

## Appendix B

Safeguarding Supplementary Planning Document (SPD) consultation December 2016 – November 2017

Consultee	Response (section headings/numbers relate to consultation SPD document)	KCC Response to matters raised by representation	Change to text (if necessary, section headings/numbers relate to amended post consultation SPD document)
<b>Section 1 – Introduction</b>			
Sevenoaks DC	<p><u>Paragraph 1.2:</u> Concerned SPD is passing safeguarding onto districts/boroughs without a legal basis or requirement in legislation to do so. Sevenoaks DC do not have the ability or knowledge to recognise whether a proposal has the ‘potential’ to sterilise mineral developments.</p>	<p>The role of SPD is to assist districts and borough councils in ensuring the relevant evidence ( such as Mineral Assessment) is submitted in a planning application upon which the MPA will be consulted and can determine if the evidence provided is sufficient to meet the policies in the KMWLP. Without any evidence then the Minerals Planning Authority (MPA) will object on the basis of safeguarding. This is supported by para 143 in NPPF. Further to this Mineral Safeguarding Area maps are readily available to assist with validation lists.</p>	None proposed
<b>Section 2 – The Importance of Minerals and Waste Management Resources</b>			
	<b>NO COMMENT</b>		
<b>Section 3 – Minerals and Waste Safeguarding in Kent</b>			
New Earth Solutions	<p>Concerned that the SPD does not make reference to temporary planning permissions, such as the one given to the Blaise Farm composting facility (the facility is anticipated to operate for a further two decades). Requests that the SPD requires consideration to be given to the impact of non-minerals/waste development on facilities such as Blaise Farm.</p>	<p>CSW 16 only safeguards sits with permanent planning permission only. The SPD cannot amend or contradict the Policies in the adopted KMWLP.</p>	None proposed

<p><b>Aylesford Heritage Ltd.</b></p>	<p><u>Paragraph 3.2:</u> Minerals safeguarding must be proportionate to the demonstrable economic value of the safeguarded mineral. The British Geological Survey (BGS) guidance includes mineral deposits which are not being worked and have not been worked for a number of years. When a mineral has not been worked for a number of years (say 50) it should be assumed that they do not require safeguarding.</p> <p><u>Paragraph 3.6:</u> the proposed annual review of mineral safeguarding areas is supported.</p>	<p>Agree regarding proportionality. However Para 3.2 reproduces para 144 (7) of the NPPF. There is no time limit on when minerals should be worked before considering them uneconomic. The Minerals Assessment is the process by which the economic value or not is demonstrated, to comply with Policy DM7.</p> <p>Acknowledged</p>	<p>Para 4.13 to refer to ‘the level and scope of Minerals Assessments is required, <i>and that these are proportionate</i>, taking into account...’</p>
<p><b>Sevenoaks DC</b></p>	<p><u>Paragraph 3.2:</u> It would be helpful for Local Authorities through clear guidance, to understand what ‘might’ constrain actually means. What is the test and on what grounds applications should be refused.</p> <p><u>Paragraph 3.3:</u> It would be helpful to confirm that all the areas identified are MSAs and where KCC as the Mineral Planning Authority consider the buffer zones to be located. The current map is of small scale and is not clear.</p> <p><u>Paragraph 3.4:</u> SEVENOAKS DC is not the Mineral Planning Authority and has no experience in dealing with these types of applications. It would not be possible for SEVENOAKS DC or officers to be able to properly consider mineral resources in planning decisions. SEVENOAKS DC would therefore suggest that KCC are notified to make a judgement and</p>	<p>The Minerals Assessment (MA), submitted by the promoter or developer will inform whether the development is likely to be incompatible with or constrain mineral resources.</p> <p>All mineral resources identified on the Mineral Safeguarding Policy Maps are MSAs. A large scale and higher resolution map can be provided. Buffer zones are more dependent on the type of development and the potential for incompatibility with safeguarded minerals which will be determined on an individual basis.</p> <p>The safeguarding implications would still need to be considered by the SEVENOAKS DC officers when determining planning decisions. This is supported by para 144 in NPPF.</p> <p>KCC as the MPA can advise upon the decision and</p>	<p>KCC will consider producing interactive maps to enable boundaries to be viewed in more detail</p>

	inform SEVENOAKS DC as to whether mineral resources have been properly considered.	the suitability of the Minerals Assessment when consulted.	
<b>Section 4 – Proposals for Non-Minerals and Waste Development in Safeguarded Areas – Information Requirements</b>			
<b>Maidstone Borough Council</b>	It is too costly to request minerals assessments on potential site allocations within development plans and this expectation is not reflected in the KMWLP. Request that the SPD set out what information is required to satisfy exemptions 1, 2, 3 and 5 of policy DM7 in the KMWLP, without the need for a minerals assessment.	The purpose of the minerals assessment is to satisfy the criteria/'exemptions' set out in DM7, so there is no real alternative method. Minerals safeguarding should be treated as other potential constraints or factors are in considering allocations and determining applications e.g. habitat designations. However, the detail required in a Minerals Assessment (MA) is subjective. A satisfactory Minerals Assessment (MA) need not necessarily be costly or timely to and needs to be proportionate.	Amend para 4.13 to emphasise that Minerals Assessments should be proportionate depending on the factors identified in this paragraph. Refer to Duty to Cooperate including consultation with Mineral Planning Authority in preparing local plans in para 1.2 and 5.12.
<b>Aylesford Heritage Ltd.</b>	Lack of clarity in specification for what types of application require safeguarding to be taken into account; the focus is on mineral safeguarding as opposed to waste safeguarding.  It should be made clear that taking account of minerals and waste safeguarding forms part of the duty to cooperate for Local Plans.	All applications for development that would sterilise safeguarded minerals or are incompatible with safeguarded waste management facilities or mineral infrastructure raising amenity issues that would potentially require mitigation measures to be explored. The SPD addresses these matters in detail. Mineral safeguarding is considered to require further explanation and guidance in how to implement the relevant policies.  KCC as the MPA are consulted as part of the Duty to Cooperate when Local Plans are being developed.	None proposed  Refer to Duty to Cooperate in paragraph 1.2 and 5.12

	<p>The SPD should be more specific about what would be considered proportionate to satisfy the exemptions in DM7.</p> <p>The SPD should acknowledge that a mineral may not be economically viable if a cheaper alternative can be imported. This should be taken into account and reduce the need for a detailed minerals assessment.</p> <p>As local plan allocations may take several years to be delivered, the MPA's decision on a site with regard to safeguarding should be final, and not change even if the economic viability of the mineral does.</p> <p>In paragraphs 4.25 and 4.26, the clauses of DM7 should be considered alternatively and not sequentially; this should be made clear.</p> <p>Paragraph 4.29 should commit the MPA to setting out clear reasons for objecting to any planning</p>	<p>Sufficient evidence and data to show, through a Mineral Assessment, that the policy exemptions have been met will have to be proportionate to the complexities of the circumstances of the safeguarded mineral and the non-mineral development. It is recommended that the exemption clauses a satisfied in the order provided.</p> <p>An economic mineral is safeguarded not just for the present or past use but for future use circumstances change over time and there is no certainty whether a particular mineral will become in greater demand in the future. The economic viability of a mineral is a component of the Mineral Assessment. Importing minerals from outside the UK does not over-ride the need to safeguard land-won minerals in the UK, particularly as importation costs may fluctuate.</p> <p>Sites allocated within adopted plans are exempt but allocations within non-adopted local plans and applications for development would need to satisfy Policy DM 7 for any land allocations.</p> <p>Acknowledged but the suggestion is to efficiency and a proportionate response to the policy as, for example, it is not appropriate to consider if prior extraction of the mineral is practical if the mineral is not of economic value.</p> <p>Agreed. KCC always provides a reason for objecting as well as recommendations where possible and the</p>	<p>Para 4.13 to refer to 'the level and scope of Minerals Assessments is required, <i>and that these are proportionate</i>, taking into account...'</p> <p>None proposed</p> <p>None proposed</p> <p>None proposed</p> <p>None proposed</p>
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	application or local plan allocation on safeguarding grounds.	wording should reflect this.	
<b>Port of London Authority</b>	<p>Under “exempt developments” heading, it should be referred to that information submitted with an application must detail the potential impacts that any existing infrastructure may have on the proposed development.</p> <p>Under Development Proposals in the Vicinity of Safeguarded Sites heading- the first bullet point must include reference to odour. Care should be taken in the design of any development to minimise negative impacts on the building users. SPD should make reference to working with the operator so that monitoring can be correctly carried out.</p> <p><u>Paragraph 4.40</u> - clause 6 needs to be treated differently – it appears to allow the complete loss of a safeguarded site and that in this circumstance the proposal to have regard to whether proposals would impair the operation of safeguarded facilities would not be the appropriate test. Agrees that considering clauses 4 and 5 before 3 appears logical.</p> <p>The Minerals and Waste Infrastructure Assessment needs to demonstrate that the facility is not viable or capable of being made viable.</p>	<p>Not necessary if they are exempt activities – which will need to be demonstrated ref para 4.36</p> <p>Only a few examples of impacts are listed and the impacts are not limited by this list. Odour can be added. Agreed. However, KCC can only recommend and encourage the operator <i>and</i> developer to co-operate.</p> <p>Agreed. The SPD will be amended to discuss clause 6 of Policy DM 8.</p> <p>Agreed. SPD will be amended to make this clearer.</p>	<p>None proposed</p> <p>Amend para 4.41 to refer to ‘odour’ and make explicit reference to ‘accompanied by information, <i>including incorporation of appropriate mitigation measures,</i>’ Para 4.44 replace reference to ‘<b>on</b>’ with ‘adversely affecting’</p> <p>See Paras. 4.46 and 4.47</p> <p>Sentence added underneath the description of clause 5. See para. 4.45</p>

<p><b>Ebbsfleet Development Corporation</b></p>	<p>The structure/hierarchy is unclear; the formatting should clearly separate the discussion and requirements relation to Land-won minerals and minerals infrastructure.</p> <p><u>Paragraph 4.31</u> states that a minerals assessment could form part of a planning statement; however this is contrary to discussions with KCC officers.</p> <p><u>Paragraph 4.34:</u> It should be recognised that there are situations where development may be acceptable outside of the 7 exemptions to policy DM8. For example, where proposed development adjacent to a safeguarded facility has necessary mitigation measures in place.</p> <p><u>Paragraph 4.41:</u> numbering doesn't match up with Policy DM8; clause 5 should be deleted as it is inconsistent with the policy. Commentary should be provided on clauses 6 and 8 of DM8 for completeness.</p>	<p>Agreed. SPD will be amended to make this clearer.</p> <p>Paragraph 4.31 states the <i>conclusions</i> of a Mineral Assessment should form part of the planning statement.</p> <p>Agree – mitigation in the non-minerals development can result in it not being incompatible and so meet the first sentence of Policy DM8. This situation is dealt with in Policy DM 8 in the penultimate paragraph starting '<i>Planning applications for development within 250m of safeguarded facilities...</i>'.</p> <p>Agreed. The SPD will be amended to reflect this need.</p>	<p>Structure of chapter 4 has been amended and made clearer.</p> <p>None proposed</p> <p>Para 4.41 and additional sentence at para. 4.42 to explicitly refer to mitigation measures e.g. noise insulation, design and orientation.</p> <p>Para. 4.44, 4.45, 4.46 and 4.47 reference to DM8 clauses</p> <p>Delete second part of clause 5</p> <p>Add clauses 6 and 7 in section 4</p>
<p><b>Dartford Borough Council</b></p>	<p>The document may benefit on a flow chart diagram which demonstrates clearly when a minerals assessment will be required and when the County Council should be consulted on an application.</p>	<p>Agreed.</p>	<p>Add flow charts to illustrate procedure for implementing policies, see para. 4.34 and 4.48</p>

	<p>Should be more detail on the scope of minerals assessments for allocation of sites within development plans and the role of the County Council in the process.</p>	<p>The Mineral Assessment process remains the same for planning applications and for allocating sites in a sites plan. However the SPD is amended to clarify this further.</p>	<p>Para 5.16 - Add detail about information required to demonstrate consideration of safeguarding in plan allocations.</p>
<p><b>Tonbridge and Malling Borough Council</b></p>	<p><u>Paragraph 4.11:</u> acknowledge that a small development can have an impact on an MSA, however strongly recommend that a minimum threshold of 10 residential units be required due to the costs associated with the minerals assessments. This is in line with the NPPF stance on viability (para 173). It may not be reasonable and proportionate to apply the safeguarding procedures when dealing with an application for less than 10 dwellings.</p> <p><u>Paragraphs 4.25-4.26:</u> disagree with the interpretation of DM7, given the “or” between each clause; only one clause should need to be satisfied.</p> <p>The Policy also does not support the sequential approach set out in the SPD.</p> <p>Examples of material considerations which would be considered acceptable to override safeguarding presumptions should be given.</p> <p>‘Infill development or a minor nature in existing built up areas’ could be defined in the SPD to clarify exemption 6 of DM7.</p>	<p>Disagree-this is contrary to the adopted policy and the advice of the Planning Inspector who examined the Kent MWLP 2013-30 Plan. He concluded that no threshold be applied on the basis that potentially just one inappropriately located development can sterilise an important mineral resource. The issue was explored in depth at the Independent Examination and resulted in the exemption set out in the adopted policy.</p> <p>Agree, ‘or’ implies only one criterion of DM7 needs to be met.</p> <p>The SPD provides guidance in how to accord with and implement the Policies in the KWMLP. The sequential approach is advisory only.</p> <p>Disagree. The material considerations are often unique to individual applications/site allocations and are not always applicable to all cases, they need to be demonstrated for each case.</p> <p>Agreed. The SPD will be amended define this.</p>	<p>None proposed</p> <p>Para 4.44 amended sentence to refer to ‘or’ implying only one criterion needs to be met. None proposed</p> <p>None proposed</p>

	<p>The SPD could provide a step-by-step pro-forma which takes the applicant and LPA through the process of compliance with DM7, it would also benefit from a decision-making flow chart. The process must be standardised and clear so that decisions are made in the same manner across all LPA's.</p>	<p>Agreed.</p>	<p>See para. 4.34 and 4.48</p>
<p><b>Barton Wilmore</b></p>	<p>Welcome paragraphs 4.35 and 4.36 which specify that exempt proposals do not usually require consultation with KCC. Whilst clauses 1-5 are recognised and explained, clause 6 is not referred to. This makes the SPD restrictive as it does not allow for material considerations to be considered which may outweigh the presumption to safeguard.</p> <p>The requirement in the SPD for development proposals to not constrain existing minerals and waste development is superfluous, as Policy DM8 already covers this through ensuring that no negative amenity impacts are experienced.</p>	<p>Agreed. The SPD will be amended to include clause 6.</p> <p>Policy DM8 is specific to the safeguarding of minerals management, transportation production and waste management facilities. Mineral reserves are safeguarded by other policy provisions; therefore the SPD has a role in clarifying that development should not compromise future mineral supply and waste management capacity. The SPD provides enhanced clarity to convey this policy requirement of the adopted KMWL Plan.</p>	<p>Add reference to clause 6 and overriding need, see para. 4.47</p> <p>None proposed</p>
<p><b>Sevenoaks DC</b></p>	<p><u>Paragraph 4.5:</u> It would be more helpful for KCC to define the types of applications that it <i>would</i> like to be consulted on to prevent KCC being consulted unnecessarily.</p> <p><u>Paragraph 4.8:</u> SEVENOAKS DC as the Local Planning Authority, as they are not the Minerals and Waste</p>	<p>This is directly related to policy DM 7 of KMWLP and cannot be amended. It is considered the list of exempt applications is comprehensive.</p> <p>A Minerals Assessment supplied by the applicant should clearly state if it meets the exemption</p>	<p>None proposed</p> <p>None proposed</p>



	<p>Local Authority, do not have the knowledge skills or expertise to determine if the criteria in Policy DM 7 have been met.</p> <p><u>Table 1:</u> Object to the suggested roles and suggest that KCC should inform Sevenoaks DC whether an application requires a minerals assessment. Also object to the requirement for LPA's to carry out minerals assessment in the preparation of development plans. This should instead be managed through the DtC process, where sites are discussed on an individual basis and a minerals assessment should only be required in exceptional circumstances.</p> <p><u>Paragraph 4.36:</u> SEVENOAKS DC are not equipped to judge statements of exemption,</p>	<p>criteria, enabling the LPA to determine this. KCC will then be consulted to provide comments on the Minerals Assessment and its validity.</p> <p>KCC should be consulted and will advise on whether a Minerals Assessment is required.</p> <p>Agree, the Duty to Cooperate (DtC) provides the means by which districts and borough councils should consult KCC and identify whether safeguarding is an issue when identifying site allocations in Local Plans (para 5.13). Minerals safeguarding should be treated like any other potential constraint or issue to be considered when assessing suitability of sites. PPG clearly identifies roles for district councils.</p>	<p>None proposed</p> <p>Para 5.12 add reference to DtC.</p>
<b>Section 5- Minerals and Waste Safeguarding Procedure</b>			
<b>Aggregate Industries</b>	<p>Request that pre-application discussions are encouraged with any site operator as well as the County Council. Also request that the County Council consult any relevant operator on an application which has implications for a safeguarded facility.</p>	<p>This appears to be a reasonable suggestion. Liaison with a site operator will enable the developer/applicant to gain a better understanding of the impacts the facility may have on the prospective non mineral and waste development.</p>	<p>Add reference to operators in para 4.12 and 5.6, including minerals sites operators (infrastructure and quarries) that may be</p>

			affected
<b>Aylesford Heritage Ltd.</b>	In paragraphs 5.12 – 5.16 there should be greater detail regarding what level of mineral assessment LPA's should undertake in the preparation of development plans. Minerals and waste safeguarding must be taken into account in identifying site allocations and as such a call for sites pro forma should include provisions for disclosure of information on the subject. Sites considered for allocation should be subject to the same level of assessment that would be expected of a planning application otherwise the deliverability of local plan allocations is undermined.	Local authorities need to apply the criteria in Policies CSM6, CSW16, DM7, DM8, DM9 as described in para 5.5.14 of the adopted MWLP and para 5.13 of the SPD when considering sites and allocations in local plans.	None proposed
<b>Port of London Authority</b>	The County Council, owners and operators and any other relevant organisation should be consulted on any planning application or the preparation of any development plan which may have safeguarding implications. Only in exceptional circumstances should the presumption to safeguard be overridden.  Welcomes the addition in para 5.11 which states that the Port of London Authority should be consulted on all proposals which have implications for wharves in Kent.	Liaison with a site owner and operator will enable the developer/applicant to gain a proper scope of the impacts the facility may have on the prospective development.  Acknowledged.	Add reference to operators in para 4.12 and 5.6, including minerals sites operators (infrastructure and quarries) that may be affected.  None proposed
<b>Swale Borough Council</b>	<u>Paragraph 5.7:</u> Minerals assessment is not currently a validation requirement from Swale BC. However it is made clear that for any application within a MSA, a minerals assessment is likely to be needed or this could result in a refusal. Swale BC considers this approach to be appropriate.	Acknowledged.	None proposed

	<p><u>Paragraph 5.8:</u> It is crucial that early liaison is undertaken with administrative/validation teams in all DC's as GIS layers will be required for the consultation arrangements set out in the SPD.</p>	<p>The Safeguarding GIS data is available via the County Council's website as part of the adopted Plan's content. Safeguarding GIS layers can be supplied to individual district/borough council use if this aids with determining planning constraints.</p>	<p>None proposed</p>
<p><b>Ebbsfleet Development Corporation</b></p>	<p><u>Paragraph 5.7:</u> suggest a subtle change to "in the Validation List would ensure that all necessary".</p> <p><u>Paragraph 5.9:</u> SPD should commit KCC to responding within a shorter timescale in situations where the submitted information is inadequate or unclear. Welcomes the value of pre-application discussions with KCC.</p> <p><u>Paragraph 5.10:</u> in situations where a response is not received from KCC in 21 days, should the LPA assume KCC has no objection?</p>	<p>Agreed. The wording will be amended in the SPD</p> <p>Disagree. Whilst KCC will endeavour to respond at the earliest opportunity if a mineral assessment is inadequate, we are unable to commit to a specific timeframe other than the statutory 21 day consultation period.</p> <p>Agreed. That is correct for the consultation at that point in time. SPD will be amended to state this.</p>	<p>Para 5.7 amend to say 'in the Validation List <i>would ensure</i> that all necessary' para 5.9 and 5.10 add 'If no response is received within this timescale it can be assumed that information provided is adequate.'</p> <p>See para. 4.34 and 4.48 For explanatory flow diagram</p>
<p><b>Tonbridge and Malling Borough Council</b></p>	<p><u>Paragraph 5.12-5.16:</u> clarity is needed on what process should be followed for local plan allocations. As most of Kent's districts are covered by MSA's or MCA's. A more proportionate approach should be considered, less detailed than that required for planning applications. A standardised and transparent procedure needs to be set out detailing what information is needed with regard to site allocations. The County Council must have due regard to the governments objectives regarding local plan coverage and boosting housing supply.</p>	<p>Local authorities need to apply the criteria in Policies CSM6, CSW16, DM7, DM8, DM9 as described in para 5.5.14 of the adopted MWLP and para 5.13 of the SPD when considering sites and allocations in local plans.</p> <p>Local authorities need to have due regard to the requirements for safeguarding set out in NPPF and PPG</p>	<p>None proposed</p> <p>None proposed</p>
<p><b>Sevenoaks DC</b></p>	<p>As a LPA, we do not have the skills or expertise to</p>	<p>KCC should be consulted and will advise on whether</p>	<p>None proposed</p>

	know when an appropriate assessment is required and whether the assessment itself is acceptable. We therefore object to this suggestion and would recommend that this role is retained by the Minerals Authority	a Minerals Assessment is required.	
<b>Section 6 – Monitoring and Review</b>			
	<b>NO COMMENT</b>		
<b>General comments</b>			
<b>Maidstone Borough Council</b>	Request GIS layers showing the location and 250m consultation zones of safeguarded minerals and waste infrastructure.	The Safeguarding GIS data is available via the County Council’s website as part of the adopted Plan’s content. Safeguarding GIS layers can be supplied to individual district/borough council use if this aids with determining planning constraints.	None proposed
<b>Swale Borough Council</b>	<u>Paragraph 4.29 and 5.4:</u> Query whether a KCC objection can be a statutory objection as KCC is not a statutory consultee listed in the Development Management Procedure (England) Order 2015. In any event a KCC objection will be a serious consideration.	Paragraph 7(7)(a) of Schedule 1 of the Town and Country Planning Act (1990) states: “If the consultation requirements apply the local planning authority— (a) must give notice to [the responsible regional authorities] or county planning authority (as the case may be)(the consulted body) that they propose to consider the application,”  Therefore, if an application has implications upon a county matter, such as within a MSA, the County Council as the MPA must be consulted.	None proposed
<b>H Page</b>	Document is detailed, clear and well-constructed. More attention should be paid to flood risk. MSA’s and MCA’s should be a mandatory inclusion in the local lists of validation requirements.	Acknowledged. Flood risk is not relevant to the safeguarding matters in SPD.	None proposed

<b>Gladman Development s Ltd.</b>	Suitable flexibility should be given when applying the SPD in practice. Further consideration is needed for how safeguarding can have implications for the delivery of housing and economic growth.	Safeguarding is an important component of sustainable development, ensuring that finite resources are available for future generations. The SPD and policies support sustainable development in delivering housing and growth and ensuring the minerals supply and waste management capacity is available to enable the housing and growth to be achieved in line with the NPPF requirements.	None proposed
	There is no evidential basis for the application of a 250m buffer zone.	Whilst not mandatory this is derived from Mineral safeguarding in England: good practice advice (BGS, 2011) it has been observed as best practice undertaken by other councils but is not mandatory.	None proposed
	KCC should adopt a subjective approach when considering individual development proposals	Each proposal will be considered on its own merits.	None proposed
<b>Port of London Authority</b>	Have concerns over the wording of exemptions 2 and 6 of policy DM8.	The exemption 2 criterion in policy DM 8 reflects the position that the adopted KMWLP cannot lawfully supersede already adopted Local Plans. The proposals would still be required under DM 8 to provide suitable mitigation to reduce the residential amenity impacts. Exemption criterion 6 of the policy is explained in more detail by the amended SPD.	None proposed  See para 4.47
<b>The Brett Group</b>	Supportive of the SPD and the need to safeguard existing and new waste site allocations, as well as all transportation infrastructures. The required distance of 250m should be considered a minimum. Support the principle of prior extraction where necessary.	Acknowledged. The consideration of impacts beyond the 250m buffer would be undertaken at the planning officers' discretion. Cannot change wording of policy in the adopted KMWLP.	None proposed
<b>Sevenoaks DC</b>	This SPD appears to go beyond the safeguarding requirements as set out in the adopted KMWLP the local authority therefore object to any proposals which pass on more responsibility to the respective	The government's Planning Policy Guidance clearly describes the roles of district councils regarding safeguarding, in that they: - Have regard to minerals plan when identifying	None proposed

	<p>Kent Local Authorities that should be administered by the county Council as the minerals and waste planning authority.</p> <p>Therefore, it is suggested that the Safeguarding SPD is changed to reflect the following:</p> <ul style="list-style-type: none"> <li>• If a site falls within a mineral protection area or buffer zone, we are happy to inform the applicant/ agent at Pre-Application stage to contact you and make them aware of your policies and guidance.</li> <li>• Local authority responsibility to Safeguard minerals is mandatory, If a non-mineral development falls within a MSA or buffer zone and meets a set of criteria (KCC to define) the local authority informs KCC of these type of applications to allow KCC to comment on them and to make recommendations. The local authority would however need to work closely with KCC and change our validation process to accommodate this. The local authority does not agree to having the responsibility in asking for assessments or assessing the quality of them. We would rely solely on the</li> </ul>	<p>areas for non-minerals development in local plans;</p> <ul style="list-style-type: none"> <li>- Consult mineral planning authority and take account of minerals plan when determining applications within MCAs;</li> <li>- Determine applications in accordance with development plan policy on minerals safeguarding, taking account of the mineral planning authority's views and risk of preventing minerals extraction.</li> </ul> <p>(para 005; Ref ID 27-005-20140306)</p> <p>The role of the County Council is to adopt policies that ensure Kent's Development Plan reflects the NPPF requirements to safeguard minerals, mineral/waste infrastructure and waste management capacity. It has done this with the adoption of the Kent MWLP 2013-30. The defined minerals safeguarded areas (MSA) are part of the Plan's adopted content that underpins minerals safeguarding as required by the NPPF (see section 143). It is the responsibility of local planning authorities to determine development that are non-county matters in consultation with the Mineral Planning Authority (the County Council) on non0mineral development in defined MSA. The SPD details how this process is to occur including the use of explanatory flow diagrams. The County Council will not expect the borough and district councils to consider Mineral Assessments without consultation with the County Council on this specific matter, this will be central to the success of the minerals safeguarding process in Kent.</p>	<p>None proposed</p>
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	Minerals Planning Authority for advice.		
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Plaxtol Parish Council – No comments to make

Natural England – No comments to make

Surrey County Council – No comments to make

**Miscellaneous comments**

<b>Comments</b>	<b>Response</b>
Paragraphs 3.2.16 and 3.2.17 of the Statement of Community Involvement state that it is a legal requirement that Appropriate Assessment be carried out under the European Union’s Habitats Directive. Given the proximity of the port to a SSSI, Ramsar Site, NNR and two SAC’s, an EIA and a habitats assessment should have been carried out. As this has not been done, the site cannot legally be safeguarded as a wharf. There is also no evidence to suggest that there is no alternative site for the operations.	The wharf in Ramsgate is safeguarded under policy CSM 6 of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP). The KMWLP was adopted by the County Council in July 2016 after it was found to be sound by a Planning Inspector following an Examination in Public in April/May 2015. The KMWLP was subject to a Habitats Regulations Assessment. The purpose of the safeguarding SPD is not to alter the adopted policies within the KMWLP; it is to provide further information to local planning authorities, potential applicants/developers and the minerals/waste operators in Kent on how to proceed with planning applications which have implications for safeguarded minerals and minerals/waste infrastructure in Kent. As such there is no scope to alter the safeguarding arrangements with regard to Ramsgate Wharf.
Public engagement was deficient throughout the preparation of the KMWLP and the safeguarding SPD.	There have been a number of public consultation events throughout the preparation of the KMWLP since 2011; all of which were dictated by the principles in the Statement of Community Involvement (2011), a document which itself was subject to public consultation. This engagement met the statutory requirements and took place at key stages of the planning process over a number of years in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The process was set out in an adopted Statement of Community Involvement (2011) and was considered to be sound by the Planning Inspector.

	<p>Consultation on the Safeguarding SPD commenced on 5<sup>th</sup> December 2016, all individuals registered on our database were written to and invited to make comments. The consultation was advertised on our website; both the Minerals and Waste Policy Webpage and the County Council's generic consultation page. Comments could be accepted via an online questionnaire, email or post; this was stated on the consultation web page. Hard copies of the consultation documents were also sent to all district council offices as well as the main Kent library network.</p>
<p>No evidence of consultation with Thanet District Council regarding conflicts between the KWMLP and their own local plan.</p>	<p>Thanet District Council was consulted throughout the preparation of the KMWLP as per the Duty-to-Co-operate process.</p>
<p>Transportation infrastructure and waste management facilities cannot contribute to sustainable development; KCC has made a false statement.</p>	<p>Transportation infrastructure and waste management are necessary element of sustainable development.</p>
<p>Relationship between the Thanet local plan and the KWMLP is unclear.</p>	<p>KMWLP relates to waste management and minerals provision throughout all of Kent, including Thanet. Thanet Local Plan only relates to the district of Thanet.</p>
<p>KCC and Thanet DC have failed to deliver sustainable development and improve quality of life and properly manage Kent's waste arisings within their local plans.</p>	<p>Not related to the current consultation.</p>
<p>Thanet DC have failed to deal with the re-listing of the Royal Harbour</p>	<p>Not related to the current consultation.</p>
<p>KCC and Thanet DC have affected resident's quality of life in the Port of Ramsgate through bad planning.</p>	<p>Not related to the current consultation.</p>
<p>Port Richborough should have been considered in place of continuing operations at Ramsgate royal harbour area.</p>	<p>Not related to the current consultation.</p>
<p>The safeguarding SPD and the KMWLP are deficient in explaining what is safeguarded and the reasons why.</p>	<p>This is the subject matter of the SPD.</p>



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<p>KMWLP and SPD do not provide sufficient evidence that quality of life and delivery of sustainable development will be attained for local residents due to the inadequacies of their formulation.</p>	<p>Not related to the current consultation.</p>