent and Southend, Essex. Within Kent, it contains parts of Dartford, Gravesham and Swale Districts and Medway Council.

**Figure 2: Transport Links**



**2.1.4** Kent is a member of The South East Local Enterprise Partnership (SE LEP). This encompasses East Sussex, Essex, Kent, Medway, Southend and Thurrock. LEPs are voluntary partnerships between local authorities and businesses which were formed in 2011 by the **former** Department for Business, Innovation and Skills (BIS) to help determine local economic priorities and lead economic growth and job creation within the local areas. LEPs are responsible for some of the functions previously carried out by the regional development agencies which were abolished in March 2012. There were **398** LEPs in operation in ~~September~~**October 2012**.

**2.1.5** Figure 3 shows the extent of the SE LEP and the Thames Gateway area. The SE LEP area has 156,000 businesses and 3.9 million people. 1,526,000 people work within the LEP area, contributing £63bn Gross Value Added (GVA)<sup>26</sup>. This represents 5% of the national contribution<sup>27</sup>. The SE LEP's **aim/vision** is to **ensure the survival and stability of our economy in the short term and to drive sustainable economic renewal and growth in the medium to long term. create the most enterprising economy in England.** The SE LEP has identified four strategic **objectives/priorities which reflect the unique geography, assets and opportunities:**

<sup>26</sup> GVA is explained in the Glossary in Appendix A.

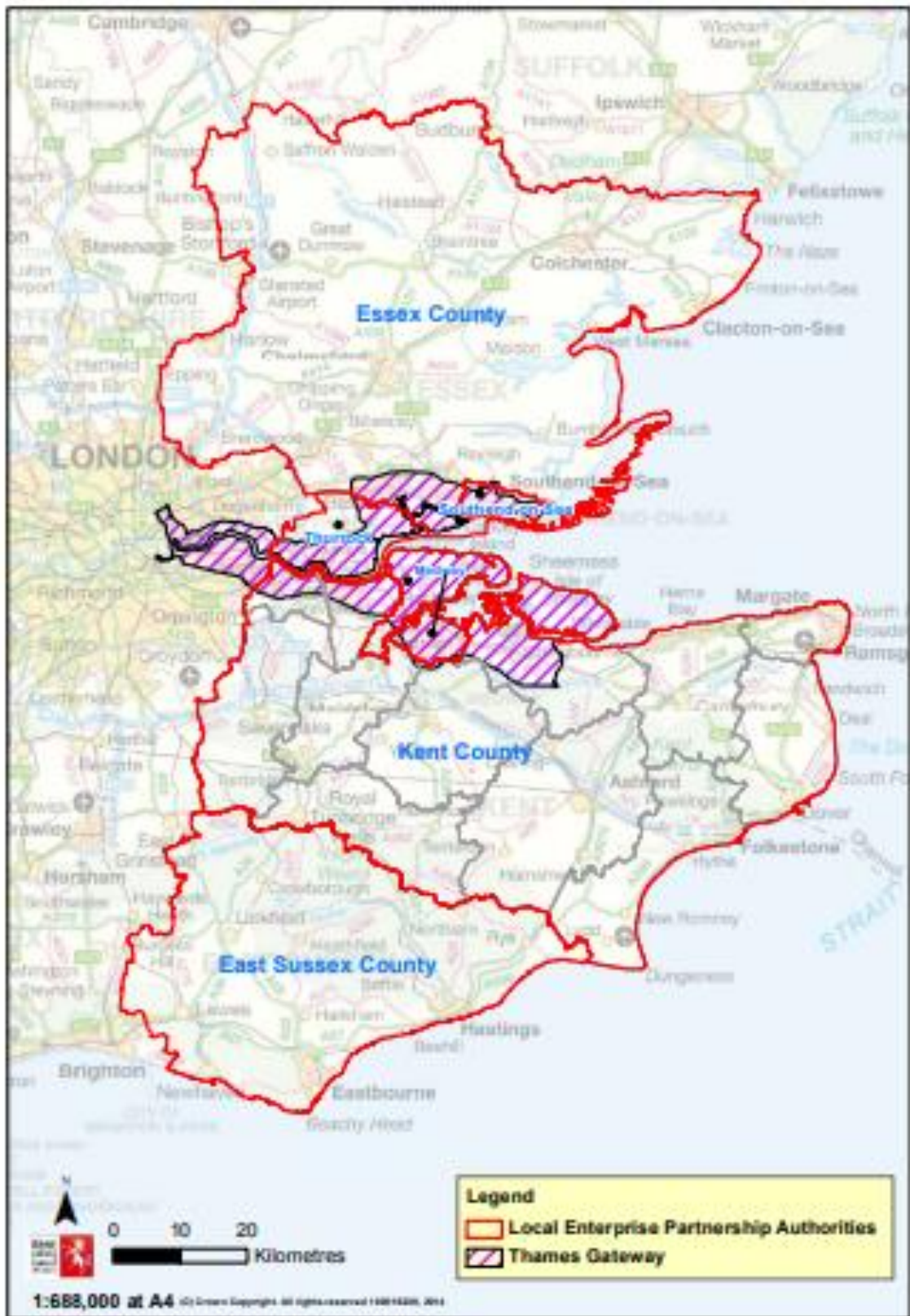
<sup>27</sup> South East Local Enterprise Partnership Strategic Economic Plan.

1. ~~secure the growth of the Thames Gateway~~ **business resilience and growth**
2. ~~promote investment in coastal communities~~ **UK's global gateway**
3. ~~strengthen the rural economy~~ **communities for the future**
4. ~~strengthen the competitive advantage of strategic growth locations~~ **coastal catalyst**

DRAFT



Figure 3 SELEP and the Thames Gateway Area



## 2.2 Kent's Environmental and Landscape Assets

**2.2.1** Some of Kent's natural environment and features are formally identified as being of international, national and local importance. Kent also has statutorily protected species, under both European **international** and national legislation. These formal designations include the following:

### International Importance (see Figure 4):

- Ramsar sites and/or
- **Special Protection Areas** for Conservation (SPAs)
- **Special Areas for Conservation** (SACs)
- UNESCO World Heritage Sites: Canterbury Cathedral, St Augustine's Abbey and St Martin's Church in Canterbury

### National Importance (See Figures 5 & 6):

- almost a third of Kent is protected by two Areas of Outstanding Natural Beauty (AONB): the Kent Downs AONB and High Weald AONB
- Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (**NNRs**)
- nationally important archaeological sites (most of which are Scheduled Ancient Monuments), Registered Parks and Gardens of Historic Interest and Listed Buildings<sup>28</sup>
- Kent areas of Heritage Coast including South Foreland and Dover to Folkestone
- Green Belt
- species and habitats listed as being of principal importance for the conservation of biodiversity in the UK (Section 41 of the *Natural Environment and **Rural Communities (NERC) Act 2006***)<sup>29</sup>
- Ancient Woodland (Figure 10)

### Local Importance:

**2.2.2** Kent's wildlife, geological, geomorphological, landscape and historic environmental areas and features that are of particular importance at county level, or that make a contribution to biodiversity and geological conservation, include:

- Local Geological Sites and Local Wildlife Sites (LWSs) (see Figure 7)
- Local Nature Reserves (LNRs) (see Figure 8)
- ~~Kent Biodiversity Action Plan (BAP)~~ **Species and habitats identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045**
- the setting of the World Heritage Site (Canterbury Cathedral, St Augustine's Abbey and St Martin's Church) and Locally Listed buildings, conservation areas and their settings

<sup>28</sup> Listed Buildings in Kent are shown on The National Heritage List for England on the **Natural England** English Heritage website.

<sup>29</sup> DCLG (2000) Countryside and Rights of Way Act 2000.

- landscape features of importance for wildlife that are essential for migration and dispersal, and which enable the protection, conservation and expansion of native flora and fauna
- Kent rivers and waterways and their settings (Figure 9)
- Biodiversity Opportunity Areas (BOA) ~~and The Greater Thames Marshes Nature Improvement Area (NIA)~~ (Figure 11)
- Groundwater in Kent (Flood Zones, Source Protection Zones) (Figure 15)

### **Biodiversity Opportunity Areas ~~and Local Nature Recovery Strategy and the Nature Improvement Area~~**

2.2.3 The identification of BOAs ~~and the Greater Thames Marshes NIA~~ present opportunities to contribute to large-scale biodiversity conservation in Kent.

2.2.4 Kent's network of BOAs has been identified to implement the Kent **BAP Nature Partnership Biodiversity Strategy 2020 to 2045**.<sup>(90)</sup> The BOAs show where the greatest gains can be made from habitat enhancement, restoration and recreation, **as these areas offer the best opportunities for** by establishing or contributing to large habitat areas and/or networks of wildlife habitats. The BOAs include a range of biodiversity **interests**. BOA targets reflect the specific landscape, geology and key habitats that are present within each area.

~~2.2.5 NIAs are areas in which partner organisations are planning and delivering improvements for wildlife and people through sustainable resource use, restoring and creating wildlife habitats, connecting local sites and joining up action on a large-scale. Within Kent there is the Greater Thames Marshes NIA.~~

2.2.6 The BOAs ~~and the NIA~~ are not constraints to development. They are areas where minerals and waste sites will best be able to support the strategic aims for biodiversity conservation in Kent. Sites that are outside of the BOAs ~~and the NIA~~ can still contribute to the delivery of BAP targets and the enhancement of Kent's biodiversity.

**2.2.7 Whilst the BOAs remain current they are likely to be superseded by the Local Nature Recovery Strategy, a requirement of the Environment Act 2021. The Local Nature Recovery Strategy (LNRS) will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Whilst the LNRS is not expected to be a constraint to development, they will be an important source of evidence for local planning and public authorities will have a duty to "have regard" to the LNRS. At the time of writing, the secondary legislation and statutory guidance relating to LNRS that will provide the detail and instruct the commencement of their development is awaited.**

Figure 4 International Designations  
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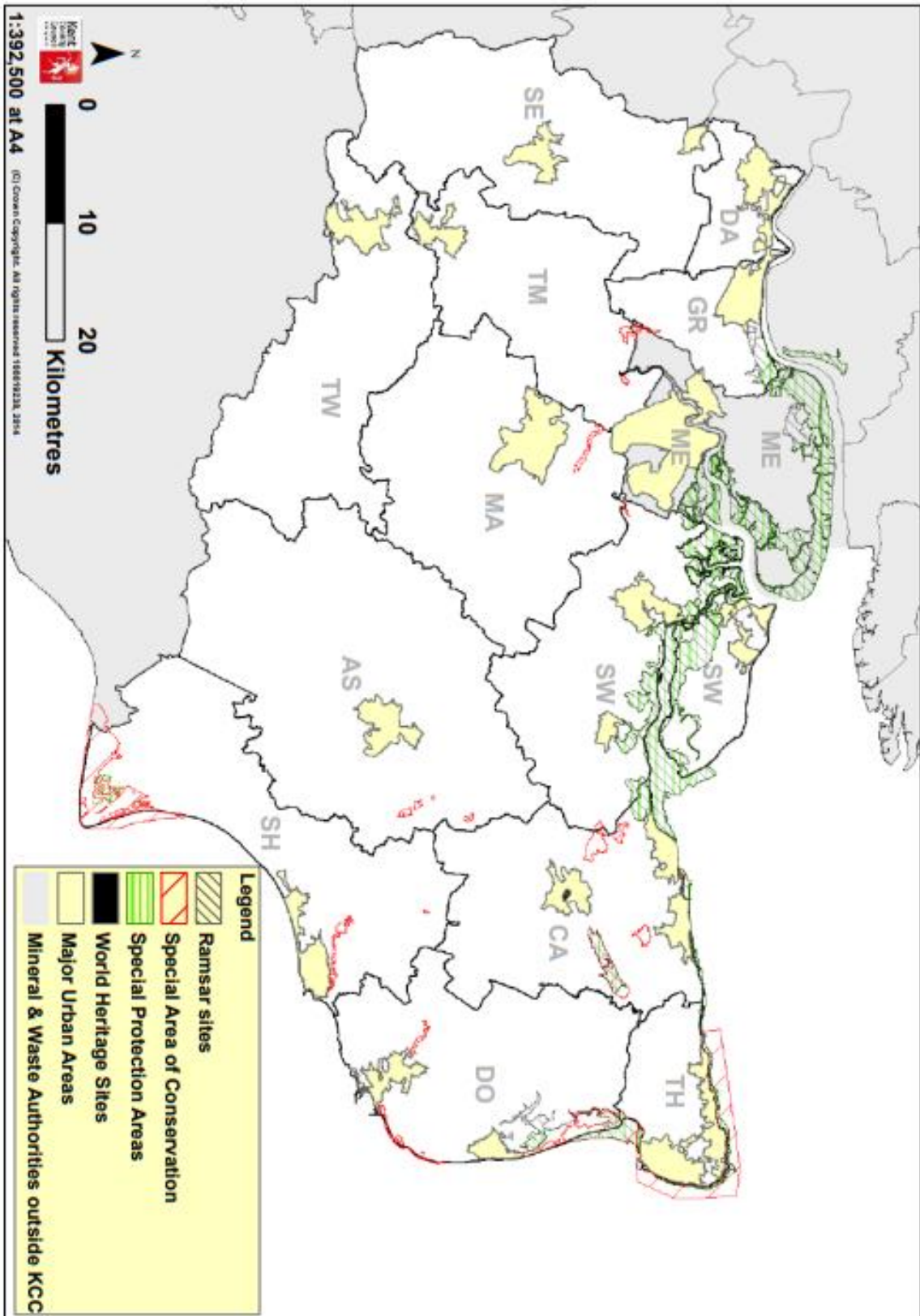


Figure 5: Nationally Important Designations: Landscape

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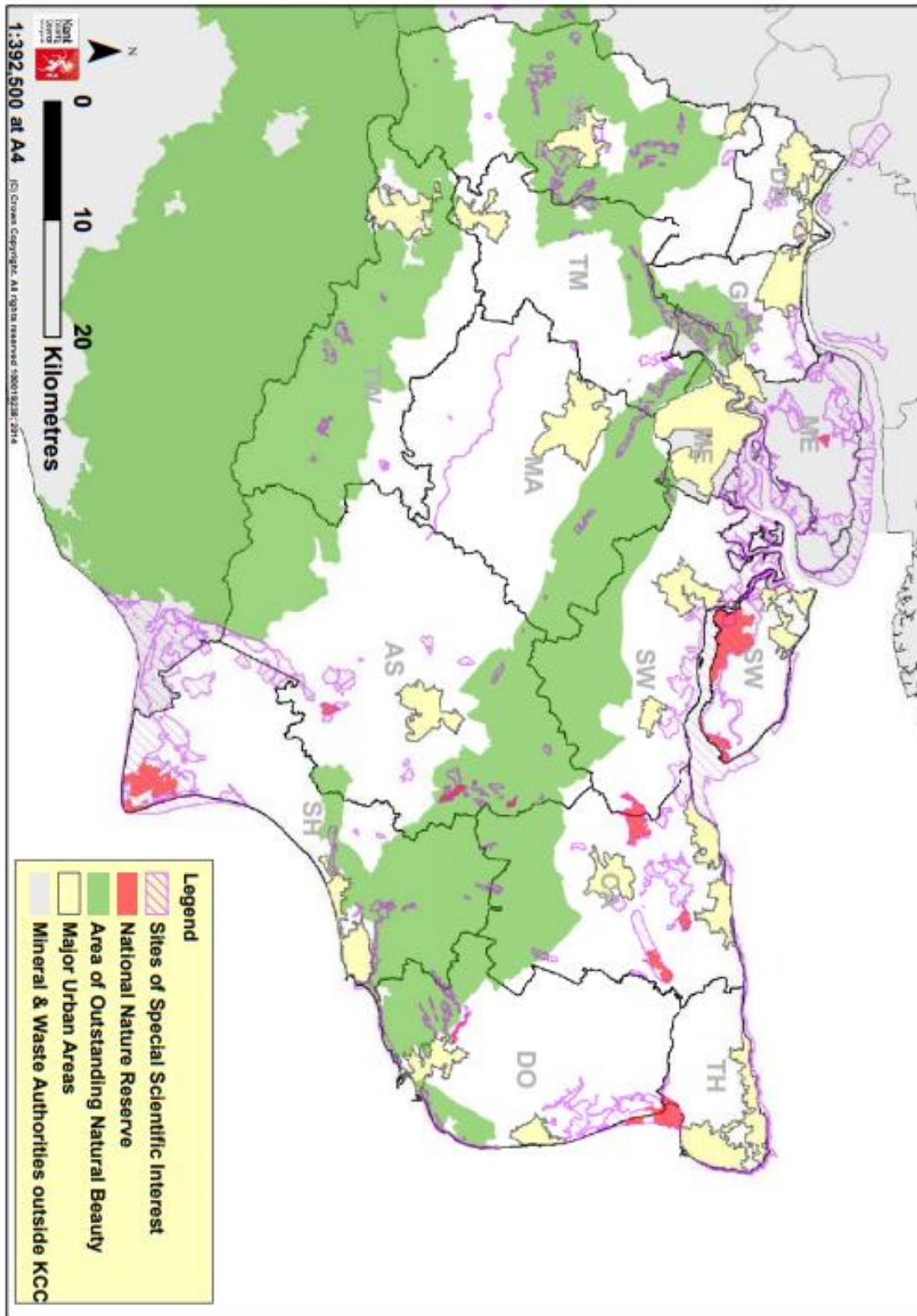


Figure 6: Nationally Important Designations: Heritage and Green Belt

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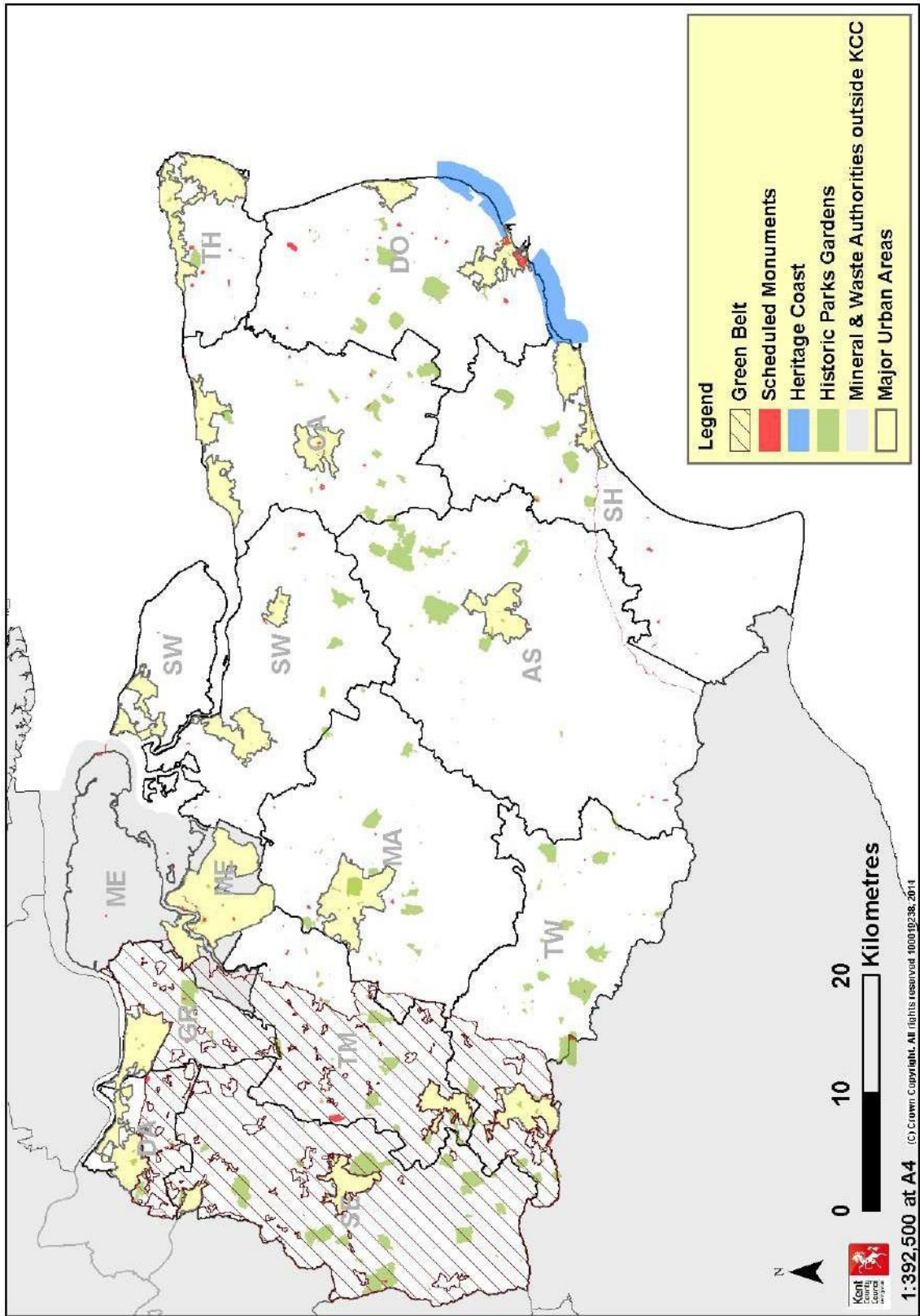


Figure 7: Local Geological Sites and Local Wildlife Sites

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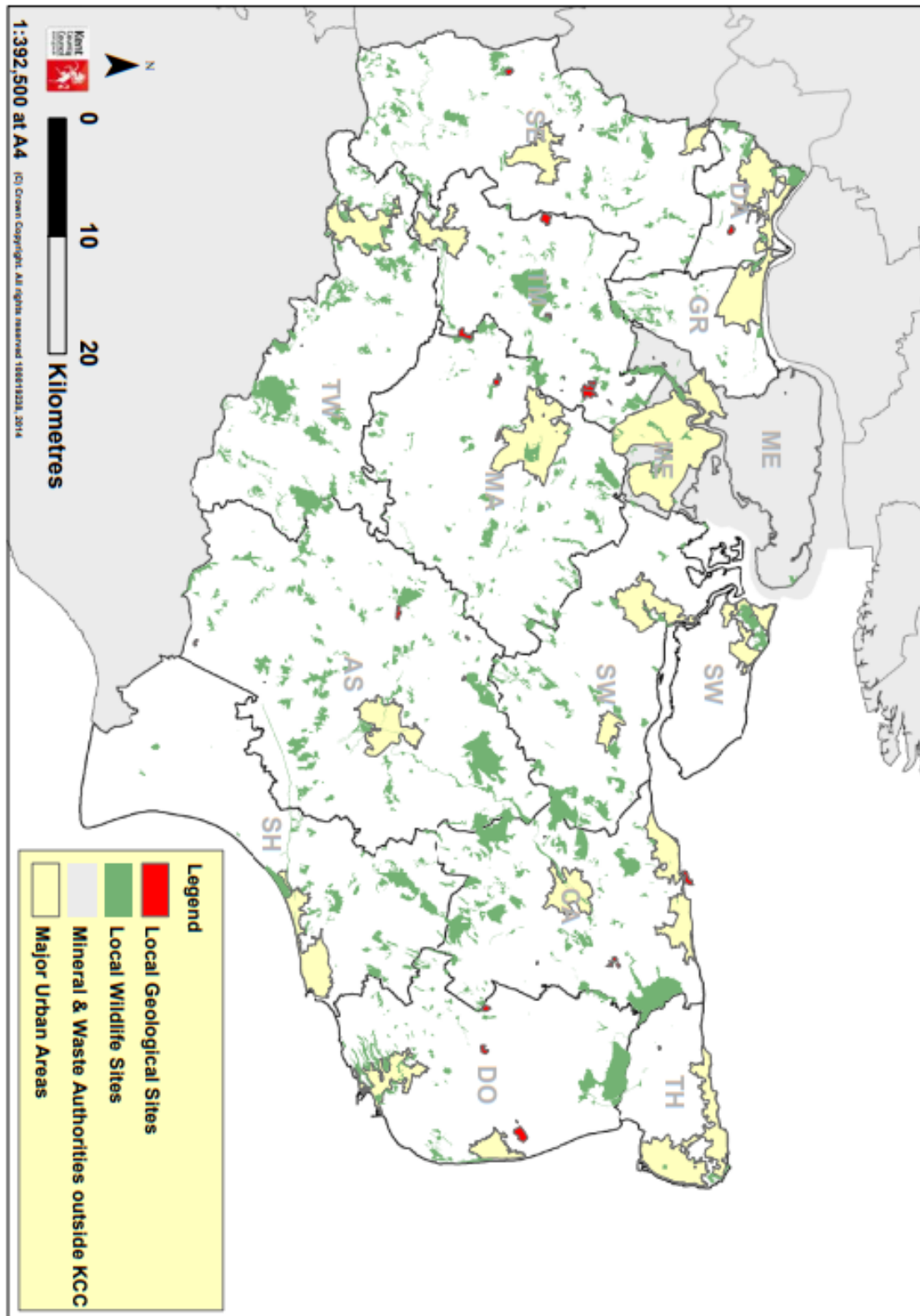


Figure 8: Local Nature Reserves  
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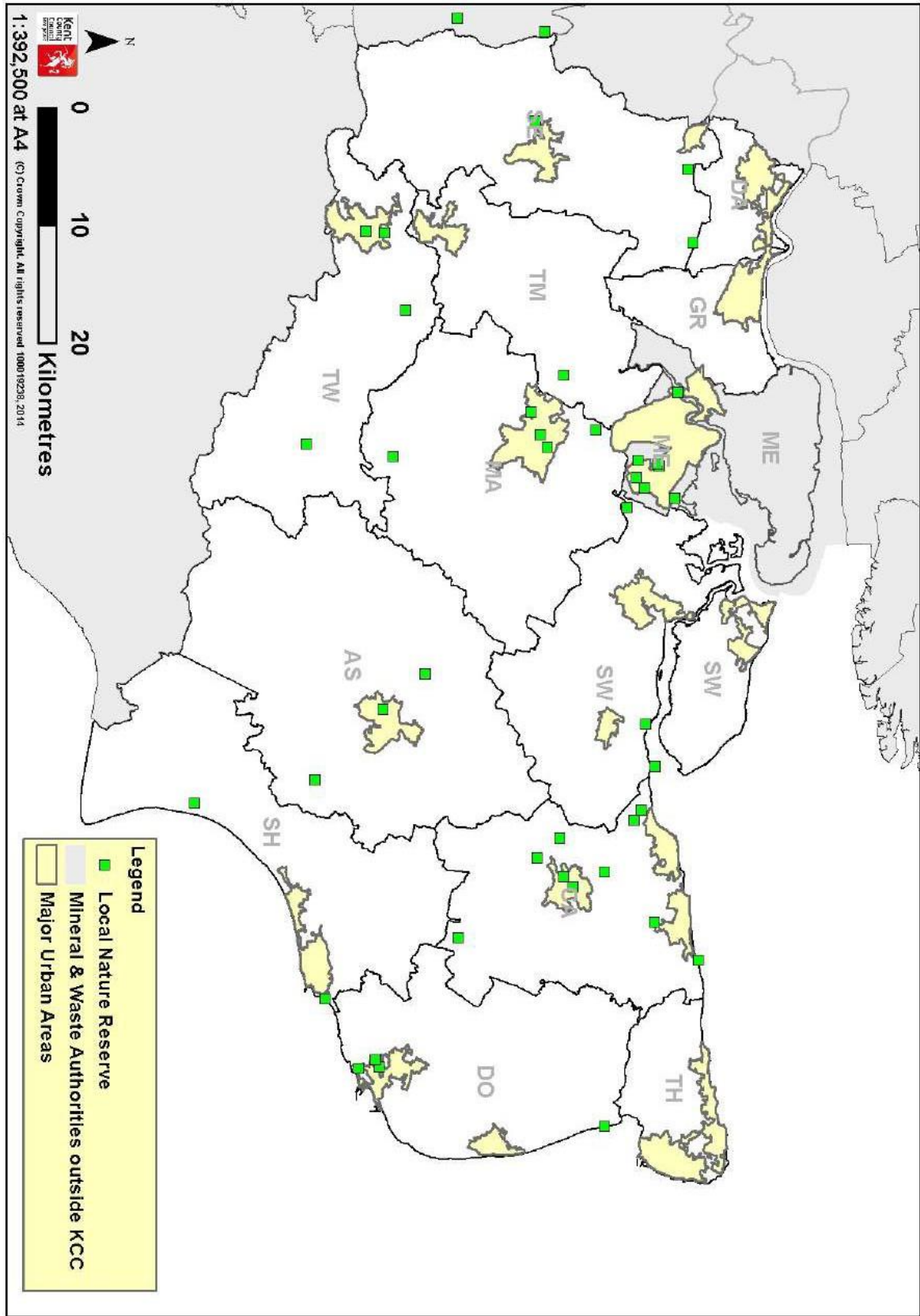




Figure 9: Kent Main Rivers and Waterways  
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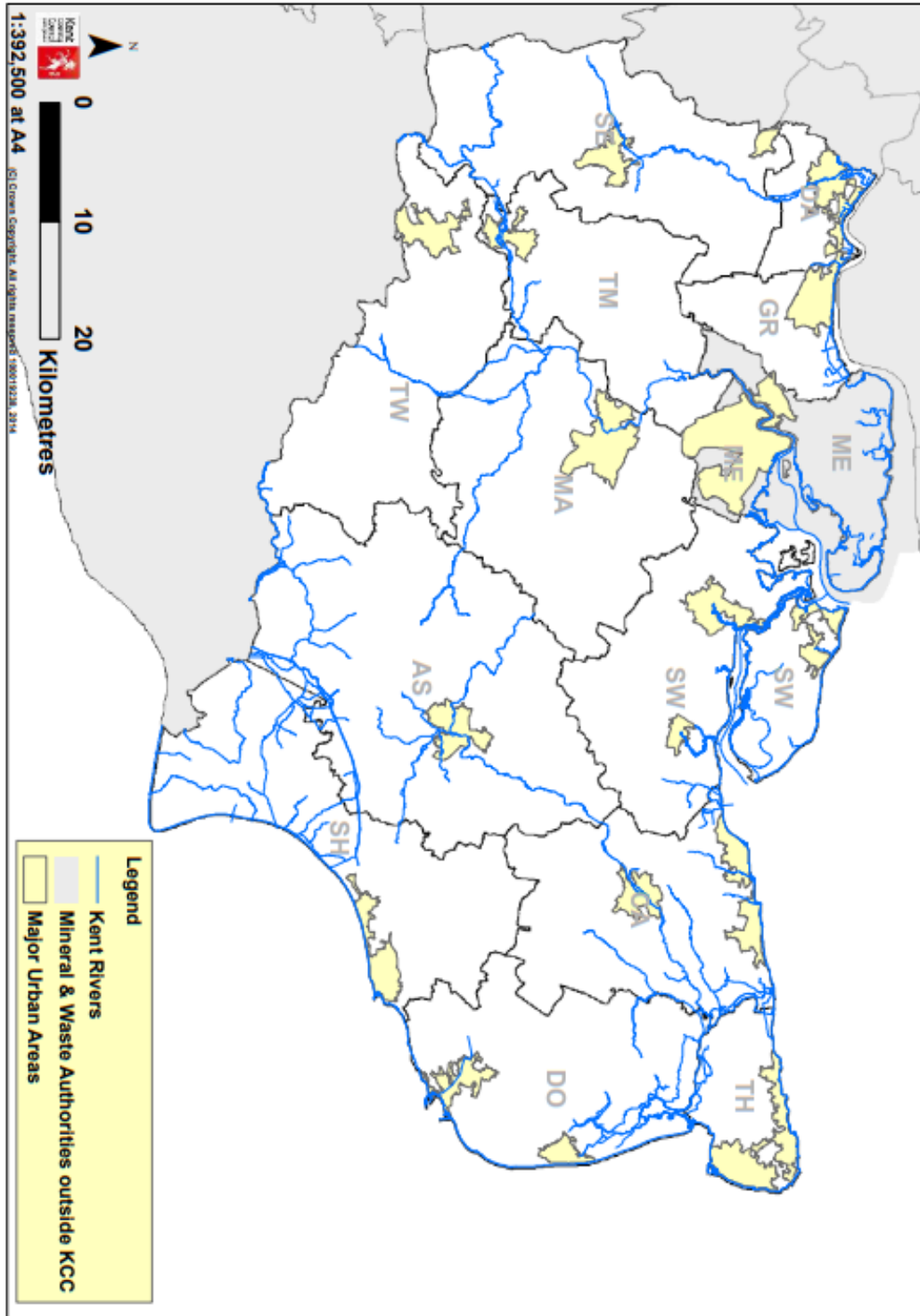


Figure 10: Ancient Woodland  
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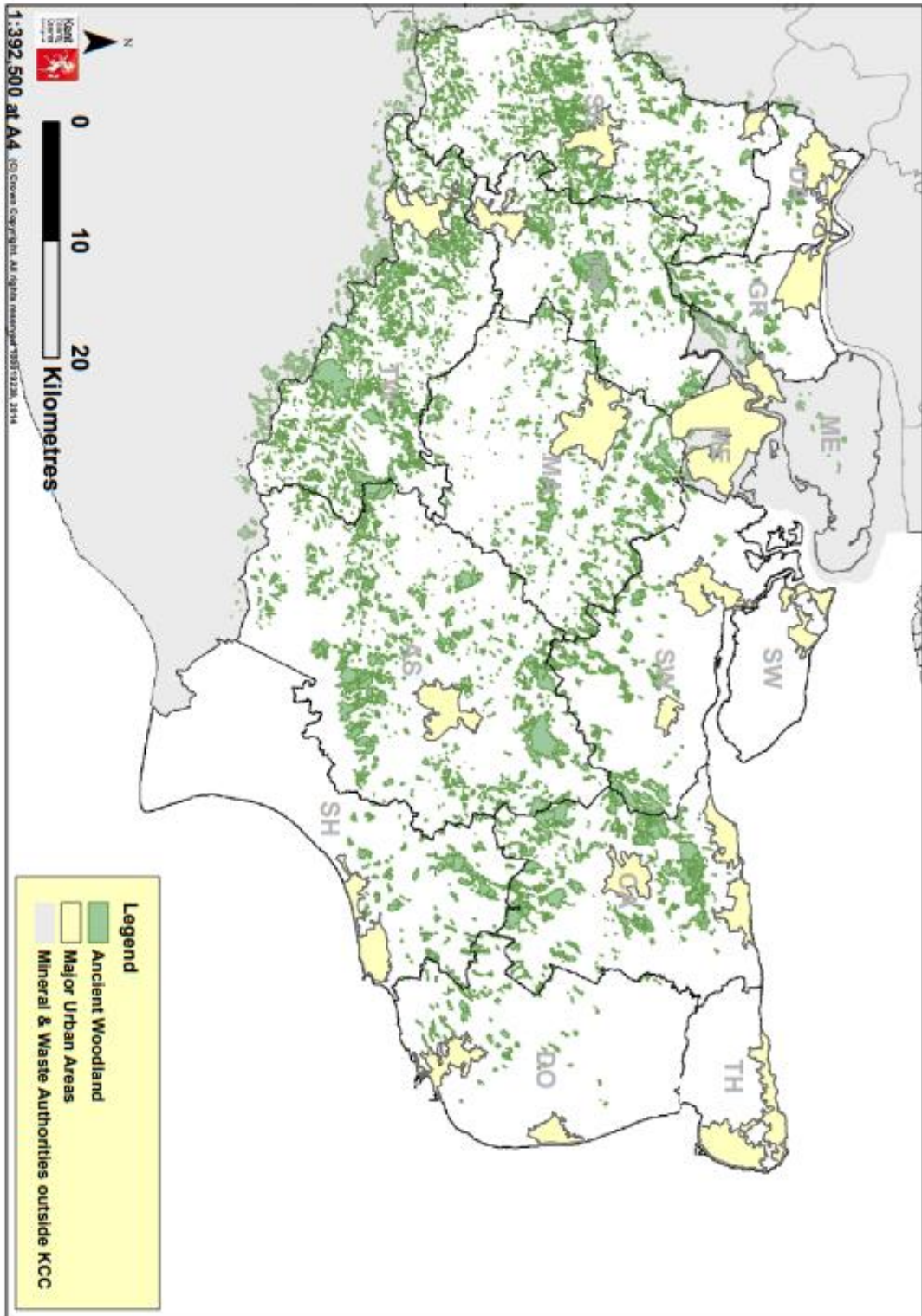
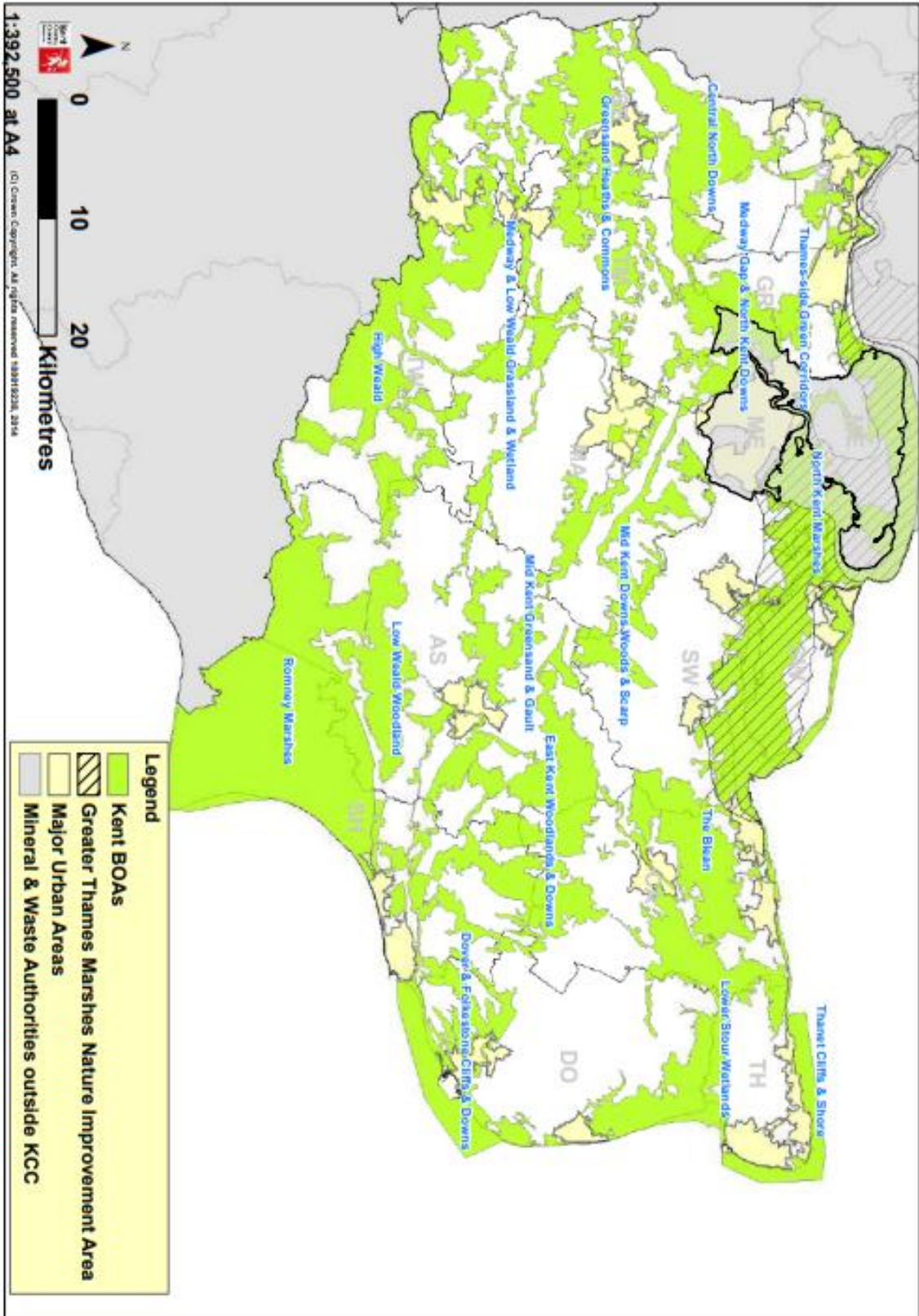


Figure 11: Biodiversity Improvement Areas  
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## 2.3 Kent's Economic Mineral Resources

**2.3.1** The economic mineral resources<sup>30</sup> of Kent reflect its complex geological, economic and social history. Historically, the **Carboniferous** Coal Measures were of major economic importance until the East Kent Coal mines ceased operations by 1989. Until recently, **2010** Kent also had a thriving cement industry based on the chalk and clay deposits of the Medway Valley and north-west Kent. There are now no active cement works in Kent. Areas of Kent have also been licensed by the Government for petroleum exploration and development, **though none have been developed.**

**2.3.2** Economic minerals that are extracted from Kent quarries include sand and gravel, crushed rock (**a limestone colloquially called Kentish Ragstone of the Hythe Formation**), **building sand**, silica sand, brickearth, clay for tile-making, chalk for agricultural and industrial uses, and building stone.

**2.3.3** Figure 12 shows the geology of Kent. Figures 13 and 14 shows all existing mineral extraction sites, wharves, rail depots, **and** the areas licensed for petroleum exploration **and the Strategic Site for Minerals**<sup>34</sup>.

**2.3.4** Details of operational and inactive quarries, wharves, rail depots and secondary and recycled aggregate sites in Kent are reviewed annually and listed in **alongside** the Kent Minerals and Waste Annual Monitoring Report (AMR)<sup>32</sup>.

### Construction Aggregates

**2.3.5** Construction aggregates consist of sand, gravel and crushed (**hard**) rock. These are the most significant in **terms of the** quantity ~~terms~~ of all of the minerals extracted in Kent.

**2.3.6** Historically, sharp sand and gravel deposits have been extracted along Kent's river valleys (**River Terrace deposits**) and in the Dungeness and Romney Marsh area (**Storm Beach deposits**). The permitted reserves **have become** ~~are becoming~~ depleted **and are no longer a significant source of supply to meet objectively assessed needs as they historically once were.**

**2.3.7** Soft sand or building sand, used to produce asphalt and mortar, is extracted from quarries situated on the Folkestone Beds **Formation** between Charing and Sevenoaks. Most ~~Most~~ **Some** of these sand quarries produce a combination of soft sand (building sand which is a construction aggregate) and silica sand (a specialist sand **of higher purity that can be used in certain industrial processes, e.g., foundry sands, ceramics, and chemical production**).

**2.3.8** The difference between sharp sand and soft sand is in the particulate shape, and the degree of variation of grain size. Soft sand particles are low in angularity and are more equidimensional, **and their particle size distribution is not high, meaning that the sand particulates generally fall within a narrow size range,**

<sup>30</sup> A resource is a concentration or occurrence of workable material of intrinsic economic interest.

<sup>34</sup> See Policy CSM 3: Strategic Site for Minerals for details.

<sup>32</sup> All Annual Monitoring Reports are available online from: [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp).

making them suitable for mortar mixes. Sharp sands are more angular and variable in size and they provide the high structural strength (**tensile and compressive**) in concrete mixes.

**2.3.9** The only type of crushed (**hard**) rock that is exploited commercially in Kent is Kentish Ragstone, found in a band crossing Kent from east to west. Currently **Kentish Ragstone** extraction is carried out to the west of Maidstone. **Another** ~~C~~crushed rock resources also exists in **East Kent, in the form of** a Carboniferous Limestone deposit ~~in east Kent~~. **This potential hard crushed rock resource is found at considerable depth below the ground surface (300m) and has not been exploited for aggregate use. The associated energy mineral, coal, ceased being mined in 1989.**

**2.3.10** The use of secondary and recycled aggregates is more sustainable than extracting primary land-won aggregates. The County Council is therefore keen to increase the amount of secondary and recycled aggregates being re-processed. Recycled aggregates can replace sharp sand and gravel in concrete production. There are sites across Kent that screen and/or crush secondary and recycled aggregates for re-use. Some are located in industrial estates, or at existing quarries, wharves and rail depots.

**2.3.11** As well as land-won minerals and mineral recycling, Kent handles minerals (construction aggregates and cement) through its wharves and rail depots and is the largest importer of Marine Dredged Aggregates (MDA) in the South East.

### **Other Minerals**

**2.3.12** Chalk and clay resources are very common in Kent. There are four main clay horizons in Kent: London Clay, Gault Clay, Weald Clay and Wadhurst Clay. London Clay has been extensively used as an engineering clay, particularly for sea defence works around the North Kent Marshes. Gault, Weald and Wadhurst Clay have been used, **historically**, in brick making.

**2.3.13** Brick and tiles are manufactured from brickearth or clays. These industries have declined in Kent but there remains one operational brick and one operational tile works., ~~although some of the brickearth from north Kent is transported to East Sussex for brick manufacture.~~ The **Sittingbourne to** Faversham area is the original source of yellow London stock bricks. Hand-made Kent peg tiles are manufactured at a small Weald Clay site near Maidstone.

**2.3.14** The chalk horizon in Kent has formed the North Downs and it forms a major **and highly recognised landscape** feature across the county from Dover in the east to Westerham in the west. It also forms the main bedrock to the Isle of Thanet. Chalk is used in agriculture, e.g. for neutralising acid soils, in construction and as a filler in industrial processes such as a whitening agent.

**2.3.15** Building stone, required for specialist or conservation work, is currently provided only from the **Hythe Formation** ragstone **(a limestone that can provide** crushed rock) quarries of mid Kent. Other types of building stone, including

Tunbridge Wells Sandstone and Bethersden Paludina Limestone, have been worked for local building materials but there are currently no active quarries **in Kent.**

2.3.16 The Kent silica sand (**so called because of their high purity of silicon dioxide or quartz**) deposits found within the Folkestone Bees **Formation**, while not as pure as those in Surrey, are used for industrial processes. These include: glass manufacture, production of foundry castings, horticulture and for sports surfaces such as horse menages and golf course bunker sand. There are no sites in Kent that provide only silica sand. All such sites also produce construction aggregate<sup>33</sup>

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<sup>33</sup> GWP Consultants (March 2010). A study of Silica sand Quality and End Uses in Surrey and Kent. Final Report for KCC.

## Legend: Geology of Kent

<u>Superficial (Drift) Deposits of Kent</u>	<u>Solid Geology of Kent</u>
 Landslip	 Mineral & Waste Authorities outside KCC
 Blown Sand	 Lenham Beds
 Marine Beach / Tidal Flats	 Bagshot Beds
 Storm Gravel Beach Deposits	 Claygate Beds
 Marine (/Estuarine) Alluvium (Clay	 London Clay
 (Sand (Sand & Gravel)	 Blackheath / Oldhaven Beds
 Calcareous Tufa	 Woolwich Beds
 Alluvium	 Thanet Beds
 Dry Valley & Nailbourne Deposits	 Bullhead Bed
 Peat	 Upper Chalk
 Brickearth	 Middle Chalk
 Undivided Flood Plain Gravel	 Melbourne Rock
 1st Terrace River Gravel	 Lower Chalk (Glaucanitic Marl)
 2nd Terrace River Gravel	 Upper Greensand
 3rd Terrace River Gravel	 Gault Clay
 4th Terrace River Gravel	 Lower Greensand
 5th Terrace River Gravel	 Folkestone Beds
 1st/2nd Terrace River Gravel	 Sandgate Beds
 2nd/3rd Terrace River Gravel	 Hythe Beds
 4th/5th Terrace River Gravel	 Atherfield Clay
 Taplow Gravel	 Weald Clay
 Boyn Hill Gravel	 Sand in Weald Clay (/Sandstone)
 Head	 Large 'Paludina' Limestone
 Coombe Deposits	 Small 'Paludina' Limestone
 Head Brickearth	 'Cyrene' Limestone
 Head Brickearth (Older)	 Clay Ironstone
 Head Brickearth 1st Terrace	 Undifferentiated Clay & Limestone
 Head Gravel	 Hastings Beds
 Plateau Gravel	 Upper Tunbridge Wells Sand
 Clay-with-Flints	 Upper
 Sand in Clay-with-Flints	 Cuxfield Stone
 Disturbed Blackheath Beds	 Lower Grinstead Clay
	 Ardingley Sandstone
	 Lower Tunbridge Wells Sand
	 Tunbridge Wells Sand
	 Clay in Tunbridge Wells Sand
	 Grinstead Clay
	 Wadhurst Clay
	 Sand in Wadhurst Clay
	 Ironstone in Wadhurst Clay
	 Ashdown Beds

Figure 12: Geology of Kent

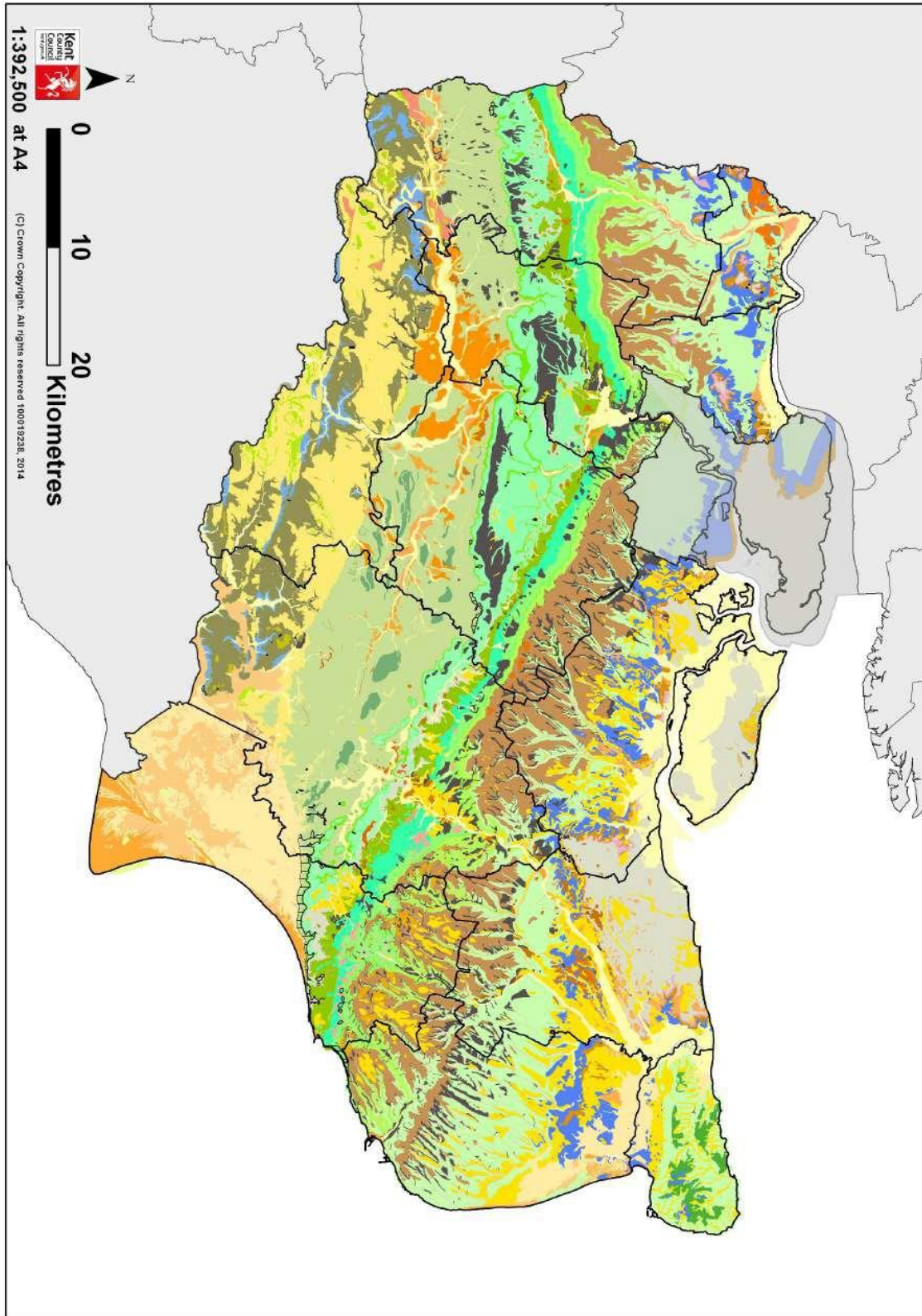






Figure 14: Inset-Minerals Key Diagram  
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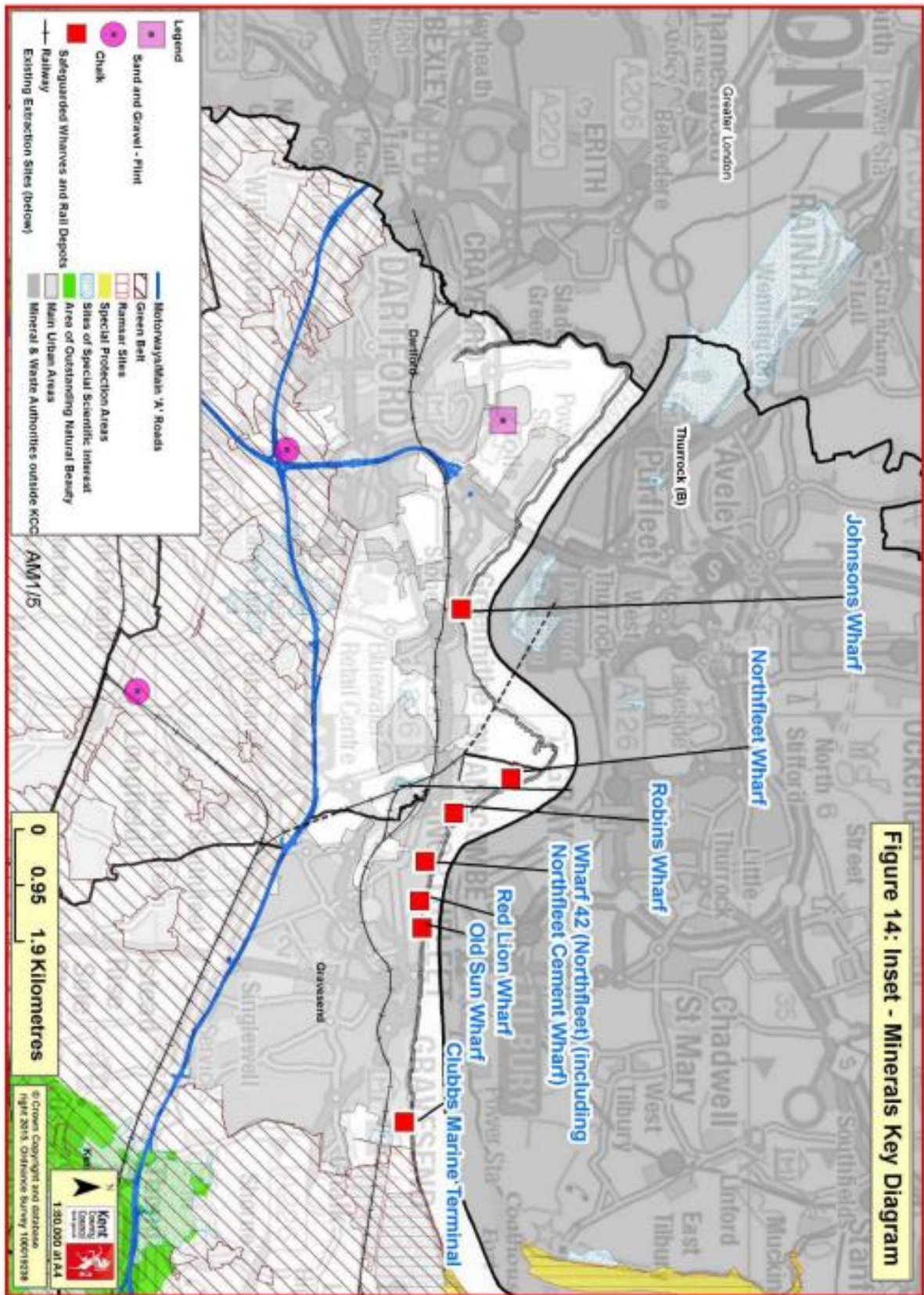


Figure 14: Inset - Minerals Key Diagram

## 2.4 Kent's Waste Infrastructure

**2.4.1 It is estimated that** Kent has a population of 1,480,200 **1,589,100**<sup>34</sup> people with major urban areas in North Kent, Maidstone, Ashford and Thanet and smaller towns throughout the county. The county is an area of sustained growth for housing, employment and infrastructure, and retains important manufacturing industries in addition to the service employment that is prevalent in the South East. This infrastructure generates large volumes of household, Commercial and Industrial (C&I), and construction waste. ~~In 2014, an additional 140,299 dwellings were forecast within the county for the period 2013 – 2033.~~ **To accommodate the forecast increase in population, local authority housing forecasts indicate that some 178,600 housing units are planned across Kent and Medway between 2011 and 2031**<sup>35</sup>

**2.4.2** The district councils, as waste collection authorities (WCA), influence the rate of recycling of **Local Authority Collected Waste (LACW)** ~~Municipal Solid Waste (MSW)~~ in their areas. However, the County Council, as the **Waste Disposal Authority (WDA)** and **the** Waste Planning Authority (WPA), must achieve targets and apply policies for the county as a whole. The JMWMS<sup>36</sup>, which provides guidance for the future direction of household waste management in Kent, has informed the Kent **Minerals and Waste Local Plan.**

**2.4.3** The provision of waste management facilities is influenced by international and national planning constraints. Local geology and hydrology also constrain where non-hazardous and hazardous waste landfill might be sited. Areas with clay geology, outside water Source Protection Zones (SPZs) which are not liable to flooding, may be suitable for future landfill. This is subject to suitable engineering solutions and any local environmental impact being acceptable. Figure 15 shows the SPZs and Flood Zones in Kent.

**2.4.4** Some of Kent's mineral workings are used for waste disposal. At the time of Plan preparation, there are two non-hazardous landfill sites and two hazardous landfill sites.

**2.4.5** The Allington Energy from Waste (EfW) plant near Maidstone can treat residual household waste. It has additional capacity not contracted to the County Council available for **Local Authority Collected Waste (LACW)** MSW from outside Kent, or C&I waste from inside or outside Kent. It enables Kent to divert waste from landfill and to meet the national planning policy objective to move the treatment of waste up the hierarchy (see Figure 18). Blaise Farm, near West Malling has a large, modern enclosed plant for composting of green and kitchen waste. **There is also an EfW facility at Kemsley in Sittingbourne that has a waste throughput of 550,000 tonnes a year (with permission granted for a further 107,000 tonnes per year) and supplies 49.9MW of power to an adjacent paper mill.**

<sup>34</sup> Kent Statistical Bulletin, July 2021, Kent County Council

<sup>35</sup> Kent and Medway Growth and Infrastructure Framework 2018 Update

<sup>36</sup> KCC (2007/18) refreshed Joint Municipal Waste Management Strategy.

2.4.6 Kent neighbours **Medway**, London, Essex, Surrey and East Sussex. Waste crosses the borders into and out of Kent, **this includes those areas that border Kent and beyond.**

2.4.7 Construction, **demolition and excavation** waste comes into the county from London for disposal in inert landfill sites. **Municipal Solid Waste (MSW) is also transported to Kent to take the spare capacity in Kent's new waste treatment infrastructure at the Allington EfW facility and the materials recycling facility in Sittingbourne.**

2.4.8 Figure **s 16a and 16B** shows the location of key existing facilities. This Plan aims to provide a balanced and accessible network of modern facilities.

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Figure 15 Flood Zones, Sources Protection Zones and Petroleum Exploration and Development Licence areas  
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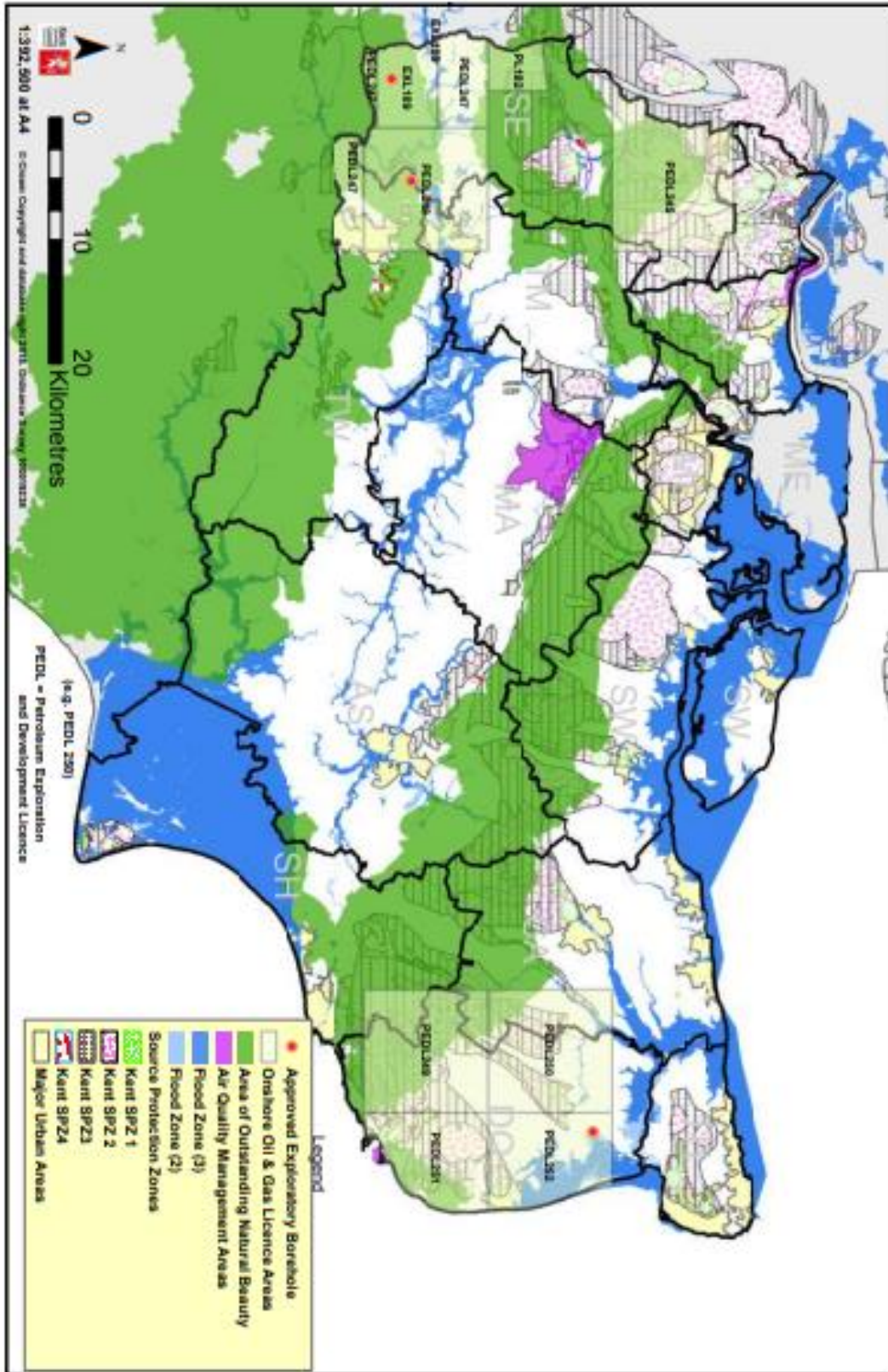
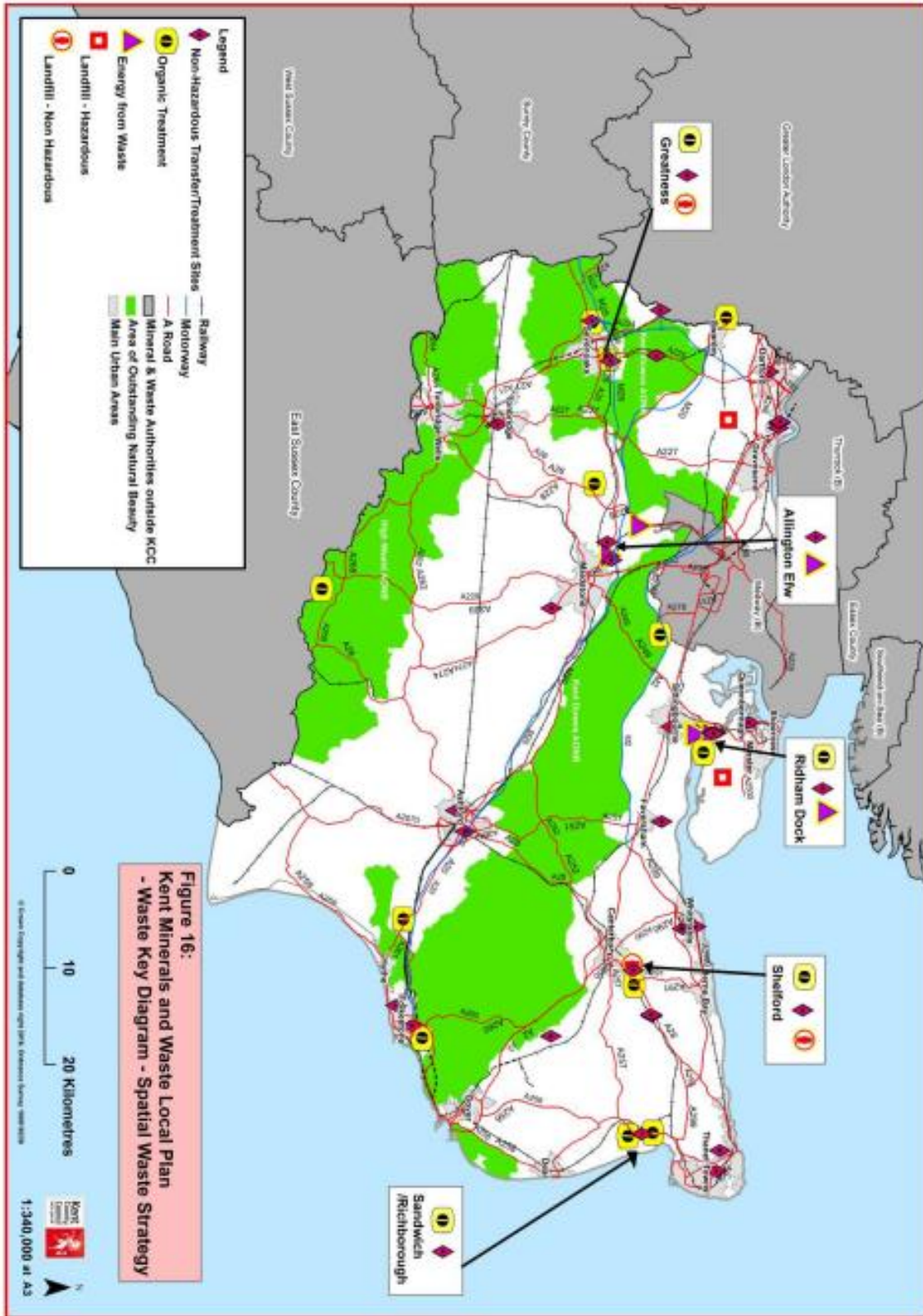


Figure 16: Waste Key Diagram – Spatial Waste Strategy  
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### 3. Spatial Vision for Minerals and Waste in Kent

**3.0.1** The Kent MWLP provides an opportunity to take a fresh look at minerals and waste issues and to take some bold steps towards delivering improvements in mineral supply and waste resource management based on the principles of sustainable development. Identifying a vision for minerals and waste in Kent allows us to translate broad sustainability principles and put them into a context that is relevant to our communities and businesses.

**3.0.2** The main aims of the Plan are to drive waste up the Waste Hierarchy (see Figure 18) enabling waste to be considered as a valuable resource, while at the same time providing a steady supply of minerals to allow sustainable growth to take place. It will also ensure that requirements such as a Low Carbon Economy (LCE) and climate change issues are incorporated into new developments for minerals and waste development in Kent.

**3.0.3** The vision outlines our ambition for sustainable resource management and mineral supply.

**3.0.4** As the Kent MWLP will plan for minerals and waste in Kent up to the end of 2038, it is important to recognise that technology will change over the plan period. Therefore, the Plan has to be robust and flexible enough to enable improvements in technology to be incorporated into future mineral supply and waste management developments.

#### Spatial Vision for Minerals and Waste in Kent

Throughout the Plan period 2013-30 ~~2023-38~~, minerals and waste development will:

1. Make a positive and sustainable contribution to the Kent area and **beyond and ensure minerals and waste development contributes to the** assist with progression towards a low carbon economy.
2. Supports the needs arising from growth in Kent.
3. Deliver ~~cost effective and~~ sustainable solutions to **the Kent's** minerals and waste needs **of Kent and beyond** through collaborative working with communities, landowners, the minerals and waste industries, the environmental and voluntary sector and local planning authorities.

#### Planning for Minerals in Kent will:

1. Seek to deliver a sustainable, steady and adequate supply of land-won minerals including aggregates, silica sand, crushed rock, brickearth, chalk and clay, building stone and minerals for cement manufacture.
2. Facilitate the processing and use of secondary and recycled aggregates ~~to and~~ become less reliant on land-won construction aggregates.
3. Safeguard economic mineral resources for future generations and all existing, planned and potential mineral transportation and processing infrastructure (including wharves and rail depots and production facilities).
4. Restore minerals sites to a high standard that will deliver sustainable benefits to Kent communities.

### Planning for Waste in Kent will:

1. ~~Move waste up the Waste Hierarchy~~ **Facilitate the achievement of a more circular economy in all forms of development, ensuring the maximum reuse of materials and goods, minimizing waste and ensuring its management is sustainable and takes place as high up the Waste Hierarchy as possible.** Reducing the amount of non-hazardous waste sent to landfill
2. **Extract the maximum amount of** ~~Encourage waste to be used to produce renewable energy incorporating both heat and power,~~ **from waste that cannot be re-used or recycled (i.e. unavoidable residual waste) and minimize the amount of non-hazardous waste sent to landfill.**
3. Ensure waste is managed close to its source of production.
4. ~~Make provision~~ **Allow for the development of** a variety of waste management facilities to ensure that Kent remains at the forefront of waste management with solutions for all major waste streams, while retaining flexibility to adapt to changes in technology **and legislation.**
5. Ensure sufficient capacity exists to meet the future needs for wastemanagement.
6. Restore waste management sites to a high standard that will deliver sustainable benefits to Kent's **environment and its** communities



## 4. Objectives for the Minerals and Waste Local Plan

**4.0.1** The Spatial Vision outlines our ambition for sustainable resource management for minerals and waste development in the plan area up to the end of 2030<sup>8</sup>. While this vision describes what will be achieved, the objectives explain how the vision will be achieved.

**4.0.2** All of the Kent MWLP objectives that follow are underpinned by an ambition to manage waste and mineral extraction and supply according to the principles of sustainable development, and in support of the *National Infrastructure Strategy Plan*<sup>37</sup> and the delivery of Kent's community strategies.

**4.0.3** Through regular monitoring and review of the progress of the Plan's policies against these objectives, it will be possible to see how much progress is being made towards achieving these requirements. Monitoring will also show whether the policies are having the required effects and will help to identify what may need to be undertaken to implement improvements, or whether a review of the policies is necessary. Chapter 8 sets out a schedule for managing and monitoring the delivery of the strategy.

**4.0.4** The Strategic Objectives are listed overleaf and are in no particular order of priority.

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<sup>37</sup> National Infrastructure Strategy Plan (December 2014 ~~December 2014~~ November 2020) HM Treasury

## Strategic Objectives for the Minerals and Waste Local Plan

### General

1. Encourage the use of sustainable, **low carbon** modes of transport for moving minerals and waste long distances and minimise road miles.
2. Ensure minerals and waste developments contribute towards the minimisation of, and adaptation to, the effects of climate change. This includes helping to shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure.
3. Ensure minerals and waste sites are sensitive to both their surrounding environment<sup>38</sup> and communities, and minimise their impact on them.
4. Enable minerals and waste developments to contribute to the social and economic fabric of their communities through employment, **educational and recreational** opportunities **where possible**.
5. **Ensure that waste is managed and minerals are supplied in a manner which is consistent with the achievement of a more circular economy.**

### Minerals

6. Seek to ensure the delivery of adequate and steady supplies of sand and gravel, chalk, brickearth, clay, **building sand**, silica sand, crushed rock, building stone and minerals for cement during the plan period, through identifying sufficient sites and safeguarding mineral bearing land for future generations.
7. Promote and encourage the use of recycled and secondary aggregates in place of **primary** land **and marine** won minerals.
8. Safeguard existing, planned and potential sites for mineral infrastructure including wharves and rail depots across Kent to enable the on-going transportation of marine dredged aggregates, crushed rock and other minerals as well as other production facilities.
9. Enable the ~~small scale, low intensity~~ extraction of building stone minerals for heritage building products.
10. Restore minerals sites **at the earliest opportunity** to the highest possible standard to sustainable after-uses that benefit the Kent community economically, socially or environmentally. Where possible, after-uses should conserve and improve local landscape character, and ~~incorporate~~ **provide** opportunities for **improvements in** biodiversity **which to** meet **and, where relevant, exceed** targets outlined in the Kent Biodiversity Action Plan **Nature**

<sup>38</sup> Surrounding environment: see the Glossary in Appendix A for details.

**Partnership Biodiversity Strategy 2020 to 2045**, the Biodiversity Opportunity Areas, **and the Greater Thames Nature Improvement Area, Areas of Outstanding Natural Beauty (AONB) Management Plans and Local Nature Recovery Strategies to help maximise/achieve an overall net-gain in biodiversity on restoration**

10. Encourage the sustainable use of the inert non-recyclable fraction of Construction, Demolition and Excavation for quarry restoration.

## Waste

- 11 **Minimise the production of waste and increase its reuse.** Increase amounts of Kent's waste being re-used, recycled or recovered Promote the movement of waste up the Waste Hierarchy by enabling the waste **management** industry to provide facilities that **help increase recycling, treatment and reprocessing to improve the management of resources and** deliver **further a major** reduction **s** in the amount of Kent's waste being disposed of in landfill **and through waste to energy.**
- 12 Promote the management of waste close to the source of production in a sustainable manner using appropriate technology and, where applicable, innovative technology, such that net self sufficiency is maintained throughout the plan period.
- 13 If it cannot be reduced, reused, recycled or composted, use waste as a fuel for the generation of renewable energy, in the form of both heat and electricity through energy from waste **including and** technologies such as gasification and anaerobic digestion.
- 14 Provide suitable opportunities for additional waste management capacity to enable waste to be managed in a more sustainable manner. Ensure sufficient capacity exists to **form and** maintain a county-wide network for the sustainable management of Kent's waste.
- 15 Restore waste management sites **at the earliest opportunity** to the highest possible standard to sustainable after-uses that benefit the Kent community economically, socially or environmentally. Where possible, after-uses should conserve and improve local landscape character and **provide** incorporate opportunities for biodiversity to meet **and where relevant, exceed** targets outlined in the Kent Biodiversity Action Plan **Nature Partnership Biodiversity Strategy 2020 to 2045**, the Biodiversity Opportunity Areas, **and the Greater Thames Nature Improvement Area, Area of Outstanding Natural Beauty Management Plans and Local Nature Recovery Strategies** to **achieve an maximise overall** net-gain in biodiversity on restoration

## 5. Delivery Strategy for Minerals

**5.0.1** Minerals are essential to support sustainable economic growth and quality of life. It is important that there is a sufficient supply of minerals to provide the infrastructure and its maintenance, buildings, energy and goods that the country needs. However, since they are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation<sup>39</sup>.

### 5.1 Policy CSM 1: Sustainable Development

**5.1.1** The purpose of the planning system is to contribute to the achievement of sustainable development<sup>40</sup>, there are three **overarching interdependent objectives to the delivery of sustainable mineral development. These relate to economic, social and environmental considerations and are at the heart of planning decisions. The objectives are:** dimensions to sustainable development: economic, social and environmental these require the planning system to perform three roles:

- **An economic role:** contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.
- **A social role:** supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well being.
- **An environmental role:** contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a LCE.
- **Economic – to ensure the economy is strong, responsive and competitive, such that land and resources are available in the right places and at the right time to support growth, innovation and improved productivity. Minerals provision is particularly important in identifying and coordinating the provision of infrastructure.**
- **Social – to support strong, vibrant and healthy communities, by the appropriate siting, operation and restoration of mineral development.**
- **Environmental – to protect and enhance the natural, built and historic environment, making effective use of land, improving biodiversity,**

<sup>39</sup> DCLG (March 2012) **MHCLG (2021) National Planning Policy Framework, paragraph 7442**

<sup>40</sup> DCLG (March 2012) National Planning Policy Framework Ministerial Foreword DCLG **MHCLG (2021) National Planning Policy Framework, paragraph 209.**

**including contributions from net biodiversity gain, in addition to the prudent use of primary mineral and natural resources and mitigating and adapting to climate change as society moves to a low carbon economy.**

**5.1.2** At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The Kent MWLP is therefore based on the principle of sustainable development. This is demonstrated in the Spatial Vision and the Strategic Objectives, and the policies that seek sustainable solutions.

**5.1.3** Planning law requires planning decisions to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that it does not change the statutory status of the development plan as the starting point for decision making.

**5.1.4** All references to 'community' or 'communities' in the policies that follow should be taken in the widest sense of including both economic and social roles and potential impacts on both people and business.

**5.1.5** Policy CSM 1 is included in the Plan to ensure the presumption in favour of sustainable development is taken into account in KCC's approach to minerals development.

## Policy CSM 1

### Sustainable Development

When considering mineral development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and the associated Planning Practice Guidance.

~~Mineral development that accords with the development plan will be approved without delay, unless material considerations indicate otherwise.~~

~~Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account where either~~

- ~~1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or~~
- ~~2. specific policies in that Framework<sup>41</sup> indicate that development should be restricted.~~

## 5.2 Policy CSM 2: Supply of Land-won Minerals in Kent

**5.2.1** Economic minerals that are currently extracted from Kent quarries include aggregate minerals and industrial minerals. Aggregate minerals include: soft sand, sharp sand, gravel and crushed rock (ragstone); industrial minerals include: silica sand, brickearth, clay for tile-making, chalk for agricultural and industrial uses and building stone. In the recent past, shale from the coal measures in East Kent has been used for brick making, clay has been used for brick-making and raw materials have been extracted for cement manufacture within Kent. Up until the late 1980s, coal was extracted from underground coal mines in East Kent<sup>42</sup>.

**5.2.2** The NPPF requires Mineral Planning Authorities (MPAs) to aim to source minerals supplies indigenously so far as practicable, and take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to supply, before considering extraction of primary materials. For land-won primary materials the NPPF expects MPAs to identify, and include policies for the extraction of, mineral resources of national and local importance in their area.

<sup>41</sup> ~~For example, those policies relating to land within an Area of Outstanding Natural Beauty, Green Belt, sites protected under the Birds and Habitats Sites Directives and/or as Sites of Special Scientific Interest, designated heritage assets and locations at risk of flooding.~~

<sup>42</sup> More details of non-aggregate minerals in Kent are given in: KCC (May 2011) TRM3: Other Minerals

## Sharp Sand and Gravel

### Flint Gravels

5.2.3 High quality flint gravels (**so called given their high compressive and tensile strength properties of their quartz mineral composition**) in Kent are concentrated in the areas where flints derived from the **eroded** chalk have been deposited by river and marine action. These are sourced from the three main river valleys of the Darent, Medway and Stour, and the beach deposits along the coast (particularly at Dungeness). As far back as 1970, planning studies<sup>43</sup> identified concerns about the depletion of flint gravels in the river valleys and the constraints on availability of the coastal supply in the Dungeness area due to nature conservation and water resource protection. Flint dominant head gravel resources near Herne Bay, previously identified as Areas of Search (AoS)<sup>44</sup> have not proved to be sufficiently attractive for development. ~~Only one Medway Valley sandstone gravel quarry was operational at the time of plan preparation; this site imports crushed rock for blending with the indigenous sandstone gravels to produce aggregates suitable to supply the concrete production market.~~

### Sandstone Gravels

5.2.4 The sandstone dominant gravels (**so called by their brown coloration due to the occurrence of a quartz polymorph of lower compressive and tensile strength than the 'flint' gravels**) in the Medway Valley upstream of Maidstone became the subject of increasing interest from operators as other deposits became worked out, although their use in the production of high-quality concreting aggregates has not normally been possible.

### 5.2.5 Recent (2020) monitoring identifies six active sand and gravel sites within the County.

### Soft Sand

5.2.6 Kent's soft sand reserves extracted from the Folkestone Beds continue to be important for mortar and asphalt production. Soft sand supplies in Kent are relatively abundant, whereas they are scarce in other parts of the South East of England, with supplies from seven **five** sites continuing to be important for mortar and asphalt production.

### Crushed Rock

5.2.7 The only resource exploited commercially to supply crushed rock in the county is **from the Hythe Formation (limestone) colloquially called** the Kentish Ragstone which is found in a band crossing Kent from east to west. The ragstone resource to the west of Maidstone has been the focus of crushed rock supply in the recent past. Other resources capable of producing crushed rock are found in the form of a **the** Carboniferous Limestone deposit in east Kent (see section 5.11).

<sup>43</sup> Evidence prepared for the Kent Structure Plan in 1975.

<sup>44</sup> KCC (1993) Kent Minerals Local Plan Construction Aggregates Written Statement.

## Alternative Sources of Materials to Markets Supplied by Land-won Sharp Sand & Gravels

**5.2.7** Secondary and recycled aggregates can, in some circumstances, provide a replacement for sharp sand and gravel in many applications. The suitability of such materials to substitute for land-won supplies has been considered in detail in the preparation of this plan<sup>45</sup>. Sales of secondary and recycled materials in 2014 ~~2021~~ were 0.84mt **0.811mt**, although sales have been as high as 4.3mt **1.029mt** in the last decade (**2016**). The importance of maintaining supply from this source is recognised in Policy CSM 8: Secondary and Recycled Aggregates which seeks to maintain and increase production capacity.

**5.2.8** With its coastal location, Kent fulfils an important role in the importation of minerals including a range of construction aggregates from mainland Europe, as well as marine dredged aggregates (MDA) and imported recycled and secondary materials. Kent benefits from a number of aggregate wharves, into which significant quantities of MDA and crushed rock are landed. Kent is understood to be the largest importer of MDA in the South East of England, with 4.7 **1.44** million tonnes (mt) being imported into its wharves in 2013 **2020**, and ~~Of~~ **Of** the total of 3.13mt of MDA landed in Kent and Medway in 2009 (1.41mt into Kent), 2.5mt was consumed within Kent and Medway<sup>46</sup>. **More recent monitoring shows no significant change in the importance of Kent's wharves in the supply of this material, the 10-year sales average in 2020 was 1.68mt and in 2019 the Kent and Medway area consumed up to 70% of sales recorded in the combined area.** Land-won sharp sand and gravel is also imported by rail and road from areas beyond Kent. ~~Assurances regarding the security of these minerals imports during the Plan Period have been obtained~~<sup>47</sup>.

### Demand for Land-won Aggregates

**5.2.9** The NPPF<sup>48</sup> requires Minerals Planning Authorities to plan for a steady and adequate supply of aggregates through preparing an annual Local Aggregates Assessment (LAA) from which future planned provision should be derived based on a rolling average of 10-years aggregates sales data<sup>49</sup> and an assessment of all **supply options** (including marine dredged, secondary and recycled sources), and other relevant local information. It also seeks for plans to make provision for the maintenance of landbanks of at least seven years for land-won sand and gravel and ten years for crushed rock. Landbanks of aggregate minerals reserves are used as the principal indicator of the future security of aggregate minerals supply, and to indicate the **additional provision** that needs to be made for new aggregate extraction and alternative supplies in mineral plans.

<sup>45</sup> See report: KCC (2013) Interchangeability of Construction Aggregates.

<sup>46</sup> KCC (January 2015) The 2nd Local Aggregate Assessment for Kent, Table 3.

<sup>47</sup> ~~KCC (2014) Duty to Co-operate Report, Table 5.~~

<sup>48</sup> ~~DCLG/MHCLG (2012) 2021~~ National Planning Policy Framework, para. 445213.

<sup>49</sup> Data collected annually by mineral planning authorities for their AMRs and the regional aggregate working parties. Details of how the rolling 10-year average sales data and how landbanks are calculated are given in the Local Aggregate Assessment. ~~KCC (January 2015) Kent's 2nd Local Aggregate Assessment (for 2014) and in the recently updated Minerals Topic Paper 1: Construction Aggregate Assessments and Need, May 2014. Available from www.kent.gov.uk/mwlp.~~



**5.2.10** The NPPF and planning practice guidance<sup>50</sup> also states that separate landbanks should be calculated and maintained for any aggregate materials of a specific type or quality which have a distinct and separate market. Within Kent the economic sand and gravel resources are:

- the Medway Valley sandstone gravels and flint sands and gravels (collectively referred to as 'sharp sands and gravels') that are used primarily for concrete production of **various specifications**
- soft sands that are predominantly used in asphalt and mortar production

**5.2.11** The Kent Local Aggregate Assessment (~~January 2015~~ **September 2021**) sets out the 10-year average of sales for all aggregates and the contribution of different aggregates to overall supply. Since the sharp sands and gravels and soft sands serve predominantly different markets their supply has been assessed separately.

**5.2.12** Between 2004 **20142** and 2013 **20201** sales of sharp sand and gravel from quarries in Kent dropped from around 908,000 **620,000 652,285** tonnes in 2004 **20142** to around 273,000 **132,000** tonnes in 2013 **2020, with somewhat of a recovery to 202,000 tonnes in 2021**. The average of 10 years' sales of sharp sand and gravel is 0.78 million tonnes per annum (mtpa) **270,300 228,526 tonnes per annum as of 2021**. If demand were at this level for the rest of the Plan period (~~the 176 years 2013 213 to the end of 2030 37~~ **with a 7-year landbank maintained at the end of the Plan period**) **the requirement (based on the 10-year sales average) would be 4.32 5.015mt**.

**5.2.13** Between 2004 **20142** and 2013 **20201** sales of soft (building) sand from Kent's quarries have dropped from around 780,000 **439,000 387,745** tonnes in 2004 **20142** to around 483,000 **393,000 202,000** tonnes in 2013 **20201**. The average 10 years sales of soft sand is 0.65 mtpa **441,000 tonnes per annum, as of 2021 is 228,526 tonnes per annum. If demand were at this level for the rest of the Plan period (2023 to the end of 2037 with a 7-year landbank maintained at the end of the Plan period) the requirement (based on the 10-year sales average) would be 10.032mt**.

**5.2.14** **Between 2012 and 2021 sales of hard (crushed) rock have climbed from 526,281mt in 2012 to 814,859mt in 2021 (in 2020 they were as high as 1,508,859mt)**. The 10-year average sales figure for crushed rock is, **0.78mtpa 830,000tpa as of 2021 856,686tpa** and, as presented in the LAA, is based on assumed sales as the actual sales come from two quarries and hence data is confidential for the purposes of the annual monitoring returns. **If demand were at this level for the rest of the Plan period (2023 to the end of 2037 with a 10-year landbank maintained at the end of the Plan period) the requirement (based on the 10-year sales average) would be 21.425mt**.

<sup>50</sup> DCLG **MHCLG** (Revised March 2014) Planning Practice Guidance: Minerals.

5.2.15 Other relevant local information that may affect supply of, or demand for, aggregates is considered in the LAA<sup>51</sup>. This did not indicate that a figure higher than the 10-year average sales figures would be justified as a basis for future provision.

### Sharp Sand and Gravel

5.2.16 **The annual position on sharp sand and gravel in the County is reported in the Council's Local Aggregate Assessment.** Permitted reserves at the end of 2013 ~~2020~~ were 3.61mt ~~2.78~~ **1.384mt**. Initial work through the 'Call for Sites' identified potential suitable sites that that supply a potential further 6.47mt of sharp sand and gravel over the Plan period. This, combined with existing permitted reserves, totals 10.08mt. **The allocation (two sites) of 2.5mt of potentially replenishing resource are identified in the Kent Mineral Sites Plan. This will not significantly alter the long-term supply situation of the land-won resource over the remaining plan period (2030+7).** Based on 10-year sales the potential reserves available are not sufficient to meet maintained landbank requirements.

5.2.17 As set out above, based on 10 year sales, the requirement for the Plan period (the 17 years 2013-30) is 13.26mt. The 10.08mt potentially available is not sufficient to meet this and, indeed, a seven year landbank does not presently exist, and **Even if the a** potential new supply came on stream, it would still not be possible to maintain a seven-year landbank for the whole of the Plan period. This is due to insufficient suitable sites for release being identified by the minerals industry. It is possible that other suitable sources of aggregates will be identified, **that, for example,** currently uneconomic deposits become economic, or that constraints on the release of known aggregates sources (such as land ownership) may be overcome. This could lead to proposals coming forward to be judged against Policy CSM 4: Non-identified Land-won Mineral Sites or to further sites being proposed in the **a review of the** Minerals Sites Plan. **The Kent Minerals and Waste Local Plan 2016 accepted that land-won sharp sands and gravel were a physically depleting resource that could not be sustainably replenished.**

5.2.18 Diminishing land-won sharp sand and gravel supplies will increasingly be substituted over the plan period by supplies from production of alternative materials including secondary and recycled aggregates<sup>52</sup> supplies gained from blending of materials to generate material suitable to supply the construction aggregate market<sup>53</sup> landings of MDA and imports of land-won aggregates from elsewhere. Indeed, there is adequate existing capacity at wharves, railheads and recycling facilities for supplies from these sources to meet the predicted shortfall in supply of land-won sharp sand and gravel aggregate as resources are exhausted. The Plan provides for this flexibility in supply of aggregates as follows: Policy CSM 5 seeks to safeguard sharp sand and gravel resources that may become economic and to maximise the opportunities for the development of 'windfall' reserves which may come forward under Policy CSM 4. In addition,

<sup>51</sup> The Local Aggregates Assessment (2015) forecast a substantially lower figure for the seven-year period compared with the ten-year sales figure recommended by the NPPF.

<sup>52</sup> KCC (January 2015) Kent's 2nd Local Aggregate Assessment

<sup>53</sup> This currently occurs at two sites (Hermitage Quarry - rock and hassock & East Peckham - imported rock and extracted sandstone gravels)

Policies CSM 7 and CSM 8 make provision for maintaining and developing further secondary and recycled aggregates supplies during the plan period and Policies CSM 6, CSM 7 & CSM 12 seek to ensure that the necessary minerals importation and processing infrastructure is in place.

## Soft Sand

**5.2.19** The annual position of soft sand in the County is reported in the Council's Local Aggregate Assessment. Permitted reserves at the end of 2020 were 9.34 6,224,773mt. Both the 10 and 3-year sales averages are were down, although productive capacity has increased by 0.225mtpa. There are sufficient permitted reserves for the remainder of the Plan period until 2030+7 with a landbank most recently calculated to be over 21 years. There is an allocation in the Kent Minerals Sites Plan at Chapel Farm, Lenham (3.2mt) The total soft sand requirements (sufficient for 15 years and a 7-year landbank at the end of the Plan, 22 years in all) is 10.032mt. Reserves at the end of 2021 were 6.225mt and are forecast to be 5.769mt at the beginning of the Plan period (2023) (assuming a reduction at the 10-year sales average rate). This results in a shortfall of 4.263mt in the required landbank to the end of 2037 (+7). However, a soft sand allocation in the Kent Minerals Sites Plan at Chapel Farm (West), Lenham (3.2mt) is expected to come forward during the plan period to replenish the landbank. This could allow a 7-year landbank (of 3.192mt) to be maintained until 2035. Resulting in a deficit estimated to be 1.063mt in 2037. The estimate of available reserves and sales rates will likely change over time and there is the potential for the maintained soft sand landbank requirement to increase or decrease over time. As the landbank will be around 20 years at the start of the plan period (taking account of the Chapel Farm allocation), any increase in depletion rates will be revealed by annual aggregate monitoring well ahead of the landbank decreasing below 7 years. The policy enables the matter to be reassessed well ahead of any identified supply constriction and so it is considered that further allocation of soft sand is not justified. The current annual need for soft sand based on the 10-year rolling average sales figures is 0.65 million tonnes. If demand were at this level for the rest of the Plan period (the 17 years 2013-30), the requirement would be 11.05mt. In addition, provision of a landbank of seven years' supply to be available at the end of the Plan period (4.55mt) implies a total requirement of 15.60mt. At the end of 2012 there were permitted reserves of soft sand in Kent of 10.64mt and so the Plan needs to make provision for at least an additional 4.96mt of soft sand. The 'Call for Sites' from mineral companies has identified sufficient sites with estimated reserves at these sites sufficient to meet requirements without adversely impacting on the AONB or its setting. Therefore it will be possible to meet the requirement of the NPPF to maintain a landbank of at least seven years of reserves for soft sand throughout the Plan period (4.55mt). Achieving supply in practice is dependent on sufficient satisfactory planning applications being submitted by mineral companies.

**5.2.20** It should be noted that there can be a lack of clarity in geology between soft sand and silica sand as they occur in the ground, as part of the same geological deposit. In light of this, it is necessary, in consultation with the

operators, to determine the degree to which sites identified as supplying soft sand and/or silica sand may supply both materials. *This review process may have an effect on the overall recorded landbank for soft sand in Kent. The outcome of this review will be reported in the LAA.*

## Crushed Rock

**5.2.21 The annual position on crushed hard rock in the County is reported in the Council's Local Aggregate Assessment.** The stock of planning permissions for crushed rock (**currently Kentish Ragstone**) in Kent at the time of plan preparation **is considered to be insufficient based on an average supply of** **0.8356mtpa** sufficient to maintain a landbank of ten years supply (assumed as 0.78mtpa) **throughout and beyond the end of the plan period and so no additional crushed rock (ragstone) sites are required for the plan period The Plan expects a 10-year landbank of hard crushed rock to be maintained throughout and at the end of the plan period this equates to a period of 25 years (2023 to the end of 2037 (15 years) + 10 years). This requires 21.425mt of crushed rock supply. overall At the end of 2021 reserves were estimated as 16.10mt and, assuming extraction in 2022 at the 10-year sales average rate, reserves at the start of the Plan period (2023) are forecast to be 15.243mt. overall. Therefore, additional crushed rock (ragstone) reserves of at least 6.182mt will need to be identified in the Minerals Sites Plan as no crushed rock sites were allocated in the adopted Kent Mineral Sites Plan 2020.**

**5.2.22** At the time of plan preparation, **Currently the Cc** consented reserves of crushed rock are contained within two Kentish Ragstone sites. One of which contains the bulk of the permitted reserves that are generally of low quality and so their use is limited, and mineral extraction only takes place from this site intermittently on a campaign basis. In view of this, **a** policy covering situations where non-identified land-won mineral sites could be acceptable is included as Policy CSM 4.

## Overall Provision of Land-won Aggregates

**5.2.23** The Plan will provide, **based on 2021 aggregate monitoring data**, for land-won aggregates as follows:

- **Sharp sand and gravel: at least 10.08mt 4.323.656mt** of reserves (including **(comprising currently permitted reserves estimated at 2023 as 1.156 mt plus 3.64mt-2.5mt** of currently permitted reserves **and of** resources from allocated sites), and a landbank of at least 5.46 mt **1.83 1.596mt** as long as resources allow.
- Soft sand: **at least 10.64 7.056mt 8.969mt of** reserves **including** the **at least 8.899mt 5.769mt from existing permitted reserves estimated in 2023, in necessary and the resources from the allocation site at Chapel Farm (West), Lenham 3.2mt and a landbank of 3.192 3.087 mt in 2030** at existing permitted sites and new allocations to provide at least 4.96mt making a total provision of 15.60mt, sufficient to provide 11.05mt for the Plan period plus a landbank of 4.55mt in 2030;

- Crushed rock: ~~at least 15.77mt~~ **15.243mt** e.50mt **of** reserves at existing permitted sites **estimated at 2023**, sufficient to provide 13.26mt for the Plan period plus a landbank of 7.28mt in 2030 without the need for any new allocation ~~plus a landbank of 8.30mt in 2030~~ **with an additional provision of at least 6.182mt mt to be identified as site allocation(s) in a Mineral Sites Plan, will be required over the plan period.**

**5.2.24** The sharp sand and gravel sites identified in the **Kent** Mineral Sites Plan will include **are Stonecastle Farm Quarry Extensions, Hadlow and Land at Moat Farm, Five Oak Green. The Soft sand site identified in the Kent Minerals Sites Plan is Chapel Farm (West), Lenham.** land won sharp sand and gravel sites, and soft sand (building sand) sites.

**5.2.25** ~~Criteria that will be taken into account for~~ selecting and screening the suitability of sites for identification in the Minerals Sites Plan **the criteria as** are set out in Policy CSM2 **will be taken into account.**

### Industrial Minerals

**5.2.26** In seeking to provide a steady and adequate supply of industrial minerals, and following national policy, the County Council will co-operate with other **Mineral Planning Authorities** to co-ordinate the planning of industrial minerals (including silica sand) to ensure adequate provision is made to support their likely use in industrial and manufacturing processes. The County Council will also seek to maintain a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment as follows:

- at least 10 years for individual silica sand sites except where significant new capital is required in which case it is 15 years;
- at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant; and
- at least 25 years for brick clay and for cement primary and secondary materials to support a new kiln.

**5.2.27** This section deals with how the Plan intends to provide to meet these expectations.

### Brickearth and Clay for Brick and Tile Manufacture

**5.2.28** ~~At the time of plan preparation,~~ Kent only has one operational brickworks near Sittingbourne, which is supplied by brickearth extracted from **a site** in the Sittingbourne area to make yellow London stock bricks. National planning policy requires the provision of a stock of permitted reserves of at least 25 years for brick clay<sup>54</sup> There is a need to ensure sufficient reserves are available to provide brickearth

<sup>54</sup> MHCLG (February 2010 **2021**) National Planning Policy Framework, paragraph 21408.

for the one operational brickwork in Kent these two brickworks to ensure that the locally characteristic yellow London stock bricks can continue to be manufactured. **Currently the permitted reserves come from 2 sites: a site called Orchard Farm and Paradise Farm in the Sittingbourne area. Total permitted reserves have been reconsidered against anticipated extraction rates. Yearly production is highly variable, and can significantly reduce in any one year, the effect is to commensurately increase the landbank significantly. It is considered that available reserves sufficient for the Plan period remaining, being in the 25-30 29-year range.**

**5.2.29** In the past in Kent, bricks have also been made at various locations from supplies of Weald Clay, Gault Clay, London Clay, Wadhurst Clay and colliery shale. No operational brickworks that use clay and/or colliery shale remain in Kent. The stock of planning permissions for clay and colliery shale for brick and tile making is sufficient for the plan period if any of the dormant or closed brickworks is re-opened or new brickworks are established<sup>55</sup>. Therefore, there is no need to identify further reserves of brick clay or colliery shale for brickmaking in the a Mineral Sites Plan.

**5.2.30** A small-scale tile manufacturer that makes traditional 'Kent Peg' tiles is **located in** the Weald of Kent at Hawkenbury. This site has a consented clay pit with reserves consented through to 2026. Permitted reserves are however sufficient to supply the tile works **well** beyond this date. No further reserves are needed to be identified to sustain this operation during the plan period.

## Silica Sand

**5.2.31** Silica sand **(a form of sand such that it is almost pure quartz, or silicon dioxide)** is considered to be a mineral of national importance due to its limited distribution. The Folkestone Beds, west of Maidstone, is the traditional extraction area for silica sand in Kent and is made up of distinct horizons of building sand and silica sand. While the quality of these silica sand deposits in Kent is not as pure as those found in the neighbouring county of Surrey, some of this material is used for industrial processes including glass manufacture and the production of foundry castings. Silica sand is also used in horticulture and for sports surfaces including horse maneges and golf course bunker sand. There are no sites in Kent that provide only silica sand. All of Kent's existing silica sand sites produce construction aggregates to some extent<sup>56</sup>. National policy requires MPAs to plan for a steady and adequate supply of silica sand by providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. This is carried out by providing a stock of permitted reserves of at least 10 years at established existing sites, and at least 15 years for silica sand sites where significant new capital is required, this would include entirely new sites<sup>57</sup>.

**5.2.32** Silica sand is used in a range of applications including the manufacture of glass and production of materials used in construction. An example of a potential

<sup>55</sup> KCC (May 2011) TRM3: Other Minerals

<sup>56</sup> GWP Consultants (March 2010) A study of silica sand quality and end uses in Surrey and Kent. Final report for KCC and Surrey County Council.

<sup>57</sup> **DCLG/MHCLG** (2011) National Planning Policy Framework, paragraph 214.

local use would be in the manufacture of 'Aircrete' blocks (also known as aerated concrete blocks) where it may substitute for the current supply of Pulverised Fuel Ash (PFA). Currently the existing market need for silica sand is being met by extraction from two quarries Wrotham Quarry (Addington Sand Pit) and Nepicar Sand Pit. In 2014<sup>20</sup>, these quarries had permitted reserves in the region of 2.4mt **1.86mt**. These quarries are ~~identified in Appendix C and~~ shown in Figure 13: Minerals Key Diagram **and reported in the Annual Monitoring Report**. Wrotham Quarry ~~site~~ has a potential extension area but that lies within the Kent Downs AONB. While the Plan seeks to maintain a stock of permitted reserves, in line with national policy, it is recognised that this may not be possible if it would be inconsistent with policy to conserve the landscape and scenic beauty of the AONB. In light of national policy, the Plan does not seek allocation of sites within the AONB or in locations which would have an adverse impact on the setting of, and implementation of, the statutory purposes of the AONB. Proposals will be considered on their merits against policy CSM 2.

## Chalk

**5.2.33** Chalk is abundant in Kent. It is used for agricultural and construction purposes (primarily as a bulk fill material) across the county<sup>58</sup>. ~~Since there are no plants dependent on the supply of chalk there is no policy requirement to make provision. However~~ local sales data for agricultural and engineering use combined indicates that sales vary considerably from year to year. **Total reserves are currently estimated at 0.51 million tonnes as of the end of 2020. Based on the current yearly rate of extraction there is a permitted reserve life of approximately only 3.12 years, compared to an excess of 100 years in 2019 this was in excess of 100 years., however, given that the rate of extraction varies so considerably this may change. The rate of extraction also varies greatly from year to year. , also, As the NPPF does not require specific chalk landbanks to be maintained at any particular level and taking account of the massive nature of the deposit in Kent, sites for Chalk extraction are not included in the Mineral Sites Plan.** The indicative Kent landbank of chalk for agricultural and engineering uses is estimated to be around is estimated to be around 17.6 years as of 2018<sup>59</sup>.

**5.2.37 While Kent was once a major producer of cement, there are no operational cement works remaining within the county. Re-establishing cement manufacture in Kent is sufficiently important to the achievement of the Plan's Spatial Vision and Strategic Objectives to warrant the identification of a proposed A cement works and its associated mineral reserves as a Strategic Site. (Medway Works, Holborough) (shown on Figure 17) has the benefit of an extant implemented planning permission with the permitted mineral resources that are required to supply the works being sufficient for at least 25 years. Policies CSM5, DM7 and DM8 safeguard the permitted mineral use and were an application to come forward that proposed another form of use for this site then these would need to be taken into account.**

<sup>58</sup> KCC (May 2012) TRM3: Other Minerals.

<sup>59</sup> KCC (2018) Kent's 12th Annual Kent Minerals and Waste Monitoring Report 2017/18.

**5.2.38** Reserves of chalk and rates of demand will be monitored and reported in the **successive** Annual Monitoring Report and taken into account when any proposals for new sites come forward.

~~5.2.39 To help facilitate future development of cement manufacture at the Medway Works, Holborough, specific reserves of chalk are safeguarded as set out in Policy CSM 3. **Proposals for chalk extraction will be assessed against Policy CSM 4: Non-identified Land-won Mineral Sites.**~~

## Clay for Engineering Purposes

**5.2.39** Clay is also abundant in Kent. Other than uses in brick manufacture, the principal use for extracted clay is for land engineering purposes. Since there are no specific requirements for engineering clay for bulk fill, waterproof capping or flood defences there is no requirement to make specific provision. Local sales data indicates that sales vary significantly from year to year, however an average for the 11 years in which data was available indicates sales of approximately 27,000 tpa with a peak demand of 69,000 tonnes in 2002<sup>60</sup>. This equates to a **estimated** need over the plan period of around 459,000mt. **Development of** ~~the~~ proposed extension areas for Norwood Quarry and Landfill Site on the Isle of Sheppey, identified as the Strategic Site for Waste in Policy CSW 5 **Strategic Site for Waste**, will **result in the** also be identified as an extraction **of** site for engineering clay. **If other sites come forward for purposes of a specific nature, they will be assessed against Policy CSM 4: Non-identified Land-won Mineral Sites for future extraction to maintain such supply.**

## Policy CSM2

### Supply of Land-won Minerals in Kent

Mineral working will be granted planning permission at sites identified in the Minerals Sites Plan<sup>61</sup> subject to meeting the requirements set out in the relevant site schedule in the Mineral Sites Plan and the development plan.

#### 1. Aggregates

Provision will be made for the supply of land-won aggregates as follows:

- **Sharp sand and gravel:** ~~At least 10.08mt and a landbank of at least seven years supply (5.46mt) will be maintained while resources allow. The rate of supply will decline through the Plan period from a supply of a 10-year average of around 0.78mtpa and resources will be progressively worked out (unless additional unallocated sites are brought forward which would be assessed against Policy CSM 4). Demand will instead be increasingly met from other~~

<sup>60</sup> KCC (2012) TRM3 Other Minerals, Table 4B.

<sup>61</sup> Sites identified in the Minerals Sites Plan will **are** generally be where viable mineral resources are known to exist, where landowners are supportive of mineral development taking place and where MPAs **it is** considered that planning applications are likely to be acceptable in principle in planning terms.



~~sources, principally a combination of recycled and secondary aggregates, landings of MDA, blended materials and imports of crushed rock through wharves and railheads. The actual proportions will be decided by the market. **A landbank of sharp sand and gravel equal to the 7-year landbank (as set out in the latest Local Aggregate Assessment) will be maintained throughout the Plan period for as long as reserves and potential resources allow**~~

- ~~Soft sand: Rolling landbanks for the whole of the Plan period and beyond of at least seven years equivalent to at least 15.6mt, comprising 10.6mt from existing permitted sources, and 5.0mt from sites allocated in the Mineral Sites Plan. **A landbank of soft sand at least equal to the 7-year landbank (as set out in the latest Local Aggregates Assessment) will be maintained throughout the Plan period.**~~
- ~~Crushed rock: Rolling landbanks for the whole of the plan period and beyond of at least 10 years equivalent to at least 20.5mt, all from existing permitted sources. **A landbank of hard crushed rock at least equal to the 10-year landbank (as set out in the latest Local Aggregates Assessment) will be maintained throughout the Plan period.**~~
- ~~Sites will be identified in the Mineral Sites Plan to support supplies of land-won aggregates. **Additional sites required to maintain landbanks of land-won aggregates** at the levels stated above **will be identified in the** Mineral Sites Plan. A rolling average of ten years' sales data and other relevant information will be used to assess landbank requirements on an on-going basis, and this will be kept under review through the annual production of a Local Aggregates Assessment.~~

## 2. Brickearth and Clay for Brick and Tile Manufacture

The stock of existing planning permission at Paradise Farm, **Hartlip Sittingbourne**, Hempstead House and Claxfield Road for brickearth **for brick making and** clay for brick and tile making **at Babylon Tile Works, Hawkenbury** is sufficient for the plan period. Applications for sites supplying brickearth and clay for brick and tile making will be dealt with in accordance with the policies of this Plan. The existence of a stock of permitted reserves of at least 25 years (as reported in the latest Annual Monitoring **R**report) to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment will be a material consideration.

## 3. Silica Sand

In response to planning applications, the Mineral Planning Authority will seek to permit sites for silica sand production sufficient to provide a stock of permitted reserves of at least 10 years for individual sites of 10 years and 15 years for sites where significant new capital is required, to support the

level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment<sup>62</sup> Proposals will be considered on their own merits, having regard to the policies of the Development Plan as a whole subject to them demonstrating:

- how the mineral resources meet technical specifications required for silica sand (industrial sand) end uses; **and**
- how the mineral resources will be used efficiently so that high-grade sand deposits are reserved for industrial end uses

#### 4. Chalk for Agriculture and Engineering Purposes

The stock of existing planning permissions for chalk **is** sufficient to supply Kent's requirements for agricultural and engineering chalk over the plan period, **although monitoring data is showing a wide variation in overall permitted reserves.** Applications for sites supplying chalk for agriculture and engineering purposes will be dealt with in accordance with the policies of this Plan. The need for additional supplies of chalk will be assessed based on the latest assessment of supply and demand set out in the Annual Monitoring Report.

#### 5. Clay for Engineering Purposes

~~A site for the extraction of clay for engineering purposes will be identified at Norwood Quarry and Landfill Site in the Minerals Sites Plan. Other sites will be identified if required in order to enable clay extraction to continue through the Plan period to supply Kent's requirements.~~

**The stock of existing planning permission for engineering clay is sufficient to supply Kent's requirements for engineering clay over the plan period. Applications for sites supplying engineering clay will be dealt with in accordance with the policies of this Plan. The need for additional supplies of engineering clay will be assessed based on the latest assessment of supply and demand set out in the Annual Monitoring Report.**

#### 6. Selection of Sites for Allocation in the Minerals Sites Plan

The criteria that will be taken into account for selecting and screening the suitability of sites for **allocation** ~~identification in the Minerals Sites Plan~~ will include:

- the requirements for minerals set out above;
- relevant policies set out in Chapter 7: Development Management

<sup>62</sup> 'Plant and equipment' is taken to mean that used in the processing of minerals and its use in industrial and manufacturing processes.

Policies relevant policies in district local plans and neighbourhood plans;

- strategic environmental information, including landscape assessment and **Habitat Regulations Assessment (HRA)** as appropriate;
- their deliverability; **and**
- other relevant national planning policy and guidance

### **5.3 Policy CSM 3: Strategic Site for Minerals**

**5.3.1** While Kent was once a major producer of cement, there are no operational cement works remaining within the county. Re-establishing cement manufacture in Kent is sufficiently important to the achievement of the Plan's Spatial Vision and Strategic Objectives to warrant the identification of a proposed cement works and its associated mineral reserves as a Strategic Site. Medway Works, Holborough (shown on Figure 17) has the benefit of an extant planning permission with the permitted mineral resources that are required to supply the works being sufficient for at least 25 years. However, there are likely to be significant changes needed to the approved layout and design to reflect modern requirements that would require a fresh planning application being approved prior to the development of the site. In view of the potential job opportunities and level of investment required to construct a new cement works, this site is considered sufficiently important to designate it as the only Strategic Site for minerals. Policy CSM 3 addresses the planning issues of this Strategic Site's potential for significant investment for long-term cement manufacture while maintaining a sensitive protection of the environment, with particular regard to the Kent Downs AONB landscape designation.

### **Policy CSM 3**

#### **Strategic Site for Minerals**

The site of the proposed Medway Cement Works, Holborough and its permitted mineral reserves are together identified as the Strategic Site for Minerals in Kent. The site location is shown on Figure 17.

Planning permission will not be granted for any development other than chalk extraction for cement manufacture, cement manufacture and restoration of the resulting void.

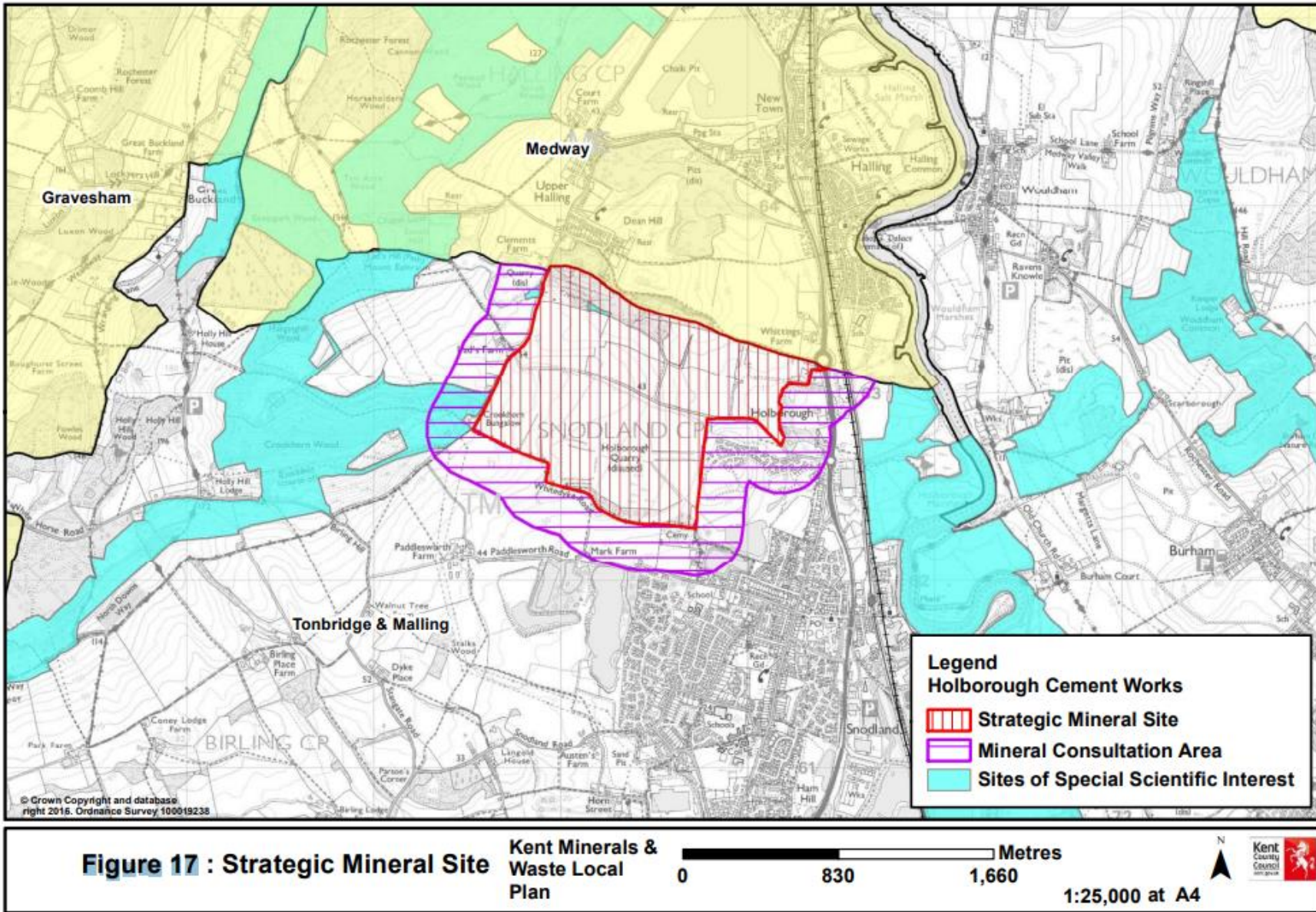
Mineral working and processing at the Strategic Site for Minerals will be permitted subject to meeting the requirements of the development plan and the following criteria:

- an assessment of the impact of mineral working upon views from the Kent Downs Area of Outstanding Natural Beauty, with suitable sufficient landscaping mitigation measures to minimise the impacts upon views, protect the amenity of

~~nearby residents and enhance and restore the landscape character~~

- ~~• the development not generating more traffic movements than can be accommodated without any unacceptable adverse impacts upon the local highway network~~
- ~~• the site and any associated land being restored to a high quality standard and where appropriate after use that supports and enhances the long-term local landscape character~~

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## 5.4 Policy CSM 4: Non-identified Land-won Mineral Sites

5.4.1 ~~Policy CSM 3: Strategic Site for Minerals, together with the other Plan policies and the s~~ Sites identified in the Mineral Sites Plan, ~~will help~~ provide the framework that seeks to enable a stock of planning permissions for aggregates, chalk, brickearth, clay, silica sand and minerals for cement manufacture to be maintained at the required levels throughout the plan period.

5.4.2 The ~~Allocated~~ sites identified in the ~~Minerals Sites Plan will have been~~ **are** subject to a detailed assessment that ~~will seeks~~ to balance demand for the mineral and any other benefits against potential adverse impacts, with a view to securing a steady and adequate supply of aggregates and industrial minerals, having regard to national planning policy and the objectives and policies of this plan, including sustainability objectives. The presumption is that provision will be made by means of the allocated sites coming forward and providing the mineral required at the appropriate time. Planning applications for minerals development on non-allocated sites (other than with respect to silica sand, ~~which is provided for under Policy CSM2 where no allocations are proposed to be made~~) will be considered having regard to the relevant objectives and policies of the development plan as a whole, in particular the need to plan for a steady and adequate supply of mineral.

5.4.3 Where a proposal for minerals development on a non-allocated site fails to comply with the development plan or is otherwise shown to cause harm to its objectives, planning permission will be granted only if sustainable benefits are clearly demonstrated that are sufficient to outweigh the harm identified. Examples of criteria that may justify permission being granted include:

- the possibility of prior extraction of an economic mineral ahead of other development taking place within the safeguarded mineral resource<sup>63</sup>
- the possibility of borrow pit developments that can supply materials in a sustainable manner to major infrastructure developments including road, rail and ports
- locations of consented reserves and any alternative supply options<sup>64</sup> being remote from main market areas necessitating unduly long road journeys from the source to the market
- the nature and qualities of the mineral such as suitability for particular use
- known constraints on the availability of consented reserves that might limit output over the plan period
- the extent to which permitted reserves are within inactive sites that are unlikely to ever be worked

<sup>63</sup> Safeguarding of mineral resources is dealt with by Policies CSM 5, DM 7 and DM 8 and prior extraction principally by Policy DM 9.

<sup>64</sup> Alternative supply options include secondary or recycled materials and imports through wharves and rail depots.

- the assurance that large landbanks bound up in very few sites do not stifle competition
- sites in the Minerals Sites Plan not coming forward as anticipated.

## Policy CSM 4

### Non-identified Land-won Mineral Sites

With the exception of proposals **on land allocated in the Mineral Sites Plan and** for the extraction of silica sand provided for under Policy CSM 2, proposals for mineral extraction ~~other than the Strategic Site for Minerals~~ and **additional** sites identified **assessed for allocation** in the Minerals Sites Plan will be considered having regard to the policies of the development plan as a whole and in the context of the Vision and Objectives of this Plan, in particular the objective to plan for a steady and adequate supply of aggregates and industrial minerals. Where harm to the strategy of the development plan is shown, permission will be granted only where it has been demonstrated that there are overriding benefits that justify extraction at the exception site.

### 5.5 Policy CSM 5: Land-won Mineral Safeguarding

**5.5.1** Protecting mineral resources from unnecessary sterilisation is a very important part of minerals planning policy, it is central to supporting sustainable development. Minerals are a finite natural resource which need to be used prudently. The purpose of safeguarding minerals is to ensure that sufficient economic minerals are available for future generations to use. The viability of extracting resources may change over time and is likely to increase as resources become more scarce. Mineral transportation infrastructure is also important because, as described in section 5.2, imported minerals make a major contribution to the County's requirements and production facilities convert materials into useable products. Such transportation infrastructure also allows for the export of minerals from Kent to other areas. The British Geological Society (BGS) Mineral Resource maps provide the best available geological data on the extent of mineral resources in Kent and so have been used as the starting point for safeguarding mineral resources in Kent.

**5.5.2** Policy CSM 5 describes how land-won minerals will be safeguarded and Policies CSM 6 and CSM 7 describe how mineral infrastructure will be safeguarded. Policy DM 7 describes the circumstances in which non-mineral developments that are incompatible with safeguarding a resource ~~or a safeguarded wharf or rail depot~~ would be acceptable. Policies CSM 4 and DM 9 set out how applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non-minerals development, would be considered. Policy DM 8 describes the circumstances in which non-mineral developments that might be incompatible with safeguarding minerals **(such as wharfs and rail depots)** and/or waste infrastructure would be acceptable.

**5.5.3** Land-won mineral safeguarding is carried out through the designation of Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). Further **explanation is** provided below.

**5.5.4** MSAs cover areas of known mineral resources that are, or may in future be, of sufficient value to warrant protection for future generations. MSAs ensure that such resources are adequately and effectively considered in land-use planning decisions so that they are not needlessly sterilised. The level of information used to indicate the existence of a mineral resource can vary from geological mapping to more in-depth geological investigations. Defining MSAs carries no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction.

**5.5.5** National policy expects all MPAs, both unitary and two-tier authorities, to include policies and proposals in their local plans to safeguard mineral resources and to set out their extent on maps of MSAs. In two-tier authority areas, such as Kent, MSAs should be included on the Policies Maps of the Development Plan maintained by the District and Borough Councils. This is intended to alert prospective promoters of development and the local planning authority, to the existence of mineral resources and shows where local mineral safeguarding policies may apply.

**5.5.6** Geological mapping is indicative of the existence of a mineral resource. It is possible that the mineral has already been extracted and/or that some areas may not contain any of mineral resource being safeguarded. Nevertheless, the onus will be on promoters of non-mineral development to demonstrate satisfactorily<sup>65</sup> at the time that the development is promoted that the indicated mineral resource does not actually exist in the location being promoted, or extraction would not be viable or practicable under the particular circumstances.

**5.5.7** The MCA designation is intended to ensure that consultation takes place between county and district/borough planning authorities when mineral interests might be compromised by non-minerals development, especially in close proximity to a known mineral resource. The designation of MCAs is not obligatory, but consultation on development within an MCA is. The MCAs within Kent cover the same areas as the MSAs, **other than that around the safeguarded mineral reserves at Holborough Works as shown in Figure 17.**

**5.5.8** Where an application is made for non-mineral development within a MSA identified in this Plan, then the determining authority will consult the MPA for its views on the application and take them into account in its determination. For non-minerals development determined by the County Council e.g. schools and waste management, the safeguarding policies will equally apply.

**5.5.9** Economic land-won minerals that are identified for safeguarding in Kent are sharp sand and gravel, soft sand, silica sand, crushed rock, building stone and brickearth. **As ~~e~~Chalk and clay (other than brickearth) are abundant across the**

<sup>65</sup> Non-minerals development will mainly be promoted through planning applications or through proposed allocations in Local Plans. Advice will be provided by Kent County Council (as the Minerals Planning Authority).



**county, and so these resources are not being safeguarded.** The mineral resource areas identified for safeguarding are shown in the MSAs in Chapter 9: Adopted Policies Maps. The MSAs are based on mapping of the mineral resource prepared by the BGS. Current guidance advises that mineral safeguarding should not be curtailed by any other planning designation, such as environmental designations without sound justification. The mineral resources within the Plan area are extensive and whilst they continue beneath urban areas they are already sterilised by non-mineral development with very little prospect of future working. Therefore in order for the safeguarding to be practical such areas have been excluded from the MSAs.

**5.5.10** The surface working area of the proposed East Kent Limestone Mine is not identified for safeguarding. This is because there has been no advancement in the mine's development since the identification of this resource as a possible area of mining in the 1993 Minerals Subject Plan<sup>66</sup>. There is no certainty where the built footprint for the surface aggregate processing facility is likely to be situated (if it is ever developed) and planning policies should avoid the long-term protection of sites identified for employment use where there is no reasonable prospect of a site being used for that purpose. Any proposals for prospecting the Carboniferous Limestone deposit will be considered under Policy CSM 11<sup>67</sup>.

**5.5.11** Coal, oil, and deep pennant sandstone resources are also not being safeguarded, as they are located at considerable depth underground and may potentially form extensive resources. The safeguarding of these deep underground minerals would dilute the focus of safeguarding mineral resources, access to which is more likely to be lost to built development.

**5.5.12** ~~Following the adoption of this Plan, the MSAs will be reviewed and updated as necessary. Further reviews of the MSAs will take place at least every five years. Matters to be taken into account in these reviews are will be set out in a Supplementary Planning Document on minerals safeguarding to be prepared following adoption of this Plan.~~ Such matters will include the following:

- Previously worked land (provided the mineral resource is exhausted)
- Transport infrastructure
- Land within urban areas
- Proposed urban extensions and site allocations for non-minerals uses in adopted local plans
- The importance of minerals resources
- The accessibility of the minerals resource i.e. whether it can be practicably and viably worked

<sup>66</sup> KCC (1993) Mineral Subject Plan Construction Aggregates.

<sup>67</sup> ~~DCLG (March 2012)~~ **MHCLG (2021)** National Planning Policy Framework, para. 122.

**5.5.13** The process of allocating land for non-minerals uses in local plans will take into account the need to safeguard minerals resources and mineral infrastructure. The allocation of land within an MSA will only take place after consideration of the factors that would be considered if a non-minerals development were to be proposed in that location, or in proximity to it, as set out in Policies DM 7, DM 8, CSM 5 and CSM 6. The Minerals Planning Authority will support the District and Borough Councils in this process.

## Policy CSM 5

### Land-won Mineral Safeguarding

Economic mineral resources are safeguarded from being unnecessarily sterilised by other development by the identification of:

- Mineral Safeguarding Areas for the areas of brickearth, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone as defined on the Mineral Safeguarding Area Policies Maps in Chapter 9
- Mineral Consultation Areas which cover the same area as the Minerals Safeguarding Areas, ~~and a separate area adjacent to the Strategic Site for Minerals at Medway Works, Holborough as shown in Figure 17~~
- Sites for mineral working within the plan period **are** identified in ~~Appendix C~~ **the Annual Monitoring Report** and in the Mineral Sites Plan.

## 5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots

**5.6.1** Kent has a range of mineral transportation facilities around its coast as well as inland. The importance of safeguarding these facilities to enable the on-going supply of essential minerals is identified in national planning policy. Development in proximity to a mineral transportation facility could prejudice or constrain current or future operations. It is important therefore, that the Plan ensures that wharves and rail depots are safeguarded and are not put at risk by non-minerals developments. **The revival of the Dover Western Docks to regenerate the dock infrastructure includes a safeguarded wharf (Dunkirk Jetty). At this time, the safeguarding status of this mineral importation and handling infrastructure is unchanged and the wharf remains listed in Policy CSM 6.** The locations of the safeguarded wharves and rail depots are shown in Figure 13: Minerals Key Diagram and in Chapter 9: Adopted Policies Maps.

**5.6.2** Policy DM 8 identifies situations where development at, or in proximity to, safeguarded infrastructure including wharves and rail depots, would be acceptable.

## Policy CSM 6

### Safeguarded Wharves and Rail Depots

Planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of existing<sup>68</sup> planned or potential sites, such that their capacity or viability for minerals transportation purposes may be compromised.

The following sites, and the any allocated sites **for wharves and rail depots** included in the Minerals Sites Plan, are safeguarded:

1. Allington Rail Sidings
2. Sevington Rail Depot
3. Hothfield Work
4. East Peckham
5. Ridham Dock (both operational sites)
6. Johnson's Wharf, Greenhithe
7. Robins Wharf, Northfleet (both operational sites)
8. Clubbs Marine Terminal, Gravesend
9. East Quay, Whitstable
10. Red Lion Wharf, Gravesend
11. Ramsgate Port
12. Wharf 42, Northfleet (including Northfleet Cement Wharf)
13. Dunkirk Jetty (Dover Western Docks)
14. Sheerness
15. Northfleet Wharf
16. Old Sun Wharf, Gravesend

Their locations are shown in Figure 13: Minerals Key Diagram in Chapter 2 and their site boundaries are shown in chapter 9: Adopted Policies Maps.

The Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan) for non-mineral related development (other than that of the type listed in policy DM 8 (clause 1)) on all development proposed at, or within 250m of, safeguarded minerals transportation facilities.

## 5.7 Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure

**5.7.1** National policy requires other types of mineral infrastructure to be safeguarded. This includes existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate materials.

<sup>68</sup> Existing sites are taken as sites that have permanent planning permission for minerals transportation purposes.

**5.7.2** As there are many sites within the county, with considerable numbers being located on industrial estates identified in local plans for general industrial and commercial uses, a generic (non-site specific) policy for safeguarding these facilities and their ongoing, overall capacities is necessary. Policy CSM 7 addresses the need to safeguard mineral production infrastructure, while being flexible to the needs of the industry by enabling the loss of capacity (potentially required for the industry to remain competitive and viable) provided there is replacement capacity available elsewhere of a type that is at least equal to that provided by the original facility. Policy DM 8 identifies situations where development at, or in proximity to safeguarded mineral plant infrastructure would be acceptable.

## **Policy CSM 7**

### **Safeguarding Other Mineral Plant Infrastructure**

Facilities for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material in Kent are safeguarded for their on-going use.

Where these facilities are situated within a host quarry, wharf or rail depot facility, they are safeguarded for the life of the host site.

## **5.8 Policy CSM 8: Secondary and Recycled Aggregates**

**5.8.1** The use of secondary and recycled aggregates is generally more sustainable than extracting primary land-won aggregates. It is for this reason that national policy expects MPAs to take account of the contribution that secondary and recycled materials would make, before considering extraction of primary materials so far as practicable. As considered in Section 5.2, the replacement of primary aggregates with secondary and recycled supplies materials is becoming increasingly important as indigenous land-won primary supplies diminish. The County Council is therefore keen to see the quantities of secondary and recycled aggregates being produced within Kent increase.

**5.8.2** In 2016 the consented secondary and recycled aggregates processing capacity within Kent ~~currently exceeds~~ exceeds 2.7mtpa, 0.63 mtpa of which was identified as temporary capacity. Inert Construction, Demolition and Excavation (CDE) waste is the main source of recycled aggregate and arisings of this waste in Kent were estimated to be 2.6 mtpa which indicates that some capacity may be utilised for imported materials. In addition, arisings of materials suitable for conversion into secondary aggregates such as furnace bottom ash are expected to increase as more Energy from Waste capacity is developed during the plan period in line with Policy CSW 8: Recovery Facilities for Non-hazardous Waste.

**5.8.3** Policy CSM 8 sets out criteria to be used in the consideration of additional secondary and recycled aggregate production capacity. Where permanent consent is being sought, to avoid adverse amenity impacts, the presumption will be that processing activities will be contained within a covered building or similar structure. While sites with permanent consent will be safeguarded under Policy CSM 7, to compensate for the loss of capacity located on temporary sites, sites ~~will~~ may be

identified in the Minerals Sites Plan to ensure processing capacity is maintained to allow the production of at least 2.7 million tonnes per annum of secondary and recycled aggregates, throughout the Plan period.

## **Policy CSM 8**

### **Secondary and Recycled Aggregates**

Sites ~~will be identified in the Minerals Sites Plan to ensure~~ **processing capacity will be** maintained to allow the production of at least 2.7 million tonnes per annum **or the productive capacity value in the latest Local Aggregate Assessment (whichever is the greater)** of secondary and recycled aggregates, throughout the Plan period.

Proposals for additional capacity for secondary and recycled aggregate production including those relating to the expansion of capacity at existing facilities that increases the segregation and hence end product range/quality achieved, will be granted planning permission if they are well located in relation to the source of input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan, at the following types of sites:

1. temporary demolition, construction, land reclamation and regeneration projects and highways developments where materials are either generated or to be used in the project or both for the duration of the project (as defined by the planning permission)
2. appropriate mineral operations (including wharves and rail depots) for the duration of the host site permission.
3. appropriate waste management operations for the duration of the host site permission.
4. industrial estates, where the proposals are compatible with other policies set out in the development plan including those relating to employment and regeneration.
5. any other site that meets the requirements cited in the second paragraph of this policy above.

The term 'appropriate' in this policy is defined in terms of the proposal demonstrating that it will not give rise to unacceptable adverse impacts on communities or the environment as a whole over and above the levels that had been considered to be acceptable for the host site when originally permitted without the additional facility.

Planning permission will be granted to re-work old inert landfills and dredging disposal sites to produce replacement aggregate material where it is demonstrated that net gains in landscape, biodiversity or amenity can be achieved by the operation and environmental impacts can be mitigated to an acceptable level.

## 5.9 Policy CSM 9: Building Stone in Kent

**5.9.1** Only two ragstone quarries have consented reserves at the time of the preparation of this Plan: Hermitage Quarry and Blaise Farm in mid Kent. Although building stone has been produced from both quarries, only Hermitage Quarry has the ability to produce high-quality cut stone from the full sequence of ragstone beds in the Hythe Formation, and it continues to provide building stone for building conservation uses. However, in the past, small-scale quarries have provided locally distinctive stone including Paludina Limestone (found near Bethersden), Tunbridge Wells Sandstone and flint (from chalk strata). Calcareous tufa found in small outcrops near Ditton has also been used in a few buildings, including Leeds Castle in Kent. These have been popular building materials and supplies may be needed in the future to maintain and restore the buildings that use them.

**5.9.2** Small quarries for building stone can play an important part in providing historically authentic building materials in the conservation and repair of historic and cultural buildings and structures. Policy CSM 9 addresses the potential need for granting planning permission for small-scale, local restoration building stone quarrying in Kent.

### Policy CSM 9

#### Building Stone in Kent

Planning permission will be granted for small-scale proposals<sup>69</sup> that are needed to provide a supply of suitable local building stone necessary for restoration work associated with the maintenance of Kent's historic buildings and structures and new build projects within conservation areas, subject to:

1. Development taking place in appropriate locations where the proposals do not have unacceptable adverse impacts on the local environment and communities; **and**
2. There being no other suitable, sustainable sources of the stone available;
3. The site is restored to a high quality standard and appropriate after use that supports the local landscape character.

## 5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons

5.10.1 Oil and gas are important mineral resources and primary sources of energy in the United Kingdom. They underpin key aspects of modern society and remain an important part of the UK's energy mix. Maximising economic production of UK oil and

<sup>69</sup> A small-scale building stone extraction site is one that produces predominantly building stone for conservation and restoration of old buildings or for new build purposes in areas where the stone provides historically authentic materials in keeping with the local built environment. Operations are likely to be intermittent and volumes produced are low.

~~gas reserves to provide reliable energy supplies is a key activity the Government are taking forward to minimise international energy supply risks.~~

**5.10.2** All hydrocarbons are owned by the State, in the form of the Oil and Gas Authority, the Coal Authority and the Department **for Business, Energy and Industrial Strategy** of Energy and Climate Change. Companies who wish to exploit these minerals are invited to bid for licences by the Government. A conditional underground licence does not give an operator the power to exploit underground resources and is conditional upon planning permission (and other rights) being granted too.

**5.10.3** Where possible reserves have been identified there is a need to establish, through exploratory drilling, whether or not there are sufficient recoverable **quantities of** unconventional hydrocarbons present to facilitate economically viable full scale production. There are three phases of onshore hydrocarbon extraction: exploration, testing (appraisal) and production.

**5.10.4** In the case of appraisal wells, decisions will not take account of hypothetical future activities, since the further appraisal and production phases will be the subject of separate planning applications and assessments. When determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is only likely to be material in determining the suitability of continuing to use that site insofar as it establishes the presence of hydrocarbon resources. There is no presumption that because permission is granted for one phase, then permission will be granted **for a** subsequent one, i.e. permission granted for exploration should not be assumed to lead to permission for appraisal, nor for appraisal to production. Each application will be considered on its merits. Proposals associated with exploration, appraisal and production might reasonably include underground gas storage and associated infrastructure, for which encouragement is sought in the NPPF.

**5.10.5** The Mineral Planning Authority **(MPA)** is one of four key regulators for hydrocarbon extraction. Its role is to provide clear guidance and criteria for the local assessment of hydrocarbon extraction within Petroleum Licence Areas and to grant planning permission for the location of any wells and wellpads and impose conditions to ensure that the impact on the use of land is acceptable. There are clear roles and responsibilities for each of the regulators and an expectation that the Mineral Planning Authority should assume non-planning regimes will operate effectively and should not ordinarily need to carry out its own assessments where it can rely on the assessments of other regulatory bodies. However, before granting planning permission the MPA will need to be satisfied that these issues can or will be adequately addressed by taking and considering advice from the relevant regulatory body relating to the specific risks/concerns posed by particular proposals. For example in the case of proposals involving hydraulic fracturing mitigation of seismic risks; well design and construction; well integrity during operation; operation of surface equipment on the well pad; mining waste; chemical content of hydraulic fracturing fluid flaring or venting; final off-site disposal of water and well decommissioning/abandonment.

**5.10.6** Where it is intended to utilise new or existing infrastructure, the MPA will **need to** be satisfied that any associated environmental and amenity impacts are mitigated to ensure that there is no unacceptable adverse impact on the local environment or communities.

## Resources and Potential

### Oil

**5.10.7** Kent is part of the Southern Permian Basin Area, an area of potential for oil resource that stretches across northern Europe from Dorset to Yorkshire in the west, across northern France, Belgium, Holland, Denmark, Germany and Poland. On-going exploration has established a series of oil and gas fields across the Basin Area. Notable commercial discoveries in the English sector of this basin, associated with the Weald and south coast, are Wytch Farm (Dorset) which is the largest onshore oil field in western Europe, Alvington (Hampshire), Storrington (West Sussex) and Palmers Wood (Surrey). The Department of ~~Energy and Climate Change (DECC)~~ **Business, Energy and Industrial Strategy (BEIS)** issues Petroleum Exploration and Development Licenses (PEDLs). In the past, parts of west and east Kent have been included. These licensing areas are subject to periodic revision by ~~DECC~~**BEIS**.

**5.10.8** A planning permission was granted in 2012 for exploratory drilling and subsequent oil and gas field testing at Bidborough in West Kent. In 2015~~22~~ the planning permission had not been implemented. Exploratory drilling has also taken place in Cowden near Tunbridge Wells from August 1999 (planning permission SE/98/234). Subsequent extensions were granted to complete planned testing operations on the capped well at Cowden to establish the extent of productive capacity of the oil field, the last of which expired in 2012 (SE/11/1396).

### Gas

**5.10.9** Minor reserves of natural gas have been exploited in the past in East Sussex; however only two resources have been detected following exploration undertaken more recently as a result of licences issued.

## Unconventional hydrocarbons

**5.10.10** Unconventional hydrocarbons refers to oil and gas which comes from sources such as shale or coal seams which act as the reservoirs. Shale gas, shale oil and coal bed methane are often referred to as unconventional hydrocarbons as they are extracted using technologies that enables oil and gas locked into rock formations that were previously considered to be unsuitable or uneconomic to be exploited.

**5.10.11** Coal Bed Methane is methane that is trapped within the pore spaces of **coal in** coal seams, such as the East Kent Field. In coal, methane is held in an almost liquid state within the porous elements so that if pressure is reduced by human intervention such as mining or drilling into a coal seam, the gas is liberated. As the gas is **combustible it** is a potential resource. The East Kent Coalfield covers an



area of 157,900 hectares beneath the Kent landmass. It was exploited for its coal reserves between 1912 and 1989. ~~Underground licence applications to investigate the East Kent Coalfield are being processed by the Coal Authority at the time of writing this Plan.~~ There is currently no information available on the potential of coal bed methane resources in Kent. However, interest has been shown in Kent and permission was granted to drill an exploratory borehole to test the in situ coals, Lower Limestone Shales and associated strata in 2011 at Woodnesborough, in East Kent. ***This permission was not implemented and has now lapsed. During the preparation of the Plan, A*** further three planning applications for test drilling in East Kent were received by Kent CC ***in 2013*** but were subsequently withdrawn.

**5.10.12** Underground coal gasification is a technique that gasifies coal underground and then brings the resultant gas to the surface for subsequent use in heating or power generation. It requires precision drilling of two boreholes: one to supply oxygen and water/steam and the other to bring the resulting gas back to the surface. Currently there are no commercial scale underground coal gasification processes present in the UK.

**5.10.13**-Hydraulic fracturing (often called fracking) is a technique used to extract **gas or** oil from shale rock strata whereby water (and additives) is pumped under **pressure into** productive shale rocks via a drilled bore to open up pore spaces releasing the gas or oil for pumping to the surface for use<sup>70</sup>.

**5.10.14**-The BGS completed a resource study for the Weald Basin, which includes part of Kent. The study concluded that with the current level of geological data and information there is no significant shale gas potential within the Weald Basin. There is however potentially a significant volume of unconventional shale oil. The study estimates that the oil in place (OIP) across the whole Weald Basin, which is the resource estimate, ranges from 2.2 to 8.6 billion barrels (billion bbl). There is currently insufficient information and data to estimate how much of that oil resource is economically and technically viable to extract; further exploratory drilling, sampling and socio-economic and environmental studies would be required.

**5.10.15** Section 50 of the Infrastructure Act 2015 inserts section 4A of the Petroleum Act 1998, which sets out a number of safeguards for developments involving onshore hydraulic fracturing. This includes no hydraulic fracturing within protected groundwater source areas and within "other protected areas". "Other protected areas" are defined in the secondary legislation, Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016. Section 3 of these Regulations define "other protected areas" in the following manner, as areas of land at a depth of less than 1,200 metres beneath a National Park, the Broads, Areas of Outstanding Natural Beauty or a World Heritage site. Decisions on planning applications will be made in accordance with the Infrastructure Act and the associated secondary legislation.

**5.10.16** The Act also places a duty on the Mineral Planning Authority to take account, where relevant, of the cumulative effects of an application for onshore hydraulic fracturing, and any other applications relating to exploitation of onshore oil

<sup>70</sup> Information on unconventional hydrocarbon extraction is available in the Planning Practice Guidance website at: <http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/annex-a-shale-gas-and-coalbed-methane-coal-seam-gas>

and gas obtainable by hydraulic fracturing. It is important to examine how differences in context such as geological and environmental characteristics might lead to differing levels of risk, for example this may include consideration of the depth of shale exploration and mitigation measures such as restricting water use to wetter seasons or requiring recirculation. Each application will be considered on its merits.

**5.10.17** Provision has also been made in the Infrastructure Act (in section 49) for the Secretary of State to request the Committee on Climate Change to provide advice (in accordance with section 38 of the Climate Change Act 2008) on the impact which combustion of, and fugitive emissions from, petroleum produced through onshore activity, is likely to have. The way in which minerals produced in Kent are subsequently used is not within the control of the Plan. However, the Council will review any such advice to consider whether it raises any consideration that needs to be taken into account in determining an application for planning permission relating to hydraulic fracturing and whether any review of policy CSM 10 is required. Any such reviews will take into account any relevant national planning policy and guidance.

**5.10.18** There are several issues associated with the extraction of oil and gas and unconventional hydrocarbons which need careful attention at the planning application stage. The nature and significance of these issues will vary between the technology utilised and the phases of exploration, testing (appraisal) and production. These issues are set out below, together with the development management policies which ensure they are adequately addressed:

- The discharge of artesian groundwater to the surface (Policy DM 10)
- Impact on ground and surface waters (both quantity and quality) (Policy DM 10)
- Visual and amenity (e.g. noise, lighting, PROW) impacts of surface operations
- (including those resulting from 24 hour operations) (Policies DM 2, DM 11, DM 12, DM 14)
- Impacts of vehicles transporting staff and materials to and from the drill site (Policy DM 13)
- Impacts on biodiversity (Policy DM 3)
- Stability of land (Policy DM 18)
- Restoration of the surface operations following their cessation (Policy DM 19)
- Cumulative effects (Policy DM 12)

**5.10.19** Policy CSM 10 sets out the matters that need to be taken into account when considering proposals for the exploration, appraisal and development of oil, gas and unconventional hydrocarbons.

## Policy CSM 10

### Oil, Gas and Unconventional Hydrocarbons

Planning permission will be granted for proposals associated with the exploration, appraisal and production of oil, gas and unconventional hydrocarbons subject to:

1. well sites and associated facilities being sited, so far as is practicable, to minimise impacts on the environment and communities
2. developments being located outside Protected Groundwater Source Areas<sup>71</sup>
3. there being no unacceptable adverse impacts (in terms of quantity and quality) upon sensitive water receptors including groundwater, water bodies and **wetland habitats**
4. all other environmental and amenity impacts being mitigated to ensure that there is no unacceptable adverse impact on the local environment or communities
5. exploration and appraisal operations being for an agreed, temporary length of time
6. the drilling site and any associated land being restored to a high quality **standard and** appropriate after-use that reflects the local landscape character at the earliest practicable opportunity
7. it being demonstrated that greenhouse gases associated with fugitive emissions from the exploration, testing and production activities will not lead to unacceptable adverse environmental impacts

Particular consideration will be given to the location of hydrocarbon development involving hydraulic fracturing having regard to impacts on water resources, seismicity, local air quality, landscape, noise and lighting impacts. Such development will not be supported within protected groundwater source protection zones or where it might adversely affect or be affected by flood risk or within Air Quality Management Areas or protected areas for the purposes of the Infrastructure Act 2015, section 50.

### 5.11 Policy CSM 11: Prospecting for Carboniferous Limestone

5.11.1 While the East Kent Limestone mine has not been progressed since it was included in the *Kent Minerals Local Plan Construction Aggregates Written Statement (1993)*<sup>72</sup> as a possible area of mining, it is still considered to be a possible long-term source of construction aggregates in Kent. The location of the underground limestone resource is in the vicinity of calcareous grassland which is an important habitat, being registered with both the national and Kent BAPs and as a Habitat of Principal Importance under the NERC Act 2006. There are also ~~Natura 2000~~**Habitat** sites, SSSIs and LWSs throughout the area. If prospecting is proposed in the plan period, it will have to be undertaken sensitively with sufficient controls to avoid any impacts upon sensitive receptors.

<sup>71</sup> Advice will be sought from the Environment Agency.

<sup>72</sup> KCC (1993) Kent Minerals Local Plan Construction Aggregates Written Statement.

**5.11.2 As any application would need to be accompanied by an Environmental Statement, details of the results of the survey and implications of such a development for the environment would need to be included in this statement.**

### **Policy CSM 11**

#### **Prospecting for Carboniferous Limestone**

Planning permission will be granted at suitable locations for the drilling operations associated with the prospecting for underground limestone resources in East Kent subject to: 4-exploration and appraisal operations **are being** for an agreed, temporary length of time.

### **5.12 Policy CSM 12: Sustainable Transport of Minerals**

**5.12.1** While ~~st~~ there have not been any proposals for new wharves and rail depots for consideration in the Mineral Sites Plan **does not allocate any sites for mineral wharves or rail depots, the Kent Minerals and Waste Local Plan acknowledges that minimising road transport where possible plays a significant role in promoting sustainable development, aspiring to carbon neutrality and reducing harmful emissions. Therefore,** in line with the requirements of sustainable development it is important to encourage the sustainable transportation of minerals by rail and water wherever possible **and safeguard related infrastructure.** Policy CSM 12 encourages an increase in sustainable transport modes for minerals and encourages the development of new mineral importation facilities or facilities that have fallen out of use.

### **Policy CSM 12**

#### **Sustainable Transport of Minerals**

Planning permission for any new wharf and/or rail depot importation operations, or for wharves and rail depots that have been operational in the past (having since fallen out of use), that includes the transport of minerals by sustainable means (i.e. sea, river or rail) as the dominant mode of transport will be granted planning permission where:

1. They are well located in relation to the Key Arterial Routes<sup>73</sup> across Kent; and
2. The proposals are compatible with other local employment and

<sup>73</sup> These are made up of Motorways and Trunk Roads, County Primary Routes and County Principal Routes. County Primary Routes link major urban centres, including the A228/A26 between Medway and Tonbridge, the A229 between Medway and East Sussex, the A299 between Faversham and Thanet, the A28 between Thanet and East Sussex, the A256 between Dover and Thanet, the A26 between Tonbridge and Tunbridge Wells and the A25 between Wrotham and Sevenoaks. County Principal routes are generally A class roads with relatively high traffic flows, including the A225 between Sevenoaks and Dartford and the A251 between Faversham and Ashford. These are shown on Figure 2.

regeneration policies set out in the development plan.

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## 6. Delivery Strategy for Waste

**6.0.1** The following policies give the delivery strategy for waste management development in Kent **over the plan period up to the end of 2030.**

### 6.1 Policy CSW 1: Sustainable Development

**6.1.1** As stated in paragraph 5.1.1, the purpose of the planning system is to contribute to the achievement of sustainable development<sup>74</sup> At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF requires that policies in local plans should follow the approach of this presumption. The Kent MWLP is therefore based on the principle of sustainable development. This is demonstrated in the Spatial Vision, the Strategic Objectives and the policies that seek sustainable solutions.

**6.1.2** Planning law requires planning decisions to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that it does not change the statutory status of the development plan as the starting point for decision making. Policy CSW 1 ensures the presumption in favour of sustainable development is taken into account in KCC's approach to waste development.

#### Policy CSW 1

##### Sustainable Development

When considering waste development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, National Planning Policy for Waste and the Waste Management Plan for England.

Waste development that accords with the development plan should be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of decision making, the Council will grant permission unless material considerations indicate otherwise, taking into account where either:

1. any unacceptable adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or

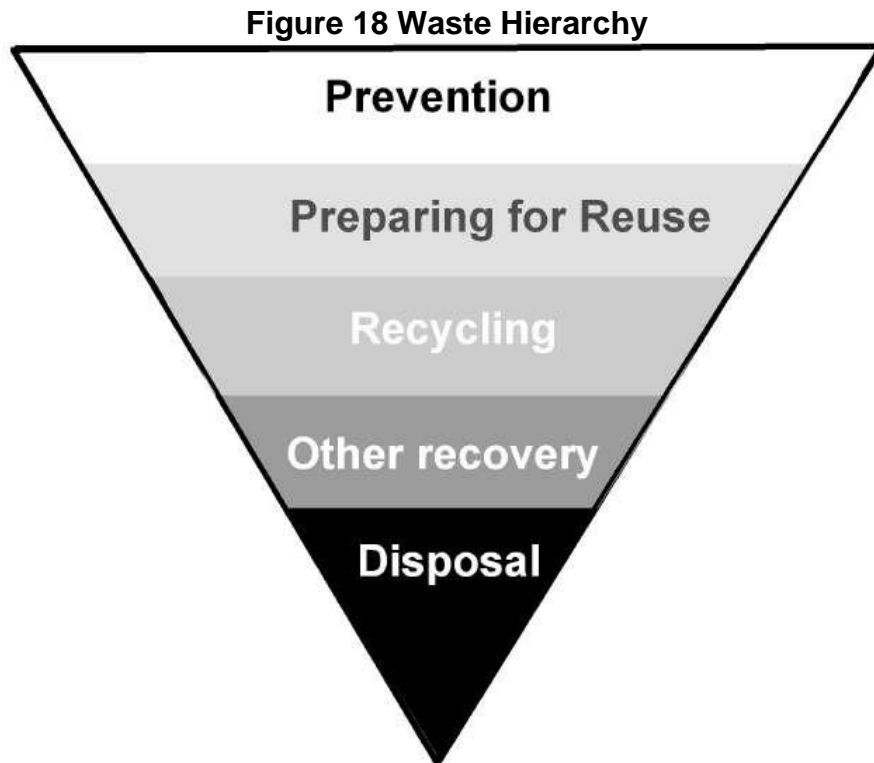
2. specific policies in that Framework<sup>75</sup> indicate that development should be restricted.

<sup>74</sup> DMHCLG (March 2012~~21~~) National Planning Policy Framework: **Chapter 2** Ministerial Foreword.

<sup>75</sup> For example, those policies relating to land within an Area of Outstanding Natural Beauty, Green Belt, sites protected under the Birds and Habitats Directives and/or as Sites of Special Scientific Interest, designated heritage assets, and locations at risk of flooding.

## 6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction

6.2.1 It is Government policy to break the link between economic growth and the environmental impact of waste by moving the management of waste up the Waste Hierarchy, as shown in Figure 18<sup>76</sup>



6.2.2 The Kent MWLP mainly implements this policy through influence over waste and minerals developments. However, the Plan also includes a policy (Policy CSW 3) seeking to influence/reduce waste arising from all forms of development. The Kent MWLP forms part of the development plan, along with the district local plans, and is therefore relevant to the determination of planning applications for all forms of development in Kent.

6.2.2 In accordance with the Waste Hierarchy, the Plan gives priority to planning for waste management developments that prepare waste for re-use or recycling. The most recent assessment of waste management capacity requirements<sup>(76)</sup> shows that **overall** Kent's current recycling and processing facilities have sufficient capacity for the anticipated rate of usage **with the exception of facilities for green and kitchen wastes**. It should be appreciated that these calculations are based upon a rate of use that should only be regarded as a minimum, as the aspiration is to encourage more of the waste that is produced in Kent to be managed by methods at this tier of the hierarchy. **Local needs may arise to enhance waste logistics on a case by case basis.**

<sup>76</sup> The Waste Hierarchy diagram is a copy of the version in Appendix A of DCLG National Planning Policy for Waste.

6.2.3 Encouraging more waste to be managed via re-use or recycling will be achieved by enabling policies for the development of additional waste management capacity for recycling and processing **for reuse** including a policy presumption to grant planning permission for redevelopment or extensions to lawful existing waste management facilities to enable more waste to be recycled or processed for re-use providing the proposal is in accordance with the locational and development management policies in the Plan.

**6.2.4** The application of the Waste Hierarchy is a legal requirement under the Waste (England and Wales) Regulations 2011. ~~It is anticipated that there will be a~~ **The** transition ~~over time~~ to forms of waste management at the higher end of the Waste Hierarchy is ongoing and ~~the~~ Kent MWLP addresses this transition by seeking to rapidly provide a more sustainable option for the mixed non-hazardous waste that is going to landfill by applying ambitious but achievable landfill diversion targets presented in Policy CSW 4. **Ambitious targets for recycling have also been applied.**

**6.2.5** In terms of the design of new buildings, application of circular economy thinking takes considerations beyond how waste is managed and places a greater emphasis on how buildings can be designed to ensure that they are less likely to result in waste being produced in the first place. Examples include using modular off site construction techniques and designing buildings in ways to make them adaptable to changes in their use. It is now widely recognised that while old buildings may be less energy efficient in their use phase, replacing them with a new energy efficient one may have a greater impact than the carbon savings that occur during the operational phase of the new buildings. This is because of the embodied energy associated with the manufacture of used to make the materials used in the fabric of the new building. Another example is designing with a building's 'deconstruction' in mind such that structures and building elements can be reused in other buildings.

**6.2.6** Proposals for major development<sup>77</sup> should be submitted with a Circular Economy Statement that demonstrates how the above matters have been taken into account. This will include a waste management audit setting out how waste is to be managed during construction (including any demolition and refurbishment) and during the occupation and use of the development. Guidance on the content of Circular Economy Statements will be prepared but in the meantime, developers should refer to related guidance published by the Greater London Authority in 2022.

**6.2.7** Financial contributions from applicants for development which will rely on the use of the Council's waste management service for the collection and management of waste (mainly that from households) may **will** be sought to assist with the provision of related infrastructure.

<sup>77</sup> Development requiring a Circular Economy Statement will have a total floor space of greater than 1000 square metres and/or comprise greater than 10no. units of housing and/or where the site is 1 hectare or more



**6.2.8 As Policy CSW3 applies to all forms of development (not just minerals and waste), it should be read alongside other policies in the Development Plan which may require consideration of waste and resource use.**

## Policy CSW 2

### Waste Hierarchy

To ~~support the delivery of sustainable waste management solutions in~~ for Kent, ~~Proposals for waste management must demonstrate how~~ **the proposed capacity will ensure that waste to be managed at the facility will be managed at the highest level of** the proposal will help drive waste to ascend the Waste Hierarchy **practicable, unless lifecycle assessment demonstrates that this is not appropriate otherwise** whenever possible

## Policy CSW 3

### Waste Reduction

All new development **must be designed in accordance with circular economy principles to** should:

1. Minimise the production of construction, demolition and excavation waste and manage any **such waste arising during the development** in accordance with the objectives of Policy CSW 2;
2. **retain and upgraderepurpose existing structures where possible;**
3. **allow for ease of redevelopment and refurbishment; and,**
4. **maxmise sustainable construction methods which include the use of recycled and recyclable materials and techniques which minimize waste and allow for ease of deconstruction and reuse of building components.**

**In order to maximise the opportunities for new residents to reuse and recycle their household waste, except for householder applications, planning applications involving additional residential development should include the following details, except where such applications are made by or on behalf of a householder:**

The following details shall be submitted with the planning application, except for householder applications:

1. the measures to be taken to show compliance with this policy; **and**
2. the details of the nature and quantity of any construction, demolition and excavation waste **which will arise from the development** and its subsequent management

New development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed.

In particular proposals should ensure that:

1. there is adequate temporary storage space for waste generated by that development allowing for the separate storage of recyclable materials;
2. as necessary, there is adequate communal storage for waste, including separate recyclables, pending its collection; and
3. storage and collection systems (e.g. any dedicated **spaces** rooms, storage areas and chutes or underground waste collection systems), for waste are of high quality design and are incorporated in a manner which will ensure there is adequate and convenient access for users and waste collection operatives and will contribute to the achievement of waste management targets; and
4. adequate contingency measures are in place to manage any **mechanical breakdowns systems failures**. All relevant proposals should be accompanied by a recycling & **and** waste management strategy which considers the above matters and demonstrates the ability to meet local authority waste management targets.

### 6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements

**6.3.1** Kent currently achieves net self-sufficiency in waste management capacity for all waste streams. I.e. the annual capacity of the waste management facilities (excluding transfer) in Kent is sufficient to manage the equivalent quantity of waste to that predicted to arise in Kent. The continued achievement of net self-sufficiency and the management of waste close to its source are key Strategic Objectives of the Kent MWLP, because it shows that Kent is not placing any unnecessary burden on other WPAs to manage its waste. Net self-sufficiency recognises that existing (and future) waste management capacity within Kent may not necessarily be for the exclusive management of Kent's waste. Moreover, proposals that would result in more waste being managed in Kent than is produced may be acceptable if they resulted in waste moving up the hierarchy. Achievement of net self-sufficiency is the baseline aspiration and can be monitored on an annual basis and will provide an indicator as to whether the policies in the Plan need to be reviewed. The purpose in adopting the principle of net self-sufficiency is not to restrict the movement of waste as such restriction of waste catchment areas could have an adverse effect upon the viability of the development of new waste management facilities **that may be** needed to provide additional capacity for **the management of** Kent's waste arisings **in accordance with the waste hierarchy**.

**6.3.2** In reality, different types of waste are managed at different types of facilities. To assess the future needs for waste **management capacity facilities** in Kent, net self-sufficiency has been studied for the individual waste streams of inert, non-inert (also called non-hazardous) and hazardous wastes. While Kent currently achieves net self-sufficiency **in the management of each waste stream**, this position will be monitored to ensure this remains the case throughout the plan period. ~~The purpose in adopting the principle of net self-sufficiency is not to restrict the movement of waste as such restriction of waste catchment areas could have an adverse effect upon the viability of the development of additional waste management capacity.~~

6.3.3 The Environment Act 2021 requires the **separate** collection of five waste streams from premises producing household-like waste as follows: food waste; plastics; metal; glass; and paper/card, except where this is not practicable for technical or economic reasons or there is no significant environmental benefit. **The preferred option for businesses is to have separate collection for Dry Mixed Recyclables (DMR), with separate glass waste collections and separate food waste collections. It is assumed that all businesses transition to these arrangements by 2026 with a possible exemption for certain businesses (e.g. micro firms) from these requirements entirely or in respect of a particular waste stream, for example, food waste.** This will require business premises to be designed with sufficient space for the storage of materials to be separately collected.

6.3.4 Implementation of these requirements will be crucial to achievement of the recycling/composting ambitions of the Kent Minerals and Waste Local Plan. These **includes** recycling targets for the Kent Commercial & Industrial (C&I) waste stream of 55% by 2025/26 and 60% by 2030/31.

6.3.5 **This has generated the need to provide additional management capacity for the separation of DMR into its constituent recyclates, plus bulking capacity for glass and food waste.** **Final** Treatment capacity for food arising both from the Local Authority Collected Waste (LACW) and Commercial & Industrial (C&I) streams may be required. This pressure is additional to capacity required for the management of a growing quantity of additional household derived **recyclable** materials generated as a consequence of population growth **and the imperative to achieve increasing recycling targets.** Many of the existing facilities managing LACW have been identified as requiring upgrade, expansion or replacement by the County Council as Waste Disposal Authority (WDA).

6.3.6 **Issues with** The spatial distribution of capacity for the management of LACW in the form of recycling facilities (e.g. MRFs) and other recovery facilities (i.e. EfW plants) **has** also been identified **as an issue** by the WDA. The current distribution of waste transfer facilities receiving household waste across the county results in excessive transport especially from Folkestone and Hythe district and the Ebbsfleet Garden City area. In light of this the WDA has identified a pressing need for the development of new waste transfer facilities to serve those particular areas where collected waste can be bulked up for onward **management transport and is working with the local WCAs to secure this.**

### Provision for Waste From London

6.3.7 Specific provision in the calculations for capacity required for non-hazardous waste going to landfill or **Energy from Waste (EfW)** has been made for waste from London. The reason for this is that, due to land constraints, London's residual waste cannot all be managed within London itself and so, as a neighbouring waste planning authority, Kent County Council has **some accepted** responsibility to make provision for **a reducing quantity element** of this waste. Historical data indicates the tonnage to be provided for is in the region of 35,000 tonnes per annum. It is also recognised that closure of Rainham Landfill in the London Borough of Havering in

2026 may result in the displacement of waste from Kent currently managed there. Therefore, an additional tonnage of 20,000 tpa has been planned for on a contingency basis.

**6.3.8** An assessment has been made of the current profile of management of the principal waste streams. The targets applied reflect ambitious (but realistic) goals for moving waste up the hierarchy and seek to ensure that the maximum quantity of non-hazardous waste is diverted from landfill.

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## Policy CSW 4

### Strategy for Waste Management Capacity

The strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus **some a reducing amount of** residual non-hazardous waste from London. As a minimum it is to achieve the targets set out below for recycling and composting (**floor**) and **landfill limits (ceiling) with the difference managed by** other forms of recovery.

<b>2015/16</b> <b>Local Authority</b> <b>Collected Waste</b>	2020/ 21	2025/ 26	20 30/ 31	<b>2035/ 36</b>	<b>2040/ 41</b>
Recycling/Composting <b>floor</b> <sup>78</sup> <b>n/a</b>	50%	55%	60 %	<b>65%</b>	<b>70%</b>
<b>Remainder to</b> Landfill <b>ceiling</b> <b>n/a</b>	2%	2%	2%	<b>2%</b>	<b>2%</b>
<b>Remainder to</b> Other Recovery <b>ceiling</b> <b>n/a</b>	45%	43%	38 %	<b>33%</b>	<b>28%</b>
<b>Commercial and</b> <b>Industrial Waste</b>					
Recycling/Composting <b>floor</b> <sup>79</sup> <b>n/a</b>	50%	55%	60 %	<b>65%</b>	<b>70%</b>
<b>Remainder to</b> Landfill <b>ceiling</b> <b>n/a</b>	15%	12.5 %	10 %	<b>8.5%</b>	<b>5%</b>
<b>Remainder to</b> Other Recovery <b>ceiling</b> <b>n/a</b>	35%	32.5 %	30 %	<b>26.5</b> <b>%</b>	<b>25%</b>

### Construction and Demolition Waste (Non-inert only)

Recycling	n/a	12%	13%	14%
Composting	n/a	1%	1%	1%
Other Recovery	n/a	5%	5%	5%
Remainder to Landfill	n/a	2%	1%	0.5%

<sup>78</sup> This is taken to include organic waste (including green and kitchen waste) treatment by Anaerobic Digestion.

<sup>79</sup> This is taken to include organic waste (including green and kitchen waste) treatment by Anaerobic Digestion.

<u>Component</u>	<u>Management Method</u>	<u>2020/21</u>	<u>2025/26</u>	<u>2030/31</u>	<u>2035/36</u>	<u>2040/41</u>
<u>Inert CDEW Arisings</u>	<u>Proportion of Projected Arisings taken to be Inert*</u>	<u>80%</u>	<u>80%</u>	<u>80%</u>	<u>80%</u>	<u>80%</u>
	<u>Inert waste recycling floor (as proportion of inert arisings)</u>	<u>60%</u>	<u>65%</u>	<u>70%</u>	<u>75</u>	<u>80</u>
	<u>Permanent deposit of inert waste other than for disposal to landfill** (as proportion of inert arisings)</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>	<u>20</u>	<u>17.5</u>
	<u>Landfill ceiling (as proportion of inert arisings)***</u>	<u>15%</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>2.5%</u>
	<u>Total (inert CDEW arisings)</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
<u>Non-Inert CDEW Arisings</u>	<u>Proportion of Projected Arisings taken to be Non-Inert*</u>	<u>20%</u>	<u>20%</u>	<u>20%</u>	<u>20%</u>	<u>20%</u>
	<u>Composting (as proportion of non-inert arisings)</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>		
	<u>Non-hazardous waste recycling floor (as proportion of non-inert arisings)</u>	<u>60%</u>	<u>65%</u>	<u>6570%</u>	<u>75%</u>	<u>80%</u>
	<u>Non-hazardous residual waste treatment ceiling (as proportion of non-inert arisings)</u>	<u>2530%</u>	<u>2530%</u>	<u>25%</u>	<u>22.5%</u>	<u>20%</u>
	<u>Landfill ceiling (as proportion of non-inert arisings)***</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>2.5%</u>	<u>0%</u>
	<u>Total (non-inert CDEW arisings)</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>

It is assumed that 20% of the CDE waste stream comprises non-inert materials The subsequent targets are proportions of the inert or non-inert elements of the CDE waste stream.

**\*\*This includes the use of inert waste in backfilling of mineral workings & operational development such as noise bund construction and flood defence works.**

**\*\*These percentages are *limits rather than* targets *but are included for completeness.***

## 6.4 Policy CSW 5: Strategic Site for Waste

6.4.1 To meet the Kent MWLP objective of reducing the amount of waste being landfilled, the Plan is using policies to drive a major change in the way that waste is managed in Kent. Enabling the change in perception of waste from being something that has to be disposed to something that can be used as a resource will be helped by the development of such additional capacity further up the hierarchy.

6.4.2 The landfill at Norwood Quarry on the Isle of Sheppey accommodates the hazardous flue ash residues from the Allington EfW facility that features heavily in the Waste **Disposal Authority's (WDA) Management Unit (WMU)** contracts for residual **LACWMSW**, but it has limited consented void space remaining. To make provision for this waste for the duration of the Plan an extension to Norwood Quarry is identified. Enabling the continued management of hazardous flue ash within Kent has the added benefit of contributing to achieving net self-sufficiency in hazardous waste management capacity<sup>80</sup>

6.4.3 While there is a risk that identifying the extension area at Norwood Quarry as a Strategic Site for Waste could hinder the development of alternative treatment solutions for the flue ash, there is a need to make provision for this waste stream.

6.4.4 The proposed extension areas to Norwood Landfill are identified as the Strategic Site for Waste. The location of these extension areas is shown on Figure 19.

## Policy CSW 5

### Strategic Site for Waste

The proposed extension areas for Norwood Quarry and Landfill Site, Isle of Sheppey are together identified as the Strategic Site for Waste in Kent. The site location is shown on Figure 19. Unless criterion 1 below is satisfied, planning permission will not be granted for any other development other than mineral working with restoration through the landfilling of hazardous (flue) dust ash residues from Energy from Waste plants.

Mineral working and restoration by hazardous landfill and any ancillary treatment plant at the Strategic Site for Waste will be permitted subject to meeting the requirements of the development plan and the following criteria:

1. Demonstration that the site can be suitably restored in the event that landfilling of hazardous (flue) dust ash residues from Energy from Waste

<sup>80</sup> KCC (May 2011) TRW5: Hazardous Waste Management.

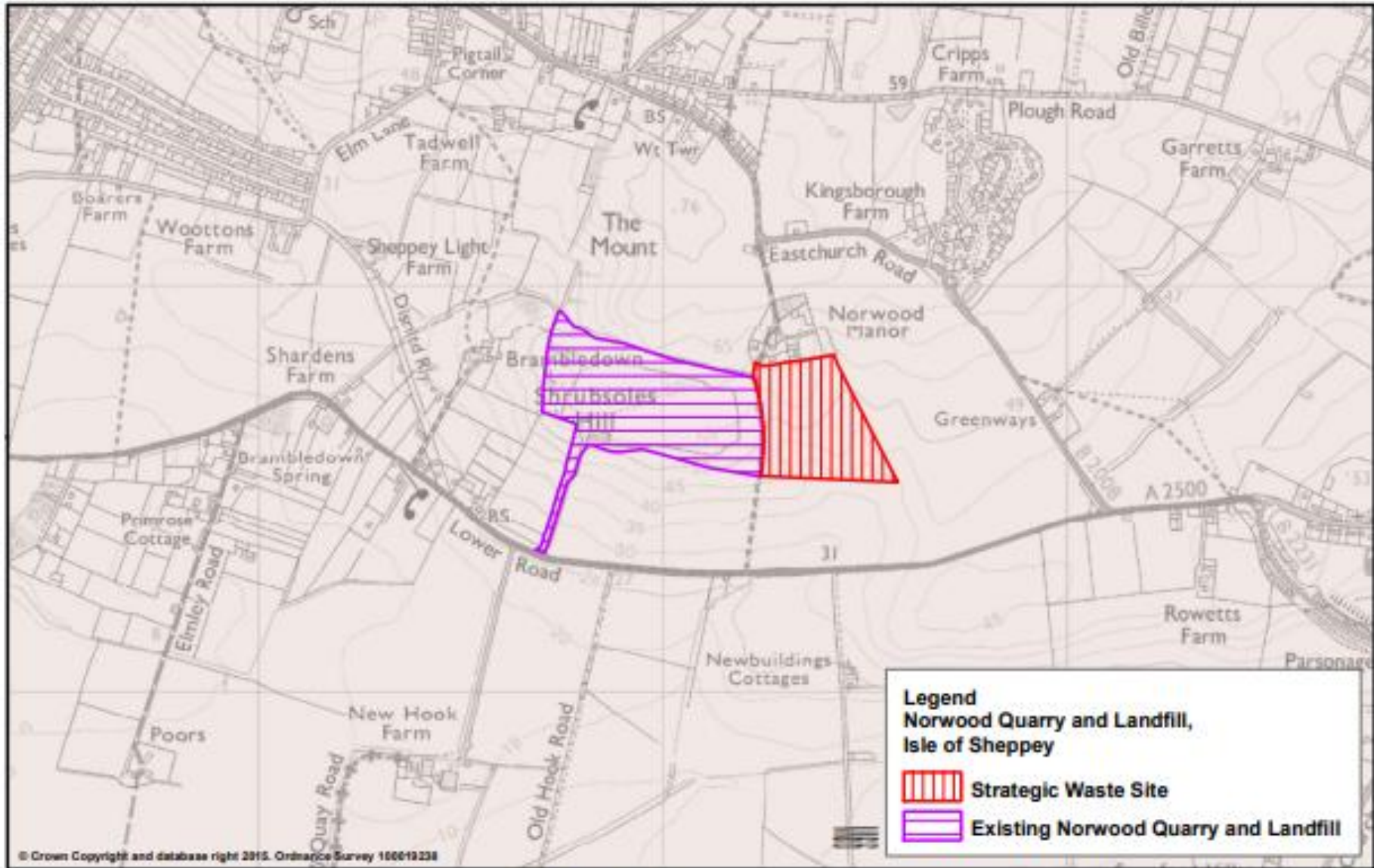
plants were to cease before completion of the final landform due to changes in treatment capacity and/or government policy that may result in the diversion of these wastes from landfill

2. an air quality assessment is made of the impact of the proposed development and its associated traffic movements<sup>81</sup> on the Medway Estuary and Marshes Special Protection Area and the Swale Special Protection Area sites and if necessary mitigation measures are required through planning condition and/or planning obligation
3. the site and any associated land being restored to a high-quality standard and appropriate after-use that accords with the local landscape character
4. Any proposal for this site would need to consider the requirements of other relevant policies of this Plan and in particular would need to consider any impacts on the A2500 Lower Road. Depending on the nature of any proposal it may be necessary for the developer to make a contribution to the improvement of this road.

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<sup>81</sup> Traffic movements consist of the total vehicles entering and leaving the site.





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**Figure 19: Strategic Waste Site**

**Kent Minerals & Waste Local Plan**

0 180 360 540 720 Metres

1:12,000 at A4



## 6.5 Policy CSW 6: Location of Built Waste Management Facilities

6.5.1 The preference identified in response to earlier consultations during the formulation of the Plan was for a mix of new small and large sites for waste management. This mix gives flexibility and assists in balancing the benefits of proximity to waste arisings while enabling developers of large facilities to exploit economies of scale. National policy recognises that new facilities will need to serve catchment areas large enough to secure economic viability and this is particularly relevant when considering the possible sizing and location of facilities required to satisfy any emerging need indicated by monitoring e.g. in the relevant AMR.

6.5.2 The location of waste sites in appropriate industrial estates was also the preference identified from the consultation. This has the benefit of using previously developed land and enabling waste uses to be located proximate to waste arisings. Employment land availability is monitored by KCC and the district and borough councils<sup>82</sup>. It should be appreciated that all industrial estate locations may not be suitable for some types of waste uses, because of their limited size or close proximity to sensitive receptors or high land and rent costs.

6.5.3 Certain types of waste or waste management facilities, such as Construction, Demolition and Excavation (CDE) recycling facilities are often co-located on mineral sites for aggregates or landfills, which are usually found in rural areas. Also, in rural areas where either the non-processed waste arisings or the processed product can be of benefit to agricultural land (as is the case with compost and anaerobic digestion), the most proximate location for the waste management facility will likely be within the rural area.

6.5.4 The development of waste management facilities on previously developed land will be given preference over the development of greenfield sites. In particular, the redevelopment of derelict or contaminated land may involve treatment of soil to facilitate the redevelopment. Also, redundant agricultural or forestry buildings may be suitable for waste uses where such uses are to be located within the rural areas of the county. Waste management facilities located in the Green Belt are generally regarded as inappropriate development. Developers proposing a waste management facility within the Green Belt shall demonstrate the proposed use complies with Green Belt policy (See Policy DM4).

6.5.5 The development of built waste management facilities on greenfield sites is not precluded. This is because the goal of achieving sustainable development will lead to new development which may incorporate facilities to recycle or process the waste produced on the site, or to generate energy for use on the site.

6.5.6 Existing mineral and waste management sites may offer good locations for siting certain waste management facilities and for expansion to deliver further capacity to that which exists because of their infrastructure and location. In such cases, the developer will need to demonstrate the benefits of co-location such as connectivity with the existing use of the site while also demonstrating that any cumulative impact is acceptable. For example, the co-location of CDE recycling (i.e.

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<sup>82</sup> KCC (January 2013) Kent County Council & District Authorities Commercial Information Audit Summary Report for 2011/2012

aggregate recycling) at an aggregate quarry that can enable the blending of recycled and virgin aggregates to increase the marketability of the product or the addition of a facility that will move waste further up the hierarchy at an existing EfW site.

**6.5.7 Proposals for new waste management facilities (including changes to capacity at existing sites) should consider potential impacts on the water environment at the earliest stage of planning having regard to this policy and the requirements of Policy DM10: Water Environment, so that the full implications of the location for waste resources and flood risk are fully assessed and satisfied.**

6.5.8 Policy CSW 6 applies to all proposals for built waste management facilities.

## **Policy CSW 6**

### **Location of Built Waste Management Facilities**

Planning permission will be granted for proposals that:

- ~~d~~**Do** not give rise to significant adverse impacts upon national and international designated sites, including Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protection Areas (SPAs), Ramsar sites, **and heritage assets**. ~~Ancient Monuments and registered Historic Parks and Gardens~~ (See Figures 4, 5 & 6).
- do not give rise to significant adverse impacts upon Local Wildlife Sites (LWS), Local Nature Reserves (LNR), Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources. (See Figures 7, 8, 10 & 15)
- are well located in relation to Kent's Key Arterial Routes, **and/or railheads and wharves** avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road.
- do not represent inappropriate development in the Green Belt.
- avoid Groundwater Source Protection Zone, ~~or Flood Risk Zone 3b~~
- **avoid Flood Risk Zone 3b.**
- avoid sites on or in proximity to land where alternative development exists/has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site.
- for energy producing facilities - sites are in proximity to **existing or**

- ~~potential~~ **planned** heat users.
- for facilities that may involve prominent structures (including chimney stacks) - the ability of the landscape to accommodate the structure (including any associated emission plume) after mitigation.
- for facilities involving operations that may give rise to bioaerosols (e.g. composting) to locate at least 250m away from any potentially sensitive receptors.

Where it is demonstrated that waste will be dealt with further up the hierarchy, or it is replacing capacity lost at existing sites, facilities that satisfy the relevant criteria above on land in the following locations will be granted consent, providing there is no adverse impact on the environment and communities and where such uses are compatible with the development plan:

1. within or adjacent to an existing mineral development or waste management use
2. forming part of a new major development for B8 employment or mixed uses
3. within existing industrial estates
4. other previously developed, contaminated or derelict land not allocated for another use
5. redundant agricultural and forestry buildings and their curtilages
6. **within farm units where the proposal is for composting or anaerobic digestion and the compost / digestate is to be used within that unit.**

Proposals on greenfield land will only be permitted if it can be demonstrated that there are no suitable locations identifiable from categories 1 to ~~5~~ **6** above within the intended catchment area of waste arisings. Particular regard will be given to whether the nature of the proposed waste management activity requires an isolated location.

## 6.6 Identifying Sites for Household Waste Recycling Centres

6.6.1 The county has an existing well-established network of facilities for MSW for receiving household waste delivered by residents of Kent. These Household Waste Recycling Centres (HWRC) play an important role in meeting waste recovery and landfill diversion targets. The intention for the Plan period is to ensure facilities are provided to meet local population needs accounting for economic and projected housing growth. During the lifetime of the Plan, there ~~is~~ **need for HWRCs and other household waste management infrastructure will be reviewed by the WDA** ~~is~~ an intention to rationalise facilities. Proposals for Household Waste Recycling

Centres will be considered against Policy CSW6: Location of Built Waste Management Facilities and relevant Development Management Policies.

## 6.7 Policy CSW 7: Waste Management for Non-hazardous Waste

**6.7.1** Policy CSW 7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. The policy will allow the provision of new waste management capacity recognising the need to drive waste up the hierarchy.

**6.7.2** The term non-hazardous waste is regarded, for purposes of the Plan, as being synonymous with **LACW/MSW**<sup>83</sup> and C&I<sup>84</sup> waste and the non inert, non-hazardous, component of CDEW.

**6.7.3** There is no intention to restrict the amount of new capacity for waste management for recycling or preparation of waste for reuse or recycling<sup>85</sup>, or for the provision of additional capacity for green and/or kitchen waste treatment since the sooner it is delivered, the greater the impact will be on reducing organic waste going to landfill, the most significant source of methane production.

**6.7.4** Implementing Policy CSW 7 will result in reducing the amount of Kent non-hazardous waste going for disposal to landfill and by doing so conserve existing non-hazardous landfill capacity in Kent for any non-hazardous waste that cannot be reused, recycled, composted or recovered.

### Policy CSW 7

#### Waste Management for Non-hazardous Waste

Waste management capacity for non-hazardous waste that assists Kent in continuing to be net self-sufficient while providing for a reducing quantity of London's waste, will be granted planning permission provided that:

1. it moves waste up the hierarchy,
2. recovery of by-products and residues is maximised
3. energy recovery is maximised (utilising both heat and power); and
4. any residues produced can be managed or disposed of in accordance with the objectives of Policy CSW 2.
5. ~~sites for the management of green waste and/or kitchen waste in excess of 100 tonnes per week are Animal By Product Regulation compliant (such as in vessel composting or anaerobic digestion)~~
6. ~~sites for small scale open composting of green waste (facilities of less than 100 tonnes per week) that are located within a farm unit and the compost is used within that unit.~~

<sup>83</sup> ~~MSW is Municipal Solid Waste~~ **LACW is Local Authority Collected Waste.**

<sup>84</sup> C&I is Commercial and Industrial waste.

<sup>85</sup> A definition of recycling is included in the glossary. Recycling includes composting

## 6.8 Policy CSW 8: **Other** Recovery Facilities for Non-hazardous Waste

6.8.1 One of the fundamental aims of the Plan is to reduce the amount of **MSW Local Authority Collected Waste (LACW)** and **Commercial and Industrial (C&I)** waste being sent to non-hazardous landfill. **Other recovery capacity, such as Energy from Waste, is that which diverts residual waste from landfill by means lower down the waste hierarchy than recycling and composting.**

**6.8.2 Given that the Waste Hierarchy is to be applied in priority order i.e. from the top down, waste that could be practicably managed by a means higher up the waste hierarchy should not be managed by other recovery. Therefore, proposals for 'other recovery' need to be accompanied by a 'Waste Hierarchy Statement'. Waste Hierarchy Statements must set out the arrangements that will be put in place to ensure that only unavoidable residual waste is managed by 'other recovery'. To this end, the Waste Hierarchy Statement must include the following details:**

- a. the type of information that will be collected and retained on the sources of the residual waste after recyclable and reusable waste has been removed;**
- b. the arrangements to be put in place to ensure that as much reusable and recyclable waste as is reasonably possible is removed from waste to be managed by other recovery at the consented development, including contractual measures to encourage as much reusable and recyclable waste as possible to be removed prior to its use as a fuel/feedstock;**
- c. the arrangements to be put in place to ensure that suppliers of residual waste work to a written environmental management system which includes establishing a baseline for recyclable and reusable waste removed from residual waste and setting and working to specific targets for continuously improving and reporting on the percentage of such reusable and recyclable waste removed;**
- d. the arrangements to be put in place for suspending and/or discontinuing supply arrangements from suppliers who fail to work to and report on compliance with any environmental management systems relating to waste reporting;**
- e. the provision of an annual waste composition analysis of the fuel/feedstock taken at the point of management by the operator, with the findings submitted to the Council within one month of sampling being undertaken; and,**
- f. the form of records to be kept for the purpose of demonstrating compliance with 'a' to 'e' above and the arrangements in place for provision of data to the Council and inspection of such records by the Council.**

**6.8.3 Other recovery capacity generally takes the form of energy from waste facilities (EfW plants) which involve the combustion of waste to produce energy in the form of heat and electricity. Whilst emissions of carbon usually result from this process, where waste with a low fossil fuel derived content (e.g. organic waste with plastics removed ('biogenic' waste) is managed, this**

**can be considered a form of renewable energy production. To ensure maximum utilisation of the energy value of waste managed at such facilities,** Proposals for additional **other** recovery capacity will need to be designed to harness the maximum practicable quantity of energy produced. This can only be achieved where the ‘surplus’ heat produced by the facility is utilised. **This requires such facilities to be developed in locations where a demand for the heat already exists or it is known will exist in the near future. This type of facility is known as combined heat and power or ‘CHP’. Proposals for developments designed only to be ‘CHP ready’, with no obvious use of the heat identified, will not be permitted.**

**6.8.4 Where some element of the waste stream comprises non organic material, non-biogenic carbon emissions will result and so consideration must be given to the capture, utilisation and storage of these emissions. The waste management industry has a stated intention for all new EfW plants to be built with Carbon Capture Utilisation and Storage (CCUS) fitted or developed to be ‘CCUS-ready’ from 2025 onwards. This is consistent with the Climate Change Committee’s Sixth Carbon Budget recommendations to Government that all EfW facilities will need to have CCUS in place by 2040. Given the lead in time for the construction of such facilities it is expected that provision for CCUS be included in any proposals for additional EfW capacity in Kent.**

**6.8.5** Such **other recovery** capacity might be developed in conjunction with waste processing facilities on the same site, or as standalone plants where the waste is processed to produce a fuel off-site. In order to avoid the risk of under provision by double counting both fuel preparation capacity and fuel use capacity, only one of the two facility contributions will be counted towards meeting any emerging need identified by annual monitoring in future. Where fuel preparation takes place as a stand-alone activity, e.g. Mechanical Biological Treatment, the recovery contribution will only be counted as the difference between the input quantity and the output quantity unless the output fuel has a proven market. Where that is the case, if the output fuel is to be used in a combustion plant beyond Kent, then this contribution will also be counted<sup>86</sup>

## **Policy CSW 8**

### **Other Recovery Facilities for Non-hazardous Waste**

Facilities using waste as a fuel will only be permitted if:

<sup>86</sup> For example, if 100 tonnes is fed into the plant: 20 tonnes are lost as moisture; 30 tonnes are diverted as recyclate; 50 tonnes of waste is converted into material that may be suited for use as a fuel. Unless that fuel has a proven market then the contribution counted will be 50 tonnes as the remaining material may end up going to landfill. If the 50 tonnes of fuel goes to a plant built within Kent the recovery contribution will be counted at the combustion plant rather than the fuel preparation plant. If the 50 tonnes of fuel is exported beyond the county then the recovery contribution will be counted at the fuel preparation plant.

- a. they qualify as recovery operations as defined by the Revised Waste Framework Directive<sup>87</sup>.
- b) **the waste used to fuel the facility is that which cannot practically be reused, recycled or composted i.e. is unavoidable residual waste. This shall be demonstrated in the Waste Hierarchy Statement.\*\*;**
- c) **solid residues arising from the process will be utilised as a raw material;**
- d) **the maximum amount of energy from the process will be utilised including the use of surplus heat; and,**
- e) **the facility is designed to ensure that non biogenic gaseous carbon emissions are minimised, and those produced are captured and utilized, or, if utilisation is not possible, stored.**

When an application for a combined heat and power facility has no proposals for use of the heat when electricity production is commenced, the development will only be granted planning permission if the applicant and landowner enter into a planning agreement to market the heat and to produce an annual public report on the progress being made toward finding users for the heat.

**\*\* This also applies to facilities that use waste to produce a fuel i.e. RDF**

## 6.9 Policy CSW 9: Non Inert Waste Landfill in Kent

6.9.1 **The fact that there have been no applications for new non inert landfill sites in Kent since 2005** ~~lack of response to the call for sites for non-hazardous landfill~~ is indicative of a lack of demand by the waste industry to develop non-hazardous landfill. Nevertheless, a proposed development might come forward during the plan period and if so it will be granted permission providing it complies with both Policy CSW 9 and the DM policies in this Plan. In addition, proposed additional capacity for hazardous waste landfill will be assessed against this policy.

6.9.2 Following the completion of a non-inert waste landfill site, the site will need to be restored and there will be a considerable period of aftercare during which such sites need to be managed in order to prevent unacceptable adverse impacts to the environment. Aftercare management can require new development in order to either prepare the site for re-use or to manage the landfill gas or leachate production. Policy DM 19 sets out the Plan's provisions with regard to restoration, aftercare and after-use.

**6.9.3 Additional landfill capacity will only be considered acceptable if it is demonstrated that suitable alternative management capacity is not available. This is intended to ensure that the availability of such capacity is kept to a**

<sup>87</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives



**minimum to discourage the management of waste by a means that sits at the bottom of the waste hierarchy.**

**6.9.4 As detailed in section 6.8 above, a Waste Hierarchy Statement will also need to be submitted with any application to demonstrate that the waste to be received at the non-inert landfill could not be practically managed by a means further up the waste hierarchy**

## **Policy CSW 9**

### **Non Inert Waste Landfill in Kent**

Planning permission will only be granted for non inert<sup>88</sup> waste landfill if:

1. it can be demonstrated that the waste stream that needs to be landfilled cannot be managed in accordance with the objectives of Policy CSW2 and for which no **alternative** suitable **capacity for its management** disposal capacity exists; **and**
2. environmental or other benefits will result from the development;
3. the site and any associated land **are to be** restored to a high quality standard and **an** appropriate after-use that accords with the local landscape character as required by Policy DM 19; **and**
- 4. at least 85% of any landfill gas produced will be captured and utilised using best practice techniques.**

## **6.10 Policy CSW 10: Development at Closed Landfill Sites**

**6.10.1** Following the completion of a landfill there needs to a considerable period of aftercare during which the site needs to be managed in order to prevent unacceptable adverse impacts to the environment and to bring the site into use. A 5-year aftercare programme following site restoration is normally required as part of the planning permission for the development of **a** landfill site. However, potential problems can occur after the 5-year aftercare period, such as differential settlement, which can have an adverse effect upon land drainage. In particular, any landfill sites that contain biodegradable wastes need to be managed in order to prevent unacceptable adverse impacts to the environment from leachate or gas for a period considerably longer than five years. While the management of closed landfill sites is regulated by the Environment Agency (EA), there may be a need for new development at the site to ensure that the protection of the environment is continued. Policy CSW 10: Development at Closed Landfill Sites should be read in conjunction with Policy CSW 11: Permanent Deposit of Inert Waste, and any development at a closed landfill that includes the bringing of additional waste onto the site will need to demonstrate that the amount of waste being used is kept to a

<sup>88</sup> Non inert waste landfill includes non hazardous waste landfill, separate cells within a non hazardous waste landfill provided to accept stable hazardous waste and dedicated hazardous waste landfill.

minimum.

**6.10.2 As landfill gas is a potent greenhouse gas its maximum capture must be sought. The maximum use (e.g. by power production or compression for use as a vehicle fuel) of the energy potential of captured landfill gas should also be sought to achieve optimum displacement of fossil fuels.**

## Policy CSW 10

### Development at Closed Landfill Sites

Planning permission will be granted for development for any of the following purposes:

1. development for the improvement of or restoration for an identified after use for the site; or
2. development for the reduction of emissions of gases or leachate to the environment; or
3. development making **maximum** use of gases being emitted and ~~which will reduce~~ing the emission of gases to the environment.

## 6.11 Policy CSW 11: Permanent Deposit of Inert Waste

**6.11.1** The most recent capacity assessment shows that there is currently permitted capacity at permanent **Construction and Demolition** (CD) recycling sites of over 2 mtpa **where recycled aggregate is produced**. It is considered more sustainable to use recycled aggregates than to extract primary aggregates. ~~The term CD recycling is synonymous with the term aggregate recycling and~~ **the** criteria for assessing further site proposals for such sites can be read in Policy CSM 8: Secondary and Recycled Aggregates in Chapter 5.

**6.11.2** The most recent capacity assessment shows ~~that Kent has existing consented inert waste landfill capacity~~ **for the permanent deposit of inert waste in Kent may only be** ~~is more than sufficient to meet Kent's need for the plan period.~~ **While sites in** ~~It is known that Kent~~ **currently** receives a lot of **inert** waste originating out of the county, particularly from London, ~~which goes into inert waste landfill in Kent. It has been concluded that~~ **the** continuation of this waste import throughout the plan period **would likely require development of additional capacity to accommodate this waste** at a rate of 300,000 tpa can be accommodated by the existing consented capacity. **In light of this Policy CSW 11 provides support to operations involving the permanent deposit of inert waste.**

**6.11.3** Another important issue is that without the import of inert waste the ability to restore existing permitted mineral workings would take a lot longer. Policy CSW 11: Permanent Deposit of Inert Waste seeks to ensure that a high

priority is given to using inert waste that cannot be recycled in the restoration of existing permitted mineral workings, in preference to uses where inert waste is deposited on land (e.g. bund formation or raising land to improve drainage etc).

## Policy CSW 11

### Permanent Deposit of Inert Waste

Planning permission for the **permanent deposit** disposal of inert waste will be granted where:

- a) **the inert waste is being deposited for a beneficial use such as** it is for the restoration of landfill sites and mineral workings **and not as part of a disposal operation;**
- b) **If the waste is to be used in an engineering operation, other than the restoration of landfill sites and mineral workings, where it is demonstrated that there is no local Kent demand for its use in such restoration operations; and,**
- c) **The development involves the minimum quantity of waste necessary to achieve the benefit sought.** environmental benefits will result from the development, in particular the creation of priority habitat
- d) ~~sufficient material is available to restore the site within agreed timescales.~~

## 6.12 Policy CSW 12: Identifying Sites for Hazardous Waste **Management**

**6.12.1** Hazardous waste arising in Kent is one of the smaller streams of waste. The management of hazardous waste is typically characterised by the following: Hazardous waste is often produced in small quantities and hazardous waste management facilities are often highly specialised with regional or even national catchment areas involving movement of hazardous waste with both waste originating in Kent going outside the county for management and hazardous waste coming into the county for management.

**6.12.2** When hazardous waste management in Kent is viewed as a whole, net self-sufficiency in hazardous waste management is achieved. However, Kent could cease to be net self-sufficient in hazardous waste capacity if changes in the production and management profile of hazardous waste occur as follows:

- the continued demand for disposal capacity for flue residues from Allington EfW facility
- the likely increase in hazardous residues from air pollution control from additional EfW capacity requiring management
- if the existing asbestos landfill closes then a significant amount of asbestos

based hazardous waste will cease to be imported into the county.

**6.12.3** The former issue is partly dealt with through the identification of a Strategic Site for Waste in Policy CSW 5. The need for management capacity of additional EfWAPC residues can be addressed through Policy CSW 12 should it be required.

**6.12.4** Any proposals for future provision for asbestos landfill capacity will be addressed using Policy CSW9.

## **Policy CSW 12**

### **Hazardous Waste Management**

To maintain net self-sufficiency in the management of hazardous waste throughout the plan period, ~~D~~development proposals for built hazardous waste management facilities will be granted planning permission in locations consistent with Policy CSW 6 **and for landfill sites in accordance with Policy CSW9**, regardless of whether their catchment areas for waste extend beyond Kent.

## **6.13 Policy CSW 13: Remediation of Brownfield Land**

**6.13.1** Recent changes in the environment permitting regime has enabled soil decontamination and the subsequent reuse in the redevelopment of the decontaminated soil within the site. Policy CSW 13 seeks to ensure that contaminated land is treated in situ or in combination with other contaminated land when those sites are to be redeveloped.

## **Policy CSW 13**

### **Remediation of Brownfield Land**

Planning permission will be granted for a temporary period for waste related developments on brownfield land that facilitate its redevelopment by reducing or removing contamination from previous development, where:

1. the site is identified in a local plan for redevelopment or has planning permission for redevelopment, or
2. the site is part of a network of brownfield sites that are identified in a local plan or local plans for redevelopment or that have planning permission for redevelopment and is to receive waste for treatment from those sites as well as treating the land within the site.

## **6.14 Policy CSW 14: Disposal of Dredgings**

**6.14.1** Retaining the navigable channels within the estuaries within Kent is the

statutory duty of the Port of London Authority (PLA) and the Medway Ports Authority. When the dredged materials do not consist of aggregates or cannot be accommodated within projects to enhance the biodiversity of the estuaries, then landfill is the only option currently available. **The PLA is reviewing its 'Vision for the Tidal Thames (The Thames Vision)' in 2021. Any sites that would require planning permission for the disposal of dredged materials to land will be considered against the policies of the Plan as a whole. Specifically, Policy CSW 14 should ensure that such waste development would be the most sustainable option for the management of this material and that it affords increased opportunities for enhanced biodiversity in the Kent estuaries.**

**6.14.2 Currently the Plan makes no allocation for a site for the disposal of marine dredgings. This situation will be kept under review should the need for a specific site with river access arise.**

## Policy CSW 14

### Disposal of Dredgings

Planning permission will be granted for new sites for the disposal of dredging materials where it can be demonstrated that:

1. the re-use of the material to be disposed of is not practicable
2. there are no opportunities to use the material to enhance the biodiversity of the Kent estuaries

## 6.15 Policy CSW 15: Wastewater Development

**6.15.1** Water treatment undertakers have a range of rights to carry out development without the need to obtain planning permission under the *Town and Country (General Permitted Development) Order 1995* (GPDO). However, new proposals for wastewater treatment works, sludge treatment and disposal facilities as well as extensions and some modifications to existing facilities will invariably require planning permission. ~~In view of the need to locate new wastewater treatment works where they can service other developments and to connect to the existing wastewater network, the locational criteria Policy CSW 6 will not always be appropriate.~~

## Policy CSW 15

### Wastewater Development

Wastewater treatment works and sewage sludge treatment ~~and disposal~~ facilities (**including extensions**) will be granted planning permission, subject to:

1. there being a proven need for the proposed facility; **and**
2. **biogas resulting from any anaerobic digestion of sewage sludge, being recovered effectively for use as an energy source using best practice**

techniques<sup>89</sup>.

## 6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities

**6.16.1** The current stock of waste management facilities are important to maintaining net self-sufficiency. The loss of annual capacity at an existing permitted waste site could have an adverse effect upon delivering the waste strategy and so the protection of the existing stock of sites with permanent waste permission is as important to achieving the aims of the Plan as identifying new sites. Existing permitted sites with permanent permission for waste facilities can be protected through refusing permission for the redevelopment of these sites to non-waste uses. A list of waste sites is updated and published each year in the Kent MWLP AMR<sup>90</sup> Policy DM 8 identifies situations where development at, or in proximity to safeguarded waste management facilities would be acceptable.

### Policy CSW 16

#### Safeguarding of Existing Waste Management Facilities

**Capacity at sites with** that have permanent planning permission for waste management, or are allocated in the Waste Sites Plan are **is** safeguarded from being developed for non-waste management uses<sup>91</sup>

**Capacity at sites with temporary planning permissions tied to the life of the mineral working will be similarly safeguarded for no longer than the duration of that permission.**

Where other development is proposed at, or within 250m of, **sites hosting** safeguarded waste management **capacity** facilities Local Planning Authorities will consult the Waste **P**lanning Authority and take account of its views **on how the safeguarded capacity may be affected** before making a planning decision (in terms of both a planning application and an allocation in a local plan).

## 6.17 Radioactive Waste Management

**6.17.1** The subject of radioactive waste is complex as it covers waste arisings from nuclear power stations as well as small quantities of radioactive waste that arise from hospitals and other medical activities and research establishments. Details of national policy on this subject, as well as the details of Kent arisings and current management routes are given in the evidence base topic paper on radioactive wastes<sup>92</sup>. The following paragraphs define the various types of radioactive waste.

<sup>89</sup> As set out by the Environment Agency and industry standards.

<sup>90</sup> Available online from: [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp).

<sup>91</sup> A list of sites hosting safeguarded capacity is maintained in the Annual Monitoring Report.

<sup>92</sup> KCC (Updated January 2013) TRW6: Radioactive Waste.

**6.17.2 High Level Wastes (HLW)** are defined as wastes in which the temperature may rise significantly as a result of their radioactivity, so that this factor has to be taken into account in designing storage or disposal facilities<sup>93</sup>.

**6.17.3 Intermediate Level Wastes (ILW)** are wastes with radioactivity levels exceeding the upper boundaries for low level wastes, but which do not require heating to be taken into account in the design of storage or disposal facilities<sup>94</sup>. ILW is retrieved and processed to make it passively safe and then stored pending the availability of the Geological Disposal Facility (GDF).

**6.17.4 Low Level Wastes (LLW)** are radioactive wastes, other than those suitable for disposal with ordinary refuse, but not exceeding 4 gigabecquerels per tonne of alpha activity, or 12 gigabecquerels per tonne of beta or gamma activity<sup>95</sup>. LLW does not normally require shielding during handling or transport. LLW consists largely of paper, plastics and scrap metal items that have been used in hospitals, research establishments and the nuclear industry. Across the UK, large volumes of soil, concrete and steel will need to be managed as nuclear power plants are decommissioned. LLW makes up more than 90% by volume of UK radioactive wastes (but contains less than 0.1% of the radioactivity)<sup>96</sup>. Historically most of LLW from the nuclear industry was transferred to the Low Level Waste Repository (LLWR) in Cumbria. In recent years it has been recognised that the capacity of the LLWR is limited and that most types of LLW do not require the level of protection offered by such a highly engineered facility. Not all LLW needs to be transferred to the LLWR for subsequent disposal there. Some types of solid LLW arising from nuclear power stations can be disposed of at suitably licensed landfill sites<sup>97</sup>, or can be incinerated<sup>98</sup>. The Waste Hierarchy has to be considered in order to deal with LLW in the most effective way, so minimising the use of the capacity at the LLWR in order to extend its life. Some LLW arisings are incinerated and some metals are recycled, so there are a number of routes that these waste streams take.

**6.17.5 Very Low Level Waste (VLLW)** is a subcategory of LLW that contains limited amounts of solid radioactive waste that can be disposed of conveniently and without causing unacceptable environmental impacts, provided that it is mixed with large quantities of non-radioactive wastes which are themselves being disposed of<sup>99</sup>.

<sup>93</sup> Defra, BERR and the Devolved Administrations for Wales and Northern Ireland (June 2008) Managing Radioactive Waste Safely: A framework for Implementing Geological Disposal. HLW is largely a by-product from the reprocessing of spent fuel.

<sup>94</sup> Defra, BERR and the Devolved Administrations for Wales and Northern Ireland (June 2008). Managing Radioactive Waste Safely: A framework for Implementing Geological Disposal.

<sup>95</sup> A becquerel is the unit of radioactivity, representing one disintegration per second. A gigabecquerel is 1000 million becquerels.

<sup>96</sup> DECC, the Welsh Government, DOE and the Scottish Government (12 March 2012). Strategy for the management of solid low level radioactive waste from the non nuclear industry in the UK. Part 1 - Anthropogenic radionuclide.

<sup>97</sup> There are no radioactive waste landfills in Kent at the time of plan preparation **refresh**.

<sup>98</sup> Source: Note from the EA (October 2012) attached to KCC (January 2013) Update Note to Dungeness Site Stakeholder Group on the Kent Minerals and Waste Plan.

<sup>99</sup> NIEA, SEPA and EA. (September 2011) The Radioactive Substances Act 1993. The

**6.17.6** The term higher activity waste embraces ILW and any LLW that requires disposal to a GDF. This waste stream has no disposal routes at the time of writing the Plan. Legacy waste refers to all of the radioactive waste streams that arise from the nuclear power stations across the UK.

**6.18 Policy CSW 17: Policy CSW 17: Nuclear Waste Treatment and Storage Management at the Dungeness Nuclear Site Estate**

**6.18.1** Kent has two nuclear power stations sites (Dungeness A and B) located on the Dungeness Peninsula (Figure 20 shows their location). Dungeness A (a twin reactor Magnox power station) operated from 1965 to the end of 2006 and is undergoing decommissioning that will continue until around 2097. Dungeness B (an Advanced Gas Cooled twin reactor) started operation in 1983 and formally is scheduled to ended power generation in 2018, but operations may continue beyond then. The decommissioning of Dungeness B is likely to continue until 2111<sup>100</sup>.

**6.18.2** Both stations lie within an environmentally sensitive area adjacent to sites of international and national importance designated for their geology and biodiversity interests. Dungeness is the largest shingle structure (buried and exposed ridged cusate foreland) site in Europe comprising approximately 2000 hectares of vegetated shingle, approximately half the English shingle habitat resource. The extent and compositions of shingle ridge 'desert' habitats found at Dungeness is unique in the UK and rare in northwest Europe. Designated Habitat European Sites which form part of the 'National Site Network' as defined by the Changes to the Habitats and Species Regulations 2017, protected by the Habitats and Wild Birds Directives, cover large parts of the Dungeness Peninsula. To enable the competent authority under the Habitats Regulations to: i) Determine the need for appropriate assessment of applications for waste management and disposal at the Dungeness nuclear sites; and ii) undertake such assessment where it is deemed necessary, sufficient relevant information will be required to accompany each planning application, including baseline data and monitoring of vehicle movements, air quality and bird populations.

**6.18.3** ~~If Dungeness C power station is built it will need storage facilities for radioactive wastes until the GDF is available, as well as facilities for the storage and/or management of other radioactive waste streams. Policy CSW 17 for the management of nuclear waste at Dungeness does not preclude Dungeness C being planned and constructed. There are currently no plans to build another nuclear power station at Dungeness. If a nuclear power station were ever proposed, it would be considered as a 'Nationally Significant Infrastructure Project' (NSIP) and so its suitability would be considered by the Secretary of State.~~

**6.18.4** The Nuclear Decommissioning Authority (NDA) is required to produce a strategy for decommissioning nuclear legacy sites in the UK every five years.

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Environmental Permitting (England and Wales) (Amendment) Regulations 2011. VLLW Guidance Version 1.0.

<sup>100</sup> KCC (May 2011) TRW6 Topic Paper on Nuclear Wastes, quoting information from both Magnox Ltd and EDF Energy



The **current 2016 Nuclear Decommissioning Authority Strategy**<sup>101</sup> (which was subject to prior public consultation) **came into force in April 2016 and this included a commitment to prepare a single radioactive waste strategy for the NDA which was published in 2019 (“The Integrated Waste Management Radioactive Waste Strategy” (2019)).** Policy CSW 17 does not foreclose possible future solutions for consolidation and waste movements between sites (for treatment and/or storage). At the time of plan preparation, **e**Each Magnox site **may** is currently planned to have its own ILW store and be ‘self-sufficient’ but the best options for consideration in the future may be for movements of waste between sites for **consolidation and** storage. The nuclear power companies are looking at options for local, regional or national storage consolidation to compare these with the current plans. Options include co-locating waste from both Dungeness power stations (A and B) on one of those sites. The study looking at these issues was initiated in 2012. The nuclear power operators are required to make best use of processing facilities **nationwide** to minimise the overall impact of radioactive waste processing and disposal subject to due process and Best Available Techniques (BAT) assessment. **Policy CSW 17 does not foreclose possible future solutions for consolidation and waste movements between all Magnox sites (for treatment and/or storage). However, the NDA and Magnox Ltd do not anticipate any import of radioactive waste for disposal at Dungeness.**

**6.18.5 The Department for Business, Energy and Industrial Strategy (BEIS) is currently preparing Planning Guidance for on-site disposal of suitable ‘low level’ and ‘very low level’ radioactive waste on nuclear and decommissioned sites. Public consultation on draft guidance is anticipated in 2022.**

**6.18.6 Other guidance on the management of radioactive waste arising from decommissioning of nuclear sites**<sup>102</sup> **notes that, as well as planning permission, an Environmental Permit, issued by the Environment Agency, is needed before such development can take place. An application for an Environmental Permit needs to include a waste management plan (WMP) and a site wide environmental safety case (SWESC). A SWESC should demonstrate how the nuclear site as a whole will achieve the required standard of environmental safety. Where relevant, the SWESC includes the environmental safety case (ESC) for any proposed on-site disposal facility. Separate EA guidance**<sup>103</sup> **relating to the in situ disposal of radioactive waste in a dedicated disposal facility needs to be followed when preparing the ESC for such a facility. The SWESC also takes account of contributions to the combined impact on representative persons from adjacent nuclear sites, and from areas of contamination and previously permitted disposals outside the site. A WMP is required to provide a comprehensive description of how radioactive substances will be managed on or adjacent to the site and to demonstrate how waste management has been optimised.**

<sup>101</sup> **The latest Nuclear Decommissioning Authority Strategy effective from April 2016 was published in March 2021**

<sup>102</sup> **Management of radioactive waste from decommissioning of nuclear sites: Guidance on Requirements for Release from Radioactive Substances Regulation, Environment Agency, July 2018**

<sup>103</sup> **Near-surface Disposal Facilities on Land for Solid Radioactive Wastes: Guidance on Requirements for Authorisation’ (NS-GRA) (EA et al., 2009)**

**6.18.6 The Department for Business, Energy and Industrial Strategy (BEIS) is currently preparing Planning Guidance for on-site disposal of suitable 'low level' and 'very low level' radioactive waste on nuclear and decommissioned sites. Public consultation on draft guidance is anticipated in 2022.**

6.18.7 In 2012, Shepway District Council (**now Folkestone and Hythe District Council**) considered whether to submit an expression of interest to host **the Geological Disposal Facility (GDF) in the district** Shepway. As part of this consideration, Shepway District Council held a public referendum and on 19th September 2012 decided to recommend not to submit an expression of interest for hosting the GDF. **There are currently no plans to build a GDF at Dungeness and if one were ever proposed, it would be considered as a Nationally Significant Infrastructure Project (NSIP) and a decision would be made taking account of the National Policy Statement for Geological Disposal Infrastructure.** Policy CSW 17 specifically precludes the management of waste from anywhere other than the nuclear power stations at this location **and other policies of this Plan would be taken into account in any decision on a proposal to preclude the development of a GDF at Dungeness**

## Policy CSW 17

**Nuclear Waste Treatment and Storage Management at the Dungeness Nuclear Estate Licensed Sites**

### **Storage, treatment, disposal and / or management of radioactive waste**

Facilities for the storage and/or management of radioactive waste will be acceptable within the **Dungeness Nuclear Licensed Sites area at Dungeness** where:

1. this is consistent with the national strategy<sup>104</sup> for managing radioactive waste and discharges; and
2. the outcome of environmental assessments justify it being managed on site.

### **On-Site Disposal of Waste**

The only waste arising from Dungeness Nuclear Licensed sites that will be acceptable **for disposal use as fill material for the back-filling of voids** within the **Dungeness Nuclear Licensed Sites** are **non-hazardous inert (non-radioactive) low-level and inert very low-level radioactive wastes, or other inert (non-radioactive) wastes, generated by the demolition of existing buildings and structures.**

**The types of disposal of such wastes that would be acceptable are:**

- **In situ disposal of inground structures and foundations (including**

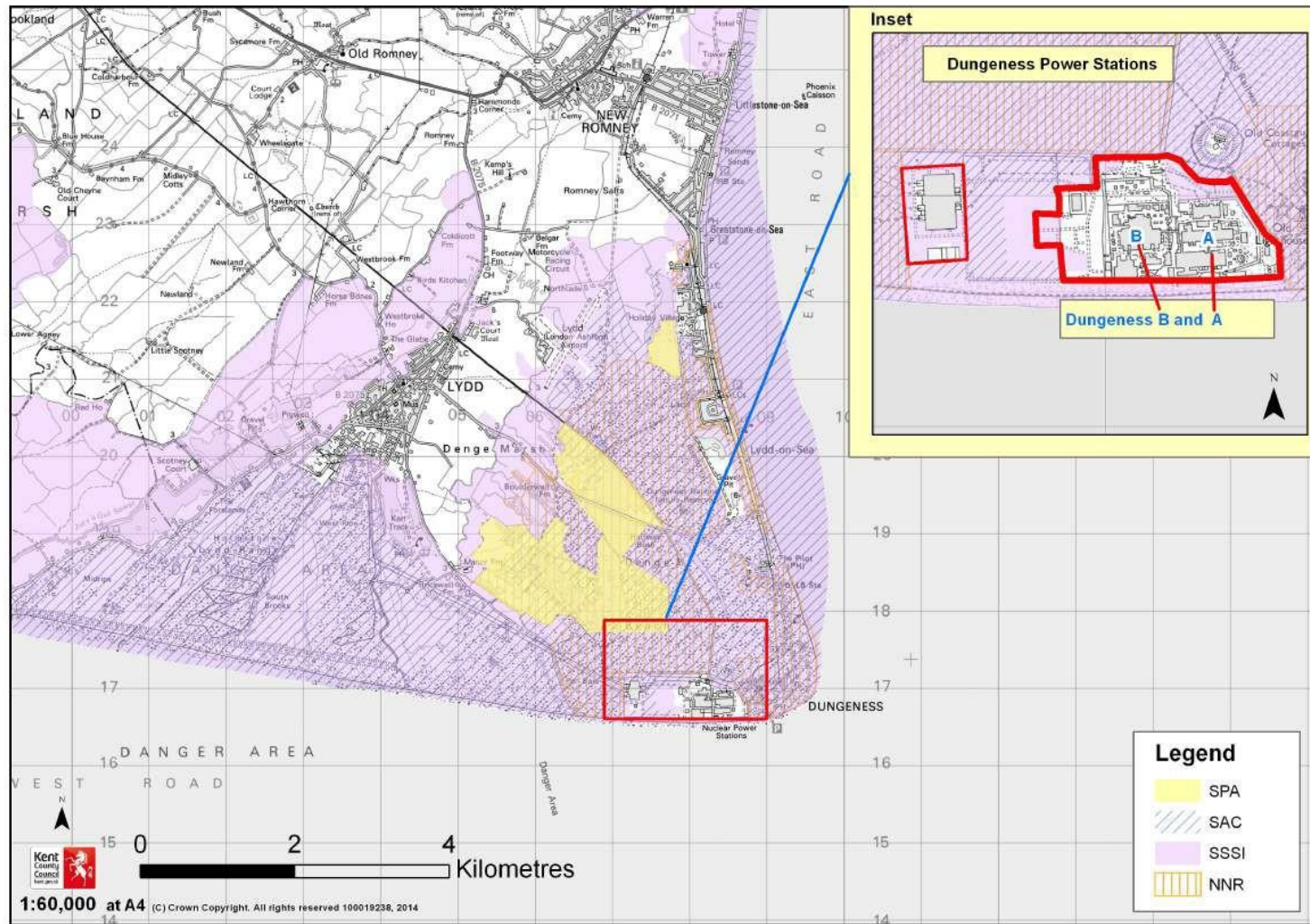
<sup>104</sup> National strategy for radioactive wastes is the NDA Strategy at the time of **any application this plan preparation.**

contaminated below-ground structures, foundations and redundant drains);

- The back-filling of voids within the Dungeness Nuclear Licensed Sites using wastes generated by the demolition of existing buildings and structures; and
- Purpose built landfill or landraise activities within the Dungeness Nuclear Licensed Sites using wastes generated by the demolition of existing buildings and structures.

Landfill or landraise activities that use **low-level and very low-level** radioactive wastes, **or other inert waste**, within the nuclear-licensed site will not be granted Planning permission **for the disposal of waste arisings as described above will be granted if unless** it can be demonstrated that there is an overriding need for this development and **that impacts on the sustainability, including environment, of the area** net gains in landscape and biodiversity can be **achieved by the development and any environmental impacts be mitigated to an acceptable level as demonstrated with reference to baseline data.**

Figure 20: Dungeness Power Stations & Romney Marsh Nature Designations



## 6.18 Policy CSW 18: Non-nuclear Radioactive Low Level Waste (LLW) Management Facilities

**6.19.1** There may also be a need for new facilities for the storage and/or treatment of non-nuclear sources of LLW (including VLLW) from institutions such as research establishments, universities and hospitals. At the time of plan preparation, there is no data on these waste arisings in Kent. They are likely to be in low volumes. However, to address the requirements of **Government** DCLG's, guidance on the EU WFD 2008/98/EC<sup>105</sup>, an enabling policy for sites that will manage this waste stream is required.

### Policy CSW 18

#### Non-nuclear Industry Radioactive Low Level Waste Management

Planning permission will be granted for facilities that manage non-nuclear industry low level waste and very low-level waste arisings where they meet the requirements of all relevant development plan policies, in the following circumstances:

where there is a proven need for the facility, **and**

**some of the source material to be managed arises from within Kent and from areas outside that would be consistent with the principle of proximity in terms of the management of non-nuclear industry low level waste and very low-level waste.**

<sup>105</sup> DCLG (December 2012) Guidance on the EU Waste Framework Directive.

## 7. Development Management Policies

7.0.1 The **Development Management** (DM) policies in this chapter address a range of subjects relevant to minerals and waste developments in Kent. Together with the minerals and waste delivery strategy policies, and the Minerals and Waste Sites Plans, the policies form a robust DM framework for the determination of minerals and waste applications. These policies should also be considered in the context of the relevant local plan for the district or borough where the proposal is situated.

7.0.2 The DM policies in the Plan avoid duplication with other regulatory functions, such as the environmental permitting regime carried out by the **Environment Agency** (EA).

### 7.1 Policy DM 1: Sustainable Design

7.1.1 It is important that all minerals and waste developments are designed to minimise the impact upon the environment and Kent's communities. There is a need to reduce the amount of greenhouse gas emissions and other forms of emissions, minimise energy and water consumption, reduce waste production and reuse or recycle materials. **Emissions arising from construction include those embedded in the materials used in the development, and low carbon materials should therefore be used.**

7.1.2 Sustainable design initiatives can be achieved by a variety of means such as the incorporation of renewable energy, energy management systems, grey water recycling systems, sustainable drainage systems, energy efficient appliances and the use of recycled and recyclable building materials. Policy DM 1 supports some of the key priorities in the County Council's environmental strategy<sup>106</sup>.

**7.1.3 Proposals for development above a certain size<sup>107</sup> will be expected to demonstrate how the development will achieve a BREEAM 'Very Good' rating or equivalent standard.**

**7.1.4 The importance placed on the biodiversity within soils, as well as its potential to store carbon, has significantly increased. Both waste and minerals development can result in a large amount of soil disturbance. Planning applications should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'.**

#### Policy DM 1

##### Sustainable Design

Proposals for minerals and waste development will be required to demonstrate that

<sup>106</sup> KCC (July/March 2014/6) Growing the Garden of England: A Strategy for Kent Environment Strategy and Economy in Kent.

<sup>107</sup> **Development requiring a Circular Economy Statement will have a total floor space of greater than 1000 square metres and/or comprise greater than 10 no. units of housing and/or where the site is 1 hectare or more.**

they have been designed **in accordance with best practice** to:

1. minimise greenhouse gas emissions **which may arise from the construction and operation of the development;**
2. **minimise** ~~and~~ other emissions **of pollutants which may arise from construction and operation;**
3. minimise energy and water consumption **during their construction and operation** and incorporate measures for water recycling and **utilisation of low carbon** renewable energy. ~~technology and design in new facilities where possible;~~
4. **minimise waste and** maximise the re-use or recycling of materials **during their construction and operation;**
5. **incorporate climate change adaptation measures including** ~~utilise~~ sustainable **urban** drainage systems, **suitable shading of pedestrian routes and open spaces and drought resistant landscaping** ~~wherever practicable~~ **unless there is clear evidence that this would be inappropriate;**
6. protect and enhance the character and quality of the site's setting **and its biodiversity interests** or mitigate and if necessary **compensating** for any predicted loss;
7. **maximise opportunities to contribute to green and blue infrastructure to help achieve biodiversity net gain;**
8. minimise the loss of Best and Most Versatile Agricultural Land;
9. **achieve a BREEAM 'Very Good' standard or equivalent where appropriate; and**
10. **where possible, utilise existing buildings and achieve an efficient re-use or land.**

## 7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment

7.2.1 Minerals and waste developments can have adverse impacts on sites of international, national and local importance. Kent has a wide range of landscapes and habitats that play an important role in supporting a variety of flora and fauna. The county also has an abundance of important heritage assets. Significant weight in planning terms is given to conserving **and enhancing** landscape and scenic beauty of AONBs in which the conservation **and enhancement** of wildlife and cultural heritage are important considerations. **Development within the setting of AONBs should also be sensitively located and designed to avoid or minimise impacts on the designated areas. The pPolicy DM2 recognises that some sites are designated due to their importance in terms of geodiversity.**

7.2.2 Locally important sites are also designated in recognition of their significance at

the local level, **as contained in the Kent State of the Environment Report 2015 and the Kent Environment Strategy 2016**, but do not normally carry the same level of protection as international or nationally designated sites. These sites include **Local Wildlife Sites (LWSs)**, priority habitat identified in BAP, Local Geological Sites, Locally Listed Heritage Assets, **Local Nature Reserves (LNRs)**, Country Parks, Ancient Woodland and aged or veteran trees, waterbodies and other green infrastructure features. **These sites will play an important role in the success of the Local Nature Recovery Strategy.**

**7.2.3** Policy DM 2 relates to these sites of international, national, and local environmental and landscape importance. The policy aims to ensure that there are no unacceptable adverse impacts on these important assets and sets out the circumstances where impacts upon them would be acceptable. In the case of a demonstrated overriding need for the development, any impacts would be required to be mitigated or compensated for in order to provide a net gain or improvement to their condition.

**7.2.4** In addition to Policy DM 2, Policy DM 3 seeks to ensure that an adequate level of ecological assessment will be undertaken for Kent's biodiversity assets, **and ensure that a biodiversity net gain is maximised of at least 10% can be provided. While a statutory target of at least 10% biodiversity net gain for all development has been introduced, the Kent Nature Partnership expects at least 20% to be achieved. The restoration of mineral sites frequently provides excellent opportunities for the development of habitat and the expectation is that they should be maximised such that, where practicable, greater than 20% biodiversity net gain will be achieved. Separate guidance on the application of the biodiversity net gain requirements to minerals and waste developments as set out in Policy DM3 will be published.**

**7.2.5** In terms of selecting and screening the suitability of sites for identification in the Minerals and Waste Sites Plans, the following criteria will be taken into account:

- The requirements set out in Policy CSM 2: Supply of Land-won Minerals, Policy CSW 6: Location of Built Waste Management Facilities and Policy CSW 7: Waste management for Non-hazardous Waste
- all policies set out in Chapter 7: Development Management Policies
- relevant policies in district local plans
- strategic environmental information, including landscape assessment and HRA as appropriate

The scope of the above information to be considered will be appropriate for a Strategic site selection process. More detailed information will be required for consideration at the planning applications stage.

## **Policy DM 2**

### **Environmental and Landscape Sites of International, National and Local Importance**

Proposals for minerals and/or waste development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity **and geodiversity** interests, or geological interests of sites of international, national and local importance.



## 1. International Sites

Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact on international designated sites, including Ramsar, Special Protection Areas and Special Areas of Conservation (**'National Site Network' as defined by the Changes to the Habitats and Species Regulations 2017 and 'Habitat Sites' as defined by the NPPF**<sup>108</sup> European Sites), will need to be evaluated in combination with other projects and plans **and be in accordance with established management objectives for the national sites network ('network objectives')**<sup>109</sup>. Before any such proposal will be granted planning permission or identified in the Minerals and Waste Sites Plan, it will need to be demonstrated that:

- a. there are no alternatives;
- b. there is a robust case established as to why there are imperative reasons of overriding public interest; **and**
- c. there is sufficient provision for adequate timely compensation.

## 2. National Sites

Designated Areas of Outstanding Natural Beauty (AONB)<sup>110</sup> have the highest status of protection in relation to landscape and scenic beauty. Regard must be had to the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land, in an AONB. For the purposes of this policy, such functions include the determination of planning applications and the allocation of sites in a development plan.

Planning permission for major minerals and waste development in a designated AONB will be refused except in exceptional circumstances and where it can be demonstrated that it is in **the** public interest. In relation to other minerals or waste proposals in an AONB, great weight will be given to conserving **and enhancing** its landscape and scenic beauty. Proposals ~~outside, but~~ within the setting of an AONB **should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.** ~~Will be considered having regard to the effect on the purpose of conserving and enhancing the natural beauty of the AONB.~~

Consideration of such applications will assess;

- a. the need for the development, including in terms of any national considerations and the impact of granting, or refusing, the proposal upon

<sup>108</sup> **NPPF defines 'habitat sites' as 'any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites'**

<sup>109</sup> **Changes to the Conservation of Habitats and Species Regulations 2017 -**

**<https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017>**

<sup>110</sup> The purpose of an AONB is set out in Section 261 of the Countryside and Rights of Way Act 2000 states as follows: the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

the local economy;

- b. the cost of, and scope for developing elsewhere outside the designated area, or meeting the need in some other way; **and**
- c. any detrimental impact on the environment, the landscape and recreational opportunities, and the extent to which the impact could be moderated taking account of the relevant AONB Management Plan.

Sites put forward for allocation for minerals or waste development in **updates to** the Minerals **Sites Plan** or **any** the Waste Sites Plan will be considered having regard to the above tests. Those that the Minerals and Waste Planning Authority **considers** to be unlikely to meet the relevant test(s) will not be allocated.

Proposals for minerals and/or waste developments within or outside of designated Sites of Special Scientific Interest **or National Nature Reserves**, that are considered likely to have any unacceptable adverse impact on a Site of Special Scientific Interest **or National Nature Reserve**, will not be granted planning permission or identified **in updates to** the Minerals **Sites Plan** and **any** Waste Sites Plans except in exceptional circumstances where it can be demonstrated that:

- a. the benefits of the development outweigh any impacts that it is likely to have on the features of the site that make it of special scientific interest; **and**
- b. the benefits of the development outweigh any impacts that it is likely to have on the national network of Sites of Special Scientific Interest.

Minerals and/or waste proposals located within or considered likely to have any unacceptable adverse impact **irreplaceable habitat such as** Ancient Woodland **and ancient or veteran trees** will not be granted planning permission or identified in **updates to** the Minerals **Sites Plan** and **any Waste Sites Plans** unless the need for, and the benefits of the development in that location clearly outweigh any loss, **justified by wholly exceptional reasons, and a suitable compensation strategy is in place.**

### 3. Local Sites

Minerals and/or waste proposals within the Local Sites listed below will not be granted planning permission, or identified in **updates to** the Minerals **Sites Plan** and **any Waste Sites Plans**, unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit:

- a. Local Wildlife Sites;
- b. Local Nature Reserves;
- c. Priority Habitats and Species;

- d. land that is of regional or local importance as a wildlife corridor or for the conservation **and enhancement** of **geodiversity and biodiversity**;
- e. Local Geological Sites;
- f. irreplaceable habitat including aged and veteran trees;
- g. Country Parks, common land and village greens and other important areas of open space or green areas within built-up areas.

## Policy DM 3

### Ecological Impact Assessment

Proposals for minerals and waste developments will be required to ensure that they result in no unacceptable adverse impacts on Kent's important biodiversity assets. These include internationally, nationally and locally designated sites, ~~European~~ **internationally** and nationally protected species, and habitats and species of principal importance for the conservation, **protection and enhancement** of biodiversity, **geodiversity and** Biodiversity Action Plan habitats and species.

Proposals that are likely to have unacceptable adverse impacts upon important **geodiversity and** biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and **should provide a positive contribution to the protection, enhancement, creation and management of biodiversity. Such proposals** will only be granted planning permission following:

1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys;
2. consideration of the need for, and benefits of, the development and the reasons for locating the development in its proposed location;
3. the identification and securing of measures to mitigate any adverse impacts (direct, indirect and cumulative); **and,**
4. the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for **;** **and**
5. **the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity. where it has been demonstrated that at least 10% of biodiversity net gain will be achieved.**

**Notwithstanding the statutory requirement for all development to achieve at least 10% biodiversity net gain, all proposals shall demonstrate how maximum practicable biodiversity net gain shall result from the**

**development.**

**Restoration of mineral extraction sites for end uses that do not maximise biodiversity gain, but still achieve the mandatory minimum, may be acceptable if it is demonstrated that the benefits of the restoration would help achieve other objectives of the Development Plan that in the view of the planning authority outweigh the achievement of maximum biodiversity net gain**

### 7.3 Policy DM 4: Green Belt

**7.3.1** The western area of Kent is situated within the Green Belt around London (see Figure 6 in Chapter 2.2). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

**7.3.2** Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, national policy and the National Planning Policy Framework.

**7.3.3** There is a presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, the planning authority will ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

**7.3.4** The National Planning Policy Framework provides guidance on the purposes of the Green Belt and what constitutes inappropriate development. It states that minerals extraction, engineering operations and the re-use of buildings provided that the buildings are of permanent and substantial construction are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and proposals do not conflict with the purpose of including land in the Green Belt. Processing plant, although commonly associated with mineral extraction, is unlikely to preserve openness, owing to its size, height and industrial appearance and would therefore be inappropriate development. Elements of many renewable energy projects will also comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

**7.3.5** Within the Green Belt, the planning authority will plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

## Policy DM 4

### Green Belt

Proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF.

## 7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment

**7.4.1** Kent's historic environment requires protection for the enjoyment and benefit of future generations. The historic environment covers all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged as well as landscaped and planted or managed flora<sup>111</sup>. The NPPF identifies the conservation of such heritage assets as one of the core land-use planning principles that underpin both plan-making and decision-taking; it states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life by today's and future generations<sup>112</sup>.

**7.4.2 The 'Historic England (2015) Historic Environment Good Practice Advice in Planning Notes 1 to 3' also provides information on the implementation of historic environment policy, and emphasises that all information requirements and assessment work, in support of heritage protection, needs to be proportionate to the significance of the heritage assets affected and the impact on the significance of those heritage assets.**

## Policy DM 5

### Heritage Assets

Proposals for minerals and waste developments will be required to ensure that Kent's heritage assets and their settings, including locally listed heritage assets, registered historic parks and gardens, Listed Buildings, conservation areas, World Heritage Sites, Scheduled Ancient Monuments, archaeological sites and features and defined heritage coastline<sup>113</sup>, are conserved in a manner appropriate to their significance.

Proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities must be sought to maintain or enhance historic assets affected by the proposals. Minerals and/or waste proposals that would have an **unacceptable adverse** impact on a heritage asset will not be granted planning permission unless it can be demonstrated that there is an overriding need for development and any impacts can be mitigated or compensated for, such that there is a net planning benefit.

<sup>111</sup> As defined by MHDCGLG (March 2012) National Planning Policy Framework, para. 52.

<sup>112</sup> MHDCGLG (March 2012) National Planning Policy Framework, Chapter 16 para. 17.

<sup>113</sup> Two sites in Kent: (1.) South Foreland and (2.) Dover – Folkestone.

## **Policy DM 6**

### **Historic Environment Assessment**

Proposals for minerals and waste development that are likely to affect important heritage assets will only be granted planning permission following:

preliminary historic environment assessment, including field archaeological investigation where appropriate, to determine the nature and significance of the heritage assets

appropriate provision has been secured for preservation in situ, and/or archaeological excavation and recording and/or other historic environment recording as appropriate, including post-excavation analysis and reporting, archive deposition and access, and interpretation of the results for the local community, in accordance with the significance of the finds

agreement of mitigation of the impacts on the significance of the heritage assets, including their fabric, their setting, their amenity value and arrangements for reinstatement

## 7.5 Policy DM 7: Safeguarding Mineral Resources

**7.5.1** As set out in section 5.5, it is important that certain mineral resources in Kent are safeguarded for potential use by future generations. However, from time to time, proposals to develop areas overlying safeguarded minerals resources for non-minerals purposes will come forward where for genuine planning reasons it would not be practicable to extract the otherwise economic underlying reserves before surface development is carried out.

**7.5.2** In such circumstances, when determining proposals, a judgement will be required which weighs up the need for such development against the need to avoid sterilisation of the underlying mineral taking account of the objectives and policies of the development plans as a whole. ~~will need to be considered when determining proposals.~~

**7.5.3** Policy DM 7 sets out the circumstances when non-minerals development may be acceptable at a location within a Minerals Safeguarding Area. This policy recognises that the aim of safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs.

**7.5.4** The process of Local Plan formulation, including consultation, independent examination and subsequent adoption provides the opportunity to take account of, and address, the need for the safeguarding of mineral resources. In doing so, it can make a clear judgement that where land is allocated in a Local Plan for surface development, such as housing, the presence of a mineral resource, and the need for its safeguarding, has been factored into the consideration of whether the allocation is appropriate. For sites allocated for non-mineral development it will therefore usually be the case that an assessment of the relevant considerations (criteria 1 to 6 in Policy DM7) has already taken place. In some cases, the assessment will conclude that an allocated site should be exempt from mineral safeguarding. The approach to be taken to mineral assessment during the plan-making stage ~~is~~ will be set out in the Safeguarding SPD<sup>114</sup>.

**7.5.5** However, applications for non-mineral development located in MSAs, which are promoted as a 'windfall site' (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a 'Minerals Assessment', will usually need to be accompanied by such an assessment. This assessment will be prepared by the promoter and will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the **British Geological Society's** (BGS) Good Practice Advice on Safeguarding

**7.5.6** In certain cases, it is possible that the need for a particular type of development in a particular location is so important that it overrides the need to avoid sterilisation of the safeguarded mineral resource. Such cases will be exceptional, and it will be necessary to demonstrate, amongst other things, why the identified need cannot practically be met elsewhere.

**7.5.7** Criterion 7 of Policy DM7 recognises that the allocation of land in adopted Local Plans for non-mineral development, such as housing, should have considered the presence of an economic mineral resource and the need for its safeguarding at this time, and, where that is shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit mineral safeguarding considerations at the planning application stage. The Mineral Planning Authority and the district/borough planning authority will consider mineral safeguarding during the preparation of Local Plans including during preparation of Strategic Housing Land Availability Assessments.

**7.5.8** Where proposals are determined by a district/borough planning authority, the Mineral Planning Authority will work with the relevant authority and/or the promoter to assess the viability and practicability of prior extraction of the minerals resource. As necessary the Minerals Planning Authority will provide information that helps determine the economic viability of the resource.

**7.5.9** In the case of the Sandstone-Sandgate Formation and the Limestone Hythe Formation (Kentish Ragstone) the low probability of utility of the Sandgate Beds and the significant available reserves (in 2019) of the Kentish Ragstone, it is anticipated that any future allocations in local plans for non-mineral development that are coincident with these safeguarded minerals will be unlikely to be found to be in conflict with the presumption to safeguard these minerals. This will need to be evidenced by a Minerals Assessment prepared to a proportionate level of detail. Further guidance **is available in the Safeguarding** will be provided in a revised SPD.

## Policy DM 7

### Safeguarding Mineral Resources

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding<sup>115</sup> 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

<sup>115</sup> In this context 'mineral safeguarding' should be taken to mean safeguarding certain minerals identified within a Mineral Safeguarding Area shown in the Policy Maps in Chapter 9 and allocations in the Minerals Sites Plan.



7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.

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

## **7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities**

**7.6.1** It is essential to the delivery of this Plan's minerals and waste strategy that existing facilities<sup>116</sup> used for the management of minerals (including wharves and rail depots) and waste are safeguarded for the future, in order to enable them to continue to be used to produce and transport the minerals needed by society and manage its waste.

**7.6.1** Policy DM 8 sets out the circumstances when safeguarded minerals and waste development may be replaced by non-waste and minerals uses. This includes ensuring that any replacement facility is at least equivalent to that which it is replacing and it specifies how this should be assessed.

**7.6.2** In the case of mineral wharves the factors to be considered include the depths of water at the berth, accessibility of the wharf at various states of the tide, length of the berth, the size and suitability of adjacent land for processing plant, weighbridges and stockpiles, and existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.

**7.6.3** There also are circumstances when development proposals in the vicinity of safeguarded facilities will come forward. The need for such development will be weighed against the need to retain the facility and the objectives and policies of the development plan as a whole will need to be considered when determining proposals. Policy DM 8 sets out the circumstances when development may be acceptable in a location proximate to such facilities. The policy recognises that the aim of safeguarding is to avoid development which may impair the effectiveness and acceptability of the infrastructure.

**7.6.4** Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production or waste management activities which are industrial in nature. Policy DM 8 therefore expects the presence of waste and minerals infrastructure to be taken into account in decisions on proposals for non-waste and minerals development (known as 'agents of change') made in the vicinity of such infrastructure.

**7.6.5** Criterion 2 of Policy DM8 recognises that the allocation of land in adopted Local Plans for development, such as housing, should have considered the presence of waste management and minerals supply infrastructure and the need for its safeguarding at that time, and, where this has been shown to be the case to the satisfaction of the Mineral Planning Authority, there is no need to revisit the safeguarding considerations at planning application stage.

<sup>116</sup> 'Existing facilities' are taken as those have permanent planning permission for minerals and waste uses.

7.6.7 Further guidance on the implementation of this policy is included in a Supplementary Planning Document.

## **Policy DM 8**

### **Safeguarding Minerals Management, Transportation Production & Waste Management Facilities**

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:

1. 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; or
2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation, production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable; or
3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than that offered by the facility that it is replacing; or
4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or
5. the facility is not viable or capable of being made viable; or
6. material considerations indicate that the need for development overrides the presumption for safeguarding; or
7. It has been demonstrated that the capacity of the facility to be lost is not required.

Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste (and materials/residues resulting from waste management processes) and minerals, and:

in the case of wharves, the size of the berth for dredgers, barges or ships

in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy

## 7.7 Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development

7.7.1 When development is proposed within an **Mineral Safeguarding Area (MSA)**, promoters will be encouraged to extract the mineral in advance of the main development. Policy DM 9 aims to managesituations where built development located on a safeguarded mineral resource is to be permitted, so as to avoid the needless sterilisation of economic mineral resources (in accordance with Policy DM 7).

### Policy DM 9

#### Prior Extraction of Minerals in Advance of Surface Development

Planning permission for, or incorporating, mineral extraction in advance of development will be granted where the resources would otherwise be permanently sterilised provided that:

the mineral extraction operations are only for a temporary period **linked to the timing of the associated surface development**; and,  
the proposal will not cause unacceptable adverse impacts to the environment or communities

Where planning permission is granted for the prior extraction of minerals, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

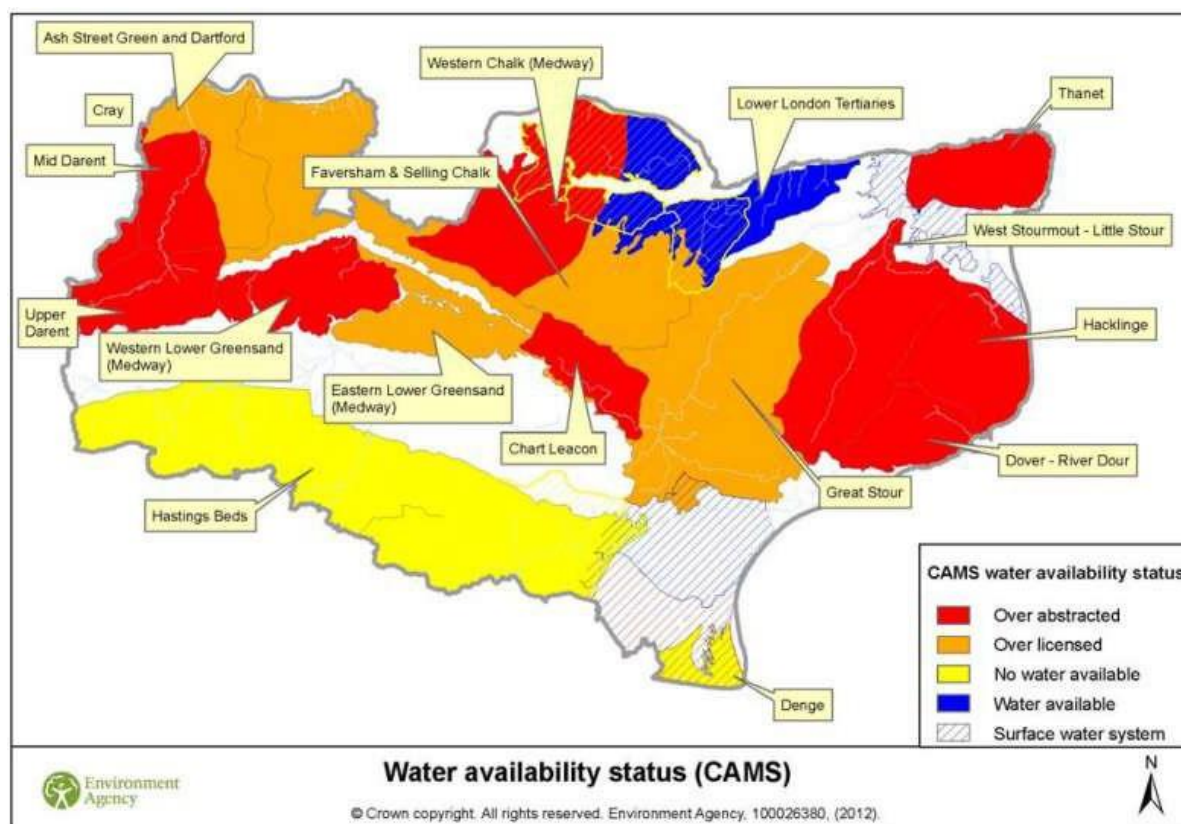
## 7.8 Policy DM 10: Water Environment

7.8.1 Minerals and waste development can have significant impacts on flooding and water quantity and water quality. In Kent there are many catchments where there is little or no water available for abstraction during dry periods. Pressures are particularly notable in Kent as it is one of the driest parts of England and Wales, coupled with high population density and household water use (see Figure 21). Areas of mineral can often provide opportunities for water storage at times of flood and therefore mitigate against the effects of flooding. There are five sources of flooding that are considered in the SFRA<sup>117</sup>:

flooding from rivers

- flooding from the sea
- flooding from rainfall
- flooding from groundwater
- flooding from sewers

**Figure 21 Water Availability Status (Source: Environment Agency, State of Water in Kent, 2012)**



**7.8.1** Flood zones are used to determine the probability of land experiencing flooding from a river or the sea. The aim of national flood policy is to steer development towards areas with the lowest probability of flooding. The **Environment Agency (EA)** has identified four flood zones:

- Flood Zone 1:** Land within this zone has been assessed as having a low probability of experiencing flooding from the rivers and sea (less than a 1 in 1000 annual probability of river or sea flooding (<0.1%). Any land-use is appropriate in this zone. Flood Zone 1 is normally shown as unshaded on flood maps
- Flood Zone 2:** Land within this flood zone has been assessed as having a medium probability of experiencing flooding from rivers and the sea (i.e. having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1%-0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5%-0.1%) in any year). Sand and gravel workings, wharves, mineral workings and processing, waste treatment and landfill sites are appropriate developments for land within this floodzone.
- Flood Zone 3:** Land within this zone has been assessed as having a high probability of experiencing flooding from rivers and the sea (between a 1 in 100 or greater annual probability of river flooding (>1%), or between a 1 in 200 or greater annual probability of sea flooding (>0.5%) in any year). Development within this flood zone should seek opportunities to reduce the overall level of flood risk through layout and form and appropriate use of sustainable drainage systems, relocating existing development to land in zones with lower risks of flooding and creating space for flooding to occur by

restoring functional floodplain and flood flow pathways and by identifying and safeguarding open space for flood storage. Sand and gravel workings, wharves, mineral workings and the processing and treatment of waste (except landfill and hazardous waste facilities) are considered suitable for land-use in this zone.

- **Flood Zone 3b (The Functional Floodplain):** Land within this zone has been assessed as land where water has to flow or be stored in times of flood. Development within this zone should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems, or to relocate existing development to land with a lower probability of flooding. Sand and gravel workings and wharves are considered appropriate land-uses within this zone.

**7.8.2** Both flood water and groundwater may become contaminated if it comes into contact with certain types of wastes. It is therefore necessary for waste sites to be managed to ensure that the risk of water contamination from waste is minimised. Planning applications for sites located in areas prone to flooding must be accompanied by a suitable Flood Risk Assessment.

**7.8.3** Groundwater Source Protection Zones (SPZ) for Kent are set out in Figure 15. Groundwater accounts for over 70% of public water supply in Kent. This reliance on groundwater resources makes it important that mineral and waste developments do not adversely affect groundwater supplies in any way.

- **SPZ 1** is the inner zone which is within the 50-day travel time from any point below the water table to the source. This zone around the groundwater supply abstraction point has a minimum radius of 50 metres.
- **SPZ 2** is the outer protection zone and refers to the 400-day travel time from a point below the water table.
- **SPZ 3** is the Source Protection Catchment Zone and refers to the area around a source within which all groundwater recharge is presumed to be discharged at the source.
- **SPZ 4** is a surface water catchment which drains into the aquifer feeding groundwater supply

**7.8.4** To ensure compliance with the Water FD<sup>118</sup> minerals and waste developments must not cause any unacceptable adverse impact on local water bodies. Applications for minerals and waste proposals within **Source Protection Zones (SPZ) and Groundwater Vulnerability and Aquifer Designation areas** should be accompanied by a hydrogeological **and/or hydrological** assessment(s) **that investigate the potential present and future risks of unacceptable adverse impacts on the water environment associated with the proposed development and how these will be adequately mitigated to prevent such impacts.** Waste operations are not usually considered compatible within SPZ1.

**7.8.5 The County Council, as Lead Local Flood Authority and statutory consultee, has prepared a Drainage and Planning Policy Statement which sets**

**out the drainage strategies and surface water management provisions which are required in association with applications for major development.**

7.8.6 Policy DM 10 embraces issues of flood, groundwater, SPZs and the protection of waterbodies.

## Policy DM 10

### Water Environment

Planning permission will be granted for minerals or waste development where it does not:

- result in the deterioration of physical state, water quality or ecological status of any water resource and waterbody, including **aquifers**, rivers, streams, lakes and ponds;
- have an unacceptable impact on groundwater Source Protection Zones (as shown in Figure 15) **or threaten the development of future groundwater abstraction and associated source protection zones in principles or secondary aquifers; and**
- exacerbate flood risk in areas prone to flooding (as shown in Figure 15) and elsewhere, both now and in the future.

All minerals and waste proposals must include measures to ensure the achievement of both no deterioration and improved ecological status of all waterbodies within the site and/or hydrologically or **hydrogeologically** connected to the site.

**Hydrogeological and/or hydrological** assessment(s) may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level.

## 7.9 Policy DM 11: Health and Amenity

7.9.1 Minerals and waste development can have unacceptable adverse impacts on the environment and local communities. The use of machinery and lighting can result in noise, light and air pollution and also affect the amenity of nearby communities and businesses and other land uses such as sport, recreation or tourism. It is important that the minerals and waste industry in Kent does not adversely impact upon the health and amenity of surrounding environment and communities, and appropriate suitable mitigation measures are used to reduce the risk of unacceptable adverse impacts occurring.

## Policy DM 11

### Health and Amenity

Minerals and waste developments will be permitted if it can be demonstrated that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration (**including vibration from blasting**), odour, emissions (**including emissions from vehicles associated with the development**), bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated

damage to the qualities of life and wellbeing to communities and the environment. This may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and/or planning obligation. This will be a particular requirement where a proposal might adversely affect the air quality in an AQMA. (See Figure 15) **It may also include the preparation of a Health Impact Assessment<sup>119</sup>**.

Proposals for minerals and waste development will also be required to ensure that there is no unacceptable adverse impact on the ~~use of other~~ surrounding land for other purposes **and associated permitted land uses.**

## 7.10 Policy DM 12: Cumulative Impact

**7.10.1** Impacts from one development in any particular area may give rise to impacts that, when controlled by mitigation are acceptable and do not give rise to any unacceptable adverse impacts. However, two or more developments of a similar nature within close proximity to each other may act together to cause impacts that are not acceptable, even with mitigation incorporated into the design for each development.

**7.10.2** Proposals likely to have a significant effect on internationally important interest features of internationally important wildlife sites, will need to be assessed through consideration of the possible effects of any other plans and projects, as well as the minerals and/or waste development proposed.

**7.10.3** The following policy requires cumulative impacts to be considered when two or more developments are potentially capable of causing significant effects on the environment (including climate change), biodiversity interests or on the amenity of the local community. **This includes cumulative impacts by way of vehicle movements and associated emissions, particularly if the development is within or near to an AQMA.** It is also relevant where a new development may affect communities or the environment cumulatively with existing developments.

## Policy DM 12

### Cumulative Impact

Planning permission will be granted for minerals and waste development where it does not result in an unacceptable adverse, cumulative impact on the environment or communities. This is in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring concurrently and/or successively.

## 7.11 Policy DM 13: Transportation of Minerals and Waste

**7.11.1** One of the roles of the Kent MWLP is to encourage the use of sustainable transportation methods including rail and water. However, in view of the limited

<sup>119</sup> **Guidance on Health Impact Assessments** ~~Page 27~~ **Issued by Public Health England**  
**[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/929230/HIA\\_in\\_Planning\\_Guide\\_Sept2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929230/HIA_in_Planning_Guide_Sept2020.pdf)**

opportunities that are available within the county to increase the use of sustainable transportation methods, it is acknowledged that most minerals and waste movements across Kent will continue to be made by road.

**7.11.2 Notwithstanding this, the Plan recognises the importance of reducing vehicle movements and facilitating more sustainable technologies (such as electric vehicles) in achieving the objectives of sustainable development. This has benefits in terms of reducing greenhouse emissions and improving air quality. It is recognised that some 12% of harmful particulates in the atmosphere are as a result of road transportation (Clean Air Strategy, 2019).**

**7.11.3** Any minerals or waste developments that are likely to result in an increase of more than 200 Heavy Duty Vehicles (HDVs)/day<sup>120</sup> on any road that lies within 200m of a designated **Habitat European** Site will need to be subject to **Habitats Regulation Assessment (HRA)** screening to evaluate air quality impacts. It will be necessary for the applicant to demonstrate that either:

- the increased traffic will not lead to an increase in nitrogen deposition within all **Habitat European** Sites that lie within 200m that constitutes more than 1% of the critical load for the most sensitive habitat within the site, or
- If the increase in deposition will be greater than 1% of the critical load it will nonetheless be sufficiently small that no adverse effect on the interest features and integrity of the **Habitat European** Site will result

**7.11.4** The aim of the Policy DM 13 is to minimise road miles **and harmful emissions** in relation to the transportation of minerals and waste across Kent. **Road miles may also be reduced by providing a network of facilities including sites such as transfer stations where waste can be bulked up for onward transport.**

## Policy DM 13

### Transportation of Minerals and Waste

Minerals and waste development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. Where development requires road transport, proposals will be required to demonstrate that:

- 1 the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety;
- 2 the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community; **and**

<sup>120</sup> Department for Transport (May 2007) The design manual for Roads and Bridges, Volume 11, Section 3, Part 1; regarding air quality Environmental Impact Assessment from roads indicates that if the increase in traffic will amount to less than 200 HDVs per day, the development can be scoped out of further assessment. A Heavy Goods Vehicle is a vehicle with over 3.5 tonnes maximum permissible gross weight (mgw).



- 3 emission control and reduction measures, such as deployment of low emission vehicles **and environmentally sustainable vehicle technologies**, **installation of electric vehicle charging points (where appropriate)** and vehicle scheduling to avoid movements in peak hours. Particular emphasis will be given to such measures where development is proposed within an AQMA. (Figure 15).

## 7.12 Policy DM 14: Public Rights of Way

7.12.1 **As Green Infrastructure**, Public Rights of Way (PROW) play an important role in enabling access to the countryside **and can benefit the County socially, environmentally and economically and where possible development should improve the PROW network**<sup>121</sup>. Minerals and waste sites can often be located close to a PROW or a PROW may cross an area of mineral bearing land. It is important that PROWs remain accessible to users throughout the lifetime of the minerals and waste operations and that users' safety is not compromised by any activity on site. New sites or extended sites should not have an adverse impact on the network of PROWs. In some circumstances it will be necessary for a PROW to be diverted during operations. Temporary diversions will only be acceptable if the restoration scheme provides routes to the same standard of surface level as the original PROW. If this is not possible, it may be preferable to divert the route permanently.

### Policy DM 14

#### Public Rights of Way

Planning permission will only be granted for minerals and waste development that adversely affect a Public Right of Way, if:

satisfactory prior provisions for its diversion **or stopping up** are made which are both convenient and safe for users of the Public Rights of Way

provision is created for an acceptable alternative route **both** during operations **and following restoration of the site**.

opportunities are taken wherever possible to secure appropriate, improved access into **and within** the countryside.

## 7.13 Policy DM 15: Safeguarding of Transportation Infrastructure

7.13.1 Non-hazardous landfill and water-filled mineral operations attract birds which may give rise to the possibility of increased hazard to air traffic due to bird strike. EfW plants can cause air turbulence in the vicinity of the site which together with the physical structures necessary for these operations can cause obstruction to air safety, in particular to light aircraft. Local planning authorities are required to consult local aerodromes before granting planning permission for development that might endanger the safety of aircraft. Such developments include buildings and structures that exceed certain heights and development that is likely to attract birds within the relevant radius

<sup>121</sup> In line with the County Council's Right of Way Improvement Plan 2018-2028.

of aerodromes as identified on safeguarding maps provided by the Civil Aviation Authority or Ministry of Defence.

**7.13.2** The Port of London Authority has a network of navigational equipment that needs to be maintained to ensure the continued safety of vessels navigating on the River Thames, in addition to the existing, varied operations that currently take place. It is important that this network of equipment is not compromised by other developments.

**7.13.3** If, following consultation with relevant organisations, the nature of the mineral extraction or waste management development is considered to give rise to new or increased risks to aerodromes and their associated uses, or increased hazards to rail, river, sea, waterways or road transport then planning permission will not be granted.

## **Policy DM 15**

### **Safeguarding of Transport Infrastructure**

Minerals and waste proposals will be granted planning permission where development would not give rise to unacceptable impacts on aviation, rail, river, sea, other waterways or road transport or where these impacts are mitigated.

## **7.14 Policy DM 16: Information Required in Support of an Application**

**7.14.1** The minerals and waste planning authority is entitled to request appropriate information from applicants when the required information is a material consideration in the determination of the planning application. If the additional information is not supplied, the application may be refused planning permission on the grounds of insufficient information.

**7.14.2** The planning authority carefully considers all aspects of a planning application to establish whether planning permission should be granted. It involves using the available information to consider the merits of proposals against any potential impacts; a judgement is made regarding the need for the development weighed against any residual impacts after mitigation is taken into consideration. A system of planning controls can be established through the imposition of conditions or planning obligations to further ensure that the development proposals do not have an unacceptable adverse impact on local communities or the environment.

**7.14.3** The details of the information required within a planning application can be determined through pre-application discussions and meetings with the Minerals and Waste Planning Authority, which applicants are strongly encouraged to undertake. Applications that are not supported by suitable, sufficient material information will invariably take longer to determine and are at risk of being refused.

**7.14.4** Certain types of minerals and waste developments may require an Environmental Statement (ES) to accompany the planning application<sup>122</sup>. The information contained within the ES will be taken into account in determining the application. If applicants consider that their proposals are likely to require an ES, they should seek guidance at an early stage on the need for and scope of the ES. All

submitted applications will be screened and applicants advised if an ES is required, if one has not already been submitted.

**7.14.5** EuropeanHabitat Sites (including SPAs, Ramsar sites and SACs) are protected by European legislation. **Habitat Regulations Assessments** (HRAs) are required to be carried out where proposals may have a significant impact upon the EuropeanHabitat Site. To assess whether a proposal will have likely significant effects upon a designated site, the criteria in the following paragraphs 7.14.6 - 7.14.8 are used to determine when a HRA will be required for a development project.

**7.14.6** Any proposal for an EfW facility should undertake HRA screening with regard to all EuropeanHabitat Sites within 10 km. It will be necessary for the applicant to demonstrate that either:

- increases in nitrogen deposition within all EuropeanHabitat Sites that lie within 10 km constitute less than 1% of the critical load for the most sensitive habitat within the site or
- if the increase in nitrogen deposition will be greater than 1% of the critical load, it will nonetheless be sufficiently small that no adverse effect on the interest features and integrity of the EuropeanHabitat Site will result.

**7.14.7** Any minerals or waste development that is likely to result in an increase of HDVs on any road that lies within 200 m of a EuropeanHabitat Site should also be subject to HRA screening in order to evaluate air quality impacts within the context of the critical load, or critical level, and the 1% criterion cited above.

**Table 2 Indicative screening distances for considering whether a Habitat Regulations Assessment is required for a development.**

<b>Pathway</b>	<b>Screening Distance from a <u>EuropeanHabitat</u> Site<sup>123</sup></b>
Air Quality - Energy from Waste	10 km
Air Quality - Landfill Gas Flares	1 km
Air Quality - Biopathogens	1 km
Air Quality - Dust	500 m
Air Quality - Vehicle Exhaust Emissions	200 m
Water Quality and Flow	No standard distance (use source/pathway/receptor approach)
Disturbance (noise/visual)	1 km from a <u>EuropeanHabitat</u> Site supporting disturbance sensitive species/populations

<sup>123</sup> International Designated Sites, Special Areas of Conservation, Special Protection Areas and Ramsar sites.

Gull/Corvid (rooks and crows)predation	5 km from a European <b>Habitat</b> site supporting sensitive ground nesting breeding species
Coastal Squeeze	No standard distance - evaluate on a case-by-case basis

**7.14.8** Table 42 identifies the screening distances from European **Habitat** Sites associated with particular impact pathways. Development projects that will lead to the pathways and fall within these zones will require HRA. The table does not preclude HRA being required in other circumstances.

## Policy DM 16

### Information Required In Support of an Application

Planning applications for minerals or waste management development must be supported by sufficient, relevant drawings, plans and information, including the information specified in the County Council's guidance notes for minerals and waste applications<sup>124</sup>.

## 7.15 Policy DM 17: Planning Obligations

**7.15.1** Where the use of planning conditions is not possible, in some circumstances, development proposals could be considered to be acceptable if planning obligations are used. These can either take the form of legal agreements entered into by planning authorities or a unilateral undertaking made by the developer and any person with an interest in the development and the relevant land. The types of matters that may need to be covered in planning obligations are listed in Policy DM 17, which is neither exhaustive nor are the listed matters relevant to every development.

## Policy DM 17

### Planning Obligations

Planning obligations will be sought where appropriate, to achieve suitable control over, and to mitigate and/or compensate for, the effects of minerals and waste development where such objectives cannot be achieved by planning conditions. Matters to be covered by such planning obligations may include those listed below as appropriate to the proposed development:

1. revocation and consolidation of planning permissions
2. highways and access improvements
3. traffic management measures including the regulation of lorry traffic
4. provision and management of off-site or advance tree planting and screening

<sup>124</sup> Applicants should refer to the following website for the most recent guidance on local information requirements and validation of applications: <http://www.kent.gov.uk/planningapplications>. Guidance will be reviewed and updated periodically.

5. extraction in advance of future development
6. environmental enhancement and the delivery of Local Biodiversity Action Plan Targets **in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045**
7. protection and enhancement of internationally, nationally and locally important sites
8. landscape enhancement
9. protection of **internationally, nationally and locally** notable and protected species
10. long term management and monitoring of mitigation or compensation sites and their protection from further development
11. provision and long term maintenance of an alternative water supply should existing supplies be affected
12. archaeological investigation, analysis, reporting, publication and archive deposition
13. establishment of a liaison committee
14. long-term site management provision to establish and/or maintain beneficial after-use
15. Improvement to the public rights of way network **in accordance with Actions identified within the KCC Rights of Way Improvement Plan 2018-2028**
16. financial guarantees to ensure restoration and long term maintenance is undertaken
17. measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of minerals and waste development
18. codes of construction practice for large<sup>125</sup> waste developments that incorporate the requirement for the majority of the construction workforce to be recruited locally. Opportunities for modern apprenticeships to be made available for a proportion of the construction workforce
19. the majority of the operational staff at large waste developments to be sourced from the local area and opportunities for modern apprenticeships and other nationally recognised training schemes to be available for a proportion of the workforce.

## 7.16 Policy DM 18: Land Stability

<sup>125</sup> A large waste development is one that has a capacity of over 100,000 tpa.

**7.16.1 Land instability can be an issue resulting from both minerals and waste development leading to landslides, subsidence and ground heave. Such situations can be a result of unsafe ground conditions caused by water movement including changes in groundwater levels through dewatering. Proposals should demonstrate measures to ensure that quarry faces and slopes are stable and will not result in landslip, either within the site or on adjoining land, both during and after the lifetime of the development and during restoration and aftercare. All minerals and waste proposals that could give rise to land instability must include a stability report and measures to ensure land stability.**

**7.16.2** Minerals and waste development can give rise to land instability if proposals are not properly planned and implemented. The issue needs to be considered and satisfactorily addressed when planning applications are determined. Where there is the possibility of land instability, applications for minerals and waste development should be accompanied by a stability report **to ensure that adequate and environmentally acceptable mitigation measures are identified.** Such a report should assesses the physical capability of the land, possible adverse impacts of any instability, possible adverse impacts on adjacent land, possible impacts on local amenity and conservation interests and any proposed remedial or precautionary measures.

**7.16.3** The aim of Policy DM 18 is to ensure that land stability is properly addressed during the operational phase(s) of minerals and waste development. Policy DM 19 addresses the issue in so far as it relates to restoration, aftercare and after-use.

## **Policy DM 18**

### **Land Stability**

Planning permission will be granted for minerals or waste development where it is demonstrated that it will not result in land instability.

## **7.17 Policy DM 19: Restoration, Aftercare and After-use**

**7.17.1** The nature of restoration activity depends on the choice of after-use, which is influenced by a variety of factors including the aspirations of the landowner(s) and the local community, the present characteristics of the site and its environs, any strategies for the area (e.g. biodiversity priorities), the nature, scale and duration of the proposed development and the availability and quality of soil resources. Where the proposal is to restore the site to agricultural use at existing ground levels, ensuring the availability of clean inert fill material is important to the deliverability of the scheme as is the availability of suitable topsoil (Policy CSW 10: Development at Closed Landfill Sites seeks to address this). Quarries have been restored through importation of non-hazardous and/or hazardous waste and the acceptability of this in principle would be considered against Policy CSW 9: Non Inert Landfill in Kent. It may be appropriate to retain some industrial archaeological features, geological exposures or landscapes within a quarry.

**7.17.2** Restoration, aftercare and after-use will usually seek to assure that the land is restored back to a quality that is at a level at least equivalent to that which it was prior to development commencing and wherever possible provide for the enhancement of the quality of the landscape, local environment or the setting of historic assets to the benefit of the local or wider community. **Restoration of mineral sites to a water body may be appropriate and provide opportunity for biodiversity and habitat enhancement or recreational uses.** Wherever possible, restoration schemes should include measures to improve biodiversity interests wherever the proposed after-use of the site. Restoration, aftercare and after-use may be secured through Planning Obligations as set out in Policy DM 17.

**Notwithstanding the statutory requirement for all development to achieve at least 10% biodiversity net gain, all proposals shall demonstrate how maximum practicable biodiversity net gain shall result from the development. In developing restoration plans, regard shall be had to Kent County Council's Plan Bee Pollinator Action Plan July 2021. This seeks to assist in the recovery of pollinator populations which will support biodiversity and the agricultural needs of the county. Where appropriate, provision shall be made for additional tree cover to support climate change and biodiversity objectives in accordance with the Government's England Trees Action Plan 2021-2024 (May 2021) and the County Council's emerging Plan Tree - Kent County Council's Tree Establishment Strategy 2022-2032<sup>126</sup>.**

**7.17.3 Restoration of mineral extraction sites for end uses that do not maximise biodiversity gain, but still achieve the mandatory minimum, may be acceptable if it is demonstrated that the benefits of the restoration would help achieve other objectives of the Development Plan that outweigh the achievement of maximum biodiversity net gain**

**7.17.4** To achieve high-quality restoration to an agricultural use or certain leisure uses (e.g. to parkland), a supply of suitable soils is normally required. In such cases all soil resources should be retained and managed on site for use in restoration. The way that soils are handled is also a key element for successful restoration to these uses. Details of the management and storage of soils, including timing and means of soil movements and types of machinery to be used will be required.

**7.17.5** In cases where insufficient soils exist on site the applicant will need to make provision for the supply of soils or soil making materials within an agreed timescale to ensure the timely restoration of the site. Planning consent will only be granted for the importation and processing of such materials (where soil making materials require prior processing) if proven necessary to ensure timely restoration. Stockpiles will need to be controlled such that soil quality is not adversely affected and there are no unintended adverse impacts resulting from, for example, visual appearance and drainage. No subsequent export of material will be allowed.

**7.17.6** For the initial years following restoration (usually a 5-year period but this may be extended e.g. when restoration is to a particular wildlife habitat) site

<sup>126</sup> **in draft as of August 2022)**

aftercare measures are required to ensure that the reinstatement of soils and the planting or seeding carried out to meet restoration requirements is being managed so that the site will return to its intended after-use in a timely manner. These measures involve improving the structure, stability and nutrient value of soils, ensuring adequate drainage is available and securing the establishment and management of the grass sward, crop or planting areas, together with any other maintenance as may be required. The aftercare scheme normally requires two levels of details to be provided, these are:

- the outline strategy for the whole of the aftercare period
- a detailed strategy for the forthcoming year

**7.17.7 Restoration involving infilling may impact groundwater, both in terms of its quality, levels and flow paths. Restoration and aftercare plans should therefore carefully consider the local groundwater regime to avoid unacceptable impacts on its quantity, quality and on flood risk.**

7.17.7 Restoration and aftercare plans should take into consideration community needs and aspirations. Local interest groups and community representatives should be consulted and their viewpoints incorporated into the proposals wherever possible and appropriate. Restoration and aftercare plans for mineral development need to be reviewed and updated periodically, in accordance with legislation<sup>127</sup> Policy DM 19 identifies the issues that need to be addressed in relation to the restoration, aftercare and after-use of minerals extraction and temporary waste management development.

## Policy DM 19

### Restoration, Aftercare and After-use

Planning permission for minerals extraction and temporary waste management development will be granted where satisfactory provision has been made for **the highest possible standards** of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner, including where necessary for its long-term management.

Restoration plans should be submitted with the planning application which reflect the proposed after-use, be carried out to a standard that reflects best practice and provide **s** for restoration and aftercare at the earliest opportunity, Restoration proposals must **deliver sustainable afteruses that benefit the Kent community, economically, socially or environmentally. All development should achieve at least 10% biodiversity net gain and demonstrate how**

<sup>127</sup> The Environment Act (1995) introduced a requirement for an initial review and updating of ~~of~~ all old mineral planning permissions (known as the 'Review of Mineral Permissions' or 'ROMP' process). There is no fixed period when periodic reviews should take place so long as the first review is no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the initial review. Any further reviews should be at least 15 years after the date of the last review.



**maximum practicable biodiversity net gain shall result from the development.** ~~include measures to provide biodiversity gains.~~

**Restoration of mineral extraction sites for end uses that do not maximise biodiversity gain, but still achieve the mandatory minimum, may be acceptable if it is demonstrated that the benefits of the restoration would help achieve other objectives of the Development Plan that in the view of the planning authority outweigh the achievement of maximum biodiversity net gain**

**Where appropriate, restoration plans should** ~~be submitted with the planning application which reflect the proposed after-use and, where appropriate, include the details set out below:~~ **address the following issues in relation to the restoration, aftercare and after-use of minerals extraction and temporary waste management development:**

1. a site-based landscape strategy for the restoration scheme;
2. the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats;
3. the geological, archaeological and historic heritage and landscape features and their settings;
4. the site boundaries and areas identified for soil and overburden storage;
5. an assessment of soil resources and their removal, handling and storage;
6. an assessment of the overburden to be removed and stored;
7. the type and depth of workings and information relating to the water table;
8. storage locations and quantities of waste/fill materials and quantities and types of waste/fill involved;
9. proposed infilling operations, sources and types of fill material;
10. the arrangements for monitoring and the control and management of landfill gas;
11. consideration of land stability after restoration;
12. directions and phasing of working and restoration and how they are integrated into the working scheme;
13. the need for and provision of additional screening taking account of degrees of visual exposure;
14. details of the proposed final landform including pre and post settlement

levels

15. types, quantities and source of soils or soil making materials to be used;
16. a methodology for management of soils to ensure that the pre-development soil quality is maintained;
17. proposals for meeting **targets and where relevant exceeding, the targets outlined in the Kent Nature Partnership Biodiversity Strategy 2020-45, Biodiversity Opportunity Areas, Areas of Outstanding Natural Beauty Management Plans and the Local Nature Recovery Strategy;** *or biodiversity gain in relation to the Kent Priority Habitats (or its replacement), the Kent Biodiversity Opportunity Areas and the Greater Thames Marshes Nature Improvement area;*
18. removal of all buildings, plant, structures, accesses and hardstanding not required for long term management of the site;
19. planting of new native woodlands;
20. installation of drainage to enable high quality restoration and after-use;
21. measures to incorporate flood risk mitigation opportunities **and avoid unacceptable impacts on groundwater;**
22. details of the seeding of grass or other crops and planting of trees, shrubs and hedges;
23. a programme of aftercare to include details of vegetation establishment, vegetation management, biodiversity habitat management, field drainage, irrigation and watering facilities;
24. the restoration of the majority of the site back to agriculture, if the site consists of the best and most versatile agricultural land;
- 25. the potential for financial guarantees such as bonds in exceptional circumstances where their use can be justified to secure restoration objectives.**

Aftercare schemes should incorporate an aftercare period of at least five years. Where appropriate, voluntary longer periods for certain uses will be sought through agreement between the applicant and minerals planning authority.

## 7.18 Policy DM 20: Ancillary Development

**7.18.1** Policy DM 20 seeks to provide certainty that proposals for ancillary development within or close to minerals and waste development will be permitted, even when there may be an adverse environmental impact, so long as it is possible

to demonstrate that there are environmental benefits in providing the close link with the existing site that outweighs the likely environmental impacts.

## **Policy DM 20**

### **Ancillary Development**

Proposals for ancillary development<sup>128</sup> within or in close proximity to mineral and waste development will be granted planning permission provided that:

1. the proposal is necessary to enable the main development to proceed
2. it has been demonstrated that there are environmental benefits in providing a close link with the existing site that outweigh the environmental **and community** impacts.

Where permission is granted, the operation and retention of the associated development will be limited to the life of the linked mineral or waste facility.

## **7.19 Policy DM 21: Incidental Mineral Extraction**

**7.19.1** Policy DM 21 seeks to provide certainty that proposals for incidental mineral extraction will be permitted provided that operations do not cause unacceptable adverse impacts to the environment or communities.

## **Policy DM 21**

### **Incidental Mineral Extraction**

Planning permission for mineral extraction that forms a subordinate and ancillary element of other development will be granted provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site can be restored to an alternative after-use in accordance with Policy DM 19 should the main development be delayed or not implemented.

## **7.20 Policy DM 22: Enforcement**

**7.20.1** The Plan seeks to promote sustainable development within Kent. Positive and balanced policies have been designed to help support and encourage this principle. Hand-in-hand with this objective is the need to ensure a general upholding of planning law. Within this context, informal and negotiated solutions to planning control problems are sought, acting with discretion and in a proportionate way.

<sup>128</sup> "Ancillary Development" is defined in the Town and Country Planning Act S90. In relation to minerals and waste developments "ancillary development" only includes development that is directly related to the minerals or waste development proposed.

However, there will be occasions when determined planning breaches cause significant environmental and amenity issues and may threaten the integrity of the planning system. To fully meet such challenges requires the actions of a local control and management regime and the support of a recognised policy base.

## **Policy DM 22**

### **Enforcement**

The County Council will carry out its planning enforcement functions within the terms of its own Enforcement Plan/Protocols (and any subsequent variations) and specifically for waste-related matters, in light of the European Union **policies subsumed into UK law.** ~~Waste Framework Directive 2008/98/EC~~

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## 8. Managing and Monitoring the Delivery of the Strategy

### **\*\*\*\*Chapter 8 will be updated following consultation on the draft refreshed KMWLP\*\*\*\***

**8.0.1** Monitoring is an important part of evidence-based policy making. The NPPF states that local planning authorities should ensure that the local plan is based on adequate, up-to-date and relevant evidence<sup>129</sup>. The Kent MWLP therefore requires a monitoring schedule to ensure it remains based on up-to-date evidence and to measure the effectiveness of its vision and objectives.

**8.0.2** The monitoring and implementation framework set out in this section shows how the Strategic Objectives of the Kent MWLP will be achieved by monitoring data indicators relevant to each of the Plan's policies. The framework includes targets against which the performance of the policies can be monitored, plus associated 'trigger points' to indicate when corrective action may be required. The monitoring of each indicator will be carried out as part of the production of the Kent Annual Monitoring Report. Policies may be subject to review if annual monitoring indicates that significant, adverse trends are likely to continue.

**8.0.3** Following the enactment of the *Localism Act 2011* it is now the responsibility of each local authority to decide what to include in its monitoring reports, while satisfying the information requirements of relevant UK and EU legislation. KCC still attaches importance to the former core national output indicators, used as the basis for monitoring in previous years, and will continue to report on these indicators. These are:

- production of primary land-won aggregates
- production of secondary and recycled aggregates
- capacity of waste management facilities by type
- amount of municipal waste arising and managed, by management type and the percentage each management type represents of the total waste managed.

**8.0.4** In addition, KCC also monitors local output indicators as follows:

- new mineral reserves granted permission
- construction aggregate landbanks
- other minerals landbanks
- safeguarding of wharves and rail depots
- sales of construction aggregates at wharves and rail depots
- waste growth rate
- exports and imports of waste
- capacity for managing waste in Kent

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<sup>129</sup> DCLG (2012) National Planning Policy Framework, para. 158

**8.0.5** Data for many of the mineral related indicators is supplied by the South East England Aggregate Working Party (SEEAWP). KCC intends to include these local output indicators in the AMR and/or the Local Aggregate Assessment (LAA) for as long as the data remains available. In accordance with the agreements with industry and their trade associations, this information is only available in a collated form, so individual site information cannot be easily identified. This can cause problems for planning for minerals, especially where there is a limited number of suppliers of particular types of mineral such as brick earth or crushed rock. The SEEAWP reports also provide a limited amount of information on secondary and recycled aggregates. The potential problem with this source of material is that some operators are reluctant to provide survey returns and so the values obtained are considered likely to be an under-representation of the actual amount of secondary and recycled aggregates produced in Kent in any one year.

**8.0.6** The National Planning Policy for Waste<sup>130</sup> also refers to specific parameters being monitored to inform the determination of planning applications. In particular:

- take-up in allocated sites and areas;
- existing stock and changes in the stock of waste management facilities, and their capacity (including changes to capacity); and
- the amounts of waste recycled, recovered or going for disposal.

**8.0.7** The supporting Planning Practice Guidance<sup>131</sup> also refers to the need to monitor annual arisings to allow for review of the forecasts that underpin the strategy.

**8.0.8** Data on Local Authority Collected Waste is readily available and reported to central Government on an annual basis. Data on C&I waste arisings is less readily available. Similarly, until now there has not been any regular reporting of hazardous waste arisings in Kent or the amount of hazardous waste managed in the county. This information was collated as part of the evidence base for the Plan<sup>132</sup>. It is proposed to include the following additional new local output indicators to monitor the effectiveness of the Kent MWLP policies regarding these waste streams in future AMRs:

- C&I waste generated in Kent that is landfilled within Kent and outside Kent
- hazardous waste arising in Kent that is managed within Kent and outside Kent
- The following monitoring schedule includes considers how each of the Plan's Strategic Objectives will be implemented through the Plan's policies and how their achievement will be monitored

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<sup>130</sup> DCLG (October 2014) National Planning Policy for Waste, para.9

<sup>131</sup> DCLG (updated October 2014) National Planning Policy Framework Planning Practice Guidance on Waste, para. 054.

<sup>132</sup> KCC (May 2011) TRW5: Hazardous Waste Management

### Monitoring Schedule: Sustainable Development Policies

Policy	Indicator(s)	Who?	How?		When?	Target	Trigger	Link to Strategic Objective
CSM 1 & CSW 1: Sustainable Development	1. Mineral and waste applications granted contrary to national policy and guidance.	KCC	DM decisions		On-going (annual monitoring)	No application granted planning permission contrary to national policy and guidance	One application permitted contrary to national policy and guidance	SO1; SO2
	2. Minerals and waste applications determined within 13 / 16 weeks. <sup>133</sup>	KCC	DM decisions		On-going (annual monitoring)	100% within the target/ agreed timescale	One application determined beyond the agreed timescale	SO1; SO2
DM 1: Sustainable Design	1. Minerals and waste applications granted that accord with the Kent Design Guide and/or KCC's environmental strategy.	KCC District authorities	District authority local plan adoption		On-going (annual monitoring)	100% of major applications granted planning permission	One application permitted contrary to the cited guidance	SO1; SO2; SO3; SO5; <a href="#">SO140</a> ; <a href="#">SO121</a>
	2. Adoption of the Kent Design Guide by district authorities	KCC District authorities	District authority local plan adoption		On-going (annual monitoring)	100% adoption as supplementary planning guidance	One authority without the adopted supplementary guidance	

<sup>133</sup> For applications without an extension of time agreed with the applicant. 16 weeks for applications accompanied by an Environmental Statement

### Monitoring Schedule: Delivery Strategy for Minerals

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSM 2: Supply of Land-won Minerals in Kent	Reserve data for sharp sand and gravel	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain at least 10.08mt and at least a 7 year landbank (5.46mt) while resources allow	Permitted reserves equivalent to 10% above supply target	SO5;
	Reserve data for soft sand	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain a rolling landbank of at least 7 years supply equivalent to 11.05mt	Permitted reserves equivalent to 10% above landbank target	SO5;
	Reserve data for crushed rock (confidential) <sup>134</sup>	KCC Minerals operators	Aggregates Monitoring Survey	Annual data collection from the previous calendar year	Maintain a rolling landbank of at least 10 years supply equivalent to at least 20.5mt)	Permitted reserves equivalent to 10% above landbank target	SO5;
	Reserve data for brick earth and clay for brick and tile manufacture	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Stock of permitted reserves of at least 25 years for brick earth  Maintenance of sufficient reserves of clay based on past sales and market demand	Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target	SO5;

<sup>134</sup> The sales and reserves of land-won crushed rock are not published as there are only two sites currently producing crushed rock in Kent; the total sales data from three or more sites are required in order to protect commercial confidentiality



Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
	Reserve data for silica sand	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Stock of permitted reserves for individual sites of at least 10 years and 15 years for sites where significant new capital is required	Permitted reserves equivalent to less than three years above the minimum stock of permitted reserves target	SO5;
	Reserve data for chalk for agricultural and engineering purposes	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Maintenance of sufficient reserves to meet supply requirements for the plan period	Permitted reserves equivalent to less than three years of reserves at current (annual) rates	SO5;
	Reserve data for clay engineering purposes	KCC Minerals operators	KCC Survey	Annual data collection from the previous calendar year	Maintenance of sufficient reserves to meet supply requirements for the plan period	Permitted reserves equivalent to less than three years of reserves at current (annual) rates	SO5;
CSM 3: Strategic Site for Minerals	Planning applications granted for alternative development within the Strategic Site for Minerals at Medway Cement Works and the Minerals Consultation Area.	KCC Tonbridge & Malling Borough Council	DM decisions	On-going (annual monitoring)	100% refusal for proposals with an objection from the County Council	One application permitted with an objection from the County Council	SO5;

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSM 4: Non-identified Land-won Mineral Sites	Planning applications granted for mineral extraction at alternative sites outside allocated sites	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5;
CSM 8: Secondary and Recycled Aggregates	Identification of secondary and recycled aggregate capacity in the Minerals Sites Plan.	KCC Secondary and recycled aggregate operators	Mineral Sites Plan	Adoption of the Mineral Sites Plan On-going (annual monitoring)	To maintain at least 2.7mtpa of processing capacity throughout the plan period	Processing capacity falls by the equivalent to 10% below the target capacity	SO2; SO6; SO10
	Planning applications granted for secondary and recycled aggregate production.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSM 9: Building Stone in Kent	Planning applications granted for building stone extraction.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5; SO8;
CSM 10 : Oil, Gas and Unconventional Hydrocarbons	Planning applications granted associated with the exploration, appraisal and development of oil, gas and unconventional hydrocarbons.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO2; SO3; SO9
CSM 11: Prospecting for Carboniferous Limestone	Planning applications granted for underground limestone prospecting.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO5;
CSM 12: Sustainable Transport of Minerals	Planning applications granted for the sustainable transport of minerals (e.g. water or rail).	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO2; SO3; SO5; SO7; <b>SO121;</b> <b>SO143;</b>

**Monitoring Schedule: Delivery Strategy for Waste**

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW 2: Waste Hierarchy	Existing waste capacity by facility type and Waste Hierarchy category.	KCC EA	EA waste management facility data  DM information	On-going (annual monitoring, when data is made public)	Increasing the proportions of waste management capacity further up the waste hierarchy	Relative and total fall in the proportion of waste capacity provided further up the waste hierarchy	SO2; SO3; <a href="#">SO140</a> ; <a href="#">SO121</a> ; <a href="#">SO132</a>
	Planning applications for waste management to include information on how the proposal will help drive waste to ascend the Waste Hierarchy wherever possible and practicable	KCC Waste operators	DM decisions and information	On-going (annual monitoring)	100% of proposals granted planning permission providing the required information where relevant	One application permitted without the required information	

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW 3: Waste Reduction	All development applications <sup>135</sup> submitted with details of the compliance to policy CSW 3as applicable	KCC  District authorities	DM decisions	On-going (annual monitoring)	100% of applications granted planning permission providing the required information where relevant	One application permitted without the required information	SO2; SO3; SO6; <a href="#">SO10</a> ; <a href="#">SO140</a> ; <a href="#">SO132</a>
CSW 4: Strategy for Waste Management Capacity	Annual capacity of waste management facilities.	KCC  EA	Planning permission data  Data on flows to and from permitted waste management facilities of waste arising from Kent	On-going (annual monitoring)	LACW:  Recycling/ composting rates atleast 50% by 2020/21, 55% by 2025/26 and 60% by 2030/31;  Landfilling no more than 2% by 2020/21, 2% in 2025/26 and 2% in 2030/31  C&I Waste:  Recycling/ composting rates atleast 50% by	Capacity fallen to 10% above the target capacity beyond the years stated	SO1; SO6; <a href="#">SO10</a> ; <a href="#">SO140</a> ; <a href="#">SO132</a>

<sup>135</sup> Except householder applications.

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
					<p>2020/21, 55% by 2025/26 and 60% by 2030/31</p> <p>Landfilling no more than 15% by 2020/21, 12.5% in 2025/26 and 10% in 2030/31</p> <p>C%D Waste (Non-inert):</p> <p>Recycling rates atleast 12% by 2020/21, 13% by 2025/26 and 14% by 2030/31</p> <p>Composting ratesat least 1% by 2020/21, 1% in 2025/26 and 1% in 2030/31</p> <p>Landfilling no more than 2% by 2020/21, 1% in 2025/26 and 0.5% in 2030/31</p>		

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
	Net self-sufficiency plus proportion of London's waste.	KCCEA	Data on flows to and from permitted waste management facilities in Kent	On-going (annual monitoring)	Tonnages of waste arising from Kent equivalent to the tonnages of waste managed within Kent  Capacity for residual waste from London	More than -10% difference in the annual levels of imports and exports  Spare consented capacity falls below forecast need for Kent by 10%	
CSW 5: Strategic Site for Waste	Planning decisions resulting in development (other than mineral working with restoration through the landfilling of hazardous flue dust from Energy from Waste plants in Kent <sup>136</sup> ) on or near the Strategic Site for Waste that could adversely affect development of required capacity to serve Allington EfW.	Swale Borough Council	DM decisions	On-going (annual monitoring)	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	<a href="#">SO132</a> ; <a href="#">SO143</a> ;

<sup>136</sup> Note that in the event that government policy changes such that hazardous flue dust from Energy from Waste plants can no longer be landfilled, restoration by other means may be possible.

	An appropriate planning application granted on the Strategic Site for Waste	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	
<b>Policy</b>	<b>Indicator(s)</b>	<b>Who?</b>	<b>How?</b>	<b>When?</b>	<b>Target</b>	<b>Trigger</b>	<b>Link to Strategic Objective</b>
CSW 7: Waste Management for Non-Hazardous Waste	Planning applications granted for non-hazardous waste developments	KCC	DM decisions and conditions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; <a href="#">SO140</a> ; <a href="#">SO132</a> ; <a href="#">SO143</a>
CSW 8: Recovery Facilities for Non-hazardous Waste <sup>137</sup>	Percentage of waste managed in Kent diverted from landfill.	KCC WMU  KCCEA	EA waste management facility data  National survey data	On-going (annual monitoring-when national data is made public)	Landfilling of no more than 5% of household waste by 2020/21	Within 10% of the target maximum for the household waste landfill diversion target at or beyond the dates stated	SO2; SO3; <a href="#">SO140</a> ; <a href="#">SO121</a> ; <a href="#">SO132</a> ; <a href="#">SO143</a>
	Remaining capacity of non-hazardous landfill.  Planning applications granted for EfW Facilities and their capacity.	KCC WMU  KCCEA	EA waste management facility data  DM information and decisions	On-going (annual monitoring)	Maintain sufficient voidspace for residual waste to the end of the plan period  Planning permission granted for a maximum of 437,500 tonnes of	Sufficient capacity for net self sufficiency (import and export levels) for non-inert management capacity plus 10%  Insufficient capacity for non hazardous landfill	

<sup>137</sup> N.B. Monitoring indicators to this policy are proposed to be updated to provide clarification and ensure their effectiveness.



						to manage predicted level of non hazardous waste	
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Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
					non hazardous waste recovery facility  100% of applications meeting all policy criteria granted planning permission	requiring final disposal plus 10% at end of the plan period  One application permitted that does not meet all policy criteria	
CSW 9: Non-Inert Waste Landfill in Kent	Planning decisions resulting in non-inert waste landfilling	KCC  District authorities	KCC &  District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO3; <a href="#">SO140</a> ; <a href="#">SO143</a> ; <a href="#">SO154</a>
CSW 10: Development at Closed Landfill Sites	Planning applications granted on closed Biodegradable Landfill Sites for the developments listed in Policy CSW 10	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; <a href="#">SO10</a> ; <a href="#">SO140</a> ; <a href="#">SO154</a>

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW 11: Permanent Deposit of Inert Waste	Annual volume of CDE waste arisings.	KCC	National survey data  DM decisions and information	On-going (annual monitoring when national data available)	Timely restoration of landfills and mineral workings where their restoration requires fill material	Delay in restoration timetable of landfills and mineral workings due to lack of available suitable fill material  Delay in development of mineral extraction sites where phasing requires progressive restoration.	SO3; SO10; SO140; SO143; SO154
	Annual CDE waste recycling capacity.	KCC	National survey data  DM decisions and information	On-going (annual monitoring when national data available)	Suitable sites allocated in the Waste Sites Plan to maintain the minimum capacities stated in CSW 8 throughout the Plan period	More than 10% deficit in the actual capacity provided at or beyond the dates stated in CSW 8	
	Planning applications granted for permanent deposit of inert waste.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW 12: Identifying Sites for Hazardous Waste	Capacity of hazardous waste management facilities.	KCCEA	DM information  EA data on hazardous waste movements	On-going (annual monitoring )	Annual net self-sufficiency in hazardous waste	Capacity fallen to 90% of capacity for net self sufficiency	SO10; SO3; SO143;
	Planning decisions resulting in permitted built hazardous waste management facilities	KCC  District authorities	KCC &  District authority DM decisions	On-going (annual monitoring )	100% of applications meeting all relevant policy criteria in CSW 6 granted planning permission	One application permitted that does not meet all policy criteria	
CSW 13: Remediation of Brownfield Land	Temporary waste related planning applications granted on brownfield land that facilitate its redevelopment	KCC  District authorities	DM decisions  Sites identified in an adopted district local plan	On-going (annual monitoring )	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; SO4; SO143; SO154
CSW 14: Disposal of Dredgings	Planning applications granted for the disposal of dredgings.	KCC	DM decisions	On-going (annual monitoring )	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO3; SO143

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
CSW 15: Wastewater Development	Wastewater treatment works, sewage sludge treatment and disposal facilities granted planning permission.	KCC	Sites identified in the Waste Sites Plan	Adoption of the Waste Sites Plan	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO1; SO3; <a href="#">SO121</a> ; <a href="#">SO143</a>
CSW 17: Nuclear Waste Treatment and Storage at Dungeness	Planning applications granted for storage and/or management of radioactive waste in the licensed area at Dungeness.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO2; SO3; <a href="#">SO121</a> ; <a href="#">SO143</a>
CSW 18: Non-nuclear Industry Radioactive Low Level (LLW) Waste Management	Planning applications granted for facilities managing non-nuclear LLW and VLLW waste.	KCC	DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria	SO3; <a href="#">SO121</a> ; <a href="#">SO143</a>
	Monitoring of waste material source.	KCC	Planning application information	On-going (annual monitoring)	100% of applications granted planning permission providing the required information	One application permitted without the required information	

### Monitoring Schedule: Minerals and Waste Safeguarding Strategy

Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Relevant Strategic Objective
CSM 5: Land-won Mineral Safeguarding	Decisions resulting in non mineral development permitted within Kent MSAs.	KCC  District authorities	District/ Borough Council DM decisions	On-going (annual monitoring)	100% refusal for applications with an objection from the County Council	One application permitted  with an objection from the County Council	SO3; SO5
	Decisions resulting in non-mineral development permitted within the separate MCA adjacent to the Strategic Site for Minerals at Medway Works, Holborough.	KCC  District authorities	District/ Borough Council  DM decisions	On-going (annual monitoring)	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	
	Decisions resulting in non-mineral development permitted on sites for mineral working within the plan period identified in <a href="#">Appendix C the AMR and/or LAA</a> , and in the Minerals Sites Plan.	KCC  District authorities	District/ Borough Council  DM decisions  Mineral Sites Plan	On-going (annual monitoring)  Adoption of the Mineral Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	
	Review of Minerals Safeguarding Areas (MSAs)	KCC	KCC	On-going (annual monitoring)	The need to revise the boundaries of the MSAs has been reviewed at least once each year	MSAs not reviewed in any one year	

<b>Policy</b>	<b>Indicator(s)</b>	<b>Who?</b>	<b>How?</b>	<b>When?</b>	<b>Target</b>	<b>Trigger</b>	<b>Relevant Strategic Objective</b>
CSM 6: Safeguarded Wharves and Rail Depots	Decisions resulting in non-mineral development permitted within 250m of safeguarded minerals transportation facilities listed in Policy CSM 6 <sup>138</sup> and allocated sites in the Mineral Sites Plan (other than the developments listed in Policy DM8 criteria 1)	KCC  District authorities	District authority DM decisions	On-going (annual monitoring)  Adoption of the Minerals Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO2; SO7
CSM 7: Safeguarding Other Mineral Plant Infrastructure	Decisions resulting in other development permitted on, or within 250m of, sites safeguarding for other mineral plant infrastructure	KCC  District authorities	KCC & District authority DM decisions	On-going (annual monitoring)	100% refusal for proposals with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO2; SO6; SO7
CSW 16: Safeguarding of Existing Waste Facilities	Decisions resulting in non-waste management uses permitted on, or within 250m of, sites with permanent planning permission for waste management uses and sites allocated in the Waste Sites Plan	KCC  District authorities	District DM decisions	On-going (annual monitoring)  Adoption of the Waste Sites Plan	100% refusal for applications with an objection from the County Council	One application permitted with an objection from the County Council	SO1; SO4; SO12

<sup>138</sup> Boundaries of the safeguarding facilities are shown in Chapter 9.1 Adopted Policies Maps - Safeguarded Wharves and Rail Importation Depot.

<b>Policy</b>	<b>Indicator(s)</b>	<b>Who?</b>	<b>How?</b>	<b>When?</b>	<b>Target</b>	<b>Trigger</b>	<b>Relevant Strategic Objective</b>
DM 7: Safeguarding Mineral Resources	Decisions resulting in incompatible non-mineral development permitted in mineral safeguarded areas(as defined in Policy CSM5).	District authorities  KCC	District authority DM decisions	On-going (annual monitoring )	100% of applications meeting all policy criteria granted planning permission	One application permitted that doesnot meet all policy criteria with an objection from the County Council	SO3; SO5
	Adoption of a Supplementary Planning Document (SPD) setting outfurther information about theapproach to Minerals Safeguarding	KCC	KCC	2015 - 2017	SPD adopted by of end of 2016	Failure to adopt SPDby of end 2016	SO3; SO5
	Allocations in adopted Local Plans for development incompatible with the presumption to safeguard minerals within mineral safeguarded areas (as definedby CSM 5).	District Authorities and KCC	District authority planning policy decisions	No Change	100% of local plan allocations meeting all policy criteria (except criterion 7)	An allocation in a localPlan that does not meet all policy criteria(except criterion 7) with an objection fromthe County Council	SO3



Policy	Indicator(s)	Who?	How?	When?	Target	Trigger	Relevant Strategic Objective
DM 8: Safeguarding Minerals Management, Transportation & Waste Management Facilities	Decisions resulting in incompatible non-minerals or waste development permitted within, or in the vicinity of, existing safeguarded minerals management, transportation or waste management facilities.	District authorities  KCC	District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria with an objection from the County Council	SO1; SO2; SO4; SO7; <b>SO121</b>
	Allocations in adopted Local Plans considered incompatible with the presumption to safeguard minerals and waste facilities from direct loss and/or within 250m of a safeguarded facility where there will be the high probability of incompatibility that may lead to the lawful operation of the safeguarded facility to cease or be compromised such that will affect its lawful operational viability	District Authorities and KCC	District Authority planning policy decisions	On-going (annual monitoring)	100% of local plan allocations meeting all policy criteria (except criterion 2)	An allocation in a local Plan that does not meet all policy criteria (except criterion 2) with an objection from the County Council	SO1; SO2; SO4; SO7; <b>SO121</b>
DM 9: Prior Extraction of Minerals in Advance of Surface Development	Planning applications granted / decisions resulting in, or incorporating, mineral extraction in advance of built development where the resources would otherwise be permanently sterilised.	KCC  District authorities	KCC and/or District authority DM decisions	On-going (annual monitoring)	100% of applications meeting all policy criteria granted planning permission	One application permitted that does not meet all policy criteria (with an objection from the County Council in the case of District decisions)	SO3; SO5

## Approach to the Monitoring of Development Management Policies

**8.0.9** The Plan's Development Management policies will be monitored using the relevant planning applications data as an indicator. The performance of each policy will be monitored on an annual basis and recorded in the AMR in accordance with the following strategy:

- **Target:** 100% of applications meeting all applicable policy criteria granted planning permission. To include the submission of the required information where relevant.
- **Trigger:** One application permitted that does not meet all relevant policy criteria and requirements, unless clearly justified.

**8.0.10** Policy DM 2 applies to both proposals for minerals and waste development and the identification of sites in the Kent Minerals and Waste Sites Plans:

- **Target:** 100% of applications/ proposed site allocations meeting all applicable policy criteria granted planning permission / allocated in the Minerals or Waste Sites Plan. To include the submission of the required policy information where relevant.
- **Trigger:** One application permitted / adopted site allocation that does not meet all policy criteria, unless clearly justified.

Policy	Who?	How?	Link to Strategic Objective
DM 2: Environmental and Landscape Sites of International, National and Local Importance	KCC	DM decisions Adoption of Mineral and Waste Sites Plans	SO2; SO3; SO9; <a href="#">SO154</a>
DM 3: Ecological Impact Assessment	KCC	DM decisions	SO2; SO3; SO9; <a href="#">SO154</a>
DM 4: Green Belt	KCC	DM decisions	SO1; SO2; SO3; SO9; <a href="#">SO154</a>

DM 5: Heritage Assets	KCC	DM decisions	SO3;
DM 6: Historic Environment Assessment	KCC	DM decisions	SO3;
DM 10: Water Environment	KCC	DM decisions	SO2; SO3;
DM 11: Health and Amenity	KCC	DM decisions	SO1; SO2; SO3; SO4; SO9; SO154
DM 12: Cumulative Impact	KCC	DM decisions	SO1; SO2; SO3; SO121; SO143
DM 13: Transportation of Minerals and Waste	KCC	DM decisions	SO1; SO2; SO3; SO6; SO7; SO10; SO121; SO143
DM 14: Public Rights of Way	KCC Minerals/ waste operators	DM decisions	SO3; SO9; SO154
DM 15: Safeguarding of Transport Infrastructure	KCC	DM decisions	SO1; SO2; SO3; SO7;
DM 16: Information Required In Support of an Application	KCC Minerals/ waste operators	DM decisions	SO2; SO3; SO4; SO9; SO140; SO132; SO154
DM 18: Land Stability	KCC Minerals/ waste operators	DM decisions	SO3;
DM 19: Restoration, Aftercare and After-use	KCC Minerals/ waste operators	DM decisions	SO2; SO3; SO4; SO9; SO154
DM 20: Ancillary Development	KCC	DM decisions	SO1; SO2; SO3; SO6; SO9 SO10; SO140; SO121; SO154

DM 21: Incidental Mineral Extraction	KCC District authorities	KCC and district authority DMdecisions	SO3; SO4; SO5; SO9
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8.0.11 The performance of Development Management policies DM 17 and DM 22 will be monitored as follows:

Policy	Who?	How?	When?	Target	Trigger	Link to Strategic Objective
DM 17: Planning Obligations	KCC	DM decisions	On-going (annual Monitoring)	100% of Planning Obligations agreed and implemented on a case by case basis	One unimplemented legal agreement within 3 years of consent being implemented	SO2; SO3; SO4
DM 22: Enforcement	KCC	DM decisions	On-going (annual monitoring)	100% of cases reported to the Regulation Committee on a quarterly basis	Any alleged breaches being resolved within 6 months of detection	SO2; SO3; SO4

## 9. Adopted Policies Maps

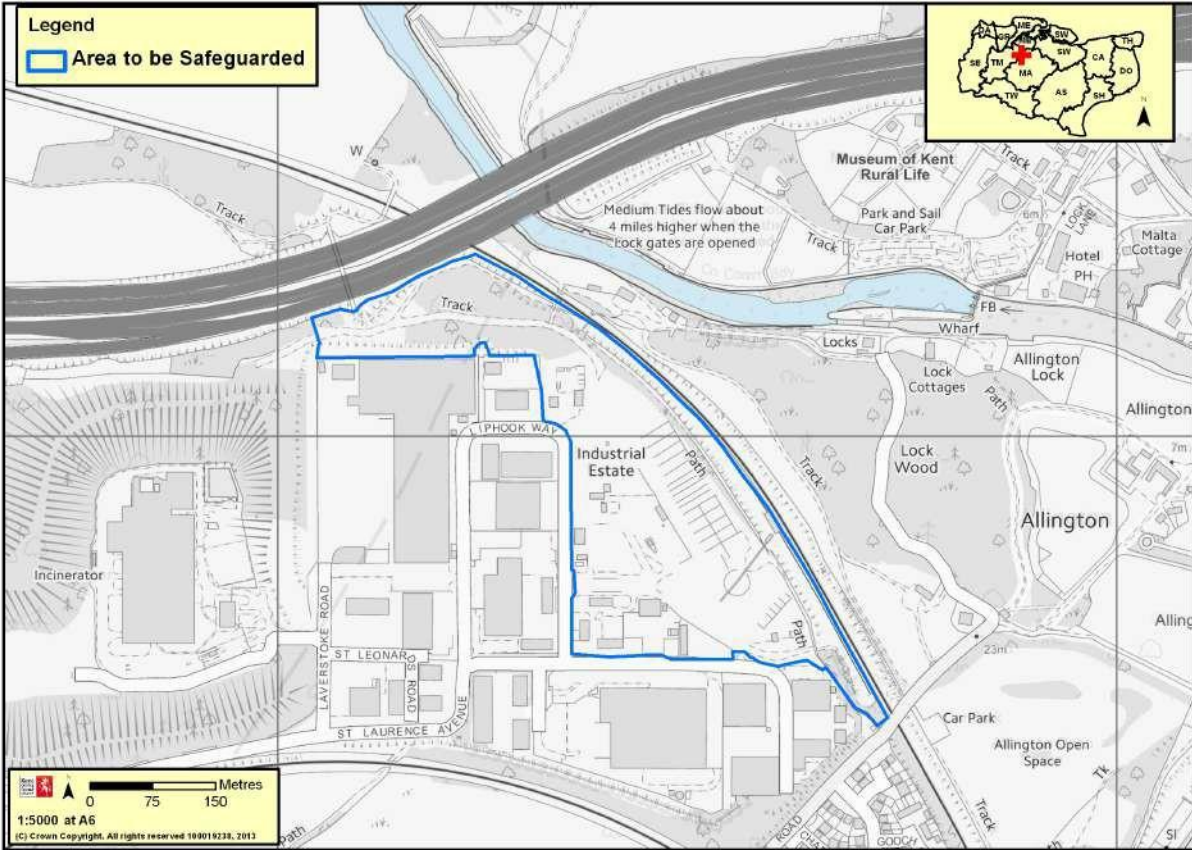
### 9.1 Safeguarded Wharves and Rail Transportation Depots

#### Safeguarded Wharves and Rail Transportation Adopted Policies Maps<sup>139</sup>

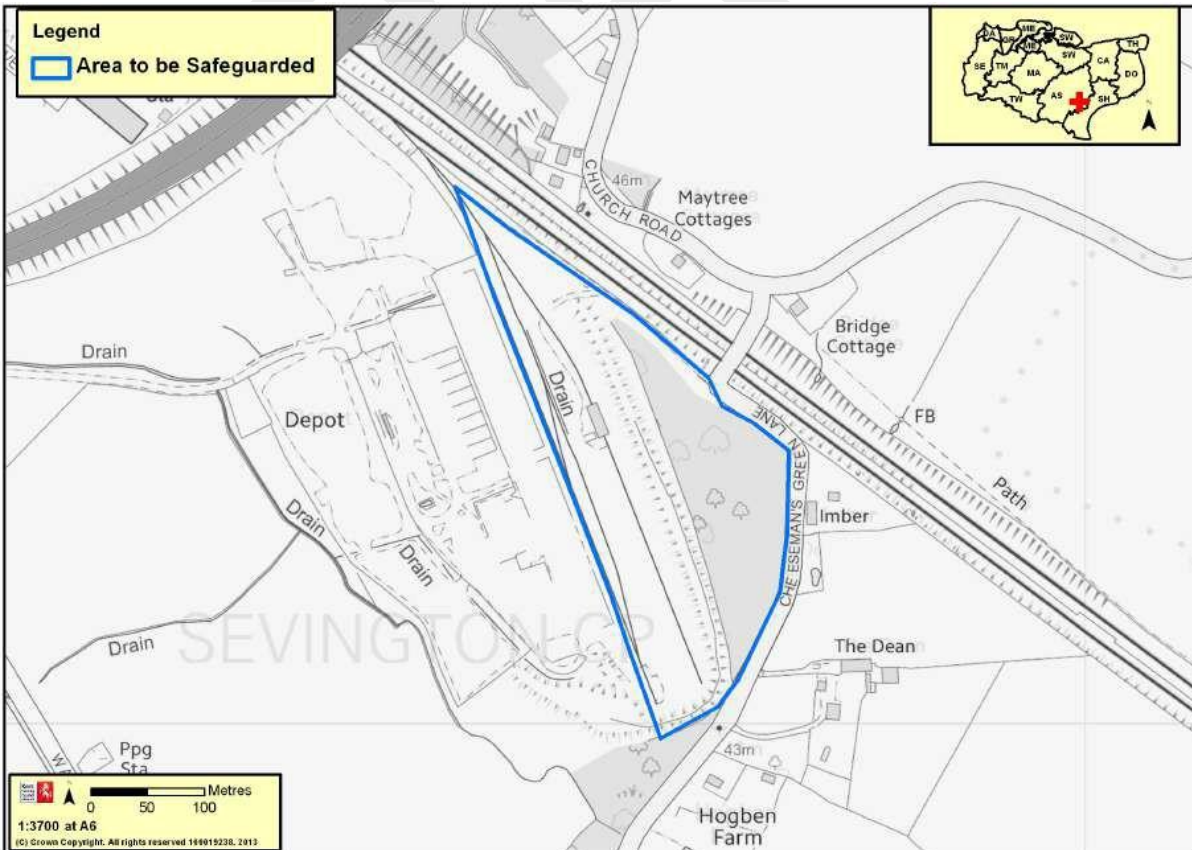
Site Name	Operator	Site Code
Allington Rail Depot	Hanson	A
Sevington Rail Depot	Brett	B
Hothfield Works Rail Depot	Tarmac	C
East Peckham Rail Depot	Clubb	D
Ridham Dock	Brett & Tarmac	E
Johnsons Wharf	Lafarge <b>Tarmac</b>	F
Robin's Wharf, Northfleet	Aggregate Industries & Brett	G
Clubbs Marine Terminal	Clubb	H
East Quay, Whitstable	Brett	J
Red Lion Wharf	Stema Shipping Ltd	K
Ramsgate Port	Brett	L
Dunkirk Jetty, Dover Western Docks	Brett	M
Wharf 42, Northfleet (including Northfleet Cement Wharf)	Lafarge <b>Tarmac</b>	N
Sheerness	Aggregate Industries	O
Northfleet Wharf	Cemex	P
Old Sun Wharf	Fleetmix Ltd	Q

<sup>139</sup> Excludes Medway Wharves and Rail Depots.

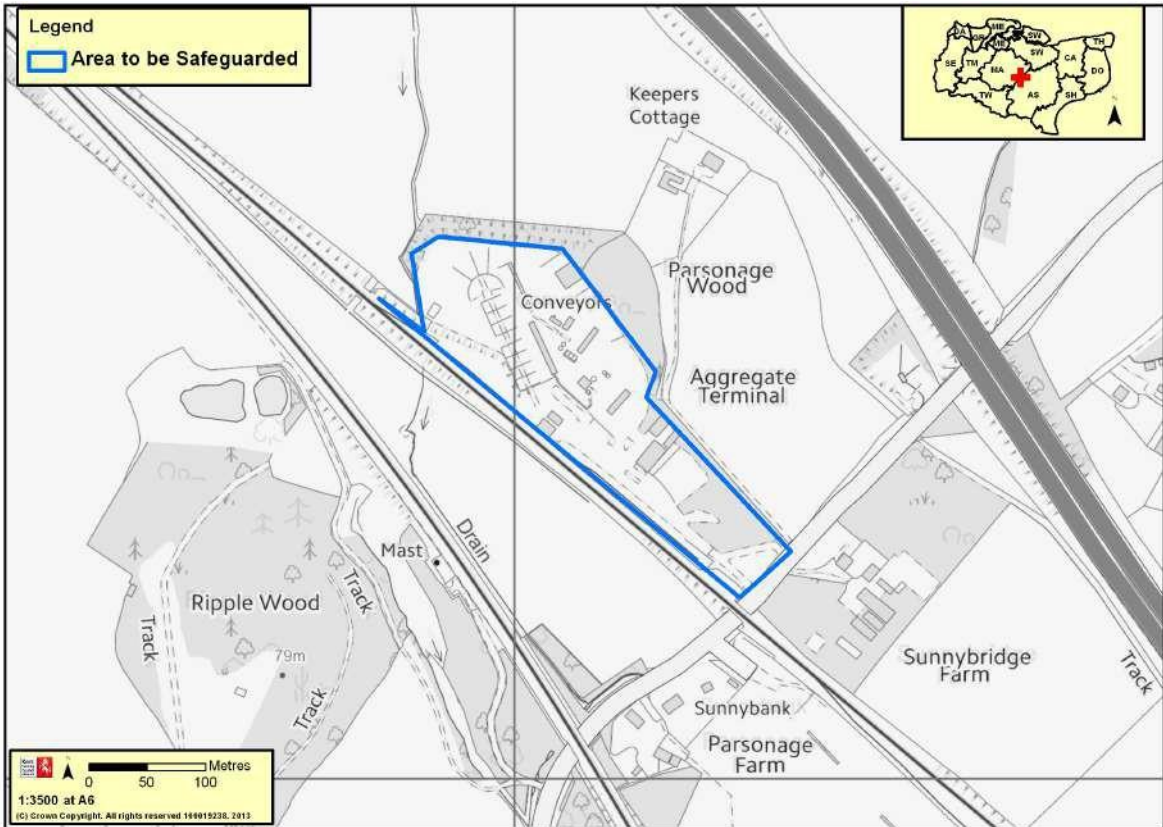
Site A: Allington Rail Depot



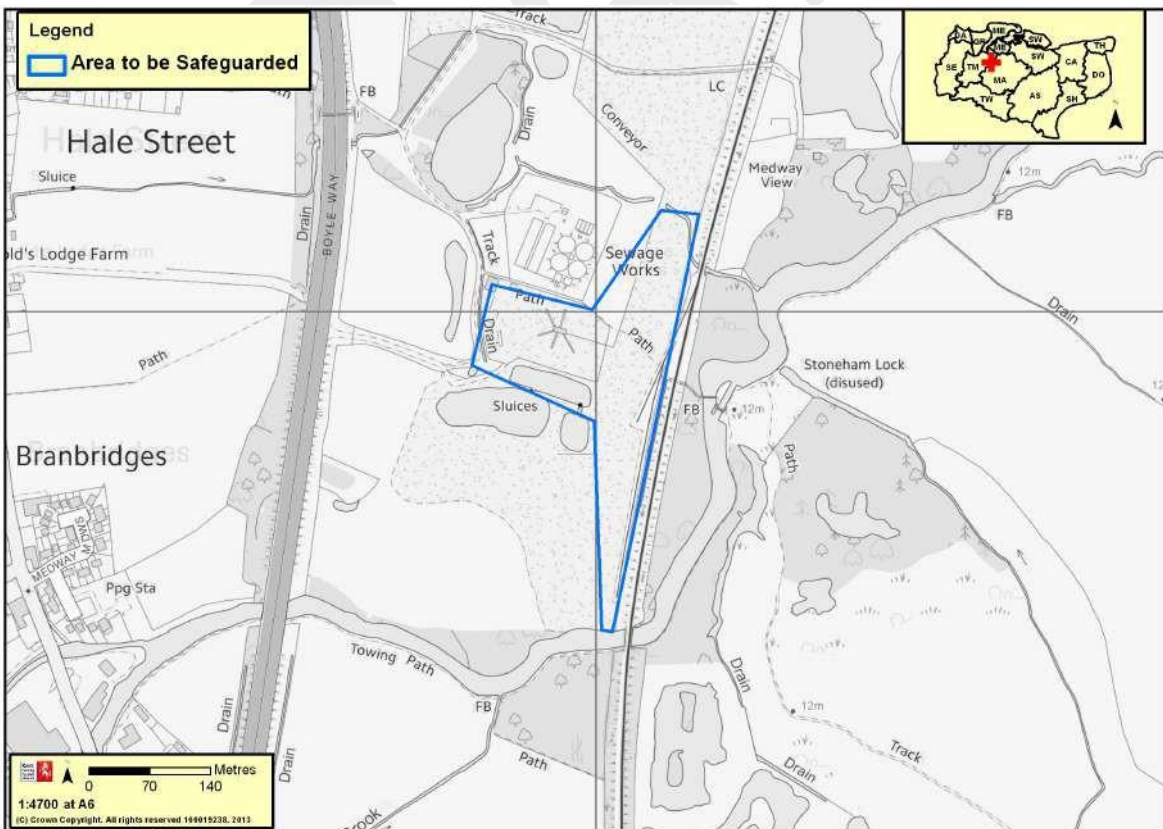
Site B: Sevington Rail Depot



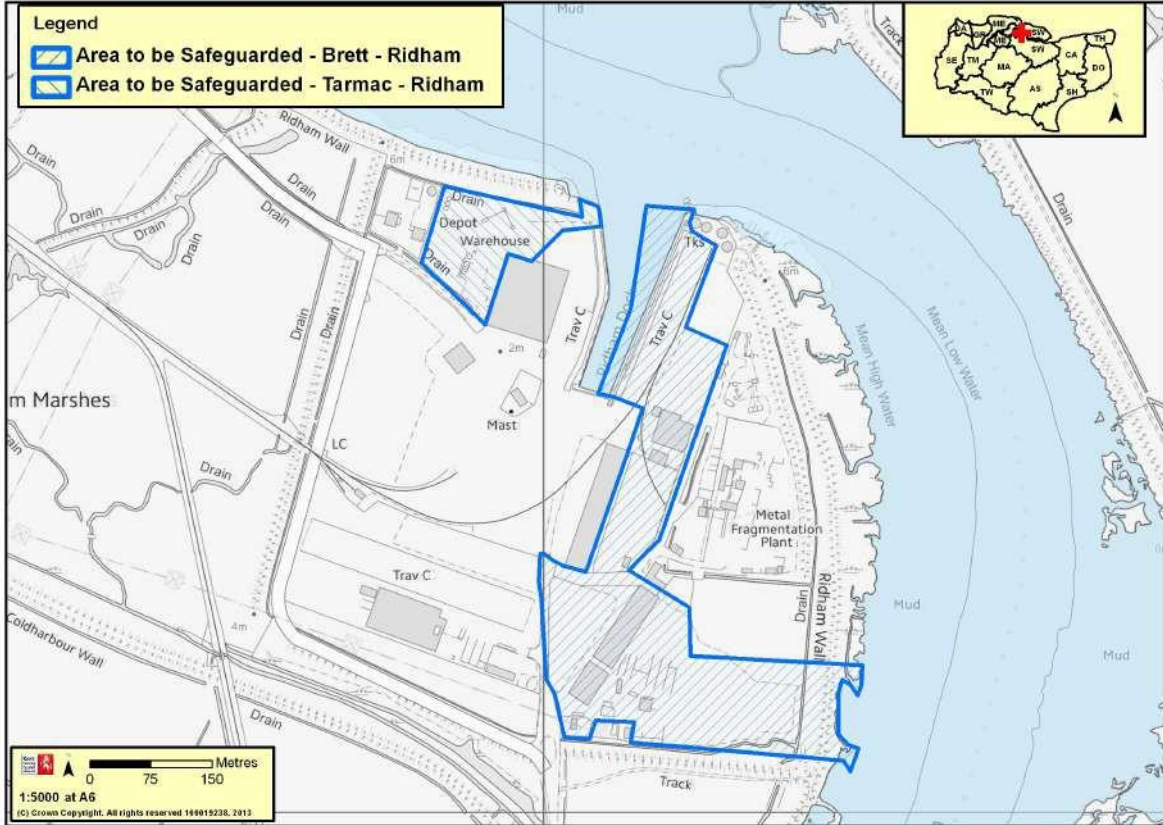
### Site C: Hothfield Works



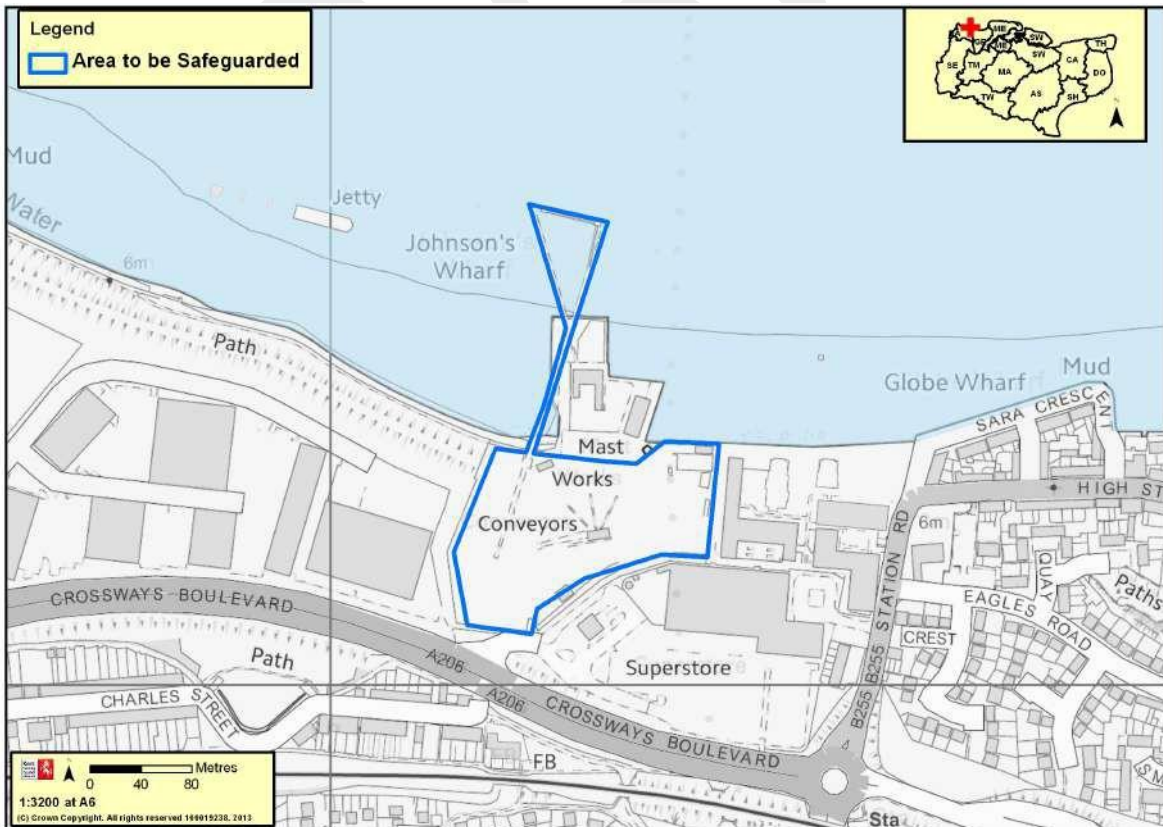
### Site D: East Peckham



### Site E: Ridham Dock

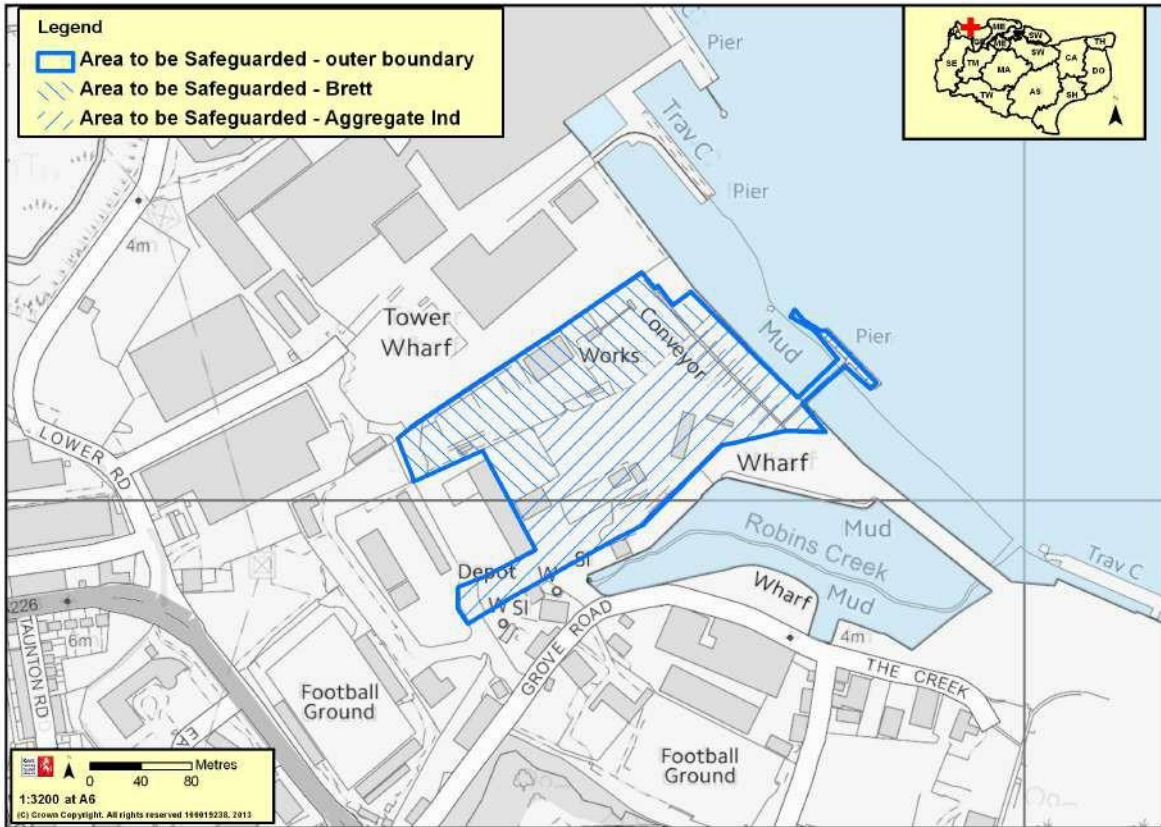


### Site F: Johnsons Wharf

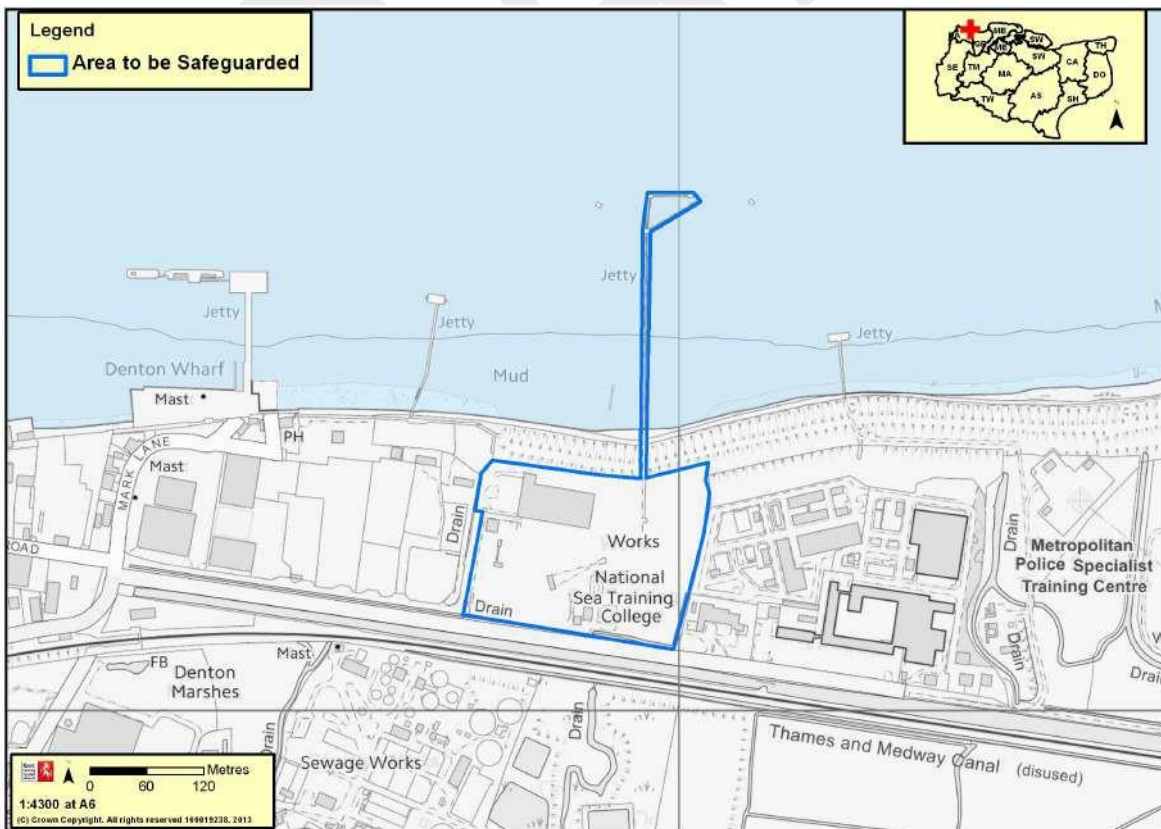




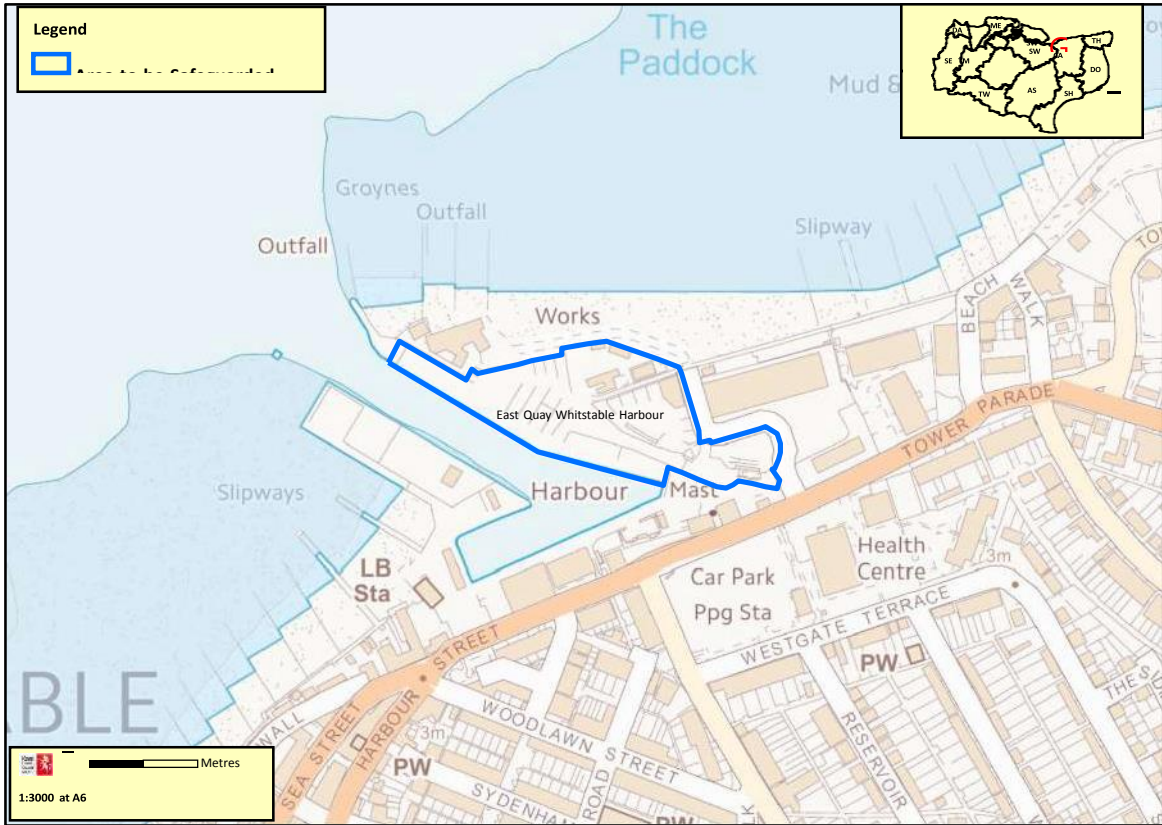
### Site G: Robins Wharf, Northfleet



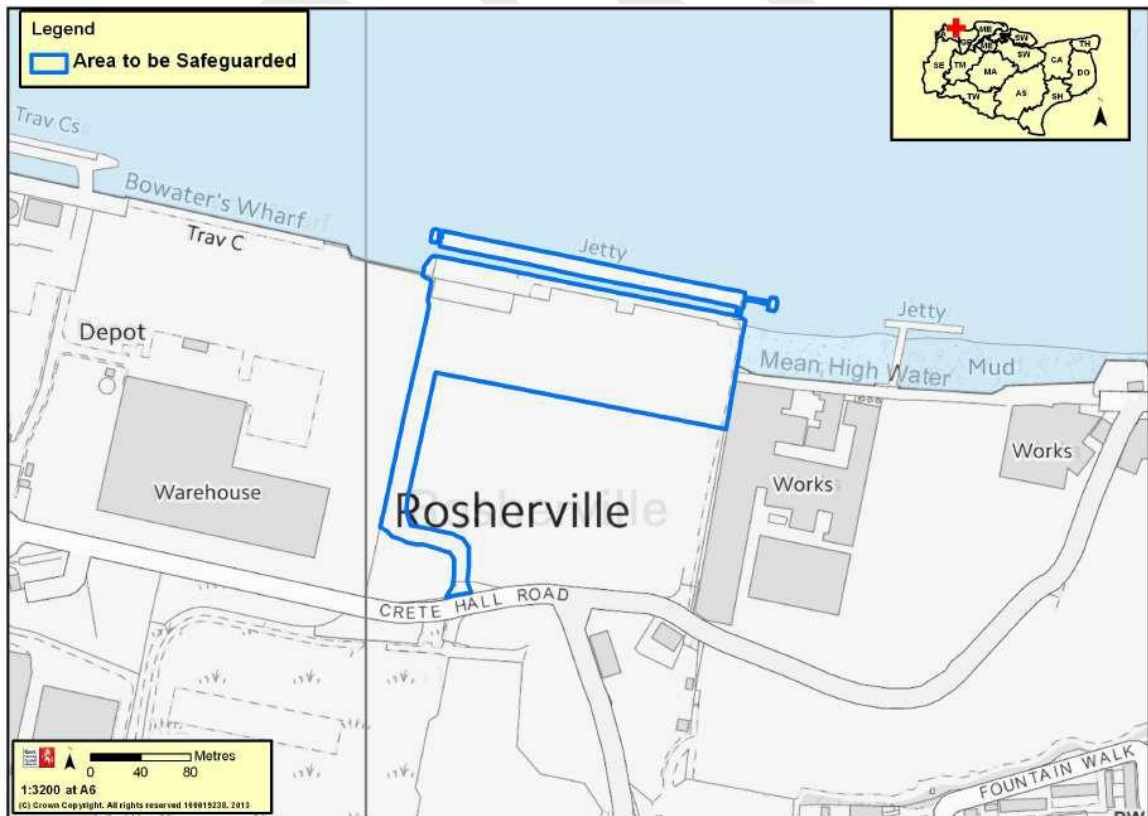
### Site H: Clubbs Marine Terminal



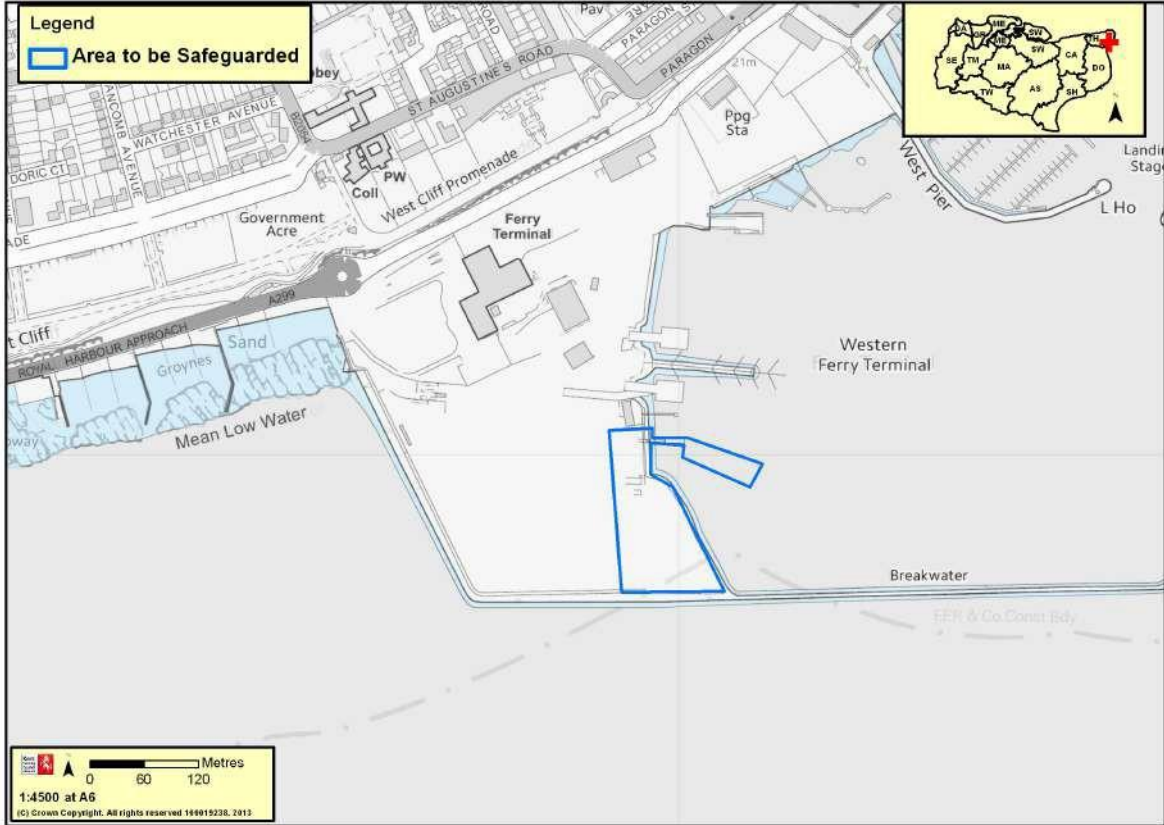
Site J: East Quay, Whitstable



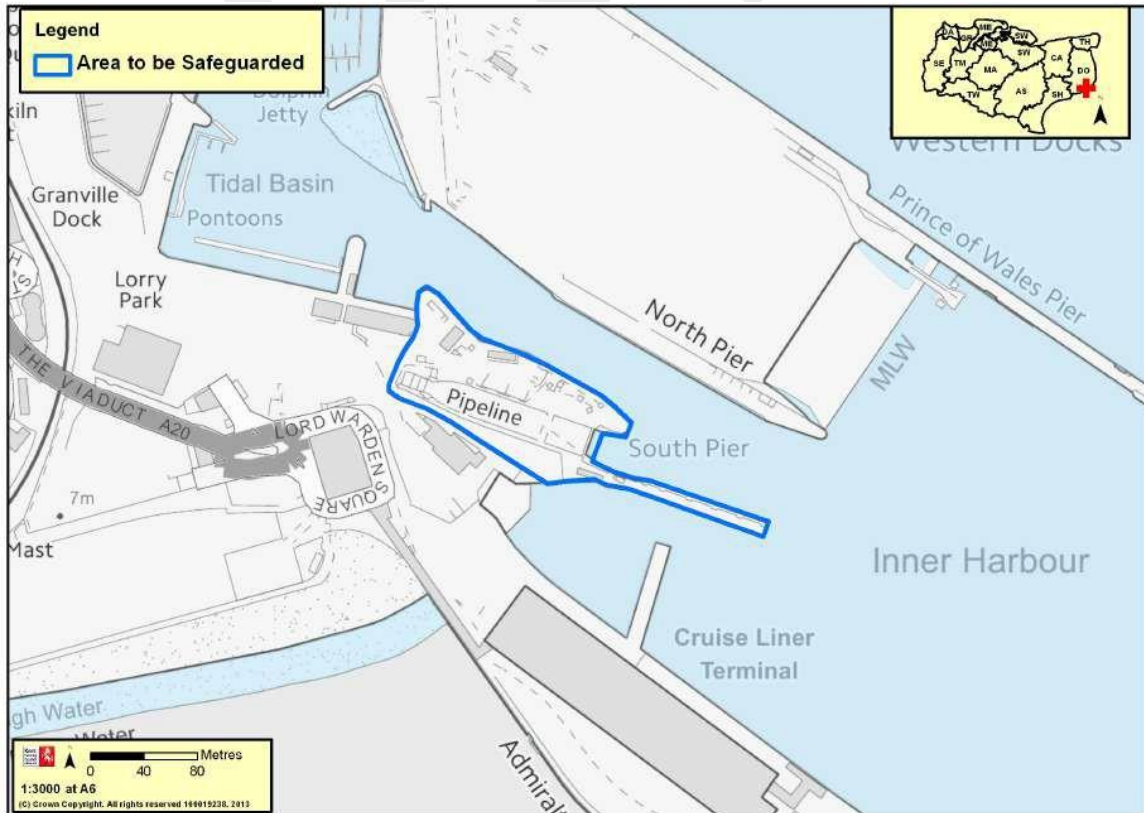
Site K: Red Lion Wharf



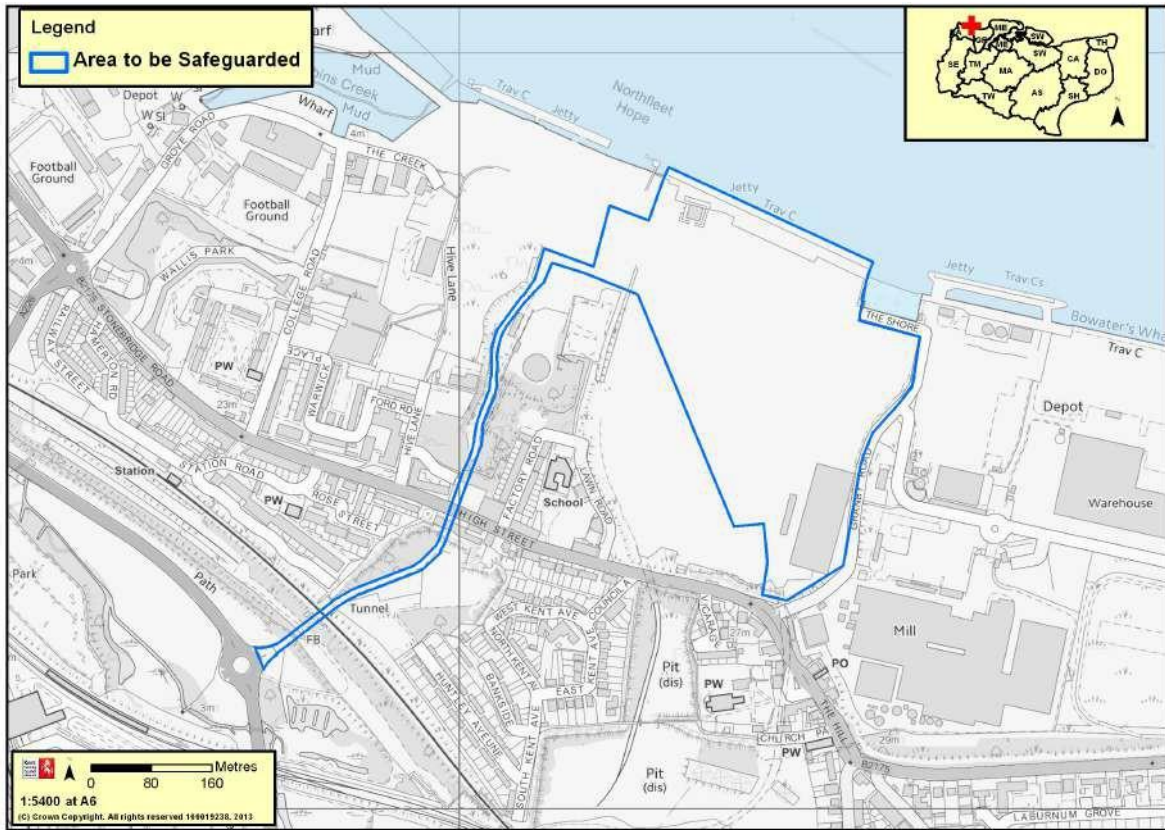
### Site L: Ramsgate Port



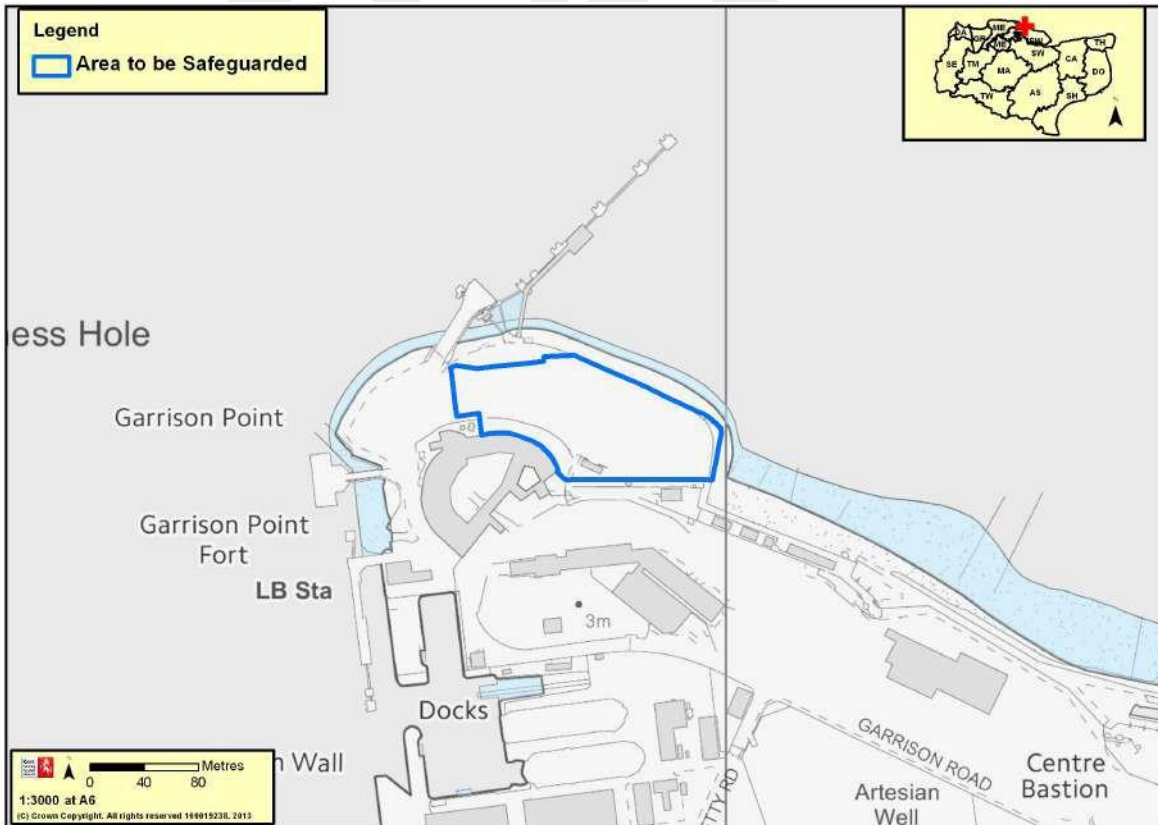
### Site M: Dunkirk Jetty, Dover Western Docks



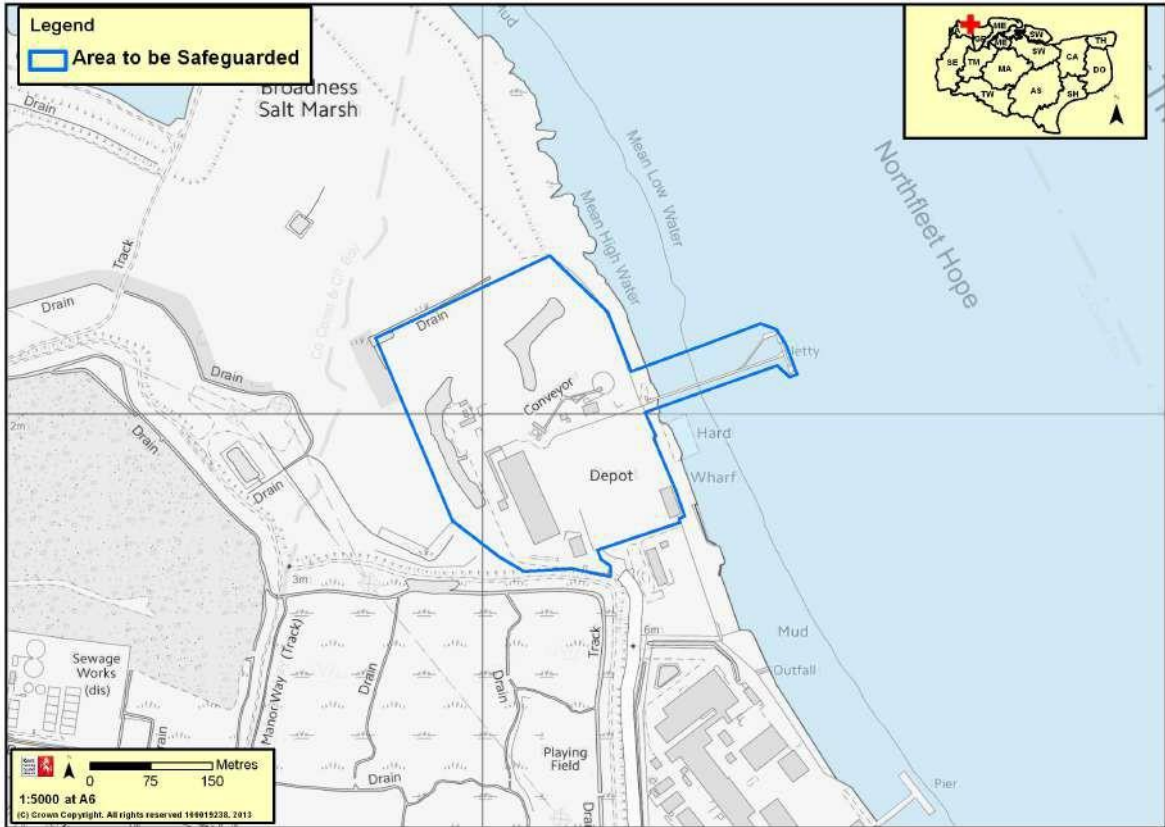
Site N: Wharf 42, Northfleet



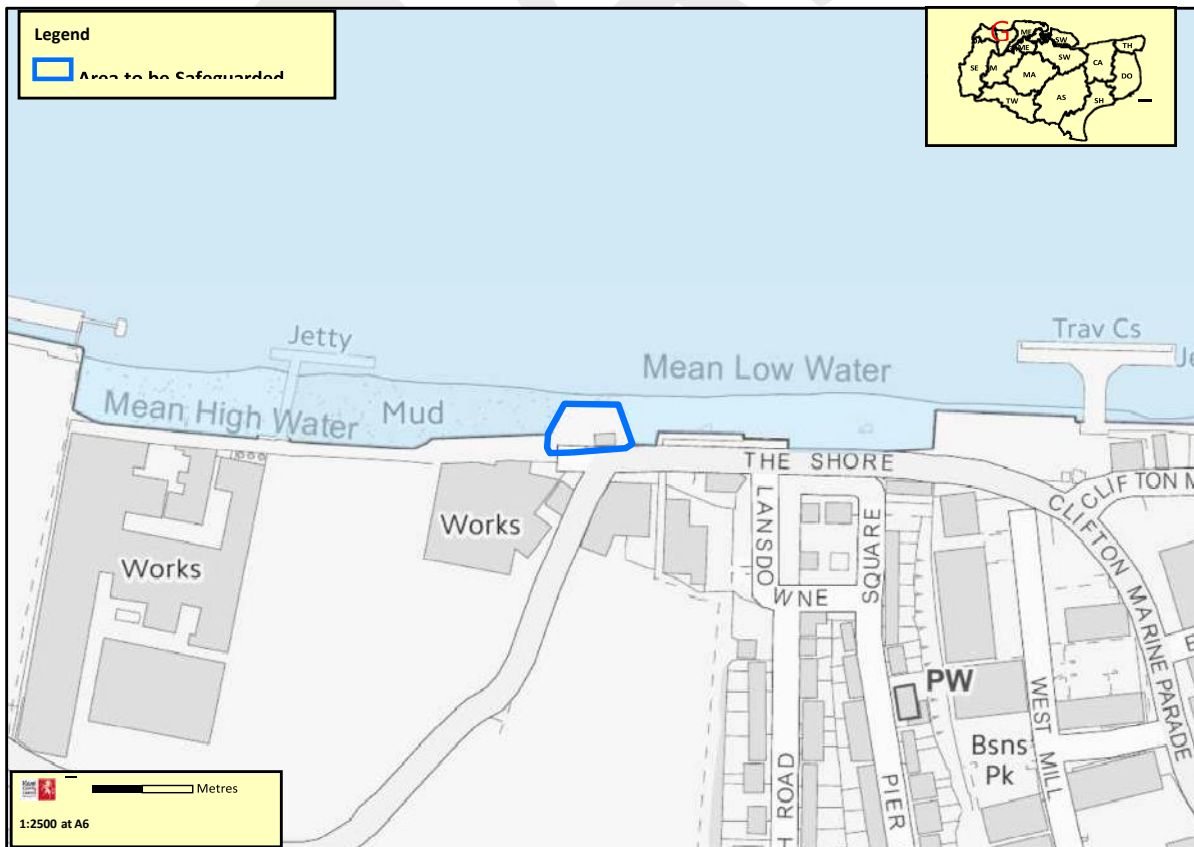
Site O: Sheerness



### Site P: Northfleet Wharf



### Site Q: Old Sun Wharf



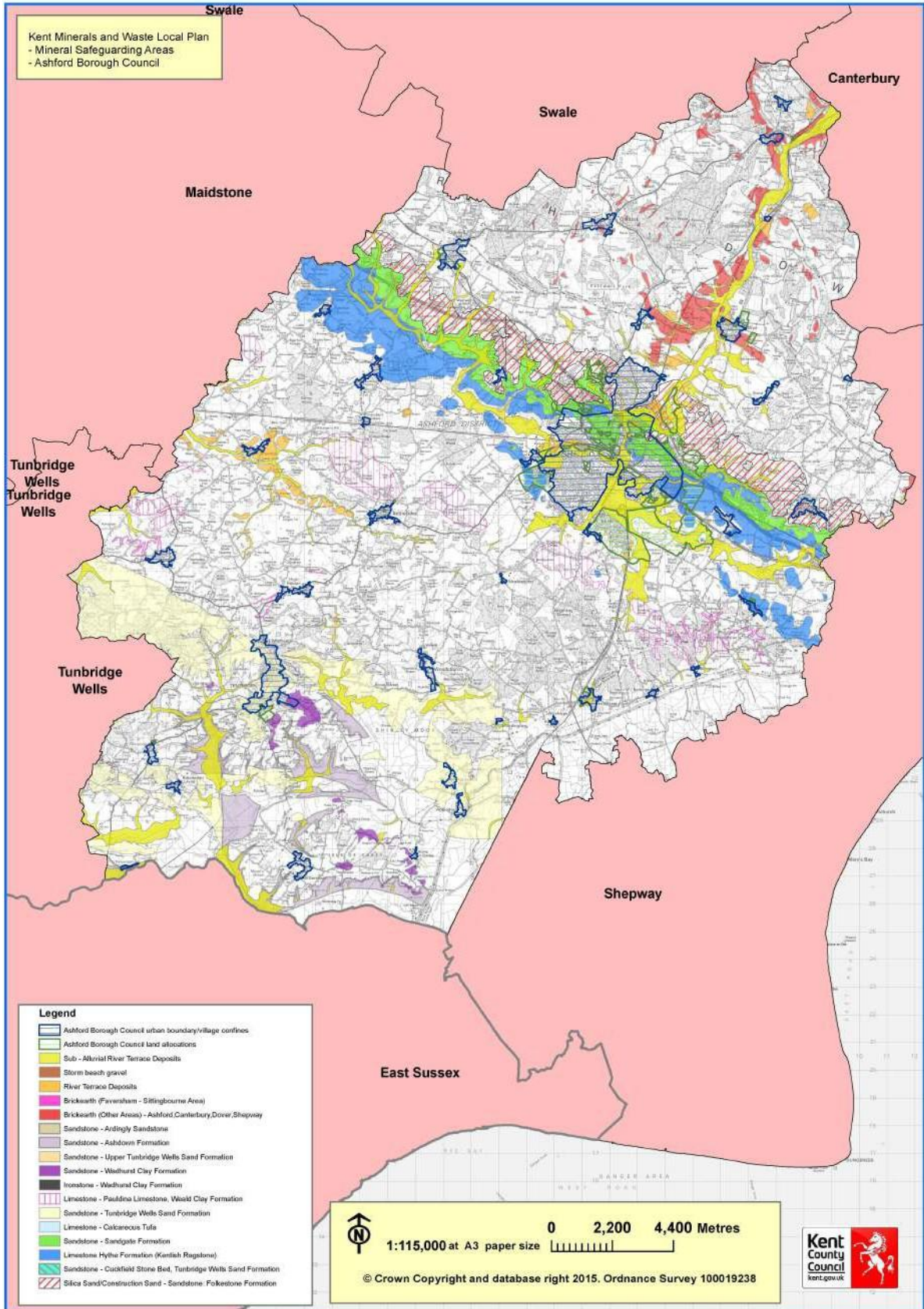
## 9.2 Mineral Safeguarding Areas

**\*\*\*ALL POLICIES MAPS IN THIS SECTION HAVE BEEN UPDATED AND REPLACED\*\*\***

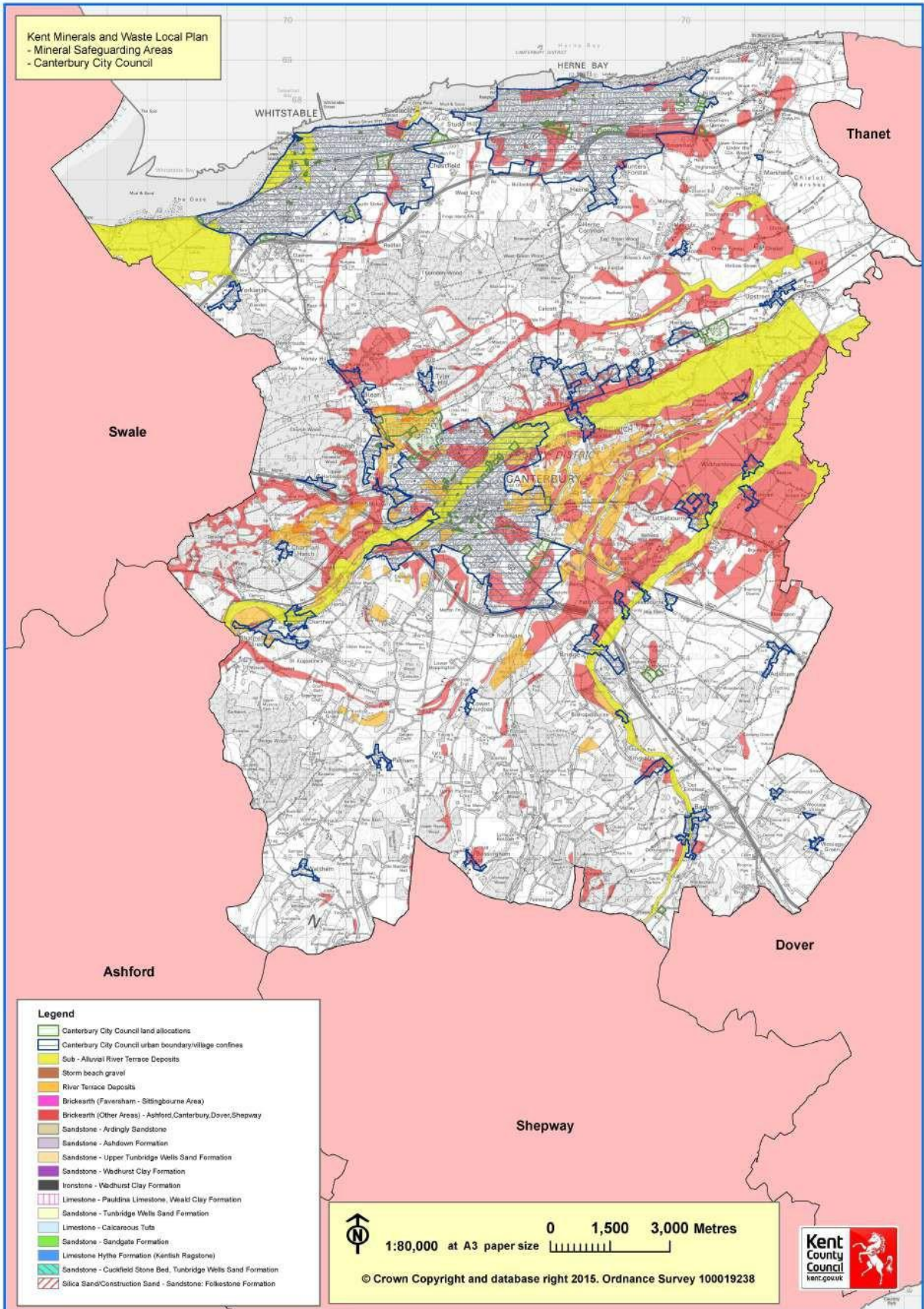
**9.2.1** The following Policies Maps display the Mineral Safeguarding Areas (MSAs) in Kent. The maps cover the following authority's areas in Kent:

- Ashford Borough Council
- Canterbury City Council
- Dartford Borough Council
- Dover District Council
- Gravesham Borough Council
- Maidstone Borough Council
- Sevenoaks District Council
- Shepway District Council **(now Folkstone and Hythe District Council)**
- Swale Borough Council
- Thanet District Council
- Tonbridge & Malling Borough Council
- Tunbridge Wells Borough Council

# Ashford Mineral Safeguarding Areas

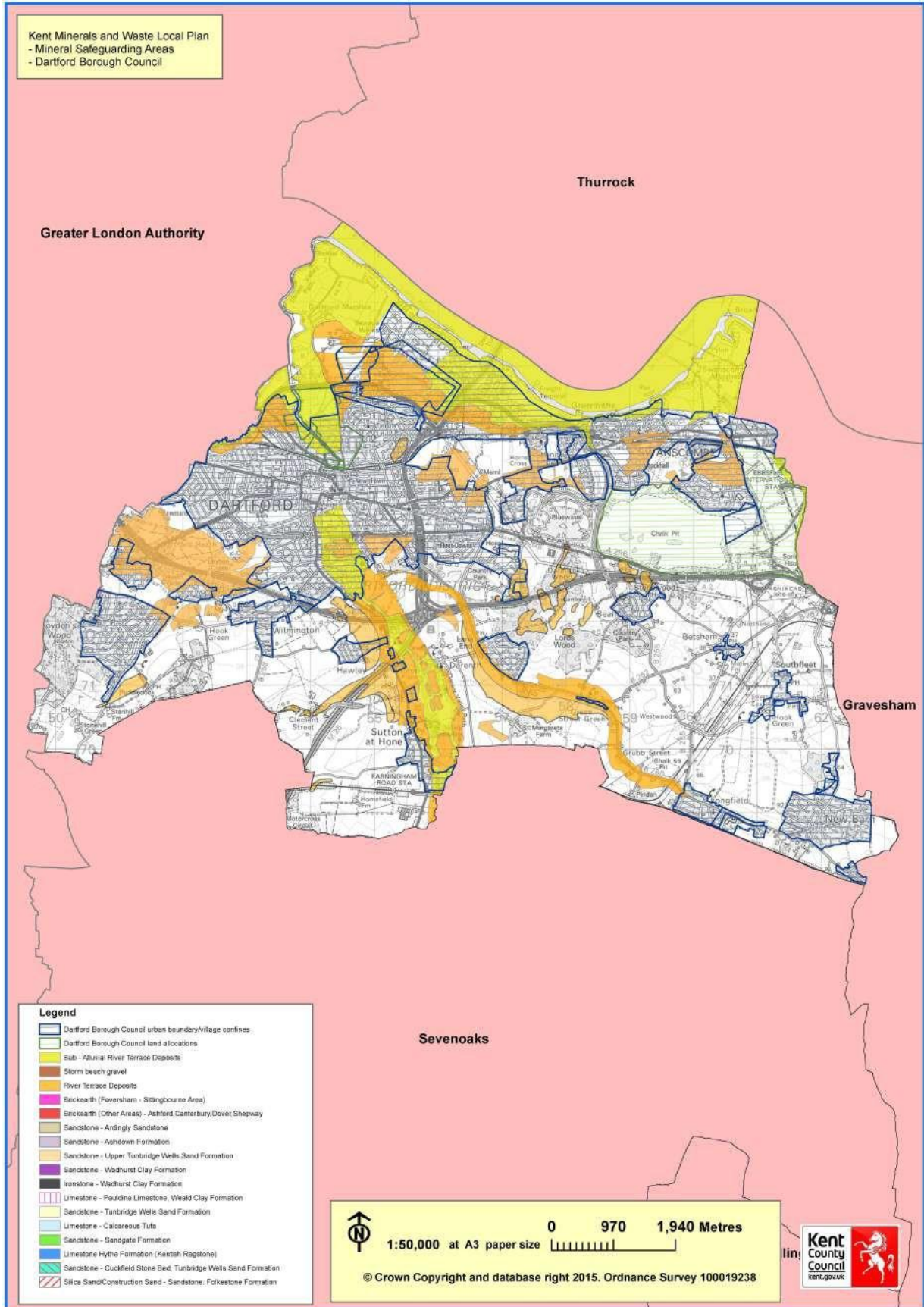


### Canterbury Mineral Safeguarding Areas

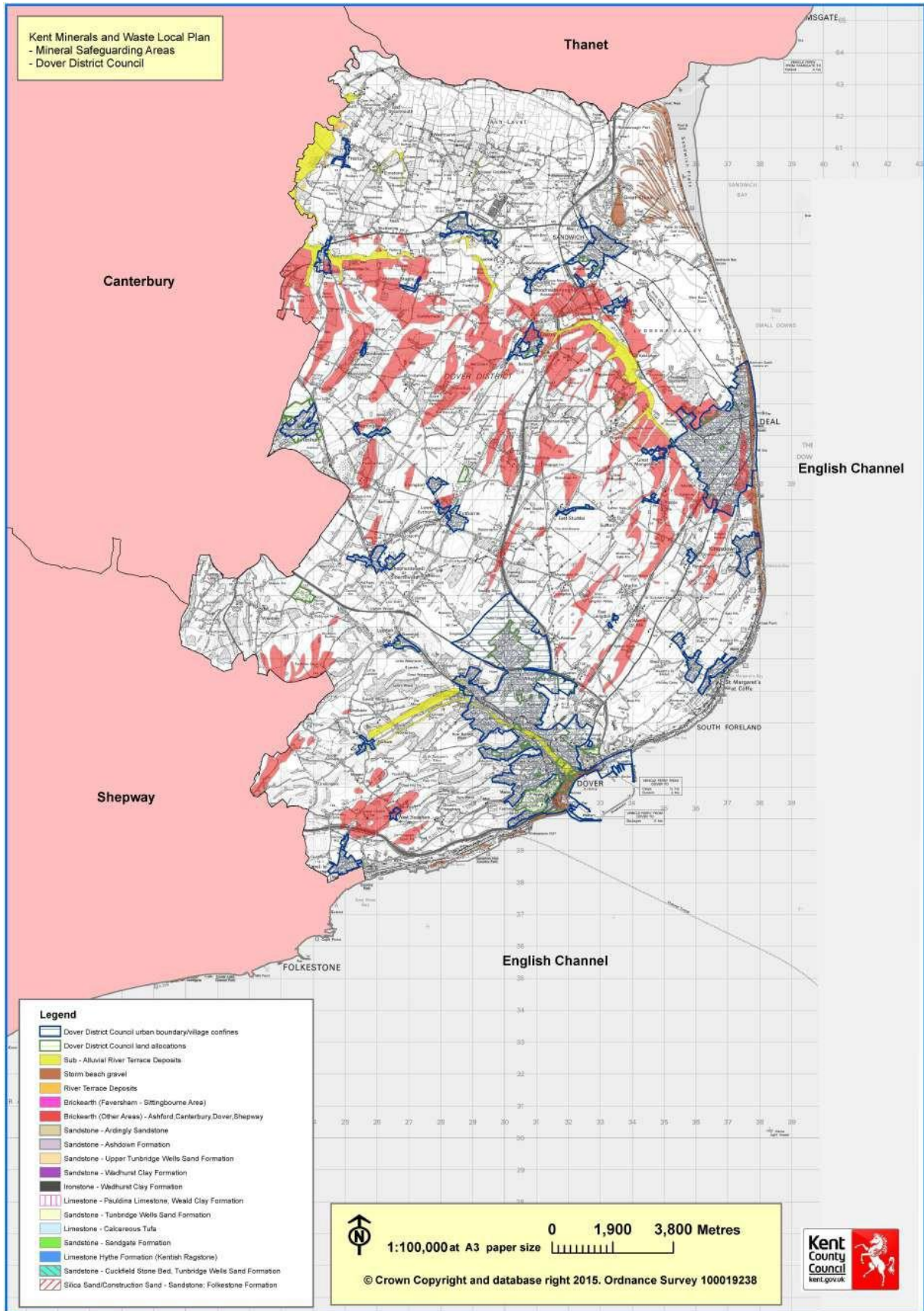




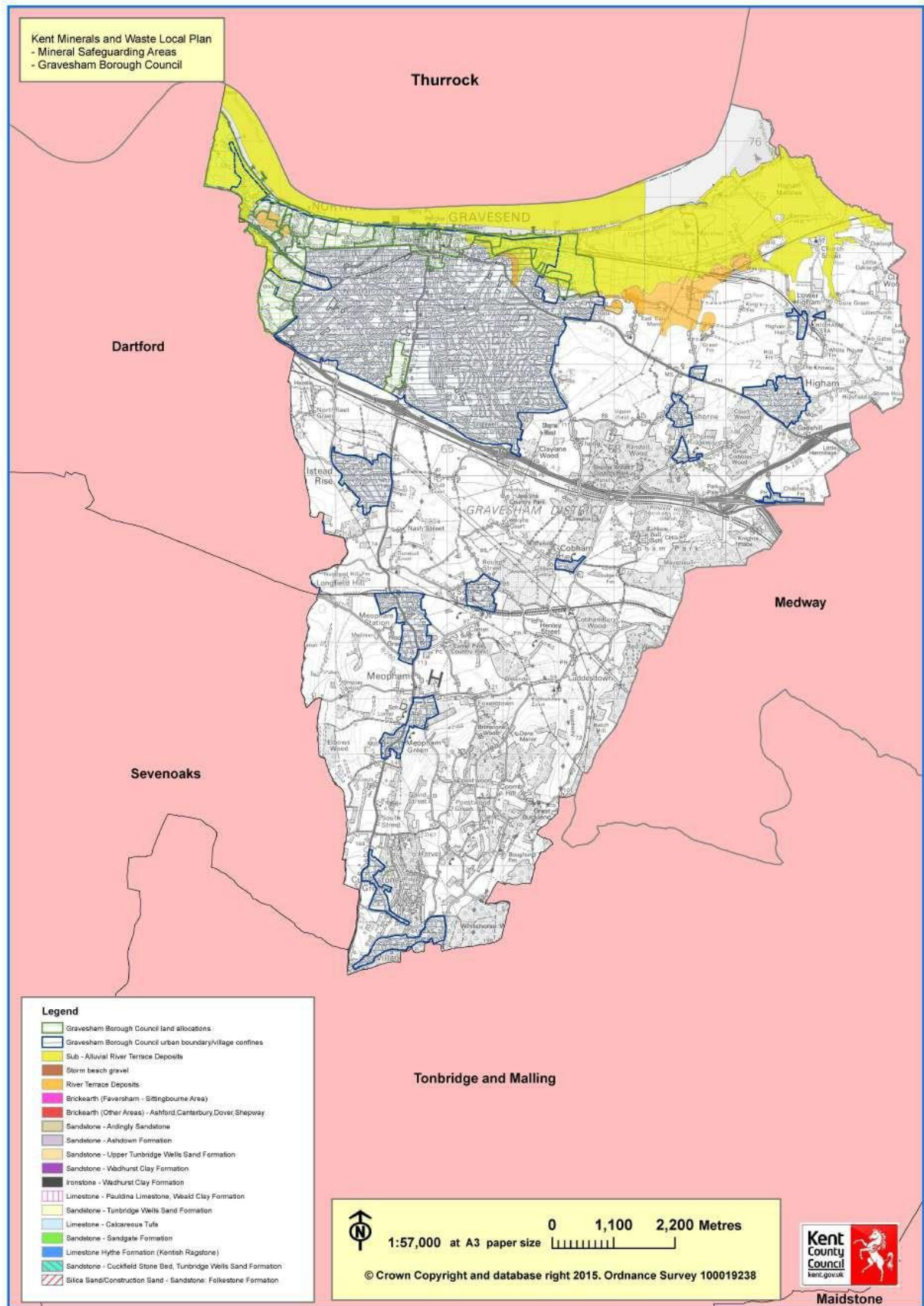
### Dartford Mineral Safeguarding Areas



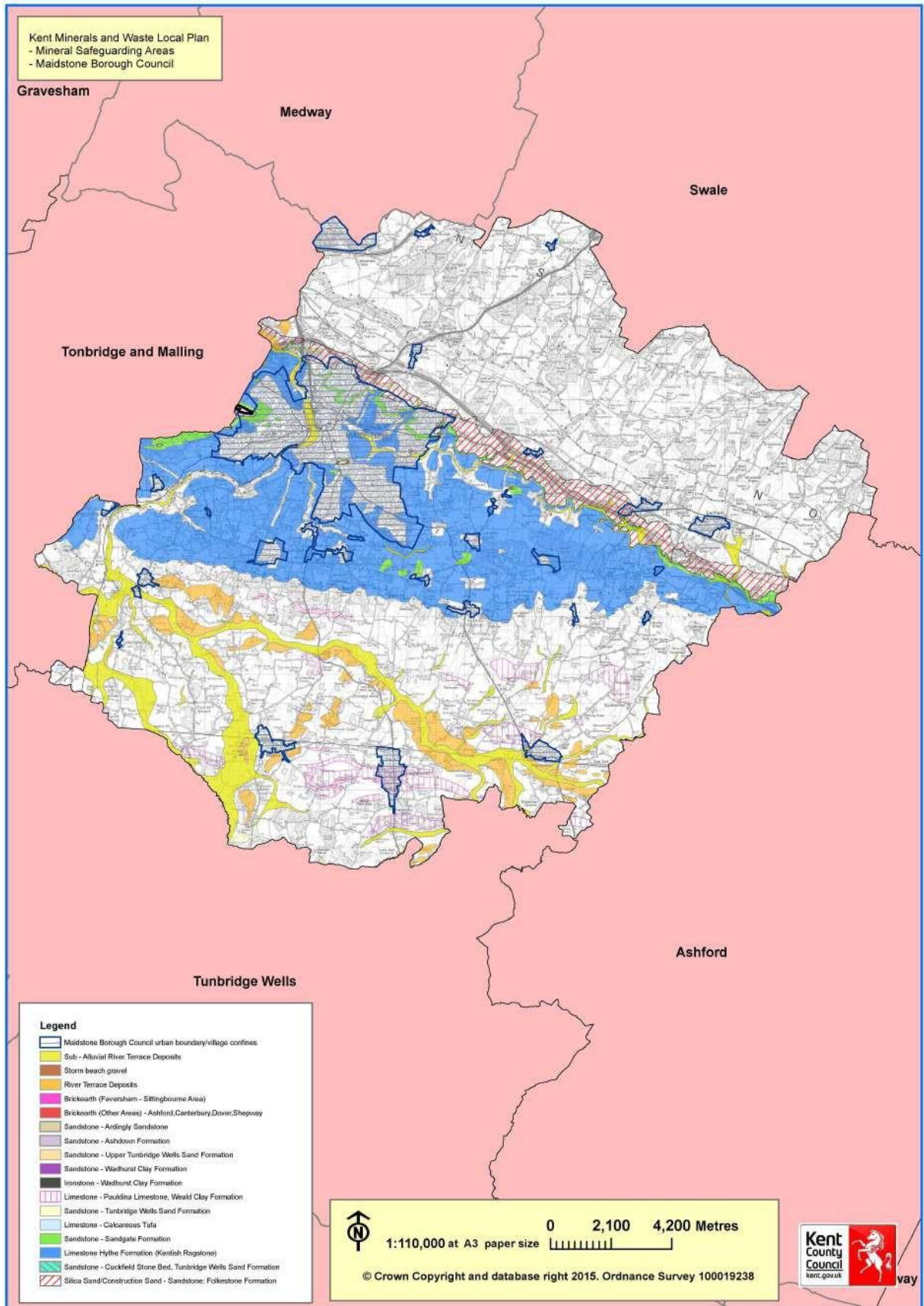
# Dover Mineral Safeguarding Areas



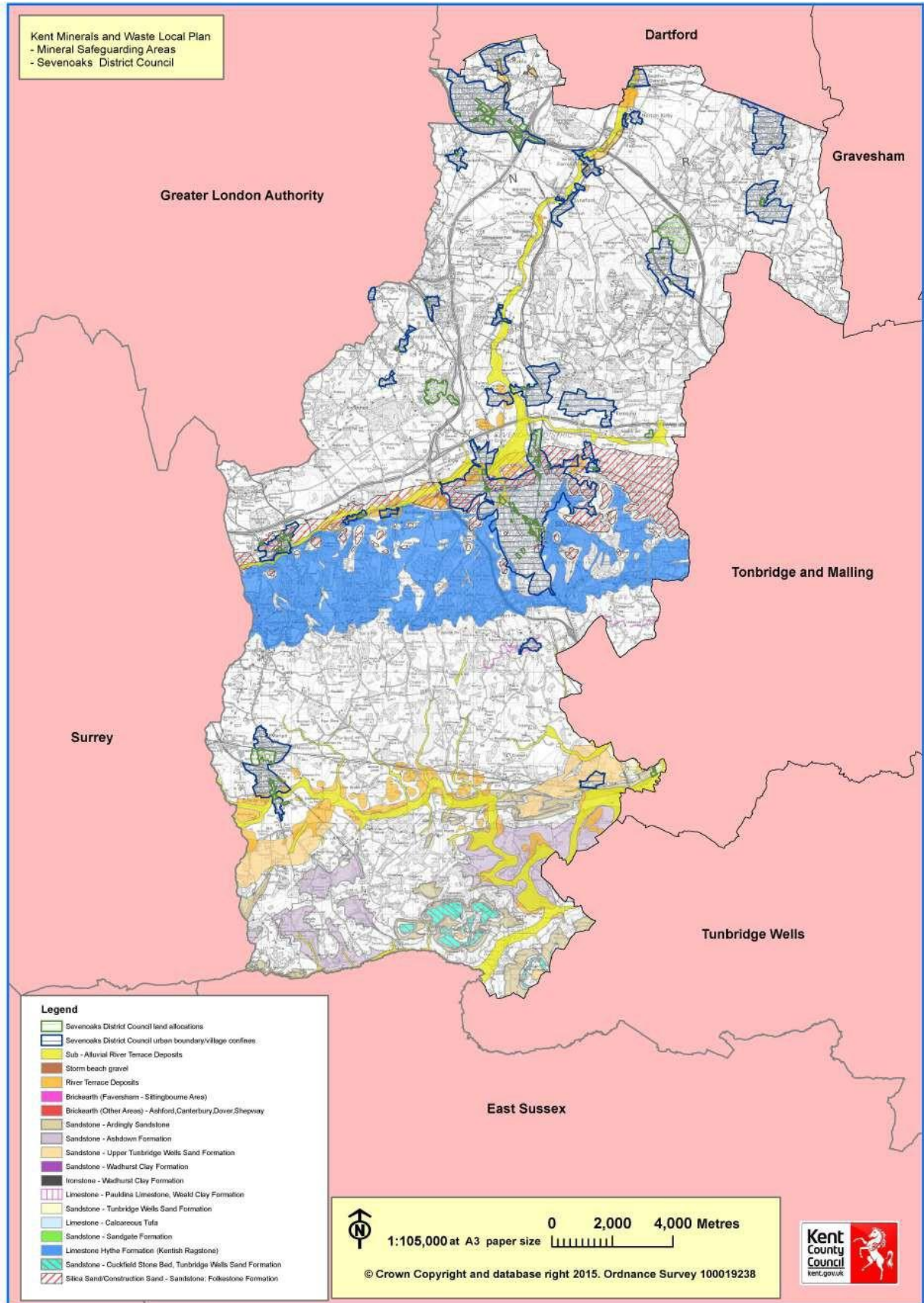
# Gravesham Mineral Safeguarding Areas



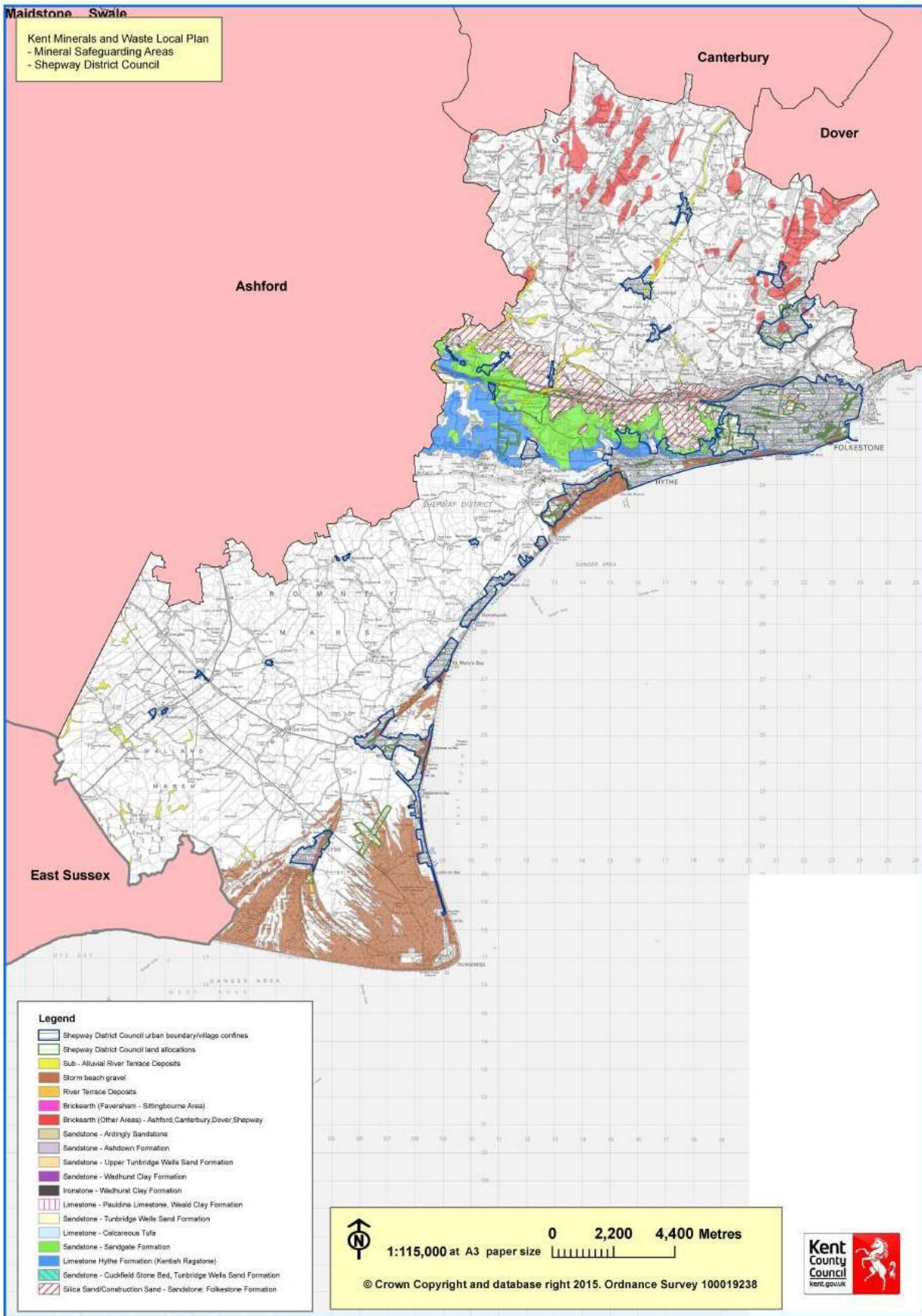
### Maidstone Mineral Safeguarding Areas



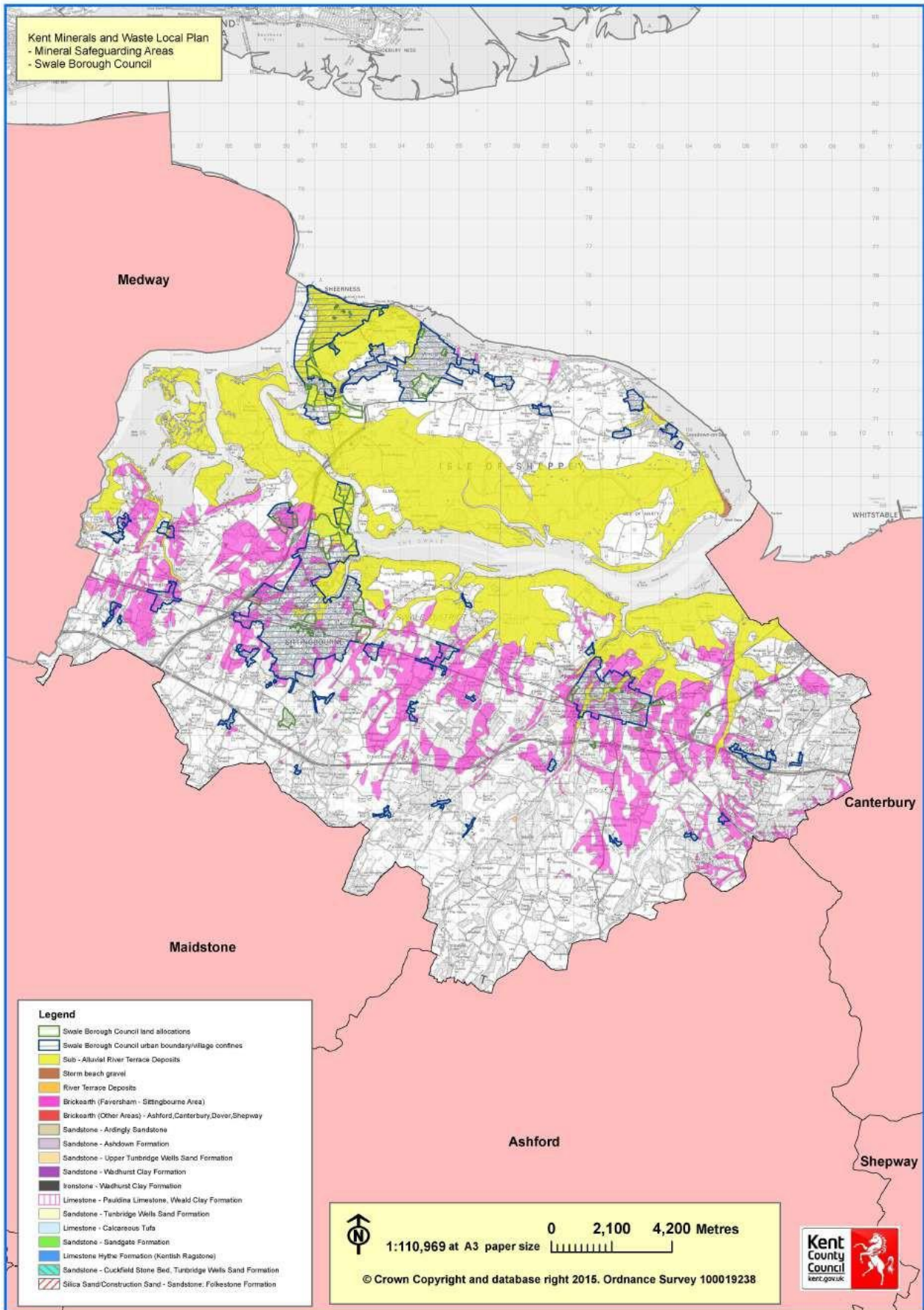
### Sevenoaks Mineral Safeguarding Areas



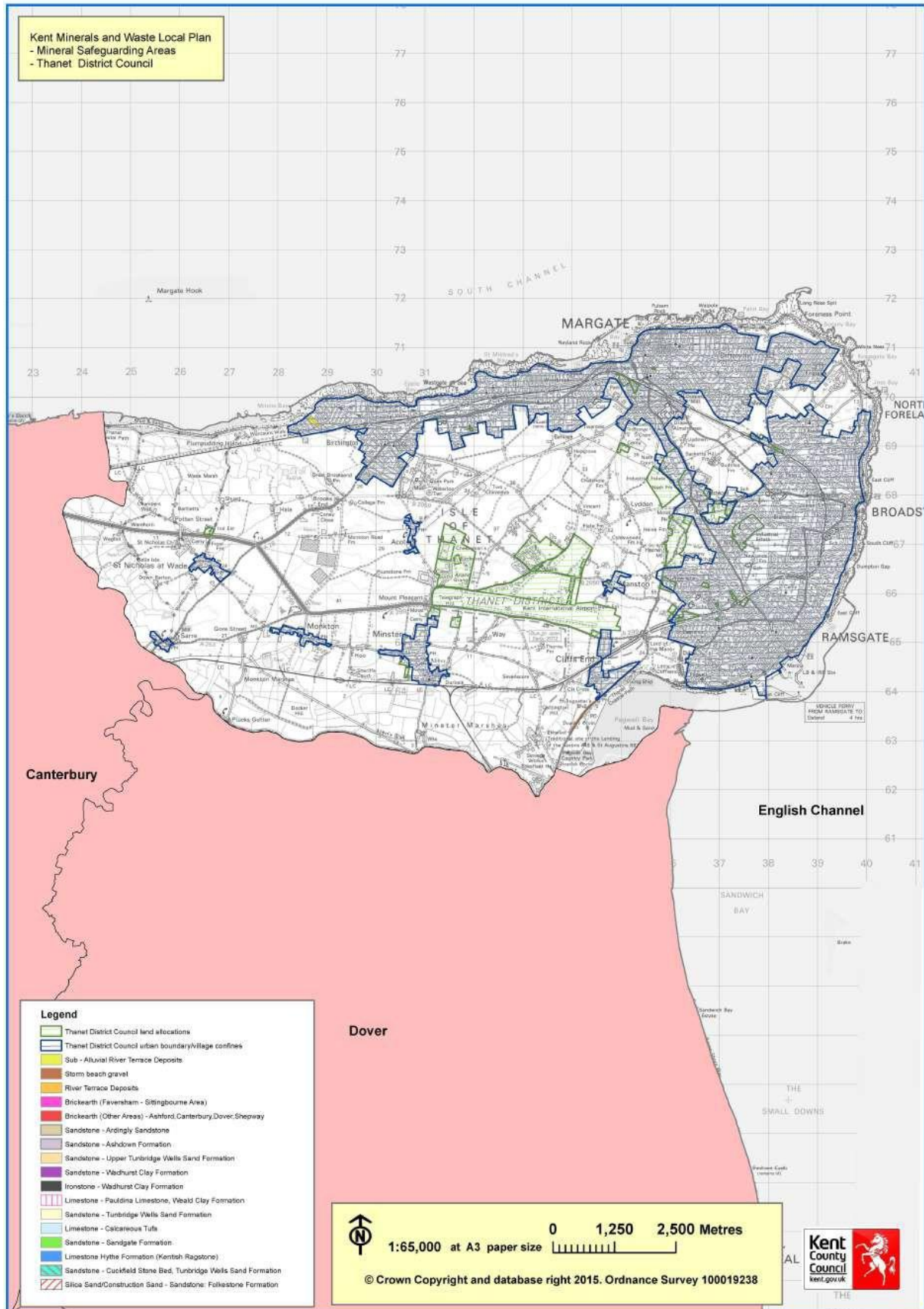
## Shepway (now Folkestone and Hythe) Mineral Safeguarding Areas



### Swale Mineral Safeguarding Areas

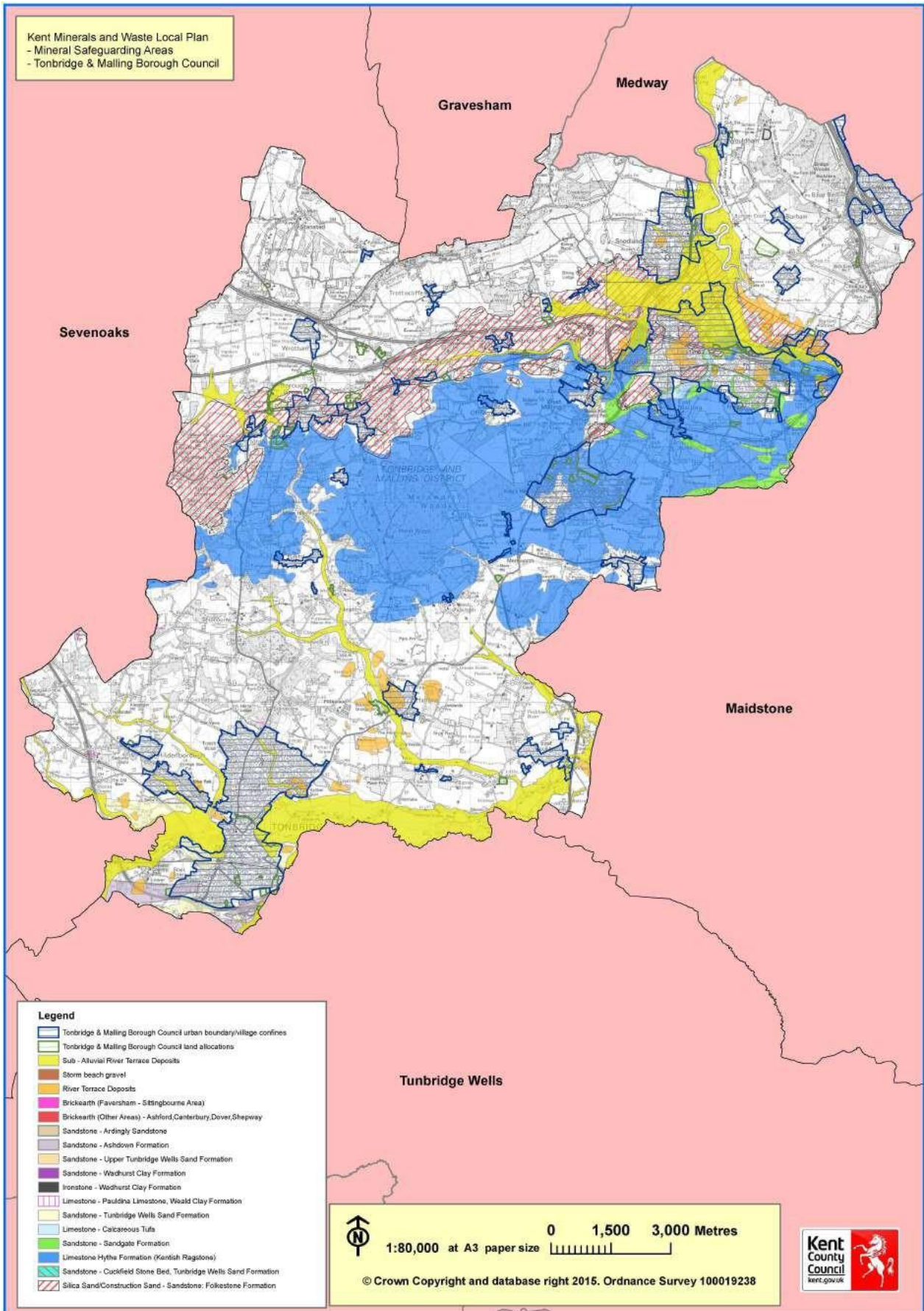


# Thanet Mineral Safeguarding Areas

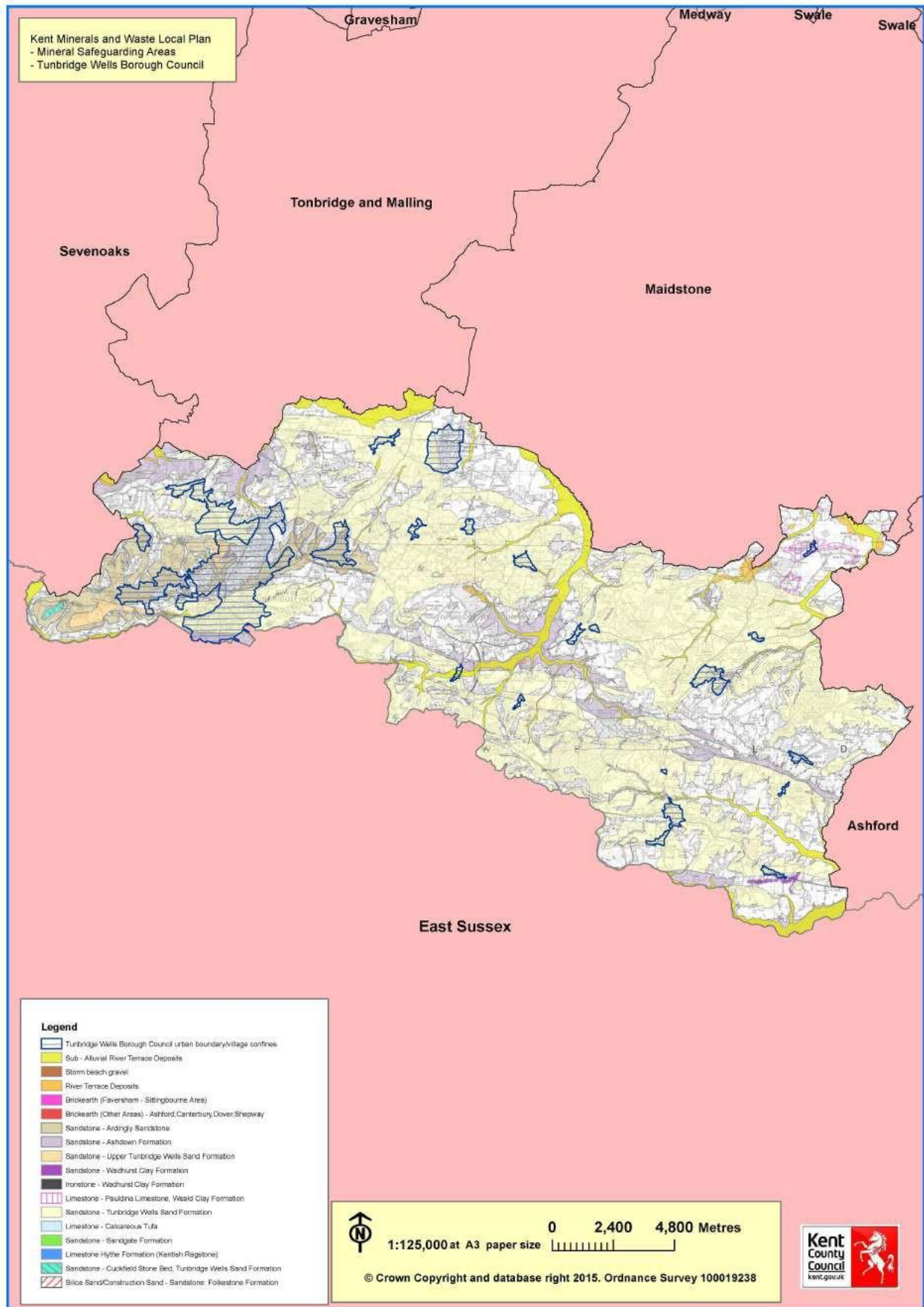




## Tonbridge & Malling Mineral Safeguarding Areas



### Tunbridge Wells Mineral Safeguarding Areas



## Appendix A: Glossary

A	
Aftercare	Measures to bring land up to the required standard following restoration which enables it to be used for the intended after-use. The aftercare period normally extends for 5 years following compliance with restoration conditions but may be extended where agreed between the applicant and the minerals planning authority.
After-use	The use to which a quarry or landfill site is put following its restoration, such as forestry, agriculture, recreation or biodiversity.
<b><u>Agent of change</u></b>	<b><u>A developer proposing new development within an area that is of such a nature that it might be impacted by existing development or impact on that development (e.g. housing proposed within an industrial area). The 'agent of change principle' sets out a position that a person or business (i.e. the 'agent of change') introducing a new land use is responsible for managing the impact of that change.</u></b>
Aggregate	Inert particulate matter that is suitable for use (on its own or with the addition of cement or bituminous material) in construction as concrete, mortar, finishes, road stone, asphalt, or drainage course, or for use as constructional fill or railway ballast.
Aggregate Monitoring Survey	An annual survey undertaken by the MPAs in England to gather data on aggregate sales and reserves on behalf of the regional aggregate working parties. Each regional aggregate working party prepares an annual report which includes the results of the aggregate monitoring survey and which is submitted to the Government. The data from the aggregate monitoring survey is also used by the MPAs in their AMRs and their LAAs.
Aggregates and soils recycling	Rubble, hardcore and soil from construction and demolition projects can often be re-used on-site. Alternatively it can be taken to purpose-built facilities for crushing, screening and re-sale. There are also temporary facilities at some quarries and landfill sites where material can be recovered for re-sale or use on-site.
Agricultural waste	This mostly covers animal slurry/by products and organic waste, but also scrap metals, plastics, batteries, oils, tyres, etc. The regulations for this waste stream have been altered meaning farmers can no longer manage all of their own waste within the farm. The agricultural waste regulations affect whether or not waste can be burnt, buried, stored, used on the farm or sent elsewhere.

Amenity	Amenity is a broad concept and is not specifically defined in Planning legislation. It is a matter of interpretation by the local planning authority and is usually understood to be the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents, business users and visitors. A land-use that is not productive agriculture, forestry or industrial development. This can include formal and informal recreation and nature conservation.
Anaerobic Digestion (AD)	A natural process comprising the breakdown of organic material in the absence of air. It is carried out in an enclosed vessel and produces methane that powers an engine used to produce electricity. The useful outcomes of AD are electricity, heat, and the solid material left over called the digestate. Both the heat and the electricity can be sold if there is a market and the digestate can either be sold or used for agricultural purposes (landspread). Its use is currently small-scale and it can only be used for part of the waste stream e.g. sewage sludge, agricultural waste and some organic municipal and industrial waste.
Annual Monitoring Report (AMR)	The AMR documents progress in meeting the milestones of the adopted Minerals and Waste Development Scheme and will monitor the impact of policies when the plans are adopted. <b><u>The AMR is formally known in legislation as the 'Authority Monitoring Report'.</u></b>
Apportionment	<del>Related to Kent's share of the regional South East Plan's waste management capacity to be provided and Kent's share of the regional SEP's aggregate provision. The regional planning function has been repealed by the Localism Act 2011 and the Regional Plan has been substantially revoked (certain habitat conservation elements still being in force) to date.</del>
Appraisal of hydrocarbon extraction	This phase follows exploration when the existence of oil or gas has been proven, and the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited.
Area of Search (AoS)	Broad areas where certainty of knowledge of mineral resources may be less than in other types of site allocations. Within these areas, planning permissions could be granted to meet any shortfall in mineral supply, if suitable applications are made. AoS are no longer being used in strategic planning in Kent.
<b>B</b>	
Becquerel	A Becquerel is a unit of radioactivity, representing one disintegration per second.
Biodegradable waste	Any waste that is capable of undergoing natural decomposition, such as food and garden waste, paper and cardboard.

Biodiversity	The variety of all life on earth (mammals, birds, fish, invertebrates, plants, etc).
Biodiversity Action Plan (BAP)	A plan that sets objectives and actions for the conservation of biodiversity, with measurable targets.
<b><u>Biodiversity Opportunity Areas (BOAs)</u></b>	<b><u>The BOAs show where the greatest gains can be made from habitat enhancement, restoration and recreation, as these areas offer the best opportunities for establishing or contributing to large habitat areas and/or networks of wildlife habitats.</u></b>
Brownfield site	Site previously used for or affected by development. It may be abandoned or in a derelict condition.
Buffer zone	A zone or area that separates minerals and/or waste management facilities from other land-uses to safeguard local amenity.
Building sand or soft sand	A naturally formed deposit where the sand grains are rounded in shape. The individual grains tend towards being equidimensional and the particle size variation is low. When soft sands are mixed with cement the mixture (called mortar) can be easily smoothed by hand to facilitate brick and block laying in construction.
<b>C</b>	
Call for sites	The call for sites is an early opportunity for individuals and organisations to suggest sites within the administrative area of a local planning authority which could be identified for development in a local plan. The call for sites exercise does not in itself determine whether a site should be allocated for development. This is determined by the local planning authority and the sites promoted in the call for sites exercise have no status until they are identified in an adopted local plan.
Certificate of Lawful Use	This is also known as a Lawful Development Certificate. These certificates exist in two forms: <ol style="list-style-type: none"> <li>1. a determination by a local planning authority as to whether an unauthorised development or use has become lawful through the passage of time, and can be continued without the need for planning permission</li> <li>2. a determination by a local planning authority as to whether a proposed use or building can occur or be built without the need for planning permission</li> </ol>
<b><u>Circular Economy</u></b>	<b><u>The circular economy is a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products for as long as possible. In this way, the lifecycle of products is extended. In practice, it implies reducing waste to a minimum. In a circular economy, when a product reaches the end of its life, its materials are kept within the economy wherever possible. These</u></b>

	<b><u>can be productively used again and again, thereby creating further value.</u></b>
Combined Heat and Power	A technology producing power (electricity) while capturing the usable heat produced in the process.
Commercial waste	Waste from premises used mainly for trade, business, sport, recreation or entertainment, as defined under Section 5.75(7) of the <i>Environmental Protection Act 1990</i> . For example, it is likely to include timber, metal, paints, textiles, chemicals, oils and food waste, as well as paper, card, plastic and glass.
Composting	The breakdown of plant matter by the action of micro-organisms and other organisms into usable end-products. It is an important method of processing organic waste because it reduces the amount of potentially polluting waste going to landfill or incineration.
Conformity	In conformity means being in compliance.
Construction <del>waste</del> (also see demolition <b><u>and excavation</u></b> waste)	Unwanted material arising from construction <b><u>and demolition</u></b> projects. It includes vegetation and soils from land clearance <b><u>and excavation</u></b> , discarded materials and off-cuts from building sites, road schemes and landscaping projects. It is mostly made up of <b><u>inert materials such as</u></b> stone, concrete, rubble and soils but may include timber, metal and glass.
Critical load or Level	Critical load or level as the threshold below which emissions from a facility or changes in road emissions can be considered to be sufficiently small as to be essentially trivial whether alone or in combination with other projects and plans.
<b>D</b>	
Degradable or putrescible waste	This is also called non-hazardous waste. This is a waste that will biodegrade or decompose, releasing environmental pollutants. For example this includes wood and wood products, paper, plasterboard, cardboard, vegetable matter, food processing wastes and vegetation.
Demolition waste	<del>This is also called construction waste. This is a waste arising from any development, redevelopment, or demolition of existing schemes. It includes vegetation and soils from land clearance, discarded materials and off-cuts from building sites, road schemes and landscaping projects. It is mostly made up of stone, concrete, rubble and soils but may include timber, metal and glass.</del>
Development Plan	The Kent MWLP forms part of the statutory Development Plan for Kent together with the adopted local plans prepared by the Kent district planning authorities. The development plan has statutory status as the starting point for decision making. Section 38(6) of the <i>Planning and Compulsory Purchase Act 2004</i> and Section 70(2) of the <i>TCPA 1990</i> require that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
<b>E</b>	

Energy from Waste (EfW)	The use of waste to generate energy (power and/or heat) or produce a gas that can be used as a fuel including the processing of waste to produce a fuel suitable for use in such plants.
Environmental Impact Assessment (EIA)	The process by which the impact on the environment of a proposed development can be assessed. Certain types and scale of waste proposals will require an Environmental Statement (ES) to be prepared. <i>The Town and Country Planning (Environmental Impact Assessment) Regulations 2011</i> (as amended) and the <i>Planning Practice Guidance on Environmental Impact Assessment</i> set out the circumstances when planning applications will be required to be accompanied by an EIA. The information contained in the EIA will be taken into account when local planning authorities determine such proposals.
European Sites	<p>These are defined by Regulation 8 of the <i>Habitat Regulations 2010</i> and originate from a list of designated areas produced by the European Community which can be amended. These include fully designated Special Areas of Conservation (SAC) and Sites of Community Importance (SCIs). Also included in the list of such sites are: sites hosting a priority habitat or species during the period in which the EC is consulting the UK Government as to its inclusion in the list of SCIs and pending a decision of the Council of the EU as to its inclusion, classified Special Protection Areas (SPAs), sites submitted by the UK government or the EC as eligible for identification as an SCI until such time as it is placed on the list of SCIs (usually referred to as candidate SACs).</p> <p>In England, as a matter of Government policy, the following sites should be given the same protection as statutory European Sites: a potential SPA, a possible or proposed SAC, a listed or a proposed Ramsar site, and sites identified or required as compensatory measures for adverse effects on (statutory) European Sites, SPAs, SAC and listed or proposed Ramsar sites.</p>
Examination in Public	The process in which all local plans are subject to an independent examination by a planning inspector before they can be adopted.
Exempt sites	Sites of small-scale waste management activities that do not require a licence or permit from the Environment Agency. They still require planning permission before they can operate and are subject to general rules (e.g. types and quantities of waste).
Exploratory phase of hydrocarbon extraction	The exploratory phase seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and in the case of shale gas, (possibly) hydraulic fracturing.
<b>G</b>	
Gasification	A technology that converts carbon containing material into gas (mostly methane). The gas can either be used as a substitute for natural gas or used to power electricity

	generation.
Geodiversity	The variety of rocks, minerals, fossils, soils and landforms, together with the natural processes that shape the landscape.
Geological Disposal Facility (GDF)	This is a secure facility which the Government is working towards finding a location for and which will be used for either the long-term storage or disposal of higher-activity radioactive wastes. Site selection is a process to determine sites where the geological conditions are suitable to contain the wastes and to find a site where the local community are in agreement with the development of a GDF.
Geomorphological	The scientific study of landforms and the processes that shape them.
Gigabecquerel	A becquerel is a unit of radioactivity, representing one disintegration per second. A gigabecquerel is 1,000 becquerels.
Greenhouse gas	Gases such as carbon dioxide and methane which when their atmospheric concentrations exceed certain levels can contribute to climate change by forming a barrier in the earth's atmosphere that traps the sun's heat.
Gross Value Added (GVA)	A measure of output i.e. the value of the goods and services produced in the economy. It is primarily used to monitor the performance of the national economy and is now the measure preferred by the Office for National Statistics to measure the overall economic wellbeing of an area. While the Gross Domestic Product and the GVA are both measures of value, the GVA excludes taxes and subsidies.
Groundwater	Water contained within underground strata (aquifers) of various types across the country. Groundwater is usually of high quality and often requires little treatment prior to use. It is however vulnerable to contamination from pollutants. Aquifer remediation is difficult, prolonged and expensive and therefore the prevention of pollution is important.
<b>H</b>	
<b><u>Habitats Site</u></b>	<b><u>Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.</u></b>
Hazardous waste	Controlled waste that is dangerous or difficult to treat, keep, store or dispose of, so that special provision is required for dealing with it. Hazardous wastes are the more dangerous wastes and include toxic wastes, acids, alkaline solutions, asbestos, fluorescent tubes, batteries, oil, fly ash (flue ash), industrial solvents, oily sludges, pesticides, pharmaceutical compounds, photographic chemicals, waste oils, wood preservatives. If improperly handled, treated or disposed of, a



	waste that, by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact. It should be used only to describe wastes that contain sufficient of these materials to render the waste as a whole hazardous within the definition given above.
Heritage assets	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets includes designated heritage assets and assets identified by the local planning authority (including local listing).
Heritage Coast	Areas of undeveloped coastline that are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.
High Level Wastes (HLW)	One of four broad categories of radioactive waste, HLW are wastes in which the temperature may rise significantly as a result of their radioactivity, so that this factor has to be considered in designing storage and disposal facilities.
Household waste	This <b>falls within the category of</b> <del>is also known as</del> Municipal Solid Waste (MSW). This is a waste from a domestic property, caravan, residential home or from premises forming part of a university or school or other educational establishment and premises forming part of a hospital or nursing home. <b>Household waste collected by a local authority is known as 'Local Authority Collected Waste'.</b>
I	
Impact pathways	In carrying out a Habitat Regulations Assessment it is important to determine the various ways in which land-use plans can impact on <del>Habitat</del> European Sites by following the pathways along which development can be connected with <del>Habitat</del> European Sites. Impact pathways are routes by which a change in activity associated with a development can lead to an effect upon a <del>Habitat</del> European Site.
Imported minerals	Minerals imported through wharves and rail depots. In Kent this includes Marine Dredged Aggregates, crushed rock, sand and gravel, secondary aggregates and cement.
Industrial waste	Waste from any of the following premises: factory, provision of transport services (land, water and air), provision of connection of the supply of gas, water, electricity, provision of sewerage services, provision of postal or telecommunication services.
Inert waste	Waste that will not biodegrade or decompose (or will only do so at a very slow rate). Types of materials include uncontaminated topsoil, subsoil, clay, sand, brickwork, stone, silica and glass.

Intermediate Level Wastes (ILW)	One of four broad categories of radioactive waste, ILW are wastes with radioactivity levels exceeding the upper boundaries of LLW that are retrieved and processed to make them passively safe and then stored pending the availability of the GDF.
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<b>L</b>	
Landbank	A stock of mineral reserves with planning permission for their winning and working.
Landfill	The deposition of waste onto hollow or void space in the land, usually below the level of the surrounding land or original ground level in such a way that pollution or harm to the environment is prevented. Former mineral workings have historically been used for this purpose.
Landfill gas	A by-product from the digestion by anaerobic bacteria (rotting) of biodegradable matter present in waste deposited on landfill sites. The gas is predominantly methane together with carbon dioxide and trace concentrations of a range of other vapours and gases.
Land-won minerals	Mineral extracted from a quarry situated on the mainland, as opposed to off-shore mineral supplies such as MDAs.
Local Aggregate Assessment (LAA)	A public report prepared annually by MPAs to gather together up-to-date information on aggregate sales and reserves from land-won sources together with data on secondary and recycled aggregates and mineral imports.
Local Development Scheme	The timetable for the preparation of the local plans.
Local Geological Sites	Any geological or geomorphological sites, excluding SSSIs, that are considered worthy of protection for their educational, research, historical or aesthetic importance. They are broadly analogous to non-statutory wildlife sites and are often referred to locally by the same name. They can include important teaching sites, wildlife trust reserves, LNRs and a wide range of other sites. They are not regarded as inferior to SSSIs but as sites of regional importance in their own right.
<b><u>Local Nature Recovery Strategy</u></b>	<b><u>The Local Nature Recovery Strategy (LNRS) are a requirement of the Environment Act and are expected to supersede Biodiversity Opportunity Areas (BOAs). They will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. At the time of writing (August 2022), the secondary legislation and statutory guidance relating to LNRS that will provide the detail and instruct the commencement of their development is awaited.</u></b>
Local Plan	A Local Plan is a Development Plan Document that includes planning policies for a local area. A Local Plan forms part of the Development Plan for an Area.

Low-carbon Economy (LCE) or low-fossil-fuel economy	An economy that has a minimal output of greenhouse gas emissions into the biosphere, but specifically refers to the greenhouse gas carbon dioxide.
Low Level Radioactive Waste (LLW)	One of four broad categories of radioactive waste that reflect the degree of radioactivity and hazard. LLW does not normally require shielding during handling or transport. It consists largely of paper, plastics and scrap metal items that have been used in hospitals, research establishments and the nuclear industry.
<b>M</b>	
Marine Dredged Aggregates (MDA)	Aggregates excavated from the seabed, as opposed to aggregate minerals extracted from the earth on the mainland.
Materials Recovery Facility	A facility where waste can be taken in bulk for separation, recycling or recovery of waste materials. This is usually Municipal Solid Waste, but some sites take Commercial & Industrial waste. Some may also take Construction and Demolition waste to be crushed and screened.
Methane	A colourless, odourless, flammable gas, formed during the decomposition of biodegradable waste.
Mineral Consultation Area (MCA)	An area identified in order to ensure consultation between the relevant local planning authority and the MPA before certain non-mineral planning applications made within the area are determined.
Mineral resources	Natural concentrations of minerals or bodies of rock that are, or may become, of potential economic interest due to their inherent properties.
Mineral Safeguarded Area (MSA)	Known areas of mineral resources that are of sufficient economic value to warrant protection for generations to come. There is no presumption that any areas within an MSA will ultimately be environmentally acceptable for mineral extraction. The purpose of MSAs is not to automatically preclude other forms of development, but to make sure that mineral reserves are considered in land-use planning decisions.

Municipal Solid Waste (MSW)	Waste collected and disposed of by or on behalf of a local authority. It will generally consist of household waste, some commercial waste, and waste taken to Household Waste Recycling Centres (HWRCs) by the general public. In addition, it may include road and pavement sweepings, gully emptying wastes, and some construction and demolition waste arising from local authority activities. It is typically made up of card, paper, plastic, glass, kitchen and garden waste. <b><u>In this Plan the term Municipal Solid Waste has largely been replaced by the term Local Authority Collected Waste.</u></b>
<b>N</b>	
Natura 2000 Sites	All EU member states are required to create a network of protected wildlife areas, known as Natura 2000 Sites, consisting of SACs and SPAs, established to protect wild birds under the European Birds Directive. These sites are part of a range of measures aimed at conserving important or threatened habitats and species. In the UK <b><u>SACs and Special Protection Areas (SPAs) no longer form part of the EU's Natura 2000 ecological network</u></b> <del>they are also known as European Sites.</del>
Natural Improvement Areas (NIAs)	Areas designated for creating more and better-connected habitats, recreational opportunities, flood protection, cleaner water and carbon storage as well as uniting local stakeholders.
Non-hazardous Waste (Non-inert Waste)	This is also called non-inert waste. This is a waste that will biodegrade or decompose, releasing environmental pollutants. Examples include wood and wood products, paper and cardboard, vegetation and vegetable matter, leather, rubber and food processing wastes.
<b>O</b>	
Operation Stack	The process used to park lorries on a part of the M20 when cross-channel services from the Port of Dover or through the Channel Tunnel are disrupted.
<b><u>Other Recovery</u></b>	<b><u>Recovery of value (materials or energy) from waste by means other than reuse, recycling and composting, and often by Energy from Waste. 'Other recovery' sits above disposal but below recycling and composting in the waste hierarchy.</u></b>
<b>P</b>	
Permitted reserves	Saleable minerals in the ground with planning permission for winning and working. Usually expressed in million tonnes.

Planning conditions	Conditions attached to a planning permission for the purpose of regulating and controlling the development.
Primary aggregates	Naturally occurring sand, gravel and crushed rock used for construction purposes, which have either been extracted from the sea bed or the earth's crust.
Production phase of Hydrocarbon Extraction	This normally involves the drilling of a number of wells. This maybe wells used at the sites at the exploratory and/or appraisal phases of hydrocarbon development, or from a new site. Associated equipment such as pipelines, processing facilities and temporary storage tanks are also likely to be required.
Prospecting	Prospecting is the first stage of the geological analysis of a territory or area. It includes the physical search for minerals, fossils, precious metals or mineral specimens. Prospecting can be a small-scale form of mineral exploration that can extend to an organised, large scale effort undertaken by commercial mineral companies to find economically viable materials such as ores, gas, oil, coal and aggregates.
Putrescible waste	Waste readily able to be decomposed by bacterial action. Landfill gas and leachate can occur as by-products of decomposition.
Pyrolysis and Gasification	Both systems involve heating the waste in varying amounts of oxygen to produce a gas. The gas could either be used as a substitute for natural gas or used to power electricity generation.
<b>R</b>	
Ramsar sites	Sites of international importance to birds that inhabit wetlands. Ramsar is the name of the place where the Wetlands Convention was signed.
Reclamation of mineral workings	The combined processes of restoration and aftercare following completion of mineral working.
Recovery	The collection, reclamation and separation of materials from the waste stream.
Recovery facilities	A facility that recovers value, such as resources and energy, from waste prior to disposal, includes recycling, thermal treatment, biological treatment and composting facilities.
Recycled aggregates	Aggregates produced from recycled CD waste such as crushed concrete and planings from road surfacing.
Recycling	The collection and separation of materials from waste and subsequent processing to produce new marketable products.
Reduction	The use of technology requiring less waste generation from production, or the production of longer lasting products with lower pollution potential, or the removal of material from the

	waste stream, e.g. paper being taken straight from a waste producer to a paper re-processing facility, avoiding it being handled at any waste management operation.
Reserve	The remaining concentration or occurrence of workable material of intrinsic economic interest. Generally used for those economic mineral deposits that have the benefit of planning permission.
Resource	A concentration or occurrence of material of intrinsic economic interest in or on the Earth's crust in such a form, quality and quantity that they are reasonable prospects for eventual economic extraction.
Residual waste	The elements of the waste streams that remain following recovery, recycling or composting operations.
Resource recovery	The extraction of useful materials or energy from solid waste.
Restoration	Operations designed to return an area to an acceptable environmental state, whether for the resumption of the former land-use or for a new use following mineral working. Involves the reinstatement of land by contouring, the spreading of soils or soilmaking materials, etc.
Reuse	Reuse of waste is encouraged by the Government's national waste policy requirements. Typically it involves re-using materials so that they can be used again without further processing.
<b>S</b>	
Safeguarding	The process of protecting sites and areas that have potential for relevant development (minerals and waste) from other forms of development.
Saved policies	Retaining a local plan (or policies from it) until replacement by a new local plan. Normally lasts for three years only, but extended saving can occur if policies need to stay in place for a longer period.
Scheduled Ancient Monument	Nationally important monuments and archaeological areas that are protected under the Ancient Monuments and Archaeological Areas Act 1979.
Secondary aggregates	Construction materials that are produced as by-products of other processes and used instead of primary aggregates. Secondary aggregates include boiler ashes, colliery shale, burned clay, pulverised fuel ash, chalk and shale.

Self-sufficiency	A key aim of sustainable waste management is self-sufficiency in waste disposal, i.e. the waste generated within the region can be disposed or managed within the same region.
Sensitive receptors	Habitable residential accommodation including, but not limited to, hospitals, schools, childcare facilities, elderly housing, churches and convalescent facilities.
Shale gas	Mostly methane (CH <sub>4</sub> ) and is found in the pore spaces of shale, a fine grained sedimentary rock, that contains hydrocarbon materials. Methane, often referred to as natural gas has an occurrence that is geologically variable in that it can be found in a reservoir as well as held within the source rock such as shale. It is combustible and is used to generate electricity and for domestic heating and cooking. Shale gas is often referred to as an unconventional hydrocarbon as it is extracted using technologies developed since the 1940s that has enabled gas to be recovered from shale (a fine grained sedimentary rock mainly of marine origin) that were previously considered to be unsuitable or uneconomic for the extraction of natural gas. One process, hydraulic fracturing (often called fracking) is a technique where water (and additives) is pumped under pressure into productive shale rocks via a drilled bore to open up pore spaces and allow the shale gas to be pumped to the surface for collection <sup>140</sup> .
Sharp sand and gravel	A naturally occurring mineral deposit found in Kent and elsewhere. When extracted it is mainly used in the production of concrete products.
Silica sand or industrial sand	A naturally occurring mineral deposit that is extracted and used in industrial processes including glass manufacture and the production of foundry castings. It is also used in horticulture and for sports surfaces including horse menages and golf course bunker sand. It is also known as industrial sand. It is a mineral of national importance.
Sites of Special Scientific Interest (SSSIs)	These sites are notified under Section 28 of the <i>Wildlife and Countryside Act 1981</i> by English Nature (now Natural England) whose responsibility is to protect these areas. These are important areas for nature conservation i.e. valuable flora, fauna or geological strata. Natural England needs to be notified of planning proposals in or adjacent to the designated areas. National Nature Reserves, terrestrial Ramsar sites, SPAs and SACs are also SSSIs under national legislation.

<sup>140</sup> Information on unconventional hydrocarbon extraction is on the following DECC website at: <https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking>



Soft sand	See Building sand.
Statement of Community Involvement	A document setting out how a local authority is to ensure that suitable sufficient consultation occurs for different elements of the planning process. This is a requirement as amended under the <i>Planning and Compulsory Purchase Act 2004</i> .
Sterilisation	When a change of use or the development of land on or near a minerals or waste facility prevents possible mineral extraction or continued use of a wharf, rail depot or other facility in the foreseeable future.
Strategic Environmental Assessment	An evaluation process for assessing the environmental impacts of plans and programmes. This is a statutory requirement of the Kent MWLP system.
Submission	A stage of the plan preparation process where the document is submitted to the Secretary of State for independent examination by a planning inspector. The document is published for public consultation prior to submission.
Surrounding environment	Aspects of the surrounding environment include such features as water resources including surface water, groundwater and rivers and their settings, heritage interests including listed buildings, conservation areas and their settings, and World Heritage Sites, nature reserves, local sites designated for biodiversity and geodiversity, species and habitats of importance for conservation and biodiversity, nationally designated areas including SSSIs and AONBs and their setting, internationally designated sites including SPAs, SACs, Ramsar sites, Heritage Coast and NIAs. The surrounding environment also includes those areas that are non designated but contribute to the whole environment.
Sustainability Appraisal (SA)	An evaluation process for assessing the environmental, social, economic and other sustainability effects of plans and programmes from the outset of the preparation process. This is a statutory requirement.
Sustainable development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The definition also encompasses the efficient use of natural resources.
<b>T</b>	
Transfer stations	Facilities that receive waste (normally from a local area), where the waste is bulked up and transported further afield in larger lorries for disposal or recovery. Some transfer stations sort out the recoverable wastes, such as CD waste and scrap metal prior to onward transportation for disposal or processing.
<b>V</b>	

Very Low Level Radioactive Waste (VLLW)	One of four broad categories of radioactive waste that reflect the degree of radioactivity and hazard. The radioactive concentration of VLLW is similar to the natural activity of soils and is well within the normal range of natural radioactivity in the Earth's crust.
Void space	A hole created by mineral working or nature that may have potential for landfilling with waste.
<b>W</b>	
Waste	The TCPA 1990 has been amended so there is no dispute over whether waste, in terms of the planning regime, is defined in accordance with European law. It states that: Waste includes anything that is waste for the purposes of Directive 2006/12/EC of the European Parliament and of the Council on waste, and that is not excluded from the scope of that Directive by Article 2(1) of that Directive. Waste is therefore defined as any substance or object that the holder or the possessor either discards or intends or is required to discard <sup>141</sup> .
Waste arisings	The amount of waste generated in a given locality over a given period of time.
Waste Collection Authority (WCA)	A local authority with a statutory responsibility to provide a waste collection service to each household in its area, and on request, to local businesses.
Waste Disposal Authority	A local authority that is legally responsible for the safe disposal of household waste collected by the WCAs. Long-term contracts are let to private sector companies who provide the facilities to handle this waste. These contracts are awarded on the basis of detailed cost and environmental criteria as well as specific targets for recycling and reducing landfill.
Waste electrical and electronic equipment	Discarded electrical or electronic equipment, including all components, sub-assemblies and consumables that are part of the product at the time of discarding.
Waste hierarchy	A concept devised by EUWFD (2008/98/EC) conveying waste management options in order of preference; waste prevention (most preferred) followed by reduction, recycling, recovery and disposal (least preferred). Figure 18 shows the Waste Hierarchy in Chapter 6.

<sup>141</sup> This definition is inserted into s.336(1) of the TCPA 1990, as part of the consequential amendments made by the Environmental Permitting (England and Wales) Regulations 2007 SI 2007/3528 (the EPR 2007), as from 6 April 2008. See Schedule 21, para 19 of the EPR 2007 (and its commencement - see reg. 1)

<b><u>Waste Hierarchy Statement</u></b>	<b><u>A statement to be submitted with a planning application for other recovery and waste disposal activity that demonstrates how only unavoidable residual waste will be managed at such facilities.</u></b>
Waste management permit	A permit granted by the Environment Agency (EA) authorising treatment, keeping or disposal of any specified description of controlled waste in or on specified land by means of specified plant.
Waste Management Unit (WMU)	A KCC department that manages all aspects of <b>LACWMSW</b> (household waste) arising in Kent.
Waste minimisation	The reduction of unwanted outputs from the manufacturing and construction processes that are likely to result in less waste being produced.
Waste Planning Authority (WPA)	A local authority with responsibility for waste planning, including the determination of waste related planning applications. In areas with two tiers of local government (counties and districts), the county councils are the WPAs. National Parks are also WPAs. Unitary authorities, such as Medway Council, deal with waste planning and all other planning issues within their areas.
Waste reduction	To make waste production and waste management practices more sustainable. Key national objectives are to reduce the amount of waste that is produced, make the best use of waste produced and choose practices which minimise the risks of pollution and harm to human health. Waste reduction is concerned with reducing the quantity of solid waste that is produced and reducing the degree of hazard represented by such waste.
Wastewater	Water <b>emanating from the internal drainage of dwellings and business</b> that is discharged to the sewers <b>and includes MSW, C&amp;I waste</b> in addition to surface water run off. This raw wastewater is collected in sewers and transferred to wastewater treatment works where it is treated in such a way that it produces largely reusable sewage sludge and effluent that is discharged to water courses.

## **Appendix B: List of Replaced and Deleted and Retained Policies**

**B.1** — All the previously adopted minerals and waste policies are replaced by the Kent MWLP 2013-30 and the Mineral Sites Plans. The Kent Minerals and Waste Plans previously in force are listed below:

- Kent Minerals Local Plan: Brickearth (1986)
- Kent Minerals Local Plan Construction Aggregates (1993)
- Kent Minerals Local Plan Chalk and Clay (1997)
- Kent Minerals Local Plan Oil and Gas (1997)
- Kent Waste Local Plan (1998)

**B.2** — All of these plans were prepared before Medway Council was formed and these plans therefore covered areas which are now within Medway.

**B.3** The Secretary of State for the Government Office for the South East wrote separately to both KGC and Medway Council on 21 September 2007 providing a direction on the policies in the previously adopted minerals and waste plans. Any policies not listed by the Secretary of State expired and those listed in the Direction are known as the 'saved policies'. It is the saved policies that are deleted by the Minerals and Waste Plan, and the Mineral Sites Plan once adopted. KGC and Medway Council have separate letters of direction from the Secretary of State and therefore the deletion of saved policies by KGC has no effect on Medway Council's saved policies

**List of Saved Policies in Previously Adopted Plans which have been to be Deleted**

This list identifies the saved policies within the previously adopted minerals and waste plans for Kent alongside the new policies in the Kent MWLP 2013-2030 that will replace them. These policies were will be deleted upon the adoption of the Kent MWLP 2013-2030.

**Saved Policies being Deleted**

**Kent Minerals Local Plan Construction Aggregates (1993) — Equivalent Policies in the Kent MWLP 2013-2030 Saved Policies**

A1	Access Considerations (for aggregate wharves and rail depots)	GSM 12	Sustainable Transport of Minerals
CA2G	Primary Planning Constraints (for aggregate wharves and rail depots)	-	No new sites came forward in the call for sites but Policy CSM 11 identifies safeguarded sites for wharves and rail depots for the plan period
CA3C	Local Considerations (for aggregate wharves and depots)	GSM 12	Sustainable Transport of Minerals
CA4	Proposed Locations (for aggregate wharves and depots)	-	No new sites came forward in the call for sites but Policy CSM 11 identifies safeguarded sites for wharves and rail depots for the plan period
CA7	Provision of Geological Information in Support of an Application	DM 16	Information Required in Support of an Application
CA8D	Exceptions to Areas of Search	GSM 4	Non-identified Land-won Mineral Sites
CA9	Borrow Pits	-	Policy will be deleted. However borrow pits can be considered as part of Policy CSM 4

CA10	Mineral Consultation Areas (safeguarding mineral resources and potential supply points)	CSM 5, CSM 11 DM 7	Land-won Mineral Safeguarding, Safeguarded Wharves and Rail Depots, and Safeguarding Mineral Resources and Importation Infrastructure
CA12	The Structure Plan (regarding silica sand)	CSM 2	Supply of Land-won Minerals in Kent
CA13	Location for Mining and Processing Carboniferous Limestone	CSM 11	Prospecting for Carboniferous Limestone
CA16	Traffic Considerations	DM 13	Transportation of Minerals and Waste
CA18	Noise, Vibration and Dust	DM 11	Health and Amenity
CA19	Plant and Building	DM 1	Sustainable Design
CA20	Plant and Building	DM 11	Health and Amenity
CA20A	Ancillary Operations	DM 20	Ancillary Development
CA21	Public Rights of Way	DM 134	Public Rights of Way
CA22	Landscaping	DM 19	Restoration, Aftercare and After-use
CA23	Working and Reclamation	DM 19	Restoration, Aftercare and After-use

**Kent Minerals Local Plan Chalk and Clay (1997) Saved Policies – Equivalent Policies in the Kent MWLP 2013-2030**

CC1	Provision for Development	GSM 2	Supply of Land-won Minerals in Kent
CC1A	Provision for Development (secondary or waste material re-use)	-	Policy is deleted. There is no need for a policy supporting the preparation of suitable secondary or waste chalk or clay materials for re-use. It is considered that this is related to potential supply of recycled or secondary materials for cement workings
CC5	Safeguarding existing working areas in the south-eastern and western parts of Eastern Quarry	-	All potential reserves are now exhausted. Policy will be deleted
CC9 Page 355	Cement Wharves (safeguarding)	CSM 6 DM 7 DM 8	Safeguarded Wharves and Rail Depots and Safeguarding Mineral Resources  Safeguarding Minerals Management, Transportation & Waste Management Facilities
CC10A	Minerals Consultation Areas (safeguarding)	CSM 5	Land-won Mineral Safeguarding
CC12	Noise, Vibration and Dust	DM 11	Health and Amenity
CC14	Land Drainage, Flood Control and Land Stability	DM 10	Water Environment
CC15	Nature Conservation	DM 19	Restoration, Aftercare and After-use
CC16	Plant and Buildings	DM 1	Sustainable Design
CC18	Ancillary Operations	DM 20	Ancillary Development

CG20	Public Rights of Way	DM 14	Public Rights of Way
CG24	Road, Traffic and Access	DM 13	Transportation of Minerals and Waste
CG26	Landscaping	DM 19	Restoration, Aftercare and After-use
CG27	Aftercare	DM 19	Restoration, Aftercare and After-use

**Kent Minerals Local Plan Oil and Gas(1997) Saved Policies — Equivalent Policies in the Kent MWLP 2013-2030**

OG1AA	Coastal Planning		Policy will be deleted
OG2	Exploration	CSM 10	Oil, Gas and Coal-bed Methane
OG3	Appraisal	CSM 10	Oil, Gas and Coal-bed Methane
OG4	Development	CSM 10	Oil, Gas and Coal-bed Methane
OG5	Noise, Vibration, Dust and Gas	DM 11	Health and Amenity
OG7	Land Drainage, Flood Control and Unstable Land	DM 10	Water Environment
OG8	Nature Conservation	CSM 10 DM 19	Oil, Gas and Coal-bed Methane Restoration, Aftercare and After-use
OG9	Plant and Buildings	DM 1	Sustainable Design
OG10	Hours of Working	DM 16 DM 11	Information required in Support of an Application and Health and Amenity
OG11	Public Rights of Way	DM 14	Public Rights of Way
OG15	Road, Traffic and Access	DM 13	Transportation of Minerals and Waste
OG16	Road, Traffic and Access	DM 11	Health and Amenity
OG17	Landscaping	DM 19	Restoration, Aftercare and After-use



OG18	Working and Restoration/Aftercare	DM 19	Restoration, Aftercare and After-use
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**Kent Minerals Local Plan: Brickearth (1986) Saved Policies – Equivalent Policies in the Kent MWLP 2013-2030**

B2	Safeguarded Land	CSM 5 DM 7	Land-won Mineral Safeguarding Safeguarding Mineral Resources
B3	Development Land	DM 9	Extraction of Minerals in Advance of Surface Development
B4	Economically Workable Reserves	DM 16	Information Required in Support of an Application
B5	Material Required for Restoration (soil depths)	DM 16	Information Required in Support of an Application
B6	Working and Restoration Scheme Requirements	DM 19	Restoration, Aftercare and After-use
B7	Agricultural Aftercare	DM 19	Restoration, Aftercare and After-use
B9	Access	DM 12	Transportation of Minerals and Waste
B10	Mud and Stones on the Public Highway	DM 16	Information Required in Support of an Application
B11	General Policy on Environmental Impact	DM 11	Health and Amenity
B12	Noise, Dust and Traffic	DM 11 DM 13	Health and Amenity and Transportation of Minerals and Waste
B13	Landscaping	DM 16 DM 19	Information required in Support of an Application, Restoration, Aftercare and After-use
B14	Public Rights of Way	DM 14	Public Rights of Way

<b>Kent Waste Local Plan (1998) Saved Policies</b>		<b>—Equivalent Policies in the Kent MWLP 2013-2030</b>	
W3	Locational Criteria	CSW 6	Location of Built Waste Management Sites Facilities
W5	Land Raising	CSW 9 CSW 11	Non Inert Waste Landfill in Kent Permanent Deposit Inert Waste
W6	Need (for waste facilities outside identified locations)	CSW 6	Location of Built Waste Management Sites Facilities
W7	Locations Suitable in Principle for Inert Waste to be Prepared for Recycling or Reuse	N/A	Policy Deleted
W8A	River Dredgings	CSW 14	Disposal of Dredgings
W9	Locations Suitable in Principle for Waste Separation and Transfer Proposals	N/A	Policy Deleted
W10	Composting and Digestion	CSW 7	Waste Management for Non-hazardous Waste
W11	Locations with Potential for EfW Proposals	N/A	Policy Deleted
W12	Landfill of Mineral Voids	CSW 9 CSW 10	Non Inert Waste Landfill in Kent Development at Closed Landfill Sites
W13	PFA	DM 1	Sustainable Design
W17	Incineration	DM 11	Health and Amenity
W18	Noise, Dust, Odours etc	DM 11	Health and Amenity
W19	Water Resources/ Leachate/ Groundwater	DM 10	Water Environment
W20	Landfill: Surcharging/Unstable Land/Land Water, Drainage and Flood Control	DM 10 DM 19	Water Environment Restoration, Aftercare and After-use

W21	Nature Conservation Policy	DM 19	Restoration, Aftercare and After-use
W22	Road Traffic and Access	DM 12	Transportation of Minerals and Waste
W25	Plant and Buildings	DM 1	Sustainable Design
W25A	Plant and Buildings	GSW 6	Location of Built Waste Management Sites Facilities
W27	Public Rights of Way	DM 14	Public Rights of Way
W31	Landscaping	DM 19	Restoration, Aftercare and After-use
W32	Restoration/Aftercare	DM 19	Restoration, Aftercare and After-use

Saved Policy CA6— 'Areas of Search within which the Extraction of minerals is Acceptable in Principle' is deleted and replaced by the Kent Mineral Sites Plan

Saved Policy B1— 'Locations Suitable in Principle for the Extraction of Brickearth' is deleted.

Note that the proposed deletion of saved policies CA6 and B1 is a result of the preparation of the Mineral Sites Plan that will provide updated policy on the allocation of land for minerals extraction.

## Appendix C: List of Mineral Sites that are included in Landbank Calculations

**C.1** The table below lists the permitted land-won mineral working sites in Kent included in landbank calculations at the time of plan preparation. Sites that have been inactive for more than 10 years are not included in the landbank calculations. Sites that were inactive in 2013 are shown in *italics*.

**Table 3 Land-Won Mineral Sites in Kent included in calculations of permitted reserves**

Sites	Predominant Aggregate Type	Operator Details
<b>1. Aggregate Sites</b>		
Hermitage Quarry, Maidstone	Crushed Rock	Gallagher Aggregates Ltd
Blaise Farm, West Malling	Crushed Rock	Hanson Aggregates Ltd
<i>Stone Castle Farm, Whetsted</i>	<i>Sandstone Sand and Gravel</i>	<i>Lafarge Aggregates Ltd</i>
Faversham Quarries, Faversham	Sharp Sand and Gravel	Brett Aggregates Ltd
Lydd Quarry (Scotney Court Farm), Lydd	Sharp Sand and Gravel	Brett Aggregates Ltd
<i>Allens Bank, Lydd</i>	<i>Sharp Sand and Gravel</i>	<i>Brett Aggregates Ltd</i>
<i>Conningbrook Quarry</i>	<i>Sharp Sand and Gravel</i>	<i>Brett Aggregates Ltd</i>
<i>Highstead Quarry, Chislet</i>	<i>Sharp Sand and Gravel</i>	<i>Brett Aggregates Ltd</i>
Denge Quarry, Lydd	Sharp Sand and Gravel	CEMEX UK
Darenth & Joyce Green Quarry, Dartford	Sharp Sand and Gravel	J-Clubb Ltd

<b>Sites</b>	<b>Predominant Aggregate Type</b>	<b>Operator Details</b>
East Peckham Quarry, East Peckham	Sandstone Sand and Gravel	J-Clubb Ltd
<i>Joyce Green Quarry, Dartford</i>	<i>Sharp Sand and Gravel</i>	<i>Hanson (Joyce Green Aggregates) Ltd</i>
<i>Aylesford Quarry, Aylesford</i>	<i>Soft Sand</i>	<i>Aylesford Heritage Ltd</i>
Borough Green Sand Pit, Sevenoaks	Soft Sand	Borough Green Sandpits Ltd
Charing Quarry, Charing	Soft Sand	Brett Aggregates Ltd
Lenham Quarry, Maidstone	Soft Sand	Brett Aggregates Ltd
Ightham Sand Pit, Sevenoaks	Soft Sand	H&H Ltd
Wrotham Quarry (Addington Sand Pit), Wrotham	Soft Sand	Hanson Aggregates
Nepicar Sand Quarry, Sevenoaks	Soft Sand	J-Clubb Ltd
Greatness Farm, Sevenoaks	Soft Sand	Tarmac Ltd
<b>2. Silica Sand</b>		
Nepicar Sand Pit, Wrotham	Silica sand	J-Clubb Ltd
Addington Sand Pit (Wrotham Quarry), Addington	Silica sand	Hanson Aggregates Ltd
<b>3. Brickearth and Brickelays</b>		
Claxfield Farm, Sittingbourne	Brickearth	Wienerberger Ltd
Hempstead House, Sittingbourne	Brickearth	Ibstock Brick Ltd
Babylon Tileworks, Tonbridge	Tiles (Weald Clay)	Mr M Gash

<b>4. Clay</b>		
Norwood Quarry, Isle of Sheppey	Engineering (London Clay)	FCG Environment (UK) Ltd
<b>5. Chalk</b>		
<i>Medway Works, Holborough</i>	<i>Cement</i>	<i>Lafarge Cement Ltd</i>
Darenth Rd Quarry, Dartford	Agricultural uses	J Clubb Ltd
Pinden Quarry, Dartford	Agricultural uses	SBS Ltd
Detling Quarry, Maidstone	Agricultural uses	John Bourne & Co Ltd
Beacon Hill Quarry, Ashford	Agricultural uses	John Bourne & Co Ltd
Crundale Quarry, Ashford	Agricultural uses	C Peach
Hegdale Quarry, Ashford	Agricultural uses	R H Ovenden Ltd
Rowling Quarry, Dover	Agricultural uses	R H Ovenden Ltd

**C.2** — Table 3 gives the sand and gravel and agricultural chalk permitted reserve calculations based on the data for the 2013 calendar year. The total permitted reserve figure per mineral type is given where data is available. Reserve details for the individual sites cannot be published due to operator confidentiality requirements. Table 4 shows hard rock, clay and brick earth quarries where there is commercial sensitivity due to there being less than three operational sites (or simply limited data). These reserves are expressed as an estimated supply in years rather than an available tonnage<sup>142</sup>.

**C.3** — Permitted reserve figures for all the economic minerals in Kent are reviewed annually in the Kent AMR. Further details of these calculations are given in the Kent LAA (updated annually) and in topic report TRM3: Other Minerals<sup>143</sup>.

<sup>142</sup> The years of supply are estimates based on the data from ten year sales averages, operator surveys or planning application information.

<sup>143</sup> Available from: [www.kent.gov.uk/mwlp](http://www.kent.gov.uk/mwlp)



# Kent Minerals and Waste Local Plan



**Kent Minerals and Waste  
Local Development Scheme - 2022  
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## Glossary of Terms/Abbreviations Used in the Text

Abbreviation	Explanation
Annual Monitoring Report (AMR)	A statutory document (referred to in legislation <sup>1</sup> as the 'Authority Monitoring Report') which monitors the progress of preparation of planning documentation against the Development Scheme milestones as well as progress in meeting the objectives and implementing the policies set out in the Kent Minerals and Waste Local Plan 2013-30.
Biodiversity net gain (BNG)	Biodiversity net gain is an approach to development which means that habitats for wildlife must be left in a measurably better state than they were in before development took place.
Kent Minerals and Waste Development Plan	The Kent Minerals and Waste Development Plan comprises the development plan documents that provide planning policy for minerals and waste development in Kent i.e. the Kent Minerals and Waste Local Plan 2013- 30 and the Kent Mineral Sites Plan 2020.
Kent Minerals and Waste Local Plan 2013-30 (KMWLP)	This adopted plan (July 2016) sets out the County Council's vision, objectives & spatial strategy for Minerals and Waste planning matters. It contains a statement of strategy and a set of primary policies and proposals for delivering the Core Strategy. The KMWLP was modified via an Early Partial Review (EPR) in 2020 to update the waste strategy and clarify the approach to mineral and waste safeguarding. The modified KMWLP adopted September 2020 sets the policy framework for the allocation of mineral sites and development management decisions.
Kent Minerals and Waste Local Plan 2023-38	The plan currently being prepared to replace the Kent Minerals and Waste Local Plan 2013-30. This Plan was subject to an Early Partial Review which was adopted in 2020.
Kent Mineral Sites Plan	This adopted plan (September 2020) allocates sites in Kent that are considered suitable for mineral working, subject to planning permission. This Plan is to be updated.
Kent Development Plan	The portfolio of documents that together provide the policy framework for all forms of development in Kent. It currently includes the Kent Minerals and Waste Local Plan 2013-30, the Kent Mineral Sites Plan, as well as Local Plans produced by the Kent Borough and District

<sup>1</sup> Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended)

	Councils.
Kent Minerals and Waste Local Development Scheme (MWLDS)	The Kent Minerals and Waste Development Scheme is this document. The MWLDS includes a project plan setting out the County Council's programme and timetable for updating planning policy for waste and minerals development in Kent as well as associated Supplementary Planning Documents.
The Planning Inspectorate (PINS)	The Government agency responsible for programming and conducting the Independent Examination of Local Plans and for managing appeals on planning applications.
Statement of Community Involvement (SCI)	The SCI sets out the Council's policy for involving the community and other stakeholders in the preparation and revision of the Kent Minerals and Waste Development Plan and in the development management process. The SCI is not a Local Plan.
Strategic Environmental Assessment (SEA) & Sustainability Appraisal (SA)	A formal process that analyses and evaluates the social, economic and environmental effects of a plan or programme.
Supplementary Planning Document (SPD)	A document produced by the County Council that provides guidance on the implementation of policies in the Kent MWLP, for example in relation to minerals and waste safeguarding.

## 1. Introduction

**1.0.1** Kent County Council, as the minerals and waste planning authority for the County Council's administrative area, must prepare and keep under review a Minerals and Waste Local Development Scheme (MWLDS). The MWLDS sets out a timetable for the production of the key planning documents related to minerals and waste planning policy in Kent. This 2022-24 MWLDS replaces the previous 2021-22 Scheme (agreed in January 2021).

The Minerals and Waste Local Development Scheme sets out the County Council's programme for the update of key planning documents related to minerals and waste planning policy in Kent during the period 2022-2024. Under this programme the Council will:

- **Prepare the Kent Minerals and Waste Local Plan 2023-38**
- **Update the Kent Mineral Sites Plan**
- **Commence preparation of a Supplementary Planning Document related to Biodiversity Net Gain and waste and minerals development**

**1.0.2** The County Council is committed to the new programme set out in this MWLDS. Its progress will be reviewed annually and reported through the Annual Monitoring Report. Depending on progress this scheme will be updated to reflect changes to timetables.

**1.0.3** This Development Scheme has two key objectives:

- To inform the public and stakeholders of the documents that make up the new planning policy framework for minerals and waste in Kent and the programme anticipated for their updating.
- To reflect the County Council's priorities and to enable work programmes to be set for preparation of the documents.

### 1.1 Legislative Context and Background

**1.1.1** The Planning and Compulsory Purchase Act 2004<sup>2</sup> sets out the system of requirements and procedures for local development planning in England. These requirements are applicable to all Minerals and Waste Planning Authorities and form the basis for the preparation of Kent County Council's suite of minerals and waste plans and supporting documents, as described within this Development Scheme.

**1.1.2** The Town and Country Planning (Local Planning) (England) Regulations 2012 build on the 2004 statutory framework (as amended) for the preparation and adoption of Development Plan Documents and Supplementary Planning Documents; the

<sup>2</sup> As amended by sections 110 -113 of the Localism Act 2011

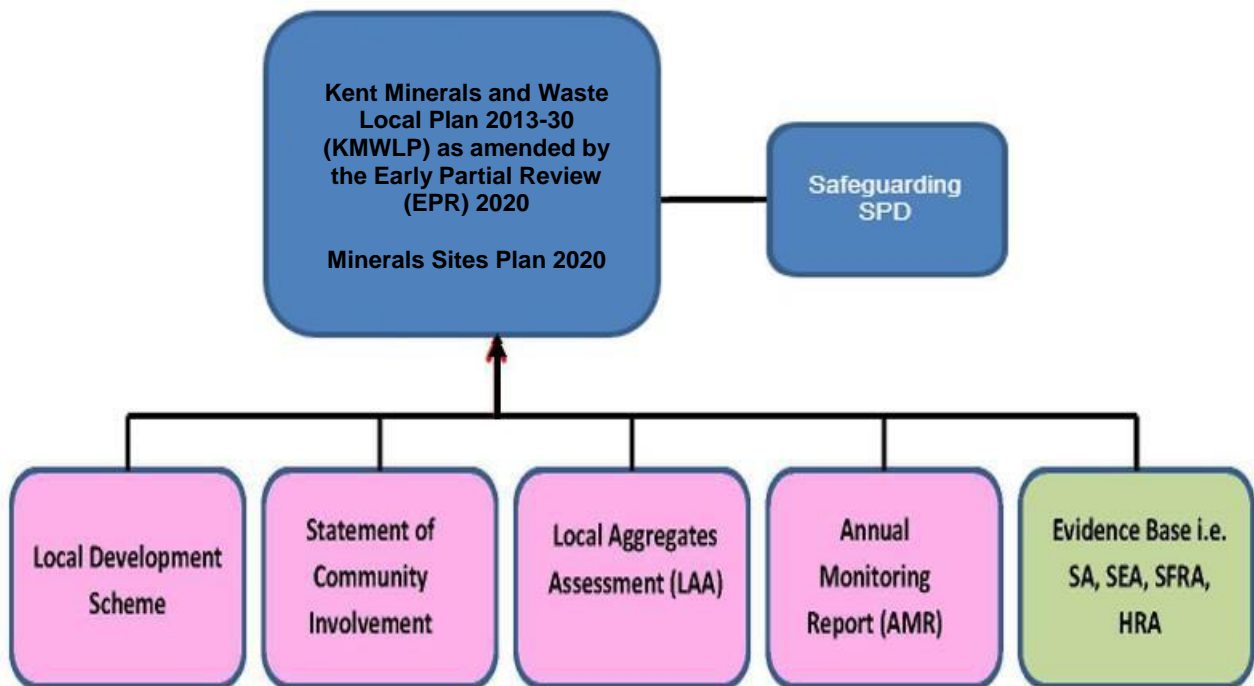
Regulations refer to Development Plan Documents as “Local Plans” since this term is believed to be more easily understood.

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## 1.2 The Minerals and Waste Local Development Scheme

- 1.2.1 The diagram below shows the relationship between the minerals and waste plans and supporting documents that currently form and underpin the adopted minerals and waste planning policy in Kent.
- 1.2.2 The Annual Monitoring Report<sup>3</sup> and the Local Aggregates Assessment are prepared on an annual basis and monitor performance (i.e. how development has actually come forward) against Plan objectives. These monitoring documents, as well as other survey work, help inform reviews of the adopted Plans and indicate whether changes might be required.
- 1.2.3 The Annual Monitoring Report and the annual Local Aggregate Assessment also inform decision makers of changes, such as aggregate landbank levels, that may be material to the determination of planning applications and appeals and would need to be taken into account as well as the policies of the adopted Plans.
- 1.2.4 Appendix A includes an outline of all the planning policy activity covered by this Scheme to December 2024.

**Figure 1 - Relationship between current adopted Minerals and Waste Local Plan Documents**



<sup>3</sup> The Annual Monitoring Report is produced to meet the Council’s statutory requirement to produce an ‘Authority Monitoring Report’ at least every 12 months.

## 2. Minerals and Waste Local Plans

**2.0.1** The following describes the main Kent Minerals and Waste Local Plan documents.

### 2.1 Kent Minerals and Waste Local Plan 2013 – 2030

**2.1.1** The Kent Minerals and Waste Local Plan 2013-30 is the strategic document which sets out the vision and delivery strategy for mineral provision and waste management in Kent. The Plan is formed of core strategic policies and a monitoring implementation framework, as well as development management policies against which any proposals for minerals and waste development will be assessed. The Plan makes provision for the ensuring of a ready and sustainable supply of minerals to meet construction and industrial requirements as well as the sustainable management of all wastes arising in Kent which supports the principles of the UK Government's waste hierarchy.

**2.1.2** An Early Partial Review of the Plan was undertaken that covered two key aspects of the adopted Kent Minerals and Waste Local Plan 2013-30. This review resulted in changes to the Plan which were adopted in September 2020 and are explained below.

#### *Need for a Waste Sites Plan*

**2.1.3** The adopted 2016 KMWLP identified a shortfall in waste management capacity over the Plan period to be met, in part, by development on sites allocated in a Waste Sites Plan. Early work on the Waste Sites Plan included a reassessment of waste management requirements which showed that the identification of sites within a separate Waste Sites Plan was no longer justified. One of the main reasons for the change in position is that additional significant waste other recovery<sup>4</sup> capacity has now been constructed that means there is no longer a shortfall in such capacity. To regularise the position, modifications to the KMWLP were made.

#### *Minerals and Waste Safeguarding Matters*

**2.1.4** Following its adoption in 2016, implementation of the KMWLP revealed a significant ambiguity within policies DM 7 and DM 8 which was having a detrimental impact on the ability of the KMWLP to safeguard mineral resources and minerals and waste management infrastructure. Modifications to rectify this issue were made as part of the Early Partial Review in 2020.

**2.1.5** The modifications to the Kent Minerals and Waste Local Plan 2013-30 meant that the remaining saved policies in the Kent Waste Local Plan (1998) were replaced.

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<sup>4</sup> 'Other recovery' is the recovery of waste by means other than recycling and composting often includes 'energy from waste' involving incineration.

*Review of the Kent Minerals and Waste Local Plan 2021*

- 2.1.6** The National Planning Policy Framework (and legislation<sup>5</sup>) states policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.
- 2.1.7** Although the implementation of policies is monitored on an ongoing basis, the five yearly review is intended to establish whether any work is needed to update the policies. An update to a policy may be needed for the following reasons:
- The policy is no longer in conformity with national planning policy;
  - changes to local circumstances; such as a change in the quantum of development requirements or development of a Nationally Significant Infrastructure Project within the area (or nearby);
  - whether issues have arisen that may impact on the deliverability of key site allocations;
  - their appeals performance;
  - success of policies against indicators in the Development Plan as set out in the Annual Monitoring Report;
  - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their development needs;
  - significant economic changes that may impact on viability; and,
  - whether any new social, environmental or economic priorities have arisen.
- 2.1.8** As the Kent Minerals and Waste Local Plan was adopted in July 2016 all its policies were reviewed in 2021 (except those which were updated by the Early Partial Review).
- 2.1.9** The review concluded that updates were needed to the Plan to address updates to the National Planning Policy Framework (NPPF) in 2018, 2019 and 2021 and associated planning practice guidance; legislation and policy concerning the need to adapt to, and mitigate climate change and associated low carbon growth; new policy relating to the management of low-level radioactive waste and policy and legislation concerned with achieving a circular economy where more waste is prevented or reused. Updates are also needed to reflect local context including the need for additional household waste management capacity, the Kent Environment Strategy and the Kent and Medway Energy and Low Emissions Strategy.
- 2.1.10** The table below sets out the key stages for the five-yearly review of the Kent Minerals and Waste Local Plan 2013-30 and preparation of an updated Plan that will cover the period 2023-38.

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<sup>5</sup> [Regulation 10A of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

**Review and Update of Kent Minerals and Waste Local Plan 2013-30 - Timetable for Key Stages**

<b>Stages</b>	<b>Dates</b>
<i>Evidence gathering to inform review</i>	<i>June 2020 – March 2021 (completed)</i>
<i>Consultation with key stakeholders on need for review of policies</i>	<i>January 2021 – May 2021 (completed)</i>
<i>Report outcome of review to Members including recommendations on the need to update policies</i>	<i>September - November 2021 (completed)</i>
<i>Consultation on draft updated policy (Regulation 18)</i>	<i>December 2021 – February 2022 (completed)</i>
Consultation on draft Kent Minerals and Waste Local Plan 2023-38 (Regulation 18)	October 2022 – November 2022
Publication of draft updated policy (Regulation 19) for representations on soundness	Jan – Feb 2024
Submission to Secretary of State	May 2024
Independent Examination Hearings	July 2024
Inspector's Report	November 2024
Adoption	December 2024

**2.1.11** The table above has changed from that published in the previous Minerals and Waste Development Scheme. This is mainly because comments received during the consultation on draft updated policy (December 2021 to February 2022) suggested that the Plan period should be extended to cover a 15 year period as required by the NPPF. Extending the Plan period results in a need for the development of additional mineral sites and so an updated Mineral Sites Plan is proposed. Preparation of the updated Mineral Sites Plan will take place in parallel with the preparation of a new Core Strategy that will cover the period from 2023 to 2038.



## 2.2 Kent Mineral Sites Plan

### Mineral Sites Plan

**2.2.1** The current adopted Kent Mineral Sites Plan identifies mineral sites and locations for mineral extraction, processing and importation that reflect the principles and strategy of the Minerals and Waste Local Plan 2013 - 2030. The minerals covered in the document are soft sand (building sand) and sharp sand and gravels. The sites allocated are:

- Chapel Farm, Lenham (soft sand)
- Extension to Stonecastle Farm, Hadlow/Whetsted (sharp sand and gravels)
- Moat Farm, Capel (sharp sand and gravels)

**2.2.2** The Kent Mineral Sites Plan was adopted by the County Council on 10 September 2020. The 2020 Mineral Sites Plan replaces any sites allocated in the following previously adopted Plans:

- Kent Minerals Local Plan: Brickearth (1986)
- Kent Minerals Local Plan Construction Aggregates (1993)
- Kent Minerals Local Plan Chalk and Clay (1997)
- Kent Minerals Local Plan Oil and Gas (1997)

**2.2.3** As mentioned above, in light of the preparation of updated Core Strategy policy to cover the period 2023 to 2038, there is now a need to update the Mineral Sites Plan to ensure sufficient sites are allocated to meet requirements for land won hard rock over this extended period.

**2.2.4** The timetable for the update of the Mineral Sites Plan is set out below.

#### **Update of the Kent Mineral Sites Plan - Timetable for Key Stages**

<b>Stages</b>	<b>Dates</b>
Call for Sites	October 2022 – November 2022
Consultation on Site Options (Regulation 18)	April – June 2023
Publication of draft updated Minerals Sites Plan (Regulation 19) for representations on soundness	December 2023 – February 2024
Submission to Secretary of State	May 2024
Independent Examination Hearings	July 2024
Inspector's Report	November 2024
Adoption	December 2024

## 2.3 Adopted Policies Maps

**2.3.1** The Adopted Policies Maps illustrate the mineral and waste policies on an Ordnance Survey base. Once a Local Plan has been adopted, the County Council's policies maps including the mineral safeguarding areas and allocations should be included as part of the Local Plans maintained and adopted by borough/district planning authorities. The borough/district council maps should be updated and amended whenever a new or revised Minerals and Waste Plan is adopted.

## 2.4 Arrangements for the preparation of the Kent Minerals and Waste Local Plan 2023-38 and updates to the Kent Mineral Sites Plan

**2.4.1** Arrangements for the preparation of the Kent Minerals and Waste Local Plan 2023-38 and updates to the Kent Mineral Sites Plan are set out in the table below.

<b>Organisational Lead</b>	<b>Minerals and Waste Planning Policy Team, Growth and Communities, Kent County Council</b>
Political Management	Informal Members Group
	Decision making by Cabinet Member responsible for Minerals and Waste Local Plan matters, Environment and Transport Cabinet Committee, Cabinet and Full Council as appropriate.
Resources Required	Existing staff resources and consultancy support
Community & Stakeholder Involvement	In accordance with the Regulations and Statement of Community Involvement.

## 3 Key Supporting Documents and Evidence Base

### 3.1 Annual Monitoring Report and Local Aggregates Assessment

- 3.1.1** Plan preparation progress and the implementation and effectiveness of adopted plan policies is, and will be, reviewed annually through the Annual Monitoring Report (AMR). Monitoring will indicate what, if any changes, need to be made and these will be incorporated into subsequent reviews of the adopted policies.
- 3.1.2** In addition, the National Planning Policy Framework states that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA) based on:
- A rolling average of 10 years sales data and other relevant local information; and,
  - an assessment of all of the supply options (including marine dredged, secondary and recycled sources).
- 3.1.3** The AMR and LAA will be published annually on the County Council's website<sup>6</sup>.

### 3.2 Statement of Community Involvement

- 3.2.1** The Government has set minimum standards for consultation during plan preparation prior to its submission for examination<sup>7</sup>. It is crucial that all interested parties, including local communities, the minerals and waste industry and environmental groups are involved in the preparation of planning documents.
- 3.2.2** Kent County Council's Statement of Community Involvement (SCI) sets out how communities are to be involved in the preparation of Local Plan documents. The document sets the standards and opportunities for community involvement in the preparation and review of the Local Plan documents identified in this Development Scheme, as well as involvement in planning applications that the County Council determines<sup>8</sup>.
- 3.2.3** The current version of the SCI was adopted in August 2021. The latest SCI reflects the increased ability to consult by electronic means and includes how the County Council engages with the process of neighbourhood planning. The County Council is required to review the SCI at least every five years and so the next review will take place in 2026 unless relevant circumstances change requiring an earlier review.

<sup>6</sup> Available from:

[www.kent.gov.uk/environment\\_and\\_planning/planning\\_in\\_kent/minerals\\_and\\_waste/annual\\_monitoring\\_reports.aspx](http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/annual_monitoring_reports.aspx)

<sup>7</sup> See The Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>8</sup> The Statement of Community Involvement can be viewed at:

[http://www.kent.gov.uk/environment\\_and\\_planning/planning\\_in\\_kent/minerals\\_and\\_waste/community\\_involvement.aspx](http://www.kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/community_involvement.aspx)

### 3.3 Minerals and Waste Safeguarding Supplementary Planning Document

- 3.3.1** The County Council adopted an updated Minerals and Waste Safeguarding Supplementary Planning Document (SPD) in March 2021.
- 3.3.2** The purpose of the SPD is to provide guidance on the implementation of policies in the adopted Kent MWLP in relation to minerals and waste safeguarding matters; it does not introduce new policy. The adopted policies on safeguarding prevent the unnecessary sterilisation of the mineral resources in Kent deemed of economic importance by the British Geological Survey (BGS). The Plan also safeguards minerals and waste importation and processing infrastructure (wharves, railheads and the production of secondary and recycled mineral substitute products and waste management infrastructure).
- 3.3.3** Similarly, they ensure that the existing minerals and waste management infrastructure in Kent is not lost to, or its use compromised by, the inappropriate proximity of non-mineral or waste developments, that by their nature may be incompatible with their continued operation. An example could be housing development within close proximity to an existing operationally unrestricted mineral wharf.
- 3.3.4** The SPD was updated to reflect updates to the mineral and waste safeguarding policies made by the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-2030, and to provide further guidance on their application.

### 3.4 Supplementary Planning Document related to Biodiversity Net Gain

- 3.4.1** The Environment Act 2021 introduces a statutory requirement for new development to achieve 'biodiversity net gain'. This new requirement is being reflected in the updated Kent Minerals and Waste Local Plan 2023-38. As this is such a complex area, especially when applied to the restoration of mineral workings, it is considered that a Supplementary Planning Document should be prepared that will set out how policy requirements for BNG associated with waste and minerals development will be implemented.
- 3.4.2** Work on the Biodiversity Net Gain SPD will commence following adoption of the Kent Minerals and Waste Local Plan 2023-38 and a timetable for its preparation will be included in a future version of this document.

### 3.5 Sustainability Appraisal and Strategic Environmental Assessment

- 3.5.1** The preparation of the Kent Minerals and Waste Local Plan 2023-2038 and updates to the Kent Mineral Sites Plan are subject to appraisal and testing through Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). SEA is a systematic process of identifying and addressing the environmental consequences of plans and programmes originally required by European Union directive that is in force in UK environmental law. The testing will identify any likely significant

environmental effects resulting from the implementation of updated strategies, policies and proposals brought forward with the objective of promoting sustainable development.

**3.5.2** A Sustainability Appraisal Scoping Report was published alongside the draft updated KMWLP policies between December 2021 and February 2022. The Scoping Report sets out the scope of the SA process and is used to consult the views of the three statutory consultees on that scope, namely the Environment Agency, Natural England and Historic England. An SA Scoping Report related to the SA of the Mineral Sites Plan will be published alongside the Call for Sites.

### **3.6 Appropriate Assessment under the Habitats Directive**

**3.6.1** The purpose of Appropriate Assessment (AA) is to assess the impacts of spatial plans, such as the proposed plans, against the nature conservation objectives of any 'Habitat site'<sup>9</sup> and to ascertain whether they would adversely affect the integrity of that site. There are a number of European sites in Kent and the County Council will, as necessary, apply Appropriate Assessment to any proposed updates to policy.

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<sup>9</sup> European Sites are sites which are designated under The Conservation of Habitat and Species Regulations 2017 which in turn was amended under the Conservation of Habitat and Species (Amendment) (EU Exit) Regulations 2019).

## 4 Supporting Statement

### 4.1 Management and Resources

**4.1.1** This scheme amends earlier schedules to reflect the current programme for the preparation of minerals and waste planning policy in Kent.

### 4.2 Evidence Base

**4.2.1** To create a sound evidence base for the preparation the KMWLP 2023-38 and the Kent Mineral Sites Plan, relevant surveys and monitoring information are needed.

**4.2.2** The evidence base consists of indicators set out in the monitoring schedule of the current adopted KMWLP. Indicators are also included within the Data Monitoring chapter of the AMR which, in summary, includes the following:

- The production of aggregates
- New mineral reserves
- Landbanks
- Safeguarding
- Sales of construction aggregates at wharves and rail depots
- Capacity of any new waste management facilities
- Waste arisings including municipal waste
- Exports and imports of waste
- Exports and imports of minerals
- Capacity for handling waste materials in Kent.

**4.2.3** Other evidence base reports will be compiled to support the Kent Minerals and Waste Local 2023-38 and the updated Mineral Sites Plan.

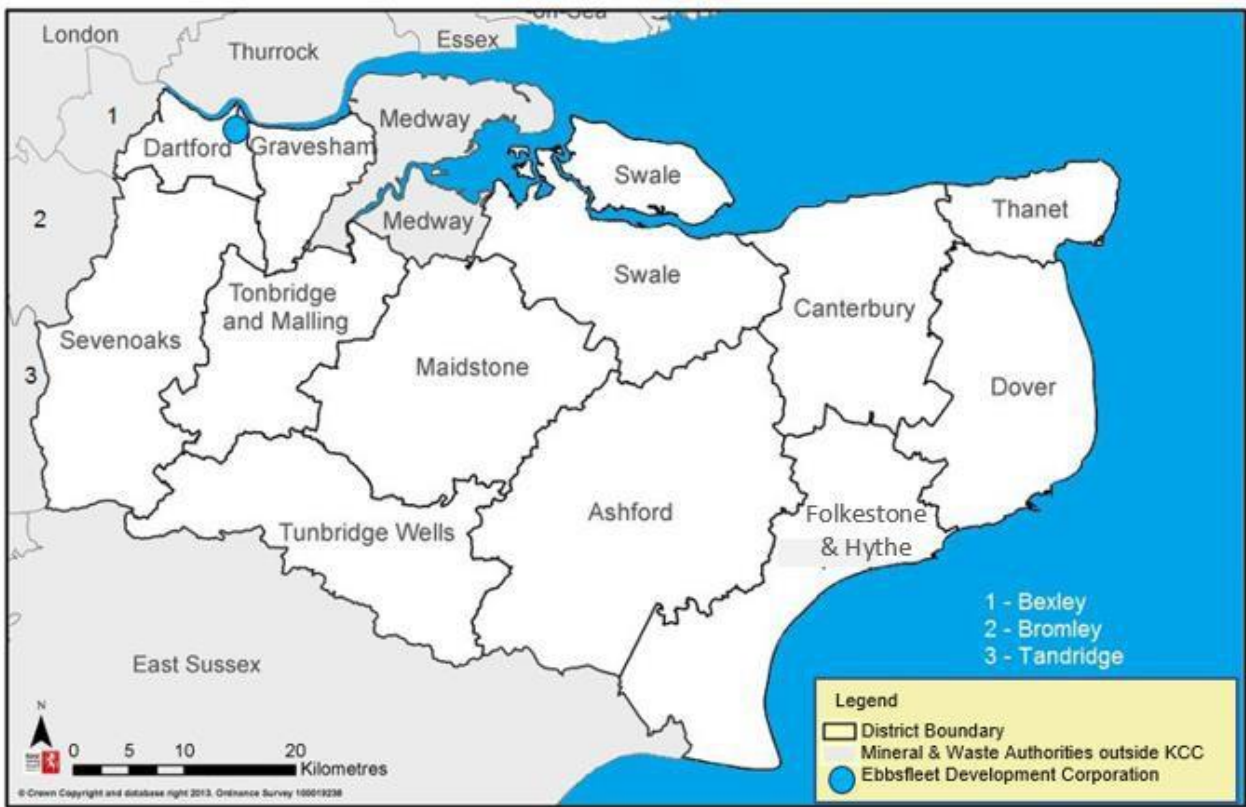
### 4.3 Duty to Co-operate

- 4.3.1** The 'Duty to Cooperate' arising from the Localism Act 2011, applies to all Local Planning Authorities, County Councils and prescribed bodies<sup>10</sup>. and requires that they must co-operate with each other to maximise effectiveness in planning for strategic cross-boundary matters in development plans.
- 4.3.2** The duty imposed on these bodies requires that engagement should occur constructively, actively and on an on-going basis during the plan making process and that regard must be given to the activities of other authorities where these are relevant to the local planning authority in question.
- 4.3.3** For Kent, this represents the boroughs/districts within the county, as well as those which may border Kent or authorities which import/export a significant amount of minerals or waste to and from Kent.
- 4.3.4** Within the Kent area both Kent County Council and Medway Council are minerals and waste planning authorities. It is recognised that the strategic nature of minerals and waste planning issues may not be confined within the respective areas of each authority. We will continue our commitment to joint working and sharing of evidence with Medway Council in particular to ensure that there is both common understanding and consistency in the development and direction of policy for the individual local plans. To this end a Statement of Common Ground between Kent County Council and Medway Council that addresses these issues has been prepared and will be updated as necessary. Statements of Common Ground on mineral and waste planning matters have also been agreed with a number of neighbouring mineral and waste planning authorities and Kent Borough and District Councils.
- 4.3.5** The Annual Monitoring Report includes information on activity undertaken by the Council as part of its Duty to Cooperate.
- 4.3.6** New draft legislation<sup>11</sup> published in May 2022 proposes that the statutory Duty to Cooperate be abolished. The County Council will monitor implementation of this legislation but in the meantime will prepare planning policy in accordance with the existing statutory requirements.

<sup>10</sup> See Regulation 4 (1) The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

<sup>11</sup> Levelling Up and Regeneration Bill

**Figure 2 - Geographic area covered by Kent County Council**



## 4.4 Risk Assessment

4.4.1 In preparing this Development Scheme, consideration has been given to potential risks that might impact on preparation of the Local Plan. These risks include:

- **Personnel** - Availability of experienced personnel.
- **Decision Making** - Political Processes.
- **Soundness** - Working alongside key stakeholders to ensure the MWLP is delivered in accordance with the appropriate regulations.
- **External Bodies** - The length of time it takes to receive responses from stakeholders and the quality of these responses.
- **Community Engagement** - Issues of concern and the scale of response may influence the programme.



## Appendix A: Summary Programme of Planning Policy Activity

Activity	September 2022	October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	September 2023	October 2023
<b>Updated Minerals and Waste Development Scheme</b>														
Review														
Publish update if required														
<b>Kent Minerals and Waste Local Plan 2023-40</b>														
<i>Consultation on draft updated policy with extended plan period (Regulation 18)</i>														
Publication of draft updated policy (Regulation 19) for representations on soundness														
<i>Prepare documentation for submission</i>														
Submission to Secretary of State														
Independent Examination Hearings														
<i>Inspector's Report</i>														
Adoption														
<b>Kent Mineral Sites Plan Update</b>														
Call for Sites														
<i>RAG Assessment of promoted sites</i>														
<i>Consultation on Site Options (Regulation 18)</i>														
<i>Detailed Technical Assessment</i>														
Publication of Preferred Sites (Regulation 19) for representations on soundness														
<i>Prepare documentation for submission</i>														
Submission to Secretary of State														
Independent Examination Hearings														
<i>Inspector's Report</i>														
Adoption														
<b>Biodiversity Net Gain SPD</b>														
Text of Draft Revised SPD														
Consultation and engagement on draft SPD (allow 3 months) Feb to Apr 2025														
Analysis of consultation feedback with recommendations for changes to SPD (May-June 2025)														
Update SPD to prepare final for adoption (July 2025)														
Adoption (inc. report writing) (September 2025)														
<b>Annual Monitoring Report</b>														
Monitoring of all policies														
Draft in light of annual waste data and LAA														
Finalise taking account of monitoring of policies														
<b>Local Aggregates Assessment</b>														
Survey of operators inc. recycled aggregate producers														
Update data (10yr av.; landbanks etc.) in light of survey														
Update commentary in previous LAA based on revised data														
Draft for SEEAWP														
Consultation with SEEAWP														
Prepare final draft in light of SEEAWP comments														
Publish Final Draft														

Activity	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024	July 2024	August 2024	September 2024	October 2024	November 2024	December 2024
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**From:** Benjamin Watts, General Counsel  
**To:** Environment and Transport Cabinet Committee – 8 September 2022  
**Subject:** Work Programme

**Classification:** Unrestricted

**Past and Future Pathway of Paper:** Standard agenda item

**Summary:** This report gives details of the proposed work programme for the Environment and Transport Cabinet Committee.

**Recommendation:** The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme.

## **1. Introduction**

- 1.1 The proposed work programme, appended to the report, has been compiled from items in the Future Executive Decision List and from actions identified during the meetings and at agenda setting meetings, in accordance with the Constitution.
- 1.2 Whilst the chairman, in consultation with the cabinet members, is responsible for the programme's fine tuning, this item gives all members of this cabinet committee the opportunity to suggest amendments and additional agenda items where appropriate.

## **2. Work Programme**

- 2.1 The proposed work programme has been compiled from items in the Future Executive Decision List and from actions arising and from topics, within the remit of the functions of this cabinet committee, identified at the agenda setting meetings [Agenda setting meetings are held 6 weeks before a cabinet committee meeting, in accordance with the constitution].
- 2.2 The cabinet committee is requested to consider and note the items within the proposed Work Programme, set out in appendix A to this report, and to suggest any additional topics to be considered at future meetings, where appropriate.
- 2.3 The schedule of commissioning activity which falls within the remit of this cabinet committee will be included in the work programme and considered at future agenda setting meetings to support more effective forward agenda planning and allow members to have oversight of significant services delivery decisions in advance.
- 2.4 When selecting future items, the cabinet committee should consider the contents of performance monitoring reports. Any 'for information' items will be

sent to members of the cabinet committee separately to the agenda and will not be discussed at the cabinet committee meetings.

**3. Conclusion**

- 3.1 It is vital for the cabinet committee process that the committee takes ownership of its work programme to deliver informed and considered decisions. A regular report will be submitted to each meeting of the cabinet committee to give updates of requested topics and to seek suggestions for future items to be considered. This does not preclude members making requests to the chairman or the Democratic Services Officer between meetings, for consideration.

**4. Recommendation:** The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme.

**5. Background Documents:** None

**6. Contact details**

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## Environment and Transport Cabinet Committee – Draft Work Programme 2022/23

Item	Cabinet Committee to receive item
Verbal Updates by Cabinet Members and Corporate Director	At each meeting
Performance Dashboard	At each meeting
Work Programme	At each meeting
Budget Consultation	Annually (November/December)
Final Draft Budget	Annually (January)
Strategic Risk Register	Annually (March)
Winter Service Policy	Annually (September)
Bus Feedback Portal	Bi-Annual (every six months)

### 8 November 2022

No.	Item	Additional Comments
Page 387	Procurement and award of contract(s) for Highway Weed Control - Key Decision	
	Kings Hill Solar Farm - Key Decision	
	Folkestone and Hythe District Waste Transfer Station - Key Decision	
	Highways Assets Audit Status Report	Requested at ETCC on 19 May 2022
	Local Transport Plan 5 - Update	
	Active Travel and Cycle Network - Update	Requested at ETCC on 18 January 2022
	Kent Resource Partnership	
	Adaptation Programme - Draft Strategy	
	Nutrient Neutrality - Update	
	Plan Bee refresh and Summit	

### 19 January 2023

No.	Item	Additional Comments
	Final Draft Budget	Annual

7 March 2023

No.	Item	Additional Comments
	Strategic Risk Register	Annual

**Items for Consideration that have not yet been allocated to a meeting**

Sturry Link Road - Key Decision	
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