

Consultation on draft the Kent Minerals and Waste Local Plan 2023-38 - Comments received to Regulation 18 consultation 24th October 2022 to 5th December 2022

Ref No.	Section	Consultee	Summary of Representation
			Contents
			1. Introduction
ID13	1.2 The Status of the Kent Minerals and Waste Local Plan 2023-38 Paragraph 1.2.3	Ebbsfleet Development Corporation	Acknowledge the correct inclusion of the EDC as a Waste and Minerals Authority in Kent.
ID19	1.2 The Status of the Kent Minerals and Waste Local Plan 2023-38 Paragraph 1.2.3	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Continued guidance in terms of the relevance of the Plan to the determination of non-minerals and waste applications and identification of the main policies that will be implemented is supported.
ID16	1.2 The Status of the Kent Minerals and Waste Local Plan 2023-38	Tonbridge and Malling Borough Council	TMBC supports the proposal that the updated KMWLP should plan for a period of 15 years from adoption in accordance with Paragraph 22 of the NPPF. However, based on KCC's anticipated adoption date of December 2024, it is questioned whether, (to be fully NPPF compliant as per the Local Plan text) if the Plan's time horizon should not be 2039 or even 2040 given the very short period between the Inspector's final report and adoption. Should KCC wish to amend this, TMBC would welcome further discussions around any other implications that may arise from this.
ID03	1.3 The Links with Legislation, Other Policies and Strategies Paragraph 1.3.13	-----	<p>A. KCC's waste plans</p> <p>1. Section 1.3.913 shows that KRP has achieved a 40% recycling and composting target within KCC and a 60% recycling and composting rate at its HWRCs. An objective of raising the 40% target to 50% is given in section 1.3.115, with no more than 5% going to landfill.</p> <p>These objectives are totally unclear:</p> <ul style="list-style-type: none"> • What do the percentages represent? Percentages should only be used where it is clear what they are percentages of! • No indication is given as to how these objectives are to be achieved • No indication of where material that is initially fly tipped is included in the two categories • Greater clarity would be given by showing the quantities collected by the local authorities, broken down into recyclables, composting and non-recyclable headings. Amounts deposited directly in HWRCs should be shown separately, ideally by HWRC since that would indicate the appropriateness of the waste collection methods adopted within each local authority. It should certainly be possible to see which local authorities are performing well in their waste collection activities and where additional support is required to enable each local district to be brought up to an acceptable level. • The overall impression is of a report being written to hide the facts to the greatest possible extent. <p>2. The report seems to be totally unaware that supermarkets are the only places where plastic food covering materials can be delivered for recycling. It is apparently unacceptable to include these within local authority collections for recyclables.</p> <p>3. Similarly, used pharmaceutical blister packs can be recycled via one specific pharmacy chain.</p> <p>4. Product labelling that identifies what can be recycled is very poor with there being no overall control on what can and can't be recycled. I have purchased paper cups that are defined as being recyclable but were not acceptable for recycling because the paper had a plastic coating. KCC should press for improved labelling at a national level, to ensure that people living in Kent can rely on statements made by manufacturers.</p> <p>5. At a HWRC, there are many different categories of product than can be collected separately from each individual house. What steps are going to be taken to align local authority collection categories with the categories used at HWRCs? Bearing in mind the additional value that correctly sorted materials have, the answer to this question is important to maximise the value of those different categories to KCC.</p> <p>As shown in point 2 to 5 above, we now have a recycling approach that involves people who want to ensure good recycling having to deal with the local authority, a HWRC, a choice of shops for specific types of waste and a poor control over the way in which the recycling options for each packaging element</p>

			are communicated. That is a marvellous way to ensure that individuals become confused and give up attempting to recycle items in the best way.
ID03	1.3 The Links with Legislation, Other Policies and Strategies Strategic Transport Plans Paragraph 1.3.19	----	C. KCC's Strategic Transport Plan and NPPF guidelines. The inclusion of information about the county's Strategic Transport Plan was noted, but the summary given provides little information about the pollution that is generated by excessive passenger and freight traffic on the roads. Many are not designed to deal with the current volume of vehicles and, as I understand it, there is no provision for providing opportunities contained in NPPF Guidelines to make it possible for people to walk about in their villages. At the time many houses were built, traffic volume was significantly lower than it is today. While new housing developments have to provide local transport plans, there is no provision for improvements to enable people living in older properties to be able to have appropriate footways built, thus enabling them to be able to exercise, to visit neighbours or to visit local shops safely. This lack of concern for people in areas supported by inadequate infrastructure requires attention. It is considered considerably more work is required to bring the report up to an acceptable standard.
ID19	Figure 13: Minerals Key Diagram (as proposed to be replaced)	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Is supported as it continues to identify the safeguarded wharves.
ID19	Figure 13A: Minerals Key Diagram Inset Map – Sustainable Mineral Supply (as proposed to replace Figure 14) –	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Is supported as it continues to identify Robins Wharf as a safeguarded wharf.
2. Minerals and Waste Development in Kent: A Spatial Portrait			
ID47	2.2 Kent's Environmental and Landscape Assets Paragraph 2.2.1	Natural England	Recommends that in the sites of 'National Importance' within Section 2.2.1 of the Plan Review, reference is made to Marine Conservation Zones as there may be implications for these sites from some of the proposals including the importation wharves, for example.
ID47	2.2 Kent's Environmental and Landscape Assets Paragraph 2.2.7	Natural England	Welcomes inclusion and consideration of the local nature recovery strategy within Section 2.2.7 and would recommend that as the plan moves towards Regulation 19, this text is updated to reflect any legislation and emerging guidance as this emerges. It would also seem appropriate for reference to the local nature recovery strategy to be referenced within the various policies where environmental enhancements are to be delivered or secured.
ID47	2.2 Kent's Environmental and Landscape Assets Figure 5	Natural England	Recommends that Figure 5 is updated to include the Swanscombe Peninsula Site of Special Scientific Interest and the Marine Conservation Zones around the Kent coast. Boundary files for these are available at https://naturalengland-defra.opendata.arcgis.com/ . In addition to the ancient woodland plan, it may also be appropriate to include details on priority habitats within Kent, the Priority Habitat Inventory (also available from our data sharing website) may help in preparing such a plan.
ID21	2.2 Kent's Environmental and Landscape Assets	Dartford Borough Council	Figure 7 does not seem to clearly show the RIGS site at Bluewater, we can only seem to identify the Beacon Woods Country Park RIGS site.

	Figure 7: Local Geological Sites and Local Wildlife Sites		
ID47	2.3 Kent's Economic Mineral Resources Paragraph 2.3.6	Natural England	Note that Section 2.3.6 states that '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'. Following the early partial review of the Plan and adoption in 2020, Natural England considers it may be appropriate to include detail in this section as to why further mineral site allocations at Dungeness and Romney Marsh were not considered acceptable on ecological and geodiversity grounds.
ID29	2.4 Kent's Waste Infrastructure Figure 15	Environment Agency	We have also noticed discrepancies when referring to Source Protection Zones - for example in Figure 15, the title reads "Flood Zones, Sources Protection Zones and Petroleum Exploration and Development License areas" and should read "Flood Zones, Source Protection Zones ... License areas" The terms "Source Protection Zone" and "Protected Groundwater Source Area" also have different definitions and must be used correctly throughout the Plan.
3. Spatial Vision for Minerals and Waste in Kent			
ID35	Spatial Vision for Minerals and Waste in Kent [time period]	Gallagher Aggregates Ltd (GAL)	GAL support the extension of the Plan period to 2038. As this is in accordance with the NPPF's requirements as set out in paras. 17 and 22, that require local planning authorities to have strategic policies that look ahead over a minimum of 15 years from adoption. And that anticipate and respond to long-term requirements and opportunities such as those arising from major developments in infrastructure. The NPPF stresses that a sufficient supply of minerals is essential for the delivery of infrastructure, buildings, energy and goods to meet society's needs and that minerals can only be worked where they are found. If future demand for construction materials is to be met, it is vital that the Kent Minerals and Waste Local Plan (KMWLP) makes adequate provision sufficiently far ahead to give developers/operators the certainty they need to commit to investing in and bring sites forward.
ID19	Spatial Vision for Minerals and Waste in Kent	Aggregate Industries and Brett Aggregates Ltd [combined representation]	The intent as detailed at part 7 that planning for minerals in Kent will, amongst other things, safeguard all existing, planned and potential mineral transportation and processing infrastructure (including wharves and rail depots and production facilities) is supported.
ID31	3. Spatial Vision for Minerals and Waste in Kent	Gravesham Borough Council	GBC do not wish to make any additional comments on the Vision.
ID16	3. Spatial Vision for Minerals and Waste in Kent	Tonbridge and Malling Borough Council	TMBC acknowledge the changes to the spatial vision for minerals and waste and raise no objection to them. In particular, TMBC support the subtle changes to vision No's 6 & 9 to facilitate secondary and recycled aggregates to become less reliant on land-won construction aggregates together with the reuse of materials and goods.
ID23	3. Spatial Vision for Minerals and Waste in Kent	Tunbridge Wells Borough Council	As per TWBC's response to the previous KMLP Review consultation (December 2021 – February 2022), we note that the vision includes ambition for low carbon output and minimising waste, but no measurable targets are identified. It is considered that without these it cannot be measured how ambitious the vision really is. Equally monitoring the success of the vision will be difficult without measurable targets.
ID49	3. Spatial Vision for Minerals and Waste in Kent	Ashford Borough Council	The Council previously noted that the proposed 'Spatial Vision' for the Plan does not cover the vision of managing increasing levels of service infrastructure to meet growth and demands in waste and resource management. The Council expressed the opinion that both disposal capacity and transfer capacity should be dealt with as one function of the Waste Disposal Authority (WDA). The Council note that KCC consider that "final disposal and transfer capacity are two distinct items serving wholly different purposes" and that "much of the final disposal infrastructure serves areas across and beyond Kent's borders" (p6 of KCC's Summary of Responses). Notwithstanding, the Council remain of the view that the two are intrinsically linked. Consequently, the comments made by the Council in our previous response dated 1st March 2022 (attached at Appendix A) remain unchanged. In summary, the proposed 'Spatial Vision' for the Plan does not cover the vision of managing increasing levels of service infrastructure to meet growth and demands in waste and resource management. The Council considers that both disposal capacity and transfer capacity should be dealt with as one function of the Waste Disposal Authority (WDA).
ID25	3. Spatial Vision for Minerals and	East Sussex County Council	Pleased to see that the Spatial Vision for Minerals and Waste in Kent points 1 and 2 now recognises the contribution that will be made to the needs of Kent "and beyond" and assumes that this latter reference would apply to the ESSDB&H Plan Area.

	Waste in Kent Points 1 and 3	and Brighton and Hove City Council	
ID32	3. Spatial Vision for Minerals and Waste in Kent Points 1 and 3	South Downs National Park Authority	Welcomes additional text proposed at point one and point three of the Spatial Vision for Minerals and Waste in Kent. This recognises the important role Kent has in ensuring a steady and adequate supply of regionally important minerals beyond the boundary of Kent.
ID47	3. Spatial Vision for Minerals and Waste in Kent Point 5	Natural England	Given the strong emphasis, following the early partial review, on a transition to marine won aggregates, in part due to the environmental impacts from further allocations at Dungeness, we consider that it may be appropriate for this text to be updated to reflect the change in balance to marine won and imported aggregates.
4. Strategic Objectives for the Minerals and Waste Local Plan			
ID31	4. Objectives for the Minerals and Waste Local Plan	Gravesham Borough Council	GBC do not wish to make any additional changes to the Strategic Objectives.
ID16	4. Objectives for the Minerals and Waste Local Plan	Tonbridge and Malling Borough Council	TMBC note the changes to the strategic objectives and raise no objection to them. In particular, the inclusions of building sand (for the benefits of a viable construction industry) together with maximising biodiversity net gain are supported.
ID23	4. Objectives for the Minerals and Waste Local Plan	Tunbridge Wells Borough Council	TWBC's response to the previous consultation noted more emphasis on biodiversity net gain (BNG), however it was considered that a target should be included within the BNG objective. No measurable targets are included in the latest review, but it is noted that targets have now been included under some of the development management policies such as DM1: Sustainable Design and DM3: Ecological Impact Assessment (below).
ID49	4. Objectives for the Minerals and Waste Local Plan	Ashford Borough Council	The Council previously commented that new facilities to accommodate population growth and growing housing need, must be planned for through the Local Plan process by the WDA and Kent Authorities. On this basis, the Council suggested that KCC should allocate a site(s) to ensure that any identified need is met. Regarding need, the Council notes KCC's reference to its Annual Monitoring Report (AMR) which KCC state "demonstrates that there is sufficient capacity for the management of waste in Kent to 2040" (p7 of KCC's Summary of Responses). The Council welcome clarification that there is currently no need to increase waste management capacity within the County.
ID47	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 3	Natural England	Could be strengthened by making reference to delivering a positive environmental outcome through biodiversity net gain and contribution to the local nature recovery strategy, for example. In addition, we consider that the ninth bullet point for minerals could also be significantly strengthened to ensure that restoration and aftercare plans deliver environmental benefits by removal of 'where possible' from this policy wording. We consider that 'After uses should conserve and improve local character and provide opportunities for biodiversity...' more closely aligns with the requirements of the National Planning Policy Framework and the wider aspirations within the Plan. We would also recommend that, in addition to the Biodiversity Opportunity Areas, reference is made to the local nature recovery strategy. Natural England would also support the strengthening of the policy wording within the fifteenth bullet point for waste development through the removal of the 'Where possible' wording and a reference to the local nature recovery strategy.
ID23	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Tunbridge Wells Borough Council	It is also good to see that point 4a now includes reference to achieving a more Circular Economy and the word maximise has been added under point 15 in relation to achieving BNG in site restoration.
ID27	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Mineral Products Association	It is not clear, even in light of the Circular Economy paper, what supply of minerals 'in a manner which is consistent with the achievement of a more circular economy' means in practice. Does it mean optimising/maximising use of recycled and secondary materials? If so, it should be acknowledged that this would be limited by the supply of suitable material from construction and demolition projects, and the suitability of such materials to substitute for primary aggregates. Such applications will be limited by the quality of materials and the specification for the end use. Also, it is likely that use of recycled and secondary materials, as a proportion of all consumption, is already maximised (the replacement figures in para 5.2.8 appear to reflect this). There is a risk that an objective worded in this way may be wrongly interpreted as meaning the level of provision for primary minerals made in the Plan is negotiable maximum that may be revised downwards, or that applications for new reserves may be refused on the basis that demand can be met through recycled and secondary materials.

ID35	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 4a	Gallagher Aggregates Ltd (GAL)	<p>The meaning of this objective is unclear. Para. 5.2.2 of the KMWLP states that Mineral Planning Authorities (MPA) are required by the NPPF to aim to source minerals indigenously so far as practicable and take into account 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 requires MPAs to identify and include policies for the extraction of mineral resources of national and local importance in their area.</p> <p>GAL is a leading supplier of recycled products from its Kent operational base. GAL recognises that there are limitations on the extent to which recycled and secondary materials can meet material needs and replace or substitute primary aggregates. This being in response to the availability of substitute waste (C,D & E) materials and product specifications required by different markets. The Mineral Products Association has stated in their recent (2022) strategy that while the recycled and secondary materials make up around 30% of aggregate supply reducing some of the requirements of primary materials, this source is virtually maximised and primary materials will comprise the vast majority of future supply, in addition manufacturing industries require a wider range of minerals than ever before.</p> <p>The County Council's Local Aggregate Assessment (LAA) 2022 makes the same observation, in that the supply of recycled and secondary aggregates is contingent not on the demand for this type of material but on their availability and that is significantly determined by wider economic factors in the economy that affect C,D & E waste arisings. The KMWLP should make clear that the provision of future mineral supply takes account of the anticipated contribution from the recycled and secondary aggregates and avoids the risk that this objective be wrongly interpreted as meaning the level of provision of primary minerals, to maintain landbanks at the appropriate levels, is a negotiable maximum that can be revised downwards.</p>
ID19	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 7	Aggregate Industries and Brett Aggregates Ltd [combined representation]	The confirmation at part 7 (page 45) as a strategic objective in the context of 'Minerals' to: 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 is supported.
ID19	4. Objectives for the Minerals and Waste Local Plan	Aggregate Industries and Brett Aggregates Ltd [combined representation]	The confirmation at part 7 (page 48-49) as a strategic objective in the context of 'Minerals' to: 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 is supported.
ID35	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 9	Gallagher Aggregates Ltd (GAL)	The meaning of this objective is not clear. The objective includes a mix of references as to what could be expected from developers in regard to biodiversity. For developers to plan properly for the delivery of biodiversity enhancements and biodiversity net gain (BNG) the KWWLP should be unambiguous in its requirements for BNG and clear as to the basis for any targets over and above the statutory requirements, and how they have been arrived at.
ID42	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 9	Kent Downs AONB	Support the amendments in point 9 of the Strategic Objectives regarding restoration of minerals sites
ID23	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 11	Tunbridge Wells Borough Council	It is also suggested that under objective 11 a stronger word than 'enabling' is used such as 'empowering' the waste management industry...'
ID49	4. Objectives for the Minerals and Waste Local Plan Strategic Objective 11	Ashford Borough Council	Objective 10 of the Plan continues to look to industry for solutions to minimise waste and increase its re-use. In our letter dated 1st March 2022, the Council highlighted the need to plan for required infrastructure, and partner with industry to provide solutions. The Council remain of the view that this should be reflected in the objectives to encourage partnership working as a means to achieving desired outcomes.

5. Delivery Strategy for Minerals			
ID24	5.1 Policy CSM 1: Sustainable Development	Tunbridge Wells Borough Council	It is noted that there are three Sustainable Design Policies in the KMWLP – Policies CSM1, CSW1 (below) and DM1 (below). TWBC would query whether Policies CSM1 and policy CSW1, which relate to compliance with the NPPF are necessary, as compliance with the NPPF is taken as standard/expected. It is therefore suggested that these two policies be deleted, and the wording used in the pre-text to them be reviewed, combined, and implemented as an overarching theme on Sustainability at the beginning of the Plan. A cross reference to Development Management Policy DM1: Sustainable Design could also be included in this new section.
ID23	5.1 Policy CSM 1: Sustainable Development	Tunbridge Wells Borough Council	TWBC's comments to the previous consultation queried whether Policies CSM1 and policy CSW1, which relate to compliance with the NPPF are necessary, as compliance with the NPPF is taken as standard/expected. It was therefore suggested that these two policies be deleted, and the wording used in the pre-text to them be reviewed, combined, and implemented as an overarching theme on Sustainability at the beginning of the Plan. It is noted that most of policy CSM1 has been deleted in the latest review, but the first paragraph about needing to comply with the NPPF remains – TWBC therefore still questions whether this policy is necessary, and our suggestion above remains. It is also considered that Policy DM1: Sustainable Design below sufficiently covers sustainable development requirements for minerals and waste developments.
ID24	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy. It should also be noted that the requirement for Annual Monitoring Reports have been replaced by Authority Monitoring reports – this reference should be updated.
ID23	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Tunbridge Wells Borough Council	The changes are noted. With regard to sharp sand and gravel levels (under heading 1. Aggregates) it is considered to be unclear whether these will be maintained at a 7-year figure. As per TWBC's comments on the previous consultation, it should also be noted that the requirement for Annual Monitoring Reports have been replaced by Authority Monitoring reports and it is suggested that this reference be updated in the supporting text and policy wording.
ID30	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	West Sussex County Council	It is noted that with regards to soft sand and crushed rock that the policy wording includes the wording " at least equal to the 7-year landbank ", whilst for Sharp sand and gravel, the wording exclude " at least ". Should this be the case for sharp sand and gravel also, making it consistent with the clause for other aggregates and in line with NPPF wording (para 213f)? We look forward to continuing to work with Kent County Council on strategic matters, such as aggregates supplies and waste movements, through our various position statements and statements of common ground.
ID40	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Ryars Protection Group	Provision of soft sand from the Folkstone Beds in Kent always needs to take into account the views of local residents. Moreover, the views of residents are increasingly important. Residents should have full access to any and all mineral extraction details that impact their local area. Kent has too often been adversely impacted by mineral extraction. Current (December 2022) economic forecasts indicate UK recession. The anemic growth outlook will weaken UK sectors. The OBR indicates recession will reduce UK GDP. Speculative views by the mineral industry to justify more soft sand provision are irrelevant.
ID25	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.6	East Sussex County Council and Brighton and Hove City Council	Paragraph 5.2.6 also recognises that soft sand supplies in Kent are relatively abundant, whereas they are scarce in other parts of the South East with Kent sites continuing to be important for mortar and asphalt production.
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.15	Mineral Products Association	We support the reference to the need to maintain a minimum landbank including at the end of the Plan period, which we believe is the correct interpretation of National Planning Policy Framework requirements.
ID47	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent	Natural England	Whilst Natural England acknowledges that the starting point for identifying future supply needs for land-won sand and gravel is the expected need for materials during the plan period (Section 5.2.17), we consider that the environmental impacts of potential allocations should also be considered at the earliest stage possible. Natural England worked closely with the Council on the recent early partial review of the Plan which saw options outside of designated sites, which had a lesser environmental impact, being pursued to meet the County's mineral requirements. We would support a stronger

	Paragraph 5.2.17		reference to the environmental impacts for all potential allocations being referenced within the Plan.
ID46	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	Maidstone Borough Council	MBC have reviewed the additional changes and are supportive of the plan as a whole and the overall aims of the policy refresh and welcome the updated position in respect to soft sand extraction at Chapel Farm which forms part of an allocation in the Maidstone Local Plan Review.
ID32	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	South Downs National Park Authority	Note the current position regarding Soft Sand supply set out in paragraph 5.2.22, in particular the potential shortfall at the end of the plan period. As you state in the plan 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.
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	Mineral Products Association	Support the reference to the need to maintain a minimum landbank including at the end of the Plan period, which we believe is the correct interpretation of National Planning Policy Framework requirements. There should be reference to the strategic significance of soft sand resources and reserves, and the need to make provision to supply areas without resources, as presented in the South East Mineral Planning Authorities Soft Sand Position Statement and Statement of Common Ground.
ID25	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.22	East Sussex County Council and Brighton and Hove City Council	Note the current position regarding soft sand supply set out in paragraph 5.2.22, in particular the potential shortfall at the end of the plan period. As you state in the plan 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. On this basis we assume that soft sand supply will be carefully and regularly monitored and any potential issues for the area beyond Kent would be flagged up early. We therefore look forward to continuing to work together and further discussions as necessary relating to the soft sand SoCG agreements.
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.24	Mineral Products Association	Support the reference to the need to maintain a minimum landbank including at the end of the Plan period, which we believe is the correct interpretation of National Planning Policy Framework requirements.
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraph 5.2.26	Mineral Products Association	Support recognition that by extending the Plan period that additional rock reserves will be required to achieve this.
ID35	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Paragraphs 5.2.15, 5.2.24 & 5.2.26	Gallagher Aggregates Ltd (GAL)	GAL support the reference to the need for additional crushed rock reserves over the extended 15-year Plan period (para. 5.2.24). The starting point is an amalgamation of existing reserves at the two consented operational sites in Kent. GAL are of the view that there should also be a consideration of the characteristics of the geology of the mineral as represented across the two sites and thus future provision should take this into account. At the previous Regulation 18 Public Consultation GAL made detailed comments on the differing characteristics of the geology (the Hythe Formation [Limestone]) on the basis that the available evidence is sufficient to delineate two types of hard crushed rock from the geology of the formation at the two sites. The NPPF requires that where an aggregate material serves a distinct market or markets there must be provision made to meet the identified needs over the Plan period. The Hermitage Quarry and Blaise Farm sites taken together constitute the Kent landbank for hard crushed rock that meet the requirements of two distinct aggregate markets. The Hermitage Quarry site has the characteristics necessary to meet structural concrete products, Kentish Ragstone cut stone masonry, rip rap armour stone, processed into single sized aggregate for concrete specifications, gabion stone materials and lower grade materials that can be applied to more general civil engineering applications such as Type 1 Sub-base material. The geology as Blaise Farm is unable to meet the higher specified aggregate uses as a crushed rock.

			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 can meet the higher specification products and uses and those which cannot. The County Council should review the hard (crushed) rock aggregate landbank objectively assessed needs in the area and make adequate provision to enable a steady and adequate provision to enable a supply of these materials so that both distinctive market needs are met into the future. GAL are continuing to be engaged with the County Council on this matter.
ID47	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Natural England	Considers that Policy CSM2 should be significantly strengthened to ensure that sites designated for their landscape, geological and nature conservation interests are robustly considered. Section 6 of Policy CSM 2 refers only to the needs to undertake a Habitats Regulations Assessment when selecting and screening the suitability of sites for allocation. We would recommend that the Policy is amended to more fully reflect the protection afforded to the hierarchy of designated sites from international through to local as detailed within the National Planning Policy Framework. We would support the inclusion of a requirement for an assessment of impacts to Areas of Outstanding Natural Beauty, Sites of Species Scientific Interest and Marine Conservation Zones being referenced within the Policy. In addition, consideration of impacts to irreplaceable habitats, habitats and species of principal importance, protected species and other species and habitats of conservation concern should be considered when allocating sites. Those with the least environmental impact, whilst meeting the other requirements, should proceed to allocation in accordance with the 'avoid, mitigate, compensate' hierarchy within the National Planning Policy Framework.
ID27	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Mineral Products Association	Support the policy commitment to maintain minimum landbanks including at the end of the Plan period, which we believe is the correct interpretation of National Planning Policy Framework requirements.
ID28	5.2 Policy CSM 2: Supply of Land-won Minerals in Kent Policy CSM 2	Invicta Planning (on behalf of Borough Green Sand Pits Ltd)	<p>Proposed extension of Plan period to 2023-38 is supported given the long-term planning for mineral extraction operations, the extension of time to a 15-year length is in accordance with the NPPF requirements.</p> <p>Policy CSM2 is proposed to be updated to take account of the most recent data available on sales and landbanks, compared to 2016 when the Plan was adopted. The main areas of concern in relation to the proposed changes to ensure an adequate and steady supply of land-won minerals relates to the following matters:</p> <ul style="list-style-type: none"> • Forecasting future demand; • Accounting for wider soft sand needs across the South East; and • Whether sufficient Soft Sand supply has been accounted for over the Plan (extended) Period. <p>Forecasting future demand not only is reliant on 10-year and 3-year rolling sales averages and maintaining landbanks relies on past sales. The NPPF and the Planning Officers Society (POS) Guidance both state that other relevant local information including such matters as levels of planned construction, including major projects, comparing housing projections against actual growth over the previous 10-year period. The modelling of demand using this methodology may only be indicative, though if modelling shows growth higher than the preceding decade may indicate increasing provision above the 10-year average sales and landbank method of prediction.</p> <p>The proposed changes to the Plan do not adequately take account of 'other relevant local information' in demand forecast for soft sand. The Kent LAA (November 2022, 2021 data) and its conclusions on the soft sand supply need fails to take account of local circumstances where further growth will occur, the fact that other areas of the South East will be, at least in part, reliant on Kent supply and are to experience further growth and an over reliance on the availability of 3.2mt being available from the allocation site called Chapel Farm (Lenham). This site may or may not be available in time to ensure a steady and adequate level of supply. As this site is contingent on Charing Quarry (Burleigh Farm) being exhausted and recent planning permission exists to accelerate the sand extraction by 36%. Therefore, this has not been considered in the application of the 10-year sales average system based on not recognising this uplift. The effect will be that Chapel Farm will be required far sooner than is considered by the Plan, this will inevitably result in a greater deficit in maintaining sand supply at the adequate levels required by the NPPF.</p> <p>The Plan has not been 'Positively Prepared' as it does not take into account of growth in housing, infrastructure and new constrains (for example the expansion of AONB in Surrey) in Kent and the wide South East, local circumstances of supply being accelerated that is not reflected in the relied upon past sales data, and thus it is not 'Consistent with National Policy' and is unsound. Therefore, further allocation of soft sand (Folkestone Formation) in Kent over the extended Plan period will be required to meet need for this aggregate mineral.</p>

ID16	5.3 Policy CSM 3: Strategic Site for Minerals	Tonbridge and Malling Borough Council	The deletion of strategic policy CSM3 at the Medway Cement works is acknowledged. TMBC understand the reasons for this and overall raise no objection to its removal. TMBC wishes to take this opportunity to make KCC (the Minerals Authority) aware that this site was submitted through its Call for Sites exercise (Site ID no. 59866) as a potential development site which was available to comment on as part of the Council's recent Regulation 18 Local Plan consultation and Interim Sustainability Appraisal. This is currently being considered and no decision has been made yet regarding the borough's future development strategy. In the event that KCC's position were to change on this site, TMBC requests early sight of this as it could potentially impact upon TMBC's Plan making.
ID23	5.3 Policy CSM 3: Strategic Site for Minerals	Tunbridge Wells Borough Council	It is noted that this policy has now been deleted as part of the latest review. TWBC does not wish to comment on this.
ID31	5.3 Policy CSM 3: Strategic Site for Minerals	Gravesham Borough Council	GBC supports the deletion of policy CSM3 and Figure17 and the inclusion of explanatory text at paragraph 5.2.37 setting out that this is an extant implemented permission that they would have regard to, should an application for alternative development come forward. Although the weight that would be given to the extant permission may not be significant as any alternative development would need to be considered against other policies in the development plan.
ID39	5.3 Policy CSM 3: Strategic Site for Minerals	Tarmac Cement and Lime	We support the changes proposed with respect to Policy CSM3 which will result in the deletion of that Policy allied to the insertion of new paragraph 5.2.37. Policy CSM3 established safeguarding for the proposed Medway Cement Works at Holborough. Planning permission for the works has been granted and implemented within both Tonbridge and Malling and Medway administrative areas, and no further safeguarding is now necessary. We support the deletion of the Policy, the addition of the explanatory paragraph and the consequential text changes necessary.
ID29	5.4 Policy CSM 4: Non-Identified Land-Won Mineral Sites Policy CSM 4	Environment Agency	The Plan does not allocate any new sites but refers to the Kent Mineral Sites Plan, which we have already provided detailed comment on. However, we are concerned that Policy CSM 4 'Non-identified Land-won Mineral Sites' will lead to sites coming forward where environmental issues and technical considerations are all dealt with within the planning process. Due to a lack of overall policy to protect and safeguard important habitats for wildlife, and the reliance on a 'mitigation' and 'compensatory' process creates a risk for biodiversity.
ID47	5.4 Policy CSM 4: Non-Identified Land-Won Mineral Sites Policy CSM 4	Natural England	Consider that, as with recommendations for strengthening the policy wording within CSM 2, stronger reference to the environmental impacts of non-identified land won mineral sites should be included within Policy CSM 4. Such consideration appears to have been included within Policies CSM 10 and CS W6, for example.
ID19	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots Paragraph 5.6	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Para. 5.6 (pages 72- 73) - are fully supported, including continued identification of Robins Wharf, Northfleet (both operational sites) and requirements in respect of consultation on non-mineral development at or within 250 m of a safeguarded minerals transportation facility.
ID34	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots Paragraph 5.6.1	Dover District Council	We note and support the updated text relating to the Dunkirk Jetty safeguarded wharf.
ID51	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots	Thanet District Council	As you may be aware, the Council has been successful in gaining Levelling-Up Fund funding towards a number of projects at Port Ramsgate and Ramsgate Royal Harbour. The only projects in the vicinity of the safeguarded area are the refurbishment of the Ro-Ro berth, and a Green Campus (which is located right at the edge of the 250m buffer, adjacent to Military Road). Our view is that these projects can operate alongside the mineral import operation without either being compromised.
ID27	5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots	Mineral Products Association	While no changes are proposed to these policies (for safeguarding of minerals transport infrastructure) we would like to register our continued support for the safeguarding approach applied to the identified facilities. Given the very real and live threat to one of the major safeguarded wharves (Northfleet), it may be appropriate to amend the supporting text to reflect that in the most recent Local Aggregates Assessment (para 8.27). This should stress the increasing importance of all existing wharf and rail depot capacity for the long-term supply of aggregates, particularly given the depletion of land-based sharp sand and gravel and growth in demand. As the LAA states, the 'loss of any wharf site will be largely irreplaceable' and 'safeguarding of the existing wharf

			infrastructure will therefore remain a central requirement to maintain supply'. This is important in providing more context to implementation of clause vii of Policy DM8 and the 'demonstration that the capacity to be lost is not required.' An apparent 'headroom' of capacity at present does not mean that it is not required either now or in the future and is not demonstration that it is not required.
ID16	5.7 Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure Policy CSM 7, last paragraph	Tonbridge and Malling Borough Council	Correction of grammar required – the first word of the second paragraph of Policy CSM 7 should be 'where' rather than 'there'.
ID19	5.7 Policy CSM 7: Safeguarding Other Mineral Plant Infrastructure Policy and supporting text	Aggregate Industries and Brett Aggregates Ltd [combined representation]	The text remains unchanged and the ongoing policy safeguarding of mineral plant infrastructure on a wharf for the life of the host site is fully supported. There is a typo at the start of the final sentence of the policy text. 'There' should read 'Where'
ID24	5.8 Policy CSM 8: Secondary and Recycled Aggregates	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.
ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates Paragraph 5.8.1	CLArchitects on behalf of McAleer Contracts Ltd	The second sentence of para 5.8.1 ends with 'so far as practicable'. We note that the text of the proposed commentary inverts the actual text of the NPPF to which we presume this is intended to refer which reads: <i>(b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;</i> The inversion actually changes the application of the "so far as practicable" clause from the need to take account of the contribution (via surveys), to the substituting of primary minerals. This is not the intention of national policy if read in its normal construction. Therefore substitution should not be qualified in this way. In relation to the last 2 sentences of para 5.8.1 we welcome this stated intention, and McAleer Contracts intends to expand its operation to make an even greater contribution to the County's mineral supply through the addition of an aggregate wash plant which will be subject to a planning application in the near future.
ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates Paragraph 5.8.2	CLArchitects on behalf of McAleer Contracts Ltd	In relation to para 5.8.2 We note that there is no additional need identified for Energy from Waste capacity in the supporting Waste Needs Assessment and therefore the last sentence ought to be deleted. Given furnace bottom ash arises from the burning of residual non-hazardous waste, and this is expected to reduce in quantity over the revised Plan period, reliance should not be placed on this as a source of non-primary aggregate.
ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates Paragraph 5.8.3	CLArchitects on behalf of McAleer Contracts Ltd	In relation to the first 2 sentences of para 5.8.3 we consider the stated presumption to provide a "covered building or similar structure" to be excessive where processing takes place in a plant that has integral dust suppression. This clause ought therefore to be deleted or at least qualified. In relation to the last sentence of para 5.8.3 - our assessment of the market supports that of KCC and therefore no additional sites will be needed to be identified to meet the target output of 2.7 million tpa for the Plan period. Rather focus should be on allowing existing sites with permanent consent, such as that operated by McAleer Contracts to expand its operation as it proposes.
ID52	5.8 Policy CSM 8: Secondary and Recycled Aggregates	CLArchitects on behalf of McAleer Contracts Ltd	It is not clear from the wording what types of site the Council has in mind with the inclusion of clause 5 and in particular which item the reference to "the second paragraph of this policy" is intended to direct the reader. Is it intended to exclude the bullet points listed? If so the wording appears to be subject to the least stringent level of restriction. If it includes the bullets then it is a circular reference. The meaning therefore ought to be clarified.

	Policy CSM 8		
ID11	5.9 Policy CSM 9: Building Stone in Kent Policy CSM 9, point 1	British Horse Society	This must also include PROW, in particular higher status paths where availability is severely restricted in Kent.
ID24	5.9 Policy CSM 9: Building Stone in Kent Policy CSM 9, point 2	Tunbridge Wells Borough Council	TWBC agrees with the general thrust of this policy but considers criterion 2 to be fairly onerous.
ID23	5.9 Policy CSM 9: Building Stone in Kent Policy CSM 9, point 3	Tunbridge Wells Borough Council	It is considered that criterion 3 in respect of site restoration is important and should be retained not deleted, in line with Policy DM19.
ID11	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.5	British Horse Society	This must also include PROW, in particular higher status paths where availability is severely restricted in Kent.
ID24	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.7	Tunbridge Wells Borough Council	Paragraph 5.10.7 mentions that planning permission was granted (by KCC) in 2012 for exploratory drilling and oil and gas field testing in Bidborough (which falls within Tunbridge Wells borough) and has been amended to say that in 2021 the planning permission had not been implemented. TWBC would query whether this permission is still extant given that it was granted almost 10 years ago and there appears to be no subsequent application on record for its renewal. Therefore, should reference to it be deleted if it has expired and is no longer valid?
ID23	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.7	Tunbridge Wells Borough Council	In response to the previous consultation TWBC pointed out that paragraph 5.10.7 of the supporting text to the Policy mentions that planning permission was granted (by KCC) in 2012 for exploratory drilling and oil and gas field testing in Bidborough and states that in 2022 the planning permission had not been implemented. Therefore TWBC suggests that the status of this permission is reviewed, and the text amended accordingly. For example it may hold the same status as the application referred to at paragraph 5.10.10 which says, 'This permission was not implemented and has now lapsed'.
ID11	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Paragraph 5.10.17	British Horse Society	We welcome the inclusion of PROW in these considerations. The impact on the local road network for vulnerable road users must also be considered.
ID11	5.10 Policy CSM 10: Oil, Gas and Unconventional Hydrocarbons Policy CSM 10	British Horse Society	PROW should also be included in these considerations as per 5.10.17 above.
ID24	5.11 Policy CSM 11: Prospecting	Tunbridge Wells Borough Council	It is suggested that reference also be made to any necessary mitigation measures.

	for Carboniferous Limestone		
ID23	5.11 Policy CSM 11: Prospecting for Carboniferous Limestone	Tunbridge Wells Borough Council	As per TWBC's response to the previous consultation, it is suggested that reference also be made to any necessary mitigation measures.
ID24	5.12 Policy CSM 12: Sustainable Transport of Minerals	Tunbridge Wells Borough Council	The additional references to carbon neutrality and reduction of emissions are welcomed.
6. Delivery Strategy for Waste			
ID24	6.1 Policy CSW 1: Sustainable Development	Tunbridge Wells Borough Council	See comments on Policy CSM 1 above - same apply to this policy.
ID23	6.1 Policy CSW 1: Sustainable Development	Tunbridge Wells Borough Council	Please see comments on Policy CSM 1 above. The same comments also still apply to this Policy CSW1.
ID24	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6	Tunbridge Wells Borough Council	Although the concept of the circular waste economy and the examples given are welcomed, it is not clear what is expected of applicants in this regard under this paragraph.
ID41	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6 and 6.2.7	----	The policy should also require new build properties to reuse waste from demolition or site clearance works. they should be required to use a percentage of recycled materials in their construction. Any items such as old windows, doors, bricks, tiles, timbers in reasonable condition should be reused or offered to the community to avoid sending to landfill.
ID31	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.6 and 6.2.7	Gravesham Borough Council	GBC has previously supported moving waste up the hierarchy and the concept of the circular economy and we welcome that KCC have embraced the suggested alignment of the need for Circular Economy Statements with the need for Design and Access Statements so that they are only required for Major Development. However, the detailed wording of policy CSW3 does not reflect the approach set out in the supporting text (para 6.2.6. and 6.2.7). Given that it is the policy wording rather than the supporting text that should take precedence, the wording should be correctly aligned, including reference to any thresholds.
ID13	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Ebbsfleet Development Corporation	Paragraph 6.27 has been added since we previously commented. The intention of a 'circular economy' for waste and minerals is supported, although we question whether the wording in this paragraph may have adverse implications on the delivery of major sites. Specifically, this relates to the lack of guidance on what should be included in a 'Circular Economy Statement' and who is going to review the statements when they are submitted. For example, is this something that would be undertaken and resourced by KCC? Paragraph 6.27 advises that there will be guidance provided in due course but, without it in place before the publication of this updated Plan, the addition of this paragraph is likely to lead to confusion and uncertainty.
ID24	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction	Tunbridge Wells Borough Council	Financial contributions. It is considered that more information is needed about this or at least a point of reference where more information and a justification can be found such as in a Supplementary Planning Document; especially as the request for such contributions will potentially affect the viability of new development schemes. It is also considered that this policy would benefit from the inclusion of measurable targets.

	Paragraph 6.2.7		
ID34	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.7	Dover District Council	We note the requirement at paragraph 6.2.7 to provide a Circular Economy Statement for major applications. Can you please clarify how you intend to review these Statements and be consulted on those aspects of such applications. Will guidance be produced to inform LPAs of how to review/implement this new requirement?
ID23	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Paragraph 6.2.8	Tunbridge Wells Borough Council	Welcomes the new paragraph setting out what is expected of applicants in relation to a Circular Economy Statement for major applications. As per TWBC's comments on the previous consultation in relation to now paragraph 6.2.8 – Financial contributions, it is still considered that more information is needed about this or at least a point of reference where more information and a justification can be found such as in a Supplementary Planning Document; especially as the request for such contributions will potentially affect the viability of new development schemes. In addition, it is still considered that this policy would benefit from the inclusion of measurable targets.
ID46	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Policy CSW 3	Maidstone Borough Council	MBC are 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 Maidstone Borough Council additional information be supplied at application stage. This will likely mean that MBC is required to add to their Local List a requirement for a Circular Economy Statement to accompany major applications and we would welcome the opportunity to work with KCC officers to ensure resource implications for MBC are minimised.
ID24	6.2 Policy CSW 2: Waste Hierarchy and Policy CSW 3: Waste Reduction Policy CSW 3	Tunbridge Wells Borough Council	The new criteria in relation to meeting circular economy principles are welcomed.
ID23	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements	Tunbridge Wells Borough Council	It is noted that the targets for recycling and composting set within the table of this policy now include figures up to 2040/41, and are generally welcomed.
ID02	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.1	Cheshire West and Chester Council	As per WDI 2021, the hazardous waste flow from Kent to CWaC is approximately 609 tonnes which is above our significant threshold of 500 tonnes. As such in Kent MWLP mention that <i>“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.”</i> (Para 6.3.1) It also mentions <i>“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:</i> <ul style="list-style-type: none"> • <i>the continued demand for disposal capacity for flue residues from Allington EfW facility</i> • <i>the likely increase in hazardous residues from air pollution control from additional EfW capacity requiring management</i> • <i>if the existing asbestos landfill closes then a significant amount of asbestos based hazardous waste will cease to be imported into the county.”</i> (Para 6.12.2) We don't have any notable minerals exchange relationship with Kent. In the light of the above, please could I request that we are kept informed of any future updates and changes to Kent's Hazardous Waste arisings or transfer capacities.

ID41	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.3	----	FHDC stopped collecting tetrapack cartons for recycling. councils should be increasing opportunities to recycle not decreasing them. the policy needs to be strengthened so that this kind of backward step is not permitted.
ID24	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.3 and 6.3.4	Tunbridge Wells Borough Council	Reference to the requirements of the Environment Act 2021 at paragraph 6.3.3 is noted and the inclusion of targets at 6.3.4 considered beneficial. It is also noted that new, more ambitious targets for recycling and composting have been set within the table of the policy itself, which are generally welcomed.
ID21	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Dartford Borough Council	Paragraph 6.3.6 - To be clear and effective, the Plan needs to fully clarify how it is intended the 'pressing need' for development resulted will be tackled through appropriate new Development Plan content.
ID31	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Gravesham Borough Council	It is noted that paragraph 6.3.6 sets out the need for new waste transfer facilities serving the Ebbsfleet area and that, as no site has yet been identified, local waste collection authorities are working together to secure such a facility.
ID49	6.3 Policy CSW 4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Ashford Borough Council	<p>However, the Council note that it is still KCC's intention to deliver a new waste transfer facility and that this is primarily associated with KCC's aspiration to improve transportation logistics (reflected in paragraph 6.3.6 of the draft Local Plan). Irrespective of the reason for delivery, the Council remain of the view that if there is an identified need, a site for the provision of the required facility should be identified in the Plan. As it stands, despite further revisions, the Local Plan still doesn't grapple with this, either through any of its proposed policy criteria or the site allocation strategy. Consequently, the location, nature of the facility, phasing and the total cost of any facility remains unknown. Transparency, regarding these details is particularly important given KCC's continued reference in the Plan to financial contributions from applicants towards delivering additional infrastructure for waste management.</p> <p>Given KCC's decision not to allocate a site, and absence of any detail regarding its delivery, the Council remain of the opinion that it is difficult to see how any future Local Plan that Ashford Borough Council produce can take these issues 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). A Local Plan provides the most appropriate opportunity to address these issues.</p>
ID44	6.3 Policy CSW	Folkestone and	Issue relating to paragraph 6.3.6 in the draft Minerals and Waste Plan for the need for a new waste transfer facility in the Folkestone & Hythe District to

	4: Strategy for Waste Management Capacity Net Self-sufficiency and Waste Movements Paragraph 6.3.6	Hythe District Council	reduce the excessive transportation of waste across the county. Given the need for this facility, the district council recommends that the county council undertakes a 'call for sites' exercise to identify a site in the Waste Sites Plan for this use in the district. The district council will undertake a 'call for sites' exercise for housing, employment and other uses in 2023 to provide evidence for our next local plan and would be pleased to work with KCC if a potential site for a new waste transfer facility emerges through our own site assessment process.
ID47	6.4 Policy CSW 5: Strategic Site for Waste	Natural England	Welcomes the consideration of air quality impacts for the Medway Estuary and Marshes and The Swale Special Protection Areas and Ramsar sites under Policy CSW 5 (Strategic site for waste). The air quality assessment will also need to consider potential impacts to the underpinning Sites of Special Scientific Interest which have a broader suite of notified features.
ID13	6.5 Policy CSW 6: Location of Built Waste Management Facilities	Ebbsfleet Development Corporation	The consultation material states that the latest updates are, amongst other reasons, proposed to ensure the Local Plan takes account of the current local context which includes a need for the development of additional household waste management capacity. There are no significant changes proposed to the wording of Policy CSW6 which sets criteria for assessing proposals relating to the location of built waste management facilities and which remains robust, although it is noted that newly proposed policy pre-text at paragraph 6.3.6 refers to a pressing need for the development of new waste transfer facilities to serve the Ebbsfleet Garden City area. No potential sites are put forward at this stage but EDC would support working with KCC to find an appropriate location in the wider area for this strategic infrastructure.
ID47	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6	Natural England	Reference to consideration of impacts to protected landscapes and designated sites in Policy CSW 6 is welcomed however, as detailed above, we would recommend that reference is also made to Marine Conservation Zones, which may be impacted by developments such as wharves (for example). The natural environment of Kent is rich and varied so in addition to the consideration of impacts to designated sites and areas of ancient woodland, we would recommend that reference is also made to habitats and species of principal importance, protected species and other habitats and species of conservation concern in Policy CSW 6. Such a strengthening of the Policy wording would more closely reflect the requirements of the National Planning Policy Framework.
ID24	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6, point a and c	Tunbridge Wells Borough Council	The addition of heritage assets at criterion a. is welcomed. It is suggested that criteria c. should also refer to the need for such facilities to be located in sustainable locations, subject to residential amenity considerations.
ID16	6.5 Policy CSW 6: Location of Built Waste Management Facilities Policy CSW 6, point f.	Tonbridge and Malling Borough Council	Following changes to the Planning Practice Guidance in August 2022, the definition of a functional flood (flood zone 3b) has changed from a 5% AEP event to a 3.3% AEP event. Therefore, it is questioned whether this part of the policy makes it overly restrictive in the determination of any critical facility needed in the future.
ID24	6.7 Policy CSW 7: Waste Management for Non-hazardous Waste	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.
ID23	6.7 Policy CSW 7: Waste Management for Non-hazardous Waste	Tunbridge Wells Borough Council	The changes are noted. TWBC does not wish to comment on this policy.

ID24	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste	Tunbridge Wells Borough Council	The proposed changes to this policy, with an emphasis on addressing issues in relation to climate change are welcomed.
ID23	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Paragraph 6.8.2	Tunbridge Wells Borough Council	The new wording at paragraph 6.8.2 setting out the requirements for the submission of a Waste Hierarchy Statement is welcomed.
ID16	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Paragraph 6.8.2	Tonbridge and Malling Borough Council	TMBC supports the requirement for a waste hierarchy statement.
ID38	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Paragraph 6.8.4	Sevenoaks Climate Action Network: Waste Management Subgroup	The proposal for carbon capture at the energy from waste sites need to be accelerated if feasible and more priority given to recycling household waste. In particular in Sevenoaks District, we would like to see the introduction of a food waste scheme for composting in line with neighbouring districts so that there is more consistence in waste management across the county.
ID47	6.8 Policy CSW 8: Other Recovery Facilities for Non-hazardous Waste Policy CSW 8	Natural England	Policy CSW 8 includes proposals such as energy from waste developments. These have the potential to result in air quality impacts to nature conservation sites and habitats. Natural England recommends that reference is made to the need for such developments to avoid impacts to designated sites within the Policy wording.
ID24	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent	Tunbridge Wells Borough Council	The proposed changes to this policy are welcomed.
ID23	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent Paragraph 6.9.4	Tunbridge Wells Borough Council	The additional reference to the requirement for a Waste Hierarchy Statement at paragraph 6.9.4 is welcomed.
ID47	6.9 Policy CSW 9: Non Inert Waste Landfill in Kent Policy CSW 9, second bullet point	Natural England	Support second bullet point of Policy CSW 9 to ensure that environmental benefits will result from the development. However, we would recommend that the Policy is strengthened to ensure that environmental impacts are avoided or fully mitigated, and the proposal also delivers environmental benefits.
ID24	6.10 Policy CSW 10: Development	Tunbridge Wells Borough Council	TWBC has included additional wording in relation to closed landfill sites (as recommended by KCC in their response to the TWBC Pre-Submission Local Plan Regulation 19 consultation 2021) in Policy EN28: Land Contamination of its Submission Local Plan 2021 (the Plan is currently at independent

	at Closed Landfill Sites		examination, hearings for which area imminent), and welcomes the changes made to Policy CSW10 in the KMWLP.
ID24	6.11 Policy CSW 11: Permanent Deposit of Inert Waste	Tunbridge Wells Borough Council	The proposed changes to this policy are welcomed.
ID28	6.11 11 Policy CSW 11: Permanent Deposit of Inert Waste		<p>The available inert waste to land capacity is stated as only sufficient for the Plan period to meet Kent's arising needs. The importation of this material from outside Kent will occur and this will need to be accommodated. The policy is supportive of this and recognises that the import of inert material will aid in the restoration of old mineral sites that require this. This highlights the high priority that should be given to using inert waste that cannot be recycled, in preference to using materials that are suitable for non-restorative applications such as bund formation or land raising that are strictly not an act of restoration of past mineral workings.</p> <p>In prioritising the restoration of landfill sites and mineral workings with suitable material of a 'local' (Kent) origin is not reflective of the market and how inert waste is transported and deposited. Kent has good east-west but poor north-south connectivity and transporting inert waste in the county to achieve this 'localism' in inert waste deposition will involve material traveling great distances because of the poor connectivity of the road network (north-south) leading to high fuel costs and a commensurate detrimental impact on sustainability and impact air quality. Not prioritising 'local' materials will enable the continued ability of operators to move materials from in and outside Kent thus enabling sites to be engineered viably to deliver sustainable outcomes (housing etc).</p> <p>Inert materials of the type relevant to the policy has no other beneficial use other than for landfill operations, restoration or land engineering operations. If the material is in any way prejudiced/restricted in meeting these uses, then use of primary or recycled materials would have to be employed which would be a poor utilisation of these materials that have construction applications. Also, this would place further demands on their production. It is considered that it is not the lack of suitable inert materials that cause delays in landfill restoration but operational restrictions (HVG movements etc). Therefore, the policy should not try to restrict new capacity but to identify additional capacity for the purpose of engineering operations as discussed above, otherwise the re-use of this material in an appropriate way will be compromised by its simple disposal.</p> <p>The policy should be amended to allow the use of inert materials in engineering operations without reference to local demand for such uses as site restoration, given the benefits brought about by the avoidance of use of primary/recycled aggregates for these purposes, thus avoiding the potential for their simple disposal to land without being uses in restorative applications to be greater benefit of being sustainable development. This would ensure the policy would be 'positively prepared' and 'consistent with National Policy'.</p>
ID24	6.12 Policy CSW 12: Hazardous Waste Management	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.
ID47	6.12 Policy CSW 12: Hazardous Waste Management	Natural England	Given the concerns expressed in relation to Policies CSW 6 and 9, in its current form Natural England considers that Policy CSW 12 (Hazardous waste management) could result in significant environmental impacts from hazardous waste proposals. As such, Natural England strongly recommends that Policies CSW 6 and 9 are strengthened as detailed above.
ID29	6.13 Policy CSW 13: Remediation of Brownfield Land Paragraph 6.13.1	Environment Agency	We note that our requested changes to policy and body text have been included in this version of the Plan. However, we are concerned that the correct terminology is not being used consistently, which will lead to confusion and delays. "Contaminated Land" is a phrase with specific legal meaning and cannot be used to describe land affected by contamination. We noticed this specifically in section 6.13.1, however we recommend that the entire Plan be proofed to ensure the correct terminology is used. Plain English in this case changes the meaning of the phrase.
ID24	6.14 Policy CSW 14: Disposal of Dredgings	Tunbridge Wells Borough Council	The inclusion of biodiversity enhancement in the policies supporting text is welcomed, although it is questioned whether the change in emphasis is translated through into the policy wording.
ID24	6.15 Policy CSW 15: Wastewater Development	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.
ID29	6.15 Policy CSW 15: Wastewater Development	Environment Agency	Policy CSW 15 Wastewater Development should include a point within the policy that requires new wastewater treatment works or sewage sludge treatment facilities (including extensions) to take regard of Natural England's document Nutrient Neutrality Methodology, especially for development within the Stour catchment.

			The permit limit for Total Nitrogen and Total Phosphorus for new Wastewater Treatment Works (WWTW) can be requested from us, as well as the permit limits of some existing WWTWs in the County. Early engagement with us is strongly encouraged for any new WWTW or sewage sludge facilities (including extensions).
ID24	6.16 Policy CSW 16: Safeguarding of Existing Waste Management Facilities	Tunbridge Wells Borough Council	TWBC supports the changes made to this policy.
ID33	All	Otterpool Park LLP (Quod)	<p>Policy CSW 16 safeguards permitted sites as “<i>capacity at sites with permanent planning permission for waste management is safeguarded from being developed for non-waste management uses</i>”. The Draft KMWLP seeks to roll forward the safeguarding presumption for the sites that are permitted. This results in a theoretical capacity being safeguarded, not actual operational capacity. Case law supports that decisions should be made in the real world not on theoretical positions. If a site has planning permission, it does not automatically justify safeguarding if it is not developed and operational. Para: 054 Reference 5 ID: 28-054-20141016 of the NPPG makes clear that if there are doubts about the prospects of sites coming forward consideration should be given to bringing forward alternative or additional allocations if needed, rather than relying on them coming forward to achieve the strategy.</p> <p>Paragraph 7.6.1 of the draft KMWLP states:</p> <p><i>“It is essential to the delivery of this Plan’s minerals and waste strategy that existing facilities¹¹⁴ 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. Footnote 114 ‘Existing facilities’ are taken as those have permanent planning permission for minerals and waste uses.”</i></p> <p>A key part of the above text is that the facilities which are essential to safeguard for the future are the ones that are “used for the management of...waste”. This does not apply to the facility at Otterpool park as is not operational, nor can it be seen to provide any capacity or perform any waste function and thus should not be safeguarded. It has been used for an HGV parking site since 2015 (ref: Y16/0068/SH) this is a clear indication that there is no need for the facility in this location nor any intention of the landowner to deliver it. It cannot be considered to be used or in use as the policy intends.</p> <p>Draft Policy CSW 6 (g) states that the location of built waste management facilities should avoid sites on or in proximity to land where alternative development exists/has planning permission or is identified in an adopted Local Plan (such as the Proposed Development through the adopted FHDC Core Strategy Review (2022)). Para. 119 of the NPPF (2021) states that planning policies and decision “<i>should promote an effective use of land in meeting the need for homes and other uses</i>”. If planning permission has been granted for waste uses on a site but despite this, and 11 years later it still has not been developed, it would not be an effective use of land to continue safeguarding the site for waste uses and prevent the delivery of new uses which are supported by local policy and offer tangible benefits.</p> <p>Para. 82 of the NPPF (2021) states that planning policies should “<i>be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices...and to enable a rapid response to changes in economic circumstances</i>”. The current wording of CSW 16 is not flexible or responsive to changes in economic circumstances as it safeguards sites which are not providing operational waste capacity. It is not appropriate to prevent non-waste uses on the site in perpetuity and reference should be made in Policy CSW 16 to Policy DM 8 which provides exemption criteria for when non-waste development could come forward.</p> <p>Paragraph 8 of the NPPW (2014) states that when determining planning applications for non-waste development, local authorities should, to the extent appropriate to their responsibilities, ensure that “<i>the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities</i>”. There is no reference to sites which have previously been given planning permission. The KWMLP should therefore focus on ensuring the safeguarding of existing waste management facilities that have been built and allocated sites and areas and not undeveloped sites simply because they have previously been granted planning consent.</p> <p>Permanent planning permission does not necessarily result in waste capacity. For the plan to be found sound, draft Policy CSW 16 should be amended to reflect the need to safeguard waste management facilities that are operational not ones that provide just theoretical capacity. It is suggested it should be amended to state:</p> <p><i>“capacity at sites with permanent planning permission for waste management and that are operational within 5 years of planning consent being granted, is safeguarded from being developed for non-waste management uses”</i> (or 10 years rather than 5 years if KCC consider that to be more appropriate).</p> <p>For the same reason, the definition in footnote 114 of paragraph 7.6.1 should be amended to state:</p>

			<p><i>"Existing facilities' are taken as those which have permanent planning permission for minerals and waste uses and that are operational within 5 years of the planning consent being granted"</i> (or 10 years rather than 5 years if KCC consider that to be more appropriate).</p> <p>Policy CSW 16 and the supporting text in para. 6.16.1 states that a list of waste sites is updated and published each year in the Kent MWLP Annual Monitoring Report (AMR). It is not considered that a clear list is provided in the AMR.</p>
ID29	6.17 Radioactive Waste Management	Environment Agency	<p>The definitions of types of radioactive waste are not accurate. We suggest using more up to date documents to define categories of radioactive waste, such as the management of higher activity radioactive waste on nuclear licensed sites (onr.org.uk), which is guidance from the Office for Nuclear Regulation, the Environment Agency, the Scottish Environment Protection Agency and Natural Resources Wales to nuclear licensees.</p> <p>LLW (Low Level Waste) - Solid radioactive waste, including any immediate packaging, with an activity concentration not exceeding 4 gigabecquerels per tonne of alpha emitting radionuclides or 12 gigabecquerels per tonne of all other radionuclides.</p> <p>VLLW (Very Low Level Waste) - A former sub-category of LLW that, due to amendments to legislation in 2011 is now obsolete; VLLW has been replaced by a category of exempt waste.</p> <p>Exempt (from regulatory control) waste - Radioactive waste can be exempt from specific regulatory control if it satisfies the criteria laid down in the regulations. In England and Wales, the levels are described Schedule 23, Part 6 of the Environmental Permitting Regulations 2016. In Scotland, the requirements are set out as general binding rules in Schedule 9 of EASR18.</p> <p>Exempt waste within the levels outline above will meet the criteria for an exemption. If levels are exceeded, an environmental permit will be required.</p>
ID18	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site Supporting text at para. 6.18.2, para. 6.18.4 and para. 6.18.6	Nuclear Decommissioning Authority (NDA) and Magnox Limited (Magnox)	<p>NDA/Magnox welcome progress that has been made to date on amendments to Policy CSW 17 and its supporting text, which is in line with the NDA strategy and Government and regulatory guidance. However additional changes are required to ensure the policy and supporting text is fully compliant with these strictures, and for the policy to provide a robust framework for the determination of planning applications that come forward in the future.</p> <p>Proposed amended version of Policy CSW17</p> <p>For ease of reference the proposed amended wording of policy CSW17 is included below with the requested changes by NDA and Magnox in bold and that stricken through, and original policy retained text in italics:</p> <p><i>Policy CSW 17 - Waste Management at the Dungeness Nuclear Licensed Sites</i></p> <p>Management of Storage, treatment, disposal and / or management of radioactive waste Facilities for the management (including storage, treatment or disposal) storage and/or management of radioactive waste will be acceptable within the Dungeness Nuclear Licensed Sites where:</p> <ol style="list-style-type: none"> 1. <i>this is consistent with the national strategy for managing radioactive waste and discharges; and</i> 2. <i>the outcome of environmental assessments justify it being managed on site.</i> <p><i>On-Site Disposal of Waste</i> The only wastes that will be acceptable for disposal within the Dungeness Nuclear Licensed Sites are non-hazardous low-level and very low-level radioactive wastes, or other non hazardous inert (non-radioactive) wastes.</p> <p>The types of disposal of such wastes that would be acceptable are:</p> <ul style="list-style-type: none"> • <i>In situ disposal of inground structures and foundations (including contaminated below-ground structures, foundations and redundant drains);</i> • <i>The back-filling of voids within the Dungeness Nuclear Licensed Sites using wastes generated by the demolition of existing buildings and structures; and</i> • <i>Purpose built landfill or land raise activities within the Dungeness Nuclear Licensed Sites using wastes generated by the demolition of existing buildings and structures.</i>

			<p><i>Planning permission for the disposal of waste arisings as described above will be granted if it can be demonstrated that there is an overriding need for this the development is the optimum waste management approach and that impacts on the sustainability, including environment, of the area mitigated to an acceptable level as demonstrated with reference to baseline data.</i></p> <p>With regard to amendments required in the policy's supporting text the following comments are made.</p> <ul style="list-style-type: none"> • Para. 6.18.2- reference in the last sentence to “including baseline data and monitoring of vehicle movements, air quality and bird populations” should be removed. NDA/Magnox will be required to provide baseline data with planning applications; however it is considered that the issues identified are too specific and in (in the context of on-site disposal projects) exclude for example assessment of the impact on groundwater. It is requested that the last sentence is amended to read as follows: <p style="text-align: center;">“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.”</p> • Paragraph 6.18.4 – the last sentence refers to <p style="text-align: center;">“the NDA and Magnox Ltd do not anticipate any import of radioactive waste for disposal at Dungeness”.</p> <p>It is considered that such a statement is potentially misleading if it is taken to exclude the possibility that there may be movement of radioactive waste between the Dungeness A and B sites, depending on the voids each has and when they are available. The text should therefore be amended to clarify this.</p> • Paragraph 6.18.6 – This includes the following sentence. <p style="text-align: center;">“Separate EA guidance (ref. footnote 96) 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.”</p> <p>It is considered that this sentence should be amended to reflect the fact that “in situ disposal” and “disposal of radioactive waste in a dedicated disposal facility” are mutually exclusive concepts for disposal.</p> <p>Reference is also made to footnote 96 which is defined as:</p> <p style="text-align: center;">“96. ‘Near-surface Disposal Facilities on Land for Solid Radioactive Wastes: Guidance on Requirements for Authorisation’ (NS-GRA) (EA et al., 2009). This is commonly referred to as the “GRA”. However, the forms of on-site disposal the NDA and Magnox might propose (in situ disposal and/or disposal for a purpose) would relate to the application of the “GRR” not the GRA, the GRR being “Management of radioactive waste from decommissioning of nuclear sites: Guidance on Requirements for Release from Radioactive Substances Regulation” which was published by the Environment Agency in 2018. It would only be if a proposal involved disposal in a dedicated, purpose built facility that the GRA would apply.</p> <p>It is considered that the above clarification is made in para. 6.18.6 of the policy's supporting text.</p>
ID24	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.
ID23	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Tunbridge Wells Borough Council	The additional paragraphs and changes are noted. TWBC does not wish to comment on this policy.
ID29	6.18 Policy CSW	Environment	It is not clear that the revisions to this Policy fully reflect our conversations earlier this year. Please refer to our letter of 17 May 2022. Please contact me to

	17: Waste Management at the Dungeness Nuclear Site	Agency	arrange a meeting should further discussion be necessary. Please note the revised policy mentions VLLW and should be updated.
ID47	6.18 Policy CSW 17: Waste Management at the Dungeness Nuclear Site	Natural England	<p>Natural England has significant concerns regarding the proposed amendments to Policy CSW 17. The Dungeness licensed sites sit within an area of significant geomorphological and nature conservation interest of national and international importance. The licensed sites themselves fall in part within the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest and the Dungeness Special Area of Conservation. Any increase in activity within these licensed sites has the potential to have a likely significant effect upon the Special Area of Conservation and impact the Site of Special Scientific Interest. Natural England recommends that the policy wording is strengthened significantly to more closely reflect the requirements of the National Planning Policy Framework to ensure that impacts to the designated site are avoided or fully mitigated (rather than being 'mitigated to an acceptable level'). Any proposal will also be subject to a Habitats Regulations Assessment where a likely significant effect cannot be ruled out.</p> <p>Having reviewed the accompanying Habitats Regulations Assessment to the Plan, Natural England remains concerned regarding the amendment to policy CSW 17. We consider much greater clarity on how the amendments to the policy wording could impact the designated sites and what additional activities this would permit above the consented activities is provided. This will allow a robust consideration of the potential implications from the amendments and a comprehensive Habitats Regulations Assessment to be undertaken. We would therefore welcome the opportunity to explore more fully the implications of the amendments to CSW 17 with the Council to ensure that the Policy wording is sufficiently robust to conserve and enhance the rich environment of the Dungeness designated sites.</p>
ID24	6.19 Policy CSW18: Non-nuclear Radioactive Low Level Waste (LLW) Management Facilities	Tunbridge Wells Borough Council	The changes are noted but TWBC does not wish to comment on this policy.
ID29	6.19 Policy CSW18: Non-nuclear Radioactive Low Level Waste (LLW) Management Facilities	Environment Agency	Please revise use of phrase Very Low Level Waste in this Policy. If non-nuclear facilities are required outside the nuclear site boundary, then they may require non-nuclear permits for the accumulation and disposal of radioactive waste.
7. Development Management Policies			
ID16	7.1 Policy DM 1:Sustainable Design	Tonbridge and Malling Borough Council	TMBC supports the additional biodiversity net gain wording in this policy.
ID24	7.1 Policy DM 1:Sustainable Design	Tunbridge Wells Borough Council	The new criteria and wording to incorporate measures which increase the emphasis on reducing carbon output and addressing climate change are noted and welcomed. See also, the comments on Policies CSM1 and CSW1 above.
ID23	7.1 Policy DM 1:Sustainable Design	Tunbridge Wells Borough Council	The new additional wording relating to BNG and BREEAM standards is welcomed.
ID31	7.1 Policy DM 1:Sustainable Design Paragraph 7.1.3	Gravesham Borough Council	The Council notes that paragraph 7.1.3, as explanatory text to Policy DM1, requires developments over a 'certain size' to achieve a BREEAM 'Very Good' rating. However, footnote 105, which defines what is meant by a "certain size", then refers to requirements for a Circular Economy Statement. While these size thresholds may be the same, the definition of certain should be clarified. Also, if there is to be a size threshold, policy DM1 itself should include it.

ID42	7.1 Policy DM 1:Sustainable Design Paragraph 7.1.4	Kent Downs AONB	Support the inclusion of reference to soils in para 7.1.4, although consider it would be beneficial for this to be included in the policy wording of DM1, rather than just sitting in the background text.
ID47	7.1 Policy DM 1:Sustainable Design Policy DM1, point 6	Natural England	The proposed amendments to point six of Policy DM 1 include the removal of biodiversity from the matters to be considered. Natural England recommends that the Policy includes specific reference to the sites of biodiversity and landscape value and how any development will avoid, fully mitigate or as a last resort compensate for any impacts to these assets. Such amendments would more closely reflect the requirements of the National Planning Policy Framework.
ID08	7.1 Policy DM 1:Sustainable Design Policy DM1, point 7	KCC PROW and Access Service	Policy DM1, bullet 7: this has been revised but now reads as simply focused on achieving biodiversity net gain. Whilst that it is a worthy aim, other outcomes such as PROW improvement must not be excluded, so this must be rewritten.
ID41	7.1 Policy DM 1:Sustainable Design Policy DM1, point 8	----	Change 'minimise' to 'avoid' because we will need all available agricultural land to feed the growing population. relying on imported food makes us vulnerable to climate change and global conflicts (e.g. Ukraine)
ID20	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	Kent Nature Partnership	<p>Recognises the huge contribution that minerals sites provide for nature recovery, particularly in the case of restoration schemes at the end of the working life of a site. The Nature After Minerals partnership programme provides best practice advice in this area and we would recommend the adoption of these approaches.</p> <p>The working of mineral sites provides an excellent opportunity to enhance biodiversity and we would recommend that through the planning system, each site should be considered on its merits, in terms of how to secure the best gain for the county.</p> <p>The KNP is making the case for delivering Biodiversity Net Gain (BNG) above the mandatory 10% in Kent and Medway for housing and has shown that the biggest cost is the initial 10% and moving to 20% negligible in terms of viability for developers.</p> <p>However, for minerals sites, we recognise that the best quality gains may be delivered through long term restoration schemes and that the scale of BNG that a given site will be able to deliver will vary hugely case to case.</p> <p>Some mineral sites can provide considerable gains on a large scale as aligned with Lawton Principles and the KNP would positively encourage and embrace such schemes. It would be helpful if such opportunities are captured in the forthcoming Local Nature Recovery Strategy for Kent and Medway. KCC will be the responsible authority, while the KNP will be used as the initial partnership framework for strategy development.</p> <p>In addition, in some circumstances, a restoration scheme for a minerals site, could be used to provide the off-site BNG for other developments thus providing the opportunity for even greater and potentially larger restoration schemes to deliver significant improvement at scale.</p> <p>The KNP is working closely with planning authorities to develop BNG policy for Kent and Medway and is keen to ensure the policy works well for both housing developments as well as minerals sites.</p> <p>Would like to take opportunity to provide further input though to the adoption of the new KMWLP.</p>
ID31	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and	Gravesham Borough Council	<p>The Council welcomes that KCC has picked up on previous comments made by the Council in recognising that 10% is likely to be the statutory minimum biodiversity net gain (BNG) requirement and that the Kent Nature Partnership is seeking a minimum of 20% BNG from all relevant proposals (still to be defined). It is also noted that the aim is to maximise BNG where practicable when mineral sites are restored, despite paragraphs 174 and 179 of the NPPF only referring to measurable gains rather than maximising biodiversity.</p> <p>The detailed policy wording is vague and fails to provide developers of minerals sites with certainty over what they are expected to deliver in terms of</p>

	Local Importance and Policy DM 3: Ecological Impact Assessment		biodiversity net gain or how that should be measured if they are to comply with the policy. While it is noted at paragraph 7.2.4 that the intention is to provide separate guidance on this matter, but no mention of this is made in the policy itself.
ID42	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.1	Kent Downs AONB	Welcome the inclusion of requirement for enhancement as well as conservation in AONBs and the reference to AONB setting.
ID37	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.2	Woodland Trust	Welcome the new reference in paragraph 7.2.2 to the emerging Local Nature Recovery Strategy for Kent.
ID37	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.4	Woodland Trust	Welcome the new reference in paragraph 7.2.4 to the calls by the Kent Local Nature Partnership for requiring greater than the statutory minimum of 10% biodiversity net gain, given the important irreplaceable habitats in the county (such as the Blean complex) and the intense pressure for development, including nationally significant infrastructure projects.
ID42	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.4	Kent Downs AONB	Support the requirement for 20% BNG here.
ID27	7.2 Policy DM 2:	Mineral Products	There is no evidence presented to justify why the Kent Nature Partnership 'expects' at least 20% biodiversity gain to be achieved, or why weight is given to

	Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Paragraph 7.2.4	Association	this 'expectation'. This appears to simply double the (arbitrary) level required by the Environment Act. While management and restoration of minerals sites can often deliver biodiversity gain well above the minimum level, this is not always the case and is not always as straightforward as may be assumed, given the way the Metric works (it was designed for development types other than minerals and does not reflect the unique characteristics that are referred to in the separate Biodiversity Topic Paper). It is increasingly common for minerals sites to be developed and operated on a leasehold basis, and there is no guarantee that the landowner would entertain biodiversity gain and associated 30-year management post-development, which may result in sites not coming forward in the first place (affecting supply) or restoration to after uses that are not biodiversity-led. This may mean achieving 10% on- or off-site would be difficult. Applying a blanket 20% is not justified. It would be more practicable and realistic to apply a case-by-case approach where biodiversity gain objectives (above the minimum) should reflect opportunities and constraints and be agreed at an early stage by the planning authority and the applicant.
ID16	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2	Tonbridge and Malling Borough Council	TMBC support the inclusion of ' <i>irreplaceable habitats and ancient or veteran trees</i> ' in this policy in accordance with para 180 of the NPPF.
ID24	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2	Tunbridge Wells Borough Council	It is noted that ancient woodland is included in the policy, but TWBC would query whether the impact on other heritage assets should also be mentioned e.g. historic parks and gardens.
ID23	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2	Tunbridge Wells Borough Council	The additional wording in relation to ancient and veteran trees and the justification for wholly exceptional circumstances is welcomed. However, it is noted that no other heritage assets have been added e.g. historic parks and gardens as requested by TWBC in our comments to the previous consultation.
ID37	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance	Woodland Trust	Welcome the strengthened wording to protect ancient woodland and trees in section 2 of this policy, in particular: <ul style="list-style-type: none"> • The explicit recognition that ancient woodland is an irreplaceable habitat • Including ancient and veteran trees alongside ancient woodland in this definition • Requiring both wholly exceptional reasons and a suitable compensation strategy before considering any proposal within or impacting on such habitats.

	<p>and Policy DM 3: Ecological Impact Assessment</p> <p>Policy DM 2</p>		<p>Direct impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must either be avoided or compensated for if the need is judged to be truly exceptional; there is no appropriate mitigation for the loss of irreplaceable habitats.</p> <p>Where it is deemed that there is going to be unavoidable residual damage or loss to ancient woodland, the measures taken to compensate for this must be of a scale and quality commensurate with loss of irreplaceable habitat. Where ancient woodland is to be replaced by new woodland, this should aim to create thirty hectares of new woodland for every hectare lost.</p> <p>We recommend adding further wording requiring appropriate buffers where sites are close to ancient woodland. Where development sites are adjacent to ancient woodland, we recommend that as a precautionary principle, a minimum fifty metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance. Further information is available in the Trust's Planners' Manual for ancient woodland.</p> <p>We therefore recommend strengthening the policy as follows:</p> <p><i>After "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."</i></p> <p><i>Add "Where proposals are located adjacent to Ancient Woodland, a minimum 50-meter buffer will generally be required between the development and the woodland, including through the construction phase."</i></p>
ID47	<p>7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment</p> <p>Policy DM 2</p>	Natural England	<p>Welcome reference to the management objectives for designated sites within Policy DM 2 (Environmental and landscape sites of international, national and local importance) but consider that the wording should be amended to more closely reflect the requirements of the National Planning Policy Framework. This details in Paragraph 180 that:</p> <p style="padding-left: 40px;">'When determining planning applications, local planning authorities should apply the following principles:</p> <p style="padding-left: 80px;">a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p style="padding-left: 80px;">b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest'.</p> <p>Policy DM 2 does not appear to fully reflect the strong presumption against developments which could impact designated sites nor the 'avoid, mitigate, compensate' hierarchy for international sites. The wording for Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest more closely reflects the wording within the National Planning Policy Framework which we support. We would therefore recommend that the nature conservation wording is amended to more closely reflect the requirements in the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p>The reference to irreplaceable habitats in Policy DM 2 is welcomed; as mentioned above Kent has a rich and varied natural environment and we would support reference to habitats and species of principal importance, protected species and other species and habitats of conservation concerns within Policy DM 2. Such an approach would more closely reflect the requirements of Paragraph 180(a) of the National Planning Policy Framework and ensure that the requirements of the Kent Biodiversity Strategy are incorporated. Whilst it is acknowledged that many of these are included within Policy DM 3, it may be appropriate for consistency for them to be referenced in both policies.</p>
ID41	<p>7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance</p>	----	Delete 'unacceptable' as no adverse impact should be acceptable for these sites

	and Policy DM 3: Ecological Impact Assessment Policy DM 2, first paragraph		
ID41	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2, fourth paragraph of section 2	----	Please define what is acceptable/unacceptable adverse impacts
ID50	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2, part 2. National Sites (SSSI section)	KCC Biodiversity	The SSSI section states impacts on the SSSI can only be considered acceptable if: <i>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</i> <i>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.</i> It does not require the application to demonstrate appropriate compensation/mitigation etc. As there is a need for mitigation/compensation for Locally important sites does this mean the requirement under the policy is stronger for the LWS? Is there a need or the policy to require mitigation/compensation for the SSSI?
ID41	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2, final paragraph of section 2	----	Delete 'unacceptable' as no adverse impact is acceptable for these sites
ID50	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and	KCC Biodiversity	Not sure what a 'net planning benefit is' which is referred to at the end of the '3. Local Sites' paragraph – define.

	Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 2, part 3. Local Sites		
ID16	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Tonbridge and Malling Borough Council	TMBC support the additional wording to maximise biodiversity net gain.
ID24	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Tunbridge Wells Borough Council	Reference to geodiversity and the minimum requirement of 10% biodiversity net gain (BNG) are noted and welcomed. Though it is suggested that more information is provided on how BNG will be secured - what information should be submitted, whether any mitigation measures are required and how the site will be managed in the long term. A cross reference to Policy DM17: Planning Obligations may also be beneficial.
ID23	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Tunbridge Wells Borough Council	The additional new wording in relation to maximising BNG is noted and welcomed. However, as per TWBC's comments on the previous consultation it is suggested that more information is provided on how BNG will be secured - what information should be submitted, whether any mitigation measures are required and how the site will be managed in the long term. A cross reference to Policy DM17: Planning Obligations may also be beneficial.
ID29	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment	Environment Agency	Policy DM3 is not very reassuring for the protection of biodiversity. There is no comprehensive proposal to protect priority habitats or Local Wildlife Sites, instead relying on 'compensatory measures' should the impact be 'unacceptable' to biodiversity. Whilst it does include achieving a net gain for biodiversity, the Defra BNG Metric only considers habitats as a proxy for biodiversity and does not consider a lot of in-combination or indirect impacts of a development proposal.

	Policy DM 3		
ID42	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Kent Downs AONB	Welcome addition of reference to enhancement as well as conservation of AONBs in the Policy.
ID37	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Woodland Trust	Welcome the new wording at the end of policy DM 3 that requires the maximum practicable biodiversity net gain from any minerals or waste development.
ID46	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Maidstone Borough Council	In respect to the requirement of 20% Biodiversity Net Gain on restored sites as set out in Policy DM3, Maidstone welcomes this aspiration as it aligns with emerging policies in its LPR.
ID47	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3	Natural England	Support the requirements for robust impact assessments to accompany any application for minerals and waste developments and the addition of geodiversity to the policy wording is welcomed (Policy DM 3 Ecological impact assessment). The requirement for an ecological assessment will not necessarily ensure that geodiversity impacts are fully considered so we would recommend that an ecological and/or geological assessment (as appropriate) should accompany any application. Similarly, the requirement for a positive contribution to the conservation and enhancement of biodiversity is welcomed but the amended wording could be strengthened by also including geodiversity. The wording within Policy DM 3 does not appear to mirror the strong presumption against development within, or impacting, statutory designated sites and irreplaceable habitats contained within Policy DM 2 and the National Planning Policy Framework. The wording within Policy DM 3 suggests that providing impacts are avoided, mitigated or compensated then planning permission will be granted; the requirements within Policy DM 2 and the National Planning Policy Framework indicate that permission should only be granted in exceptional circumstances. We would therefore support the amendment of the policy wording to help avoid any potential for confusion.
ID27	7.2 Policy DM 2: Environmental and Landscape Sites of International,	Mineral Products Association	Biodiversity gain requirements will apply to the vast majority of all applications for development. When challenged about the introduction of the requirement, and the design of the Metric not being primarily for or suited to minerals development, Natural England has stressed the need for a 'level playing field' with one metric being applied using common rules and values, no matter what the development type. Defra has been clear that this is necessary so that developments that deliver above the minimum 10% gain may be able to 'trade' additional biodiversity units created to offset for other developments. This includes minerals sites. Therefore, requiring 'maximum practicable biodiversity net gain' for minerals developments is not reasonable, as even though it

	National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3		<p>may be possible to achieve more than 10% (or even 20%) in some cases, in the new regulatory environment where biodiversity gain is mandatory, minerals should be treated the same way as other development types. As recommended above, early discussion and agreement of biodiversity gain objectives between the planning authority and applicant, reflecting constraints and opportunities, including for targets higher than the 10% mandatory minimum, would be a more realistic and effective approach. Biodiversity gain (units) created above the minimum or the level agreed may then be used to offset other developments (subject to requirements of registering and monitoring etc).</p> <p>Also, for information, publication of the Metric 4.0, and associated regulations and guidance, is delayed and Defra report publication is likely in the first quarter of 2023.</p>
ID50	7.2 Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance and Policy DM 3: Ecological Impact Assessment Policy DM 3, first paragraph	KCC Biodiversity	<p>I wonder if Biodiversity Action Plan Habitats and Species should be referred to as Priority Habitat and Species. Paragraph 2.22. has removed Kent Biodiversity Action Plan (BAP) and changed it to: species and habitats identified in the Kent Nature Partnership Biodiversity Strategy 2020 to 2045. Therefore, the policy should reflect this change.</p>
ID28	Policy DM 3: Ecological Impact Assessment	Invicta Planning (on behalf of Borough Green Ltd Sandpits and Sheerness Recycling Ltd and)	<p>The policy is intended to prevent any unacceptable adverse impacts on Kent's biodiversity assets. It is proposed to be amended (again) to achieve at least 10% biodiversity net gain (BNG) and for all proposals to demonstrate how the maximum practical BNG shall result for minerals and waste developments.</p> <p>The 10% BNG requirement is consistent with the Environment Act and there is no objection to this objective being part of the Minerals and Waste Local Plan for Kent. NPPF par. 68 requires Strategic Policy Making Authorities to have a clear understanding of the land available in their area and devise policies which take account of site availability, suitability and likely economic viability. The relevant NPPG offers more guidance in relation to viability and plan making. Essentially the guidance is stating that in assessing viability of sites and the cumulative cost of all relevant policies should not compromise or undermine the deliverability of the Plan.</p> <p>Applying a standardised with a higher than 10% BNG needs to be assessed by the Council to understand how it may impact viability and deliverability of the Plan as a whole and individual sites. The detailed policy wording requiring the maximisation of BNG is unclear. It does not explain how the maximisation can be demonstrated or the metric to be used to make an assessment. Without certainty of the amount of BNG to be achieved (i.e., 10% may not be acceptable) it might make sites unviable for delivery is therefore not 'justified' or 'positively prepared'.</p>
ID35	Policy DM 3: Ecological Impact Assessment Para. 7.2.4	Gallagher Aggregates Ltd (GAL)	<p>GAL, like the rest of the mineral industry, has provided environmental enhancements through progressive restoration and long-term management as the company's track record demonstrates in Kent show.</p> <p>The KMWLP does not clarify or justify why mineral operations restorations should, going into the future, be required to deliver double the statutory minimum BNG or maximise it. The imposition of a blanket target over and above the statutory minimum BNG runs the risk of making it impossible for the minerals industry to bring sites forward to the detriment of future minerals supply and the many sectors which rely on it and on which society depends.</p> <p>Whilst it may be possible to achieve more than 10% BNG on certain sites, this would be more appropriately determined through discussion and agreement between the mineral planning authority (MPA) and applicant, taking into account the unique opportunities and constraints of individual sites.</p> <p>GAL concurs with the Mineral Products Association's submission on the proposed amendments to the KMWLP with respect to BNG. As stated in relation to Objective 9 amendments to the KMWLP the Plan should be unambiguous in its requirements for BHG and clear as to the basis for any targets over and above the statutory requirements.</p>
ID26	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic	Historic England	<p>We note the absence of reference to Historic England's recently updated advice on Mineral Extraction and Archaeology (Historic England Advice Note 13) in the updated next at paragraph 7.4.2. This advice document is particularly pertinent to the mineral and waste planning process and should be added to the paragraph.</p>

	Environment Assessment Paragraph 7.4.2		
ID24	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Tunbridge Wells Borough Council	<p>It is considered that other heritage assets such as ancient woodland should also be included in the policy. In addition, locally listed assets now tend to be referred to as non-designated heritage assets (NPPF terminology) and it is suggested that the policy be amended to include reference to these.</p> <p>The level of harm (paras 199 to 202 of the NPPF) and the significance of heritage assets (para 197 of the NPPF) are key factors in the assessment of any development proposals affecting heritage assets and it is considered that some wording (as suggested below) should be included on this:</p> <p><i>'Proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities should be sought to enhance historic assets affected by the proposals. Minerals and/or waste proposals that would harm the significance of 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, as set out in national policy for the historic environment.'</i></p>
ID23	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Tunbridge Wells Borough Council	<p>As per TWBC's comments on the previous consultation, it is considered that other heritage assets such as ancient woodland should also be included in the policy. In addition, locally listed assets now tend to be referred to as non-designated heritage assets (NPPF terminology) and it is suggested that the policy be amended to include reference to these.</p> <p>The level of harm (paras 199 to 202 of the NPPF) and the significance of heritage assets (para 197 of the NPPF) are key factors in the assessment of any development proposals affecting heritage assets and it is considered that some wording (as suggested below) should be included on this:</p> <p><i>'Proposals should result in no unacceptable adverse impact on Kent's historic environment and, wherever possible, opportunities should be sought to enhance historic assets affected by the proposals. Minerals and/or waste proposals that would harm the significance of 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, as set out in national policy for the historic environment.'</i></p>
ID31	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5	Gravesham Borough Council	<p>While GBC notes the KCC response in the consultation statement on the consistency of this policy with national policy, minor amendments to the policy wording are suggested the addition of 'non designated' after 'locally listed' in the first paragraph of Policy DM 5.</p> <p>Also suggests the addition of 'when considered in accordance with national policy' after 'unacceptable adverse impact on a heritage asset' in the final paragraph of Policy DM 5.</p>
ID41	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 5, last paragraph	----	Remove the word 'unacceptable' as no adverse impact is acceptable for these heritage assets
ID24	7.4 Policy DM 5: Heritage Assets and Policy DM 6: Historic Environment Assessment Policy DM 6, criterion 1	Tunbridge Wells Borough Council	<p>As above, it is considered that this policy should include non-designated heritage assets. Also, that setting should be included in the wording as suggested below:</p> <p>Criterion 1 – '<i>A preliminary historic environment assessment, including field archaeological investigation and assessment of contribution towards setting where appropriate, to determine the nature and significance of the heritage assets.</i>'</p>
ID23	7.4 Policy DM 5: Heritage Assets	Tunbridge Wells Borough Council	As per TWBC's comments on the previous consultation and as set out under policy DM5 above, it is considered that this policy should include non-designated heritage assets. Also, that setting should be included in the wording as suggested below:

	and Policy DM 6: Historic Environment Assessment Policy DM 6, criterion 1		Criterion 1 – ‘A preliminary historic environment assessment, including field archaeological investigation <u>and assessment of contribution towards setting</u> where appropriate, to determine the nature and significance of the heritage assets.’
ID13	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Ebbsfleet Development Corporation	It is noted that the consultation does not propose any changes to the text or pre-text to safeguarding policies DM7 or DM8, the latter of which is of particular relevance to EDC due to the number of safeguarded river wharves within its area.
ID24	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Tunbridge Wells Borough Council	As you are aware the KMWLP forms part of the Development Plan for Tunbridge Wells. In the TWBC Submission Local Plan 2021 (SLP) (the independent examination for which is imminent), there is a section on the KMWLP in the introduction of the SLP which makes specific reference to policies DM7 and DM8. It is noted that not many changes have been made to these policies. However, it is apparent that the Safeguarding SPD referred to has recently been adopted, but no date is provided. It is also considered that a link to this SPD within the supporting text would be helpful. In the policy boxes themselves it is considered that the name of the SPD (and link) should be included for clarity rather than it just saying, ‘Further guidance on the application of this policy is included in a Supplementary Planning Document’. In relation to Policy DM 8 - The changes are noted but TWBC does not wish to comment on this policy.
ID23	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Tunbridge Wells Borough Council	As you are aware the KMWLP forms part of the Development Plan for Tunbridge Wells. In the TWBC Submission Local Plan 2021 (SLP) (which is currently subject to examination), there is a section on the KMWLP in the introduction of the SLP which makes specific reference to policies DM7 and DM8. As per TWBC’s comments on the previous consultation, it is noted that not many changes have been made to these policies. However, it is still considered that a link to the now named Safeguarding SPD within the supporting text would be helpful and that it also be named in the Policy boxes for clarity rather than it just saying, ‘Further guidance on the application of this policy is included in a Supplementary Planning Document’.
ID49	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management,	Ashford Borough Council	In the Council’s previous response dated 1st March 2022, the Council invited KCC to use the Local Plan as a means to clarify the position with regard to mineral exemptions. Our concerns largely sought clarity from KCC about how ‘exempt’ site allocations were determined. KCC’s adopted SPD, states ‘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. Development which comes forward within these allocations will be exempt from safeguarding provisions’. However, KCC’s latest AMR dated December 2021 does not report any exemptions. The Council note KCC’s intention to provide an addendum to the

	Transportation, Production & Waste Management Facilities		current AMR, however, until such time that an addendum or updated AMR (including site exemptions) is published, the Council remain of the view that the Local Plan could be used to clarify this position once and for all, and that this would help all those concerned particularly Plan Makers. Consequently the Council previous comments still remain.
ID27	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Mineral Products Association	See comments in relation to 5.6 Policy CSM 6: Safeguarded Wharves and Rail Depots above – comments also apply here in relation to Policy DM 8.
ID33	7.5 Policy DM 7: Safeguarding Mineral Resources and 7.6 Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities	Otterpool Park LLP (Quod)	<p><u>Policy DM 7</u></p> <p>The policy describes the circumstances in which non-mineral developments that are incompatible with safeguarding a resource would be acceptable.</p> <p>Where proposals for non-mineral developments come forward which make a significant housing contribution and provide a policy compliant level of affordable housing, the benefits should outweigh a presumption to safeguard the safeguarded mineral where extraction has not yet come forward – this should be stated as a specific example of exemption in the exemption criteria policy wording. Housing delivery to meet the trajectory of the recently adopted FHDC Core Strategy Review (2022) should be taken into account. It is suggested that further additional exemption wording could be inserted into Policy DM 7 (beneath the list of seven criteria) to reflect the importance of exceptional cases such as the Proposed Development:</p> <p><i>“It is recognised that there are exceptional cases where the benefits of delivering a particular development are so great. Therefore, in the case of plan-led comprehensive new settlements, this policy will not apply.”</i></p> <p><u>Policy DM 8</u></p> <p>The policy sets out the circumstances when safeguarded minerals and waste development may be replaced by non-waste and minerals uses.</p> <p>It is considered that Policy DM8 should only apply for waste facilities where there is existing operational capacity which is proposed to be lost through proposals for non-waste uses.</p> <p>Notwithstanding that it is considered that the Permitted Waste Facility should not be safeguarded. The policy should not be applied to Otterpool Park proposals. The policy overly restrictive and should be updated to take account of the recently adopted Core Strategy Review (2022), which does not require a waste facility to be provided within the new garden settlement allocation area. PPG Para.: 072 Reference ID: 61-072-20190315 states that where there is conflict between policies in a plan which is adopted after another document in the development plan, the more recent policy takes precedent. The more recent document is the FHDC Core Strategy Review (2022), which designates the site as a new garden settlement.</p> <p>It is considered that the hurdles that an applicant is required to overcome to meet the criteria are, in some circumstances, too great and, do not reflect site-specific conditions about a particular safeguarded facility and its relationship with a potential development which may impact its delivery.</p> <p>The current policy wording does not consider a scenario where a safeguarded minerals management, transportation or waste management facility has no (limited) prospect of being delivered. This includes permitted facilities which are either extant but not implemented, or where implementation has taken place, but it will not be completed (such as the safeguarded facility). The landowner of the safeguarded site has no intention to complete the consented development and build out the facility.</p> <p>There are elements of existing policy wording which enable a subjective view to be adopted. Criteria 6 states that planning permission will only be granted for development that is incompatible where <i>“material considerations indicate that the need for development overrides the presumption for safeguarding”</i>.</p>

			<p>This wording allows the decision-taker (KCC) to resist a proposal for alternative development and not accept the demonstrable ‘<i>material considerations</i>’ that weigh in the determination of planning applications, as required by s38(6) of TCPA 1990, irrespective of their significance.</p> <p>The policy as currently drafted is ineffective. There is a demonstrable housing and affordable housing crisis in the local area and nationally. Where proposals for non-waste uses come forward which make a significant housing contribution and provide a policy compliant level of affordable housing the benefits should outweigh a presumption to safeguard a site for waste management provision – this should be stated as a specific example of exemption in the policy wording.</p> <p>The policy provides very little opportunity for an applicant of an ‘incompatible’ development to align themselves to specific planning circumstances that could be met to expressly justify the loss of a safeguarded facility. Planning and development policies throughout the UK often include time based and evidence-based tests which, if met, allow an existing use or operation to be replaced by another use or operation (for example, where suitable evidence demonstrates that demand for an existing employment use is no longer present, and that use can be changed to another). Introduction of such wording would represent a more pragmatic approach and would enable safeguarded sites to be protected where necessary, while recognising that in some instances it is not appropriate to continue to plan for their delivery.</p> <p>It is suggested that the following wording is inserted into the policy (following the list of seven criteria):</p> <p><i>“Safeguarded minerals management facilities, transportation or waste management facilities which are subject to a planning permission facilitating their delivery no longer need to be protected for the purposes of this policy where the facility the subject of the planning permission has not been completed (for the purposes of occupation and operation) within 5 years of the date of the planning permission.”</i></p> <p>It is considered that it would be appropriate for each application for non-waste development on a safeguarded site to be assessed on its own merits. With KCC taking a considered and proportionate view when balancing the need to maintain the safeguarded facility versus the need for specific development to come forward as required to facilitate regeneration and to deliver benefits. The Proposed Development, provides a once in a generation opportunity to create an innovative, resilient and inclusive community to stand the test of time and to deliver a vision which is underpinned by the Garden City Principles. The Proposed Development is allocated for development and is identified as a strategic site, contributing significantly towards meeting the District Council’s identified housing need. The planning case for the Proposed Development to be properly delivered is significant.</p> <p>It is suggested that the following further wording be inserted into the policy (beneath the list of seven criteria) to reflect the importance of exceptional cases such as the Proposed Development:</p> <p><i>“It is recognised that there are exceptional cases where the benefits of delivering a particular development are so great. Therefore, in the case of plan-led comprehensive new settlements, this policy will not apply.”</i></p> <p>It is considered that if this new wording is introduced into the policy, this will not prevent KCC from managing safeguarded sites across the County. Instead, it will allow decisions to be made on a case by-case basis to facilitate the delivery of new development where it is genuinely required, and which represents the optimal masterplan approach for a particular area.</p> <p>These amendments were previously suggested to KCC in February 2022, but KCC considered that the policy allows for development to come forward in a number of circumstances and one or more of those may apply in this case (Consultation Summary Document, 2022). It is not considered that the policy allows development to proceed in cases where it should be allowed to.</p> <p>It is understood that the policy is intended to operate where proposals will result in a loss of waste management capacity, but this is not the case at Otterpool Park. More flexibility is necessary given the more recent policy position in the adopted Core Strategy Review 2022. Criteria 3 of the policy would allow non-waste development to come forward on the site if replacement capacity was provided elsewhere. The Permitted Waste Facility site is however not providing capacity currently so it would not be appropriate to require replacement capacity to be provided in the case where non-waste development is proposed on the site. It is considered that these amendments to Policy DM 8 are particularly important to be taken forward if KCC do not agree to the proposed amendments suggested for Policy CSW 16.</p>
ID19	7.6 Policy DM 8: Safeguarding Minerals Management, Transportation,	Aggregate Industries and Brett Aggregates Ltd [combined representation]	<p>The policy remains unchanged in detailing the criteria against which planning applications for development that is incompatible with safeguarded facilities will be assessed. This is predicated on supporting text (para 7.6.1) that it is essential to the delivery of the Plan’s mineral and waste strategy that existing facilities used for management of minerals (including wharves and rail depots) are safeguarded for the future.</p> <p>The policy confirms in the final sentence that further guidance on the application of the policy will be included in a Supplementary Planning Document</p>

	Production & Waste Management Facilities		<p>(SPD). It is suggested, given operational experience in dealing with applications coming forward in the vicinity of safeguarded wharves and associated plant (often characterised by lack of early or any engagement on the part of the developer) that the opportunity should be taken either as part of this review or as an update to the SPD to expressly require early (pre-application) engagement with the operator of the safeguarded facility.</p> <p>This is to avoid applications being made which have not appropriately or robustly assessed and if required mitigated any potential conflicts between the proposed development and the safeguarded uses under the 'agent of change' principle. Such a requirement could be inserted after the penultimate paragraph of the policy as follows (additions shown bold and underlined):</p> <p><i>.....by occupants of the proposed development and that access to and from the facility would not be constrained by the development proposed.</i> <u>Early engagement with the operator of the safeguarded sites should be progressed to identify on site activities, including operational hours, in order to ensure robust assessment.</u></p>
ID24	7.7 Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development	Tunbridge Wells Borough Council	It is considered that this policy should include reference to legal agreements in addition to planning conditions in terms of site restoration and after use.
ID23	7.7 Policy DM 9: Prior Extraction of Minerals in Advance of Surface Development	Tunbridge Wells Borough Council	As per TWBC's comments on the previous consultation, it is considered that this policy should include reference to legal agreements in addition to planning conditions in terms of site restoration and after use.
ID24	7.8 Policy DM10: Water Environment	Tunbridge Wells Borough Council	It is considered that it would be appropriate for this policy to include biodiversity net gain. The policy refers to Environment Agency Flood Zones, but it is also suggested that it refers to Strategic Flood Risk Assessments (SFRAs), especially as a number of local Kent authorities have these (the list of which is included in your SFRA Position Statement forming part of this consultation).
ID23	7.8 Policy DM10: Water Environment	Tunbridge Wells Borough Council	As per TWBC's comments on the previous consultation it is considered that it would be appropriate for this policy to include biodiversity net gain. In addition, the policy refers to Environment Agency Flood Zones, but it is also suggested that it refers to Strategic Flood Risk Assessments (SFRAs), especially as a number of local Kent authorities have these (the list of which is included in your SFRA Position Statement forming part of this consultation). It is noted and welcomed that an additional paragraph has been added which makes reference to a Drainage and Planning Policy Statement which sets out guidance for major applications. It is suggested that it would be useful to provide a direct link to this document in the text.
ID03	7.8 Policy DM10: Water Environment Figure 21 Water Availability Status	----	<p>B. The relationship between housing growth, ground water availability and sewage disposal</p> <p>It was disappointing to note that no attempt seems to have been made to link the absence of groundwater in Kent with the increase in housing stock proposed. Review of the map demonstrating water availability demonstrates the difficulty of providing adequate water supplies to additional housing. Given the proven inability of Southern Water to clean up the wastewater it processes, leading to excess sea discharges and the fouling of the River Stour makes one wonder why anyone considers why 'Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.' If a policy is not working surely that fact should be communicated to the policy makers who feel that it is working.</p>
ID31	7.9 Policy DM 11: Health and Amenity	Gravesham Borough Council	The Council supports the changes made to policy DM to reflect the possible need for a Health Impact Assessment when considering minerals and waste developments.
ID16	7.9 Policy DM 11: Health and Amenity Policy DM 11, first paragraph	Tonbridge and Malling Borough Council	The insertion of the additional wording " <i>It may also include the preparation of a health impact assessment</i> " is considered too vague for a Development Management policy. It is recommended that this is re-worded to be more specific setting out when such an assessment would be required.
ID11	7.9 Policy DM 11:	British Horse	PROW should also be included in these considerations.

	Health and Amenity Policy DM 11, second paragraph	Society	
ID24	7.9 Policy DM 11: Health and Amenity Policy DM 11, second paragraph	Tunbridge Wells Borough Council	It is considered that the second paragraph in the policy box is vague, and it would be helpful if it could be explained in what way there should be no unacceptable adverse impact on surrounding land.
ID24	7.10 Policy DM 12: Cumulative Impact	Tunbridge Wells Borough Council	The inclusion of wording relating to the cumulative impact of vehicular emissions and impact on AQMAs in the supporting text of the policy is welcomed.
ID47	7.11 Policy DM 13: Transportation of Minerals and Waste	Natural England	Natural England welcomes the supporting text to Policy DM 13 (Transportation of minerals and waste) and the need to undertake an air quality assessment for Habitats Sites. There is also the requirement to consider potential impacts to the underpinning Sites of Special Scientific Interest where these are sensitive to air quality, and we would recommend that this is reflected within the Plan. Natural England would also recommend that the air quality assessment will need to consider both the critical load and critical level in any air quality assessment (Sections 7.14.6 and 7.14.7).
ID24	7.11 Policy DM 13: Transportation of Minerals and Waste	Tunbridge Wells Borough Council	The changes made to include reduction in vehicular movements and emissions, the move to use of electric vehicles and the installation of electric vehicle charging points are welcomed.
ID11	7.11 Policy DM 13: Transportation of Minerals and Waste Policy DM 13, points 1 and 2	British Horse Society	The location of PROW in the vicinity and the impact on the local road network for vulnerable road users must also be considered.
ID23	7.11 Policy DM 13: Transportation of Minerals and Waste Policy DM 13, point 3	Tunbridge Wells Borough Council	The additional wording to provide clarification and the inclusion of and environmentally sustainable vehicle technologies under Criterion 3 of the Policy are welcomed.
ID24	7.12 Policy DM 14: Public Rights of Way	Tunbridge Wells Borough Council	It is noted that no changes are proposed to this policy. However, it is considered that in addition to PROWs, it should include other forms of pathways and cycleways.
ID23	7.12 Policy DM 14: Public Rights of Way	Tunbridge Wells Borough Council	Although it is noted that no reference is made to other forms of pathways and cycleways in addition to PROWs, as suggested in TWBC's comments to the previous consultation, the new additional wording to the supporting text and policy criteria is welcomed.
ID11	7.12 Policy DM 14: Public Rights of Way	British Horse Society	We welcome this policy with the exception of 'stopping up' which is never going to be convenient unless a new, equally convenient and amenable, path is provided of same or higher status and connecting to the existing network.

	Policy DM 14, point 1		
ID24	7.14 Policy DM16: Information Required in Support of an Application	Tunbridge Wells Borough Council	TWBC would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan.
ID23	7.14 Policy DM16: Information Required in Support of an Application	Tunbridge Wells Borough Council	As per TWBC's comments on the previous consultation, we would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan. By way of assistance, at the recent hearings held for the examination of the Tunbridge Wells Local Plan, it was clearly explained by the Planning Inspector that the purpose of a development management policy is not to list information which should be submitted with an application. This would normally be sufficiently dealt with under the application validation process.
ID24	7.15 Policy DM 17: Planning Obligations Policy DM 17	Tunbridge Wells Borough Council	It is suggested that securing the implementation and long-term management of biodiversity net gain is also added to the list.
ID47	7.15 Policy DM 17: Planning Obligations Policy DM 17, point 6 and 9	Natural England	Welcome commitment to delivery of Kent Biodiversity Strategy targets and landscape enhancement within Policy DM 17 & recommend that the policy could be strengthened by reference to the local nature recovery strategy (point six) and the conservation and enhancement of notable habitats and species (point nine).
ID08	7.15 Policy DM 17: Planning Obligations Policy DM 17, point 15	KCC PROW and Access Service	Policy DM17, bullet 15: amend to '... Public Rights of Way ...'
ID11	7.15 Policy DM 17: Planning Obligations Policy DM 17, point 15	British Horse Society	We welcome point number 15 of Policy DM 17.
ID24	7.16 Policy DM 18: Land Stability Paragraph 7.16.1	Tunbridge Wells Borough Council	The new wording at paragraph 7.16.1 is welcomed, but it suggested that the first part of the subsequent paragraph could be deleted to avoid repetition.
ID13	7.17 Policy DM 19: Restoration, Aftercare and After-use	Ebbsfleet Development Corporation	It is recommended that the pre-text and wording for Policy DM19 should be made clearer. In accordance with the policy's current wording, planning permission for minerals extraction and temporary waste management development will be granted where satisfactory restoration and aftercare will be put in place. There is, however, nothing in the pre-text that mentions it is for future applications and, without it being mentioned, it could be confused as being relevant to the restoration of former quarry sites.
ID43	7.17 Policy DM 19: Restoration, Aftercare and After-use	RSPB	I would like to bring turtle doves to your attention and ask whether or not this is something that could be included in relation to nature after minerals, specifically quarry restoration and aftercare which present real opportunities to provide essential habitats for them. Turtle dove is a RSPB priority species due to its significant population decline, both in the UK and across its breeding range. The Turtle Dove is the UK's fastest declining breeding bird and is threatened with global as well as national extinction. RSPB is a lead partner on the Operation Turtle Dove partnership which seeks to offer practical evidence-based solutions to halt the decline of Turtle Doves across England. The foundation of this work is based on working

			with landowners and communities in areas that still support breeding populations of Turtle Doves, which are known as Turtle Dove Friendly Zones (TDFZs). There are 29 zones across England, 12 of which are in Kent. Last year the RSPB and partners organised the first national Turtle Dove survey for England. In Kent this was run by the Kent Ornithological Society in partnership with the RSPB. The results of the survey have further revealed the importance of Kent for Turtle Doves, showing that Kent supports approximately a third of the total England population with approx. 700 territories recorded in Kent. We are seeking out strategic opportunities in Kent, is this something that might be able to be included? An advice note is attached for reference.
ID24	7.17 Policy DM 19: Restoration, Aftercare and After-use	Tunbridge Wells Borough Council	TWBC considers that restoration should be for a 30-year period (not 5 years as stated in the policy) in line with the forthcoming Environment Bill and should also include improvements to public access and recreation as well as monitoring. It is suggested that the 30 years should be secured through a Landscape and Ecological Management Plan (LEMP) and should be phased in conjunction with the extraction plan.
ID23	7.17 Policy DM 19: Restoration, Aftercare and After-use	Tunbridge Wells Borough Council	As per TWBC's comments on the previous consultation, we consider that restoration should be for a 30-year period (not 5 years as stated in the policy) in line with the forthcoming Environment Bill. It is suggested that the 30 years should be secured through a Landscape and Ecological Management Plan (LEMP) and should be phased in conjunction with the extraction plan. However, the new additional wording in relation to recreational uses, BNG and impact and groundwater are welcomed.
ID29	7.17 Policy DM 19: Restoration, Aftercare and After-use	Environment Agency	In the interests of delivering a net gain for biodiversity, ecological restoration of the sites after mineral extraction should be an additional ecological gain due to the long period of time between permission and delivery of that element. Where the restoration of sites following extraction includes habitats for biodiversity, there needs to be sufficient legal protection to ensure it is fore filled and cannot be altered by subsequent planning applications. There could be more information and policy in this plan on mineral sites that create lakes because of extraction. For example, there could be minimum standards for creating wide enough vegetated marginal shelves to protect banks from erosion; minimum lake size to reduce wind and wave erosion forces; and minimum restoration depths to encourage habitats for wildlife and a broader variation of end uses.
ID11	7.17 Policy DM 19: Restoration, Aftercare and After-use Policy DM 19, second paragraph	British Horse Society	We welcome this and would ask that this includes public rights of way, ideally restoring original locations of paths and retaining the diverted paths resulting in a net increase for the area.
ID41	7.17 Policy DM 19: Restoration, Aftercare and After-use Policy DM 19, point 21	----	Change 'unacceptable' to 'detrimental'
ID24	7.18 Policy DM2 20: Ancillary Development	Tunbridge Wells Borough Council	The minor changes are noted but TWBC does not wish to comment on this policy.
ID24	7.19 Policy DM 21: Incidental Mineral Extraction	Tunbridge Wells Borough Council	It is noted that no changes are proposed to this policy. However, it is considered that this policy should include reference to legal agreements in addition to planning conditions.
ID23	7.19 Policy DM 21: Incidental Mineral Extraction	Tunbridge Wells Borough Council	As per TWBC's comments on the previous consultation, it is considered that this policy should include reference to legal agreements in addition to planning conditions.

ID24	7.20 Policy DM 22: Enforcement	Tunbridge Wells Borough Council	TWBC would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan.
ID23	7.20 Policy DM 22: Enforcement	Tunbridge Wells Borough Council	As per TWBC's comments on the previous consultation, we would query whether this should actually be a policy and whether the wording used would be best set out as an advisory section elsewhere in the plan.
8. Managing and Monitoring the Delivery of the Strategy			
ID23	Monitoring Schedule	Tunbridge Wells Borough Council	Following the revision of this section, TWBC would be grateful if KCC could confirm what indicators will need to be specifically monitored by TWBC.
9. Adopted Policies Maps			
ID19	9.1 Safeguarded Wharves and Rail Transportation Adopted Policies Maps Site G	Aggregate Industries and Brett Aggregates Ltd [combined representation]	The ongoing identification of Robins Wharf as a safeguarded wharf and identified as 'Site G' is fully supported.
ID21	9.2 Mineral Safeguarding Areas Dartford Mineral Safeguarding Areas	Dartford Borough Council	The urban boundary shown in the updated Dartford Mineral Safeguarding Map should not extend over the River Thames, we suggest that the urban boundary should align with Diagram 1 (Key Diagrams) of Dartford's proposed local plan submission document COR-1. Furthermore, it would be sensible to combine the maps showing Dartford Boroughs Mineral Safeguarding Area with Ebbsfleet Development Corporation's Mineral Safeguarding Area. This would help to highlight that the Ebbsfleet Development Corporation are located within the Dartford Borough.
ID34	9.2 Mineral Safeguarding Areas Dover 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. This comment was also provided in response to the consultation on changes to the Local Plan in early 2022. DDC's Reg18 site allocations for housing and employment were shared with KCC in January 2021 to confirm whether any were within 250m of either the safeguarded jetty at Western Docks or KCC's waste facilities. We have not added sites to our Reg19 Local Plan (currently out for consultation) which are within 250m of these facilities. Please let us know if you require shapefile data for our Reg19 sites.
ID31	9.2 Mineral Safeguarding Areas Gravesham Mineral Safeguarding Areas	Gravesham Borough Council	Whilst the Policies Map is not subject to examination, GBC would appreciate an electronic copy in a GIS format so we can check the boundaries they have shown so we can agree any changes that may be necessary.
ID16	9.2 Mineral Safeguarding Areas Tonbridge and Malling Mineral Safeguarding Areas	Tonbridge and Malling Borough Council	It is noted that these have been updated, but it is unclear exactly what changes have been made to the TMBC borough map.
Other			
ID08	Glossary	KCC PROW and Access Service	PROW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic; the abbreviation on page 7 should define PROW accordingly for the avoidance of doubt by any reader. Alternatively, this definition could be included in Appendix A: Glossary on p205.

ID29	Glossary	Environment Agency	Biodiversity Net Gain is not defined in the glossary.
ID13	Biodiversity Net Gain	Ebbsfleet Development Corporation	<p>There are several new references to the Environment Act 2021 and the need for development sites to meet Biodiversity Net Gain targets, which is supported. However, there is some confusion throughout the document as to when this comes into force. It is our understanding that under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from an as yet unconfirmed date, but it is expected to be in late 2023. Further to this, there are references within the document that request</p> <p>development to 'at least' meet the 10% requirements of biodiversity net gain and other references where it states "<i>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</i>". The MWLP further requests in paragraph 7.2.4 that the 20% net gain target should even be exceeded. A consistent approach should be taken throughout the document to provide certainty and avoid confusion.</p>
ID29	Biodiversity	Environment Agency	Throughout the document the objectives and policy refer to avoiding unacceptable impacts, without clearly defining what this is. The language could be more definitive to ensure the full protection of irreplaceable habitats for example. E.g., Policy could state that there cannot be any loss of ancient woodland sites or priority habitats that cannot be compensated for in quality and quantity.
ID31	Sustainability Appraisal Scoping Report	Gravesham Borough Council	GBC do not wish to make any additional changes to the Sustainability Appraisal Scoping Report
ID49	Sustainability Appraisal Scoping Report	Ashford Borough Council	No comment.
ID24	Sustainability Appraisal Scoping Report	Tunbridge Wells Borough Council	<p>TWBC has the following comments to make on the SA scoping report:</p> <ol style="list-style-type: none"> 1. Section 3.2. Considering the context of the plan, the minerals and waste data from 2018 appears to be older than is perhaps necessary. Is there any more recent data to report? 2. Sections 3.10 and 3.13 – the hyperlinks are missing (as a side note, it is uncertain whether this format of presenting hyperlinks will pass accessibility checks) 3. Section 4.2 (National Policy) is missing reference to the Environment Act 2021 which has elements relevant to waste disposal. It is noted this is referenced in the KMWLP itself such as under Policy CSW4 4. Section 4.3 (Local Policy) – it is suggested that references should be made to the AONB Management Plan, South-East Water Resource Management Plan, and the Kent Biodiversity Strategy in this section 5. Sections 5.1 and 5.2 – it is suggested that reference should be made to climate change adaptation as well as mitigation
ID23	Sustainability Appraisal Scoping Report Section 3.3	Tunbridge Wells Borough Council	<p>TWBC welcomes the changes made to the SA Scoping Report including reference to the Environment Act 2021 and inclusion of the waste hierarchy, and only has the following comment to make on this report:</p> <p>Section 3.3 – it is suggested that references should be made to the AONB Management Plan, South-East Water Resource Management Plan, and the Kent Biodiversity Strategy in this section.</p>
ID16	Sustainability Appraisal Scoping Report Appendix C	Tonbridge and Malling Borough Council	<p>Consideration of "Do nothing options" for policies as proposed.</p> <p>With regard to policy CSM3 as previously stated above, this site is the subject of a call-for sites submission and is therefore a consideration in the emerging Local Plan. TMBC considers a rationale should be given for the deletion of this policy within the column and it is also considered that the reasons given for 'Is a do-nothing option reasonable?' should be more explicit.</p>
ID31	Habitat Regulations Assessment and Strategic Flood Risk Assessment	Gravesham Borough Council	GBC do not wish to make any additional changes to the Habitat Regulations Assessment and/or Strategic Flood Risk Assessment
ID49	Habitat Regulations	Ashford Borough Council	No comment.

	Assessment and Strategic Flood Risk Assessment		
ID16	Strategic Flood Risk Assessment Position Statement (October 2022)	Tonbridge and Malling Borough Council	This states a different time period (2023 – 2035) to the Local Plan and therefore does not appear to accurately reflect the up-dated Local Plan. It is recommended this is amended accordingly. It is also considered that the position statement should refer to the up-dated Planning Practice Guidance on Flood Risk and Coastal Change (August 2022) Para: 013 7-013-20220825.
ID24	Strategic Flood Risk Assessment Position Statement (October 2022)	Tunbridge Wells Borough Council	It is noted that the draft refresh of the Kent Minerals and Waste Local Plan 2013-30 does not propose any new site allocations and there are no proposed changes to existing site allocations in the KMWLP; and therefore, no update is proposed to the SFRA. It is also noted that reference is made to the latest Tunbridge Wells SFRA (July 2019) to address flood risk and mitigation in this area. TWBC therefore has no further comments to make on the assumption that the SFRA will be reviewed at the next 5-year KMWLP review.
ID23	Strategic Flood Risk Assessment Position Statement (October 2022)	Tunbridge Wells Borough Council	It is noted that the draft Kent Minerals and Waste Local Plan 2023-38 does not propose the allocation of any new sites. However, it is also noted that for the call for sites exercise being undertaken as an update to the Kent Minerals Sites Plan to identify land suitable for the working of crushed/hard rock, account will be taken of any impact on flood risk in the assessment of any nominated sites, which may then require an update to the SFRA. It is also noted that reference is made to the latest Tunbridge Wells SFRA (July 2019) to address flood risk and mitigation in this area. TWBC therefore has no further comments to make on the assumption that the SFRA will be reviewed following the call for sites process and at the next 5-year KMWLP review.
ID29	Strategic Flood Risk Assessment Position Statement (October 2022)	Environment Agency	We have no further comments on the SFRA update as no site allocation changes have been made. We will provide further comment on hard rock sites once the consultation on site allocations is active.
ID24	Habitat Regulations Assessment	Tunbridge Wells Borough Council	It is noted that specific reference is made to KMWLP Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness, and that this is the only policy that is likely to require a HRA as part of the KMWLP review. TWBC therefore has no further comments to make on the assumption that any HRA requirements will be reviewed at the next 5-year KMWLP review.
ID23	Habitat Regulations Assessment	Tunbridge Wells Borough Council	It is noted that the HRA relates to KMWLP Policy CSW 17: Nuclear Waste Treatment and Storage at Dungeness and the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA). TWBC therefore has no further comments to make on the assumption that any other HRA requirements will be reviewed at the next 5-year KMWLP review
ID29	Habitat Regulations Assessment	Environment Agency	We defer to Natural England for detailed comments on this document, except where it relates to Policy CSW 17. Please refer to our letters of 4 August 2022 (our ref: KT/2009/108760/OR-05/IS1-L01) and 17 May 2022 (our ref: KT/2009/108760/CS-09/IS1-L01), which provide a detailed explanation of our role should a permit be required under the Radioactive Substances Regulation (RSR) permitting regime. We are a Competent Authority for RSR permits and will complete any habitats and conservation assessment ourselves to see if any application would affect a Natura 2000 site and we would include the non-radiological aspects of radioactive waste in this, if required. We do not see reference to RSR permitting or our responsibilities within this document and would be pleased to discuss. We note the revised wording of Policy CSW 17 is included in the HRA document at section 54. The wording is not consistent with that in the submitted Minerals and Waste Local Plan. After referring to our commentary below on Policy CSW 17, please apply these to the appropriate sections in the HRA.
ID37	Future Site Allocations	Woodland Trust	Note there are no new site allocations proposed at this stage of the MWLP. Where sites are considered for allocation, or allocated sites are brought forward with development proposals, it is important that they are re-assessed at that time for any potential impact on ancient woodland and ancient or veteran trees. Smaller areas of ancient woodland may not be recorded on the Ancient Woodland Inventory. In addition, the Ancient Tree Inventory (ATI) for the county is not complete. We therefore recommend an exercise to complete the ATI (which lists ancient, veteran, and notable trees outside woods) across any sites allocated or proposed to be allocated for development, to comply with the requirements of the NPPF 2021 (paragraph 180c) for the protection of irreplaceable habitats.

ID44	Kent Waste Needs Assessments 2022	Folkstone and Hythe District Council	<p>Whilst the Council notes the amendments to the Plan, particularly those relating to Dungeness and New Romney, there are a couple of issues that the Council would like to raise in relation to the proposed and existing waste sites in the district.</p> <p>The first issue relates to Otterpool Quarry, Ashford Road. This was granted planning permission in 2011 by KCC (SH/08/124) for a materials recycling facility, anaerobic digestion plant and associated office and parking. Whilst the application may have been implemented (some minimal highway works have been undertaken) no further work has been undertaken to instigate the use.</p> <p>The site is currently used as a lorry park and applications that have been submitted relate to that use (although no permissions have been given for that use other than for road signs). The latest application is for temporary planning permission for up to 5 years for parking and stationing of 24no HGVs and 10no vehicle parking, with temporary stationing of ancillary facilities. At the time of writing a decision has not been made.</p> <p>Whilst not allocated, the site has been identified as contributing to the future provision for 'Organic Waste Treatment' and 'Composting' in the Kent Waste Needs Assessment 2022 Update, which forms part of the evidence base to this consultation.</p> <p>Given that this site has not come forward in the last 11 years or so and there is uncertainty that it will come forward given the current planning application, the district council questions whether it should be considered as contributing towards the future requirement and asks KCC to reconsider this.</p> <p>The District Council has identified a new Garden Settlement in the Core Strategy Review, and this is an important allocation to meet the future growth of the district up to and beyond 2037. The Otterpool Quarry site falls within this allocation.</p> <p>The supporting text in the Core Strategy Review (paragraph 4.193) highlights the need for any application to consider Policy DM8 (Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities) in the Minerals and Waste Local Plan. However, if, as seems likely, the materials recycling facility permission is not implemented, it would be inappropriate to constrain or sterilise the allocated garden town development. The district council therefore requests that KCC reconsiders the wording of Policy DM8 to take account of circumstances where a permitted development has effectively stalled.</p>
ID52	Kent Waste Needs Assessments 2022	CLArctitects on behalf of McAleer Contracts Ltd	<p>McAleer Contracts Ltd is a recently established operator in Kent having been granted planning permission by KCC for the operation of a recycled aggregated production facility at land to north east of Cross Keys Coaches, Caesar's Way, Folkestone in February 2021 (FH/20/1590). Given the granted of this permission, we are surprised and concerned that there is no mention of the site in the Council's Local Aggregate Assessment (LAA) (omitted from figure 6) or Annual Monitoring Report (AMR) (15th). There is also no mention of the site in the Construction, Demolition and Excavation section on the Kent Waste Needs Assessment 2022 update document. We have also not been invited to respond to the operators survey from which the data on recycled aggregate sales presented in the LAA (and repeated in the AMR) have been computed. For the sake of accuracy we can confirm the following sales: 2021- 7,084 tonnes and 2022- 6,651 tonnes.</p> <p>Add that we have recently become aware of the fact that the returns submitted to the Environment Agency were erroneous, so this might explain the omission. This error has now been corrected to reflect the tonnages above.</p>
ID32	Soft Sand	South Downs National Park Authority	<p>The Soft Sand resource within the South Downs National Park is located in the Folkstone Formation which extends westwards from the north west of Lewes in East Sussex, across West Sussex and into Hampshire to Petersfield. This area of soft sand within the Folkstone formation is heavily constrained by the National Park designation.</p> <p>The provision of Soft Sand in the South East is a strategic cross boundary matter and the Minerals Planning Authorities in the South East have a history of working closely to ensure a steady and adequate supply of Soft Sand is maintained in the region. A Soft Sand Position Statement has been prepared by the Minerals Planning Authorities in the South East to provide an agreed source of evidence and current policy on the issue of soft sand supply. The Position Statement underpins effective cooperation and collaboration between the Minerals Planning Authorities of the South East in addressing the strategic cross-boundary matter of soft sand supply.</p> <p>Our Authorities have previously agreed Statements of Common Ground on the provision of Soft Sand, most recently for the East Sussex, South Downs and Brighton and Hove Revised Policies Document Examination, and we look forward to continuing our work with Kent County Council on strategic matters including the provision of Soft Sand.</p>
ID25	Soft Sand	East Sussex County Council and Brighton and Hove City	<p>The South East England Mineral Planning Authorities have agreed a Joint Position Statement on Soft Sand that sets out the overall supply position within the South East and is designed to underpin statements of common ground (SoCG) between authorities in the South East. Recognising the strategic nature of soft sand provision, as part of their Duty to Cooperate responsibilities, ESCC together with their partner Authorities the South Downs National Park Authority and Brighton & Hove City Council, have signed a revised SoCG to accompany their joint Revised Policies document (RPD). The RPD is currently</p>

		Council	<p>under Examination and Hearings were held last month. As you will be aware the soft sand SoCG is co-signed by yourselves and other proximate Mineral Planning Authorities.</p> <p>The SoCG sets out the agreed position between the parties on planning for soft sand. In recent years all soft sand supplied to the East Sussex, South Downs and Brighton & Hove (ESSDB&H) Plan Area has been by imports, including from Kent. ESCC would therefore be concerned if proposals in the draft Kent Minerals and Waste Local Plan were to threaten the steady and adequate supply of soft sand material to the ESSDB&H Plan Area.</p>
ID29	Proof reading	Environment Agency	We note that in reading the submitted version of the Kent Minerals and Waste Local Plan that there are a significant number of grammatical errors which need to be addressed. Words running together, incorrect words and inconsistencies of formatting. We trust that these will be edited before the next consultation stage to provide a clearer understanding of the body text and better integration with accessibility software such as screen readers.
ID29	16.8.2	Environment Agency	As discussed earlier in this letter, should a permit application be submitted under the RSR permitting regime, we will undertake the appropriate Habitats Assessment as a Competent Authority for RSR. Mentioning this in this section would provide clarity.
ID29	16.8.6	Environment Agency	This section is confusing and should be re-written to provide clearer understanding of the process. Please refer to our letter of 17 May 2022 for details.
ID19	Aggregate Industries and Brett Aggregates Ltd [combined representation]	Evidence Base (aggregate mineral supply evidence and national planning policy requirements that the Plan is predicated upon)	<p>The NPPF 2021, in the context of 'Facilitating the sustainable use of minerals', is clear at Para.210 (e) that planning policies should:</p> <p><i>"safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material."</i></p> <p>The Kent Minerals and Waste Local Plan 2013-30 was adopted by Kent County Council ('KCC') in July 2016 and partially updated in 2020. Robins Wharf is identified as a 'Safeguarded Wharf' on the Policies Map and as "Site G" at Appendix 2. The mapping provided for Site G identifies the split between the two areas operated by Aggregate Industries and Brett respectively.</p> <p>In terms of evidence base documents, it is noted that the KCC Local Aggregates Assessment ('LAA') 2022 (November 2022) is clear in confirming at paragraph 7.27 that:</p> <p><i>"It is recognised that capacity information will become increasingly important in future years, particularly in relation to wharves and rail depots. The 2017 study by the Minerals Products Association into future aggregate requirements suggests that nationally there could be a decrease in the demand for landwon aggregates over time. However, as the landwon resources depletes (as is currently occurring for sharp sand and gravels within Kent) and is substituted by marine-won aggregates, productive capacity of importation facilities both individually and in total will be increasingly important indicators of the resilience of supply, analogous to landbanks within the landwon sector. Kent still has significantly unused capacity in its wharfage, as it is operating at approximately 40% capacity at the end of 2021. However, loss of any wharf site will be, largely, irreplaceable and others will need to increase their throughputs. Ignoring this issue as an unimportant matter neglects the consideration of the difficulties in operating facilities at a higher level of throughputs in a consistent manner. Difficulties such as shipping availability, navigation maintenance, facility repair and renewal considerations all could combine to exert stress on a wharf importation system trying to operate at a higher rate. Safeguarding of the existing wharf infrastructure will therefore remain a central requirement to maintain supply as the landwon sand and gravel sector eventually becomes irrelevant."</i></p> <p>In this context the LAA 2022 concludes at paragraph 8.2: 3</p> <p><i>"The landwon sharp sands and gravels continue to decline as a share of overall supply, and the importance of importation, primarily via wharves, appears now set to be the pattern for future supply of this type of material, as marine dredged sands and gravels are largely (if not exactly in particulate size distribution) like landwon deposits."</i></p> <p>The LAA at paragraph 8.6 goes on to underscore the point that:</p> <p><i>"The importance of safeguarding wharves (significantly for marine dredged sand and gravel supply that is supplanting landwon resources) and rail depots (particularly for hard rock but apparently far less important for sand and gravel supply) as they remain an important element in maintaining overall supply in the future. This is particularly the case with landwon sharp sands and gravels that have now, to all intents and purposes, become of minor importance in overall supply terms in Kent into the future, marine dredged imports via Kent's wharves now being of far greater importance for this aggregate type. Future security of supply of this aggregate will increasingly be via imports, of which, while wharfage remains the dominant importation mode."</i></p>

Miscellaneous			
ID01	All	Barking and Dagenham Council	No comments to make at this time but ask to be kept informed going forward.
ID06	All	Transport for London	Confirm no comments to make in response to consultation.
ID07	All	Southern Water	Confirm no comments to make at this stage and request to be kept informed of progress.
ID04	All	Plaxtol Parish Council	No comments to add to document. Notice that the document states there is insufficient stock for crushed rock and a call for more sites to alleviate this shortfall. We would appreciate being kept informed of areas you intend to examine to overcome this issue.
ID05	All	Hadlow Parish Council	<p>Hadlow Parish Council accepts the substantive part of the draft updated plan and supporting documents subject to two comments.</p> <p>Firstly, the plan is obliged to deal just with the issues of Waste disposal and Mineral access with limited reference to other planning subjects. There are two local development plans at various stages of production that will likely have significant implications for the same southern part of Hadlow Parish. The plans are those of Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council. Acting in concert with the Minerals and Waste Plan the overall implications involve the loss of an extensive area of rural calm.</p> <p>Secondly, the experience in Hadlow has been of remediation and clear up work on closed quarries that is poor or altogether absent. We would like the Minerals and Waste Plan to include a scheme to oblige quarry companies to provide secured funds for clear up and remediation before permission is given for starting work on a new quarry or extension to an existing quarry.</p>
	All	G Cox	Suggests putting 'County' in brackets after 'Local Plan' to avoid confusion with Borough and District 'Local' Plans.
ID09	All	Durham County Council	<p>Advise do not consider it necessary to provide specific comments on provisions of draft plan. Judgement based on geographical distance, resultant flows of waste between authorities, known flows of minerals between NE England and SE England, and geology of retrospective areas. FYI:</p> <ul style="list-style-type: none"> - In terms of waste, according to EA Waste Data Interrogator 2022 we understand that in 2021 only 656 tonnes of waste originating from Kent was received in County Durham, with the majority being received at one site (655 tonnes). Similarly, we understand that in 2021, 8,108.7 tonnes of waste originating from County Durham was received in Kent, the majority being paper and cardboard waste at Kemsley Paper Mill. - In terms of minerals, information on flows of minerals between our respective authorities is not available, but we do understand that only 3,000 tonnes of aggregates was consumed in the entire south east in 2019, (Source - Table 5b Consumption of primary aggregates by region in 2019: South East - Collation of the results of the 2019 Aggregate Minerals Survey for England and Wales). - In terms of nationally significant minerals, we do also understand that Kent contains deposits of high purity silica sand (the Folkstone Formation) and that your Local Plan Annual Monitoring Report demonstrates that reserves are potentially over 25 years. This mineral resource is mentioned in this response, solely because County Durham also contains deposits of silica sand. <p>County Durham Plan:</p> <ul style="list-style-type: none"> - Policy 56 safeguards area of silica sand in County Durham - Policy MW14 of the emerging Publication Draft Minerals and Waste Policies and Allocations Document addresses a range of minerals which are not extracted within County Durham today including silica sand. Consultation on this emerging plan commences on 28 November 2022. Draft Plan also includes a paragraph (6.16) that explains in relation to silica sand that - '<i>The resource in County Durham consists of deeply weathered sandstones within the Millstone Grit. In the past this resource has been worked for use as naturally bonded foundry sands. Such sands were formerly of importance to the early development of the foundry castings industry. In recent years there has only been one active silica sand quarry in County Durham, this being Weatherhill Quarry, north of Stanhope. This sand was used to optimise the chemistry of the feed for the manufacture of cement at Eastgate. However, Eastgate Cement Works closed in 2002 and since that date production of this sand declined significantly and then ceased upon Weatherhill Quarry's closure in 2011. Due to limited information, it is not known whether this silica sand resource meets current industry specifications.</i>' Further information in paragraph 6.21.
ID10	All	Hawkinge Town Council	No comments to make on consultation.
ID14	All	Surrey County	No comments to make on consultation.

		Council	
ID15	All	The Coal Authority	<p>No specific comments to make on the consultation.</p> <p>All decision making regarding inclusion of policies for minerals and unconventional hydrocarbons will lie with the responsible authority and we would no longer be commenting on policies in this regard. We leave these decisions to the relevant authority in recognition of their knowledge, experience and understanding of local circumstances and their responsibility for local environments and communities. For clarity other consents in respect of unconventional hydrocarbons, as set out in the relevant guidance, will still be required from the Coal Authority.</p>
ID11	All	British Horse Society	<p>We would be very willing to work with any applicants to ensure that equestrians are fairly considered and included within any planning applications.</p>
ID16	All	Tonbridge and Malling Borough Council	<p>The KMWLP Review changes are acknowledged. It is considered that they don't present significant policy constraints for the borough of Tonbridge and Malling and the delivery of its planning functions. Therefore, TMBC raise no objection to the proposed changes to the Plan but recommend further consideration of the time period, policies, SA and SFRA position statement in light of the comments cited above. Lastly, clarity on changes to the minerals safeguarding map is also sought.</p> <p>TMBC has a good working relationship with KCC through the duty to cooperate forum and will continue to engage and support collaborative working in the preparation of our respective Local Plans. TMBC requests to be kept well-informed of your plan making progress as well as key dates.</p>
ID17	All	Network Rail	<p>It is important that plans and policies reflect the aspirations of Network Rail and the wider rail industry as far as they are known at this stage and provides suitable flexibility to support future growth of the railway for both passenger and freight services. The railway network is a vital element of the country's economy and a key component in the drive to deliver the Government's sustainable agenda.</p> <p>The impact of new development on railway infrastructure such as railway stations and level crossing should be fully assessed. To ensure that Network Rail can continue to deliver a safe and efficient railway, Network Rail would expect financial contributions towards new or enhanced railway infrastructure to mitigate the impact of growth in the area. This could include funding towards improvement at stations such as cycle parking, improved customer information screens, new waiting shelters, lighting, platform extensions, new station entrances etc., and works such as new footbridges to enable level crossings to be closed. As part of Network Rail's license to operate and manage Britain's railway infrastructure, Network Rail have the legal duty to protect rail passengers, the public, the railway workforce, and to reduce risk at our level crossings so far as is reasonably practicable.</p> <p>New development can also have others impact on the railway. It is important that the risk to the railway from landslips and flooding are considered for safety and operational reasons, as well fencing, planting along the railway boundary, excavations etc. Please find attached some guidance from Network Rail's Asset Protection team.</p>
ID22	All	KCC Sustainable Drainage	<p>Pleased to note that our recommendations in response to the previous reg 18 dated 8th February 2022 have been incorporated into this latest revision and as such have no comment.</p>
ID33	All	Otterpool Park LLP (Quod)	<p>Quod act on behalf of their client, Otterpool LLP, and were instructed to make a representation to the further amendments to the KMWLP in the Regulation 18 Public Consultation 5th October -5th December 2022.</p> <p>Otterpool Park LLP are seeking to bring forward the development called Otterpool Park. A new garden settlement supported by Policy SS6 of the Folkestone and & Hythe District Council (FHDC) adopted Core Strategy 2022. The site is subject to a planning application (Y/19/0257/FH as amended) to deliver 8,500 homes, retail, education, health, community uses and associated infrastructure.</p> <p>The County Council's Strategic Delivery Plan (2020-2023) states that the Kent County Council (KCC) will work collaboratively with the relevant district Council (as the local planning authority or LPA), landowners, and Homes England in order to positively influence the delivery of Otterpool Park.</p> <p><u>Otterpool Quarry Permitted Waste Facility</u></p> <p>KCC granted planning consent (ref: SH/08/124) in 2011 for this facility and it is understood as recognised by KCC as having been lawfully implemented. Minimal work was done to lawfully implement the planning permission. Since then, several other planning applications have been granted for advertising consent, temporary changes in use and an outstanding (at the time of writing) for a temporary lorry park. The site has been informally used as a lorry park.</p> <p>The permitted waste facility is within the Otterpool Park development area, with the preferred option plan for this development in the location of the waste</p>

management facility, the alternative option incorporates measures to accommodate the facility within the development. The LPA Core Strategy Review (2022) does not contemplate the co-location of the waste facility. There are no policies in this strategy that require the provision of a waste facility though anticipates the scenario (para. 4.1.93) where the facility is not delivered. The adopted KMWLP does not allocate the facility.

Preparation of the KMWLP

NPPW 2014 confirms that waste plans should use a proportionate evidence base to ensure the need for new facilities is considered alongside other spatial planning concerns, such as housing etc. Therefore, the draft KMWLP (revision) should consider and take into account of the spatial allocations of other local Plans such as the FHDC Core Strategy Review (2022).

The KMWLP relating to waste capacity should identify sufficient opportunities to meet identified needs of the area, aiming to drive waste up the defined waste hierarchy, it should ensure suitable sites and areas for provision of facilities are identified at various locations (NPPG Para. 011 Ref ID: 28-011-20141016). Draft Policy CSW 4 of the KMWLP sets targets for recycling, composting, and landfill and other recovery though the plan itself is unclear on how those targets are to be achieved.

Para. 6.3.6 of the draft KMWLP states “*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 and is working with the local WCAs to secure this*” KCC should make clear what is needed to undertake to allocate a site(s) to provide the facilities.

The permitted facility [at Otterpool Park] consent grants planning permission for materials recycling and an anaerobic digestion plant, its continued safeguarding would not help meet the pressing need for waste transfer facilities identified by para. 6.3.6. A call for sites consultation should be conducted and an assessment of suitable sites be undertaken to provide suitable site allocations for waste transfer facilities. The safeguarded site would not be a suitable location for a waste transfer facility. Given its current rural location and distance to other development where waste is created nor suitable within the centre of a proposed new garden settlement given the vision of the place to be created.

If KCC as WPA wish to “*ensure sufficient capacity exists to maintain a county-wide network for the sustainable management of Kent’s waste*” (one of the Strategic Objectives for the KMWLP stated on page 49 of the consultation document) and the Kent WPA does not consider that the area has sufficient sites to achieve this already, then the WPA should undertake a call for sites and assessment process to identify allocation sites to achieve this aim, this being necessary for the plan to be positively prepared, justified and effective.

The NPPG states that “*Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. It is important that waste planning authorities engage and collaborate with local communities in an early and meaningful way when identifying options for managing waste*” (Para: 012 Reference ID: 28-012-20141016). However, the local community, given the Draft KMWLP, cannot be clear on what site options are identified for managing waste (particularly new waste transfer facilities). It should be noted that there was considerable objection to the safeguarded facility at the time of the planning application. KCC should consider the new garden settlement at Otterpool Park (allocated within the newly adopted FHDC Core Strategy Review, 2022) within the requirement to reflect the “*vision and aspiration of local communities*” – the new garden settlement is the primary vision for the local area’s growth and a new waste facility at Otterpool Quarry would be incompatible with achieving this vision.

Applying the definition of ‘existing facilities’ at footnote 114 of the draft KWMLP, the evidence base to the draft KWMLP should consider the other waste sites in East Kent that have been granted planning permission, it is these facilities that should be factored in when deciding if the Permitted Waste Facility needs to be safeguarded (see Appendix 2 of this letter for a list of waste applications submitted in East Kent since 2009).

The NPPG states that “*consideration should be given to why any allocated sites and areas have not been taken up as anticipated. If there are doubts about the prospects of particular land allocations coming forward, and this would damage the planning strategy, consideration will need to be given to bringing forward alternative, or additional, allocations.*” (Para: 054 Reference ID: 28-054- 20141016). It is noted that the Permitted Waste Facility is not allocated but the ethos of the guidance is still relevant - KCC should not be relying on it to provide capacity for the authority going forward given the uncertainty of it coming forward and KCC should consider bringing forward alternative or additional allocations elsewhere.

Table A3 in the Kent Waste Needs Assessment 2022 Update, forming part of the evidence base of the consultation, lists Otterpool Quarry as a site which provides consented Organic Waste Treatment capacity (20,000tpa out of a total of 305,000tpa). Although it is correct to say it is consented, given that it has not been delivered and has not been in the 11 years since it was granted consent, and it is known that the land owner does not intend to build the facility, doubt is cast on the presumption that it should be counted as a realistic prospect for providing capacity. This doubt should be factored into KCC’s waste need and supply calculations. For a plan to be sound there needs to be an evidential basis for safeguarding sites.

			<u>Policy CSW 16 [see above in 6. Delivery Strategy for Waste]</u>
ID36	All	Igtham Parish Council	Igtham Parish Council has no objections to the changes proposed. We are pleased to note the move towards recycling of minerals rather than fresh extractions.
ID38	All	Sevenoaks Climate Action Network: Waste Management Subgroup	The Local Waste Plan seem to be in line with the National Planning Policy Framework and is fine as far as it goes but is felt to lack ambition, particularly in terms of the timescale for specific net zero targets. Finally we support the proposed plan for more packaging producers responsibility with regards to reducing nonrecyclable packages.
ID45	All	KCC Highways and Transportation	No comments to make on the Plan, text in terms of transport policies/requirements for Tas/mitigations in accordance with NPPF.